

Guidance for International Students and Researchers on Security Export Control

Simultaneous pursuit of
Preventing goods/technologies from its
conversion to military use and
Enhancement of global collaboration



**Office of Security Export Control
Kobe University**

CONTENTS

1. What is Security Export Control?	P2
2. What is Legal Status of International Students and Researchers?	P4
3. What is Security Export Control Rule of Kobe University?	P6
4. How to comply with Security Export Control Rule.	P7

1. What is Security Export Control?

The purpose of this guidance is to explain Security Export Control in Kobe University to international students and researchers. This guidance affords the perspective of Security Export Control, e.g. what, how and who is regulated from viewpoint of international students and researchers.

In order to maintain both national and international peace and security, the Japanese Government strictly regulates not only weapons but also military-sensitive goods and technologies that are convertible to military use. The Foreign Exchange and Foreign Trade Act prohibits exporters or suppliers, including universities and individual(s) regardless of Japanese and foreigners, from exporting any sensitive goods and providing any sensitive technologies controlled by the list regulation and/or catch-all regulation. Regulated export and supply is available only after Government licence. Any export/supply of controlled goods or technologies without licence constitutes a crime with legal penalty applied not only to individual(s) but also to the university involved.

Any university has to comply carefully with the Foreign Exchange and Foreign Trade Act in order to avoid possible “security holes” that could emerge as a result of the university’s openness.

Kobe University declares to enhance its globalization complying with Security Export Control. Therefore all members of Kobe University including international students and researchers are required to act subject to the Foreign Exchange and Foreign Trade Act.

Security Export Control is performed in two steps. The first step is List Control while the second step is Catch-all Control.

1. List Control

Any sensitive goods and technologies are regulated subject to “List of Controlled Goods and Technologies” described in the next page.

2. Catch-all Control

Even though export of goods and supply of technologies are not controlled by List Control, they shall be checked according to Catch-all Control procedure.

The purpose of Catch-all Control is to prevent diversion of sensitive goods and technologies not controlled by List Control from civil use to military use by checking its end-use, end-user, type of Weapon(s) of Mass Destruction (WMD) or designated countries.

List of Controlled Goods and Technologies

Some goods may be controlled by more than one classification. For details or the latest information on Security Export Control, visit the following METI website.

<http://www.meti.go.jp/policy/anpo/englishpage.html>

Examples in the following list only show the broad concept of controlled goods and technologies. Belonging to any category of the list does not decisively mean to constitute “controlled”. Therefore it is necessary to judge if the specific goods or technologies satisfy or not the detailed specifications in the list.

Export Licence Controlled Goods/Technologies	
Classifications	Examples
1. Weapon	Firearm, Explosive, Military equipment, Bacterial agent, Biopolymer, Biocatalyst, DNA, Vector, Virus etc.
2. Atomic energy (Nuclear weapon)	Nuclear fuel, Reactor, Radioactive substance, Numerical control machine, Oscillator, Nuclear-related equipment etc.
3. Chemical weapon	Raw material/equipment for production of chemical weapon
3-2. Biological weapon (BW)	Organism/toxin/gene usable for BW, Virus, Bacillus, DNA, Equipment for production of BW etc.
4. Missile	Rocket, Unmanned aerial vehicle (UAV), Propellant, Engine, Composite, Equipment for production/test/guidance/control of rocket/UAV, Flight controller etc.
5. Advanced material	Fluorine compound, Definitive polymer, Definitive alloy, Composite, Organic fiber, Carbon fiber etc.
6. Material processing /manufacturing	Bearing, Robot, Machine tool/component/controller for coating/measuring/feedback equipment etc.
7. Electronics	IC, LSI, Power device, Semiconductor substrate, Microwave, Solar battery, Magnetic recorder, Signal analyzer, Oscilloscope, Signal generator etc.
8. Computer	Computer, Printer, HDD, Component/accessory
9. Telecommunications /Information security	Transmission equipment, Electronic changer, Phased array antenna, Encryption/jamming equipment etc.
10. Sensor/Laser	Optical detector, Camera, Laser oscillator, Radar etc.
11. Navigation/Avionics	Accelerator, Gyroscope, Inertial navigation system etc.
12. Marine	Submersible/hydrofoil vessel, Salvage system, Underwater robot/vision system, Sonar navigation etc.
13. Propulsion system	Space vehicle, Gas turbine engine, Satellite etc.
14. Miscellaneous	Powder metal fuel, Diesel engine, Robot, Controller, Tear gas, Explosive detection equipment etc.
15. Sensitive goods/equipment	Inorganic fiber, Conductive polymer, Digital transmitter, Radar, Engine etc.

2. What is Legal Status of International Students and Researchers?

Regardless of Resident or Non-Resident, when you send/carry sensitive goods to foreign countries or provide sensitive technologies to Non-Residents in Japan or elsewhere, you are requested to consult your advising professors or the like whether or not such actions have legal problem of Security Export Control.

What is Resident and Non-Resident?

Each member of Kobe University is requested to recognize the transition of his/her legal status, e.g. “Resident or Non-Resident”, subject to the Foreign Exchange and Foreign Trade Act in Japan. “Resident or Non-Resident” does not depend on nationality but is defined as follows.

Non-Resident is an individual staying in Japan for less than 6 months, while Resident is an individual residing in Japan for more than 6 months.

Resident status will change into Non-Resident if you are staying abroad for more than 2 years. If you, as Resident, stay abroad for study or research keeping your residence in Japan, you are still classified as Resident.

(a) International Student

If you stay in Japan for less than 6 months, you are classified as Non-Resident, who is in a position of receiving goods and technologies from Resident. Exporting or supplying sensitive goods/technologies received in Japan is under strict regulations.

If you stay for more than 6 months, notwithstanding for what reason, you are classified as Resident. It is also under strict regulations to export or provide sensitive goods/technologies. If you work in Japan after your graduation, you will be classified as Resident. After your graduation, your action will be regulated subject to the Foreign Exchange and Foreign Trade Act while the University Rule ceases to apply.

(b) International Researcher

If you don't have an employment relationship, your legal status is the same as that of (a).

If you have an employment relationship with Kobe University, you are classified as Resident as of hire date. Necessary procedure for Security Export Control is the same as (c).

(c) Foreign Professor

You are classified as Resident as of hire date.

When you export sensitive goods or provide sensitive technologies to Non-Residents, please consult with Security Export Control Advisor through the administrative office of your graduate schools, institutes or centers.

Table of Legal Status

Classifications	Resident	Non- Resident
Japanese citizen	<ol style="list-style-type: none"> 1) lives in Japan 2) works for a Japanese Embassy/ Consulate abroad 	<ol style="list-style-type: none"> 1) has left Japan to work for an office in a foreign country and stays in a foreign country 2) has left Japan to stay in a foreign country for 2 years or longer and stays in a foreign country 3) stays in a foreign country for 2 years or longer since leaving Japan 4) falls under the aforementioned 1) to 3), temporarily returns to Japan and stays in Japan for less than 6 months
Alien	<ol style="list-style-type: none"> 1) works for an office in Japan 2) stays in Japan for more than 6 months after entry into Japan 	<ol style="list-style-type: none"> 1) lives in a foreign country 2) engages in official tasks of a foreign government or an international organization 3) is a diplomat, consular, or attache or servant of a diplomat or consular (However, needs to be appointed or hired in a foreign country)
Corporation	<ol style="list-style-type: none"> 1) a Japanese firm located in Japan 2) a foreign firm's branch office, local office or other office located in Japan 3) Japanese Embassy/ Consulate abroad 	<ol style="list-style-type: none"> 1) a foreign firm located in a foreign country 2) a Japanese firm's branch office, local office or other office located in a foreign country 3) a foreign Embassy/Consulate located in Japan

3. What is Security Export Control Rule of Kobe University?

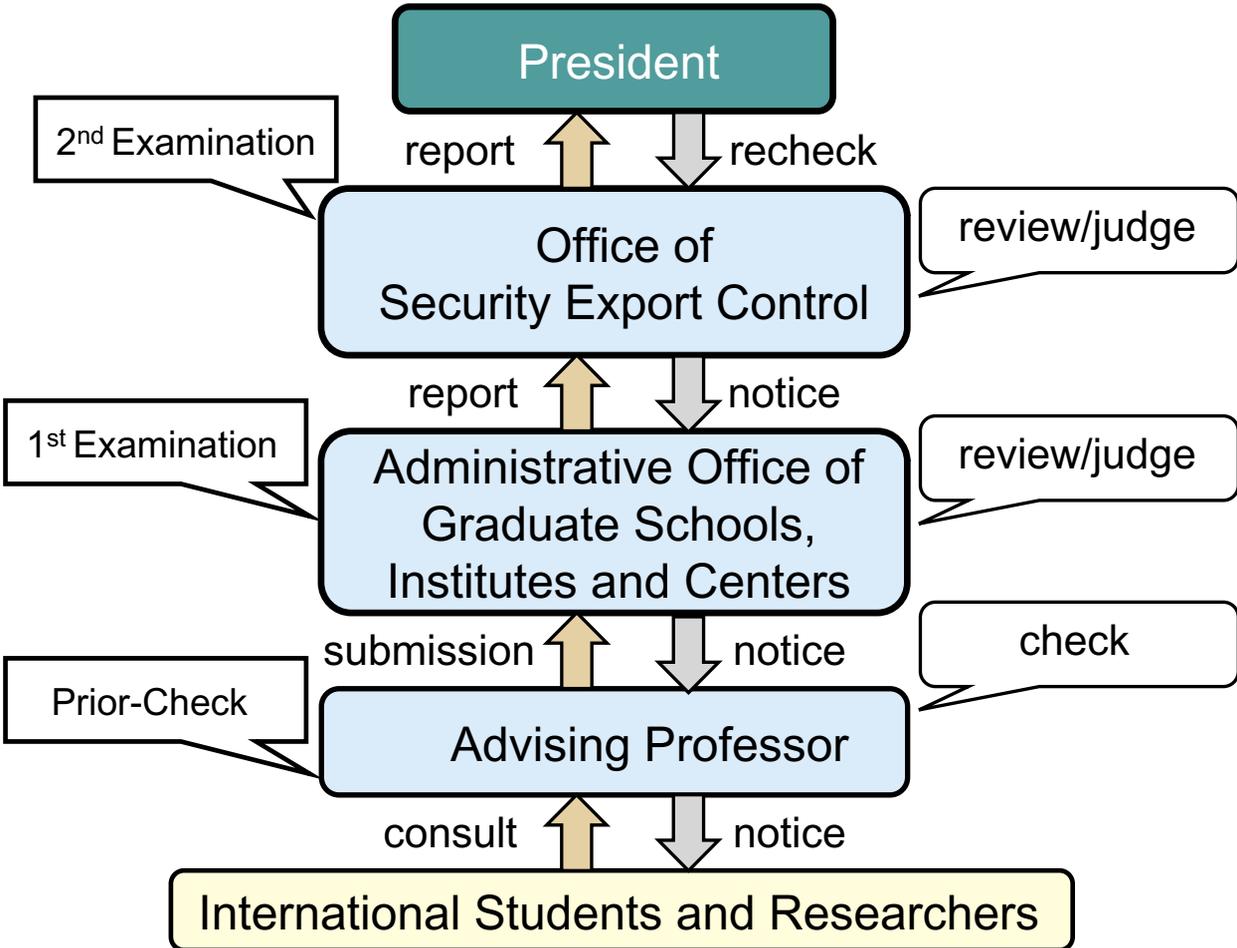
Security Export Control Rule is included in Rules and Regulations of Kobe University.

The following actions are controlled subject to security regulations:

- 1) send/carry sensitive goods or technologies to foreign countries including your home country; or
- 2) supply sensitive technologies to Non-Resident in any country including Japan.

While you are a student in Kobe University, you have to consult your advising professor or the like prior to the export of sensitive goods or the supply of sensitive technologies related to activity in Kobe University. The professor will check according to the Prior-Check Flowchart. Based on its result, if necessary, Security Export Control Office will judge whether or not the export licence is required.

Framework of Security Export Control at Kobe University



4. How to comply with Security Export Control Rule at Kobe University?

Typical goods and technologies are exemplified as follows:

Goods (Items)

- Equipment, sample, prototype and specially designed component or accessories for the equipment

Technologies (Service)

- Information, data, know-how, manual
e.g. HDD, flash memory, software program for developing/improving for design or evaluation, manufacturing know-how, quality assessment data, user manual, blueprint, specifications, technical guidance and operational know-how

Typical actions controlled are exemplified as follows:

Export

- Sending goods or taking goods with you abroad (including bringing back from abroad)

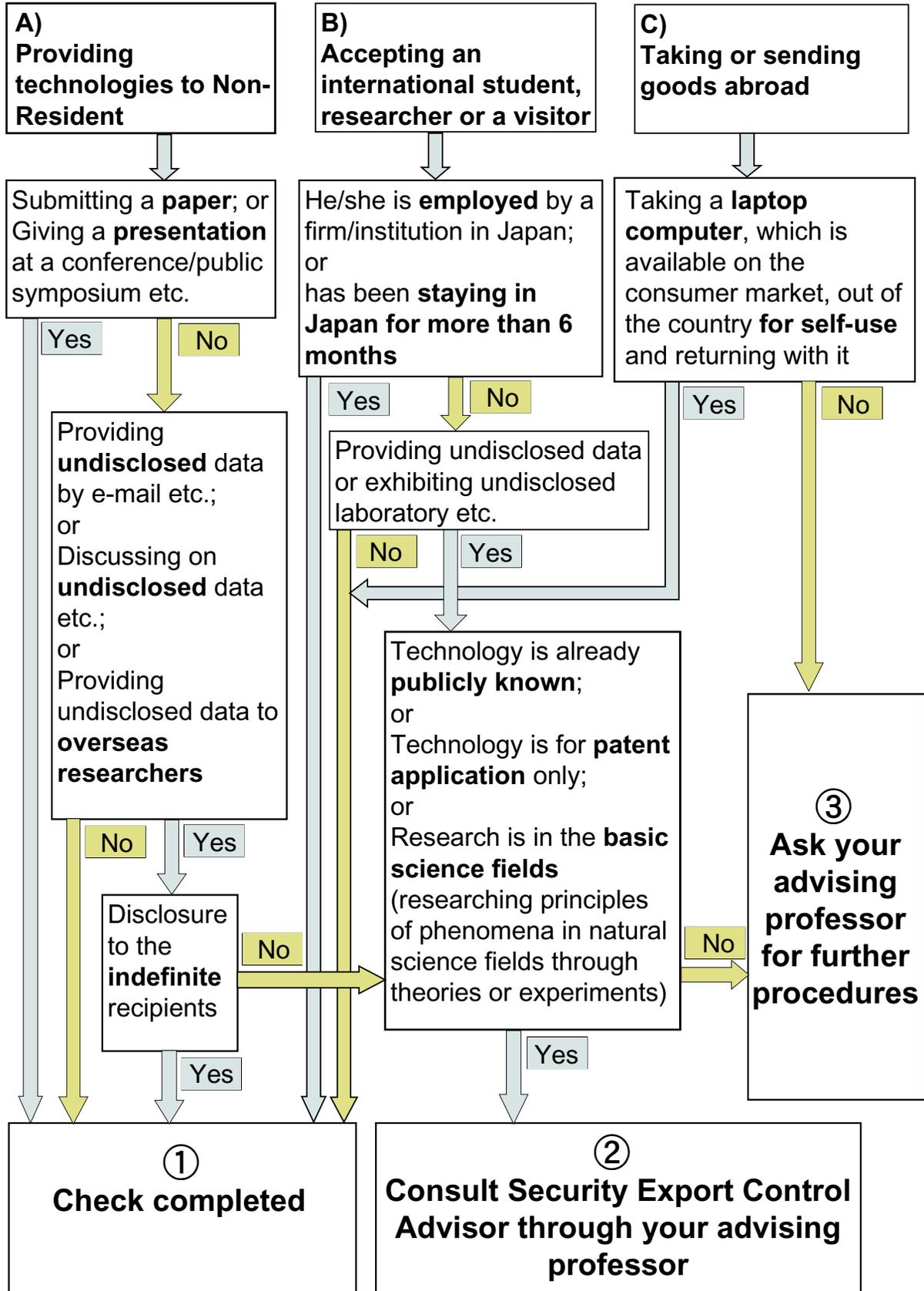
Supply

- Oral transfer by phone, sending by e-mail, paper, CD-ROM, flash memory and other storage media, disclosure at a private gathering or discussion, disclosure to visitors during a tour of the facility.
- Presentation at the open conference and disclosure in journal papers are NOT regulated, even if providing sensitive technologies EXCEPT severely sensitive ones (e.g. nuclear weapons.)
- The difference between the above two cases is that, in the former the recipient(s) is definite, while in the latter the recipients are indefinite.

What to do?

- ① Please check each sensitive goods/technologies according to Prior-Check Flowchart on page 8 with your advising professor or the like.
- ② Personal belongings not related to the activity of the university are exempted from the rules of the university. However, you should comply with the regulations under the Foreign Exchange and Foreign Trade Act.

Prior-Check Flowchart



Frequently Asked and Answered Questions

***Answer to personnel not hired by Kobe University**

Q1 - What are the points to consider when taking a laptop computer or a mass storage device such as a USB abroad?

A1 - When you are only taking the laptop computer or a USB for self-use and not providing technologies, such actions are not regulated. However if the technologies are provided to an end-user who intends to use the technologies to develop WMD, you have to consult your advising professor to obtain a licence.

Q2 - What are the points to consider when taking sensitive goods abroad?

A2 - When taking sensitive goods (trial sample, chemical substance, apparatus and sample of bacillus/bacterium etc.) listed as Export Licence Controlled Goods (see page 3), a licence may be required even if there is no plan to provide them to anyone. Please consult with your advising professor for Prior-Check to clarify whether export of such goods is controlled or not.

Q3 - What are the points to consider when giving a presentation at an academic conference?

A3 - Academic conferences and the like, which are open to the general public, qualify for licence exceptions. However, presentations at closed meetings and personal information exchanges at receptions do not qualify for exception.

Q4 - My research area is indicated in the List of Controlled Goods and Technologies as requiring a licence. Would I need a licence to send a related scientific information by e-mail or telephone conversation to my colleague in my home institution?

A4 - Yes. Transmitting regulated technologies by e-mail, websites or phone to Non-Resident may require a licence. Please consult with your advising professor for further procedure.

Frequently Asked and Answered Questions

***Answer to personnel not hired by Kobe University**

Q5 - The manufacturer of the goods I plan to take abroad tells me that it is in compliance with Foreign Exchange and Foreign Trade Act. Can I skip the process of consultation with my advising professor?

A5 - It is the responsibility of the University to determine whether or not the goods are controlled. Please consult with your advising professor in order to receive confirmation document from the manufacturer stating that the goods are not controlled.

Q6 - Whom should I ask if I think Security Export Control Rule may apply to my future action?

A6 - If you suspect your actions may be controlled by Security Export Control Rule, please consult your advising professor first. Consultation with Security Export Control Advisor is available through your advising professor.

Q7 - What are the points to consider when temporarily going back to my home country?

A7 - If you return to your home country keeping your residence in Japan, your status Resident/Non-Resident will remain unchanged. You are requested not to provide any sensitive technologies to Non-Resident wherever such supply is done. Please note that the goods which not related to the activities of the university, such as souvenirs or personal belongings, are exempted from Security Export Control Rule of Kobe University. Therefore you should individually follow the regulations under the Foreign Exchange and Foreign Trade Act .

Q8 - Approximately how long does it take to obtain a licence for regulated sensitive goods or technologies?

A8 - It takes basically 90 days after the submission of the licence application. It may be necessary to obtain the licence beyond 90 days in the complicated case. You had better consult your advising professor well in advance.

Concept of Security Export Control in Kobe University (6S)

**Suitable for Kobe University
Simple Procedure
Satisfactory Legal Requirements
Self Check First
Supervised by Expert
& Sustainable Management**

Office of Security Export Control
Kobe University
1-1 Rokkodai-cho, Nada-ku, Kobe 657-8501 JAPAN
phone: +81-78-803-6682/6690
e-mail: osec-anzen@office.kobe-u.ac.jp
<http://www.kobe-u.ac.jp>

1st edition (July 2011)