

## Security Export Control Handbook

This handbook briefly explains matters to be noted in security export control when faculty members and students of Kobe Gakuin University provide technologies to foreigners or take goods such as experimental equipment out from Japan.

Security export control manages technologies and goods to prevent weapons and dual-use technologies and goods from passing on to developers of mass destruction weapons and terrorists for maintaining international peace and security.

# 1. Export control

In Japan, transfer of technologies and export of goods to non-residents or foreign countries are controlled by Foreign Exchange and Foreign Trade Act (FEFTA). The technology transfer or the goods export regulated by the FEFTA requires the permission of the Minister of Economy, Trade and Industry (METI). The FEFTA contains list control and catch-all control (Table 1).

Table 1. List Control and Catch-all Control

Control	Subject	Controlled area	
		Group A* <sup>2</sup>	Group B-D
List Control	Technologies or goods regulated by Export Trade Control Order Appended Table 1 1-15* <sup>1</sup> .	Target	Target
Catch-all Control	Technologies or goods that may be used to develop weapons of mass destruction or weapons of general destruction, even if not regulated by the List Control.	Non-target	Target

\*1. Export Trade Control Order Appended Table 1 1-15: Subjects of List Control  
Details are stipulated in the ministerial ordinance and operation notification.

1. Arms 2. Nuclear Power 3. Chemical Weapons  
3-2. Biological Weapons 4. Missiles 5. Advanced Materials  
6. Material Processing 7. Electronics 8. Computers  
9. Telecommunication 10. Sensors 11. Navigation Devices 12. Marine  
13. Propulsion Units 14. Miscellaneous 15. Sensitive Items

\*2. Group A: 26 countries is appointed as ones strictly acting export administration

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

## 2. Actions that may subject to the export control (Part1)

The following cases need to be determined whether they are subject to the FEFTA regulations.

### (1) Technology transfer to non-resident (Figure 1, Table 2)

- Providing engineers/researchers in foreign countries with technical data such as experimental data by e-mail or FAX
- Conveying the usage of super computers or equipment machines to non-residents such as foreign students and researchers
- Providing foreign researchers with storage mediums such as CD and USB flash drive installing technical information regarding experiment devices
- Oral or panel presenting specific technologies at foreign universities or institutions

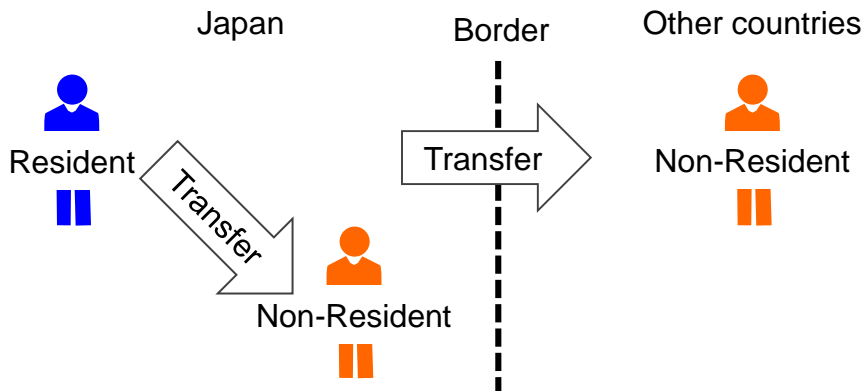


Figure 1. Transfer of Technologies

Table 2. Resident and Non-resident

Nationality	Definition of resident and non-resident according to legal aspects	
	Resident	Non-resident
Japanese	Resident in Japan	<ul style="list-style-type: none"> <li>• Those who departed from Japan and stay outside Japan for the purpose of working at an overseas office</li> <li>• Those who departed from Japan and stay outside Japan for the purpose of staying outside Japan for two years or longer</li> </ul>
Foreigner	<ul style="list-style-type: none"> <li>• Those who work at an office in Japan</li> <li>• Those who stay in Japan for six months or longer after entry</li> </ul>	<ul style="list-style-type: none"> <li>• Resident in foreign countries</li> <li>• Those who stay in Japan less than six months after entry</li> </ul>

## 2. Actions that may subject to the export control (Part 2)

### (2) Goods export (Figure 2)

- Taking out a measurement device for observation or measure to other countries  
Including the case to take it back
- Dispatching a material such as virus, bacteria, toxin, fungus or genome to universities in other countries for joint research
- Taking out a prototype to show in academic conferences or international exhibitions in other countries. Commercially available notebook computers are not subject to the export control.

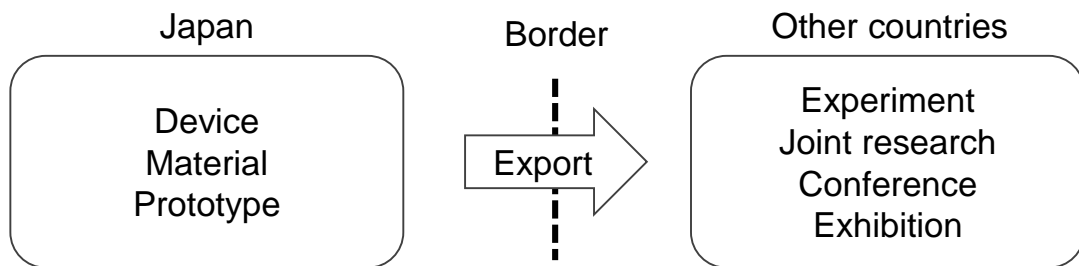


Figure 2. Goods Export

### 3. Exceptions to the export control

If you provide the following technologies, you will be exempt from export license applications to METI.

- Technologies that have already been made available to an unspecified number of people through newspapers, books and magazines
- Technologies that can be obtained through media that are available to the general public such as journals, published patent information, and minutes of public symposium.
- Technologies for the purpose of making it available to an unspecified number of people by sending materials distributed at academic conferences or exhibitions, posting to magazines, etc.
- Technologies for research activities in the basic science field .  
Research activities related to specific product development do not fall under basic science research activities.
- The minimum technologies required for filing or registering industrial property rights

## 4. Foreign trainees and international students

Foreign trainees and international students are considered residents or non-residents depending on the length of their stay in Japan. Faculty and staff are always required to provide instruction and training so that the foreign trainees and international students can comply with the FEFTA.

### **(1) Those who stay in Japan less than six months after entry**

- They are considered **non-residents** under the FEFTA. They are not allowed to receive or use technologies regulated by the FEFTA.
- If a faculty member provides technologies that is subject to regulations to the trainees and the international students, the faculty member must obtain permission from METI.

### **(2) Those who stay in Japan for six months or longer after entry**

- They are considered **residents** under the FEFTA. They can be provided with technologies regulated by the FEFTA.
- They must comply with the FEFTA as residents. If they email or fax the technical information related to the subject of regulation obtained to the home country, they must consult with a supervisor in advance and follow the instructions.

## 5. Procedures in Kobe Gakuin University

Kobe Gakuin University (KGU) tries to prevent violations of the FEFTA by obtaining permission from METI. When faculty or staff transfers technologies or exports goods to non-residents or foreign countries, KGU decides whether an permission from the Minister of METI in accordance with List Control and Catch-all Control is required according to the flow chart shown in Figure 3.

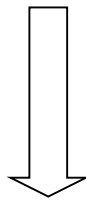
Faculty or staff who transfers technologies or exports goods

If relevant technologies or goods correspond to the items raised in the category of application for approval,  
Submission of an application for approval to the manager.  
The faculty or the staff will be assisted by Research Support Center if necessary.

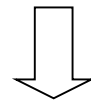


Manager (Research Support Center director)

Is the transfer or the export required the permission from the Minister of METI?



YES or UNCLEAR  
Go to final judgement of KGU

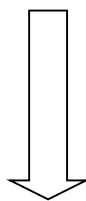


NO

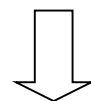
Approval of the transfer or the export

General manager (Vice president)

Is the transfer or the export required the permission from the Minister of METI?



YES



NO

Approval of the transfer or the export

General manager (Vice president)

Export license application to METI.

Figure 3. Procedures in Kobe Gakuin University

## 6. Consultation desk

If you have a plan to take goods out from Japan or transfer technical information to non-residents, please contact Research Support Center immediately.

Research Support Center Research Support Group

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