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GOVERNMENT NOTICE
GOEWERMENTSKENNISGEWING

DEPARTMENT OF TRADE AND INDUSTRY

No. R. 705 **23 May 1997**

NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION ACT, 1993 (ACT NO. 87 OF 1993)

The Minister of Trade and Industry has, under section 24 (1) of the Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No. 87 of 1993), read together with the text of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (the Chemical Weapons Convention), published in the *Gazette* as Notice No. 754 of 1997 on 2 May 1997, made the regulations in the Schedule.

SCHEDULE

Regulations relating to the Implementation and Administration of the Chemical Weapons Convention in the Republic.

Definitions

1. In these regulations, any word or expression to which a meaning has been assigned in the Act or the Convention has that meaning and, unless the context otherwise indicates -

"owner" means the natural or legal person who is the registered legal owner of the facility or controlled goods;

"person in control" means the natural or legal person responsible on a day-to-day basis for any facility or any activity relating to controlled goods;

"PSF-chemical" means a discrete organic chemical containing the elements phosphorus, sulphur or fluorine;

"specified area" with respect to an inspection by an inspector or inspectors of the Council, means the premises or portion of the premises which are to be inspected as stipulated in the document of authorization of the inspector(s) with regard to the specific inspection;

"text of the Chemical Weapons Convention" means the full text (Corrected Version) of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (including its Annexes), published in the *Gazette* as Notice No 754 of 1997 dated 2 May 1997 and any subsequent modifications to this text in terms of Article XV of the Convention;

"the Act " means the Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No. 87 of 1993), as amended;

"the Chemical Weapons Convention" or "the Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (including its Annexes), which was signed by the government of the Republic of South Africa on 14 January 1993 and ratified by South Africa by the deposition of its instrument of ratification on 13 September 1995;

"unscheduled discrete organic chemical" (unscheduled DOC) means any discrete organic chemical which is not listed in any Schedule appearing in the Annex on Chemicals of the Convention;

"unscheduled PSF-chemical" means any PSF-chemical which is not listed in any Schedule appearing in the Annex on Chemicals of the Convention;

"Verification Annex" means the Annex on Implementation and Verification of the Convention.

National Authority

2. (1) The Council is hereby designated to be South Africa's National Authority, as required by paragraph 4 of Article VII of the Convention.

(2) The Council shall serve as the national focal point for effective liaison with the

Registration

3. (1) Any person in the territory, or in any other place under the jurisdiction or control of the Republic, who is in control of any activity as specified in Notice No. 704 dated 23 May 1997, with regard to the chemicals, chemical plant sites or riot control agents, declared to be controlled goods, in quantities equal to or exceeding the threshold quantities specified in the said Notice, shall register with the Council by completing the form developed for the purpose and submitting it to the Secretariat of the Council by not later than 60 days after the date of publication of this Notice in the *Gazette*, or by not later than 60 days after becoming obliged to register if this occurs at a later date.

(2) The Council shall acknowledge in writing the receipt of such a registration form within 60 days of its receipt by the Secretariat of the Council and shall allocate a unique registration number to each person so registered.

(3) Any person who is registered with the Council shall inform the Council in writing of any change of circumstances relating to his registration obligation within 30 days of such change occurring.

Declarations

4. (1) Any person who is required to register or is already registered with the Council in term of regulation 3, shall, make a declaration or declarations to the Council with regard to the activities (as contemplated in Notice No. 704, dated 23 May 1997) relating to such chemicals, chemical plant sites or riot control agents, subject to the threshold quantities set out in Notice No. 704, dated 23 May 1997.

(2) Such declarations shall be required with respect to both past activities and to anticipated future activities as shall be specified in the form or forms.

Facility agreements

5. (1) In order that the Council, as National Authority, shall meet the obligations set out in Section A of Part III of the Verification Annex and in order that inspected facilities within the Republic shall be afforded the maximum possible protection with respect to their confidential business information during international inspections, the Council shall conclude a facility agreement with the Organization, based on a model agreement approved by the Organization and covering detailed inspection procedures for -

(a) each facility or location in the territory or in any other place under the jurisdiction or control of the Republic that is engaged in the production, processing or consumption of Schedule 1 chemicals;

(b) each facility or location in the territory or in any other place under the jurisdiction or control of the Republic that is engaged in the production, processing or consumption of Schedule 2 chemicals, unless the Council and the Technical Secretariat of the Organization, subsequent to an on-site inspection, agree that it is not needed;

(c) any facility or location in the territory or in any other place under the jurisdiction or control of the Republic that is engaged in the production of Schedule 3 chemicals with regard to which it is agreed between the Council and the owner or person in control of the facility that a facility agreement with the Organization should be requested in terms of paragraph 19 of Section B of Part VIII of the Verification Annex; and

(d) any facility or location in the territory or in any other place under the jurisdiction or control of the Republic that is engaged in the production of unscheduled discrete organic chemicals (DOC's), including those containing the elements phosphorus, sulfur or fluorine (PSF-chemicals), with regard to which it is agreed between the Council and the owner or person in control of the facility that a facility agreement with the Organization should be requested in terms of paragraph 16 of Section B of Part IX of the Verification Annex.

(2) The owner or person in control of the facility shall take all reasonable steps to cooperate with the Council in the conclusion of the said facility agreement.

Inspections by inspectors of the Organisation

6. (1) An inspector or inspection assistant employed by the Organization who, after acceptance by the Council, is duly designated by the Organization in terms of Section A of Part II of the Verification Annex to data monitoring and on-site verification duties, shall be furnished with a document, signed by the chairperson of the Council, confirming his or her appointment as an inspector or inspection assistant.

(2) Such document shall be produced by the inspector or inspection assistant at the request of any person who has a material interest in the functions of that inspector or inspection assistant.

(3) Pursuant to Part II of the Verification Annex, read together with the relevant provisions of the Vienna Convention on Diplomatic Relations of 18 April 1961 and of the Diplomatic Immunities and Privileges Act, 1989 (Act No. 74 of 1989), as amended, inspectors and inspection assistants shall be afforded all the privileges and immunities and be subject to the obligations specified in the Convention.

(4) Any qualified expert who is designated by the Organization in terms of paragraph 7 of Section B of Part XI of the Verification Annex to be part of a team during an investigation of any case of alleged use, shall enjoy the same privileges and immunities as a designated inspector or inspection assistant employed by the Organization.

(5) Any person who is in control of a declared facility or place which may be subject to stipulated data monitoring and on-site verification measures shall be-

(a) advised in writing by the Council within 30 days of the declaration being submitted by the Council that his or her activity has been declared to the Organization and that his or her activity may, under specified circumstances, be subject to data monitoring and/or on-site verification measures by the Organization; and

(b) notified expeditiously, in order to meet the timeframes stipulated in the Convention, of the receipt by the Council of an inspection notification relating to his or her activity from the Organization pursuant to paragraph 31 of Section D of Part II of the Verification Annex, and of the available details of such a contemplated inspection.

in-country escort

(6) Upon receipt of an inspection notification from the Organization, the Council shall, in order to meet the timeframes set forth in the Convention, appoint an appropriate number of suitably qualified persons including, as necessary, officials of other appropriate government departments, to be members of the in-country escort to accompany and assist the inspection team during the in-country period.

(7) The Council shall issue the necessary authorization to all members of the in-country escort to enable them to facilitate, in a timeous and effective manner, the inspection as specified in the Verification Annex.

(8) Such authorization shall state, as a minimum, a description of the inspection site, a description of the specified area in which the inspection is to be conducted, the type of inspection and the names of the members of the inspection team and of the in-country escort and, in the case of a challenge inspection, the name of the observer.

role of owner/operator

(9) Any person who is in control of an inspection site which is subject to inspection by the Organization ~~and who has been~~ notified by the Council that that inspection site is to receive an inspection by inspectors of the Organization, shall -

(a) take all reasonable steps to co-operate with the Council and/or its authorised officials in making the necessary preparations for the inspection of the inspection site, within the timeframes stipulated in the Convention;

(b) forthwith grant unimpeded access to the inspection site to the Organization's inspectors, accompanied by the Council's in-country escort together with their approved equipment and, in the case of a challenge inspection, the observer;

(c) in the case of a facility which is yet to be subject to a facility agreement between the Council and the Organization, take all reasonable steps to co-operate, within the timeframe permitted, with the Council and the Organization in the drafting and conclusion of the said agreement;

Amenities

(d) provide amenities for the use of the inspectors and the in-country escort during inspection of the inspection site, including, as appropriate, parking, transportation within the perimeter of the site, communication means, safe and secure working space and secure storage space for the approved equipment of the inspection team;

(e) on arrival of the inspection team at the inspection site, ensure that they receive a pre-inspection briefing;

(f) take all reasonable steps to co-operate with the in-country escort and with the inspection team to ensure the timeous and effective discharge of the objectives of the inspection within the bounds of the inspection mandate [which shall be issued by the Director-General of the Organization for each and every inspection] and the Organization's inspection manual, and in conformity with the provisions of any facility agreement which may be in force and, to this end, any book, document, data or thing which may be pertinent to the inspection shall immediately be made available on demand;

(g) permit the inspectors of the Organization to interview facility personnel, to inspect documentation and records, and to have photographs taken;

(h) provide clarification in connection with ambiguities that arise during an inspection;

(i) take samples or, if necessary, permit samples to be taken by the in-country escort or, if so agreed, by the inspectors of the Organization, according to methods approved by the Organization;

(j) take all reasonable steps to assist with the analysis of such samples, where possible on-site, or with the transfer of the samples for analysis off-site if it is deemed necessary by the inspectors of the Organization;

(k) participate in the debriefing;

(l) permit, where applicable, the installation of continuous monitoring instruments and systems and seals and ensure that such equipment is not interfered with.

Offences and penalties

7. Any person contravening a provision of or failing to comply with a provision of these regulations, shall be guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding ten years.

Extra-territorial extension of regulations

8. These regulations shall extend to acts done or omitted to be done by any citizen of the Republic outside the territory of the Republic or any other place under the jurisdiction or control of the Republic or on board South African ships and aircraft, in conformity with international law.

Address for submission of documents

9. Any application or document or anything else pertaining thereto, which is required in terms of these regulations 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 X 84

(b) when delivered by hand, be delivered to -

The Secretariat,
South African Council for the Non-Proliferation of Weapons of Mass Destruction,
House of Trade and Industry,
corner Prinsloo and Pretorius Streets,
Pretoria.

Short Title

10. These regulations shall be called the Chemical Weapons Regulations.

A. ERWIN
MINISTER OF TRADE AND INDUSTRY

DEPARTMENT OF TRADE AND INDUSTRY

No. R. 705 **23 May 1997**

WET OP DIE NIE-PROLIFERASIE VAN WAPENS VAN GROOTSKAALSE VERNIETIGING, 1993 (WET NO. 87 VAN 1993)

Die Minister van Handel en Nywerheid het kragtens artikel 24(1) van die Wet op die Nie-proliferasie van Wapens van Grootskaalse Vernietiging, 1993 (Wet No. 87 van 1993), gelees met die teks van die *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction* (die Chemiesewapenskonvensie), wat op 2 Mei 1997 as Kennisgewing No. 754 in die *Staatskoerant* No. 17967 gepubliseer is, die regulasies in die Bylae uitgevaardig.

BYLAE

Regulasies betreffende die Implementering en Administrering van die Chemiese-wapenskonvensie in die Republiek

Woordomskrywing

1. In hierdie regulasies, tensy uit die samehang anders blyk, het enige woord of uitdrukking waaraan 'n betekenis in die Wet of die Konvensie toegeken is, daardie betekenis en beteken -

"die Chemiesewapenskonvensie" en **"die Konvensie"** die *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction* (met inbegrip van sy Aanhangsels), wat op 14 Januarie 1993 deur die regering van die Republiek van Suid-Afrika onderteken is en op 13 September 1995 deur Suid-Afrika bekragtig is deur die indiening van sy bekragtigingsinstrument;

"die Wet" die Wet op die Nie-proliferasie van Wapens van Grootskaalse Vernietiging, 1993 (Wet No. 87 van 1993), soos gewysig;

"eienaar" die natuurlike persoon of regspersoon wat die geregistreerde wettige eienaar van die fasiliteit of beheerde goedere is;

"FSF-chemikalie" 'n diskrete organiese chemikalie wat die elemente fosfor, swael of fluoor bevat;

"gespesifiseerde gebied", ten opsigte van 'n inspeksie deur 'n inspekteur of inspekteurs van die Raad, die terrein of gedeelte van die terrein wat geïnspekteer moet word soos gestipuleer in die magtigingsdokument van die inspekteur(s) met betrekking tot die bepaalde inspeksie;

"ongeskeduleerde diskrete organiese chemikalie" (ongeskeduleerde DOC) 'n diskrete organiese chemikalie wat nie in enige Skedule wat in die Aanhangsel oor chemikalieë van die Konvensie verskyn, gelys word nie;

"ongeskeduleerde FSF-chemikalie" 'n FSF-chemikalie wat nie in enige Skedule wat in die Aanhangsel oor chemikalieë van die Konvensie verskyn, gelys word nie;

"persoon in beheer" die natuurlike persoon of regspersoon wat op 'n daaglikse grondslag verantwoordelik is vir 'n fasiliteit of 'n aktiwiteit betreffende beheerde goedere;

"teks van die Chemiesewapenskonvensie" die volledige teks (gekorrigeerde weergawe) van die *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction* (met inbegrip van sy Aanhangsels), wat op 2 Mei 1997 as Kennisgewing No. 754 in die *Staatskoerant* No. 17967 gepubliseer is en enige daaropvolgende wysigings van hierdie teks ingevolge Artikel XV van die Konvensie;

"Verifikasieaanhangsel" die Aanhangsel oor die implementering en Verifikasie van die Konvensie.

Nasionale Gesag

2. (1) Die Raad word hierby aangewys as Suid-Afrika se Nasionale Gesag, soos vereis by paragraaf 4 van Artikel VII van die Konvensie.

(2) Die Raad dien as die nasionale fokuspunt vir doeltreffende skakeling met die Organisasie en ander Statepartye.

Registrasie

3. (1) Enige persoon in die grondgebied of op enige ander plek onder jurisdiksie of beheer van die Republiek, wat in beheer is van enige aktiwiteit soos gespesifiseer in Kennisgewing No. 704, gedateer 23 Mei 1997, ten opsigte van die chemikalieë, chemieseaanlegterreine of onlusbeheerreagense van in somhoeveelhede van 100 kg of meer per kalenderjaar, hetsy in suiwer vorm of gemeng met enige ander stof, of wat beheerde goedere in sy of haar besit of bewaring of onder sy of haar beheer het, in hoeveelhede gelyk aan of meer as die drempelhoeveelhede gespesifiseer in gemelde Kennisgewing, moet by die Raad registreer deur die vorm in te vul wat vir dié doel ontwikkel is en moet dit aan die sekretariaat van die Raad voorlê hoogstens 60 dae na die publikasie van hierdie

Kennisgewing in die *Staatskoerant*, of hoogstens 60 dae nadat hy of sy verplig geword het om te registreer indien dit teen 'n later datum plaasvind.

(2) Die Raad moet ontvangs van sodanige registrasievorm binne 60 dae van die ontvangs daarvan deur die sekretariaat van die Raad skriftelik erken en moet 'n unieke registrasienommer aan elke persoon aldus geregistreer, toeken.

(3) Enige persoon wat by die Raad geregistreer is, moet die Raad binne 30 dae na enige verandering in omstandighede betreffende sy of haar registrasieverpligtinge skriftelik daarvan in kennis stel.

Verklarings

4. (1) Enige persoon wat ingevolge regulasie 3 by die Raad moet registreer of reeds geregistreer is, moet 'n verklaring of verklarings by die Raad aflê ten opsigte van die goedere soos beoog in Kennisgewing No. 704, gedateer 23 Mei 1997 betreffende sodanige chemikalieë, chemieseaanlegterreine of onlusbeheerreagense, onderworpe aan die drempelhoeveelhede uiteengesit in Kennisgewing No. 704.

(2) Sodanige verklaring of verklarings word vereis ten opsigte van aktiwiteite in die verlede sowel as voorgenome aktiwiteite in die toekoms soos gespesifiseer op die vorm of vorms.

Fasiliteitsooreenkomste

5. (1) Met die oog op die nakoming deur die Raad, as Nasionale Gesag, van sy verpligtinge wat in Afdeling A van Deel III van die Verifikasieaanhangsel uiteengesit word en met die oog op die verlening van die maksimum moontlike beskerming aan geïnspekteerde fasiliteite binne die Republiek ten opsigte van hulle vertroulike sake-inligting gedurende internasionale inspeksies, moet die Raad 'n fasiliteitsooreenkoms met die Organisasie sluit wat gegrond is op 'n modelooreenkoms goedgekeur deur die Organisasie en wat gedetailleerde inspeksieprosedures dek vir -

(a) elke fasiliteit of plek in die grondgebied of op enige ander plek onder die jurisdiksie of beheer van die Republiek wat besig is met die produksie, verwerking of verbruik van Skedule 1-chemikalieë;

(b) elke fasiliteit of plek in die grondgebied of op enige ander plek onder die jurisdiksie of beheer van die Republiek wat besig is met die produksie, verwerking of verbruik van Skedule 2-chemikalieë, tensy die Raad en die Tegniese Sekretariaat van die Organisasie na 'n inspeksie ter plaatse ooreenkom dat dit nie nodig is nie;

(c) enige fasiliteit of plek in die grondgebied of op enige ander plek onder die jurisdiksie of beheer van die Republiek wat besig is met die produksie van Skedule 3-chemikalieë ten opsigte waarvan daar tussen die Raad en die eienaar of die persoon in beheer van die fasiliteit ooreengekom word dat 'n fasiliteitsooreenkoms met die Organisasie aangevra moet word ingevolge paragraaf 19 van Afdeling B van Deel VIII van die Verifikasieaanhangsel; en

(d) enige fasiliteit of plek in die grondgebied of op enige ander plek onder die jurisdiksie of beheer van die Republiek wat besig is met die produksie van

ongeskeduleerde diskrete organiese chemikalieë (DOC's), met inbegrip van dié wat die elemente fosfor, swael of fluoor (FSF-chemikalieë) bevat, ten opsigte waarvan daar tussen die Raad en die eienaar of die persoon in beheer van die fasiliteit ooreengekom word dat 'n fasiliteitsooreenkoms met die Organisasie aangevra moet word ingevolge paragraaf 16 van Afdeling B van Deel IX van die Verifikasieaanhangsel.

(2) Die eienaar of die persoon in beheer van die fasiliteit moet alle redelike stappe doen om met die Raad saam te werk by die sluit van sodanige fasiliteitsooreenkoms.

Inspeksies deur inspekteurs van die Organisasie

6. (1) 'n Inspekteur of inspeksieassistent in diens van die Organisasie, wat na aanvaarding deur die Raad behoorlik deur die Raad ingevolge Afdeling A van Deel II van die Verifikasieaanhangsel aangewys word vir datamonitering en verifikasiepligte op terrein, moet van 'n dokument voorsien word wat deur die voorsitter van die Raad onderteken is en wat sy of haar aanstelling as inspekteur of inspeksieassistent bevestig.

(2) Sodanige dokument moet deur die inspekteur of inspeksieassistent getoon word op versoek van enige persoon wat 'n wesenlike belang by die werksaamhede van daardie inspekteur of inspeksieassistent het.

(3) Ooreenkomstig Deel II van die Verifikasieaanhangsel, saamgelees tesame met die tersaaklike bepalings van die Weense Konvensie op Diplomatieke Betrekkinge onderteken op 18 April 1961, en die Wet op Diplomatieke Immuniteite en Voorregte, 1989 (Wet No. 74 van 1989), soos gewysig, word aan inspekteurs en inspeksieassistente al die immuniteite en voorregte verleen en word hulle aan die verpligtinge vermeld in die Konvensie onderwerp.

(4) 'n Gekwalifiseerde deskundige wat ingevolge paragraaf 7 van Afdeling B van Deel XI van die Verifikasieaanhangsel as deel van 'n span gedurende 'n ondersoek van enige saak van beweerde gebruik aangewys word, geniet dieselfde voorregte en immuniteite as 'n aangewese inspekteur of inspeksieassistent aangestel deur die Organisasie.

(5) 'n Persoon wat in beheer is van 'n verklaarde fasiliteit of plek wat onderworpe is aan gestipuleerde datamonitering en maatreëls vir verifikasie op terrein moet -

(a) binne 30 dae na die voorlegging aan die Raad van die verklaring deur die Raad skriftelik in kennis gestel word dat sy of haar aktiwiteit aan die Organisasie verklaar is en dat sy of haar aktiwiteit in bepaalde omstandighede onderworpe is aan datamonitering en/of maatreëls vir verifikasie op terrein deur die Organisasie; en

(b) ten einde aan die tydraam gestipuleer in die Konvensie te voldoen, onverwyld ooreenkomstig paragraaf 31 van Afdeling D van Deel II van die Verifikasie-aanhangsel in kennis gestel word van die ontvangs deur die Raad van 'n inspeksiekennisgewing van die Organisasie betreffende sy of haar aktiwiteit en van die beskikbare besonderhede van sodanige beoogde inspeksie.

(6) By ontvangs van 'n inspeksiekennisgewing van die Organisasie moet die Raad, ten einde aan die tydrame uiteengesit in die Konvensie te voldoen, die gepaste getal paslik gekwalifiseerde persone aanstel, met inbegrip, waar nodig, van beamptes van ander betrokke Staatsdepartemente om lede te wees van die binnelandse begeleidingspan wat die inspeksiespan gedurende die binnelandse tydperk vergesel.

(7) Die Raad reik die nodige magtiging aan al die lede van die binnelandse begeleidingspan uit om hulle in staat te stel om die inspeksie vermeld in die Verifikasieaanhangsel vroegtydig en doeltreffend te fasiliteer.

(8) Sodanige magtiging moet minstens 'n beskrywing van die inspeksieterrein, 'n beskrywing van die bepaalde gebied waarin die inspeksie uitgevoer staan te word, die soort inspeksie en die name van die lede van die inspeksiespan en van die binnelandse begeleidingsgeselskap en, in die geval van 'n aandranginspeksie, die naam van die waarnemer verstrek.

(9) Enige persoon wat in beheer is van 'n inspeksieterrein wat onderworpe is aan inspeksie deur die Organisasie en wat deur die Raad in kennis gestel is dat daardie inspeksieterrein deur inspekteurs van die Organisasie geïnspekteer moet word, moet-

(a) alle redelike stappe binne die tydrame gestipuleer in die Konvensie doen om met die Raad en/of sy gemagtigde beamptes saam te werk by die tref van die nodige voorbereidings vir die inspeksie van die inspeksieterrein;

(b) onverwyld onbelemmerde toegang tot die inspeksieterrein verleen aan die Organisasie se inspekteurs, vergesel van die Raad se binnelandse begeleidingspan tesame met hulle goedgekeurde toerusting en, in die geval van 'n aandranginspeksie, die waarnemer;

(c) in die geval van 'n fasiliteit wat nog aan 'n fasiliteitsooreenkoms tussen die Raad en die Organisasie onderwerp moet word, alle redelike stappe doen om binne die toegelate tydraam met die Raad en die Organisasie saam te werk by die opstel en sluit van gemelde ooreenkoms;

(d) geriewe voorsien vir gebruik deur die inspekteurs en die binnelandse begeleidingspan gedurende die inspeksie van die inspeksieterrein, met inbegrip, waar toepaslik, van parkering, vervoer binne die grense van die terrein, kommunikasiemiddele, veilige en vaste werkruimte en vaste bergingsruimte vir die goedgekeurde toerusting van die inspeksiespan;

(e) verseker dat daar vir die inspeksiespan op die inspeksieterrein 'n voorinspeksie-inligtingsessie aangebied word;

(f) alle redelike stappe doen om met die binnelandse begeleidingspan en die inspeksiespan saam te werk ter versekering van die vroegtydige en doeltreffende uitvoering van die oogmerke van die inspeksie binne die perke van die inspeksiemandaat wat vir alle inspeksies deur die Direkteur-generaal van die Organisasie uitgereik word en van die Organisasie se inspeksiehandleiding, en in ooreenstemming met die bepalings van enige fasiliteitsooreenkoms wat van krag is en vir dié doel moet enige boek, stuk, data of saak wat toepaslik is vir die inspeksie onmiddellik op aanvraag beskikbaar gestel word;

(g) die inspekteurs van die Organisasie toelaat om onderhoude met fasiliteitspersoneel te voer, om dokumentasie en rekords te inspekteer en om foto's te laat neem;

(h) verduidelikings gee met betrekking tot onduidelikhede wat gedurende 'n inspeksie ontstaan;

(i) monsters neem of, indien nodig, toelaat dat monsters geneem word deur die binnelandse begeleidingspan of, indien aldus ooreengekom, deur die inspekteurs van die Organisasie volgens metodes goedgekeur deur die Organisasie;

(j) alle redelike stappe doen om bystand te verleen met die ontleding van sodanige monsters, waar moontlik ter plaatse, of met die oorplaas van monsters vir ontleding na 'n buiteterrein indien dit deur die inspekteurs van die Organisasie nodig geag word;

(k) deelneem aan die nabetragting;

(l) die installering van deurlopende moniteringsinstrumente en -stelsels en seëls, waar toepaslik, toelaat en verseker dat daar nie met sodanige toerusting gepeuter word nie.

Misdrywe en strawwe

7. Iemand wat 'n bepaling van hierdie regulasies oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens tien jaar.

Buiteterritoriale uitbreiding van regulasies

8. Hierdie regulasies betref ook, in ooreenstemming met die volkereg, handelinge en versuime deur enige landsburger van die Republiek buite die grondgebied van die Republiek of buite enige ander plek onder die jurisdiksie of beheer van die Republiek of aan boord van Suid-Afrikaanse skepe en lugvaartuie.

Adres vir die voorlegging van stukke

9. Enige aansoek of stuk of enigiets wat daarmee in verband staan, wat ingevolge hierdie regulasies aan die Raad voorgelê moet word, moet -

(a) wanneer dit per pos aangestuur word, gerig word aan -

Die Sekretariaat,
Suid-Afrikaanse Raad vir die Nie-proliferasie van Wapens vir
Grootskaalse Vernietiging,
Privaat Sak X84,
Pretoria,
0001;

(b) wanneer dit per hand afgelewer word, afgelewer word aan -

Die Sekretariaat,
Suid-Afrikaanse Raad vir die Nie-proliferasie van Wapens vir
Grootskaalse Vernietiging,
Handel en Nywerheid-gebou,
h. v. Prinsloo- en Pretoriusstraat,
Pretoria.

Kort Titel

10. Hierdie regulasies heet die Chemiesewapensregulasies.

A. ERWIN
MINISTER VAN HANDEL EN NYWERHEID