

Japan's opinions and questions regarding the plans of the ROK to revise the Public  
Notice of the Exportation and Importation of Strategic Items

Proper implementation of export controls based on a relationship of trust with trade partners requires each countries' effective improvement of their export control systems and operations as well as deep mutual understandings of their export control systems.

Japan carefully explained the Republic of Korea (ROK) Japan's update of licensing policies and procedures on exports of controlled items announced on July 1st. Regardless of Japan's effort, during the press briefings held on August 2<sup>nd</sup>, the ROK's Deputy National Security Advisor Mr. Hyun Chong Kim stated that the Korean government would take comprehensive countermeasures, and the ROK's Deputy Prime Minister and Minister of Economy and Finance Mr. Hong Nam-ki said that the ROK would strengthen its response to Japan's update and remove Japan from its preferred trade partner list countries.

If the ROK proceeds the revision of the Public Notice of the Exportation and Importation of Strategic Items without answering questions on its rationales and details, the revision would be assumed as arbitrary and illegitimate countermeasures to Japan.

Japan has requested clarification regarding the ROK's plans to revise the Public Notice of the Exportation and Importation of Strategic Items since its announcement on August 12th. Japan's requests to the ROK for clarification focus on the following three points: I. The rationale behind the revision, II. The rationale behind classifying Japan as Category Ga-2 country, and III. The details of ROK's export control regime. Japan, again, hereby sends following questions and requests a reply from the ROK. Japan may ask the ROK additional questions on the technical details of this matter considering Japan and the ROK's communication.

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## I. Rationale behind the revision

As the ROK explained that the reason for the revision of the Public Notice is that the ROK wishes to strengthen its export control system by reclassifying the countries that the ROK deems difficult to remain in close collaboration with because those countries operate export control systems that violate the basic principles of the international export control system or there are repeated inappropriate operation of their export control systems, etcetera, Japan would like to know the details of the rationale behind the revision.

1. Please clarify what would comprise “operating an export control system that violates the basic principles of the international export control system.”
2. Please clarify what would comprise cases of “inappropriate operation” of an export control system.

## II. Rationale behind classifying Japan as Category Ga-2 country

3. Please explain specifically how Japan’s operation of its export control system is violating basic principles of international export arrangements or systems. What principles? What arrangements or systems?
4. Please explain specifically how Japan’s operation of its export control system is “inappropriate.” What are these inappropriate cases that have occurred repeatedly?
5. Please explain why the ROK has placed Japan in Category Ga-2 at this particular time. Why has this happened now?

## III. Details of ROK export control

6. Under the planned regime, will individuals who export non-strategic items that could be used to manufacture, develop, use or store conventional weapons to Category Ga-2 countries need to obtain permissions if those individuals become aware that the importers or the end users of the items have intent to appropriate the items for manufacturing, developing, using, or storing conventional weapons, or suspect that there is probably such intent? If so, what is the legal basis (i.e. specific article/clause) for that requirement?
7. Can the heads of the ROK’s Ministry of Trade, Industry and Energy or other related government agencies give written notification to individuals who export non-strategic items to Ga-2 countries that they must obtain export permission on the

grounds that said items might be used to manufacture, develop, use or store conventional weapons? If so, what is the legal basis (i.e. specific article/clause) for that requirement?