

Control of Exports (Brokering Activities, Goods and Technology) Order 2018

S.I. No. 356 of 2018

Frequently Asked Questions

1. What are “Brokering Activities”?

For the purposes of the Order, “brokering activities” are broadly defined as activities of persons and entities negotiating or arranging transactions that may involve the transfer of items, including software, listed on the EU Common Military List, or who buy, sell or arrange the transfer of items and technology listed on the EU Common Military List that are in their ownership:

- from a non-EU country to a non-EU country;
- from Ireland to a non-EU country;
- from another EU Member State to a non-EU country.

2. Is there a list of possible brokering activities?

It is not possible to give an exhaustive list of “brokering activities” which could come within this definition. However, the following are some examples of activities which could come within the definition:

- Arranging supply of military goods and technology from overseas factories/warehouses;
- Arranging intra-company transfers relating to military goods and technology;
- Acting as a ‘project manager’ for a project in one non-EU country who sources supplies for that project in other non-EU countries, where the goods and technology concerned are on the EU Common Military List.
- Acting as an agent in respect of, or facilitating, transactions involving military goods and technology.

3. What is “Technology”?

For the purposes of the Order, “technology” means technology required for the development, production, operation, installation, maintenance, repair, overhaul or refurbishing items specified in the EU Common Military List.

4. What is the purpose of the Brokering Activities, Goods and Technology Order?

It imposes a licensing requirement in respect of brokering activities relating to goods and technology on the EU Common Military List as set out in the Schedule to the Order.

5. How do I apply for a Brokering Licence?

A Brokering Licence application form can be obtained by requesting an application form from the Licensing Unit at the following email address: exportcontrol@dbei.gov.ie

6. Are there penalties for breaches of the Brokering Activities, Goods and Technology Order?

As the Order was made under the Control of Exports Act 2008, breaches of the Order are subject to the penalties provided for in that Act. The 2008 Act provides for penalties on summary conviction of a fine not exceeding €5,000 or imprisonment for a term of six months or to both, and on conviction on indictment for a fine of up to €10,000,000 or three times the value of the goods or technology concerned, or imprisonment for a term of up to five years, or to both such a fine and imprisonment.

7. Are dual-use goods and technology covered by the Brokering Activities, Goods and Technology Order?

No. The Brokering Activities Order only imposes a licensing requirement on brokering activities related to goods and technology listed on the EU Common Military List as set out in the Schedule to this Order.

8. Are there any existing licensing requirements related to brokering of dual-use goods and technology?

Yes. The Control of Exports (Dual Use Items) (Amendment) Order 2018 S.I. No. 357 of 2018 imposes a licensing requirement in respect of brokering of both Annex I and non-Annex I dual-use items where the items are or may be intended, in their entirety or in part, for use in connection with WMD (Weapons of Mass Destruction) or missiles capable of delivering WMD; or if the purchasing country or the country of destination is subject to an arms embargo and the items are or may be intended, in their entirety or in part, for a military end-use.

9. If I have a query about the Brokering Activities, Goods and Technology Order whom can I phone?

If you have a query on the Brokering Activities Order, please contact the Trade Licensing and Control Unit.

Phone: (01) 631 2121

Email: exportcontrol@dbei.gov.ie