

店頭デリバティブ取引等の規制に関する内閣府令 Cabinet Office Ordinance on the Regulation of Over- the-Counter Derivatives Transactions

(平成二十四年七月十一日内閣府令第四十八号)
(Ordinance of the Cabinet Office No. 48 of July 11, 2012)

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第一章 総則

Chapter I General Provisions

第一条 この府令において「金融商品取引業」、「金融商品取引業者」、「金融商品」、「金融指標」、「金融商品債務引受業」、「金融商品取引清算機関」又は「外国金融商品取引清算機関」とは、それぞれ金融商品取引法（以下「法」という。）第二条に規定する金融商品取引業、金融商品取引業者、金融商品、金融指標、金融商品債務引受業、金融商品取引清算機関又は外国金融商品取引清算機関をいう。

Article 1 (1) As used in this Cabinet Office Ordinance, the terms "Financial Instruments Business," "Financial Instruments Business Operator," "Financial Instruments," "Financial Indicator," "Financial Instruments Obligation Assumption Service," "Financial Instruments Clearing Organization," and "Foreign Financial Instruments Clearing Organization" respectively mean Financial Instruments Business, Financial Instruments Business Operator, Financial Instruments, Financial Indicator, Financial Instruments Obligation Assumption Service, Financial Instruments Clearing Organization and Foreign Financial Instruments Clearing Organization as defined in Article 2 of the Financial Instruments and Exchange Act (hereinafter referred to as the "Act").

2 この府令において、次の各号に掲げる用語の意義は、当該各号に定めるところによる。

(2) In this Cabinet Office Ordinance, the meanings of the terms set forth in the following items are as prescribed respectively in those items:

一 オプション 法第二条第一項第十九号に規定するオプションをいう。

(i) Options: Options as defined in Article 2, paragraph (1), item (xix) of the Act;

二 登録金融機関 法第二条第十一項に規定する登録金融機関をいう。

(ii) Registered Financial Institution: a Registered Financial Institution as defined in Article 2, paragraph (11) of the Act;

三 第一種金融商品取引業 法第二十八条第一項に規定する第一種金融商品取引業をいう。

(iii) Type I Financial Instruments Business: Type I Financial Instruments Business as defined in Article 28, paragraph (1) of the Act;

四 金融商品取引業者等 法第三十四条に規定する金融商品取引業者等をいう。

(iv) Financial Instruments Business Operator, etc.: a Financial Instruments Business Operator, etc. as defined in Article 34 of the Act;

五 清算参加者 法第百五十六条の七第二項第三号に規定する清算参加者をいう。

(v) Clearing Member: a Clearing Member as defined in Article 156-7, paragraph (2), item (iii) of the Act;

六 連携清算機関等 法第百五十六条の二十の十六第一項に規定する連携清算機関等をいう。

(vi) Collaborating Clearing Organization, etc.: an Collaborating Clearing Organization, etc. as defined in Article 156-20-16, paragraph (1) of the Act;

七 連携金融商品債務引受業務 法第百五十六条の二十の十六第一項に規定する連携金融商品債務引受業務をいう。

(vii) Collaborative Financial Instruments Obligation Assumption Service: Collaborative Financial Instruments Obligation Assumption Service as defined in Article 156-20-16, paragraph (1) of the Act;

八 金融商品取引清算機関等 法第百五十六条の六十三第一項に規定する金融商品取引清算機関等をいう。

(viii) Financial Instruments Clearing Organization, etc.: a Financial Instruments Clearing Organization, etc. as defined in Article 156-63, paragraph (1) of the Act;

九 清算集中等取引情報 法第百五十六条の六十三第一項に規定する清算集中等取引情報をいう。

(ix) Data on Centrally Cleared Trades: Data on Centrally Cleared Trades as defined in Article 156-63, paragraph (1) of the Act;

十 取引情報 法第百五十六条の六十四第一項に規定する取引情報をいう。

(x) Trade Data: Trade Data as defined in Article 156-64, paragraph (1) of the Act;

十一 取引情報蓄積機関 法第百五十六条の六十四第三項に規定する取引情報蓄積機

関をいう。

(xi) Trade Repository: a Trade Repository as defined in Article 156-64, paragraph (3) of the Act;

十二 指定外国取引情報蓄積機関 法第一百五十六条の六十四第三項に規定する指定外国取引情報蓄積機関をいう。

(xii) Designated Foreign Trade Repository: a Designated Foreign Trade Repository as defined in Article 156-64, paragraph (3) of the Act;

十三 取引情報蓄積業務 法第一百五十六条の六十四第三項に規定する取引情報蓄積業務をいう。

(xiii) Trade Repository Business: Trade Repository Business as defined in Article 156-64, paragraph (3) of the Act; and

十四 取引情報収集契約 法第一百五十六条の七十四第一項第一号に規定する取引情報収集契約をいう。

(xiv) Contract for Trade Data Collection: a Contract for Trade Data Collection as defined in Article 156-74, paragraph (1), item (i) of the Act.

第二章 清算集中

Chapter II Concentration of Clearing

第二条 法第一百五十六条の六十二第一号に規定する内閣府令で定める取引は、法第二条第二十二項第六号に掲げる取引であって、複数の内国法人（国内に本店又は主たる事務所を有する法人をいう。以下この項において同じ。）の信用状態に係る事由又は金融商品取引法第二条に規定する定義に関する内閣府令（平成五年大蔵省令第十四号）第二十条に規定する事由（複数の内国法人に係るものに限る。）を同号に規定する事由とするもののうち、金融庁長官が指定するものとする。

Article 2 (1) The transactions specified by Cabinet Office Ordinance which are provided for in Article 156-62, item (i) of the Act are the transactions set forth in Article 2, paragraph (22), item (vi) of the Act whose cause prescribed in said item is either a cause pertaining to the credit statuses of multiple domestic corporations (meaning a corporation that has its head office or principal office located in Japan; hereinafter the same applies in this paragraph) or a cause prescribed in Article 20 of the Cabinet Office Ordinance on Definitions under Article 2 of the Financial Instruments and Exchange Act (Ordinance of the Ministry of Finance No. 14 of 1993) (limited to causes pertaining to multiple domestic corporations), and which are designated by the Commissioner of the Financial Services Agency.

2 法第一百五十六条の六十二第二号に規定する内閣府令で定める取引は、法第二条第二十二項第五号に掲げる取引であって、当事者が元本（円建てのものに限る。）として定めた金額について当事者の一方が相手方と取り決めた利率又は約定した市場金利の期間における変化率（以下この項において「利率等」という。）に基づいて金銭（円建てのものに限る。以下この項において同じ。）を支払い、相手方が当事者の一方と

取り決めた利率等に基づいて金銭を支払うことを相互に約するもののうち、金融庁長官が指定するものとする。

(2) The transactions specified by Cabinet Office Ordinance which are provided for in Article 156-62, item (ii) of the Act are the transactions set forth in Article 2, paragraph (22), item (v) of the Act wherein the parties mutually promise that, using the amount the parties have agreed to as the principal (limited to yen-dominated principal), one of the parties will pay an amount of money (limited to the yen-dominated amount; hereinafter the same applies in this paragraph) calculated based on the interest rate agreed upon with the counterparty or the rate of change in the agreed period of the market interest rate (hereinafter referred to as the "Interest Rate, etc." in this paragraph), and the counterparty will pay the amount of money calculated based on the Interest Rate, etc. agreed upon with the former party, and which are designated by the Commissioner of the Financial Services Agency.

3 前二項の規定にかかわらず、これらの項に規定する取引が、当該取引に係る契約を締結する時において次の各号のいずれかに該当する取引である場合には、当該取引は、法第百五十六条の六十二第一号及び第二号に規定する内閣府令で定める取引に該当しないものとする。

(3) Notwithstanding the provisions of the preceding two paragraphs, if a transaction prescribed in one of said paragraphs falls under any of the following items at the time the contract for said transaction is concluded, the transaction does not fall under the category of transaction specified by Cabinet Office Ordinance which is provided for in Article 156-62, item (i) or (ii) of the Act:

一 取引の当事者の一方が金融商品取引業者等以外の者である場合における当該取引

(i) a transaction wherein one of the parties is an entity other than a Financial Instruments Business Operator, etc.;

二 信託勘定に属するものとして経理される取引

(ii) a transaction for which the accounting is to be settled as a transaction belonging to a trust account;

三 取引を行う金融商品取引業者等の親会社等（金融商品取引法施行令（昭和四十年政令第三百二十一号）第十五条の十六第三項に規定する親会社等をいう。以下この条及び第六条第二項第六号において同じ。））、子会社等（同令第十五条の十六第三項に規定する子会社等をいう。以下この条及び第六条第二項第六号において同じ。）又は親会社等の子会社等（当該金融商品取引業者等を除く。）が当該取引の相手方となる場合における当該取引

(iii) a transaction wherein the counterparty is the Parent Company, etc.

(meaning a Parent Company, etc. as provided in Article 15-16, paragraph (3) of the Order for Enforcement of the Financial Instruments and Exchange Act (Cabinet Order No. 321 of 1965); hereinafter the same applies in this Article and Article 6, paragraph (2), item (vi)) or a Subsidiary Company, etc.

(meaning a Subsidiary Company, etc. as provided in Article 15-16, paragraph (3) of that Order; hereinafter the same applies in this Article and Article 6, paragraph (2), item (vi)), or a Subsidiary Company, etc. of the Parent Company, etc. (excluding the Financial Instruments Business Operator, etc. itself) of the Financial Instruments Business Operator, etc. that conducts the transaction;

四 取引の当事者の一方又はその親会社等若しくは子会社等と当該取引の相手方又はその親会社等若しくは子会社等とが当該取引に基づく債務を金融商品債務引受業の対象とする同一の金融商品取引清算機関等（当該取引が第一項に規定する取引である場合には、外国金融商品取引清算機関を除く。次号において同じ。）の当該取引に係る清算参加者となっている場合以外の場合（取引の当事者の一方又は双方（その親会社等又は子会社等を含む。）において、当該取引に係る清算参加者となっていないことについて合理的理由がある場合に限る。）における当該取引。ただし、当該取引が前項に規定する取引である場合においては、取引の当事者の一方又はその親会社等若しくは子会社等が当該取引に基づく債務を連携金融商品債務引受業務の対象とする金融商品取引清算機関の当該取引に係る清算参加者となっており、かつ、当該取引の相手方又はその親会社等若しくは子会社等が当該金融商品取引清算機関と連携金融商品債務引受業務に関する契約を締結している連携清算機関等の当該取引に係る清算参加者（連携清算機関等が金融商品取引清算機関又は外国金融商品取引清算機関以外の者である場合にあっては、その業務（当該連携金融商品債務引受業務に係るものに限る。）の相手方となる者。以下この号において「清算参加者等」という。）となっている場合以外の場合（取引の当事者の一方（その親会社等又は子会社等を含む。）において当該取引に係る清算参加者となっていないことについて合理的理由がある場合、又は当該取引の相手方（その親会社等又は子会社等を含む。）において当該取引に係る清算参加者等となっていないことについて合理的理由がある場合に限る。）に限る。

(iv) a transaction in cases other than the case where one of the parties or its Parent Company, etc. or Subsidiary Company, etc. and the counterparty or its Parent Company, etc. or Subsidiary Company, etc. serve as Clearing Members for said transaction of the same Financial Instruments Clearing Organization, etc. that covers obligations based on said transaction in its Financial Instruments Obligation Assumption Service (if said transaction falls under the category of transaction prescribed in paragraph (1), excluding Foreign Financial Instruments Clearing Organizations; the same applies in the following item) (limited to the case where there are reasonable grounds for either or both of the parties (including their Parent Companies, etc. or Subsidiary Companies, etc.) not serving as Clearing Members for said transaction); provided, however, that if said transaction falls under the transaction prescribed in the preceding paragraph, limited to cases other than the case where one of the parties or its Parent Company, etc. or Subsidiary Companies, etc. serve as Clearing Members for said transaction of

the Financial Instruments Clearing Organization that covers obligations based on said transaction in its Collaborative Financial Instruments Obligation Assumption Service, and that the counterparty or its Parent Company, etc. or Subsidiary Company, etc. serve as Clearing Members for said transaction of the Collaborating Clearing Organization, etc. that has concluded a contract on an Collaborative Financial Instruments Obligation Assumption Service with said Financial Instruments Clearing Organization (when the Collaborating Clearing Organization, etc. is an entity other than a Financial Instruments Clearing Organization or a Foreign Financial Instruments Clearing Organization, the counterparty to its business (limited to business pertaining to said Collaborative Financial Instruments Obligation Assumption Service); hereinafter referred to as "clearing member, etc." in this item) (limited to the case where there are reasonable grounds for one of the parties to the transaction (including its Parent Company, etc. or Subsidiary Company, etc.) not serving as a Clearing Member for said transaction or for the counterparty to the transaction (including its Parent Company, etc. or Subsidiary Company, etc.) not serving as clearing member, etc. for said transaction); or

五 金融商品取引業者等が行った取引に基づく債務を金融商品取引清算機関等に負担させることが不相当であると認められる特別の事情があるものとして金融庁長官が指定する場合において金融商品取引業者等が行う取引

(v) a transaction conducted by a Financial Instruments Business Operator, etc. in cases designated by the Commissioner of the Financial Services Agency as cases where there are special circumstances wherein it is found to be inappropriate to have the Financial Instruments Clearing Organization, etc. undertake the obligation based on the transaction conducted by the Financial Instruments Business Operator, etc.

第三章 取引情報の保存及び報告

Chapter III Preservation and Reporting of Trade Data

(金融商品取引清算機関等による清算集中等取引情報の保存及び報告の対象となる取引)

(Transactions Subject to Preservation and Reporting as Data on Centrally Cleared Trades by the Financial Instruments Clearing Organization)

第三条 法第百五十六条の六十三第一項に規定する内閣府令で定める取引は、第六条第一項各号に掲げる取引（法第百五十六条の六十二各号に掲げる取引を除き、法第二条第二十二項第二号、第四号及び第五号に掲げる取引にあっては、同条第二十五項第二号、第三号又は第四号（同項第二号及び第三号に係る部分に限る。）に掲げる金融指標に係るものを除く。）とする。

Article 3 Transactions specified by Cabinet Office Ordinance which are provided

for in Article 156-63, paragraph (1) of the Act are the transactions prescribed in the items of paragraph (1) of Article 6 (except the transactions set forth in the items of Article 156-62 of the Act, in case of the transactions set forth in Article 2, paragraph (22), items (ii), (iv) and (v) of the Act, excluding the transactions pertaining to the Financial Indicator set forth in paragraph (25), items (ii), (iii) and (iv) of that Article (limited to the part related to items (ii) and (iii) of that paragraph)).

(金融商品取引清算機関等による清算集中等取引情報の保存)

(Preservation of Data on Centrally Cleared Trades by the Financial Instruments Clearing Organization.)

第四条 法第一百五十六条の六十三第一項に規定する清算集中等取引情報について内閣府令で定める事項は、次に掲げる事項とする。

Article 4 (1) The matters specified by Cabinet Office Ordinance concerning Data on Centrally Cleared Trades, which are provided for in Article 156-63, paragraph (1) of the Act, are the following matters:

一 取引の当事者である金融商品取引業者等が法人の場合にあっては商号又は名称、個人の場合にあっては個人である旨

(i) if the Financial Instruments Business Operator, etc. that is a party to the transaction is a corporation, its trade name or name, and if that operator, etc. is an individual, an indication of this;

二 新規、変更又は解除の別

(ii) whether it is a new contract, or a change in or cancellation of a contract;

三 契約の種類

(iii) the type of contract;

四 約定年月日

(iv) contract date;

五 取引の効力が生ずる日

(v) date on which the transaction enters into effect;

六 取引の効力が消滅する日

(vi) date on which the transaction is extinguished;

七 次に掲げる取引の種類に応じ、それぞれ次に定める事項

(vii) the matters provided in each of the following, according to the following categories of transactions:

イ 第六条第一項第一号に掲げる取引 次に掲げる事項

(a) transactions set forth in Article 6, paragraph (1), item (i): the following matters:

(1) 受渡年月日

1. date of delivery;

(2) 売付け又は買付けの別 (法第二条第二十二項第二号に掲げる取引にあっては、現実数値 (同条第二十一項第二号に規定する現実数値をいう。) が約

定数値（同条第二十一項第二号に規定する約定数値をいう。（3）において同じ。）を上回った場合に金銭を支払う立場の当事者となるもの又は金銭を受領する立場の当事者となるものの別

2. whether the transaction is for selling or purchasing (in the case of transactions set forth in Article 2, paragraph (22), item (ii) of the Act, whether the person will become the party that is in the position of paying the money or the party that is in the position of receiving the money if the Actual Figure (meaning the Actual Figure as defined in item (ii) of paragraph (21) of that Article) exceeds the Agreed Figure (meaning the Agreed Figure as defined in item (ii) of paragraph (21) of that Article; the same applies in 3);

(3) 約定価格又は約定数値

3. agreed price or Agreed Figure;

ロ 第六条第一項第二号に掲げる取引 次に掲げる事項

(b) transactions set forth in Article 6, paragraph (1), item (ii): the following matters:

- (1) プット（権利の行使により売主としての地位を取得するものをいう。）又はコール（権利の行使により買主としての地位を取得するものをいう。）の別

1. whether the Options are puts (meaning Options whose owner acquires the position of seller upon the exercise of the right) or calls (meaning Options whose owner acquires the position of purchaser upon the exercise of the right);

- (2) オプションを付与する立場の当事者となるもの又はオプションを取得する立場の当事者となるものの別

2. whether the person will become the party that is in the position of granting the Options or the party that is in the position of accepting the Options; and

(3) オプションの対価の額

3. the consideration for the Options;

ハ 第六条第一項第三号に掲げる取引 次に掲げる事項

(c) transactions set forth in Article 6, paragraph (1), item (iii): the following matters:

- (1) 当事者が元本として定めた金額及びその通貨の種類

1. the amount agreed upon as the principal and the type of currency;

- (2) 当事者の一方が相手方と取り決めた金融商品の利率等（法第二条第二十一項第四号に規定する利率等をいう。（3）において同じ。）又は金融指標が約定した期間に上昇した場合に金銭を支払う立場の当事者となるもの又は金銭を受領する立場の当事者となるものの別

2. whether the person will become the party that is in the position of paying the money or the party that is in the position of receiving the

money if the Interest Rate, etc. (meaning the Interest Rate, etc. as defined in Article 2, paragraph (21), item (iv) of the Act; the same applies in 3) of the Financial Instruments or Financial Indicator agreed upon by the parties increases during the agreed period; and
(3) 約定した金融商品の利率等又は金融指標

3. the agreed Interest Rate, etc. of the Financial Instruments or Financial Indicator;

ニ 第六条第一項第四号に掲げる取引 次に掲げる事項

(d) transactions set forth in Article 6, paragraph (1), item (iv): the following matters:

(1) 当事者があらかじめ定めた事由（法第二条第二十二項第六号イに掲げる事由をいう。（2）において同じ。）が発生した場合に金銭を支払う立場の当事者となるもの又は金銭を受領する立場の当事者となるものの別

1. whether the person will become the party that is in the position of paying the money or the party that is in the position of receiving the money if a cause agreed upon by the parties in advance (meaning a cause set forth in Article 2, paragraph (22), item (vi), (a) of the Act; the same applies in 2) occurs; and

(2) 当事者があらかじめ定めた事由が発生した場合に金銭を受領する権利の対価の額

2. the consideration for the right to receive money if a cause agreed upon by parties in advance occurs; and

ハ その他金融庁長官が必要と認める事項

(viii) other matters that the Commissioner of the Financial Services Agency finds to be necessary.

2 金融商品取引清算機関等は、清算集中等取引情報の対象となる取引に基づく債務を負担した場合には、次条第一項の規定による提出の時までに、当該取引に係る清算集中等取引情報について前項に規定する事項に関する記録を作成し、次の各号に掲げる取引の区分に応じ、当該各号に定める日から五年間保存しなければならない。

(2) When a Financial Instruments Clearing Organization, etc. bears the obligation under a transaction covered by Data on Centrally Cleared Trades, it must prepare a record of the matters prescribed in the preceding paragraph in connection with the Data on Centrally Cleared Trades for the relevant transaction by the time of submission provided in paragraph (1) of the following Article, and must preserve that record for five years from the day provided for in the relevant of the following items in accordance with the category of transaction set forth in that item:

一 第六条第一項第一号に掲げる取引 受渡しの日

(i) transactions set forth in Article 6, paragraph (1), item (i): the date of delivery;

二 第六条第一項第二号及び第四号に掲げる取引 権利行使期間の末日

(ii) transactions set forth in Article 6, paragraph (1), items (ii) and (iv): the last day of the exercise period; and

三 第六条第一項第三号に掲げる取引 取引期間の末日又は受渡しの日 of theいずれか遅い日

(iii) transactions set forth in Article 6, paragraph (1), item (iii): the last day of the transaction period or the date of delivery, whichever comes later.

3 金融商品取引清算機関等は、その保存する清算集中等取引情報について、第一項に規定する事項に変更が生じたときは、次条第二項の規定による提出の時（同条第一項の規定による提出の前に当該変更が生じた場合には、当該提出の時）までに、当該清算集中等取引情報に係る前項の記録に当該変更事項を反映させなければならない。

(3) If there is any change in a matter provided for in paragraph (1) as concerns the Data on Centrally Cleared Trades that the Financial Instruments Clearing Organization, etc. preserves, it must make the record referred to in the preceding paragraph which is connected with that Data on Centrally Cleared Trades reflect the change in that matter by the time of submission provided for in paragraph (2) of the following Article (or, if the change occurs before the submission provided for in paragraph (1) of that Article, by the time of such submission).

4 第二項の記録は、電磁的記録（法第十三条第五項に規定する電磁的記録をいう。第七条第五項及び第十条第四項において同じ。）により作成しなければならない。

(4) The record referred to in paragraph (2) must be prepared as an electronic or magnetic record (meaning an electronic or magnetic record as provided in Article 13, paragraph (5) of the Act; the same applies in Article 7, paragraph (5) and Article 10, paragraph (4)).

（金融商品取引清算機関等による清算集中等取引情報の報告）

(Reporting of Data on Centrally Cleared Trades by Financial Instruments Clearing Organizations)

第五条 金融商品取引清算機関等は、法第百五十六条の六十三第二項の規定により、前条第二項に定めるところにより作成した記録を、当該金融商品取引清算機関等が当該記録に係る清算集中等取引情報の対象となっている取引に基づく債務を負担した日から起算して三営業日以内（当該期間が経過するまでの間に当該清算集中等取引情報について前条第一項に規定する事項に変更が生じた場合には、当該変更が生じた日から起算して三営業日以内）に、金融庁長官に提出しなければならない。

Article 5 (1) A Financial Instruments Clearing Organization, etc. must submit the record that it has prepared pursuant to the provisions of paragraph (2) of the preceding Article to the Commissioner of the Financial Services Agency within three business days from the day on which the Financial Instruments Clearing Organization, etc. bears the obligation based on the transaction covered by Data on Centrally Cleared Trades to which that record pertains (if there is any change in a matter provided for in paragraph (1) of the preceding

Article in connection with the Data on Centrally Cleared Trades during said period, within three business days from the day on which that change occurs), pursuant to the provisions of Article 156-63, paragraph (2) of the Act.

2 金融商品取引清算機関等は、前項の規定による提出後、当該提出に係る清算集中等取引情報について前条第一項に規定する事項に変更が生じたときは、当該変更事項に関する記録を作成し、当該変更が生じた日から起算して三営業日以内に、金融庁長官に提出しなければならない。

(2) If there is any change in a matter provided for in paragraph (1) of the preceding Article in connection with the Data on Centrally Cleared Trades in a submitted record after its submission pursuant to the preceding paragraph, the Financial Instruments Clearing Organization, etc. must prepare a record of the changed matter and submit it to the Commissioner of the Financial Services Agency within three business days from the day on which such change occurred.

3 前二項の提出は、電磁的方法（行政手続等における情報通信の技術の利用に関する法律（平成十四年法律第百五十一号）第三条第一項に規定する電子情報処理組織を使用する方法をいう。第八条第三項及び第十一条第三項において同じ。）により行わなければならない。

(3) The submissions referred to in the preceding two paragraphs must be made by electronic or magnetic means (meaning the means of using the electronic data processing system prescribed provided in Article 3, paragraph (1) of the Act on Use of Information and Communications Technology in Administrative Procedure (Act No. 151 of 2002); the same applies in Article 8, paragraph (3) and Article 11, paragraph (3)).

（金融商品取引業者等による取引情報の保存及び報告の対象となる取引）

(Transactions Subject to the Preservation and Reporting of Trade Data by the Financial Instruments Business Operator)

第六条 法第百五十六条の六十四第一項に規定する内閣府令で定める取引は、次に掲げる取引（当事者の一方又は双方が、第一種金融商品取引業を行う金融商品取引業者又は登録金融機関である銀行、株式会社商工組合中央金庫、株式会社日本政策投資銀行、全国を地区とする信用金庫連合会若しくは農林中央金庫のいずれかの者（次条第四項において「取引情報作成対象業者」という。）である取引に限り、法第二条第二十二項第二号、第四号及び第五号に掲げる取引にあつては、同条第二十五項第二号、第三号又は第四号（同項第二号及び第三号に係る部分に限る。）に掲げる金融指標に係るものを除く。）とする。

Article 6 (1) The transactions specified by Cabinet Office Ordinance which are provided for in Article 156-64, paragraph (1) of the Act are the following transactions (limited to transactions wherein either or both of the parties are a Financial Instruments Business Operator that conducts Type I Financial Instruments Business or wherein either or both parties are a bank, Shoko Chukin Bank, Ltd., Development Bank of Japan Inc., a federation of Shinkin

banks (the district of which comprises the entire nation) or Norinchukin Bank and constitute a Registered Financial Institution (referred to as a "Business Operator to Prepare Trade Data" in paragraph (4) of the following Article); in the case of the transactions set forth in Article 2, paragraph (22), items (ii), (iv) and (v), excluding the transactions involving the Financial Indicators set forth in item (ii), (iii) or (iv) of paragraph (25) of that Article (limited to the part related to items (ii) and (iii) of that paragraph):

一 法第二条第二十二項第一号及び第二号に掲げる取引（約定の日から受渡しの日までの期間が二営業日以内のものを除く。）

(i) transactions set forth in Article 2, paragraph (22), items (i) and (ii) of the Act (excluding the cases where the period from the contract day to the date of delivery is two business days or less);

二 法第二条第二十二項第三号及び第四号に掲げる取引（権利行使期間が二営業日以内のものを除く。）

(ii) transactions set forth in Article 2, paragraph (22), items (iii) and (iv) of the Act (excluding the cases where the exercise period is two business days or less);

三 法第二条第二十二項第五号に掲げる取引

(iii) transactions set forth in item Article 2, paragraph (22), item (v); and

四 法第二条第二十二項第六号に掲げる取引（同号イに掲げる事由を同号に規定する事由とするものに限る。）

(iv) transactions set forth in Article 2, paragraph (22), item (vi) of the Act (limited to the cases where the cause provided for in that item is the cause set forth in (b) of that item).

2 前項の規定にかかわらず、次に掲げる者を相手方として行う取引は、法第百五十六条の六十四第一項に規定する内閣府令で定める取引に該当しないものとする。

(2) Notwithstanding the provisions of the preceding paragraph, transactions made with the following entities do not fall under the category of transaction specified by Cabinet Office Ordinance which is provided for in Article 156-64, paragraph (1) of the Act:

一 国

(i) the national government;

二 地方公共団体

(ii) local governments;

三 日本銀行

(iii) the Bank of Japan;

四 外国政府その他の外国の法令上前三号に掲げる者に相当する者

(iv) foreign governments and persons equivalent to those set forth in the preceding three items under the laws or regulations of a foreign state;

五 金融庁長官が指定する国際機関

(v) international organizations designated by the Commissioner of the

Financial Services Agency; and

六 当該取引を行う金融商品取引業者等の親会社等、子会社等又は親会社等の子会社等（当該金融商品取引業者等を除く。）

(vi) the Parent Company, etc. of the Financial Instruments Business Operator, etc. conducting the transaction, its Subsidiary Company, etc., or the Subsidiary Company, etc. of its Parent Company, etc. (excluding the Financial Instruments Business Operator, etc. itself).

（金融商品取引業者等による取引情報の保存）

(Preservation of Trade Data by Financial Instruments Business Operators)

第七条 法第百五十六条の六十四第一項に規定する取引情報について内閣府令で定める事項は、第四条第一項に規定する事項とする。

Article 7 (1) The matters specified by Cabinet Office Ordinance concerning Trade Data which are provided for in Article 156-64, paragraph (1) of the Act are the matters provided for in Article 4, paragraph (1).

2 金融商品取引業者等は、取引情報の対象となる取引（第四項において「取引情報作成対象取引」という。）を行った場合には、次条第一項の規定による提出の時までに、当該取引に係る取引情報について前項に規定する事項に関する記録を作成し、その作成の日から五年間保存しなければならない。

(2) A Financial Instruments Business Operator, etc. must prepare a record of the matters provided for in the preceding paragraph with respect to the Trade Data for the relevant transaction by the time of submission provided for in paragraph (1) of the following Article when it conducts a transaction covered by Trade Data (referred to as a "Transaction Subject to the Preparation of Trade Data" in paragraph (4)) and preserve such records for five years from the day of its preparation.

3 金融商品取引業者等は、その保存する取引情報について、第一項に規定する事項に変更が生じたときは、次条第二項の規定による提出の時（同条第一項の規定による提出の前に当該変更が生じた場合には、当該提出の時）までに、当該取引情報に係る前項の記録に当該変更事項を反映させなければならない。

(3) If there is any change in a matter provided for in paragraph (1) as concerns the Trade Data that a Financial Instruments Business Operator, etc. preserves, the operator, etc. must make the record referred to in the preceding paragraph which is connected with that Trade Data reflect the change in that matter by the time of submission provided for in paragraph (2) of the following Article (or, if the change occurs before the submission provided for in paragraph (1) of that Article, by the time of such submission).

4 取引情報作成対象取引の当事者の双方が金融商品取引業者等である場合において、いずれかの金融商品取引業者等が取引情報作成対象業者であるときには、他の金融商品取引業者等は、第二項の規定にかかわらず、同項の記録を作成することを要しない。ただし、当該他の金融商品取引業者等が取引情報作成対象業者である場合には、この

限りでない。

(4) Notwithstanding the provisions of paragraph (2), if both of the parties to a Transaction Subject to the Preparation of Trade Data are Financial Instruments Business Operators, etc. and either of them is a Business Operator to Prepare Trade Data, the other party is not required to prepare the record provided for in that paragraph; provided, however, that this does not apply if the other party is also a Business Operator to Prepare Trade Data.

5 第二項の記録は、電磁的記録により作成しなければならない。

(5) The record referred to in paragraph (2) must be prepared as an electronic or magnetic record.

(金融商品取引業者等による取引情報の報告)

(Reporting of Trade Data by Financial Instruments Business Operators)

第八条 金融商品取引業者等は、法第百五十六条の六十四第二項の規定により、各週（月曜日から日曜日までの七日をいう。以下この条において同じ。）ごとに、各週中に成立した取引情報の対象となる取引について、前条第二項に定めるところにより作成した記録を、当該各週の翌週以降の最初の営業日から起算して三営業日以内（当該期間が経過するまでの間に当該取引情報について前条第一項に規定する事項に変更が生じた場合には、当該変更が生じた日の属する週の翌週以降の最初の営業日から起算して三営業日以内）に、金融庁長官に提出しなければならない。

Article 8 (1) A Financial Instruments Business Operator, etc. must submit for each week (meaning the seven day period from Monday to Sunday; hereinafter the same applies in this Article) the records it prepares pursuant to the provisions of paragraph (2) of the preceding Article for the transactions covered by Trade Data which have been effected during the week, to the Commissioner of the Financial Services Agency, within three business days from the first business day that occurs from the following week onward (if, during that period, there has been any change in a matter provided for in paragraph (1) of the preceding Article in connection with the Trade Data, within three business days from the first business day that occurs from the week following that in which the day of such change falls, onward), pursuant to the provisions of Article 156-64, paragraph (2) of the Act.

2 金融商品取引業者等は、前項の規定による提出後、当該提出に係る取引情報について前条第一項に規定する事項に変更が生じたときは、当該変更事項に関する記録を作成し、当該変更が生じた日の属する週の翌週以降の最初の営業日から起算して三営業日以内に、金融庁長官に提出しなければならない。

(2) If, following submission pursuant to the preceding paragraph, there is any change in a matter provided for in paragraph (1) of the preceding Article in connection with the Trade Data in a submitted record, the Financial Instruments Business Operator, etc. must prepare a record of the changed matter and submit it to the Commissioner of the Financial Services Agency

within three business days from the first business day that occurs from the week following that in which the day of such change falls, onward.

3 前二項の提出は、電磁的方法により行わなければならない。

(3) The submissions referred to in the preceding two paragraphs must be made by electronic or magnetic means.

4 金融商品取引業者等は、やむを得ない理由により第一項及び第二項に規定する期日までにこれらの項に規定する記録の提出をすることができない場合には、あらかじめ金融庁長官の承認を受けて、当該提出を延期することができる。

(4) A Financial Instruments Business Operator, etc. may, if unable to submit the records provided for in paragraph (1) or (2) by the date provided for in the same paragraph due to any compelling reasons, postpone the submission, with the approval of the Commissioner of the Financial Services Agency.

5 金融商品取引業者等は、前項の規定による承認を受けようとするときは、承認申請書に理由書を添付して金融庁長官に提出しなければならない。

(5) If a Financial Instruments Business Operator, etc. intends to obtain approval pursuant to the provisions of the preceding paragraph, it must submit a written application for approval to the Commissioner of the Financial Services Agency, attaching a written statement of its reasons therefor.

6 金融庁長官は、前項の規定による承認の申請があったときは、当該申請をした金融商品取引業者等が第四項の規定による提出の延期をすることについてやむを得ないと認められる理由があるかどうかを審査するものとする。

(6) When an application for approval under the provisions of the preceding paragraph has been filed, the Commissioner of the Financial Services Agency is to examine whether there is a reason that is found to compel the Financial Instruments Business Operator, etc. that has filed said application to postpone the submission as under the provisions of paragraph (4).

(取引情報蓄積機関又は指定外国取引情報蓄積機関に対する取引情報の提供)

(Provision of Trade Data to a Trade Repository or Designated Foreign Trade Repository)

第九条 法第一百五十六条の六十四第三項の規定により取引情報蓄積機関又は指定外国取引情報蓄積機関に対し取引情報の提供をしようとする金融商品取引業者等は、当該取引情報の対象となっている取引の成立した日から起算して三営業日以内（当該期間が経過するまでの間に当該取引情報について第七条第一項に規定する事項に変更が生じた場合には、当該変更が生じた日から起算して三営業日以内）に、当該取引情報蓄積機関又は指定外国取引情報蓄積機関の定めるところにより、当該取引情報蓄積機関又は指定外国取引情報蓄積機関に対し、当該取引情報を提供しなければならない。

Article 9 (1) A Financial Instruments Business Operator, etc. that intends to provide Trade Data to a Trade Repository or Designated Foreign Trade Repository pursuant to the provisions of Article 156-64, paragraph (3) of the Act must provide the Trade Data to the Trade Repository or Designated

Foreign Trade Repository as provided for by the Trade Repository or Designated Foreign Trade Repository, within three business days from that on which the transaction covered by the Trade Data was effected (if, during that period, there is any change in a matter provided for in paragraph (1) of Article 7 in connection with the Trade Data, within three business days from the day on which such change occurred).

2 前項の規定による提供をした金融商品取引業者等は、同項の規定による提供後、当該提供に係る取引情報について第七条第一項に規定する事項に変更が生じたときは、当該変更が生じた日から起算して三営業日以内に、当該提供をした取引情報蓄積機関又は指定外国取引情報蓄積機関の定めるところにより、当該取引情報蓄積機関又は指定外国取引情報蓄積機関に対し、当該変更事項を通知し、又は当該変更事項を反映させた取引情報を提供しなければならない。

(2) If, after Trade Data is provided pursuant to the preceding paragraph, there is a change in a matter provided for in Article 7, paragraph (1) in connection with the provided Trade Data, the Financial Instruments Business Operator, etc. that provided the Trade Data pursuant to the provisions of that paragraph must notify the Trade Repository or Designated Foreign Trade Repository of the changed matter or provide it with Trade Data that reflects such changed matter within three business days from the day on which the change occurred, as provided for by the Trade Repository or Designated Foreign Trade Repository to which it provided that Trade Data.

(取引情報蓄積機関による取引情報の保存)

(Preservation of Trade Data by a Trade Repository)

第十条 法第百五十六条の六十五第一項に規定する内閣府令で定める事項は、第四条第一項に規定する事項とする。

Article 10 (1) The matters specified by Cabinet Office Ordinance which are provided for in Article 156-65, paragraph (1) of the Act are the matters provided for in Article 4, paragraph (1).

2 取引情報蓄積機関は、前条の規定による取引情報の提供を受けた場合には、次条第一項の規定による提出の時までに、当該取引情報について前項に規定する事項に関する記録を作成し、次の各号に掲げる取引の区分に応じ、当該各号に定める日から五年間保存しなければならない。

(2) When a Financial Instruments Business Operator, etc. is provided with Trade Data pursuant to the provisions of the preceding Article, it must prepare a record on the matters provided for in the preceding paragraph in connection with that Trade Data by the time of submission provided for in paragraph (1) of the following Article, and must preserve that record for five years from the day provided for in the relevant of the following items in accordance with the category of transaction set forth in that items:

一 第六条第一項第一号に掲げる取引 受渡しの日

(i) transactions set forth in Article 6, paragraph (1), item (i): date of delivery;

二 第六条第一項第二号及び第四号に掲げる取引 権利行使期間の末日

(ii) transactions set forth in Article 6, paragraph (1), items (ii) and (iv): the last day of the exercise period; and

三 第六条第一項第三号に掲げる取引 取引期間の末日又は受渡しの日 of the whichever comes later.

(iii) transactions set forth in item Article 6, paragraph (1), item (iii): the last day of the transaction period or the date of the delivery, whichever comes later.

3 取引情報蓄積機関は、その保存する取引情報について、第一項に規定する事項に変更が生じたことを知ったときは、次条第二項の規定による提出の時（同条第一項の規定による提出の前に当該変更が生じたことを知った場合には、当該提出の時）までに、当該取引情報に係る前項の記録に当該変更事項を反映させなければならない。

(3) If a Trade Repository comes to know that there has been a change in a matter provided for in paragraph (1) in connection with Trade Data that it preserves, it must make the record referred to in the preceding paragraph which is connected with that Trade Data reflect the change in that matter by the time of submission provided for in paragraph (2) of the following Article (or, if it comes to know that the change occurred before the submission provided for in paragraph (1) of that Article, by the time of such submission).

4 第二項の記録は、電磁的記録により作成しなければならない。

(4) The record referred to in paragraph (2) must be prepared as an electronic or magnetic record.

(取引情報蓄積機関による取引情報の報告)

(Reporting of Transactional Information by a Trade Repository)

第十一条 取引情報蓄積機関は、法第百五十六条の六十五第二項の規定により、前条第二項に定めるところにより作成した記録を、第九条第一項の規定による提供を受けた日の翌営業日（当該営業日までの間に当該記録に係る取引情報について前条第一項に規定する事項に変更が生じたことを知った場合には、当該変更が生じたことを知った日の翌営業日）までに、金融庁長官に提出しなければならない。

Article 11 (1) A Trade Repository must submit the records it prepares pursuant to the provisions of paragraph (2) of the preceding Article to the Commissioner of the Financial Services Agency by the next business day after the day on which it was provided with the Trade Data pursuant to the provisions of Article 9, paragraph (1) (if, by such a business day, it comes to know that there has been a change in a matter provided for in paragraph (1) of the preceding Article in connection with the Trade Data in those records, by the next business day after the day on which it comes to know that the change occurred).

2 取引情報蓄積機関は、前項の規定による提出後、当該提出に係る取引情報について前条第一項に規定する事項に変更が生じたことを知ったときは、当該変更事項に關す

る記録を作成し、当該変更が生じたことを知った日の翌営業日までに、金融庁長官に提出しなければならない。

(2) If, after submission pursuant to the preceding paragraph, a Trade Repository comes to know that there has been a change in a matter provided for in paragraph (1) of the preceding Article in connection with the Trade Data in the submitted records, it must prepare a record of the changed matter and submit it to the Commissioner of the Financial Services Agency by the next business day after the day on which it comes to know that the change occurred.

3 前二項の提出は、電磁的方法により行わなければならない。

(3) The submissions referred to in the preceding two paragraphs must be made by electronic or magnetic means.

第四章 取引情報蓄積機関

Chapter IV Trade Repositories

(指定申請書の添付書類)

(Documents to Be Attached to a Written Application for Designation)

第十二条 法第百五十六条の六十八第二項第六号に規定する内閣府令で定める書類は、次に掲げる書類とする。

Article 12 The documents specified by Cabinet Office Ordinance which are provided for in Article 156-68, paragraph (2), item (vi) of the Act are the following documents:

一 法第百五十六条の六十七第一項の規定による指定を受けようとする者（次号及び第七号において「申請者」という。）の総株主等の議決権（法第二十九条の四第二項に規定する総株主等の議決権をいう。次号において同じ。）の百分の十以上の議決権を保有している者の氏名又は商号若しくは名称、住所又は主たる営業所若しくは事務所の所在地及びその保有する議決権の数を記載した書面

(i) a document giving the name or trade name and address or location of the principal office or office of any person that holds voting rights amounting to ten percent or more of the number of Voting Rights Held by All the Shareholders, etc. (meaning the Voting Rights Held by All the Shareholders, etc. as defined in Article 29-4, paragraph (2) of the Act; the same applies in the following item) in the person that intends to obtain the designation pursuant to the provisions of Article 156-67, paragraph (1) of the Act (referred to as the "Applicant" in the following item and item (vii)), and the number of voting rights that person holds;

二 申請者の親法人（申請者の総株主等の議決権の過半数を保有している法人その他の団体をいう。）及び子法人（申請者が総株主等の議決権の過半数を保有している法人その他の団体をいう。）の商号又は名称、主たる営業所又は事務所の所在地及び事業の内容を記載した書面

(ii) a document giving the name or trade name, location of the principal office

or office and the contents of the business of the parent corporation (meaning a corporation or any other organization that holds the majority of the Voting Rights Held by All the Shareholders, etc. in the Applicant) and any subsidiary corporation (meaning a corporation or any other organization in which the applicant holds the majority of Voting Rights Held by All the Shareholders, etc.) of the Applicant;

三 役員（法第百五十六条の六十七第一項第四号に規定する役員をいい、役員が法人であるときは、その職務を行うべき者を含む。以下この号、第五号及び第六号、第十七条第二項第八号から第十号まで並びに第二十条第二項第三号ハ及び第三項第三号において同じ。）の住民票の抄本（役員が法人である場合には、当該役員の登記事項証明書）又はこれに代わる書面

(iii) an extract of the certificate of residence of the officers (meaning the officers as defined in Article 156-67, paragraph (1), item (iv) of the Act; in the case of an officer that is a corporation, including the person who is to perform such duties; hereinafter the same applies in this item, items (v) and (vi), Article 17, paragraph (2), items (viii) to (x) inclusive, and Article 20, paragraph (2), item (iii), (c) and paragraph (3), item (iii)) (if an officer is a corporation, a certificate of registered matters of said officer) or any document that substitutes for these;

四 役員（法第百五十六条の六十七第一項第四号に規定する役員をいう。以下この号、第十四条、第十七条第二項第四号及び第十八条第四号において同じ。）が法第百五十六条の六十七第一項第四号イ及びロに該当しない旨の官公署の証明書（役員が日本の国籍を有しない場合には、同号イ及びロに該当しない者であることを当該役員が誓約する書面）

(iv) a certification issued by a public agency indicating that the officers (meaning the officers as defined in Article 156-67, paragraph (1), item (iv) of the Act; hereinafter the same applies in this item; Article 14; Article 17, paragraph (2), item (iv); and Article 18, item (iv)) do not fall under any of the provisions of Article 156-67, paragraph (1), item (iv), (a) and (b) (in the case of an officer without Japanese nationality, a document with which such officer pledges that such officer does not fall under (a) or (b) of that item);

五 役員の履歴書（役員が法人である場合には、当該役員の沿革を記載した書面）

(v) resumes of the officers (if an officer is a corporation, a document describing the history of the corporation);

六 取引情報蓄積業務に関する知識及び経験を有する役員及び職員（以下「役員等」という。）の確保の状況並びに当該役員等の配置の状況を記載した書面

(vi) a document giving the status in terms of the securement of officers and employees (hereinafter referred to as the "Officer, etc.") with knowledge of and experience in Trade Repository Business and the assignment of such Officer, etc.;

七 申請者の事務の機構及び分掌を記載した書面

(vii) a document describing applicant's organizational structure and division of responsibilities for handling processes; and

八 その他参考となるべき事項を記載した書類

(viii) other documents that will serve as a reference.

(役員¹の兼職²の制限)

(Restriction on the Concurrent Holding of Positions by Officers)

第十三条 法第百五十六条の六十九に規定する内閣府令で定める法人は、次に掲げる法人とする。

Article 13 (1) The corporations specified by Cabinet Office Ordinance which are provided for in Article 156-69 of the Act are the following corporations:

一 金融商品取引業者等である法人

(i) a corporation that is a Financial Instruments Business Operator, etc.; and

二 外国の法令上前号に掲げる者に相当する者である法人

(ii) a corporation equivalent to the corporation set forth in the preceding item under the laws and regulations of a foreign country.

2 法第百五十六条の六十九に規定する内閣府令で定める事業は、金融商品取引業とする。

(2) The business specified by Cabinet Office Ordinance which is provided for in Article 156-69 of the Act is Financial Instruments Business.

(取引情報蓄積機関¹の役員²の兼職³の認可⁴の申請等)

(Application for Authorization for the Concurrent Holding of Positions by the Officer of a Trade Repository)

第十四条 取引情報蓄積機関の代表者及び常務に従事する役員は、法第百五十六条の六十九の規定により、前条第一項各号に掲げる法人（以下この条において「他の法人」という。）の代表者となり、若しくは常務に従事し、又は前条第二項に規定する事業を営むことについて認可を受けようとするときは、認可申請書に次に掲げる書面を添付して、当該取引情報蓄積機関を経由して金融庁長官に提出しなければならない。

Article 14 (1) A person who serves as a representative or an officer who engages in the ordinary business of a Trade Repository must submit via the Commissioner of the Financial Services Agency an application for authorization with the following documents attached, if the person or the officer intends to obtain authorization to assume the position of representative at or engage in the ordinary business of a corporation as set forth in the items of paragraph (1) of the preceding Article (hereinafter referred to as an "other corporation" in this Article), or to conduct business as prescribed in paragraph (2) of the preceding Article:

一 理由書

(i) a statement of reasons;

二 履歴書

(ii) a resume;

三 取引情報蓄積機関における常務の処理方法又は勤務状況を記載した書面

(iii) a document stating the method of processing ordinary business and the working conditions at the Trade Repository;

四 他の法人の常務に従事しようとする場合には、当該他の法人における常務の処理方法及び取引情報蓄積機関と当該他の法人との取引その他の関係を記載した書面並びに当該他の法人の定款、最終の業務報告又は事業報告の内容を記載した書面、貸借対照表（関連する注記を含む。以下同じ。）、損益計算書（関連する注記を含む。以下同じ。）、剰余金処分計算書若しくは損失金処理計算書又は株主資本等変動計算書（関連する注記を含む。）その他最近における業務、財産及び損益の状況を知ることができる書面

(iv) when the person or the officer intends to engage in the ordinary business of an other corporation, documents stating the method of processing ordinary business at said other corporation, documents stating transactions and any other relations between the Trade Repository and said other corporation and a document stating the details of the articles of incorporation or final operation report or business report of said other corporation; the balance sheet (including any related notes; the same applies hereinafter), profit and loss statements (including any related notes; the same applies hereinafter), surplus appropriation statement or deficit disposition statement, statements of changes in net assets (including any related notes), or other documents from which the status of recent activities, assets, and profit and loss of said other corporation can be ascertained;

五 現在営んでいる前条第二項に規定する事業を継続して営もうとする場合には、その事業の種類及び方法、その事業の最近における業務、財産及び損益の状況並びに申請の日から起算して一年間における取引及び収支の予想を記載した書面

(v) when the person or the officer intends to continue to operate business as prescribed in paragraph (2) of the preceding Article that the person or the officer is currently operating, a document stating the type and method of the business, the recent business activities in relation to that business, assets, and profit and loss of the business, and the projected transactions and income and expenditure for one year from the day of filing the application;

六 新たに前条第二項に規定する事業を営もうとする場合には、その事業の種類及び方法並びにその事業開始後一年間における取引及び収支の予想を記載した書面

(vi) when the person or the officer intends to newly operate business as prescribed in paragraph (2) of the preceding Article, a document stating the type and method of the business, and the projected transactions and income and expenditure for one year after commencing business; and

七 その他金融庁長官が必要と認める事項を記載した書面

(vii) a document stating any other matters that the Commissioner of the Financial Services Agency finds to be necessary.

2 金融庁長官は、前項の規定による認可の申請があったときは、当該申請に係る取引情報蓄積機関の代表者若しくは常務に従事する役員が取引情報蓄積機関を代表すること又は取引情報蓄積機関の常務に従事することに対し、当該申請に係る他の法人を代表し若しくは常務に従事し、又は事業を営むことが何らの支障を及ぼすおそれのないものであるかどうかを審査するものとする。

(2) The Commissioner of the Financial Services Agency is to, if an application for approval pursuant to the provisions of the preceding paragraph has been filed, examine whether representing the other corporation to which the application pertains or engaging in its ordinary business, or operating its business is unlikely to interfere with the person who serves as a representative or the officer who engages in the ordinary business of the Trade Repository to which the application pertains representing or engaging in ordinary business of the Trade Repository.

(兼業の承認申請)

(Application for Approval for Subsidiary Business)

第十五条 取引情報蓄積機関は、法第一百五十六条の七十二第一項ただし書の規定により承認を受けようとするときは、次に掲げる事項を記載した承認申請書を金融庁長官に提出しなければならない。

Article 15 (1) A Trade Repository must, if it intends to obtain approval pursuant to the proviso to Article 156-72, paragraph (1) of the Act, submit a written application for approval stating the following matters to the Commissioner of the Financial Services Agency:

一 兼業の承認を受けようとする業務（以下この条において「兼業業務」という。）

(i) business for which it intends to obtain approval for subsidiary business (hereinafter referred to as a "Subsidiary Business"); and

二 兼業業務の開始年月日

(ii) scheduled date for commencing the Subsidiary Business.

2 前項の承認申請書には、次に掲げる書類を添付しなければならない。

(2) The written application set forth in the preceding paragraph must have the following documents attached to it:

一 兼業業務の内容及び方法を記載した書面

(i) a document stating the details and the method of the Subsidiary Business;

二 兼業業務を所掌する組織及び人員配置を記載した書面

(ii) a document stating the organization and the deployment of the personnel in charge of the Subsidiary Business;

三 兼業業務の運営に関する規則

(iii) the rules concerning the operation of the Subsidiary Business; and

四 兼業業務の開始後三年間における当該業務の収支の見込みを記載した書面

(iv) a document stating the projected income and expenditure of the Subsidiary Business for three years after commencing the Subsidiary Business.

(兼業業務の廃止の届出)

(Notification of Abolishment of Subsidiary Business)

第十六条 取引情報蓄積機関は、法第百五十六条の七十二第二項後段の規定により同条第一項ただし書の承認を受けた業務を廃止した旨の届出をしようとするときは、次に掲げる事項を記載した書面を金融庁長官に届け出るものとする。

Article 16 If a Trade Repository intends to make a notification that it has abolished the business for which it had obtained the approval referred to in the proviso to Article 156-72, paragraph (1) of the Act, pursuant to the provisions of the second sentence of paragraph (2) of that Article, it is to submit a document stating the following matters to the Commissioner of the Financial Services Agency:

一 廃止したその業務の内容

(i) the details of the abolished business;

二 廃止した年月日

(ii) the date of the abolition; and

三 廃止の理由

(iii) the reason for the abolition.

(業務の一部委託の承認申請)

(Application for Approval for Partial Entrustment of Business)

第十七条 取引情報蓄積機関は、法第百五十六条の七十三第一項の規定により承認を受けようとするときは、次に掲げる事項を記載した承認申請書を金融庁長官に提出しなければならない。

Article 17 (1) A Trade Repository must, when it intends to obtain approval pursuant to the provisions of Article 156-73, paragraph (1) of the Act, submit a written application for approval stating the following matters to the Commissioner of the Financial Services Agency:

一 業務を委託する相手方（以下「受託者」という。）の商号又は名称及び住所又は所在地

(i) the trade name or name and the address or location of the counterparty which it entrusts with the business (hereinafter referred to as the "Entrusted Person");

二 委託する業務の内容及び範囲

(ii) the details and the scope of the business with which it entrusts the Entrusted Person; and

三 委託の期間

(iii) the period of entrustment.

2 前項の承認申請書には、次に掲げる書類を添付しなければならない。

(2) A written application as set forth in the preceding paragraph must have the following documents attached to it:

- 一 理由書
(i) a statement of reasons;
- 二 業務の委託契約の内容を記載した書面
(ii) a document stating the details of the business entrustment contract;
- 三 受託者が法第百五十六条の六十七第一項第三号に掲げるものと同様の要件に該当する旨を誓約する書面
(iii) a document pledging that the Entrusted Person complies with the same requirements as those set forth in Article 156-67, paragraph (1), item (iii) of the Act;
- 四 受託者の役員が法第百五十六条の六十七第一項第四号に掲げるものと同様の要件に該当する旨を誓約する書面
(iv) a document pledging that all officers of the Entrusted Person comply with the same requirements as those set forth in Article 156-67, paragraph (1), item (iv) of the Act;
- 五 受託者の定款及び法人の登記事項証明書（これらに準ずるものを含む。）
(v) the articles of incorporation of the Entrusted Person and a certificate of registered matters of that judicial person (including anything equivalent thereto);
- 六 委託する業務の実施方法を記載した書面
(vi) a document stating the method of performing the business with which it will entrust the Entrusted Person;
- 七 受託者の最近三年の各年度における事業報告、貸借対照表及び損益計算書又はこれらに代わる書面
(vii) the business report, balance sheet, and profit and loss statement for each of the most recent three fiscal years of the Entrusted Person, or any document that substitutes for these;
- 八 受託者の役員の氏名又は商号若しくは名称を記載した書面
(viii) a document stating the names or trade names of the officers of the Entrusted Person;
- 九 受託者の役員の住民票の抄本（役員が法人である場合には、当該役員の登記事項証明書）又はこれに代わる書面
(ix) an extract of the certificate of residence of the officers (if an officer is a corporation, a certificate of registered matters of said officer), or any document that substitutes for this;
- 十 受託者の役員の履歴書（役員が法人である場合には、当該役員の沿革を記載した書面）
(x) resumes of the officers of the Entrusted Person (if an officer is a corporation, a document describing the history of the corporation); and
- 十一 その他参考となるべき事項を記載した書類
(xi) other documents that will serve as a reference.

(業務の一部委託の承認基準)

(Criteria for Approval for Partial Entrustment of Business)

第十八条 金融庁長官は、前条第一項の承認申請書を受理した場合において、その申請が次に掲げる基準に適合していると認められるときは、これを承認するものとする。

Article 18 When the Commissioner of the Financial Services Agency has received a written application for approval as set forth in paragraph (1) of the preceding Article and finds that the application complies with the following criteria, the Commissioner is to approve the application:

一 業務の委託が取引情報蓄積業務の適正かつ確実な遂行を阻害するものでないこと。

(i) that the entrustment of the Entrusted Person with the business will not hinder proper and stable execution of the Trade Repository Business;

二 受託者が社会的信用のある法人であり、かつ、その受託する業務について、適正な計画を有し、確実にその業務を行うことができるものであること。

(ii) that the Entrusted Person is a corporation with social credibility, has a proper plan for the business with which it is entrusted, and can perform the business reliably;

三 受託者が法第百五十六条の六十七第一項第三号に掲げるものと同様の要件に該当すること。

(iii) that the Entrusted Person satisfies the same requirements as those set forth in Article 156-67, paragraph (1), item (iii) of the Act;

四 受託者の役員が法第百五十六条の六十七第一項第四号に掲げるものと同様の要件に該当すること。

(iv) that officers of the Entrusted Person satisfies the same requirements as those set forth in Article 156-67, paragraph (1), item (iii) of the Act; and

五 取引情報蓄積機関がその委託した業務の適正かつ確実な遂行を確保するための措置を講ずることができること。

(v) that the Trade Repository is capable of taking measures to ensure the proper and stable execution of the business with which it entrusts the Entrusted Person.

(業務規程の記載事項)

(Matters to Be Indicated in the Operational Rules)

第十九条 法第百五十六条の七十四第一項第八号に規定する内閣府令で定める事項は、次に掲げるものとする。

Article 19 The matters specified by Cabinet Office Ordinance which are provided for in Article 156-74, paragraph (1), item (viii) of the Act are the following matters:

一 取引情報蓄積業務を行う時間及び休日に関する事項

(i) matters concerning the hours for engaging in Trade Repository Business and concerning non-working days;

二 従業者の監督体制に関する事項

- (ii) matters concerning the system for supervising employees;
三 取引情報の提供を行う場合にあっては、当該提供に関する事項
- (iii) if the Trade Repository will provide Trade Data, matters concerning such provision;
四 取引情報収集契約に関する契約約款に関する事項
- (iv) matters concerning the provisions of the Contract for Trade Data Collection; and
五 その他取引情報蓄積業務に関し必要な事項
- (v) other necessary matters concerning Trade Repository Business.

(届出事項)

(Matters of Which Notification Is to Be Filed)

第二十条 法第一百五十六条の七十八各項の規定による届出は、届出事由の発生した後遅滞なく行わなければならない。

Article 20 (1) A notification under the provisions of the paragraphs of Article 156-78 of the Act must be filed without delay after a reason for notification has occurred.

2 取引情報蓄積機関は、法第一百五十六条の七十八各項の規定による届出をしようとするときは、届出書に理由書その他参考となるべき事項を記載した書類（次の各号に掲げる場合にあっては、当該各号に定める書類）を添付して金融庁長官に提出しなければならない。

(2) If a Trade Repository intends to file a notification under the provisions of the paragraphs of Article 156-78 of the Act, it must submit a written notification, attaching a written statement of reasons and other documents that will serve as a reference (in a case as set forth in one of the following items, the document provided for in the relevant item) thereto, to the Commissioner of the Financial Services Agency:

一 次項第一号に掲げる場合 変更に係る事項を記載した書面

(i) the case set forth in item (i) of the following paragraph: a document stating the changed matters; and

二 次項第二号に掲げる場合 次に掲げる事項を記載した書面

(ii) the case set forth in item (ii) of the following paragraph: a document stating the following matters:

イ 事故の概要

(a) a description of the Problematic Conduct; and

ロ 改善策

(b) remedial measures.

三 次項第三号に掲げる場合 次に掲げる書類

(iii) the case set forth in item (iii) of the following paragraph: the following documents:

イ 法第一百五十六条の六十八第二項第一号に掲げる書面

- (a) the document set forth in Article 156-68, paragraph (2), item (i) of the Act;
 - ロ 法人の登記事項証明書（これに準ずるものを含む。）
 - (b) a certificate of registered matters of the judicial person (including documents equivalent thereto); and
 - ハ 新たに役員となった者に係る第十二条第三号から第五号までに掲げる書類
 - (c) the documents set forth in Article 12, items (iii) to (v) inclusive in respect of the person that has newly become an officer; and
 - 四 次項第四号又は第五号に掲げる場合 次に掲げる事項を記載した書面
 - (iv) the case set forth in item (iv) or (v) of the following paragraph: a document stating the following matters:
 - イ 行為が発生した営業所又は事務所の名称
 - (a) the name of the business office or office at which the act took place;
 - ロ 行為をした役員等の氏名又は商号若しくは名称及び役職名
 - (b) the name or trade name and the title of the Officer, etc. that conducted the act;
 - ハ 行為の概要
 - (c) a summary of the act; and
 - ニ 改善策
 - (d) remedial measures.
- 3 法第百五十六条の七十八第三項に規定する内閣府令で定めるときは、次に掲げるときとする。
- (3) The cases specified by Cabinet Office Ordinance which are provided for in Article 156-78, paragraph (3) of the Act are the following cases:
- 一 第十二条第六号又は第七号に掲げる書面の記載事項に変更があったとき。
 - (i) when there is a change in a matter stated in a document set forth in Article 12, item (vi) or (vii);
 - 二 電子情報処理組織の故障その他の偶発的な事情により、取引情報蓄積業務の全部又は一部を停止する事故が発生したとき。
 - (ii) when any accidents occur, in which the whole or a part of the Trade Repository Business is suspended due to a breakdown of an electronic data processing system or any other accidental circumstances;
 - 三 法第百五十六条の六十八第一項の指定申請書を提出後、新たに取引情報蓄積機関の役員となった者がいるとき。
 - (iii) if a person has newly become an officer of the Trade Repository after the submission of the written application for designation provided for in Article 156-68, paragraph (1) of the Act;
 - 四 取引情報蓄積機関又はその業務の委託先の役員等が取引情報蓄積業務（業務の委託先にあつては、当該取引情報蓄積機関が委託する業務に係るものに限る。）を遂行するに際して法令又は当該取引情報蓄積機関の業務規程に反する行為が発生したことを知ったとき。

(iv) if the Trade Repository has come to know that an Officer, etc. of the Trade Repository or of the entity with which it has entrusted its business has violated the laws and regulations or the operational rules of said Trade Repository in conducting Trade Repository Business (in the case of an entity entrusted with its business, limited to the business with which the Trade Repository entrusted it); and

五 取引情報蓄積機関と取引情報収集契約を締結している者又はその役員等が取引情報蓄積機関の業務規程に反する行為を行った事実を知ったとき。

(v) if the Trade Repository has come to know of the fact that a person that has concluded a Contract for Trade Data Collection with the Trade Repository or the Officer, etc. of such a person has conducted an act in violation of the operational rules of the Trade Repository.

(業務及び財産に関する報告書の提出)

(Submission of Reports on Business and Assets)

第二十一条 法第百五十六条の七十九第一項の規定による取引情報蓄積機関が作成すべき業務及び財産に関する報告書は、別紙様式により作成し、事業年度経過後三月以内に金融庁長官に提出しなければならない。

Article 21 (1) The report on business and assets which is to be prepared by a Trade Repository pursuant to the provisions of Article 156-79, paragraph (1) of the Act must be prepared using the appended form and submitted to the Commissioner of the Financial Services Agency within three months after the end of the business year.

2 前項の報告書には、最終事業年度に係る財産目録、貸借対照表及び収支計算書若しくは損益計算書又はこれらに準ずるものその他参考となるべき事項を記載した書類を添付しなければならない。

(2) The inventory of assets, balance sheet, and income and expenditure statement, or profit and loss statement, or anything equivalent thereto, and other documents that will serve as a reference must be attached to the report provided in the preceding paragraph.

3 取引情報蓄積機関は、やむを得ない理由により第一項に規定する期間内に同項の報告書の提出をすることができない場合には、あらかじめ金融庁長官の承認を受けて、当該提出を延期することができる。

(3) A Trade Repository may, if it is unable to submit the report prescribed in paragraph (1) within the period provided in the same paragraph due to any compelling reasons, postpone the submission, with the approval of the Commissioner of the Financial Services Agency.

4 取引情報蓄積機関は、前項の規定による承認を受けようとするときは、承認申請書に理由書を添付して金融庁長官に提出しなければならない。

(4) If a Trade Repository intends to obtain the approval under the provisions of the preceding paragraph, it must submit a written application for approval to

the Commissioner of the Financial Services Agency, with the statement of reasons attached.

5 金融庁長官は、前項の規定による承認の申請があったときは、当該申請をした取引情報蓄積機関が第三項の規定による提出の延期をすることについてやむを得ないと認められる理由があるかどうかを審査するものとする。

(5) When an application for approval under the provisions of the preceding paragraph has been filed, the Commissioner of the Financial Services Agency is to examine whether there is a reason that is found to compel the Trade Repository that filed the application to postpone the submission as under the provisions of paragraph (3).

第五章 雑則

Chapter V Miscellaneous Provisions

第二十二條 金融庁長官は、次の各号に掲げる指定、認可又は承認に関する申請があった場合は、その申請が事務所に到達した日から当該各号に定める期間内に、当該申請に対する処分をするよう努めるものとする。

Article 22 (1) When an application for designation, authorization or approval set forth in the following items has been filed, the Commissioner of the Financial Services Agency is to endeavor to render a disposition on such application within the period provided in the relevant item from the day on which the application arrived at the office:

一 法第百五十六条の六十七第一項の指定 二月

(i) the designation provided for in Article 156-67, paragraph (1) of the Act: two months;

二 法第百五十六条の六十九、第百五十六条の七十四第一項若しくは第百五十六条の八十二第一項の認可又は法第百五十六条の七十二第一項ただし書若しくは第百五十六条の七十三第一項の承認 一月

(ii) the authorization provided for in Article 156-69, Article 156-74, paragraph (1) or Article 156-82, paragraph (1), or approval provided for in the proviso to Article 156-72, paragraph (1) or Article 156-73, paragraph (1): one month; and

三 第八条第四項又は前条第三項の承認 一月

(iii) the approval provided for in Article 8, paragraph (4) or paragraph (3) of the preceding Article: one month.

2 前項の期間には、次に掲げる期間を含まないものとする。

(2) The periods of time prescribed in the preceding paragraph do not include the following periods of time:

一 当該申請を補正するために要する期間

(i) any period of time required to amend the application;

二 当該申請をした者が当該申請の内容を変更するために要する期間

(ii) any period of time required for the applicant to change the content of the application; and

三 当該申請をした者が当該申請に係る審査に必要と認められる資料を追加するために要する期間

(iii) any period of time required for the applicant to add materials that are found to be necessary for the examination of the application.