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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

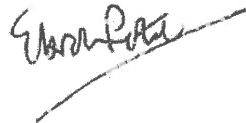
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PRETORIA; or

(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