

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. R. 4976

14 June 2024

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 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, 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) as amended;

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) the goods listed in the Missile Technology Control Regime MTCR/TEM/2022/Annex on 21 October 2022, 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 3(e) of this notice to be controlled; 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 import, export, re-export or transit of Category I production facilities listed in the MTCR Annex;
- (b) in terms of section 13(2)(b) of the Act, further determine that the import, export, re-export or transit (including transshipment) of the controlled goods listed in paragraph 4 of this notice shall take place only under a permit issued by the Council;

- (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;
- (d) in terms of section 13(2)(d) of the Act, determine that all import, export, re-export or transit of such goods of controlled goods within the Republic of South Africa be declared to the Council within 21 calendar days of such transfer; and
- (e) 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.

Applications

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

Repeal

7. Government Notice No. 318 of 08 April 2021 is hereby repealed.

MR EBRAHIM PATEL

MINISTER OF TRADE, INDUSTRY AND COMPETITION

 7/6/2024