

*The request for comprehensive revision  
of export control system for academia in  
Japan*

大学に係る安全保障輸出管理行政に  
関する包括的改善要請書について

MASAMI Ito

President of the Japan Society of Intellectual production (J-  
SIP), Gunma University Japan

特定非営利活動法人 産学連携学会 会長

群馬大学 教授

伊藤正実

# The purpose of JSIP

An Affluent Society with Individuality and Activity

Construction of Regional Cooperative System, generation of innovation

- 1 Total support for the activities of the U-A cooperation
- 2 To establish professional occupation for works concerning the cooperation
- 3 Scholarly understanding for Industry-Academia Cooperation

Accumulation of knowledge shareing, systematization based on the cases

The achievement of academia-industry cooperation-successful case / failure case

# Background

2008 “Plan for 300,000 Exchange Students” has been established by Japanese government (留學生30万人計画)

After the establishment of this plan, Japanese universities have been required to deal with export control systematically. Also, Security Export Inspection Office of Ministry of Economy, Trade and Industry Ministry of Economy, Trade and Industry have started export control information session for universities. It has been held more than 100 times until now.

2009 Japan Society for Intellectual Production created “Guidelines for Establishing and Practicing Voluntary Control Systems for Security Trade” and “Security Trade Control Guidelines for Researchers”. with assistance from the relevant divisions at METI and MEXT.

2010 The enforcement of the standard for export control system.

(輸出者等遵守基準の施行)

- The organization, even university, which has relation to abroad is required to have a system to comply with the export control in Japan.
- ✕ The construction of export control system in Japanese university has been accelerated since 2010. However, even before 2010, the Japanese researchers in the concerned field such as nuclear power or aerospace, have managed export control by themselves.

# *The destination and the sender of this request*

## To

Ministry of Economy, Trade and Industry (METI)(経済産業省 貿易経済協力課長)

The Ministry of Education, Culture, Sports, Science and Technology (MEXT)(文部科学省 高等教育長)

The Ministry of Foreign Affairs (外務省軍縮不拡散・科学部長)

## From

Center for Information of security trade control(CISTEC)

一般財団法人 安全保障貿易情報センター

Japan society for intellectual production(J-sip) 特定非営利活動法人 産学連携学会

Intellectual Property Association of Japan 一般社団法人 日本知財学会

University Consortium for International Intellectual Property Coordination (USIP)

国際大学知財コンソーシアム国際法務委員会

Export control day for academia executive committee 輸出管理DAY FOR ACADEMIA実行委員会

○ 大学における輸出管理に掛る問題について20の要請をおこなう

● This proposal demands the improvement of 20 issues related export control system in Japan. Export control is managed by METI, MEXT is in charge of university, and , the Ministry of Foreign Affairs also have relation to this matter. This situation indicates the complexity of the situation of Japan in this issue.

# *The point of this request*

## (今回の要望書の論点)

- 1 The matter related to education and study in academia
  - (1) Complete exemption of application for the Foreign Exchange and Foreign Trade Act should be allowed for the undergraduate education in faculty
  - (2) It should be clarified that the “use” of listed instruments in the universities would be non-regulated.
- 2 To clarify the definition of the field of basic science research
- 3 The clarification of role sharing between university and government for the acceptance of foreign students
- 4 Provision of information and management tool which merit the management of export control in the university

# *Complete exemption of application for the Foreign Exchange and Foreign Trade Act should be allowed for the undergraduate education in faculty*

Under the basis of existing laws and regulations, the provision of information for unspecified people is only exception of the application of the export control law.

Thus, the provision of information to specified people such as students or researchers is not exception of the application of the law.

The education which is carried out by commercially available textbook is only the exception of application of export control law.

It is necessary to clarify the pattern of exception which is not applied for the Foreign Exchange and Foreign Trade Act in undergraduate education.

*It should be clarified that the “use” of listed instruments in the universities would be non-regulated*

- If the use of various instruments by foreign students is regulated, it is very difficult for university to comply with the Foreign Exchange and Foreign Trade Act.



In 2013, after the submission of this request. METI has indicated that the “use” of instruments in the university or research institute is non-regulated.

## *The definition of the field of basic science research should be clarified*

According to the Foreign Exchange and Foreign Trade Act , transactions through which technology is provided for basic scientific research is not regulated.

However **the definition of the “basic scientific research” is ambiguous**. Apparently, export control divisions in the Japanese universities are sometimes confusing.



# *The clarification of appropriate role sharing between university and government for the acceptance of foreign students*

- At the present stage, Japanese universities take full responsibility to determine whether export controls may apply or not toward foreign students, when they decide to accept students from abroad,
  - 1 We expect that government should determine whether export controls may apply or not toward government-sponsored exchange students.
  - 2 The determination criteria between resident or nonresident applied to foreign students should be clarified.
  - 3 Practical information about the acceptance of foreign students should be provided from the point of view of the Foreign Exchange and Foreign Trade Act

# *Provision of useful information and management tool which merit the management of export control in the university*

- ① The system of of the Foreign Exchange and Foreign Trade Act is complicated, the judgment whether the law may apply is not so easy.
- ② The variation of response capability for export control in Japanese universities



(1) The provision of management tool for export control  
該非判定や懸念度チェックの為のツール提供

(2) The provision of concrete information about concerning  
technical field and harmful activities toward Japan.

懸念技術分野や「有害活動」動向に関する具体的な情報提供  
をお願いしたい

# *The effect of this request at the present stage*

## 本要請書の現時点での効果

- 1 The use of instruments in the universities have been regarded as non-regulated matter since last November.  
留学生等の機器の使用については原則として規制対象外とするQ&Aが昨年11月に経済産業省より公開
- 2 METI made a table which contain both listed items and technology which is useful for voluntary export control system in university.  
役務と貨物の規制対象を一体にした一覧表を作成していただいた

We recognize that Japanese government have made effort to some extent.

現時点である一定レベルの対応をしていただいたと認識