

## Meiji University Export Control Regulation (tentative)

Established on January 30, 2019

2018 Regulations No. 33

(Purpose)

**Article 1** This regulation is based on the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949, hereinafter referred to as the "Act") and laws and regulations related thereto (hereinafter collectively referred to as "Foreign Exchange Act, etc.") and the purpose of it is to establish an environment in which educational research activities can be carried out safely and smoothly by constructing a system with regard to providing technology and exporting goods which is recognized to hinder maintaining international peace and security(hereinafter referred to as "Export control") regarding Meiji University Incorporated and its school established (hereinafter referred to as "UNIVERSITY").

(Definition)

**Article 2** In addition to what is provided for in the following items, the terms used in this regulation shall be defined in accordance with the provisions of Foreign Exchange Act, etc..

- (1) "Faculty and Staff": faculty member, staff, teachers, research promoters and research assistants as prescribed in Article 2 of the regulation concerning the recruitment, etc. of Meiji University research promoters and research assistants (2005 Regulations No. 29) and persons employed in UNIVERSITY.
- (2) "Students": regular students and students, Commissioned student, Credited auditors, Auditors, special lecture students, Exchange student and research student.
- (3) "Department, etc.": Faculties, Graduate Schools, Professional Graduate School, Organization for the Strategic Coordination of Research and Intellectual Properties, Organization for International Collaboration, Organization for Community Relations and Support, University Farms, Meiji University Meiji High School and Junior High School, and other educational / research organizations and administrative organizations stipulated in school regulations.
- (4) "Provision of Technology": The following acts:
  - (a) the act of providing technology to Non-Residents (the person prescribed in Article 6, Paragraph 1, Item 6 of the "Act", hereinafter simply referred to as "Non-Residents" )

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- (b) the act of providing technology to Resident (the person prescribed in Article 6, Paragraph 1, Item 5 of the "Act") who clearly provides to Non-Residents
  - (c) the act of providing technology in a foreign state or providing technology for a foreign state.
  - (d) the act of providing a medium in which technical information is stated or recorded for the purpose of (a), (b) or (c)
  - (e) the act of sending technical information through telecommunication lines for the purpose of (a), (b) or (c)
- (5) "Export of Goods": The following acts:
- (a) To send goods to a foreign state
  - (b) To send goods clearly to be sent to a foreign state
  - (c) To carry cargo to a foreign state
- (6) "Transactions": Provision of Technology or Export of Goods.
- (7) "List Controlled Technology": A technology falling under any of the items from 1 to 15 of the appended table in Foreign Exchange Order (Cabinet Order No. 260 of 1980)
- (8) "List Controlled Goods": Goods falling under any of the items from 1 to 15 of Appended Table 1 in Export Trade Control Order (Cabinet Order No. 378 of 1949)
- (9) "Determination": To determine whether the technology to be provided or goods to be exported (hereinafter referred to as "Provided Technology, etc.") falls under "List Controlled Technology" or "List Controlled Goods"
- (10) "Confirmation of Weapons of Mass Destruction, etc.": Confirmation whether Provided Technology, etc. is concerned about the use of Development, etc. in Weapons of Mass Destruction, etc. based on information obtained on the contents of the business and the research of the Transactions partner
- (11) "Confirmation of Conventional Weapons": Confirmation whether Provided Technology, etc. is concerned about the use of Development, etc. in Conventional Weapons based on information obtained on the contents of the business and the research of the Transaction partner
- (12) "Confirmation of Transaction": Confirmation of Weapons of Mass Destruction, etc. conducted when the Transactions partner has an address or residence outside of the country or region prescribed in Appended Table 3 in Export Trade Control Order or Confirmation of Conventional Weapons conducted when the Transactions partner has an

address or residence in United Nations Arms Embargo.

- (13) "Transaction Assessment": In addition to the contents of Determination, to examine whether Transactions should be conducted as UNIVERSITY based on the content of Confirmation of Transaction
- (14) "United Nations Arms Embargo": A country or region prescribed in Appended Table 3-2 of Export Trade Control Order
- (15) "Weapons of Mass Destruction, etc.": Nuclear weapons, military chemical preparations or bacterial preparations, any other equipment for spraying them or any other rockets or unmanned aerial vehicles capable of transporting them with a range of 300 km or more
- (16) "Conventional Weapons": Goods falling under item 1 of Appended Table 1 in Export Trade Control Order (excluding those falling under Weapons of Mass Destruction, etc.)
- (17) "Development, etc.": To develop, manufacture, use or store.  
(Scope)

**Article 3** This regulation applies to all Transactions Faculty and Staff and Students in UNIVERSITY as educational research and other activities in UNIVERSITY.

(Responsible person)

**Article 4** In order to achieve the purpose of this Regulation, UNIVERSITY shall appoint the following persons:

- (1) Export Control Chief Executive Officer ("Chief Executive Officer")
- (2) Export Control Supervisor ("Supervisor")
- (3) Export Control Director of Department, etc. ("Director of Department, etc.")  
(Chief Executive Officer)

**Article 5** Chief Executive Officer shall be served by President.

2 Chief Executive Officer has the highest responsibility and authority for Export Control, with the following matters:

- (1) determination of basic policies for Export Control
- (2) matters concerning the response in the event of a violation of the Foreign Exchange Act, etc. or this regulation and prevention of recurrence
- (3) procedures for application for permission to the Minister of Economy, Trade and Industry pertaining to Export Control
- (4) decision of Supervisor 's activities under paragraph 1 of the following article
- (5) other important matters pertaining to Export Control

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(Supervisor)

**Article 6** Under Chief Executive Officer, the following three Supervisors are appointed, and they are in charge of Export Control which is involved in international collaboration activities, research activities, education and other activities.

(1) two people appointed by President from among Vice President

(2) one person appointed by President from among Associate Dean, Academic Affairs

2 Supervisor shall serve as a duty of the matters listed in the following items and have the overall responsibility and authority concerning the Export Control pertaining to the activities in charge:

(1) Establishment of implementation procedures for Prior Inspection, Determination and Confirmation of Transaction

(2) Re-Inspection prescribed in Article 12 paragraph 4 and Re-Confirmation prescribed in Article 14 paragraph 4

(3) Development and implementation of procedures for Transaction Assessment

(4) Dissemination of important matters concerning Foreign Exchange Act, etc. and other Export Control to Faculty and Staff and Students, and the implementation of guidance necessary for these observance

(5) Review of all academic issues related to Export Control and implementation of responses

3 The term of office of Supervisor shall be two years. However, when replacing the term of office during the term of office, it shall be the remaining term of the predecessor.

4 Supervisor may be reappointed.

(Director of Department, etc.)

**Article 7** Director of Department, etc. shall be appointed under Supervisor.

2 Director of Department, etc. shall be served by the head of Department, etc. to which Faculty and Staff belong. However, Deputy Director General, Organization for the Strategic Coordination of Research and Intellectual Properties and Deputy Director General, Organization for International Collaboration designated by the Director General shall serve as the Director of Department, etc. for Organization for the Strategic Coordination of Research and Intellectual Properties and Organization for International Collaboration.

3 Director of the Department, etc. shall assume the duties listed in the following items and have responsibility for the proper processing of the business pertaining to Export Control under the direction of Supervisor pertaining to the activities of Department, etc.:

(1) investigation and necessary operations for Prior Inspection, Determination and Confirmation

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of Transaction

(2) implementation of training for Faculty and Staff and Students

(3) other business pertaining to Export Control

4 The term of office of Director of Department, etc. shall be two years except for those who become Director of Department, etc. in the course of their duties. However, when replacing the term of office during the term of office, it shall be the remaining term of the predecessor.

5 The director of Department, etc. may be reappointed.

(Export Control Committee)

**Article 8** The Export Control Committee ("Committee") shall be set up to deliberate important matters concerning Export Control in UNIVERSITY.

2 The Committee shall deliberate on the following matters concerning Export Control:

(1) matters concerning the Transaction Assessment and appeals

(2) matters pertaining to dissemination, guidance and training to Faculty and Staff and Students

(3) other important matters concerning Export Control

3 The Committee shall be composed of the following members:

(1) Supervisor (3 people)

(2) nominees by President from among President's Staff (up to 5 people)

(3) nominees by President from among full-time faculty members (up to 5 people)

(4) Educational Affairs General Manager, Research Promotion General Manager, International Collaboration General Manager, Nakano Campus Affairs General Manager and Personnel General Manager

4 The term of office of commissioners shall be two years except for those who become members in the course of their duties. However, when replacing the term of office during the term of office, it shall be the remaining term of the predecessor.

5 Members may be reappointed.

6 The Committee shall have one chairperson and one vice chairperson.

7 The chairperson shall be appointed by President from among the Supervisor, and the vice-chairman shall be appointed by the chairperson from among the members.

8 The chairman shall preside over the affairs of the Committee and shall chair the meeting.

9 The vice chairperson shall assist the chairperson and shall perform his duties in the event of an accident to the chairman.

(meeting)

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**Article 9** The Committee shall be convened as necessary by the chairperson.

2 The Committee may not hold a meeting or vote unless a majority of the committee members are present.

3 Decisions of the Committee shall be made by a majority of the members present, and in the event of a tie, the chairperson shall decide.

4 The Committee may invite persons other than the Committee members and hear their opinions as necessary.

(office work)

**Article 10** Affairs concerning the Committee shall be conducted by Research Promotion Division and International Collaboration Division, and Educational Affairs Division, Nakano Campus Division and Personnel Division shall cooperate with them.

(survey)

**Article 11** In order to carry out the Export Control in an appropriate and effective manner, the Director of the Department, etc. shall investigate the following items, where necessary, to Faculty and Staff who belong to the Department, etc.

(1) whether or not List Controlled Technology or List Controlled Goods is handled

(2) whether or not goods that are particularly likely to be used in Development, etc. of Weapons of Mass Destruction, etc. and Conventional Weapons, or technology to design, manufacture or use them is handled

(3) whether or not Faculty and Staff or Students from an organization listed in End users list published by the Ministry of Economy, Trade and Industry.

(Prior Inspection)

**Article 12** A person who intends to conduct Transaction ("Prospectives") shall conduct a prior inspection as to whether or not said transaction may conflict with the Foreign Exchange Act, etc., ("Prior Inspection") and report the results thereof("Prior Inspection Results") to the Director of the Department, etc..

2 The Director of the Department, etc. who has received the report set forth in the preceding paragraph shall notify the Prospectives of any unclear points or doubts("Doubts") pertaining to Prior Inspection Results.

3 The Director of the Department, etc. shall report to the appropriate Supervisor ("Appropriate Supervisor") if there is Doubts pertaining to Prior Inspection Results.

4 The Appropriate Supervisor that has received the report set forth in the preceding paragraph

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shall perform re-inspection by appropriate means ("Re-inspection"). In this case, if Determination or Confirmation of Transaction as prescribed in Article 14, paragraphs 1 and 2 is found to be necessary, the Appropriate Supervisor shall order Prospectives to do so through the Director of Department, etc.

5 If the Re-inspection finds that Determination or Confirmation of Transaction as prescribed in Article 14, paragraphs 1 and 2 is deemed unnecessary, the Appropriate Supervisor shall notify Prospectives through the Director of Department, etc.

(Determination)

**Article 13** Prospectives shall conduct Determination if it is deemed necessary by Prior Inspection or Re-inspection, and report the result thereof ("Determination Results") to the Appropriate Supervisor through the Director of Department, etc.

2 The Appropriate Supervisor that has received the report set forth in the preceding paragraph shall reconfirm the results of Determination by appropriate means ("Reconfirmation of Determination").

3 The Appropriate Supervisor shall notify Prospectives about the results of the Reconfirmation of Determination through the Director of Department, etc.

(Confirmation of Transaction)

**Article 14** The Prospectives shall perform the Confirmation Weapons of Mass Destruction, etc. if it is deemed necessary by Prior Inspection or the Re-inspection AND if the Transactions partner has an address or residence outside the country or region prescribed in Appended Table 3 in Export Trade Control Order.

2 In the case referred to in the preceding paragraph, Prospectives shall perform the Confirmation of Conventional Weapons if the Transactions partner has an address or residence in United Nations Arms Embargo.

3 Prospectives who performed the Confirmation of Transaction shall report the result thereof ("Confirmation of Transaction Results") to the Appropriate Supervisor through the Director of Department, etc. However, this shall not apply if the result of the Determination clearly falls under the List Controlled Technology or the List Controlled Goods.

4 The Appropriate Supervisor that has received the report set forth in the preceding paragraph shall reconfirm the results of the Confirmation of Transaction by appropriate means ("Reconfirmation of Transactions").

5 The Appropriate Supervisor shall notify Prospectives through the Director of Department, etc.

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about the results of the Reconfirmation of Transactions.

(Transaction Assessment)

**Article 15** If Transactions falls under any of the following items and Prospectives wish to implement the Transactions, Prospectives shall apply for the implementation of Transaction Assessment ("Transaction Assessment Application") in the Appropriate Supervisor through the Director of Department, etc.

(1) In the case where the result of Determination deemed to fall under List Controlled Technology or List Controlled Goods

(2) By Confirmation of Transaction, it has been confirmed that it may be used in Development, etc. of the Weapons of Mass Destruction, etc. (if in United Nations Arms Embargo, the cases where it has been confirmed that it may be used in Conventional Weapons is included)

(3) In cases where the Prospectives or UNIVERSITY has received a notice that an application for permission may be filed by the Minister of Economy, Trade and Industry as it may be used in Development, etc. of Weapons of Mass Destruction, etc. or Conventional Weapons

(4) When there is unclear points or doubts as to whether or not it falls under item 1 or 2 as a result of Reconfirmation of Determination or Reconfirmation of Transactions

2 The Appropriate Supervisor shall report to the chairperson if there is a Transaction Assessment Application.

3 The chairperson who has received the report set forth in the preceding paragraph shall promptly examine the propriety of Transactions in the Committee, report the examination result ("Transaction Assessment Results") to Chief Executive Officer and notify the Appropriate Supervisor.

4 If Prospectives is a committee member, he / she may not participate in the examination set forth in the preceding paragraph. In this case, such committee members shall not be included in the number of members present at the Committee.

5 The Appropriate Supervisor shall notify the Prospectives of Transaction Assessment Results through the Director of Department, etc.

6 Even in the case of Transactions in Japan, the provisions of paragraph 1 shall apply where it is obvious that Provision of Technology as prescribed in Article 2, item (4), (a), (b) or (c) will be conducted after Transactions.

(Appeal)

**Article 16** If the Transaction Assessment Results are dissatisfied, Prospectives may file an appeal

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with the Chairperson within 14 days from the date of receipt of the notice provided for in paragraph 5 of the preceding Article.

2 When an appeal is filed, the chairperson shall examine the contents of the petition and, if necessary, re-examine the propriety of Transactions ("Transactions Re-examination"). shall be performed. In this case, the Chairperson may, as necessary, invite the Director of Department, etc. concerned and the Prospectives concerned to attend the Committee and hear their opinions.

3 The provisions of paragraphs 3 to 5 of the preceding Article shall apply to Transactions Re-examination. In this case, the term "examination" in each paragraph of the same Article shall be deemed to be replaced with "reexamination"

4 The Prospectives may not file a second appeal with respect to the results of the Transactions Re-examination.

(Application for permission based on Foreign Exchange Act, etc.)

**Article 17** When Transactions has approved as a result of the Transaction Assessment, the Chief Executive Officer shall apply for permission with the Minister of Economy, Trade and Industry.

2 When the application set forth in the preceding paragraph has been filed, the Prospectives shall not conduct the Transactions until the permission of the Minister of Economy, Trade and Industry has been granted.

3 When Chief Executive Officer receives a result of acceptance or rejection concerning said Transactions from the Minister of Economy, Trade and Industry, he / she shall notify the Appropriate Supervisor and the chairperson.

4 The Appropriate Supervisor who has received the notice set forth in the preceding paragraph shall promptly notify the Prospectives of the result of acceptance or rejection through the Director in charge of Department, etc..

(Implementation of Provision of Technology Management)

**Article 18** When the Prospectives implement the Provision of Technology, the Prospectives shall ensure that the procedures provided for in Articles 12 to 15 have been completed and that the contents of the technology provided are identical to those checked in these procedures.

2 In addition to what is provided for in the preceding paragraph, the Prospectives shall ensure that the permission has been obtained if it is Provision of Technology which requires permission from the Minister of Economy, Trade and Industry based on Foreign Exchange Act, etc..

3 The Prospectives shall not conduct such Provision of Technology if the provision set forth in the

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preceding two paragraphs is not confirmed.

(Implementation of Export of Goods Management)

**Article 19** When the Prospectives implement the Export of Goods, the Prospectives shall ensure that the procedures provided for in Articles 12 to 15 have been completed and that the contents of the goods to be exported are identical to those checked in these procedures.

2 In addition to what is provided for in the preceding paragraph, the Prospectives shall ensure that the permission has been obtained if it is Export of Goods which requires permission from the Minister of Economy, Trade and Industry based on Foreign Exchange Act, etc.

3 The Prospectives shall not conduct such Export of Goods if the provision set forth in the preceding two paragraphs is not confirmed.

4 In the event that an accident occurs at customs clearance during the Export of Goods, the Prospectives shall immediately cancel the export procedure and report it to the Appropriate Supervisor through the Director in charge of Department, etc..

5 The Appropriate Supervisor that has received the report set forth in the preceding paragraph shall understand the facts, instruct the Director of Department, etc. who has jurisdiction over the Transactions to take action and report it to Chief Executive Officer without delay.

(Procedures, etc.)

**Article 20** Procedures and forms for smooth implementation of Export Control under this regulation shall be separately determined under the direction of Supervisor pertaining to the activities of Department, etc..

(Training for Faculty and Staff, etc.)

**Article 21** In order to make Faculty and Staff and Students recognize the importance of Export Control and to ensure their implementation, UNIVERSITY shall disseminate necessary matters and provide guidance and training.

(Audit)

**Article 22** Based on the provisions of Article 2, Paragraph 1 of the Internal Audit Rules (2000 Regulations No. 23), each Department, etc. shall periodically receive an audit in order to confirm that Export Control in UNIVERSITY has been properly implemented under the Foreign Exchange Act, etc. and these rules.

(Preservation of documents and recording media)

**Article 23** Documents and electromagnetic recording media pertaining to Export Control shall be preserved for 10 years starting from April 1 of the following fiscal year in which technology is

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provided or goods are exported.

(Report)

**Article 24** If Faculty and Staff learns that Transactions involving UNIVERSITY may violate or violate the rules of Foreign Exchange Act, etc. or this Regulation, he / she shall promptly report to the Supervisor through the Director of Department, etc..

2 The Supervisor, which has received the report set forth in the preceding paragraph, shall investigate the contents of the report and promptly report to Chief Executive Officer if the violation is found or there is a possibility of violation.

3 Upon receiving the report set forth in the preceding paragraph, Chief Executive Officer shall instruct the relevant Supervisor to take measures and report it to relevant administrative organs without delay.

4 Upon receiving the report set forth in the preceding paragraph, Chief Executive Officer shall take necessary measures to prevent its recurrence.

(Handling when Students does Transactions)

**Article 25** Where Students intends to engage in Transactions within the scope prescribed in Article 3, they shall do with the cooperation of Faculty and Staff concerned with said Transactions.

(Miscellaneous Provisions)

**Article 26** In addition to what is provided for in this regulation, necessary matters concerning the operation of Export Control in UNIVERSITY shall be separately specified.

(Revision or abolition of regulations)

**Article 27** When this regulation is revised or abolished, the committee shall consult.

#### **Supplementary Provisions** (2018 Regulations No. 33)

(effective date)

1 This Regulation shall come into effect as of January 31, 2019 and apply from Transactions which is conducted on or after April 1, 2019.

(Special Provisions for Term of Office)

2 The term of office of the members of the Department, etc. Supervisor set forth in Article 6 paragraph 1 item (1) and (2) and the members of Article 8 paragraph 3 item (2) and (3) after the enforcement of these rules shall expire until March 31, 2020, notwithstanding the main clause of Article 6 paragraph 3, the main clause of Article 7 paragraph 4 and Article 8 paragraph 4, respectively.

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(Notice No. 2605)

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