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Nara Institute of Science and Technology Secure Export Control Regulations

October 15, 2013

Provisions No. 3

Article 1 (Purposes)

These regulations stipulate the necessary matters in relation to the appropriate implementation of safe and secure export control (hereinafter referred to as the “Export Control”) at the Nara Institute of Science and Technology (hereinafter referred to as “NAIST”), and to thereby contribute to the maintenance of international peace and safety as an education and research organization of Japan.

Article 2 (Definitions)

For the purpose of these Regulations, the terms and expressions stipulated in the items below shall have the following meanings.

- (1) Related Laws and Ordinances: Refers to the Foreign Exchange and Foreign Trade Act (Act No. 228, 1949; hereinafter referred to as “Act”) and government ordinances, ministerial ordinances, and notifications related to Export Control and based on the Act
- (2) Resident: Refers to a resident stipulated in Article 6(1)(v) of the Act
- (3) Nonresident: Refers to a nonresident stipulated in Article 6(1)(vi) of the Act
- (4) Materials: Refers to materials stipulated in Article 6(1)(xv) of the Act
- (5) Technology: Refers to specific information necessary for the design, manufacture, or use of materials
- (6) Export of Materials: Refers to sending Materials to a foreign country (including cases of personally taking Materials overseas as baggage) or domestic transactions of Materials for this purpose
- (7) Provision of Technology: Refers to an action that falls under either of the items below
 - a. Conducting provision of Technology in a foreign country, provision of Technology conducted to a foreign country, or provision of Technology within Japan for the purpose of these (including actions of sending to a foreign country a document or recording medium in which Technology is stated or recorded, or using telecommunication to transmit Technology to a foreign country)
 - b. Provision of Technology to a Nonresident, or provision of Technology to a Resident for the purpose of provision of Technology to a Nonresident
- (8) List-regulated Materials: Refers to the materials stipulated in item (i) through item (xv) in section 1 of the Appended Table of the Export Trade Control Order (Cabinet Order No. 378, 1949; hereinafter referred to as “Export Order”)
- (9) List-regulated Technology: Refers to the technology stipulated in item (i) through item (xv) in section 1 of the Foreign Exchange Order (Cabinet Order No. 260, 1980; hereinafter referred to as “Foreign Exchange Order”)

- (10) Weapons of Mass Destruction: Refers to nuclear weapons, chemical agents for military use, bacterial agents, devices for disseminating such things, or rockets or unmanned aircraft that transport these devices
- (11) Conventional Weapons: Refer to Materials that fall under item (i) in section 1 of the Appended Table of the Export Order
- (12) Development: Refers to development, manufacturing, use, or storage
- (13) Other Party: For Export of Materials, this refers to the party that requests the relevant Materials, and for Provision of Technology this refers to the party that will use the relevant Technology.
- (14) Decision on Application or Non-application: Refers to deciding whether Materials that are intended to be exported or Technology that is intended to be provided fall under List-regulated Materials or List-regulated Technology
- (15) Transaction Screening: Refers to, in addition to the Decision on Application or Non-application for Materials that are intended to be exported or Technology that is intended to be provided, confirming the intended use and the Other Party, and NAIST making a judgment about whether the relevant Export of Materials or Provision of Technology is to be conducted
- (16) Staff Members: Refers to NAIST's faculty members, staff, researchers, and board members
- (17) Students: Refers to persons enrolled as students at NAIST, and persons other than students who engage in research or education duties at NAIST and who do not fall under the Staff Members stipulated in item (16)

Article 3 (Scope of application)

These Regulations shall apply to all duties related to Export of Materials or Provision of Technology that Staff Members or Students conduct as activities at NAIST.

Article 4 (Fundamental policies)

The fundamental policies for Export Control at NAIST shall be as stated in each of the items below.

- (1) Export of Materials or Provision of Technology is not to be performed when it is judged that there is a possibility of hindering maintenance of international peace and safety.
- (2) For the Export of Materials or Provision of Technology, Related Laws and Ordinances and these Regulations are to be obeyed.
- (3) In order to appropriately conduct Export Control, those responsible for Export Control are to be stipulated, and efforts are to be made to prepare and enhance a system for Export Control.

Article 5 (Chief Export Control Officer)

1. A Chief Export Control Officer shall be appointed as the chief officer in charge of Export Control at NAIST, and the President shall fill this position.
2. The Chief Export Control Officer shall make final decisions related to important matters for Export Control.

Article 6 (Responsible Officer for Export Control)

1. A Responsible Officer for Export Control shall be appointed as the officer who manages Export Control, and the Executive Director in Charge of Research shall fill this position.
2. The Responsible Officer for Export Control shall perform the duties stated in each of the items below.

- (1) Decisions for measures based on fundamental policies for Export Control
- (2) In Transaction Screening, approval related to Export of Materials or Provision of Technology
- (3) Applying for permission from the Minister of Economy, Trade and Industry
- (4) Implementation of audits related to Export Control
- (5) Other duties related to the general management of Export Control

Article 7 (Export Control Officer)

1. An Export Control Officer shall be appointed as the officer responsible for Export Control administrative duties, and the Head of the Cooperative Research Division, Research and International Affairs Department shall fill this position.
2. The Export Control officer shall conduct the duties stated in each of the items below.
 - (1) Formulation of plans for measures based on fundamental policies for Export Control
 - (2) Decisions on the necessary to conduct Transaction Screening procedures for advance confirmation related to Export of Materials or Provision of Technology
 - (3) Transaction Screening and reporting of screening results
 - (4) Implementation of instruction and education for Staff Members and Students in relation to Export Control
 - (5) Other duties related to Export Control

Article 8 (Persons in Charge of Export Control)

1. For the purpose of appropriately conducting Export Control administrative duties, Persons in Charge of Export Control shall be appointed under the Export Control Officer, and the Head of the Cooperative Research Division, Research and International Affairs Department and a staff member of the Cooperative Research Division shall fill these positions.
2. Persons in Charge of Export Control shall conduct the duties stated in each of the items below.
 - (1) Receiving consultations and reports from Staff Members and Students
 - (2) Confirmation and management of application documents for advance confirmation and Transaction Screening related to Export of Materials or Provision of Technology
 - (3) Practical duties related to the Export Control of equipment and material exports and Technology provision to foreign countries or international exchanges
 - (4) Support for Staff Members' and Students' export management procedures
 - (5) Other administrative duties related to Export Control
3. Persons in Charge of Export Control and Staff Members who handle administrative duties related to Export Control shall cooperate to carry out relevant duties related to Export Control.

Article 9 (Advance confirmation)

1. For the Export of Materials or Provision of Technology, a Staff Member must make a Decision on Application or Non-application, confirm information about issues related to the Other Party and the Other Party's intended use, and then receive the Export Control Officer's decision about the necessity of the Transaction Screening procedures. Provided, however, in the event the necessity to conduct Transaction Screening is clear, omitting advance confirmation shall be possible.
2. In the event that, based on Article 9.1, it was decided that Transaction Screening procedures are not necessary, the Staff Member may perform the relevant Export of Materials or Provision of

Technology.

3. Methods for the advance confirmation stipulated in Article 9.1 shall be stipulated separately.

Article 10 (Transaction Screening)

1. For the Export of Materials or Provision of Technology, in the event it is decided that Transaction Screening procedures are necessary or it is clear that conducting Transaction Screening is necessary, the Staff Member must make the decisions and conduct the confirmation stated in each of the items below and receive screening by the Export Control Officer and approval by the Responsible Officer for Export Control for the relevant Export of Materials or Provision of Technology.
 - (1) Decision on Application or Non-application
 - (2) Confirmation of whether it falls under an area stipulated in Related Laws or Ordinances
 - (3) Confirmation of the intended use of the relevant Materials or Technology by the Other Party
 - (4) Confirmation of whether the Other Party is involved in or has a possibility of being involved in the Development of Weapons of Mass Destruction or Conventional Weapons
2. Matters concerning the Transaction Screening methods stipulated in Article 10.1 shall be stipulated separately.

Article 11 (Application for permission)

1. Of the Export of Materials or Provision of Technology that was approved under Article 10, for matters that will require permission by the Minister of Economy, Trade and Industry based on the Related Laws and Ordinances, the Responsible Officer for Export Control shall apply for permission to the Minister of Economy, Trade and Industry.
2. For the Export of Materials or Provision of Technology that requires the permission of Article 11.1, a Staff Member may not perform the relevant Export of Materials or Provision of Technology without receiving permission from the Minister of Economy, Trade and Industry.

Article 12 (Management of Export of Materials or Provision of Technology)

1. For the Export of Materials or Provision of Technology, a Staff Member must confirm that the relevant Export of Materials or Provision of Technology has completed the advance confirmation procedures of Article 9 or the Transaction Screening of Article 10 and that the relevant Materials or Technology are the same as those that underwent the relevant procedures.
2. In the event it is not possible to conduct the confirmation of Article 12.1, the Staff Member may not perform the relevant Export of Materials or Provision of Technology.
3. In the event an addition or change has arisen for the relevant Export of Materials or Provision of Technology, the Staff member must complete the procedures stipulated in Article 9 or Article 10 once again.

Article 13 (Handling of cases when Students perform Export of Materials or Provision of Technology)

In the event a Student for whom a Staff Member is the main person conducting research guidance will perform Export of Materials or Provision of Technology, the relevant Staff Member must cooperate with the relevant Student in completing the procedures stipulated in Article 9 or Article 10.

Article 14 (Handling of accidents)

1. In the event an accident occurs when Materials go through customs for exportation, the Staff Member or Student must immediately cancel the procedures for the relevant export and report that fact to the Export Control Officer via the Person in Charge of Export Control.
2. In the event the report of Article 14.1 is made, the Export Control Officer is to conduct discussions with the Responsible Officer for Export Control and then take appropriate measures.

Article 15 (Education)

The Export Control Officer shall ensure the Staff Members and Students understand the importance of complying with Related Laws and Ordinances and these Regulations and, for the purpose of ensuring their continued correct compliance, systematically provide education about Export Control.

Article 16 (Audits)

To appropriately perform Export Control at NAIST based on Related Laws and Ordinances and these Regulations, the Responsible Officer for Export Control may conduct audits of Export Control duties.

Article 17 (Notification and reports)

1. In the event a Staff Member or a Student learns there is a violation or the possibility of a violation of a Related Law or Ordinance or these Regulations, the person must promptly notify the Export Control Officer of that fact via the Person in Charge of Export Control.
2. In the event the notification of Article 17.1 is made, the Export Control Officer must immediately report this to the Responsible Officer for Export Control and must also investigate the content of the relevant notification and, without delay, report the results of that investigation to the Responsible Officer for Export Control.
3. In the event that, in the report of Article 17.2, the fact that there is a violation of a Related Law or Ordinance becomes clear or it is revealed there is a possibility of a violation, the Responsible Officer for Export Control is to report that fact to the Chief Export Control Officer, strive to promptly take measures to handle the matter and, without delay, make reports to related organizations such as the Ministry of Economy, Trade and Industry.
4. In the event the Chief Officer for Export Control receives a report of Article 17.3, the person is to implement the measures necessary in order to prevent a recurrence of the violation.

Article 18 (Document management)

Documents created or obtained in relation to Related Laws and Ordinances and these Regulations, and electromagnetic records, must be saved for a seven-year period beginning on the date when the Materials were exported or the date when the Technology was provided.

Article 19 (Clerical duties)

The Cooperative Research Division, Research and International Affairs Department shall perform the administrative duties related to Export Control.

Article 20 (Miscellaneous provisions)

In addition to the matters stipulated in these Regulations, matters necessary in relation to Export Control shall be stipulated separately.

Supplementary provision

These Regulations shall come into effect on November 1, 2013.

Supplementary provision

These Regulations shall come into effect on April 1, 2015.

Supplementary provision

These Regulations shall come into effect on April 1, 2018.