

DEPARTMENT OF TRADE AND INDUSTRY

NO. 492

29 MARCH 2019

NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION ACT, 1993
(ACT NO. 87 OF 1993)

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

Definitions

1. In this Notice any word or expression to which a meaning has been assigned in the Act bears the meaning so assigned and, unless the context otherwise indicates—

"component parts" means an integral part of plants, systems, assemblies or equipment without which the plant, system, assemblies or equipment will not perform their intended function or achieve the characteristics or performance level that make the plants, systems, assemblies or equipment controlled goods;

"fabrication" includes production, prototyping, installation, commissioning and contractual after-sales servicing;

"manufacture" includes research, development and fabrication;

"Nuclear Suppliers Group" is a group of nuclear supplier countries that seeks to contribute to the non-proliferation of nuclear weapons through the implementation of two sets of guidelines for nuclear exports and nuclear-related exports;

"services" includes freight forwarding, storing and stockpiling (if not part of the manufacture and transfer processes), transporting, maintaining (repairing, overhauling, refurbishing), trading, consulting, disposing, and technical assistance;

"the Act" means the Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No. 87 of 1993), and

"transfer" means the change of ownership or custodianship, or a change in the location of goods, services and technology related to controlled goods, whether or not such goods, services and technology cross an international border.

Declaration

2. I, Dr Rob Davies, Minister of Trade and Industry, under section 13(1) of the Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No. 87 of 1993), and on the recommendation of the South African Council for the Non-Proliferation of Weapons of Mass Destruction, hereinafter referred to as the Council, hereby declare—

- (a) all the goods listed in the Annex: List of Nuclear-Related Dual-Use Equipment, Materials, Software, and Related Technology as contained in the International Atomic Energy Agency (IAEA) INFCIRC/254/Rev.10/Part 2 (Corrected) dated 5 February 2018, hereinafter referred to as the NSG Part 2 Guidelines, as published on the Council website at <http://www.thedti.gov.za/nonproliferation>, to be controlled goods;
- (b) that the implementation of controls contained herein, on the controlled goods, shall be subject to consideration of the Nuclear Suppliers Group Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Materials, Software, and related Technology, as contained in the NSG Part 2 Guidelines, as published on the Council website at <http://www.thedti.gov.za/nonproliferation>, and any other obligation required in terms of section 6(1) of the Act.
- (c) the services with regard to goods indicated in paragraph 2(c) of this notice to be controlled goods; and
- (d) the component parts contemplated in Item 4 of the General Note of the NSG Part 2 Guidelines to be controlled goods.

3. I hereby—

- (a) in terms of section 13(2)(b) of the Act, further determine that the import, export, re-export and transit (including transshipment) of the controlled goods, as listed in the NSG Part 2 Guidelines, may only take place under a permit issued by the Council;
- (b) in terms of section 13(2)(c) of the Act, determine that the Council may require a State-to-State assurance or an end-user or end-use certificate for the export or re-export of controlled goods as listed in the NSG Part 2 Guidelines; and
- (c) in terms of section 13(2)(f) of the Act, determine that the manufacture of, and provision of, services with regard to controlled goods listed in Items 2.E.1, 3.B.5, 3.E.1, 4.B.1, 4.B.2, and 4.E.1 of the NSG Part 2 Guidelines, shall take place under a permit issued by the Council.

Controlled goods

4. The list of nuclear-related dual-use equipment, materials, software and related technology items is contained in the INFCIRC/254/Rev.10/Part 2a (Corrected) dated 5 February 2018, as published on the Council website at <http://www.thedti.gov.za/nonproliferation>.

Application forms

5. Application forms for the permits contemplated in paragraph 3 of this Notice may be obtained from any of the following addresses:

- (a) Postal address:
The Secretariat
South African Council for the Non-Proliferation of Weapons of Mass Destruction
Private Bag X84
PRETORIA
0001; or

- (b) Physical address:
The Secretariat
South African Council for the Non-Proliferation of Weapons of Mass
Destruction
77 Meintjies Street
Sunnyside
PRETORIA; or
- (c) The website of the South African Council for the Non-Proliferation of
Weapons of Mass Destruction at
<http://www.thedti.gov.za/nonproliferation>.

Repeal

6. Government Notice No. 20 of 3 February 2010, as amended by the Notice of Amendment, Government Notice No. 76 of 15 February 2015 is hereby repealed.

A handwritten signature in blue ink, appearing to read 'Rob Davies', is positioned above the printed name and title.

DR ROB DAVIES, MP
MINISTER OF TRADE AND INDUSTRY

KITSISO YA PUSO**LEFAPHA LA KGWEBISANO LE MADIRELO*****NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION ACT, 1993***
(MOLAO 87 WA 1993)

TLHOMAMISO YA DIDIRISWAGABEDI TSE DI AMANANG LE NYUTLELIA, DIMATERIALE, DIKAROLOFEFO LE THEKENOLOJI E E MALEBA JAAKA DITHOTO TSE DI KA FA TLASE GA TAOLO, LE MEKGWATAOLO E E DIRISWANG MO DITHOTONG TSEO

Ditlhaloso

1. Mo Kitsisong eno, lefoko kgotsa tlhagiso nngwe le nngwe e e neilweng bokao mo Molaong e na le bokao jo e bo neilweng e bile, ntle le fa bokao bo kaya ka mokgwa mongwe—

"dikarolo tsa komponente" di kaya karolo ya botlhokwa ya dipolante, disisitime, diagwa kgotsa didiriswa tseo ntle le tsona polante, sisitime, diagwa kgotsa didiriswa di ka se direng tiro e e ikaeletsweng kgotsa di ka se fitheleleng dipharologants'ho kgotsa maemo a tiragatso a a dirang gore dipolante, disisitime, diagwa kgotsa didiriswa di nne dithoto tse di ka fa tlase ga taolo;

"tlhagiso" e akaretsa tlhagisokumo, go dira dikaotheo, kgokelelo, go dira ditlhatlhobo le dikonteraka tsa morago ga theko ya ditlhagiso;

"popo" e akaretsa tlhotlhomiso, tshimololo le tlhagiso;

"Setlhopha sa Batlamedi ba Nyutlelia" ke setlhopha sa dinaga tse di tlamelang ka nyutlelia tse di batlang go tshegetsa thibelo ya kanamo ya dibetsa tsa nyutlelia ka go tsenya mo tirisong disete tse pedi tsa ditaelo tsa dithomelontle tsa nyutlelia le dithomelontle tse di amanang le nyutlelia;

"ditirelo" di akaretsa keteletsopole ya morwalo, peo le poloko ya dithoto (fa e se karolo ya dikgato tsa popo le phuduso), thwalo, pabalelo (go baakanya, go ntšhwafatsa, go tlhabolola), kgwebisano, therisano, thotloetso le thuso ya setegeniki;

"Molao" o kaya *Non-Proliferation of Weapons of Mass Destruction Act, 1993* (Molao 87 wa 1993), le

"tshutiso" e kaya phetolelo ya bong kgotsa tsholo, kgotsa phetolo ya lefelo le dithoto, ditirelo le dithoto tse di tse di amanang le thekenoloji go dithoto tse di ka fa tlase ga taolo, go sa kgathalesege gore dithoto, ditirelo le thekenoloji eo di tshela melelwane ya boditšhabatšhaba kgotsa nnyaa.

Tlhomamiso

2. Nna, Ngaka Rob Davies, Tona ya Kgwebisano le Madirelo, ka fa tlase ga karolo 13(1) ya *Non-Proliferation of Weapons of Mass Destruction Act, 1993* (Molao 87 wa 1993), le ka katlanegiso ya Khansele ya Aforikaborwa ya Thibelo ya Kanamo ya Dibetsa tsa Tshenyo ka Mogoso, e fano e bidiwang Khansele, ke tlhomamisa—

- (a) dithoto tsotlhe tse di tlhagisitsweng mo Mametlelelong: Lenane la Didiriswagabedi tse di Amanang le Nyutlelia, Dimateriale, Dikarolofefo le Thekenoloji e e Maleba jaaka di fitlhelwa mo *International Atomic Energy Agency (IAEA) INFCIRC/254/Rev.10/Part 2* (E e siamisitsweng) ya di 5 Tlhakole 2018, e fano e bidiwang *NSG Part 2 Guidelines*, jaaka e phasaladitswe mo webesaeteng ya Khansele mo <http://www.thedti.gov.za/nonproliferation>, go nna dithoto tse di ka fa tlase ga taolo;
- (b) gore go tsenngwa mo tirisong ga ditaolo tse di fitlhelwang fano, mo dithotong tse di ka fa tlase ga taolo, go tla dirwa go ya ka *Nuclear Suppliers Group Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Materials, Software, and related Technology*, jaaka di fitlhelwa mo *NSG Part 2 Guidelines*, jaaka e phasaladitswe mo webesaeteng ya Khansele mo <http://www.thedti.gov.za/nonproliferation>, le ditlamego dingwe le dingwe tse di tlhokegang go ya ka karolo 6(1) ya Molao.

- (c) ditirelo mabapi le dithoto tse di tlhagisitsweng mo temaneng 2(c) ya kitsiso eno go nna dithoto tse di ka fa tlase ga taolo; le
- (d) dikarolo tsa komponente tse di kailweng mo Ntlheng 4 ya Ntlhakakaretso ya *NSG Part 2 Guidelines* go nna dithoto tse di ka fa tlase ga taolo.

3. Ke—

- (a) go ya ka karolo 13(2)(b) ya Molao, tlhomamisa gape gore thomeloteng, thomelontle, thomelogape le phetiso (go akaretsa le thomelo kwa lefelogareng) ya dithoto tse di ka fa tlase ga taolo, jaaka di tlhagisitswe mo *NSG Part 2 Guidelines*, e ka dirwa ka fa tlase ga tumelelo e e rebotsweng ke Khansele;
- (b) go ya ka karolo 13(2)(c) ya Molao, tlhomamisa gore Khansele e ka lopa netefatso ya go tswa kwa Pusong go ya kwa Pusong kgotsa kwa modirising kgotsa setifikeiti sa tiriso mabapi le thomelontle kgotsa thomelogape ya dithoto tse di ka fa tlase ga taolo jaaka di tlhagisitswe mo *NSG Part 2 Guidelines*; le
- (c) go ya ka karolo 13(2)(f) ya Molao, tlhomamisa gore popo ya, le tlamelo ya, ditirelo mabapi le dithoto tse di ka fa tlase ga taolo tse di tlhagisitsweng mo Dintlheng 2.E.1, 3.B.5, 3.E.1, 4.B.1, 4.B.2, le 4.E.1 tsa *NSG Part 2 Guidelines*, e tla diragala ka fa tlase ga tumelelo e e rebotsweng ke Khansele.

Dithoto tse di ka fa tlase ga taolo

4. Lenane la dintlha tsa didirswagabedi tse di amanang le nyutlelia, dimateriale, dikarolofefo le thekenoloji e e maleba le fitlhelwa mo *INFCIRC/254/Rev.10/Part 2a* (Ee siamisitsweng) ya di 5 Tlhakole 2018, jaaka e phasaladitswe mo webesaeteng ya Khansele mo <http://www.thedti.gov.za/nonproliferation>.

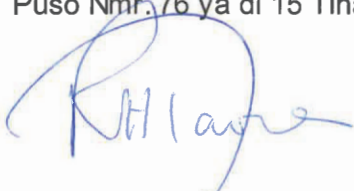
Diforomo tsa kopo

5. Diforomo tsa kopo tsa ditumelelo tse di kailweng mo temaneng 3 ya Kitsiso eno di ka fitlhelwa mo nngweng ya diaterese tse di latelang:

- (a) Aterese ya poso:
The Secretariat
South African Council for the Non-Proliferation of Weapons of Mass
Destruction
Private Bag X84
PRETORIA
0001; kgotsa
- (b) Aterese ya ofisi:
The Secretariat
South African Council for the Non-Proliferation of Weapons of Mass
Destruction
77 Meintjies Street
Sunnyside
PRETORIA; kgotsa
- (c) Webesaete ya Khansele ya Aforikaborwa ya Thibelo ya Kanamo ya
Dibetsa tsa Tshenyo ka Mogoso
<http://www.thedti.gov.za/nonproliferation>.

Phimolo

6. Kitsiso ya Puso Nmr. 20 ya di 3 Tlhakole 2010, jaaka e tlhabolotswe ka Kitsiso ya Puso Nmr. 76 ya di 15 Tlhakole 2015, e a phimolwa.



NGAKA ROB DAVIES, MP

TONA YA KGWEBISANO LE MADIRELO