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)
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 worldwide 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.

**Advanced Inventions or Technology with the Potential for Military Use**

**Management through a Framework Centered Around Developed Countries**

**Countries that are Not Strictly Controlling Security Export**

**Countries that are Developing WMDs, Terrorist, etc.**

**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
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.

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**Technical Transfers Can Happen Inside Japan!**
Export of the listed goods or transfer of the listed technologies without a license is subject to penalty.

**Criminal Penalty**
- 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

※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.
List Control

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

Catch-All Control

2. **All Products Not Considered As List Control Items**
   - Usage/Buyer with Potential for Development of WMDs

3. **All Products Not Considered As List Control Items**
   - Usage with Potential for Development of Conventional Weapons

**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

(*) “Process of Verifying” Whether List Control (Items 1~15) Applies (Determination)

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

(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.
# 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)

<table>
<thead>
<tr>
<th>Export Control Order Appended Table1</th>
<th>List Control Product Example</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Military items</strong></td>
<td></td>
</tr>
<tr>
<td>Category 1</td>
<td>Arms</td>
</tr>
<tr>
<td><strong>WMD-related</strong></td>
<td></td>
</tr>
<tr>
<td>Category 2</td>
<td>Nuclear items</td>
</tr>
<tr>
<td>Category 3</td>
<td>Chemical weapons</td>
</tr>
<tr>
<td>Category 3-2</td>
<td>Biological weapons</td>
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<tr>
<td>Category 4</td>
<td>Missiles</td>
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<tr>
<td><strong>Conventional arms-related</strong></td>
<td></td>
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<tr>
<td>Category 5</td>
<td>Advanced materials</td>
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<tr>
<td>Category 6</td>
<td>Material processing</td>
</tr>
<tr>
<td>Category 7</td>
<td>Electronics</td>
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<tr>
<td>Category 8</td>
<td>Computers</td>
</tr>
<tr>
<td>Category 9</td>
<td>Communication-related</td>
</tr>
<tr>
<td>Category 10</td>
<td>Sensors/lasers</td>
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<tr>
<td>Category 12</td>
<td>Marine-related</td>
</tr>
<tr>
<td>Category 13</td>
<td>Aerospace propulsion</td>
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<tr>
<td>Category 14</td>
<td>Other items</td>
</tr>
<tr>
<td>Category 15</td>
<td>Sensitive items</td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>Target Regions</th>
<th>All Regions Excluding 27 Countries that Strictly Enforce Security Export Control (White Countries)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target Goods/Technologies</td>
<td>Goods excluded from List Control (Excluding Food, Lumber, etc.)</td>
</tr>
<tr>
<td>Cases requiring a licence</td>
<td>(When applicable to ➊〜❼)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Judgement of Exporter</th>
<th>➊End-Uses (Purpose of Use)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>· Whether the Received Goods/Technology could be used to develop WMDs in the importing countries</td>
</tr>
<tr>
<td></td>
<td>➋End-Users (Recipient of Transfer)</td>
</tr>
<tr>
<td></td>
<td>· Whether the End-User (Recipient) is developing (or was developing) WMDs</td>
</tr>
<tr>
<td></td>
<td>· Whether the Recipient is a Corporation, etc. that is included in the Foreign User List</td>
</tr>
<tr>
<td></td>
<td>❼Judgement of METI</td>
</tr>
<tr>
<td></td>
<td>· Whether received notification informing of the necessity of obtaining a METI’s licence</td>
</tr>
</tbody>
</table>

(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

1. Technology Transfer
   - Non-Resident
   - National Borders
   - Overseas

2. Carrying Out Technology Expected to be Transferred
   - Anybody

3. Technology Transfer
   - Anybody

<table>
<thead>
<tr>
<th>Resident</th>
<th>Non-Resident</th>
</tr>
</thead>
</table>
| Japanese
   - Resident of Japan
   - Work in an Office in Japan
   - More than 6 months from Entry to Japan |
| Foreigner
   - Persons who have spent over 2 years Overseas since Departing |
| Corporations, etc.
   - Japanese Corporation within Japan
   - Japanese Branch of Foreign Corporation |
| Overseas Branch/Office of Japanese Corporation, etc. |
| Consulate of Foreign Government or Office of International Organization in Japan |

[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 – 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"

- 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.

【POINT 3】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 - The 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

※ 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 ウインクあいち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
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

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）
＜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：駒田 学長（三重大学）

参加者は各部屋に現地集合

●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人程度づつにグループ分け
  ●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