

DEPARTMENT OF TRADE AND INDUSTRY

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 Notice No. 1025 of 9 October 2001 is hereby withdrawn.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 ERWIN

Minister of Trade and Industry