

Kyushu University Rules for Security Export Control

Kyushu University Rule No. 72 of 2009

Effective date: April 1, 2010

Last amended: March 31, 2022

(Kyushu University Rule No. 151 of 2021)

(Purpose)

Article 1 The purpose of these Rules is to ensure the implementation of export control by providing for a basic policy for security export control (hereinafter referred to as "export control") at Kyushu University (hereinafter referred to as the "University") and establishing and developing an appropriate export control structure, thereby contributing to the maintenance of international peace and security as an educational and research institution.

(Scope of Application)

Article 2 These Rules apply to all operations relevant to the transfer of technology and export of goods provided in items (vi) and (vii) of the following Article, which are carried out by officers and employees of the University and such persons as students and researchers (hereinafter referred to as "students, etc.") as their activities at the University.

(Definitions)

Article 3 In these Rules, the meanings of the terms set forth in the following items are as provided respectively in those items:

- (i) related laws and regulations: the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949; hereinafter referred to as the "Act"), and cabinet orders, ministerial orders, circular notices, and other notices relevant to the export control under the Act;
- (ii) resident: the resident provided in Article 6, paragraph (1), item (v) of the Act;
- (iii) non-resident: the non-resident provided in Article 6, paragraph (1), item (vi) of the Act;
- (iv) goods: the goods provided in Article 6, paragraph (1), item (xv) of the Act; and
- (v) technology: specific information necessary for designing, manufacturing or using goods;
- (vi) transfer of technology: the following acts:
  - (a) conducting the transfer of technology in a foreign country or transfer of technology to a foreign country, or conducting the transfer of technology in Japan for these purposes (including sending a document or recording medium in which technology is specified or recorded to a foreign country or transmitting technology to a foreign country by means of telecommunications); and
  - (b) conducting the transfer of technology to a non-resident or conducting the transfer of technology to a resident for this purpose;

(vii) export of goods: sending goods to a foreign country or conducting domestic transactions in goods for this purpose;

(viii) division: each undergraduate school, each graduate school, each graduate faculty, the Faculty of Arts and Science, the Institute for Advanced Study, each Attached Research Institute, the International Institute for Carbon-Neutral Energy Research, the Hospital, the University Library, the Research Institute for Information Technology, the Platform of Inter-/Transdisciplinary Energy Research, the Institute for Asian and Oceanian Studies, each Center for Common Education and Research, each Center for Leading Research, the Academic Research and Industrial Collaboration Management Office, the Education Innovation Initiative, the Integrated Initiative for Designing Future Society, the Data-Driven Innovation Initiative, each Office, the Administrative Bureau, the Administrative Office, and the Audit Office;

(ix) division director: the head of each division referred to in the preceding item; and

(x) counter-party or end-user: in the case of the transfer of technology, a person who uses the technology; in the case of the export of goods, a consumer of the goods.

(Basic Policy)

Article 4 The University complies with related laws and regulations for the transfer of technology and export of goods so as not to hinder the maintenance of international peace and security, and appropriately establishes and enhances the export control structure in order to ensure the implementation of export control.

(Executive Export Control Officer)

Article 5 (1) The University has in place an Executive Export Control Officer as a person who supervises export control, and an Executive Vice President designated by the President serves in this capacity.

(2) The Executive Export Control Officer shall carry out the following operations:

- (i) determining a basic policy and basic measures relevant to export control;
- (ii) granting approval and permission for the transfer of technology and export of goods;
- (iii) implementing education relevant to export control;
- (iv) implementing audits relevant to export control; and
- (v) other operations relevant to the supervision of export control.

(Export Control Office)

Article 6 (1) The University has in place an Export Control Office in order to implement operations concerning export control appropriately and smoothly, and the Integrated Legal Office serves in this capacity.

(2) The Export Control Office shall carry out the following operations:

- (i) drawing up plans for a basic policy and basic measures for export control;
- (ii) conducting procedures to grant approval and permission for the transfer of technology and export of goods;
- (iii) drawing up plans for education relevant to export control;
- (iv) drawing up plans for audits relevant to export control; and
- (v) other operations for supporting the Executive Export Control Officer.

(Division's Export Control Officer)

Article 7 (1) Each division has in place a Division's Export Control Officer as a person who presides over export control in the division, and a division director serves in this capacity

(2) The Division's Export Control Officer shall carry out the following operations in the division:

- (i) conducting screening relevant to the transfer of technology and export of goods;
- (ii) cooperating in education relevant to export control and other operations carried out by the Executive Export Control Officer; and
- (iii) other operations for presiding over export control at the division.

(Division's Export Control Office)

Article 8 (1) Each division has in place a Division's Export Control Office in order to implement operations concerning export control in the division appropriately and smoothly.

(2) The Division's Export Control Office shall carry out the following operations in the division:

- (i) supporting export control (including the procedures provided in the following Article to Article 12) carried out by the division's officers and employees;
- (ii) supporting the Division's Export Control Officer;
- (iii) conducting liaison and coordination relevant to export control with the Export Control Office; and
- (iv) other operations relevant to the implementation of export control in the division.

(Classification)

Article 9 (1) If an officer or employee intends to conduct the transfer of technology or export of goods, they must make classification as to whether the relevant transaction is related to the technology or goods and the region specified under related laws and regulations as those for which permission from the Minister of Economy, Trade and Industry is required (hereinafter simply referred to as "classification").

(2) The method of implementing the classification provided in the preceding paragraph is as provided separately.

(Counter-party or end-user Verification)

Article 10 (1) If an officer or employee intends to conduct the transfer of technology or export of goods, they must verify whether the counter-party or end-user is involved in the development or manufacture of weapons of mass destruction (WMD) or whether there is risk of such involvement.  
(2) The method of implementing the verification of the counter-party or end-user provided in the preceding paragraph is as prescribed separately.

(End-use Verification)

Article 11 (1) If an officer or employee intends to conduct the transfer of technology or export of goods, they must verify the end-use of the technology or goods by the counter-party or end-user.  
(2) The method of implementing the verification of the end-use of the technology or goods by the counter-party or end-user provided in the preceding paragraph is as prescribed separately.

(Screening)

Article 12 (1) An officer or employee must promptly report the results of the classification and other procedures provided in the preceding three Articles in writing to the Division's Export Control Officer (in the case of an officer, to the Executive Export Control Officer; the same applies hereinafter).  
(2) The Division's Export Control Officer must examine the report concerning the preceding paragraph and report the screening results in writing to the Executive Export Control Officer.  
(3) The Executive Export Control Officer shall grant approval for the relevant classification and other procedures after examining the report concerning the preceding paragraph, and shall grant permission for the relevant transfer of technology or export of goods if it is determined that there is no concern over export control.  
(4) If the Executive Export Control Officer grants permission under the preceding paragraph, the Executive Export Control Officer must obtain permission from the Minister of Economy, Trade and Industry pursuant to the related laws and regulations in advance as needed.  
(5) An officer or employee must not conduct the transfer of technology or export of goods without obtaining permission from the Executive Export Control Officer.  
(6) When conducting the transfer of technology or export of goods, an officer or employee must verify whether the relevant transaction is identical with the one for which permission from the Executive Export Control Officer has been obtained.

(Handling of Transfer of Technology or Export of Goods Conducted by Students, etc.)

Article 13 If a student, etc. to whom an officer or employee primarily provides research guidance

intends to conduct the transfer of technology or export of goods, the officer or employee must conduct the procedures in Article 9 to the preceding Article, with cooperation from the student, etc.

(Response to Accident)

Article 14 (1) If an accident occurs during customs clearance when conducting the export of goods, an officer or employee, or a student, etc. must immediately suspend the export procedure and report this to the Executive Export Control Officer via the Division's Export Control Officer.

(2) If the report referred to in the preceding paragraph is made, the Executive Export Control Officer shall take appropriate measures after discussion with the Division's Export Control Officer.

(Education)

Article 15 The Executive Export Control Officer must, with cooperation from the Division's Export Control Officer, make the related laws and regulations, these Rules and other provisions based on these Rules known to officers and employees and students, etc. and have these persons comply with them.

(Audits)

Article 16 The Executive Export Control Officer may conduct audits of export control operations in order to implement export control at the University properly pursuant to the related laws and regulations, these Rules and other provisions based on these Rules.

(Reporting)

Article 17 (1) If an officer or employee, or a student, etc. comes to know of the violation of any related laws and regulations, these Rules and other provisions based on these Rules or the risk of such violation, they must promptly notify the Division's Export Control Officer of this.

(2) If the notification referred to in the preceding paragraph is made, the Division's Export Control Officer must investigate the details of the notification and report the results to the Executive Export Control Officer without delay.

(3) If the report referred to in the preceding paragraph is made, the Executive Export Control Officer shall appropriately respond to it from the perspective of ensuring the implementation of export control, and make a report to the Ministry of Economy, Trade and Industry and other related organizations as needed.

(Deliberative Body)

Article 18 Important matters on export control are deliberated at the Research Strategy Council.

(Administration of Affairs)

Article 19 Affairs relevant to export control are administered by the Legal Affairs and Compliance Division, with the cooperation from each of the related divisions provided in Article 2, item (viii), etc. and from each of the related divisions, etc. of the Administrative Bureau.

(Miscellaneous Provisions)

Article 20 Beyond what is provided in these Rules, necessary matters for export control are specified separately by the Executive Export Control Officer.

Supplementary Provisions

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

Supplementary Provisions (Kyushu University Rule No. 85 of 2010)

These Rules come into effect as of December 1, 2010.

Supplementary Provisions (Kyushu University Rule No. 140 of 2010)

These Rules come into effect as of April 1, 2011.

Supplementary Provisions (Kyushu University Rule No. 59 of 2011)

These Rules come into effect as of October 1, 2011.

Supplementary Provisions (Kyushu University Rule No. 139 of 2011)

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

Supplementary Provisions (Kyushu University Rule No. 77 of 2012)

These Rules come into effect as of April 1, 2013.

Supplementary Provisions (Kyushu University Rule No. 123 of 2014)

These Rules come into effect as of April 1, 2015.

Supplementary Provisions (Kyushu University Rule No. 106 of 2015)

These Rules come into effect as of April 1, 2016.

Supplementary Provisions (Kyushu University Rule No. 10 of 2016)

These Rules come into effect as of July 1, 2016.

Supplementary Provisions (Kyushu University Rule No. 36 of 2016)

These Rules come into effect as of October 1, 2016.

Supplementary Provisions (Kyushu University Rule No. 128 of 2016)

These Rules come into effect as of April 1, 2017.

Supplementary Provisions (Kyushu University Rule No. 43 of 2017)

These Rules come into effect as of November 1, 2017.

Supplementary Provisions (Kyushu University Rule No. 70 of 2017)

These Rules come into effect as of February 1, 2018.

Supplementary Provisions (Kyushu University Rule No. 8 of 2018)

These Rules come into effect as of May 21, 2018.

Supplementary Provisions (Kyushu University Rule No. 134 of 2018)

These Rules come into effect as of April 1, 2019.

Supplementary Provisions (Kyushu University Rule No. 67 of 2020)

These Rules come into effect as of April 1, 2021.

Supplementary Provisions (Kyushu University Rule No. 151 of 2021)

These Rules come into effect as of April 1, 2022.