

Guidelines of Kyushu University for Securities and Export Control

April 1, 2010

Established by the Director of Export Control

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Article 1 (Purpose)

These Guidelines of Kyushu University for Securities and Export Control (hereinafter referred to as These “Guidelines”) are established under Article 20 of the Rules of Kyushu University for Securities and Export Control (Kyushu University Rule No. 72 of 2009; hereinafter referred to as the “Rule”) in order to specify export control guidelines and other relevant matters so as to promote effective Export Control.

Article 2 (Definitions)

These Guidelines shall adopt the definitions of the terms used in Rules of Kyushu University for Securities and Export Control unless otherwise provided for in these Guidelines.

Article 3 (Applicability of Exception)

(1) The Researcher who intends to conduct Export of Goods shall confirm whether or not the intended transaction falls under either of the transactions listed in the following items:

- (i) An act of taking general goods to a foreign country solely for private use and bringing them back; or
- (ii) An act of sending Goods to a Japanese embassy, legation, consulate, or any other similar institution for public use.

(2) The Researcher who intends to supply Technology shall confirm whether or not the intended transaction falls under any of the transactions listed in the following items:

- (i) The Supply of Technology that is publicly known as listed in the following:
 - (a) The Supply of Technology that has already been publicized to a large number of unspecified persons through newspapers, books, journals, catalogs, online files, etc.;
 - (b) The Supply of Technology that may be obtained by a large number of unspecified persons through academic journals, patent information open to the public, minutes of public symposiums, etc.;or

(c) The Supply of computer program whose source code has already been publicized.

(ii) The Supply of Technology during any of the research and educational activities specified separately by the Director of Export Control.

(3) All the Articles hereunder contained shall not apply to the Export of Goods or the Supply of Technology that is confirmed as being subject to exception under either of the preceding two paragraphs.

Article 4 (Acknowledgement of Transactions)

(1) When conducting Export of Goods that has been confirmed as not being subject to exception under Article 3, paragraph (1), the Researcher shall acknowledge the conditions of the transaction by checking the matters listed in the following items based on appropriate evidential materials:

- (i) The information necessary to identify the Goods such as the product name, manufacturer, model, specification, serial number, etc.;
- (ii) The quantity of the Goods;
- (iii) The final Destination (hereinafter referred to as the “Final Export Destination”);
- (iv) The final recipient (hereinafter referred to as the “Final Recipient”);
- (v) The reasons for the Export of Goods;
- (vi) The route for the Export of Goods; and

(2) When conducting Supply of Technology that has been confirmed as not being subject to exception under Article 3, paragraph (2), the Researcher shall acknowledge the conditions of the transaction by checking the matters listed in the following items based on appropriate evidential materials:

- (i) The details of the Technology;
- (ii) The final Destination (hereinafter referred to as the “Final Supply Destination”);
- (iii) The Final Recipient;
- (iv) The reasons for the Supply of Technology;
- (v) The route for the Supply of Technology;
- (vi) The method of the Supply of Technology; and
- (vii) The scheduled date of the Supply of Technology (the scheduled period of the Supply of Technology)

Article 5 (Applicability of the Orders)

(1) When conducting Export of Goods, the Researcher shall confirm whether the transaction involves any Goods listed in the middle column of rows 1 to 15 of Appended Table 1 of the Export Trade Control Order (Cabinet Order No. 378 of 1949; hereinafter referred to as the “Export Order”).

(2) When conducting Supply of Technology, the Researcher shall confirm whether the transaction involves any Technology listed in the middle column of rows 1 to 15 of the Appended Table of the Foreign Exchange Order (Cabinet Order No. 260 of 1980).

(3) When confirming the matters provided for in the preceding two paragraphs, the Researcher shall use any of the documents listed in the following items:

- (i) The certificates or any similar documents issued by the manufacturer of the Goods;
- (ii) The matrix table or any other materials posted on the website operated by the Ministry of Economy, Trade and Industry; or
- (iii) The item-specific comparison table or any other materials presented by the Center for Information on Security Trade Control.

Article 6 (Confirmation of the Region)

When conducting Export of Goods, the Researcher shall confirm which of the regions listed in the following items the Final Export Destination or the Final Recipient is located in:

- (i) The regions provided for in Appended Table 4-2 of the Export Order (hereinafter referred to as “White Countries”);
- (ii) Any regions other than a White Countries (hereinafter referred to as a “Non-White Countries”); or
- (iii) The regions provided for in Appended Table 3-2 of the Export Order (hereinafter referred to as the “UN Arms Embargo Regions”).

(2) When conducting Supply of Technology, the Researcher shall confirm which of the regions of the preceding paragraph the following items are located in:

- (i) In the case of the act provided for in Article 3, item (vi), (a) of the Rule, the Final Supply Destination; and
- (ii) In the case of the act provided for in Article 3, item (vi), (b) of the Rule, the regions in which the Non-resident Final Recipient is located.

Article 7 (Confirmation of the Recipient)

If the Researcher finds that the Final Recipient is in one of the regions provided for in the preceding Article as a Non-White Countries, the Researcher shall confirm that the Final Recipient does not fall under either of the following items:

- (i) Any person engaged in the development, production, use, or storage (hereinafter referred to as the “Development”) of nuclear weapons, chemical or bacteriological weapons, devices to disperse those weapons, or rockets or uninhabited air vehicles that can transport those weapons, or devices with a minimum shooting or flight range of 300 km (hereinafter referred to as the “Nuclear Weapons”); or
- (ii) Any person included in the list of foreign users that the Ministry of Economy, Trade and Industry publishes to name those who are suspected of being involved in the Development of Nuclear Weapons.

Article 8 (Confirmation of the Purpose)

- (1) If the Researcher finds that the Final Export Destination is one of the regions provided for in Article 6 as a Non-White Countries, the Researcher shall confirm that the Goods or Technology could not be used for the Development of Nuclear Weapons.
- (2) If the Researcher find that the Final Export Destination is one of the regions provided for in Article 6 as a UN Arms Embargo Regions, the Researcher shall confirm that the Goods could not be used for the development, production, or use of ordinary arms (meaning the Goods, except for Nuclear Weapons, listed in the middle column of row 1 of Appended Table 1 of the Export Order).

Article 9 (Examination Procedure)

- (1) The Researcher shall use application form to state the results of the confirmation conducted under Articles 4 to 8 (hereinafter referred to as “Application Form”) and submit Application Form and evidential materials, etc. to the Section for Export Control in Department to which the Researcher belongs.
- (2) Upon the receipt of Application Form, under the preceding paragraph, the Section for Export Control in Department shall obtain a final decision from the Export Control Chief Administrator of Department regarding the matters listed in the following items and shall submit Application Form to the Export Control Department:
 - (i) The accuracy of Application Form; and
 - (ii) The reasonableness of permission for the Export of Goods or the Supply of Technology.

(3) Upon receipt of Application Form under the preceding paragraph, the Export Control Department shall obtain a final decision from the Director of Export Control regarding the matters listed in the following items and inform the Researcher of the final decision through the Section for Export Control in Department:

- (i) Approval of the Application Form; and
- (ii) Permission for the Export of Goods or the Supply of Technology.

Article 10 (Issuance of a Certificate)

The Director of Export Control shall, upon request of the Researcher, issues a certificate of the final decision made under Article 9, paragraph 3.

Article 11 (Obligation of Good Faith)

The Researcher shall always find the potential need for the Export Control in connection with his/her work by paying attention to the factors listed in the following items:

- (i) Acknowledge the possessing Goods and handling Technology in his/her research office or laboratory; and
- (ii) Acknowledge the nationality of the research members, staffs and the Student in his/her research office or laboratory and the areas, regions and/or countries related his/her research.

Article 12 (Miscellaneous Provisions)

In case of conflict these Guidelines (English translation) and the Japanese original, the Japanese original shall prevail.