(Tentative translation)

Guidance for the Control of Sensitive Technologies for Security Export for Academic and Research Institutions

3rd Edition

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Ministry of Economy, Trade and Industry
Trade Control Department

< Table of Contents >

I. Purposes and Usages of this Guidance

1. Purposes of this Guidance

Major nations in the world, including Japan, have set up an export control framework internationally in order to prevent countries of concerns and entities, including terrorists, from obtaining weapons or technologies/ goods that have potential to be diverted to military use. By doing so, the international community strictly controls them in a coordinated manner.

Under the common recognition that effective export control is also necessary for academic and research institutions engaging in state-of-the-art R&D efforts, METI works with Ministry of Education, Culture, Sports, Science and Technology (hereinafter “MEXT”) and other organizations to hold briefing sessions and raise awareness of aforementioned issues and concerns.

By streamlining what academic institutions should conduct to manage their transfer of technologies pursuant to the Foreign Exchange and Foreign Trade Act (Act No. 228 in 1949, hereinafter, "FEFTA"), METI, in cooperation with MEXT, developed this Guidance in 2008, with later amendment in 2010 along with the 2009 partial revision of FEFTA aiming to encourage the establishment of an effective compliance framework and enhance the control standards over sensitive technology information.

Due to the increasing concern over the sensitive technology outflow cases in regard to security export, academic institutions need to comply with the legally required "compliance requirements for exporters" and also take more appropriate sensitive technology control actions further promote globalization, including international human interactions and joint R&D cases.

Security Export Control constitutes a part of (legal) compliance at academic and research institutions. It should be kept in mind that the legal violation may lead to punishment for these institutions. In conducting international human interactions and joint R&D, there is a potential to unexpectedly get in trouble unless the appropriate (internal) export control structure has been established.

To further enhance the effectiveness of the control system following the partial revision of FEFTA in 2017, METI has taken actions including reinforced penalties for illegal transfer of technologies and exports of goods, and accordingly revised the guidance for ensured control of the sensitive technologies at each academic or research institution.

In this revision, the sections to be referenced as well as the basic verification procedures for transfer of technologies and export of goods, including outline of the system in association with FEFTA, the verification procedures for various cases, establishing/operating organizational structure, are provided depending on the needs of the academic and research institutions. Additionally, it is so configured to ensure implementation of the required procedures at each academic or research institution by sorting out required/recommended efforts along different cases including administration of international students and overseas trips, as well as providing compliance program and form samples.

Referring to this Guidance, academic and research institutions are expected to ensure solid implementation of the control of sensitive technologies as well as promote understanding of the significance of the regulations and control of the technologies across all levels of the organization, including senior staff, students and other staffs.

As reference materials in implementing what are described in this Guidance at relevant institutions, the Japan Society for Intellectual Production (an NPO) has published "Guidelines for Establishing/Operating Voluntary Control Structure for Security Export Control" and "Security Export Control Guidelines for Researchers," which should be effective if utilized together.

2. Usages of this Guidance

For better use of this Guidance, see below depending on the specific need of each academic and research institution.

For outline of the control system

-> II. Security Export Control System (from p. 6)

For the applicable cases

-> III. Transfer of Technologies Subject to the Control (from p. 25)

For the verification procedure for transfer of technologies and export of goods

-> IV. Verification Procedure for Transfer of Technologies and Export of Goods (from p. 31)

For the verification procedure for different cases, including administration of international students and researchers

-> V. Verification Procedures for Different Cases (from p. 56)

For how to establish/operate organizational structure

-> VI. Establishing/Operating Organizational Structure (from p. 64)

For referencing Internal Compliance Programs and check sheet examples

-> IX. Example Rules and Forms (from p. 80)

For individual questions and consultations

-> VIII. Representative Q&A Examples (with University-related Persons) (from p. 77)

X. Contacts (p. 108)

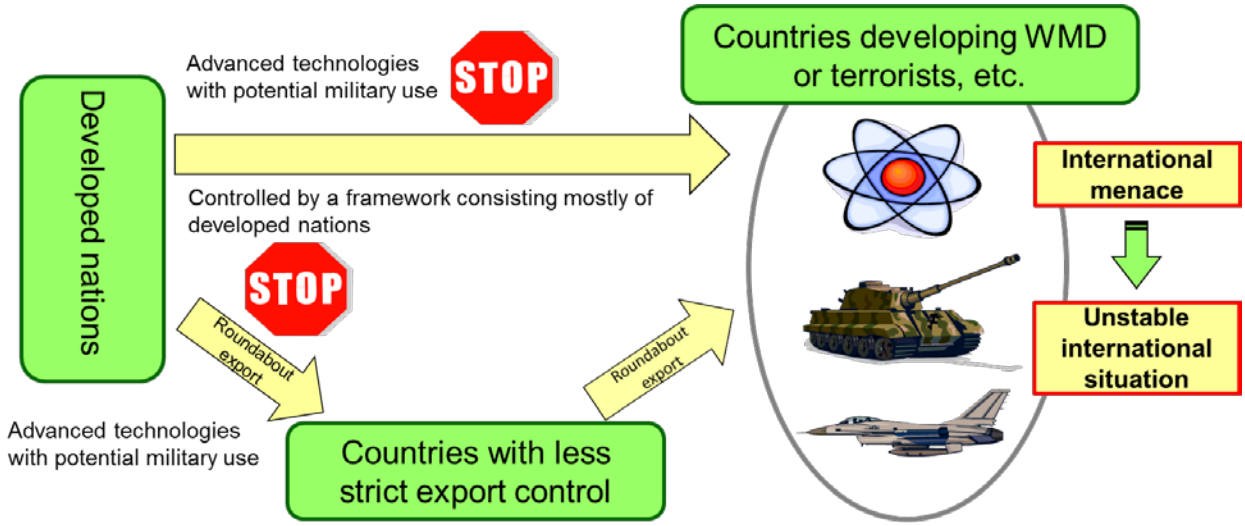
II. Security Export Control System

1. System Intent and Background

1) Necessity of the Security Trade Control

Security Export Control means to control transfer of technologies and export of goods for the purpose of preserving the peace and security of Japan and the international community as a whole. It works to prevent transfer of the technologies and goods that can be potentially diverted to weapons or military use to any such person who might conduct activities of concern as a nation or terrorists who could threaten the peace and security of Japan and the international community.

Major nations in the world have set up an international framework mainly consisting of developed nations to promote the security export control. By doing so, we obviate the international threats, including potential transfer of the advanced technologies of developed countries to such countries or entities that develop (or manufacture, use or store) WMD (nuclear, chemical, biological weapons or missiles), or excessive reserve of conventional weapons.



2) Transition of the Security Environment and the Framework under International Harmonization

While activities to strengthen military power are becoming more obvious including development of nuclear weapons and missiles by North Korea, terrorism by non-state actors are globally expanding with alleged use of chemical weapons. Thus, the global security environment is drastically changing.

With the recent leadership of civilian technologies in innovation as well as movement of diversion of such civilian technologies as the dual-use into military use, significance of controlling not only goods but also technologies is growing. In addition, there are cases where countries of concern or terrorists dispatch researchers and students to abroad, that represent their increasingly diversified procurement activities that require appropriate control of technologies and goods at academic and research institutions as well.

<Transition of the targets for acquiring goods/technologies of concern>

[Past] [Recent]

List Control Goods → Non-List Control Goods + List Control Technologies

* Self-producing list control goods

Military Supplies → Military/Civilian Use

* Goods for civilian use, but also for military use

Countries of concern or terrorists may target an organization with inadequate export control.

Most goods/technologies required for development, etc., of WMD are of military/civilian use (dual-use) and can be easily camouflaged.

<Examples where civilian technologies that can be used in military sphere>

- ✓ Carbon fiber: Light in weight, strong and durable fiber material whose key element is carbon
  - Civilian applications -> golf club shafts, fishing rods, tennis rackets
  - Defense-related applications -> Main wing material for fighter jets

- ✓ Active control suspensions: A mechanism to damp vibration by electrically adapting the suspension characteristics
  - Civilian applications -> Formula 1 race car
  - Defense-related applications -> armored combat vehicle

- ✓ Gallium nitride (GaN): Semiconductor material for highly efficient power control/conversion
  - Civilian applications -> Amplifier for a satellite's radiowave transmission
  - Defense-related applications -> Radars for fleet escort vessels

In such an environment, the security export control is an initiative for which Japan and the international community are working together, following the "Multilateral export control regime" for WMD and conventional weapons, and Japan has been implementing the control based on FEFTA.

Multilateral Export Control Regime (As of June 2017)

Controls technologies and products that can be used in WMD or conventional weapons and development or related activities thereof

WMD-related ← → Conventional Weapons-related

Nuclear Weapons-related	Biological/chemical weapons-related	Missiles-related	Conventional Weapons-related
NSG	AG	MTCR	WA
Nuclear Suppliers Group	Australia group	Missile Technology Control Regime	The Wassenaar Arrangement
Established in '78 48 nations join	Established in '85 41 nations join	Established in '87 35 nations join	Established in '96 41 nations join

<Cases of potential outflow of advanced technologies in other countries> (Source: media reports, etc.)

In the United States, there were cases that countries of concern might have acquired advanced technologies. Some of them involved domestic/foreign universities and resulted in conviction of the parties concerned.

Cases in U.S. - 1.

- Bilal Ahmed, CEO of an Illinois engineering company, Trexim Corporation, **exported carbon fiber and other materials of concern to Pakistan Space and Upper Atmosphere Research Commission (SUPARCO)** without obtaining the license.
- **SUPARCO had been designated as one of the Specially Designated Nationals And Blocked Persons List (SDN) entity** in the U.S. (also listed in the Foreign End User List). SUPARCO shares a part of the facility with a domestic university and most of the successive chairs of the Commission are either from the university or the military.
- Ahmed was sentenced to **two years in prison** on charge of this case.

Cases in U.S. - 2.

- Amin Yu, a Florida-residing Chinese woman, **exported systems and components for marine submersible boats to China** from 2002 to 2014, **directed by a professor and some others at the Harbin Institute of Technology** in China.
- One of the reasons to export them turned out to be the development of marine submersible boats - unmanned, remote controlled or autonomous - by a professor at the university.
- For this reason, Amin Yu was **prosecuted for conducting illegal export and intelligence activities, attempting a deceitful conduct and crime against U.S.** She admitted the charges.

Cases in U.S. - 3.

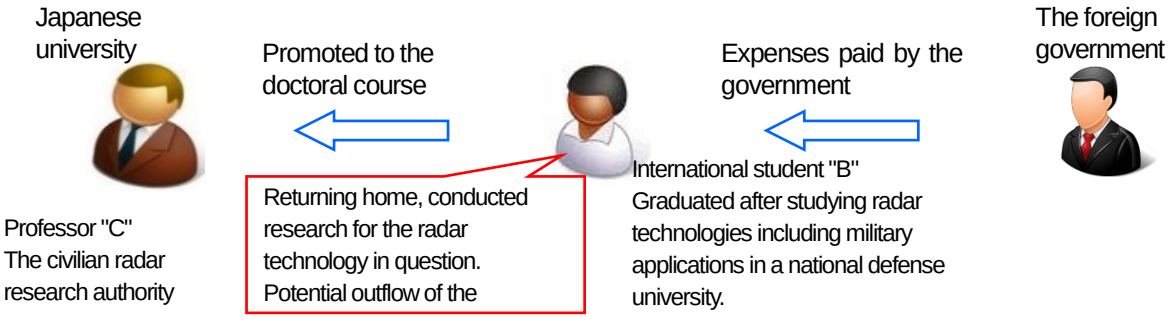
- Atmospheric Glow Technologies (AGT) concluded a **research agreement with The Air Force Research Laboratory (USAF) on the plasma actuator for unmanned aerial vehicle**.
- Partly because an ex-student (Daniel Max Sherman) of Prof. J. Reece Roth, The University of Tennessee, was with AGT then, the professor and AGT concluded a joint research agreement.
- Prof. Roth and Mr. Sherman agreed on hiring a graduate student as an assistant to help with the research. **Without obtaining U.S. government license, Prof. Roth allowed the Chinese and Iranian, etc. students who were engaged in the research activities under instruction of the professor to access to reports on this research.** Prof. Roth also carried the computer containing the technical information on the research with USAF to China for lectures without obtaining the export license.
- Because of these, Prof. Roth and Mr. Sherman were **charged with violation of the Arms Export Control Act** and respectively sentenced to four years and fourteen months (more than a year).

Cases in U.S. - 4.

- Sixing Liu, a New Jersey-residing Chinese who was an employee of L-3 Communications (a company in defense business), **possessed a large volume of U.S. military secret data (e.g., the missile guidance system) and disclosed such secret data to such parties as Chinese universities and in symposiums held by the Chinese government**.
- Specifically, he brought his computer to the congresses held in Chongqing and Shanghai in China and introduced the technologies associated with his job in the U.S. and even the national defense technologies prohibited to export by U.S. laws.
- Because of this, Mr. Sixing Liu was **changed with violation of the Arms Export Control Act as well as theft of commercial secrets**, and sentenced to 70 months in prison (a little less than six years).

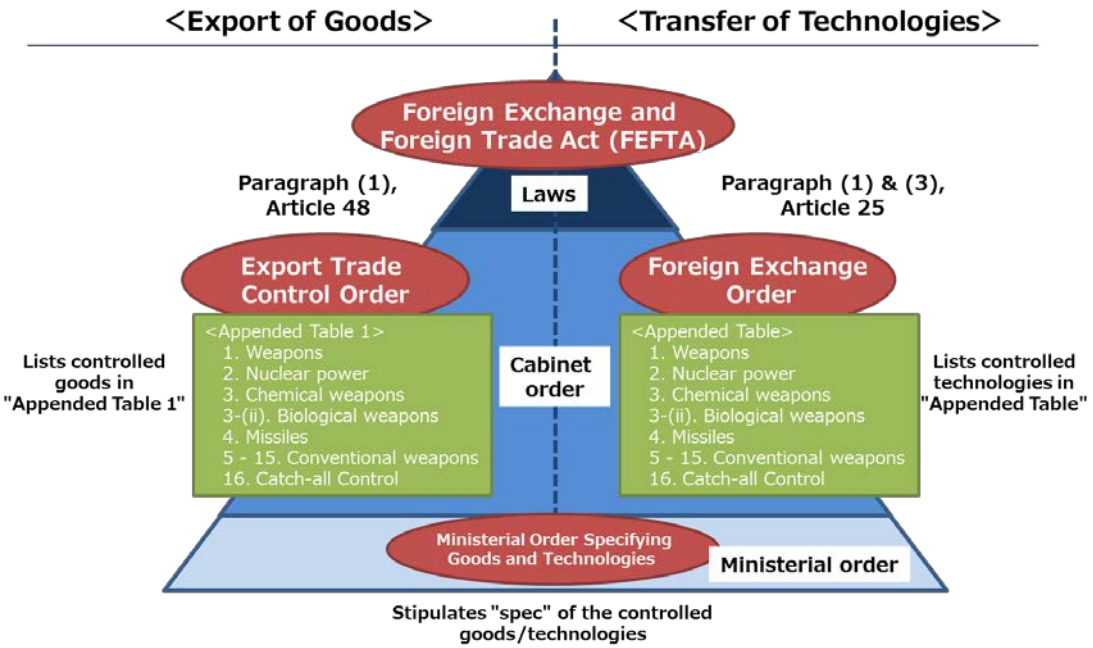
<Cases of potential outflow of advanced technologies in Japan>

In Japan as well, a case of potential technology outflow to a foreign country has occurred, in which a student whose overseas study expenses were paid by the foreign government was promoted to the doctoral course in a Japanese university, got instructed by a professor who is the civilian radar research authority, and conducted the radar technology research after returning to the home country.



2. Control System

Japan enforces two types of control: (i) List Control; and (ii) Catch-all Control. These controls require the license in advance from the Minister of Economy, Trade and Industry to transfer/export controlled technologies/goods to a foreign country.



1) List Control

Following the multilateral export control regime agreement, the prior license of the Minister of Economy, Trade and Industry is required regardless of the destination of the export or shipment of technologies and goods that are weapons and can be potentially used for development, etc., of WMD and conventional weapons.

Specifically, the (List of) items[1] are specified in the "Appended Table of the Foreign Exchange Order[2] (hereinafter "FEO")" and the "Appended Table 1 of the Export Trade Control Order[3] (hereinafter "ETCO"), while specifications are described in the "Ministerial Order Specifying Goods and Technologies Pursuant to the Provisions of the Appended Table 1 of the Export Trade Control Order and the Appended Table of the Foreign Exchange Order[4] (hereinafter "MOSGT")." Accordingly the technologies to transfer or goods to export have to be screened if they are subject to the control or not (hereinafter "Classification").

Categories designated in the Appended Table of the FEO and the Appended Table 1 of the ETCO are described in the following pages. If these items meet the specifications described in the MOSGT, the items are subject to the List Control[5].

[1] Weapons and sensitive general purpose goods (items/advanced materials/machine tools related to nuclear/biological/chemical weapons and missiles; see p. 10 through 14 for details) are listed.
[2] Foreign Exchange Order (Cabinet Order No. 260 of October 11, 1980)
[3] Export Trade Control Order (Cabinet Order No. 378 of December 1, 1949)
[4] Ministerial Order Specifying Goods and Technologies Pursuant to the Provisions of the Appended Table 1 of the Export Trade Control Order and the Appended Table of the Foreign Exchange Order (Ministerial Order of International Trade and Industry No. 49 of October 14, 1991)
[5] For example, the "Equipment using superconducting materials" specified as 7-(iv) in Appended Table 1 of the Export Trade Control Order is further limited in the Ministerial Order Specifying Goods and Technologies Pursuant to the Provisions of the Appended Table 1 of the Export Trade Control Order and the Appended Table of the Foreign Exchange Order to the "electron devices or electronic circuits with components designed for use at temperatures lower than the critical temperature of the superconductive materials used" that has frequency separation function and the resonant circuits with a cue value exceeding 10,000." On the other hand, the technology itself falls under the category, in a broader sense, specified by the Item 4-(iv) of the Appended Table of the Foreign Exchange Order as "employed in the use of autoclaves" while it is limited to the technology "pertaining to the use of autoclaves, and the data or procedures to provide for the environment inside the autoclaves" in the Ministerial Order Specifying Goods and Technologies Pursuant to the Provisions of the Appended Table 1 of the Export Trade Control Order and the Appended Table of the Foreign Exchange Order. Thus, confirming the specification defined by the Order is required for the Classification process.

List Control Items

As of June 2017

Number	Item	Number	Item
1. Arms		9)	Nickel powder, nickel porous metal
		10)	Equipment for the production of deuterium or deuterium compounds
1)	Firearms, ammunitions	10-2)	Equipment for the production of uranium/plutonium
2)	Explosives, explosive dispensers	11)	Flow-forming machines
3)	Propellants, military fuels	12)	1. Numerically-controlled machine tools
4)	Propellants, military fuels		2. Measurement equipment
5)	Directed-energy weapons	13)	Induction furnaces, arc furnaces or melting furnaces
6)	Kinetic energy weapons and projectiles	14)	Isostatic presses
7)	Military vehicles, bridges, etc.	15)	Robots
8)	Military vessels, etc.	16)	Vibration test systems
9)	Military aircraft, etc.	17)	Structural materials for gas centrifuge rotors
10)	Anti-submarine nets, anti-torpedo nets	18)	Beryllium
11)	Armor plates, military helmets, body armors	19)	Substances used as alpha sources for the detonation of nuclear weapons
12)	Military searchlights or control equipment	20)	Boron 10
13)	Bacterial/chemical warfare agents	21)	Substances used as reducing or oxidizing agents for the production of nuclear fuel materials
13-2)	Chemical compounds for clarifying bacterial/chemical warfare agents	22)	Crucibles
14)	Biopolymers for chemical agents, etc.	23)	Hafnium
15)	Equipment for the production/test of warfare low explosives	24)	Lithium
16)	Equipment or device for the production of arms	25)	Tungsten
17)	Military satellites or components thereof	26)	Zirconium
2. Nuclear Power		27)	Electrolytic cells for fluorine production
		28)	Equipment for the production of gas centrifuge rotors
1)	Nuclear fuel or nuclear source materials	29)	Centrifugal balancing machines
2)	Nuclear reactors or power-generating equipment for nuclear reactors	30)	Filament winding machines
3)	Deuterium or deuterium compounds	31)	Laser oscillators
4)	Artificial graphite	32)	Mass spectrometers or ion sources
5)	Equipment for the separation/reprocessing of nuclear fuel materials	33)	Pressure gauges or bellows valves
6)	Equipment for the separation of lithium isotopes	34)	Superconducting solenoid electromagnets
7)	Equipment for the separation of uranium/plutonium isotopes	35)	Vacuum pumps
8)	Frequency changers	35-2)	Scroll-type compressors and vacuum pumps

Number	Item	Number	Item
36)	Direct current power units	5-2)	Bearings for pumps
37)	Electron accelerators or X-ray generators	6)	Propellants or their raw materials
38)	Impact testing machines	7)	Equipment for the production/test of propellants
39)	High speed cameras	8)	Powder and granular materials mixers
40)	Interferometers, pressure gauges, pressure transducers	9)	Jet mills or equipment for the production of metal powders
41)	Goods used for the detonation (testing) of nuclear weapons	10)	Equipment for the production of composite materials
42)	Photomultiplier tubes	11)	Nozzles
43)	Neutron generators	12)	Equipment, et alia, for the production of nozzle or re-entry vehicle nose tips
44)	Remote control manipulators	13)	Isostatic presses or controllers
45)	Radiation shielding windows or frames	14)	Furnaces or controllers for composite materials
46)	TV cameras or lenses specially designed for protection from the influence of radiation	15)	Structural materials for rockets or UAVs
47)	Tritium	16)	Accelerometers or gyroscopes for rockets or UAVs
48)	Equipment for the production, collection or preservation of tritium	17)	Flight controllers or attitude controllers, et alia, for rockets or UAVs
49)	Platinized catalysts	18)	Avionics equipment
50)	Helium-3	18-2)	Thermoelectric batteries for rockets or UAVs
51)	Primary products of rhenium	19)	Gravity meters or gravity gradiometers for aircraft or ship mounting
52)	Containers with explosion-proof construction	20)	Launch pads or associated ground launch support equipment for rockets or UAVs
3. Chemical Weapons		21)	Radio telemetry equipment, radio telecontrol equipment for rockets or UAVs
		22)	Computers designed for use in a rocket
1)	Raw materials for chemical warfare agents or substances/raw materials having equivalent toxic ability with chemical warfare agents	23)	Analog-to-digital converters for rockets or UAVs
2)	Equipment or device for the production of chemical agents	24)	Vibration test equipment, aerodynamics testing equipment, combustion test equipment, et alia
3 - 2. Biological Weapons		24-2)	Electronic computers used for designing rockets
		25)	Materials or equipment for reducing the level of the radio waves, acoustic waves or light
1)	Source materials for bacterial warfare agents	26)	Integrated circuits, detectors, or radomes for rockets or UAVs
2)	Equipment for the production of bacterial agents	5. Advanced Materials	
4. Missiles		1)	Fluorine compound products
1)	Rockets or their production equipment	2)	(delete)
1-2)	Unmanned aerial vehicles (UAVs) or their production equipment	3)	Aromatic polyimide products
2)	Guidance or testing equipment for rockets	4)	Tools for forming of titanium, aluminum or its alloys
3)	Propulsion units	5)	Alloys or powders of titanium or aluminum and their production equipment
4)	Flow-forming machines	6)	Metallic magnetic materials
5)	Servo valves, pumps, gas turbines	7)	Uranium-titanium alloys or tungsten alloys

Number	Item	Number	Item
8)	Superconductive materials	8-2)	Thyristor devices or modules
9)	(delete)	8-3)	Semiconductor devices for power control
10)	Lubricants	9)	Sampling oscilloscopes
11)	Liquids for preventing vibration	10)	Analog-to-digital converters
12)	Liquids for coolant	11)	Digital instrumentation recorders
13)	Ceramic powders	12)	Signal generators
14)	Ceramic composites	13)	Frequency analyzers
15)	Polydiorgano silane or polysilazane, et alia	14)	Network analyzers
16)	Bismaleimide or aromatic polyamideimide, et alia	15)	Atomic frequency standards
17)	Fluorinated polyimides	15-2)	Spray cooling method temperature control devices
18)	Molded products that use prepregs or preforms	16)	Semiconductor manufacturing equipment
6. Material Processing		17)	Masks or reticles
		18)	Semiconductor substrate
1)	Bearings	19)	Resists
2)	Numerically-controlled (N/C) machine tools	20)	Aluminum, gallium and other organic metallic compounds Phosphorus, arsenic and other organic compounds
3)	Machine tools for the production of gears	21)	Phosphorus, arsenic or antimony hydrides
4)	Isostatic presses	22)	Silicon carbides
5)	Coating devices	8. Computers	
6)	Measurement equipment		
7)	Robots	1)	Computers
8)	Feedback devices, et alia	9. Telecommunication	
9)	Spin-forming machines		
7. Electronics		1)	Telecommunication transmission equipment
		2)	Electronic changers
1)	Integrated circuits	3)	Communication optical fibers
2)	Devices using microwaves or millimeter waves	4)	(delete)
3)	Signal processing equipment	5)	Phased array antennas
4)	Devices using superconductive materials	5-2)	Radio direction finding equipment for monitoring use
5)	Superconducting electromagnets	5-3)	Wireless communication wiretapping devices
6)	Primary/secondary or solar cells	5-4)	Equipment capable of detecting the position of objects by observing interferences of radio waves, possessing a receiving function only
7)	High voltage capacitors	5-5)	Internet communication monitoring equipment
8)	Encoders	6)	Design/production equipment for items 1) through 3), and 5) through 5-5)

Number	Item	Number	Item
7)	Encryption equipment	4-2)	Underwater navigation devices using sonar
8)	Equipment designed to prevent the leakage of information transmission signals	5)	Testing/production equipment for items 1) through 4-2)
9)	(delete)	12. Marine	
10)	Communication cable systems capable of detecting surreptitious intrusion		
11)	Design/production/measurement equipment for items 7), 8) or 10)	1)	Submersible vessels/vehicles
10. Sensors		2)	Vessel components or auxiliaries thereof
		3)	Underwater salvage systems
1)	Underwater acoustic equipment	4)	Underwater lighting systems
2)	Optical detectors or coolers thereof	5)	Underwater robots
3)	Optical fibers for use in sensors	6)	Sealed power units
4)	High speed cameras	7)	Circulation water tanks
5)	Reflectors	8)	Buoyant materials
6)	Optical components for space use	9)	Closed-circuit or semi-closed circuit self-contained diving equipment
7)	Controllers of optical equipment or components	10)	Underwater acoustic transmitters used for obstruction
7-2)	Aspherical optical elements	13. Propulsion Units	
8)	Laser oscillators		
8-2)	Laser microphone	1)	Gas turbine engines
9)	Magnetometers, underwater electric field sensors or magnetic field gradiometers, or calibrating equipment thereof	2)	Spacecrafts for satellite or space development use
9-2)	Underwater monitoring systems	2-2)	Controllers designed for use in satellites
10)	Gravity meters or gravity gradiometers	3)	Rocket propulsion systems
11)	Radars	4)	Unmanned aerial vehicles
12)	Equipment for measuring optical reflectance, et alia	5)	Testing/production equipment for items 1) through 4), and 10) of 15.
13)	Equipment for the manufacture or calibration equipment of gravity meters	14. Miscellaneous	
14)	Materials, et alia, for optical detectors or components thereof		
11. Navigation Devices		1)	Metallic fuel in a powder state
		2)	Substances which are additives or precursors to low explosives or high explosives
1)	Accelerators	3)	Diesel engines
2)	Gyroscopes	4)	(delete)
3)	Inertial navigation systems	5)	Self-contained diving equipment
4)	Gyro-astro compasses, global navigation satellite systems, equipment for receiving radio waves, or aircraft altimeters	6)	Civil engineering machinery for air transportation

Number	Item
7)	Robots or control equipment thereof
8)	Electric braking shutters
9)	Tear or sneeze gas and application equipment thereof
10)	Simplified explosion devices
11)	Detectors for explosives
15. Sensitive Items	
1)	Molded goods using inorganic fibers, et alia
2)	Radio wave absorbers or conductive polymers
3)	Nuclear heat source materials
4)	Digital telecommunication transmission equipment
4-2)	Units for obstruction of simplified explosion devices
5)	Underwater acoustic equipment
6)	Optical detectors for space use
7)	Radars which utilize a transmitting pulse width less than 100 nanoseconds
8)	Submersible boats
9)	Soundproofing devices for vessels
10)	Ramjet engines, scramjet engines, combined cycle engines

2) Catch-all Control

In the Catch-all Control, almost all technologies/goods are subject to the control[6]. If the technologies to transfer or goods to export are not subject to the List Control, exporters may still need to apply for the export license depending on the end-uses and the end-users[7].

i. WMD Catch-all Control

With regard to the transfers/exports destined for[8] other countries/regions than those implementing strict export control systems (i.e., "White" countries[9]), WMD Catch-all Control requires exporters to apply for a license from the Minister of Economy, Trade and Industry in advance in case: exporters[10] have come to know that the technologies to transfer or goods to export could be used for the development of or other related activities[11] for WMD and/or Missiles ("objective" condition) [12]; or exporters are so informed by the Minister of Economy, Trade and Industry that license application is required ("informed" condition).

ii. Conventional Weapon Catch-all Control

With regard to the transfers/exports destined for one of the countries/ regions under UNSC Arms Embargo[13], the Conventional Weapon Catch-all Control requires exporters to obtain a license from the Minister of Economy, Trade and Industry in advance in case: exporters have come to know that the technologies to transfer or goods to export will be used for the development of or other related activities[14] for conventional weapons[15]; or exporters are so informed by the Minister of Economy, Trade and Industry as an "informed" condition case. With regard to the exports destined for one of the non-White countries and not under UNSC Arms Embargo, the Conventional Weapon Catch-all Control requires exporters to obtain a license from the Minister of Economy, Trade and Industry in advance when exporters are informed, as an "informed" condition case, by the Minister of Economy, Trade and Industry that the such items are or may be intended for development, etc., of conventional weapons.

[6] All technologies or goods (excl. foods or lumbers) other than those subject to the List Control are under control. See Item 16 in both "Appended Table of the Foreign Exchange Order" and "Appended Table 1 of the Export Trade Control Order" for details of the subject technologies and goods. For Catch-all Control, please check METI's Security Export Control website (http://www.meti.go.jp/policy/anpo/anpo03.html - Japanese, and http://www.meti.go.jp/policy/anpo/englishpage.html - English) as well.

[7] The Commodity Watch List for "WMD Catch-All" (see pages 17 through 19) and for "Military Catch-All" (see page 20/21) are provided as a notification (Item 24 of the Export Precautions No. 24) for examples of items that are not subject to the List Control but of strong concern for development, etc., of WMD or conventional weapons. In exporting goods listed therein or transferring technologies for design/manufacture/use of such goods, particularly careful screening is recommended for exporters to avoid consequently helping promote development, etc., of WMD or conventional weapons in the end-users of concern.

[8] Destination of the transfer or shipment

[9] Set forth in the Appended Table 3 of the Export Trade Control Order. Specifically, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Republic of Korea, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, and United States of America.

[10] Mean those who export/transfer goods/technologies, including academic and research institutions.

[11] Means development, manufacture, use or storage thereof.

[12] Mean nuclear weapons, chemical/bacterial warfare agents or the equipment for application thereof or the rocket or unmanned aerial vehicle capable of transporting these with a range or flight range of 300km or longer

[13] Set forth in the Appended Table 2 of the Export Trade Control Order. Specifically, Afghanistan, Central African Republic, Democratic Republic of the Congo, Cote d'Ivoire, Eritrea, Iraq, Lebanon, Liberia, Libya, North Korea, Somalia, and Sudan

[14] Means manufacture or use of military (conventional) weapons.

[15] Mean non-nuclear weapons set forth by Item 1 of the Appended Table 1 of the Export Trade Control Order.

◆ WMD Catch-all Control

Final destination	Conditions requiring the license		
	"Informed" condition	"Objective" condition	
		End-use condition	End-user condition
Non-White countries/regions	Yes	Yes	Yes

◆ Conventional Weapon Catch-all Control

Final destination	Conditions requiring the license		
	"Informed" condition	"Objective" condition	
		End-use condition	End-user condition
Countries/regions under UNSC Arms Embargo	Yes	Yes	-
Non-White countries/regions (excl. countries/regions under UNSC Arms Embargo)	Yes	-	-

Note: If your case falls in any of the "Yes" conditions, the control applies.

Note:

End-use condition:

- Whether or not the subject services/goods are used for development, etc., of WMD or conventional weapons in the imported countries/regions

End-user condition:

- Whether or not the importer/end-user is (or has been) involved in development, etc., of WMD
- Whether or not the importer/end-user is a company/organization listed in the Foreign End User List[16]

[16] See p. 35 and its footnote.

The Commodity Watch List for WMD Catch-All

Items	Uses of concern
1. Tributyl phosphate (TBP)	Nuclear weapons
2. Carbon/Glass/Aramid fiber	Nuclear weapons, missile
3. Titanium alloys	
4. Maraging steel	
5. Aluminum alloys tubes with a diameter of more than 75 mm	Nuclear weapons
6. Flow-forming machines	Nuclear weapons, missile
7. Numerically-controlled (N/C) machine tools	
8. Isostatic presses	
9. Filament winding machines	
10. Frequency changers	Nuclear weapons
11. Mass spectrometers or ion sources	
12. Vibration test systems	Nuclear weapons, missile
13. Centrifugal multiplane balancing machines	
14. Corrosion-resistant pressure gauges/sensors	
15. Large-size non-destructive inspection equipment	
16. High frequency oscilloscope and waveform digitizers	Nuclear weapons
17. Stable power/voltage DC power supplies	
18. Large generators	
19. Large vacuum pumps	
20. Radiation-hardened robots	
21. TIG welding units, electron beam welding units	Nuclear weapons, missile
22. Radiation monitoring and detection equipment	Nuclear weapons
23. Mill for fine powder	Missile
24. Karl Fischer moisture equipment	
25. Equipment designed for producing prepregs	
26. Artificial graphite	Nuclear weapons, missile
27. Gyroscopes	Missile
28. Rotary encoders	
29. Heavy trucks (incl. tractors, trailers, dump trucks)	
30. Crane trucks	
31. Chambers (sealed) for fermentation	Biological weapons
32. Centrifugal separators	
33. Freeze dryers	
34. Corrosion-resistant reactors	Missiles, chemical weapons
35. Corrosion-resistant agitators	
36. Corrosion-resistant heat exchangers or condensers	

Items	Uses of concern
37. Corrosion-resistant distillation or absorption columns	Missiles, chemical weapons
38. Corrosion-resistant filling equipment	
39. Unmanned aerial vehicles (UAVs) that are specially designed for incorporating spray machines (excl. model aircraft for amusement or sport use)	Missiles, biological/chemical weapons
40. Spray machines that are specially designed for installing in UAVs	

Note: Items 34 through 38 were added as of Apr. 1, 2012.

1. Particularly careful screening is required for exporters to prevent diversion to such uses of concern as development, etc., of WMD in the imported countries/regions.

2. To be used for checking[17] whether or not the concerned categories (Nuclear, Chemical weapons, Biological weapons or Missiles) matches the use of concern for the goods/technologies, in exporting/transferring such goods/technologies to an organization listed in the Foreign End User List.

[17] See p. 57 for accepting international students from an organization in the End User List.

The Commodity Watch List for WMD Catch-All

In case export to Syria

(effective as of Oct. 15, 2013)

Even more careful screening of the end-use and end-user is required in exporting the following goods.

Items	Uses of concern
1. Draft chamber	Chemical weapons
2. Protective equipment for respiration attached to full-face mask	Biological/chemical weapons
3. Aluminum chloride (CAS 7446-70-0), dichloromethane (75-09-2), N,N-dimethylaniline (121-69-7), isopropyl bromide (75-26-3), isopropyl ether (108-20-3), mono-isopropylamine (75-31-0), kalium bromide (7758-02-3), pyridine (110-86-1), sodium bromide (7647-15-6), sodium metal (7440-23-5), tributylamine (102-82-9), triethylamine 8121-44-8), trimethylamine (75-50-3), et alia	Chemical weapons
4. Diethylene triamine (111-40-0)	
5. Butyrycholinestrase, pyridostigmine bromide (101-26-8), obidoxime chloride (114-90-9)	
6. Bio safety cabinet, globe box	Biological weapons
7. Batch-type centrifugal machine	
8. Fermentation tank	
9. Reactor, agitator, heat exchanger, condenser, pump (excluding item 11 below), valve, container, distiller, absorption tower	Chemical weapons
10. Clean room, fan equipped with HEPA filter	Biological weapons
11. Vacuum pump or its attachments	Chemical weapons
12. Equipment for analyzing and detecting chemical substances, their parts and attachments	

Note: The parenthesis numbers for items 3 through 5 are CAS numbers (that are given to chemical substance or substance groups by a U.S. chemical society institution, Chemical Abstracts Service, or, CAS).

The Commodity Watch List for Conventional Weapon Catch-All

Items	Uses of concern
1. Ni or Ti alloy	Conventional weapons
2. Sintered magnet	
3. Equipment to manufacture item 2 above, or parts thereof	
4. Hydraulic fluids containing phosphate/cresol ester, tris (dimethylphenyl) phosphate, or trinormalbutyl phosphate	
5. Organic fiber, carbon fiber, or inorganic fiber	
6. Bearings or components thereof	
7. Machine tools listed below, or components thereof (a) Numerically controlled machine tools (b) Machine tools for generating optical quality surfaces (excluding numerically controlled machine tools) (c) Dimensional inspection or measuring system (including machine tools having such capabilities)	
8. Secondary cells	
9. Waveform digitizers	
10. Electronic parts mounting robots	
11. Electronic computers or components thereof	
12. Telecommunication transmission equipment or components thereof	
13. Phased array antennas	
14. Telecommunication jamming equipment or components thereof	
15. Position detecting equipment using electromagnetic interference observation technology without sending out electromagnetic waves such as radio waves	
16. Optical detectors, coolers therefore, or equipment using optical detectors	
17. Optical fibers for use in sensors	
18. Laser oscillators or components thereof	
19. Magnetometers, underwater electromagnetic field sensors, magnetic gradiometers, or components thereof	
20. Gravity meters	
21. Radars or components thereof	
22. Accelerometer or components thereof	
23. Gyroscopes or components thereof	

Items	Uses of concern
24. Inertial navigation systems, other equipment using inertial forces, or components thereof	Conventional weapons
25. Gyro-astro compasses, devices that derive position or orientation by means of automatically tracking celestial bodies or satellites, electromagnetic wave receivers for global navigation satellite systems, components thereof, or airborne altimeters	
26. Underwater cameras or components thereof	
27. Air-independent power systems	
28. Self-contained diving equipment (open-circuit types) or components thereof	
29. Gas turbine engines or components thereof	
30. Rocket propulsion systems or components thereof	
31. Equipment for the manufacture of the items listed in 29) or 30) above or components thereof	
32. Air vehicles or components thereof	
33. Vibration testing equipment, wind tunnels, environmental testing equipment for the development or testing of rockets or air vehicles, or components thereof	
34. Flash X-ray machines	

3. License Application for Transfer of Technologies, etc.

To transfer/export controlled technologies/goods requires a prior license from the Minister of Economy, Trade and Industry.

To determine whether or not the license is required, it should verified first if the item is subject to the List Control ("classification"). If it is subject to the List Control, the license is required. Following this, if the item is not subject to the List Control, exporters need to verify whether or not (i) there are concerns over the end-use or the end-user in light of the WMD Catch-all Control, or (ii) there are concerns over the end-use in light of the Conventional Weapon Catch-all Control, and if the end-use or the end-user is subject to the Control, the license is required.

When the license is required, the application shall be submitted to the responsible service office (METI headquarters or Regional Bureaus of Economy, Trade and Industry/International Trade Offices) (i) at the submission counter; (ii) via post-mail; or (iii) by digital submission (NACCS trade control subsystem) for the license.

4. Establishing/Operating Organizational Structure

Paragraph (4), Article 55-10 of FEFTA stipulates that persons transfer/export the goods/technologies as their business operations shall properly transfer/export the goods/technologies pursuant to the "Compliance Requirements for Exporters." Academic and research institutions are also subject to the "requirements" and such aspects as establishment of the compliance structures and procedures, as well as maintenance thereof have been set forth.

The Minister of Economy, Trade and Industry may give an instruction or advice in accordance with the "Compliance Requirements for Exporters" and may even give a recommendation or order in case of violation of the requirements. Violation against the given order is subject to a penalty[18].

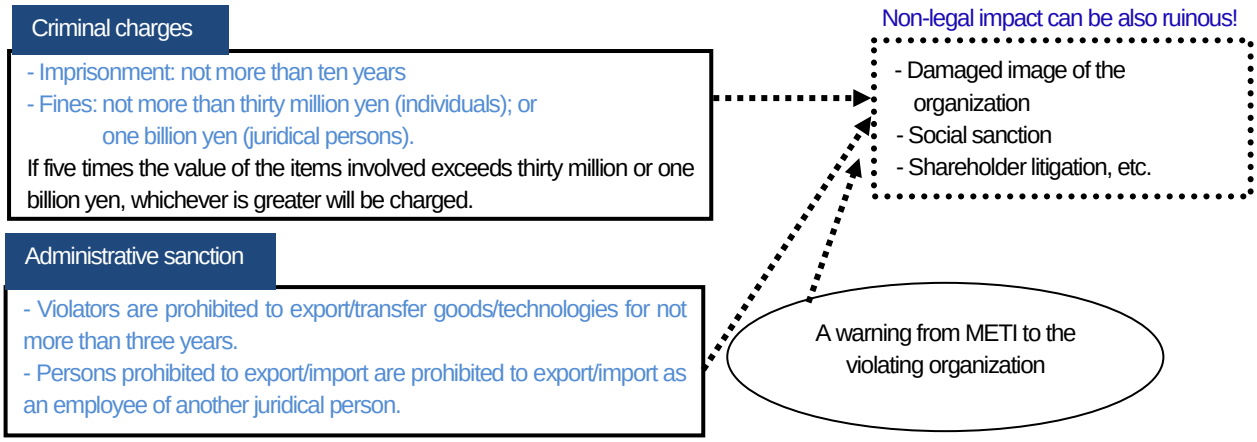
5. Penalties for Legal Violation

Violation of FEFTA, including transfer/export of the controlled technologies/goods without obtaining a required license, is subject to a criminal charge and/or an administrative sanction.

It is the party which transfers/exports the controlled technologies/goods who will be held liable for the violation of FEFTA. Even if the export procedure is subcontracted to a customs clearing agent, the academic and research institution that actually transfers/exports the controlled technologies/goods will be held liable.

Both individuals and the juridical persons to which the individuals belong that have actually transferred/exported the controlled technologies/goods are subject to these penalties. Depending on the matter of the violation, the penalties can be imposed both against the individuals and juridical persons.

[18] Articles 55-11, 55-12 and 71 of FEFTA



Note: If the violation is voluntarily reported, there may be some consideration on the legal proceeding.
In addition to the publicly announced administrative sanctions and warnings, there are other proceedings including the explanatory report (basically kept undisclosed).

The outflow of technologies/goods to countries of concern for nuclear development not only increases risks for use in the applications of concern, but also leads to, if they are actually used in these applications, damaged social credibility of the provider/exporter of the technologies/goods as well as that of Japan, and even to threatened peace and security of Japan and the whole world.

In these regards, strict control of the technologies and goods is required upon thorough understanding of the Control System, in order for academic and research institutions to avoid possible violations.

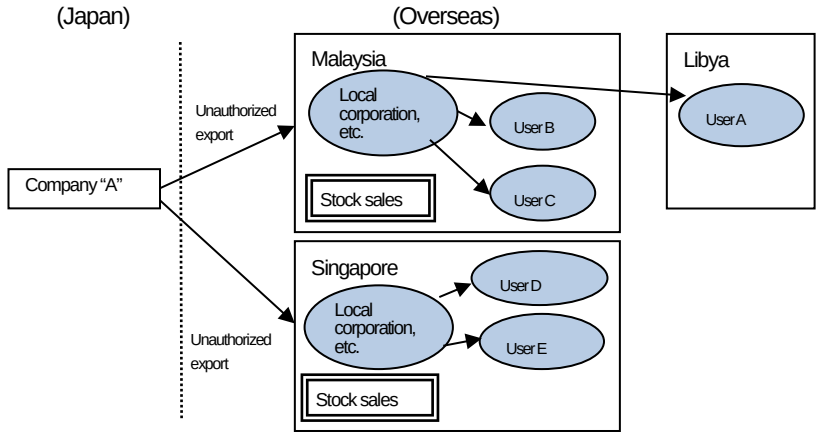
<A case a Japan-made product was used for an application of concern>

In the case wherein the three-dimensional measuring equipment made in Japan was found in a facility associated with nuclear development in Libya in 2007, the company itself was fined 45 million yen, the four executives including ex-Vice Chairman of the company were sentenced to 2 to 3 years' imprisonments, and METI prohibited exports from the company (an administrative sanction) for a total of three years.

1. Case summary
   - The company A that manufactures high-precision measuring equipment exported the three-dimensional measuring equipment (subject to List Control) that can be diverted for use in development, etc., of nuclear weapons to countries including Malaysia and Singapore by falsifying the inspection data to make the performance ostensibly less accurate. (The total exported quantity was approx. 1,000 units.) One of them was discovered in a nuclear development facility in Libya.
   - Three export cases (approximate value: 9.7 million yen) were prosecuted.
2. The sentence and the time and type of the administrative sanction

[Sentence]
The four executives including ex-Vice Chairman were sentenced to 2 to 3 years' imprisonments (with suspensions of 4 to 5 years), and the company itself was fined 45 million yen.

[Sanction]
(i) Exports of all products to any destination were prohibited for 6 months; and (ii) exports of the three-dimensional measurement equipment to any destination were prohibited for 2 years and 6 months.



<Violation cases by academic and research institutions>

Cases of violation committed by the transfer/export of the technologies/goods without obtaining the license by mistake in confirmation of the service transaction license, the export procedure, or screening for compliance, have been identified with academic and research institutions in Japan as well.

Cause		Description
Mistakes in verifying the service transaction licenses	Research institution "A": Expired license	The institution was jointly studying technologies for aircrafts with an overseas institution. As the technologies in question were subject to FEFTA, they duly obtained the service transaction license at the beginning. However, the reorganization in "A" resulted in transient lowering of the export/technology control capability, which led to inadequate control of the subject transaction and just continued transfer the technologies without finding that the service transaction license had expired.
	University "B": Breached export license condition	B applied for an export license for the infrared camera for overseas research, and the license was issued under the condition of "reporting on shipping it back." However, B neglected to submit the report even after the due date, which resulted in violation of the license condition.
Mistakes in export procedures	Research institution "C" and university "D": Inadequate shipping confirmation	Though "C" had instructed the joint research partner "D" to obtain the export license in shipping the item in question because it is subject to the license control, "D" neglected to reconfirm that when it got shipped. Packaging the subject item together with other non-subject items by mistake resulted in exporting without the license.
Misjudgment in compliance	University "E": Abuse of the low value exemptions	"E" abused the low value exemptions in exporting a framing camera for an overseas research by declaring the export value at 100,000 yen because the camera was to be shipped back after its use. The actual purchase price was eight million yen, which exceeds the exemption value, thus, exporting without the license.

III. Transfer of Technologies Subject to the Control

For compliance with the control under FEFTA, it is important to know specific cases that constitute "transfer of technologies" or "export of goods" by academic and research institutions, set forth by the Act. The table below describes commonly observed occasions of "transfer of technologies" or "export of goods."

<Examples of Opportunities for Transfer/Export of Technologies/Goods in Academic and Research Institutions>

Occasions	Specific examples
Accepting international students/researchers	- Transfer of technologies in lending the experiment devices - Enhancement/development of the experiment devices associated with research instructions - Providing technical information using fax or a USB drive - Providing such information through phone calls or email - Classes, meetings or discussions - Research instructions or training
Execution of a joint research or the collaborative agreement with a foreign university/company	- Transfer of technologies in lending the experiment devices - Enhancement/development of the experiment devices associated with the joint research - Providing technical information through fax or as data in a USB drive - Providing such information through phone calls or email - Meetings or discussions
Bringing/shipping research samples overseas	- Bringing/shipping samples overseas - Bringing/shipping self-made research materials/equipment overseas
Visits of Foreign Researchers	- Research facility tours - Describing the processes or distributing the handout materials
Private lectures/exhibitions	- Verbally providing technical information - Showing technical information on panels

Thus, there are a variety of occasions including transfer of technologies in academic and research institutions. As it is hard to recover the technologies once transferred, institutions need to conduct these activities with adequate care for the control.

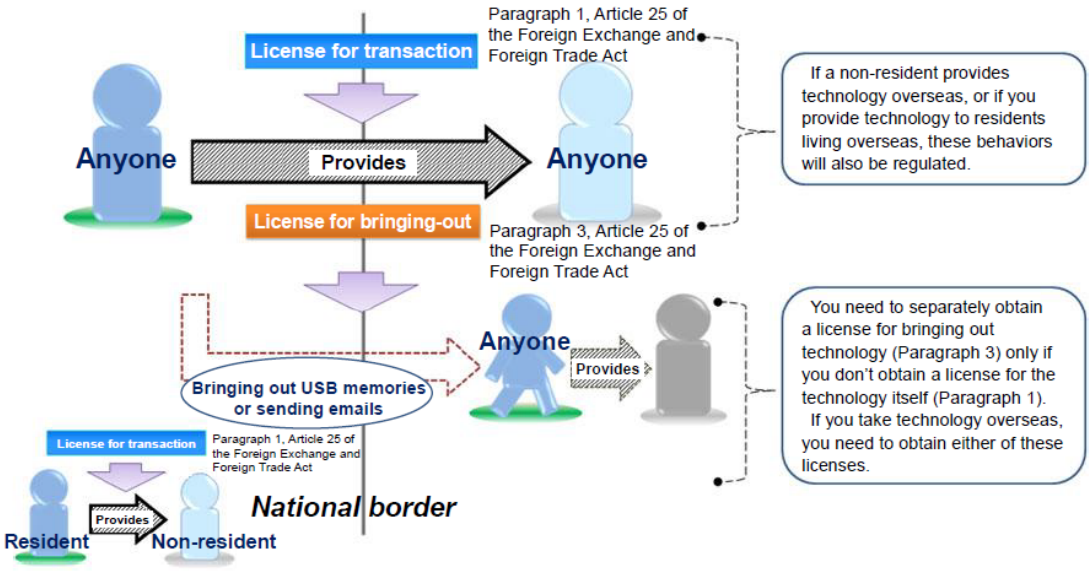
1. Outline of the Control for Transfer of Technologies

In light of preventing outflow of the controlled technologies that can be diverted to use in development or other related activities for WMD or conventional weapons, FEFTA requires the license from the Minister of Economy, Trade and Industry in case a transaction, wherein (i) a resident aims to transfer such technologies to a non-resident or (ii) anyone aims to transfer the technologies outside Japan, is to be conducted[19].

In addition, to complement the control for these transactions, the license from the Minister of Economy, Trade and Industry is also required in case an action of (iii) bringing out the controlled technologies data in USB drive, etc. ; or (iv) transmitting such digital data to a foreign country, is to be conducted to provide them in a foreign country[20]. As the

[19] Paragraph (1), Articles 25 of FEFTA
[20] Paragraph (3), Articles 25 of FEFTA

license for case (ii) is required before transferring the controlled technologies, it is beneficial to obtain this license prior to the actual technical transactions, including bringing out the data in USB drive or transmitting the digital data.



2. Defining Technical Service Transaction

In the "Service Notification"[21] pursuant to FEFTA, technologies are defined as "specific information required for design, manufacture or use of goods", which will be "provided in the form of technical data or service."
Though the technologies basically associated with the List Control goods are subject to the control, be reminded that there are some List Control technologies that are independently subject to the control without direct association with the List Control goods[22].

1) Technical Data

Technical Data means data recorded in such media as documents, disks, tapes or ROMs in a form of blueprints, design drawings, diagrams, models, formulae, design specifications, manuals or written instructions, etc., or computer programs (regardless of the delivery format including on paper or as a digital file).

<Technical Data Examples>

- Technical reports, presentation/publishing manuscripts, research records
- Design drawings, schematics, manufacturing recipe, test manuals, evaluation manuals
- Technical specifications of experimental equipment
- Experimental data
- Computer programs, etc.

[21] "Service Transactions or Activities requiring License in Accordance with Paragraph (1), Article 25 of FEFTA and Paragraph (2), Article 17 of the Foreign Exchange Order" (4TECB, No. 492)
[22] Such as the technologies set forth in the Appended Table of the Foreign Exchange Order as employed: "in the use of autoclaves" (Item 4-(iv)); "in the use of numerically-controlled machines or coating equipment" (Item 6-(iii)); "in the design or manufacture of communication equipment using superconductive materials" (Item 9-(iv)); and "in the design, manufacture or use of the testing equipment or the target used therein for measurement of durability of a substance against the laser beam" (Item 10-(vii)).

2) Technical Assistance

Technical Assistance means such assistance as in a form of technical instruction, skill training, transfer of work knowledge or consulting service.

<Technical Assistance Examples>

- Display or description using presentation software
- Oral research presentation or instruction, etc.

As some academic or research institutions may hold the following technologies for example, be careful in controlling them.

- Technologies for design, manufacture or use of controlled goods, such as reactor, propulsion systems, electronics equipment and precision measuring equipment (including computer programs that are not in open source codes developed independently or modified from commercially available programs)
- Records of know-how on synthesis or separation and refinement of controlled goods, such as toxic chemicals, biotoxins or high-performance materials (data or records not disclosed as a research paper or patent)
- Unpublicized performance evaluation methodology or experimental data on the controlled goods
- Document, data that describes operation techniques or maintenance technologies on controlled research equipment necessary for research activities related with controlled goods, etc.

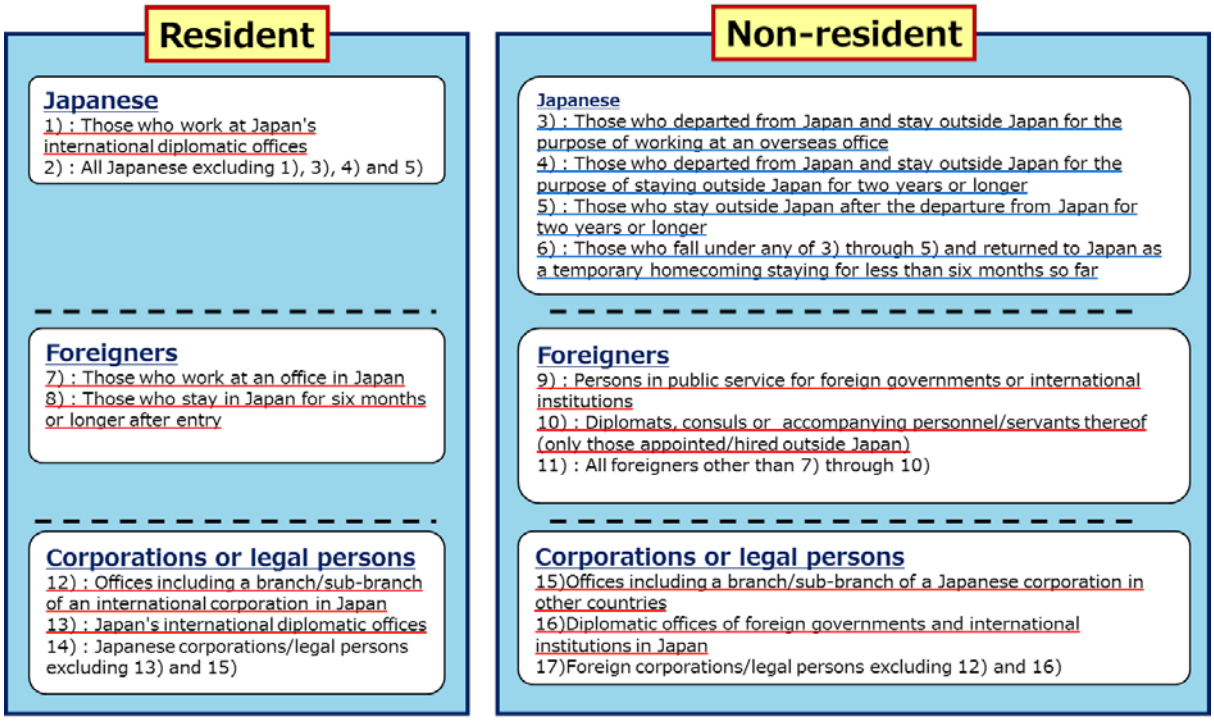
Even if the intellectual property related to the technologies to provide belongs to an individual researcher instead of the academic or research institution, a proper procedure compliant with relevant regulations is required.

3. Defining Residents and Non-residents

For a transaction of the case (i) of the preceding Section 1, wherein a resident aims to transfer such technologies to a non-resident, it is important to be accurately aware of the definition of resident and non-resident. The definition of resident and non-resident is stipulated by the government notice: "About interpretation and implementation of the Foreign Exchange Laws and Regulations (No. 4672, issued on November 29, 1980)."
Institutionally, (i) even a foreign national who (a) is working in an office in Japan[23]; or (b) has been staying in Japan for more than six months[24], is a resident, while (ii) even a Japanese national who (a) left Japan for the purpose of working in a foreign office; (b) left Japan for the purpose of staying abroad for more than two years; (c) has been staying abroad for more than two years after leaving Japan; or (d) is subject to either of the three categories described above, but who has temporarily returned home, staying in Japan for less than six months, is a non-resident[25]. However, it is required to keep in mind that the license from the Minister of Economy, Trade and Industry is practically required in conducting a transaction for the purpose of transferring technologies outside Japan, regardless of whether or not the person who transfers or receives the technologies is a resident or non-resident.

[23] For example, a foreigner hired by a Japanese university for two months only becomes a resident at the point of employment.
[24] If a resident international student returns to the home country holding the enrollment in the university and the residence in Japan, the student should be continually deemed to be a residence at the re-entry.
[25] Need to pay attention also to public servants in other countries, workers at Japanese diplomatic missions abroad, as well as residence/location of the legal persons/diplomatic missions.

Distinguishing Residents and Non-residents



Note: The residency status is judged by applying the classification above in the order of the underlined with red -> the underlined with blue -> no underline.
Indifferent to the classification above, the US Forces, UN Forces, and constituent members thereof are non-resident.

The judgment of the country or region is based on the location of the non-resident's residence, address or a primary office[26]. If a resident transfers a List-controlled technology to a country "B" national who works in a research institution that has an office in country "A", the technology is deemed to be transferred to country "A" because the end-user works in an office in country "A" even though the person is a country "B" national.

Such judgment is based on: (i) the personal residency status when the transfer of the technology is destined for an individual researcher; and, (ii) the organizational residency status when it is destined for an organization instead of an individual. Basically the same rule as the researcher's applies to (international) students[27].

4. Technological and Academic Fields Requiring Control

The "technologies" requiring particular attention of academic and research institutions as potentially subject to the control, pursuant to FEFTA, are those for design, manufacture or use of the goods listed in the List Control goods (pages 10 through 14) and example of the goods that are highly likely to be used for development, etc., of nuclear weapons[28](Commodity Watch List for WMD Catch-All) (pages 17 through 19).

Researchers in these technology fields are required to recognize that their own studies are closely connected to the security of Japan and the international community.

Main technological fields that have close connection with the regulation of FEFTA are listed below. However, other technologies could be additionally subject to regulation. Furthermore, technologies not regarded as state-of-the-art

[26] Service Notification (1-(3) Interpretation of Terms)
[27] As a reference, page 33 on the "研究者のための安全保障貿易管理ガイドライン (Security Export Control Guidelines for Researchers)" published by the Japan Society for Intellectual Production (an NPO) describes the procedure in handling international students.
[28] Need to pay attention also to "The Commodity Watch List for Military Catch-All (Item 24 of the Export Precautions No. 24).

could be also subject to the control. Use the list below as examples of common subject fields.

- *Nuclear technologies (nucleus reactions, neutronics, etc.)
- *Precision machine/processing/measurement technologies
- *Automatic control and robotics technologies
- *Chemistry and biochemistry (in particular, chemicals harmful to human body or detoxicants)
- *Biology including biotechnology and medical science (in particular infectious diseases and vaccines)
- *High-performance/function material technologies (heat-resistant or corrosion-resistant materials, etc.)
- *Aerospace technologies and high-performance engine technologies
- *Navigation technologies
- Marine technologies
- Information-communication, electronics and optical technologies
- *Computer program development technologies for design, manufacture and use of controlled goods
- Simulation programming technologies

Note: Particular attention to the technology fields marked with an asterisk (*) is required because of the strong relationship to WMD.

Technologies across natural sciences including science and agricultural science can be potentially usable for the purposes of security concern not to mention the academic fields such as nuclear power, machine engineering and biotechnology associated with these technology fields.

Specifically, the items are specified in the "Appended Table of the FEO" and the "Appended Table 1 of the ETCO", while specifications are described in the MOSGT.

<Example cases requiring to consider obtaining the license[29]>

- Transferring the SiC epitaxial growth technologies to a foreign researcher
- Teaching know-how for maintenance of the thin film generation equipment to a foreign research institution
- Disclosing manufacturing know-how along with licensing the relevant patents to a foreign enterprise
- Transferring technologies for processing/evaluating the semiconductor substrate using devices including the electron-beam printing unit, the vacuum deposition equipment and the electronic microscope to an invited international researcher
- Providing technologies for design/manufacture of microsatellites and associated computer programs therewith to an international trainee

[29] Though storing data in an overseas computer server using the cloud computing storage service will not be subject to the Control if it is only used by the user, keep in mind that using such service as a service provider or to provide a third party with the data is subject to the Control as transfer to other countries (see "Service Notification").

<Past records of license applications by academic and research institutions>

Examples of license applications by academic and research institutions to which the license was issued through proper procedures include: transfer of technology to preform with a carbon fiber as well as for design, manufacture and use of the molded products using the preform; and technologies/computer programs for design, manufacture and use of microsatellites/ground-based stations. For export of goods, the examples include export of a virus for the purpose of vaccine development.

IV. Procedure for Transfer of Technologies and Export of Goods[30]

This Guidance uses the following convention of categories.

Items pursuant to laws or items to be unfailingly undertaken for compliance

This category represents direct legal obligations, which can be potentially subject to legal violation charges if neglected. The efforts called for in the "Compliance Requirements for Exporters"[31] (hereinafter, "Compliance Requirements") are also included in this category.

⇨ **Required**

Items expected to be highly effective for compliance

This category represents efforts that are not legal obligations, nor subject to legal violation charges if neglected, yet can be beneficial for prevention of violations.

⇨ **Recommended**

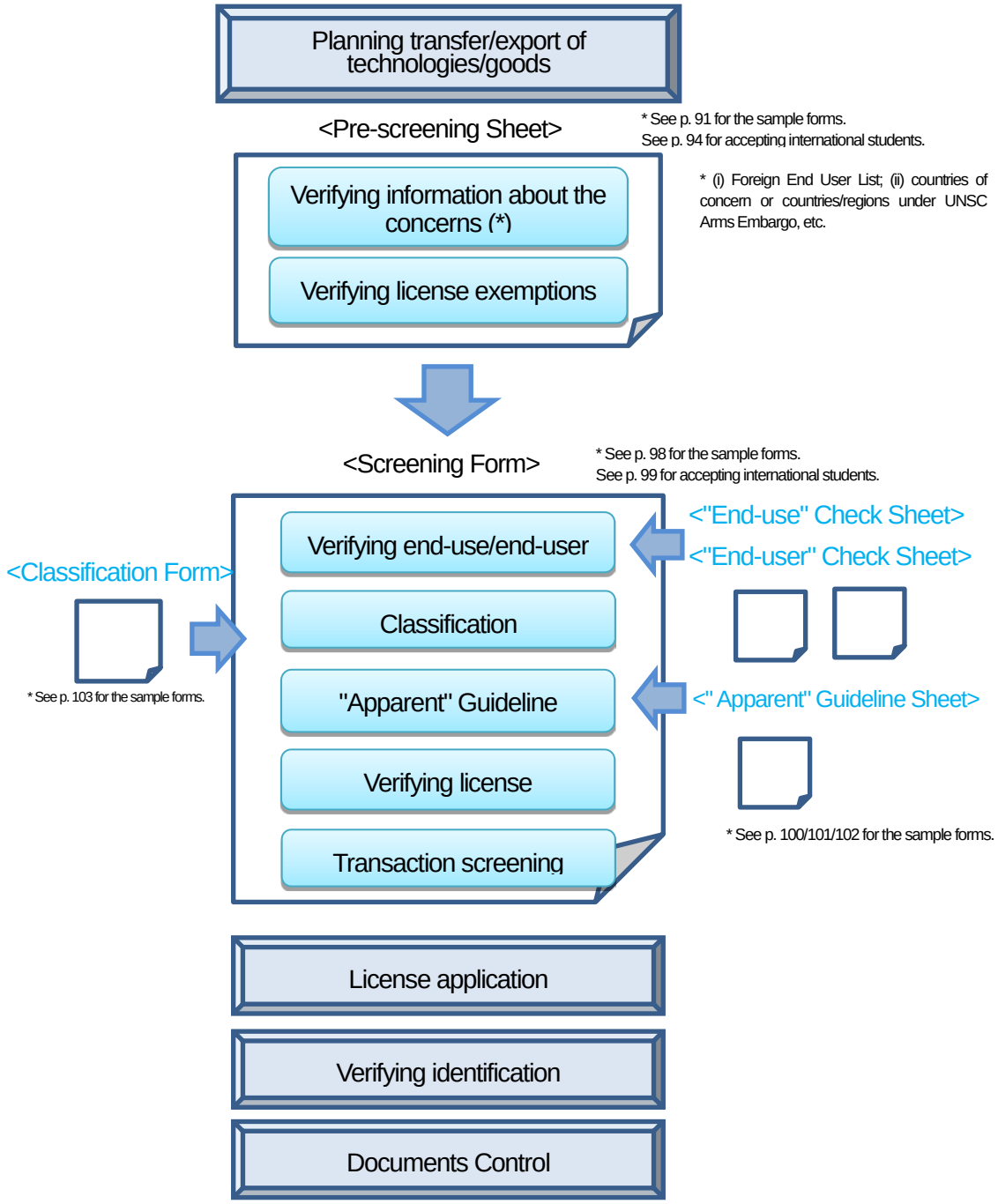
If you wish to transfer technologies to a non-resident or overseas, or to export goods, you have to apply for the license at the METI headquarters or the Regional Bureaus of Economy, Trade and Industry/International Trade Offices if the license is found to be required upon screening of the technologies and goods for Classification in advance.
This chapter streamlines the procedures that can be effective to avoid overlooking in light of compliance and to conduct the procedures pursuant to the relevant regulations.

1. Case-by-case Procedures

Required/recommended procedures are discussed on a case-by-case basis.
If you wish to transfer technologies to a non-resident or overseas, or to export goods, you must conduct the procedures pursuant to the relevant regulations, including verification of the end-user/end-user and Classification, and verifying whether or not the license pursuant to FEFTA is required.

[30] As the "Security Export Control Guidelines for Researchers" published by the Japan Society for Intellectual Production (an NPO) describes the security export control procedures through the eyes of a researcher, cross-referencing this guideline should work better.
[31] See page 65.

Control procedure flow at academic/research institutions



Note: Illustration above is just a reference case and the order of the procedure steps is left to management of respective academic or research institute.

Illustration above is the verification procedure flow. It is recommended that each academic and research institution should know in advance of which technologies and goods are subject to the List Control by FEFTA and in which research department or division they are dealt with, in order to get the transfer of technologies and export of goods properly managed by such department or division in particular. (Note: See p. 63 for equipment operating technique provided in a research conducted by such researchers as international students.)

Recommended

It is recommended that each academic and research institution should know of the List-controlled technologies and goods as well as their whereabouts in advance to be able to appropriately manage the technologies and goods that are held within the organization.

1) Pre-screening

Recommended

In planning to transfer technologies or export goods, it is recommended that staff of the institution should use the "Pre-screening Sheet" to obtain confirmation by Export Control Officer on whether or not issuing the "Screening Form" is required.

Using the "Pre-screening Sheet" (see p. 91 and 96), it is recommended that staffs of the institution should confirm: (i) information about the concerns; and (ii) license exemptions (public domain/basic science research), and obtain confirmation by Export Control Officer on whether or not issuing the "Screening Form" (see p. 91 and 96) is required[32].

First of all, the staffs need to verify the end-user's information about the concerns, including if: (i) the end-user is listed in the Foreign End User List or not; and (ii) the destination is one of the countries of concern or countries/regions under UNSC Arms Embargo, using the "Pre-screening Sheet." As the next step, the staffs need to examine for the license exemptions (public domain/basic science research, see p. 41), using the "Pre-screening Sheet."

If no information about the concerns is found with the end-user and if the exemption is deemed to be applicable as the transaction is classified as transfer of technologies in the public domain[33]or for research activities in the basic science field[34], submitting the completed "Pre-screening Sheet" to Export Control Officer is required[35].

Note: In determining if the license exemptions are applicable, leaving it up to each staff can lead to legal violation. Thus, follow the organizational procedure to carefully determine that. More specifically, it is important to keep the grounds for the determination accountable in case it is necessary, as well as responsibly examine the case as an organization, e.g., Export Control Officer checks if the exemptions can be applied or not, based on the "Pre-screening Sheet" submitted by the staff and then, for a case requiring a closer review, the Responsible Officer for Export Control makes the decision after discussion in such a body as the internal export control committee (see "VI. Establishing/Operating Organizational Structure").

Note: As with the case wherein the license exemptions are applicable, there could be a case wherein the technologies or goods are excluded from the control subjects upon responsibly examining the case as an organization, if no transfer/export of technologies/goods is expected[36].

[32] However, the verification using the "Pre-screening Sheet" can be exempted, provided that the issuance of the "Screening Form" is apparently required.
[33] For example, though this may include education with commercially available textbooks only or a curriculum limited to a faculty or lectures, keep in mind that there could be a case wherein the exemption cannot be applied if the research work not in the public domain is to be helped by international students.
[34] For example, though this may include research activities on the cosmic creation process, keep in mind that there could be a case wherein the exemption cannot be applied if the research activities are aimed to design or manufacture a specific product.
[35] If your research department or division deals with controlled technologies or goods, you may start with Classification by utilizing what is already known, in addition to properly controlling the transfer/export of technologies/goods.
[36] For example, though this may include art/social science curricula, keep in mind that a case which should be subject to control could be included if synthetic aperture radar shall be carried to a foreign country for such purpose as archaeological or other underground explorations.

The following operational model can be considered appropriate as the specific procedure in academic and research institutions.
The staff submits just the "Pre-screening Sheet" to Export Control Officer if no information about the concerns is found or the license exemptions can be applied. Meanwhile, the staff should issue a "Screening Form" if information about the concerns is found and the license exemptions cannot be applied.

Note: Even if information about the concerns is found, no license pursuant to FEFTA is required as long as the license exemptions can be applied. Still, the "Screening Form" can be used to check whether or not the transaction requires an organizational decision for its legitimacy.

Export Control Officer reviews the "Pre-screening Sheet" submitted by the staff and instructs the staff to issue a "Screening Form" if the transaction is determined to be potentially subject to the List Control (see p. 9) or Catch-all Control (see p. 15) or to require an organizational decision for its legitimacy. Because of this, Export Control Officer, upon instructing the staff to submit additional information when necessary, responsibly makes an organizational decision as to whether or not issuance of the "Screening Form" is required, and if it is, instructs the staff to issue the "Screening Form."

Thus, it is important that each academic or research institution adapts the procedure to its own circumstances.

2) Verifying End-use and End-user

Verification of the end-use and end-user is required in transferring technologies or exporting goods. The verification is required in the "WMD Catch-all Control" and "Conventional Weapon Catch-all Control" (see p. 15), also being a required item in the license application stage if the transaction is subject to the "List Control" (see p. 9).

Required

When the technologies/goods to transfer/export could be used for development, etc., of WMD or other weapons, or, are to be provided to postgraduates or students from the countries or organizations of concern for such activities, the end-uses and end-users have to be confirmed with particular care in light of the "WMD Catch-all Control" and "Conventional Weapon Catch-all Control" as well. Even if the Classification apparently reveals that the technologies or goods are not subject to the List Control, the license is required when it "could be" or "is likely to be" used for such activities.

In dealing with the List-controlled technologies/goods, it is required to set forth the procedure to verify the end-uses and end-users of the technologies/goods to transfer/export, and to actually verify them following such procedure.
Even if such technologies/goods are not subject to the List Control, they still could be subject to the WMD or Conventional Weapon Catch-all Control. Accordingly, verification of the end-uses and end-users is required in light of the Catch-all Control as well (see p. 15)[37].

[37] With the Catch-all Control, unless you were informed by the Minister of Economy, Trade and Industry that license application is required and if it is judged to be "no likely to be subject" upon proper investigation on the end-uses/end-users, it will not constitute a legal violation. However, even after the "no likely to be subject" judgment, if you come to know that the use for development, etc., of WMD is suspected, so notify the Security Export Licensing Division of METI promptly.

<Orders and Notifications for Catch-all Controls and information for Checking>

<table>
<tr><th colspan="2"></th><th>Orders and Regulations</th><th>Check Items</th><th>Reference Documentation</th></tr>
<tr><td rowspan="2">End-use condition (End-uses of end-users)</td><td>Technologies</td><td>Item (vii), Paragraph (2), Article 9 of the Ministerial Order on Trade Relation Invisible Trade, etc.[38] (MOTRIT), "Could be" public notice (Nuclear weapons)[39] and "Could be" public notice (Conventional Weapons)[40]. Complementary Export Control Notification[41] ("Could be" goods/technologies[42], " Apparent" Guideline[43])</td><td rowspan="2">Uses that could be for development or related activities for nuclear or conventional weapons</td><td rowspan="3">Documents including submission from the international students at admission, brochure or website of the graduating school, as well as other verification documents and information communicated by the end-users.</td></tr>
<tr><td>Goods</td><td>Item (iii), Paragraph (1), Article 4 of the Export Trade Control Order (ECO), "Could be" ministerial order (Nuclear weapons)[44] and "Could be" ministerial order (Conventional Weapons)[45]</td></tr>
<tr><td rowspan="2">End-user condition (Counterparts or end-users)</td><td>Technologies</td><td>Item (vii) Paragraph (2), Article 9 of the MOTRIT, "Could be" public notice (Nuclear weapons) and "Could be" public notice (Conventional Weapons). Complementary Export Control Notification ("Could be" technologies/goods, "Apparent" Guideline) and Foreign End User List[46]</td><td rowspan="2">Whether or not the end-users will do or have done development, etc., of nuclear weapons</td></tr>
<tr><td>Goods</td><td>Item (iii), Paragraph (1), Article 4 of the ETCO, "Could be" ordinance (Nuclear weapons), "Could be" ordinance (Conventional Weapons), and Complementary Export Control Notification ("Could be" goods/technologies, " Apparent" Guideline) and the Foreign End User List,</td></tr>
</table>

Verification of whether or not: the technologies/goods could be used for development or related activities for WMD or other weapons; and the end-users will engage in or have engaged in such activities should be made using such documentation as submission from the postgraduates or international students at admission, brochure or website of the graduate schools, as well as other verification documents and the Foreign End User List. In addition, checking the "CHASER Data for Universities"[47], which is provided by the Center for Information of Security Trade Control (CISTEC), is effective as well. If the end-users, as the process moves forward, give information that could be of concern, the case will fall under "Could be" category.

To contact METI for consultation on the screening pursuant to the Controls including Catch-all, the help desk is available in the Security Export Licensing Division (+81-3-3501-2801).

Recommended

For verification of the end-uses/end-users, it is effective to prepare a "Screening Form" and utilize check sheets including "End-use" check sheet, "End-user" check sheet and "Apparent" Guideline sheet.

For this purpose, verifying the end-users or end-users through preparation of, for example, the "Screening Form" (see

[38] Ministerial Order on Trade Relation Invisible Trade, etc. (Ministerial Order of International Trade and Industry No. 8 of March 4, 1998)
[39] Potential Use of the Transferring Technologies, Specified by the Minister of Economy, Trade and Industry by Public Notice, in Development, etc., of Nuclear Weapons (Public Notice of the Ministry of International Trade and Industry No. 759, 2001)
[40] Potential Use of the Transferring Technologies, Specified by the Minister of Economy, Trade and Industry by Public Notice, in Development, Manufacture of Use of Goods Specified in the Middle Field of Item (i) in the Appended Table 1 of the Export Trade Control Order (Public Notice of the Ministry of International Trade and Industry No. 187, 2008)
[41] Ministerial Precautions on Export Procedures Related to the Complementary Export Control Notification for WMD and Conventional Weapons (Item 24 of the Export Precautions No. 24)
[42] Exporting goods listed in "The Commodity Watch List for Nuclear Weapons Catch-All" (see pages 17 through 19) or transferring technologies for design/manufacture/use thereof, particularly careful screening is required for exporters. Also, exporting goods listed in "The Commodity Watch List for Military Catch-All" (see page 20/21) or transferring technologies for design/manufacture/use thereof, particularly careful screening is required for exporters. (Item 24 of the Export Precautions No. 24)
[43] The Guideline for Judging "When Apparent" ("When Apparent" Guideline, Item 24 of the Export Precautions No. 24)
[44] Ministerial Order Specifying Potential Use of the Exporting Goods in Development, etc., of Nuclear Weapons (Order of the Ministry of International Trade and Industry No. 249, 2001)
[45] Ministerial Order Specifying Potential Use of the Exporting Goods in Development, Manufacture of Use of Goods Set Forth in the Middle Field of Item (i) in the Appended Table 1 of the Export Trade Control Order (Order of the Ministry of International Trade and Industry No. 57, 2008)
[46] The list of organizations concerned to be involved in development, etc., of nuclear weapons, published by METI. As the list gets revised at least once a year. You must get the latest edition. http://www.meti.go.jp/policy/anpo/law05.html#user-list (Japanese)
http://www.meti.go.jp/policy/anpo/englishpage.html (English)
[47] http://www.cistec.or.jp/service/daigakukaiin.html (Japanese, a paid service)

pp. 98/99) should be effective. For details about verification of the end-uses/end-users, see the "Complementary Export Control Notification". "End-use" check sheet, "End-user" check sheet and " Apparent" Guideline sheet are also included in this Guidance as appendix (see pages 100 through 102), which these are effective to be utilized one way to examine the end-use and end-users.
Even when the concern cannot be fully eliminated, it should be still beneficial to conduct the screening process using the "Screening Form" and to record document for the judgment grounds.

3) Classification

This step is for determining whether or not the technologies to transfer or goods to export are subject to the List Control (see p. 9), and is one of the critical procedures under the Security Export Control.

[Orders governing the List Control]

	Governing Cabinet Orders	Governing Ministerial Order
Export of Goods	The Export Trade Control Order (ETCO): A cabinet order pursuant to the provision of Paragraph (1), Article 48 of FEFTA, which sets forth the subject goods in the "Appended Table 1"	Article 1 through 14 of the Ministerial Order Specifying Goods and Technologies Pursuant to the Provisions of the Appended Table 1 of the Export Trade Control Order and the Appended Table of the Foreign Exchange Order (MOSGT): Setting forth more detailed specifications of the goods subject to the Appended Table 1 of the ETCO
Transfer of Technologies	The Foreign Exchange Order (FEO) A cabinet order pursuant to the provision of Paragraphs (1) and (3), Article 25 of FEFTA, which sets forth the subject technologies in the "Appended Table"	Articles 15 through 28 of the Ministerial Order Specifying Goods and Technologies Pursuant to the Provisions of the Appended Table 1 of the Export Trade Control Order and the Appended Table of the Foreign Exchange Order (MOSGT): Setting forth more detailed specifications of the technologies subject to the FEO

The Classification shall be made by comparing the detailed specifications of the technologies/goods with the provisions of the cabinet/ministerial order and verifying the correspondence.
As a basis for the verification, the "Goods/technologies Matrix Table" published in the Security Export Control page of the METI website can be also useful. Additionally, the "Komoku-betsu Taihi Hyo (correspondence list)" or "Parameter Sheet" for a smoother Classification is commercially available.

Even if the equipment or component (the goods) may not be subject to the List Control, be reminded that the technologies themselves to transfer could be subject to the List Control.
It should also be kept in mind that the FEO regulates some technologies without specifying goods[48].
As a result of the Classification, if the technologies or goods are subject to the List Control and if the license exemptions

[48] For example, while Item (vii)-(b), Article 5 of the Ministerial Order Specifying Goods and Technologies Pursuant to Provisions of the Appended Table 1 of the Export Trade Control Order and the Appended Table of the Foreign Exchange Order specifies a "coating devices ... with a beam current of 5 milliamperes or more" as one of the "coating devices for non-electronic substrates which utilize" the ion implantation method, Item (v), Paragraph (3), Article 18 of the said Order specifies the technology without limiting the specification.

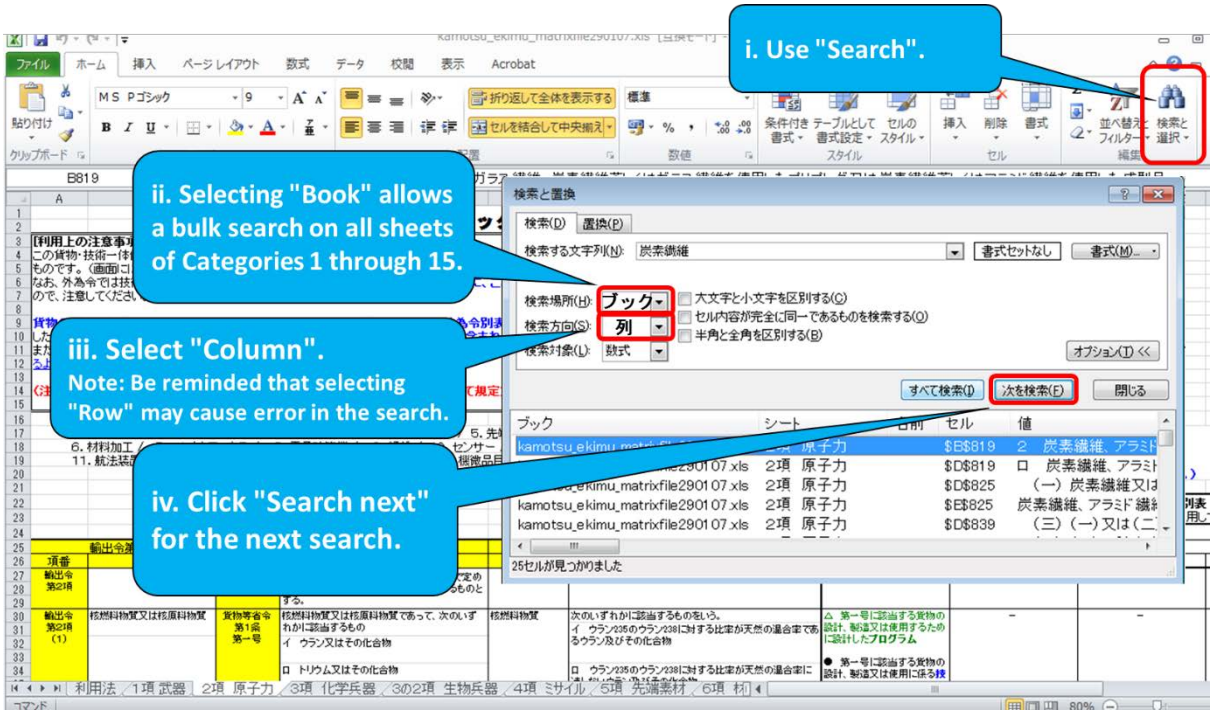
cannot be applied, the license of the Minister of Economy, Trade and Industry is required regardless of the end-use or destination.

Even if such technologies/goods are not subject to the List Control, verifying the Catch-all Controls for WMD and Conventional Weapons is required (see p. 15).

<Goods/technologies Integrated Matrix Table>

METI publicizes a table that lists the provisions of cabinet/ministerial orders for the List-controlled technologies/goods. The table allows easier acknowledgment of what kind of the List-controlled technologies are relevant to what goods, reducing the burden on Classification of the technologies.

URL: http://www.meti.go.jp/policy/anpo/matrix_intro.html



How to use the "Goods/technologies Matrix Table" for the Classification

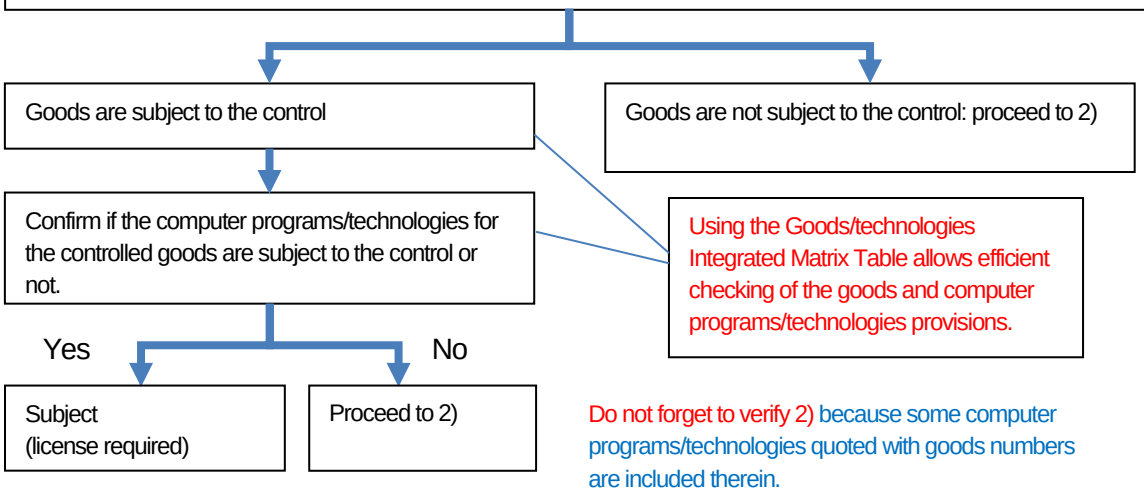
The following steps are to be taken to verify Classification of computer programs or technologies.

(In actual Classification, a step to verify if the items are "technologies in the public domain" or for "research (activities) in the basic science field," which is omitted here, must be included.)

0) What are the computer programs/technologies to transfer (or to be transferred)?
-> Identifying the computer programs/technologies

1) The identified computer programs/technologies are for design/manufacture/use of goods

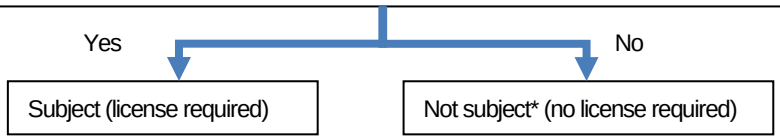
Confirm if the goods are subject to the control under the Ministerial Order Specifying Goods and Technologies Pursuant to the Provisions of the Appended Table 1 of the Export Trade Control Order and the Appended Table of the Foreign Exchange Order. (Using Excel query function for verification is helpful.) Keep in mind that the goods might be subject to the control under multiple category numbers!



Do not forget to verify 2) because some computer programs/technologies quoted with goods numbers are included therein.

2) The identified computer programs/technologies do not match 1), or, you are directed to "proceed to 2)" in the step 1)

Confirm if the identified computer programs/technologies are subject to the control or not under this provision, using the list in the end of each categorized sheet that describes the computer programs/technologies not numbered with goods numbers.



However, keep in mind that it is subject to the Catch-all Control.

Required

Prior to transfer of technologies or export of goods, finalize the transaction details first and then the staffs of each research department from which the technologies/goods are transferred/exported as well as those with expert knowledge of the technologies/goods should conduct the Classification.

The Classification is not something that "can be independently determined by METI as long as the application is submitted", but something that the persons who actually transfer/export the technologies/goods, including academic and research institutions, have to conduct and determine by themselves. The Classification at each academic or research institution shall be conducted by the staffs of each research department from which the technologies/goods are to be transferred/exported as well as those with expert knowledge of the technologies/goods. If such technologies/goods are procured from a manufacturer or its distributor that prevents knowing if they are subject to the control or not, verification should be made by asking for the Classification certificate, etc., from the manufacturer or distributer. In purchasing goods/technologies (including computer programs) to be apparently exported/transferred, it could be a good practice to add a requirement for provision of the Classification certificate to such documentation as the procurement specifications within the institutions.

In doing so, the party to be charged for violation of FEFTA is still the person who actually transfers/exports the technologies/goods even if the manufacturer or distributor makes a wrong Classification. Academic and research institutions should therefore verify the Classification results on their own even when they obtain the Classification certificate from an external party.

Also, though some overseas courier service providers may advise the required procedure at the purchase of the service, it is yet hard for them to conduct the Classification. Therefore, the persons with knowledge of the detailed specifications of the goods still have to execute the Classification.

Required

Persons involved in the transfer of technologies, including those in charge of the faculty or research department, should check the required items following the procedure and obtain the judgment of an appropriate supervisor.

In dealing with the List-controlled technologies/goods based on the Compliance Requirements, the Classification procedure has to be set forth. Though no provisions are set forth on procedure details, a procedure including Classification through issuance of the "Classification Form" as an example is effective. Even if the List-controlled technologies/goods are dealt with, they still could be subject to the WMD or Conventional Weapon Catch-all Control. Accordingly, verifying whether or not such technologies/goods fall into the Commodity Watch List, etc., is required even if such technologies/goods are not subject to the List Control. Use "Goods/technologies Integrated Matrix Table" for Classification of technologies/goods and the "Classification Form" examples (p. 103) for creation of the Classification form.

Required

The Classification has to be made pursuant to the latest list and regulations.

With regard to the List-controlled technologies/goods, the relevant regulations will be revised periodically following the content of the annual agreement of the multilateral export control regime. Accordingly, omitting the Classification assuming "It shouldn't be subject as it was not until last year" might end up violating the regulations. In conducting Classification, be sure to confirm the latest regulations including the List in the Security Export Control section of the METI website, etc., and then determine in light of the latest regulations.

Required

Some technologies or goods can be subject to the control under multiple category numbers. Utmost care must be given in Classification, keeping in mind to avoid overlooking. Using the query function of the "Goods/technologies Integrated Matrix Table" in the METI website to allow easier checking even for technologies/goods subject to the control under multiple category numbers.

For example, some technologies for satellite-use IC chip wafer are listed in both Category 7-(1) of the Appended Table of the FEO (Appended Table 1-7-(1) [Integrated circuits] of the ETCO) and Category 9-(1) of the Appended Table of the FEO (Appended Table 1-9-(7) [Encryption equipment or components thereof] of the ETCO). Detailed technical specifications are set forth by the MOSGT, so carefully check them respectively[49].

Required

In addition, since some technologies/goods are not listed as in a general name, be careful not to overlook them.

For goods that are generally called "GPS", it is defined as 'Devices which receive radio waves from global navigation satellite systems' in the MOSGT, which represents the case not listed in a general name. Therefore, pay attention to avoid potential overlooking by referencing "Terminologies requiring different reading (examples)"[50] or otherwise.

Required Also, keep in mind that components or accessories can also be subject to the control.

If components or accessories are set forth by the MOSGT, verification whether or not the components/accessories are subject to the control is required.

Recommended

While it is desirable a person with sufficient knowledge of the technologies/goods to transfer/export to conduct the Classification, a different person should also double-check to ensure objectivity of the Classification.

In an actual case, export of an aircraft equipment was accused of export without a license because the field personnel too easily classified the equipment as not subject to the control because it was meant for commercial use, despite that the non-List-controlled material used had been changed to carbon fiber molding (subject to the List Control).

For instance, more secure Classification can be expected by implementing such process wherein the classification is first conducted by a chief research fellow or a professor and then reconfirmed by the Classification Supervisor (see p. 68).

Recommended

If you have questions or concern of any degree, including a case hardly judged even by applying provisions in the regulations, consult the help desk available at your academic or research institution, or METI directly.

Easily assuming "the case should not matter because the item is probably non-subject" and transferring/exporting the technologies/goods that may result in legal violation should be avoided. Most of the violation incidents against FEFTA are caused by the flawed Classification. Classification is crucial for compliance.

Classification should be conducted by such personnel as the staff of each research department who are well knowledgeable about the technologies/goods to transfer/export. If Classification can be hardly made, consult your

[49] When filing a license application for transfer of a technology that corresponds to more than one item number, please fill in all such numbers in one application submission.
[50] http://www.meti.go.jp/policy/anpo/matrix_intro.html (Japanese)

Export Control Division or METI (see p. 108) instead of going ahead with the questionable transaction without obtaining the license or giving up the transaction itself because of the questions.

4) Examining License Exemptions

(i) Special provision for transfer of technologies (service transactions)

The Ministerial Order on Trade Relation Invisible Trade, etc. (hereinafter "MOTRIT") sets forth the cases of transfer of technologies requiring no license, for they are deemed to be harmless in light of security export control.

If a transaction is deemed to be an exemption case, no license is required even if the technologies to transfer are controlled under the List Control or otherwise[51]. Accordingly, examining whether or not a transaction is an exemption case prior to the Classification in transferring technologies allows quicker verification of whether or not the transaction requires license application. In particular, if the technologies being transferred is highly likely to meet the conditions set forth by Item (ix) and (x), Paragraph (2), Article 9 of the MOTRIT, you should review applicability of the special provision (exemption) prior to the Classification and if the transaction is found to meet the conditions as a result, the technologies can be transferred without conducting the Classification[52].

However, because leaving the judgment to individual teaching/research staff in applying the exemption can lead to legal violation, be sure to make a careful judgment following the organizational procedure. More specifically, it is important to keep the grounds for the determination accountable in case it is necessary, as well as responsibly examine the case as an organization, e.g., Export Control Officer checks if the exemptions can be applied or not, and then, for a case requiring a closer review, Responsible Officer for Export Control makes the decision after discussion in such a body as the internal export control committee

Contact METI for any unclear matters in applying the exemptions.

[51] Judgment of whether or not the exemptions can be applied must be made individually for each technology to transfer just as with the Classification pursuant to the List Control, rather than in such a broader unit as per research department.

[52] The regulations stipulate that the exemption shall be applied to relevant technologies that are subject to the Control. However, if the exemption is determined to be applicable prior to Classification, you may determine that the license is not required without conducting Classification after verifying whether or not the exemption can be applied, consequently for the following reasons: i. the technologies subject to the control will not require a license once the exemption is applied; and ii. technologies not subject to the control do not require a license in the first place.

[Representative special provisions include:]

✓ Transactions to transfer technologies in the public domain or to transfer such technologies to make technologies publicly known, wherein (Item 9, Paragraph 2):

- Technologies already disclosed to the general public via newspapers, books, magazines, brochures or files in an electrical communication network, etc., are to be transferred;
- Technologies accessible to the general public through academic journals, public patent information or minutes of open symposiums, etc., are to be transferred;
- Technologies accessible or audible to the general public through factory tours, lecture presentations or exhibitions, etc., are to be transferred;
- Open source programs are to be transferred; or
- The purpose is to provide public access or view through sending academic presentation manuscripts or distributed materials at exhibitions, or contributing to magazines, etc.

Note: For example, the following cases are included:

- Publication as articles or academic presentations to provide public access or view (excluding publications not intended for making all technologies involved be publicly known, through such obligations as non-disclosure to the attendants)
- Publishing on a website for free public view
- Online seminars targeted at the general public or containing technologies disclosed to the general public (excluding those not open to the general public setting certain audience qualifications)
- Lecture or practical work using open information, e.g., commercially available textbooks
- Content of questions and answers within the scope of the technologies presented at, e.g., an academic conference, to make it publicly known

Note: Meanwhile, in a case of manufacturing a certain chemical substance, for instance, the case will not fall under the exemptions if the specific ingredients, process or additional conditions for manufacture of such substance is not in the public domain even if its formula is.

Note: A case wherein technologies posting for publication in an article, etc., are transferred in foreign countries or to non-residents will neither fall under the exemptions.

✓ Transactions to transfer technologies in research activities in the field of basic sciences (Item 10, Paragraph 2); "Research activities on basic science fields" in this context means "research activities that mainly aim at identifying principles of phenomena in natural science fields through theories or experiments and do not aim to develop or produce certain products[53]."

For example, the following case should fall under this category:

- Studies on the cosmic creation process
- Studies on subatomic particles theories, etc.

Note: Be reminded that even such "research activities that mainly aim at identifying principles of phenomena in natural science fields" as above will not be deemed as "research activities on basic science fields" if the purpose is to design or manufacture a specific product.

Note: Similarly, keep in mind that even if the purpose of the said activities is other than to design or manufacture a specific product, unless they are "research activities that mainly aim at identifying principles of phenomena in

[53] Service Notification (1-(3) Interpretation of Terms)

natural science fields," they will not be deemed as "research activities on basic science fields."

Note: Also keep in mind that academic-industrial joint research projects will not often fall under the exemptions, including the cases wherein application to a specific product is the purpose of the research.

- ✓ Transactions to transfer a minimum set of technologies required for submission or registration of industrial property rights (Item 11, Paragraph 2)
- ✓ Transactions that provide the buyers, consignees or end-users of the goods with technologies for use of the goods (excluding computer programs and those specified by the Minister of Economy, Trade and Industry by public notice), which is a minimum set of such technologies, accompanied with the export of the goods (Item 12, Paragraph 2)

  However, keep in mind that technologies for repair, etc., which could improve performance or characteristics of the goods as a result of the transfer are excluded.
- ✓ Transactions to transfer technologies for use of the goods (excluding computer programs and those specified by the Minister of Economy, Trade and Industry by public notice), which is a minimum set of such technologies for installation or repair, accompanied with the export of the computer programs (Item 13, Paragraph 2)

  However, keep in mind that technologies for repair, etc., that could improve performance or characteristics of the computer program as a result of the transfer are excluded.
- ✓ Transactions of commercially available computer programs for design, manufacture or use of computers or communications-related goods (Item 14, Paragraph 2)

  However, keep in mind that verification of the end-users, etc., is required pursuant to the "Could be" public notice (see p. 35) if the destination of the transfer is one of the non-White countries or of the countries under the UNSC Arms Embargo.
- ✓ Foreign transactions between end-users and the persons who have obtained technology from another person that had obtained a license pursuant to Paragraph 1, Article 25 of FEFTA after identifying the end-user (Item 4, Paragraph 2)
- ✓ Export (bringing out) of technologies along with the aforementioned transactions (specifically set forth by Items of Paragraph 2, Article 9 of the MOTRIT.) (Item 1, Paragraph 1)
- ✓ Export (bringing out) of technologies along with foreign transaction from the person that had obtained a license pursuant to Paragraph 1, Article 25 of FEFTA (Item 2, , Paragraph 1)

Also, there are additional conditions to consider in determining whether or not the exemptions can be applied.

Required

Keep in mind that even technologies to be published in the future may require the license.

If the transfer of technologies is to make it publicly known, including posting technical articles to a foreign journal, the license is not required. However, transferring technologies through such obligations as non-disclosure to the end-users or internally disclosing them to a few people prior to the submission with patent application in mind, in neither of which the general public should be able to know of the technologies, will not constitute a license exception case.

The "technologies in the public domain" set forth by Item 9, Paragraph 2, Article 9 of the MOTRIT. are defined as "technologies open or accessible to the general public." The definition is made in light of the Security Export Control

and if the technologies can be only known to particular persons, regardless of presence/absence of non-disclosure obligations, will not be deemed as "in the public domain."

<University research and the classification>

For transactions wherein the technologies to transfer are in the public domain or technologies are transferred for research activities in the basic science field, the license of the Minister of Economy, Trade and Industry is not required as an exemption case. Accordingly, the license is not required if the transfer of technologies is to the extent in the public domain, including research instructions at a university using and within the scope of the commercially available books and published articles. Setting up required procedure depending on the circumstances of each academic/research institution, including carefully examining whether or not the license exemptions are applicable under direction of the Classification Supervisor, and If not, precisely classifying the items by issuing the Classification Form, should be effective.

Recommended

In such research activities as publishing articles, making academic presentations or patent filings, it is important to consider aspects not only based on government requests or regulations for Security Export Control, but also from social and scientist ethics.

Some research findings may contain potential diversion to development, etc., of WMD or other weapons and depending on the content of publishing could lead to consequences that promote proliferation of such weapons.
In addition, though it is important to file patents to protect the research findings, the patented technology information will be almost automatically published in 18 months from the filing, with some of the information may contain security-sensitive technologies.
Accordingly, though it is not a legal obligation, it is also important to incorporate provisions based on scientist ethics into compliance with self-directive code of conduct as a scientist and internal compliance procedure as an organization, so the social aspects in light of preventing proliferation of WMD or other weapons as well as based on scientist ethics can be considered.

Excerpts from "Statement: Code of Conduct for Scientists," January 25, 2013, Science Council of Japan[54]

I. Responsibilities of Scientists

(Basic Responsibilities of Scientists)

1. Scientists shall recognize that they are responsible for assuring the quality of the specialized knowledge and skills that they themselves create, and for using their expert knowledge, skills and experience to contribute to the health and welfare of humankind, the safety and security of society and the sustainability of the global environment.

[54] http://www.scj.go.jp/ja/info/kohyo/pdf/kohyo-22-s168-1.pdf (Japanese) http://www.scj.go.jp/ja/scj/kihan/kihan.pamflet_en.pdf (English)

Recommended

Even for transfer of technologies in the public domain or for research activities in the basic science field, it is important that academic and research institutions carefully examine the transactions to determine whether or not the transfer is allowed when there are concerns over the end-user or the end-use.

To prevent suspicious transactions with an end-user of concern through such an opportunity as a joint research project driven by the transfer of technologies in the public domain or for research activities in the basic science field, academic and research institutions should internally examine the transaction to determine whether or not the transfer is allowed even for technologies in the public domain.

(ii) Special provision for goods control

Article 4 of the ETCO sets forth the goods to which the provision of Paragraph 1, Article 48 of FEFTA is not applied.

[Representative special provisions include:]

- ✓ Goods imported without charge for the purpose of export without charge, which are specified by the Minister of Economy, Trade and Industry by public notice (Item ii-e, Paragraph 1, Article 4 of the ETCO)
  - Goods that were exported from Japan which are to be repaired back in Japan and then re-exported (Item 1-i of the No Commercial Value Public Notice[55])

Note: The List Control is prerequisite for this special provision and "goods that were exported from Japan" herein are List-controlled goods with obtained license. Accordingly, if a prototype gets repetitively repaired in a joint research project of a university, keep in mind that the license is required for the first export and that such repairs must not improve the performance of the prototype as of the exports to follow. Also keep in mind that this special provision cannot be applied to equipment purchased from abroad that is going to be returned for its repair.

- ✓ Goods to be exported without charge for the purpose of import without charge, which are specified by the Minister of Economy, Trade and Industry by public notice (Item ii- vi, Paragraph 1, Article 4 of the ETCO)
  - Goods to be carried by a temporary exit traveler or listed in the middle field of Item 9 of the Appended Table 1 of the ETCO (exclusively those for goods listed in (vii), (viii), (x), or (xi)) to be shipped separately upon customs clearance that correspond to either Items 9, 10, 12 or 13, Article 8 of the MOSGT and are deemed to be provided for use of this traveler (Item 2-v of the No Commercial Value Public Notice)
  - Goods to be carried by a temporary exit traveler or listed in the middle field of Item 12 of the Appended Table 1 of the ETCO to be shipped separately upon customs clearance that correspond to Item xiii, Article 11 of the MOSGT and are deemed to be provided for use of this traveler (Item 2-viof the No Commercial Value Public Notice)

  Note: This special provision is for own use of components of encryption-related goods and self-contained diving equipment.

[55] Goods Imported without Charge for the Purpose of Export without Charge and Goods to be Exported without Charge for the Purpose of Import without Charge, which are Specified by the Minister of Economy, Trade and Industry by Public Notice Pursuant to Items (ii)-(e) and (f), Paragraph (2), Article 4 of the Export Trade Control Order (Public Notice of the Ministry of International Trade and Industry No. 759, 2001)

✓ The low value exemptions (Item iv, Paragraph 1, Article 4 of the ETCO)

If the List-controlled goods fall under the following (ii), (iii), or (v) category and are within the designated value, the export license is not required.

Goods category	Exempted or not / Value to apply
(i) Goods listed in the Appended Table 1-1 through 1-4 of the Export Trade Control Order (ETCO)	Not applicable
(ii) Goods listed in the Appended Table 1-5 through 1-13 of the ETCO, excluding those in (iii) below	Equal to or less than one million yen
(iii) "Goods listed designated by the Minister of Economy, Trade and Industry pursuant to the provision of the Appended Table 3-3 of the ETCO (Appended Table 3-3 Announcement)"	Equal to or less than fifty thousand yen
(iv) Goods listed in the Appended Table 1-14 of the ETCO	Not applicable
(v) Goods listed in the Appended Table 1-15 of the ETCO	Equal to or less than fifty thousand yen
(vi) Goods listed in the Appended Table 1-16 of the ETCO	Not applicable

Note: The total value is determined based on the sum of each bracketed item number[56] of the List-controlled goods described in the agreement, regardless of the shipment times.

Note: For goods of no commercial value, the value is determined based on the value assessment by Customs.

Note: Not applicable to the List-controlled technologies.

Note: Not applicable to exports to non-White countries if the items could be used for development, etc., of WMD or conventional weapons.

Note: Not applicable if destined for North Korea, Iran or Iraq.

5) Transaction Screening

Upon checking items 1) through 3) above, the transaction shall be screened for whether or not the license application is required or the transfer/export of technologies/goods is appropriate. If the items are subject to the List Control, keep in mind that the license application is required regardless of end-uses/end-users thereof.

When it is apparent that the technologies/goods to transfer/export are not subject to the List Control, verify whether or not they could be used for development, etc., of WMD or conventional weapons.

More specifically, obtaining license is required if (i) they have been determined as "could be" in the end-use/end-user verification or you are informed by the Minister of Economy, Trade and Industry that license application is required.

However, this shall not apply when the address, residence or destination of the end-user is in one of the White countries; the technologies to transfer are for use of lumbers; or the goods to export are foods or lumbers, all of which are not subject to the 16 categories of the Appended Table of the FEO or of the Appended Table 1 of the Export Control, in which the license is not required.

[56] The low value exemptions are applied to the "total value" of those goods to export individually classified as requiring a license according to the brackets set forth by the Appended Table 1 of the Export Control Order (such as "Item 7-(iv)" or "Item 10-(vii-2)"), per each export agreement. http://www.meti.go.jp/policy/anpo/qanda11.html

Required

Be sure to make it clear in the transaction screening for transfers of technologies that there is no security concern, verifying whether or not: the end-user has a fixed address; has clearly exhibited the end-use of such technologies; or the end-use has no room for doubt.

METI is issuing the license pursuant to the following criteria[57]:

Whether or not it is probable that the technologies:

(i) are delivered to the actual end-users;

(ii) are used by the persons stated in the application form as the end-users;

(iii) and products made thereof are not for uses that could preclude preservation of the peace and security of the international community; and

(iv) are properly managed by the end-users.

The license may not be issued if any aspect is found to be questionable based on these criteria. Thus, all these four criteria have to be clarified in examining transfers of technologies, carefully determining appropriateness of all aspects, including whether or not the transaction counterpart is surely the described end-user or could be making a false request misrepresenting the end-use.

Required

Be sure that Responsible Officer for Export Control appointed by your academic or research institution determines, as a whole organization, if the transfer of technologies is appropriate or not, and if the Classification or Transaction Screening results in requiring the license.

Internal examination of appropriateness of the transfer of technologies under the control by academic and research institutions is important for prevention of any questionable transactions. In dealing with the List-controlled goods, in particular, it is necessary to assign such organizational representatives as Vice President or Vice Chairperson to Responsible Officer for Export Control (ROEC) and President or Chairperson to Chief Export Control Officer (CECO).

(6) License Application

When the technologies to transfer or goods to export are determined to require the license pursuant to FEFTA, submit the license application to a service office with documents required to obtain the license from the Minister of Economy, Trade and Industry.

When the license is required, the application shall be submitted to the responsible service office (METI headquarters or Regional Bureaus of Economy, Trade and Industry/International Trade Offices) (i) at the submission counter; (ii) via post-mail; or (iii) by digital submission (NACCS trade control subsystem) for the license.

Since required documents include Service Transaction License Application Form and Export License Application Form, as well as associated documents (e.g., statement of reasons to apply, agreements, brochures/specifications, pledge certificate certificates from the transaction counterpart), which depend on the subject item number of the ETCO or the destination, check what will be required using the Security Export Control website[58], etc.

[57] Service Notification (2-(5) License for Service Transaction)
[58] http://www.meti.go.jp/policy/anpo/apply01.html (Japanese)

Recommended

In transferring the List-controlled goods or technologies, the "bulk export license system[59]" that allows to comprehensively obtain multiple licenses within a specified range can be used if the applicant is deemed to have established the Internal Compliance Programs (hereinafter, "ICP") based on the subject compliance provisions including FEFTA, under which appropriate control is secured.

Grant of the licensing pursuant to FEFTA is determined through reviews in security aspects independently per agreement or transaction. If the applicant itself has capability for these reviews under voluntary control, a bulk license can be granted. With this system, time and effort for filing multiple applications for reviews can be saved.
As conditions to obtain the Special General Bulk Export License or Special Bulk Export License within the bulk licenses, establishment/notification as well as secure implementation of the ICP is required.

7) Ensuring Identification

When a license is granted, technologies/goods can be transferred/exported within the scope of the license.

Required

Be sure not to go beyond the scope of the granted license.

In dealing with the List-controlled technologies/goods, it is required to ensure whether or not the controlled technologies/goods to be actually transferred are identical to those licensed. Even if the List-controlled technologies/goods are not dealt with, it is important to ensure the identification lest such controlled technologies/goods should be shipped to countries/organizations of concern. Make efforts to avoid violations using the marking (p. 67) or other tools.

Required

If any collateral conditions are provided to the license, be sure not to violate them as well.

Upon granting the license, some conditions might be appended, e.g., that the licensee has to notify METI prior to re-exports in the future or to submit regular reports on status of the use of the goods/technologies licensed to export/transfer. Accordingly, pay close attention to these collateral conditions to avoid violation.
Pursuant to the partial revision of FEFTA in 2017, violation of the collateral conditions is subject to fines as the penalty (see p. 75).

8) Record Keeping

In light of proving compliance, be sure to appropriately maintain/retain related documents including the records of screening.
Document retention is also important as an evidence of the maintenance status when an incident occurs.
Specific retention schedules considered to be desirable are: at least seven (7) years for transfer of technologies or export of goods related to weapons or WMD with which ensured security export control is considered to be critical (the

[59] http://www.meti.go.jp/policy/anpo/apply13.html (Japanese)

Appended Table 1 of the ETCO and the middle fields of Categories 1 through 4 of the Appended Table of the FEO); and five (5) years for transfer of technologies or export of goods related to conventional weapons (the Appended Table 1 of the ETCO and the middle fields of Categories 5 through 16 of the Appended Table of the FEO). (see p. 51)

2. Regular Procedures

Sections to follow discuss required/recommended regular procedures.

1) Awareness, Education and Trainings

Required

To prevent unintended outflows of technologies or goods as well as associated legal violations, it is essential that every single researcher who deals with the controlled technologies or goods understands the control by FEFTA and practices the compliance.

The purpose of controlling the sensitive technologies and goods is to prevent abuse of them for development, etc., of WMD or other weapons, rather than to hinder advancement or global expansion of academic researches.
Major nations in the world, including Japan, have been controlling security exports under the international harmonization framework mainly consisting of developed nations.
Academic and research institutions as well are required to practice necessary education/training for compliance pursuant to the compliance standards. In dealing with the List-controlled technologies/goods, it is required to make efforts to practice training to ensure that the transfer or export shall be appropriately conducted.
In academic and research institutions, every single researcher needs to make at-most efforts to practice compliance, through education including attending training courses at such institutions upon understanding that the security export control in Japan is a system fundamentally relying on each involved person's voluntary awareness.

Required

Be sure to collect such information on the control system as the latest regulations, and ensure that organizations concerned are aware and get educated.

Practicing necessary education for compliance pursuant to the compliance standards is required. In dealing with the List-controlled technologies/goods, it is required to make efforts to practice training to ensure that the transfer or export shall be appropriately conducted. Always pay attention so as not to violate the regulations due to ignorance of such information on the control system as the latest regulations.
METI distributes the latest information including revision of acts via email to the parties with registered ICP as part of the voluntary control, in addition to providing the latest information about security export control on its website (see p. 108). METI also conducts the security export control orientations to get significance of the security export control and specific export control examples broadly understood, which should be utilized as an opportunity for getting updated.

Required

Persons in clerical or classifying roles at academic and research institutions for control of technologies to transfer should take training courses to obtain and understand the latest regulatory information.

Persons on the research side should also attend education/training programs implemented at his/her academic or research institution pursuant to the compliance standards, and make efforts to be compliant.

As orientations, including ones jointly held by MEXT and METI, are held in different locations every year for providing the latest information such as details of revision of acts and international situation concerning security, every academic or research institution are encouraged to actively attend them[60] for better knowledge and skills as well.

Recommended

It is also important that academic and research institutions intend to raise the level of awareness of the control across the organization, conducting education/training also for senior staff, researchers and all employees in addition to persons in clerical or classifying roles for technologies to transfer.

Control of sensitive technologies at academic and research institutions requires integrated functioning of many different departments concerned in a practical way. It is recommended to maintain awareness and understanding by each and every staff including such senior staff as President and Chairperson through to researchers and other employees at higher levels, for healthy advancement of academic researches as well as for compliance.

For these purposes, it is also important to manage to help improve the controlling mindset of the staff unable to attend orientations taking advantage of e-learning, etc., in addition to making efforts to enhance awareness of the control as the whole academic or research institution, utilizing such opportunities as the executive board or faculty council as well as regularly holding the orientations for the whole organization.

Recommended

Remember also to periodically offer reminders and education/training for management of the controlled technologies or goods to international offices and remote campuses.

2) Audits and Reporting

Required

Be sure to set forth the audit structure and procedures and conduct periodic audits.

In dealing with the List-controlled technologies/goods based on the compliance standards, setting forth the audit structure and procedures for checking whether or not the control of sensitive technologies at academic and research institutions is properly implemented pursuant to the regulations is required and efforts to conduct the audits periodically have to be made. Holders of the controlled technologies or your Export Control Division should be involved in nominating the audit subjects and conducting such audits, even if such audits are conducted as an institution-wide event due to the circumstances of each academic or research institution.

More simplified options including asking for self-checking by periodically distributing questionnaires regarding practice of the control to holders of the controlled technologies or the control personnel, using the Intranet or internal email network, should be effective.

[60] http://www.meti.go.jp/policy/anpo/seminar00.html (Japanese)

Required

If anyone finds that a controlled technology has been or could have been transferred without a license, report promptly to your Export Control Division and the Minister of Economy, Trade and Industry to seek and take a corrective measure as the organization.

If violation of relevant regulations has or could have occurred in dealing with the List-controlled technologies/goods based on the compliance standards, reporting the incident to the Minister of Economy, Trade and Industry and the implementation of the recurrence prevention measures is required.
Even if the List-controlled technologies/goods are not dealt with, the prompt reporting and responding must not be neglected in order to prevent proliferation of the sensitive technologies or minimize the risks of threatening the nation-wide security.

3) Record keeping

Required

Be sure to properly retain documents or electromagnetic records for transfer of technologies.

In dealing with the List-controlled technologies/goods based on the compliance standards, efforts to retain the relevant documents, drawings and/or electromagnetic records for an appropriate period of time. Even if the List-controlled technologies/goods are not dealt with, it could help later to retain documents and/or electromagnetic for the transfer of technologies made through the final decision to go for it after issuing the Screening Form at least because the concern was not totally eliminated, to prove that the transaction was properly handled in compliance with the regulations, in case violation should be suspected.
Specific retention schedules considered to be desirable are: at least seven (7) years for transfer of technologies or export of goods related to weapons or WMD with which ensured security export control is considered to be critical (the Appended Table 1 of the ETCO and the middle fields of Categories 1 through 4 of the Appended Table of the FEO); and five (5) years for transfer of technologies or export of goods related to conventional weapons (the Appended Table 1 of the ETCO and the middle fields of Categories 5 through 16 of the Appended Table of the FEO).

Documents to be recorded/retained are considered to include the following:
- Records of screening (in the form of Screening or Classification Form, with dates of the transfer, destined end-users and countries, transferred technologies, corresponding item numbers and commercial values);
- licenses granted by the Minister of Economy, Trade and Industry; and,
- agreements, purchase requisitions, order sheets, letters and invoices, etc.

With regards to the technical information to transfer, submit it to your Export Control Division together with other documents to maintain the record of transfers.

Recommended

Accumulating and utilizing daily control records shall be of great help for more effective and efficient control, helping understand which department in the academic or research institution holds what type of the controlled technologies.

4) Information Management

Recommended

Access to the List-controlled technologies should be controlled in particular.

Routine management of the information, to prevent outflow of the controlled technologies in an unexpected manner, including theft or unauthorized access, is effective.

A growing number of organizations have been developing information on security standards that set forth management of ID/passwords and handling of information devices. As academic and research institutions must have already implemented rules for information security, it should be effective to utilize those for the technical information access control as well. If your organization is without such information on security rules, refer to the following examples of initiative of an organization without such rules.

[Examples of initiative of an organization without security information rules]

Preferably, implement the following measures since improved level of technical information control can be expected.

1) Management of such information devices as PC that stores the controlled technologies

(i) Personal authentication

For personal computers storing the controlled technologies as data or in a different format, setting and periodically changing the login password is required. Be sure not to share a password with others or post a password note on your PC.

(ii) PC control and restricted connection of USB drives, etc.

Carrying PCs out of the office and connecting USB drives, etc., to other PCs has to be controlled. Another way to control is to encrypt the data stored in the hard disk or memories, providing against loss of PCs or USB drives. Keep in mind that such real incidents as getting PCs stolen in overseas business trips have taken place.

It is also important to organizationally examine the necessity of restricting install of a file exchange application (e.g., Winny) that causes unintended leak of information.

(iii) Anti-theft control for PCs

A growing number of thefts of PCs are taking place in academic and research institutions. Implementing such a measure as attaching a wire lock to PCs will also enhance the protection of the technical information therein.

2) Management of such shared database as servers

(i) Access control

If data of the controlled technologies are stored in a research department, etc., limiting persons accessible to such information and thoroughly controlling IDs and passwords is the basic of security.

(ii) Storing access logs

It is also important to properly save the data access records, which shall be necessary in identifying the leakage route in case of the technology outflows.

(iii) Restricting external access

If the Intranet is used, it is a common practice to prohibit/restrict external access (e.g., from international offices) to the Intranet.

In permitting transmission or download of electronic data, securing means to verify the destination is desirable. An idea is to bi-directionally use the Public Key Infrastructure (electronic signature), if available, in using the network. This should be able to prevent so called "masquerading."

3) Encryption of technical information

In sending email or fax with information of the controlled technologies attached, control of the addressee information to avoid wrong transmission as well as setting the read password for or encrypting the digital files as an anti-leakage measure for such technical information shall help prevent actual problems even when it inadvertently outflows. Making efforts to protect technical information through these measures is required.

4) Organizational measures (hardware side modification, etc)

(i) Using thin client systems

Some organizations are recently using a system in which the personal terminal PCs in the organizations have no such recording device as hard drive, while data are centrally managed at the server side and cannot be stored in the terminal PCs (i.e., a thin client system).

(ii) Measures to stop unauthorized access

In addition, organizational assessment and implementation of such counter measures as physical isolation or protection of the servers or the storage locations of critical documents, as well as stopping unauthorized external access, is required.

(iii) Anti-spyware (malware) measures

Many different types of malicious spyware are found in these days that infect PCs through browsing website or receiving email and send internal data outward before you know it or create a path that allows easy access to the PCs from outside. For information devices that are networked to an external, normal Internet connection, organizationally taking periodic measures to clean such malicious spyware is required.

(iv) Precautions for information device disposal

Before disposing unused PCs, be sure to completely erase data remaining in the hard drive using commercially available data destruction software. Erasing digital files using common PC functions rather easily allows recovery of the data because they physically remain in the hard drive as magnetic information. When an external disposal service provider is used, be sure to ask for complete data erasure of the hard drive and issuance of a certificate to prove that. Using these measures helps prevent data leakage from PCs.

Unfair Competition Prevention Act

The Unfair Competition Prevention Act (Act No.47 in 1997) is an act to provide for matters such as measures for the prevention of unfair competition and compensation for damages caused by unfair competition, in order to ensure fair competition among business operators.

Pursuant to this Act, a "trade secret" is defined as information held by business entities that meet specific conditions (Note 1), and such entities may seek injunction/damages against such actions as unauthorized acquisition/use, which is also subject to a criminal charge.

Note 1: The trade secret must satisfy three requirements: it is (i) controlled as secret (confidentiality); (ii) useful business or technical information (usefulness); and (iii) is not publicly known (non-public nature). In the "Guidelines for Trade Secret Management[1]," key features to be under legal protection as "trade secret" are described.

In 2015, the following measures were introduced[1] to further enhance protection of trade secrets held by business entities:

<Criminal charges>

(i) Increased maximum fine for the trade secret infringement

Individuals 10 million yen -> 20 million yen

Juridical persons 300 million yen -> 500 million yen

(ii) Severer punishment for overseas use

Acquisition or disclosure of a trade secret to be used in foreign countries or for that purpose shall be more severely punished (higher fines were stipulated).

Individuals 30 million yen

Juridical persons 1 billion yen

(iii) Introduction of optional confiscation of the criminal proceeds

A provision that criminal proceeds from the trade secret infringement can be confiscated by judicial decision has been appended.

Also, the "Handbook for Protecting Secrets at Universities"[1] published in October 2016 to ensure protection of such secrets in academic institutions says that (i) knowing/classifying secrets and implementing required measures; and (ii) considering participation of students in research activities and obtaining their personal pledge certificate for non-disclosure are important.

Guidelines for Fundamentals for Appropriate Management of
Critical Technical Information in Manufacturing Industries

In April 2017, METI summarized and published the first edition of the Guidelines suggesting specific management measures for critical technical information held by private enterprises[61], expecting appropriate control of technologies critical to Japan's industrial competitiveness (Critical Technologies).

The Guidelines suggests specific protection measures to properly preserve the Critical Technologies held in the manufacturing industries and list minimum set of items to be cared for more appropriate management of information to be protected as know-how out of technical information held by private enterprises, with consideration of different business aspects and models. The Guidelines also contains information useful in further ensuring the information management for sensitive technologies at universities for conducting joint researches with enterprises. For example, in addition to restricting human access as "protection against approach to the Critical Technologies information," (i) use of storage container (safe); and (ii) options to restrict physical access including setting areas of limited access are introduced. Also introduced as part of "creation, moving, duplicate moving and disposal handling of Critical Technology information" are (i) labeling at creation (marking); as well as (ii) check items for moving between the container and access limit zones and between on/off premises; and (iii) setting classification of persons eligible to duplicate the information and unrecoverable ways to dispose that.

[61] http://www.meti.go.jp/policy/mono_info_service/mono/technology_management/guideline0.pdf (Japanese)

V. Procedures for Various Cases

In Chapter IV., the basic flow of the procedures for transfer of technologies and export of goods pursuant to FEFTA is discussed. This chapter discusses procedures required/recommended for each practical scenario of academic and research institutions.

Keep in mind, however, that the following license-requiring cases shall not forbid transfer/export of technologies/goods across in whole, but shall allow such transaction upon obtaining a required license.

1. Controlling Transfer of Technologies to International Students/postgraduates/staff

1) License-requiring scenarios

Required

A license is required to transfer the controlled technologies to international students/postgraduates staying in Japan for less than six (6) month.

Even for domestically conducting transfer of technical information including the controlled design drawings, specifications, samples/prototypes through email or in such recordable media as CD or USB drive, or providing technical instruction or training through seminars or phone calls, to foreigners staying in Japan for less than six (6) months, obtaining a license is required as these are deemed to be transfers of technologies to non-residents.

Note: This does not mean that instruction/education for such students is forbidden. It does not legally matter if the instruction/education is provided upon obtaining a relevant license.

Required

With regards to international students/postgraduates or hired staff living in Japan for over six (6) months, obtaining a license is required if: it is known that they will or might provide the controlled technologies in a foreign nation; the technical documents (incl. records in USB drive, etc.) will be carried over to a foreign country (incl. temporary homecomings on leave); or the controlled technologies are transferred through skill training programs[62].

Even if the international students/postgraduates/staff become residents, obtaining a license is required to transfer the technologies if: it is known that the controlled technologies will be transferred to a foreign nation; the technical documents will be carried outside Japan; or the controlled technologies are transferred through skill training programs. Practically, (i) the staff or researchers who actually transfer the technologies need to obtain a license after specifically explaining the re-transfer of technologies by the international student/postgraduate at the license application; or (ii) the students or postgraduates themselves have to obtain a license prior to actual re-transfer or carry-out.

[62] If transfer of the controlled technologies in other countries is set as a primary purpose or considered from the time of transfer, such transfer is subject to the Control. Meanwhile, if the transferrer has no intention to conduct a foreign transaction, including a case wherein the data happens to be sent via email to the counterpart of a joint study between research institutions both in Japan during his/her overseas trip, that transfer shall not be subject to the Control.

In addition, even if the international students/postgraduates/staff become residents, keep in mind that: (i) obtaining a license as a resident is required if he/she re-transfers the controlled technologies as a resident; and (ii) if such technologies are transferred to an organization in such a case as a joint research with an overseas academic or research institution, the residency status of such organization, instead of the individual researchers, has to be determined.
Contact the Security Export Licensing Division (+81-3-3501-2801) for specific license applications or for prior consultation by METI on the process for applications.

Note: This does not mean that instruction/education for such students is forbidden. It does not legally matter if the transfer of technologies is conducted upon obtaining a relevant license.

2) Control for Entry/Interim/Exit Stage

The control by FEFTA is structured for different license applications for different transfer cases as described in the preceding section 1). However, it is not practical to individually control potential transfer of the controlled technologies by the international students/postgraduates/staff every day or inspecting their belongings prior to their departure only for compliance with the Act.
For this reason, the following procedures are practically recommended in light of comprehensively and preventively avoid risks of violating the Act for each scenario. Recommended herein is to appropriately manage verification of security concerns including learning/transfer of the controlled technologies, as well as raising awareness or getting pledge certificates, which should be conducted at respective stages. The said stages include accepting/hiring the international students/postgraduates/staff, during their tenure, and when they graduate/resign.

It is important that each academic and research institution should know in advance of which technologies and goods are subject to the control by FEFTA and in which research department or division they are dealt with, for proper management of the international students/postgraduates/staff within such department or division in particular.

(In accepting/hiring international students/postgraduates/staff[63])

Recommended

In accepting/hiring international students/postgraduates/staff, it is recommended to check presence of security concerns using the "Pre-screening Sheet for Accepting Foreigners (International Students/Postgraduates/Staff/Visitors)" (p. 94) together with the Foreign End User List and "Apparent" Guideline, and then determine if they should be finally accepted/hired to the institution upon considering modification of the technologies to transfer or filing a license application to METI.

Promotion of Japan's globalization is the fundamental of the country, which is expected to continually accelerate under proper control. In accepting/hiring international students/postgraduates/staff and if the controlled technologies could be transferred to them afterwards, it is not practical to individually control the potential transfer of such technologies or filing application for individual licenses. Thus, it is recommended to set up procedures to verify potential security risks

[63] Includes a case wherein they are assigned to such a project as a joint research with an enterprise.

and to determine if they should be finally accepted/hired. (Note: See p. 33 for the verification using the Pre-screening Sheet.)

Disputes may arise between the institution and the international students/postgraduates/staff, if it turns out after accepting/hiring them that the institution is unable to transfer the technologies. Thus, many institutions are verifying such information as research agenda and purposes, and national or organizational origins in accepting/hiring them to judge presence of any concerns.

To see presence of the concerns, checking whether or not: the organizational origins of the international students/postgraduates/staff is listed in the Foreign End User List (see p. 35); information about the concerns is published on the website of such origins; or the technologies to be transferred by the academic or research institution might be diverted for use in development, etc., of WMD or other weapons, is necessary. In addition, checking the "CHASER Data for Universities"[64],which is published by the Center for Information of Security Trade Control (CISTEC), is effective as well.

If the international students/postgraduates/staff are just temporarily belonging to an organization of concern[65], make sure that their research agenda are of no concerns pursuant to the "Apparent" Guideline.

Particularly, be reminded that the international students sponsored by a foreign government or postgraduates/staff belonging to a foreign organization can be anticipated to bear certain responsibilities or missions relevant to such patron government or organization, or surely return to their home countries in the future. For the review, see "VIII. Example Q&A (with University-related Persons)" (p. 77) as well.

Contact the Security Export Licensing Division (+81-3-3501-2801) for prior consultation by METI on this process.

For acceptance of international students, etc., explanation as to such matter as whether or not the acceptance screening is conducted using the Pre-screening Sheet or Screening Form may be requested for the review of the status of residence by immigration authorities, after the university grants admission.

> The Police White Paper (2017 Edition) makes pointed reference to specific countries claiming, "...not only conducting different intelligence activities using sophisticated and diversified means, including dispatching researchers, engineers or students to enterprises holding advanced technologies, defense-related companies or research institutions..."

Recommended

An incident that the international students/postgraduates/staff in your organization turn to be persons from a listed organization due to revisions of such documents as the Foreign End User List could happen. Periodically reviewing the past screening results is important.

Since the Foreign End User List gets revised at least once a year, you must get the latest edition. If the organization of your international students/postgraduates/staff gets listed in such documents, that alone will not constitute a legal violation. However, be sure to carefully examine the transfers of technologies to follow such listing, and if required, obtain a license according to the relevant regulations before actually transferring them.

[64] See footnote in page 36.

[65] This assumes that the material relationship with the organization of concern is tenuous. For example, possible cases include: "an engineer belonging to a company of no concern participated in a weekly professional seminar held by a university of concern as an auditing student" or "such engineer has been dispatched to a research department of a university of concern for a month as part of a global, inter-university exchange program.

(During the international students'/postgraduates'/staff's tenure)

Recommended

Your international students/postgraduates/staff may become residents and acquire the controlled technologies during their tenure. If such persons temporarily return to their home countries and transfer such technologies therein, they are required to obtain a license pursuant to FEFTA. Accordingly, you may check advancement or changes of the research subjects, and when concerns in light of FEFTA cannot be eliminated, re-examine the technologies to transfer or address the concerns through reassignments/relocations.

Even if the international students/postgraduates/staff become residents, transferring the technologies in foreign countries or to non-residents, or carrying them overseas, is to be controlled pursuant to FEFTA (see p. 56). For this reason, reconfirming the level of concerns again, including possible re-transfer of the technologies in foreign countries by resident international students/postgraduates/staff during their temporary homecomings, in transferring the List-controlled technologies to them. Moreover, if such changes as advancement or re-direction of the international students'/postgraduates'/staff's research agenda can be expected in the interim stage of their tenure, it is recommended to get confirmed once again whether or not the agenda technologies are subject to the List Control, using check sheets.

If the concerns in light of FEFTA held by the academic or research institutions cannot be eliminated, you may re-examine the technologies to transfer or respond by not assigning/locating these persons to an associated organization or department.

(When the international students/postgraduates/staff graduate/leave)

Recommended

When the international students/postgraduates/staff graduate/leave, it is recommended to call for their attention to reconfirm that no controlled technologies/goods are transferred/carried upon their homecomings and obtain the pledge certificates.

For efficient and effective attention calls to avoid outflows of the controlled technologies when the international students/postgraduates return home, it is recommended to also check whether or not any controlled technologies might be transferred within the research agenda of such students who become residents.

Even if the international students/postgraduates/staff become residents, transferring the technologies in foreign countries or to non-residents, or carrying them overseas, is to be controlled pursuant to FEFTA. Thus, adequate verification is required when they graduate or resign.

For this, ensuring their awareness at appropriate times should be effective, for example, by raising awareness or obtaining pledge certificates at admission or hiring, and when they graduate/resign, making sure no controlled technologies are carried overseas, reconfirming the certificate statement, and calling for their attention including advice to their career paths.

2. Overseas Trips and Temporary Homecomings

Required

When your international students/postgraduates/staff travel overseas and if they plan to transfer controlled technologies in other nations, obtaining license is required at least prior to carrying them over, indifferent to their resident/non-residency status.

Unless the license pursuant to Paragraph 1, Article 25 of FEFTA is obtained because it is known that your international students/postgraduates/staff will or potentially may transfer controlled technologies in foreign countries, a license pursuant to Paragraph 3 of the said Article is required when the controlled technologies are : (i) carried over to the country in some tangible form of records (e.g., USB drive or documents); or (ii) transmitted in any telecommunications format (Internet, phones).

Even after such technologies have been carried over to a foreign country with a license obtained pursuant to Paragraph 3 of the said Article, another license pursuant to Paragraph 1 of the said Article is required prior to actual transfer. For this reason, obtaining the license pursuant to Paragraph 1 of the said Article from the beginning is effective to actually transfer such technologies.

Required

Carrying samples or research materials/equipment over to a foreign country also may be subject to the control depending on the specification of the materials/equipment used therein. In this case, obtain a license even if such items are ensured to return to Japan.

Shipping goods from Japan to other countries is deemed to be "export" pursuant to FEFTA. Accordingly, in addition to carrying equipment packed in a suitcase, etc., over to a foreign country, carrying it over to a foreign country on the premise of bringing it back is also included as "export."

On the other hand, "goods" include hand-made prototypes, samples, baggage, products sold domestically, materials/equipment to be provided as legacy/used/free, as well as used for measurements in the destination and then returned to Japan. Accordingly, verifying whether or not these items are subject to the List or Catch-all Control or to the exemptions (see p. 41) is required. Most of commercially available laptops or mobile phones, except a few, are not subject to the List Control, however.

Recommended

For USB drives or PCs storing the controlled technologies data, it is recommended to encrypt and/or password the files and to send required report/message or record the factual situation if they should be lost or stolen.

In carrying such data in a USB drive or PC, it is recommended to encrypt and/or password the files in case it should be lost or stolen. In case the data you have is lost or stolen, it is recommended to organize and record the factual situation in addition to reporting to your organization and informing authorities concerned.

According to FEFTA, these cases will not be deemed as violation unless there was an intent or purpose to transfer such controlled technologies in a foreign country then. However, transferring controlled technologies in a foreign country pretending that the USB drive or PC was lost or stolen is deemed as violation.

3. Conducting Joint R&D

Required

In conducting joint research projects with academic or research institutions from foreign countries, carefully check whether or not: (i) controlled technologies are not included in the technologies to transfer; (ii) the end-users are listed in the Foreign End User List; and (iii) such technologies could be used for development, etc., of WMD or conventional weapons.

If controlled technologies are included in the technologies to transfer in the joint research projects, the license of the Minister of Economy, Trade and Industry is required. Though transfer may only include technologies in the public domain in earlier stages of the joint research projects, some new technologies could arise as the projects move forward. If this is the case, you have to conduct the Classification of such new technologies, and if a List-controlled technology is included, the said license is also required.

Even if such technologies do not include a List-controlled technology, the license of the Minister of Economy, Trade and Industry is required when they "could be used for development, etc., of WMD" or "could be used for development, etc., of conventional weapons" (see p. 15).

Since many of academic-industrial joint research projects have been developing a product as their objective, keep in mind that "research activities in the field of basic sciences" may not be applicable, and remember to control and clarify ownership of the technical information withheld from public knowledge (technology information not in the public domain) (see p. 42).

If these aspects remain unclear, it is still required to make a proper judgment by asking your counterpart to submit additional information or its pledge certificate, referencing the check items in such materials as "End-use" check sheet and "End-user" check sheet.

Required

In conducting joint research projects, be sure to take measures to prevent unintentional legal violations by: (i) executing an agreement or obtain a pledge certificate that forbids the other party to re-transfer the technologies usable in development, etc., of WMD or conventional weapons to a third party without authorization; (ii) suspending subsequent transactions as non-performance if such agreement or pledge is breached; (iii) not transferring technologies that require an administrative license until the license is obtained; and (iv) reporting any suspicious case of violation of FEFTA to authorities concerned.

If the technologies to be transferred are listed in the middle fields of Categories 2 through 4 or 15 in the Appended Table of the FEO, or, if the technologies listed in Categories 5 through 14 therein are to be transferred to Countries Under UNSC Arms Embargo, the license application may require a pledge certificate upon filing.

In recent years, procurement activities of the countries of concern and terrorists for stealing sensitive technologies are becoming sophisticated. Responding to such activities with great care prior to conducting joint research projects is required to avoid unintentionally getting involved in such malicious activities.

4. Visits of Foreign Researchers

Required

If an academic or research institution in Japan accepts a visit by researchers from overseas and explains controlled technologies in the opinion exchange held through facility tours or in laboratories, a license is required.

The exemptions cannot be applied unless the technology information is available or audible to the general public. Because of this, setting up a special facility tour limited to specific visitors instead of the general public, a close, prior review of the tour courses and descriptions and examining the potential involvement of the List-controlled technologies therein is required.

Recommended

For preventing transfer of controlled technologies without a license, it could be a good idea to prepare the facility tour courses intended for public view of outsiders or to set such a rule as restricting the information to be provided to the non-subject including published articles and providing the information after obtaining a license if necessary.

Recommended

If a controlled technology is transferred through visits of foreign researchers, it is recommended to check required items using the "Pre-screening Sheet for Accepting Foreigners (International Students, Researchers, Teachers, Visitors)" (p. 94).

5. Closed Conference

Required

For seminars, lectures or exhibitions, it is required to examine the necessity of prior licensing, including checking (i) whether or not the information presented is subject to the List Control, Catch-all Control or the license exemptions; and (ii) attendants' nationalities and transitional periods after entry to Japan, as well as countries/regions in which the institutions they belong are based.

The exemptions cannot be applied unless the technology information is available or audible to the general public. If it is a private event, a closer review of the content of the lecture is required.

Recommended

If a controlled technology is transferred in a private lecture, it is recommended to check required items using the "Pre-screening Sheet for Transfer/Export of Technologies/Goods" and "Screening Form" (p. 98).

Recommended

For preventing transfer of controlled technologies without a license, it could be a good idea to prepare descriptive materials or samples based on the technologies in the public domain, or email templates and external Q&A manuals, otherwise.

6. Use of Equipment

Required

When allowing remote, international access to a supercomputer installed in Japan or letting non-residents in Japan use it, obtaining a license is required if the computer program to be used or the operation manual contains a controlled technology.

When allowing remote, international access to a supercomputer installed in Japan and listed in Item 8 of the Appended Table 1 of the ETCO or in Item 3-3, Article 7 of the MOSGT, or, letting non-residents in Japan to use it, obtaining a license is required if the computer program to be used or the operation manual contains a controlled technology.
However, the restrictions over supercomputers have been eased since the January 2017 revision of the relevant cabinet/ministerial orders. A case judged that the operation manuals were subject to the List Control in the past could be non-subject pursuant to the latest cabinet/ministerial orders. It is recommended to check such cases this time again.
If such technologies are not subject to the List Control but to the Catch-all Control, obtaining a license is required. For example, if the computer program for use of the supercomputer (the operating system) is not subject to the List Control but is being used by a non-resident, be sure to carefully check in light of the Catch-all Control.

Recommended

Instruction to the extent of how to use equipment or devices to be used by international students, etc., for the research in the laboratories, is generally deemed not to be a transfer of the List-controlled technologies. Verification of the content and conducting the Classification in advance should allow more efficient control procedures.

Most of the controlled technologies target "technologies required" for design/manufacture/use. The "technologies required" mean those required for reaching or exceeding the performance level or characteristics specified in the control. Therefore, most of the operation procedures for equipment or devices used in university laboratories should not be deemed as "technologies required" as long as they are operating techniques equivalent to those for non-subject goods (e.g., limited to the techniques to operate following some published user manuals).
However, keep in mind that there are also items broadly controlled, including technologies for using dedicated nuclear power items.

VI. Establishing/Operating Framework[66]

Paragraph 4, Article 55-10 of FEFTA stipulates the obligations of exporters to properly conduct export of goods and transfer of technologies pursuant to the compliance standards.
Meanwhile, the Minister of Economy, Trade and Industry may give an instruction or advice pursuant to the compliance standards and give a recommendation/ordinance in case of violations. Violations are subject to penalties.

Required

All those who export or transfer are required to observe obligations to: (i) assign a person in charge of verifying subject/non-subject to the List Control; and (ii) implement necessary instructions for compliance.

All those who export or transfer are required to observe the following (i) and (ii):

(i) assign a person in charge of verifying whether or not goods and others to be exported or otherwise are subject to the List Control; and,

(ii) for persons involved in such operations as exporting, ensure awareness of the latest regulations and offer necessary instructions for compliance with provisions of such and other related regulations.

Required

Exporters or transferrers who deal with the security-sensitive "specified important goods, etc." (List-controlled goods, etc.) are required to observe obligations to: (iii) assign the representative of the organization to the person in charge; (iv) establish the export control structure; (v) specify the Classification procedures; (vi) specify how to verify the end-use/end-user and abide thereby; and (vii) verify identification of the goods with goods already classified, at actual shipment.

Exporters or transferrers who deal with the security-sensitive "specified important goods, etc." (List-controlled goods, etc.) are required to observe the following (iii) through (xi) in addition to (i) and (ii) above:

<Establishing the structure>

(iii) assign the representative of the organization to the person in charge;

(iv) establish the internal export control structure (job allocation/responsibilities);

<Establishing the procedures>

(v) specify procedures for the Classification;

(vi) specify procedures to verify the end-use/end-user in exporting the List-controlled goods, etc., and follow the procedures in actual verification;

(vii) ensure identification of the goods with goods already classified, at actual shipment;

<Maintenance>

(viii) establish the export control audit procedures and make efforts for implementation thereof;

(ix) make efforts to give training for the export control supervisors and those involved therein;

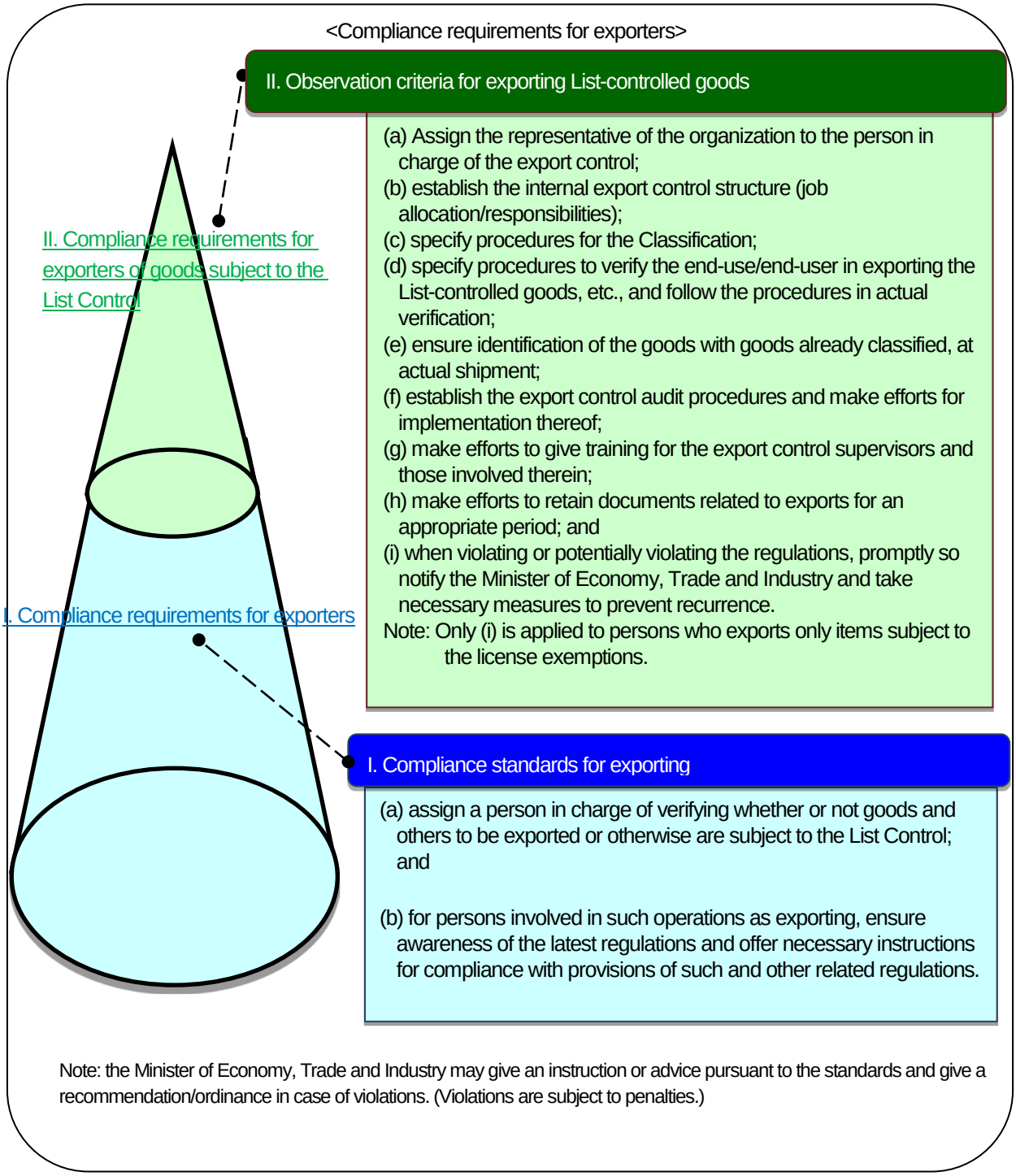
(x) make efforts to retain documents related to exports for an appropriate period; and

(xi) When violating or potentially violating the regulations, promptly so notify the Minister of Economy, Trade and

[66] As the "Guidelines for Establishing/Operating Voluntary Control Structure for Security Export Control" published by the Japan Society for Intellectual Production (an NPO) describes the practices for establishing/operating the export control structure through the eyes of an academic/research institution, cross-referencing this guideline should work better.

Industry and take necessary measures to prevent recurrence.

Note: Only (xi) is applied to persons who exports only items subject to the license exemptions.



1. Prior Review

1) Grasp of Present Status

Recommended

It is recommended to know of the List-controlled technologies and goods as well as their whereabouts in advance to be able to appropriately manage the technologies and goods that are held within the organization. (Recap)

It is recommended that each academic and research institution should know in advance of which technologies and goods are subject to control by FEFTA and in which research department or division they are dealt with, in order to appropriately manage the transfer of technologies and export of goods by such department or division in particular.
In establishing the organizational structure, in particular, different efforts are required by the compliance standards depending on whether or not the tranferrer/exporter of technologies/goods deals with List-controlled technologies/goods. It is therefore recommended to grasp whether or not the technologies/goods owned are subject to the List Control in advance.

Recommended

In order to be able to locate sensitive technologies, conducting a survey for teaching and research staff and requesting submission of their answer sheets is a beneficial ways.

In transferring controlled technologies, knowing that a license of the Minister of Economy, Trade and Industry is required and grasping the outline of "what has to be controlled" and "which technologies are subject to the control" should minimize the time/labor spent on conducting Classification and obtaining the license as well as the risk of getting accused of legal violations.
Specific survey items may be, for example, whether or not (i) List-controlled technologies are being dealt with; (ii) goods listed in "The Commodity Watch List for WMD Catch-All" and "The Commodity Watch List for Conventional Weapon Catch-All" (Item 24 of the Export Precautions No. 24, see pages 17 through 21) or technologies for design/manufacture/use of such goods are possessed; or (iii) international students/postgraduates from institutions listed in the Foreign End User List.

Recommended

Confirm in advance whether or not the grasped technology information is subject to control by FEFTA and if it is, provide a relevant marking to expressly show that.

Immediate verification of whether or not a license is required can be expected by getting such information marked. Items to be marked include information recorded in paper, digital file or computer program format.

<Marking examples>

It is common in confidential document or security control to mark materials by classifying them into three or four categories such as Top Secret, Confidential and Internal Use Only.

In a common classification, while Top Secret is for such information as sensitive and not meant to be externally provided by the organization, Confidential means such information as not allowed to be externally provided without following specified internal procedures.

It could be a good practice to use the similar marking to the controlled technologies, including those subject to control by FEFTA, and yet, additional marking as below should be useful that describes why they have been so marked, if an opportunity to transfer them is expected.

Such marking as FEFTA-con 1 (abbreviation of the Act + control + item number) or T-con 3 (technology + control + item number) in addition to Confidential should be helpful when they are to be externally provided. Using the corresponding numbers of items in the Appended Table of the FEO for these numbers "1" and "3" above should be also helpful. These are just examples and you can use your own marks. What is important is that the marking is easy to understand for anyone in your organization.

If the technologies that your organization holds cannot be distinctively determined to be subject to FEFTA or not, you should put a tentative mark on them as "gray" and conduct secure determination if a necessity to actually provide it arises. (Do not hesitate to contact METI if any aspect is found to be questionable.)

For example, FEFTA-con: (temp.) or T-con: (temp.).

2) Understanding by Executives

Recommended

Academic and research institutions that deal with the List-controlled technologies/goods are required to assign the representative of the organization to the person in charge of the export control (see p. 64).

To establish the organizational control structure, it is important that Chief Officer of the academic or research institutions as well as other senior staff (President or Chairperson) understands the significance and then the whole such institution works under their leadership.

Even such institutions that do not deal with the List-controlled technologies/goods should assign a person responsible for verifying whether or not any technologies/goods are subject to the List Control and establish the structure required for compliance with provisions of related regulations. In doing so, it is important that the leader of the organization as well as other senior staff understand the significance and then the whole such institution works under their leadership. Security export control is an obligation stipulated by laws and regulations and breaching the obligation is subject to charges and penalties on the academic or research institutions as well as the senior staff including the leader of the organization. It is therefore important that the senior staff understand that this is an essential initiative in promoting further globalization in such institutions as well.

3) Assigning Responsible Department/Personnel

Recommended

Once getting the significance of the security export control understood, it is critical to assign responsible department(s) and personnel in order to move forward to establish the organizational structure across the academic or research institution.

There are such departments as General Affairs, Legal, Intellectual Property Management and Research Divisions within such institutions. It is important that the department/personnel grasps technologies and goods held by the academic or research institution, and that availability of smooth consultation/collaboration with teaching staff, senior staff and relevant departments should be taken into consideration, in appointing the responsible department(s) and personnel.

Recommended

Another option is to explain the initiative across the board members and department directors and form a consensus on working to establish the organizational structure under the senior staff leadership, or, to follow the existing meeting system such as the executive board or faculty council.

In order to move forward to establish the security export control structure incorporating the circumstances of academic or research institutions, it is essential to establish a structure on which the verification is made organizationally instead of leaving it up to individual staff or researchers. Accordingly, it is important that the senior staff of such institutions who are Chief Officers should work as the flag persons to realize the goal, and that they make efforts to form a consensus of the executive board or faculty council for increased awareness in the institution and the whole organization works as a team.

2. Establishing Organizational Structure

1) Organizational Structure Planning

Required

The department and person responsible for the export control have to be assigned.

Based on the compliance standards, a person responsible for the Classification (hereinafter, "Classification Supervisor") has to be assigned. Classification Supervisor has to be responsible for Classification in his/her organization as well as supervision for proper Classification[67].

No specific qualification is imposed for Classification Supervisor. Either an expert in technologies (e.g., head of IP management or research department) or on laws and regulations (e.g., head of general affairs or legal department), and more than one person, can be appointed[68].

In addition, if your institution deals with controlled goods/technologies, appointing a person in charge of operations of export/transfer of technologies ("Responsible Officer for Export Control") and defining authorities and responsibilities in the organization as well as inter-divisional relationships are required. The Responsible Officer for Export Control defined in the compliance standards, either Vice President or Vice Chairperson, has to be appointed, and the Chief

[67] Some organizational decisions may be made in the executive board or regular committee meetings.
[68] Employing an export control advisor could be a good practice to support the structural operations including Classification and Transaction Screening. Cases are reported that some universities even use Research Administrator (URA).

Export Control Officer has also to be appointed whom represent the institution as a whole such as President or Chairperson.

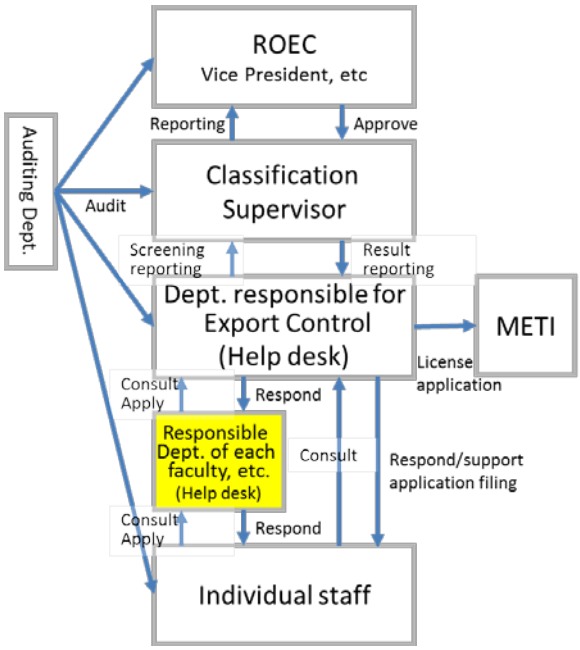
Recommended It is also important to set up a help desk for consultation on the security export control.

As part of the structure establishment, it is important to set up an export control help desk for consultation, including whether or not Classification or license application is required, so each staff can ask for help on questions about the research activities as well. This should lead to reducing the burden on each researcher, and efficient processing of the procedures even when asking for help from METI, facing a tough decision, can be expected.

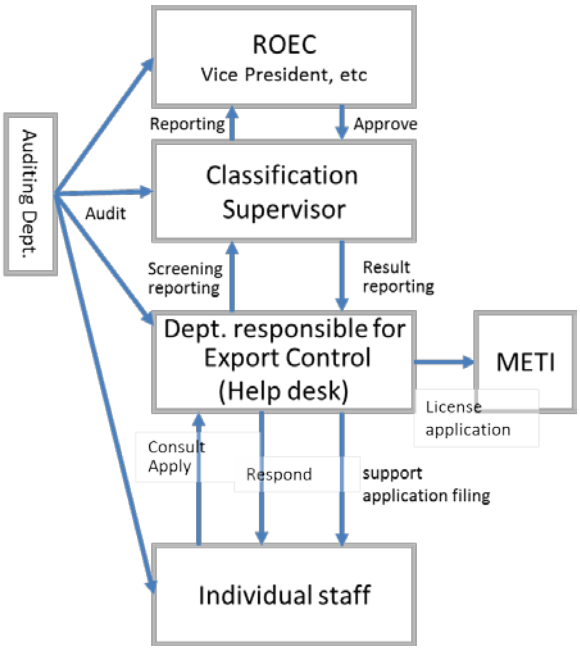
<Example cases for the export control structure of universities>

In the Guidelines for Establishing/Operating Voluntary Control Structure for Security Export Control published by the Japan Society for Intellectual Production, example export control structures in universities are introduced. They include (i) a structure for a large-scale university that enables consultation by the export control division for the responsible team of each faculty by setting up a help desk in each faculty; and (ii) another structure for a medium-to-small-scale university that enables centralized consultation by the export control division by setting up the help desk only in that division.

Large scale university example



Medium-to-small-scale university example



Note: Examples developed based on "Guidelines for Establishing/Operating Voluntary Control Structure for Security Export Control" by the Japan Society for Intellectual Production

2) Establishing the procedures

Required

It is important that each academic/research institution works toward establishing the detailed structure of the voluntary control with which clear-cut responsibilities/roles in the organization as well as rules for the control are defined, considering each institution's own circumstances.

Based on the compliance standards, defining authorities and responsibilities in the organization as well as inter-divisional relationships are required. While this Guidance refers to generic aspects or common cases, actual and detailed circumstances of each institution such as technological properties, relationship with industrial societies, the number of staff/researchers, and understanding of the security export control are infinite in variety. Thus, establishing the organizational structure adaptable to the circumstances of each academic or research institution is important. Contact the Security Export Licensing Division (+81-3-3501-2801) for prior consultation by METI on this process in this aspect.

Recommended

To support the voluntary control incorporating the compliance standards, METI strongly recommends that transferrers of technologies or exporters themselves should develop the Internal Compliance Programs (hereinafter, "ICP"), with which the transfer/export of technologies/goods is conducted in accordance.

ICP is an effective tool to avoid different risks in transferring technologies. After the 1987 release of the "Directive on the Compliance with Export Control Laws" (62EXP-3605, September 7, 1987) by the then MITI Minister, we have been asking mainly export-related enterprises to develop and register their ICPs.

The compliance requirements including FEFTA set forth by ICP are of the same effect as those described in the compliance standards. The relationship between these two is: while the compliance standards set forth a minimum required set of compliance aspects, the compliance requirements including FEFTA set forth by ICP are for achieving such aspects to higher degrees.

Thus, developing ICP pursuant to the compliance requirements including FEFTA and performing proper control accordingly should basically allow the requirements listed in the compliance standards to be securely executed.

In instituting ICP, an example is to set forth the following. Yet, an ICP that is viable and realistic has to be instituted, taking reality of the scale, organization and job allotment of each academic/research institution into account (see p. 81, 86)

(Example of items to be defined in ICP)

(i) Purpose, Definition of Terms, Scope of Application, Basic Policy;

(ii) Chief Export Control Officer, Responsible Officer for Export Control, Export Control Officer(s), Export Control Committee

(iii) Pre-screening, Classification, End-use Verification, End-user Verification, Transaction Screening, License Application, Transfer Control of the Technologies, Shipment Control of the Goods; and,

(iv) Audits, Education, Documents Control/Retention of the Recordable Media, Reporting, Disciplinary Actions, etc.

Ensure full control by continuing to consider improving the internal structure, ICP or detailed rules based on a collection of the latest information and audits, even after institution of the compliance rules.

3. Preparing for Operating the Structure

1) Communication and Ensured Organizational Awareness by Executives

Recommended

It will be quite effective if the senior staff including the head of the organization show their effort to take the initiative in communicating with the staff at a briefing or faculty meeting the importance of driving healthy development of academic researches; while also driving the security export control to preserve the peace and security of the international community; and ensure awareness of the necessity, procedures or contact information of the security export control system.

To be able to follow the required procedures as an organization for: (i) a joint research project with a foreign academic/research institution; (ii) carrying research equipment/materials over to a foreign country; (iii) acceptance of international students/postgraduates; (iv) transferring technologies to foreign research collaborators; and (v) for overseas business trips, a big step forward will be to let every single staff fully understands the control structure and to secure an environment allowing consultation whenever needed. To achieve these, it is important that the head of the organization takes the initiative to secure awareness across the campus to necessity, procedures or contact information of the security export control system.

In securing such organization-wide awareness, implementing the following 2) Developing/providing Pamphlets and Guidebooks and 3) Integrating Control into Existing Administrative Procedures, as well as repeatedly and persistently making such efforts is important in assuring understanding by every single staff.

2) Developing/providing Pamphlets and Guidebooks

Recommended

Depending on the reality of academic and research institutions, making necessary information conveniently available, for example, developing/distributing a user-friendly pamphlet or guidebook for the staff, etc., and publishing it on the website, is recommended.

Pamphlets and briefing documents developed by METI are available to academic and research institutions to be used for briefings to the staff on the control structure and procedures[69]. In addition, other documents tailored to the reality of each institution should be developed/distributed, while forms and documents for the control procedures should be available from each institution's website. These are recommended to make necessary information conveniently available.

[69] If you wish to get them, please fill in and send the request for materials provided on the website. As available volume is limited, we apologize in advance that we may not afford to meet your request. http://www.meti.go.jp/policy/anpo/seminer_document.html

<Example of the pamphlets published by METI>

3) Integrating Control into Existing Administrative Procedures

Recommended

To control additional clerical loads from the security export control and to prevent errors, integrating placement of check columns on papers and a step to require pledge a certificate based on the export control into existing administrative procedures (i.e., for acceptance of international students/researcher/staff, overseas business trips, execution of joint research/research collaboration agreements) is also important.

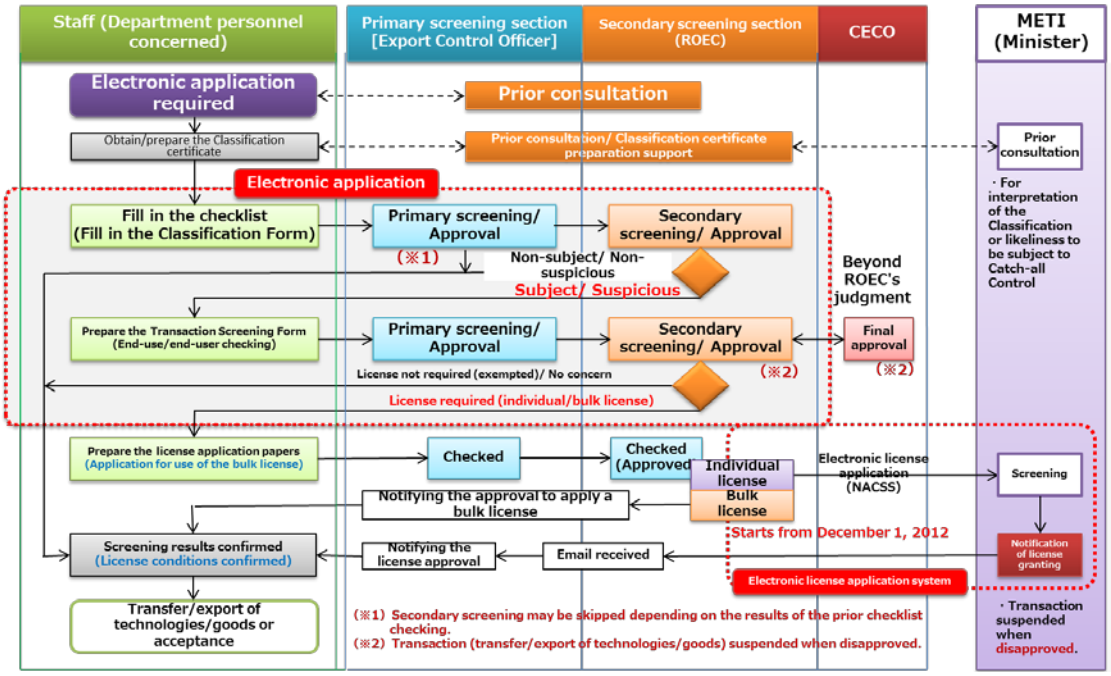
<Initiative of Tohoku University>

By integrating placement of check columns for the security export control, addition of reminders, requirement of pledge certificate into existing procedures, the university is working on the realization of an omission-free, efficient control.

Admin/Admission	Added export control check fields in the admission application form for postgraduates/graduates.
International students	▪ Requiring Pledge Certificate from the students (official/unofficial). ▪ Added precautions in the internal public offering for government-assisted students.
Human Resources	▪ Requiring Pledge Certificate from the alien researchers. ▪ Added export control check fields in the hiring recommendation/request forms. ▪ Added export control check fields in the subsidiary work requests.
International Exchange	▪ Requiring Pledge Certificate from the visiting research fellows ▪ Added export control check fields in the acceptance records for the visiting research fellows. ▪ Added precautions in the exchange agreement execution plans.
Research Promotion	Added precautions in the internal public offering for the grants-in-aid.
Academic-industrial Alliance	For example, setting forth the export control provisions in the joint research agreements.
General Affairs and Finance	Some sections are introducing the export control check fields in the travel itineraries or EMS shipment records, etc.

<Initiative of Nagoya University>

The university has digitized the check sheets and the Classification charts, and built a system that processes procedures for application, screening and approval.



<Initiative of Ritsumeikan University>

The university has printed the "Check list for self-control" on the back of the Pre-screening Sheet, which enabled simplified procedures for overseas business trips and acceptance of international students by this creative idea to make the self-control checking easier for the teaching staff.

Operational policy for accepting international students/researchers/teachers/visitors

Research division/institution classification	Classification of the degree of concern in the technology transfer to the origin (organization/nationality)			Acceptance classification				
				i. Faculty student equivalent	ii. Graduate equivalent (MC/DC)	iii. Researcher		iv. Temporary visit
				Faculty students, students receiving preparatory/Japanese language education, int' l exch. students, non-degree students, sp. auditing students, auditing students, etc.	Graduate students (MC/DC, special auditing students, int' l postgraduates, sp. education postgraduates, etc.	With employment: Fulltime teaching staff, specialized research fellows (PDs), research fellows, research-field teaching staff	Without employment: Visiting/partnering research fellow, postdoctoral fellows for research in Japan (JSPS), etc.	Visitors, observers, congress attendants, etc.
Science/ Art courses (Experimental)	Acceptance from an organization in the End User List, countries of concern, or Countries Under UNSC Arms Embargo			Not required	Pre-screening Sheet + Pledge Certificate	Pre-screening Sheet + Pledge Certificate	Pre-screening Sheet + Pledge Certificate	Pre-screening Sheet
	Acceptance from others than above	Degree of concern in transferring technologies to the accepted person	High	Not required	Pre-screening Sheet + Pledge Certificate	Pre-screening Sheet + Pledge Certificate	Pre-screening Sheet + Pledge Certificate	Pre-screening Sheet
			Low	Not required	Not required	Not required	Not required	Not required
Art/ Social Science courses (Non-experimental)				Not required	Not required	Not required	Not required	Not required

4) Communication between Control Personnel and Staff

Recommended

To better respond to requests of consultation by the staff on how to fill such documents as the Classification Form or the End-use/End-user Verification Sheet as well as judgment on necessity of control, close communication between the control personnel and the staff on a routine basis is important.

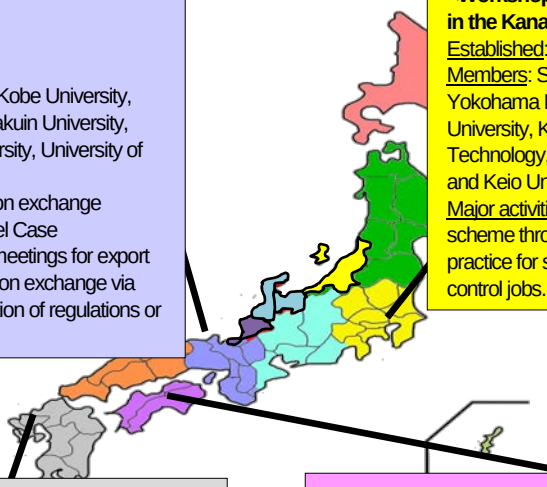
It is important, particularly in the earlier stages of the control structure operation, that the staff and control personnel together examine necessary procedures under cooperation of both ends through close talks in which, for example, the staff understands the procedures required for export control while the control personnel understands research agenda of each staff.

<Major inter-university regional network>

In some regions, there are cases that inter-university network has been built between universities working on the security export control for the purpose of gaining advice from a university that has established the control structure, or exchanging consultation between universities that are now working to establish the structure in the future. It should be also beneficial to take part in activities of such inter-university networks.

<Network for Export Control Personnel at Universities in the Kinki District>
Established: September 2016
Members: 20 universities
Kyoto University, Osaka University, Kobe University, Ritsumeikan University, Kwansei Gakuin University, Kindai University, Wakayama University, University of Fukui and 10 other universities
Major activities: Study and information exchange between the export control personnel Case presentations, seminars and study meetings for export control, about twice a year. Information exchange via email and consultation for interpretation of regulations or Classification.

<Workshop for Export Control Staff of Universities in the Kanagawa District>
Established: September 2016
Members: Seven universities
Yokohama National University, Yokohama City University, Kanagawa University, Kanagawa Institute of Technology, Kanto Gakuin University, Tokai University and Keio University
Major activities: Activities to standardize effective scheme through the discussion of each university's practice for smoother operation of the security export control jobs.



<Export Control Personnel Networking for Universities in the Kyushu Region>
Established: December 2010
Members: Approx. 30 universities
Kyushu University, Saga University, Oita University, Kyushu Institute of Technology
Nagasaki University and others
Major activities: Two seminars per year. Seminars should be designed to promote proactive involvement of the participants, such as group discussions based on expert lectures. We also exchange information daily using the

<Security Export Control Network of Universities in the Shikoku Region>
Established: September 2013
Members: Five universities
Tokushima University, Naruto University of Education, Kagawa University, Ehime University and Kochi University
Major activities: Sharing operational issues and studying innovative initiatives for collaborative planning of establishing the export control scheme for universities.

Note: Based on presentation material by Professor Nakata of Osaka University
Note: Members as of October 2016

VII. The 2017 Partial Revision of the Foreign Exchange and Foreign Trade Act

1. Purpose of the Revision

As the globalization of business is accelerating and expanding, Japan is facing growing concerns over the outflow to overseas countries of critical technologies and goods from the viewpoint of national security that Japanese companies, etc. have.

To continue to preserve security in Japan and the rest of the world, Japan needs to establish a system in which critical technologies and goods are appropriately and securely controlled and enhance the effective imposition of sanctions on any illegal acts concerning imports and exports.

In light of this situation, Japan has taken the following measures (effective as of October 1, 2017) pursuant to the "Act for Partial Revision of the Foreign Exchange and Foreign Trade Act" (Act No. 38, 2017):

i. Strengthening penalties for the regulations concerning the imports/exports and trade of technologies

ii. Strengthening administrative sanctions concerning import/export regulations

iii. Strengthening the regulations concerning inward direct investment related security

2. Outline

1) Strengthening penalties for the regulations concerning the import/export and trade of technologies

i. Aiming to enhance deterrence of illegal outflow of critical technologies and goods, the Act of Partial Revision raised the amount of fines applied to illegal conduct, e.g., unauthorized exports and trade of goods or technologies related to weapons of mass destruction and violations of import/export bans under sanctions (fines prior to the revision: up to 10 million yen -> revised to: up to 30 million yen).

ii. Along with this, the Act of Partial Revision introduced a system to impose severe punishments on legal entities that have committed the illegal conduct (fines: up to 1 billion yen).

iii. Concerning violations of conditions with permissions for exports or trading of technologies, the Act of Partial Revision changed the current non-criminal fines to punishments.

2) Strengthening administrative sanctions concerning import/export regulations

i. Aiming to enhance the effectiveness of import/export regulations, the Act of Partial Revision introduced a new system to deter actions designed to avoid administrative sanctions. For example, a board member of a company on which an administrative sanction has been imposed, will be prohibited to take a position of a board member of another company in which the same business as that of the sanctioned company is operated. A board member of a company on which an administrative sanction has been imposed will be also prohibited to launch a new personal business that operates the same business as that of the sanctioned company.

ii. Aiming to enhance deterrence of violations of domestic export/import bans in Japan, the Act of Partial Revision extended the upper limit of the period of administrative sanctions imposed on violators of the given export/import bans (former period: one year -> revised period: three years*).

* This upper limit of the period remains the same as the maximum period stipulated by the administrative sanctions imposed on violators of the goods export regulations related to weapons of mass destruction.

iii. The Act of Partial Revision added stakeholders (exporting intermediaries, etc.) of exporters to the target coverage of on-site inspections for investigating unauthorized exports and other illegal conduct.

3) Strengthening regulations on inward direct investment related security

i. Aiming to appropriately control the outflow of sensitive technologies to overseas countries triggered by investment or acquisition, the Act of Partial Revision included cases, that foreign investors acquire non-listed shares from other foreign investors, into the controlled targets under the prior notification system that requires an examination, where an examination is required based on the determination of the scale of potential risk that is deemed as harming national security (*).

   * Includes businesses: in manufacture/equipment repair/software of goods associated with weapons/aircrafts/space development/nuclear power; in manufacture of goods listed in the Appended Table 1 of the ETCO; holding technologies listed in the Appended Table of the FEO and in manufacture/research and development of such technologies; in metal mining for nuclear fuel materials; and in electricity possessing nuclear power plant(s).

ii. The Act of Partial Revision established a system in which necessary measures and orders, e.g., orders to sell stock, are carried out on a foreign investor who has made an inward direct investment without submitting a notification, where the investment is deemed as harming national security.

VIII. Representative Q&A Examples (with University-related Persons)[70]

1. Transfer of technologies

Q1. Tell us about the regulations for transferring controlled technologies in a foreign country. -> See p. 25

Q2. Will education be deemed as transfer of technologies? -> See p. 25/27

Q3. Can we say taking out such equipment that is usually carried in a suitcase will not matter if the equipment is not subject to the List Control? -> See p. 25

Q4. Can we say there is no restriction to carrying technical data or design drawings in an overseas business trip? -> See p. 25/26

Q5. Is there any aspect we should care in requesting a delivery company for shipment services via overseas courier including the Classification? -> See p. 39

Q6. When an international student of our research department conducts a basic research without developing any product, we need to provide various technologies including technical instructions. In doing so, if the transfer of such technologies is not a "research activity in the basic science field" as a service transaction that does not require a license pursuant to the MOTRIT, do we need to file a license application for the service transaction? -> See p. 42

Q7. In a research conducted by an international student of our research department, we need to measure data required for the research using a good subject to the List Control. As we need large volume of data, we plan to teach the student how to operate that device. Do we need to file a license application for service transaction as the transfer of technologies in use of a subject good? By the way, the research agenda of this student are in the basic science field that is not subject to the List Control. -> See p. 63

Q8. We have a supercomputer that corresponds to 1-8 of the Appended Table of the ETCO and Item (3)-(c), Article 7 of the MOSGT. Will it be deemed as provision of service if we have it remotely accessed from overseas or used in Japan by a non-resident? -> See p. 63

2. Special provision (license exemptions)

Q9. Can we apply the special provision of Item (ix), Paragraph 2, Article 9 of the MOTRIT to the lecture or practical work targeting such non-resident as international students, using open information, including commercially available textbooks? -> See p. 42

Q10. Can we apply the special provision of Item (ix), Paragraph 2, Article 9 of the MOTRIT to the online course programs by academic institutions for the general public?
Also, can we apply the special provision of Item (ix), Paragraph 2, Article 9 of the MOTRIT to such online programs if certain qualifications are required for the audience? -> See p. 42

Q11. We present our study results in a conference or other occasions from time to time to make such results publicly known. Can we apply the special provision of Item (ix), Paragraph 2, Article 9 of the MOTRIT to such a case? Also, can we apply the special provision of Item (ix), Paragraph 2, Article 9 of the MOTRIT to the content of the questions and answers for the said presentation? -> See p. 42

Q12. As I understand that no license is required in sending manuscripts for a conference, is it still so if the manuscripts are sensitive? -> See p. 42

Q13. Do we need to obtain a license to provide information on patented technologies/goods? -> See p. 42

Q14. In transferring a technology to a non-resident, do we need to conduct the Classification if the technology is verified

[70] Check the METI Q&A page, which summarizes these questions and answers ("Q&A for academic and research institutions" on http://www.meti.go.jp/policy/anpo/qanda.html).

as one in the public domain after examining the "publicly known" exemptions first? -> See p. 41 (footnote)

3. Residents and non-residents

Q15. When a resident transfers a controlled technology to a person from country "B" who works at a research institution having an office in country "A", to which country is such transfer deemed to be? -> See p. 28

Q16. Is a foreigner employed by a university in Japan for two months deemed to be a resident? -> See p. 27 (footnote)

Q17. When an international student re-enters after such a long absence such as summer vacation, how should we judge this student's residency status? -> See p. 27 (footnote)

Q18. We may assign an international student staying in Japan for less than six months to a joint research with a business entity. To what aspects should we pay attention? -> See p. 56/61

Q19. For an international student staying in Japan for six months or longer, what cases will require a license application? -> See p. 56

Q20. Can a researcher visiting Japan who is still enrolled in a foreign institution such as university be deemed as a resident after six months of stay?

Or, can we presume such person is a non-resident after six months based on the consideration that such transfer of technology was made towards the foreign institution in which that researcher is enrolled-> See p. 28

Q21. To what aspects should we pay attention when a university invites many researchers from foreign countries for such occasion as academic conference? -> See p. 42/44/62

4. Catch-all Control

Q22. What we teach international students are not provided in the context of what their end-use will be. How should we tackle this issue in light of the WMD Catch-all Control? -> See p. 34/57

Q23. We have no means to examine whether or not there are concerns over a foreign institution or company. What shall we do? -> See p. 34/58

Q24. With an international joint research, our university cannot determine if involved technologies/goods will be used for development, etc., of WMD because our counterpart will not publish any article of the research. If such case is subject to control, we might have to give up any joint research. How should we make a judgment when we are participating a joint research? -> See p. 61

Q25. We would like to consult METI in the process of screening for, e.g., WMD Catch-all Control. Which department should we contact? -> See p. 36

5. Legal violations

Q26. Who will be held responsible if we have exported a good subject to a license without conducting verification because we were informed by the manufacturer that the good is not subject to the List Control? -> See p. 39

Q27. When violation of FEFTA is found, can a university escape the responsibility if the export process was subcontracted to a customs clearance agent? -> See p. 39

Q28. Will the punishment for a legal violation case only involve the person who actually exported the subject goods? -> See p. 22

Q29. Despite that a case of transfer of technology subject to the WMD Catch-all Control has been verified as "of no concern" in the "objective condition" screening, the technology ended up being used for development, etc., of WMD after the transfer. Will this case be punished? -> See p. 35

Q30. If we carry data of a controlled technology recorded on a USB drive and have it lost or stolen, will it constitute a

breach of FEFTA? -> See p. 60

Q31. I understand that a license is not required when we carry a PC for personal use in a private overseas trip. If that PC contains data of a controlled technology, and when it is lost or stolen and found being used by someone else, what will be the punishment by FEFTA for the transfer of technologies? -> See p. 60

IX. Example Program and Forms

- XX University/Research Institute Compliance Program for Security Export Control

- Pre-screening Sheet for Transfer of Technologies and Export of Goods

- Pre-screening Sheet for Accepting Foreigners (International Students, Researchers, Teachers, Visitors)

- Screening Form (for Transfer of Technologies and Export of Goods)

- Screening Form (for Accepting Foreigners: International Students, Researchers, Teachers and Visitors)

- "End-use" Check Sheet

- "End-user" Check Sheet

- " Apparent" Guideline Sheet

- Classification Form

- List of Correspondence between Related Categories in the Foreign Exchange Order and the Technical Specification (Performance)

- Pledge Certificate

Note: These form/sheet examples are available for download on the following website.
http://www.meti.go.jp/policy/anpo/law08.html#jishukanri

Note: These form/sheet examples are just for reference and actual use of them is left to decision of each academic/research institution depending on its organizational nature/operations.

XX University/Research Institute Compliance Program for Security Export Control

[Purpose]

Article 1. The purpose of Program hereunder is to stipulate required provisions for the [XX academic/research institution] for proper security export control (hereinafter referred to as "Export Control") with consideration of the sound development of academic studies, in order to contribute to the preservation of the peace and security of the international community.

[Definition of terms]

Article 2. The terms used in the Program shall be as defined in the items below:

i. "FEFTA, etc." means the Foreign Exchange and Foreign Trade Act (Act No.228 of 1949, hereinafter referred to as "the Act") and cabinet orders, ministerial orders and notifications pursuant to the Act.

ii. "Transfer of Technologies" means to transfer technologies: in or to a foreign country; to a non-resident; or to a resident who will apparently re-transfer such technologies to a non-resident.

iii. "Export of Goods" means to ship goods: to a foreign country (including carrying such goods overseas as a part of baggage); or, within Japan when such goods will be apparently shipped to a foreign country.

iv. "Transaction" means Transfer of Technologies or Export of Goods.

v. "List-controlled Technologies" mean technologies set forth by Categories 1 through 15 of the Appended Table of the Foreign Exchange Order (Cabinet Order #260 of 1980).

vi. "List-controlled Goods" mean goods set forth by Categories 1 through 15 in Appendix I of the Export Trade Control Order (Cabinet Order No. 378 of 1949).

vii. "Catch-all Control" means a control measure that requires filing a license application to the Minister of Ministry of Economy, Trade and Industry (hereinafter referred as “METI”) in case the technologies set forth by Category 16 of the Appended Table of the Foreign Exchange Order or goods set forth by Category 16 of the Appended Table 1 of the Export Trade Control Order could be used for development, etc., of weapons of mass destruction or conventional weapons.

viii. "Classification" means to determine whether or not the technologies to transfer or goods to export are deemed to be the List-controlled Technologies/Goods.

ix. "Transaction Screening" means, in addition to Classification of the technologies to transfer or goods to export are subject to the List-controlled technologies/goods, to verify the end-use and end-user (or "transaction counterpart") and then decide whether or not the Transaction should be made as [the university/institution].

x. "Weapons of mass destruction (hereinafter referred to as "WMD") mean nuclear weapons, chemical/bacterial warfare agents or the equipment for application thereof or the rocket or unmanned aerial vehicle for transportation thereof.

xi. "Conventional Weapons" mean non-WMD weapons set forth by Category 1 of the Appended Table 1 of the Export Trade Control Order.

xii. "Development, etc., of WMD" means development, manufacture, use or storage of WMD.

xiii. "Development, etc., of Conventional Weapons" means development, manufacture or use of conventional weapons.

[Scope of Application]

Article 3. The Program apply to all operations associated with Transfer of Technologies and Export of Goods carried out by [the (employees of the) university/institution].

[Basic Policy]

Article 4. The basic policy of [the university/institution] is as follows:

i. We will not conduct Transfer of Technologies or Export of Goods that may preclude preservation of the peace and security of the international community.

ii We will keep compliance with FEFTA, etc., and when the license of the Minister of METI is required, we will responsibly obtain

such license.

iii We will assign officer(s) responsible for export control while properly establish and enhance the export control structure in order to ensure its implementation.

[Chief Export Control Officer]

Article 5. 1) [The university/institution] appoints its President/Chairperson to Chief Export Control Officer (hereinafter referred to as "CECO").

2) CECO shall be responsible for the final decision of critical matters for export control in addition to institution/revision/repeal of the Program and establishment of the recurrence prevention measures against an incident of breach of FEFTA, etc., or the Program.

[Responsible Officer for Export Control]

Article 6. 1) CECO shall appoint one Vice President/Vice Chairperson of [the university/institution] to Responsible Officer for Export Control (hereinafter referred to as "ROEC") responsible for commanding the export control operations.

2) ROEC shall be in command of the export control of [the university/institution] following the direction of CECO and implement operations stipulated in the Program, including but not limited to development of revision/repeal drafts of the Program; institution/revision/repeal of the operational procedures (detailed rules); final approval of Classification and Transaction Screening results; and license application processing, document control, audits, and training/education for the export control.

[Export Control Officer]

Article 7. 1) Export Control Officer(s) (hereinafter referred to as "ECO") reporting to ROEC shall be appointed by ROEC for clerical work of the export control.

2) ECO shall support ROEC and conduct operations stipulated in the Program, including but not limited to confirmation of the Pre-screening Sheets and operation of the consultation service.

[Export Control Committee]

Article 8. 1) For deliberation on critical matters for the export control by [the university/institution], Export Control Committee (hereinafter referred to as "Committee") reporting to ROEC shall be formed.

2) Committee deliberates the matters on:

i. Development of drafts for the revision/repeal of the Program;

ii. deliberation on the Classification, application of the exemptions and Transaction Screening;

iii. training/enlightenment activities for the staff;

iv. audits; and

v. others related to the export control.

3) Committee shall be chaired by ROEC and shall consist of the following members:

i. ROEC;

ii. Faculty/Research Directors;

iii. ECO; and

iv. others authorized as required by the chair.

[Pre-screening]

Article 9. 1) When Transfer of Technologies or Export of Goods is anticipated, the staff shall verify information about the concerns over the end-users and if the exemptions (for technologies in the public domain or for research activities in the basic science field) are applicable or not, based on the "Pre-screening Sheet" that is separately set forth herein, and then, obtain the approval of ECO for whether or not the Transaction Screening procedures are required. The pre-screening using "Pre-screening Sheet" can be cut, provided that the Transaction Screening is apparently required.

2) If the Transaction Screening is determined, through the pre-screening described in the preceding paragraph, to be necessary or is being apparently conducted, the staff shall issue the form for and verify the provisions of Articles 10 [Classification], 11 [End-use

Verification] and 12 [End-use Verification], and follow the Transaction Screening procedure set forth in Article 13.

3) If the Transaction Screening is determined, through the pre-screening described in the preceding paragraph, to be unnecessary, the staff may conduct such transaction.

[Classification]

Article 10. 1) If the Transaction Screening is determined to be necessary, the staff shall classify whether or not the said technologies or goods are deemed to be the List-controlled Technologies/Goods and issue the "Classification Form."

2) Classification shall be conducted in the following manner:

i. The staff who may conduct Transfer of Technologies or Export of Goods studied/developed in [the university/institution] shall organize necessary technical documents and conduct Classification on whether or not such technologies/goods are deemed to be the List-controlled Technologies/Goods pursuant to the latest FEFTA, etc.

ii. The staff who may conduct Transfer Technologies or Export Goods obtained from a party outside [the university/institution] shall obtain documents including Classification certificates from such party and properly conduct Classification in the same manner as in the preceding item. However, obtaining such documents from such party can be excepted if, without obtaining such documents from such party, Classification by [the university/institution] of such technologies/goods is possible through the procedures described in the preceding item.

[End-use Verification]

Article 11. When the Transaction Screening is determined to be necessary, the staff shall verify whether or not use for the Development, etc., of WMD/Conventional Weapons is concerned over the technologies or goods using the "End-use Check Sheet" and "The Guideline for Judging 'When Apparent' (hereinafter referred to as "When Apparent" Guideline)" that are separately set forth herein.

[End-user Verification]

Article 12. When the Transaction Screening is determined to be necessary, the staff shall, using the "End-use Check Sheet" and "The Guideline for Judging 'Apparent' (hereinafter referred to as " Apparent" Guideline)" that are separately set forth herein, verify whether or not the end-users of the technologies or goods are:

i. with cause to suspect existence/identity of the parties involved in the transfer/export route;

ii. listed in the "Foreign End User List" published by METI;

iii. designated in the obtained documents or in a separately obtained information as a person/party that has conducted Development, etc., of WMD/Conventional Weapons in the past; or

iv. attached to a military force, military-related institution or other equivalent institution.

[Transaction Screening]

Article 13. 1) When Transfer of Technologies or Export of Goods is anticipated and the Transaction Screening procedures are determined to be necessary, the staff shall obtain approvals of ECO through the primary screening and of ROEC through the secondary screening, in light of the List Control and Catch-all Control, using the "Screening Form" that is separately set forth herein.

2) Information including the destination, the name of the technologies/goods, the end-users and end-uses have to be specified in the "Screening Form", with documents required for the screening attached.

[License Application]

Article 14. 1) When a license of the Minister of METI pursuant to FEFTA, etc., is required through the approval described in Paragraph 1 of the preceding Article, ROEC shall file the license application to the Minister.

2) The documents to be filed for such license application must be correctly filled based on the facts.

3) The staff who may conduct Transfer of Technologies or Export of Goods that requires a license pursuant to the FEFTA, etc., shall not conduct such transfer or export unless such license is verified to have been obtained.

[Controlling Transfer of Technologies]

Article 15. 1) Upon conducting Transfer of Technologies, the staff shall verify that the procedures for Pre-screening set forth in Article 9 and for Transaction Screening set forth in Article 13 have been conducted, and additionally that a license of the Minister of METI has been obtained if the transaction requires a license pursuant to FEFTA, etc. However, if the Transaction Screening is approved to be unnecessary pursuant to the pre-screening set forth in Paragraph 1) in Article 9, the Transaction Screening procedure set forth in Article 13 are not required.

2) Unless the verification described in the preceding paragraph is completed, the staff shall not conduct such Transfer of Technologies.

[Controlling Export of Goods]

Article 16. 1) Upon conducting Export of Goods, the staff shall verify that the procedures for Pre-screening set forth in Article 9 and for Transaction Screening set forth in Article 13 have been conducted, as well as the goods are identical to the information provided in the shipping documents, and additionally that a license of the Minister of METI has been obtained if the Export of Goods requires a license pursuant to FEFTA, etc. However, if the Transaction Screening is approved to be unnecessary pursuant to the pre-screening set forth in Paragraph 1) in Article 9, the Transaction Screening procedure set forth in Article 13 are not required.

2) Unless the verification described in the preceding paragraph is completed, the staff shall not conduct such Export of Goods.

3) If any incident occurs during the customs clearance, the staff shall immediately suspend such export process and promptly report such incident to ECO, while ECO shall discuss such incident with ROEC to take appropriate measures.

[Documents Control/Record Keeping]

Article 17. The staff shall retain documents, drawings or electromagnetic records related to the export control for at least seven (7) years from the date of the Transfer of Technologies or Export of Goods, under direction of ROEC and ECO.

[Audits]

Article 18. Under direction of ROEC, ECO shall periodically conduct audits to verify that the export control of [the university/institution] is properly implemented in accordance with the Program.

[Survey]

Article 19. ROEC shall conduct a survey on the status of List-controlled Technologies property every year in order for proper and effective export control.

[Coaching]

Article 20. ROEC shall provide the staff with coaching required for raising awareness of the latest FEFTA, etc., as well as compliance with governing regulations.

[Education]

Article 21. Under direction of ROEC, ECO shall provide the staffs with periodic education to secure understanding of the significance of FEFTA, etc., and the Program, and to ensure precise implementation thereof.

[Reporting]

Article 22. 1) When the staff come to know a fact of breach or potential breach of FEFTA, etc., or the Program, they shall promptly report such a fact to ECO.

2) When such a fact as in the preceding paragraph is reported, ECO shall promptly so notify ROEC while investigating the reported incident, and shall report the results to ROEC.

3) If the breach or potential breach of FEFTA, etc., becomes apparent from the report described in the preceding paragraph, ROEC shall so notify CECO, directing the departments concerned to take responding measures, and shall report the incident to the government authorities concerned with the least delay. Meanwhile, CECO shall take the measures required for recurrence prevention thereof.

[Disciplinary Actions]

Article 23. In breach of FEFTA, etc., or the Program due to willful misconduct or gross negligence of the staff, they shall be subject to disciplinary punishments pursuant to the work rules stipulated by [the university/institution].

[Administrative Governance]

Article 24. Administrative processes for the Program shall be governed by Division of XXXX.

[Miscellaneous]

Article 25. Any other provisions required in addition to the Program shall be separately appended as detailed rules.

[Supplementary]

The Program shall be enforced as of MM/DD/YYYY.

Note: Described above is just a reference case and its actual usage is left to management of respective academic or research institute.

XX University/Research Institute Compliance Program for Security Export Control

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ii. We will keep compliance with FEFTA, etc., and when the license of the Minister of METI is required, we will responsibly obtain

such license.

iii. We will assign officer(s) responsible for export control while properly establish and enhance the export control structure in order to ensure its implementation.

[Chief Export Control Officer]

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2) CECO shall be responsible for the final decision of critical matters for export control in addition to institution/revision/repeal of the Program and establishment of the recurrence prevention measures against an incident of breach of FEFTA, etc., or the Program.

[Responsible Officer for Export Control]

Article 6. 1) CECO shall appoint one Vice President/Vice Chairperson of [the university/institution] to Responsible Officer for Export Control (hereinafter referred to as "ROEC") responsible for commanding the export control operations.

2) ROEC shall be in command of the export control of [the university/institution] following the direction of CECO and implement operations stipulated in the Program, including but not limited to development of revision/repeal drafts of the Program; institution/revision/repeal of the operational procedures (detailed rules); final approval of Classification and Transaction Screening results; and license application processing, document control, audits, and training/education for the export control.

[Export Control Officer]

Article 7. 1) Export Control Officer(s) (hereinafter referred to as "ECO") reporting to ROEC shall be appointed by ROEC for clerical work of the export control.

2) ECO shall support ROEC and conduct operations stipulated in the Program, including but not limited to confirmation of the Pre-screening Sheets and operation of the consultation service.

[Departmental ECO]

Article 8. 1) Heads of Department shall be appointed to Departmental Export Control Officers (hereinafter referred to as "DECO") for clerical work of the export control.

2) DECO shall conduct operations stipulated in the Program, including but not limited to approval of the Pre-screening Sheets, Classification and Transaction Screening.

[Export Control Committee]

Article 9. 1) For deliberation on critical matters for the export control by [the university/institution], Export Control Committee (hereinafter referred to as "Committee") reporting to ROEC shall be formed.

2) Committee deliberates the matters on:

i. Development of drafts for the revision/repeal of the Program;

ii. deliberation on the Classification, application of the exemptions and Transaction Screening;

iii. training/enlightenment activities for the staff;

iv. audits; and

v. others related to the export control.

3) Committee shall be chaired by ROEC and shall consist of the following members:

i. ROEC;

ii. DECO;

iii. ECO; and

iv. others authorized as required by the chair.

[Pre-screening]

Article 10. 1) When Transfer of Technologies or Export of Goods is anticipated, the staff shall verify information about the concerns over the end-users and if the exemptions (for technologies in the public domain or for research activities in the basic science field)

are applicable or not, based on the "Pre-screening Sheet" that is separately set forth herein, and then, obtain the approval of DECO for whether or not the Transaction Screening procedures are required. The pre-screening using "Pre-screening Sheet" can be cut, provided that the Transaction Screening is apparently required.

2) "Pre-screening Sheets" approved by DECO shall be forwarded to ECO for confirmation thereby.

3) If the Transaction Screening is determined, through the pre-screening described in Paragraph (1), to be necessary or is being apparently conducted, the staff shall issue the form for and verify the provisions of Articles 11 [Classification], 12 [End-use Verification] and 13 [End-use Verification], and follow the Transaction Screening procedure set forth in Article 13.

4) If the Transaction Screening is determined, through the pre-screening described in the paragraph 1), to be unnecessary, the staff may conduct such transaction.

[Classification]

Article 11. 1) If the Transaction Screening is determined to be necessary, the staff shall classify whether or not the said technologies or goods are deemed to be the List-controlled Technologies/Goods and issue the "Classification Form."

2) Classification shall be conducted in the following manner:

i. The staff who may conduct Transfer of Technologies or Export of Goods studied/developed in [the university/institution] shall organize necessary technical documents and conduct Classification on whether or not such technologies/goods are deemed to be the List-controlled Technologies/Goods pursuant to the latest FEFTA, etc.

ii. The staff who may conduct Transfer Technologies or Export Goods obtained from a party outside [the university/institution] shall obtain documents including Classification certificates from such party and properly conduct Classification in the same manner as in the preceding item. However, obtaining such documents from such party can be excepted if, without obtaining such documents from such party, Classification by [the university/institution] of such technologies/goods is possible through the procedures described in the preceding item.

[End-use Verification]

Article 12. When the Transaction Screening is determined to be necessary, the staff shall verify whether or not use for the Development, etc., of WMD/Conventional Weapons is concerned over the technologies or goods using the "End-use Check Sheet" and "The Guideline for Judging 'When Apparent' (hereinafter referred to as "When Apparent" Guideline)" that are separately set forth herein.

[End-user Verification]

Article 13. When the Transaction Screening is determined to be necessary, the staff shall, using the "End-use Check Sheet" and "The Guideline for Judging 'Apparent' (hereinafter referred to as " Apparent" Guideline)" that are separately set forth herein, verify whether or not the end-users of the technologies or goods are:

i. with cause to suspect existence/identity of the parties involved in the transfer/export route;

ii. listed in the "Foreign End User List" published by METI;

iii. designated in the obtained documents or in a separately obtained information as a person/party that has conducted Development, etc., of WMD/Conventional Weapons in the past; or

iv. attached to a military force, military-related institution or other equivalent institution.

[Transaction Screening]

Article 14. 1) When Transfer of Technologies or Export of Goods is anticipated and the Transaction Screening procedures are determined to be necessary, the staff shall obtain approvals of DECO through the primary screening and of ROEC through the secondary screening, in light of the List Control and Catch-all Control, using the "Screening Form" that is separately set forth herein.

2) Information including the destination, the name of the technologies/goods, the end-users and end-uses have to be specified in the "Screening Form", with documents required for the screening attached.

[License Application]

Article 15. 1) When a license of the Minister of METI pursuant to FEFTA, etc., is required through the approval described in Paragraph 1 of the preceding Article, ROEC shall file the license application to the Minister.

2) The documents to be filed for such license application must be correctly filled based on the facts.

3) The staff who may conduct Transfer of Technologies or Export of Goods that requires a license pursuant to the FEFTA, etc., shall not conduct such transfer or export unless such license is verified to have been obtained.

[Controlling Transfer of Technologies]

Article 16. 1) Upon conducting Transfer of Technologies, the staff shall verify that the procedures for Pre-screening set forth in Article 10 and for Transaction Screening set forth in Article 14 have been conducted, and additionally that a license of the Minister of METI has been obtained if the transaction requires a license pursuant to FEFTA, etc. However, if the Transaction Screening is approved to be unnecessary pursuant to the pre-screening set forth in Paragraph 1) in Article 10, the Transaction Screening procedure set forth in Article 14 are not required.

2) Unless the verification described in the preceding paragraph is completed, the staff shall not conduct such Transfer of Technologies.

[Controlling Export of Goods]

Article 17. 1) Upon conducting Export of Goods, the staff shall verify that the procedures for Pre-screening set forth in Article 10 and for Transaction Screening set forth in Article 14 have been conducted, as well as the goods are identical to the information provided in the shipping documents, and additionally that a license of the Minister of METI has been obtained if the Export of Goods requires a license pursuant to FEFTA, etc. However, if the Transaction Screening is approved to be unnecessary pursuant to the pre-screening set forth in Paragraph (1) in Article 10, the Transaction Screening procedure set forth in Article 14 are not required.

2) Unless the verification described in the preceding paragraph is completed, the staff shall not conduct such Export of Goods.

3) If any incident occurs during the customs clearance, the staff shall immediately suspend such export process and promptly report such incident to ECO, while DECO shall discuss such incident with ROEC to take appropriate measures.

[Documents Control/Record Keeping]

Article 18. The staff shall retain documents, drawings or electromagnetic records related to the export control for at least seven (7) years from the date of the Transfer of Technologies or Export of Goods, under direction of ROEC and ECO.

[Audits]

Article 19. Under direction of ROEC, ECO and DECO shall periodically conduct audits to verify that the export control of [the university/institution] is properly implemented in accordance with the Program.

[Survey]

Article 20. ROEC shall conduct a survey on the status of List-controlled Technologies property every year in order for proper and effective export control.

[Coaching]

Article 21. ROEC shall provide the staff with coaching required for raising awareness of the latest FEFTA, etc., as well as compliance with governing regulations.

[Education]

Article 22. Under direction of ROEC, ECO and DECO shall provide the staffs with periodic education to secure understanding of the significance of FEFTA, etc., and the Program, and to ensure precise implementation thereof.

[Reporting]

Article 23. 1) When the staff come to know a fact of breach or potential breach of FEFTA, etc., or the Program, they shall promptly report such a fact to ECO.

2) When such a fact as in the preceding paragraph is reported, ECO shall promptly so notify ROEC while investigating the reported

incident, and shall report the results to ROEC.

3) If the breach or potential breach of FEFTA, etc., becomes apparent from the report described in the preceding paragraph, ROEC shall so notify CECO, directing the departments concerned to take responding measures, and shall report the incident to the government authorities concerned with the least delay. Meanwhile, CECO shall take the measures required for recurrence prevention thereof.

[Disciplinary Actions]

Article 24. In breach of FEFTA, etc., or the Program due to willful misconduct or gross negligence of the staff, they shall be subject to disciplinary punishments pursuant to the work rules stipulated by [the university/institution].

[Administrative Governance]

Article 25. Administrative processes for the Program shall be governed by Desk of XXXX.

[Miscellaneous]

Article 26. Any other provisions required in addition to the Program shall be separately appended as detailed rules.

[Supplementary]

These Program shall be enforced as of MM/DD/YYYY.

Note: Described above is just a reference case and its actual usage is left to management of respective academic or research institute.

Pre-screening Sheet (for Transfer of Technologies and Export of Goods)

Date filed: YY /MM /DD
Applicant: Name (in full) Department/Title
Contact information: Tel E-mail

Note: Filling and submitting this Sheet is required prior to your transfer of technologies or export of goods.
Note: You have to submit this sheet minimum of XX day(s) [to be set forth by each university's control procedure] prior to the transfer/export of technologies/goods to the officer responsible for YY [to be set forth by each university's export control structure].

1. Transaction class/type

Transaction classification	□ Joint research □ Contracted research □ Transfer study results □ Academic exchange agreement [NDA (□ Yes □ No)] □ Attending/participating/hosting conferences, etc. □ Overseas business trip □ Others (Please describe.) ( )
Transaction type	□ Transfer of technologies(Check all transfer methods being used.) [□ Education/presentation □ Dialog □ Telephone conversation □ Email transmission □ File exchange using Internet □ Upload to the shared database □ Sending documents □ Sending recordable media □ Providing manuals/drawings/data, etc. □ Transfer of technologies/computer programs associated with provision of equipment, etc. □ Others (Please describe.) ( )] □ Export of goods (Check the corresponding shipment.) [□ Samples □ Equipment (□ original □ modified □ purchased) □ Others (Please describe.) ( )]

2. End-user/counterpart information

Counterparty of the agreement	Name (English):		
	Location/address:		
Demander/end-user	Name (English):		
	Location/address:		
Destination (nation):			
Transaction paths	->	->	
The agreement will be executed on:	YY /MM /DD	The transaction will take place between:	YY /MM /DD and YY /MM /DD

3. Information of the technologies/goods

Research Division/Department/Laboratory	
The person conducting the transfer/export of technologies/goods	
Name and specification of the technologies/goods to be transferred/exported	
Intended end-use of the end-user/counterpart	

Note: If more than one person is scheduled to conduct the transfer/export, please fill in all such persons in the "The person conducting the transfer/export of technologies/goods" field.
Note: "Name and specification of the technologies/goods to be transferred/exported" and "Intended end-use of the end-user/counterpart" must be described as much in detail as possible. If the field provided is not enough, you can attach an exhibit.

4. Information about the concerns about the end-user/counterpart

The end-user/counterpart is found in the Foreign End User List (*)	□ Yes	□ No
The destination is one of the Countries of Concern (Iran, Iraq or North Korea) or Countries/regions Under UNSC Arms Embargo (Afghanistan, Central African Republic, Democratic Republic of the Congo, Eritrea, Iraq, Lebanon, Libya, North Korea, Somalia or Sudan)	□Yes	□ No
From the information obtained and such public domain information as on the website, the end-user/counterpart has been or is suspected to have been involved development, etc., of technologically advanced materials/parts/products for or for use in WMD or conventional weapons.	□Yes	□ No
From the information obtained and such public domain information as on the website., the technologies/goods to transfer/export are suspected to be used for WMD (nuclear/chemical/biological weapons, rockets/unmanned aerial vehicles) or conventional weapons, or, development, etc. (development, manufacture, use or storage), of technologically advanced materials/parts/products for use therein.	□Yes	□ No
From the information obtained and such public domain information as on the website, the technologies/goods to transfer/export are suspected to be used for research on nuclear fusion, or development, etc., of nuclear fuel materials or nuclear reactors.	□Yes	□ No
From the information obtained and such public domain information as on the website, the technologies/goods to transfer/export are suspected to be used by the military force or the police of a foreign nation, or a party subcontracted by such parties, for development, etc., of chemical substances/microbes/toxins or space researches.	□Yes	□ No
Otherwise, we have other information about the concerns on security export control about the end-user/counterpart or end-use. (If Yes, please describe in the field below.)	□Yes	□ No

* Check the Foreign End User List on the METI website (http://www.meti.go.jp/policy/anpo/law05.html#user-list).

If "Yes" is checked for the other information about the concerns above, please describe the reason below.

Note: If any of these "Information about the concerns" checks is "Yes," the Transaction Screening is basically required. Please consult the officer responsible for YY [to be set forth by each university's export control structure] on the information about the concerns.

5. <Transfer of technologies> Judgment for applying the FEFTA exemptions (public domain/basic science research)

The transaction is transfer of technologies in the public domain.	□Yes	□ No
The technologies will be transferred as a part of the research activities in the field of basic sciences.	□Yes	□ No

Note: "Transfer of technologies in the public domain" means transfer of: 1) technologies already disclosed to the general public via newspapers, books, magazines, brochures or files in an electrical communication network, etc; 2) technologies accessible to the general public through academic journals, public patent information or minutes of open symposiums, etc; 3) technologies accessible or audible to the general public through factory tours, lecture presentations or exhibitions, etc; or, 4) open source programs. If the technologies to transfer include "technologies other than those in the public domain," you may not check "Yes."

Note: "Research activities on basic science fields" means research activities that: 1) mainly aim at identifying principles of phenomena in natural science fields; 2) through theories or experiments; and 3) do not aim to develop or produce certain products. For example, even with "research activities that mainly aim at identifying principles of phenomena in natural science fields" as studies on the cosmic creation process, if the technologies to transfer include a technology used in an activity to design or manufacture a specific product (e.g., experiment or observational equipment), you may not check "Yes."

When either or both of above are checked "Yes," please describe the grounds or reason in this field.

Note: If any aspect of your transaction is found to be questionable, consult the officer responsible for YY [to be set forth by each university's export control structure].

6. Self-check

<Transfer of technologies> Both or either of Item 5 "Judgment for applying the FEFTA exemptions (public domain/basic science research)" is "Yes."	□Yes	□ No

1) If "Yes," no further checks below are basically required. However, since "public domain/basic science research" judgment may not be easy, please submit this check sheet after completing to the officer responsible for YY [to be set forth by each university's export control structure] for his/her verification. Upon inquiries or request from the officer responsible for YY for more information, this field may be changed to "No."

2) Even when "Yes" (corresponding to "public domain/basic science research") is checked for this item, please keep in mind that issuance of the "Screening Form" may be required after a cautious review by the officer responsible for YY including inquiries, especially when your check for Item 4 has a "Yes" (concerns exist).

The technologies/goods described in Item 3 apparently are not subject to the List Control (*)	□Yes □ No
"Yes" is not checked for any of "4. Information about the concerns about the end-user/counterpart" items.	□Yes □ No

* Check the "Goods/technologies Matrix Table" on the METI website (http://www.meti.go.jp/policy/anpo/matrix_intro.html) for the goods/technologies subject to the List Control.

1) If both are "Yes," please submit this check sheet after completing to the officer responsible for YY [to be set forth by each university's export control structure].
(Upon checking, the officer responsible for YY may contact you for inquiries or request for more information. Issuance of the "Screening Form" may be consequently required.)
2) If both or any of above is "No," issuance of the "Screening Form" is required. Forms and description examples as well as support for preparing the check sheets are available from the officer responsible for YY. Do not hesitate to ask for help.

Upon review of the pre-screening above, the transaction has been determined to be as follows:

[Reviewed by:]

ECO	Department

□ Transaction permitted. □ Issuing "Screening Form" is required.

Note: Described above is just a reference case and its actual usage is left to management of respective academic or research institute.

Pre-screening Sheet for Accepting Foreigners (International Students, Researchers, Teachers, Visitors)

Date filed: YY /MM /DD
Applicant: Name (in full) Department/Title
Contact information: Tel E-mail

Note: For planning acceptance of international students/postgraduates/teaching staff/visitors, etc., filling/submitting this Sheet is always required in advance.
Note: You have to submit this sheet minimum of XX day(s) [to be set forth by each university's control procedure] prior to the acceptance of the foreigner to the officer responsible for YY [to be set forth by each university's export control structure].

1. Person to be accepted

Acceptance category (Please check a corresponding box.)	□ Student [□ Graduate □ Undergraduate □ Postgraduate □ Auditing □ Non-degree □ Other (Description:)] □ Researcher/teacher [□ Employed (Title:) □ Other (Description:)] □ Visitor □ Other (Description:)
Name (in full)	
Country of origin (Nationality)	
Organizational origin(s)	
Acceptance schedule	From: YY /MM /DD To: YY /MM /DD

Note: If more than one person is scheduled to accept from the same department of the same organization, please fill in all such persons in the "Name" field.
Note: Please fill in all organizations to which this person has belonged in the "Organizational origin" field.

◆ If this person will be accepted to a curriculum of a faculty or with lectures only, or to an art/social science curriculum, no further checks below are basically required. Please submit this check sheet after completing to the officer responsible for YY [to be set forth by each university's export control structure].

Note: However, always remember that a license may be required in a case wherein such a person as undergraduate in a research department shall help a non-publicly-known research, or, synthetic aperture radar shall be carried to a foreign country for such purpose as archaeological or other underground explorations.

2. Predetermined accepting research office and technologies to transfer

Research Division/Department/Laboratory	
Instructors and transferrers of technologies	
Area of research	
Research plan for the person to be accepted	
Description of the technologies to transfer	

Note: If more than one person is scheduled for the instructor or transferrer of technologies, please fill in all such persons in the "Instructors and transferrers of technologies" field.
Note: For convenience in comparing the research areas in which the accepting research office, instructors or transferrers of technologies work with those in the "[Appended Table] Areas of Research in XX Academic/Research Institution Requiring Careful Screening," fill in the "Area of research" field using the same classification as used in the Table.
Note: "Research plan for the person to be accepted" and "Description of the technologies to transfer" must be described as much in detail as possible. If the field provided is not enough, you can attach an exhibit.

3. Information about the concerns about the person to be accepted

The person to be accepted is found in the Foreign End User List (*)	□Yes □ No
The country of origin of the person to be accepted is one of the Countries of Concern (Iran, Iraq or North Korea) or Countries/regions Under UNSC Arms Embargo (Afghanistan, Central African Republic, Democratic Republic of the Congo, Eritrea, Iraq, Lebanon, Libya, North Korea, Somalia or Sudan)	□Yes □ No
From the information obtained and such public domain information as on the website, the organizational origin of the person to be accepted (incl. the university/faculty/research office in a case accepting an international student) is suspected to be involved in development, etc., of WMD (nuclear/chemical/biological weapons, rockets/unmanned aerial vehicles) or conventional weapons, or, of technologically advanced materials/parts/products for use therein.	□Yes □ No
When the person to be accepted is an international student, the student is or will be supported financially by the expenditure of the government or institution/organization (incl. private ones) of the country of origin for the associated cost of the study.	□Yes □ No
When the person to be accepted is an international student, we know the person will or would like to work at a military-related department or an arms company after returning to his/her home country in the future, from the past communication.	□Yes □ No
The past research agenda of the person to be accepted are suspected to be for development, etc., of WMD or conventional weapons.	□Yes □ No
Otherwise, we have other information about the concerns on security export control about the end-user/counterpart or end-use. (If Yes, please describe in the field below.)	□Yes □ No

* Check the Foreign End User List on the METI website (http://www.meti.go.jp/policy/anpo/law05.html#user-list).

If "Yes" is checked for the other information about the concerns above, please describe the reason below.

Note: If any of these "Information about the concerns" checks is "Yes," the Transaction Screening is basically required. Please consult the officer responsible for YY [to be set forth by each university's export control structure] on the information about the concerns.

4. Judgment for applying the FEFTA exemptions (public domain/basic science research)

The transaction is transfer of technologies in the public domain.	□Yes □ No
The technologies will be transferred as a part of the research activities in the field of basic sciences.	□Yes □ No

Note: "Transfer of technologies in the public domain" means transfer of: 1) technologies already disclosed to the general public via newspapers, books, magazines, brochures or files in an electrical communication network, etc; 2) technologies accessible to the general public through academic journals, public patent information or minutes of open symposiums, etc; 3) technologies accessible or audible to the general public through factory tours, lecture presentations or exhibitions, etc; or, 4) open source programs. During the whole acceptance period of the person to be accepted, if the education or technologies to transfer potentially include other technologies than "those in the public domain" (including such a case that the accepted person may have access to or view the technologies not "in the public domain" - e.g., study data or publication drafts before publishing - that are available in the laboratory due to the lab's information access control circumstances, in addition to those intentionally educated/provided), you may not check "Yes."

Note: "Research activities on basic science fields" means research activities that: 1) mainly aim at identifying principles of phenomena in natural science fields; 2) through theories or experiments; and 3) do not aim to develop or produce certain products. For example, even with "research activities that mainly aim at identifying principles of phenomena in natural science fields" as studies on the cosmic creation process, if the technologies to transfer potentially include a technology used in an activity to design or manufacture a specific product (e.g., experiment or observational equipment), you may not check "Yes."

When either or both of above are checked "Yes," please describe the grounds or reason in this field.

Note: If any aspect of your transaction is found to be questionable, consult the officer responsible for YY [to be set forth by each university's export control structure].

5. Self-check

Both or either of Item 4 "Judgment for applying the FEFTA exemptions (publicly known/basic science)" is "Yes."	□Yes □ No

1) If "Yes," no further checks below are basically required. However, since "public domain/basic science research" judgment may not be easy, please submit this check sheet after completing to the officer responsible for YY [to be set forth by each university's export control structure] for his/her verification. Upon inquiries or request from the officer responsible for YY for more information, this field may be changed to "No."

2) Even when "Yes" (corresponding to "public domain/basic science research") is checked for this item, please keep in mind that issuance of the "Screening Form" may be required after a cautious review by the officer responsible for YY including inquiries, especially when your check for Item 3 has a "Yes" (concerns exist).

No research areas specified in Item 2 "Area of research" field match any of those listed in the "[Appended Table] Areas of Research in XX Academic/Research Institution Requiring Careful Screening" (closely reviewed by each academic/research institution).	□Yes □ No
None of the Item 3 "Information about the concerns about the person to be accepted" is "Yes."	□Yes □ No

1) If both are "Yes," please submit this check sheet after completing to the officer responsible for YY [to be set forth by each university's export control structure].
(Upon checking, the officer responsible for YY may contact you for inquiries or request for more information. Issuance of the "Screening Form" may be consequently required.)
2) If both or any of above is "No," issuance of the "Screening Form" is required. Forms and description examples as well as support for preparing the check sheets are available from the officer responsible for YY. Do not hesitate to ask for help.

Upon review of the pre-screening above, the transaction has been determined to be as follows:

□ Acceptance permitted □ Issuing "Screening Form" is required.

[Reviewed by:]

ECO	Department

Note: Described above is just a reference case and its actual usage is left to management of respective academic or research institute.

[Appended Table] Areas of Research in XX Academic/Research Institution Requiring Careful Screening

Course	Area	Discipline	Research Field
Integrated Disciplines	Informatics	Computing Technologies	Computer system
			Software
			Information Network
			High performance computing
			Information security
	Environmental Science	Environmental Analyses and Evaluation	Risk sciences of radiation and chemicals
	Complex Systems	Geography	Geography
Science & Engineering	Interdisciplinary Science & Engineering	Nano/ Micro Science	Nanostructural chemistry
			Nanostructural physics
			Nanomaterials chemistry
			Nanomaterials engineering
			Nanobioscience
			Nano/ Microsystems
		Applied Physics	General applied physics
	Mathematical and Physical Sciences	Physics	Particle/Nuclear/ Cosmic ray/ Astro physics
			Condensed matter physics II
			Atomic/ Molecular/ Quantum electronics
	Chemistry	Basic Chemistry	Physical chemistry
			Organic chemistry
			Inorganic chemistry
		Applied Chemistry	Functional solid state chemistry
			Synthetic chemistry
			Polymer chemistry
			Analytical chemistry
			Bio-related chemistry
			Green/ Environmental chemistry
			Energy-related chemistry

Course	Area	Discipline	Research Field
Science & Engineering	Chemistry	Materials chemistry	Organic &hybrid Materials
			Polymer/Textile Materials
			Inorganic Industrial Materials
			Device related chemistry
	Engineering	Mechanical Engineering	Materials/ Mechanics of materials
			Fluid engineering
			Dynamics/ Control
			Mechanical systems
		Electrical and Electronic Engineering	Power engineering/ Power conversion/ Electric machinery
			Electronic materials/ Electric materials
			Electron device/ Electronic equipment
			Communication/ Network engineering
			Measurement engineering
			Control engineering/ System engineering
		Material Engineering	Material processing
		Integrated Engineering	Aerospace engineering
			Naval and maritime engineering
			Nuclear fusion studies
			Nuclear engineering
	Biology	Biological Science	Molecular biology
			Structural biochemistry
			Functional biochemistry
			Biophysics
			Cell biology
			Developmental biology
	Medicine, dentistry, and pharmacy	Basic Medicine	Environmental physiology
			Virology
			Immunology

Note: The research area classification in this table is organized referring to the "Table of the Course/ Area/ Discipline/ Research Field" of the 2017 project of the Grants-in-Aid for Scientific Research, and can be customized to each academic/research institution's need for most convenient use.

Note: Though this table picks up the research areas that could be in relatively high association with the items subject to the List Control, research in other areas may be subject to the List Control. Also, some of the research in the areas listed above may not be subject to the List Control. Leveraging this table and using the list closely reviewed by each academic/research institution should be useful to the "sensitivity management (Noutan Kanri)" that allows to use a different screening process for a non-subject research area.

Note: This table will be revised continuously.

Screening Form (for Transfer of Technologies and Export of Goods)

Date created: YY /MM /DD

ROEC	ECO	Department	Prepared by

1. Outline of the transfer of technologies and export of goods

Subject (description)		
Name of the technologies/goods		(Value): _____
Classification (Category 1 through 15)		<Technologies> Appended Table of the Foreign Exchange Order: Category Item □ Subject □ Non-subject □ Unclear/questionable (Ministerial Order*: Article Category Item) □ Public domain □ Basic science research □ Exemptions <Goods> Appended Table 1 of the Export Trade Control Order: Section Item □ Subject □ Non-subject □ Unclear/questionable (Ministerial Order* : Article Section Item) □ Low value exemptions □ Unregulated
		Reason of the judgment above Note: Especially when a box other than "Subject" is checked, describe the reason as much in detail as possible according to the actual technologies/goods to transfer/export.
Destination (nation):		□ "White" country □ Country/region Under UNSC Arms Embargo □ Country of concern □ Others
Counter party of the agreement	Name (English)	□ New □ Repeat □ Military-related Note: Fill in the URL ( ) and/or attach documents.
	Location/address	
End-users or Users	Name (English)	□ New □ Repeat □ Military-related Note: Fill in the URL ( ) and/or attach documents.
	Location/address	
End-uses		Description ( ) □ WMD-related □ Conventional weapons-related □ Military force-related □ Unclear/questionable □ Others
		Documents available? □ Yes ( ) □ No
"Objective" condition		I. WMD Catch-all Control If destined for non-White countries (incl. Countries/regions Under UNSC Arms Embargo), check the following in light of the WMD Catch-all Control: i. Any item in the "End-use" Check Sheet is checked "Yes"? □ Yes □ No ii. Any item in the "End-user" Check Sheet is checked "Yes"? □ Yes □ No iii. Any item in the "Apparent" Guideline is checked "No"? □ Yes □ No
		II. Conventional Weapons Catch-all Control If destined for Countries/regions Under UNSC Arms Embargo, check the following in light of the Conventional Weapons Catch-all Control: i. Any item in the "End-use" Check Sheet is checked "Yes"? □ Yes □ No ii. (If item 1 is "Yes,") Any item in the end-use condition in the bottom field of the "End-use" Check Sheet is checked "Yes"? □ Yes □ No
		III. Any unclear or questionable matter for verification of the "Objective" condition? □ Yes □ No
"Informed" condition		Were you informed by the Minister of Economy, Trade and Industry that license application is required? □ Yes □ No
Transaction paths		-> ->
The agreement will be executed	YY /MM /DD	The transaction will take YY /MM /DD and YY /MM /DD

2. Final judgment for the transaction (Date of judgment: YY /MM /DD)

Transaction screening result	□ Approved □ Conditionally approved	□ Non-regulated □ Bulk license	□ Non-subject □ Individual license	□ Exemption (low value exemption, etc.) □ License exemption
	□ Notify/consult METI	□ Disapproved		
Conditions for the transaction				
Reasons for judgment				

* Ministerial Order Specifying Goods and Technologies Pursuant to the Provisions of the Appended Table 1 of the Export Trade Control Order and the Appended Table of the Foreign Exchange Order

Note: Described above is just a reference case and its actual usage is left to management of respective academic or research institute.

Screening Form (for Accepting Foreigners: International Students, Researchers, Teachers and Visitors)

Date created: YY /MM /DD

ROEC	ECO	Department	Prepared by

1. Description of the technologies to educate/transfer to foreigners

Person to be accepted	Name in full (English)	
	Country of origin	□ "White" country □ Country/region Under UNSC Arms Embargo □ Country of concern □ Others
	Organizational origin(s)	Note: Fill in the URL ( ) and/or attach documents.
Classification of the technologies to educate/transfer (Category 1 through 15)	Appended Table of the Foreign Exchange Order: Article Paragraph Item (Ministerial Order*: Article Paragraph Item) Note: Describe all corresponding item numbers if there are more than one item that could be subject.) □ Subject □ Non-subject □ Unclear/questionable □ Public domain □ Basic science research □ Others, non-regulated	
	Reason of the judgment above Note: Especially when other boxes than "Subject" are checked, describe the reason as much in detail as possible according to the research plan for the person to be accepted and the technologies/goods to transfer/export.	
Post-graduation plans/workplace of choice (if available)	Name (English)	Note: Fill in the URL ( ) and/or attach documents.
	Location/address	
End-use of the technologies to transfer [End-use in the post-graduation plans/workplace of choice, for students] (if available)	Description ( ) □ WMD-related □ Conventional weapons-related □ Military force-related □ Unclear/questionable □ Others	
	Documents available? □ Yes ( ) □ No	
"Objective" condition	I. WMD Catch-all Control: If the country/organization of origin or the post-graduation plans/workplace of choice of the person to be accepted is non-White countries (incl. Countries/regions Under UNSC Arms Embargo), check the following in light of the WMD Catch-all Control: i. Any item in the "End-use" Check Sheet is checked "Yes"? □ Yes □ No ii. Any item in the "End-user" Check Sheet is checked "Yes"? □ Yes □ No iii. (If "Yes" is checked with 2.) Any item in the " Apparent" Guideline is checked "No"? □ Yes □ No	
	II. Conventional Weapons Catch-all Control: If the country/organization of origin or the post-graduation plans/workplace of choice of the person to be accepted is one of the Countries/regions Under UNSC Arms Embargo, check the following in light of the Conventional Weapons Catch-all Control: i. Any item in the "End-use" Check Sheet is checked "Yes"? □ Yes □ No ii. (If item 1 is "Yes,") Any item in the end-use condition in the bottom field of the "End-use" Check Sheet is checked "Yes"? □ Yes □ No	
	III. Any unclear or questionable matter for verification of the "Objective" condition? □ Yes □ No	
"Informed" condition	Were you informed by the Minister of Economy, Trade and Industry that license application is required for the post-graduation plans/workplace of choice □ Yes □ No	
Acceptance schedule	From: YY /MM /DD To: YY /MM /DD	

2. Final judgment for acceptance (Date of judgment: YY /MM /DD)

Acceptance screening result	□ Approved □ Conditionally approved	□ Non-regulated □ Non-subject □ Exemption (public domain/basic science research, etc.)
	□ Notify/consult METI □ Disapproved	
Conditions for the acceptance approval		
Reasons for judgment		

* Ministerial Order Specifying Goods and Technologies Pursuant to the Provisions of the Appended Table 1 of the Export Trade Control Order and the Appended Table of the Foreign Exchange Order

Note: Described above is just a reference case and its actual usage is left to management of respective academic or research institute.

"End-use" Check Sheet

Verify whether or not the following could be potential end-uses, using information such as on the website or brochures. (Circle Yes or No.)

Development, manufacture, use or storage of nuclear weapons		Yes / No
Development, manufacture, use or storage of chemical warfare agents		Yes / No
Development, manufacture, use or storage of bacterial warfare agents		Yes / No
Development, manufacture, use or storage of the equipment for transportation of chemical/bacterial warfare agents		Yes / No
Development, manufacture, use or storage of the rockets with transportation distance over 300km		Yes / No
Development, manufacture, use or storage of the unmanned aerial vehicles with transportation distance over 300km		Yes / No
Appended Table activities	i. Development, manufacture, use or storage of nuclear fuel materials or nuclear source materials	Yes / No
	ii. Research on nuclear fusion	Yes / No
	iii. Development, manufacture, use or storage of nuclear reactors or components thereof	Yes / No
	iv. Deuterium water production	Yes / No
	v. Nuclear fuel materials processing	Yes / No
	vi. Nuclear fuel reprocessing	Yes / No
	vii. Either of the following that is apparently conducted by or under entrustment from a government body administering the military or national defense affairs: a. Development or manufacture of chemical substances b. Development, manufacture, use or storage of microbes or toxins c. Development, manufacture, use or storage of the rockets or unmanned aerial vehicles d. Space research	Yes / No
Development, manufacture or use of conventional weapons (that is a good described in the middle field of the Appended Table 1 of the Export Trade Control Order, excluding those related to WMD) destined for a region designated in the Appended Table 3-2 of the Export Trade Control Order		Yes / No

If "Yes" is chosen for the final item, be sure to check the following as well.

Exception of the end-use conditions	i. The goods designated in the appended tables (*) that are developed, or otherwise, using the goods/technologies to be screened, are stated/recorded in a document or other media that these goods will be provided for industrial, entertainment, sports, hunting or life-saving uses. In addition, you have been informed by the importers that the goods specified by the exporters in the said tables will be used for such uses.	Yes / No
	ii. Based on the government-to-government agreement between Japan and the United States of America for acquisition and cross-servicing between Japan's Self-Defense Force (SDF) and the US Forces (USF), the SDF export/provide goods/services.	Yes / No
	iii. Goods are exported to be provided for use in the maritime security operation pursuant to the Self-Defense Forces Act.	Yes / No
	iv. Goods/services are exported/provided for use in transporting overseas Japanese citizens pursuant to the Self-Defense Forces Act.	Yes / No
	v. Goods/services are exported/provided for use in transporting state guests pursuant to the Self-Defense Forces Act.	Yes / No
	vi. Goods/services are exported/provided for use in the International Disaster Relief Activities pursuant to the Act concerning Dispatch of Japan Disaster Relief Team.	Yes / No
	vii. Goods/services are exported/provided for use the International Peace Cooperation Assignments pursuant to the Act on Cooperation with United Nations Peacekeeping Operations and Other Operations.	Yes / No
	viii. Goods are exported to be provided for use in responding to act of piracy pursuant to the act on punishing and responding to act of piracy).	Yes / No
	ix. Goods/services are exported/provided for use in the refilling support operations pursuant to the act on special measures concerning implementation of the refilling support operations for counterterrorism maritime interdiction operations.	Yes / No
	x. Goods/services are exported/provided for use in the responding measures pursuant to the Act on Special Measures concerning Humanitarian and Reconstruction Assistance in Iraq.	Yes / No

* Appended tables: 1. Firearms or ammunition therefor (including those used in the emission of light or smoke) of the following, or parts thereof:
1) Air guns, shotguns, rifles, harquebuses or ammunition therefor; or
2) life-saving guns, harpoon guns, rivet guns or other guns for similar industrial uses or ammunition therefor.
2. Torpedoes for industrial use
3. Explosives for industrial use or initiating devices thereof

Note: Described above is just a reference case and its actual usage is left to management of respective academic or research institute.

"End-user" Check Sheet

i. End User List check

(Circle Yes or No.)

The demander/end-user is found in the Foreign End User List	Yes / No

ii. End-user condition check

Verify whether or not that information to reveal that the demander/end-user is conducting or have conducted either of the following activities is stated/recorded on the website or in a document or other media obtained, or, your counterpart so informed you:

Circle Yes or No.)

Development, manufacture, use or storage of nuclear weapons	Yes / No
Development, manufacture, use or storage of chemical warfare agents	Yes / No
Development, manufacture, use or storage of bacterial warfare agents	Yes / No
Development, manufacture, use or storage of the equipment for transportation of chemical/bacterial warfare agents	Yes / No
Development, manufacture, use or storage of the rockets with transportation distance over 300km	Yes / No
Development, manufacture, use or storage of the unmanned aerial vehicles with transportation distance over 300km	Yes / No

Note: Described above is just a reference case and its actual usage is left to management of respective academic or research institute.

The Guideline Sheet for Judging " Apparent" ("Apparent" Guideline Sheet)

Check the following items.

If the statement is not relevant to the transaction type, circle "N/A" (not applicable).

End-uses/specifications of the goods	1.	End-uses of such goods are distinctively explained by the importer/demander or agents thereof.	Yes	No	N/A
	2.	There exists a rational reason for needing such goods in the context of demander/end-user's business and/or level of the technology.	Yes	No	N/A
Conditions for installation (space/location, mounting, etc.) of the goods	3.	The space/location for installation and/or use is distinctively explained.	Yes	No	N/A
	4.	We do not have any information telling us that the installation/end-use place of the goods is in an area requiring high confidentiality such as inside or adjacent to a military facility or of restricted access, and that the end-use leaves a trace of doubt.	Yes	No	N/A
	5.	Excessive safety gear/measures are not requested for transfer/installation of the goods.	Yes	No	N/A
Conditions/specifications of related facilities/equipment for the goods	6.	The facility for use of the goods or raw materials to be handled together is explained.	Yes	No	N/A
	7.	Combination of the goods and the facilities for use of the goods or raw materials to be handled together is reasonable and consistent in light of the end-use of the goods.	Yes	No	N/A
	8.	Unusually excessive volume of spare parts, etc. have not been requested.	Yes	No	N/A
	9.	Related equipment that is normally necessary has been requested.	Yes	No	N/A
Labeling, shipment and packaging specifications	10.	No special order for labeling and shipment for transportation has been placed.	Yes	No	N/A
	11.	The transportation route is quite normal considering the goods and destination.	Yes	No	N/A
	12.	The packaging for transportation and labeling for the package is quite normal considering the goods and destination.	Yes	No	N/A
Conditions for the price payment/warranty of the goods	13.	Excessively favorable offer has not been made for the payment value/terms/method.	Yes	No	N/A
	14.	Performance warranty to a normal extent has been requested.	Yes	No	N/A
Manner of installation refusal and confidentiality keeping	15.	Normally expected dispatch of experts for installation and instruction has been requested.	Yes	No	N/A
	16.	Confidentiality of the final destination or the end-product has not been requested to an excessive extent.	Yes	No	N/A
Company/organization in the End User List	17.	For the transaction with a company/organization in the Foreign End User List, the "Type of WMD (nuclear/biological/chemical weapons and missiles)" does not match that of the type of concerned end-use of the goods to export (to be judged from characteristics of the goods to be exported by reference to the Commodity Watch List for WMD Catch-All).	Yes	No	N/A
Others	18.	Additionally, there are no such questionable aspects in the transaction that a question about things that the demander/end-user is obviously supposed to answer based on the business practice have not been answered.	Yes	No	N/A

Note: For transfer of technologies or acceptance of foreigners, please replace terms used above to relevant words as necessary. For example, replace the "importer" with the "counterparty" or the "person to be accepted."

Note: Described above is just a reference case and its actual usage is left to management of respective academic or research institute.

Classification Form

Date created: YY /MM /DD

Responsible applicant: Name (in full) Department/Title

Contact information: Tel E-mail

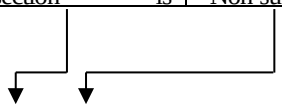
Name of the technologies and outline of the transaction Name, type and grade of the goods	

Category number in the appended Table of the Foreign Exchange Order		
1	Subject	Non-subject
2	Subject	Non-subject
3	Subject	Non-subject
3-2	Subject	Non-subject
4	Subject	Non-subject
5	Subject	Non-subject
6	Subject	Non-subject
7	Subject	Non-subject
8	Subject	Non-subject
9	Subject	Non-subject
10	Subject	Non-subject
11	Subject	Non-subject
12	Subject	Non-subject
13	Subject	Non-subject
14	Subject	Non-subject
	More than one section is	All categories are "Non-subject."

Note: Circle "Subject" or "Non-subject" for each item, cross-checking the description/performance of the technology with the regulations (the Appended Table of the Foreign Exchange Order, the Ministerial Order Specifying Goods and Technologies Pursuant to the Provisions of the Appended Table 1 of the Export Trade Control Order and the Appended Table of the Foreign Exchange Order, and the Notifications of Interpretation).

Note: For sections with "Subject" circled, compare the technology specification (performance) with the relevant fields of the Ministerial Order Specifying Goods and Technologies Pursuant to the Provisions of the Appended Table 1 of the Export Trade Control Order and the Appended Table of the Foreign Exchange Order and the Notifications of Interpretation, and clearly specify the reasons why you judged them to be "Subject" in the exhibit "List of Correspondence."

Note: For sections with "Non-subject" circled as well, if close to be "Subject" based on the technical nature of the goods, compare the technology specification (performance) with the relevant fields of the Ministerial Order Specifying Goods and Technologies Pursuant to the Provisions of the Appended Table 1 of the Export Trade Control Order and the Appended Table of the Foreign Exchange Order and the Notifications of Interpretation, and clearly specify the reasons why you judged them to be "Non-subject" in the exhibit "List of Correspondence."



As above, this technology is / is not subject to the Appended Table (excluding Category 16) of the Foreign Exchange Order.

The correspondence between the specification (performance) of this technology and relevant categories/fields in the Foreign Exchange Order, the Ministerial Order Specifying Goods and Technologies Pursuant to the Provisions of the Appended Table 1 of the Export Trade Control Order and the Appended Table of the Foreign Exchange Order, and the Notifications of Interpretation is shown by the List of Correspondence.

Note: This format is published to show an example format of subject/non-subject judgment for filing the application. Those who have already obtained a license using another format in the past may as well use that same format for new applications and do not have to replace with this one.

Note: Described above is just a reference case and its actual usage is left to management of respective academic or research institute.

[Classification Form Exhibit] List of Correspondence between Related Categories in the Foreign Exchange Order and the Technical Specification (Performance)

The correspondence between the specification (performance) of this technology and relevant categories/fields in the Foreign Exchange Order, the Ministerial Order Specifying Goods and Technologies Pursuant to the Provisions of the Appended Table 1 of the Export Trade Control Order and the Appended Table of the Foreign Exchange Order, and the Notifications of Interpretation is shown as follows:

Appended Table of the Foreign Exchange Order		Ministerial Order Specifying Goods and Technologies Pursuant to the Provisions of the Appended Table 1 of the Export Trade Control Order and the Appended Table of the Foreign Exchange Order		Notifications of Interpretation	Technical specification
Category number	Item	Category number	Item		
For details about the regulations, see "Filing a license application - 1" on the website.					Describe performance corresponding to the regulation.

Classification of the technology	□ Subject	□ Non-subject

Note: In filling this form, be sure to satisfy the following:

- Clarify the correspondence of the technical specification (performance) for each item in the relevant categories/fields in the Foreign Exchange Order, the Ministerial Order Specifying Goods and Technologies Pursuant to the Provisions of the Appended Table 1 of the Export Trade Control Order and the Appended Table of the Foreign Exchange Order, and the Notifications of Interpretation.
- In particular, specific determining (subject/non-subject) values must be so described that the relationship between the values of the technology and the standard is clarified.
- Documents that describe such aspects as the technical specification (performance) must be attached.

Note: Described above is just a reference case and its actual usage is left to management of respective academic or research institute.

[Description Example] "Technology for thermal decomposition and vapor deposition"

[Classification Form Exhibit] List of Correspondence between Related Categories in the Foreign Exchange Order and the Technical Specification (Performance)

The correspondence between the specification (performance) of this technology and relevant categories/fields in the Foreign Exchange Order, the Ministerial Order Specifying Goods and Technologies Pursuant to the Provisions of the Appended Table 1 of the Export Trade Control Order and the Appended Table of the Foreign Exchange Order, and the Notifications of Interpretation is shown as follows:

Appended Table of the Foreign Exchange Order		Ministerial Order Specifying Goods and Technologies Pursuant to the Provisions of the Appended Table 1 of the Export Trade Control Order and the Appended Table of the Foreign Exchange Order		Notifications of Interpretation	Technical specification
Category number	Item	Category number	Item		
Category 4 (v)	Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the use of equipment used in fixing substances generated from the thermal decomposition of gas onto substrates	Article 16 Paragraph (5)	The technology specified by Order of the Ministry of Economy, Trade and Industry in Category 4-(v) in the Appended Table of the Foreign Exchange Order, shall be the technology used in fixing substances generated from the thermal decomposition of gas (limited to those performed in the temperature range between 1,300 and 2,900 degrees Celsius and the absolute pressure range between 130 and 20,000 pascals) onto substrates.		- The temperature is between 2,000 and 2,500 degrees [Celsius] - The absolute pressure is between 15,000 and 20,000 pascals The technology is used in fixing substances generated from the thermal decomposition of gas onto substrates under the conditions above. Therefore, it is classified as "Subject."

Classification of the technology ■ Subject □ Non-subject

Date: Year /Momth /Day

Pledge

To:

(Name of person responsible for acceptance）

Full name:_____

（Signature）_____

I hereby pledge that if, upon enrollment to or employed or any as such by [ ] University, I will neither provide nor carry out a possession of the University to outside without permission. If either of the following two cases applies, I will consult my supervisor (i.e., the academic staff accepting me as a student or a researcher). And if deemed necessary, I shall implement the procedures prescribed by the Foreign Exchange and Foreign Trade Act and applicable acts and ordinances established by the Government of Japan.

1. In the case where I wish to provide research-related technology information in foreign countries or to non-residents of Japan during enrollment or employment or any as such at [ ] University or it becomes obvious during this period that I may provide such information after withdrawing or leaving from [ ] University.

2. In the case where I wish to export (sending to foreign countries or bringing out, etc.) devices or materials used in my research or tangible objects gained from the research to foreign countries during enrollment or employment or any as such at [ ] University or it becomes obvious during this period that I may export the aforesaid items after withdrawing or leaving from [ ] University.

Note: Described above is just a reference case and its actual usage is left to management of respective academic or research institute.

X. Contacts

1. Security Export Control website

The Security Export Control website by METI provides outline of the security export control system, procedures for filing a license applications for export/transfer of goods/technologies, as well as the latest law/regulation information.
URL: http://www.meti.go.jp/policy/anpo/index.html (Japanese)
URL: http://www.meti.go.jp/policy/anpo/englishpage.html (English)

2. Counters for license application or other inquiries

1) Inquiries for the Foreign End User List and the government policy in general, or comments for the website:
Security Export Control Policy Division (+81-3-3501-2863)
2) Inquiries for the system outline or interpretation of regulations:
Security Export Control Administration Division (+81-3-3501-2800)
3) Filing application or inquires for prior consultation therefor:
Security Export Licensing Division (+81-3-3501-2801)
4) Consultation for Internal Compliance Programs (ICP) or reporting FEFTA breaching:
Security Export Inspection Office (+81-3-3501-2841)
5) General inquiries for the export control:
Security Export Control Information Counter (+81-3-3501-3679)

This Guidance has been developed with support from Ministries including the Ministry of Education, Culture, Sports, Science and Technology

"Guidelines for Establishing/Operating Voluntary Control Structure for Security Export Control" and "Security Export Control Guidelines for Researchers"[71] are available from the Japan Society for Intellectual Production (an NPO), thanks to the planning effort of university officers concerned, with help from METI and MEXT. It is recommended to cross-reference them for specific initiatives for establishing the structure within the academic/research institutions and for affairs that the researchers should care in daily work.

Please direct your inquiries on this Guidance to:

Trade and Economic Cooperation Bureau, METI
Security Export Control Administration Division, Trade Control Department
1-3-1, Kasumigaseki, Chiyoda-ku, Tokyo
100-8901
Tel: +81-3-3501-2800
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[71] http://j-sip.org/info/anzenhosho.html