

Environmental Management (Importation and Transit of
Hazardous Substances and Waste) Regulations, 2009

IT is hereby notified that the Minister of Environmental and Natural Resources Management, in terms of section 140 of the Environmental Management Act [*Chapter 20:27*], has made the following regulations:—

Title

1. These regulations may be cited as the Environmental Management (Importation and Transit of Hazardous Substances and Waste) Regulations, 2009.

Application

2. These regulations shall apply to any hazardous substance and waste as defined in section 2 of the Act.

Interpretation

3. In these regulations—

“aircraft” means any airborne craft including helicopters, gliders, etc, whether or not internally propelled;

“airport” means an airport designated by the State in whose territory it is situated as an airport of entry or departure for international air traffic;

“conveyance” means the process of moving goods from one place to another;

“foreign” in relation to a goods vehicle, means registered outside Zimbabwe;

“frontier post” means—

(a) in the case of a train, the railway stations at the border posts;

(b) in the case of a road vehicle, the border posts provided for customs purposes;

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“hazardous substance” means any substance, whether solid, liquid or gaseous, or any organism which is injurious to human health or the environment;

“hazardous waste” means waste which is poisonous, corrosive, noxious, explosive, inflammable, toxic or harmful to the environment;

“inspection ” means physical examination of a vessel or goods or buildings or facilities at an airport or frontier post;

“Port Health Authority” means the health team assigned by the Chief Health Officer to administer and enforce the port health regulations;

“port of entry” means any point of entry into Zimbabwe which is appointed as a port in terms of section 14 of the Customs and Excise Act [*Chapter 23:02*];

“transit” means traveling through one country in order to get to another country;

“vessel” means air craft, train or road vehicle;

“ZIMRA” means the Zimbabwe Revenue Authority established by the Revenue Authority Act [*Chapter 23:11*].

Designation of ports of entry

4. (1) Every port of entry shall be a point of inspection for the conveyance of hazardous substances for the purposes of the Act.

(2) The following places are designated ports of entry for the purpose of these regulations—

- (a) Harare, Bulawayo, Victoria Falls, Kariba, Hwange and Charles Prince airports;
- (b) Beitbridge, Chirundu, Forbes, Nyamapanda, Plumtree, Kazungula, Kariba, Victoria Falls, Kanyemba, Mukumbura, Chikwarakwara frontier posts and any other frontier post that may be designated.

Levies

5. The amount of the levy to be levied by Port Health Authority and collected by ZIMRA shall be specified in the First Schedule and shall be payable on the entry of the vessel into Zimbabwe at the port of entry.

Persons authorized to inspect, levy and collect the environment levy

6. (1) Port Health Authority is hereby specified as the person authorized to inspect and levy all vehicles conveying hazardous substances and hazardous waste, on behalf of the Environment Management Agency, using the inspection report form specified in the Second Schedule and any other form that the Agency may develop at all ports of entry.

(2) ZIMRA is hereby specified as the person authorized to collect, for the benefit of the environment fund, levies on vehicles conveying hazardous substances and hazardous waste using the information on the completed inspection report form at all ports of entry, on behalf of the Environmental Management Agency.

(3) Notwithstanding the provisions in subsections (1) and (2), the Environmental Management Agency shall remain the overall authority to inspect and collect the environment levy for hazardous substances importation and conveyance, and shall, together with the authorized persons, carry out the said duties and inspect the work of the authorized persons.

Offences and penalties

7. (1) Any person who—

- (a) contravenes these regulations;
- (b) causes any spillage of hazardous substances or waste into the environment;

shall be guilty of an offence and liable to a fine not exceeding level fourteen, or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

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(2) A court convicting a person of an offence under these regulations may order the person to do any one of the following—

- (a) to take such remedial action, specified by the court on the advice of the Agency, as it may be necessary to restore the environment or works affected by the offence;
- (b) to reimburse the Agency for any remedial action taken by it;
- (c) to pay compensation for any damage caused by the offence to any person.

FIRST SCHEDULE (Section 5)

LEVIES

A. Transit levy for transporting hazardous substances or products per vessel per transit:

WEIGHT in Tones (T)	AMOUNT CHARGED/US\$		
	Green	Amber	Red
Less or equal to 10 T	10	20	30
More than 10 T and up to 20 T	20	40	60
More than 20 T and up to 30 T	30	60	120
More than 30 T and up to 40 T	40	80	160
More than 40 T	50	100	200

*- same as SI 98/01
see para 2*

B. Transit levy for transporters of hazardous waste per vessel per transit:

WEIGHT in Tones (T)	AMOUNT CHARGED/US\$		
	Green	Amber	Red
Less or equal to 10 T	500	750	1 000
More than 10 T and up to 20 T	1 000	1 500	2 000
More than 20 T and up to 30 T	1 500	2 250	4 000
More than 30 T and up to 40 T	2 000	3 000	5 500
More than 40 T	2 500	3 750	7 000

*- where clause 4
amended in SI
para 2 1st section
of SI 10/01*

SECOND SCHEDULE (Section 6(1))



VEHICLE INSPECTION REPORT FORM

Date:

Time:

Inspector's Name:

Section A: Details of vessel ownership and substance carried

Name and physical address of the transport company:

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Name and physical address of responsible person:

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Tel: Cell:

Name of Driver:

Tel/Cell:

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Vehicle Registration Number(s):

Rigid: Horse: Trailer 1:

Trailer 2: Make:

Name of substance:

Active ingredient(s):

Hazard class: Net weight (Tones):

Amount due USS:

Amount in words:

Section B: Vehicle check

		Yes	No	N/A
1.	The vessel has valid documents to prove its road worthiness, e.g. certificate of fitness			
2.	In the case of a bulk tanker, the tank is intact—no leaks			
3.	In the case of pre-packaged material, the packaging is intact			
4.	The hazard warning panels are in place			
5.	The hazard warning panels are correctly positioned			
6.	The hazard warning panels are correctly labeled			
7.	The Material Safety Datasheets (MSDS) are readily available for use if necessary			
8.	The UN number for the identification of the substance is in place			
9.	The UN number on the vessel tallies with that in the MSDS or TREM card			
	Other comments			

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