Explanatory Material for Export Control Form 2

(For applicants for new employment)

Request for Declaration Concerning the Applicability of “Specific Categories” for compliance with Article 25, Paragraphs 1 and 2 of the Foreign Exchange and Foreign Trade Act (FEFTA)

May 1, 2022

National Institute of Advanced Industrial Science and Technology (AIST)

AIST is obliged to properly implement security export controls in accordance with the Foreign Exchange and Foreign Trade Act (FEFTA). Such instances include the export of goods and/or technologies overseas, or the transfer of technologies either to non-residents or to residents under the influence of a foreign country (individuals who fall under specific categories), as part of your research activities.

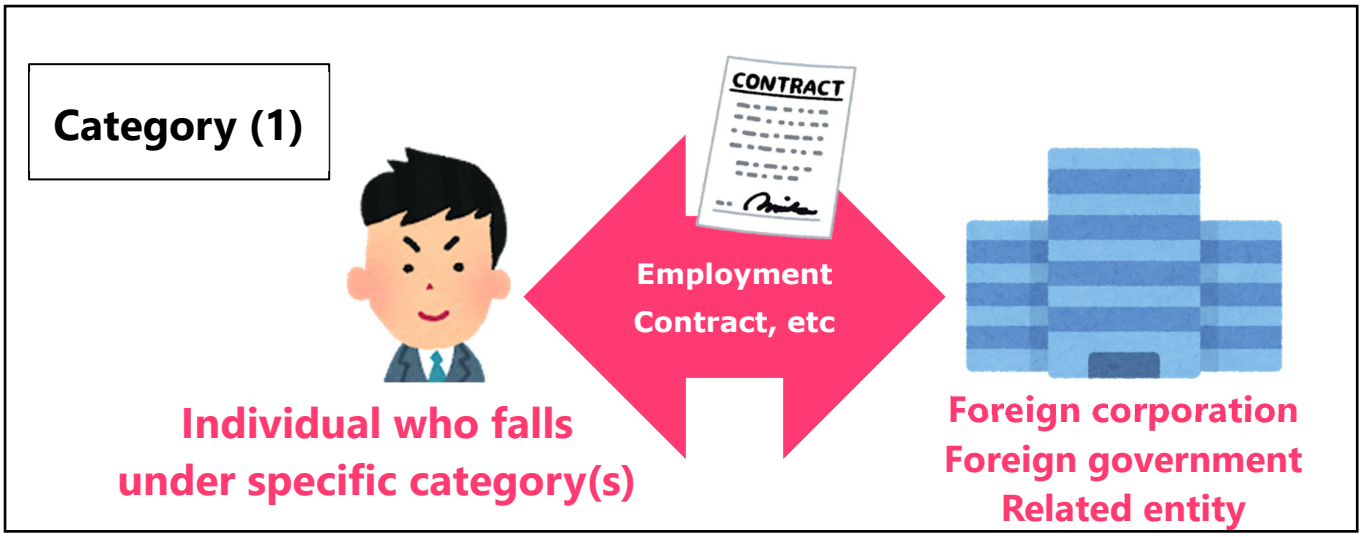
In accordance with the provisions of FEFTA, it is necessary for AIST to determine whether or not its employees, etc. fall under specific category(s). The purpose of Export Control Form 2, "Declaration Concerning the Applicability of Specific Categories for Compliance with Article 25, Paragraphs 1 and 2 of the Foreign Exchange and Foreign Trade Act (FEFTA)," is to investigate the Specific Category Applicability of applicants for new employment, and to prepare for export controls pertaining to said applicants in advance.

Those newly applying for a position at AIST must complete and submit Export Control Form 2 at the time of their application, under the assumption their application is accepted. Applicants must indicate whether or not they fall under any or all Specific Categories at the time of the commencement of their employment by AIST.

The following pages contain explanations for each specific category. Please read carefully prior to completing the declaration form. If you have any questions, or are unable to make a decision, please contact:

Economic Security Promotion Office,
National Institute of Advanced Industrial Science and Technology (AIST)
E-mail：M-minashi-export-ml@aist.go.jp

Category (1)　Individuals who are under an employment contract with a foreign corporation or a foreign government

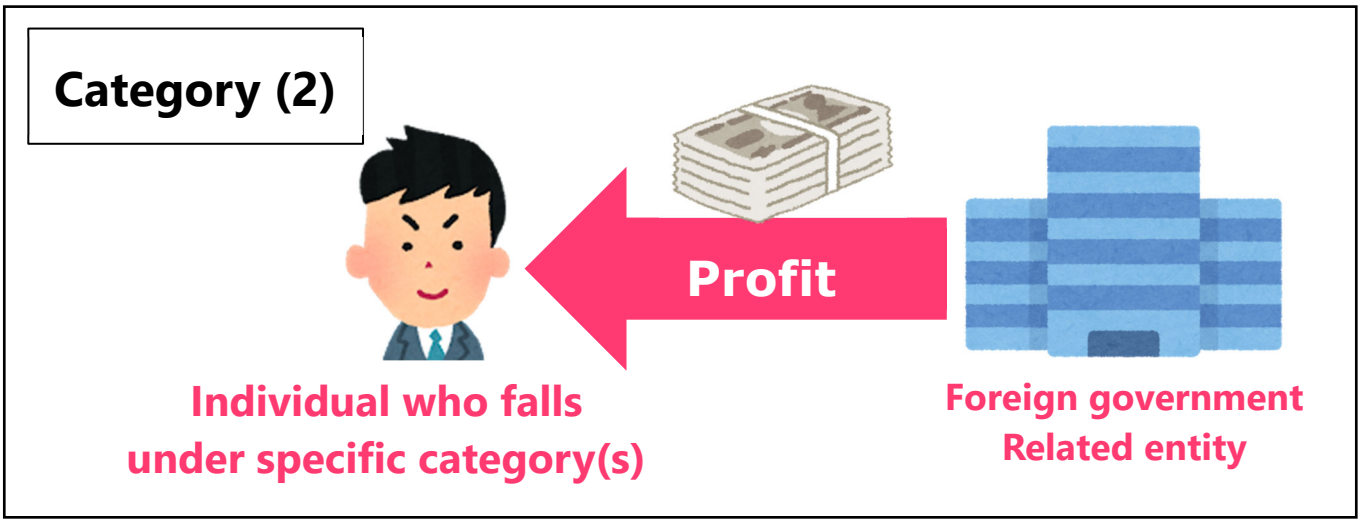


【Examples】Those who are:

- Employed by a foreign organization (i.e. company, university, research institute, governmental office, etc.).
- Under contract (employment, delegation, service) with foreign organizations
- A board member of foreign organization(s).

(Note) Foreign-affiliated corporations in Japan are not considered part of a foreign organization.

Category (2) Individuals who receive, or are guaranteed to receive, a profit equivalent to 25% or more of their annual income from a foreign government and/or related entities



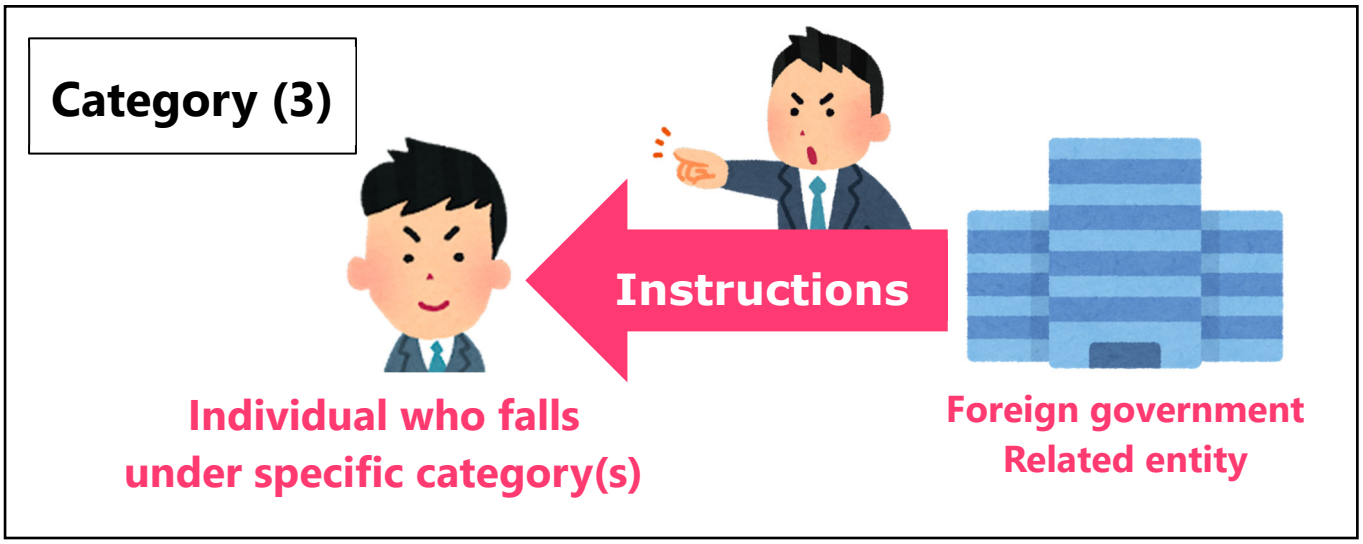
【Examples】Those who are:

・Currently receiving, or are guaranteed funding (for study, living and research activities, etc.) by a foreign government and/or related entities, directly to the individual.
・Has in the past received a funding loan directly from a foreign government and/or related entities, whose repayment may be offset by future contributions made by the individual.

（Note）Organizations equivalent to independent administrative agencies of Japan are considered part of foreign governments and related entities. If unsure about your applicability, please consult the Security Export Control Team.

（Note）Alluded to herein concern only those given directly to individuals, and does not include funding given to organizations.

Category (3) Individuals who receive specific instructions or requests regarding their activities in Japan from a foreign government and/or related entities.



Important

・ Those applying for employment with AIST are required to submit a declaration form.
・ The declaration is aimed at controlling the provision of technology in compliance with the FEFTA. Therefore, please provide accurate information on your declaration form.

Handling of personal information

Personal information obtained from the completed declaration forms shall be used solely for the following purposes, in order to properly implement security export controls in accordance with the Foreign Exchange and Foreign Trade Act (hereinafter referred to as “FEFTA”),

・ The screening pursuant to FEFTA of individuals deemed to fall under specific categories (1), (2) and/or (3) of the Notification for Technology Transfer (hereinafter referred to as

“applicable individuals”).

- Managing the provision of technology to applicable individuals. In this case, the applicability status of individuals shall be shared with those responsible for managing the provision of technologies to applicable individuals. Those responsible for managing the provision of technologies to applicable individuals include persons outside of AIST (including collaborating partners of counterpart organizations). In case application to the Ministry of Economy, Trade and Industry (hereinafter referred to as “METI”) for authorization under FEFTA is necessary, the applicability status of applicable individuals shall be shared with METI.
- Responses necessary for proper execution of operational activities within AIST. In particular, the legal determination of an individual’s specific category applicability, confirmation of consistency with an individual’s dual employment application, and the measures for cases wherein deemed export control is considered difficult. In such cases, the applicable individual’s personal information may be disclosed to the relevant department(s) within AIST.
- The declaration forms submitted shall not be returned. Declaration forms for rejected applicants shall be disposed of in accordance with AIST’s rules and regulations.