

Order for Enforcement of the Commodity Derivatives Act

(Cabinet Order No. 280 of August 31, 1950)

The Cabinet hereby enacts this Cabinet Order based on the provisions of the Commodity Exchange Act (Act No. 239 of 1950).

(Specification of Commodities)

Article 1 (1) The goods specified by Cabinet Order as set forth in Article 2, paragraph (1), item (i) of the Commodity Derivatives Act (hereinafter referred to as the "Act") shall be the following goods:

- (i) Cattle/cow
- (ii) Swine
- (iii) Rapeseed
- (iv) Flaxseed
- (v) Wood
- (vi) Natural rubber
- (vii) Raw cotton
- (viii) Cotton yarn
- (ix) Dried cocoon
- (x) Raw silk thread
- (xi) Fleece
- (xii) Wool yarn
- (xiii) Staple-fiber yarn
- (xiv) Feed

(2) Minerals specified by Cabinet Order as set forth in Article 2, paragraph (1), item (ii) of the Act shall be the following goods:

- (i) Lithium ore
- (ii) Beryllium ore
- (iii) Boron ore
- (iv) Magnesium ore
- (v) Aluminum ore
- (vi) Rare earth metallic ore
- (vii) Titanium ore
- (viii) Vanadium ore
- (ix) Gallium ore
- (x) Germanium ore
- (xi) Selenium ore
- (xii) Rubidium ore

- (xiii) Strontium ore
- (xiv) Zirconium ore
- (xv) Niobium ore
- (xvi) Platinum metal ore
- (xvii) Cadmium ore
- (xviii) Indium ore
- (xix) Tellurium ore
- (xx) Cesium ore
- (xxi) Barium ore
- (xxii) Hafnium ore
- (xxiii) Tantalum ore
- (xxiv) Rhenium ore
- (xxv) Thallium ore
- (xxvi) Precious stone
- (xxvii) Semiprecious stone
- (xxviii) Bentonite
- (xxix) Acid clay
- (xxx) Diatomaceous earth
- (xxxi) Pottery stone
- (xxxii) Mica
- (xxxiii) Vermiculite

(Exclusions from Application of the Act in Commodity Derivatives Business)

Article 2 The actions prescribed by Cabinet Order in Article 2, paragraph (22) of the Act are the following actions:

- (i) Actions listed in the respective items of Article 2, paragraph (22) of the Act, performed by the following entities:
 - (a) The national government of Japan
 - (b) Local governments
 - (c) Foreign governments and other entities equivalent under foreign law to the entities listed in (a) and (b)
- (ii) For a foreign Commodity Derivatives Business Operator (referring to an entity other than a Commodity Derivatives Business Operator, established in accordance with the laws and regulations of a foreign state, and engaged in the actions listed in the respective items of Article 2, paragraph (22) of the Act as a business; the same shall apply in item (iv)) accepting orders from an entity in Japan (limited to commodities investment Advisor as defined in Article 2, paragraph (4) of the Act on Regulation of Commodity Investment (Act No. 66 of 1991) (referred to in Article 41, item (iii) as "Commodities Investment Advisor" or other entities prescribed by an ordinance of the competent ministry), the actions listed in the foregoing items performed from

- abroad for said an entity in Japan (limited to those performing intermediation actions as defined in these items, and excluding actions listed in the preceding item) without solicitation with respect to actions listed in items (i) and (ii) of the same paragraph
- (iii) Actions listed in Article 2, paragraph (22), item (iii) or item (iv) of the Act with an entity prescribed by an ordinance of the competent ministry as an entity which has high-level capabilities with respect to Foreign Commodity Market Transaction as the other party, or actions performed on behalf of said entity (excluding actions constituting those listed in item (i))
 - (iv) Actions listed in Article 2, paragraph (22), items (iii) through (v) of the Act performed by a foreign Commodity Derivatives Business Operator which has an entity in Japan as the other party (excluding entities that are individual persons), by an agency or brokerage without solicitation with respect to actions listed in these items (excluding the actions of performing brokerage, intermediation, or agency services as set forth in these items, and actions constituting actions listed in item (i) and the preceding item)
 - (v) Actions listed in Article 2, paragraph (22), item (v) of the Act with an entity prescribed by an ordinance of the competent ministry as an entity which has a close personal relationship or a close financial relationship as the other party, or performed on behalf of said an entity (excluding actions constituting actions listed in item (i) and the preceding item)

(Provision of Particulars Utilizing Information Communication Technology
Pertaining to Subscription Requests, etc.)

Article 3 (1) A person who intends to provide particulars prescribed in the following provisions by Electromagnetic Means (meaning the Electromagnetic Means as prescribed in Article 12, paragraph (4) of the Act; the same shall apply hereinafter in this Article and Article 5) (such person shall be referred to as a "Provider" in the following paragraph) must present the party to whom said particulars are to be provided with the type and details of the Electromagnetic Means which is to be used, and obtain said party's consent in writing or by Electromagnetic Means in advance, pursuant to the provisions of an ordinance of the competent ministry:

- (i) Article 12, paragraph (4) of the Act
 - (ii) Article 130, paragraph (3) of the Act
- (2) If the party set forth in the preceding paragraph has stated in writing or by Electromagnetic Means that said party will not accept the provision of the particulars by Electromagnetic Means, a Provider who has obtained the consent under the provisions of the preceding paragraph must not provide said particulars to such party by Electromagnetic Means; provided, however, that this shall not apply when said party reissues consent under the provisions of

the same paragraph.

(Criteria for Permission for Establishment, etc.)

Article 4 (1) The criteria specified by Cabinet Order as set forth in Article 15, paragraph (1), item (ii) of the Act concerning application shall be that the majority of those persons who intend to become members of a Commodity Market pertaining to a Listed Commodity will have, in the course of trade, engaged in the Buying and Selling, etc. of Listed Commodity Component Products pertaining to said Listed Commodity for one year or more on a continuous basis, and are persons who have in the course of trade engaged in the Buying and Selling, etc. of the majority of the types of said Listed Commodity.

(2) The provisions of the preceding paragraph shall apply mutatis mutandis to criteria specified by Cabinet Order as set forth in Article 80, paragraph (1), item (iv) of the Act. In this case, the term "member" in the preceding paragraph shall be deemed to be replaced with "Trading Participant."

(3) The provisions of paragraph (1) shall apply mutatis mutandis to criteria specified by Cabinet Order as set forth in Article 146, paragraph (1), item (iii) of the Act. In this case, the term "member" in paragraph (1) shall be deemed to be replaced with "Member, etc."

(Electromagnetic Means pertaining to a Notice of Convocation of a General Meeting of Members)

Article 5 (1) When persons who intend to convene a general meeting of members wish to issue a notice of convocation by Electromagnetic Means pursuant to the provisions of Article 59, paragraph (10) of the Act, they shall inform the members of the type and details of the Electromagnetic Means which they intend to use and gain their consent in writing or by Electromagnetic Means in advance, pursuant to the provisions of an ordinance of the competent ministry.

(2) Persons convening a general meeting of members who have gained consent under the provisions of the preceding paragraph shall not issue a notice of convocation to said members by Electromagnetic Means when any of said members have stated in writing or by Electromagnetic Means that they will not accept a notice of convocation by Electromagnetic Means; provided, however, that this shall not apply when said members have also given their consent under the same paragraph at another time.

(Replacement of Terms of the Provisions of the Act and the Companies Act as Applied Mutatis Mutandis to a Liquidator of a Member Commodity Exchange)

Article 6 (1) In cases where the provisions of Article 55, paragraph (1) of the Act

are applied mutatis mutandis to a liquidator of a Member Commodity Exchange pursuant to the provisions of Article 77, paragraph (2) of the Act, "An officer of a Member Commodity Exchange" in the same paragraph shall be deemed to be replaced with "a liquidator of a Member Commodity Exchange," and "an officer of another Commodity Exchange" shall be deemed to be replaced with "an officer or a liquidator of another Commodity Exchange."

(2) In cases where the provisions of Article 430 of the Companies Act (Act No. 86 of 2005) are applied mutatis mutandis to a liquidator of a Member Commodity Exchange pursuant to the provisions of Article 77, paragraph (2) of the Act, "an officer, etc." in the same paragraph shall be deemed to be replaced with "a liquidator of a Member Commodity Exchange," and "other officers, etc." shall be deemed to be replaced with "an auditor."

(Amount of Minimum Capital for an Incorporated Commodity Exchange)

Article 7 The amount to be specified by a Cabinet Order as set forth in Article 80, paragraph (1), item (i) of the Act shall be 1 billion yen.

(Exclusion of Limitation on the Holding of Voting Rights)

Article 8 (1) The Financial Instruments Exchange specified by the Cabinet Order referred to in the proviso to Article 86, paragraph (1) of the Act shall be the Financial Instruments Exchange prescribed in Article 2, paragraph (18) of the Financial Instruments and Exchange Act (Act No. 25. of 1948)

(2) The Financial Instruments Exchange Holding Company specified by the Cabinet Order referred to in the proviso to Article 86, paragraph (1) of the Act shall be the Financial Instruments Exchange Holding Company prescribed in Article 2, paragraph (18) of the Financial Instruments and Exchange Act.

(Special Relationships Specified by the Cabinet Order of Article 86, paragraph (5), item (ii) of the Act)

Article 9 (1) A special relationship specified by Cabinet Order as set forth in Article 86, paragraph (3), item (ii) of the Act (including cases where it is applied mutatis mutandis pursuant to Article 86-2, paragraph (2) and Article 96-24 of the Act) shall be as follows:

(i) The relationship of persons who have jointly acquired or hold Subject Voting Rights of an Incorporated Commodity Exchange (which refers to the Subject Voting Rights prescribed in the main clause of Article 86, paragraph (1); the same shall apply hereinafter), or have agreed to exercise Subject Voting Rights of said Incorporated Commodity Exchange (hereinafter such persons shall be referred to as a "Joint Holder" in this Article) (when any Joint Holder is a Commodity Exchange, etc. (which refers to a Commodity Exchange, a Commodity Exchange Holding Company, a Financial

- Instruments Exchange or a Financial Instruments Exchange Holding Company; the same shall apply hereinafter) the relationship between said Commodity Exchange, etc. and other Joint Holders is excluded.)
- (ii) The relationship of husband and wife
 - (iii) A relationship between a person who holds voting rights (including the voting rights of the shares or equity interests which cannot be asserted against the issuer pursuant to the provisions of Article 147, paragraph (1) or Article 148, paragraph (1) [including the cases where these provisions are applied mutatis mutandis pursuant to Article 228, paragraph (1), Article 235, paragraph (1), Article 239, paragraph (1) and Article 276 (limited to the portion pertaining to item (ii))] of the Act on Transfer of Bonds, Shares, etc. [Act No. 75 of 2001]) which exceed fifty percent of the voting rights (in the case of a stock company, excluding the voting rights of shares which cannot be exercised for any matters subject to resolution at a general meeting of shareholders, and including the voting rights of shares for which a shareholder is deemed to have voting rights pursuant to the provisions of Article 879, paragraph (3) of the Companies Act; the same shall apply hereinafter) of All Shareholders, etc. (meaning all shareholders, all members or all contributors; the same shall apply hereinafter) of a corporation (hereinafter such a corporation shall be referred to as a "Controlling Shareholder, etc." in this Article) and said corporation (hereinafter referred to as a "Controlled Corporation" in this Article) (When any Controlling Shareholder, etc. or Controlled Corporation is a Commodity Exchange, etc. the relationship between said Commodity Exchange, etc. and that Controlling Shareholder, etc. or Controlled Corporation is excluded.)
 - (iv) Relationship between a Controlled Corporation and other Controlled Corporation of said Controlling Shareholder, etc. (When any Controlled Corporation is a Commodity Exchange, etc., the relationship between said Commodity Exchange, etc. and another Controlled Corporation is excluded.)
- (2) In cases where Joint Holders jointly hold voting rights that exceed fifty percent of the voting rights of All Shareholders, etc. of a corporation, said Joint Holders shall be deemed to be Controlling Shareholders, etc. of said corporation respectively, and the provisions of the preceding paragraph shall apply.
- (3) In cases where husband and wife jointly hold voting rights that exceed fifty percent of the voting rights of All Shareholders, etc. of a corporation, said husband and wife shall be deemed to be Controlling Shareholders, etc. of said corporation respectively, and the provisions of paragraph (1) shall apply.
- (4) In cases where Controlling Shareholders, etc. and their Controlled Corporation jointly hold voting rights that exceed fifty percent of the voting rights of All Shareholders, etc. of the other corporation, said other corporation

shall also be deemed to be a Controlled Corporation of said Controlling Shareholders, etc., and the provisions of paragraph (1) shall apply.

(5) In the cases listed in the following items, the voting rights held by the persons respectively specified in those items shall include the voting rights of the shares or equity interests which cannot be asserted against the issuer pursuant to the provisions of Article 147, paragraph (1) or Article 148, paragraph (1) [including cases where these provisions are applied mutatis mutandis pursuant to Article 228, paragraph (1), Article 235, paragraph (1), Article 239, paragraph (1) and Article 276 (limited to the portion pertaining to item (ii))] of the Act on Transfer of Bonds, Shares, etc.:

(i) In the case set forth in paragraph (2) Joint Holders

(ii) In the case set forth in paragraph (3) Husband and wife

(iii) In the case set forth in the preceding paragraph: The Controlling Shareholders, etc. and their Controlled Corporation

(Replacement of Terms of the Provisions of the Companies Act as Applied Mutatis Mutandis to a Petition for the Selection of a Person to Carry Out the Duties of a Member of the Self-Regulating Committee)

Article 10 Concerning a petition for the selection of persons who carry out the duties of the Self-Regulating Committee pursuant to the provisions of paragraph (4) of this Article pursuant to the provisions of Article 96-5, paragraph (6) of the Act, the technical replacement of terms pertaining to these provisions as applied mutatis mutandis to the provisions of Article 870 (limited to the part pertaining to item (ii)) and Article 874 of the Companies Act (limited to the part pertaining to item (i)) are as in the following table.

The provision of the Companies Act to be replaced	Term deemed to be replaced	Term to be used as a replacement
Article 870, item (ii)	or Article 401, paragraph (3)	or Article 401, paragraph (3)

<p>a person who is temporarily to perform the duties of a director, accounting advisor, company auditor, Representative Director, committee member, executive officer or representative executive officer appointed pursuant to the provisions of Article 346(2), Article 351(2) or Article 401(3) (including cases where it is applied mutatis mutandis pursuant to Article 403(3) or Article 420(3)), a liquidator, a person who is temporarily to perform the duties of a liquidator or representative liquidator appointed pursuant to the provisions of Article 346(2) as applied mutatis mutandis pursuant to Article 479(4) or the provisions of Article 351(2) as applied mutatis mutandis pursuant to Article 483(6), an inspector, or the administrator set forth in Article 825(2) (including cases where it is applied mutatis mutandis pursuant to Article 827(2))</p>	<p>or Article 401, paragraph (3)</p>
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<p>Article 874, item (i)</p>	<p>a person who is temporarily to perform the duties of a director, accounting advisor, company auditor, Representative Director, committee member, executive officer or representative executive officer prescribed in item (ii) of Article 870, a liquidator, a representative liquidator, a liquidator who represents a Liquidating Membership Company, a person who is temporarily to perform the duties of a liquidator or representative liquidator prescribed in that item, an inspector, the appraiser set forth in Article 501(1) (including the cases where it is applied mutatis mutandis pursuant to Article 822(3)) or Article 662(1), the person who retains Accounting Materials set forth in Article 508(2) (including the cases where it is applied mutatis mutandis pursuant to Article 822(3)) or Article 672(3), a special agent of a bond manager or the bond manager to succeed to the administration of bonds set forth in Article 714(3)</p>	<p>a person who is to temporarily perform the duties of a member of the Self-Regulating Committee</p>
	<p>appointment or selection</p>	<p>appointment</p>

(Persons who can Acquire or Hold the Subject Voting Rights at not less than the Holding Ratio Threshold but not more than 50 percent of the Holding Ratio Threshold of the voting rights of all shareholders of an Incorporated Commodity Exchange)

Article 11 Persons to be specified by the Cabinet Order of Article 96-19, paragraph (1) of the Act shall be the following:

- (i) Local governments
- (ii) Persons who establish Foreign Commodity Markets (in the following item referred to as "Foreign Commodity Market Establisher") and satisfy all of the following requirements listed:
 - (a) In the country where its head office or principal office is located, the permission of Article 9 or Article 78 of the Act and permission of a similar type or similar authorization or other administrative dispositions have been obtained.
 - (b) That the authority responsible for the enforcement of the laws and regulations of the foreign country that correspond to the laws where its head office or principal office is located (including an order passed on this Act; hereinafter in (b) the same) ensures that when Japan requests cooperation concerning an administrative investigation conducted for the enforcement of the law, said request shall be complied with.
 - (c) The Incorporated Commodity Exchange or Commodity Exchange Holding Company of which that person, having received authorization under Article 96-19, paragraph (1) or Article 96-31, paragraph (1) of the Act, intends to acquire or hold Subject Voting Rights of a number greater than the Holding Ratio Threshold (which refers to the Holding Ratio Threshold prescribed in the main clause of Article 96, paragraph (1) or the main clause of Article 96-28, paragraph (1) of the Act. The same in item (iv), (c)) but less than 50% of the voting rights of all shareholders thereof is a subsidiary of Commodity Exchange, etc (which refers to the subsidiary company prescribed in Article 3-2, paragraph (3) of the Act; hereinafter in this Article the same).
- (iii) Persons for which a Foreign Commodity Market Establisher is regarded as a subsidiary (except for persons listed in the preceding item; hereinafter in this item referred to as a "Foreign Commodity Market Establisher Holding Company"), and which have satisfied all of the following requirements:
 - (a) That the authority responsible for the enforcement of the laws and regulations of the foreign country that correspond to the laws where its head office or principal office is located carries this out (including an order based on this Act; hereinafter in (b) the same), performs the authorizations of Article 96-25, paragraph (1) along with other similar authorizations, or similar permissions or other acts concerning the fact that said person is a Foreign Commodity Market Establisher Holding Company.
 - (b) That the authority responsible for the enforcement of the laws and regulations of the foreign country that correspond to the laws where its head office or principal office is located ensures that when Japan requests cooperation concerning an administrative investigation conducted for the enforcement of the law, said request shall be complied with.

- (c) The Incorporated Commodity Exchange of which that person, having received authorization under Article 96-19, paragraph (1) of the Act, intends to acquire or hold Subject Voting Rights of a number greater than the Holding Ratio Threshold (which refers to the Holding Ratio Threshold prescribed in the main clause of Article 96, paragraph (1); the same in item (v) (c)) but less than 50% of the voting rights of all shareholders thereof is a subsidiary of the Commodity Exchange, etc.
- (iv) A person who is an Establisher of a Foreign Financial Instruments Exchange Market (which refers to an Establisher of a Foreign Financial Instruments Exchange Market prescribed in Article 60-2, paragraph (1), item (vi) of the Financial Instruments and Exchange Act; hereinafter in this item the same), who has satisfied all of the following requirements:
 - (a) Has obtained the same kind of license as the license under Article 80, paragraph (1) of the Financial Instruments and Exchange Act or the permission or other administrative disposition similar thereto in the country where its head office or principal office is located
 - (b) That the authority responsible for the enforcement of the laws and regulations that correspond to the Financial Instruments and Exchange Act (including orders based on said law) in the country where its head office or principal office is located ensures that when Japan requests cooperation concerning an administrative investigation conducted for the enforcement of the law (including orders based on said law; hereinafter the same shall apply in (b) of the next item) said request shall be complied with.
 - (c) The Incorporated Commodity Exchange or Commodity Exchange Holding Company of which that person, having received authorization under Article 96-19, paragraph (1) or Article 96-31, paragraph (1) of the Act, intends to acquire or hold Subject Voting Rights of a number greater than the Holding Ratio Threshold but less than 50% of the voting rights of all shareholders thereof is a subsidiary of the Commodity Exchange, etc.
- (v) Persons who represent a Foreign Financial Instruments Exchange Market Establisher Holding Company (meaning persons other than a those mentioned in the preceding item who regard a Foreign Financial Instruments Exchange Market Establisher as a subsidiary) who have satisfied all of the following requirements:
 - (a) That the authority responsible for the enforcement of the laws and regulations that correspond to the Financial Instruments and Exchange Act (including an order based on this Act; the same in (b)) in the country where its head office or principal office is located performs the authorizations of Article 106-10, paragraph (1) of the Financial Instruments and Exchange Act concerning the fact that said persons

represent a Foreign Financial Instruments Exchange Market Establisher Holding Company, and authorizations of the same type or permissions and other acts similar thereto.

- (b) That the authority responsible for the enforcement of the laws and regulations that correspond to the Financial Instruments and Exchange Act in the country where its head office or principal office is located ensures that when Japan requests cooperation concerning an administrative investigation conducted for the enforcement of the law, said request shall be complied with.
- (c) The Incorporated Commodity Exchange of which those persons, having received authorization under Article 96-19, paragraph (1) of the Act, intend to acquire or hold Subject Voting Rights of a number greater than the Holding Ratio Threshold but less than 50% of the voting rights of all shareholders thereof is a subsidiary of the Commodity Exchange, etc.

(Special Relationship specified by Cabinet Order of Article 86, paragraph (5), item (ii) of the Act applied mutatis mutandis in Article 96-42 of the Act)

Article 12 (1) Special relationships specified by Cabinet Order of Article 86, paragraph (5), item (ii) of the Act applied mutatis mutandis in Article 96-42 of the Act shall be the following listed relationships:

- (i) The relationship of persons who agree to jointly acquire or hold the Subject Voting Rights of an Incorporated Commodity Exchange or a Commodity Exchange Holding Company, or to exercise the Subject Voting Rights of said Incorporated Commodity Exchange or said Commodity Exchange Holding Company (hereafter referred to as "Joint Holder" in this Article) (when any of the Joint Holders are a Commodity Exchange, etc., the relationship of said Commodity Exchange, etc. with another Joint Holder is excluded)
- (ii) The relationship of husband and wife
- (iii) The relationship between a person who holds voting rights that exceed 50 percent of the voting rights of all shareholders, etc. of a corporation (including voting rights pertaining to shares or holdings that cannot be asserted against the issuer according to the provisions of Article 147, paragraph (1) or Article 148, paragraph (1) of the Act on Transfer of Bonds, Shares, etc.) (including the cases when these provisions are applied mutatis mutandis pursuant to Article 228, paragraph (1), Article 235, paragraph (1), Article 239, paragraph (1) and Article 276 (limited to the part pertaining to item (ii) of said Act) (hereafter in this Article, referred to as "Controlling Shareholder, etc.") and said corporation (hereafter in this Article, referred to as "Controlled Corporation") (When either the Controlling Shareholder, etc. or the Controlled Corporation is a Commodity Exchange, etc., the relationship of said Commodity Exchange, etc. and its Controlling

- Shareholder, etc. or Controlled Corporation is excluded)
- (iv) The relationship of a Controlled Corporation and another Controlled Corporation of that Controlling Shareholder, etc. (When any Controlled Corporation is a Commodity Exchange, etc. the relationship of said Commodity Exchange, etc. and another Controlled Corporation is excluded)
- (2) When Joint Holders collectively hold voting rights that exceed 50 percent of the voting rights of all shareholders, etc. of a corporation, said Joint Holders are regarded as Controlling Shareholders, etc. of said corporation respectively and the provisions of the preceding paragraph apply.
- (3) When husband and wife collectively hold voting rights that exceed 50 percent of the voting rights of all shareholders, etc. of a corporation, said husband and wife are regarded as Controlling Shareholders, etc. of said corporation respectively and the provisions of paragraph (1) apply.
- (4) When the Controlling Shareholder, etc. and its Controlled Corporation collectively hold voting rights that exceed 50 percent of the voting rights of all shareholders, etc. of another corporation, said other corporation is also regarded as a Controlled Corporation of said Controlling Shareholder, etc. and the provisions of paragraph (1) apply.
- (5) In cases where any of the following items apply, in the voting rights that the persons prescribed in each said item hold, the voting rights pertaining to shares or holdings which cannot be asserted against the issuer shall be included pursuant to the provisions of Article 147, paragraph (1) or Article 148, paragraph (1) of the Act on Transfer of Bonds, Shares, etc. (including the cases where these provisions are applied mutatis mutandis pursuant to Article 228, paragraph (1), Article 235, paragraph (1), Article 239, paragraph (1) and Article 276 (limited to the part pertaining to item (ii)) of said Act.
- (i) In the case of paragraph (2) Joint Holder
 - (ii) In the case of paragraph (3) Husband and wife
 - (iii) In the case of the preceding paragraph Controlling Shareholder, etc. and its Controlled Corporation

(Appropriation Securities)

- Article 13 Securities specified by Cabinet Order as set forth in Article 101, paragraph (3) of the Act shall be as follows; provided, however, that those listed in items (iii) to (viii) inclusive shall be limited to those which a Commodity Exchange designates in its articles of incorporation (in the case of an Incorporated Commodity Exchange, in its market rules).
- (i) Subscription certificates issued by the Bank of Japan
 - (ii) Bond certificates issued by a corporation pursuant to special Acts
 - (iii) Share certificates traded on a Financial Instruments Exchange Market prescribed in Article 2, paragraph (17) of the Financial Instruments and

Exchange Act

- (iv) Share certificates registered in the Registry of Over-the-Counter Traded Securities prescribed in Article 67-11, paragraph (1) of the Financial Instruments and Exchange Act
- (v) Share certificates (except for share certificates set forth in the preceding two items) issued by a bank pursuant to the Banking Act (Act No. 59 of 1981)
- (vi) Corporate bond certificates issued by a company which issues share certificates set forth in item (iii) or item (iv)
- (vii) Beneficiary certificates prescribed in Article 185, paragraph (1) of the Loan Trust Act (Act No. 108 of 2006), beneficiary certificates prescribed in Article 2, paragraph (7) of the Act Concerning Investment Trusts and Investment Corporations (Act No. 198 of 1951), and beneficiary certificates prescribed in Article 2, paragraph (2) of the Loan Trust Act (Act No. 195 of 1952)
- (viii) Investment securities prescribed in Article 2, paragraph (15) of the Act on Investment Trusts and Investment Corporations, Investment Corporation Bond Certificates prescribed in paragraph (18) of the same Article, and Foreign Investment Securities prescribed in Article 220, paragraph (1) of the same Act

(Replacement of Terms of the Provisions of the Companies Act as Applied Mutatis Mutandis to Cases where a Member of a Member Commodity Exchange Receives the Allotment of Shares, etc. upon an Entity Conversion)

Article 14 In cases where the provisions of Article 871 of the Companies Act are applied mutatis mutandis, pursuant to the provisions of Article 126, paragraph (2) of the Act, to cases where the allotment of shares or money is received pursuant to the provisions of paragraph (1) of the same Article, "the respective items of Article 874" in item (ii) of Article 871 of the Companies Act shall be deemed to be replaced with "Article 874, item (iv)."

(Replacement of Terms of the Provisions of the Companies Act as Applied Mutatis Mutandis to Cases of Making Property Other than Money the Object of Contribution)

Article 15 In cases where the provisions of Article 872 (limited to the part pertaining to item (iv)) of the Companies Act are applied mutatis mutandis, pursuant to the provisions of Article 131-6 of the Act, to cases prescribed in Article 129, item (iii) of the Act, "the respective items of Article 870" in item (iv) of Article 872 of the Companies Act shall be deemed to be replaced with "Article 870, item (ii) and item (vii)," and "the applicant or the persons respectively prescribed in those items (for the judgments set forth in item (ii), item (v), and item (vii) of the same Article, the persons respectively prescribed

in those items)" shall be deemed to be replaced with "the persons respectively prescribed in those items."

(Replacement of Terms of the Provisions of the Companies Act as Applied Mutatis Mutandis to Share Purchase Demand in the Case of an Absorption-Type Merger)

Article 16 In cases where the provisions of Article 797, paragraph (5) and Article 872 (limited to the part pertaining to item (iv)) of the Companies Act are applied mutatis mutandis, pursuant to the provisions of Article 144-9, paragraph (3) of the Act, to a demand under paragraph (1) of the same Article, the technical replacement of terms pertaining to these provisions shall be as follows:

Provisions of the Companies Act whose terms are to be replaced	Original term	Term to be replaced with
Article 797, paragraph (5)	paragraph (1)	Article 144-9, paragraph (1) of the Commodity Derivatives Act
Article 872, item (iv)	the respective items of Article 870	Article 870, item (iv)

(Replacement of Terms of the Provisions of the Companies Act as Applied Mutatis Mutandis to Share Purchase Demand in the Case of a Consolidation-Type Merger)

Article 17 In cases where the provisions of Article 806, paragraph (5) and Article 872 (limited to the part pertaining to item (iv)) of the Companies Act are applied mutatis mutandis, pursuant to the provisions of Article 144-15, paragraph (2) of the Act, to a demand under paragraph (1) of the same Article, the technical replacement of terms pertaining to these provisions shall be as follows:

Provisions of the Companies Act whose terms are to be replaced	Original term	Term to be replaced with
Article 806, paragraph (5)	paragraph (1)	Article 144-15, paragraph (1) of the Commodity Derivatives Act
	paragraph (3)	Article 144-14, paragraph (1) of the same Act
	the preceding paragraph	paragraph (2) of the same Article

Article 872, item (iv)	the respective items of Article 870	Article 870, item (iv)
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(Replacement of Terms of the Provisions of the Companies Act as Applied

Mutatis Mutandis to a Request for Purchase of a Right to Subscribe for New Shares in the Case of a Consolidation-Type Merger)

Article 18 In cases where the provisions of Article 808, paragraph (5), Article 809, paragraph (5) and Article 872 (limited to the part pertaining to item (iv)) of the Companies Act are applied mutatis mutandis, pursuant to the provisions of Article 144-16, paragraph (2) of the Act, to a request under paragraph (1) of the same Article, the technical replacement of terms pertaining to these provisions shall be as follows:

Provisions of the Companies Act whose terms are to be replaced	Original term	Term to be replaced with
Article 808, item (v)	paragraph (3)	Article 144-14, paragraph (1) of the Commodity Derivatives Act
	the preceding paragraph	paragraph (2) of the same Article
Article 809, item (v)	the time prescribed in the following items for the categories of rights to subscribe for new shares set forth respectively in those items	the day of establishment of the Incorporated Commodity Exchange Established by a Consolidation-Type Merger
Article 872, item (iv)	the respective items of Article 870	Article 870, item (iv)

(Identical Type of Commodity Market)

Article 19 An identical type of Commodity Market specified by Cabinet Order as set forth in Article 149, paragraph (2) and paragraph (4) of the Act shall be as follows:

- (i) In the case of a Commodity Market pertaining to a Listed Commodity, a Commodity Market which includes, as its Listed Commodity, all Listed Commodity Component Products on the Commodity Market of a Commodity Exchange dissolved as a result of a merger, and one which carries out all types of transactions that had been carried out on the Commodity Market of said dissolved Commodity Exchange for each of said Listed Commodity Component Products

(ii) In the case of a Commodity Market pertaining to a Listed Commodity Index, a Commodity Market which includes, as its Listed Commodity Index, all Commodity Indices included in Listed Commodity Index on a Commodity Market of a Commodity Exchange dissolved as a result of a merger (hereinafter referred to as "Indices Constituting the Listed Commodity Index" in this item) and which carries out all types of transactions that had been carried out on the Commodity Market of said dissolved Commodity Exchange for each of said Indices Constituting the Listed Commodity Index

(Replacement of Terms of the Provisions of the Companies Act as Applied Mutatis Mutandis to Cases where a Member of a Member Commodity Exchange Receives the Allotment of Shares, etc. upon Merger)

Article 20 In cases where the provisions of Article 234, paragraph (2), and Article 871 of the Companies Act are applied mutatis mutandis, pursuant to the provisions of Article 150 of the Act, to an Absorption-Type Merger under Article 142 of the Act and a Consolidation-Type Merger under Article 143, paragraph (1) of the Act, the technical replacement of terms pertaining to these provisions shall be as follows:

Provisions of the Companies Act whose terms are to be replaced	Original term	Term to be replaced with
Article 234, paragraph (2)	an Ordinance of the Ministry of Justice	an ordinance of the competent ministry
Article 871, item (ii)	the respective items of Article 874	Article 874, item (iv)

(Replacement of Terms of the Provisions of the Commercial Registration Act as Applied Mutatis Mutandis to Registration of a Member Commodity Exchange Established by the Merger between One Member Commodity Exchange and Another Member Commodity Exchange)

Article 21 In cases where the provisions of Article 80 (except for item (ii), item (vi), item (ix), and item (x)) and Article 81 (except for item (iii), item (vi), item (ix), and item (x)) of the Commercial Registration Act (Act No. 125 of 1963) are applied mutatis mutandis, pursuant to the provisions of Article 152, paragraph (1) of the Act, to the registration of a Member Commodity Exchange established by a merger in the case set forth in Article 139, paragraph (2), item (i) of the Act, the technical replacement of terms pertaining to these provisions shall be as follows:

Provisions of the Commercial Registration Act whose terms are to be replaced	Original term	Term to be replaced with
Article 80, item (iii)	Article 799, paragraph (2) of the Companies Act	Article 124, paragraph (2) of the Commodity Derivatives Act as applied mutatis mutandis pursuant to the provisions of Article 144-2, paragraph (3) of the same Act
Article 80, item (iv)	Article 445, paragraph (5) of the Companies Act	Article 154, paragraph (2) of the Commodity Derivatives Act
Article 80, item (viii)	Article 789, paragraph (2) of the Companies Act (except for item (iii) and including the case where it is applied mutatis mutandis pursuant to Article 793, paragraph (2) of the same Act)	Article 124, paragraph (2) of the Commodity Derivatives Act as applied mutatis mutandis pursuant to the provisions of Article 144, paragraph (5) of the same Act
	Article 789, paragraph (3) of the same Act (including the case where it is applied mutatis mutandis pursuant to Article 793, paragraph (2) of the same Act)	paragraph (3) of the same Article
Article 81, item (viii)	Article 810, paragraph (2) of the Companies Act (except for item (iii) and including the case where it is applied mutatis mutandis pursuant to Article 813, paragraph (2) of the same Act)	Article 124, paragraph (2) of the Commodity Derivatives Act as applied mutatis mutandis pursuant to the provisions of Article 144-3, paragraph (5) of the same Act
	Article 810, paragraph (3) of the same Act (including the case where it is applied mutatis mutandis pursuant to Article 813, paragraph (2) of the same Act)	paragraph (3) of the same Article

(Replacement of Terms of the Provisions of the Commercial Registration Act as Applied Mutatis Mutandis to Registration of a Member Commodity Exchange or an Incorporated Commodity Exchange Established by the Merger between a Member Commodity Exchange and an Incorporated Commodity Exchange)

Article 22 In cases where the provisions of Article 80 (except for item (vi), item

(ix), and item (x)), Article 81 and Article 83 of the Commercial Registration Act are applied mutatis mutandis, pursuant to the provisions of Article 152, paragraph (2) of the Act, to the registration of a Member Commodity Exchange or an Incorporated Commodity Exchange established by the merger in the case set forth in Article 139, paragraph (2), item (ii) of the Act, the technical replacement of terms pertaining to these provisions shall be as follows:

Provisions of the Commercial Registration Act whose terms are to be replaced	Original term	Term to be replaced with
Article 80, item (ii)	the main clause of Article 796, paragraph (1) or the main clause of Article 796, paragraph (3) of the Companies Act	the main clause of Article 144-7, paragraph (1) of the Commodity Derivatives Act
	paragraph (4) of the same Article	paragraph (2) of the same Article
Article 80, item (iii)	Article 799, paragraph (2) of the Companies Act	Article 144-10, paragraph (2) of the Commodity Derivatives Act
Article 80, item (iv)	Article 445, paragraph (5) of the Companies Act	Article 154, paragraph (2) of the Commodity Derivatives Act
Article 80, item (viii)	Article 789, paragraph (2) of the Companies Act (except for item (iii) and including the case where it is applied mutatis mutandis pursuant to Article 793, paragraph (2) of the same Act)	Article 124, paragraph (2) of the Commodity Derivatives Act as applied mutatis mutandis pursuant to the provisions of Article 144, paragraph (5) of the same Act
	Article 789, paragraph (3) of the same Act (including the case where it is applied mutatis mutandis pursuant to Article 793, paragraph (2) of the same Act)	paragraph (3) of the same Article
Article 81, item (vi)	Article 804, paragraph (1) and paragraph (3) of the Companies Act	Article 144-13, paragraph (1) and paragraph (4) of the Commodity Derivatives Act

Article 81, item 8	Article 810, paragraph 2 of the Companies Act (except for item 3 and including the case where it is applied mutatis mutandis pursuant to Article 813, paragraph 2 of the same Act)	Article 124, paragraph 2 of the Commodity Derivatives Act as applied mutatis mutandis pursuant to the provisions of Article 144-3, paragraph 5 of the same Act, and Article 144-10, paragraph 2 of the same Act as applied mutatis mutandis pursuant to the provisions of Article 144-17 of the same Act
	Article 810, paragraph (3) of the same Act (including the case where it is applied mutatis mutandis pursuant to Article 813, paragraph (2) of the same Act)	Article 124, paragraph (3) of the Commodity Derivatives Act as applied mutatis mutandis pursuant to the provisions of Article 144-3, paragraph (5) of the same Act, and Article 144-10, paragraph (3) of the same Act as applied mutatis mutandis pursuant to the provisions of Article 144-17 of the same Act
Article 83, paragraph (2)	unless sending to a registry office having jurisdiction over the location of the head office	unless sending to a registry office having jurisdiction over the location of the principal office or the head office

(Entities Eligible for Licensing as Commodity Derivatives Business Operators)

Article 23 The entities prescribed by Cabinet Order under Article 193, paragraph (1), item (i), (b) of the Act shall be the following:

- (i) Shinkin Banks and the federation of Shinkin Banks
- (ii) Credit cooperatives and federations of cooperatives engaged in the business of Article 9-9, paragraph (1), item (i) of the Small and Medium-Sized Enterprise Cooperatives Act (Act No. 181 of 1949)
- (iii) Labor Banks and federations of Labor Banks
- (iv) The Norinchukin Bank
- (v) Agricultural cooperatives and the federation of agricultural cooperatives engaged in the business of Article 10, paragraph (1), item (iii) of the Agricultural Cooperatives Act (Act No. 132 of 1947)
- (vi) Insurance companies that are mutual companies (referring to mutual companies as defined in Article 2, paragraph (5) of the Insurance Business Act (Act No. 105 of 1995)) and foreign insurance companies prescribed in paragraph (7) of the same Article (limited to corporations other than stock

companies, which have an address in a foreign country (excluding those covered by Article 193, paragraph (1), item (i), (a) of the Act)

(Provision Utilizing Information Communication Technology Pertaining to Consent to a Proposal for Treatment as a General Customer by an Eligible Consignor)

Article 24 (1) When a Commodity Derivatives Business Operator intends to provide the particulars prescribed in Article 197-4, paragraph (4) of the Act pursuant to provisions of Article 197-4, paragraph (4) of the Act (including the cases where applied mutatis mutandis pursuant to Article 197-5, paragraph (13) (including the cases where applied mutatis mutandis pursuant to Article 197-6, paragraph (6) and Article 197-9, paragraph (2) of the Act), Article 197-6, paragraph (3), and Article 197-8, paragraph (2) of the Act, the same shall apply hereinafter in this Article), the Commodity Derivatives Business Operator must present the party to whom said particulars are to be provided with the type and details of the means of utilizing information communication technology prescribed in the provisions of the same paragraph (referred to in the following paragraph as "Electromagnetic Means"), and obtain consent in writing or through an electronic data processing system or other means utilizing information communication technology prescribed by an ordinance of the competent ministry (referred to in the following paragraph as "in Writing, etc."), in advance, pursuant to the provisions of an ordinance of the competent ministry.

(2) If the party set forth in the preceding paragraph has stated in Writing, etc. that said party will not accept provision by Electromagnetic Means, a Commodity Derivatives Business Operator who has obtained the consent under the provisions of the preceding paragraph must not provide the particulars prescribed in Article 197-4, paragraph (4) of the Act to said party by Electromagnetic Means; provided, however, that this shall not apply when said party reissues consent under provisions of the preceding paragraph.

(Obtaining Consent Utilizing Information Communication Technology Pertaining to Acceptance of a Request for Reinstatement)

Article 25 (1) When a Commodity Derivatives Business Operator intends to obtain consent pursuant to provisions of Article 197-4, paragraph (12) of the Act (including the cases where applied mutatis mutandis pursuant to Article 197-5, paragraph (3) (including the cases where applied mutatis mutandis pursuant to paragraph (9) of the same Article (including the cases where applied mutatis mutandis pursuant to Article 197-6, paragraph (6)), Article 197-6, paragraph (6) and Article 197-9, paragraph (2) of the Act) and to Article 197-8, paragraph (2) of the Act; the same shall apply hereinafter in this

Article) by the means prescribed by an ordinance of the competent ministry that are set forth in Article 197-4, paragraph (12) of the Act (referred to hereinafter in this Article as "Electromagnetic Means"), the Commodity Futures Business Operator must present the party from whom said consent is to be obtained with the type and details of the Electromagnetic Means to be utilized, and obtain consent in writing or by Electromagnetic Means, in advance, pursuant to the provisions of an ordinance of the competent ministry.

(2) If the party set forth in the preceding paragraph has stated in writing or by Electromagnetic Means that said party will not consent by Electromagnetic Means, a Commodity Derivatives Business Operator who has obtained consent pursuant to the provisions of the preceding paragraph must not obtain the consent prescribed in Article 197-4, paragraph (12) of the Act by Electromagnetic Means; provided, however, that this shall not apply when said party reissues consent under provisions of the preceding paragraph.

(Amount of Registration Fee)

Article 26 (1) The amount of the registration fee prescribed in Article 207, paragraph (1) of the Act (including the cases when applied *mutatis mutandis* pursuant to Article 240-11 of the Act) shall be 1,000 yen.

(2) In cases where a person pays a registration fee set forth in the preceding paragraph to the national government, they shall pay it by attaching a revenue stamp of the amount equivalent to the registration fee; provided, however, that in cases where a person applies for registration by using an electronic data processing system prescribed in Article 3, paragraph (1) of the Act Concerning Utilization of Information Communications Technology in Administrative Procedures, etc. (Act No. 151 of 2002) pursuant to the provisions of the same paragraph, they may pay it in cash pursuant to the provisions of an ordinance of the competent ministry.

(Obtaining Consent Utilizing Information Communication Technology
Pertaining to Disposition of Commodities, etc., in the Possession of a
Commodity Derivatives Business Operator)

Article 27 (1) When a Commodity Futures Business Operator intends to obtain consent pursuant to provisions of Article 209, paragraph (2) of the Act by the means prescribed by an ordinance of the competent ministry that are set forth in the same paragraph (referred to hereinafter in this Article as "Electromagnetic Means"), the Commodity Derivatives Business Operator must present the party from whom consent is to be obtained with the type and details of Electromagnetic Means to be utilized, and obtain consent in writing or by Electromagnetic Means, in advance, pursuant to the provisions of an ordinance of the competent ministry.

(2) If the party set forth in the preceding paragraph has stated in writing or by Electromagnetic Means that said party will not consent by Electromagnetic Means, a Commodity Derivatives Business Operator who has obtained consent pursuant to the provisions of the preceding paragraph must not obtain the consent prescribed in Article 209, paragraph (2) by Electromagnetic Means; provided, however, that this shall not apply when said party reissues consent under provisions of the preceding paragraph.

(Entities Excluded from Persons Required to Provide Notification of Net Asset Restriction Ratio)

Article 28 The entities prescribed by Cabinet Order under Article 211, paragraph (1) of the Act shall be as follows:

- (i) Banks
- (ii) The Shoko Chukin Bank, Ltd.
- (iii) The Development Bank of Japan Inc.
- (iv) Shinkin Banks and the federation of Shinkin Banks
- (v) Credit cooperatives and federations of cooperatives engaged in the business of Article 9-9, paragraph (1), item (i) of the Small and Medium-Sized Enterprise Cooperatives Act
- (vi) Labor Banks and federation of Labor Banks
- (vii) The Norinchukin Bank
- (viii) Agricultural cooperatives and the federation of agricultural cooperatives engaged in the business of Article 10, paragraph (1), item (iii) of the Agricultural Cooperatives Act
- (ix) Insurance companies and foreign insurance companies prescribed in Article 2, paragraph (7) of the Insurance Business Act

(Important Particulars that May Influence a Customers' Judgment)

Article 29 The particulars specified by Cabinet Order as prescribed in Article 213-2, paragraph (1), item (iii) of the Act shall be the following:

- (i) Particulars concerning fees, remuneration and any other consideration to be paid by the customer with regard to a Commodity Transaction Contract, that are specified by an ordinance of the competent ministry
- (ii) In cases where there is a Clearing Margin, etc. (meaning the Clearing Margin, etc. prescribed in Article 217, paragraph (1), item (i) of the Act; hereinafter the same shall apply in this Article, the following Article and Article 36) to be deposited by the customer with regard to a Commodity Transaction Contract, the amount or method of calculation thereof
- (iii) In cases in which the possibility exists that the amount of the transaction based on a Commodity Transaction Contract (in the case of the transactions set forth in Article 2, paragraph (3), item (iv) of the Act, it shall be any

transaction set forth in (a) through (e) inclusive of the same item which is closed by exercising the right under the same item; in the case of the transactions set forth in paragraph (14), item (iv) of the same Article, it shall be any transaction set forth in (a) through (d) inclusive of the same item which is closed by exercising the right under the same item; in the case of the transactions set forth item (v) of the same paragraph, it shall be any transaction which is closed by exercising the right under the same item resulting in a receipt of money prescribed in the same item; the same shall apply in Article 36, item (iii) (referring to an amount obtained by multiplying the value of the transaction or the contract price or agreed figure by the number or volume of transactions; the same shall apply in the same item) exceeds the amount of the Clearing Margin, etc. to be deposited by the customer for said transaction, the following particulars:

- (a) The fact that the possibility exists⁴ that the transaction amount is greater than the amount of the Clearing Margin, etc. and
- (b) The ratio of the amount of the transaction to the amount of the Clearing Margin, etc. (in cases in which the ratio cannot be calculated, that fact and the reason therefor)
- (iv) The fact that there is a risk of the customer incurring a loss with regard to the transaction based on said Commodity Transaction Contracts due to fluctuation in the market prices in commodity markets or other commodity prices or commodity indices (referred to as "Commodity Market Price, etc." in the following Article and in Article 36, item (iv)) and a risk that the amount of such loss could exceed the amount of the Clearing Margin, etc., and the reason therefor.
- (v) The particulars specified by an ordinance of the competent ministry as those equivalent to the particulars listed in the preceding items.

(Commodity Transaction Contracts with Prohibitions on Uninvited Solicitation)

Article 30 The contracts prescribed by Cabinet Order under Article 214, item (ix) of the Act are Commodity Transaction Contracts with customers who are individual persons (referred to hereinafter in this Article as "Individual Customers") as other parties, or contracts wherein the actions listed from Article 2, paragraph (22), items (i) through (iv) are performed for Individual Customers (limited to those wherein in cases in which the risk exists of losses occurring to the Individual Customer with respect to transactions based on said Commodity Transaction Contracts due to fluctuations in commodity market prices, etc., a risk exists that the amount of said losses may exceed the amount of the Clearing Margin, etc.), and Commodity Transaction Contracts with Individual Customers as other parties or contracts wherein the actions

listed in item (v) of the same paragraph are performed for Individual Customers.

(Provision or Notification of Particulars Utilizing Information Communication Technology Pertaining to Documents, etc., Prior to Conclusion of Commodity Transaction Contracts)

Article 31 (1) When a Commodity Derivatives Business Operator intends to provide or notify the particulars prescribed in Article 217, paragraph (2) of the Act pursuant to the provisions of Article 217, paragraph (2) of the Act (including the cases where applied mutatis mutandis pursuant to Article 220, paragraph (2) and Article 220-2, paragraph (2) of the Act; the same shall apply hereinafter in this Article), the Commodity Futures Business Operator must present the party to whom said particulars are to be provided or notified with the type and details of the means of utilizing information communication technology prescribed in the provisions of the same paragraph (referred to in the following paragraph as "Electromagnetic Means") and obtain consent in writing or through an electronic data processing system or other means utilizing information communication technology as prescribed by an ordinance of the competent ministry (referred to in the following paragraph as "in Writing, etc."), in advance, pursuant to the provisions of an ordinance of the competent ministry.

(2) If the party set forth in the preceding paragraph has stated in Writing, etc. that said party will not accept provision by Electromagnetic Means, a Commodity Derivatives Business Operator who has obtained the consent under the provisions of the preceding paragraph must not provide or give notification of the particulars prescribed in Article 217, paragraph (2) of the Act to said party by Electromagnetic Means; provided, however, that this shall not apply when said party reissues consent under provisions of the preceding Article.

(Persons Who Are Not Required to Establish a Solicitation Policy, etc.)

Article 32 (1) The persons specified by Cabinet Order as prescribed in the proviso to Article 9, paragraph (1) of the Act on Sales, etc. of Financial Products (Act No. 101 of 2000) as applied mutatis mutandis pursuant to Article 220-3 of the Act shall be corporations directly established pursuant to an Act or corporations established by a special act of incorporation pursuant to a special Act (excluding corporations which are not subject to application of the provisions of Article 4, item (xv) of the Act for Establishment of the Ministry of Internal Affairs and Communications [Act No. 91 of 1999]; the same shall apply in Article 39, paragraph (1)) that are wholly owned by the national government of Japan or by local governments in Japan.

(2) The method specified by Cabinet Order as prescribed in Article 9, paragraph

(3) of the Act on Sales, etc. of Financial Products as applied mutatis mutandis pursuant to Article 220-3 of the Act shall be that of displaying the solicitation policy in a clearly visible manner or providing the solicitation policy for public inspection at the head office or principal place of business of the Commodity Derivatives Business Operator (with regard to a corporation established in accordance with the laws and regulations of a foreign state or persons who have an address in a foreign country, the principal business office or place of business in Japan; hereinafter referred to hereinafter as "Head Office, etc."), and in the cases listed in the following items, the methods specified respectively in those items:

- (i) In cases where the Commodity Derivatives Business Operator concludes a Commodity Transaction Contract at a branch office or any other business office or places of business other than Head Office, etc. (with regard to a corporation established in accordance with the laws and regulations of a foreign state or a person who has an address in a foreign country, secondary business offices or places of business in Japan; hereinafter referred to as the "Branch Office(s), etc.") displaying the solicitation policy in a clearly visible manner or providing the solicitation policy for public inspection at each Branch Office, etc. where Commodity Transaction Contracts will be concluded
- (ii) In cases where the Commodity Derivatives Business Operator concludes a Commodity Transaction Contract by making automatic transmissions, by wireless communications or wire telecommunications, intended for direct reception by the public, upon request from the public (hereinafter referred to as "Automatic Transmission" in this item and in Article 39, paragraph (2), item (ii)) (excluding the cases set forth in the preceding item), making an automatic transmission of the solicitation policy

(Replacement of Terms of the Provisions of the Act on Sales, etc. of Financial Products as Applied Mutatis Mutandis to the Conclusion of Commodity Transaction Contracts by a Commodity Derivatives Business Operator)

Article 33 In cases of applying mutatis mutandis the provisions of Article 9, paragraph (1) of the Act on Sales, etc. of Financial Products to the conclusion of Commodity Transaction Contracts by a Commodity Derivatives Business Operator pursuant to the provisions of Article 220-3 of the Act, "...cases, or case of a financial products dealer taking only specified customers as customers" shall be deemed to be replaced by "case."

(Assets to be Held in Japan)

Article 34 Among the assets of a Commodity Derivatives Business Operator prescribed in Article 234 of the Act, the portion specified by Cabinet Order

shall be the amount of assets equivalent to the amount of liabilities calculated pursuant to the provisions of an ordinance of the competent ministry.

(Replacement of Terms of Provisions of the Act Applied Mutatis Mutandis With Regard to Commodity Derivatives Intermediary Service Providers)

Article 35 Technical Replacement of terms pertaining to provisions of the Act in cases in which provisions of the Act are applied mutatis mutandis with respect to Commodity Derivatives Intermediary Service Providers under provisions of Article 240-11 of the Act shall be as stated in the following table:

Provisions of the Act whose terms are to be replaced	Original term or phrase	Replacement term or phrase
Article 200, paragraph (1), item (i)	Actions listed in the items of Article 2, paragraph (22)	Media as defined in the items of Article 2, paragraph (22)
Article 200, paragraph (1), item (ii) to item (v) inclusive	Solicitation of consignment or solicitation of request for consignment media	Solicitation of request for consignment media
Article 200, paragraph (1), item (vi)	Solicitation of request and media thereof, solicitation of request for intermediation or agency	Solicitation of request for media
Article 200, paragraph (3), item (i)	Trade name or name and name of representative	Name or trade name (for a corporation, including the name of the representative)
Article 202	Actions listed in the respective items of Article 200, paragraph (1)	Actions listed in the respective items of Article 200, paragraph (1) applied mutatis mutandis in Article 240-11
Article 203, item (i)	Article 203, items (ii) and (iii)	Article 203, items (ii) and (iii) applied mutatis mutandis in Article 240-11
Article 205, item (ii)	Dissolved or discontinued the Commodity Derivatives Business	Died, or dissolved or discontinued the Commodity Derivatives Intermediary Service
Article 206, paragraph (1)	Article 200, Article 201, and the three preceding Articles	Article 200, Article 201, and the three preceding Articles applied mutatis mutandis in Article 240-11

	Commodity Derivatives Business Operators who is a member of the Association	Commodity Derivatives Intermediary Service Providers deemed to be a member commodity futures transactions dealer (referring to a member commodity futures transactions dealer as defined in Article 240-3, paragraph (1), item (iv); the same shall apply in paragraph (5)) as an Association member of said Association (referring to Association member as defined in Article 244, paragraph (2); the same shall apply in paragraph (5))
	Article 208	Article 208 applied mutatis mutandis in Article 240-11
Article 206, paragraph (4)	Registration pursuant to provisions of Article 200, paragraph (5), registration pertaining to notification pursuant to provisions of Article 203, disposition pursuant to provisions of Article 204, paragraph (1) (excluding recision of registration), or the preceding Article	Registration pursuant to provisions of Article 200, paragraph (5) applied mutatis mutandis in Article 240-11, registration pertaining to notification pursuant to provisions of Article 203 applied mutatis mutandis in Article 240-11, disposition pursuant to provisions of Article 204, paragraph (1) (excluding recision of registration) applied mutatis mutandis in Article 240-11, or the preceding Article applied mutatis mutandis in Article 240-11

Article 206, paragraph (5)	Commodity Derivatives Business Operators who is a member of the Association	Commodity Derivatives Intermediary Service Providers deemed to be Entrusting Commodity Derivatives Business Operators as a member of the Association
	Article 240, paragraph (1), item (i) or item (ii)	Article 240, paragraph (1), item (i) or item (ii) applied mutatis mutandis in Article 240-11
Article 207, paragraph (1)	Paragraph (1) of the preceding Article	Paragraph (1) of the preceding Article applied mutatis mutandis in Article 240-11
Article 208	Article 206, paragraph (1)	Article 206, paragraph (1) applied mutatis mutandis in Article 240-11
	Article 200, paragraph (3)	Article 200, paragraph (3) applied mutatis mutandis in Article 240-11
	Article 201, paragraph (1)	Article 201, paragraph (1) applied mutatis mutandis in Article 240-11
	Article 204, paragraph (1)	Article 204, paragraph (1) applied mutatis mutandis in Article 240-11

(Important Particulars Which Influence a Customer's Judgment)

Article 36 The matters prescribed by Cabinet Order under Article 240-13, paragraph (1), item (iii) of the Act shall be the following:

- (i) Matters concerning fees, remuneration and any other consideration to be paid by the customer with regard to a Commodity Transaction Contract pertaining to actions of commodity futures transaction intermediation (refers to actions of commodity futures transaction intermediation prescribed in Article 240-14 of the Act; the same shall apply hereinafter) that are specified by an ordinance of the competent ministry
- (ii) In cases where there is a Clearing Margin, etc., to be deposited by the customer with regard to a Commodity Transaction Contract pertaining to actions of commodity futures transaction intermediation, the amount or method of calculation thereof

- (iii) In cases where the possibility exists that the amount of a transaction based on a Commodity Transaction Contract pertaining to actions of commodity futures transaction intermediation may exceed the amount of the Clearing Margin, etc., to be deposited by the customer with regard to said transaction, the following matters:
 - (a) The fact that the possibility exists that the transaction amount is greater than the amount of the Clearing Margin, etc.
 - (b) The ratio of the amount of the transaction to the amount of the Clearing Margin, etc. (in cases in which the ratio cannot be calculated, this fact and the reason therefor)
- (iv) In cases in which there is a risk of the customer incurring a loss with regard to the transaction based on a Commodity Transaction Contract pertaining to actions of commodity futures transaction intermediation due to fluctuation of the commodity market prices, etc. and a risk that the amount of such loss could exceed the amount of the Clearing Margin, etc., this fact and the reason therefor
- (v) The matters specified by an ordinance of the competent ministry as those equivalent to the matters listed in the preceding items

(Scope of Entities Which Have a Close Relationship with Commodity Derivatives Intermediary Service Providers)

Article 37 Entities prescribed by Cabinet order under Article 240-15 of the Act shall be those listed below; provided, however, that Entrusted Commodity Derivatives Business Operators of Commodity Derivatives Intermediary Service Providers (refers to Entrusted Commodity Derivatives Business Operators as defined in Article 240-3, paragraph (1), item (iv) of the Act), banks, and other entities prescribed by an ordinance of the competent ministry are excluded.

- (i) Family members (limited to spouses and those related by blood or marriage to within the third degree) of Commodity Derivatives Intermediary Service Providers (limited to individual persons).
- (ii) Officers and employees of Commodity Derivatives Intermediary Service Providers (excluding persons listed in the preceding item)
- (iii) A corporation over which the Commodity Derivatives Intermediary Service Providers has a controlling relationship (refers to a relationship in which voting rights exceeding 50 percent of total shareholder voting rights of another corporation are held (including voting rights pertaining to shares or equity interest that cannot be asserted against the issuer pursuant to the provisions of Article 147, paragraph (1) or Article 148, paragraph (1) of the Act on Transfer of Bonds, Shares, etc. (including the cases where these provisions are applied mutatis mutandis to Article 228, paragraph (1),

- Article 235, paragraph (1), Article 239, paragraph (1), and Article 276 (limited to the section pertaining to item (ii)) of the same act) or a relationship prescribed by an ordinance of the competent ministry as enabling effective control of the business activities of another corporation; the same shall apply to the following item and Article 46, items (ii) and (iii))
- (iv) A corporation having a controlling relationship with respect to said Commodity Derivatives Intermediary Service Providers (limited to entities that are corporations; the same shall apply in the following item)
 - (v) An individual person having voting rights exceeding 50 percent of total shareholder voting rights, etc. of said Commodity Derivatives Intermediary Service Providers (excluding those listed in item (ii))
 - (vi) Persons prescribed by an ordinance of the competent ministry as persons equivalent to those listed in the respective preceding items

(Replacement of Terms of Provisions of the Act Applied Mutatis Mutandis with Regard to Commodity Derivatives Intermediary Service Providers)

Article 38 In cases in which the provisions of Article 215 of the Act are applied mutatis mutandis with regard to Commodity Derivatives Intermediary Service Providers pursuant to provisions of Article 240-17 of the Act, the phrase "A Commodity Transaction Contract" shall be replaced with the phrase "A Commodity Transaction Contract pertaining to actions of commodity futures transaction intermediation," and the phrase "Commodity Derivatives Business" shall be replaced with the phrase "Commodity Derivative Intermediary Service."

(Entities Not Required to Adopt a Solicitation Policy)

Article 39 (1) Entities prescribed by Cabinet Order under the proviso of Article 9, paragraph (1) of the Act on Sales, etc. of Financial Products as applied mutatis mutandis pursuant to provisions of Article 240-19 of the Act shall be corporations founded directly under law or corporations founded through special founding acts under special law that are wholly owned by the national government of Japan or by local governments in Japan.

(2) Methods prescribed by Cabinet Order under Article 9, paragraph (3) of the Act on Sales, etc. of Financial Products as applied mutatis mutandis pursuant to provisions of Article 240-19 of the Act shall be those of posting the solicitation policy in a clearly visible manner or providing the solicitation policy for public inspection at Head Office, etc. of the Commodity Derivatives Intermediary Service Providers, and in the cases listed in the following items, the methods specified respectively in those items:

- (i) Posting the solicitation policy in a clearly visible manner or providing the solicitation policy for public inspection at each Branch Offices, etc. at which

actions of Commodity Derivatives Intermediary Service Providers are performed, in cases in which the Commodity Derivatives Intermediary Service Providers perform actions of commodity futures transaction intermediation at that Branch Offices, etc.

- (ii) The Automatic Transmission of the solicitation policy, in cases in which the Commodity Derivatives Intermediary Service Providers performs actions of commodity futures transaction intermediation by Automatic Transmission (excluding the cases set forth in the preceding item).

(Replacement of Terms of Provisions of the Act on Sales, etc. of Financial Products Applied Mutatis Mutandis With Regard to Actions of Commodity Futures Transaction Intermediation Performed by Commodity Derivatives Intermediary Service Providers)

Article 40 In cases in which the provisions of Article 9, paragraph (1) of the Act on Sales, etc. of Financial Products are applied mutatis mutandis with regard to actions of commodity futures transaction intermediation performed by Commodity Derivatives Intermediary Service Providers pursuant to provisions of Article 240-19 of the Act, "...cases or case of a financial products sales dealer taking only specified customers as customers" shall be replaced with "case."

(Persons Excluded from Being General Consignors)

Article 41 Persons specified by Cabinet Order as set forth in Article 269, paragraph (1) of the Act shall be as follows:

- (i) A Commodity Derivatives Business Operator
- (ii) A qualified institutional investor prescribed in Article 2, paragraph (3), item (i) of the Financial Instruments and Exchange Act
- (iii) Commodities Investment Advisor
- (iv) The national government of Japan
- (v) The Bank of Japan
- (vi) Consignor Protection Fund
- (vii) An entity equivalent to an entity set forth in the preceding three items under a foreign government or the laws and regulations of a foreign state
- (viii) In addition to the persons listed in the preceding items, a person designated by the competent minister

(Notice to the Consignor Protection Fund)

Article 42 Cases specified by Cabinet Order as set forth in Article 303, paragraph (1), item (vi) of the Act shall be as follows:

- (i) When the Futures Commission Merchant fails to perform the following obligations to a Commodity Exchange or a Commodity Clearing Organization:

- (a) Monetary debt
- (b) Delivery of Commodities for settlement
- (ii) When receiving a disposition to suspend transactions with a clearing house

(Particulars for Public Notice pertaining to Payment by the Consignor Protection Fund)

Article 43 Particulars specified by Cabinet Order as set forth in Article 305, paragraph (1) of the Act shall be as follows:

- (i) The trade name or name of a Commodity Derivatives Business Operator who received certification under Article 304 of the Act
- (ii) The method of making a request under Article 306, paragraph (1) of the Act
- (iii) The period, the place and the method of payment of the amount under Article 306, paragraph (1) of the Act
- (iv) Any documents and other articles which a General Consignor shall submit or present to the Consignor Protection Fund when making a request under Article 306, paragraph (1)
- (v) Any other particulars that the Consignor Protection Fund finds necessary

(Situations for Changing the Period of Notification)

Article 44 Situations specified by Cabinet Order as set forth in Article 305, paragraph (2) of the Act shall be as follows:

- (i) A public notice under Article 197, paragraph (1) of the Bankruptcy Act (Act No. 75 of 2004; including the cases where it is applied mutatis mutandis pursuant to Article 209, paragraph (3) of the same Act) has been given.
- (ii) A notice under Article 305, paragraph (5) of the Act has been given.
- (iii) A decision of approval of a reorganization plan under Article 199, paragraph (1) of the Corporate Reorganization Act (Act No. 154 of 2002) has been made.
- (iv) A decision of approval of a rehabilitation plan under Article 174, paragraph (1) of the Civil Rehabilitation Act (Act No. 225 of 1999) has been made.

(Claims whose Smooth Repayment is Recognized as Difficult)

Article 45 Claims which a General Consignor has against a Certified Commodity Derivatives Business Operator (limited to those pertaining to Consignor Assets of said General Consignor) and whose smooth repayment by said Certified Commodity Futures Transactions Dealer is recognized as difficult by the Consignor Protection Fund pursuant to the provisions of Cabinet Order under Article 306, paragraph (1) of the Act shall be claims whose complete repayment is found to be impossible or to require a considerable number of days in light of the status of the assets of said Certified Commodity Derivatives Business Operator and the status of performance of the duty to preserve under Article

210, item (i) of the Act.

(Persons Excluded from Payment by the Consignor Protection Fund)

Article 46 Persons specified by Cabinet Order as set forth in Article 306, paragraph (2) of the Act shall be as follows:

- (i) An officer of a Certified Commodity Derivatives Business Operator (including one who supervises the affairs of an office or place of business in Japan, in the case of a corporation established in accordance with the laws and regulations of a foreign state or a person who has an address in a foreign country)
- (ii) A corporation in which a Certified Commodity Derivatives Business Operator has a Controlling relationship
- (iii) A corporation that has a controlling relationship in a Commodity Derivatives Business Operator
- (iv) A General Consignor who holds Consignor Assets under the name of another person (including a temporary establisher; hereinafter the same shall apply in this item) (limited to cases where a person makes a payment of Claims Subject to Compensation pertaining to Consignor Assets which they hold under the name of said other person)
- (v) In addition to the persons listed in the preceding items, a person designated by the competent minister

(Maximum Amount of Payment by the Consignor Protection Fund)

Article 47 The amount of money specified by Cabinet Order as set forth in Article 307, paragraph (3) of the Act shall be 10 million yen.

(Acquisition of Claims Subject to Compensation)

Article 48 (1) In cases where the amount of money to be paid by the Consignor Protection Fund pursuant to the provisions of Article 306, paragraph (1) and Article 307, paragraph (1) and paragraph (3) of the Act is the same as the amount of the Claims Subject to Compensation pertaining to said payment, the Consignor Protection Fund shall acquire the whole of said Claims Subject to Compensation.

(2) In cases where the amount of money to be paid as set forth in the preceding paragraph is less than the amount of the Claims Subject to Compensation pertaining to said payment, the Consignor Protection Fund shall acquire the part of said Claims Subject to Compensation designated by the Consignor Protection Fund.

(Exemption from the Prohibition of Establishment of a Facility Similar to a Commodity Market)

Article 49 Requirements specified by Cabinet Order as set forth in Article 331, item (i) shall be as follows:

- (i) The facility shall be one where only persons who in the course of trade engage in the Buying and Selling, etc. of Commodities or goods subject to Commodity Indices (such Commodities and Commodity Indices mean the Commodities and the Commodity Indices prescribed in Article 331, item (i) of the Act), carry out transactions similar to Futures Transactions pertaining to said Commodities or goods subject to Commodity Indices.
- (ii) The facility shall be one where persons, who carry out transactions similar to Futures Transactions, carry out transactions similar to said Futures Transactions without receiving consignment.

(Permission for Establishment of a Facility Similar to a Type 1 Specified Commodity Market)

Article 50 Requirements specified by Cabinet Order as set forth in Article 332, paragraph (1) shall be as follows:

- (i) The facility shall be one where only persons who, in the course of trade, engage in the Buying and Selling, etc. of Commodities or goods subject to Commodity Indices (such Commodities and Commodity Indices mean the Commodities and the Commodity Indices prescribed in Article 332, paragraph (1) of the Act) or persons prescribed in the following Article carry out transactions similar to Futures Transactions pertaining to said Commodities or goods subject to Commodity Indices by a method prescribed in item (i) of the same paragraph (such a facility excludes the facility prescribed in item (i) of the preceding Article).
- (ii) The facility shall be one where persons, who carry out transactions similar to Futures Transactions, carry out transactions similar to said Futures Transactions without receiving consignment.

(Persons Specified by Cabinet Order as Set forth in Article 332, Paragraph (1), Item (iii) of the Act, etc.)

Article 51 Persons specified by Cabinet Order as set forth in Article 332, paragraph (1), item (iii) and Article 342, paragraph (1), item (iii) of the Act shall be those listed in Article 3, item (iii) (a) to (i) inclusive.

- (i) Banks
- (ii) Financial Instruments Business Operator prescribed in Article 2, paragraph (9) of the Financial Instruments and Exchange Act (limited to persons who carry out Type I Financial Instruments Business prescribed in Article 28, paragraph (1) of the same Act.)
- (iii) The Shoko Chukin Bank, Ltd.
- (iv) The Development Bank of Japan Inc.

- (v) Shinkin Banks and the federation of Shinkin Banks
- (vi) Credit cooperatives and a federation of cooperatives that carries out the business of Article 9-9, paragraph (1), item (i) of the Small and Medium-sized Enterprise Cooperatives Act
- (vii) Labor Banks and federations of Labor Banks
- (viii) The Norinchukin Bank
- (ix) Agricultural cooperatives and the federation of agricultural cooperatives that carry out the business of Article 10, paragraph (1), item (iii) of the Agricultural Co-operatives Act
- (x) Insurance companies and foreign insurance companies, etc. prescribed in Article 2, paragraph (7) of the Insurance Business Act

(Permission for Establishment of a Facility Similar to a Type 2 Specified Commodity Market)

Article 52 Requirements specified by Cabinet Order as set forth in Article 342, paragraph (1) shall be as follows:

- (i) The facility shall be one where only persons who, in the course of trade, engage in the Buying and Selling, etc. of Commodities or goods subject to Commodity Indices (such Commodities and Commodity Indices mean the Commodities and the Commodity Indices prescribed in Article 342, paragraph (1) of the Act) or persons prescribed in the preceding Article carry out transactions similar to Futures Transactions pertaining to said Commodities or goods subject to Commodity Indices by a method prescribed in item (i) of the same paragraph.
- (ii) The facility shall be one where persons, who carry out transactions similar to Futures Transactions, carry out transactions similar to said Futures Transactions without receiving consignment.

(Consultation)

Article 53 The National Public Safety Commission, the Minister of Justice, the Minister of Foreign Affairs, the Minister of Agriculture, Forestry and Fisheries and the Minister of Economy, Trade and Industry, when taking the measures of Article 349-2, paragraph (4) of the Act, shall carry out consultation concerning said measures.

(Costs Paid to a Witness, etc.)

Article 54 (1) A witness or an expert witness shall be provided with train fares, boat fares, vehicle fares, a daily allowance, or lodging expenses in accordance with the Act concerning Travel Expenses of National Public Officers, etc. (Act No. 114 of 1950), pursuant to the provisions of Article 350 of the Act.

(2) In cases where an expert witness has incurred special costs for expert

testimony and the competent minister (in cases where the Director of a Regional Agricultural Administration Office or the Director of a Bureau of Economy, Trade and Industry exercises the authority of the competent minister pursuant to the provisions of Article 158, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 237 and Article 240-25 of the Act, pursuant to the provisions of Article 57, paragraph (1), said Director of the Regional Agricultural Administration Office or said Director of the Bureau of Economy, Trade and Industry) finds it necessary, the expert witness may be provided with a reasonable amount of expert opinion fee in addition to the costs paid pursuant to the provisions of the preceding paragraph.

(Technical Replacement of Terms in Applying the Provisions of the Act to a Foreign Corporation, etc.)

Article 55 Technical replacement of terms pertaining to the application of the provisions of the Act to a Commodity Derivatives Business Operator that is a corporation established in compliance with the laws and regulations of a foreign state under Article 353 of the Act, or has an address in a foreign country, shall be as follows:

Provisions of the Act whose terms are to be replaced	Original term	Term to be replaced with
Article 192, paragraph (1), item (iii)	head office, branch offices	head office and major domestic business offices or places of business
Article 192, paragraph (1), item (iv) and Article 236, paragraph (2)	officers	officers and persons who supervise the business of domestic business offices or places of business
Article 193, paragraph (1), item (ii)	The applicant for a license	The applicant for a license and the domestic business offices or places of business
Article 193, paragraph (1), item (iii)	The applicant for a license	The applicant for a license and his/her domestic business office or place of business in light of the personnel structure

Article 195, paragraph (1), item (iv)	When a petition is filed for initiation of bankruptcy proceedings, for initiation of rehabilitation proceedings, or initiation or reorganization proceedings	When a petition is filed for initiation of bankruptcy proceedings, for initiation of rehabilitation proceedings, or initiation or reorganization proceedings, or when a petition is filed for approval of foreign bankruptcy proceedings
Article 197, paragraph (1), item (iv)	When dissolved	When dissolved (including when liquidation of an office or place of business in Japan is initiated)
	that liquidator	that liquidator or a person equivalent to a liquidator in the nation in which the head office or principal place of business is located
Article 197, paragraph (3)	all offices or places of business	all offices or places of business in Japan
Article 198, paragraph (1)	office or place of business	office or place of business in Japan
Article 200, paragraph (3), item (i)	representative	person supervising an office or place of business in Japan
Article 201, paragraph (3)	all offices or places of business	all offices or places of business in Japan
Article 303, paragraph (1), item (iii)	When a petition is filed for initiation of bankruptcy proceedings, for initiation of rehabilitation proceedings, or for initiation of reorganization proceedings	When a petition is filed for initiation of bankruptcy proceedings, for initiation of rehabilitation proceedings, for initiation of reorganization proceedings, or for initiation of special liquidation, or when a petition is filed for approval of foreign bankruptcy proceedings

(Designation of Commodities related to the Ministry of Agriculture, Forestry and Fisheries)

Article 56 Commodities specified by Cabinet Order as set forth in Article 354, paragraph (1), item (i) of the Act shall be as follows:

- (i) Agricultural products, forest products, livestock products, fishery products and goods manufactured or processed by using these products as ingredients

which are edible or potable

- (ii) Goods listed in Article 1, paragraph (1), items (i) to (v) inclusive, item (ix), item (x), and item (xiv)

(Delegation of Authority)

Article 57 (1) The authority of the competent minister under Article 240, paragraph (3) and paragraph (5), Article 240-22, paragraph (1) and paragraph (2), and Article 349, paragraph (5) and paragraph (7) of the Act as applied mutatis mutandis pursuant to Article 157, paragraph (1) and paragraph (2), Article 214-3, paragraph (3) and paragraph (5), Article 231 paragraphs (1) through (3) inclusive, Article 232, paragraph (1) and paragraph (2), Article 235, paragraph (1) and paragraph (2), and Article 237 and Article 204-25 of the Act, which are listed in the following items shall be exercised by the persons respectively prescribed in said items; provided, however, that the competent minister shall not be precluded from exercising his/her own authority.

- (i) The authority of the Minister of Agriculture, Forestry and Fisheries concerning Commodity Exchanges which open only Commodity Markets related to the Ministry of Agriculture, Forestry and Fisheries or their Members, etc.: The Director of a Regional Agricultural Administration Office who has jurisdiction over the location of the principal office or the head office of said Commodity Exchange
- (ii) The authority of the Minister of Economy, Trade and Industry concerning Commodity Exchanges which open only Commodity Markets related to the Ministry of Economy, Trade and Industry or their Members, etc.: The Director of a Bureau of Economy, Trade and Industry who has jurisdiction over the location of the principal office or the head office of said Commodity Exchange
- (iii) The authority of the Minister of Agriculture, Forestry and Fisheries or the Minister of Economy, Trade and Industry concerning Commodity Exchanges other than those prescribed in the preceding two items or their Members, etc.: The Director of a Regional Agricultural Administration Office or the Director of a Bureau of Economy, Trade and Industry who has jurisdiction over the location of the principal place of business or the head office of said Commodity Exchange
- (iv) The authority of the Minister of Agriculture, Forestry and Fisheries or the Minister of Economy, Trade and Industry concerning Commodity Derivatives Business Operators: The Director of a Regional Agricultural Administration Office or the Director of a Bureau of Economy, Trade and Industry who has jurisdiction over the location of Head Office, etc. of said Commodity Derivatives Business Operator
- (v) The authority of the Minister of Agriculture, Forestry and Fisheries or the

- Minister of Economy, Trade and Industry concerning Commodity Derivatives Intermediary Service Providers: The Director of a Regional Agricultural Administration Office or the Director of a Bureau of Economy, Trade and Industry who has jurisdiction over the location of Head Office, etc. of said Commodity Derivatives Intermediary Service Providers
- (vi) The authority of the Minister of Agriculture, Forestry and Fisheries concerning Specified OTC Commodity Derivative Business Operators pertaining to Specified OTC Commodity Derivative Transactions targeting only commodities related to the Ministry of Agriculture, Forestry and Fisheries: The Director of a Regional Agricultural Administration Office who has jurisdiction over the location of Head Office, etc. of said Specified OTC Commodity Derivative Business Operators
- (vii) The authority of the Minister of Economy, Trade and Industry concerning Specified OTC Commodity Derivative Business Operators pertaining to Specified OTC Commodity Derivative Transactions targeting only commodities related to the Ministry of Economy, Trade and Industry: The Director of a Bureau of Economy, Trade and Industry who has jurisdiction over the location of Head Office, etc. of said Specified OTC Commodity Derivative Business Operators
- (viii) The authority of the Minister of Agriculture, Forestry and Fisheries or the Minister of Economy, Trade and Industry concerning Specified OTC Commodity Derivative Business Operators other than those prescribed in the preceding 2 items: The Director of a Regional Agricultural Administration Office or the Director of a Bureau of Economy, Trade and Industry who has jurisdiction over the location of Head Office, etc. of said Specified OTC Commodity Derivative Business Operators
- (2) The authority under Article 231, paragraphs (1) to (3) inclusive of the Act concerning Branch Offices, etc., of Commodity Derivative Business Operators may be exercised by the Director of a Regional Agricultural Administration Office or the Director of a Bureau of Economy, Trade and Industry who has jurisdiction over the location of said Branch Offices, etc., in addition to the Director of a Regional Agricultural Administration Office or the Director of a Bureau of Economy, Trade and Industry prescribed in item (iv) of the preceding paragraph.
- (3) The Director of a Regional Agricultural Administration Office or the Director of a Bureau of Economy, Trade and Industry who has ordered the submission of a report or materials or carried out an on-site inspection under Article 231, paragraph (1) of the Act (hereinafter referred to as an "Inspection, etc." in this paragraph) for Branch Offices, etc. of a Commodity Derivatives Business Operator pursuant to the provisions of the preceding paragraph may carry out an Inspection, etc. for Head Office, etc. or Branch Offices, etc. other than said

Branch Offices, etc. of said Commodity Derivatives Business Operator, if they find this necessary.

- (4) The authority under provisions of Article 240-22, paragraph (1) and paragraph (2) of the Act relating to Branch Office(s), etc. of a Commodity Derivatives Intermediary Service Providers may be exercised by the Director of a Regional Agricultural Administration Office or the Director of a Bureau of Economy, Trade and Industry who has jurisdiction over the location of said Branch Offices, etc., in addition to the Director of a Regional Agricultural Administration Office or the Director of a Bureau of Economy, Trade and Industry prescribed in paragraph (1), item (v).
- (5) The Director of a Regional Agricultural Administration Office or the Director of a Bureau of Economy, Trade and Industry who has ordered the submission of a report or materials, or carried out an on-site inspection under Article 240-22, paragraph (1) of the Act (hereinafter referred to as an "Inspection, etc." in this paragraph) for Branch Offices, etc. of a Commodity Derivatives Intermediary Service Providers pursuant to the provisions of the preceding paragraph may carry out an Inspection, etc. for Head Office, etc. or Branch Offices, etc. other than said Branch Offices, etc. of said Commodity Derivatives Intermediary Service Providers, if they find this necessary.
- (6) With regard to the authority under provisions of Article 349, paragraph (5) of the Act over Branch Offices, etc., of Specified OTC Commodity Derivative Business Operators as defined in paragraph (1), item (vi), in addition to the Director of the Regional Agricultural Administration Office prescribed in the same item, the Director of the Regional Agricultural Administration Office with jurisdiction over the location of said Branch Offices, etc., may also exercise that authority.
- (7) The Director of a Regional Agricultural Administration Office who has ordered the submission of a report or materials, or carried out an on-site inspection under Article 349, paragraph (5) of the Act (hereinafter referred to as an "Inspection, etc." in this paragraph, in paragraph (9) and paragraph (11)) for Branch Offices, etc. of a Specified OTC Commodity Derivative Business Operators as defined in paragraph (1), item (vi) pursuant to the provisions of the preceding paragraph may carry out an Inspection, etc. for Head Office, etc. or Branch Offices, etc. other than said Branch Offices, etc., if they find this necessary.
- (8) With regard to the authority under provisions of Article 349, paragraph (5) of the Act over Branch Offices, etc., of Specified OTC Commodity Derivative Business Operators as defined in paragraph (1), item (vii), in addition to the Director of a Bureau of Economy, Trade and Industry prescribed in the same item, the Director of a Bureau of Economy, Trade and Industry with jurisdiction over the location of said Branch Offices, etc., may also exercise that

authority.

- (9) The Director of a Bureau of Economy, Trade and Industry who has conducted an Inspection, etc. under the provisions of Article 349, paragraph (5) for Branch Offices, etc. of a Specified OTC Commodity Derivative Business Operators as defined in paragraph (1), item (vii) pursuant to the provisions of the preceding paragraph may carry out an Inspection, etc. for Head Office, etc. or Branch Offices, etc. other than said Branch Offices, etc., if they find this necessary.
- (10) With regard to the authority under provisions of Article 349, paragraph (5) of the Act over Branch Offices, etc., of Specified OTC Commodity Derivative Business Operators as defined in paragraph (1), item (viii), in addition to the Director of the Regional Agricultural Administration Office and the Director of a Bureau of Economy, Trade and Industry prescribed in the same item, the Director of the Regional Agricultural Administration Office the Director of a Bureau of Economy, Trade and Industry with jurisdiction over the location of said Branch Offices, etc., may also exercise that authority.
- (11) The Director of a Regional Agricultural Administration Office or the Director of a Bureau of Economy, Trade and Industry who has conducted an Inspection, etc. for Branch Offices, etc. under provisions of Article 349, paragraph (5) of the Act of a Specified OTC Commodity Derivative Business Operators as defined in paragraph (1), item (viii) pursuant to the provisions of the preceding paragraph may carry out an Inspection, etc. for Head Office, etc. or Branch Offices, etc. other than said Branch Offices, etc., if they find this necessary.

Supplementary Provisions

This Cabinet Order shall come into force as of the day of promulgation.

Supplementary Provisions [Cabinet Order No. 299 of September 30, 1950]

- (1) This Cabinet Order shall come into force as of the day of promulgation.
(2) The Exchange Act (Imperial Ordinance No. 353 of 1922) shall be abolished.

Supplementary Provisions [Cabinet Order No. 37 of March 3, 1951]

This Cabinet Order shall come into force as of the day of promulgation.

Supplementary Provisions [Cabinet Order No. 132 of May 4, 1951]

This Cabinet Order shall come into force as of the day of promulgation.

Supplementary Provisions [Cabinet Order No. 304 of September 21, 1951]

This Cabinet Order shall come into force as of the day of promulgation.

Supplementary Provisions [Cabinet Order No. 201 of June 23, 1952]

This Cabinet Order shall come into force as of the day of promulgation.

Supplementary Provisions [Cabinet Order No. 293 of September 21, 1953]

This Cabinet Order shall come into force as of the day of promulgation.

Supplementary Provisions [Cabinet Order No. 117 of May 31, 1954]

- (1) This Cabinet Order shall come into force as of June 1, 1954.
- (2) Securities having been designated by an Exchange at the time of the enforcement of the Act for Partial Revision of the Commodity Exchange Act (Act No. 92 of 1954) pursuant to the provisions of Article 38, paragraph (3) of the Act prior to the revision shall be deemed to have been designated pursuant to the provisions of the proviso of Article 3-2 of the Order for Enforcement of the Commodity Exchange Act after the revision.

Supplementary Provisions [Cabinet Order No. 399 of October 1, 1962]

This Cabinet Order shall come into force as of the day of promulgation.

Supplementary Provisions [Cabinet Order No. 356 of October 25, 1963]

This Cabinet Order shall come into force as of January 1, 1964.

**Supplementary Provisions [Cabinet Order No. 4 of January 22, 1968]
[Extract]**

- (1) This Cabinet Order shall come into force as of the day of enforcement (January 27, 1968; hereinafter referred to as the "Effective Date") of the Act for Partial Revision of the Commodity Exchange Act (hereinafter referred to as the "Revising Act.")

Supplementary Provisions [Cabinet Order No. 112 of April 1, 1971]

This Cabinet Order shall come into force as of the day of promulgation.

Supplementary Provisions [Cabinet Order No. 302 of August 1, 1972]

This Cabinet Order shall come into force as of October 1, 1972.

Supplementary Provisions [Cabinet Order No. 363 of December 23, 1975]

(Effective Date)

- (1) This Cabinet Order shall come into force as of the day of the enforcement (January 14, 1976) of the Act for Partial Revision of the Commodity Exchange Act.

(Transitional Measures)

- (2) With regard to a Futures Commission Merchant who holds a license under Article 41, paragraph (1) of the Commodity Exchange Act (hereinafter referred to as the "Act") at the time of the enforcement of this Cabinet Order, in cases where the amount prescribed in Article 5 of the Order for Enforcement of the Commodity Exchange Act after the revision (hereinafter referred to as the "New Order") exceeds the amount prescribed in Article 5 of the Order for Enforcement of the Commodity Exchange Act prior to the revision (hereinafter referred to as the "Former Order"), the standard amount for said Futures Commission Merchant prescribed in Article 49, paragraph (1) of the Act shall be the amount prescribed in Article 5 of the Former Order, for one year from the day of the enforcement of this Cabinet Order (hereinafter referred to as the "Effective Date"), notwithstanding the provisions of Article 5 of the New Order.
- (3) With regard to a business office pertaining to a license under Article 41, paragraph (1) or Article 46, paragraph (1) of the Act at the time of the enforcement of this Cabinet Order, in cases where the amount calculated pursuant to the provisions of Article 97-2, paragraph (2), item (i) of the Act based on the amount prescribed in the Article 7 of the New Order exceeds the amount calculated pursuant to the provisions of Article 97-2, paragraph (2), item (i) of the Act based on the amount prescribed in Article 7 of the Former Order, the amount prescribed in Article 97-2, paragraph (2), item (i) shall be calculated based on the amount prescribed in the Article 7 of the Former Order with regard to said business office, for one year from the Effective Date.

Supplementary Provisions [Cabinet Order No. 282 of July 5, 1978]

[Extract]

(Effective Date)

Article 1 This Cabinet Order shall come into force as of the day of promulgation.

Supplementary Provisions [Cabinet Order No. 282 of September 16, 1981]

(Effective Date)

- (1) This Cabinet Order shall come into force as of September 24, 1981.

(Transitional Measures)

- (2) In cases where a transaction, in which the buying and selling parties are bound to transfer between them the gold subject to said buying and selling and the consideration therefor at a specific time in the future, and where a resale or buyback of said gold may be settled by exchanging the difference, has been carried out prior to the enforcement of this Cabinet Order (hereinafter referred to as a "Transaction prior to Enforcement" in this paragraph), and the transfer of the gold subject to said Transaction prior to Enforcement and the consideration therefor or the transfer of the resale or buyback of said gold and the difference arising from said resale or buyback in the same facility as the facility in which the Transaction prior to Enforcement was carried out (hereinafter referred to as "Completion of Transaction") is to be carried out after the enforcement of this Cabinet Order between the persons who must carry out the Completion of Transaction. The provisions of Article 8 of the Commodity Exchange Act shall neither apply to said Completion of Transaction nor the establishment of the facility in which said Completion of Transaction is to be carried out.

Supplementary Provisions [Cabinet Order No. 23 of February 23, 1982]

This Cabinet Order shall come into force as of the day of promulgation.

Supplementary Provisions [Cabinet Order No. 214 of October 7, 1983]

(Effective Date)

- (1) This Cabinet Order shall come into force as of October 17, 1983.

(Transitional Measures)

- (2) In cases where a transaction, in which the buying and selling parties are bound to transfer between them the silver or platinum subject to said buying and selling and the consideration therefor at a specific time in the future, and where a resale or buyback of said silver or platinum may be settled by exchanging the difference, has been carried out prior to the enforcement of this Cabinet Order (hereinafter referred to as a "Transaction prior to Enforcement" in this paragraph), and the transfer of the silver or platinum subject to said

Transaction prior to Enforcement and the consideration therefor or the transfer of the resale or buyback of said silver or platinum and the difference arising from said resale or buyback in the same facility as the facility in which the Transaction prior to Enforcement was carried out (hereinafter referred to as the "Completion of Transaction") is to be carried out after the enforcement of this Cabinet Order between the persons who must carry out the Completion of Transaction, the provisions of Article 8 of the Commodity Exchange Act (hereinafter referred to as the "Act") shall neither apply to said Completion of Transaction nor the establishment of the facility in which said Completion of Transaction is to be carried out.

- (3) A Futures Commission Merchant who holds a license under Article 41, paragraph (1) of the Act with regard to gold to be listed on a Commodity Market established by the Tokyo Gold Exchange (hereinafter referred to as a "License with regard to Gold") at the time of the enforcement of this Cabinet Order shall be deemed to have received a license under Article 41, paragraph (1) of the Act with regard to precious metals (limited to gold) to be listed on a Commodity Market established by the Tokyo Gold Exchange, during the period from the day on which the Tokyo Gold Exchange received the approval of the competent minister under Article 20, paragraph (1) of the Act with regard to an amendment in its articles of incorporation for listing precious metals until the day preceding the day on which buying and selling transactions of silver or platinum commenced on the Tokyo Gold Exchange (hereinafter referred to as the "Commencement Date of Buying and Selling Transactions") (in cases where they received a license under Article 41, paragraph (1) of the Act with regard to precious metals to be listed on a Commodity Market established by the Tokyo Gold Exchange prior to this day, the day preceding the day on which they received said license).
- (4) The standard amount under Article 49, paragraph (1) of the Act pertaining to a Futures Commission Merchant who holds a "License with regard to Gold" at the time of the enforcement of this Cabinet Order shall be the amount set forth in the row relating to the Tokyo Gold Exchange in Appended Table 2 of the Order for Enforcement of the Commodity Exchange Act prior to the revision (hereinafter referred to as the "Former Order") until the day preceding the Commencement Date of Buying and Selling Transactions (in cases where this date is prior to the date on which three months have elapsed from the day of the enforcement of this Cabinet Order [hereinafter referred to as the "Elapsed Date"], the Elapsed Date), notwithstanding the provisions of Article 5 of the Order for Enforcement of the Commodity Exchange Act after the revision (hereinafter referred to as the "New Order").
- (5) The amount specified by Cabinet Order as set forth in Article 97-2, paragraph (2), item (i) of the Act pertaining to each Futures Commission Merchant who

holds a "License with regard to Gold" at the time of the enforcement of this Cabinet Order shall be the amount set forth in the row relating to gold in Appended Table 3 of the Former Order, until the day preceding the day on which said each Futures Commission Merchant starts the business of accepting consignments pertaining to silver or platinum (in cases where this date is after the Commencement Date of Buying and Selling Transactions, the Commencement Date of Buying and Selling Transactions), notwithstanding the provisions of Article 7 of the New Order.

Supplementary Provisions [Cabinet Order No. 110 of April 20, 1984]

This Cabinet Order shall come into force as of the day of promulgation.

Supplementary Provisions [Cabinet Order No. 282 of September 21, 1984]

This Cabinet Order shall come into force as of October 1, 1984.

Supplementary Provisions [Cabinet Order No. 311 of October 26, 1984]

This Cabinet Order shall come into force as of November 1, 1984.

Supplementary Provisions [Cabinet Order No. 315 of December 17, 1985]

(Effective Date)

(1) This Cabinet Order shall come into force as of January 1, 1986.

(Transitional Measures)

(2) With regard to a Futures Commission Merchant who holds a license under Article 41, paragraph (1) of the Commodity Exchange Act at the time of the enforcement of this Cabinet Order, in cases where the amount prescribed in Article 5 of the Order for Enforcement of the Commodity Exchange Act after the revision (in cases where a person has received a license under the same paragraph with regard to Listed Commodities on two or more Commodity Markets, the total of the amount prescribed in the same Article with regard to these Listed Commodities on the Commodity Markets) exceeds the amount prescribed in Article 5 of the Order for Enforcement of the Commodity Exchange Act prior to the revision (in cases where a person has received a license under the same paragraph with regard to Listed Commodities on two or more Commodity Markets, the total of the amount prescribed in the same Article with regard to these Listed Commodities on the Commodity Markets), the standard amount prescribed in Article 49, paragraph (1) of the same Act for

said Futures Commission Merchant shall be the amount prescribed in Article 5 of the Order for Enforcement of the Commodity Exchange Act prior to the revision, for one year from the day of the enforcement of this Cabinet Order, notwithstanding the provisions of Article 5 of the Order for Enforcement of the Commodity Exchange Act after the revision.

**Supplementary Provisions [Cabinet Order No. 354 of December 14, 1990]
[Extract]**

(Effective Date)

Article 1 This Cabinet Order shall come into force as of the day of the enforcement (December 29, 1990) of the Act for Partial Revision of the Commodity Exchange Act (Act No. 52 of 1990; hereinafter referred to as the "Revising Act").

(Transitional Measures pertaining to the Minimum Capital concerning a License for the First Class Commodity Transactions Brokerage Business)

Article 2 In cases where a person, who is deemed to have received a license under Article 41, paragraph (1) of the Commodity Exchange Act after the revision (hereinafter referred to as the "New Act") pursuant to the provisions of Article 3, paragraph (1) of the Supplementary Provisions of the Revising Act, intends to receive a license under paragraph (1) of the same Article, the renewal of a license under paragraph (4) of the same Article, or a license under Article 46, paragraph (1) of the New Act pertaining to a person set forth in Article 41, paragraph (2), item (i) of the New Act, the amount specified by Cabinet Order as set forth in Article 44, paragraph (1), item (i)-2 of the New Act (including the cases where it is applied mutatis mutandis pursuant to Article 46, paragraph (3), item (i) of the New Act) shall be 300 million yen, up until the day preceding the day on which four years have elapsed since the day of the enforcement of this Cabinet Order, notwithstanding the provisions of Article 5 of the Order for Enforcement of the Commodity Exchange Act after the revision.

**Supplementary Provisions [Cabinet Order No. 303 of September 19, 1994]
[Extract]**

(Effective Date)

Article 1 This Cabinet Order shall come into force as of the effective date (October 1, 1994) of the Administrative Procedures Act.

Supplementary Provisions [Cabinet Order No. 78 of March 23, 1995]

This Cabinet Order shall come into force as of the day of promulgation.

Supplementary Provisions [Cabinet Order No. 294 of September 26, 1996]

This Cabinet Order shall come into force as of the day of promulgation.

Supplementary Provisions [Cabinet Order No. 305 of September 29, 1997]

(Effective Date)

(1) This Cabinet Order shall come into force as of the day of promulgation.

(Transitional Measures pertaining to Penal Provisions)

(2) With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force shall remain applicable.

**Supplementary Provisions [Cabinet Order No. 369 of November 20, 1998]
[Extract]**

(Effective Date)

Article 1 This Cabinet Order shall come into force as of December 1, 1998.

(Transitional Measures pertaining to the Application of Penal Provisions)

Article 30 With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force shall remain applicable.

**Supplementary Provisions [Cabinet Order No. 80 of March 26, 1999]
[Extract]**

(Effective Date)

Article 1 This Cabinet Order shall come into force as of the day of the enforcement (April 1, 1999) of the Act for Partial Revision of the Commodity Exchange Act (hereinafter referred to as the "Revising Act").

(Transitional Measures pertaining to Registration of the Futures Commission Merchant Association, etc.)

Article 2 (1) In cases where the Futures Commission Merchant Association prescribed in Article 54-3, paragraph (1) of the Commodity Exchange Act prior to revision by the Revising Act has been established at the time of the

promulgation of the Revising Act, when said Futures Commission Merchant Association was given approval to amend its articles of incorporation to become a commodity futures association under the provisions of the Commodity Exchange Act revised by the Revising Act pursuant to the provisions of Article 8, paragraph (1) of the Supplementary Provisions of the Revising Act, registration of dissolution must be completed with regard to the Futures Commission Merchant Association and registration prescribed in Article 3 of the Association Registration Order (Cabinet Order No. 29 of 1964) must be completed with regard to the commodity futures association, within two weeks from the day on which the approval for the amendment of articles of incorporation prescribed in Article 8, paragraph (4) of the Supplementary Provisions of the Revising Act becomes effective at the location of its principal office and within three weeks from said day at the location of its secondary offices.

- (2) A written application for registration to be completed with regard to a commodity futures association pursuant to the provisions of the preceding paragraph must have the articles of incorporation, a document proving the qualification of the person who has the power of representation, and documents proving the matters set forth in the column of the registered matters in the row of commodity futures associations of Appended Table 1 of the Association Registration Order after the revision by the provisions of the following Article attached.
- (3) A registrar must close the registration record when dissolution has been registered pursuant to the provisions of paragraph (1).
- (4) The provisions of Article 19, Article 55, paragraph (1), Article 71, and Article 73 of the Commercial Registration Act (Act No. 125 of 1963) shall apply mutatis mutandis to the registration under paragraph (1). In this case, "to the effect that the organization has been changed" in Article 71 of the same Act shall be deemed to be replaced with "to the effect that it has become a commodity futures association under the Commodity Exchange Act (Act No. 239 of 1950) revised by the Act for Partial Revision of the Commodity Exchange Act (Act No. 42 of 1998) pursuant to the provisions of Article 8, paragraph (1) and paragraph (4) of the Supplementary Provisions of the same Act."

**Supplementary Provisions [Cabinet Order No. 311 of June 7, 2000]
[Extract]**

(Effective Date)

Article 1 This Cabinet Order shall come into force as of the day of the enforcement (January 6, 2001) of the Act for Partial Revision of the Cabinet

Act (Act No. 88 of 1999).

**Supplementary Provisions [Cabinet Order No. 482 of November 17, 2000]
[Extract]**

(Effective Date)

Article 1 This Cabinet Order shall come into force as of the day of the enforcement (November 30, 2000; hereinafter referred to as the "Effective Date") of the Act for Partial Revision of the Act concerning Liquidation of Specified Assets by Special Purpose Entities (hereinafter referred to as the "Revising Act").

**Supplementary Provisions [Cabinet Order No. 57 of March 24, 2004]
[Extract]**

This Cabinet Order shall come into force as of March 31, 2004.

**Supplementary Provisions [Cabinet Order No. 259 of August 27, 2004]
[Extract]**

(Effective Date)

Article 1 This Cabinet Order shall come into force as of the day of the enforcement (May 1, 2005; hereinafter referred to as the "Effective Date") of the Act for Partial Revision of the Commodity Exchange Act (hereinafter referred to as the "Revising Act"); provided, however, that the provisions set forth in the following Article to Article 4 of the Supplementary Provisions shall come into force as of the day of promulgation.

(Transitional Measures pertaining to a License for the Business of Assuming Commodity Transaction Debts)

Article 2 (1) A stock company which intends to receive a license under Article 167 of the Commodity Exchange Act revised by the Revising Act (hereinafter referred to as the "New Act") may also file an application for the license prior to the Effective Date in accordance with the provisions of Article 168 of the New Act.

(2) In cases where an application for a license under the preceding paragraph has been filed, the competent minister may also grant the license in accordance with the provisions of Articles 167 to 169 inclusive of the New Act prior to the Effective Date. In this case, the stock company which receives the license shall be deemed to have received the license under Article 167 of the New Act as of the Effective Date.

(Transitional Measures pertaining to Registration of a Consignor Protection Membership Corporation)

Article 3 (1) In cases where a Consignor Protection Membership Corporation (which refers to the Consignor Protection Membership Corporation prescribed in Article 269, paragraph (4) of the New Act; the same shall apply hereinafter) is to be established prior to the Effective Date pursuant to the provisions of Article 18, paragraph (1) of the Supplementary Provisions of the Revising Act, the registration of establishment shall be completed by a person who is to be the president of said Consignor Protection Membership Corporation in accordance with the provisions of the Association Registration Order (Cabinet Order No. 29 of 1964) after revision by the provisions of Article 7 of the Supplementary Provisions.

(2) With regard to the management as well as the dissolution and liquidation prior to the Effective Date of a Consignor Protection Membership Corporation established pursuant to the provisions of Article 18, paragraph (1) of the Supplementary Provisions of the Revising Act, the provisions of Chapter VI, Section 2 of the New Act shall apply.

(Time Limit for Application for Succession of Businesses, etc. to the Consignor Protection Fund)

Article 4 The day specified by Cabinet Order as set forth in Article 19, paragraph (1) of the Supplementary Provisions of the Revising Act shall be April 30, 2006.

(Request for Registration of Dissolution of the Association of Compensation Funds for Consigned Liabilities in Commodity Futures, Inc., etc.)

Article 5 (1) In the event of the Association of Compensation Funds for Consigned Liabilities in Commodity Futures, Inc. (referred to as the "Association of Compensation Funds" in the following Article) being dissolved pursuant to the provisions of Article 19, paragraph (5) of the Supplementary Provisions of the Revising Act, the competent minister must make a request for the registration of dissolution to a registry office, without delay.

(2) A registrar must close the registration record when they have registered the dissolution pertaining to the request under the preceding paragraph.

(Special Provisions for Taxation)

Article 5-2 (1) Where a Consignor Protection Membership Corporation as a Consignor Protection Fund (meaning the Consignor Protection Fund prescribed in Article 296 of the New Act) has succeeded to the assets and liabilities held by the Association of Compensation Funds pursuant to the provisions of Article

19, paragraph (5) of the Supplementary Provisions of the Revising Act (such a Consignor Protection Membership Corporation shall be simply referred to as a "Consignor Protection Fund" in the following paragraph), the amount obtained by deducting the value of said liabilities at the time of said succession from the value of said assets at the time of said succession shall be the capital surplus prescribed in Article 2, item (xvii) of the Corporation Tax Act (Act No. 34 of 1965).

(2) In the case referred to in the preceding paragraph, with regard to securities prescribed in Article 2, item (xxi) of the Corporation Tax Act among the assets to which the Consignor Protection Fund succeeds, the value of the securities which were under the accounting of the Association of Compensation Funds as on the day preceding the day of said succession shall be deemed to be the value at the time of the succession prescribed in the same paragraph.

**Supplementary Provisions [Cabinet Order No. 24 of February 18, 2005]
[Extract]**

(Effective Date)

Article 1 This Cabinet Order shall come into force as of the day of the enforcement (March 7, 2005) of the Real Property Registration Act.

Supplementary Provisions [Cabinet Order No. 166 of April 27, 2005]

This Cabinet Order shall come into force as of the day of promulgation.

**Supplementary Provisions [Cabinet Order No. 180 of April 26, 2006]
[Extract]**

(Effective Date)

Article 1 This Cabinet Order shall come into force as of the day of the enforcement (May 1, 2006) of the Companies Act.

**Supplementary Provisions [Cabinet Order No. 233 of August 3, 2007]
[Extract]**

(Effective Date)

Article 1 This Cabinet Order shall come into effect as of the day of enforcement of the revised Act.

(Transitional Measure concerning Application of Penal Provisions)

Article 64 With regard to the application of penal provisions to an act committed

prior to the enforcement date or an act committed on or after the enforcement date in cases where the provisions remain in force pursuant to these Supplementary Provisions, the provisions then in force shall remain applicable.

**Supplementary Provisions [Cabinet Order No. 180 of May 21, 2008]
[Extract]**

(Effective Date)

Article 1 This Cabinet Order shall come into effect as of October 1, 2008.

(Transitional Measures Concerning Penal Provisions)

Article 4 With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force shall remain applicable.

**Supplementary Provisions [Cabinet Order No. 219 of July 4, 2008]
[Extract]**

(Effective Date)

Article 1 This Cabinet Order shall come into effect as of the day of the enforcement of the Act for Partial Revision of the Act on Transfer of Bonds, etc. for Achieving Rationalization of Settlements for Transactions of Shares, etc. and Other Acts (hereinafter referred to as the "Revising Act").

**Supplementary Provisions [Cabinet Order No. 237 of July 25, 2008]
[Extract]**

(Effective Date)

Article 1 This Cabinet Order shall come into effect as of October 1, 2008.

Supplementary Provisions [Cabinet Order No. 228 of August 28, 2009]

This Cabinet Order shall come into effect as of the day of the enforcement (January 8, 2009) of the provisions listed in Article 1, item (ii) of the Supplementary Provisions of the Act for the partial revision of the Act on Regulation of Commodity Investment.

Supplementary Provisions [Cabinet Order No. 301 of December 28, 2009]

This Cabinet Order shall come into effect as of the day of the enforcement (July 1, 2010) of the provisions listed in Article 1, item (iii) of the Supplementary

Provisions of the Act for the partial revision of the Act on Regulation of
Commodity Investment (Law No. 74 of 2009).

**Supplementary Provisions [Cabinet Order No. 196 of September 10, 2010]
[Extract]**

(Effective Date)

Article 1 This Cabinet Order shall come into effect as of the day of the
enforcement (January 1, 2011) of the Revising Act.