

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. R. 4977

14 June 2024

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 Act 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

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) as amended, 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.12/Part 2a (Corrected) dated 29 July 2022, 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 3(c) of this notice to be controlled;
 - (d) the component parts contemplated in Item 4 of the General Note of the NSG Part 2 Guidelines to be controlled goods; and

- (e) the import, export and transit of items listed on NSG Part 2 Guidelines shall take place under a permit issued by the Council.

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;
- (c) in terms of section 13(2)(d) of the Act, determine that all import, export, re-export or transit of controlled goods within the Republic of South Africa be declared to the Council within 21 calendar days of such import, export, re-export or transit of such goods; and
- (d) 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.12/Part 2a (Corrected) dated 29 July 2022, as published on the Council website at <http://non-proliferation.thedtic.gov.za/>.

Applications

5. The applications for the permits contemplated in paragraph 2 and 3 of this Notice should be submitted through the Non-Proliferation Council Registration and Permit Online System:
<https://npcos.thedtic.gov.za/fcDTiNPApplclicantPortal/Account/LogOn>

Repeal

6. Government Notice No. 319 of 08 April 2021 is hereby repealed.

 7/6/2024

MR EBRAHIM PATEL

MINISTER OF TRADE, INDUSTRY AND COMPETITION