

## Rules for Securities and Export Control at Kyushu University

Kyushu University Rule No. 72 of 2009

Effective as of: April 1, 2010

Last Revised as of April 1, 2012

### (Purpose)

#### Article 1

The purpose of the Rules for Securities and Export Control at Kyushu University (the "University") is to enable the University to contribute, as an education and research institution, to the maintenance of international peace and safety through efforts for the implementation of export control ("Export Control") by establishing the basic principles for security and export control and constructing and improving an appropriate export control system at Kyushu University.

### (Scope of Application)

#### Article 2

These Rules shall apply to any business concerning the Provision of Technology or the Export of Goods as provided in item (vi) and item (vii) of the following Article and conducted by an officer or school staff member (an "Officer"), student or researcher (a "Student") at the University.

### (Definitions)

#### Article 3

The terms listed in the following items as used in these Rules shall be defined as follows:

- (i) "Dean/Director" shall mean the head of the Divisions listed in the preceding item.
- (ii) "Divisions" shall mean undergraduate schools, graduate schools, graduate faculties, the Institute for Advanced Study, Research Institutes, the University hospital, the University library, the Institute of Health Science, the Research Institute for Information Technology, institutes for the joint use of Kyushu University, organizations, offices, the Administration Bureau, administrative offices and the Audit Office.
- (iii) "Export of Goods" shall mean the shipment of Goods abroad or the internal transaction of Goods with the aim of shipping abroad.
- (iv) "Goods" shall mean the goods provided in Article 6, paragraph (1), item (xv) of the Act.

(v) “Non-Residents” shall mean the non-residents provided for in Article 6, paragraph (1), item (vi) of the Act.

(vi) “Provision of Technology” shall mean the following:

(a) Provision of Technologies in a foreign country or to a foreign country, or Provision of Technologies in Japan with the aim of provision in or to a foreign country (including acts of sending documents or recording media in which technologies are described or recorded to a foreign country, or transmitting Technologies to a foreign country through telecommunications); and

(b) Provision of Technology to a Non-Resident or Provision of Technology to a Resident with the aim of provision to a Non-Resident.

(vii) “Related Laws and Regulations” shall mean the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949) (the "Act") as well as cabinet orders, ministerial ordinances, and messages concerning export control based on the Act.

(viii) “Residents” shall mean the residents provided for in Article 6, paragraph (1), item (v) of the Act.

(ix) “Technology” shall mean specific information necessary to design, produce or use the Goods.

(x) “Transaction Partner” shall mean, in the case of the Provision of Technologies, the user of the Technology concerned, and in the case of the Export of Goods, the consumer of the Goods.

(Basic Policy)

#### Article 4

In order not to interfere with the maintenance of international peace and security, the University shall comply with Related Laws and Regulations concerning the Provision of Technologies and the Export of Goods while properly developing and enhancing an export control system for the implementation of export control.

(Director of Export Control)

#### Article 5

The University shall designate the Director of Export Control as the supervisor of export control, and the executive board member who is appointed by the President shall serve in this capacity.

(2) The Director of Export Control shall carry out the following duties.

(i) Make decisions on the basic policies and measures for export control.

(ii) Approve the Provision of Technologies or export of Goods.

- (iii) Implement education relating to export control.
- (iv) Implement audits relating to export control.
- (v) Take actions necessary for the supervision of export control.

(Department for Supervision of Export Control)

#### Article 6

- (1) The University shall establish the Department for Supervision of Export Control within the Intellectual Legal Office to ensure appropriate and smooth implementation of duties relating to export control.
- (2) The Department for Supervision of Export Control shall carry out the following duties.
  - (i) Plan the basic policies and measures for export control.
  - (ii) Approve procedures relating to the Provision of Technologies or the Export of Goods.
  - (iii) Plan education related to export control.
  - (iv) Plan audits related to export control.
  - (v) Take actions necessary to support the Director of Export Control.

(Export Control Chief Administrators of Divisions)

#### Article 7

- (1) Each Division shall have in place an Export Control Chief Administrator to preside over export control in the Division, and the Dean/Director of each respective Division shall serve in this capacity.
- (2) Export Control Chief Administrators shall carry out the following duties.
  - (i) Conduct examinations concerning the Provision of Technologies or the Export of Goods.
  - (ii) Cooperate with the implementation of the duties of the Director of Export Control, including education of export control.
  - (iii) Take actions necessary to the supervision of export control in the Division.

(Department for Export Control in Divisions)

#### Article 8(1)

- Each Division shall have in place a Department for Export Control to ensure appropriate and smooth implementation of duties relating to export control in the Division.
- (2) The Department for Export Control shall carry out the following duties.
    - (i) Support export control conducted by Officers of the Division (including the

procedures provided in Articles 9 to Article 12).

- (ii) Support the Export Control Chief Administrator of the Division.
- (iii) Communicate and coordinate with the Department for Supervision of Export Control concerning export control.
- (iv) Take actions necessary for the implementation of export control in the Division.

(Determination)

Article 9

- (1) An Officer who intends to conduct the Provision of Technologies or Export of Goods shall determine whether or not the intended transaction involves the Technology or Goods and the region specified as those that require permission from the Minister of Economy, Trade and Industry under the Related Laws and Regulations (the "Determination")
- (2) The method of the Determination prescribed in the preceding paragraph shall be established separately.

(Confirmation of the Transaction Partner)

Article 10

- (1) An Officer who intends to conduct the Provision of Technologies or Export of Goods shall determine whether or not the Transaction Partner is involved or may be involved in the development of nuclear weapons.
- (2) The method of the confirmation of the Transaction Partner prescribed in the preceding paragraph shall be established separately.

(Confirmation of the Intended Purpose)

Article 11

- (1) An Officer who intends to conduct the Provision of Technologies or Export of Goods shall confirm the Transaction Partner's intended purpose for the Technology or Goods.
- (2) The method of the confirmation of the Transaction Partner's intended purpose for the Technology or Goods prescribed in the preceding paragraph shall be established separately.

(Examination)

Article 12

- (1) The Officer shall report in writing the results of the Determination prescribed in the

preceding three Articles to the Export Control Chief Administrator of the Division (the Officer shall report to the Director of Export Control, which shall apply to all subsequent Articles).

(2) If an Export Control Chief Administrator of a Division receives a report stipulated in the preceding paragraph, he or she shall examine its contents and report the examination results to the Director of Export Control in writing.

(3) If the Director of Export Control receives a report provided in the preceding paragraph, he or she shall, after checking the report, approve the examination and permit the Provision of Technologies or Export of Goods if he or she finds no cause for concern in terms of export control.

(4) If the Director of Export Control provides a permit based on the preceding paragraph, he or she shall obtain permission from the Minister of Economy, Trade and Industry based on the Related Laws and Regulations as needed.

(5) Officers may not provide technologies or export Goods without obtaining permission from the Director of Export Control.

(6) An Officer who intends to provide technologies or export Goods shall confirm that the transaction is identical to the transaction for which the Director of Export Control gave permission.

(Handling of Cases where a Student Provides Technologies or Exports Goods)

#### Article 13

If a Student intends to engage in the Provision of Technologies or Export of Goods, an Officer who provides main research guidance to the Student shall go through the procedures provided in Articles 9 to Article 12 with the cooperation of the Student.

(Response to Accidents)

#### Article 14

(1) If an accident occurs during the customs clearance for the Export of Goods, the Officer or Student shall stop the export procedure and report the accident to the Director of Export Control through the Export Control Chief Administrator of the Division.

(2) The Director of Export Control shall, if he or she received the report provided in the preceding paragraph, take appropriate measures upon consultation with the Export Control Chief Administrator of the Division.

(Education)

Article 15

The Director of Export Control shall, with the cooperation of the Export Control Chief Administrator of the Division, make the Related Laws and Regulations, these Rules and rules based on these Rules widely known among Officers and Students and ensure that they are in compliance.

(Audit)

Article 16

The Director of Export Control may implement audits of export control operations to ensure the proper implementation of export control at the University based on the Related Laws and Regulations, these Rules and rules based on these Rules.

(Reporting)

Article 17

- (1) An Officer or Student who has found any violation or potential violation of the Related Laws and Regulations, these Rules or rules based on these Rules shall promptly report such violation to the Export Control Chief Administrator of the Division.
- (2) The Export Control Chief Administrator of the Division shall, upon receiving the report provided in the preceding paragraph, investigate the contents of the report and report the results to the Director of Export Control without delay.
- (3) The Director of Export Control shall, upon receiving the report provided in the preceding paragraph, respond appropriately to implement export controls, and report to the appropriate institutions such as the Ministry of Economy, Trade and Industry.

(Document Management)

Article 18

Documents and electromagnetic records created or obtained concerning the Related Laws and Regulations, these Rules and rules based on these Rules shall be kept for seven years from the day following the last day of the academic year in which the day of the Provision of Technologies or the Export of Goods falls according to the Rules for Government Document Management of Kyushu University (Kyushu University Rule No. 28 of 2004).

(Deliberative Body)

Article 19

Important matters concerning export control shall be deliberated at the Business-Academia Collaboration Promotion Special Committee.

(Administration of Affairs)

Article 20

Affairs concerning export control shall be administered by the University-Industry Collaboration Division of the Scientific Research Promotion Department and International Affairs with the cooperation of the appropriate Divisions and the appropriate Divisions of the Administration Bureau.

(Miscellaneous Provisions)

Article 21

In addition to what is provided for in these Rules, any other matters concerning export control shall be specified by the Director of Export Control whenever necessary.

Supplementary Provisions

These Rules shall come into effect as of April 1, 2010.

Supplementary Provisions

These Rules shall come into effect as of April 1, 2012.