

Security Export Control Regulations of Kyoto University

Order No. 67

Enacted on December 21, 2010

Complete Revision by Order No. 40, June 29, 2020

(Purpose)

Article 1. The purpose of these Regulations is to contribute to the preservation of international peace and security by stipulating matters required for the proper implementation of security export control at Kyoto University (hereinafter referred to as "KU") and prevention of transactions that may impede the preservation of international peace and security, while paying due consideration to sound development of academic research.

(Definition of terms)

Article 2. For the purpose of these Regulations, the terms below shall have the following meanings.

- (1) "Faculty/Staff Member" means an officer of KU or member of faculty or staff employed pursuant to the rules of employment stipulated by KU.
- (2) "Student" means any of the following: undergraduate or graduate student; international student, commissioned student, credited auditing student, auditing student, special auditing student, special research student, special exchange student, or other individual stipulated in Chapter 5 of the General Regulations of Kyoto University (Order 3 of 1953); research student stipulated in the Research Student Regulations of Kyoto University (Order 37 of 1975); trainee or other individual stipulated in the Training Regulations of Kyoto University (Order 3 of 1949); other individual who is attending or enrolled in KU, or is hosted by KU and engaged in academic studies or research.
- (3) "Department" means a graduate school or the like (graduate school, affiliated research institute, Kyoto University Library, Kyoto University Hospital, center, and or other facility stipulated in Sections 7, 8 and 9 through 11 of Chapter 3 of the Regulations for the Organization of National University Corporation Kyoto University [Order 1 of 2004; hereinafter the "Organization Regulations"], including the administrative divisions in paragraph 1 of Article 56 of the Organization Regulations), the Central Administration, or an administration office.
- (4) "FEFTA, etc." means the Foreign Exchange and Foreign Trade Act (Act No.228 of 1949, hereinafter referred to as "the Act") and cabinet orders, ministerial orders and notifications pursuant to the Act.
- (5) "Resident" means a person defined in item 5 of paragraph 1, Article 6 of the Act.
- (6) "Non-resident" means a person defined in item 6 of paragraph 1, Article 6 of the Act.
- (7) "Person falling under the specific categories" means a resident falling under the following categories (a) to (c).
 - (a) A Person who has entered into an employment contract, a delegation contract, a service contract, or any other contract with a corporation or any other organization established under the foreign laws and regulations, except for its branches, agencies or other offices in Japan (hereinafter referred to as a "Foreign Corporation"), or a foreign government, a foreign governmental agency, a foreign local government, a foreign central bank, a foreign political party or any other political organization (hereinafter referred to as a "Foreign Government") and is subject to the direction and order of the Foreign Corporation or the Foreign Government, or owes the duty of care of a good manager to the Foreign Corporation or the Foreign Government, according to the contract, except for either of the following cases.
 - (i) In the case where the Person has entered into an employment contract, a delegation contract, a service contract, or any other contract with a Japanese corporation and is subject to the direction and order of the Japanese corporation or owes the duty of care of a good manager to the Japanese corporation, according to the contract, the Japanese corporation or the Person has agreed with the Foreign Corporation or the Foreign Government that the direction and order of the

Japanese corporation or the duty of care of a good manager to the Japanese corporation shall prevail over the direction and order of the Foreign Corporation or the Foreign Government, or the duty of care of a good manager to the Foreign Corporation or the Foreign Government.

- (ii) In the case where the Person has entered into an employment contract, a delegation contract, a service contract, or any other contract with a Japanese corporation and is subject to the direction and order of the Japanese corporation or owes the duty of care of a good manager to the Japanese corporation, according to the contract, the Person has entered into an employment contract, a delegation contract, a service contract or any other contract with a Group Foreign Corporation (a Foreign Corporation that directly or indirectly holds 50% or more of the voting rights of the Japanese corporation or a Foreign Corporation of which 50% or more of the voting rights are held by the Japanese corporation. The same shall apply hereinafter.) and is subject to the direction and order of the Group Foreign Corporation or owes the duty of care a good manager to the Group Foreign Corporation, according to the contract.
- (b) A Person who earns or agrees to earn a large amount of money or other significant profit (money or other profit that accounts for 25% or more of the Person's annual income when converted into money) from a Foreign Government.
- (c) A Person who acts in Japan under instructions or requests of a Foreign Government.
- (8) "Transfer of Technologies" means the providing of technologies in or to a foreign country; to a non-resident or a person falling under the specific categories; or to a resident who will apparently re-transfer such technologies to a non-resident or a person falling under the specific categories.
- (9) "Export of Goods" means the shipping of goods to a foreign country (including the carrying of such goods overseas as part of one's own baggage) or within Japan when such goods will apparently be shipped to a foreign country.
- (10) "Transaction" means the Transfer of Technologies or the Export of Goods.
- (11) "List-controlled Technologies" mean technologies set forth by categories 1 through 15 of the Appended Table of the Foreign Exchange Order (Cabinet Order No. 260 of 1980; hereinafter the "Exchange Order").
- (12) "List-controlled Goods" mean goods set forth by categories 1 through 15 of the Appended Table1 of Export Trade Control Order (Cabinet Order No. 378 of 1949; hereinafter the "Export Order").
- (13) "Classification" means determining whether or not technologies to be transferred or goods to be exported fall under the definition of List-controlled Technologies or List-controlled Goods.
- (14) "Transaction Counterpart" means in the case of Transfer of Technologies the recipient of the transfer or end-user of the technologies, and in the case of Export of Goods the importer of the goods, end-user and destination thereof.
- (15) "Transaction Screening" means, in addition to Classification of the technologies to transfer or goods to export, to ascertain the end-use and Transaction Counterpart of said technologies or goods and then decide whether or not KU should carry out the Transaction.
- (16) "Documentation" means textual documents, drawings, and digital records (records produced electronically, magnetically, or by other means not recognizable by human perception).
- (17) "Subsidiary Company" means an entity defined in item 3 of Article 2 of the Companies Act (Act No.86 of 2005).

(Scope of Application)

Article 3. These Regulations shall apply to all operations associated with Transactions conducted by KU.

(Obligations of Faculty/Staff Members and Students)

Article 4. Faculty/Staff Members and Students must comply with the FEFTA, etc. and these Regulations with regard to security export control.

(Chief Security Export Control Officer)

Article 5. The position of Chief Security Export Control Officer(hereinafter referred to as “Chief SEC Officer”) shall be established to make final decisions on important matters concerning security export control at KU, and this position shall be filled by the President.

(Executive Officer for Security Export Control)

Article 6. The position of Executive Officer for Security Export Control(hereinafter referred to as “Executive Officer for SEC”) shall be established to be responsible for Classification, Transaction Screening and other security export control matters and to oversee business concerning security export control at KU by the order of the Chief SEC Officer, and this position shall be filled by an Executive Vice-President designated by the President.

2. The Executive Officer for SEC shall conduct the business stipulated in these Regulations, as well as producing drafts for amendment and abolition of these Regulations, establishing, amending and abolishing operational procedures relating thereto, and identifying the persons falling under the specific categories.

(Security Export Control Director)

Article 7. The position of Security Export Control Director(hereinafter referred to as “SEC Director”) shall be established to administer business concerning security export control at KU by order of the Executive Officer for SEC, and this position shall be filled by person(s) designated by the Executive Officer for SEC.

2. The position of Security Export Control Staff(hereinafter referred to as “SEC Staff”) shall be established in order to assist the business of the Security Export Control Director, and this position shall be filled by person(s) designated by the SEC Director.

(Departmental Security Export Control Officer)

Article 8. The position of Departmental Security Export Control Officer(hereinafter referred to as “Departmental SEC Officer”) shall be established in order to oversee business concerning security export control in each Department, and this position shall be filled by the head of the Department (or the SEC Director in the case of the Central Administration).

2. The position of Departmental Security Export Control Staff(hereinafter referred to as “Departmental SEC Staff”) shall be established in order to assist the business of the Departmental SEC Director, and this position shall be filled by person(s) designated by the Departmental SEC Director (or the SEC Staff in the case of the Central Administration) from among the Faculty/Staff Members of the Department or the Faculty/Staff Members of the university-wide administrative unit that processes clerical work concerning security export control for the Department.

3. The Departmental SEC Officer shall notify the SEC Director of the names of Departmental SEC Staff.

(Audit Director for Security Export Control)

Article 9. The position of Audit Director for Security Export Control(hereinafter referred to as “Audit Director for SEC”) shall be established, and this position shall be filled by a KU Faculty/Staff Member designated by the Executive Officer for SEC.

2. The Audit Director for SEC shall oversee the audits stipulated in Article 22 under the direction of the Executive Officer for SEC.

(Auditor for Security Export Control)

Article 10. The position of Auditor for Security Export Control(hereinafter referred to as “Auditor for SEC”) shall be established, and this position shall be filled by KU Faculty/Staff Member(s) designated by the Audit Director for SEC.

2. The Auditor for SEC shall conduct the audits stipulated in Article 22 under the direction of the Audit Director for SEC.

(Committee for Security Export Control)

Article 11. The Committee for Security Export Control (hereinafter referred to as “Committee for SEC”) shall be established to deliberate on essential matters with regard to security export control at KU.

2. The Committee for SEC shall be composed of the following members:

(1) Executive Officer for SEC

(2) Executive Vice-President designated by the President

(3) SEC Director

- (4) One or more Departmental SEC Officers
 - (5) Head of the Research Promotion Department
 - (6) One or more other people as considered necessary by the Executive Officer for SEC
3. The Committee for SEC members set forth in items (4) and (6) of the preceding paragraph shall be appointed by the Executive Officer for SEC.
 4. The term of position for the Committee for SEC members set forth in items (4) and (6) of paragraph 2 shall be two years, with no restriction on re-appointment. The term of position for Committee for SEC members filling positions that have fallen vacant shall be the remaining term of position of their predecessors.
 5. The Committee for SEC shall have a Chair and Deputy Chair.
 6. The Chair shall be the Executive Officer for SEC, and the Deputy Chair shall be a Committee for SEC member set forth in items (2) and (3) of paragraph 2 designated by the Chair.
 7. Essential matters with regard to the Committee for SEC other than those stipulated in the preceding paragraphs shall be stipulated by the Executive Officer for SEC.

(Pre-screening)

Article 12. When a Faculty/Staff Member or a Student under their direction seeks to conduct a Transfer of Technologies or Export of Goods, the Faculty/Staff Member must, pursuant to separate stipulations, perform a Classification and a self-check to ascertain whether or not a Transaction Screening using the Transaction Screening Sheet is required, then have the Departmental SEC Officer make a determination as to whether or not a Transaction Screening using the Transaction Screening Sheet is required.

2. When determining whether or not a Transaction Screening using the Transaction Screening Sheet is required, the Departmental SEC Officer must, pursuant to separate stipulations, receive verification from the SEC Director of the validity of the self-check to ascertain whether or not a Transaction Screening using the Transaction Screening Sheet is required and the details of the Classification.
3. In the event that a Faculty/Staff Member receives a determination pursuant to paragraph 1 that there is no need for a Transaction Screening using the Transaction Screening Sheet, the Faculty/Staff Member may conduct the Transaction in question.

(Transaction Screening using the Transaction Screening Sheet)

Article 13. In the event that a Faculty/Staff Member receives a determination pursuant to paragraph 1 of the preceding article that a Transaction Screening using the Transaction Screening Sheet is required, the Faculty/Staff Member must verify the results of the Classification, any concerns with the Transaction Counterpart and end-use, and other matters necessary for security export control, then, pursuant to separate stipulations, undergo a primary screening by the Departmental SEC Officer and a secondary screening by the Executive Officer for SEC with regard to the conduct of the Transaction in question.

2. In the primary screening the Departmental SEC Officer shall consider whether or not the Department may conduct the Transaction and, if so, whether or not it requires a license from the Minister of Economy, Trade and Industry in accordance with the FEFTA, etc.
3. In the secondary screening the Executive Officer for SEC shall, by verifying the validity of the preceding paragraph's screening, determine whether or not the Transaction may be conducted and, if so, whether or not it requires a license from the Minister of Economy, Trade and Industry in accordance with the FEFTA, etc., and shall notify the Faculty/Staff Member seeking to conduct the Transaction and their Departmental SEC Officer of the outcome of this determination.

(License Application)

Article 14. In the event that a Faculty/Staff Member receives a determination pursuant to paragraph 3 of the preceding article that a license from the Minister of Economy, Trade and Industry is required, the Faculty/Staff Member shall, pursuant to separate stipulations, produce the documents required to apply for said license and request the Chief SEC Officer to lodge a license application with the Minister of Economy, Trade and Industry.

2. Upon receiving a request under the preceding paragraph, the Chief SEC Officer shall, pursuant to separate stipulations, lodge a license application with the Minister of Economy, Trade and Industry after verifying the validity of the preceding paragraph's documents.

3. In the event that the Chief SEC Officer receives a notification of the outcome of an application made under the preceding paragraph, the Chief SEC Officer shall, pursuant to separate stipulations, notify the Faculty/Staff Member who requested the application of the outcome thereof.
4. Faculty/Staff Members and Students seeking to conduct a Transfer of Technologies or Export of Goods that requires a license pursuant to the FEFTA, etc. must not conduct said transfer or export unless and until such license is obtained from the Minister of Economy, Trade and Industry.

(Controlling Transfer of Technologies)

Article 15. When conducting a Transfer of Technologies, Faculty/Staff Members and Students must verify that all required procedures stipulated in Articles 12 through 14 have been completed.

2. Faculty/Staff Members and Students must not conduct Transfer of Technologies in the event that they are unable to verify as required by the preceding paragraph.

(Controlling Export of Goods)

Article 16. When conducting an Export of Goods, Faculty/Staff Members and Students must verify that all required procedures stipulated in Articles 12 through 14 have been completed, and that the goods are identical to the information provided in the shipping documents.

2. Faculty/Staff Members and Students must not conduct Export of Goods in the event that they are unable to verify as required by the preceding paragraph.
3. In the event that they become aware of any incident occurring during a customs clearance concerning the Export of Goods, Faculty/Staff Members and Students must immediately suspend such export process and promptly report to the Departmental SEC Officer.
4. Upon receiving a report under the preceding paragraph, the Departmental SEC Officer shall institute appropriate measures in consultation with the Executive Officer for SEC and SEC Director.

(Documentation Control)

Article 17. Departmental SEC Officers must retain all Documentation related to security export control in their respective departments for a period of at least 7 years counting from April 1 of the business year immediately following the business year in which the Transfer of Technologies or Export of Goods was conducted.

(Coaching to Faculty/Staff Members)

Article 18. The SEC Director shall through the Departmental SEC Officers provide Faculty/Staff Members with coaching required for raising awareness of the latest provisions of the FEFTA, etc. and other forms of compliance with governing legislation.

(Education)

Article 19. The SEC Director shall provide Faculty/Staff Members with periodic education to ensure full awareness of the importance of compliance with the FEFTA, etc. and these Regulations and to appropriately implement security export control.

2. Departmental SEC Officers shall endeavor to provide the Faculty/Staff Members of their respective departments with education to further the understanding of security export control and ensure appropriate implementation thereof.

(Coaching to Subsidiary Companies)

Article 20. The Executive Officer for SEC shall, pursuant to separate stipulations, periodically provide Subsidiary Companies involved in the business related to Transactions of List-controlled Technologies or List-controlled Goods of KU with coaching and education to the Subsidiary Companies, and ascertain the business system and business contents of the Subsidiary Companies in order to ensure appropriate implementation of the business.

(Reporting of Breaches, etc.)

Article 21. Any Faculty/Staff Member or Student who becomes aware of an actual or potential breach of the FEFTA, etc. or these Regulations must report it promptly to the Departmental SEC Officer.

2. Upon receiving a report under the preceding paragraph, the Departmental SEC Officer must immediately report it to the Executive Officer for SEC via the SEC Director.
3. The Departmental SEC Officer must investigate the details of any report under paragraph

- 1 and report the findings thereof to the Executive Officer for SEC and the SEC Director.
4. If it is apparent from a report made under the preceding paragraph that there is an actual or potential breach of these Regulations, the Executive Officer for SEC shall provide the Department concerned with directions on countermeasures, and shall institute such measures as are required to prevent recurrence.
 5. If it is apparent from a report made under the paragraph 3 that there is an actual or potential breach of the FEFTA, etc., the Executive Officer for SEC shall immediately report it to the Chief SEC Officer and provide the Department concerned with directions on countermeasures, as well as reporting it to the governmental authorities concerned without delay.
 6. Upon receiving a report under the preceding paragraph, the Chief SEC Officer shall institute such measures as are required to prevent recurrence.
(Audits)
- Article 22. The Audit Director for SEC and Auditor for SEC shall periodically conduct audits to ascertain that security export control at KU is being conducted in accordance with these Regulations, and shall report the findings of said audits to the Executive Officer for SEC.
(Administrative Work)
- Article 23. Administrative work with regard to security export control shall be performed by the Research Promotion Department.
(Miscellaneous Provisions)
- Article 24. Matters required for the implementation of these Regulations other than those stipulated herein shall be stipulated separately by the Executive Officer for SEC.

Supplementary Provision

These Regulations are effective from July 1, 2020.

Supplementary Provision

These Regulations are effective from May 1, 2022.

Supplementary Provision

These Regulations are effective from April 1, 2022.

Supplementary Provision

These Regulations are effective from December 6, 2022.

The original Japanese text of regulations has effect, and this translation is to be used solely for reference.