

1. (Freedom of research and export controls)

Universities and research institutes are trying to design a system in which they can effectively control strategic transfer while preserving the freedom in research. How do you balance between a strong export controls and a free research environment?

There can hardly be a "full free" research environment when addressing military issues, conventional or not for three reasons:

- public funding is necessary at low TRL level
- specifications are designed by defense authorities under protection of defense secrets
- results and packages are devoted to be listed in case of success.

But there are some practical solutions, in place or in mind to address the issue of partnership involving technological transferts compliant to export control regulations and aims:

- merging a comprehensive program and divided workpackage, each partner addressing separately one key technology.
- building a strongly protected system based on limited and controlled access to the database, cloud located in a country of trust. One licence is granted for approval of the system.

To be further studied : European regulation recast contains a project of general authorisation devoted to intragroup technology transferts under certain conditions.

2. (awareness)

It is quite difficult to establish internal compliance system in research organizations because researchers are not interested in export controls and they are afraid export controls might hurt their freedom of research. What kind of activities are you engaged in to improve the awareness of export controls among researchers ?

“Inreach” program about export control toward universities and PHD students would be appreciated, but is constraint by lack of ressources. More implication of ministry of research could be helpful.

Ministry of economy is more thinking about implication of the new research cluster build up through the “Investment for the future program” called Institut de recherche technologique” or “instituts de transition énergétique”, or other structures like “UMR (mixed research units) to insert in their program and governance topics like regulation, standardization and compliance.

3. (classification)

Do your researchers or staff have any difficulty understanding control lists and doing classification? Who takes the job of classification of strategic technologies - researchers or a separate entity in your organization?

We have no researcher in the SBDU Staff.....

4. (classification)

How do you improve your classification capability in your organization? How do you classify the items which are not your main products, e.g production or test equipments? (Question from the participant of Toray Advance Material)

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5. (classification)

Is there any specific criteria to define "use" technology when you classify? (In Japan, the definition of the "use" technology is "manipulation", "installation", "maintenance", "repair", and "overhaul" technology.) (Question from the participant of Toray Advance Material)

6. (education)

Does your government or your organization provide any training program for strategic technology controls? What is the curriculum and cost of such program?

We manage an inreach program towards exporters, especially SME'S, at regional level (13 regions in France)

7. (joint research and technology transfer) = PPS T ! ? ...

Could you explain the process of strategic technology transfer? We believe that an international joint research is a kind of environment where technology transfer could happen frequently. How do you manage such environment to control strategic transfer?

8. (license)

Are there any easier licensing procedures for the strategic item transfers between EU countries?

EU tranferts are free of licence excepted Annexe IV strategic products

9. (license)

Do you include oral transfer for catch-all license? (In Japan, the oral technology transfer is exempt from catch-all license)

We refer to the EU regulation who allows oral transfert as far as needed to install and run the listed item if the export of the item is authorized. But we may deny a licence even for non listed technology, with catch all measure, in case of WMD issue or risk of diversion to a sanctioned country.

10. (catch-all)

Do you define the items that are exempt from catch-all? (For example, Korea defines specific HS codes to be exempt from catch-all license while Japan exempt all items from catch-all except specific HS codes which are pre-defined by the government.)

No. We manage the system with a scale of sensitivity. In practice, customs do focus to items close to listed items (same custom code).

11. (investigation and penalties) Which agency has the authority of investigation for illegal exports of strategic items? Are there any notable cases of punishment of violation?

Customs are in charge of prosecution and penalties in relationship with justice penal courts. There are some examples last three years.

12. (inter-agency cooperation)

Does the Customs screen strategic exports with or without proper license? How do you collaborate with Customs regarding export controls?

Daily..... Customs inform control authority of questions raising about expedition possibly subject to licence. They wait for answer about classification of items before allowing the shipment or at the opposite to keep in the items and prosecuting for illegal export attempt of dual use good without licence.

13. (General license)

Do you have a general license system other than individual license? Do you require a post-license report such as the end-user and end-use? Do you require such report even for the exports to dealers or distributors?

France is not found of general licences. We has 6, much less than UK, Germany or NL: chemicals, biologicals, machine tools, armed forces, exhibitions, civil nuclear graphite.

14. (Strategic technology transfer)

How many licenses do you issue in a year? If the researchers engaging in joint research are not aware when their research produce strategic technology, how they could apply for a technology transfer license?

We do not measure "research" export licences. Categorie "E" (technology) licences are around 500/ year

15. (outreach)

Are there any programs to support small and medium sized companies to enhance their export controls?

Not by state entities side at the moment

16. (Compliance program)

Is there any program or system to encourage industry to establish internal compliance program? Do you consider any certification system for such compliance program?

Frenc national regulations requires exporters to asses and practice ICP to be allowed to demand global licences.