

銀行法第二十六条第二項に規定する区分等を定める命令

Order to Define the Categories Prescribed in Article 26, Paragraph (2) of the Banking Act

(平成十二年六月二十六日総理府・大蔵省令第三十九号)

(Order of the General Administrative Agency of the Cabinet and the Ministry of Finance No. 39 of June 26, 2000)

中央省庁等改革関係法施行法（平成十一年法律第百六十号）の一部の施行に伴い、並びに銀行法（昭和五十六年法律第五十九号）第二十六条第二項、第五十二条の十七第二項、第五十三条第一項第八号及び第五十七条の三の規定に基づき、銀行法第二十六条第二項に規定する区分等を定める命令を次のように定める。

In accordance with the partial enforcement of the Act for Enforcement of the Acts Related to the Central Government Reform (Act No. 160 of 1999), and pursuant to the provisions of Article 26, paragraph (2); Article 52-17, paragraph (2); Article 53, paragraph (1), item (viii); and Article 57-3 of the Banking Act (Act No. 59 of 1981); the order to define the categories, etc. as prescribed in Article 26, paragraph (2) of the Banking Act is prescribed as follows.

(自己資本の充実の状況に係る区分及びこれに応じた命令)

(Categories of the Adequacy of Equity Capital and Orders Prescribed According to their Respective Categories)

第一条 銀行法（以下「法」という。）第二十六条第二項の内閣府令・財務省令で定める銀行の自己資本の充実の状況に係る区分及び当該区分に応じ内閣府令・財務省令で定める命令は、次条に定める場合を除き、次の表のとおりとする。

Article 1 (1) The categories of the adequacy of equity capital of a bank provided for by Cabinet Office Order and an Order of the Ministry of Finance referred to in Article 26, paragraph (2) of the Banking Act (hereinafter referred to as the "Act") and orders provided for by Cabinet Office Order and Order of the Ministry of Finance prescribed according to their respective categories are defined in the following table, excluding the cases provided for in the following Article.

自己資本の充実の状況に係る区分 Categories of the adequacy of equity capital	命令 Order
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	海外営業拠点を有する銀行 A bank that has an overseas sales base	海外営業拠点を有しない銀行 A bank that does not have an overseas sales base	
非対象区分 Exceptions to Categories	国際統一基準に係る単体自己資本比率 Non-consolidated capital adequacy ratio pertaining to the uniform international standard: 八パーセント以上 8% or more	国内基準に係る単体自己資本比率 Non-consolidated capital adequacy ratio pertaining to the standard in Japan: 四パーセント以上 4% or more	
第一区分 Category 1	国際統一基準に係る単体自己資本比率 Non-consolidated capital adequacy ratio pertaining to the uniform international standard: 四パーセント以上八パーセント未満 4% or more and less than 8%	国内基準に係る単体自己資本比率 Non-consolidated capital adequacy ratio pertaining to the standard in Japan: 二パーセント以上四パーセント未満 2% or more and less than 4%	経営の健全性を確保するための合理的と認められる改善計画（原則として資本の増強に係る措置を含むものとする。）の提出の求め及びその実行の命令 Request to submit an improvement plan that is deemed reasonable (which includes measures for the capital enhancement in principle) to secure sound management, and an order to implement the plan
第二区分 Category 2	国際統一基準に係る単体自己資本比率 Non-consolidated capital adequacy ratio pertaining to the uniform international standard:	国内基準に係る単体自己資本比率 Non-consolidated capital adequacy ratio pertaining to the standard in Japan:	次の各号に掲げる自己資本の充実に資する措置に係る命令 An order pertaining to the measures set forth in the following items which contribute to the adequacy of equity capital:

<p>二パーセント以上四パーセント未満 2% or more and less than 4%</p>	<p>一パーセント以上二パーセント未満 1% or more and less than 2%</p>	<p>一 資本の増強に係る合理的と認められる計画の提出及びその実行 (i) submission of a capital enhancement plan that is deemed reasonable and its implementation;</p> <p>二 配当又は役員賞与の禁止又はその額の抑制 (ii) prohibition from providing dividends or bonuses to directors or restrain the amount thereof;</p> <p>三 総資産の圧縮又は増加の抑制 (iii) reduction of total assets or restraining increases in the total assets;</p> <p>四 取引の通常の状態に照らして不利益を被るものと認められる条件による預金又は定期積金等の受入れの禁止又は抑制 (iv) prohibition or restriction of acceptance of deposit or installment savings, etc. under conditions which are deemed to be unprofitable compared to the general terms and conditions of a transaction;</p> <p>五 一部の営業所における業務の縮小 (v) reduction of services at some business offices;</p> <p>六 本店を除く一部の営業所の廃止 (vi) elimination of some business offices, excluding the head office;</p> <p>七 法第十条第二項各号に掲げる業務その他の銀行業に付随する業務、法第十一条の規定により営む業務又は担保付社債信託法（明治三十八年法律第五十二号）その他の法律により営む業務の縮小又は新規の取扱いの禁止 (vii) reduction of the services set forth in items of Article 10, paragraph (2) of the Act and other services incidental to the banking business, services to be provided pursuant to the provisions of Article 11 of the Act, services to be provided pursuant to the Secured Bond Trust Act (Act No. 52 of 1905) and other Acts, or prohibition to handle a new business;</p>
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			八 その他金融庁長官が必要と認める措置 (viii) other measures deemed necessary by the Commissioner of the Financial Services Agency.
第二区分の二 Category 2-2	国際統一基準に係る単体自己資本比率 Non-consolidated capital adequacy ratio pertaining to the uniform international standard: ○パーセント以上二パーセント未満 0% or more and less than 2%	国内基準に係る単体自己資本比率 Non-consolidated capital adequacy ratio pertaining to the standard in Japan: ○パーセント以上一パーセント未満 0% or more and less than 1%	自己資本の充実、大幅な業務の縮小、合併又は銀行業の廃止等の措置のいずれかを選択した上当該選択に係る措置を実施することの命令 Upon selecting any measure to ensure the adequacy of equity capital, drastic reduction of services, merger, or discontinuation of banking service, etc. an order to implement a measure pertaining to the selection
第三区分 Category 3	国際統一基準に係る単体自己資本比率 Non-consolidated capital adequacy ratio pertaining to the uniform international standard: ○パーセント未満 less than 0%	国内基準に係る単体自己資本比率 Non-consolidated capital adequacy ratio pertaining to the standard in Japan: ○パーセント未満 less than 0%	業務の全部又は一部の停止の命令 An order to suspend the services in whole or in part

2 法第二十六条第二項に規定する内閣府令・財務省令で定める銀行及びその子会社等（法第十四条の二第二号に規定する子会社等をいう。以下この項及び次条において同じ。）の自己資本の充実の状況に係る区分及び当該区分に応じ内閣府令・財務省令で定める命令は、次条に定める場合を除き、次の表のとおりとする。

(2) The categories of the adequacy of equity capital of a bank or its subsidiary company, etc. (meaning a subsidiary company, etc. as prescribed in Article 14-2, item (ii) of the Act; hereinafter the same applies in this paragraph and the following Article) defined by Cabinet Office Order and Order of the Ministry of Finance as prescribed in Article 26, paragraph (2) of the Act and orders provided for by Cabinet Office Order and Order of the Ministry of Finance

according to their respective categories are defined in the following table, excluding the cases provided for in the following Article.

	自己資本の充実の状況に係る区分 Categories of the adequacy of equity capital		命令 Order
	海外営業拠点を有する銀行及びその子会社等 A bank or its subsidiary company, etc. that has an overseas sales base	海外営業拠点を有しない銀行及びその子会社等 A bank or its subsidiary company, etc. that does not have an overseas sales base	
非対象区分 Exceptions to categories	国際統一基準に係る連結自己資本比率 Consolidated capital adequacy ratio pertaining to the uniform international standard: 八パーセント以上 8% or more	国内基準に係る連結自己資本比率 Consolidated capital adequacy ratio pertaining to the standard in Japan: 四パーセント以上 4% or more	
第一区分 Category 1	国際統一基準に係る連結自己資本比率 Consolidated capital adequacy ratio pertaining to the uniform international standard:	国内基準に係る連結自己資本比率 Consolidated capital adequacy ratio pertaining to the standard in Japan:	経営の健全性を確保するための合理的と認められる改善計画（原則として資本の増強に係る措置を含むものとする。）の提出の求め及びその実行の命令 Request to submit a improvement plan that is deemed reasonable (which includes a measure for the capital enhancement in principle) to secure sound management, and an order to implement the plan

	四パーセント以上八パーセント未満 4% or more and less than 8%	二パーセント以上四パーセント未満 2% or more and less than 4%	
第二区分 Category 2	国際統一基準に係る連結自己資本比率 Consolidated capital adequacy ratio pertaining to the uniform international standard: 二パーセント以上四パーセント未満 2% or more and less than 4%	国内基準に係る連結自己資本比率 Consolidated capital adequacy ratio pertaining to the standard in Japan: 一パーセント以上二パーセント未満 1% or more and less than 2%	次の各号に掲げる自己資本の充実に資する措置に係る命令 An order pertaining to a measure to contribute to the adequacy of equity capital set forth in the following items: 一 資本の増強に係る合理的と認められる計画の提出及びその実行 (i) submission of a capital enhancement plan that is deemed reasonable and its implementation; 二 配当又は役員賞与の禁止又はその額の抑制 (ii) prohibition to provide dividends or bonuses to directors or restraining the amount thereof; 三 総資産の圧縮又は増加の抑制 (iii) reduction of total assets or restraining increases in the total assets; 四 取引の通常 conditions に照らして不利益を被るものと認められる条件による預金又は定期積金等の受入れの禁止又は抑制 (iv) prohibition or restriction of acceptance of deposit or installment savings, etc. under conditions which are deemed unprofitable compared to the general terms and conditions of a transaction; 五 一部の営業所における業務の縮小 (v) reduction of services at some business offices; 六 本店を除く一部の営業所の廃止 (vi) discontinuation of some business offices, excluding the head office;

			<p>七 子会社等の業務の縮小 (vii) reduction in the services of a subsidiary company, etc.;</p> <p>八 子会社等の株式又は持分の処分 (viii) disposition of shares or equity of a subsidiary company, etc.;</p> <p>九 法第十条第二項各号に掲げる業務その他の銀行業に付随する業務、法第十一条の規定により営む業務又は担保付社債信託法その他の法律により銀行が営む業務の縮小又は新規の取扱いの禁止 (ix) reduction of the services set forth in items of Article 10, paragraph (2) of the Act and other services incidental to the banking business, services to be provided pursuant to the provisions of Article 11 of the Act, services to be provided pursuant to the Secured Bond Trust Act and other Acts, or prohibition to handle a new business;</p> <p>十 その他金融庁長官が必要と認める措置 (x) other measures deemed necessary by the Commissioner of the Financial Services Agency.</p>
第二区分の二 Category 2-2	<p>国際統一基準に係る連結自己資本比率 Consolidated capital adequacy ratio pertaining to the uniform international standard:</p> <p>○パーセント以上二パーセント未満 0% or more and less than 2%</p>	<p>国内基準に係る連結自己資本比率 Consolidated capital adequacy ratio pertaining to the standard in Japan:</p> <p>○パーセント以上一パーセント未満 0% or more and less than 1%</p>	<p>自己資本の充実、大幅な業務の縮小、合併又は銀行業の廃止等の措置のいずれかを選択した上当該選択に係る措置を実施することの命令 Upon selecting a measure to ensure the adequacy of equity capital, drastic reduction of services, merger, or discontinuation of banking service, etc., an order to implement a measure pertaining to the selection</p>

第三 区分 Cate gory 3	国際統一基準に 係る連結自己資 本比率 Consolidated capital adequacy ratio pertaining to the uniform international standard: ○パーセント未 満 less than 0%	国内基準に係る 連結自己資本比 率 capital adequacy ratio pertaining to the standard in Japan: ○パーセント未 満 less than 0%	業務の全部又は一部の停止の命令 An order to suspend the services in whole or in part
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3 前二項の表中「海外営業拠点」とは、外国に所在する支店又は法第十六条の二第一項第五号に掲げる会社（銀行の子会社であるものに限る。）であって、その所在地において常勤の役員又は従業員を持つものをいう。

(3) The term "overseas sales base" as used in the tables in the preceding two paragraphs means a branch office located in a foreign state or a company (limited to a subsidiary company of a bank) set forth in Article 16-2, paragraph (1), item (v) of the Act, which has full-time officer(s) or employee(s) at the location.

4 第一項及び第二項の表中「国際統一基準」とは、法第十四条の二各号に掲げる基準（以下この条において「自己資本比率基準」という。）のうち海外営業拠点（前項に規定する海外営業拠点をいう。次項において同じ。）を有する銀行に係るものをいう。

(4) The term "uniform international standard" as used in the tables in paragraphs (1) and (2) means the standard (hereinafter referred to as the "capital adequacy ratio standard" in this Article) of a bank which has an overseas sales base (meaning an overseas sales base as prescribed in the preceding paragraph; the same applies in the following paragraph) which is included in the standard set forth in any of the items of Article 14-2 of the Act.

5 第一項及び第二項の表中「国内基準」とは、自己資本比率基準のうち海外営業拠点を有しない銀行に係るものをいう。

(5) The term "standard in Japan" as used in the tables in paragraphs (1) and (2) means capital adequacy ratio standard of a bank which does not have an overseas sales base.

6 第一項及び第二項の表中「定期積金等」とは、法第二条第四項に規定する定期積金等をいう。

(6) The term "installment savings, etc." as used in the tables in paragraphs (1) and (2) means installment savings, etc. as prescribed in Article 2, paragraph (4) of the Act.

7 第一項の表中「単体自己資本比率」とは、自己資本比率基準のうち法第十四条の二第一号に掲げる基準に係る算式により得られる比率をいう。

(7) The term "non-consolidated capital adequacy ratio" as used in the tables in paragraph (1) means a ratio obtained by the formula for the standard set forth in Article 14-2, item (i) of the Act, in terms of the capital adequacy ratio standard.

8 第二項の表中「連結自己資本比率」とは、自己資本比率基準のうち法第十四条の二第二号に掲げる基準に係る算式により得られる比率をいう。

(8) The term "consolidated capital adequacy ratio" as used in the table in paragraph (2) means a ratio obtained by the formula for the standard set forth in Article 14-2, item (ii) of the Act, in terms of the capital adequacy ratio standard.

第二条 銀行が、その自己資本比率（前条第七項に規定する単体自己資本比率又は同条第八項に規定する連結自己資本比率をいう。以下この条において同じ。）が当該銀行又は当該銀行及びその子会社等が従前に該当していた前条第一項又は第二項の表の区分に係る自己資本比率の範囲を超えて低下したことを知った後、速やかに、その自己資本比率を当該銀行又は当該銀行及びその子会社等が該当するこれらの表の区分に係る自己資本比率の範囲を超えて確実に改善するための合理的と認められる計画を金融庁長官に提出した場合には、当該銀行について、当該区分に応じた命令は、当該銀行又は当該銀行及びその子会社等の自己資本比率以上で当該計画の実施後に見込まれる当該銀行又は当該銀行及びその子会社等の自己資本比率以下の自己資本比率に係るこれらの表の区分（非対象区分を除く。）に掲げる命令とする。ただし、当該計画が合理的でないことが明らかになった場合には、当該銀行について、当該銀行又は当該銀行及びその子会社等が該当するこれらの表の区分に係る命令は、同条第一項又は第二項のとおりとする。

Article 2 (1) In cases where a bank learns that its capital adequacy ratio (meaning the non-consolidated capital adequacy ratio as prescribed in paragraph (7) of the preceding Article or the consolidated capital adequacy ratio as prescribed in paragraph (8) of that Article; hereinafter the same applies in this Article) falls below the capital adequacy ratio pertaining to the categories defined in the tables in paragraphs (1) or (2) of the preceding Article under which the bank or the bank and its subsidiary company, etc. were categorized so far and submits a plan that is deemed to be reasonable to definitely improve the capital adequacy ratio, which exceeds the capital adequacy ratio pertaining to the categories defined in these tables under which the bank or the bank and its subsidiary, etc. are categorized, to the Commissioner of the Financial Services Agency without delay, then, an order prescribed in accordance with the category with regard to the bank, is an order pertaining to the category (except for the exceptions to the categories) defined in these tables, which exceeds the capital adequacy ratio of the bank or the bank and its subsidiary company, etc. and which is below the capital adequacy ratio to be expected after the implementation of the plan; provided, however,

that in cases where it is obvious that the plan is not reasonable, an order pertaining to the categories defined in these tables under which the bank or the bank and its subsidiary company, etc. are categorized, is as prescribed in paragraphs (1) and (2) of that Article.

2 前条第一項又は第二項の表の第三区分に該当する銀行の貸借対照表又は銀行及びその子会社等に係るこれらの会社について連結して記載した貸借対照表の資産の部に計上されるべき金額（次の各号に掲げる資産については、当該各号に定める価額とする。次項において同じ。）の合計額がこれらの貸借対照表の負債の部に計上されるべき金額の合計額を上回る場合又は上回ると見込まれる場合には、当該銀行について、当該区分に応じた命令は、同条第一項又は第二項の表の第二区分の二に掲げる命令を含むものとする。

(2) In cases where the total amount to be reported in the assets section (the value prescribed in the following items with regard to the assets set forth in the following items; the same applies in the following paragraph) of a balance sheet of a bank which falls under Category 3 of the tables in paragraph (1) or (2) of the preceding Article or a consolidated balance sheet of a bank and its subsidiary companies, etc. exceeds or is expected to exceed the total amount to be reported in the liabilities section of these balance sheets, with regard to the bank, an order prescribed in accordance with the category is to include an order pertaining to Category 2-2 in the tables in paragraph (1) or (2) of that Article:

一 有価証券 自己資本比率の算出を行う日（以下この項において「算出日」という。）の公表されている最終価格に基づき算出した価額又はこれに準ずるものとして合理的な方法により算出した価額

(i) securities: a value calculated based on the closing price which is announced on the date when the capital adequacy ratio is calculated (hereinafter referred to as the "calculation day" in this paragraph) or a value equivalent to this value calculated by a reasonable method;

二 有形固定資産 算出日の適正な評価価格に基づき算出した価額

(ii) tangible fixed assets: a value calculated based on the fairly and accurately appraised value on the calculation day;

三 前二号に掲げる資産以外の資産で帳簿価額が算出日において評価した価額と著しく異なるもの 当該評価した価額

(iii) assets other than the assets set forth in the preceding two items of which book value is significantly different from the appraised value thereof on the calculation day: the appraised value thereof.

3 前条第一項又は第二項の表の第三区分以外の区分に該当する銀行の貸借対照表又は銀行及びその子会社等に係るこれらの会社について連結して記載した貸借対照表の資産の部に計上されるべき金額の合計額がこれらの貸借対照表の負債の部に計上されるべき金額の合計額を下回る場合又は下回ると見込まれる場合には、当該銀行について、当該区分に応じた命令は、同条第一項又は第二項の表の第三区分に掲げる命令を含む

ものとする。

(3) In cases where the total amount to be reported in the assets section of a balance sheet of a bank or of a consolidated balance sheet of a bank and its subsidiary company, etc., which falls under the category other than Category 3 defined in the tables in paragraph (1) or (2) of the preceding Article is or is expected to be below the total amount to be reported in the liabilities section of these balance sheets, an order prescribed according to the category is to include an order pertaining to Category 3 defined in the tables in paragraph (1) or (2) of that Article.

4 銀行が預金保険法（昭和四十六年法律第三十四号）第六十五条に規定する適格性の認定等に係る同法第五十九条第二項に規定する合併等を行った同条第一項に規定する救済金融機関に該当する場合には、当該銀行について、当該銀行又は当該銀行及びその子会社等が該当する前条第一項又は第二項の表の区分に応じた命令は、当該銀行又は当該銀行及びその子会社等の自己資本比率以上の自己資本比率に係るこれらの表の区分に掲げる命令とする。

(4) In cases where a bank falls under an assuming financial institution as prescribed in Article 59, paragraph (1) of the Deposit Insurance Act (Act No. 34 of 1971) which merges with another bank, etc. as prescribed in paragraph (2) of that Article pertaining to certification of eligibility, etc. as prescribed in Article 65 of that Act, an order applicable to the bank in accordance with category defined in the tables in paragraph (1) or (2) of the preceding Article under which the bank or the bank and its subsidiary company, etc. are categorized, is an order pertaining to the categories of these tables pertaining to the capital adequacy ratio that exceeds the capital adequacy ratio of the bank or the bank and its subsidiary company, etc.

5 銀行が預金保険法附則第七条第一項第一号に規定する協定銀行である場合には、当該銀行について、当該銀行又は当該銀行及びその子会社等が該当する前条第一項又は第二項の表の区分に応じた命令は、これらの表の非対象区分に掲げる命令とする。

(5) In cases where a bank is a partner bank as prescribed in Article 7, paragraph (1), item (i) of the Supplementary Provisions to the Deposit Insurance Act, an order applicable to the bank in accordance with a category defined in the tables in paragraph (1) or (2) of the preceding Article under which the bank or the bank and its subsidiary company, etc. are categorized, is an order pertaining to the exceptions to the categories defined in these tables.

(銀行持株会社及びその子会社等の自己資本の充実に係る区分及びこれに応じた命令)

(Categories of the Adequacy of Equity Capital of a Bank Holding Company and its Subsidiary Company and Orders Prescribed According to their Respective Categories)

第三条 法第五十二条の三十三第二項の内閣府令・財務省令で定める自己資本の充実の

状況に係る区分及び当該区分に応じ内閣府令・財務省令で定める命令は、次条に定める場合を除き、次の表のとおりとする。

Article 3 (1) The categories of the adequacy of equity capital defined by Cabinet Office Order and Order of the Ministry of Finance referred to in Article 52-33, paragraph (2) of the Act and orders prescribed by Cabinet Office Order and Order of the Ministry of Finance in accordance with the categories are shown in the following table excluding the cases provided for in the following Article.

自己資本の充実 の状況に係る区 分 Categories of the adequacy of equity capital		命令 Order
	海外営業拠点を 有する銀行等を 子会社とする銀 行持株会社及び その子会社等 A bank holding company or its subsidiary company, etc. that holds a bank, etc. having an overseas sales base as its subsidiary company	海外営業拠点を 有する銀行等を 子会社としてい ない銀行持株会 社及びその子会 社等 A bank holding company or its subsidiary company, etc. that does not hold a bank having an overseas sales site as its subsidiary company
非対 象区 分 Exce ption s to categ ories	第一基準に係る 連結自己資本比 率 Consolidated capital adequacy ratio pertaining to Standard 1: 八パーセント以 上 8% or more	第二基準に係る 連結自己資本比 率 Consolidated capital adequacy ratio pertaining to standard 2: 四パーセント以 上 4% or more

<p>第一 区分 Category 1</p>	<p>第一基準に係る 連結自己資本比 率 Consolidated capital adequacy ratio pertaining to Standard 1: 四パーセント以 上八パーセント 未満 4% or more and less than 8%</p>	<p>第二基準に係る 連結自己資本比 率 Consolidated capital adequacy ratio pertaining to standard 2: 二パーセント以 上四パーセント 未満 2% or more and less than 4%</p>	<p>銀行持株会社及びその子会社等の経営 の健全性を確保するための合理的と認 められる改善計画（原則として資本の 増強に係る措置を含むものとする。） の提出の求め及びその実行の命令 Request to submit an improvement plan that is deemed reasonable (which includes measures pertaining to capital enhancement in principle) to secure sound management of a bank holding company and its subsidiary company, etc. and an order to implement the plan</p>
<p>第二 区分 Category 2</p>	<p>第一基準に係る 連結自己資本比 率 Consolidated capital adequacy ratio pertaining to Standard 1: 二パーセント以 上四パーセント 未満 2% or more and less than 4%</p>	<p>第二基準に係る 連結自己資本比 率 Consolidated capital adequacy ratio pertaining to standard 2: 一パーセント以 上二パーセント 未満 1% or more and less than 2%</p>	<p>次の各号に掲げる銀行持株会社及びそ の子会社等の自己資本の充実に資する 措置に係る命令 An order pertaining to a measure to contribute to the adequacy of equity capital of a bank holding company and its subsidiary, etc. set forth in the following items: 一 銀行持株会社及びその子会社等の 資本の増強に係る合理的と認められる 計画の提出及びその実行 (i) submission of a plan for capital enhancement of a bank holding company that is deemed reasonable and its subsidiary, etc. and its implementation; 二 銀行持株会社の配当又は役員賞与 の禁止又はその額の抑制 (ii) prohibition to provide dividends or bonuses to directors at a bank holding company or retraining the amount thereof; 三 銀行持株会社及びその子会社等の 総資産の圧縮又は増加の抑制 (iii) reduction of total assets or restraining increases in the total assets of a bank holding company;</p>

			<p>四 子会社等（銀行等を除く。）の株式又は持分の処分 (iv) disposition of shares or equity of a subsidiary company, etc. (except for a bank, etc.);</p> <p>五 その他金融庁長官が必要と認める措置 (v) other measures deemed necessary by the Commissioner of the Financial Services Agency.</p>
<p>第二区分の二 Category 2-2</p>	<p>第一基準に係る連結自己資本比率 Consolidated capital adequacy ratio pertaining to Standard 1:</p> <p>○パーセント以上二パーセント未満 0% or more and less than 2%</p>	<p>第二基準に係る連結自己資本比率 Consolidated capital adequacy ratio pertaining to standard 2:</p> <p>○パーセント以上一パーセント未満 0% or more and less than 1%</p>	<p>銀行持株会社及びその子会社等の自己資本の充実、合併又は子会社等（銀行等に限る。）の株式の処分等の措置のいずれかを選択した上当該選択に係る措置を実施することの命令 Upon selecting a measure to ensure the adequacy of equity capital, merger, or disposal of shares of a subsidiary company, etc. (limited to a bank, etc.) for a bank holding company or its subsidiary company, etc., an order to implement the measure pertaining to the selection</p>
<p>第三区分 Category 3</p>	<p>第一基準に係る連結自己資本比率 Consolidated capital adequacy ratio pertaining to Standard 1: ○パーセント未満 less than 0%</p>	<p>第二基準に係る連結自己資本比率 Consolidated capital adequacy ratio pertaining to standard 2: ○パーセント未満 less than 0%</p>	<p>子会社等（銀行等に限る。）の株式の処分 Disposition of shares of a subsidiary company, etc. (limited to a bank, etc.)</p>

2 前項の表中「海外営業拠点」とは、外国に所在する支店又は法第十六条の二第一項第五号に掲げる会社（銀行等の子会社であるものに限る。）であって、その所在地において常勤の役員又は従業員を持つものをいう。

(2) The term "overseas sales base" as used in the table in the preceding paragraph means a branch office located in a foreign state or a company (limited to a subsidiary company of a bank) set forth in Article 16-2, paragraph

(1), item (v) of the Act, which has full-time officer(s) or employee(s) at the location.

3 第一項の表中「第一基準」とは、連結自己資本比率基準（法第五十二条の二十五に規定する基準をいう。次項において同じ。）のうち海外営業拠点（前項に規定する海外営業拠点をいう。次項において同じ。）を有する銀行等を子会社とする銀行持株会社及びその子会社等に係るものをいう。

(3) The term "Standard 1" as used in the table of paragraph (1) means a consolidated capital adequacy ratio standard (meaning the standard as prescribed in Article 52-25 of the Act; hereinafter the same applies in the following paragraph) of a bank holding company and its subsidiary company, etc. that holds a bank, etc., having an overseas sales base (meaning an overseas sales base as prescribed in the preceding paragraph; the same applies in the following paragraph), as its subsidiary company.

4 第一項の表中「第二基準」とは、連結自己資本比率基準のうち海外営業拠点を有する銀行等を子会社としていない銀行持株会社及びその子会社等に係るものをいう。

(4) The term "Standard 2" as used in the table of paragraph (1) means the consolidated capital adequacy ratio standard of a bank holding company and its subsidiary company, etc. that do not hold a bank having an overseas sales bases, etc., as its subsidiary company.

5 この条において「銀行等」とは、銀行又は長期信用銀行をいう。

(5) The term "bank, etc." as used in this Article means a bank or a long term credit bank.

6 この条及び次条において「子会社等」とは、法第五十二条の二十五に規定する子会社等をいう。

(6) The term "subsidiary company, etc." as used in this Article and the following Article means a subsidiary company, etc. as prescribed in Article 52-25 of the Act.

第四条 銀行持株会社が、当該銀行持株会社及びその子会社等の連結自己資本比率が当該銀行持株会社及びその子会社等が従前に該当していた前条第一項の表の区分に係る連結自己資本比率の範囲を超えて低下したことを知った後、速やかに、その連結自己資本比率を当該銀行持株会社及びその子会社等が該当する同表の区分に係る連結自己資本比率の範囲を超えて確実に改善するための合理的と認められる計画を金融庁長官に提出した場合には、当該銀行持株会社について、当該区分に応じた命令は、当該銀行持株会社及びその子会社等の連結自己資本比率以上で当該計画の実施後に見込まれる当該銀行持株会社及びその子会社等の連結自己資本比率以下の連結自己資本比率に係る同表の区分（非対象区分を除く。）に掲げる命令とする。ただし、当該計画が合理的でないことが明らかになった場合には、当該銀行持株会社について、当該銀行持株会社及びその子会社等が該当する同表の区分に係る命令は、同項のとおりとする。

Article 4 (1) In cases where a bank holding company learns that the consolidated capital adequacy ratio of the bank holding company and its subsidiary, etc. is

below the consolidated capital adequacy ratio pertaining to the category defined in the table in paragraph (1) of the preceding Article under which the bank holding company and its subsidiary company, etc. were categorized so far and submits a plan that is deemed to be reasonable to definitely improve the consolidated capital adequacy ratio, which exceeds the consolidated capital adequacy ratio pertaining to the category defined in that table under which the bank holding company and its subsidiary company, etc. are categorized, to the Commissioner of the Financial Services Agency without delay, then an order with regard to the bank holding company prescribed in accordance with the category is an order pertaining to the category (except for the exceptions to the categories) in that table pertaining to the consolidated capital adequacy ratio which is below the consolidated capital adequacy ratio of the bank holding company and its subsidiary company, etc. to be expected after the implementation of the plan; provided, however, that in cases where it is obvious that the plan is not reasonable, an order with regard to the bank holding company pertaining to the category of that table under which the bank holding company and its subsidiary company, etc. are categorized, is as prescribed in that paragraph.

2 前条第一項の表の第三区分に該当する銀行持株会社及びその子会社等に係るこれらの会社について連結して記載した貸借対照表の資産の部に計上されるべき金額（次の各号に掲げる資産については、当該各号に定める価額とする。次項において同じ。）の合計額が当該貸借対照表の負債の部に計上されるべき金額の合計額を上回る場合又は上回ると見込まれる場合には、当該銀行持株会社について、当該区分に応じた命令は、同表の第二区分の二に掲げる命令を含むものとする。

(2) In cases where the total amount to be reported in the assets section (the value prescribed in the following items with regard to the assets set forth in the following items; the same applies in the following paragraph) of the consolidated balance sheet of a bank holding company and its subsidiary company, etc. which falls under Category 3 in the table in paragraph (1) of the preceding Article exceeds or is expected to exceed the total amount to be reported in the liabilities section of the balance sheet, an order prescribed according to the category with regard to the bank holding company is to include an order pertaining to Category 2-2 in that table:

一 有価証券 連結自己資本比率の算出を行う日（以下この項において「算出日」という。）の公表されている最終価格に基づき算出した価額又はこれに準ずるものとして合理的な方法により算出した価額

(i) securities: a value calculated based on the closing price which is announced on the date when the consolidated capital adequacy ratio is calculated (hereinafter referred to as "calculation date" in this paragraph) or a value equivalent to this value calculated by a reasonable method;

二 有形固定資産 算出日の適正な評価価格に基づき算出した価額

(ii) tangible fixed assets: a value calculated based on the fairly and accurately appraised value on the calculation date;

三 前二号に掲げる資産以外の資産で帳簿価額が算出日において評価した価額と著しく異なるもの 当該評価した価額

(iii) assets other than the assets set forth in the preceding two items of which book value is significantly different from the appraised value thereof on the calculation date: the appraised value thereof.

3 前条第一項の表の第三区分以外の区分に該当する銀行持株会社及びその子会社等に係るこれらの会社について連結して記載した貸借対照表の資産の部に計上されるべき金額の合計額が当該貸借対照表の負債の部に計上されるべき金額の合計額を下回る場合又は下回ると見込まれる場合には、当該銀行持株会社について、当該区分に応じた命令は、同表の第三区分に掲げる命令を含むものとする。

(3) In cases where the total amount to be reported in the assets section of a consolidated balance sheet of a bank holding company and its subsidiary company, etc., which falls under the category other than Category 3 in the table in paragraph (1) of the preceding Article is or is expected to be below the total amount to be reported in the liabilities section of the balance sheet, an order with regard to the bank holding company in accordance with the category is to include an order pertaining to Category 3 in that table.

4 次に掲げる場合のいずれかに該当するときは、銀行持株会社について、当該銀行持株会社及びその子会社等が該当する前条第一項の表の区分に応じた命令は、当該銀行持株会社及びその子会社等の連結自己資本比率以上の連結自己資本比率に係る同表の区分に掲げる命令とする。

(4) When falling under any of the following cases, an order with regard to a bank holding company in accordance with the category defined in the table in paragraph (1) of the preceding Article, under which the bank holding company and its subsidiary company, etc. are categorized, is an order pertaining to the category defined in that table pertaining to the consolidated capital adequacy ratio, which exceeds the consolidated capital adequacy ratio of the bank holding company and its subsidiary company, etc.

一 当該銀行持株会社が預金保険法第六十五条に規定する適格性の認定等に係る同法第五十九条第二項に規定する合併等を行った同条第一項に規定する救済銀行持株会社等に該当する場合

(i) in cases where the bank holding company falls under an assuming bank holding company, etc. prescribed in Article 59, paragraph (1) of the Deposit Insurance Act, which merges with another company, etc. prescribed in paragraph (2) of that Article pertaining to certification of eligibility, etc. prescribed in Article 65 of that Act;

二 当該銀行持株会社の子会社が預金保険法第六十五条に規定する適格性の認定等に係る同法第五十九条第二項に規定する合併等を行った同条第一項に規定する救済金融機関に該当する場合

(ii) in cases where a subsidiary company of the bank holding company falls under an assuming financial institution prescribed in Article 59, paragraph (1) of the Deposit Insurance Act, which merges with another company, etc. prescribed in paragraph (2) of that Article pertaining to certification of eligibility, etc. prescribed in Article 65 of that Act.

(届出事項)

(Particulars to be Notified)

第五条 法第五十三条第一項第八号に規定する内閣府令・財務省令で定める場合は、次に掲げる場合とする。

Article 5 The cases provided for by Cabinet Office Order and Order of the Ministry of Finance which are prescribed in Article 53, paragraph (1), item (viii) of the Act are as follows:

一 破産手続開始の決定を受け、破産手続開始の決定に対して抗告をし、又は抗告に対して裁判所の決定を受けた場合

(i) in cases where the order to commence bankruptcy proceedings has been given and an appeal is filed against the order to commence bankruptcy proceedings, or a ruling against the appeal is rendered by a court;

二 再生手続開始の申立てをし、再生計画認可の決定が確定し、又は再生計画がその効力を失った場合

(ii) in cases where a petition for commencement of rehabilitation proceedings has been filed, and a decision on the confirmation of the rehabilitation plan becomes final and binding, or the rehabilitation plan becomes invalid;

三 更生手続開始の申立てをし、更生計画認可の決定が確定し、又は更生計画がその効力を失った場合

(iii) in cases where a petition for the commencement of reorganization proceedings has been filed, and a decision on the confirmation of the reorganization plan becomes final and binding, or the reorganization plan becomes invalid.

(財務大臣への通知)

(Notification to the Minister of Finance)

第六条 法第五十七条の六に規定する内閣府令・財務省令で定めるものは、前条各号に掲げる場合に該当するときにする届出とする。

Article 6 The notification prescribed in Cabinet Office Order or Order of the Ministry of Finance as prescribed in Article 57-6 of the Act is the notification to be submitted in any case set forth in the items of the preceding Article.