

# Overview and Precautions of Security Export Control



1. Japanese Security Export Control System
  - (1) Overview of Security Export Control System
  - (2) List Control
  - (3) Catch-All Control
  - (4) Transfer of Technology  
(Resident and Non-resident)
2. Internal Procedures for Security Export Control in Nagoya University
  - (1) While Affiliated (In cases a supervisor's authorization is necessary)
  - (2) When Returning Home (In cases a supervisor's authorization is necessary)
  - (3) Summary ~ Export Control Information and Consultation Desk ~

- ◆ This material provides an overview of the Japanese Security Export Control System and Structure.
- ◆ If this is your first time taking this course, please make sure to study this material first.
- ◆ Please take the review test after you finish studying the material.

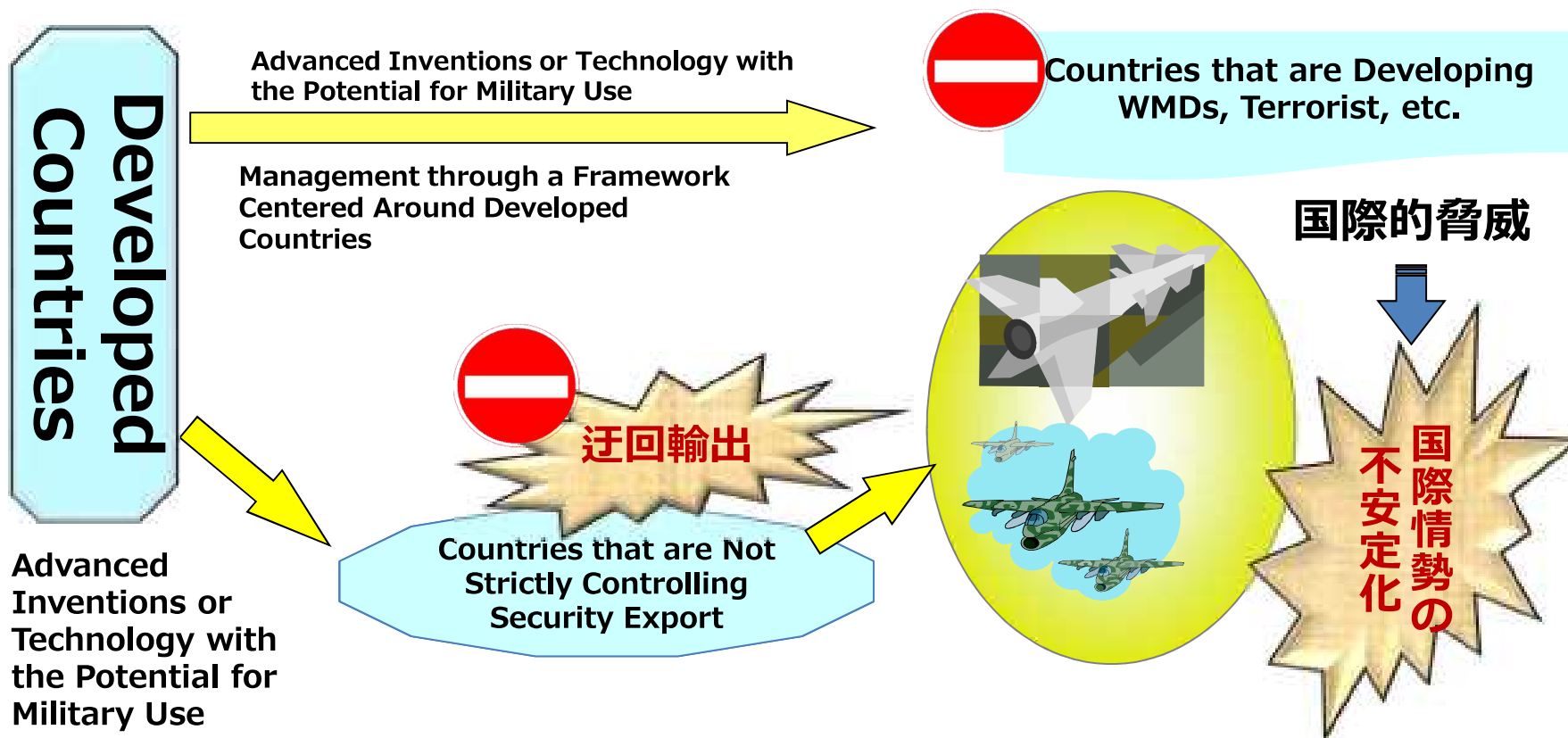
Nagoya University Export Control Administration Office  
(January 2016 2nd Version)

# **1. Japanese Security Export Control System (Structure of the Foreign Exchange Order)**

# (1) System Overview – ① What is Security Export Control

Ministry of Economy, Trade, and Industry (METI) Explanatory Seminar "Regarding Security Export Control" (May 2014)

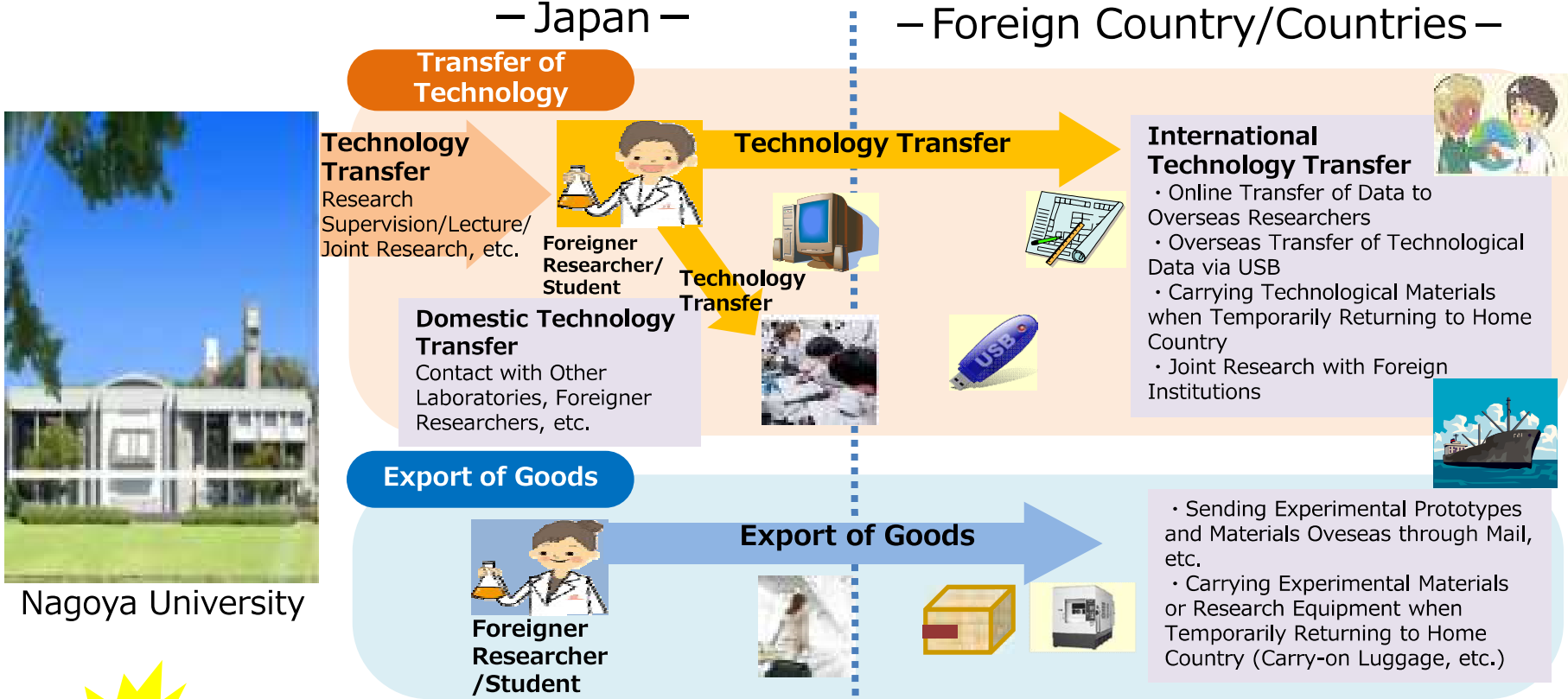
Should advanced weapons or technology from developed countries pass into the hands of countries that are developing weapons of mass destruction (WMDs), it could lead to a **global threat** and bring about world-wide instability. In order to prevent such unfortunate events from happening, **the global community, centered around the developed countries**, are engaged in sincere efforts to enforce Security Export Control.



Note) Weapons of Mass Destruction: Nuclear Weapons, Chemical Weapons, Biological Weapons, Missiles (also referred to as "Nuclear Weapons, etc") "Development, etc": Development, Production, Use or Storage

**(1) System Overview – ② "Transfer of Technology" and "Export of Goods"**

In Japan, engaging in the "Transfer of Technology" or "Export of Goods" to which the Foreign Exchange and Foreign Trade Act applies requires a licence from METI in advance.



Nagoya University



**Technical Transfers Can Happen Inside Japan!**

# (1) System Overview – ③ Penal Regulations Regarding Illegal Export, etc.

From the METI Security Export Control Explanatory Seminar (October 2013) Handout Materials

**Export of the listed goods or transfer of the listed technologies without a license is subject to penalty.**

## Criminal Penalty

- 最大** {
- Imprisonment for up to 10 years
  - Penalty Fee of up to 10 Million Japanese Yen

(However, if 5 times the amount of the value of the corresponding technology or goods is greater than 10 Million Japanese Yen, the penalty fee shall be set as an amount equal to or less than 5 times the value.)

## Administrative Sanctions

- Prohibition from Exporting Goods or Transferring Technology for 3 years or less

- Loss of University Reputation
- Social Sanctions
- Influence Towards Research Activities
- Lawsuits against the University, etc.

Warning from METI Towards Offending University



※Should any goods or technology be used for nefarious purposes, it could result in serious repercussions to not only the university but to Japan as a country.

# 1) System Overview — ④ Foreign Exchange And Foreign Trade Act: When is a Licence Required?

➔ There are two separate regulatory requirements, and a separate licence from METI is required for corresponding cases.

## List Control

1

Weapons, Sensitive Dual-Use Goods (Products related to Nuclear Power, Biological/Chemical Weaponry, Missiles, Advanced Materials, Manufacturing Equipment, etc.)

Focus on Goods/Technology

All Areas



## Catch-All Control

輸出・提供先の用途・需要者等に着目

2

**All Products Not Considered As List Control Items**

Usage/Buyer with Potential for Development of WMDs

**United Nations (UN) Arms Embargo Countries/Regions**

3

**All Products Not Considered As List Control Items**

Usage with Potential for Development of Conventional Weapons

**All Regions Other Than White Countries (UN Arms Embargo Countries + General Countries)**

**White Countries** : Countries Participating in International Security Export Control Regimes and Strictly Enforcing Export Control 【 Total 27 Countries 】

Argentina, France, New Zealand, Australia, Germany, Norway, Austria, Greece, Poland, Belgium, Hungary, Portugal, Bulgaria, Ireland, Spain, Canada, Italy, Sweden, Czech Republic, Republic of Korea, Switzerland, Denmark, Luxembourg, United Kingdom, Finland, Netherlands, United States

**UN Arms Embargo Countries** : Countries to which the UN has prohibited the Export of Weapons to. 【 Total 12 Countries 】

Afghanistan, Central African Republic, Democratic Republic of the Congo, Cote d'Ivoire, Eritrea, Iraq, Republic of Lebanon, Liberia, Libya, North Korea, Somalia, Republic of the Sudan

**General Country** : All Countries Other than those described in list above. (Iran, Syria, China, Turkey etc.)

## (2) List Control – ① List Control Overview

**METI's Licence is required** if the Goods to be Exported **meet any of the criterias described in Items 1~15** of the Export Control Order Appended Table 1 or if the Technology to be Transferred **meet any of the criterias described in Items 1~15** of the Foreign Exchange Order Appended Table.

- ◆ Goods that have High Potential for Being Used in the Development of WMDs are Regulated Under International Agreement
- ◆ A List of Product Names and Specifications (Specs) have been created, and **Goods that correspond to the Specs in the list (\*)** require a licence from METI
- ◆ Even products that are for civilian use, small volume, free, or purchased items may still be designated as Goods to be controlled.
- ◆ **Any Goods or Technology Moving to Any Areas Are Targeted**

(※) "Specs" are defined in the "Goods Ordinance" (Note 1)

(\*) **"Process of Verifying"**  
**Whether List Control (Items 1~15) Applies (Determination)**

(Note 1) Goods Ordinance : Ordinance Defining the Detailed Specifications (Specs) for List Control Goods/Technology  
(= Ordinance of the Ministry Specifying Goods and Technologies Pursuant to Provisions of the Appended Table 1 of the Export Control Order and the Appended Table of the Foreign Exchange Order )

**Check!**

- ◆ Licence required even when personally carrying said Goods overseas for research activities such as examination or observation.
- ◆ Areas of Control are "All Regions". Even if the destination is the US or Germany, Licence is still required.

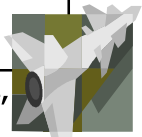
## (2) List Control – ② Controlled Goods ( Export Control Order Appended Table 1 Items 1~15 )

(Note) Refer to the "Goods and Technologies Matrix Table" for List Control Details Check (METI Security Export Control Homepage)

Export Control Order Appended Table1			List Control Product Example . . . .
Military items	Category 1	Arms	Firearms, Military bacterial agents and chemical agents, Military search lights, etc.
WMD-related	Category 2	Nuclear items	Nuclear fuel, Nuclear reactors, Artificial graphite, Carbon fiber, Direct current power units, etc.
	Category 3	Chemical weapons	Raw Materials for Toxic Substances, Corrosion Resistant Heat Exchangers, Valves, Pumps, Reaction Vessels, Storage Tanks, etc.
	Category 3-2	Biological weapons	Raw Biomaterials for Bacterial Agents, Crossflow Filters, Freeze Dryers, Closed Fermenters, etc.
	Category 4	Missiles	Rockets, Unmanned Aerial Vehicles, Accelerometers, Vibration Test Equipment, etc.
Conventional arms-related	Category 5	Advanced materials	Superconductive Materials, Organic Fiber, Carbon Fiber, Ceramic Composites, etc.
	Category 6	Material processing	Numerically-controlled machine tools, Robots, Measuring equipment, etc.
	Category 7	Electronics	High-voltage energy storage capacitors, Integrated circuits, Semiconductor substrates, Large capacity batteries, Frequency signal analyzers, etc.
	Category 8	Computers	High-performance electronic calculators, etc.
	Category 9	Communication-related	Encryption equipment, Special communication equipment, etc.
	Category 10	Sensors/lasers	Optical sensing fibers, Controllers of optical equipment, High-speed cameras, etc.
	Category 11	Navigation-related	Inertial Navigation Systems, Satellite Navigation System Radio Wave Receivers, etc.
	Category 12	Marine-related	Submersible vessels, Underwater cameras, Underwater robots, etc.
	Category 13	Aerospace propulsion	Gas turbine engines, Artificial satellite, Unmanned aerial vehicles, etc.
	Category 14	Other items	Metallic fuel in particle form, Electrically triggered shutters, etc.
Category 15	Sensitive items	Electric wave absorbers, Underwater acoustic equipment, etc.	

Deeply Related to Life Sciences

Deeply Related to Aerospace



Check!

Dual-Use Goods that can be easily found around you can also be included as a List Control Item.



# (3) Catch-All Control

## (1) WMD Catch-All Control

Any items that have a potential for being used in the development of WMDs require a licence from METI, even if it is not listed as a List Control Item.

Target Regions	All Regions Excluding 27 Countries that Strictly Enforce Security Export Control (White Countries)	
Target Goods/Technologies	Goods excluded from List Control (Excluding Food, Lumber, etc.)	
Cases requiring a licence (When applicable to ①~③)		
Judgement of Exporter	① End-Uses (Purpose of Use)	<ul style="list-style-type: none"> <li>Whether the Received Goods/Technology could be used to develop WMDs in the importing countries</li> </ul>
	② End-Users (Recipient of Transfer)	<ul style="list-style-type: none"> <li>Whether the End-User (Recipient) is developing (or was developing) WMDs</li> <li>Whether the Recipient is a Corporation, etc. that is included in the Foreign User List</li> </ul>
③ Judgement of METI		<ul style="list-style-type: none"> <li>Whether received notification informing of the necessity of obtaining a METI's licence</li> </ul>

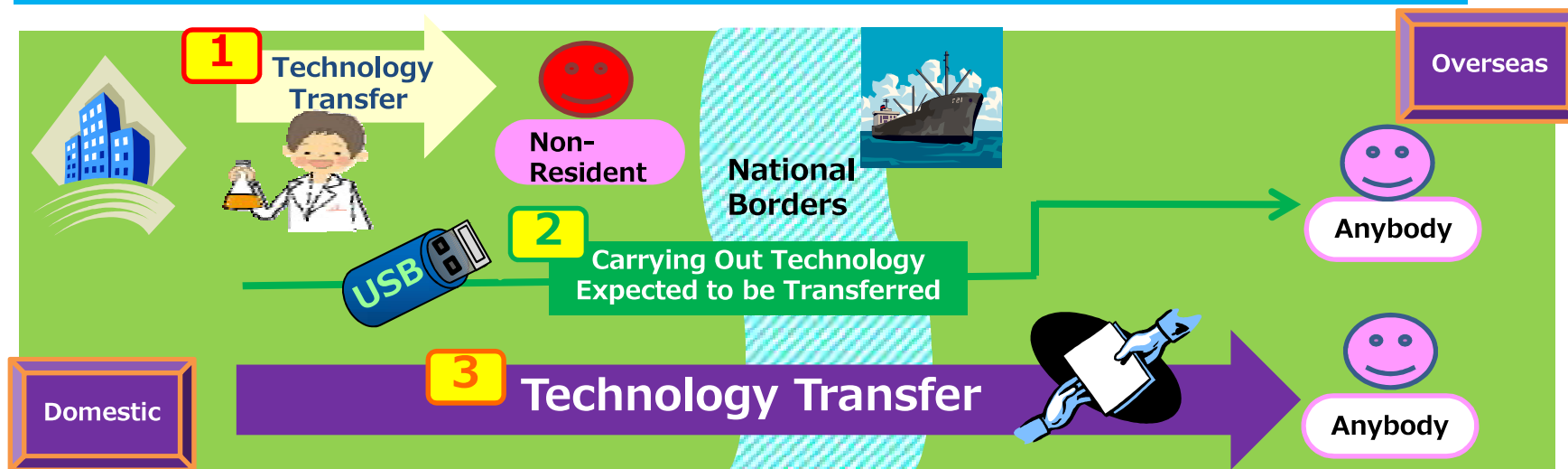
## (2) Conventional Arms Supplementary Export Control

A system in which Goods that have the potential for being used for the development or production of Conventional Arms require a METI's licence, even when not classified as a List Control Item. Targets the 12 Countries designated as Arms Embargo Countries by the UN ( However, "Inform Requirement" applies to all Non-White Countries )

※ For details, please refer to the Export Control Homepage.

# (4) Transfer of Technology (Resident and Non-Resident)

## ◆ 3 Patterns of "Technology Transfers" Requiring a Export License



		Resident	Non-Resident
Individual	Japanese	<ul style="list-style-type: none"> <li>• Resident of Japan</li> </ul>	<ul style="list-style-type: none"> <li>• Work at an Office or Research Institution Overseas</li> <li>• Persons who have spent over 2 years Overseas since Departing</li> </ul>
	Foreigner	<ul style="list-style-type: none"> <li>• Work in an Office in Japan</li> <li>• More than 6 months from Entry to Japan</li> </ul>	<ul style="list-style-type: none"> <li>• Reside Overseas</li> <li>• Persons engaged in Official Business with Foreign Governments or International Organizations</li> <li>• Less than 6 months since Entry to Japan</li> </ul>
Corporations, etc.		<ul style="list-style-type: none"> <li>• Japanese Corporation within Japan</li> <li>• Japanese Branch of Foreign Corporation</li> </ul>	<ul style="list-style-type: none"> <li>• Overseas Branch/Office of Japanese Corporation, etc.</li> <li>• Consulate of Foreign Government or Office of International Organization in Japan</li> </ul>

[Note] In the case of Technology Transfer to Faculty that have been Dispatched from Universities Overseas in accordance with **Inter-University Agreements (Joint Research, etc.)**, "Residency" is determined at **the Corporation level**. **Persons who have spent over 6 months from Entry to Japan** may be considered as Non-Resident.

※From the METI Notification "Regarding the Interpretation and Application of the Foreign Exchange Order"

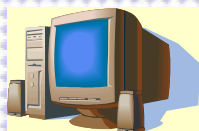
## **2 . Internal Procedures for Security Export Control in Nagoya University**

# (1) While Affiliated – ① The Case of Authorization from Supervising Faculty is Required

## 【POINT 1】 When you are engaging in the "Transfer of Technology"

### Examples of your "Transferring of Technology"

#### Overseas



Electronically Sending Data to Your Home Country, etc.



Carrying Out Technological Materials when Temporarily Returning to Home Country



Joint Research Project with an Overseas Institution



Providing Technological Assistance Overseas (☆1)



Transferring Ownership of Technological Data Overseas (☆2)

(☆1) **Technological Assistance** : Technological Instruction, Technical Training, Providing Knowledge of Operations, Consulting Services (Examples) Explanations using Presentation Software, Oral Research Presentations and Supervision, etc.

(☆2) **Technological Data** : Documents, Records stored in media or devices such as USB drives, and Programs (Examples) Presentation/Publication Manuscripts, Research Records, Blueprints, Manuals, Experimental Data, etc.

## 【POINT 2】 When you are in contact with another laboratory/research group that requires export control

When you physically enter a laboratory conducting research in a field which requires Export Control (☐Refer to the List of **Examples of Technologies and Fields of Research that Particularly Require Export Control** on the next page), or you exchange research information with an international student etc. from that research laboratory.



## 【POINT3】 When you are engaging in the "Export of Goods"

### Example 1 Sending Goods Overseas

Sending Goods across National Borders. For example, sending (by post, etc.) samples, materials, research equipment, or prototypes to a researcher in your home country or another country.

### Example 2 Carrying Goods Overseas

Taking Goods across National Borders. For example, taking electronic equipment or samples with you in order to research abroad, or when you visit your home country.

## (1) While Affiliated - ②The Case of Authorization from Supervising Faculty is Required

### □ Examples of Technologies and Fields of Research that Particularly Require Export Control (◎)

- Nuclear technologies (nucleus reactions, neutronics, etc.)
- Precision equipment technologies, precision processing technologies and precision measurement technologies
- Automatic control technologies and robot technologies
- Chemistry and Biochemistry (in particular, chemicals harmful to the human body or detoxicants)
- High-performance and high-function material technologies (heat-resistant materials, corrosion resistant materials, etc.)
- Marine technologies
- Aerospace technologies and high-performance engine technologies
- Navigation technologies
- Information-Communications technologies, electronics technologies and optical technologies
- Program development technologies for design and production of controlled goods
- Simulation program technologies
- Biology including biotechnologies and medical sciences (in particular infectious diseases and vaccines)

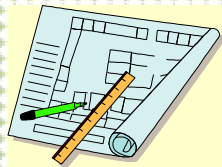


**When you physically enter a laboratory of a field which requires Export Control listed above or exchange research information with an international student etc. from that research laboratory, please make sure to obtain **prior authorization from your supervising faculty.****

## (2) Returning Home, etc.: The Case of Authorization from Supervising Faculty is Required

### 【POINT1】 If you are "Carrying Out Technology" when leaving Japan

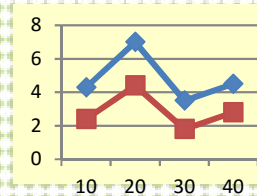
#### Examples of "Carrying Out Technology" when you return home



Carrying Out Technological Materials when Temporarily Returning to Home Country



Carrying Out Technological Data (☆)



Carrying Out Experimental Data

#### Q&A

「Q」 I want to take technological materials with me when I leave Japan, in order to summarize my research results as a paper in my home country. If the technological materials are available as commercial publications, do I still need my supervising faculty's authorization?

「A」 You do not need your supervising faculty's authorization. This case counts as "Carrying Out Technology," but authorization is not required since the content is already publicly available.

### 【POINT2】 If you are engaging in the "Export of Goods"

#### Example 1 Sending Goods Overseas

Sending Goods across National Borders. For example, sending (by post, etc.) samples, materials, research equipment, or prototypes connected with research to a researcher in your home country or another country when you leave Japan.

#### Example 2 Carrying Goods Overseas

Carrying Goods across National Borders. For example, taking electronic equipment or samples connected with research with you when you leave Japan.



### 3) As You Finish ~ Export Control Information and Consultation Desk



Nagoya University Export Control  
<http://www.aip.nagoya-u.ac.jp/researcher/security/>



METI Security Export Control  
<http://www.meti.go.jp/policy/anpo/englishpage.html>

※ If you have any questions or need clarification, please don't hesitate to contact and inquire with the persons in charge of Export Control (Linley, Hoshino, Miyabayashi, Ishikawa).

- Even if procedures within the University have been skipped, the Foreign Exchange and Foreign Trade Act still applies.
- Your own knowledge of Export Control is crucial in making the process as simple as possible.

Please send any inquiries to the contact information available at the following link:  
<http://www.aip.nagoya-u.ac.jp/researcher/security/form/index.html>

# 産学官連携リスクマネジメント (技術流出防止マネジメント) 実務者研修会の概要

日時：2016年11月1日(火) 13:30~17:30  
2日(水) 9:00~12:00  
会場：愛知県産業労働センター ウィンクあいち12階

主催：国立大学法人三重大学

共催：国立大学法人名古屋大学

12/Oct./2016, Wed.



# 全体プログラム

## ◆11/1 (火)

13:00~13:30 (30分)

受付 (1203室)

13:30~13:40 (10分)

開会の挨拶

●挨拶：駒田 学長 (三重大学)

13:40~15:40 (120分)

全体会議

<休憩・移動30分>

16:10~17:30 (80分)

分科会 (1204室、1208室)

<移動30分>

18:00~

情報交換会 (1203室)

## ◆11/2 (水)

9:00~10:50 (110分)

分科会 (1204室、1208室)

●参加者は各部屋に現地集合

<休憩・移動30分>

11:20~11:55 (35分)

全体会議 (1203室)

11:55~12:00 (5分)

閉会の挨拶

●挨拶：鶴岡 理事・副学長 (研究担当)  
(三重大学)

# 全体会議（1日目）

司会：久保 学術情報部研究支援課長（三重大学）

- ◆13:40～14:20（40分） 基調講演 文部科学省  
●内容調整
- ◆14:20～15:00（40分） 基調講演 経済産業省  
●大学における秘密情報の保護  
ハンドブックの全面改訂に  
ついて（仮）
- ◆15:00～15:20（20分） 取組みの報告 三重大学  
●報告者：狩野 准教授
- ◆15:20～15:40（20分） 取組みの報告 名古屋大学  
●報告者：鬼頭 教授

# 分科会

## ◆分科会A

「中小規模大学・本部集約型リスクマネジメントモデル」

- モデレータ：狩野 准教授（三重大学）
- 参加者：主に中小規模大学の実務担当者
- 会場：1204室

## ◆分科会B

「大規模大学・部局分散型リスクマネジメントモデル」

- モデレータ：鬼頭 教授（名古屋大学）
- 参加者：主に大規模大学の実務担当者
- 会場：1208室

# 分科会の議題（1日目）

時間：16:10～17:30（80分）

テーマ1 秘密情報管理の方針

## <重点議題>

1-① アカデミック・フリーダムとのバランスについて

- 対象とする秘密情報の範囲
- どこまで管理を強化するか？

1-② 濃淡管理について

- 秘密情報の等級付け
- 各等級における管理方法の詳細

## <その他の議題>

1-③ 大学内における理解について

- 費用対効果の評価・説明

1-④ 管理体制について

- 組織、担当部署、責任者、委員会など

# 分科会の議題（2日目）

時間：9:00～10:50（110分）

テーマ2 秘密情報管理に係る課題

## <重点議題>

2-① 学生の秘密保持義務について

- インフォームド・コンセント
- 学生にアクセスを許可する秘密情報の範囲
- 秘密保持義務に違反したときの罰則

2-② 教職員の異動への対応について

- 教職員が転出・退職する場合の秘密情報保護
- 教職員が転入した際に持ち込んだ秘密情報の取扱い

## <その他の議題>

2-③ 啓発・教育について

- 各大学・機関の取組み

# 分科会の形式

- ◆分科会の形式・議題はA, B共通
- ◆事前に、参加者はアンケートに回答
- ◆各分科会内で6人程度ずつにグループ分け
  - アンケート回答を基に主催者が編成
  - 当日、各グループ内でグループリーダーを選出
- ◆1日目と2日目前半は、各議題をそれぞれのグループで討議
  - 各議題毎に、モデレータがその議題に関する自学のモデルを、アンケートの集計を交えて解説
  - そのモデルを各大学が実施するに当たっての課題などを討議
- ◆2日目後半は、各グループリーダーが討議結果を発表し、各分科会内で討議・取りまとめ

# 全体会議（2日目）

---

座長：吉岡 研究担当副学長（三重大学）

◆11:20~11:40（20分）

分科会報告

- 報告者：狩野 准教授（三重大学）
- 報告者：鬼頭 教授（名古屋大学）

◆11:40~11:55（15分）

ディスカッション・まとめ