

Within international society, and from the perspective of maintaining international peace and security, export controls, or in other words, the control of security guarantees in exports, is strictly required, in order to prevent the proliferation of weapons of mass destruction and the excessive accrual of other weapons. As part of this, Japan has enacted the Foreign Exchange and Foreign Trade Act (enacted as law no. 228 in 1949, hereinafter referred to as the “ Foreign Trade Act ”) and requires any exports of goods or supply of technology that has the potential to be used to disrupt the maintenance of international peace and security to acquire permits from the Minister of Economy, Trade and Industry.

Kyushu University promotes international industry-academia collaboration and globalization of education and research. However, it cannot be said there is no risk that technical data or high-performance equipment transmitted in the course of such activities may be forwarded to and misused by a country or terrorist that threatens international security. In order to avoid ending up in such a situation, the University promulgated the Rules for Securities and Export Control at Kyushu University (Kyushu University Rule No. 72 of 2009) in April 2010 in accordance with the Foreign Trade Act, and has established and operates a central control system (final revision and promulgation on March 28, 2023).

Export of goods

Based on the Foreign Trade Act, “ goods exports ” that are subject to restrictions include materials destined for transportation overseas. The following actions are equivalent to exports.

- • Materials, components, prototypes and machinery, etc., carried in baggage during overseas business-related trips
- • Sending or loaning equipment, materials, prototypes, etc., to research institutions or researchers based overseas
- • Exhibition of equipment, etc., at overseas conferences or symposiums

Exceptions to the "export of goods"

Taking a standard notebook computer, cellular phone for personal use, etc. of the sort readily available over-the-counter, for personal use on a business trip, is, however, not considered to require a permit from the Minister of Economy, Trade and Industry.

Supply of technology

“ Supply of technology ” as regulated by the Foreign Trade Act means that providing specific information

(=technology) required to design, manufacture, or use a piece of equipment, in the form of technical data or technical support, to any persons abroad, or to non-residents of Japan or those who are in specific categories in Japan. Refer to “ Deemed export ” at the bottom of the page. It does not matter whether this is done for payment or without remuneration. The following actions are equivalent to “ Supply of technology. ” (See the Guidance for the Control of Sensitive Technologies for Security Export for Academic and Research Institutions. 4rd Edition. February 2022)

-When providing the following to non-residents or to those who are considered non-residents under the law-

- • Tangible technical data
 - Print media (technical reports, drawings, user manuals, manuals of experiment methods, etc.)
 - Electronic media (experimental data, publication manuscripts, research records, etc.)
- • Intangible technical data
 - Instruction on the phone, presenting research verbally
 - Display and explanation using presentation software
- • Provision through persons
 - Technology exhibitions, symposiums, etc.
 - Presentation of technologies at seminars
 - Technical instructions

Clarification regarding the operation of "deemed export" management

A deemed export is the release to a “ non-resident ” in Japan of specified sensitive technology to maintain international peace and security. Prior permission by the Ministry of Economy, Trade and Industry is required according to article 25 paragraph 1 of the Foreign Exchange Law.

Article 25 paragraph 1 of the Foreign Exchange Law which has been interpreted and implemented has now been clarified and has come into force as of May 1st, 2022. In consideration of the economic security environment surrounding our country, “ conducting a transaction the purpose of which is to provide specified technology to a non-resident belonging to a specified country ” mentioned in paragraph 1 of article 25 was clarified and applies to the transaction of sensitive technology even to “ residents ” in Japan when such a resident is strongly influenced by non-residents (specific categories) and the transaction is regarded as tantamount to providing technical information to non-residents.

In line with this clarification, at universities and research institutions (hereafter referred to as university, etc), it is required to understand what might be considered as providing information to a person who falls under specific categories when providing technology to faculty and administrative staff of the university (hereafter referred to as other university personnel). in the view of complying to the Foreign Exchange Law.

*Declaration form pertaining to relevance of specific categories

In the view of complying to the Foreign Exchange Law, we ask members of Kyushu University to submit “ declaration

form pertaining to relevance of specific categories ” to confirm the applicability of specific categories. In principle, all the members belong to the university regardless of position (faculty and administrative staff as well as students) or employment status (full-time and part-time).

Complete the declaration form using a questionnaire, after watching an explanatory video (about 5 minutes) on the online training system. In addition, if your circumstances have changed due to finding additional employment in a foreign institute or if you are awarded a scholarship by a foreign government after submitting the declaration form, please contact us below and submit the form again promptly. If you are newly employed or admitted to Kyushu University, please submit it within one month of employment or admission. You can access the online training system through the Integrated Legal Office website shown below.

Integrated Legal Office website “ Deemed export ” : (<https://qilo.kyushu-u.ac.jp/en/deemed>)

Inquiries regarding “ deemed export ” management: deemed_export_qilo.kyushu-u.ac.jp

Intake of foreign researchers and foreign students

There is a process for checking from the perspective of securities and export control when accepting foreign researchers and foreign students. Please inquire through the Department of Integrated Legal Office for more details. If an application is needed for intake, an electronic application system on the Integrated Legal Office website is available. Please check “ About on-campus application process ” below in using the system.

Management of Research Acquisition of Societal Implementation and Industrial Collaboration (Credit check)

At the University, a guideline is set regarding the acquisition of Societal Implementation and Industrial Collaboration Policy and the Societal Implementation and Industrial Collaboration Research. The purpose is to conduct Societal Implementation and Industrial Collaboration Activities safely and properly. It is required for faculty, administrative staff and the administrative office of departments to follow the process set by the Academic Research and Industrial Collaboration Management Office. The appropriateness of the organization and the contents of the collaboration need to be checked and decisions need to be made accordingly. The Integrated Legal Office supports credit checks of organizations before acquisitions regarding Societal Implementation and Industrial Collaboration Activities and international activities in general (academic relationships).

A check sheet regarding the acquisitions of Societal Implementation and Industrial Collaboration Research needs to be made and be submitted to the administrative office of your department before accepting or suggesting collaboration with a foreign organization (Funded research, joint research, etc.), or applying for subsidized research of foreign funding agencies. (If you wish to conduct credit checks regarding other international activities, please contact the Integrated Legal Office immediately.)

Online training program

We ask that you participate in the program which is about the security management, an explanation about the system, and the application process on the online training system. (Security management training) Integrated Legal Office website “ Security Management Training ” :

<https://qilo.kyushu-u.ac.jp/en/security>

Management structure at the University

*Director of Export Control (Senior Vice President)

Responsible for the administration of export controls within the University, through the following activities:

- • Designation of basic policy and basic strategy regarding securities and export control
- • Issuing approvals/permits relating to the export of goods and provision of technology
- • Implementation of education regarding, and monitoring of securities and export control

* Department of Export Control (Integrated Legal Office)

The department supports the Director of Export Control, through the following activities:

- • Planning and proposal of the basic policy and basic strategy regarding securities and export control
- • Implementation of procedures for approvals/permits relating to the export of goods and provision of technology
- • Planning and proposal of education regarding, and monitoring of securities and export control, etc.

*Export Control Chief Administrator of the Department (heads of departments)

Each head of department is the lead person responsible for securities and export control, through the following activities:

- • Inspections of technology for supply and materials for export
- • Implementation of education regarding securities and export control, and administrative cooperation with Directors of Export Control.

*Section for Export Control (administrative office of relevant department)

The section or department responsible for the administration of security guarantees in export controls within each

University department. Carries out the following activities:

- • Support for staff within the department who are carrying out activities related to securities and export control
- • Support for the Export Control Chief Administrator of the Department
- • Communication with the Department of Export Control relating to export controls.

Headquarters

Director of Export Control: Senior Vice President

Support Supervision

Department of Export Control:
Integrated Legal Office

Apply
for
permission

Supervise

Liaison
and
coordination

Export Control Chief Administrator of
the Department: Head of department

Support Supervision

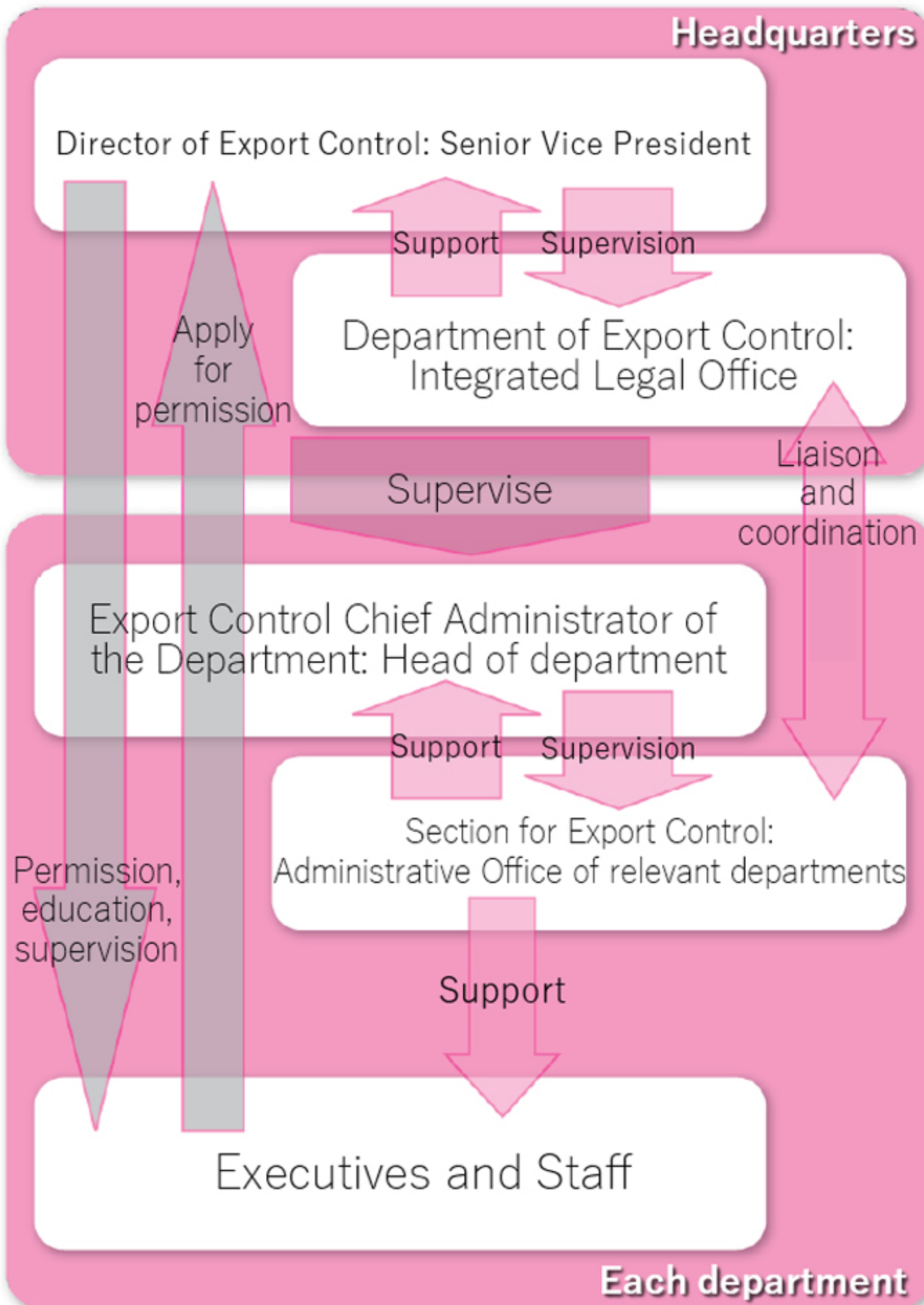
Section for Export Control:
Administrative Office of relevant departments

Permission,
education,
supervision

Support

Executives and Staff

Each department



Application procedures at the University

Staff must engage in the following procedures to obtain a permit from the Director of Export Control in any case where they or any of the students to whom they are giving research guidance are engaged in the export of goods or the supply of technology as part of their work within the University. Please make sure to carry out application procedures at the University before exporting goods (or supplying technologies).

* “ Staff members ” refers to all faculty members and employees at Kyushu University, including Professors, Associate Professors, Assistant Professors, lecturers, and researchers.

About the on-campus application process

Please check the Integrated Legal Office website (<https://qilo.kyushu-u.ac.jp/security/>) regarding the on-campus application process.

An electronic application system on the Integrated Legal Office website is available. You need to make a tentative registration and then make the final registration to use the system. There are two ways to register as shown below. To register and use the application system, SSO-KID is also required.

Access the Integrated Legal Office website above, select “ Application for security export control based on the Foreign Exchange Law ” when applying for “ exporting goods ”. When applying for “ acceptance of foreigners ”, select “ application for recruitment management of foreign researchers and students ”. After that, follow the direction of the blue button “ For first-time visitors ” to make a tentative registration.

(You could also directly access to <https://www.qlegal.kyushu-u.ac.jp/user/register> and make a tentative registration.)

After making a tentative registration, information regarding the final registration will be sent to your email address.

Please make the final registration following the direction of the email.

After the final registration, please log in to the application system on the Integrated Legal Office website (“ Application process for drafters ”).

To apply for exporting goods (the supply of technology), select the top-left button “ Exporting ” in your account, click the “ Create new ” button and fill out the application following the steps of the system. To apply for the intake of foreign researchers and foreign students, select the top-left button “ Foreigner ” in your account, click the “ Create new ” button and fill out the application following the steps of the system.

For more details about how to register and how to fill out the application, you can check on the application system on the Integrated Legal Office website (“ Manual for drafters ”).

* Inspection by Export Control Chief Administrator of the Department

Administrator of the Department must inspect the application submitted by the staff member, and report in writing to the person responsible for the Director of Export Control.

* Approval/Permission of Director of Export Control

The director of export control inspects reports from the export control chief administrator of the department and when there is no security concern regarding export control, gives permission by issuing a certificate of non-applicability for supplying technology or exporting goods. If necessary, the director takes steps to get permission from the Minister of Economy, Trade and Industry.

* Confirmation of identity

When supplying technology or exporting goods, staff must confirm that the item or technology they are in fact supplying is identical to the one regarding which they received permission from the Director of Export Control or the Minister of Economy, Trade and Industry.

Want to know more

- The Department of Export Control (Integrated Legal Office) website <https://qilo.kyushu-u.ac.jp/en/security>
- Website of the Ministry of Economy, Trade and Industry <https://www.meti.go.jp/policy/anpo/englishpage.html>

Contact

Integrated Legal Office Securities and export control personnel Tel:092-802-2019 Fax:092-802-2023 E-mail:export_control@qilo.kyushu-u.ac.jp legal@qilo.kyushu-u.ac.jp