

Security Export Control Regulations of Kyoto University

Order No. 67

Enacted on December 21, 2010

Amendments: Order No. 38, March 31, 2011

Order No. 33, March 27, 2013

Order No. 31, March 31, 2015

(Purpose)

Article 1

The purpose of these regulations is to control the providing of technologies and export of goods by Kyoto University (hereinafter referred to as “KU”) that are deemed to hinder efforts to maintain international peace and security (hereinafter referred to as “security export control”). Security export control shall also be subject to the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949, hereinafter referred to as the “Foreign Exchange Act”) and other applicable laws.

(Definitions)

Article 2

For the purpose of these regulations, the terms below shall have the following meanings.

- (1) “Faculty and Staff” refers to Members of the Board and faculty and staff members employed pursuant to the rules of employment set forth by KU.
- (2) “Students” refers to 1) undergraduate and graduate students, 2) individuals as defined in Chapter 5 of the General Regulations of Kyoto University (Order 3 of 1953), including, but not limited to, international students, commissioned students, credited auditors, auditing students, special auditing students, and special research students, 3) individuals as defined in the In-service Training Regulations of Kyoto University (Order 3 of 1949), including, but not limited to, research students and research fellows, and 4) other individuals who are either attending or enrolled in KU to engage in study or research.
- (3) “Foreign Exchange Act and Other Legislation” refers to the Foreign Exchange Act and other relevant legislation based on the Act, including, but not limited to, government ordinances, ministerial ordinances, and notices.
- (4) “Providing of Technologies” refers to the providing of technologies to non-residents as defined in Article 6 (1) (vi) of the Foreign Exchange Act and/or residents as defined in Article 6 (1) (v) thereof who clearly receive such technologies with the ultimate intention of transferring the same to such non-residents.
- (5) “Export of goods” refers to the forwarding of goods to foreign countries and/or domestic

transactions in which it is clear that goods will be ultimately forwarded to foreign countries.

(6) “Classification” refers to judgment as to whether or not particular technologies to be provided and/or goods to be exported are covered in the list of controlled technologies as defined in items 1–15 of the Appended Table of the Foreign Exchange Order (Cabinet Order No. 260 of 1980) and/or the list of controlled goods as defined in items 1–15 of the Appended Table 1 of the Export Trade Control Order (Cabinet Order No. 378 of 1949).

(7) “Transaction screening” refers to judgment as to whether or not particular transactions should be made by taking into account the trading partners and details of their intended usage of technologies/goods, as well as the results of classification.

(8) “Departments” refers to graduate schools, attached research institutes, Kyoto University Library, Kyoto University Hospital, centers as defined in Chapter 3, sections 7–11 of the Regulations for the Organization of National University Corporation Kyoto University (Order No. 1 of 2004, hereinafter referred to as the “Organization Regulations”), and the administration offices of each faculty, school, and institute (as defined in Article 52, paragraph 1 of the Organization Regulations), the departments of the Administration Bureau, and administration offices.

(Partially amended by Order No. 38 of 2011 and Order No. 33 of 2013)

(Control Regime)

Article 3

1. An Executive Security Export Control Administrator (hereinafter referred to as the “Executive Administrator”), who will make final decisions on important matters concerning security export control at KU, shall be appointed. The President of KU shall assume the office of Executive Administrator.

2. A General Security Export Control Administrator (hereinafter referred to as the “General Administrator”), who by order of the Executive Administrator will administer business concerning security export control at KU, shall be appointed. The President of KU shall appoint the Administrator from among the Executive Vice-Presidents.

3. A Departmental Security Export Control Administrator (hereinafter referred to as the “Departmental Administrator”), who will administer business concerning security export control in each department, shall be appointed. The Deans and Directors of each department shall assume the office of Departmental Administrator.

Article 4

1. A Departmental Security Export Control Manager (hereinafter referred to as “Departmental Manager”) who will assist Departmental Administrators in their duties may be appointed in each

department.

2. Departmental Administrators shall appoint Departmental Managers from among the faculty and staff members of their respective departments.

(Obligations of Faculty, Staff, and Students)

Article 5

Faculty and Staff and Students shall be obliged to observe the Foreign Exchange Act and Other Legislation and these regulations with regard to security export control.

(Committee for Security Export Control)

Article 6

1. A Committee for Security Trade Control (hereinafter referred to as the “Committee”) shall be established to deliberate on matters concerning security export control at KU.

2. The Committee shall consist of the following members.

(1) General Administrator

(2) Executive Vice-President(s) appointed by the President of KU

(3) Departmental Administrator (s) appointed by the General Administrator

(4) Director of the Research Promotion Department

(5) Others whose representation is deemed necessary by the General Administrator (only a few)

3. The General Administrator may specify matters necessary for the Committee other than those stipulated in the two preceding paragraphs.

(Partially amended by Order No. 38 of 2011)

(Approval of Providing of Technologies and/or Export of Goods)

Article 7

Faculty and Staff shall seek approval from the respective Departmental Administrators or the General Administrator, or permission from the Minister of Economy, Trade and Industry of Japan when they intend to providing of technologies or export goods (hereinafter collectively referred to as “Providing of Technologies”), or when Students for whom they serve as chief advisors intend to carry out a Providing of Technologies.

(Prior Confirmation)

Article 8

1. When seeking the approval or permission as described in the preceding Article, Faculty and Staff shall make prior confirmation as to whether or not the said Providing of Technologies requires classification and transaction screening (hereinafter collectively referred to as “Classification”) and

file a written application for approval with the respective Departmental Administrators (or the General Administrator, if the Faculty and Staff members are Members of the Board).

2. Notwithstanding the provision of the preceding Article, when the prior confirmation stipulated in the provision of the preceding paragraph has determined that permission from the Minister of Economy, Trade and Industry of Japan is clearly unnecessary, prior approval or permission as described in the preceding Article may not be required for Providing of Technologies.

3. In addition to those stipulated in the two preceding paragraphs, matters necessary for prior confirmation and application for approval shall be stipulated separately.

(Screening for Approval)

Article 9

1. When an application as described in paragraph 1 of the preceding Article has been filed, Departmental Administrators shall conduct Classification for Providing of Technologies concerned in the said application. Departmental Administrators shall approve such Providing of Technologies when they have determined that the same does not require permission from the Minister of Economy, Trade and Industry of Japan or, when permission is determined to be necessary, shall request the General Administrator to conduct Classification.

2. After receiving a request as described in the preceding paragraph, the General Administrator shall conduct Classification for the cases involved in the said request. The Administrator shall approve such Providing of Technologies when he/she has determined that the same does not require permission from the Minister of Economy, Trade and Industry of Japan or, when permission is determined to be necessary, shall follow the procedures necessary to gain such permission.

3. The provisions in the preceding paragraph shall be applied correspondingly to applications for approval from Members of the Board. In such a case, the “request as described in the preceding paragraph” and the “said request” shall be read as the “application for approval from Members of the Board” and the “said application,” respectively.

4. In addition to those stipulated in the three preceding paragraphs, matters necessary for Classification and procedures for gaining permission from the Minister of Economy, Trade and Industry of Japan shall be stipulated separately.

(Reports of Violations)

Article 10

1. When it has come to the attention of Faculty and Staff or Students that the Foreign Exchange Act and Other Legislation and/or these regulations have been violated or are threatened to be violated, such parties shall report the same to the respective Departmental Administrators without delay.

2. After receiving a report as described in the preceding paragraph, Departmental Administrators

shall investigate the contents of the same and report the investigation findings to the General Administrator.

3. When an investigation as described in the preceding paragraph has confirmed a violation, the General Administrator shall report the same to the Executive Administrator.

4. After receiving a report as described in the preceding paragraph, the Executive Administrator shall instruct the parties concerned within KU to take action accordingly and shall notify the Ministry of Economy, Trade and Industry and other organizations concerned of the received report.

(Administrative Work)

Article 11

The Research Promotion Department shall be responsible for administrative work for security export control.

(Partially amended by Order No. 38 of 2011)

(Miscellaneous)

Article 12

Matters necessary for the implementation of these regulations other than those stipulated herein shall be stipulated separately.

Supplementary Provisions

These regulations shall be effective from January 1, 2011.

[Supplementary provisions of regulations that have been amended in the interim are omitted.]

Supplementary Provisions (Order No. 31 of 2015)

These regulations shall be effective from April 1, 2015.

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