

**THE DAIRY INDUSTRY ACT, 2004
(Cap. 262)**

REGULATIONS

Made under section 32 (u)

**THE DAIRY INDUSTRY (IMPORT AND EXPORT OF MILK AND
MILK PRODUCTS) REGULATIONS, 2011**

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PART I

PRELIMINARY PROVISIONS

Citation

1. These Regulations may be cited as the Dairy Industry (Import and Export of Milk and Milk Products) Regulations, 2011 and shall come into operation on the date of publication in the *gazette*.

Application

2. These Regulations shall apply to all stakeholders required to import and export milk and milk products under the Act.

Interpretation

3. In these Regulations unless the context otherwise requires;

"Act" means the Dairy Industry Act, 2004, (Cap 262);

"Board" means the Tanzania Dairy Board established under section 8 of the Act;

"Competent Authority" means an authority with legal mandate.

"Dairy" means any premise used for the production, processing or manufacturing of milk into milk products for sale and shall include owner of such dairy;

"Director " means Director responsible for veterinary services in the Ministry responsible for livestock development;

“Designated Milk” means milk of milch animals other than that of cows;

“Designated milk product” means any product prepared from designated milk by any approved process including heating, separation, fermentation, evaporation, drying and includes cultured sour designated milk, yoghurt, butter, ghee, cream, dairy ice cream and any other product manufactured wholly or mainly from designated milk;

“Inspector” means any public officer appointed under the Dairy Industry (Duties and Powers of the Inspectors and Analysts) Regulations, 2007.

“milk ” means milk of cows;

“milk product” means any product prepared from milk by any approved process including heating, separation, fermentation, evaporation, drying and includes cultured sour milk, yoghurt, butter, ghee, cream, dairy ice cream and any other product manufactured wholly or mainly from milk;

“milk exporter” means a person or body of persons registered by the Board to export milk, milk products, designated milk or designated milk products;

“milk importer” means a person or body of persons registered by the Board to import milk, milk products, designated milk or designated milk products;

“Minister” means the Minister responsible for livestock development;

“Registrar” means the Registrar of the Board appointed under section 16 of the Act;

“Stakeholder” means an individual, organization or institution, private or public, interested in, concerned with, or involved in the development of the dairy industry in mainland Tanzania, whether directly or indirectly;

PART II
REGISTRATION PROVISIONS

*Application for
registration of dairy
stakeholders*

4. (1) No person or body of persons shall export or import milk, milk products, designated milk or designated milk products before being registered by the Board.
- (2) Application for registration as importer or exporter of milk, milk products, designated milk or designated milk products shall follow procedures set in section 5 (1-6) of the Dairy Industry (Registration of Stakeholders) Regulations, 2007
- (3) The importer or exporter shall, submit to the Board certificate for safety and quality compliance for each batch of milk, milk products, designated milk or designated milk products issued by a competent authority.
- (4) In addition to registration conditions set out in sub-regulation (2), a person shall be registered if he satisfies the Board that
- (a) The applicant holds a valid business license issued under the Business Activities, Registration Act;
 - (b) he is a registered tax payer under the Income Tax Act,
 - (c) The applicant owns a warehouse/premise that is approved by the Authority responsible for food safety control or such Other Authority established under any other written law as being suitable for storage and handling of milk, milk products, designated milk or designated milk products.
 - (d) The applicant proves to the Board that he is legally exempted from any of the above.

Determination by the Board 5. Where the Board is satisfied that the applicant for registration under these regulations has satisfied all requirements necessary for the grant of the registration and upon payment of the prescribed fee, the Board may grant a certificate.

Maximum quantity for importation or exportation (1) The Board shall determine and specify the maximum quantity of milk, milk products, designated milk or designated milk products to be imported or exported during a period of six months.
(2) In determining the amount of milk, milk products, designated milk or designated milk products to be imported or exported, the Board shall take into account among other things, milk, milk products, designated milk or designated milk products deficit including the amount of such products needed to maintain a buffer stock in the country
(3) The Board shall grant import or export permits depending on the determined amount to be imported or exported stated in part (2) of this section so as to address the deficit and maintain the buffer stock in the country for milk, milk products, designated milk or designated milk products.

Conditions for importation or exportations (4) Notwithstanding any provision of this regulation, the import permit shall not be granted to any person unless a Competent Authority of the exporting country certifies that the milk, milk products, designated milk or designated milk products
(a) safe and of acceptable quality
(b) originate from an establishment approved by competent authority
(c) were from a country free from zoonotic and

- infectious animal diseases.
- (d) were free from prohibited drug residues and contaminants
- (e) contain permitted food additives in permissible levels

PART III

APPLICATION FOR IMPORT AND EXPORT PERMIT.

- Import and Export provisions* 6. (1) No person or body of persons shall import or export milk, milk products, designated milk or designated milk products without a permit issued by the Board.
(2) A permit shall be required for each consignment imported or exported.
- Application for Permit* 7. (1) An application for the issue of an import permit shall be in the form prescribed in the second schedule; and
(2) An application for the issue of an export permit shall be in the form prescribed in the third schedule.
- Fees payable under these regulations* 8. All fees payable to the Board shall be maintained in accordance with the Act.
(1) The application shall be accompanied by an Application fee of ten thousand shillings.
(2) Fee for the issue of Import permit shall be 1.0% of FOB value of the consignment to be imported.
(3) The applicant shall give to the Board such information and particulars as the Board may require.
(4) The Minister may upon recommendation from the Board amend or vary the provisions to this Regulation.

PART IV

ISSUANCE OF IMPORT AND EXPORT PERMIT

*Conditions for
issuance of permit*

9. (1) The Board shall, before issuing the import or export permit, take into account the interests of domestic producers and consumers.
- (2) An import or export permit shall not be issued unless the applicant obtains an animal health import certificate from the Director.
- (3) No import or export permit shall be issued unless the milk, milk products, designated milk or designated milk products to be imported/ exported is processed.
- (4) Notwithstanding the provisions of subsection 3 of this regulation, milk samples for research purposes may be permitted in amounts to be determined by the Board.
- (5) an export permit shall not be issued unless the applicant obtains an animal health export certificate issued by the Director.

*Permit to import
and export*

10. (1) An import permit shall be in the form prescribed in the Fourth Schedule.
- (2) An export permit shall be in the form prescribed in the Fifth schedule.

*Decision by the
Board*

11. Where the Board is satisfied that the applicant, under these regulations, has satisfied all requirements necessary for the grant of the permit and upon payment of the prescribed fee, the Board may grant a permit.

*Suspension,
Cancellation or
Revocation and
Appeal*

12. (1) The Board may, where the holder of a permit fails to abide to the conditions imposed upon the permit, suspend, cancel or revoke the same at any time

before the date of expiry.

(2) Where the permit is suspended, cancelled or revoked by the Board under this regulation, the holder shall with effect from the date of cancellation or revocation of the permit cease to import or export the consignment applied for.

*Procedure for
suspension
cancellation or
revocation*

13(1) Before suspension, cancellation or revocation of the permit by the Board under regulation 12 of these regulations the Registrar shall serve a notice to the permit holder requiring him to make presentation to the Board within seven days from the date of the notice to show cause as to why the permit should not be suspended, cancelled or revoked.

(2) The notice issued under sub regulation (1) may, require the permit holder to stop or refrain from doing anything related to importation or exportation pending hearing and determination by the Board.

(3) Where the permit holder fails to make presentation within the period specified in the notice, the Board shall proceed to determine and decide whether or not to suspend, cancel or revoke the permit; or

(4) Where the Board decides to suspend, cancel or revoke the permit it shall make an order that the permit be removed from the register.

(5) Where a permit holder has submitted his presentation to the Board as required under sub regulation (1), the Board shall hear such presentation and determine on the matter accordingly.

PART V

CLEARANCE PROVISIONS

Statement of particulars.

14. Any person or body of persons who imports milk, milk products, designated milk or designated milk products shall, within seven days of importation, deliver to the Board a statement in writing giving such information and particulars, of any milk, milk products, designated milk or designated milk products imported, in relation to –
 - (a) the quantities imported, products held in stock, stating whether products are held in bond or otherwise, and the date of such importation;
 - (b) The intended destination of imported milk, milk products, designated milk or designated milk products and names and addresses of the intended distributors, wholesalers or retailers thereof.
 - (c) provide evidence of clearance of imported products at the port of entry

Powers of inspectors and Disclosure to the inspector.

15. An Inspector may enter any premises containing or suspected to contain imported milk, milk products, designated milk or designated milk products with or without notice and require the disclosure of permit, the source of supply of the milk, milk products, designated milk or designated milk products and the dates of delivery and shall make that disclosure, if so required, in writing.

PART VI

REVIEW AND APPEAL

- Right of review and appeal* 16. (1) The Board may review its own decision upon *sua moto* or application.
(2) Any person who, is aggrieved by the decision of the Board under these regulations, shall have the right to appeal to the Minister.
- Procedure for appeal* 17. (1) An applicant whose application for importing or exporting milk, milk products, designated milk or designated milk products is not granted; or whose certificate of registration, or import permit is cancelled; revoked or suspended may, within thirty days from the date of receipt of the copy of the proceedings and decision of the Board, appeal to the Minister.
(2) An appeal under sub regulation (1) shall be filed to the Minister together with a copy of proceedings and decision of the Board;
(3) The decision of the Minister on the appeal shall be final.
- Offences and Penalties* 18. Any person or body of persons who
(a) contravene the provisions of these Regulations;
(b) fails to comply with a notice issued under these regulations;
(c) supplies any information or particulars required to be made or disclosed under these regulations which is or are in any respect incorrect, inaccurate or misleading; or
(d) fail to comply with any requirement of an inspector or any other person authorized by the Board shall be guilty of an offence and shall, on conviction, be liable to a fine not less than five hundred thousand shillings

or to imprisonment for a term not exceeding four months or to both such fine and imprisonment.

SCHEDULES

FIRST SCHEDULE

(Made under Regulation 4)

TANZANIA DAIRY BOARD

APPLICATION FOR REGISTRATION OF DAIRY STAKEHOLDERS

The Registrar
Tanzania Dairy Board
P.O.BOX 38456
Dar es Salaam.

I/We here apply for a new/renewal of a registration of my/our dairy in accordance with the Dairy Industry Act, 2004.

1. Name of applicant.....
2. Postal address
3. Full name(s) of Partners/ Directors.....
.....
.....
4. Type of dairy:
5. Situated at Plot No.....Street.....Village.....
Ward.....District.....Region.....
6. My/our dairy has capacity to
produce/process/collect/store/sell/distribute/import/export/manufacture.....
.....litres/tones per day
7. I/We shall adhere to Good Hygienic Practices, good state of repair and
comply with the provisions of the Act and Regulations made thereunder.

N.B:- False declaration under these regulations constitutes an offence

Date..... Signed.....
Applicant

Fees Tshs 5,000/= Receipt No..... of

FOR OFFICIAL USE ONLY

Registration granted/not granted.

Reasons.....

.....

Registration No:Approved by Board meeting No: of
.....

Date Signed by Registrar and stamp

SECOND SCHEDULE

(Made under Regulation 7)

TANZANIA DAIRY BOARD

FORM NO. 1

APPLICATION TO IMPORT MILK, MILK PRODUCTS, DESIGNATED MILK OF DESIGNATED MILK PRODUCTS

Ref.....

Part I: To be completed by the applicant

Application Date:

Name of the Importer

TDB Registration No.....

Address:

Tel. No.: Business Location:

E-mail:Street/Road:Town:

TIN no.VAT registration NO.:

Type of milk, milk products, designated milk or designated milk products:

.....

Harmonized System (HS) Code for the milk, milk products, designated milk or
designated milk products

Value F.O.B. (*in figures*): TZS.

Value (*in words*): TZS

Quantity Kg/lit. (*in figures*):

Quantity Kg/lit. (*in words*)

Country of Origin*:

Destination:

.....

Date of processing:

Date of Manufacture:

Use by Date:

Point of Entry:
 Expected Landing Date:
 Storage Premises: Town:
 Street/Road: Warehouse No.: L.R./Plot No.:
 Date of last import:
 Quantity of last import (Kg/ton/lt): Value Tsh.....
 Purpose of importation: Commercial Donation Domestic Other (specify)
(Tick where appropriate)
 Quantity of similar locally produced milk, milk products, designated milk or designated milk products(s) sold in last one month Kg/lt.....
 Source of locally produced milk, milk products, designated milk or designated milk products

Declaration:

I/we The undersigned of (*Company Name*) and being the Agent/principal of(Name of Importer) do hereby declare that the information and particulars declared herein are true and complete and I/We accept to comply fully with the conditions and requirements provided by the Dairy Industry Act Cap 262 or any other Law relating to exports of milk product.

Date Signature of Applicant.....Designation.....
Note. Part 1: to be completed by the applicant. Misleading information in part 1 may lead to invalidation of the application and/or prosecution.

Part II: Evaluation – For Official Use Only *For TANZANIA DAIRY BOARD*

I have examined the application
 I recommend /do not recommend
 1.
 2.
 NameDesignation.....
 Signed Date

The form is valid for **three months only**, for only one consignment from the date of approval.

FEES PAYABLE UNDER THESE REGULATIONS

- 1. Application fee TZS 30,000
- 2. Fee for the issue of permit 1.0% FOB value

Part III: Approval by the Registrar

This permission to import kg/ton/lt of (type of milk, milk products, designated milk or designated milk products)..... is approved.

Registrar (Name)..... Signature

Official stamp

Note:

- 1. This form is Valid for one consignment only.*
- 2. Fill in duplicate;*
- 3. Attach the following: Pro-forma Invoice of the consignment, Animal health Import Certificate from the director of veterinary services, business license, certificate for Safety and Quality Compliance for Product and premise registration certificate from a competent authority.*

THIRD SCHEDULE

(Made under Regulation 7)

TANZANIA DAIRY BOARD

**FORM NO. 2
APPLICATION TO EXPORT
MILK, MILK PRODUCTS, DESIGNATED MILK OF
DESIGNATED MILK PRODUCTS**

Part 1: To be completed by applicant

Date:

Name of the exporter:

TIN No:

VAT NO:

Address:

Street/Road Town:

Business Location:

Tel. No.:

E-mail:

Type of milk, milk products, designated milk or designated milk products Lt/kg

.....

Value (*in figures*).....

Value (*in words*).....

Quantity Kg/Lt (*in figures*).....

Quantity Kg/Lt. (*in words*).....

Destination:

Date of processing:and place where pasteurization was done.....

Date of Manufacture.....

Use by Date:

Port of shipment:
 Route of Export:
 Point of Exit:
 Shipment Date:
 Storage Premises:
 L.R./Plot No.:
 Town: Street/Road:
 Warehouse No.:
 Date of last export:
 Quantity Kg/Lt:
 Value (C.I.F.): TZS.....
 Purpose of Exportation: Commercial /Donation /Domestic /Other
(specify)
(Tick where appropriate)

Declaration:

I/we The undersigned of (Company Name)
 being
 the agent/principal of (Exporter) do hereby declare that
 the
 information and particulars declared herein are true and complete and i/we
 accept to comply fully with the conditions and requirements provided by the
 Dairy Industry Act or any other law relating to exports of dairy produce.

Date Signature of Applicant Designation

*Note- Part 1: to be completed by the applicant. Misleading information in part 1
 may lead to invalidation of the application and/or prosecution.*

Part II: Evaluation – For Official Use Only

For TANZANIA DAIRY BOARD

I have examined the application
 I recommend/do not recommend

- 1.....
- 2.....
- 3.....

NameDesignation.....

Signed Date

The form is valid for **three months only**, for only one consignment from the
 date of approval.

Part III: Approval by the Registrar

This permission to export kg/ton/lt of (type of milk, milk products, designated milk or designated milk products)..... is approved.

Registrar (Name)..... Signature

Official stamp

FEES PAYABLE UNDER THESE REGULATIONS

1. Application feeTZS 30,000

2. Fee for the issue of permitTZS 20,000

TANZANIA DAIRY BOARD

Note: The Export permit is obtainable from the Registrar, Tanzania Dairy Board after this form has been approved and on presentation of an Animal health Import Certificate.

—————
FOURTH SCHEDULE
—————

(Made under regulation 10)

TANZANIA DAIRY BOARD

FORM NO. 3

***Import Permit for milk, milk products, designated
milk or designated milk products***

This permit is granted under the provisions of the Dairy Industry (Imports/Exports) Regulations) to:

Name

Address Tel

E-mail

To import the products listed *and Quantity (Kg/Lt)*

1.....

2.....

3.....

4.....

5.....

As per application No: Dated20.....

Conditions:

.....

.....

.....

.....

Import Permit No:

This permit shall expire on: 20

Fee paid TZS:

Receipt No.:

Date of Issue:20

For Tanzania Dairy Board

Note. -This import permit is subject to the regulations prescribed under the Dairy Industry (Import and Export of Milk and Milk Products) Regulations.

Issued by:

Registrar (Name)..... Signature

Date:20.....

Official stamp

FIFTH SCHEDULE

(Made under regulation 10)

TANZANIA DAIRY BOARD

FORM NO. 4

***Export Permit for milk, milk products, designated
milk or designated milk products***

This permit is granted under the provisions of the Dairy Industry (Imports/Exports) Regulations to:

Name

Address Tel.

E-Mail

To export the products listed and Quantity (Kg/Lt)

1.....

2.....

3.....

4.....

5.....

As per application No Dated20.....

Conditions:

Export Permit No:

This permit shall expire.....20.....

Fee paid TZS:

Receipt No.:.....

Date of Issue:20.....

For Tanzania Dairy Board

*Note-*This Export permit is subject to the regulations prescribed under the Dairy Industry

(Import and Export of Milk and Milk Products) Regulations.

Registrar (Name)..... Signature

Official stamp

SIXTH SCHEDULE

(Made under regulation 12)

TANZANIA DAIRY BOARD

FORM NO. 5

Clearance Certificate for Imported *milk, milk products, designated milk or designated milk products*

This is to certify that the below named importer, having satisfied the conditions provided under the Dairy Industry (Import and Export) Regulations, is hereby cleared to release the milk, milk products, designated milk or designated milk products list below:

Name:

Address: Tel

E-mail:

No. Product Quantity (Kg/Lt)

1.....

2.....

3.....

4.....

5.....

As per permit No: Dated 20

Signature

Clearing Officer

Name:

Designation:

Official stamp:

SEVENTH SCHEDULE

(Made under regulation 14)

TANZANIA DAIRY BOARD

FORM NO. 6

Clearance Certificate for Exported milk, milk products, designated milk or designated milk products

This is to certify that the below named exporter, having satisfied the conditions provided under the Dairy Industry (Import and Export) Regulations, is hereby cleared to release the milk, milk products, designated milk or designated milk products list below:

Name:

Address: Tel

E-mail:

No. Product Quantity (Kg/Lt)

1.....

2.....

3.....

4.....

5.....

As per permit No: Dated 20

Signature

Clearing Officer

Name:

Designation:

Official stamp: