

預金保険法

Deposit Insurance Act

(昭和四十六年四月一日法律第三十四号)
(Act No. 34 of April 1, 1971)

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第一章 総則

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（目的）

(Purpose)

第一条 この法律は、預金者等の保護及び破綻金融機関に係る資金決済の確保を図るため、金融機関が預金等の払戻しを停止した場合に必要な保険金等の支払と預金等債権の買取りを行うほか、破綻金融機関に係る合併等に対する適切な資金援助、金融整理管財人による管理及び破綻金融機関の業務承継その他の金融機関の破綻の処理に関する措置、特定回収困難債権の買取りの措置、金融危機への対応の措置並びに金融機関等の資産及び負債の秩序ある処理に関する措置等の制度を確立し、もつて信用秩序の維持に資することを目的とする。

Article 1 The purpose of this Act is to protect depositors, etc. and ensure the settlement of funds by failed financial institutions, by providing a system for the payment of insurance proceeds and the purchase of deposits and other claims necessary if the refunding of deposits, etc. is suspended by a financial institution, and by establishing a system for providing appropriate financial assistance to facilitate mergers and other resolutions of failed financial

institutions, the management of failed financial institutions by financial administrators, the transfer of the business of failed financial institutions, and any other measures concerning resolving issues in relation to the failure of financial institutions, measures for the purchase of specified, difficult-to-collect claims, measures in response to financial crises, and measures for the orderly resolution of assets and liabilities of financial institutions, etc., thereby contributing to upholding an orderly credit system.

(金融機関の自主性の尊重)

(Respect for the Autonomy of Financial Institutions)

第一条の二 この法律の運用に当たっては、金融機関の自主性を尊重するよう配慮しなければならない。

Article 1-2 Consideration must be given to the autonomy of financial institutions in the application of this Act.

(定義)

(Definitions)

第二条 この法律において「金融機関」とは、次に掲げる者（この法律の施行地外に本店を有するものを除く。）をいう。

Article 2 (1) The term "financial institutions" as used in this Act means the following (excluding those whose head office is located outside the jurisdiction under which this Act has effect):

一 銀行法（昭和五十六年法律第五十九号）第二条第一項に規定する銀行（以下「銀行」という。）

(i) the banks prescribed in Article 2, paragraph (1) of the Banking Act (Act No. 59 of 1981) (hereinafter referred to as "banks");

二 長期信用銀行法（昭和二十七年法律第百八十七号）第二条に規定する長期信用銀行（以下「長期信用銀行」という。）

(ii) the long-term credit banks prescribed in Article 2 of the Long-Term Credit Bank Act (Act No. 187 of 1952) (hereinafter referred to as "long-term credit banks");

三 信用金庫

(iii) Shinkin banks;

四 信用協同組合

(iv) credit cooperatives;

五 労働金庫

(v) labor banks;

六 信用金庫連合会

(vi) federations of Shinkin banks;

七 中小企業等協同組合法（昭和二十四年法律第百八十一号）第九条の九第一項第一号の事業を行う協同組合連合会（以下「信用協同組合連合会」という。）

(vii) federations of credit cooperatives engaged in the business provided for in Article 9-9, paragraph (1), item (i) of the Small and Medium-Sized Enterprises Cooperatives Act (Act No. 181 of 1949) (hereinafter referred to as "federations of credit cooperatives");

八 労働金庫連合会

(viii) the Rokinren Bank; and

九 株式会社商工組合中央金庫

(ix) the Shoko Chukin Bank, Ltd.

2 この法律において「預金等」とは、次に掲げるものをいう。

(2) The term "deposits, etc." as used in this Act means the following:

一 預金

(i) deposits;

二 定期積金

(ii) installment savings;

三 銀行法第二条第四項に規定する掛金

(iii) installment deposits prescribed in Article 2, paragraph (4) of the Banking Act;

四 金融機関の信託業務の兼営等に関する法律（昭和十八年法律第四十三号）第六条の規定により元本の補てんの契約をした金銭信託（貸付信託を含む。）に係る信託契約により受け入れた金銭

(iv) money received under trust agreement regarding money trusts (including loan trusts) for compensating for a loss of principal pursuant to the provisions of Article 6 of the Act on Engagement in Trust Business by Financial Institutions (Act No. 43 of 1943); and

五 長期信用銀行法第八条の規定による長期信用銀行債及び金融機関の合併及び転換に関する法律（昭和四十三年法律第八十六号）第八条第一項（同法第五十五条第四項において準用する場合を含む。）の規定による特定社債（会社法の施行に伴う関係法律の整備等に関する法律（平成十七年法律第八十七号）第百九十九条の規定による改正前の金融機関の合併及び転換に関する法律第十七条の二第一項（同法第二十四条第一項第七号において準用する場合を含む。）の規定により発行される債券を含む。）、信用金庫法（昭和二十六年法律第二百三十八号）第五十四条の二の四第一項の規定による全国連合会債並びに株式会社商工組合中央金庫法（平成十九年法律第七十四号）第三十三条の規定による商工債（同法附則第三十七条の規定により同法第三十三条の規定により発行された商工債とみなされたものを含む。）（その権利者を確知することができるものとして政令で定めるものに限る。第五十八条の二第一項及び第七十三条第一項において「長期信用銀行債等」という。）の発行により払込みを受けた金銭

(v) money received through the issuance of long-term credit bank bonds under Article 8 of the Long-Term Credit Bank Act, specified bonds under Article 8, paragraph (1) of the Act on Financial Institutions' Merger and Conversion (Act No. 86 of 1968) (including cases where it is applied mutatis mutandis

pursuant to the provisions of Article 55, paragraph (4) of the Act) (including debentures issued under Article 17-2, paragraph (1) of the Act on Financial Institutions' Merger and Conversion (including cases where it is applied mutatis mutandis pursuant to the provisions of Article 24, paragraph (1), item (vii) of the Act) before the revision by Article 199 of the Act on the Development of Relevant Acts Associated with the Enforcement of the Companies Act (Act No. 87 of 2005)), national federation of Shinkin banks bonds under Article 54-2-4, paragraph (1) of the Shinkin Bank Act (Act No. 238 of 1951), and commercial and industrial bonds under Article 33 of the Shoko Chukin Bank Limited Act (Act No. 74 of 2007) (including those that are deemed, pursuant to the provisions of Article 37 of the supplementary provisions of the Act, to be commercial and industrial bonds issued under Article 33 of the Act) (limited to those specified by Cabinet Order as those for which right holders can be ascertained and referred to in Article 58-2, paragraph (1) and Article 73, paragraph (1) as "long-term credit bank bonds, etc.").

3 この法律において「預金者等」とは、預金者その他の預金等に係る債権者をいう。

(3) The term "depositors, etc." as used in this Act means depositors and other creditors in relation to deposits, etc.

4 この法律において「破綻金融機関」とは、業務若しくは財産の状況に照らし預金等の払戻し（預金等に係る債務の弁済をいう。以下同じ。）を停止するおそれのある金融機関又は預金等の払戻しを停止した金融機関をいう。

(4) The term "failed financial institution" as used in this Act means a financial institution that has suspended the refunding of deposits, etc. (meaning the payment of obligations for deposits, etc.; the same applies hereinafter) or is likely to suspend the refunding of deposits, etc. in light of the status of its business or assets.

5 この法律において「銀行持株会社等」とは、次に掲げる者をいう。

(5) The term "bank holding company, etc." as used in this Act means the following:

一 銀行法第二条第十三項に規定する銀行持株会社

(i) a bank holding company prescribed in Article 2, paragraph (13) of the Banking Act;

二 破綻金融機関に該当する銀行の株式を取得することにより銀行を子会社とする持株会社（銀行法第五十二条の十七第一項に規定する銀行を子会社とする持株会社をいう。第六十一条第八項において同じ。）となることについて同法第五十二条の十七第一項の認可を受けた会社

(ii) a company that has obtained the authorization under Article 52-17, paragraph (1) of the Banking Act to become a holding company which has as its subsidiary a bank which falls under the failed financial institution through the acquisition of the shares of the bank (meaning a holding

company which has a bank as its subsidiary company prescribed in Article 52-17, paragraph (1) of the Act; the same applies in Article 61, paragraph (8));

三 長期信用銀行法第十六条の四第一項に規定する長期信用銀行持株会社

(iii) a long-term credit bank holding company prescribed in Article 16-4, paragraph (1) of the Long-Term Credit Bank Act;

四 破綻金融機関に該当する長期信用銀行の株式を取得することにより長期信用銀行を子会社とする持株会社（長期信用銀行法第十六条の二の四第一項に規定する長期信用銀行を子会社とする持株会社をいう。第六十一条第八項において同じ。）となることについて同法第十六条の二の四第一項の認可を受けた会社

(iv) a company that has obtained the authorization under Article 16-2-4, paragraph (1) of the Long-Term Credit Bank Act to become a holding company which has a long-term credit bank as its subsidiary company (meaning a holding company which has a long-term credit bank as its subsidiary company prescribed in Article 16-2-4, paragraph (1) of the Act; hereinafter the same applies in Article 61, paragraph (8)) through the acquisition of shares of a long-term credit bank that falls under the failed financial institution; and

五 前各号に掲げる会社以外の会社（銀行及び長期信用銀行を除く。）で銀行又は長期信用銀行（第百三十五条第四項を除き、以下「銀行等」という。）を子会社（会社はその総株主の議決権（株主総会において決議をすることができる事項の全部につき議決権を行使することができない株主の有する株式についての議決権を除き、会社法（平成十七年法律第八十六号）第八百七十九条第三項の規定により議決権を有するものとみなされる株式についての議決権を含む。以下この号及び第十三項において同じ。）の百分の五十を超える議決権を保有する他の会社をいう。以下この号において同じ。）とするもの又は子会社としようとするもの

(v) a company that is not listed in the preceding items (excluding banks and long-term credit banks) and that has a bank or long-term credit bank (hereinafter referred to as "bank, etc." except in Article 135, paragraph (4)) as its subsidiary company (meaning a company of which voting rights exceeding fifty-hundredths of the voting rights held by all of its shareholders (excluding voting rights relating to shares held by shareholders who may not exercise their voting rights for all of the matters which may be resolved at a shareholders meeting but including voting rights relating to shares for which holders are deemed to have voting rights pursuant to the provisions of Article 879, paragraph (3) of the Companies Act (Act No. 86 of 2005); hereinafter the same applies in this item and paragraph (13)) are held by another company; hereinafter the same applies in this item) or intends to have the bank, etc. become its subsidiary company.

6 この法律において「優先株式等」とは、優先株式（その発行の時に議決権を行使することができる事項のない株式であつて、剰余金の配当及び残余財産の分配に

ついて優先的内容を有するものをいう。以下同じ。)、劣後特約付社債(元利金の支払について劣後の内容を有する特約が付された社債であつて、銀行等若しくは銀行持株会社等又は株式会社商工組合中央金庫の自己資本の充実に資するものとして政令で定める社債に該当するものをいう。以下同じ。)又は優先出資(協同組織金融機関の優先出資に関する法律(平成五年法律第四十四号。以下「優先出資法」という。)に規定する優先出資をいう。以下同じ。)をいう。

(6) The term "preferred shares, etc." as used in this Act means preferred shares (meaning shares for which, at the time of issuance, there are no matters on which voting rights may be exercised, with preferred contents with regard to dividends of surplus and distribution of residual assets; the same applies hereinafter), subordinated bonds (meaning bonds with a special clause of subordinated contents with regard to the payment of principal and interest, and which fall under bonds specified by Cabinet Order as contributing to the adequacy of equity capital of a bank, etc., bank holding company, etc. or the Shoko Chukin Bank, Ltd.; the same applies hereinafter), or preferred equity investments (meaning preferred equity investments prescribed in the Act on Preferred Equity Investment by Cooperative Financial Institution (Act No. 44 of 1993; hereinafter referred to as the "Preferred Equity Investment Act"); the same applies hereinafter).

7 この法律において「株式等」とは、優先株式以外の株式及び優先株式等をいう。

(7) The term "shares, etc." as used in this Act means preferred shares, etc. and shares which are not classified as preferred shares.

8 この法律において「優先株式等の引受け等」とは、優先株式等の引受け又は劣後特約付金銭消費貸借(元利金の支払について劣後の内容を有する特約が付された金銭の消費貸借であつて、金融機関又は銀行持株会社等の自己資本の充実に資するものとして政令で定める金銭の消費貸借に該当するものをいう。)による貸付けをいう。

(8) The term "subscription for preferred shares, etc." as used in this Act means subscription for preferred shares, etc. or loans for consumption made pursuant to subordinated loan agreements (meaning loans for consumption falling under those with a special clause of subordinated contents with regard to the payment of principal and interest, and which are specified by Cabinet Order as contributing to the adequacy of equity capital of a financial institution or bank holding company, etc.).

9 この法律において「株式等の引受け等」とは、優先株式以外の株式の引受け又は優先株式等の引受け等をいう。

(9) The term "subscription for shares, etc." as used in this Act means subscription for shares other than preferred shares or the subscription for preferred shares, etc.

10 この法律において「損害担保」とは、貸付けに係る債務の全部又は一部の弁済がなされないこととなつた場合において、あらかじめ締結する契約に基づきその債権者に対してその弁済がなされないこととなつた額の一部を補填することをいう。

(10) The term "collateralization of damage" as used in this Act means compensating creditors, based on a contract concluded in advance, through partial repayment of an unpaid amount of a loan in cases where obligations under the loan are not satisfied in whole or in part.

1 1 この法律において「付保預金移転」とは、破綻金融機関の預金等に係る債務の他の金融機関による引受けであつて、当該債務に第五十四条第一項から第三項まで（同項の規定を第五十四条の二第二項において準用する場合を含む。）及び第五十四条の二第一項の規定（以下「保険金計算規定」という。）により計算した保険金の額に対応する預金等に係る債務を含むもの（事業の譲渡又は譲受け（以下「事業譲渡等」という。）に伴うものを除く。）をいう。

(11) The term "transfer of insured deposits" as used in this Act means the assumption of obligations in relation to the deposits, etc. of a failed financial institution by another financial institution, when the obligations include obligations in relation to the deposits, etc. corresponding to amounts of insurance proceeds calculated under the provisions of Article 54, paragraphs (1) through (3) (including cases where the provisions of the same paragraphs are applied mutatis mutandis pursuant to Article 54-2, paragraph (2)) and Article 54-2, paragraph (1) (hereinafter referred to as the "insurance claim calculation provision") (excluding those associated with the transfer or assumption of business (hereinafter referred to as a "transfer of business, etc.")).

1 2 この法律において「被管理金融機関」とは、第七十四条第一項若しくは第二項又は第百十条第一項の規定により、第七十四条第一項に規定する管理を命ずる処分を受けた金融機関をいう。

(12) The term "financial institution under management" as used in this Act means a financial institution that has become subject to an order to management as prescribed in Article 74, paragraph (1) pursuant to the provisions of Article 74, paragraph (1) or (2) or Article 110, paragraph (1).

1 3 この法律において「承継銀行」とは、事業の譲受け、付保預金移転、合併又は会社分割（以下「事業の譲受け等」という。）により被管理金融機関の業務を引き継ぎ、かつ、当該引き継いだ業務を暫定的に維持継続することを主たる目的とする銀行であつて、預金保険機構の子会社（預金保険機構がその総株主の議決権の百分の五十を超える議決権を保有する会社をいう。以下同じ。）として設立されたものをいう。

(13) The term "bridge bank" as used in this Act means a bank that has taken over the business of a financial institution under management through the assumption of business, transfer of insured deposits, a merger, or company split (hereinafter referred to as the "assumption of business, etc."), whose primary purpose is to maintaining and continue the business on a temporary basis, and that has been established as a subsidiary company of the Deposit Insurance Corporation of Japan (meaning a company of which voting rights exceeding fifty-hundredths of the voting rights held by all of its shareholders

are held by the Deposit Insurance Corporation of Japan; the same applies hereinafter).

第二章 預金保険機構

Chapter II Deposit Insurance Corporation of Japan

第一節 総則

Section 1 General Provisions

(法人格)

(Legal Personality)

第三条 預金保険機構（以下「機構」という。）は、法人とする。

Article 3 The Deposit Insurance Corporation of Japan (hereinafter referred to as the "DICJ") has legal personality.

(数)

(Number)

第四条 機構は、一を限り、設立されるものとする。

Article 4 Only one DICJ is to be established.

(資本金)

(Capital)

第五条 機構の資本金は、その設立に際し、政府及び政府以外の者が出資する額の合計額とする。

Article 5 (1) The capital of the DICJ is the total amount of capital contributed by the government and other persons at the time of the DICJ's establishment.

2 機構は、必要があるときは、内閣総理大臣及び財務大臣の認可を受けて、その資本金を増加することができる。

(2) The DICJ may, when necessary, increase its capital with the authorization of the Prime Minister and the Minister of Finance.

(名称)

(Name)

第六条 機構は、その名称中に預金保険機構という文字を用いなければならない。

Article 6 (1) The DICJ must use the words "deposit insurance corporation" in its name.

2 機構でない者は、その名称中に預金保険機構という文字を用いてはならない。

(2) No person other than the DICJ may use the words "deposit insurance corporation" in its name.

(登記)

(Registration)

第七条 機構は、政令で定めるところにより、登記しなければならない。

Article 7 (1) The DICJ must be registered pursuant to Cabinet Order provisions.

2 前項の規定により登記しなければならない事項は、登記の後でなければ、これをもって第三者に対抗することができない。

(2) The particulars required to be registered under the preceding paragraph may not be asserted against a third party until after they have been registered.

(一般社団法人及び一般財団法人に関する法律の準用)

(Application Mutatis Mutandis of the Act on General Incorporated Associations and General Incorporated Foundations)

第八条 一般社団法人及び一般財団法人に関する法律（平成十八年法律第四十八号）第四条及び第七十八条の規定は、機構について準用する。

Article 8 The provisions of Article 4 and Article 78 of the Act on General Incorporated Associations and General Incorporated Foundations (Act No. 48 of 2006) apply mutatis mutandis to the DICJ.

第二節 設立

Section 2 Establishment

(発起人)

(Founders)

第九条 機構を設立するには、金融に関して専門的な知識と経験を有する者七人以上が発起人となることを必要とする。

Article 9 Seven or more persons with experience and expertise in financial matters must act as founders in order to establish the DICJ.

(定款の作成等)

(Preparation of Articles of Incorporation)

第十条 発起人は、すみやかに、機構の定款を作成し、政府以外の者に対し機構に対する出資を募集しなければならない。

Article 10 (1) The founders must promptly prepare the articles of incorporation of the DICJ and solicit capital contributions to the DICJ from persons other than the government.

2 前項の定款には、次の事項を記載しなければならない。

(2) The articles of incorporation referred to in the preceding paragraph must state the following particulars:

一 目的

(i) purpose;

二 名称

(ii) name;

三 事務所の所在地

- (iii) location of offices;
四 資本金及び出資に関する事項
- (iv) particulars concerning capital and capital contribution;
五 運営委員会に関する事項
- (v) particulars concerning the board;
六 役員に関する事項
- (vi) particulars concerning officers;
七 業務及びその執行に関する事項
- (vii) particulars concerning operations and their execution;
八 財務及び会計に関する事項
- (viii) particulars concerning finance and accounting;
九 定款の変更に関する事項
- (ix) particulars concerning amendment of the articles of incorporation; and
十 公告の方法
- (x) means of public notice.

(設立の認可)

(Authorization for Establishment)

第十一条 発起人は、前条第一項の募集が終わつたときは、すみやかに、定款を内閣総理大臣及び財務大臣に提出して、設立の認可を申請しなければならない。

Article 11 Promptly after the solicitation of capital contributions set forth in paragraph (1) of the preceding Article has been completed, founders must submit the articles of incorporation to the Prime Minister and the Minister of Finance and apply for authorization for establishment.

(事務の引継ぎ)

(Transfer of Business Affairs)

第十二条 発起人は、前条の認可を受けたときは、遅滞なく、その事務を機構の理事長となるべき者に引き継がなければならない。

Article 12 (1) When the authorization set forth in the preceding Article is granted, founders must transfer their business affairs without delay to the person who is to become the governor of the DICJ.

2 機構の理事長となるべき者は、前項の規定による事務の引継ぎを受けたときは、遅滞なく、政府及び出資の募集に応じた政府以外の者に対し、出資金の払込みを求めなければならない。

(2) The person who is to become the governor of the DICJ must, when they have taken over the business affairs under the preceding paragraph, request without delay the government and persons other than the government who have agreed to make capital contributions in response to the solicitation to pay in capital contributions.

(設立の登記)

(Registration of Establishment)

第十三条 機構の理事長となるべき者は、前条第二項の規定による出資金の払込みがあつたときは、遅滞なく、政令で定めるところにより、設立の登記をしなければならない。

Article 13 (1) If capital contributions are paid in pursuant to the provisions of paragraph (2) of the preceding Article, the person who is to become the governor of the DICJ must register its establishment without delay pursuant to Cabinet Order provisions.

2 機構は、設立の登記をすることにより成立する。

(2) The DICJ is established upon the registration of its establishment.

第三節 運営委員会

Section 3 The Board

(設置)

(Establishment)

第十四条 機構に、運営委員会（以下「委員会」という。）を置く。

Article 14 A board (hereinafter referred to as the "board") will be established within the DICJ.

(権限)

(Authority)

第十五条 この法律（第一章、第二章、第五章及び第九章を除く。）で別に定めるもののほか、次に掲げる事項は、委員会の議決を経なければならない。

Article 15 Beyond matters separately specified by this Act (excluding Chapter I, Chapter II, Chapter V, and Chapter IX), the following matters must require a resolution of the board:

一 定款の変更

(i) amendment of the articles of incorporation;

二 業務方法書の作成及び変更

(ii) preparation of and amendments to the statement of operation procedures;

三 予算及び資金計画

(iii) budget and funding plans;

四 決算

(iv) settlement of accounts; and

五 その他委員会が特に必要と認める事項

(v) other matters deemed particularly necessary by the board.

(組織)

(Organization)

第十六条 委員会は、委員八人以内並びに機構の理事長及び理事をもつて組織する。

Article 16 (1) The board will be composed of not more than eight members, plus the governor and the deputy governors of the DICJ.

2 委員会に、特別の事項を調査審議させるため必要があるときは、臨時委員四人以内を置くことができる。

(2) When it is necessary for carrying out study and deliberation of special matters, the board may have up to four temporary members.

3 委員会に委員長一人を置き、機構の理事長をもつて充てる。

(3) The board has a chairperson, who will be the governor of the DICJ.

4 委員長は、委員会の会務を総理する。

(4) The chairperson presides over the affairs of the board.

5 委員会は、あらかじめ、委員及び機構の理事のうちから、委員長に事故がある場合に委員長の職務を代理する者を定めておかなければならない。

(5) The board must designate in advance, from among its members and the deputy governors of the DICJ, a person who performs the duties of the chairperson in their place if the chairperson is unable to attend to their duties.

(委員等の任命)

(Appointment of Members)

第十七条 委員及び臨時委員（以下「委員等」という。）は、金融に関して専門的な知識と経験を有する者のうちから、機構の理事長が内閣総理大臣及び財務大臣の認可を受けて任命する。

Article 17 Members and temporary members (hereinafter referred to as "members, etc.") are appointed from among persons with experience and expertise in financial matters by the governor of the DICJ, with the authorization of the Prime Minister and the Minister of Finance.

(委員等の任期)

(Term of Office of Members)

第十八条 委員の任期は、一年とする。ただし、委員が欠けた場合における補欠の委員の任期は、前任者の残任期間とする。

Article 18 (1) The term of office of members is one year; provided, however, that the term of office of a member who fills a vacancy is the remaining term of their predecessor.

2 委員は、再任されることができる。

(2) Members may be reappointed.

3 臨時委員は、その者の任命に係る当該特別の事項に関する調査審議が終了したときは、解任されるものとする。

(3) Temporary members are dismissed when the study and deliberation of the special matters in relation to their appointment have been concluded.

(委員等の解任)

(Dismissal of Members)

第十九条 機構の理事長は、委員等が次の各号のいずれかに該当するに至つたときは、内閣総理大臣及び財務大臣の認可を受けて、その委員等を解任することができる。

Article 19 The governor of the DICJ may dismiss a member, etc. with the authorization of the Prime Minister and the Minister of Finance if the member, etc. has come to fall under any of the following items:

一 破産手続開始の決定を受けたとき。

(i) the member, etc. has received a ruling for the commencement of bankruptcy proceedings;

二 禁錮以上の刑に処せられたとき。

(ii) the member, etc. has been sentenced to imprisonment or a heavier punishment;

三 心身の故障のため職務を執行することができないと認められるとき。

(iii) the member, etc. is deemed unable to carry out their duties due to mental or physical disability; or

四 職務上の義務違反があるとき。

(iv) the member, etc. has breached their obligations in the course of their duties.

(委員等の報酬)

(Remuneration of Members)

第二十条 委員等は、報酬を受けない。ただし、旅費その他職務の遂行に伴う実費を受けるものとする。

Article 20 Members, etc. do not receive any remuneration; provided, however, that they will be paid travel expenses and other actual expenses incurred in connection with carrying out their duties.

(議決の方法)

(Means of Resolution)

第二十一条 委員会は、委員長又は第十六条第五項に規定する委員長の職務を代理する者のほか、委員、議事に関係のある臨時委員及び機構の理事のうち半数以上が出席しなければ、会議を開き、議決をすることができない。

Article 21 (1) The board may not convene a meeting or deliberate on a resolution unless the chairperson or the person who performs the duties of the chairperson prescribed in Article 16, paragraph (5) and half or more of the members, temporary members concerned with the business of the meeting, and deputy governors of the DICJ are present.

2 委員会の議事は、出席した委員長、委員、議事に関係のある臨時委員及び機構の理事の過半数をもつて決する。可否同数のときは、委員長が決する。

(2) Decisions of the board will be made through a majority of the votes of the

chairperson, members, temporary members concerned with the content of the meeting, and deputy governors of the DICJ who are present. In the event of a tie, the chairperson casts the deciding vote.

3 内閣総理大臣及び財務大臣がそれぞれ指名するその職員は、第一項の会議に出席し、意見を述べることができる。

(3) Staff members appointed by the Prime Minister or the Minister of Finance, may attend the meeting prescribed in paragraph (1) and express their opinions.

4 日本銀行政策委員会が指名する日本銀行の理事は、第一項の会議に出席し、意見を述べることができる。

(4) The executive directors of the Bank of Japan who are appointed by the Bank of Japan's Board may attend the meeting prescribed in paragraph (1) and express their opinions.

(委員等の秘密保持義務)

(Obligation of Members to Maintain Confidentiality)

第二十二條 委員等は、その職務上知ることのできた秘密を漏らしてはならない。委員等がその職を退いた後も、同様とする。

Article 22 Members, etc. must not divulge any secret which may have come to their knowledge in the course of their duties. The same applies after they have left their position.

(委員等の公務員たる性質)

(Status of Members as Public Officials)

第二十三條 委員等は、刑法（明治四十年法律第四十五号）その他の罰則の適用については、法令により公務に従事する職員とみなす。

Article 23 Members, etc. are deemed to be officials engaging in public duties pursuant to the provisions of laws and regulations with regard to the application of the Penal Code (Act No. 45 of 1907) and other penal provisions.

第四節 役員等

Section 4 Officers

(役員)

(Officers)

第二十四條 機構に、役員として理事長一人、理事四人以内及び監事一人を置く。

Article 24 The DICJ has one governor, not more than four deputy governors, and one Inspector as its officers.

(役員職務及び権限)

(Duties and Authority of Officers)

第二十五條 理事長は、機構を代表し、その業務を総理する。

Article 25 (1) The governor represents the DICJ and presides over its operations.

2 理事は、理事長の定めるところにより、機構を代表し、理事長を補佐して機構の業務を掌理し、理事長に事故があるときはその職務を代理し、理事長が欠員のときはその職務を行う。

(2) The deputy governors, in accordance with decisions made by the governor, represent the DICJ, assist the governor in administrating the operations of the DICJ, perform the duties of the governor in their place if the governor is unable to attend to their duties, and perform the duties of the governor when the post is vacant.

3 監事は、機構の業務を監査する。

(3) An inspector audits the operations of the DICJ.

4 監事は、監査の結果に基づき、必要があると認めるときは、理事長又は内閣総理大臣及び財務大臣に意見を提出することができる。

(4) An inspector may, when finding it necessary based on the audit results, submit their opinion to the governor or the Prime Minister and the Minister of Finance.

(役員任命)

(Appointment of Officers)

第二十六条 役員は、両議院の同意を得て、内閣総理大臣が任命する。

Article 26 (1) Officers are appointed by the Prime Minister with consent from both Houses of the Diet.

2 役員任期が満了し、又は欠員が生じた場合において、国会の閉会又は衆議院の解散のために両議院の同意を得ることができないときは、内閣総理大臣は、前項の規定にかかわらず、役員を任命することができる。

(2) Notwithstanding the provisions of the preceding paragraph, the Prime Minister may newly appoint an officer if the term of office of an officer expires or a vacancy occurs at a time when the Diet is out of session or the House of Representatives has been dissolved and it is impossible to obtain consent from both Houses.

3 前項の場合においては、任命後最初の国会において両議院の事後の承認を得なければならない。この場合において、両議院の事後の承認が得られないときは、内閣総理大臣は、直ちにその役員を解任しなければならない。

(3) In the case referred to in the preceding paragraph, ex post facto consent by both Houses of the Diet must be obtained in the first Diet after the appointment. In this case, if the ex post facto consent cannot be obtained by both Houses of the Diet, the Prime Minister must immediately dismiss that officer.

(役員任期)

(Term of Office of Officers)

第二十七条 役員の任期は、二年とする。

Article 27 (1) The term of office of officers is two years.

2 役員は、再任されることができる。

(2) Officers may be reappointed.

3 役員の任期が満了したときは、当該役員は、後任者が任命されるまで引き続きその職務を行うものとする。

(3) When the term of office of an officer has expired, the relevant officer is to continue to carry out their duties until their successor is appointed.

(役員の欠格条項)

(Ineligibility of Officers)

第二十八条 政府又は地方公共団体の職員（非常勤の者を除く。）は、役員となること
ができない。

Article 28 No employee of the government or a local public entity (excluding part-time employees) is eligible to become an officer.

(役員の解任)

(Dismissal of Officers)

第二十九条 内閣総理大臣は、役員が前条の規定に該当するに至ったときは、その役員
を解任しなければならない。

Article 29 (1) The Prime Minister must dismiss an officer if that officer has come to fall under the preceding Article.

2 内閣総理大臣は、役員が第十九条各号の一に該当するに至ったとき、その他役員たるに
適しないと認めるときは、その役員を解任することができる。

(2) The Prime Minister may dismiss an officer if they come to fall under any of the items of Article 19 or if the Prime Minister otherwise finds that it is inappropriate for the officer to remain in office.

(役員の兼職禁止)

(Prohibition of the Concurrent Holding of Positions by Officers)

第三十条 役員（監事を除く。）は、営利を目的とする団体の役員となり、又は自ら営
利事業に従事してはならない。ただし、内閣総理大臣の承認を受けたときは、この限
りでない。

Article 30 An officer (excluding an inspector) must not take office as an officer of a for-profit organization or personally engage in for-profit business; provided, however, that this does not apply when approval from the Prime Minister has been obtained.

(代表権の制限)

(Restrictions on the Right to Represent)

第三十一条 機構と理事長又は理事との利益が相反する事項については、これらの者は、

代表権を有しない。この場合には、監事が機構を代表する。

Article 31 The governor or deputy governor does not have the right to represent with regard to any matters for which the interests of the DICJ and those of the governor or deputy governors conflict with each other. In this case, an inspector represents the DICJ.

(代理人の選任)

(Appointment of Representatives)

第三十一条の二 理事長は、機構の職員のうちから、機構の業務の一部に関する一切の裁判上又は裁判外の行為を行う権限を有する代理人を選任することができる。

Article 31-2 The governor may appoint from among the employees of the DICJ a representative who has the authority to perform all judicial and non-judicial acts in connection with part of the operations of the DICJ.

(職員の任命)

(Appointment of Staff)

第三十二条 機構の職員は、理事長が任命する。

Article 32 Staff of the DICJ will be appointed by the governor.

(役員等の秘密保持義務等)

(Obligation of Officers to Maintain Confidentiality)

第三十三条 第二十二條及び第二十三條の規定は、役員及び職員について準用する。

Article 33 The provisions of Article 22 and Article 23 apply mutatis mutandis to officers and staff members.

第五節 業務

Section 5 Operations

(業務の範囲)

(Scope of Operations)

第三十四条 機構は、第一条の目的を達成するため、次の業務を行う。

Article 34 The DICJ conducts the following operations in order to achieve the purpose prescribed in Article 1:

一 次章第二節の規定による保険料の収納

(i) collection of insurance premiums under the provisions of Section 2 of the following Chapter;

二 次章第三節の規定による保険金及び仮払金の支払

(ii) payment of insurance proceeds and provisional payment under the provisions of Section 3 of the following Chapter;

三 次章第四節の規定による資金援助その他同節の規定による業務

(iii) financial assistance and other business under the provisions of Section 4 of

- the following Chapter;
- 四 第六十九条の三の規定による資金の貸付け
(iv) loan of funds under the provisions of Article 69-3;
- 五 第四章の規定による預金等債権の買取り
(v) purchase of deposits and other claims under the provisions of Chapter IV;
- 六 第七十八条第二項の規定による金融整理管財人又は金融整理管財人代理の業務
(vi) duties of a financial administrator or a financial administrator's representative under the provisions of Article 78, paragraph (2);
- 七 第六章の規定による承継銀行の経営管理その他同章の規定による業務
(vii) management of a bridge bank and other business under the provisions of Chapter VI;
- 八 第六章の二の規定による金融機関の特定回収困難債権の買取りその他同章の規定による業務
(viii) purchase of specified, difficult-to-collect claims of a financial institution under the provisions of Chapter VI-2 and other business under the provisions of the same Chapter;
- 九 第七章の規定による株式等の引受け等その他同章の規定による業務
(ix) subscription for shares, etc. and other business under the provisions of Chapter VII;
- 十 第七章の二の規定による特別監視その他同章の規定による業務
(x) special monitoring under the provisions of Chapter VII-2 and other business under the provisions of the same Chapter;
- 十一 第二百二十七条第一項若しくは第二百二十八条において準用する第六十九条の三又は第二百二十七条の二若しくは第二百二十八条の二の規定による資金の貸付け及び第二百二十八条の三又は第二百二十九条の規定による資産の買取り
(xi) loan of funds under the provisions of Article 69-3 as applied mutatis mutandis pursuant to Article 127, paragraph (1) or Article 128 or the provisions of Article 127-2 or Article 128-2 and purchase of assets under the provisions of Article 128-3 or Article 129;
- 十二 金融機関等の更生手続の特例等に関する法律（平成八年法律第九十五号）第四章第四節、第五章第二節及び第六章第二節の規定による預金者表の提出その他これらの規定による業務
(xii) submission of lists of depositors and other business under the provisions of Section 4 of Chapter IV, Section 2 of Chapter V, and Section 2 of Chapter VI of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions (Act No. 95 of 1996);
- 十三 破産法（平成十六年法律第七十五号）の規定により選任される破産管財人、保全管理人、破産管財人代理若しくは保全管理人代理、民事再生法（平成十一年法律第二百二十五号）の規定により選任される監督委員、管財人、保全管理人、管財人代理若しくは保全管理人代理、会社更生法（平成十四年法律第百五十四号）の規定により選任される管財人、管財人代理、保全管理人、保全管理人代理若しくは監督

委員、金融機関等の更生手続の特例等に関する法律の規定により選任される管財人、管財人代理、保全管理人、保全管理人代理若しくは監督委員又は外国倒産処理手続の承認援助に関する法律（平成十二年法律第二百二十九号）の規定により選任される承認管財人、保全管理人、承認管財人代理若しくは保全管理人代理の業務

(xiii) business of a bankruptcy trustee, provisional administrator, bankruptcy trustee representative, or provisional administrator representative appointed under the provisions of the Bankruptcy Act (Act No. 75 of 2004), a supervisor, trustee, provisional administrator, trustee representative, or provisional administrator representative appointed under the provisions of the Civil Rehabilitation Act (Act No. 225 of 1999), a trustee, trustee representative, provisional administrator, provisional administrator representative, or supervisor appointed under the provisions of the Corporate Reorganization Act (Act No. 154 of 2002), a trustee, trustee representative, provisional administrator, provisional administrator representative, or supervisor appointed under the provisions of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions, or a recognition trustee, provisional administrator, recognition trustee representative, or provisional administrator representative appointed under the provisions of the Act on Recognition of and Assistance for Foreign Insolvency Proceedings (Act No. 129 of 2000); and

十四 前各号に掲げる業務に附帯する業務

(xiv) business incidental to that listed in the preceding items.

（業務の委託）

(Entrustment of Business)

第三十五条 機構は、内閣総理大臣及び財務大臣の認可を受けて、日本銀行、金融機関等（第二百六条の二第二項に規定する金融機関等をいう。以下この条、第二百二十二条第一項、第二百二十三条第二項及び第三項並びに第二百五条第一項において同じ。）、金融機関代理業者（銀行法第二条第十五項に規定する銀行代理業者、長期信用銀行法第十六条の五第三項に規定する長期信用銀行代理業者、信用金庫法第八十五条の二第三項に規定する信用金庫代理業者、協同組合による金融事業に関する法律（昭和二十四年法律第百八十三号）第六条の三第三項に規定する信用協同組合代理業者、労働金庫法（昭和二十八年法律第二百二十七号）第八十九条の三第三項に規定する労働金庫代理業者及び株式会社商工組合中央金庫法第二条第四項に規定する代理又は媒介に係る契約の相手方をいう。以下同じ。）又は電子決済等取扱業者等（銀行法第二条第十八項に規定する電子決済等取扱業者、信用金庫法第八十五条の三の二第一項に規定する信用金庫電子決済等取扱業者及び協同組合による金融事業に関する法律第六条の四の四第一項に規定する信用協同組合電子決済等取扱業者をいう。以下同じ。）に対し、その業務の一部を委託することができる。

Article 35 (1) The DICJ may, with the authorization of the Prime Minister and the Minister of Finance, entrust part of its operations to the Bank of Japan, a

financial institution, etc. (meaning the financial institution, etc. prescribed in Article 126-2, paragraph (2); hereinafter the same applies in this Article, Article 122, paragraph (1), Article 123, paragraphs (2) and (3), and Article 125, paragraph (1)), a financial institution agent (meaning a bank agent prescribed in Article 2, paragraph (15) of the Banking Act, Long-Term Credit Bank agent prescribed in Article 16-5, paragraph (3) of the Long-Term Credit Bank Act, Shinkin bank agent prescribed in Article 85-2, paragraph (3) of the Shinkin Bank Act, credit cooperative agent prescribed in Article 6-3, paragraph (3) of the Act on Financial Business by Cooperatives (Act No. 183 of 1949), labor bank agent prescribed in Article 89-3, paragraph (3) of the Labor Bank Act (Act No. 227 of 1953) and the other party to contracts in relation to the agency or intermediary prescribed in Article 2, paragraph (4) of the Shoko Chukin Bank Limited Act; the same applies hereinafter), or an electronic payment handling service provider, etc. (meaning the electronic payment handling business operator prescribed in Article 2, paragraph (18) of the Banking Act, the electronic payment handling service provider for Shinkin banks prescribed in Article 85-3-2, paragraph (1) of the Shinkin Bank Act, and the electronic payment handling service provider for credit cooperatives prescribed in Article 6-4-4, paragraph (1) of the Act on Financial Business by Cooperatives; the same applies hereinafter).

2 日本銀行、金融機関等、金融機関代理業者及び電子決済等取扱業者等は、他の法律の規定にかかわらず、前項の規定による委託を受け、当該業務を行うことができる。

(2) The Bank of Japan, a financial institution, etc., a financial institution agent, and an electronic payment handling service provider, etc. may conduct business entrusted under the preceding paragraph notwithstanding the provisions of any other Acts.

3 第二十三条の規定は、第一項の規定による委託を受けた金融機関等、金融機関代理業者又は電子決済等取扱業者等の役員又は職員で、当該業務に従事するものについて準用する。

(3) The provisions of Article 23 apply mutatis mutandis to officers or staff of a financial institution, etc., financial institution agent or electronic payment handling service provider, etc. engaged in the business entrusted to the financial institution or financial institution agent under paragraph (1).

(業務方法書)

(Statement of Business Procedures)

第三十六条 機構は、業務開始の際、業務方法書を作成し、内閣総理大臣及び財務大臣の認可を受けなければならない。これを変更しようとするときも、同様とする。

Article 36 (1) The DICJ must prepare a statement of business procedures when commencing operations and obtain the authorization of the Prime Minister and the Minister of Finance. The same applies when the DICJ intends to amend the

statement.

2 前項の業務方法書には、保険料に関する事項その他内閣府令・財務省令で定める事項を記載しなければならない。

(2) The statement of business procedures prescribed in the preceding paragraph must state matters concerning insurance premiums and other matters specified by Cabinet Office Order and Order of the Ministry of Finance.

(報告又は資料の提出の請求等)

(Request for Submission of Reports or Materials)

第三十七条 機構は、次の各号に掲げる業務を行うため必要があると認めるときは、当該各号に定める者に対し、その業務又は財産の状況に関し報告又は資料の提出を求めることができる。

Article 37 (1) When the DICJ finds it necessary for conducting the business set forth in the following items, it may request the persons specified respectively in those items to submit reports or materials with regard to the status of its business and assets:

一 第三十四条第一号、第二号、第四号から第六号まで、第八号若しくは第十二号に掲げる業務又はこれらの業務に係る同条第十四号に掲げる業務 金融機関（当該金融機関を所属金融機関（銀行法第二条第十六項に規定する所属銀行、長期信用銀行法第十六条の五第三項に規定する所属長期信用銀行、信用金庫法第八十五条の二第三項に規定する所属信用金庫、協同組合による金融事業に関する法律第六条の三第三項に規定する所属信用協同組合及び労働金庫法第八十九条の三第三項に規定する所属労働金庫をいう。以下同じ。）とする金融機関代理業者、株式会社商工組合中央金庫の株式会社商工組合中央金庫法第二条第四項に規定する代理又は媒介に係る契約の相手方及び当該金融機関を委託金融機関（銀行法第二条第十七項第二号に規定する委託銀行、信用金庫法第八十五条の三第二項第二号に規定する委託信用金庫及び協同組合による金融事業に関する法律第六条の四の三第二項第二号に規定する委託信用協同組合をいう。以下同じ。）とする電子決済等取扱業者等を含む。次号において同じ。）

(i) business prescribed in Article 34, items (i), (ii), (iv) through (vi), (viii), or (xii), or business prescribed in item (xiv) of the same Article in relation to the business: a financial institution (including a financial institution agent having the financial institution as its principal financial institution (meaning the principal bank prescribed in Article 2, paragraph (16) of the Banking Act, principal long-term credit bank prescribed in Article 16-5, paragraph (3) of the Long-Term Credit Bank Act, principal Shinkin bank prescribed in Article 85-2, paragraph (3) of the Shinkin Bank Act, principal credit cooperative prescribed in Article 6-3, paragraph (3) of the Act on Financial Business by Cooperatives, and principal labor bank prescribed in Article 89-3, paragraph (3) of the Labor Bank Act; the same applies hereinafter), the other party to a contract of the Shoko Chukin Bank Ltd. in

- relation to the agency or intermediary prescribed in Article 2, paragraph (4) of the Shoko Chukin Bank Limited Act, and an electronic payment handling service provider, etc. having the relevant financial institution as its entrusting financial institution (meaning the entrusting bank prescribed in Article 2, paragraph (17), item (ii) of the Banking Act, the entrusting Shinkin bank prescribed in Article 85-3, paragraph (2), item (ii) of the Shinkin Bank Act, and the entrusting credit cooperative prescribed in Article 6-4-3, paragraph (2), item (ii) of the Act on Financial Business by Cooperatives; the same applies hereinafter); the same applies in the following item);
- 二 第三十四条第三号、第七号若しくは第九号に掲げる業務又はこれらの業務に係る同条第十四号に掲げる業務 金融機関又は銀行持株会社等
- (ii) business prescribed in Article 34, item (iii), (vii), or (ix), or business prescribed in item (xiv) of the Article in relation to the business: a financial institution or bank holding company, etc.; and
- 三 第三十四条第十号、第十一号若しくは第十三号に掲げる業務又はこれらの業務に係る同条第十四号に掲げる業務 金融機関等（第二百二十六条の二第二項に規定する金融機関等をいい、当該金融機関等を所属金融機関とする金融機関代理業者、株式会社商工組合中央金庫の株式会社商工組合中央金庫法第二条第四項に規定する代理又は媒介に係る契約の相手方及び当該金融機関等を委託金融機関とする電子決済等取扱業者等、当該金融機関等を所属保険会社等（保険業法（平成七年法律第百五号）第二条第二十四項に規定する所属保険会社等をいう。以下同じ。）とする生命保険募集人（保険業法第二条第十九項に規定する生命保険募集人をいう。以下同じ。）及び損害保険募集人（保険業法第二条第二十項に規定する損害保険募集人をいう。以下同じ。）並びに当該金融機関等を所属金融商品取引業者等（金融商品取引法（昭和二十三年法律第二十五号）第六十六条の二第一項第四号に規定する所属金融商品取引業者等をいう。以下同じ。）とする金融商品仲介業者（金融商品取引法第二条第十二項に規定する金融商品仲介業者をいう。以下同じ。）を含む。次項において同じ。）又は特定持株会社等（第二百二十六条の二十八第一項に規定する特定持株会社等をいう。次項において同じ。）
- (iii) business prescribed in Article 34, item (x), (xi), or (xiii), or business prescribed in item (xiv) of the Article in relation to business: a financial institution, etc. (meaning the financial institution, etc. prescribed in Article 126-2, paragraph (2), and including a financial institution Agent with the relevant financial institution, etc. as its principal financial institution, the other party to a contract of the Shoko Chukin Bank Ltd. in relation to the agency or intermediary prescribed in Article 2, paragraph (4) of the Shoko Chukin Bank Limited Act, and an electronic payment handling service provider, etc. having the relevant financial institution, etc. as its entrusting financial institution, a life insurance agent (meaning the life insurance agent prescribed in Article 2, paragraph (19) of the Insurance Business Act (Act No. 105 of 1995); the same applies hereinafter) and non-life insurance agent

(meaning the non-life insurance agent prescribed in Article 2, paragraph (20) of the Insurance Business Act; the same applies hereinafter) with the relevant financial institution, etc. as their affiliated insurance company, etc. (meaning the affiliated insurance company, etc. prescribed in Article 2, paragraph (24) of the Insurance Business Act; the same applies hereinafter), and a financial instruments intermediary service provider (meaning the financial instruments intermediary service provider prescribed in Article 2, paragraph (12) of the Financial Instruments and Exchange Act (Act No. 25 of 1948); the same applies hereinafter) with the relevant financial institution, etc. as its entrusting financial instruments business, etc. (meaning the entrusting financial instruments business, etc. prescribed in Article 66-2, paragraph (1), item (iv) of the Financial Instruments and Exchange Act; the same applies hereinafter); the same applies in the following paragraph), or a specified holding company, etc. (meaning the specified holding company, etc. prescribed in Article 126-28, paragraph (1); the same applies in the following paragraph).

2 前項の規定により報告又は資料の提出を求められた金融機関等又は特定持株会社等は、遅滞なく、報告又は資料の提出をしなければならない。

(2) A financial institution, etc. or specified holding company, etc. must submit reports or materials without delay when requested to do so under the preceding paragraph.

3 機構は、次に掲げる者（第三号及び第四号に掲げる者が法人である場合にあつては、その役員及び使用人を含む。以下この項において「対象者」という。）及び対象者であつた者に対し、破綻金融機関、破産手続開始の決定を受けた者（当該破産手続開始の決定を受ける前において銀行等であつた者に限る。以下この項、次条及び第百四十五条第一項において同じ。）若しくは特別監視金融機関等（第百二十六条の三第二項に規定する特別監視金融機関等をいい、破綻金融機関を除く。以下この項において同じ。）の業務及び財産の状況（対象者であつた者については、その者が破綻金融機関又は特別監視金融機関等の業務に従事していた期間内に知ることのできた事項に係るものに限る。）につき報告を求め、又は破綻金融機関、破産手続開始の決定を受けた者若しくは特別監視金融機関等及び第三号若しくは第四号に掲げる者の帳簿、書類その他の物件を検査することができる。この場合において、機構は、他の法令に基づき当該破綻金融機関若しくは破産手続開始の決定を受けた者の財産を管理し、又は処分する権限を有する者による当該権限の行使を妨げてはならない。

(3) The DICJ may request any of the following persons (if the persons set forth in items (iii) and (iv) are corporations, including any of their officers and employees; hereinafter referred to as a "target person" in this paragraph) and a person who was previously a target person to report on the status of business and assets of the failed financial institution, person who has become subject to a ruling for the commencement of bankruptcy proceedings (limited to a person who was a bank, etc. prior to becoming subject to the relevant ruling for the

commencement of bankruptcy proceedings; hereinafter the same applies in this paragraph, the following Article, and Article 145, paragraph (1)) or financial institution, etc. under special monitoring (meaning the financial institution, etc. under special monitoring prescribed in Article 126-3, paragraph (2), and excluding a failed financial institution; hereinafter the same applies in this paragraph) (with regard to any person who was previously a target person, limited to the status in relation to matters that could have been known by them during the period when they were engaged in the operations of the failed financial institution, person who has become subject to a ruling for the commencement of bankruptcy proceedings or financial institution, etc. under special monitoring), or inspect the books, documents, and any other items of the failed financial institution or financial institution, etc. under special monitoring and the person set forth in item (iii) or (iv); in this case, the DICJ must not prevent a person having the authority under other laws and regulations to administer or dispose of the property of the failed financial institution or a person who has become subject to a ruling for the commencement of bankruptcy proceedings from exercising such authority:

一 破綻金融機関又は破産手続開始の決定を受けた者の理事、取締役、執行役、会計参与（会計参与が法人である場合にあつては、その職務を行うべき社員を含む。次号及び第八十一条第一項において同じ。）、監事、監査役及び会計監査人（会計監査人が法人である場合にあつては、その職務を行うべき社員を含む。同号及び同項において同じ。）並びに支配人、参事その他の使用人

(i) a director, company director, executive officer, accounting advisor (if the accounting advisor has legal personality, including a member who is to perform the duties of the accounting advisor; the same applies in the following item and Article 81, paragraph (1)), inspector, corporate auditor, accounting auditor (if the accounting auditor has legal personality, including a member who is to perform the duties of the accounting auditor; the same applies in the same applies in the same item and the same paragraph), manager, counselor, or any other employee of a failed financial institution or person who has become subject to a ruling for the commencement of bankruptcy proceedings;

二 特別監視金融機関等の理事、取締役、執行役、業務を執行する社員（業務を執行する社員が法人である場合にあつては、その職務を行うべき者を含む。）、日本における代表者、会計参与、監事、監査役及びこれらに準ずる者並びに会計監査人並びに支配人、参事その他の使用人

(ii) a director, company director, executive officer, member who conducts business (if the member who conducts business has legal personality, including a person who is to perform the duties of the member who conducts business), representative in Japan, accounting advisor, inspector, corporate auditor, or a person equivalent to any of these, accounting auditor, manager,

counselor, or any other employee of a financial institution, etc. under special monitoring;

三 破綻金融機関を所属金融機関とする金融機関代理業者、株式会社商工組合中央金庫（破綻金融機関である場合に限る。）の株式会社商工組合中央金庫法第二条第四項に規定する代理若しくは媒介に係る契約の相手方又は破綻金融機関を委託金融機関とする電子決済等取扱業者等

(iii) a financial institution agent with a failed financial institution as its principal financial institution, the other party to a contract in relation to the agency or intermediary prescribed in Article 2, paragraph (4) of the Shoko Chukin Bank Limited Act of the Shoko Chukin Bank, Ltd. (limited to cases where it is a failed financial institution) or an electronic payment handling service provider, etc. having a failed financial institution as its entrusting financial institution; and

四 特別監視金融機関等を所属金融機関とする金融機関代理業者、株式会社商工組合中央金庫（特別監視金融機関等である場合に限る。）の株式会社商工組合中央金庫法第二条第四項に規定する代理若しくは媒介に係る契約の相手方若しくは特別監視金融機関等を委託金融機関とする電子決済等取扱業者等、特別監視金融機関等を所属保険会社等とする生命保険募集人若しくは損害保険募集人又は特別監視金融機関等を所属金融商品取引業者等とする金融商品仲介業者

(iv) a financial institution agent with a financial institution, etc. under special monitoring as its principal financial institution, the other party to a contract in relation to the agency or intermediary prescribed in Article 2, paragraph (4) of the Shoko Chukin Bank Limited Act of the Shoko Chukin Bank, Ltd. (limited to the case where it is a financial institution, etc. under special monitoring), an electronic payment handling service provider, etc. having a financial institution, etc. under special monitoring as its entrusting financial institution, a life insurance agent or non-life insurance agent having a financial institution, etc. under special monitoring as its affiliated insurance company, etc., or a financial instruments intermediary service provider having a financial institution, etc. under special monitoring as its entrusting financial instruments business, etc.

4 機構は、その業務を行うため必要があると認めるときは、官庁、公共団体その他の者に照会し、又は協力を求めることができる。

(4) If the DICJ finds it necessary for conducting its business, it may inquire with, or request the cooperation of government agencies, public entities, or any other relevant person.

5 国、都道府県又は日本銀行は、機構がその業務を行うため特に必要があると認めて要請をしたときは、機構に対し、資料を交付し、又はこれを閲覧させることができる。

(5) The national or prefectural government or the Bank of Japan may deliver relevant materials to the DICJ or make them available for inspection by the DICJ if the DICJ finds it particularly necessary to do so for conducting its

business and makes a request for delivery or inspection.

(破綻金融機関等の経営者等の破綻の責任を明確にするための措置)

(Measures to Clarify the Liability of Management for the Failure of a Failed Financial Institution)

第三十七条の二 機構は、破綻金融機関又は破産手続開始の決定を受けた者（以下この項において「破綻金融機関等」という。）の取締役、会計参与、監査役若しくは会計監査人（破綻金融機関等が監査等委員会設置会社である場合にあっては取締役、会計参与又は会計監査人、破綻金融機関等が指名委員会等設置会社である場合にあっては取締役、執行役、会計参与又は会計監査人、破綻金融機関等が第六十六条第二項に規定する信用金庫等である場合にあっては、理事、監事又は会計監査人）又はこれらの者であつた者の職務上の義務違反に基づく民事上の責任を履行させるため、訴えの提起その他の必要な措置をとらなければならない。この場合において、機構は、他の法令に基づき当該破綻金融機関等の財産を管理し、又は処分する権限を有する者による当該権限の行使を妨げてはならない。

Article 37-2 (1) The DICJ must file an action or take other necessary measures in order to have a director, accounting advisor, corporate auditor or accounting auditor of a failed financial institution or person who has become subject to a ruling for the commencement of bankruptcy proceedings (hereinafter referred to as a "failed financial institution, etc." in this paragraph) (a company director, accounting advisor, or accounting auditor if the failed financial institution, etc. is a company with an audit and supervisory committee; a company director, executive officer, accounting advisor or accounting auditor if the failed financial institution is a company with a nominating committee, etc.; and a director, inspector or accounting auditor if the failed financial institution is a Shinkin bank, etc. prescribed in Article 66, paragraph (2)) or a person who previously held any of these positions perform civil responsibilities based on a breach of obligations in the course of duties. In this case, the DICJ must not prevent a person having the authority under other laws and regulations to administer or dispose of the property of the failed financial institution, etc. from exercising the authority.

2 機構は、その役員又は職員が前項の措置に係る職務を行うことにより犯罪があると思料するときは直ちに所要の報告をさせ、当該報告があつたときは告発に向けて所要の措置をとらなければならない。

(2) By carrying out their duties relating to the measures referred to in the preceding paragraph, when an officer or employee of the DICJ believes that an offense has been committed, the DICJ must have the officer or employee make a necessary report immediately, and must take necessary measures toward filing a criminal accusation if the report is made.

第六節 財務及び会計

Section 6 Finance and Accounting

(事業年度)

(Business Year)

第三十八条 機構の事業年度は、毎年四月一日に始まり、翌年三月三十一日に終わる。

Article 38 The business year of the DICJ is from April 1 to March 31 of the following year.

(予算等の認可)

(Authorization for a Budget)

第三十九条 機構は、毎事業年度、予算及び資金計画を作成し、当該事業年度の開始前に、内閣総理大臣及び財務大臣の認可を受けなければならない。これを変更しようとするときも、同様とする。

Article 39 The DICJ must prepare a budget and funding plan for each business year and obtain the authorization of the Prime Minister and the Minister of Finance before the start of that business year. The same applies when the DICJ intends to amend the budget and/or funding plan.

(財務諸表等)

(Financial Statements)

第四十条 機構は、毎事業年度、財産目録、貸借対照表及び損益計算書（以下この条において「財務諸表」という。）を作成し、当該事業年度の終了後三月以内に内閣総理大臣及び財務大臣に提出し、その承認を受けなければならない。

Article 40 (1) The DICJ must prepare an inventory of assets, a balance sheet, and a profit and loss statement (hereinafter referred to as "financial statements" in this Article) for each business year and submit the financial statements for approval to the Prime Minister and the Minister of Finance within three months of the end of that business year.

2 機構は、前項の規定により財務諸表を内閣総理大臣及び財務大臣に提出するときは、これに当該事業年度の事業報告書及び予算の区分に従い作成した決算報告書並びに財務諸表及び決算報告書に関する監事の意見書を添付しなければならない。

(2) When submitting financial statements to the Prime Minister and the Minister of Finance under the preceding paragraph, the DICJ must attach thereto a business report, statement of accounts prepared according to the classification of budget, and written opinion of the inspector on the financial statements and statement of accounts for that business year.

3 機構は、第一項の規定による内閣総理大臣及び財務大臣の承認を受けたときは、遅滞なく、財務諸表を官報に公告し、かつ、財務諸表及び附属明細書並びに前項の事業報告書、決算報告書及び監事の意見書を、各事務所に備えて置き、内閣府令・財務省令で定める期間、一般の閲覧に供しなければならない。

(3) Upon obtaining approval from the Prime Minister and the Minister of Finance

pursuant to the provisions of paragraph (1), the DICJ must give public notice of the financial statements in the Official Gazette without delay, keep at each of the DICJ's offices the financial statements and supplementary schedules, business reports, statement of accounts, and written opinions of the inspector prescribed in the preceding paragraph, and make them available for public inspection for a period specified by Cabinet Office Order and Order of the Ministry of Finance.

(区分経理)

(Separate Accounting)

第四十条の二 機構は、次に掲げる業務ごとに経理を区分し、それぞれ勘定を設けて整理しなければならない。

Article 40-2 The DICJ must separate the accounting and prepare separate accounts for each of the following:

一 第三十四条各号に掲げる業務（次号に掲げるものを除く。）

(i) business listed in each item of Article 34 (excluding those listed in the following item); and

二 第七条第一項の規定による株式等の引受け等に係る業務、第二十二条第一項の規定による負担金の収納、第二十六条の十九第一項の規定による資金の貸付け及び債務の保証に係る業務、第二十六条の二十二第七項において準用する第七條第一項の規定による特定株式等の引受け等（第二十六条の二十二第一項に規定する特定株式等の引受け等をいう。第二十六条の二第一項第一号及び第二十六条の二十一第一項において同じ。）に係る業務、第二十六条の三十一又は第二十六条の三十八第七項において準用する第六十四条第一項の決定に基づく特定資金援助（第二十六条の二十八第一項に規定する特定資金援助をいう。第二十六条の二第一項第二号において同じ。）に係る業務、第二十六条の三十二第四項において準用する第六十四条第一項の決定に基づく第二十六条の三十二第一項に規定する追加的特定資金援助に係る業務、第二十六条の三十五第一項又は第二項の規定による出資に係る業務、第二十六条の三十七において準用する第九十八条第一項の規定による資金の貸付け及び債務の保証に係る業務、第二十六条の三十七において準用する第九十九条の規定による損失の補填に係る業務、第二十六条の三十九第一項の規定による特定負担金（同項に規定する特定負担金をいう。第二十三条から第二十五条までにおいて同じ。）の収納、第二十七条の二第一項又は第二十八条の二第一項の規定による資金の貸付けに係る業務並びに第二十九条第一項の規定による資産の買取り（第二十六条の三第二項に規定する特別監視金融機関等及び協定特定承継金融機関等（第二十六条の三十七において読み替えて準用する第九十七条第一項第一号に規定する協定特定承継金融機関等をいう。以下同じ。）に係るものに限る。）に係る業務並びにこれらの業務に附帯する業務

(ii) business in relation to the subscription for shares, etc. prescribed in Article 107, paragraph (1), receipt of contributions pursuant to the provisions of Article 122, paragraph (1), operations in relation to the lending of funds and

guarantee of obligations under Article 126-19, paragraph (1), business in relation to subscription for specified shares, etc. (meaning the subscription for specified shares, etc. prescribed in Article 126-22, paragraph (1); the same applies in Article 126-2, paragraph (1), item (i) and Article 126-21, paragraph (1)) under Article 107, paragraph (1) as applied mutatis mutandis pursuant to Article 126-22, paragraph (7), business in relation to the specified financial assistance (meaning the specified financial assistance prescribed in Article 126-28, paragraph (1); the same applies in Article 126-2, paragraph (1), item (ii)) based on the decision set forth in Article 64, paragraph (1) as applied mutatis mutandis pursuant to Article 126-31 or Article 126-38, paragraph (7), business in relation to the additional specified financial assistance prescribed in Article 126-32, paragraph (1) based on the decision set forth in Article 64, paragraph (1) as applied mutatis mutandis pursuant to Article 126-32, paragraph (4), business in relation to contribution under Article 126-35, paragraph (1) or (2), business in relation to loan of funds and guarantee of obligations under Article 98, paragraph (1) as applied mutatis mutandis pursuant to Article 126-37, business in relation to compensation for loss under Article 99 as applied mutatis mutandis pursuant to Article 126-37, collection of specified contributions (meaning the specified contributions prescribed in Article 126-39, paragraph (1); the same applies in Articles 123 through 125) under the same paragraph, business in relation to loan of funds under Article 127-2, paragraph (1) or Article 128-2, paragraph (1), business in relation to purchase of assets (limited to those in relation to the financial institution, etc. under special monitoring prescribed in Article 126-3, paragraph (2) and a contracted specified bridge financial institution, etc. (meaning the contracted specified bridge financial institution, etc. prescribed in Article 97, paragraph (1), item (i) as applied mutatis mutandis by replacing the terms pursuant to Article 126-37; the same applies hereinafter)) under Article 129, paragraph (1), and business incidental thereto.

(責任準備金の積立て)

(Accumulation of Policy Reserves)

第四十一条 機構は、一般勘定（前条第一号に掲げる業務に係る勘定をいう。以下同じ。）について、内閣府令・財務省令で定めるところにより、毎事業年度末において、責任準備金を計算し、これを積み立てなければならない。

Article 41 At the end of each business year, the DICJ must calculate the policy reserve for the general account (meaning the account in relation to operations listed in item (i) of the preceding Article; the same applies hereinafter) to be set aside pursuant to the provisions of Cabinet Office Order and Order of the Ministry of Finance.

(借入金及び預金保険機構債)

(Borrowing and DICJ Bonds)

第四十二条 機構は、第四十条の二第一号に掲げる業務を行うため必要があると認めるときは、内閣総理大臣及び財務大臣の認可を受けて、金融機関その他の者（日本銀行を除く。）から資金の借入れ（借換えを含む。）をし、又は預金保険機構債（以下「機構債」という。）の発行（機構債の借換えのための発行を含む。）をすることができる。この場合において、機構は、機構債の債券を発行することができる。

Article 42 (1) The DICJ may, with the authorization of the Prime Minister and the Minister of Finance, borrow funds (including refinancing) from a financial institution or any other person (excluding the Bank of Japan) or issue deposit insurance DICJ bonds (hereinafter referred to as "DICJ bonds") (including issuance for the purpose of refinancing DICJ bonds) when the DICJ finds it necessary for conducting the operations listed in Article 40-2, item (i). In this case, the DICJ may issue DICJ bonds.

2 機構は、前項に規定する業務を行う場合における一時的な資金繰りのために必要があると認めるときは、内閣総理大臣及び財務大臣の認可を受けて、日本銀行から資金の借入れ（借換えを含む。）をすることができる。

(2) The DICJ may, with the authorization of the Prime Minister and the Minister of Finance, borrow funds (including refinancing) from the Bank of Japan when the DICJ finds it necessary for temporary cash flow in the event of conducting the business prescribed in the preceding paragraph.

3 第一項の規定による借入金の現在額、同項の規定により発行する機構債の元本に係る債務の現在額及び前項の規定による借入金の現在額の合計額は、政令で定める金額を超えることとなつてはならない。

(3) The total of the current amount of borrowing carried out under paragraph (1), the current amount of obligations in relation to the principal of the DICJ Bonds issued under that paragraph, and the current amount of borrowing carried out under the preceding paragraph must not exceed the limit specified by Cabinet Order.

4 日本銀行は、日本銀行法（平成九年法律第八十九号）第四十三条第一項の規定にかかわらず、機構に対し、第二項の資金の貸付けをすることができる。

(4) Notwithstanding the provisions of Article 43, paragraph (1) of the Bank of Japan Act (Act No. 89 of 1997), the Bank of Japan may loan funds prescribed in paragraph (2) to the DICJ.

5 第一項の規定による機構債の債権者は、機構の財産について他の債権者に先立つて自己の債権の弁済を受ける権利を有する。

(5) Holders of the DICJ Bonds issued under paragraph (1) have the right to have their claims satisfied out of the assets of the DICJ in preference over other creditors.

6 前項の先取特権の順位は、民法（明治二十九年法律第八十九号）の規定による一般

の先取特権に次ぐものとする。

(6) The order of the statutory lien under the preceding paragraph will be next to the general statutory lien under the provisions of the Civil Code (Act No. 89 of 1896).

7 機構は、内閣総理大臣及び財務大臣の認可を受けて、機構債の発行に関する事務の全部又は一部を銀行等又は信託会社に委託することができる。

(7) The DICJ may, with the authorization of the Prime Minister and the Minister of Finance, entrust all or part of the affairs relating to the issuance of the DICJ bonds to a bank, etc. or trust company.

8 会社法第七百五条及び第七百九条の規定は、前項の規定により委託を受けた銀行等又は信託会社について準用する。

(8) The provisions of Article 705 or Article 709 of the Companies Act apply mutatis mutandis to the bank, etc. or trust company entrusted pursuant to the provisions of the preceding paragraph.

9 第一項及び第五項から前項までに定めるもののほか、機構債に関し必要な事項は、政令で定める。

(9) Beyond what is provided for in paragraph (1) and paragraph (5) through the preceding paragraph, necessary particulars for the DICJ bonds are specified by Cabinet Order.

(政府保証)

(Government Guarantees)

第四十二条の二 政府は、法人に対する政府の財政援助の制限に関する法律（昭和二十一年法律第二十四号）第三条の規定にかかわらず、国会の議決を経た金額の範囲内において、機構の前条第一項若しくは第二項の借入れ又は同条第一項の機構債に係る債務の保証をすることができる。

Article 42-2 Notwithstanding the provisions of Article 3 of the Act on Restrictions on Government Financial Assistance for Corporations (Act No. 24 of 1946), the government may provide guarantees for obligations in relation to the borrowing by the DICJ under paragraph (1) or (2) of the preceding Article or DICJ bonds under paragraph (1) of the preceding Article within the limit of the amount approved by the Diet.

(余裕金の運用)

(Investment of Surplus Funds)

第四十三条 機構は、次の方法によるほか、業務上の余裕金を運用してはならない。

Article 43 The DICJ must not invest surplus funds in the course of business except by the following means:

一 国債その他内閣総理大臣及び財務大臣の指定する有価証券の保有

(i) holding of Japanese Government Bonds or other securities designated by the Prime Minister and the Minister of Finance;

二 内閣総理大臣及び財務大臣の指定する金融機関への預金

(ii) depositing in the financial institutions designated by the Prime Minister and the Minister of Finance; or

三 その他内閣府令・財務省令で定める方法

(iii) other means specified by Cabinet Office Order and Order of the Ministry of Finance.

(内閣府令・財務省令への委任)

(Delegation to Cabinet Office Order and Order of the Ministry of Finance)

第四十四条 この法律に規定するもののほか、機構の財務及び会計に関し必要な事項は、内閣府令・財務省令で定める。

Article 44 Beyond what is provided for in this Act, necessary particulars for the finance and accounting of the DICJ are specified by Cabinet Office Order and Order of the Ministry of Finance.

第七節 監督

Section 7 Supervision

(監督)

(Supervision)

第四十五条 機構は、内閣総理大臣及び財務大臣が監督する。

Article 45 (1) The DICJ will be supervised by the Prime Minister and the Minister of Finance.

2 内閣総理大臣及び財務大臣は、この法律を施行するため必要があると認めるときは、機構に対し、その業務に関して監督上必要な命令をすることができる。

(2) The Prime Minister and the Minister of Finance may, when they find it necessary for the enforcement of this Act, give the DICJ orders necessary for the supervision of its operations.

(報告及び検査)

(Reports and Inspections)

第四十六条 内閣総理大臣及び財務大臣は、この法律を施行するため必要があると認めるときは、機構に対しその業務に関し報告をさせ、又はその職員に機構の事務所に立ち入り、帳簿、書類その他の物件を検査させることができる。

Article 46 (1) The Prime Minister and the Minister of Finance may, when they find it necessary for the enforcement of this Act, have the DICJ report on its operations or have their officials enter the offices of the DICJ to inspect books, documents and other articles.

2 前項の規定により職員が立入検査をする場合には、その身分を示す証明書を携帯し、関係人にこれを提示しなければならない。

(2) When conducting on-site inspections under the preceding paragraph, the

officials must carry a certificate of identification and produce it to those concerned.

3 第一項の規定による立入検査の権限は、犯罪捜査のために認められたものと解してはならない。

(3) The authority for conducting on-site inspections prescribed in paragraph (1) must not be construed as given for any criminal investigation.

第八節 補則

Section 8 Auxiliary Provisions

(定款の変更)

(Amendments of Articles of Incorporation)

第四十七条 定款の変更は、内閣総理大臣及び財務大臣の認可を受けなければ、その効力を生じない。

Article 47 No amendment of the articles of incorporation are effective unless authorized by the Prime Minister and the Minister of Finance.

(解散)

(Dissolution)

第四十八条 機構は、解散した場合において、その債務を弁済してなお残余財産があるときは、これを各出資者に対し、その出資額を限度として分配するものとする。

Article 48 (1) If, upon dissolution of the DICJ and payment of all its obligations, there are any residual assets, the assets are distributed to each capital contributor of the DICJ up to the amount of each contributor's capital contributions.

2 前項に規定するもののほか、機構の解散については、別に法律で定める。

(2) Beyond what is provided for in the preceding paragraph, the dissolution of the DICJ will be prescribed separately by an Act.

第三章 預金保険

Chapter III Deposit Insurance

第一節 保険関係

Section 1 Insurance Relationship

(保険関係)

(Insurance Relationship)

第四十九条 金融機関がその業務を営み又は事業を行うときは、当該金融機関が預金等に係る債務を負うことにより、各預金者等ごとに一定の金額の範囲内において、当該預金等の払戻しにつき、機構と当該金融機関及び預金者等との間に保険関係が成立するものとする。

Article 49 (1) When a financial institution conducts its operations or business,

an insurance relationship will be formed between the DICJ, the financial institution and depositors, etc. whereby each of the depositors, etc. are repaid within a specified limit by virtue of the obligations in relation to the deposits, etc. assumed by the financial institution.

2 前項の保険関係においては、預金等に係る債権の額を保険金額とし、次に掲げるものを保険事故とする。

(2) Under the insurance relationship prescribed in the preceding paragraph, the insured amount is taken as a claim in relation to the deposits, etc. and either of the following will be construed as an insured event:

一 金融機関の預金等の払戻しの停止（以下「第一種保険事故」という。）

(i) suspension of the refunding of the deposits, etc. by a financial institution (hereinafter referred to as "category-one insured event"); and

二 金融機関の営業免許の取消し（信用金庫若しくは信用金庫連合会又は労働金庫若しくは労働金庫連合会にあつては事業免許の取消しとし、信用協同組合又は信用協同組合連合会にあつては解散の命令。第五十五条第二項第一号において同じ。）、破産手続開始の決定又は解散の決議（以下「第二種保険事故」という。）

(ii) revocation of the business license of a financial institution (in the case of a Shinkin bank, federation of Shinkin banks, labor bank, or Rokinren Bank, revocation of an operational license, and in the case of a credit cooperative or federation of credit cooperatives, an order for dissolution; the same applies in Article 55, paragraph (2), item (i)), a ruling for the commencement of bankruptcy proceedings or resolution on dissolution (hereinafter referred to as "category-two insured event").

第二節 保険料の納付

Section 2 Payment of Insurance Premiums

（保険料の納付等）

(Payment of Insurance Premiums)

第五十条 金融機関は、事業年度ごとに、当該事業年度の開始後三月以内に、機構に対し、内閣府令・財務省令で定める書類を提出して、保険料を納付しなければならない。ただし、当該保険料の額の二分の一に相当する金額については、当該事業年度開始の日以後六月を経過した日から三月以内に納付することができる。

Article 50 (1) A financial institution must submit to the DICJ documents specified by Cabinet Office Order and Order of the Ministry of Finance and pay insurance premiums for each business year within three months of the beginning of that business year; provided, however, that an amount equivalent to one-half of the amount of the insurance premiums may be paid within three months of the day on which six months have elapsed from the beginning of that business year.

2 機構は、次の各号に掲げる場合には、前項の規定にかかわらず、定款で定めるとこ

ろにより、当該各号に定める金融機関の保険料を免除することができる。

- (2) Notwithstanding the provisions of the preceding paragraph, the DICJ may, pursuant to the provisions of the articles of incorporation, exempt a financial institution falling under any of the following items from paying insurance premiums:
- 一 保険事故が発生したとき 当該保険事故に係る金融機関
 - (i) if an insured event has occurred: the financial institution in relation to the insured event;
 - 二 第六十五条に規定する適格性の認定等が行われたとき 当該適格性の認定等に係る破綻金融機関
 - (ii) if confirmation of eligibility, etc. prescribed in Article 65 is given: the failed financial institution in relation to the confirmation of eligibility, etc.;
 - 三 第七十四条第一項に規定する管理を命ずる処分があつたとき 当該管理を命ずる処分に係る被管理金融機関
 - (iii) if an order to management prescribed in Article 74, paragraph (1) is issued: the financial institution under management in relation to the order to manage;
 - 四 承継銀行又は特定承継銀行（第二百六条の三十四第三項第一号に規定する特定承継銀行をいう。第一条の二第一項において同じ。）が設立されたとき 当該承継銀行又は当該特定承継銀行
 - (iv) if a bridge bank or specified bridge bank (meaning the specified bridge bank prescribed in Article 126-34, paragraph (3), item (i); the same applies in Article 101-2, paragraph (1)) is established: the bridge bank or the specified bridge bank; or
 - 五 百十一条第一項の規定による決定があつたとき 当該決定に係る銀行等
 - (v) if a decision under Article 111, paragraph (1) is made: the bank, etc. in relation to the decision.
- 3 機構は、委員会の議決を経て、委員会があらかじめ定める条件に基づき、金融機関に対し、第一項の規定により納付された保険料の一部を返還することができる。
- (3) The DICJ may, following a resolution of the board and based on the conditions specified by the board in advance, return to a financial institution part of the insurance premiums that have been paid pursuant to paragraph (1).
- 4 機構は、第一項の規定により納付された保険料の一部を返還しようとするときは、内閣総理大臣及び財務大臣の認可を受けなければならない。
- (4) If the DICJ intends to return part of the insurance premiums that have been paid pursuant to paragraph (1), it must obtain the authorization of the Prime Minister and the Minister of Finance.

(一般預金等に係る保険料の額)

(Amount of Insurance Premiums for General Deposits)

第五十一条 預金等（決済用預金（次条第一項に規定する決済用預金をいう。次項にお

いて同じ。)以外の預金等に限るものとし、外貨預金その他政令で定める預金等を除く。以下「一般預金等」という。)に係る保険料の額は、各金融機関につき、当該保険料を納付すべき日を含む事業年度の直前の事業年度の各日(銀行法第十五条第一項(長期信用銀行法第十七条、信用金庫法第八十九条第一項、協同組合による金融事業に関する法律第六条第一項及び労働金庫法第九十四条第一項において準用する場合を含む。)又は株式会社商工組合中央金庫法第三十一条第一項に規定する休日を除く。次条第一項において同じ。)における一般預金等の額の合計額を平均した額を十二で除し、これに当該保険料を納付すべき日を含む事業年度の月数を乗じて計算した金額に、機構が委員会の議決を経て定める率(以下この条において「保険料率」という。)を乗じて計算した金額とする。

Article 51 (1) The amount of insurance premiums in relation to deposits, etc. (limited to those that are not deposits for payment and settlement purposes (meaning the deposits for payment and settlement purposes prescribed in paragraph (1) of the following Article; the same applies in the following paragraph) but excluding foreign currency deposits and other deposits, etc. specified by Cabinet Order; hereinafter referred to as "general deposits, etc.") are the amount calculated for each financial institution by dividing the average total amount of general deposits, etc. for each day (excluding holidays specified in Article 15, paragraph (1) of the Banking Act (including cases where it is applied mutatis mutandis pursuant to Article 17 of the Long-Term Credit Bank Act, Article 89, paragraph (1) of the Shinkin Bank Act, Article 6, paragraph (1) of the Act on Financial Business by Cooperatives, and Article 94, paragraph (1) of the Labor Bank Act) or Article 31, paragraph (1) of the Shoko Chukin Bank Limited Act; the same applies in paragraph (1) of the following Article) of the business year immediately preceding the business year including the day on which the relevant insurance premiums are to be paid by twelve, multiplied by the number of months in the business year including the day on which the insurance premiums are to be paid, and multiplying the amount thus calculated by a rate determined by the DICJ following a resolution by the board (hereinafter referred to as "insurance premiums rate" in this Article).

2 保険料率は、保険金の支払、資金援助その他の機構の業務(第四十条の二第二号に掲げる業務を除く。)に要する費用(決済用預金に係るものを除く。)の予想額に照らし、長期的に機構の財政が均衡するように、かつ、特定の金融機関に対し差別的取扱い(金融機関の経営の健全性に応じてするものを除く。)をしないように定められなければならない。

(2) The insurance premiums rate must be established such that the DICJ's long-term finances will be balanced in light of the estimated amount of expenses (excluding those in relation to deposits for payment and settlement purposes) to be incurred through payment of insurance proceeds, financial assistance and other operations of the DICJ (except those listed in Article 40-2, item (ii)) and that no specific financial institution will be subject to any discriminatory

treatment (except that which is applied according to the how sound management of a financial institution is).

3 機構は、第四十二条第一項若しくは第二項の資金の借入れ又は同条第一項の機構債の発行をした場合において、その借入金を返済し、又はその機構債を償還することが困難であると認められるときは、委員会の議決を経て、保険料率を変更するものとする。

(3) When the DICJ finds it difficult to repay any funds borrowed under Article 42, paragraph (1) or (2) or to redeem the DICJ bonds issued under Article 42, paragraph (1), the DICJ is to change the insurance premiums rate following a resolution by the board.

4 機構は、保険料率を定め、又はこれを変更しようとするときは、内閣総理大臣及び財務大臣の認可を受けなければならない。

(4) When the DICJ intends to establish or change the insurance premiums rate, the DICJ must obtain the authorization of the Prime Minister and the Minister of Finance.

5 機構は、前項の認可を受けたときは、遅滞なく、その認可に係る保険料率を公告しなければならない。

(5) Upon receiving the authorization set forth in the preceding paragraph, the DICJ must give public notice of the insurance premiums rate in relation to the authorization without delay.

(決済用預金に係る保険料の額)

(Amount of Insurance Premiums for Deposits for Payment and Settlement Purposes)

第五十一条の二 次に掲げる要件のすべてに該当する預金（外貨預金その他政令で定める預金を除く。以下「決済用預金」という。）に係る保険料の額は、各金融機関につき、当該保険料を納付すべき日を含む事業年度の直前の事業年度の各日における決済用預金の額の合計額を平均した額を十二で除し、これに当該保険料を納付すべき日を含む事業年度の月数を乗じて計算した金額に、機構が委員会の議決を経て定める率を乗じて計算した金額とする。

Article 51-2 (1) The amount of insurance premiums in relation to deposits that satisfy all of the following requirements (excluding foreign currency deposits and other deposits specified by Cabinet Order; hereinafter referred to as "deposits for payment and settlement purposes") will be the amount calculated for each financial institution by dividing the total average amount of deposits for payment and settlement purposes for each day of the business year immediately preceding the business year including the day on which the relevant insurance premiums are to be paid by twelve, multiplied by the number of months in the business year including the day on which the insurance premiums are to be paid, and multiplying the amount thus calculated by a rate determined by the DICJ following a resolution by the

board:

一 その契約又は取引慣行に基づき第六十九条の二第一項に規定する政令で定める取引に用いることができるものであること。

(i) the deposits can be used for a transaction specified by Cabinet Order as prescribed in Article 69-2, paragraph (1) based on the contract or practice of the transaction;

二 その預金者がその払戻しをいつでも請求することができるものであること。

(ii) the deposits are refundable to their depositors on request; and

三 利息が付されていないものであること。

(iii) the deposits bear no interest.

2 前条第二項から第五項までの規定は、前項に規定する率について準用する。この場合において、同条第二項中「係るものを除く。」とあるのは、「係るものに限る。」と読み替えるものとする。

(2) The provisions of paragraphs (2) through (5) of the preceding Article apply mutatis mutandis to the rate prescribed in the preceding paragraph. In this case, the term "excluding those in relation to" in paragraph (2) of the preceding Article is deemed to be replaced with "limited to those in relation to."

(延滞金)

(Late Payment Charges)

第五十二条 金融機関は、保険料をその納期限までに納付しない場合には、機構に対し、延滞金を納付しなければならない。

Article 52 (1) A financial institution must pay a late payment charge to the DICJ if the financial institution fails to pay insurance premiums by the due date.

2 延滞金の額は、未納の保険料の額に納期限の翌日からその納付の日までの日数に応じ年十四・五パーセントの割合を乗じて計算した金額とする。

(2) The amount of late payment charge will be an amount calculated by multiplying the amount of unpaid insurance premiums by 14.5% per annum prorated for the number of days from the day following the due date of payment until the day of payment.

第三節 保険金等の支払

Section 3 Payment of Insurance Claims

(保険金等の支払)

(Payment of Insurance Claims)

第五十三条 機構は、保険事故が発生したときは、当該保険事故に係る預金者等に対し、その請求に基づいて、保険金の支払をするものとする。ただし、第一種保険事故については、機構が第五十六条第一項の規定により保険金の支払をする旨の決定をすることを要件とする。

Article 53 (1) If an insured event has occurred, the DICJ is to pay insurance

proceeds to depositors, etc. in relation to the insured event based on a request by the depositors, etc.; provided, however, that any payment of claims for category- one insured event are conditional upon a decision by the DICJ to pay the amounts under the provisions of Article 56, paragraph (1).

2 前項に規定する保険事故には、当該保険事故が発生した金融機関につき、その発生した後（同項ただし書の規定が適用される場合には、機構が同項ただし書の決定をした後）に当該保険事故に関連して他の保険事故が発生した場合における当該他の保険事故（第五十七条第一項第二号において「関連保険事故」という。）を含まないものとする。

(2) The insured event prescribed in the preceding paragraph is not to include any other insured event occurring thereafter (if the proviso to the preceding paragraph applies, after the DICJ has made a decision referred to in the proviso) in relation to the relevant insured event with respect to the financial institution subject to the relevant insured event (referred to as "related insured event" in Article 57, paragraph (1), item (ii)).

3 保険金の支払は、機構が、保険事故に係る各預金者等ごとに当該保険事故に係る保険金に相当する金額を金融機関に預金として預入し、当該預金に係る債権を当該保険事故に係る預金者等に対して譲渡する方法により行うことができる。

(3) The DICJ may pay insurance proceeds by depositing with a financial institution an amount equivalent to the insurance proceeds of each of the depositors, etc. in relation to the relevant insured event and by transferring the claims in relation to the relevant deposits to the depositors, etc. in relation to the relevant insured event.

4 機構は、保険事故が発生したときは、当該保険事故に係る預金者等に対し、その請求に基づいて、政令で定める金額の範囲内で政令で定めるところにより、仮払金の支払をすることができる。

(4) If an insured event has occurred, the DICJ may, based on a request by depositors, etc. in relation to the relevant insured event, make a provisional payment to the depositors, etc. in accordance with Cabinet Order within an amount specified by Cabinet Order.

5 第一項又は前項の請求は、第五十七条第一項、第二項又は第四項の規定により公告した支払期間内でなければ、することができない。ただし、その支払期間内に請求しなかつたことにつき災害その他やむを得ない事情があると機構が認めるときは、この限りでない。

(5) The request prescribed in paragraph (1) or the preceding paragraph may only be made within the payment period for which public notice was given under Article 57, paragraph (1), (2) or (4); provided, however, that this does not apply at the time of a natural disaster or when the DICJ finds any other unavoidable reason for the failure to make the request within the payment period.

（一般預金等に係る保険金の額等）

(Amount of Insurance Claims for General Deposits)

第五十四条 一般預金等（他人の名義をもつて有するものその他の政令で定める一般預金等を除く。以下「支払対象一般預金等」という。）に係る保険金の額は、一の保険事故が発生した金融機関の各預金者等につき、その発生した日において現にその者が当該金融機関に対して有する支払対象一般預金等に係る債権（その者が前条第一項の請求をした時において現に有するものに限るものとし、同条第四項の仮払金（支払対象一般預金等に係るものに限る。以下この条において同じ。）の支払又は第二百二十七条第一項において準用する第六十九条の三第一項の貸付けに係る支払対象一般預金等の払戻しにより現に有しないこととなつたものを含む。次項において同じ。）のうち元本の額（支払対象一般預金等のうち第二条第二項第五号に掲げるものにあつては、当該金銭の額。以下同じ。）及び利息等（当該元本以外の部分であつて利息その他の政令で定めるものをいう。以下同じ。）の額の合算額（その合算額が同一人について二以上ある場合には、その合計額）に相当する金額とする。

Article 54 (1) The amount of insurance proceeds in relation to the general deposits, etc. (excluding those held under the name of another person and other general deposits, etc. specified by Cabinet Order; hereinafter referred to as "covered general deposits, etc.") of each of the depositors, etc. in a financial institution subject to a single insured event will be an amount equivalent to the aggregate amount (if there is more than one aggregate amount for the same person, the total of the amounts) of the principal (in the case of the money specified in Article 2, paragraph (2), item (v) within the covered general deposits, etc., the amount of the money; the same applies hereinafter) and interest, etc. (meaning the portion that is not the principal but is interest and other items specified by Cabinet Order; the same applies hereinafter) of the claims in relation to the covered general deposits, etc. actually held by this person in the relevant financial institution on the day of occurrence of the insured event (limited to those actually held by the person at the time of making a request under paragraph (1) of the preceding Article and including those no longer held due to the provisional payment under paragraph (4) of the preceding Article (limited to those in relation to the covered general deposits, etc.; hereinafter the same applies in this Article) and refunding the covered general deposits, etc. in relation to the loan under Article 69-3, paragraph (1) or as applied mutatis mutandis pursuant to Article 127, paragraph (1); the same applies in the following paragraph).

2 支払対象一般預金等に係る保険金の額は、前項の元本の額（その額が同一人について二以上あるときは、その合計額）が政令で定める金額（以下「保険基準額」という。）を超えるときは、保険基準額及び保険基準額に対応する元本に係る利息等の額を合算した額とする。この場合において、元本の額が同一人について二以上あるときは、保険基準額に対応する元本は、次の各号に定めるところにより保険基準額に達するまで当該各号に規定する元本の額を合計した場合の当該元本とする。

(2) If the amount of principal (if there is more than one amount for the same

person, the total of the amounts) under the preceding paragraph exceeds an amount specified by Cabinet Order (hereinafter referred to as "base insurance amount"), the amount of insurance proceeds in relation to the covered general deposits, etc. will be the total of the base insurance amount and the amount of interest, etc. in relation to the principal corresponding to the base insurance amount. In this case, if there is more than one amount of principal for the same person, the principal corresponding to the base insurance amount will be the total of the amounts of principal prescribed in the following items up to the base insurance amount:

一 支払対象一般預金等に係る債権のうち担保権の目的となつていないものと担保権の目的となつていないものがあるときは、担保権の目的となつていないものに係る元本を先とする。

(i) if there are claims in relation to the covered general deposits, etc., some of which are the subject matter of a security interest and others are not, the principal in relation to those that are not the subject matter of a security interest is to have priority;

二 支払対象一般預金等に係る債権で担保権の目的となつていないものが同一人について二以上あるときは、その弁済期の早いものに係る元本を先とする。

(ii) if two or more claims in relation to the covered general deposits, etc., which are not the subject matter of a security interest, are held by the same person, the principal in relation to those with an earlier due date is to have priority;

三 前号の場合において、支払対象一般預金等に係る債権で弁済期の同じものが同一人について二以上あるときは、その金利（利率その他これに準ずるもので政令で定めるものをいう。次号において同じ。）の低いものに係る元本を先とする。

(iii) in the case referred to in the preceding item, if two or more claims with the same due date in relation to the covered general deposits, etc. are held by the same person, the principal in relation to those with a lower interest rate (meaning the rate of interest and other similar matters specified by Cabinet Order; the same applies in the following item) is to have priority;

四 前号の場合において、支払対象一般預金等に係る債権で金利の同じものが同一人について二以上あるときは、機構が指定するものに係る元本を先とする。

(iv) in the case referred to in the preceding item, if two or more claims with the same interest rate in relation to the covered general deposits, etc. are held by the same person, the principal in relation to those designated by the DICJ is to have priority; and

五 支払対象一般預金等に係る債権で担保権の目的となつていないものが同一人について二以上あるときは、機構が指定するものに係る元本を先とする。

(v) if two or more claims in relation to the covered general deposits, etc., which are the subject matter of a security interest, are held by the same person, the principal in relation to those designated by the DICJ is to have priority.

3 保険事故に係る預金者等が当該保険事故について前条第四項の仮払金の支払を受け

ている場合又は第二百二十七条第一項において準用する第六十九条の三第一項の貸付けに係る支払対象一般預金等の払戻しを受けている場合におけるその者の支払対象一般預金等に係る保険金の額は、前二項の規定にかかわらず、これらの規定による金額につき政令で定めるところにより当該仮払金の支払及び第二百二十七条第一項において準用する第六十九条の三第一項の貸付けに係る支払対象一般預金等の払戻しを受けた額（次項の規定により機構に払い戻されるべき額を除く。）を控除した金額に相当する金額とする。

(3) Notwithstanding the provisions of the preceding two paragraphs, if any of the depositors, etc. in relation to an insured event have received provisional payment under paragraph (4) of the preceding Article or refund of the covered general deposits, etc. in relation to the loan under Article 69-3, paragraph (1) as applied mutatis mutandis pursuant to Article 127, paragraph (1) with respect to the relevant insured event, the amount of insurance proceeds for the covered general deposits, etc. of the person will be reduced by the amount of the relevant provisional payment and refund of the covered general deposits, etc. in relation to the loan under Article 69-3, paragraph (1) as applied mutatis mutandis pursuant to Article 127, paragraph (1) (excluding any amount to be repaid to the DICJ under the following paragraph) pursuant to the provisions of Cabinet Order concerning the amounts prescribed in these provisions.

4 保険事故に係る預金者等について支払われた前条第四項の仮払金の額が、第一項及び第二項の規定による保険金の額のうち政令で定めるところにより計算した額を超えるときは、その者は、その超える金額を機構に払い戻さなければならない。

(4) If the amount of provisional payment made under paragraph (4) of the preceding Article to any of the depositors, etc. in relation to an insured event exceeds an amount calculated pursuant to the provisions of Cabinet Order within the amounts of insurance proceeds prescribed in paragraphs (1) and (2), the relevant persons must repay to the DICJ the amount of the excess.

（決済用預金に係る保険金の額）

(Amount of Insurance Claims Regarding Deposits for Payment and Settlement Purposes)

第五十四条の二 決済用預金（他人の名義をもつて有するものその他の政令で定める決済用預金を除く。以下「支払対象決済用預金」という。）に係る保険金の額は、一の保険事故が発生した金融機関の各預金者につき、その発生した日において現にその者が当該金融機関に対して有する支払対象決済用預金に係る債権（その者が第五十三条第一項の請求をした時において現に有するものに限るものとし、同条第四項の仮払金（支払対象決済用預金に係るものに限る。次項において同じ。）の支払又は第六十九条の三第一項（第二百二十七条第一項において準用する場合を含む。次項において同じ。）の貸付けに係る支払対象決済用預金の払戻しにより現に有しないこととなつたものを含む。）のうち元本の額（その額が同一人について二以上あるときは、その合計額）に相当する金額とする。

Article 54-2 (1) The amount of insurance proceeds in relation to deposits for payment and settlement purposes (excluding those held under the name of another person and other deposits for payment and settlement purposes specified by Cabinet Order; hereinafter referred to as "covered deposits for settlement") of each of the depositors, etc. in a financial institution subject to a single insured event will be an amount equivalent to the amount of principal (if there is more than one amount for the same person, the total of the amounts) of the claims in relation to covered deposits for settlement actually held by the depositors, etc. in the relevant financial institution on the day of occurrence of the insured event (limited to those actually held by the depositors, etc. at the time of making a request under Article 53, paragraph (1) and including those no longer held due to the provisional payment under Article 53, paragraph (4) (limited to those in relation to covered deposits for settlement; the same applies in the following paragraph) or refund of the covered deposits for settlement in relation to the loan under Article 69-3, paragraph (1) (including cases where it is applied mutatis mutandis pursuant to Article 127, paragraph (1); the same applies in the following paragraph)).

2 前条第三項の規定は、その有する支払対象決済用預金に関し保険事故に係る預金者が当該保険事故について第五十三条第四項の仮払金の支払を受けている場合又は第六十九条の三第一項の貸付けに係る支払対象決済用預金の払戻しを受けている場合について準用する。この場合において、前条第三項中「前二項の規定にかかわらず、これらの規定」とあるのは、「第五十四条の二第一項の規定にかかわらず、当該規定」と読み替えるものとする。

(2) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to cases where the depositors, etc. in relation to an insured event have received, with regard to the covered deposits for settlement held thereby, the provisional payment under Article 53, paragraph (4) or refund of the covered deposits for payment and settlement purposes in relation to the loan under Article 69-3, paragraph (1) with respect to the relevant insured event. In this case, the terms "Notwithstanding the provisions of the preceding two paragraphs" and "these provisions" in paragraph (3) of the preceding Article will be deemed to be replaced with "Notwithstanding the provisions of Article 54-2, paragraph (1)" and "the relevant provisions".

(確定拠出年金に係る預金等の特例)

(Special Provisions for Deposits Regarding Defined Contribution Pensions)

第五十四条の三 一の保険事故が発生した金融機関の預金者等が確定拠出年金法（平成十三年法律第八十八号）第二条第七項第一号ロに規定する資産管理機関（同法第八条第一項第一号に規定する信託の受託者に限る。）又は同法第二条第五項に規定する連合会若しくは同法第六十一条第一項第三号に規定する事務の受託者（信託会社（信託業務を営む金融機関を含む。）に限る。）（以下「資産管理機関等」という。）であ

る場合におけるその者の保険金の額は、保険金計算規定にかかわらず、第一号に掲げる金額の合計額から第二号に掲げる金額の合計額を控除した残額に第三号に掲げる金額を加えた金額とする。

Article 54-3 (1) If any of the depositors, etc. of a financial institution subject to a single insured event is an asset management institution (limited to the trustee of a trust prescribed in Article 8, paragraph (1), item (i) of the Defined Contribution Pension Act (Act No. 88 of 2001)) prescribed in Article 2, paragraph (7), item (i), (b) of the same Act, an association prescribed in Article 2, paragraph (5) of the same Act, or a trustee (limited to trust companies (including the financial institutions engaged in trust business)) of affairs prescribed in Article 61, paragraph (1), item (iii) of the same Act (hereinafter referred to as "asset management institution, etc."), the amount of insurance proceeds of the relevant person is, notwithstanding the provisions of the insurance claim calculation provision, be the remaining amount after deducting the total of the amounts specified in item (ii) from the total of the amounts specified in item (i), adding thereto the amount specified in item (iii):

一 当該資産管理機関等の支払対象預金等（支払対象一般預金等又は支払対象決済用預金をいう。以下同じ。）に係る債権（当該支払対象預金等を有する預金者等が第五十三条第一項の請求をした時において現に有するものに限るものとし、同条第四項の仮払金の支払又は第六十九条の三第一項（第二百二十七条第一項において準用する場合を含む。）の貸付けに係る支払対象預金等の払戻しにより現に有しないこととなつたものを含む。以下この条において同じ。）のうち確定拠出年金の積立金（確定拠出年金法第八条第一項に規定する積立金をいう。第三号において同じ。）の運用に係るもの（次項において「確定拠出年金預金等債権」という。）について、当該運用を指図した加入者等（同法第二条第七項第一号イに規定する加入者等をいう。以下この条において同じ。）のそれぞれにつき、当該保険事故が発生した日（以下この項、次項及び第五項において「保険事故日」という。）において現に当該資産管理機関等が当該金融機関に対して有する支払対象預金等に係る債権のうち当該加入者等の個人別管理資産額（同法第二条第十三項に規定する個人別管理資産額をいう。）に相当する金額の部分（次項から第四項までにおいて「個人別管理資産額相当支払対象預金等債権」という。）を当該加入者等の支払対象預金等に係る債権とみなして保険金計算規定を適用した場合に保険金の額とされる金額

(i) with regard to claims in relation to covered deposits, etc. (meaning the covered general deposits, etc. or covered deposits for payment and settlement purposes; the same applies hereinafter) of the relevant asset management institution, etc. (limited to those actually held by the depositors, etc. holding the covered deposits, etc. at the time of making a request under Article 53, paragraph (1) and including those no longer held due to the provisional payment under Article 53, paragraph (4) or refund of the covered deposits, etc. in relation to the loan under Article 69-3, paragraph (1) (including cases where it is applied mutatis mutandis pursuant to Article 127, paragraph (1));

hereinafter the same applies in this Article) that pertain to the fund management of defined contribution pensions (meaning the reserves prescribed in Article 8, paragraph (1) of the Defined Contribution Pension Act; the same applies item (iii)) (referred to as "defined contribution pension deposit claims" in the following paragraph), the amount that is deemed to be the amount of insurance proceeds for each of the subscribers, etc. (meaning the subscribers, etc. prescribed in Article 2, paragraph (7), item (i), (a) of the same Act; hereinafter the same applies in this Article) who have instructed the relevant investment, when the insurance claim calculation provision is applied if, within the claims in relation to covered deposits, etc. actually held by the asset management institution, etc. in the relevant financial institution on the day of occurrence of the relevant insured event (hereinafter referred to as "insured event date" in this paragraph, the following paragraph, and paragraph (5)), those portions that are equivalent to the amount of managed assets per individual (meaning the amount of managed assets per individual prescribed in Article 2, paragraph (13) of the same Act) of the relevant subscribers, etc. (referred to as "deposit claims equivalent to amount of managed assets per individual" in the following paragraph through paragraph (4)) are deemed to be claims in relation to covered deposits, etc. of the relevant subscribers, etc.;

二 保険事故日において現に当該加入者等が当該金融機関に対して有する支払対象預金等に係る債権について保険金計算規定によりそれぞれ保険金の額とされる金額

(ii) the amount that is deemed to be the amount of insurance proceeds under the insurance claim calculation provision with respect to each of the claims in relation to covered deposits, etc. actually held by the relevant subscribers, etc. in the relevant financial institution on the insured event date; and

三 保険事故日において現に当該資産管理機関等が当該金融機関に対して有する支払対象預金等に係る債権のうち確定拠出年金の積立金の運用に係るもの以外のものについて保険金計算規定により保険金の額とされる金額

(iii) the amount of insurance proceeds under the insurance claim calculation provision other than those in relation to the investment of the reserves of defined contribution pensions, within the claims in relation to covered deposits, etc. actually held by the asset management institution, etc. in the relevant financial institution on the insured event date.

2 前項の場合において、当該加入者等が保険事故日において死亡しているときは、次の各号に掲げる金額は、当該各号に定める金額とする。

(2) In the case referred to in the preceding paragraph, if the relevant subscriber, etc. is dead as of the insured event date, the amount set forth in the following items is the amount specified respectively in those items:

一 前項第一号に掲げる金額 当該資産管理機関等の確定拠出年金預金等債権について、確定拠出年金法第四十条（同法第七十三条において準用する場合を含む。）の

規定により当該加入者等に係る死亡一時金が支給される当該加入者等の遺族その他の政令で定める者（以下この項、第四項及び第五項において「遺族等」という。）のそれぞれにつき、保険事故日において当該資産管理機関等が金融機関に対して有する支払対象預金等に係る債権のうち当該加入者等の個人別管理資産額相当支払対象預金等債権（当該加入者等の遺族等が二人以上いる場合にあつては、政令で定める部分に限る。）及び当該遺族等の個人別管理資産額相当支払対象預金等債権を当該遺族等の支払対象預金等に係る債権とみなして保険金計算規定を適用した場合に保険金の額とされる金額

- (i) the amount set forth in item (i) of the preceding paragraph: with regard to defined contribution pension deposit claims of the relevant asset management institution, etc., the amount that is deemed to be the amount of insurance proceeds for each of the surviving family members or other persons specified by Cabinet Order (hereinafter referred to as the "surviving family members, etc." in this paragraph, paragraph (4), and paragraph (5)) regarding the relevant subscriber, etc., to whom a lump-sum death benefit pertaining to the subscriber, etc. is paid pursuant to the provisions of Article 40 of the Defined Contribution Pension Act (including as applied mutatis mutandis pursuant to Article 73 of the same Act), when the insurance claim calculation provision is applied if within the claims in relation to covered deposits, etc. held by the asset management institution, etc. in the relevant financial institution on the insured event date, the deposit claims equivalent to the amount of managed assets per individual regarding the subscriber, etc. (if there are two or more surviving family members, etc. of the relevant subscriber, etc., limited to the part specified by Cabinet Order) and the deposit claims equivalent to the amount of managed assets per individual regarding the relevant surviving family member, etc. are deemed to be claims in relation to covered deposits, etc. of the relevant surviving family member, etc.; and

二 前項第二号に掲げる金額 当該資産管理機関等の確定拠出年金預金等債権について、当該遺族等のそれぞれにつき、保険事故日において当該資産管理機関等が当該金融機関に対して有する支払対象預金等に係る債権のうち当該遺族等の個人別管理資産額相当支払対象預金等債権を当該遺族等の支払対象預金等に係る債権とみなして保険金計算規定を適用した場合に保険金の額とされる金額

- (ii) the amount set forth in item (ii) of the preceding paragraph: with regard to defined contribution pension deposit claims of the relevant asset management institution, etc., the amount that is deemed to be the amount of insurance proceeds for each of the relevant surviving family members, etc., when the insurance claim calculation provision is applied if within the claims in relation to covered deposits, etc. held by the asset management institution, etc. in the relevant financial institution on the insured event date, the deposit claims equivalent to the amount of managed assets per individual

regarding the relevant surviving family member, etc. are deemed to be claims in relation to covered deposits, etc. of the relevant surviving family member, etc.

3 第一項第一号の規定により第五十四条第二項の規定を適用する場合における保険基準額に対応する元本は、次の各号に定めるところにより、保険基準額に達するまで当該各号に規定する元本の額を合計した場合の元本とする。

(3) If the provisions of Article 54, paragraph (2) are applied under paragraph (1), item (i), the principal corresponding to base insurance amount is the total of the amounts of principal prescribed in the following items up to the base insurance amount, pursuant to the provisions of the respective items:

一 第一項第一号の規定を適用する前の当該加入者等の支払対象預金等に係る債権と当該資産管理機関等の支払対象預金等に係る債権のうち当該加入者等の個人別管理資産額相当支払対象預金等債権があるときは、当該加入者等の支払対象預金等に係る債権の元本を先とする。

(i) if there are deposit claims equivalent to amount of managed assets per individual of subscribers, etc., within the claims in relation to covered deposits, etc. of the relevant subscribers, etc. and those of the relevant asset management institution, etc. before the application of the provisions of paragraph (1), item (i), the principal of the claims in relation to covered deposits, etc. of the relevant subscribers, etc. is to have priority; and

二 当該資産管理機関等の支払対象預金等に係る債権のうち当該加入者等の個人別管理資産額相当支払対象預金等債権が二以上あるときは、機構が指定するものに係る元本を先とする。

(ii) if there are two or more deposit claims equivalent to amount of managed assets per individual of subscribers, etc. within the claims in relation to covered deposits, etc. of the relevant asset management institution, etc., the principal in relation to those designated by the DICJ is to have priority.

4 第二項第一号の規定により第五十四条第二項の規定を適用する場合における保険基準額に対応する元本は、次の各号に定めるところにより、保険基準額に達するまで当該各号に規定する元本の額を合計した場合の元本とする。

(4) If the provisions of Article 54, paragraph (2) are applied under paragraph (2), item (i), the principal corresponding to base insurance amount is the total of the amounts of principal prescribed in the following items up to the base insurance amount, pursuant to the provisions of the respective items:

一 第二項第一号の規定を適用する前の当該遺族等の支払対象預金等に係る債権と当該資産管理機関等の支払対象預金等に係る債権のうち当該遺族等の個人別管理資産額相当支払対象預金等債権があるときは、当該遺族等の支払対象預金等に係る債権の元本を先とする。

(i) if there are deposit claims equivalent to the amount of managed assets per individual of surviving family members, etc., within the claims in relation to covered deposits, etc. of the relevant surviving family members, etc. and

those of the relevant asset management institution, etc. before the application of the provisions of paragraph (2), item (i), the principal of the claims in relation to covered deposits, etc. of the relevant surviving family members, etc. is to have priority;

二 当該資産管理機関等の支払対象預金等に係る債権のうち当該遺族等の個人別管理資産額相当支払対象預金等債権が二以上あるときは、機構が指定するものに係る元本を先とする。

(ii) if there are two or more deposit claims equivalent to the amount of managed assets per individual of surviving family members, etc. within the claims in relation to covered deposits, etc. of the relevant asset management institution, etc., the principal in relation to those designated by the DICJ is to have priority;

三 当該資産管理機関等の支払対象預金等に係る債権のうち当該遺族等の個人別管理資産額相当支払対象預金等債権と当該加入者等の個人別管理資産額相当支払対象預金等債権があるときは、当該遺族等の個人別管理資産額相当支払対象預金等債権に係る元本を先とする。

(iii) if there are deposit claims equivalent to the amount of managed assets per individual of surviving family members, etc. and deposit claims equivalent to the amount of managed assets per individual of subscribers, etc. within the claims in relation to covered deposits, etc. of the relevant asset management institution, etc., the principal of the deposit claims equivalent to the amount of managed assets per individual of the surviving family members, etc. is to have priority; and

四 当該資産管理機関等の支払対象預金等に係る債権のうち当該加入者等の個人別管理資産額相当支払対象預金等債権が二以上あるときは、機構が指定するものに係る元本を先とする。

(iv) if there are two or more deposit claims equivalent to the amount of managed assets per individual of subscribers, etc. within the claims in relation to covered deposits, etc. of the relevant asset management institution, etc., the principal in relation to those designated by the DICJ is to have priority.

5 第一項に規定する場合において、第五十三条第一項の規定により資産管理機関等に保険金の支払が行われたときは、当該保険金のうち加入者等に係る第一項第一号に掲げる金額（当該加入者等が保険事故日において死亡している場合にあつては、遺族等に係る第二項第一号に定める金額）から第一項第二号に掲げる金額（当該加入者等が保険事故日において死亡している場合にあつては、遺族等に係る第二項第二号に定める金額）を控除した額に相当する額は、当該加入者等の個人別管理資産（確定拠出年金法第二条第十二項に規定する個人別管理資産をいう。）に積み立てられたものとみなす。

(5) In the case prescribed in paragraph (1), if the payment of insurance proceeds is made to an asset management institution, etc. under Article 53, paragraph

(1), the amount after deducting the amount specified in paragraph (1), item (ii) (if the relevant subscriber, etc. is dead as of the insured event date, the amount specified in paragraph (2), item (ii) in relation to the surviving family members, etc.) from the amount specified in paragraph (1), item (i) (if the relevant subscriber, etc. is dead as of the insured event date, the amount specified in paragraph (2), item (i) in relation to the surviving family member, etc.) in relation to subscribers, etc. within the insurance proceeds will be deemed to be reserved in the managed assets per individual (meaning the managed assets per individual prescribed in Article 2, paragraph (12) of the Defined Contribution Pension Act) of the relevant subscribers, etc.

6 第一項に規定する場合における第二条第十一項の規定の適用については、同項中「及び第五十四条の二第一項」とあるのは、「、第五十四条の二第一項及び第五十四条の三第一項から第四項まで」とする。

(6) In applying the provisions of Article 2, paragraph (11) in the case prescribed in paragraph (1), the term "and Article 54-2, paragraph (1)" in Article 2, paragraph (11) will be taken as meaning ", Article 54-2, paragraph (1), and Article 54-3, paragraphs (1) through (4)".

(保険事故の通知)

(Notice of an Insured Event)

第五十五条 金融機関は、当該金融機関に係る保険事故が発生したときは、直ちに、その旨を機構に通知しなければならない。

Article 55 (1) A financial institution must immediately notify the DICJ upon the occurrence of an insured event in relation to the financial institution.

2 内閣総理大臣、財務大臣、厚生労働大臣又は経済産業大臣は、次に掲げる場合には、直ちに、その旨を機構に通知しなければならない。

(2) The Prime Minister, the Minister of Finance, the Minister of Health, Labour and Welfare, or the Minister of Economy, Trade and Industry must immediately notify the DICJ upon the occurrence of any of the following events:

一 その監督に係る金融機関の営業免許の取消し又は解散の決議に係る認可をしたとき。

(i) if they have rescinded the business license of, or passed a resolution on the authorization to dissolve, a financial institution under their supervision;

二 その監督に係る金融機関の第一種保険事故の発生を知ったとき。

(ii) if they have become aware that a financial institution under their supervision has become subject to category-one insured event; and

三 第三百三十七条の二第一項の規定による通知を受けたとき。

(iii) if they have received notice under Article 137-2, paragraph (1).

3 機構は、第一項の規定による通知を受けたとき又は前項の規定により厚生労働大臣又は経済産業大臣から通知を受けたときは、直ちに、その旨を内閣総理大臣及び財務

大臣に報告しなければならない。

(3) Upon receiving notice under paragraph (1) or notice from the Minister of Health, Labour and Welfare or Minister of Economy, Trade and Industry under the preceding paragraph, the DICJ must immediately report to that effect to the Prime Minister and the Minister of Finance.

4 機構は、第二項の規定により内閣総理大臣から通知を受けたときは、直ちに、その旨を財務大臣に報告しなければならない。

(4) Upon receiving notice from the Prime Minister under paragraph (2), the DICJ must immediately report to that effect to the Minister of Finance.

5 機構は、第二項の規定により財務大臣から通知を受けたときは、直ちに、その旨を内閣総理大臣に報告しなければならない。

(5) Upon receiving notice from the Minister of Finance under paragraph (2), the DICJ must immediately report to that effect to the Prime Minister.

(預金等に係る債権の額の把握)

(Ascertaining Amount of Claims Regarding Deposits)

第五十五条の二 機構は、保険事故が発生したことを知つたときは、速やかに、当該保険事故が発生した金融機関の各預金者等がその発生した日において現に当該金融機関に対して有する預金等に係る債権の額を把握しなければならない。

Article 55-2 (1) Upon becoming aware that a financial institution has become subject to an insured event, the DICJ must promptly ascertain the amount of claims in relation to deposits, etc. actually held in the relevant financial institution as of the day of the occurrence of the relevant insured event by each of the depositors, etc. of the relevant financial institution.

2 機構は、前項に規定する預金等に係る債権の額を速やかに把握するため必要があると認めるときは、金融機関に対し、その旨を明示して、預金者等の氏名又は名称及び住所、預金等に係る債権の内容その他内閣府令・財務省令で定める事項について資料の提出を求めることができる。

(2) If the DICJ finds it necessary for promptly ascertaining the amount of claims in relation to deposits, etc. prescribed in the preceding paragraph, the DICJ may, by clearly indicating to that effect, request the financial institution to submit materials concerning the names and addresses of the depositors, etc., details of claims in relation to deposits, etc. and other matters specified by Cabinet Office Order and Order of the Ministry of Finance.

3 前項の規定により資料の提出を求められた金融機関は、内閣府令・財務省令で定めるところにより、電子情報処理組織を使用して、又は磁気テープ（これに準ずる方法により一定の事項を確実に記録しておくことができる物を含む。次項において同じ。）により、遅滞なく、これを提出しなければならない。

(3) A financial institution must, if requested to submit materials under the preceding paragraph, submit them without delay using electronic data processing systems or magnetic tapes (including any other medium in which

certain particulars can be securely recorded by equivalent means; the same applies in the following paragraph) pursuant to the provisions of Cabinet Office Order and Order of the Ministry of Finance.

4 第二項の規定により資料の提出を求められた金融機関を委託金融機関とする電子決済等取扱業者等は、当該金融機関の求めに応じ、内閣府令・財務省令で定めるところにより、電子情報処理組織を使用して、又は磁気テープにより、遅滞なく、これを当該金融機関に提出しなければならない。

(4) An electronic payment handling service provider, etc. having a financial institution that has been requested to submit materials under paragraph (2) as its entrusting financial institution must submit them to the financial institution without delay using electronic data processing systems or magnetic tapes pursuant to the provisions of Cabinet Office Order and Order of the Ministry of Finance, at the request of the financial institution.

5 金融機関及び電子決済等取扱業者等は、前二項の規定による資料の提出に必要な預金等に関するデータベース（預金等に係る情報の集合物であつて、それらの情報を電子計算機を用いて検索することができるように体系的に構成したものをいう。）及び電子情報処理組織の整備その他の措置を講じなければならない。

(5) A financial institution and an electronic payment handling service provider, etc. must prepare a database in relation to deposits, etc. (meaning the collection of information in relation to deposits, etc. that is systematically organized so that the information may be retrieved by using computers) and electronic data processing systems and take any other measures necessary for submitting materials under the preceding two paragraphs.

(支払の決定)

(Decisions on Payment)

第五十六条 機構は、次の各号に掲げる場合には、当該各号に掲げる日から一月以内に、委員会の議決を経て、当該各号の保険事故につき保険金の支払をするかどうかを決定しなければならない。

Article 56 (1) If any of the events listed in the following items occurs, the DICJ must, following a resolution by the board, decide whether to pay insurance proceeds with respect to the insured event prescribed in each of the following items within one month of the day specified in the items:

一 第一種保険事故に関して第五十五条第一項又は第二項の規定による通知があつたとき その通知があつた日

(i) if notice is received under Article 55, paragraph (1) or (2) concerning the category-one insured event: the day on which the notice is received;

二 前号に掲げる場合のほか、第一種保険事故が発生したことを機構が知つたとき その知つた日

(ii) beyond the case referred to in the preceding item, if the DICJ has become aware that the category-one insured event has occurred: the day on which

the DICJ has become aware of the occurrence;

三 第一種保険事故の発生した金融機関を一部の当事者とする合併、事業譲渡等、付保預金移転、株式交換若しくは株式移転又は会社分割に係る第六十六条第一項の決議若しくは議決又は同意が得られなかつた旨の同項の規定による通知があつたとき
その通知があつた日

(iii) if notice is received under Article 66, paragraph (1) to the effect that the resolution, decision, or consent prescribed in Article 66, paragraph (1) has failed to be obtained for a merger, the transfer of business, etc., transfer of insured deposits, share exchange, share transfer, or company split involving a financial institution subject to the category-one insured event as a party thereto: the day on which the notice is received; or

四 前号に掲げる場合のほか、第一種保険事故の発生した金融機関を一部の当事者とする合併、事業譲渡等、付保預金移転、株式交換若しくは株式移転又は会社分割に係る第六十六条第一項の決議若しくは議決又は同意が得られなかつたことを機構が知つたとき その知つた日

(iv) beyond the case referred to in the preceding item, if the DICJ has become aware that the resolution, decision, or consent prescribed in Article 66, paragraph (1) has failed to be obtained for a merger, transfer of business, etc., transfer of insured deposits, share exchange, share transfer, or company split involving a financial institution subject to the category-one insured event as a party thereto: the day on which the DICJ has become aware of the fact.

2 内閣総理大臣及び財務大臣は、機構が、委員会の議決を経て、前項の期限の延長を申請した場合には、一月を超えない期間を限り、同項の期限を延長することができる。

(2) If the DICJ applies for an extension of the time limit under the preceding paragraph following a resolution of the board, the Prime Minister and the Minister of Finance may grant the extension for a period not exceeding one month.

3 機構は、次の各号に掲げる場合には、当該各号に掲げる日から一週間以内に、委員会の議決を経て、当該各号の保険事故につき第五十三条第四項の仮払金の支払をすることがどうかを決定しなければならない。

(3) If any of the events listed in the following items occurs, the DICJ must, following a resolution of the board, decide whether to make provisional payment under Article 53, paragraph (4) with respect to an insured event prescribed in each of the following items within one week of the day specified in the items:

一 保険事故に関して第五十五条第一項又は第二項の規定による通知があつたとき
その通知があつた日

(i) if notice is received under Article 55, paragraph (1) or (2) concerning an insured event: the day on which the notice is received;

二 前号に掲げる場合のほか、保険事故が発生したことを機構が知つたとき その知つた日

(ii) beyond the case referred to in the preceding item, if the DICJ has become aware that an insured event has occurred: the day on which the DICJ has become aware of the occurrence;

三 第一種保険事故の発生した金融機関を一部の当事者とする合併、事業譲渡等、付保預金移転、株式交換若しくは株式移転又は会社分割に係る第六十六条第一項の決議若しくは議決又は同意が得られなかつた旨の同項の規定による通知があつたとき
その通知があつた日

(iii) if notice is received under Article 66, paragraph (1) to the effect that the resolution, decision, or consent prescribed in Article 66, paragraph (1) has failed to be obtained for a merger, transfer of business, etc., transfer of insured deposits, share exchange, share transfer, or company split involving a financial institution subject to the category-one insured event as a party thereto: the day on which the notice is received; or

四 前号に掲げる場合のほか、第一種保険事故の発生した金融機関を一部の当事者とする合併、事業譲渡等、付保預金移転、株式交換若しくは株式移転又は会社分割に係る第六十六条第一項の決議若しくは議決又は同意が得られなかつたことを機構が知つたとき その知つた日

(iv) beyond the case referred to in the preceding item, if the DICJ has become aware that the resolution, decision, or consent prescribed in Article 66, paragraph (1) has failed to be obtained for a merger, transfer of business, etc., transfer of insured deposits, share exchange, share transfer, or company split involving a financial institution subject to the category-one insured event as a party thereto: the day on which the DICJ has become aware of the fact.

4 機構は、第一項又は前項の規定による決定をしたときは、直ちに、その決定に係る事項を内閣総理大臣及び財務大臣（当該決定が労働金庫又は労働金庫連合会に関するものである場合には内閣総理大臣及び財務大臣並びに厚生労働大臣とし、株式会社商工組合中央金庫に関するものである場合には内閣総理大臣及び財務大臣並びに経済産業大臣とする。）に報告しなければならない。

(4) Upon making a decision under paragraph (1) or the preceding paragraph, the DICJ must immediately report matters in relation to the decision to the Prime Minister and the Minister of Finance (to the Prime Minister, the Minister of Finance, and the Minister of Health, Labour and Welfare if the decision relates to a labor bank or Rokinren Bank, and to the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry if the decision relates to the Shoko Chukin Bank, Ltd.).

(支払の公告等)

(Public Notice of Payment)

第五十七条 機構は、次に掲げる場合には、速やかに、委員会の議決を経て保険金の支払期間、支払場所、支払方法その他政令で定める事項を定め、これを公告しなければならない。

Article 57 (1) The DICJ must, following a resolution of the board, promptly determine the period, place, and method of payment of insurance proceeds and other matters specified by Cabinet Order and give public notice thereof in the following cases:

一 前条第一項の規定により第一種保険事故に係る保険金の支払をする旨の決定をしたとき。

(i) if the DICJ has made a decision under paragraph (1) of the preceding Article to pay insurance proceeds in relation to the category-one insured event;

二 第二種保険事故（関連保険事故を除く。次号において同じ。）に関して第五十五条第一項又は第二項の規定による通知があつたとき。

(ii) if the DICJ has received notice under Article 55, paragraph (1) or (2) concerning the category-two insured event (excluding the related insured event; the same applies in the following item); and

三 前号に掲げる場合のほか、第二種保険事故が発生したことを機構が知つたとき。

(iii) beyond the case referred to in the preceding item, if the DICJ has become aware that the category-two insured event has occurred.

2 機構は、前条第三項の規定により第五十三条第四項の仮払金の支払をする旨の決定をしたときは、速やかに、委員会の議決を経て当該仮払金の支払期間、支払場所その他政令で定める事項を定め、これを公告しなければならない。

(2) If the DICJ has made a decision pursuant to the provisions of paragraph (3) of the preceding Article to make provisional payment under Article 53, paragraph (4), the DICJ must, following a resolution by the board, promptly determine the period, place, and method of payment of the relevant provisional payment and other matters specified by Cabinet Order and give public notice thereof.

3 機構は、前二項の公告をした後に当該金融機関について破産法第九十七条第一項（同法第二百九条第三項において準用する場合を含む。）の規定による公告、第三百七条の二第二項の規定による通知その他の政令で定める事由があつたときは、政令で定めるところにより、前二項の規定により公告した支払期間を変更することができる。

(3) If, after giving public notice under the preceding two paragraphs, there is public notice under Article 197, paragraph (1) of the Bankruptcy Act (including cases where it is applied mutatis mutandis pursuant to Article 209, paragraph (3) of the same Act), notice under Article 137-2, paragraph (2), or any other event specified by Cabinet Order with respect to the relevant financial institution, the DICJ may, pursuant to the provisions of Cabinet Order, change the payment period that was publicly announced under the provisions of the preceding two paragraphs.

4 機構は、前項の規定により支払期間を変更したときは、遅滞なく、その変更に係る事項を公告しなければならない。

(4) When the DICJ has changed the payment period under the preceding paragraph, the DICJ must give public notice of matters in relation to the

change without delay.

5 前条第四項の規定は、第一項又は第二項に規定する事項を定めた場合及び第三項の規定により支払期間を変更した場合について準用する。

(5) The provisions of paragraph (4) of the preceding Article apply mutatis mutandis to cases where the matters prescribed in paragraph (1) or (2) have been decided and where the payment period has been changed under paragraph (3).

(債権の取得等)

(Acquisition of Claims)

第五十八条 機構は、第五十三条第一項に規定する保険金の支払の請求があつたときは、当該請求に係る預金者等に対して保険金計算規定により支払われるべき保険金の額に応じ、政令で定めるところにより、当該預金者等が金融機関に対して有する支払対象預金等に係る債権を取得する。

Article 58 (1) If a request is made for the payment of insurance proceeds under Article 53, paragraph (1), the DICJ may, pursuant to the provisions of Cabinet Order, acquire claims in relation to the covered deposits, etc. held in a financial institution by the depositors, etc. in relation to the relevant request, according to the amount of insurance proceeds that are required to be paid to the relevant depositors, etc. under the insurance claim calculation provision.

2 機構は、前項の規定により取得した支払対象預金等に係る債権のうち担保権の目的となつていものがあるときは、当該担保権に係る被担保債権が消滅するまでを限り、当該担保権の目的となつてい支払対象預金等に係る債権（機構が取得した部分に限る。）の額に相当する金額を限度として、政令で定めるところにより、保険金の支払を保留することができる。

(2) If the claims in relation to covered deposits, etc. acquired under the preceding paragraph include any claim that is subject to a security interest, the DICJ may, pursuant to cabinet order provisions, defer the payment of insurance proceeds up to an amount equivalent to the claim in relation to covered deposits, etc. (limited to the portion that has been acquired by the DICJ) that are subject to the relevant security interest until the extinction of the secured claim in relation to the relevant security interest.

3 機構は、預金者等に対し第五十三条第四項の仮払金の支払をしたときは、その支払金額（第五十四条第四項の規定により機構に払い戻されるべき金額を除く。）に応じ、当該預金者等が金融機関に対して有する支払対象預金等に係る債権を取得する。

(3) When the DICJ has made provisional payment to the depositors, etc. under Article 53, paragraph (4), the DICJ will, according to the amount of the payment (excluding the amount to be repaid to the DICJ under Article 54, paragraph (4)), acquire claims in relation to covered deposits, etc. held in a financial institution by the relevant depositors, etc.

(課税関係)

(Taxation)

第五十八条の二 預金者等がその有する支払対象預金等（第二条第二項第五号に掲げるもののうち割引の方法により発行される長期信用銀行債等に係るものを除く。）に係る債権（以下この項において「預金等債権」という。）について保険金の支払を受ける場合において、当該支払を受ける保険金の額に応じて機構が取得する預金等債権のうち利息等があるときは、当該利息等の額に相当する金額は、当該預金等債権に係る支払対象預金等の次の各号に掲げる区分に応じ当該各号に定めるものの額とみなして、所得税法（昭和四十年法律第三十三号）その他の所得税に関する法令の規定を適用する。

Article 58-2 (1) If depositors, etc. receive payment of insurance proceeds in connection with claims in relation to covered deposits, etc. (excluding those in relation to long-term credit bank bonds, etc. issued by means of a discount, among those listed in Article 2, paragraph (2), item (v)) held by the relevant depositors, etc. (hereinafter referred to as "deposits and other claims" in this paragraph), when the deposits and other claims acquired by the DICJ according to the amount of insurance proceeds for which the payment is received include any interest, etc., an amount equivalent to the relevant interest, etc. will be deemed to be the amount prescribed in each of the following items according to the category of the covered deposits, etc. in relation to relevant deposits and other claims prescribed in each respective item, in applying the provisions of the Income Tax Act (Act No. 33 of 1965) and other laws and regulations concerning income tax:

一 預金 当該預金の利子

(i) deposits: interest on the relevant deposits;

二 定期積金 当該定期積金に係る契約に基づく給付補填金（所得税法第一百七十四条第三号に掲げる給付補填金をいう。）

(ii) installment savings: compensation money for benefits (meaning the compensation money for benefits specified in Article 174, item (iii) of the Income Tax Act) based on contracts for the relevant installment savings;

三 第二条第二項第三号に掲げる掛金 当該掛金に係る契約に基づく給付補填金（所得税法第一百七十四条第四号に掲げる給付補填金をいう。）

(iii) installment deposits specified in Article 2, paragraph (2), item (iii): compensation money for benefits (meaning the compensation money for benefits specified in Article 174, item (iv) of the Income Tax Act) based on contracts for the relevant installment deposits;

四 第二条第二項第四号に掲げる金銭 当該金銭に係る同号に規定する金銭信託の収益の分配

(iv) money specified in Article 2, paragraph (2), item (iv): distribution of profits under money trusts prescribed in Article 2, paragraph (2), item (iv) in relation to the relevant money; and

五 第二条第二項第五号に掲げる金銭 長期信用銀行債等（割引の方法により発行されるものを除く。）の利子

(v) money specified in Article 2, paragraph (2), item (v): interests on the long-term credit bank bonds, etc. (excluding those issued by means of a discount).

2 前項の規定の適用がある場合における租税特別措置法（昭和三十二年法律第二十六号）第四条の二及び第四条の三の規定の特例その他同項の規定の適用に関し必要な事項は、政令で定める。

(2) If the provisions of the preceding paragraph apply, any necessary matters for the application of special provisions for Article 4-2 and Article 4-3 of the Act on Special Measures Concerning Taxation (Act No. 26 of 1957) and other provisions of the preceding paragraph will be specified by Cabinet Order.

（預金等に係る保険金の支払等のための措置）

(Measures for Payment of Insurance Claims Regarding Deposits)

第五十八条の三 金融機関は、保険事故が発生した場合における支払対象預金等に係る保険金の支払又はその払戻しその他の保険事故に対処するために必要な措置の円滑な実施の確保を図るため、電子情報処理組織の整備その他の内閣府令で定める措置を講じなければならない。

Article 58-3 (1) A financial institution must develop electronic data processing systems and take any other measures specified by Cabinet Office Order in order to secure the smooth implementation of the payment of insurance proceeds in relation to covered deposits, etc. or refund thereof and any other measures necessary for dealing with an insured event in the event of occurrence of an insured event.

2 電子決済等取扱業者等は、委託金融機関が前項に規定する措置を講ずるために必要な電子情報処理組織の整備その他の内閣府令で定める措置を講じなければならない。

(2) An electronic payment handling service provider, etc. must develop electronic data processing systems and take any other measures specified by Cabinet Office Order that are necessary to ensure that the entrusting financial institution takes the measures prescribed in the preceding paragraph.

3 内閣総理大臣は、前二項に規定する措置が講ぜられていないと認めるときは、金融機関又は電子決済等取扱業者等に対し、その必要の限度において、期限を付して当該措置を講ずるよう命ずることができる。

(3) The Prime Minister may, when finding that the measures prescribed in the preceding two paragraphs have not been taken, order a financial institution or an electronic payment handling service provider, etc. to take the relevant measures to the extent necessary, by a specified time.

第四節 資金援助

Section 4 Financial Assistance

(資金援助の申込み)

(Application for Financial Assistance)

第五十九条 合併等を行う金融機関で破綻金融機関でない者（以下「救済金融機関」という。）又は合併等を行う銀行持株会社等（以下「救済銀行持株会社等」という。）は、機構が、合併等を援助するため、次に掲げる措置（第六号に掲げる措置にあつては、第二条第五項第五号に掲げる会社に対して行うものを除く。以下「資金援助」という。）を行うことを、機構に申し込むことができる。

Article 59 (1) A financial institution undertaking a merger, etc. that is not a failed financial institution (hereinafter referred to as an "assuming financial institution") or a bank holding company, etc. undertaking a merger, etc. (hereinafter referred to as an "assuming bank holding company, etc.") may apply to have the DICJ take the following measures (in the case of measures specified in item (vi), excluding those provided to the companies specified in Article 2, paragraph (5), item (v); hereinafter referred to as "financial assistance") to support the merger, etc.:

一 金銭の贈与

(i) donation of money;

二 資金の貸付け又は預入れ

(ii) loan or depositing of funds;

三 資産の買取り

(iii) purchase of assets;

四 債務の保証

(iv) guarantee of obligations;

五 債務の引受け

(v) assumption of obligations;

六 優先株式等の引受け等

(vi) subscription for preferred shares, etc.; and

七 損害担保

(vii) collateralization of damage.

2 前項の「合併等」とは、次に掲げるものをいう。

(2) The term "merger, etc." as used in the preceding paragraph means the following:

一 破綻金融機関と合併する金融機関が存続する合併

(i) a merger in which a financial institution that merges with a failed financial institution survives;

二 破綻金融機関と他の金融機関が合併して金融機関を設立する合併

(ii) a merger in which a financial institution is established through the merger of a failed financial institution and another financial institution;

三 事業譲渡等で破綻金融機関がその事業を他の金融機関に譲渡するもの（事業の一部を譲渡するものにあつては、破綻金融機関の預金等に係る債務の引受けであつて当該債務に保険金計算規定により計算した保険金の額に対応する預金等に係る債務

を含むものが伴うものに限る。)

(iii) a transfer of business, etc. in which a failed financial institution transfers its business to another financial institution (in the case of transfer of part of the business, limited to one accompanied by the assumption of obligations in relation to deposits, etc. of a failed financial institution that include obligations in relation to deposits, etc. corresponding to the amount of insurance proceeds calculated under the insurance claim calculation provision);

三の二 付保預金移転

(iii)-2 Transfer of Insured Deposits;

四 破綻金融機関の株式の他の金融機関又は銀行持株会社等による取得で当該破綻金融機関の業務の健全かつ適切な運営を確保するために必要な事項として内閣総理大臣及び財務大臣が定めるものを実施するために行うもの

(iv) an acquisition of shares of a failed financial institution by another financial institution or bank holding company, etc. to implement matters specified by the Prime Minister and the Minister of Finance as being necessary for ensuring sound and appropriate operation of the relevant failed financial institution;

五 破綻金融機関を当事者とする吸収分割で当該吸収分割により当該破綻金融機関がその事業に関して有する権利義務の全部又は一部を他の金融機関に承継させるもの（権利義務の一部を承継させるものにあつては、破綻金融機関の預金等に係る債務の承継であつて当該債務に保険金計算規定により計算した保険金の額に対応する預金等に係る債務を含むものが伴うものに限る。)

(v) an absorption-type company split to which a failed financial institution is a party where another financial institution succeeds to all or part of the rights and obligations held by the failed financial institution in relation to its business through the absorption-type company split (in the case of an absorption-type company split where another financial institution succeeds to part of the rights and obligations, limited to one where another financial institution succeeds to obligations in relation to deposits, etc. of the failed financial institution and where the obligations include those in relation to deposits, etc. corresponding to the amount of insurance claims calculated under the insurance claim calculation provision); and

六 破綻金融機関を当事者とする新設分割で当該新設分割により当該破綻金融機関がその事業に関して有する権利義務の全部又は一部を当該新設分割により新たに設立される金融機関に承継させるもの（権利義務の一部を承継させるものにあつては、破綻金融機関の預金等に係る債務の承継であつて当該債務に保険金計算規定により計算した保険金の額に対応する預金等に係る債務を含むものが伴うものに限る。)

(vi) an incorporation-type company split to which a failed financial institution is a party where the financial institution newly established through the incorporation-type company split succeeds to all or part of the rights and

obligations held by the failed financial institution in relation to its business through the relevant incorporation-type company split (in the case of an incorporation-type company split where the newly established financial institution succeeds to part of the rights and obligations, limited to one where the newly established financial institution succeeds to obligations in relation to deposits, etc. of the failed financial institution and where the obligations include those in relation to deposits, etc. corresponding to the amount of insurance claims calculated under the insurance claim calculation provision).

3 第一項に規定する資金援助のうち前項第二号に掲げる合併又は同項第六号に掲げる新設分割を援助するために行うものは、救済金融機関又は当該合併若しくは当該新設分割により設立される金融機関に対して行うものとし、当該合併又は当該新設分割を行う金融機関のうち二以上の救済金融機関がある場合には、第一項の規定による申込みは、当該二以上の救済金融機関の連名で行うものとする。

(3) The financial assistance prescribed in paragraph (1) provided to support a merger specified in item (ii) of the preceding paragraph or an incorporation-type company split specified in item (vi) of the same paragraph will be provided to the assuming financial institution or financial institution that will be established by the merger or the incorporation-type company split, and if there are two or more assuming financial institutions involved in the merger or the incorporation-type company split, the application prescribed in paragraph (1) will be made in joint name with the relevant assuming financial institutions.

4 第一項第三号に掲げる資産の買取りは、合併等（第二項に規定する合併等をいう。以下同じ。）に係る破綻金融機関の資産又は次の各号に掲げる合併等の区分に応じ当該各号に定める資産について行うものとし、第一項の規定による申込みに係る資金援助のうち合併等に係る破綻金融機関の資産の買取りが含まれているときは、当該合併等に係る救済金融機関又は救済銀行持株会社等は、当該破綻金融機関と連名で、機構が当該資産の買取りを行うことを機構に申し込むものとする。

(4) The purchase of assets specified in paragraph (1), item (iii) will be conducted with respect to the assets of a failed financial institution in relation to a merger, etc. (meaning the merger, etc. prescribed in paragraph (2); the same applies hereinafter) or assets specified in each of the following items according to the category of merger, etc. specified in the items, and if the financial assistance in relation to the application prescribed in paragraph (1) includes the purchase of assets of a failed financial institution in relation to a merger, etc., the assuming financial institution or assuming bank holding company, etc. in relation to the merger, etc. applies to the DICJ in joint name with the relevant failed financial institution for the DICJ to purchase the relevant assets:

一 第二項第一号に掲げる合併 当該合併により存続する金融機関の資産（当該合併前に破綻金融機関の資産であつたものに限る。）

- (i) a merger specified in paragraph (2), item (i): the assets of the financial institution surviving through the merger (limited to those that were the assets of the failed financial institution prior to the merger);
二 第二項第二号に掲げる合併 当該合併により設立される金融機関の資産（当該合併前に破綻金融機関の資産であつたものに限る。）
- (ii) a merger specified in paragraph (2), item (ii): the assets of the financial institution that will be established by the merger (limited to those that were the assets of the failed financial institution prior to the merger);
三 第二項第三号に掲げる事業譲渡等 同号の他の金融機関の資産で当該事業譲渡等により譲り受けたもの
- (iii) a transfer of business, etc. specified in paragraph (2), item (iii): the assets of another financial institution prescribed in paragraph (2), item (iii) that have been received through the relevant transfer of business, etc. ;
四 第二項第四号に掲げる株式の取得 当該株式の取得をされた金融機関の資産
- (iv) the acquisition of shares specified in paragraph (2), item (iv): the assets of a financial institution whose shares have been so acquired;
五 第二項第五号に掲げる吸収分割 同号の他の金融機関の資産で当該吸収分割により承継したもの
- (v) the absorption-type company split specified in paragraph (2), item (v): the assets of another financial institution set forth in the same item which the financial institution has succeeded to through the absorption-type company split; and
六 第二項第六号に掲げる新設分割 当該新設分割により設立される金融機関の資産（当該新設分割前に破綻金融機関の資産であつたものに限る。）
- (vi) the incorporation-type company split specified in paragraph (2), item (vi): the assets of the financial institution established through the incorporation-type company split (limited to those that were assets of the failed financial institution prior to the incorporation-type company split).
5 第一項第七号に掲げる損害担保は、前項各号に掲げる合併等の区分に応じ当該各号に定める資産である貸付債権について行うものとする。
- (5) The collateralization of damage specified in paragraph (1), item (vii) will be performed with respect to the loan claims that are the assets prescribed in each of the preceding items according to the category of merger, etc. specified in that item.
- 6 第一項又は第四項の規定による申込みを行つた金融機関及び銀行持株会社等は、速やかに、その旨を内閣総理大臣（労働金庫又は労働金庫連合会にあつては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。）に報告しなければならない。
- (6) A financial institution or bank holding company, etc. that has made an application under paragraph (1) or (4) must promptly report to that effect to the Prime Minister (in the case of a labor bank or Rokinren Bank, to the Prime

Minister and the Minister of Health, Labour and Welfare, and in the case of the Shoko Chukin Bank, Ltd., to the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry).

7 機構は、第一項又は第四項の規定による申込みを受けたときは、速やかに、その旨を財務大臣に報告しなければならない。ただし、当該申込みを行つた金融機関が株式会社商工組合中央金庫である場合は、この限りでない。

(7) Upon receiving an application under paragraph (1) or (4), the DICJ must promptly report to that effect to the Minister of Finance; provided, however, that this does not apply to cases where the financial institution that has made the relevant application is the Shoko Chukin Bank, Ltd.

(資金援助の申込みの特例)

(Special Provisions for Applications for Financial Assistance)

第五十九条の二 合併等（前条第二項第三号に掲げる事業譲渡等のうち破綻金融機関がその事業の一部を他の金融機関に譲渡するもの、付保預金移転、同項第五号に掲げる吸収分割のうち破綻金融機関がその事業に関して有する権利義務の一部を他の金融機関に承継させるもの又は同項第六号に掲げる新設分割のうち破綻金融機関がその事業に関して有する権利義務の一部を新たに設立される金融機関に承継させるものに限る。第六十三条第一項において同じ。）を行う救済金融機関は、機構が、破綻金融機関の債権者間の衡平を図るため、当該破綻金融機関に対して資金援助（前条第一項第一号に掲げるものに限る。）を行うことを、機構に申し込むことができる。

Article 59-2 (1) An assuming financial institution undertaking a merger, etc. (limited to the transfer of business, etc. specified in paragraph (2), item (iii) of the preceding Article whereby a failed financial institution transfers part of its business to another financial institution, the transfer of insured deposits, the absorption-type company split specified in item (v) of the same paragraph where another financial institution succeeds to part of the rights and obligations held by the failed financial institution in relation to its business, or the incorporation-type company split specified in item (vi) of the same paragraph where the newly established financial institution succeeds to part of the rights and obligations held by the failed financial institution in relation to its business; the same applies in Article 63, paragraph (1)) may apply to have the DICJ provide financial assistance to the relevant failed financial institution (limited to those specified in paragraph (1), item (i) of the preceding Article) in order to ensure equity between creditors of the failed financial institution.

2 前項の規定による申込みは、当該合併等に係る破綻金融機関と連名で行うものとする。

(2) The application under the preceding paragraph is to be made in coordination with the failed financial institution in relation to the merger, etc.

3 前条第六項の規定は前二項の規定による申込みを行つた救済金融機関及び破綻金融

機関について、同条第七項の規定は前二項の規定による申込みを受けた機構について、それぞれ準用する。

- (3) The provisions of paragraph (6) of the preceding Article apply mutatis mutandis to an assuming financial institution and failed financial institution that have made an application under the provisions of the preceding two paragraphs, and the provisions of paragraph (7) of the preceding Article apply mutatis mutandis to the DICJ that has received an application under the provisions of the preceding two paragraphs.

第六十条 内閣総理大臣の指定する金融機関で合併等を援助するため当該合併等に係る金融機関（破綻金融機関を除く。）又は当該合併等に係る銀行持株会社等に対し資金の貸付けその他の政令で定める行為を行うものは、機構が資金援助（第五十九条第一項第二号又は第四号に掲げるものに限る。）を行うことを、機構に申し込むことができる。

Article 60 (1) A financial institution designated by the Prime Minister that, in order to support a merger, etc., loans funds to a financial institution in relation to the merger, etc. (excluding the failed financial institution) or to a bank holding company, etc. in relation to the merger, etc. or conducts any other act specified by Cabinet Order may apply to the DICJ for financial assistance (limited to those specified in Article 59, paragraph (1), item (ii) or (iv)).

- 2 前項の規定による申込みを行った金融機関は、速やかに、その旨を内閣総理大臣（労働金庫又は労働金庫連合会にあつては、内閣総理大臣及び厚生労働大臣）に報告しなければならない。

(2) A financial institution that has made an application under the preceding paragraph must promptly report to that effect to the Prime Minister (in the case of a labor bank or Rokinren Bank, to the Prime Minister and the Minister of Health, Labour and Welfare).

- 3 機構は、第一項の規定による申込みを受けたときは、速やかに、その旨を財務大臣に報告しなければならない。

(3) Upon receiving an application under paragraph (1), the DICJ must promptly report to that effect to the Minister of Finance.

(適格性の認定)

(Confirmation of Eligibility)

第六十一条 第五十九条第一項、第五十九条の二第一項又は前条第一項の規定による申込みに係る合併等については、当該合併等に係る破綻金融機関及び救済金融機関又は破綻金融機関及び救済銀行持株会社等は、これらの規定による申込みが行われる時までに、当該合併等について、内閣総理大臣の認定を受けなければならない。

Article 61 (1) With regard to a merger, etc. in relation to an application prescribed in Article 59, paragraph (1), Article 59-2, paragraph (1), or paragraph (1) of the preceding Article, a failed financial institution and

assuming financial institution or failed financial institution and assuming bank holding company, etc. in relation to the relevant merger, etc. must obtain the confirmation of the Prime Minister by the time the application under these provisions is made.

2 前項の認定の申請は、同項の破綻金融機関及び救済金融機関又は破綻金融機関及び救済銀行持株会社等の連名で行わなければならない。

(2) An application for the confirmation under the preceding paragraph must be made in joint name of the failed financial institution and assuming financial institution or failed financial institution and assuming bank holding company, etc. prescribed in the preceding paragraph.

3 内閣総理大臣は、次に掲げる要件の全てに該当する場合に限り、第一項の認定を行うことができる。

(3) The Prime Minister may not grant confirmation under paragraph (1) unless all of the following requirements are satisfied:

一 当該合併等が行われることが預金者等その他の債権者の保護に資すること。

(i) the merger, etc. contributes to the protection of the depositors, etc. and other creditors;

二 機構による資金援助が行われることが、当該合併等を行うために不可欠であること。

(ii) the financial assistance by the DICJ is indispensable for carrying out the merger, etc.; and

三 当該合併等に係る破綻金融機関について、合併等が行われることなく、その業務の全部の廃止又は解散が行われる場合には、当該破綻金融機関が業務を行っている地域又は分野における資金の円滑な需給及び利用者の利便に大きな支障が生ずるおそれがあること。

(iii) if the merger, etc. is not carried out for the failed financial institution pertaining thereto and the failed financial institution ceases all its business or is dissolved, it is likely to cause considerable detriment to the smooth supply and request of funds and convenience of consumers in the region or fields in which the relevant failed financial institution conducts its business.

4 内閣総理大臣は、労働金庫又は労働金庫連合会に対し第一項の認定を行うときは厚生労働大臣の同意を、株式会社商工組合中央金庫に対し同項の認定を行うときは財務大臣及び経済産業大臣の同意を、それぞれ得なければならない。

(4) The Prime Minister must, when granting confirmation under paragraph (1) to a labor bank or Rokinren Bank, obtain consent from the Minister of Health, Labour and Welfare, and when granting confirmation under paragraph (1) to the Shoko Chukin Bank, Ltd., obtain consent from the Minister of Finance and the Minister of Economy, Trade and Industry.

5 内閣総理大臣は、第一項の認定を行うときは、当該認定に係る金融機関のうち、いずれが破綻金融機関であるかを明らかにしなければならない。

(5) The Prime Minister must, when granting confirmation under paragraph (1),

make clear which financial institution in relation to the relevant confirmation is a failed financial institution.

6 内閣総理大臣は、第一項の認定を行つたときは、その旨を機構に通知しなければならない。

(6) Upon granting the confirmation under paragraph (1), the Prime Minister must notify the DICJ to that effect.

7 機構は、前項の規定による通知を受けたときは、速やかに、その旨を財務大臣に報告しなければならない。

(7) Upon receiving notice under the preceding paragraph, the DICJ must promptly report to that effect to the Minister of Finance.

8 破綻金融機関の株式を取得しようとする会社が、当該株式の取得により銀行を子会社とする持株会社又は長期信用銀行を子会社とする持株会社になることについて、銀行法第五十二条の十七第一項又は長期信用銀行法第十六条の二の四第一項の認可（以下この項において「持株会社認可」という。）の申請をしている場合には、内閣総理大臣は、当該会社について持株会社認可をした後でなければ、第一項の規定による認定を行うことができない。

(8) If a company seeking to acquire the shares of a failed financial institution has applied for authorization set forth in Article 52-17, paragraph (1) of the Banking Act or Article 16-2-4, paragraph (1) of the long-term credit bank Act with regard to the fact that, as a result of the acquisition, the company will become a holding company which has a bank as its subsidiary company or holding company which has a long-term credit bank as its subsidiary company (hereinafter referred to as "holding company authorization" in this paragraph), the Prime Minister may not grant confirmation under paragraph (1) until after they has granted the holding company authorization to the relevant company.

（合併等のあつせん）

(Mediation of Mergers)

第六十二条 内閣総理大臣は、前条第二項の申請が行われない場合においても、金融機関が破綻金融機関に該当し、かつ、当該破綻金融機関が同条第三項第三号に掲げる要件に該当すると認めるときは、当該破綻金融機関及び他の金融機関又は当該破綻金融機関及び銀行持株会社等に対し、書面により、合併等（第五十九条第二項第二号に掲げる合併を除くものとし、当該合併等が行われることが預金者等その他の債権者の保護に資するものであり、かつ、機構による資金援助が行われることが当該合併等を行うために不可欠であるものに限る。）のあつせんを行うことができる。

Article 62 (1) Even in cases where no application is being made under paragraph (2) of the preceding Article, if a financial institution falls is classed as a failed financial institution and the Prime Minister finds that the failed financial institution satisfies the requirements specified in paragraph (3), item (iii) of the preceding Article, they may provide mediation in writing with regard to the relevant merger, etc. (excluding those specified in Article 59, paragraph (2),

item (ii) and limited to those that contribute to the protection of the depositors, etc. and other creditors and for which the financial assistance by the DICJ is indispensable) between the relevant failed financial institution and another financial institution or the relevant failed financial institution and a bank holding company, etc.

2 前項のあつせんを受けた同項の他の金融機関又は銀行持株会社等は、前条第一項の規定にかかわらず、第五十九条第一項又は第五十九条の二第一項の規定による申込みを行うことができる。

(2) Notwithstanding the provisions of paragraph (1) of the preceding Article, another financial institution or bank holding company, etc. prescribed in the preceding paragraph that has received the mediation under the preceding paragraph may make an application under Article 59, paragraph (1) or Article 59-2, paragraph (1).

3 第六十条第一項に規定する内閣総理大臣の指定する金融機関で、第一項のあつせんを受けた同項の他の金融機関又は銀行持株会社等に対し当該あつせんに係る合併等を援助するため同条第一項に規定する資金の貸付けその他の政令で定める行為を行うものは、前条第一項の規定にかかわらず、第六十条第一項の規定による申込みを行うことができる。

(3) Notwithstanding the provisions of paragraph (1) of the preceding Article, a financial institution designated by the Prime Minister under Article 60, paragraph (1) that, in order to support a merger, etc. in relation to the mediation under paragraph (1), loans funds under Article 60, paragraph (1) to another financial institution or bank holding company, etc. that has received the relevant mediation, or conducts any other act specified by Cabinet Order, may make an application under Article 60, paragraph (1).

4 前条第四項から第七項までの規定は、第一項のあつせんを行う場合について準用する。

(4) The provisions of paragraphs (4) through (7) of the preceding Article apply mutatis mutandis to cases where the mediation is provided under paragraph (1).

5 内閣総理大臣は、第一項のあつせんを行うため必要があると認めるときは、その必要の限度において、破綻金融機関又は破綻金融機関となる蓋然性が高いと認められる金融機関につきその業務又は財産の状況に関する資料を他の金融機関又は銀行持株会社等に対して交付し、その他当該あつせんに必要な準備行為を行うことができる。

(5) The Prime Minister may, when finding it necessary for providing the mediation set forth in paragraph (1), within the limit of that necessity, deliver material related to the status of business and assets of a failed financial institution or a financial institution recognized as having a high probability of becoming a failed financial institution to another financial institution or bank holding company, etc. and make any other preparations for the relevant mediation.

6 内閣総理大臣は、機構に対し、第一項のあつせん又は前項の準備行為の実施に関し、必要な協力を求めることができる。

(6) The Prime Minister may request necessary cooperation from the DICJ for the mediation under paragraph (1) or preparations under the preceding paragraph.

(預金者等の保護及び破綻金融機関の債権者間の衡平を図るための資金の貸付け)
(Loaning of Funds for Protecting Depositors and Ensuring Equity between Creditors of the Failed Financial Institution)

第六十三条 機構は、合併等に係る破綻金融機関から預金者等の保護及び破綻金融機関の債権者間の衡平を図るために必要とする資金の貸付けの申込みを受けたときは、委員会の議決を経て、当該申込みに係る貸付けを行う旨の決定をすることができる。

Article 63 (1) If the DICJ receives from the failed financial institution in relation to the merger, etc. an application for a loan of funds necessary for protecting depositors, etc. and ensuring equity between creditors of the failed financial institution, the DICJ may, following a resolution of the board, decide to make a loan in relation to the relevant application.

2 前項の申込みは、当該合併等に係る救済金融機関と連名で行うものとする。

(2) The application under the preceding paragraph is to be made in joint name with the assuming financial institution in relation to the merger, etc.

3 機構は、第一項の規定による決定をしたときは、直ちに、その決定に係る事項を内閣総理大臣及び財務大臣（当該決定が労働金庫又は労働金庫連合会に係るものである場合には内閣総理大臣及び財務大臣並びに厚生労働大臣とし、当該決定が株式会社商工組合中央金庫に係るものである場合には内閣総理大臣及び財務大臣並びに経済産業大臣とする。）に報告しなければならない。

(3) Upon making a decision under paragraph (1), the DICJ must immediately report matters in relation to the decision to the Prime Minister and the Minister of Finance (to the Prime Minister, the Minister of Finance, and the Minister of Health, Labour and Welfare if the decision relates to a labor bank or the Rokinren Bank, and to the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry if the decision relates to the Shoko Chukin Bank, Ltd.).

4 機構は、第一項の規定による貸付けを行う旨の決定をしたときは、当該貸付けの申込みに係る破綻金融機関との間で当該貸付けに関する契約を締結するものとする。

(4) Upon making a decision to make a loan under paragraph (1), the DICJ is to conclude a contract in relation to the loan with the failed financial institution that has applied for the loan.

(資金援助)

(Financial Assistance)

第六十四条 機構は、第五十九条第一項若しくは第四項、第五十九条の二第一項又は第六十条第一項の規定による申込みがあつたときは、遅滞なく、委員会の議決を経て、

当該申込みに係る資金援助を行うかどうかを決定しなければならない。

Article 64 (1) Upon receiving an application under Article 59, paragraph (1) or (4), Article 59-2, paragraph (1), or Article 60, paragraph (1), the DICJ must, following a resolution of the board, decide whether to grant the financial assistance in relation to the application without delay.

2 委員会は、前項の議決を行う場合には、機構の財務の状況並びに当該議決に係る資金援助に要すると見込まれる費用（第五十九条第二項に規定する合併等の円滑な実施に要すると見込まれる費用を含む。）及び当該資金援助に係る破綻金融機関の保険事故につき保険金の支払を行うときに要すると見込まれる費用を考慮し、機構の資産の効率的な利用に配慮しなければならない。

(2) When making a decision under the preceding paragraph, the board must take into consideration the financial conditions of the DICJ, expected costs of the financial assistance in relation to the relevant decision (including expected costs of the smooth implementation of the relevant merger, etc. prescribed in Article 59, paragraph (2)), and expected costs for the payment of insurance proceeds with respect to an insured event of the failed financial institution in relation to the relevant financial assistance, and give due consideration to the efficient use of the DICJ's assets.

3 機構は、第一項の規定による決定をしたときは、直ちに、その決定に係る事項を内閣総理大臣及び財務大臣（当該決定が労働金庫又は労働金庫連合会を当事者とする合併等に係るものである場合には内閣総理大臣及び財務大臣並びに厚生労働大臣とし、当該決定が株式会社商工組合中央金庫を当事者とする合併等に係るものである場合には内閣総理大臣及び財務大臣並びに経済産業大臣とする。）に報告しなければならない。

(3) Upon making a decision under paragraph (1), the DICJ must immediately report matters in relation to the relevant decision to the Prime Minister and the Minister of Finance (if the relevant decision pertains to a merger, etc. to which a labor bank or Rokinren Bank is a party, to the Prime Minister, the Minister of Finance, and the Minister of Health, Labour and Welfare, and if the relevant decision pertains to a merger, etc. to which the Shoko Chukin Bank, Ltd. is a party, to the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry).

4 機構は、第一項の規定による資金援助を行う旨の決定をしたときは、当該資金援助の申込みに係る金融機関又は銀行持株会社等との間で当該資金援助に関する契約を締結するものとする。

(4) Upon making a decision to provide the financial assistance under paragraph (1), the DICJ is to conclude a contract concerning the relevant financial assistance with a financial institution or bank holding company, etc. in relation to the application for the relevant financial assistance.

5 前項の契約に係る資金援助のうちに損害担保が含まれているときは、当該契約に係る金融機関又は銀行持株会社等は、当該契約において、当該損害担保に係る貸付債権

について利益が生じたときは当該利益の額の一部を機構に納付し、又は当該合併等により当該貸付債権を有することとなる者をして機構に納付させるための措置を講ずる旨を約するものとする。

- (5) When the financial assistance in relation to the contract prescribed in the preceding paragraph includes the collateralization of damage, the financial institution or bank holding company, etc. in relation to the relevant contract is to stipulate therein that, if profits are accrued with respect to loan claims in relation to the collateralization of damage, it is to pay part of the relevant profits to the DICJ, or take measures to cause a person who is to hold the relevant loan claims as a result of the relevant merger, etc. to pay part of the relevant profits to the DICJ.

(優先株式等の引受け等に係る資金援助)

(Financial Assistance Regarding Subscription for Preferred Shares)

第六十四条の二 第五十九条第一項の規定による申込みが優先株式等の引受け等に係るものであるときは、当該申込みに係る救済金融機関又は救済銀行持株会社等（第二条第五項第五号に掲げる会社を除く。以下この条において同じ。）は、第五十九条第一項の規定による申込みと同時に、機構に対し、財務内容の健全性の確保等のための方策として政令で定める方策を定めた計画を提出しなければならない。

Article 64-2 (1) When an application is made under Article 59, paragraph (1) for the subscription for preferred shares, etc., the assuming financial institution or assuming bank holding company, etc. (excluding the companies specified in Article 2, paragraph (5), item (v); hereinafter the same applies in this Article) in relation to the relevant application must, at the time of making the relevant application, submit to the DICJ a plan setting forth measures specified by Cabinet Order as measures to ensure sound financial conditions, etc.

- 2 委員会は、前条第一項の規定により行う議決が優先株式等の引受け等の申込みに係るものであるときは、当該優先株式等の引受け等が当該申込みに係る救済金融機関又は救済銀行持株会社等の自己資本の充実の状況に照らし当該合併等の円滑な実施のために必要な範囲を超えないことその他の内閣総理大臣及び財務大臣並びに厚生労働大臣及び経済産業大臣が定めて公表する基準に適合するものである場合に限り、当該優先株式等の引受け等を行う旨の決議をすることができる。

- (2) When a resolution prescribed in paragraph (1) of the preceding Article relates to an application for the subscription for preferred shares, etc., the board may not adopt a resolution to carry out the relevant subscription for preferred shares, etc., unless in light of the adequacy of equity capital of the assuming financial institution or assuming bank holding company, etc. in relation to the relevant application, the relevant subscription for preferred shares, etc. does not exceed the scope necessary for the smooth implementation of the relevant merger, etc. and conforms to other standards prescribed by the Prime Minister, the Minister of Finance, the Minister of Health, Labour and Welfare, and the

Minister of Economy, Trade and Industry.

3 機構は、第五十九条第一項の規定による申込みが優先株式等の引受け等に係るものである場合において、当該資金援助を行う旨の決定をしようとするときは、前項の決議を経た後、あらかじめ、内閣総理大臣及び財務大臣（当該申込みをした者が労働金庫又は労働金庫連合会である場合には内閣総理大臣及び財務大臣並びに厚生労働大臣とし、当該申込みをした者が株式会社商工組合中央金庫である場合には内閣総理大臣及び財務大臣並びに経済産業大臣とする。）の承認を受けなければならない。

(3) If an application is made under Article 59, paragraph (1) for the subscription for preferred shares, etc., if the DICJ intends to make a decision to provide the financial assistance, it must, following a resolution prescribed in the preceding paragraph, obtain prior approval from the Prime Minister and the Minister of Finance (if the relevant application is made by a labor bank or Rokinren Bank, from the Prime Minister, the Minister of Finance, and the Minister of Health, Labour and Welfare, and if the relevant application is made by the Shoko Chukin Bank, Ltd., from the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry).

4 第五十九条第一項の規定による申込みが合併等（同条第二項第二号又は第六号に掲げるものに限る。）を援助するための優先株式等の引受け等に係るものである場合において、機構が前条第一項の決定をしたときは、第一項の規定により提出された計画は、当該合併等の後においては、当該合併等により設立された金融機関が提出したものとみなして、この条の規定を適用する。

(4) If an application under Article 59, paragraph (1) for the subscription for preferred shares, etc. is made to support a merger, etc. (limited to those specified in Article 59, paragraph (2), item (ii) or (vi)), if the DICJ has made a decision under paragraph (1) of the preceding Article, a plan submitted pursuant to the provisions of paragraph (1) must, following the relevant merger, etc., be deemed to have been submitted by a financial institution established by the relevant merger, etc. for the purpose of applying the provisions of this Article.

5 機構は、取得優先株式等又は取得貸付債権（機構が前条第一項の決定に基づいてした優先株式等の引受け等により取得した貸付債権をいう。以下この条から第六十八条の三までにおいて同じ。）の全部につきその処分をし、又は償還若しくは返済を受けるまでの間、救済金融機関（当該優先株式等の引受け等に係る合併又は新設分割により設立された金融機関を含む。以下この条から第六十八条の四までにおいて同じ。）又は救済銀行持株会社等であつて、機構が現に保有する当該取得優先株式等又は取得貸付債権に係る発行者又は債務者であるものに対し、第一項の規定により提出を受けた計画の履行状況につき報告を求め、これを公表することができる。

(5) Until the DICJ disposes or receives redemption or repayment of all acquired preferred shares, etc. or acquired loan claims (meaning those loan claims acquired by the DICJ through the subscription for preferred shares, etc. based on a decision under paragraph (1) of the preceding Article; hereinafter the

same applies in this Article to Article 68-4), the DICJ may request an assuming financial institution (including a financial institution established by the merger or incorporation-type company split in relation to subscription for preferred shares, etc.; hereinafter the same applies in this Article through Article 68-3) or assuming bank holding company, etc. that is an issuer of the relevant acquired preferred shares, etc. or obligor in relation to acquired loan claims actually held by the DICJ to report the status of implementation of the plan that was submitted under paragraph (1) and make the report public.

6 前項の「取得優先株式等」とは、次に掲げるものをいう。

(6) The term "acquired preferred shares, etc." as used in the preceding paragraph means the following:

一 機構が前条第一項の決定に基づいてした優先株式等の引受け等により取得した優先株式等（次に掲げるものを含む。）その他の政令で定める株式等

(i) the preferred shares, etc. (including the following) and other shares, etc. specified by Cabinet Order acquired by the DICJ through the subscription for preferred shares, etc. based on a decision under paragraph (1) of the preceding Article:

イ 当該優先株式等が優先株式である場合にあつては、次に掲げる株式

(a) if the preferred shares, etc. are preferred shares, the following shares:

(1) 当該優先株式が他の種類の株式への転換（当該優先株式がその発行会社を取得され、その引換えに他の種類の株式が交付されることをいう。以下この項において同じ。）の請求が可能とされるものである場合にあつては、その請求により転換された他の種類の株式

1. if the relevant referred shares are those for which a request for conversion into shares of another class (meaning the delivery of shares of another class in exchange for the acquisition of the relevant preferred shares by their issuing company; hereinafter the same applies in this paragraph) can be made, shares of another class into which the relevant shares are converted pursuant to the request;

(2) 当該優先株式が一定の事由が生じたことを条件として転換されるものである場合にあつては、その事由が生じたことにより転換された他の種類の株式

2. if the preferred shares are convertible upon the occurrence of certain events, shares of another class into which the preferred shares are converted as a result of the occurrence; and

(3) 当該優先株式又は（1）若しくは（2）に掲げる他の種類の株式について分割され又は併合された株式

3. shares split or consolidated with respect to the preferred shares or the shares of another class specified in 1 or 2;

ロ 当該優先株式等が劣後特約付社債である場合にあつては、当該劣後特約付社債に新株予約権が付されているときにその行使により交付された株式及びこれにつ

いて分割され又は併合された株式

(b) if the preferred shares, etc. are subordinated bonds, shares delivered through the exercising of share options attached to the relevant subordinated bonds and shares split or consolidated with respect thereto; and

ハ 当該優先株式等が優先出資である場合にあつては、当該優先出資について分割された優先出資

(c) if the preferred shares, etc. are preferred equity investments, preferred equity investments split with respect to the relevant preferred equity investments; and

二 機構が前条第一項の決定により優先株式等の引受け等を行つた金融機関又は銀行持株会社等が行う株式交換又は株式移転により当該金融機関又は銀行持株会社等の株式交換完全親株式会社（会社法第七百六十八条第一項第一号に規定する株式交換完全親株式会社をいう。以下同じ。）又は株式移転設立完全親会社（同法第七百七十三条第一項第一号に規定する株式移転設立完全親会社をいう。以下同じ。）となつた会社から機構が割当てを受けた優先株式（次に掲げるものを含む。）その他の政令で定める株式等

(ii) preferred shares (including the following) allotted to the DICJ by a company that has become a wholly owning parent company resulting from share exchange (meaning the wholly owning parent company resulting from share exchange prescribed in Article 768, paragraph (1), item (i) of the Companies Act; the same applies hereinafter) or wholly owning parent company incorporated in a share transfer (meaning the wholly owning parent company incorporated in a share transfer prescribed in Article 773, paragraph (1), item (i) of the same Act; the same applies hereinafter) through share exchange or share transfer effected by a financial institution or bank holding company, etc. for which the DICJ has conducted the subscription for preferred shares, etc. pursuant to a decision under paragraph (1) of the preceding Article, and other shares, etc. specified by Cabinet Order:

イ 当該優先株式が他の種類の株式への転換の請求が可能とされるものである場合にあつては、その請求により転換された他の種類の株式

(a) if the relevant preferred shares are those for which a request for conversion into shares of another class can be made, shares of another class into which the relevant shares are converted pursuant to the request;

ロ 当該優先株式が一定の事由が生じたことを条件として転換されるものである場合にあつては、その事由が生じたことにより転換された他の種類の株式

(b) if the preferred shares are convertible upon the occurrence of certain events, shares of another class into which the preferred shares are converted as a result of the occurrence; and

ハ 当該優先株式又はイ若しくはロに掲げる他の種類の株式について分割され又は併合された株式

- (c) shares split or consolidated with respect to the relevant preferred shares or the shares of another class specified in (a) or (b).

(募集株式等の割当ての特例)

(Special Provisions for the Allotment of Shares for Subscription)

第六十四条の三 会社法第二百六条の二の規定は、救済金融機関又は救済銀行持株会社等による第五十九条第二項第四号に掲げる株式の取得に係る破綻金融機関による当該救済金融機関若しくは救済銀行持株会社等に対する同法第九十九条第一項に規定する募集株式の割当てがされる場合又は当該救済金融機関若しくは救済銀行持株会社等との間の同法第二百五条第一項の契約の締結がされる場合には、適用しない。

Article 64-3 (1) The provisions of Article 206-2 of the Companies Act do not apply to cases where a failed financial institution in relation to the acquisition of shares set forth in Article 59, paragraph (2), item (iv) by an assuming financial institution or assuming bank holding company, etc. conducts the allotment of shares for subscription prescribed in Article 199, paragraph (1) of the same Act targeting the relevant assuming financial institution or assuming bank holding company, etc., or where a contract set forth in Article 205, paragraph (1) of the same Act is executed with the relevant assuming financial institution or assuming bank holding company, etc.

2 会社法第二百四十四条の二の規定は、機構による資金援助（劣後特約付社債（新株予約権が付されているものに限る。）の引受けに係るものに限る。）に係る救済金融機関、救済銀行持株会社等又は第五十九条第二項第二号に掲げる合併若しくは同項第六号に掲げる新設分割により設立された金融機関による機構に対する同法第二百三十八条第一項に規定する募集新株予約権の割当てがされる場合又は機構との間の同法第二百四十四条第一項の契約の締結がされる場合には、適用しない。

(2) The provisions of Article 244-2 of the Companies Act do not apply to cases where an assuming financial institution or an assuming bank holding company, etc. in relation to the financial assistance by the DICJ (limited to those in relation to the subscription for subordinated bonds (limited to those with share options)) or a financial institution established by the merger set forth in Article 59, paragraph (2), item (ii) or the incorporation-type company split set forth in item (vi) of the same paragraph conducts the allotment of share options for subscription prescribed in Article 238, paragraph (1) of the same Act targeting the DICJ, or where a contract set forth in Article 244, paragraph (1) of the same Act is executed with the DICJ.

(合併等の契約の報告等)

(Reporting of Agreements for Mergers)

第六十五条 第六十一条第一項の認定又は第六十二条第一項のあつせん（以下「適格性の認定等」という。）を受けた金融機関又は銀行持株会社等は、当該適格性の認定等に係る合併等の契約を締結したときは、直ちに、内閣総理大臣（労働金庫又は労働金

庫連合会にあつては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。)に、その旨を報告し、かつ、当該合併等の契約書(機構と第六十四条第四項の契約を締結した金融機関又は銀行持株会社等にあつては、当該合併等の契約書及び同項の契約の内容を記載した書面)を提出しなければならない。

Article 65 A financial institution or bank holding company, etc. that has received the confirmation under Article 61, paragraph (1) or mediation under Article 62, paragraph (1) (hereinafter referred to as "confirmation of eligibility, etc.") must, upon concluding an agreement for merger, etc. in relation to the confirmation of eligibility, etc., immediately report to that effect to the Prime Minister (in the case of a labor bank or Rokinren Bank, to the Prime Minister and the Minister of Health, Labour and Welfare, and in the case of the Shoko Chukin Bank, Ltd., to the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry) and submit a copy of the relevant agreement for merger, etc. (in the case of a financial institution or bank holding company, etc. that has concluded a contract with the DICJ under Article 64, paragraph (4), a copy of the relevant agreement for merger, etc. and documents stating the details of the contract under Article 64, paragraph (4)).

(株主総会等の決議の報告等)

(Reporting of Resolutions of Shareholders Meetings)

第六十六条 適格性の認定等を受けた金融機関は、この法律若しくは会社法その他の法律の規定又は定款の定めに基づき合併、事業譲渡等、付保預金移転、株式交換若しくは株式移転又は会社分割について株主総会等の決議若しくは議決又は総株主若しくは全ての種類株主の同意(会社法第七百八十三条第二項又は第四項に規定する同意をいう。以下同じ。)を必要とする場合において、当該適格性の認定等に係る合併、事業譲渡等、付保預金移転、株式交換若しくは株式移転又は会社分割についての決議若しくは議決又は総株主若しくは全ての種類株主の同意を得たとき又は得られなかつたときは、直ちに、内閣総理大臣(労働金庫又は労働金庫連合会にあつては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。)に、その旨を報告し、かつ、当該株主総会等の議事録その他のその旨を証する書面(電磁的記録(電子的方式、磁気的方式その他人の知覚によつては認識することができない方式で作られる記録であつて、電子計算機による情報処理の用に供されるものとして内閣府令・財務省令で定めるものをいう。第六十六条第三項において同じ。))で作成されているものを含む。)を提出し、併せて、機構にその旨を通知しなければならない。適格性の認定等を受けた銀行持株会社等が、この法律若しくは会社法の規定又は定款の定めに基づき株式交換について株主総会等の決議又は総株主若しくは全ての種類株主の同意を必要とする場合において、当該適格性の認定等に係る株式交換についての決議又は同意を得たとき又は得られなかつたときも、同様とする。

Article 66 (1) If a resolution or decision of shareholders meeting, etc. or consent

of all shareholders or all class shareholders (meaning the consent prescribed in Article 783, paragraph (2) or (4) of the Companies Act; the same applies hereinafter) is required for a merger, transfer of business, etc., transfer of insured deposits, share exchange, or share transfer, or company split under the provisions of this Act, the Companies Act, other Acts, or the articles of incorporation, a financial institution that has received the confirmation of eligibility, etc. must, when it has obtained or failed to obtain a resolution or decision, or consent of all shareholders or all class shareholders for a merger, transfer of business, etc., transfer of insured deposits, share exchange or share transfer, or company split in relation to the relevant confirmation of eligibility, etc., immediately report to that effect to the Prime Minister (in the case of a labor bank or Rokinren Bank, to the Prime Minister and the Minister of Health, Labour and Welfare, and in the case of the Shoko Chukin Bank, Ltd., to the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry) and submit the minutes of the relevant shareholders meeting, etc. and any other documents proving the fact (including those prepared in the form of an electronic or magnetic record (meaning records used in computer data processing, which are created in electronic form, magnetic form, or any other form that is impossible to perceive through the human senses alone; specified by Cabinet Office Order and Order of the Ministry of Finance as used for data processing with computers; the same applies in Article 106, paragraph (3))), and must also notify the DICJ to that effect. The same applies when, if a resolution of shareholders meeting, etc. or consent of all shareholders or all class shareholders is required for share exchange under the provisions of this Act, the Companies Act, or the articles of incorporation, a bank holding company, etc. that has received the confirmation of eligibility, etc. has obtained or failed to obtain the resolution or consent for share exchange in relation to the relevant confirmation of eligibility, etc.

2 前項の「株主総会等」とは、銀行等、銀行持株会社等又は株式会社商工組合中央金庫にあつては株主総会又は種類株主総会（金融機関の合併及び転換に関する法律第二十二條第六項に規定する場合にあつては、株主総会及び同項の株主総会）を、信用金庫若しくは信用金庫連合会、信用協同組合若しくは信用協同組合連合会又は労働金庫若しくは労働金庫連合会（以下「信用金庫等」という。）にあつては総会又は総代会をいう。

(2) The term "shareholders meeting, etc." as used in the preceding paragraph means, in the case of a bank, etc., bank holding company, etc., or the Shoko Chukin Bank, Ltd., a shareholders meeting or class meeting (meaning, in the case prescribed in Article 22, paragraph (6) of the Act on Financial Institutions' Merger and Conversion, a shareholders meeting and the shareholders meeting prescribed in Article 22, paragraph (6)), and in the case of a Shinkin bank, federation of Shinkin banks, credit cooperative, federation

of credit cooperatives, labor bank, or Rokinren Bank (hereinafter referred to as a "Shinkin bank, etc."), a general meeting or general meeting of representatives.

- 3 第一項の適格性の認定等を受けた金融機関又は銀行持株会社等は、次に掲げる場合には、直ちに、内閣総理大臣（労働金庫又は労働金庫連合会にあつては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。）にその旨を報告し、あわせて、機構にその旨を通知しなければならない。

(3) A financial institution or bank holding company, etc. that has received the confirmation of eligibility, etc. under paragraph (1) must, in the following cases, immediately report to that effect to the Prime Minister (in the case of a labor bank or Rokinren Bank, to the Prime Minister and the Minister of Health, Labour and Welfare, and in the case of the Shoko Chukin Bank, Ltd., to the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry) and also notify the DICJ to that effect:

一 第一項の適格性の認定等を受けた金融機関又は銀行持株会社等が会社法第四百六十八条第二項若しくは第七百九十六条第二項、信用金庫法第五十八条第二項ただし書若しくは第六十一条の三第三項ただし書、中小企業等協同組合法第五十七条の三第二項後段若しくは第六十三条の五第三項ただし書、労働金庫法第六十二条第二項ただし書若しくは第六十二条の六第三項ただし書又は金融機関の合併及び転換に関する法律第三十条第一項若しくは第四十二条第一項の規定により、株主総会等（前項に規定する株主総会等をいう。次号において同じ。）の決議又は議決による承認を受けることなく事業の全部若しくは一部の譲受け、合併、株式交換又は会社分割を行おうとしたものである場合において、当該金融機関又は銀行持株会社等が会社法第四百六十八条第三項若しくは第七百九十六条第三項、信用金庫法第五十八条第四項若しくは第六十一条の三第五項、中小企業等協同組合法第五十七条の三第三項若しくは第六十三条の五第四項、労働金庫法第六十二条第四項若しくは第六十二条の六第五項又は金融機関の合併及び転換に関する法律第三十条第二項若しくは第四十二条第二項に規定する場合に該当することとなつたとき。

(i) if a financial institution or bank holding company, etc. that has received the confirmation of eligibility, etc. under paragraph (1) seeks to receive the whole or part of business or undertake a merger, share exchange, or company split without obtaining approval by a resolution or decision of a shareholders meeting, etc. (meaning the shareholders meeting, etc. prescribed in the preceding paragraph; the same applies in the following item) under Article 468, paragraph (2) or Article 796, paragraph (2) of the Companies Act, the proviso to Article 58, paragraph (2) or the proviso to Article 61-3, paragraph (3) of the Shinkin Bank Act, the second sentence of Article 57-3, paragraph (2) or the proviso to Article 63-5, paragraph (3) of the Small and Medium-Sized Enterprises Cooperatives Act, the proviso to Article 62, paragraph (2) or the proviso to Article 62-6, paragraph (3) of the Labor Bank Act, or Article

30, paragraph (1) or Article 42, paragraph (1) of the Act on Financial Institutions' Merger and Conversion, when the relevant financial institution or bank holding company, etc. has come to fall under the case prescribed in Article 468, paragraph (3) or Article 796, paragraph (3) of the Companies Act, Article 58, paragraph (4) or Article 61-3, paragraph (5) of the Shinkin Bank Act, Article 57-3, paragraph (3) or Article 63-5, paragraph (4) of the Small and Medium-Sized Enterprises Cooperatives Act, Article 62, paragraph (4) or Article 62-6, paragraph (5) of the Labor Bank Act, or Article 30, paragraph (2) or Article 42, paragraph (2) of the Act on Financial Institutions' Merger and Conversion; and

二 第一項の適格性の認定等を受けた金融機関が第八十七条又は民事再生法第四十三条（金融機関等の更生手続の特例等に関する法律第四百五十四条において準用する場合を含む。）の規定により株主総会等の決議若しくは議決又は総株主若しくは全ての種類株主の同意に代わる裁判所の許可を得て事業譲渡等を行おうとしたものである場合において、当該金融機関が当該許可を得られなかつたとき。

(ii) if a financial institution that has received the confirmation of eligibility, etc. under paragraph (1) seeks to conduct a transfer of business, etc. with the permission of the court in lieu of a resolution or decision of a shareholders meeting, etc. or consent of all shareholders or all class shareholders under Article 87 or Article 43 of the Civil Rehabilitation Act (including cases where it is applied mutatis mutandis pursuant to Article 454 of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions), if the relevant financial institution has failed to obtain the relevant permission.

4 機構は、第一項又は前項の規定による通知を受けたときは、直ちに、その旨を財務大臣に報告しなければならない。ただし、当該通知を行つた金融機関が株式会社商工組合中央金庫である場合は、この限りでない。

(4) Upon receiving notice under paragraph (1) or the preceding paragraph, the DICJ must immediately report to that effect to the Minister of Finance; provided, however, that this does not apply in cases where the financial institution that gave the relevant notice is the Shoko Chukin Bank, Ltd.

（業務の継続の特例）

(Special Provisions for the Continuation of Business)

第六十七条 適格性の認定等を受けた救済金融機関は、その営業若しくは事業に関する法令により行うことができない業務に属する契約又は制限されている契約に係る権利義務を当該適格性の認定等に係る合併、事業の譲受け、付保預金移転又は会社分割により承継した場合には、これらの契約のうち、期限の定めのあるものについては期限満了まで、期限の定めのないものについては承継の日から二年以内の期間に限り、これらの契約に関する業務を継続することができる。

Article 67 (1) If an assuming financial institution that has received confirmation of eligibility, etc. has, through a merger, transfer of business, transfer of

insured deposits, or company split in relation to the relevant confirmation of eligibility, etc., succeeded to the rights and obligations in relation to a contract belonging to any business affairs that the relevant financial institution is prohibited or restricted from carrying out by laws and regulations concerning the business or operations of the relevant financial institution, the relevant financial institution may continue to conduct the business concerning the contract until the period of contract expires, if the contract prescribes a period, and for a period limited to two years from the date of succession, if the contract does not prescribe a period.

2 適格性の認定等を受けた救済金融機関は、前項に規定する契約に関する業務の利用者の利便等に照らし特別の事情がある場合において、期間を定めて当該業務を整理することを内容とする計画を作成し、当該計画につき内閣総理大臣（労働金庫又は労働金庫連合会にあつては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。次項において同じ。）の承認を受けたときは、合併、事業の譲受け、付保預金移転又は会社分割の日における当該契約の総額を超えない範囲内において、かつ、当該計画に従い、前項の期限が満了した契約を更新して、又は同項の期間を超えて、当該業務を継続することができる。

(2) An assuming financial institution that has received confirmation of eligibility, etc. may, if there are special circumstances in light of the convenience of the users of the business in relation to the contract prescribed in the preceding paragraph, etc., prepare a plan as to how the relevant business is to be concluded within a specified period of time, and if the relevant plan is approved by the Prime Minister (in the case of a labor bank or Rokinren Bank, by the Prime Minister and the Minister of Health, Labour and Welfare, and in the case of the Shoko Chukin Bank, Ltd., by the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry; the same applies in the following paragraph), continue the relevant business affairs in accordance with the relevant plan and within a scope not exceeding the total amount of the relevant contract as of the date of the merger, assumption of business, transfer of insured deposits, or company split, by renewing the contract following the expiration of the period prescribed in the preceding paragraph or beyond the period prescribed in the preceding paragraph.

3 前項に規定する計画につき同項の承認を受けた救済金融機関は、予見し難い経済情勢の変化その他やむを得ない事情がある場合において、当該計画の変更につき内閣総理大臣の承認を受けたときは、破綻金融機関の営業又は事業に関する法令により行うことができる業務の範囲内において、かつ、当該変更後の計画に従い、合併、事業の譲受け、付保預金移転又は会社分割の日における第一項に規定する契約の総額を超えて当該契約に関する業務（資金の貸付け又は手形の割引の業務に限る。）を継続することができる。

(3) An assuming financial institution that has received approval under the

preceding paragraph for the plan prescribed in the same paragraph may continue the business affairs concerning the contract prescribed in paragraph (1) if there are unpredictable changes in economic situations or other unavoidable circumstances and a change to the relevant plan is approved by the Prime Minister (limited to business affairs of loaning funds or discounting bills) within the scope of business affairs that it may conduct under laws and regulations concerning the operation or business of the failed financial institution and in accordance with the plan after the change, beyond the total amount of the relevant contract as of the date of the merger, assumption of business, transfer of insured deposits, or company split.

(財務大臣への協議)

(Consultation with the Minister of Finance)

第六十八条 内閣総理大臣は、その行おうとする適格性の認定等に係る合併等のために機構による資金援助が行われたならば、機構の財務の状況が著しく悪化し信用秩序の維持に重大な影響を与えるおそれがあると認めるときは、あらかじめ、信用秩序の維持を図るために必要な措置に関し、財務大臣に協議しなければならない。

Article 68 The Prime Minister must, when finding that if the DICJ is to provide financial assistance for a merger, etc. in relation to the confirmation of eligibility, etc., the financial conditions of the DICJ would significantly deteriorate and have a serious impact on the maintenance of an orderly credit system, consult in advance with the Minister of Finance concerning measures necessary for the maintenance of an orderly credit system.

(資金援助に係る株式交換等の承認)

(Approval of Share Exchanges Regarding Financial Assistance)

第六十八条の二 第六十四条第一項の決定に基づいて機構が優先株式等の引受け等を行つた救済金融機関又は救済銀行持株会社等（この項の承認を受けた場合における次項に規定する会社及び次条第一項の承認を受けた場合における同条第四項に規定する承継金融機関等を含む。同条及び第六十八条の四において同じ。）であつて、機構が現に保有する取得優先株式等である株式の発行者であるもの（以下この条において「発行救済金融機関等」という。）は、株式交換（当該発行救済金融機関等が株式交換完全子会社（会社法第七百六十八条第一項第一号に規定する株式交換完全子会社をいう。第百八条の二第一項及び第二百二十六条の二十五第一項において同じ。）となるものに限る。）又は株式移転（以下この条において「株式交換等」という。）を行おうとするときは、あらかじめ、機構の承認を受けなければならない。

Article 68-2 (1) An assuming financial institution or an assuming bank holding company, etc. for which the DICJ has conducted the subscription for preferred shares, etc. based on a decision under Article 64, paragraph (1) (including companies prescribed in the following paragraph if an approval has been obtained under this paragraph and the bridge financial institution, etc.

prescribed in paragraph (4) of the following Article if an approval has been obtained under paragraph (1) of the following Article; the same applies in the following Article and Article 68-4), which has issued shares that are acquired preferred shares, etc. actually held by the DICJ (hereinafter referred to as "issuing assuming financial institution, etc." in this Article), must obtain approval from the DICJ before effecting a share exchange (limited to those through which the issuing assuming financial institution, etc. becomes a wholly owned subsidiary company in the share exchange (meaning a wholly owned subsidiary company in the share exchange prescribed in Article 768, paragraph (1), item (i) of the Companies Act; the same applies in Article 108-2, paragraph (1) and Article 126-25, paragraph (1))) or share transfer (hereinafter referred to as "share exchange, etc." in this Article).

2 機構は、株式交換等により当該発行救済金融機関等の株式交換完全親株式会社又は株式移転設立完全親会社となる会社が金融機関又は銀行持株会社等（新たに設立されるものを含み、銀行持株会社等にあつては、第二条第五項第一号又は第三号に掲げるものに限る。）であることその他の内閣総理大臣及び財務大臣が定めて公表する基準に適合するものである場合に限り、前項の承認をするものとする。

(2) The DICJ is not to grant the approval under the preceding paragraph unless a company that becomes, through the share exchange, etc., a wholly owning parent company resulting from share exchange or wholly owning parent company incorporated in a share transfer of the issuing assuming financial institution, etc. is a financial institution or bank holding company, etc. (including those that will be newly established and, in the case of a bank holding company, etc., limited to those specified in Article 2, paragraph (5), item (i) or (iii)) and conforms to other standards prescribed and publicly announced by the Prime Minister and the Minister of Finance.

3 機構は、第一項の承認をしようとするときは、あらかじめ、内閣総理大臣及び財務大臣の承認を受けなければならない。

(3) The DICJ must obtain the prior approval of the Prime Minister and the Minister of Finance before granting the approval under paragraph (1).

4 発行救済金融機関等が第一項の承認を受けて株式交換等を行ったときは、当該株式交換等により当該発行救済金融機関等の株式交換完全親株式会社又は株式移転設立完全親会社となつた会社は、機構に対し、財務内容の健全性の確保等のための方策として政令で定める方策を定めた計画を提出しなければならない。

(4) When an issuing assuming financial institution, etc. has effected the share exchange, etc. following the approval under paragraph (1), a company that has become, through the relevant share exchange, etc., a wholly owning parent company resulting from share exchange or wholly owning parent company incorporated in a share transfer of the relevant issuing assuming financial institution, etc. must submit to the DICJ a plan setting forth measures specified by Cabinet Order as measures to ensure sound financial conditions,

etc.

5 第六十四条の二第五項の規定は、機構が前項の規定により提出を受けた計画について準用する。この場合において、同条第五項中「救済金融機関（当該優先株式等の引受け等に係る合併又は新設分割により設立された金融機関を含む。以下この条から第六十八条の四までにおいて同じ。）又は救済銀行持株会社等」とあるのは「第六十八条の二第四項の規定により計画を提出した会社」と、「又は取得貸付債権に係る発行者又は債務者」とあるのは「に係る発行者」と読み替えるものとする。

(5) The provisions of Article 64-2, paragraph (5) apply mutatis mutandis to the plan submitted to the DICJ under the preceding paragraph. In this case, the terms "an assuming financial institution (including a financial institution established by the merger or incorporation-type company split in relation to subscription for preferred shares, etc.; hereinafter the same applies in this Article through Article 68-4) or assuming bank holding company, etc." and "issuer ... or obligor in relation to acquired loan claims" in Article 64-2, paragraph (5) will be deemed to be replaced with "a company that has submitted a plan under Article 68-2, paragraph (4)", and "issuer in relation to", respectively.

（資金援助に係る組織再編成の承認）

(Approval for Corporate Reorganization Regarding Financial Assistance)

第六十八条の三 第六十四条第一項の決定に基づいて機構が優先株式等の引受け等を行った救済金融機関又は救済銀行持株会社等であつて、機構が現に保有する取得優先株式等（第六十四条の二第六項に規定する取得優先株式等をいう。以下この項、次条、第六十九条第四項及び第一百一条第七項において同じ。）又は取得貸付債権に係る発行者又は債務者であるもの（以下この条において「資金援助対象金融機関等」という。）は、組織再編成（合併、会社分割又は事業の全部若しくは一部の譲渡であつて、当該合併、会社分割又は事業の譲渡の後において取得優先株式等の発行者又は取得貸付債権に係る債務者となる法人が当該資金援助対象金融機関等以外の法人（新たに設立されるものを含む。）であるものをいう。以下この条において同じ。）を行おうとするときは、あらかじめ、機構の承認を受けなければならない。

Article 68-3 (1) An assuming financial institution or assuming bank holding company, etc., for which the DICJ has conducted the subscription for preferred shares, etc. based on a decision under Article 64, paragraph (1), and which is an issuer or obligor in relation to acquired preferred shares, etc. (meaning the acquired preferred shares, etc. prescribed in Article 64-2, paragraph (6); hereinafter the same applies in this paragraph, the following Article, Article 69, paragraph (4), and Article 101, paragraph (7)) or acquired loan claims actually held by the DICJ (hereinafter referred to as "financial institution eligible for financial assistance, etc." in this Article), must obtain approval from the DICJ before implementing a corporate reorganization (meaning a merger, company split or transfer of the whole or part of business, in which an issuer of acquired

preferred shares, etc. or obligor in relation to acquired loan claims after the merger, company split or business transfer will be a corporation (including those that will be newly established) other than the financial institution eligible for financial assistance, etc.; hereinafter the same applies in this Article).

2 機構は、前項に規定する資金援助対象金融機関等以外の法人が金融機関又は銀行持株会社等（第二条第五項第一号及び第三号に掲げるものに限る。）であることその他の内閣総理大臣及び財務大臣並びに厚生労働大臣及び経済産業大臣が定めて公表する基準に適合するものである場合に限り、前項の承認をするものとする。

(2) The DICJ is to not grant the approval under the preceding paragraph unless the corporation other than the financial institution eligible for financial assistance, etc. prescribed in the preceding paragraph is a financial institution or bank holding company, etc. (limited to those specified in Article 2, paragraph (5), items (i) and (iii)) and conforms to other standards prescribed and publicly announced by the Prime Minister, the Minister of Finance, the Minister of Health, Labour and Welfare, and the Minister of Economy, Trade and Industry.

3 機構は、第一項の承認をしようとするときは、あらかじめ、内閣総理大臣及び財務大臣（当該資金援助対象金融機関等が労働金庫又は労働金庫連合会である場合にあっては内閣総理大臣及び財務大臣並びに厚生労働大臣とし、当該資金援助対象金融機関等が株式会社商工組合中央金庫である場合にあっては内閣総理大臣及び財務大臣並びに経済産業大臣とする。）の承認を受けなければならない。

(3) The DICJ must obtain approval from the Prime Minister and the Minister of Finance (if the financial institution eligible for financial assistance, etc. is a labor bank or Rokinren Bank, from the Prime Minister, the Minister of Finance, and the Minister of Health, Labour and Welfare, and if the financial institution eligible for financial assistance, etc. is the Shoko Chukin Bank, Ltd., from the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry) before granting the approval under paragraph (1).

4 資金援助対象金融機関等が第一項の承認を受けて組織再編成を行った場合において、当該組織再編成に係る承継金融機関等（同項に規定する資金援助対象金融機関等以外の法人をいう。）があるときは、当該承継金融機関等は、機構に対し、財務内容の健全性の確保等のための方策として政令で定める方策を定めた計画を提出しなければならない。

(4) If a financial institution eligible for financial assistance, etc. has implemented corporate reorganization after receiving the approval under paragraph (1), when there is a bridge financial institution, etc. in relation to the relevant corporate reorganization (meaning a corporation other than the financial institution eligible for financial assistance, etc. prescribed in paragraph (1)), the relevant bridge financial institution, etc. must submit to the DICJ a plan setting forth measures specified by Cabinet Order as measures

to ensure sound financial conditions, etc.

- 5 第六十四条の二第五項の規定は、機構が前項の規定により提出を受けた計画について準用する。この場合において、同条第五項中「救済金融機関（当該優先株式等の引受け等に係る合併又は新設分割により設立された金融機関を含む。以下この条から第六十八条の四までにおいて同じ。）又は救済銀行持株会社等」とあるのは、「第六十八条の三第四項に規定する承継金融機関等」と読み替えるものとする。

(5) The provisions of Article 64-2, paragraph (5) apply mutatis mutandis to a plan submitted to the DICJ under the preceding paragraph. In this case, the term "assuming financial institution (including a financial institution established by the merger or incorporation-type company split in relation to subscription for preferred shares, etc.; hereinafter the same applies in this Article through Article 68-4) or assuming bank holding company, etc." in Article 64-2, paragraph (5) will be deemed to be replaced with "bridge financial institution, etc. prescribed in Article 68-3, paragraph (4)".

(特別支配株主の株式等売渡請求の特例)

(Special Provisions for Demands for Share Cash-Outs by Special Controlling Shareholders)

第六十八条の四 会社法第二編第二章第四節の二の規定は、第六十四条第一項の決定に基づいて機構が優先株式等の引受け等を行つた救済金融機関又は救済銀行持株会社等であつて機構が現に保有する取得優先株式等である株式又は劣後特約付社債（新株予約権が付されているものに限る。）の発行者であるものの特別支配株主（同法第一百七十九条第一項に規定する特別支配株主をいい、機構を除く。以下同じ。）については、適用しない。

Article 68-4 The provisions of Part II, Chapter 2, Section 4-2 of the Companies Act do not apply to special controlling shareholders (meaning the special controlling shareholders prescribed in Article 179, paragraph (1) of the same Act and excluding the DICJ; the same applies hereinafter) of the assuming financial institution or assuming bank holding company, etc. for which the DICJ has conducted the subscription for preferred shares, etc. based on a decision under Article 64, paragraph (1) and which has issued shares that are acquired preferred shares, etc. actually held by the DICJ or subordinated bonds (limited to those with share options).

(追加的資金援助)

(Additional Financial Assistance)

第六十九条 機構は、資金援助に係る合併等の後、当該資金援助に係る救済金融機関若しくは救済銀行持株会社等又は当該資金援助に係る合併若しくは新設分割により設立された金融機関から追加の資金援助の申込みを受けた場合において、必要があると認めるときは、当該申込みを行つた金融機関又は銀行持株会社等に対する追加の資金援助（第四項において「追加的資金援助」という。）を行うことができる。

Article 69 (1) If, subsequent to a merger, etc. in relation to financial assistance, an assuming financial institution or assuming bank holding company, etc. in relation to the relevant financial assistance or a financial institution established by the merger or incorporation-type company split in relation to the relevant financial assistance applies for additional financial assistance (referred to as "additional financial assistance" in paragraph (4)), the DICJ may, when it finds it necessary, provide the additional financial assistance to the financial institution that has made the relevant application.

2 前項の規定による申込みに係る資産の買取りは、合併等（第五十九条第二項第三号に掲げる事業譲渡等のうち破綻金融機関がその事業の一部を他の金融機関に譲渡するもの、付保預金移転、同項第五号に掲げる吸収分割のうち破綻金融機関がその事業に関して有する権利義務の一部を他の金融機関に承継させるもの又は同項第六号に掲げる新設分割のうち破綻金融機関がその事業に関して有する権利義務の一部を当該新設分割により新たに設立される金融機関に承継させるものに限る。）に係る破綻金融機関の資産又は次の各号に掲げる合併等の区分に応じ当該各号に定める資産について行うものとし、前項の規定による申込みに係る資金援助のうちに合併等（同条第二項第三号に掲げる事業譲渡等のうち破綻金融機関がその事業の一部を他の金融機関に譲渡するもの、付保預金移転、同項第五号に掲げる吸収分割のうち破綻金融機関がその事業に関して有する権利義務の一部を他の金融機関に承継させるもの又は同項第六号に掲げる新設分割のうち破綻金融機関がその事業に関して有する権利義務の一部を当該新設分割により新たに設立される金融機関に承継させるものに限る。以下この項及び第四項において同じ。）に係る破綻金融機関の資産の買取りが含まれているときは、当該合併等に係る救済金融機関は、当該破綻金融機関と連名で、機構が当該資産の買取りを行うことを機構に申し込むものとする。

(2) The purchase of assets in relation to the application under the preceding paragraph will be conducted with respect to the assets of the failed financial institution in relation to a merger, etc. (limited to the transfer of business, etc. specified in Article 59, paragraph (2), item (iii) in which a failed financial institution transfers part of its business to another financial institution, the transfer of insured deposits, the absorption-type company split specified in item (v) of the same paragraph where another financial institution succeeds to part of the rights and obligations held by the failed financial institution in relation to its business, or the incorporation-type company split specified in item (vi) of the same paragraph where the financial institution newly established through the incorporation-type company split succeeds to part of the rights and obligations held by the failed financial institution in relation to its business) or assets prescribed in each of the following items according to the category of merger, etc. specified in each respective item, and if the financial assistance in relation to the application under the preceding paragraph includes the purchase of assets of the failed financial institution in relation to a merger, etc. (limited to the transfer of business, etc. specified in Article 59,

paragraph (2), item (iii) in which a failed financial institution transfers part of its business to another financial institution, the transfer of insured deposits, the absorption-type company split specified in item (v) of the same paragraph where another financial institution succeeds to part of the rights and obligations held by the failed financial institution in relation to its business, or the incorporation-type company split specified in item (vi) of the same paragraph where the financial institution newly established through the incorporation-type company split succeeds to part of the rights and obligations held by the failed financial institution in relation to its business; hereinafter the same applies in this paragraph and paragraph (4)), an assuming financial institution in relation to the relevant merger, etc. applies to the DICJ for the purchase of the relevant assets in joint name with the relevant failed financial institution:

- 一 第五十九条第二項第一号に掲げる合併 当該合併により存続する金融機関の資産（当該合併前に破綻金融機関の資産であつたものに限る。）
 - (i) a merger specified in Article 59, paragraph (2), item (i): the assets of the financial institution surviving through the merger (limited to those that were the assets of the failed financial institution prior to the merger);
- 二 第五十九条第二項第二号に掲げる合併 当該合併により設立された金融機関の資産（当該合併前に破綻金融機関の資産であつたものに限る。）
 - (ii) a merger specified in Article 59, paragraph (2), item (ii): the assets of the financial institution established by the merger (limited to those that were the assets of the failed financial institution prior to the merger);
- 三 第五十九条第二項第三号に掲げる事業譲渡等 同号の他の金融機関の資産で当該事業譲渡等により譲り受けたもの
 - (iii) a transfer of business, etc. specified in Article 59, paragraph (2), item (iii): the assets of another financial institution prescribed in Article 59, paragraph (2), item (iii) that have been received through the transfer of business, etc.;
- 四 第五十九条第二項第四号に掲げる株式の取得 当該株式の取得をされた金融機関の資産
 - (iv) an acquisition of shares specified in Article 59, paragraph (2), item (iv): the assets of the financial institution subject to the acquisition of shares;
- 五 第五十九条第二項第五号に掲げる吸収分割 同号の他の金融機関の資産で当該吸収分割により承継したもの
 - (v) the absorption-type company split specified in Article 59, paragraph (2), item (v): the assets of another financial institution set forth in the same item which the relevant financial institution has succeeded to through the absorption-type company split; and
- 六 第五十九条第二項第六号に掲げる新設分割 当該新設分割により設立された金融機関の資産（当該新設分割前に破綻金融機関の資産であつたものに限る。）
 - (vi) the incorporation-type company split specified in Article 59, paragraph (2),

item (vi): the assets of the financial institution established through the incorporation-type company split (limited to those that were assets of the failed financial institution prior to the incorporation-type company split).

3 第一項の規定による申込みに係る損害担保は、前項各号に掲げる合併等の区分に応じ当該各号に定める資産である貸付債権について行うものとする。

(3) The collateralization of damage in relation to the application under paragraph (1) will be conducted with respect to loan claims that are the assets prescribed in each item of the preceding paragraph according to the category of merger, etc. specified in each respective item.

4 第五十九条第六項及び第七項、第六十四条並びに第六十四条の二の規定は第一項又は第二項の規定による申込みについて、第五十九条の二の規定は資金援助に係る合併等を行つた救済金融機関について、第六十四条の三第二項の規定は機構が追加的資金援助（劣後特約付社債（新株予約権が付されているものに限る。）の引受けに係るものに限る。）を行う救済金融機関、救済銀行持株会社等又は資金援助に係る合併若しくは新設分割により設立された金融機関について、第六十七条及び第六十八条の規定は追加的資金援助について、第六十八条の二及び第六十八条の三の規定は機構が追加的資金援助（優先株式等の引受け等に係るものに限る。以下この項において同じ。）を行つた救済金融機関等（救済金融機関、救済銀行持株会社等又は資金援助に係る合併若しくは新設分割により設立された金融機関（機構が優先株式等の引受け等に係る資金援助を行い、かつ、現に当該資金援助に係る取得優先株式等を保有しているものを除くものとし、この項において準用する第六十八条の二第一項の承認を受けた場合におけるこの項において準用する同条第二項に規定する会社及びこの項において準用する第六十八条の三第一項の承認を受けた場合におけるこの項において準用する同条第四項に規定する承継金融機関等を含む。）をいう。以下この項において同じ。）について、前条の規定は機構が追加的資金援助を行つた救済金融機関等であつて機構が現に保有する取得優先株式等である株式又は劣後特約付社債（新株予約権が付されているものに限る。）の発行者であるものの特別支配株主について、それぞれ準用する。この場合において、第六十四条第二項中「及び当該資金援助に係る破綻金融機関の保険事故につき保険金の支払を行うときに要すると見込まれる」とあるのは「及び当該資金援助に係る破綻金融機関につき当該議決前に行われた委員会の議決に係る資金援助に要すると見込まれた費用並びに当該破綻金融機関の保険事故につき保険金の支払を行うときに要すると見込まれた」と、第六十八条中「その行おうとする適格性の認定等に係る合併等のために機構による資金援助」とあるのは「追加的資金援助」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

(4) The provisions of Article 59, paragraphs (6) and (7), Article 64, and Article 64-2 apply mutatis mutandis to the application under paragraph (1) or (2); the provisions of Article 59-2 apply mutatis mutandis to the assuming financial institution that has conducted the merger, etc. in relation to the financial assistance; the provisions of Article 64-3, paragraph (2) apply mutatis mutandis to an assuming financial institution or an assuming bank holding company, etc., or a financial institution established by the merger or

incorporation-type company split in relation to the financial assistance to which the DICJ provides the additional financial assistance (limited to those in relation to the subscription for subordinated bonds (limited to those with share options)); the provisions of Articles 67 and 68 apply mutatis mutandis to the additional financial assistance; the provisions of Articles 68-2 and 68-3 apply mutatis mutandis to an assuming financial institution, etc. (meaning an assuming financial institution, an assuming bank holding company, etc. or a financial institution established by the merger or incorporation-type company split in relation to the financial assistance (excluding the financial institutions to which the DICJ has provided the financial assistance in relation to the subscription for preferred shares, etc. and in which the DICJ actually holds acquired preferred shares, etc. in relation to the relevant financial assistance, but including the company prescribed in Article 68-2, paragraph (2) as applied mutatis mutandis pursuant to this paragraph if an approval has been obtained under Article 68-2, paragraph (1) as applied mutatis mutandis pursuant to this paragraph and the bridge financial institution, etc. prescribed in Article 68-3, paragraph (4) as applied mutatis mutandis pursuant to this paragraph if an approval has been obtained under Article 68-3, paragraph (1) as applied mutatis mutandis pursuant to this paragraph); hereinafter the same applies in this paragraph) to which the DICJ has provided the additional financial assistance (limited to those in relation to the subscription for preferred shares, etc.; hereinafter the same applies in this paragraph); and the provisions of the preceding Article apply mutatis mutandis to special controlling shareholders of an assuming financial institution, etc. to which the DICJ has provided the additional financial assistance and which has issued shares that are acquired preferred shares, etc. actually held by the DICJ or subordinated bonds (limited to those with share options). In this case, the term "expected costs for the payment of insurance proceeds with respect to an insured event of the failed financial institution in relation to the relevant financial assistance" in Article 64, paragraph (2) will be deemed to be replaced with "expected costs of the financial assistance in relation to the decision of the board made prior to the relevant decision with respect to the failed financial institution in relation to the relevant financial assistance and expected costs for the payment of insurance proceeds with respect to an insured event of the relevant failed financial institution," and the term "the DICJ is to provide financial assistance for a merger, etc. in relation to the confirmation of eligibility, etc.," in Article 68 will be deemed to be replaced with "the additional financial assistance is to be provided", and any other necessary technical replacement of terms will be specified by Cabinet Order.

第三章の二 資金決済に関する債権者の保護

Chapter III-2 Protection of Creditors Concerning Settlement of Funds

(決済債務の保護)

(Protection of Settlement Obligations)

第六十九条の二 為替取引その他の金融機関が行う資金決済に係る取引として政令で定める取引に関し金融機関が負担する債務（外国通貨で支払が行われるものを除き、金融機関その他の金融業を営む者で政令で定める者以外の者の委託に起因するものその他政令で定めるものに限る。以下この章において「決済債務」という。）であつて、かつ、支払対象決済用預金の払戻しを行う場合に消滅するもの以外のもの（以下この項及び次条第一項において「特定決済債務」という。）については、これを支払対象決済用預金に係る債務と、特定決済債務に係る債権を支払対象決済用預金に係る債権と、特定決済債務に係る債権者を預金者と、特定決済債務の額を支払対象決済用預金の額と、特定決済債務の弁済を支払対象決済用預金の払戻しとそれぞれみなして、この法律の規定（第五十八条の二、この章及び第七十三条の規定並びに第二百二十七条の規定及び当該規定に係る罰則を除く。）を適用する。この場合において、第五十一条の二第一項中「次に掲げる要件のすべてに該当する預金（外貨預金その他政令で定める預金を除く。以下「決済用預金」という。）に係る保険料」とあるのは「特定決済債務に係る保険料」と、第五十四条の二第一項中「決済用預金（他人の名義をもつて有するものその他の政令で定める決済用預金を除く。以下「支払対象決済用預金」という。）に係る保険金」とあるのは「特定決済債務に係る保険金」と、「のうち元本の額」とあるのは「の額」と、同条第二項中「その有する支払対象決済用預金」とあるのは「その有する特定決済債務に係る債権」と、第五十五条の二第五項中「預金等」とあるのは「特定決済債務」と、第五十八条の三第一項中「支払対象預金等」とあるのは「特定決済債務」とする。

Article 69-2 (1) With regard to obligations borne by a financial institution with regard to funds transfer transaction and other transactions specified by Cabinet Order as transactions in relation to the settlement of funds undertaken by a financial institution (excluding those for which payment is made in a foreign currency, and limited to those resulting from entrustment by a financial institution and by other persons who engage in financial business other than persons specified by Cabinet Order and to those specified by Cabinet Order; hereinafter referred to as "settlement obligations" in this Chapter), other than those that will be extinguished if there is refund of the covered deposits for settlement (hereinafter referred to as "specified settlement obligations" in this paragraph and paragraph (1) of the following Article), the specified settlement obligations will be deemed to be obligations in relation to the covered deposits for settlement, claims in relation to the specified settlement obligations will be deemed to be claims in relation to the covered deposits for settlement, creditors in relation to the specified settlement obligations will be deemed to be the depositors, etc., the amount of the specified settlement obligations will be deemed to be the amount of the covered

deposits for settlement, and the repayment of the specified settlement obligations will be deemed to be refunding the covered deposits for settlement, for the purpose of applying the provisions of this Act (excluding Article 58-2, this Chapter, Article 73, and Article 127 and penal provisions pertaining thereto). In this case, the term "insurance premiums in relation to deposits that satisfy all of the following requirements (excluding foreign currency deposits and other deposits specified by Cabinet Order; hereinafter referred to as "deposits for payment and settlement purposes")" in Article 51-2, paragraph (1) will be deemed to be replaced with "insurance premiums in relation to the specified settlement obligations," the term "insurance proceeds in relation to the deposits for payment and settlement purposes (excluding those held under the name of another person and other deposits for payment and settlement purposes specified by Cabinet Order; hereinafter referred to as "covered deposits for settlement")" in Article 54-2, paragraph (1) will be deemed to be replaced with "insurance proceeds in relation to the specified settlement obligations," and the term "the amount of principal ... of" will be deemed to be replaced with "the amount of," the term "the covered deposits for settlement held thereby" in Article 54-2, paragraph (2) will be deemed to be replaced with "the claims in relation to the specified settlement obligations held thereby," the term "deposits, etc." in Article 55-2, paragraph (5) will be deemed to be replaced with "specified settlement obligations", and the term "covered deposits, etc." in Article 58-3, paragraph (1) will be deemed to be replaced with "specified settlement obligations".

2 決済債務が一般預金等の払戻しを行う場合に消滅するものであるときは、当該決済債務の額に相当する金額の当該一般預金等については、決済用預金とみなす。

(2) Where the settlement obligations will be extinguished if there is refund of the general deposits, etc., the general deposits, etc. whose amount is equivalent to the amount of the relevant settlement obligations will be deemed to be the deposits for payment and settlement purposes.

(決済債務の弁済のための資金の貸付け)

(Loaning of Funds for the Repayment of Settlement Obligations)

第六十九条の三 機構は、次に掲げる者から決済債務の弁済（第五十四条の二第一項の規定及び同条第二項において準用する第五十四条第三項の規定により計算した保険金の額に対応する支払対象決済用預金又は特定決済債務につき行うものに限る。）のために必要とする資金の貸付けの申込みを受けた場合において、必要があると認めるときは、委員会の議決を経て、当該決済債務に係る第五十四条の二第一項の規定及び同条第二項において準用する第五十四条第三項の規定により計算した保険金の額の合計額に達するまでを限り、当該申込みに係る貸付けを行う旨の決定をすることができる。

Article 69-3 (1) If the DICJ receives from any of the following persons an application for a loan of funds necessary for the repayment of the settlement

obligations (limited to those carried out with respect to the covered deposits for settlement or specified settlement obligations corresponding to the amount of insurance proceeds calculated under Article 54-2, paragraph (1) and Article 54, paragraph (3) as applied mutatis mutandis pursuant to Article 54-2, paragraph (2)), the DICJ may, when it finds it necessary, and following a resolution of the board, decide to make a loan in relation to the relevant application up to the total amount of insurance proceeds in relation to the relevant settlement obligations calculated under Article 54-2, paragraph (1) and Article 54, paragraph (3) as applied mutatis mutandis pursuant to Article 54-2, paragraph (2):

一 第七十四条第一項又は第二項の規定により管理を命ずる処分を受けた金融機関

(i) a financial institution that has become subject to an order to manage under Article 74, paragraph (1) or (2);

二 破産手続開始の決定を受けた者（当該破産手続開始の決定を受ける前において金融機関であつた者に限る。）

(ii) a person who has become subject to a ruling for the commencement of bankruptcy proceedings (limited to a person who was a financial institution prior to becoming subject to the relevant ruling for the commencement of bankruptcy proceedings);

三 破産法第九十一条第一項の規定による保全管理人による管理を命ずる処分を受けた破綻金融機関

(iii) a failed financial institution that has become subject to an order to manage by a provisional administrator under Article 91, paragraph (1) of the Bankruptcy Act;

四 更生手続開始の決定を受けた破綻金融機関

(iv) a failed financial institution that has become subject to a ruling for the commencement of reorganization proceedings;

五 会社更生法第三十条第一項又は金融機関等の更生手続の特例等に関する法律第二十二條第一項の規定による保全管理人による管理を命ずる処分を受けた破綻金融機関

(v) a failed financial institution that has become subject to an order to management by a provisional administrator under Article 30, paragraph (1) of the Corporate Reorganization Act or Article 22, paragraph (1) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions;

六 民事再生法第六十四条第一項の規定による管財人による管理を命ずる処分を受けた破綻金融機関

(vi) a failed financial institution that has become subject to an order to manage by a trustee under Article 64, paragraph (1) of the Civil Rehabilitation Act;

七 民事再生法第七十九条第一項の規定による保全管理人による管理を命ずる処分を受けた破綻金融機関

(vii) a failed financial institution that has become subject to an order to manage by a provisional administrator under Article 79, paragraph (1) of the Civil Rehabilitation Act; or

八 特別清算開始の命令を受けた者（当該命令に係る解散をする前において金融機関であつた者に限る。）

(viii) a person who has become subject to an order for commencement of special liquidation (limited to a person who was a financial institution prior to its dissolution in relation to the relevant order).

2 第六十四条第三項の規定は前項の規定による決定をしたときについて、同条第四項の規定は前項の規定により貸付けを行う旨の決定をしたときについて、それぞれ準用する。この場合において、同条第三項中「を当事者とする合併等に係る」とあるのは、「に係る」と読み替えるものとする。

(2) The provisions of Article 64, paragraph (3) apply *mutatis mutandis* to the cases where a decision is made under the preceding paragraph, and the provisions of Article 64, paragraph (4) apply *mutatis mutandis* to the cases where a decision to provide a loan is made under the preceding paragraph. In this case, the term "pertains to a merger, etc. to which ... is a party" in Article 64, paragraph (3) will be deemed to be replaced with "pertains to ...".

3 第一項の規定により次の各号に掲げる者に対してされた貸付けは、当該金融機関に係る破産手続、更生手続、再生手続又は特別清算手続における機構以外の債権者との関係においては、当該各号に定める決定より前にされたものとみなす。

(3) The loan provided under paragraph (1) to a person specified in each of the following items will, in relation to creditors other than the DICJ in bankruptcy proceedings, reorganization proceedings, rehabilitation proceedings or special liquidation proceedings in relation to the relevant financial institution, be deemed to be provided prior to the decision prescribed in each respective item:

一 第一項第二号に掲げる者 当該破産手続開始の決定

(i) a person specified in paragraph (1), item (ii): the relevant ruling for the commencement of bankruptcy proceedings;

二 第一項第四号に掲げる破綻金融機関 当該更生手続開始の決定

(ii) a failed financial institution specified in paragraph (1), item (iv): the relevant ruling for the commencement of reorganization proceedings;

三 再生手続開始の決定を受けた破綻金融機関 当該再生手続開始の決定

(iii) a failed financial institution that has become subject to a ruling for the commencement of rehabilitation proceedings: the relevant ruling for the commencement of rehabilitation proceedings; and

四 第一項第八号に掲げる者 当該特別清算開始の命令

(iv) a person specified in paragraph (1), item (viii): the relevant order for commencement of special liquidation.

4 第一項の決定に基づく資金の貸付けに要すると見込まれる費用は、第六十四条第二項の適用については、同項の資金援助に要すると見込まれる費用とみなす。

(4) The expected costs of the loan of funds provided pursuant to a decision under paragraph (1) will be deemed to be the expected costs of the financial assistance prescribed in Article 64, paragraph (2) for the purpose of applying Article 64, paragraph (2).

5 第一項第二号又は第八号に掲げる者は、同項の貸付けに係るこの法律の適用については、金融機関とみなす。

(5) The person specified in paragraph (1), item (ii) or (viii) will be deemed to be a financial institution for the purpose of the application of this Act in relation to the loan prescribed in paragraph (1).

(決済債務に係る破産法等の特例)

(Special Provisions of the Bankruptcy Act Regarding Settlement Obligations)

第六十九条の四 決済債務を負担する金融機関及び決済債権者（当該決済債務に係る債権を有し、かつ、当該金融機関に対して他の決済債務を負担する他の金融機関（当該他の金融機関から当該決済債務に係る債権を取得し、又は当該他の決済債務を引き受けた者その他内閣府令・財務省令で定める者を含む。）をいう。以下この項において同じ。）が、相互に負担する決済債務を継続的に相殺することによりその全部又は一部を消滅させることを内容とする契約を当該金融機関に係る保険事故が発生する前に締結している場合において、当該契約の対象となる決済債務が当該金融機関に係る支払不能等（支払不能（当該金融機関が、支払能力を欠くために、その債務のうち弁済期にあるものにつき、一般的かつ継続的に弁済することができない状態にあることをいう。）、支払の停止又は破産手続開始、更生手続開始、再生手続開始若しくは特別清算開始の申立てをいう。以下この項において同じ。）より後に生じたときであつて当該金融機関に係る前条第一項（第二百二十七条第一項において準用する場合を含む。）の規定による貸付けを行う旨の決定があつたときは、当該決済債権者は、会社法第五百七条及び第五百十八条、破産法第七十一条及び第七十二条、会社更生法第四十九条及び第四十九条の二（これらの規定を金融機関等の更生手続の特例等に関する法律第三十五条において準用する場合を含む。）並びに民事再生法第九十三条及び第九十三条の二の規定にかかわらず、その有する債権に係る当該金融機関が負担する次の各号に掲げる決済債務をその負担する当該各号に定める決済債務と相殺することができる。

Article 69-4 (1) If a financial institution that owes the settlement obligations and settlement creditors (meaning other financial institutions that hold claims in relation to the relevant settlement obligations and also owe other settlement obligations to the relevant financial institution (including other persons who have acquired from the relevant other financial institutions the claims in relation to the relevant settlement obligations or assumed the relevant other settlement obligations and other persons specified by Cabinet Office Order and Order of the Ministry of Finance); hereinafter the same applies in this paragraph) have, prior to the occurrence of an insured event in relation to the relevant financial institution, concluded a contract, under which the whole or

part of the settlement obligations owed to each other will be extinguished by way of continuous set-off thereof, if the settlement obligations subject to the relevant contract arose after the relevant financial institution's insolvency, etc. (meaning insolvency (meaning the condition in which the relevant financial institution, due to the lack of ability to pay, is generally and continuously unable to pay its debts as they become due), suspension of payments, or a petition for the commencement of bankruptcy proceedings, commencement of reorganization proceedings, commencement of rehabilitation proceedings or commencement of special liquidation; hereinafter the same applies in this paragraph) and there has been a decision in relation to the relevant financial institution for the provision of a loan under paragraph (1) of the preceding Article (including cases where it is applied mutatis mutandis pursuant to Article 127, paragraph (1)), the relevant settlement creditors may, notwithstanding the provisions of Article 517 and Article 518 of the Companies Act, Article 71 and Article 72 of the Bankruptcy Act, Article 49 and Article 49-2 of the Corporate Reorganization Act (including cases where these provisions are applied mutatis mutandis pursuant to Article 35 of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions) and Article 93 and Article 93-2 of the Civil Rehabilitation Act, set off the settlement obligations specified in the following items that are owed by the relevant financial institution in relation to claims held by the creditors against the settlement obligations owed by the creditors prescribed in the item:

一 当該支払不能等より前に生じた決済債務 当該支払不能等から当該支払不能等に係る破産手続開始の決定、更生手続開始の決定、再生手続開始の決定若しくは特別清算開始の命令（以下この号において「破産手続開始決定等」という。）までの間に生じた当該金融機関に対して負担する決済債務（当該支払不能等より前に生じた原因に基づくものを除く。）又は当該破産手続開始決定等より後に生じた当該金融機関に対して負担する決済債務

(i) the settlement obligations that arose prior to the insolvency, etc.: the settlement obligations owed to the relevant financial institution (excluding those based on a cause that arose prior to the relevant insolvency, etc.) that arose between the time of the insolvency, etc. and a ruling for the commencement of bankruptcy proceedings, commencement of reorganization proceedings, or commencement of rehabilitation proceedings, or an order for commencement of special liquidation (hereinafter referred to as "ruling for commencement of bankruptcy proceedings, etc." in this item) in relation to the relevant insolvency, etc., or the settlement obligations owed to the relevant financial institution that arose after the relevant ruling for commencement of bankruptcy proceedings, etc.; and

二 当該支払不能等より後に生じた決済債務 当該金融機関に対して負担する決済債務

- (ii) the settlement obligations that arose after the relevant insolvency, etc.: the settlement obligations owed to the relevant financial institution.
- 2 民法第六百五十三条の規定は、決済債務に係る当該金融機関が締結している委任契約については、適用しない。
- (2) The provisions of Article 653 of the Civil Code do not apply to a consignment contract concluded by the relevant financial institution in relation to the settlement obligations.
- 3 特別清算開始の命令を受けた破綻金融機関に対し前条第一項の規定による資金の貸付けを行う旨の決定があるときは、会社法第五百条第一項及び第五百三十七条第一項の規定にかかわらず、裁判所は、当該破綻金融機関の申立てにより、前条第一項に規定する決済債務の弁済を許可することができる。
- (3) When a decision has been made to loan funds under paragraph (1) of the preceding Article to a failed financial institution that has become subject to an order for commencement of special liquidation, the court may, notwithstanding the provisions of Article 500, paragraph (1) and Article 537, paragraph (1) of the Companies Act, in response to an application filed by the relevant failed financial institution, grant permission for the repayment of the settlement obligations prescribed in paragraph (1) of the preceding Article.
- 4 裁判所は、前項の許可と同時に、弁済を行う決済債務の種類、弁済の限度額及び弁済をする期間（同項の場合においては、当該期間の末日は、会社法第五百四十九条第一項の通知を行う日より前の日でなければならないものとする。）を定めなければならない。
- (4) The court must, upon granting the permission under the preceding paragraph, specify the types of the settlement obligations to be repaid, limit of the amount of repayment, and period of repayment (in the case referred to in the same paragraph, the last day of the relevant period must precede the date of notice under Article 549, paragraph (1) of the Companies Act).
- 5 裁判所は、前項の規定により、弁済を行う決済債務の種類、弁済の限度額及び弁済をする期間を定めるときは、あらかじめ、機構の意見を聴かななければならない。
- (5) When specifying the types of the settlement obligations to be repaid, limit of the amount of repayment, and period of repayment under the preceding paragraph, the court must hear the opinion of the DICJ in advance.

第四章 預金等債権の買取り

Chapter IV Purchase of Deposits and Other Claims

(預金等債権の買取り)

(Purchase of Deposits and Other Claims)

第七十条 機構は、第五十七条第一項に規定する場合（第一種保険事故の発生した金融機関の預金者等の保護のため必要があると認める場合を含む。）には、委員会の議決を経て、同項各号に規定する保険事故に係る預金等債権（預金者等が当該保険事故の

発生した金融機関に対して有する預金等（政令で定める預金等を除く。）に係る債権であつて、担保権の目的となつていないものをいう。以下同じ。）の買取りをすることを決定することができる。

Article 70 (1) In the cases prescribed in Article 57, paragraph (1) (including cases where the DICJ finds it necessary for the protection of the depositors, etc. of a financial institution subject to a category-one insured event), the DICJ may, following a resolution by the board, decide to purchase deposits and other claims in relation to an insured event prescribed in each item of Article 57, paragraph (1) (meaning claims in relation to the deposits, etc. held by the depositors, etc. in the financial institution subject to the insured event (excluding the deposits, etc. specified by Cabinet Order) that are not subject to a security interest; the same applies hereinafter).

2 前項の買取りは、第七十二条第一項又は第三項の規定により公告した買取り期間内に、前項の保険事故に係る預金者等が有する預金等債権を、その請求に基づいて、概算払額に相当する金額で買い取るにより行うものとする。ただし、機構は、その買取りに係る預金等債権の回収をした場合において、当該回収によつて得た金額から当該買取りに要した費用として政令で定めるものの額を控除した金額が、当該買取りに係る概算払額に相当する金額を超えるときは、その超える部分の金額を当該預金者等に対して支払うものとする。

(2) The purchase under the preceding paragraph will be made within the purchase period publicly announced under Article 72, paragraph (1) or (3), upon request by the depositors, etc. who hold deposits and other claims in relation to the insured event prescribed in the preceding paragraph based on an approximate estimate of the relevant deposits and other claims; provided, however, that if the DICJ has collected the deposits and other claims in relation to the purchase, if an amount obtained by deducting from the amount so collected the amount of costs specified by Cabinet Order as being required for the relevant purchase exceeds the amount equivalent to estimated proceeds payment in relation to the relevant purchase, the DICJ is to pay the excess to the relevant depositors, etc.

3 前項に規定する概算払額は、機構が預金者等から買い取る預金等債権の額から、保険事故が発生した日から当該買取りの日までの期間に対応する利息、収益の分配その他これらに準ずるもので政令で定めるものの額を控除した額に、次条第一項の規定により機構が定める率（以下「概算払率」という。）を乗じて計算した金額とする。

(3) The amount of estimated proceeds payment prescribed in the preceding paragraph is calculated by deducting from the amount of deposits and other claims to be purchased by the DICJ from the depositors, etc. the amount of interest, distribution of profits and any other amount equivalent thereto specified by Cabinet Order corresponding to the period between the date of the insured event and the date of the relevant purchase, and multiplying the amount thus calculated by a rate determined by the DICJ under paragraph (1)

of the following Article (hereinafter referred to as "estimated proceeds payment rate").

4 第五十三条第三項の規定は、第二項の規定による買取りに係る概算払額に相当する金額の支払（以下「概算払額の支払」という。）について準用する。

(4) The provisions of Article 53, paragraph (3) apply mutatis mutandis to the payment of an amount equivalent to estimated proceeds payment in relation to the purchase under paragraph (2) (hereinafter referred to as "estimated proceeds payment").

5 機構は、預金者等が第二項の買取期間内に同項の請求をしなかつたことにつき災害その他やむを得ない事情があると認めるときは、同項の規定にかかわらず、当該買取期間経過後であつても、当該預金者等の預金等債権の買取りをすることができる。

(5) When the DICJ finds that the depositors, etc. did not make a request within the purchase period prescribed in paragraph (2) due to natural disaster or any other unavoidable reason, the DICJ may, notwithstanding the provisions of paragraph (2), purchase deposits and other claims of the relevant depositors, etc. even after the lapse of the relevant purchase period.

（概算払率）

(Estimated Proceeds Payment Rate)

第七十一条 機構は、前条第一項の決定においては、委員会の議決を経て、当該決定に係る買取りの概算払率を定めるものとし、当該決定について内閣総理大臣及び財務大臣の認可を受けなければならない。

Article 71 (1) In making a decision under paragraph (1) of the preceding Article, the DICJ must, following a resolution of the board, specify the estimated proceeds payment rate for the purchase in relation to the relevant decision and obtain the authorization of the Prime Minister and the Minister of Finance for the relevant decision.

2 委員会は、前項の概算払率に係る議決を行う場合には、前条第一項の決定に係る金融機関の財務の状況に照らし、当該金融機関について破産手続が行われたならば当該金融機関に係る預金等債権について弁済を受けることができると見込まれる額を考慮し、機構の資産の効率的な利用に配慮しなければならない。

(2) When making a decision on the estimated proceeds payment rate under the preceding paragraph, the board must take into consideration, in light of the financial conditions of the financial institution in relation to the decision under paragraph (1) of the preceding Article, the expected amount of payment to be received for deposits and other claims in relation to the relevant financial institution if it becomes subject to bankruptcy proceedings, and give due consideration to the efficient use of the DICJ's assets.

3 内閣総理大臣及び財務大臣は、第一項の認可を行う場合において、当該金融機関が労働金庫又は労働金庫連合会であるときは厚生労働大臣の同意を、当該金融機関が株式会社商工組合中央金庫であるときは経済産業大臣の同意を、それぞれ得なければな

らない。

- (3) When granting the authorization set forth in paragraph (1), the Prime Minister and the Minister of Finance must obtain consent from the Minister of Health, Labour and Welfare if the relevant financial institution is a labor bank or Rokinren Bank, and must obtain consent from the Minister of Economy, Trade and Industry if the relevant financial institution is the Shoko Chukin Bank, Ltd.

(買取りの公告等)

(Public Notices of Purchases)

第七十二条 機構は、前条第一項の認可を受けたときは、速やかに、委員会の議決を経て、預金等債権の買取りに係る買取期間、買取場所、概算払額の支払方法その他政令で定める事項を定め、これを当該認可に係る概算払率とともに公告しなければならない。

Article 72 (1) Upon receiving the authorization set forth in paragraph (1) of the preceding Article, the DICJ must, following a resolution by the board, promptly specify the period, location, and method of the estimated proceeds payment in relation to the purchase of deposits and other claims and other particulars specified by Cabinet Order and give public notice thereof together with the estimated proceeds payment rate in relation to the relevant authorization.

2 機構は、前項の公告をした後に当該金融機関について破産法第九十七条第一項（同法第二百九条第三項において準用する場合を含む。）の規定による公告、第三百七条の二第二項の規定による通知その他の政令で定める事由があつたときは、政令で定めるところにより、前項の規定により公告した買取期間を変更することができる。

(2) If, after giving public notice under the preceding paragraph, there is public notice under Article 197, paragraph (1) of the Bankruptcy Act (including cases where it is applied mutatis mutandis pursuant to Article 209, paragraph (3) of the relevant Act), notice under Article 137-2, paragraph (2), or any other event specified by Cabinet Order with respect to the relevant financial institution, the DICJ may, pursuant to Cabinet Order provisions, change the purchase period that was publicly announced under the provisions of the preceding paragraph.

3 機構は、前項の規定により買取期間を変更したときは、遅滞なく、その変更に係る事項を公告しなければならない。

(3) If the DICJ has changed the payment period under the preceding paragraph, the DICJ must give public notice of particulars in relation to the relevant change without delay.

4 機構は、第七十条第二項ただし書の規定による支払をするときは、あらかじめ、委員会の議決を経て、支払額、支払期間その他政令で定める事項を定め、これを公告しなければならない。

(4) When making payment under the proviso to Article 70, paragraph (2), the

DICJ must, following a resolution of the board, specify the amount and period of payment and other particulars specified by Cabinet Order and give public notice thereof in advance.

- 5 第五十六条第四項の規定は、第一項に規定する事項を定めた場合、第二項の規定により買取期間を変更した場合及び前項に規定する事項を定めた場合について準用する。
- (5) The provisions of Article 56, paragraph (4) apply mutatis mutandis to cases where the DICJ has specified the particulars prescribed in paragraph (1), changed the purchase period under paragraph (2), and specified the matters prescribed in the preceding paragraph.

(課税関係)

(Taxation)

第七十三条 預金者等がその有する預金等債権（第二条第二項第五号に掲げる預金等に係るもののうち割引の方法により発行される長期信用銀行債等に係るものを除く。以下この条において同じ。）について概算払額の支払を受けた場合には、当該概算払額の支払を受けた金額（以下この条において「概算払の金額」という。）が当該概算払額の支払の日における当該預金等債権のうち元本の額として政令で定める金額（以下この条において「基準日における元本額」という。）以下であるときにあつては当該概算払の金額は当該預金等債権のうち元本の払戻しの額とみなし、当該概算払の金額が当該基準日における元本額を超えるときにあつては当該概算払の金額のうち当該基準日における元本額に相当する部分の金額は当該預金等債権のうち元本の払戻しの額と、当該概算払の金額のうちその超える部分の金額は当該預金等債権に係る預金等の次の各号に掲げる区分に応じ当該各号に定めるものの額とみなして、所得税法その他の所得税に関する法令の規定を適用する。

Article 73 (1) If depositors, etc. have received the estimated proceeds payment for the deposits and other claims which they hold (excluding those in relation to the long-term credit bank bonds, etc. issued by means of a discount, among those listed in Article 2, paragraph (2), item (v); hereinafter the same applies in this Article), if the amount of the relevant estimated proceeds payment (hereinafter referred to as "amount of estimated proceeds payment" in this Article) is equal to or less than the amount specified by Cabinet Order as the amount of principal of the relevant deposits and other claims on the date of the relevant estimated proceeds payment (hereinafter referred to as "amount of principal on the reference date" in this Article), the amount of estimated proceeds payment will be deemed to be the amount of principal to be repaid with respect to the relevant deposits and other claims, and if the amount of estimated proceeds payment exceeds the amount of principal on the reference date, the portion of the relevant amount of estimated proceeds payment equivalent to the relevant amount of principal on the reference date will be deemed to be the amount of principal to be repaid with respect to the relevant deposits and other claims, and the portion of the relevant amount of estimated

proceeds payment that exceeds the relevant amount of principal on the reference date will be deemed to be the amount prescribed in each of the following items according to the category of the deposits, etc. in relation to the relevant deposits and other claims prescribed in each respective item, in applying the provisions of the Income Tax Act and other laws and regulations concerning income tax:

一 預金 当該預金の利子

(i) deposits: interests on the relevant deposits;

二 定期積金 当該定期積金に係る契約に基づく給付補填金（所得税法第一百七十四条第三号に掲げる給付補填金をいう。）

(ii) installment savings: compensation money for benefits (meaning the compensation money for benefits specified in Article 174, item (iii) of the Income Tax Act) based on contracts for the relevant installment savings;

三 第二条第二項第三号に掲げる掛金 当該掛金に係る契約に基づく給付補填金（所得税法第一百七十四条第四号に掲げる給付補填金をいう。）

(iii) installment deposits specified in Article 2, paragraph (2), item (iii): compensation money for benefits (meaning the compensation money for benefits specified in Article 174, item (iv) of the Income Tax Act) based on contracts for the relevant installment deposits;

四 第二条第二項第四号に掲げる金銭 当該金銭に係る同号に規定する金銭信託の収益の分配

(iv) money specified in Article 2, paragraph (2), item (iv): distribution of profits under money trusts prescribed in Article 2, paragraph (2), item (iv) in relation to the relevant money; and

五 第二条第二項第五号に掲げる金銭 長期信用銀行債等（割引の方法により発行されるものを除く。）の利子

(v) money specified in Article 2, paragraph (2), item (v): interests on the long-term credit bank bonds, etc. (excluding those issued by means of a discount).

2 預金者等が第七十条第二項ただし書の規定による支払を受けた場合には、当該支払に係る預金等債権につき支払を受けた金額（以下この項において「精算払の金額」という。）は、次の各号に掲げる場合の区分に応じ当該各号に定める額とみなして、所得税法その他の所得税に関する法令の規定を適用する。

(2) If the depositors, etc. have received payment under the proviso to Article 70, paragraph (2), the amount of money received for deposits and other claims in relation to the relevant payment (hereinafter referred to as "amount of settlement payment" in this paragraph) will be deemed to be the amount prescribed in each of the following items according to the category prescribed in the item, in applying the provisions of the Income Tax Act and other laws and regulations concerning income tax:

一 精算払の金額と当該預金等債権に係る概算払の金額との合計額（次号において「精算払の金額と概算払の金額との合計額」という。）が、当該預金等債権に係る

- 基準日における元本額以下である場合 当該預金等債権のうち元本の払戻しの額
- (i) if the total amount of the amount of settlement payment and the amount of estimated proceeds payment in relation to the relevant deposits and other claims (referred to as "total amount of settlement and estimated proceeds payments" in the following items) is equal to or less than the amount of principal on the reference date in relation to the relevant deposits and other claims: the amount of principal to be repaid with respect to the relevant deposits and other claims;
- 二 精算払の金額と概算払の金額との合計額が当該預金等債権に係る基準日における元本額を超え、かつ、当該預金等債権に係る概算払の金額が当該基準日における元本額以下である場合 次に掲げる精算払の金額の区分に応じそれぞれ次に定める額
- (ii) if the total amount of settlement and estimated proceeds payments exceeds the amount of principal on the reference date in relation to the relevant deposits and other claims, and the amount of estimated proceeds payment in relation to the relevant deposits and other claims is equal to or less than the relevant amount of principal on the reference date: the amount prescribed in each of the following according to the category of amount of settlement payment specified therein:
- イ 当該精算払の金額のうち、当該基準日における元本額から当該概算払の金額を控除した金額に相当する金額 当該預金等債権のうち元本の払戻しの額
- (a) within the relevant amount of settlement payment, an amount corresponding to the balance after deducting from the relevant amount of principal on the reference date the relevant amount of estimated proceeds payment: an amount of principal to be repaid with respect to the relevant deposits and other claims; and
- ロ 当該精算払の金額のうち、精算払の金額と概算払の金額との合計額から当該基準日における元本額を控除した金額に相当する金額 当該預金等債権に係る預金等の前項各号に掲げる区分に応じ当該各号に定めるものの額
- (b) within the relevant amount of settlement payment, an amount corresponding to the balance after deducting from the total amount of settlement and estimated proceeds payments the relevant amount of principal on the reference date: an amount of the deposits, etc. in relation to the relevant deposits and other claims prescribed in each item of the preceding paragraph according to the category specified in each respective item; and
- 三 当該預金等債権に係る概算払の金額が当該預金等債権に係る基準日における元本額を超える場合 当該預金等債権に係る預金等の前項各号に掲げる区分に応じ当該各号に定めるものの額
- (iii) if the amount of estimated proceeds payment in relation to the relevant deposits and other claims exceeds the amount of principal on the reference date in relation to the relevant deposits and other claims: an amount of the

deposits, etc. in relation to the relevant deposits and other claims prescribed in each item of the preceding paragraph according to the category specified in each respective item.

- 3 前二項の規定の適用がある場合における租税特別措置法第四条の二及び第四条の三の規定の特例その他前二項の規定の適用に関し必要な事項は、政令で定める。
- (3) If the provisions of the preceding two paragraphs apply, necessary particulars for the application of the special provisions of Article 4-2 and Article 4-3 of the Act on Special Measures Concerning Taxation and other provisions of the preceding two paragraphs will be specified by Cabinet Order.

第五章 金融整理管財人による管理

Chapter V Management by Financial Administrators

(業務及び財産の管理を命ずる処分)

(Order to Manage Business and Assets)

第七十四条 内閣総理大臣（この項に規定する処分に係る金融機関が労働金庫又は労働金庫連合会である場合にあつては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫である場合にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。次項、第四項（次条第二項において準用する場合を含む。）及び第五項、同条第一項、第七十七条第二項から第四項まで、第七十九条第一項（同条第三項において準用する場合を含む。）、第八十条、第八十四条第一項並びに第九十条において同じ。）は、金融機関がその財産をもつて債務を完済することができないと認める場合又は金融機関がその業務若しくは財産の状況に照らし預金等の払戻しを停止するおそれがあると認める場合若しくは金融機関が預金等の払戻しを停止した場合であつて、次に掲げる要件のいずれかに該当すると認めるときは、当該金融機関に対し、金融整理管財人による業務及び財産の管理を命ずる処分（以下「管理を命ずる処分」という。）をすることができる。

Article 74 (1) In cases where the Prime Minister (if a financial institution in relation to the order prescribed in this paragraph is a labor bank or Rokinren Bank, the Prime Minister and the Minister of Health, Labour and Welfare, and if the financial institution is the Shoko Chukin Bank, Ltd., the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry; the same applies in the following paragraph, paragraph (4) (including cases where it is applied mutatis mutandis pursuant to paragraph (2) of the following Article), paragraph (5), paragraph (1) of the following Article, Article 77, paragraphs (2) through (4), Article 79, paragraph (1) (including cases where it is applied mutatis mutandis pursuant to Article 79, paragraph (3)), Article 80, Article 84, paragraph (1), and Article 90) finds that a financial institution is unable to satisfy its obligations in full with its assets, or that, in light of the status of its business affairs or assets, a financial institution is likely to suspend refund of deposits, etc. or a financial institution has suspended refund

of deposits, etc., and that any of the following requirements is satisfied, the Prime Minister may order that the business and assets of the relevant financial institution be placed under the management of a financial administrator (hereinafter referred to as "order to manage"):

一 当該金融機関の業務の運営が著しく不適切であること。

(i) the conducting of the relevant financial institution's business is particularly inappropriate; or

二 当該金融機関について、合併等が行われることなく、その業務の全部の廃止又は解散が行われる場合には、当該金融機関が業務を行つている地域又は分野における資金の円滑な需給及び利用者の利便に大きな支障が生ずるおそれがあること。

(ii) if a merger, etc. is not carried out for the financial institution pertaining thereto and the failed financial institution discontinues all of its business affairs or is dissolved, it is likely to cause considerable detriment to the smooth supply and demand of funds and convenience of consumers in the region or fields in which the relevant failed financial institution conducts its business.

2 内閣総理大臣は、金融機関からその財産をもつて債務を完済することができない事態が生ずるおそれがあると認める旨の申出があつた場合において、当該事態が生ずるおそれがあり、かつ、前項各号に掲げる要件のいずれかに該当すると認めるときは、当該金融機関に対し、管理を命ずる処分をすることができる。

(2) Upon receiving notification from a financial institution that a situation is likely to arise in which the financial institution is unable to satisfy its obligations in full with its assets, the Prime Minister may, when finding that the relevant situation is likely to arise and any of the requirements specified in the preceding paragraph are satisfied, issue the order to manage with respect to the relevant financial institution.

3 前二項の規定による管理を命ずる処分があつた場合におけるこの法律の適用については、当該処分を受けた金融機関（破綻金融機関を除く。）は、破綻金融機関とみなす。

(3) A financial institution (excluding failed financial institutions) that has become subject to the order to manage under the provisions of the preceding two paragraphs will be deemed to be a failed financial institution for the purpose of the application of this Act.

4 内閣総理大臣は、管理を命ずる処分をしたときは、官報により、これを公告しなければならない。

(4) Upon issuing the order to manage, the Prime Minister must give public notice thereof in the Official Gazette.

5 金融機関は、その財産をもつて債務を完済することができないとき又はその業務若しくは財産の状況に照らし預金等の払戻しを停止するおそれがあるときは、その旨及びその理由を、文書をもつて、内閣総理大臣に申し出なければならない。

(5) A financial institution must, if it is unable to satisfy its obligations in full

with its assets or is likely to suspend the refunding of deposits, etc. in light of the status of its business or assets, give written notification of the fact and reasons thereof to the Prime Minister.

(管理を命ずる処分の取消し)

(Rescission of Order to Manage)

第七十五条 内閣総理大臣は、管理を命ずる処分について、その必要がなくなつたと認めるときは、当該管理を命ずる処分を取り消さなければならない。

Article 75 (1) The Prime Minister must rescind the order to manage, when finding that there is no longer any need for the relevant order to manage.

2 前条第四項の規定は、前項の場合について準用する。

(2) The provisions of paragraph (4) of the preceding Article apply mutatis mutandis to the case referred to in the preceding paragraph.

(株主の名義書換の禁止)

(Prohibition of Shareholder Name Changes)

第七十六条 被管理金融機関が銀行等又は株式会社商工組合中央金庫である場合において、内閣総理大臣は、必要があると認めるときは、株主の名義書換を禁止することができる。

Article 76 (1) If a financial institution under management is a bank, etc. or the Shoko Chukin Bank, Ltd., the Prime Minister may, when finding it necessary, prohibit any entry of a change of the name of a shareholder.

2 前項の被管理金融機関が株式会社商工組合中央金庫である場合における同項の規定の適用については、同項中「内閣総理大臣」とあるのは、「内閣総理大臣、財務大臣及び経済産業大臣」とする。

(2) For the purpose of applying the provisions of the preceding paragraph, if a financial institution under management set forth in the preceding paragraph is the Shoko Chukin Bank, Ltd. as prescribed in the same paragraph, the term "the Prime Minister" will be deemed to be "the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry".

(金融整理管財人の選任等)

(Appointment of Financial Administrators)

第七十七条 管理を命ずる処分があつたときは、被管理金融機関を代表し、業務の執行並びに財産の管理及び処分を行う権利は、金融整理管財人に専属する。会社法第八百二十八条第一項及び第二項（これらの規定を信用金庫法第二十八条、第五十二条の二（同法第五十八条第七項において準用する場合を含む。）及び第六十一条の七、中小企業等協同組合法第三十二条、第五十七条（同法第五十七条の三第六項において準用する場合を含む。）及び第六十七条並びに労働金庫法第二十八条、第五十七条の二（同法第六十二条第七項において準用する場合を含む。）及び第六十五条において準用する場合を含む。）並びに会社法第八百三十一条（信用金庫法第二十四条第十項及

び第四十八条の八、中小企業等協同組合法第二十七条第八項、第五十四条、第八十二条第四項及び第八十二条の十第四項並びに労働金庫法第二十四条第十一項及び第五十四条において準用する場合を含む。)の規定による取締役及び執行役(被管理金融機関が信用金庫等である場合にあっては、理事)の権利についても、同様とする。

Article 77 (1) When an order to manage has been issued, the right to represent a financial institution under management, conduct its business, and manage and dispose of its assets will be vested exclusively in a financial administrator. The same applies to the rights of a director and executive officer (if the financial institution under management is a Shinkin bank, etc., a director) prescribed in Article 828, paragraphs (1) and (2) of the Companies Act (including cases where these provisions are applied mutatis mutandis pursuant to Article 28 of the Shinkin Bank Act, Article 52-2 (including cases where it is applied mutatis mutandis pursuant to Article 58, paragraph (7) of the same Act) and Article 61-7 of the same Act, Article 32 of the Small and Medium-Sized Enterprises Cooperatives Act, Article 57 (including cases where it is applied mutatis mutandis pursuant to Article 57-3, paragraph (6) of the same Act) and Article 67 of the same Act, Article 28 of the Labor Bank Act, Article 57-2 (including cases where it is applied mutatis mutandis pursuant to Article 62, paragraph (7) of the same Act) and Article 65 of the same Act), and Article 831 of the Companies Act (including cases where it is applied mutatis mutandis pursuant to Article 24, paragraph (10) and Article 48-8 of the Shinkin Bank Act, Article 27, paragraph (8), Article 54, Article 82, paragraph (4) and Article 82-10, paragraph (4) of the Small and Medium-Sized Enterprises Cooperatives Act, and Article 24, paragraph (11) and Article 54 of the Labor Bank Act).

2 内閣総理大臣は、管理を命ずる処分と同時に、一人又は数人の金融整理管財人を選任しなければならない。

(2) The Prime Minister must, at the time of issuing an order to manage, appoint one or more financial administrators.

3 内閣総理大臣は、必要があると認めるときは、前項の規定により金融整理管財人を選任した後においても、更に金融整理管財人を選任し、又は金融整理管財人が被管理金融機関の業務及び財産の管理を適切に行っていないと認めるときは、金融整理管財人を解任することができる。

(3) The Prime Minister may, when finding it necessary, appoint another financial administrator after the appointment of a financial administrator under the preceding paragraph, or, when finding that the financial administrator has failed to properly manage the business and assets of the financial institution under management, dismiss the financial administrator.

4 内閣総理大臣は、第二項若しくは前項の規定により金融整理管財人を選任したとき又は同項の規定により金融整理管財人を解任したときは、被管理金融機関にその旨を通知するとともに、官報により、これを公告しなければならない。

(4) The Prime Minister must, if they have appointed or dismissed a financial

administrator under paragraph (2) or the preceding paragraph, notify the financial institution under management to that effect and give public notice thereof in the Official Gazette.

5 会社更生法第六十九条、第七十条、第八十条並びに第八十一条第一項及び第五項の規定は金融整理管財人について、一般社団法人及び一般財団法人に関する法律第七十八条の規定は被管理金融機関について、それぞれ準用する。この場合において、会社更生法第六十九条第一項中「裁判所の許可」とあるのは「内閣総理大臣（当該金融整理管財人の管理に係る金融機関が労働金庫又は労働金庫連合会である場合にあっては内閣総理大臣及び厚生労働大臣とし、当該金融機関が株式会社商工組合中央金庫である場合にあっては内閣総理大臣、財務大臣及び経済産業大臣とする。以下同じ。）の承認」と、同法第七十条中「管財人代理」とあるのは「金融整理管財人代理」と、同条第二項中「裁判所の許可」とあるのは「内閣総理大臣の承認」と、同法第八十一条第一項中「裁判所」とあるのは「内閣総理大臣」と、同条第五項中「管財人代理」とあるのは「金融整理管財人代理」と、一般社団法人及び一般財団法人に関する法律第七十八条中「代表理事その他の代表者」とあるのは「金融整理管財人」と読み替えるものとする。

(5) The provisions of Article 69, Article 70, Article 80, and Article 81, paragraphs (1) and (5) of the Corporate Reorganization Act apply mutatis mutandis to a financial administrator and the provisions of Article 78 of the Act on General Incorporated Associations and General Incorporated Foundations apply mutatis mutandis to a financial institution under management. In this case, the term "the permission of the court" in Article 69, paragraph (1) of the Corporate Reorganization Act will be deemed to be replaced with "approval from the Prime Minister" (if the financial institution under the management of the financial administrator is a labor bank or Rokinren Bank, of the Prime Minister and the Minister of Health, Labour and Welfare, and if the financial institution is the Shoko Chukin Bank, Ltd., of the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry; the same applies hereinafter), the term "trustee representative" in Article 70 of the same Act will be deemed to be replaced with "financial administrator representative", the term "the permission of the court" in Article 70, paragraph (2) of the same Act will be deemed to be replaced with "approval from the Prime Minister", the term "the court" in Article 81, paragraph (1) of the same Act will be deemed to be replaced with "the Prime Minister", the term "trustee representative" in Article 81, paragraph (5) of the same Act will be deemed to be replaced with "financial administrator representative", and the term "representative director and other representatives" in Article 78 of the Act on General Incorporated Associations and General Incorporated Foundations will be deemed to be replaced with "financial administrator".

第七十八条 法人は、金融整理管財人又は金融整理管財人代理となることができる。

Article 78 (1) A corporation may be appointed as a financial administrator or financial administrator representative.

2 機構は、金融整理管財人又は金融整理管財人代理となり、その業務を行うことができる。

(2) The DICJ may be appointed as a financial administrator or financial administrator representative and carry out the business thereof.

(通知及び登記)

(Notice and Registration)

第七十九条 内閣総理大臣は、管理を命ずる処分をしたとき又は管理を命ずる処分を取り消したときは、直ちに、被管理金融機関の本店又は主たる事務所の所在地を管轄する地方裁判所にその旨を通知し、かつ、嘱託書に当該命令書の謄本を添付して、被管理金融機関の本店又は主たる事務所の所在地の登記所に、その登記を嘱託しなければならない。

Article 79 (1) The Prime Minister must, when they have issued an order to manage or rescinded an order to manage, immediately notify the district court which has jurisdiction over the location of the head office or principal office of the financial institution under management to that effect, attach a transcript of the written order to a written commission, and commission its registration in the registry office which has jurisdiction over the location of the head office or principal office of the financial institution under management.

2 前項の登記には、金融整理管財人の氏名又は名称及び住所をも登記しなければならない。

(2) The registration under the preceding paragraph must include the name and address of a financial administrator.

3 第一項の規定は、前項に掲げる事項に変更が生じた場合について準用する。

(3) The provisions of paragraph (1) apply mutatis mutandis to cases where any changes occur to the particulars specified in the preceding paragraph.

(報告又は資料の提出)

(Submission of Reports or Materials)

第八十条 内閣総理大臣は、必要があると認めるときは、金融整理管財人に対し、被管理金融機関の業務及び財産の状況等に関し報告若しくは資料の提出を求め、又はその経営に関する計画の作成及び提出その他必要な措置を命ずることができる。

Article 80 The Prime Minister may, if they find it necessary, request a financial administrator to submit reports or materials with regard to the status of business and assets, etc. of a financial institution under management or order a financial administrator to prepare and submit a plan for its management and take other necessary measures.

(金融整理管財人の調査等)

(Investigation of Financial Administrators)

第八十一条 金融整理管財人は、被管理金融機関の取締役、会計参与、監査役及び会計監査人（被管理金融機関が監査等委員会設置会社である場合にあつては取締役、会計参与及び会計監査人、被管理金融機関が指名委員会等設置会社である場合にあつては取締役、執行役、会計参与及び会計監査人、被管理金融機関が信用金庫等である場合にあつては理事、監事及び会計監査人。第八十七条第五項において同じ。）並びに支配人（被管理金融機関が信用協同組合若しくは信用協同組合連合会又は労働金庫若しくは労働金庫連合会である場合にあつては、参事）その他の使用人並びに被管理金融機関を所属金融機関とする金融機関代理業者（金融機関代理業者が法人である場合にあつては、その役員及び使用人を含む。）、株式会社商工組合中央金庫（被管理金融機関である場合に限る。以下この項において同じ。）の株式会社商工組合中央金庫法第二条第四項に規定する代理若しくは媒介に係る契約の相手方（その役員及び使用人を含む。）及び被管理金融機関を委託金融機関とする電子決済等取扱業者等（その役員及び使用人を含む。）並びにこれらの者であつた者に対し、被管理金融機関の業務及び財産の状況（これらの者であつた者については、その者が当該被管理金融機関の業務に従事していた期間内に知ることのできた事項に係るものに限る。）につき報告を求め、又は被管理金融機関並びに被管理金融機関を所属金融機関とする金融機関代理業者、株式会社商工組合中央金庫の同項に規定する代理若しくは媒介に係る契約の相手方及び被管理金融機関を委託金融機関とする電子決済等取扱業者等の帳簿、書類その他の物件を検査することができる。

Article 81 (1) A financial administrator may request a company director, accounting advisor, corporate auditor, and accounting auditor of a financial institution under management (if the financial institution under management is a company with an audit and supervisory committee, a company director, accounting advisor and accounting auditor, if the financial institution under management is a company with a nominating committee, etc., a company director, executive officer, accounting advisor and accounting auditor, and if the financial institution under management is a Shinkin bank, etc., a director, inspector and accounting auditor; the same applies in Article 87, paragraph (5)), and a manager (if the financial institution under management is a credit cooperative, the Federation of Credit Cooperatives, labor bank or Rokinren Bank, a counselor), and any other employee of a financial institution under management, a financial institution agent (if the financial institution agent is a corporation, including any of its officers and employees) having a financial institution under management as its principal financial institution, the other party to a contract in relation to the agency or intermediary prescribed in Article 2, paragraph (4) of the Shoko Chukin Bank Limited Act of the Shoko Chukin Bank, Ltd. (limited to the case where it is a financial institution under management; hereinafter the same applies in this paragraph) (including any of its officers and employees), and an electronic payment handling service provider, etc. (including any of its officers and employees) having a financial

institution under management as its entrusting financial institution, and a person who previously held any of these positions (with regard to any person who previously held any of these positions, limited to those items in relation to matters that could have been known by that person during the period when they were engaged in the operations of the financial institution under management) to report on the status of business and assets of the financial institution under management, or inspect the books, documents, and any other items of the financial institution under management and those of the financial institution agent having the financial institution under management as its principal financial institution, the other party to a contract in relation to the agency or intermediary prescribed in the same paragraph of the Shoko Chukin Bank, Ltd., and the electronic payment handling service provider, etc. having the financial institution under management as its entrusting financial institution.

2 金融整理管財人は、その職務を行うため必要があるときは、官庁、公共団体その他の者に照会し、又は協力を求めることができる。

(2) A financial administrator may, if it is necessary for carrying out their duties, inquire with, or request the cooperation of, government agencies, public entities, or any other person.

(金融整理管財人等の秘密保持義務)

(Obligation of Confidentiality of Financial Administrators)

第八十二条 金融整理管財人及び金融整理管財人代理（以下この条において「金融整理管財人等」という。）は、その職務上知ることのできた秘密を漏らしてはならない。金融整理管財人等がその職を退いた後も、同様とする。

Article 82 (1) Financial administrators and financial administrator representatives (hereinafter referred to as "financial administrator, etc." in this Article) must not divulge any secret which may have come to their knowledge in the course of their duties. The same applies after a financial administrator, etc. resigns from office.

2 金融整理管財人等が法人であるときは、金融整理管財人等の職務に従事するその役員及び職員は、その職務上知ることのできた秘密を漏らしてはならない。その役員又は職員が金融整理管財人等の職務に従事しなくなつた後においても、同様とする。

(2) If a financial administrator, etc. has legal personality, its officers and staff who are engaged in financial administrator, etc. affairs must not divulge any secret which may have come to their knowledge in the course of their duties. The same applies after the relevant officers or staff members are no longer engaged in financial administrator, etc. affairs.

(被管理金融機関の経営者等の破綻の責任を明確にするための措置)

(Measures to Clarify the Liability of Management for the Failure of a Financial

Institutions under Management)

第八十三条 金融整理管財人は、被管理金融機関の取締役、会計参与、監査役若しくは会計監査人（被管理金融機関が監査等委員会設置会社である場合にあつては取締役、会計参与又は会計監査人、被管理金融機関が指名委員会等設置会社である場合にあつては取締役、執行役、会計参与又は会計監査人、被管理金融機関が信用金庫等である場合にあつては理事、監事又は会計監査人）又はこれらの者であつた者の職務上の義務違反に基づく民事上の責任を履行させるため、訴えの提起その他の必要な措置をとらなければならない。

Article 83 (1) A financial administrator must, in order to have a director, accounting advisor, corporate auditor or accounting auditor of a financial institution under management (a director, accounting advisor or accounting auditor if the financial institution under management is a company with an audit and supervisory committee, a company director, executive officer, accounting advisor or accounting auditor if the financial institution under management is a company with a nominating committee, etc., and a director, inspector or accounting auditor if the financial institution under management is a Shinkin bank, etc.) or a person who previously held any of these positions perform civil responsibilities based on a breach of obligations in the course of duties, file an action or take other necessary measures.

2 金融整理管財人は、その職務を行うことにより犯罪があると思料するときは、告発に向けて所要の措置をとらなければならない。

(2) A financial administrator must, when by carrying out their duties they believe that an offense has been committed, take necessary measures toward filing an accusation.

(金融整理管財人と被管理金融機関との取引)

(Transactions between Financial Administrators and Financial Institutions under Management)

第八十四条 金融整理管財人は、自己又は第三者のために被管理金融機関と取引をするときは、内閣総理大臣の承認を得なければならない。この場合においては、民法第八十八条の規定は、適用しない。

Article 84 (1) Financial administrators must obtain approval from the Prime Minister when carrying out, for themselves or for a third party, any transaction with a financial institution under management. In this case, Article 108 of the Civil Code does not apply.

2 前項の承認を得ないでした行為は、無効とする。ただし、善意の第三者に対抗することができない。

(2) An act will be null and void if the approval set forth in the preceding paragraph has not been obtained; provided, however, that it may not be duly asserted against a third party without knowledge of the requirement to obtain the approval.

第八十五条 削除

Article 85 Deleted

(株主総会等の特別決議等に関する特例)

(Special Provisions on Extraordinary Resolutions of Shareholders Meetings)

第八十六条 被管理金融機関における会社法第三百九条第二項第三号（同法第七十一条第一項に係る部分に限る。）から第五号まで、第九号、第十一号若しくは第十二号若しくは第三百二十四条第二項第一号若しくは第四号に掲げる株主総会若しくは種類株主総会の決議、信用金庫法第四十八条の三、中小企業等協同組合法第五十三条若しくは労働金庫法第五十三条の規定による決議若しくは議決又は金融機関の合併及び転換に関する法律第二十二条第二項（同条第五項において準用する場合を含む。）、第二十九条第四項（同条第五項において準用する場合を含む。）若しくは第三十五条第二項の規定による決議若しくは議決は、これらの規定にかかわらず、出席した株主又は会員、組合員若しくは代議員若しくは総代（第四項において「株主等」という。）の議決権の三分の二以上に当たる多数をもって、仮にすることができる。

Article 86 (1) In a financial institution under management, resolutions by a shareholders meeting or class meeting specified in Article 309, paragraph (2), item (iii) of the Companies Act (limited to the part in relation to Article 171, paragraph (1) of the same Act) through item (v) of the same paragraph, (ix), (xi), or (xii) of the same paragraph, or Article 324, paragraph (2), item (i) or (iv) of the same Act, resolutions or decisions under Article 48-3 of the Shinkin Bank Act, Article 53 of the Small and Medium-Sized Enterprises Cooperatives Act, or Article 53 of the Labor Bank Act, and resolutions or decisions under Article 22, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to paragraph (5) of the same Article), Article 29, paragraph (4) (including cases where it is applied mutatis mutandis pursuant to paragraph (5) of the same Article) or Article 35, paragraph (2) of the Act on Financial Institutions' Merger and Conversion may, notwithstanding these provisions, be made provisionally by two-thirds or more of the votes held by the shareholders, members, association members, substitute members, or representatives (referred to in paragraph (4) as "shareholders, etc.") present.

2 被管理金融機関における会社法第三百九条第三項各号若しくは第三百二十四条第三項各号に掲げる株主総会若しくは種類株主総会の決議又は金融機関の合併及び転換に関する法律第二十二条第三項（同条第五項において準用する場合を含む。）の規定による決議は、これらの規定にかかわらず、出席した株主の半数以上であつて出席した株主の議決権の三分の二以上に当たる多数をもって、仮にすることができる。

(2) In a financial institution under management, resolutions of shareholders meetings or class meetings specified in each item of Article 309, paragraph (3) or Article 324, paragraph (3) of the Companies Act and resolutions under Article 22, paragraph (3) (including cases where it is applied mutatis mutandis

pursuant to paragraph (5) of the same Article) of the Act on Financial Institutions' Merger and Conversion may, notwithstanding these provisions, be made provisionally by a majority of the shareholders present and two-thirds or more of the votes held by the shareholders present.

3 被管理金融機関における会社法第三百九条第四項の規定による株主総会の決議は、同項の規定にかかわらず、出席した株主の半数以上であつて出席した株主の議決権の四分の三以上に当たる多数をもつて、仮にすることができる。

(3) In a financial institution under management, resolutions of a shareholders meeting under Article 309, paragraph (4) of the Companies Act may, notwithstanding the provisions of the same paragraph, be made provisionally by a majority of the shareholders present and three-quarters or more of the votes held by the shareholders present.

4 第一項の規定により仮にした決議又は議決（以下この項及び次項において「仮決議等」という。）があつた場合においては、各株主等に対し、当該仮決議等の趣旨を通知し、当該仮決議等の日から一月以内に再度の株主総会等（第六十六条第二項に規定する株主総会等をいう。次項及び次条第六項において同じ。）を招集しなければならない。

(4) If a resolution or decision is provisionally made under paragraph (1) (hereinafter referred to as "provisional resolution, etc." in this paragraph and the following paragraph), the financial institution under management must notify its shareholders, etc. of the purpose of the relevant provisional resolution, etc. and must call a subsequent shareholders meeting, etc. (meaning the shareholders meeting, etc. prescribed in Article 66, paragraph (2); the same applies in the following paragraph and paragraph (6) of the following Article) within one month of the date of adoption of the relevant provisional resolution, etc.

5 前項の株主総会等において第一項に規定する多数をもつて仮決議等を承認した場合には、当該承認のあつた時に、当該仮決議等をした事項に係る決議又は議決があつたものとみなす。

(5) If a provisional resolution is approved by a majority as prescribed in paragraph (1) at a shareholders meeting, etc. under the preceding paragraph, a resolution or decision in relation to the matters of the relevant provisional resolution, etc. will be deemed to have existed when the relevant approval was given.

6 前二項の規定は、第二項の規定により仮にした決議があつた場合について準用する。この場合において、前項中「第一項に規定する多数」とあるのは、「第二項に規定する多数」と読み替えるものとする。

(6) The provisions of the preceding two paragraphs apply mutatis mutandis to cases where a resolution is provisionally made under paragraph (2). In this case, the term "a majority prescribed in paragraph (1)" in the preceding paragraph will be deemed to be replaced with "a majority as prescribed in

paragraph (2)".

- 7 第四項及び第五項の規定は、第三項の規定により仮にした決議があつた場合について準用する。この場合において、第五項中「第一項に規定する多数」とあるのは、「第三項に規定する多数」と読み替えるものとする。

(7) The provisions of paragraphs (4) and (5) apply mutatis mutandis to cases where a resolution is provisionally made under paragraph (3). In this case, the term "a majority as prescribed in paragraph (1)" in paragraph (5) will be deemed to be replaced with "a majority as prescribed in paragraph (3)".

(株主総会等の特別決議等に代わる許可)

(Permission in Lieu of Extraordinary Resolutions of Shareholders Meetings)

第八十七条 銀行等又は株式会社商工組合中央金庫である被管理金融機関がその財産をもつて債務を完済することができない場合には、当該被管理金融機関は、会社法第一百十一条第二項、第一百七十一条第一項、第一百九十九条第二項、第四百四十七条第一項、第四百六十六条、第四百六十七条第一項第一号から第二号の二まで、第四百七十一条第三号、第七百八十三条第一項及び第八百四条第一項の規定にかかわらず、裁判所の許可を得て、次に掲げる事項を行うことができる。

Article 87 (1) If a financial institution under management that is a bank, etc. or the Shoko Chukin Bank, Ltd. is unable to satisfy its obligations in full with its assets, the relevant financial institution under management may, notwithstanding the provisions of Article 111, paragraph (2), Article 171, paragraph (1), Article 199, paragraph (2), Article 447, paragraph (1), Article 466, Article 467, paragraph (1), items (i) through (ii)-2, Article 471, item (iii), Article 783, paragraph (1), and Article 804, paragraph (1) of the Companies Act, carry out the following with the permission of the court:

一 全部取得条項付種類株式（会社法第一百七十一条第一項に規定する全部取得条項付種類株式をいう。第二百六条の十三第一項第一号において同じ。）の発行のために必要な定款の変更、当該全部取得条項付種類株式の全部の取得又はこれとともにする同法第一百九十九条第一項に規定する募集株式の発行に係る同条第二項に規定する募集事項の決定

(i) amendment of the articles of incorporation necessary for the issuance of class shares subject to class-wide call (meaning the class shares subject to class-wide call prescribed in Article 171, paragraph (1) of the Companies Act; the same applies in Article 126-13, paragraph (1), item (i)), acquisition of all of the relevant class shares subject to class-wide call, or determination of the subscription requirements prescribed in Article 199, paragraph (2) of the same Act in relation to the issuance of the shares for subscription prescribed in paragraph (1) of the same Article conducted together with the relevant acquisition;

二 資本金の額の減少

(ii) reduction in the amount of stated capital;

三 事業の全部又は重要な一部の譲渡

(iii) transfer of all or a material portion of its business;

四 その子会社の株式又は持分の全部又は一部の譲渡

(iv) assignment of all or part of the shares or equity interest of its subsidiary company;

五 解散

(v) dissolution; and

六 会社分割

(vi) company split.

2 信用金庫等である被管理金融機関がその財産をもつて債務を完済することができない場合には、当該被管理金融機関は、信用金庫法第四十八条の三及び第五十八条第一項、中小企業等協同組合法第五十三条及び第五十七条の三第一項並びに労働金庫法第五十三条及び第六十二条第一項の規定にかかわらず、裁判所の許可を得て、次に掲げる事項を行うことができる。

(2) If a financial institution under management that is a Shinkin bank, etc. is unable to satisfy its obligations in full with its assets, the relevant financial institution under management may, notwithstanding the provisions of Article 48-3 and Article 58, paragraph (1) of the Shinkin Bank Act, Article 53 and Article 57-3, paragraph (1) of the Small and Medium-Sized Enterprises Cooperatives Act, and Article 53 and Article 62, paragraph (1) of the Labor Bank Act, carry out the following with permission by the court:

一 解散

(i) dissolution; and

二 事業の譲渡

(ii) transfer of its business.

3 金融整理管財人は、会社法第三百三十九条第一項（同法第三百四十七条第一項の規定により読み替えて適用する場合を含む。）及び第四百三条第一項、信用金庫法第三十五条の八第一項、中小企業等協同組合法第四十二条第一項並びに労働金庫法第三十七条の六第一項の規定にかかわらず、裁判所の許可を得て、被管理金融機関の取締役、会計参与、監査役又は会計監査人（被管理金融機関が監査等委員会設置会社である場合にあつては監査等委員である取締役若しくはそれ以外の取締役、会計参与又は会計監査人、被管理金融機関が指名委員会等設置会社である場合にあつては取締役、執行役、会計参与又は会計監査人、被管理金融機関が信用金庫等である場合にあつては理事、監事又は会計監査人。次項において同じ。）を解任することができる。

(3) Notwithstanding the provisions of Article 339, paragraph (1) (including cases where it is applied mutatis mutandis by replacing the terms pursuant to the provisions of Article 347, paragraph (1) of the Companies Act) and Article 403, paragraph (1) of the Companies Act, Article 35-8, paragraph (1), of the Shinkin Bank Act, Article 42, paragraph (1) of the Small and Medium-Sized Enterprises Cooperatives Act, and Article 37-6, paragraph (1) of the Labor Bank Act, a financial administrator may, with the permission of the court,

dismiss a company director, accounting advisor, corporate auditor or accounting auditor of a financial institution under management (if the financial institution under management is a company with an audit and supervisory committee, a company director who is an audit and supervisory committee member or another company director, accounting advisor or accounting auditor, if the financial institution under management is a company with a nominating committee, etc., a company director, executive officer, accounting advisor or accounting auditor, and if the financial institution under management is a Shinkin bank, etc., a director, inspector or accounting auditor; the same applies in the following paragraph).

4 前項の規定により被管理金融機関の取締役、会計参与、監査役又は会計監査人を解任しようとする場合において、解任により法律又は定款に定めた取締役、会計参与、監査役又は会計監査人の員数を欠くこととなるときは、金融整理管財人は、会社法第三百二十九条第一項及び第四百二条第二項、信用金庫法第三十二条第三項、中小企業等協同組合法第三十五条第三項並びに労働金庫法第三十二条第三項の規定にかかわらず、裁判所の許可を得て、被管理金融機関の取締役、会計参与、監査役又は会計監査人を選任することができる。

(4) If a financial administrator intends to dismiss any company director, accounting advisor, corporate auditor or accounting auditor of a financial institution under management under the preceding paragraph, if the number of company directors, accounting advisors, corporate auditors or accounting auditors fails to meet the number prescribed by an Act or by the articles of incorporation, the financial administrator may, notwithstanding the provisions of Article 329, paragraph (1) and Article 402, paragraph (2) of the Companies Act, Article 32, paragraph (3) of the Shinkin Bank Act, Article 35, paragraph (3) of the Small and Medium-Sized Enterprises Cooperatives Act, and Article 32, paragraph (3) of the Labor Bank Act, appoint a company director, accounting advisor, corporate auditor or accounting auditor of the financial institution under management with permission from the court.

5 前項の規定により選任された被管理金融機関の取締役、会計参与、監査役及び会計監査人は当該被管理金融機関に係る金融整理管財人による管理の終了の後最初に招集される定時株主総会又は通常総会（総代会を設けている場合において、その総代会で役員を選任をすることができるときは、通常総代会）の終結の時に、執行役は当該定時株主総会が終結した後最初に開催される取締役会の終結の時に退任する。

(5) The company director, accounting advisor, corporate auditor and accounting auditor of a financial institution under management appointed under the preceding paragraph will resign at the conclusion of the first annual shareholders meeting or ordinary general meeting (in cases where a general meeting of representatives is established, at which it is possible to appoint officers, the ordinary general meeting of representatives) convened after the conclusion of the management by the financial administrator in relation to the

relevant financial institution under management, and an executive officer will resign at the completion of the first meeting of the board of directors held after the relevant annual shareholders meeting.

6 第一項から第四項までに規定する許可（以下この条及び次条において「代替許可」という。）があつたときは、当該代替許可に係る事項について株主総会等又は取締役会の決議があつたものとみなす。

(6) When the permission prescribed in paragraphs (1) through (4) has been granted (hereinafter referred to as "substituted permission" in this Article and the following Article), it will be deemed that a resolution of a shareholders meeting, etc. or board of directors meeting has been adopted concerning matters in relation to the relevant substituted permission.

7 代替許可に係る事件は、当該被管理金融機関の本店又は主たる事務所の所在地を管轄する地方裁判所が管轄する。

(7) The district court which has jurisdiction over the location of the head office or principal office of a financial institution under management has jurisdiction over cases in relation to the substituted permission.

8 裁判所は、代替許可の決定をしたときは、その決定書を被管理金融機関に送達するとともに、その決定の要旨を公告しなければならない。

(8) The court must, when it has made a substituted permission, serve a written decision thereof on the financial institution under management and give public notice of the outline of the decision.

9 前項の規定によつてする公告は、官報に掲載してする。

(9) The public notice under the preceding paragraph will be published in the Official Gazette.

10 代替許可の決定は、第八項の規定による被管理金融機関に対する送達がされた時から、効力を生ずる。

(10) A decision on the substituted permission takes effect as of the time of service thereof on the financial institution under management under paragraph (8).

11 代替許可の決定に対しては、株主、会員又は組合員は、第八項の公告のあつた日から二週間の不変期間内に、即時抗告をすることができる。この場合において、当該即時抗告が解散に係る代替許可の決定に対するものであるときは、執行停止の効力を有する。

(11) Shareholders, members, or association members may make an immediate appeal against a decision on the substituted permission within an unextendable period of two weeks from the date of the public notice set forth in paragraph (8). In this case, if the immediate appeal is against a decision on the substituted permission in relation to dissolution, it has the effect of a stay of execution.

12 非訟事件手続法（平成二十三年法律第五十一号）第五条、第六条、第七条第二項、第四十条、第四十一条、第五十六条第二項並びに第六十六条第一項及び第二項の規定は、代替許可に係る事件については、適用しない。

(12) The provisions of Article 5, Article 6, Article 7, paragraph (2), Article 40, Article 41, Article 56, paragraph (2), and Article 66, paragraphs (1) and (2) of the Non-Contentious Cases Procedures Act (Act No. 51 of 2011) do not apply to cases in relation to the substituted permission.

(代替許可に係る登記の特例)

(Special Provisions for Registration Regarding Substituted Permission)

第八十八条 前条第一項第一号、第二号、第五号若しくは第六号若しくは第二項第一号に掲げる事項又は同条第三項若しくは第四項に定める事項に係る代替許可があつた場合においては、当該事項に係る登記の申請書には、当該代替許可の決定書の謄本又は抄本を添付しなければならない。

Article 88 If a substituted permission in relation to particulars specified in paragraph (1), item (i), (ii), (v), or (vi) or paragraph (2), item (i) of the preceding Article or matters prescribed in paragraph (3) or (4) of the preceding Article, a transcript or extract of a written decision of the relevant substituted permission must be attached to a written application for registration in relation to the relevant particulars.

(債権者保護手続の特例)

(Special Provisions for Procedures for the Protection of Creditors)

第八十九条 銀行等又は株式会社商工組合中央金庫である被管理金融機関が資本金の額の減少の決議をした場合においては、預金者その他政令で定める債権者に対する会社法第四百四十九条第二項の規定による催告は、することを要しない。

Article 89 If a financial institution under management that is a bank, etc. or the Shoko Chukin Bank, Ltd. has adopted a resolution for reduction in the amount of stated capital, the notice prescribed in Article 449, paragraph (2) of the Companies Act is not required to be given to the depositors, etc. or any other creditors specified by Cabinet Order.

(管理の終了)

(Conclusion of Management)

第九十条 金融整理管財人は、管理を命ずる処分の日から一年以内に、被管理金融機関の事業の譲渡その他の措置を講ずることにより、その管理を終えるものとする。ただし、やむを得ない事情によりこの期限内に当該管理を終えることができない場合には、内閣総理大臣の承認を得て、一年を限り、この期限を延長することができる。

Article 90 A financial administrator is to conclude the management of a financial institution under management by transferring its business or taking other measures within one year from the date of the order to manage; provided, however, that in cases where it is impossible to conclude the management within the period due to unavoidable circumstances, the period may be extended for a period not exceeding one year with approval from the Prime

Minister.

第六章 破綻した金融機関の業務承継

Chapter VI Succession of the Business of Failed Financial Institutions

(承継銀行の設立の決定)

(Decisions to Establish a Bridge Bank)

第九十一条 内閣総理大臣は、被管理金融機関の業務承継（承継銀行が事業の譲受け等により業務を引き継ぎ、かつ、その業務を暫定的に維持継続することをいう。以下この章において同じ。）のため承継銀行を活用する必要があると認めるときは、次に掲げる決定を行うことができる。

Article 91 (1) The Prime Minister may, when finding it necessary to use a bridge bank for the succession of business of a financial institution under management (meaning the succession of business by a bridge bank through the assumption of business, etc. and the provisional maintaining and continuation of the business by the bridge bank; hereinafter the same applies in this Chapter), make the following decisions:

一 機構が被管理金融機関から業務を引き継ぐため事業の譲受け等を行う承継銀行を子会社として設立する旨の決定

(i) that a bridge bank be established by the DICJ as a subsidiary company to carry out the assumption of business, etc. in order to succeed to the business of a financial institution under management; and

二 承継銀行が被管理金融機関から業務を引き継ぐため事業の譲受け等を行うべき旨の決定

(ii) that a bridge bank should carry out the assumption of business, etc. in order to succeed to the business of a financial institution under management.

2 内閣総理大臣は、必要があると認めるときは、前項の決定を取り消し、又は変更する決定を行うことができる。

(2) The Prime Minister may, when finding it necessary, rescind or modify a decision under the preceding paragraph.

3 金融整理管財人は、必要があると認めるときは、内閣総理大臣に第一項又は前項の規定による決定を行うことを求めることができる。

(3) A financial administrator may, when finding it necessary, request the Prime Minister to make a decision under paragraph (1) or the preceding paragraph.

(承継銀行の設立等)

(Establishment of Bridge Banks)

第九十二条 機構は、前条第一項又は第二項の規定による同条第一項第一号に掲げる決定があつたときは、当該決定に係る出資の内容について委員会の議決を経て、承継銀行となる株式会社の設立の発起人となり、及び当該設立の発起人となつた株式会社を子会社として設立するための出資をしなければならない。

Article 92 (1) When a decision prescribed in paragraph (1), item (i) of the preceding Article is made under paragraph (1) or (2) of the preceding Article, the DICJ must, following a resolution by the board on the details of contribution in relation to the relevant decision, become the incorporator of a stock company that is to become a bridge bank, and provide contribution for the incorporation of the relevant stock company as a subsidiary company of the DICJ.

2 機構は、前項に規定する場合のほか、承継銀行に対する出資を行おうとするときは、委員会の議決を経なければならない。

(2) Beyond the case prescribed in the preceding paragraph, any contribution by the DICJ to the bridge bank requires a resolution by the board.

3 機構は、前二項に規定する出資をしたときは、速やかに、その内容を内閣総理大臣及び財務大臣に報告しなければならない。

(3) Upon providing the contribution prescribed in the preceding two paragraphs, the DICJ must promptly report the details thereof to the Prime Minister and the Minister of Finance.

(承継資産の確認)

(Confirmation of Succeeded Assets)

第九十三条 第九十一条第一項又は第二項の規定による同条第一項第二号に掲げる決定があつたときは、当該被管理金融機関の金融整理管財人は、同項の業務承継により承継銀行が引き継ぐべき当該被管理金融機関の貸付債権その他の資産を選定し、内閣総理大臣に対し、これらが承継銀行の保有する資産として適当であることの確認を求めらるものとする。

Article 93 (1) When a decision specified in Article 91, paragraph (1), item (ii) is made under Article 91, paragraph (1) or (2), a financial administrator of the financial institution under management is to select loan claims and other assets of the relevant financial institution under management to be succeeded to by the bridge bank pursuant to the succession of the business prescribed in Article 91, paragraph (1) and request the Prime Minister to confirm that they are appropriate assets to be held by the bridge bank.

2 内閣総理大臣は、前項の規定による求めがあつたときは、円滑な業務承継を図る観点及び承継銀行の業務の健全かつ適切な運営を図る観点から、同項の確認を行うものとする。

(2) Upon receiving the request prescribed in the preceding paragraph, the Prime Minister is to carry out the confirmation under the preceding paragraph from the viewpoint of facilitating the smooth succession of the business and ensuring the sound and appropriate running of the business of the bridge bank.

3 内閣総理大臣及び財務大臣は、前項の確認を行うための基準をあらかじめ定め、これを公表しなければならない。

(3) The Prime Minister and the Minister of Finance must prescribe standards in

advance for carrying out the confirmation under the preceding paragraph and make the standards public.

4 前項の基準は、第二項の確認の対象となる債権に係る債務者の債務の履行状況に関する基準を含むものでなければならない。

(4) The standards prescribed in the preceding paragraph must include standards concerning the status of performance by an obligor of obligations in relation to claims subject to the confirmation prescribed in paragraph (2).

(承継銀行の経営管理)

(Management of Bridge Banks)

第九十四条 機構は、承継銀行が次に掲げる事項を適確に実施できるようその経営管理を行わなければならない。

Article 94 (1) The DICJ must manage the bridge bank to ensure the proper performance of the following:

一 第九十一条第一項又は第二項の規定による同条第一項第二号に掲げる決定があつたときは、当該決定の対象とされた被管理金融機関から業務を引き継ぐため事業の譲受け等を行うこと。

(i) to carry out the assumption of business, etc. in order to succeed to the business of the financial institution under management that is subject to the relevant decision, when a decision specified in Article 91, paragraph (1), item (ii) is made under Article 91, paragraph (1) or (2);

二 前条第二項の規定により承継銀行が保有する資産として適当であることの確認がされた資産を引き継ぐこと。

(ii) to succeed to the assets that have been confirmed under paragraph (2) of the preceding Article as appropriate assets to be held by a bridge bank; and

三 預金等の受払事務、資金の貸付けその他の業務の実施に際しては、次項に規定する指針に従うこと。

(iii) to comply with the guidelines prescribed in the following paragraph in administering the receipt and payment of the deposits, etc., loaning funds, and carrying out other operations.

2 機構は、承継銀行の預金等の受払事務、資金の貸付けその他の業務についての指針を次に定めるところにより作成し、内閣総理大臣の承認を受けた後、公表しなければならない。

(2) The DICJ must prepare guidelines for the administration of receipt and payment of the deposits, etc., loan of funds, and other operations of a bridge bank in accordance with the following and, following approval from the Prime Minister, make the guidelines public:

一 当該指針は、預金等の受払事務、資金の貸付けその他の業務の暫定的な維持継続を図るといふ承継銀行の目的を踏まえ、前条第三項に規定する基準との整合性に配慮しつつ、承継銀行の業務の健全かつ適切な運営を確保する観点に立つて作成されるものであること。

(i) the guidelines will be prepared, taking into account that the purpose of a bridge bank is to facilitate the provisional maintaining and continuation of the administration of receipt and payment of the deposits, etc., loan of funds, and other operations, giving consideration to ensuring consistency with the standards prescribed in paragraph (3) of the preceding Article, and with a view to ensuring the sound and appropriate operation of the business of a bridge bank; and

二 当該指針は、承継銀行が資金の貸付けその他の業務のうち機構の指定する取引について機構の承認を受けて行うことを内容として含むものであること。

(ii) the guidelines will include a statement of matters approved by the DICJ concerning transactions designated by the DICJ among the loan of funds and other operations to be carried out by a bridge bank.

3 機構は、承継銀行に対し、その経営に必要な指導及び助言を行うことができる。

(3) The DICJ may give instructions and advice necessary for the management of a bridge bank.

(事業譲渡等の承認を要しない場合)

(Cases Where Approval for a Transfer of Business Is not Required)

第九十五条 会社法第四百六十七条第一項（第五号に係る部分に限る。）の規定は、機構が承継銀行の発行済株式の全部を所有する場合における第九十三条第二項の規定による確認がされた資産については、適用しない。

Article 95 The provisions of Article 467, paragraph (1) of the Companies Act (limited to the part in relation to item (v)) do not apply to the assets for which confirmation has been rendered under Article 93, paragraph (2) if all of the issued shares of the bridge bank are held by the DICJ.

(経営管理の終了等)

(Conclusion of Management)

第九十六条 機構は、承継銀行が最初に業務を引き継いだ被管理金融機関に対する管理を命ずる処分の日から二年以内に、次に掲げる措置を講ずることにより当該承継銀行の経営管理を終えるものとする。ただし、やむを得ない事情によりこの期限内に当該経営管理を終えることができない場合には、一年を限り、この期限を延長することができる。

Article 96 (1) The DICJ is to conclude the management of a bridge bank within two years from the date of the order to manage of the first financial institution under management for which the bridge bank receives the transfer of business by taking the following measures; provided, however, that if the management cannot be concluded within the period due to unavoidable circumstances, the time limit may be extended for a period not exceeding one year:

一 当該承継銀行の合併（当該合併後存続する法人又は当該合併により設立された法人が機構の子会社でないものに限る。）

- (i) the merger of the relevant bridge bank (limited to a merger where the corporation surviving the merger or corporation established by the merger is not a subsidiary company of the DICJ);
二 当該承継銀行の事業の全部の譲渡
 - (ii) transfer of the whole of the business of the relevant bridge bank;
三 当該承継銀行の株式の譲渡（当該譲渡により当該承継銀行が機構の子会社でなくなるものに限る。）
 - (iii) transfer of shares of the relevant bridge bank (limited to a transfer through which the bridge bank will cease to be a subsidiary company of the DICJ);
四 当該承継銀行の会社分割（当該会社分割により当該承継銀行がその事業に関して有する権利義務の全部を他の会社又は当該会社分割により設立された会社に承継させるものであつて、当該他の会社又は当該会社分割により設立された会社が機構の子会社及び承継銀行子会社のいずれでもないものに限る。）
 - (iv) company split of the relevant bridge bank (limited to a company split where another company or a company established through the company split succeeds to all of the rights and obligations held by the relevant bridge bank in relation to its business through the company split, and where that other company or the relevant company established through the company split is neither a subsidiary company of the DICJ nor a subsidiary company of the bridge bank); and
五 株主総会の決議による当該承継銀行の解散
 - (v) dissolution of the relevant bridge bank by resolution of a shareholders meeting.
- 2 機構は、前項本文の規定による経営管理の終了又は同項ただし書の規定による期限の延長をしようとするときは、内閣総理大臣の承認を受けなければならない。
- (2) The DICJ must, if it intends to conclude management under the main clause of the preceding paragraph or extend the time limit under the proviso to the preceding paragraph, obtain approval from the Prime Minister.
- 3 機構は、第一項の規定により承継銀行の経営管理を終了したとき又は承継銀行（承継銀行であつた銀行を含む。）の株式の譲渡その他の処分（同項第三号に掲げるものを除く。）を行つたときは、速やかに、その旨を内閣総理大臣及び財務大臣に報告しなければならない。
- (3) The DICJ must, when it has concluded the management of a bridge bank under paragraph (1) or transferred or made another disposal of shares of a bridge bank (including a bank that was formerly a bridge bank) (excluding those specified in paragraph (1), item (iii)), must promptly report to that effect to the Prime Minister and the Minister of Finance.
- 4 第一項第四号の「承継銀行子会社」とは、承継銀行がその総株主の議決権（株主総会において決議をすることができる事項の全部につき議決権を行使することができない株主の有する株式についての議決権を除き、会社法第八百七十九条第三項の規定に

より議決権を有するものとみなされる株式についての議決権を含む。以下この項及び
第百二十条第五項において同じ。)の百分の五十を超える議決権を有する会社をいう。

(4) The "subsidiary company of the bridge bank" set forth in paragraph (1), item
(iv) means a company of which voting rights exceeding fifty hundredths of the
voting rights held by all of its shareholders (excluding voting rights relating to
shares held by shareholders who may not exercise their voting rights for all of
the matters which may be resolved at a shareholders meeting but including
voting rights relating to shares for which holders are deemed to have voting
rights pursuant to the provisions of Article 879, paragraph (3) of the
Companies Act; hereinafter the same applies in this paragraph and Article 120,
paragraph (5)) are held by the bridge bank.

(承継協定)

(Succession Agreements)

第九十七条 機構は、承継銀行と次に掲げる事項を含む協定（以下この章において「承
継協定」という。）を締結するものとする。

Article 97 (1) The DICJ is to conclude an agreement with the bridge bank, and
the following will be included in the agreement (hereinafter referred to as
"succession agreement" in this Chapter):

一 承継協定を締結した承継銀行（以下「協定承継銀行」という。）は、第九十四条
第一項各号に掲げる事項を実施すること。

(i) that the bridge bank that has concluded the succession agreement
(hereinafter referred to as "contracted bridge bank") will carry out the
actions specified in each item of Article 94, paragraph (1);

二 協定承継銀行は、機構が当該協定承継銀行の資産の買取りを行うことを機構に申
し込むことができること。

(ii) that the contracted bridge bank may apply to have the DICJ purchase the
assets of the contracted bridge bank; and

三 協定承継銀行は、次条第一項に規定する債務の保証の対象となる資金の借入れに
関する契約の締結をしようとするときは、当該締結をしようとする契約の内容につ
いて機構の承認を受けること。

(iii) that the contracted bridge bank will, if it seeks to conclude a contract
concerning the borrowing of funds subject to the guarantee of obligations
prescribed in paragraph (1) of the following Article, obtain approval from the
DICJ for the content of the contract.

2 機構は、承継協定を締結したときは、直ちに、その承継協定の内容を内閣総理大臣
及び財務大臣に報告しなければならない。

(2) Upon concluding the succession agreement, the DICJ must immediately
report the details thereof to the Prime Minister and the Minister of Finance.

(資金の貸付け及び債務の保証)

(Guarantee of Loans of Funds and Obligations)

第九十八条 機構は、協定承継銀行から、協定承継銀行の業務の円滑な実施のために必要とする資金について、その資金の貸付け又は協定承継銀行によるその資金の借入れに係る債務の保証の申込みを受けた場合において、必要があると認めるときは、委員会の議決を経て、当該貸付け又は債務の保証を行うことができる。

Article 98 (1) If the DICJ has received an application from a contracted bridge bank for a loan of funds necessary to ensure the smooth execution of its business or for a guarantee of obligations in relation to the borrowing of the funds by the contracted bridge bank, the DICJ may, when it finds it necessary, provide the relevant loan or guarantee of obligations, following a resolution by the board.

2 機構は、前項の規定により協定承継銀行との間で同項の貸付け又は債務の保証に係る契約を締結したときは、直ちに、その契約内容を内閣総理大臣及び財務大臣に報告しなければならない。

(2) When the DICJ has concluded a contract with a contracted bridge bank under the preceding paragraph for a loan or guarantee of obligations prescribed therein, the DICJ must immediately report the details of the contract to the Prime Minister and the Minister of Finance.

(損失の補填)

(Compensation for Losses)

第九十九条 機構は、承継協定の定めによる業務の実施により協定承継銀行に生じた損失の額として政令で定めるところにより計算した金額があるときは、委員会の議決を経て、当該金額の範囲内において、当該損失の補填を行うことができる。

Article 99 When any loss is caused to a contracted bridge bank, the amount of which is calculated pursuant to Cabinet Order provisions, as a result of operations carried out under the succession agreement, the DICJ may, following a resolution by the board, compensate the contracted bridge bank for the relevant loss within the scope of the amount prescribed in the Cabinet Order.

(報告の徴求)

(Requests for Reports)

第一百条 機構は、この章の規定による業務を行うため必要があるときは、承継銀行に対し、承継協定の実施又は財務の状況に関し報告を求めることができる。

Article 100 The DICJ may, when it finds it necessary for carrying out the operations prescribed in this Chapter, request the bridge bank to report on the implementation of the succession agreement or financial conditions in connection therewith.

(再承継金融機関等に対する資金援助)

(Financial Assistance to Re-succeeding Financial Institutions)

第百一条 再承継を行う金融機関で承継銀行でない者（以下この条において「再承継金融機関」という。）又は再承継を行う銀行持株会社等（以下この条において「再承継銀行持株会社等」という。）は、機構が、再承継を援助するため、資金援助（第五十九条第一項第三号、第六号又は第七号に掲げるものに限る。）を行うことを、機構に申し込むことができる。

Article 101 (1) A financial institution that is undertaking re-succesion of business and is not a bridge bank (hereinafter referred to as "re-succeeding financial institution" in this Article), or a bank holding company, etc. undertaking a re-succesion of business (hereinafter referred to as a "re-succeeding bank holding company, etc." in this Article) may apply to have the DICJ provide financial assistance (limited to that specified in Article 59, paragraph (1), item (iii), (vi) or (vii)) to support the re-succesion of business.

2 前項の「再承継」とは、次に掲げるものをいう。

(2) The term "re-succesion of business" as used in the preceding paragraph means the following:

一 承継銀行と合併する金融機関が存続する合併

(i) a merger in which a financial institution that merges with a bridge bank survives;

二 承継銀行と他の金融機関が合併して金融機関を設立する合併

(ii) a merger in which a financial institution is established through the merger of a bridge bank and another financial institution;

三 承継銀行がその事業の全部（当該承継銀行の資産の一部を機構が買い取る場合にあっては、その買い取られる資産に係る部分を除く。）を他の金融機関に譲渡するもの

(iii) a transfer by a bridge bank of all of its business (if the DICJ purchases part of the assets of the relevant bridge bank, excluding the portion in relation to the assets to be purchased) to another financial institution;

四 承継銀行の株式の他の金融機関又は銀行持株会社等による取得で当該承継銀行の業務の健全かつ適切な運営を確保するために必要な事項として内閣総理大臣及び財務大臣が定めるものを実施するために行うもの

(iv) the acquisition of shares of a bridge bank by another financial institution or bank holding company, etc. conducted to carry out affairs specified by the Prime Minister and the Minister of Finance as those necessary to ensure sound and appropriate conducting of the business of the relevant bridge bank;

五 承継銀行を当事者とする吸収分割で当該吸収分割により当該承継銀行がその事業に関して有する権利義務の全部（当該承継銀行の資産の一部を機構が買い取る場合にあっては、その買い取られる資産に係る部分を除く。）を他の金融機関に承継させるもの

(v) an absorption-type company split to which a bridge bank is a party where

another financial institution succeeds to all of the rights and obligations held by the bridge bank in relation to its business (if the DICJ purchases part of the assets of the relevant bridge bank, excluding the portion in relation to the assets to be purchased) through the relevant absorption-type company split; and

六 承継銀行を当事者とする新設分割で当該新設分割により当該承継銀行がその事業に関して有する権利義務の全部（当該承継銀行の資産の一部を機構が買い取る場合にあつては、その買い取られる資産に係る部分を除く。）を当該新設分割により新たに設立される金融機関に承継させるもの

(vi) an incorporation-type company split to which a bridge bank is a party where the financial institution newly established through the relevant incorporation-type company split succeeds to all of the rights and obligations held by the bridge bank in relation to its business (if the DICJ purchases part of the assets of the relevant bridge bank, excluding the portion in relation to the assets to be purchased) through the relevant absorption-type company split.

3 第一項の規定による資産の買取りは、次の各号に掲げる再承継の区分に応じ、当該各号に定める資産について行うものとする。

(3) The purchase of assets prescribed in paragraph (1) will be conducted with respect to the assets prescribed in each of the following items according to the category of the re-succession of business specified in each respective item:

一 前項第一号に掲げる合併 当該合併により存続する金融機関の資産（当該合併前に承継銀行の資産であつたものに限る。）

(i) a merger specified in item (i) of the preceding paragraph: the assets of the financial institution surviving through the merger (limited to those that were the assets of the bridge bank prior to the merger);

二 前項第二号に掲げる合併 当該合併により設立される金融機関の資産（当該合併前に承継銀行の資産であつたものに限る。）

(ii) a merger specified in item (ii) of the preceding paragraph: the assets of the financial institution that will be established by the merger (limited to those that were the assets of the bridge bank prior to the merger);

三 前項第三号に掲げる事業の譲渡 同号の他の金融機関の資産で当該事業の譲渡により譲り受けたもの

(iii) the transfer of the business specified in item (iii) of the preceding paragraph: the assets of another financial institution prescribed in the same item that have been received through the transfer of the relevant business;

四 前項第四号に掲げる株式の取得 当該株式の取得をされた銀行の資産

(iv) the acquisition of shares specified in item (iv) of the preceding paragraph: the assets of the bank whose shares have been acquired;

五 前項第五号に掲げる吸収分割 同号の他の金融機関の資産で当該吸収分割により承継したもの

- (v) the absorption-type company split specified in item (v) of the preceding paragraph: the assets of another financial institution set forth in the same item which the relevant financial institution has succeeded to through the absorption-type company split; and
- 六 前項第六号に掲げる新設分割 当該新設分割により設立される金融機関の資産（当該新設分割前に承継銀行の資産であつたものに限る。）
- (vi) the incorporation-type company split specified in item (vi) of the preceding paragraph: the assets of the financial institution established through the incorporation-type company split (limited to those that were assets of the bridge bank prior to the incorporation-type company split).
- 4 第一項の規定による損害担保は、前項各号に掲げる再承継の区分に応じ、当該各号に定める資産である貸付債権について行うものとする。
- (4) The collateralization of damage prescribed specified in paragraph (1) will be conducted with respect to loan claims that are the assets prescribed in each item of the preceding paragraph according to the category of the re-succession of business specified in each respective item of the preceding paragraph.
- 5 第五十九条第三項、第六項及び第七項並びに第六十一条第一項の規定は第一項の規定による申込みについて、同条第二項から第四項まで及び第六項から第八項までの規定はこの項において準用する同条第一項の認定について、それぞれ準用する。この場合において、第五十九条第三項中「救済金融機関」とあるのは「再承継金融機関」と、第六十一条中「合併等」とあるのは「再承継」と、「破綻金融機関」とあるのは「承継銀行」と、「救済金融機関」とあるのは「再承継金融機関」と、「救済銀行持株会社等」とあるのは「再承継銀行持株会社等」と読み替えるものとする。
- (5) The provisions of Article 59, paragraphs (3), (6) and (7) and Article 61, paragraph (1) apply mutatis mutandis to the application under paragraph (1), and the provisions of Article 61, paragraphs (2) through (4) and (6) through (8) apply mutatis mutandis to the confirmation prescribed in Article 61, paragraph (1) as applied mutatis mutandis pursuant to this paragraph. In this case, the term "assuming financial institution" in Article 59, paragraph (3) will be deemed to be replaced with "re-succeeding financial institution", and the terms "merger, etc.", "failed financial institution", "assuming financial institution", and "assuming bank holding company, etc." in Article 61 will be deemed to be replaced with "re-succession of business", "bridge bank", "re-succeeding financial institution", and "re-succeeding bank holding company, etc.", respectively.
- 6 内閣総理大臣は、前項において準用する第六十一条第二項の申請が行われない場合においても、承継銀行が前項において準用する同条第三項第三号に掲げる要件に該当すると認めるときは、当該承継銀行及び他の金融機関又は当該承継銀行及び銀行持株会社等に対し、書面により、再承継（第二項第二号に掲げる合併を除くものとし、当該再承継が行われることが預金者等その他の債権者の保護に資するものであり、かつ、機構による資金援助が行われることが当該再承継を行うために不可欠であるものに限

る。)のあつせんを行うことができる。

(6) Even in cases where no application is made under Article 61, paragraph (2) as applied mutatis mutandis pursuant to the preceding paragraph, the Prime Minister may, when the minister finds that a bridge bank satisfies the requirements specified in paragraph (3), item (iii) as applied mutatis mutandis pursuant to the preceding paragraph, provide mediation in writing with regard to the re-succession of business (excluding the merger specified in paragraph (2), item (ii) and limited to those that contribute to the protection of depositors, etc. and other creditors and for which financial assistance by the DICJ is indispensable) between the relevant bridge bank and another financial institution or the relevant bridge bank and a bank holding company, etc.

7 第六十二条第二項及び第四項から第六項までの規定は前項のあつせんについて、第六十四条(第二項を除く。)及び第六十四条の二の規定は第一項の規定による申込みについて、第六十四条の三第一項の規定は再承継金融機関又は再承継銀行持株会社等により第二項第四号に掲げる株式の取得をされる承継銀行について、同条第二項の規定は機構が資金援助(劣後特約付社債(新株予約権が付されているものに限る。))の引受けに係るものに限る。)を行う再承継金融機関、再承継銀行持株会社等又は第二項第二号に掲げる合併若しくは同項第六号に掲げる新設分割により設立された金融機関について、第六十五条及び第六十六条の規定は第五項において準用する第六十一条第一項の認定又は前項のあつせんを受けた金融機関又は銀行持株会社等について、第六十七条の規定は再承継金融機関について、第六十八条の規定は再承継のための機構による資金援助について、第六十八条の二及び第六十八条の三の規定は当該資金援助(優先株式等の引受け等に係るものに限る。以下この項において同じ。)を受けた再承継金融機関等(再承継金融機関(当該優先株式等の引受け等に係る合併又は新設分割により設立された金融機関を含む。))又は再承継銀行持株会社等(この項において準用する第六十八条の二第一項の承認を受けた場合におけるこの項において準用する同条第二項に規定する会社及びこの項において準用する第六十八条の三第一項の承認を受けた場合におけるこの項において準用する同条第四項に規定する承継金融機関等を含む。)をいう。以下この項において同じ。)について、第六十八条の四の規定は機構が当該資金援助を行った再承継金融機関等であつて機構が現に保有する取得優先株式等である株式又は劣後特約付社債(新株予約権が付されているものに限る。)の発行者であるものの特別支配株主について、それぞれ準用する。この場合において、第六十二条第二項中「第五十九条第一項又は第五十九条の二第一項」とあるのは「第一百一条第一項」と、同条第四項中「前条第四項から第七項まで」とあるのは「前条第四項、第六項及び第七項」と、同条第五項中「破綻金融機関又は破綻金融機関となる蓋然性が高いと認められる金融機関」とあるのは「承継銀行」と、第六十四条第三項及び第五項中「合併等」とあるのは「再承継」と、第六十四条の二第一項及び第二項中「救済金融機関」とあるのは「再承継金融機関」と、「救済銀行持株会社等」とあるのは「再承継銀行持株会社等」と、同項中「合併等」とあるのは「再承継」と、同条第四項中「合併等(同条第二項第二号)」とあるのは「再承継(第一百一条第二項第二号)」と、「当該合併等」とあるのは「当該再承継」と、同条第五項中「救済金融機

関」とあるのは「再承継金融機関」と、「救済銀行持株会社等」とあるのは「再承継銀行持株会社等」と、第六十五条中「合併等」とあるのは「再承継」と、第六十七条中「譲受け、付保預金移転」とあるのは「譲受け」と、第六十八条中「合併等」とあるのは「再承継」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

(7) The provisions of Article 62, paragraphs (2) and (4) through (6) apply *mutatis mutandis* to the mediation prescribed in the preceding paragraph; the provisions of Article 64 (excluding paragraph (2)) and Article 64-2 apply *mutatis mutandis* to the application under paragraph (1); the provisions of Article 64-3, paragraph (1) apply *mutatis mutandis* to a re-succeeding financial institution or a bridge bank whose shares are acquired as set forth in paragraph (2), item (iv) by a re-succeeding bank holding company, etc.; the provisions of Article 64-3, paragraph (2) apply *mutatis mutandis* to a re-succeeding financial institution, a Re-succeeding bank holding company, etc., or a financial institution established by the merger set forth in paragraph (2), item (ii) or the incorporation-type company split set forth in item (vi) of the same paragraph to which the DICJ provides the financial assistance (limited to those in relation to the subscription for subordinated bonds (limited to those with share options)); the provisions of Article 65 and Article 66 apply *mutatis mutandis* to the financial institution or bank holding company, etc. that has received the confirmation prescribed in Article 61, paragraph (1) as applied *mutatis mutandis* pursuant to paragraph (5) or that has received the mediation prescribed in the preceding paragraph; the provisions of Article 67 apply *mutatis mutandis* to the re-succeeding financial institution; the provisions of Article 68 apply *mutatis mutandis* to the financial assistance provided by the DICJ for re-succession of business; the provisions of Articles 68-2 and 68-3 apply *mutatis mutandis* to the re-succeeding financial institution, etc. (meaning the re-succeeding financial institution (including a financial institution established by the merger or incorporation-type company split in relation to the subscription for preferred shares, etc.) or the re-succeeding bank holding company, etc. (including the company prescribed in Article 68-2, paragraph (2) as applied *mutatis mutandis* pursuant to this paragraph if an approval has been obtained under Article 68-2, paragraph (1) as applied *mutatis mutandis* pursuant to this paragraph, and the bridge financial institution, etc. prescribed in Article 68-3, paragraph (4) as applied *mutatis mutandis* pursuant to this paragraph if an approval has been obtained under Article 68-3, paragraph (1) as applied *mutatis mutandis* pursuant to this paragraph); hereinafter the same applies in this paragraph) that have received the relevant financial assistance (limited to those in relation to the subscription for preferred shares, etc.; hereinafter the same applies in this paragraph); and the provisions of Article 68-4 apply *mutatis mutandis* to

special controlling shareholders of a re-succeeding financial institution, etc. to which the DICJ has provided the financial assistance and which has issued shares that are acquired preferred shares, etc. actually held by the DICJ or subordinated bonds (limited to those with share options). In this case, the term "Article 59, paragraph (1) or Article 59-2, paragraph (1)" in Article 62, paragraph (2) will be deemed to be replaced with "Article 101, paragraph (1)", the term "paragraphs (4) through (7) of the preceding Article" in Article 62, paragraph (4) will be deemed to be replaced with "paragraphs (4), (6) and (7) of the preceding Article", the term "a failed financial institution or a financial institution recognized as having a high probability of becoming a failed financial institution" in Article 62, paragraph (5) will be deemed to be replaced with "bridge bank", the term "merger, etc." in Article 64, paragraph (3) and (5) will be deemed to be replaced with "re-succession of business affairs", the term "assuming financial institution" and "assuming bank holding company, etc." in Article 64-2, paragraphs (1) and (2) will be deemed to be replaced with "re-succeeding financial institution" and "re-succeeding bank holding company, etc.", respectively, and the term "merger, etc." in the same paragraph will be deemed to be replaced with "re-succession of business affairs", the terms "merger, etc. (limited to those specified in Article 59, paragraph (2), item (ii))" and "the relevant merger, etc." in Article 64-2, paragraph (4) will be deemed to be replaced with "re-succession of business affairs (limited to those specified in Article 101, paragraph (2), item (ii))" and "the relevant re-succession of business affairs", respectively, the terms "assuming financial institution" and "assuming bank holding company, etc." in Article 64-2, paragraph (5) will be deemed to be replaced with "re-succeeding financial institution" and "re-succeeding bank holding company, etc.", respectively, the term "merger, etc." in Article 65 will be deemed to be replaced with "re-succession of business affairs", the term "assumption of business, transfer of insured deposits" in Article 67 will be deemed to be replaced with "assumption of business", and the term "merger, etc. in Article 68 will be deemed to be replaced with "re-succession of business affairs", and any other necessary technical replacement of terms will be specified by Cabinet Order.

第六章の二 金融機関の特定回収困難債権の買取り

Chapter VI-2 Purchase of Specified, Difficult-To-Collect Claims Held by Financial Institutions

第百一条の二 機構は、金融機関の財務内容の健全性の確保を通じて信用秩序の維持に資するため、金融機関（破綻金融機関、承継銀行、第百十一条第二項に規定する特別危機管理銀行、第百二十六条の二第一項第二号に規定する特定第二号措置に係る同項に規定する特定認定に係る金融機関及び特定承継銀行を除く。以下この条において同

じ。)が保有する貸付債権又はこれに類する資産として内閣府令・財務省令で定める資産(以下この項において単に「貸付債権」という。)のうち、当該貸付債権の債務者又は保証人が暴力団員(暴力団員による不当な行為の防止等に関する法律(平成三年法律第七十七号)第二条第六号に規定する暴力団員をいう。)であつて当該貸付債権に係る契約が遵守されないおそれがあること、当該貸付債権に係る担保不動産につきその競売への参加を阻害する要因となる行為が行われることが見込まれることその他の金融機関が回収のために通常行うべき必要な措置をとることが困難となるおそれがある特段の事情があるもの(以下「特定回収困難債権」という。)の買取りを行うことができる。

Article 101-2 (1) In order to contribute to maintaining an orderly credit system through ensuring sound financial conditions of financial institutions, the DICJ may purchase loan claims or assets specified by Cabinet Office Order and Order of the Ministry of Finance as being equivalent thereto (hereinafter simply referred to as "loan claims" in this paragraph) which are held by a financial institution (excluding a failed financial institution, a bridge bank, the bank under special crisis management prescribed in Article 111, paragraph (2), the financial institution subject to specified confirmation prescribed in Article 126-2, paragraph (1), item (ii) in relation to the specified measures under item (ii) prescribed in the paragraph, and a specified bridge bank; hereinafter the same applies in this Article) and of which the obligor or guarantor is a crime syndicate member (meaning the crime syndicate member prescribed in Article 2, item (vi) of the Act on Prevention of Unjust Acts by Organized Crime Group Members (Act No. 77 of 1991)) and for which there is a risk of non-compliance with the contract in relation to the loan claims, a likelihood that an act that will cause hindrance to the participation in an auction of secured real assets in relation to the loan claims will be conducted, or any other special circumstances that are likely to make it difficult for a financial institution to take necessary measures that should normally be implemented for collecting the loan claims (hereinafter referred to as "specified, difficult-to-collect claims").

2 機構は、前項の規定による特定回収困難債権の買取りを行う場合には、内閣総理大臣及び財務大臣があらかじめ定めて公表する基準に従わなければならない。

(2) In cases where the DICJ is to purchase specified, difficult-to-collect claims under the preceding paragraph, it must comply with standards prescribed and publicly announced in advance by the Prime Minister and the Minister of Finance.

3 機構は、金融機関から特定回収困難債権の買取りに係る申込みがあつたときは、遅滞なく、委員会の議決を経て、当該申込みに係る特定回収困難債権の買取りを行うかどうかを決定しなければならない。

(3) Upon receiving an application for the purchase of specified, difficult-to-collect claims from a financial institution, the DICJ must, following a resolution of the

board, decide without delay whether or not to carry out the purchase of specified, difficult-to-collect claims in relation to the relevant application.

4 機構は、前項の規定による決定をしたときは、直ちに、その決定に係る事項を内閣総理大臣及び財務大臣に報告しなければならない。

(4) Upon making a decision under the preceding paragraph, the DICJ must immediately report particulars in relation to the decision to the Prime Minister and the Minister of Finance.

5 機構は、第三項の規定による特定回収困難債権の買取りを行う旨の決定をしたときは、当該金融機関との間で当該特定回収困難債権の買取りに関する契約を締結するものとする。

(5) Upon making a decision to purchase specified, difficult-to-collect claims under paragraph (3), the DICJ must conclude a contract for the purchase of the specified, difficult-to-collect claims with the relevant financial institution.

第七章 金融危機への対応

Chapter VII Measures against a Financial Crisis

(金融危機に対応するための措置の必要性の認定)

(Confirmation of Necessity for Measures against a Financial Crisis)

第一百零二条 内閣総理大臣は、次の各号に掲げる金融機関について当該各号に定める措置が講ぜられなければ、我が国又は当該金融機関が業務を行つている地域の信用秩序の維持に極めて重大な支障が生ずるおそれがあると認めるときは、金融危機対応会議（以下この章から第八章までにおいて「会議」という。）の議を経て、当該措置を講ずる必要がある旨の認定（以下この章において「認定」という。）を行うことができる。

Article 102 (1) If the Prime Minister finds that, if the measures specified in each of the following items are not taken with respect to the financial institution specified in each respective item, it may seriously hinder maintaining an orderly credit system in Japan or in a certain region where the relevant financial institution conducts its business, the minister may, following deliberation by a council for financial crises (hereinafter referred to as the "council" in this Chapter through Chapter VIII), confirm the necessity to take the relevant measures (hereinafter referred to as a "confirmation" in this Chapter):

一 金融機関（次号に掲げる金融機関を除く。） 当該金融機関の自己資本の充実のために行う機構による当該金融機関に対する株式等の引受け等又は当該金融機関を子会社（銀行法第二条第八項に規定する子会社又は長期信用銀行法第十三条の二第二項に規定する子会社をいう。以下第百八条の三までにおいて同じ。）とする銀行持株会社等（第二条第五項第一号又は第三号に掲げるものに限る。以下第百八条の四までにおいて同じ。）が発行する株式の引受け（以下この章及び第百三十五条第四項において「第一号措置」という。）

- (i) a financial institution (excluding the financial institution specified in the following item): the subscription for shares, etc. of the relevant financial institution by the DICJ for the purpose of enhancing the adequacy of equity capital of the relevant financial institution or subscription for shares issued by a bank holding company, etc. (limited to those specified in Article 2, paragraph (5), item (i) or (iii); hereinafter the same applies through to Article 108-3) with the relevant financial institution as its subsidiary company (meaning the subsidiary company prescribed in Article 2, paragraph (8) of the Banking Act or the subsidiary company prescribed in Article 13-2, paragraph (2) of the Long-Term Credit Bank Act; hereinafter the same applies through to Article 108-4) (hereinafter referred to as the "measures under item (i)" in this Chapter and Article 135, paragraph (4));
- 二 破綻金融機関又はその財産をもつて債務を完済することができない金融機関 当該金融機関の保険事故につき保険金の支払を行うときに要すると見込まれる費用の額を超えると見込まれる額の資金援助（以下この章において「第二号措置」という。）
- (ii) a failed financial institution or a financial institution that is unable to satisfy its obligations in full with its assets: the financial assistance for an amount that is expected to exceed the expected costs for the payment of insurance proceeds with respect to an insured event of the relevant financial institution (hereinafter referred to as the "measures under item (ii)" in this Chapter); and
- 三 破綻金融機関に該当する銀行等であつて、その財産をもつて債務を完済することができないもの 第百十一条から第百十九条までの規定に定める措置（以下この章において「第三号措置」という。）
- (iii) a bank, etc. falling under a failed financial institution that is unable to satisfy its obligations in full with its assets: the measures prescribed in Articles 111 through 119 (hereinafter referred to as the "measures under item (iii)" in this Chapter).
- 2 内閣総理大臣は、労働金庫又は労働金庫連合会に対して認定を行おうとするときは、あらかじめ、厚生労働大臣の意見を、株式会社商工組合中央金庫に対して認定を行おうとするときは、あらかじめ、経済産業大臣の意見を、それぞれ聴かなければならない。
- (2) If the Prime Minister intends to give confirmation with respect to a labor bank or Rokinren Bank, the Minister must hear the opinion of the Minister of Health, Labour and Welfare in advance, and if the Prime Minister intends to give confirmation with respect to the Shoko Chukin Bank, Ltd., the Prime Minister must hear the opinion of the Minister of Economy, Trade and Industry in advance.
- 3 内閣総理大臣は、第一項各号に掲げる金融機関のうち内閣府令・財務省令で定めるものに係る認定を行おうとする場合において、当該認定に係る金融機関が社債（元利

金の支払について劣後的内容を有する特約が付されたものであり、かつ、当該認定が行われることを条件として、当該社債に係る債務が消滅し又は当該金融機関に取得されるものであつて、銀行法その他の法令の規定に基づき定められる自己資本その他の財務の状況が適当であるかどうかの基準に照らし財務内容の健全性の確保に資する社債として内閣府令・財務省令で定めるものに該当するものに限る。)若しくは株式(剰余金の配当及び残余財産の分配について優先的内容を有するものであり、かつ、当該認定が行われることを条件として、当該金融機関に取得されるものであつて、銀行法その他の法令の規定に基づき定められる自己資本その他の財務の状況が適当であるかどうかの基準に照らし財務内容の健全性の確保に資する株式として内閣府令・財務省令で定めるものに該当するものに限る。)を発行し、又は金銭の消費貸借(元利金の支払について劣後的内容を有する特約が付されたものであり、かつ、当該認定が行われることを条件として、当該金銭の消費貸借に係る債務が消滅し又は当該金融機関に当該金銭の消費貸借に係る債権が取得されるものであつて、銀行法その他の法令の規定に基づき定められる自己資本その他の財務の状況が適当であるかどうかの基準に照らし財務内容の健全性の確保に資する金銭の消費貸借として内閣府令・財務省令で定めるものに該当するものに限る。)を締結しているときは、当該社債、当該株式又は当該金銭の消費貸借について、当該金融機関の自己資本における取扱いを決定するものとする。

- (3) If the Prime Minister intends to give confirmation with respect to any of the financial institutions listed in the items of paragraph (1) which is specified by Cabinet Office Order and Order of the Ministry of Finance, if the financial institution subject to the confirmation has issued bonds (limited to bonds with a special clause of subordinated contents with regard to the payment of principal and interest, where the obligations in relation to the relevant bonds will be written down or will be acquired by the financial institution on condition that the confirmation will be given, and which are specified by Cabinet Office Order and Order of the Ministry of Finance as bonds that contribute to ensuring sound financial conditions in light of the standards on the appropriateness of the adequacy of equity capital and any other financial conditions specified based on the Banking Act and any other laws and regulations) or shares (limited to shares with preferred contents with regard to dividend of surplus and distribution of residual assets, which will be acquired by the financial institution on condition that the confirmation will be given, and which are specified by Cabinet Office Order and Order of the Ministry of Finance as shares that contribute to ensuring sound financial conditions in light of the standards on the appropriateness of the adequacy of equity capital and any other financial conditions specified based on the Banking Act and any other laws and regulations), or has concluded loans for consumption (limited to loans with a special clause of subordinated contents with regard to the payment of principal and interest, where the obligations in relation to the relevant loans for consumption will be written down or the claims in relation to

the relevant loans for consumption will be acquired by the financial institution on condition that the confirmation will be given, and which are specified by Cabinet Office Order and Order of the Ministry of Finance as loans for consumption that contribute to ensuring sound financial conditions in light of the standards on the appropriateness of the adequacy of equity capital and any other financial conditions specified based on the Banking Act and any other laws and regulations), the minister is to decide on the treatment of the relevant bonds, the relevant shares, or the relevant loans for consumption in the equity capital of the financial institution.

4 第三号措置に係る認定は、第二号措置によつては第一項の支障を回避することができないと認める場合でなければ、行うことができない。

(4) Confirmation in relation to the measures under item (iii) may not be given unless the Prime Minister finds that the measures under item (ii) cannot prevent the hindrance prescribed in paragraph (1).

5 内閣総理大臣は、第一号措置に係る認定を行うときは、当該認定に係る金融機関又は当該金融機関を子会社とする銀行持株会社等が第百五条第一項又は第二項の申込みを行うことができる期限を定めなければならない。

(5) When giving confirmation in relation to the measures under item (i), the Prime Minister must specify a period of time within which an application under Article 105, paragraph (1) or (2) can be made by a financial institution subject to the relevant confirmation or bank holding company, etc. which has the relevant financial institution as its subsidiary company.

6 内閣総理大臣は、認定を行つたときは、その旨及び当該認定が第一号措置に係るものであるときは前項の規定により定めた期限を当該認定に係る金融機関、当該金融機関を子会社とする銀行持株会社等及び機構に通知するとともに、官報により、これを公告しなければならない。

(6) Upon giving confirmation, the Prime Minister must announce that fact and, if the confirmation is in relation to the measures under item (i), the period of time specified under the preceding paragraph, to the financial institution subject to the relevant confirmation or bank holding company, etc. which has the relevant financial institution as its subsidiary company and the DICJ, and give public notice thereof in the Official Gazette.

7 内閣総理大臣は、第三項の規定により決定をしたときは、その内容を公表しなければならない。

(7) Upon making a decision pursuant to paragraph (3), the Prime Minister must make the details thereof public.

8 内閣総理大臣は、認定を行つたときは、当該認定の内容を国会に報告しなければならない。

(8) Upon giving confirmation, the Prime Minister must report the details of the relevant confirmation to the Diet.

(第一号措置に係る認定の取消し)

(Rescission of Confirmation Regarding Measures Under Item (i))

第百三条 内閣総理大臣は、第一号措置に係る認定を行つた後、第百五条第四項の決定がされるまでの間に、当該認定に係る金融機関が前条第一項第二号に掲げる金融機関に該当することとなつたときは、会議の議を経て、当該認定を取り消すものとする。

Article 103 (1) If, between the time of confirmation in relation to the measures under item (i) and the decision under Article 105, paragraph (4), a financial institution subject to the relevant confirmation comes to fall under the financial institution specified in paragraph (1), item (ii) of the preceding Article, the Prime Minister must, following deliberation by the Council, rescind the relevant confirmation.

2 前条第二項、第六項及び第八項の規定は、前項の規定による認定の取消しについて準用する。

(2) The provisions of paragraphs (2), (6), and (8) of the preceding Article apply mutatis mutandis to the rescission of the confirmation under the preceding paragraph.

(自己資本の充実のための措置を定めた計画の提出等)

(Submission of Plans Specifying Measures to Enhance the Adequacy of Equity Capital)

第百四条 第一号措置に係る認定に係る金融機関は、当該金融機関及び当該金融機関を子会社とする銀行持株会社等が次条第一項又は第二項の申込みを行わないときは、内閣総理大臣に対し、第百二条第五項に規定する期限内に、第一号措置以外の方法による自己資本の充実のための措置を定めた計画を提出しなければならない。

Article 104 (1) A financial institution subject to confirmation in relation to the measures under item (i) must, if the relevant financial institution and bank holding company, etc. which has the relevant financial institution as its subsidiary company do not make an application prescribed in paragraph (1) or (2) of the following Article, submit a plan to the Prime Minister within the period prescribed in Article 102, paragraph (5), setting forth measures to enhance the adequacy of equity capital by means other than the measures under item (i).

2 内閣総理大臣は、前項の規定により同項の金融機関から提出を受けた計画を適当と認めるときは、会議の議を経て、当該金融機関に係る認定を取り消すものとする。

(2) If the Prime Minister finds that the plan submitted under the preceding paragraph by the financial institution prescribed in the same paragraph is appropriate, the minister must following deliberation by the council, rescind the confirmation in relation to the relevant financial institution.

3 第百二条第二項、第六項及び第八項の規定は、前項の規定による認定の取消しについて準用する。

(3) The provisions of Article 102, paragraphs (2), (6), and (8) apply mutatis

mutandis to the rescission of confirmation under the preceding paragraph.

4 内閣総理大臣は、第一号措置に係る認定に係る金融機関及び当該金融機関を子会社とする銀行持株会社等が第百二条第五項に規定する期限内に次条第一項又は第二項の申込みを行わなかつた場合において、当該金融機関が当該期限内に第一項に規定する計画を提出しなかつたときは、当該認定を取り消すものとする。

(4) If a financial institution subject to confirmation in relation to the measures under item (i) and bank holding company, etc. which has the relevant financial institution as its subsidiary company have not made an application prescribed in paragraph (1) or (2) of the following Article within the period prescribed in Article 102, paragraph (5), if the relevant financial institution does not submit the plan prescribed in paragraph (1) within the relevant period, the Prime Minister is to rescind the relevant confirmation.

5 内閣総理大臣は、第一項の規定により金融機関が提出した計画を適当と認めないときは、当該認定を取り消すものとする。

(5) If the Prime Minister finds that the plan submitted by a financial institution under paragraph (1) is not appropriate, the minister is to rescind the relevant confirmation.

6 内閣総理大臣は、前二項の規定により第一号措置に係る認定を取り消すときは、あらかじめ、財務大臣の意見を聴かなければならない。

(6) If the Prime Minister intends to rescind the confirmation in relation to the measures under item (i) under the provisions of the preceding two paragraphs, the Prime Minister must hear the opinion of the Minister of Finance in advance.

7 第百二条第二項、第六項及び第八項の規定は、第四項又は第五項の規定による第一号措置に係る認定の取消しについて準用する。

(7) The provisions of Article 102, paragraphs (2), (6), and (8) apply mutatis mutandis to the rescission of the confirmation in relation to the measures under item (i) under paragraph (4) or (5).

8 内閣総理大臣は、第四項又は第五項の規定により第一号措置に係る認定が取り消された場合において、当該取消しに係る金融機関がその財産をもって債務を完済することができない事態が生ずるおそれがあるときは、第百二条第一項の規定にかかわらず、会議の議を経て、当該金融機関に対し、第二号措置に係る認定を行うことができる。

(8) If confirmation in relation to the measures under item (i) has been rescinded under paragraph (4) or (5), when a situation is likely to arise in which the financial institution subject to the relevant rescission is unable to satisfy its obligations in full with its assets, the Prime Minister may, notwithstanding the provisions of Article 102, paragraph (1), give the confirmation in relation to the measures under item (ii) with respect to the relevant financial institution, following deliberation by the council.

9 第百二条第二項、第三項、第六項から第八項までの規定は、前項の規定による第二号措置に係る認定について準用する。この場合において、同条第六項中「金融機関、

当該金融機関を子会社とする銀行持株会社等」とあるのは、「金融機関」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

- (9) The provisions of Article 102, paragraphs (2), (3), and (6) through (8) apply mutatis mutandis to the confirmation in relation to the measures under item (ii) prescribed in the preceding paragraph. In this case, the term "financial institution subject to the relevant confirmation or bank holding company, etc. which has the relevant financial institution as its subsidiary company" in Article 102, paragraph (6) will be deemed to be replaced with "financial institution subject to the relevant confirmation", and any other necessary technical replacement of terms will be specified by Cabinet Order.

(株式等の引受け等の決定)

(Decision for the Subscription for Shares)

第二百五条 機構は、第一号措置に係る認定が行われた場合において、当該認定に係る金融機関から第百二条第五項の規定により定められた期限内に第一号措置（当該金融機関に対する株式等の引受け等に限る。以下この項において同じ。）に係る申込みを受けたときは、内閣総理大臣（当該金融機関が労働金庫又は労働金庫連合会である場合にあつては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫である場合にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。第三項から第六項まで、第百八条及び第百十条第一項において同じ。）に対し、当該金融機関と連名で、当該申込みに係る第一号措置を行うかどうかの決定を求めなければならない。

Article 105 (1) If confirmation in relation to the measures under item (i) has been given, when the DICJ has received an application in relation to the measures under item (i) (limited to the subscription for shares, etc. for the relevant financial institution; hereinafter the same applies in this paragraph) from the financial institution subject to the relevant confirmation within the period prescribed in Article 102, paragraph (5), the DICJ must request a decision from the Prime Minister (if the financial institution is a labor bank or Rokinren Bank, from the Prime Minister and the Minister of Health, Labour and Welfare, and if the financial institution is the Shoko Chukin Bank, Ltd., from the Prime Minister, the Minister of Finance, and Minister of Economy, Trade and Industry; the same applies in paragraphs (3) through (6), Article 108, and Article 110, paragraph (1)) in joint name with the relevant financial institution as to whether or not to implement the measures under item (i) in relation to the relevant application.

- 2 機構は、第一号措置に係る認定が行われた場合において、当該認定に係る金融機関を子会社とする銀行持株会社等から第百二条第五項の規定により定められた期限内に第一号措置（当該銀行持株会社等が発行する株式の引受けに限る。以下この項において同じ。）に係る申込みを受けたときは、内閣総理大臣に対し、当該銀行持株会社等と連名で、当該申込みに係る第一号措置を行うかどうかの決定を求めなければならない。

(2) If confirmation in relation to the measures under item (i) has been given, when the DICJ has received an application in relation to the measures under item (i) from the bank holding company, etc. which has as its subsidiary company the financial institution subject to the relevant confirmation (limited to the subscription for shares issued by the relevant bank holding company, etc.; hereinafter the same applies in this paragraph) within the period prescribed in Article 102, paragraph (5), the DICJ must request a decision from the Prime Minister in joint name with the relevant bank holding company, etc. as to whether or not to implement the measures under item (i) in relation to the relevant application.

3 第一項の申込みを行つた金融機関又は前項の申込みを行つた銀行持株会社等の子会社である第一号措置に係る認定に係る金融機関（以下この章において「対象子会社」という。）は、内閣総理大臣に対し、経営の合理化のための方策、責任ある経営体制（銀行持株会社等が同項の申込みをした場合に於ては、当該銀行持株会社等の経営体制を含む。）の確立のための方策その他の政令で定める方策を定めた経営健全化計画（経営の健全化のための計画をいう。以下この章において同じ。）を提出しなければならない。この場合において、同項の申込みをする銀行持株会社等の対象子会社は、当該銀行持株会社等と連名で提出するものとする。

(3) A financial institution that has made an application prescribed in paragraph (1) or a financial institution subject to the confirmation in relation to the measures under item (i) that is a subsidiary company of the bank holding company, etc. and has made an application prescribed in the preceding paragraph (hereinafter referred to as "subject subsidiary company" in this Chapter) must submit to the Prime Minister a management soundness improvement plan (meaning a plan to improve sound business management; hereinafter the same applies in this Chapter) setting forth measures to streamline the management and to establish a responsible management system (including, if the bank holding company, etc. has made an application prescribed in the same paragraph, the management system of the relevant bank holding company, etc.) and other measures specified by Cabinet Order. In this case, the subject subsidiary company of the bank holding company, etc. that is to make an application prescribed in the same paragraph is to submit the plan in joint name with the relevant bank holding company, etc.

4 内閣総理大臣は、次に掲げる要件のすべてに該当する場合に限り、第一項又は第二項の申込みに係る第一号措置を行うべき旨の決定をするものとする。

(4) The Prime Minister is to decide to take the measures under item (i) in relation to an application prescribed in paragraph (1) or (2) only if all of the following requirements are satisfied:

一 機構が第一号措置により取得する株式等（次に掲げるものを含む。）又は貸付債権の処分をすることが著しく困難であると認められる場合でないこと。

(i) there are no serious difficulties associated with the disposal of the shares,

etc. (including the following) or loan claims acquired by the DICJ in connection with the measures under item (i):

イ 当該株式等が株式である場合にあつては、次に掲げる株式

(a) if the shares, etc. refer only to shares, the shares specified below:

(1) 当該株式が他の種類の株式への転換（当該株式がその発行会社を取得され、その引換えに他の種類の株式が交付されることをいう。以下この章において同じ。）の請求が可能とされるものである場合にあつては、その請求により転換された他の種類の株式

1. if the relevant shares are those for which a request for conversion into shares of another class (meaning the delivery of shares of another class in exchange for the acquisition of the relevant shares by their issuing company; hereinafter the same applies in this Chapter) can be made, shares of another class into which the relevant shares are converted pursuant to the request;

(2) 当該株式が一定の事由が生じたことを条件として転換されるものである場合にあつては、その事由が生じたことにより転換された他の種類の株式

2. if the relevant shares are convertible upon the occurrence of certain events, shares of another class into which the relevant shares are converted as a result of the occurrence; and

(3) 当該株式又は(1)若しくは(2)に掲げる他の種類の株式について分割され又は併合された株式

3. shares split or consolidated with respect to the relevant shares or the shares of another class specified in 1 or 2;

ロ 当該株式等が劣後特約付社債である場合にあつては、当該劣後特約付社債に新株予約権が付されているときにその行使により交付された株式及びこれについて分割され又は併合された株式

(b) if the relevant shares, etc. are subordinated bonds, shares delivered through the exercise of share options attached to the relevant subordinated bonds and shares split or consolidated with respect thereto; and

ハ 当該株式等が優先出資である場合にあつては、当該優先出資について分割された優先出資

(c) if the relevant shares, etc. are preferred equity investments, preferred equity investments split with respect to the relevant preferred equity investments;

ニ 銀行持株会社等が第二項の申込みをしたときは、当該銀行持株会社等がその財産をもつて債務を完済することができない銀行持株会社等でないこと。

(ii) if a bank holding company, etc. has made an application prescribed in paragraph (2), the bank holding company, etc. is not unable to satisfy its obligations in full with its assets; and

三 経営健全化計画の確実な履行等を通じて、当該金融機関の次に掲げる方策の実行が見込まれること。

- (iii) the financial institution is expected to implement the following measures through the reliable execution, etc. of management soundness improvement plan:
- イ 経営の合理化のための方策
 - (a) measures to ensure the rational management of business;
 - ロ 経営責任の明確化のための方策
 - (b) measures to clarify management responsibilities; and
 - ハ 株主責任の明確化のための方策
 - (c) measures to clarify shareholder responsibilities.
- 5 内閣総理大臣は、前項の決定を行うときは、財務大臣の同意を得なければならない。ただし、当該決定が株式会社商工組合中央金庫に係るものである場合は、この限りでない。
- (5) The Prime Minister must obtain consent from the Minister of Finance when making a decision under the preceding paragraph; provided, however, that this does not apply if the relevant decision relates to the Shoko Chukin Bank, Ltd.
- 6 内閣総理大臣は、第一項又は第二項の決定を行ったときは、その旨を第一項の申込みをした金融機関又は第二項の申込みをした銀行持株会社等及び機構に通知しなければならない。
- (6) Upon making a decision under paragraph (1) or (2), the Prime Minister must report the fact to the financial institution that has made the application prescribed in paragraph (1) or the bank holding company, etc. that has made the application prescribed in paragraph (2) and the DICJ.
- 7 内閣総理大臣は、第一項又は第二項の申込みに係る第一号措置を行わない旨の決定がされたときは、直ちに、第一項の申込みをした金融機関又は第二項の申込みをした銀行持株会社等の対象子会社が受けた第一号措置に係る認定を取り消すものとする。
- (7) If a decision is made to not implement the measures under item (i) in relation to an application prescribed in paragraph (1) or (2), the Prime Minister is to immediately rescind the confirmation in relation to the measures under item (i) with respect to the financial institution that has made the application prescribed in paragraph (1) or the subject subsidiary company of the bank holding company, etc. that has made the application prescribed in paragraph (2).
- 8 第百二条第二項、第六項及び第八項並びに前条第六項及び第八項の規定は前項の規定による第一号措置に係る認定の取消しについて、同条第九項の規定はこの項において準用する同条第八項の規定による第二号措置に係る認定について、それぞれ準用する。
- (8) The provisions of Article 102, paragraphs (2), (6), and (8), and paragraphs (6) and (8) of the preceding Article apply mutatis mutandis to the rescission of confirmation under the preceding paragraph in relation to the measures under item (i) and the provisions of paragraph (9) of the preceding Article apply mutatis mutandis to confirmation in relation to the measures under item (ii)

under paragraph (8) of the preceding Article as applied mutatis mutandis pursuant to the provisions of this paragraph.

(資本金の額の減少を行う場合の特例)

(Special Provisions for Reduction in the Amount of Stated Capital)

第百六条 内閣総理大臣は、前条第一項又は第二項の申込みがあつた場合（同条第一項の申込みがあつた場合にあつては、当該申込みが株式の引受けに係るものである場合に限る。）において、必要があると認めるときは、当該申込みに係る同条第四項の決定において、当該決定を受けた銀行等若しくは当該決定を受けた銀行持株会社等若しくはその対象子会社又は当該決定を受けた株式会社商工組合中央金庫の資本金の額の減少を当該株式の引受けの条件とすることができる。

Article 106 (1) If an application prescribed in paragraph (1) or (2) of the preceding Article has been made (if an application prescribed in paragraph (1) of the preceding Article has been made, limited to applications in relation to subscription for shares), the Prime Minister may, when finding it necessary in making a decision under paragraph (4) of the preceding Article in relation to the relevant application, require that the relevant subscription for shares be conditioned upon a reduction in the amount of stated capital of a bank, etc., bank holding company, etc., the subject subsidiary company of the bank holding company, etc., or the Shoko Chukin Bank, Ltd. that is subject to the relevant decision.

2 第八十九条の規定は、前項の規定により資本金の額の減少を当該株式の引受けの条件とする前条第四項の決定がされた場合における当該資本金の額の減少について準用する。

(2) The provisions of Article 89 apply mutatis mutandis to a reduction in the amount of stated capital if a decision is made under paragraph (4) of the preceding Article whereby the subscription for shares is conditioned upon a reduction in the amount of stated capital being made pursuant to the provisions of the preceding paragraph.

3 第一項の規定により資本金の額の減少を当該株式の引受けの条件とする前条第四項の決定がされた場合において、当該決定を受けた銀行等若しくは当該決定を受けた銀行持株会社等若しくはその対象子会社又は当該決定を受けた株式会社商工組合中央金庫は、当該条件とされた資本金の額の減少についての株主総会又は種類株主総会の決議を得たとき又は得られなかつたときは、直ちに、内閣総理大臣に、その旨を報告し、かつ、当該株主総会の議事録その他政令で定める書面（電磁的記録で作成されているものを含む。）を提出し、あわせて、機構にその旨を通知しなければならない。

(3) If a decision is made under paragraph (4) of the preceding Article whereby the subscription for shares is conditioned upon a reduction in the amount of stated capital made pursuant to the provisions of paragraph (1), the bank, etc. or bank holding company, etc. or the subject subsidiary company of the bank holding company, etc. or the Shoko Chukin Bank, Ltd. that is subject to the

relevant decision must, when it has obtained or failed to obtain a resolution of a shareholders meeting or class meeting with respect to the reduction in the amount of stated capital, immediately report the fact and submit the minutes of the shareholders meeting and other documents specified by Cabinet Order (including those prepared in the form of an electronic or magnetic record) to the Prime Minister, and must also notify the DICJ to that effect.

4 内閣総理大臣は、前項に規定する場合において、同項の条件とされた資本金の額の減少についての株主総会又は種類株主総会の決議を得られなかつたときは、当該銀行等若しくは対象子会社又は株式会社商工組合中央金庫について第一号措置に係る認定を取り消すとともに、当該銀行等若しくは銀行持株会社等又は株式会社商工組合中央金庫について前条第四項の決定を取り消すものとする。

(4) In the case prescribed in the preceding paragraph, if a resolution by a shareholders meeting or class meeting is not obtained for the reduction in the amount of stated capital that is prescribed as the condition under the same paragraph, the Prime Minister is to rescind the confirmation in relation to the measures under item (i) with respect to the bank, etc., subject subsidiary company, or the Shoko Chukin Bank, Ltd. and is to also rescind the decision under paragraph (4) of the preceding Article with respect to the bank, etc., bank holding company, etc., or the Shoko Chukin Bank, Ltd.

5 第二条第六項及び第八項並びに第四条第六項及び第八項の規定は前項の規定による第一号措置に係る認定の取消しについて、同条第九項（第二条第二項に係る部分を除く。）の規定はこの項において準用する第四条第八項の規定による第二号措置に係る認定について、前条第六項の規定は前項の規定により同条第四項の決定を取り消したときについて、それぞれ準用する。

(5) The provisions of Article 102, paragraphs (6) and (8) and Article 104, paragraphs (6) and (8) apply mutatis mutandis to the rescission of confirmation in relation to the measures under item (i) under the preceding paragraph, the provisions of Article 104, paragraph (9) (excluding the part in relation to Article 102, paragraph (2)) apply mutatis mutandis to the confirmation in relation to the measures under item (ii) under Article 104, paragraph (8) as applied mutatis mutandis pursuant to this paragraph, and the provisions of paragraph (6) of the preceding Article apply mutatis mutandis to the event that a decision under paragraph (4) of the preceding Article is rescinded pursuant to the provisions of the preceding paragraph.

6 前条第四項の決定を受ける金融機関が株式会社商工組合中央金庫である場合における第一項及び第三項の規定の適用については、これらの規定中「内閣総理大臣」とあるのは、「内閣総理大臣、財務大臣及び経済産業大臣」とする。

(6) For the purpose of applying the provisions of paragraphs (1) and (3) if a financial institution subject to a decision under paragraph (4) of the preceding Article is the Shoko Chukin Bank, Ltd., the term "the Prime Minister" in these provisions will be deemed to be "the Prime Minister, the Minister of Finance,

and the Minister of Economy, Trade and Industry".

(機構による株式等の引受け等)

(Subscription for Shares by the DICJ)

第百七条 機構は、第百五条第四項の決定がされたときは、当該決定に従い、株式等の引受け等を行うものとする。

Article 107 (1) When a decision is made under Article 105, paragraph (4), the DICJ is to carry out subscription for shares, etc. in accordance with the relevant decision.

2 機構は、前項の規定に基づき株式等の引受け等を行つたときは、速やかに、その内容を内閣総理大臣及び財務大臣（当該株式等の発行者が労働金庫又は労働金庫連合会である場合にあつては内閣総理大臣及び財務大臣並びに厚生労働大臣とし、当該株式等の発行者が株式会社商工組合中央金庫である場合にあつては内閣総理大臣及び財務大臣並びに経済産業大臣とする。）に報告しなければならない。

(2) The DICJ must, when it has carried out subscription for shares, etc. under the preceding paragraph, promptly report the details thereof to the Prime Minister and the Minister of Finance (if the issuer of the shares, etc. is a labor bank or Rokinren Bank, the Prime Minister, the Minister of Finance, and the Minister of Health, Labour and Welfare, and if the issuer of the shares, etc. is the Shoko Chukin Bank, Ltd., the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry).

3 銀行持株会社等が第百五条第二項の申込みをした場合において、機構が、同条第四項の決定に従い、当該銀行持株会社等が発行する株式の引受けを行つたときは、当該銀行持株会社等は、遅滞なく、その対象子会社に対して株式等の引受け等（当該株式等の引受け等の額が当該株式の引受けの額を下回らないものに限る。）を行わなければならない。

(3) If a bank holding company, etc. has made an application prescribed in Article 105, paragraph (2), if the DICJ has carried out subscription for shares issued by the bank holding company, etc. in accordance with a decision under Article 105, paragraph (4), the relevant bank holding company, etc. must carry out subscription for shares, etc. (limited to the cases where the amount of the relevant subscription for shares, etc. is not less than the amount of the relevant subscription for shares) without delay with respect to the subject subsidiary company.

(会社が発行する株式の総数の増加の制限の特例)

(Special Provisions for Restrictions on the Increase in Total Number of Shares Issued by a Company)

第百七条の二 第百五条第一項又は第二項の申込みが株式又は劣後特約付社債（新株予約権が付されているものに限る。以下この条において同じ。）の引受けである場合において、内閣総理大臣（当該株式又は劣後特約付社債の発行者が株式会社商工組合中

中央金庫である場合にあつては、内閣総理大臣、財務大臣及び経済産業大臣)が当該申込みに係る同条第四項の決定を行つたときは、当該申込みをした金融機関又は銀行持株会社等の発行済株式の総数、当該発行済株式に係る転換の請求による転換又は一定の事由が生じたことを原因とする転換によつて増加すべき株式の数及び既に発行された新株予約権の行使による交付によつて増加すべき株式の数に、当該引受けに係る株式の数、当該引受けに係る株式の転換の請求による発行によつて増加すべき株式の数及び当該引受けに係る劣後特約付社債に付された新株予約権の行使による発行によつて増加すべき株式の数を加えた数(以下この項において「引受後株式総数」という。)が、当該発行済株式の総数の四倍を超えるときは、当該金融機関又は当該銀行持株会社等は、会社法第百十三条第三項の規定にかかわらず、第百五条第四項の決定に従つた株式又は劣後特約付社債の引受けが行われることを条件として、引受後株式総数の四倍に相当する数に達するまで当該金融機関又は当該銀行持株会社等が発行する株式の総数を増加させることができる。

Article 107-2 (1) If an application prescribed in Article 105, paragraph (1) or (2) is for subscription for shares or subordinated bonds (limited to those with share options; hereinafter the same applies in this Article), when the Prime Minister (if the issuer of shares or subordinated bonds is the Shoko Chukin Bank, Ltd., the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry) has made a decision under Article 105, paragraph (4) in relation to the relevant application, if the total number of issued shares of the financial institution or bank holding company, etc. that has made the relevant application, the number of shares to be increased as a result of conversion pursuant to a request for conversion in relation to the relevant issued shares or conversion upon the occurrence of certain events, and the number of shares to be increased as a result of the delivery of shares following the exercise of share options which have already been issued, coupled with the number of shares in relation to the relevant subscription, the number of shares to be increased as a result of the issuance of shares pursuant to a request for conversion in relation to the relevant subscription, and the number of shares to be increased as a result of the issuance of shares following the exercise of share options attached to subordinated bonds in relation to the relevant subscription (hereinafter referred to as the "total number of shares after subscription" in this paragraph) exceeds the number four times the total number of issued shares, the relevant financial institution or bank holding company, etc. may, notwithstanding the provisions of Article 113, paragraph (3) of the Companies Act, increase the total number of shares issued by the relevant financial institution or bank holding company, etc. to the number equal to four times the total number of shares after subscription, on condition that the subscription for shares or subordinated bonds is carried out in accordance with the decision under Article 105, paragraph (4).

2 前項の規定に基づき金融機関又は銀行持株会社等がその発行する株式の総数を増加

させる場合における当該増加による変更の登記の申請書に関する商業登記法（昭和三十八年法律第百二十五号）第四十六条第二項の規定の適用については、同項中「その議事録」とあるのは、「その議事録及び預金保険法（昭和四十六年法律第三十四号）第百五条第四項の決定に従った株式又は劣後特約付社債の引受けを証する書面」とする。

- (2) If a financial institution or bank holding company, etc. increases the total number of shares to be issued based on the provisions of the preceding paragraph, for the purpose of applying the provisions of Article 46, paragraph (2) of the Commercial Registration Act (Act No. 125 of 1963) concerning a written application for a registration of change due to the relevant increase, the term "the minutes" in Article 46, paragraph (2) of the same Act will be deemed to be "the minutes and documents evidencing the subscription for shares or subordinated bonds in accordance with a decision under Article 105, paragraph (4) of the Deposit Insurance Act (Act No. 34 of 1971)".

（議決権制限株式の発行の特例）

(Special Provisions for Issuance of Shares with Restricted Voting Rights)

第百七条の三 会社法第百十五条の規定の適用については、第一号措置に係る認定に係る金融機関又は当該金融機関を対象子会社とする銀行持株会社等が第百五条第四項の決定に従い発行する議決権制限株式（同法第百十五条に規定する議決権制限株式をいう。以下この条において同じ。）は、ないものとみなす。

Article 107-3 (1) For the purpose of applying the provisions of Article 115 of the Companies Act, it will be deemed that no shares with restricted voting rights (meaning the shares with restricted voting rights prescribed in Article 115 of the Act; hereinafter the same applies in this Article) have been issued in accordance with a decision under Article 105, paragraph (4) by a financial institution or bank holding company, etc. that has the relevant financial institution as its subject subsidiary company and is subject to the confirmation in relation to the measures under item (i).

2 前項の金融機関又は銀行持株会社等が第百五条第四項の決定に従い議決権制限株式を発行する場合には、当該議決権制限株式の発行による変更の登記においては、その旨をも登記しなければならない。

(2) If shares with restricted voting rights are issued in accordance with a decision under Article 105, paragraph (4) by a financial institution or bank holding company, etc. referred to in the preceding paragraph, registration to that effect must be made in registering a change resulting from the issuance of the relevant shares with restricted voting rights.

3 前項の場合における商業登記法第五十六条の規定の適用については、同条中「次の書面」とあるのは、「次の書面及び預金保険法（昭和四十六年法律第三十四号）第百五条第四項の決定に従った議決権制限株式の発行であることを証する書面」とする。

(3) For the purpose of applying the provisions of Article 56 of the Commercial

Registration Act in the case referred to in the preceding paragraph, the term "the following documents" in the Article will be deemed to be "the following documents and documents evidencing the fact that the issuance of shares with restricted voting right is in accordance with a decision under Article 105, paragraph (4) of the Deposit Insurance Act (Act No. 34 of 1971)".

(優先出資の発行の特例)

(Special Provisions for the Issuance of Preferred Equity Investments)

第百七条の四 優先出資法第四条第二項の規定の適用については、第一号措置に係る認定に係る金融機関が第五条第四項の決定に従い発行する優先出資は、ないものとみなす。

Article 107-4 (1) For the purpose of applying the provisions of Article 4, paragraph (2) of the Preferred Equity Investment Act, it will be deemed that no preferred equity investments have been issued in accordance with a decision under Article 105, paragraph (4) by a financial institution that is subject to the confirmation in relation to the measures under item (i).

2 前項の金融機関が第五条第四項の決定に従い優先出資を発行する場合には、当該優先出資の発行による変更の登記においては、政令で定めるところにより、その旨をも登記しなければならない。

(2) If preferred equity investments have been issued in accordance with a decision under Article 105, paragraph (4) by a financial institution referred to in the preceding paragraph, registration to that effect must be made pursuant to Cabinet Order provisions in registering a change resulting from the issuance of the relevant preferred equity investments.

(募集株式等の割当て等の特例)

(Special Provisions for Allotment of Shares for Subscription)

第百七条の五 会社法第二百六条の二の規定は、第一号措置（株式の引受けに限る。）に係る認定に係る金融機関又は銀行持株会社等による機構に対する同法第百九十九条第一項に規定する募集株式の割当てがされる場合又は機構との間の同法第二百五条第一項の契約の締結がされる場合には、適用しない。

Article 107-5 (1) The provisions of Article 206-2 of the Companies Act do not apply to cases where the financial institution or bank holding company, etc. in relation to the confirmation for the measures under item (i) (limited to subscription for shares) conducts the allotment of shares for subscription prescribed in Article 199, paragraph (1) of the same Act targeting the DICJ, or where a contract set forth in Article 205, paragraph (1) of the same Act is executed with the DICJ.

2 会社法第二百四十四条の二の規定は、機構による第一号措置（劣後特約付社債（新株予約権が付されているものに限る。）の引受けに限る。）に係る認定に係る金融機関による機構に対する同法第二百三十八条第一項に規定する募集新株予約権の割当て

がされる場合又は機構との間の同法第二百四十四条第一項の契約の締結がされる場合には、適用しない。

(2) The provisions of Article 244-2 of the Companies Act do not apply to cases where the financial institution in relation to the confirmation for the measures under item (i) (limited to subscription for subordinated bonds (limited to those with share options)) undertaken by the DICJ conducts the allotment of share options for subscription targeting the DICJ, or where a contract set forth in Article 244, paragraph (1) of the same Act is executed with the DICJ.

(計画の公表等)

(Publication of Plans)

第百八条 内閣総理大臣は、第百五条第四項の決定をしたときは、同条第三項の規定により提出を受けた経営健全化計画を公表するものとする。ただし、信用秩序を損なうおそれのある事項、当該経営健全化計画を提出した金融機関（当該経営健全化計画を連名で提出した銀行持株会社等及びその子会社等（銀行法第五十二条の二十五（長期信用銀行法第十七条において準用する場合を含む。）に規定する子会社等である銀行等をいう。）を含む。以下この項において同じ。）の預金者等その他の取引者の秘密を害するおそれのある事項及び当該金融機関の業務の遂行に不当な不利益を与えるおそれのある事項については、この限りでない。

Article 108 (1) The Prime Minister is to, upon making a decision under Article 105, paragraph (4), make public the management soundness improvement plan submitted under Article 105, paragraph (3); provided, however, that this does not apply to matters for which disclosure is likely to harm an orderly financial system, divulge any secret of depositors, etc. or business customers of a financial institution that has submitted the management soundness improvement plan (including a bank holding company, etc. and its subsidiary company, etc. (meaning a subsidiary company, etc. that is a bank, etc. prescribed in Article 52-25 of the Banking Act (including cases where it is applied mutatis mutandis pursuant to Article 17 of the Long-Term Credit Bank Act)) that have submitted the relevant management soundness improvement plan in joint name; hereinafter the same applies in this paragraph), or bring undue disadvantage to the conduct of business by the relevant financial institution.

2 内閣総理大臣は、機構が取得株式等又は取得貸付債権（機構が第一号措置により取得した貸付債権をいう。以下この章において同じ。）の全部につきその処分をし、又は償還若しくは返済を受けるまでの間、当該第一号措置の認定に係る金融機関（第百五条第三項の規定により経営健全化計画を連名で提出した銀行持株会社等を含む。）に対し、同項の規定により提出を受けた経営健全化計画の履行状況につき報告を求め、これを公表することができる。

(2) Until the time when the DICJ makes a disposal or receives a redemption or repayment with respect to the whole of acquired shares, etc. or acquired loan

claims (meaning loan claims acquired by the DICJ pursuant to the measures under item (i); hereinafter the same applies in this Chapter), the Prime Minister may request a financial institution subject to confirmation in relation to the relevant measures under item (i) (including the bank holding company, etc. that has submitted a management soundness improvement plan under Article 105, paragraph (3) in joint name with the relevant financial institution) to report the status of implementation of the management soundness improvement plan submitted under Article 105, paragraph (3) and make the report public.

3 前項の「取得株式等」とは、次に掲げるものをいう。

(3) The term "acquired shares, etc." as used in the preceding paragraph means the following:

一 機構が第一号措置により取得した株式等（次に掲げるものを含む。）その他の政令で定める株式等

(i) the shares, etc. (including the following) acquired by the DICJ pursuant to the measures under item (i) and other shares, etc. specified by Cabinet Order:

イ 当該株式等が株式である場合にあつては、次に掲げる株式

(a) if the shares, etc. refer only to shares, the shares specified below:

(1) 当該株式が他の種類の株式への転換の請求が可能とされるものである場合にあつては、その請求により転換された他の種類の株式

1. if the relevant shares are those for which a request for conversion into shares of another class can be made, shares of the other class into which the relevant shares are converted pursuant to the request;

(2) 当該株式が一定の事由が生じたことを条件として転換されるものである場合にあつては、その事由が生じたことにより転換された他の種類の株式

2. if the relevant shares are convertible upon the occurrence of certain events, shares of the other class into which the shares are converted as a result of the occurrence; and

(3) 当該株式又は(1)若しくは(2)に掲げる他の種類の株式について分割され又は併合された株式

3. shares split or consolidated with respect to the shares or the shares of another class specified in 1 or 2;

ロ 当該株式等が劣後特約付社債である場合にあつては、当該劣後特約付社債に新株予約権が付されているときにその行使により交付された株式及びこれについて分割され又は併合された株式

(b) if the relevant shares, etc. are subordinated bonds, shares delivered through the exercise of share options attached to the relevant subordinated bonds and shares split or consolidated with respect thereto; and

ハ 当該株式等が優先出資である場合にあつては、当該優先出資について分割された優先出資

(c) if the relevant shares, etc. are preferred equity investments, preferred equity investments split with respect to the relevant preferred equity investments; and

二 機構が第一号措置により株式等の引受け等を行つた金融機関又は銀行持株会社等の株式交換又は株式移転により当該金融機関又は銀行持株会社等の株式交換完全親株式会社又は株式移転設立完全親会社となつた会社から機構が割当てを受けた株式（次に掲げるものを含む。）その他の政令で定める株式等

(ii) the shares (including the following) allotted to the DICJ by a company that has become a wholly owning parent company resulting from share exchange or wholly owning parent company incorporated in a share transfer of a financial institution or bank holding company, etc. with respect to whom the DICJ has carried out the subscription for shares, etc. pursuant to the measures under item (i) and other shares, etc. specified by Cabinet Order:

イ 当該株式が他の種類の株式への転換の請求が可能とされるものである場合にあっては、その請求により転換された他の種類の株式

(a) if the relevant shares are those for which a request for conversion into shares of another class can be made, shares of the other class into which the shares are converted pursuant to the request;

ロ 当該株式が一定の事由が生じたことを条件として転換されるものである場合にあっては、その事由が生じたことにより転換された他の種類の株式

(b) if the relevant shares are convertible upon the occurrence of certain events, shares of another class into which the shares are converted as a result of the occurrence; and

ハ 当該株式又はイ若しくはロに掲げる他の種類の株式について分割され又は併合された株式

(c) the shares split or consolidated with respect to the relevant shares or the shares of another class specified in (a) or (b).

（第一号措置に係る株式交換等の認可）

(Authorization for Share Exchanges in Relation to Measures Under Item (i))

第百八条の二 第百五条第四項の決定に従い機構が株式等の引受け等を行つた金融機関又は銀行持株会社等（この項の認可を受けた場合における次項第一号に規定する会社を含む。）であつて、機構が現に保有する取得株式等（前条第三項に規定する取得株式等をいう。以下この章において同じ。）である株式の発行者であるもの（以下この条及び次条において「発行金融機関等」という。）は、株式交換（当該発行金融機関等が株式交換完全子会社となるものに限る。）又は株式移転（以下この条において「株式交換等」という。）を行おうとするときは、あらかじめ、内閣総理大臣の認可を受けなければならない。

Article 108-2 (1) A financial institution or bank holding company, etc. (including a company prescribed in item (i) of the following paragraph if the authorization set forth in this paragraph is given) with respect to which the DICJ has carried

out the subscription for shares, etc. in accordance with a decision under Article 105, paragraph (4), which has issued acquired shares, etc. (meaning acquired shares, etc. prescribed in paragraph (3) of the preceding Article; hereinafter the same applies in this Chapter) actually held by the DICJ (hereinafter referred to as "issuing financial institution, etc." in this Article and the following Article) must obtain authorization from the Prime Minister in advance if the financial institution or bank holding company, etc. intends to effect a share exchange (limited to those through which the issuing financial institution, etc. becomes a wholly owned subsidiary company in share exchange) or share transfer (hereinafter referred to as "share exchange, etc." in this Article).

2 内閣総理大臣は、次に掲げる要件のすべてに該当する場合に限り、前項の認可をするものとする。

(2) The Prime Minister is to give the authorization set forth in the preceding paragraph only if all of the following requirements are satisfied:

一 株式交換等により当該発行金融機関等の株式交換完全親株式会社又は株式移転設立完全親会社となる会社が銀行持株会社等（新たに設立されるものを含む。）であること。

(i) a company that is to become, through the share exchange, etc., a wholly owning parent company resulting from share exchange or wholly owning parent company incorporated in a share transfer of the issuing financial institution, etc. is a bank holding company, etc. (including those that will be newly established);

二 株式交換等により機構が割当てを受ける取得株式等となる株式の種類が当該株式交換等の前において機構が保有する取得株式等である株式の種類と同一のものと認められ、かつ、当該株式交換等の後において機構が保有する取得株式等である株式に係る議決権が前号に規定する会社の総株主の議決権に占める割合が、当該株式交換等の前において機構が保有する取得株式等である株式に係る議決権が当該発行金融機関等の総株主の議決権に占める割合と比べて著しく低下する場合でないこと。

(ii) the type of acquired shares, etc. to be allotted to the DICJ through the share exchange, etc. is found to be the same as the type of acquired shares, etc. actually held by the DICJ prior to the relevant share exchange, etc., and the ratio of voting rights in relation to acquired shares, etc. actually held by the DICJ after the share exchange, etc. to voting rights of all shareholders of the company prescribed in the preceding item is not significantly lower than the ratio of voting rights in relation to acquired shares, etc. held by the DICJ prior to the relevant share exchange, etc. to voting rights of all shareholders of the relevant issuing financial institution, etc.; and

三 株式交換等により当該取得株式等である株式の処分をすることが困難になると認められる場合でないこと。

(iii) there will be no difficulty in disposing of the acquired shares, etc. following

the share exchange, etc.

- 3 発行金融機関等が第一項の認可を受けて株式交換等を行つたときは、当該発行金融機関等又はその子会社であつて、第百五条第四項の決定に従い機構が株式等の引受け等を行つた金融機関又は同項の決定に従い機構が株式の引受けを行つた銀行持株会社等の対象子会社（次条第四項に規定する承継子会社を含む。）であるものは、その実施している経営健全化計画（第百五条第三項の規定、この項の規定又は次条第四項において準用する同条第三項の規定により提出したものをいう。）に代えて、当該経営健全化計画に記載された方策（当該経営健全化計画を連名で提出した銀行持株会社等の経営体制に係る部分を除く。）のほか、当該株式交換等により当該発行金融機関等の株式交換完全親株式会社又は株式移転設立完全親会社となつた会社における責任ある経営体制の確立のための方策その他の政令で定める方策を記載した経営健全化計画を、当該株式交換等により当該発行金融機関等の株式交換完全親株式会社又は株式移転設立完全親会社となつた会社と連名で、内閣総理大臣に提出しなければならない。

- (3) If the issuing financial institution, etc. has carried out a share exchange, etc. following the authorization set forth in paragraph (1), the issuing financial institution, etc., a financial institution that is a subsidiary company of the relevant issuing financial institution, etc. with respect to which the DICJ has carried out the subscription for shares, etc. in accordance with a decision under Article 105, paragraph (4), or the subject subsidiary company (including the bridge subsidiary company prescribed in paragraph (4) of the following Article) of the bank holding company, etc. with respect to which the DICJ has carried out the subscription for shares in accordance with a decision under Article 105, paragraph (4) must submit to the Prime Minister, in joint name with a company that has become, through the relevant share exchange, etc., a wholly owning parent company resulting from share exchange or wholly owning parent company incorporated in a share transfer of the relevant issuing financial institution, etc., a new management soundness improvement plan to replace the Management Strengthening Plan that has been implemented (meaning the plan submitted under Article 105, paragraph (3), this paragraph, or paragraph (3) of the following Article as applied mutatis mutandis pursuant to the provisions of paragraph (4) of the following Article), stating, beyond the measures stated in the Management Strengthening Plan (excluding the part in relation to the management system of the bank holding company, etc. in joint name with whom the Management Strengthening Plan was submitted), measures to establish a responsible management system in a company that has become, through the share exchange, etc., a wholly owning parent company resulting from share exchange or wholly owning parent company incorporated in a share transfer of the relevant issuing financial institution, etc., and other measures specified by Cabinet Order.

- 4 前条の規定は、内閣総理大臣が前項の規定により提出を受けた経営健全化計画について準用する。この場合において、同条第二項中「金融機関（第百五条第三項の規定

により」とあるのは、「経営健全化計画を第百八条の二第三項の規定により提出した金融機関（当該」と読み替えるものとする。

(4) The provisions of the preceding Article apply mutatis mutandis to the management soundness improvement plan submitted to the Prime Minister under the preceding paragraph. In this case, the term "financial institution ... (... that has submitted a Management Strengthening Plan under Article 105, paragraph (3))" in paragraph (2) of the preceding Article will be deemed to be replaced with "financial institution ... that has submitted a management soundness improvement plan under Article 108-2, paragraph (3) (... that has submitted the relevant Management Strengthening Plan."

(第一号措置に係る組織再編成の認可)

(Authorization for Corporate Reorganization Regarding Measures Under Item (i))

第百八条の三 第百五条第四項の決定に従い機構が株式等の引受け等を行つた金融機関（この項の認可を受けた場合における次項第一号に規定する承継金融機関を含む。）であつて機構が現に保有する取得株式等又は取得貸付債権に係る発行者又は債務者であるもの（以下この条において「対象金融機関」という。）は、合併、会社分割、会社分割による事業の承継又は事業譲渡等（以下この条において「組織再編成」という。）を行おうとするときは、あらかじめ、内閣総理大臣（当該対象金融機関が労働金庫又は労働金庫連合会である場合にあつては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫である場合にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。次項において同じ。）の認可を受けなければならない。

Article 108-3 (1) A financial institution (including a bridge financial institution prescribed in item (i) of the following paragraph if the authorization set forth in this paragraph is given) with respect to which the DICJ has carried out the subscription for shares, etc. in accordance with a decision under Article 105, paragraph (4), which is an issuer of acquired shares, etc. or obligor of acquired loan claims actually held by the DICJ (hereinafter referred to as "subject financial institution" in this Article) must, if it intends to undertake the succession of business affairs through a merger, company split, or transfer of business, etc. (hereinafter referred to as "corporate reorganization" in this Article), obtain authorization from the Prime Minister (if the subject financial institution is a labor bank or Rokinren Bank, the Prime Minister and the Minister of Health, Labour and Welfare, if the financial institution is the Shoko Chukin Bank, Ltd., the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry; the same applies in the following paragraph) in advance.

2 内閣総理大臣は、次に掲げる要件のすべてに該当する場合に限り、前項の認可をするものとする。

(2) The Prime Minister is to give the authorization set forth in the preceding

paragraph only if all of the following requirements are satisfied:

一 組織再編成の後において機構が保有する取得株式等又は取得貸付債権に係る発行者又は債務者となる法人が当該対象金融機関であること又は当該対象金融機関が実施している経営健全化計画（第百五条第三項又は次項の規定により提出したものをいう。）に係る事業（以下この項において「経営健全化関連業務」という。）の全部を承継する他の金融機関（新たに設立されるものを含む。以下この条において「承継金融機関」という。）であること。

(i) a corporation who is to become an issuer of acquired shares, etc. or obligor of acquired loan claims held by the DICJ after the corporate reorganization is the subject financial institution or is another financial institution (including those that will be newly established; hereinafter referred to as the "bridge financial institution" in this Article) that succeeds to the whole of the business in relation to the management soundness improvement plan (meaning the plan submitted under Article 105, paragraph (3) or the following paragraph) that has been implemented by the relevant subject financial institution (hereinafter referred to as "management strengthening operations" in this paragraph);

二 組織再編成により当該対象金融機関（承継金融機関を含む。）の経営の健全化が阻害されないこと。

(ii) the management strengthening operations of the subject financial institution (including the bridge financial institution) is not hindered as a result of the corporate reorganization;

三 経営健全化関連業務の承継が行われるときは、当該承継が円滑かつ適切に行われる見込みが確実であること。

(iii) it can be expected with certainty that, when the management strengthening operations to be succeeded to, the succession will be conducted smoothly and appropriately;

四 組織再編成により当該取得株式等又は取得貸付債権につき、その処分をし、又は償還若しくは返済を受けることが困難になると認められる場合でないこと。

(iv) there will be no difficulty in making a disposal or receiving a redemption or repayment with respect to the relevant acquired shares, etc. or acquired loan claims following the corporate reorganization; and

五 その他政令で定める要件

(v) other requirements specified by Cabinet Order.

3 対象金融機関が第一項の認可を受けて組織再編成を行つた場合において、当該組織再編成に係る承継金融機関があるときは、当該承継金融機関は、経営の合理化のための方策、責任ある経営体制の確立のための方策その他の政令で定める方策を定めた経営健全化計画を内閣総理大臣（当該承継金融機関が労働金庫又は労働金庫連合会である場合にあつては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫である場合にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。第八項において同じ。）に提出しなければならない。

(3) If the subject financial institution has conducted the corporate reorganization following the authorization set forth in paragraph (1), when there is any bridge financial institution in relation to the relevant corporate reorganization, the relevant bridge financial institution must submit a management soundness improvement plan, setting forth measures to achieve the rationalization of management, measures to establish a responsible management system, and other measures specified by Cabinet Order, to the Prime Minister (if the relevant bridge financial institution is a labor bank or Rokinren Bank, the Prime Minister and the Minister of Health, Labour and Welfare, and if the financial institution is the Shoko Chukin Bank, Ltd., the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry; the same applies in paragraph (8)).

4 前三項の規定は、第百五条第四項の決定に従い機構が株式の引受けを行つた銀行持株会社等の対象子会社又は同項の決定に従い機構が株式等の引受け等を行つた金融機関（承継金融機関を含む。）であつて当該金融機関が行う株式交換若しくは株式移転により対象金融機関でなくなつたもの（承継子会社（この項において準用する第二項第一号に規定する他の金融機関をいう。以下この条において同じ。）を含む。以下この条において「対象子会社等」という。）のうち、経営健全化計画（第百五条第三項の規定、前条第三項（第八項において準用する場合を含む。）の規定、この項において準用する前項の規定又は第七項の規定により提出したものをいう。）を実施しているものについて準用する。この場合において、第一項中「合併、会社分割」とあるのは「機構が当該経営健全化計画に係る第百五条第四項の決定に従い株式等の引受け等を行つた金融機関又は銀行持株会社等に係る取得株式等又は取得貸付債権の全部につきその処分をし、又は償還若しくは返済を受けるまでの間、合併、会社分割」と、第二項中「組織再編成の後において機構が保有する取得株式等又は取得貸付債権に係る発行者又は債務者となる法人が当該対象金融機関であること又は当該対象金融機関が実施している経営健全化計画（第百五条第三項又は次項の規定により提出したものをいう。）に係る事業」とあるのは「当該経営健全化計画を当該対象子会社等と連名で提出した銀行持株会社等が、当該対象子会社等又は組織再編成の後において当該経営健全化計画に係る事業」と、「以下この条において「承継金融機関」という。）であること」とあるのは「）を子会社とする銀行持株会社等であること」と、「承継金融機関を含む」とあるのは「承継子会社を含む」と、前項中「承継金融機関」とあるのは「承継子会社」と、「経営の合理化のための方策」とあるのは「第二項第一号に規定する銀行持株会社等と連名で、経営の合理化のための方策」と読み替えるものとする。

(4) The provisions of the preceding three paragraphs apply mutatis mutandis to the subject subsidiary company of the bank holding company, etc. with respect to which the DICJ has carried out the subscription for shares in accordance with a decision under Article 105, paragraph (4) or the financial institution (including the bridge financial institution) with respect to which the DICJ has carried out the subscription for shares, etc. in accordance with a decision under

Article 105, paragraph (4) that has ceased to be a subject financial institution as a result of the share exchange or share transfer effected by the relevant financial institution (including a bridge subsidiary company (meaning another financial institution prescribed in paragraph (2), item (i) as applied mutatis mutandis pursuant to this paragraph; hereinafter the same applies in this Article; hereinafter referred to as "subject subsidiary company, etc." in this Article) that has been implementing a management soundness improvement plan (meaning a plan submitted under Article 105, paragraph (3), paragraph (3) of the preceding Article (including cases where it is applied mutatis mutandis pursuant to paragraph (8)), the preceding paragraph as applied mutatis mutandis pursuant to this paragraph, or paragraph (7))). In this case, the term "if it intends to undertake the succession of business affairs through a merger, company split" in paragraph (1) will be deemed to be replaced with "until the time that the DICJ has made a disposal or received a redemption or repayment with respect to all of the acquired shares, etc. or acquired loan claims in relation to the financial institution or bank holding company, etc. that has carried out the subscription for shares, etc. in accordance with a decision under Article 105, paragraph (4) in relation to the relevant management strengthening plan, if it intends to undertake the succession of business affairs through a merger, company split," the terms "A corporation who is to become an issuer of acquired shares, etc. or obligor of acquired loan claims held by the DICJ after the corporate reorganization is the subject financial institution or", "business in relation to the relevant management strengthening plan (meaning the plan submitted under Article 105, paragraph (3) or the following paragraph) that has been implemented by the relevant subject financial institution" and "including the bridge financial institution" in paragraph (2) will be deemed to be replaced with "A bank holding company, etc. that has submitted the relevant management strengthening plan in joint name with the relevant subject subsidiary company, etc.", "subject subsidiary company, etc. or the business in relation to the relevant management strengthening plan after the corporate reorganization", and "including a bridge subsidiary company", respectively, and the terms "bridge financial institution" and "setting forth measures to achieve the rationalization of management" in the preceding paragraph are to be deemed to be replaced with "bridge subsidiary company" and "in joint name with the bank holding company, etc. prescribed in paragraph (2), item (i), setting forth measures to achieve the rationalization of management" respectively.

- 5 対象金融機関以外の発行金融機関等（この項の認可を受けた場合における次項第一号に規定する他の銀行持株会社等又は第八項において準用する前条第一項の認可を受けた場合における第八項において準用する同条第二項第一号に規定する会社であつて、機構が現に保有する取得株式等である株式の発行者であるもの（以下この条において

「組織再編成後発行銀行持株会社等」という。)を含む。次項において同じ。)は、組織再編成を行おうとするときは、あらかじめ、内閣総理大臣の認可を受けなければならない。

(5) The issuing financial institution, etc. other than the subject financial institution (including another bank holding company, etc. prescribed in item (i) of the following paragraph if the authorization set forth in this paragraph is granted, or company prescribed in paragraph (2), item (i) of the preceding Article as applied mutatis mutandis pursuant to paragraph (8) if the authorization set forth in paragraph (1) of the preceding Article as applied mutatis mutandis pursuant to paragraph (8) is granted which is an issuer of acquired shares, etc. actually held by the DICJ (hereinafter referred to as "issuing bank holding company, etc. after corporate reorganization" in this Article); the same applies in the following paragraph) must, if it intends to conduct corporate reorganization, obtain authorization from the Prime Minister in advance.

6 内閣総理大臣は、次に掲げる要件のすべてに該当する場合に限り、前項の認可をするものとする。

(6) The Prime Minister is to give the authorization set forth in the preceding paragraph only if all of the following requirements are satisfied:

一 組織再編成の後において機構が保有する取得株式等である株式の発行者となる会社が当該発行金融機関等であること又は当該発行金融機関等に係る対象子会社等を子会社とする他の銀行持株会社等（新たに設立されるものを含む。）であること。

(i) a company that is to become an issuer of acquired shares, etc. held by the DICJ after the corporate reorganization is the issuing financial institution, etc. or another bank holding company, etc. (including those that will be newly established) having as its subsidiary the subject subsidiary company, etc. in relation to the relevant issuing financial institution, etc.;

二 組織再編成により当該発行金融機関等（前号に規定する他の銀行持株会社等を含む。）による当該発行金融機関等に係る対象子会社等の経営管理が阻害されないこと。

(ii) the business management by the issuing financial institution, etc. (including another bank holding company, etc. prescribed in the preceding item) of the subject financial institution, etc. in relation to the relevant issuing financial institution, etc. is not hindered as a result of the corporate reorganization;

三 組織再編成により当該取得株式等である株式の処分をすることが困難になると認められる場合でないこと。

(iii) there will be no difficulty in disposing of the acquired shares, etc. following the corporate reorganization; and

四 その他政令で定める要件

(iv) other requirements specified by Cabinet Order.

7 対象金融機関以外の発行金融機関等又は組織再編成後発行銀行持株会社等が第五項の認可を受けて組織再編成を行った場合において、前項第一号に規定する他の銀行持株会社等があるときは、当該発行金融機関等又は組織再編成後発行銀行持株会社等に係る対象子会社等は、その実施している経営健全化計画（第四項に規定する経営健全化計画をいう。）に代えて、当該経営健全化計画に記載された方策（当該経営健全化計画を連名で提出した銀行持株会社等の経営体制に係る部分を除く。）のほか、当該他の銀行持株会社等における責任ある経営体制の確立のための方策その他の政令で定める方策を記載した経営健全化計画を、当該他の銀行持株会社等と連名で、内閣総理大臣に提出しなければならない。

(7) If the issuing financial institution, etc. other than the subject financial institution or the issuing bank holding company, etc. after corporate reorganization has conducted corporate reorganization following the authorization set forth in paragraph (5), if there is another bank holding company, etc. prescribed in item (i) of the preceding paragraph, the relevant issuing financial institution, etc. or the subject subsidiary company, etc. in relation to the issuing bank holding company, etc. after corporate reorganization must submit to the Prime Minister, in joint name with that another bank holding company, etc., a new management soundness improvement plan to replace the management soundness improvement plan that has been implemented (meaning the management soundness improvement plan prescribed in paragraph (4)), stating, beyond the measures stated in the relevant management soundness improvement plan (excluding the part in relation to the management system of the bank holding company, etc. in joint name with whom the relevant management soundness improvement plan was submitted), measures to establish a responsible management system in that another bank holding company, etc., and other measures specified by Cabinet Order.

8 第八十条第一項の規定は内閣総理大臣が第三項（第四項において準用する場合を含む。）又は前項の規定により提出を受けた経営健全化計画について、同条第二項の規定はこれらの経営健全化計画を提出した金融機関（これらの経営健全化計画を連名で提出した銀行持株会社等を含む。）について、前条の規定は承継金融機関であつて機構が現に保有する取得株式等である株式の発行者であるもの又は組織再編成後発行銀行持株会社等について、それぞれ準用する。この場合において、同条第三項中「第五十条第四項の決定に従い機構が株式等の引受け等を行った金融機関又は同項の決定に従い機構が株式の引受けを行った銀行持株会社等の対象子会社（次条第四項に規定する承継子会社を含む。）」とあるのは「対象子会社等」と、「第五十条第三項の規定、この項の規定又は次条第四項において準用する同条第三項の規定により提出したもの」とあるのは「第八十条の三第三項（同条第四項において準用する場合を含む。）の規定、同条第七項の規定又は同条第八項において準用する第八十条の二第三項の規定により提出したもの」と読み替えるものとする。

(8) The provisions of Article 108, paragraph (1) apply mutatis mutandis to the

management soundness improvement plans submitted to the Prime Minister under paragraph (3) (including cases where it is applied mutatis mutandis pursuant to paragraph (4)) or the preceding paragraph, the provisions of Article 108, paragraph (2) apply mutatis mutandis to the financial institution (including the bank holding company, etc. in joint name with whom these management soundness improvement plan have been submitted) that has submitted these management soundness improvement plans , and the provisions of Article 108-2 apply mutatis mutandis to a bridge financial institution that is an issuer of acquired shares, etc. actually held by the DICJ or the issuing bank holding company, etc. after corporate reorganization. In this case, the terms "a financial institution that is a subsidiary company of the relevant Issuing financial institution, etc. with respect to which the DICJ has carried out the subscription for shares, etc. in accordance with a decision under Article 105, paragraph (4), or the subject subsidiary company (including the bridge subsidiary company prescribed in paragraph (4) of the following Article)" and "the plan submitted under Article 105, paragraph (3), this paragraph, or paragraph (3) of the following Article as applied mutatis mutandis pursuant to the provisions of paragraph (4) of the following Article" in Article 108-2, paragraph (3) will be deemed to be replaced with "the subject subsidiary company, etc.", and "the plan submitted under Article 108-3, paragraph (3) (including cases where it is applied mutatis mutandis pursuant to Article 108-3, paragraph (4)), Article 108-3, paragraph (7), or Article 108-2, paragraph (3) as applied mutatis mutandis pursuant to Article 108-3, paragraph (8)" respectively.

(特別支配株主の株式等売渡請求の特例)

(Special Provisions for Demands for Share Cash-Outs by Special Controlling Shareholders)

第百八条の四 会社法第二編第二章第四節の二の規定は、第百五条第四項の決定に従い機構が株式等の引受け等を行った金融機関（前条第一項の認可を受けた場合における同条第二項第一号に規定する承継金融機関を含む。）又は銀行持株会社等（第百八条の二第一項の認可を受けた場合における同条第二項第一号に規定する会社及び前条第五項に規定する組織再編成後発行銀行持株会社等を含む。）であつて機構が現に保有する取得株式等である株式又は劣後特約付社債（新株予約権が付されているものに限る。）の発行者であるものの特別支配株主については、適用しない。

Article 108-4 The provisions of Part II, Chapter 2, Section 4-2 of the Companies Act do not apply to special controlling shareholders of a financial institution (including the bridge financial institution, etc. prescribed in paragraph (2), item (i) of the preceding Article if the authorization has been given under paragraph (1) of the preceding Article) or the bank holding company, etc. (including the company prescribed in Article 108-2, paragraph (2), item (i) if

the authorization has been given under paragraph (1) of the same Article and the issuing bank holding company, etc. after corporate reorganization, etc. prescribed in paragraph (5) of the preceding Article) for which the DICJ has conducted the subscription for shares, etc. based on a decision under Article 105, paragraph (4) and which has issued shares that are acquired shares, etc. actually held by the DICJ or subordinated bonds (limited to those with share options).

(取得株式等又は取得貸付債権の処分)

(Disposal of Acquired Shares or Acquired Loan Claims)

第百九条 機構は、取得株式等若しくは取得貸付債権について譲渡その他の処分を行おうとするときは、内閣総理大臣及び財務大臣（当該取得株式等又は取得貸付債権に係る発行者又は債務者が労働金庫又は労働金庫連合会である場合にあっては内閣総理大臣及び財務大臣並びに厚生労働大臣とし、当該取得株式等又は取得貸付債権に係る発行者又は債務者が株式会社商工組合中央金庫である場合にあっては内閣総理大臣及び財務大臣並びに経済産業大臣とする。次項において同じ。）の承認を受けなければならない。

Article 109 (1) The DICJ must, if it intends to transfer or dispose of acquired shares, etc. or acquired loan claims, obtain approval from the Prime Minister and the Minister of Finance (if an issuer of the relevant acquired shares, etc. or obligor of acquired loan claims is a labor bank or Rokinren Bank, from the Prime Minister, the Minister of Finance, and the Minister of Health, Labour and Welfare, and if an issuer of the relevant acquired shares, etc. or obligor of acquired loan claims is the Shoko Chukin Bank, Ltd., from the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry; the same applies in the following paragraph).

2 機構は、前項の処分を行ったときは、速やかに、その内容を内閣総理大臣及び財務大臣に報告しなければならない。

(2) Upon making a disposal as prescribed in the preceding paragraph, the DICJ must promptly report the details thereof to the Prime Minister and the Minister of Finance.

(管理を命ずる処分及び資金援助の特例)

(Special Provisions for Order to Manage and Financial Assistance)

第百十条 内閣総理大臣は、第百二条第一項又は第百四条第八項（第百五条第八項及び第百六条第五項において準用する場合を含む。）の規定による第二号措置に係る認定が行われた場合には、第七十四条第一項及び第二項の規定にかかわらず、直ちに、当該認定に係る金融機関に対し、管理を命ずる処分をするものとする。

Article 110 (1) When confirmation in relation to the measures under item (ii) is given under Article 102, paragraph (1) or Article 104, paragraph (8) (including cases where it is applied mutatis mutandis pursuant to Article 105, paragraph

(8) and Article 106, paragraph (5)), the Prime Minister must, notwithstanding the provisions of Article 74, paragraph (1) and (2), immediately issue an order to manage with respect to the financial institution subject to the relevant confirmation.

2 前項の規定による管理を命ずる処分があつた場合におけるこの法律の適用については、当該処分を受けた金融機関（破綻金融機関を除く。）は、破綻金融機関とみなす。

(2) For the purpose of applying this Act if an order to manage is issued under the preceding paragraph, the financial institution (excluding the failed financial institution) subject to the relevant order to manage will be deemed to be the failed financial institution.

3 第六十四条第二項の規定は、第一項の規定により管理を命ずる処分を受けた金融機関を破綻金融機関として行う合併等に係る資金援助について同条第一項の委員会の議決を行う場合には、適用しない。この場合において、委員会は、当該資金援助が当該金融機関の財務の状況に照らし当該資金援助に係る合併等が行われるために必要な範囲を超えていないと認めるときは、当該資金援助を行う旨の決議をすることができる。

(3) The provisions of Article 64, paragraph (2) do not apply to cases where a resolution by the board prescribed in Article 64, paragraph (1) is to be deliberated with respect to the financial assistance for a merger, etc. in which a financial institution that is subject to an order to manage under paragraph (1) is deemed to be the failed financial institution. In this case, the board may, when it finds, in light of the financial conditions of the relevant financial institution, that the financial assistance does not exceed the scope necessary to carry out the merger, etc., adopt a resolution to provide financial assistance.

4 第一項の規定による管理を命ずる処分を受けた金融機関は第七十四条第一項又は第二項の規定により管理を命ずる処分を受けた金融機関とみなして、第六十九条の三及び第二百二十七条の規定を適用する。この場合において、第六十九条の三第一項中「弁済（第五十四条の二第一項の規定及び同条第二項において準用する第五十四条第三項の規定により計算した保険金の額に対応する支払対象決済用預金又は特定決済債務につき行うものに限る。）」とあるのは「弁済」と、「当該決済債務に係る第五十四条の二第一項の規定及び同条第二項において準用する第五十四条第三項の規定により計算した保険金の額の合計額に達するまでを限り」とあるのは「その必要の限度において」と、第二百二十七条第一項中「払戻し（保険金計算規定により計算した保険金の額に対応する支払対象預金等につき行うものに限る。）」とあるのは「払戻し」と、「準用する。この場合において、同項中「当該決済債務に係る第五十四条の二第一項の規定及び同条第二項において準用する第五十四条第三項の規定」とあるのは、「当該支払対象預金等に係る保険金計算規定」と読み替えるものとする」とあるのは「準用する」とする。

(4) A financial institution that is subject to an order to manage under paragraph (1) will be deemed to be a financial institution subject to an order to manage under Article 74, paragraph (1) or paragraph (2) in applying the provisions of Article 69-3, paragraph (1) and Article 127. In this case, the term "repayment

of the settlement obligations (limited to those carried out with respect to the covered deposits for settlement or specified settlement obligations corresponding to the amount of insurance proceeds calculated under Article 54-2, paragraph (1) and Article 54, paragraph (3) as applied mutatis mutandis pursuant to Article 54-2, paragraph (2))" in Article 69-3, paragraph (1) will be deemed to be replaced with "repayment of the settlement obligations", the term "up to the total amount of insurance proceeds in relation to the relevant settlement obligations calculated under Article 54-2, paragraph (1) and Article 54, paragraph (3) as applied mutatis mutandis pursuant to Article 54-2, paragraph (2)" in Article 69-3, paragraph (1) will be deemed to be replaced with "to the extent necessary", the term "refunding the covered deposits, etc. (limited to the repayment for the covered deposits, etc. corresponding to the amount of insurance proceeds calculated under the insurance claim calculation provisions)" in Article 127, paragraph (1) will be deemed to be replaced with "refunding the covered deposits, etc.", and the term "In this case, the term 'in relation to the relevant settlement obligations calculated under Article 54-2, paragraph (1) and Article 54, paragraph (3) as applied mutatis mutandis pursuant to Article 54-2, paragraph (2)' in Article 69-3, paragraph (1) will be deemed to be replaced with 'in relation to the relevant covered deposits, etc. calculated under the insurance claim calculation provisions'" in Article 127, paragraph (1) will be deemed to be deleted.

(特別危機管理銀行の株式の取得の決定)

(Decisions on the Acquisition of Shares of a Bank Under Special Crisis Management)

第百十一条 内閣総理大臣は、第三号措置に係る認定と同時に、機構が当該認定に係る銀行等の株式を取得することの決定（次項において「特別危機管理開始決定」という。）をするものとする。

Article 111 (1) The Prime Minister must, at the time of granting the confirmation in relation to the measures under item (iii), decide that the DICJ will acquire shares of the bank, etc. subject to the confirmation (referred to as "decision to commence special crisis management" in the following paragraph).

2 内閣総理大臣は、特別危機管理開始決定をしたときは、その旨を機構及び当該特別危機管理開始決定を受けた銀行等（以下「特別危機管理銀行」という。）に通知するとともに、官報により、これを公告しなければならない。

(2) Upon making the decision to commence special crisis management, the Prime Minister must notify the DICJ and the bank, etc. subject to the relevant decision on commencement of special crisis management (hereinafter referred to as the "bank under special crisis management") to that effect and give public notice thereof in the Official Gazette.

(株式の取得等)

(Acquisition of Shares)

第百十二条 前条第二項の規定による公告があつた場合には、特別危機管理銀行の株式は、当該公告があつた時（以下この章において「公告時」という。）に、機構が取得する。

Article 112 (1) If public notice is given under paragraph (2) of the preceding Article, the shares of the bank under special crisis management will be acquired by the DICJ at the time of the relevant public notice (hereinafter referred to as the "time of public notice" in this Chapter).

2 前項の規定により機構が取得した株式に係る株券は、公告時において無効とする。

(2) Share certificates for the shares acquired by the DICJ under the preceding paragraph will become invalid at the time of public notice.

3 第一項の規定による株式の取得については、会社法第二百二十八条第一項本文及び第三百三十条第一項の規定は、適用しない。

(3) The provisions of the main clause of Article 128, paragraph (1) and Article 130, paragraph (1) of the Companies Act do not apply to the acquisition of shares under paragraph (1).

4 第一項の規定により機構が取得した株式を目的とする質権その他の担保権は、公告時において消滅する。

(4) Any pledge and other security interest in the shares acquired by the DICJ under paragraph (1) will be extinguished at the time of public notice.

5 特別危機管理銀行が会社法第八十八条第二項（第九号に係る部分に限る。）の定款の定めをしているときは、当該定めは、公告時において廃止されたものとみなす。

(5) If the articles of incorporation of the bank under special crisis management has provisions prescribed in Article 108, paragraph (2) of the Companies Act (limited to the part in relation to item (ix)), the relevant provisions will be deemed have been rescinded at the time of public notice.

(特別危機管理銀行の財務の公表)

(Publication of Finances of Banks Under Special Crisis Management)

第百十三条 内閣総理大臣は、第百十一条第二項の公告をしたときは、内閣府令・財務省令で定めるところにより、公告時における特別危機管理銀行の資産及び負債の状況を公表するものとする。

Article 113 Upon giving public notice under Article 111, paragraph (2), the Prime Minister is to make public the conditions of assets and liabilities of the bank under special crisis management as of the time of public notice pursuant to the provisions of Cabinet Office Order and Order of the Ministry of Finance.

(特別危機管理銀行の役員等の選任及び解任の特例)

(Special Provisions for Appointment and Dismissal of Officers of Banks Under Special Crisis Management)

第百十四条 機構は、会社法第三百二十九条第一項及び第四百二条第二項の規定にかかわらず、内閣総理大臣の指名に基づき、特別危機管理銀行の取締役、執行役、会計参与、監査役及び会計監査人を選任することができる。この場合において、特別危機管理銀行の取締役（監査等委員会設置会社にあつては、監査等委員である取締役又はそれ以外の取締役。以下この項及び次項において同じ。）、執行役、会計参与、監査役又は会計監査人の変更の登記の申請書には、指名及び選任を証する書面を添付しなければならない。

Article 114 (1) Notwithstanding the provisions of Article 329, paragraph (1) and Article 402, paragraph (2) of the Companies Act, the DICJ may, based on the designation of the Prime Minister, appoint a company director, executive officer, accounting advisor, corporate auditor and accounting auditor of the bank under special crisis management. In this case, documents evidencing the designation and appointment must be attached to a written application for a registration of a change of company director (in the case of a company with an audit and supervisory committee, a company director who is an audit and supervisory committee member or another company director; hereinafter the same applies in this paragraph and the following paragraph), executive officer, accounting advisor, corporate auditor or accounting auditor of the bank under special crisis management.

2 機構は、会社法第三百三十九条第一項及び第四百三条第一項の規定にかかわらず、内閣総理大臣の承認を得て、特別危機管理銀行の取締役、執行役、会計参与、監査役又は会計監査人を解任することができる。

(2) Notwithstanding the provisions of Article 339, paragraph (1) and Article 403, paragraph (1) of the Companies Act, the DICJ may, with approval from the Prime Minister, dismiss a company director, executive officer, accounting advisor, corporate auditor or accounting auditor of the bank under special crisis management.

3 第一項の規定による選任又は前項の規定による解任があつたときは、会社法第三百二十九条第一項若しくは第三百三十九条第一項に規定する株主総会の決議又は同法第四百二条第二項若しくは第四百三条第一項に規定する取締役会の決議があつたものとみなす。

(3) If an appointment under paragraph (1) or dismissal under the preceding paragraph is made, it will be deemed that there has been a resolution by shareholders meeting prescribed in Article 329, paragraph (1) or Article 339, paragraph (1) of the Companies Act or resolution by the board of directors prescribed in Article 402, paragraph (2) or Article 403, paragraph (1) of the same Act.

（報告又は資料の提出等）

(Submission of Reports or Materials)

第百十五条 内閣総理大臣は、必要があると認めるときは、特別危機管理銀行、特別危

機管理銀行を所属金融機関とする金融機関代理業者及び特別危機管理銀行を委託金融機関とする電子決済等取扱業者等に対し、その業務及び財産の状況等に関し報告若しくは資料の提出を求め、又はその経営に関する計画の作成及び提出その他必要な措置を命ずることができる。

Article 115 The Prime Minister may, when finding it necessary, request the bank under special crisis management, a financial institution agent with the relevant bank under special crisis management as its principal financial institution, and an electronic payment handling service provider, etc. with the relevant bank under special crisis management as its entrusting financial institution to submit reports or materials concerning the status of business and assets, etc. or order the preparation and submission of a management plan and other necessary measures.

(特別危機管理銀行の経営者等の破綻の責任を明確にするための措置)

(Measures for Ascertaining Liability of Management for Failure of a Bank Under Special Crisis Management)

第百十六条 特別危機管理銀行は、その取締役、執行役、会計参与、監査役若しくは会計監査人又はこれらの者であつた者の職務上の義務違反に基づく民事上の責任を履行させるため、訴えの提起その他の必要な措置をとらなければならない。

Article 116 (1) The bank under special crisis management must, in order to have its company director, executive officer, accounting advisor, corporate auditor or accounting auditor or a person who previously held any of these positions perform civil responsibilities based on a breach of obligations in the course of duties, file an action or take other necessary measures.

2 特別危機管理銀行の取締役、執行役、会計参与、監査役及び会計監査人は、その職務を行うことにより犯罪があると思料するときは、告発に向けて所要の措置をとらなければならない。

(2) If a company director, executive officer, accounting advisor, corporate auditor and accounting auditor of the bank under special crisis management, in the course of carrying out their duty, considers that an offense has been committed, they must take necessary measures toward filing an accusation.

(債権者保護手続の特例)

(Special Provisions for Procedures for Protection of Creditors)

第百十七条 第八十九条の規定は、特別危機管理銀行が資本金の額の減少の決議をした場合について準用する。

Article 117 The provisions of Article 89 apply mutatis mutandis to cases where the bank under special crisis management has adopted a resolution for reduction in the amount of stated capital.

(特別危機管理銀行に係る資金援助の特例)

(Special Provisions for Financial Assistance Regarding Banks Under Special Crisis Management)

第百十八条 特別危機管理銀行を破綻金融機関とする合併等（第五十九条第二項第一号、第二号及び第四号に掲げるものに限る。第五項において同じ。）を行う救済金融機関又は救済銀行持株会社等は、同条第一項の規定にかかわらず、当該特別危機管理銀行と連名で、機構が当該特別危機管理銀行に対して資金援助（同項第一号に掲げるものに限る。第三項から第五項までにおいて同じ。）を行うことを機構に申し込むことができる。

Article 118 (1) An assuming financial institution or assuming bank holding company, etc. undertaking a merger, etc. (limited to those specified in Article 59, paragraph (2), items (i), (ii) and (iv); the same applies in paragraph (5)) in which the bank under special crisis management is the failed financial institution may, notwithstanding the provisions of Article 59, paragraph (1), apply for the DICJ, in joint name with the relevant bank under special crisis management, to provide financial assistance (limited to those specified in Article 59, paragraph (1), item (i); the same applies in paragraphs (3) through (5)) to the relevant bank under special crisis management.

2 第五十九条第六項及び第七項並びに第六十一条第一項の規定は前項の規定による申込みについて、同条第二項、第三項及び第六項から第八項までの規定はこの項において準用する同条第一項の認定について、それぞれ準用する。この場合において、同条第一項から第三項まで及び第八項中「破綻金融機関」とあるのは、「特別危機管理銀行」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

(2) The provisions of Article 59, paragraphs (6) and (7) and Article 61, paragraph (1) apply mutatis mutandis to an application under the preceding paragraph and the provisions of Article 61, paragraphs (2), (3), and (6) through (8) apply mutatis mutandis to the confirmation prescribed in Article 61, paragraph (1) as applied mutatis mutandis pursuant to this paragraph. In this case, the term "failed financial institution" in Article 61, paragraphs (1) through (3) and (8) will be deemed to be replaced with "bank under special crisis management", and any other necessary technical replacement of terms will be specified by Cabinet Order.

3 内閣総理大臣は、前項において準用する第六十一条第二項の申請が行われない場合においても、特別危機管理銀行が前項において準用する同条第三項第三号に掲げる要件に該当すると認めるときは、当該特別危機管理銀行及び他の金融機関又は当該特別危機管理銀行及び銀行持株会社等に対し、書面により、合併等（第五十九条第二項第一号及び第四号に掲げるものに限るものとし、当該合併等が行われることが預金者等その他の債権者の保護に資するものであり、かつ、機構による資金援助が行われることが当該合併等を行うために不可欠であるものに限る。）のあつせんを行うことができる。

(3) Even in cases where no application is made under Article 61, paragraph (2) as applied mutatis mutandis pursuant to the preceding paragraph, the Prime

Minister may, when finding that the bank under special crisis management satisfies the requirements specified in Article 61, paragraph (3), item (iii) as applied mutatis mutandis pursuant to the preceding paragraph, provide mediation in writing with regard to a merger, etc. (limited to those specified in Article 59, paragraph (2), items (i) and (iv) and those that contribute to the protection of the depositors, etc. and other creditors and for which the financial assistance by the DICJ is indispensable) between the relevant bank under special crisis management and another financial institution or the bank under special crisis management and bank holding company, etc.

4 第六十二条第二項及び第四項から第六項までの規定は前項のあつせんについて、第六十四条（第二項及び第五項を除く。）の規定は第一項の規定による申込みについて、第六十五条及び第六十六条の規定は第二項において準用する第六十一条第一項の認定又は前項のあつせんを受けた金融機関又は銀行持株会社等について、第六十八条の規定は第一項の資金援助について、それぞれ準用する。この場合において、第六十二条第二項中「第五十九条第一項又は第五十九条の二第一項」とあるのは「第百十八条第一項」と、同条第四項から第六項までの規定中「第一項」とあるのは「第百十八条第三項」と、同条第四項中「第四項から第七項まで」とあるのは「第六項及び第七項」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

(4) The provisions of Article 62, paragraphs (2) and (4) through (6) apply mutatis mutandis to the mediation prescribed in the preceding paragraph, the provisions of Article 64 (excluding paragraphs (2) and (5)) apply mutatis mutandis to the application under paragraph (1), the provisions of Article 65 and Article 66 apply mutatis mutandis to the financial institution or bank holding company, etc. that has received the confirmation prescribed in Article 61, paragraph (1) as applied mutatis mutandis pursuant to paragraph (2) or that has received the mediation prescribed in the preceding paragraph, and the provisions of Article 68 apply mutatis mutandis to the financial assistance prescribed in paragraph (1). In this case, the term "Article 59, paragraph (1) or Article 59-2, paragraph (1)" in Article 62, paragraph (2) will be deemed to be replaced with "Article 118, paragraph (1)," the term "paragraph (1)" in Article 62, paragraphs (4) through (6) will be deemed to be replaced with "Article 118, paragraph (3)", the term "paragraphs (4) through (7)" in Article 62, paragraph (4) will be deemed to be replaced with "paragraphs (6) and (7)", and any other necessary technical replacement of terms will be specified by Cabinet Order.

5 委員会は、第一項に規定する申込みに係る資金援助について前項において準用する第六十四条第一項の議決を行う場合において、当該資金援助が特別危機管理銀行の財務の状況に照らし当該資金援助に係る合併等が行われるために必要な範囲を超えていないと認めるときは、当該資金援助を行う旨の決議をすることができる。

(5) If a resolution by the board prescribed in Article 64, paragraph (1) as applied mutatis mutandis pursuant to the preceding paragraph is to be deliberated with respect to the financial assistance prescribed in paragraph (1), the board

may, when it finds that, in light of the financial conditions of the bank under special crisis management, the financial assistance does not exceed the scope necessary to carry out the merger, etc., adopt a resolution to provide financial assistance.

第百十九条 第百十条第三項の規定は、第五十九条第一項の規定による申込みに係る特別危機管理銀行を破綻金融機関として行う合併等に係る資金援助について準用する。

Article 119 The provisions of Article 110, paragraph (3) apply mutatis mutandis to the financial assistance in relation to an application under Article 59, paragraph (1) for a merger, etc. in which the bank under special crisis management is the failed financial institution.

(第三号措置の終了)

(Conclusion of Measures Under Item (iii))

第百二十条 内閣総理大臣は、できる限り早期に、機構又は特別危機管理銀行に次に掲げる措置を講じさせることにより、第三号措置を終えるものとする。

Article 120 (1) The Prime Minister is to conclude the measures under item (iii) as promptly as possible by causing the DICJ or bank under special crisis management to take the following measures:

一 当該特別危機管理銀行と合併する金融機関が存続する合併（当該合併後に存続する法人が機構の子会社でないものに限る。）

(i) a merger in which a financial institution that merges with the bank under special crisis management survives (limited to those in which a corporation surviving after the merger is not a subsidiary of the DICJ);

二 当該特別危機管理銀行と他の金融機関が合併して金融機関を設立する合併（当該合併により設立された法人が機構の子会社でないものに限る。）

(ii) a merger in which a financial institution is established through the merger of the bank under special crisis management and another financial institution (limited to those in which a corporation established by the merger is not a subsidiary of the DICJ);

三 当該特別危機管理銀行の事業の譲渡

(iii) a transfer of business of the bank under special crisis management;

四 当該特別危機管理銀行の株式の譲渡（当該譲渡により当該特別危機管理銀行が機構の子会社でなくなるものに限る。）

(iv) the transfer of shares of the bank under special crisis management (limited to those through which the bank under special crisis management ceases to be a subsidiary company of the DICJ);

五 当該特別危機管理銀行を当事者とする吸収分割であつて当該吸収分割により当該特別危機管理銀行がその事業に関して有する権利義務の全部又は一部を他の金融機関に承継させるもの（当該他の金融機関が機構の子会社及び特別危機管理銀行子会社のいずれでもないものに限る。）

(v) an absorption-type company split to which the bank under special crisis management is a party where another financial institution succeeds to all or part of the rights and obligations held by the bank under special crisis management in relation to its business through the relevant absorption-type company split (limited to an absorption-type company split where that other company is neither a subsidiary company of the DICJ nor a subsidiary company of the bank under special crisis management); and

六 当該特別危機管理銀行を当事者とする新設分割であつて当該新設分割により当該特別危機管理銀行がその事業に関して有する権利義務の全部又は一部を当該新設分割により新たに設立される金融機関に承継させるもの（当該新設分割により設立された金融機関が機構の子会社及び特別危機管理銀行子会社のいずれでもないものに限る。）

(vi) an incorporation-type company split to which the bank under special crisis management is a party where the financial institution newly established through the relevant incorporation-type company split succeeds to all or part of the rights and obligations held by the bank under special crisis management in relation to its business through the relevant incorporation-type company split (limited to an incorporation-type company split where the financial institution newly established through the incorporation-type company split is neither a subsidiary company of the DICJ nor a subsidiary company of the bank under special crisis management).

2 特別危機管理銀行は、前項第一号から第三号まで、第五号及び第六号に掲げる措置を講ずるときは、内閣総理大臣にその旨を報告し、あわせて、機構にその旨を通知しなければならない。

(2) The bank under special crisis management must, if it intends to take the measures specified in items (i) through (iii), (v), and (vi) of the preceding paragraph, report to that effect to the Prime Minister and must also notify the DICJ thereof.

3 機構は、前項の規定による通知を受けたときは、直ちに、その旨を財務大臣に報告しなければならない。

(3) Upon receiving notice under the preceding paragraph, the DICJ must immediately make a report to that effect to the Minister of Finance.

4 機構は、第一項第四号に掲げる措置を講じたときは、速やかに、その旨を内閣総理大臣及び財務大臣に報告しなければならない。

(4) Upon taking the measures specified in paragraph (1), item (iv), the DICJ must promptly report to that effect to the Prime Minister and the Minister of Finance.

5 第一項第五号及び第六号の「特別危機管理銀行子会社」とは、特別危機管理銀行がその総株主の議決権の百分の五十を超える議決権を有する会社をいう。

(5) The "subsidiary company of the bank under special crisis management" set forth in paragraph (1), items (v) and (vi) means a company of which voting

rights exceeding fifty hundredths of the voting rights held by all of its shareholders are held by the bank under special crisis management.

(特別支配株主の株式等売渡請求の特例)

(Special Provisions for Demands for Share Cash-Outs by Special Controlling Shareholders)

第二百十条の二 会社法第二編第二章第四節の二の規定は、特別危機管理銀行の特別支配株主については、適用しない。ただし、機構が当該特別危機管理銀行の株式の全部につきその処分をした場合は、この限りでない。

Article 120-2 The provisions of Part II, Chapter 2, Section 4-2 of the Companies Act do not apply to special controlling shareholders of a bank under special crisis management; provided, however, that this does not apply when the DICJ has disposed of all shares of the bank under special crisis management.

(危機対応勘定)

(Crisis Management Accounts)

第二百十一条 機構は、第百十条第三項（第百十九条において準用する場合を含む。）又は第百十八条第五項の規定による決議に係る資金援助を行うときは、第四十条の二第二号に掲げる業務（以下「危機対応業務」という。）に係る勘定（以下「危機対応勘定」という。）から、当該資金援助に要すると見込まれる費用から当該資金援助に係る金融機関の保険事故につき保険金の支払を行うときに要すると見込まれる費用を控除した残額に相当する金額を、一般勘定に繰り入れるものとする。

Article 121 (1) If financial assistance is provided pursuant to a resolution under Article 110, paragraph (3) (including cases where it is applied mutatis mutandis pursuant to Article 119) or Article 118, paragraph (5), the DICJ is to transfer from an account (hereinafter referred to as "crisis management account") related to operations specified in Article 40-2, item (ii) (hereinafter referred to as "crisis management operations") to a general account the amount remaining after deducting expected costs for the payment of insurance proceeds with respect to an insured event of the financial institution in relation to the relevant financial assistance from the expected costs of the relevant financial assistance.

2 前項の規定による危機対応勘定から一般勘定への繰入れは、危機対応業務とみなす。

(2) Any transfer from the crisis management account to the general account under the preceding paragraph will be deemed to be crisis management operations.

(負担金の納付等)

(Payment of Contributions)

第二百十二条 金融機関は、次条第四項（第二百二十四条第三項において準用する場合を含む。）の規定による公告がされたときは、当該公告において定められた期間、機構

の危機対応業務（第二百二十六条の二第一項に規定する特定認定に係る金融機関等又は第二百二十六条の三十四第三項第五号に規定する特定承継金融機関等に係るものを除く。）の実施に要した費用に充てるため、機構に対し、負担金を納付しなければならない。

- Article 122 (1) If public notice is given under paragraph (4) of the following Article (including cases where it is applied mutatis mutandis pursuant to Article 124, paragraph (3)), a financial institution must, during the period specified in the relevant public notice, pay contributions to the DICJ to cover the costs incurred in carrying out the crisis management operations (excluding those in relation to the financial institution, etc. subject to specified confirmation prescribed in Article 126-2, paragraph (1) or the specified bridge financial institution, etc. prescribed in Article 126-34, paragraph (3), item (v)).
- 2 前項の公告がされたときは、金融機関は、当該公告において定められた期間に含まれる各事業年度の末日までに、機構に対し、内閣府令・財務省令で定める書類を提出して、負担金を納付するものとする。
- (2) If public notice is given under the preceding paragraph, a financial institution is to submit documents specified by Cabinet Office Order and Order of the Ministry of Finance and pay contributions to the DICJ by the last day of each business year included in the period specified in the relevant public notice.
- 3 第一項の負担金の額は、各金融機関につき、当該負担金を納付すべき日を含む事業年度の直前の事業年度の末日における負債（内閣府令・財務省令で定めるものを除く。）の額の合計額を十二で除し、これに当該負担金を納付すべき日を含む事業年度の月数を乗じて計算した金額に、次条第二項の規定により定められた負担率を乗じて計算した金額とする。
- (3) The amount of contributions prescribed in paragraph (1) will be calculated for each financial institution by dividing by twelve the total amount of its liabilities outstanding on the last day of the business year immediately preceding the business year that includes the due date for payment of the relevant contributions (excluding those specified by Cabinet Office Order and Order of the Ministry of Finance), multiplying the resulting amount by the number of months in the business year that includes the due date for payment of the relevant contributions, and multiplying the resulting amount by the contribution rate specified under paragraph (2) of the following Article.
- 4 第五十条第二項及び第五十二条の規定は、第一項の負担金について準用する。この場合において、第五十条第二項第二号中「適格性の認定等が」とあるのは「適格性の認定等又は第二百二十六条の三十一に規定する特定適格性認定等が」と、「破綻金融機関」とあるのは「破綻金融機関又は当該特定適格性認定等に係る第二百二十六条の二十八第一項に規定する特定破綻金融機関等のうち第二条第一項各号に掲げる者」と、同項第三号中「管理を命ずる処分が」とあるのは「管理を命ずる処分又は第二百二十六条の五第一項に規定する特定管理を命ずる処分が」と、「被管理金融機関」とあるのは「被管理金融機関又は当該特定管理を命ずる処分に係る第二百二十六条の二第二項に規

定する金融機関等のうち第二条第一項各号に掲げる者」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

(4) The provisions of Article 50, paragraph (2) and Article 52 apply mutatis mutandis to the contributions prescribed in paragraph (1). In this case, the term "confirmation of eligibility, etc. prescribed in Article 65" in Article 50, paragraph (2), item (ii) will be deemed to be replaced with "confirmation of eligibility, etc. prescribed in Article 65 or specified confirmation of eligibility, etc. prescribed in Article 126-31", the term "the failed financial institution in relation to the confirmation of eligibility, etc." in the same item will be deemed to be replaced with "the failed financial institution in relation to the confirmation of eligibility, etc. or the specified failed financial institution, etc. prescribed in Article 126-28, paragraph (1) in relation to the specified confirmation of eligibility, etc. which is any of the persons listed in the items of Article 2, paragraph (1)", the term "an order to manage prescribed in Article 74, paragraph (1)" in item (iii) of the same paragraph will be deemed to be replaced with "an order to manage prescribed in Article 74, paragraph (1) or an order for specified management prescribed in Article 126-5, paragraph (1)", and the term "the financial institution under management in relation to the order to manage" in the same item will be deemed to be replaced with "the financial institution under management in relation to the order to manage or the financial institution, etc. prescribed in Article 126-2, paragraph (2) in relation to the which is any of the persons listed in the items of Article 2, paragraph (1)", and any other necessary technical replacement of terms will be specified by Cabinet Order.

(負担金又は特定負担金に係る決定)

(Decisions on Contributions or Specified Contributions)

第百二十三条 機構は、毎事業年度、当該事業年度における危機対応勘定の収支につき、次に掲げる事項を、当該事業年度の終了後三月以内に、内閣総理大臣及び財務大臣に報告しなければならない。

Article 123 (1) Within three months of the end of each business year, the DICJ must report the following to the Prime Minister and the Minister of Finance with regard to income and expenditure in the crisis management account during the relevant business year:

一 第二百一十一条第一項の規定により危機対応勘定から一般勘定に繰り入れた金額

(i) the amount transferred from the crisis management account to the general account under Article 121, paragraph (1);

二 取得株式等若しくは取得貸付債権又は取得特定株式等（第二百六条の二十四第三項に規定する取得特定株式等をいう。次号において同じ。）若しくは取得特定貸付債権（同条第二項に規定する取得特定貸付債権をいう。同号において同じ。）につきその取得価額を下回る金額で譲渡したことその他の事由により生じた損失の金

額

(ii) the amount of loss arising from the transfer of acquired shares, etc. or acquired loan claims or of acquired specified shares, etc. (meaning the Acquired specified shares, etc. prescribed in Article 126-24, paragraph (3); the same applies in the following item) or acquired specified loan claims (meaning the acquired specified loan claims prescribed in paragraph (2) of the same Article; the same applies in the same item) below their acquisition value or other causes;

三 取得株式等若しくは取得貸付債権又は取得特定株式等若しくは取得特定貸付債権につきその取得価額を上回る金額で譲渡したことその他の事由により生じた利益の金額

(iii) the amount of profit arising from the transfer of acquired shares, etc. or acquired loan claims or of acquired specified shares, etc. or acquired specified loan claims above their acquisition value and other reasons;

四 収納した負担金の金額及び特定負担金の金額

(iv) the amount of contributions or the amount of specified contributions that has been received; and

五 その他政令で定める事項

(v) other matters specified by Cabinet Order.

2 内閣総理大臣及び財務大臣は、前項の報告を受けた場合において、必要があると認めるときは、当該報告を受けた時（以下この項において「報告時」という。）の属する事業年度以後の各事業年度において前条第一項の規定により金融機関が納付すべき負担金（第二百二十六条の三十九第一項を除き、以下「負担金」という。）又は第二百二十六条の三十九第一項の規定により金融機関等が納付すべき特定負担金に係る負担率及び納付期間を定めなければならない。ただし、当該報告時の属する事業年度前の事業年度において、当該報告時の属する事業年度以後の各事業年度における負担金又は特定負担金に係る負担率及び納付期間が定められているときは、当該負担率及び納付期間を変更する方法により当該報告時の属する事業年度以後の各事業年度における負担金又は特定負担金に係る負担率及び納付期間を定めるものとする。

(2) If a report prescribed in the preceding paragraph is received, the Prime Minister and the Minister of Finance must, when they find it necessary, prescribe a contribution rate and payment period for contributions to be paid by a financial institution under paragraph (1) of the preceding Article (hereinafter referred to as "contributions" except in Article 126-39, paragraph (1)) or specified contributions to be paid by a financial institution, etc. under Article 126-39, paragraph (1) in each business year following the business year that includes the time of receipt of the relevant report (hereinafter referred to as the "time of report" in this paragraph); provided, however, that in any business year preceding the business year in which the time of report falls, when a contribution rate and payment period for the contributions or specified contributions in each business year after the business year in which the time of

report falls are prescribed, the contribution rate and payment period for the contributions or specified contributions in each business year after the business year in which the relevant time of report falls will be prescribed by changing the contribution rate and payment period.

3 負担率及び納付期間は、次に掲げる事項を勘案し、危機対応勘定の欠損金が負担金又は特定負担金で賄われるように、かつ、特定の金融機関又は金融機関等に対し差別的取扱いをしないように定めなければならない。

(3) The contribution rate and payment period must be established by taking the following matters into consideration and in a manner that covers loss in the crisis management account with the contributions or specified contributions and does not subject any specific financial institution or financial institution, etc. to discriminatory treatment:

一 第一項の報告に係る事業年度における同項各号に掲げる事項

(i) matters specified in each item of paragraph (1) in the business year in relation to the relevant report prescribed in paragraph (1); and

二 金融機関又は金融機関等の財務の状況

(ii) the financial conditions of a financial institution or financial institution, etc.

4 内閣総理大臣及び財務大臣は、第二項の規定により負担率及び納付期間を定めたときは、官報により、これを公告しなければならない。

(4) Upon prescribing a contribution rate and payment period under paragraph (2), the Prime Minister and the Minister of Finance must give public notice thereof in the Official Gazette.

5 内閣総理大臣及び財務大臣は、第二項の規定により負担率及び納付期間を定めるため必要があると認めるときは、機構に対し、意見の陳述、報告又は資料の提出を求めることができる。

(5) The Prime Minister and the Minister of Finance may, when they find it necessary, request the DICJ to state its opinion or submit reports or materials in order to prescribe the contribution rate and payment period under paragraph (2).

(負担率等の変更)

(Change of the Contribution Rate)

第二百二十四条 機構は、その借入金の金利の変動、次条第一項の規定による政府の補助その他の事由（前条第一項各号に掲げる事項に係るものを除く。）により、負担金又は特定負担金に過不足が生ずることが明らかとなつた場合には、その旨を内閣総理大臣及び財務大臣に報告しなければならない。

Article 124 (1) When it becomes evident that there will be an excess or deficiency in the contributions or specified contributions due to fluctuations in interest on the borrowings of the DICJ, government subsidies prescribed in paragraph (1) of the following Article, or other causes (excluding those in relation to the particulars specified in each item of paragraph (1) of the preceding Article), the

DICJ must report to that effect to the Prime Minister and the Minister of Finance.

2 内閣総理大臣及び財務大臣は、前項の報告に係る負担金又は特定負担金の過不足を調整するために必要な限度で、前条第二項の規定により定められた負担率及び納付期間を変更することができる。

(2) The Prime Minister and the Minister of Finance may change a contribution rate and payment period prescribed under paragraph (2) of the preceding Article to the extent necessary to make adjustments for any excess or deficiency in the contributions or specified contributions in relation to the report prescribed in the preceding paragraph.

3 前条第四項及び第五項の規定は、前項の規定により内閣総理大臣及び財務大臣が負担率及び納付期間を変更する場合について準用する。

(3) The provisions of paragraphs (4) and (5) of the preceding Article apply mutatis mutandis to cases where the Prime Minister and the Minister of Finance change a contribution rate and payment period under the preceding paragraph.

(政府の補助)

(Government Subsidies)

第二百五条 政府は、負担金又は特定負担金のみで危機対応業務に係る費用を賄うとしたならば、金融機関又は金融機関等の財務の状況を著しく悪化させ、我が国の信用秩序の維持に極めて重大な支障が生ずるおそれ又は我が国の金融市場その他の金融システムの著しい混乱が生ずるおそれがあると認められるときに限り、予算で定める金額の範囲内において、機構に対し、当該業務に要する費用の一部を補助することができる。

Article 125 (1) The government may provide subsidies to the DICJ for part of the costs required for the crisis management operations within the limit specified in a budget, only when it is found that, if the costs of the operations are to be funded solely with the contributions or specified contributions, the financial conditions of a financial institution or financial institution, etc. would deteriorate significantly and it may cause an extremely serious hindrance to maintaining an orderly credit system in Japan or cause severe disruption in the financial market or any other financial system in Japan.

2 機構は、負担金及び特定負担金が納付されない事業年度（前項の規定により政府の補助を受けた日を含む事業年度の後の事業年度に限る。）において、危機対応勘定に損益計算上の利益金として内閣府令・財務省令で定めるところにより計算した金額があるときは、当該金額を、前項の規定により既に政府の補助を受けた金額の合計額からこの項の規定により既に国庫に納付した金額を控除した金額までを限り、国庫に納付しなければならない。

(2) In any business year in which no contributions or specified contributions are paid (limited to the business year following the business year that includes the

day on which a government subsidy is received under the preceding paragraph), if there is any amount calculated as profit in the crisis management account resulting from the settlement of profits and losses pursuant to the provisions of Cabinet Office Order and Order of the Ministry of Finance, the DICJ must pay the relevant amount to the national treasury after deducting the amount already paid to the national treasury under this paragraph from the total amount of government subsidies already received under the preceding paragraph.

- 3 前項の規定による納付金に関し、納付の手續その他必要な事項は、政令で定める。
- (3) Procedures for payment and other necessary matters concerning the amount prescribed in the preceding paragraph will be specified by Cabinet Order.

(借入金及び機構債等)

(Borrowing and DICJ Bonds)

第二百二十六条 機構は、危機対応業務を行うため必要があると認めるときは、政令で定める金額の範囲内において、内閣総理大臣及び財務大臣の認可を受けて、日本銀行、金融機関その他の者から資金の借入れ（借換えを含む。）をし、又は機構債の発行（機構債の借換えのための発行を含む。）をすることができる。

Article 126 (1) The DICJ may, when it finds it necessary for carrying out the crisis management operations, borrow funds (including refinancing) from the Bank of Japan, a financial institution, or any other person or issue the DICJ bonds (including issuance for the purpose of refinancing the DICJ bonds) up to the amount specified by Cabinet Order with authorization from the Prime Minister and the Minister of Finance.

- 2 第四十二条第四項及び第四十二条の二の規定は、前項の規定により機構が資金の借入れ又は機構債の発行をする場合について準用する。

(2) The provisions of Article 42, paragraph (4) and Article 42-2 apply mutatis mutandis to cases where the DICJ borrows funds or issues the DICJ bonds under the preceding paragraph.

- 3 第一項の規定により発行される機構債については、これを第四十二条第一項の規定により発行される機構債とみなして、同条第五項から第九項までの規定を適用する。

(3) The DICJ bonds to be issued under paragraph (1) will be deemed to be the DICJ bonds issued under Article 42, paragraph (1) in applying the provisions of Article 42, paragraphs (5) through (9).

第七章の二 金融システムの安定を図るための金融機関等の資産及び負債の秩序ある処理に関する措置

Chapter VII-2 Measures for Orderly Resolution of Assets and Liabilities of Financial Institutions for Ensuring Financial System Stability

(金融システムの安定を図るための金融機関等の資産及び負債の秩序ある処理に関する)

る措置の必要性の認定)

(Confirmation of the Necessity of Measures for Orderly Resolution of Assets and Liabilities of Financial Institutions for Ensuring Financial System Stability)

第二百二十六条の二 内閣総理大臣は、次の各号に掲げる金融機関等について当該各号に定める措置が講ぜられなければ、我が国の金融市場その他の金融システムの著しい混乱が生ずるおそれがあると認めるときは、会議の議を経て、当該措置を講ずる必要がある旨の認定（以下この章及び次章において「特定認定」という。）を行うことができる。

Article 126-2 (1) If the Prime Minister finds that, if the measures specified in each of the following items are not taken with respect to the financial institutions, etc. specified in each respective item, it may cause severe disruption in Japan's financial market and any other financial systems, they may, following deliberation by the council, confirm the necessity to take the relevant measures (hereinafter referred to as "specified confirmation" in this Chapter and the following Chapter):

一 金融機関等（その財産をもつて債務を完済することができないものを除く。）次条第一項に規定する特別監視及び当該金融機関等の財務の状況に照らし必要に応じて行う第二百二十六条の十九第一項に規定する資金の貸付け等又は第二百二十六条の二十二第七項において準用する第七十七条第一項の規定による特定株式等の引受け等（以下「特定第一号措置」という。）

(i) a financial institution, etc. (excluding one that is unable to satisfy its obligations in full with its assets): the special monitoring prescribed in paragraph (1) of the following Article and the loan of funds, etc. prescribed in Article 126-19, paragraph (1) or the subscription for specified shares, etc. under Article 107, paragraph (1) as applied mutatis mutandis pursuant to Article 126-22, paragraph (7) conducted in light of the financial conditions of the financial institution, etc. (hereinafter referred to as the "specified measures under item (i)"); or

二 その財産をもつて債務を完済することができない金融機関等若しくはその財産をもつて債務を完済することができない事態が生ずるおそれがある金融機関等又は債務の支払を停止した金融機関等若しくは債務の支払を停止するおそれがある金融機関等 次条第一項に規定する特別監視及び特定資金援助（以下「特定第二号措置」という。）

(ii) a financial institution, etc. that is unable to satisfy its obligations in full with its assets, a financial institution, etc. that is likely to face a situation where it is unable to satisfy its obligations in full with its assets, a financial institution, etc. that has suspended payment of obligations, or a financial institution, etc. that is likely to suspend payment of obligations: the special monitoring prescribed in paragraph (1) of the following Article and the specified financial assistance (hereinafter referred to as the "specified

measures under item (ii)").

2 この章から第九章までにおいて「金融機関等」とは、次に掲げる者をいう。

(2) The term "financial institution, etc." as used in this Chapter through Chapter IX means the following:

一 金融機関、銀行法第四十七条第二項に規定する外国銀行支店（以下「外国銀行支店」という。）、同法第二条第十三項に規定する銀行持株会社（以下「銀行持株会社」という。）、長期信用銀行法第十六条の四第一項に規定する長期信用銀行持株会社（以下「長期信用銀行持株会社」という。）、銀行の銀行法第二十四条第二項に規定する子法人等（第五項において「銀行子法人等」という。）、長期信用銀行の長期信用銀行法第十七条において準用する銀行法第二十四条第二項に規定する子法人等（第五項において「長期信用銀行子法人等」という。）、銀行持株会社の同法第五十二条の三十一第二項に規定する子法人等（第五項において「銀行持株会社子法人等」という。）、長期信用銀行持株会社の長期信用銀行法第十七条において準用する銀行法第五十二条の三十一第二項に規定する子法人等（第五項において「長期信用銀行持株会社子法人等」という。）、信用金庫若しくは信用金庫連合会の信用金庫法第八十九条第一項において準用する銀行法第二十四条第二項に規定する子法人等（第五項において「信用金庫等子法人等」という。）、信用協同組合若しくは信用協同組合連合会の協同組合による金融事業に関する法律第六条第一項において準用する銀行法第二十四条第二項に規定する子法人等（第五項において「信用協同組合等子法人等」という。）、労働金庫若しくは労働金庫連合会の労働金庫法第九十四条第一項において準用する銀行法第二十四条第二項に規定する子法人等（以下「労働金庫等子法人等」という。）又は株式会社商工組合中央金庫の株式会社商工組合中央金庫法第五十七条第二項に規定する子法人等（以下「商工組合子法人等」という。）

(i) a financial institution, the foreign bank branch prescribed in Article 47, paragraph (2) of the Banking Act (hereinafter referred to as a "foreign bank branch"), the bank holding company prescribed in Article 2, paragraph (13) of the relevant Act (hereinafter referred to as a "bank holding company"), the long term credit bank holding company prescribed in Article 16-4, paragraph (1) of the Long Term Credit Bank Act (hereinafter referred to as a "long term credit bank holding company"), the subsidiary, etc. prescribed in Article 24, paragraph (2) of the Banking Act of a bank (referred to as a "subsidiary, etc. of a bank" in paragraph (5)), the subsidiary, etc. prescribed in Article 24, paragraph (2) of the Banking Act as applied mutatis mutandis pursuant to Article 17 of the Long Term Credit Bank Act of a long term credit bank (referred to as a "subsidiary, etc. of a long term credit bank" in paragraph (5)), the subsidiary, etc. prescribed in Article 52-31, paragraph (2) of the Banking Act of a bank holding company (referred to as a "subsidiary, etc. of a bank holding company" in paragraph (5)), the subsidiary, etc. prescribed in Article 52-31, paragraph (2) of the Banking Act as applied mutatis mutandis pursuant to Article 17 of the long term credit bank of a long term credit bank

holding company (referred to as a "subsidiary, etc. of a long term credit bank holding company" in paragraph (5)), the subsidiary, etc. prescribed in Article 24, paragraph (2) of the Banking Act as applied mutatis mutandis pursuant to Article 89, paragraph (1) of the Shinkin Bank Act of a Shinkin bank or a federation of Shinkin banks (referred to as a "subsidiary, etc. of a Shinkin bank, etc." in paragraph (5)), the subsidiary, etc. prescribed in Article 24, paragraph (2) of the Banking Act as applied mutatis mutandis pursuant to Article 6, paragraph (1) of the Act on Financial Businesses by Cooperative of a credit cooperative or a federation of credit cooperatives (referred to as a "subsidiary, etc. of a credit cooperative, etc." in paragraph (5)), the subsidiary, etc. prescribed in Article 24, paragraph (2) of the Banking Act as applied mutatis mutandis to Article 94, paragraph (1) of the Labor Bank Act of a labor bank or Rokinren Bank (hereinafter referred to as a "subsidiary, etc. of a labor bank, etc."), or the subsidiary, etc. prescribed in Article 57, paragraph (2) of the Shoko Chukin Bank Limited Act of the Shoko Chukin Bank, Ltd. (hereinafter referred to as a "subsidiary, etc. of the Shoko Chukin Bank");

二 保険業法第二条第二項に規定する保険会社（以下「保険会社」という。）、同条第十六項に規定する保険持株会社（以下「保険持株会社」という。）、保険会社の同法第二百二十八条第二項に規定する子法人等（第五項において「保険会社子法人等」という。）、保険持株会社の同法第二百七十一条の二十七第一項に規定する子法人等（第五項において「保険持株会社子法人等」という。）又は同法第二条第七項に規定する外国保険会社等（以下「外国保険会社等」という。）

(ii) the insurance company prescribed in Article 2, paragraph (2) of the Insurance Business Act (hereinafter referred to as an "insurance company"), the insurance holding company prescribed in paragraph (16) of the same Article (hereinafter referred to as an "insurance holding company"), the subsidiary, etc. prescribed in Article 128, paragraph (2) of the same Act of an Insurance Company (referred to as a "subsidiary, etc. of an insurance company" in paragraph (5)), the subsidiary, etc. prescribed in Article 271-27, paragraph (1) of the same Act of an Insurance Holding Company (referred to as a "subsidiary, etc. of an insurance holding company" in paragraph (5)), or the foreign insurance company, etc. prescribed in Article 2, paragraph (7) of the same Act (hereinafter referred to as a "foreign insurance company, etc.");

三 金融商品取引法第二条第九項に規定する金融商品取引業者（同法第二十八条第一項に規定する第一種金融商品取引業のうち同条第八項に規定する有価証券関連業に該当するものを行う者に限る。以下この章及び第一百五十一条第四項において「金融商品取引業者」という。）、同法第五十七条の十二第三項に規定する指定親会社（以下「指定親会社」という。）、金融商品取引業者の同法第五十六条の二第一項に規定する子特定法人（以下「金融商品取引業者子特定法人」という。）又は指定親会社の同法第五十七条の十第二項に規定する子会社等（以下「指定親会社子会社

等」という。)

(iii) the financial instruments business prescribed in Article 2, paragraph (9) of the Financial Instruments and Exchange Act (limited to one that engaged in the type I financial instruments business prescribed in Article 28, paragraph (1) of the same Act which is categorized as the securities-related business prescribed in paragraph (8) of the same Article; hereinafter referred to as a "financial instruments business" in this Chapter and Article 151, paragraph (4)), the designated parent company prescribed in Article 57-12, paragraph (3) of the same Act (hereinafter referred to as a "designated parent company"), the subsidiary specified legal person prescribed in Article 56-2, paragraph (1) of the same Act of a Financial Instruments Business (hereinafter referred to as a "subsidiary specified corporation of financial instruments business operator"), or the subsidiary company, etc. prescribed in Article 57-10, paragraph (2) of the same Act of a Designated Parent Company (hereinafter referred to as a "subsidiary company, etc. of a designated parent company"); or

四 金融商品取引法第二条第三十項に規定する証券金融会社（第百三十九条第二項第一号及び第百五十一条第四項において「証券金融会社」という。）その他我が国の金融システムにおいて重要な地位を占める者として政令で定める者

(iv) the securities finance company prescribed in Article 2, paragraph (30) of the Financial Instruments and Exchange Act (referred to as a "securities finance company" in Article 139, paragraph (2), item (i) and Article 151, paragraph (4)) or any other person specified by Cabinet Order as a person that has an important position in Japan's financial system.

3 内閣総理大臣は、労働金庫、労働金庫連合会又は労働金庫等子法人等に対して特定認定を行おうとするときは、あらかじめ、厚生労働大臣の意見を、株式会社商工組合中央金庫又は商工組合子法人等に対して特定認定を行おうとするときは、あらかじめ、経済産業大臣の意見を、それぞれ聴かなければならない。

(3) If the Prime Minister intends to give specified confirmation with respect to a labor bank, Rokinren Bank, or a subsidiary, etc. of a labor bank, etc., they must hear the opinion of the Minister of Health, Labour and Welfare in advance, and when the Prime Minister intends to give specified confirmation with respect to the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank, they must hear the opinion of the Minister of Economy, Trade and Industry in advance.

4 内閣総理大臣は、第一項各号に掲げる金融機関等のうち内閣府令・財務省令で定めるものに係る特定認定を行おうとする場合において、当該特定認定に係る金融機関等が社債（元利金の支払について劣後的内容を有する特約が付されたものであり、かつ、当該特定認定が行われることを条件として、当該社債に係る債務が消滅し又は当該金融機関等に取得されるものであつて、銀行法その他の法令の規定に基づき定められる自己資本その他の財務の状況が適当であるかどうかの基準に照らし財務内容の健全性

の確保に資する社債として内閣府令・財務省令で定めるものに該当するものに限る。)若しくは株式(剰余金の配当及び残余財産の分配について優先的内容を有するものであり、かつ、当該特定認定が行われることを条件として、当該金融機関等に取得されるものであつて、銀行法その他の法令の規定に基づき定められる自己資本その他の財務の状況が適当であるかどうかの基準に照らし財務内容の健全性の確保に資する株式として内閣府令・財務省令で定めるものに該当するものに限る。)を発行し、又は金銭の消費貸借(元利金の支払について劣後的内容を有する特約が付されたものであり、かつ、当該特定認定が行われることを条件として、当該金銭の消費貸借に係る債務が消滅し又は当該金融機関等に当該金銭の消費貸借に係る債権が取得されるものであつて、銀行法その他の法令の規定に基づき定められる自己資本その他の財務の状況が適当であるかどうかの基準に照らし財務内容の健全性の確保に資する金銭の消費貸借として内閣府令・財務省令で定めるものに該当するものに限る。)を締結しているときは、当該社債、当該株式又は当該金銭の消費貸借について、当該金融機関等の自己資本その他これに相当するものにおける取扱いを決定するものとする。

- (4) If the Prime Minister intends to give the specified confirmation with respect to any of the financial institutions, etc. listed in the items of paragraph (1) which is specified by Cabinet Office Order and Order of the Ministry of Finance, if the financial institution, etc. subject to the specified confirmation has issued bonds (limited to bonds with a special clause of subordinated contents with regard to the payment of principal and interest, where the obligations in relation to the relevant bonds will be written down or will be acquired by the financial institution, etc. on condition that the specified confirmation will be given, and which are specified by Cabinet Office Order and Order of the Ministry of Finance as bonds that contribute to ensuring sound financial conditions in light of the standards on the appropriateness of the adequacy of equity capital and any other financial conditions specified based on the Banking Act and any other laws and regulations) or shares (limited to shares with preferred contents with regard to dividend of surplus and distribution of residual assets, which will be acquired by the financial institution, etc. on condition that the specified confirmation will be given, and which are specified by Cabinet Office Order and Order of the Ministry of Finance as shares that contribute to ensuring sound financial conditions in light of the standards on the appropriateness of the adequacy of equity capital and any other financial conditions specified based on the Banking Act and any other laws and regulations), or has concluded loans for consumption (limited to loans with a special clause of subordinated contents with regard to the payment of principal and interest, where the obligations in relation to the relevant loans for consumption will be written down or the claims in relation to the relevant loans for consumption will be acquired by the financial institution, etc. on condition that the specified confirmation will be given, and which are specified by Cabinet Office Order and Order of the Ministry of Finance as loans for

consumption that contribute to ensuring sound financial conditions in light of the standards on the appropriateness of the adequacy of equity capital and any other financial conditions specified based on the Banking Act and any other laws and regulations), the minister is to decide on the treatment of the relevant bonds, the relevant shares, or the relevant loans for consumption in the equity capital of the financial institution, etc. or in any equivalents thereto.

5 内閣総理大臣は、特定第一号措置に係る特定認定を行つた場合であつて、当該特定認定に係る金融機関等の自己資本その他の財務内容の改善が必要と認めるときは、当該金融機関等又は当該金融機関等を銀行子法人等、長期信用銀行子法人等、銀行持株会社子法人等、長期信用銀行持株会社子法人等、信用金庫等子法人等、信用協同組合等子法人等、労働金庫等子法人等、商工組合子法人等、保険会社子法人等、保険持株会社子法人等、金融商品取引業者子特定法人若しくは指定親会社子会社等（以下「金融機関等子法人等」という。）とする金融機関等が第二百二十六条の二十二第一項又は第三項の申込みを行うことができる期限を定めなければならない。

(5) If the Prime Minister has given the specified confirmation in relation to the specified measures under item (i), if they find it necessary to enhance the adequacy of equity capital or otherwise improve the financial conditions of the financial institution, etc. in relation to the specified confirmation, they must specify a period of time within which an application under Article 126-22, paragraph (1) or (3) may be made by the relevant financial institution, etc. or the financial institution, etc. which has the relevant financial institution, etc. as its subsidiary, etc. of a bank, subsidiary, etc. of a long term credit bank, subsidiary, etc. of a bank holding company, subsidiary, etc. of a long term credit bank holding company, subsidiary, etc. of a Shinkin bank, etc., subsidiary, etc. of a credit cooperative, etc., subsidiary, etc. of a labor bank, etc., subsidiary, etc. of the Shoko Chukin Bank, subsidiary, etc. of an insurance company, subsidiary, etc. of an insurance holding company, subsidiary specified corporation of financial instruments business operator, or subsidiary company, etc. of a designated parent company (hereinafter referred to as a "subsidiary, etc. of a financial institution, etc.").

6 金融機関に係る特定第二号措置に係る特定認定は第一種保険事故とみなして、第三章（第四節を除く。）及び第四章の規定（これらの規定に係る罰則を含む。）を適用し、当該特定認定に係る金融機関の事業及び預金等に係る債務のうち、第二百二十六条の三十一に規定する特定適格性認定等に係る特定合併等（第二百二十六条の二十八第二項に規定する特定合併等をいう。第二百二十六条の五第一項第二号及び第二百二十六条の十六において同じ。）により承継され、譲渡され、又は引き受けられないものに関しては、当該特定認定に係る金融機関（破綻金融機関を除く。）は破綻金融機関と、当該金融機関に該当する銀行の株式を取得することにより銀行法第五十二条の十七第一項に規定する銀行を子会社とする持株会社となることについて同項の認可を受けた会社又は当該金融機関に該当する長期信用銀行の株式を取得することにより長期信用銀行法第十六条の二の四第一項に規定する長期信用銀行を子会社とする持株会社となる

ことについて同項の認可を受けた会社は銀行持株会社等とそれぞれみなして、第三章第四節、第三章の二（第二百二十七条第一項、第二百二十七条の三及び第二百二十八条において準用する場合を含む。）及び第三百三十一条から第三百三十二条の二までの規定（これらの規定に係る罰則を含む。）を適用し、当該金融機関の預金等に係る債務の他の金融機関による引受けであつて、当該債務に保険金計算規定により計算した保険金の額に対応する預金等に係る債務を含むもの（事業譲渡等に伴うものを除く。）は付保預金移転とみなして、第五十六条、第三章第四節及び第三百三十一条の規定（これらの規定に係る罰則を含む。）を適用し、当該特定認定に係る金融機関は被管理金融機関と、特定承継銀行は承継銀行と、機構は金融整理管財人と、当該特定認定に係る金融機関に対する特定認定は被管理金融機関に対する管理を命ずる処分とそれぞれみなして、第六章、第三百三十三条及び第三百三十五条の規定（これらの規定に係る罰則を含む。）を適用する。この場合において、第五十六条第一項第一号及び第三項第一号中「第五十五条第一項又は第二項の規定による通知」とあるのは、「第二百二十六条の二第七項の規定による機構に対する通知（同条第一項第二号に規定する特定第二号措置に係る同項に規定する特定認定が行われた場合においてなされたものに限る。）」とする。

- (6) Specified confirmation in relation to the specified measures under item (ii) with respect to a financial institution will be deemed to be a category-one insured event in applying the provisions of Chapter III (excluding Section 4) and Chapter IV (including penal provisions in relation to these provisions); with regard to the business and obligations in relation to deposits, etc. of the financial institution subject to the specified confirmation that cannot be succeeded to, transferred, or assumed through the specified merger, etc. (meaning the specified merger, etc. prescribed in Article 126-28, paragraph (2); the same applies in Article 126-5, paragraph (1), item (ii) and Article 126-16) in relation to the specified confirmation of eligibility, etc. prescribed in Article 126-31, the financial institution in relation to the specified confirmation (excluding a failed financial Institution) will be deemed to be a failed financial institution, and a company that has obtained the authorization under Article 52-17, paragraph (1) of the Banking Act to become a holding company which has as its subsidiary company the bank prescribed in the same paragraph through the acquisition of shares of a bank that falls under the financial institution or a company that has obtained the authorization under Article 16-2-4, paragraph (1) of the Long-Term Credit Bank Act to become a holding company which has the long-term credit bank prescribed in the same paragraph as its subsidiary company through the acquisition of shares of the long-term credit bank that falls under the financial institution will be deemed to be a bank holding company, etc. in applying the provisions of Chapter III, Section 4, Chapter III-2 (including cases where it is applied mutatis mutandis pursuant to Article 127, paragraph (1), Article 127-3, and Article 128) and Article 131 through Article 132-2 (including penal provisions in relation to

these provisions); assumption of obligations in relation to the deposits, etc. of the financial institution by another financial institution when the obligations include obligations in relation to the deposits, etc. corresponding to amounts of insurance claims calculated under the insurance claim calculation provision (excluding those associated with a transfer of business, etc.) will be deemed to be transfer of insured deposits in applying the provisions of Article 56, Chapter III, Section 4, and Article 131 (including penal provisions in relation to these provisions); and a financial institution subject to the specified certification will be deemed to be a financial institution under management, a specified bridge bank will be deemed to be a bridge bank, the DICJ will be deemed to be a financial administrator, and specified confirmation for a financial institution subject to the specified certification will be deemed to be an order to manage with respect to a financial institution under management in applying the provisions of Chapter VI, Article 133, and Article 135 (including penal provisions in relation to these provisions). In this case, the term "notice is received under Article 55, paragraph (1) or (2)" in Article 56, paragraph (1), item (i) and paragraph (3), item (i) of the same Article will be deemed to be replaced with "notice to the DICJ (limited to notice made if the specified confirmation prescribed in Article 126-2, paragraph (1) in relation to the specified measures under item (ii) prescribed in item (ii) of the same paragraph has been given) is received under paragraph (7) of the same Article".

7 内閣総理大臣は、特定認定を行ったときは、その旨及び当該特定認定が特定第一号措置に係るものであるときは第五項の規定により定めた期限を当該特定認定に係る金融機関等、当該金融機関等を金融機関等子法人等とする金融機関等及び機構に通知するとともに、官報により、これを公告しなければならない。

(7) Upon giving the specified confirmation, the Prime Minister must announce the fact and, if the specified confirmation is in relation to the specified measures under item (i), the period of time specified under paragraph (5) to the financial institution, etc. subject to the relevant specified confirmation or the financial institution, etc. which has the relevant financial institutions, etc. as a subsidiary, etc. of a financial institution, etc., and the DICJ, and give public notice thereof in the Official Gazette.

8 内閣総理大臣は、第四項の規定により決定をしたときは、その内容を公表しなければならない。

(8) Upon making a decision pursuant to paragraph (4), the Prime Minister must make the details thereof public.

9 内閣総理大臣は、特定認定を行ったときは、当該特定認定の内容を国会に報告しなければならない。

(9) Upon giving the specified confirmation, the Prime Minister must report the details of the relevant specified confirmation to the Diet.

10 特定第二号措置に係る特定認定に係る保険会社又は外国保険会社等は、保険業法

第二百六十条第二項に規定する破綻保険会社又は同法第二百七十条の六の六第一項に規定する特定保険会社とみなして、同法第二編第十章及び第三百十一条の三第一項の規定（これらの規定に係る罰則を含む。）を適用する。

- (10) An insurance company or foreign insurance company, etc. subject to specified confirmation in relation to specified measures under item (ii) will be deemed to be the failed insurance company prescribed in Article 260, paragraph (2) of the Insurance Business Act or the specified insurance company prescribed in Article 270-6-6, paragraph (1) of the same Act in applying the provisions of Part II, Chapter X and Article 311-3, paragraph (1) (including penal provisions in relation to these provisions) of the same Act.
- 1 1 外国銀行支店、外国保険会社等その他の内閣府令・財務省令で定める者に対する第一項の規定の適用に関し必要な事項については、内閣府令・財務省令で定める。
- (11) Necessary matters for application of the provisions of paragraph (1) to a foreign bank branch, foreign insurance company, etc., or any other person specified by Cabinet Office Order and Order of the Ministry of Finance will be specified Cabinet Office Order and Order of the Ministry of Finance.
- 1 2 第六項及び第十項の規定の適用に関し必要な事項については、政令で定める。
- (12) Necessary matters for application of the provisions of paragraphs (6) and (10) will be specified by Cabinet Order.
- 1 3 特定認定に係る者は、当該者の銀行法第四条第一項の内閣総理大臣の免許が取り消されたこと又は当該免許が効力を失ったことその他内閣府令・財務省令で定める事由が生じた場合においても、この法律の規定の適用については、金融機関等とみなす。
- (13) A person subject to specified confirmation will be deemed to be a financial institution, etc. with regard to application of the provisions of this Act even in cases where the license from the Prime Minister set forth in Article 4, paragraph (1) of the Banking Act for the relevant person has been rescinded, where the relevant license has lost its effect, or where any event specified by Cabinet Office Order and Order of the Ministry of Finance has occurred.

（機構による特別監視）

(Special Monitoring by the DICJ)

第百二十六条の三 内閣総理大臣（この項の規定による監視（以下「特別監視」という。）に係る金融機関等が労働金庫、労働金庫連合会又は労働金庫等子法人等である場合にあつては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫又は商工組合子法人等である場合にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。第三項、第四項（第百二十六条の十一第二項において準用する場合を含む。）及び第五項、同条第一項、第百二十六条の十二第一項並びに第百二十六条の十五において同じ。）は、特定認定が行われたときは、直ちに、当該特定認定に係る金融機関等を、その業務の遂行並びに財産の管理及び処分が機構により監視される者として指定するものとする。

Article 126-3 (1) If specified confirmation has been given, the Prime Minister (if

the financial institution, etc. subject to the monitoring under this paragraph (hereinafter referred to as "special monitoring") is a labor bank, Rokinren Bank, or a subsidiary, etc. of a labor bank, etc., the Prime Minister and the Minister of Health, Labour and Welfare, and if it is the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank, the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry; the same applies in paragraph (3), paragraph (4) (including cases where it is applied mutatis mutandis pursuant to Article 126-11, paragraph (2)), and paragraph (5), paragraph (1) of the same Article, Article 126-12, paragraph (1), and Article 126-15) is to immediately designate the financial institution, etc. subject to the relevant specified confirmation as the person whose execution of business, and management and disposal of assets will be placed under the monitoring of the DICJ.

2 機構は、前項の規定による指定（以下「特別監視指定」という。）があつたときは、当該特別監視指定に係る金融機関等（以下「特別監視金融機関等」という。）に対し、その業務の遂行並びに財産の管理及び処分について、第五項の規定により作成される計画の履行の確保のために必要な助言、指導又は勧告（以下この項において「助言等」という。）その他の必要な助言等を行うことができる。

(2) When the designation under the preceding paragraph (hereinafter referred to as "designation of special monitoring") has been made, the DICJ may give necessary advice, instructions, or recommendations (hereinafter referred to as "advice, etc." in this paragraph) for ensuring the implementation of the plan prepared pursuant to paragraph (5) and any other necessary advice, etc. to the financial institution, etc. subject to the relevant designation of special monitoring (hereinafter referred to as the "financial institution, etc. under special monitoring") with regard to the execution of its business, and management and disposal of its assets.

3 内閣総理大臣は、我が国の金融システムの著しい混乱が生ずるおそれを回避するため必要があると認めるときは、特別監視金融機関等に対し、措置を講ずべき期限を示して、その業務の遂行並びに財産の管理及び処分に関して必要な措置を命ずることができる。

(3) When the Prime Minister finds it necessary for avoiding the risk of severe disruption being caused to the financial system in Japan, they may order necessary measures to the financial institution, etc. under special monitoring with regard to execution of its business, and management and disposal of its assets while specifying the time limit by which the measures should be taken.

4 内閣総理大臣は、特別監視指定をしたときは、その旨を特別監視金融機関等及び機構に通知するとともに、官報により、これを公告しなければならない。

(4) Upon making designation of special monitoring, the Prime Minister must notify the financial institution, etc. under special monitoring and the DICJ to that effect and give public notice thereof in the Official Gazette.

5 内閣総理大臣は、必要があると認めるときは、特別監視金融機関等に対し、当該特別監視金融機関等の業務及び財産の状況等に関し内閣総理大臣及び機構に対する報告若しくは資料の提出を求め、又はその経営に関する計画の作成並びにその内閣総理大臣及び機構に対する提出を命ずることができる。

(5) The Prime Minister may, when finding it necessary, request a financial institution, etc. under special monitoring to submit reports or materials with regard to the status of business and assets, etc. of the financial institution, etc. under special monitoring or order a financial institution, etc. under special monitoring to prepare a plan for its management and submit it to the Prime Minister and the DICJ.

(特別監視代行者)

(Special Monitoring Agents)

第二百六条の四 機構は、特別監視指定があつた場合において、必要があるときは、当該特別監視指定に係る監視の実施の全部又は一部を第三者に委託することができる。

Article 126-4 (1) If designation of special monitoring has been made, the DICJ may, when it finds necessary, entrust the whole or part of implementation of monitoring in relation to the relevant designation of special monitoring to a third party.

2 前項の規定による委託については、内閣総理大臣（当該委託に係る特別監視金融機関等が労働金庫、労働金庫連合会又は労働金庫等子法人等である場合にあっては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫又は商工組合子法人等である場合にあっては内閣総理大臣、財務大臣及び経済産業大臣とする。次項において同じ。）の承認を得なければならない。

(2) With regard to entrustment under the preceding paragraph, the approval of the Prime Minister (if the financial institution, etc. under special monitoring is a labor bank, a federation of labor banks, or a subsidiary, etc. of a labor bank, etc., the Prime Minister and the Minister of Health, Labour and Welfare, and if it is the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank, the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry; the same applies in the following paragraph) will be obtained.

3 特別監視代行者（第一項の規定により委託を受けた第三者をいう。以下同じ。）は、費用の前払及び内閣総理大臣が定める報酬を受けることができる。

(3) A special monitoring agent (meaning the third party to whom entrustment was made pursuant to paragraph (1); the same applies hereinafter) may receive advance payments of costs as well as remuneration determined by the Prime Minister.

(特定管理を命ずる処分)

(Orders for Specified Management)

第二百二十六条の五 内閣総理大臣（この項に規定する特定管理を命ずる処分に係る金融機関等が労働金庫、労働金庫連合会又は労働金庫等子法人等である場合にあっては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫又は商工組合子法人等である場合にあっては内閣総理大臣、財務大臣及び経済産業大臣とする。第三項（第二百二十六条の七第二項において準用する場合を含む。）、次条第二項及び第三項、第二百二十六条の七第一項、第二百二十六条の八、第二百二十六条の九において準用する第七十九条第一項（同条第三項において準用する場合を含む。）及び第八十四条第一項並びに第二百二十六条の十において同じ。）は、特定第二号措置に係る特定認定が行われた場合であつて、次に掲げる要件のいずれかに該当すると認めるときは、当該特定認定に係る金融機関等に対し、機構による業務及び財産の管理を命ずる処分（以下「特定管理を命ずる処分」という。）をすることができる。この場合においては、第七十四条第一項、第二項及び第五項の規定は、適用しない。

Article 126-5 (1) If the Prime Minister (if the financial institution, etc. in relation to the order for specified management prescribed in this paragraph is a labor bank, Rokinren Bank, or a subsidiary, etc. of a labor bank, etc., the Prime Minister and the Minister of Health, Labour and Welfare, and if it is the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank, the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry; the same applies in paragraph (3) (including cases where applied mutatis mutandis pursuant to Article 126-7, paragraph (2)), paragraph (2) and paragraph (3) of the following Article, Article 126-7, paragraph (1), Article 126-8, and Article 79, paragraphs (1) (including cases where applied mutatis mutandis pursuant to paragraph (3) of the same Article) and Article 84, paragraph (1) as applied mutatis mutandis pursuant to Article 126-9, and Article 126-10) finds that any of the following requirements is satisfied in a case where specified confirmation in relation to specified measures under item (ii) has been given, they may issue an order that the business and assets of the financial institution, etc. subject to the specified confirmation be placed under management of the DICJ (hereinafter referred to as an "order for specified management"). In this case, the provisions of Article 74, paragraph (1), paragraph (2), and paragraph (5) do not apply:

一 当該金融機関等の業務の運営が著しく不適切であること。

(i) conducting the business of the relevant financial institution and other institutions is particularly inappropriate; or

二 当該金融機関等の業務又は債務について、特定合併等が行われることなく、当該金融機関等の業務の全部の廃止又は解散が行われる場合には、その廃止又は不履行により我が国の金融システムの著しい混乱を生じさせるおそれがあること。

(ii) if a specified merger, etc. is not carried out with regard to the business or obligations of the financial institution, etc. and the financial institution, etc. discontinues all its businesses or is dissolved, severe disruption is likely to be caused to the financial system in Japan by the discontinuation of business

or default of obligations.

2 特定管理を命ずる処分があつたときは、当該特定管理を命ずる処分を受けた金融機関等を代表し、業務の執行並びに財産の管理及び処分を行う権利は、機構に専属する。会社法第八百二十八条第一項及び第二項（これらの規定を信用金庫法第二十八条、第五十二条の二（同法第五十八条第七項において準用する場合を含む。）及び第六十一条の七、中小企業等協同組合法第三十二条、第五十七条（同法第五十七条の三第六項において準用する場合を含む。）及び第六十七条、労働金庫法第二十八条、第五十七条の二（同法第六十二条第七項において準用する場合を含む。）及び第六十五条並びに保険業法第三十条の十五、第五十七条第六項、第六十条の二第五項及び第一百七十一条において準用する場合を含む。）並びに会社法第八百三十一条（信用金庫法第二十四条第十項及び第四十八条の八、中小企業等協同組合法第二十七条第八項、第五十四条、第八十二条第四項及び第八十二条の十第四項、労働金庫法第二十四条第十一項及び第五十四条並びに保険業法第三十条の八第六項、第四十一条第二項及び第四十九条第二項において準用する場合を含む。）の規定並びに保険業法第八十四条の二第二項及び第九十六条の十六第二項の規定による取締役及び執行役（特定管理を命ずる処分を受けた金融機関等が信用金庫等である場合にあっては、理事）の権利についても、同様とする。

(2) If an order for specified management has been issued, the right to represent the financial institution, etc. subject to the order for specified management, execute its business, and manage and dispose of its assets will be vested exclusively in the DICJ. The same applies to the rights of a company director and executive officer (if the financial institution, etc. subject to the order for specified management is a Shinkin bank, etc., a director) prescribed in Article 828, paragraphs (1) and (2) of the Companies Act (including cases where these provisions are applied mutatis mutandis pursuant to Article 28 of the Shinkin Bank Act, Article 52-2 (including cases where it is applied mutatis mutandis pursuant to Article 58, paragraph (7) of the same Act) and Article 61-7 of the same Act, Article 32 of the Small and Medium Sized Enterprises Cooperatives Act, Article 57 (including cases where it is applied mutatis mutandis pursuant to Article 57-3, paragraph (6) of the same Act) and Article 67 of the same Act, Article 28 of the Labor Bank Act, Article 57-2 (including cases where it is applied mutatis mutandis pursuant to Article 62, paragraph (7) of the same Act) and Article 65 of the same Act, and Article 30-15, Article 57, paragraph (6), Article 60-2, paragraph (5), and Article 171 of the Insurance Business Act), Article 831 of the Companies Act (including cases where it is applied mutatis mutandis pursuant to Article 24, paragraph (10) and Article 48-8 of the Shinkin Bank Act, Article 27, paragraph (8), Article 54, Article 82, paragraph (4) and Article 82-10, paragraph (4) of the Small and Medium Sized Enterprises Cooperatives Act, Article 24, paragraph (11) and Article 54 of the Labor Bank Act, and Article 30-8, paragraph (6), Article 41, paragraph (2), and Article 49, paragraph (2) of the Insurance Business Act), and Article 84-2,

paragraph (2) and Article 96-16, paragraph (2) of the Insurance Business Act.

3 内閣総理大臣は、特定管理を命ずる処分をしたときは、その旨を機構に通知するとともに、官報により、これを公告しなければならない。

(3) Upon issuing an order for specified management, the Prime Minister must notify the DICJ to that effect and give public notice thereof in the Official Gazette.

4 会社更生法第八十条及び第八十一条第一項の規定は特定管理を命ずる処分があつた場合における機構について、一般社団法人及び一般財団法人に関する法律第七十八条の規定は特定管理を命ずる処分を受けた金融機関等について、それぞれ準用する。この場合において、会社更生法第八十一条第一項中「裁判所」とあるのは「内閣総理大臣（預金保険法第二百二十六条の五第一項に規定する特定管理を命ずる処分を受けた同法第二百二十六条の二第二項に規定する金融機関等が労働金庫、労働金庫連合会又は同項第一号に規定する労働金庫等子法人等である場合にあっては内閣総理大臣及び厚生労働大臣とし、当該金融機関等が株式会社商工組合中央金庫又は同号に規定する商工組合子法人等である場合にあっては内閣総理大臣、財務大臣及び経済産業大臣とする。）」と、一般社団法人及び一般財団法人に関する法律第七十八条中「代表理事その他の代表者」とあるのは「預金保険法第二百二十六条の五第一項に規定する特定管理を命ずる処分があつた場合の預金保険機構」と読み替えるものとする。

(4) The provisions of Article 80 and Article 81, paragraph (1) of the Corporate Reorganization Act apply mutatis mutandis to the DICJ if an order for specified management has been issued, and the provisions of Article 78 of the Act on General Incorporated Associations and General Incorporated Foundations apply mutatis mutandis to a financial institution, etc. subject to the order for specified management. In this case, the term "court" in Article 81, paragraph (1) of the Corporate Reorganization Act will be deemed to be replaced with "Prime Minister (if the financial institution, etc. prescribed in Article 126-2, paragraph (2) of the deposit insurance Act subject to the order for specified management prescribed in Article 126-5, paragraph (1) of the same Act is a labor bank, Rokinren Bank, or the subsidiary, etc. of a labor bank, etc. prescribed in Article 126-2, paragraph (2), item (i) of the same Act, the Prime Minister and the Minister of Health, Labour and Welfare, and if it is the Shoko Chukin Bank, Ltd. or the subsidiary, etc. of the Shoko Chukin Bank prescribed in the same item, the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry)" and the term "its representative director or other representatives" in Article 78 of the Act on General Incorporated Associations and General Incorporated Foundations will be deemed to be replaced with "the deposit insurance corporation of Japan if the order for specified management prescribed in Article 126-5, paragraph (1) of the Deposit Insurance Act has been issued".

5 特定管理を命ずる処分を受けた金融機関は第七十四条第一項又は第二項の規定により管理を命ずる処分を受けた金融機関とみなして、第六十九条の三第一項（第二十

七条第一項及び第二百二十八条において準用する場合を含む。)の規定を適用し、特定管理を命ずる処分を受けた保険会社又は外国保険会社等は保険業法第二百四十二条第一項に規定する被管理会社と、特定管理を命ずる処分があつた場合における機構は保険管理人とそれぞれみなして、同法第二百四十七条、第二百五十条第一項、第二百五十四条第一項及び第二百五十五条の二第一項の規定（これらの規定に係る罰則を含む。）を適用する。

(5) A financial institution subject to an order for specified management will be deemed to be a financial institution subject to an order to manage under Article 74, paragraph (1) or paragraph (2) in applying the provisions of Article 69-3, paragraph (1) (including cases where it is applied mutatis mutandis pursuant to Article 127, paragraph (1) and Article 128), and an insurance company or foreign insurance company, etc. subject to an order for specified management will be deemed to be the managed company prescribed in Article 242, paragraph (1) of the Insurance Business Act, and the DICJ if an order for specified management has been issued will be deemed to be an insurance administrator in applying the provisions of Article 247, Article 250, paragraph (1), Article 254, paragraph (1), and Article 255-2, paragraph (1) (including penal provisions in relation to these provisions) of the same Act.

6 金融機関等に対し特定管理を命ずる処分があつたときは、当該金融機関等に係る特別監視は、当該特定管理を命ずる処分が終了するまでの間、停止する。

(6) If an order for specified management has been issued for a financial institution, etc., special monitoring in relation to the relevant financial institution, etc. will be suspended until the order for specified management is concluded.

(機構代理)

(DICJ Representatives)

第二百二十六条の六 機構は、特定管理を命ずる処分があつたときは、当該特定管理を命ずる処分に係る業務の全部又は一部を行わせるため、代理人（以下「機構代理」という。）を選任することができる。

Article 126-6 (1) If an order for specified management has been issued, the DICJ may appoint an agent (hereinafter referred to as a "DICJ representative") who will conduct the whole or part of the business in relation to the order for specified management.

2 前項の機構代理の選任については、内閣総理大臣の承認を得なければならない。

(2) With regard to the appointment of a DICJ representative set forth in the preceding paragraph, the approval of the Prime Minister must be obtained.

3 機構代理は、費用の前払及び内閣総理大臣が定める報酬を受けることができる。

(3) A DICJ representative may receive advance payment of costs and receive the consideration specified by the Prime Minister.

(特定管理を命ずる処分の取消し)

(Rescission of an Order for Specified Management)

第二百二十六条の七 内閣総理大臣は、特定管理を命ずる処分について、その必要がなくなつたと認めるときは、当該特定管理を命ずる処分を取り消さなければならない。

Article 126-7 (1) The Prime Minister must rescind the order for specified management, when finding that there is no longer any need for the relevant order for specified management.

2 第二百二十六条の五第三項の規定は、前項の場合について準用する。

(2) The provisions of Article 126-5, paragraph (3) apply mutatis mutandis to the case set forth in the preceding paragraph.

(計画の作成及び提出)

(Preparation and Submission of a Plan)

第二百二十六条の八 内閣総理大臣は、特定管理を命ずる処分があつた場合において、必要があると認めるときは、機構に対し、当該特定管理を命ずる処分を受けた金融機関等の業務及び財産の状況等に関し報告若しくは資料の提出を求め、又はその経営に関する計画の作成及び提出その他必要な措置を命ずることができる。

Article 126-8 If an order for specified management has been issued, the Prime Minister may, when finding it necessary, request the DICJ to submit reports or materials with regard to the status of business and assets, etc. of the financial institution, etc. subject to the order for specified management or order a financial institution, etc. subject to the order for specified management to prepare and submit a plan for its management or to take other necessary measures.

(金融整理管財人等に関する規定の準用)

(Application Mutatis Mutandis of Provisions Concerning Financial Administrators)

第二百二十六条の九 第七十九条の規定は特定管理を命ずる処分を受けた金融機関等について、第八十二条の規定は機構代理について、第八十三条及び第八十四条の規定は特定管理を命ずる処分があつた場合における機構について、それぞれ準用する。この場合において、第七十九条第一項中「管理を命ずる処分をしたとき又は管理を命ずる処分」とあるのは「特定管理を命ずる処分（第二百二十六条の五第一項に規定する特定管理を命ずる処分をいう。以下同じ。）をしたとき又は特定管理を命ずる処分」と、「事務所」とあるのは「事務所（外国に本店又は主たる事務所がある場合にあつては、日本における主たる営業所又は事務所）」と、同条第二項中「金融整理管財人」とあるのは「機構」と、第八十三条第一項中「被管理金融機関の取締役、会計参与、監査役若しくは会計監査人（被管理金融機関が監査等委員会設置会社である場合にあつては取締役、会計参与又は会計監査人、被管理金融機関が指名委員会等設置会社である場合にあつては取締役、執行役、会計参与又は会計監査人、被管理金融機関が信用金庫等である場合にあつては理事、監事又は会計監査人）」とあるのは「特定管理を命

ずる処分を受けた第二百二十六条の二第二項に規定する金融機関等の理事、取締役、執行役、業務を執行する社員、日本における代表者、会計参与、監事、監査役若しくはこれらに準ずる者若しくは会計監査人」と、第八十四条第一項中「被管理金融機関」とあるのは「特定管理を命ずる処分を受けた第二百二十六条の二第二項に規定する金融機関等」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

Article 126-9 The provisions of Article 79 apply mutatis mutandis to a financial institution, etc. subject to the order for specified management, the provisions of Article 82 apply mutatis mutandis to a DICJ representative, and the provisions of Articles 83 and 84 apply mutatis mutandis to the DICJ if an order for specified management has been issued. In this case, the term "issued an order to manage or rescinded an order to manage" in Article 79, paragraph (1) will be deemed to be replaced with "issued an order for specified management (meaning the order for specified management prescribed in Article 126-5, paragraph (1); the same applies hereinafter) or rescinded an order for specified management," the term "office" in the same paragraph will be deemed to be replaced with "office (if the head office or principal office is in a foreign state, the principal business office or office in Japan)," the term "a financial administrator" in paragraph (2) of the same Article will be deemed to be replaced with "the DICJ," the term "director, accounting advisor, corporate auditor or accounting auditor of a financial institution under management (if the financial institution under management is a company with an audit and supervisory committee, a director, accounting advisor and accounting auditor, if the financial institution under management is a company with a nominating committee, etc., a director, executive officer, accounting advisor or accounting auditor, and if the financial institution under management is a Shinkin bank, etc., a director, inspector or accounting auditor)" in Article 83, paragraph (1) will be deemed to be replaced with "director, company director, executive officer, member who conducts business, representative in Japan, accounting advisor, corporate auditor, or a person equivalent to any of these, or accounting auditor of the financial institution, etc. prescribed in Article 126-2, paragraph (2) subject to an order for specified management", and the term "financial institution under management" in Article 84, paragraph (1) will be deemed to be replaced with "financial institution, etc. prescribed in Article 126-2, paragraph (2) subject to an order for specified management", and any other necessary technical replacement of terms will be specified by Cabinet Order.

(特定管理の終了)

(Conclusion of Specified Management)

第二百二十六条の十 機構は、特定管理を命ずる処分の日から一年以内に、当該特定管理を命ずる処分を受けた金融機関等の事業の譲渡その他の我が国の金融システムの著しい混乱が生ずるおそれを回避するために必要な措置その他関連する措置を講ずること

により、その管理を終えるものとする。ただし、やむを得ない事情によりこの期限内に当該管理を終えることができない場合には、内閣総理大臣の承認を得て、一年を限り、この期限を延長することができる。

Article 126-10 The DICJ is to conclude the management of a financial institution, etc. subject to an order for specified management by transferring its business or taking any other necessary measures for avoiding the risk of severe disruption being caused to the financial system in Japan and other related measures within one year from the date of the order for specified management; provided, however, that in cases where it is impossible to conclude the management within the relevant period due to unavoidable circumstances, the relevant period may be extended for a period not exceeding one year with the approval of the Prime Minister.

(特別監視指定の取消し)

(Revocation of a Special Monitoring Designation)

第二百六条の十一 内閣総理大臣は、特別監視指定について、その必要がなくなったと認めるときは、当該特別監視指定を取り消さなければならない。

Article 126-11 (1) The Prime Minister must rescind the designation of special monitoring, when finding that there is no longer any need for the relevant designation of special monitoring.

2 第二百六条の三第四項の規定は、前項の場合について準用する。

(2) The provisions of Article 126-3, paragraph (4) apply mutatis mutandis to the case referred to in the preceding paragraph.

(特別監視の終了)

(Conclusion of Special Monitoring)

第二百六条の十二 機構は、特別監視指定の日から一年以内に、当該特別監視指定に係る金融機関等の事業の譲渡その他の我が国の金融システムの著しい混乱が生ずるおそれを回避するために必要な措置その他関連する措置を講じさせることにより、その特別監視を終えるものとする。ただし、やむを得ない事情によりこの期限内に当該特別監視を終えることができない場合には、内閣総理大臣の承認を得て、一年を限り、この期限を延長することができる。

Article 126-12 (1) The DICJ is to conclude special monitoring of a financial institution, etc. in relation to designation of special monitoring by transferring its business or taking any other necessary measures for avoiding the risk of severe disruption being caused to the financial system in Japan and other related measures within one year from the date of the designation of special monitoring; provided, however, that in cases where it is impossible to conclude the special monitoring within the relevant period due to unavoidable circumstances, the relevant period may be extended for a period not exceeding one year with the approval of the Prime Minister.

2 機構は、前項の規定により特別監視を終えたときは、特別監視金融機関等にその旨を通知するとともに、これを公告しなければならない。

(2) Upon concluding special monitoring pursuant to the preceding paragraph, the DICJ must notify the financial institution, etc. under special monitoring to that effect and give public notice thereof.

(株主総会等の特別決議等に代わる許可)

(Permission in Lieu of an Extraordinary Resolution of a Shareholders Meeting)

第二百二十六条の十三 株式会社である特別監視金融機関等が、その財産をもつて債務を完済することができず、若しくはその財産をもつて債務を完済することができないおそれがあり、又は債務の支払を停止し、若しくは債務の支払を停止するおそれがある場合には、当該特別監視金融機関等は、会社法第百十一条第二項、第百七十一条第一項、第百九十九条第二項、第二百四条第二項、第二百五条第二項、第四百四十七条第一項、第四百六十六条、第四百六十七条第一項第一号から第二号の二まで、第七百八十三条第一項及び第八百四条第一項の規定並びに保険業法第百三十六条の規定にかかわらず、裁判所の許可を得て、次に掲げる事項を行うことができる。この場合において、第一号に掲げる事項を行う場合における会社法第百七十二条第一項の規定の適用については、同項中「次に掲げる」とあるのは「全ての」とする。

Article 126-13 (1) If a financial institution, etc. under special monitoring that is a stock company is unable to satisfy its obligations in full with its assets or is likely to be unable to satisfy its obligations in full with its assets, or has suspended payment of obligations or is likely to suspend payment of obligations, the relevant financial institution, etc. under special monitoring may, notwithstanding the provisions of Article 111, paragraph (2), Article 171, paragraph (1), Article 199, paragraph (2), Article 204, paragraph (2), Article 205, paragraph (2), Article 447, paragraph (1), Article 466, Article 467, paragraph (1), items (i) through (ii)-2, Article 783, paragraph (1), and Article 804, paragraph (1) of the Companies Act and Article 136 of the Insurance Business Act, carry out the following matters with the permission of the court; in this case, with regard to application of the provisions of Article 172, paragraph (1) of the Companies Act in the case of carrying out the matters prescribed in item (i), and the term "the following" in the same paragraph will be deemed to be replaced with "all":

一 全部取得条項付種類株式の発行のために必要な定款の変更、当該全部取得条項付種類株式の全部の取得又はこれとともにする会社法第百九十九条第一項に規定する募集株式の発行に係る同条第二項に規定する募集事項の決定、同法第二百四条第二項の規定による同法第百九十九条第一項に規定する募集株式の割当ての決定若しくは同法第二百五条第二項の規定による同条第一項の契約の承認

(i) amendment of the articles of incorporation necessary for the issuance of class shares subject to class-wide call, acquisition of all of the class shares subject to class-wide call, determination of the subscription requirements

prescribed in Article 199, paragraph (2) of the Companies Act in relation to the issuance of the shares for subscription prescribed in paragraph (1) of the same Article conducted together with the acquisition, determination of allotment of the shares for subscription prescribed in the same paragraph under Article 204, paragraph (2) of the same Act, or approval of a contract set forth in Article 205, paragraph (1) of the same Act under paragraph (2) of the same Article;

二 資本金の額の減少

(ii) reduction in the amount of stated capital;

三 事業の全部又は重要な一部の譲渡

(iii) transfer of all or a material portion of its business;

四 その子会社の株式又は持分の全部又は一部の譲渡

(iv) assignment of all or part of the shares or equity interest of its subsidiary company;

五 会社分割

(v) company split; and

六 保険契約の移転

(vi) transfer of insurance contracts.

2 信用金庫等である特別監視金融機関等が、その財産をもつて債務を完済することができず、若しくはその財産をもつて債務を完済することができないおそれがあり、又は債務の支払を停止し、若しくは債務の支払を停止するおそれがある場合には、当該特別監視金融機関等は、信用金庫法第四十八条の三及び第五十八条第一項、中小企業等協同組合法第五十三条及び第五十七条の三第一項並びに労働金庫法第五十三条及び第六十二条第一項の規定にかかわらず、裁判所の許可を得て、事業の譲渡を行うことができる。

(2) If a financial institution, etc. under special monitoring that is a Shinkin bank, etc. is unable to satisfy its obligations in full with its assets or is likely to be unable to satisfy its obligations in full with its assets, or has suspended payment of obligations or is likely to suspend payment of obligations, the relevant financial institution, etc. under special monitoring may, notwithstanding the provisions of Article 48-3 and Article 58, paragraph (1) of the Shinkin Bank Act, Article 53 and Article 57-3, paragraph (1) of the Small and Medium-Sized Enterprise Cooperatives Act, and Article 53 and Article 62, paragraph (1) of the Labor Bank Act, transfer its business with the permission of the court.

3 相互会社（保険業法第二条第五項に規定する相互会社をいう。以下同じ。）である特別監視金融機関等が、その財産をもつて債務を完済することができず、若しくはその財産をもつて債務を完済することができないおそれがあり、又は債務の支払を停止し、若しくは債務の支払を停止するおそれがある場合には、当該特別監視金融機関等は、同法第六十二条の二第一項第一号から第二号の二まで及び第百三十六条の規定にかかわらず、裁判所の許可を得て、次に掲げる事項を行うことができる。

(3) If a financial institution, etc. under special monitoring that is a mutual company (meaning the mutual company prescribed in Article 2, paragraph (5) of the Insurance Business Act; the same applies hereinafter) is unable to satisfy its obligations in full with its assets or is likely to be unable to satisfy its obligations in full with its assets, or has suspended payment of obligations or is likely to suspend payment of obligations, the relevant financial institution, etc. under special monitoring may, notwithstanding the provisions of Article 62-2, paragraph (1), items (i) through (ii)-2 and Article 136 of the same Act, carry out the following with the permission of the court:

一 事業の全部又は重要な一部の譲渡

(i) transfer of all or a material portion of its business;

二 その子会社の株式又は持分の全部又は一部の譲渡

(ii) assignment of all or part of the shares or equity interest of its subsidiary company; and

三 保険契約の移転

(iii) transfer of insurance contracts.

4 機構は、特別監視金融機関等がその財産をもつて債務を完済することができず、若しくはその財産をもつて債務を完済することができないおそれがあり、又は債務の支払を停止し、若しくは債務の支払を停止するおそれがある場合において、特別監視金融機関等の理事、取締役（監査等委員会設置会社にあつては、監査等委員である取締役又はそれ以外の取締役）、執行役、会計参与、監事、監査役又は会計監査人（以下この条において「役員等」という。）に引き続き職務を行わせることが適切でないとき認めるときは、会社法第三百三十九条第一項（同法第三百四十七条第一項の規定により読み替えて適用する場合を含む。）及び第四百三条第一項信用金庫法第三十五条の八第一項、中小企業等協同組合法第四十二条第一項、労働金庫法第三十七条の六第一項並びに保険業法第五十三条の八第一項及び第五十三条の二十七第一項の規定にかかわらず、裁判所の許可を得て、特別監視金融機関等の役員等を解任することができる。

(4) If a financial institution, etc. under special monitoring is unable to satisfy its obligations in full with its assets or is likely to be unable to satisfy its obligations in full with its assets, or has suspended payment of obligations or is likely to suspend payment of obligations, when the DICJ finds it to be inappropriate to have the director, company director (in the case of a company with an audit and supervisory committee, a company director who is an audit and supervisory committee member or another company director), executive officer, accounting advisor, corporate auditor or accounting auditor (hereinafter referred to as the "officer, etc." in this Article) of the financial institution, etc. under special monitoring continue to carry out their duties, the DICJ may, notwithstanding the provisions of Article 339, paragraph (1) of the Companies Act (including cases where it is applied by replacing the terms pursuant to the provisions of Article 347, paragraph (1) of the same Act) and Article 403, paragraph (1) of the same Act, Article 35-8, paragraph (1), of the Shinkin Bank

Act, Article 42, paragraph (1) of the Small and Medium-Sized Enterprises Cooperatives Act, Article 37-6, paragraph (1) of the Labor Bank Act, and Article 53-8, paragraph (1) and Article 53-27, paragraph (1) of the Insurance Business Act, dismiss the officer, etc. of the financial institution, etc. under special monitoring with the permission of the court.

5 前項の規定により特別監視金融機関等の役員等を解任しようとする場合において、解任により法律又は定款に定めた役員等の員数を欠くこととなるときは、機構は、会社法第三百二十九条第一項及び第四百二条第二項、信用金庫法第三十二条第三項、中小企業等協同組合法第三十五条第三項、労働金庫法第三十二条第三項並びに保険業法第五十二条第一項及び第五十三条の二十六第二項の規定にかかわらず、裁判所の許可を得て、特別監視金融機関等の役員等を選任することができる。

(5) If the DICJ intends to dismiss any officer, etc. of a financial institution, etc. under special monitoring under the preceding paragraph, when the number of officers, etc. will fail to meet the number prescribed by an Act or by the articles of incorporation, the DICJ may, notwithstanding the provisions of Article 329, paragraph (1) and Article 402, paragraph (2) of the Companies Act, Article 32, paragraph (3) of the Shinkin Bank Act, Article 35, paragraph (3) of the Small and Medium-Sized Enterprises Cooperatives Act, Article 32, paragraph (3) of the Labor Bank Act, and Article 52, paragraph (1) and Article 53-26, paragraph (2) of the Insurance Business Act, appoint an officer, etc. of the financial institution, etc. under special monitoring with the permission of the court.

6 前項の規定により選任された特別監視金融機関等の役員等（執行役を除く。以下この項において同じ。）はその特別監視の終了の後最初に招集される定時株主総会、通常総会（総代会を設けている場合において、その総代会で役員等の選任をすることができるときは、通常総代会）又は定時社員総会（総代会を設けている場合において、その総代会で役員等の選任をすることができるときは、定時総代会）の終結の時に、執行役は当該定時株主総会又は定時社員総会（総代会を設けている場合において、その総代会で執行役の選任をすることができるときは、定時総代会）が終結した後最初に開催される取締役会の終結の時に退任する。

(6) The officer, etc. (excluding an executive officer; hereinafter the same applies in this paragraph) of a financial institution, etc. under special monitoring appointed under the preceding paragraph will resign at the conclusion of the first annual shareholders meeting, ordinary general meeting (in cases where a general meeting of representatives is established, at which it is possible to appoint officers, etc., the ordinary general meeting of representatives), or annual general meeting of members (in cases where a general meeting of representatives is established, at which it is possible to appoint an executive officer, the annual general meeting of representatives) convened after the conclusion of the special monitoring, and an executive officer will resign at the completion of the first meeting of the board of directors held after the conclusion of the relevant shareholders meeting or annual general meeting of

members (in cases where a general meeting of representatives is established, at which it is possible to appoint officers, etc., the annual general meeting of representatives).

7 第一項から第五項までに規定する許可があつたときは、これらの許可に係る事項について株主総会若しくは種類株主総会（信用金庫等にあつては総会又は総代会、相互会社にあつては社員総会又は総代会）又は取締役会の決議があつたものとみなす。この場合における保険業法第十六条第一項、第百三十六条の二第一項並びに第二百五十条第三項及び第五項の規定の適用については、同法第十六条第一項中「資本金又は準備金（以下この節において「資本金等」という。）の額の減少（減少する準備金の額の全部を資本金とする場合を除く。）の決議に係る株主総会（会社法第四百四十七条第三項（資本金の額の減少）又は第四百四十八条第三項（準備金の額の減少）に規定する場合にあつては、取締役会）の会日の二週間前」とあるのは「資本金又は準備金の額の減少（減少する準備金の額の全部を資本金とする場合を除く。）に係る預金保険法（昭和四十六年法律第三十四号）第百二十六条の十三第一項の許可のあつた日以後二週間以内の日」と、同法第百三十六条の二第一項中「前条第一項の株主総会等の会日の二週間前」とあるのは「保険契約の移転に係る預金保険法第百二十六条の十三第一項又は第三項の許可のあつた日以後二週間以内の日」と、同法第二百五十条第三項第一号中「次項」とあり、及び同条第五項中「前項」とあるのは「預金保険法第百二十六条の十三第十一項」とし、同条第四項の規定は、適用しない。

(7) If the permission prescribed in paragraphs (1) through (5) has been granted, it will be deemed that a resolution of a shareholders meeting, class meeting (in the case of a Shinkin bank, etc., a general meeting or general meeting of representatives, and in the case of a mutual company, general meeting of members, or general meeting of representatives) or board of directors meeting has been adopted concerning matters in relation to the relevant permission. With regard to application of the provisions of Article 16, paragraph (1), Article 136-2, paragraph (1), and Article 250, paragraphs (3) and (5) of the Insurance Business Act in this case, the term "two weeks before the date of the shareholders meeting related to the resolution on the reduction (or, the date of the board of directors meeting where Article 447, paragraph (3) (Reductions in Amount of Capital) or Article 448, paragraph (3) (Reductions in Amount of Reserves) of the Companies Act)" in Article 16, paragraph (1) of the same Act will be deemed to be "a day within two weeks after the grant of the permission set forth in Article 126-13, paragraph (1) of the Deposit Insurance Act (Act No. 34 of 1971) in relation to the reduction", the term "two weeks before the date of the shareholders' meeting, etc. set forth in Article 136, paragraph (1)" in Article 136-2, paragraph (1) of the same Act will be deemed to be replaced with "a day within two weeks after the grant of the permission set forth in Article 126-13, paragraph (1) or paragraph (3) of the Deposit Insurance Act in relation to transfer of insurance contracts", and the term "the following paragraph" in Article 250, paragraph (3), item (i) of the same Act and the term "the preceding

paragraph" in paragraph (5) of the same Article will be deemed to be replaced with "Article 126-13, paragraph (11) of the Deposit Insurance Act", and the provisions of paragraph (4) of the same Article do not apply.

8 機構は、特別監視金融機関等がその財産をもつて債務を完済することができず、若しくはその財産をもつて債務を完済することができないおそれがあり、又は債務の支払を停止し、若しくは債務の支払を停止するおそれがある場合において、特別監視金融機関等の日本における代表者に引き続き職務を行わせることが適切でないと認めるときは、会社法第八百十七条第一項及び保険業法第九十三条第一項の規定にかかわらず、裁判所の許可を得て、特別監視金融機関等の日本における代表者を定めることができる。

(8) If a financial institution, etc. under special monitoring is unable to satisfy its obligations in full with its assets or is likely to be unable to satisfy its obligations in full with its assets, or has suspended payment of obligations or is likely to suspend payment of obligations, when the DICJ finds it to be inappropriate to have the representative in Japan of the financial institution, etc. under special monitoring continue to carry out their duties, the DICJ may, notwithstanding the provisions of Article 817, paragraph (1) of the Companies Act and Article 193, paragraph (1) of the Insurance Business Act, specify the representative in Japan of the financial institution, etc. under special monitoring with the permission of the court.

9 前項の規定により定められた特別監視金融機関等の日本における代表者は、特別監視の終了の時に退任する。

(9) The representative in Japan of a financial institution, etc. under special monitoring specified pursuant to the preceding paragraph will resign at the conclusion of the special monitoring.

10 第一項から第五項まで及び第八項に規定する許可（以下この条において「代替許可」という。）に係る事件は、当該特別監視金融機関等の本店又は主たる事務所（外国に本店又は主たる事務所がある場合にあっては、日本における主たる営業所又は事務所）の所在地を管轄する地方裁判所が管轄する。

(10) The district court which has jurisdiction over the location of the head office or principal office of the financial institution, etc. under special monitoring (if the head office or principal office is in a foreign state, the principal business office or office in Japan) has jurisdiction over cases in relation to the permission prescribed in paragraphs (1) through (5) and paragraph (8) (hereinafter referred to as a "substituted permission" in this Article).

11 裁判所は、代替許可の決定をしたときは、その決定書を特別監視金融機関等に送達するとともに、その決定の要旨を公告しなければならない。

(11) The court must, when it has made a substituted permission, serve a written decision thereof on the financial institution, etc. under special monitoring and give public notice of the outline of the decision.

12 前項の規定によつてする公告は、官報に掲載してする。

(12) The public notice under the preceding paragraph will be published in the Official Gazette.

1 3 代替許可の決定は、第十一項の規定による特別監視金融機関等に対する送達がされた時から、効力を生ずる。

(13) A decision on the substituted permission takes effect as of the time of service thereof on the financial institution, etc. under special monitoring under paragraph (11).

1 4 代替許可の決定に対しては、株主、信用金庫等の会員若しくは組合員、相互会社の社員又は外国会社若しくは外国保険会社等は、第十一項の公告のあつた日から二週間の不変期間内に、即時抗告をすることができる。

(14) Shareholders, members or association members of Shinkin banks, etc., members of mutual companies, or foreign companies or foreign insurance company, etc. may make an immediate appeal against a decision on the substituted permission within an unextendable period of two weeks from the date of the public notice set forth in paragraph (11).

1 5 非訟事件手続法第五条、第六条、第七条第二項、第四十条、第四十一条、第五十六条第二項並びに第六十六条第一項及び第二項の規定は、代替許可に係る事件については、適用しない。

(15) The provisions of Article 5, Article 6, Article 7, paragraph (2), Article 40, Article 41, Article 56, paragraph (2), and Article 66, paragraphs (1) and (2) of the Non-Contentious Cases Procedures Act do not apply to cases in relation to the substituted permission.

1 6 第八十八条の規定は、第一項第一号、第二号若しくは第五号に掲げる事項又は第四項若しくは第五項に定める事項に係る代替許可があつた場合について準用する。

(16) The provisions of Article 88 apply mutatis mutandis to the case where substituted permission in relation to matters specified in paragraph (1), item (i), (ii), or (v) or matters prescribed in paragraph (4) or (5) has been granted.

(回収等停止要請)

(Requests for the Suspension of the Collection of Claims)

第二百二十六条の十四 機構は、特別監視金融機関等の債権者（特別監視金融機関等が外国銀行支店である場合にあつては、当該外国銀行支店に係る銀行法第十条第二項第八号に規定する外国銀行（以下「外国銀行」という。）の債権者）である金融機関等が特別監視金融機関等に対し債権の回収その他内閣府令・財務省令で定める債権者としての権利の行使をすることにより、当該特別監視金融機関等の資産及び負債の秩序ある処理が困難となるおそれがあると認められるときは、当該金融機関等に対し、事業の譲渡その他の我が国の金融システムの著しい混乱が生ずるおそれを回避するために必要な措置が講じられるまでの間、当該権利の行使をしないことの要請をしなければならない。

Article 126-14 When the DICJ finds that orderly resolution of assets and liabilities of the relevant financial institutions, etc. under special monitoring is

likely to be hindered if a financial institution, etc. that is a creditor of a financial institution, etc. under special monitoring (if the financial institution, etc. under special monitoring is a foreign bank branch, a creditor of the foreign bank prescribed in Article 10, paragraph (2), item (viii) of the Banking Act (hereinafter referred to as a "foreign bank") in relation to the relevant foreign bank branch) collects claims from the financial institution, etc. under special monitoring or exercises any other right of a creditor specified by Cabinet Office Order and Order of the Ministry of Finance, the DICJ must request the relevant financial institution, etc. to refrain from exercising the relevant right until transfer of business is conducted or any other necessary measures for avoiding the risk of severe disruption being caused to the financial system in Japan are taken.

(破産手続開始の申立て等に係る内閣総理大臣の意見等)

(Opinions of the Prime Minister Regarding a Petition for the Commencement of Bankruptcy Proceedings)

第二百二十六条の十五 内閣総理大臣は、特別監視金融機関等に対し破産手続開始（特別監視金融機関等が外国銀行支店である場合にあつては、当該外国銀行支店に係る外国銀行の破産手続開始）、再生手続開始（特別監視金融機関等が外国銀行支店である場合にあつては、当該外国銀行支店に係る外国銀行の再生手続開始）、更生手続開始（特別監視金融機関等が外国銀行支店である場合にあつては、当該外国銀行支店に係る外国銀行の更生手続開始）、特別清算開始（特別監視金融機関等が外国会社、外国銀行支店又は外国保険会社等である場合にあつては、会社法第八百二十二条第一項（保険業法第二百十三条において準用する場合を含む。以下同じ。）の規定による清算の開始）又は外国倒産処理手続の承認（特別監視金融機関等が外国銀行支店である場合にあつては、当該外国銀行支店に係る外国銀行の外国倒産処理手続の承認）の申立てが行われたときは、当該申立てについての決定又は命令がなされる前に、裁判所に対し、当該特別監視金融機関等の資産及び負債の秩序ある処理に関する措置が講じられている旨の陳述その他の当該特別監視金融機関等に関する事項の陳述をし、当該決定又は命令の時期その他について意見を述べることができる。

Article 126-15 When a petition has been filed against a financial institution, etc. under special monitoring for commencement of bankruptcy proceedings (if the financial institution, etc. under special monitoring is a foreign bank branch, commencement of bankruptcy proceedings of the foreign bank in relation to the relevant foreign bank branch), commencement of rehabilitation proceedings (if the financial institution, etc. under special monitoring is a foreign bank branch, commencement of rehabilitation proceedings of the foreign bank in relation to the relevant foreign bank branch), commencement of reorganization proceedings (if the financial institution, etc. under special monitoring is a foreign bank branch, commencement of reorganization proceedings of the foreign bank in relation to the relevant foreign bank branch), commencement of

special liquidation (in cases where the financial institution, etc. under special monitoring is a foreign company, foreign bank branch, or foreign insurance company, etc., commencement of liquidation under the provisions of Article 822, paragraph (1) of the Companies Act (including cases where it is applied mutatis mutandis pursuant to Article 213 of the Insurance Business Act; the same applies hereinafter)) or recognition of foreign insolvency proceedings (if the financial institution, etc. under special monitoring is a foreign bank branch, recognition of foreign insolvency proceedings of the foreign bank in relation to the relevant foreign bank branch), the Prime Minister may, before a ruling or order is given on the relevant petition, state that measures for orderly resolution of assets and liabilities of the relevant financial institution, etc. under special monitoring have been taken, and state any other matters concerning the relevant financial institution, etc. under special monitoring, and express opinions on the timing of the relevant ruling or order and other matters to the court.

(差押禁止動産等)

(Movables Prohibited from Seizure)

第二百六条の十六 特定第二号措置に係る特定認定に係る金融機関等の業務に係る動産又は債権であつて、特定合併等により第二百六条の二十八第一項に規定する特定救済金融機関等又は同項に規定する特定救済持株会社等に承継又は譲渡されるもの(内閣総理大臣(特定第二号措置に係る特定認定に係る金融機関等が労働金庫、労働金庫連合会又は労働金庫等子法人等である場合にあつては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫又は商工組合子法人等である場合にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。)が指定するものに限る。)は、差し押さえることができない。

Article 126-16 A movable or claim in relation to the business of a financial institution, etc. subject to specified confirmation in relation to specified measures under item (ii) which the specified assuming financial institution, etc. prescribed in Article 126-28, paragraph (1) or the specified assuming holding company, etc. prescribed in the same paragraph succeeds to or receives by transfer though specified merger, etc. (limited to those designated by the Prime Minister (if the financial institution, etc. subject to specified confirmation in relation to specified measures under item (ii) is a labor bank, Rokinren Bank, or a subsidiary, etc. of a labor bank, etc., the Prime Minister and the Minister of Health, Labour and Welfare, and if it is the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank, the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry)) may not be seized.

(資産の国内保有)

(Retention of Assets Within Japan)

第二百二十六条の十七 内閣総理大臣（特定認定に係る金融機関等が労働金庫、労働金庫連合会又は労働金庫等子法人等である場合にあっては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫又は商工組合子法人等である場合にあっては内閣総理大臣、財務大臣及び経済産業大臣とする。）は、特定認定に係る金融機関等の資産及び負債の秩序ある処理を円滑に実施するため必要があると認めるときは、その必要の限度において、政令で定めるところにより、当該金融機関等に対し、その資産のうち政令で定めるものを国内において保有することを命ずることができる。

Article 126-17 The Prime Minister (if the financial institution, etc. subject to specified confirmation is a labor bank, Rokinren Bank, or a subsidiary, etc. of a labor bank, etc., the Prime Minister and the Minister of Health, Labour and Welfare, and if it is the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank, the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry) may, when and to the extent that they find it necessary for smoothly implementing the orderly resolution of assets and liabilities of the financial institution, etc. subject to specified confirmation, order the relevant financial institution, etc. to retain part of its assets specified by Cabinet Order, within Japan, pursuant to the provisions of the Cabinet Order.

（金融整理管財人等に関する規定の準用）

(Application Mutatis Mutandis of Provisions Concerning Financial Administrators)

第二百二十六条の十八 第七十六条及び第八十六条の規定は特別監視金融機関等（その財産をもつて債務を完済することができず、若しくはその財産をもつて債務を完済することができないおそれがあり、又は債務の支払を停止し、若しくは債務の支払を停止するおそれがあるものに限る。）について、第八十二条の規定は特別監視代行者について、第八十九条の規定は特別監視金融機関等について、それぞれ準用する。この場合において、第七十六条第一項中「銀行等又は株式会社商工組合中央金庫」とあるのは「株式会社」と、同条第二項中「株式会社商工組合中央金庫」とあるのは「第二百二十六条の二第二項第一号に規定する労働金庫等子法人等である場合における前項の規定の適用については、同項中「内閣総理大臣」とあるのは、「内閣総理大臣及び厚生労働大臣」とし、株式会社商工組合中央金庫又は同号に規定する商工組合子法人等」と、第八十六条第一項中「被管理金融機関」とあるのは「特別監視金融機関等（第二百二十六条の三第二項に規定する特別監視金融機関等であつて、その財産をもつて債務を完済することができず、若しくはその財産をもつて債務を完済することができないおそれがあり、又は債務の支払を停止し、若しくは債務の支払を停止するおそれがあるものに限る。以下この条において同じ。）であつて保険業法第二条第五項に規定する相互会社以外のもの」と、「議決又は」とあるのは「議決、」と、「議決は」とあるのは「議決又は保険業法第六十九条第二項、第三百三十六条第二項、第四百四十四条第三項、第六百六十五条の三第二項若しくは第六百六十五条の十第二項の規定による決議は」と、同条第二項中「被管理金融機関」とあるのは「特別監視金融機関等であつて

保険業法第二条第五項に規定する相互会社以外のもの」と、「決議又は」とあるのは「決議、」と、「決議は」とあるのは「決議又は保険業法第百六十五条の三第四項若しくは第六項若しくは第百六十五条の十第六項の規定による決議は」と、同条第三項中「被管理金融機関」とあるのは「特別監視金融機関等であつて保険業法第二条第二項に規定する保険会社以外のもの」と、「できる」とあるのは「でき、特別監視金融機関等であつて保険業法第二条第五項に規定する相互会社であるものにおける同法第五十七条第二項、第六十条第二項、第六十二条第二項、第六十二条の二第二項、第八十六条第二項、第百三十六条第二項、第百四十四条第三項、第百五十六条又は第百六十五条の十六第二項（同法第百六十五条の二十において準用する場合を含む。）の規定による決議は、これらの規定にかかわらず、出席した社員（総代会を設けているときは、総代）の議決権の四分の三以上に当たる多数をもつて、仮にすることができると、同条第四項中「第六十六条第二項に規定する株主総会等」とあるのは「株式会社にあつては株主総会又は種類株主総会（金融機関の合併及び転換に関する法律第二十二条第六項に規定する場合にあつては、株主総会及び同項の株主総会）を、信用金庫等にあつては総会（総代会を設けているときは、総代会）」と、同条第七項中「において」とあるのは「おいて、第四項中「各株主等」とあるのは「各株主等又は保険業法第二条第五項に規定する相互会社である場合にあつては、各社員（総代会を設けているときは、各総代）」と、「をいう」とあるのは「を、保険業法第二条第五項に規定する相互会社である場合にあつては社員総会（総代会を設けているときは、総代会）をいう」とと、「あるのは、」とあるのは「あるのは」と、第八十九条中「銀行等又は株式会社商工組合中央金庫」とあるのは「株式会社」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

Article 126-18 The provisions of Articles 76 and 86 apply mutatis mutandis to a financial institution, etc. under special monitoring (limited to a financial institution, etc. under special monitoring that is unable to satisfy its obligations in full with its assets or is likely to be unable to satisfy its obligations in full with its assets, or has suspended payment of obligations or is likely to suspend payment of obligations), the provisions of Article 82 apply mutatis mutandis to a special monitoring agent, and the provisions of Article 89 apply mutatis mutandis to a financial institution, etc. under special monitoring. In this case, the term "a bank, etc. or the Shoko Chukin Bank, Ltd." in Article 76, paragraph (1) will be deemed to be replaced with "a stock company"; the term "if the financial institution under management set forth in the same paragraph is the Shoko Chukin Bank, Ltd." in paragraph (2) of the same Article will be deemed to be replaced with "if the financial institution under management set forth in the same paragraph is the subsidiary, etc. of a labor bank, etc. prescribed in Article 126-2, paragraph (2), item (i), the term 'the Prime Minister' in the previous paragraph will be deemed to be replaced with 'the Prime Minister and the Minister of Health, Labour and Welfare,' and if it is the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank"; the term "a financial institution under management" in Article 86,

paragraph (1) will be deemed to be replaced with "a financial institution, etc. under special monitoring (limited to the financial institution, etc. under special monitoring prescribed in Article 126-3, paragraph (2) that is unable to satisfy its obligations in full with its assets or is likely to be unable to satisfy its obligations in full with its assets, or has suspended payment of obligations or is likely to suspend payment of obligations; hereinafter the same applies in this Article) and that is not the mutual company prescribed in Article 2, paragraph (5) of the Insurance Business Act"; the term "resolutions or decisions under Article 48-3 of the Shinkin Bank Act, Article 53 of the Small and Medium Sized Enterprises Cooperatives Act, or Article 53 of the Labor Bank Act, and" in the same paragraph will be deemed to be replaced with "resolutions or decisions under Article 48-3 of the Shinkin Bank Act, Article 53 of the Small and Medium Sized Enterprises Cooperatives Act, or Article 53 of the Labor Bank Act"; the term "resolutions or decisions under Article 22, paragraph (2), Article 29, paragraph (4) or Article 35, paragraph (2) of the Act on Financial Institutions' Merger and Conversion" in the same paragraph will be deemed to be replaced with "resolutions or decisions under Article 22, paragraph (2), Article 29, paragraph (4) or Article 35, paragraph (2) of the Act on Financial Institutions' Merger and Conversion, and resolutions under Article 69, paragraph (2), Article 136, paragraph (2), Article 144, paragraph (3), Article 165-3, paragraph (2), or Article 165-10, paragraph (2) of the Insurance Business Act"; the term "a financial institution under management" in paragraph (2) of the same Article will be deemed to be replaced with "a financial institution, etc. under special monitoring that is not the mutual company prescribed in Article 2, paragraph (5) of the Insurance Business Act"; the term "resolutions of a shareholders meeting or class meeting specified in each item of Article 309, paragraph (3) or Article 324, paragraph (3) of the Companies Act and" in the same paragraph will be deemed to be replaced with "resolutions of a shareholders meeting or class meeting specified in each item of Article 309, paragraph (3) or Article 324, paragraph (3) of the Companies Act"; the term "resolutions under Article 22, paragraph (3) of the Act on Financial Institutions' Merger and Conversion" in the same paragraph will be deemed to be replaced with "resolutions under Article 22, paragraph (3) of the Act on Financial Institutions' Merger and Conversion, and resolutions under Article 165-3, paragraph (4) or (6) or Article 165-10, paragraph (6) of the Insurance Business Act"; the term "a financial institution under management" in paragraph (3) of the same Article will be deemed to be replaced with "a financial institution, etc. under special monitoring that is not the mutual company prescribed in Article 2, paragraph (2) of the Insurance Business Act"; the term "may, notwithstanding the provisions of the same paragraph, be made provisionally by a majority of the shareholders present and three-quarters or

more of the votes held by the shareholders present" in the same paragraph will be deemed to be replaced with "may, notwithstanding the provisions of the same paragraph, be made provisionally by a majority of the shareholders present and three-quarters or more of the votes held by the shareholders present, and in a financial institution, etc. under special monitoring that is the mutual company prescribed in Article 2, paragraph (5) of the Insurance Business Act, resolutions under Article 57, paragraph (2), Article 60, paragraph (2), Article 62, paragraph (2), Article 62-2, paragraph (2), Article 86, paragraph (2), Article 136, paragraph (2), Article 144, paragraph (3), Article 156, or Article 165-16, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to Article 165-20 of the same Act) of the same Act, notwithstanding these provisions, be made provisionally by three-quarters or more of the votes held by the members (if a general meeting of representatives is established, the representatives) present"; the term "the shareholders meeting, etc. prescribed in Article 66, paragraph (2)" in paragraph (4) of the same Article will be deemed to be replaced with "in the case of a stock company, a shareholders meeting or class meeting (in the case prescribed in Article 22, paragraph (6) of the Act on Financial Institutions' Merger and Conversion, a shareholders meeting and the shareholders meeting set forth in the same paragraph), and in the case of a Shinkin bank, etc., a general meeting (if a general meeting of representatives is established, the general meeting of representatives)"; the term "In this case" in paragraph (7) of the same Article will be deemed to be replaced with "In this case, the term 'its shareholders, etc.' in paragraph (4) will be deemed to be replaced with 'its shareholders, etc. or, in the case of the mutual company prescribed in Article 2, paragraph (5) of the Insurance Business Act, its members (if a general meeting of representatives is established, its representatives)'; the term 'meaning the shareholders meeting, etc. prescribed in Article 66, paragraph (2)' in the same paragraph will be deemed to be replaced with 'meaning the shareholders meeting, etc. prescribed in Article 66, paragraph (2) and, in the case of the mutual company prescribed in Article 2, paragraph (5) of the Insurance Business Act, a general meeting of members (if a general meeting of representatives is established, the general meeting of representative)"; the term "the term 'a majority as prescribed in paragraph (1)'" in the same paragraph will be deemed to be replaced with "and the term 'a majority as prescribed in paragraph (1)'" and the term "a bank, etc. or the Shoko Chukin Bank, Ltd." in Article 89 will be deemed to be replaced with "a stock company"; and any other necessary technical replacement of terms will be specified by Cabinet Order.

(金融システムの著しい混乱が生ずるおそれを回避するために必要な資金の貸付け

等)

(Loan of Funds Necessary for Avoiding the Risk of Severe Disruption Being Caused to the Financial System)

第二百二十六条の十九 機構は、特定第一号措置に係る特定認定に係る金融機関等から資金の貸付け等（我が国の金融システムの著しい混乱が生ずるおそれを回避するために必要な資金の貸付け又は我が国の金融システムの著しい混乱が生ずるおそれを回避するために必要な債務の保証をいう。）の申込みを受けた場合において、必要があると認めるときは、委員会の議決を経て、その必要の限度において、当該申込みに係る貸付け又は債務の保証を行う旨の決定をすることができる。

Article 126-19 (1) If the DICJ receives from a financial institution, etc. subject to specified confirmation in relation to specified measures under item (i) an application for loan of funds, etc. (meaning the loan of funds necessary for avoiding the risk of severe disruption being caused to the financial system in Japan or guarantee of obligations necessary for avoiding the risk of severe disruption being caused to the financial system in Japan), the DICJ may, when it finds it necessary, and following a resolution of the board, decide to provide the loan or the guarantee of obligations in relation to the relevant application within the limit necessary.

2 機構は、前項の規定による貸付けを行ったとき、又は同項の規定による債務の保証に係る債務を弁済したときは、当該貸付け又は当該債務の保証に基づく求償権に係る金融機関等の財産について他の債権者に先立つて当該貸付けに係る債権の弁済を受ける権利又は当該求償権の行使により弁済を受ける権利を有する。

(2) When a loan under the preceding paragraph has been provided or when the obligations in relation to guarantee of obligations under the same paragraph have been paid, the DICJ has the right to have its claims satisfied out of the assets of the financial institution, etc. in relation to the right to reimbursement based on the relevant loan or the relevant guarantee of obligations in preference over other creditors.

3 前項の先取特権の順位は、民法の規定による一般の先取特権に次ぐものとする。

(3) The order of the statutory lien under the preceding paragraph will be next to the general statutory lien under the provisions of the Civil Code.

(特定第一号措置に係る特定認定の取消し)

(Revocation of Specified Confirmation Regarding Specified Measures Under Item (i))

第二百二十六条の二十 内閣総理大臣は、特定第一号措置に係る特定認定に係る金融機関等が第二百二十六条の二第一項第二号に掲げる金融機関等に該当するときは、会議の議を経て、当該特定認定を取り消すことができる。

Article 126-20 (1) If a financial institution, etc. subject to specified confirmation in relation to specified measures under item (i) falls under the financial institution, etc. specified in Article 126-2, paragraph (1), item (ii), the Prime

Minister may, following deliberation by the council, rescind the relevant specified confirmation.

2 第二百六条の二第三項、第七項及び第九項の規定は、前項の規定による特定認定の取消しについて準用する。

(2) The provisions of Article 126-2, paragraphs (3), (7), and (9) apply mutatis mutandis to revocation of the specified confirmation under the preceding paragraph.

(自己資本の充実その他の財務内容の改善のための措置を定めた計画の提出等)
(Submission of Plans Specifying Measures to Enhance Adequacy of Equity Capital or Otherwise Improve Financial Conditions)

第二百六条の二十一 特定第一号措置に係る特定認定に係る金融機関等は、当該金融機関等及び当該金融機関等を金融機関等子法人等とする金融機関等が次条第一項又は第三項の申込みを行わないときは、内閣総理大臣に対し、第二百六条の二第五項に規定する期限内に、特定第一号措置に係る特定株式等の引受け等以外の方法による自己資本の充実その他の財務内容の改善のための措置を定めた計画を提出しなければならない。

Article 126-21 (1) A financial institution, etc. subject to specified confirmation in relation to specified measures under item (i) must, when the relevant financial institution, etc. and a financial institution, etc. which has the relevant financial institution, etc. as a subsidiary, etc. of a financial institution, etc. do not make an application prescribed in paragraph (1) or (3) of the following Article, submit a plan to the Prime Minister within the period prescribed in Article 126-2, paragraph (5), setting forth measures to enhance the adequacy of equity capital or otherwise improve the financial conditions by a means other than subscription for specified shares, etc. in relation to specified measures under item (i).

2 内閣総理大臣は、前項の規定により特定第一号措置に係る特定認定に係る金融機関等から提出を受けた計画を適当と認めるときは、会議の議を経て、当該金融機関等に係る特定認定を取り消すことができる。

(2) If the Prime Minister finds that the plan submitted under the preceding paragraph by a financial institution, etc. subject to specified confirmation in relation to specified measures under item (i) is appropriate, the minister may, following deliberation by the council, rescind the specified confirmation in relation to the relevant financial institution, etc.

3 第二百六条の二第三項、第七項及び第九項の規定は、前項の規定による特定認定の取消しについて準用する。

(3) The provisions of Article 126-2, paragraphs (3), (7), and (9) apply mutatis mutandis to revocation of the specified confirmation under the preceding paragraph.

4 内閣総理大臣は、特定第一号措置に係る特定認定に係る金融機関等及び当該金融機

関等を金融機関等子法人等とする金融機関等が第二百二十六条の二第五項に規定する期限内に次条第一項又は第三項の申込みを行わなかった場合において、当該特定第一号措置に係る特定認定に係る金融機関等が当該期限内に第一項に規定する計画を提出しなかつたときは、当該特定認定を取り消すことができる。

(4) If a financial institution, etc. subject to specified confirmation in relation to specified measures under item (i) and a financial institution, etc. which has the financial institution, etc. as a subsidiary, etc. of a financial institution, etc. have not made an application prescribed in paragraph (1) or (3) of the following Article within the period prescribed in Article 126-2, paragraph (5), when the relevant financial institution, etc. subject to specified confirmation in relation to specified measures under item (i) does not submit the plan prescribed in paragraph (1) within the relevant period, the Prime Minister may rescind the relevant specified confirmation.

5 内閣総理大臣は、第一項の規定により金融機関等が提出した計画を適当と認めないときは、当該特定認定を取り消すことができる。

(5) If the Prime Minister finds that the plan submitted by a financial institution, etc. under paragraph (1) is not appropriate, they may rescind the specified confirmation.

6 内閣総理大臣は、前二項の規定により特定第一号措置に係る特定認定を取り消すときは、あらかじめ、財務大臣の意見を聴かなければならない。

(6) If the Prime Minister intends to rescind the specified confirmation in relation to specified measures under item (i) under the provisions of the preceding two paragraphs, they must hear the opinion of the Minister of Finance in advance.

7 第二百二十六条の二第三項、第七項及び第九項の規定は、第四項又は第五項の規定による特定第一号措置に係る特定認定の取消しについて準用する。

(7) The provisions of Article 126-2, paragraphs (3), (7) and (9) apply mutatis mutandis to revocation of the specified confirmation in relation to specified measures under item (i) under paragraph (4) or (5).

(特定株式等の引受け等の決定等)

(Decisions on Subscription for Specified Shares)

第二百二十六条の二十二 特定第一号措置に係る特定認定に係る金融機関等（債務の支払を停止した金融機関等を除く。）は、機構が、当該金融機関等の自己資本の充実その他の財務内容の改善のために当該金融機関等の特定株式等の引受け等（優先株式以外の株式の引受け又は第二百二十六条の二十八第三項に規定する特定優先株式等の引受け等をいう。以下同じ。）を行うことを、機構に申し込むことができる。

Article 126-22 (1) A financial institution, etc. subject to specified confirmation in relation to specified measures under item (i) (excluding a financial institution, etc. which has suspended payment of obligations) may apply to the DICJ to carry out a subscription for specified shares, etc. (meaning subscription for shares other than preferred shares or the subscription for specified preferred

shares, etc. prescribed in Article 126-28, paragraph (3); the same applies hereinafter) of the relevant financial institution, etc. to enhance the adequacy of equity capital or otherwise improve the financial conditions of the relevant financial institution, etc.

2 機構は、前項の規定による申込みを受けたときは、内閣総理大臣（当該申込みに係る金融機関等が労働金庫、労働金庫連合会又は労働金庫等子法人等である場合にあっては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫又は商工組合子法人等である場合にあっては内閣総理大臣、財務大臣及び経済産業大臣とする。）に対し、当該金融機関等と連名で、当該申込みに係る特定株式等の引受け等を行うかどうかの決定を求めなければならない。

(2) When the DICJ has received an application under the preceding paragraph, the DICJ must request a decision from the Prime Minister (if the financial institution, etc. in relation to the relevant application is a labor bank, Rokinren Bank, or a subsidiary, etc. of a labor bank, etc., the Prime Minister and the Minister of Health, Labour and Welfare, and if it is the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank, the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry) in joint name with the relevant financial institution, etc. as to whether or not to carry out the subscription for specified shares, etc. in relation to the relevant application.

3 特定第一号措置に係る特定認定に係る金融機関等（債務の支払を停止した金融機関等を除く。）を金融機関等子法人等とする金融機関等は、機構が、当該特定認定に係る金融機関等子法人等の自己資本の充実その他の財務内容の改善のために当該金融機関等の特定株式等の引受け等を行うことを、機構に申し込むことができる。

(3) A financial institution, etc. which has a financial institution, etc. subject to specified confirmation in relation to specified measures under item (i) (excluding a financial institution, etc. which has suspended payment of obligations) as a subsidiary, etc. of a financial institution, etc. may apply to the DICJ to carry out the subscription for specified shares, etc. of the relevant financial institution, etc. to enhance the adequacy of equity capital or otherwise improve the financial conditions of the relevant subsidiary, etc. of a financial institution, etc. subject to specified confirmation.

4 機構は、前項の規定による申込みを受けたときは、内閣総理大臣（当該申込みに係る金融機関等子法人等が労働金庫等子法人等である場合にあっては内閣総理大臣及び厚生労働大臣とし、商工組合子法人等である場合にあっては内閣総理大臣、財務大臣及び経済産業大臣とする。）に対し、当該申込みを行つた金融機関等と連名で、当該申込みに係る特定株式等の引受け等を行うかどうかの決定を求めなければならない。

(4) When the DICJ has received an application under the preceding paragraph, the DICJ must request a decision from the Prime Minister (if the subsidiary, etc. of a financial institution, etc. in relation to the relevant application is a subsidiary, etc. of a labor bank, etc., the Prime Minister and the Minister of

Health, Labour and Welfare, and if it is a subsidiary, etc. of the Shoko Chukin Bank, the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry) in joint name with the financial institution, etc. that has made the application as to whether or not to carry out the subscription for specified shares, etc. in relation to the relevant application.

5 第一項の申込みを行つた特定第一号措置に係る特定認定に係る金融機関等又は第三項の申込みを行つた金融機関等の金融機関等子法人等である特定第一号措置に係る特定認定に係る金融機関等（以下この章において「対象子法人等」という。）は、内閣総理大臣（第一項の申込みに係る金融機関等又は第三項の申込みに係る対象子法人等が労働金庫、労働金庫連合会又は労働金庫等子法人等である場合にあつては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫又は商工組合子法人等である場合にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。次項並びに第七項において準用する第百五条第五項及び第六項並びに第百二十六条の二十四において同じ。）に対し、経営の合理化のための方策、責任ある経営体制（金融機関等が第三項の申込みをした場合にあつては、当該金融機関等の経営体制を含む。）の確立のための方策その他の政令で定める方策を定めた経営健全化計画（経営の健全化のための計画をいう。以下この章において同じ。）を提出しなければならない。この場合において、第三項の申込みをする金融機関等の対象子法人等は、当該金融機関等と連名で提出するものとする。

(5) A financial institution, etc. subject to specified confirmation in relation to specified measures under item (i) that has made an application prescribed in paragraph (1) or a financial institution, etc. subject to specified confirmation in relation to specified measures under item (i) which is a subsidiary, etc. of a financial institution, etc. of the financial institution, etc. that has made an application prescribed in paragraph (3) (hereinafter referred to as "subject subsidiary, etc." in this Chapter) must submit to the Prime Minister (if the financial institution, etc. in relation to the application set forth in paragraph (1) or the subject subsidiary, etc. in relation to the application set forth in paragraph (3) is a labor bank, Rokinren Bank, or a subsidiary, etc. of a labor bank, etc., the Prime Minister and the Minister of Health, Labour and Welfare, and if it is the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank, the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry; the same applies in the following paragraph, Article 105, paragraphs (5) and (6) as applied mutatis mutandis pursuant to paragraph (7), and Article 126-24) a management soundness improvement plan (meaning a plan to improve sound business management; hereinafter the same applies in this Chapter) setting forth measures to streamline the management and to establish a responsible management system (including, if a financial institution, etc. has made an application prescribed in paragraph (3), the management system of the relevant financial institution, etc.) and other measures specified by Cabinet Order. In this case, the subject subsidiary, etc.

of the financial institution, etc. that is to make an application prescribed in paragraph (3) must submit the relevant plan in joint name with the relevant financial institution, etc.

6 内閣総理大臣は、次に掲げる要件の全てに該当する場合に限り、第一項又は第三項の申込みに係る特定第一号措置に係る特定株式等の引受け等を行うべき旨の決定をするものとする。

(6) The Prime Minister is to make a decision to carry out the subscription for specified shares, etc. in relation to specified measures under item (i) in relation to an application prescribed in paragraph (1) or (3) only if all of the following requirements are satisfied:

一 機構が特定第一号措置に係る特定株式等の引受け等により取得する特定株式等（株式等、特定劣後特約付社債（元利金の支払について劣後的内容を有する特約が付された社債であつて、銀行等、銀行持株会社等及び株式会社商工組合中央金庫以外のものの自己資本の充実その他の財務内容の改善に資するものとして政令で定める社債に該当するものをいう。以下同じ。）、株式会社及び優先出資法第二条第一項に規定する協同組織金融機関以外のものの出資又は基金に係る債権をいう。）（株式等にあつては次に掲げるものを含み、特定劣後特約付社債、株式会社及び同項に規定する協同組織金融機関以外のものの出資又は基金に係る債権にあつては次に掲げるものに類するものを含む。）又は貸付債権の処分をすることが著しく困難であると認められる場合でないこと。

(i) there are no serious difficulties associated with the disposal of the specified shares, etc. (meaning shares, etc., specified subordinated bonds (meaning bonds with a special clause of subordinated contents with regard to the payment of principal and interest, which fall under bonds specified by Cabinet Order as contributing to the adequacy of equity capital or otherwise improving the financial conditions of those other than a bank, etc., bank holding company, etc. or the Shoko Chukin Bank, Ltd.; the same applies hereinafter), equity investments of those other than stock companies and the cooperative financial institutions prescribed in Article 2, paragraph (1) of the Preferred Equity Investment Act, or claims in relation to funds) (including the following in the case of shares, etc., and including equivalents of the following in the case of specified subordinated bonds, equity investments of those other than stock companies and the cooperative financial institutions prescribed in the same paragraph, or claims in relation to funds) or loan claims acquired by the DICJ in connection with the subscription for specified shares, etc. in relation to specified measures under item (i);

イ 当該特定株式等が株式である場合にあつては、次に掲げる株式

(a) if the specified shares, etc. are shares, the shares specified below:

(1) 当該株式が他の種類の株式への転換（当該株式がその発行会社に取得され、その引換えに他の種類の株式が交付されることをいう。以下この章において同じ。）の請求が可能とされるものである場合にあつては、その請求に

より転換された他の種類の株式

1. if the relevant shares are those for which a request for conversion into shares of another class (meaning the delivery of shares of another class in exchange for the acquisition of the relevant shares by their issuing company; hereinafter the same applies in this Chapter) can be made, shares of another class into which the relevant shares are converted pursuant to the request;

(2) 当該株式が一定の事由が生じたことを条件として転換されるものである場合にあっては、その事由が生じたことにより転換された他の種類の株式

2. if the relevant shares are convertible upon the occurrence of certain events, shares of another class into which the relevant shares are converted as a result of the occurrence; and

(3) 当該株式又は(1)若しくは(2)に掲げる他の種類の株式について分割され又は併合された株式

3. shares split or consolidated with respect to the relevant shares or the shares of another class specified in 1 or 2;

ロ 当該特定株式等が劣後特約付社債である場合にあっては、当該劣後特約付社債に新株予約権が付されているときにその行使により交付された株式及びこれについて分割され又は併合された株式

(b) if the relevant specified shares, etc. are subordinated bonds, shares delivered through the exercise of share options attached to the relevant subordinated bonds and shares split or consolidated with respect thereto; and

ハ 当該特定株式等が優先出資である場合にあっては、当該優先出資について分割された優先出資

(c) if the relevant specified shares, etc. are preferred equity investments, preferred equity investments split with respect to the relevant preferred equity investments.

二 金融機関等が第三項の申込みをしたときは、当該金融機関等がその財産をもつて債務を完済することができない金融機関等でないこと。

(ii) if a financial institution, etc. has made an application prescribed in paragraph (3), the financial institution, etc. is not unable to satisfy its obligations in full with its assets; and

三 経営健全化計画の確実な履行等を通じて、第一項の申込みに係る金融機関等又は第三項の申込みに係る対象子法人等の次に掲げる方策の実行が見込まれること。

(iii) the financial institution, etc. in relation to the application set forth in paragraph (1) or the subject subsidiary, etc. in relation to the application set forth in paragraph (3) is expected to implement the following measures through the reliable execution of the management soundness improvement plan, etc.:

イ 経営の合理化のための方策

(a) measures to streamline the management;

ロ 経営責任の明確化のための方策

(b) measures to clarify management responsibilities; and

ハ 株主責任の明確化のための方策

(c) measures to clarify shareholder responsibilities.

- 7 第五十条第五項の規定は前項の決定を行うときについて、同条第六項の規定は第二項又は第四項の決定を行つたときについて、同条第七項の規定は第一項又は第三項の申込みに係る特定第一号措置に係る特定株式等の引受け等を行わない旨の決定がされたときについて、同条第八項の規定はこの項において準用する同条第七項の規定による特定第一号措置に係る特定認定の取消しについて、第六十条の規定は第一項又は第三項の申込みがあつた場合（第一項の申込みがあつた場合にあつては、当該申込みが株式の引受けに係るものである場合に限る。）における当該申込みに係る前項の決定を受けた第一項の申込みを行つた金融機関等であつて株式会社であるもの又は第三項の申込みを行つた金融機関等若しくはその対象子法人等であつて株式会社であるものについて、第七十条の規定は機構が前項の決定に従い特定株式等の引受け等を行う場合について、第七十条の二の規定は第一項又は第三項の申込みが株式、劣後特約付社債（新株予約権が付されているものに限る。）又は特定劣後特約付社債（新株予約権が付されているものに限る。）の引受けである場合において当該申込みに係る前項の決定を行つたときについて、第七十条の三の規定は特定第一号措置に係る特定認定に係る金融機関等又は当該金融機関等を対象子法人等とする金融機関等が同項の決定に従い発行する会社法第一百五十二条に規定する議決権制限株式について、第七十条の四の規定は特定第一号措置に係る特定認定に係る金融機関が同項の決定に従い発行する優先出資について、それぞれ準用する。この場合において、第五十条第五項中「株式会社商工組合中央金庫」とあるのは「株式会社商工組合中央金庫又は商工組合子法人等（第六十二条の二第二項第一号に規定する商工組合子法人等をいう。以下同じ。））」と、同条第六項中「第一項の申込みをした金融機関又は第二項の申込みをした銀行持株会社等」とあるのは「第六十二条の二十二第一項又は第三項の申込みをした金融機関等（第六十二条の二第二項に規定する金融機関等をいう。以下同じ。））」と、同条第七項中「対象子会社が受けた第一号措置に係る認定」とあるのは「対象子法人等（第六十二条の二十二第五項に規定する対象子法人等をいう。以下同じ。）が受けた特定第一号措置（第六十二条の二第一項第一号に規定する特定第一号措置をいう。以下同じ。）に係る特定認定（同項に規定する特定認定をいう。以下同じ。））」と、「ものとする」とあるのは「ことができる」と、第六十条第一項中「株式の引受けの」とあるのは「特定株式等の引受け等（第六十二条の二十二第一項に規定する特定株式等の引受け等をいう。以下同じ。）の」と、同条第四項中「ものとする」とあるのは「ことができる」と、同条第六項中「株式会社商工組合中央金庫」とあるのは「労働金庫等子法人等（第六十二条の二第二項第一号に規定する労働金庫等子法人等をいう。以下同じ。）である場合における第一項又は第三項の規定の適用については、これらの規定中「内閣総理大臣」とあるのは、「内閣総理大臣及び厚生労働大臣」とし、「株式会社商工組合中央金庫又は商工組合子法人等」と、第七十条第二項中「株式等の発行者」とあるのは「特定株式等（第六十二条の二十二

第六項第一号に規定する特定株式等をいう。)の発行者」と、「又は労働金庫連合会」とあるのは「、労働金庫連合会又は労働金庫等子法人等」と、「株式会社商工組合中央金庫」とあるのは「株式会社商工組合中央金庫又は商工組合子法人等」と、同条第三項中「銀行持株会社等が第百五条第二項」とあるのは「金融機関等が第百二十六条の二十二第三項」と、「銀行持株会社等が発行する」とあるのは「金融機関等に対して」と、「銀行持株会社等は」とあるのは「金融機関等（この項の規定により当該金融機関等又はその金融機関等子法人等（第百二十六条の二第五項に規定する金融機関等子法人等をいい、対象子法人等を除く。以下この項において同じ。）が特定株式等の引受け等を行つた金融機関等子法人等を含む。）は」と、「その対象子会社」とあるのは「当該対象子法人等又は当該金融機関等子法人等」と、「株式等の引受け等」とあるのは「特定株式等の引受け等」と、「株式の引受けの」とあるのは「金融機関等に対する特定株式等の引受け等の」と、第百七条の二第一項中「株式会社商工組合中央金庫である場合にあつては、」とあるのは「労働金庫等子法人等である場合にあつては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫又は商工組合子法人等である場合にあつては」と、「経済産業大臣」とあるのは「経済産業大臣とする。」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

- (7) The provisions of Article 105, paragraph (5) apply mutatis mutandis to the case of making a decision under the preceding paragraph; the provisions of paragraph (6) of the same Article apply mutatis mutandis to the case of having made a decision under paragraph (2) or (4), the provisions of paragraph (7) of the same Article apply mutatis mutandis to the case where a decision is made not to carry out subscription for specified shares, etc. in relation to specified measures under item (i) in relation to the application prescribed in paragraph (1) or (3); the provisions of paragraph (8) of the same Article apply mutatis mutandis to rescission of specified confirmation in relation to specified measures under item (i) under paragraph (7) of the same Article as applied mutatis mutandis pursuant to this paragraph; the provisions of Article 106, if the application prescribed in paragraph (1) or (3) has been made (if an application prescribed in paragraph (1) has been made, limited to applications in relation to subscription for shares), apply mutatis mutandis to the financial institution, etc. that has made the application prescribed in paragraph (1) and has received a decision under the preceding paragraph with regard to the relevant application and that is a stock company, or to the financial institution, etc. or its subject subsidiary, etc. that has made the application prescribed in paragraph (3) and that is a stock company; the provisions of Article 107 apply mutatis mutandis to the case where the DICJ carries out subscription for specified shares, etc. in accordance with a decision under the preceding paragraph; the provisions of Article 107-2 apply mutatis mutandis to the case where the application prescribed in paragraph (1) or (3) is for subscription for shares or subordinated bonds (limited to those with share options) or specified subordinated bonds (limited to those with share options) and a decision under

the preceding paragraph has been made with regard to the relevant application; the provisions of Article 107-3 apply mutatis mutandis to shares with restricted voting right prescribed in Article 115 of the Companies Act that have been issued in accordance with a decision under the relevant paragraph by a financial institution, etc. subject to specified confirmation in relation to specified measures under item (i) or a financial institution, etc. with the relevant financial institution as its subject subsidiary, etc.; and the provisions of Article 107-4 apply mutatis mutandis to preferred equity investments that have been issued in accordance with a decision under the relevant paragraph by a financial institution that is subject to specified confirmation in relation to specified measures under item (i). In this case, the term "the Shoko Chukin Bank, Ltd." in Article 105, paragraph (5) will be deemed to be replaced with "the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank (meaning the subsidiary, etc. of the Shoko Chukin Bank prescribed in Article 126-2, paragraph (2), item (i); the same applies hereinafter)"; the term "the financial institution that has made the application prescribed in paragraph (1) or the bank holding company, etc. that has made the application prescribed in paragraph (2)" in paragraph (6) of the same Article will be deemed to be replaced with "the financial institution, etc. (meaning the financial institution, etc. prescribed in Article 126-2, paragraph (2); the same applies hereinafter) that has made the application prescribed in Article 126-22, paragraph (1) or (3)"; the term "the confirmation in relation to the measures under item (i) with respect to the financial institution that has made the application prescribed in paragraph (1) or the subject subsidiary company of the bank holding company, etc." in paragraph (7) of the same Article will be deemed to be replaced with "the specified confirmation (meaning the specified confirmation prescribed in Article 126-2, paragraph (1); the same applies hereinafter) in relation to specified measures under item (i) (meaning the specified measures under item (i) prescribed in item (i) of the same paragraph) with respect to a subject subsidiary, etc. (meaning the subject subsidiary, etc. prescribed in Article 126-22, paragraph (5); the same applies hereinafter); the term "the Prime Minister is to" in the same paragraph will be deemed to be replaced with "the Prime Minister may"; the term "the relevant subscription for shares be conditioned upon" in Article 106, paragraph (1) will be deemed to be replaced with "subscription for specified shares, etc. (meaning the subscription for specified shares, etc. prescribed in Article 126-22, paragraph (1); the same applies hereinafter) be conditioned upon"; the term "the Prime Minister is to" in paragraph (4) of the same Article will be deemed to be replaced with "the Prime Minister may"; the term "For the purpose of applying the provisions of paragraphs (1) and (3) if a financial institution subject to a decision under paragraph (4) of the preceding Article is the Shoko Chukin Bank, Ltd." in

paragraph (6) of the same Article will be deemed to be replaced with "For the purpose of applying the provisions of paragraph (1) or (3) if a financial institution subject to a decision under paragraph (4) of the preceding Article is a subsidiary, etc. of a labor bank, etc. (meaning the subsidiary, etc. of a labor bank, etc. prescribed in Article 126-2, paragraph (2), item (i); the same applies hereinafter), the term 'the Prime Minister' in these provisions will be deemed to be replaced with 'the Prime Minister and the Minister of Health, Labour and Welfare,' and if it is the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank"; the term "the issuer of the shares, etc." in Article 107, paragraph (2) will be deemed to be replaced with "the issuer of the specified shares, etc. (meaning the specified shares, etc. prescribed in Article 126-22, paragraph (6), item (i))"; the term "or Rokinren Bank" in the same paragraph will be deemed to be replaced with ", Rokinren Bank, or a subsidiary, etc. of a labor bank, etc."; the term "the Shoko Chukin Bank, Ltd." in the same paragraph will be deemed to be replaced with "the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank"; the term "a bank holding company, etc. has made an application prescribed in Article 105, paragraph (2)" in paragraph (3) of the same Article will be deemed to be replaced with "a financial institution, etc. has made an application prescribed in Article 126-22, paragraph (3)"; the term "issued by the bank holding company, etc." in the same paragraph will be deemed to be replaced with "with respect to the financial institution, etc."; the term "bank holding company, etc. is to" in the same paragraph will be deemed to be replaced with "financial institution, etc. (including a subsidiary, etc. of a financial institution, etc. (meaning the subsidiary, etc. of a financial institution, etc. prescribed in Article 126-2, paragraph (5) and excluding a subject subsidiary, etc.; hereinafter the same applies in this paragraph) with respect to whom the relevant financial institution, etc. or its subsidiary, etc. of a financial institution, etc. has carried out subscription for specified shares, etc. pursuant to the provisions of this paragraph)"; the term "the subject subsidiary company" in the same paragraph will be deemed to be replaced with "the subject subsidiary, etc. or the subsidiary, etc. of a financial institution, etc."; the term "the subscription for shares, etc." in the same paragraph will be deemed to be replaced with "the subscription for specified shares, etc."; the term "the amount of the relevant subscription for shares" in the same paragraph will be deemed to be replaced with "the amount of the relevant subscription for specified shares, etc. of the financial institution, etc."; the term "is the Shoko Chukin Bank, Ltd.," in Article 107-2, paragraph (1) will be deemed to be replaced with "is a subsidiary, etc. of a labor bank, etc., the Prime Minister and the Minister of Health, Labour and Welfare, and if the issuer is the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank,"; and the term "the Minister of

Economy, Trade and Industry" in the same paragraph will be deemed to be replaced with "the Minister of Economy, Trade and Industry"; and any other necessary technical replacement of terms will be specified by Cabinet Order.

(特定株式等の引受け等の決定に係る保険業法の特例)

(Special Provisions of the Insurance Business Act Concerning Decisions on Subscription for Specified Shares)

第二百二十六条の二十三 前条第六項の決定がされた場合において、当該決定に係る基金の募集をする相互会社は、保険業法第六十条第一項の規定にかかわらず、取締役会の決議によつて、新たに募集をする基金の額を定め、及び当該基金の募集をすることができる。

Article 126-23 (1) If a decision under paragraph (6) of the preceding Article has been made, a mutual company that is to solicit funds in relation to the relevant decision may, notwithstanding the provisions of Article 60, paragraph (1) of the Insurance Business Act, decide on the amount of funds to be newly solicited by a resolution of the board of directors meeting and solicit the relevant funds.

2 前項に規定する場合においては、同項の基金の募集をする相互会社は、保険業法第六十二条第一項の規定にかかわらず、取締役会の決議によつて、当該基金の募集に関する定款の変更をすることができる。

(2) In the care prescribed in the preceding paragraph, the mutual company that is to solicit the funds set forth in the same paragraph may, notwithstanding the provisions of Article 62, paragraph (1) of the Insurance Business Act, amend the articles of incorporation concerning the solicitation of funds by a resolution of the board of directors meeting.

(募集株式等の割当て等の特例)

(Special Provisions for Allotment of Shares for Subscription)

第二百二十六条の二十三の二 会社法第二百六条の二の規定は、特定第一号措置（株式の引受けに限る。）に係る特定認定に係る金融機関等又は当該金融機関等を金融機関等子法人等とする金融機関等による機構に対する同法第百九十九条第一項に規定する募集株式の割当てがされる場合又は機構との間の同法第二百五条第一項の契約の締結がされる場合には、適用しない。

Article 126-23-2 (1) The provisions of Article 206-2 of the Companies Act do not apply to cases where a financial institution, etc. subject to specified confirmation in relation to specified measures under item (i) (limited to subscription for shares) or a financial institution, etc. which has the relevant financial institution, etc. as a subsidiary, etc. of a financial institution, etc. conducts the allotment of shares for subscription prescribed in Article 199, paragraph (1) of the same Act targeting the DICJ, or where a contract set forth in Article 205, paragraph (1) of the same Act is executed with the DICJ.

2 会社法第二百四十四条の二の規定は、機構による特定第一号措置（劣後特約付社債

(新株予約権が付されているものに限る。)又は特定劣後特約付社債(新株予約権が付されているものに限る。)の引受けに限る。)に係る特定認定に係る金融機関等又は当該金融機関等を金融機関等子法人等とする金融機関等による機構に対する同法第二百三十八条第一項に規定する募集新株予約権の割当てがされる場合又は機構との間の同法第二百四十四条第一項の契約の締結がされる場合には、適用しない。

(2) The provisions of Article 244-2 of the Companies Act do not apply to cases where a financial institution, etc. subject to specified confirmation in relation to specified measures under item (i) (limited to subscription for subordinated bonds (limited to those with share options) or specified subordinated bonds (limited to those with share options)) undertaken by the DICJ or a financial institution, etc. which has the relevant financial institution, etc. as a subsidiary, etc. of a financial institution, etc. conducts the allotment of share options for subscription targeting the DICJ, or where a contract set forth in Article 244, paragraph (1) of the same Act is executed with the DICJ.

(特定株式等の引受け等に係る計画の公表等)

(Publication of Plans Regarding Subscription for Specified Shares)

第二百二十六条の二十四 内閣総理大臣は、第二百二十六条の二十二第六項の決定をしたときは、同条第五項の規定により提出を受けた経営健全化計画を公表するものとする。ただし、金融システムの混乱を生じさせるおそれのある事項、当該経営健全化計画を提出した金融機関等(当該経営健全化計画を連名で提出した金融機関等及びその金融機関等子法人等を含む。以下この項において同じ。)の債権者その他の取引者の秘密を害するおそれのある事項及び当該経営健全化計画を提出した金融機関等の業務の遂行に不当な不利益を与えるおそれのある事項については、この限りでない。

Article 126-24 (1) The Prime Minister is to, upon making a decision under Article 126-22, paragraph (6), make public the management soundness improvement plan submitted under paragraph (5) of the same Article; provided, however, that this does not apply to information whose disclosure is likely to cause disruption to the financial system, matters which are likely to lead to the divulgence of any secret of creditors or any other business customers of a financial institution, etc. that has submitted the management strengthening plan (including a financial institution, etc. and a subsidiary, etc. of the financial institution, etc. that have submitted the relevant management soundness improvement plan in joint name; hereinafter the same applies in this paragraph), or matters which are likely to bring undue disadvantage to the conduct of business by the relevant financial institution, etc. that has submitted the management soundness improvement plan.

2 内閣総理大臣は、機構が取得特定株式等又は取得特定貸付債権(機構が特定第一号措置に係る特定株式等の引受け等により取得した貸付債権をいう。以下この章において同じ。)の全部につきその処分をし、又は償還若しくは返済を受けるまでの間、当該特定第一号措置の特定認定に係る金融機関等(第二百二十六条の二十二第五項の規定

により経営健全化計画を連名で提出した金融機関等を含む。) に対し、同項の規定により提出を受けた経営健全化計画の履行状況につき報告を求め、これを公表することができる。

(2) The Prime Minister may, until the time when the DICJ makes a disposal or receives redemption or repayment with respect to the whole of acquired specified shares, etc. or acquired specified loan claims (meaning loan claims acquired by the DICJ pursuant to subscription for specified shares, etc. in relation to specified measures under item (i); hereinafter the same applies in this Chapter), request a financial institution, etc. subject to specified confirmation in relation to the specified measures under item (i) (including a financial institution, etc. that has submitted a management soundness improvement plan under Article 126-22, paragraph (5) in joint name with the relevant financial institution, etc.) to report the status of implementation of the management soundness improvement plan submitted under the same paragraph and make the report public.

3 前項の「取得特定株式等」とは、次に掲げるものをいう。

(3) The term "acquired specified shares, etc." as used in the preceding paragraph means the following:

一 機構が特定第一号措置に係る特定株式等の引受け等により取得した特定株式等(株式等、特定劣後特約付社債、株式会社及び優先出資法第二条第一項に規定する協同組織金融機関以外のものの出資又は基金に係る債権をいう。次号において同じ。)(株式等にあつては次に掲げるものを含み、特定劣後特約付社債、株式会社及び同項に規定する協同組織金融機関以外のものの出資又は基金に係る債権にあつては次に掲げるものに類するものを含む。)

(i) the specified shares, etc. (meaning shares, etc., specified subordinated bonds, equity investments of those other than stock companies and the cooperative financial institutions prescribed in Article 2, paragraph (1) of the Preferred Equity Investment Act, or claims in relation to funds; the same applies in the following item) acquired by the DICJ pursuant to subscription for specified shares, etc. in relation to specified measures under item (i) (including the following in the case of shares, etc., and including equivalents of the following in the case of specified subordinated bonds, equity investments of those other than stock companies and the cooperative financial institutions prescribed in the same paragraph, or claims in relation to funds):

イ 当該特定株式等が株式である場合にあつては、次に掲げる株式

(a) if the specified shares, etc. are shares, the shares specified below:

(1) 当該株式が他の種類の株式への転換の請求が可能とされるものである場合にあつては、その請求により転換された他の種類の株式

1. if the relevant shares are those for which a request for conversion into shares of another class can be made, shares of another class into which the relevant shares are converted pursuant to the request;

- (2) 当該株式が一定の事由が生じたことを条件として転換されるものである場合にあっては、その事由が生じたことにより転換された他の種類の株式
2. if the relevant shares are convertible upon the occurrence of certain events, shares of another class into which the relevant shares are converted as a result of the occurrence; and
- (3) 当該株式又は(1)若しくは(2)に掲げる他の種類の株式について分割され又は併合された株式
3. shares split or consolidated with respect to the relevant shares or the shares of another class specified in 1 or 2;
- ロ 当該特定株式等が劣後特約付社債である場合にあっては、当該劣後特約付社債に新株予約権が付されているときにその行使により交付された株式及びこれについて分割され又は併合された株式
- (b) if the relevant specified shares, etc. are subordinated bonds, shares delivered through the exercise of share options attached to the relevant subordinated bonds and shares split or consolidated with respect thereto; and
- ハ 当該特定株式等が優先出資である場合にあっては、当該優先出資について分割された優先出資
- (c) if the relevant specified shares, etc. are preferred equity investments, preferred equity investments split with respect to the relevant preferred equity investments; and
- 二 機構が特定第一号措置に係る特定株式等の引受け等を行つた金融機関等の株式交換又は株式移転により当該金融機関等の株式交換完全親株式会社又は株式移転設立完全親会社となつた会社から機構が割当てを受けた株式(次に掲げるものを含む。)その他の政令で定める特定株式等
- (ii) the shares (including the following) allotted to the DICJ by a company that has become a wholly owning parent company resulting from share exchange or wholly owning parent company incorporated in a share transfer of a financial institution, etc. with respect to whom the DICJ has carried out the subscription for specified shares, etc. in relation to specified measures under item (i) and other specified shares, etc. specified by Cabinet Order:
- イ 当該株式が他の種類の株式への転換の請求が可能とされるものである場合にあっては、その請求により転換された他の種類の株式
- (a) if the relevant shares are those for which a request for conversion into shares of another class can be made, shares of another class into which the relevant shares are converted pursuant to the request;
- ロ 当該株式が一定の事由が生じたことを条件として転換されるものである場合にあっては、その事由が生じたことにより転換された他の種類の株式
- (b) if the relevant shares are convertible upon the occurrence of certain events, shares of another class into which the relevant shares are converted as a result of the occurrence; and

ハ 当該株式又はイ若しくはロに掲げる他の種類の株式について分割され又は併合された株式

(c) shares split or consolidated with respect to the relevant shares or the shares of another class specified in (a) or (b).

(特定第一号措置に係る株式交換等の認可)

(Authorization for Share Exchange Regarding Specified Measures Under Item (i))

第二百二十六条の二十五 第二百二十六条の二十二第六項の決定に従い機構が特定株式等の引受け等を行つた金融機関等（この項の認可を受けた場合における次項第一号に規定する会社を含む。）であつて、機構が現に保有する取得特定株式等（前条第三項に規定する取得特定株式等をいう。以下この章において同じ。）である株式の発行者であるもの（以下この条において「発行金融機関等」という。）は、株式交換（当該発行金融機関等が株式交換完全子会社となるものに限る。）又は株式移転（以下この条において「株式交換等」という。）を行おうとするときは、あらかじめ、内閣総理大臣（当該発行金融機関等が労働金庫等子法人等である場合にあつては内閣総理大臣及び厚生労働大臣とし、商工組合子法人等である場合にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。次項において同じ。）の認可を受けなければならない。

Article 126-25 (1) A financial institution, etc. (including a company prescribed in item (i) of the following paragraph if the authorization set forth in this paragraph is given) with respect to which the DICJ has carried out the subscription for specified shares, etc. in accordance with a decision under Article 126-22, paragraph (6), which has issued acquired specified shares, etc. (meaning the acquired specified shares, etc. prescribed in paragraph (3) of the preceding Article; hereinafter the same applies in this Chapter) actually held by the DICJ (hereinafter referred to as "issuing financial institution, etc." in this Article) must obtain the authorization of the Prime Minister (if the issuing financial institution, etc. is a subsidiary, etc. of a labor bank, etc., the Prime Minister and the Minister of Health, Labour and Welfare, and if it is a subsidiary, etc. of the Shoko Chukin Bank, the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry; the same applies in the following paragraph) in advance when the relevant financial institution, etc. intends to effect a share exchange (limited to those through which the issuing financial institution, etc. becomes a wholly owned subsidiary company in share exchange) or share transfer (hereinafter referred to as "share exchange, etc." in this Article).

2 内閣総理大臣は、次に掲げる要件の全てに該当する場合に限り、前項の認可をするものとする。

(2) The Prime Minister is to give the authorization set forth in the preceding paragraph only if all of the following requirements are satisfied:

一 株式交換等により当該発行金融機関等の株式交換完全親株式会社又は株式移転設

立完全親会社となる会社が金融機関等を金融機関等子法人等とする金融機関等（新たに設立されるものを含む。）であること。

(i) a company that is to become, through the share exchange, etc., a wholly owning parent company resulting from share exchange or a wholly owning parent company incorporated in a share transfer of the issuing financial institution, etc. is a financial institution, etc. which has a financial institution, etc. as a subsidiary, etc. of a financial institution, etc. (including those that will be newly established);

二 株式交換等により機構が割当てを受ける取得特定株式等となる株式の種類が当該株式交換等の前において機構が保有する取得特定株式等である株式の種類と同一のものと認められ、かつ、当該株式交換等の後において機構が保有する取得特定株式等である株式に係る議決権が前号に規定する会社の総株主の議決権に占める割合が、当該株式交換等の前において機構が保有する取得特定株式等である株式に係る議決権が当該発行金融機関等の総株主の議決権に占める割合と比べて著しく低下する場合でないこと。

(ii) the type of acquired specified shares, etc. to be allotted to the DICJ through the share exchange, etc. is found to be the same as the type of acquired specified shares, etc. actually held by the DICJ prior to the relevant share exchange, etc., and the ratio of voting rights in relation to acquired specified shares, etc. actually held by the DICJ after the relevant share exchange, etc. to voting rights of all shareholders of the company prescribed in the preceding item is not significantly lower than the ratio of voting rights in relation to acquired specified shares, etc. held by the DICJ prior to the relevant share exchange, etc. to voting rights of all shareholders of the relevant issuing financial institution, etc.; and

三 株式交換等により当該取得特定株式等である株式の処分をすることが困難になると認められる場合でないこと。

(iii) there will be no difficulty in disposing of shares which are the acquired specified shares, etc. following the share exchange, etc.

3 発行金融機関等が第一項の認可を受けて株式交換等を行ったときは、当該発行金融機関等又はその金融機関等子法人等であつて、第二百二十六条の二十二第六項の決定（同条第一項の申込みに係る決定に限る。）に従い機構が特定株式等の引受け等を行った金融機関等又は同条第六項の決定（同条第三項の申込みに係る決定に限る。）に従い機構が特定株式等の引受け等を行った金融機関等の対象子法人等（次条第四項に規定する承継子法人等を含む。）であるものは、その実施している経営健全化計画（第二百二十六条の二十二第五項の規定、この項の規定又は次条第四項において準用する同条第三項の規定により提出したものをいう。）に代えて、当該経営健全化計画に記載された方策（当該経営健全化計画を連名で提出した金融機関等の経営体制に係る部分を除く。）のほか、当該株式交換等により当該発行金融機関等の株式交換完全親株式会社又は株式移転設立完全親会社となつた会社における責任ある経営体制の確立のための方策その他の政令で定める方策を記載した経営健全化計画を、当該株式交換

等により当該発行金融機関等の株式交換完全親株式会社又は株式移転設立完全親会社となつた会社と連名で、内閣総理大臣（当該経営健全化計画を提出する金融機関等が労働金庫等子法人等である場合にあつては内閣総理大臣及び厚生労働大臣とし、商工組合子法人等である場合にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。次項において同じ。）に提出しなければならない。

- (3) If the issuing financial institution, etc. has carried out the share exchange, etc. following the authorization set forth in paragraph (1), the relevant issuing financial institution, etc. or a subsidiary, etc., that is the subject subsidiary, etc. (including the bridge subsidiary, etc. prescribed in paragraph (4) of the following Article) of the financial institution, etc., with respect to which the DICJ has carried out the subscription for specified shares, etc. in accordance with a decision under Article 126-22, paragraph (6) (limited to a decision in relation to the application set forth in paragraph (1) of the same Article), or with respect to which the DICJ has carried out the subscription for specified shares, etc. in accordance with a decision under Article 126-22, paragraph (6) (limited to a decision in relation to the application set forth in paragraph (3) of the same Article) must submit to the Prime Minister, in joint name with a company that has become, through the relevant share exchange, etc., a wholly owning parent company resulting from share exchange or wholly owning parent company incorporated in a share transfer of the relevant issuing financial institution, etc., replacing the management strengthening plan (meaning the plan submitted under Article 126-22, paragraph (5), this paragraph, or paragraph (3) of the following Article as applied mutatis mutandis pursuant to the provisions of paragraph (4) of the following Article) that has been implemented, a new management soundness improvement plan stating, beyond the measures stated in the relevant management soundness improvement plan (excluding the part in relation to the management system of the financial institution, etc. in joint name with whom the relevant management soundness improvement plan was submitted), measures to establish a responsible management system in a company that has become, through the share exchange, etc., a wholly owning parent company resulting from share exchange or wholly owning parent company incorporated in a share transfer of the relevant issuing financial institution, etc., and other measures specified by Cabinet Order (if the financial institution, etc. submitting the management soundness improvement plan is a subsidiary, etc. of a labor bank, etc., the management soundness improvement plan will be submitted to the Prime Minister and the Minister of Health, Labour and Welfare, and if it is a subsidiary, etc. of the Shoko Chukin Bank, the management soundness improvement plan will be submitted to the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry; the same applies in the following paragraph).

4 前条の規定は、内閣総理大臣が前項の規定により提出を受けた経営健全化計画について準用する。この場合において、同条第二項中「金融機関等（第二百二十六条の二十二第五項の規定により）」とあるのは、「経営健全化計画を次条第三項の規定により提出した金融機関等（当該」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

(4) The provisions of the preceding Article apply mutatis mutandis to the management soundness improvement plan submitted to the Prime Minister under the preceding paragraph. In this case, the term "financial institution, etc. ... (... that has submitted a management soundness improvement plan under Article 126-22, paragraph (5))" in paragraph (2) of the preceding Article will be deemed to be replaced with "financial institution, etc. ... that has submitted a management soundness improvement plan under paragraph (3) of the following paragraph (... that has submitted the relevant management soundness improvement plan.", and any other necessary technical replacement of terms will be specified by Cabinet Order.

(特定第一号措置に係る組織再編成の認可)

(Authorization for Corporate Reorganization Regarding Specified Measures Under Item (i))

第二百二十六条の二十六 第二百二十六条の二十二第六項の決定（同条第一項の申込みに係る決定に限る。）に従い機構が特定株式等の引受け等を行つた金融機関等（この項の認可を受けた場合における次項第一号に規定する承継金融機関等を含む。）であつて機構が現に保有する取得特定株式等又は取得特定貸付債権に係る発行者又は債務者であるもの（以下この条において「対象金融機関等」という。）は、合併、会社分割、会社分割による事業に関する権利義務の全部若しくは一部の承継又は事業譲渡等（以下この条において「組織再編成」という。）を行おうとするときは、あらかじめ、内閣総理大臣（当該対象金融機関等が労働金庫、労働金庫連合会又は労働金庫等子法人等である場合にあつては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫又は商工組合子法人等である場合にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。次項において同じ。）の認可を受けなければならない。

Article 126-26 (1) A financial institution, etc. (including a bridge financial institution, etc. prescribed in item (i) of the following paragraph if the authorization set forth in this paragraph is given) with respect to which the DICJ has carried out the subscription for specified shares, etc. in accordance with a decision under Article 126-22, paragraph (6) (limited to a decision in relation to the application set forth in paragraph (1) of the same Article), and which is an issuer of acquired specified shares, etc. or obligor of acquired specified loan claims actually held by the DICJ (hereinafter referred to as "subject financial institution, etc." in this Article) must, when the financial institution, etc. intends to implement a merger, company split, takeover of all or part of rights and obligations concerning business through a company split,

or transfer of business, etc. (hereinafter referred to as "corporate reorganization" in this Article), obtain the authorization of the Prime Minister (if the subject financial institution, etc. is a labor bank, Rokinren Bank, or a subsidiary, etc. of a labor bank, etc., the Prime Minister and the Minister of Health, Labour and Welfare, and if it is the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank, the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry; the same applies in the following paragraph) in advance.

2 内閣総理大臣は、次に掲げる要件の全てに該当する場合に限り、前項の認可をするものとする。

(2) The Prime Minister is to give the authorization set forth in the preceding paragraph only if all of the following requirements are satisfied:

一 組織再編成の後において機構が保有する取得特定株式等又は取得特定貸付債権に係る発行者又は債務者となる法人が当該対象金融機関等であること又は当該対象金融機関等が実施している経営健全化計画（第百二十六条の二十二第五項又は次項の規定により提出したものをいう。）に係る事業（以下この項において「経営健全化関連業務」という。）の全部を承継する他の金融機関等（新たに設立されるものを含む。以下この条において「承継金融機関等」という。）であること。

(i) a corporation that is to become an issuer of acquired specified shares, etc. or obligor of acquired specified loan claims held by the DICJ after the corporate reorganization is the subject financial institution, etc. or is another financial institution, etc. (including those that will be newly established; hereinafter referred to as "bridge financial institution, etc." in this Article) that succeeds to the whole of the business in relation to the relevant management soundness improvement plan (meaning the plan submitted under Article 126-22, paragraph (5) or the following paragraph) that has been implemented by the relevant subject financial institution, etc. (hereinafter referred to as "management strengthening operations" in this paragraph);

二 組織再編成により当該対象金融機関等（承継金融機関等を含む。）の経営の健全化が阻害されないこと。

(ii) the strengthening of management of the subject financial institution, etc. (including the bridge financial institution, etc.) is not hindered as a result of the corporate reorganization;

三 経営健全化関連業務の承継が行われるときは、当該承継が円滑かつ適切に行われる見込みが確実であること。

(iii) it can be expected with certainty that, when the management strengthening operations are to be succeeded to, the succession will be conducted smoothly and appropriately;

四 組織再編成により当該取得特定株式等又は取得特定貸付債権につき、その処分をし、又は償還若しくは返済を受けることが困難になると認められる場合でないこと。

(iv) there will be no difficulty in making a disposal or receiving redemption or

repayment with respect to the relevant acquired specified shares, etc. or acquired specified loan claims following the corporate reorganization; and
五 その他政令で定める要件

(v) other requirements specified by Cabinet Order.

3 対象金融機関等が第一項の認可を受けて組織再編成を行つた場合において、当該組織再編成に係る承継金融機関等があるときは、当該承継金融機関等は、経営の合理化のための方策、責任ある経営体制の確立のための方策その他の政令で定める方策を定めた経営健全化計画を内閣総理大臣（当該承継金融機関等が労働金庫、労働金庫連合会又は労働金庫等子法人等である場合にあっては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫又は商工組合子法人等である場合にあっては内閣総理大臣、財務大臣及び経済産業大臣とする。）に提出しなければならない。

(3) If the subject financial institution, etc. has conducted the corporate reorganization following the authorization set forth in paragraph (1), when there is any bridge financial institution, etc. in relation to the relevant corporate reorganization, the relevant bridge financial institution, etc. must submit a management soundness improvement plan, setting forth measures to streamline the management, measures to establish a responsible management system, and other measures specified by Cabinet Order, to the Prime Minister (if the relevant bridge financial institution, etc. is a labor bank, Rokinren Bank, or a subsidiary, etc. of a labor bank, etc., the Prime Minister and the Minister of Health, Labour and Welfare, and if it is the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank, the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry).

4 前三項の規定は、第二百二十六条の二十二第六項の決定（同条第三項の申込みに係る決定に限る。）に従い機構が特定株式等の引受け等を行つた金融機関等の対象子法人等又は同条第六項の決定（同条第一項の申込みに係る決定に限る。）に従い機構が特定株式等の引受け等を行つた金融機関等（承継金融機関等を含む。）であつて当該金融機関等が行う株式交換若しくは株式移転により対象金融機関等でなくなつたもの（承継子法人等（この項において準用する第二項第一号に規定する他の金融機関等をいう。以下この条において同じ。）を含む。以下この条において「特定対象子法人等」という。）のうち、経営健全化計画（第二百二十六条の二十二第五項の規定、前条第三項（第八項において準用する場合を含む。）の規定、この項において準用する前項の規定又は第七項の規定により提出したものをいう。）を実施しているものについて準用する。この場合において、第一項中「合併」とあるのは「機構が当該経営健全化計画に係る第二百二十六条の二十二第六項の決定に従い特定株式等の引受け等を行つた金融機関等に係る取得特定株式等又は取得特定貸付債権の全部につきその処分をし、又は償還若しくは返済を受けるまでの間、合併」と、「対象金融機関等が労働金庫、労働金庫連合会又は」とあるのは「特定対象子法人等（第四項に規定する特定対象子法人等をいう。次項及び第三項において同じ。）のうち経営健全化計画を実施しているものが」と、第二項第一号中「組織再編成の後において機構が保有する取得特定株式等又は取得特定貸付債権に係る発行者又は債務者となる法人が当該対象金融機関等

であること又は当該対象金融機関等が実施している経営健全化計画（第二百二十六条の二十二第五項又は次項の規定により提出したものをいう。）」とあるのは「当該経営健全化計画を当該特定対象子法人等と連名で提出した金融機関等が、当該特定対象子法人等又は組織再編成の後において当該経営健全化計画」と、「承継金融機関等」という。）であること」とあるのは「承継子法人等」という。）を金融機関等子法人等とする金融機関等であること」と、同項第二号中「対象金融機関等（承継金融機関等）」とあるのは「特定対象子法人等のうち経営健全化計画を実施しているもの（承継子法人等）」と、前項中「経営の合理化のための方策」とあるのは「前項第一号の経営健全化計画を連名で提出した金融機関等と連名で、経営の合理化のための方策」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

- (4) The provisions of the preceding three paragraphs apply mutatis mutandis to the subject subsidiary, etc. of the financial institution, etc. with respect to which the DICJ has carried out the subscription for specified shares, etc. in accordance with a decision under Article 126-22, paragraph (6) (limited to a decision in relation to the application set forth in paragraph (3) of the same Article) or the financial institution, etc. (including the bridge financial institution, etc.) with respect to which the DICJ has carried out the subscription for specified shares, etc. in accordance with a decision under paragraph (6) of the same Article (limited to a decision in relation to an application under paragraph (1) of the same Article) that has ceased to be a subject financial institution, etc. as a result of the relevant share exchange or share transfer effected by the relevant financial institution, etc. (including a bridge subsidiary, etc. (meaning another financial institution, etc. as prescribed in paragraph (2), item (i) as applied mutatis mutandis pursuant to this paragraph; hereinafter the same applies in this Article); hereinafter referred to as "specified subject subsidiary, etc." in this Article) that has been implementing a management soundness improvement plan (meaning a plan submitted under Article 126-22, paragraph (5), paragraph (3) of the preceding Article (including cases where it is applied mutatis mutandis pursuant to paragraph (8)), the preceding paragraph as applied mutatis mutandis pursuant to this paragraph, or paragraph (7)). In this case, the term "merger" in paragraph (1) will be deemed to be replaced with "until the time that the DICJ has made a disposal or received redemption or repayment with respect to the whole of acquired specified shares, etc. or acquired specified loan claims in relation to the financial institution, etc. that has carried out the subscription for specified shares, etc. in accordance with a decision under Article 126-22, paragraph (6) in relation to the relevant management soundness improvement plan, merger"; the term "the subject financial institution, etc. is a labor bank, a federation of labor banks, or" in the same paragraph will be deemed to be replaced with "a specified subject subsidiary, etc. (meaning the specified subject subsidiary, etc. prescribed in paragraph (4); the same applies in the

following paragraph and paragraph (3)) which has been implementing a management soundness improvement plan is"; the term "A corporation that is to become an issuer of acquired specified shares, etc. or obligor of acquired specified loan claims held by the DICJ after the corporate reorganization is the subject financial institution, etc. or is another financial institution, etc. (including those that will be newly established; hereinafter referred to as 'bridge financial institution, etc.' in this Article) that succeeds to the whole of the business in relation to the relevant management soundness improvement plan (meaning the plan submitted under Article 126-22, paragraph (5) or the following paragraph) that has been implemented by the relevant subject financial institution, etc." in paragraph (2), item (i) will be deemed to be replaced with "A financial institution, etc. that has submitted the relevant management strengthening plan in joint name with the relevant specified subject subsidiary, etc. is a financial institution, etc. which has, as a financial institution subsidiary, etc. the relevant specified subject subsidiary, etc. or another financial institution, etc. (including those that will be newly established; hereinafter referred to as 'bridge financial institution, etc.' in this Article) that succeeds to the whole of the business in relation to the relevant management soundness improvement plan after the corporate reorganization"; the term "the subject financial institution, etc. (including the bridge financial institution, etc.)" in item (ii) of the same paragraph will be deemed to be replaced with "a specified subject subsidiary, etc. that has been implementing a management strengthening plan (including the bridge subsidiary, etc.)"; and the term "setting forth measures to achieve the rationalization of management" in the preceding paragraph will be deemed to be replaced with "in joint name with the financial institution, etc. in joint name with whom the management soundness improvement plan set forth in item (i) of the preceding paragraph was submitted, setting forth measures to achieve the rationalization of management"; and any other necessary technical replacement of terms will be specified by Cabinet Order.

- 5 対象金融機関等以外の特定金融機関等（前条第一項の金融機関等であつて、機構が現に保有する取得特定株式等又は取得特定貸付債権に係る発行者又は債務者であるものをいい、この項の認可を受けた場合における次項第一号に規定する他の金融機関等又は第八項において準用する前条第一項の認可を受けた場合における第八項において準用する同条第二項第一号に規定する会社であつて、機構が現に保有する取得特定株式等又は取得特定貸付債権に係る発行者又は債務者であるもの（以下この条において「組織再編成後金融機関等」という。）を含む。次項において同じ。）は、組織再編成を行おうとするときは、あらかじめ、内閣総理大臣（当該特定金融機関等が労働金庫、労働金庫連合会又は労働金庫等子法人等である場合にあつては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫又は商工組合子法人等である場合にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。次項において同じ。）の認

可を受けなければならない。

(5) A specified financial institution, etc. (meaning the financial institution, etc. set forth in paragraph (1) of the preceding Article which is an issuer of acquired specified shares, etc. or obligor of acquired specified loan claims actually held by the DICJ, and including another financial institution, etc. as prescribed in item (i) of the following paragraph if the authorization set forth in this paragraph is given or the company prescribed in paragraph (2), item (i) of the preceding Article as applied mutatis mutandis in paragraph (8) if the authorization set forth in paragraph (1) of the preceding Article as applied mutatis mutandis in paragraph (8) is given which is an issuer of acquired specified shares, etc. or obligor of acquired specified loan claims actually held by the DICJ (hereinafter referred to as a "financial institution, etc. after corporate reorganization" in this Article); the same applies in the following paragraph) other than a subject financial institution, etc. must, when the specified financial institution, etc. intends to conduct corporate reorganization, obtain the authorization of the Prime Minister (if the relevant specified financial institution, etc. is a labor bank, Rokinren Bank, or a subsidiary, etc. of a labor bank, etc., the Prime Minister and the Minister of Health, Labour and Welfare, and if it is the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank, the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry; the same applies in the following paragraph) in advance.

6 内閣総理大臣は、次に掲げる要件の全てに該当する場合に限り、前項の認可をするものとする。

(6) The Prime Minister is to give the authorization set forth in the preceding paragraph only if all of the following requirements are satisfied:

一 組織再編成の後において機構が保有する取得特定株式等又は取得特定貸付債権に係る発行者又は債務者となる法人が当該特定金融機関等であること又は当該特定金融機関等に係る対象子法人等を金融機関等子法人等とする他の金融機関等（新たに設立されるものを含む。）であること。

(i) a corporation that is to become an issuer of acquired specified shares, etc. or obligor of acquired specified loan claims held by the DICJ after the corporate reorganization is the specified financial institution, etc. or is another financial institution, etc. (including those that will be newly established) which has the subject subsidiary, etc. in relation to the relevant specified financial institutions, etc. as a subsidiary, etc. of a financial institution, etc.;

二 組織再編成により当該特定金融機関等（前号に規定する他の金融機関等を含む。）による当該特定金融機関等に係る対象子法人等の経営管理が阻害されないこと。

(ii) the business management by the specified financial institution, etc. (including another financial institution, etc. prescribed in the preceding

item) of the subject subsidiary, etc. in relation to the relevant specified financial institution, etc. is not hindered as a result of the corporate reorganization;

三 組織再編成により当該取得特定株式等又は取得特定貸付債権につき、その処分をし、又は償還若しくは返済を受けることが困難になると認められる場合でないこと。

(iii) there will be no difficulty in making a disposal or receiving redemption or repayment with respect to the relevant acquired specified shares, etc. or acquired specified loan claims following the corporate reorganization; and

四 その他政令で定める要件

(iv) other requirements specified by Cabinet Order.

7 対象金融機関等以外の特定金融機関等（前条第一項の金融機関等であつて、機構が現に保有する取得特定株式等又は取得特定貸付債権に係る発行者又は債務者であるものをいう。）又は組織再編成後金融機関等が第五項の認可を受けて組織再編成を行った場合において、前項第一号に規定する他の金融機関等があるときは、当該特定金融機関等又は組織再編成後金融機関等に係る特定対象子法人等は、その実施している経営健全化計画（第四項に規定する経営健全化計画をいう。）に代えて、当該経営健全化計画に記載された方策（当該経営健全化計画を連名で提出した金融機関等の経営体制に係る部分を除く。）のほか、当該他の金融機関等における責任ある経営体制の確立のための方策その他の政令で定める方策を記載した経営健全化計画を、当該他の金融機関等と連名で、内閣総理大臣（当該特定対象子法人等が労働金庫等子法人等である場合にあつては内閣総理大臣及び厚生労働大臣とし、商工組合子法人等である場合にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。）に提出しなければならない。

(7) If a specified financial institution, etc. (meaning the financial institution, etc. set forth in paragraph (1) of the preceding Article which is an issuer of acquired specified shares, etc. or obligor of acquired specified loan claims actually held by the DICJ) other than the subject financial institution, etc. or the financial institution, etc. after corporate reorganization has conducted corporate reorganization following the authorization set forth in paragraph (5), if there is another financial institution, etc. prescribed in item (i) of the preceding paragraph, the relevant specified financial institution, etc. or the specified subject subsidiary, etc. in relation to the financial institution, etc. after corporate reorganization must submit to the Prime Minister (if the relevant specified subject subsidiary, etc. is a subsidiary, etc. of a labor bank, etc., the Prime Minister and the Minister of Health, Labour and Welfare, and if it is a subsidiary, etc. of The Shoko Chukin Bank, the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry), in joint name with that other financial institution, etc., a new management strengthening plan to replace the management soundness improvement plan that has been implemented (meaning the management soundness improvement plan prescribed in paragraph (4)), stating, beyond the measures stated in the

relevant management soundness improvement plan (excluding the part in relation to the management system of the financial institution, etc. in joint name with whom the relevant management soundness improvement plan was submitted), measures to establish a responsible management system in that other financial institution, etc., and other measures specified by Cabinet Order.

- 8 第二百二十六条の二十四第一項の規定は内閣総理大臣（経営健全化計画を提出した金融機関等が労働金庫、労働金庫連合会又は労働金庫等子法人等である場合にあっては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫又は商工組合子法人等である場合にあっては内閣総理大臣、財務大臣及び経済産業大臣とする。）が第三項（第四項において準用する場合を含む。）又は前項の規定により提出を受けた経営健全化計画について、同条第二項の規定はこれらの経営健全化計画を提出した金融機関等（これらの経営健全化計画を連名で提出した金融機関等を含む。）について、前条の規定は承継金融機関等であつて機構が現に保有する取得特定株式等である株式の発行者であるもの又は組織再編成後金融機関等であつて機構が現に保有する取得特定株式等である株式の発行者であるものについて、それぞれ準用する。この場合において、同条第三項中「第二百二十六条の二十二第六項の決定（同条第一項の申込みに係る決定に限る。）に従い機構が特定株式等の引受け等を行つた金融機関等又は同条第六項の決定（同条第三項の申込みに係る決定に限る。）に従い機構が特定株式等の引受け等を行つた金融機関等の対象子法人等（次条第四項に規定する承継子法人等を含む。）」とあるのは、「次条第四項に規定する特定対象子法人等」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

- (8) The provisions of Article 126-24, paragraph (1) apply mutatis mutandis to the management soundness improvement plans submitted to the Prime Minister (if the financial institution, etc. that has submitted the management soundness improvement plan is a labor bank, Rokinren Bank, or a subsidiary, etc. of a labor bank, etc., the Prime Minister and the Minister of Health, Labour and Welfare, and if it is the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank, the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry) under paragraph (3) (including cases where it is applied mutatis mutandis pursuant to paragraph (4)) or the preceding paragraph, the provisions of Article 126-24, paragraph (2) apply mutatis mutandis to the financial institution, etc. (including the financial institution, etc. in joint name with whom these management soundness improvement plans have been submitted) that has submitted these management soundness improvement plans, and the provisions of the preceding Article apply mutatis mutandis to a bridge financial institution, etc. that is an issuer of acquired specified shares, etc. actually held by the DICJ or the financial institution, etc. after corporate reorganization that is an issuer of acquired specified shares, etc. actually held by the DICJ. In this case, the terms "the subject subsidiary, etc. (including the bridge subsidiary, etc. prescribed in paragraph (4) of the following Article) of the financial institution,

etc. with respect to which the DICJ has carried out the subscription for specified shares, etc. in accordance with a decision under Article 126-22, paragraph (6) (limited to a decision in relation to the application set forth in paragraph (1) of the same Article), or with respect to which the DICJ has carried out the subscription for specified shares, etc. in accordance with a decision under Article 126-22, paragraph (6) (limited to a decision in relation to the application set forth in paragraph (3) of the same Article)" in Article 126-22, paragraph (3) will be deemed to be replaced with "the specified subject subsidiary, etc. prescribed in paragraph (4) of the following Article", and any other necessary technical replacement of terms will be specified by Cabinet Order.

(特別支配株主の株式等売渡請求の特例)

(Special Provisions for Demands for Share Cash-Outs by Special Controlling Shareholders)

第二百二十六条の二十六の二 会社法第二編第二章第四節の二の規定は、第二百二十六条の二十二第六項の決定に従い機構が特定株式等の引受け等を行つた金融機関等（第二百二十六条の二十五第一項の認可を受けた場合における同条第二項第一号に規定する会社、前条第一項の認可を受けた場合における同条第二項第一号に規定する承継金融機関等及び同条第五項に規定する組織再編成後金融機関等を含む。）であつて機構が現に保有する取得特定株式等である株式又は劣後特約付社債（新株予約権が付されているものに限る。）若しくは特定劣後特約付社債（新株予約権が付されているものに限る。）の発行者であるものの特別支配株主については、適用しない。

Article 126-26-2 The provisions of Part II, Chapter 2, Section 4-2 of the Companies Act do not apply to special controlling shareholders of a financial institution, etc. (including the company, etc. prescribed in Article 126-25, paragraph (2), item (i) if the authorization has been given under paragraph (1) of the same Article, the bridge financial institution, etc. prescribed in paragraph (2), item (i) of the preceding Article if the authorization has been given under paragraph (1) of the same Article, and the financial institution, etc. after corporate reorganization prescribed in paragraph (5) of the same Article) for which the DICJ has conducted the subscription for specified shares, etc. based on a decision under Article 126-22, paragraph (6) and which has issued shares that are acquired specified shares, etc. actually held by the DICJ or subordinated bonds (limited to those with share options) or specified subordinated bonds (limited to those with share options).

(取得特定株式等又は取得特定貸付債権の処分)

(Disposal of Acquired Specified Shares or Acquired Specified Loan Claims)

第二百二十六条の二十七 機構は、取得特定株式等又は取得特定貸付債権について譲渡その他の処分を行おうとするときは、内閣総理大臣及び財務大臣（当該取得特定株式等

又は取得特定貸付債権に係る発行者又は債務者が労働金庫、労働金庫連合会又は労働金庫等子法人等である場合にあつては内閣総理大臣及び財務大臣並びに厚生労働大臣とし、当該取得特定株式等又は取得特定貸付債権に係る発行者又は債務者が株式会社商工組合中央金庫又は商工組合子法人等である場合にあつては内閣総理大臣及び財務大臣並びに経済産業大臣とする。次項において同じ。)の承認を受けなければならない。

Article 126-27 (1) The DICJ must, if it intends to transfer or make any other disposal of acquired specified shares, etc. or acquired specified loan claims, obtain approval from the Prime Minister and the Minister of Finance (if an issuer of the relevant acquired specified shares, etc. or obligor of acquired specified loan claims is a labor bank, Rokinren Bank, or a subsidiary, etc. of a labor bank, etc., from the Prime Minister, the Minister of Finance, and the Minister of Health, Labour and Welfare, and if an issuer of the relevant acquired specified shares, etc. or obligor of acquired specified loan claims is the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank, from the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry; the same applies in the following paragraph).

2 機構は、前項の処分を行ったときは、速やかに、その内容を内閣総理大臣及び財務大臣に報告しなければならない。

(2) Upon making a disposal prescribed in the preceding paragraph, the DICJ must promptly report the details thereof to the Prime Minister and the Minister of Finance.

(特定資金援助の申込み)

(Application for Specified Financial Assistance)

第二百二十六条の二十八 特定合併等を行う金融機関等で特定第二号措置に係る特定認定に係る金融機関等（以下「特定破綻金融機関等」という。）でない者（以下「特定救済金融機関等」という。）又は特定合併等を行う特定持株会社等（銀行持株会社等、保険業法第二百四十一条第二項に規定する保険持株会社等（同項第二号及び第四号に掲げるものを除く。）又は指定親会社をいう。以下同じ。）で特定破綻金融機関等でない者（以下「特定救済持株会社等」という。）は、機構が、特定合併等を援助するため、次に掲げる措置（以下「特定資金援助」という。）を行うことを、機構に申し込むことができる。

Article 126-28 (1) A financial institution, etc. undertaking a specified merger, etc. that is not a financial institution, etc. subject to specified confirmation in relation to specified measures under item (ii) (the financial institution, etc. subject to specified confirmation will be hereinafter referred to as a "specified failed financial institution, etc.", and the financial institution, etc. undertaking a specified merger, etc. will be hereinafter referred to as a "specified assuming financial institution, etc.") or a specified holding company, etc. (meaning a bank holding company, etc., an insurance holding company, etc. prescribed in

Article 241, paragraph (2) of the Insurance Business Act (excluding those set forth in items (ii) and (iv) of the same paragraph) or a designated parent company; the same applies hereinafter) undertaking a specified merger, etc. that is not a specified failed financial institution, etc. (hereinafter referred to as a "specified assuming holding company, etc.") may apply to have the DICJ take the following measures to support the specified merger, etc. (hereinafter referred to as the "specified financial assistance"):

一 金銭の贈与

(i) donation of money;

二 資金の貸付け又は預入れ

(ii) loan or deposit of funds;

三 資産の買取り

(iii) purchase of assets;

四 債務の保証

(iv) guarantee of obligations;

五 債務の引受け

(v) assumption of obligations;

六 特定優先株式等の引受け等

(vi) subscription for specified preferred shares, etc.; and

七 損害担保

(vii) collateralization of damage.

2 前項の「特定合併等」とは、次に掲げるものをいう。

(2) The term "specified merger, etc." as used in the preceding paragraph means the following:

一 特定破綻金融機関等と合併する金融機関等が存続する合併

(i) a merger in which a financial institution, etc. that merges with a specified failed financial institution, etc. survives;

二 特定破綻金融機関等と他の金融機関等が合併して金融機関等設立する合併

(ii) a merger in which a financial institution, etc. is established through the merger of a specified failed financial institution, etc. and another financial institution, etc.;

三 事業譲渡等で特定破綻金融機関等がその事業を他の金融機関等に譲渡するもの

(iii) a transfer of business, etc. in which a specified failed financial institution, etc. transfers its business to another financial institution, etc.;

四 特定破綻金融機関等の債務の全部又は一部の他の金融機関等による引受け（事業譲渡等に伴うものを除く。以下「特定債務引受け」という。）

(iv) assumption of all or part of obligations of a specified failed financial institution, etc. by another financial institution, etc. (excluding those associated with a transfer of business, etc.; hereinafter referred to as "specified assumption of obligations");

五 株式会社である特定破綻金融機関等の株式の他の金融機関等又は特定持株会社等

による取得で当該特定破綻金融機関等の業務の健全かつ適切な運営を確保するために必要な事項として内閣総理大臣及び財務大臣が定めるものを実施するために行うもの

(v) an acquisition of shares of a specified failed financial institution, etc. that is a stock company by another financial institution, etc. or specified holding company, etc. to implement matters specified by the Prime Minister and the Minister of Finance as being necessary for ensuring sound and appropriate operation of the relevant specified failed financial institution, etc.;

六 特定破綻金融機関等を当事者とする吸収分割で当該吸収分割により当該特定破綻金融機関等がその事業に関して有する権利義務の全部又は一部を他の金融機関等に承継させるもの

(vi) an absorption-type company split to which a specified failed financial institution, etc. is a party where another financial institution, etc. succeeds to all or part of the rights and obligations held by the specified failed financial institution, etc. in relation to its business through the relevant absorption-type company split; and

七 特定破綻金融機関等を当事者とする新設分割で当該新設分割により当該特定破綻金融機関等がその事業に関して有する権利義務の全部又は一部を当該新設分割により新たに設立される金融機関等に承継させるもの

(vii) an incorporation-type company split to which a specified failed financial institution, etc. is a party where the financial institution, etc. newly established through the relevant incorporation-type company split succeeds to all or part of the rights and obligations held by the specified failed financial institution, etc. in relation to its business through the relevant incorporation-type company split.

3 第一項第六号の「特定優先株式等の引受け等」とは、優先株式等の引受け等、特定劣後特約付社債の引受け、特定劣後特約付金銭消費貸借（元利金の支払について劣後的内容を有する特約が付された金銭の消費貸借であつて、金融機関及び銀行持株会社等以外のものの自己資本の充実その他の財務内容の改善に資するものとして政令で定める金銭の消費貸借に該当するものをいう。）による貸付け、株式会社及び優先出資法第二条第一項に規定する協同組織金融機関以外のものの出資の引受け又は基金の拠出をいう。

(3) The term "subscription for specified preferred shares, etc." as used in paragraph (1), item (vi) means subscription for preferred shares, etc., subscription for specified subordinated bonds, loans for consumption made pursuant to specified subordinated loan agreements (meaning loans for consumption falling under those with a special clause of subordinated contents with regard to the payment of principal and interest, and which are specified by Cabinet Order as contributing to the adequacy of equity capital or otherwise improving the financial conditions of those other than a financial institution or bank holding company, etc.), subscription for equity investments of those other

than stock companies and the cooperative financial institutions prescribed in Article 2, paragraph (1) of the Preferred Equity Investment Act, or contribution of funds.

4 特定資金援助のうち第二項第二号に掲げる合併又は同項第七号に掲げる新設分割を援助するために行うものは、特定救済金融機関等又は当該合併により設立される金融機関等若しくは当該新設分割により設立される金融機関等に対して行うものとし、当該合併又は当該新設分割を行う者のうちに二以上の特定救済金融機関等がある場合には、第一項の規定による申込みは、当該二以上の特定救済金融機関等の連名で行うものとする。

(4) The specified financial assistance provided to support a merger specified in paragraph (2), item (ii) or an incorporation-type company split specified in item (vii) of the same paragraph will be provided to the specified assuming financial institution, etc. or financial institution, etc. that will be established by the merger or the incorporation-type company split, and if there are two or more specified assuming financial institutions, etc. involved in the merger or the incorporation-type company split, the application prescribed in paragraph (1) will be made in joint name of the relevant specified assuming financial institutions, etc.

5 第一項第三号に掲げる資産の買取りは、特定合併等（第二項に規定する特定合併等をいう。以下同じ。）に係る特定破綻金融機関等の資産又は次の各号に掲げる特定合併等の区分に応じ当該各号に定める資産について行うものとし、第一項の規定による申込みに係る特定資金援助のうちに特定合併等に係る特定破綻金融機関等の資産の買取りが含まれているときは、当該特定合併等に係る特定救済金融機関等又は特定救済持株会社等は、当該特定破綻金融機関等と連名で、機構が当該資産の買取りを行うことを機構に申し込むものとする。

(5) The purchase of assets specified in paragraph (1), item (iii) will be conducted with respect to the assets of a specified failed financial institution, etc. in relation to a specified merger, etc. (meaning the specified merger, etc. prescribed in paragraph (2); the same applies hereinafter) or assets specified in each of the following items according to the category of specified merger, etc. specified in the item, and if the specified financial assistance in relation to the application prescribed in paragraph (1) includes the purchase of assets of a specified failed financial institution, etc. in relation to a specified merger, etc., the specified assuming financial institution, etc. or specified assuming holding company, etc. in relation to the specified merger, etc. applies to the DICJ in joint name with the relevant specified failed financial institution, etc. for the DICJ to purchase the relevant assets:

一 第二項第一号に掲げる合併 当該合併により存続する金融機関等の資産（当該合併前に特定破綻金融機関等の資産であつたものに限る。）

(i) a merger specified in paragraph (2), item (i): the assets of the financial institution, etc. surviving through the merger (limited to those that were the

- assets of the specified failed financial institution, etc. prior to the merger);
- 二 第二項第二号に掲げる合併 当該合併により設立される金融機関等の資産（当該合併前に特定破綻金融機関等の資産であつたものに限る。）
- (ii) a merger specified in paragraph (2), item (ii): the assets of the financial institution, etc. that will be established by the merger (limited to those that were the assets of the specified failed financial institution, etc. prior to the merger);
- 三 第二項第三号に掲げる事業譲渡等 同号の他の金融機関等の資産で当該事業譲渡等により譲り受けたもの
- (iii) a transfer of business, etc. specified in paragraph (2), item (iii): the assets of another financial institution, etc. prescribed in the same item that have been received through the relevant transfer of business, etc.;
- 四 第二項第五号に掲げる株式の取得 当該株式の取得をされた金融機関等の資産
- (iv) the acquisition of shares specified in paragraph (2), item (v): the assets of a financial institution, etc. whose shares have been so acquired;
- 五 第二項第六号に掲げる吸収分割 同号の他の金融機関等の資産で当該吸収分割により承継したもの
- (v) the absorption-type company split specified in paragraph (2), item (vi): the assets of another financial institution, etc. set forth in the same item which the financial institution, etc. has succeeded to through the absorption-type company split; and
- 六 第二項第七号に掲げる新設分割 当該新設分割により設立される金融機関等の資産（当該新設分割前に特定破綻金融機関等の資産であつたものに限る。）
- (vi) the incorporation-type company split specified in paragraph (2), item (vii): the assets of the financial institution, etc. established through the incorporation-type company split (limited to those that were assets of the specified failed financial institution, etc. prior to the incorporation-type company split).
- 6 第一項第七号に掲げる損害担保は、前項各号に掲げる特定合併等の区分に応じ当該各号に定める資産である貸付債権について行うものとする。
- (6) The collateralization of damage specified in paragraph (1), item (vii) will be performed with respect to the loan claims that are the assets prescribed in each of the preceding items according to the category of specified merger, etc. specified in the items.
- 7 第一項又は第五項の規定による申込みを行つた金融機関等及び特定持株会社等は、速やかに、その旨を内閣総理大臣（労働金庫、労働金庫連合会又は労働金庫等子法人等にあつては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫又は商工組合子法人等にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。）に報告しなければならない。
- (7) A financial institution, etc. or specified holding company, etc. that has made an application under paragraph (1) or (5) must promptly report to that effect to

the Prime Minister (in the case of a labor bank, Rokinren Bank, or a subsidiary, etc. of a labor bank, etc., to the Prime Minister and the Minister of Health, Labour and Welfare, and in the case of the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank, to the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry).

8 機構は、第一項又は第五項の規定による申込みを受けたときは、速やかに、その旨を財務大臣に報告しなければならない。ただし、当該申込みを行つた金融機関等が株式会社商工組合中央金庫又は商工組合子法人等である場合は、この限りでない。

(8) Upon receiving an application under paragraph (1) or (5), the DICJ must promptly report to that effect to the Minister of Finance; provided, however, that this does not apply to cases where the financial institution, etc. that has made the relevant application is the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank.

9 委員会は、第一項若しくは第五項又は第二百二十六条の三十一において準用する第五十九条の二第一項若しくは第六十条第一項に規定する申込みに係る特定資金援助について第二百二十六条の三十一において準用する第六十四条第一項の議決を行う場合において、当該特定資金援助が特定破綻金融機関等の財務の状況に照らし当該特定資金援助に係る特定合併等が行われるために必要な範囲を超えていないと認めるときは、当該特定資金援助を行う旨の決議をすることができる。

(9) If a resolution by the board prescribed in Article 64, paragraph (1) as applied mutatis mutandis pursuant to Article 126-31 is to be deliberated with respect to the specified financial assistance in relation to the application prescribed in paragraph (1) or (5) or Article 59-2, paragraph (1) or Article 60, paragraph (1) as applied mutatis mutandis pursuant to Article 126-31, the board may, when it finds that, in light of the financial conditions of the specified failed financial institution, etc., the specified financial assistance does not exceed the scope necessary to carry out the specified merger, etc. in relation to the relevant specified financial assistance, adopt a resolution to provide the specified financial assistance.

(特定適格性認定)

(Specified Confirmation of Eligibility)

第二百二十六条の二十九 前条第一項の規定又は第二百二十六条の三十一において準用する第五十九条の二第一項若しくは第六十条第一項の規定による申込みに係る特定合併等については、当該特定合併等に係る特定破綻金融機関等及び特定救済金融機関等又は特定破綻金融機関等及び特定救済持株会社等は、これらの規定による申込みが行われる時まで、当該特定合併等について、内閣総理大臣の認定を受けなければならない。

Article 126-29 (1) With regard to a specified merger, etc. in relation to an application prescribed in paragraph (1) of the preceding Article or Article 59-2, paragraph (1) or Article 60, paragraph (1) as applied mutatis mutandis pursuant to Article 126-31, a specified failed financial institution, etc. and

specified assuming financial institution, etc. or specified failed financial institution, etc. and specified assuming holding company, etc. in relation to the relevant specified merger, etc. must obtain the confirmation of the Prime Minister by the time the application under these provisions is made.

2 前項の認定の申請は、同項の特定破綻金融機関等及び特定救済金融機関等又は特定破綻金融機関等及び特定救済持株会社等の連名で行わなければならない。

(2) An application for the confirmation under the preceding paragraph will be made in joint name of the specified failed financial institution, etc. and specified assuming financial institution, etc. or specified failed financial institution, etc. and specified assuming holding company, etc. prescribed in the preceding paragraph.

3 内閣総理大臣は、次に掲げる要件の全てに該当する場合に限り、第一項の認定を行うことができる。

(3) The Prime Minister may not grant confirmation under paragraph (1) unless all of the following requirements are satisfied:

一 当該特定合併等が行われることが当該特定合併等に係る特定破綻金融機関等の資産及び負債の秩序ある処理に資すること。

(i) the specified merger, etc. contributes to the orderly resolution of assets and liabilities of the specified failed financial institution, etc. in relation to the relevant specified merger, etc.;

二 機構による特定資金援助が行われることが、当該特定合併等を行うために不可欠であること。

(ii) the specified financial assistance by the DICJ is indispensable for carrying out the specified merger, etc.; and

三 当該特定合併等に係る特定救済金融機関等又は特定救済持株会社等が当該特定合併等に係る特定破綻金融機関等から当該特定合併等により承継し、又は引き受ける業務又は債務（当該特定合併等が前条第二項第五号に掲げる株式の取得である場合にあつては、当該特定合併等に係る特定破綻金融機関等の業務又は債務）について、特定合併等が行われることなく、当該特定破綻金融機関等の業務の全部の廃止又は解散が行われる場合には、その廃止又は不履行により我が国の金融システムの著しい混乱を生じさせるおそれがあること。

(iii) if the specified merger, etc. is not carried out for a specified assuming financial institution, etc., or a specified assuming holding company, etc. pertaining thereto or with regard to the business or obligations which are to be succeeded to or assumed through the specified merger, etc. from the specified failed financial institution, etc. in relation to the specified merger, etc. (if the specified merger, etc. is the acquisition of shares prescribed in paragraph (2), item (v) of the preceding Article, the business or obligations of the specified failed financial institution, etc. in relation to the specified merger, etc.), and the specified failed financial institution, etc. discontinues all its business or is dissolved, severe disruption is likely to be caused to the

financial system in Japan by the discontinuation of business or default of obligations.

- 4 内閣総理大臣は、労働金庫、労働金庫連合会又は労働金庫等子法人等に対し第一項の認定を行うときは厚生労働大臣の同意を、株式会社商工組合中央金庫又は商工組合子法人等に対し同項の認定を行うときは財務大臣及び経済産業大臣の同意を、それぞれ得なければならない。
- (4) The Prime Minister must, when granting confirmation under paragraph (1) to a labor bank, Rokinren Bans, or a subsidiary, etc. of a labor bank, etc., obtain consent from the Minister of Health, Labour and Welfare, and when granting confirmation under paragraph (1) to the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank, obtain consent from the Minister of Finance and the Minister of Economy, Trade and Industry.
- 5 内閣総理大臣は、第一項の認定を行うときは、当該認定に係る者のうち、いずれが特定破綻金融機関等であるかを明らかにしなければならない。
- (5) The Prime Minister must, when granting confirmation under paragraph (1), make clear which financial institution, etc. in relation to the relevant confirmation is a specified failed financial institution, etc.
- 6 内閣総理大臣は、第一項の認定を行つたときは、その旨を機構に通知しなければならない。
- (6) Upon granting the confirmation under paragraph (1), the Prime Minister must notify the DICJ to that effect.
- 7 機構は、前項の規定による通知を受けたときは、速やかに、その旨を財務大臣に報告しなければならない。
- (7) Upon receiving notice under the preceding paragraph, the DICJ must promptly report to that effect to the Minister of Finance.
- 8 特定破綻金融機関等の株式を取得しようとする会社が、当該株式の取得により銀行法第五十二条の十七第一項に規定する銀行を子会社とする持株会社、長期信用銀行法第十六条の二の四第一項に規定する長期信用銀行を子会社とする持株会社又は保険業法第二百七十一条の十八第一項に規定する保険会社を子会社とする持株会社となる場合には、内閣総理大臣は、当該会社について銀行法第五十二条の十七第一項、長期信用銀行法第十六条の二の四第一項又は保険業法第二百七十一条の十八第一項の認可をした後でなければ、第一項の規定による認定を行うことができない。
- (8) If a company seeking to acquire the shares of a specified failed financial institution, etc. will become a holding company which has a bank as its subsidiary company prescribed in Article 52-17, paragraph (1) of the Banking Act, a holding company which has a long-term credit bank as its subsidiary company prescribed in Article 16-2-4, paragraph (1) of the Long-Term Credit Bank Act, or a holding company which has an insurance company as its subsidiary company prescribed in Article 271-18, paragraph (1) of the Insurance Business Act through the acquisition of the relevant shares, the Prime Minister may not grant confirmation under paragraph (1) until after

they has granted the authorization set forth in Article 52-17, paragraph (1) of the Banking Act, Article 16-2-4, paragraph (1) of the Long-Term Credit Bank Act, or Article 271-18, paragraph (1) of the Insurance Business Act to the relevant company.

(特定合併等のあつせん)

(Mediation of Specified Mergers)

第二百二十六条の三十 内閣総理大臣は、前条第二項の申請が行われない場合においても、特定破綻金融機関等の業務又は債務が同条第三項第三号に掲げる要件に該当すると認めるときは、当該特定破綻金融機関等及び他の金融機関等又は当該特定破綻金融機関等及び特定持株会社等に対し、書面により、特定合併等（第二百二十六条の二十八第二項第二号に掲げる合併を除くものとし、当該特定合併等が行われることが当該特定合併等に係る特定破綻金融機関等の資産及び負債の秩序ある処理に資するものであり、かつ、機構による特定資金援助が行われることが当該特定合併等を行うために不可欠であるものに限る。）のあつせんを行うことができる。

Article 126-30 Even in cases where no application is being made under paragraph (2) of the preceding Article, if the Prime Minister finds that the business or obligations of a specified failed financial institution, etc. satisfies the requirements specified in paragraph (3), item (iii) of the preceding Article, they may provide mediation in writing with regard to the specified merger, etc. (excluding the merger specified in Article 126-28, paragraph (2), item (ii) and limited to those that contribute to the orderly resolution of assets and liabilities of the specified failed financial institution, etc. in relation to the relevant specified merger, etc. and for which the specified financial assistance by the DICJ is indispensable) between the relevant specified failed financial institution, etc. and another financial institution, etc. or that specified failed financial institution, etc. and a specified holding company, etc.

(資金援助に関する規定の準用)

(Application Mutatis Mutandis of Provisions Concerning Financial Assistance)

第二百二十六条の三十一 第五十九条の二の規定は特定合併等（第二百二十六条の二十八第二項第三号に掲げる事業譲渡等のうち特定破綻金融機関等がその事業の一部を他の金融機関等に譲渡するもの、特定債務引受け、同項第六号に掲げる吸収分割のうち特定破綻金融機関等がその事業に関して有する権利義務の一部を他の金融機関等に承継させるもの又は同項第七号に掲げる新設分割のうち特定破綻金融機関等がその事業に関して有する権利義務の一部を新たに設立される金融機関等に承継させるものに限る。）を行う特定救済金融機関等について、第六十条の規定は内閣総理大臣の指定する金融機関等で特定合併等を援助するものについて、第六十二条（第一項を除く。）の規定は前条のあつせんについて、第六十四条（第二項を除く。）の規定は第二百二十六条の二十八第一項若しくは第五項又はこの条において準用する第五十九条の二第一項若しくは第六十条第一項の規定による申込みについて、第六十四条の二の規定は第

百二十六条の二十八第一項の規定による申込みについて、第六十四条の三第一項の規定は特定救済金融機関等又は特定救済持株会社等により百二十六条の二十八第二項第五号に掲げる株式の取得をされる特定破綻金融機関等について、第六十四条の三第二項の規定は機構が特定資金援助（劣後特約付社債（新株予約権が付されているものに限る。）又は特定劣後特約付社債（新株予約権が付されているものに限る。）の引受けに係るものに限る。）を行う特定救済金融機関等、特定救済持株会社等又は百二十六条の二十八第二項第二号に掲げる合併若しくは同項第七号に掲げる新設分割により設立された金融機関等について、第六十五条及び第六十六条の規定は百二十六条の二十九第一項の認定又は前条のあつせん（以下「特定適格性認定等」という。）を受けた金融機関等又は特定持株会社等について、第六十七条の規定は特定適格性認定等を受けた特定救済金融機関等について、第六十八条の規定は特定適格性認定等に係る特定合併等のための機構による特定資金援助について、第六十八条の二及び第六十八条の三の規定は機構が特定優先株式等の引受け等（百二十六条の二十八第三項に規定する特定優先株式等の引受け等をいう。以下同じ。）を行つた救済金融機関等（特定救済金融機関等又は特定救済持株会社等（この条において準用する第六十八条の二第一項の承認を受けた場合におけるこの条において準用する第六十八条の二第二項に規定する会社及びこの条において準用する第六十八条の三第一項の承認を受けた場合におけるこの条において準用する第六十八条の三第四項に規定する承継金融機関等を含む。）をいう。以下この条において同じ。）について、第六十八条の四の規定は機構が特定優先株式等の引受け等を行つた救済金融機関等であつて機構が現に保有する取得特定優先株式等（この条において読み替えて準用する第六十四条の二第六項に規定する取得特定優先株式等をいう。）である株式又は劣後特約付社債（新株予約権が付されているものに限る。）若しくは特定劣後特約付社債（新株予約権が付されているものに限る。）の発行者であるものの特別支配株主について、それぞれ準用する。この場合において、第五十九条の二第一項中「破綻金融機関の債権者間の衡平」とあるのは「特定破綻金融機関等（百二十六条の二十八第一項に規定する特定破綻金融機関等をいう。以下同じ。）の債権者その他の利害関係人の間の衡平」と、同条第三項中「前条第六項」とあるのは「百二十六条の二十八第七項」と、「破綻金融機関について、同条第七項」とあるのは「特定破綻金融機関等について、同条第八項」と、第六十条第一項中「合併等に係る金融機関（破綻金融機関を除く。）又は当該合併等に係る銀行持株会社等」とあるのは「特定合併等（百二十六条の二十八第二項に規定する特定合併等をいう。以下同じ。）に係る百二十六条の二第二項に規定する金融機関等（特定破綻金融機関等を除く。）又は当該特定合併等に係る百二十六条の二十八第一項に規定する特定持株会社等（特定破綻金融機関等を除く。）」と、同条第二項中「金融機関」とあるのは「金融機関等（百二十六条の二第二項に規定する金融機関等をいう。以下同じ。）」と、第六十二条第二項中「銀行持株会社等」とあるのは「特定持株会社等（百二十六条の二十八第一項に規定する特定持株会社等をいう。以下同じ。）」と、同条第四項中「前条第四項から第七項まで」とあるのは「百二十六条の二十九第四項、第六項及び第七項」と、第六十四条第一項中「資金援助」とあるのは「特定資金援助（百二十六条の二十八第一項に規定する特定資金援助をいう。以下同じ。）」と、同条第三項中「又は労働金庫連合会」とある

のは「、労働金庫連合会又は労働金庫等子法人等（第二百二十六条の二第二項第一号に規定する労働金庫等子法人等をいう。以下同じ。））」と、「株式会社商工組合中央金庫」とあるのは「株式会社商工組合中央金庫又は商工組合子法人等（同号に規定する商工組合子法人等をいう。以下同じ。））」と、第六十四条の二第一項中「優先株式等の引受け等」とあるのは「特定優先株式等の引受け等（第二百二十六条の二十八第三項に規定する特定優先株式等の引受け等をいう。以下同じ。））」と、「救済金融機関又は救済銀行持株会社等（第二条第五項第五号に掲げる会社を除く）」とあるのは「特定救済金融機関等（同条第一項に規定する特定救済金融機関等をいう。以下同じ。））」又は特定救済持株会社等（同項に規定する特定救済持株会社等をいう）」と、同条第二項中「充実」とあるのは「充実その他の財務内容の改善」と、同条第三項中「又は労働金庫連合会」とあるのは「、労働金庫連合会又は労働金庫等子法人等」と、「株式会社商工組合中央金庫」とあるのは「株式会社商工組合中央金庫又は商工組合子法人等」と、同条第五項中「取得優先株式等又は取得貸付債権」とあるのは「取得特定優先株式等又は取得特定貸付債権」と、「優先株式等の引受け等」とあるのは「特定優先株式等の引受け等」と、同条第六項中「取得優先株式等」とあるのは「取得特定優先株式等」と、同項第一号中「優先株式等の引受け等」とあるのは「特定優先株式等の引受け等」と、「優先株式等（次に掲げるものを含む。）その他の政令で定める株式等」とあるのは「特定優先株式等（優先株式等、第二百二十六条の二十二第六項第一号に規定する特定劣後特約付社債、株式会社及び優先出資法第二条第一項に規定する協同組織金融機関以外のもの出資又は基金に係る債権をいう。）（優先株式等にあつては次に掲げるものを含み、同号に規定する特定劣後特約付社債、株式会社及び優先出資法第二条第一項に規定する協同組織金融機関以外のもの出資又は基金に係る債権にあつては次に掲げるものに類するものを含む。））」と、第六十五条中「又は労働金庫連合会」とあるのは「、労働金庫連合会又は労働金庫等子法人等」と、「株式会社商工組合中央金庫」とあるのは「株式会社商工組合中央金庫又は商工組合子法人等」と、第六十六条第一項中「基づき合併、事業譲渡等、付保預金移転」とあるのは「基づき合併、事業譲渡等、特定債務引受け（第二百二十六条の二十八第二項第四号に規定する特定債務引受けをいう。以下同じ。））」と、「係る合併、事業譲渡等、付保預金移転」とあるのは「係る合併、事業譲渡等、特定債務引受け」と、「又は労働金庫連合会」とあるのは「、労働金庫連合会又は労働金庫等子法人等」と、「株式会社商工組合中央金庫」とあるのは「株式会社商工組合中央金庫又は商工組合子法人等」と、「ならない。適格性の認定等を受けた銀行持株会社等が、この法律若しくは会社法の規定又は定款の定めに基づき株式交換について株主総会等の決議又は総株主若しくは全ての種類株主の同意を必要とする場合において、当該適格性の認定等に係る株式交換についての決議又は同意を得たとき又は得られなかつたときも、同様とする」とあるのは「ならない」と、同条第二項中「銀行等、銀行持株会社等又は株式会社商工組合中央金庫」とあるのは「株式会社である金融機関等又は特定持株会社等」と、「をいう」とあるのは「を、保険業法第二条第五項に規定する相互会社にあつては社員総会又は総代会を、これらの者以外の金融機関等又は特定持株会社等にあつてはその財務及び営業又は事業の方針を決定する機関をいう」と、同条第三項中「又は労働金庫連合会」とあるのは「、労働金庫連合会又は労働金庫等子法人等」と、「株式会

社商工組合中央金庫」とあるのは「株式会社商工組合中央金庫又は商工組合子法人等」と、同項第一号中「又は金融機関の合併及び転換に関する法律」とあるのは「金融機関の合併及び転換に関する法律」と、「の規定」とあるのは「又は保険業法第百六十五条の十一第一項本文の規定」と、「に規定する場合」とあるのは「又は保険業法第百六十五条の十一第二項に規定する場合」と、同条第四項中「株式会社商工組合中央金庫」とあるのは「株式会社商工組合中央金庫又は商工組合子法人等」と、第六十七条中「付保預金移転」とあるのは「特定債務引受け」と、同条第二項中「又は労働金庫連合会」とあるのは「労働金庫連合会又は労働金庫等子法人等」と、「株式会社商工組合中央金庫」とあるのは「株式会社商工組合中央金庫又は商工組合子法人等」と、第六十八条の二第二項中「含み、銀行持株会社等にあつては、第二条第五項第一号又は第三号に掲げるものに限る」とあるのは「含む」と、「財務大臣」とあるのは「財務大臣並びに厚生労働大臣及び経済産業大臣」と、同条第三項中「財務大臣」とあるのは「財務大臣（当該発行救済金融機関等が労働金庫等子法人等である場合にあつては内閣総理大臣及び財務大臣並びに厚生労働大臣とし、当該発行救済金融機関等が商工組合子法人等である場合にあつては内閣総理大臣及び財務大臣並びに経済産業大臣とする。））」と、第六十八条の三第二項中「金融機関又は銀行持株会社等（第二条第五項第一号及び第三号に掲げるものに限る。））」とあるのは「金融機関等又は特定持株会社等」と、同条第三項中「又は労働金庫連合会」とあるのは「労働金庫連合会又は労働金庫等子法人等」と、「株式会社商工組合中央金庫」とあるのは「株式会社商工組合中央金庫又は商工組合子法人等」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

Article 126-31 The provisions of Article 59-2 apply mutatis mutandis to a specified assuming financial institution, etc. undertaking a specified merger, etc. (limited to the transfer of business, etc. specified in Article 126-28, paragraph (2), item (iii) whereby a specified failed financial institution, etc. transfers part of its business to another financial institution, etc., the specified assumption of obligations, the absorption-type company split specified in item (vi) of the same paragraph where another financial institution, etc. succeeds to part of the rights and obligations held by the specified failed financial institution, etc. in relation to its business, or the incorporation-type company split specified in item (vii) of the same paragraph where the newly established financial institution, etc. succeeds to part of the rights and obligations held by the specified failed financial institution, etc. in relation to its business; the provisions of Article 60 apply mutatis mutandis to a financial institution, etc. designated by the Prime Minister of which specified merger, etc. is to be supported; the provisions of Article 62 (excluding paragraph (1)) apply mutatis mutandis to the mediation set forth in the preceding Article; the provisions of Article 64 (excluding paragraph (2)) apply mutatis mutandis to an application under Article 126-28, paragraph (1) or (5) or under Article 59-2, paragraph (1) or Article 60, paragraph (1) as applied mutatis mutandis pursuant to this Article; the provisions of Article 64-2 apply mutatis mutandis to an application

under Article 126-28, paragraph (1); the provisions of Article 64-3, paragraph (1) apply mutatis mutandis to a specified failed financial institution, etc. whose shares are acquired as set forth in Article 126-28, paragraph (2), item (v) by a specified assuming financial institution, etc. or a specified assuming holding company, etc.; the provisions of Article 64-3, paragraph (2) apply mutatis mutandis to a specified assuming financial institution, etc., a specified assuming holding company, etc., or a financial institution established by the merger set forth in Article 126-28, paragraph (2), item (ii) or the incorporation-type company split set forth in item (vii) of the same paragraph to which the DICJ provides the specified financial assistance (limited to those in relation to subscription for subordinated bonds (limited to those with share options) or specified subordinated bonds (limited to those with share options)); the provisions of Articles 65 and 66 apply mutatis mutandis to a financial institution, etc. or specified holding company, etc. which has received the confirmation set forth in Article 126-29, paragraph (1) or the mediation set forth in the preceding Article (hereinafter referred to as "specified confirmation of eligibility, etc."); the provisions of Article 67 apply mutatis mutandis to a specified assuming financial institution, etc. which has received specified confirmation of eligibility, etc.; the provisions of Article 68 apply mutatis mutandis to the specified financial assistance provided by the DICJ for a specified merger, etc. in relation to specified confirmation of eligibility, etc.; the provisions of Articles 68-2 and 68-3 apply mutatis mutandis to the assuming financial institution, etc. (meaning the specified assuming financial institution, etc. or specified assuming holding company, etc. (including the company prescribed in Article 68-2, paragraph (2) as applied mutatis mutandis pursuant to this Article if an approval has been obtained under Article 68-2, paragraph (1) as applied mutatis mutandis pursuant to this Article, and the bridge financial institution, etc. prescribed in Article 68-3, paragraph (4) as applied mutatis mutandis pursuant to this Article if an approval has been obtained under Article 68-3, paragraph (1) as applied mutatis mutandis pursuant to this Article; hereinafter the same applies in this Article) for which the DICJ has conducted the subscription for specified preferred shares, etc. (meaning the subscription for specified preferred shares, etc. prescribed in Article 126-28, paragraph (3); the same applies hereinafter)); and the provisions of Article 68-4 apply mutatis mutandis to special controlling shareholders of an assuming financial institution, etc. for which the DICJ has conducted the subscription for specified preferred shares, etc. and which has issued shares that are acquired specified preferred shares, etc. (meaning the acquired specified preferred shares, etc. prescribed in Article 64-2, paragraph (6) as applied mutatis mutandis by replacing the terms pursuant to this Article) actually held by the DICJ or subordinated bonds (limited to those with

share options) or specified subordinated bonds (limited to those with share options). In this case, the term "equity between creditors of the failed financial institution" in Article 59-2, paragraph (1) will be deemed to be replaced with "equity between creditors and any other interested persons of the specified failed financial institution, etc. (meaning the specified failed financial institution, etc. prescribed in Article 126-28, paragraph (1); the same applies hereinafter)"; the term "paragraph (6) of the preceding Article" in paragraph (3) of the same Article will be deemed to be replaced with "Article 126-28, paragraph (7)"; the term "failed financial institution that have made an application under the provisions of the preceding two paragraphs, and the provisions of paragraph (7)" in the same paragraph will be deemed to be replaced with "specified failed financial institution, etc. that have made an application under the provisions of the preceding two paragraphs, and the provisions of paragraph (8)"; the term "a financial institution in relation to the merger, etc. (excluding the failed financial institution) or to a bank holding company, etc. in relation to the merger, etc." in Article 60, paragraph (1) will be deemed to be replaced with "a financial institution, etc. prescribed in Article 126-2, paragraph (2) in relation to the specified merger, etc. (meaning the specified merger, etc. prescribed in Article 126-28, paragraph (2); the same applies hereinafter) (the financial institution, etc. excludes the specified failed financial institution, etc.) or to a specified holding company, etc. prescribed in Article 126-28, paragraph (1) in relation to the specified merger, etc. (excluding the specified failed financial institution, etc.)"; the term "financial institution" in paragraph (2) of the same Article will be deemed to be replaced with "financial institution, etc. (meaning the financial institution, etc. prescribed in Article 126-2, paragraph (2); the same applies hereinafter)"; the term "bank holding company, etc." in Article 62, paragraph (2) will be deemed to be replaced with "specified holding company, etc. (meaning the specified holding company, etc. prescribed in Article 126-28, paragraph (1); the same applies hereinafter)"; the term "paragraphs (4) through (7) of the preceding Article" in paragraph (4) of the same Article will be deemed to be replaced with "Article 126-29, paragraphs (4), (6), and (7)"; the term "financial assistance" in Article 64, paragraph (1) will be deemed to be replaced with "specified financial assistance (meaning the specified financial assistance prescribed in Article 126-28, paragraph (1); the same applies hereinafter)"; the term "or federation of labor banks" in paragraph (3) of the same Article will be deemed to be replaced with ", a federation of labor banks, or a subsidiary, etc. of a Labor Bank, etc. (meaning the subsidiary, etc. of a labor bank, etc. prescribed in Article 126-2, paragraph (2), item (i); the same applies hereinafter)"; the term "the Shoko Chukin Bank, Ltd." in the same paragraph will be deemed to be replaced with "the Shoko Chukin Bank, Ltd or a subsidiary, etc. of the Shoko

Chukin Bank (meaning the Subsidiary, etc. of the Shoko Chukin Bank prescribed in the same item; the same applies hereinafter)"; the term "subscription for preferred shares, etc." in Article 64-2, paragraph (1) will be deemed to be replaced with "subscription for specified preferred shares, etc. (meaning the subscription for specified preferred shares, etc. prescribed in Article 126-28, paragraph (3); the same applies hereinafter"; the term "assuming financial institution or assuming bank holding company, etc. (excluding the companies specified in Article 2, paragraph (5), item (v))" in the same paragraph will be deemed to be replaced with "specified assuming financial institution, etc. (meaning the specified assuming financial institution, etc. prescribed in paragraph (1) of the same Article; the same applies hereinafter) or specified assuming holding company, etc. (meaning the specified assuming holding company, etc. prescribed in the same paragraph"; the term "adequacy of equity capital" in paragraph (2) of the same Article will be deemed to be replaced with "adequacy of equity capital or otherwise improve the financial conditions"; the term "or Rokinren Bank" in paragraph (3) of the same Article will be deemed to be replaced with ", Rokinren Bank, or a subsidiary, etc. of a labor bank, etc."; the term "the Shoko Chukin Bank, Ltd." in the same paragraph will be deemed to be replaced with "the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank"; the term "acquired preferred shares, etc. or acquired loan claims" in paragraph (5) of the same Article will be deemed to be replaced with "acquired specified preferred shares, etc. or acquired specified loan claims"; the term "subscription for preferred shares, etc." in the same paragraph will be deemed to be replaced with "subscription for specified preferred shares, etc."; the term "acquired preferred shares, etc." in paragraph (6) of the same Article will be deemed to be replaced with "acquired specified preferred shares, etc."; the term "subscription for preferred shares, etc." in item (i) of the same paragraph will be deemed to be replaced with "subscription for specified preferred shares, etc."; the term "preferred shares, etc. (including the following) and other shares, etc. specified by Cabinet Order" in the same item will be deemed to be replaced with "specified preferred shares, etc. (meaning preferred shares, etc., specified subordinated bonds prescribed in Article 126-22, paragraph (6), item (i), equity investments of those other than stock companies and the cooperative financial institutions prescribed in Article 2, paragraph (1) of the Preferred Equity Investment Act, or claims in relation to funds) (including the following in the case of preferred shares, etc., and including equivalents of the following in the case of specified subordinated bonds prescribed in the same item, equity investments of those other than stock companies and the cooperative financial institutions prescribed in Article 2, paragraph (1) of the Preferred Equity Investment Act, or claims in relation to funds)"; the term "or Rokinren Bank"

in Article 65 will be deemed to be replaced with ", Rokinren Bank, or a subsidiary, etc. of a labor bank, etc."; the term "the Shoko Chukin Bank, Ltd." in the same Article will be deemed to be replaced with "the Shoko Chukin Bank, Ltd or a subsidiary, etc. of the Shoko Chukin Bank"; the term "a merger, transfer of business, etc., transfer of insured deposits" in Article 66, paragraph (1) will be deemed to be replaced with "a merger, transfer of business, etc., specified assumption of obligations (meaning the specified assumption of obligations prescribed in Article 126-28, paragraph (2), item (iv); the same applies hereinafter)"; the term "a merger, transfer of business, etc., transfer of insured deposits" in the same paragraph will be deemed to be replaced with "a merger, transfer of business, etc., specified assumption of obligations"; the term "or Rokinren Bank" in the same paragraph will be deemed to be replaced with ", Rokinren Bank, or a subsidiary, etc. of a labor bank, etc."; the term "the Shoko Chukin Bank, Ltd." in the same paragraph will be deemed to be replaced with "the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank"; the term "to that effect. The same applies when, if a resolution of shareholders meeting, etc. or consent of all shareholders or all class shareholders is required for share exchange under the provisions of this Act, the Companies Act, or the articles of incorporation, a bank holding company, etc. that has received the confirmation of eligibility, etc. has obtained or failed to obtain the resolution or consent for share exchange in relation to the relevant confirmation of eligibility, etc." in the same paragraph will be deemed to be replaced with "to that effect."; the term "a bank, etc., bank holding company, etc., or the Shoko Chukin Bank, Ltd." in paragraph (2) of the same Article will be deemed to be replaced with "a financial institution, etc. that is a stock company, or specified holding company, etc."; the term "a general meeting or general meeting of representatives" in the same paragraph will be deemed to be replaced with "a general meeting or general meeting of representatives, in the case of a mutual company prescribed in Article 2, paragraph (5) of the Insurance Business Act, a general meeting of members or general meeting of representatives, and in the case of a financial institution, etc. other than these or specified holding company, etc., a body that decides its financial and operational or business policies"; the term "or federation of labor banks" in paragraph (3) of the same Article will be deemed to be replaced with ", Rokinren Bank, or a subsidiary, etc. of a labor bank, etc."; the term "the Shoko Chukin Bank, Ltd." in the same paragraph will be deemed to be replaced with "the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank"; the term "paragraph (1) of the Act on Financial Institutions' Merger and Conversion" in the same item will be deemed to be replaced with "paragraph (1) of the Act on Financial Institutions' Merger and Conversion, or the principal sentence of Article 165-11, paragraph (1) of the Insurance Business

Act"; the term "paragraph (2) of the Act on Financial Institutions' Merger and Conversion" in the same item will be deemed to be replaced with "paragraph (2) of the Act on Financial Institutions' Merger and Conversion, or Article 165-11, paragraph (2) of the Insurance Business Act"; the term "the Shoko Chukin Bank, Ltd." in paragraph (4) of the same Article will be deemed to be replaced with "the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank"; the term "transfer of insured deposits" in Article 67 will be deemed to be replaced with "specified assumption of obligations"; the term "or Rokinren Bank" in paragraph (2) of the same Article will be deemed to be replaced with ", Rokinren Bank, or a subsidiary, etc. of a labor bank, etc."; the term "the Shoko Chukin Bank, Ltd." in the same paragraph will be deemed to be replaced with "the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank"; the term "including those that will be newly established and, in the case of a bank holding company, etc., limited to those specified in Article 2, paragraph (5), item (i) or (iii)" in Article 68-2, paragraph (2) will be deemed to be replaced with "including those that will be newly established"; the term "Minister of Finance" in the same paragraph will be deemed to be replaced with "Minister of Finance, and the Minister of Health, Labour and Welfare and the Minister of Economy, Trade and Industry"; the term "Minister of Finance" in paragraph (3) of the same Article will be deemed to be replaced with "Minister of Finance (if the issuing assuming financial institution, etc. is a subsidiary, etc. of a labor bank, etc., the Prime Minister, the Minister of Finance, and the Minister of Health, Labour and Welfare, and if the issuing assuming financial institution, etc. is a subsidiary, etc. of the Shoko Chukin Bank, the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry)"; the term "financial institution or bank holding company, etc. (limited to those specified in Article 2, paragraph (5), items (i) and (iii))" in Article 68-3, paragraph (2) will be deemed to be replaced with "financial institution, etc. or specified holding company, etc."; the term "or Rokinren Bank" in paragraph (3) of the Article will be deemed to be replaced with ", Rokinren Bank, or a subsidiary, etc. of a labor bank, etc."; the term "the Shoko Chukin Bank, Ltd." in the same paragraph will be deemed to be replaced with "the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank"; and any other necessary technical replacement of terms will be specified by Cabinet Order.

(追加的特定資金援助)

(Additional Specified Financial Assistance)

第二百六条の三十二 機構は、特定資金援助に係る特定合併等の後、当該特定資金援助に係る特定救済金融機関等若しくは特定救済持株会社等又は当該特定資金援助に係る合併若しくは新設分割により設立された金融機関等から追加の特定資金援助の申込みを受けた場合において、必要があると認めるときは、当該申込みを行つた金融機関

等又は特定持株会社等に対する追加の特定資金援助（第四項及び第五項において「追加的特定資金援助」という。）を行うことができる。

Article 126-32 (1) If, subsequent to a specified merger, etc. in relation to the specified financial assistance, a specified assuming financial institution, etc. or specified assuming holding company, etc. in relation to the specified financial assistance or a financial institution, etc. established by the merger or incorporation-type company split in relation to that specified financial assistance applies for additional specified financial assistance (referred to as "additional specified financial assistance" in paragraphs (4) and (5)), the DICJ may, when it finds it necessary, provide the additional specified financial assistance to the financial institution, etc. or specified holding company, etc. that has made the application.

2 前項の規定による申込みに係る資産の買取りは、特定合併等（第百二十六条の二十八第二項第三号に掲げる事業譲渡等のうち特定破綻金融機関等がその事業の一部を他の金融機関等に譲渡するもの、特定債務引受け、同項第六号に掲げる吸収分割のうち特定破綻金融機関等がその事業に関して有する権利義務の一部を他の金融機関等に承継させるもの又は同項第七号に掲げる新設分割のうち特定破綻金融機関等がその事業に関して有する権利義務の一部を当該新設分割により新たに設立される金融機関等に承継させるものに限る。）に係る特定破綻金融機関等の資産又は次の各号に掲げる特定合併等の区分に応じ当該各号に定める資産について行うものとし、前項の規定による申込みに係る特定資金援助のうちに特定合併等（同条第二項第三号に掲げる事業譲渡等のうち特定破綻金融機関等がその事業の一部を他の金融機関等に譲渡するもの、特定債務引受け、同項第六号に掲げる吸収分割のうち特定破綻金融機関等がその事業に関して有する権利義務の一部を他の金融機関等に承継させるもの又は同項第七号に掲げる新設分割のうち特定破綻金融機関等がその事業に関して有する権利義務の一部を当該新設分割により新たに設立される金融機関等に承継させるものに限る。以下この項及び第四項において同じ。）に係る特定破綻金融機関等の資産の買取りが含まれているときは、当該特定合併等に係る特定救済金融機関等は、当該特定破綻金融機関等と連名で、機構が当該資産の買取りを行うことを機構に申し込むものとする。

(2) The purchase of assets in relation to the application under the preceding paragraph will be conducted with respect to the assets of the specified failed financial institution, etc. in relation to a specified merger, etc. (limited to the transfer of business, etc. specified in Article 126-28, paragraph (2), item (iii) in which a specified failed financial institution, etc. transfers part of its business to another financial institution, etc., the specified assumption of obligations, the absorption-type company split specified in item (vi) of the same paragraph where another financial institution, etc. succeeds to part of the rights and obligations held by the specified failed financial institution, etc. in relation to its business, or the incorporation-type company split specified in item (vii) of the same paragraph where the financial institution, etc. newly established through the incorporation-type company split succeeds to part of the rights and

obligations held by the specified failed financial institution, etc. in relation to its business) or assets prescribed in each of the following items according to the category of specified merger, etc. specified in each respective item, and if the specified financial assistance in relation to the application under the preceding paragraph includes the purchase of assets of the specified failed financial institution, etc. in relation to a specified merger, etc. (limited to the transfer of business, etc. specified in Article 126-28, paragraph (2), item (iii) in which a specified failed financial institution, etc. transfers part of its business to another financial institution, etc., the specified assumption of obligations, the absorption-type company split specified in item (vi) of the same paragraph where another financial institution, etc. succeeds to part of the rights and obligations held by the specified failed financial institution, etc. in relation to its business, or the incorporation-type company split specified in item (vii) of the same paragraph where the financial institution, etc. newly established through the incorporation-type company split succeeds to part of the rights and obligations held by the specified failed financial institution, etc. in relation to its business; hereinafter the same applies in this paragraph and paragraph (4)), a specified assuming financial institution, etc. in relation to the relevant specified merger, etc. applies to the DICJ for the purchase of the relevant assets in joint name with the relevant specified failed financial institution, etc.:

一 第二百六条の二十八第二項第一号に掲げる合併 当該合併により存続する金融機関等の資産（当該合併前に特定破綻金融機関等の資産であつたものに限る。）

(i) a merger specified in Article 126-28, paragraph (2), item (i): the assets of the financial institution, etc. surviving through the merger (limited to those that were the assets of the specified failed financial institution, etc. prior to the merger);

二 第二百六条の二十八第二項第二号に掲げる合併 当該合併により設立された金融機関等の資産（当該合併前に特定破綻金融機関等の資産であつたものに限る。）

(ii) a merger specified in Article 126-28, paragraph (2), item (ii): the assets of the financial institution, etc. established by the merger (limited to those that were the assets of the specified failed financial institution, etc. prior to the merger);

三 第二百六条の二十八第二項第三号に掲げる事業譲渡等 同号の他の金融機関等の資産で当該事業譲渡等により譲り受けたもの

(iii) a transfer of business, etc. specified in Article 126-28, paragraph (2), item (iii): the assets of another financial institution, etc. prescribed in the same item that have been received through the transfer of business, etc.;

四 第二百六条の二十八第二項第五号に掲げる株式の取得 当該株式の取得をされた金融機関等の資産

(iv) the acquisition of shares specified in Article 126-28, paragraph (2), item

(v): the assets of a financial institution, etc. whose shares have been so acquired;

五 第二百二十六条の二十八第二項第六号に掲げる吸収分割 同号の他の金融機関等の資産で当該吸収分割により承継したもの

(v) the absorption-type company split specified in Article 126-28, paragraph (2), item (vi): the assets of another financial institution, etc. set forth in the same item which the relevant financial institution, etc. has succeeded to through the absorption-type company split; and

六 第二百二十六条の二十八第二項第七号に掲げる新設分割 当該新設分割により設立された金融機関等の資産（当該新設分割前に特定破綻金融機関等の資産であつたものに限る。）

(vi) the incorporation-type company split specified in Article 126-28, paragraph (2), item (vii): the assets of the financial institution, etc. established through the incorporation-type company split (limited to those that were assets of the specified failed financial institution, etc. prior to the incorporation-type company split).

3 第一項の規定による申込みに係る損害担保は、前項各号に掲げる特定合併等の区分に応じ当該各号に定める資産である貸付債権について行うものとする。

(3) The collateralization of damage in relation to an application under paragraph (1) will be performed with respect to the loan claims that are the assets prescribed in each of the preceding items according to the category of specified merger, etc. specified in the same item.

4 第五十九条の二の規定は特定資金援助に係る特定合併等を行つた特定救済金融機関等について、第六十四条（第二項を除く。）、第六十四条の二並びに第二百二十六条の二十八第七項及び第八項の規定は第一項又は第二項の規定による申込みについて、第六十四条の三第二項の規定は機構が追加的特定資金援助（劣後特約付社債（新株予約権が付されているものに限る。）又は特定劣後特約付社債（新株予約権が付されているものに限る。）の引受けに係るものに限る。）を行う特定救済金融機関等、特定救済持株会社等又は特定資金援助に係る合併若しくは新設分割により設立された金融機関等について、第六十七条及び第六十八条の規定は追加的特定資金援助について、第六十八条の二及び第六十八条の三の規定は機構が追加的特定資金援助（特定優先株式等の引受け等に係るものに限る。以下この項において同じ。）を行つた救済金融機関等（特定救済金融機関等、特定救済持株会社等又は特定資金援助に係る合併若しくは新設分割により設立された金融機関等（機構が特定優先株式等の引受け等に係る特定資金援助を行い、かつ、現に当該特定資金援助に係る取得特定優先株式等（この項において読み替えて準用する第六十四条の二第六項に規定する取得特定優先株式等をいう。以下この項において同じ。）を保有しているものを除くものとし、この項において準用する第六十八条の二第一項の承認を受けた場合におけるこの項において準用する同条第二項に規定する会社及びこの項において準用する第六十八条の三第一項の承認を受けた場合におけるこの項において準用する同条第四項に規定する承継金融機関等を含む。）をいう。以下この項において同じ。）について、第六十八条の四の規定

は機構が追加的特定資金援助を行つた救済金融機関等であつて機構が現に保有する取得特定優先株式等である株式又は劣後特約付社債（新株予約権が付されているものに限る。）若しくは特定劣後特約付社債（新株予約権が付されているものに限る。）の発行者であるものの特別支配株主について、それぞれ準用する。この場合において、第五十九条の二第一項中「破綻金融機関の債権者間の衡平」とあるのは「特定破綻金融機関等（第二百二十六条の二十八第一項に規定する特定破綻金融機関等をいう。以下同じ。）の債権者その他の利害関係人の間の衡平」と、同条第三項中「前条第六項」とあるのは「第二百二十六条の二十八第七項」と、「破綻金融機関について、同条第七項」とあるのは「特定破綻金融機関等について、同条第八項」と、第六十四条第一項中「資金援助」とあるのは「追加的特定資金援助（第二百二十六条の三十二第一項に規定する追加的特定資金援助をいう。以下同じ。）」と、同条第三項中「又は労働金庫連合会を当事者とする合併等」とあるのは「労働金庫連合会又は労働金庫等子法人等（第二百二十六条の二第二項第一号に規定する労働金庫等子法人等をいう。以下同じ。）を当事者とする特定合併等（第二百二十六条の二十八第二項に規定する特定合併等をいう。以下同じ。）」と、「株式会社商工組合中央金庫を当事者とする合併等」とあるのは「株式会社商工組合中央金庫又は商工組合子法人等（同号に規定する商工組合子法人等をいう。以下同じ。）を当事者とする特定合併等」と、同条第四項中「金融機関又は銀行持株会社等」とあるのは「金融機関等（第二百二十六条の二第二項に規定する金融機関等をいう。以下同じ。）又は特定持株会社等（第二百二十六条の二十八第一項に規定する特定持株会社等をいう。以下同じ。）」と、第六十四条の二第一項中「優先株式等の引受け等」とあるのは「特定優先株式等の引受け等（第二百二十六条の二十八第三項に規定する特定優先株式等の引受け等をいう。以下同じ。）」と、「救済金融機関又は救済銀行持株会社等（第二条第五項第五号に掲げる会社を除く。以下この条において同じ。）」とあるのは「金融機関等又は特定持株会社等」と、同条第二項中「充実」とあるのは「充実その他の財務内容の改善」と、同条第三項中「又は労働金庫連合会」とあるのは「労働金庫連合会又は労働金庫等子法人等」と、「株式会社商工組合中央金庫」とあるのは「株式会社商工組合中央金庫又は商工組合子法人等」と、同条第五項中「取得優先株式等又は取得貸付債権」とあるのは「取得特定優先株式等又は取得特定貸付債権」と、「優先株式等の引受け等」とあるのは「特定優先株式等の引受け等」と、同条第六項中「取得優先株式等」とあるのは「取得特定優先株式等」と、同項第一号中「優先株式等の引受け等」とあるのは「特定優先株式等の引受け等」と、「優先株式等（次に掲げるものを含む。）その他の政令で定める株式等」とあるのは「特定優先株式等（優先株式等、第二百二十六条の二十二第六項第一号に規定する特定劣後特約付社債、株式会社及び優先出資法第二条第一項に規定する協同組織金融機関以外のものを出資又は基金に係る債権をいう。）（優先株式等にあつては次に掲げるものを含み、同号に規定する特定劣後特約付社債、株式会社及び優先出資法第二条第一項に規定する協同組織金融機関以外のものを出資又は基金に係る債権にあつては次に掲げるものに類するものを含む。）」と、第六十七条中「付保預金移転」とあるのは「第二百二十六条の二十八第二項第四号に規定する特定債務引受け」と、同条第二項中「又は労働金庫連合会」とあるのは「労働金庫連合会又は労働金庫等子法人等」と、「株式会社商工組合中央金庫」とあるのは「株式会社

商工組合中央金庫又は商工組合子法人等」と、第六十八条中「その行おうとする適格性の認定等に係る合併等のために機構による資金援助」とあるのは「追加的特定資金援助」と、第六十八条の二第二項中「含み、銀行持株会社等にあつては、第二条第五項第一号又は第三号に掲げるものに限る」とあるのは「含む」と、「財務大臣」とあるのは「財務大臣並びに厚生労働大臣及び経済産業大臣」と、同条第三項中「財務大臣」とあるのは「財務大臣（当該発行救済金融機関等が労働金庫等子法人等である場合にあつては内閣総理大臣及び財務大臣並びに厚生労働大臣とし、当該発行救済金融機関等が商工組合子法人等である場合にあつては内閣総理大臣及び財務大臣並びに経済産業大臣とする。））」と、第六十八条の三第二項中「金融機関又は銀行持株会社等（第二条第五項第一号及び第三号に掲げるものに限る。））」とあるのは「金融機関等又は特定持株会社等」と、同条第三項中「又は労働金庫連合会」とあるのは「、労働金庫連合会又は労働金庫等子法人等」と、「株式会社商工組合中央金庫」とあるのは「株式会社商工組合中央金庫又は商工組合子法人等」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

- (4) The provisions of Article 59-2 apply mutatis mutandis to a specified assuming financial institution, etc. that has undertaken a specified merger, etc. in relation to the specified financial assistance; the provisions of Article 64 (excluding paragraph (2)), Article 64-2, and Article 126-28, paragraphs (7) and (8) apply mutatis mutandis to an application under paragraph (1) or (2); the provisions of Article 64-3, paragraph (2) apply mutatis mutandis to a specified assuming financial institution, etc., a specified assuming holding company, etc., or a financial institution, etc. established by the merger or incorporation-type company split in relation to the specified financial assistance to which the DICJ provides the additional specified financial assistance (limited to those in relation to subscription for subordinated bonds (limited to those with share options)) or specified subordinated bonds (limited to those with share options); the provisions of Articles 67 and 68 apply mutatis mutandis to the additional specified financial assistance; the provisions of Articles 68-2 and 68-3 apply mutatis mutandis to an assuming financial institution, etc. (meaning a specified assuming financial institution, etc., a specified assuming holding company, etc., or a financial institution, etc. established by the merger or incorporation-type company split in relation to the specified financial assistance (excluding a financial institution, etc. to which the DICJ has provided specified financial assistance in relation to subscription for specified preferred shares, etc. and in which the DICJ actually holds acquired specified preferred shares, etc. (meaning the acquired specified preferred shares, etc. prescribed in Article 64-2, paragraph (6) as applied mutatis mutandis by replacing the terms pursuant to this paragraph; hereinafter the same applies in this paragraph) in relation to the relevant specified financial assistance, and including the company prescribed in Article 68-2, paragraph (2) as applied mutatis mutandis pursuant to this paragraph if an approval has been obtained

under paragraph (1) of the same Article as applied mutatis mutandis pursuant to this paragraph and the bridge financial institution, etc. prescribed in Article 68-3, paragraph (4) as applied mutatis mutandis pursuant to this paragraph if an approval has been obtained under paragraph (1) of the same Article as applied mutatis mutandis pursuant to this paragraph); hereinafter the same applies in this paragraph), to which the DICJ has provided the additional specified financial assistance (limited to those in relation to Subscription for Specified preferred shares, etc.; hereinafter the same applies in this paragraph); and the provisions of Article 68-4 apply mutatis mutandis to special controlling shareholders of an Assuming financial Institution, etc. to which the DICJ has provided the additional specified financial Assistance and which has issued shares that are acquired specified preferred shares, etc. actually held by the DICJ or subordinated bonds (limited to those with share options) or specified subordinated bonds (limited to those with share options). In this case, the term "equity between creditors of the failed financial institution" in Article 59-2, paragraph (1) will be deemed to be replaced with "equity between creditors and any other interested persons of the specified failed financial institution, etc. (meaning the specified failed financial institution, etc. prescribed in Article 126-28, paragraph (1); the same applies hereinafter)"; the term "paragraph (6) of the preceding Article" in paragraph (3) of the same Article will be deemed to be replaced with "Article 126-28, paragraph (7)"; the term "failed financial institution that have made an application under the provisions of the preceding two paragraphs, and the provisions of paragraph (7)" in the same paragraph will be deemed to be replaced with "specified failed financial institution, etc. that have made an application under the provisions of the preceding two paragraphs, and the provisions of paragraph (8)"; the term "financial assistance" in Article 64, paragraph (1) will be deemed to be replaced with "additional specified financial assistance (meaning the additional specified financial assistance prescribed in Article 126-32, paragraph (1); the same applies hereinafter)"; the term "a merger, etc. to which a labor bank or federation of labor banks is a party" in paragraph (3) of the same Article will be deemed to be replaced with "a specified merger, etc. (meaning the specified merger, etc. prescribed in Article 126-28, paragraph (2); the same applies hereinafter) to which a labor bank, Rokinren Bank, or a subsidiary, etc. of a labor bank, etc. (meaning the subsidiary, etc. of a labor bank, etc. prescribed in Article 126-2, paragraph (2), item (i); the same applies hereinafter) is a party"; the term "a merger, etc. to which the Shoko Chukin Bank, Ltd. is a party" in the same paragraph will be deemed to be replaced with "a specified merger, etc. to which the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank (the subsidiary, etc. of the Shoko Chukin Bank prescribed in the same item; the same applies

hereinafter) is a party"; the term "financial institution or bank holding company, etc." in paragraph (4) of the same Article will be deemed to be replaced with "financial institution, etc. (meaning the financial institution, etc. prescribed in Article 126-2, paragraph (2); the same applies hereinafter) or specified holding company, etc. (meaning the specified holding company, etc. prescribed in Article 126-28, paragraph (1); the same applies hereinafter)"; the term "subscription for preferred shares, etc." in Article 64-2, paragraph (1) will be deemed to be replaced with "subscription for specified preferred shares, etc. (meaning the subscription for specified preferred shares, etc. prescribed in Article 126-28, paragraph (3); the same applies hereinafter)"; the term "assuming financial institution or assuming bank holding company, etc. (excluding the companies specified in Article 2, paragraph (5), item (v); hereinafter the same applies in this Article)" in the same paragraph will be deemed to be replaced with "financial institution, etc. or specified holding company, etc. prescribed in the same paragraph"; the term "adequacy of equity capital" in paragraph (2) of the same Article will be deemed to be replaced with "adequacy of equity capital or otherwise improve the financial conditions"; the term "or federation of labor banks" in paragraph (3) of the same Article will be deemed to be replaced with ", Rokinren Bank, or a subsidiary, etc. of a labor bank, etc."; the term "the Shoko Chukin Bank, Ltd." in the same paragraph will be deemed to be replaced with "the Shoko Chukin Bank, Ltd or a subsidiary, etc. of the Shoko Chukin Bank"; the term "acquired preferred shares, etc. or acquired loan claims" in paragraph (5) of the same Article will be deemed to be replaced with "acquired specified preferred shares, etc. or acquired specified loan claims"; the term "subscription for preferred shares, etc." in the same paragraph will be deemed to be replaced with "subscription for specified preferred shares, etc."; the term "acquired preferred shares, etc." in paragraph (6) of the Article will be deemed to be "acquired specified preferred shares, etc."; the term "subscription for preferred shares, etc." in item (i) of the same paragraph will be deemed to be replaced with "subscription for specified preferred shares, etc."; the term "preferred shares, etc. (including the following) and other shares, etc. specified by Cabinet Order" in the same item will be deemed to be replaced with "specified preferred shares, etc. (meaning preferred shares, etc., specified subordinated bonds prescribed in Article 126-22, paragraph (6), item (i), equity investments of those other than stock companies and the cooperative financial institutions prescribed in Article 2, paragraph (1) of the Preferred Equity Investment Act, or claims in relation to funds) (including the following in the case of preferred shares, etc., and including equivalents of the following in the case of specified subordinated bonds prescribed in the item, equity investments of those other than stock companies and the cooperative financial institutions prescribed in Article 2,

paragraph (1) of the Preferred Equity Investment Act, or claims in relation to funds); the term "transfer of insured deposits" in Article 67 will be deemed to be replaced with "specified assumption of obligations prescribed in Article 126-28, paragraph (2), item (iv)"; the term "or Rokinren Bank" in paragraph (2) of the Article will be deemed to be replaced with ", Rokinren Bank, or a subsidiary, etc. of a labor bank, etc."; the term "the Shoko Chukin Bank, Ltd." in the same paragraph will be deemed to be replaced with "the Shoko Chukin Bank, Ltd or a subsidiary, etc. of the Shoko Chukin Bank"; the term "if the DICJ is to provide financial assistance for a merger, etc. in relation to the confirmation of eligibility, etc." in Article 68 will be deemed to be replaced with "if the additional specified financial assistance is to be provided"; the term "including those that will be newly established and, in the case of a bank holding company, etc., limited to those specified in Article 2, paragraph (5), item (i) or (iii)" in Article 68-2, paragraph (2) will be deemed to be replaced with "including those that will be newly established"; the term "Minister of Finance" in the same paragraph will be deemed to be replaced with "Minister of Finance, and the Minister of Health, Labour and Welfare and the Minister of Economy, Trade and Industry"; the term "Minister of Finance" in paragraph (3) of the Article will be deemed to be replaced with "Minister of Finance (if the issuing assuming financial institution, etc. is a subsidiary, etc. of a labor bank, etc., the Prime Minister, the Minister of Finance, and the Minister of Health, Labour and Welfare, and if the issuing assuming financial institution, etc. is a subsidiary, etc. of the Shoko Chukin Bank, the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry)"; the term "financial institution or bank holding company, etc. (limited to those specified in Article 2, paragraph (5), items (i) and (iii))" in Article 68-3, paragraph (2) will be deemed to be replaced with "financial institution, etc. or specified holding company, etc."; the term "or Rokinren Bank" in paragraph (3) of the same Article will be deemed to be replaced with ", Rokinren Bank, or a subsidiary, etc. of a labor bank, etc."; the term "the Shoko Chukin Bank, Ltd." in the paragraph will be deemed to be replaced with "the Shoko Chukin Bank, Ltd or a subsidiary, etc. of the Shoko Chukin Bank"; and any other necessary technical replacement of terms will be specified by Cabinet Order.

5 委員会は、第一項若しくは第二項又は前項において準用する第五十九条の二第一項に規定する申込みに係る追加的特定資金援助について前項において準用する第六十四条第一項の議決を行う場合において、当該追加的特定資金援助が特定破綻金融機関等の財務の状況に照らし当該追加的特定資金援助に係る特定合併等が行われるために必要な範囲を超えていないと認めるときは、当該追加的特定資金援助を行う旨の決議をすることができる。

(5) If a resolution by the board prescribed in Article 64, paragraph (1) as applied mutatis mutandis pursuant to the preceding paragraph is to be deliberated

with respect to the additional specified financial assistance in relation to the application prescribed in paragraph (1) or (2) or Article 59-2, paragraph (1) as applied mutatis mutandis pursuant to the preceding paragraph, when the board finds that, in light of the financial conditions of the specified failed financial institution, etc., the additional specified financial assistance does not exceed the scope necessary to carry out the specified merger, etc. in relation to the relevant additional specified financial assistance, it may adopt a resolution to provide the additional specified financial assistance.

(特定適格性認定等に係る特定合併等に対する破産法等の規定の適用関係)

(Application of the Provisions of the Bankruptcy Act to Specified Mergers Regarding Specified Confirmation of Eligibility)

第百二十六条の三十三 破産法第七十八条及び第九十三条、民事再生法第四十一条、第四十二条、第五十四条第二項及び第四項、第六十六条並びに第八十一条、会社更生法第三十二条、第三十五条第二項及び第三項、第四十五条、第四十六条並びに第七十二条、金融機関等の更生手続の特例等に関する法律第二十三条、第二十五条（第一項を除く。）、第三十二条、第三十三条、第四十五条、第八十八条、第九十条（第一項を除く。）、第九十七条、第九十八条及び第二百十一条、会社法第五百二十七条第一項、第五百三十五条、第五百三十六條及び第八百九十六条並びに外国倒産処理手続の承認援助に関する法律第三十一条、第三十四条、第三十五条、第五十三条及び第五十五条第一項の規定は、特定適格性認定等に係る特定合併等については、適用しない。

Article 126-33 The provisions of Article 78 and Article 93 of the Bankruptcy Act, Article 41, Article 42, Article 54, paragraphs (2) and (4), Article 66, and Article 81 of the Civil Rehabilitation Act, Article 32, Article 35, paragraphs (2) and (3), Article 45, Article 46, and Article 72 of the Corporate Reorganization Act, Article 23, Article 25 (excluding paragraph (1)), Article 32, Article 33, Article 45, Article 188, Article 190 (excluding paragraph (1)), Article 197, Article 198, and Article 211 of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions, Article 527, paragraph (1), Article 535, Article 536, and Article 896 of the Companies Act, and Article 31, Article 34, Article 35, Article 53, and Article 55, paragraph (1) of the Act on Recognition of and Assistance for Foreign Insolvency Proceedings do not apply to a specified merger, etc. in relation to specified confirmation of eligibility, etc.

(特定承継金融機関等の設立の決定)

(Decisions to Establish a Specified Bridge Financial Institution)

第百二十六条の三十四 内閣総理大臣は、特別監視金融機関等の債務等承継（特定承継金融機関等が事業の譲受け、債務引受け、合併又は会社分割（以下「特定事業譲受け等」という。）により債務等（特定事業譲受け等に係る業務又は債務をいう。以下同じ。）を引き継ぎ、かつ、債務等の弁済等（その業務の暫定的な維持継続又は債務の

弁済をいう。以下同じ。)を円滑に行うことをいう。)のため特定承継金融機関等を活用する必要があると認めるときは、次に掲げる決定を行うことができる。

Article 126-34 (1) The Prime Minister may, when finding it necessary to use a specified bridge financial institution, etc. for the succession of obligations, etc. (meaning succession of obligations, etc. (meaning the business or obligations in relation to specified assumption of business, etc.; the same applies hereinafter) by a specified bridge financial institution, etc. through assumption of business, assumption of obligations, a merger, or a company split (hereinafter referred to as "specified assumption of business, etc."), and smooth implementation of payment, etc., of obligations, etc. (meaning the provisional maintaining and continuation of the business or payment of the obligations; the same applies hereinafter)) of a financial institution, etc. under special monitoring, make the following decisions:

一 機構が特別監視金融機関等から債務等を引き継ぐため特定事業譲受け等を行う特定承継金融機関等を子会社として設立する旨の決定

(i) that a specified bridge financial institution, etc. be established by the DICJ as a subsidiary company to carry out the specified assumption of business, etc. in order to succeed to the business of a financial institution, etc. under special monitoring; and

二 特定承継金融機関等が特別監視金融機関等から債務等を引き継ぐため特定事業譲受け等を行うべき旨の決定

(ii) that a specified bridge financial institution, etc. should carry out the specified assumption of business, etc. in order to succeed to the business of a financial institution, etc. under special monitoring.

2 内閣総理大臣は、必要があると認めるときは、前項の決定を取り消し、又は変更する決定を行うことができる。

(2) The Prime Minister may, when finding it necessary, rescind or modify a decision under the preceding paragraph.

3 この章において、次の各号に掲げる用語の意義は、それぞれ当該各号に定めるところによる。

(3) In this Chapter, the terms set forth in the following items have the meanings specified respectively in those items:

一 特定承継銀行 特定事業譲受け等により特別監視金融機関等の債務等を引き継ぎ、かつ、当該引き継いだ債務等の弁済等を円滑に行うことを目的とする銀行であつて、機構の子会社として設立されたものをいう。

(i) specified bridge bank: a bank that has succeeded to the obligations, etc. of a financial institution, etc. under special monitoring through the specified assumption of business, etc., whose primary purpose is to smoothly implement the payment, etc. of the relevant obligations, etc., and that has been established as a subsidiary company of the DICJ;

二 特定承継保険会社 特定事業譲受け等により特別監視金融機関等（保険会社又は

外国保険会社等に限る。)の債務等を引き継ぎ、かつ、当該引き継いだ債務等の弁済等を円滑に行うことを目的とする保険会社であつて、機構の子会社として設立されたものをいう。

(ii) specified bridge insurance company: an insurance company that has succeeded to the obligations, etc. of a financial institution, etc. under special monitoring (limited to an insurance company or foreign insurance company, etc.) through the specified assumption of business, etc., whose primary purpose is to smoothly implement the payment, etc. of the relevant obligations, etc., and that has been established as a subsidiary company of the DICJ;

三 特定承継金融商品取引業者 特定事業譲受け等により特別監視金融機関等（金融商品取引業者に限る。）の債務等を引き継ぎ、かつ、当該引き継いだ債務等の弁済等を円滑に行うことを目的とする金融商品取引業者であつて、機構の子会社として設立されたものをいう。

(iii) specified bridge financial instruments business: a financial instruments business that has succeeded to the obligations, etc. of a financial institution, etc. under special monitoring (limited to a financial instruments business) through the specified assumption of business, etc., whose primary purpose is to smoothly implement the payment, etc. of the obligations, etc., and that has been established as a subsidiary company of the DICJ;

四 特定承継会社 特定事業譲受け等により特別監視金融機関等の債務等を引き継ぎ、かつ、当該引き継いだ債務等の弁済等を円滑に行うことを目的とする株式会社であつて、機構の子会社として設立されたもの（特定承継銀行、特定承継保険会社及び特定承継金融商品取引業者を除く。）をいう。

(iv) specified bridge company: a stock company that has succeeded to the obligations, etc. of a financial institution, etc. under special monitoring through the specified assumption of business, etc., whose primary purpose is to smoothly implement the payment, etc. of the relevant obligations, etc., and that has been established as a subsidiary company of the DICJ (excluding a specified bridge bank, specified bridge insurance company, and specified bridge financial instruments business); and

五 特定承継金融機関等 特定承継銀行、特定承継保険会社、特定承継金融商品取引業者又は特定承継会社をいう。

(v) specified bridge financial institution, etc.: a specified bridge bank, specified bridge insurance company, specified bridge financial instruments business, or specified bridge company.

4 特定承継会社は、第二百二十六条の二十八、第二百二十六条の三十、第二百二十六条の三十一において準用する第五十九条の二、第六十条、第六十二条（第一項を除く。）及び第六十四条（第二項を除く。）から第六十八条の四まで、第二百二十六条の三十二（第四項を除く。）、同項において準用する第五十九条の二、第六十四条（第二項を除く。）、第六十四条の二、第六十七条から第六十八条の四まで並びに第二百二十六条

の二十八第七項及び第八項並びに第一百三十三条の二の規定（これらの規定に係る罰則を含む。）の適用については、金融機関等とみなす。

(4) A specified bridge company will be deemed to be a financial institution, etc. with regard to application of the provisions of Article 126-28, Article 126-30, and Article 59-2, Article 60, Article 62 (excluding paragraph (1)), and Article 64 (excluding paragraph (2)) through Article 68-4 as applied mutatis mutandis pursuant to Article 126-31, Article 126-32 (excluding paragraph (4)), and Article 59-2, Article 64 (excluding paragraph (2)), Article 64-2, and Articles 67 through 68-4 as applied mutatis mutandis pursuant to Article 126-32, paragraph (4), and Article 126-28, paragraphs (7) and (8), and Article 133-2 (including the penal provisions in relation to these provisions).

（特定承継金融機関等の設立等）

(Establishment of Specified Bridge Financial Institutions)

第二百二十六条の三十五 機構は、前条第一項又は第二項の規定による同条第一項第一号に掲げる決定があつたときは、当該決定に係る出資の内容について委員会の議決を経て、特定承継金融機関等となる株式会社の設立の発起人となり、及び当該設立の発起人となつた株式会社を子会社として設立するための出資をしなければならない。

Article 126-35 (1) When a decision prescribed in paragraph (1), item (i) of the preceding Article is made under paragraph (1) or (2) of the preceding Article, the DICJ must, following a resolution by the board on the details of contribution in relation to the relevant decision, become the incorporator of a stock company that is to become a specified bridge financial institution, etc., and provide contribution for the incorporation of the stock company as a subsidiary company of the DICJ.

2 機構は、前項に規定する場合のほか、特定承継金融機関等に対する出資を行おうとするときは、委員会の議決を経なければならない。

(2) Beyond the case prescribed in the preceding paragraph, any contribution by the DICJ to the specified bridge financial institution, etc. must require a resolution by the board.

3 機構は、前二項に規定する出資をしたときは、速やかに、その内容を内閣総理大臣及び財務大臣に報告しなければならない。

(3) Upon providing the contribution prescribed in the preceding two paragraphs, the DICJ must promptly report the details thereof to the Prime Minister and the Minister of Finance.

（特定承継金融機関等の経営管理）

(Management of Specified Bridge Financial Institutions)

第二百二十六条の三十六 機構は、特定承継金融機関等が次に掲げる事項を適確に実施できるようその経営管理を行わなければならない。

Article 126-36 (1) The DICJ must manage the specified bridge financial

institution, etc. to ensure the proper performance of the following:

一 第二百二十六条の三十四第一項又は第二項の規定による同条第一項第二号に掲げる決定があつたときは、当該決定の対象とされた特別監視金融機関等から債務等を引き継ぐため特定事業譲受け等を行うこと。

(i) to carry out specified assumption of business, etc. in order to succeed to the obligations, etc. of the financial institution, etc. under special monitoring that is subject to the relevant decision, when a decision specified in Article 126-34, paragraph (1), item (ii) is made under Article 126-34, paragraph (1) or (2); and

二 債務等の弁済等その他の業務（預金等の受払事務、資金の貸付け並びに保険業法第二百六十条第十項に規定する保険契約の管理及び処分を含む。次項第二号において同じ。）の実施に際しては、同項に規定する指針に従うこと。

(ii) to comply with the guidelines prescribed in the following paragraph in implementing the payment, etc. of obligations, etc. and carrying out other operations (including administration of the receipt and payment of the deposits, etc., loan of funds, and the management and disposal of insurance contracts prescribed in Article 260, paragraph (10) of the Insurance Business Act; the same applies in item (ii) of the following paragraph).

2 機構は、特定承継金融機関等の債務等の弁済等についての指針を次に定めるところにより作成し、内閣総理大臣の承認を受けた後、公表しなければならない。

(2) The DICJ must prepare guidelines for the payment, etc. of obligations, etc. of a specified bridge financial institution, etc. in accordance with the following and, following approval from the Prime Minister, make the guidelines public:

一 当該指針は、債務等の弁済等を円滑に行うという特定承継金融機関等の目的を踏まえ、我が国の金融システムの著しい混乱が生ずるおそれを回避しつつ特定承継金融機関等の円滑な債務等の弁済等を確保する観点に立つて作成されるものであること。

(i) the guidelines will be prepared, taking into account that the purpose of a specified bridge financial institution, etc. is to smoothly implement the payment, etc. of obligations, etc., and with a view to ensuring the smooth payment, etc. of obligations, etc. by a specified bridge financial institution, etc. while avoiding the risk of severe disruption being caused to the financial system in Japan; and

二 当該指針は、特定承継金融機関等が債務等の弁済等その他の業務のうち機構の指定する取引について機構の承認を受けて行うことを内容として含むものであること。

(ii) the guidelines will include a provisions that transactions designated by the DICJ among the payment, etc. of obligations, etc. and other operations should be carried out by a specified bridge financial institution, etc. following the approval by the DICJ.

3 機構は、特定承継金融機関等に対し、その経営に必要な指導及び助言を行うことができる。

(3) The DICJ may give instructions and advice to a specified bridge financial institution, etc., which are necessary for its management.

(承継銀行に関する規定の準用)

(Application Mutatis Mutandis of Provisions Concerning Bridge Banks)

第百二十六条の三十七 第九十五条から第百条まで及び第百三十五条（第一項及び第四項を除く。）の規定は、特定承継金融機関等について準用する。この場合において、第九十五条中「第九十三条第二項の規定による確認がされた」とあるのは「第百二十六条の三十四第一項に規定する特定事業譲受け等に係る」と、第九十六条第一項中「業務」とあるのは「債務等（第百二十六条の三十四第一項に規定する債務等をいう。））」と、「被管理金融機関に対する管理を命ずる処分」とあるのは「特別監視金融機関等（第百二十六条の三第二項に規定する特別監視金融機関等をいう。））に対する特別監視指定（同項に規定する特別監視指定をいう。））」と、第九十七条第一項中「協定承継銀行」とあるのは「協定特定承継金融機関等」と、第百三十五条第二項及び第三項中「権利（第九十三条第二項の規定により当該承継銀行が保有する資産として適当であることの確認がされたものに限る。））」とあるのは「権利」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

Article 126-37 The provisions of Articles 95 through 100 and Article 135

(excluding paragraphs (1) and (4)) apply mutatis mutandis to a specified bridge financial institution, etc. In this case, the term "for which confirmation has been rendered under Article 93, paragraph (2)" in Article 95 will be deemed to be replaced with "in relation to the specified assumption of business, etc. prescribed in Article 126-34, paragraph (1)"; the term "business" in Article 96, paragraph (1) will be deemed to be replaced with "obligations, etc. (meaning the obligations, etc. prescribed in Article 126-34, paragraph (1))"; the term "order to manage of the first financial institution under management" in the same paragraph will be deemed to be replaced with "designation of special monitoring (meaning the designation of special monitoring prescribed in Article 126-3, paragraph (2)) for the first financial institution, etc. under special monitoring (meaning the financial institution, etc. under special monitoring prescribed in the same paragraph)"; the term "contracted bridge bank" in Article 97, paragraph (1) will be deemed to be replaced with "contracted specified bridge financial institution, etc."; the term "any right ... in the following paragraph) (limited to those that have been confirmed as appropriate assets to be held by the relevant bridge bank under Article 93, paragraph (2))" in Article 135, paragraph (2) will be deemed to be replaced with "any right ... in the following paragraph"; the term "any right on land acquired through the assumption of business, etc. based on decision (limited to those that have been confirmed as appropriate assets to be held by the relevant bridge bank under Article 93, paragraph (2))" in Article 135, paragraph (3) will be deemed to be replaced with "any right on land acquired through the

assumption of business, etc. based on decision"; and any other necessary technical replacement of terms will be specified by Cabinet Order.

(特定再承継金融機関等に対する特定資金援助)

(Specified Financial Assistance to Specified Re-Succeeding Financial Institutions)

第二百二十六条の三十八 特定再承継を行う金融機関等で特定承継金融機関等でない者（以下この条において「特定再承継金融機関等」という。）又は特定再承継を行う特定持株会社等で特定承継金融機関等でない者（以下この条において「特定再承継特定持株会社等」という。）は、機構が、特定再承継を援助するため、特定資金援助（第二百二十六条の二十八第一項第三号、第六号又は第七号に掲げるものに限る。）を行うことを、機構に申し込むことができる。

Article 126-38 (1) A financial institution, etc. that is undertaking a specified re-succession and is not a specified bridge financial institution, etc. (hereinafter referred to as "specified re-succeeding financial institution, etc." in this Article), or a specified holding company, etc. undertaking a specified re-succession and is not a specified bridge financial institution, etc. (hereinafter referred to as a "specified re-succeeding specified holding company, etc." in this Article) may apply to have the DICJ provide the specified financial assistance (limited to that specified in Article 126-28, paragraph (1), item (iii), (vi), or (vii)) to support the specified re-succession.

2 前項の「特定再承継」とは、次に掲げるものをいう。

(2) The term "specified re-succession" as used in the preceding paragraph means the following:

一 特定承継金融機関等と合併する金融機関等が存続する合併

(i) a merger in which a financial institution, etc. that merges with a specified bridge financial institution, etc. survives;

二 特定承継金融機関等と他の金融機関等が合併して金融機関等を設立する合併

(ii) a merger in which a financial institution, etc. is established through the merger of a specified bridge financial institution, etc. and another financial institution, etc.;

三 特定承継金融機関等がその事業の全部（当該特定承継金融機関等の資産の一部を機構が買い取る場合にあつては、その買い取られる資産に係る部分を除く。）を他の金融機関等に譲渡するもの

(iii) a transfer by a specified bridge financial institution, etc. of all of its business (if the DICJ purchases part of the assets of the specified bridge financial institution, etc., excluding the portion in relation to the assets to be purchased) to another financial institution, etc.;

四 特定承継金融機関等の株式の他の金融機関等又は特定持株会社等による取得で当該特定承継金融機関等の業務の健全かつ適切な運営を確保するために必要な事項として内閣総理大臣及び財務大臣が定めるものを実施するために行うもの

(iv) the acquisition of shares of a specified bridge financial institution, etc. by another financial institution, etc. or specified holding company, etc. to implement matters specified by the Prime Minister and the Minister of Finance as being necessary for ensuring sound and appropriate operation of the specified bridge financial institution, etc.;

五 特定承継金融機関等を当事者とする吸収分割で当該吸収分割により当該特定承継金融機関等がその事業に関して有する権利義務の全部（当該特定承継金融機関等の資産の一部を機構が買い取る場合にあつては、その買い取られる資産に係る部分を除く。）を他の金融機関等に承継させるもの

(v) an absorption-type company split to which a specified bridge financial institution, etc. is a party where another financial institution, etc. succeeds to all of the rights and obligations held by the specified bridge financial institution, etc. in relation to its business (if the DICJ purchases part of the assets of the relevant specified bridge financial institution, etc., excluding the portion in relation to the assets to be purchased) through the relevant absorption-type company split; and

六 特定承継金融機関等を当事者とする新設分割で当該新設分割により当該特定承継金融機関等がその事業に関して有する権利義務の全部（当該特定承継金融機関等の資産の一部を機構が買い取る場合にあつては、その買い取られる資産に係る部分を除く。）を当該新設分割により新たに設立される金融機関等に承継させるもの

(vi) an incorporation-type company split to which a specified bridge financial institution, etc. is a party where the financial institution, etc. newly established through the relevant incorporation-type company split succeeds to all of the rights and obligations held by the specified bridge financial institution, etc. in relation to its business (if the DICJ purchases part of the assets of the relevant specified bridge financial institution, etc., excluding the portion in relation to the assets to be purchased) through then relevant absorption-type company split.

3 第一項の規定による資産の買取りは、次の各号に掲げる特定再承継の区分に応じ、当該各号に定める資産について行うものとする。

(3) The purchase of assets prescribed in paragraph (1) will be conducted with respect to the assets prescribed in each of the following items according to the category of the specified re-succession specified in each respective item:

一 前項第一号に掲げる合併 当該合併により存続する金融機関等の資産（当該合併前に特定承継金融機関等の資産であつたものに限る。）

(i) a merger specified in item (i) of the preceding paragraph: the assets of the financial institution, etc. surviving through the merger (limited to those that were the assets of the specified bridge financial institution, etc. prior to the merger);

二 前項第二号に掲げる合併 当該合併により設立される金融機関等の資産（当該合併前に特定承継金融機関等の資産であつたものに限る。）

(ii) a merger specified in item (ii) of the preceding paragraph: the assets of the financial institution, etc. that will be established by the merger (limited to those that were the assets of the specified bridge financial institution, etc. prior to the merger);

三 前項第三号に掲げる事業の譲渡 同号の他の金融機関等の資産で当該事業の譲渡により譲り受けたもの

(iii) transfer of the business specified in item (iii) of the preceding paragraph: the assets of another financial institution, etc. prescribed in the same item that have been received through the transfer of the relevant business;

四 前項第四号に掲げる株式の取得 当該株式の取得をされた金融機関等の資産

(iv) the acquisition of shares specified in item (iv) of the preceding paragraph: the assets of a financial institution, etc. whose shares have been acquired;

五 前項第五号に掲げる吸収分割 同号の他の金融機関等の資産で当該吸収分割により承継したもの

(v) the absorption-type company split specified in item (v) of the preceding paragraph: the assets of another financial institution, etc. set forth in the same item which the relevant financial institution, etc. has succeeded to through the absorption-type company split; and

六 前項第六号に掲げる新設分割 当該新設分割により設立される金融機関等の資産 (当該新設分割前に特定承継金融機関等の資産であつたものに限る。)

(vi) the incorporation-type company split specified in item (vi) of the preceding paragraph: the assets of the financial institution, etc. established through the incorporation-type company split (limited to those that were assets of the specified bridge financial institution, etc. prior to the incorporation-type company split).

4 第一項の規定による損害担保は、前項各号に掲げる特定再承継の区分に応じ、当該各号に定める資産である貸付債権について行うものとする。

(4) The collateralization of damage prescribed in paragraph (1) will be conducted with respect to loan claims that are the assets prescribed in each item of the preceding paragraph according to the category of the specified re-succession specified in each respective item of the preceding paragraph.

5 第二百二十六条の二十八第四項、第七項及び第八項並びに第二百二十六条の二十九第一項の規定は第一項の規定による申込みについて、同条第二項から第四項まで及び第六項から第八項までの規定はこの項において準用する同条第一項の認定について、それぞれ準用する。この場合において、第二百二十六条の二十八第四項中「、特定救済金融機関等」とあるのは「、特定再承継金融機関等（第二百二十六条の三十八第一項に規定する特定再承継金融機関等をいう。以下同じ。）」と、同条第七項中「特定持株会社等」とあるのは「特定再承継特定持株会社等（第二百二十六条の三十八第一項に規定する特定再承継特定持株会社等をいう。以下同じ。）」と、第二百二十六条の二十九第一項中「係る特定合併等」とあるのは「係る特定再承継（第二百二十六条の三十八第二項に規定する特定再承継をいう。以下同じ。）」と、「係る特定破綻金融機関等」とあ

るのは「係る特定承継金融機関等（第二百二十六条の三十四第三項第五号に規定する特定承継金融機関等をいう。以下同じ。）」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

(5) The provisions of Article 126-28, paragraphs (4), (7), and (8), and Article 126-29, paragraph (1) apply mutatis mutandis to an application under paragraph (1); and the provisions of paragraphs (2) through (4) and paragraphs (6) through (8) of the Article apply mutatis mutandis to the confirmation set forth in paragraph (1) of the Article as applied mutatis mutandis pursuant to this paragraph. In this case, the term "provided to the specified assuming financial institution, etc." in Article 126-28, paragraph (4) will be deemed to be replaced with "provided to the specified re-succeeding financial institution, etc. (meaning the specified re-succeeding financial institution, etc. prescribed in Article 126-38, paragraph (1); the same applies hereinafter)"; the term "specified holding company, etc." in paragraph (7) of the same Article will be deemed to be replaced with "specified re-succeeding specified holding company, etc. (meaning the specified re-succeeding specified holding company, etc. prescribed in Article 126-38, paragraph (1); the same applies hereinafter)"; the term "a specified merger, etc. in relation to" in Article 126-29, paragraph (1) will be deemed to be replaced with "a specified re-succession (meaning the specified re-succession prescribed in Article 126-38, paragraph (2); the same applies hereinafter) in relation to"; the term "Article 126-31, a specified failed financial institution, etc." in the paragraph will be deemed to be replaced with "Article 126-31, a specified bridge financial institution, etc. (meaning the specified bridge financial institution, etc. prescribed in Article 126-34, paragraph (3), item (v); the same applies hereinafter)"; and any other necessary technical replacement of terms will be specified by Cabinet Order.

6 内閣総理大臣は、前項において準用する第二百二十六条の二十九第二項の申請が行われない場合においても、特定承継金融機関等の業務又は債務が前項において準用する同条第三項第三号に掲げる要件に該当すると認めるときは、当該特定承継金融機関等及び他の金融機関等又は当該特定承継金融機関等及び特定持株会社等に対し、書面により、特定再承継（第二項第二号に掲げる合併を除くものとし、当該特定再承継が行われることが当該特定承継金融機関等が引き継いだ特別監視金融機関等の資産及び負債の秩序ある処理に資するものであり、かつ、機構による特定資金援助が行われることが当該特定再承継を行うために不可欠であるものに限る。）のあつせんを行うことができる。

(6) Even in cases where no application is made under Article 126-29, paragraph (2) as applied mutatis mutandis pursuant to the preceding paragraph, the Prime Minister may, when finding that the business or obligations of a specified bridge financial institution, etc. satisfy the requirements specified in paragraph (3), item (iii) of the Article as applied mutatis mutandis pursuant to the preceding paragraph, provide mediation in writing with regard to the

specified re-succession (excluding the merger specified in paragraph (2), item (ii) and limited to those that contribute to the orderly resolution of assets and liabilities of a financial institution, etc. under special monitoring which the relevant specified bridge financial institution, etc. has succeeded to and for which the specified financial assistance by the DICJ is indispensable) between the relevant specified bridge financial institution, etc. and another financial institution, etc. or the specified bridge financial institution, etc. and a specified holding company, etc.

- 7 第六十二条第二項及び第四項から第六項までの規定は前項のあつせんについて、第六十四条（第二項を除く。）及び第六十四条の二の規定は第一項の規定による申込みについて、第六十四条の三第一項の規定は特定再承継金融機関等又は特定再承継特定持株会社等により第二項第四号に掲げる株式の取得をされる特定承継金融機関等について、同条第二項の規定は機構が特定資金援助（劣後特約付社債（新株予約権が付されているものに限る。）又は特定劣後特約付社債（新株予約権が付されているものに限る。）の引受けに係るものに限る。）を行う特定再承継金融機関等、特定再承継特定持株会社等又は第二項第二号に掲げる合併若しくは同項第六号に掲げる新設分割により設立された金融機関等について、第六十五条及び第六十六条の規定は第五項において準用する第二百二十六条の二十九第一項の認定又は前項のあつせんを受けた金融機関等又は特定持株会社等について、第六十七条の規定は特定再承継金融機関等について、第六十八条の規定は特定再承継のための機構による特定資金援助について、第六十八条の二及び第六十八条の三の規定は当該特定資金援助（特定優先株式等の引受け等に係るものに限る。以下この項において同じ。）を受けた再承継金融機関等（特定再承継金融機関等（当該特定優先株式等の引受け等に係る合併又は新設分割により設立された金融機関等を含む。）又は特定再承継特定持株会社等（この項において準用する第六十八条の二第一項の承認を受けた場合におけるこの項において準用する同条第二項に規定する会社及びこの項において準用する第六十八条の三第一項の承認を受けた場合におけるこの項において準用する同条第四項に規定する承継金融機関等を含む。）をいう。以下この項において同じ。）について、第六十八条の四の規定は機構が当該特定資金援助を行つた再承継金融機関等であつて機構が現に保有する取得特定優先株式等（この項において読み替えて準用する第六十四条の二第六項に規定する取得特定優先株式等をいう。）である株式又は劣後特約付社債（新株予約権が付されているものに限る。）若しくは特定劣後特約付社債（新株予約権が付されているものに限る。）の発行者であるものの特別支配株主について、それぞれ準用する。この場合において、第六十二条第二項中「金融機関又は銀行持株会社等」とあるのは「金融機関等（第二百二十六条の二第二項に規定する金融機関等をいう。以下同じ。）又は特定持株会社等（第二百二十六条の二十八第一項に規定する特定持株会社等をいう。以下同じ。）」と、同条第四項中「前条第四項から第七項まで」とあるのは「第二百二十六条の三十八第五項において準用する第二百二十六条の二十九第四項、第六項及び第七項」と、同条第五項中「破綻金融機関又は破綻金融機関となる蓋然性が高いと認められる金融機関」とあるのは「特定承継金融機関等（第二百二十六条の三十四第三項第五号に規定する特定承継金融機関等をいう。）」と、第六十四条第一項中「資金援助」とあ

るの「特定資金援助（第二百二十六条の二十八第一項第三号、第六号又は第七号に掲げるものをいう。以下同じ。）」と、同条第三項中「又は労働金庫連合会を当事者とする合併等」とあるのは「、労働金庫連合会又は労働金庫等子法人等（第二百二十六条の二第二項第一号に規定する労働金庫等子法人等をいう。以下同じ。）を当事者とする特定再承継（第二百二十六条の三十八第二項に規定する特定再承継をいう。以下同じ。）」と、「株式会社商工組合中央金庫を当事者とする合併等」とあるのは「株式会社商工組合中央金庫又は商工組合子法人等（同号に規定する商工組合子法人等をいう。以下同じ。）を当事者とする特定再承継」と、第六十四条の二第一項中「優先株式等の引受け等」とあるのは「特定優先株式等の引受け等（第二百二十六条の二十八第三項に規定する特定優先株式等の引受け等をいう。以下同じ。）」と、「救済金融機関又は救済銀行持株会社等（第二条第五項第五号に掲げる会社を除く）」とあるのは「特定再承継金融機関等（第二百二十六条の三十八第一項に規定する特定再承継金融機関等をいう。以下同じ。）又は特定再承継特定持株会社等（同項に規定する特定再承継特定持株会社等をいう）」と、同条第二項中「充実」とあるのは「充実その他の財務内容の改善」と、同条第三項中「又は労働金庫連合会」とあるのは「、労働金庫連合会又は労働金庫等子法人等」と、「株式会社商工組合中央金庫」とあるのは「株式会社商工組合中央金庫又は商工組合子法人等」と、同条第五項中「取得優先株式等又は取得貸付債権」とあるのは「取得特定優先株式等又は取得特定貸付債権」と、「優先株式等の引受け等」とあるのは「特定優先株式等の引受け等」と、同条第六項中「取得優先株式等」とあるのは「取得特定優先株式等」と、同項第一号中「優先株式等の引受け等」とあるのは「特定優先株式等の引受け等」と、「優先株式等（次に掲げるものを含む。）その他の政令で定める株式等」とあるのは「特定優先株式等（優先株式等、第二百二十六条の二十二第六項第一号に規定する特定劣後特約付社債、株式会社及び優先出資法第二条第一項に規定する協同組織金融機関以外のもの出資又は基金に係る債権をいう。）（優先株式等にあつては次に掲げるものを含み、同号に規定する特定劣後特約付社債、株式会社及び優先出資法第二条第一項に規定する協同組織金融機関以外のもの出資又は基金に係る債権にあつては次に掲げるものに類するものを含む。）」と、第六十五条中「又は労働金庫連合会」とあるのは「、労働金庫連合会又は労働金庫等子法人等」と、「株式会社商工組合中央金庫」とあるのは「株式会社商工組合中央金庫又は商工組合子法人等」と、第六十六条第一項中「基づき合併、事業譲渡等、付保預金移転」とあるのは「基づき合併、事業譲渡等、特定債務引受け（第二百二十六条の二十八第二項第四号に規定する特定債務引受けをいう。以下同じ。）」と、「係る合併、事業譲渡等、付保預金移転」とあるのは「係る合併、事業譲渡等、特定債務引受け」と、「又は労働金庫連合会」とあるのは「、労働金庫連合会又は労働金庫等子法人等」と、「株式会社商工組合中央金庫」とあるのは「株式会社商工組合中央金庫又は商工組合子法人等」と、「ならない。適格性の認定等を受けた銀行持株会社等が、この法律若しくは会社法の規定又は定款の定めに基づき株式交換について株主総会等の決議又は総株主若しくは全ての種類株主の同意を必要とする場合において、当該適格性の認定等に係る株式交換についての決議又は同意を得たとき又は得られなかつたときも、同様とする」とあるのは「ならない」と、同条第二項中「銀行等、銀行持株会社等又は株式会社商工組合中央金庫」とあるのは「株式会社

である金融機関等又は特定持株会社等」と、「をいう」とあるのは「を、保険業法第二条第五項に規定する相互会社にあつては社員総会又は総代会を、これらの者以外の金融機関等又は特定持株会社等にあつてはその財務及び営業又は事業の方針を決定する機関をいう」と、同条第三項中「又は労働金庫連合会」とあるのは「、労働金庫連合会又は労働金庫等子法人等」と、「株式会社商工組合中央金庫」とあるのは「株式会社商工組合中央金庫又は商工組合子法人等」と、同項第一号中「又は金融機関の合併及び転換に関する法律」とあるのは「、金融機関の合併及び転換に関する法律」と、「の規定」とあるのは「又は保険業法第百六十五条の十一第一項本文の規定」と、「に規定する場合」とあるのは「又は保険業法第百六十五条の十一第二項に規定する場合」と、同条第四項中「株式会社商工組合中央金庫」とあるのは「株式会社商工組合中央金庫又は商工組合子法人等」と、第六十七条中「譲受け、付保預金移転」とあるのは「譲受け」と、同条第二項中「又は労働金庫連合会」とあるのは「、労働金庫連合会又は労働金庫等子法人等」と、「株式会社商工組合中央金庫」とあるのは「株式会社商工組合中央金庫又は商工組合子法人等」と、第六十八条の二中「発行救済金融機関等」とあるのは「発行特定再承継金融機関等」と、同条第二項中「含み、銀行持株会社等にあつては、第二条第五項第一号又は第三号に掲げるものに限る」とあるのは「含む」と、「財務大臣」とあるのは「財務大臣並びに厚生労働大臣及び経済産業大臣」と、同条第三項中「財務大臣」とあるのは「財務大臣（当該発行特定再承継金融機関等が労働金庫等子法人等である場合にあつては内閣総理大臣及び財務大臣並びに厚生労働大臣とし、当該発行特定再承継金融機関等が商工組合子法人等である場合にあつては内閣総理大臣及び財務大臣並びに経済産業大臣とする。））」と、第六十八条の三第二項中「金融機関又は銀行持株会社等（第二条第五項第一号及び第三号に掲げるものに限る。））」とあるのは「金融機関等又は特定持株会社等」と、同条第三項中「又は労働金庫連合会」とあるのは「、労働金庫連合会又は労働金庫等子法人等」と、「株式会社商工組合中央金庫」とあるのは「株式会社商工組合中央金庫又は商工組合子法人等」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

- (7) The provisions of Article 62, paragraphs (2) and (4) through (6) apply *mutatis mutandis* to the mediation prescribed in the preceding paragraph; the provisions of Article 64 (excluding paragraph (2)) and Article 64-2 apply *mutatis mutandis* to the application under paragraph (1); the provisions of Article 64-3, paragraph (1) apply *mutatis mutandis* to a specified bridge financial institution whose shares set forth in paragraph (2), item (iv) are acquired by a specified re-succeeding financial institution, etc. or a specified re-succeeding specified holding company, etc.; the provisions of Article 64-3, paragraph (2) apply *mutatis mutandis* to a specified re-succeeding financial institution, etc., a specified re-succeeding specified holding company, etc., or a financial institution, etc. established by the merger set forth in paragraph (2), item (ii) or the incorporation-type company split prescribed in item (vi) of the same paragraph to which the DICJ provides the specified financial assistance (limited to those in relation to subscription for subordinated bonds (limited to

those with share options) or specified subordinated bonds (limited to those with share options)); the provisions of Article 65 and Article 66 apply mutatis mutandis to the financial institution, etc. or specified holding company, etc. that has received the confirmation prescribed in Article 126-29, paragraph (1) as applied mutatis mutandis pursuant to paragraph (5) or that has received the mediation prescribed in the preceding paragraph; the provisions of Article 67 apply mutatis mutandis to the specified re-succeeding financial institution, etc.; the provisions of Article 68 apply mutatis mutandis to the specified financial assistance provided by the DICJ for specified re-succession; the provisions of Article 68-2 and Article 68-3 apply mutatis mutandis to a re-succeeding financial institution, etc. (meaning a specified re-succeeding financial institution, etc. (including a financial institution, etc. established by the merger or incorporation-type company split in relation to the relevant subscription for specified preferred shares, etc.) or a specified re-succeeding specified holding company, etc. (including the company prescribed in Article 68-2, paragraph (2) as applied mutatis mutandis pursuant to this paragraph if an approval has been obtained under Article 68-2, paragraph (1) as applied mutatis mutandis pursuant to this paragraph, and the bridge financial institution, etc. prescribed in Article 68-3, paragraph (4) as applied mutatis mutandis pursuant to this paragraph if an approval has been obtained under Article 68-3, paragraph (1) as applied mutatis mutandis pursuant to this paragraph); hereinafter the same applies in this paragraph) that has received the relevant specified financial assistance (limited to those in relation to the subscription for specified preferred shares, etc.; hereinafter the same applies in this paragraph); and the provisions of Article 68-4 apply mutatis mutandis to special controlling shareholders of a re-succeeding financial institution, etc. to which the DICJ has provided the relevant specified financial assistance and which has issued shares that are acquired specified preferred shares, etc. (meaning the acquired specified preferred shares, etc. prescribed in Article 64-2, paragraph (6) as applied mutatis mutandis by replacing the terms pursuant to this paragraph) actually held by the DICJ or subordinated bonds (limited to those with share options) or specified subordinated bonds (limited to those with share options). In this case, the term "financial institution or bank holding company, etc." in Article 62, paragraph (2) will be deemed to be replaced with "financial institution, etc. (meaning the financial institution, etc. prescribed in Article 126-2, paragraph (2); the same applies hereinafter) or specified holding company, etc. (meaning the specified holding company, etc. prescribed in Article 126-28, paragraph (1); the same applies hereinafter)"; the term "paragraphs (4) through (7) of the preceding Article" in paragraph (4) of the Article will be deemed to be replaced with "Article 126-29, paragraphs (4), (6), and (7) as applied mutatis mutandis pursuant to Article 126-38, paragraph

(5)"; the term "failed financial institution or a financial institution recognized as having a high probability of becoming a failed financial institution" in paragraph (5) of the same Article will be deemed to be replaced with "specified bridge financial institution, etc. (meaning the specified bridge financial institution, etc. prescribed in Article 126-34, paragraph (3), item (v))"; the term "financial assistance" in Article 64, paragraph (1) will be deemed to be replaced with "specified financial assistance (meaning those set forth in Article 126-28, paragraph (1), item (iii), (vi), or (vii); the same applies hereinafter)"; the term "a merger, etc. to which a labor bank or Rokinren Bank is a party" in paragraph (3) of the Article will be deemed to be replaced with "specified re-succesion (meaning the specified re-succesion prescribed in Article 126-38, paragraph (2); the same applies hereinafter) to which a labor bank, Rokinren Bank, or a subsidiary, etc. of a labor bank, etc. (meaning the subsidiary, etc. of a labor bank, etc. prescribed in Article 126-2, paragraph (2), item (i); the same applies hereinafter) is a party"; the term "a merger, etc. to which the Shoko Chukin Bank, Ltd. is a party" in the paragraph will be deemed to be replaced with "specified re-succesion to which the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank (the subsidiary, etc. of the Shoko Chukin Bank prescribed in the item; the same applies hereinafter) is a party"; the term "subscription for preferred shares, etc." in Article 64-2, paragraph (1) will be deemed to be replaced with "subscription for specified preferred shares, etc. (meaning the subscription for specified preferred shares, etc. prescribed in Article 126-28, paragraph (3); the same applies hereinafter"; the term "assuming financial institution or assuming bank holding company, etc. (excluding the companies specified in Article 2, paragraph (5), item (v))" in the paragraph will be deemed to be replaced with "specified re-succeeding financial institution, etc. (meaning the specified re-succeeding financial institution, etc. prescribed in Article 126-38, paragraph (1); the same applies hereinafter) or specified re-succeeding specified holding company, etc. (meaning the specified re-succeeding specified holding company, etc. prescribed in the paragraph"; the term "adequacy of equity capital" in paragraph (2) of the same Article will be deemed to be replaced with "adequacy of equity capital or otherwise improve the financial conditions"; the term "or federation of labor banks" in paragraph (3) of the Article will be deemed to be replaced with ", a federation of labor banks, or a subsidiary, etc. of a labor bank, etc."; the term "the Shoko Chukin Bank, Ltd." in the same paragraph will be deemed to be replaced with "the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank"; the term "acquired preferred shares, etc. or acquired loan claims" in paragraph (5) of the Article will be deemed to be replaced with "acquired specified preferred shares, etc. or acquired specified loan claims"; the term "subscription for preferred shares, etc." in the same paragraph will be deemed to be replaced

with "subscription for specified preferred shares, etc."; the term "acquired preferred shares, etc." in paragraph (6) of the same Article will be deemed to be "acquired specified preferred shares, etc."; the term "subscription for preferred shares, etc." in item (i) of the same paragraph will be deemed to be replaced with "subscription for specified preferred shares, etc."; the term " preferred shares, etc. (including the following) and other shares, etc. specified by Cabinet Order" in the same item will be deemed to be replaced with "specified preferred shares, etc. (meaning preferred shares, etc., specified subordinated bonds prescribed in Article 126-22, paragraph (6), item (i), equity investments of those other than stock companies and the cooperative financial institutions prescribed in Article 2, paragraph (1) of the Preferred Equity Investment Act, or claims in relation to funds) (including the following in the case of preferred shares, etc., and including equivalents of the following in the case of specified subordinated bonds prescribed in the same item, equity investments of those other than stock companies and the cooperative financial institutions prescribed in Article 2, paragraph (1) of the Preferred Equity Investment Act, or claims in relation to funds)"; the term "or Rokinren Bank" in Article 65 will be deemed to be replaced with ", Rokinren Bank, or a subsidiary, etc. of a labor bank, etc."; the term "the Shoko Chukin Bank, Ltd." in the same Article will be deemed to be replaced with "the Shoko Chukin Bank, Ltd or a subsidiary, etc. of the Shoko Chukin Bank"; the term "a merger, transfer of business, etc., transfer of insured deposits" in Article 66, paragraph (1) will be deemed to be replaced with "a merger, transfer of business, etc., specified assumption of obligations (meaning the specified assumption of obligations prescribed in Article 126-28, paragraph (2), item (iv); the same applies hereinafter)"; the term "a merger, transfer of business, etc., transfer of insured deposits" in the same paragraph will be deemed to be replaced with "a merger, transfer of business, etc., specified assumption of obligations"; the term "or Rokinren Bank" in the same paragraph will be deemed to be replaced with ", Rokinren Bank, or a subsidiary, etc. of a labor bank, etc."; the term "the Shoko Chukin Bank, Ltd." in the same paragraph will be deemed to be replaced with "the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank"; the term "to that effect. The same applies when, if a resolution of shareholders meeting, etc. or consent of all shareholders or all class shareholders is required for share exchange under the provisions of this Act, the Companies Act, or the articles of incorporation, a bank holding company, etc. that has received the confirmation of eligibility, etc. has obtained or failed to obtain the resolution or consent for share exchange in relation to the relevant confirmation of eligibility, etc." in the same paragraph will be deemed to be replaced with "to that effect."; the term "a bank, etc., bank holding company, etc., or the Shoko Chukin Bank, Ltd." in paragraph (2) of the same Article will be deemed to be replaced with "a

financial institution, etc. that is a stock company, or specified holding company, etc."; the term "a general meeting or general meeting of representatives" in the same paragraph will be deemed to be replaced with "a general meeting or general meeting of representatives, in the case of a mutual company prescribed in Article 2, paragraph (5) of the Insurance Business Act, a general meeting of members or general meeting of representatives, and in the case of a financial institution, etc. other than these or specified holding company, etc., a body that decides its financial and operational or business policies"; the term "or federation of labor banks" in paragraph (3) of the same Article will be deemed to be replaced with ", a federation of labor banks, or a subsidiary, etc. of a labor bank, etc."; the term "the Shoko Chukin Bank, Ltd." in the same paragraph will be deemed to be replaced with "the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank"; the term "paragraph (1) of the Act on Financial Institutions' Merger and Conversion" in the same item will be deemed to be replaced with "paragraph (1) of the Act on Financial Institutions' Merger and Conversion, or the principal sentence of Article 165-11, paragraph (1) of the Insurance Business Act"; the term "paragraph (2) of the Act on Financial Institutions' Merger and Conversion" in the same item will be deemed to be replaced with "paragraph (2) of the Act on Financial Institutions' Merger and Conversion, or Article 165-11, paragraph (2) of the Insurance Business Act"; the term "the Shoko Chukin Bank, Ltd." in paragraph (4) of the same Article will be deemed to be replaced with "the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank"; the term "assumption of business, transfer of insured deposits" in Article 67 will be deemed to be replaced with "assumption of business"; the term "or federation of labor banks" in paragraph (2) of the same Article will be deemed to be replaced with ", Rokinren Bank, or a subsidiary, etc. of a labor bank, etc."; the term "the Shoko Chukin Bank, Ltd." in the same paragraph will be deemed to be replaced with "the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank"; the term "issuing assuming financial institution, etc." in Article 68-2 will be deemed to be replaced with "issuing specified re-succeeding financial institution, etc."; the term "including those that will be newly established and, in the case of a bank holding company, etc., limited to those specified in Article 2, paragraph (5), item (i) or (iii)" in Article 68-2, paragraph (2) will be deemed to be replaced with "including those that will be newly established"; the term "Minister of Finance" in the same paragraph will be deemed to be replaced with "Minister of Finance, and the Minister of Health, Labour and Welfare and the Minister of Economy, Trade and Industry"; the term "Minister of Finance" in paragraph (3) of the same Article will be deemed to be replaced with "Minister of Finance (if the issuing specified re-succeeding financial institution, etc. is a subsidiary, etc. of a labor bank, etc., the Prime Minister, the Minister

of Finance, and the Minister of Health, Labour and Welfare, and if the issuing specified re-succeeding financial institution, etc. is a subsidiary, etc. of the Shoko Chukin Bank, the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry); the term "financial institution or bank holding company, etc. (limited to those specified in Article 2, paragraph (5), items (i) and (iii))" in Article 68-3, paragraph (2) will be deemed to be replaced with "financial institution, etc. or specified holding company, etc."; the term "or Rokinren Bank" in paragraph (3) of the same Article will be deemed to be replaced with ", Rokinren Bank, or a subsidiary, etc. of a labor bank, etc."; the term "the Shoko Chukin Bank, Ltd." in the same paragraph will be deemed to be replaced with "the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank"; and any other necessary technical replacement of terms will be specified by Cabinet Order.

(特定負担金の納付等)

(Payment of Specified Contributions)

第百二十六条の三十九 金融機関等は、第百二十三条第四項（第百二十四条第三項において準用する場合を含む。）の規定による公告がされたときは、当該公告において定められた期間、機構の危機対応業務（特定認定に係る金融機関等又は特定承継金融機関等に係るものに限る。）の実施に要した費用に充てるため、機構に対し、負担金（以下「特定負担金」という。）を納付しなければならない。

Article 126-39 (1) When public notice is given under Article 123, paragraph (4) (including cases where it is applied mutatis mutandis pursuant to Article 124, paragraph (3)), a financial institution, etc. must, during the period specified in the relevant public notice, pay contributions (hereinafter referred to as "specified contributions") to the DICJ to cover the costs incurred in carrying out the crisis management operations (limited to those in relation to a financial institution, etc. subject to specified confirmation or a specified bridge financial institution, etc.).

2 前項の公告がされたときは、金融機関等は、当該公告において定められた期間に含まれる各事業年度の末日までに、機構に対し、内閣府令・財務省令で定める書類を提出して、特定負担金を納付するものとする。この場合において、金融機関等は、当該金融機関等を金融機関等子法人等とする銀行持株会社、長期信用銀行持株会社、保険持株会社又は指定親会社がある場合にはこれらの者を通じて、当該金融機関等を金融機関等子法人等とする銀行持株会社、長期信用銀行持株会社、保険持株会社又は指定親会社がない場合であつて当該金融機関等を金融機関等子法人等とする金融機関等がある場合には当該金融機関等を金融機関等子法人等とする金融機関等のうち内閣府令・財務省令で定める者を通じて、当該書類を提出して、特定負担金を納付するものとする。

(2) If public notice is given under the preceding paragraph, a financial institution, etc. is to submit documents specified by Cabinet Office Order and Order of the

Ministry of Finance and pay specified contributions to the DICJ by the last day of each business year included in the period specified in the relevant public notice. In this case, if there is a bank holding company, long term credit bank holding company, insurance holding company, or designated parent company which has the relevant financial institution, etc. as a subsidiary, etc. of the financial institution, etc., the relevant financial institution, etc. is to submit the relevant documents and pay the specified contributions through the entities, and if there is no bank holding company, long term credit bank holding company, insurance holding company, or designated parent company which has the relevant financial institution, etc. as a subsidiary, etc. of the financial institution, etc. but there is a financial institution, etc. that has the relevant financial institution, etc. as a subsidiary, etc. of the financial institution, etc., the relevant financial institution, etc. is to submit the relevant documents and pay the specified contributions through the financial institution, etc. that has the relevant financial institution, etc. as a subsidiary, etc. of the financial institution, etc. which is specified by Cabinet Office Order and Order of the Ministry of Finance.

3 第一項の特定負担金の額は、各金融機関等につき、当該特定負担金を納付すべき日を含む事業年度の直前の事業年度の末日における負債（内閣府令・財務省令で定めるものを除く。）の額の合計額を十二で除し、これに当該特定負担金を納付すべき日を含む事業年度の月数を乗じて計算した金額に、第二百二十三条第二項の規定により定められた負担率を乗じて計算した金額とする。

(3) The amount of specified contributions prescribed in paragraph (1) will be calculated for each financial institution, etc. by dividing by twelve the total amount of its liabilities outstanding on the last day of the business year immediately preceding the business year that includes the due date for payment of the relevant specified contributions (excluding those specified by Cabinet Office Order and Order of the Ministry of Finance), multiplying the resulting amount by the number of months in the business year that includes the due date for payment of the relevant specified contributions, and multiplying the resulting amount by the contribution rate specified under Article 123, paragraph (2).

4 納付金融機関（銀行持株会社、長期信用銀行持株会社、保険持株会社若しくは指定親会社又は金融機関等を金融機関等子法人等とする金融機関等のうち第二項の内閣府令・財務省令で定める者をいう。以下この項において同じ。）及び当該納付金融機関の子会社その他納付金融機関がその経営を支配している法人として内閣府令・財務省令で定めるもの（以下この項において「納付金融機関等」という。）の第一項の特定負担金の額は、前項の規定にかかわらず、納付金融機関等に該当する各金融機関等につき、当該特定負担金を納付すべき日を含む事業年度の直前の事業年度の末日における当該納付金融機関等につき内閣府令・財務省令で定めるところにより連結して記載した貸借対照表その他の内閣府令・財務省令で定める書類上の負債（内閣府令・財務

省令で定めるものを除く。)の額の合計額(以下この項において「連結負債合計額」という。)に、当該各金融機関等の負債の額が連結負債合計額に占める割合として内閣府令・財務省令で定める割合を乗じて計算した金額を十二で除し、これに当該特定負担金を納付すべき日を含む事業年度の月数を乗じて計算した金額に、第二百二十三条第二項の規定により定められた負担率を乗じて計算した金額とする。

(4) Notwithstanding the provisions of the preceding paragraph, the amount of specified contributions prescribed in paragraph (1) with regard to a paying financial institution (meaning a bank holding company, long term credit bank holding company, insurance holding company, or designated parent company, or a financial institution, etc. which has a financial institution, etc. as a subsidiary, etc. of the financial institution, etc. that is specified by Cabinet Office Order and Order of the Ministry of Finance as set forth in paragraph (2); hereinafter the same applies in this paragraph) and a subsidiary company of the relevant paying financial institution, and any other entity specified by Cabinet Office Order and Order of the Ministry of Finance as a corporation of which management is controlled by the paying financial institution (hereinafter referred to as the "paying financial institution, etc.") will be calculated for each financial institution, etc. that is a paying financial institution by dividing by twelve the amount obtained by multiplying the total amount of its liabilities outstanding on the balance sheet prepared with regard to the relevant paying financial institution, etc. on a consolidated basis pursuant to the provisions of Cabinet Office Order and Order of the Ministry of Finance on the last day of the business year immediately preceding the business year that includes the due date for payment of the relevant specified contributions (excluding the liabilities specified by Cabinet Office Order and Order of the Ministry of Finance) (hereinafter referred to as the "consolidated total amount of liabilities" in this paragraph) by the rate specified by Cabinet Office Order and Order of the Ministry of Finance as the rate of the amount of liabilities of each the relevant financial institution, etc. to the consolidated total amount of liabilities, multiplying the resulting amount by the number of months in the business year that includes the due date for payment of the relevant specified contributions, and multiplying the resulting amount by the contribution rate specified under Article 123, paragraph (2).

5 第五十条第二項及び第五十二条の規定は、第一項の特定負担金について準用する。この場合において、第五十条第二項中「金融機関の」とあるのは「金融機関等(第二百二十六条の二第二項に規定する金融機関等をいう。以下同じ。)」の」と、同項第二号中「適格性の認定等が」とあるのは「適格性の認定等又は第二百二十六条の三十一に規定する特定適格性認定等が」と、「破綻金融機関」とあるのは「破綻金融機関又は当該特定適格性認定等に係る第二百二十六条の二十八第一項に規定する特定破綻金融機関等」と、同項第三号中「管理を命ずる処分が」とあるのは「管理を命ずる処分又は第二百二十六条の五第一項に規定する特定管理を命ずる処分が」と、「被管理金融機関」

とあるのは「被管理金融機関又は当該特定管理を命ずる処分に係る金融機関等」と、第五十二条第一項中「金融機関」とあるのは「金融機関等」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

- (5) The provisions of Article 50, paragraph (2) and Article 52 apply mutatis mutandis to the specified contributions set forth in paragraph (1). In this case, the term "exempt a financial institution" in Article 50, paragraph (2) will be deemed to be replaced with "exempt a financial institution, etc. (meaning the financial institution, etc. prescribed in Article 126-2, paragraph (2); the same applies hereinafter); the term "confirmation of eligibility, etc. prescribed in Article 65" in item (ii) of the same paragraph will be deemed to be replaced with "confirmation of eligibility, etc. prescribed in Article 65 or specified confirmation of eligibility, etc. prescribed in Article 126-31"; the term "failed financial institution" in the same item will be deemed to be replaced with "failed financial institution or the specified failed financial institution, etc. prescribed in Article 126-28, paragraph (1) in relation to the relevant specified confirmation of eligibility, etc."; the term "an order to manage prescribed in Article 74, paragraph (1)" in item (iii) of the same paragraph will be deemed to be replaced with "an order to manage prescribed in Article 74, paragraph (1) or an order for specified management prescribed in Article 126-5, paragraph (1)"; the term "financial institution under management in relation to the order to manage" in the same item will be deemed to be replaced with "financial institution under management in relation to the order to manage or the financial institution, etc. in relation to the relevant order for specified management"; and the term "financial institution" in Article 52, paragraph (1) will be deemed to be "financial institution, etc."; and any other necessary technical replacement of terms will be specified by Cabinet Order.

第八章 雑則

Chapter VIII Miscellaneous Provisions

(預金等の払戻しのための資金の貸付け)

(Loan of Funds for Refunding Deposits)

第二百二十七条 第六十九条の三の規定は、同条第一項各号に掲げる者から支払対象預金等の払戻し（保険金計算規定により計算した保険金の額に対応する支払対象預金等につき行うものに限る。）のために必要とする資金の貸付けの申込みを受けた場合について準用する。この場合において、同項中「当該決済債務に係る第五十四条の二第一項の規定及び同条第二項において準用する第五十四条第三項の規定」とあるのは、「当該支払対象預金等に係る保険金計算規定」と読み替えるものとする。

Article 127 (1) The provisions of Article 69-3 apply mutatis mutandis to cases where an application is received from a person specified in each item of Article 69-3, paragraph (1) for the loan of funds necessary for refunding the covered

deposits, etc. (limited to the repayment for the covered deposits, etc. corresponding to the amount of insurance proceeds calculated under the insurance claim calculation provisions). In this case, the term "in relation to the relevant settlement obligations calculated under Article 54-2, paragraph (1) and Article 54, paragraph (3) as applied mutatis mutandis pursuant to Article 54-2, paragraph (2)" in Article 69-3, paragraph (1) will be deemed to be replaced with "in relation to the relevant covered deposits, etc. calculated under the insurance claim calculation provisions".

2 機構は、第六十九条の三第一項各号に掲げる者が行う前項に規定する支払対象預金等の払戻しに係る事務に要する費用を負担することができる。

(2) The DICJ may bear the costs required for the affairs in relation to the refund of covered deposits, etc. prescribed in the preceding paragraph that is made by the person set forth in the items of Article 69-3, paragraph (1).

(金融システムの著しい混乱を生じさせるおそれがあると認められる種類の債務の弁済のために必要とする資金の貸付け)

(Loan of Funds Necessary for the Repayment of Types of Obligations Likely to Cause Severe Disruption to the Financial System)

第二百二十七条の二 機構は、次に掲げる者からその不履行により我が国の金融システムの著しい混乱を生じさせるおそれがあると認められる種類の債務の弁済のために必要とする資金の貸付けの申込みを受けた場合において、必要があると認めるときは、委員会の議決を経て、その必要の限度において、当該申込みに係る貸付けを行う旨の決定をすることができる。

Article 127-2 (1) If the DICJ receives from any of the following persons an application for a loan of funds necessary for the repayment of the types of obligations that are found likely to cause severe disruption to the financial system in Japan due to their default, the DICJ may, when it finds it necessary, and following a resolution of the board, decide to provide the loan in relation to the relevant application to the extent necessary:

一 特定管理を命ずる処分を受けた金融機関等

(i) a financial institution, etc. subject to an order for specified management;

二 破産手続開始の決定を受けた特定破綻金融機関等（外国銀行支店を除く。）又は外国銀行に係る特定破綻金融機関等（外国銀行支店に限る。）

(ii) a specified failed financial institution, etc. (excluding a foreign bank branch) that has become subject to a ruling for the commencement of bankruptcy proceedings or a specified failed financial institution, etc. (limited to a foreign bank branch) in relation to a foreign bank that has become subject to the ruling;

三 破産法第九十一条第一項の規定による保全管理人による管理を命ずる処分を受けた特定破綻金融機関等（外国銀行支店を除く。）又は外国銀行に係る特定破綻金融機関等（外国銀行支店に限る。）

- (iii) a specified failed financial institution, etc. (excluding a foreign bank branch) that has become subject to an order to manage by a provisional administrator under Article 91, paragraph (1) of the Bankruptcy Act or a specified failed financial institution, etc. (excluding a foreign bank branch) in relation to a foreign bank that has become subject to the order;
- 四 更生手続開始の決定を受けた特定破綻金融機関等（外国銀行支店を除く。）又は外国銀行に係る特定破綻金融機関等（外国銀行支店に限る。）
- (iv) a specified failed financial institution, etc. (excluding a foreign bank branch) that has become subject to a ruling for the commencement of reorganization proceedings or a specified failed financial institution, etc. (limited to a foreign bank branch) of a foreign bank that has become subject to the ruling;
- 五 会社更生法第三十条第一項又は金融機関等の更生手続の特例等に関する法律第二十二條第一項若しくは第百八十七條第一項の規定による保全管理人による管理を命ずる処分を受けた特定破綻金融機関等（外国銀行支店を除く。）又は外国銀行に係る特定破綻金融機関等（外国銀行支店に限る。）
- (v) a specified failed financial institution, etc. (excluding a foreign bank branch) that has become subject to an order to manage by a provisional administrator under Article 30, paragraph (1) of the Corporate Reorganization Act or Article 22, paragraph (1) or Article 187, paragraph (1) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions or a Specified Failed Financial Institution, etc. (limited to a Foreign Bank Branch) of a foreign bank that has become subject to the order;
- 六 民事再生法第六十四条第一項の規定による管財人による管理を命ずる処分を受けた特定破綻金融機関等（外国銀行支店を除く。）又は外国銀行に係る特定破綻金融機関等（外国銀行支店に限る。）
- (vi) a specified failed financial institution, etc. (excluding a foreign bank branch) that has become subject to an order to manage by a provisional administrator under Article 64, paragraph (1) of the Civil Rehabilitation Act or a specified failed financial institution, etc. (limited to a foreign bank branch) of a foreign bank that has become subject to the order;
- 七 民事再生法第七十九条第一項の規定による保全管理人による管理を命ずる処分を受けた特定破綻金融機関等（外国銀行支店を除く。）又は外国銀行に係る特定破綻金融機関等（外国銀行支店に限る。）
- (vii) a specified failed financial institution, etc. (excluding a foreign bank branch) that has become subject to an order to manage by a provisional administrator under Article 79, paragraph (1) of the Civil Rehabilitation Act or a specified failed financial institution, etc. (limited to a foreign bank branch) of a foreign bank that has become subject to the order; and
- 八 特別清算開始の命令を受けた特定破綻金融機関等（外国会社、外国銀行支店及び

外国保険会社等を除く。）、会社法第八百二十二条第一項の規定により清算開始の命令を受けた特定破綻金融機関等（外国会社、外国銀行支店及び外国保険会社等に限る。）、銀行法第五十一条第一項の規定により清算を開始した特定破綻金融機関等（外国銀行支店に限る。）又は保険業法第二百二十二条第一項の規定により清算を開始した特定破綻金融機関等（外国保険会社等に限る。）

(viii) a specified failed financial institution, etc. (excluding a foreign company, a foreign bank branch, or a foreign insurance company, etc.) that has become subject to an order for commencement of special liquidation, a specified failed financial institution, etc. (limited to a foreign company, a foreign bank branch, or a foreign insurance company, etc.) that has become subject to an order for commencement of liquidation under Article 822, paragraph (1) of the Companies Act, a specified failed financial institution, etc. (limited to a foreign bank branch) for which liquidation has been commenced pursuant to Article 51, paragraph (1) of the Banking Act, or a specified failed financial institution, etc. (limited to a foreign insurance company, etc.) for which liquidation has been commenced pursuant to Article 212, paragraph (1) of the Insurance Business Act.

2 第六十四条第三項の規定は前項の規定による決定をしたときについて、同条第四項の規定は前項の規定により貸付けを行う旨の決定をしたときについて、それぞれ準用する。この場合において、同条第三項中「又は労働金庫連合会を当事者とする合併等」とあるのは「、労働金庫連合会又は第二百二十六条の二第二項第一号に規定する労働金庫等子法人等」と、「株式会社商工組合中央金庫を当事者とする合併等」とあるのは「株式会社商工組合中央金庫又は同号に規定する商工組合子法人等」と、同条第四項中「金融機関又は銀行持株会社等」とあるのは「第二百二十六条の二第二項に規定する金融機関等」と読み替えるものとする。

(2) The provisions of Article 64, paragraph (3) apply mutatis mutandis to the cases where a decision is made under the preceding paragraph, and the provisions of Article 64, paragraph (4) apply mutatis mutandis to the cases where a decision to provide a loan is made under the preceding paragraph. In this case, the term "a merger, etc. to which a labor bank or Rokinren Bank is a party" in paragraph (3) of the same Article will be deemed to be replaced with "a labor bank, Rokinren Bank, or a subsidiary, etc. of a labor bank, etc. prescribed in Article 126-2, paragraph (2), item (i)"; the term "a merger, etc. to which the Shoko Chukin Bank, Ltd. is a party" in the same paragraph will be deemed to be replaced with "the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank prescribed in the same item"; and the term "a financial institution or bank holding company, etc." in paragraph (4) of the same Article will be deemed to be replaced with "a financial institution, etc. prescribed in Article 126-2, paragraph (2)".

3 第一項の規定により次の各号に掲げる者に対してされた貸付けは、当該金融機関等に係る破産手続（金融機関等が外国銀行支店である場合にあつては、当該外国銀行支

店に係る外国銀行の破産手続）、更生手続（金融機関等が外国銀行支店である場合にあっては、当該外国銀行支店に係る外国銀行の更生手続）、再生手続（金融機関等が外国銀行支店である場合にあっては、当該外国銀行支店に係る外国銀行の再生手続。第三号において同じ。）又は特別清算手続（金融機関等が外国会社、外国銀行支店又は外国保険会社等である場合にあっては、会社法第八百二十二条（保険業法第二百十三号において準用する場合を含む。）、銀行法第五十一条又は保険業法第二百十二号の規定による清算手続）における機構以外の債権者との関係においては、当該各号に定める行為より前にされたものとみなす。

(3) The loan provided under paragraph (1) to a person specified in each of the following items will, in relation to creditors other than the DICJ in bankruptcy proceedings (if the financial institution, etc. is a foreign bank branch, bankruptcy proceedings of the foreign bank in relation to the relevant foreign bank branch), reorganization proceedings (if the financial institution, etc. is a foreign bank branch, reorganization proceedings of the foreign bank in relation to the relevant foreign bank branch), rehabilitation proceedings (if the financial institution, etc. is a foreign bank branch, rehabilitation proceedings of the foreign bank in relation to the relevant foreign bank branch; the same applies in item (iii)) or special liquidation proceedings (if the financial institution, etc. is a foreign company, a foreign bank branch, or a foreign insurance company, etc., liquidation proceedings under Article 822 of the Companies Act (including cases where it is applied mutatis mutandis pursuant to Article 213 of the Insurance Business Act), Article 51 of the Banking Act, or Article 212 of the Insurance Business Act) in relation to the relevant financial institution, etc. be deemed to be provided prior to the act prescribed in each respective item:

一 第一項第二号に掲げる特定破綻金融機関等 当該破産手続開始の決定

(i) the specified failed financial institution, etc. specified in paragraph (1), item (ii): the relevant ruling for the commencement of bankruptcy proceedings;

二 第一項第四号に掲げる特定破綻金融機関等 当該更生手続開始の決定

(ii) the specified failed financial institution, etc. specified in paragraph (1), item (iv): the relevant ruling for the commencement of reorganization proceedings;

三 再生手続開始の決定を受けた特定破綻金融機関等 当該再生手続開始の決定

(iii) a specified failed financial institution, etc. that has become subject to a ruling for the commencement of rehabilitation proceedings: the relevant ruling for the commencement of rehabilitation proceedings; and

四 第一項第八号に掲げる特定破綻金融機関等 当該特別清算開始の命令（金融機関等が外国会社、外国銀行支店又は外国保険会社等である場合にあっては、会社法第八百二十二条第一項の規定による清算開始の命令又は銀行法第五十一条第一項若しくは保険業法第二百十二条第一項の規定による清算の開始）

(iv) the specified failed financial institution, etc. specified in paragraph (1),

item (viii): the relevant order for commencement of special liquidation (if the financial institution, etc. is a foreign company, a foreign bank branch, or a foreign insurance company, etc., the order for commencement of liquidation proceedings under Article 822, paragraph (1) of the Companies Act or commencement of liquidation under Article 51, paragraph (1) of the Banking Act or Article 212, paragraph (1) of the Insurance Business Act).

(預金等の払戻しに関する会社法の特例)

(Special Provisions of the Companies Act Concerning Refunding Deposits)

第百二十七条の三 第六十九条の四第三項から第五項までの規定は、第百二十七条第一項において準用する第六十九条の三第一項の規定による資金の貸付けを行う旨の決定があるときについて準用する。この場合において、第六十九条の四第三項中「前条第一項に規定する決済債務の弁済」とあるのは「第百二十七条第一項に規定する支払対象預金等の払戻し」と、同条第四項及び第五項中「弁済を行う決済債務の種類」とあるのは「払戻しを行う支払対象預金等の種別」と、「弁済の」とあるのは「払戻しの」と、「弁済をする」とあるのは「払戻しをする」と読み替えるものとする。

Article 127-3 The provisions of Article 69-4, paragraphs (3) through (5) apply mutatis mutandis to cases where a decision has been made to make the loan of funds under Article 69-3, paragraph (1) as applied mutatis mutandis pursuant to Article 127, paragraph (1). In this case, the term "the repayment of the settlement obligations prescribed in paragraph (1) of the preceding Article" in Article 69-4, paragraph (3) will be deemed to be replaced with "refunding the covered deposits, etc. prescribed in Article 127, paragraph (1)" the terms "the types of the settlement obligations to be repaid", "repayment" and "repaid" in Article 69-4, paragraphs (4) and (5) will be deemed to be replaced with "the types of the covered deposits, etc. to be returned," "refund" and "refunded", respectively.

(金融システムの著しい混乱を生じさせるおそれがあると認められる種類の債務の弁済に関する破産法等の特例)

(Special Provisions of the Bankruptcy Act Concerning Repayment of the Types of Obligations Likely to Cause Severe Disruption to the Financial System)

第百二十七条の四 破産手続開始（金融機関等が外国銀行支店である場合にあつては、当該外国銀行支店に係る外国銀行の破産手続開始）の決定、更生手続開始（金融機関等が外国銀行支店である場合にあつては、当該外国銀行支店に係る外国銀行の更生手続開始）の決定又は再生手続開始（金融機関等が外国銀行支店である場合にあつては、当該外国銀行支店に係る外国銀行の再生手続開始）の決定があつた金融機関等に対し第百二十七条の二第一項の規定による資金の貸付けを行う旨の決定があるときは、破産法第百条第一項、会社更生法第四十七条第一項（金融機関等の更生手続の特例等に関する法律第三十四条及び第百九十九条において準用する場合を含む。）及び民事再生法第八十五条第一項の規定にかかわらず、裁判所は、破産管財人、更生手続におけ

る管財人又は同法第二条第二号に規定する再生債務者等の申立てにより、第二百二十七条の二第一項の規定によるその不履行により我が国の金融システムの著しい混乱を生じさせるおそれがあると認められる種類の債務の弁済その他これを消滅させる行為（以下この条において「弁済」という。）を許可することができる。

Article 127-4 (1) If a decision has been made to loan funds under Article 127-2, paragraph (1) to a financial institution, etc. for which a ruling for the commencement of bankruptcy proceedings (if the financial institution, etc. is a foreign bank branch, bankruptcy proceedings of the foreign bank in relation to the relevant foreign bank branch), a ruling for the commencement of reorganization proceedings (if the financial institution, etc. is a foreign bank branch, reorganization proceedings of the foreign bank in relation to the relevant foreign bank branch), or a ruling for the commencement of rehabilitation proceedings (if the financial institution, etc. is a foreign bank branch, rehabilitation proceedings of the foreign bank in relation to the relevant foreign bank branch) has been given, the court may, notwithstanding the provisions of Article 100, paragraph (1) of the Bankruptcy Act, Article 47, paragraph (1) of the Corporate Reorganization Act (including cases where it is applied mutatis mutandis pursuant to Articles 34 and 199 of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions), and Article 85, paragraph (1) of the Civil Rehabilitation Act, in response to a petition filed by a bankruptcy trustee, a trustee in reorganization proceedings, or a rehabilitation debtor, etc. prescribed in Article 2, item (ii) of the same Act, grant permission for the repayment of the types of obligations that are found likely to cause severe disruption to the financial system in Japan by their default under Article 127-2, paragraph (1) or any other act for extinguishing the relevant obligations (hereinafter referred to as "repayment" in this Article).

2 裁判所は、前項の許可と同時に、弁済を行う債務の種類、弁済の限度額及び弁済をする期間（当該期間の末日は、債権届出期間の末日より前の日でなければならないものとする。）を定めなければならない。

(2) The court must, upon granting the permission under the preceding paragraph, specify the types of obligations subject to the repayment, limit of the amount of repayment, and period of repayment (the last day of the relevant period must precede the last date of the period for filing proofs of claims).

3 裁判所は、前項の規定により、弁済を行う債務の種類、弁済の限度額及び弁済をする期間を定めるときは、あらかじめ、機構の意見を聴かなければならない。

(3) When specifying the types of obligations subject to the repayment, limit of the amount of repayment, and period of repayment under the preceding paragraph, the court must hear the opinion of the DICJ in advance.

（金融システムの著しい混乱を生じさせるおそれがあると認められる種類の債務の弁済に関する会社法の特例）

(Special Provisions of the Companies Act Concerning Repayment of the Types of Obligations Likely to Cause Severe Disruption to the Financial System)

第二百二十七条の五 第六十九条の四第三項から第五項までの規定は、特別清算開始の命令若しくは会社法第八百二十二条第一項の規定による清算開始の命令を受けた特定破綻金融機関等又は銀行法第五十一条第一項若しくは保険業法第二百十二条第一項の規定により清算を開始した特定破綻金融機関等に対し第二百二十七条の二第一項の規定による資金の貸付けを行う旨の決定があるときについて準用する。この場合において、第六十九条の四第三項中「前条第一項に規定する決済債務」とあるのは「第二百二十七条の二第一項の規定によるその不履行により我が国の金融システムの著しい混乱を生じさせるおそれがあると認められる種類の債務」と、同条第四項中「弁済を行う」とあるのは「弁済その他これを消滅させる行為（以下この条において「弁済」という。）を行う」と、同項及び同条第五項中「決済債務」とあるのは「債務」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

Article 127-5 The provisions of Article 69-4, paragraphs (3) through (5) apply mutatis mutandis to the cases where a decision has been made to loan funds under Article 127-2, paragraph (1) to a specified failed financial institution, etc. that has become subject to an order for commencement of special liquidation or an order for commencement of liquidation under Article 822, paragraph (1) of the Companies Act or to a specified failed financial institution, etc. for which liquidation has been commenced pursuant to Article 51, paragraph (1) of the Banking Act or Article 212, paragraph (1) of the Insurance Business Act. In this case, the term "the settlement obligations prescribed in paragraph (1) of the preceding Article" in Article 69-4, paragraph (3) will be deemed to be replaced with "the types of obligations that are found likely to cause severe disruption to the financial system in Japan by their default under Article 127-2, paragraph (1)"; the term "to be repaid" in paragraph (4) of the same Article will be deemed to be replaced with "subject to the repayment or any other act for extinguishing the relevant obligations (hereinafter referred to as "repayment" in this Article)"; and the term "the settlement obligations" in the same paragraph and paragraph (5) of the same Article will be deemed to be replaced with "the obligations"; and any other necessary technical replacement of terms will be specified by Cabinet Order.

(資産価値の減少防止のための資金の貸付け)

(Loan of Funds to Prevent a Decline in Asset Value)

第二百二十八条 第六十九条の三（第三項及び第四項を除く。）の規定は、同条第一項各号に掲げる者（同項第一号に掲げる者にあつては、破産手続開始、更生手続開始若しくは再生手続開始の申立て又は特別清算開始の命令があつた後に限り、同項第二号から第八号までに掲げる者にあつては特定認定に係る金融機関等を除く。）からその保有する貸付債権その他の資産の価値の減少を防止するために必要とする資金の貸付けの申込みを受けた場合について準用する。この場合において、同項中「当該決済債務

に係る第五十四条の二第一項の規定及び同条第二項において準用する第五十四条第三項の規定により計算した保険金の額の合計額に達するまでを限り」とあるのは、「その必要の限度において」と読み替えるものとする。

Article 128 The provisions of Article 69-3 (excluding paragraphs (3) and (4)) apply mutatis mutandis to cases where an application is received from a person specified in each item of Article 69-3, paragraph (1) (in the case of any person specified in Article 69-3, paragraph (1), item (i), limited to the time after a petition is filed for the commencement of bankruptcy proceedings, commencement of reorganization proceedings or commencement of rehabilitation proceedings or after an order for commencement of special liquidation is issued, and in the case of any person specified items (ii) through (viii) of the same paragraph, excluding a financial institution, etc. subject to specified confirmation) for the loan of funds necessary to prevent a decline in the value of loan claims or other assets held by the person. In this case, the term "up to the total amount of insurance proceeds in relation to the relevant settlement obligations calculated under Article 54-2, paragraph (1) and Article 54, paragraph (3) as applied mutatis mutandis pursuant to Article 54-2, paragraph (2)" in Article 69-3, paragraph (1) will be deemed to be replaced with "within the limit necessary".

第二百二十八条の二 機構は、次に掲げる者（第一号に掲げる者にあつては、破産手続開始（同号に掲げる者が外国銀行支店である場合にあつては、当該外国銀行支店に係る外国銀行の破産手続開始）、更生手続開始（同号に掲げる者が外国銀行支店である場合にあつては、当該外国銀行支店に係る外国銀行の更生手続開始）若しくは再生手続開始（同号に掲げる者が外国銀行支店である場合にあつては、当該外国銀行支店に係る外国銀行の再生手続開始）の申立て又は特別清算開始の命令（同号に掲げる者が外国会社、外国銀行支店又は外国保険会社等である場合にあつては、会社法第八百二十二条第一項の規定による清算開始の命令又は銀行法第五十一条第一項若しくは保険業法第二百十二条第一項の規定による清算の開始）があつた後に限る。）からその保有する貸付債権その他の資産の価値の減少を防止するために必要とする資金の貸付けの申込みを受けた場合において、必要があると認めるときは、委員会の議決を経て、その必要の限度において、当該申込みに係る貸付けを行う旨の決定をすることができる。

Article 128-2 (1) If an application is received from any of the following persons (in the case of any person specified in item (i), limited to the time after a petition is filed for the commencement of bankruptcy proceedings (if the person specified in the same item is a foreign bank branch, commencement of bankruptcy proceedings of the foreign bank in relation to the relevant foreign bank branch), commencement of reorganization proceedings (if the person specified in the same item is a foreign bank branch, commencement of reorganization proceedings of the foreign bank in relation to the relevant foreign bank branch), or commencement of rehabilitation proceedings (if the

person specified in the same item is a foreign bank branch, commencement of rehabilitation proceedings of the foreign bank in relation to the relevant foreign bank branch) or after an order for commencement of special liquidation (if the person specified in the same item is a foreign company, a foreign bank branch, or a foreign insurance company, etc., the order for commencement of liquidation proceedings under Article 822, paragraph (1) of the Companies Act or commencement of liquidation under Article 51, paragraph (1) of the Banking Act or Article 212, paragraph (1) of the Insurance Business Act) is issued) for the loan of funds necessary to prevent a decline in the value of loan claims or other assets held by the person, the DICJ may, when it finds it necessary, and following a resolution of the board, decide to provide the loan in relation to the relevant application to the extent necessary:

一 特定管理を命ずる処分を受けた金融機関等

(i) a financial institution subject to an order for specified management;

二 破産手続開始の決定を受けた特定破綻金融機関等（外国銀行支店を除く。）又は外国銀行に係る特定破綻金融機関等（外国銀行支店に限る。）

(ii) a specified failed financial institution, etc. (excluding a foreign bank branch) that has become subject to a ruling for the commencement of bankruptcy proceedings or a specified failed financial institution, etc. (limited to a foreign bank branch) in relation to a foreign bank that has become subject to the ruling;

三 破産法第九十一条第一項の規定による保全管理人による管理を命ずる処分を受けた特定破綻金融機関等（外国銀行支店を除く。）又は外国銀行に係る特定破綻金融機関等（外国銀行支店に限る。）

(iii) a specified failed financial institution, etc. (excluding a foreign bank branch) that has become subject to an order to manage by a provisional administrator under Article 91, paragraph (1) of the Bankruptcy Act or a specified failed financial institution, etc. (limited to a foreign bank branch) of a foreign bank that has become subject to the order;

四 更生手続開始の決定を受けた特定破綻金融機関等（外国銀行支店を除く。）又は外国銀行に係る特定破綻金融機関等（外国銀行支店に限る。）

(iv) a specified failed financial institution, etc. (excluding a foreign bank branch) that has become subject to a ruling for the commencement of reorganization proceedings or a specified failed financial institution, etc. (limited to a foreign bank branch) of a foreign bank that has become subject to the ruling;

五 会社更生法第三十条第一項又は金融機関等の更生手続の特例等に関する法律第二十二條第一項若しくは第百八十七條第一項の規定による保全管理人による管理を命ずる処分を受けた特定破綻金融機関等（外国銀行支店を除く。）又は外国銀行に係る特定破綻金融機関等（外国銀行支店に限る。）

(v) a specified failed financial institution, etc. (excluding a foreign bank

branch) that has become subject to an order to manage by a provisional administrator under Article 30, paragraph (1) of the Corporate Reorganization Act or Article 22, paragraph (1) or Article 187, paragraph (1) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions or a specified failed financial institution, etc. (limited to a foreign bank branch) of a foreign bank that has become subject to the order;

六 民事再生法第六十四条第一項の規定による管財人による管理を命ずる処分を受けた特定破綻金融機関等（外国銀行支店を除く。）又は外国銀行に係る特定破綻金融機関等（外国銀行支店に限る。）

(vi) a specified failed financial institution, etc. (excluding a foreign bank branch) that has become subject to an order to manage by a provisional administrator under Article 64, paragraph (1) of the Civil Rehabilitation Act or a specified failed financial institution, etc. (limited to a foreign bank branch) of a foreign bank that has become subject to the order;

七 民事再生法第七十九条第一項の規定による保全管理人による管理を命ずる処分を受けた特定破綻金融機関等（外国銀行支店を除く。）又は外国銀行に係る特定破綻金融機関等（外国銀行支店に限る。）

(vii) a specified failed financial institution, etc. (excluding a foreign bank branch) that has become subject to an order to manage by a provisional administrator under Article 79, paragraph (1) of the Civil Rehabilitation Act or a specified failed financial institution, etc. (limited to a foreign bank branch) of a foreign bank that has become subject to the order; and

八 特別清算開始の命令を受けた特定破綻金融機関等（外国会社、外国銀行支店及び外国保険会社等を除く。）、会社法第八百二十二条第一項の規定により清算開始の命令を受けた特定破綻金融機関等（外国会社、外国銀行支店及び外国保険会社等に限る。）、銀行法第五十一条第一項の規定により清算を開始した特定破綻金融機関等（外国銀行支店に限る。）又は保険業法第二百十二条第一項の規定により清算を開始した特定破綻金融機関等（外国保険会社等に限る。）

(viii) a specified failed financial institution, etc. (excluding a foreign company, a foreign bank branch, or a foreign insurance company, etc.) that has become subject to an order for commencement of special liquidation, a specified failed financial institution, etc. (limited to a foreign company, a foreign bank branch, or a foreign insurance company, etc.) that has become subject to an order for commencement of liquidation under Article 822, paragraph (1) of the Companies Act, a specified failed financial institution, etc. (limited to a foreign bank branch) for which liquidation has been commenced pursuant to Article 51, paragraph (1) of the Banking Act, or a specified failed financial institution, etc. (limited to a foreign insurance company, etc.) for which liquidation has been commenced pursuant to Article 212, paragraph (1) of the Insurance Business Act.

2 第六十四条第三項の規定は前項の規定による決定をしたときについて、同条第四項の規定は前項の規定により貸付けを行う旨の決定をしたときについて、それぞれ準用する。この場合において、同条第三項中「又は労働金庫連合会を当事者とする合併等」とあるのは「、労働金庫連合会又は第二百二十六条の二第二項第一号に規定する労働金庫等子法人等」と、「株式会社商工組合中央金庫を当事者とする合併等」とあるのは「株式会社商工組合中央金庫又は同号に規定する商工組合子法人等」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

(2) The provisions of Article 64, paragraph (3) apply mutatis mutandis to the cases where a decision is made under the preceding paragraph, and the provisions of Article 64, paragraph (4) apply mutatis mutandis to the cases where a decision to provide a loan is made under the preceding paragraph. In this case, the term "a merger, etc. to which a labor bank or Rokinren Bank is a party" in paragraph (3) of the same Article will be deemed to be replaced with "a labor bank, Rokinren Bank, or a subsidiary, etc. of a labor bank, etc. prescribed in Article 126-2, paragraph (2), item (i)"; and the term "a merger, etc. to which the Shoko Chukin Bank, Ltd. is a party" in the same paragraph will be deemed to be replaced with "the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank prescribed in the same item"; and any other necessary technical replacement of terms will be specified by Cabinet Order.

(資産の買取り)

(Purchase of Assets)

第二百二十八条の三 機構は、第五十六条第一項の規定により第一種保険事故に係る保険金の支払をする旨の決定をした場合又は第二種保険事故が発生した場合において、これらの保険事故が発生した金融機関（これらの保険事故が発生した時において金融機関であつた者を含む。）が保有する資産の買取りを行うことができる。

Article 128-3 (1) If the DICJ has made a decision to pay insurance proceeds in relation to a category-one insured event or a category-two insured event has occurred, the DICJ may purchase assets held by the financial institution subject to these insured events (including a person that was a financial institution at the time of the occurrence of these insured events).

2 機構は、前項の規定による資産の買取りを行う場合には、内閣総理大臣及び財務大臣があらかじめ定めて公表する基準に従わなければならない。

(2) If the DICJ purchases assets under the preceding paragraph, it must comply with standards prescribed and publicly announced in advance by the Prime Minister and the Minister of Finance.

3 機構は、第一項に規定する金融機関から同項の資産の買取りに係る申込みがあつたとき、又は当該資産の買取りに係る入札の実施の広告若しくは申出があつた場合において、当該入札に係る資産の買取りをしようとするときは、遅滞なく、委員会の議決を経て、当該資産の買取りを行うかどうかを決定しなければならない。

(3) If the DICJ receives an application for the purchase of assets under paragraph (1) from a financial institution prescribed in paragraph (1), or an announcement or proposal of the implementation of the bidding process for the purchase of assets is made and the DICJ intends to purchase the assets subject to the bidding process, following a resolution of the board, the DICJ must decide without delay whether or not to carry out the purchase of assets.

4 機構は、前項の規定による決定をしたときは、直ちに、その決定に係る事項を内閣総理大臣及び財務大臣に報告しなければならない。

(4) Upon making a decision under the preceding paragraph, the DICJ must immediately report matters in relation to the decision to the Prime Minister and the Minister of Finance.

5 機構は、第三項の規定による資産の買取りを行う旨の決定をしたときは、当該決定に係る第一項に規定する金融機関との間で当該資産の買取りに関する契約を締結するものとする。

(5) Upon making a decision to purchase assets under paragraph (3), the DICJ is to conclude a contract for the purchase of assets with the financial institution prescribed in paragraph (1) in relation to the decision.

6 機構は、第一項に規定する金融機関との間で前項の契約を締結しようとするときは、内閣総理大臣の認可を受けなければならない。

(6) If the DICJ intends to conclude the contract under the preceding paragraph with the financial institution prescribed in paragraph (1), it must obtain the authorization of the Prime Minister.

第百二十九条 機構は、第三章第四節、前章及び前条の規定による場合のほか、協定承継銀行、特別危機管理銀行、特別監視金融機関等又は協定特定承継金融機関等が保有する資産の買取りを行うことができる。

Article 129 (1) Beyond cases prescribed in Section 4 of Chapter III, the preceding Chapter, and the preceding Article, the DICJ may purchase assets held by a contracted bridge bank, bank under special crisis management, financial institution, etc. under special monitoring, or contracted specified bridge financial institution, etc.

2 機構は、前項の規定による資産の買取りを行う場合には、内閣総理大臣及び財務大臣があらかじめ定めて公表する基準に従わなければならない。

(2) If the DICJ purchases assets under the preceding paragraph, it must comply with standards prescribed and publicly announced in advance by the Prime Minister and the Minister of Finance.

3 機構は、協定承継銀行、特別危機管理銀行、特別監視金融機関等又は協定特定承継金融機関等から第一項の資産の買取りに係る申込みがあつたときは、遅滞なく、委員会の議決を経て、当該申込みに係る資産の買取りを行うかどうかを決定しなければならない。

(3) Upon receiving an application under paragraph (1) for the purchase of assets

from a contracted bridge bank, bank under special crisis management, financial institution, etc. under special monitoring, or contracted specified bridge financial institution, etc., the DICJ must, following a resolution of the board, decide without delay whether or not to carry out the purchase of assets in relation to the relevant application.

4 機構は、前項の規定による決定をしたときは、直ちに、その決定に係る事項を内閣総理大臣及び財務大臣に報告しなければならない。

(4) Upon making a decision under the preceding paragraph, the DICJ must immediately report matters in relation to the decision to the Prime Minister and the Minister of Finance.

5 機構は、第三項の規定による資産の買取りを行う旨の決定をしたときは、当該協定承継銀行、特別危機管理銀行、特別監視金融機関等又は協定特定承継金融機関等との間で当該資産の買取りに関する契約を締結するものとする。

(5) Upon making a decision to purchase assets under paragraph (3), the DICJ is to conclude a contract for the purchase of assets with the relevant contracted bridge bank, bank under special crisis management, financial institution, etc. under special monitoring, or contracted specified bridge financial institution, etc.

(信用金庫等の総会等の招集手続の特例)

(Special Provisions for Convocation Procedures for Shinkin Bank General Meetings)

第百三十条 適格性の認定等又は特定適格性認定等を受けた信用金庫等が行う事業譲渡等及びその実施に必要な定款の変更について議決するための当該信用金庫等の総会は、総会員（労働金庫にあつては、労働金庫法第十三条第一項に規定する個人会員を除く。）又は総組合員の同意があるときは、信用金庫法第四十五条、中小企業等協同組合法第四十九条及び労働金庫法第四十九条の規定にかかわらず、招集の手続を経ることなく開催することができる。

Article 130 (1) Notwithstanding the provisions of Article 45 of the Shinkin Bank Act, Article 49 of the Small and Medium-Sized Enterprises Cooperatives Act, and Article 49 of the Labor Bank Act, a general meeting of a Shinkin bank, etc. that has received the confirmation of eligibility, etc. or specified confirmation of eligibility, etc. may be held without the procedures of calling if all members (in the case of a labor bank, excluding individual members prescribed in Article 13, paragraph (1) of the Labor Bank Act) or all association members consent, for the purpose of deliberating a resolution to approve a transfer of business, etc. and any amendment to the articles of incorporation necessary to carry out the transfer of business, etc.

2 前項の規定は、同項に規定する事項について議決するための総代会について準用する。この場合において、同項中「総会員（労働金庫にあつては、労働金庫法第十三条第一項に規定する個人会員を除く。）又は総組合員」とあるのは「総代の全員」と、

「信用金庫法第四十五条、中小企業等協同組合法第四十九条及び労働金庫法第四十九条」とあるのは「信用金庫法第四十九条第五項において準用する同法第四十五条、中小企業等協同組合法第五十五条第六項において準用する同法第四十九条及び労働金庫法第五十五条第五項において準用する同法第四十九条」と読み替えるものとする。

- (2) The provisions of the preceding paragraph apply mutatis mutandis to a general meeting of representatives for the purpose of deliberating a resolution to approve the matters prescribed in the preceding paragraph. In this case, the terms "all members (in the case of a labor bank, excluding individual members prescribed in Article 13, paragraph (1) of the Labor Bank Act) or all association members" and "Article 45 of the Shinkin Bank Act, Article 49 of the Small and Medium-Sized Enterprises Cooperatives Act, and Article 49 of the Labor Bank Act" in the same paragraph will be deemed to be replaced with "all representatives" and "Article 45 of the Shinkin Bank Act as applied mutatis mutandis pursuant to Article 49, paragraph (5) of the Act, Article 49 of the Small and Medium-Sized Enterprises Cooperatives Act as applied mutatis mutandis pursuant to Article 55, paragraph (6) of the same Act, and Article 49 of the Labor Bank Act as applied mutatis mutandis pursuant to Article 55, paragraph (5) of the same Act", respectively.

(事業譲渡等における債権者保護手続の特例等)

(Special Provisions for Procedures for Protection of Creditors in the Transfer of Business)

第百三十一条 第五十九条第二項第三号に掲げる事業譲渡等若しくは付保預金移転を援助するための第六十四条第一項の規定による資金援助を行う旨の決定又は第百二十六条の二十八第二項第三号に掲げる事業譲渡等若しくは特定債務引受けを援助するための第百二十六条の三十一において準用する第六十四条第一項の規定による特定資金援助を行う旨の決定があつたときは、特定事業譲渡等（第五十九条第二項第三号に掲げる事業譲渡等若しくは付保預金移転又は第百二十六条の二十八第二項第三号に掲げる事業譲渡等若しくは特定債務引受けをいい、これらに伴う資産の譲渡を含む。以下この条及び次条において同じ。）に係る債務の引受け及び契約上の地位の移転は、当該特定事業譲渡等により救済金融機関又は特定救済金融機関等が引き受ける債務に係る債権者及び救済金融機関又は特定救済金融機関等が譲り受ける契約上の地位に係る契約の相手方の承諾を得ないでこれを行うことができる。

Article 131 (1) When a decision to provide financial assistance is made under Article 64, paragraph (1) for the purpose of supporting the transfer of business, etc. prescribed in Article 59, paragraph (2), item (iii) or a transfer of insured deposits, or when a decision to provide the specified financial assistance is made under Article 64, paragraph (1) as applied mutatis mutandis pursuant to Article 126-31 for the purpose of supporting the transfer of business, etc. prescribed in Article 126-28, paragraph (2), item (iii) or specified assumption of obligations, the assumption of obligations in relation to specified transfer of

business, etc. (meaning the transfer of business, etc. prescribed in Article 59, paragraph (2), item (iii) or a transfer of insured deposits or the transfer of business, etc. prescribed in Article 126-28, paragraph (2), item (iii) or specified assumption of obligations, and including any transfer of assets associated therewith; hereinafter the same applies in this Article and the following Article) and transfer of the contractual status may be carried out without consent from creditors in relation to obligations to be assumed by an assuming financial institution or a specified assuming financial institution, etc. through the relevant specified transfer of business, etc. or the other party to the contract in relation to the contractual status which an assuming financial institution or a specified assuming financial institution, etc. is to receive.

2 民法第四百六十六条第三項及び第四百六十六条の五第一項の規定は、前項の決定があつた場合における当該決定に係る特定事業譲渡等に係る譲渡制限の意思表示（同法第四百六十六条第二項に規定する譲渡制限の意思表示をいう。第四項及び第七項において同じ。）がされた債権の譲渡については、適用しない。

(2) The provisions of Article 466, paragraph (3) and Article 466-5, paragraph (1) of the Civil Code do not apply to the transfer of claims if the manifestation of intention to restrict the transfer (meaning the manifestation of intention to restrict the transfer prescribed in Article 466, paragraph (2) of the same Code; the same applies in paragraphs (4) and (7)) has been made for the specified transfer of business, etc. in relation to a decision made under the preceding paragraph.

3 銀行法第三十四条及び第三十五条（これらの規定を長期信用銀行法第十七条、信用金庫法第八十九条第一項、協同組合による金融事業に関する法律第六条第一項及び労働金庫法第九十四条第一項において準用する場合を含む。）並びに金融商品取引法第五十条の二第六項の規定は、第一項の決定があつた場合における当該決定に係る特定事業譲渡等については、適用しない。

(3) The provisions of Article 34 and Article 35 of the Banking Act (including cases where these provisions are applied mutatis mutandis pursuant to Article 17 of the Long-Term Credit Bank Act, Article 89, paragraph (1) of the Shinkin Bank Act, Article 6, paragraph (1) of the Act on Financial Business by Cooperatives, and Article 94, paragraph (1) of the Labor Bank Act) and Article 50-2, paragraph (6) of the Financial Instruments and Exchange Act do not apply to the specified transfer of business, etc. in relation to a decision made under paragraph (1).

4 第一項の決定があつた場合における当該決定に係る特定事業譲渡等がされたときは、当該破綻金融機関及び救済金融機関又は特定破綻金融機関等及び特定救済金融機関等は、その日から二週間以内に、当該特定事業譲渡等の内容の要旨並びにこれに対し異議のある債権者、譲渡制限の意思表示がされた債権に係る債務者及び契約上の地位に係る契約の相手方は一定の期間内に異議を述べるべき旨を公告し、かつ、預金者等その他政令で定める債権者以外の知れている債権者、譲渡制限の意思表示がされた債権

に係る債務者及び契約上の地位に係る契約の相手方には、各別にこれを催告しなければならない。

(4) Upon executing the specified transfer of business, etc. in relation to a decision made under paragraph (1), the failed financial institution and the assuming financial institution or the specified failed financial institution, etc. and the specified assuming financial institution, etc. must, within two weeks of the day of the relevant execution, give public notice explaining the outline of the content of the relevant specified transfer of business, etc. and stating that any creditors, obligors in relation to claims for which the manifestation of intention to restrict the transfer has been made, and the other party to the contract in relation to the contractual status who have any objection thereto should state the objection within a specified period of time, and must also give this notice to each of the individual known creditors other than the depositors, etc. and other creditors specified by Cabinet Order, obligors in relation to claims for which the manifestation of intention to restrict the transfer has been made, and the other party to the contract in relation to the contractual status.

5 前項の期間は、一月を下つてはならない。

(5) The period under the preceding paragraph cannot be less than one month.

6 第四項の規定にかかわらず、破綻金融機関及び救済金融機関又は特定破綻金融機関等及び特定救済金融機関等が同項の規定による公告を、官報のほか、その定款で定めた公告の方法（外国会社、外国銀行支店又は外国保険会社等にあつては、会社法第九百三十九条第二項若しくは第四項、銀行法第四十九条の二第一項又は保険業法第二百一十七条第一項若しくは第四項の規定による公告の方法。以下同じ。）によりするとき、当該破綻金融機関及び救済金融機関又は特定破綻金融機関等及び特定救済金融機関等による第四項の規定による各別の催告は、することを要しない。

(6) Notwithstanding the provisions of paragraph (4), if a failed financial institution and assuming financial institution or the specified failed financial institution, etc. and specified assuming financial institution, etc. give public notice under that paragraph by means of a public notice as prescribed in the articles of incorporation (in the case of a foreign company, foreign bank branch, or foreign insurance company, etc., the method of public notice under Article 939, paragraph (2) or (4) of the Companies Act, Article 49-2, paragraph (1) of the Banking Act, or Article 217, paragraph (1) or (4) of the Insurance Business Act; the same applies hereinafter), beyond the Official Gazette, the failed financial institution and assuming financial institution or the specified failed financial institution, etc. and specified assuming financial institution, etc. will not be required to give separate notices under the provisions of paragraph (4).

7 第一項の決定があつた場合における当該決定に係る特定事業譲渡等により救済金融機関又は特定救済金融機関等が引き受ける債務に係る債権者、救済金融機関又は特定救済金融機関等が譲り受ける譲渡制限の意思表示がされた債権に係る債務者及び救済金融機関又は特定救済金融機関等が譲り受ける契約上の地位に係る契約の相手方（以

下この項において「移転債権者等」という。)が第四項に規定する期間内に異議を述べたときは、当該移転債権者等に係る当該特定事業譲渡等に係る債務の引受け、譲渡制限の意思表示がされた債権の譲渡及び契約上の地位の移転(以下この項において「債務の引受け等」という。)は、当該債務の引受け等の時に遡ってその効力を失う。ただし、第三者の権利を害することができない。

(7) If a creditor in relation to obligations that are to be assumed by an assuming financial institution or a specified assuming financial institution, etc. through the specified transfer of business, etc. in relation to a decision made under paragraph (1), obligors in relation to claims for which the manifestation of intention to restrict the transfer has been made that is to be received by an assuming financial institution or a specified assuming financial institution, etc., and the other party to the contract in relation to contractual status that is to be received by an assuming financial institution or a specified assuming financial institution, etc. (hereinafter referred to as the "transferred creditors, etc." in this paragraph) state objections within the period under paragraph (4), the assumption of obligations in relation to the specified transfer of business, etc., transfer of claims for which the manifestation of intention to restrict the transfer has been made, and transfer of contractual status (hereinafter referred to as the "assumption of obligations, etc." in this paragraph) in relation to the relevant transferred creditors, etc. will lose its effect retroactively as of the time of the relevant assumption of obligations, etc.; provided, however, that this does not prejudice the rights of a third party.

8 破綻金融機関の債権者(第一項に規定する第五十九条第二項第三号に掲げる事業譲渡等又は付保預金移転により救済金融機関が引き受けた債務以外の破綻金融機関の債務に係る債権者に限る。)又は特定破綻金融機関等の債権者(第一項に規定する第一百二十六条の二十八第二項第三号に掲げる事業譲渡等又は特定債務引受けにより特定救済金融機関等が引き受けた債務以外の特定破綻金融機関等の債務に係る債権者に限る。)が第四項の期間内に異議を述べた場合において、当該破綻金融機関の債権者又は当該特定破綻金融機関等の債権者の債権につき第一項に規定する特定事業譲渡等により弁済を受けることができないこととなつた金額があるときは、当該破綻金融機関の債権者又は当該特定破綻金融機関等の債権者は、救済金融機関又は特定救済金融機関等に対し、当該金額に相当する金銭の支払を請求することができる。

(8) If creditors of a failed financial institution (limited to creditors in relation to the obligations of the failed financial institution other than those assumed by the assuming financial institution through the transfer of business, etc. set forth in Article 59, paragraph (2), item (iii) or the transfer of insured deposits prescribed in paragraph (1)) or creditors of a specified failed financial institution, etc. (limited to creditors in relation to the obligations of a specified failed financial institution, etc. other than those assumed by the specified assuming financial institution, etc. through the transfer of business, etc. set forth in Article 126-28, paragraph (2), item (iii) or the specified assumption of

obligations prescribed in paragraph (1)) state objections within the period under paragraph (4), when any amount is owed to creditors of the failed financial institution or creditors of the specified failed financial institution, etc. with respect to their claims that can no longer be satisfied due to the specified transfer of business, etc. prescribed in paragraph (1), the creditors of the failed financial institution or creditors of the specified failed financial institution, etc. may claim the payment of the relevant amount from the assuming financial institution or the specified assuming financial institution, etc.

9 救済金融機関の債権者（第一項に規定する第五十九条第二項第三号に掲げる事業譲渡等又は付保預金移転により救済金融機関が引き受けた債務以外の救済金融機関の債務に係る債権者に限る。）又は特定救済金融機関等の債権者（第一項に規定する第二百二十六条の二十八第二項第三号に掲げる事業譲渡等又は特定債務引受けにより特定救済金融機関等が引き受けた債務以外の特定救済金融機関等の債務に係る債権者に限る。）が第四項の期間内に異議を述べたときは、当該救済金融機関又は特定救済金融機関等は、弁済し、又は相当の担保を提供し、若しくは当該債権者に弁済を受けさせることを目的として信託会社若しくは信託業務を営む金融機関に相当の財産を信託しなければならない。ただし、当該特定事業譲渡等が当該救済金融機関の債権者又は当該特定救済金融機関等の債権者を害するおそれがないときは、この限りでない。

(9) If creditors of an assuming financial institution (limited to creditors in relation to the obligations of the assuming financial institution other than those assumed by the assuming financial institution through the transfer of business, etc. set forth in Article 59, paragraph (2), item (iii) or the transfer of insured deposits prescribed in paragraph (1)) or creditors of a specified assuming financial institution, etc. (limited to creditors in relation to the obligations of specified assuming financial institution, etc. other than those assumed by the specified assuming financial institution, etc. through the transfer of business, etc. set forth in Article 126-28, paragraph (2), item (iii) or the specified assumption of obligations prescribed in paragraph (1)) state objections within the period under paragraph (4), the assuming financial institution or specified assuming financial institution, etc. must make payment or provide equivalent security to the creditors or entrust equivalent assets to a trust company or financial institutions that conducts trust business for the purpose of ensuring that the creditors receive the payment; provided, however, that this does not apply when the specified transfer of business, etc. is unlikely to be detrimental to the creditors of the assuming financial institution or creditors of the specified assuming financial institution, etc.

第百三十一条の二 特定事業譲渡等に係る契約上の地位の移転（預金等に係る契約に係るものであつて、契約の条項（金利その他の政令で定めるものに限る。）の変更を伴うものに限る。以下この条において同じ。）は、当該契約上の地位の移転に係る預金者等の承諾を得ないでこれを行うことができる。この場合において、破綻金融機関及

び救済金融機関又は特定破綻金融機関等及び特定救済金融機関等（次項において「破綻金融機関等」という。）は、当該契約上の地位の移転の前に、当該特定事業譲渡等の内容の要旨及び当該変更の内容並びにこれらに対し異議のある預金者等は一定の期間内に異議を述べるべき旨を公告し、かつ、住所又は居所が知れている預金者等には各別にこれを催告しなければならない。

Article 131-2 (1) The transfer of the contractual status (limited to the transfer in relation to a contract for deposits, etc. that involves a modification to the contractual clauses (limited to interest rates and other clauses specified by Cabinet Order; hereinafter the same applies in this Article); hereinafter the same applies in this Article) in relation to the specified transfer of business, etc. may be carried out without consent from depositors, etc. in relation to the transfer of the contractual status. In this case, prior to the transfer of the contractual status, the failed financial institution and the assuming financial institution or the specified failed financial institution, etc. and the specified assuming financial institution, etc. (referred to as the "failed financial institution, etc." in the following paragraph) must give public notice explaining the outline of the content of the relevant specified transfer of business, etc. and stating that any depositors, etc. who have any objection thereto should state the objection within a specified period of time, and must also give this notice to each of the depositors, etc. whose domicile or residence is known.

2 破綻金融機関等は、前項の規定により特定事業譲渡等に係る契約上の地位の移転をしようとするときは、同項の公告及び催告をする前に、内閣総理大臣（当該破綻金融機関等のうちに労働金庫又は労働金庫連合会有る場合にあつては内閣総理大臣及び厚生労働大臣とし、当該破綻金融機関等のうちに株式会社商工組合中央金庫がある場合にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。）の承認を受けなければならない。

(2) If the failed financial institution, etc. intends to carry out the transfer of the contractual status in relation to the specified transfer of business, etc. pursuant to the preceding paragraph, before giving public notice and notice under the same paragraph, it must obtain approval from the Prime Minister (if the failed financial institution, etc. is a labor bank or Rokinren Bank, from the Prime Minister and the Minister of Health, Labour and Welfare, and if the failed financial institution, etc. is the Shoko Chukin Bank, Ltd., from the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry).

3 第一項の期間は、政令で定める期間を下つてはならない。

(3) The period referred to in paragraph (1) must not be less than the period specified by Cabinet Order.

4 第一項の期間内に異議を述べた預金者等に係る契約上の地位の移転は、効力を生じない。

(4) The transfer of the contractual status does not become effective with regard to

depositors, etc. who have stated the objection within the period referred to in paragraph (1).

- 5 前条並びに銀行法第三十四条及び第三十五条（これらの規定を長期信用銀行法第十七条、信用金庫法第八十九条第一項、協同組合による金融事業に関する法律第六条第一項及び労働金庫法第九十四条第一項において準用する場合を含む。）の規定は、第一項の公告又は催告に係る契約上の地位の移転については、適用しない。

(5) The provisions of the preceding Article and Articles 34 and 35 of the Banking Act (including cases where these provisions are applied mutatis mutandis pursuant to Article 17 of the Long-Term Credit Bank Act, Article 89, paragraph (1) of the Shinkin Bank Act, Article 6, paragraph (1) of the Act on Financial Business by Cooperatives, and Article 94, paragraph (1) of the Labor Bank Act) do not apply to the transfer of the contractual status subject to the public notice or notice under paragraph (1).

（信託業務の承継における受託者の変更手続の特例）

(Special Provisions for Procedures for Changing Trustees in the Succession of Trust Business)

第百三十二条 破綻金融機関又は特定破綻金融機関等であつて金融機関の信託業務の兼営等に関する法律第一条第一項の規定により信託業務を営む者が同項の規定により信託業務を営む金融機関に対してする事業の譲渡を援助するための第六十四条第一項の規定による資金援助を行う旨の決定又は第二百二十六条の三十一において準用する第六十四条第一項の規定による特定資金援助を行う旨の決定があつたときは、当該破綻金融機関又は特定破綻金融機関等は、その引き受けた信託につき、信託法（平成十八年法律第百八号）第五十六条第一項並びに第五十七条第一項及び第二項並びに公益信託ニ関スル法律（大正十一年法律第六十二号）第七条の規定にかかわらず、当該資金援助に係る救済金融機関又は当該特定資金援助に係る特定救済金融機関等（以下この条及び次条において「新受託者」という。）との間の事業の譲渡の契約をもつて受託者の変更をすることができる。

Article 132 (1) Notwithstanding the provisions of Article 56, paragraph (1) and Article 57, paragraph (1) and paragraph (2) of the Trust Act (Act No. 108 of 2006) and Article 7 of the Act on Charitable Trusts (Act No. 62 of 1922), when there is a decision to provide financial assistance under Article 64, paragraph (1) to support the transfer of business of a failed financial institution or specified failed financial institution, etc. that conducts trust business under Article 1, paragraph (1) of the Act on Engagement in Trust Business by Financial Institutions to a financial institution that conducts trust business under Article 1, paragraph (1) of the same Act or there is a decision to provide the specified financial assistance under Article 64, paragraph (1) as applied mutatis mutandis pursuant to Article 126-31, the relevant failed financial institution or specified failed financial institution, etc. may, under a contract for the transfer of business with an assuming financial institution in relation

to the financial assistance or a specified assuming financial institution, etc. in relation to the relevant specified financial assistance (hereinafter referred to as "new trustee" in this Article and the following Article), effect a change of trustees for trusts that have been assumed.

2 新受託者（特定目的信託（資産の流動化に関する法律（平成十年法律第百五号）第二条第十三項に規定する特定目的信託をいう。次条において同じ。）の新受託者を除く。以下この条において同じ。）は、前項の規定による変更が行われたときは、直ちに、当該変更に係る信託の委託者（以下この条において「移転委託者」という。）又は受益者（以下この条において「移転受益者」という。）であつて当該変更に興議のある者は一定の期間内に異議を述べるべき旨を公告し、かつ、貸付信託その他の定型的信託契約に係る信託として政令で定めるもの（第五項において「定型的信託」という。）に係る移転委託者及び移転受益者以外の知れている移転委託者及び移転受益者には、各別にこれを催告しなければならない。

(2) If a change of trustee is effected under the preceding paragraph, the new trustee (excluding the new trustee of the special purpose trust (meaning those prescribed in Article 2, paragraph (13) of the Act on Securitization of Assets (Act No. 105 of 1998); the same applies in the following Article); hereinafter the same applies in this Article) must immediately give public notice to the effect that any settlors of a trust subject to the change (hereinafter referred to as "transferred settlors" in this Article) or beneficiaries (hereinafter referred to as "transferred beneficiaries" in this Article) who have any objection thereto should state the objection within a specified period of time, and must also give notice of the same to all known transferred settlors individually and transferred beneficiaries other than those in relation to loan trusts and other trusts specified by Cabinet Order as trust in relation to standard trust contracts (referred to as "standard trusts" in paragraph (5)).

3 前項の期間は、一月を下つてはならない。

(3) The period under the preceding paragraph cannot be less than one month.

4 第二項の規定にかかわらず、新受託者が同項の規定による公告を、官報のほか、その定款で定めた公告の方法によりするときは、当該新受託者による同項の規定による各別の催告は、することを要しない。

(4) Notwithstanding the provisions of paragraph (2), if the new trustee gives public notice under that paragraph by means of public notice as prescribed in the articles of incorporation, beyond the Official Gazette, the new trustee is not required to give separate notices under the provisions of that paragraph.

5 第二項の期間内に異議を述べた貸付信託等（定型的信託であつて委託者が信託の利益の全部を享受するものとして政令で定めるものをいう。）に係る移転受益者は、新受託者に対し、第一項の規定による変更が行われなければ有したであろう公正な価格で自己の受益権を買い取ることを請求することができる。

(5) The transfer beneficiaries of loan trusts, etc. (meaning the standard trusts specified by Cabinet Order as those to which settlors are entitled to all profits

derived therefrom) who have raised objections within the period under paragraph (2) may request that the new trustee purchase the beneficiary rights of the relevant transfer beneficiaries at a fair price to which they would have been entitled if the change prescribed in paragraph (1) had not occurred.

6 新受託者は、前項の請求があつた場合には、当該請求に係る受益権をその固有財産をもつて買い取らなければならない。この場合においては、貸付信託法（昭和二十七年法律第百九十五号）第十一条の規定は適用しない。

(6) If a request is made under the preceding paragraph, the new trustee must purchase beneficiary rights subject to the relevant request with the new trustee's own assets. In this case, Article 11 of the Loan Trust Act (Act No. 195 of 1952) does not apply.

7 信託法第七十五条第一項、第七十六条及び第七十七条の規定は第一項の規定による変更が行われた場合について、同法第百三条第六項及び第七項、第百四条第一項から第十一項まで、第二百六十二条第一項及び第二項、第二百六十三条並びに第二百六十四条の規定は第五項の規定による自己の受益権の買取請求について、それぞれ準用する。この場合において、必要な技術的読替えは、政令で定める。

(7) The provisions of Article 75, paragraph (1), Article 76, and Article 77 of the Trust Act apply mutatis mutandis to cases where the change prescribed in paragraph (1) is made, and the provisions of Article 103, paragraph (6) and (7), Article 104, paragraphs (1) through (11), Article 262, paragraph (1) and (2), Article 263, and Article 264 of the same Act apply mutatis mutandis to the purchase request of own beneficiary rights under paragraph (5). In this case, any necessary technical replacement of terms will be specified by Cabinet Order.

第百三十二条の二 特定目的信託の受託者たる破綻金融機関又は特定破綻金融機関等について前条第一項の規定による変更が行われた場合は、新受託者は、遅滞なく、権利者集会（資産の流動化に関する法律第三編第三章第三節第一款に規定する権利者集会をいう。次項において同じ。）を招集し、当該変更についてその承認を求めなければならない。この場合において、同法第二百四十四条第三項の規定は、適用しない。

Article 132-2 (1) If a change is made under paragraph (1) of the preceding Article with respect to a failed financial institution or specified failed financial institution, etc. that is a trustee of a special purpose trust, the new trustee must convene a meeting of right holders (meaning the meeting of right holders prescribed in Subsection 1 of Section 3 of Chapter III of Part III of the Act on Securitization of Assets; the same applies in the following paragraph) without delay and seek approval for the relevant change. In this case, the provisions of Article 244, paragraph (3) of the same Act do not apply.

2 権利者集会が前項の承認を求める議案を否決したときは、新受託者の当該特定目的信託に係る任務は、終了する。

(2) When a meeting of right holders rejects a proposal for the approval prescribed

in the preceding paragraph, the duties of the new trustee in relation to the relevant special purpose trust will end.

3 信託法第五十九条第四項本文の規定は、前項の規定により任務を終了した新受託者について準用する。

(3) The provisions of the main clause of Article 59, paragraph (4) of the Trust Act apply mutatis mutandis to the new trustee whose duties have ended pursuant to the preceding paragraph.

4 信託法第七十五条第一項、第七十六条及び第七十七条の規定は、特定目的信託の受託者たる破綻金融機関又は特定破綻金融機関等について前条第一項の規定による変更が行われた場合について準用する。

(4) The provisions of Article 75, paragraph (1), Article 76 and Article 77 of the Trust Act apply mutatis mutandis to cases where a change is made under paragraph (1) of the preceding Article with respect to a failed financial institution or specified failed financial institution, etc. that is a trustee of a special purpose trust.

(委託者の地位の移転手続の特例)

(Special Provisions on Procedures for the Transfer of Status as the Settlor)

第百三十二条の三 特定破綻金融機関等であつて信託の委託者である者が行う事業の譲渡を援助するための第百二十六条の三十一において準用する第六十四条第一項の規定による特定資金援助を行う旨の決定があつたときは、当該特定破綻金融機関等は、信託法第百四十六条第一項の規定にかかわらず、当該特定資金援助に係る特定救済金融機関等（以下この条において「新委託者」という。）との間の当該事業の譲渡に係る契約をもつて当該信託（金融商品取引法第四十三条の二第二項の規定に基づき締結した信託契約に係る信託その他これに準ずるものとして政令で定める信託に限る。）に係る信託契約の委託者の地位を当該新委託者に移転することができる。

Article 132-3 (1) Notwithstanding the provisions of Article 146, paragraph (1) of the Trust Act, when there is a decision to provide the specified financial assistance under Article 64, paragraph (1) as applied mutatis mutandis pursuant to Article 126-31 to support the transfer of business conducted by a specified failed financial institution, etc. that is the settlor of a trust, the relevant specified failed financial institution, etc. may transfer the status as the settlor of the trust agreement in relation to the relevant trust (limited to a trust in relation to a trust agreement concluded based on the provisions of Article 43-2, paragraph (2) of the Financial Instruments and Exchange Act or any other trust specified by Cabinet Order as being equivalent thereto) based on the contract in relation to the business transfer concluded with the specified assuming financial institution, etc. in relation to the relevant specified financial assistance (hereinafter referred to as the "new settlor" in this Article) to the relevant new settlor.

2 新委託者は、前項の規定により信託契約の委託者の地位が移転したときは、直ちに、

当該移転に係る信託の受託者（以下この項及び第五項において「移転受託者」という。）又は受益者（第五項において「移転受益者」という。）であつて当該移転に異議のある者は一定の期間内に異議を述べるべき旨を公告し、かつ、移転受託者には、各別にこれを催告しなければならない。

(2) When the status as the settlor of a trust agreement has been transferred under the preceding paragraph, the new settlor must immediately give public notice to the effect that any trustee of a trust subject to the relevant transfer (hereinafter referred to as "transferred trustees" in this paragraph and paragraph (5)) or beneficiaries (hereinafter referred to as "transferred beneficiaries" in paragraph (5)) who have any objection thereto should state the objection within a specified period of time, and must also give notice of the same to each individual transferred trustee.

3 前項の期間は、一月を下つてはならない。

(3) The period under the preceding paragraph must not be less than one month.

4 第二項の規定にかかわらず、新委託者が同項の規定による公告を、官報のほか、その定款で定めた公告の方法によりするときは、当該新委託者による同項の規定による各別の催告は、することを要しない。

(4) Notwithstanding the provisions of paragraph (2), if the new settlor gives public notice under that paragraph by the means of public notice prescribed in the articles of incorporation, beyond the Official Gazette, the new settlor is not required to give separate notice under the provisions of that paragraph.

5 移転受託者又は移転受益者が第二項に規定する期間内に異議を述べたときは、当該移転受託者又は移転受益者に係る信託契約の委託者の地位の移転は当該移転の時に遡つてその効力を失う。ただし、第三者の権利を害することができない。

(5) If a transferred trustee or transferred beneficiary states an objection within the period under paragraph (2), the transfer of the status of the settlor of the trust agreement in relation to the relevant transferred trustee or transferred beneficiary loses its effect retroactively as of the time of the relevant transfer; provided, however, that this does not prejudice the rights of a third party.

（振替手続の特例）

(Special Provisions on Book-Entry Procedures)

第百三十二条の四 特定破綻金融機関等であつて口座管理機関（社債、株式等の振替に関する法律（平成十三年法律第七十五号）第二条第四項に規定する口座管理機関をいう。以下この条において同じ。）である者が行う事業の譲渡を援助するための第百二十六条の三十一において準用する第六十四条第一項の規定による特定資金援助を行う旨の決定があつた場合において、当該特定資金援助に係る特定破綻金融機関等と特定救済金融機関等との間で当該事業の譲渡に係る契約が締結されたときは、当該特定破綻金融機関等が開設した加入者（同法第二条第三項に規定する加入者をいう。以下この条において同じ。）の口座（当該事業の譲渡により特定救済金融機関等が振替を行うこととなるものに限る。以下この項において同じ。）は、当該特定救済金融機関等

が開設した加入者の口座とみなす。

Article 132-4 (1) When there is a decision to provide the specified financial assistance under Article 64, paragraph (1) as applied mutatis mutandis pursuant to Article 126-31 to support the transfer of business conducted by a specified failed financial institution, etc. that is an account management institution (meaning the account management institution prescribed in Article 2, paragraph (4) of the Act on Book-Entry Transfer of Corporate Bonds and Share (Act No. 75 of 2001); hereinafter the same applies in this Article), and a contract in relation to the business transfer is concluded between the specified failed financial institution, etc. in relation to the relevant specified financial assistance and a specified assuming financial institution, etc., the accounts (limited to those on which the specified assuming financial institution, etc. will make book-entries as a result of the relevant business transfer) of participants (meaning the participants prescribed in Article 2, paragraph (3) of the same Act; hereinafter the same applies in this Article) opened by the specified failed financial institution, etc. will be deemed to be accounts of participants opened by the relevant specified assuming financial institution, etc.

2 特定破綻金融機関等であつて口座管理機関である者が行う事業の譲渡を援助するための第百二十六条の三十一において準用する第六十四条第一項の規定による特定資金援助を行う旨の決定があつた場合において、当該特定資金援助に係る特定破綻金融機関等と特定救済金融機関等との間で当該事業の譲渡に係る契約が締結されたときは、当該特定破綻金融機関等が社債、株式等の振替に関する法律第二条第二項に規定する振替機関（同法第四十八条の規定により振替機関とみなされる日本銀行を含む。）又は他の口座管理機関から開設を受けた口座（当該事業の譲渡により当該特定救済金融機関等又は当該特定救済金融機関等若しくはその下位機関（同法第二条第九項に規定する下位機関をいう。）の加入者が権利を有するものを記載し、又は記録することとなる口座に限る。以下この項において同じ。）は、当該特定救済金融機関等が開設を受けた口座とみなす。

(2) When there is a decision to provide the specified financial assistance under Article 64, paragraph (1) as applied mutatis mutandis pursuant to Article 126-31 to support the transfer of business conducted by a specified failed financial institution, etc. that is an account management institution, and a contract in relation to the business transfer is concluded between the specified failed financial institution, etc. in relation to the relevant specified financial assistance and a specified assuming financial institution, etc., the accounts (limited to those to describe or record book-entry company bonds for which the specified assuming financial institution, etc. or a participant of the specified assuming financial institution, etc. or of its lower-positioned institution (meaning the lower-positioned institution prescribed in Article 2, paragraph (9) of the Act on Book-Entry Transfer of Corporate Bonds and Share) has rights; hereinafter the same applies in this paragraph) which the specified failed

financial institution, etc. had the book-entry institution prescribed in Article 2, paragraph (2) of the same Act (including the bank of Japan which is deemed to be a book-entry institution pursuant to Article 48 of the same Act) or another account management institution open will be deemed to be accounts which the relevant specified assuming financial institution, etc. has the institution open.

(根抵当権の譲渡に係る特例)

(Special Provisions for the Assignment of Revolving Mortgages)

第百三十三条 被管理金融機関が承継銀行その他の金融機関（以下この条において「承継金融機関」という。）に対する事業の譲渡により元本の確定前に根抵当権をその担保すべき債権の全部とともに譲渡しようとするときは、当該被管理金融機関及び当該承継金融機関は、次に掲げる事項について異議のある根抵当権設定者は当該被管理金融機関に対し一定の期間内に異議を述べるべき旨を公告し、又はこれを催告することができる。

Article 133 (1) If a financial institution under management intends to assign a revolving mortgage together with all of the claims it should secure before the principal is established, through the transfer of business to a bridge bank or another financial institution (hereinafter referred to as the "bridge financial institution" in this Article), the relevant financial institution under management and the bridge financial institution may give public notice to the effect that any revolving mortgagors who have any objection to the following matters should state the objection to the relevant financial institution under management within a specified period of time, or may give individual notice of the same:

一 当該被管理金融機関から当該承継金融機関に当該根抵当権が譲渡されること及びその期日

(i) the fact that the relevant revolving mortgage is to be assigned by the relevant financial institution under management to the relevant bridge financial institution and the date thereof; or

二 当該根抵当権の譲渡の後においても当該根抵当権が当該債権を担保すべきものとする事。

(ii) the fact that the relevant claims are to continue to be secured by the relevant revolving mortgage even after it is assigned.

2 前項の期間は、二週間を下つてはならない。

(2) The period under the preceding paragraph must not be less than two weeks.

3 第一項の規定にかかわらず、被管理金融機関及び承継金融機関が同項の規定による公告を、官報のほか、その定款で定めた方法によりするときは、当該被管理金融機関及び承継金融機関による同項の規定による各別の催告は、することを要しない。

(3) Notwithstanding the provisions of paragraph (1), if a financial institution under management and the bridge financial institution give public notice under that paragraph by the means of public notice prescribed in the articles of

incorporation, beyond the Official Gazette, the relevant financial institution under management and bridge financial institution are not required to give separate notices under the provisions of that paragraph.

4 第一項の公告又は催告に係る根抵当権設定者が同項各号に掲げる事項について同項の期間内に異議を述べなかつたときは、同項第一号に掲げる事項について当該根抵当権設定者の承諾が、同項第二号に掲げる事項について当該根抵当権設定者と同項の公告又は催告に係る承継金融機関の合意が、それぞれあつたものとみなす。

(4) If a revolving mortgagor in relation to the public notice or notice under paragraph (1) does not raise any objections with respect to the matters prescribed in each item of that paragraph within the period under that paragraph, it will be deemed that the revolving mortgagor has consented to the matters specified in paragraph (1), item (i) and that there has been an agreement on the matters specified in paragraph (1), item (ii) between the revolving mortgagors and the bridge financial institution in relation to the public notice or notice prescribed in paragraph (1).

5 根抵当権設定者が第一項各号に掲げる事項の一部について異議を述べたときは、同項各号に掲げる事項の全部について異議を述べたものとみなす。

(5) If the revolving mortgagor has stated its objection to part of the matters specified in each item of paragraph (1), it will be deemed that it has stated objections to all of the matters specified in the same item.

6 前各項の規定は、承継銀行又は特別危機管理銀行が他の金融機関に対する事業の譲渡により元本の確定前に根抵当権をその担保すべき債権の全部とともに譲渡しようとする場合について準用する。

(6) The provisions of all preceding paragraphs apply mutatis mutandis to cases where a bridge bank or bank under special crisis management seeks to assign the revolving mortgage together with all of the claims to be secured thereby, before the principal is established through the transfer of business to another financial institution.

第三百三十三条の二 特定破綻金融機関等は、民法第三百九十八条の十二第一項の規定にかかわらず、事業の譲渡により譲渡される債権を担保する根抵当権（以下この条並びに次条第二項及び第三項において「移転根抵当権」という。）に係る根抵当権設定者（以下この条において「移転根抵当権設定者」という。）の承諾を得ることなく、特定承継金融機関等（第二百六十六条の三十四第三項第五号に規定する特定承継金融機関等をいう。第七項において同じ。）その他の金融機関等（以下この条において「承継金融機関等」という。）に対する事業の譲渡により元本の確定前に移転根抵当権をその担保すべき債権（以下この条において「移転債権」という。）の全部とともに譲渡することができる。この場合には、同法第三百九十八条の四第一項の規定にかかわらず、当該移転根抵当権設定者と当該承継金融機関等との間において、当該移転根抵当権の譲渡の後においても当該移転根抵当権が当該移転債権を担保すべきものとする旨の合意があつたものとみなす。

Article 133-2 (1) Notwithstanding the provisions of Article 398-12, paragraph (1) of the Civil Code, a specified failed financial institution, etc., without obtaining the approval of the revolving mortgagor in relation to a revolving mortgage for securing claims transferred through a business transfer (the mortgage is hereinafter referred to as a "transferred revolving mortgage" in this Article and paragraphs (2) and (3) of the following Article, and the revolving mortgagor is hereinafter referred to as "transferred revolving mortgagor" in this Article), may assign the transferred revolving mortgage along with all of the claims to be secured thereby (hereinafter referred to as "transferred claims" in this Article) before the principal is fixed, through a business transfer to a specified bridge financial institution, etc. (meaning the specified bridge financial institution, etc. prescribed in Article 126-34, paragraph (3), item (v); the same applies in paragraph (7)) or any other financial institution, etc. (hereinafter referred to as "bridge financial institution, etc." in this Article). In this case, notwithstanding the provisions of Article 398-4, paragraph (1) of the same Code, it will be deemed that an agreement has been reached between the transferred revolving mortgagor and the bridge financial institution, etc. that the transferred revolving mortgage is to secure the transferred claims even after the assignment of the transferred revolving mortgage.

2 前項の規定により元本の確定前に移転根抵当権が移転債権の全部とともに譲渡され、かつ、当該移転根抵当権の譲渡の後においても当該移転根抵当権が当該移転債権を担保すべきものとされたときは、特定破綻金融機関等及び承継金融機関等は、その日から二週間以内に、次に掲げる事項及びこれに対し異議のある移転根抵当権設定者は一定の期間内に担保すべき元本の確定を請求すべき旨を公告し、かつ、移転根抵当権設定者には、各別にこれを催告しなければならない。

(2) When a transferred revolving mortgage is assigned along with all of the transferred claims before the principal is fixed pursuant to the preceding paragraph, and the transferred revolving mortgage is to secure the transferred claims even after the assignment of the transferred revolving mortgage, the specified failed financial institution, etc. and the bridge financial institution, etc. must, within two weeks of the day of the relevant assignment, give public notice of the following matters and to the effect that any transferred revolving mortgagor who has any objection thereto should request that the principal secured be fixed within a specified period of time, and must also give notice of the same to each individual transferred revolving mortgagor:

一 当該特定破綻金融機関等から当該承継金融機関等に移転根抵当権が譲渡されたこと。

(i) the fact that a transferred revolving mortgage was assigned by the specified failed financial institution, etc. to the bridge financial institution, etc.; and

二 当該移転根抵当権の譲渡の後においても当該移転根抵当権が移転債権を担保すべきものとされたこと。

- (ii) the fact that the transferred revolving mortgage is to secure transferred claims even after the assignment of the transferred revolving mortgage.
- 3 前項の期間は、一月を下つてはならない。
- (3) The period under the preceding paragraph cannot be less than one month.
- 4 第二項の規定にかかわらず、特定破綻金融機関等及び承継金融機関等が同項の規定による公告を、官報のほか、その定款で定めた公告の方法によりするときは、当該特定破綻金融機関等及び承継金融機関等による同項の規定による各別の催告は、することを要しない。
- (4) Notwithstanding the provisions of paragraph (2), if the specified failed financial institution, etc. and the bridge financial institution, etc. give public notice under that paragraph by the means of public notice prescribed in the articles of incorporation, beyond the Official Gazette, the specified failed financial institution, etc. and the bridge financial institution, etc. are not required to give a separate notice under the provisions of that paragraph.
- 5 第一項の規定により元本の確定前に移転根抵当権が移転債権の全部とともに譲渡され、かつ、当該移転根抵当権の譲渡の後においても当該移転根抵当権が当該移転債権を担保すべきものとされたときは、移転根抵当権設定者は、担保すべき元本の確定を請求することができる。ただし、第二項に規定する期間を経過したときは、この限りでない。
- (5) If a transferred revolving mortgage is assigned along with all of the transferred claims before the principal is fixed pursuant to paragraph (1), and the transferred revolving mortgage is to secure the transferred claims even after the assignment of the transferred revolving mortgage, the transferred revolving mortgagor may request that the principal secured be fixed; provided, however, that this does not apply when the period prescribed in paragraph (2) has passed.
- 6 前項の規定による請求があつたときは、担保すべき元本は、移根抵当権設定者に係る第一項の規定による移転根抵当権に係る事業の譲渡の時に確定したものとみなす。
- (6) If a request is made under the preceding paragraph, the principal secured will be deemed to have been fixed at the time of the business transfer in relation to the transferred revolving mortgage under paragraph (1) concerning the transferred revolving mortgagor.
- 7 前各項の規定は、特定承継金融機関等が他の金融機関等に対する事業の譲渡により元本の確定前に根抵当権をその担保すべき債権の全部とともに譲渡しようとする場合について準用する。この場合において、必要な技術的読替えは、政令で定める。
- (7) The provisions of the preceding paragraphs apply mutatis mutandis to cases where a specified bridge financial institution, etc. intends to assign a revolving mortgage along with all of the claims to be secured thereby before the principal is fixed, through a business transfer to another financial institution, etc. In this case, necessary technical replacement of terms will be specified by Cabinet Order.

(根抵当権移転登記等の申請手続の特例)

(Special Provisions for Application Procedures for the Registration of Revolving Mortgage Transfers)

第百三十四条 第百三十三条第四項（同条第六項において準用する場合を含む。）の場合における根抵当権の移転の登記の申請には、その申請情報と併せて公告又は催告をしたこと及び根抵当権設定者が同条第一項（同条第六項において準用する場合を含む。）の期間内に異議を述べなかつたことを証する情報を提供しなければならない。

Article 134 (1) An application for registration of a transfer of a revolving mortgage in the cases prescribed in Article 133, paragraph (4) (including cases where it is applied mutatis mutandis pursuant to Article 133, paragraph (6)) will be accompanied by information proving that public notice or individual notice was given and that the revolving mortgagors did not raise any objection within the period under paragraph (1) of the preceding Article (including cases where it is applied mutatis mutandis pursuant to Article 133, paragraph (6)).

2 前条第一項（同条第七項において準用する場合を含む。）の場合における移転根抵当権の移転の登記の申請には、その申請情報と併せて特定破綻金融機関等が同条第一項の規定による事業の譲渡をしたことを証する情報を提供しなければならない。

(2) An application for the registration of a transfer of a transferred revolving mortgage in the cases prescribed in paragraph (1) of the preceding Article (including cases where it is applied mutatis mutandis pursuant to paragraph (7) of the same Article) must be accompanied by information proving that the specified failed financial institution, etc. has carried out a business transfer under paragraph (1) of the same Article.

3 第百三十三条第四項（同条第六項において準用する場合を含む。）又は前条第一項（同条第七項において準用する場合を含む。）の場合における根抵当権又は移転根抵当権の担保すべき債権の範囲に譲渡に係る債権を追加することを内容とする根抵当権又は移転根抵当権の変更の登記は、その申請情報と併せて前二項に規定する情報を提供したときは、根抵当権者のみで申請することができる。

(3) An application for the registration of alteration of a revolving mortgage or transferred revolving mortgage to the effect of adding claims in relation to transfer to the scope of claims to be secured by the revolving mortgage or transfer revolving mortgage in the cases prescribed in Article 133, paragraph (4) of the preceding Article (including cases where it is applied mutatis mutandis pursuant to Article 133, paragraph (6)) or paragraph (1) of the preceding Article (including cases where it is applied mutatis mutandis pursuant to paragraph (7) of the same Article) may be made by the revolving mortgagee alone when the application is accompanied by the information prescribed in the preceding two paragraphs.

(課税の特例)

(Special Provisions for Taxation)

第百三十五条 第七十九条（第百二十六条の九において準用する場合を含む。）の規定による登記については、登録免許税を課さない。

Article 135 (1) The registration under Article 79 (including cases where it is applied mutatis mutandis pursuant to Article 126-9) is not subject to the registration and license tax.

2 承継銀行が第九十一条第一項又は第二項の規定による同条第一項第二号に掲げる決定を受けて行う被管理金融機関の事業の譲受け等（次項において「決定に基づく譲受け等」という。）により不動産に関する権利（第九十三条第二項の規定により当該承継銀行が保有する資産として適当であることの確認がされたものに限る。）の取得をした場合には、当該不動産に関する権利の移転の登記については、財務省令で定めるところにより当該取得後一年以内に登記を受けるもの限り、登録免許税を課さない。

(2) If a bridge bank has acquired any right relating to real assets through the assumption of business, etc. of a financial institution under management based on a decision specified in Article 91, paragraph (1), item (ii) under Article 91, paragraph (1) or (2) (referred to as "assumption of business, etc. based on decision" in the following paragraph) (limited to those that have been confirmed as appropriate assets to be held by the relevant bridge bank under Article 93, paragraph (2)), the registration of the relevant right relating to real assets transfer is not subject to the registration and license tax, as long as the registration is made within one year from the relevant acquisition as pursuant to the provisions of Order of the Ministry of Finance.

3 承継銀行が決定に基づく譲受け等により取得した土地又は土地の上に存する権利（第九十三条第二項の規定により当該承継銀行が保有する資産として適当であることの確認がされたものに限る。）の譲渡（租税特別措置法第六十二条の三第二項第一号イに規定する譲渡をいう。）は、承継銀行に係る同条及び同法第六十三条の規定の適用については、同号に規定する土地の譲渡等には該当しないものとする。

(3) For the purpose of applying to a bridge bank, the provisions of Article 62-3 and Article 63 of the Act on Special Measures Concerning Taxation, the transfer of land or any right on land acquired through the assumption of business, etc. based on a decision (limited to those that have been confirmed as appropriate assets to be held by the relevant bridge bank under Article 93, paragraph (2)) (meaning the transfer prescribed in Article 62-3, paragraph (2), item (i), (a) of that Act) is not to constitute the transfer of land, etc. under the same item (i).

4 銀行その他の政令で定める者（以下この項において「銀行等」という。）が、第一号措置を行うべき旨の第百五条第四項の内閣総理大臣の決定に基づく機構による株式の引受け若しくは当該第一号措置に関する株式の取得又は特定第一号措置に係る特定株式等の引受け等を行うべき旨の第百二十六条の二十二第六項の内閣総理大臣の決定に基づく機構による株式の引受け若しくは当該特定第一号措置に関する株式の取得であつて、政令で定めるものによる資本金の額の増加を行つた場合において、次の各号

に掲げる者が当該各号に定める事項について登記を受けるときは、当該登記に係る登録免許税の税率は、内閣府令・財務省令で定めるところによりこれらの決定の日から一年以内に登記を受けるものに限り、登録免許税法（昭和四十二年法律第三十五号）第九条の規定にかかわらず、千分の三・五とする。

(4) If a bank or any other person specified by Cabinet Order (hereinafter referred to as a "bank, etc." in this paragraph) has increased the amount of stated capital through the subscription for shares by the DICJ based on the Prime Minister's decision under Article 105, paragraph (4) in order to take the measures under item (i) or acquisition of shares by the DICJ based on the decision in relation to the measures under item (i), or the subscription for shares by the DICJ based on the Prime Minister's decision under Article 126-22, paragraph (6) to carry out a subscription for specified shares, etc. in relation to specified measures under item (i) or acquisition of shares by the DICJ based on the decision in relation to the specified measures under item (i), as specified by Cabinet Order, and if the person set forth in the following items registers the matters specified in the respective items, the tax rate for the registration is 0.35 percent, notwithstanding the provisions of Article 9 of the Registration and License Tax Act (Act No. 35 of 1967), only with regard to the person who makes registration within one year from the date of these decisions pursuant to the provisions of Cabinet Office Order and Order of the Ministry of Finance:

一 当該銀行等 当該資本金の額の増加

(i) the bank, etc.: the increase in the amount of stated capital; and

二 当該銀行等が行う株式移転により当該銀行等の株式移転設立完全親会社となつた株式会社 当該株式会社の設立

(ii) a stock company that has become the wholly owning parent company incorporated in a share transfer regarding the bank, etc. as a result of the share transfer carried out by the bank, etc.

（報告又は資料の提出）

(Submission of Reports or Materials)

第百三十六条 内閣総理大臣（労働金庫、労働金庫連合会又は労働金庫等子法人等にあつては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫又は商工組合子法人等にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。次項及び次条において同じ。）は、この法律の円滑な実施を確保するため必要があると認めるときは、金融機関等（金融機関代理業者等（金融機関代理業者、電子決済等取扱業者等、生命保険募集人、損害保険募集人及び金融商品仲介業者をいう。同項、同条第一項及び第百四十九条第一項第二号イにおいて同じ。）を含む。）又は特定持株会社等に対し、その業務又は財産の状況に関し報告又は資料の提出を求めることができる。

Article 136 (1) The Prime Minister (in the case of a labor bank, Rokinren Bank, or a subsidiary, etc. of a labor bank, etc., the Prime Minister and the Minister

of Health, Labour and Welfare, and in the case of the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank, the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry; the same applies in the following paragraph and the following Article) may, when finding it necessary to ensure the smooth implementation of this Act, require a financial institution, etc. (including a financial institution agent, etc. (meaning a financial institution agent, electronic payment handling service provider, etc., life insurance agent, non-life insurance agent, and financial instruments intermediary service provider; the same applies in the same paragraph, paragraph (1) of the same Article, and Article 149, paragraph (1), item (ii), (a))) or specified holding company, etc. to submit reports or materials with regard to the status of its business and assets.

2 内閣総理大臣は、この法律の円滑な実施を確保するため特に必要があると認めるときは、その必要の限度において、当該金融機関等若しくは特定持株会社等の金融機関等子法人等若しくは子会社（会社法第二条第三号に規定する子会社をいう。次項、次条及び第百三十九条第二項第二号において同じ。）又は当該金融機関等若しくは特定持株会社等から業務の委託を受けた者（金融機関代理業者等を除く。次項並びに次条第二項及び第五項において同じ。）に対し、当該金融機関等又は特定持株会社等の業務又は財産の状況に関し参考となるべき報告又は資料の提出を求めることができる。

(2) The Prime Minister may, when and to the extent that they find it particularly necessary to ensure the smooth implementation of this Act, require a subsidiary, etc. of a financial institution, etc. or subsidiary company (meaning the subsidiary company prescribed in Article 2, item (iii) of the Companies Act; the same applies in the following paragraph, the following Article, and Article 139, paragraph (2), item (ii) of the financial institution, etc. or specified holding company, etc. or a person to whom business has been entrusted by the financial institution, etc. or specified holding company, etc. (excluding a financial institution agent, etc.; the same applies in the following paragraph and paragraphs (2) and (5) of the following Article) to submit reports or materials with regard to the status of business and assets of the relevant financial institution, etc. or specified holding company, etc.

3 当該金融機関等若しくは特定持株会社等の金融機関等子法人等若しくは子会社又は当該金融機関等若しくは特定持株会社等から業務の委託を受けた者は、正当な理由があるときは、前項の規定による報告又は資料の提出を拒むことができる。

(3) A subsidiary, etc. of a financial institution, etc. or subsidiary company of the financial institution, etc. or specified holding company, etc., or a person to whom business has been entrusted by the financial institution, etc. or specified holding company, etc. may, if there are justifiable grounds, refuse to submit reports or materials under the preceding paragraph.

(立入検査)

(On-Site Inspections)

第百三十七条 内閣総理大臣は、この法律の円滑な実施を確保するため必要があると認めるときは、当該職員に金融機関等（金融機関代理業者等を含む。）又は特定持株会社等の営業所（信用金庫等又は相互会社にあつては、事務所、外国保険会社等にあつては保険業法第百八十五条第一項に規定する支店等）その他の施設に立ち入らせ、その業務若しくは財産の状況に関し質問させ、又は帳簿書類その他の物件を検査させることができる。

Article 137 (1) The Prime Minister may, when finding it necessary to ensure the smooth implementation of this Act, authorize their officials to enter a business office (in the case of a Shinkin bank, etc. or mutual company, an office, and in the case of a foreign insurance company, etc., the branch office, etc. prescribed in Article 185, paragraph (1) of the Insurance Business Act) or any other facilities of a financial institution, etc. (including a financial institution agent, etc.) or specified holding company, etc. and ask questions on the status of its business and assets or inspect books, documents, and other items.

2 内閣総理大臣は、前項の規定による立入り、質問又は検査を行う場合において特に必要があると認めるときは、その必要の限度において、当該職員に当該金融機関等若しくは特定持株会社等の金融機関等子法人等若しくは子会社又は当該金融機関等若しくは特定持株会社等から業務の委託を受けた者の施設に立ち入らせ、当該金融機関等又は特定持株会社等に対する質問若しくは検査に必要な事項に関し質問させ、又は帳簿書類その他の物件を検査させることができる。

(2) The Prime Minister may, when and to the extent that they find it to be particularly necessary in authorizing the entry, questioning, or inspection under the preceding paragraph, authorize the relevant officials to enter the facilities of a subsidiary, etc. of a financial institution, etc. or subsidiary company of the financial institution, etc. or specified holding company, etc. or the person to whom business has been entrusted by the financial institution, etc. or specified holding company, etc. and ask necessary questions concerning the questioning or inspection of the relevant financial institution, etc. or specified holding company, etc. or inspect books, documents, and other items.

3 前二項の場合において、当該職員は、その身分を示す証明書を携帯し、関係人の請求があつたときは、これを提示しなければならない。

(3) In the case referred to in the preceding two paragraphs, the officials must carry a certificate of identification and produce it if requested by those concerned.

4 第一項及び第二項の規定による権限は、犯罪捜査のために認められたものと解してはならない。

(4) The authority to conduct on-site inspections prescribed in paragraphs (1) and (2) must not be construed as given for any criminal investigation.

5 前条第三項の規定は、第二項の規定による当該金融機関等若しくは特定持株会社等の金融機関等子法人等若しくは子会社又は当該金融機関等若しくは特定持株会社等か

ら業務の委託を受けた者に対する質問及び検査について準用する。

(5) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to the questioning and inspection under paragraph (2) of a subsidiary, etc. of a financial institution, etc. or subsidiary company of the financial institution, etc. or specified holding company, etc., or a person to whom business has been entrusted by the financial institution, etc. or specified holding company, etc.

6 内閣総理大臣は、必要があると認めるときは、機構に、第一項又は第二項の規定による立入り、質問又は検査（次に掲げる事項を調査するために行うものに限る。）を行わせることができる。この場合において、機構は、その職員に当該立入り、質問又は検査を行わせるものとする。

(6) The Prime Minister may, when finding it necessary, authorize the DICJ to conduct the entry, questioning, or inspection (limited to those conducted to investigate the following matters) under paragraph (1) or (2); in this case, the DICJ is to authorize its officials to conduct the relevant entry, questioning, or inspection:

一 第五十条第一項の規定による保険料の納付が適正に行われていること。

(i) that the payment of insurance premiums under Article 50, paragraph (1) has been made appropriately;

二 第五十五条の二第五項並びに第五十八条の三第一項及び第二項に規定する措置が講ぜられていること。

(ii) that measures prescribed in Article 55-2, paragraph (5) and Article 58-3, paragraphs (1) and (2) have been taken;

三 第七十一条第二項の預金等債権について弁済を受けることができると見込まれる額

(iii) the expected amount of payment (to be received for deposits and other claims prescribed in Article 71, paragraph (2)); or

四 前章の規定による特別監視その他同章の規定による業務及び当該業務に附帯する業務の円滑な実施を確保するために必要な金融機関等の業務の遂行並びに財産の管理及び処分状況

(iv) the status of execution of business and management and disposal of assets by the financial institution, etc. necessary for ensuring the smooth implementation of special monitoring under the preceding Chapter and other operations under the same Chapter, and operations incidental to the relevant operations.

7 第三項から第五項までの規定は、前項の規定による立入り、質問又は検査について準用する。

(7) The provisions of paragraphs (3) through (5) apply mutatis mutandis to the entry, questioning, or inspection under the preceding paragraph.

(金融機関の破産手続開始の通知等)

(Notice of the Commencement of Bankruptcy Proceedings of a Financial Institution)

第三百三十七条の二 金融機関について破産手続開始の決定があつたときは、裁判所書記官は、その旨を内閣総理大臣（労働金庫又は労働金庫連合会にあつては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。）に通知しなければならない。

Article 137-2 (1) If a ruling for the commencement of bankruptcy proceedings is made with respect to a financial institution, the court clerk must notify the Prime Minister (in the case of a labor bank or Rokinren Bank, the Prime Minister and the Minister of Health, Labour and Welfare, and in the case of the Shoko Chukin Bank, Ltd., the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry) to that effect.

2 金融機関の破産手続において、破産法第九十七条第一項（同法第二百九条第三項において準用する場合を含む。）若しくは第二百四条第二項の規定による通知をしたとき、又は同法第二百八条第一項の規定による許可を受けたときは、破産管財人は、その旨を機構に通知しなければならない。

(2) In bankruptcy proceedings of a financial institution, when notice is given under Article 197, paragraph (1) of the Bankruptcy Act (including cases where it is applied mutatis mutandis pursuant to Article 209, paragraph (3) of the same Act) or Article 204, paragraph (2) of the Bankruptcy Act, or permission is granted under Article 208, paragraph (1) of the same Act, a bankruptcy trustee must notify the DICJ to that effect.

（契約の解除等の効力）

(Effect of Cancellation of a Contract)

第三百三十七条の三 内閣総理大臣は、第百二条第一項に規定する認定又は特定認定を行う場合においては、会議の議を経て、当該認定又は特定認定に係る金融機関又は金融機関等について、関連措置等（当該認定若しくは特定認定又は管理を命ずる処分、特別監視指定若しくは特定管理を命ずる処分その他の当該認定若しくは特定認定に関連する措置をいう。以下この項及び第四項において同じ。）が講じられたことを理由とする契約（契約の当事者又は契約において定める者である金融機関又は金融機関等に対し関連措置等が講じられたことを理由として特定解除等の効力が生ずることを約定しているものであつて、金融市場その他の金融システムと関連性を有する取引のうち内閣府令・財務省令で定めるものに係るものに限る。）の特定解除等を定めた条項は、我が国の金融システムの著しい混乱が生ずるおそれを回避するために必要な範囲において、事業の譲渡その他の我が国の金融システムの著しい混乱が生ずるおそれを回避するために必要な措置が講じられるために必要な期間として内閣総理大臣が定めた期間（以下この条において「措置実施期間」という。）中は、その効力を有しないこととする決定を行うことができる。

Article 137-3 (1) When giving the confirmation prescribed in Article 102, paragraph (1) or specified confirmation, the Prime Minister may, following

deliberation by the council, make a decision to the effect that a clause providing for specified cancellation, etc. of a contract (limited to a contract which agrees that specified cancellation, etc. will become effective based on the reason that a related measure, etc. (meaning the relevant confirmation or specified confirmation, order to manage, designation of special monitoring, or order for specified management, or any other measure related to the relevant confirmation or specified confirmation; hereinafter the same applies in this paragraph and paragraph (4)) has been taken with regard to the financial institution or financial institution, etc. which is a party to the contract or a person specified in the contract, and which pertains to transactions specified by Cabinet Office Order and Order of the Ministry of Finance as those associated with financial market or any other financial system in Japan) based on the reason that a related measure, etc. has been taken with regard to the financial institution or financial institution, etc. in relation to the relevant confirmation or specified confirmation does not become effective during the period specified by the Prime Minister as a period necessary for implementing a business transfer or any other necessary measure for avoiding the risk of severe disruption being caused to the financial system in Japan, to the extent necessary for avoiding the risk of severe disruption being caused to the financial system in Japan (hereinafter referred to as the "period for implementing a measure" in this Article).

2 前項の「特定解除等」とは、契約の終了又は解除、契約を解約する権利の発生、契約に係る債権に係る期限の利益の喪失、契約に係る取引に係る金融機関等が行う特定金融取引の一括清算に関する法律（平成十年法律第百八号）第二条第六項に規定する一括清算その他これらに類するものとして内閣府令・財務省令で定めるものをいう。

(2) The "specified cancellation, etc." set forth in the preceding paragraph means termination or cancellation of a contract, arising of a right to cancel a contract, forfeiture of the benefit of time with regard to claims in relation to a contract, the collective clearing prescribed in Article 2, paragraph (6) of the Act on Close-Out Netting of Specified Financial Transaction Conducted by Financial Institutions (Act No. 108 of 1998) with regard to transactions in relation to a contract, and other effects specified by Cabinet Office Order and Order of the Ministry of Finance as being equivalent thereto.

3 第一項の規定による決定は、その決定の時から効力を生ずる。

(3) A decision under paragraph (1) takes effect as of the time of the relevant decision.

4 内閣総理大臣は、第一項の規定による決定を行つたときは、直ちにその旨及び措置実施期間を官報により公告するとともに、これを機構及び当該決定に係る関連措置等に係る金融機関又は金融機関等に通知しなければならない。

(4) Upon making a decision under paragraph (1), the Prime Minister must immediately give public notice of the fact and the period for implementing a

measure in the Official Gazette, and notify the DICJ and the financial institution or financial institution, etc. in relation to the related measure, etc. subject to the relevant decision.

5 第一項の規定による決定が行われた契約については、破産法第五十八条（民事再生法第五十一条、会社更生法第六十三条並びに金融機関等の更生手続の特例等に関する法律第四十一条第三項及び第二百六条第三項において準用する場合を含む。）の規定は、措置実施期間中は、適用しない。

(5) During the period for implementing a measure, the provisions of Article 58 of the Bankruptcy Act (including cases where it is applied mutatis mutandis pursuant to Article 51 of the Civil Rehabilitation Act, Article 63 of the Corporate Reorganization Act, and Article 41, paragraph (3) and Article 206, paragraph (3) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions) do not apply to the contract for which a decision under paragraph (1) has been made.

6 第一項の規定による決定が行われた契約についての金融機関等が行う特定金融取引の一括清算に関する法律第三条の規定の適用については、措置実施期間中は、同法第二条第四項に規定する一括清算事由は、生じなかつたものとみなす。

(6) With regard to application of the provisions of Article 3 of the Act on Close-Out Netting of Specified Financial Transaction Conducted by Financial Institutions, etc., to a contract for which a decision under paragraph (1) has been made, during the period for implementing a measure, the grounds for collective clearing prescribed in Article 2, paragraph (4) of the same Act will be deemed to have not arisen.

（金融機関等の資産及び負債の秩序ある処理を円滑に実施するための命令等）

(Order for Smoothly Implementing the Orderly Resolution of Assets and Liabilities of Financial Institutions)

第三百三十七条の四 内閣総理大臣（この条に規定する命令に係る金融機関等が労働金庫、労働金庫連合会又は労働金庫等子法人等である場合にあつては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫又は商工組合子法人等である場合にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。）は、金融機関等の資産及び負債の秩序ある処理が必要となつた場合におけるその円滑な実施の確保を図るために必要な措置が講じられていないと認めるときは、金融機関等に対し、その必要の限度において、期限を付して当該措置を講ずるよう命ずることができる。

Article 137-4 The Prime Minister (if the financial institution, etc. in relation to the order prescribed in this Article is a labor bank, Rokinren Bank, or a subsidiary, etc. of a labor bank, etc., the Prime Minister and the Minister of Health, Labour and Welfare, and in the case where it is the Shoko Chukin Bank, Ltd. or a subsidiary, etc. of the Shoko Chukin Bank, the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry) may, when a need for orderly resolution of assets and liabilities of the financial

institution, etc. arises and they find that measures necessary for the smooth implementation thereof have not been taken, order the financial institution, etc. to take the relevant measures to the extent necessary by a specified time.

(国際協力)

(International Cooperation)

第百三十七条の五 機構は、その業務を国際的協調の下で行う必要があるときは、外国政府、外国の地方公共団体、外国の中央銀行、国際機関その他これらに準ずるものとの情報の交換その他必要な業務を行わなければならない。

Article 137-5 The DICJ must, when there is a need to carry out its operations in international cooperation, carry out the exchange of information with foreign governments, foreign local public entities, foreign central banks, international organizations, and other bodies equivalent thereto, along with other necessary operations.

(政令への委任)

(Delegation to Cabinet Order)

第百三十八条 この法律に規定するもののほか、この法律の実施のため必要な事項は、政令で定める。

Article 138 Beyond what is provided for in this Act, necessary matters for the implementation of this Act will be specified by Cabinet Order.

(権限の委任)

(Delegation of Authority)

第百三十九条 内閣総理大臣は、次に掲げるものを除き、この法律による権限を金融庁長官に委任する。

Article 139 (1) The Prime Minister delegates the authority under this Act to the Commissioner of the Financial Services Agency, except those specified below:

一 第二十六条第一項又は第二項の規定による任命

(i) appointment under Article 26, paragraph (1) or (2);

二 第二十六条第三項又は第二十九条の規定による解任

(ii) dismissal under Article 26, paragraph (3) or Article 29;

三 第三十条の規定による承認

(iii) approval under Article 30; and

四 その他政令で定めるもの

(iv) any other matter specified by Cabinet Order.

2 金融庁長官は、政令で定めるところにより、前項の規定により委任された権限のうち、次に掲げるものを証券取引等監視委員会に委任することができる。

(2) The Commissioner of the Financial Services Agency may delegate the following authority that has been delegated under the preceding paragraph to the Securities and Exchange Surveillance Commission:

- 一 第三百三十六条第一項及び第三百三十七条第一項の規定による権限（金融商品取引法第二条第九項に規定する金融商品取引業者、指定親会社、金融商品取引業者子特定法人、指定親会社子会社等及び証券金融会社（次号において「金融商品取引業者等」という。）に関するもの並びに金融商品仲介業者及び同法第二条第十一項に規定する登録金融機関に関するもの（同項に規定する金融商品取引業者の委託を受けて当該金融商品取引業者のために行う同項各号に掲げる行為に係るものに限る。）に限る。）
- (i) the authority prescribed in Article 136, paragraph (1) and Article 137, paragraph (1) (limited to that concerning the financial instruments business prescribed in Article 2, paragraph (9) of the Financial Instruments and Exchange Act, designated parent company, subsidiary specified corporation of financial instruments business operator, subsidiary company, etc. of a designated parent company, and securities finance company (referred to as a "financial instruments business, etc." in the following item) and those concerning a financial instruments intermediary service provider and the registered financial institution prescribed in Article 2, paragraph (11) of the same Act (limited to that in relation to the acts specified in the items of the same paragraph conducted on behalf of the financial instruments business prescribed in the same paragraph under the entrustment from the relevant financial instruments business));
- 二 第三百三十六条第二項及び第三百三十七条第二項の規定による権限（金融商品取引業者子特定法人、指定親会社子会社等、金融商品取引業者等の子会社及び金融商品取引業者等から業務の委託を受けた者に関するものに限る。）
- (ii) the authority prescribed in Article 136, paragraph (2) and Article 137, paragraph (2) (limited to that concerning a subsidiary specified corporation of financial instruments business operator subsidiary company, etc. of a designated parent company, subsidiary company of a financial instruments business, etc., or a person to whom business has been entrusted by a financial instruments business, etc.); and
- 三 その他政令で定めるもの
- (iii) any other authority specified by Cabinet Order.
- 3 証券取引等監視委員会は、前項の規定により委任された権限を行使したときは、速やかに、その結果について金融庁長官に報告するものとする。
- (3) If the Securities and Exchange Surveillance Commission exercises the authority that has been delegated under the preceding paragraph, it is to promptly report the results thereof to the Commissioner of the Financial Services Agency.
- 4 金融庁長官は、政令で定めるところにより、第一項の規定により委任された権限（第二項の規定により証券取引等監視委員会に委任されたものを除く。）の一部を財務局長又は財務支局長に委任することができる。
- (4) The Commissioner of the Financial Services Agency may, pursuant to Cabinet

Order provisions, delegate part of the authority that has been delegated under paragraph (1) (excluding the authority that has been delegated to the Securities and Exchange Surveillance Commission under paragraph (2)) to the Director-Generals of Local Finance Bureaus or Director-Generals of Local Finance Branch Bureaus.

5 証券取引等監視委員会は、政令で定めるところにより、第二項の規定により委任された権限の一部を財務局長又は財務支局長に委任することができる。

(5) The Securities and Exchange Surveillance Commission may, pursuant to Cabinet Order provisions, delegate part of the authority that has been delegated under paragraph (2) to the Director-Generals of Local Finance Bureaus or Director-Generals of Local Finance Branch Bureaus.

6 前項の規定により財務局長又は財務支局長に委任された権限に係る事務に関しては、証券取引等監視委員会が財務局長又は財務支局長を指揮監督する。

(6) With regard to affairs in relation to the authority delegated to the Director-Generals of Local Finance Bureaus or Director-Generals of Local Finance Branch Bureaus under the preceding paragraph, the Securities and Exchange Surveillance Commission directs and supervises the Director-Generals of Local Finance Bureaus or Director-Generals of Local Finance Branch Bureaus.

(証券取引等監視委員会に対する審査請求)

(Request for Administrative Review to the Securities and Exchange Surveillance Commission)

第一百三十九条の二 証券取引等監視委員会が前条第二項の規定により行う報告又は資料の提出の命令（同条第五項の規定により財務局長又は財務支局長が行う場合を含む。）についての審査請求は、証券取引等監視委員会に対してのみ行うことができる。

Article 139-2 A request for administrative review with regard to an order to submit reports or materials given by the Securities and Exchange Surveillance Commission pursuant to paragraph (2) of the preceding Article (including cases where the order is given by the Director-Generals of Local Finance Bureaus or Director-Generals of Local Finance Branch Bureaus pursuant to paragraph (5) of that Article) may be filed with the Securities and Exchange Surveillance Commission alone.

(経過措置)

(Transitional Measures)

第一百四十条 この法律の規定に基づき命令を制定し、又は改廃する場合においては、その命令で、その制定又は改廃に伴い合理的に必要と判断される範囲内において、所要の経過措置（罰則に関する経過措置を含む。）を定めることができる。

Article 140 When enacting, revising, or rescinding an order pursuant to this Act, necessary transitional measures (including transitional measures concerning penal provisions) may be provided for by that order, to the extent considered

reasonably necessary for its enactment, revision or discontinuation.

第九章 罰則

Chapter IX Penal Provisions

第四百十一条 金融整理管財人又は金融整理管財人代理がその職務に関し賄賂を收受し、又はこれを要求し、若しくは約束したときは、三年以下の懲役又は百万円以下の罰金に処する。

Article 141 (1) Any financial administrator or financial administrator representative who has accepted, solicited, or promised to accept a bribe in connection with their duties is subject to imprisonment for not more than three years or a fine of up to one million yen.

2 金融整理管財人又は金融整理管財人代理が法人であるときは、金融整理管財人又は金融整理管財人代理の職務に従事するその役員又は職員がその職務に関し賄賂を收受し、又はこれを要求し、若しくは約束したときは、三年以下の懲役又は百万円以下の罰金に処する。金融整理管財人又は金融整理管財人代理が法人である場合において、その役員又は職員が金融整理管財人又は金融整理管財人代理の職務に関し金融整理管財人又は金融整理管財人代理に賄賂を收受させ、又はその供与を要求し、若しくは約束したときも、同様とする。

(2) When a financial administrator or financial administrator representative has legal personality, any officer or staff member of the financial administrator or financial administrator representative who has accepted, solicited, or promised to accept a bribe in connection with their duties is subject to imprisonment for not more than three years or a fine of up to one million yen. The same applies when, if a financial administrator or financial administrator representative has legal personality, any officer or staff thereof has caused the financial administrator or financial administrator representative to accept, solicit an offer of or promise of a bribe in connection with the duties of a financial administrator or financial administrator representative.

3 犯人又は法人たる金融整理管財人若しくは金融整理管財人代理の收受した賄賂は、没収する。その全部又は一部を没収することができないときは、その価額を追徴する。

(3) Any bribe accepted by an offender or financial administrator or financial administrator representative who has legal personality will be confiscated. If it is not possible to confiscate the whole or part of the bribe, an equivalent value thereof will be collected.

第四百十一条の二 特別監視代行者又は機構代理がその職務に関し賄賂を收受し、又はこれを要求し、若しくは約束したときは、三年以下の懲役又は百万円以下の罰金に処する。

Article 141-2 (1) Any special monitoring agent or DICJ representative who has accepted, solicited, or promised to accept a bribe in connection with their duties

is subject to imprisonment for not more than three years or a fine of up to one million yen.

2 特別監視代行者又は機構代理が法人であるときは、特別監視代行者又は機構代理の職務に従事するその役員又は職員がその職務に関し賄賂を収受し、又はこれを要求し、若しくは約束したときは、三年以下の懲役又は百万円以下の罰金に処する。特別監視代行者又は機構代理が法人である場合において、その役員又は職員が特別監視代行者又は機構代理の職務に関し特別監視代行者又は機構代理に賄賂を収受させ、又はその供与を要求し、若しくは約束したときも、同様とする。

(2) If a special monitoring agent or DICJ representative has legal personality, any officer or staff member of the special surveillance agent or DICJ representative who has accepted, solicited, or promised to accept a bribe in connection with their duties is subject to imprisonment for not more than three years or a fine of up to one million yen. The same applies when, if a special surveillance agent or DICJ representative has legal personality, any officer or staff thereof has caused the special surveillance agent or DICJ representative to accept or solicit an offer of or promise of a bribe in connection with the duties of the special surveillance agent or DICJ representative.

3 犯人又は法人たる特別監視代行者若しくは機構代理の収受した賄賂は、没収する。その全部又は一部を没収することができないときは、その価額を追徴する。

(3) Any bribe accepted by an offender or special monitoring agent or DICJ representative who has legal personality will be confiscated. If it is not possible to confiscate the whole or part of the bribe, an equivalent value thereof will be collected.

第百四十二条 第百四十一条第一項若しくは第二項又は前条第一項に規定する賄賂を供与し、又はその申込み若しくは約束をした者は、三年以下の懲役又は百万円以下の罰金に処する。

Article 142 Any person who has given, or offered or promised to give the bribe prescribed in Article 141, paragraph (1) or (2) or paragraph (1) of the preceding Article is subject to imprisonment for not more than three years or a fine of up to one million yen.

第百四十二条の二 次に掲げる違反があつた場合においては、その違反行為をした者は、一年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Article 142-2 If any of the following violations has been committed, the person who has committed the relevant violation is subject to imprisonment for not more than one year or a fine of up to three million yen, or both:

一 第百二十六条の三第三項の規定による命令に違反したとき。

(i) violation of an order under Article 126-3, paragraph (3); or

二 第百二十六条の十七の規定による命令に違反したとき。

(ii) violation of an order under Article 126-17.

第四百三十三条 第三百三十六条第一項又は第二項の規定による報告若しくは資料の提出をせず、又は虚偽の報告若しくは資料の提出をしたときは、当該違反行為をした者は、一年以下の懲役又は三百万円以下の罰金に処する。

Article 143 (1) If a person has failed to submit reports or materials under Article 136, paragraph (1) or (2) or submitted false reports or materials, the person who has committed the violation is subject to an imprisonment for not more than one year or a fine of up to three million yen.

2 第三百三十七条第一項、第二項又は第六項の規定による当該職員又は機構の職員の質問に対して答弁をせず、若しくは虚偽の答弁をし、又はこれらの規定による検査を拒み、妨げ、若しくは忌避したときは、当該違反行為をした者も、前項と同様とする。

(2) If a person has refused to answer questions or given false answers to the officials or staff of the DICJ under Article 137, paragraph (1), (2), or (6) or has refused, obstructed, or avoided any inspection under these provisions, the provisions of the preceding paragraph also applies to the person who has committed the violation.

第四百四十四条 第二十二條（第三十三條において準用する場合を含む。）又は第八十二條（第二百六條の九及び第二百六條の十八において準用する場合を含む。）の規定に違反してその職務上知ることのできた秘密を漏らした者は、一年以下の懲役又は五十万円以下の罰金に処する。

Article 144 Any person who has divulged any secret which may have come to their knowledge in the course of their duties in violation of the provisions of Article 22 (including cases where it is applied mutatis mutandis pursuant to Article 33) or Article 82 (including cases where it is applied mutatis mutandis pursuant to Articles 126-9 and 126-18) is subject to imprisonment for not more than one year or a fine of not more than five hundred thousand yen.

第四百四十五条 破綻金融機関、破産手続開始の決定を受けた者若しくは特別監視金融機関等の理事、取締役、執行役、業務を執行する社員（業務を執行する社員が法人である場合にあつては、その職務を行うべき者）、日本における代表者、会計参与（会計参与が法人である場合にあつては、その職務を行うべき社員）、監事、監査役若しくはこれらに準ずる者若しくは会計監査人（会計監査人が法人である場合にあつては、その職務を行うべき社員）若しくは支配人若しくは参事その他の使用人若しくは当該破綻金融機関を所属金融機関とする金融機関代理業者、株式会社商工組合中央金庫（株式会社商工組合中央金庫が当該破綻金融機関である場合に限る。）の株式会社商工組合中央金庫法第二条第四項に規定する代理若しくは媒介に係る契約の相手方若しくは当該破綻金融機関を委託金融機関とする電子決済等取扱業者等若しくは当該特別監視金融機関等を所属金融機関とする金融機関代理業者、株式会社商工組合中央金庫（株式会社商工組合中央金庫が当該特別監視金融機関等である場合に限る。）の同項に規定する代理若しくは媒介に係る契約の相手方若しくは当該特別監視金融機関等を

委託金融機関とする電子決済等取扱業者等、当該特別監視金融機関等を所属保険会社等とする生命保険募集人若しくは損害保険募集人若しくは当該特別監視金融機関等を所属金融商品取引業者等とする金融商品仲介業者（これらの者が法人である場合にあつては、その役員及び使用人）又はこれらの者であつた者が第三十七条第三項の規定による報告をせず、若しくは虚偽の報告をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避したときは、一年以下の懲役又は五十万円以下の罰金に処する。

Article 145 (1) Any director, company director, executive officer, member who conducts business (if the member who conducts business has legal personality, a person who is to perform the duties of the member who conducts business), representative in Japan, accounting advisor (if the accounting advisor has legal personality, a member who is to perform the duties of the accounting advisor), inspector, corporate auditor, or a person equivalent to any of these, accounting auditor (if the accounting auditor has legal personality, a member who is to performs the duties of the corporate auditor), any manager, counselor, or any other employee of a failed financial institution, person who has become subject to a ruling for the commencement of bankruptcy proceedings, or financial institution, etc. under special surveillance, a financial institution agent with the relevant failed financial institution as its principal financial institution, the other party to contracts in relation to the agency or intermediary prescribed in Article 2, paragraph (4) of The Shoko Chukin Bank Limited Act of the Shoko Chukin Bank, Ltd. (limited to the case where it is the failed financial institution), or electronic payment handling service provider, etc. having the relevant failed financial institution as its entrusting financial institution, or a financial institution agent having a financial institution, etc. under special surveillance as its principal financial institution, the other party to contracts in relation to the agency or intermediary prescribed in the same paragraph of the Shoko Chukin Bank, Ltd. (limited to the case where it is the financial institution, etc. under special surveillance), or electronic payment handling service provider, etc. having the relevant financial institution, etc. under special surveillance as its entrusting financial institution, a life insurance agent or non-life insurance agent having a financial institution, etc. under special surveillance as its affiliated insurance company, etc., or a financial instruments intermediary service provider having a financial institution, etc. under special surveillance as its entrusting financial instruments business, etc. (if these persons are corporations, any of their officers and employees), or a person who previously held any of these positions has failed to submit reports or submitted false reports under Article 37, paragraph (3) or refused, obstructed, or avoided any inspection under Article 37, paragraph (3) is subject to imprisonment for not more than one year or a fine of not more than five hundred thousand yen.

2 被管理金融機関の取締役、執行役若しくは理事、会計参与（会計参与が法人である

場合にあつては、その職務を行うべき社員）、監査役、会計監査人（会計監査人が法人である場合にあつては、その職務を行うべき社員）若しくは監事若しくは支配人若しくは参事その他の使用人若しくは当該被管理金融機関を所属金融機関とする金融機関代理業者、株式会社商工組合中央金庫（株式会社商工組合中央金庫が当該被管理金融機関である場合に限る。）の株式会社商工組合中央金庫法第二条第四項に規定する代理若しくは媒介に係る契約の相手方若しくは当該被管理金融機関を委託金融機関とする電子決済等取扱業者等（これらの者が法人である場合にあつては、その役員及び使用人）又はこれらの者であつた者が第八十一条第一項の規定による報告をせず、若しくは虚偽の報告をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避したときも、前項と同様とする。

(2) The provisions of the preceding paragraph applies to any director, executive officer, accounting advisor (if the accounting advisor has legal personality, a member who is to perform the duties of the accounting advisor), corporate auditor, accounting auditor (if the accounting auditor has legal personality, a member who is to perform the duties of the corporate auditor), inspector, manager, counselor, or any other employee of a financial institution under management, a financial institution agent having the financial institution under management as its principal financial institution, the other party to contracts in relation to the agency or intermediary prescribed in Article 2, paragraph (4) of the Shoko Chukin Bank Limited Act of the Shoko Chukin Bank, Ltd. (limited to the case where it is the financial institution under management), or electronic payment handling service provider, etc. having the financial institution under management as its entrusting financial institution (if these persons are corporations, any of their officers and employees), or a person who previously held any of these positions who has failed to submit reports or submitted false reports under Article 81, paragraph (1) or refused, obstructed, or avoided any inspection under the same paragraph.

第四百四十六条 次の各号のいずれかに該当する場合には、当該違反行為をした者は、五十万円以下の罰金に処する。

Article 146 If any of the following items applies, the person who has committed the violation is subject to a fine of not more than five hundred thousand yen:

一 第六十四条の二第五項（第六十八条の二第五項（第六十九条第四項、第一百一条第七項、第二百二十六条の三十一、第二百二十六条の三十二第四項及び第二百二十六条の三十八第七項において準用する場合を含む。）、第六十八条の三第五項（第六十九条第四項、第一百一条第七項、第二百二十六条の三十一、第二百二十六条の三十二第四項及び第二百二十六条の三十八第七項において準用する場合を含む。）、第六十九条第四項、第一百一条第七項、第二百二十六条の三十一、第二百二十六条の三十二第四項及び第二百二十六条の三十八第七項において準用する場合を含む。）、第一百条（第二百二十六条の三十七において準用する場合を含む。）、第一百八条第二項（第一百八条の二第四項（第一百八条の三第八項において準用する場合を含む。）及び第一百八条の三第八項

において準用する場合を含む。)又は第二百二十六条の二十四第二項(第二百二十六条の二十五第四項(第二百二十六条の二十六第八項において準用する場合を含む。))及び第二百二十六条の二十六第八項において準用する場合を含む。)の規定による報告をせず、又は虚偽の報告をしたとき。

(i) if a person has failed to submit reports or submitted false reports under Article 64-2, paragraph (5) (including cases where it is applied mutatis mutandis pursuant to Article 68-2, paragraph (5) (including cases where it is applied mutatis mutandis pursuant to Article 69, paragraph (4), Article 101, paragraph (7), Article 126-31, Article 126-32, paragraph (4), and Article 126-38, paragraph (7)), Article 68-3, paragraph (5) (including cases where it is applied mutatis mutandis pursuant to Article 69, paragraph (4), Article 101, paragraph (7), Article 126-31, Article 126-32, paragraph (4), and Article 126-38, paragraph (7)), Article 69, paragraph (4), Article 101, paragraph (7), Article 126-31, Article 126-32, paragraph (4), and Article 126-38, paragraph (7)), Article 100 (including cases where it is applied mutatis mutandis pursuant to Article 126-37), Article 108, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to Article 108-2, paragraph (4) (including cases where it is applied mutatis mutandis pursuant to Article 108-3, paragraph (8)) and Article 108-3, paragraph (8)), or Article 126-24, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to Article 126-25, paragraph (4) (including cases where it is applied mutatis mutandis pursuant to Article 126-26, paragraph (8)) and Article 126-26, paragraph (8)); or

二 第八十条、第百十五条、第二百二十六条の三第五項又は第二百二十六条の八の規定による報告若しくは資料の提出をせず、又は虚偽の報告若しくは資料の提出をしたとき。

(ii) if a person has failed to submit reports or materials under Article 80, Article 115, Article 126-3, paragraph (5), or Article 126-8 or has submitted false reports or materials.

第四百七条 次の各号のいずれかに該当する場合には、その違反行為をした機構の役員又は職員は、五十万円以下の罰金に処する。

Article 147 Any officer or employee of the DICJ who has committed any of the following violations is subject to a fine of not more than five hundred thousand yen:

一 第四十六条第一項の規定による報告をせず、若しくは虚偽の報告をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避したとき。

(i) when they have failed to submit reports or submitted false reports under Article 46, paragraph (1) or have refused, obstructed, or avoided any inspection under Article 46, paragraph (1); or

二 第五十六条第四項(第五十七条第五項及び第七十二条第五項において準用する場

合を含む。)、第六十三条第三項、第六十四条第三項(第六十九条第四項、第六十九条の三第二項(第二百二十七条第一項及び第二百二十八条において準用する場合を含む。))、第百一条第七項、第百十八条第四項、第二百二十六条の三十一、第二百二十六条の三十二第四項、第二百二十六条の三十八第七項、第二百二十七条の二第二項及び第二百二十八条の二第二項において準用する場合を含む。)、第九十二条第三項、第九十六条第三項(第二百二十六条の三十七において準用する場合を含む。)、第九十七条第二項(第二百二十六条の三十七において準用する場合を含む。)、第九十八条第二項(第二百二十六条の三十七において準用する場合を含む。)、第百一条の二第四項、第百七条第二項(第二百二十六条の二十二第七項において準用する場合を含む。)、第百九条第二項、第百二十条第四項、第二百二十三条第一項、第二百二十六条の二十七第二項、第二百二十六条の三十五第三項、第二百二十八条の三第四項又は第二百二十九条第四項の規定による報告をせず、又は虚偽の報告をしたとき。

(ii) when they have failed to submit reports or submitted false reports under Article 56, paragraph (4) (including cases where it is applied mutatis mutandis pursuant to Article 57, paragraph (5) and Article 72, paragraph (5)), Article 63, paragraph (3), Article 64, paragraph (3) (including cases where it is applied mutatis mutandis pursuant to Article 69, paragraph (4), Article 69-3, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to Article 127, paragraph (1) and Article 128), Article 101, paragraph (7), Article 118, paragraph (4), Article 126-31, Article 126-32, paragraph (4), Article 126-38, paragraph (7), Article 127-2, paragraph (2), and Article 128-2, paragraph (2)), Article 92, paragraph (3), Article 96, paragraph (3) (including cases where it is applied mutatis mutandis pursuant to Article 126-37), Article 97, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to Article 126-37), Article 98, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to Article 126-37), Article 101-2, paragraph (4), Article 107, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to Article 126-22, paragraph (7)), Article 109, paragraph (2), Article 120, paragraph (4), Article 123, paragraph (1), Article 126-27, paragraph (2), Article 126-35, paragraph (3), Article 128-3, paragraph (4), or Article 129, paragraph (4).

第百四十八条 次の各号のいずれかに該当する場合には、当該違反行為をした者は、三十万円以下の罰金に処する。

Article 148 If any of the following items applies, the person who has committed the violation is subject to a fine of not more than three hundred thousand yen:
一 第三十七条第一項の規定による報告若しくは資料の提出をせず、又は虚偽の報告若しくは資料の提出をしたとき。

(i) if a person has failed to submit reports or materials under Article 37, paragraph (1) or has submitted false reports or materials; or

二 第五十五条の二第二項の規定による資料を提出せず、又は虚偽の資料を提出したとき。

(ii) if a person has failed to submit materials under Article 55-2, paragraph (2) or has submitted false materials.

第百四十九条 法人（法人でない社団又は財団で代表者又は管理人の定めがあるもの（以下この条において「人格のない社団等」という。）を含む。以下この項において同じ。）の代表者（人格のない社団等の管理人を含む。）又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務又は財産に関し、次の各号に掲げる規定の違反行為をしたときは、その行為者を罰するほか、その法人に対して当該各号に定める罰金刑を、その人に対して各本条の罰金刑を科する。

Article 149 (1) If a representative (including an administrator of an association without legal personality, etc.) of a corporation (including an association or foundation which is not a corporation but for which a representative or an administrator has been designated (hereinafter referred to as an "association without legal personality, etc." in this Article); hereinafter the same applies in this paragraph) or an agent, employee, or other worker of a corporation or individual has committed any violation specified in each of the following items with regard to the business or assets of the corporation or individual, not only the offender will be punished, but also the relevant corporation is subject to the fine set forth in each respective item and the relevant individual is subject to the fine prescribed in the respective Articles:

一 第百四十二条の二又は第百四十三条 二億円以下の罰金刑

(i) Article 142-2 or Article 143: a fine of not more than two hundred million yen; and

二 第百四十五条（次に掲げる者に係る部分に限る。）、第百四十六条又は第百四十八条 各本条の罰金刑

(ii) Article 145 (limited to the part in relation to the following persons), Article 146 or Article 148: the fine prescribed in the respective Articles:

イ 金融機関代理業者等（法人に限る。）

(a) financial institution agent, etc. (limited to corporations);

ロ 業務を執行する社員（法人に限る。）

(b) member who conducts business (limited to corporations);

ハ 会計参与（法人に限る。）

(c) accounting advisor (limited to corporations); or

ニ 会計監査人（法人に限る。）

(d) accounting auditor (limited to corporations).

2 人格のない社団等について前項の規定の適用がある場合においては、その代表者又は管理人がその訴訟行為につき当該人格のない社団等を代表するほか、法人を被告人又は被疑者とする場合の刑事訴訟に関する法律の規定を適用する。

(2) If the provisions of the preceding paragraph apply to an association without

legal personality, etc., its representative or administrator represent the association without legal personality, etc. in its procedural action, and the provisions of Acts concerning criminal procedure when a corporation is accused or suspected will be applied.

第百五十条 第百四十一条又は第百四十一条の二の罪は、日本国外においてこれらの罪を犯した者にも適用する。

Article 150 (1) The crimes set forth in Article 141 or Article 141-2 apply to any person who has committed these crimes outside Japan.

2 第百四十二条（第百四十一条第一項又は第二項に係る部分に限る。）の罪は、刑法第二条の例に従う。

(2) The crimes set forth in Article 142 (limited to the part in relation to Article 141, paragraph (1) or (2)) will be governed by Article 2 of the Penal Code.

第百五十一条 次の各号のいずれかに該当する場合には、その違反行為をした金融機関等、電子決済等取扱業者等又は特定持株会社等の理事、取締役、執行役、業務を執行する社員（業務を執行する社員が法人である場合にあっては、その職務を行うべき者）、日本における代表者又はこれらに準ずる者は、百万円以下の過料に処する。ただし、その行為について刑を科すべきときは、この限りでない。

Article 151 (1) Any director, company director, executive officer, member who conducts business (if the member who conducts business has legal personality, a person who is to perform the duties of the member who conducts business), representative in Japan, or a person equivalent to any of these of a financial institution, etc., electronic payment handling service provider, etc., or specified holding company, etc. who has committed any of the following violations is subject to a non-criminal fine of not more than one million yen; provided, however, that this does not apply when the act is made subject to a criminal punishment:

一 この法律に定める公告、報告、通知若しくは催告をすることを怠り、又は不正の公告、報告若しくは通知をしたとき。

(i) if they have failed to give public notice, report, notice or request prescribed in this Act or has given unauthorized public notice, report, or notice;

二 第五十八条の三第三項又は第百三十七条の四の規定による命令に違反したとき。

(ii) if they have violated an order under Article 58-3, paragraph (3) or Article 137-4;

三 第六十八条の二第四項若しくは第六十八条の三第四項（これらの規定を第六十九条第四項、第百一条第七項、第百二十六条の三十一、第百二十六条の三十二第四項及び第百二十六条の三十八第七項において準用する場合を含む。）、第百八条の二第三項（第百八条の三第八項において準用する場合を含む。）、第百八条の三第三項（同条第四項において準用する場合を含む。）、同条第七項、第百二十六条の二十五第三項（第百二十六条の二十六第八項において準用する場合を含む。）、第百

二十六条の二十六第三項（同条第四項において準用する場合を含む。）又は同条第七項の規定による提出をせず、又は虚偽の提出をしたとき。

(iii) if they have failed to make a submission or have made a false submission pursuant to the provisions of Article 68-2, paragraph (4) or Article 68-3, paragraph (4) (including cases where these provisions are applied mutatis mutandis pursuant to Article 69, paragraph (4), Article 101, paragraph (7), Article 126-31, Article 126-32, paragraph (4), and Article 126-38, paragraph (7)), Article 108-2, paragraph (3) (including cases where it is applied mutatis mutandis pursuant to Article 108-3, paragraph (8)), Article 108-3, paragraph (3) (including cases where it is applied mutatis mutandis pursuant to Article 108-3, paragraph (4)), Article 108-3, paragraph (7), Article 126-25, paragraph (3) (including cases where applied mutatis mutandis pursuant to Article 126-26, paragraph (8)), Article 126-26, paragraph (3) (including cases where it is applied mutatis mutandis pursuant to paragraph (4) of the same Article) or paragraph (7) of the same Article;

四 第七十条の三第二項（第二百二十六条の二十二第七項において準用する場合を含む。）又は第七十条の四第二項（第二百二十六条の二十二第七項において準用する場合を含む。）の規定に違反して登記することを怠つたとき。

(iv) if they have failed to make a registration in violation of the provisions of Article 107-3, paragraph (2) (including cases where applied mutatis mutandis pursuant to Article 126-22, paragraph (7)) or Article 107-4, paragraph (2) (including cases where applied mutatis mutandis pursuant to Article 126-22, paragraph (7));

五 第七十一条の二第一項（第七十一条の三第八項において準用する場合を含む。）、第七十一条の三第一項（同条第四項において準用する場合を含む。）若しくは同条第五項、第二百二十六条の二十五第一項（第二百二十六条の二十六第八項において準用する場合を含む。）又は第二百二十六条の二十六第一項（同条第四項において準用する場合を含む。）若しくは同条第五項の規定による内閣総理大臣の認可を受けないでこれらの規定に規定する行為をしたとき。

(v) if they have committed any act prescribed in Article 108-2, paragraph (1) (including cases where it is applied mutatis mutandis pursuant to Article 108-3, paragraph (8)), Article 108-3, paragraph (1) (including cases where it is applied mutatis mutandis pursuant to Article 108-3, paragraph (4)) or Article 108-3, paragraph (5), Article 126-25, paragraph (1) (including cases where it is applied mutatis mutandis pursuant to Article 126-26, paragraph (8)) or Article 126-26, paragraph (1) (including cases where it is applied mutatis mutandis pursuant to paragraph (4) of the same Article) or paragraph (5) of the same Article without the authorization of the Prime Minister prescribed in these provisions;

六 第七十四条第五項の規定に違反して、申出をせず、又は虚偽の申出をしたとき。

(vi) if they have failed to provide notification or provided false notification in

violation of the provisions of Article 74, paragraph (5);

七 第七十七条第二項の規定により選任された金融整理管財人又は第二百二十六条の五第一項の規定により特定管理を命ずる処分があつた場合における機構に事務の引渡しをしないとき。

(vii) if they fail to transfer affairs to a financial administrator who has been appointed under Article 77, paragraph (2) or to the DICJ if an order for specified management has been issued pursuant to Article 126-5, paragraph (1); or

八 第三百十一条第九項の規定による弁済又は担保の提供若しくは財産の信託を怠つたとき。

(viii) if they have failed to make payment, provide security, or entrust assets under Article 131, paragraph (9).

2 金融整理管財人又は特定管理を命ずる処分があつた場合における機構が、第七十五条又は第二百二十六条の七の規定により管理を命ずる処分又は特定管理を命ずる処分が取り消されたにもかかわらず、被管理金融機関又は特定管理を命ずる処分を受けた金融機関等の理事、取締役、執行役、業務を執行する社員若しくは日本における代表者又は清算人に事務の引渡しをしないときは、百万円以下の過料に処する。ただし、その行為について刑を科すべきときは、この限りでない。

(2) If a financial administrator or the DICJ if an order for specified management has been issued fails to transfer their affairs to a director, company director, executive officer, member who conducts business, representative in Japan, or liquidator of a financial institution under management or a financial institution, etc. subject to the order for specified management despite the rescission of an order to manage or order for specified management under Article 75 or Article 126-7, the financial administrator or the DICJ if an order for specified management has been issued is subject to a non-criminal fine of not more than one million yen; provided, however, that this does not apply when a criminal punishment should be imposed for the act in question.

3 第一号から第七号までに掲げる金融機関の金融整理管財人又は次の各号に掲げる金融機関等に対し特定管理を命ずる処分があつた場合における機構は、当該各号に定める規定のいずれかに該当する場合には、百万円以下の過料に処する。ただし、その行為について刑を科すべきときは、この限りでない。

(3) A financial administrator of the financial institutions specified in items (i) through (vii) or the DICJ if an order for specified management has been issued for the financial institution, etc. specified in each of the following items is subject to a non-criminal fine of not more than one million yen if they fall under any of the provisions prescribed in each respective item; provided, however, that this does not apply when a criminal punishment should be imposed for the act in question:

一 銀行 会社法第九百七十六条各号又は銀行法第六十五条各号

(i) a bank: each item of Article 976 of the Companies Act or each item of Article

- 65 of the Banking Act;
- 二 長期信用銀行 会社法第九百七十六条各号又は長期信用銀行法第二十七条各号
(ii) a long-term credit bank: each item of Article 976 of the Companies Act or each item of Article 27 of the Long-Term Credit Bank Act;
- 三 金融機関の信託業務の兼営等に関する法律第一条第一項の規定により信託業務を営む金融機関 同法第二十二條各号
(iii) a financial institution that conducts trust business under Article 1, paragraph (1) of the Act on Engagement in Trust Business by Financial Institutions: each item of Article 22 of the same Act;
- 四 信用金庫又は信用金庫連合会 信用金庫法第九十一条第一項各号
(iv) a Shinkin bank or federation of Shinkin banks: each item of Article 91, paragraph (1) of the Shinkin Bank Act;
- 五 信用協同組合又は信用協同組合連合会 協同組合による金融事業に関する法律第十二条第一項各号
(v) a credit cooperative or federation of credit cooperatives: each item of Article 12, paragraph (1) of the Act on Financial Business by Cooperatives;
- 六 労働金庫又は労働金庫連合会 労働金庫法第一百条第一項各号
(vi) a labor bank or Rokinren Bank: each item of Article 101, paragraph (1) of the Labor Bank Act;
- 七 株式会社商工組合中央金庫 会社法第九百七十六条各号又は株式会社商工組合中央金庫法第七十六条各号
(vii) the Shoko Chukin Bank, Ltd.: each item of Article 976 of the Companies Act or Article 76 of the Shoko Chukin Bank Limited Act;
- 八 外国銀行支店 会社法第九百七十六条各号又は銀行法第六十五条各号
(viii) foreign bank branch: each item of Article 976 of the Companies Act or each item of Article 65 of the Banking Act;
- 九 保険会社又は外国保険会社等 会社法第九百七十六条各号又は保険業法第三百三十三条第一項各号若しくは第三百三十四条各号
(ix) insurance company or foreign insurance company, etc.: each item of Article 976 of the Companies Act or each item of Article 333, paragraph (1) and each item of Article 334 of the Insurance Business Act; or
- 十 会社である金融機関等（第一号から第三号まで及び第七号から前号までに掲げるものを除く。） 会社法第九百七十六条各号
(x) financial institution, etc. that is a company (excluding those set forth in items (i) through (iii) and item (vii) through the preceding item): each item of Article 976 of the Companies Act.
- 4 金融商品取引業者、指定親会社又は証券金融会社に対し特定管理を命ずる処分があった場合における機構は、金融商品取引法第二百八条各号のいずれかに該当する場合には、三十万円以下の過料に処する。ただし、その行為について刑を科すべきときは、この限りでない。
- (4) If the DICJ, if an order for specified management has been issued for a

financial instruments business, designated parent company, or securities finance company falls under any item of Article 208 of the Financial Instruments and Exchange Act, the DICJ is subject to a non-criminal fine of not more than three hundred thousand yen; provided, however, that this does not apply when a criminal punishment should be imposed for the act in question.

5 信用協同組合若しくは信用協同組合連合会の金融整理管財人又は信用協同組合若しくは信用協同組合連合会に対し特定管理を命ずる処分があつた場合における機構は、中小企業等協同組合法第百十五条第一項各号のいずれかに該当する場合には、二十万円以下の過料に処する。ただし、その行為について刑を科すべきときは、この限りでない。

(5) A financial administrator of a credit cooperative or federation of credit cooperatives or the DICJ if an order for specified management has been issued for a credit cooperative or federation of credit cooperatives that falls under any item of Article 115, paragraph (1) of the Small and Medium-Sized Enterprises Cooperatives Act is subject to a non-criminal fine of not more than two hundred thousand yen; provided, however, that this does not apply when a criminal punishment should be imposed for the act in question.

第百五十二条 次の各号のいずれかに該当する場合には、その違反行為をした機構の役員は、二十万円以下の過料に処する。

Article 152 Any officer of the DICJ who falls under any of the following items is subject to a non-criminal fine of not more than two hundred thousand yen:

一 この法律により内閣総理大臣及び財務大臣の認可又は承認を受けなければならない場合において、その認可又は承認を受けなかつたとき。

(i) when they are required under this Act to obtain the authorization or approval of the Prime Minister and the Minister of Finance but have failed to obtain the authorization or approval;

二 第七条第一項の規定による政令に違反して登記することを怠つたとき。

(ii) if they have failed to make a registration in violation of the Cabinet Order prescribed in Article 7, paragraph (1);

三 第三十四条に規定する業務以外の業務を行つたとき。

(iii) if they have carried out business affairs other than those prescribed in Article 34;

四 第四十条第三項の規定に違反して、書類を備え置かず、又は閲覧に供しなかつたとき。

(iv) if they have failed to keep documents or make them available for public inspection in violation of the provisions of Article 40, paragraph (3);

五 第四十一条の規定に違反して責任準備金を計算せず、又はこれを積み立てなかつたとき。

(v) if they have failed to calculate or set aside a policy reserve in violation of

the provisions of Article 41;

六 第四十三条の規定に違反して業務上の余裕金を運用したとき。

(vi) if they have invested surplus funds from operations in violation of the provisions of Article 43;

七 第四十五条第二項の規定による内閣総理大臣及び財務大臣の命令に違反したとき。

(vii) if they have violated an order of the Prime Minister and the Minister of Finance under Article 45, paragraph (2); or

八 第五十五条第三項及び第四項、第五十九条第七項（第五十九条の二第三項（第六十九条第四項において準用する場合を含む。）、第六十九条第四項、第一百一条第五項及び第一百八条第二項において準用する場合を含む。）、第六十条第三項（第一百二十六条の三十一において準用する場合を含む。）、第六十一条第七項（第六十二条第四項（第一百一条第七項及び第一百八条第四項において準用する場合を含む。）、第一百一条第五項及び第一百八条第二項において準用する場合を含む。）、第六十六条第四項（第一百一条第七項、第一百八条第四項、第一百二十六条の三十一及び第一百二十六条の三十八第七項において準用する場合を含む。）、第一百二十条第三項、第一百二十六条の二十八第八項（第一百二十六条の三十一及び第一百二十六条の三十二第四項において準用する第五十九条の二第三項、第一百二十六条の三十二第四項並びに第一百二十六条の三十八第五項において準用する場合を含む。）、第一百二十六条の二十九第七項（第一百二十六条の三十一において準用する第六十二条第四項において準用する場合を含む。）又は第一百二十六条の三十八第五項において準用する第一百二十六条の二十九第七項（第一百二十六条の三十八第七項において準用する第六十二条第四項において準用する場合を含む。）の規定による報告をせず、又は虚偽の報告をしたとき。

(viii) if they have failed to submit reports or submitted false reports under Article 55, paragraphs (3) and (4), Article 59, paragraph (7) (including cases where it is applied mutatis mutandis pursuant to Article 59-2, paragraph (3) (including cases where it is applied mutatis mutandis pursuant to Article 69, paragraph (4)), Article 69, paragraph (4), Article 101, paragraph (5) and Article 118, paragraph (2)), Article 60, paragraph (3) (including cases where it is applied mutatis mutandis pursuant to Article 126-31), Article 61, paragraph (7) (including cases where it is applied mutatis mutandis pursuant to Article 62, paragraph (4) (including cases where it is applied mutatis mutandis pursuant to Article 101, paragraph (7) and Article 118, paragraph (4)), Article 101, paragraph (5) and Article 118, paragraph (2)), Article 66, paragraph (4) (including cases where it is applied mutatis mutandis pursuant to Article 101, paragraph (7), Article 118, paragraph (4), Article 126-31, and Article 126-38, paragraph (7)), Article 120, paragraph (3), Article 126-28, paragraph (8) (including cases where it is applied mutatis mutandis pursuant to Article 59-2, paragraph (3) as applied mutatis mutandis to Article 126-31 and Article 126-32, paragraph (4); Article 126-32, paragraph (4); and Article 126-38, paragraph (5)), Article 126-29, paragraph

(7) (including cases where applied mutatis mutandis pursuant to Article 62, paragraph (4) as applied mutatis mutandis pursuant to Article 126-31), or Article 126-29, paragraph (7) as applied mutatis mutandis pursuant to Article 126-38, paragraph (5) (including cases where it is applied mutatis mutandis pursuant to Article 62, paragraph (4) as applied mutatis mutandis pursuant to Article 126-38, paragraph (7)).

第百五十三条 第六条第二項の規定に違反した者は、二十万円以下の過料に処する。
Article 153 Any person who has violated the provisions of Article 6, paragraph (2) is subject to a non-criminal fine of not more than two hundred thousand yen.