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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

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GOVERNMENT NOTICE
GOEWERMENTSKENNISGEWING

DEPARTMENT OF TRADE AND INDUSTRY
DEPARTEMENT VAN HANDEL EN NYWERHEID

No. R. 75

29 January 2004

NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION ACT,
1993

**NOTICE - DECLARATION OF CERTAIN GOODS AS CONTROLLED
GOODS AND THE DETERMINATION OF CONTROL MEASURES
APPLICABLE TO SUCH GOODS**

1. Under section 13 of the Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No. 87 of 1993) (the Act), and on the recommendation of the South African Council for the Non-Proliferation of Weapons of Mass Destruction established under section 4 of the Act (the Council), I, Alec Erwin, Minister of Trade and Industry, hereby –
 - (a) declare that any item of equipment, technology, materials, chemicals, biological agents or toxins, production facilities or components thereof –
 - (i) appearing nominally on a list or lists of goods declared to be controlled goods in terms of section 13(1) of the Act, but whose *specifications fall outside the range of specifications stipulated in the said list or lists; or*
 - (ii) not appearing nominally on a list or lists of goods declared to be controlled goods in terms of section 13(1) of the Act;

shall be deemed to be controlled goods if I, in consultation with the Council determine that such an item is or may be intended, in its entirety or in part, for use in the development, production, handling,

operation, maintenance, storage or dissemination of chemical or biological warfare agents or of nuclear weapons or of systems capable of delivering such agents or weapons;

- (b) prohibit the import, export, re-export or transit of the goods so deemed to be controlled goods unless a permit for the import, export, re-export or transit of the goods has been issued by the Council.
2. The Council shall in writing inform any person in control of an item contemplated in paragraph 1(a) that the item is deemed to be controlled in terms of this notice, and the person in control shall be obliged to register with the Council if he or she has not already done so and to comply with any other requirements specified in the Act as though the item had been included in the list or lists of controlled goods from the outset.
3. Notice No. 1025 of 9 October 2001 is hereby withdrawn.
4. Any application or document or anything else pertaining thereto, which is required in terms of this notice to be submitted to the Council shall –
- (a) when forwarded by post, be addressed to –
The Secretariat
South African Council for the Non-Proliferation of Weapons of Mass Destruction
Private Bag X84
Pretoria
0001; or

- (b) when delivered by hand, be delivered to –
The Secretariat
South African Council for the Non-Proliferation of Weapons of Mass
Destruction
Fedlife Building
Corner Prinsloo and Church Streets
Pretoria.

A handwritten signature in black ink, consisting of a large, stylized capital 'A' followed by a series of loops and a horizontal stroke.

A ERWIN

Minister of Trade and Industry

**WET OP DIE NIE-PROLIFERASIE VAN WAPENS VAN GROOTSKAALSE
VERNIETIGING, 1993**

**KENNISGEWING – VERKLARING VAN BEPAALDE GOEDERE TOT
BEHEERDE GOEDERE EN DIE BEPALING VAN BEHEERMAATREËLS
VAN TOEPASSING OP SODANIGE GOEDERE**

1. Kragtens artikel 13 van die Wet op die Nie-proliferasie van Wapens van Grootsekaalse Vernietiging, 1993 (Wet No. 87 van 1993) (die Wet), en op aanbeveling van die Suid-Afrikaanse Raad vir die Nie-proliferasie van Wapens van Grootsekaalse Vernietiging ingestel kragtens artikel 4 van die Wet (die Raad), verklaar ek, Alec Erwin, Minister van Handel en Nywerheid, hierby –
 - (a) dat enige item toerusting, tegnologie, materiale, chemikalieë, biologiese agense of toksiene, produksiefasiliteite of komponente daarvan wat –
 - (i) nominaal verskyn op 'n lys of 'n lys goedere wat tot beheerde goedere verklaar is ingevolge artikel 13(1) van die Wet, maar waarvan die spesifikasies buite die reeks spesifikasies wat in genoemde lys of lyste gestipuleer is, val; of
 - (ii) nie nominaal verskyn op 'n lys of lyste goedere wat tot beheerde goedere verklaar is ingevolge artikel 13(1) van die Wet;

geag sal word beheerde goedere te wees indien ek, na oorlegpleging met die Raad, bepaal dat sodanige item in sy geheel of deels vir gebruik in die ontwikkeling, produksie, hantering, werking, instandhouding, berging of verspreiding van chemiese of biologiese

oorlogvoeringagense, of van kernkragwapens of van stelsels wat sodanige agense of wapens kan lewer, is of daarvoor bedoel kan word.

- (b) dat die invoer, uitvoer, heruitvoer of deurvoer van die goedere aldus geag beheerde goedere te wees, verbode is tensy 'n permit vir die invoer, uitvoer, heruitvoer of deurvoer van die goedere deur die Raad uitgereik is.
2. Die Raad moet skriftelik iemand in beheer van 'n item bedoel in paragraaf 1(a), verwittig dat die item ingevolge hierdie kennisgewing geag word beheer te wees en die persoon in beheer is verplig om by die Raad te registreer indien hy of sy nie alreeds dit gedoen het nie en om aan enige ander vereistes soos in die Wet gespesifiseer, te voldoen asof die item uit die staanspoor in die lys of lyste beheerde goedere ingesluit was.
3. Kennisgewing No. 1025 van 9 Oktober word hierby ingetrek.
4. Enige aansoek of document of enigiets anders wat daarop betrekking het, wat ingevolge hierdie kennisgewing by die Raad ingedien moet word, moet –
- (a) wanneer per pos aangestuur word, gerig word aan –
Die Sekretariaat,
Suid-Afrikaanse Raad vir die Nie-proliferasie van Wapens van
Grootsekaalse Vernietiging,
Privaatsak X 84
Pretoria
0001; of

- (b) wanneer dit per hand afgelewer word, gaan dit na -

Die Sekretariaat

Suid-Afrikaanse Raad vir die Nie-proliferasie van Wapens van

Grootsekaalse Vernietiging,

Fedlife Gebou

Hoek van Prinsloo- en Kerkstraat

Pretoria.



A. ERWIN

Minister van Handel en Nywerheid

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