

Complying with the Security Export Control Laws



JAN, 2021 Research Promotion Division
Management Office for Research Regulations
(Administration of Security Export Control at KU)

1. What are these Laws?

A stronghold for upholding international peace and security.

- The purpose of the export control system is to prevent weapons and goods such as powerful machinery and highly toxic chemicals, viruses and bacteria, among other technologies and information with possible military applications, from inadvertently reaching developers of weapons of mass destruction, terrorists and other entities of concern.

- The global export control framework enforced by the developed nations of the world as one means of protecting their country and the international community from having their own technologies threaten security.

2. The Security Export Control System in Japan

Regulated under authority of the Foreign Exchange and Foreign Trade Act (FEFTA), the following are the two types of controls:

A. List Control

The export of weapons in their complete form, as well as precision machinery that may be used to manufacture weapons or used as parts – is strictly controlled by a finely detailed list of items forbidden from being exported across all borders without permission from METI.

[To make a classification (*gaihi-hantei*), is to judge whether or not a particular item is covered in the list]

B. Catch-All Control

Items and technologies not included in the control list (with the exception of woods and foods), but with possible dangerous uses, are also regulated by the catch-all control method only allowing export, without permission, with countries known as “White Countries” – i.e. countries with export control regulations as strict as Japan.

A. Outline of the LIST CONTROL

Included are 15 categories, with examples of the controlled items.

For finer details of each listed item, see the website below.

(Up-to-date information can be found in current laws and ordinances)

- ① **Arms:** Firearms, military bacterial agents, military searchlights, etc.
- ② **Nuclear energies:** Nuclear fuel substances, nuclear reactors, artificial graphite, mass spectrometers, electron accelerators, DC power units, etc.
- ③ **-1 Chemical weapons:** Toxic substances, heat exchangers with corrosion resistance, valves, pumps, reactors, storage containers, etc.
- 2 Biological weapons:** Raw materials for military bacterial agents, cross flow filtration equipment, freeze-drying equipment, hermetic fermentation tanks, etc.
- ④ **Missiles:** Rockets, microcircuits that may be used in unmanned aerial vehicles, accelerometers, wind tunnels, vibration test equipment, etc.
- ⑤ **High-tech materials:** Superconductive materials, organic fibers, ceramic composites, etc.
- ⑥ **Material processing:** Numerically-controlled industrial machines, robots, measuring equipment, etc.
- ⑦ **Electronics:** High voltage capacitors, integrated circuits, semiconductor substrates, equipment to manufacture semiconductors, high volume batteries, frequency signal analyzers, etc.
- ⑧ **Computers:** High-performance computers
- ⑨ **Communication-related:** Encryption equipment, specialized communication equipment, etc.
- ⑩ **Sensors or lasers:** Optical fibers for communication, photo-detectors, optical equipment, specialized cameras, laser oscillators, magnetometers, radars, etc.
- ⑪ **Navigation-related:** Inertial navigation systems, electromagnetic wave receivers for global navigation satellite systems, etc.
- ⑫ **Marine-related:** Submersible vessels, underwater cameras/robots, etc.
- ⑬ **Propulsion unit:** Gas turbine engines, satellites, unmanned aerial vehicles, etc.
- ⑭ **Miscellaneous:** Powdered metal fuel, electrically triggered shutters, etc.
- ⑮ **Sensitive items:** Electric wave absorbers, underwater detection equipment, etc.

[For detailed information of items visit www.japaneselawtranslation.go.jp]
“Export Trade Control Order - Appended Table 1”

<http://www.japaneselawtranslation.go.jp/law/detail/?id=2078&vm=04&re=01&new=1>

B. Outline of the CATCH-ALL CONTROL

After confirming that the items are not on the control list, the questions below must also answered. If either apply, special permission must be attained.

End-Uses:

Are there any fears that the goods and technologies in question will be used for the development of weapons – either of mass destruction or conventional?

End-Users:

Are/Were the receivers of the goods and technologies involved – either currently or in the past – in the development of weapons of mass destruction?

Extra precautions must be taken for exports to entities listed on the Foreign End-user List.

[The Foreign End-User List (*gaikoku yu-zu-risuto*) is provided by the Ministry of Economy, Trade and Industry, listing overseas corporations, institutions and organizations of concern]

3. Limiting the Release of Technologies

Aside from physical goods, technologies are also subject to export control measures.

- Technologies are needed for the different stages of the development, manufacture and utilization of weaponry.

- Permission must be obtained before providing technologies related to items on the Control List to foreign entities (or “Non-residents”), or to entities who may have the capacity to develop weapons.

[**Non-residents** (*hikyoyuusha*) are either foreign nationals who are not employed in Japan and whose arrival in Japan was no more than 6 months ago, or Japanese nationals who are working abroad]

- Permission is also required in cases where a technology may be disclosed to a domestic entity, but with the ultimate intention of transferring it to individuals or entities abroad.

- The following are examples of possible technologies owned by the university:

I. Design and analysis software (with undisclosed source-codes) for the development and refinement of listed items.

II. Technologies for the manufacture of controlled goods, as well as data for their performance evaluation.

III. User and maintenance procedures for the handling of listed goods in research.

4. Forms of Technology Release

Inadvertent Technology Releases can occur through various activities at the university.

- Parties involved including administrations and individual researchers should ensure that the exchange of controlled technologies do not occur without appropriate procedures and permissions while supervising research of international students or while participating in international cooperative research.

- Technical instruction, skills training, provision of practical working knowledge and the offering of technical support at seminars are all various forms of the release of technologies. These are in addition to basic transactions of technical information in the form of blueprints, specifications, manuals, samples and prototypes on paper, in e-mails, or in storage mediums such as CDs, USBs, etc.

- The specifications sent to overseas companies when ordering research equipment is also a form of technology release.

5. Application Procedures for Export License

To export or release items and technologies that are controlled, attain permission in the form of an export license.

- Each faculty is the primary line of authorization, where items and technologies intended to be exported are checked on whether they are included in the Control List or whether the Catch-All Control applies. Obscure points or difficulties with classification should be cleared or solved by contacting the consulting services at the head offices. Licensing procedures should be carried out when the items fall under both or either of the regulations.

- As the second line of authorization, the Research Promotion Department will check and confirm the necessity of the license application and proceed with the application to METI, in the name of the university president.

6. Penalties for Non-compliance

Exporting of regulated goods or technologies without license is punishable on the grounds of the FEFTA.

Criminal Penalties

- Criminal fine, less than 30million yen for the person and/or less than 1 billion yen for the educational foundation (corporation).
- A prison term not exceeding ten years.

Administrative Sanctions

- Prohibition on exportation or provisions of goods or technologies within three years.

Social Sanctions

- Public credibility of the persons or the organizations might be damaged.

Laws must be complied with to prevent the abuse of academic information!

Website & Contact Info

Kyoto University

- Website: <https://www.kyoto-u.ac.jp/en/research/research-compliance-ethics/security-export-control>
- Faculties: Individual contact information is available at the website of campus limited information.
- Contact at Head Quarter: Research Promotion Division
TEL: 075-753-2298, 5602
E-mail: info-yusyutu@mail2.adm.kyoto-ac.jp

Trade Control Department of the Ministry of Economy, Trade and Industry

- Website: www.meti.go.jp/policy/anpo/englishpage.html

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