

GOVERNMENT NOTICE NO. 141 published on 8/2/2019

THE TANZANIA EXTRACTIVE INDUSTRIES (TRANSPARENCY
AND ACCOUNTABILITY) ACT, 2015
(CAP. 447)

REGULATIONS

(Made under Section 25)

THE TANZANIA EXTRACTIVE INDUSTRIES (TRANSPARENCY AND
ACCOUNTABILITY) (GENERAL) REGULATIONS, 2019

PART I
PRELIMINARY PROVISIONS

Citation and
Commence-
ment 1. These Regulations may be cited as the Tanzania Extractive
Industries (Transparency and Accountability) Regulations, 2019.

Interpretation 2. In these Regulations, unless the context otherwise requires-
“Financial year” means the government financial year.
“records” means all documented information or collection of data,
including accounts, agreements, letters, transactions, books
which function as evidence of activities of an entity;
“relevant authorities” means the extractive industry companies and
statutory recipients.
“reporting template” means a form designed to be filled in with all
information and data by the extractive industry companies and
statutory recipients for the purpose of reconciliation and
disclosure of beneficial ownership;

PART II
TRANSPARENCY AND ACCOUNTABILITY

Record
keeping 3.-(1) Every extractive industry companies shall keep records of
payments, beneficial ownerships information, costs of production,
exploration, prospecting, award or transfer of licences, capital
expenditure at every stage of investment, volumes of production

and export data from extractive industry company in respect of each licence.

(2) Subject to sub-regulation (1), statutory recipients shall keep records of revenues received from the extractive industry companies.

Submission of information

4.-(1) The Committee shall, on annual basis require all statutory recipients and extractive industry companies to submit all information and data relating to records kept pursuant to regulation 3.

(2) The records to be submitted shall be in a form of softcopy and hard copies.

Data Reconciliation procedures

5. The procedure for data reconciliation as provided in the Act shall be prescribed in the schedule to these regulations

Reconciliation report

6. The data and information used to prepare reconciliation report shall include the following:

- (a) materiality definitions and threshold;
- (b) descriptions of each revenue streams;
- (c) transactions and payments to and from state-owned enterprises;
- (d) revenues received from each benefit stream;
- (e) sale of the state's share of production or other revenues collected in kind;
- (f) capital expenditure at every stage of investment;
- (g) identify any agreement involved in the provision of goods and services including loans, grants and infrastructure works;
- (h) production data in mining, oil and gas sector;
- (i) Corporate Social Responsibility payments;
- (j) Adherence to the local content laws; and
- (k) Any other data required by the committee.

Reconciliation threshold

7.-(1) In determining the threshold for the purpose of identifying extractive industry companies that qualify for the reconciliation of payments, the following shall be taken into consideration

- (a) contribution of the extractive industry companies to the economy during the year of the report.
- (b) base on the large companies which contribute sufficient revenue to the government.

(2) Subject to sub-regulation (1) the Committee shall publish the

threshold of the extractive industry companies that have qualified for reconciliation on payments made and revenues received by the government.

Reporting templates

8.-(1) The Independent Administrator shall prepare reporting templates to be submitted to the Committee for approval.

(2) The extractive industry companies and statutory recipients shall adhere to the templates approved by the Committee in submitting information and data.

(3) A senior official from the extractive industry companies and statutory recipients shall sign a completed reporting form.

(4) The independent administrator shall request a confirmation letters from the external auditors of the statutory recipients and extractive industry companies that confirm that the information submitted is audited financial statements.

(5) The extractive industry companies and statutory recipients shall submit reporting templates to the Committee through-

- (a) fax;
- (b) registered mail; and
- (c) physical delivery.

Certification of information on reporting templates

9. The information to be submitted to the Committee must be correct and certified by the extractive industry companies and statutory recipients which shall show that:

- (a) the information provided in respect of amounts paid or received is complete and has been faithfully extracted from the entity accounting records;
- (b) all amounts paid or received are supported by genuine receipts and substantiated by documentary evidence;
- (c) the amounts paid or received are in accordance to the respective required period;
- (d) the classification of amounts paid or received on each line is accurate and does not include amounts due to be reported on other lines;
- (e) the amounts paid or received do not include amounts paid or received on behalf of other entities;
- (f) the amounts paid or received only include amounts paid or received by the entity; and
- (g) the accounts of the entity on which the figures are based have been audited and qualified audit opinion has been issued in accordance with International Standards on Auditing.

Qualifications of the Committee Chairman 10. The President shall appoint a Chairman of the Committee who possess at least a degree with relevant knowledge and experience of at least 7 years on matters relating to extractive industries.

PART III
ADMINISTRATION AND FINANCIAL PROVISIONS

Financial year 11. The extractive industry companies and statutory recipients shall be required to prepare their reports on financial year basis.
(2) Subject to sub-regulation (1), the extractive industry companies who produce audited financial year report in respect of calendar year shall be required to prepare two subsequent financial year reports to comply with financial year.

Disclosure of beneficial ownerships 12.-(1) For the purpose of disclosure of beneficial ownership, the information to identify the beneficial owners shall include but not limited to the following-
(a) names of beneficial owner including political exposed person who owns shares or interest (s) in companies;
(b) the nationality and the country of residence; and
(c) national identity number, date of birth, residential address.
(2) The extractive industry companies shall attest the beneficial ownership declaration forms and supporting documents signed by the extractive industry companies.

Confidential information 13.-(1) The Committee shall determine confidential information for the mineral development agreements and production sharing agreements signed prior to coming into operation of the Act.
(2) Any party to the contract who wishes for any information or any part of the contract which is confidential not to be published or disclosed, may submit to the Committee an application consisting the reasons for determination.
(3) Upon determination of an application, the Committee shall notify an applicant whether the application is successful or not.

—
SCHEDULES
—

(Made under regulation 4)

Procedures for Data Reconciliation

1. An independent administrator through a letter or e-mail may request for information and data from extractive industry company and statutory recipients respectively.
2. Following the request by independent administrator, extractive industry company and statutory recipients shall submit information and data in a form of soft and hard copies within fourteen days from the date of the request.
3. The independent administrator is required to use reporting template to collect information and data provided in the reconciliation report and shall be accompanied with evidence including a web link and sources.
4. The independent administrator shall file the collected data and information from the respective extractive industry companies and statutory recipients for future record.
5. The reconciliation of data shall be carried out for a period of not more than six months.

Dodoma,
30th January, 2019

DOTO MASHAKA BITEKO,
Minister for Minerals