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GOVERNMENT NOTICE

DEPARTMENT OF DEFENCE

No. 321

20 April 2012

NATIONAL CONVENTIONAL ARMS CONTROL COMMITTEE

NOTICE UNDER SECTION 27(3) OF NATIONAL CONVENTIONAL ARMS CONTROL ACT, 2002

LIST OF ITEMS TO WHICH THE ACT IS APPLICABLE

The National Conventional Arms Control Committee, established by section 2 of the National Conventional Arms Control Act, 2002 (Act No. 41 of 2002), hereby, under section 27(3) of the said Act, publishes, in the Schedule hereto, the list of controlled items to which the said Act is applicable as well as an exposition of the manner in which it is applicable, thereto and which types of permits are required in terms of the Act.

JT RADEBE

CHAIRPERSON: NATIONAL CONVENTIONAL ARMS CONTROL COMMITTEE

SCHEDULE**SCHEDULE OF SOUTH AFRICAN CONTROLLED ITEMS****KEY TO ABBREVIATIONS CONTAINED IN THE SCHEDULE**

Registration Certificate: RC
Marketing Permit: MKP
Import-related Permits: IMP
Export-related Permits: EXP
Contracting Permit: CP
Conveyance Permit: Conv P
Possession Permit: PP
End User Certificate: EUC
Delivery Verification Requirement (for Exports): DVR
Domestic Transfer Authorisation: DTA
Destruction Authorisation: DA
Refer to remarks column alongside: R (Where followed by a number, this number refers to the applicable note number contained in that set of remarks)
No, not controlled: N
Yes, controlled: Y

GENERAL NOTICE

Note 1: For control in terms of the provisions of the Act and the Regulations, this Schedule read with the applicable parts of the 2010 Wassenaar Control List indicate the control status of items listed hereunder; and, decontrolling notes listed in this Schedule remain applicable.

The 2010 Wassenaar Control List is accessible on <http://www.wassenaar.org>.

Note 2: For the purposes of this Schedule, interpretation and understanding of the broad categories of controlled items listed herein, reference should always be made to the descriptions provided in the 2010 Wassenaar Control List.

Note 3: The requirement for import and export licensing in terms of the Act is not required for "insignificant items" as follows:

- a. "Insignificant items" means everyday items including commercially available equipment, spares, parts, components and accessories not identified on the Dual Use Goods and Technologies List nor identified on the Munitions List and as such are deemed exempt from control in terms of the Regulations of the National Conventional Arms Control Act.
- b. In instances where it is unclear whether an item of equipment, spare part, component or accessory is controlled under the Dual Use Goods and Technologies List or the Munitions List, the item will, unless otherwise determined by other legislation, be deemed controlled in instances where the item is specially designed for the parent item that is described as a controlled item on the Dual Use Goods and Technologies List or the Munitions List of which the item in question forms a part.

Note 4: The onus rests with the person wishing to develop and manufacture, import, export, broker in, use, possess, service, dispose of or otherwise trade in items controlled in the Schedule and Wassenaar List to verify the control status of such items, and, where necessary, apply for registration and the appropriate permits from the relevant authorities.

Very Sensitive List	Sensitive List	Category 9 Aerospace and Propulsion	Category 8 Marine	Category 7 Navigation and Avionics	Category 6 Sensors and "Lasers"	Category 5 - Part 2 "Information Security"	Controlled Items	Control Mechanisms		Remarks
N	N	N	N	N	N	N	RC			
N	N	N	N	N	N	N	MKP			
N	N	N	N	N	N	N	IMP			
Y	Y	Y	Y	Y	Y	Y	EXP			
N	N	N	N	N	N	N	CP			
N	N	N	N	N	N	N	Conv P			
N	N	N	N	N	N	N	PP			
N	N	N	N	N	N	N	EUC			
N	N	N	N	N	N	N	DVR			
N	N	N	N	N	N	N	DTA			
N	N	N	N	N	N	N	DA			
										Note that an import permit is required for Category 5 - Part 2 Items

MUNITIONS LIST

ML1. (Light Weapons)	Y	Y	Y	Y R	Y	Y	R	Y	Y	Y	R 5	<p>1. Possession of a "firearm" as defined in the Firearms Control Act, 2000, is controlled in terms of the Firearms Control Act, 2000 (Act No. 60 of 2000).</p> <p>2. The trade in items listed under ML1. for purposes of dealing in firearms for private possession, private and public collection, private use, use for private security, use for business purposes, use for sports shooting and hunting, and use for law enforcement purposes, is regulated in terms of the Firearms Control Act, 2000, subject to section 4(3) of the National Conventional Arms Control Act, 2002 and Regulation 12. of the National Conventional Arms Control Regulations, 2011.</p> <p>3. Regulation under both the Firearms Control Act, 2000, and the National Conventional Arms Control Act, 2002, is applicable to the trade in items listed under ML1., intended for military uses.</p> <p>4. Under section 4(3), of the National Conventional Arms Control Act, 2002, read with Regulation 12. of the National Conventional Arms Control Regulations, 2011. the National Commissioner of the South African Police Service must submit to the National Conventional Arms Control Committee any application for the export of firearms which exceeds 10 per type.</p> <p>5. In terms of Regulation 7.(5), an export permit, may not be issued for any conventional arms of a calibre of 12.7mm (0.5 inch) or smaller, including the ammunition for such arms, that is surplus to State or parastatal stock. Domestic transfers of such arms and ammunition for the purpose of destruction by contractors shall be authorised by the Committee by means of a destruction authorisation and a domestic transfer authorisation.</p>
ML2. (Heavy Weapons)	Y	Y	Y	Y	Y	Y	R	Y	Y	N	<p>1. The licensing and possession of items listed for control under ML 2. which fall within the definition of "prohibited firearms" as referred to in section 4 of the Firearms Control Act, 2000, shall be regulated in terms of that Act, for purposes of private or public collection.</p> <p>2. The possession of and trade in such prohibited firearms for any other purpose as well as the possession of and trade in of all other items listed in ML 2. are regulated in terms of the Conventional Arms Control Act, 2002..</p>	

<p>ML3. (Ammunition and related items)</p>	<p>Y</p>	<p>Y</p>	<p>Y R</p>	<p>Y R</p>	<p>Y</p>	<p>Y</p>	<p>N R</p>	<p>Y</p>	<p>Y</p>	<p>Y R 6</p>	<p>1. Possession of "ammunition" as defined in the Firearms Control Act, 2000, is controlled in terms of the Firearms Control Act, 2000 (Act No. 60 of 2000).</p> <p>2. The possession of ammunition which fall within the definition of "prohibited firearms" as referred to in section 4 of the Firearms Control Act, 2000, shall be regulated in terms of that Act, for purposes of private or public collection. Possession of such item for any other purpose shall be regulated in terms of the National Conventional Arms Control Act, 2002.</p> <p>3. The trade in items listed under ML3. for purposes of dealing in ammunition for private possession, private and public collection, private use, use for private security, use for business purposes, use for sports shooting and hunting, and use for law enforcement purposes, is regulated in terms of the Firearms Control Act, 2000, subject to section 4(3) of the National Conventional Arms Control Act, 2002 and Regulation 12. of the National Conventional Arms Control Regulations, 2011.</p> <p>4. Regulation under both the Firearms Control Act, 2000, and the National Conventional Arms Control Act, 2002, is applicable to the trade in ammunition listed under ML3., intended for military use.</p> <p>5. Under section 4(3), of the National Conventional Arms Control Act, 2002, read with Regulation 12 of the National Conventional Arms Control Regulations, 2011, the National Commissioner of the South African Police Service must submit to the National Conventional Arms Control Committee any application for the export of ammunition which exceeds 20,000 per calibre.</p> <p>6. In terms of Regulation 7.(5), an export permit, may not be issued for any conventional arms of a calibre of 12.7mm (0.5 inch) or smaller, including the ammunition for such arms, that is surplus to State or parastatal stock. Domestic transfers of such arms and ammunition for the purpose of destruction by contractors shall be authorised by the Committee by means of a destruction authorisation and a domestic transfer authorisation.</p> <p>7. Subject to the provisions of the Firearms Control Act, 2000, a person in private possession of ammunition components that are free of explosive content does not require a possession permit in cases where the person can show that such possession is not related to trading in arms and ammunition and arises from incidental acquisition of components for private use, (such as cartridge cases for reloading), keeping souvenirs or processing scrap metal.</p>
<p>ML4. (Bombs, Rockets and related items)</p>	<p>Y R</p>	<p>Y R</p>	<p>Y R</p>	<p>Y R</p>	<p>Y</p>	<p>Y</p>	<p>R</p>	<p>Y</p>	<p>Y</p>	<p>N</p>	<p>Controls related to the explosive content of items listed under ML4. are also subject to the provisions of the SAPS Inspector of Explosives in terms of the Explosives Act, 1956.</p>

ML5. (Fire Control Equipment and related items)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	
ML6. (Ground Vehicles and related items)	Y R	Y R	Y R	Y R	Y R	Y R	R	Y R	Y R	Y 3	Y 4	<p>1. ML6.a includes control over the SAMIL 20, SAMIL 50, SAMIL 100 range of soft-skinned vehicles unless the vehicles have had all of the following features removed or altered before buyers take over title or ownership in which case import, export, transit and possession and use is exempt from further control in terms of the NCAC Act –</p> <ul style="list-style-type: none"> a. removal of pneumatic tyre casings of a kind specially designed to be bullet-proof or to run when deflated; b. removal of armoured protection of vital parts, (e.g., fuel tanks or vehicle cabs); c. removal of special reinforcements or mountings for weapons; d. removal of black-out lighting; and e. alteration of colour and markings used by the SA National Defence Force, for example, the painting of a white, red or orange diagonal defacing stripe of approximately one metre wide on both sides of the vehicle. <p>2. In instances where a military vehicle specially designed for military use under ML6. is or will be licensed for regular use on National Roads in its original colour and markings such as by bona-fide collectors or film studios, the owner shall apply for a possession permit within one year of the Regulations coming into force or within 90 days of taking ownership thereof.</p> <p>3. Armoured vehicles, and where incomplete, their hulls, are subject to a domestic transfer authorisation when changing title or ownership.</p> <p>4. Armoured vehicles, and where incomplete, their hulls, are subject to a destruction authorisation when owner intends destroying.</p>	

ML8. (Energetic Materials and related items)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	<p>1. Controls related to the possession of explosive content of items listed under ML8. are subject to regulation under the r the Explosives Act, 1956.</p> <p>2. ML8.a.21. - RDX and its derivatives mixed, integrated, shaped, cast or otherwise formed into items specially designed and destined for commercial end use (such as rock clearing in mineral mining operations), including for demining purposes (the removal of landmines) and the removal of explosive remnants of war, are controlled in terms of the Conventional Arms Control Act. 2002, as explosives on the Dual-Use Goods and Technologies List and in terms of the Explosives Act, 1956.</p> <p>3. Specially formulated pharmaceutical products containing ML8. materials for medicinal use (such as nitro-glycerine for heart medications) are not controlled.</p>
ML9. (Vessels of War and related items)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<p>1. Vessels of war, and where incomplete, their hulls, are subject to a domestic transfer permit when changing title or ownership.</p> <p>2. Vessels of war, and where incomplete, their hulls, are subject to a destruction permit when owner intends destroying.</p>	
ML10. (Aircraft and related items)	Y	Y	Y	Y	Y	Y	R	R	Y	Y	Y	<p>1. Sec Notes to ML10. Refer to the South African Civil Aviation Authority.</p> <p>2. Military parachutes kept for personal private use are exempt from control for possession.</p> <p>3. Military aircraft, and where incomplete, their airframes, that are subject to control in terms of ML10. and destined for destruction by South African owners, require a destruction permit.</p>	
ML11. (Other Electronic Equipment and related items)	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	<p>1. Items of electronic equipment listed under ML11. and manufactured before 1978 are not controlled for possession in terms of the Act provided the items cannot easily be reintegrated into a functional military weapon system.</p>	
ML12. (High Velo Kinetic Energy Eqpt and related items)	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	<p>See Note under ML3.</p>	

SERVICES													
Services	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	<p>The services that are controlled are those related to the controlled items listed in this Schedule. These include the following:</p> <ul style="list-style-type: none"> (a) aid; (b) advice; (c) assistance; (d) training; (e) product support (f) contractual after sales and warranty services; and (g) brokering