

National University Corporation Nagoya Institute of Technology Security Export Control Regulations

Established on February 24, 2010

(Purpose)

Article 1 These regulations are intended to stipulate the basic policies of the National University Corporation Nagoya Institute of Technology (hereinafter, “the Institute”) for security export control (hereinafter, “export control”) and assure export control by constructing and maintaining an adequate control structure and thereby exercise international responsibilities as an educational and research institution in Japan in terms of maintaining international peace and safety.

(Scope)

Article 2 These regulations apply to the provision of any technologies to any nonresidents, transactions that are intended to provide any technologies in any foreign countries and export of goods by directors and staffs of the Institute and other members employed by the Institute (hereinafter, “staffs, etc.”).

(Definitions)

Article 3 In these regulations, the meanings of the terms listed in the following items shall be as prescribed respectively in those items.

- (1) The term “Foreign Exchange and Foreign Trade Act, etc.” shall mean the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949) and Cabinet Orders, Ordinances, circular notices, etc., concerning export control based on this Act.
- (2) The term “non-residents” shall mean Japanese nationals who have left Japan and are staying abroad for the purpose of working for offices, etc., located in foreign countries, foreign nationals who are staying in foreign countries, foreign nationals who entered Japan within the last six months (except those who are working for offices, etc., located in Japan), foreign diplomats and foreign officers, etc., working for international organizations, who are defined as set forth in 6-1-5 and 6-1-6 of the Interpretation and Operation of the Foreign Exchange Act and Order.
- (3) The term “provision of technologies” shall mean the provision of technologies to non-residents or transactions in foreign countries for the purpose of providing technologies.
- (4) The term “export of goods” shall mean the sending of goods to foreign countries or internal transactions of goods that will be clearly sent to foreign countries.
- (5) The term “the exporter” shall mean a staff member, etc. who intends to provide technologies or export goods.
- (6) The term “technologies subject to the list control” shall mean technologies listed in the middle column of rows 1 through 15 of APPENDIX 1 of the Foreign Exchange Order (Order No. 260 of 1980).
- (7) The term “goods subject to the list control” shall mean goods listed in the middle column of rows 1 through 15 of Appended Table 1 of the Export Trade Control Order (Order No. 378 of 1949).

- (8) The term “technologies subject to the catch-all control, etc.” shall mean technologies listed in Appended Table 16 of the Foreign Exchange Order and goods listed in Appended Table 1-16 of the Export Trade Control Order.
- (9) The term “the end users” shall mean the users of the relevant technologies in the case of the provision of technologies, and the end users of the relevant goods in the case of export of goods.
- (10) The term “Weapons of Mass Destruction (WMDs), etc.” shall mean nuclear weapons, military chemical warfare (CW) agents or bacterial agents, or devices for spraying said agents, or rockets or unmanned aerial vehicles capable of transporting these.
- (11) The term “development, etc.” shall mean development, manufacture, use or storage.
- (12) The term “normal weapons” shall mean goods other than WMDs, etc., that are listed in Appended Table 1-1 of the Export Trade Control Order.
- (13) The term “judgment on whether the transaction is subject to export control” shall mean judgment on whether the technologies to be provided or the goods to be exported to non-residents fall under technologies subject to the list control, etc.
- (14) The term “decision on the transaction” shall mean the Institute’s decision on whether to perform the relevant transaction when the transaction falls under the prescribed conditions as a result of the judgment on whether the transaction is subject to export control or the confirmation of the usages and the end users of the relevant transaction.

(Basic Policies)

Article 4 The Institute's basic policies for export control are as follows:

- (1) The Institute will not provide technologies or export goods that it judges may hinder the maintenance of peace and security in the international community.
- (2) The Institute will comply with applicable laws and regulations concerning the provision of technologies or export of goods, and it will responsibly obtain approval from the Minister of Economy, Trade and Industry, if necessary.
- (3) The Institute will maintain and upgrade its export control structure in order to ensure its export control.

(Head Officer)

Article 5 To perform duties concerning export control appropriately and smoothly based on the basic policies in the preceding article, the Institute shall designate the head officer for export control (hereinafter, “the head officer”), and the President shall assume the office.

(Export Control Person in Charge)

Article 6 The Institute shall designate the export control person in charge, who supervises export control, under the head officer, and the Executive Director or the Vice-President appointed by the head officer shall assume the office.

2. The export control person in charge shall perform duties prescribed in the following items.

- (1) Duties related to the establishment, revision and abolishment of regulations, etc., concerning export control
- (2) Duties related to judgment on whether the transaction is subject to export control, the final decision on the transaction, and the storage of records
- (3) Duties related to the audit of export control duties
- (4) Duties related to education on export control
- (5) Duties related to consultation concerning export control duties with and application to obtain approval from the Ministry of Economy, Trade and Industry

(Person Responsible for Confirming whether or not the Transaction is Subject to Controls)

Article 7 The Institute shall designate the person responsible for confirming judgment on whether or not the transaction is subject to controls and the decision on the transaction, and the person appointed by the export control person in charge shall assume the office.

(Judgment on whether the Transaction is Subject to the Export Controls)

Article 8 Upon the provision of technologies or the export of goods, the exporter must make a judgment using the Export Control Pre-Check Sheets that are separately provided.

2. Upon the judgment prescribed in the preceding paragraph, when judgment on whether the relevant transaction is subject to the national security export controls needs to be made, the exporter shall prepare a parameter sheet that is separately provided after confirmation and instructions by the person responsible for confirming whether or not the relevant transaction is subject to controls, and seek the final decision from the export control person in charge.

(Confirmation of Usages)

Article 9 If a confirmation of usages is required in the judgment prescribed paragraph 1 of the preceding article, the exporter must confirm the following items using the Export Security Control Checklist provided separately (hereinafter, “the Export Security Control Checklist”).

- (1) If the technologies or goods which fall under technologies and goods subject to the list control, are used for the development, etc., of WMDs, etc., or for other military application, or there is any concern in this regard
- (2) If the technologies or goods which fall under technologies subject to the catch-all control, etc., are used for the development, etc., of WMDs, etc., or the development, etc., of normal weapons

(Confirmation of End Users)

Article 10 If a confirmation of end users is required in the judgment prescribed in Article 8, paragraph 1, the exporter must confirm whether the counterparty and the end users, etc., concerning the provision of technologies or the export of goods in question fall under the following items using the Export Security Control Checklist.

- (1) The counterparty and the end users, etc., in question are listed on the Foreign End User List

prepared by the Ministry of Economy, Trade and Industry.

- (2) Materials, etc., obtained include the fact that the counterparty and the end users, etc., in question are engaged in or have engaged in the development, etc., of WMDs, etc., or there is information in this regard.

(Judgment on the Transaction and Application, etc., to Obtain Approval under the Foreign Exchange and Foreign Trade Act, etc.)

Article 11 If the provision of technologies or the export of goods in question falls under the following items, the exporter must submit the transaction review form provided separately and the materials required for the decision on the transaction (hereinafter referred to as the "transaction review form, etc.") to the person responsible for confirming whether or not the relevant transaction is subject to controls.

- (1) The case where the provision of technologies or the export of goods in question falls under rows 1 to 15 of Appended Table 1 of the Export Trade Control Order or rows 1 to 15 of Appended Table 1 of the Foreign Exchange Order as a result of the judgment on whether the relevant transaction is subject to the national security export controls prescribed in Article 8, paragraph 2.
 - (2) The case of either of item (1) or item (2) of Article 9.
 - (3) The case of either of item (1) or item (2) of Article 10.
 - (4) The case where the exporter receives a notice that it should obtain approval from the Minister of Economy, Trade and Industry.
 - (5) The case where the exporter does not know whether items (1) through (3) are applicable or has any doubt in this regard.
2. The destination, names of technologies, etc., results of judgment on whether the relevant transaction is subject to the national security export controls, the end users and usages of the technologies in question, transaction processes, etc., shall be accurately written based on the fact of the transaction review form.
 3. When the transaction review form, etc., are submitted under the provision prescribed in paragraph 1, the person responsible for confirming whether or not the relevant transaction is subject to controls shall make the decision on the transaction and request that the export control person in charge make the final decision on the decision on the transaction.
 4. When receiving the request prescribed in the preceding paragraph, the export control person in charge shall make the final decision on the transaction, and if it is required to obtain approval from the Minister of Economy, Trade and Industry under the Foreign Exchange and Foreign Trade Act, etc., he/she shall make an application to obtain approval from the Minister of Economy, Trade and Industry as prescribed.
 5. The export control person in charge shall inform the exporter whether the approval was obtained or not with respect to the provision of technologies or the export of goods in question based on the result of the application to obtain approval prescribed in the preceding paragraph.
 6. The exporter must not proceed with the relevant transaction without approval from the export control person in charge.

(Expression in a Contract, etc.)

Article 12 In the event of the provision of technologies or export of goods requiring approval under the Foreign Exchange and Foreign Trade Act, a written contract, etc. shall be exchanged with the end users.

2. The contract, etc., prescribed in the preceding paragraph shall include the following items, in principle.
 - (1) For the provision of technologies or the export of goods requiring approval from the Japanese government, the relevant contract does not become effective until the approval is obtained, or any technologies and goods for which approval cannot be obtained are excluded from the relevant contract.
 - (2) The technologies or goods in question cannot be used for the development, etc., of WMDs, etc., or normal weapons.
 - (3) The conditions for approval are strictly followed.

(Controls with Respect to the Provision of Technologies and the Export of Goods)

Article 13 When providing technologies subject to the list control, exporting goods subject to the list control, providing technologies subject to the catch-all control, etc., or exporting goods subject to the catch-all control, etc., the exporter must confirm the following items.

- (1) The procedures prescribed in Articles 8 through 10 have been completed and no changes have been made to matters concerning the procedures.
 - (2) Approval has been obtained from the Minister of Economy, Trade and Industry with respect to the provision of technologies or the export of goods requiring approval under the Foreign Exchange and Foreign Trade Act.
 - (3) The provision of technologies or the export of goods in question is the same as what is written on the application for approval, etc.
2. When the exporter cannot confirm the items prescribed in the preceding paragraph, he/she must cancel the provision of technologies or the export of goods and report accordingly to the export control person in charge.
 3. When receiving the report prescribed in the preceding paragraph, the export control person in charge shall confirm the facts and take appropriate measures.

(Report)

Article 14 Any person who knows that the Foreign Exchange and Foreign Trade Act, etc., or these regulations have been violated or may be violated must notify the export control person in charge promptly.

2. When receiving the notice prescribed in the preceding paragraph, the export control person in charge shall examine the situation of the notice, confirm whether there is any violation, and take appropriate measures.
3. When the fact that the Foreign Exchange and Foreign Trade Act, etc., have been violated is found out, the export control person in charge shall report to the head officer with the minimum delay.

4. When receiving the report prescribed in the preceding paragraph, the head officer shall report to the concerned administrative authorities with the minimum delay.

(Audit)

Article 15 The export control person in charge shall conduct a periodic audit in order to confirm that the export control at the Institute is performed appropriately based on the provision of the Foreign Exchange and Foreign Trade Act, etc., and these regulations.

(Education)

Article 16 The export control person in charge shall provide staffs, etc., with education on export control in a planned manner for conformity with the Foreign Exchange and Foreign Trade Act, etc., and understanding and assured implementation of these regulations.

(Retention of Relevant Documents)

Article 17 Documents, drawings and electromagnetic records concerning export control shall be retained for seven years counting from April 1 of the following academic year of the provision of technologies or the export of goods in question.

(Punishment)

Article 18 Persons who violate these regulations intentionally or by gross negligence and other related parties shall be strictly punished according to the Work Rules for Full-Time Faculty Members of the National University Corporation Nagoya Institute of Technology (enacted on April 1, 2004), the Working Regulations for Part-Time Staffs of the National University Corporation Nagoya Institute of Technology (enacted on April 1, 2004), the Work Rules for Reemployed Faculty Members of the National University Corporation Nagoya Institute of Technology (enacted on February 20, 2007), and the Work Rules for Fixed-Term Staff of the National University Corporation Nagoya Institute of Technology (enacted on September 11, 2007).

(Administrative Matters)

Article 19 Administrative matters concerning export control shall be carried out by the Section for Industry-university Cooperation Office, the Research Support Department (hereinafter, “the Social Contribution and Collaboration Office”) with the help of the departments concerned.

2. The departments concerned and their collaborations prescribed in the preceding paragraph shall be specified in the APPENDIX.
3. The departments concerned shall respond to inquiries, etc., about export control from staffs, etc., with respect to the collaborations specified in the APPENDIX, as necessary.

(Miscellaneous Provisions)

Article 20 In addition to these regulations, necessary matters concerning export control shall be provided separately.

Supplementary Provisions

These regulations shall come into force as from April 1, 2010.

Supplementary Provisions

These regulations shall come into force as from April 1, 2011.

Supplementary Provisions (Regulations No. 7 of July 26, 2012)

These regulations shall come into force as from August 1, 2012.

APPENDIX (Re: Article 19)

Main collaborations	Department in charge
Research guidance to graduate students	Academic Affairs Division
Acceptance of and research guidance to foreign students, etc., and overseas education	Student Affairs Division
Export of goods and provision of technologies accompanied by government-industry-academia collaboration activities and participation of foreign researchers in project research (Concerning commissioned research, collaborative research, technological transfer and the Project Research Laboratory)	Research Support Division
Response to visitors from abroad, in order to observe facilities, for example	General Affairs Division
Overseas business trips and side jobs by staffs, etc.	Personnel Division
Export of goods	Accounting Division
Export of goods and provision of technologies accompanied by international exchange activities and the provision of technologies to foreign researchers (Exchange of students, staffs, etc., and the holding of international conferences and symposiums, etc.)	International Affairs Office