

Security Export Control



— To prevent Toyo University’s research findings from being diverted for military use, including for WMDs —

The security export control system aims to prevent technologies and goods that have military potential from being exported from Japan and other countries and falling into the hands of terrorists, regimes and other entities involved in the development of weapons of mass destruction (WMDs), etc., for the purpose of maintaining the peace and security of the international community.



Academic institutes are required to take appropriate measures for security export control, given their involvement in the transfer of technologies and export of goods in connection with research activities. Below are major opportunities and actions that carry potential risks.

Opportunities with potential risks	Actions involving transfer of technologies and export of goods
Overseas trips	<ul style="list-style-type: none"> Presentations (oral/poster sessions, etc.) at international conferences, exhibitions, and meetings Shipping/taking out sample goods and self-building research equipment
Joint research / MTA with foreign universities and companies	<ul style="list-style-type: none"> Lending out experimental devices, shipping/taking out samples Sharing technical information through email, USB drive, fax and other means
Research advising international students, hosting of overseas researchers	<ul style="list-style-type: none"> Using/creating prototypes/providing operation manuals for experimental devices Research advising, technical guidance, discussions and meetings, research facility tours

Security Export Control Systems

Export transaction plans are verified as to whether or not such transactions are subject to List Control and Catch-all Control. Plans identified as not being subject to either control system will be able to go ahead with the transaction process.

List Control

A list has been established to specify goods and technologies that are weapons or that can be potentially used for the development of WMDs and conventional weapons, for the purpose of controlling export transactions of such items.

List Control items (goods and technologies)			
1 Arms	4 Missiles	8 Computers	12 Marine
2 Nuclear power	5 Advanced materials	9 Tele-communication	13 Propulsion units
3 Chemical weapons	6 Material Processing	10 Sensors	14 Miscellaneous
3-2 Biological weapons	7 Electronics	11 Navigation devices	15 Sensitive items

- Destination: All regions
- Control items: Specified in the List
- Transactions to be controlled: Those involving items that include technical specifications stipulated by METI.

Note: Refer to the Goods/Technologies Matrix Table for details to perform the “classification” process.

Catch-all Control

Almost all categories of technologies and goods may be subject to Catch-all Control. Transactions to be controlled are identified in light of the conditions separately set for the two groups of weapons as indicated below.

- WMDs (WMD Catch-all Control)
- Conventional Weapons (Conventional Weapon Catch-all Control)

Destination	WMDs	Conventional weapons
(1) Group A* regions	NA	NA
(2) Other than (1) and (3)	· End-user condition	NA
(3) Regions under the UNSC Arms Embargo	· End-user condition	· End-use condition

- Destination: Non-Group A regions (Regions under the UNSC Arms Embargo for conventional weapons)
- Control items: Almost all product categories (excluding food, wood, etc.)
- Transactions to be controlled: Identified in light of end-user/end-use conditions

*Group A: Regions specified in the Appended Table 3 of the Export Trade Control Order (previously referred to as “white list countries”)

License exemption in relation to List Control

Exemptions related to List Control technologies

- Transactions to transfer technologies in the public domain e.g.: Transferring technologies already disclosed to the general public via newspapers, books, magazines, etc.
- Transactions to transfer technologies to make them publicly known e.g.: Sending academic presentation manuscripts; contribution to journals, etc.

Exemptions related to List Control goods

Exemptions for low or no commercial value transactions and transactions for some components

Conditions to check in relation to Catch-all Control

End-user condition

A transaction will be subject to control when it is determined from the Foreign End User List and other materials or based on information shared by end-users, etc., that the counterparty to the transaction will be, or has been, involved in the development, etc. of WMDs.

End-use condition

A transaction will be subject to control when information about the possibility of such transaction being used for the development, etc. of WMDs or conventional weapons is received during the normal course of business transactions.

Toyo University's Security Export Control System

The Foreign Exchange and Foreign Trade Act (FEFTA), a legislation for security export control, requires a license to be obtained for export transactions subject to control from the Minister of Economy, Trade and Industry. FEFTA also sets forth Compliance Requirements for Exporters to be observed by export business operators.

Toyo University has established a university-wide security export control structure to perform appropriate processes according to the export license system stipulated by FEFTA, thus fulfilling its responsibility for security export control.

Compliance Requirements for Exporters

(1) Assign the representative of the organization to the person in charge of export control; (2) Establish internal export control structures; (3) Specify procedures for the "classification" process (verify whether or not goods/technologies to be exported are subject to the List Control); (4) Specify and practice procedures to verify the end-use/end-user; (5) Ensure identification of shipments with classified goods; (6) Establish appropriate audit procedures; (7) Provide personnel training; (8) Retain relevant documents; (9) Report actual and possible violations identified to the Minister of Economy, Trade and Industry, and carry out measures to prevent a recurrence; (10) Assign a person in charge of "classification"; (11) Provide guidance to relevant persons to ensure their understanding of and compliance with the related laws and regulations.

Toyo University Security Export Control Structure



Export Control Procedures

Verification Step	Details	Supervised by
Pre-screening	Verify whether or not the planned export transaction carries any concern associated with security export control by checking relevant application documents, such as overseas study trip applications, against the Check Flow. If no particular concern is identified, the transaction plan will proceed.	Departmental Administrator
Classification	If any concern associated with security export control is identified as a result of pre-screening, verify whether or not the technologies to be transferred or goods to be exported are subject to the List Control.	Approved by: Departmental Administrator Confirmed by: Chief Administrator
Transaction screening	Based on the results of the above classification step, verify whether or not the plan requires a license application—a step required for conducting a transaction carrying a concern associated with security export control.	Approved by: Chief Administrator Final approval by: Supervisor

Follow the above procedures to verify whether or not planned export transactions are subject to security export control. While it is necessary to conduct pre-screening for export plans related to a broad range of university activities in order to ensure organization-wide control, there are actually very few cases facing transaction screening, as only a limited number of technologies to be transferred and goods to be exported are actually subject to List Control and Catch-all Control.

If a planned transaction does face transaction screening and it is determined that the transaction is subject to List Control or Catch-all Control, an export license application will be submitted under the name of the chief executive to the Minister of Economy, Trade and Industry. The agency reviews the application and notifies the applicant of the result within 90 days, in principle.

Depending on the result, the license may be refused, or can be issued, albeit conditionally, which will likely require re-planning and rescheduling of research activities.

Penalties and administrative sanctions

FEFTA violations will face the following penalties:

- Corporations: a fine of one billion yen or less
- Individuals: a fine of 30 million yen or less; or imprisonment for 10 years or less

Administrative sanctions include strict restrictions that may result in a university-wide total ban on the export of goods and transfer of technologies. In order to retain social credibility of the University, we need to implement appropriate security export control measures. Your understanding and cooperation are highly appreciated.

Inquiries about security export control

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For more details about security export control, please refer to the Toyo University Guide to Security Export Control (separately provided).