
GOVERNMENT NOTICE

DEPARTMENT OF TRADE AND INDUSTRY

No. 310

11 April 2007

NOTICE IN TERMS OF SECTION 13 OF THE NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION ACT, 1993

ADDITIONAL DECLARATION OF CERTAIN NUCLEAR-RELATED DUAL-USE EQUIPMENT, MATERIALS AND RELATED TECHNOLOGY ITEMS AS CONTROLLED GOODS AND CONTROL MEASURES APPLICABLE TO SUCH GOODS

1. I, Mandisi Mphahlele, Minister of Trade and Industry, on the recommendation of the South African Council for the Non-Proliferation of Weapons of Mass Destruction, under section 13 of the Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No. 87 of 1993), hereby -

- (a) in terms of section 13(1), declare all items listed in the Schedule to this notice to be controlled goods; and
 - (b) in terms of section 13(2)(b), determine that the manufacture, import, export, re-export or transit of such controlled goods shall take place only under a permit issued by the said Council, established under section 4 of the said Act.
2. Application forms for permits and registration in terms of section 13(3) of the aforementioned Act are obtainable from:

The Secretariat
South African Council for the Non-Proliferation of Weapons
of Mass Destruction
Private Bag x84
PRETORIA
0001



M. B. M. MPAHLWA,
Minister of Trade and Industry

SCHEDULE

Definitions

1. In this Schedule, unless the context otherwise indicates -

"component parts" means an integral part of plants, systems, assemblies or equipment without which such plants, systems, assemblies or equipment cannot perform their intended function or achieve the characteristics or performance level that make the aforementioned plants, systems, assemblies or equipment controlled;

"design research means an experimental or theoretical work undertaken principally to acquire new knowledge of the fundamental principles of phenomena and observable facts, but not primarily directed toward a specific practical aim or objective;

"development" means all phases before "production" such as -

- (a) design;
- (b) design research;
- (c) design analysis;
- (d) design concepts;
- (e) assembly and testing of prototypes;
- (f) pilot production schemes;
- (g) design data;
- (h) process of transforming design data into a product;
- (i) configuration design;
- (j) integration design ; and
- (k) layouts;

"in the public domain" means "software" or "technology" which has been made available without restrictions on its further dissemination (copyright restrictions do not remove "software" or "technology" from being "in the public domain");

"microprogramme" means a sequence of elementary instructions, maintained in a special storage, the execution of which is initiated by the introduction of its reference instruction into an instruction register;

"production" means all production phases such as -

- (a) construction;
- (b) production engineering;
- (c) manufacture;
- (d) integration;
- (e) assembly or mounting;
- (f) inspection;
- (g) testing ; and
- (h) quality assurance;

"programme" means a sequence of instructions for the execution of a process, or convertible into a form executable by an electronic computer;

"software" means a collection of one or more programmes or microprogrammes fixed in any tangible medium of expression;

"technical assistance" means instructions, skills, training, working knowledge, consulting services and involves transfer of technical data

"technical data" means blueprints, plans, diagrams, models, formulae, engineering designs and specifications, manuals and instructions written **or** recorded on other media or devices such as disk, tape, and read-only or rewriteable memories;

"technology" means specific information that is required for the "development", "production", or "use" of any item contained in **Item 2** of this Schedule, which may be "technical data" or "technical assistance"; and

"use" means operation, installation, including on-site installation, maintenance, checking, repair, overhaul, and refurbishing.

Nuclear-related dual-use controlled goods

2. The following nuclear-related dual-use equipment, materials, software and related technology may be used in its entirety or in part for the enrichment of Uranium isotopes:

- (a) Equipment, assemblies and components of –
 - (i) any plant or component parts of such plant that match all of the following conditions:
 - (aa) designed **for** the enrichment of stable isotopes,
 - (bb) can be used directly or can be modified to enrich Uranium isotopes by changing the separation element **or** elements,
 - (cc) is made of materials resistant to Uraniumhexafluoride (UF_6), and
 - (ii) separating elements for enrichment plants mentioned in paragraph (a) that could be applied directly for UF_6 enrichment.
- (b) software that is specifically designed for use of equipment specified in paragraph (a) supra; and
- (c) technology directly applicable *to the development*, production **or** use of equipment, materials **or software** as specified in paragraphs (a) and **(b)** supra.