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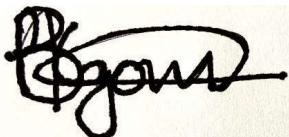
DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. R. 1919

25 March 2022

**CODE OF CONDUCT FOR PERSONS INVOLVED IN CONTROLLED NON-
PROLIFERATION ACTIVITIES**

I, Ms. Ditebogo Kgomo, by virtue of the powers vested in me by the South African Council for the Non-Proliferation of Weapons of Mass Destruction, hereinafter referred to as the Council, in terms of section 7(1) of the Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No. 87 of 1993), hereby issue Codes of Conduct to state the principles of non-proliferation and describe procedures and methods to be followed during the execution of certain activities related to non-proliferation.

**CHAIRPERSON****SOUTH AFRICAN COUNCIL FOR THE NON-PROLIFERATION OF
WEAPONS OF MASS DESTRUCTION**

**NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION ACT, 1993
(ACT NO. 87 OF 1993)**

**CODE OF CONDUCT FOR PERSONS INVOLVED IN CONTROLLED NON-
PROLIFERATION ACTIVITIES**

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), shall have the meaning so assigned and, unless the context otherwise indicates—

"Chemical Weapons Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction;

"discrete organic chemical" means any chemical belonging to a class of chemical compounds consisting of carbon, except for its oxides, sulphides and metal carbides or carbonates, identifiable by chemical structure, by structural formula, if known, and by the Chemical Abstracts Service (CAS) registry number, if assigned, and not contained in the chemicals listed in Annexures A, B or C of Government Notice No.320 of 08 April 2021;

"person" means legal person, which may be a private (i.e. business entity or non-governmental organization) or public (i.e., government) organisation;

"the Act" means the Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No. 87 of 1993);

“the Council” means the South African Council for the Non-Proliferation of Weapons of Mass Destruction established in terms of section 4 of the Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No. 87 of 1993);

“OPCW” means the Organisation for the Prohibition of Chemical Weapons;

“CWC” means the Chemical Weapons Convention.

Registration with the Council

2. Any person who is in control of any activity with regard to controlled goods or who has in his/her possession or custody or under his/her control controlled goods must:
 - (a) register with the Council in the prescribed manner; and
 - (b) if the Council so requests, make a declaration furnishing all information requested by the Council.

Permit Application

3. Any person who wants to trade in controlled goods, equipment and technology stated in the secondary legislation (Government Notices) that supports the Act must apply for the following permits:
 - a) an export permit;
 - b) an import permit;
 - c) a transit (including transhipment) permit; and
 - d) manufacturing and services permit.

Comply with Permit Conditions

4. Any person who has in his/her possession a permit duly issued by the Council

must comply with the following conditions pertaining to the permit:

- a) not exceeding the approved quantities of controlled goods provided for by the permit;
- b) importing, exporting, re-exporting or transiting only the controlled goods as stated in the approved permit;
- c) complying with the end-use requirements and the verification of such end-use requirements of controlled goods;
- d) re-exporting controlled goods from and importing controlled goods with only the states or territories as stated in the permit;
- e) re-exporting controlled goods originating in the Republic to only a state destined for export;
- f) utilising the permit for only the period for which the permit is valid; and
- g) importing, exporting, re-exporting or transiting controlled goods through the ports of entry or exit as stated in the approved permit.

Return of Duly Issued Permit

5. Any person who has in his/her possession a permit duly issued by the Council must comply with the following requirements:
 - a) To return any permit that has been revoked or due to expiry of the period of validity of the permit to the Council.

Submissions of Declarations

6. (1) Any person, including producers, processors, consumers, importers and exporters of scheduled chemicals as well as producers of discrete organic chemicals; must submit annual and, or biannual declarations, as applicable on such activities.

- (2) Any person who has been issued with a Manufacturing and Services Permit must submit declarations as per the conditions of the permit.
- (3) Any person may be required to submit a declaration to the Council in accordance with the provisions of an international convention, treaty or agreement contemplated in section 27 with regard to the manufacture, procurement in any manner, use, operation, stockpiling, maintenance, transport, import, export, transit or re-export of such goods.

Cooperation with Inspectors

7. (1) Any person involved in controlled activities must cooperate with an inspector appointed by the Chairperson of the Council:
 - a) allowing the inspector access to any activity, operation or process executed or carried on, in or upon the premises;
 - b) producing to the inspector any book, document, data or thing which is in their possession or custody or control or any other person on their behalf;
 - c) providing an explanation of any record or entry therein; and
 - d) appearing before the inspector at a date, time and place fixed by the inspector.
- (2) Any person including producers, processors, consumers, importers and exporters of scheduled chemicals as well as producers of discrete organic chemicals; must cooperate with the OPCW inspectors for the country to meet its obligations in terms of the CWC.

Cooperation with the Board of Inquiry

8. Any person involved in controlled activities must cooperate with a board of inquiry established by the Minister of Trade, Industry and Competition in terms of the Act by:

- a) providing material information concerning the subject of the inquiry if able; and
- b) appearing before the board of inquiry on a date and at a time and place specified in the summons if they have in their possession or custody or control of any book, document, data or thing which has any bearing on the subject of the inquiry.

Cooperation with the Council

9. (1) Any person involved in controlled activities must cooperate with the Council or any person authorised by the Council by:
 - (a) Furnishing the Council within a specified period, or at specified intervals, with any information at his/her disposal, accompanied by the relevant data and other documents, as indicated in the direction, relating to the design, development, manufacture, maintenance, marketing, import, export, re-export, transit, supply or storage of the said controlled goods.
- (2) Any person who is required to obtain a permit from the Council or is required to be registered must at the written request of the Council, within the period stated in the request:
 - (a) Transmit to the Council such samples of the goods as may be specified in the request, for examination, testing or analysis; or
 - (b) Furnish to the Council such information as may be so specified with regard to controlled goods or the design, development and manufacture thereof.

Responsibilities by Registered Persons

10. In addition to the provisions as stated in the Code of Conduct, all registered persons must note that in addition to the compliance with the Code of Conduct, the onus is on them to ensure that:

- a) Relevant staff members are familiarised with the contents of the Code of Conduct.
- b) Relevant staff members are trained on the relevant domestic non-proliferation and/or arms control regulations that are applicable to their business.
- c) All violations of the Non-Proliferation Act are reported to the Council immediately together with mitigation measures in place to prevent re-occurrence.
- d) All appointed local subcontractors, brokers, freight forwarders, clearing agents, buyers and/or end-users are in possession of a registration certificate and or permit issued by the Council before engaging in business with them.
- e) Foreign suppliers/importers are in possession of the requisite permit where applicable in compliance with the relevant non-proliferation obligations prior to exporting or importing controlled goods.
- f) They do not contract or trade with entities listed on the United Nations Security Council (UNSC) sanctions.
- g) All changes related to controlled activities and registration are promptly brought to the attention of the Council.
- h) A signed copy of the Code of Conduct is submitted to the Council within the stipulated deadline.

Acknowledgement of Acceptance of Code of Conduct

11. (1) The form for Acknowledgement of the Acceptance of Code of Conduct must be signed and submitted to the Non-Proliferation Secretariat on nonproliferation@thedtic.gov.za or hand-delivered to the following address:
- (a) Physical address:

The Secretariat
South African Council for the Non-Proliferation of Weapons of Mass
Destruction
77 Meintjies Street
Sunnyside
PRETORIA or

- (2) The form for Acknowledgement of the Acceptance of Code of Conduct may be obtained from the following address:

- (a) Physical address:

The Secretariat
South African Council for the Non-Proliferation of Weapons of Mass
Destruction
77 Meintjies Street
Sunnyside
PRETORIA or

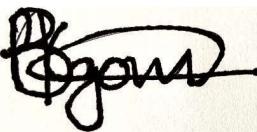
- (b) The website of the South African Council for the Non-Proliferation of Weapons of Mass Destruction at
<http://non-proliferation.thedtic.gov.za/>.

- (c) Request via the central email address:

nonproliferation@thedtic.gov.za

NDIVHADZO YA MUVHUSO**MUHASHO WA MAKWEVHO, NDOWETSHUMO NA MU^{TA}TISANO****MULAYO WA VHUDIFARI KHA VHATHU VHANE VHA KWAMEA KHA
MISHUMO YA ZWA PHUNGUDZO I LANGWAHO**

Nne, Ms. Ditebogo Kgomo, nga maanda e nda hweswa nga Khoro ya Afrika Tshipembe ya Phungudzo ya Zwi^{ha}li zwa u Vhulaya Magogo, afha i tshi khou vhidzwa nga dzina lⁱne ja pfi Khoro, u ya nga khethekanyo ya 7(1) ya Mulayo wa Phungudzo ya Zwi^{ha}li zwa u Vhulaya Magogo wa, 1993 (Mulayo wa nomboro ya. 87 wa 1993), ndi khou ^qetshedza Mulayo wa Vhudifari u itela u bula ndayo dzi kwamaho phungudzo na u toolola maitele na ngona dzine dza do tevhelwa musi hu tshi khou shuⁿwa mishumo yeneyo i kwamaho zwa phungudzo.

**MUDZULATSHIDULO****KHORO YA AFRIKA TSHIPEMBE YA PHUNGUDZO YA ZWI^{HA}LI ZWA U
VHULAYA MAGOGO**

NDIVHADZO YA MUvhuso**MUHASHO WA MAKWEVHO, NDOwETSHUMO NA MUTATISANO**

**MULAYO WA PHUNGUDZO YA ZWIHALI ZWA U VHULAYA MAGOGO,
WA 1993 (MULAYO WA NOMBORO YA. 87 WA 1993)**

**MULAYO WA VHUDIFARI KHA VHATHU VHA KWAMEAHO KHA
MISHUMO YA PHUNGUDZO I LANGWAHO**

Thalutshedzo

1. Kha ino ndivhadzo ipfi lirwe na lirwe kana kuambele kuwe na kuwe kwo vhofhekanywa na Mulayo wa Phungudzo ya Zwihami zwa u Vhulaya Magogo wa, 1993 (Mulayo wa nomboro ya. 87 wa 1993), thalutshedzo ya hone i amba zwenezwo zwe ya vhofhekanywa nazwo, nga nn̄da ha musi nyimele i tshi sumbedza nga ihwe ndila—

“Thendelano ya Zwihami zwa Khemikhala” zwi amba Thendelano ya Nyiledzo ya Mveledziso, Vhubveledzi, u Vhulunga Tshiloko na Tshumiso ya Zwihami zwa Khemikhala na mvelelo dza hone dza u Vhulaya;

“khemikhala i baho kha zwi tshilaho yo diimisaho” zwi amba khemikhala ihwe na ihwe ine ya vha ya kilasi ya khemikhaala dza mbumbano dzo fhaṭwaho nga khaboni, nga nn̄da ha *oxides*, *sulphides* na *metal carbides* kana *carbonates*, dzi vthonalaho nga zwivhumbeo zwa khemikhaala, nga fomula ya tshivhumbeo, arali tshi tshi diivhe, na nga Tshumelo ya Mumiro wa Khemikhaala (CAS) nomboro ya vhuñwalisi, arali yo avhelewa, nahone i songo faredzwa kha dzikhemikhaala dzi re kha mutevhe wa Thumetshedzo dza A, B kana C dza Ndivhadzo ya Muvhuso

ya Nomboro ya. 320 ya diciembre 2021;

"muthu" zwi amba muthu nga mulayo, zwine izwi hu nga vha tshiimiswa tsha phuraivethe zwine ha vha, tshiimiswa tsha bindu kana tshiimiswa tshine tsha sa vhe tsha muvhuso) kana tshitshavha (tshine ndi, muvhuso);

"Mulayo" zwi amba Mulayo wa Phungudzo ya Zwihihi zwa u Vhulaya Magogo wa, 1993 (Mulayo wa nomboro ya. 87 wa 1993);

"Khoro" zwi amba Khoro ya Afrika Tshipembe ya Phungudzo ya Zwihihi zwa u Vhulaya Magogo hu tshi khou tevhedzwa khethekanyo ya 4 ya Mulayo wa Phungudzo ya Zwihihi zwa u Vhulaya Magogo wa, 1993 (Mulayo wa nomboro ya. 87 wa 1993);

"OPCW" zwi amba Tshiimiswa tsha Nyiledzo ya Zwihihi zwa Khemikha;

"CWC" zwi amba Thendelano ya Zwihihi zwa Khemikha.

U Ñwalisa kha Khoro

2. Muthu muñwe na muñwe u na ndango ya nyito iñwe na iñwe malugana na thundu diciembre langwaho kana muthu ane a vha na, kana a re nga fhasi ha ndango ya thundu diciembre langwaho u tea u:
 - (a) Ñwalisa kha Khoro nga ndila yo randelwaho; nahone
 - (b) arali Khoro i tshi humbelo ngauralo, muthu u tea u ita muano a fhe ndivhiso yothe Khoro sa zwe yone Khoro ya zwi humbelo.

Khumbelo ya Thendelo

3. Muthu muñwe na muñwe ańe a ḥoda u ita zwa makwevho a thundu, zwishumiswa na thekhinołodzhi dzine dza langwa dzine dzo bulwa kha mulayosińwa wa sekondari (Ndívhadzo dza Muvhuso) une wa tikedza Mulayo u tea u ita khumbelo ya thendelo dici tevhelaho:

- a) thendelo ya u rengisela mashangođavha;
- b) thendelo ya u renga mashangođavha;
- c) thendelo ya u endedza (hu tshi katelwa u pfukisela nnđa ha mukano);
na
- d) thendelo ya dzitshumelo na vhumagi.

U tevhedzela Milayo ya Thendelo

4. Muthu muñwe na muñwe a re na thendelo yo ḥetshedzwaho nga Khoro u tea u tevhedzela milayo i tevhelaho malugana na thendelo:

- a) u sa pađa zwivhalo zwo tendelwaho zwa thundu dici langwaho sa zwi
re kha mbetshelo dza thendelo;
- b) u renga mashangođavha, u rengisela mashangođavha, u rengisela
mashangođavha hafhu kana u endedza fhedzi thundu dici langwaho
sa zwo bulwaho kha thendelo yo khwaṭhis̄edzwaho;
- c) u tevhedzela ḥodea dza kushumisele na u khwaṭhis̄edza ḥodea dza
kushumisele kwa thundu dici langwaho;
- d) u rengisela mashangođavha hafhu ha thundu dici langwaho na u

renga mashangođavha ha thundu dzi langwaho fhedzi kha mashango kana fhethu ho bulwaho kha thendelo;

- e) u rengisela mashangođavha thundu dzi langwaho dzine dza bva kha Riphabuļiki u ya fhedzi kha vhufhethu hune ha khou rengiselwa hone ngei mashangođavha;
- f) u shumisa thendelo fhedzi musi zwenezwo thendelo i saathu fhirelwa nga tshifhinga; na
- g) u renga mashangođavha, u rengisela mashangođavha, u rengisela mashangođavha hafhu kana u endedza thundu dzi langwaho nga kha magethe a u dzhena kana u bva sa zwo bulwaho kha thendelo.

U humisa Thendelo yo Netshedzwaho

5. Muthu muňwe na muňwe a re na thendelo ye a netshedzwa nga Khoro u tea u tevhedzela ḥodea dzi tevhelaho:

- a) U humisa thendelo iňwe na iňwe ine yo dzhiululwa kana i khou tea u fhirelwa nga tshifhinga. Thendelo i humiselwa kha Khoro.

U Netshedza Miano

6. (1)Muthu muňwe na muňwe hu tshi katelwa vhabveledzi, vhane vha shumanya, vharengi, vha rengaho mashangođavha na vha rengisela mashađavha vha dzikhemikhaļa dzi re kha sheduļu khathihi na vhabveledzi vha dzikhemikhaļa dzi bvaho kha zwi tshilaho dzo ḑiimisaho, vha tea u netshedza nga ḓwaha na, kana luvhili nga ḓwaha, vha tshi netshedz miano, u ya nga zwo teaho iyo mishumo.

- (2) Muthu muńwe na muńwe o ɳetshedzwaho thendelo ya u maga na thendelo ya tshumelo u tea u ɳetshedza miano u ya nga milayo ya thendelo.

- (3) Muthu muńwe na muńwe a nga ɻodwa uri a ɳetshedze muano kha Khoro u ya nga mbetshelo dza thendelano ya mashango a dzitshakatshaka, kana thendelano dzo sumbedzwaho kha khethekanyo ya 27 malugana na u maga, u renga nga ińwe na ińwe ndila, kushumisele, tshumiso, u vhulunga tshiṭoko, u londola, u endedza, u renga mashangođavha, u rengisela mashangođavha, u fhirisa kana u rengisela mashangođavha hafhu ha idzo thundu.

Tshumisano na Vhaingameli

7. (1) Muthu muńwe na muńwe a kwameho kha mishumo i langwaho u tea u shumisana na muingameli o tholwaho nga Mudzulatshidulo wa Khoro:
- a) u tendela muingameli a tshi swikelela muńwe na muńwe wa mushumo, u shuma kana kuitele kwo shumiswaho kana kwo itwaho kha, ngomu kana zwifhaṭoni;
 - b) u sumbedza muingameli ińwe na ińwe ya bugu, lińwalwa, data kana tshithu tshine vha vha natsho kana tshine vha tshi langa kana muńwe na muńwe o tou imelaho;
 - c) u fha ḥalutshedzo ya rekmodo ińwe na ińwe heneffo; na
 - d) u ḫivhonadza phanda ha muingameli nga datumu, tshifhinga na fhethu ho dzundzanywaho nga muingameli.
- (2) Muthu muńwe na muńwe hu tshi katelwa vhabveledzi, vhashumanyi, vharengi, vha rengaho mashangođavha na vha rengiselaho mashangođavha dzikhemikhaļa dici re kha sheduļu khathihi na vhabveledzi vha khemikhaļa dici bvaho kha zwi tshilaho dzo

diimisaho; u tea u vha na tshumisano na vhaingameli vha Tshiimiswa tsha Nyiledzo ya Zwihi zwa Khemikhala (OPCW) vha shango u itela u fusha mishumo yatsho u ya nga Thendelalano ya Zwihi zwa Khemikhala (CWC).

Tshumisano na Bodo ya ḥodisiso

8. Muthu muńwe na muńwe a kwameaho kha mishumo i langwaho u tea u shumisana na bodo ya ḥodisiso yo thońwaho nga Minisića wa Makwevho, Ndowetshumo na Muńatisano u ya nga Mulayo nga:
 - a) u fha ndivhiso malugana na therò kana fhungo ċine ja khou ḥodisiswa arali a tshi zwi kona; na
 - b) u divhonadza phanda ha bodo ya ḥodisiso nga datumu na tshifhinga na fhethu zwo ḥaluswaho kha ċin walombidzi arali vha na, kana vha na ndango ya bugu, ċin walwa, data kana tshithu tshine tsha vha na fhungo ċine ja khou ḥodisiswa.

Tshumisano na Khoro

9. (1) Muthu muńwe na muńwe a kwameaho kha mishumo ine ya langwa u tea u vha na tshumisano na Khoro kana muthu muńwe na muńwe o fhiwaho maandalanga nga Khoro:
 - (a) Nga tshifhinga tsho ḥaluswaho hu tea u fhiwa Khoro ndivhiso ine a vha nayo, zwi vhuye zwi fheletshedzwe nga data yo teaho na mańwe mańwalwa sa zwo sumbedzwaho kha ndaela, i kwamaho nyolo, mveledziso, u maga, u lugisa, u vhambadza, u renga mashangođavha, u rengisela mashangođavha, u endedza, u isedza kana u vhulunga izwo zwo bulwaho zwa thundu dici langwaho.

- (2) Muthu muñwe na muñwe ane a ḥodwa uri a wane thendelo kha Khoro kana a tshi ḥodwa uri a a ḥwalise u tea uri musi o ḥwalelwa nga Khoro, nahone nga tshifhinga tsho bulwaho kha khumbelo u tea:
- (a) U pfukisela idzo dzisambula kha Khoro dza thundu sa zwe zwa ḥaluswa kha khumbelo, u itela ḥathuvho, u linga kana u sengulusa; kana
 - (b) U fha Khoro iyo nđivhiso u ya nga ḥaluso malugana na thundu dici langwaho kana nyolo, mveledziso na vhumagi.

Vhudifhinduleli nga Vhathu vho ḥwalisaho

10. Nga n̄ha ha mbetshelo dzo bulwaho kha Mulayo wa Vhudifari, vhathu vhothe vho ḥwalisaho vha tea u dzhiela nzhele uri nga n̄ha ha u tevhedzela Mulayo wa Vhudifari, vhudifhinduleli vhu kha vhone u vhone uri:
 - a) Mirađo ya vhashumi yo teaho i a ḥivha zwi re ngomu kha Mulayo wa Vhudifari.
 - b) Mirađo ya vhashumi yo teaho i a gudiswa nga ha phungudzo ya fhano hayani yo teaho na/kana ndangulo dza u langa zwiħali dzine dzo tea kha bindu ħavho.
 - c) U pfuka Mulayo wa zwa Phungudzo hu vhigiwa kha Khoro nga u ḥavħanya khathihi na maga a u tandulula a re hone u itela u thivhela zwine zwa nga itea hafhu.
 - d) Vhothe vho tholwaho vhane vha vha uri ndi vhorakhonħiraka vhaṭuku vhapo, dziburokhara, vharumelathundu/mihwalo, mazhendedzi a u tendela, vharengi na/kana vhashumisi vha re na

thanziela ya u ñwalisa na, kana thendelo yo netshedzwaho nga Khoro phanda ha u dzhena kha zwa bindu navho.

- e) Vhađisedzi vha mashangođavha/ vharengi vha mashangođavha vhane vha renga mashangođavha vha re na thendelothangi hune ya vha yo tea hu tshi tevhedzwa khombetshedzo dza phungudzo dzo teaho phanda ha u rengisela mashangođavha kana u renga mashangođavha thundu dzi langwaho.
- f) A vha iti thendelano kana makwevho na zwiimiswa zwi re kha mutevhe wa nyiledzo dza Khoro ya Tsireledzo ya Mbumbano ya Dzitshaka (UNSC).
- g) Tshanduko dzođhe dzi re na vhushaka na mishumo i langwaho na u ñwalisa nga u tou t̄avhanya i tea u iswa kha Khoro.
- h) Khophi yo sainiwaho ya Mulayo wa Vhudifari i iswa kha Khoro hu saathu fhira tshifhinga tsha u vala tsho bulwaho.

Khwat̄isedzo ya u Tanganedza Mulayo wa Vhudifari

11. (1) Fomo ya u Tanganedza Mulayo wa Vhudifari i tea u sainwa nahone i iswe kha Vhuñwaleli ha zwa Phungudzo kha nonproliferation@thedtic.gov.za kana i netshedzwe nga kha diresi i tevhelaho:

(a) Dīresi ya fhethu:

The Secretariat

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

77 Meintjies Street

Sunnyside

PRETORIA or

(2) Fomo ya u Khwaṭhisēdza u Ṭanganedza Mulayo wa Vhudifari i nga wanala kha ḥiresi i tevhelaho:

(a) ḥiresi ya fhethu:

The Secretariat

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

77 Meintjies Street

Sunnyside

PRETORIA kana kha

(b) Webusaithi ya Khorø ya Afrika Tshipembe ya Phungudzo ya
Zwihali zwa u Vhulaya Magogo kha
<http://non-proliferation.thedtic.gov.za/>.

(c) Khumbelo nga kha ḥiresi ya imeīlinyangaredzi i nga rumelwa
kha:

nonproliferation@thedtic.gov.za

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