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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**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

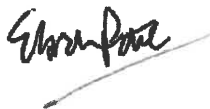
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PRETORIA; or

(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**