

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 319

8 April 2021

**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 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 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), as amended, 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, 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) 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.11/Part 2a (Corrected) dated 18 October 2019, hereinafter referred to as the NSG Part 2 Guidelines, 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, 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://non-proliferation.thedtic.gov.za/>, 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.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.11/Part 2a (Corrected) dated 18 October 2019, as published on the Council website at <http://non-proliferation.thedtic.gov.za/>.

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://non-proliferation.thedtic.gov.za/>

Repeal

6. Government Notice No. 492 of 29 March 2019 in Government Gazette No. 42337 is
hereby repealed.



Ebrahim Patel
Minister of Trade, Industry and Competition

KITSISO YA PUSO**LEFAPHA LA KGWEBISANO, MADIRELO LE KGAISANO****NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION ACT, 1993
(MOLAO 87 WA 1993)****TLHOMAMISO YA DIDIRISWA TSA TIRISOSEBEDI TSE DI AMANANG LE
NYUTLELIA, DIMATHERIALE, DIDIRISWANOLO LE THEKENOLOJI E E AMANANG
JAAKA DITHOTO TSE DI LAOLWANG, LE DITSELA TSA TAOLO TSE DI
DIRISWANG MO DITHOTONG TSEO****Ditlhaloso**

1. Mo Kitsisong eno lefoko lefe kgotsa tlhagiso efe e e neilweng bokao mo *Non-Proliferation of Weapons of Mass Destruction Act, 1993* (Molao 87 wa 1993), e nna le bokao jo e bo neilweng e bile, ntle le fa bokao bo kaya ka mokgwa osele—

"dikarolwana tsa mmele" di kaya dikarolo tsa botlhokwa tsa dipolante, dithulaganyo, dithulaganyopotlana, dikgokaganyo, didiriswa tse ntle le tsona polante, thulaganyo, dikgokaganyo kgotsa didiriswa di ka se dire tiro e e lebeletsweng kgotsa di fitlhelele dipharologantsho kgotsa maemo a tiragatso a a dirang dipolante, dithulaganyo, dithulaganyopotlana, dikgokaganyo kgotsa dithoto tse di laolwang ka didiriswa;

"botlhami" bo akaretsa tlhagiso, go dira mofuta o o tshwanang le wa ntsha, tsenyo, thebolo le tirelo e e diretsweng konteraka ya morago ga theko;

"tlhagiso" e akaretsa patlisiso, nonofiso le botlhami;

"Setlhopha sa Batlamedi ba Nyutlelia" ke setlhopha sa dinaga tse di tlamelang ka nyutlelia se se batlang go thusa mo go thibeleng koketsego ya dibetsa tsa nyutlelia ka go tsenya mo tirisong disete tse pedi tsa dintlhakaelo tsa thomelontle ya nyutlelia le dithomelontle tse di amanang le nyutlelia;

"ditirelo" di akaretsa go romelwa ga morwalo, go bolokwa le go kokoanngwa ga thoto (fa e se karolo ya ditsamaiso tsa tlhagiso le tshutiso), go rwalwa, go tlhokomelwa (go baakanya, go ntšhafatsa, go tlhabolola) go gwebisana, go rerisana, go latlha, le thuso ya setegeniki;

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

"tshutiso" e kaya phetolo ya bong kgotsa botlhokomedi, kgotsa phetolo ya lefelo la dithoto, ditirelo le thekenoloji e e amanang le dithoto tse di laolwang, go sa kgathalesege gore dithoto tseo, ditirelo le thekenoloji eo di kgabaganya molelwane wa boditšhabatšhaba kgotsa nnyaa.

Tlhomamiso

2. Nna, Rre Ebrahim Patel, Tona ya Kgwebisano, Madirelo le Kgaisano, 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 Aforika Borwa ya Thibelo ya Koketsego ya Dibetsa tsa Tshenyo ya Mogoso, e fano e kaiwang jaaka Khansele, ke tlhomamisa—

- (a) dithoto tsotlhe tse di tlhagisitsweng mo Mametlelelong: Lenane la Didiriswa tsa Tirisosebedi tse di Amanang le Nyutlelia, Dimatheriale, Didiriswanolo, le Thekenoloji e e Amanang jaaka di tsentswe mo *International Atomic Energy Agency (IAEA) INFCIRC/254/Rev.11/Part 2a* (E e siamisitsweng) ya letlha la di 18 Diphilane 2019, e fano e kaiwang jaaka Dintlhakaeolo tsa NSG Karolo 2, jaaka e phasaladitswe mo webesaeteng ya Khansele mo <http://non-proliferation.thedtic.gov.za/>, go nna dithoto tse di laolwang;
- (b) gore go tsenngwa mo tirisong ga ditaolo tse di fitlhelwang fano, tsa dithoto tse di laolwang, di tla nna go latela tshekatsheko ya Dintlhakaelo tsa Setlhopha sa Batlamedi ba Nyutlelia tse di mabapi le Tshutiso ya Didiriswa tsa Tirisosebedi tse di Amanang le Nyutlelia, Dimatheriale, Didiriswanolo, le Thekenoloji e e Amanang, jaaka di tsentswe mo Dintlhakaelong tsa NSG Karolo 2, jaaka e phasaladitswe mo webesaeteng ya Khansele mo <http://non-proliferation.thedtic.gov.za/>, le tlamego nngwe le nngwe e e tlhokegang go ya ka karolo 6(1) ya Molao.

- (c) ditirelo tse di mabapi le dithoto tse di umakilweng mo temaneng 2(c) ya Kitsiso eno go nna dithoto tse di laolwang; le
- (d) dikarolwana tsa mmele tse di umakilweng mo Ntlheng 4 ya Ntlhakakaretso ya Dintlhakaelo tsa NSG Karolo 2 go nna dithoto tse di laolwang.

3. Ke—

- (a) go ya ka karolo 13(2)(b) ya Molao, tlhomamisa gape gore thomelogare, thomelontle, thomelontlegape le thwalo (go akaretsa le thomelo ya thoto kwa lefelogareng pele e romelwa kwa bogorogelong) ya dithoto tse di laolwang, jaaka go tlhagisitswe mo Dintlhakaelong tsa NSG Karolo 2, e ka diragala fela ka fa tlase ga lekwatotetla le le rebotsweng ke Khansele;
- (b) go ya ka karolo 13(2)(c) ya Molao, tlhomamisa gore Khansele e ka batla netefaletso ya Puso go Puso kgotsa modirisi kgotsa setifikeiti sa bodirisi mabapi le thomelontle kgotsa thomelontlegape ya dithoto tse di laolwang jaaka go tlhagisitswe mo Dintlhakaelong tsa NSG Karolo 2; le
- (c) go ya ka karolo 13(2)(f) ya Molao, tlhomamisa gore tlhagiso ya, le tlamelo ya, ditirelo tse di mabapi le dithoto tse di laolwang tse di tlhagisitsweng mo Dintlheng 2.E.1, 3.B.5, 3.E.1, 4.B.2, le 4.E.1 tsa Dintlhakaelo tsa NSG Karolo 2, e tla diragala ka fa tlase ga lekwatotetla le le rebotsweng ke Khansele.

Dithoto tse di laolwang

- 4. Lenane la dintlha tsa didiriswa tsa tirisosebedi tse di amanang le nyutlelia, dimatheriale, didiriswanolo, le thekenoloji e e amanang le fitlhelwa mo *INFCIRC/254/Rev.11/Part 2a* (E e siamisisweng) ya letlha la di 18 Diphilane 2019, jaaka e e phasaladitsweng mo webesaeteng ya Khansele mo <http://non-proliferation.thedtic.gov.za/>.

Diforomo tsa go dira kopo

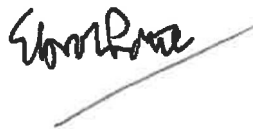
- 5. Diforomo tsa go dira kopo ya makwalotetla a a umakilweng mo temaneng 3 ya Kitsiso eno di ka fitlhelwa kwa nngweng ya diaterese tse di latelang:
 - (a) Aterese ya poso:
Bokwaledi
South African Council for the Non-Proliferation of Weapons of Mass Destruction
Private Bag X84
PRETORIA
0001; kgotsa
 - (b) Aterese ya lefelo:

Bokwaledi
South African Council for the Non-Proliferation of Weapons of Mass
Destruction
77 Meintjies Street
Sunnyside
PRETORIA; kgotsa

- (c) Webesaete ya Khansela ya Aforika Borwa ya Thibelo ya Koketsego ya
Dibetsa tsa Tshenyo ya Mogoso mo <http://non-proliferation.thedtic.gov.za/>

Phimolo

6. Kitsiso ya Puso Nmr. 492 ya di 29 Mopitlwe 2019 mo Lokwalodikgannyeng la Puso
Nmr. 42337 e a phimolwa fano.



RRE EBRAHIM PATEL

TONA YA KGWEBISANO, MADIRELO LE KGAISANO