

Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (Recast)

CHAPTER II

**SCOPE**

*Article 5*

1 An authorisation shall be required for brokering services of dual-use items listed in Annex I if the broker has been informed by the [<sup>F1</sup>Secretary of State] that the items in question are or may be intended, in their entirety or in part, for any of the uses referred to in Article 4(1). If a broker is aware that the dual-use items listed in Annex I for which he proposes brokering services are intended, in their entirety or in part, for any of the uses referred to in Article 4(1), he must notify the [<sup>F2</sup>Secretary of State, who] will decide whether or not it is expedient to make such brokering services subject to authorisation.

F<sup>3</sup>2 .....  
F<sup>3</sup>3 .....  
F<sup>3</sup>4 .....

**Textual Amendments**

- F1** Words in Art. 5(1) substituted (31.12.2020) by [The Trade etc. in Dual-Use Items and Firearms etc. \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/771\)](#), regs. 1, **3(6)(a)(i)** (with reg. 5) (as amended by [S.I. 2020/1502](#), regs. 2(3), 10); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 5(1) substituted (31.12.2020) by [The Trade etc. in Dual-Use Items and Firearms etc. \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/771\)](#), regs. 1, **3(6)(a)(ii)** (with reg. 5) (as amended by [S.I. 2020/1502](#), regs. 2(3), 10); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Art. 5(2)(3)(4) omitted (31.12.2020) by virtue of [The Trade etc. in Dual-Use Items and Firearms etc. \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/771\)](#), regs. 1, **3(6)(b)** (with reg. 5) (as amended by [S.I. 2020/1502](#), regs. 2(3), 10); 2020 c. 1, Sch. 5 para. 1(1)

**Status:**

Point in time view as at 31/12/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the Council Regulation (EC) No 428/2009, Article 5.