Request for Declaration Concerning the Applicability of “Specific Categories”

for compliance with Article 25, Paragraphs 1 and 2

of the Foreign Exchange and Foreign Trade Act (FEFTA)

National Research Institute for

 Earth Science and Disaster Resilience (NIED)

NIED is obliged to properly implement security export controls in accordance with the Foreign Exchange and Foreign Trade Act (FEFTA). Such instances include the export of goods and/or technologies overseas, or the transfer of technologies either to non-residents or to residents under the influence of a foreign country (individuals who fall under specific categories), as part of our research activities.

In accordance with the provisions of FEFTA, NIED must confirm whether or not its employees fall under specific category(s). The purpose of Form 11 (様式11) "Confirmation Letter regarding the Applicability of the Specific Categories for Compliance with Article 25 (1) and (2) of FEFTA," is to investigate the Specific Category Applicability of applicants for new employment, and to prepare for export controls pertaining to said applicants in advance.

Those newly applying for a position at NIED must complete and submit Form 11 at the time of their application, under the assumption their application is accepted. Applicants must indicate whether or not they fall under any or all Specific Categories at the time of the application.

For the application of (1) and (2), please refer to the website of the Ministry of Economy, Trade and Industry (METI) on security export control (https://www.meti.go.jp/policy/anpo/englishpage.html) and please read carefully prior to completing the Confirmation Letter. If you have any questions or are unable to make a decision, please contact:

General Affairs Department

National Research Institute for Earth Science and Disaster Resilience (NIED)

E-Mail:　koubo@bosai.go.jp

(Handling of personal information)

Personal information obtained from the completed declaration forms shall be used solely for the following purposes, to properly implement security export controls under FEFTA.

•Confirming under FEFTA of individuals deemed to fall under specific categories (1) and/or (2) of the Notification for Technology Transfer (hereinafter referred to as “applicable individuals”).

•Managing the provision of technology to applicable individuals. In this case, the applicability status of individuals shall be shared with those responsible for managing the provision of technologies to applicable individuals. Those responsible for managing the provision of technologies to applicable individuals include persons outside of NIED (including collaborating partners of counterpart organizations). In case application to METI for authorization under FEFTA is necessary, the applicability status of applicable individuals shall be shared with METI.

•Responses necessary for proper execution of operational activities within NIED. In particular, the legal determination of an individual’s specific category applicability, confirmation of consistency with an individual’s dual employment application, and the measures for cases wherein deemed export control is considered difficult. In such cases, the applicable individual’s personal information may be disclosed to the relevant department(s) within NIED.

•The Confirmation Letter submitted shall not be returned. The Confirmation Letter and other application documents for rejected applicants shall be disposed of in accordance with NIED’s rules and regulations.

Confirmation Letter regarding the Applicability of the Specific Categories for Compliance with Article 25 (1) and (2) of the Foreign Exchange and Foreign Trade Act

（様式11）

To:　President of National Research Institute for Earth Science and Disaster Resilience

Date:

Address:

Name:

I understand when National Research Institute for Earth Science and Disaster Resilience（NIED） transfers technology to a resident who falls under the clauses 1(3)サ ① or ② of the "Notification for Transactions or Acts of Transferring Technology Requiring Permission pursuant to Article 25 (1) of the Foreign Exchange and Foreign Trade Act and Article 17 (2) of the Foreign Exchange Order" (Document No. 492 of the Trade Bureau published on December 21, 1992; hereinafter referred to as the "Notification for Technology Transfer"), NIED is likely to be required to obtain a license from the Minister of Economy, Trade, and Industry pursuant to Article 25 (1) and (2) of the Foreign Exchange and Foreign Trade Act, and, for the sake of compliance by NIED with the clauses 1(3)サ① or ② of the Notification for Technology Transfer, I hereby confirm that I:

 □ fall under the category (1) below.

 □ fall under the category (2) below.

 □ fall under the categories (1) and (2) below.

 □ DO NOT fall under any of the categories below and no confirmation is required.

(1) A Person who has entered into an employment contract, a delegation contract, a service contract, or any other contract with a corporation or any other organization established under the foreign laws and regulations (hereinafter referred to as a "Foreign Corporation"), or a foreign government, a foreign governmental agency, a foreign local government, a foreign central bank, a foreign political party or any other political organization (hereinafter referred to as a "Foreign Government") and is subject to the direction and order of the Foreign Corporation or the Foreign Government, or owes the duty of care of a good manager to the Foreign Corporation or the Foreign Government, according to the contract, except for either of the following cases.

(a) In the case where the Person has entered into an employment contract, a delegation contract, a service contract, or any other contract with a Japanese corporation and is subject to the direction and order of the Japanese corporation or owes the duty of care of a good manager to the Japanese corporation, according to the contract, the Japanese corporation or the Person has agreed with the Foreign Corporation or the Foreign Government that the direction and order of the Japanese corporation or the duty of care of a good manager to the Japanese corporation shall prevail over the direction and order of the Foreign Corporation or the Foreign Government, or the duty of care of a good manager to the Foreign Corporation or the Foreign Government.

(b) In the case where the Person has entered into an employment contract, a delegation contract, a service contract, or any other contract with a Japanese corporation and is subject to the direction and order of the Japanese corporation or owes the duty of care of a good manager to the Japanese corporation, according to the contract, the Person has entered into an employment contract, a delegation contract, a service contract or any other contract with a Group Foreign Corporation (a Foreign Corporation that directly or indirectly holds 50% or more of the voting rights of the Japanese corporation or a Foreign Corporation of which 50% or more of the voting rights are held by the Japanese corporation. The same shall apply hereinafter.) and is subject to the direction and order of the Group Foreign Corporation or owes the duty of care a good manager to the Group Foreign Corporation, according to the contract.

(2) A Person who earns or agrees to earn a large amount of money or other significant profit (money or other profit that accounts for 25% or more of the Person’s annual income when converted into money) from a Foreign Government.