



Policy for the Control of Trade in Conventional Arms

**For the Defence-related industry and all other
persons subject to the provisions of the
National Conventional Arms Control Act**

**Issued by the National Conventional Arms Control Committee
in terms of the National Conventional Arms Control Act,
(Act 41 of 2002)**

January 2004

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DEFINITIONS OF TERMS USED IN THESE REGULATIONS

1. Apostille Stamp. The Apostille is a validation stamp of authentication recognised by countries that are State Parties to The Hague Convention of 1961.
2. Designated Dual-Use Goods. Designated Dual-Use Goods are classified as sensitive or very sensitive in the Dual-Use Goods list (*as specified in the Annexure to the Regulations*) or as decided by the NCACC and are subjected to similar regulatory control procedures as conventional arms.
3. Design Authority. The holder of the intellectual property rights of a conventional arm is called the design authority.
4. Internal Transfer. An Internal Transfer means the change of ownership of conventional arms within the borders of South Africa.
5. Person. A person as referred to in this document means a natural person who is a citizen of / or is permanently resident in South Africa, a juristic person registered or incorporated in South Africa and any foreign person located in South Africa or otherwise subject to the jurisdiction of South Africa.
6. Regulations. Regulations mean the Regulations to the National Conventional Arms Control Act, Act 41 of 2002.
7. Technology and Software (Wassenaar Arrangement). Refers to specific information necessary for the development, production or use of conventional arms. The information takes the form of technical data or technical assistance.
 - a. Technical Data. Technical data may take forms such as blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, manuals and instructions recorded by any means on any storage device.
 - b. Technical Assistance. Technical assistance is defined as technical support related to repairs, development, manufacture, assembly, testing, use, maintenance or any other technical assistance.

- c. Software. A collection of one or more “programmes” or “micro-programmes” fixed in any tangible medium of expression.
8. Transfer of Technology and Software. Transfer of any technology or software, means the transfer by any electronic or non-electronic means, or any combination of electronic or non-electronic means, from a person or place within South Africa.
- a. Electronic Transfer. Electronic transfers mean the transmission of conventional arms related software or technology by electronic media such as telephone, fax, e-mail, teleconference and computer media.
 - b. Non-Electronic Transfer. Non Electronic transfer means a disclosure of software or technology related to conventional arms, including
 - (i) reading out or describing technology contained in a document in such a way as to achieve substantially the same result as if handing over the document; and
 - (ii) all written or graphic documents or computer software in any format.

1. PURPOSE OF REGULATORY POLICY

- a. In a competitive international market, it is important that South Africa and its defence industry be regarded as a responsible and reliable supplier of defence materiel. The government will support the export initiatives of the defence industry by permitting it to contract and honour obligations that have been duly approved. However, the government reserves the right to prohibit or withdraw such support should it be in conflict with national or international interests at any time.
- b. South Africa is a responsible member of the international community and contributes towards bringing about international peace and security through maintaining integrity in the trade in conventional arms. The National Conventional Arms Control Committee is committed to a policy of responsibility and accountability in the regulation and control of the trade in conventional arms.
- c. South Africa recognises best international arms control practices. The Government acknowledges the need for consistency and effective communications between industry and the NCACC. Trade in conventional arms forms an integral part of Foreign, Defence, Trade and Industrial policy and initiatives.
- d. The areas of Government control of armaments and related equipment at national level are:
 - (i) Conventional Arms and Services.

- (ii) Rendering of Foreign Military Assistance.
 - (iii) Firearms, Ammunition, Explosives and Teargas.
 - (iv) Weapons of Mass Destruction and Dual-use items.
 - (v) Nuclear Materials and Related Technology.
- e. This policy serves as a directive to traders in conventional arms.

2. INTERNATIONAL TREATIES AND AGREEMENTS ON CONVENTIONAL ARMS

- a. The South African Government adheres to the following international treaties, agreements, arrangements, norms and practices on conventional arms:
- (i) Convention on Prohibitions or Restrictions on the Use of Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects (CCW). (Also known as the Certain Conventional Weapons Convention or the Inhumane Weapons Convention). South Africa has ratified the CCW and its Protocols dealing with conventional arms incorporating non-detectable fragments, land mines, booby traps and other devices, incendiary weapons and blinding laser weapons.
 - (ii) Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. South Africa has ratified this Convention in which State Parties undertake to ban the use, stockpiling, production and transfer of anti-personnel mines and ensure the destruction of stockpiles and cleared mines in mined areas under their jurisdiction and control.
 - (iii) Wassenaar Arrangement. The Wassenaar Arrangement (WA) is a global multilateral arrangement of export controls for conventional weapons and sensitive dual-use goods and technologies. The WA contributes towards regional and international security and stability by promoting transparency and accountability in the transfer of conventional arms and military dual-use goods and technologies. Participating states ensure that transfers of conventional arms and military dual-use goods and technologies items contribute towards the goals of the Wassenaar Arrangement through their national regulatory policies.

- (iv) Missile Technology Control Regime (MTCR). The MTCR is an informal and voluntary association of countries, which share the goals of non-proliferation of unmanned delivery systems for weapons of mass destruction and which seek to co-ordinate national regulatory controls aimed at preventing their proliferation. The MTCR contains guidelines for sensitive missile-relevant transfers that include all ballistic and cruise missiles capable of delivering nuclear, biological and chemical weapons.
- (v) The Hague Code of Conduct against Ballistic Missile Proliferation (HCOOC). The HCOOC provides for a minimalist code of conduct with basic principles and transparency measures for the prevention of the proliferation of ballistic missiles capable of delivering weapons of mass destruction. The HCOOC makes provision for the exchange of pre-launch notifications by Subscribing States on their Ballistic Missile and Space Launch Vehicle launches and test flights. South Africa subscribes to the HCOOC.
- (vi) UN Register of Conventional Arms. This Register is a transparency and confidence-building mechanism. Member States voluntarily report to the UN imports and exports of major conventional weapons systems in specified categories. Additionally States that wish to do so report on their national holdings, procurement through national production and their national conventional arms control policies.
- (vii) United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Aspects. This programme is the only globally recognised political framework of action that sets out the steps that Member States need to take at national, regional and global levels in order to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects.
- (viii) The SADC “Protocol on the Control of Firearms, Ammunition and Other Related Materials”. The SADC “Protocol on the Control of Firearms, Ammunition and Other Related Materials” calls upon its Members to take concrete measures and practical steps to implement the provisions of the Firearms Protocol at national level and to co-operate at regional level to eradicate illicit trade in firearms. South Africa has ratified this Protocol.

3. CONVENTIONAL ARMS TRADE SUBJECT TO CONTROL

- a. The Conventional Arms defined in Sec 1 (vi) of the Act are specified in the Annexure to the Regulations.
- b. Further interpretations and terminology applicable to the Annexure to the Regulations are included in the Annexure.

- c. The control lists defining conventional arms in the Annexure to the Regulations are specified in the Wassenaar Arrangement (WA). The WA advises on the classification of trade in conventional arms and provides two major classifications:
- (i) The List of Dual-Use Goods and Technologies (Sect 1(ix) of the Act) referred to in the Annexure to the Regulations classifies all products, technologies, services or other goods which besides their normal use and application for civilian purposes, can be used for the furtherance of general military capability. Certain Designated Dual-Use Goods will be subject to specific regulatory measures as set out in this policy.
 - (ii) The Munitions List (ML) referred to in the Annexure to the Regulations classifies armaments.
- d. Services. Services as defined in Section 1(i) and (xxv) of the Act are also controlled.
- e. Transfers of Technology and Software. The transfer of technology or software as defined in the Annexure to the Regulations by any means including electronic or non-electronic is subject to regulation, specifically
- (i) to a person or place outside South Africa, including a colleague in the same company or group based overseas, or in the course of a collaborative joint venture; or
 - (ii) to a person or place inside South Africa if that person has reason to believe that at the time of transfer such software or technology could be used outside South Africa or when that person has been informed by a Competent Authority that the software or technology may be used as referred to in Subsection 4 a.
- f. Extended Scope of Control. Notwithstanding the conventional arms specified in the Act and in the Annexure to the Regulations, the NCACC may in accordance with Sec 27 (1)(g) of the Act declare in writing to any person that a particular item or service is subject to regulatory control. Such a declaration may be issued when the NCACC has reasons to believe that the intended transfer or end-use of such goods or service would be contrary to the guiding principles and criteria set out in the Act.

4. GUIDELINES ON SCRUTINY AND ASSESSMENT

- a. In terms Sec 4 (1) (b) of the Act, traders in conventional arms must take cognisance of the fact that the following shall be taken into

account by the NCACC when taking decisions on trade in conventional arms:

- (i) South Africa's national interest and its international obligations and commitments, particularly as these relate to arms control, non-proliferation, disarmament and the implementation of international humanitarian law;
- (ii) National policy decisions not to trade in conventional arms and military equipment and / or material, equipment or technologies that could be used for the development or production of weapons of mass destruction, with
 - (1) countries involved in the systematic violation or suppression of humanitarian rights and fundamental freedoms;
 - (2) countries of proliferation concern;
 - (3) countries, individuals, groups, undertakings and entities mentioned in the United Nations Security Council Chapter 7 resolutions;
 - (4) countries, individuals, groups, undertakings and entities involved in international crime;
 - (5) countries, individuals, groups, undertakings and entities involved in international terrorism.
- (iii) National policy to avoid trade in conventional arms with countries involved in armed conflict.

5. CONVENTIONAL ARMS CONTROL PROCESS

- a. Regulatory Control. Regulatory control of trade in conventional arms incorporates
 - (i) registration;
 - (ii) authorisation to develop and manufacture conventional arms and render related services;
 - (iii) authorisation to market specified products and services;
 - (iv) authorisation to enter into an agreement to supply a particular product or service to a person registered in a foreign country;
 - (v) authorisation to transfer conventional arms across national borders; and

- (vi) authorisation for internal transfers, utilisation and the destruction of conventional arms.
- b. Process. The process for the assessment of applications to trade in conventional arms is as follows:
- (i) Directorate of Conventional Arms Control (DCAC). The DCAC is the secretariat of the NCACC and, in accordance with Sec 8(1)(a) of the Act, carries out the work incidental to the functions of the NCACC. The DCAC registers and administers applications and issues permits as authorised by the NCACC.
 - (ii) Departmental Review. The government departments below receive applications from the DCAC for review and assessment:
 - (1) Department of Defence
 - (2) Department of Foreign Affairs
 - (3) Department of Trade and Industry
 - (4) Department of Science and Technology
 - (5) National Intelligence Agency
 - (6) South African Secret Service
 - (7) South African Police Service
 - (iii) Scrutiny Committee. The Scrutiny Committee (SC) is a committee mandated by the NCACC to scrutinise departmental inputs on applications that have been collated by the DCAC and submit recommendations to the NCACC.
 - (iv) National Conventional Arms Control Committee (NCACC). The NCACC takes decisions on the authorisation or refusal of applications as prescribed by the Act.
- c. Communications in Respect of Regulatory Control
- (i) Formal Communication
 - (1) All formal communication to the NCACC is to be addressed to:

The Chairperson
National Conventional Arms Control Committee
Private Bag X910
PRETORIA
0001

- (2) Physical address for hand deliveries is:
- Directorate Conventional Arms Control
 Defence Secretariat
 Office 1.4.166
 cnr Nossob and Rigel streets
 Eramusrand Ext 3
 Pretoria.
- (3) Formal communication from industry to the NCACC must be under the signature of the Chief Executive Officer or duly authorised persons.
- (4) The Chairperson of the NCACC will, at his discretion, respond directly to such correspondence or direct the DCAC to do so on his behalf.

(ii) General Communication

- (1) The NCACC will communicate through the DCAC to industry on all general matters to the CEOs or equivalent of the individual entities.
- (2) Entities from industry are to provide the DCAC with the physical and e-mail address of their official contact person.
- (3) The DCAC serves as the nodal contact point for industry for general enquiries or advice on matters related the NCACC.

(iii) Official Diplomatic Communication. Official communication to and from foreign countries should be channelled through the Department of Foreign Affairs.

(iv) Communication with the Public. The Chairperson, at his discretion, will communicate with the public or authorise the DCAC to communicate on specific matters.

6. PERMITS AND AUTHORISATIONS

a. Introduction.

- i. The Standard Conditions applicable to permits as set out in the attached appendices are applicable with effect of the issuing of this policy.
- ii. The current applications forms and permits remain in force until superseded by later editions.

- iii. In addition to requirements set out in the Regulations and the standard conditions printed on the individual permits, traders in conventional arms must take cognisance of NCACC policy in respect of the authorisation of permits.
- b. Registration. Persons wishing to trade in conventional arms must register with the DCAC by completing the prescribed form. (Note: Confirmation of registration does not authorise the applicant to trade in conventional arms in terms of Sec 13 of the Act.)
- c. **Armaments Development and Manufacturing Permit (ADM)** (see Appendix A)
 - (i) Purpose of ADM Permit: The ADM permit authorises persons whose activities fall within the definition of trade in conventional arms in terms of the Act to trade as specified in the permit. This includes traders in dual-use goods.
 - (ii) Notes:
 - (1) Development, in relation to armaments, includes aspects such as research, design and conceptual studies, whereas manufacture includes, the assembly testing and qualification / certification thereof, modifications, refurbishing, upgrades and integration. Services relating to the above are defined in the Act.
 - (2) Any person who supplies conventional arms, services or dual-use goods to another person, or who utilises or subcontracts another person to provide such items or services, including brokering services, must ensure that such other person is also registered for that product or service with the NCACC.
- d. **Marketing Permit.** (see Appendix B)
 - (i) Purpose. The Marketing Permit identifies and registers all conventional arms (*as specified in the Munitions List contained in the Annexure to the Regulations*) and Designated Dual-Use Goods that the holder of an ADM permit may market. The holder of a Marketing Permit is authorised to market such conventional arms and services internationally.
 - (ii) Notes:
 - (1) Any person registered in South Africa who wishes to market conventional arms, services or Designated Dual-Use Goods must be the owner of the product or service that he wishes to market.

- (2) The permit holder may authorise another person as defined in the Act to market the products or services described in the permit. (See Standard Conditions (No 6) related to Marketing Permits at [Appendix B](#))

e. **Contracting Permit.** (see [Appendix C](#))

- (i) **Purpose.** The Contracting Permit grants authorisation to the permit holder to enter into an agreement(s) with a foreign client to supply specified conventional arms, services and Designated Dual-Use Goods
- (ii) **Notes:**
- (1) **Brokering.** A person resident in South Africa rendering a brokering service between persons resident in foreign countries requires a Contracting Permit.
- (2) **Extensions / Amendments to Contracting Permits.** Applications for extensions to the validity period or amendments to the content of the Contract Permit must be properly motivated and submitted to the NCACC before the expiry of the permit. The NCACC may either amend the Permit or require the applicant to submit a new Contract Permit application.

f. **Export Permit**

- (i) **Purpose.** The Export Permit regulates the transfer of conventional arms, services and Dual-Use Goods from South Africa to a person resident in a foreign country whether such export is permanent or temporary.
- (ii) **Types.** There are two distinct export permit types:
- (1) **Export Permit for Conventional Arms and Designated Dual-Use Goods.** An Export Permit ([Appendix D](#)) is required for each consignment of conventional arms (as specified in the *Munitions List in the Annexure to the Regulations*) and Designated Dual-Use Goods to be exported. Where multiple consignments (shipments) are intended against a contracting permit the applicant must provide a reconciliation of the previous exports with each new export permit application.
- (2) **Export permit for Non-designated Dual-Use Goods.** Non-designated Dual-Use Goods (as specified in the *Annexure to the Regulations*) are exported according to special conditions ([Appendix D1](#)). Multiple exports are allowed on a single permit that remains valid until the total quantity is exported during the validity period. The holder

is required to report all exports to the control authority within 30 days after expiry of the permit in a prescribed format with the Customs confirmation of each export.

(iii) Note.

- (1) An Export Permit issued for demonstration and evaluation may not be used for any purpose other than that for which it is issued.
- (2) The assessment of Export Permits intended for demonstration or evaluation will be guided by the principles as set out in section 4 above.

g. **Import Permit.** (see Appendix E)

(i) Purpose. The Import Permit regulates the transfer of conventional arms and Designated Dual-Use Goods from a person resident outside South Africa to a person inside South Africa.

(ii) Notes.

1. An Import Permit is required for each consignment of conventional arms (*as specified in the Munitions List in the Annexure to the Regulations*) that is imported. An Import Permit is also required for any demonstration or evaluation of conventional arms supplied by a person resident outside South Africa.
2. Where multiple consignments (shipments) are intended the applicant must provide a reconciliation of the previous imports with each new import permit application.

h. **Conveyance Permit** (see Appendix F)

(i) Purpose. The Conveyance Permit regulates the conveyance of foreign owned conventional arms and Designated Dual-Use Goods through or over South African territory to a foreign destination.

(ii) Notes:

- (1) No conveyer of conventional arms may transport conventional arms through or over the territory of South Africa, its territorial waters or its airspace to any other place or destination outside South Africa whether or not such conventional arms are offloaded, without a conveyance permit.
- (2) Where foreign conventional arms pass through South African ports the freight forwarder acting on behalf of the

foreign entity requesting such conveyance, must apply for a conveyance permit.

- (3) An application for a Conveyance Permit must be authorised by way of a diplomatic note from the country requesting conveyance.

i. **Advanced Marketing Authorisation.**

- (i) **Purpose.** An Advanced Marketing Authorisation (AMA) is a NCACC authorisation for an entity to offer a specific product to a specific country.
- (ii) **Notes:**
- (1) The holder of a valid Marketing Permit may request the NCACC for an Advanced Marketing Authorisation (AMA) when there is uncertainty of NCACC support for the marketing venture.
- (2) A request for an AMA is in the form of a letter from the Chief Executive Officer or equivalent of the entity to the Chairperson of the NCACC setting out the country in question, the products and the potential market.
- (3) An AMA authorisation is in the form of a letter from the NCACC to the applicant.
- (4) The AMA does not allow the holder to enter into a contract, with a foreign person.

j. **Internal Transfer Authorisation**

- (i) **Purpose.** An Internal Transfer Authorisation regulates the change of ownership of conventional arms including surplus or redundant goods within the borders of South Africa. This includes the change of ownership for the purpose of upgrading, refurbishment, stripping or destruction, leasing or operating such conventional arms.
- (ii) **Exclusion.** This authorisation is not required in instances where the State or ADM permit holders have placed orders on other ADM permit holders for the supply of conventional arms that form part of a Government acquisition programme or are part of an NCACC approved contract. All Dual-Use Goods (*as specified in the Annexure to the Regulations*) are excluded from these internal transfer controls.
- (iii) **Requirement.** Any ADM permit holder who wishes to transfer ownership of surplus or redundant conventional arms to another ADM permit holder must obtain NCACC authorisation.

- (iv) Prescribed Conditions. No person may act contrary to the conditions prescribed by the NCACC concerning a particular internal transfer of conventional arms without an authorisation from the NCACC. NCACC conditions for ownership / disposal of APC vehicles is at [Appendix K](#).
- (v) Scope of Control in Respect of Surplus Goods
- (1) Conventional arms that the State has disposed of through tender or public auction as a result of redundancy, surplus to requirements or any other reason, which retain their inherent characteristics and capabilities remain subject to the regulatory control of the NCACC.
 - (2) The NCACC may declare that specific conventional arms that no longer retain their inherent characteristics and capabilities as conventional arms (*as specified in the Annexure to the Regulations*) and have been certified as such by a Competent Authority are no longer subject to regulatory control.
 - (3) Terms and conditions prescribed by the NCACC for the disposal and destruction of conventional arms are binding on both the buyer and the seller.
 - (4) In accordance with the provisions contained in the Regulations export permits will not be issued for items designated by the NCACC for destruction.
- (vi) Contents of Applications for Internal Transfers. Any person who wishes to transfer ownership of surplus or redundant conventional arms must submit the following:
- (1) Proof of the purchaser's valid ADM permit.
 - (2) A formal undertaking from the purchaser describing the purpose for which the conventional arms are being acquired.
 - (3) A statement from the purchaser that should the conventional arms be purchased for private use
 - they will be marked so that the colours and markings will not be confused with that of the SANDF or any other Government Department;
 - they will not be employed for purposes of endangering the security of the State, the violation of human rights, resolving labour disputes, quelling unrest or committing any unlawful act;

- appropriate measures will be implemented to safeguard the conventional arms; and
- the conventional arms will not be sold or leased without NCACC approval

7. RECORD-KEEPING BY PERMIT HOLDERS

- a. The purpose of record keeping is
 - (i) to ensure that basic information on all trade in conventional arms is retained; and
 - (ii) to provide proof of compliance with the Act, Regulations and conditions of permits.
- b. Permit holders are to keep full records of all permits issued by the NCACC and associated documents, including financial statements, relating to arms transfers for a minimum of five (5) years after the completion of the contract. This includes records of all electronic and non-electronic transfers of technology and software.
- c. A design authority must keep full records of the history of transfers related to the product. The requirement for the design authority to keep such records shall not change with change of ownership of the entity, name etc.
- d. Any person acquiring the design authority of a product is to ensure that full records of the history of transfers related to the product are also transferred to that entity.

8. END USER CERTIFICATE

- a. Purpose of the End User Certificate (EUC). In accordance with international practice, the End User Certificate (EUC) identifies the end user and / or end-use. The EUC is a written undertaking provided by the end user that the conventional arms would only be used in accordance with the conditions set out in the EUC ([see Appendix G](#)).
- b. EUC Requirements for Exports
 - (i) An EUC is required prior to the export of conventional arms irrespective of origin. This excludes non-designated Dual-Use Goods. Certain non-designated Dual-Use Goods may require an EUC if specified by a Competent Authority.

- (ii) An end user statement is required from a person registered in a foreign country where conventional arms are exported for integrating such products into other systems by such person
 - (1) for the supply to another end user in that country; or
 - (2) for re-export to an identified third country or to be kept in storage until re-exported elsewhere. Both these transactions shall be subject to the regulatory control of the importer country.
 - (iii) An International Import Certificate (IIC) may be accepted on condition that it contains all the information as required by Sec 17 of the Act.
- c. EUC Verification. An EUC must be verified by the end user's legally appointed State Authority. The State Authority verifies that the details of the EUC are true and correct.
- d. EUC Authentication.
 - (i) Authentication. An EUC must also be authenticated. Authentication is the certification that the EUC is a legal and valid document and that the signature(s), the capacity in which the person(s) signing the document acted, and that the document and seals are authentic. Authentication of EUCs is done by the South African Department of Foreign Affairs.
 - (ii) Apostille Stamp. ([see Appendix H](#)) The Apostille is a validation stamp that is only recognised in countries that are State Parties to The Hague Convention of 1961 ([see Appendix J](#)). An Apostille is a special seal applied by the State Parties' authorities to authenticate a document. An EUC bearing the Apostille Stamp does not require further authentication.
- e. Exports with Transfer of Ownership.
 - (i) All conventional arms listed in the Munitions List and [Designated Dual-Use Goods](#) must, where transfer of ownership takes place, be supported by an original, authenticated EUC from the foreign end user before the export permit will be issued.
 - (ii) There is no requirement for an EUC where specified conventional arms are delivered in accordance with a specific written agreement between the South African Government and a foreign Government and the agreement contains an end-user statement by the foreign Government.
- f. Exports with No Transfer of Ownership
 - (i) An EUC is not required when exports of conventional arms take place for the purposes of repair and testing or integration into systems that will be returned to South Africa and where the

transfers take place within the scope of a valid contracting permit.

- (ii) An EUC is not required for warranty replacement items where the defective items are returned to South Africa. Warranty replacements refer to items that have the same characteristics as the original item and do not include upgrades or modifications.
- (iii) An EUC is not required where exports of conventional arms related to marketing, demonstrations and evaluations take place. A letter of invitation from the foreign client or other documentary proof of the stated requirement must accompany a request for a demonstration or evaluation. The conventional arms are to be returned within six months.
 - (1) In case where the conventional arms are expended during evaluation and / or demonstration, the foreign Government must confirm that conventional arms were expended.
 - (2) Where such conventional arms are expended during a demonstration or evaluation under the supervision of the South African supplier, a person authorised by the Competent Authority must certify such expenditure. In these cases confirmation by the foreign Government is not required.

g. EUC Requirements for Conventional Arms Imported.

- (i) Arms imported into South Africa may be subject to the EUC requirements of the supplier country. The DCAC issues the official South African registered EUC ([see Appendix G](#)) and verifies the contents of the document.
- (ii) Pro-forma end user statements provided by foreign suppliers to be signed by the recipient of the goods in South Africa, are also verified by the DCAC.

9. DELIVERY VERIFICATION

a. Delivery Verification.

- (i) Exports. In terms of Sec 17 (d) of the Act a person exporting conventional arms, excluding non-designated Dual-Use Goods, where change of ownership takes place, must obtain delivery verification from the foreign end-user for every consignment exported.

- (ii) Imports. Where a foreign supplier requires delivery verification for conventional arms and Dual-Use goods imported into South Africa the DCAC provides the official Delivery Verification Certificate (DVC) ([see Appendix I](#)). The DCAC will also verify an authorised signature on a DVC as identified in the ADM permit.
- (iii) Contents of a Delivery Verification The delivery verification required from importers of South African goods shall contain the following information:
 - (1) Name of the person and the organisation that took delivery of the consignment.
 - (2) Description of the goods.
 - (3) Bill of Lading No / Master Air waybill No.
 - (4) Name of Vessel / Flight No.
 - (5) Place and date of arrival at the consignee's premises.
 - (6) Signature and stamp of consignee.

10. SPECIFIC SERVICES PROVIDED TO FOREIGN ENTITIES

a. Purpose. All services as defined in Sec 1(xxv) of the Act that are related to trade in conventional arms are subject to regulatory controls. This section describes the conditions applicable to specific services rendered within the borders of South Africa where conventional arms are temporarily imported. Conventional arms used by the SANDF for operational purposes as provided by Sec 198 (b) of the Constitution are excluded from regulatory control.

b. Requirement for a Permit for Services Rendered in South Africa. Only a holder of a valid ADM permit may offer a service to a person registered in a foreign country. The permit holder must ensure that conditions for the services as set out below are met.

- (i) Conventional Arms Evaluations
 - (1) Apply for a contracting, import and / or export permit to make a facility available to a person resident in a foreign country to evaluate or demonstrate his conventional arms; and
 - (2) Accept responsibility for all of the arrangements for the conveyance and safekeeping of such conventional arms. The holder of the permit or person designated by the Competent Authority shall be responsible to verify and report on all imported conventional arms that are expended in South African territory to the NCACC.

- (ii) Military Exercises. In respect of military exercises with foreign entities the SANDF is responsible for
 - (3) applying for the export and import permits for conventional arms taken into a foreign country and returned by the SANDF;
 - (4) applying for the import and export permits for the conventional arms of a foreign entity that are being brought into or taken out of South Africa;
 - (5) accounting for the expenditure of conventional arms of a foreign entity in South Africa on completion of the exercises; and
 - (6) accounting for the expenditure of their conventional arms on completion of the exercise in a foreign country.
- (iii) Shows and Exhibitions.
 - (1) The owner of a South African exhibition or show of conventional arms and services is responsible for applying for an authorisation to present such a show. Such application shall list the proposed foreign entities that will participate and the scope of products to be exhibited or demonstrated. The owner is also responsible for the safe-keeping of the conventional arms while on show.
 - (2) Where such foreign conventional arms temporally enter South African territory the freight forwarder acting on behalf of the foreign entity must apply for the import / export permits.

11. COMPLIANCE

- a. Purpose. Entities trading in conventional arms should implement self-regulatory compliance programmes to comply with national legislation, policy, processes and procedures.
- b. Requirement.
 - i. The holder of a valid ADM permit shall take measures to comply with the prescriptions of the Act and these Regulations.
 - ii. The holder of a valid ADM permit shall on request from a Competent Authority present to that authority, for inspection and assessment the entities' policies and procedures implemented to ensure compliance with the requirements of the Act in the following categories:

- (1) The company policy
- (2) Internal processes and procedures
- (3) Individual responsibility
- (4) Education and Training

Appendix A

FORM: AMP 6.2

STANDARD CONDITIONS APPLICABLE TO AN ARMAMENTS DEVELOPMENT, MANUFACTURING PERMIT

1. The conditions applicable to this permit as set out below are in addition to those prescribed in the Act, Regulations and Policy for the control of conventional arms.
2. This permit may only be used for its intended purpose as specified in the permit.
3. An Armaments Development and Manufacturing Permit does not constitute an authority to market, contract, export or import conventional arms or services or to convey conventional arms.
4. This permit is not transferable. The permit is only valid in respect of the particulars contained in the application against which this permit was issued. Changes or additions to any of the particulars stated in the application, whether intentional or unintentional, invalidate the basis on which this permit was issued. The permit holder must inform the DCAC in writing of any changes to the particulars provided in the original application.
5. This permit shall be valid for the stated period. A new application must be submitted four months before the expiry date to ensure continuity.
6. This permit may at any stage, without any liability to the Minister of Defence or the State, be cancelled, amended or suspended by the NCACC in accordance with the provisions of section 14 of the Act.
7. The permit holder may within seven days of receipt of this permit submit written objections to any of the conditions contained herein.
8. The Armaments Development and Manufacturing Permit number must be quoted in any correspondence related to this permit. Any enquiries regarding this permit are to be directed to:

The Director
Directorate Conventional Arms Control
Private Bag X 910
Pretoria

Telephone : 27 12 355 6223

Appendix B**Marketing Permit**

FORM AMP 1.2

STANDARD CONDITIONS APPLICABLE TO A MARKETING PERMIT

1. The conditions applicable to this permit as set out below are in addition to those prescribed in the Act, Regulations and Policy for the control of conventional arms.
2. This permit may only be used for its intended purpose as specified in the permit.
3. This permit does not constitute an authority to contract, export or import conventional arms or services or to convey conventional arms.
4. This permit is only valid in respect of the particulars contained in the application against which it was issued. Changes or additions to any of the particulars contained in the application, whether intentional or unintentional, invalidate the basis on which this permit was issued. The permit holder must inform the DCAC in writing of any changes to the information provided in the original application.
5. Requests for changes to any of the particulars contained in the permit must be submitted to the DCAC in writing.
6. This permit is not transferable but the permit holder may authorise another person as defined in the Act to market the products or services described herein. The permit holder must ensure that the mandated person is a holder of an Armaments Development and Manufacturing Permit.
7. The holder of a Marketing Permit shall in all cases remain accountable for compliance in respect of the marketing activities as defined in the Act.
8. Notwithstanding the authority granted in terms of a Marketing Permit, the permit holder shall ensure that no conventional arms or related services shall be marketed to a person resident in a foreign country if it is in contravention of South African legislation and policy, or in contravention with a United Nations Security Council resolution, or listed as a country of proliferation concern.
9. The holder of a Marketing Permit is only authorised to promote conventional arms and services, to negotiate, to offer, to tender, to advertise or to give information relating to the products authorised therein, accepting the sole risk attached to such activities. This excludes the transfer by any means of technology as defined in the Act.
10. This Marketing Permit does not guarantee that a Contracting Permit or Export Permit will be granted.
11. This Marketing Permit may at any stage, without any liability to the Minister of Defence or the State, be cancelled, amended or suspended by the NCACC in accordance with the provisions of section 14 of the Act.
12. The permit holder may within seven days of receipt of this permit submit written objections to any of the conditions contained herein.
13. The Marketing Permit number must be quoted in any correspondence related to this permit. Any enquiries regarding this permit are to be directed to:

The Director
Directorate Conventional Arms Control
Private Bag X 910
Pretoria
0001

Telephone: 27 12 355 6223



CONTRACTING APPROVAL FOR CONVENTIONAL ARMS, RELATED TECHNOLOGIES AND SERVICES

GTO98 (p)

Permit Holder

CNT

Date issued

Valid till

You are hereby authorized by the NCACC to proceed with entering into a contract as applied for on
 under reference for the delivery of armament, goods or services or technologies as specified herein to the indicated end user, subject to the conditions contained herein.

1. Details of Foreign End User

2. Details of Agent involved

3. Equipment	Quantity	Value (ZAR)

4. Special Conditions

AUTHORISED SIGNATURE

NAME

CAPACITY

Appendix C**Contracting Permit**

FORM CNT 5.2

STANDARD CONDITIONS APPLICABLE TO A CONTRACTING PERMIT

1. The conditions applicable to this permit as set out below are in addition to those prescribed in the Act, Regulations and Policy for the control of conventional arms.
2. This permit may only be used for its intended purpose as specified in the permit.
3. A Contracting Permit does not constitute an authority to export conventional arms or services.
4. This permit is not transferable.
5. This permit shall be valid for the stated period and the particulars contained therein. A request for an extension to the validity date of the permit must be submitted to the DCAC at least one month before the expiry date of the permit. Requests for changes to any of the particulars contained in the permit must be submitted to the DCAC in writing.
6. The granting of a Contracting Permit does not guarantee that an Export Permit will be granted.
7. The holder of a Contracting Permit shall in all cases remain responsible and accountable for all actions authorised by such a permit, regardless of the use or involvement, directly or indirectly, of brokers and/or other parties.
8. The information contained in this permit is confidential and may not be disclosed for purposes other than the implementation of transactions authorised by this permit.
9. This Contracting Permit may at any stage, without any liability to the Minister of Defence or the State, be cancelled, amended or suspended by the NCACC in accordance with the provisions of section 14 of the Act.
10. The permit holder may within seven days of receipt of this permit submit written objections to any of the conditions contained herein.
11. The Contracting Permit number must be quoted in any correspondence related to this permit. Any enquiries regarding this permit are to be directed to:

The Director
Directorate Conventional Arms Control
Private Bag X 910
Pretoria
0001

Telephone : 27 12 355 6223



EXPORT PERMIT FOR CONVENTIONAL ARMS AND SERVICES

SERIAL NO: EXP - -

GTO 98(e)

This permit is issued in terms of the National Conventional Arms Control Act, Act 41 of 2002 and must be produced to the Customs Authorities when the Bill of Entry-Export is presented in respect of goods to be exported from the Republic of South Africa.

Permit holder:		Shipping agent:		Name and address of destination:	
Trading as:		Ordinary shipment	Chartered Shipment	End User Country	
Expiry date of permit:		Extended to:		Date of export:	
Goods destined for exhibition/demonstration:		To be returned in 6 months:		Place of export:	
Country of manufacture	Name of supplier	Description of goods		Total quantity (Net Weight, Litres Number, etc as case may be)	Total price at: (ZAR) (place)
					For customs purposes only: Number and date of Customs Bill of Entry-Export (DA550)

VALID FOR ONE SHIPMENT ONLY

STATUS : JANUARY 2004

NB:
Please refer to par. 10 on the reverse side hereof!

AUTHORISED SIGNATURE

ENQUIRIES
TEL NO.

OFFICIAL STAMP
DATE

(Please turn over)

Appendix D**Export Permit**

FORM EXP 2.2

STANDARD CONDITIONS APPLICABLE TO AN EXPORT PERMIT FOR CONVENTIONAL ARMS AND SERVICES

1. The conditions applicable to this permit as set out below are in addition to those prescribed in the Act, Regulations and Policy for the control of conventional arms.
2. This permit is only valid in its original form and may only be used for the intended purpose as specified in the permit.
3. This permit is not transferable and is valid for one shipment only.
4. This permit and the particulars contained therein shall be valid for the stated period. A request for an extension to the validity period of the permit must be submitted to and received by the DCAC before the expiry date of the permit. Requests for changes to any of the particulars contained in the permit must be submitted to the DCAC in writing.
5. The holder of an Export Permit shall in all cases remain responsible and accountable for all actions authorised by such a permit, regardless of the involvement of freight forwarders or any other party.
6. Should an export be cancelled or immediately after expiry of the validity period without the stated conventional arms and/or services having been exported, the holder of this Export Permit must return to the DCAC the full set of the original documents issued with the Export Permit, together with a statement of reasons for non-use.
7. The information contained in a permit is confidential and may not be disclosed for purposes other than the activities related to the export.
8. This Export Permit may at any stage, without any liability to the Minister of Defence or the State, be cancelled, amended or suspended by the NCACC in accordance with the provisions of section 14 of the Act.
9. The permit holder may within seven days of receipt of this permit submit written objections to any of the conditions contained herein.
10. The PINK copy of an Export Permit must be duly certified by SA Revenue Services (Customs) and be returned to the DCAC by the Export Permit holder within 30 (thirty) days after the export date stated on the reverse thereof. The Export Permit holder will in addition also be required to furnish a Delivery Verification Certificate (DVC) to the DCAC, within 90 (ninety) days after the export date stated on the reverse hereof.
11. Short-shipments are allowed. A separate Export Permit application is required for the balance of the consignment, accompanied by the SA Revenue Services (Customs) confirmation on the PINK copy of the Export Permit in question, stating the actual quantity exported.
12. Goods shipped out of South Africa for purposes of exhibitions, evaluations and/or demonstrations must be returned to South Africa within 6 (six) months after the date of shipment as reflected on an Export Permit, unless specifically agreed otherwise by the DCAC. The re-importation of goods as mentioned in this paragraph shall be subject to an Import Permit issued by the DCAC. Cross-reference must be made to the original Export Permit under which such goods were exported.
13. The Export Permit number must be quoted in any correspondence related to this permit. Any enquiries regarding this permit are to be directed to:

The Director
Directorate Conventional Arms Control
Private Bag X 910
Pretoria
0001 Telephone 27 12 355 6223

Appendix D1**Export Permit Non designated Dual-Use Goods**

FORM EDU 7.2

STANDARD CONDITIONS APPLICABLE TO AN EXPORT PERMIT FOR NON DESIGNATED DUAL-USE GOODS

1. The conditions applicable to this permit as set out below are in addition to those prescribed in the Act, Regulations and Policy for the control of non-designated dual-use goods.
2. This permit is only valid in its original form and may not be used for any purposes other than that for which it is intended.
3. This permit is not transferable and is valid for multiple shipments as determined by the validity period of the permit and/or the quantity of dual-use goods specified.
4. This permit and the particulars contained therein shall be valid for the stated period. A request for an extension to the validity period of the permit must be submitted to and received by the DCAC before the expiry date of the permit. Requests for changes to any of the particulars contained in the permit must be submitted to the DCAC in writing.
5. The holder of an Export Permit shall in all cases remain responsible and accountable for all actions authorised by such a permit, regardless of the involvement of freight forwarders or any other party.
6. Once the export permit has expired the permit holder must return the original permit and provide a reconciliation of all the exports that took place against the permit.
7. The information contained in a permit is confidential and may not be disclosed for purposes other than the activities related to the export.
8. This Export Permit may at any stage, without any liability to the Minister of Defence or the State, be cancelled, amended or suspended by the NCACC in accordance with the provisions of section 14 of the Act.
9. The permit holder may within seven days of receipt of this permit submit written objections to any of the conditions contained herein.
10. The export permit number must be quoted in any correspondence related to this permit. Any enquiries regarding this permit are to be directed to:

The Director
Directorate Conventional Arms Control
Private Bag X 910
Pretoria
0001

Telephone: 27 12 355 6223



IMPORT PERMIT FOR CONVENTIONAL ARMS AND SERVICES

SERIAL NO: IMP - -

GTO 98 (d)

This permit is issued in terms of the National Conventional Arms Control Act, Act 41 of 2002 and must be produced to RSA Customs Authorities when the Bill of Lading-Import is presented in respect of goods to be imported to the Republic of South Africa. (Please refer to the Conditions applicable to this permit as stated on the reverse side hereof.)

Permit holder:		Clearing agent:		Name and address of foreign supplier:	
Expiry date of permit:		Extended to:		Proposed date of import/entry:	
Number of RSA EUC:		Order No:		Place of import/entry:	
Country of manufacture	Name of supplier	Description of goods	Total quantity (Net Weight, Litres, Number, etc as case may be)	ZAR-value of shipment	For customs purposes only: Number and date of Customs Bill of Lading-Import

NB:
Please refer to par. 10 on the reverse side hereof!

AUTHORISED SIGNATURE

VALID FOR ONE SHIPMENT ONLY

ENQUIRIES
TEL NO.

STATUS : JANUARY 2004

OFFICIAL STAMP
DATE

(Please turn over)

Appendix E**Import Permit**

FORM IMP 3.2

CONDITIONS APPLICABLE TO AN IMPORT PERMIT FOR CONVENTIONAL ARMS AND SERVICES

1. The conditions applicable to this permit as set out below are in addition to those prescribed in the Act, Regulations and Policy for the control of conventional arms.
2. This permit is only valid in its original form and may only be used for the intended purpose as specified in the permit.
3. This permit is not transferable and is valid for one shipment only.
4. This permit and the particulars contained therein shall be valid for the stated period. A request for an extension to the validity period of the permit must be submitted to and received by the DCAC before the expiry date of the permit. Requests for changes to any of the particulars contained in the permit must be submitted to the DCAC in writing.
5. The holder of an Import Permit shall in all cases remain responsible and accountable for all actions authorised by such a permit, regardless of the involvement of freight forwarders or any other party.
6. Should an import be cancelled or immediately after expiry of the validity period without the stated conventional arms and/or services having being imported, the holder of this Import Permit must return to the DCAC the full set of the original documents issued with the import permit, together with a statement of reasons for non-use.
7. The information contained in this permit is confidential and may not be disclosed for purposes other than the activities related to the export.
8. This Import Permit may at any stage, without any liability to the Minister of Defence or the State, be cancelled, amended or suspended by the NCACC in accordance with the provisions of section 14 of the Act.
9. The permit holder may within seven days of receipt of this permit submit written objections to any of the conditions contained herein.
10. The PINK copy of an Import Permit must be duly certified by SA Revenue Services (Customs) and be returned to the DCAC by the Import Permit holder within 30 (thirty) days after the import date stated on the reverse thereof.
11. Short-shipments are allowed. A separate Import Permit application is required for the balance of the consignment, accompanied by the SA Revenue Services (Customs) confirmation on the PINK copy of the Import Permit in question, stating the actual quantity imported.
12. Goods shipped into South Africa for purposes of exhibitions, evaluations and/or demonstrations must be re-exported within 6 (six) months after the date of import unless otherwise authorised by the DCAC.
13. The goods imported in this permit against an EUC verified by the DCAC may not be re-exported in violation of any conditions undertaken in the EUC.
14. The Import Permit number must be quoted in any correspondence related to this permit. Any enquiries regarding this permit are to be directed to:

The Director
Directorate Conventional Arms Control
Private Bag X 910
Pretoria
0001

Telephone: 27 12 355 6223



CONVEYANCE PERMIT FOR CONVENTIONAL ARMS

FORM: TRP 4.2

PERMIT NO: TRP - -

GTO 98(c)

This permit is issued in terms of the National Conventional Arms Control Act, Act 41 of 2002 and must be produced to the RSA Customs Authorities. (Please refer to the Conditions applicable to this permit as stated on the reverse side hereof.)

Permit holder:		Name and address of destination:			
Expiry date of permit:	Extended to:	Date of entry in RSA:	Date of exit:		
Marks on parcels and packages:		Place of entry:	Place of export:		
Country of manufacture	Name of supplier	Descriptions of goods	Total quantity (net weight, litres, number, etc as case may be)	Value of shipment	For customs purposes only: Number and date of Customs Export Bill of Entry

VALID FOR ONE TRANSIT ONLY

STATUS : JANUARY 2004

AUTHORISED SIGNATURE

ENQUIRIES
TEL NO.

OFFICIAL STAMP
DATE

(Please turn over)

Appendix F**Conveyance Permit**

FORM TRP 4.2

CONDITIONS APPLICABLE TO A CONVEYANCE PERMIT FOR CONVENTIONAL ARMS

1. The conditions applicable to this permit as set out below are in addition to those prescribed in the Act, Regulations and Policy for the control of conventional arms.
2. This permit is only valid in its original form and may only be used for the intended purpose as specified in the permit.
3. This permit is not transferable and is valid for a single conveyance only.
4. No partial conveyances will be allowed, and a separate conveyance permit is required for each individual conveyance taking place.
5. This permit and the particulars contained therein shall be valid for the stated period. A request for an extension to the validity period of the permit must be submitted to and received by the DCAC before the expiry date of the permit. Requests for changes to any of the particulars contained in the permit must be submitted to the DCAC in writing.
6. The holder of a Conveyance Permit shall in all cases remain responsible and accountable for all actions authorised by such a permit, regardless of the involvement of any other party.
7. Should a conveyance be cancelled or immediately after expiry of the validity period without the stated conventional arms having being conveyed, the holder of this Conveyance Permit must return to the DCAC the full set of the original documents issued with the Conveyance Permit, together with a statement of reasons for non-use.
8. The information contained in a permit is confidential and may not be disclosed for purposes other than the activities related to the export.
9. This Conveyance Permit may at any stage, without any liability to the Minister of Defence or the State, be cancelled, amended or suspended by the NCACC in accordance with the provisions of section 14 of the Act.
10. The permit holder may within seven days of receipt of this permit submit written objections to any of the conditions contained herein.
11. The PINK copy of an Conveyance Permit must be duly certified by SA Revenue Services (Customs) and be returned to the DCAC by the Conveyance Permit holder within 30 (thirty) days after the export date stated on the reverse thereof.
12. The Conveyance Permit number must be quoted in any correspondence related to this permit. Any enquiries regarding this permit are to be directed to:

The Director
Directorate Conventional Arms Control
Private Bag X 910
Pretoria
0001

Telephone 27 12 355 6223

APPENDIX H

APOSTILLE

(Convention de La Haye du 5 Octobre 1961)

1. Country : _____ (*Country where Apostille issued*) _____
 2. This public document (*reference to document concerned if Apostille is not affixed to the document*) has been signed by _____ (*Name of person who signed the EUC*) _____
 3. acting in the capacity of _____ (*Appointment of EUC signature bearer*) _____
 4. bears the seal / stamp of _____ (*Stamp of signature bearer*) _____
-

Certified

5. at _____ (*Place*) _____ 6. the _____ (*date*) _____
7. by _____ (*appointment of person in authority*) _____
8. No. _____ (*Reference Number of this certificate*) _____
9. Official Stamp:

10. Signature

Appendix J

State Parties to The Hague Convention

List of Countries and Territories Participating in Hague Convention			
Antigua & Barbuda	Czech Republic	Luxembourg	Slovak
Argentina	El Salvador	Macedonia	Slovenia
Armenia	Estonia	Malawi	Spain
Australia	Fiji	Malta	South Africa
Austria	Finland	Marshall Islands	Suriname
Bahamas	France	Mauritius	Swaziland
Belgium	Germany	Mexico	Sweden
Belarus	Greece	Netherlands	Switzerland
Belize	Hungary	Niue (Savage Island)	Tonga
Bosnia & Herzegovina	Israel	Norway	Turkey
Botswana	Italy	Panama	United Kingdom & Northern Ireland
Bulgaria	Japan	Portugal	United States of America
Colombia	Kazakhstan	Romania	Venezuela
Croatia	Latvia	Russia	Yugoslavia
Cyprus	Lesotho	San Marino	
	Liechtenstein	Seychelles	
	Lithuania		

Appendix K**CONDITIONS OF APC OWNERSHIP / DISPOSAL AS PRESCRIBED BY THE NCACC****The following conditions shall apply to the private owner of an APC vehicle:**

1. An APC is an Armoured Personnel Carrier manufactured to military specifications.
2. The owner of an APC vehicle shall at all times possess a valid Armaments Development and Manufacturing (ADM) permit.
3. The APC vehicle will only be used for the purpose stated in the undertaking given at the time when the vehicle was purchased.
4. The APC vehicle will be marked so that the colours and markings will not be confused with that of the SANDF or any other Government Department.
5. The APC vehicle will not be used for purposes of endangering the security of the State, the violation of human rights, resolving labour disputes, quelling unrest or committing any unlawful act.
6. The owner of an APC vehicle shall take appropriate measures to prevent theft of the vehicle.
7. The owner of an APC vehicle shall not sell or lease the vehicle without NCACC approval.

The private owner wishing to sell an APC vehicle shall provide the NCACC with the following documentation when submitting an application to sell the vehicle internally:

1. A copy of the purchaser's valid ADM permit.
2. A formal undertaking from the purchaser describing the purpose for which the APC vehicle is being acquired.
3. An undertaking by the purchaser to comply with the " Conditions of Ownership / Disposal".
4. Full APC vehicle registration details.
5. Should the APC vehicle be purchased for private use the purchaser must provide a statement
 - that the APC vehicle will be marked so that the colours and markings will not be confused with that of the SANDF or any other Government Department;
 - that the APC vehicle will not be employed for purposes of endangering the security of the State, the violation of human rights, resolving labour disputes, quelling unrest or committing any unlawful act;
 - describing the measures taken to prevent theft of the APC vehicle; and
 - that the APC vehicle will not be resold or leased without NCACC approval.