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# GOVERNMENT NOTICE

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## DEPARTMENT OF DEFENCE

No. R. 326

20 April 2012

### NATIONAL CONVENTIONAL ARMS CONTROL ACT, 2002

#### NATIONAL CONVENTIONAL ARMS CONTROL REGULATIONS

The Minister of Defence has under section 27(1), read with sections 4(1)(f), 5(1) and (4), 14(1), 14(5A) and 17(1)(f) of the National Conventional Arms Control Act, 2002 (Act No. 41 of 2002), and with the concurrence of the National Conventional Arms Control Committee, made the Regulations in the Schedule.

#### SCHEDULE

1. In these Regulations any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context otherwise indicates—

**"apostille"** means a certificate that authenticates the origin of a public document under The Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents of 5 October 1961;

**"certificate of authentication"** means a certificate issued under Rule 63 of the Uniform Rules of Court or Government Notice No. R. 277 of 3 March 1967, as the case may be, that authenticates the origin of a public document;

**"end-user"** in respect of the export of controlled items means a person declared as the final end-user of a controlled item in terms of section 17(1)(a) of the Act;

**"Notice"** means the notice published by the Committee under section 27(3) of the Act;

**"the Act"** means the National Conventional Arms Control Act, 2002 (Act No. 41 of 2002).

### **Register of persons involved in controlled items**

2. The register kept by the Committee in terms of section 4(1)(f) of the Act must, in respect of each person involved in controlled items, reflect—

- (a) the name, address, telephone number, e-mail address, telefax number or any other relevant identifying and contact details of the person;
- (b) the date on which he or she was registered or granted a permit;
- (c) the conditions applicable to the permit; and
- (d) the address where the controlled items can be found.

### **Application for registration**

3. (1) An application in terms of section 13(1) of the Act for registration to trade in or possess controlled items must—

- (a) be in writing on the form prescribed in Annexure A;
- (b) contain all the information required by the Secretariat; and
- (c) be submitted—
  - (i) by sending it by registered post to:

The Secretariat:  
National Conventional Arms Control Committee  
Private Bag X910  
Pretoria 0001  
**SOUTH AFRICA; or**

- (ii) by delivering it to:

The Secretariat:  
National Conventional Arms Control Committee  
Arm Scor Building  
Corner of Nossob and Delmas Roads  
Erasmuskloof Extention 4  
Pretoria  
**SOUTH AFRICA**

- (2) Upon the receipt of an application for registration to trade in or to possess controlled items, the Secretariat must submit such an application to the Committee and if approved by the Committee, the Secretariat must issue the applicant with a registration certificate.

#### **Registration certificate**

4. (1) A registration certificate is required to—
- (a) develop and manufacture controlled items;
  - (b) render brokering services,
  - (c) render other services related to controlled items including transportation and freight forwarding services,
  - (d) possess any of the controlled items.

(2) An application for a registration certificate must be accompanied by the following documents:

- (a) a tax clearance certificate from the South African Revenue Service certifying that the applicant's tax affairs are in good order;
- (b) a Commission of Intellectual Property and Companies registration certificate in respect of companies; and
- (c) any other relevant document that may be required by the Secretariat to facilitate the registration process.

(3) (a) A registration certificate shall—

- (i) be valid for a period of three years; and
- (ii) be renewable on application by the person trading in or possessing controlled items.

(4) An application for renewal in terms of regulation 4(3) (ii) must be accompanied by the documents required in sub regulation (2).

#### **Application for permit**

5. (1) A person to whom a registration certificate has been issued in terms of regulation 3(2), may apply for—

- (a) a marketing permit;
- (b) a contracting permit;

- (c) an export permit;
- (d) a multiple export permit linked to a contracting permit
- (e) a multiple import permit linked to a specific project or program
- (f) an import permit;
- (g) a temporary two-way import/export permit without transfer of ownership of controlled items;
- (h) a conveyance permit;
- (i) a possession permit;
- (j) a domestic transfer authorisation; and
- (k) a destruction authorisation.

(2) An application to the Committee for a permit must be submitted to the Secretariat at the address indicated in regulation 3 and must be accompanied by —

- (a) in the case of a conveyance permit, a diplomatic note, also referred to as a *note verbale* from the recipient government;
- (b) in the case of an export permit where ownership is transferred, a properly authenticated end-user certificate issued by the government of the country where the controlled items are to be exported to; and
- (c) such other documents as may be required by the Committee and communicated by the Secretariat to the industry or any

other interested person in a manner determined by the Committee.

(3) Permits contemplated in regulation 5(1)(d) and (e) are subject to the following conditions:

- (a) the export and import of any controlled items under these permits must be applied for by the applicant;
- (b) upon approval of such permits, the applicant must provide the following to the Secretariat on a six-monthly basis:
  - (i) a status report on all transfers of equipment being imported or exported;
  - (ii) details of the equipment imported or exported;
  - (iii) serial numbers of all equipment exported;
  - (iv) reconciliation of exports and imports in relation to information on the basis on which the permits were granted;
  - (v) all relevant shipping and customs documentation relating to the export and import of the controlled items; and
  - (vi) a six-monthly plan of planned exports and imports.

### Purposes for which permits may be issued

6. (1) The purposes for which the various permits and authorisations contemplated in regulation 5(1) may be issued under the Act are as follows:
- (a) a marketing permit is required to—
    - (i) enable the permit holder to market internationally specific controlled items; or
    - (ii) market brokering services or services related to controlled items as specified in the permit;
  - (b) a contracting permit is required to enter into an agreement with a person resident in a foreign country—
    - (i) to trade in controlled items; or
    - (ii) to render brokering services or services relating to controlled items;
  - (c) an export permit is required for each consignment of controlled items for which a contracting permit was issued and which is exported from the Republic for the purpose of transferring ownership of the said controlled item;
  - (d) a multiple export permit is required for multiple consignments of controlled items for which a contracting permit was issued and which are exported from the Republic for the purpose of transferring ownership of the said controlled item;
  - (e) an import permit is required for each consignment of all controlled items in accordance with the control requirements indicated in the Notice and which is imported into the Republic

for the purpose of transferring ownership of the said controlled items;

- (f) a multiple import permit is required for multiple consignments of controlled items linked to a specific project or program in accordance with the control requirements indicated in the Notice and which is imported into the Republic for the purpose of transferring ownership of the said controlled items;
- (g) a temporary two-way import/export permit is required to enable the temporary import or export for the purpose of integration, repair, demonstration or evaluation, without transfer of ownership, whether the controlled item originates from or is destined for the Republic of South Africa or a foreign country, in respect of each consignment of controlled items in accordance with the control requirements indicated in the Notice;
- (h) a conveyance permit is required in respect of each consignment of controlled items to enable the conveyance of controlled items, owned by a person resident in a foreign country through or over the territory of the Republic, including its territorial waters. The application for a conveyance permit must include a diplomatic note (*note verbale*) from the government of the country who owns the controlled items that are to be conveyed through the Republic requesting authorisation for such conveyance;
- (i) a possession permit is required to enable a person to possess and use controlled items for lawful purposes without the intention to trade in such items and may be issued for possession of the controlled item specified therein for—
  - (i) private or business use as a tool;
  - (ii) private collection;



- (iii) use as props in theatrical studios and film-production;
  - (iv) display at public museums;
  - (v) historic war and battlefield enactments; or
  - (vi) any other lawful purpose that can be verified by the Inspector.
- (j) a domestic transfer authorisation is required where persons in possession of registration certificates intend to transfer ownership of controlled items from one person to another within the Republic;
- (k) a destruction authorisation is required where persons in possession of registration certificates intend to dispose of controlled items through destruction.
- (2) Notwithstanding paragraphs (c), (d), (e), (f) and (g) of subregulation (1), a single import, export or temporary two-way import/export permit may be issued to cover more than one consignment.

#### **Destruction of controlled items**

7. (1) It is an explicit condition of every permit issued under the Act that no controlled item, which is in the Republic of South Africa, may be destroyed without a written authorisation of the Committee and only in accordance with the instructions and conditions laid down by the Committee in respect of such destruction.

(2) Any controlled item that is destined for destruction in accordance with subregulation (1), including any sub-assembly or component thereof, must

have its form, fit and function disrupted, deformed, dismantled or otherwise broken down to the extent the resultant item or items cannot be reconstituted or remanufactured into items controlled in the Notice

(3) In instances where a component part of a controlled item, that is to be recovered and recycled from a controlled item destined for destruction, a domestic transfer authorisation must be obtained for the controlled items so recovered by the owner.

(4) Further trade or possession in the controlled items so recovered by the owner will be subject to the appropriate permits or authorisations issued in terms of the Act.

(5) An export permit may not be issued for any firearm of a calibre of 12.7mm (.50 inch) or smaller, including the ammunition for such a firearm, that is surplus to State or parastatal stock.

(6) Firearms and ammunitions referred to in subregulation (5) shall be destroyed in accordance with the relevant legislation.

#### **Domestic transfer of controlled items**

8. (1) No ownership of specific controlled items may be transferred, within the Republic, from one person to another without the written authorisation of the Committee and in accordance with the conditions imposed by the Committee in respect of such transfer.

(2) The domestic transfer authorisation will be applicable where specific controlled items are sold, donated or handed over for disposal through destruction or any other means.

(3) The Committee may only authorise the domestic transfer of controlled items between two persons properly registered with the Secretariat and in possession of an applicable permit.

- (4) No domestic transfer authorisation shall be required in instances where controlled items are temporarily transferred for purposes of demonstration, evaluation, testing, maintenance, repair or upgrade.

**Conditions under which permits may be issued**

9. (1) Without derogating from the powers of the Committee to prescribe specific conditions in respect of the issuing of a particular permit, the following general conditions apply to every type of permit contemplated in regulation 5(1):

- (a) A permit is only valid in its original form and may only be used for the intended purpose as specified in the permit and during the period of validity thereof as specified on the permit;
- (b) information contained in a permit is confidential and may not be disclosed for purposes other than activities related to the transfer, or otherwise required by law;
- (c) the permit holder remains responsible and accountable for all actions authorised by such a permit, regardless of the involvement of transporters, freight forwarders or any other party;
- (d) if a permit's validity period expires prior to the transfer of controlled items, the permit holder must return the permit to the Secretariat with a letter requesting the cancellation of the permit and stating the reasons for non-use of the permit; and
- (e) if a permit is cancelled in terms of section 14(3) of the Act, the permit must be returned to the Secretariat;.

(2) A possession permit is issued subject to the following conditions:

- (a) The lending, selling, donation or any other disposal of the controlled item by the holder of a possession permit, is subject to the approval of the Committee and the possession of the controlled item may be transferred after a possession permit has been granted by the Committee to the person to whom it was sold, donated or handed over for disposal, unless it is transferred to a person who may lawfully be in possession of such controlled item; and
  - (b) the permit must be returned to the Secretariat to be cancelled within 30 days from the date of transfer of the controlled item whereupon the holder of the possession permit must inform the Secretariat of such transfer.
- (3) Any condition, including a condition which the Committee may wish to impose in respect of a particular permit must be printed on the back of the permit or attached to the permit.

#### **Amendments to permits**

10. (1) The permit holder must apply to the Secretariat in writing to request changes to be made to the information provided in the application for a permit.
- (2) A request for amendments to a permit issued under this Act, may be—
- (a) refused, among other grounds, if conditions imposed on the original permit have not yet been complied with; or
  - (b) authorised at the discretion of the Committee, subject thereto that—

- (i) a permit amendment request cannot be used to change information about the applicant;
  - (ii) any existing permit that needs to be updated must be clearly identified so that new permit may be issued with the new corporate details;
  - (iii) a permit is only valid for use by the permit holder named therein;
  - (iv) a permit holder must ensure possession of a legally amended permit before any transaction can take place;
  - (v) any request for the extension of the validity of a permit must be lodged prior to the expiry date specified on the permit; and
  - (vi) extensions of the authorised period are not automatically granted, but are considered on a case-by-case basis.
- (3) Any changes by way of alterations or additions to any of the particulars contained in any application for a permit under this Act, whether intentional or unintentional, invalidate the basis on which the permit was issued.

#### **End-user Certificates and Undertaking**

11. (1) An end-user certificate in respect of the export of controlled items from the Republic of South Africa to another country must be issued by the person authorised by the government of the country to which the controlled items are exported to on the form prescribed in Annexure B.

(2) An end-user certificate pertaining to the export of controlled items from the Republic is subject to authentication by either a Certificate of Authentication or an *Apostille*.

(3) Any person who applies for a permit contemplated in section 14(5A), of the Act, must give an undertaking to the Committee in the form prescribed in Annexure C that the re-exportation of controlled items does not violate end-user requirements set by any foreign supplier.

**Terms and conditions: Exemption under section 17(3)**

12. An exporter may be exempted from compliance with section 17(1) of the Act if the exporter applies for such exemption, in writing, in terms of section 17(3) of the Act, to the Secretariat motivating for such exemption.

**Keeping of records**

13. (1) Any person who is a holder of a permit in terms of this Act must keep one or more registers including, but not limited to, the following:

- (a) Details of each transaction that requires a permit in terms of the Act, reflecting—
  - (i) the type of transaction;
  - (ii) the date of application for the permit;
  - (iii) detail and description of controlled items involved, including, but not limited to, the record of equipment identification numbers such as vehicle chassis numbers, weapon serial numbers and barrel serial numbers;
  - (iv) the type and value of the transaction; and
  - (v) the responsible person, the countries involved, the transaction amount, dates and reference numbers of

permits received, the date of execution of transactions, cancelled transactions and the disposal of permits; and

(b) all supporting documents for the transactions referred to above, must be kept available for inspection at all times, including, but not limited to—

(i) approved permits;

(ii) clearing or shipping instruction issued in writing by exporter or importer to freight forwarder; and

(iii) South African Revenue Service documentation relevant to imports or exports, including , but not limited to, air waybill or bill of lading, customs declaration form, registration of goods for re-importation, customs release note, supplier invoice, packing list, admission temporaire/temporary admission (ATA) carnet forms and bank forms.

(2) The register must ensure the timeous detection of the expiry dates of permits in order to ensure that renewal applications can be made in time.

(3) The permit holder must keep the records, minutes, registers and financial statements contemplated in section 27(1)(d) of the Act for at least five years.

#### **Applications for export of firearms and ammunition**

**14.** The National Commissioner of the South African Police Service must submit for approval to the Committee any application for the export of firearms and ammunition controlled in terms of the Firearms Control Act, 2000 (Act No. 60 of 2000), where the quantity of the firearms exceeds 10 firearms per type, and the quantity of ammunition exceeds 20 000 per calibre.

## Reports

**15.** (1) The format for reports to be furnished by the Committee to Parliament as contemplated in section 27(1)(e) of the Act must, in respect of the type and description of controlled items, be as follows:

- (a) Main battle tanks;
- (b) armoured combat vehicles;
- (c) large calibre artillery;
- (d) combat aircraft;
- (e) attack helicopters;
- (f) warships;
- (g) missiles and missile launchers;
- (h) other munitions listed in the Notice; and
- (i) dual-use goods and technologies listed in the Notice.

(2) The report must also indicate—

- (a) the final importer state;
- (b) the number of items;
- (c) the State of origin (if not the exporter);
- (d) the intermediate location (if any); and



- (e) remarks (including description of item and comments on transfer).

### **Categorisation of Controlled Items**

16. For regulation, administrative and reporting purposes, the following categories shall be applicable as description of controlled items:-

(a) Category A. Comprising sensitive controlled items that could cause heavy personnel casualties and/or major damage and destruction to materiel, structures, objects and facilities. This will include fighter aircrafts, submarines, explosives, missiles, bombs, artillery guns, tanks and weapons with a calibre of 12,7mm (0,5 inch) and larger.

(b) Category B. Comprising all types of handheld and portable assault controlled items of a calibre smaller than 12,7mm (0,5 inch). This will include assault rifles, pistols, machine guns and ammunition for the weapons.

(c) Category C. Comprising all support items usually employed in the direct support of combat operations that have no inherent capability to kill or to destruct. This will include communication equipment, radars, unmanned air vehicles and simulators.

(d) Category D. Comprising all purposely designed de-mining, mine clearing and mine detection equipment and all non-lethal pyrotechnical and riot control products. This will include mine detectors, riot control agents, flares, etc.

(e) Category E. Comprising all those items and related products that are not allowed to be sold. This will include anti-personnel mines, incendiary weapons, laser weapons and cluster munitions.

(f) Category G. Comprising all purposely built controlled items manufacturing equipment, plants, facilities and test ranges for the manufacture, development, maintenance, test, upgrade and refurbishment of armaments products. As well as all purposely-developed techniques and

services, other than contractual after-sales service, that has relevance to the development, use, maintenance, assistance and advice in relation to armaments and related products.

#### **Request for reasons**

17. (1) Any person who has an interest in a decision taken by a competent authority may in writing, within 90 days from the date that the decision was taken, request the authority for its reasons for the decision.

(2) A competent authority must, within 90 days after receipt of a request contemplated in subregulation (1) respond in writing to the person concerned.

#### **Repeal of laws and transitional arrangements**

18. (1) The regulations promulgated by Government Notice No. R. 634 of 28 May 2004 are hereby repealed.

(2) Any person who is—

(a) not in possession of a development, manufacturing and services permit issued in terms of the Act; and

(b) in possession of controlled items, other than in the circumstances referred to in section 13(2) of the Act, must within one year after the commencement of these Regulations apply to the Secretariat for a registration certificate and possession permit contemplated in regulation 4 and 5 respectively, and may lawfully remain in possession of such controlled item until such application has been decided upon.

(3) If an application contemplated in subregulation (2) is denied, or if no application has been made for a possession permit within the period stipulated in subregulation (2), the controlled item in question must be

surrendered forthwith to the Inspectorate to dispose of in cooperation with the South African Police Service.

(4) All persons who have been registered with the Secretariat in terms of section 13(1) of the Act before the commencement of the National Conventional Arms Control Amendment Act, 2008 (Act No. 73 of 2008), must be issued, upon request, with a registration certificate contemplated in regulation 3(1).

**Short title**

**19.** These Regulations are called the National Conventional Arms Control Regulations, 2012.



**Annexure A**

**APPLICATION FOR A REGISTRATION**

**CERTIFICATE**

**PLEASE SEND TO:**  
 The National Conventional  
 Arms Control (Director  
 Conventional Arms Control)  
 Private Bag X910  
**PRETORIA**  
 0001

<b>Date of application</b>			
<b>Applicant's Reference</b>			
<b>Date Received:</b>		<b>Registry No:</b>	

	<b>DETAILS OF APPLICANT</b>				
	<b>Name and Postal Address</b>		<b>Physical Address</b>		
1.					
1.1	Trading As:		1.4	Facsimile:	
1.2	Telephone No:		1.5	e-mail:	
1.3	Website:				
2.	<b>DECLARATION BY APPLICANT</b>				
	I, the applicant, duly authorised thereto, hereby apply for registration under the National Conventional Arms Control Act (Act No 73 of 2008) and declare that information furnished in this application is true and correct.				
3.	<b>NATURE AND PURPOSE OF APPLICATION</b>				

4.	<b>COMPANY INFORMATION</b>		
	<b>List of the Principal Executive Officer, Directors, Partners and Owners of the company and identification numbers</b>		
	<b>Member</b>	<b>Position</b>	<b>Identification Number</b>

4.1	Company's Bank or Financial Institution:				
4.2	Company Registration Number:				
<b>Company's Appointed Compliance Representative Details</b>					
4.3	Name:		Appointment:		
4.4	Address:		Telephone:		
			Facsimile:		
<b>Questions Applicable to Clearing Agents Only</b>					
4.5	SAAFF and / or IATA Membership Registration Number:				
4.6	Is your Company a SA Customs accredited clearing agent? (Yes/No)				
<b>Parent Company / Major Shareholder Details (if applicable)</b>					
4.7	Name:		Web Site:		
4.8	Address:				
4.9	Telephone No:		Facsimile No:	e-mail	
<b>Controlled Items Related Services</b>					
<b>Indicate whether your company provides any of the following services</b>					
4.10	Acts as an agent in negotiating or arranging a contract, purchase, sale or transfer of controlled items for a commission, advantage or cause, whether financially or otherwise (Yes / No)				
4.11	Acts as an agent in negotiating or arranging a contract, for the provision of services for a commission, advantage or cause, whether financially or otherwise (Yes / No)				
4.12	Facilitates the transfer of documentation, payment, transportation or freight forwarding, or any combination of the aforementioned, in respect of any transaction relating to buying, selling or transfer of controlled items. (Yes / No)				
4.13	Acts as intermediary between any manufacturer of supplier of controlled items, or provider of services, and any buyer or recipient thereof. (Yes / No)				
4.14	Service relating to controlled items of whatever nature or form to any institution of a foreign country that includes aid, advice, assistance, training and product support. (Yes / No)				
4.15	If the answer to par 4.14 is YES please specify:				
<b>5. BUSINESS REFERENCES</b>					
<b>Provide 5 business references below:</b>					
5.1	Name:		e-mail:		
	Address:		Telephone:		
			Facsimile:		
5.2	Name:		e-mail:		
	Address:		Telephone:		

			Facsimile:	
5.3	Name:		e-mail:	
	Address:		Telephone:	
			Facsimile:	
5.4	Name:		e-mail:	
	Address:		Telephone:	
			Facsimile:	
5.5	Name:		e-mail:	
	Address:		Telephone:	
			Facsimile:	

CONTROLLED ITEMS FOR DEVELOPMENT AND MANUFACTURING					
6	<i>Indicate with (X) the Level of Development and Manufacturing Applicable to your Company in the Categories below:</i>				
	Main Category	Spare Part Level	Component Level	Sub System Level	Complete System Level
6.1	Explosives, Propellants and Related Additives				
6.2	Ammunition (Bombs, Shells, Cartridges, Rounds, Grenades, Bullets & Projectiles)				
6.3	Infantry And/Or Combat Support Equipment				
6.4	Infantry Weapons and Guns				
6.5	Soft Skinned Vehicles				
6.6	Armoured Vehicles (including Tanks)				
6.7	Aircraft and Helicopters				
6.8	Ships, Vessels, Boats and Submarines				
6.9	Rocket and/or Missile Systems				
6.10	Artillery And/Or Large Calibre Gun Systems				
4.11	Communication, command and Control System				
6.12	Remotely Piloted Vehicles (RPV/UAV)				
6.13	Electronic Warfare Systems				

6.14	Tactical, Logistical and/ or Military Support Equipment				
6.15	Riot Control Equipment				
6.16	Marine Mines, Mine Warfare and Mine Detection and Related Clearing Systems				
6.17	Miscellaneous Military Equipment				
6.18	Defensive Biological & Chemical Warfare Equipment				
6.19	Laser Weapons Systems				
6.20	Other; Specify				
7	Are any of the products listed in par 6 above subject to other RSA licensing authorities? <b>(Yes/No)</b>				
7.1	If the answer to par 7 is <b>YES</b> please specify and attach proof of authorisation				
7.2	Are any of the products listed in par 6 above subject to legislation on Non-Proliferation of Weapons of Mass Destruction? <b>(Yes/No)</b>				
7.3	If the answer to par 7.2 is <b>YES</b> please specify.				

8	<b>REFURBISHMENT AND SECOND HAND MILITARY EQUIPMENT</b>				
8.1	Does your company purchase second-hand military equipment for the purpose of refurbishment and resale as fully operational military equipment?				
8.2	If the answer to par 8 is <b>YES</b> , please specify:				
8.3	Does your company purchase second-hand military equipment for the purpose of breaking the equipment down into spares for refurbishment and commercial resale?				
8.4	If the answer to par 8.3 is <b>YES</b> , please specify:				
8.5	Does your company purchase second-hand military equipment for the purpose of using such equipment for private or commercial purposes?				
8.6	If the answer to par 8.5 is <b>YES</b> , please specify:				

9	<b>APPLICANT'S DECLARATION ON LEGISLATION</b>			
9.1	National Conventional Arms Control Act, No 73 of 2008	9.4	Firearms Control Act, No 60 2000	
9.2	Regulations of Mercenary Activities Act, No. 68 of 2006	9.5	Explosives Act, No 26 of 1956	
9.3	Non-proliferation of weapons of mass destruction Act, No 59 of 1996	9.6	Importation of Teargas Act, No 16 of 1964	

10		PARTICULARS OF THE APPLICANT	
10.1	Name & Surname:		10.6 Organisation Stamp
10.2	Telephone No:		
10.3	Facsimile No:		
10.4	Date:		
10.5	<p><i>(I, the undersigned, hereby certify that the information provided above is true and correct).</i></p> <p>..... Signature:</p>		



**Annexure B**

**END-USER CERTIFICATE  
REQUIRED FOR EXPORT OF CONTROLLED ITEMS FROM THE  
REPUBLIC OF SOUTH AFRICA  
SECTION 5A**

(In terms of section 17(1) of the National Conventional Arms Control Act, 2002 (Act No. 41 of 2002), an end-user certificate must be issued by a person authorised by the Government of the country to which items controlled in terms of the said Act are exported or a person authorised under the Charter of the United Nations.)

**1. Parties**

1.1 Name and address of the South African exporter	1.2 Exporters reference		
1.3. Name of consignee	1.4 Consignee's address		
1.5 Name of declared end-user/user in own production	1.6. Declared end-user/user in own production address		
1.7 Is end-user; user in own production or consignee the armed forces or internal security forces of its country? (mark with X)  <table border="1" data-bbox="699 1242 863 1333"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO	1.8 Specific location where goods will be used or based (if known and if different from consignee's address).
YES	NO		
If NO specify.....			
1.9 If any intermediaries are involved in the transfer, provide address and contact details:			

**2. Controlled items**

2.1 Description of controlled item	2.2 Quantity of controlled items  If continuation sheets need to be used, each sheet must carry the exporter's
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	reference, and must be signed and dated by the same person who signs this form.

### 3. Purpose

3.1 Set out the specific purpose for which the controlled item(s) are to be used:
---

3.2 Indicate whether the controlled items will be used in the developing or manufacturing of weapons of mass destruction or related purposes (mark with X) <sup>1</sup>	YES	NO
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3.3 Indicate whether it is intended to transfer or re-export the controlled items to another country whether as stand-alone or integrated into another product (mark with X) <sup>2</sup>	YES	NO
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3.4 State whether the end-use of the controlled items is for commercial (civilian) (mark with X); military; or law enforcement use (mark with X)	Commercial/ civilian use	Military use	Law enforceme nt use
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It is undertaken to provide a delivery verification report within 30 days from delivery to the Directorate Conventional Arms Control at the following address:

The Secretariat: National Conventional Arms Control Committee  
Private Bag X910  
Pretoria 0001  
**SOUTH AFRICA**

<sup>1</sup> Note that in terms of section 17(2)(b) of the National Conventional Arms Control Act, 2002, a certificate may be required from a person authorised by the government of the country to which the controlled items are to be exported, undertaking that the controlled items shall not be used in the developing or manufacturing of weapons of mass destruction or related purposes.

<sup>2</sup> Note the undertaking required in paragraph 4, that the controlled items will not be transferred or re-exported to another country without the authorisation of the South African Government. In terms of section 17(3) of the National Conventional Arms Control Act, 2002, the National Conventional Arms Control Committee may, on the terms and conditions prescribed in the Regulations give exemptions to the requirements in section 17(1), of which this undertaking is a requirement.

It is agreed that on-site verification of the controlled items may be performed by an inspector designated by the Minister in terms of Section 9 of the Act.

.....  
 Signature of official of end-user / user in own production

Full names and  
 Surname:.....  
 Title:.....  
 Telephone Number:.....  
 Fax Number:.....  
 E Mail Address:.....  
 Corporate Website:.....  
 Date:..

**4. Consignee<sup>3</sup> undertaking (to be completed if controlled items are imported on behalf of an end-user)**

As duly authorised representative of the person or body named at paragraph 1(c), I hereby certify that .....(name of entity or person) is the importer of the controlled item(s) described in paragraph 2. I further certify that the controlled item(s) are intended for stock to be held against future orders and (**DELETE** either (i) or (ii):

- (i) will not be transferred or re-exported from the country where we are based, namely..... **OR**
- (ii) are likely to be transferred to the following countries.....

An undertaking is hereby given that the controlled items will not be transferred or re-exported to any other person or country without the authorisation of the South African Government and that any transfer or re-export will only be carried out under the authority of the end-user's export licensing authority.<sup>4</sup>

It is undertaken to provide a delivery verification report within 14 days from shipment to the Directorate Conventional Arms Control at the following address:

The Secretariat: National Conventional Arms Control Committee  
 Private Bag X910  
 Pretoria 0001  
**SOUTH AFRICA**

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<sup>4</sup> (This is applicable unless an exemption under section 17(3) of the National Conventional Arms Control Act, 2002, has been granted).

It is agreed that on-site verification of the controlled items may be performed.

Signature of official of consignee.....

Full names and

Surname:.....

Title:.....

Telephone Number:.....

Fax Number:.....

E Mail Address:.....

Corporate Website:.....

Date:.....

#### NOTES

##### Paragraph 1: Parties

- a) The exporter should be the person who makes the licence application.
- b) The exporter's reference can be completed by the exporter.
- c) d) The consignee is the person or body to whom the goods are to be sent. If the consignee is the same as the end-user, (d) can be left blank
- e)-h) The end-user details should be those of the person or body to whom the controlled items are exported.

##### Paragraph 2: Goods

We need to understand what the controlled items are and to be able to compare them with the controlled items described in the licence application. We need a detailed description of the main item or items. If, for example, the main item or items are accompanied by a long list of spares or accessories, you should indicate this, but it may not need to spell out all the items individually. If the goods are spares, components or accessories, you should indicate what they are to be used for, and describe clearly the item in or with which they will be used (e.g. turbine blades for XX engine for YY aircraft).

##### Paragraph 3: Purpose of the goods

If the controlled items are to be incorporated into another product, then *that* product – and its use – should also be described.

##### Paragraph 4: End-user undertaking

To be completed by the body or person, in the country of ultimate destination, to whom the controlled items are exported will make final use of the controlled item(s).

##### Paragraph 5: Consignee undertaking

If paragraph 4 cannot be completed, this must be completed by the person or body to whom the controlled are to be sent, by the importer if the importer is not the final user.

**Annexure C**

**UNDERTAKING BY PERSON WHO APPLIES FOR RE-EXPORTATION OF CONTROLLED ITEMS**

**(must accompany every application for re-exportation of controlled items)**

**PLEASE SEND TO:**  
The NCACC Secretariat  
Private Bag X910  
**PRETORIA**  
0001

<b>Date of application</b>			
<b>Applicant's Reference</b>			
<b>Date Received:</b>		<b>Registry No:</b>	

DETAILS OF APPLICANT					
Name and Postal Address			Physical Address		
1.					
1.1	Trading As:		1.4	Facsimile:	
1.2	Telephone No:		1.5	e-mail:	
1.3	Website:				
UNDERTAKING BY APPLICANT					
2.	I, the applicant for the permit set out in paragraph 3, hereby give an undertaking that the re-exportation of controlled items relating the said permit does not violate end-user requirements set by any foreign supplier.				
RE-EXPORTATION PERMIT APPLIED FOR					
3.					

COMPANY INFORMATION			
List of the Principal Executive Officer, Directors, Partners and Owners of the company and identification numbers			
	Member	Position	Identification Number
4.			