
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 318

8 April 2021

**NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION ACT, 1993
(ACT NO. 87 OF 1993)****DECLARATION OF CERTAIN MISSILE TECHNOLOGY AND RELATED ITEMS 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 Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No. 87 of 1993), bears the meaning so assigned and, unless the context otherwise indicates—

"component parts" means an integral part of plants, systems, subsystems, assemblies, 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, subsystems, assemblies, equipment controlled goods;

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

"manufacture" includes research, development and fabrication;

"Missile Technology Control Regime " is an informal political understanding amongst states that seek to limit the proliferation of missiles and missile technology and weapon of mass destruction by controlling the exports of goods and technologies that could make a contribution to delivery systems (other than manned aircraft) for such weapons;

"Production facilities" Means "production equipment" and specially designed "software" therefor integrated into installations for "development" or for one or more phases of "production";

"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);

"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, Mr Ebrahim Patel, Minister of Trade, Industry and Competition, 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) the goods listed in the Missile Technology Control Regime MTCR/TEM/2019/Annex dated 11 October 2019, herein referred to as the MTCR Annex, as published on the Council website at <http://non-proliferation.thedtic.gov.za/>, to be controlled goods;

(b) that the implementation of controls contained herein, on the controlled goods, would also be subject to consideration of the applicable guidelines as determined by the Missile Technology Control Regime;

(c) the services with regard to goods indicated in paragraph 2(d) of this Notice to be controlled goods; and

(d) component parts to be controlled goods.

3. I hereby—

(a) in terms of section 13(2)(a) of the Act, further prohibit the transfer of Category I production facilities listed in the MTCR/TEM/2019/Annex dated 11 October 2019

(MTCR Annex);

- (c) 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 the controlled goods listed in the MTCR Annex; and
- (d) in terms of section 13(2)(f) of the Act, determine that the manufacture of, and provision of services with respect to the controlled goods listed in paragraphs 1, 2, 19 and 20 of the MTCR Annex, shall take place under a permit issued by the Council.

Controlled goods

- 4. The list of missile-related controlled goods and related technology is contained in the MTCR Annex, as published on the Council website at <http://non-proliferation.thedtic.gov.za/>.

Guidelines

- 5. The implementation of controls contained herein on the controlled goods would also be subject to consideration of the Missile Technology Control Regime Guidelines published as Guidelines for Sensitive Missile-Relevant Transfers on the Council website at <http://non-proliferation.thedtic.gov.za/>, and any other obligation required in terms of section 6(1) of the Act.

Application forms

- 6. 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) Website of the South African Council for the Non-Proliferation of Weapons of Mass Destruction at <http://non-proliferation.thedtic.gov.za/>.

Repeal

7. Government Notice No. 491 of 29 March 2019 in Government Gazette No. 42337 is hereby repealed.



Ebrahim Patel
Minister of Trade, Industry and Competition

TSEBIŠO YA MMUŠO**KGORO YA KGWEBIŠANO, INTASTERI LE PHADIŠANO**

**MOLAO WA THIBELO YA BOATI BJA DIBETŠA TŠA TSHENYO KA BONTŠI, WA 1993
(MOLAO WA NO. YA 87 WA 1993)**

**PEGO YA TAOLO YA DIBETŠA TŠA THEKNOLOTŠI TŠEO DI ITŠEGO LE DIDIRIŠWA
TŠEO DI AMANAGO, GAMMOGO LE MAGATO A TAOLO AO A ŠOMIŠWAGO GO
DIDIRIŠWA TŠA MOHUTA WO BJALO**

Ditlhalošo

1. Mo go Tsebišo ye, lentšu le lengwe le le lengwe goba mmolelwana wo o nago le tlhalošo go Molao wa Thibelo ya Boati bja Dibetša tša Tshenyo ka Bontši, wa 1993 (Molao wa No. ya 87 wa 1993), le rwala tlhalošo yeo le e abetšwego, ntle le ge diteng di bolela se sengwe—

"didirišwa tše bohlokwa" e ra karolo ye bohloko ya dimela, mananeotshepedišo, mananeotshepedišofasana, dikgoboketšo, didirišwa tše ntle le tšona dimela, mananeotshepedišo, dikgoboketšo goba didirišwa di ka se kgonego go phetha mešomo ya tšona ya maleba goba go fihlelela maswao goba maemo a phethagatšo ya mošomo ao a dirago dimela, mananeotshepedišo, mananeotshepedišofasana, dikgoboketšo, didirišwa tša taolo;

"ditlhangwa" e akaretša tšweletšo, tšweletšo ya mohlala wa sedirišwa, go hloma, go dira ditirelo tša ka morago ga thekišo go ya ka konteraka;

"tšweletšo " e akaretša nyakišišo, tšweletšo, tihamo;

"Taolo ya Pušo go Theknolotši ya Dibetša " ke tumelano yeo e sego ya semmušo magareng ga dinaga yeo e nyakago go kgaola boati bja dibetša le theknolotši ya dibetša gammogo le dibetša tša tshenyo ka bontši ka go laola kišontle ya didirišwa tše le theknolotši yeo e ka thušago go dira mananeotshepedišo a go di tliša (ka ntle le ka difofane tša go sepediša didirišwa) dibetša tše bjalo;

"Meago ya tšweletšo" e ra "tšweletšo ya didirišwa" gammogo le "lenaneotiragatšo la khomphutha" leo le hlamilwego, ka gona le hlomilwego go "tšweletša" goba bjalo ka legato le tee goba a mantši a "tšweletšo";

"ditirelo" e akaretša go sepedišetšwa thoto, poloko le poloko ya dilo ka bontši (ge e ba ga se karolo ya go tšweletšwa le tshepedišo ya go fetišetša), go rwala, go hlokomela (lokiša, mpshafatša, kgabiša), kgwebišano, therišano, thulaganyo, gammogo le thušo ya sethekniki;

"Molao" o ra Molao wa Thibelo ya Boati bja Dibetša tša Tshenyo ka Bontši, wa 1993 (Molao wa No. ya 87 wa 1993);

"phetišetšo" e ra go fetišetša maemo a go ba mong wa selo goba tlhokomelo ya sona, goba phetogo ya lefelo la didirišwa, ditirelo le didirišwa tšeo di laolago ke theknolotši, go sa kgathalege gore didirišwa, ditirelo gammogo le theknolotši tše bjalo di sela melwane ya boditšhabatšhaba.

Pego

2. Nna, Ebrahim Patel, Tona ya Kgwebišano, Intasteri le Phadišano, ka fase ga karolo ya 13(1) ya Molao wa Thibelo ya Boati bja Dibetša tša Tshenyo ka Bontši, wa 1993 (Molao wa No. ya 87 wa 1993), le ka keletšo ya Khansele ya Afrika Borwa ya Thibelo ya Boati bja Dibetša tša Tsheyo ka Bontši, yeo e bitšwago mo bjalo ka Khansele, ke bega gore —
 - (a) didirišwa tšeo di ngwadilwego go Taolo ya Pušo ya Dibetša tša Theknolotši MTCR/TEM/2019/Annex ya di 11 Oktobore 2019, yeo mo e tsebjago bjalo ka MTCR Annex, bjalo ka ge e gatišitšwe go letlakala la inthanete la Khansele go <http://non-proliferation.thedtic.gov.za/>, e be didirišwa tšeo di laolwago;
 - (b) gore phethagatšo ya taolo ye e lego ka gare, go didirišwa tšeo di laolwago, e tla šetšwa go dihlahlile tšeo di šomišwago bjalo ka ge di dirwa ke Taolo ya Pušo ya Dibetša tša Theknolotši;
 - (c) ditirelo tša mabapi le didirišwa tšeo di ngwadilwego go temana ya 2(d) ya Tsebišo di tla ba didirišwa tšeo di laolwago; gammogo le
 - (d) didirišwa tše bohlokwa di tla ba didirišwa tšeo di laolwago.

3. ke dira—

- (a) go ya ka karolo ya 13(2)(a) ya Molao, ke ganetša go ya pele ga go fetišetšwa ga meago ya go tšweletša ya Legoro la I yeo e ngwadilwego go MTCR/TEM/2019/Annex ya di 11 Oktobore 2019 (MTCR Annex);
- (c) go ya ka karolo ya 13(2)(c) ya Molao, ke laetša gore Khansele e ka nyaka netefatšo go Naga le Naga, goba setefikeiti sa tšhomišo sa kišontle goba kišontle gape ga didirišwa tšeo di laolwago tšeo di ngwadilwego go MTCR Annex; gammogo le
- (d) go ya ka karolo ya 13(2)(f) ya Molao, ke laetša gore tšweletšo ya, le go fana ka ditirelo tša malebana le didirišwa tšeo di laolwago tšeo di ngwadilwego go ditemana tša 1,2,19 le 20 tša MTCR Annex, di tla diragala ka fase ga lengwalotumelelo leo le ntšhitšwego ke Khansele.

Didirišwa tšeo di laolwago

- 4. Lenaneopalo la dibetša tšeo di amanago tša go laolwa gammogo le theknolotši yeo e amanago le akareditšwe ka gare ga MTCR Annex, bjalo ka ge le gatišitšwe go letlakala la inthanete la Khansele go <http://non-proliferation.thedtic.gov.za/>.

Dihlahli

- 5. Phethagatšo ya ditaolo tšeo di akareditšwego ka gare ga didirišwa tšeo di laolwago le tšona di tla akanywa go Dihlahli tša Taolo ya Pušo ya Dibetša tša Theknolotši tšeo di gatišitšwego bjalo ka Dihlahli tša Phetišetšo ya Dibetša tšeo di amegago go letlakala la inthanete la Khansele go <http://non-proliferation.thedtic.gov.za/>, gammogo le maswanedi ao a nyakegago go ya ka karolo ya 6(1) ya Molao.

Diforomo tša kgopelo

6. Diforomo tša go dira kgopelo ya mangwalotumelelo ao a ngwadilwego go temana ya 3 ya Tsebišo ye di ka hwetšagala go ye nngwe le ye nngwe ya di aterese tše di latelago:

- (a) Aterese ya Poso:

Mongwaledi

South African Council for the Non-Proliferation of Weapons of Mass Destruction

Private Bag X84

PRETORIA

0001; or

- (b) Aterese ya Moago:

Mongwaledi

South African Council for the Non-Proliferation of Weapons of Mass Destruction

77 Meintjies Street

Sunnyside

PRETORIA; or

- (c) Letlakala la inthanete la Khansele ya Afrika Borwa ya Thibelo ya Boati bja Dibetša tša Tshenyo ka Bontši la <http://non-proliferation.thedtic.gov.za/>.

Phedišo

7. Tsebišo ya Mmušo ya No. ya 491 ya di 29 Matšhe 2019 ka go Kuranta ya Mmušo ya No. ya 42337 e a fedišwa.



MNA. EBRAHIM PATEL

TONA YA KGWEBIŠANO, INTASTERI LE PHADIŠANO