

Osaka University Security Export Control Regulations

(Purpose)

Article 1 The purpose of these Regulations is to establish necessary rules concerning the proper implementation of security export control (hereinafter referred to as “export control”) at Osaka University (hereinafter referred to as “the University”) hoping it may contribute to the maintenance of international peace and security as well as the sound development of academic research activities.

(Definitions)

Article 2 In these Regulations, the following definitions are applied:

(1) The term “Foreign Exchange Act etc.” refers to the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949; hereinafter referred to as “the Foreign Exchange Act”) and the cabinet orders, ministerial ordinances and notifications, etc. issued pursuant to the Foreign Exchange Act.

(2) The term “transfer of technology” means the following actions:

a. Transfer of technology in a foreign country (hereinafter throughout this document, “foreign country” means a region or regions defined in Article 6, paragraph (1), item (ii) of the Foreign Exchange Act) or transfer of technology to a foreign country, or otherwise transfer of technology that takes place in Japan for such purposes (hereinafter throughout this document, this shall be interpreted to include the transfer to a foreign country of any document or information storage medium that describes or records technology and the transfer of technology to a foreign country by means of telecommunication);

b. Transfer of technology to any non-resident (as defined in Article 6, paragraph (1), item (vi) of the Foreign Exchange Act) or transfer of technology to a resident (as defined in Article 6, paragraph (1), item (v) of the Foreign Exchange Act) carried out for that purpose.

(3) The term “export of goods” means the sending of goods (hereinafter throughout this document, this shall be interpreted to mean the movables as

defined in Article 6, paragraph (1), item (xv) of the Foreign Exchange Act) to a foreign country (including the transfer of goods carried out in Japan evidently for the purpose of eventually sending to a foreign country).

(4) The term “transaction” means transfer of technology or the export of goods.

(5) The term “list-controlled technologies” means the technologies listed under items (1) through (15) in Appended Table attached to the Foreign Exchange Order (hereinafter throughout this document, this shall mean Cabinet Order No. 260 of 1980).

(6) The term “list-controlled goods” means the goods listed under items (1) through (15) in Appended Table 1 of the Export Trade Control Order (Cabinet Order No. 378 of 1949; hereinafter referred to as “the Export Control Order”).

(7) The term “List- controlled” means the determination of whether or not a technology proposed for transfer or a good proposed for export is a list-controlled technology or s List-controlled good (hereinafter referred to as “list-controlled technology etc.”).

(8) The term “transaction review” means a review performed by the University to decide whether or not it should approve a proposed transaction in consideration of the result of the List-control determination as well as the nature of the other party (i.e., consignee) to the proposed transaction and the purpose of use by the other party.

(9) The term “weapons of mass destruction etc.” shall be interpreted to include the following: nuclear weapons; chemical and bacterial agent products that can be used for military purposes, as well as devices that can be used for disseminating them; rockets and unmanned aircrafts that can be used to transport any of the aforementioned.

(10) The term “conventional weapons” means the goods listed in the central column of item (1) in Appended Table 1 of the Export Control Order (excluding any goods that are deemed as being weapons of mass destruction etc.).

(11) The term “development etc.” means any of the following acts: development, manufacture, utilization, and storage.

(12) The term “department” means any of the following and equivalent Osaka University organizational units: university libraries, schools/faculty (for undergraduate students), graduate schools, research institutes, university hospitals, joint-use facilities, national joint-use facilities and the Administration Bureau.

(13) The term “university staff members etc.” shall mean Osaka University trustees and staff members.

(14) The term “students etc.” shall mean Osaka University students (including special research students, special auditors, credited auditors, auditors and research students) and researchers etc. who conduct research at the University.

(Scope)

Article 3 These Regulations shall apply to all transfers of technology and the export of goods performed by university staff members etc. and students etc. as part of educational activities, research activities and other activities at the University.

(Basic policy)

Article 4 The basic policy of export control at the University shall be as stated in the following items:

(1) It shall not be allowed to perform any transaction that is deemed to be potentially detrimental to the maintenance of international peace and security;

(2) In all transactions, provisions in the Foreign Exchange Act etc. and these Regulations shall be observed; and

(3) Directors in charge of export control shall be appointed to support the proper implementation of export control and efforts shall be made to maintain and improve an export control management system.

(General Director of Security Export Control)

Article 5 The University shall have its President serve the post of General Director of Security Export Control (hereinafter referred to as “Export Control General Director”).

2 The Export Control General Director shall be responsible for making final decisions concerning important export control issues according to the basic policy stated in the preceding article.

(Managing Director of Security Export Control)

Article 6 The University shall have a Managing Director of Security Export Control (hereinafter referred to as “Export Control Managing Director”), who shall be a trustee or adviser to the President chosen by the Export Control General Director.

2 The Export Control Managing Director shall oversee the general management of export control at the University under the direction of the Export Control General Director.

(Security Export Control Directors)

Article 7 The University shall have two Security Export Control Directors (hereinafter referred to as “Export Control Directors”), who shall be persons chosen by the Export Control Managing Director from among full-time professors at the University.

2 The term of service of Export Control Directors shall be two years. However, reappointment shall be allowed.

3 Under the direction of the Export Control Managing Director, the Export Control Directors shall oversee the general management related to ensuring the observance of these Regulations and the proper export control in the contexts of research, university-industry collaboration and international academic exchange.

(Security Export Control Manager)

Article 8 The University shall have a Security Export Control Manager (hereinafter referred to as “Export Control Manager”), who shall be a person delegated by the Export Control Managing Director from among those who possess knowledge and expertise about export control.

2 The Export Control Manager shall assist the Export Control Directors in the execution of tasks, providing them with specialist advice on issues related to the Foreign Exchange Act etc.

(Security Export Control Director of Department)

Article 9 Each department shall have its Dean or Director (in the case of an organization within the Administration Bureau, this shall mean the Director of an office defined in Article 1-2, paragraph 1 of Organization Regulations for National University Corporation Osaka University, the Director of a department defined in Article 2, paragraph 1 of the same, or the Director of the Office of the President and other organizational units defined in Articles 5 through 5-6 of the same) serve the post of Security Export Control Director of Department (hereinafter referred to as “Export Control Director of Department”).

2 Each Export Control Director of Department oversee the general management of export control tasks within their respective department.

(Security Export Control Advisor of Department)

Article 10 A department may have a Security Export Control Advisor of Department (hereinafter referred to as “Export Control Advisor of Department”).

2 Notwithstanding provisions in the preceding paragraph, in case it is difficult to have each department have an Export Control Advisor of Department of its own, two more departments may share the same Export Control Advisor of Department.

3 An Export Control Advisor of Department shall be a person chosen by the Export Control Director of Department from among university staff members, who work in the respective department. If an Export Control Advisor

of Department is appointed according to provisions in the preceding paragraph, an appropriate person shall be chosen by means of discussions among the departments concerned.

4 Each Export Control Advisor of Department shall support the smooth implementation of export control at the respective department by providing specialist advices on issues related to the Foreign Exchange Act etc.

(Security Export Control Staff of Department)

Article 11 A department shall have Security Export Control Staff of Department (hereinafter referred to as “Export Control Staff of Department”).

2 Notwithstanding in the preceding paragraph, in case it is difficult to have each department have Export Control Staff of Department of its own, two or more departments may share the same Export Control Staff of Department.

3 The Export Control Staff of Department shall be a person chosen by the Export Control Director of Department from among administrative staff members in the respective department. If an Export Control Staff of Department is appointed according to provisions in the preceding paragraph, an appropriate person shall be chosen by means of discussions among the departments concerned.

4 The Export Control Staff of Department shall perform export control related office works for the respective department under the direction of the Export Control Director of Department.

(Committee of Security Export Control)

Article 12 The University shall have a Committee of Security Export Control (hereinafter referred to as “the Committee”) for the discussion of important issues concerning export control.

2 The Committee shall discuss the issues described in the following items:

- (1) Issues concerning the establishment, amendment and abolishment of internal regulations etc. on export control;
- (2) Issues concerning education, training, etc. on export control;
- (3) Issues concerning export control related audits;
- (4) Issues concerning studies etc. on subjects addressed by inquiries from the Export Control Managing Director; and
- (5) Other important issues concerning export control.

3 The Committee shall be formed by the members described in the following items:

- (1) Export Control Managing Director;
- (2) Export Control Directors;
- (3) Export Control Manager;
- (4) A few persons chosen by the Export Control Managing Director from among the Export Control Directors of Department;
- (5) Heads of International Affairs Division and International Student Affairs Division, Department of International Affairs; Head of Personnel Division, Department of General Affairs and Planning; Heads of Research Promotion Division and University-Industry Collaboration Division; Head of Property and Account Settlement Division, Department of Finance and Head of International Student Affairs Division, Department of Education Development; and
- (6) Other persons whose participation is deemed essential by the Committee.

4 The members shall serve the Committee at the request of the Export Control General Director.

5 For Committee members described in paragraph 3, item (4) and item (6), the term of service shall be two years. However, the term of service for any such Committee member appointed to fill a vacancy shall be up to the end of the predetermined term for the predecessor.

6 Reappointment shall be allowed for Committee members described in the preceding paragraph.

7 In the Committee, the member described in paragraph 3, item (1) shall serve as Chairperson.

8 The Chairperson shall convene and chair Committee meetings.

9 A Committee meeting may be attended by non-members when such attendance is deemed necessary by the Committee.

10 In addition to provisions in the foregoing paragraphs, the Committee may make other necessary provisions concerning its own management.

(Prior check)

Article 13 Before initiating any transaction, university staff members etc. shall complete a prior check procedure using a Prior Check Sheet of a prescribed format and follow a set of rules established apart from these Regulations.

2 Among the transactions that can be addressed by the preceding paragraph, the ones that meet a set of criteria established apart from these Regulations shall require the confirmations described below and judgment concerning the applicability of the exception clauses (in Article 17, paragraph (5) of the Foreign Exchange Order and Article 4, paragraph (1) of the Export Control Order).

(1) Confirmation of the other party (i.e. consignee) to the proposed transaction: Check whether or not there is any concern of the other party to the transaction being involved in the development etc. of weapons of mass destruction etc. or conventional weapons.

(2) Confirmation about the purpose of use: Check whether or not there is any concern about the purpose of use envisaged by the other party to the proposed transaction; namely, any concern being used for the development etc. of weapons of mass destruction etc. or conventional weapons.

3 Among the transactions addressed by the preceding paragraph, the ones that meet a set of criteria established apart from these Regulations shall require the approval from the Export Control Director of Department.

(Transaction review)

Article 14 Before initiating any transaction that is deemed to require a transaction review procedure in the approval process described in paragraph 3 of the preceding article or a transaction covered by a notification concerning the need to apply for the approval from the Minister of Economy, Trade and Industry because of the potential risk of being used for the development etc. of weapons of mass destruction etc. or conventional weapons, university staff members etc. shall prepare a Transaction review Application Sheet of a prescribed format following a set of rules established apart from these Regulations to have the transaction approved by a primary transaction inspection by the Export Control Director of Department as well as the secondary transaction review by the Export Control Directors.

2 Even after a transaction is approved by the transaction review procedure, university staff members etc. shall repeat the prior check procedure described in the preceding article if any addition is made to the specific details of transferred technology or exported good or if any addition is made to the list of transferred technology or exported good.

(Export license application)

Article 15 The Export Control Directors shall notify the Export Control Managing Director when any of the transactions that they have approved pursuant to provisions in paragraph 1 of the preceding article is found to require the approval of the Minister of Economy, Trade and Industry pursuant to the Foreign Exchange Act etc.

2 After having received a notification described in the preceding paragraph, the Export Control Managing Director shall apply for the approval from the Minister of Economy, Trade and Industry pursuant to the Foreign Exchange Act etc.

(Management of transfer of technology)

Article 16 Before any transfer of technology, university staff members etc. shall make sure that the procedures described in Article 13 and Article 14 have been completed and there has been no modification to the details of transferred technology.

2 In the case of transferring any technology, the transfer of which requires the approval from the Minister of Economy, Trade and Industry pursuant to the Foreign Exchange Act etc., university staff members etc. shall confirm the issuance of this approval together with the procedures mentioned in the preceding paragraph.

3 In the absence of confirmations described in the two preceding paragraphs, university staff members etc. shall not proceed to transfer the technology.

(Management of the export of goods)

Article 17 Before the export of any good, university staff members etc. shall make sure that the procedures described in Article 13 and Article 14 have been completed and there has been no modification to the details of exported good.

2 In the case of exporting any good, the export of which requires the approval of the Minister of Economy, Trade and Industry pursuant to the Foreign Exchange Act etc., university staff members etc. shall confirm the issuance of this approval together with the procedures mentioned in the preceding paragraph.

3 In the absence of confirmations described in the two preceding paragraphs, university staff members etc. shall never export the good.

4 If any accident happens during the customs clearance of a good dispatched for export, university staff members etc. shall immediately cancel the export procedure for the aforementioned good and report the case to the Export Control Directors.

5 When having received a notification described in the preceding paragraph, the Export Control Directors shall discuss with the Export Control Managing Director, the Export Control Manager and other relevant individuals to determine and implement an appropriate action.

(Document management)

Article 18 When producing documents, drawings or electromagnetic recordings (hereinafter throughout this document, this term shall be interpreted to include all types of electronic, electromagnetic and other recordings in a format unreadable as it is by human senses) that are required by the export control procedure, university staff members etc. shall ensure the accuracy and truthfulness of information.

2 Following a set of rules established apart from these Regulations, university staff members etc. shall make sure that the documents, drawings and electromagnetic recordings produced for export control are kept for a period of seven years, beginning the first day of the fiscal year that comes after the fiscal year in which the aforementioned technology was transferred or the aforementioned good was exported.

(Notification and reporting)

Article 19 After having become aware of any violation or potential violation of the Foreign Exchange Act etc. or these Regulations, university staff members etc. shall report it immediately to the Export Control Directors.

2 After having received a report described in the preceding paragraph, the Export Control Directors shall report it immediately to the Export Control Managing Director, investigate about the reported case and inform the Export Control Managing Director of the investigation results.

3 After having made aware of a confirmed or potential violation of the Foreign Exchange Act etc. by a report described in the preceding paragraph, the Export Control Managing Director shall promptly instruct corresponding actions to be taken to relevant organizations within the University and report the case without delay to relevant administrative organs. If the reported violation is particularly serious, the Export Control Managing Director shall first report the case to the Export Control General Director to discuss the actions to be taken.

4 Even after having approved a transaction in the secondary transaction review procedure, the Export Control Directors shall alert the Export Control Managing Director immediately when they become aware of any potential risk of the transaction coming to support the development etc. of weapons of mass destruction etc. or conventional weapons or of any other export control concern.

5 After having received a report described in the preceding paragraph, the Export Control Managing Director shall report the case without delay to the Export Control General Director to discuss the actions to be taken and also report the case to relevant administrative organs.

(Education of university staff members etc.)

Article 20 The Committee shall organize well-planned educational programs on the subject of export control for participation by university staff members etc. in order to have them understand their obligation to observe the Foreign Exchange Act etc. and these Regulations and to ensure strict observance thereof.

2 Each Export Control Director of Department shall make efforts to provide university staff members in the respective department with necessary information, such as information that would help deepen their understanding and awareness of export control.

(Education of students etc.)

Article 21 To students etc. who are involved in the safekeeping of list-controlled technologies or use laboratories etc. where list-controlled technologies are used, university staff members etc. shall make efforts to

provide the education needed to deepen their understanding about their obligation to observe the Foreign Exchange Act etc. and these Regulations.

(Audits)

Article 22 The Committee shall periodically perform audits on export control tasks in order to make sure that export control is implemented properly at the University in compliance with the Foreign Exchange Act etc. and these Regulations.

(Disciplinary actions)

Article 23 Those who have violated these Regulations deliberately or through gross negligence, as well as those who have been involved in such violation, shall be subjected to disciplinary actions etc. according to provisions in Work Regulations for National University Corporation Osaka University Staff.

(Office work)

Article 24 Office work for export control shall be done by the Research Promotion Division of the Department of Research Promotion with support from the departments and divisions concerned of the Administration Bureau.

(Miscellaneous rules)

Article 25 Other necessary provisions about export control, complementing those included in these Regulations, shall be established apart from these Regulations.

Supplementary Provision:

These Regulations shall be enforced from April 1, 2010.

Supplementary Provision:

This amendment shall take effect from April 1, 2011.

Supplementary Provision:

This amendment shall take effect from June 1, 2011.

Supplementary Provision:

This amendment shall take effect from January 1, 2012.

Supplementary Provision:

This amendment shall take effect from April 1, 2012.

Supplementary Provision:

This amendment shall take effect from August 1, 2014.

Supplementary Provision:

This amendment shall take effect from August 31, 2015.

Supplementary Provision:

This amendment shall take effect from April 1, 2016.