

商品取引所法施行規則

Ordinance for Enforcement of the Commodity Exchange Act

(平成十七年二月二十二日農林水産省・経済産業省令第三号)

(Ordinance of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 3 of February 22, 2005)

商品取引所法の一部を改正する法律（平成十六年法律第四十三号）及び商品取引所法施行令の一部を改正する政令（平成十六年政令第二百五十九号）の施行に伴い、並びに商品取引所法（昭和二十五年法律第二百三十九号）及び商品取引所法施行令（昭和二十五年政令第二百八十号）の規定に基づき、並びに同法を実施するため、商品取引所法施行規則（昭和二十五年農林省・通商産業省令第七号）の全部を改正する省令を次のように定める。

In line with the enforcement of the Act for Partial Revision of the Commodity Exchange Act (Act No. 43 of 2004) and the Cabinet Order for Partial Revision of the Order for Enforcement of the Commodity Exchange Act (Cabinet Order No. 259 of 2004), and based on the provisions of the Commodity Exchange Act (Act No. 239 of 1950) and the Order for Enforcement of the Commodity Exchange Act (Cabinet Order No. 280 of 1950) as well as in order to implement the same Act, the Ordinance to revise the entirety of the Ordinance for Enforcement of the Commodity Exchange Act (Ordinance of the Ministry of Agriculture and Forestry and the Ministry of International Trade and Industry No. 7 of 1950) is established as follows.

(電磁的記録)

(Electromagnetic Record)

第一条 商品取引所法（以下「法」という。）第十一条第五項に規定する主務省令で定めるものは、磁気ディスクその他これに準ずる方法により一定の情報を確実に記録しておくことができる物をもって調製するファイルに情報を記録したものとする。

Article 1 The media specified by an ordinance of the competent ministry as prescribed in Article 11, paragraph (5) of the Commodity Exchange Act (hereinafter referred to as the "Act") shall be a magnetic disk or a medium on which certain information can be securely recorded by an equivalent method.

(電子署名)

(Electronic Signature)

第二条 法第十一条第五項に規定する主務省令で定める署名又は記名押印に代わる措置は、電子署名とする。

Article 2 (1) The measure that can replace signatures or names and seals

specified by an ordinance of the competent ministry as prescribed in Article 11, paragraph (5) of the Act shall be an Electronic Signature.

2 前項に規定する「電子署名」とは、電磁的記録（法第十一条第五項に規定する電磁的記録をいう。以下同じ。）に記録することができる情報について行われる措置であって、次の要件のいずれにも該当するものをいう。

(2) The "Electronic Signature" set forth in the preceding paragraph shall be a measure taken so that information can be recorded onto an Electromagnetic Record (which means the Electromagnetic Record prescribed in Article 11, paragraph (5) of the Act; the same shall apply hereinafter), which satisfies all of the following requirements:

一 当該情報が当該措置を行った者の作成に係るものであることを示すためのものであること。

(i) to show that said information was prepared by those who took said measure to record information onto an Electromagnetic Record;

二 当該情報について改変が行われていないかどうかを確認することができるものであること。

(ii) to be able to check whether the alteration was performed with regard to said information.

(商品取引所法施行令に係る電磁的方法)

(Electromagnetic Means concerning the Order for Enforcement of the Commodity Exchange Act)

第二条の二 商品取引所法施行令（昭和二十五年政令第二百八十号。以下「令」という。）第一条の二第一項の規定により示すべき電磁的方法（法第十二条第四項に規定する電磁的方法をいう。第七条を除き、以下同じ。）の種類及び内容は、次に掲げるものとする。

Article 2-2 The type and contents of the Electromagnetic Means (which means Electromagnetic Means prescribed in Article 12, paragraph (4) of the Act; the same shall apply hereinafter except for Article 7) that should be employed pursuant to the provisions of Article 1-2, paragraph (1) of the Order for Enforcement of the Commodity Exchange Act (Cabinet Order No. 280 of 1950; hereinafter referred to as the "Order") shall be as follows:

一 次に掲げる方法のうち、送信者が使用するもの

(i) those that a sender uses from the following:

イ 電子情報処理組織を使用する方法のうち次に掲げるもの

(a) methods for using an electronic data processing system are as follows:

(1) 送信者の使用に係る電子計算機と受信者の使用に係る電子計算機とを接続する電気通信回線を通じて送信し、受信者の使用に係る電子計算機に備えられたファイルに記録する方法

1. to transmit information through a telecommunications line that connects a computer used by a sender and a computer used by a receiver and to

record said information in a file on a computer used by the receiver;

- (2) 送信者の使用に係る電子計算機に備えられたファイルに記録された情報の内容を電気通信回線を通じて情報を受ける者の閲覧に供し、当該情報の提供を受ける者の使用に係る電子計算機に備えられたファイルに当該情報を記録する方法

2. to provide the information recorded in a file on a computer used by a sender for the inspection of a receiver of said information through a telecommunications line, and to record said information in a file on a computer used by the receiver;

ロ 磁気ディスクその他これに準ずる方法により一定の情報を確実に記録しておくことができる物をもって調製するファイルに情報を記録したものを交付する方法

- (b) a method to deliver the record of the information in a file on a magnetic disk or by an equivalent method that can record certain information securely;

二 ファイルへの記録の方式

- (ii) a method to record the information in a file.

(電磁的方法)

(Electromagnetic Means)

第二条の三 法第十二条第四項に規定する電子情報処理組織を使用する方法その他の情報通信の技術を利用する方法であつて主務省令で定めるものは、次に掲げる方法とする。

Article 2-3 (1) The methods using an electronic data processing system or using other information communications technology specified by an ordinance of the competent ministry as prescribed in Article 12, paragraph (4) of the Act are as follows:

一 電子情報処理組織を使用する方法のうちイ又はロに掲げるもの

- (i) the methods listed in (a) or (b) for using an electronic data processing system:

イ 送信者の使用に係る電子計算機と受信者の使用に係る電子計算機とを接続する電気通信回線を通じて送信し、受信者の使用に係る電子計算機に備えられたファイルに記録する方法

- (a) to transmit information through a telecommunications line that connects a computer used by a sender and a computer used by a receiver and to record said information in a file on a computer used by the receiver;

ロ 送信者の使用に係る電子計算機に備えられたファイルに記録された情報の内容を電気通信回線を通じて情報の提供を受ける者の閲覧に供し、当該情報の提供を受ける者の使用に係る電子計算機に備えられたファイルに当該情報を記録する方法

- (b) to provide the information recorded in a file on a computer used by a sender for the inspection of a receiver of said information through a

telecommunications line, and to record said information in a file on a computer used by the receiver;

二 磁気ディスクその他これに準ずる方法により一定の情報を確実に記録しておくことができる物をもって調製するファイルに情報を記録したものを交付する方法

(ii) to deliver the record of the information in a file on a magnetic disk or by an equivalent method that can record certain information securely.

2 前項各号に掲げる方法は、受信者がファイルへの記録を出力することにより書面を作成することができるものでなければならない。

(2) The methods listed in the preceding items shall be the ones by which a receiver can prepare a written document by outputting the record from a file.

(創立総会の議事録)

(The minutes of an organizational meeting)

第二条の四 法第十三条第七項の規定による創立総会の議事録の作成については、この条の定めるところによる。

Article 2-4 (1) The preparation of the minutes of an organizational meeting pursuant to the provisions of Article 13, paragraph (7) of the Act shall be prescribed in this Article.

2 創立総会の議事録は、書面又は電磁的記録をもって作成しなければならない。

(2) The minutes of an organizational meeting shall be prepared in the form of a written document or an Electromagnetic Record.

3 創立総会の議事録は、次に掲げる事項を内容とするものでなければならない。

(3) The minutes of an organizational meeting shall include the following matters:

一 創立総会が開催された日時及び場所

(i) the date and time when and the place where the organizational meeting was held;

二 創立総会の議事の経過の要領及びその結果

(ii) a record of the proceedings and the outcome of the organizational meeting;

三 創立総会に出席した発起人及び役員の名氏又は名称

(iii) the names of the founder and the officers who attended the organizational meeting;

四 創立総会の議長が存するとき、議長の氏名

(iv) when a chairperson of the organizational meeting is in place, the name of said chairperson;

五 議事録の作成に係る職務を行った発起人の氏名又は名称

(v) the name of the founder who performed the duties concerning the preparation of the minutes.

(許可の申請書の添付書類)

(Attached documents to an application for permission)

第三条 法第十四条第二項の主務省令で定める書類は、次に掲げるもの（官公署が証明

する書類の場合には、許可の申請の日前三月以内に作成されたものに限る。)とする。

Article 3 The documents specified by an ordinance of the competent ministry set forth in Article 14, paragraph (2) of the Act shall be as follows (in the case of a certification issued by a public agency, limited to documents prepared within three months prior to the date of filing the application for a permission):

一 役員の住民基本台帳法（昭和四十二年法律第八十一号）第十二条第一項に規定する住民票の写し（その者が外国人であり、かつ、国内に居住している場合には、外国人登録証明書の写し、登録原票の写し又は登録原票記載事項証明書）又はこれに代わる書面（以下これらを「住民票の写し等」という。）、履歴書、その者が法第十五条第二項第一号イ及びロに該当しない旨の官公署の証明書（その者が外国人である場合を除く。）及びその者が法第十五条第二項第一号ハからルまで（その者が外国人の場合には、同号イからルまで）のいずれにも該当しないことを誓約する書面

(i) a copy of the residence certificate prescribed in Article 12, paragraph (1) of the Basic Resident Registration Act (Act No. 81 of 1967) (in the case where the person is a foreign national who resides in Japan, a copy of an alien registration certificate, a copy of a registration card, or a certificate of the registered matters of said person), or a substitute thereof (hereinafter referred to as a "Copy of the Residence Certificate, etc."), a curriculum vitae, a certification issued by a public agency that such person does not fall under any of the provisions of Article 15, paragraph (2), item (i) (a) and (b) of the Act (excluding the case where said person is a foreign national), and a sworn, written statement by that person that such person does not fall under any of the provisions of Article 15, paragraph (2), item (i) (c) to (k) of the Act (in the case where such person is a foreign national, (a) to (k) of the same item);

二 会員の氏名又は商号若しくは名称及び主たる事務所又は本店の所在地を記載した書面、その者が取引をする商品市場ごとに法第三十条第一項各号のいずれかに該当することを誓約する書面、その者が法第十五条第二項第一号イからヲまでのいずれにも該当しないことを誓約する書面並びに申請に係る会員商品取引所が開設しようとする一以上の商品市場において法百五条第一号に掲げる方法により決済を行う場合には許可の申請の日前三十日以内に様式第一号により作成したその者の純資産額に関する調書

(ii) a document that contains the name or trade name of a Member and the location of his/her principal office or head office, a sworn, written statement that such person falls under any of the items of Article 30, paragraph (1) of the Act for each Commodity Market where such person carries out transactions, a sworn, written statement that such person does not fall under any of the provisions of Article 15, paragraph (2), item (i) (a) to (l) of the Act, and in the case of completing settlement by the methods set forth in Article 105, item (i) of the Act on one or more Commodity Markets which a Member Commodity Exchange pertaining to the application intends to open, a record

- concerning the amount of the net assets of the person who prepared the written application according to Form No. 1 within 30 days prior to the date of filing the application for a permission;
- 三 過半数の発起人が、それぞれ法第十条第二項各号に掲げる者に該当することを誓約する書面
- (iii) a sworn, written statement that a majority of the founders fall under the respective items of Article 10, paragraph (2) of the Act;
- 四 加入申込証
- (iv) a participation certificate;
- 五 出資の払込みがあったことを証する書面
- (v) a document that proves the payment of the investment;
- 六 創立総会の議事録
- (vi) minutes of an organizational meeting;
- 七 開設しようとする商品市場における開設後一年間の先物取引の取引量の見込みを記載した書面
- (vii) a document stating the estimated transaction volume of Futures Transactions for one year after the opening of a Commodity Market which he/she seeks to open;
- 八 上場商品に係る商品市場を開設しようとする場合にあっては、上場商品構成物品（法第十条第二項第一号に規定する上場商品構成物品をいう。以下同じ。）を一の商品市場で取引をすることが適当である旨を明らかにすることができる書面
- (viii) in the case of seeking to open a Commodity Market pertaining to a Listed Commodity, a document stating that it is appropriate to conduct transactions of Listed Commodity Component Products (which means Listed Commodity Component Products prescribed in Article 10, paragraph (2), item (i) of the Act; the same shall apply hereinafter) on a single Commodity Market;
- 九 二以上の商品指数を一の上場商品指数として商品市場を開設しようとする場合にあっては、当該二以上の商品指数の対象となる物品の大部分が共通していることを明らかにすることができる書面
- (ix) in the case of seeking to open a Commodity Market by specifying two or more Commodity Indices as a single Listed Commodity Index, a document stating that the majority of the goods subject to said two or more Commodity Indices shall be common to one another;
- 十 商品市場を開設する業務において電子情報処理組織を使用する場合には、当該電子情報処理組織の概要、設置場所、容量及び保守の方法並びに当該電子情報処理組織に異常が発生した場合の対処方法を記載した書類
- (x) in the case of using an electronic data processing system in opening a Commodity Market, a document giving the description of said electronic data processing system, installation location, capacity, and the process for responding in the event of the failure of said electronic data processing system;

十一 その他法第十五条第一項に掲げる基準に適合しているかどうかについての認定の参考となるべき事項を記載した書面

(xi) in addition to those listed above, a document stating the matters to be used as a reference in recognizing whether the provisions of Article 15, paragraph (1) of the Act have been met.

(責任追及等の訴えの提起の請求方法)

(A method to claim for filing a suit, such as for pursuit of responsibility)

第三条の二 法第十八条第二項、第五十八条及び第七十七条第二項において読み替えて準用する会社法（平成十七年法律第八十六号）第四百四十七条第一項の主務省令で定める方法は、次に掲げる事項を記載した書面の提出又は当該事項の電磁的方法による提供とする。

Article 3-2 The method specified by an ordinance of the competent ministry set forth in Article 847, paragraph (1) of the Companies Act (Act No. 86 of 2005) as applied mutatis mutandis by replacing the terms pursuant to Article 18, paragraph (2), Article 58, and Article 77, paragraph (2) of the Act shall be the submission of a document that contains the following matters or the provision of said matters through an Electromagnetic Means:

一 被告となるべき者

(i) the person who shall become a defendant;

二 請求の趣旨及び請求を特定するのに必要な事実

(ii) a fact necessary to specify a claim and the object of claim.

(訴えを提起しない理由の通知方法)

(A method to notify the reasons for not filing a suit)

第三条の三 法第十八条第二項、第五十八条及び第七十七条第二項において読み替えて準用する会社法第四百四十七条第四項の主務省令で定める方法は、次に掲げる事項を記載した書面の提出又は当該事項の電磁的方法による提供とする。

Article 3-3 The method specified by an ordinance of the competent ministry set forth in Article 847, paragraph (4) of the Companies Act as applied mutatis mutandis by replacing the terms pursuant to Article 18, paragraph (2), Article 58, and Article 77, paragraph (2) of the Act shall be the submission of a document that contains the following matters or the provision of said matters through an Electromagnetic Means:

一 会員商品取引所が行った調査の内容（次号の判断の基礎とした資料を含む。）

(i) the contents of the investigation that a Member Commodity Exchange performed (including the document on which the judgment set forth in the following item was based);

二 請求対象者の責任又は義務の有無についての判断

(ii) the judgment with regard to any responsibility or duty of a person subject to the claim;

三 請求対象者に責任又は義務があると判断した場合において、責任追及等の訴え（会社法第八百四十七条第一項に規定する責任追及等の訴えをいう。）を提起しないときは、その理由

(iii) in the case of not filing an Action for Pursuing Liability, etc. (which means an Action for Pursuing Liability, etc. as prescribed in Article 847, paragraph (1) of the Companies Act), when judging that the person subject to the claim has a responsibility or duty, the reasons therefor.

(役員又は会員の氏名等の変更届出書の添付書類)

(Attached documents to a notification of change to names, etc. of an officer or a Member)

第四条 法第十九条第二項の主務省令で定める書類は、次に掲げるもの（官公署が証明する書類の場合には、変更の届出の日前三月以内に作成されたものに限る。）とする。

Article 4 Documents specified by an ordinance of the competent ministry set forth in Article 19, paragraph (2) of the Act shall be as follows (in the case of a certification issued by a public agency, limited to documents prepared within three months prior to the date of filing the application):

一 変更の届出が新たに就任した役員に係るときは、その者の住民票の写し等、履歴書、その者が法第十五条第二項第一号イ及びロに該当しない旨の官公署の証明書（その者が外国人である場合を除く。）並びにその者が法第十五条第二項第一号ハからルまで（その者が外国人の場合には、同号イからルまで）のいずれにも該当しないことを誓約する書面

(i) when the notification of change is pertaining to an officer who has newly assumed office, a Copy of the Residence Certificate, etc. of that person, a curriculum vitae, a certification issued by a public agency that such person does not fall under any of the provisions of Article 15, paragraph (2), item (i) (a) and (b) of the Act (excluding the case where the person is a foreign national), and a sworn, written statement by that person that such person does not fall under any of the provisions of Article 15, paragraph (2), item (i) (c) to (k) of the Act (in the case where the person is a foreign national, (a) to (k) of the same item);

二 変更の届出が新たに会員となった者に係るときは、その者の氏名又は商号若しくは名称及び主たる事務所又は本店の所在地を記載した書面、その者が取引をする商品市場ごとに法第三十条第一項各号のいずれかに該当することを誓約する書面、その者が法第十五条第二項第一号イからヲまでのいずれにも該当しないことを誓約する書面並びに届出に係る会員商品取引所が開設する一以上の商品市場において法第一百五条第一号に掲げる方法により決済を行う場合には会員となった日前三十日以内に様式第一号により作成したその者の純資産額に関する調書

(ii) when the notification of change is pertaining to a person who has newly become a Member, a document that contains the name or trade name of such person and the location of his/her principal office or head office, a sworn,

written statement by that person that such person falls under any of the items of Article 30, paragraph (1) of the Act for each Commodity Market where such person carries out transactions, a sworn, written statement by that person that such person does not fall under any of the provisions of Article 15, paragraph (2), item (i) (a) to (l) of the Act, and in the case of completing settlement by the methods set forth in Article 105, item (i) of the Act on one or more Commodity Markets which the Member Commodity Exchange pertaining to the notification intends to open, a record concerning the amount of the net assets of the person who prepared the written notification according to Form No. 1 within 30 days prior to the day when such person became a Member;

三 変更の届出が会員が取引をする商品市場における上場商品又は上場商品指数の追加に係るときは、その者が取引をする商品市場ごとに法第三十条第一項各号のいずれかに該当することを誓約する書面及び法第百五条第一号に掲げる方法により決済を行う場合には変更の届出日前三十日以内に様式第一号により作成したその者の純資産額に関する調書

(iii) when the notification of change is pertaining to the addition of a Listed Commodity or Listed Commodity Index on a Commodity Market where a Member carries out transactions, a sworn, written statement by that person that such person falls under any of the items of Article 30, paragraph (1) of the Act for each Commodity Market where such person carries out transactions, and in the case of completing settlement by the methods set forth in Article 105, item (i) of the Act, a record concerning the amount of the net assets of the person who prepared the written notification in accordance with Form No. 1 within 30 days prior to the day of the notification of a change.

第五条 削除

Article 5 Deleted

(電磁的記録に記録された事項を表示する方法)

(A method to display matters recorded in an Electromagnetic Record)

第六条 次に掲げる規定に規定する主務省令で定める方法は、次に掲げる規定の電磁的記録に記録された事項を紙面又は映像面に表示する方法とする。

Article 6 The method specified by an ordinance of the competent ministry set forth in the following provisions shall be a method to display the matters recorded in an Electromagnetic Record set forth in the following provisions in the form of writing or an image:

一 法第五十七条第四項第三号（法第七十七条第二項及び第九十三条第三項において準用する場合を含む。）

(i) Article 57, paragraph (4), item (iii) of the Act (including the case where it is

applied mutatis mutandis pursuant to Article 77, paragraph (2) and Article 93, paragraph (3) of the Act);

二 法第六十八条の二第三項第三号

(ii) Article 68-2, paragraph (3), item (iii) of the Act;

三 法第二百二十三条第二項第三号

(iii) Article 123, paragraph (2), item (iii) of the Act;

四 法第二百五十五条第二項第三号

(iv) Article 125, paragraph (2), item (iii) of the Act;

五 法第四百四十四条第二項第三号

(v) Article 144, paragraph (2), item (iii) of the Act;

六 法第四百四十四条の二第六項第三号

(vi) Article 144-2, paragraph (6), item (iii) of the Act;

七 法第四百四十四条の三第二項第三号

(vii) Article 144-3, paragraph (2), item (iii) of the Act;

八 法第四百四十四条の四第五項第三号

(viii) Article 144-4, paragraph (5), item (iii) of the Act;

九 法第四百四十四条の五第二項第三号

(ix) Article 144-5, paragraph (2), item (iii) of the Act;

十 法第四百四十四条の十一第三項第三号

(x) Article 144-11, paragraph (3), item (iii) of the Act;

十一 法第四百四十四条の十二第二項第三号

(xi) Article 144-12, paragraph (2), item (iii) of the Act;

十二 法第四百四十四条の十九第三項第三号

(xii) Article 144-19, paragraph (3), item (iii) of the Act.

(電磁的記録に記録された情報を提供するための電磁的方法)

(Electromagnetic Means to provide information recorded in an Electromagnetic Record)

第七条 次に掲げる規定に規定する主務省令で定める電磁的方法は、第二条の三第一項各号に掲げるもののうち、商品取引所が定めるものとする。

Article 7 The Electromagnetic Means specified by an ordinance of the competent ministry set forth in the following provisions shall be the means designated by a Commodity Exchange from those listed in the respective items of Article 2-3, paragraph (1):

一 法第五十七条第四項第四号（法第七十七条第二項及び第九十三条第三項において準用する場合を含む。）

(i) Article 57, paragraph (4), item (iv) of the Act (including the case where it is applied mutatis mutandis pursuant to Article 77, paragraph (2) and Article 93, paragraph (3) of the Act);

二 法第六十八条の二第三項第四号

(ii) Article 68-2, paragraph (3), item (iv) of the Act;

- 三 法第二百二十三条第二項第四号
(iii) Article 123, paragraph (2), item (iv) of the Act;
四 法第二百五十五条第二項第四号
(iv) Article 125, paragraph (2), item (iv) of the Act;
五 法第四百四十四条第二項第四号
(v) Article 144, paragraph (2), item (iv) of the Act;
六 法第四百四十四条の二第六項第四号
(vi) Article 144-2, paragraph (6), item (iv) of the Act;
七 法第四百四十四条の三第二項第四号
(vii) Article 144-3, paragraph (2), item (iv) of the Act;
八 法第四百四十四条の四第五項第四号
(viii) Article 144-4, paragraph (5), item (iv) of the Act;
九 法第四百四十四条の五第二項第四号
(ix) Article 144-5, paragraph (2), item (iv) of the Act;
十 法第四百四十四条の十一第三項第四号
(x) Article 144-11, paragraph (3), item (iv) of the Act;
十一 法第四百四十四条の十二第二項第四号
(xi) Article 144-12, paragraph (2), item (iv) of the Act;
十二 法第四百四十四条の十九第三項第四号
(xii) Article 144-19, paragraph (3), item (iv) of the Act.

(法第五十九条第五項の主務省令で定める方法)

(A method specified by an ordinance of the competent ministry set forth in Article 59, paragraph (5) of the Act)

第八条 法第五十九条第五項の主務省令で定める方法は、第二条の三第一項第二号に掲げる方法とする。

Article 8 The method specified by an ordinance of the competent ministry set forth in Article 59, paragraph (5) of the Act shall be a method listed in Article 2-3, paragraph (1), item (ii).

(承諾の手續において示すべき電磁的方法の種類及び内容)

(Type and contents of Electromagnetic Means to be specified in the procedures for consent)

第九条 商品取引所法施行令（昭和二十五年政令第二百八十号。以下「令」という。）第四条第一項の規定により示すべき電磁的方法の種類及び内容は、次に掲げる事項とする。

Article 9 The type and contents of the Electromagnetic Means to be specified pursuant to the provisions of Article 4, paragraph (1) of the Order for Enforcement of the Commodity Exchange Act (Cabinet Order No. 280 of 1950; hereinafter referred to as the "Order") shall be the following matters:

- 一 第二条の三第一項イ又はロに掲げる方法のうち、送信者が使用するもの

(i) those that a sender uses from the methods listed in Article 2-3, paragraph (1), (a) or (b);

二 ファイルへの記録の方式

(ii) a method to record the information in a file.

(議事録)

(The minutes)

第九条の二 法第六十二条の三の規定による会員総会の議事録の作成については、この条の定めるところによる。

Article 9-2 (1) The preparation of the minutes of a general meeting of members pursuant to the provisions of Article 62-3 of the Act shall be prescribed in this Article.

2 会員総会の議事録は、書面又は電磁的記録をもって作成しなければならない。

(2) The minutes of a general meeting of members shall be prepared in the form of a written document or an Electromagnetic Record.

3 会員総会の議事録は、次に掲げる事項を内容とするものでなければならない。

(3) The minutes of a general meeting of members shall include the following matters:

一 会員総会が開催された日時及び場所（当該場所に存しない理事長、理事、監事又は会員が会員総会に出席をした場合における当該出席の方法を含む。）

(i) the date and time when and the place where the general meeting of members was held (including the method of attendance in the case where the president, director, auditor or a Member who was not in said location attended the general meeting of members);

二 会員総会の議事の経過の要領及びその結果

(ii) a record of the proceedings and the outcome of the general meeting of members;

三 法第四十八条第三項による監事の意見の概要

(iii) a description of the auditor's report pursuant to Article 48, paragraph (3) of the Act;

四 会員総会に出席した理事長、理事又は監事の氏名

(iv) the names of the president, director, or auditor who attended the general meeting of members;

五 議長の氏名

(v) the name of the chairperson;

六 議事録の作成に係る職務を行った理事長又は理事の氏名

(vi) the name of the president or director who performed the duties concerning the preparation of the minutes.

(会計慣行のしん酌)

(Taking into consideration accounting practices)

第十条 次条から第二十六条までの規定の用語の解釈及び規定の適用に関しては、一般に公正妥当と認められる企業会計の基準その他の企業会計の慣行をしん酌しなければならない。

Article 10 With regard to the interpretation of terms set forth in the following Article through Article 26 and the application of the provisions thereunder, generally accepted corporate accounting standards and other accounting practices shall be taken into consideration.

(決算関係書類等の記載事項等)

(Matters to be included in Settlement Related Documents, etc.)

第十条の二 法第六十六条第一項の決算関係書類等については、次条から第二十条までに定めるところによる。

Article 10-2 The Settlement Related Documents, etc. set forth in Article 66, paragraph (1) of the Act shall be specified in the provisions of the following Article to Article 20.

(貸借対照表の原則)

(Principle of a balance sheet)

第十一条 貸借対照表は、会員商品取引所の財産状態を明らかにするため、事業年度の終わりにおけるすべての資産、負債及び純資産を記載し、又は記録し、会員その他の利害関係者にこれを正しく表示するものでなければならない。

Article 11 A balance sheet shall, for the purpose of clarifying the financial condition of a Member Commodity Exchange, include or record the entire assets, liabilities, and net assets thereof at the end of each business year, and indicate them accurately to Members and any other interested party.

(貸借対照表の様式)

(Form of a balance sheet)

第十二条 貸借対照表の様式は、勘定式によるものとする。

Article 12 The form of a balance sheet shall be a balance account format.

(貸借対照表の区分)

(Classification of a balance sheet)

第十三条 貸借対照表は、次に掲げる部に区分して表示しなければならない。ただし、必要がある場合には、純資産の部の名称として、出資の部の名称を用いることができる。

Article 13 (1) A balance sheet shall indicate the values by classifying them into the following sections; provided, however, that the title of the contribution section may be used as the title of the net assets section if necessary:

一 資産

(i) assets;

二 負債

(ii) liabilities;

三 純資産

(iii) net assets.

2 資産の部又は負債の部の各項目は、当該項目に係る資産又は負債を示す適当な名称を付さなければならない。

(2) Respective sub-items in the assets section or the liabilities section shall be given the appropriate titles to indicate the assets or liabilities concerning said items.

(資産の部の区分)

(Classification of assets section)

第十四条 資産の部は、次に掲げる項目に区分しなければならない。この場合において、各項目（第二号に掲げる項目を除く。）は、適当な項目に細分しなければならない。

Article 14 (1) The assets section shall be classified into the following sub-items.

In this case, the respective sub-items (excluding the sub-items listed in item (ii)) shall be broken down into appropriate particulars:

一 流動資産

(i) current assets;

二 固定資産

(ii) fixed assets;

三 繰延資産

(iii) deferred assets.

2 固定資産に係る項目は、次に掲げる項目に区分しなければならない。この場合において、各項目は、適当な項目に細分しなければならない。

(2) The sub-item pertaining to fixed assets shall be classified into the following sub-items. In this case, the respective sub-items shall be broken down into appropriate particulars:

一 有形固定資産

(i) tangible fixed assets;

二 無形固定資産

(ii) intangible fixed assets;

三 投資その他の資産

(iii) investments and other assets.

3 次の各号に掲げる資産は、当該各号に定めるものに属するものとする。

(3) The assets listed in the following items shall belong to those specified in said items:

一 次に掲げる資産 流動資産

(i) the following assets: current assets:

イ 現金及び預金（一年内に期限の到来しない預金を除く。）

(a) cash and cash in bank (excluding cash in bank whose maturity date does

not fall Within a Year);

ロ 受取手形（通常の取引（会員商品取引所の事業目的のための営業活動において、経常的に又は短期間に循環して発生する取引をいう。以下この条から第十六条の八までにおいて同じ。）に基づいて発生した手形債権（破産更生債権等（破産債権、再生債権、更生債権その他これらに準ずる債権をいう。以下この号において同じ。）で一年内に弁済を受けることができないことが明らかなものを除く。）をいう。）

(b) Bills Receivable (which means bill claims [excluding Bankruptcy or Reorganization Claims, etc. (which means bankruptcy claims, rehabilitation claims or reorganization claims or other equivalent claims; hereinafter the same shall apply in this item) for which payment is evidently impossible Within a Year] generated based on Ordinary Transactions [which means transactions generated currently or within a short term cycle in operating activities for the business of a Member Commodity Exchange; hereinafter the same shall apply in this Article through Article 16-8]);

ハ 売掛金（通常の取引に基づいて発生した事業上の未収金（当該未収金に係る債権が破産更生債権等で一年内に弁済を受けることができないことが明らかなものである場合における当該未収金を除く。）をいう。）

(c) Accounts Receivable (which means the business accounts due [excluding the accounts due in the case where claims pertaining to said accounts due are Bankruptcy or Reorganization Claims, etc. for which payment is evidently impossible Within a Year] generated based on Ordinary Transactions);

ニ 所有権移転ファイナンス・リース取引におけるリース債権（破産更生債権等で一年内に回収されないことが明らかなものを除く。）のうち、通常の取引に基づいて発生したもの及び通常の取引以外の取引に基づいて発生したもので一年内に期限が到来するもの

(d) lease claims (excluding Bankruptcy or Reorganization Claims, etc. of which collection is evidently impossible Within a Year) in ownership-transfer finance lease transactions, which were generated based on Ordinary Transactions, or which were generated based on transactions other than Ordinary Transactions and whose due date falls Within a Year;

ホ 所有権移転外ファイナンス・リース取引におけるリース投資資産（破産更生債権等で一年内に回収されないことが明らかなものを除く。）のうち、通常の取引に基づいて発生したものと及び通常の取引以外の取引に基づいて発生したもので一年内に期限が到来するもの

(e) lease investment assets (excluding Bankruptcy or Reorganization Claims, etc. of which collection is evidently impossible Within a Year) in non-ownership-transfer finance lease transactions, which were generated based on Ordinary Transactions, or which were generated based on transactions

- other than Ordinary Transactions and whose due date falls Within a Year;
- へ 売買目的有価証券及び一年内に満期の到来する有価証券
- (f) Securities available for sale and Securities whose maturity date falls Within a Year;
- ト 商品（販売の目的をもって所有する土地、建物その他の不動産を含む。）
- (g) commodities (including land, buildings, and other real properties owned for the purpose of sale);
- チ 製品、副産物及び作業くず
- (h) products, byproducts, and scrap;
- リ 半製品（自製部分品を含む。）
- (i) semifinished products (including self-made parts);
- ヌ 原料及び材料（購入部分品を含む。）
- (j) raw materials and materials (including purchased parts);
- ル 仕掛品及び半成工事
- (k) products in progress and uncompleted works;
- ヲ 消耗品、消耗工具、器具及び備品その他の貯蔵品であって、相当な価額以上のもの
- (l) consumable goods, consumable tools, appliances, fixtures, and other stored goods whose value is over a certain amount;
- ワ 前渡金（商品、原材料等の購入のための前渡金（当該前渡金に係る債権が破産更生債権等で一年内に弁済を受けることができないことが明らかなものである場合における当該前渡金を除く。）をいう。）
- (m) Advance Payment (which means advance payment [excluding advance payment in the case where claims pertaining to said advance payment are Bankruptcy or Reorganization Claims, etc. for which payment is evidently impossible Within a Year] for purchasing commodities and raw materials);
- カ 前払費用であって、一年内に費用となるべきもの
- (n) prepaid expenses which shall be expenses Within a Year;
- コ 未収収益
- (o) accrued income;
- ク 次に掲げる繰延税金資産
- (p) the following deferred tax assets:
- (1) 流動資産に属する資産又は流動負債に属する負債に関連する繰延税金資産
1. deferred tax assets related to assets belonging to current assets or liabilities belonging to current liabilities;
- (2) 特定の資産又は負債に関連しない繰延税金資産であって、一年内に取り崩されると認められるもの
2. deferred tax assets which are not related to any specified assets or liabilities and are recognized as to be disposed of Within a Year;
- ケ その他の資産であって、一年内に現金化できると認められるもの

- (q) other assets which are recognized as to be cashed Within a Year;
- 二 次に掲げる資産（ただし、イからチまでに掲げる資産については、事業の用に供するものに限る。） 有形固定資産
- (ii) the following assets (provided, however, that, with regard to the assets listed in (a) to (h), limited to those to be used for business): tangible fixed assets:
- イ 建物及び暖房、照明、通風等の付属設備
- (a) buildings and annexed equipment such as for heating, lighting, and ventilation;
- ロ 構築物（ドック、橋、岸壁、さん橋、軌道、貯水池、坑道、煙突その他土地に定着する土木設備又は工作物をいう。）
- (b) Constructions (which means docks, bridges, quays, piers, tracks, reservoirs, tunnels, chimneys and other civil engineering equipment or structures fixed on land);
- ハ 機械及び装置並びにホイスト、コンベヤー、起重機等の搬送設備その他の付属設備
- (c) machinery, equipment, and transportation equipment such as hoists, conveyors, and cranes, and other annexed equipment;
- ニ 船舶及び水上運搬具
- (d) ships and water delivery equipment;
- ホ 鉄道車両、自動車その他の陸上運搬具
- (e) rolling stock, automobiles, and other land delivery equipment;
- ヘ 工具、器具及び備品（耐用年数一年以上のものに限る。）
- (f) tools, appliances, and fixtures (limited to those with a lifespan of one year or more);
- ト 土地
- (g) land;
- チ リース資産（当該会社がファイナンス・リース取引におけるリース物件の借主である場合における当該リース物件をいう。以下同じ。）であって、イからトまで及びヌに掲げる物件に該当するもの
- (h) Lease Assets (which means leased property in cases where the company is the lessee of the leased property in finance lease transactions; the same shall apply hereinafter) which falls under the categories of property listed in (a) to (g) and (j);
- リ 建設仮勘定（イからトまでに掲げる資産で事業の用に供するものを建設した場合における支出及び当該建設の目的のために充当した材料をいう。）
- (i) Construction in Process Account (which means expenses in the case of constructing goods to be used for business in relation to the assets listed in (a) to (g), and materials appropriated for the purpose of said construction);
- ヌ その他の有形資産であって、有形固定資産に属する資産とすべきもの
- (j) other tangible assets which shall be classified as assets belonging to

tangible fixed assets;

三 次に掲げる資産 無形固定資産

(iii) the following assets: intangible fixed assets:

イ 特許権

(a) patent rights;

ロ 借地権（地上権を含む。）

(b) leaseholds (including surface rights);

ハ 商標権

(c) trademark rights;

ニ 実用新案権

(d) utility model rights;

ホ 意匠権

(e) design rights;

ヘ 鉱業権

(f) mining rights;

ト 漁業権（入漁権を含む。）

(g) fishery rights (including common of piscary);

チ ソフトウェア

(h) software;

リ のれん

(i) goodwill;

ヌ リース資産であって、イからチまで及びルに掲げる物件に該当するもの

(j) Lease Assets which fall under the categories of property listed in (a) to (h) and (k);

ル その他の無形資産であって、無形固定資産に属する資産とすべきもの

(k) other intangible assets which shall be classified as assets belonging to intangible fixed assets;

四 次に掲げる資産 投資その他の資産

(iv) the following assets: investments and other assets:

イ 関係会社（会社計算規則（平成十七年法務省令第十三号）第二条第三項第二十三号の関係会社をいう。第十六条の六において同じ。）の株式（売買目的有価証券に該当する株式を除く。以下同じ。）その他流動資産に属しない有価証券

(a) Securities which do not belong to other current assets including shares (excluding shares falling under Securities available for sale; the same shall apply hereinafter) of Affiliated Companies (which means affiliated companies set forth in Article 2, paragraph (3), item (xxiii) of the Ordinance on Company Accounting (Ordinance of the Ministry of Justice No. 13 of 2005); the same shall apply in Article 16-6);

ロ 出資金

(b) contribution;

ハ 長期貸付金

(c) long-term loans;

ニ 次に掲げる繰延税金資産

(d) the following deferred tax assets:

(1) 有形固定資産、無形固定資産若しくは投資その他の資産に属する資産又は固定負債に属する負債に関連する繰延税金資産

1. deferred tax assets related to assets belonging to tangible fixed assets, intangible fixed assets, or investments and other assets or liabilities belonging to fixed liabilities;

(2) 特定の資産又は負債に関連しない繰延税金資産であって、一年内に取り崩されると認められないもの

2. deferred tax assets which are not related to any specified assets or liabilities and are not recognized as to be disposed of Within a Year;

ホ 所有権移転ファイナンス・リース取引におけるリース債権のうち第一号ニに掲げるもの以外のもの

(e) lease claims in ownership-transfer finance lease transactions which are not those set forth in item (i), (d);

ヘ 所有権移転外ファイナンス・リース取引におけるリース投資資産のうち第一号ホに掲げる以外のもの

(f) lease investment assets in non-ownership-transfer finance lease transactions which are not those set forth in item (i), (e);

ト その他の資産であって、投資その他の資産に属する資産とすべきもの

(g) other assets which shall be classified as assets belonging to investments and other assets;

チ その他の資産であって、流動資産、有形固定資産、無形固定資産又は繰延資産に属しないもの

(h) other assets which do not belong to current assets, tangible fixed assets, intangible fixed assets, or deferred tax assets;

五 繰延資産として計上することが適当であると認められるもの 繰延資産

(v) those assets recognized as being appropriate to be recorded as deferred assets: deferred assets.

4 前項に規定する「一年内」とは、次の各号に掲げる貸借対照表の区分に応じ、当該各号に定める日から起算して一年以内の日をいう（以下この条から第十六条の八までにおいて同じ。）。

(4) "Within a Year" prescribed in the preceding paragraph refers to the days within a year from the days specified in the following items for the categories of balance sheet set forth respectively therein (hereinafter the same shall apply in this Article through Article 16-8):

一 成立の日における貸借対照表 会員商品取引所の成立の日

(i) a balance sheet as on the day of establishment: the day of the establishment of a Member Commodity Exchange;

二 事業年度に係る貸借対照表 事業年度の末日（事業年度の末日以外の日において

評価すべき場合にあっては、その日。以下同じ。)の翌日

- (ii) a balance sheet pertaining to a business year: the day following the last day of the business year (in the case where valuation shall be carried out on a day other than the last day of the business year, said day; the same shall apply hereinafter).

(負債の部の区分)

(Classification of the liabilities section)

第十五条 負債の部は、次に掲げる項目に区分しなければならない。この場合において、各項目は、適当な項目に細分しなければならない。

Article 15 (1) The liabilities section shall be classified into the following sub-items. In this case, the respective sub-items shall be broken down into appropriate particulars:

一 流動負債

(i) current liabilities;

二 固定負債

(ii) fixed liabilities;

2 次の各号に掲げる負債は、当該各号に定めるものに属するものとする。

(2) Liabilities listed in the following items shall belong to those specified in said items:

一 次に掲げる負債 流動負債

(i) the following liabilities: current liabilities:

イ 支払手形 (通常取引に基づいて発生した手形債務をいう。)

(a) Bills Payable (which means bill debts generated based on Ordinary Transactions);

ロ 買掛金 (通常取引に基づいて発生した事業上の未払金をいう。)

(b) Accounts Payable (which means business payment due generated by Ordinary Transactions);

ハ 前受金 (受注工事、受注品等に対する前受金をいう。)

(c) Advances Received (which means advances received for construction orders and orders for goods);

ニ 引当金 (資産に係る引当金及び一年内に使用されないと認められるものを除く。)

(d) allowances (except for allowances pertaining to assets and those recognized as not to be used Within a Year);

ホ 通常取引に関連して発生する未払金又は預り金で一般取引慣行として発生後短期間に支払われるもの

(e) payment due or deposits received generated by Ordinary Transactions which are to be paid within a short term after generation as a general transaction practice;

ヘ 未払費用

(f) accrued expenses;

ト 前受収益

(g) advance received profit;

チ 次に掲げる繰延税金負債

(h) the following deferred tax liabilities:

(1) 流動資産に属する資産又は流動負債に属する負債に関連する繰延税金負債

1. deferred tax liabilities related to assets belonging to current assets or liabilities belonging to current liabilities;

(2) 特定の資産又は負債に関連しない繰延税金負債であって、一年内に取り崩されると認められるもの

2. deferred tax liabilities which are not related to any specified assets or liabilities and are recognized as to be disposed of Within a Year;

リ ファイナンス・リース取引におけるリース債務のうち、一年内に期限が到来するもの

(i) lease debts in finance lease transactions whose due date falls Within a Year;

ヌ その他の負債であって、一年内に支払又は返済されると認められるもの

(j) other liabilities which are recognized as to be paid or repaid Within a Year;

二 次に掲げる負債 固定負債

(ii) the following liabilities: fixed liabilities:

イ 社債

(a) bonds payable;

ロ 長期借入金

(b) long-term debts;

ハ 引当金（資産に係る引当金及び前号ニに掲げる引当金を除く。）

(c) allowances (excluding allowances pertaining to assets and those listed in (d) of the preceding item);

ニ 次に掲げる繰延税金負債

(d) the following deferred tax liabilities:

(1) 有形固定資産、無形固定資産若しくは投資その他の資産に属する資産又は固定負債に属する負債に関連する繰延税金負債

1. deferred tax liabilities related to assets belonging to tangible fixed assets, intangible fixed assets, or investments and other assets, or liabilities belonging to fixed liabilities;

(2) 特定の資産又は負債に関連しない繰延税金負債であって、一年内に取り崩されると認められないもの

2. deferred tax liabilities which are not related to any specified assets or liabilities and are not recognized as to be disposed of Within a Year;

ホ のれん

(e) goodwill;

へ ファイナンス・リース取引におけるリース債務のうち、前号りに掲げるもの以外のもの

(f) lease debts in finance lease transactions which are not those set forth in (i) of the preceding item;

ト その他の負債であって、流動負債に属しないもの

(g) other liabilities which do not belong to current liabilities.

(純資産の部の区分)

(Classification of the net assets section)

第十六条 純資産の部は、次に掲げる項目に区分しなければならない。ただし、必要がある場合には、会員資本の名称として、会員出資の名称を用いることができる。

Article 16 (1) The net assets section shall be classified into the following sub-items; provided, however, that the title of member contribution may be used as the title of member capital:

一 会員資本

(i) member capital;

二 評価・換算差額等

(ii) valuation/translation difference, etc.

2 会員資本に係る項目は、次に掲げる項目に区分しなければならない。この場合において、各項目は、適当な項目に細分することができる。

(2) Sub-items pertaining to member capital shall be classified into the following sub-items. In this case, respective sub-items may be broken down into the appropriate particulars:

一 出資金

(i) contribution;

二 加入金

(ii) membership fee;

三 資本剰余金

(iii) capital surplus;

四 法定準備金

(iv) statutory capital;

五 利益剰余金

(v) accumulated profit.

3 評価・換算差額等に係る項目は、次に掲げる項目その他適当な名称を付した項目に細分しなければならない。

(3) Sub-items pertaining to valuation/translation difference shall be broken down into the following particulars and any other particulars with an appropriate title:

一 その他有価証券評価差額金

(i) other difference in Securities valuation;

二 繰延ヘッジ損益

(ii) deferred hedge gains and losses;

三 土地再評価差額金

(iii) difference in revaluation of land.

(貸倒引当金等の表示)

(Indication of allowances for bad debts, etc.)

第十六条の二 各資産に係る引当金は、次項の規定による場合のほか、当該各資産の項目に対する控除項目として、貸倒引当金その他当該引当金の設定目的を示す名称を付した項目をもって表示しなければならない。ただし、流動資産、有形固定資産、無形固定資産、投資その他の資産又は繰延資産の区分に応じ、これらの資産に対する控除項目として一括して表示することを妨げない。

Article 16-2 (1) Allowances pertaining to the respective assets shall be indicated as a deduction for said respective assets under sub-items with titles that indicate the purpose of allowances for bad debts and other relevant allowances excluding cases prescribed in the following paragraph; provided, however, that they are not precluded from being indicated in the sum total as a deduction for the total of current assets, tangible fixed assets, intangible fixed assets, investment and other assets, or deferred assets for the categories thereof.

2 各資産に係る引当金は、当該各資産の金額から直接控除し、その控除残高を当該各資産の金額として表示することができる。

(2) Allowances pertaining to the respective assets may be deducted directly from the amount of said respective assets and the outstanding amount of the deduction may be indicated as the amount of said respective assets.

(有形固定資産に対する減価償却累計額の表示)

(Indication of accumulated depreciation for tangible fixed assets)

第十六条の三 各有形固定資産に対する減価償却累計額は、次項の規定による場合のほか、当該各有形固定資産の項目に対する控除項目として、減価償却累計額の項目をもって表示しなければならない。ただし、これらの有形固定資産に対する控除項目として一括して表示することを妨げない。

Article 16-3 (1) Accumulated depreciation for the respective tangible fixed assets shall be indicated as a deduction for said respective tangible fixed assets under the sub-item of accumulated depreciation excluding cases prescribed in the following paragraph; provided, however, that they are not precluded from being indicated in the sum total as a deduction for these tangible fixed assets.

2 各有形固定資産に対する減価償却累計額は、当該各有形固定資産の金額から直接控除し、その控除残高を当該各有形固定資産の金額として表示することができる。

(2) Accumulated depreciation for the respective tangible assets may be deducted directly from the amount of said respective tangible assets and the outstanding amount of the deduction and may be indicated as the amount of said respective

tangible assets.

(有形固定資産に対する減損損失累計額の表示)

(Indication of accumulated impairment loss for tangible fixed assets)

第十六条の四 各有形固定資産に対する減損損失累計額は、次項及び第三項の規定による場合のほか、当該各有形固定資産の金額（前条第二項の規定により有形固定資産に対する減価償却累計額を当該有形固定資産の金額から直接控除しているときは、その控除後の金額）から直接控除し、その控除残高を当該各有形固定資産の金額として表示しなければならない。

Article 16-4 (1) Accumulated impairment loss for the respective tangible fixed assets shall be deducted directly from the amount of said respective tangible fixed assets (in the case where accumulated depreciation for tangible fixed assets is deducted directly from the amount of said tangible fixed assets pursuant to the provisions of paragraph (2) of the preceding Article, the amount after deduction) and the outstanding amount of the deduction shall be indicated as the amount of said respective tangible fixed assets, excluding cases prescribed in the following paragraph and paragraph (3).

2 減価償却を行う各有形固定資産に対する減損損失累計額は、当該各有形固定資産の項目に対する控除項目として、減損損失累計額の項目をもって表示することができる。ただし、これらの有形固定資産に対する控除項目として一括して表示することを妨げない。

(2) Accumulated impairment loss for the respective tangible fixed assets for which depreciation is carried out may be indicated as a deduction for said respective tangible fixed assets under the sub-item of accumulated impairment loss; provided, however, that they are not precluded from being indicated in the sum total as the deduction for those tangible fixed assets.

3 前条第一項及び前項の規定により減価償却累計額及び減損損失累計額を控除項目として表示する場合には、減損損失累計額を減価償却累計額に合算して、減価償却累計額の項目をもって表示することができる。

(3) In the case where accumulated depreciation and accumulated impairment loss are indicated as deductions pursuant to the provisions of paragraph (1) of the preceding Article and the preceding paragraph, the accumulated impairment loss may be added to the accumulated depreciation and be indicated under the sub-item of accumulated depreciation.

(無形固定資産の表示)

(Indication of intangible fixed assets)

第十六条の五 各無形固定資産に対する減価償却累計額及び減損損失累計額は、当該各無形固定資産の金額から直接控除し、その控除残高を当該各無形固定資産の金額として表示しなければならない。

Article 16-5 Accumulated depreciation and accumulated impairment loss for the

respective intangible fixed assets shall be deducted directly from the amount of said respective intangible assets, and the outstanding amount of the deduction shall be indicated as the amount of said respective intangible fixed assets.

(関係会社株式等の表示)

(Indication of Shares, etc. of Affiliated Companies, etc.)

第十六条の六 関係会社の株式又は出資金は、関係会社株式又は関係会社出資金の項目をもって別に表示しなければならない。

Article 16-6 Shares or the contribution of Affiliated Companies shall be indicated separately under the sub-items of shares or contribution of Affiliated Companies.

(繰延税金資産等の表示)

(Indication of deferred tax assets, etc.)

第十六条の七 流動資産に属する繰延税金資産の金額及び流動負債に属する繰延税金負債の金額については、その差額のみを繰延税金資産又は繰延税金負債として流動資産又は流動負債に表示しなければならない。

Article 16-7 (1) With regard to the amount of deferred tax assets belonging to current assets and the amount of deferred tax liabilities belonging to current liabilities, only the difference shall be indicated as deferred tax assets or deferred tax liabilities in current assets or current liabilities.

2 固定資産に属する繰延税金資産の金額及び固定負債に属する繰延税金負債の金額については、その差額のみを繰延税金資産又は繰延税金負債として固定資産又は固定負債に表示しなければならない。

(2) With regard to the amount of deferred tax assets belonging to fixed assets and the amount of deferred tax liabilities belonging to fixed liabilities, only the difference shall be indicated as deferred tax assets or deferred tax liabilities in fixed assets or fixed liabilities.

(繰延資産の表示)

(Indication of deferred assets)

第十六条の八 各繰延資産に対する償却累計額は、当該各繰延資産の金額から直接控除し、その控除残高を各繰延資産の金額として表示しなければならない。

Article 16-8 Accumulated extinguishment for the respective deferred assets shall be deducted directly from the amount of said respective deferred assets and the outstanding amount of the deduction shall be indicated as the amount of said respective deferred assets.

(損益計算書の原則)

(Principle of a profit and loss statement)

第十七条 損益計算書は、会員商品取引所の収支状況を明らかにするため、一会計期間

に属するすべての収入とすべての支出とを記載し、又は記録し、会員その他の利害関係者にこれを正しく表示するものでなければならない。

Article 17 A profit and loss statement shall, for the purpose of clarifying the status of the profit and loss of a Member Commodity Exchange, include or record the entire profit and loss in a single accounting period, and indicate them accurately to Members and any other interested party.

第十八条 削除

Article 18 Deleted

(損益計算書の区分等)

(Classification, etc. of a profit and loss statement)

第十九条 損益計算書には収入の部及び支出の部を設け、収入にあつてはその性質、支出にあつてはその目的に従つて、適当な名称を付した科目に細分しなければならない。

Article 19 (1) A profit and loss statement shall be broken down into income and expenditure, and this will in turn be subdivided with appropriate titles according to the characteristics of the income and the purposes of the expenditure.

2 前項の支出の部には、当期剰余金又は当期損失金を記載し、又は記録しなければならない。

(2) In the expenditure section as set forth in the preceding paragraph, the surplus or loss for the term shall be included or recorded.

(業務報告書)

(A business report)

第二十条 業務報告書には、次に掲げる事項その他の会員商品取引所の業務に関する重要な事項を記載し、又は記録しなければならない。

Article 20 A business report shall include or record the following matters and any other important matters concerning the businesses of a Member Commodity Exchange:

一 業務の概要

(i) a description of the businesses;

二 取引及び市況の概要

(ii) a description of transactions and market conditions;

三 会議の概要

(iii) a description of meetings;

四 会員に関する事項

(iv) matters concerning Members.

(会計帳簿の作成)

(Keeping accounting books)

第二十一条 会員商品取引所は、次項及び次条から第二十六条までに規定するところにより、適時に、正確な会計帳簿を作成しなければならない。

Article 21 (1) A Member Commodity Exchange shall prepare accurate accounting books on a timely basis pursuant to the provisions of the following paragraph, and the following Article through Article 26.

2 会計帳簿は、書面又は電磁的記録をもって作成しなければならない。

(2) Accounting books shall be prepared in the form of a written document or an Electromagnetic Record.

(資産の評価)

(Valuation of assets)

第二十二条 資産については、この省令又は法以外の法令に別段の定めがある場合を除き、会計帳簿にその取得価額を付さなければならない。

Article 22 (1) With regard to the assets, the acquisition cost thereof shall be recorded in accounting books, excluding the case where special provisions exist in laws and regulations other than this Ordinance or the Act.

2 償却すべき資産については、事業年度の末日において、相当の償却をしなければならない。

(2) With regard to the assets to be extinguished, the relevant extinguishment shall be carried out as on the last day of a business year.

3 次の各号に掲げる資産については、事業年度の末日において当該各号に定める価格を付すべき場合には、当該各号に定める価格を付さなければならない。

(3) With regard to the assets listed in the following items, the price specified in the respective items shall be recorded in the case where such price should be recorded as on the last day of a business year:

一 事業年度の末日における時価がその時の取得原価より著しく低い資産（当該資産の時価がその時の取得原価まで回復すると認められるものを除く。） 事業年度の末日における時価

(i) assets whose current market price as on the last day of a business year is considerably lower than the acquisition cost at the time (excluding those assets whose current market price is recognized as rising back to the acquisition cost at the time): Current market price as on the last day of the business year;

二 事業年度の末日において予測することができない減損が生じた資産又は減損損失を認識すべき資産 その時の取得原価から相当の減額をした額

(ii) assets for which unpredictable loss was incurred or impairment loss should be recognized as on the last day of the business year: Value reducing relevant value from the acquisition cost at the time.

4 取立不能のおそれのある債権については、事業年度の末日においてその時に取り立てることができないと見込まれる額を控除しなければならない。

(4) With regard to claims that are likely to be uncollectible, the amount

estimated as being uncollectible as on the last day of a business year shall be deducted.

5 債権については、その取得価額が債権金額と異なる場合その他相当の理由がある場合には、適正な価格を付することができる。

(5) With regard to claims, an appropriate price may be recorded in the case where the acquisition cost thereof is different from the amount of claims or where there are other reasonable grounds.

6 次に掲げる資産については、事業年度の末日においてその時の時価又は適正な価格を付することができる。

(6) With regard to the following assets, current market price or appropriate price at the time may be recorded as on the last day of a business year:

一 事業年度の末日における時価がその時の取得原価より低い資産

(i) assets whose current market price as on the last day of a business year is lower than the acquisition cost at the time;

二 市場価格のある資産（子会社及び関連会社の株式並びに満期保有目的の債券を除く。）

(ii) assets which have market value (excluding shares of Subsidiaries and Affiliated Companies and claims purported to be held to maturity);

三 前二号に掲げる資産のほか、事業年度の末日においてその時の時価又は適正な価格を付することが適当な資産

(iii) in addition to the assets listed in the preceding two items, assets for which it is appropriate to record the current market price or appropriate price at the time as on the last day of a business year.

(負債の評価)

(Valuation of liabilities)

第二十三条 負債については、この省令又は法以外の法令に別段の定めがある場合を除き、会計帳簿に債務額を付さなければならない。

Article 23 (1) With regard to liabilities, the debt quota shall be recorded in accounting books, excluding the case where special provisions exist in laws and regulations other than this Ordinance or the Act.

2 次に掲げる負債については、事業年度の末日においてその時の時価又は適正な価格を付することができる。

(2) With regard to the following liabilities, the current market price or appropriate price at the time may be recorded as on the last day of a business year:

一 次に掲げるもののほか将来の費用又は損失（収益の控除を含む。以下この号において同じ。）の発生に備えて、その合理的な見積額のうち当該事業年度の負担に属する金額を費用又は損失として繰り入れることにより計上すべき引当金（会員に対して役務を提供する場合において計上すべき引当金を含む。）

(i) in addition to the following, among reasonable estimates of future expenses

or loss (including the deduction of profit; hereinafter the same shall apply in this item) in preparation therefor, allowances (including allowances that should be recorded in the case of providing services to Members) that should be recorded by carrying over the amount belonging to the burden for said business year as expenses or loss:

イ 退職給付引当金（使用人が退職した後に当該使用人に退職一時金、退職年金その他これらに類する財産の支給をする場合における事業年度の末日において繰り入れるべき引当金をいう。）

(a) Allowances for Retirement Benefits (which means allowances to be carried over as on the last day of a business year in the case where retirement lump-sum grants, retirement pension, and other similar benefits are paid to an employee after he/she has retired);

ロ 返品調整引当金（常時、販売する棚卸資産につき、当該販売の際の価額による買戻しに係る特約を結んでいる場合における事業年度の末日において繰り入れるべき引当金をいう。）

(b) Allowances for Sales Returns (which means allowances to be carried over as on the last day of a business year in the case where there is always a special arrangement pertaining to a buyback with value at the time of selling, with regard to inventories for sale);

二 払込みを受けた金額が債務額と異なる社債

(ii) bonds which received payment of an amount different from the debt quota;

三 前二号に掲げる負債のほか、事業年度の末日においてその時の時価又は適正な価格を付すことが適当な負債

(iii) in addition to the liabilities listed in the preceding two items, liabilities for which it is appropriate to record the current market price or appropriate price at the time as on the last day of a business year.

(出資金の額)

(The amount of contribution)

第二十四条 会員商品取引所の出資金の額は、第六十条の五から第六十条の七まで及び第六十条の九から第六十条の十一までの規定に定めるところのほか、次の各号に掲げる場合に限り、当該各号に定める額の範囲内で会員商品取引所が出資金の額に計上するものと定めた額が増加するものとする。

Article 24 (1) With regard to the amount of the contribution of a Member Commodity Exchange, the amount which the Member Commodity Exchange determined to record in the amount of the contribution within the limits specified in the following items shall be added only in cases listed in said respective items in addition to what is specified in the provisions of Article 60-5 to Article 60-7 and Article 60-9 to Article 60-11:

一 会員が出資の履行をした場合（履行をした出資に係る次号の債権が資産として計上されていた場合を除く。） イ及びロに掲げる額の合計額からハに掲げる額の合

計額を減じて得た額（零未満である場合にあっては、零）

(i) in the case where a Member performed the management of a contribution (excluding the case where the claim pertaining to the performance of the contribution set forth in the following item was recorded as assets): the amount obtained by subtracting the total of the amount listed in (c) from the total of the amount listed in (a) and (b) (in the case where such amount is less than zero, using zero as the amount):

イ 当該会員が履行した出資により会員商品取引所に対し払込み又は給付がされた財産（当該財産がロに規定する財産に該当する場合における当該財産を除く。）の価額

(a) the value of the property (in the case where the property falls under property prescribed in (b), excluding said property) which was paid or provided to a Member Commodity Exchange with the performance of the contribution by said Member;

ロ 当該会員が履行した出資により会員商品取引所に対し払込み又は給付がされた財産（当該財産の会員商品取引所における帳簿価額（当該帳簿価額が適正でない場合にあっては、適正な価額をいう。以下同じ。）として、当該財産の払込み又は給付をした者における当該払込み又は給付の直前の帳簿価額を付すべき場合における当該財産に限る。）の払込み又は給付をした者における当該払込み又は給付の直前の帳簿価額の合計額

(b) the total of the book value immediately prior to the payment or provision by a person who paid for or provided the property (limited to the property, in the case where the book value immediately prior to the payment or provision by a person who paid for or provided said property as the book value at the Member Commodity Exchange of said property [the appropriate value in the case where said book value is not appropriate; the same shall apply hereinafter] shall be recorded) which was paid for or provided to a Member Commodity Exchange with the performance of the contribution by said Member;

ハ 当該出資の履行の受領に係る費用の額のうち、会員商品取引所が出資金又は資本剰余金から減ずるべき額と定めた額

(c) among the amount of the expenses pertaining to the acceptance of the performance of said contribution, the amount which a Member Commodity Exchange determined to be subtracted from the contribution or capital surplus;

二 会員商品取引所が会員に対して出資の履行をすべきことを請求する権利に係る債権を資産として計上することと定めた場合 当該債権の価額

(ii) in the case a Member Commodity Exchange determined to record as assets the claim pertaining to the right to request a Member to perform the management of a contribution: the value of said claim;

三 会員商品取引所が資本剰余金の額の全部又は一部を出資金の額とするものと定め

た場合 当該資本剰余金の額

(iii) in the case where a Member Commodity Exchange determined to deem the whole or part of the capital surplus as the amount of the contribution: the amount of said capital surplus.

2 会員商品取引所の出資金の額は、次の各号に掲げる場合に限り、当該各号に定める額が減少するものとする。

(2) The amount specified in the following items shall be subtracted from the amount of the contribution of a Member Commodity Exchange only in cases listed in said respective items:

一 会員商品取引所が脱退する会員に対して持分の払戻しをする場合 当該脱退する会員の出資につき出資金の額に計上されていた額

(i) in the case where a Member Commodity Exchange repays the equity interest to a Member who is going to withdraw: the amount recorded in the amount of the contribution for the contribution of said withdrawing Member;

二 会員商品取引所が会員に対して出資の払戻しをする場合 当該出資の払戻しにより払戻しをする出資の価額の範囲内で、出資金の額から減ずるべき額と定めた額（当該会員の出資につき出資金の額に計上されていた額以下の額に限る。）

(ii) in the case where a Member Commodity Exchange repays the contribution to a Member: the amount determined to be subtracted from the amount of the contribution within the limits of the value of the contribution to be repaid by the repayment of said contribution (limited to an amount less than that recorded in the amount of the contribution for the contribution of said Member);

三 会員商品取引所が資産として計上している前項第二号の債権を資産として計上しないことと定めた場合 当該債権につき出資金に計上されていた額

(iii) in the case where a Member Commodity Exchange determined not to record as assets the claim having been recorded as assets set forth in item (ii) of the preceding paragraph: the amount having been recorded in the contribution for said claim;

四 会員商品取引所が出資金の額の全部又は一部を資本剰余金の額とするものと定めた場合 当該資本剰余金の額とするものと定めた額に相当する額

(iv) in the case where a Member Commodity Exchange determined to deem the whole or part of a contribution as the amount of the capital surplus: the amount equivalent to the amount determined to be deemed as said capital surplus;

五 損失のてん補に充てる場合 会員商品取引所が出資金の額の範囲内で損失のてん補に充てるものとして定めた額

(v) in the case of appropriating as compensation for loss: the amount which a Member Commodity Exchange determined to appropriate as compensation for loss within the limits of the amount of the contribution.

(資本剰余金の額)

(The amount of capital surplus)

第二十五条 会員商品取引所の資本剰余金の額は、第六十条の五から第六十条の七まで及び第六十条の九から第六十条の十一までの規定に定めるところのほか、次の各号に掲げる場合に限り、当該各号に定める額が増加するものとする。

Article 25 (1) With regard to the amount of the capital surplus of a Member Commodity Exchange, the amount specified in the following items shall be added only in cases listed in said respective items in addition to what is specified in the provisions of Article 60-5 to Article 60-7 and Article 60-9 to Article 60-11:

一 会員が出資の履行をした場合（履行をした出資に係る次号の債権が資産として計上されていた場合を除く。） イに掲げる額からロに掲げる額を減じて得た額

(i) in the case where a Member performed the management of a contribution (excluding the case where the claim pertaining to the performance of the contribution set forth in the following item was recorded as assets): the amount obtained by subtracting the amount listed in (b) from the amount listed in (a):

イ 前条第一項第一号イ及びロに掲げる額の合計額からハに掲げる額を減じて得た額

(a) the amount obtained by subtracting the amount listed in (c) from the total of the amounts listed in (a) and (b) of paragraph (1), item (i) of the preceding Article;

ロ 当該出資の履行に際して出資金の額に計上した額

(b) the amount recorded in the amount of the contribution upon the performance of said contribution;

二 会員商品取引所が会員に対して出資の履行をすべきことを請求する権利に係る債権を資産として計上することと定めた場合 イに掲げる額からロに掲げる額を減じて得た額

(ii) in the case a Member Commodity Exchange determined to record as assets the claim pertaining to the right to request a Member to perform the management of a contribution: the amount obtained by subtracting the amount listed in (b) from the amount listed in (a);

イ 前条第一項第二号に定める額

(a) the amount specified in paragraph (1), item (ii) of the preceding Article;

ロ 当該決定に際して出資金の額に計上した額

(b) the amount recorded in the amount of the contribution upon said determination;

三 会員商品取引所が出資金の額の全部又は一部を資本剰余金の額とするものと定めた場合 当該資本剰余金の額とするものと定めた額

(iii) in the case where a Member Commodity Exchange determined to deem the whole or part of a contribution as the amount of the capital surplus: the

amount determined to be deemed to be said capital surplus;

四 損失のてん補に充てる場合 会員商品取引所が出資金の額の範囲内で損失のてん補に充てるものとして定めた額

(iv) in the case of appropriating as compensation for loss: the amount which a Member Commodity Exchange determined to appropriate as compensation for the loss within the limits of the amount of the contribution;

五 その他資本剰余金の額を増加させることが適切な場合 適切な額

(v) in other cases where it is appropriate to increase the amount of the capital surplus: the appropriate amount.

2 会員商品取引所の資本剰余金の額は、次の各号に掲げる場合に限り、当該各号に定める額が減少するものとする。

(2) The amount specified in the following items shall be subtracted from the amount of the capital surplus of a Member Commodity Exchange only in the cases listed in said respective items:

一 会員商品取引所が脱退する会員に対して持分の払戻しをする場合 当該脱退する会員の出資につき資本剰余金の額に計上されていた額

(i) in the case where a Member Commodity Exchange repays the equity interest to a Member who is going to withdraw: the amount recorded in the amount of the capital surplus for the contribution of said withdrawing Member;

二 会員商品取引所が会員に対して出資の払戻しをする場合 当該出資の払戻しにより払戻しをする出資の価額から当該出資の払戻しをする場合において前条第二項の規定により出資金の額を減少する額を減じて得た額

(ii) in the case where a Member Commodity Exchange repays the contribution to a Member: the amount obtained by subtracting the amount to be subtracted from the amount of the contribution pursuant to the provisions of paragraph (2) of the preceding Article in the case of repaying said contribution from the value of the contribution to be repaid by the repayment of said contribution;

三 会員商品取引所が資産として計上している前項第二号の債権を資産として計上しないことと定めた場合 当該債権につき資本剰余金に計上されていた額

(iii) in the case where a Member Commodity Exchange determined not to record as assets the claim having been recorded as assets set forth in item (ii) of the preceding paragraph: the amount having been recorded in the capital surplus for said claim;

四 会員商品取引所が資本剰余金の額の全部又は一部を出資金の額とするものと定めた場合 当該出資金の額とするものと定めた額に相当する額

(iv) in the case where a Member Commodity Exchange determined to deem the whole or part of the capital surplus as the amount of the contribution: the amount equivalent to the amount determined to be deemed to be said contribution;

五 その他資本剰余金の額を減少させることが適切な場合 適切な額

(v) in other cases where it is appropriate to decrease the amount of the capital surplus: the appropriate amount.

(利益剰余金の額)

(The amount of accumulated profit)

第二十六条 会員商品取引所の利益剰余金の額は、第六十条の五から第六十条の七まで及び第六十条の九から第六十条の十一までの規定に定めるところのほか、次の各号に掲げる場合に限り、当該各号に定める額が増加するものとする。

Article 26 (1) With regard to the amount of the accumulated profit of a Member Commodity Exchange, the amount specified in the following items shall be added only in the cases listed in said respective items in addition to what is specified in the provisions of Article 60-5 to Article 60-7 and Article 60-9 to Article 60-11:

一 当期剰余金額が生じた場合 当該当期剰余金額

(i) in the case where the accumulated profit for the term has been generated: said accumulated profit for the term;

二 会員商品取引所が脱退する会員に対して持分の払戻しをする場合 イに掲げる額からロに掲げる額を減じて得た額（零未満である場合には、零）

(ii) in the case where a Member Commodity Exchange repays the equity interest to a Member who is going to withdraw: the amount obtained by subtracting the amount listed in (b) from the amount listed in (a) (in the case where such amount is less than zero, using zero as the amount):

イ 当該持分の払戻しを受けた会員の出資につき出資金及び資本剰余金の額に計上されていた額の合計額

(a) the total of the amount recorded in the amount of the contribution and capital surplus for the contribution of the Member who received the repayment of said equity interest;

ロ 当該持分の払戻しにより払い戻した財産の帳簿価額

(b) the book value of the property repaid by the repayment of said equity interest;

三 その他利益剰余金の額を増加させることが適切な場合 適切な額

(iii) in other cases where it is appropriate to increase the amount of the accumulated profit: the appropriate amount.

2 会員商品取引所の利益剰余金の額は、次の各号に掲げる場合に限り、当該各号に定める額が減少するものとする。ただし、出資の払戻しにより払い戻した財産の帳簿価額に相当する額は、利益剰余金の額からは控除しないものとする。

(2) The amount specified in the following items shall be subtracted from the amount of the accumulated profit of a Member Commodity Exchange only in the cases listed in said respective items; provided, however, that the amount equivalent to the book value of the property repaid by the repayment of the contribution shall not be deducted from the amount of the accumulated profit:

- 一 当期損失金額が生じた場合 当該当期損失金額
- (i) in the case loss for the term generated: said loss for the term;
- 二 会員商品取引所が脱退する会員に対して持分の払戻しをする場合 イに掲げる額からロに掲げる額を減じて得た額（零未満である場合には、零）
- (ii) in the case where a Member Commodity Exchange repays the equity interest to a Member who is going to withdraw: the amount obtained by subtracting the amount listed in (b) from the amount listed in (a) (in the case where such amount is less than zero, using zero as the amount):
- イ 当該持分の払戻しにより払い戻した財産の帳簿価額
- (a) the book value of property repaid by the repayment of said equity interest;
- ロ 当該持分の払戻しを受けた会員の出資につき出資金及び資本剰余金の額に計上されていた額の合計額
- (b) the total of the amount recorded in the amount of the contribution and capital surplus for the contribution of the Member who received the repayment of said equity interest;
- 三 会員が出資の履行をする場合（第二十四条第一項第一号イ及びロに掲げる額の合計額が零未満である場合に限る。） 当該合計額
- (iii) in the case where a Member performs the management of a contribution (limited to the case where the total of the amount listed in (a) and (b) of Article 24, paragraph (1), item (i) is less than zero): said total;
- 四 その他利益剰余金の額を減少させることが適切な場合 適切な額
- (iv) in other cases where it is appropriate to decrease the amount of the accumulated profit: the appropriate amount.

（電磁的記録の備置きに関する特則）

(Special provision concerning keeping of an Electromagnetic Record)

第二十六条の二 法第六十八条の二第二項に規定する主務省令で定めるものは、会員商品取引所の使用に係る電子計算機を電気通信回線で接続した電子情報処理組織を使用する方法であって、当該電子計算機に備えられたファイルに記録された情報の内容を電気通信回線を通じて会員商品取引所の主たる事務所又は従たる事務所において使用される電子計算機に備えられたファイルに当該情報を記録する方法とする。

Article 26-2 The method specified by an ordinance of the competent ministry set forth in Article 68-2, paragraph (2) of the Act shall be the method using an electronic data processing system to connect a computer used by a Member Commodity Exchange through a telecommunications line, which is for recording the information recorded in a file on said computer in a file on a computer used by the principal office or secondary office of the Member Commodity Exchange through a telecommunications line.

（貸借対照表の公告）

(Public notice of a balance sheet)

第二十六条の三 会員商品取引所が法第六十八条の三の規定による公告をする場合には、当期純剰余又は純損失の額を当該公告において明らかにしなければならない。

Article 26-3 In the case where a Member Commodity Exchange gives public notice under the provisions of Article 68-3 of the Act, it shall clarify the amount of the net surplus or net loss for the term in said public notice.

(会員商品取引所の合併に係る認可申請)

(Application for approval pertaining to merger of Member Commodity Exchanges)

第二十七条 会員商品取引所は、法第七十六条第一項の規定による合併の認可を受けようとするときは、認可申請書に次に掲げる書類を添付して主務大臣に提出するものとする。

Article 27 When a Member Commodity Exchange seeks to receive approval for a merger under the provisions of Article 76, paragraph (1) of the Act, it shall attach the following documents to a written application for approval and submit them to the competent minister:

一 合併の理由を記載した書面

(i) a document containing the reasons for the merger;

二 会員総会の議事録

(ii) minutes of a general meeting of members;

三 直前事業年度の決算関係書類等

(iii) Settlement Related Documents, etc. for the most recent business year.

(財産目録)

(An inventory of property)

第二十七条の二 法第七十七条第一項において準用する会社法第四百九十二条第一項の規定により作成すべき財産目録については、この条の定めるところによる。

Article 27-2 (1) An inventory of property to be prepared pursuant to the provisions of Article 492, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 77, paragraph (1) of the Act shall be specified by this Article.

2 前項の財産目録に計上すべき財産については、その処分価格を付すことが困難な場合を除き、法第七十七条第一項において準用する会社法第四百七十五条（第一号及び第三号を除く。）に掲げる場合に該当することとなった日における処分価格を付さなければならない。この場合において、法第七十七条第一項において準用する会社法第四百七十五条（第一号及び第三号に係る部分を除く。）の規定により清算をする会員商品取引所の会計帳簿については、財産目録に付された価格を取得価額とみなす。

(2) With regard to the property to be recorded in an inventory of property set forth in the preceding paragraph, the disposal price as on the day when the case has fallen under the cases set forth in the provisions of Article 475

(excluding item (i) and item (iii)) of the Companies Act as applied mutatis mutandis pursuant to Article 77, paragraph (1) of the Act shall be recorded excluding the case where it is difficult to record the disposal price. In this case, with regard to the accounting books of a Member Commodity Exchange which is about to go into liquidation pursuant to the provisions of Article 475 (excluding item (i) and item (iii)) of the Companies Act as applied mutatis mutandis pursuant to Article 77, paragraph (1) of the Act, the price recorded in the inventory of property shall be deemed to be the acquisition cost.

3 第一項の財産目録は、次に掲げる部に区分して表示しなければならない。この場合において、第一号及び第二号に掲げる部は、その内容を示す適当な名称を付した項目に細分することができる。

(3) An inventory of property set forth in paragraph (1) shall indicate the values by classifying them into the following sections. In this case, the parts listed in items (i) and (ii) may be broken down into sub-items with an appropriate title showing the contents:

一 資産

(i) assets;

二 負債

(ii) liabilities;

三 正味資産

(iii) net worth.

(清算開始時の貸借対照表)

(A balance sheet as the start of liquidation)

第二十七条の三 法第七十七条第一項において準用する会社法第四百九十二条第一項の規定により作成すべき貸借対照表については、この条の定めるところによる。

Article 27-3 (1) A balance sheet to be prepared pursuant to the provisions of Article 492, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 77, paragraph (1) of the Act shall be specified by this Article.

2 前項の貸借対照表は、財産目録に基づき作成しなければならない。

(2) A balance sheet set forth in the preceding paragraph shall be prepared based on an inventory of property.

3 第一項の貸借対照表は、次に掲げる部に区分して表示しなければならない。この場合において、第一号及び第二号に掲げる部は、その内容を示す適当な名称を付した項目に細分することができる。

(3) A balance sheet set forth in paragraph (1) shall indicate the values by classifying them into the following parts. In this case, the parts listed in items (i) and (ii) may be broken down into sub-items with an appropriate title showing the contents:

一 資産

(i) assets;

二 負債

(ii) liabilities;

三 純資産

(iii) net assets.

4 処分価格を付すことが困難な資産がある場合には、第一項の貸借対照表には、当該資産に係る財産評価の方針を注記しなければならない。

(4) In the case where there are assets whose disposal price is difficult to record, a balance sheet set forth in paragraph (1) shall include a note to show the policy for property valuation pertaining to said assets.

(許可の申請書の添付書類)

(Attached documents to a written application for a license)

第二十八条 法第七十九条第二項の主務省令で定める書類は、次に掲げるもの（官公署が証明する書類の場合には、許可の申請の日前三月以内に作成されたものに限る。）とする。

Article 28 (1) Documents specified by an ordinance of the competent ministry set forth in Article 79, paragraph (2) of the Act shall be as follows (in the case of a certification issued by a public agency, limited to documents prepared within three months prior to the date of filing the application for a license):

一 登記事項証明書

(i) a certificate of the registered matters;

二 法第十五条第二項第一号ハからホまで又はリのいずれにも該当しないことを誓約する書面

(ii) a sworn, written statement by that person that such person does not fall under any of the provisions of Article 15, paragraph (2), item (i) (c) to (e) or (i) of the Act;

三 次に掲げる場合に応じ、それぞれ次に定める書面

(iii) a document specified as follows corresponding to each case:

イ 役員が外国人である場合 当該役員の住民票の写し等、履歴書及びその者が法第十五条第二項第一号イからルまでのいずれにも該当しないことを誓約する書面

(a) in the case where an officer is a foreign national: a Copy of the Residence Certificate, etc. of said officer, the curriculum vitae, and a sworn, written statement by that person that such person does not fall under any of the provisions of Article 15, paragraph (2), item (i) (a) to (k) of the Act;

ロ 役員が法人である場合 当該役員の登記事項証明書、沿革を記載した書面及び法第十五条第二項第一号ヲに該当しないことを誓約する書面

(b) in the case where an officer is a juridical person: a certificate of the registered matters of said officer, a document containing the history thereof, and a sworn, written statement by that person that such person does not fall under any of the provisions of Article 15, paragraph (2), item

(i) (l) of the Act;

ハ 役員が外国人又は法人でない場合 当該役員の住民票の写し等、履歴書、その者が法第十五条第二項第一号イ及びロに該当しない旨の官公署の証明書並びにその者が同号ハからルまでのいずれにも該当しないことを誓約する書面

(c) in the case where an officer is neither a foreign national nor a juridical person: a Copy of the Residence Certificate, etc. of said officer, the curriculum vitae, a certification issued by a public agency that such person does not fall under the provisions of Article 15, paragraph (2), item (i) (a) or (b) of the Act, and a sworn, written statement by that person that such person does not fall under any of the provisions of (c) to (k) of the same item;

四 取引参加者の氏名又は商号若しくは名称及び主たる事務所又は本店の所在地を記載した書面、その者が取引をする商品市場ごとに法第八十二条第一項第一号イからハまで又は同項第二号イからハまでのいずれかに該当することを誓約する書面、その者が法第十五条第二項第一号イからヲまでのいずれにも該当しないことを誓約する書面並びに申請に係る株式会社商品取引所が開設しようとする一以上の商品市場において法百五条第一号に掲げる方法により決済を行う場合には許可の申請の日前三十日以内に様式第一号により作成したその者の純資産額に関する調書

(iv) a document that contains the name or trade name of a Trading Participant and the location of his/her principal office or head office, a sworn, written statement by that person that such person does not fall under any of the provisions of (a) to (c) of Article 82, paragraph (1), item (i) of the Act or (a) to (c) of item (ii) of the same paragraph, a sworn, written statement by that person that such person does not fall under any of the provisions of Article 15, paragraph (2), item (i) (a) to (l) of the Act, and in the case of completing settlement by the methods set forth in Article 105, item (i) of the Act on one or more Commodity Markets which a Member Commodity Exchange pertaining to the application intends to open, a record concerning the amount of the net assets of the person who prepared the written application according to Form No. 1 within 30 days prior to the date of filing the application for a license;

五 当該商品市場において取引をしようとする取引参加者の過半数の者が、次に掲げる商品市場の区分に応じ、それぞれ次に定める者に該当することを誓約する書面

(v) a sworn, written statement by that person that the majority of the Trading Participants who intend to carry out transactions on said Commodity Market fall under the following persons for the category of Commodity Markets set forth respectively therein:

イ 上場商品に係る商品市場 一年以上継続して当該商品市場における上場商品構成物品の売買等（法第十条第二項第一号に規定する売買等をいう。以下同じ。）を業として行っている者

(a) Commodity Market pertaining to a Listed Commodity: persons who, in

the course of trade, have engaged in the Buying and Selling, etc. (which means the Buying and Selling, etc. specified in Article 10, paragraph (2), item (i) of the Act; the same shall apply hereinafter) of Listed Commodity Component Products on said Commodity Market for one year or more on a continuous basis;

ロ 上場商品指数に係る商品市場 一年以上継続して当該商品市場における上場商品指数対象物品（法第十条第二項第二号に規定する上場商品指数対象物品をいう。）の売買等を業として行っている者

(b) Commodity Market pertaining to a Listed Commodity Index: persons who, in the course of trade, have engaged in the Buying and Selling, etc. of Products Underlying the Listed Commodity Index (which means Products Underlying the Listed Commodity Index specified in Article 10, paragraph (2), item (ii) of the Act) on said Commodity Market for one year or more on a continuous basis;

六 創立総会を開催した場合には、創立総会の議事録

(vi) in the case where an organizational meeting was held, the minutes thereof;

七 商品取引所の業務に関する知識及び経験を有する従業員の確保の状況並びに当該従業員の配置の状況を記載した書類

(vii) a document stating the status of securing employees who have the knowledge and experience pertaining to the business of a Commodity Exchange and the status of the assignment of such employees;

八 開設しようとする商品市場における開設後一年間の先物取引の取引量の見込みを記載した書面

(viii) a document stating the estimated transaction volume of Futures Transactions for one year after the opening of a Commodity Market which he/she seeks to open;

九 上場商品に係る商品市場を開設しようとする場合にあっては、上場商品構成物品を一の商品市場で取引をすることが適当である旨を明らかにすることができる書面

(ix) in the case of seeking to open a Commodity Market pertaining to a Listed Commodity, a document stating that it is appropriate to conduct transactions of Listed Commodity Component Products on a single Commodity Market;

十 二以上の商品指数を一の上場商品指数として商品市場を開設しようとする場合にあっては、当該二以上の商品指数の対象となる物品の大部分が共通していることを明らかにすることができる書面

(x) in the case of seeking to open a Commodity Market by specifying two or more Commodity Indices as a single Listed Commodity Index, a document stating that the majority of the goods subject to said two or more Commodity Indices shall be common to one another;

十一 商品市場を開設する業務において電子情報処理組織を使用する場合には、当該電子情報処理組織の概要、設置場所、容量及び保守の方法並びに当該電子情報処理組織に異常が発生した場合の対処方法を記載した書類

(xi) in the case of using an electronic data processing system in opening a Commodity Market, a document giving the description of said electronic data processing system, installation location, capacity, and the process for responding in the event of the failure of said electronic data processing system;

十二 その他法第八十条第一項に掲げる基準に適合しているかどうかについての認定の参考となるべき事項を記載した書面

(xii) in addition to those listed above, a document stating the matters to be used as a reference for recognizing whether the criteria listed in Article 80, paragraph (1) of the Act have been met.

2 株式会社商品取引所以外の株式会社が従前の目的を変更して株式会社商品取引所になるため法第七十九条第一項の規定により許可の申請書を提出する場合には、同条第二項の主務省令で定める書類は、前項各号（第六号を除く。）に掲げる書類のほか、次に掲げる書類とする。

(2) In the case where a stock company other than an Incorporated Commodity Exchange submits a written application for a license to become an Incorporated Commodity Exchange by changing its prior purpose pursuant to the provisions of Article 79, paragraph (1) of the Act, the documents specified by an ordinance of the competent ministry set forth in paragraph (2) of the same Article shall be those listed as follows, in addition to those listed in the respective items (excluding item (vi)) of the preceding paragraph:

一 従前の目的を変更して株式会社商品取引所になることを決議した株主総会の議事録

(i) the minutes of the general meeting of shareholders where it was resolved that the stock company would become an Incorporated Commodity Exchange by changing its prior purpose;

二 直前事業年度の計算書類等（会社法施行規則（平成十八年法務省令第十二号）第二条第三項第十二号（イに係る部分に限る。）に規定する計算書類等をいう。以下同じ。）及びその附属明細書

(ii) Financial Statements, etc. (which means the Financial Statements, etc. specified in Article 2, paragraph (3), item (xii) [limited to the part pertaining to (a)] of the Ordinance for Enforcement of the Companies Act [Ordinance of the Ministry of Justice No. 12 of 2006]) for the most recent business year and the detailed statements thereof.

（役員又は取引参加者の氏名等の変更届出書の添付書類）

(Attached documents to a notification of change to names, etc. of an officer or a Trading Participant)

第二十九条 法第八十五条第二項の主務省令で定める書類は、次に掲げるもの（官公署が証明する書類の場合には、変更の届出の日前三月以内に作成されたものに限る。）とする。

Article 29 Documents specified by an ordinance of the competent ministry set forth in Article 85, paragraph (2) of the Act shall be as follows (in the case of a certification issued by a public agency, limited to documents prepared within three months prior to the date of filing the application):

一 変更の届出が新たに就任した役員に係るときは、次に掲げる場合に依り、それぞれ次に定める書面

(i) when the notification of change is pertaining to a newly appointed officer, a document specified as follows corresponding to each case:

イ 新たに就任した役員が外国人である場合 当該役員の住民票の写し等、履歴書及びその者が法第十五条第二項第一号イからルまでのいずれにも該当しないことを誓約する書面

(a) in the case where a newly appointed officer is a foreign national: a Copy of the Residence Certificate, etc. of said officer, the curriculum vitae, and a sworn, written statement by that person that such person does not fall under any of the provisions of Article 15, paragraph (2), item (i) (a) to (k) of the Act;

ロ 新たに就任した役員が法人である場合 当該役員の登記事項証明書、沿革を記載した書面及び法第十五条第二項第一号ロに該当しないことを誓約する書面

(b) in the case where a newly appointed officer is a juridical person: a certificate of the registered matters of said officer, a document containing the history thereof, and a sworn, written statement by that person that such person does not fall under the provisions of Article 15, paragraph (2), item (i) (l) of the Act;

ハ 新たに就任した役員が外国人又は法人でない場合 当該役員の住民票の写し等、履歴書、その者が法第十五条第二項第一号イ及びロに該当しない旨の官公署の証明書並びにその者が同号ハからルまでのいずれにも該当しないことを誓約する書面

(c) in the case where a newly appointed officer is neither a foreign national nor a juridical person: a Copy of the Residence Certificate, etc. of said officer, the curriculum vitae, a certification issued by a public agency that such person does not fall under the provisions of Article 15, paragraph (2), item (i) (a) or (b) of the Act, and a sworn, written statement by that person that such person does not fall under any of the provisions in (c) to (k) of the same item;

二 変更の届出が新たに取引参加者となった者に係るときは、その者の氏名又は商号若しくは名称及び主たる事務所又は本店の所在地を記載した書面、その者が取引をする商品市場ごとに法第八十二条第一項第一号イからハまで又は同項第二号イからハまでのいずれかに該当することを誓約する書面、その者が法第十五条第二項第一号イからヲまでのいずれにも該当しないことを誓約する書面並びに届出に係る株式会社商品取引所が開設する一以上の商品市場において法第一百五条第一号に掲げる方法により決済を行う場合には取引参加者となった日前三十日以内に様式第一号によ

り作成したその者の純資産額に関する調書

(ii) when the notification of change is pertaining to a person who has newly become a Trading Participant, a document stating the name or trade name of that person and the location of his/her principal office or head office, a sworn, written statement by that person that such person falls under any of the provisions of (a) through (c) of Article 82, paragraph (1), item (i) of the Act, or any of the provisions of (a) through (c) of item (ii) of the same paragraph for each Commodity Market where such person carries out transactions, a sworn, written statement by that person that such person does not fall under any of the provisions of Article 15, paragraph (2), item (i) (a) to (l) of the Act, and in the case of completing settlement by the methods set forth in Article 105, item (i) of the Act on one or more Commodity Markets which the Incorporated Commodity Exchange pertaining to the notification intends to open, a record concerning the amount of the net assets of the person who prepared the written notification according to Form No. 1 within 30 days prior to the day when that person became a Trading Participant;

三 変更の届出が取引参加者が取引をする商品市場における上場商品又は上場商品指数の追加に係るときは、その者が取引をする商品市場ごとに法第八十二条第一項第一号イからハまで又は同項第二号イからハまでのいずれかに該当することを誓約する書面及び法第百五条第一号に掲げる方法により決済を行う場合には変更の届出日前三十日以内に様式第一号により作成したその者の純資産額に関する調書

(iii) when the notification of change is pertaining to the addition of a Listed Commodity or Listed Commodity Index on a Commodity Market where a Trading Participant carries out transactions, a sworn, written statement by that person that such person falls under any of the provisions of (a) through (c) of Article 82, paragraph (1), item (i) of the Act, or any of the provisions of (a) through (c) of item (ii) of the same paragraph for each Commodity Market where the person carries out transactions, and in the case of completing settlement by the methods set forth in Article 105, item (i) of the Act, a record concerning the amount of the net assets of the person who prepared the written notification according to Form No. 1 within 30 days prior to the day of the notification of a change.

(取得又は保有の態様その他の事情を勘案して取得又は保有する議決権から除く議決権)

(Voting rights excluded from voting rights acquired or held by taking into consideration the mode of acquisition or holding or any other relevant circumstances)

第三十条 法第八十六条第一項の主務省令で定める議決権は、次に掲げる議決権とする。

Article 30 Voting rights specified by an ordinance of the competent ministry set forth in Article 86, paragraph (1) of the Act shall be the following voting rights:

一 信託業（信託業法（平成十六年法律第百五十四号）第二条第一項に規定する信託業をいう。）を営む者が信託財産として取得し、又は所有する株式会社商品取引所の株式に係る議決権（法第八十六条第三項（第一号に係る部分に限る。）の規定により当該信託業を営む者が自ら取得し、又は保有する議決権とみなされるものを除く。）

(i) voting rights pertaining to the shares of an Incorporated Commodity Exchange acquired or held as trust property by a person who engages in Trust Business (which means the trust business prescribed in Article 2, paragraph (1) of the Trust Business Act [Act No. 154 of 2004]) (excluding those that are deemed to be the voting rights personally acquired or held by said person who engages in trust business, pursuant to the provisions of Article 86, paragraph (3) [limited to the part pertaining to item (i)] of the Act);

二 法人の代表権を有する者又は法人の代表権を有する支配人が当該代表権又は代理権に基づき議決権を行使することができる権限若しくは議決権の行使について指図を行うことができる権限又は投資を行うのに必要な権限を有する場合における当該法人の所有する株式会社商品取引所の株式に係る議決権

(ii) voting rights pertaining to the shares of an Incorporated Commodity Exchange held by a juridical person in cases where a person having the right to represent the juridical person or a chief manager having the right to represent the juridical person has the authority to exercise voting rights, the authority to give instructions on the exercise of voting rights, or the authority required for making an investment, based on said right of representation or his/her power of proxy;

三 株式会社商品取引所の役員又は従業員が当該株式会社商品取引所の他の役員又は従業員と共同して当該株式会社商品取引所の株式の取得（一定の計画に従い、個別の投資判断に基づかず、継続的に行われ、各役員又は従業員の一回当たりの拠出金額が百万円に満たないものに限る。）をした場合（当該株式会社商品取引所が会社法第百五十六条第一項（同法第百六十五条第三項の規定により読み替えて適用する場合を含む。）の規定に基づき取得した株式以外の株式を取得したときは、金融商品取引業者（金融商品取引法（昭和二十三年法律第二十五号）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を行う者に限る。）をいう。次条及び別表第四において同じ。）に委託して行った場合に限る。）において当該取得をした株式会社商品取引所の株式を信託された者が取得し、又は所有する当該株式会社商品取引所の株式に係る議決権（法第八十六条第三項（第一号に係る部分に限る。）の規定により当該信託された者が自ら取得し、又は保有する議決権とみなされるものを除く。）

(iii) in the case where an officer or employee of an Incorporated Commodity Exchange has acquired the shares of said Incorporated Commodity Exchange (limited to those conducted according to a certain plan, without depending on an individual investment decision, on an on-going basis, for which each

officer or employee contributes less than one million yen at a time) jointly with another officer or employee of said Incorporated Commodity Exchange (when said Incorporated Commodity Exchange has acquired the shares other than those acquired based on the provisions of Article 156, paragraph (1) of the Companies Act [including cases where it is applied by replacing the terms pursuant to the provisions of Article 165, paragraph (3) of the same Act], limited to the case where the acquisition was consigned to a Financial Instruments Business Operator [which means the Financial Instruments Business Operator prescribed in Article 2, paragraph (9) of the Financial Instruments and Exchange Act (Act No. 25 of 1948) (limited to one who is engaged in the Type I Financial Instruments Business prescribed in Article 28, paragraph (1) of the same Act); the same shall apply in the following Article and the Appended Table 4]), voting rights pertaining to the shares of said Incorporated Commodity Exchange acquired or held by a person who has deposited the shares of the Incorporated Commodity Exchange which conducted said acquisition (excluding those that are deemed to be the voting rights personally acquired or held by said person who has deposited the shares, pursuant to the provisions of Article 86, paragraph (3) [limited to the part pertaining to item (i)] of the Act);

四 相続人が相続により取得し、又は所有する株式会社商品取引所の株式（当該相続人（共同相続の場合を除く。）が単純承認（単純承認をしたものとみなされる場合を含む。）若しくは限定承認をした日までのもの又は当該株式の共同相続人が遺産分割を了していないものに限る。）に係る議決権

(iv) voting rights pertaining to the shares of an Incorporated Commodity Exchange acquired or held by an heir through inheritance (limited to the shares as on the day when said heir (excluding the case of coinheritance) gave an absolute acceptance [including the case where an absolute acceptance is deemed to have been given] or gave a qualified acceptance, or the shares whose division has not been agreed by the coheirs);

五 株式会社商品取引所が自己の株式の消却を行うために取得し、又は所有する株式会社商品取引所の株式に係る議決権

(v) voting rights pertaining to the shares of an Incorporated Commodity Exchange acquired or held by an Incorporated Commodity Exchange for the purpose of extinguishing its own shares.

(取得等の制限の適用除外)

(Exemption of restriction on acquisition, etc.)

第三十一条 法第八十六条第二項の主務省令で定める場合は、次に掲げる場合とする。

Article 31 Cases specified by an ordinance of the competent ministry set forth in Article 86, paragraph (2) of the Act shall be as follows:

一 保有する株式会社商品取引所の対象議決権（法第八十六条第一項に規定する対象

議決権をいう。以下この条において同じ。) の数に増加がない場合

(i) in the case where there is no increase in the number of Subject Voting Rights (which means the Subject Voting Rights prescribed in Article 86, paragraph (1) of the Act; hereinafter the same shall apply in this Article) of an Incorporated Commodity Exchange held;

二 担保権の行使又は代物弁済の受領により株式会社商品取引所の対象議決権を取得し、又は保有する場合

(ii) in the case where the Subject Voting Rights of an Incorporated Commodity Exchange are acquired or held by exercising security rights or accepting a substitute performance;

三 金融商品取引業者が業務として株式会社商品取引所の対象議決権を取得し、又は保有する場合（金融商品取引法第二条第八項第一号に掲げる行為により取得し、又は保有する場合を除く。）

(iii) in the case where the Subject Voting Rights of an Incorporated Commodity Exchange are acquired or held by a Financial Instruments Business Operator, for the purpose of business (excluding the case where he/she has acquired or holds them through the actions listed in Article 2, paragraph (8), item (i) of the Financial Instruments and Exchange Act);

四 証券金融会社（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をいう。）が同法第百五十六条の二十四第一項に規定する業務として株式会社商品取引所の対象議決権を取得し、又は保有する場合

(iv) in the case where the Subject Voting Rights of an Incorporated Commodity Exchange are acquired or held by a Securities Finance Company (which means a Securities Finance Company prescribed in Article 2, paragraph (30) of the Financial Instruments and Exchange Act) for the purpose of the business prescribed in Article 156-24, paragraph (1) of the same Act.

(公衆縦覧の事項等)

(Matters of public inspection, etc.)

第三十二条 法第八十七条の主務省令で定める事項は、当該株式会社商品取引所の発行済株式の総数及び総株主の議決権の数とする。

Article 32 (1) The matters specified by an ordinance of the competent ministry set forth in Article 87 of the Act shall be the total number of issued shares and the number of voting rights of all shareholders of said Incorporated Commodity Exchange.

2 株式の転換又は新株予約権の行使によって発行済株式の総数又は総株主の議決権の数に変更があった場合における発行済株式の総数又は総株主の議決権の数は、前月末日現在のものによることができる。

(2) In the case where there is a change to the total number of issued shares or the number of voting rights of all shareholders by way of the conversion of the shares or the exercise of the rights to subscribe for new shares, the total

number of issued shares and the number of voting rights of all shareholders may be deemed to be those as on the last day of the previous month.

3 株式会社商品取引所の発行済株式の総数に変更があった場合において、その登記が行われるまでの間は、登記されている発行済株式の総数をもって、第一項の発行済株式の総数とみなすことができる。

(3) In the case where there is a change to the total number of issued shares of an Incorporated Commodity Exchange, the registered total number of issued shares shall be deemed to be the total number of issued shares set forth in paragraph (1) during the period until the registration thereof is completed.

4 株式会社商品取引所は、第一項に定める事項を記載した書面を本店に備えて置き、その営業時間中これを公衆の縦覧に供しなければならない。

(4) An Incorporated Commodity Exchange shall preserve documents, including the matters specified in paragraph (1), at its head office and make them available for public inspection during its business hours.

(資本金の額の減少の認可申請)

(Application for approval of reduction of the capital amount)

第三十三条 株式会社商品取引所は、法第八十八条第一項の規定による資本金の額の減少について認可を受けようとするときは、認可申請書に次に掲げる書類を添付して主務大臣に提出しなければならない。

Article 33 When an Incorporated Commodity Exchange seeks approval for a reduction of the capital amount under the provisions of Article 88, paragraph (1) of the Act, it shall attach the following documents to a written application for approval and submit them to the competent minister:

一 資本金の額を減少する理由を記載した書面

(i) a document stating the reasons for a reduction of the capital amount;

二 資本金の額の減少の方法を記載した書類

(ii) a document stating the methods to reduce the capital amount;

三 株主総会の議事録その他必要な手続があったことを証する書面

(iii) minutes of a general meeting of shareholders and other documents stating that the necessary procedures were followed;

四 直前事業年度の貸借対照表

(iv) a balance sheet for the most recent business year;

五 会社法第四百四十九条第二項の規定による公告及び催告（同条第三項の規定により公告を官報のほか時事に関する事項を掲載する日刊新聞紙又は電子公告によってした場合にあっては、これらの方法による公告）をしたこと並びに異議を述べた債権者があるときは、当該債権者に対し弁済し若しく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相当の財産を信託したこと又は当該資本金の額の減少をしても当該債権者を害するおそれがないことを証する書面

(v) a document stating that a public notice or a notification under Article 449, paragraph (2) of the Companies Act (in the case where a public notice has

been given not only in an official gazette, but also through publication in a daily newspaper which publishes matters on current events or through an Electronic Public Notice as prescribed in paragraph (3) of the same Article, a public notice through these methods) has been given, and when a creditor has made an objection, documents that prove that the liabilities have been repaid or reasonable collateral has been provided to said creditor or reasonable property has been deposited in trust for the purpose of repaying the liabilities to said creditor, or that the reduction of said capital amount is not likely to harm said creditor;

六 株券発行会社にあつては会社法第二百十九条第一項本文の規定による公告をしたことを証する書面又は当該株式の全部について株券を発行していないことを証する書面

(vi) with regard to companies that issue the shares, a document stating that a public notice under the main clause of Article 219, paragraph (1) of the Companies Act, or a document stating that the shares have not been issued for the whole of said shares.

(資本金の額の増加の届出)

(Notification of an increase of the capital amount)

第三十四条 株式会社商品取引所は、法第八十八条第二項の規定による資本金の額の増加について届出をしようとするときは、届出書に次に掲げる書類を添付して主務大臣に提出しなければならない。

Article 34 When an Incorporated Commodity Exchange intends to give notification of an increase of the capital amount under the provisions of Article 88, paragraph (2) of the Act, it shall attach the following documents to a written application for approval and submit them to the competent minister:

一 取締役会の議事録その他必要な手続があつたことを証する書面

(i) minutes of a board of directors and other documents stating that the necessary procedures were followed;

二 資本金の額の増加の方法を記載した書類

(ii) a document stating the methods of increasing the capital amount;

三 増資後に想定される貸借対照表

(iii) a balance sheet with an estimate of the increase of the capital amount.

(株式会社商品取引所の解散の決議等に係る認可申請)

(Application for approval pertaining to resolution on dissolution of an Incorporated Commodity Exchange, etc.)

第三十五条 株式会社商品取引所は、法第九十六条第一項の規定により解散に関する株主総会の決議について認可を受けようとするとき又は合併について認可を受けようとするときは、認可申請書に次に掲げる書類を添付して主務大臣に提出するものとする。

Article 35 When an Incorporated Commodity Exchange seeks to receive approval

for the resolution of a general meeting of shareholders with regard to the dissolution under the provisions of Article 96, paragraph (1) of the Act, it shall attach the following documents to a written application for approval and submit them to the competent minister:

- 一 解散又は合併の理由を記載した書面
(i) a document stating the reasons for the dissolution or merger;
- 二 株主総会の議事録その他必要な手続があつたことを証する書面
(ii) minutes of a general meeting of shareholders and other documents stating that the necessary procedures were followed;
- 三 直前事業年度の計算書類等及びその附属明細書
(iii) Financial Statements, etc. for the most recent business year and the detailed statement thereof.

(解散の届出の適用除外)

(Exemption of notification of dissolution)

第三十六条 法第九十六条第二項ただし書の主務省令で定める場合は、法第一百四十五条第一項の合併を行う場合とする。

Article 36 The cases specified by an ordinance of the competent ministry set forth in the proviso of Article 96, paragraph (2) of the Act shall be the case where the merger set forth in Article 145, paragraph (1) of the Act is implemented.

(会員等の純資産額の最低額の算定基準)

(Basis for calculating the minimum amount of net assets of members)

第三十七条 商品取引所は、法第九十九条第一項の規定により、当該商品市場において取引をする会員等の純資産額の最低額を定めるときは、当該商品市場における取引の種類、取引単位、取引高その他の取引事情及び商品市場における取引の公正かつ円滑な履行の確保を考慮して定めなければならない。

Article 37 When a Commodity Exchange determines the minimum amount of the net assets of Members who carry out transactions on the Commodity Market pursuant to the provisions of Article 99, paragraph (1) of the Act, it shall take into consideration transaction types, transaction units, transaction amounts, and other circumstances on said Commodity Market and the securing of the fair and smooth performance of transactions on the Commodity Market.

(純資産額の計算基準)

(Basis for calculating net assets)

第三十八条 法第九十九条第七項（法第七百七十五条第三項、第九百九十二条第三項、第二百三十一条第四項、第二百三十二条第四項及び第二百九十四条第二項において準用する場合を含む。）の規定により純資産額を計算するとき、様式第一号により作成した純資産額に関する調書の資産の部に計上されるべき金額の合計額（法第二百三十一条第

四項において準用する場合にあつては、第一号から第十七号までに掲げる資産の額を合計した額を除き、それ以外の場合にあつては、第一号及び第五号に掲げる資産の額を合計した額を除く。) から負債の部に計上されるべき金額の合計額 (法第二百十一条第四項において準用する場合にあつては第十八号から第二十号までに掲げる負債の額を合計した額を除き、それ以外の場合にあつては第十八号に掲げる負債の額を除く。) を控除するものとする。

Article 38 (1) When calculating the net assets pursuant to the provisions of Article 99, paragraph (7) of the Act (including cases where it is applied mutatis mutandis pursuant to Article 175, paragraph (3), Article 192, paragraph (3), Article 211, paragraph (4), Article 232, paragraph (4), and Article 294, paragraph (2), of the Act), the total amount to be recorded in the liabilities section (in the case where it is applied mutatis mutandis pursuant to Article 211, paragraph (4) of the Act, excluding the total amount of the liabilities listed in items (xviii) to (xx) inclusive, and in other cases, excluding the total amount of the liabilities listed in item (xviii)) shall be deducted from the total amount to be recorded in the assets section in a report concerning the net assets prepared according to Form No. 1 (in the case where it is applied mutatis mutandis pursuant to Article 211, paragraph (4) of the Act, excluding the total amount of the assets listed in items (i) to (xvii) inclusive, and in other cases, excluding the total amount of the assets listed in item (i) and item (v)):

一 委託者未収金及び長期未収債権 (委託者未収金に相当するものに限る。第五号において同じ。) 並びに委託者先物取引差金 (流動資産に属するものに限る。) の合計額が商品市場における取引等に関し当該委託者から預託を受けた金銭及び有価証券並びに当該委託者の計算に属する金銭 (当該委託者の計算による商品市場における取引であつて決済を結了していないものに係る差益金に相当する金銭を除く。第五号において同じ。) 及び有価証券の合計額を超える場合における当該超える部分

(i) in the case where the total amount of the customer's accounts due, long-term claims due (limited to those equivalent to the customer's accounts due; the same shall apply in item (v)) and the customer's Futures Transactions difference (limited to those belonging to current assets) exceeds the total amount of the money and Securities deposited by said customer with regard to transactions on a Commodity Market and money (excluding money equivalent to profit from the difference pertaining to transactions on a Commodity Market on said customer's own account for which settlement has not been completed; the same shall apply in item (v)) and Securities on said customer's account, said excess portion;

二 前渡金

(ii) advance payment;

三 前払費用

(iii) prepaid expenses;

四 貸倒引当金 (流動資産に属する資産に係るものに限る。) のうち一般貸倒引当金

- に該当するもの
- (iv) among allowances for bad debts (limited to those pertaining to assets belonging to current assets), those falling under the general allowances for bad debts;
- 五 貸倒引当金のうち委託者未収金及び長期未収債権の合計額が商品市場における取引等に関し当該委託者から預託を受けた金銭及び有価証券並びに当該委託者の計算に属する金銭及び有価証券の合計額を超える場合における当該超える部分に係るもの
- (v) in the case where the total amount of the customer's accounts due and the long-term claims due included in allowances for bad debts exceeds the total amount of the money and Securities deposited by said customer with regard to transactions on a Commodity Market and the money and Securities on said customer's account, those pertaining to said excess portion;
- 六 有価証券、短期貸付金、投資有価証券及び長期貸付金のうち短期劣後債権に該当するもの
- (vi) among Securities, short-term loans, investment securities, and long-term loans, those falling under Short-Term Subordinated Claims;
- 七 有価証券及び投資有価証券のうち他の会社又は第三者が発行したもの（商品取引員が当該他の会社から資本金調達手段を受け入れている場合であって、当該商品取引員が意図的に保有しているものに限る。）
- (vii) among Securities and investment securities, those issued by another company or a third party (limited to those held by a Futures Commission Merchant intentionally in the case where said Futures Commission Merchant receives a financing method from said other company);
- 八 のれん
- (viii) goodwill;
- 九 借地権
- (ix) leaseholds;
- 十 削除
- (x) deleted;
- 十一 ソフトウェア
- (xi) software;
- 十二 第八号から前号までに掲げるもの以外の無形固定資産
- (xii) intangible fixed assets other than those listed in item (viii) through the preceding item;
- 十三 投資有価証券及び長期貸付金のうち長期劣後債権に該当するもの
- (xiii) among investment securities and long-term loans, those falling under Long-Term Subordinated Claims;
- 十四 長期前払費用
- (xiv) long-term prepaid expenses;
- 十五 繰延税金資産（固定資産に属する資産に関連するものに限る。）

(xv) deferred tax assets (limited to those related to assets belonging to fixed assets);

十六 繰延資産

(xvi) deferred assets;

十七 資産のうち第三者のために担保に供されているもの（前各号に掲げるものを除く。）の帳簿価額又はこれを担保とする第三者の債務の金額のうちいずれか少ない額

(xvii) among assets, the smaller amount between the book value of those used as collateral for a third party (excluding those listed in the respective preceding items) and the amount of the third party's debts secured thereby;

十八 商品取引責任準備金

(xviii) liability reserve for commodity trading;

十九 短期借入金、一年内返済長期借入金、一年内償還社債、社債及び長期借入金のうち短期劣後債務に該当するもの（長期劣後債務のうち、資本金、新株式払込金又は新株式申込証拠金、資本剰余金、利益剰余金、株式等評価差額金、自己株式払込金又は自己株式申込証拠金及び自己株式の合計額（次項において「基本的項目の額」という。）の五十パーセントに相当する額を超える額並びに次号に規定する減価したものの累計額の合計額に相当するものを含む。）

(xix) among short-term debts, long-term debts to be repaid within one year, bonds due within a year, bonds payable, and long-term debts, those falling under Short-Term Subordinated Debts (among Long-Term Subordinated Debts, including the amount exceeding the amount equivalent to 50 percent of capital, the total amount of the capital subscriptions or suspense receipts on capital subscriptions, capital surplus, accumulated profit, difference in valuation of stocks, amount paid on a person's own shares or suspense receipts on a person's own shares, and a person's own shares [referred to as the "Amount of Basic Items" in the following paragraph] and the amount equivalent to the total amount of the accumulated depreciation prescribed in the following item);

二十 社債及び長期借入金のうち長期劣後債務に該当するもの（残存期間が五年以内になったものにあつては、毎年、残存期間が五年になった時点における額の二十パーセントに相当する額を累積的に減価したものに限る。）

(xx) among bonds payable and long-term debts, those falling under Long-Term Subordinated Debts (with regard to those whose remaining period is less than five years, limited to those depreciating accumulatively, the amount equivalent to 20 percent of the amount as at the time when the remaining period becomes five years every year).

- 2 前項の場合において、同項第四号及び第十八号から第二十号までに掲げるものの額（同項第十九号に掲げるものにあつては基本的項目の額から前項第一号から第三号まで及び第五号から第十七号までに掲げるものの額の合計額を控除した額の二百パーセントに相当する額を限度とし、同項第二十号に掲げるものにあつては基本的項目の額

の五十パーセントに相当する額を限度とする。)の合計額が基本的項目の額を超えてはならない。

(2) In the case of the preceding paragraph, the total amount of those listed in item (iv) and items (xviii) to (xx) inclusive of the same paragraph (with regard to those listed in item (xix) of the same paragraph, within the limit of the amount equivalent to 200 percent of the amount deducting the total of the amount listed in items (i) to (iii) inclusive and items (v) to (xvii) inclusive of the preceding paragraph from the Amount of Basic Items, and with regard to those listed in item (xx) of the same paragraph, within the limit of the amount equivalent to 50 percent of the Amount of Basic Items) shall not exceed the Amount of Basic Items.

3 第一項の資産及び負債の額は、純資産額の計算を行う日において、一般に公正妥当と認められる企業会計の基準に従って評価した価額によらなければならない。

(3) The amount of the assets and liabilities set forth in paragraph (1) shall be based on the value assessed according to generally accepted corporate accounting standards as on the day when the amount of the net assets is calculated.

4 第一項の場合（法第二百十一条第四項において準用する場合に限る。）において、負債のうち保証債務又は保証予約（以下この項において「保証債務」という。）があるときは、当該保証債務の額の二十五パーセントに相当する額（債務保証損失引当金を計上している場合にあつては、当該それぞれの保証債務の額の二十五パーセントに相当する額又は債務保証損失引当金のうちいずれか大きい額。）を評価額とする。

(4) In the case of paragraph (1) (limited to the case where it is applied mutatis mutandis pursuant to Article 211, paragraph (4) of the Act), when liabilities include a guarantee obligation or guarantee booking (hereinafter referred to as a "Guarantee Obligation" in this paragraph), the amount equivalent to 25 percent of said Guarantee Obligation (in the case where debt guarantee loss allowances are recorded, the largest of the amounts equivalent to 25 percent of said respective Guarantee Obligations and debt guarantee loss allowances) shall be deemed as appraised value.

5 第一項第六号に規定する短期劣後債権とは、劣後特約付貸付金（元利金の回収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による貸付金をいう。次項において同じ。）又は劣後特約付社債（元利金の回収について劣後的内容を有する特約が付された社債をいう。次項において同じ。）であつて、次に掲げる性質のすべてを有するものをいう。

(5) The Short-Term Subordinated Claims prescribed in paragraph (1), item (vi) shall be Subordinated Loans (which means loans made by loan agreements with a special clause of subordinated contents with regard to the recovery of the interest and principal; the same shall apply in the following paragraph) or Subordinated Bonds (which means bonds payable with a special clause of subordinated contents with regard to the recovery of the interest and principal;

the same shall apply in the following paragraph) which have all the following characteristics:

一 担保が供されていないこと。

(i) collateral is not offered;

二 契約時又は発行時における貸付期間又は償還期間が二年以上五年以内のものであること。

(ii) the loan period or redemption period at the time of the contract or issuance is between two years or longer and five years or shorter.

6 第一項第十三号に規定する長期劣後債権とは、劣後特約付貸付金又は劣後特約付社債であつて、次に掲げる性質のすべてを有するものをいう。

(6) The Long-Term Subordinated Claims prescribed in paragraph (1), item (xiii) shall be Subordinated Loans or Subordinated Bonds which have all the following characteristics:

一 担保が供されていないこと。

(i) collateral is not offered;

二 契約時又は発行時における貸付期間又は償還期間が五年を超えるものであること。

(ii) the loan period or redemption period at the time of the contract or issuance is over five years.

7 第一項第十九号に規定する短期劣後債務とは、劣後特約付借入金（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による借入金をいう。以下同じ。）又は劣後特約付社債（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をいう。以下同じ。）であつて、次に掲げる性質のすべてを有するものをいう。

(7) The Short-Term Subordinated Debts prescribed in paragraph (1), item (xix) shall be Subordinated Borrowings (which means debts incurred by loan agreements with a special clause of subordinated contents with regard to the payment of the interest and principal; the same shall apply hereinafter) or Subordinated Bonds (which means bonds payable with a special clause of subordinated contents with regard to the payment of the interest and principal; the same shall apply hereinafter) which have all the following characteristics:

一 担保が付されていないこと。

(i) collateral is not offered;

二 契約時又は発行時における借入期間又は償還期間が二年以上五年以内のものであること。

(ii) the loan period or redemption period at the time of the contract or issuance is between two years or longer and five years or shorter;

三 期限前弁済又は期限前償還（以下この条において「期限前弁済等」という。）の特約が付されている場合には、当該期限前弁済等が債務者である商品取引員の任意によるものであり、かつ、当該商品取引員が当該期限前弁済等を行うことについて主務大臣の承認を受けたときに限り、当該期限前弁済等を行うことができるものであること。

(iii) in the case where there is a special clause for payment before maturity or redemption before maturity (hereinafter referred to as the "Payment before Maturity, etc." in this Article), said Payment before Maturity, etc. may be made only when said Payment before Maturity, etc. is at the discretion of a Futures Commission Merchant, a debtor, and said Futures Commission Merchant has obtained approval to make said Payment before Maturity, etc. from the competent minister;

四 商品取引員がその元利金の支払を行うことにより法第二百十一条第二項の規定に違反することとなる場合には、当該元利金の支払を行わない旨の特約が付されていること。

(iv) in the case where a Futures Commission Merchant violates the provisions of Article 211, paragraph (2) of the Act by paying the interest and principal, there shall be a special clause to the effect that said payment of the interest and principal shall not be made.

8 第一項第十九号及び第二十号に規定する長期劣後債務とは、劣後特約付借入金又は劣後特約付社債であつて、次に掲げる性質のすべてを有するものをいう。

(8) The Long-term Subordinated Debts prescribed in paragraph (1), item (xix) and item (xx) shall be Subordinated Borrowings or Subordinated Bonds which have all the following characteristics:

一 担保が付されていないこと。

(i) collateral is not offered;

二 契約時又は発行時における借入期間又は償還期間が五年を超えるものであること。

(ii) the loan period or redemption period at the time of the contract or issuance is over five years;

三 期限前弁済等の特約が付されている場合には、当該期限前弁済等が債務者である商品取引員の任意によるものであり、かつ、当該商品取引員が当該期限前弁済等を行うことについて主務大臣の承認を受けたときに限り、当該期限前弁済等を行うことができるものであること。

(iii) in the case where there is a special clause for Payment before Maturity, etc., said Payment before Maturity, etc. may be made only when said Payment before Maturity, etc. is at the discretion of a Futures Commission Merchant, a debtor, and said Futures Commission Merchant has obtained approval to make said Payment before Maturity, etc. from the competent minister;

四 商品取引員がその利金の支払を行うことにより法第二百十一条第二項の規定に違反することとなる場合には、当該利金の支払を行わない旨の特約が付されていること。

(iv) in the case where a Futures Commission Merchant violates the provisions of Article 211, paragraph (2) of the Act by paying the interest, there shall be a special clause to the effect that said payment of the interest shall not be made.

9 第七項に規定する短期劣後債務又は前項に規定する長期劣後債務について、次の各号に掲げる場合においては、当該各号に定める額を当該短期劣後債務の額又は当該長期劣後債務の額から控除しなければならない。

(9) With regard to Short-Term Subordinated Debts prescribed in paragraph (7) and Long-Term Subordinated Debts prescribed in the preceding paragraph, in the cases listed in the following items, the amount specified in said respective items shall be deducted from the amount of said Short-Term Subordinated Debts or Long-Term Subordinated Debts:

一 劣後特約付借入金の借入先が子会社（財務諸表等の用語、様式及び作成方法に関する規則（昭和三十八年大蔵省令第五十九号）第八条第三項に規定する子会社をいう。以下同じ。）又は関連会社（同条第五項に規定する関連会社をいう。以下同じ。）である場合 当該劣後特約付借入金の額

(i) in the case where Subordinated Borrowings have been borrowed from Subsidiaries (which means Subsidiaries prescribed in Article 8, paragraph (3) of the Ordinance on Terminology, Forms, and Preparation Methods of Financial Statements [Ordinance of the Ministry of Finance No. 59 of 1963]); the same shall apply hereinafter) or Affiliated Companies (which means Affiliated Companies prescribed in paragraph (5) of the same Article; the same shall apply hereinafter): the amount of said Subordinated Borrowings;
二 劣後特約付社債の保有者（信託財産をもって保有する者を含む。次号において同じ。）が自己、子会社又は関連会社である場合 当該劣後特約付社債の額

(ii) in the case where the holder of Subordinated Bonds (including a person holding subordinated bonds by means of trust property; the same shall apply in the following item) is the relevant person, Subsidiaries, or Affiliated Companies: the amount of said Subordinated Bonds;
三 劣後特約付借入金の借入先又は劣後特約付社債の保有者に意図的に資金の提供を行っている場合 当該資金の額（当該資金の額が劣後特約付借入金の額及び劣後特約付社債の額の合計額を超える場合にあっては、当該合計額）

(iii) in the case where funds are intentionally provided to a lender of Subordinated Borrowings or a holder of Subordinated Bonds: the amount of said funds (in the case where the amount of said funds exceeds the total of Subordinated Borrowings and Subordinated Bonds, said total amount).

10 第七項第三号又は第八項第三号の承認を受けようとする商品取引員は、次に掲げる事項を記載した承認申請書に契約書の写し又はこれに準ずる書類を添付して、主務大臣に提出しなければならない。

(10) When a Futures Commission Merchant intends to receive approval under paragraph (7), item (iii) or paragraph (8), item (iii), he/she shall submit a written application for approval including the following matters to the competent minister with a copy of contract or an equivalent document attached to it:

一 商号

(i) trade name;

二 許可年月日又は許可更新年月日

(ii) the date of receiving license or the date of the renewal of the license;

三 期限前弁済等の額（外貨建てである場合にあっては、期限前弁済等の額及びその円換算額）

(iii) the amount of the Payment before Maturity, etc. (in the case where the amount is denominated in a foreign currency, the amount of the Payment before Maturity, etc. and the amount thereof in Japanese Yen);

四 現在及び期限前弁済等を行った後の短期劣後債務又は長期劣後債務の額（外貨建てである場合にあっては、短期劣後債務又は長期劣後債務の額及びその円換算額）

(iv) the amount of the current short-term subordinated debts or long-term subordinated debts and those after making the Payment before Maturity, etc. (in the case where the amount is denominated in foreign currency, the amount of the short-term subordinated debts or long-term subordinated debts and the amount thereof in Japanese Yen);

五 期限前弁済等を行う理由

(v) the reasons for the Payment before Maturity, etc.;

六 期限前弁済等の予定日

(vi) the scheduled date of the Payment before Maturity, etc.;

七 十分な純資産額規制比率（法第二百十一条第一項に規定する純資産額規制比率をいう。以下同じ。）を維持するための資本金調達その他の具体的措置の内容

(vii) the financing methods and other concrete measures for maintaining the sufficient Net Assets Regulation Ratio (which means the Net Assets Regulation Ratio prescribed in Article 211, paragraph (1) of the Act; the same shall apply hereinafter);

八 期限前弁済等を行った後の純資産額規制比率の推定値

(viii) the estimated Net Assets Regulation Ratio after making the Payment before Maturity, etc.

1 1 主務大臣は、第七項第三号又は第八項第三号の承認をしようとするときは、当該短期劣後債務又は当該長期劣後債務が純資産額規制比率を一時的かつ意図的に向上させたものでないことを確認の上、次に掲げる基準のいずれかに適合するかどうかを審査しなければならない。

(11) When a competent minister intends to grant approval under paragraph (7), item (iii) or paragraph (8), item (iii), he/she shall confirm that said short-term subordinated debts or long-term subordinated debts have not improved the Net Assets Regulation Ratio temporarily and intentionally, and review whether they meet any of the following criteria:

一 当該期限前弁済等を行った後において当該商品取引員が十分な純資産額規制比率を維持することができると見込まれること。

(i) it is expected that said Futures Commission Merchant can maintain a sufficient Net Assets Regulation Ratio after making said Payment before

Maturity, etc.;

二 当該期限前弁済等の額以上の額の資本金調達を行うこと。

(ii) funds larger than the amount of said Payment before Maturity, etc. shall be raised.

(有価証券及び倉荷証券の充用価格)

(Allocation price of Securities and warehouse receipt)

第三十九条 法第一条第三項又は法第三条第五項（法第七十九条第六項において準用する場合を含む。）の有価証券及び倉荷証券の充用価格は、国債証券については時価の九割五分以下において、地方債証券、特別の法律により法人の発行する債券又は日本銀行の発行する出資証券については時価の八割五分以下において、株券、社債券又は受益証券については時価の七割以下において、倉荷証券については当該倉荷証券によって保管を証せられている上場商品の時価の七割以下において商品取引所（法第七十九条第六項において法第三条第五項を準用する場合には商品取引清算機関）が定める最高限度額を超えてはならない。

Article 39 (1) The allocation price of the Securities and warehouse receipt under Article 101, paragraph (3) or Article 103, paragraph (5) of the Act (including the case where it is applied mutatis mutandis pursuant to Article 179, paragraph (6) of the Act) shall not exceed the maximum limit specified by a Commodity Exchange (in the case where Article 103, paragraph (5) of the Act is applied mutatis mutandis pursuant to Article 179, paragraph (6) of the Act, a Commodity Clearing Organization) within the limit of 95 percent of the current market price with regard to national government bond certificates, 85 percent of the current market price with regard to local government bond certificates, bond certificates issued by a juridical person pursuant to special Acts, or fund certificates issued by the Bank of Japan, 70 percent of the current market price with regard to shares, corporate bond certificates, or beneficiary certificates, and 70 percent of the current market price of the Listed Commodities whose retention is proved by warehouse receipts with regard to warehouse receipts.

2 前項の規定により商品取引所（法第七十九条第六項において法第三条第五項を準用する場合には商品取引清算機関）が国債証券、地方債証券、特別の法律により法人の発行する債券、日本銀行の発行する出資証券、株券、社債券、受益証券又は倉荷証券について充用価格の最高限度額を定めた後において、時価が当該最高限度額を下回ることとなったときは、商品取引所（法第七十九条第六項において法第三条第五項を準用する場合には商品取引清算機関）は、遅滞なく、前項の規定により当該最高限度額を変更しなければならない。

(2) After a Commodity Exchange (in the case where Article 103, paragraph (5) of the Act is applied mutatis mutandis pursuant to Article 179, paragraph (6) of the Act, a Commodity Clearing Organization) has specified the maximum limit of the allocation price with regard to national government bond certificates,

local government bond certificates, bond certificates issued by a juridical person pursuant to special Acts, fund certificates issued by the Bank of Japan, shares, corporate bond certificates, beneficiary certificates, or warehouse receipts, pursuant to the provisions of the preceding paragraph, if the current market price becomes lower than said maximum limit, the Commodity Exchange (in the case where Article 103, paragraph (5) of the Act is applied mutatis mutandis pursuant to Article 179, paragraph (6) of the Act, a Commodity Clearing Organization) shall change said maximum limit without delay, pursuant to the provisions of the preceding paragraph.

(取引証拠金の預託方法)

(Methods to deposit clearing margin)

第四十条 商品取引所は、法第百三条第一項の規定に基づき取次者（同項第二号に規定する取次者をいう。以下この条から第四十三条までにおいて同じ。） 、委託者（同号に規定する委託者をいう。以下この条から第四十三条までにおいて同じ。） 又は取次委託者（同項第四号に規定する取次委託者をいう。以下この条から第四十三条までにおいて同じ。） から取引証拠金の預託を受けるときは、次の各号に掲げる場合の区分に応じ、当該各号に定める者を代理人として当該取引証拠金の預託を受けなければならない。

Article 40 (1) When a Commodity Exchange receives the deposit of clearing margins from an Intermediary (which means an Intermediary prescribed in Article 103, paragraph (1), item (ii) of the Act; hereinafter the same shall apply in this Article through Article 43), a Customer (which means a Customer prescribed in the same item; hereinafter the same shall apply in this Article through Article 43), or an Intermediation Customer (which means an Intermediation Customer prescribed in item (iv) of the same paragraph; hereinafter the same shall apply in this Article through Article 43), pursuant to the provisions of Article 103, paragraph (1) of the Act, it shall receive the deposit of said clearing margins through an agent specified in the following items for the categories of cases set forth respectively in those items:

一 法第百三条第一項第二号又は第三号に規定する場合 当該取引を受託した会員等

(i) in the case prescribed in Article 103, paragraph (1), item (ii) or item (iii) of the Act: a Member, etc. who brokers said transaction;

二 法第百三条第一項第四号に規定する場合 当該取引に係る取次者及び当該取引を受託した会員等

(ii) in the case prescribed in Article 103, paragraph (1), item (iv) of the Act: an Intermediary pertaining to said transaction and a Member, etc. who brokers said transaction.

2 商品取引所は、法第百三条第一項の規定に基づき会員等又は取次者から取引証拠金の預託を受けるとき（会員等が自己の計算において商品市場における取引を行う場合を除く。） は、次の各号に掲げる場合の区分に応じ、当該各号に定める者が当該取引

証拠金（当該各号に定める者が預託した委託証拠金又は取次証拠金の額の範囲内に限る。）に対する返還請求権を有するものとしなければならない。

(2) When a Commodity Exchange receives the deposit of clearing margins from a Member, etc. or an Intermediary pursuant to the provisions of Article 103, paragraph (1) of the Act (excluding the case where a Member, etc. carries out transactions on a Commodity Market on a person's own account), it shall recognize that a person specified in the following items for the categories of cases set forth respectively in those items has the right to claim the return for said clearing margin (limited to within the amount of the customer margin or intermediation margin which the person specified in said respective items has deposited):

一 会員等が委託者から委託証拠金の預託を受けて商品取引所に取引証拠金を預託した場合 当該委託者

(i) in the case where a Member, etc. has received the deposit of customer margins from a Customer and deposited the clearing margins with a Commodity Exchange: said Customer;

二 会員等が取次者（取次委託者から取次証拠金の預託を受けている者に限る。）又は取次委託者から委託証拠金の預託を受けて商品取引所に取引証拠金を預託した場合 当該取次委託者

(ii) in the case where a Member, etc. has received the deposit of a customer margin from an Intermediary (limited to those who have received the deposit of an intermediation margin from an Intermediation Customer) or an Intermediation Customer and deposited a clearing margin with a Commodity Exchange: said Intermediation Customer;

三 取次者が取次委託者から取次証拠金の預託を受けて商品取引所に取引証拠金を預託した場合 当該取次委託者

(iii) in the case where an Intermediary has received the deposit of an intermediation margin from an Intermediation Customer and deposited a clearing margin with a Commodity Exchange: said Intermediation Customer.

（委託証拠金の預託に係る委託者等の同意）

(Consent of a Customer, etc. pertaining the deposit of customer margin)

第四十一条 会員等は、法第百三条第二項の規定により、委託者、取次者又は取次委託者（以下この条において「委託者等」という。）をして委託証拠金を預託させるときは、当該委託者等から、自己に対して当該委託証拠金を預託させることについての書面による同意を得なければならない。

Article 41 (1) When a Member, etc. has a Customer, an Intermediary, or an Intermediation Customer (hereinafter referred to as a "Customer, etc." in this Article) deposit a customer margin pursuant to the provisions of Article 103, paragraph (2) of the Act, he/she shall obtain written consent from said Customer, etc. to the effect that said customer margin will be deposited with

him/her.

2 会員等は、法第百三条第二項の規定により、取次委託者をして委託証拠金を預託させるときは、当該取次委託者から商品市場における取引の委託の取次ぎを受託した取次者を代理人として当該委託証拠金の預託を受けなければならない。

(2) When a Member, etc. has an Intermediation Customer deposit a customer margin pursuant to the provisions of Article 103, paragraph (2) of the Act, he/she shall receive the deposit of said customer margin through the Intermediary, as an agent, who brokers intermediation of the consignment of transactions on a Commodity Market from said Intermediation Customer.

3 会員等は、第一項の規定による委託者等の書面による同意に代えて、第六項で定めるところにより、当該委託者等の承諾を得て、当該委託者等の同意を電子情報処理組織を使用する方法その他の情報通信の技術を利用する方法であって次に掲げるもの（以下この条において「電磁的方法」という。）により得ることができる。この場合において、当該会員等は、当該委託者等の書面による同意を得たものとみなす。

(3) A Member, etc. may, in lieu of the written consent of a Customer, etc. under paragraph (1), obtain the consent of said Customer, etc. by a method using an Electronic Data Processing System or a method using other information communications technology which are listed as follows (hereinafter referred to as an "Electromagnetic Means" in this Article) by obtaining an acceptance from said Customer, etc., pursuant to the provisions of paragraph (6). In this case, said Member, etc. is deemed to have obtained the written consent of said Customer, etc.:

一 電子情報処理組織を使用する方法のうちイ又はロに掲げるもの

(i) among methods for using an Electronic Data Processing System, those listed in (a) or (b);

イ 会員等の使用に係る電子計算機と委託者等の使用に係る電子計算機とを接続する電気通信回線を通じて送信し、受信者の使用に係る電子計算機に備えられたファイルに記録する方法

(a) a method to transmit information through a telecommunications line that connects a computer used by a Member, etc. and a computer used by a Customer, etc. and to record it in a file on a computer used by the receiver;

ロ 会員等の使用に係る電子計算機に備えられたファイルに記録された当該委託者等の同意に関する事項を電気通信回線を通じて委託者等の閲覧に供し、当該会員等の使用に係る電子計算機に備えられたファイルに当該委託者等の同意に関する事項を記録する方法

(b) a method for providing matters concerning the consent of said Customer, etc. recorded in a file on a computer used by a Member, etc. for the inspection of Customers, etc. through a telecommunications line, and for recording matters concerning the consent of said Customer, etc. in a file on a computer used by said Member, etc.;

二 磁気ディスクその他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

とができる物をもって調製するファイルに委託者等の同意に関する事項を記録したものを得る方法

(ii) a method for obtaining the record of matters concerning the consent of a Customer, etc. from a file on a magnetic disk or an equivalent method that can record certain matters securely.

4 前項各号に掲げる方法は、委託者等がファイルへの記録を出力することにより書面を作成することができるものでなければならない。

(4) The methods listed in the preceding items shall be the ones by which a Customer, etc. can prepare a written document by outputting the record from a file.

5 第三項の「電子情報処理組織」とは、会員等の使用に係る電子計算機と、委託者等の使用に係る電子計算機とを電気通信回線で接続した電子情報処理組織をいう。

(5) An "Electronic Data Processing System" as set forth in paragraph (3) refers to an Electronic Data Processing System connecting a computer used by a Member, etc. and a computer used by a Customer, etc. through a telecommunications line.

6 会員等は、第三項の規定により委託者等の同意を得ようとするときは、あらかじめ、当該委託者等に対し、その用いる次に掲げる電磁的方法の種類及び内容を示し、書面又は電磁的方法による承諾を得なければならない。

(6) When a Member, etc. seeks to obtain consent from a Customer, etc. pursuant to the provisions of paragraph (3), he/she shall inform said Customer, etc. of the type and contents of the following Electromagnetic Means which he/she intends to use and gain acceptance in writing or by an Electromagnetic Means, in advance:

一 第三項各号に掲げる方法のうち会員等が使用するもの

(i) among the methods listed in respective items of paragraph (3), what a Member, etc. uses;

二 ファイルへの記録の方式

(ii) a method to record the information in a file.

7 前項の規定による承諾を得た会員等は、当該委託者等から書面又は電磁的方法により電磁的方法による同意を行わない旨の申出があったときは、当該委託者等の同意を電磁的方法によって得てはならない。ただし、当該委託者等が再び同項の規定による承諾をした場合は、この限りでない。

(7) A Member, etc. who has obtained acceptance pursuant to the provisions of the preceding paragraph shall not obtain consent by an Electromagnetic Means when said Customer, etc. has stated in writing or by an Electromagnetic Means that he/she would not give consent by an Electromagnetic Means; provided, however, that this shall not apply when said Customer, etc. has given his/her acceptance under the same paragraph at another time.

(取次証拠金の預託に係る取次委託者の同意等)

(Consent of Intermediation Customer pertaining to the deposit of intermediation margin)

第四十二条 取次者は、法第百三条第三項の規定により、取次委託者をして取次証拠金を預託させるときは、当該取次委託者から、自己に対して当該取次証拠金を預託させることについての書面による同意を得なければならない。

Article 42 (1) When an Intermediary has an Intermediation Customer deposit an intermediation margin pursuant to the provisions of Article 103, paragraph (3) of the Act, he/she shall obtain written consent from said Intermediation Customer that said intermediation margin would be deposited with him/her.

2 前条第三項から第七項までの規定は、前項の規定による取次委託者の書面による同意について準用する。

(2) The provisions of paragraphs (3) to (7) inclusive of the preceding Article shall be applied mutatis mutandis to the written consent of an Intermediation Customer under the provisions of the preceding paragraph.

(商品取引所における取引証拠金の分別管理)

(Segregation management of clearing margin)

第四十三条 商品取引所は、法第百三条第四項の規定に基づき取引証拠金を管理するときは、次の各号に掲げる区分ごと、かつ、会員等ごとに、自己の固有財産その他の取引証拠金以外の財産と分別して管理しなければならない。

Article 43 (1) When a Commodity Exchange manages a clearing margin based on the provisions of Article 103, paragraph (4) of the Act, it shall manage such clearing margin separately from its private property and property other than a clearing margin for each classification listed in the following items and for each Member, etc.:

一 法第百三条第一項第一号に掲げる場合のうち会員等が自己の計算において商品市場における取引を行うときに、同項の規定に基づき当該会員等から預託を受けた取引証拠金

(i) among the cases listed in Article 103, paragraph (1), item (i) of the Act, in the case where a Member, etc. carries out transactions on a Commodity Market on a person's own account, the clearing margin deposited by said Member, etc. based on the provisions of the same paragraph;

二 法第百三条第一項第一号に掲げる場合のうち会員等が受託した商品市場における取引を同条第二項の規定に基づき委託証拠金の預託を受けて行うときに、同条第一項の規定に基づき当該会員等から預託を受けた取引証拠金

(ii) among the cases listed in Article 103, paragraph (1), item (i) of the Act, in the case where a Member, etc. carries out transactions on a Commodity Market which he/she brokers by receiving the deposit of a customer margin based on the provisions of paragraph (2) of the same Article, the clearing margin deposited by said Member, etc. based on the provisions of paragraph (1) of the same Article;

三 法第百三条第一項第二号又は第四号に掲げる場合に、同項の規定に基づき委託者又は取次委託者から預託を受けた取引証拠金

(iii) in the cases listed in Article 103, paragraph (1), item (ii) or item (iv) of the Act, the clearing margin deposited by a Customer or an Intermediation Customer based on the provisions of the same paragraph;

四 法第百三条第一項第三号に掲げる場合に、同項の規定に基づき取次者から預託を受けた取引証拠金

(iv) in the cases listed in Article 103, paragraph (1), item (iii) of the Act, the clearing margin deposited by an Intermediary based on the provisions of the same paragraph.

2 商品取引所は、法第百三条第四項の規定に基づき取引証拠金を管理するときは、次項の規定に基づき管理されるものを除き、次に掲げる方法により当該取引証拠金を管理しなければならない。

(2) When a Commodity Exchange manages a clearing margin based on the provisions of Article 103, paragraph (4) of the Act, it shall manage said clearing margin in the methods listed as follows, excluding those managed based on the provisions of the following paragraph:

一 銀行への預金（取引証拠金であることがその名義により明らかなものに限る。）

(i) by depositing money in a bank account (limited to deposit accounts that are clearly identifiable as clearing margins by the account name);

二 信託業務を営む金融機関（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）第一条第一項の認可を受けた金融機関をいう。以下同じ。）への金銭信託（同法第六条の規定により元本の補てんの契約をしたものであって、取引証拠金であることがその名義により明らかなものに限る。）

(ii) by using cash in the trust (limited to cash in the trust with a contract for compensating the principal pursuant to the provisions of Article 6 of the Act on Additional Operation of Trust Business by a Financial Institution [Act No. 43 of 1943], and which are clearly identifiable as clearing margins by the account name) of Financial Institution Engaged in Trust Business (which means financial institutions that have obtained the approval set forth in Article 1, paragraph (1) of the same Act; the same shall apply hereinafter);

三 国債の保有

(iii) by purchasing and holding national government bonds.

3 商品取引所は、法第百三条第四項の規定に基づき充用有価証券等（同条第五項の規定により取引証拠金に充てられる有価証券及び倉荷証券（以下この条において「有価証券等」という。）をいう。以下この条において同じ。）を管理するときは、次の各号に掲げる有価証券等の区分に応じ、当該各号に定める方法により当該充用有価証券等を管理しなければならない。

(3) When a Commodity Exchange manages Securities, etc. for Allocation (which means Securities and warehouse receipts allocated for clearing margins pursuant to the provisions of Article 103, paragraph (5) of the Act [hereinafter

referred to as "Securities, etc."]; hereinafter the same shall apply in this Article) based on the provisions of paragraph (4) of the same Article, it shall manage said Securities, etc. for Allocation by the methods specified in the following items for the categories of Securities, etc. set forth respectively in those items:

一 商品取引所が保管することにより管理する有価証券等（混蔵して保管される有価証券等を除く。次号において同じ。） 充用有価証券等の保管場所については自己の固有財産である有価証券等その他の充用有価証券等以外の有価証券等（以下この条において「固有有価証券等」という。）の保管場所と明確に区分し、かつ、当該充用有価証券等についてどの会員等から又はどの会員等を通じ預託を受けた有価証券等であるかが直ちに判別できる状態で保管することにより管理する方法

(i) Securities, etc. for retention under the management of a Commodity Exchange (excluding Securities, etc. which are retained and commingled; the same shall apply in the following item): a management method by which the Commodity Exchange controls the location for the retention of Securities, etc. for Allocation that is clearly separate from that for the Securities, etc. of the Commodity Exchange's own property and other Securities, etc. than that for the Securities, etc. for Allocation (hereinafter referred to as the "Private Securities, etc." in this Article), and that said Securities, etc. for Allocation are retained in an available condition that is immediately distinguishable as to which Member, etc. deposited such property or for which Member, etc. such property was deposited;

二 商品取引所が第三者をして保管させることにより管理する有価証券等 当該第三者をして、充用有価証券等の保管場所については固有有価証券等の保管場所と明確に区分させ、かつ、当該充用有価証券等についてどの会員等から又はどの会員等を通じ預託を受けた有価証券等であるかが直ちに判別できる状態で保管させることにより管理する方法

(ii) Securities, etc. for retention under the management of a Commodity Exchange using a third party: a management method by which the Commodity Exchange uses a third party to control the location for the retention of Securities, etc. for Allocation clearly separating them from the Securities, etc. of the Private Securities, etc., and to retain said Securities, etc. for Allocation in an available condition that is immediately distinguishable as to which Member, etc. deposited such property or for which Member, etc. such property was deposited;

三 商品取引所が保管することにより管理する有価証券等（混蔵して保管される有価証券等に限る。次号において同じ。） 充用有価証券等の保管場所については固有有価証券等の保管場所と明確に区分し、かつ、各会員等から又は各会員等を通じ預託を受けた充用有価証券等に係る持分が自己の帳簿により直ちに判別できる状態で保管することにより管理する方法

(iii) Securities, etc. for retention under the management of a Commodity

Exchange (limited to the Securities, etc. which are retained and commingled; the same shall apply in the following item): a management method by which the location for the retention of Securities, etc. for Allocation is clearly separate from that for the Private Securities, etc., and that the equity interests pertaining to Securities, etc. for Allocation deposited by or through each Member, etc. are retained in an available condition which is easily distinguishable in their own books and records;

四 商品取引所が第三者をして保管させることにより管理する有価証券等 当該第三者をして、充用有価証券等を預託する者のための口座については商品取引所の自己の口座と区分する等の方法により、充用有価証券等に係る持分が直ちに判別でき、かつ、各会員等から又は各会員等を通じ預託を受けた充用有価証券等に係る持分が自己の帳簿により直ちに判別できる状態で保管させることにより管理する方法

(iv) Securities, etc. for retention under the management of a Commodity Exchange using a third party: a management method by which the Commodity Exchange uses a third party to retain [the][an] account for a person who deposited Securities, etc. for Allocation in a condition whereby the equity interests pertaining to Securities, etc. for Allocation will be immediately distinguishable by a method such as separating them from the Commodity Exchange's own account, and whereby the equity interests pertaining to Securities, etc. for Allocation deposited by or through each Member, etc. will be immediately distinguishable in their own books and records.

(取引証拠金の預託に代わる契約)

(Contract in lieu of the deposition of clearing margin)

第四十四条 法第百三条第七項の主務省令で定める金融機関（以下この条において「銀行等」という。）は、次に掲げるものとする。

Article 44 (1) The financial institutions specified by an ordinance of the competent ministry set forth in Article 103, paragraph (7) of the Act (hereinafter referred to as a "Bank, etc." in this Article) shall be as follows:

一 銀行

(i) a bank;

二 信用協同組合

(ii) a credit cooperative;

三 信用金庫

(iii) a Shinkin Bank;

四 農林中央金庫及び商工組合中央金庫

(iv) the Norinchukin Bank or the Shoko Chukin Bank;

五 業として預金又は貯金の受入れをすることができる農業協同組合及び農業協同組合連合会

(v) an agricultural cooperative or a federation of agricultural cooperatives,

either of which can accept deposits or savings in the course of trade;

六 信託会社（信託業法（平成十六年法律第百五十四号）第二十一条第二項の規定に基づき、債務の保証に関する業務を行うことについて内閣総理大臣の承認を受けた者に限る。）

(vi) a trust company (limited to a person who is approved by the prime minister for carrying out business pertaining to obligation guarantees based on the provisions of Article 21, paragraph (2) of the Trust Business Act [Act No. 154 of 2004]);

七 保険会社

(vii) an insurance company.

2 会員等又は取次者（法第百三条第七項に規定する会員等又は取次者をいう。以下この条において同じ。）は、銀行等と法第百三条第七項の契約を締結しようとする場合には、その内容を次に掲げる要件に適合するものとしなければならない。

(2) In the case where a Member, etc. or Intermediary (which means a Member, etc. or Intermediary prescribed in Article 103, paragraph (7) of the Act;

hereinafter the same shall apply in this Article) seeks to conclude a contract set forth in Article 103, paragraph (7) of the Act with a Bank, etc., he/she shall ensure that the contents thereof meet the following requirements:

一 法第百三条第九項の規定による商品取引所の指示を受けたときは、当該会員等又は取次者のために当該指示に係る額の取引証拠金が遅滞なく当該商品取引所に預託されるものであること。

(i) on receipt of an instruction from a Commodity Exchange pursuant to the provisions of Article 103, paragraph (9), the amount of the clearing margin pertaining to said instruction will be deposited with said Commodity Exchange for said Member, etc. or Intermediary;

二 当該契約に基づく銀行等の債務と当該会員等又は取次者に対する債権を相殺することを禁止するものであること。

(ii) it is prohibited to set off debts of a Bank, etc. or claims for said Member, etc. or Intermediary based on said contract;

三 三月以上の期間にわたって有効な契約であること。

(iii) the contract is valid for the period of three months or longer;

四 会員等又は取次者は、あらかじめ主務大臣及び商品取引所（法第百三条第七項の規定による届出を受けた商品取引所に限る。以下この条において同じ。）の承認を受けた場合を除き、契約の解除又は契約の内容の変更をすることができないものであること。

(iv) a Member, etc. or Intermediary may not cancel the contract or change the contents of the contract, except when he/she had received approval from the competent minister and a Commodity Exchange (limited to a Commodity Exchange which received a notification pursuant to the provisions of Article 103, paragraph (7) of the Act; hereinafter the same shall apply in this Article) in advance;

五 会員等又は取次者は、契約が終了する日の一月前までに、その旨を商品取引所に通知をするものとする。

(v) a Member, etc. or Intermediary shall notify the termination of the contract to a Commodity Exchange by one month prior to the day of termination.

3 会員等又は取次者は、法第百三条第七項の契約の締結（契約の変更を含む。）に係る承認を受けようとするときは、次に掲げる事項を記載した承認申請書を主務大臣に提出しなければならない。

(3) When a Member, etc. or Intermediary seeks to receive approval pertaining to the conclusion of a contract (including a change to a contract) set forth in Article 103, paragraph (7) of the Act, he/she shall submit a written application for approval including the following matters to the competent minister:

一 締結をしようとする契約の相手方である銀行等の商号又は名称

(i) trade name or name of a Bank, etc. which is the counterparty of the contract he/she intends to conclude;

二 当該契約の内容

(ii) contents of said contract;

三 当該契約につき担保を供する場合にあっては、当該担保に関する事項

(iii) in the case where collateral is offered for said contract, matters concerning said collateral;

四 届出をしようとする商品取引所の名称又は商号

(iv) name or trade name of a Commodity Exchange to which he/she intends to give notification.

4 主務大臣は、前項の承認の申請が次に掲げる要件に適合していると認めるときは、同項の承認をしなければならない。

(4) When the competent minister finds that the application for approval set forth in the preceding paragraph meets the following requirements, he/she shall grant the approval set forth in the same paragraph:

一 申請に係る契約の内容が第二項各号に掲げる要件に適合するものであること。

(i) the contents of the contract pertaining to the application meet the requirements listed in respective items of paragraph (2);

二 当該契約の相手方である銀行等が当該契約を履行するのに必要な資力及び信用を有すること。

(ii) a Bank, etc. which is the counterparty of said contract has the funds and credit necessary to carry out said contract;

三 承認申請者の業務又は財産の状況に照らし、当該契約を締結することが委託者の保護上問題がないと認められること。

(iii) in light of the status of the business and property of the applicant, it is recognized that the conclusion of said contract does not cause any problem for the protection of Customers.

5 会員等又は取次者は、法第百三条第七項の契約を締結したとき（当該契約を変更したときを含む。）は、その契約書の写しを主務大臣及び商品取引所に提出しなければならない。

ならない。

(5) When a Member, etc. or Intermediary has concluded a contract set forth in Article 103, paragraph (7) of the Act (including when making a change to said contract), he/she shall submit a copy of the contract to the competent minister and a Commodity Exchange.

6 会員等又は取次者は、法第百三条第七項の契約を解除したときは、その事実を証する書面を主務大臣及び商品取引所に提出しなければならない。

(6) When a Member, etc. or Intermediary had canceled a contract set forth in Article 103, paragraph (7) of the Act, he/she shall submit a document stating the fact thereof to the competent minister and a Commodity Exchange.

(商品取引清算機関に係る取引証拠金の預託に代わる契約の規定の準用)

(Application mutatis mutandis of provisions of contract in lieu of the deposition of clearing margin pertaining to Commodity Clearing Organization)

第四十五条 前条の規定は、法第百七十九条第七項において法第百三条第七項の規定を準用する場合について準用する。この場合において、前条第二項第一号中「第百三条第九項」とあるのは「第百七十九条第七項において準用する法第百三条第九項」と、同項並びに同条第三項、第五項及び第六項中「会員等又は取次者」とあるのは「会員等又は取次者等」と、「商品取引所」とあるのは「商品取引清算機関」と読み替えるものとする。

Article 45 The provisions of the preceding Article shall apply mutatis mutandis to the case where the provisions of Article 103, paragraph (7) of the Act are applied mutatis mutandis pursuant to Article 179, paragraph (7) of the Act. In this case, the term "Article 103, paragraph (9)" in paragraph (2), item (i) of the preceding Article shall be deemed to be replaced with "Article 103, paragraph (9) of the Act as applied mutatis mutandis pursuant to Article 179, paragraph (7)," the terms "a Member, etc. or Intermediary" and "a Commodity Exchange" in the same paragraph and paragraph (3), paragraph (5), and paragraph (6) of the same Article shall be deemed to be replaced with "a Member, etc. or an Intermediary, etc." and "a Commodity Clearing Organization," respectively.

(信認金等の運用方法)

(Method of utilization of guarantee funds, etc.)

第四十六条 法第百十条（法第百八十条第五項において読み替えて準用する場合を含む。）の主務省令で定める方法は、次に掲げるものとする。

Article 46 The method specified by an ordinance of the competent ministry set forth in Article 110 of the Act (including the case where it is applied mutatis mutandis by replacing the terms pursuant to Article 180, paragraph (5) of the Act) shall be as follows:

一 地方債の保有

(i) holding municipal bonds;

二 次に掲げる金融機関への預け金

(ii) money deposited to the following financial institutions:

イ 銀行

(a) a bank;

ロ 信用協同組合

(b) a credit cooperative;

ハ 信用金庫

(c) a Shinkin Bank;

ニ 農林中央金庫及び商工組合中央金庫

(d) the Norinchukin Bank or the Shoko Chukin Bank;

ホ 業として預金又は貯金の受入れをすることができる農業協同組合及び農業協同組合連合会

(e) an agricultural cooperative or a federation of agricultural cooperatives, either of which can accept deposits or savings in the course of trade;

三 信託業務を営む金融機関への信託

(iii) consignment to a Financial Institution Engaged in Trust Business.

(総取引高等の通知等)

(Notification, etc. of the total transaction volume, etc.)

第四十七条 商品取引所は、法第百十一条の規定による通知及び公表を行おうとするときは、商品市場における取引の種類ごと、かつ、上場商品又は上場商品指数の種類ごとに区分し、業務規程に定める方法により、その会員等に通知し、公表しなければならない。

Article 47 (1) When a Commodity Exchange intends to give a notification and publish pursuant to the provisions of Article 111 of the Act, it shall notify and publish to its Members, etc. by the method specified in its market rules, for each transaction type on a Commodity Market, and type of Listed Commodities or Listed Commodity Indices.

2 法第百十一条第二号の主務省令で定めるものは、単一の対価の額又は約定価格等（法第百十一条第二号に規定する約定価格等をいう。以下同じ。）による競売買の方法により取引を行う商品市場にあっては、当該商品市場における毎日の成立した対価の額又は約定価格等とし、個別に形成される対価の額又は約定価格等による競売買の方法により取引を行う商品市場にあっては、当該商品市場における毎日の成立した最初の対価の額又は約定価格等、最高の対価の額又は約定価格等、最低の対価の額又は約定価格等及び最終の対価の額又は約定価格等とする。

(2) The amount of the consideration for which transactions were closed or the Contract Price, etc. on a Commodity Market where transactions are carried out by the method of buying-in and selling-out with a single amount of the consideration or Contract Price, etc. (which means the Contract Price, etc. prescribed in Article 111, item (ii) of the Act; the same shall apply hereinafter) shall be specified by an ordinance of the competent ministry set forth in Article

111, item (ii) of the Act. On a Commodity Market where transactions are carried out by the method of buying-in and selling-out with an individually determined amount of the consideration or Contract Price, etc., it shall be the first amount of the consideration of the day or the Contract Price, etc., the highest amount of the consideration or Contract Price, etc., the lowest amount of the consideration or Contract Price, etc., and the final amount of the consideration or Contract Price, etc. on said Commodity Market.

(相場及び取引高報告書の提出等)

(Submission of quotation and transaction volume reports, etc.)

第四十八条 商品取引所が法第百十二条第一項の規定により相場及び取引高報告書を作成し、かつ、主務大臣に提出するときは、別表第一により、かつ、遅滞なくしなければならない。

Article 48 When a Commodity Exchange prepares quotation and transaction volume reports and submits them to the competent minister pursuant to the provisions of Article 112, paragraph (1) of the Act, it shall do so in accordance with the Appended Table 1, without delay.

第四十九条 法第百十二条第二項の主務省令で定める数量は、別表第二の第一欄に掲げる商品取引所が開設する同表の第二欄に掲げる商品市場ごと、かつ、売付け又は買付けの別ごとに、当該商品市場に対応する同表の第三欄に掲げる数量とする。

Article 49 (1) The amount specified by an ordinance of the competent ministry set forth in Article 112, paragraph (2) of the Act shall be the amount listed in column 3 of the Appended Table 2 corresponding to the Commodity Markets listed in column 2 of the same Table which are opened by Commodity Exchanges listed in column 1 of the same Table, for each said Commodity Market, and by buying and selling.

2 法第百十二条第二項の主務省令で定める要件は、次の各号のいずれかに該当することとする。

(2) The requirements specified by an ordinance of the competent ministry set forth in Article 112, paragraph (2) of the Act shall be that the transactions on the Commodity Market fall under any of the following items:

一 商品市場における一の会員等の一の取引の期限に係る自己の計算による取引であって決済を結了していないものの数量が別表第二の第一欄に掲げる商品取引所が開設する同表の第二欄に掲げる商品市場において取引の対象とされる同表の第四欄に掲げる上場商品又は上場商品指数の種類ごと、かつ、売付け又は買付けの別ごとに、同表の第五欄に掲げる数量を超えること。

(i) the amount of the transactions pertaining to one transaction term of one Member, etc. on a Commodity Market on a person's own account and for which settlement is not completed exceeds the amount listed in column 5 of the Appended Table 2 by buying and selling and for each type of Listed

Commodities or Listed Commodity Indices listed in column 4 of the same Table which are subject to transactions on the Commodity Markets listed in column 2 of the same Table opened by the Commodity Exchanges listed in column 1 of the same Table;

二 商品市場における一の取引の期限に係る一の委託者の計算による取引であって決済を結了していないものの数量が別表第二の第一欄に掲げる商品取引所が開設する同表の第二欄に掲げる商品市場において取引の対象とされる同表の第四欄に掲げる上場商品又は上場商品指数の種類ごと、かつ、売付け又は買付けの別ごとに、同表の第六欄に掲げる数量を超えること。

(ii) the amount of the transactions pertaining to one transaction term of one Member, etc. on a Commodity Market on a person's own account and for which settlement is not completed exceeds the amount listed in column 6 of the Appended Table 2 by buying and selling and for each type of Listed Commodities or Listed Commodity Indices listed in column 4 of the same Table which are subject to transactions on the Commodity Markets listed in column 2 of the same Table opened by Commodity Exchanges listed in column 1 of the same Table.

3 商品取引所は、法第百十二条第二項の規定により報告するときは、次の各号に掲げる事項を記載した報告書を提出しなければならない。

(3) When a Commodity Exchange reports pursuant to the provisions of Article 112, paragraph (2) of the Act, it shall submit a report including the matters listed in the following items:

一 会員等又は委託者の氏名若しくは商号若しくは名称又はこれに代わるもの

(i) the name or trade name, or name of a Member, etc. or a customer or its substitute;

二 商品市場における会員等の自己の計算による取引又は委託者の計算による取引であって決済を結了していないものの数量

(ii) the amount of the transactions on a Commodity Market on account of a Member, etc. or a customer, for which settlement is not completed;

三 前項第二号に該当する場合にあつては、当該委託者から取引の委託を受けた商品取引員の商号

(iii) in the case of falling under item (ii) of the preceding paragraph, the trade name of a Futures Commission Merchant who received the consignment of a transaction from said customer.

(帳簿の区分経理等)

(Separate accounting in books, etc.)

第五十条 会員等は、法第百十五条の規定により、商品市場における取引とその他の取引とについて、帳簿その他業務に関する書類を別にして区分経理しなければならない。

Article 50 (1) Pursuant to the provisions of Article 115 of the Act, a Member, etc. shall carry out separate accounting for transactions on a Commodity Market

and other transactions by separating books and other business-related documents.

2 会員等は、商品市場における取引について別表第三に定める帳簿その他業務に関する書類を商品市場ごとに作成しなければならない。

(2) A Member, etc. shall prepare books and other business-related documents specified in the Appended Table 3 for transactions on each Commodity Market separately.

3 前項の帳簿その他業務に関する書類の保存期間は、十年とする。

(3) The preservation period of books and other business-related documents set forth in the preceding paragraph shall be 10 years.

(電磁的方法による保存)

(Preservation by an Electromagnetic Means)

第五十一条 前条第二項の帳簿その他業務に関する書類の内容が、電磁的方法（電子的方法、磁気的方法その他の人の知覚によって認識することができない方法をいう。第百十四条において同じ。）により記録され、当該記録が必要に応じ電子計算機その他の機器を用いて直ちに表示されることができるようにして保存されるときは、当該記録の保存をもって前条第三項に規定する帳簿その他業務に関する書類の保存に代えることができる。この場合において、会員等は、当該記録が滅失し、又はき損することを防止するために必要な措置を講じなければならない。

Article 51 When the contents of books and other business-related documents set forth in paragraph (2) of the preceding Article are recorded by an Electromagnetic Means (which means a method such as an electronic method or a magnetic method that cannot be recognized by human perception; the same shall apply in Article 114), and said record is preserved so as to be displayed promptly on a computer or through other equipment as needed, said preservation of record may substitute for the preservation of books and other business-related documents set forth in paragraph (3) of the preceding Article. In this case, a Member, etc. shall take the necessary measures for preventing the loss of and damage to said record.

(仲介の処理状況の報告書の提出)

(Submission of reports of mediation arrangement)

第五十二条 商品取引所は法第二百十条第一項の規定により仲介を行ったときは、毎月末日現在における当該仲介の処理状況についての報告書を作成し、当該報告に係る月の翌月の十日までに主務大臣に提出するものとする。

Article 52 When a Commodity Exchange has carried out mediation pursuant to the provisions of Article 120, paragraph (1) of the Act, it shall prepare a report of the conditions of said mediation arrangement as of the end of every month and submit it to the competent minister by 10th day of the month following that pertaining to said report.

第五十三条 削除

Article 53 Deleted

(組織変更をする会員商品取引所の事前開示事項)

(Matters to be disclosed in advance by a Member Commodity Exchange implementing Entity Conversion)

第五十四条 法第二百二十三条第一項に規定する主務省令で定める事項は、次に掲げる事項とする。

Article 54 The matters specified by an ordinance of the competent ministry set forth in Article 123, paragraph (1) of the Act shall be as follows:

一 組織変更計画の内容

(i) contents of an entity conversion plan;

二 組織変更後株式会社商品取引所（法第二百二十二条第三項に規定する組織変更後株式会社商品取引所をいう。以下同じ。）の債務の履行の見込みに関する事項

(ii) matters concerning estimates of the performance of the liabilities of an Incorporated Commodity Exchange after Entity Conversion (which means an Incorporated Commodity Exchange after Entity Conversion prescribed in Article 122, paragraph (3) of the Act; the same shall apply hereinafter);

三 法第二百二十三条第一項の規定により同項の書面又は電磁的記録を主たる事務所に備え置いた日後、前二号に掲げる事項に変更が生じたときは、変更後の当該事項

(iii) when there has been a change to the matters listed in the preceding two items after the principal office filed a written or Electromagnetic Record set forth in Article 123, paragraph (1) of the Act pursuant to the provisions of the same paragraph, said new matters.

(組織変更後株式会社商品取引所の事後開示事項等)

(Matters to be disclosed after the fact by an Incorporated Commodity Exchange after Entity Conversion)

第五十五条 法第二百五条第一項に規定する主務省令で定める事項は、次に掲げる事項とする。

Article 55 The matters specified by an ordinance of the competent ministry set forth in Article 125, paragraph (1) of the Act shall be as follows:

一 組織変更の効力が生じた日

(i) the date on which entity conversion came into effect;

二 組織変更をする会員商品取引所における法第二百二十四条の規定による手続の経過

(ii) the procedures taken by the Member Commodity Exchange implementing Entity Conversion pursuant to the provisions of Article 124 of the Act;

三 組織変更により組織変更後株式会社商品取引所が組織変更をする会員商品取引所から承継した重要な権利義務に関する事項

(iii) matters concerning important rights and obligations which the

Incorporated Commodity Exchange after Entity Conversion inherited from the Member Commodity Exchange implementing Entity Conversion through entity conversion;

四 法第二百二十三条第一項の規定により組織変更をする会員商品取引所が備え置いた書面又は電磁的記録に記載又は記録がされた事項（組織変更契約の内容を除く。）

(iv) matters recorded in a written or Electromagnetic Record which the Member Commodity Exchange implementing entity conversion filed pursuant to the provisions of Article 123, paragraph (1) of the Act (excluding the contents of the entity conversion contract);

五 法第三百三十四条第一項の登記をした日

(v) the date of the registration set forth in Article 134, paragraph (1) of the Act.

(会計慣行のしん酌)

(Taking into consideration accounting practices)

第五十五条の二 次条から第五十五条の五までの規定の用語の解釈及び規定の適用に関しては、一般に公正妥当と認められる企業会計の基準その他の企業会計の慣行をしん酌しなければならない。

Article 55-2 With regard to the interpretation of the terms set forth in the following Article through Article 55-5 and the application of the provisions thereunder, generally accepted corporate accounting standards and other accounting practices shall be taken into consideration.

(組織変更後株式会社商品取引所の資本金として計上すべき額)

(The amount to be recorded as capital of an Incorporated Commodity Exchange after Entity Conversion)

第五十五条の三 法第二百二十七条に規定する主務省令で定める組織変更後株式会社商品取引所の資本金として計上すべき額は、組織変更の直前の会員商品取引所の出資金の額とする。

Article 55-3 The amount that should be included in the stated capital of an Incorporated Commodity Exchange after Entity Conversion specified by an ordinance of the competent ministry set forth in Article 127 of the Act shall be the amount of the contribution of a Member Commodity Exchange immediately prior to the entity conversion.

(組織変更の際しての計算に必要な事項)

(Matters necessary for the calculation upon entity conversion)

第五十五条の四 法第二百二十八条に規定する主務省令で定める組織変更の際しての計算に必要な事項は、次条に定めるところによる。

Article 55-4 The matters necessary for the accounting at the time of entity conversion specified by an ordinance of the competent ministry set forth in Article 128 of the Act shall be specified in the following Article.

(組織変更後株式会社商品取引所の株主資本)

(Shareholder's capital of an Incorporated Commodity Exchange after Entity Conversion)

第五十五条の五 会員商品取引所が組織変更をする場合には、当該組織変更をすることを理由にその有する資産及び負債の帳簿価額を変更することはできない。

Article 55-5 (1) In the case where a Member Commodity Exchange implements entity conversion, it may not change the book value of its assets and liabilities on the grounds of implementing said entity conversion.

2 会員商品取引所が組織変更をする場合には、組織変更後株式会社商品取引所の次の各号に掲げる額は、当該各号に定める額とする。

(2) In the case where a Member Commodity Exchange implements entity conversion, the amount of an Incorporated Commodity Exchange after Entity Conversion listed in the following items shall be the amount specified in said respective items:

一 資本準備金の額 零

(i) the amount of the capital reserve: zero;

二 その他資本剰余金の額 組織変更の直前の会員商品取引所の加入金及び資本剰余金の額の合計額

(ii) the amount of the other capital surplus: the total amount of the membership fee and capital surplus of the Member Commodity Exchange immediately prior to the entity conversion;

三 利益準備金の額 零

(iii) the amount of the profit reserve: zero;

四 その他利益剰余金の額 組織変更の直前の会員商品取引所の法定準備金及び利益剰余金の額

(iv) the amount of the other accumulated profits: the amount of the statutory capital and accumulated profits of the Member Commodity Exchange immediately prior to the entity conversion.

(組織変更時発行株式の引受けの申込みをしようとする者に対して通知すべき事項)

(Matters to be notified to a person who intends to file an application to subscribe for the shares issued upon entity conversion)

第五十五条の六 法第百三十条第一項第四号に規定する主務省令で定める事項は、次に掲げる事項とする。

Article 55-6 The matters specified by an ordinance of the competent ministry set forth in Article 130, paragraph (1), item (iv) of the Act shall be as follows:

一 組織変更後株式会社商品取引所が発行することができる株式の総数（組織変更後株式会社商品取引所が種類株式発行会社である場合にあつては、各種類の組織変更時発行株式の発行可能種類株式総数を含む。）

(i) the total number of shares which an Incorporated Commodity Exchange

- after Entity Conversion can issue (in the case where an Incorporated Commodity Exchange after Entity Conversion is a company issuing classified shares, including the total number of the respective types of classified shares that can be issued at the time of entity conversion);
- 二 組織変更後株式会社商品取引所（組織変更後株式会社商品取引所が種類株式発行会社である場合を除く。）が発行する組織変更時発行株式の内容として会社法第一百七条第一項各号に掲げる事項を定めているときは、当該株式の内容
- (ii) when the matters listed in the respective items of Article 107, paragraph (1) of the Companies Act are specified as being the contents of Shares Issued upon Entity Conversion issued by an Incorporated Commodity Exchange after Entity Conversion (excluding the case where an Incorporated Commodity Exchange after Entity Conversion is a company issuing classified shares), the contents of said shares:
- 三 組織変更後株式会社商品取引所（組織変更後株式会社商品取引所が種類株式発行会社である場合に限る。）が会社法第一百八条第一項各号に掲げる事項につき内容の異なる組織変更時発行株式を発行することとしているときは、各種類の株式の内容（ある種類の株式につき同条第三項の定款の定めがある場合において、当該定款の定めにより組織変更後株式会社商品取引所が当該種類の株式の内容を定めていないときは、当該種類の株式の内容の要綱）
- (iii) when it is determined that an Incorporated Commodity Exchange after Entity Conversion (limited to the case where an Incorporated Commodity Exchange after Entity Conversion is a company issuing classified shares) shall issue Shares Issued upon Entity Conversion with different contents with regard to the matters listed in the respective items of Article 108, paragraph (1) of the Companies Act, the contents of the respective types of shares (in the case where there are the provisions of the articles of incorporation set forth in paragraph (3) of the same Article with regard to a certain type of shares, and when the contents of said type of shares are not specified by an Incorporated Commodity Exchange after Entity Conversion pursuant to said articles of incorporation, the outline of the contents of said type of shares);
- 四 単元株式数についての定款の定めがあるときは、その単元株式数（組織変更後株式会社商品取引所が種類株式発行会社である場合にあつては、各種類の株式の単元株式数）
- (iv) when there are provisions of the articles of incorporation with regard to the shares unit, said share unit (in the case where an Incorporated Commodity Exchange after Entity Conversion is a company issuing classified shares, the share unit of each type of shares);
- 五 組織変更後株式会社商品取引所の定款に次に掲げる定めがあるときは、その規定
- (v) when the articles of incorporation of an Incorporated Commodity Exchange after Entity Conversion have the following provisions, said provisions:

- イ 会社法第百三十九条第一項、第百四十条第五項又は第百四十五条第一号若しくは第二号に規定する定款の定め
- (a) the provisions of the articles of incorporation prescribed in Article 139, paragraph (1), Article 140, paragraph (5), or Article 145, item (i) or item (ii) of the Companies Act;
- ロ 会社法第百六十四条第一項に規定する定款の定め
- (b) the provisions of the articles of incorporation prescribed in Article 164, paragraph (1) of the Companies Act;
- ハ 会社法第百六十七条第三項に規定する定款の定め
- (c) the provisions of the articles of incorporation prescribed in Article 167, paragraph (3) of the Companies Act;
- ニ 会社法第百六十八条第一項又は第百六十九条第二項に規定する定款の定め
- (d) the provisions of the articles of incorporation prescribed in Article 168, paragraph (1), or Article 169, paragraph (2) of the Companies Act;
- ホ 会社法第百七十四条に規定する定款の定め
- (e) the provisions of the articles of incorporation prescribed in Article 174 of the Companies Act;
- ヘ 会社法第三百四十七条に規定する定款の定め
- (f) the provisions of the articles of incorporation prescribed in Article 347 of the Companies Act;
- ト 会社法施行規則第二十六条第一号又は第二号に規定する定款の定め
- (g) the provisions of the articles of incorporation prescribed in Article 26, item (i) or item (ii) of the Ordinance for Enforcement of the Companies Act;
- 六 株主名簿管理人を置く旨の定款の定めがあるときは、その氏名又は名称及び住所並びに営業所
- (vi) when there are provisions of the articles of incorporation to appoint a shareholder registry administrator, the name and the address and the business office of that person;
- 七 定款に定められた事項（会社法第二百三条第一項第一号から第三号まで及び前各号に掲げる事項を除く。）であって、当該組織変更後株式会社商品取引所に対して組織変更時発行株式の引受けの申込みをしようとする者が当該者に対して通知することを請求した事項
- (vii) the matters specified by the articles of incorporation (excluding the matters listed in Article 203, paragraph (1), items (i) to (iii) inclusive of the Companies Act and in the preceding items), and whose notification was requested by a person, who seeks to file an application to subscribe for the Shares Issued upon Entity Conversion to said Incorporated Commodity Exchange after Entity Conversion.

(検査役が提供する電磁的記録)

(Electromagnetic Record provided by an inspector)

第五十五条の七 法第百三十一条の六において読み替えて準用する会社法第二百七条第四項に規定する主務省令で定めるものは、商業登記規則（昭和三十九年法務省令第二十三号）第三十六条第一項各号のいずれかに該当する構造の磁気ディスク（電磁的記録に限る。）及び同項により電磁的記録の提供を受ける者が定める電磁的記録とする。

Article 55-7 A magnetic disk with a structure falling under any of the items of Article 36, paragraph (1) of the Ordinance for Commercial Registration (Ordinance of the Ministry of Justice No. 23 of 1964) (limited to Electromagnetic Records) and an Electromagnetic Record specified by a receiver thereof pursuant to the provisions of the same paragraph shall be the documents or Electromagnetic Records specified by an ordinance of the competent ministry set forth in Article 207, paragraph (4) of the Companies Act as applied mutatis mutandis by replacing the terms pursuant to Article 131-6 of the Act.

（検査役による電磁的記録に記録された事項の提供）

（Provision of matters recorded in an Electromagnetic Record by an inspector）

第五十五条の八 法第百三十一条の六において読み替えて準用する会社法第二百七条第六項に規定する主務省令で定める方法は、電磁的方法のうち、同項により同項の電磁的記録に記録された事項の提供を受ける者が定めるものとする。

Article 55-8 The method specified by an ordinance of the competent ministry set forth in Article 207, paragraph (6) of the Companies Act as applied mutatis mutandis by replacing the terms pursuant to Article 131-6 of the Act shall be an Electromagnetic Means specified by a receiver of the matters recorded in an Electromagnetic Record set forth in the same paragraph, pursuant to the provisions of the same paragraph.

（検査役の調査を要しない市場価格のある有価証券）

（Securities that have the market price not requiring an investigation by an inspector）

第五十五条の九 法第百三十一条の六において読み替えて準用する会社法第二百七条第九項第三号に規定する主務省令で定める方法は、次に掲げる額のうちいずれか高い額をもって同号に規定する有価証券の価格とする方法とする。

Article 55-9 The method specified by an ordinance of the competent ministry set forth in Article 207, paragraph (9), item (iii) of the Companies Act as applied mutatis mutandis by replacing the terms pursuant to Article 131-6 of the Act shall be the method deemed to be the higher of the following amounts as the price of Securities prescribed in the same item:

- 一 会社法第百九十九条第一項第三号の価額を定めた日（以下この条において「価額決定日」という。）における当該有価証券を取引する市場における最終の価格（当該価額決定日に売買取引がない場合又は当該価額決定日が当該市場の休業日に当たる場合にあっては、その後最初になされた売買取引の成立価格）

- (i) the final price on the market where said Securities are traded on the day when the value set forth in Article 199, paragraph (1), item (iii) of the Companies Act was determined (hereinafter referred to as the "Value Determination Day" in this Article) (in the case where there are no buying and selling transactions on the Value Determination Day or the Value Determination Day falls on a holiday of said market, the first concluded price of the next buying and selling transactions);
- 二 価額決定日において当該有価証券が公開買付け等（金融商品取引法第二十七条の二第六項（同法第二十七条の二十二の二第二項において準用する場合を含む。）に規定する公開買付け及びこれに相当する外国の法令に基づく制度をいう。以下この号及び第六十条の二において同じ。）の対象であるときは、当該価額決定日における当該公開買付け等に係る契約における当該有価証券の価格
- (ii) when said Securities are subject to Tender Offer, etc. (which means the Tender Offer prescribed in Article 27-2, paragraph (6) of the Financial Instruments and Exchange Act (including cases where it is applied mutatis mutandis pursuant to Article 27-22-2, paragraph (2) of the same Act) and any equivalent system based on laws and regulations in a foreign state; hereinafter the same shall apply in this item and Article 60-2) as on the Value Determination Day, the price of said Securities at the time of drawing up a contract pertaining to said Tender Offer, etc. as on said Value Determination Day.

第五十五条の十 法第百三十一条の六において読み替えて準用する会社法第二百十三条第一項第二号に規定する主務省令で定めるものは、次に掲げる者とする。

Article 55-10 The person specified by an ordinance of the competent ministry set forth in Article 213, paragraph (1), item (ii) of the Companies Act as applied mutatis mutandis by replacing the terms pursuant to Article 131-6 of the Act shall be as follows:

- 一 株主総会に法第二百七条第一項に規定する現物出資財産の価額の決定に関する議案を提案した取締役
- (i) a director who proposed a bill concerning the determination of the values of Contributed Assets prescribed in Article 207, paragraph (1) of the Act to a general meeting of shareholders;
- 二 前号の議案の提案の決定に同意した取締役（取締役会設置会社の取締役を除く。）
- (ii) a director who agreed to the decision on a proposed bill set forth in the preceding item (excluding a director of a company with board of directors);
- 三 第一号の議案の提案が取締役の決議に基づいて行われたときは、当該取締役会の決議に賛成した取締役
- (iii) when a bill set forth in item (i) was proposed based on the resolution of a board of directors, a director who agreed to said resolution of the board of

directors.

(組織変更認可の申請書の添付書類)

(Attached documents to an application for approval of entity conversion)

第五十六条 法第百三十二条第三項の主務省令で定める書面は、次に掲げる書面（官公署が証明する書面の場合には、認可の申請の日前三月以内に作成されたものに限る。）とする。

Article 56 The documents specified by an ordinance of the competent ministry set forth in Article 132, paragraph (3) of the Act shall be as follows (in the case of certifications issued by a public agency, limited to documents prepared within three months prior to the date of filing the application):

一 組織変更の理由及び内容を記載した書面

(i) a document containing the reasons for and contents of entity conversion;

二 次に掲げる場合に応じ、それぞれ次に定める書面

(ii) a document specified as follows corresponding to each case:

イ 組織変更後株式会社商品取引所の役員が外国人である場合 当該役員の住民票の写し等、履歴書及びその者が法第十五条第二項第一号イからルまでのいずれにも該当しないことを誓約する書面

(a) in the case where an officer of an Incorporated Commodity Exchange after Entity Conversion is a foreign national: a Copy of the Residence Certificate, etc. of said officer, the curriculum vitae, and a sworn, written statement by that person that such person does not fall under any of the provisions of Article 15, paragraph (2), item (i) (a) to (k) of the Act;

ロ 組織変更後株式会社商品取引所の役員が法人である場合 当該役員の登記事項証明書、沿革を記載した書面及び法第十五条第二項第一号ロに該当しないことを誓約する書面

(b) in the case where an officer of an Incorporated Commodity Exchange after Entity Conversion is a juridical person: a certificate of the registered matters of said officer, a document containing the history thereof, and a sworn, written statement by that person that such person does not fall under the provisions of Article 15, paragraph (2), item (i) (l) of the Act;

ハ 組織変更後株式会社商品取引所の役員が外国人又は法人でない場合 当該役員の住民票の写し等、履歴書、その者が法第十五条第二項第一号イ及びロに該当しない旨の官公署の証明書並びにその者が同号ハからルまでのいずれにも該当しないことを誓約する書面

(c) in the case where an officer of an Incorporated Commodity Exchange after Entity Conversion is neither a foreign national nor a juridical person: a Copy of the Residence Certificate, etc. of said officer, the curriculum vitae, a certificate of a public agency that such person does not fall under the provisions of Article 15, paragraph (2), item (i) (a) or (b) of the Act, and a sworn, written statement by that person that such person does not fall

- under any of the provisions of (c) to (k) of the same item;
- 三 組織変更計画を承認した会員総会の議事録
 (iii) minutes of a general meeting of the members which approved the entity conversion plan;
- 四 直前事業年度の決算関係書類等
 (iv) Settlement Related Documents, etc. for the most recent business year;
- 五 現に存する純資産額を証する書面
 (v) a document proving the amount of the existing net assets;
- 六 法第二百二十九条第一項の規定により組織変更時発行株式を発行するときは、次に掲げる書面
 (vi) when issuing Shares Issued upon Entity Conversion pursuant to the provisions of Article 129, paragraph (1) of the Act, the following documents:
- イ 組織変更時発行株式の引受けの申込みを証する書面
 (a) a document proving an application to subscribe for the Shares Issued upon Entity Conversion;
- ロ 金銭を出資の目的とするときは、法第三百十一条の三第一項の規定による払込みがあったことを証する書面
 (b) when making money the object of the contribution, a document stating that payment was made pursuant to the provisions of Article 131-3, paragraph (1) of the Act;
- ハ 金銭以外の財産を出資の目的とするときは、次に掲げる書面
 (c) when making property other than money the object of the contribution, the following documents:
- (1) 検査役が選任されたときは、検査役の調査報告を記載した書面及びその附属書類
 1. when an inspector has been appointed: a document containing the investigation report by said inspector and its annexed documents;
- (2) 法第三百十一条の六において準用する会社法第二百七条第九項第三号に掲げる場合には、有価証券の市場価格を証する書面
 2. in the case set forth in Article 207, paragraph (9), item (iii) of the Companies Act as applied mutatis mutandis pursuant to Article 131-6 of the Act: a document proving the market price of the Securities;
- (3) 法第三百十一条の六において準用する会社法第二百七条第九項第四号に掲げる場合には、同号に規定する証明を記載した書面及びその附属書類
 3. in the case set forth in Article 207, paragraph (9), item (iv) of the Companies Act as applied mutatis mutandis pursuant to Article 131-6 of the Act: a document containing the certification prescribed in the same item and its annexed documents;
- (4) 法第三百十一条の六において準用する会社法第二百七条第九項第五号に掲げる場合には、同号の金銭債権について記載された会計帳簿
 4. in the case set forth in Article 207, paragraph (9), item (v) of the

Companies Act as applied mutatis mutandis pursuant to Article 131-6 of the Act: the accounting books stating the monetary claim set forth in the same item;

ニ 検査役の報告に関する裁判があったときは、その謄本

(d) when there has been a court judgment on a report by an inspector: a transcript of said judgment;

七 法第二百二十四条第二項の規定による公告及び催告をしたこと並びに異議を述べた債権者があるときは、当該債権者に対し弁済し若しく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相当の財産を信託したこと又は当該組織変更をしても当該債権者を害するおそれがないことを証する書面

(vii) a document that states that a public notice or a notification under Article 124, paragraph (2) of the Act has been given; and when a creditor has made an objection, documents that state that the liabilities have been repaid or a reasonable collateral has been provided to said creditor or reasonable property has been deposited in trust for the purpose of repaying the liabilities to said creditor, or that said entity conversion is not likely to harm said creditor;

八 商品取引所の業務に関する知識及び経験を有する従業員の確保の状況並びに当該従業員の配置の状況を記載した書類

(viii) a document stating the status of securing employees who have the knowledge and experience pertaining to the business of a Commodity Exchange and the status of the assignment of such employees;

九 主要な株主の氏名、住所又は居所、国籍及び職業（株主が法人その他の団体である場合には、その商号又は名称、本店又は主たる事務所の所在の場所及び営んでいる事業の内容）並びに保有する議決権の数を記載した書面

(ix) a document that contains major shareholders' names, addresses or residences, nationalities and occupations (in the case where a shareholder is a juridical person or other organization, its trade name or name, the location of its head office or principal office, and the contents of its business), and the number of voting rights they hold.

(会員商品取引所と会員商品取引所との吸収合併契約事項)

(Contract details of Absorption-Type Merger between Member Commodity Exchanges)

第五十六条の二 法第四百十条第三号の主務省令で定める事項は、次に掲げるものとする。

Article 56-2 The matters specified by an ordinance of the competent ministry set forth in Article 140, item (iii) of the Act shall be as follows:

一 吸収合併消滅会員商品取引所の会員が吸収合併に際して吸収合併存続会員商品取引所の会員となるときは、当該吸収合併消滅会員商品取引所の会員に対して割り当てるその持分に代わる当該吸収合併存続会員商品取引所の出資の口数又はその口数

の算定方法並びに当該吸収合併存続会員商品取引所の出資金、加入金及び損失てん補準備金の額に関する事項

(i) when a member of a Member Commodity Exchange Dissolved in an Absorption-Type Merger becomes a member of a Member Commodity Exchange Surviving an Absorption-Type Merger in Absorption-Type Merger, the matters concerning the number of units of the contribution of said Member Commodity Exchange Surviving an Absorption-Type Merger which substitutes the equity interests allotted to a member of said Member Commodity Exchange Dissolved in an Absorption-Type Merger or its calculation method, and the amount of the contribution, membership fee, and loss compensation reserve of said Member Commodity Exchange Surviving an Absorption-Type Merger;

二 吸収合併存続会員商品取引所が吸収合併に際して吸収合併消滅会員商品取引所の会員に対してその持分に代わる金銭を交付するときは、その当該金銭の額又はその算定方法

(ii) when a Member Commodity Exchange Surviving an Absorption-Type Merger issues money to a member of a Member Commodity Exchange Dissolved in an Absorption-Type Merger in lieu of his/her equity interests upon an Absorption-Type Merger, the amount of said money or its calculation method;

三 前二号に規定する場合には、吸収合併消滅会員商品取引所の会員に対する第一号の出資及び前号の金銭の割当てに関する事項

(iii) in the cases prescribed in the preceding two items, the matters concerning the contribution set forth in item (i) to a member of a Member Commodity Exchange Dissolved in an Absorption-Type Merger and the allocation of money set forth in the preceding item.

(会員商品取引所と会員商品取引所との新設合併契約事項)

(Contract details of Incorporation-Type Merger between Member Commodity Exchanges)

第五十七条 法第百四十一条第五号の主務省令で定める事項は、次に掲げるものとする。

Article 57 The matters specified by an ordinance of the competent ministry set forth in Article 141, item (v) of the Act shall be as follows:

一 新設合併設立会員商品取引所が新設合併に際して新設合併消滅会員商品取引所の会員に対して割り当てるその持分に代わる当該新設合併設立会員商品取引所の出資の口数又はその口数の算定方法並びに当該新設合併設立会員商品取引所の出資金、加入金及び損失てん補準備金の額に関する事項

(i) matters concerning the number of units of the contribution of a Member Commodity Exchange Established by a Consolidation-Type Merger which substitutes the equity interest that said Member Commodity Exchange Established by a Consolidation-Type Merger allots to a member of a Member

Commodity Exchange Dissolved in a Consolidation-Type Merger upon a Consolidation-Type Merger or its calculation method, and the amount of the contribution, membership fee, and loss compensation reserve of said Member Commodity Exchange Established by a Consolidation-Type Merger;

二 新設合併消滅会員商品取引所の会員に対する前号の出資の割当てに関する事項
(ii) matters concerning the allocation of the contribution set forth in the preceding item to a member of a Member Commodity Exchange Dissolved in a Consolidation-Type Merger;

三 新設合併消滅会員商品取引所の会員に対して支払う金銭を定めたときは、その当該金銭の額

(iii) when the amount of the money to be paid to a member of a Member Commodity Exchange Dissolved in a Consolidation-Type Merger is determined, said amount of money.

(吸収合併消滅会員商品取引所の事前開示事項)

(Matters to be disclosed in advance by a Member Commodity Exchange Dissolved in an Absorption-Type Merger)

第五十八条 法第百四十四条第一項の主務省令で定める事項は、吸収合併存続商品取引所が会員商品取引所である場合にあっては、次に掲げる事項とする。

Article 58 The matters specified by an ordinance of the competent ministry set forth in Article 144, paragraph (1) of the Act shall be as follows, in the case where a Member Commodity Exchange Surviving an Absorption-Type Merger is a Member Commodity Exchange:

一 第五十六条の二各号に掲げる事項についての定め（当該定めがない場合にあっては、当該定めがないこと）の相当性に関する事項

(i) matters concerning the appropriateness of the provisions on matters listed in the respective items of Article 56-2 (in the case where there are no such provisions, the fact thereof);

二 吸収合併存続会員商品取引所についての次に掲げる事項

(ii) the following matters concerning the Member Commodity Exchange Surviving an Absorption-Type Merger:

イ 最終事業年度（会員商品取引所にあっては各事業年度に係る法第六十六条第一項に規定する決算関係書類等につき法第六十八条の承認を受けた場合における当該各事業年度のうち最も遅いものとし、株式会社商品取引所にあっては会社法第二条第二十四号に規定する最終事業年度とする。以下同じ。）に係る財産目録、貸借対照表及び当該貸借対照表とともに作成された損益計算書の内容

(a) an inventory of property and a balance sheet pertaining to the final business year (for a Member Commodity Exchange, the final business year in the case where approval under Article 68 of the Act was received for Settlement Related Documents, etc. prescribed in Article 66, paragraph (1) of the Act pertaining to the respective business years, and for an

Incorporated Commodity Exchange, the final business year prescribed in Article 2, item (xxiv) of the Companies Act; the same shall apply hereinafter), and the contents of a profit and loss statement prepared along with said balance sheet;

ロ 最終事業年度の末日（最終事業年度がない場合にあつては、吸収合併存続会員商品取引所の成立の日）後に重要な財産の処分、重大な債務の負担その他の当該吸収合併存続会員商品取引所の財産の状況に重要な影響を与える事象が生じたときは、その内容（法第百四十四条第四項の会員総会の日の日前の日後吸収合併の効力が生ずる日までの間に新たな最終事業年度が存することとなる場合にあつては、当該新たな最終事業年度の末日後に生じた事象の内容に限る。）

(b) when there has occurred an event that has a significant influence on the status of the property of the Member Commodity Exchange Surviving an Absorption-Type Merger, such as the disposition of important property and the sharing of significant liabilities after the last day of the final business year (in the case where the final business year does not exist, the day of the establishment of said Member Commodity Exchange Surviving an Absorption-Type Merger), the contents thereof (in the case where a new final business year emerges during the period between 10 days prior to a general meeting of members set forth in Article 144, paragraph (4) of the Act and the day when the Absorption-Type Merger came into effect, limited to the contents of an event which occurred after the last day of said new final business year);

三 吸収合併消滅会員商品取引所（法第七十七条第一項において準用する会社法第四百七十五条（第一号及び第三号を除く。）の規定により清算をする会員商品取引所（以下「清算会員商品取引所」という。）を除く。）において最終事業年度の末日（最終事業年度がない場合にあつては、吸収合併消滅会員商品取引所の成立の日）後に重要な財産の処分、重大な債務の負担その他の当該吸収合併消滅会員商品取引所の財産の状況に重要な影響を与える事象が生じたときは、その内容（法第百四十四条第四項の会員総会の日の日前の日後吸収合併の効力が生ずる日までの間に新たな最終事業年度が存することとなる場合にあつては、当該新たな最終事業年度の末日後に生じた事象の内容に限る。）

(iii) when there has occurred an event that has a significant influence on the status of the property of the Member Commodity Exchange Dissolved in an Absorption-Type Merger, such as the disposition of important property and the share of significant liabilities after the last day of the final business year (in the case where the final business year does not exist, the day of the establishment of said Member Commodity Exchange Dissolved in an Absorption-Type Merger) at said Member Commodity Exchange Dissolved in an Absorption-Type Merger (excluding Member Commodity Exchanges which is to be liquidated pursuant to the provisions of Article 475 (excluding item (i) and item (iii)) of the Companies Act as applied mutatis mutandis pursuant

to Article 77, paragraph (1) of the Act) (hereinafter such Member Commodity Exchange shall be referred to as a "Liquidating Member Commodity Exchange"), the contents thereof (in the case where a new final business year emerges during the period between 10 days prior to a general meeting of members set forth in Article 144, paragraph (4) of the Act and the day when the Absorption-Type Merger came into effect, limited to the contents of an event which occurred after the last day of said new final business year);

四 吸収合併が効力を生ずる日以後における吸収合併存続会員商品取引所の債務（法第百四十四条第五項において準用する法第二百二十四条第一項の規定により吸収合併について異議を述べることができる債権者に対して負担する債務に限る。）の履行の見込みに関する事項

(iv) matters concerning estimates of the performance of liabilities (limited to liabilities to be borne for creditors who may state objections against the Absorption-Type Merger pursuant to the provisions of Article 124, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 144, paragraph (5) of the Act) of the Member Commodity Exchange Surviving an Absorption-Type Merger on and after the day when the Absorption-Type Merger came into effect;

五 法第百四十四条第四項の会員総会の日の十日前の日後、前各号に掲げる事項に変更が生じたときは、変更後の当該事項

(v) when there have been changes to the matters listed in the preceding items after 10 days prior to a general meeting of members set forth in Article 144, paragraph (4) of the Act, said new matters.

(吸収合併消滅会員商品取引所の事前開示事項)

(Matters to be disclosed in advance by a Member Commodity Exchange Dissolved in an Absorption-Type Merger)

第五十九条 法第百四十四条第一項の主務省令で定める事項は、吸収合併存続商品取引所が株式会社商品取引所である場合にあっては、次に掲げる事項とする。

Article 59 The matters specified by an ordinance of the competent ministry set forth in Article 144, paragraph (1) of the Act shall be as follows in the case where a Member Commodity Exchange Dissolved in an Absorption-Type Merger is an Incorporated Commodity Exchange:

一 法第百四十二条第二号及び三号に掲げる事項についての定め（当該定めがない場合にあっては、当該定めがないこと）の相当性に関する事項

(i) matters concerning the appropriateness of the provisions on matters listed in item (ii) and item (iii) of Article 142 of the Act (in the case where there are no such provisions, the fact thereof);

二 吸収合併消滅会員商品取引所の会員に対して交付する株式等（法第百四十二条第二号に規定する株式等をいう。以下同じ。）の全部又は一部が吸収合併存続株式会社商品取引所の株式であるときは、当該吸収合併存続株式会社商品取引所の定款の

定め

(ii) when the whole or part of the Shares, etc. (which means Shares, etc. prescribed in Article 142, item (ii) of the Act; the same shall apply hereinafter) issued for a member of the Member Commodity Exchange Dissolved in an Absorption-Type Merger are shares of the Member Commodity Exchange Surviving an Absorption-Type Merger, the provisions of the articles of incorporation of said Member Commodity Exchange Surviving an Absorption-Type Merger;

三 吸収合併存続株式会社商品取引所についての次に掲げる事項

(iii) the following matters concerning the Member Commodity Exchange Surviving an Absorption-Type Merger:

イ 最終事業年度に係る計算書類等の内容（最終事業年度がない場合にあつては、吸収合併存続株式会社商品取引所の成立の日における貸借対照表の内容）

(a) the contents of Financial Statements, etc. pertaining to the final business year (in the case where the final business year does not exist, the contents of a balance sheet as on the day of the establishment of the Member Commodity Exchange Surviving an Absorption-Type Merger);

ロ 最終事業年度の末日（最終事業年度がない場合にあつては、吸収合併存続株式会社商品取引所の成立の日。ハにおいて同じ。）後の日を臨時決算日（会社法第四百四十一条第一項に規定する臨時決算日をいう。以下同じ。）（二以上の臨時決算日がある場合にあつては、最も遅いもの）とする臨時計算書類等（会社法施行規則第二条第三項第十三号の臨時計算書類等をいう。以下同じ。）があるときは、当該臨時計算書類等の内容

(b) when there are Temporary Financial Statements, etc. (which means Temporary Financial Statements, etc. set forth in Article 2, paragraph (3), item (xiii) of the Ordinance for Enforcement of the Companies Act; the same shall apply hereinafter) as deeming a day after the last day of the final business year (in the case where the final business year does not exist, the day of the establishment of said Member Commodity Exchange Surviving an Absorption-Type Merger; the same shall apply in (c)) as an Temporary Account Closing Day (which means an extraordinary closing day prescribed in Article 441, paragraph (1) of the Companies Act; the same shall apply hereinafter) (in the case where there are two or more Temporary Account Closing Days, the last one), the contents of said Temporary Financial Statements, etc.;

ハ 最終事業年度の末日後に重要な財産の処分、重大な債務の負担その他の当該吸収合併存続株式会社商品取引所の財産の状況に重要な影響を与える事象が生じたときは、その内容（法第四百四十四条第四項の会員総会の日の日前の日後吸収合併の効力が生ずる日までの間に新たな最終事業年度が存することとなる場合にあつては、当該新たな最終事業年度の末日後に生じた事象の内容に限る。）

(c) when there has occurred an event that has a significant influence on the

status of the property of the Member Commodity Exchange Surviving an Absorption-Type Merger, such as the disposition of important property and the share of significant liabilities after the last day of the final business year, the contents thereof (in the case where a new final business year emerges during the period between 10 days prior to a general meeting of members set forth in Article 144, paragraph (4) of the Act and the day when the Absorption-Type Merger came into effect, limited to the contents of an event which occurred after the last day of said new final business year);

四 吸収合併消滅会員商品取引所（清算会員商品取引所を除く。）において最終事業年度の末日（最終事業年度がない場合にあつては、吸収合併消滅会員商品取引所の成立の日）後に重要な財産の処分、重大な債務の負担その他の当該吸収合併消滅会員商品取引所の財産の状況に重要な影響を与える事象が生じたときは、その内容（法第百四十四条第四項の会員総会の日の日前十日間の日後吸収合併の効力が生ずる日までの間に新たな最終事業年度が存することとなる場合にあつては、当該新たな最終事業年度の末日後に生じた事象の内容に限る。）

(iv) when there has occurred an event that has a significant influence on the status of the property of the Member Commodity Exchange Dissolved in an Absorption-Type Merger, such as the disposition of important property and the share of significant liabilities after the last day of the final business year (in the case where the final business year does not exist, the day of the establishment of said Member Commodity Exchange Dissolved in an Absorption-Type Merger) at said Member Commodity Exchange Dissolved in an Absorption-Type Merger (excluding Liquidating Member Commodity Exchanges), the contents thereof (in the case where a new final business year emerges during the period between 10 days prior to a general meeting of members set forth in Article 144, paragraph (4) of the Act and the day when the Absorption-Type Merger came into effect, limited to the contents of an event which occurred after the last day of said new final business year);

五 吸収合併が効力を生ずる日以後における吸収合併存続株式会社商品取引所の債務（法第百四十四条第五項において準用する法第二百二十四条第一項の規定により吸収合併について異議を述べることができる債権者に対して負担する債務に限る。）の履行の見込みの有無に関する事項

(v) matters concerning estimates of the performance of liabilities (limited to liabilities to be borne for creditors who may state objections against the Absorption-Type Merger pursuant to the provisions of Article 124, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 144, paragraph (5) of the Act) of the Member Commodity Exchange Surviving an Absorption-Type Merger on and after the day when the Absorption-Type Merger came into effect;

六 法第百四十四条第四項の会員総会の日の日前十日間の日後、前各号に掲げる事項に変

更が生じたときは、変更後の当該事項

(vi) when there were changes to the matters listed in the preceding items after 10 days prior to a general meeting of members set forth in Article 144, paragraph (4) of the Act, said new matters.

(吸収合併存続会員商品取引所の事前開示事項)

(Matters to be disclosed in advance by a Member Commodity Exchange Surviving an Absorption-Type Merger)

第五十九条の二 法第百四十四条の二第一項の主務省令で定める事項は、次に掲げるものとする。

Article 59-2 The matters specified by an ordinance of the competent ministry set forth in Article 144-2 paragraph (1) of the Act shall be as follows:

一 第五十六条の二各号に掲げる事項についての定め（当該定めがない場合にあっては、当該定めがないこと）の相当性に関する事項

(i) matters concerning the appropriateness of the provisions on matters listed in the respective items of Article 56-2 (in the case where there are no such provisions, the fact thereof);

二 吸収合併消滅会員商品取引所（清算会員商品取引所を除く。）についての次に掲げる事項

(ii) the following matters concerning the Member Commodity Exchange Dissolved in an Absorption-Type Merger (excluding Liquidating Member Commodity Exchanges):

イ 最終事業年度に係る財産目録、貸借対照表及び当該貸借対照表とともに作成された損益計算書の内容

(a) an inventory of property and a balance sheet pertaining to the final business year and the contents of a profit and loss statement prepared along with said balance sheet;

ロ 最終事業年度の末日（最終事業年度がない場合にあっては、吸収合併消滅会員商品取引所の成立の日。第四号において同じ。）後に重要な財産の処分、重大な債務の負担その他の当該吸収合併消滅会員商品取引所の財産の状況に重要な影響を与える事象が生じたときは、その内容（法第百四十四条の二第二項の会員総会の日の日前十日間の日後吸収合併の効力が生じた日までの間に新たな最終事業年度が存することとなる場合にあっては、当該新たな最終事業年度の末日後に生じた事象の内容に限る。）

(b) when there has occurred an event that has a significant influence on the status of the property of the Member Commodity Exchange Dissolved in an Absorption-Type Merger, such as the disposition of important property and the share of significant liabilities after the last day of the final business year (in the case where the final business year does not exist, the day of the establishment of said Member Commodity Exchange Dissolved in an Absorption-Type Merger; the same shall apply in item (iv)), the contents

thereof (in the case where a new final business year emerges during the period between 10 days prior to a general meeting of members set forth in Article 144-2, paragraph (2) of the Act and the day when the Absorption-Type Merger came into effect, limited to the contents of an event which occurred after the last day of said new final business year);

三 吸収合併消滅会員商品取引所（清算会員商品取引所に限る。）が法第七十七条第一項において準用する会社法第四百九十二条第一項の規定により作成した貸借対照表

(iii) a balance sheet which the Member Commodity Exchange Dissolved in an Absorption-Type Merger (limited to a Liquidating Member Commodity Exchange) prepared pursuant to the provisions of Article 492, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 77, paragraph (1) of the Act;

四 吸収合併存続会員商品取引所において最終事業年度の末日（最終事業年度がない場合にあつては、吸収合併存続会員商品取引所の成立の日）後に重要な財産の処分、重大な債務の負担その他の当該吸収合併存続会員商品取引所の財産の状況に重要な影響を与える事象が生じたときは、その内容（法第百四十四条の二第二項の会員総会の日の十日前の日後吸収合併の効力が生じた日までの間に新たな最終事業年度が存することとなる場合にあつては、当該新たな最終事業年度の末日後に生じた事象の内容に限る。）

(iv) when there has occurred an event that has a significant influence on the status of the property of the Member Commodity Exchange Surviving an Absorption-Type Merger, such as the disposition of important property and the share of significant liabilities after the last day of the final business year (in the case where the final business year does not exist, the day of the establishment of said Member Commodity Exchange Surviving an Absorption-Type Merger) at said Member Commodity Exchange Surviving an Absorption-Type Merger, the contents thereof (in the case where a new final business year emerges during the period between 10 days prior to a general meeting of members set forth in Article 144-2, paragraph (2) of the Act and the day when the Absorption-Type Merger came into effect, limited to the contents of an event which occurred after the last day of said new final business year);

五 吸収合併が効力を生じた日以後における吸収合併存続会員商品取引所の債務（法第百四十四条の二第三項において準用する法第百二十四条第一項の規定により吸収合併について異議を述べることができる債権者に対して負担する債務に限る。）の履行の見込みに関する事項

(v) matters concerning estimates of the performance of liabilities (limited to liabilities to be borne for creditors who may state objections against the Absorption-Type Merger pursuant to the provisions of Article 124, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 144-2,

paragraph (3) of the Act) of the Member Commodity Exchange Surviving an Absorption-Type Merger on and after the day when the Absorption-Type Merger came into effect;

六 法第百四十四条の二第二項の会員総会の日の日前の日後吸収合併の効力が生じた日までの間に、前各号に掲げる事項に変更が生じたときは、変更後の当該事項
(vi) when changes have taken place to the matters listed in the preceding items during the period between 10 days prior to a general meeting of members set forth in Article 144-2, paragraph (2) of the Act and the day when the Absorption-Type Merger came into effect, said new matters.

(吸収合併存続会員商品取引所の事後開示事項)

(Matters to be disclosed after the fact by a Member Commodity Exchange Surviving an Absorption-Type Merger)

第五十九条の三 法第百四十四条の二第四項の主務省令で定める事項は、次に掲げるものとする。

Article 59-3 The matters specified by an ordinance of the competent ministry set forth in Article 144-2, paragraph (4) of the Act shall be as follows:

一 吸収合併の効力が生じた日

(i) the date on which the Absorption-Type Merger came into effect;

二 吸収合併消滅会員商品取引所における法第百四十四条第五項において準用する法第百二十四条の規定による手続の経過

(ii) the process for the procedures taken by the Member Commodity Exchange Dissolved in an Absorption-Type Merger pursuant to the provisions of Article 124 of the Act as applied mutatis mutandis pursuant to Article 144, paragraph (5) of the Act;

三 吸収合併存続会員商品取引所における法第百四十四条の二第三項において準用する法第百二十四条の規定による手続の経過

(iii) the process for the procedures taken by the Member Commodity Exchange Surviving an Absorption-Type Merger pursuant to the provisions of Article 124 of the Act as applied mutatis mutandis pursuant to Article 144-2, paragraph (3) of the Act;

四 吸収合併により吸収合併存続会員商品取引所が吸収合併消滅会員商品取引所から承継した重要な権利義務に関する事項

(iv) matters concerning important rights and obligations which the Member Commodity Exchange Surviving an Absorption-Type Merger inherited from the Member Commodity Exchange Dissolved in an Absorption-Type Merger through an Absorption-Type Merger;

五 法第百四十四条第一項の規定により吸収合併消滅会員商品取引所が備え置いた書面又は電磁的記録に記載又は記録がされた事項（吸収合併契約の内容を除く。）

(v) matters recorded in a written or Electromagnetic Record which the Member Commodity Exchange Dissolved in an Absorption-Type Merger filed pursuant

to the provisions of Article 144, paragraph (1) of the Act (excluding the contents of the Absorption-Type Merger contract);

六 法第百四十七条第一項の変更の登記をした日

(vi) the date of the registration of the change set forth in Article 147, paragraph (1) of the Act;

七 前各号に掲げるもののほか、吸収合併に関する重要な事項

(vii) in addition to that listed in the preceding items, important matters concerning the Absorption-Type Merger.

(新設合併消滅会員商品取引所の事前開示事項)

(Matters to be disclosed in advance by a Member Commodity Exchange Dissolved in a Consolidation-Type Merger)

第五十九条の四 法第百四十四条の三第一項の主務省令で定める事項は、新設合併設立商品取引所が会員商品取引所である場合にあっては、次に掲げる事項とする。

Article 59-4 The matters specified by an ordinance of the competent ministry set forth in Article 144-3, paragraph (1) of the Act shall be as follows in the case where a Member Commodity Exchange Established by a Consolidation-Type Merger is a Member Commodity Exchange:

一 第五十七条各号に掲げる事項についての定め相当性に関する事項

(i) matters concerning the appropriateness of the provisions on matters listed in respective items of Article 57;

二 他の新設合併消滅会員商品取引所（清算会員商品取引所を除く。以下この号において同じ。）についての次に掲げる事項

(ii) the following matters concerning another Member Commodity Exchange Dissolved in a Consolidation-Type Merger (excluding Liquidating Member Commodity Exchanges; the same shall apply in this item):

イ 最終事業年度に係る財産目録、貸借対照表及び当該貸借対照表とともに作成された損益計算書の内容

(a) an inventory of property and a balance sheet pertaining to the final business year and the contents of a profit and loss statement prepared along with said balance sheet;

ロ 他の新設合併消滅会員商品取引所において最終事業年度の末日（最終事業年度がない場合にあっては、他の新設合併消滅会員商品取引所の成立の日）後に重要な財産の処分、重大な債務の負担その他の当該他の新設合併消滅会員商品取引所の財産の状況に重要な影響を与える事象が生じたときは、その内容（法第百四十四条の三第四項の会員総会の日の日十日前の日後新設合併設立会員商品取引所の成立の日までの間に新たな最終事業年度が存することとなる場合にあっては、当該新たな最終事業年度の末日後に生じた事業の内容に限る。）

(b) when there has occurred an event that has a significant influence on the status of the property of another Member Commodity Exchange Dissolved in a Consolidation-Type Merger, such as the disposition of important

property and the share of significant liabilities after the last day of the final business year (in the case where the final business year does not exist, the day of the establishment of said other Member Commodity Exchange Dissolved in a Consolidation-Type Merger) at said other Member Commodity Exchange Dissolved in a Consolidation-Type Merger, the contents thereof (in the case where a new final business year emerges during the period between 10 days prior to a general meeting of members set forth in Article 144-3, paragraph (4) of the Act and the day of the establishment of the Member Commodity Exchange Established by a Consolidation-Type Merger, limited to the contents of an event which occurred after the last day of said new final business year);

三 他の新設合併消滅会員商品取引所（清算会員商品取引所に限る。）が法第七十七条第一項において準用する会社法第四百九十二条第一項の規定により作成した貸借対照表

(iii) a balance sheet which another Member Commodity Exchange Dissolved in a Consolidation-Type Merger (limited to a Liquidating Member Commodity Exchange) has prepared pursuant to the provisions of Article 492, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 77, paragraph (1) of the Act;

四 当該新設合併消滅会員商品取引所（清算会員商品取引所を除く。以下この号において同じ。）において最終事業年度の末日（最終事業年度がない場合にあつては、当該新設合併消滅会員商品取引所の成立の日）後に重要な財産の処分、重大な債務の負担その他の当該新設合併消滅会員商品取引所の財産の状況に重要な影響を与える事象が生じたときは、その内容（法第百四十四条の三第四項の会員総会の日の日前十日間の日後新設合併設立会員商品取引所の成立の日までの間に新たな最終事業年度が存することとなる場合にあつては、当該新たな最終事業年度の末日後に生じた事象の内容に限る。）

(iv) when there has occurred an event that has a significant influence on the status of the property of another Member Commodity Exchange Dissolved in a Consolidation-Type Merger, such as the disposition of important property and the share of significant liabilities after the last day of the final business year (in the case where the final business year does not exist, the day of the establishment of said Member Commodity Exchange Dissolved in a Consolidation-Type Merger) at said Member Commodity Exchange Dissolved in a Consolidation-Type Merger (excluding Liquidating Member Commodity Exchanges; hereinafter the same shall apply in this item), the contents thereof (in the case where a new final business year emerges during the period between 10 days prior to a general meeting of members set forth in Article 144-3, paragraph (4) of the Act and the day of the establishment of the Member Commodity Exchange Established by a Consolidation-Type Merger, limited to the contents of an event which occurred after the last day

of said new final business year);

五 新設合併設立会員商品取引所の成立の日以後における当該新設合併設立会員商品取引所の債務（他の新設合併消滅会員商品取引所から承継する債務を除く。）の履行の見込みに関する事項

(v) matters concerning estimates of the performance of liabilities (excluding liabilities inherited from another Member Commodity Exchange Dissolved in a Consolidation-Type Merger) of the Member Commodity Exchange Established by a Consolidation-Type Merger on and after the day of the establishment of said Member Commodity Exchange Established by a Consolidation-Type Merger;

六 法第百四十四条の三第四項の会員総会の日の日前の日後、前各号に掲げる事項に変更が生じたときは、変更後の当該事項

(vi) when there have been changes to the matters listed in the preceding items after 10 days prior to a general meeting of members set forth in Article 144-3, paragraph (4) of the Act, said new matters.

(新設合併消滅会員商品取引所の事前開示事項)

(Matters to be Disclosed in Advance by a Member Commodity Exchange Dissolved in a Consolidation-Type Merger)

第五十九条の五 法第百四十四条の三第一項の主務省令で定める事項は、新設合併設立商品取引所が株式会社商品取引所である場合にあっては、次に掲げる事項とする。

Article 59-5 The matters specified by an ordinance of the competent ministry set forth in Article 144-3, paragraph (1) of the Act shall be as follows in the case where a Member Commodity Exchange Established by a Consolidation-Type Merger is an Incorporated Commodity Exchange:

一 法第百四十三条第一項第六号及び第七号に掲げる事項についての定め相当性に関する事項

(i) matters concerning the appropriateness of the provisions on matters listed in Article 143, paragraph (1), item (vi) and item (vii) of the Act;

二 他の新設合併消滅商品取引所（清算株式会社及び清算会員商品取引所を除く。以下この号において同じ。）についての次に掲げる事項

(ii) the following matters concerning another Commodity Exchange Dissolved in a Consolidation-Type Merger (excluding liquidating stock companies and Liquidating Member Commodity Exchanges; hereinafter the same shall apply in this item):

イ 最終事業年度に係る計算書類等又は財産目録、貸借対照表及び当該貸借対照表とともに作成された損益計算書（最終事業年度がない場合にあっては、他の新設合併消滅株式会社商品取引所の成立の日における貸借対照表）の内容

(a) Financial Statements, etc. or an inventory of property and a balance sheet pertaining to the final business year, and the contents of a profit and loss statement prepared along with said balance sheet (in the case where

the final business year does not exist, a balance sheet as on the day of the establishment of another Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger);

ロ 最終事業年度の末日（最終事業年度がない場合にあつては、他の新設合併消滅商品取引所の成立の日）後の日を臨時決算日（二以上の臨時決算日がある場合にあつては、最も遅いもの）とする臨時計算書類等があるときは、当該臨時計算書類等の内容

(b) when there are Temporary Financial Statements, etc. as deeming a day after the last day of the final business year (in the case where the final business year does not exist, the day of the establishment of another Commodity Exchange Dissolved in a Consolidation-Type Merger) as an Temporary Account Closing Day (in the case where there are two or more Temporary Account Closing Days, the last one), the contents of said Temporary Financial Statements, etc.;

ハ 他の新設合併消滅商品取引所において最終事業年度の末日（最終事業年度がない場合にあつては、他の新設合併消滅商品取引所の成立の日）後に重要な財産の処分、重大な債務の負担その他の当該他の新設合併消滅商品取引所の財産の状況に重要な影響を与える事象が生じたときは、その内容（法第百四十四条の三第四項の会員総会の日の日十日前の日後新設合併設立株式会社商品取引所の成立の日までの間に新たな最終事業年度が存することとなる場合にあつては、当該新たな最終事業年度の末日後に生じた事業の内容に限る。）

(c) when there has occurred an event that has a significant influence on the status of the property of another Commodity Exchange Dissolved in a Consolidation-Type Merger, such as the disposition of important property and the share of significant liabilities after the last day of the final business year (in the case where the final business year does not exist, the day of the establishment of said other Commodity Exchange Dissolved in a Consolidation-Type Merger) at said other Commodity Exchange Dissolved in a Consolidation-Type Merger, the contents thereof (in the case where a new final business year emerges during the period between 10 days prior to a general meeting of members set forth in Article 144-3, paragraph (4) of the Act and the day of the establishment of the Incorporated Commodity Exchange Established by a Consolidation-Type Merger, limited to the contents of an event which occurred after the last day of said new final business year);

三 他の新設合併消滅商品取引所（清算株式会社又は清算会員商品取引所に限る。）が会社法第四百九十二条第一項（法第七十七条第一項において準用する場合を含む。）の規定により作成した貸借対照表

(iii) a balance sheet which another Commodity Exchange Dissolved in a Consolidation-Type Merger (limited to a liquidating stock company or Liquidating Member Commodity Exchange) prepared pursuant to the

provisions of Article 492, paragraph (1) of the Companies Act (including the case where it is applied mutatis mutandis pursuant to Article 77, paragraph (1) of the Act);

四 当該新設合併消滅会員商品取引所（清算会員商品取引所を除く。以下この号において同じ。）において最終事業年度の末日（最終事業年度がない場合にあっては、当該新設合併消滅会員商品取引所の成立の日）後に重要な財産の処分、重大な債務の負担その他の当該新設合併消滅会員商品取引所の財産の状況に重要な影響を与える事象が生じたときは、その内容（法第百四十四条の三第四項の会員総会の日の日十日前の日後新設合併設立株式会社商品取引所の成立の日までの間に新たな最終事業年度が存することとなる場合にあっては、当該新たな最終事業年度の末日後に生じた事業の内容に限る。）

(iv) when there has occurred an event that has a significant influence on the status of the property of the Member Commodity Exchange Dissolved in a Consolidation-Type Merger, such as the disposition of important property and the share of significant liabilities after the last day of the final business year (in the case where the final business year does not exist, the day of the establishment of said Member Commodity Exchange Dissolved in a Consolidation-Type Merger) at said Member Commodity Exchange Dissolved in a Consolidation-Type Merger (excluding Liquidating Member Commodity Exchanges; hereinafter the same shall apply in this item), the contents thereof (in the case where a new final business year emerges during the period between 10 days prior to a general meeting of members set forth in Article 144-3, paragraph (4) of the Act and the day of the establishment of the Incorporated Commodity Exchange Established by a Consolidation-Type Merger, limited to the contents of an event which occurred after the last day of said new final business year);

五 新設合併設立株式会社商品取引所の成立の日以後における当該新設合併設立株式会社商品取引所の債務（他の新設合併消滅商品取引所から承継する債務を除く。）の履行の見込みに関する事項

(v) matters concerning estimates of the performance of liabilities (excluding liabilities inherited from another Commodity Exchange Dissolved in a Consolidation-Type Merger) of the Incorporated Commodity Exchange Established by a Consolidation-Type Merger on and after the day of the establishment of said Incorporated Commodity Exchange Established by a Consolidation-Type Merger;

六 法第百四十四条の三第四項の会員総会の日の日十日前の日後、前各号に掲げる事項に変更が生じたときは、変更後の当該事項

(vi) when there have been changes to the matters listed in the preceding items after 10 days prior to a general meeting of members set forth in Article 144-3, paragraph (4) of the Act, said new matters.

(新設合併設立会員商品取引所の事後開示事項)

(Matters to be disclosed after the fact by a Member Commodity Exchange
Established by a Consolidation-Type Merger)

第五十九条の六 法第百四十四条の四第三項の主務省令で定める事項は、次に掲げるものとする。

Article 59-6 The matters specified by an ordinance of the competent ministry set forth in Article 144-4, paragraph (3) of the Act shall be as follows:

一 新設合併の効力が生じた日

(i) the date on which the Consolidation-Type Merger came into effect;

二 法第百四十四条の三第五項において準用する法第百二十四条の規定による手続の経過

(ii) the process of the procedures pursuant to the provisions of Article 124 of the Act as applied mutatis mutandis pursuant to Article 144-3, paragraph (5) of the Act;

三 新設合併により新設合併設立会員商品取引所が新設合併消滅会員商品取引所から承継した重要な権利義務に関する事項

(iii) matters concerning important rights and obligations which the Member Commodity Exchange Established by a Consolidation-Type Merger inherited from the Member Commodity Exchange Dissolved in a Consolidation-Type Merger through a Consolidation-Type Merger;

四 前三号に掲げるもののほか、新設合併に関する重要な事項

(iv) in addition to those listed in preceding three items, important matters concerning the Consolidation-Type Merger.

(新設合併設立会員商品取引所の事後開示事項)

(Matters to be disclosed after the fact by a Member Commodity Exchange
Established by a Consolidation-Type Merger)

第五十九条の七 法第百四十四条の四第四項に規定する主務省令で定める事項は、法第百四十四条の三第一項の規定により新設合併消滅会員商品取引所が備え置いた書面又は電磁的記録に記載又は記録がされた事項（新設合併契約の内容を除く。）とする。

Article 59-7 The matters specified by an ordinance of the competent ministry set forth in Article 144-4, paragraph (4) of the Act shall be the matters recorded in a written or Electromagnetic Record which the Member Commodity Exchange Dissolved in a Consolidation-Type Merger filed pursuant to the provisions of Article 144-3, paragraph (1) of the Act (excluding the contents of the Consolidation-Type Merger contract).

(吸収合併存続株式会社商品取引所の事前開示事項)

(Matters to be disclosed in advance by a Member Commodity Exchange
Surviving an Absorption-Type Merger)

第五十九条の八 法第百四十四条の五第一項の主務省令で定める事項は、次に掲げるも

のとする。

Article 59-8 The matters specified by an ordinance of the competent ministry set forth in Article 144-5, paragraph (1) of the Act shall be as follows:

一 法第百四十二条第二号及び第三号に掲げる事項についての定め（当該定めがない場合にあっては、当該定めがないこと）の相当性に関する事項

(i) matters concerning the appropriateness of the provisions on matters listed in Article 142, item (ii) and item (iii) of the Act (in the case where there are no such provisions, the fact thereof);

二 吸収合併消滅会員商品取引所（清算会員商品取引所を除く。）についての次に掲げる事項

(ii) the following matters concerning a Member Commodity Exchange Dissolved in an Absorption-Type Merger (excluding Liquidating Member Commodity Exchanges):

イ 最終事業年度に係る財産目録、貸借対照表及び当該貸借対照表とともに作成された損益計算書の内容

(a) an inventory of property and a balance sheet pertaining to the final business year and the contents of a profit and loss statement prepared along with said balance sheet;

ロ 最終事業年度の末日（最終事業年度がない場合にあっては、吸収合併消滅会員商品取引所の成立の日。第四号において同じ。）後に重要な財産の処分、重大な債務の負担その他の当該吸収合併消滅会員商品取引所の財産の状況に重要な影響を与える事象が生じたときは、その内容（法第百四十四条の五第一項各号に掲げる日のいずれか早い日後吸収合併の効力が生じた日までの間に新たな最終事業年度が存することとなる場合にあっては、当該新たな最終事業年度の末日後に生じた事象の内容に限る。）

(b) when there has occurred an event that has a significant influence on the status of the property of the Member Commodity Exchange Dissolved in an Absorption-Type Merger, such as the disposition of important property and the share of significant liabilities after the last day of the final business year (in the case where the final business year does not exist, the day of the establishment of said Member Commodity Exchange Dissolved in an Absorption-Type Merger; the same shall apply in item (iv)), the contents thereof (in the case where a new final business year emerges during the period between the earliest day among those listed in respective items of Article 144-5, paragraph (1) of the Act and the day when the Absorption-Type Merger came into effect, limited to the contents of an event which occurred after the last day of said new final business year);

三 吸収合併消滅会員商品取引所（清算会員商品取引所に限る。）が法第七十七条第一項において準用する会社法第四百九十二条第一項の規定により作成した貸借対照表

(iii) a balance sheet which the Member Commodity Exchange Dissolved in an

Absorption-Type Merger (limited to a Liquidating Member Commodity Exchange) prepared pursuant to the provisions of Article 492, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 77, paragraph (1) of the Act;

四 吸収合併存続株式会社商品取引所において次に掲げる事項

(iv) the following matters at Member Commodity Exchange Surviving an Absorption-Type Merger:

イ 最終事業年度の末日（最終事業年度がない場合にあつては、吸収合併存続株式会社商品取引所の成立の日）後に重要な財産の処分、重大な債務の負担その他の当該吸収合併存続株式会社商品取引所の財産の状況に重要な影響を与える事象が生じたときは、その内容（法第百四十四条の五第一項各号に掲げる日のいずれか早い日後吸収合併の効力が生じた日までの間に新たな最終事業年度が存することとなる場合にあつては、当該新たな最終事業年度の末日後に生じた事象の内容に限る。）

(a) when there has occurred an event that has a significant influence on the status of the property of the Member Commodity Exchange Surviving an Absorption-Type Merger, such as the disposition of important property and the share of significant liabilities after the last day of the final business year (in the case where the final business year does not exist, the day of the establishment of said Member Commodity Exchange Surviving an Absorption-Type Merger), the contents thereof (in the case where a new final business year emerges during the period between the earliest day among those listed in respective items of Article 144-5, paragraph (1) of the Act and the day when the Absorption-Type Merger came into effect, limited to the contents of an event which occurred after the last day of said new final business year);

ロ 吸収合併存続株式会社商品取引所において最終事業年度がないときは、吸収合併存続株式会社商品取引所の成立の日における貸借対照表

(b) when the final business year does not exist at the Member Commodity Exchange Surviving an Absorption-Type Merger, a balance sheet as on the day of the establishment of said Member Commodity Exchange Surviving an Absorption-Type Merger;

五 吸収合併の効力が生ずる日以後における吸収合併存続株式会社商品取引所の債務（法第百四十四条の十第一項の規定により吸収合併について異議を述べることができる債権者に対して負担する債務に限る。）の履行の見込みに関する事項

(v) matters concerning estimates of the performance of liabilities (limited to liabilities to be borne for creditors who may state objections against the Absorption-Type Merger pursuant to the provisions of Article 144-10, paragraph (1) of the Act) of the Member Commodity Exchange Surviving an Absorption-Type Merger on and after the day when the Absorption-Type Merger came into effect;

六 法第百四十四条の五第一項各号に掲げる日のいずれか早い日後吸収合併の効力が生じた日までの間に、前各号に掲げる事項に変更が生じたときは、変更後の当該事項

(vi) when there have been changes to the matters listed in the preceding items during the period between the earliest day among those listed in respective items of Article 144-5, paragraph (1) of the Act and the day when the Absorption-Type Merger came into effect, said new matters.

(資産の額等)

(The amount of assets, etc.)

第五十九条の九 法第百四十四条の六第二項第一号に規定する債務の額として主務省令で定める額は、第一号に掲げる額から第二号に掲げる額を減じて得た額とする。

Article 59-9 (1) The amount specified by an ordinance of the competent ministry as the amount of the liabilities prescribed in Article 144-6, paragraph (2), item (i) of the Act shall be the amount obtained by subtracting the amount listed in item (ii) from the amount listed in item (i):

一 吸収合併の直後に吸収合併存続株式会社商品取引所の貸借対照表の作成があったものとする場合における当該貸借対照表の負債の部に計上すべき額

(i) in the case of deeming that a balance sheet of the Member Commodity Exchange Surviving an Absorption-Type Merger was prepared immediately after the Absorption-Type Merger, the amount to be recorded in the liabilities section of said balance sheet;

二 吸収合併の直前に吸収合併存続株式会社商品取引所の貸借対照表の作成があったものとする場合における当該貸借対照表の負債の部に計上すべき額

(ii) in the case of deeming that a balance sheet of the Member Commodity Exchange Surviving an Absorption-Type Merger was prepared immediately prior to the Absorption-Type Merger, the amount to be recorded in the liabilities section of said balance sheet.

2 法第百四十四条の六第二項第一号に規定する資産の額として主務省令で定める額は、第一号に掲げる額から第二号に掲げる額を減じて得た額とする。

(2) The amount specified by an ordinance of the competent ministry as the amount of the assets prescribed in Article 144-6, paragraph (2), item (i) of the Act shall be the amount obtained by subtracting the amount listed in item (ii) from the amount listed in item (i):

一 吸収合併の直後に吸収合併存続株式会社商品取引所の貸借対照表の作成があったものとする場合における当該貸借対照表の資産の部に計上すべき額

(i) in the case of deeming that a balance sheet of the Member Commodity Exchange Surviving an Absorption-Type Merger was prepared immediately after the Absorption-Type Merger, the amount to be recorded in the assets section of said balance sheet;

二 吸収合併の直前に吸収合併存続株式会社商品取引所の貸借対照表の作成があった

ものとする場合における当該貸借対照表の資産の部に計上すべき額から法第百四十四条の六第二項第二号の金銭の額を減じて得た額

(ii) in the case of deeming that a balance sheet of the Member Commodity Exchange Surviving an Absorption-Type Merger was prepared immediately prior to the Absorption-Type Merger, the amount obtained by subtracting the amount of the money set forth in Article 144-6, paragraph (2), item (ii) of the Act from the amount to be recorded in the assets section of said balance sheet.

(純資産の額)

(The amount of the net assets)

第五十九条の十 法第百四十四条の七第一項第二号に規定する主務省令で定める方法は、算定基準日（吸収合併契約を締結した日（当該吸収合併契約により当該吸収合併契約を締結した日と異なる時（当該吸収合併契約を締結した日後から吸収合併の効力が生ずる時までの間の時に限る。）を定めた場合にあつては、当該時）をいう。以下この条において同じ。）における第一号から第六号までに掲げる額の合計額から第七号に掲げる額を減じて得た額（当該額が五百万円を下回る場合にあつては、五百万円）をもって吸収合併存続株式会社商品取引所の純資産額とする方法とする。

Article 59-10 The method specified by an ordinance of the competent ministry set forth in Article 144-7, paragraph (1), item (ii) of the Act shall be the method in which the amount of the net assets of the Member Commodity Exchange Surviving an Absorption-Type Merger is deemed to be the amount obtained by subtracting the amount listed in item (vii) from the total of the amounts listed in items (i) to (vi) inclusive as on the Calculation Date (which means the Absorption-Type Merger contract day [in the case where the calculation date which is different from the Absorption-Type Merger contract day is specified (limited to during the period between said Absorption-Type Merger contract day and the day when the Absorption-Type Merger came into effect) by said contract, said date]) (in the case where said obtained amount is less than five million yen, the amount shall be five million yen):

一 資本金の額

(i) the amount of capital;

二 資本準備金の額

(ii) the amount of capital reserve;

三 利益準備金の額

(iii) the amount of profit reserve;

四 会社法第四百四十六条に規定する剰余金の額

(iv) the amount of surplus prescribed in Article 446 of the Companies Act;

五 最終事業年度の末日（最終事業年度がない場合にあつては、吸収合併存続株式会社商品取引所の成立の日）における評価・換算差額等に係る額

(v) the amount pertaining to valuation/translation difference as of the last day

of the final business year (in the case where the final business year does not exist, the day of the establishment of the Member Commodity Exchange Surviving an Absorption-Type Merger);

六 新株予約権の帳簿価額

(vi) the book value of the rights to subscribe for new shares;

七 自己株式及び自己新株予約権の帳簿価額の合計額

(vii) the total amount of a person's own shares and the book value of the rights to subscribe for new shares.

(株式の数)

(The number of shares)

第五十九条の十一 法第百四十四条の七第二項に規定する主務省令で定める数は、次に掲げる数のうちいずれか小さい数とする。

Article 59-11 The number specified by an ordinance of the competent ministry set forth in Article 144-7, paragraph (2) of the Act shall be the smallest number among those listed as follows:

一 特定株式（法第百四十四条の七第二項に規定する行為に係る株主総会において議決権を行使することができることを内容とする株式をいう。以下この条において同じ。）の総数に二分の一（当該株主総会の決議が成立するための要件として当該特定株式の議決権の総数の一定の割合以上の議決権を有する株主が出席しなければならない旨の定款の定めがある場合にあつては、当該一定の割合）を乗じて得た数に三分の一（当該株主総会の決議が成立するための要件として当該株主総会に出席した当該特定株主（特定株式の株主をいう。以下この条において同じ。）の有する議決権の総数の一定の割合以上の多数が賛成しなければならない旨の定款の定めがある場合にあつては、一から当該一定の割合を減じて得た割合）を乗じて得た数に一を加えた数

(i) the number adding one to the number obtained by multiplying 1/3 (in the case where the articles of incorporation define, as a requirement for concluding a resolution of a general meeting of shareholders, that a majority of more than a certain rate of the total voting rights held by Specified Shareholders [which means shareholders of Specified Shares (which means shares with the contents that a shareholder can exercise voting rights at a general meeting of shareholders pertaining to actions prescribed in Article 144-7, paragraph (2) of the Act; hereinafter the same shall apply in this Article); hereinafter the same shall apply in this Article] who attend said general meeting of shareholders must agree to the resolution, the rate obtained by subtracting said certain rate from one) by the number obtained by multiplying 1/2 (in the case where the articles of incorporation define, as a requirement for concluding a resolution of said general meeting of shareholders, that shareholders who have more than a certain rate of the total voting rights must attend said general meeting of shareholders, said

certain rate) by the total number of Specified Shares;

二 法第百四十四条の七第二項に規定する行為に係る決議が成立するための要件として一定の数以上の特定株主の賛成を要する旨の定款の定めがある場合において、特定株主の総数から吸収合併存続株式会社商品取引所に対して当該行為に反対する旨の通知をした特定株主の数を減じて得た数が当該一定の数未満となるときにおける当該行為に反対する旨の通知をした特定株主の有する特定株式の数

(ii) in the case where the articles of incorporation define, as a requirement for concluding a resolution pertaining to actions prescribed in Article 144-7, paragraph (2) of the Act, that more than a certain number of Specified Shareholders must agree to the resolution, and when the number obtained by subtracting the number of Specified Shareholders, who had notified to a Member Commodity Exchange Surviving an Absorption-Type Merger that they would disagree with said action, from the total number of Specified Shareholders is less than said certain number, the number of Specified Shares held by said Specified Shareholders who had notified that they would disagree with said action;

三 法第百四十四条の七第二項に規定する行為に係る決議が成立するための要件として前二号の定款の定め以外の定款の定めがある場合において、当該行為に反対する旨の通知をした特定株主の全部が同項に規定する株主総会において反対したとすれば当該決議が成立しないときは、当該行為に反対する旨の通知をした特定株主の有する特定株式の数

(iii) in the case where the articles of incorporation have provisions other than those set forth in the preceding two items as a requirement for concluding a resolution pertaining to actions prescribed in Article 144-7, paragraph (2) of the Act, and when said resolution is not concluded if all the Specified Shareholders who had notified that they would disagree with said action disagree with the resolution at a general meeting of shareholders prescribed in the same paragraph, the number of Specified Shares held by Specified Shareholders who had notified that they would disagree with said action;

四 定款で定めた数

(iv) the number specified by the articles of incorporation.

(計算書類に関する事項)

(Matters concerning accounting documents)

第五十九条の十二 法第百四十四条の十第二項第三号に規定する主務省令で定めるものは、同項の規定による公告の日又は同項の規定による催告の日のいずれか早い日における次の各号に定める場合の区分に応じ、当該各号に定めるものとする。

Article 59-12 The matters specified by an ordinance of the competent ministry set forth in Article 144-10, paragraph (2), item (iii) of the Act shall be those specified in the following items for the categories of cases set forth respectively in those items as on the earlier day between the day of the public notice set

forth in the same paragraph and the day of the notice set forth in the same paragraph:

一 最終事業年度に係る貸借対照表又はその要旨につき吸収合併存続株式会社商品取引所が会社法第四百四十条第一項又は第二項の規定により公告をしている場合 次に掲げるもの

(i) in the case where a Member Commodity Exchange Surviving an Absorption-Type Merger gave public notice with regard to a balance sheet pertaining to the final business year or the substance thereof pursuant to the provisions of Article 440, paragraph (1) or paragraph (2) of the Companies Act: what are listed as follows:

イ 官報で公告をしているときは、当該官報の日付及び当該公告が掲載されている頁

(a) when the public notice was given in an official gazette, the date of the issuance of said official gazette and the page containing said public notice;

ロ 時事に関する事項を掲載する日刊新聞紙で公告をしているときは、当該日刊新聞紙の名称、日付及び当該公告が掲載されている頁

(b) when the public notice was given in a daily newspaper which publishes matters on current events, the name and the date of the issuance of said daily newspaper and the page containing said public notice;

ハ 電子公告により公告をしているときは、会社法第九百十一条第三項第二十九号イに掲げる事項

(c) when the public notice was given by way of Electronic Public Notice, the matters listed in Article 911, paragraph (3), item (xxix) (a) of the Companies Act;

二 最終事業年度に係る貸借対照表につき吸収合併存続株式会社商品取引所が会社法第四百四十条第三項に規定する措置を執っている場合 会社法第九百十一条第三項第二十七号に掲げる事項

(ii) in the case where a Member Commodity Exchange Surviving an Absorption-Type Merger took measures prescribed in Article 440, paragraph (3) of the Companies Act with regard to a balance sheet pertaining to the final business year: matters listed in Article 911, paragraph (3), item (xxvii) of the Companies Act;

三 吸収合併存続株式会社商品取引所が会社法第四百四十条第四項に規定する株式会社である場合において、当該株式会社が金融商品取引法第二十四条第一項の規定により最終事業年度に係る有価証券報告書を提出しているとき その旨

(iii) in the case where a Member Commodity Exchange Surviving an Absorption-Type Merger is a stock company prescribed in Article 440, paragraph (4) of the Companies Act, and when said stock company submitted a securities report pertaining to the final business year pursuant to the provisions of Article 24, paragraph (1) of the Financial Instruments and Exchange Act: a statement to that effect;

四 吸収合併存続株式会社商品取引所につき最終事業年度がない場合 その旨
(iv) in the case where the final business year does not exist for a Member

Commodity Exchange Surviving an Absorption-Type Merger: a statement to that effect;

五 吸収合併存続株式会社商品取引所が清算株式会社である場合 その旨

(v) in the case where a Member Commodity Exchange Surviving an Absorption-Type Merger is a liquidating stock company: a statement to that effect;

六 前各号に掲げる場合以外の場合 会社計算規則第六編第二章の規定による最終事業年度に係る貸借対照表の要旨の内容

(vi) in the cases other than those listed in the preceding items: the contents of a balance sheet pertaining to the final business year pursuant to the provisions of Part VI, Chapter II of the Ordinance on Accounting of Companies.

(吸収合併存続株式会社商品取引所の事後開示事項)

(Matters to be disclosed after the fact by a Member Commodity Exchange Surviving an Absorption-Type Merger)

第五十九条の十三 法第四百四十四条の十一第一項に規定する主務省令で定める事項は、次に掲げる事項とする。

Article 59-13 The matters specified by an ordinance of the competent ministry set forth in Article 144-11, paragraph (1) of the Act shall be as follows:

一 吸収合併の効力が生じた日

(i) the date on which the Absorption-Type Merger came into effect;

二 吸収合併消滅会員商品取引所における法第四百四十四条第五項において準用する法第二百二十四条の規定による手続の経過

(ii) the process of the procedures taken by the Member Commodity Exchange Dissolved in an Absorption-Type Merger pursuant to the provisions of Article 124 of the Act as applied mutatis mutandis pursuant to Article 144, paragraph (5) of the Act;

三 吸収合併存続株式会社商品取引所における法第四百四十四条の（同条第三項については、会社法第七百九十七条第五項から第七項までを準用する部分に限る。）及び第四百四十四条の十第一項から第五項までの規定による手続の経過

(iii) the process of the procedures taken by the Member Commodity Exchange Surviving an Absorption-Type Merger pursuant to the provisions of Article 144 of the Act (with regard to paragraph (3) of the same Article, limited to the part where Article 797, paragraphs (5) to (7) inclusive of the Companies Act is applied mutatis mutandis) and Article 144-10, paragraphs (1) to (5) inclusive of the Act;

四 吸収合併により吸収合併存続株式会社商品取引所が吸収合併消滅会員商品取引所から承継した重要な権利義務に関する事項

(iv) matters concerning important rights and obligations which the Member

Commodity Exchange Surviving an Absorption-Type Merger inherited from the Member Commodity Exchange Dissolved in an Absorption-Type Merger through an Absorption-Type Merger;

五 法第百四十四条第一項の規定により吸収合併消滅会員商品取引所が備え置いた書面又は電磁的記録に記載又は記録がされた事項（吸収合併契約の内容を除く。）

(v) matters recorded in a written or Electromagnetic Record which the Member Commodity Exchange Dissolved in an Absorption-Type Merger filed pursuant to the provisions of Article 144, paragraph (1) of the Act (excluding the contents of the Absorption-Type Merger contract);

六 法第百四十七条第二項の変更の登記をした日

(vi) the date of the registration of the change set forth in Article 147, paragraph (2) of the Act;

七 前各号に掲げるもののほか、吸収合併に関する重要な事項

(vii) in addition to those listed in the preceding items, important matters concerning the Absorption-Type Merger.

(新設合併消滅株式会社商品取引所の事前開示事項)

(Matters to be disclosed in advance by an Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger)

第五十九条の十四 法第百四十四条の十二第一項の主務省令で定める事項は、次に掲げる事項とする。

Article 59-14 The matters specified by an ordinance of the competent ministry set forth in Article 144-12, paragraph (1) of the Act shall be as follows:

一 法第百四十三条第一項第六号及び第七号に掲げる事項についての定め相当性に関する事項

(i) matters concerning the appropriateness of the provisions on matters listed in Article 143, paragraph (1), item (vi) and item (vii);

二 新設合併消滅株式会社商品取引所の全部又は一部が新株予約権を発行しているときは、法第百四十三条第一項第八号及び第九号に掲げる事項についての定め相当性に関する事項

(ii) when all or part of the Incorporated Commodity Exchanges Dissolved in a Consolidation-Type Merger issue the rights to subscribe for new shares, matters concerning the appropriateness of the provisions on matters listed in Article 143, paragraph (1), item (viii) and item (ix) of the Act;

三 他の新設合併消滅商品取引所（清算株式会社及び清算会員商品取引所を除く。以下この号において同じ。）についての次に掲げる事項

(iii) the following matters concerning another Commodity Exchange Dissolved in a Consolidation-Type Merger (excluding liquidating stock companies and Liquidating Member Commodity Exchanges; hereinafter the same shall apply in this item):

イ 最終事業年度に係る計算書類等又は財産目録、貸借対照表及び当該貸借対照表

とともに作成された損益計算書（最終事業年度がない場合にあつては、他の新設合併消滅株式会社商品取引所の成立の日における貸借対照表）の内容

(a) Financial Statements, etc. or an inventory of property and a balance sheet pertaining to the final business year, and the contents of profit and loss statement prepared along with said balance sheet (in the case where the final business year does not exist, a balance sheet as on the day of the establishment of another Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger);

ロ 最終事業年度の末日（最終事業年度がない場合にあつては、他の新設合併消滅株式会社商品取引所の成立の日）後の日を臨時決算日（二以上の臨時決算日がある場合にあつては、最も遅いもの）とする臨時計算書類等があるときは、当該臨時計算書類等の内容

(b) when there are Temporary Financial Statements, etc. deeming a day after the last day of the final business year (in the case where the final business year does not exist, the day of the establishment of another Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger) as an Temporary Account Closing Day (in the case where there are two or more Temporary Account Closing Days, the last one), the contents of said Temporary Financial Statements, etc.;

ハ 他の新設合併消滅商品取引所において最終事業年度の末日（最終事業年度がない場合にあつては、他の新設合併消滅商品取引所の成立の日）後に重要な財産の処分、重大な債務の負担その他の当該他の新設合併消滅商品取引所の財産の状況に重要な影響を与える事象が生じたときは、その内容（法第百四十四条の十二第一項各号に掲げる日のいずれか早い日後新設合併設立株式会社商品取引所の成立の日までの間に新たな最終事業年度が存することとなる場合にあつては、当該新たな最終事業年度の末日後に生じた事業の内容に限る。）

(c) when there has occurred an event that has a significant influence on the status of the property of another Commodity Exchange Dissolved in a Consolidation-Type Merger, such as the disposition of important property and the share of significant liabilities after the last day of the final business year (in the case where the final business year does not exist, the day of the establishment of said other Commodity Exchange Dissolved in a Consolidation-Type Merger) at said other Commodity Exchange Dissolved in a Consolidation-Type Merger, the contents thereof (in the case where a new final business year emerges during the period between the earliest day among those listed in the respective items of Article 144-12, paragraph (1) of the Act and the day of the establishment of the Incorporated Commodity Exchange Established by a Consolidation-Type Merger, limited to the contents of an event which occurred after the last day of said new final business year);

四 他の新設合併消滅商品取引所（清算株式会社又は清算会員商品取引所に限る。）

が会社法第四百九十二条第一項（法第七十七条第一項において準用する場合を含む。）の規定により作成した貸借対照表

(iv) a balance sheet which another Commodity Exchange Dissolved in a Consolidation-Type Merger (limited to a liquidating stock company or Liquidating Member Commodity Exchange) has prepared pursuant to the provisions of Article 492, paragraph (1) of the Companies Act (including the case where it is applied mutatis mutandis pursuant to Article 77, paragraph (1) of the Act);

五 当該新設合併消滅株式会社商品取引所（清算株式会社を除く。以下この号において同じ。）についての次に掲げる事項

(v) the following matters concerning said Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger (excluding liquidating stock companies; hereinafter the same shall apply in this item):

イ 当該新設合併消滅株式会社商品取引所において最終事業年度の末日（最終事業年度がない場合にあつては、当該新設合併消滅株式会社商品取引所の成立の日）後に重要な財産の処分、重大な債務の負担その他の当該新設合併消滅株式会社商品取引所の財産の状況に重要な影響を与える事象が生じたときは、その内容（法第百四十四条の十二第一項各号に掲げる日のいずれか早い日後新設合併設立株式会社商品取引所の成立の日までの間に新たな最終事業年度が存することとなる場合にあつては、当該新たな最終事業年度の末日後に生じた事象の内容に限る。）

(a) when there has occurred an event that has a significant influence on the status of the property of the Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger, such as the disposition of important property and the share of significant liabilities after the last day of the final business year (in the case where the final business year does not exist, the day of the establishment of said Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger) at said Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger, the contents thereof (in the case where a new final business year emerges during the period between the earliest day among those listed in the respective items of Article 144-12, paragraph (1) of the Act and the day of the establishment of the Incorporated Commodity Exchange Established by a Consolidation-Type Merger, limited to the contents of an event which occurred after the last day of said new final business year);

ロ 当該新設合併消滅株式会社商品取引所において最終事業年度がないときは、当該新設合併消滅株式会社商品取引所の成立の日における貸借対照表

(b) when the final business year does not exist at said Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger, a balance sheet as on the day of the establishment of said Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger;

六 新設合併設立株式会社商品取引所の成立の日以後における当該新設合併設立株式

会社商品取引所の債務（他の新設合併消滅商品取引所から承継する債務を除く。）の履行の見込みに関する事項

(vi) matters concerning estimates of the performance of liabilities (excluding liabilities inherited from another Commodity Exchange Dissolved in a Consolidation-Type Merger) of the Incorporated Commodity Exchange Established by a Consolidation-Type Merger on and after the day of the establishment of said Incorporated Commodity Exchange Established by a Consolidation-Type Merger;

七 法第百四十四条の十二第一項各号に掲げる日のいずれか早い日後、前各号に掲げる事項に変更が生じたときは、変更後の当該事項

(vii) when there were changes to the matters listed in the preceding items after the earliest day among those listed in respective items of Article 144-12, paragraph (1) of the Act, said new matters.

(新設合併設立株式会社商品取引所の事後開示事項)

(Matters to be disclosed after the fact by an Incorporated Commodity Exchange Established by a Consolidation-Type Merger)

第五十九条の十五 法第百四十四条の十九第一項の主務省令で定める事項は、次に掲げるものとする。

Article 59-15 The matters specified by an ordinance of the competent ministry set forth in Article 144-19, paragraph (1) of the Act shall be as follows:

一 新設合併の効力が生じた日

(i) the date on which the Consolidation-Type Merger came into effect;

二 次のイ又はロに掲げる区分に応じ、当該イ又はロに定める規定による手続の経過

(ii) the process of procedures pursuant to the provisions of the following (a) or (b), according to classification listed in said (a) or (b):

イ 新設合併消滅会員商品取引所 法第百四十四条の三第五項において準用する法第百二十四条の規定

(a) a Member Commodity Exchange Dissolved in a Consolidation-Type Merger: the provisions of Article 124 of the Act as applied mutatis mutandis pursuant to Article 144-3, paragraph (5) of the Act;

ロ 新設合併消滅株式会社商品取引所 法第百四十四条の十五第一項及び第二項（会社法第八百六条第五項から第七項までを準用する部分に限る。）、法第百四十四条の十六第一項及び第二項（会社法第八百八条第五項から第七項までを準用する部分に限る。）並びに法第百四十四条の十七において準用する法第百四十四条の十第一項から第五項までの規定

(b) an Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger: the provisions of Article 144-15, paragraph (1) and paragraph (2) of the Act (limited to the part where Article 806, paragraphs (5) to (7) inclusive of the Companies Act are applied mutatis mutandis), Article 144-16, paragraph (1) and paragraph (2) of the Act (limited to the part where

Article 808, paragraphs (5) to (7) inclusive of the Companies Act are applied mutatis mutandis), and Article 144-10, paragraphs (1) to (5) inclusive of the Act as applied mutatis mutandis pursuant to Article 144-17 of the Act;

三 新設合併により新設合併設立株式会社商品取引所が新設合併消滅商品取引所から承継した重要な権利義務に関する事項

(iii) matters concerning important rights and obligations which the Incorporated Commodity Exchange Established by a Consolidation-Type Merger inherited from the Commodity Exchange Dissolved in a Consolidation-Type Merger through a Consolidation-Type Merger;

四 前三号に掲げるもののほか、新設合併に関する重要な事項

(iv) in addition to those listed in the preceding three items, important matters concerning the Consolidation-Type Merger.

(新設合併設立株式会社商品取引所の事後開示事項)

(Matters to be disclosed after the fact by an Incorporated Commodity Exchange Established by a Consolidation-Type Merger)

第五十九条の十六 法第百四十四条の十九第二項に規定する主務省令で定める事項は、法第百四十四条の三第一項及び法第百四十四条の十二第一項により新設合併消滅商品取引所が備え置いた書面又は電磁的記録に記載又は記録がされた事項（新設合併契約の内容を除く。）とする。

Article 59-16 The matters specified by an ordinance of the competent ministry set forth in Article 144-19, paragraph (2) of the Act shall be the matters recorded in a written or Electromagnetic Record which the Commodity Exchange Dissolved in a Consolidation-Type Merger filed pursuant to the provisions of Article 144-3, paragraph (1) and Article 144-12, paragraph (1) of the Act (excluding the contents of the Consolidation-Type Merger contract).

(合併認可の申請書の添付書類)

(Attached documents to applications for approval of merger)

第六十条 法第百四十五条第三項の主務省令で定める書面は、次に掲げる書面（官公署が証明する書面の場合には、認可の申請の日前三月以内に作成されたものに限る。）とする。

Article 60 The documents specified by an ordinance of the competent ministry set forth in Article 145, paragraph (3) of the Act shall be as listed in the following (in case of documents certified by a public agency, limited to documents prepared within three months prior to the date of filing the application):

一 合併の理由を記載した書面

(i) a document recording the reasons for the merger;

二 次に掲げる場合に応じ、それぞれ次に定める書面

(ii) a document specified as follows corresponding to each case:

イ 合併後存続する商品取引所又は合併により設立される商品取引所の役員が外国人である場合 当該役員の住民票の写し等、履歴書及びその者が法第十五条第二項第一号イからルまでのいずれにも該当しないことを誓約する書面

(a) in cases where an officer of a Commodity Exchange surviving a merger or a Commodity Exchange Resulting from a Merger is a foreign national: a Copy of the Residence Certificate, etc., the curriculum vitae of said officer, and a sworn, written statement by that person that such person does not fall under any of the provisions of Article 15, paragraph (2), item (i), (a) through (k) of the Act;

ロ 合併後存続する商品取引所又は合併により設立される商品取引所の役員が法人である場合 当該役員の登記事項証明書、沿革を記載した書面及び法第十五条第二項第一号ヲに該当しないことを誓約する書面

(b) in cases where an officer of a Commodity Exchange surviving a merger or a Commodity Exchange Resulting from a Merger is a juridical person: a certificate of the registered matters of said officer, a document stating the corporate development, and a sworn, written statement by that person that such person does not fall under the provisions of Article 15, paragraph (2), item (i), (l) of the Act;

ハ 合併後存続する商品取引所又は合併により設立される商品取引所の役員が外国人又は法人でない場合 当該役員の住民票の写し等、履歴書、その者が法第十五条第二項第一号イ及びロに該当しない旨の官公署の証明書並びにその者が同号ハからルまでのいずれにも該当しないことを誓約する書面

(c) in cases where an officer of a Commodity Exchange surviving a merger or a Commodity Exchange Resulting from a Merger is neither a foreign national nor a juridical person: a Copy of the Residence Certificate, etc., and the curriculum vitae of said officer; a certification issued by a public agency that such person does not fall under the provisions of Article 15, paragraph (2), item (i), (a) and (b) of the Act; and a sworn, written statement by that person that such person does not fall under any of the provisions of (c) through (k) of the same item;

三 会員等の氏名又は商号若しくは名称及び主たる事務所又は本店の所在地を記載した書面、会員が取引をする商品市場ごとに法第三十条第一項各号のいずれかに該当することを誓約する書面又は取引参加者が取引をする商品市場ごとに法第八十二条第一項第一号イからハまで若しくは同項第二号イからハまでのいずれかに該当することを誓約する書面、その者が法第十五条第二項第一号イからヲまでのいずれにも該当しないことを誓約する書面並びに申請に係る商品取引所が開設しようとする一以上の商品市場において法第五十五条第一号に掲げる方法により決済を行う場合には認可の申請の日前三十日以内に様式第一号により作成したその者の純資産額に関する調書

(iii) a document stating the name or trade name of a Member, etc., and the

address of the principal office or head office of the Member, etc.; a sworn, written statement that the Member, etc. falls under any of the items of Article 30, paragraph (1) of the Act for each Commodity Market where transactions are conducted, or a sworn, written statement that trading participants fall under any of the provisions of (a) through (c) of Article 82, paragraph (1), item (i) of the Act, or any of the provisions of (a) through (c) of item (ii) of the same paragraph by each Commodity Market where they conduct transactions; a sworn, written statement that such person does not fall under any of the provisions of (a) through (l) of Article 15, paragraph (2), item (i) of the Act; and in the case where the Commodity Exchange specified in the application carries out settlement by the method set forth in Article 105, item (i) of the Act on one or more Commodity Markets that the Commodity Exchange intends to open, a record pertaining to such person's net assets prepared according to Form No. 1 within 30 days prior to the date of application for approval;

四 合併を行う各商品取引所の合併総会（会員商品取引所にあつては、法第百四十四条第四項、第百四十四条の二第二項又は第百四十四条の三第四項の会員総会をいい、株式会社商品取引所にあつては、法第百四十四条の六第一項、第百四十四条の第十三第一項、会社法第七百八十三条第一項、第七百九十五条第一項又は第八百四条第一項の株主総会をいう。）の議事録その他必要な手続があつたことを証する書面

(iv) minutes of the General Meeting of Shareholders Approving the Merger (in the case of a Member Commodity Exchange, referring to the general meeting of Members prescribed in Article 144, paragraph (4), Article 144-2, paragraph (2), or Article 144-3, paragraph (4) of the Act; in the case of an Incorporated Commodity Exchange, referring to the general meeting of shareholders prescribed in Article 144-6, paragraph (1) and Article 144-13, paragraph (1) of the Act, and Article 783, paragraph (1), Article 795, paragraph (1), or Article 804, paragraph (1) of the Companies Act) of each Commodity Exchange which carries out the merger, or another document certifying that the necessary procedures for the merger have been followed;

五 合併を行う各商品取引所の財産及び収支の状況を知ることができる書面（会員商品取引所にあつては最終事業年度の決算関係書類等、株式会社商品取引所にあつては最終事業年度の計算書類等及びその附属明細書）

(v) a document stating the status of the property, income and expenditure of each Commodity Exchange that carries out the merger (in the case of a Member Commodity Exchange, the Settlement Related Documents, etc. of the final business year; in the case of an Incorporated Commodity Exchange, the Financial Statements, etc. of the final business year and detailed statements thereof);

六 法第百四十四条第五項、第百四十四条の二第三項及び第百四十四条の三第五項において準用する法第二百二十四条第二項、第百四十四条の十第二項（第百四十四条の

十七において準用する場合を含む。)、会社法第七百八十九条第二項、第七百九十九条第二項又は第八百十条第二項の規定による公告及び催告(第二百二十四条第三項、第四百四十四条の十第三項(第四百四十四条の十七において準用する場合を含む。))、会社法第七百八十九条第三項、第七百九十九条第三項又は第八百十条第三項の規定により公告を官報のほか時事に関する事項を掲載する日刊新聞紙又は電子公告によってした場合にあっては、これらの方法による公告)をしたこと並びに異議を述べた債権者があるときは、当該債権者に対し弁済し若しく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相当の財産を信託したこと又は当該合併をしても当該債権者を害するおそれがないことを証する書面

(vi) in the case where a public notice or demand (in cases where the public notice is made through an official gazette, a daily newspaper which publishes matters of current events, or an Electronic Public Notice pursuant to the provisions of Article 124, paragraph (3) or Article 144-10, paragraph (3) of the Act [including cases where it is applied mutatis mutandis pursuant to Article 144-17], or Article 789, paragraph (3); Article 799, paragraph (3); or Article 810, paragraph (3) of the Companies Act, a public notice by such method) is made pursuant to the provisions of Article 124, paragraph (2) as applied mutatis mutandis pursuant to Article 144, paragraph (5); Article 144-2, paragraph (3); and Article 144-3, paragraph (5) of the Act, or Article 144-10, paragraph (2) of the Act (including cases where it is applied mutatis mutandis pursuant to Article 144-17 of the Act); Article 789, paragraph (2); Article 799, paragraph (2); or Article 810, paragraph (2) of the Companies Act; and in cases where a creditor has made an objection, a document certifying that the liabilities have been paid or reasonable collateral has been provided to said creditor, reasonable property has been deposited for the purpose of repaying the liabilities to said creditor, or that said merger is not likely to harm said creditor;

七 合併により消滅する商品取引所の開設している商品市場における取引に関する業務の承継の方法を記載した書面

(vii) a document stating a method for business succession pertaining to transactions on a Commodity Market which has been opened by a Commodity Exchange dissolved as a result of a merger;

八 商品取引所の業務に関する知識及び経験を有する従業員の確保の状況並びに当該従業員の配置の状況を記載した書面(合併後の商品取引所が株式会社商品取引所である場合に限る。)

(viii) a document stating the status of securing employees who have the knowledge and experience pertaining to the business of a Commodity Exchange and the status of the assignment of such employees (limited to a case where a Commodity Exchange subsequent to a merger becomes an Incorporated Commodity Exchange);

九 開設しようとする商品市場における合併後一年間の先物取引の取引量の見込みを

記載した書面

(ix) a document stating the estimated transaction volume of Futures

Transactions for one year after the merger on the Commodity Market which he/she seeks to open;

十 合併に際して上場商品に係る商品市場を開設しようとする場合にあっては、上場商品構成物品を一の商品市場で取引をすることが適当である旨を明らかにすることができる書面

(x) in the case of seeking to open a Commodity Market pertaining to a Listed Commodity at the time of a merger, a document stating that it is appropriate to conduct transactions of Listed Commodity Component Products on a single Commodity Market;

十一 合併に際して二以上の商品指数を一の上場商品指数として商品市場を開設しようとする場合にあっては、当該二以上の商品指数の対象となる物品の大部分が共通していることを明らかにすることができる書面

(xi) in the case of seeking to open a Commodity Market at the time of a merger by specifying two or more Commodity Indices as a single Listed Commodity Index, a document stating that the majority of the goods subject to said two or more Commodity Indices shall be common to one another.

(株式の発行等により一に満たない株式の端数を処理する場合における市場価格)

(Market price in the case of processing any fractional shares less than one share due to the issuance of shares, etc.)

第六十条の二 法第百五十条において読み替えて準用する会社法第二百三十四条第二項に規定する主務省令で定める方法は、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をもって法第百五十条において読み替えて準用する会社法第二百三十四条第二項に規定する株式の価格とする方法とする。

Article 60-2 The method specified by an ordinance of the competent ministry set forth in Article 234, paragraph (2) of the Companies Act as applied mutatis mutandis by replacing the terms pursuant to Article 150 of the Act shall be the method of deciding the price of shares prescribed in Article 234, paragraph (2) of the Companies Act, as applied mutatis mutandis by replacing the terms pursuant to Article 150 of the Act using the prices specified in the following items for the categories of cases set forth respectively in those items:

一 当該株式を市場において行う取引によって売却する場合 当該取引によって売却する価格

(i) in the case of selling said shares by transactions on the market: the selling price of said transaction;

二 前号に掲げる場合以外の場合 次に掲げる額のうちいずれか高い額

(ii) in cases other than as set forth in the preceding item: the prices set forth in the following, whichever is the greater:

イ 売却日における当該株式を取引する市場における最終の価格 (当該売却日に売

買取引がない場合又は当該売却日が当該市場の休業日に当たる場合にあっては、その後最初になされた売買取引の成立価格)

(a) the closing price on the market where said shares are traded on the date of sale (in the case of no selling or buying transactions on said sale date, or in the case where said selling day is a holiday of said market, the price of the first selling or buying transactions conducted following said sale date);
or

ロ 売却日において当該株式が公開買付け等の対象であるときは、当該売却日における当該公開買付け等に係る契約における当該株式の価格

(b) if said shares are subject to a Tender Offer, etc. on the date of sale, the price of said shares under the contract pertaining to said Tender Offer, etc. on said date of sale.

(合併に際しての計算に関し必要な事項)

(Necessary matters concerning the accounting at the time of a merger)

第六十条の三 法第一百五十四条第二項の規定により主務省令で定める合併に際しての計算に関し必要な事項は、次条から第六十条の十二までに定めるところによる。

Article 60-3 The necessary matters concerning the accounting at the time of a merger specified by an ordinance of the competent ministry set forth in Article 154, paragraph (2) of the Act shall be specified in the provisions of the following Article through Article 60-12.

(会計慣行のしん酌)

(Taking into consideration accounting practices)

第六十条の四 次条から第六十条の十二までの規定の用語の解釈及びその適用に関しては、一般に公正妥当と認められる企業会計の基準その他の会計慣行をしん酌しなければならない。

Article 60-4 With regard to the interpretation of terms set forth in the following Article through Article 60-12 and the application of such provisions, generally accepted corporate accounting standards and other accounting practices shall be taken into consideration.

(吸収合併対価の全部又は一部が吸収合併存続会員商品取引所の出資である場合における吸収合併存続会員商品取引所の会員資本)

(Members' assets of a Member Commodity Exchange Surviving an Absorption-Type Merger in cases where all or part of the Consideration of an Absorption-Type Merger is a contribution of the Member Commodity Exchange Surviving an Absorption-Type Merger)

第六十条の五 吸収合併（法第四十条の吸収合併をいう。以下第六十条の七までにおいて同じ。）に際して吸収合併存続会員商品取引所が吸収合併消滅会員商品取引所の会員に対して交付する財産（以下「吸収合併対価」という。）の全部又は一部が吸収

合併存続会員商品取引所の出資である場合（次条の規定を適用する場合を除く。）には、吸収合併存続会員商品取引所の次の各号に掲げる額は、当該各号に定める額とする。

Article 60-5 (1) In the case where all or part of the property delivered to Members of a Commodity Exchange Dissolved in an Absorption-Type Merger by the Member Commodity Exchange Surviving an Absorption-Type Merger (hereinafter referred to as the "Consideration of an Absorption-Type Merger") at the time of an Absorption-Type Merger (which means an Absorption-Type Merger prescribed in Article 140 of the Act; the same shall apply hereinafter through Article 60-7) is the contribution of the Member Commodity Exchange Surviving an Absorption-Type Merger (excluding cases where the provisions of the following Article are applied), the amount set forth in the following items of the Member Commodity Exchange Surviving an Absorption-Type Merger shall be the amounts specified in said respective items:

一 吸収合併後の吸収合併存続会員商品取引所の出資金の額（以下「吸収合併後出資金額」という。） 次に掲げる額の合計額

(i) the amount of the contribution of a Member Commodity Exchange Surviving an Absorption-Type Merger subsequent to the Absorption-Type Merger (hereinafter referred to as the "Amount of Contribution subsequent to the Absorption-Type Merger"): the sum total of the following amounts:

イ 吸収合併の直前の吸収合併存続会員商品取引所の出資金の額（以下「吸収合併直前出資金額」という。）

(a) the amount of the contribution of a Member Commodity Exchange Surviving an Absorption-Type Merger immediately prior to the Absorption-Type Merger (hereinafter referred to as the "Amount of Contribution immediately prior to the Absorption-Type Merger");

ロ 吸収合併会員資本変動額が零以上の額であるときは、当該吸収合併会員資本変動額の範囲内で、吸収合併存続会員商品取引所が吸収合併契約の定めに従い定めた額（当該吸収合併会員資本変動額が零未満である場合にあっては、零）

(b) when the Amount of Change in Members' Capital in an Absorption-Type Merger is zero or greater, the amount determined by the Member Commodity Exchange Surviving an Absorption-Type Merger pursuant to the provisions of an Absorption-Type Merger contract within the scope of said Amount of Change in Members' Capital in an Absorption-Type Merger (in cases where said Amount of Change in Members' Capital in an Absorption-Type Merger is less than zero, the amount shall be zero);

二 吸収合併後の吸収合併存続会員商品取引所の加入金の額（以下「吸収合併後加入金額」という。） 次に掲げる額の合計額

(ii) the amount of the membership fees of the Member Commodity Exchange Surviving an Absorption-Type Merger subsequent to the Absorption-Type Merger (hereinafter referred to as the "Membership Fees subsequent to the

- Absorption-Type Merger"): the sum total of the following amounts:
- イ 吸収合併の直前の吸収合併存続会員商品取引所の加入金の額（以下「吸収合併直前加入金額」という。）
 - (a) the amount of the membership fees of the Member Commodity Exchange Surviving an Absorption-Type Merger immediately prior to the Absorption-Type Merger (hereinafter referred to as the "Membership Fees immediately prior to the Absorption-Type Merger");
 - ロ 吸収合併会員資本変動額から前号ロに掲げる額を減じて得た額の範囲内で、吸収合併存続会員商品取引所が吸収合併契約の定めに従い定めた額
 - (b) the amount determined by the Member Commodity Exchange Surviving an Absorption-Type Merger pursuant to the provisions of an Absorption-Type Merger contract within the scope of the amount obtained by deducting the amount set forth in (b) of the preceding item from the Amount of Change in Members' Capital in an Absorption-Type Merger;
 - 三 吸収合併後の吸収合併存続会員商品取引所の資本剰余金の額（以下「吸収合併後資本剰余金額」という。） イ及びロに掲げる額の合計額からハに掲げる額を減じて得た額
 - (iii) the amount of the capital surplus of the Member Commodity Exchange Surviving an Absorption-Type Merger subsequent to the Absorption-Type Merger (hereinafter referred to as the "Capital Surplus subsequent to an Absorption-Type Merger"): the amount obtained by deducting the amount set forth in (c) below, from the sum total of the amounts set forth in (a) and (b);
 - イ 吸収合併の直前の吸収合併存続会員商品取引所の資本剰余金の額（以下「吸収合併直前資本剰余金額」という。）
 - (a) the amount of the capital surplus of the Member Commodity Exchange Surviving an Absorption-Type Merger immediately prior to the Absorption-Type Merger (hereinafter referred to as "Capital Surplus immediately prior to an Absorption-Type Merger");
 - ロ 吸収合併会員資本変動額
 - (b) the Amount of Change in Members' Capital in an Absorption-Type Merger;
 - ハ 第一号ロ及び前号ロに掲げる額の合計額
 - (c) the sum total of the amounts set forth in item (i), (b) and in the preceding item, (b);
 - 四 吸収合併後の吸収合併存続会員商品取引所の法定準備金の額（以下「吸収合併後法定準備金額」という。） 吸収合併の直前の吸収合併存続会員商品取引所の法定準備金の額（以下「吸収合併直前法定準備金額」という。）
 - (iv) the amount of the statutory capital of the Member Commodity Exchange Surviving an Absorption-Type Merger subsequent to the Absorption-Type Merger (hereinafter referred to as the "Amount of Statutory Capital subsequent to the Absorption-Type Merger"): the amount of the statutory

capital of a Member Commodity Exchange Surviving an Absorption-Type Merger immediately prior to the Absorption-Type Merger (hereinafter referred to as the "Amount of Statutory Capital immediately prior to the Absorption-Type Merger");

五 吸収合併後の吸収合併存続会員商品取引所の利益剰余金の額（以下「吸収合併後利益剰余金額」という。） 次に掲げる額の合計額

(v) the amount of the accumulated profit of a Member Commodity Exchange Surviving an Absorption-Type Merger subsequent to the Absorption-Type Merger (hereinafter referred to as the "Amount of Accumulated Profit subsequent to the Absorption-Type Merger"): the sum total of the amounts set forth in the following:

イ 吸収合併の直前の吸収合併存続会員商品取引所の利益剰余金の額（以下「吸収合併直前利益剰余金額」という。）

(a) the amount of the accumulated profit of a Member Commodity Exchange Surviving an Absorption-Type Merger immediately prior to the Absorption-Type Merger (hereinafter referred to as the "Amount of Accumulated Profit immediately prior to the Absorption-Type Merger");

ロ 吸収合併会員資本変動額が零未満であるときは、吸収合併会員資本変動額

(b) when the Amount of Change in Members' Capital in an Absorption-Type Merger is less than zero, the Amount of Change in Members' Capital in an Absorption-Type Merger.

2 前項に規定する「吸収合併会員資本変動額」とは、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をいう。

(2) The term "Amount of Change in Members' Capital in an Absorption-Type Merger" as used in the preceding paragraph shall be the amounts specified in the following items for the categories of cases set forth respectively in those items:

一 吸収合併存続会員商品取引所が承継する財産（以下「吸収合併対象財産」という。）の全部の取得原価を吸収合併対価の時価その他当該吸収合併対象財産の時価を適切に算定する方法をもって測定することとすべき場合 吸収合併対価の時価その他適切な方法により算定された吸収合併対価の価額（吸収合併存続会員商品取引所の出資に係るものに限る。）

(i) in cases where the acquisition costs of the entire property that a Member Commodity Exchange Surviving an Acquisition-Type Merger acquired by succession (hereinafter referred to as the "Property subject to an Absorption-Type Merger") are to be measured by a method calculating the current market value of the Consideration of an Absorption-Type Merger and other current market values of the Property subject to an Absorption-Type Merger: the current market value of the Consideration of an Absorption-Type Merger and other value of the Consideration of an Absorption-Type Merger (limited to such values pertaining to the contribution of the Member Commodity

Exchange Surviving an Acquisition-Type Merger);

二 前号の規定を適用することにより会員資本を計算することができない場合又は計算することが適切でない場合 イに掲げる額からロに掲げる額を減じて得た額

(ii) in cases where it is not possible or it is inappropriate to calculate the Members' capital by applying the provisions of the preceding item: the amount obtained by deducting the amount set forth in (b) from the amount set forth in (a):

イ 吸収合併対象純資産額（吸収合併対象財産（資産に限る。）に付すべき価額から吸収合併対象財産（負債に限る。）に付すべき価額を減じて得た額をいう。）

(a) the Net Assets Subject to an Absorption-Type Merger (which means the amount obtained by deducting the value placed on the Property subject to an Absorption-Type Merger [limited to liabilities] from the value placed on the Property subject to an Absorption-Type Merger [limited to assets]);

ロ 吸収合併存続会員商品取引所における吸収合併直前の吸収合併対価の帳簿価額（吸収合併存続会員商品取引所の出資以外の吸収合併対価が存しない場合にあっては、零）

(b) the book value of the Consideration of an Absorption-Type Merger immediately prior to the Absorption-Type Merger at the Member Commodity Exchange Surviving an Absorption-Type Merger (in cases where there is no Consideration of an Absorption-Type Merger other than the contribution of the Member Commodity Exchange Surviving an Absorption-Type Merger, the amount shall be zero).

（出資金等も引き継ぐ場合等における会員資本）

(Members' capital in cases of succession of contributions, etc.)

第六十条の六 吸収合併存続会員商品取引所の出資金、加入金、資本剰余金、法定準備金及び利益剰余金につき吸収合併消滅会員商品取引所における吸収合併の直前の出資金、加入金、資本剰余金、法定準備金及び利益剰余金を引き継ぐものとして計算することが適切である場合には、吸収合併後の吸収合併存続会員商品取引所の次の各号に掲げるものの額は、当該各号に定める額とする。

Article 60-6 (1) In cases where it is appropriate to calculate the contributions, membership fees, capital surplus, statutory capital, and accumulated profit of the Member Commodity Exchange Surviving an Absorption-Type Merger as those succeeding to the contributions, membership fees, capital surplus, statutory capital and accumulated profit, respectively, of the Member Commodity Exchange Dissolved in an Absorption-Type Merger immediately prior to the Absorption-Type Merger, the amount set forth in the following items of the Member Commodity Exchange Surviving an Absorption-Type Merger subsequent to the Absorption-Type Merger shall be the amount specified in such items, respectively:

一 吸収合併後出資金額 次に掲げる額の合計額

(i) the Amount of Contributions subsequent to the Absorption-Type Merger: the sum total of the amounts set forth in the following:

イ 吸収合併直前出資金額

(a) the Amount of Contributions immediately prior to the Absorption-Type Merger;

ロ 吸収合併の直前の吸収合併消滅会員商品取引所の出資金の額（吸収合併対価が存しない場合にあつては、零）

(b) the Amount of Contributions of the Member Commodity Exchange Dissolved in an Absorption-Type Merger immediately prior to the Absorption-Type Merger (in cases where there is no Consideration of an Absorption-Type Merger, the amount shall be zero);

二 吸収合併後加入金額 次に掲げる額の合計額

(ii) the Membership Fees subsequent to the Absorption-Type Merger: the sum total of the amounts set forth in the following:

イ 吸収合併直前加入金額

(a) the Membership Fees immediately prior to the Absorption-Type Merger;

ロ 吸収合併の直前の吸収合併消滅会員商品取引所の加入金の額（吸収合併対価が存しない場合にあつては、零）

(b) the Amount of the Membership Fees of the Member Commodity Exchange Dissolved in an Absorption-Type Merger immediately prior to the Absorption-Type Merger (in cases where there is no Consideration of an Absorption-Type Merger, the amount shall be zero);

三 吸収合併後資本剰余金額 次に掲げる額の合計額

(iii) the Capital Surplus subsequent to an Absorption-Type Merger: the sum total of the amounts set forth in the following:

イ 吸収合併直前資本剰余金額

(a) the Capital Surplus immediately prior to an Absorption-Type Merger;

ロ 吸収合併の直前の吸収合併消滅会員商品取引所の資本剰余金の額（吸収合併対価が存しない場合にあつては、吸収合併の直前の吸収合併消滅会員商品取引所の出資金の額、加入金の額及び資本剰余金の額の合計額）

(b) the Capital Surplus of the Member Commodity Exchange Dissolved in an Absorption-Type Merger immediately prior to the Absorption-Type Merger (in cases where there is no Consideration of an Absorption-Type Merger, the amount shall be the sum of the amount of contributions, the amount of membership fees, and the amount of capital surplus of the Member Commodity Exchange Dissolved in an Absorption-Type Merger immediately prior to the Absorption-Type Merger);

四 吸収合併後法定準備金額 次に掲げる額の合計額

(iv) the Amount of Statutory Capital subsequent to the Absorption-Type Merger: the sum total of the amounts set forth in the following:

イ 吸収合併直前法定準備金額

- (a) the Amount of Statutory Capital immediately prior to the Absorption-Type Merger;
- ロ 吸収合併の直前の吸収合併消滅会員商品取引所の法定準備金の額（吸収合併対価が存しない場合にあつては、零）
- (b) the amount of the Statutory Capital of the Member Commodity Exchange Dissolved in an Absorption-Type Merger immediately prior to the Absorption-Type Merger (in cases where there is no Consideration of an Absorption-Type Merger, the amount shall be zero);
- 五 吸収合併後利益剰余金額 次に掲げる額の合計額
- (v) the Amount of Accumulated Profit subsequent to the Absorption-Type Merger: the sum total of the amounts set forth in the following:
- イ 吸収合併直前利益剰余金額
- (a) the Amount of Accumulated Profit immediately prior to the Absorption-Type Merger;
- ロ 吸収合併の直前の吸収合併消滅会員商品取引所の利益剰余金の額（吸収合併対価が存しない場合にあつては、吸収合併の直前の吸収合併消滅会員商品取引所の法定準備金の額及び利益剰余金の額の合計額）
- (b) the amount of the Accumulated Profit of the Member Commodity Exchange Dissolved in an Absorption-Type Merger immediately prior to the Absorption-Type Merger (in cases where there is no Consideration of an Absorption-Type Merger, the amount shall be the sum of the amount of statutory capital and the amount of accumulated profit of the Member Commodity Exchange Dissolved in an Absorption-Type Merger immediately prior to the Absorption-Type Merger).
- 2 前項に規定する「吸収合併存続会員商品取引所の出資金、加入金、資本剰余金、法定準備金及び利益剰余金につき吸収合併消滅会員商品取引所における吸収合併の直前の出資金、加入金、資本剰余金、法定準備金及び利益剰余金を引き継ぐものとして計算することが適切である場合」とは、次のいずれにも該当する場合をいう。
- (2) The phrase "cases where it is appropriate to calculate the contributions, membership fees, capital surplus, statutory capital, and accumulated profit of the Member Commodity Exchange Surviving an Absorption-Type Merger as those succeeding to the contributions, membership fees, capital surplus, statutory capital and accumulated profit, respectively, of the Member Commodity Exchange Dissolved in an Absorption-Type Merger immediately prior to the Absorption-Type Merger" as used in the preceding paragraph means cases that fall under all of the following items:
- 一 吸収合併対象財産に吸収合併消滅会員商品取引所における吸収合併の直前の帳簿価額を付すべき場合であること。
- (i) the case of assigning a book value immediately prior to an Absorption-Type Merger of the Member Commodity Exchange Dissolved in an Absorption-Type Merger to the Property Subject to an Absorption-Type Merger;

二 次に掲げるいずれかの場合であること。

(ii) either of the following cases:

イ 吸収合併対価の全部が吸収合併存続会員商品取引所の出資である場合

(a) the case where all of the Consideration of an Absorption-Type Merger is the contribution of the Member Commodity Exchange Surviving an Absorption-Type Merger;

ロ 吸収合併対価が存しない場合

(b) the case where there is no Consideration of an Absorption-Type Merger;

三 次に掲げるいずれかの場合であること。

(iii) either of the following cases:

イ 前項の規定に従って計算すべき場合

(a) the case where the calculation is to be made in accordance with the provisions of the preceding paragraph;

ロ イに掲げる場合のほか、前条第二項第二号に掲げる場合において、吸収合併存続会員商品取引所がこの条の規定を適用するものと定めたとき。

(b) in addition to the case set forth in (a), the case set forth in paragraph (2), item (ii) of the preceding Article where the Member Commodity Exchange Surviving an Absorption-Type Merger has determined to apply the provisions of this Article.

第六十条の七 削除

Article 60-7 Deleted.

(会員商品取引所と株式会社商品取引所とが吸収合併する場合の法務省令の適用)
(Application of an Ordinance of the Ministry of Justice in cases of an Absorption-Type Merger of a Member Commodity Exchange and an Incorporated Commodity Exchange)

第六十条の八 会員商品取引所と株式会社商品取引所とが吸収合併をする場合における会社計算規則第二編第二章第二節第一款及び第二款並びに第三章第四節第一款の規定の適用については、同規則第五十九条中「吸収合併の直前の資本金、資本剰余金及び利益剰余金」とあるのは「吸収合併の直前の出資金、加入金、資本剰余金、法定準備金及び利益剰余金」と、「資本金の額」とあるのは「出資金の額」と、「資本準備金の額」とあるのは「加入金の額」と、「その他資本剰余金の額」とあるのは「資本剰余金の額」と、「利益準備金の額」とあるのは「法定準備金の額」と、「その他利益剰余金の額」とあるのは「利益剰余金の額」とする。

Article 60-8 With regard to the application of the provisions of Part II, Chapter II, Section 2, Subsection 1 and Subsection 2; and Chapter III, Section 4, Subsection 1 of the Ordinance on Accounting of Companies in the case of an Absorption-Type Merger of a Member Commodity Exchange and an Incorporated Commodity Exchange, the phrase, "stated capital, capital surplus, and accumulated profit immediately prior to an Absorption-Type Merger" in

Article 59 of the same Ordinance shall be deemed to be replaced with, "contributions, membership fees, capital surplus, statutory capital, and accumulated profit immediately prior to an Absorption-Type Merger"; the phrase, "amount of stated capital" shall be replaced with, "amount of contributions"; the phrase, "amount of capital reserve" shall be replaced with, "amount of membership fees"; the phrase, "other amount of capital surplus" shall be deemed to be replaced with, "amount of capital surplus"; the phrase, "amount of earned reserve" shall be deemed to be replaced with "amount of statutory capital"; and the phrase, "amount of other accumulated profits" shall be replaced with, "amount of accumulated profit," respectively.

(時価等で評価する場合における新設合併設立会員商品取引所の会員資本)
(Members' capital of a Member Commodity Exchange Established by a Consolidation-Type Merger in cases of evaluation using current market value, etc.)

第六十条の九 新設合併（法第百四十一条の新設合併をいう。以下第六十条の十一までにおいて同じ。）により新設合併設立会員商品取引所が承継する財産（以下「新設合併対象財産」という。）（新設合併取得会員商品取引所（新設合併消滅会員商品取引所のうち、一の会員商品取引所の有する財産に付された新設合併直前の帳簿価額を当該財産に付すべき新設合併設立会員商品取引所における帳簿価額とすべき場合における当該一の会員商品取引所をいう。以下同じ。）の財産を除く。以下この条において同じ。）の全部の取得原価を新設合併対価（新設合併に際して新設合併設立会員商品取引所が新設合併消滅会員商品取引所の会員に対して交付する財産をいう。以下この条において同じ。）の時価その他当該新設合併対象財産の時価を適切に算定する方法をもって測定することとすべき場合において、新設合併設立会員商品取引所の次の各号に掲げる額は、当該各号に定める額とする。ただし、新設合併契約により次項の規定によるものと定めたときは、この限りでない。

Article 60-9 (1) In the case where the acquisition costs of the entire property that a Member Commodity Exchange Established by a Consolidation-Type Merger acquired by succession as the result of a Consolidation-Type Merger (which refers to a Consolidation-Type Merger prescribed in Article 141 of the Act; the same shall apply hereinafter until Article 60-11) (hereinafter referred to as the "Property subject to a Consolidation-Type Merger") (excluding the property of a Member Commodity Exchange acquired through a Consolidation-Type Merger [which means a single Member Commodity Exchange in the case where the book value immediately prior to a Consolidation-Type Merger for the property held by such single Member Commodity Exchange should be used as the book value of the Member Commodity Exchange Established by a Consolidation-Type Merger for said property; the same shall apply hereinafter]; hereinafter the same shall apply in this Article), the acquisition costs of such property are to be measured by a method calculating the current

market value of the Consideration of the Consolidation-Type Merger (which means property delivered to Members of a Member Commodity Exchanges Dissolved in a Consolidation-Type Merger by the Member Commodity Exchange Established by a Consolidation-Type Merger at the time of the Consolidation-Type Merger; hereinafter the same shall apply in this Article) and other current market values of said Property subject to a Consolidation-Type Merger, the amounts set forth in the following items for the Member Commodity Exchange Established by a Consolidation-Type Merger shall be the amounts set forth in said respective items; provided, however, that this shall not apply if it is determined that such amounts are to be prescribed pursuant to the provisions of the following paragraph by the Consolidation-Type Merger contract:

一 新設合併設立会員商品取引所の設立時の出資金の額（以下「設立時出資金額」という。） 新設合併会員払込出資額（次に掲げる額の合計額をいう。以下この項において同じ。）（当該新設合併会員払込出資額が零未満である場合にあっては、零）の範囲内で、新設合併消滅会員商品取引所が新設合併契約の定めに従い定めた額（零以上の額に限る。）

(i) the amount of the contributions at the establishment of a Member Commodity Exchange Established by a Consolidation-Type Merger (hereinafter referred to as the "Amount of Contributions at Establishment") - the amount (limited to an amount of zero or greater) determined by the Member Commodity Exchange Dissolved in a Consolidation-Type Merger pursuant to the provisions of a Consolidation-Type Merger contract within the scope of the Amount of the Contribution Paid by Members in a Consolidation-Type Merger (which means the sum of the following amounts; hereinafter the same shall apply in this paragraph) (in cases where the amount of the contribution paid by Members in a Consolidation-Type Merger is less than zero, the amount shall be zero):

イ 新設合併対象純資産額（新設合併対象財産（資産に限る。）に付すべき価額から新設合併対象財産（負債に限る。）に付すべき価額を減じて得た額（新設合併取得会員商品取引所から承継するものに係るものに限る。）をいう。）

(a) the Amount of the Net Assets Subject to the Consolidation-Type Merger (which means the amount calculated by deducting the value placed on the Property subject to a Consolidation-Type Merger [limited to liabilities] from the value placed on the Property subject to a Consolidation-Type Merger [limited to assets] [limited to those inherited from a Member Commodity Exchange acquired through a Consolidation-Type Merger]);

ロ 新設合併対価時価（新設合併対価の時価その他適切な方法により算定された新設合併対価の価額をいう。以下この条において同じ。）（新設合併設立会員商品取引所の出資に係るものであって、新設合併取得会員商品取引所以外の新設合併消滅会員商品取引所の会員に交付するものに限る。）

- (b) the Current Market Value of the Consideration of the Consolidation-Type Merger (which means the value of the Consideration of the Consolidation-Type Merger calculated by using the current market value of the Consideration of the Consolidation-Type Merger or other appropriate method; hereinafter the same shall apply in this Article; and limited to those cases pertaining to the contributions of a Member Commodity Exchange Established by a Consolidation-Type Merger that are delivered to Members of a Member Commodity Exchanges Dissolved in a Consolidation-Type Merger other than a Member Commodity Exchange acquired through a Consolidation-Type Merger);
- 二 新設合併設立会員商品取引所の設立時の加入金の額（以下「設立時加入金額」という。） 新設合併会員払込出資額（当該新設合併会員払込出資額が零未満である場合にあつては、零）から設立時出資金額を減じて得た額の範囲内で、新設合併消滅会員商品取引所が新設合併契約の定めに従い定めた額（零以上の額に限る。）
- (ii) the amount of membership fees at the establishment of a Member Commodity Exchange Established by a Consolidation-Type Merger (hereinafter referred to as the "Amount of Membership Fees at Establishment") -- the amount determined by a Member Commodity Exchange Dissolved in a Consolidation-Type Merger pursuant to the provisions of the Consolidation-Type Merger contract within the scope of the amount calculated by deducting the Amount of Contributions at Establishment from the Amount of the Contribution Paid by Members in a Consolidation-Type Merger (in cases where the Amount of the Contribution Paid by Members in a Consolidation-Type Merger is less than zero, the amount shall be zero));
- 三 新設合併設立会員商品取引所の設立時の資本剰余金の額（以下「設立時資本剰余金額」という。） 新設合併会員払込出資額（当該新設合併会員払込出資額が零未満である場合にあつては、零）から設立時出資金額及び設立時加入金額の合計額を減じて得た額
- (iii) the amount of capital surplus at the establishment of a Member Commodity Exchange Established by a Consolidation-Type Merger (hereinafter referred to as the "Amount of Capital Surplus at Establishment") -- the amount calculated by deducting the sum total of the Amount of Contributions at Establishment and the Amount of Membership Fees at Establishment from the Amount of the Contribution Paid by Members in a Consolidation-Type Merger (in cases where the Amount of the Contribution Paid by Members in a Consolidation-Type Merger is less than zero, the amount shall be zero);
- 四 新設合併設立会員商品取引所の設立時の法定準備金の額（以下「設立時法定準備金額」という。） 零
- (iv) the amount of statutory capital at the establishment of a Member

Commodity Exchange Established by a Consolidation-Type Merger (hereinafter referred to as the "Amount of Statutory Capital at Establishment") -- the amount shall be zero;

五 新設合併設立会員商品取引所の設立時の利益剰余金の額（以下「設立時利益剰余金額」という。） 零（新設合併会員払込出資額が零未満であるときは、当該新設合併対象純資産額）

(v) the amount of accumulated surplus at the establishment of a Member Commodity Exchange Established by a Consolidation-Type Merger (hereinafter referred to as the "Amount of Accumulated Surplus at Establishment") -- the amount shall be zero (if the Amount of the Contribution Paid by Members in a Consolidation-Type Merger is less than zero, the amount shall be said amount of net assets subject to the Consolidation-Type Merger).

2 前項ただし書に規定する場合には、新設合併設立会員商品取引所の次の各号に掲げる額は、当該各号に定める額とする。

(2) In the case prescribed in the proviso of the preceding paragraph, the amounts listed in the following items of a Member Commodity Exchange Established by a Consolidation-Type Merger shall be the amounts set forth in the following items:

一 設立時出資金額 次に掲げる額の合計額

(i) the Amount of Contributions at Establishment: the sum total of the amounts set forth in the following:

イ 新設合併取得会員商品取引所の新設合併の直前の出資金の額

(a) the amount of the contributions immediately prior to a Consolidation-Type Merger of the Member Commodity Exchange acquired through a Consolidation-Type Merger;

ロ 新設合併対価時価（新設合併設立会員商品取引所の出資に係るものであって、新設合併取得会員商品取引所以外の新設合併消滅会員商品取引所の会員に交付するものに限る。以下この項において同じ。）の範囲内で、新設合併消滅会員商品取引所が新設合併契約の定めに従い定めた額（零以上の額に限る。）

(b) the amount determined by the Member Commodity Exchanges Dissolved in a Consolidation-Type Merger pursuant to the provisions of the Consolidation-Type Merger contract (limited to an amount of zero or greater) within the scope of the Current Market Value of the Consideration of the Consolidation-Type Merger (limited to those cases pertaining to the contributions of the Member Commodity Exchange Established by a Consolidation-Type Merger that are delivered to Members of a Member Commodity Exchange Dissolved in a Consolidation-Type Merger other than the Member Commodity Exchange acquired through a Consolidation-Type Merger; hereinafter the same shall apply in this paragraph);

二 設立時加入金額 次に掲げる額の合計額

- (ii) the Amount of Membership Fees at Establishment: the sum total of the amounts set forth in the following:
- イ 新設合併取得会員商品取引所の新設合併の直前の加入金の額
 - (a) the amount of membership fees immediately prior to a Consolidation-Type Merger of the Member Commodity Exchange acquired through a Consolidation-Type Merger;
 - ロ 新設合併対価時価から前号ロに掲げる額を減じて得た額の範囲内で、新設合併消滅会員商品取引所が新設合併契約の定めに従い定めた額（零以上の額に限る。）
 - (b) the amount determined by the Member Commodity Exchanges Dissolved in a Consolidation-Type Merger pursuant to the provisions of the Consolidation-Type Merger contract (limited to an amount of zero or greater) within the scope of the amount calculated by deducting the amount set forth in (b) of the preceding item from the Current Market Value of the Consideration of the Consolidation-Type Merger;
- 三 設立時資本剰余金額 イ及びロに掲げる額の合計額からハに掲げる額を減じて得た額
- (iii) the Amount of Capital Surplus at Establishment: the amount calculated by deducting the amount set forth in (c) below, from the sum total of the amounts set forth in (a) and (b):
- イ 新設合併取得会員商品取引所の新設合併の直前の資本剰余金の額
 - (a) the amount of the Capital Surplus immediately prior to a Consolidation-Type Merger of a Member Commodity Exchange acquired through a Consolidation-Type Merger;
 - ロ 新設合併対価時価
 - (b) the Current Market Value of the Consideration of the Consolidation-Type Merger;
 - ハ 第一号ロ及び前号ロに掲げる額の合計額
 - (c) the sum total of the amounts set forth in item (i), (b) and in the preceding item, (b);
- 四 設立時法定準備金額 新設合併取得会員商品取引所の新設合併の直前の法定準備金の額
- (iv) the Amount of Statutory Capital at Establishment: the amount of statutory capital immediately prior to a Consolidation-Type Merger of a Member Commodity Exchange acquired through a Consolidation-Type Merger;
- 五 設立時利益剰余金額 新設合併取得会員商品取引所の新設合併の直前の利益剰余金の額
- (v) the Amount of Accumulated Surplus at Establishment: the amount of accumulated profit immediately prior to a Consolidation-Type Merger of a Member Commodity Exchange acquired through a Consolidation-Type Merger.

(出資金等も引き継ぐ場合等における会員資本)

(Members' capital in cases of succession of contributions, etc.)

第六十条の十 新設合併設立会員商品取引所の出資金、加入金、資本剰余金、法定準備金及び利益剰余金につき全部の新設合併消滅会員商品取引所における新設合併の直前の出資金、加入金、資本剰余金、法定準備金及び利益剰余金を引き継ぐものとして計算することが適切である場合には、新設合併設立会員商品取引所の次の各号に掲げる額は、当該各号に定める額とする。

Article 60-10 (1) In cases where it is appropriate to calculate the contributions, membership fees, capital surplus, statutory capital, and accumulated profit of the Member Commodity Exchange Established by a Consolidation-Type Merger as those succeeding to the contributions, membership fees, capital surplus, statutory capital, and accumulated profit of all Member Commodity Exchanges Dissolved in a Consolidation-Type Merger immediately prior to the Consolidation-Type Merger, the amounts set forth in the following items of the Member Commodity Exchange Established by a Consolidation-Type Merger shall be the amounts specified in such items, respectively:

一 設立時出資金額 新設合併の直前の各新設合併消滅会員商品取引所の出資金の額の合計額（新設合併消滅会員商品取引所のうちに非対価交付消滅会員商品取引所（新設合併消滅会員商品取引所の会員に交付する新設合併対価が存しない場合における当該新設合併消滅会員商品取引所をいう。以下この条において同じ。）がある場合にあつては、新設合併の直前の各新設合併消滅会員商品取引所（非対価交付消滅会員商品取引所を除く。）の出資金の額の合計額）

(i) the Amount of Contributions at Establishment: the sum total of the amounts of the contributions of the respective Member Commodity Exchanges Dissolved in a Consolidation-Type Merger immediately prior to the Consolidation-Type Merger (in cases where any of the Member Commodity Exchanges Dissolved in a Consolidation-Type Merger is a Dissolving Member Commodity Exchange with No Consideration to Deliver [which means a Member Commodity Exchange Dissolved in a Consolidation-Type Merger where there is no consideration of the Consolidation-Type Merger to be delivered to Members of the Member Commodity Exchange Dissolved in a Consolidation-Type Merger; hereinafter the same shall apply in this Article], the amount shall be the sum total of the amounts of the contributions of the respective Member Commodity Exchanges Dissolved in a Consolidation-Type Merger [excluding any Dissolving Member Commodity Exchange with no consideration to deliver] immediately prior to the Consolidation-Type Merger);

二 設立時加入金額 新設合併の直前の各新設合併消滅会員商品取引所の加入金の額の合計額（新設合併消滅会員商品取引所のうちに非対価交付消滅会員商品取引所がある場合にあつては、新設合併の直前の各新設合併消滅会員商品取引所（非対価交

付消滅会員商品取引所を除く。)の加入金の額の合計額)

(ii) the Amount of Membership Fees at Establishment: the sum total of the amounts of membership fees of the respective Member Commodity Exchanges Dissolved in a Consolidation-Type Merger immediately prior to the Consolidation-Type Merger (in cases where any of the Member Commodity Exchanges Dissolved in a Consolidation-Type Merger is a Dissolving Member Commodity Exchange with No Consideration to Deliver, the amount shall be the sum total of the amounts of membership fees of the respective Member Commodity Exchanges Dissolved in a Consolidation-Type Merger [excluding any Dissolving Member Commodity Exchange with No Consideration to Deliver] immediately prior to the Consolidation-Type Merger);

三 設立時資本剰余金額 新設合併の直前の各新設合併消滅会員商品取引所の資本剰余金の額の合計額 (新設合併消滅会員商品取引所のうちに非対価交付消滅会員商品取引所がある場合にあつては、新設合併の直前の各新設合併消滅会員商品取引所の資本剰余金の額並びに各非対価交付消滅会員商品取引所の出資金及び加入金の額の合計額

(iii) the Amount of Capital Surplus at Establishment: the sum total of the amounts of capital surplus of the respective Member Commodity Exchanges Dissolved in a Consolidation-Type Merger immediately prior to the Consolidation-Type Merger (in cases where any of the Member Commodity Exchanges Dissolved in a Consolidation-Type Merger is a Dissolving Member Commodity Exchange with No Consideration to Deliver, the amount shall be the sum total of the amounts of capital surplus of the respective Member Commodity Exchanges Dissolved in a Consolidation-Type Merger and the amounts of contribution and membership fees of the respective Dissolving Member Commodity Exchanges with No Consideration to Deliver immediately prior to the Consolidation-Type Merger);

四 設立時法定準備金額 新設合併の直前の各新設合併消滅会員商品取引所の法定準備金の額の合計額 (新設合併消滅会員商品取引所のうちに非対価交付消滅会員商品取引所がある場合にあつては、新設合併の直前の各新設合併消滅会員商品取引所 (非対価交付消滅会員商品取引所を除く。)の法定準備金の額の合計額)

(iv) the Amount of Statutory Capital at Establishment: the sum total of the amounts of statutory capital of the respective Member Commodity Exchanges Dissolved in a Consolidation-Type Merger immediately prior to the Consolidation-Type Merger (in cases where any of the Member Commodity Exchanges Dissolved in a Consolidation-Type Merger is a Dissolving Member Commodity Exchange with No Consideration to Deliver, the amount shall be the sum total of the amounts of statutory capital of the respective Member Commodity Exchanges Dissolved in a Consolidation-Type Merger [excluding any Dissolving Member Commodity Exchange with No Consideration to

- Deliver] immediately prior to the Consolidation-Type Merger);
- 五 設立時利益剰余金額 新設合併の直前の各新設合併消滅会員商品取引所の利益剰余金の額の合計額（新設合併消滅会員商品取引所のうちに非対価交付消滅会員商品取引所がある場合にあっては、新設合併の直前の各新設合併消滅会員商品取引所の利益剰余金の額及び各非対価交付消滅会員商品取引所の法定準備金の額の合計額）
- (v) the Amount of Accumulated Surplus at Establishment: the sum total of the amounts of accumulated profit of the respective Member Commodity Exchanges Dissolved in a Consolidation-Type Merger immediately prior to the Consolidation-Type Merger (in cases where any of the Member Commodity Exchanges Dissolved in a Consolidation-Type Merger is a Dissolving Member Commodity Exchange with No Consideration to Deliver, the amount shall be the sum total of the amounts of accumulated profit of the respective Member Commodity Exchanges Dissolved in a Consolidation-Type Merger and the amounts of statutory capital of the respective Dissolving Member Commodity Exchanges with No Consideration to Deliver immediately prior to the Consolidation-Type Merger).
- 2 前項に規定する「新設合併設立会員商品取引所の出資金、加入金、資本剰余金、法定準備金及び利益剰余金につき全部の新設合併消滅会員商品取引所における新設合併の直前の出資金、加入金、資本剰余金、法定準備金及び利益剰余金を引き継ぐものとして計算することが適切である場合」とは、次のいずれにも該当する場合をいう。
- (2) The phrase "cases where it is appropriate to calculate the contributions, membership fees, capital surplus, statutory capital, and accumulated profit of the Member Commodity Exchange Established by a Consolidation-Type Merger as those succeeding to the contributions, membership fees, capital surplus, statutory capital, and accumulated profit of all Member Commodity Exchanges Dissolved in a Consolidation-Type Merger immediately prior to the Consolidation-Type Merger" as used in the preceding paragraph means cases that fall under all of the following items:
- 一 新設合併対象財産の全部につき新設合併消滅会員商品取引所における新設合併の直前の帳簿価額を付すべき場合であること。
- (i) the case of assigning a book value immediately prior to a Consolidation-Type Merger of all Member Commodity Exchanges Dissolved in a Consolidation-Type Merger to the Property Subject to a Consolidation-Type Merger;
- 二 新設合併消滅会員商品取引所の会員に交付する新設合併対価の全部が新設合併設立会員商品取引所の出資である場合であること。
- (ii) the case where all of the consideration of a Consolidation-Type Merger to be delivered to Members of the Member Commodity Exchanges Dissolved in a Consolidation-Type Merger is a contribution of the Member Commodity Exchange Established by a Consolidation-Type Merger;
- 三 次に掲げるいずれかの場合であること。
- (iii) either of the following cases:

イ 前項の規定に従って計算すべき場合

(a) the case where a calculation is to be made in accordance with the provisions of the preceding paragraph;

ロ イに掲げる場合のほか、第六十条の九の規定を適用することにより会員資本を計算することができない場合又は計算することが適切でない場合において、新設合併消滅会員商品取引所がこの条の規定を適用するものと定めたとき。

(b) in addition to the case set forth in (a), the case in which it is not possible or it is inappropriate to calculate the Members' capital by applying the provisions of Article 60-9 and where the Member Commodity Exchange Surviving an Absorption-Type Merger has determined to apply the provisions of this Article.

(その他の場合における会員資本)

(Members' capital in other cases)

第六十条の十一 第六十九条の九の規定を適用することにより会員資本を計算することができない場合又は計算することが適切でない場合には、新設合併設立会員商品取引所の次の各号に掲げる額は当該各号に定める額とする。ただし、前条の規定を適用する場合は、この限りでない。

Article 60-11 When it is not possible or it is inappropriate to calculate the Members' capital by applying the provisions of Article 69-9, the amounts set forth in the following items of a Member Commodity Exchange Established by a Consolidation-Type Merger shall be the amounts specified in such items, respectively; provided, however, that this shall not apply when applying the provisions of the preceding Article:

一 設立時出資金額 次に掲げる額の合計額

(i) the Amount of Contributions at Establishment: the sum total of the amounts set forth in the following:

イ 会員資本承継消滅会員商品取引所（新設合併消滅会員商品取引所の会員が受ける新設合併対価の全部が新設合併設立会員商品取引所の出資である場合において、当該新設合併消滅会員商品取引所がこの号に規定する会員資本承継消滅会員商品取引所となることを定めたときにおける当該新設合併消滅会員商品取引所をいう。以下この条において同じ。）の出資金の額

(a) the amount of the contributions of the Member Commodity Exchange Dissolved in a Consolidation-Type Merger which Inherits Members' Capital (which means when said Member Commodity Exchange Dissolved in a Consolidation-Type Merger is appointed to be a Member Commodity Exchange Dissolved in a Consolidation-Type Merger which inherits Members' Capital prescribed in this item in the case where the entire consideration for a Consolidation-Type Merger received by Members of a Member Commodity Exchange Dissolved in a Consolidation-Type Merger is the contribution of the Member Commodity Exchange Established by a

Consolidation-Type Merger; hereinafter the same shall apply in this Article);

ロ 非会員資本承継消滅会員商品取引所（新設合併消滅会員商品取引所の会員に交付する新設合併対価が存しない場合における当該新設合併消滅会員商品取引所及び会員資本承継消滅会員商品取引所以外の新設合併消滅会員商品取引所をいう。以下この条において同じ。）の新設合併対象純資産額（新設合併対象財産（資産に限る。）に付すべき価額から新設合併対象財産（負債に限る。）に付すべき価額を減じて得た額をいう。以下この条において同じ。）（当該新設合併対象純資産額が零未満である場合にあっては、零）の範囲内で、新設合併消滅会員商品取引所が新設合併契約の定めに従い定めた額（零以上の額に限る。）

(b) the amount determined by a Member Commodity Exchange Dissolved in a Consolidation-Type Merger complying with the provisions of a Consolidation-Type Merger contract (limited to an amount of zero or greater) within the scope of the Amount of the Net Assets Subject to a Consolidation-Type Merger (which means the amount calculated by deducting the value placed on the Property subject to a Consolidation-Type Merger [limited to liabilities] from the value placed on the Property subject to a Consolidation-Type Merger [limited to assets]; hereinafter the same shall apply in this Article) (in the case where such Amount of the Net Assets Subject to a Consolidation-Type Merger is less than zero, the amount shall be zero) of the Member Commodity Exchange Dissolved in a Consolidation-Type Merger which Does Not Inherit Members' Capital (which means a Member Commodity Exchange Dissolved in a Consolidation-Type Merger other than said Member Commodity Exchange Dissolved in a Consolidation-Type Merger and Member Commodity Exchange Dissolved in a Consolidation-Type Merger which Inherits Members' Capital when the consideration of a Consolidation-Type Merger to be delivered to Members of a Member Commodity Exchange Dissolved in a Consolidation-Type Merger does not exist; hereinafter the same shall apply in this Article);

二 設立時加入金額 次に掲げる額の合計額

(ii) the Amount of Membership Fees at Establishment: the sum total of the amounts set forth in the following:

イ 会員資本承継消滅会員商品取引所の新設合併の直前の加入金の額

(a) the amount of membership fees immediately prior to a Consolidation-Type Merger of the Member Commodity Exchange Dissolved in a Consolidation-Type Merger which Inherits Members' Capital;

ロ 非会員資本承継消滅会員商品取引所の新設合併対象純資産額（当該新設合併対象純資産額が零未満である場合にあっては、零）から前号ロに掲げる額を減じて得た額の範囲内で、新設合併消滅会員商品取引所が新設合併契約の定めに従い定めた額（零以上の額に限る。）

- (b) the amount determined by a Member Commodity Exchange Dissolved in a Consolidation-Type Merger complying with the provisions of a Consolidation-Type Merger contract (limited to an amount of zero or greater) within the scope of the amount calculated by deducting the amount set forth in (b) of the preceding item from the Amount of the Net Assets Subject to a Consolidation-Type Merger of Members' Capital of a Member Commodity Exchange Dissolved in a Consolidation-Type Merger which Does Not Inherit Members' Capital (in the case where said Amount of the Net Assets Subject to a Consolidation-Type Merger is less than zero, the amount shall be zero);
- 三 設立時資本剰余金額 イ及びロに掲げる額の合計額からハに掲げる額を減じて得た額
- (iii) the Amount of Capital Surplus at Establishment: the amount calculated by deducting the amount set forth in (c) below, from the sum total of the amounts set forth in (a) and (b);
- イ 会員資本承継消滅会員商品取引所の新設合併の直前の資本剰余金の額
- (a) the amount of the Capital Surplus immediately prior to a Consolidation-Type Merger of a Member Commodity Exchange Dissolved in a Consolidation-Type Merger which Inherits Members' Capital;
- ロ 非会員資本承継消滅会員商品取引所の新設合併対象純資産額（当該新設合併対象純資産額が零未満である場合にあっては、零）
- (b) the Amount of the Net Assets Subject to a Consolidation-Type Merger of Members' Capital of a Member Commodity Exchange Dissolved in a Consolidation-Type Merger which Does Not Inherit Members' Capital (in the case where said Amount of the Net Assets subject to a Consolidation-Type Merger is less than zero, the amount shall be zero);
- ハ 第一号ロ及び前号ロに掲げる額の合計額
- (c) the sum total of the amounts set forth in item (i), (b) and in the preceding item, (b);
- 四 設立時法定準備金額 会員資本承継消滅会員商品取引所の新設合併の直前の法定準備金の額
- (iv) the Amount of Statutory Capital at Establishment: the amount of the statutory capital immediately prior to a Consolidation-Type Merger of a Member Commodity Exchange Dissolved in a Consolidation-Type Merger which Inherits Members' Capital;
- 五 設立時利益剰余金額 次に掲げる額の合計額
- (v) the Amount of Accumulated Surplus at Establishment: the sum total of the amounts set forth in the following:
- イ 会員資本承継消滅会員商品取引所の新設合併の直前の利益剰余金の額
- (a) the amount of accumulated profit immediately prior to a Consolidation-Type Merger of a Member Commodity Exchange Dissolved in a

Consolidation-Type Merger which Inherits Members' Capital;

ロ 非承継消滅会員商品取引所の新設合併対象純資産額が零未満であるときは、当該新設合併対象純資産額

(b) in the case where the Amount of the Net Assets Subject to a Consolidation-Type Merger of a Member Commodity Exchange Dissolved in a Consolidation-Type Merger which does not inherit Members' Capital is less than zero, said Amount of the Net Assets Subject to a Consolidation-Type Merger.

(会員商品取引所と株式会社商品取引所とが新設合併する場合の法務省令の適用)

(Application of an Ordinance of the Ministry of Justice in cases of a

Consolidation-Type Merger of a Member Commodity Exchange and an Incorporated Commodity Exchange)

第六十条の十二 会員商品取引所と株式会社商品取引所とが新設合併をする場合における会社計算規則第二編第二章第二節第一款及び第五款並びに第三章第六節第二款の規定の適用については、「直前の資本金の額」とあるのは「直前の出資金又は資本金の額」と、「直前の資本準備金」とあるのは「直前の加入金又は資本準備金」と、「直前のその他資本剰余金」とあるのは「直前の資本剰余金又はその他資本剰余金」と、「直前の利益準備金」とあるのは「直前の法定準備金又は利益準備金」と、「直前のその他利益剰余金」とあるのは「直前の利益剰余金又はその他利益剰余金」と、同規則第七十七条中「資本金の額」とあるのは「出資金又は資本金の額」と、第七十八条中「直前の資本金、資本剰余金及び利益剰余金」とあるのは「直前の出資金、資本金、加入金、資本剰余金、法定準備金及び利益剰余金」と、「資本金の額」とあるのは「出資金又は資本金の額」と、「資本準備金の額」とあるのは「加入金又は資本準備金の額」と、「その他資本剰余金の額」とあるのは「資本剰余金又はその他資本剰余金の額」と、「利益準備金の額」とあるのは「法定準備金又は利益準備金の額」と、「その他利益剰余金の額」とあるのは「利益剰余金又はその他利益剰余金の額」とする。

Article 60-12 With regard to the application of the provisions of Part II, Chapter II, Section 2, Subsection 1 and Subsection 5, and Chapter III, Section 6, Subsection 2 of the Ordinance on Accounting of Companies for the case of a Consolidation-Type Merger of a Member Commodity Exchange and an Incorporated Commodity Exchange, the phrase, "amount of stated capital immediately prior to" shall be deemed to be replaced with, "contribution or amount of stated capital immediately prior to"; the term, "capital reserve immediately prior to" shall be deemed to be replaced with, "membership fee or capital reserve immediately prior to"; the phrase, "other Capital Surplus immediately prior to" shall be deemed to be replaced with, "Capital Surplus and other Capital Surplus immediately prior to"; the phrase, "earned reserve immediately prior to" shall be deemed to be replaced with "statutory capital or earned reserve immediately prior to"; the phrase, "other accumulated profit

immediately prior to" shall be deemed to be replaced with, "accumulated profit or other accumulated profit immediately prior to"; the phrase, "amount of stated capital" in Article 77 of the same Ordinance shall be deemed to be replaced with, "amount of contributions or stated capital"; the phrase, "stated capital, Capital Surplus, and accumulated profit immediately prior to" in Article 78 shall be deemed to be replaced with, "contributions, stated capital, membership fees, Capital Surplus, statutory capital, and accumulated profit immediately prior to"; the phrase, "amount of stated capital" shall be deemed to be replaced with, "amount of contributions or stated capital"; the phrase, "amount of capital reserve" shall be deemed to be replaced with, "amount of membership fees or capital reserve"; the phrase, "amount of other Capital Surplus" shall be deemed to be replaced with, "amount of Capital Surplus or other Capital Surplus"; and the phrase, "amount of earned reserve" shall be deemed to be replaced with, "amount of statutory capital or earned reserve", and the phrase, "amount of other accumulated profit" shall be deemed to be replaced with "amount of accumulated profit or other accumulated profit," respectively.

(定款変更認可の申請書の添付書類)

(Attached documents to an application for approval of an amendment to articles of incorporation)

第六十一条 法第一百五十五条第二項の主務省令で定める書類は、次の各号に掲げる場合の区分に応じ、当該各号に定めるものとする。

Article 61 The documents specified by an ordinance of the competent ministry set forth in Article 155, paragraph (2) of the Act shall be those specified in the following items for the categories of cases set forth respectively in those items:

一 変更の申請が商品市場の開設に係る場合 次に掲げる書面

(i) in the case where the application for amendment pertains to the establishment of a Commodity Market, the documents set forth in the following:

イ 変更の理由を記載した書面

(a) a document recording the reasons for the amendment;

ロ 新旧条文の対照表

(b) a comparative table of the prior and amended article provisions;

ハ 会員総会又は株主総会の議事録その他必要な手続があったことを証する書面

(c) minutes of a general meeting of Members or a general meeting of shareholders or another document certifying that the necessary procedures for approval have been followed;

ニ 新たに開設しようとする商品市場ごとに当該商品市場を開設しようとする商品取引所の会員等であつて当該商品市場において取引をしようとするもの及び当該商品取引所の会員等になろうとする者であつて当該商品市場において取引をしよ

うとするもの（会員商品取引所にあつては、その出資の全額の払込みが終了した者に限る。）の合計数が二十人以上であることを証する書面

(d) a document certifying that the total number of persons who are Members, etc. of the Commodity Exchange intending to establish a Commodity Market for each Commodity Market which is planned to be newly established and who intend to start transactions on such Commodity Market, and who intend to become Members, etc. of said Commodity Exchange intending to start transactions on such Commodity Market (with regard to a Member Commodity Exchange, limited to persons who have completed payment of the full amount of the contribution) are 20 or more;

ホ ニに規定する会員等及び会員等になろうとする者のうち、会員商品取引所の会員及び会員になろうとする者にあつては当該商品市場について法第三十条第一項各号のいずれかに該当することを誓約する書面、株式会社商品取引所の取引参加者及び取引参加者になろうとする者にあつては法第八十二条第一項第一号イからハまで又は同項第二号イからハまでのいずれかに該当することを誓約する書面

(e) among persons who are or intend to become Members, etc. prescribed in (d), with regard to a person who is or intends to become a member of a Member Commodity Exchange, a sworn, written statement that such person falls under any of the items of Article 30, paragraph (1) of the Act regarding said Commodity Market; with regard to a person who is or intends to become a trading participant of an Incorporated Commodity Exchange, a sworn, written statement that such person falls under any of the provisions of (a) through (c) of Article 82, paragraph (1), item (i) of the Act, or any of the provisions of (a) through (c) of item (ii) of the same paragraph;

へ ニに規定する会員等及び会員等になろうとする者の過半数の者が当該商品市場について法第十条第二項各号並びに第二十八条第一項第五号イ及びロに定める者に該当することを誓約する書面

(f) a sworn, written document stating that the majority of persons who are or intend to become Members, etc. prescribed in (d) fall under the persons specified in the respective items of Article 10, paragraph (2), and Article 28, paragraph (1), item (v), (a) and (b) of the Act, with regard to such Commodity Market;

ト 当該商品取引所の会員等になろうとする者であつて当該商品市場において取引をしようとするものが法第十五条第二項第一号イからヲまでのいずれにも該当しないことを誓約する書面

(g) a sworn, written document stating that the person who intends to become a Member, etc. of said Commodity Exchange and intends to start transactions on said Commodity Market does not fall under any of the provisions of (a) through (l) of Article 15, paragraph (2), item (i) of the Act;

チ 新たに開設しようとする一以上の商品市場において法百五条第一号に掲げる

方法により決済を行う場合にあっては、認可の申請の日前三十日以内に様式第一号により作成した二に規定する会員等及び会員等になろうとする者の純資産額に関する調書

(h) in the case of carrying out settlements by the method set forth in Article 105, item (i) of the Act at one or more Commodity Markets which are planned to be newly established, a record prepared according to Form No. 1 within 30 days prior to the date of filing the application and pertaining to the amount of the net assets of a person who is or intends to become a Member, etc. as prescribed in (d);

リ 新たに開設しようとする商品市場における開設後一年間の先物取引の取引量の見込みを記載した書面

(i) a document stating the estimated transaction volume of Futures Transactions for one year after the opening on a Commodity Market which he/she seeks to open;

ヌ 上場商品に係る商品市場を開設しようとする場合にあっては、上場商品構成物品を一の商品市場で取引をすることが適当である旨を明らかにすることができる書面

(j) in the case of seeking to open a Commodity Market pertaining to a Listed Commodity, a document stating that it is appropriate to trade Listed Commodity Component Products on a single Commodity Market;

ル 二以上の商品指数を一の上場商品指数として商品市場を開設しようとする場合にあっては、当該二以上の商品指数の対象となる物品の大部分が共通していることを明らかにすることができる書面

(k) in the case of seeking to open a Commodity Market by specifying two or more Commodity Indices as a single Listed Commodity Index, a document stating that the majority of the goods subject to said two or more Commodity Indices shall be common to one another;

二 変更の申請が商品市場における上場商品若しくは上場商品指数の範囲の変更（廃止又は範囲の縮小を除く。以下この号において同じ。）又は取引の種類の変更に係る場合 次に掲げる書面

(ii) in the case where the application for amendment is pertaining to a change to the scope of a Listed Commodity or Listed Commodity Index on a Commodity Market (excluding the abolishment or narrowing of such scope; hereinafter the same shall apply in this item) or a change to the type of transaction, the documents set forth in the following:

イ 変更の理由を記載した書面

(a) a document recording the reasons for the amendment;

ロ 新旧条文の対照表

(b) a comparative table of the prior and amended article provisions;

ハ 会員総会又は株主総会の議事録その他必要な手続があったことを証する書面

(c) minutes of a general meeting of Members or a general meeting of

- shareholders or another document certifying that the necessary procedures for approval have been followed;
- ニ 当該変更に係る商品市場において法第百五条第一号に掲げる方法により決済を行っている場合であつて、当該商品市場において取引をする会員等の純資産額の最低額を変更した場合にあつては、認可の申請の日前三十日以内に様式第一号により作成した会員等の純資産額に関する調書
- (d) in cases where making a settlement on a Commodity Market pertaining to said amendment by a method set forth in Article 105, item (i) of the Act and where changing the minimum amount of the net assets of Members, etc. who trade on said Commodity Market, a record pertaining to the amount of the net assets of Members, etc., which is prepared according to Form No. 1 within 30 days prior to the filing of the application;
- ホ 当該変更に係る商品市場における変更後一年間の先物取引の取引量の見込みを記載した書面
- (e) a document stating the estimated transaction volume of Futures Transactions for one year after the amendment on the Commodity Market pertaining to said amendment;
- へ 上場商品の範囲の変更の場合にあつては、二以上の上場商品構成物品を一の商品市場で取引をすることが適当である旨を明らかにすることができる書面
- (f) in the case of changing the scope of a Listed Commodity, a document stating that it is appropriate that two or more Listed Commodity Component Products are traded on a single Commodity Market;
- ト 二以上の商品指数を一の上場商品指数とする上場商品指数の範囲の変更の場合にあつては、当該二以上の商品指数の対象となる物品の大部分が共通している旨を明らかにすることができる書面
- (g) in the case of changing the scope of a Listed Commodity Index which sets two or more Commodity Indices as a single Listed Commodity Index, a document stating that the majority of goods subject to said two or more Commodity Indices are common to one another;
- 三 会員商品取引所の存続期間若しくは株式会社商品取引所としての存続期間の廃止若しくは変更又は商品市場の開設期限の廃止若しくは変更に係る場合 次に掲げる書面
- (iii) in cases pertaining to the abolishment or change of the duration of a Member Commodity Exchange or the duration as an Incorporated Commodity Exchange, or in cases pertaining to the abolishment or change of the due date of the establishment of a Commodity Market, the documents set forth in the following:
- イ 変更の理由を記載した書面
- (a) a document recording the reasons for the amendment;
- ロ 新旧条文の対照表
- (b) a comparative table of the prior and amended article provisions;

ハ 会員総会又は株主総会の議事録その他必要な手続があったことを証する書面
(c) minutes of a general meeting of Members or a general meeting of shareholders or another document certifying that the necessary procedures for approval have been followed;

ニ 当該変更に係る商品市場における変更後一年間の先物取引の取引量の見込みを記載した書面

(d) a document stating the estimated transaction volume of Futures Transactions for one year after the amendment on the Commodity Market pertaining to said amendment;

四 前三号に掲げる場合以外の場合 次に掲げる書面

(iv) in cases other than those set forth in the preceding three items, documents as set forth in the following:

イ 変更の理由を記載した書面

(a) a document recording the reasons for the amendment;

ロ 新旧条文の対照表

(b) a comparative table of the prior and amended article provisions;

ハ 会員総会又は株主総会の議事録その他必要な手続があったことを証する書面

(c) minutes of a general meeting of Members or a general meeting of shareholders or another document certifying that the necessary procedures for approval have been followed.

(業務規程、受託契約準則、紛争処理規程又は市場取引監視委員会規程の変更認可の申請書の添付書類)

(Attached documents to an application for approval of an amendment to business regulations, brokerage contract rules, dispute resolution rules, or market transactions surveillance committee rules)

第六十二条 法第一百五十六条第二項の主務省令で定める書類は、次に掲げるものとする。

Article 62 The documents specified by an ordinance of the competent ministry set forth in Article 156, paragraph (2) of the Act shall be as follows:

一 変更の理由を記載した書面

(i) a document recording the reasons for the change;

二 新旧条文の対照表

(ii) a comparative table of the prior and amended article provisions;

三 定款その他の規則で定める変更の手続を完了したことを証する書面

(iii) a document certifying that amendment procedures specified by the articles of incorporation or other rules have been completed.

(商品取引所に係る検査職員の身分証明書)

(Identification of inspection officials pertaining to a Commodity Exchange)

第六十三条 法第一百五十七条第三項の規定により職員が携帯すべき身分証明書は、様式第二号による。

Article 63 The identification that inspection officials shall carry pursuant to the provisions of Article 157, paragraph (3) of the Act shall be prepared according to Form No. 2.

(市場取引監視委員会委員の要件)

(Requirements for a committee member of a market transactions surveillance committee)

第六十四条 法第百六十六条第一項の主務省令で定める要件は、次の各号のいずれにも該当することとする。ただし、主務大臣の承認を受けたときは、この限りでない。

Article 64 The requirements specified by an ordinance of the competent ministry set forth in Article 166, paragraph (1) of the Act shall be to fall under all of the following items; provided, however, that this shall not apply to a case where the competent minister has granted approval:

一 法第十五条第二項第一号イからルまでのいずれにも該当しないこと。

(i) the committee member does not fall under any of the provisions of (a) through (k) of Article 15, paragraph (2), item (i) of the Act;

二 上場商品構成物品等（法第十五条第一項第一号に規定する上場商品構成物品等をいう。以下同じ。）の取引に関係のある事業者団体と関係を持っていないこと。

(ii) the committee member shall not have any relationship with a business organization related to transactions of Listed Commodity Component Products, etc. (which means Listed Commodity Component Products, etc., prescribed in Article 15, paragraph (1), item (i) of the Act; the same shall apply hereinafter);

三 商品市場における取引等（商品清算取引を除く。）の委託を受けること又は商品市場における取引を業として営む企業の役員、顧問若しくは評議員となり、直接間接に当該企業の経営に参加し、当該企業から反対給付を受け、又は当該企業に投資していないこと。

(iii) the committee member shall not be an officer, advisor, or councilor of any enterprise which is, in the course of trade, engaged in accepting the consignment of transactions, etc. on the Commodity Market (excluding Commodity Clearing Transactions) or carrying out transactions on the Commodity Market, nor join directly or indirectly in the management of said enterprise, nor receive any compensation for performance from said enterprise, nor hold an investment in said enterprise.

(市場取引監視委員会規程)

(Market transactions surveillance committee rules)

第六十五条 法第百六十六条第三項の主務省令で定める事項は、次に掲げるものとする。

Article 65 The matters specified by an ordinance of the competent ministry set forth in Article 166, paragraph (3) of the Act shall be as follows:

一 委員の身分保障に関する事項

- (i) matters pertaining to a guarantee of the status of a committee member;
二 委員の職務に関して知り得た秘密の保持に関する事項
- (ii) matters pertaining to the maintenance of confidential information acquired in the course of duties of the committee member;
三 市場取引監視委員会の意見に関する事項
- (iii) matters pertaining to an opinion of a market transactions surveillance committee.

(商品取引清算機関の許可申請書の添付書類)

(Attached documents to an application for a license of a Commodity Clearing Organization)

第六十六条 法第百六十八条第二項の主務省令で定める書類は、次に掲げるもの（官公署が証明する書類の場合には、許可の申請の日前三月以内に作成されたものに限る。）とする。

Article 66 The documents specified by an ordinance of the competent ministry set forth in Article 168, paragraph (2) of the Act shall be as follows (in the case of a certification issued by a public agency, limited to documents prepared within three months prior to the date of filing the application for a license):

一 登記事項証明書

(i) a certificate of the registered matters of the company;

二 直前事業年度の計算書類等及びその附属証明書

(ii) the Financial Statements, etc. for the most recent business year and related detailed certifications;

三 業務開始後三年間における収支の見込みを記載した書面

(iii) a document stating the estimated income for the three years after the commencement of the business;

四 主要株主（総株主の議決権（法第八十六条第一項に規定する議決権をいう。以下この号において同じ。）の百分の十以上の議決権を保有している株主をいう。以下同じ。）の氏名又は商号若しくは名称、住所又は所在地及びその保有する議決権の数を記載した書面

(iv) a document stating the name or trade name of the Major Shareholder (which means a shareholder holding 10 percent or more of the Voting Rights [which means a Voting Right prescribed in Article 86, paragraph (1) of the Act; hereinafter the same shall apply in this item] of total shareholders; the same shall apply hereinafter), the address or location and the number of Voting Rights that the Major Shareholder holds;

五 親法人等（商品取引清算機関の総株主の議決権（前号に規定する議決権をいう。）の過半数を保有している法人その他の団体をいう。）及び子法人等（商品取引清算機関が総株主等（令第七条第一項第三号に規定する総株主等をいう。）の議決権（令第七条第一項第三号に規定する議決権をいう。）の過半数を保有している法人その他の団体をいう。）の概要を記載した書面

(v) a document giving a description of a Parent Juridical Person, etc. (which means a juridical person or other organization that holds the majority of Voting Rights [which is a Voting Right as prescribed in the preceding item] of the total shareholders of a Commodity Clearing Organization) and Subsidiary Juridical Person(s), etc. (which means a juridical person or other organization that holds the majority of the Voting Rights [which means the voting rights prescribed in Article 7, paragraph (1), item (iii) of the Order] of All Shareholders, etc. [which means the All Shareholders, etc. prescribed in Article 7, paragraph (1), item (iii) of the Order] of a Commodity Clearing Organization);

六 法第十五条第二項第一号ハからホまで又はりのいずれにも該当しないことを誓約する書面

(vi) a sworn, written document stating that the Commodity Clearing Organization does not fall under any of the provisions of (c) through (e) or (i) of Article 15, paragraph (2), item (i) of the Act;

七 次に掲げる場合に応じ、それぞれ次に定める書面

(vii) a document specified as follows corresponding to each case:

イ 役員が外国人である場合 当該役員の住民票の写し等、履歴書及びその者が法第十五条第二項第一号イからルまでのいずれにも該当しないことを誓約する書面

(a) in the case where an officer is a foreign national: a Copy of the Residence Certificate, etc., and the curriculum vitae of said officer, and a sworn, written statement by that person that such person does not fall under any of the provisions of Article 15, paragraph (2), item (i), (a) through (k) of the Act;

ロ 役員が法人である場合 当該役員の登記事項証明書、沿革を記載した書面及び法第十五条第二項第一号ヲに該当しないことを誓約する書面

(b) in the case where an officer is a juridical person: a certificate of the registered matters of said officer, a document stating the corporate development, and a sworn, written statement by that person that such person does not fall under the provisions of Article 15, paragraph (2), item (i), (l) of the Act;

ハ 役員が外国人又は法人でない場合 当該役員の住民票の写し等、履歴書、その者が法第十五条第二項第一号イ及びロに該当しない旨の官公署の証明書並びにその者が同号ハからルまでのいずれにも該当しないことを誓約する書面

(c) in the case where an officer is neither a foreign national nor a juridical person: a Copy of the Residence Certificate, etc., and the curriculum vitae of said officer; a certification issued by a public agency that such person does not fall under the provisions of Article 15, paragraph (2), item (i), (a) and (b) of the Act; and a sworn, written statement by that person that such person does not fall under any of the provisions of (c) through (k) of the same item;

八 商品取引債務引受業に関する知識及び経験を有する従業員の確保の状況並びに当該従業員の配置の状況を記載した書類

(viii) a document stating the status of securing employees who have the knowledge and experience pertaining to the Business of Assuming Commodity Transaction Debts and the status of the assignment of such employees;

九 創立総会を開催した場合には、創立総会の議事録

(ix) in the case where an organizational meeting is held, the minutes of the organizational meeting;

十 清算参加者の氏名又は商号若しくは名称及び主たる事務所又は本店の所在地を記載した書面

(x) a document stating the names or trade names of Clearing Participants, and the addresses of the principal offices or head offices;

十一 清算参加者が許可の申請の日前三十日以内に様式第一号により作成したその者の純資産額に関する調書

(xi) records prepared by Clearing Participants according to Form No. 1 within 30 days prior to date of filing the application for a license and pertaining to such persons' net assets;

十二 商品取引債務引受業において電子情報処理組織を使用する場合には、当該電子情報処理組織の概要、設置場所、容量及び保守の方法並びに当該電子情報処理組織に異常が発生した場合の対処方法を記載した書類

(xii) in the case where an electronic data processing system is used for the Business of Assuming Commodity Transaction Debts, a document giving a description, installation location, capacity, and maintenance system of said electronic data processing system, and the process for responding in the event of the failure of said electronic data processing system;

十三 その他法第百六十九条第一項に掲げる基準に適合しているかどうかについての認定の参考となるべき事項を記載した書面

(xiii) other documents stating the matters to be referenced for approval as to whether the organization conforms to the standards set forth in Article 169, paragraph (1) of the Act.

(兼業の承認申請)

(Application for approval of subsidiary business)

第六十七条 商品取引清算機関は、法第七十条第一項の規定により承認を受けようとするときは、次に掲げる事項を記載した承認申請書を主務大臣に提出しなければならない。

Article 67 (1) When a Commodity Clearing Organization intends to receive approval pursuant to the provisions of Article 170, paragraph (1) of the Act, a written application for approval that states the following matters shall be submitted to the competent minister:

一 承認を受けようとする業務の種類

(i) the type of business to be approved;

二 当該業務の開始予定年月日

(ii) the scheduled date of the commencement of such business.

2 前項の承認申請書には、次に掲げる書類を添付しなければならない。

(2) The following documents shall be attached to the written application for approval specified in the preceding paragraph:

一 当該業務の内容及び方法を記載した書面

(i) a document stating the contents and methods of said business;

二 当該業務を所掌する組織及び人員配置を記載した書面

(ii) a document stating the organization which has jurisdiction over said business and its appointment of personnel;

三 当該業務の運営に関する社内規則

(iii) a document stating the internal rules pertaining to the management of said business;

四 当該業務の開始後三年間における収支の見込みを記載した書面

(iv) a document stating the estimated income for the three years after the commencement of said business.

(兼業業務の廃止の届出)

(Notification of abolishment of subsidiary business)

第六十八条 商品取引清算機関は、法第七十条第二項の規定による届出を行う場合には、次に掲げる事項を記載した届出書を提出しなければならない。

Article 68 In the case of submitting a notification pursuant to the provisions of Article 170, paragraph (2) of the Act, a Commodity Clearing Organization shall submit a written notification stating the following matters:

一 法第七十条第一項の規定に基づき承認を受けた業務の種類

(i) the type of business that was approved, based on the provisions of Article 170, paragraph (1) of the Act;

二 当該業務を廃止した年月日

(ii) the date of the abolishment of said business.

(資本金の額等の変更の届出)

(Notification of change to amount of stated capital, etc.)

第六十九条 商品取引清算機関は、法第七十一条の規定による届出を行う場合には、次に掲げる事項を記載した届出書を提出しなければならない。

Article 69 (1) In the case of submitting a notification pursuant to the provisions of Article 171 of the Act, a Commodity Clearing Organization shall submit a written notification stating the following matters:

一 変更の内容

(i) the contents of the change;

二 変更年月日

(ii) the date of the change.

2 前項の届出書には、次の各号に掲げる区分に応じ、当該各号に定める書類を添付するものとする。

(2) The written notification prescribed in the preceding paragraph shall attach the documents specified in the following items for the categories set forth respectively in those items:

一 法第百六十八条第一項第二号又は第三号に掲げる事項の変更 第六十六条第一号に掲げる書類

(i) a change to matters set forth in Article 168, paragraph (1), item (ii) or item (iii) of the Act: a document set forth in Article 66, item (i);

二 法第百六十八条第一項第五号に掲げる事項の変更 第六十六条第一号及び第七号に掲げる書類

(ii) a change to matters set forth in Article 168, paragraph (1), item (v) of the Act: a document set forth in Article 66, item (i) and item (vii).

(商品取引所の商品取引債務引受業等の兼業承認申請書の添付書類)

(Attached documents of an application for approval of subsidiary business of the Business of Assuming Commodity Transaction Debts, etc. of a Commodity Exchange)

第七十条 法第百七十三条第三項の主務省令で定める書類は、次に掲げるものとする。

Article 70 The documents specified by an ordinance of the competent ministry set forth in Article 173, paragraph (3) of the Act shall be as follows:

一 商品取引債務引受業を所掌する組織及び人員配置を記載した書面

(i) a document stating the organization which has jurisdiction over the Business of Assuming Commodity Transaction Debts and its appointment of personnel;

二 商品取引債務引受業の開始後三年間における収支の見込みを記載した書面

(ii) a document stating the estimated income for the three years after the commencement of the Business of Assuming Commodity Transaction Debts;

三 会員総会又は株主総会の議事録その他必要な手続があったことを証する書面

(iii) minutes of a general meeting of Members or a general meeting of shareholders or another document certifying that the necessary procedures for approval have been followed;

四 清算参加者の氏名又は商号若しくは名称及び主たる事務所又は本店の所在地を記載した書面

(iv) a document stating the names or trade names of the Clearing Participants, and the addresses of the principal offices or head offices;

五 清算参加者が承認の申請の日前三十日以内に様式第一号により作成したその者の純資産額に関する調書

(v) a record prepared by the Clearing Participants according to Form No. 1

within 30 days prior to the filing of the application and pertaining to such persons' net assets;

六 商品取引債務引受業において電子情報処理組織を使用する場合には、当該電子情報処理組織の概要、設置場所、容量及び保守の方法並びに当該電子情報処理組織に異常が発生した場合の対処方法を記載した書類

(vi) in the case where an electronic data processing system is used for the Business of Assuming Commodity Transaction Debts, a document stating the outline, installation location, capacity, and maintenance system of said electronic data processing system, and the process for responding in the event of the failure of said electronic data processing system.

(業務方法書の記載事項)

(Matters to be included in business rules)

第七十一条 法第一百七十五条第二項第六号の主務省令で定める事項は、次に掲げるものとする。

Article 71 The matters specified by an ordinance of the competent ministry set forth in Article 175, paragraph (2), item (vi) of the Act shall be as follows:

一 商品取引債務引受業に附帯する業務に関する事項

(i) matters pertaining to the business incidental to the Business of Assuming Commodity Transaction Debts;

二 商品取引債務引受業に関連する業務に関する事項

(ii) matters pertaining to the Business of Assuming Commodity Transaction Debts;

三 商品清算取引を行う清算参加者と会員等の商品清算取引に係る基本契約においては、会員等が清算参加者を代理して商品市場における取引を成立させようとするときは、当該会員等が商品清算取引の申込みをし、かつ、当該清算参加者が当該商品清算取引の受託をしたこととする旨

(iii) with regard to the basic contract pertaining to Commodity Clearing Transactions between a Clearing Participant who carries out Commodity Clearing Transactions and a Member, etc., when the Member, etc. intends to close a transaction on the Commodity Market for and on behalf of a Clearing Participant, the fact that such Member, etc. applied for the Commodity Clearing Transaction and such Clearing Participant undertook brokerage of said Commodity Clearing Transaction;

四 法第一百八十条第一項に規定する清算預託金を定める場合にあっては、清算預託金及びその管理方法に関する事項

(iv) in the case of determining the Clearing Deposit prescribed in Article 180, paragraph (1) of the Act, any matters and the management method pertaining to a Clearing Deposit.

(取引証拠金の預託方法)

(Method of depositing clearing margins)

第七十二条 商品取引清算機関は、法第七十九条第一項の規定に基づき取次者（同項第一号ロに規定する取次者をいう。以下この条及び次条において同じ。）、委託者（同号ロに規定する委託者をいう。以下この条及び次条において同じ。）、取次委託者（同号ニに規定する取次委託者をいう。以下この条及び次条において同じ。）、清算取次者（同項第二号ロに規定する清算取次者をいう。以下この条及び次条において同じ。）、清算取次委託者（同号ロに規定する清算取次委託者をいう。以下この条及び次条において同じ。）又は清算取次者に対する委託者（同号ニに規定する清算取次者に対する委託者をいう。以下この条及び次条において同じ。）から取引証拠金の預託を受けるときは、次の各号に掲げる場合の区分に応じ、当該各号に定める者を代理人として当該取引証拠金の預託を受けなければならない。

Article 72 (1) When receiving a deposit of clearing margins, based on the provisions of Article 179, paragraph (1) of the Act, from an Intermediary (which means an Intermediary prescribed in item (i), (b) of the same paragraph; hereinafter the same shall apply in this Article and the following Article), a Customer (which means a Customer prescribed in (b) of the same item; hereinafter the same shall apply in this Article and the following Article), an Intermediation Customer (which means an Intermediation Customer prescribed in (d) of the same item; hereinafter the same shall apply in this Article and the following Article), a Clearing Intermediary (which means a Clearing Intermediary prescribed in item (ii), (b) of the same paragraph; hereinafter the same shall apply in this Article and the following Article), a Clearing Intermediation Customer (which means a Clearing Intermediation Customer prescribed in (b) of the same item; hereinafter the same shall apply in this Article and the following Article), or a Customer of the Clearing Intermediary (which means a Customer of the Clearing Intermediary prescribed in (d) of the same item; hereinafter the same shall apply in this Article and the following Article), a Commodity Clearing Organization shall designate the person specified in the following items, respectively, as an agent, and receive the deposit of said clearing margin, for the categories of cases set forth respectively in those items:

一 法第七十九条第一項第一号ロ又はハに規定する場合 当該取引を受託した会員等

(i) in the case prescribed in Article 179, paragraph (1), item (i), (b) or (c) of the Act: the Member, etc. brokers said transaction;

二 法第七十九条第一項第一号ニに規定する場合 当該取引に係る取次者及び当該取引を受託した会員等

(ii) in the case prescribed in Article 179, paragraph (1), item (i), (d) of the Act: the Intermediary pertaining to said transaction and the Member, etc. who brokers said transaction;

三 法第七十九条第一項第二号イに規定する場合 当該会員等が当該商品清算取引

を委託するものとして届け出た清算参加者

(iii) in the case prescribed in Article 179, paragraph (1), item (ii), (a) of the Act: a Clearing Participant notified by said Member, etc. as the consignee of said Commodity Clearing Transaction;

四 法第百七十九条第一項第二号ロ又はハに規定する場合 当該商品清算取引の委託の取次ぎを受託した会員等及び当該会員等が当該商品清算取引を委託するものとして届け出た清算参加者

(iv) in the case prescribed in Article 179, paragraph (1), item (ii) (b) or (c): the Member, etc. who brokers intermediation of the consignment of said Commodity Clearing Transaction and a Clearing Participant notified by said Member, etc. as the consignee of said Commodity Clearing Transaction;

五 法第百七十九条第一項第二号ニに規定する場合 当該商品清算取引に係る清算取次者、当該商品清算取引の委託の取次ぎを受託した会員等及び当該会員等が当該商品清算取引を委託するものとして届け出た清算参加者

(v) in the case prescribed in Article 179, paragraph (1), item (ii), (d) of the Act: a Clearing Intermediary pertaining to said Commodity Clearing Transaction, the Member, etc. who brokers intermediation of the consignment of said Commodity Clearing Transaction, and the Clearing Participant notified by said Member, etc. as the consignee of said Commodity Clearing Transaction.

2 商品取引清算機関は、法第百七十九条第一項の規定に基づき会員等、取次者又は清算取次者から取引証拠金の預託を受けるとき（会員等が自己の計算において商品市場における取引を行う場合及び清算参加者がその委託をした会員等の計算において商品清算取引を行う場合を除く。）は、次の各号に掲げる場合の区分に応じ、当該各号に定める者が当該取引証拠金（当該各号に定める者が預託した委託証拠金、取次証拠金又は清算取次証拠金の額の範囲内に限る。）に対する返還請求権を有するものとしなければならない。

(2) When receiving a deposit of clearing margins, based on the provisions of Article 179, paragraph (1) of the Act, from a Member, etc., an Intermediary, or a Clearing Intermediary (excluding cases where a Member, etc. carries out the transaction on the Commodity Market on his or her own account and where a Clearing Participant carries out the Commodity Clearing transaction on the account of the Member, etc. who consigned such transaction), a Commodity Clearing Organization shall consent to a person prescribed in the following items, respectively, holding a right to claim a return against said clearing margins (limited to within the scope of the amount of customer margins, intermediation margins, or clearing intermediation margins deposited by the person specified in said respective items) for the categories of cases set forth respectively in those items:

一 会員等が委託者から委託証拠金の預託を受けて商品取引清算機関に取引証拠金を預託した場合 当該委託者

(i) in the case where a Member, etc. received a deposit of a customer margin

- from a Customer and deposited the clearing margin with a Commodity Clearing Organization: said Customer;
- 二 会員等が取次者（取次委託者から取次証拠金の預託を受けている者に限る。）又は取次委託者から委託証拠金の預託を受けて商品取引清算機関に取引証拠金を預託した場合 当該取次委託者
- (ii) in the case where a Member, etc. received a deposit of a customer margin from an Intermediary (limited to a person who received a deposit of an intermediation margin from an Intermediation Customer) or an Intermediation Customer and deposited the clearing margin with a Commodity Clearing Organization: said Intermediation Customer;
- 三 取次者が取次委託者から取次証拠金の預託を受けて商品取引清算機関に取引証拠金を預託した場合 当該取次委託者
- (iii) in the case where an Intermediary received a deposit of an intermediation margin from an Intermediation Customer and deposited the clearing margin with a Commodity Clearing Organization: said Intermediation Customer;
- 四 会員等が清算取次委託者から委託証拠金の預託を受けて商品取引清算機関に取引証拠金を預託した場合 当該清算取次委託者
- (iv) in the case where a Member, etc. received a deposit of a customer margin from a Clearing Intermediation Customer and deposited the clearing margin with a Commodity Clearing Organization: said Clearing Intermediation Customer;
- 五 会員等が清算取次者（清算取次者に対する委託者から清算取次証拠金の預託を受けている者に限る。）又は清算取次者に対する委託者から委託証拠金の預託を受けて商品取引清算機関に取引証拠金を預託した場合 当該清算取次者に対する委託者
- (v) in the case where a Member, etc. received a deposit of a customer margin from a Clearing Intermediary (limited to a person who received a deposit of a clearing intermediation margin from the Customer of the Clearing Intermediary) or a Customer of the Clearing Intermediary and deposited a clearing margin with a Commodity Clearing Organization: said Customer of the Clearing Intermediary;
- 六 清算取次者が清算取次者に対する委託者から清算取次証拠金の預託を受けて商品取引清算機関に取引証拠金を預託した場合 当該清算取次者に対する委託者
- (vi) in the case where a Clearing Intermediary received a deposit of a clearing intermediation margin from a Customer of the Clearing Intermediary and deposited the clearing margin with a Commodity Clearing Organization: said Customer of the Clearing Intermediary.

（委託証拠金等の預託に係る委託者等の同意等）

(Consent, etc. of a Customer, etc. pertaining to a deposit of a customer margin, etc.)

第七十三条 会員等は、法第七十九条第二項の規定により、委託者、取次者若しくは

取次委託者又は清算取次委託者、清算取次者若しくは清算取次者に対する委託者（以下この条において「委託者等」という。）をして委託証拠金を預託させるときは、当該委託者等から、自己に対して当該委託証拠金を預託させることについての書面による同意を得なければならない。

Article 73 (1) When a Member, etc. requests a Customer, an Intermediary or an Intermediation Customer, or a Clearing Intermediation Customer, a Clearing Intermediary, or a Customer of the Clearing Intermediary (hereinafter referred to as a "Customer, etc." in this Article) to deposit a customer margin, a written consent for depositing said customer margin with the Member, etc. shall be obtained by the Member, etc. from said Customer, etc., pursuant to the provisions of Article 179, paragraph (2) of the Act.

2 会員等は、法第七十九条第二項の規定により取次委託者をして委託証拠金を預託させるときは当該取次委託者から商品市場における取引の委託の取次ぎを受託した取次者を、同項により清算取次者に対する委託者をして委託証拠金を預託させるときは当該清算取次者に対する委託者から商品清算取引の委託の取次ぎの委託の取次ぎを受託した清算取次者を代理人として、当該委託証拠金の預託を受けなければならない。

(2) A Member, etc. shall receive a deposit of a customer margin pursuant to the provisions of Article 179, paragraph (2) of the Act by appointing, as an agent, the Intermediary who brokers intermediation of the consignment of transactions on a Commodity Market from an Intermediation Customer when requesting said Intermediation Customer to deposit said customer margin; and by appointing, as an agent, the Clearing Intermediary who brokers intermediation of the consignment for intermediation of the consignment of Commodity Clearing Transactions from a Customer of the Clearing Intermediary when requesting said Customer of the Clearing Intermediary to deposit said customer margin pursuant to the provisions of the same paragraph.

3 取次者は、法第七十九条第三項の規定により、取次委託者をして取次証拠金を預託させるときは、当該取次委託者から、自己に対して当該取次証拠金を預託させることについての書面による同意を得なければならない。

(3) When requesting an Intermediation Customer to deposit an intermediation margin, an Intermediary shall obtain written consent for depositing said intermediation margin with the Intermediary from said Intermediation Customer pursuant to the provisions of Article 179, paragraph (3) of the Act.

4 清算取次者は、法第七十九条第四項の規定により、清算取次者に対する委託者をして清算取次証拠金を預託させるときは、当該清算取次者に対する委託者から、自己に対して当該清算取次証拠金を預託させることについての書面による同意を得なければならない。

(4) When requesting a Customer of the Clearing Intermediary to deposit a clearing intermediation margin, a Clearing Intermediary shall obtain written consent for depositing said clearing intermediation margin with the Clearing

Intermediary from said Customer of the Clearing Intermediary pursuant to the provisions of Article 179, paragraph (4) of the Act.

5 第四十一条第三項から第七項までの規定は、第一項及び前二項の規定による委託者等、取次委託者及び清算取次者に対する委託者の書面による同意について準用する。

(5) The provisions of Article 41, paragraph (3) through paragraph (7) shall apply mutatis mutandis to the written consent of a Customer, etc., an Intermediation Customer and a Customer of the Clearing Intermediary prescribed in paragraph (1) and the preceding two paragraphs.

(商品取引清算機関における取引証拠金の分別管理)

(Segregation management of clearing margins at a Commodity Clearing Organization)

第七十四条 商品取引清算機関は、法第七十九条第五項において準用する法第三条第四項の規定に基づき取引証拠金を管理するときは、次の各号に掲げる区分ごと、かつ、会員等ごとに、自己の固有財産その他の取引証拠金以外の財産と分別して管理しなければならない。

Article 74 (1) When a Commodity Clearing Organization manages clearing margins based on the provisions of Article 103, paragraph (4) of the Act, as applied mutatis mutandis pursuant to Article 179, paragraph (5) of the Act, the clearing margins shall be managed separately from its own property and property other than that of the clearing margins, by the categories set forth in the following items, respectively, and by each Member, etc.:

一 法第七十九条第一項第一号イに掲げる場合のうち会員等が自己の計算において商品市場における取引を行うときに、同項の規定に基づき当該会員等から預託を受けた取引証拠金

(i) in cases set forth in Article 179, paragraph (1), item (i), (a) of the Act, where a Member, etc. carries out transactions on a Commodity Market on his/her own account, the clearing margins deposited by said Member, etc. based on the provisions of the same paragraph;

二 法第七十九条第一項第一号イに掲げる場合のうち会員等が受託した商品市場における取引を同条第二項の規定に基づき委託証拠金の預託を受けて行うときに、同条第一項の規定に基づき当該会員等から預託を受けた取引証拠金

(ii) in cases set forth in Article 179, paragraph (1), item (i), (a) of the Act, where a Member, etc. carries out transactions on a Commodity Market which the Member, etc. brokers by receiving a deposit of customer margins based on the provisions of paragraph (2) of the same Article, the clearing margins deposited by said Member, etc. based on the provisions of paragraph (1) of the same Article;

三 法第七十九条第一項第一号ロ又はニに掲げる場合に、同項の規定に基づき委託者又は取次委託者から預託を受けた取引証拠金

(iii) in cases set forth in Article 179, paragraph (1), item (i), (b) or (d) of the Act,

- the clearing margins deposited by a customer or an Intermediation Customer based on the provisions of the same paragraph;
- 四 法第七十九条第一項第一号ハに掲げる場合に、同項の規定に基づき取次者から預託を受けた取引証拠金
- (iv) in cases set forth in Article 179, paragraph (1), item (i), (c) of the Act, the clearing margins deposited by an Intermediary based on the provisions of the same paragraph;
- 五 法第七十九条第一項第二号イに掲げる場合のうち会員等が自己の計算において商品市場における取引を行うときに、同項の規定に基づき当該会員等から預託を受けた取引証拠金（次号の取引証拠金を除く。）
- (v) in cases set forth in Article 179, paragraph (1), item (ii), (a) of the Act, where a Member, etc. carries out transactions on a Commodity Market on his/her own account, the clearing margins (excluding the clearing margins described in the following item) deposited by said Member, etc. based on the provisions of the same paragraph;
- 六 法第七十九条第一項第二号イに掲げる場合のうち会員等が受託した商品市場における取引を同条第二項の規定に基づき委託証拠金の預託を受けて行うときに、同条第一項の規定に基づき当該会員等から預託を受けた取引証拠金
- (vi) in cases set forth in Article 179, paragraph (1), item (ii), (a) of the Act, where a Member, etc. carries out transactions on a Commodity Market which the Member, etc. brokers by receiving a deposit of customer margins based on the provisions of paragraph (2) of the same Article, the clearing margins deposited by said Member, etc. based on the provisions of paragraph (1) of the same Article;
- 七 法第七十九条第一項第二号ロ又はニに掲げる場合に、同項の規定に基づき清算取次委託者又は清算取次者に対する委託者から預託を受けた取引証拠金
- (vii) in cases set forth in Article 179, paragraph (1), item (ii), (b) or (d) of the Act, the clearing margins deposited by a Clearing Intermediation Customer or a customer of the Clearing Intermediary based on the provisions of the same paragraph;
- 八 法第七十九条第一項第二号ハに掲げる場合に、同項の規定に基づき清算取次者から預託を受けた取引証拠金
- (viii) in cases set forth in Article 179, paragraph (1), item (ii) (c) of the Act, the clearing margins deposited by a Clearing Intermediary based on the provisions of the same paragraph.
- 2 商品取引清算機関は、法第七十九条第五項において準用する法第三条第四項の規定に基づき取引証拠金を管理するときは、次項の規定に基づき管理されるものを除き、次に掲げる方法により当該取引証拠金を管理しなければならない。
- (2) When managing clearing margins based on the provisions of Article 103, paragraph (4) of the Act, as applied *mutatis mutandis* pursuant to Article 179, paragraph (5) of the Act, excluding those clearing margins managed based on

the provisions of the following paragraph, a Commodity Clearing Organization shall manage said clearing margins by the following methods:

一 銀行への預金（取引証拠金であることがその名義により明らかなものに限る。）

(i) by depositing the margins in a bank account (limited to deposit accounts that are clearly identifiable as clearing margins by the account name);

二 信託業務を営む金融機関への金銭信託（金融機関の信託業務の兼営等に関する法律第六条の規定により元本の補てんの契約をしたものであって、取引証拠金であることがその名義により明らかなものに限る。）

(ii) by using cash in the trust of Financial Institutions Engages in Trust Business (limited to those with contracts for the replacement of losses pursuant to the provisions of Article 6 of the Act on Additional Operation of Trust Business by a Financial Institution and in trust accounts that are clearly identifiable as clearing margins by the account name);

三 国債の保有

(iii) by purchasing and holding national government bonds.

3 商品取引清算機関は、法第七十九条第五項において準用する法第三条第四項の規定に基づき充用有価証券等（法第七十九条第六項において準用する法第三条第五項の規定により取引証拠金に充てられる有価証券及び倉荷証券（以下この条において「有価証券等」という。）をいう。以下この条において同じ。）を管理するときは、次の各号に掲げる有価証券等の区分に応じ、当該各号に定める方法により当該充用有価証券等を管理しなければならない。

(3) When managing Securities, etc. for Allocation (which means the securities and warehouse receipts [hereinafter referred to as the "Securities, etc." in this Article] which are allocated to clearing margins pursuant to the provisions of Article 103, paragraph (5) of the Act, as applied mutatis mutandis pursuant to Article 179, paragraph (6); hereinafter the same shall apply in this Article) based on the provisions of Article 103, paragraph (4) of the Act, as applied mutatis mutandis pursuant to Article 179, paragraph (5) of the Act, a Commodity Clearing Organization shall manage said Securities, etc. for Allocation, by the methods specified in the following items for the categories of Securities, etc., set forth respectively in those items:

一 商品取引清算機関が保管することにより管理する有価証券等（混蔵して保管される有価証券等を除く。次号において同じ。） 充用有価証券等の保管場所については自己の固有財産である有価証券等その他の充用有価証券等以外の有価証券等（以下この条において「清算機関固有有価証券等」という。）の保管場所と明確に区分し、かつ、当該充用有価証券等についてどの会員等から又はどの会員等を通じ預託を受けた有価証券等であるかが直ちに判別できる状態で保管することにより管理する方法

(i) Securities, etc. for retention under the management of a Commodity Clearing Organization (excluding Securities, etc. which are retained and commingled; the same shall apply in the following item): a management

method by which the Commodity Clearing Organization controls the location for the retention of Securities, etc. for Allocation that is clearly separate from that for the Securities, etc. of a person's own property and other Securities, etc., than that for the Securities, etc. for Allocation (hereinafter referred to as the "Securities, etc. of a Clearing Organization's Own Property" in this Article), and that said Securities, etc. for Allocation are retained in an available condition that is immediately distinguishable as to which customer deposited such property or for which customer such property was deposited;

二 商品取引清算機関が第三者をして保管させることにより管理する有価証券等 当該第三者をして、充用有価証券等の保管場所については清算機関固有有価証券等の保管場所と明確に区分させ、かつ、当該充用有価証券等についてどの会員等から又はどの会員等を通じ預託を受けた有価証券等であるかが直ちに判別できる状態で保管させることにより管理する方法

(ii) Securities, etc. for retention under the management of a Commodity Clearing Organization using a third party: a management method by which the Commodity Clearing Organization uses a third party to control the location for the retention of Securities, etc. for Allocation clearly separating them from the Securities, etc. of a Clearing Organization's Own Property, and to retain said Securities, etc. for Allocation in an available condition that is immediately distinguishable as to which customer deposited such property or for which customer such property was deposited;

三 商品取引清算機関が保管することにより管理する有価証券等（混蔵して保管される有価証券等に限る。次号において同じ。） 充用有価証券等の保管場所については清算機関固有有価証券等の保管場所と明確に区分し、かつ、各会員等から又は各会員等を通じ預託を受けた充用有価証券等に係る持分が自己の帳簿により直ちに判別できる状態で保管することにより管理する方法

(iii) Securities, etc. for retention under the management of a Commodity Clearing Organization (limited to the Securities, etc., which are retained and commingled; the same shall apply in the following item): a management method by which the location for the retention of Securities, etc. for Allocation is clearly separate from that for the Securities, etc. of a Clearing Organization's Own Property, and that the equity interests pertaining to Securities, etc. for Allocation deposited by or through each Member, etc. are retained in an available condition which is easily distinguishable in their own books and records;

四 商品取引清算機関が第三者をして保管させることにより管理する有価証券等 当該第三者をして、充用有価証券等を預託する者のための口座については商品取引清算機関の自己の口座と区分する等の方法により、充用有価証券等に係る持分が直ちに判別でき、かつ、各会員等から又は各会員等を通じ預託を受けた充用有価証券等に係る持分が自己の帳簿により直ちに判別できる状態で保管させることにより管理する方法

(iv) Securities, etc. for retention under the management of a Commodity Clearing Organization using a third party: a management method by which the Commodity Clearing Organization uses a third party to retain the account for a person who deposited Securities, etc. for Allocation in a condition whereby the equity interests pertaining to Securities, etc. for Allocation will be immediately distinguishable, by a method such as separating them from the Commodity Clearing Organization's own account, and whereby the equity interests pertaining to Securities, etc. for Allocation deposited by or through each Member, etc. will be immediately distinguishable in their own books and records.

(定款又は業務方法書の変更認可申請)

(Application for approval of an amendment to articles of incorporation or business rules)

第七十五条 商品取引清算機関は、法第百八十二条の規定により認可を受けようとするときは、次に掲げる事項を記載した認可申請書を主務大臣に提出しなければならない。

Article 75 (1) When seeking to obtain approval pursuant to the provisions of Article 182 of the Act, a Commodity Clearing Organization shall submit a written application for approval stating the following matters to the competent minister:

一 変更の内容

(i) contents of the amendment;

二 変更予定年月日

(ii) scheduled date of the amendment.

2 前項の認可申請書には、次に掲げる書類を添付しなければならない。

(2) The written application for approval set forth in the preceding paragraph shall have the following documents attached:

一 変更の理由を記載した書面

(i) a document recording the reasons for the amendment;

二 新旧条文の対照表

(ii) a comparative table of the prior and amended article provisions;

三 定款の変更認可申請書にあっては、株主総会（法第百七十三条第一項の規定に基づく承認を受けた会員商品取引所にあつては、会員総会）の議事録その他必要な手続があつたことを証する書面

(iii) in the case of a written application for approval of an amendment to the articles of incorporation, the minutes of a general meeting of shareholders (in the case of a Member Commodity Exchange which is approved based on the provisions of Article 173, paragraph (1) of the Act, a general meeting of Members) or another document certifying that the necessary procedures for approval have been followed;

四 業務方法書の変更認可申請書にあっては、定款その他の規則で定める変更の手続

を完了したことを証する書面

(iv) in the case of a written application for approval of an amendment to business rules, a document certifying that the amendment procedures specified in the articles of incorporation and other rules are completed.

(定款又は業務方法書の変更認可基準)

(Standard for approving an amendment to articles of incorporation or business rules)

第七十六条 主務大臣は、法第百八十二条の規定に基づく認可申請があったときは、その申請が法令に適合し、かつ、業務を適正かつ確実に運営するために十分かどうかを審査しなければならない。

Article 76 When an application based on the provisions of Article 182 of the Act is filed, the competent minister shall examine whether the application conforms to laws and regulations, and is sufficient for operating the business appropriately and steadily.

(商品取引債務引受業の廃止又は解散の決議に係る認可申請)

(Application for approval pertaining to a resolution of abolishment or dissolution of the Business of Assuming Commodity Transaction Debts)

第七十七条 商品取引清算機関は、法第百八十三条の規定による商品取引債務引受業の廃止又は解散の決議の認可を受けようとするときは、認可申請書に次に掲げる書類を添付して主務大臣に提出するものとする。

Article 77 When seeking to obtain approval for the abolishment of the Business of Assuming Commodity Transaction Debts or a resolution of dissolution prescribed in the provisions of Article 183 of the Act, a Commodity Clearing Organization shall attach the following documents to a written application for approval and submit them to the competent minister:

一 廃止又は解散の理由を記載した書面

(i) a document stating the reasons for the abolishment or dissolution;

二 株主総会（法第百七十三条第一項の規定に基づく承認を受けた会員商品取引所にあっては、会員総会）の議事録その他必要な手続があったことを証する書面

(ii) the minutes of a general meeting of shareholders (in the case of a Member Commodity Exchange which is approved based on the provisions of Article 173, paragraph (1) of the Act, a general meeting of Members) or another document certifying that the necessary procedures for approval have been followed;

三 直前事業年度の計算書類等及びその附属明細書

(iii) Financial Statements, etc. for the most recent business year and detailed statements thereof;

四 商品取引債務引受業の結了の方法を記載した書面

(iv) a document stating the method of completion of the Business of Assuming

Commodity Transaction Debts.

(商品取引清算機関に係る検査職員の身分証明書)

(Identification of inspection officials pertaining to a Commodity Clearing Organization)

第七十八条 法第百八十四条第二項において準用する法第百五十七条第三項の規定により職員が携帯すべき身分証明書は、様式第三号による。

Article 78 The identification that inspection officials shall carry out pursuant to the provisions of Article 157, paragraph (3) of the Act, as applied mutatis mutandis pursuant to Article 184, paragraph (2) of the Act shall be prepared according to Form No. 3.

(商品取引員の許可申請書の記載事項)

(Matters to be included with a written application for a license of a Futures Commodity Merchant)

第七十九条 法第百九十二条第一項第五号の主務省令で定める事項は、次に掲げるものとする。

Article 79 The matters specified by an ordinance of the competent ministry set forth in Article 192, paragraph (1), item (v) of the Act shall be as follows:

一 資本金の額

(i) the amount of stated capital;

二 商品市場における取引等の受託を行う商品市場

(ii) the Commodity Market subject to brokerage of transactions, etc. on the Commodity Market;

三 商品市場における取引等（法第二条第十六項第一号又は第三号に掲げるものに限る。）の受託に係る取引と商品市場における取引等（同項第二号又は第四号に掲げるものに限る。）の受託に係る取引の別

(iii) the distinction of transactions pertaining to the brokerage of transactions, etc. (limited to transactions set forth in Article 2, paragraph (16), item (i) or item (iii) of the Act) on the Commodity Market, and to transactions pertaining to the brokerage of transactions, etc. (limited to transactions set forth in item (ii) or item (iv) of the same paragraph) on the Commodity Market;

四 加入する委託者保護基金（法第二百九十六条に規定する委託者保護基金をいう。以下同じ。）の名称

(iv) the name of the Consumer Protection Fund (which means a Consumer Protection Fund prescribed in Article 296 of the Act; the same shall apply hereinafter) which should be joined;

五 加入する商品先物取引協会（法第二百四十一条第一項に規定する商品先物取引協会をいう。以下「協会」という。）の名称

(v) the name of a Commodity Futures Association (which means a Commodity

Futures Association prescribed in Article 241, paragraph (1) of the Act; hereinafter referred to as an "Association") which should be joined.

(商品取引受託業務許可申請書の添付書類)

(Attached documents to an application for a license of a Commodity Transactions Brokerage Business)

第八十条 法第百九十二条第二項の主務省令で定める書類は、次項に規定する場合を除き、次に掲げるもの（官公署が証明する書類の場合には、許可の申請の日前三月以内に作成されたものに限る。）とする。

Article 80 (1) The documents specified by an ordinance of the competent ministry set forth in Article 192, paragraph (2) of the Act shall be as follows (in the case of certifications issued by a public agency, limited to documents prepared within three months prior to the date of filing the application for a license) excluding the case specified in the following paragraph:

一 定款（外国法人である場合には、定款に準ずる書面）

(i) the articles of incorporation (in the case of a foreign juridical person, a document equivalent to articles of incorporation)

二 登記事項証明書

(ii) a certificate of the registered matters;

三 直前三年の各事業年度の計算書類等及びその附属明細書

(iii) Financial Statements, etc. for the most recent three years and detailed statements thereof;

四 削除

(iv) deleted;

五 法第十五条第二項第一号ハからホまで又はりのいずれにも該当しないことを誓約する書面

(v) a sworn, written statement that the person does not fall under any of the provisions of Article 15, paragraph (2), item (i), (c) through (e), or (i);

六 次に掲げる場合に応じ、それぞれ次に定める書面

(vi) a document specified as follows corresponding to each case:

イ 役員が外国人である場合 当該役員の住民票の写し等、様式第四号により作成した履歴書及びその者が法第十五条第二項第一号イからルまでのいずれにも該当しないことを誓約する書面

(a) in the case where an officer is a foreign national: a Copy of the Residence Certificate, etc., a curriculum vitae prepared according to Form No. 4, and a sworn, written statement by that person that such person does not fall under any of the provisions of Article 15, paragraph (2), item (i), (a) through (k) of the Act;

ロ 役員が法人である場合 当該役員の登記事項証明書、沿革を記載した書面及び法第十五条第二項第一号ヲに該当しないことを誓約する書面

(b) in cases where an officer is a juridical person: a certificate of the

registered matters of said officer, a document stating corporate development, and a sworn, written statement by that person that such person does not fall under the provisions of Article 15, paragraph (2), item (i), (l) of the Act;

ハ 役員が外国人又は法人でない場合 当該役員の住民票の写し等、様式第四号により作成した履歴書、その者が法第十五条第二項第一号イ及びロに該当しない旨の官公署の証明書並びにその者が同号ハからルまでのいずれにも該当しないことを誓約する書面

(c) in the case where an officer is neither a foreign national nor a juridical person: a Copy of the Residence Certificate, etc. and a curriculum vitae prepared according to Form No. 4 of said officer, a certification issued by a public agency that such person does not fall under the provisions of Article 15, paragraph (2), item (i), (a) and (b) of the Act; and a sworn, written statement by that person that such person does not fall under any of the provisions of (c) through (k) of the same item;

七 許可の申請の日前三十日以内に様式第一号により作成したその者の純資産額に関する調書

(vii) a record prepared according to Form No. 1 within 30 days prior to the date of filing the application for a license and pertaining to the amount of the net assets of the entity;

八 主要株主（ただし、当該主要株主が十人に満たない場合にあっては、所有する議決権（法第八十六条第一項に規定する議決権をいう。以下この号において同じ。）の数の上位十名をいう。以下同じ。）の氏名又は商号若しくは名称、住所又は所在地、所有する議決権の議決権の総数に対する割合及び申請者との関係（主要株主が申請者の役職員又は親会社（財務諸表等の用語、様式及び作成方法に関する規則第八条第三項に規定する親会社をいう。以下同じ。））、子会社若しくは関連会社若しくはその役職員である場合に限る。）を記載した書面

(viii) a document stating the Major Shareholders (provided, however, that in cases where said Major Shareholders are less than 10 persons, meaning the top 10 holders in descending order of the number of Voting Rights (which means a Voting Right prescribed in Article 86, paragraph (1) of the Act; hereinafter the same shall apply in this item) held thereby; the same shall apply hereinafter), listing their names, trade names, addresses, proportions of the Voting Rights held to the total number of Voting Rights, and relationships with the applicant (limited to cases where Major Shareholders are officers and employees of the applicant, the Parent Company (which means a Parent Company prescribed in Article 8, paragraph (3) of the Ordinance on Terminology, Forms and Preparation Methods of Financial Statements, etc.; the same shall apply hereinafter), Subsidiary, Affiliated Company, or its officers or employees);

九 組織等の業務執行体制を記載した書面及び様式第五号により作成した登録外務員

等に関する調書

(ix) a document stating the management system of organizations, etc., and the records pertaining to Registered Sales Representatives, etc., prepared according to Form No. 5;

十 過去五年以内に、商品取引受託業務及び第八十七条に規定する特定業務（以下「商品取引受託業務等」という。）に関して禁錮以上の刑（外国において商品取引受託業務等に相当する業務に関してこれに相当する外国の法令による刑を含む。）若しくは法若しくはこれに相当する外国の法令の規定により罰金の刑（これに相当する外国の法令による刑を含む。）に処せられ、又は法の規定に基づく処分を受けたことのある職員の数、当該職員の氏名、生年月日、住所、所属する営業所の名称、所属する部署、職名及び外務員登録の有無並びに当該禁錮以上の刑若しくは当該罰金の刑に処せられ、又は当該処分を受けた年月日、理由及びその内容を記載した書面

(x) a document stating the number of employees who have been sentenced to imprisonment or severe punishment (including an equivalent punishment under the laws and regulations of a foreign state with regard to the business equivalent to a Commodity Transactions Brokerage Business in the foreign state) with regard to Commodity Transactions Brokerage Business and the specified business prescribed in Article 87 (hereinafter referred to as the "Commodity Transactions Brokerage Business, etc."), to fines pursuant to this Act or equivalent laws and regulations of a foreign state (including an equivalent punishment under the laws and regulations of a foreign state), or who have received a final disposition based on the provisions of the Act within the last five years, and include each said employee's name, date of birth, and address, the name of the business office or department to which said employee is assigned, his/her official title, whether or not said employee has been registered as a Sales Representative, the date when and the reasons why said officer was punished by said fines or in receipt of said disposition, and all other such details;

十一 使用人（商品取引受託業務に関し本店、支店又は営業所の業務を統括する者その他これに準ずる者に限る。）の商品取引受託業務等に係る経歴書

(xi) the curriculum vitae pertaining to Commodity Transactions Brokerage Business, etc., of employees (limited to persons or equivalent persons who supervise the business at the head office, a branch office, or a business office with regard to a Commodity Transactions Brokerage Business)

十二 様式第六号により作成した法第九十六条第一項に規定する兼業業務の概要に関する調書

(xii) records prepared according to Form No. 6 pertaining to the description of the Subsidiary Business prescribed in Article 196, paragraph (1), of the Act;

十三 様式第七号により作成した法第九十六条第二項に規定する他の法人に対する支配関係の概要に関する調書

- (xiii) records prepared according to Form No. 7 pertaining to the description of a controlling interest in another juridical person prescribed in Article 196, paragraph (2) of the Act;
- 十四 様式第八号により作成した第八十七条に規定する特定業務の概要に関する調書
- (xiv) records prepared according to Form No. 8 pertaining to the description of the specified business prescribed in Article 87 of the Act;
- 十五 商品取引受託業務の開始を予定する日の属する事業年度及び当該事業年度の翌事業年度から起算して二事業年度における商品取引受託業務の収支の見込みを記載した書面、商品取引受託業務の計画書並びにこれらの根拠を記載した書面
- (xv) a document stating the estimated income and expenditures of Commodity Transactions Brokerage Business, the Commodity Transactions Brokerage Business plan for the business year in which Commodity Transactions Brokerage Business is scheduled to commence and the two business years following said business year, and a document stating the preparation procedures and the basis for assumptions used in those documents;
- 十六 商品取引受託業務の開始を予定する日の属する事業年度及び当該事業年度の翌事業年度から起算して二事業年度における純資産額及び純資産額規制比率の見込みを記載した書面並びにこれらの根拠を記載した書面
- (xvi) a document stating the estimated amount of the net assets and the Net Assets Regulation Ratio for the business year in which Commodity Transactions Brokerage Business is scheduled to commence and the two business years following said business year, and a document stating the preparation procedures and the basis for assumptions used in those documents;
- 十七 商品取引受託業務において電子情報処理組織を使用する場合には、当該電子情報処理組織の概要、設置場所、容量及び保守の方法並びに当該電子情報処理組織に異常が発生した場合の対処方法を記載した書類
- (xvii) in cases where the person uses an electronic data processing system for Commodity Transactions Brokerage Business, a document stating the description, installation location, capacity, and maintenance system of said electronic data processing system, and the process for responding in the event of the failure of said electronic data processing system;
- 十八 商品取引受託業務を公正かつ的確に遂行するための規則（当該業務に関する商品取引員における責任体制を明確化する規定を含むものとする。）
- (xviii) regulations for the fair and appropriate performance of Commodity Transactions Brokerage Business (including regulations in order to define a system for the responsibilities pertaining to said Business);
- 十九 様式第九号により作成した内部管理に関する業務を行う組織の概要及び法令を遵守するための管理の体制を記載した書面
- (xix) a document prepared according to Form No. 9 giving the description of the organization which performs the operations pertaining to internal controls

and stating the management system for compliance with laws and regulations;

二十 劣後特約付借入金を借り入れている場合にあつては、その契約書の写し
(xx) in cases where the person has Subordinated Borrowings, a copy of all contracts; and

二十一 劣後特約付社債を発行している場合にあつては、その目論見書又はこれに準ずるものの写し
(xxi) in cases where the person has issued Subordinated Bonds, any prospectus or equivalent copy.

2 法第九十条第二項の許可の更新を受けようとする場合における法第九十二条第二項の主務省令で定める書類は、前項に掲げるもののほか、次に掲げるものとする。

(2) In the case where obtaining a renewal of the license prescribed in Article 190, paragraph (2) of the Act, in addition to those listed in the preceding paragraph, the documents specified by an ordinance of the competent ministry set forth in Article 190, paragraph (2) shall be as follows:

一 様式第十号により作成した顧客との間に生じた事故（第一百十二条に規定する事故をいう。）、紛争及び苦情（以下「事故等」という。）の発生状況及びその処理状況を記載した書面

(i) a document prepared according to Form No. 10 stating the causes and status of any Problematic Conduct (which means the Problematic Conduct prescribed in Article 112), dispute or complaint (hereinafter referred to as "Problematic Conduct, etc.") that has occurred with respect to customers;

二 商品取引受託業務の収支の実績を記載した書類

(ii) a document stating the results of income and expenditures of the Commodity Transactions Brokerage Business; and

三 協会、委託者保護基金、商品取引所及び商品取引清算機関の監査に基づき処分を受けた場合にあつては、監査を行った機関名、監査の時期、処分年月日及び処分の内容並びに改善措置の内容を記載した書類

(iii) in the case where the person is subject to a disposition based on an audit by an Association, Consumer Protection Fund, Commodity Exchange or Commodity Clearing Organization, a document stating the name of the organization that conducted the audit, the time of audit, the date of the disposition, and the contents of the disposition as well as the contents of the improvement measures.

(純資産額の基準額)

(Base amount of the net assets amount)

第八十一条 法第九十三条第二項の主務省令で定める額は、一億円とする。

Article 81 The amount specified by an ordinance of the competent ministry set forth in Article 193, paragraph (2) of the Act shall be 100 million yen.

(届出事項)

(Matters requiring notification)

第八十二条 法第百九十五条第一項第四号の主務省令で定める場合は、次に掲げる場合とする。

Article 82 (1) Cases specified by an ordinance of the competent ministry set forth in Article 195, paragraph (1), item (iv) of the Act shall be the following:

一 破産手続開始、再生手続開始又は更生手続開始の申立てが行われた事実を知った場合

(i) in the case where a Futures Commission Merchant has become aware that the commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, or commencement of reorganization proceedings have been filed;

二 定款（外国法人である場合には、定款に準ずる書面）を変更した場合

(ii) in the case where the articles of incorporation (in the case where a Futures Commission Merchant is a foreign juridical person, a document equivalent to articles of incorporation) have been amended;

三 主要株主に異動があった場合

(iii) in the case where Major Shareholders have been changed;

四 第八十条第一項第十二号に掲げる調書の内容を変更した場合又は兼業業務を廃止した場合

(iv) in the case where the content of a record set forth in Article 80, paragraph (1), item (xii) has been changed or a Subsidiary Business has been abolished;

五 第八十条第一項第十三号に掲げる調書の内容に変更を生じた場合又は支配関係が消滅した場合

(v) in the case where the content of a record set forth in Article 80, paragraph (1), item (xiii) has been changed or a controlling interest no longer exists;

六 第八十条第一項第十四号に掲げる調書の内容を変更した場合

(vi) in the case where the content of a record set forth in Article 80, paragraph (1), item (xiv) has been changed;

七 第八十条第一項第十八号に掲げる規則を変更した場合

(vii) in the case where regulations set forth in Article 80, paragraph (1), item (xviii) have been changed;

八 劣後特約付借入金を借り入れた場合又は劣後特約付社債を発行した場合

(viii) in the case of the existence of Subordinated Borrowings or issuing Subordinated Bonds;

九 劣後特約付借入金の契約内容を変更した場合

(ix) in the case where the contractual details of Subordinated Borrowings have been changed;

十 劣後特約付借入金について期限前弁済をした場合又は劣後特約付社債について期限前償還をした場合（期限のないものについて弁済又は償還をした場合を含む。）

(x) in the case where Subordinated Borrowings have been repaid prior to

maturity or where Subordinated Bonds have been redeemed prior to maturity (including cases where debts without a maturity date have been repaid or redeemed).

2 法第百九十五条第二項の主務省令で定める書類は、次の各号に掲げる場合の区分に応じ、当該各号に定めるもの（官公署が証明する書類の場合には、届出日前三月以内に作成されたものに限る。）とする。

(2) The documents specified by an ordinance of the competent ministry set forth in Article 195, paragraph (2) of the Act shall be those specified in the following items for the categories of cases set forth respectively in those items (in the case of certifications issued by a public agency, limited to documents prepared within three months prior to the notification):

一 法第百九十二条第一項第一号に掲げる事項を変更した場合 株主総会の議事録（会社法第三百十九条第一項の規定により株主総会の決議があったものとみなされる場合にあつては、当該場合に該当することを証する書面）

(i) in the case where the matter set forth in Article 192, paragraph (1), item (i) of the Act is changed: minutes of a general meeting of shareholders (in the case where it is deemed that there is a resolution by the shareholders in a general meeting pursuant to the provisions of Article 319, paragraph (1) of the Companies Act, a document certifying the applicability to said case);

一の二 法第百九十二項第一項第三号に掲げる事項を変更した場合 登記事項証明書
(i)-2 in the case where the matter set forth in Article 192, paragraph (1), item (iii) of the Act is changed: a certificate of the registered matters;

二 法第百九十二条第一項第四号に掲げる事項を変更した場合 次に掲げる書類
(ii) in the case where the matter set forth in Article 192, paragraph (1), item (iv) of the Act is changed, the documents set forth in the following:

イ 登記事項証明書

(a) a certificate of the registered matters;

ロ 次に掲げる場合に応じ、それぞれ次に定める書面

(b) a document specified as follows corresponding to each case:

(1) 新たに就任した役員が外国人である場合 当該役員の住民票の写し等、様式第四号により作成した履歴書及びその者が法第十五条第二項第一号イからルまでのいずれにも該当しないことを誓約する書面

1. in the case where a newly appointed officer is a foreign national: a Copy of the Residence Certificate, etc. of said officer and a curriculum vitae prepared according to Form No. 4, and a sworn, written statement by that person that such person does not fall under any of the provisions of Article 15, paragraph (2), item (i), (a) through (k) of the Act;

(2) 新たに就任した役員が法人である場合 当該役員の登記事項証明書、沿革を記載した書面及び法第十五条第二項第一号ロに該当しないことを誓約する書面

2. in the case where a newly appointed officer is a juridical person: a

certificate of the registered matters of said officer, a document stating the corporate development, and a sworn, written statement by that person that such person does not fall under the provisions of Article 15, paragraph (2), item (i), (l) of the Act;

(3) 新たに就任した役員が外国人又は法人でない場合 当該役員の住民票の写し等、様式第四号により作成した履歴書、その者が法第十五条第二項第一号イ及びロに該当しない旨の官公署の証明書並びにその者が同号ハからルまでのいずれにも該当しないことを誓約する書面

3. in the case where a newly appointed officer is neither a foreign national nor a juridical person: a Copy of the Residence Certificate, etc. of said officer and a curriculum vitae prepared according to Form No. 4; a certification issued by a public agency that such person is not subject to the provisions of Article 15, paragraph (2), item (i), (a) and (b) of the Act; and a sworn, written statement by that person that such person does not fall under any of the provisions of (c) through (k) of the same item;

三 資本金の額を変更した場合 次に掲げる書類

(iii) in the case where the amount of stated capital is changed, the documents set forth in the following:

イ 変更前及び変更後の資本金の額、変更年月日、変更の方法並びに変更の理由を記載した書面

(a) a document stating the amount of stated capital before and after the change, the date of the change, the method of the change and the reasons for the change;

ロ 登記事項証明書

(b) a certificate of the registered matters;

四 商品市場における取引等の受託を行う商品市場又は受託に係る商品市場における取引等の種類を変更した場合 次に掲げる書類

(iv) in the case where the Commodity Market subject to brokerage of transactions, etc. on the Commodity Market, or the type of transactions, etc. on the Commodity Market pertaining to the brokerage is changed, the documents set forth in the following:

イ 変更した商品市場における取引等の受託を行う商品市場の名称又は受託に係る商品市場における取引等の種類及び変更の理由を記載した書面

(a) a document stating the name of the Commodity Market subject to brokerage of transactions, etc. on the Commodity Market or the type of transactions, etc. on the Commodity Market pertaining to the brokerage, as changed, and the reasons for the change;

ロ 取締役会の議事録その他必要な手続があったことを証する書面

(b) minutes of board of directors' meetings or another document certifying that the necessary procedures have been followed;

五 協会に加入又は脱退した場合 次に掲げる書類

(v) in the case of the enrollment or withdrawal of the Association, the documents set forth in the following:

イ 加入又は脱退した協会の名称を記載した書面

(a) a document stating the name of the enrolling or withdrawing Association;

ロ 取締役会の議事録その他必要な手続があったことを証する書面

(b) minutes of a board of directors' meeting or general meeting of shareholders, or another document certifying that the necessary procedures have been followed;

六 商品取引受託業務を開始し、休止し、又は再開した場合 次に掲げる書類

(vi) in the case of the commencement, suspension, or recommencement of Commodity Transactions Brokerage Business, the documents set forth in the following:

イ 営業を開始、休止又は再開した旨、休止の期間又は開始若しくは再開の年月日及び休止又は再開した理由を記載した書面

(a) a document stating the facts of the commencement, suspension, or recommencement of operations, period of suspension, date of commencement or recommencement, and the reasons for the suspension or recommencement;

ロ 休止期間中における委託者勘定の処理の方法を記載した書面（開始及び再開の場合を除く。）

(b) a document stating the method of handling customer accounts during the suspension period (excluding cases of commencement and recommencement);

七 破産手続開始、再生手続開始又は更生手続開始の申立てを行った場合 次に掲げる書類

(vii) in the case where filing a motion for the commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, or commencement of reorganization proceedings, the documents set forth in the following:

イ 破産手続開始、再生手続開始又は更生手続開始の申立てを行った年月日及びその申立ての理由を記載した書面

(a) a document stating the filing date of the commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, or commencement of reorganization proceedings, and the reasons for such filing;

ロ 破産手続開始、再生手続開始又は更生手続開始の申立てに係る書面の写し

(b) a copy of the documents pertaining to the filing of the commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, or commencement of reorganization proceedings;

八 前項第一号に掲げる場合 次に掲げる書類

(viii) in the case set forth in item (i) of the preceding paragraph, the documents

set forth in the following:

イ 破産手続開始、再生手続開始又は更生手続開始の申立てが行われた年月日、その申立てを行った者の氏名又は商号若しくは名称及びその申立ての理由を記載した書面

(a) a document stating the date when the commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, or commencement of reorganization proceedings was filed, the name or trade name of the person who filed such motion, and the reasons for such filing;

ロ 破産手続開始、再生手続開始又は更生手続開始の申立てに係る書面の写し

(b) a copy of the documents pertaining to the filing of the commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, or commencement of reorganization proceedings;

九 前項第二号に掲げる場合 次に掲げる書類

(ix) in the case set forth in item (ii) of the preceding paragraph, the documents set forth in the following:

イ 定款の変更の内容、当該変更の年月日及び変更の理由を記載した書面

(a) a document stating the contents of the amendment to the articles of incorporation, the date of said amendment, and the reasons for the amendment;

ロ 新旧条文の対照表

(b) a comparative table of the prior and amended article provisions;

ハ 株主総会の議事録その他必要な手続があったことを証する書面

(c) minutes of a general meeting of shareholders or another document certifying that the necessary procedures have been followed;

十 前項第三号に掲げる場合 次に掲げる書類

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

イ 主要株主でない者が主要株主となった場合にあつては、当該株主の氏名又は商号若しくは名称、住所又は所在地、所有する議決権（法第八十六条第一項に規定する議決権をいう。以下この号において同じ。）の議決権の総数に対する割合及び当該商品取引員との関係並びに異動のあった年月日を記載した書面

(a) in the case where a person who was not a Major Shareholder becomes a Major Shareholder, a document stating the name or trade name and address or location of said shareholder, the proportion of the Voting Rights (which means a Voting Right prescribed in Article 86, paragraph (1) of the Act; hereinafter the same shall apply in this item) held to the total number of Voting Rights, the relationship with said Futures Commission Merchant, and the date of the changes;

ロ 異動後の主要株主一覧表

(b) a list of Major Shareholders after the change;

十一 前項第四号に掲げる場合 次に掲げる書類

(xi) in the case set forth in item (iv) of the preceding paragraph, the documents set forth in the following:

イ 商品取引員の商号、変更又は廃止の内容、変更又は廃止の理由及び変更又は廃止の日を記載した書類

(a) a document stating the trade name of the Futures Commission Merchant, the contents of the change or abolishment, the reasons for the change or abolishment, and the date of the change or abolishment;

ロ 取締役会の議事録その他必要な手続があったことを証する書面

(b) minutes of board of directors' meetings or another document certifying that the necessary procedures have been followed;

十二 前項第五号に掲げる場合 次に掲げる書類

(xii) in the case set forth in item (v) of the preceding paragraph, the documents set forth in the following:

イ 商品取引員の商号、法第百九十六条第二項に規定する支配関係を持つに至った他の法人（以下第八十五条及び第八十六条において「支配関係法人」という。）の商号又は名称、変更又は消滅の内容、変更又は消滅の理由及び変更又は消滅の日を記載した書類

(a) a document stating the trade name of the Futures Commission Merchant, trade name or name of another juridical person who has attained a controlling interest as prescribed in Article 196, paragraph (2) of the Act (hereinafter referred to as "a Juridical Person with Controlling Interest" in Article 85 and Article 86), the content of the change or abolishment, the reasons for the change or abolishment, and date of the change or abolishment;

ロ 取締役会の議事録その他必要な手続があったことを証する書面

(b) minutes of board of directors' meetings or another document certifying that the necessary procedures have been followed;

十三 前項第六号に掲げる場合 商品取引員の商号、変更に係る特定業務を行う者の商号又は名称、変更の内容、変更の理由及び変更の日を記載した書類

(xiii) in the case set forth in item (vi) of the preceding paragraph: a document stating the trade name of the Futures Commission Merchant, trade name or name of the person who carries out specified business pertaining to the change, the content of the change, the reasons for the change, and date of the change;

十四 前項第七号に掲げる場合 次に掲げる書類

(xiv) in the case set forth in item (vii) of the preceding paragraph, the documents set forth in the following:

イ 変更の理由及び変更年月日を記載した書面

(a) a document stating the reasons for the change and the date of the change;

ロ 変更後の第八十条第一項第十八号に掲げる規則の写し

(b) a copy of the documents as per the regulations set forth in Article 80,

paragraph (1), item (xviii) after the change;

十五 前項第八号に掲げる場合で劣後特約付借入金を借り入れた場合 次に掲げる書類

(xv) in the case of Subordinated Borrowings under the case set forth in item (viii) of the preceding paragraph, the documents set forth in the following:

イ 契約書の写し

(a) a copy of the contract;

ロ 現在及び借入後の借入残高並びに借入の理由を記載した書類

(b) a document stating the outstanding debt prior to and subsequent to such borrowings and the reasons for the borrowings;

十六 前項第八号に掲げる場合で劣後特約付社債を発行した場合 次に掲げる書類

(xvi) in the case where Subordinated Bonds have been issued under the case set forth in item (viii) of the preceding paragraph, the documents set forth in the following:

イ 目論見書又はこれに準ずるものの写し

(a) any such prospectus or an equivalent copy;

ロ 現在及び発行後の発行残高並びに発行の理由を記載した書類

(b) a document stating outstanding bonds issued prior to and subsequent to such issuance of bonds and the reasons for the issuance;

十七 前項第九号に掲げる場合 次に掲げる書類

(xvii) in the case set forth in item (ix) of the preceding paragraph, the documents set forth in the following:

イ 変更契約書の写し

(a) a copy of the changed contract;

ロ 契約条件の変更箇所及び変更理由を記載した書類

(b) a document stating the changed portions of the contract conditions and the reasons for the changes;

十八 前項第十号に掲げる場合 次に掲げる書類

(xviii) in the case set forth in item (x) of the preceding paragraph, the documents set forth in the following:

イ 期限前弁済又は期限前償還をした金額及び年月日

(a) the amount and date of repayment or redemption before maturity;

ロ 期限前弁済又は期限前償還をした後の残高

(b) the outstanding debt after the repayment or redemption before maturity.

(兼業業務の届出)

(Notification of subsidiary business)

第八十三条 商品取引員は、法第九十六条第一項の規定により兼業業務を営もうとする旨の届出をするときは、様式第十一号により作成した当該兼業業務の概要に関する届出書を、当該兼業業務の開始の日の二十日前までに、提出しなければならない。

Article 83 (1) When submitting a notification of operating subsidiary business

pursuant to the provisions of Article 196, paragraph (1) of the Act, a Futures Commission Merchant shall submit a written notification prepared according to Form No. 11 and pertaining to the outline of said subsidiary business no later than 20 days prior to the commencement date of said subsidiary business.

2 前項の届出をした商品取引員は、その兼業業務の内容を変更しようとするときはあらかじめ、その兼業業務を廃止したときは廃止後遅滞なく、次の各号に掲げる事項を記載した届出書を提出しなければならない。

(2) When a Futures Commission Merchant who submitted a notification in the preceding paragraph intends to change the content of said subsidiary business, he/she shall submit a notification in advance which states the matters set forth in the following items, respectively, and when abolishing said subsidiary business, he/she shall file the same documents without delay after said abolishment:

一 商号

(i) trade name;

二 変更又は廃止の内容

(ii) content of the change or abolishment;

三 変更又は廃止の理由

(iii) reasons for the change or abolishment;

四 変更又は廃止の日

(iv) date of the change or abolishment.

3 次の各号に掲げる届出書には、次の各号に定める書面を添付しなければならない。

(3) The written notifications set forth in the following items shall include as attachments the documents specified in the following items, respectively:

一 第一項の届出書 定款

(i) a written notification specified in paragraph (1): the articles of incorporation;

二 第二項の届出書 取締役会の議事録その他必要な手続があったことを証する書面

(ii) a written notification specified in paragraph (2): minutes of board of directors' meetings or another document certifying that the necessary procedures for approval have been followed.

(実質的支配が可能な関係)

(Relationships that constitute substantial control)

第八十四条 法第百九十六条第二項の主務省令で定める関係は、次の各号に掲げるものとする。

Article 84 The relationship specified by an ordinance of the competent ministry set forth in Article 196, paragraph (2) of the Act shall be as set forth in the following items:

一 商品取引員の営む業務に従事し、又は従事していた者が他の法人の役員 of 過半数又は代表する権限を有する役員 of 過半数を占めるその法人に対する関係

(i) when persons who engage or have engaged in the Business carried out by a Futures Commission Merchant occupy a majority of the positions of officers or officers with representation rights of another juridical person, a relationship with another such juridical person;

二 商品取引員が、他の法人の総株主等（令第七条第一項第三号に規定する総株主等をいう。）の議決権（令第七条第一項第三号に規定する議決権をいう。以下この号及び次号において同じ。）の百分の十以上二分の一未満に相当する議決権を保有し、かつ、その法人の事業活動の主要部分について継続的で緊密な関係を維持するその法人に対する関係（前号に掲げるものを除く。）

(ii) when a Futures Commission Merchant holds no fewer than 10 percent and no more than 50 percent of the Voting Rights (which means a Voting Right prescribed in Article 7, paragraph (1), item (iii) of the Order; hereinafter the same shall apply in this item and the following item) of All Shareholders, etc. (which means All Shareholders, etc. prescribed in Article 7, paragraph (1), item (iii) of the Order) of another juridical person, and maintains a continuing and close relationship in key portions of such juridical person's business activity, a relationship with another such juridical person (excluding the relationship listed in the preceding item);

三 商品取引員が、他の法人の総出資者の議決権の二分の一以上に相当する議決権を保有するその法人に対する関係

(iii) when a Futures Commission Merchant holds 50 percent or more of all contributors' Voting Rights of another juridical person, a relationship with another such juridical person.

(支配関係の届出)

(Notification of controlling interest)

第八十五条 商品取引員は、法第百九十六条第二項の規定により他の法人に対する支配関係を持つに至った旨の届出をするときは、様式第十二号により作成した支配関係法人の概要に関する届出書を提出しなければならない。

Article 85 (1) When a Futures Commission Merchant provides notification that a Merchant has obtained a controlling interest in another juridical person pursuant to the provisions of Article 196, paragraph (2) of the Act, a written notification shall be prepared according to Form No. 12 and pertaining to the description of a Juridical Person with Controlling Interest.

2 前項の届出書には、当該支配関係法人の定款（外国法人である場合には、定款に準ずる書面）及び登記事項証明書並びに直前事業年度の計算書類等を添付しなければならない。

(2) A written notification prescribed in the preceding paragraph shall include as attachments the articles of incorporation of said Juridical Person with Controlling Interest (in the case of a foreign juridical person, a document equivalent to articles of incorporation), a certificate of the registered matters,

and the Financial Statements, etc. of the preceding business year.

第八十六条 前条の届出をした商品取引員は、同条第一項の届出書に記載すべき事項に変更を生じたとき、又は支配関係が消滅したときは、次の各号に掲げる事項を記載した届出書を提出しなければならない。

Article 86 (1) When a matter to be stated in a written notification prescribed in paragraph (1) of the preceding Article has changed or the controlling interest has been extinguished, a Futures Commission Merchant who submitted the notification prescribed in the same Article shall submit a written notification stating the matters set forth in the following items, respectively:

一 商品取引員の商号

(i) trade name of the Futures Commission Merchant;

二 支配関係法人の商号又は名称

(ii) trade name or name of the Juridical Person with Controlling Interest;

三 変更又は消滅の内容

(iii) content of the change or extinguishment;

四 変更又は消滅の理由

(iv) reasons for the change or extinguishment;

五 変更又は消滅の日

(v) date of the change or extinguishment.

2 前項の届出書には、取締役会の議事録その他必要な手続があったことを証する書面を添付しなければならない。

(2) A written notification prescribed in the preceding paragraph shall include as attachments the minutes of board of directors' meetings or another document certifying that the necessary procedures have been followed.

(特定業務の届出)

(Notification of Specified Business)

第八十七条 法第九十六条第三項の主務省令で定める業務（以下「特定業務」という。）は、次に掲げるものとする。

Article 87 The business specified by an ordinance of the competent ministry set forth in Article 196, paragraph (3) of the Act (hereinafter referred to as a "Specified Business") shall be as follows:

一 商品市場に相当する外国の市場において先物取引に類似する取引を行うことの委託を受け、又はその媒介、取次ぎ若しくは代理を引き受ける業務

(i) a business of accepting the consignment of transactions similar to Futures Transactions on a market of a foreign state which is equivalent to a Commodity Market or acting as an introducing broker, intermediary or agent for such transactions;

二 外国為替取引であって、あらかじめ当事者間で約定された通貨の価格と将来の一定の時期における現実の通貨の価格の差に基づいて算出される金銭の授受を約する

取引その他これに類似する取引を顧客を相手方として行う業務、又はそれらの取引を行うことの委託を受け、若しくはその媒介、取次ぎ若しくは代理を引き受ける業務

- (ii) a business of foreign exchange transactions, to carry out transactions promising a customer as the counterparty, the transfer of money calculated based on the difference between the value of currency agreed between the parties in advance and the actual value of currency at a certain time in the future and other similar transactions, or to accept a consignment or act as an introducing broker, intermediary, or agent for such transactions.

第八十八条 商品取引員は、法第百九十六条第三項の規定により特定業務の届出をするときは、様式第十三号により作成した特定業務の概要に関する届出書を同条第一項又は第二項の規定により届出書を提出する際に併せて提出しなければならない。

Article 88 (1) When a Futures Commission Merchant provides a notification of a Specified Business pursuant to the provisions of Article 196, paragraph (3) of the Act, a written notification prepared according to Form No. 13 and pertaining to the outline of the Specified Business shall also be submitted pursuant to the provisions of paragraph (1) or paragraph (2) of the same Article.

2 前項の届出をした商品取引員は、同項の届出書に記載すべき事項の変更の場合には、当該変更に係る特定業務が当該商品取引員の業務に該当するものであるときはあらかじめ、支配関係法人の業務に該当するものであるときは変更後遅滞なく、次の各号に掲げる事項を記載した届出書を提出しなければならない。

(2) In the case of changing the matters to be recorded in a written notification prescribed in the preceding paragraph, the Futures Commission Merchant who submitted the written notification prescribed in the same paragraph shall submit a written notification stating the matters set forth in the following items, respectively, in advance, when the Specified Business pertaining to said change is subject to the business of said Futures Commission Merchant, and submit the written notification without delay when the Specified Business falls under the category of business of a Juridical Person with Controlling Interest:

一 商品取引員の商号

(i) trade name of the Futures Commission Merchant;

二 変更に係る特定業務を行う者の商号又は名称

(ii) trade name or name of the person who carries out the Specified Business pertaining to the change;

三 変更の内容

(iii) content of the change;

四 変更の理由

(iv) reasons for the change;

五 変更の日

(v) date of the change.

(廃業等の届出)

(Notification of abolishment, etc.)

第八十九条 法第百九十七条第一項の規定により届出を行う者は、次の表の上欄に掲げる区分により、同表中欄に定める事項を記載した届出書及び同表下欄に定める添付書類を主務大臣に提出しなければならない。

Article 89 A person who provides a notification pursuant to the provisions of Article 197, paragraph (1) of the Act, shall submit to the competent minister a written notification stating the matters specified in the center column of the following table and attach the documents specified in the right column of the same table, by the category set forth in the left column of the same table.

届出事項 Matters requiring notification	記載事項 Matters to be included	添付書類 Attached documents
商品取引受託業務を廃止したとき In the case of abolishment of Commodity Transactions Brokerage Business	一 廃止年月日 (i) Date of abolishment 二 廃止の理由 (ii) Reasons for abolishment	一 株主総会の議事録その他必要な手続があったことを証する書面 (i) Minutes of a general meeting of shareholders or another document certifying that the necessary procedures have been followed 二 委託者に対する債権及び債務の清算の方法を記載した書面 (ii) A document stating the clearing method of claims and debts to customers
合併により消滅したとき In the case of dissolution in a Merger	一 合併の相手方の商号 (i) Trade name of the other party to the Merger 二 合併年月日 (ii) Date of the Merger	委託者に対する債権及び債務の合併後存続する法人への承継方法を記載した書面 A document stating the succession method of claims and debts to customers to the juridical person surviving a Merger

<p>破産手続開始の決定により解散したとき In the case of dissolution by decision of commencement of bankruptcy proceedings</p>	<p>一 破産手続開始の申立てを行った年月日 (i) Date of filing of commencement of bankruptcy proceedings</p> <p>二 破産手続開始の決定を受けた年月日 (ii) Date of decision to commence bankruptcy proceedings</p>	<p>一 裁判所の破産手続開始の決定の公告の写し (i) A copy of the public notice issued by a court of the decision to commence bankruptcy proceedings</p> <p>二 委託者に対する債権及び債務の清算の方法を記載した書面 (ii) A document stating the clearing method of claims and debts to customers</p>
<p>合併及び破産手続開始の決定以外の理由により解散したとき In the case of dissolution for a reason other than a Merger or decision of commencement of bankruptcy proceedings</p>	<p>一 解散年月日 (i) Date of dissolution</p> <p>二 解散の理由 (ii) Reasons for dissolution</p>	<p>一 株主総会の議事録（会社法第三百十九条第一項の規定により株主総会の決議があったものとみなされる場合にあっては、当該場合に該当することを証する書面） (i) Minutes of the general meeting of shareholders (in the case where resolution of a general meeting of shareholders is deemed to exist pursuant to the provisions of Article 319, paragraph (1) of the Companies Act, a document certifying that the case falls under said case)</p> <p>二 委託者に対する債権及び債務の清算の方法を記載した書面 (ii) A document stating the clearing method of claims and debts to customers</p>
<p>分割により商品取引受託業務の全部又は一部を承継させたとき In the case of succession to the whole or part of a Commodity Transactions Brokerage Business by a split-off</p>	<p>一 承継先の商号 (i) Trade name of the successor</p> <p>二 分割の年月日 (ii) Date of the split-off</p>	<p>委託者に対する債権及び債務の承継先への引継方法を記載した書面 A document stating the succession method of claims and debts to customers by the successor</p>

商品取引受託業務の 全部又は一部を譲渡 したとき In the case of transfer of the whole or part of a Commodity Transactions Brokerage Business	一 譲渡先の商号 (i) Trade name of the transferee 二 譲渡年月日 (ii) Date of transfer	委託者に対する債権及び債務の譲 渡先への引継方法を記載した書面 A document stating the transfer method of claims and debts to customers by the transferee
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第九十条 法第百九十七条第三項の規定による公告は、官報、時事に関する事項を掲載する日刊新聞紙又は電子公告により行うものとする。

Article 90 (1) A public notice pursuant to the provisions of Article 197, paragraph (3) of the Act shall be published by an official gazette or in a daily newspaper which publishes matters of current events, or through an Electronic Public Notice.

2 商品取引員が前項の電子公告により公告をする場合には、当該公告の開始後一月を経過する日までの間、継続して電子公告による公告をしなければならない。

(2) In the case where a Futures Commission Merchant provides a public notice via an Electronic Public Notice prescribed in the preceding paragraph, the public notice shall be continuously published via the Electronic Public Notice until the date on which one month has elapsed from the commencement date of said public notice.

3 法第百九十七条第三項の規定による公告及び営業所での掲示には、同条第五項に規定する委託者の計算による商品市場における取引の結了の方法並びに商品取引受託業務に関し委託者から預託を受けた財産及びその計算において当該商品取引員が占有する財産の返還の方法を示すものとする。

(3) A public notice pursuant to the provisions of Article 197, paragraph (3) of the Act and a display at the business office of the Futures Commission Merchant shall indicate the method of completion of transactions on a Commodity Market on customer's accounts as prescribed in paragraph (5) of the same Article, and the method of returning property deposited by customers with regard to Commodity Transactions Brokerage Business and property which is held by said Futures Commission Merchant on customer's accounts.

4 法第百九十七条第四項の規定により届出を行う場合は、届出書に次に掲げる事項を記載するものとする。

(4) In the case of submitting a notification pursuant to the provisions of Article 197, paragraph (4) of the Act, the written notification shall include the matters set forth in the following:

一 商品取引員の商号

(i) trade name of the Futures Commission Merchant;

二 許可年月日

(ii) date of receiving permission;

三 該当事由

(iii) the grounds on which the public notice was given;

四 該当事由の発生予定年月日

(iv) the scheduled date of the occurrence of said grounds for the public notice.

5 前項の届出書には、第三項に規定する方法を記載した書面を添付するものとする。

(5) A written notification prescribed in the preceding paragraph shall include as an attachment a document stating the method as prescribed in paragraph (3).

(商品取引員の標識)

(Sign of a Futures Commission Merchant)

第九十一条 法第百九十八条第一項に規定する標識は、様式第十四号による。

Article 91 The sign prescribed in Article 198, paragraph (1) of the Act shall be prepared according to Form No. 14.

(登録申請書の添付書類)

(Attached documents to an application for registration)

第九十二条 法第二百条第四項の主務省令で定める書類は、次項に規定する場合を除き、次に掲げるもの（官公署が証明する書類の場合には、登録の申請の日前三月以内に作成されたものに限る。）とする。

Article 92 (1) The documents specified by an ordinance of the competent ministry set forth in Article 200, paragraph (4) of the Act shall be as follows (in the case of certifications issued by a public agency, limited to documents prepared within three months prior to the date of filing for registration) excluding the case specified in the following paragraph:

一 登録を受けようとする外務員に係る住民票の写し等

(i) a Copy of the Residence Certificate, etc. pertaining to the Sales

Representative who intends to obtain registration;

二 登録を受けようとする外務員が法第二百一条第一項各号のいずれにも該当しないことを当該外務員及び登録申請者が誓約する書面（法第十五条第二項第一号イ及びロに該当しないことを誓約する場合にあつては官公署の証明書（当該外務員が外国人である場合を除く。））

(ii) a sworn, written document by the Sales Representative and the applicant for the registration, stating that said Sales Representative who intends to obtain registration does not fall under any of the provisions of Article 201, paragraph (1) of the Act (in the case of the sworn statement that the Sales Representative does not fall under the provisions of Article 15, paragraph (2), item (i), (a) or (b) of the Act, a certificate issued by a public agency [excluding the case where said Sales Representative is a foreign national]);

三 登録を受けようとする外務員が商品市場における取引等の受託又は委託の勧誘を公正かつ的確に行うことができる知識及び経験を有することを証する書面

(iii) a document certifying that the Sales Representative who intends to obtain registration holds the knowledge and experience to accept brokerage of transactions, etc. on a Commodity Market and to solicit the consignment fairly and appropriately.

2 法第二百条第七項の登録の更新を受けようとする場合における同条第四項の主務省令で定める書類は、次に掲げるものとする。

(2) In the case where obtaining a renewal of approval for registration prescribed in Article 200, paragraph (7) of the Act, the documents specified by an ordinance of the competent ministry set forth in paragraph (4) of the same Article shall be as follows:

一 前項各号に掲げる書面

(i) the documents set forth in the respective items of the preceding paragraph;

二 顧客との間に生じた事故等の発生状況及びその処理状況を記載した書面

(ii) a document stating the causes and status of any Problematic Conduct, etc. that has occurred with respect to customers

(外務員登録原簿の記載事項)

(Matters to be recorded in the registry of a Sales Representative)

第九十三条 法第二百条第五項の主務省令で定める事項は、次に掲げるものとする。

Article 93 The matters specified by an ordinance of the competent ministry set forth in Article 200, paragraph (5) of the Act shall be as follows:

一 登録番号

(i) registration number;

二 登録の年月日

(ii) date of registration;

三 登録申請者の商号

(iii) trade name of the applicant for registration;

四 外務員についての次に掲げる事項

(iv) matters set forth in the following pertaining to the Sales Representative:

イ 住所

(a) address;

ロ 所属する営業所の名称

(b) name of the business office to which the Sales Representative is assigned;

ハ 役員又は使用人の別

(c) whether the Sales Representative is an officer or a non-officer employee;

ニ 外務員の職務を行ったことのある者については、その所属していた商品取引員の商号及び営業所の名称並びにその行った期間

(d) with regard to a person who has carried out the duties of a Sales

Representative, the trade name of the Futures Commission Merchant to

which said person has belonged, the name of the business office, and the duration of such duties;

ホ 法第二百四条第一項の規定により職務の停止を命じたときは、その処分の日、理由及び期間

(e) when the suspension of the duties of a Sales Representative is ordered pursuant to the provisions of Article 204, paragraph (1) of the Act, the date and duration of, and reasons for said disposition;

ヘ 法第二百四条第一項の規定による登録の取消し又は法第二百五条の規定による登録の抹消を行ったときは、その処分の日及び理由

(f) when registration is rescinded pursuant to the provisions of Article 204, paragraph (1) of the Act or the registration is removed pursuant to the provisions of Article 205 of the Act, the date of and reasons for the disposition.

(協会による外務員登録事務)

(Registration affairs concerning a Sales Representative by the Association)

第九十四条 法第二百六条第一項の規定により、協会に、次の各号に掲げる登録に関する事務であつて当該協会に所属する協会員に係るものを行わせるものとする。

Article 94 Pursuant to the provisions of Article 206, paragraph (1) of the Act, the Association shall carry out the affairs pertaining to registration set forth in the following items, respectively, and the affairs pertaining to Association Members assigned to said Association:

一 法第二百条第三項の規定による登録申請書の受理

(i) acceptance of an application for registration pursuant to the provisions of Article 200, paragraph (3) of the Act;

二 法第二百条第五項の規定による登録

(ii) registration pursuant to the provisions of Article 200, paragraph (5) of the Act;

三 法第二百条第六項、法第二百一条第二項において準用する法第十五条第五項及び第七項並びに法第二百四条第二項による通知

(iii) notification pursuant to the provisions of Article 200, paragraph (6) of the Act, Article 15, paragraph (5) and paragraph (7) of the Act as applied mutatis mutandis pursuant to Article 201, paragraph (2) of the Act, and Article 204, paragraph (2) of the Act;

四 法第二百一条第一項の規定による登録の拒否

(iv) rejection of a registration pursuant to the provisions of Article 201, paragraph (1) of the Act;

五 法第二百一条第二項において準用する法第十五条第五項の規定による意見の聴取

(v) hearing of opinions pursuant to the provisions of Article 15, paragraph (5) of the Act, as applied mutatis mutandis pursuant to Article 201, paragraph (2) of the Act;

六 法第二百三条の規定による届出の受理

(vi) acceptance of notifications pursuant to the provisions of Article 203 of the Act;

七 法第二百四条第一項の規定による登録の取消し及び職務の停止の命令

(vii) order for rescission of registration and suspension of duties pursuant to the provisions of Article 204, paragraph (1) of the Act;

八 法第二百四条第三項において準用する法第一百五十八条第二項の規定による参考人の意見の聴取、参考人の意見若しくは報告の提出又は鑑定人の鑑定及び法第一百五十九条第四項の規定による聴聞

(viii) hearing of opinions of witnesses, submission of opinions of witnesses or reports, or opinions of expert witnesses pursuant to the provisions of Article 158, paragraph (2) of the Act, as applied mutatis mutandis pursuant to Article 204, paragraph (3) of the Act and hearings pursuant to the provisions of Article 159, paragraph (4) of the Act;

九 法第二百五条の規定による登録の抹消

(ix) rescission of registration pursuant to the provisions of Article 205 of the Act.

(外務員の登録に関する届出)

(Notification pertaining to registration of a Sales Representative)

第九十五条 協会は、法第二百六条第四項の規定による届出をしようとするときは、次の各号に掲げる事項を記載した書類を、主務大臣に提出しなければならない。

Article 95 When intending to submit a notification pursuant to the provisions of Article 206, paragraph (4) of the Act, the Association shall submit to the competent minister the documents stating the matters set forth in the following items, respectively:

一 外務員の所属する協会の商号及び営業所の名称

(i) trade name of the Association Member to which a Sales Representative is assigned and the name of the business office;

二 当該外務員の氏名、生年月日及び住所

(ii) name, date of birth, and address of said Sales Representative;

三 処理した登録事務の内容及び処理した日

(iii) content of the processed registration affairs and the date of processing;

四 前号に掲げる登録事務の内容が職務の停止の命令又は登録の抹消である場合には、その理由

(iv) in the case where the content of the registration affairs set forth in the preceding item is an order of suspension of duties or rescission of registration, the reasons for such suspension or rescission.

(登録手数料の納付方法)

(Payment method of registration fees)

第九十六条 令第十条第二項ただし書の規定により現金をもって登録手数料を納めるときは、その登録の申請を行ったことにより得られた納付情報により登録手数料を納めなければならない。

Article 96 When paying registration fees by cash pursuant to the provisions of the proviso of Article 10, paragraph (2) of the Order, the registration fees shall be paid by complying with the payment information obtained by filing such registration.

(受託に係る財産の分離保管等の措置)

(Measures such as Segregation, etc. of property pertaining to brokerage)

第九十七条 法第二百十条の主務省令で定めるものは、次の各号に掲げるものの価額の合計額に相当する金銭及び有価証券（倉荷証券を含む。以下この条、次条第一項及び第四項並びに第百三十八条第三項において同じ。）とする。

Article 97 (1) The items specified by an ordinance of the competent ministry set forth in Article 210 of the Act shall be the cash and Securities equivalent to the total amount of the value set forth in the following items (including a warehouse receipt; hereinafter the same shall apply in this Article, paragraph (1) and paragraph (4) of the following Article, and Article 138, paragraph (3)):

一 委託者未収金（商品市場における取引等に関し、当該委託者から預託を受けた金銭及び有価証券並びに当該委託者の計算に属する金銭（当該委託者の計算による商品市場における取引であって決済を結了していないものに係る差益金に相当する金銭を除く。）及び有価証券と相殺することができるものに限る。）

(i) accounts receivable from a customer (with regard to transactions, etc. on a Commodity Market, limited to items which can be offset against the cash and Securities deposited by said customer, the cash [excluding the cash equivalent to profit pertaining to a transaction on a Commodity Market in said customer's account for which the settlement of such transaction has not yet been completed] and Securities on said customer's account);

二 法第百三条第一項の規定に基づき商品取引所に預託された取引証拠金（委託者（同項第二号に規定する委託者をいう。）又は取次委託者（同項第四号に規定する取次委託者をいう。次号イ及びロにおいて同じ。）が返還請求権を有するものに限る。）又は法第百七十九条第一項の規定に基づき商品取引清算機関に預託された取引証拠金（委託者（同項第一号ロに規定する委託者をいう。）、取次委託者（同号ニに規定する取次委託者をいう。次号ハ及びニにおいて同じ。）、清算取次委託者（同項第二号ロに規定する清算取次委託者をいう。）又は清算取次者に対する委託者（同号ニに規定する清算取次者に対する委託者をいう。次号ハ及びホにおいて同じ。）が返還請求権を有するものに限る。）に相当する金銭及び有価証券

(ii) cash and Securities equivalent to the clearing margins deposited with a Commodity Exchange based on the provisions of Article 103, paragraph (1) of the Act (limited to those clearing margins which a Customer [which means a Customer prescribed in item (ii) of the same paragraph] or an Intermediation

Customer [which means an Intermediation Customer prescribed in item (iv) of the same paragraph; the same shall apply in (a) and (b) of the following item] who holds a right to demand restitution), or the clearing margins deposited with a Commodity Clearing Organization based on the provisions of Article 179, paragraph (1) of the Act (limited to those of a Customer [which means a Customer prescribed in item (i), (b) of the same paragraph], an Intermediation Customer [which means an Intermediation Customer prescribed in (d) of the same item; the same shall apply in (c) and (d) of the following item], a Clearing Intermediation Customer [which means a Clearing Intermediation Customer prescribed in item (ii), (b) of the same paragraph], or a Customer of the Clearing Intermediary [which means a Customer of the Clearing Intermediary prescribed in (d) of the same item; the same shall apply in (c) and (e) of the following item] who holds a right to demand restitution);

三 次に掲げる者に該当するときは、それぞれ次に定めるもの。

(iii) in the case of a person who does not fall under any of the following, those items set forth in the respective items:

イ 法第百三条第二項の規定に基づき委託証拠金を預託する取次委託者から商品市場における取引の委託の取次ぎを受託した取次者（同条第一項第二号に規定する取次者をいう。ロにおいて同じ。） 当該委託証拠金に相当する金銭及び有価証券

(a) an Intermediary (which means an Intermediary prescribed in paragraph (1), item (ii) of the same Article; the same shall apply in (b)) who brokers intermediation of a transaction on a Commodity Market from an Intermediation Customer who deposited customer margins based on the provisions of Article 103, paragraph (2) of the Act: cash and Securities equivalent to said customer margins;

ロ 法第百三条第三項の規定に基づき取次委託者から取次証拠金の預託を受け、同条第二項の規定に基づき会員等に委託証拠金を預託した取次者 当該委託証拠金（当該取次者が預託を受けた当該取次証拠金の額の範囲内に限る。）に相当する金銭及び有価証券

(b) an Intermediary who received a deposit of intermediation margins from an Intermediation Customer based on the provisions of Article 103, paragraph (3) of the Act and deposited said customer margins with Members, etc. based on the provisions of paragraph (2) of the same Article: cash and Securities equivalent to said customer margins (limited to within the scope of the amount of said intermediation margins deposited with said Intermediary);

ハ 法第百七十九条第二項の規定に基づき委託証拠金を預託する取次委託者から商品市場における取引の委託の取次ぎを受託した取次者（同条第一項第一号ロに規定する取次者をいう。ニにおいて同じ。）又は同条第二項の規定に基づき委託証

拠金を預託する清算取次者に対する委託者から商品清算取引の委託の取次ぎの委託の取次ぎを受託した清算取次者（同条第一項第二号ロに規定する清算取次者をいう。ホにおいて同じ。） 当該委託証拠金に相当する金銭及び有価証券

(c) an Intermediary (which means an Intermediary prescribed in paragraph (1), item (i), (b) of the same Article; the same shall apply in (d)) who brokers intermediation of a consignment for transactions on a Commodity Market by an Intermediation Customer depositing customer margins based on the provisions of Article 179, paragraph (2) of the Act, or a Clearing Intermediary (which means a Clearing Intermediary prescribed in paragraph (1), item (ii), (b) of the same Article; the same shall apply in (e)) who brokers intermediation of a consignment for intermediation of Commodity Clearing Transactions from a Customer of the Clearing Intermediary who deposited customer margins based on the provisions of paragraph (2) of the same Article: cash and Securities equivalent to said customer margins;

ニ 法第七十九条第三項の規定に基づき取次委託者から取次証拠金の預託を受け、同条第二項の規定に基づき会員等に委託証拠金を預託した取次者 当該委託証拠金（当該取次者が預託を受けた当該取次証拠金の額の範囲内に限る。）に相当する金銭及び有価証券

(d) an Intermediary who accepted a deposit of intermediation margins from an Intermediation Customer based on the provisions of Article 179, paragraph (3) of the Act and deposited said customer margins with Members, etc. based on the provisions of paragraph (2) of the same Article: cash and Securities equivalent to said customer margins (limited to within the scope of the amount of said intermediation margins deposited with said Intermediary);

ホ 法第七十九条第四項の規定に基づき清算取次者に対する委託者から清算取次証拠金の預託を受け、同条第二項の規定に基づき会員等に委託証拠金を預託した清算取次者 当該委託証拠金（当該清算取次者が預託を受けた当該清算取次証拠金の額の範囲内に限る。）に相当する金銭及び有価証券

(e) a Clearing Intermediary who accepted a deposit of clearing intermediation margins from a Customer of the Clearing Intermediary based on the provisions of Article 179, paragraph (4) of the Act and deposited said customer margins with Members, etc. based on the provisions of paragraph (2) of the same Article: cash and Securities equivalent to said customer margins (limited to within the scope of the amount of said clearing intermediation margins deposited with said Clearing Intermediary);

四 法第三条第七項（法第七十九条第七項において準用する場合を含む。）に規定する契約を締結し、法第三条第八項（法第七十九条第七項において準用する場合を含む。）に基づき取引証拠金の預託の猶予を受けた場合にあつては、当該預

- 託の猶予を受けた取引証拠金に相当する金銭及び有価証券
- (iv) in the case where closing a contract prescribed in the provisions of Article 103, paragraph (7) of the Act (including cases where it is applied mutatis mutandis pursuant to Article 179, paragraph (7) of the Act) and obtaining a suspension of a deposit of clearing margins based on Article 103, paragraph (8) of the Act (including cases where it is applied mutatis mutandis pursuant to Article 179, paragraph (7) of the Act): cash and Securities equivalent to the clearing margins for which a suspension was obtained for said deposit;
- 五 委託者の計算による商品市場における取引であって決済を結了していないものに係る差損金（商品市場における取引等に関し、当該委託者から預託を受けた金銭及び有価証券並びに当該委託者の計算に属する金銭及び有価証券と相殺することができるものに限る。）
- (v) a loss pertaining to transactions on a Commodity Market on a customer's account that have not yet completed settlement (with regard to transactions, etc. on a Commodity Market, limited to items which can be offset against the cash and Securities deposited by said customer and against the cash and Securities on said customer's account);
- 六 委託者の計算による商品市場における取引に係る受渡しの決済のために商品取引所に預託されている金銭及び有価証券
- (vi) cash and Securities deposited with a Commodity Exchange for the settlement of a receipt or delivery pertaining to transactions on a Commodity Market on a customer's account.
- 2 前項の場合において、有価証券の価額は、時価によるものとする。
- (2) In the case of the preceding paragraph, the value of the Securities shall be based on the then current market value.

第九十八条 法第二百十条の主務省令で定める措置（以下「委託者資産保全措置」という。）は、次に掲げるものとする。

Article 98 (1) Measures specified by an ordinance of the competent ministry set forth in Article 210 of the Act (hereinafter referred to as "Measures for Customer Assets Preservation") shall be as follows:

- 一 信託会社又は信託業務を営む金融機関に信託する契約（以下この号において「信託契約」という。）を締結すること（次に掲げる要件を満たすものに限る。）。
- (i) A contract of trust (hereinafter referred to as the "Trust Contract" in this item) shall be concluded with a trust company or a Financial Institution Engaged in Trust Business (limited to those fulfilling the requirements as listed in the following):
- イ 信託契約は、商品取引員を委託者とし、信託会社又は信託業務を営む金融機関を受託者とし、かつ、当該商品取引員に対し商品市場における取引等を委託した者（以下この号において「取引委託者」という。）を元本の受益者とする。
- (a) the Trust Contract shall establish a Futures Commission Merchant as the

customer; a trust company or a Financial Institution Engaged in Trust Business as the broker; and the person who consigned the Transactions, etc. on a Commodity Market to said Futures Commission Merchant (hereinafter referred to as the "Transaction Customer" in this item) as the beneficiary of the principal;

ロ 信託契約において、当該商品取引員の役職員のうちから指定された者（商品取引員が委託者資産保全措置として信託契約を複数締結する場合には、これらの信託契約に係る受益者代理人を同一の者とする。）及び委託者保護基金（当該商品取引員が会員として加入している委託者保護基金に限る。以下この条において同じ。）を受益者代理人とすること。

(b) a person who is appointed from among the officers and employees of said Futures Commodity Merchant (in the case where a Futures Commission Merchant concludes multiple Trust Contracts as Measures for Customer Assets Preservation, the same person is to be designated as the agent for a beneficiary of a trust pertaining to these Trust Contracts) and a Consumer Protection Fund (limited to a Consumer Protection Fund which said Futures Commission Merchant joined as a Member; hereinafter the same shall apply in this Article) shall be the agents for a beneficiary of a trust;

ハ ロの規定にかかわらず、商品取引員が通知商品取引員（法第三百四条に規定する通知商品取引員をいう。以下同じ。）に該当することとなった場合にあっては、委託者保護基金が特に認める場合を除き、当該委託者保護基金のみを受益者代理人とすること。

(c) in the case where a Futures Commission Merchant becomes a Futures Commission Merchant Subject to a Notice (which means a Futures Commission Merchant Subject to a Notice prescribed in the provisions of Article 304 of the Act; the same shall apply hereinafter) notwithstanding the provisions of (b), only said Consumer Protection Fund is permitted to be assigned as the agent for a beneficiary of a trust, except for a case specially approved by the Consumer Protection Fund;

ニ 財産の運用を次の方法に限る金銭信託とすること。ただし、金融機関の信託業務の兼営等に関する法律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とする場合は、この限りではない。

(d) management of property shall be by cash in trust and is limited to the following methods; provided, however, that this shall not apply to the case of cash in trust under a contract for the replacement of losses of principal pursuant to the provisions of Article 6 of the Act regarding Additional Operation of Trust Business by a Financial Institution:

(1) 国債その他主務大臣の指定する有価証券の保有

1. purchasing and holding national government bonds and other Securities designated by the competent minister;

(2) 主務大臣の指定する銀行その他の金融機関への預金

2. depositing with a bank or other financial institutions designated by the competent minister;
- (3) その他主務大臣の定める方法
3. using other methods specified by the competent minister;
- ホ 信託財産の元本の評価額は、当該信託の元本金額とすること。
- (e) the appraised amount of the principal of the trust fund shall be the principal amount of said trust;
- へ 信託契約の解除又は一部の解除は、次に掲げる場合において、あらかじめ受益者代理人である委託者保護基金の承認を受けたときでなければ、行ってはならないものとする。
- (f) the rescission of a Trust Contract or the rescission of a portion of a Trust Contract shall not be carried out unless the Consumer Protection Fund in its capacity as the agent for a beneficiary of a trust gives its approval in advance, in the following cases:
- (1) 信託財産の元本の評価額が信託必要額（当該商品取引員の保全対象財産の額から他の委託者資産保全措置を講じている額を控除した額をいう。）を超過する場合に、当該超過額に相当する金額の範囲内で信託契約の解除又は一部の解除を行おうとする場合
1. when the appraised amount of the trust fund's principal exceeds the Necessary Amount for the Trust (which means the amount calculated by deducting the amount for other Measures for Customer Assets Preservation from the amount of the Property Subject to Preservation of said Futures Commission Merchant), in the case where there is an intention to cancel the whole or a portion of the Trust Contract within the scope of the amount equivalent to such excess portion;
- (2) 他の委託者資産保全措置に変更するために信託契約の解除又は一部の解除を行おうとする場合
2. in the case where there is an intention to cancel the whole or a portion of the Trust Contract in order to change to another Measure for Customer Assets Preservation;
- (3) 取引委託者の計算による商品市場における取引についての取引証拠金として商品取引所又は商品取引清算機関に預託するために信託契約の解除又は一部の解除を行おうとする場合
3. in the case where there is an intention to cancel the whole or a portion of the Trust Contract in order to deposit funds as clearing margins for transactions on a Commodity Market on a Transaction Customer's account with a Commodity Exchange or a Commodity Clearing Organization;
- (4) 取引委託者の計算による商品市場における取引に係る商品取引所又は商品取引清算機関への取引差損金又は受渡し決済代金の支払いを行うために信託契約の解除又は一部の解除を行おうとする場合

4. in the case where there is an intention to cancel the whole or a portion of the Trust Contract in order to pay for a transaction loss or a transaction settlement to a Commodity Exchange or a Commodity Clearing Organization pertaining to transactions on a Commodity Market on a Transaction Customer's account;
- (5) 取引委託者から預託を受けた又は取引委託者の計算に属する金銭又は有価証券を当該取引委託者に支払うために信託契約の解除又は一部の解除を行おうとする場合
5. in the case where there is an intention to cancel the whole or a portion of the Trust Contract in order to pay the money or Securities which were deposited by a Transaction Customer or are held in a Transaction Customer's account, to said Transaction Customer;
- (6) 委託手数料の徴収その他受託に係る商品取引員の取引委託者に対する権利の実行のために信託契約の解約又は一部の解除を行おうとする場合
6. in the case where there is an intention to cancel the whole or a portion of the Trust Contract in order to collect commission fees or otherwise execute the rights of the Futures Commission Merchant pertaining to brokerage against a Transaction Customer;
- ト 信託契約の変更は、あらかじめ受益者代理人である委託者保護基金の承認を受けたときでなければ、行ってはならないものとする。
- (g) the Trust Contract shall not be changed unless the Consumer Protection Fund in its capacity as the agent for a beneficiary of a trust gives its approval in advance;
- チ 信託契約に係る元本の受益権の行使は、商品取引員が通知商品取引員に該当することとなった場合その他受益者代理人である委託者保護基金が当該商品取引員の有する取引委託者に対する委託者資産の返還に係る債務の円滑な弁済のために必要と判断した場合に、当該委託者保護基金がすべての取引委託者について一括して行使するものであること。この場合において、当該信託契約は、その目的を達成したものとして終了することを妨げない。
- (h) when a Futures Commission Merchant has fallen under the category of a Futures Commission Merchant Subject to a Notice, or when a Consumer Protection Fund that is the agent for a beneficiary of a trust judges it is necessary for the smooth repayment of said Futures Commission Merchant's debts pertaining to the return of the customer's assets to a Transaction Customer, the beneficiary rights to the principal pertaining to the Trust Contract shall be executed by said Consumer Protection Fund for all Transaction Customers in a lump sum. In this case, it shall not preclude the termination of said Trust Contract deeming that its purpose has been attained;
- リ イからチまでに掲げるもののほか、委託者保護基金の業務規程で定める要件
- (i) the requirements specified by the business regulations of the Consumer

- Protection Fund in addition to the items set forth in (a) through (h).
- 二 委託者保護基金に預託する契約を締結すること（次に掲げる要件を満たすものに限る。）。
- (ii) A contract of deposit with a Consumer Protection Fund shall be concluded (limited to those fulfilling the requirements as set forth in the following):
- イ 委託者保護基金に預託された財産（以下この号において「預託財産」という。）のうち有価証券の価額は、時価によるものとする。
- (a) the value of the Securities in the property deposited with a Consumer Protection Fund (hereinafter referred to as the "Deposited Property" in this item) shall be based on the current market value;
- ロ 預託財産の払出しを行える場合は、ハに規定する場合を除き、次に掲げる場合とすること。
- (b) cases where the Deposited Property can be withdrawn shall be cases set forth in the following, and excludes the cases prescribed in (c):
- (1) 預託財産の評価額が預託必要額（当該商品取引員の保全対象財産の額から他の委託者資産保全措置を講じている額を控除した額をいう。）を超過する場合に、当該超過額に相当する金額の範囲内で預託財産の払出しを行おうとする場合
1. when the appraised amount of the Deposited Property exceeds the Necessary Amount for the Deposit (the amount calculated by deducting the amount for the other Measures for Customer Assets Preservation from the amount of the Property Subject to Preservation of said Futures Commission Merchant), the case where there is an intention to withdraw the Deposited Property within the scope of the amount equivalent to said excess portion;
- (2) 他の委託者資産保全措置に変更するために預託財産の払出しを行おうとする場合
2. in the case where there is an intention to withdraw the Deposited Property in order to change to another Measure for Customer Assets Preservation;
- (3) 委託者の計算による商品市場における取引についての取引証拠金として商品取引所又は商品取引清算機関に預託するために預託財産の払出しを行おうとする場合
3. in the case where there is an intention to withdraw the Deposited Property in order to deposit it as clearing margins for transactions on a Commodity Market on a customer's account with a Commodity Exchange or a Commodity Clearing Organization;
- (4) 委託者の計算による商品市場における取引に係る商品取引所又は商品取引清算機関への取引差損金又は受渡し決済代金の支払いを行うために預託財産の払出しを行おうとする場合
4. in the case where there is an intention to withdraw the Deposited

Property in order to pay for a transaction loss or a transaction settlement to a Commodity Exchange or a Commodity Clearing Organization pertaining to transactions on a Commodity Market on a customer's account;

- (5) 委託者から預託を受けた又は委託者の計算に属する金銭又は有価証券を当該委託者に支払うために預託財産の払出しを行おうとする場合

5. in the case where there is an intention to withdraw the Deposited

Property in order to pay the money or Securities which were deposited by a customer or which are on a customer's account, to said customer;

- (6) 委託手数料の徴収その他受託に係る商品取引員の委託者に対する権利の実行のために預託財産の払出しを行おうとする場合

6. in the case where there is an intention to withdraw the Deposited

Property in order to collect commission fees or otherwise execute the rights of the Futures Commission Merchant pertaining to brokerage against a customer;

- ハ 商品取引員が通知商品取引員に該当することとなった場合その他委託者保護基金が当該商品取引員の有する委託者に対する委託者資産の返還に係る債務（以下この条及び第百三十九条第一項第二号から第四号までにおいて「委託者債務」という。）の円滑な弁済のために必要と判断した場合に、当該委託者保護基金が当該商品取引員に代わって行う当該商品取引員の委託者債務の弁済（以下この項において「代位弁済」という。）に当該預託財産を充てることができること。

- (c) in the case where a Futures Commission Merchant has fallen under the category of a Futures Commission Merchant Subject to a Notice, or where the Consumer Protection Fund judges that it is necessary for the smooth repayment of said Futures Commission Merchant's debts pertaining to the return of a customer's assets to a customer (hereinafter referred to as an "Debts to a Customer" in this Article and Article 139, paragraph (1), item (ii) through item (iv)), said Deposited Property can be allocated for repayment by said Futures Commission Merchant's Debts to a Customer which is carried out by said Consumer Protection Fund for and on behalf of said Futures Commission Merchant (hereinafter referred to as the "Subrogation Performance" in this paragraph);

- ニ ハの場合において、当該商品取引員は、委託者保護基金が代位弁済に充てた後の当該預託財産の残余についてのみ払出しを行うことができること。

- (d) in the case of (c), said Futures Commission Merchant can withdraw only the residual of said Deposited Property after the Consumer Protection Fund allocates the Deposited Property for said Subrogation Performance;

- ホ イからニまでに掲げるもののほか、委託者保護基金の業務規程で定める要件

- (e) the requirements specified by the business regulations of the Consumer Protection Fund in addition to those set forth in (a) through (d).

- 三 金融機関に対し、委託者債務の弁済に必要な額の全部又は一部を委託者保護基金

に支払うことを委託する契約（以下この号及び第百三十九条第一項第三号において「保証委託契約」という。）を締結すること（次に掲げる要件を満たすものに限る。第百三十九条第一項第三号において「保証委託」という。）。

(iii) A contract to consign to a financial institution the payment to a Consumer Protection Fund of the whole or a portion of the necessary amount for the repayment of Debts to a Customer (hereinafter referred to as an "Indemnity Agreement" in this item and Article 139, paragraph (1), item (iii)) shall be concluded (limited to those cases which fulfill the requirements set forth in the following, which is called "Indemnity" in Article 139, paragraph (1), item (iii)):

イ 次に掲げる金融機関に対して委託するものであること。

(a) the contract shall be a commission to the following financial institutions:

- (1) 銀行
1. a bank;
- (2) 信用協同組合
2. a credit cooperative;
- (3) 信用金庫
3. a Shinkin Bank;
- (4) 農林中央金庫及び商工組合中央金庫
4. the Norinchukin Bank or the Shoko Chukin Bank;
- (5) 業として預金又は貯金の受入れをすることができる農業協同組合及び農業協同組合連合会
5. an agricultural cooperative or a federation of agricultural cooperatives, either of which can accept deposits or savings in the course of trade;
- (6) 信託会社（信託業法第二十一条第二項の規定に基づき、債務の保証に関する業務を行うことについて内閣総理大臣の承認を受けた者に限る。）
6. a trust company (limited to a person who is approved by the prime minister for carrying out business pertaining to guarantees against debts based on the provisions of Article 21, paragraph (2) of the Trust Business Act);
- (7) 保険会社
7. an insurance company;

ロ 保証委託契約の解除又は変更は、あらかじめ委託者保護基金の承認を受けたときでなければ、行ってはならないものとする。

(b) an Indemnity Agreement shall not be rescinded or changed unless the Consumer Protection Fund approves in advance;

ハ あらかじめ、イに掲げる金融機関が保証委託契約に基づき委託者保護基金に支払うべき額の限度額（以下この号において「支払保証限度額」という。）を定めること。

(c) the limit of the amount to be paid to the Consumer Protection Fund by a financial institution set forth in (a) based on the Indemnity Agreement

shall be specified in advance (hereinafter referred to as "Payment Guarantee Limit Amount" in this item);

ニ 商品取引員が通知商品取引員に該当することとなった場合その他委託者保護基金が当該商品取引員の有する委託者債務の円滑な弁済のために必要と判断した場合に、当該委託者保護基金は、保証委託契約を締結したイに掲げる金融機関に対し、支払保証限度額を限度として、当該委託者債務の弁済に必要と認められる額を当該委託者保護基金に対して支払うことを指示することができること。

(d) in the case where a Futures Commission Merchant has fallen under the category of a Futures Commission Merchant Subject to a Notice and where the Consumer Protection Fund judges it is necessary for the smooth repayment of said Futures Commission Merchant's Debts to a Customer, said Consumer Protection Fund can instruct a financial institution set forth in (a), which has concluded an Indemnity Agreement, to pay to said Consumer Protection Fund the necessary amount for repayment of said Debts to a Customer within the limit of the Payment Guarantee Limit Amount;

ホ イからニまでに掲げるもののほか、委託者保護基金の業務規程で定める要件

(e) requirements specified by the business regulations of the Consumer Protection Fund in addition to items set forth in (a) through (d).

四 前二号に掲げる措置のほか、委託者保護基金に対し、商品取引員が有する委託者債務の全部又は一部を当該商品取引員に代わって弁済することを委託する契約（以下この号及び第百三十九条第一項第四号において「代位弁済委託契約」という。）を締結すること（次に掲げる要件を満たすものに限る。第百三十九条第一項第四号において「代位弁済委託」という。）。

(iv) A contract to consign to repay to the Consumer Protection Fund the whole or a portion of a Futures Commission Merchant's Debts to a Customer, for and on behalf of said Futures Commission Merchant (hereinafter referred to as a "Subrogation Consignment Agreement" in this item and Article 139, paragraph (1), item (iv)), shall be concluded (limited to items which fulfill the requirements set forth in the following, which is called a "Subrogation Consignment" in Article 139, paragraph (1), item (iv)) in addition to measures set forth in the preceding two items:

イ 代位弁済委託契約の解除又は変更は、あらかじめ委託者保護基金の承認を受けたときでなければ、行ってはならないものとする。

(a) a Subrogation Consignment Agreement shall not be rescinded or changed unless the Consumer Protection Fund approves in advance;

ロ あらかじめ、委託者保護基金が当該商品取引員に代わってその委託者債務の代位弁済を行うべき額の限度額（以下この号において「代位弁済限度額」という。）を定めること。

(b) the limit of the amount to be repaid in Subrogation Performance for such Debts to a Customer by a Consumer Protection Fund for and on behalf of

said Futures Commission Merchant shall be specified in advance (hereinafter referred to as the "Subrogation Performance Limit Amount" in this item);

ハ 商品取引員が通知商品取引員に該当することとなった場合その他委託者保護基金が当該商品取引員の有する委託者債務の円滑な弁済のために必要と判断した場合に、当該委託者保護基金は、代位弁済限度額を限度として、当該商品取引員に代わって当該委託者債務を弁済するものであること。

(c) in cases where a Futures Commission Merchant has fallen under the category of a Futures Commission Merchant Subject to a Notice or where a Consumer Protection Fund judges it is necessary for the smooth repayment of said Futures Commission Merchant's Debts to a Customer, said Consumer Protection Fund shall pay said Debts to a Customer for and on behalf of said Futures Commission Merchant within the limit of the Subrogation Performance Limit Amount;

ニ イからハまでに掲げるもののほか、委託者保護基金の業務規程で定める要件

(d) requirements specified by the business regulations of the Consumer Protection Fund in addition to items set forth in (a) through (c).

2 商品取引員は、前項各号に掲げる契約を締結し、又は変更したときは、遅滞なく、契約書の写しを主務大臣に提出しなければならない。ただし、信託契約を変更した場合にあっては、当該契約を締結した信託会社又は信託業務を営む金融機関が発行する残高証明書を添付するものとする。

(2) A Futures Commission Merchant shall submit a copy of the contract to the competent minister without delay when concluded or after changing the contract as set forth in the respective items of the preceding paragraph; provided, however, that in the case of changing a Trust Contract, a certificate of the deposit balance issued by the trust company concluding said contract or a Financial Institution Engaged in Trust Business shall be attached.

3 商品取引員は、第一項各号に掲げる契約を解除しようとするときは、その三十日前にその旨を主務大臣に届け出なければならない。

(3) When a Futures Commission Merchant intends to rescind a contract set forth in the respective items of paragraph (1), a notification of such fact shall be provided to the competent minister 30 days prior to such action.

4 商品取引員は、商品市場における取引につき、委託者から預託を受けた有価証券及び委託者の計算に属する有価証券を委託の趣旨に反して、担保として提供し、貸付け、その他処分してはならない。ただし、委託者の同意を得て、委託者保護基金に預託し、又は次に掲げる金融機関に担保として提供し、若しくは信託する場合は、この限りでない。

(4) With regard to transactions on a Commodity Market, a Futures Commission Merchant shall not deposit as collateral, loan, nor dispose of Securities deposited by a customer or Securities on a customer's account contrary to the purpose of the consignment; provided, however, that this shall not apply in

cases of depositing with a Consumer Protection Fund, depositing as collateral, or entrusting assets to the following financial institutions, after obtaining the consent of the customer:

一 銀行

(i) a bank;

二 信用協同組合

(ii) a credit cooperative;

三 信用金庫

(iii) a Shinkin Bank;

四 農林中央金庫及び商工組合中央金庫

(iv) the Norinchukin Bank or the Shoko Chukin Bank;

五 業として預金又は貯金の受入れをすることができる農業協同組合及び農業協同組合連合会

(v) an agricultural cooperative or a federation of agricultural cooperatives, either of which can accept deposits or savings in the course of trade;

六 貸金業法施行令（昭和五十八年政令第百八十一号）第一条の二第四号に掲げる者
(vi) a person set forth in Article 1-2, item (iv) of the Enforcement Order of the Money Lending Business Act (Cabinet Order No. 181 of 1983);

七 信託会社又は信託業務を営む金融機関

(vii) a trust company or a Financial Institution Engaged in Trust Business;

八 保険会社

(viii) an insurance company.

（危険に対応する額の算出）

(Calculating the amount corresponding to risks)

第九十九条 法第二百十一条第一項の主務省令で定めるところにより算定した額は、別表第四に定めるところにより得られる額の合計額とする。

Article 99 The amount calculated pursuant to an ordinance of the competent ministry set forth in Article 211, paragraph (1) of the Act shall be the sum total of the amounts obtained pursuant to the provisions in the Appended Table 4.

（純資産額規制比率の届出）

(Notification of Net Assets Regulation Ratio)

第一百条 法第二百十一条第一項の主務省令で定める場合は、次に掲げる場合とする。

Article 100 (1) The cases specified by an ordinance of the competent ministry set forth in Article 211, paragraph (1) of the Act shall be the cases as set forth in the following:

一 純資産額規制比率が百四十パーセントを下回った場合

(i) in the case where the Net Assets Regulation Ratio is below 140 percent;

二 純資産額規制比率が百四十パーセント以上に回復した場合

(ii) in the case where the Net Assets Regulation Ratio has recovered to 140

percent or more.

2 商品取引員は、法第二百十一条第一項の規定に基づき、毎月末の様式第十五号により作成した純資産額規制比率に関する届出書を翌月二十日までに主務大臣に提出しなければならない。

(2) A Futures Commission Merchant shall submit to the competent minister a written notification for each month-end prepared using Form No. 15 and pertaining to the Net Assets Regulation Ratio by the 20th day of the month following the subject month based on the provisions of Article 211, paragraph (1) of the Act.

3 第一項第一号に該当することとなった商品取引員は、法第二百十一条第一項の規定に基づき、直ちに、その旨を主務大臣に届け出、かつ、営業日ごとに、様式第十五号により純資産額規制比率に関する届出書を作成し、遅滞なく、これを主務大臣に提出しなければならない。

(3) A Futures Commission Merchant who has fallen under paragraph (1), item (i) shall immediately notify the competent minister of such fact, prepare a written notification according to Form No. 15 on every business day pertaining to the Net Assets Regulation Ratio, and submit the notification to the competent minister without delay based on the provisions of Article 211, paragraph (1) of the Act.

4 前項に規定する届出書には、次の各号に掲げる場合の区分に応じ当該各号に定める書類を添付しなければならない。

(4) The written notification specified in the preceding paragraph shall attach the documents specified in the following items for the categories of cases set forth respectively in those items:

一 純資産額規制比率が百四十パーセントを下回った場合（次号に掲げる場合を除く。） 純資産額規制比率の状況を維持するために自らとるべき具体的措置に関する計画書

(i) in the case where the Net Assets Regulation Ratio is below 140 percent (excluding the case set forth in the following item): a plan pertaining to specific measures to be taken by the Futures Commission Merchant in order to improve the status of the Net Assets Regulation Ratio;

二 純資産額規制比率が百二十パーセントを下回った場合 純資産額規制比率の状況を回復させるために自らとるべき具体的措置に関する計画書

(ii) in the case where the Net Assets Regulation Ratio is below 120 percent: a plan pertaining to the specific measures to be taken by the Futures Commission Merchant in order to recover the required status of the Net Assets Regulation Ratio.

5 第一項第二号に該当することとなった商品取引員は、法第二百十一条第一項の規定に基づき、遅滞なく、その旨を主務大臣に届け出なければならない。

(5) A Futures Commission Merchant, who has fallen under paragraph (1), item (ii) shall notify the competent minister of such fact without delay based on the

provisions of Article 211, paragraph (1) of the Act.

6 商品取引員は、毎営業日ごとに、純資産額規制比率の状況を適切に把握しなければならない。

(6) A Futures Commission Merchant shall be aware of the status of the Merchant's own Net Assets Regulation Ratio appropriately on every business day.

(広告類似行為)

(Acts similar to advertising)

第百条の二 法第二百十三条の二各項の主務省令で定める行為は、郵便、信書便（民間事業者による信書便の送達に関する法律（平成十四年法律第九十九号）第二条第六項に規定する一般信書便事業者又は同条第九項に規定する特定信書便事業者の提供する同条第二項に規定する信書便をいう。）、ファクシミリ装置を用いて送信する方法、電子メール（特定電子メールの送信の適正化等に関する法律（平成十四年法律第二十六号）第二条第一号に規定する電子メールをいう。）を送信する方法、ビラ又はパンフレットを配布する方法その他の方法（次に掲げるものを除く。）により多数の者に対して同様の内容で行う情報の提供とする。

Article 100-2 The acts specified by an ordinance of the competent ministry as set forth in the paragraphs of Article 213-2 of the Act shall be the provision of information with the same contents to a large number of persons by postal mail, Correspondence Delivery (which means the Correspondence Delivery prescribed in Article 2, paragraph (2) of the Act on Correspondence Delivery by Private Business Operators [Act No. 99 of 2002] made by a general correspondence delivery operator prescribed in paragraph (6) of the same Article or by a specified correspondence delivery operator prescribed in paragraph (9) of the same Article), the method of transmission using a facsimile, the method of transmission of Electronic Mail (which means electronic mail prescribed in Article 2, item (i) of the Act on Regulation of Transmission of Specified Electronic Mail [Act No. 26 of 2002]), the method of distribution of fliers or pamphlets or any other method (excluding the following):

一 法令又は法令に基づく行政官庁の処分に基づき作成された書類を配布する方法
(i) the method of distributing a document prepared based on a law or regulation or based on a disposition given by a government agency under a law or regulation;

二 商品市場の分析及び評価に関する資料であつて、受託契約（法第二百十四条第二号に規定する受託契約をいう。以下同じ。）の締結の勧誘に使用しないものを配布する方法

(ii) the method of distributing any material on analysis or evaluation on a Commodity Market which is not used for soliciting the conclusion of a Brokerage Contract (which means the Brokerage Contract prescribed in

Article 214, item (ii) of the Act; the same shall apply hereinafter);

三 次に掲げるすべての事項のみが表示されている景品その他の物品（口からニまでに掲げる事項について明瞭かつ正確に表示されているものに限る。）を提供する方法（当該事項のうち景品その他の物品に表示されていない事項がある場合にあっては、当該景品その他の物品と当該事項が表示されている他の物品とを一体のものとして提供する方法を含む。）

(iii) the method of providing a premium or any other object on which all of the following matters alone are indicated (limited to one on which the matters listed in (b) to (d) are clearly and accurately indicated) (in cases where any of such matters are not indicated on the premium or any other object, this shall include the method of providing another object on which such missing matters are indicated in combination with said premium or any other object):

イ 受託契約の名称又は通称

(a) the name or common name of the Brokerage Contract;

ロ この号に規定する方法により多数の者に対して同様の内容で行う情報の提供をする商品取引員の商号又は通称

(b) the trade name or common name of the Futures Commission Merchant that provides information with the same contents to a large number of persons by the method prescribed in this item;

ハ 商品市場における相場の変動により受託契約に基づく取引について顧客に損失が生ずることとなるおそれがあり、かつ、当該損失の額が取引証拠金等の額を上回ることとなるおそれがある旨（当該事項の文字又は数字が当該事項以外の事項の文字又は数字のうち最も大きなものと著しく異なる大きさで表示されているものに限る。）

(c) the fact that there is a risk of the customer incurring a loss with regard to the transaction based on said Brokerage Contract due to a fluctuation in the quotations on the Commodity Market and the risk that the amount of such loss could exceed the amount of the Clearing Margin, etc. (limited to one where the letters or numbers used for indicating this matter are of a size that is not substantially different from the largest letters or numbers used for indicating other matters);

ニ 法第二百十七条第一項に規定する書面の内容を十分に読むべき旨

(d) the fact that the contents of the document prescribed in Article 217, paragraph (1) of the Act should be read sufficiently;

四 次に掲げる事項を明瞭かつ正確に表示し、かつ、商品市場における取引等を行うことによる利益の見込みその他第百条の六で定める事項について、著しく事実に相違するような表示をし、又は著しく人を誤認させるような表示をしていない、一般放送事業者、有線テレビジョン放送事業者（有線テレビジョン放送法（昭和四十七年法律第百十四号）第二条第四項の有線テレビジョン放送事業者をいう。）、有線ラジオ放送（有線ラジオ放送業務の運用の規正に関する法律（昭和二十六年法律第百三十五号）第二条の有線ラジオ放送をいう。）の業務を行う者及び電気通信役務

利用放送（電気通信役務利用放送法（平成十三年法律第八十五号）第二条第一項の電気通信役務利用放送をいう。）の業務を行う者の放送設備により放送させる方法、商品取引員又は当該商品取引員が行う広告等に係る業務の委託を受けた者の使用に係る電子計算機に備えられたファイルに記録された情報の内容を電気通信回線を利用して顧客に閲覧させる方法並びに常時又は一定の期間継続して屋内又は屋外で公衆に表示させる方法であつて、看板、立看板、はり紙及びはり札並びに広告塔、広告板、建物その他の工作物等に掲出させ、又は表示させるもの並びにこれらに類するもの

(iv) the method of having information broadcast through the broadcasting equipment of a general broadcaster, a Cable Television Broadcaster (which means the Cable Television Broadcaster set forth in Article 2, paragraph (4) of the Cable Television Broadcasting Act [Act No. 114 of 1972]), a person engaged in the business of Cable Radio Broadcasting (which means Cable Radio Broadcasting as set forth in Article 2 of the Act on Regulation on the Operation of Cable Radio Broadcasting Business [Act No. 135 of 1951]) or a person engaged in the business of Broadcasting Using Telecommunications Services (which means Broadcasting Using Telecommunications Services as set forth in Article 2, paragraph (1) of the Act on Broadcasting Using Telecommunications Services [Act No. 85 of 2001]), the method of having customers inspect, via telecommunications lines, the contents of information that is recorded onto a file in a computer used by a Futures Commission Merchant or a person who has accepted consignment of business pertaining to advertising, etc. conducted by the Futures Commission Merchant, or the method of indicating information to the public either indoors or outdoors on a constant basis or continuously for a certain period where the information is posted or indicated on a signboard, a billboard, a poster, a placard or an advertising pillar, advertising board, building or any other structure, etc., or a method similar thereto, in which case the following matters are clearly and accurately indicated and there is no indication that is significantly contradictory to facts or seriously misleading with regard to the profits forecast from conducting a Transaction on a Commodity Market, etc. and other matters specified in Article 100-6:

イ 商品取引員の商号

(a) the trade name of the Futures Commission Merchant;

ロ 商品取引員である旨

(b) the fact that said Futures Commission Merchant is a Futures Commission Merchant;

ハ 商品市場における相場の変動により受託契約に基づく取引について顧客に損失が生ずることとなるおそれがあり、かつ、当該損失の額が取引証拠金等の額を上回ることとなるおそれがある旨（音声により放送する方法を除き、当該事項以外の文字又は数字のうち最も大きなものと著しく異なる大きさで表示されてい

るものに限る。)

(c) the fact that there is a risk of the customer incurring a loss with regard to the transaction based on said Brokerage Contract due to fluctuation in the quotations on the Commodity Market and the risk that the amount of such loss could exceed the amount of the Clearing Margin, etc. (except when using the method of sound broadcasting, this shall be limited to one where the letters or numbers used for indicating this matter are in a size that is not substantially different from the largest letters or numbers used for indicating other matters);

ニ 法第二百十七条第一項に規定する書面の内容を十分に読むべき旨

(d) the fact that the contents of the document prescribed in Article 217, paragraph (1) of the Act should be read sufficiently.

(商品取引受託業務の内容についての広告等の表示方法)

(Method of indication in conducting Advertising, etc. with regard to the contents of Commodity Transactions Brokerage Business)

第百条の三 商品取引員がその行う商品取引受託業務の内容について広告又は前条に規定する行為（以下この条において「広告等」という。）をするとき、法第二百十三條の二第一項各号に掲げる事項を明瞭かつ正確に表示しなければならない。

Article 100-3 (1) When a Futures Commission Merchant conducts advertising or an act prescribed in the preceding Article (hereinafter referred to as "Advertising, etc." in this Article) with regard to the contents of its Commodity Transactions Brokerage Business, the Futures Commission Merchant shall clearly and accurately indicate the matters listed in the items of Article 213-2, paragraph (1) of the Act.

2 商品取引員がその行う商品取引受託業務の内容について広告等をするとき、令第十条の二第四号に掲げる事項の文字又は数字を当該事項以外の事項の文字又は数字のうち最も大きいものと著しく異なる大きさで表示するものとする。

(2) When a Futures Commission Merchant conducts Advertising, etc. with regard to the contents of its Commodity Transactions Brokerage Business, the Futures Commission Merchant shall indicate the matter set forth in Article 10-2, item (iv) of the Order by using the letters or numbers in a size that is not substantially different from the largest letters or numbers used for indicating other matters.

(顧客が支払うべき対価に関する事項)

(Matters concerning the consideration to be paid by a customer)

第百条の四 令第十条の二第一号に規定する主務省令で定めるものは、手数料、報酬、費用その他いかなる名称によるかを問わず、受託契約に関して顧客が支払うべき対価（受渡しに係る価額、法第二条第八項第四号に規定する取引の対価の額及び取引証拠金等（法第二百十七条第一項第一号に規定する取引証拠金等をいう。以下同じ。）の

額を除く。この条及び第百条の六において「手数料等」という。)の種類ごとの金額若しくはその上限額又はこれらの計算方法(当該受託契約に基づく取引の額(令第十条の二第三号に規定する取引の額をいう。)に対する割合を含む。)の概要及び当該金額の合計額若しくはその上限額又はこれらの計算方法の概要とする。ただし、これらの表示をすることができない場合にあっては、その旨及びその理由とする。

Article 100-4 The matters specified by an ordinance of the competent ministry as prescribed in Article 10-2, item (i) of the Order shall be the amounts or the upper limits of the considerations to be paid by a customer with regard to a Brokerage Contract, whether they are known as fees, remunerations, expenses or by any other name (excluding values pertaining to receipt or delivery, the amount of the consideration for the transactions prescribed in Article 2, paragraph (8), item (iv) of the Act, and the amount of Clearing Margin, etc. [which means the Clearing Margin, etc. prescribed in Article 217, paragraph (1), item (i) of the Act; the same shall apply hereinafter]; referred to as "Fees, etc." in this Article and Article 100-6), by type of consideration, or the outline of their calculation method (including the percentage to the Amount of Transactions [which means the Amount of Transactions prescribed in Article 10-2, item (iii) of the Order] based on said Brokerage Contract), and the sum of such amounts, or the upper limit thereof or the outline of their calculation method; provided, however, that, in cases where it is not possible to indicate these, said matters shall be a statement to that effect and the reason therefor.

(顧客の判断に影響を及ぼす重要事実)

(Important matters that may have an impact on customers' judgment)

第百条の五 令第十条の二第五号に規定する主務省令で定める事項は、当該商品取引員が商品先物取引協会に加入している場合にあっては、その旨及び当該商品先物取引協会の名称とする。

Article 100-5 The matters specified by an ordinance of the competent ministry as prescribed in Article 10-2, item (v) of the Order shall be, in cases where the Futures Commission Merchant has joined a Commodity Futures Association, a statement to that effect and the name of said Commodity Futures Association.

(誇大広告をしてはならない事項)

(Matters for which misleading advertising is prohibited)

第百条の六 法第二百十三条の二第二項に規定する主務省令で定める事項は次に掲げる事項とする。

Article 100-6 The matters specified by an ordinance of the competent ministry as prescribed in Article 213-2, paragraph (2) of the Act shall be the following matters:

一 受託契約の解除に関する事項

(i) matters concerning cancellation of the Brokerage Contract;

- 二 受託契約に係る損失の全部若しくは一部の負担又は利益の保証に関する事項
(ii) matters concerning the bearing of all or part of losses or the guarantee of profits pertaining to the Brokerage Contract;
- 三 受託契約に係る損害賠償額の予定（違約金を含む。）に関する事項
(iii) Matters concerning the planned amount of damages (including penalties) pertaining to the Brokerage Contract;
- 四 受託契約に係る商品市場に関する事項
(iv) Matters concerning the Commodity Market pertaining to the Brokerage Contract;
- 五 商品取引員の資力又は信用に関する事項
(v) Matters concerning the funds and credit of the Futures Commission Merchant;
- 六 商品取引員の商品取引受託業務の実績に関する事項
(vi) Matters concerning the past results of the Commodity Transactions Brokerage Business of the Futures Commission Merchant;
- 七 受託契約に関して顧客が支払うべき手数料等の額又は計算方法、その支払の方法及び時期並びにその支払先に関する事項
(vii) Matters concerning the amount or calculation method of the Fees, etc. to be paid by the customer with regard to the Brokerage Contract, the method and time of such payment, and the recipient of such payment.

（顧客の指示を受けるべき事項）

(Matters for which instructions shall be received from customers)

第百一条 法第二百十四条第三号の主務省令で定める事項は、次のとおりとする。

Article 101 With regard to Article 214, item (iii) of the Act, the matters specified by an ordinance of the competent ministry shall be as follows:

- 一 上場商品又は上場商品指数の種類
(i) type of Listed Commodity or Listed Commodity Index;
- 二 取引の種類及び期限
(ii) type of transaction and due date;
- 三 数量
(iii) volume;
- 四 対価の額又は約定価格等（指値又は成行の別を含む。）
(iv) amount of consideration or Contract Price, etc. (including the distinction between a limit order and an order without a limit);
- 五 売付け又は買付けの別その他これに準ずる事項
(v) distinction between selling and buying and other equivalent matters;
- 六 新たな売付け若しくは買付け又は転売若しくは買戻しの別その他これに準ずる事項
(vi) first time selling or buying, reselling or repurchasing, or other equivalent matters;

七 取引をする日時又は受託契約の有効期間

(vii) date and time of the transaction or duration of the Brokerage Contract.

(適用除外行為)

(Exempt acts)

第百二条 法第二百十四条第三号の委託者の保護に欠け、又は取引の公正を害するおそれのないものとして主務省令で定めるものは、次に掲げるものとする。

Article 102 (1) With regard to Article 214, item (iii) of the Act, those acts specified by an ordinance of the competent ministry to be matters that are not lacking in protection for the customer or that are not likely to harm the fairness of transactions shall be as follows:

一 次のイからニまでに掲げる者のうち外国において商品取引受託業務に相当する業務を営む者から前条第一号、第二号及び第五号から第七号までに掲げる事項について同意を得た上で、同条第三号及び第四号に掲げる事項については商品取引員が定めることができるものとして商品市場における取引等の委託を受ける行為

(i) an act to accept the consignment of a Transaction on a Commodity Market, etc., as a Futures Commission Merchant may stipulate regarding the matters set forth in the preceding Article, item (iii) and item (iv), after obtaining the consent of a person who engages in Commodity Transactions Brokerage Business in a foreign state among any persons listed in (a) to (d) as follows, regarding matters set forth in item (i), item (ii), and item (v) to item (vii) of the same Article:

イ 当該商品取引員が、外国の法人その他の団体の総株主、総社員、総会員、総組合員又は総出資者の議決権（令第七条第一項第三号に規定する議決権をいう。以下この条（ロを除く。）において同じ。）の百分の五十以上の議決権に係る株式又は出資を自己又は他人の名義をもって所有している場合における当該法人その他の団体（以下この条において「外国子会社」という。）

(a) in cases where said Futures Commission Merchant holds shares or contributions pertaining to 50 percent or more of the Voting Rights (which means Voting Rights prescribed in Article 7, paragraph (1), item (iii) of the Order; hereinafter the same shall apply [except for (b)] in this Article) for all shareholders, all company members, all organization members, all partners, or all investors of a foreign juridical person or any other organization, under its own name or that of another person, said juridical person or other organization (hereinafter referred to as a "Foreign Subsidiary" in this Article);

ロ 当該商品取引員が、外国の法人その他の団体に総株主の議決権（法第八十六条第一項に規定する議決権をいう。以下このロにおいて同じ。）の百分の五十以上の議決権に係る株式を自己又は他人の名義をもって所有されている場合における当該法人その他の団体（以下この条において「外国親会社」という。）

(b) in cases where a foreign juridical person or any other organization holds

- shares pertaining to 50 percent or more of the Voting Rights (which means voting rights prescribed in Article 86, paragraph (1) of the Act; hereinafter the same shall apply in this (b)) of all shareholders under its own name or that of another person, said juridical person or other organization (hereinafter referred to as the "Foreign Parent Company" in this Article);
- ハ 当該商品取引員の外国親会社が、外国の他の法人その他の団体の総株主の議決権の百分の五十以上の議決権に係る株式又は出資を自己又は他人の名義をもって所有している場合における当該他の法人その他の団体
- (c) in cases where the Foreign Parent Company of said Futures Commission Merchant holds shares or contributions pertaining to 50 percent or more of the Voting Rights of all shareholders of another foreign juridical person or another organization under its own name or that of another person, said other juridical person or other organizations;
- ニ ハに規定する法人その他の団体が、外国の他の法人その他の団体の総株主の議決権の百分の五十以上の議決権に係る株式又は出資を自己又は他人の名義をもって所有している場合における当該他の法人その他の団体
- (d) in cases where juridical persons or other organizations prescribed in (c) hold shares or contributions pertaining to 50 percent or more of the Voting Rights of all shareholders of another foreign juridical person or another organization under their own names or that of another person, said other juridical persons or other organizations;
- 二 非居住者（外国為替及び外国貿易法（昭和二十四年法律第二百二十八号）第六条第一項第六号に規定する非居住者をいう。第二百二十六条において同じ。）である顧客から前条第一号から第三号まで及び第五号から第七号までに掲げる事項について同意を得た上で、同条第四号に掲げる事項については時差を考慮して必要な幅を持たせた同意の範囲内で商品取引員が定めることができるものとして商品市場における取引等の委託を受ける行為
- (ii) an act to accept the consignment of a Transaction on a Commodity Market, etc., as a Future Commission Merchant may stipulate within the scope of the consent that has been extended considering time differences with regard to the matters set forth in the preceding Article, item (iv), after obtaining consent for the matters set forth in item (i) to item (iii) and item (v) to item (vii) of the same Article from a customer who is a Non-Resident (which means Non-Resident as prescribed in Article 6, paragraph (1), item (vi) of the Foreign Exchange and Foreign Trade Control Act (Act No. 228 of 1949); the same shall apply in Article 126);
- 三 委託者の計算による商品市場における取引であつて、委託者があらかじめ定められた額の損失又は利益が発生した場合において、委託者から前条第一号から第五号まで及び第七号に掲げる事項のうち指示がないものについては、電子計算機による処理その他のあらかじめ定められた方式に従った処理により、当該取引のすべてに係る決済を転売又は買戻により結了させることを内容とする契約を書面により締結し、

当該契約に基づき商品市場における取引等の委託を受ける行為

(iii) an act to accept the consignment of a Transaction on a Commodity Market, etc. based on a contract, where said contract, which has been concluded in writing, provides that, in cases where a loss or profit of an amount specified in advance by the customer arises in a Transaction on a Commodity Market on said customer's own account, settlements pertaining to the entirety of said transaction shall be completed by reselling or repurchasing by computer processing or by any other method that has been specified in advance, with regard to any of the matters listed in items (i) to (v) and item (vii) of the preceding Article for which no instructions have been given by the customer.

2 前項第一号において、当該商品取引員及びその外国子会社又は当該商品取引員の外国子会社が、外国の他の法人その他の団体の総株主の議決権の百分の五十以上の議決権に係る株式又は出資を自己又は他人の名義をもって所有している場合における当該他の法人その他の団体も、また、当該商品取引員の外国子会社とみなし、当該商品取引員の外国親会社が、外国の他の法人その他の団体に総株主の議決権の百分の五十以上の議決権に係る株式又は出資を自己又は他人の名義をもって所有されている場合における当該他の法人その他の団体も、また、当該商品取引員の外国親会社とみなす。

(2) In the preceding paragraph, item (i), said other juridical persons or other organizations when such Futures Commission Merchant and its Foreign Subsidiary or Foreign Subsidiary of such Futures Commission Merchant hold shares or contributions pertaining to 50 percent or more of the Voting Rights of all shareholders of another foreign juridical person or other organization under its own name or of another person, shall be deemed to be a Foreign Subsidiary of said Futures Commission Merchant, and said other juridical persons or other organizations of which the Foreign Parent Company of said Futures Commission Merchant hold shares or contributions pertaining to 50 percent or more of the Voting Rights of all shareholders of another foreign juridical person or other organizations under its own name or that of another person shall be deemed to be a Foreign Parent Company of said Futures Commission Merchant.

3 第一項各号に掲げる行為を行おうとする商品取引員は、当該行為に基づいて行う商品市場における取引等が委託者の保護に欠け、又は取引の公正を害することのないよう、十分な社内管理体制をあらかじめ整備しなければならない。

(3) A Futures Commission Merchant who intends to engage in acts set forth in the respective items of paragraph (1) shall establish a sufficient internal administrative system in advance so that transactions, etc., carried out on a Commodity Market based on said actions are not lacking in protection for the customer and are not likely to harm the fairness of transactions.

(禁止行為)

(Prohibited acts)

第百三条 法第二百十四条第九号の主務省令で定める行為は、次の各号に掲げるものとする。

Article 103 Acts specified by an ordinance of the competent ministry set forth in Article 214, item (ix) of the Act shall be those listed in the following items:

一 委託者資産の返還、委託者の指示の遵守その他の委託者に対する債務の全部又は一部の履行を拒否し、又は不当に遅延させること。

(i) refusing or delaying unjustly the return of Customer Assets, observing customer's instructions, or executing the whole or part of the debts to customers;

二 故意に、商品取引受託業務に係る取引と自己の取引を対当させて、委託者の利益を害することとなる取引をすること。

(ii) intentionally countering its own transactions with regard to transactions pertaining to the Commodity Transactions Brokerage Business and carrying out a transaction which may harm the interest of a customer;

三 顧客の指示を受けないで、顧客の計算によるべきものとして取引をすること（受託契約準則に定める場合を除く。）。

(iii) carrying out a transaction based on a customer's account without receiving an instruction from the customer (excluding a case prescribed in the brokerage contract rules);

四 商品市場における取引につき、新たな売付け若しくは買付け又は転売若しくは買戻しの別その他これに準ずる事項を偽って、商品取引所に報告すること。

(iv) reporting false distinctions between new selling and buying, of reselling or repurchasing, or other equivalent matters to the Commodity Exchange with regard to transactions on the Commodity Market;

五 商品市場における取引等の委託につき、顧客若しくはその指定した者に対し、特別の利益を提供することを約し、又は顧客若しくはその指定した者に対し特別の利益を提供すること（第三者をして特別の利益の提供を約させ、又はこれを提供させることを含む。）。

(v) promising a customer or any person designated by a customer to provide special interest or providing special interest to a customer or any person designated by a customer (including having a third person promise provision of special interest or having a third person provide special interest) with regard to the consignment of transactions, etc., on the Commodity Market;

六 商品市場における取引等の委託につき、顧客に対し、取引単位を告げないで勧誘すること。

(vi) soliciting the consignment of transactions, etc., on the Commodity Market from a customer without disclosing the transaction unit;

七 商品市場における取引等の委託につき、転売又は買戻しにより決済を結了する旨の意思を表示した顧客に対し、引き続き当該取引を行うことを勧めること。

(vii) recommending to a customer who manifested intent to complete settlement by reselling or repurchasing with regard to the consignment of

- transactions, etc., on the Commodity Market to continue said transaction;
- 八 商品市場における取引等の委託につき、重要な事項について誤解を生ぜしめるべき表示をすること。
- (viii) making a representation that would cause a misunderstanding of an important matter with regard to the consignment of transactions, etc., on the Commodity Market;
- 九 商品市場における取引等につき、特定の上場商品構成物品等の売付け又は買付けその他これに準ずる取引等と対当する取引等（これらの取引等から生じ得る損失を減少させる取引をいう。）であってこれらの取引と数量又は期限を同一にしないものの委託を、その取引等を理解していない顧客から受けること。
- (ix) with regard to transactions, etc. on the Commodity Market, accepting the consignment of transactions, etc., which is counter to the selling or buying of specific Listed Commodity Component Products, etc., and Equivalent Transactions, etc. (which means transactions that would reduce the losses arising from these transactions) and which has different volumes and expiry dates from those transactions from a customer who does not understand such transactions, etc.

(事故の確認を要しない場合)

(Cases where confirmation of Problematic Conduct is not required)

第百三条の二 法第二百十四条の二第三項ただし書の主務省令で定める場合は、次に掲げる場合とする。

Article 103-2 (1) The cases specified by an ordinance of the competent ministry set forth in the proviso of Article 214-2, paragraph (3) of the Act shall be the following cases:

一 裁判所の確定判決を得ている場合

(i) cases where a final and binding judgment of the court has been obtained;

二 裁判所の和解（民事訴訟法（平成八年法律第九号）第二百七十五条第一項に定めるものを除く。）が成立している場合

(ii) cases where a court settlement has been reached (excluding that specified in Article 275, paragraph (1) of the Code of Civil Procedure (Act No. 109 of 1996));

三 民事調停法（昭和二十六年法律第二百二十二号）第十六条に規定する調停が成立している場合又は同法第十七条の規定により裁判所の決定が行われ、かつ、同法第十八条第一項に規定する期間内に異議の申立てがない場合

(iii) cases where the settlement prescribed in Article 16 of the Civil Conciliation Act (Act No. 222 of 1951) has been reached or cases where the court has made a decision pursuant to the provisions of Article 17 of the same Act and no objection is made within the period prescribed in Article 18, paragraph (1) of the same Act;

四 商品取引所の仲介、商品先物取引協会の苦情の解決、あっせん若しくは調停又は

- 主務大臣が指定する団体のあっせんによる和解が成立している場合
- (iv) cases where a settlement has been reached as a result of mediation by a Commodity Exchange, resolution of a complaint or mediation or conciliation by a Commodity Futures Association, or mediation by an organization designated by the competent minister;
- 五 弁護士法（昭和二十四年法律第二百五号）第三十三条第一項に規定する会則若しくは当該会則の規定により定められた規則に規定する機関におけるあっせんによる和解が成立している場合又は当該機関における仲裁判断がされている場合
- (v) cases where a settlement has been reached as a result of mediation by the organization prescribed in the association rules provided for in Article 33, paragraph (1) of the Attorney Act (Act No. 205 of 1949) or in rules specified by the provisions of said association rules, or cases where an arbitral award has been given by said organization;
- 六 消費者基本法（昭和四十三年法律第七十八号）第十九条第一項又は第二十五条に規定するあっせんによる和解が成立している場合
- (vi) cases where a settlement has been reached as a result of the mediation prescribed in Article 19, paragraph (1) or Article 25 of the Consumer Basic Act (Act No. 78 of 1968);
- 七 認証紛争解決事業者（裁判外紛争解決手続の利用の促進に関する法律（平成十六年法律第百五十一号）第二条第四号に規定する認証紛争解決事業者をいい、商品取引受託業務に係る紛争が裁判外紛争解決手続の利用の促進に関する法律第六条第一号に規定する紛争の範囲に含まれるものに限る。）が行う認証紛争解決手続（同法第二条第三号に規定する認証紛争解決手続をいう。）による和解が成立している場合
- (vii) cases where a settlement has been reached as a result of a Certified Dispute Resolution Procedure (which means the Certified Dispute Resolution Procedure prescribed in Article 2, item (iii) of the Act on Promotion of Use of Alternative Dispute Resolution [Act No. 151 of 2004]) carried out by a certified dispute resolution business operator (which means the certified dispute resolution business operator prescribed in Article 2, item (iv) of the same Act where the dispute pertaining to Commodity Transactions Brokerage Business falls within the scope of disputes prescribed in Article 6, item (i) of the same Act);
- 八 和解が成立している場合であって、次に掲げるすべての要件を満たす場合
- (viii) cases where a settlement has been reached and all of the following requirements are satisfied:
- イ 当該和解の手続について弁護士又は司法書士（司法書士法（昭和二十五年法律第百九十七号）第三条第一項第七号に掲げる事務を行う場合に限る。）が顧客を代理していること。
- (a) an attorney at law or a judicial scrivener (limited to the case of carrying out the affairs set forth in Article 3, paragraph (1), item (vii) of the Judicial

Scriveners Act [Act No. 197 of 1950]) has represented the customer for the procedure of said settlement;

ロ 当該和解の成立により商品取引員が顧客に対して支払をすることとなる額が千円（イの司法書士が代理をする場合にあっては、司法書士法第三条第一号第七号に規定する額）を超えないこと。

(b) the amount to be paid to the customer by the Futures Commission Merchant as a result of said settlement having been reached does not exceed ten million yen (or, the amount prescribed in Article 3, paragraph (1), item (vii) of the Judicial Scriveners Act in the case where the judicial scrivener set forth in (a) represents the customer);

ハ ロの支払が事故（法第二百十四条の二第三項に規定する事故をいう。以下この条から第百三条の四までにおいて同じ。）による損失の全部又は一部を補てんするために行われるものであることをイの弁護士又は司法書士が調査し、確認したことを証する書面が商品取引員に交付されていること。

(c) a document proving that the attorney at law or judicial scrivener set forth in (a) investigated and confirmed that the payment set forth in (b) is made in order to compensate in whole or in part for a loss incurred from a Problematic Conduct (which means the Problematic Conduct prescribed in Article 214-2, paragraph (3) of the Act; hereinafter the same shall apply in this Article to Article 103-4) has been delivered to the Futures Commission Merchant;

九 商品取引員の代表者、代理人、使用人その他の従業員（以下「代表者等」という。）が第百十二条各号に掲げる行為により顧客に損失を及ぼした場合で、一日の取引において顧客に生じた損失について顧客に対して申し込み、約束し、又は提供する財産上の利益が十万円に相当する額を上回らないとき。

(ix) in cases where the representative, an agent, an employee, or other worker (hereinafter referred to as the "Representative, etc.") of the Futures Commission Merchant has inflicted a loss on the customer by any of the acts listed in the items of Article 112, the amount of property benefit for which an offer or promise is made or is provided to the customer with regard to a loss incurred by the customer in a single day's transactions does not exceed the amount equivalent to one hundred thousand yen;

十 商品取引員の代表者等が第百十二条第三号及び第四号に掲げる行為により顧客に損失を及ぼした場合（法第二百二十二条に規定する帳簿書類又は顧客の注文の内容の記録により事故であることが明らかである場合に限る。）

(x) cases where the Representative, etc. of the Futures Commission Merchant has inflicted a loss on the customer by the act set forth in Article 112, item (iii) or item (iv) (limited to cases where it is clear from the books and documents prescribed in Article 222 of the Act or from a record of the contents of the customer' orders that the cause is a Problematic Conduct).

2 前項第九号の利益は、第百十二条各号に掲げる行為の区分ごとに計算するものとする

る。この場合において、同条第三号及び第四号に掲げる行為の区分に係る利益の額については、前項第十号に掲げる場合において申し込み、約束し、又は提供する財産上の利益の額を控除するものとする。

(2) The benefits set forth in item (ix) of the preceding paragraph shall be calculated for each of the categories of acts listed in the items of Article 112. In this case, with regard to the amount of benefits pertaining to the category of acts set forth in item (iii) or item (iv) of the same Article, the amount of property benefits for which an offer or promise is made or is provided in the cases set forth in item (x) of the preceding paragraph shall be deducted.

3 商品取引員は、第一項第四号（商品先物取引協会の苦情の解決及び主務大臣の指定する団体のあっせんによる和解に限る。）及び第五号から第十号までに掲げる場合において、法第二百十四条の二第三項ただし書の確認を受けないで、顧客に対し、財産上の利益を提供する旨を申し込み、若しくは約束し、又は財産上の利益を提供したときは、その申込み若しくは約束又は提供をした日の属する月の翌月末日までに、第百三条の四各号に掲げる事項を、主務大臣に報告しなければならない。ただし、当該報告をする者が、商品先物取引協会の会員である場合にあっては、商品先物取引協会を経由しなければならない。

(3) In any of the cases listed in item (iv) (limited to a settlement reached as a result of the resolution of a complaint by a Commodity Futures Association or mediation by an organization designated by the competent minister) and items (v) to (x) of paragraph (1), if a Futures Commodity Merchant has made an offer or promise to provide property benefits or has provided property benefits to a customer without obtaining the confirmation set forth in the proviso of Article 214-2, paragraph (3) of the Act, the matters listed in the items of Article 103-4 shall be reported to the competent minister by the last day of the month following the month that contains the date on which such offer, promise or provision was made; provided, however, that if the person who is making said report is a member of a Commodity Futures Association, such report shall be made via the Commodity Futures Association.

（事故の確認申請手続）

(Procedure of application for confirmation of Problematic Conduct)

第百三条の三 法第二百十四条の二第五項の確認を受けようとする者は、同項の規定による申請書及び書類を、主務大臣に提出しなければならない。ただし、当該確認を受けようとする者が、商品先物取引協会の会員である場合にあっては、商品先物取引協会を経由しなければならない。

Article 103-3 A person who intends to obtain the confirmation set forth in Article 214-2, paragraph (5) of the Act shall submit a written application and a document under the provisions of the same paragraph to the competent minister; provided, however, that if the person who intends to obtain said confirmation is a member of a Commodity Futures Association, such

submission shall be made via the Commodity Futures Association.

(確認申請書の記載事項)

(Matters to be stated in a written application for confirmation)

第百三条の四 法第二百十四条の二第五項の主務省令で定める事項は、次に掲げる事項とする。

Article 103-4 The matters specified by an ordinance of the competent ministry as set forth in Article 214-2, paragraph (5) of the Act shall be the following matters:

一 商品取引員の商号

(i) the trade name of the Futures Commission Merchant;

二 事故の発生した本店、支店又は営業所の名称及び所在地

(ii) the name and location of the head office, branch office or business office where the Problematic Conduct occurred;

三 確認を受けようとする事実に関する次に掲げる事項

(iii) the following matters concerning the fact for which confirmation is sought:

イ 事故となる行為に関係した代表者等の氏名又は部署の名称

(a) the name of the Representative, etc. or the department that was involved in the act that is a Problematic Conduct;

ロ 顧客の氏名及び住所（法人にあっては、商号又は名称、主たる営業所又は事務所の所在地並びに代表者の氏名及び住所）

(b) the name and domicile of the customer (or, in the case of a juridical person, the trade name or name, the location of the principal business office or office, and the name and domicile of the representative);

ハ 事故の概要

(c) the outline of the Problematic Conduct;

ニ 補てんに係る顧客の損失が事故に起因するものである理由

(d) the reason that the loss incurred by the customer pertaining to the compensation has been caused by the Problematic Conduct;

ホ 申込み若しくは約束又は提供をしようとする財産上の利益の額

(e) the amount of property benefits for which an offer or promise will be made or that will be provided;

四 その他参考となるべき事項

(iv) other matters to be used as a reference.

(確認申請書の添付書類)

(Attached documents to a written application for confirmation)

第百三条の五 法第二百十四条の二第五項の主務省令で定めるものは、顧客が前条各号に掲げる事項の内容を確認したことを証明する書類その他参考となるべき資料とする。

Article 103-5 (1) The document specified by an ordinance of the competent ministry as set forth in Article 214-2, paragraph (5) of the Act shall be a

document proving that the customer has confirmed the contents of the matters listed in the items of the preceding Article and any other material to be used as a reference.

2 前項の規定は、法第二百十四条の二第五項の規定による申請書が同条第一項第二号の申込みに係るものである場合には、適用しない。

(2) The provisions of the preceding paragraph shall not apply in cases where the written application under the provisions of Article 214-2, paragraph (5) of the Act pertains to an offer made under paragraph (1), item (ii) of the same Article.

(受託契約の締結前に交付すべき書面の記載事項等)

(Matters, etc., that shall be included in the document which is to be delivered prior to the conclusion of a Brokerage Contract)

第百四条 法第二百十七条第一項第四号の主務省令で定める事項は、次に掲げるものとする。

Article 104 (1) The matters specified by an ordinance of the competent ministry set forth in Article 217, paragraph (1), item (iv) of the Act shall be as follows:

一 商品取引員の商号、住所及び代表者の氏名

(i) trade name and address of the Futures Commission Merchant and the name of its representative;

二 商品市場における取引等（法第二条第十六項第二号及び第四号に掲げるものに限る。以下この号において同じ。）の受託を行おうとする商品取引員にあつては、その受託した商品市場における取引等の委託を受ける商品取引員の商号、住所及び代表者の氏名

(ii) with regard to a Futures Commission Merchant who intends to broker transactions, etc. (limited to those set forth in Article 2, paragraph (16), item (ii) and item (iv) of the Act; hereinafter the same shall apply in this item) on the Commodity Market, trade name and address of the Futures Commission Merchant who accepts the consignment of the brokered transactions, etc., on the Commodity Market, and the name of its representative;

三 委託者が商品取引員に連絡する方法

(iii) method that a customer uses to contact a Futures Commission Merchant;

四 上場商品又は上場商品指数の種類、商品市場における取引の種類及び期限、数量、対価の額又は約定価格等その他委託者が指示すべき事項

(iv) type of Listed Commodity or Listed Commodity Index, and type, expiry dates, volume, amount of consideration or Contract Price, etc., of transactions on the Commodity Market, and the matters to be instructed by the customer;

五 取引証拠金、委託証拠金、取次証拠金又は清算取次証拠金の種類及び額並びにその徴収及び返還の時期

(v) type, amount, time of collection and return of clearing margins, customer margins, intermediation margins, or clearing intermediation margins;

- 六 相場の変動によって追加的に預託する取引証拠金等が生じる場合があること
 (vi) the fact that there is a possible need to deposit an additional Clearing Margin, etc. due to a fluctuation in the quotations;
- 七 委託手数料の額及び徴収の時期
 (vii) amount of commission fees and time of collection;
- 八 法第二百十四条各号に掲げる行為に関する事項
 (viii) matters pertaining to acts listed in the respective items of Article 214 of the Act;
- 九 法第二百十四条の二第一項及び第三項に関する事項
 (ix) matters concerning Article 214-2, paragraph (1) and paragraph (3) of the Act;
- 十 法第二百十五条に規定する適合性の原則
 (x) suitability doctrine prescribed in Article 215 of the Act;
- 十一 取引の手續に関する事項
 (xi) matters pertaining to the procedure of a transaction;
- 十二 協会の定める商品取引受託業務に関する規則その他の商品市場における取引等の受託又は委託の勧誘に係る規則に規定する協会員が遵守すべき事項
 (xii) matters to be observed by Association Members prescribed in the rules concerning Commodity Transactions Brokerage Business or other rules pertaining to undertaking of brokerage of or solicitation of the consignment of transactions, etc., on the Commodity Market, which were provided by the Association;
- 十三 顧客が商品取引受託業務に関する苦情の相談をする際の電話番号その他の連絡先
 (xiii) telephone number or other points of contact for dealing with customer complaints pertaining to Commodity Transactions Brokerage Business;
- 十四 商品取引受託業務に関する商品取引員との紛争（以下この項において「紛争」という。）の処理に関する事項
 (xiv) matters pertaining to the resolution of a dispute with a Futures Commission Merchant (hereinafter referred to as a "Dispute" in this paragraph) with regard to Commodity Transactions Brokerage Business;
- 十五 紛争の種類その他の紛争の発生を回避するために顧客が受託契約を締結するに当たって注意すべき事項
 (xv) matters requiring notice in order to avoid generating a type of Dispute or other Disputes when a customer closes a Brokerage Contract;
- 十六 紛争の件数の照会に関する事項
 (xvi) matters pertaining to inquiry about the number of Disputes;
- 十七 商品市場における取引等の概要
 (xvii) description of transactions, etc., on the Commodity Market;
- 十八 顧客を担当する登録外務員の氏名及び連絡先並びに当該登録外務員の所属する商品取引員の住所及び連絡先

(xviii) the name of the Registered Sales Representative who is in charge of a customer and the address and point of contact of the Futures Commission Merchant of said Registered Sales Representative.

2 法第二百十七条第一項の書面には、日本工業規格Z八三〇五に規定する八ポイント以上の大きさの文字及び数字を用いなければならない。ただし、次に掲げる事項にあつては、枠の中に日本工業規格Z八三〇五に規定する十四ポイント以上の大きさの文字及び数字を用いて記載しなければならない。

(2) Letters or numbers used in documents under Article 217, paragraph (1) of the Act shall be 8 point or in a larger size of font as prescribed in Japanese Industrial Standard Z8305; provided, however, that with regard to the following matters, such matters shall be stated in the frame of said documents using letters and numbers in 14 point or in a larger size of font as prescribed in Japanese Industrial Standard Z8305:

一 商品取引員は、顧客に対し、当該書面を交付する義務を負う旨及び法第二百十七条第一項各号に掲げる事項について説明する義務を負う旨

(i) the fact that a Futures Commission Merchant shall be liable to deliver said documents and to explain to a customer the matters listed in the respective items of Article 217, paragraph (1) of the Act;

二 当該書面の内容を十分に読むべき旨

(ii) the instruction to read the contents of said documents completely;

三 法第二百十七条第一項第一号から第三号までに掲げる事項

(iii) the matters listed in Article 217, paragraph (1), item (i) to item (iii) of the Act;

四 前項第六号、第八号、第九号及び第十三号に掲げる事項

(iv) the matters listed in item (vi), item (viii), item (ix) and item (xiii) of the preceding paragraph.

(情報通信の技術を利用する方法)

(Method of using information communications technology)

第百五条 法第二百十七条第二項（法第三百四十九条第八項において読み替えて準用する場合を含む。）の主務省令で定める方法は、次に掲げる方法（以下この条において「電磁的方法」という。）とする。

Article 105 (1) The methods specified by an ordinance of the competent ministry set forth in Article 217, paragraph (2) of the Act (including cases where it is applied mutatis mutandis by replacing the terms pursuant to Article 349, paragraph (8) of the Act) shall mean the following methods (hereinafter referred to as an "Electromagnetic Means" in this Article):

一 電子情報処理組織を使用する方法のうちイからニまでに掲げるもの

(i) those set forth in (a) to (d) among methods using an Electronic Data Processing System:

イ 商品取引員等（商品取引員又は商品取引員との契約によりファイルを自己の管

理する電子計算機に備えて置き、これを顧客又は商品取引員の用に供する者をいう。以下この条において同じ。)の使用に係る電子計算機と顧客等(顧客又は顧客との契約により顧客ファイル(専ら当該顧客の用に供せられるファイルをいう。以下この条において同じ。))を自己の管理する電子計算機に備え置く者をいう。以下この条において同じ。)の使用に係る電子計算機とを接続する電気通信回線を通じて書面に記載すべき事項(以下この条において「記載事項」という。)を送信し、顧客等の使用に係る電子計算機に備えられた顧客ファイルに記録する方法(法第二百十七条第二項に規定する方法による提供を受ける旨の承諾又は受けない旨の申出をする場合にあっては、商品取引員等の使用に係る電子計算機に備えられたファイルにその旨を記録する方法)

(a) methods to transmit matters should be stated in a document (hereinafter referred to as the "Contents" in this Article) via electronic telecommunication lines connecting the computers used by a Futures Commission Merchant, etc. (which means a person who maintains a file on a computer managed by the Futures Commission Merchant or contracts with the Futures Commission Merchant and provides the same for the use of customers or the Futures Commission Merchant; hereinafter the same shall apply in this Article) and the computers used by a Customer, etc. (which means a person who maintains a Customer File [which means a file provided only for the use of said customer; hereinafter the same shall apply in this Article] on a computer managed by a customer or contracts with a customer; hereinafter the same shall apply in this Article) and contains therein a Customer File on a computer used by Customers, etc. (in case of an offering, the fact of acceptance, or, of filing the fact of not accepting provisions, by the methods prescribed in Article 217, paragraph (2) of the Act, methods to record such fact in the file on a computer used by the Futures Commission Merchant, etc.);

ロ 商品取引員等の使用に係る電子計算機に備えられたファイルに記録された記載事項を電気通信回線を通じて顧客の閲覧に供し、顧客等の使用に係る電子計算機に備えられた当該顧客の顧客ファイルに当該記載事項を記録する方法(法第二百十七条第二項に規定する方法による提供を受ける旨の承諾又は受けない旨の申出をする場合にあっては、商品取引員等の使用に係る電子計算機に備えられたファイルにその旨を記録する方法)

(b) methods to provide the Contents which were recorded in a file on a computer used by a Futures Commission Merchant, etc., for the inspection of customers via electronic telecommunication lines and to record said Contents in a Customer File of said customer on a computer used by Customers, etc. (in case of an offering, the fact of acceptance, or, of filing the fact of not accepting provisions, by the methods prescribed in Article 217, paragraph (2) of the Act, methods to record such fact in the file on a computer used by the Futures Commission Merchant, etc.);

ハ 商品取引員等の使用に係る電子計算機に備えられた顧客ファイルに記録された記載事項を電気通信回線を通じて顧客の閲覧に供する方法

(c) methods to provide the Contents that are recorded in a Customer File on a computer used by a Futures Commission Merchant, etc., for the inspection of customers via electronic telecommunication lines;

ニ 閲覧ファイル（商品取引員等の使用に係る電子計算機に備えられたファイルであって、同時に複数の顧客の閲覧に供するため当該記載事項を記録させるファイルをいう。以下この条において同じ。）に記録された記載事項を電気通信回線を通じて顧客の閲覧に供する方法

(d) methods to provide the Contents that are recorded in an Inspection File (which means a file on a computer used by a Futures Commission Merchant, etc., and a file in which said Contents are recorded for the inspection of multiple customers simultaneously; hereinafter the same shall apply in this Article) for the inspection of customers via electronic telecommunication lines;

二 磁気ディスクその他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もって調製するファイルに記載事項を記録したものを交付する方法

(ii) methods to deliver records of the Contents in a file which is prepared for the purposes described herein so that a certain matter can be recorded securely onto a magnetic disk or by an equivalent method.

2 前項各号に掲げる方法は、次に掲げる基準に適合するものでなければならない。

(2) The methods set forth in the respective items of the preceding paragraph shall satisfy the following criteria:

一 顧客が閲覧ファイル又は顧客ファイルへの記録を出力することにより書面を作成できるものであること。

(i) methods that a customer can use to prepare a written document by outputting the records from an Inspection File or a Customer File;

二 前項第一号イ、ハ及びニに掲げる方法（顧客の使用に係る電子計算機に備えられた顧客ファイルに記載事項を記録する方法を除く。）にあつては、記載事項を顧客ファイル又は閲覧ファイルに記録する旨又は記録した旨を顧客に対し通知するものであること。ただし、顧客が当該記載事項を閲覧していたことを確認したときはこの限りでない。

(ii) with regard to methods set forth in the preceding paragraph, item (i), (a), (c), and (d) (excluding methods of recording the Contents in a Customer File on a computer used by a customer), the customer shall be notified that the Contents will be recorded or will have been recorded in a Customer File or an Inspection File; provided, however, that this shall not apply when it is confirmed that the customer has inspected said Contents;

三 前項第一号ニに掲げる方法にあつては、顧客が閲覧ファイルを閲覧するために必要な情報を顧客ファイルに記録するものであること。

(iii) with regard to methods set forth in the preceding paragraph, item (i), (d),

the Customer File shall have recorded in it the necessary information for customers to use to inspect the Inspection File;

四 前項第一号ハ又はニに掲げる方法にあつては、当該記載事項に掲げられた取引を最後に行った日以後五年間（当該期間が終了する日までの間に当該記載事項に係る苦情の申出があつたときは、当該期間が終了する日又は当該苦情が解決した日のいずれか遅い日までの間）次に掲げる事項を消去し又は改変することができないものであること。ただし、閲覧に供している記載事項を書面により交付する場合、顧客の承諾（令第十一条第一項に規定する方法による承諾をいう。）を得て前項第一号イ、ロ若しくは前項第二号に掲げる方法により交付する場合又は顧客による当該記載事項に係る消去の指図がある場合は、当該記載事項を消去することができる。

(iv) with regard to the methods set forth in the preceding paragraph, item (i), (c) or (d), the following matters shall neither be deleted nor altered for five years after the last date when the transactions set forth in said Contents were carried out (when a claim pertaining to said Contents is filed for the period: until the date on which said period expires, the date when said period expires or the date when said claim is resolved, whichever occurs later); provided, however, that said Contents can be deleted in cases where the Contents provided for inspection are delivered with a document, in cases where the Contents provided for inspection are delivered by a method set forth in the preceding paragraph, item (i), (a) or (b), or in the preceding paragraph, item (ii), with the Consent (which means consent by the methods prescribed in Article 11, paragraph (1) of the Order) of the customer, or in cases where a customer is instructed to delete such Contents:

イ 前項第一号ハに掲げる方法については、顧客ファイルに記録された記載事項 (a) Contents, with regard to the method set forth in the preceding paragraph, item (i), (c), that are recorded in a Customer File;

ロ 前項第一号ニに掲げる方法については、閲覧ファイルに記録された記載事項 (b) Contents, with regard to the method set forth in the preceding paragraph, item (i), (d), that are recorded in an Inspection File;

五 前項第一号ニに掲げる方法にあつては、前号に規定する期間を経過するまでの間において、第三号の規定により顧客が閲覧ファイルを閲覧するために必要な情報を記録した顧客ファイルと当該閲覧ファイルとを電気通信回線を通じて接続可能な状態を維持させること。ただし、閲覧の提供を受けた顧客が接続可能な状態を維持させることについて不要である旨通知した場合はこの限りでない。

(v) in the case of the method set forth in the preceding paragraph, item (i), (d) for a Customer File, where the necessary information for customers to inspect the Inspection File is recorded pursuant to the provisions of item (iii), said Inspection File shall be maintained as connectable through an electronic telecommunication line until the period expires as prescribed in the preceding item; provided, however, that this shall not apply when the customer, after communicating the offer of inspection, instructs that it is not

necessary to maintain the connection.

3 第一項第一号の「電子情報処理組織」とは、商品取引員等の使用に係る電子計算機と、顧客ファイルを備えた顧客等又は商品取引員等の使用に係る電子計算機とを電気通信回線で接続した電子情報処理組織をいう。

(3) The term "Electronic Data Processing System" used in paragraph (1), item (i) shall mean an Electronic Data Processing System that connects a computer used by a Futures Commission Merchant, etc., and a computer that contains a Customer File used by Customers, etc., or a Futures Commission Merchant, etc., through an electronic telecommunication line.

第百六条 令第十一条第一項（令第十二条において読み替えて準用する場合を含む。）の規定により示すべき方法の種類及び内容は、次に掲げる事項とする。

Article 106 The type and content of the method to be shown pursuant to the provisions of Article 11, paragraph (1) of the Order (including cases where applied mutatis mutandis by replacing the terms pursuant to Article 12 of the Order) shall be the following matters:

一 前条第一項各号に掲げる方法のうち、商品取引員が使用するもの

(i) among methods set forth in the respective items of the preceding Article, paragraph (1), those used by a Futures Commission Merchant;

二 ファイルへの記録の方法

(ii) a method to record the information in a file.

（専門知識及び経験を有する顧客）

(Customer with specialized knowledge and experience)

第百七条 法第二百十八条第一項の主務省令で定める者は、次に掲げる者とする。

Article 107 The persons prescribed in the ordinance of the competent ministry set forth in Article 218, paragraph (1) of the Act shall be the following persons:

一 商品取引員

(i) a Futures Commission Merchant;

二 法第三百四十九条第二項に規定する店頭商品先物取引業者

(ii) an Over-the-Counter Commodity Futures Transactions Dealer prescribed in Article 349, paragraph (2) of the Act;

三 金融商品取引法第二条第三項第一号に規定する適格機関投資家

(iii) a qualified institutional investor under Article 2, paragraph (3), item (i) of the Financial Instruments and Exchange Act;

四 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（同法第二十八条第二項に規定する第二種金融商品取引業を行う者に限る。）であつて、商品投資に係る事業の規制に関する法律（平成三年法律第六十六号）第三十五条に規定する商品投資販売業者である者

(iv) a Financial Instruments Business Operator prescribed in Article 2, paragraph (9) of the Financial Instruments and Exchange Act (limited to one

engaged in a Type II Financial Instruments Business prescribed in Article 28, paragraph (2) of the same Act), who is a commodities investment sales manager prescribed in Article 35 of the Act on Regulation of Business Pertaining to Commodity Investment (Act No. 66 of 1991);

五 商品投資に係る事業の規制に関する法律第二条第四項に規定する商品投資顧問業者

(v) a commodities investment advisor prescribed in Article 2, paragraph (4) of the Act on Regulation of Business Pertaining to Commodity Investment;

六 外国の法令上前五号に掲げる者に相当する者

(vi) a person equivalent to persons set forth in the preceding item (v) under the laws and regulations of a foreign state;

七 法第三十条第一項第一号並びに法第八十二条第一項第一号イ及び同項第二号イに掲げる者（その者が行おうとする取引が、その者が売買等を業として行っている上場商品構成物品等（当該上場商品構成物品等の主たる原料若しくは材料となっている物又は当該上場商品構成物品等を主たる原料若しくは材料とする物で商品取引所の定款で定めるものを含む。）に係るものである場合に限る。）

(vii) a person set forth in Article 30, paragraph (1), item (i) of the Act and Article 82, paragraph (1), item (i), (a) and item (ii), (a) of the same paragraph of the Act (limited to cases where transactions that the person intends to carry out are pertaining to Listed Commodity Component Products, etc. of which Buying and Selling, etc. are carried out in the course of trade by the person [including items that are the main ingredient or material of the Listed Commodity Component Products, etc., or items for which the main ingredient or material is the Listed Commodity Component Products, etc., which are specified by articles of incorporation]).

(説明の方法)

(Method of explanation)

第百八条 商品取引員は、法第二百十八条第一項の規定により顧客に対して説明をしようとするときは、当該説明に先立って、当該顧客に対し法第二百十七条第一項に規定する書面を交付しなければならない。

Article 108 (1) When a Futures Commission Merchant intends to provide explanations to a customer pursuant to the provisions of Article 218, paragraph (1) of the Act, the Futures Commission Merchant shall deliver the documents prescribed in Article 217, paragraph (1) of the Act to said customer prior to said explanation.

2 前項に規定する場合において、商品取引員は、法第二百十七条第一項第一号から第三号までに掲げる事項について顧客が理解できるように説明をした後、同項第四号に掲げる事項について当該顧客が理解できるように説明をしなければならない。

(2) In cases prescribed in the preceding paragraph, after a Futures Commission Merchant explains the matters set forth in Article 217, paragraph (1), item (i)

to item (iii) of the Act in order for a customer to understand these matters, the Futures Commission Merchant shall explain the matters set forth in item (iv) of the same paragraph in order for said customer to understand these matters.

(取引の成立の際の通知すべき事項)

(Matters requiring notification at the time a transaction is closed)

第百九条 法第二百二十条第一項の主務省令で定める事項は、次に掲げるものとする。

Article 109 The matters specified by an ordinance of the competent ministry set forth in Article 220, paragraph (1) of the Act shall be as follows:

一 成立した取引の種類ごとの数量

(i) volume for each type of transaction closed;

二 成立した取引の種類ごとの対価の額又は約定価格等

(ii) amount of the consideration or Contract Price, etc., for each type of transaction closed;

三 成立した取引につき、顧客の指示を受けた日時

(iii) date and time of receiving instructions from the customer for the transaction closed;

四 成立の日時

(iv) date and time of closing;

五 商品市場における取引に係る差金の合計額

(v) total amount of the difference pertaining to the transaction on the Commodity Market;

六 成立した全部の取引の委託手数料の合計額

(vi) total amount of the commission fees for all transactions closed;

七 第五号に掲げる額から、前号に掲げる額を控除した額

(vii) amount deducted from the amount set forth in the preceding item from the amount set forth in item (v).

(取引の成立の通知に係る情報通信の技術を利用する方法の規定の準用)

(Application mutatis mutandis of methods using information communications technology pertaining to notice of transaction closed)

第百十条 第百五条（第一項第一号ニ、第二項第三号、第四号ロ及び第五号を除く。）

の規定は、法第二百二十条第二項において法第二百十七条第二項の規定を準用する場合について準用する。この場合において、第百五条第二項第四号中「に掲げられた取引を最後に行った日」とあるのは、「を記録した日」と読み替えるものとする。

Article 110 The provisions of Article 105 (excluding paragraph (1), item (i), (d), paragraph (2), item (iii), item (iv), (b), and item (v)) shall apply mutatis mutandis when the provisions of Article 217, paragraph (2) of the Act applies mutatis mutandis to Article 220, paragraph (2) of the Act. In this case, the phrase "the last date when transactions set forth in said Contents were carried out" in Article 105, paragraph (2), item (iv) shall be deemed to be replaced with

"the date of recording."

(取引証拠金等の受領に係る書面の交付)

(Delivery of document pertaining to receipt of Clearing Margin, etc.)

第百十条の二 法第二百二十条の二第一項の主務省令で規定する書面には、次に掲げる事項を記載しなければならない。

Article 110-2 (1) The document prescribed in an ordinance of the competent ministry as set forth in Article 220-2, paragraph (1) of the Act shall state the following matters:

一 当該商品取引員の商号

(i) the trade name of the Futures Commodity Merchant;

二 顧客が当該商品取引員に連絡する方法

(ii) the method by which the customer contacts the Futures Commodity Merchant;

三 顧客の氏名又は名称

(iii) the name of the customer;

四 当該商品取引員が取引証拠金等を受領した日付

(iv) the date on which the Futures Commodity Merchant received the Clearing Margin, etc.;

五 取引証拠金等の金銭又は充用有価証券等（法第百三条第五項（法第百七十九条第六項において読み替えて準用する場合を含む。）の規定により取引証拠金に充てられている有価証券及び倉荷証券をいう。）の別並びに当該取引証拠金等が充用有価証券等であるときは、その種類（有価証券にあつては銘柄）、数量及び充用価格

(v) whether the Clearing Margin, etc. is in the form of money or Securities, etc. for Allocation (which means Securities and warehouse receipts allocated for clearing margins pursuant to the provisions of Article 103, paragraph (5) of the Act [including cases where it is applied mutatis mutandis by replacing the terms pursuant to Article 179, paragraph (6) of the Act]), and if the Clearing Margin, etc. is in the form of Securities, etc. for allocation, the type (description in the case of Securities), quantity and allocation price.

2 前項の書類には、日本工業規格Z八三〇五に規定する八ポイント以上の大きさの文字及び数字を用いなければならない。

(2) The document set forth in the preceding paragraph shall be prepared by using letters and numbers in eight point or in a larger size of font as prescribed in Japanese Industrial Standard Z8305.

3 第一項の規定は、法第二百二十条の二第一項の規定による取引証拠金等の受領が、金融機関を介しての受領であり、顧客から書面による同意が得られた場合にあつては、適用しない。

(3) The provisions of paragraph (1) shall not apply when the receipt of a Clearing Margin, etc. under the provisions of Article 220-2, paragraph (1) of the Act is a receipt via a financial institution where the consent of the customer has been

obtained in writing.

4 第四十一条第三項から第七項までの規定は、前項の書面による同意について準用する。

(4) The provisions of Article 41, paragraphs (3) to (7) shall apply mutatis mutandis to the consent in writing set forth in the preceding paragraph.

(商品取引責任準備金の積立て)

(Providing for liability reserve for commodity trading)

第百十一条 法第二百二十一条第一項の規定により積み立てる商品取引責任準備金の金額は、次の各号に掲げる金額のうちいずれか低い金額とする。

Article 111 (1) The amount of liability reserve for commodity trading to be provided pursuant to the provisions of Article 221, paragraph (1) of the Act shall be the following listed items, whichever amount is least:

一 次のイからチまでに掲げる金額の合計額

(i) the total of the amounts set forth in the following (a) to (h):

イ 各事業年度における法第二条第八項第一号に規定する取引（自己の計算による取引及びホに掲げる取引を除く。）の取引金額に事故率（当該事業年度開始日前三年以内に開始した各事業年度における事故（第百十二条に規定する事故をいう。）による支払額（商品取引員が、専門知識及び経験を有する者（第七十七条で定める者をいう。以下この条において同じ。）から商品市場における取引等（商品清算取引を除く。以下この条において同じ。）の委託を受ける場合並びに電子情報処理組織（商品取引員の使用に係る電子計算機と、顧客の使用に係る電子計算機（入出力装置を含む。）とを電気通信回線で接続した電子情報処理組織をいう。以下この条において同じ。）を使用して勧誘を伴わずに商品市場における取引等の委託を受ける場合の取引に係る支払額を除く。）の合計額の、法第二条第八項第一号から第三号に規定する取引の取引金額と同項第四号に規定する取引の対価の額の合計額（自己の計算による取引並びに商品取引員が、専門知識及び経験を有する者から商品市場における取引等の委託を受ける場合並びに電子情報処理組織を使用して勧誘を伴わずに商品市場における取引等の委託を受ける場合の取引金額及び取引の対価の額を除く。）に占める割合をいう。以下この条において同じ。）を乗じた金額と取引金額の百万分の一に相当する金額とのいずれか大きい金額（既に積み立てられた商品取引責任準備金の金額（法第二百二十一条第二項の規定により使用された金額がある場合には、当該金額を控除した金額。次号において同じ。）が千万円に満たない場合には、当該いずれか大きい金額に、千万円から当該商品取引責任準備金の金額、及びロからチまでに掲げる金額を控除した金額を事故率に二を乗じて得た率と百万分の二とのいずれか大きい率で除して計算した金額（当該計算した金額が当該事業年度の取引金額を超える場合には、当該事業年度の当該取引金額。以下この号において同じ。）に事故率を乗じた金額と当該除して計算した金額の百万分の一に相当する金額とのいずれか大きい金額を加算した金額)

(a) the amount obtained by multiplying the transaction amounts of the

transactions prescribed in Article 2, paragraph (8), item (i) of the Act (excluding transactions based on a person's own account and the transactions set forth in (e)) in each business year by the Problematic Conduct Rate -- which means the proportion of the total sum of the payments made as a result of any Problematic Conduct [which means the Problematic Conduct prescribed in Article 112] in each business year starting within three years prior to the commencement of the relevant business year [excluding payments pertaining to transactions in cases where a Futures Commission Merchant receives a consignment of transactions, etc. on the Commodity Market (excluding Commodity Clearing Transactions; hereinafter the same shall apply in this Article) from a Person With Specialized Knowledge and Experience (which means a person specified in Article 107; hereinafter the same shall apply in this Article) or receives a consignment of transactions, etc. on the Commodity Market by using an Electronic Data Processing System (which means an Electronic Data Processing System connecting a computer used by the Futures Commodity Merchant and a computer [including the input/output devices] used by the customer through a telecommunications line; hereinafter the same shall apply in this Article) without carrying out solicitation]; hereinafter the same shall apply in this Article) to the total sum of the transaction amounts of the transactions prescribed in Article 2, paragraph (8), items (i) to (iii) of the Act and the amount of the consideration for the transactions prescribed in item (iv) of the same paragraph (excluding the transaction amounts and the amount of the consideration for transactions in cases of transactions based on a person's own account and in cases where a Futures Commission Merchant receives a consignment of transactions, etc. on the Commodity Market from a Person With Specialized Knowledge and Experience or receives a consignment of transactions, etc. on the Commodity Market by using an Electronic Data Processing System without carrying out solicitation -- or the amount equivalent to 0.0001 percent of the transaction amounts, whichever amount is greater (in cases where the amount of liability reserve for commodity trading that has already been accrued [in cases where a specific amount of money is used under the provisions of Article 221, paragraph (2) of the Act, the amount after deducting said amount; the same shall apply in the following item] is less than ten million yen, the amount obtained by adding, to such larger amount, an amount obtained by multiplying -- an amount calculated by dividing the amount that has been obtained by deducting the amount of liability reserve for commodity trading and the amounts listed in (b) to (h) from ten million yen by double the Problematic Conduct Rate, or by 0.0002 percent, whichever rate is

- higher (or, if said calculated amount exceeds the transaction amount in the relevant business year, such amount shall be the transaction amount in the relevant business year; hereinafter the same shall apply in this item) -- by the Problematic Conduct Rate or an amount equivalent to 0.0001 percent of said calculated amount, whichever amount is greater);
- ロ 各事業年度における法第二条第八項第二号に規定する取引（自己の計算による取引及びへに掲げる取引を除く。）の取引金額に事故率を乗じた金額と当該取引金額の百万分の一に相当する金額とのいずれか大きい金額
- (b) the amount obtained by multiplying the transaction amount of the transactions prescribed in Article 2, paragraph (8), item (ii) of the Act (excluding transactions based on a person's own account and the transactions set forth in (f)) in each business year by the Problematic Conduct Rate, or the amount equivalent to 0.0001 percent of said transaction amount, whichever amount is greater;
- ハ 各事業年度における法第二条第八項第三号に規定する取引（自己の計算による取引及びトに掲げる取引を除く。）の取引金額に事故率を乗じた金額と当該取引金額の百万分の一に相当する金額とのいずれか大きい金額
- (c) the amount obtained by multiplying the transaction amount of transactions prescribed in Article 2, paragraph (8), item (iii) of the Act (excluding transactions based on a person's own account and the transactions set forth in (g)) in each business year by the Problematic Conduct Rate, or the amount equivalent to 0.0001 percent of said transaction amount, whichever amount is greater;
- ニ 各事業年度における法第二条第八項第四号に規定する取引（自己の計算による取引及びチに掲げる取引を除く。）の対価の額の合計額に事故率を乗じた金額と当該対価の額の合計額の十万分の一に相当する金額とのいずれか大きい金額
- (d) the amount obtained by multiplying the total sum of the consideration for transactions prescribed in Article 2, paragraph (8), item (iv) of the Act (excluding transactions based on a person's own account and the transactions set forth in (h)) in each business year by the Problematic Conduct Rate, or the amount equivalent to 0.001 percent of said total sum of the consideration, whichever amount is greater;
- ホ 各事業年度における法第二条第八項第一号に規定する取引のうち、商品取引員が、専門知識及び経験を有する者から商品市場における取引等の委託を受ける場合並びに電子情報処理組織を使用して勧誘を伴わずに商品市場における取引等の委託を受ける場合の取引金額の合計額の百万分の一に相当する金額
- (e) the amount equivalent to 0.0001 percent of the total sum of the transaction amount of the transactions prescribed in Article 2, paragraph (8), item (i) of the Act in each business year in cases where a Futures Commission Merchant receives a consignment of transactions, etc. on the Commodity Market from a Person With Specialized Knowledge and

- Experience or receives a consignment of transactions, etc. on the Commodity Market by using an Electronic Data Processing System without carrying out solicitation;
- へ 各事業年度における法第二条第八項第二号に規定する取引のうち、商品取引員が、専門知識及び経験を有する者から商品市場における取引等の委託を受ける場合並びに電子情報処理組織を使用して勧誘を伴わずに商品市場における取引等の委託を受ける場合の取引金額の合計額の百万分の一に相当する金額
- (f) the amount equivalent to 0.0001 percent of the total sum of the transaction amounts of the transactions prescribed in Article 2, paragraph (8), item (ii) of the Act in each business year in cases where a Futures Commission Merchant receives a consignment of transactions, etc. on the Commodity Market from a Person With Specialized Knowledge and Experience or receives a consignment of transactions, etc. on the Commodity Market by using an Electronic Data Processing System without carrying out solicitation;
- ト 各事業年度における法第二条第八項第三号に規定する取引のうち、商品取引員が、専門知識及び経験を有する者から商品市場における取引等の委託を受ける場合並びに電子情報処理組織を使用して勧誘を伴わずに商品市場における取引等の委託を受ける場合の取引金額の合計額の百万分の一に相当する金額
- (g) the amount equivalent to 0.0001 percent of the total sum of the transaction amounts of the transactions prescribed in Article 2, paragraph (8), item (iii) of the Act in each business year in cases where a Futures Commission Merchant receives a consignment of transactions, etc. on the Commodity Market from a Person With Specialized Knowledge and Experience or receives a consignment of transactions, etc. on the Commodity Market by using an Electronic Data Processing System without carrying out solicitation;
- チ 各事業年度における法第二条第八項第四号に規定する取引のうち、商品取引員が、専門知識及び経験を有する者から商品市場における取引等の委託を受ける場合並びに電子情報処理組織を使用して勧誘を伴わずに商品市場における取引等の委託を受ける場合の対価の額の合計額の十万分の一に相当する金額
- (h) the amount equivalent to 0.001 percent of the total sum of the transaction amounts of the transactions prescribed in Article 2, paragraph (8), item (iv) of the Act in each business year in cases where a Futures Commission Merchant receives a consignment of transactions, etc. on the Commodity Market from a Person With Specialized Knowledge and Experience or receives a consignment of transactions, etc. on the Commodity Market by using an Electronic Data Processing System without carrying out solicitation.
- 二 次のイからチまでに掲げる金額の合計額と千万円とのいずれか大きい金額からりに掲げる金額を控除した金額

(ii) the amount deducted is the amount set forth below in (e) from the total of the amounts listed in the following (a) to (h), or ten million yen, whichever amount is greater:

イ 各事業年度及び当該事業年度開始の日前二年以内に開始した各事業年度のうち法第二条第八項第一号に規定する取引（自己の計算による取引及びホに掲げる取引を除く。）の取引金額（これらの事業年度のうち一年に満たないものがある場合には、当該事業年度の当該取引金額を当該事業年度の月数で除し、これに十二を乗じて計算した金額。以下同じ。）の最も多い事業年度における当該取引金額の十万分の六・二五に相当する金額

(a) the amount equivalent to 0.00625 percent of the transaction amounts of the transactions prescribed in Article 2, paragraph (8), item (i) of the Act (excluding transactions based on a person's own account and the transactions set forth in (e)) in the business year in which such transaction amounts were the greatest from among each business year and each business year starting within two years prior to the commencement of the relevant business year (if any of these business years is less than one full year, an amount calculated by dividing said transaction amount in said business year by the number of months in said business year and multiplying the result by twelve; the same shall apply hereinafter);

ロ 各事業年度及び当該事業年度開始の日前二年以内に開始した各事業年度のうち法第二条第八項第二号に規定する取引（自己の計算による取引及びヘに掲げる取引を除く。）の取引金額の最も多い事業年度における当該取引金額の十万分の六・二五に相当する金額

(b) the amount equivalent to 0.00625 percent of the transaction amounts of the transactions prescribed in Article 2, paragraph (8), item (ii) of the Act (excluding transactions based on a person's own account and the transactions set forth in (f)) in the business year in which such transaction amounts were the greatest from among each business year and each business year starting within two years prior to the commencement of the relevant business year;

ハ 各事業年度及び当該事業年度開始の日前二年以内に開始した各事業年度のうち法第二条第八項第三号に規定する取引（自己の計算による取引及びトに掲げる取引を除く。）の取引金額の最も多い事業年度における当該取引金額の十万分の六・二五に相当する金額

(c) the amount equivalent to 0.00625 percent of the transaction amounts of the transactions prescribed in Article 2, paragraph (8), item (iii) of the Act (excluding transactions based on a person's own account and the transactions set forth in (g)) in the business year in which such transaction amounts were the greatest from among each business year and each business year starting within two years prior to the commencement of the relevant business year;

ニ 各事業年度及び当該事業年度開始の日前二年以内に開始した各事業年度のうち法第二条第八項第四号に規定する取引（自己の計算による取引及びちに掲げる取引を除く。）の対価の額の合計額の最も高い事業年度における当該合計額の万分の六・二五に相当する金額

(d) the amount equivalent to 0.0625 percent of the transaction amounts of the transactions prescribed in Article 2, paragraph (8), item (iv) of the Act (excluding transactions based on a person's own account and the transactions set forth in (h)) in the business year in which such transaction amounts were the greatest from among each business year and each business year starting within two years prior to the commencement of the relevant business year;

ホ 各事業年度及び当該事業年度開始の日前二年以内に開始した各事業年度のうち法第二条第八項第一号に規定する取引のうち、商品取引員が、専門知識及び経験を有する者から商品市場における取引等の委託を受ける場合並びに電子情報処理組織を使用して勧誘を伴わずに商品市場における取引等の委託を受ける場合の取引金額の合計額の最も高い事業年度における当該合計額の百万分の二に相当する金額

(e) the amount equivalent to 0.0002 percent of the total sum of transaction amounts of the transactions prescribed in Article 2, paragraph (8), item (i) of the Act, in cases where a Futures Commission Merchant receives a consignment of transactions, etc. on the Commodity Market from a Person With Specialized Knowledge and Experience or receives a consignment of transactions, etc. on the Commodity Market by using an Electronic Data Processing System without carrying out solicitation, in the business year in which such total sum was the greatest from among each business year and each business year starting within two years prior to the commencement of the relevant business year;

ヘ 各事業年度及び当該事業年度開始の日前二年以内に開始した各事業年度のうち法第二条第八項第二号に規定する取引のうち、商品取引員が、専門知識及び経験を有する者から商品市場における取引等の委託を受ける場合並びに電子情報処理組織を使用して勧誘を伴わずに商品市場における取引等の委託を受ける場合の取引金額の合計額の最も高い事業年度における当該合計額の百万分の二に相当する金額

(f) the amount equivalent to 0.0002 percent of the total sum of transaction amounts of the transactions prescribed in Article 2, paragraph (8), item (ii) of the Act, in cases where a Futures Commission Merchant receives a consignment of transactions, etc. on the Commodity Market from a Person With Specialized Knowledge and Experience or receives a consignment of transactions, etc. on the Commodity Market by using an Electronic Data Processing System without carrying out solicitation, in the business year in which such total sum was the greatest from among each business year

and each business year starting within two years prior to the commencement of the relevant business year;

ト 各事業年度及び当該事業年度開始の日前二年以内に開始した各事業年度のうち法第二条第八項第三号に規定する取引のうち、商品取引員が、専門知識及び経験を有する者から商品市場における取引等の委託を受ける場合並びに電子情報処理組織を使用して勧誘を伴わずに商品市場における取引等の委託を受ける場合の取引金額の合計額の最も高い事業年度における当該合計額の百万分の二に相当する金額

(g) the amount equivalent to 0.0002 percent of the total sum of transaction amounts of the transactions prescribed in Article 2, paragraph (8), item (iii) of the Act, in cases where a Futures Commission Merchant receives a consignment of transactions, etc. on the Commodity Market from a Person With Specialized Knowledge and Experience or receives a consignment of transactions, etc. on the Commodity Market by using an Electronic Data Processing System without carrying out solicitation, in the business year in which such total sum was the greatest from among each business year and each business year starting within two years prior to the commencement of the relevant business year;

チ 各事業年度及び当該事業年度開始の日前二年以内に開始した各事業年度のうち法第二条第八項第四号に規定する取引のうち、商品取引員が、専門知識及び経験を有する者から商品市場における取引等の委託を受ける場合並びに電子情報処理組織を使用して勧誘を伴わずに商品市場における取引等の委託を受ける場合の対価の額の合計額の最も高い事業年度における当該合計額の十万分の二に相当する金額

(h) the amount equivalent to 0.002 percent of the total sum of transaction amounts of the transactions prescribed in Article 2, paragraph (8), item (iv) of the Act, in cases where a Futures Commission Merchant receives a consignment of transactions, etc. on the Commodity Market from a Person With Specialized Knowledge and Experience or receives a consignment of transactions, etc. on the Commodity Market by using an Electronic Data Processing System without carrying out solicitation, in the business year in which such total sum was the greatest from among each business year and each business year starting within two years prior to the commencement of the relevant business year;

リ 既に積み立てられた商品取引責任準備金の金額

(i) the amount of liability reserve for commodity trading that has already been accrued.

2 前項の場合において、法第九十条の許可（更新に係る許可を除く。）を受けた事業年度から三事業年度以内に積み立てられるべき商品取引責任準備金の金額は、同項第一号中「に事故率（当該事業年度開始日前三年以内に開始した各事業年度における事故（第百十二条に規定する事故をいう。）による支払額（商品取引員が、専門知識

及び経験を有する者（第百七条で定める者をいう。以下この条において同じ。）から商品市場における取引等（商品清算取引を除く。以下この条において同じ。）の委託を受ける場合並びに電子情報処理組織（商品取引員の使用に係る電子計算機と、顧客の使用に係る電子計算機（入出力装置を含む。）とを電気通信回線で接続した電子情報処理組織をいう。以下この条において同じ。）を使用して勧誘を伴わずに商品市場における取引等の委託を受ける場合の取引に係る支払額を除く。）の合計額の、法第二条第八項第一号から第三号に規定する取引の取引金額と同項第四号に規定する取引の対価の額の合計額（自己の計算による取引並びに商品取引員が、専門知識及び経験を有する者から商品市場における取引等の委託を受ける場合並びに電子情報処理組織を使用して勧誘を伴わずに商品市場における取引等の委託を受ける場合の取引金額及び取引の対価の額を除く。）に占める割合をいう。以下この条において同じ。）を乗じた金額と取引金額の百万分の一に相当する金額とのいずれか大きい金額」とあるのは「の十万分の三に相当する金額」と、「当該いずれか大きい金額」とあるのは「当該相当する金額」と、「事故率に二を乗じて得た率と百万分の二とのいずれか大きい率」とあるのは「十万分の六」と、「に事故率を乗じた金額と当該除して計算した金額の百万分の一に相当する金額とのいずれか大きい金額」とあるのは「の十万分の三に相当する金額」と、「に事故率を乗じた金額と当該取引金額の百万分の一に相当する金額とのいずれか大きい金額」とあるのは「の十万分の三に相当する金額」と、「に事故率を乗じた金額と当該対価の額の合計額の十万分の一に相当する金額とのいずれか大きい金額」とあるのは、「の万分の三に相当する金額」とする。

- (2) In the cases set forth in the preceding paragraph, with regard to the amount of liability reserve for commodity trading to be accrued within three business years from the business year in which the license set forth in Article 190 of the Act (excluding a renewed license) was obtained, the phrase "the amount obtained by multiplying the transaction amounts of the transactions prescribed in Article 2, paragraph (8), item (i) of the Act (excluding transactions based on a person's own account and the transactions set forth in (e)) in each business year by the Problematic Conduct Rate -- which means the proportion of the total sum of the payments made as a result of any Problematic Conduct [which means the Problematic Conduct prescribed in Article 112] in each business year starting within three years prior to the commencement of the relevant business year [excluding payments pertaining to transactions in cases where a Futures Commission Merchant receives a consignment of transactions, etc. on the Commodity Market (excluding Commodity Clearing Transactions; hereinafter the same shall apply in this Article) from a Person with Specialized Knowledge and Experience (which means a person specified in Article 107; hereinafter the same shall apply in this Article) or receives a consignment of transactions, etc. on the Commodity Market by using an Electronic Data Processing System (which means an Electronic Data Processing System connecting a computer used by the Futures Commodity Merchant and a computer [including the input/output devices] used by the customer through a

telecommunications line; hereinafter the same shall apply in this Article) without carrying out solicitation]; hereinafter the same shall apply in this Article) to the total sum of the transaction amounts of the transactions prescribed in Article 2, paragraph (8), items (i) to (iii) of the Act and the amount of the consideration for the transactions prescribed in item (iv) of the same paragraph (excluding the transaction amounts and the amount of the consideration for transactions in cases of transactions based on a person's own account and in cases where a Futures Commission Merchant receives a consignment of transactions, etc. on the Commodity Market from a Person With Specialized Knowledge and Experience or receives a consignment of transactions, etc. on the Commodity Market by using an Electronic Data Processing System without carrying out solicitation -- or the amount equivalent to 0.0001 percent of the transaction amounts, whichever amount is greater" in item (i) of the preceding paragraph shall be deemed to be replaced with "the amount equivalent to 0.003 percent of the transaction amounts of the transactions prescribed in Article 2, paragraph (8), item (i) of the Act (excluding transactions based on a person's own account and the transactions set forth in (e)) in each business year," the phrase "such larger amount" in the same item shall be deemed to be replaced with "such equivalent amount," the phrase "double the Problematic Conduct Rate, or by 0.0002 percent, whichever rate is higher" in the same item shall be deemed to be replaced with "0.006 percent," the phrase "an amount obtained by multiplying -- an amount calculated by dividing the amount that has been obtained by deducting the amount of liability reserve for commodity trading and the amounts listed in (b) to (h) from ten million yen by double the Problematic Conduct Rate, or by 0.0002 percent, whichever rate is higher (or, if said calculated amount exceeds the transaction amount in the relevant business year, such amount shall be the transaction amount in the relevant business year; hereinafter the same shall apply in this item) -- by the Problematic Conduct Rate or an amount equivalent to 0.0001 percent of said calculated amount, whichever amount is greater" in the same item shall be deemed to be replaced with "an amount equivalent to 0.003 percent of the amount calculated by dividing the amount that has been obtained by deducting the amount of liability reserve for commodity trading and the amounts listed in (b) to (h) from ten million yen by double the Problematic Conduct Rate, or by 0.0002 percent, whichever rate is higher (or, if said calculated amount exceeds the transaction amount in the relevant business year, such amount shall be the transaction amount in the relevant business year; hereinafter the same shall apply in this item)," the phrase "the amount obtained by multiplying the transaction amount of transactions prescribed in Article 2, paragraph (8), item (iii) of the Act (excluding transactions based on a person's own account and the transactions set forth in

(g) in each business year by the Problematic Conduct Rate, or the amount equivalent to 0.0001 percent of said transaction amount, whichever amount is greater" in the same item shall be deemed to be replaced with "the amount equivalent to 0.003 percent of the transaction amount of transactions prescribed in Article 2, paragraph (8), item (iii) of the Act (excluding transactions based on a person's own account and the transactions set forth in (g) in each business year," and the phrase "the amount obtained by multiplying the total sum of the consideration for transactions prescribed in Article 2, paragraph (8), item (iv) of the Act (excluding transactions based on a person's own account and the transactions set forth in (h)) in each business year by the Problematic Conduct Rate, or the amount equivalent to 0.001 percent of said total sum of the consideration, whichever amount is greater" in the same item shall be deemed to be replaced with "the amount equivalent to 0.03 percent of the total sum of the consideration for transactions prescribed in Article 2, paragraph (8), item (iv) of the Act (excluding transactions based on a person's own account and the transactions set forth in (h)) in each business year."

(商品取引事故)

(Problematic Conduct in commodity trading)

第百十二条 法第二百二十一条第二項の主務省令で定める事故は、商品市場における取引等の受託につき、商品取引員の代表者等が、当該商品取引員の業務に関し、次に掲げる行為を行うことにより顧客に損失を及ぼしたものとする。

Article 112 A Problematic Conduct specified by an ordinance of the competent ministry set forth in Article 221, paragraph (2) of the Act shall be that whereby a Representative, etc. of a Futures Commission Merchant causes a customer a loss by committing any of the following acts with regard to the business of said Futures Commission Merchant concerning the undertaking of brokerage of Transactions on a Commodity Market, etc.:

一 顧客の注文内容について確認しないで、商品市場における取引等の受託を行うこと。

(i) undertaking brokerage of Transactions on a Commodity Market, etc., without confirming the contents of the customer's order;

二 取引の条件及び相場の変動について顧客を誤認させるような勧誘をすること。

(ii) soliciting to mislead a customer regarding the transaction conditions and fluctuation of quotations;

三 顧客の注文の執行において、過失により事務処理を誤ること。

(iii) mishandling business in the execution of a customer's order;

四 電子情報処理組織の異常により、顧客の注文の執行を誤ること。

(iv) mistakenly executing a customer's order due to the malfunctioning of an electronic data processing system;

五 その他法令に違反する行為を行うこと。

(v) committing an act in violation of laws or regulations.

(帳簿の作成)

(Keeping the books)

第百十三条 商品取引員は、法第二百二十二条の規定により、商品取引受託業務を行う営業所の一において、商品市場における取引につき、別表第五に定める帳簿を作成しなければならない。

Article 113 (1) A Futures Commission Merchant shall prepare the books as prescribed in Appended Table 5 for Transactions on the Commodity Market at one of its business offices that carries out Commodity Transactions Brokerage Business pursuant to the provisions of Article 222 of the Act.

2 商品取引員は、商品取引受託業務を行う営業所において、別表第五に定める帳簿のうち注文伝票及びその商品取引受託業務の内容に応じ必要なものを作成しなければならない。ただし、前項の規定により帳簿を作成する営業所においては、この限りでない。

(2) A Futures Commission Merchant shall prepare the necessary record prescribed in Appended Table 5 corresponding to an order form and its content of Commodity Transactions Brokerage Business at the business offices of Commodity Transactions Brokerage Business; provided, however, that this shall not apply to business offices which prepare the books pursuant to the provisions of the preceding paragraph.

3 別表第五に定める帳簿は、十年間保存するものとする。

(3) The books prescribed in Appended Table 5 shall be retained for ten years.

(電磁的方法による保存)

(Preservation through an Electromagnetic Means)

第百十四条 別表第五に定める帳簿の内容が、電磁的方法により記録され、当該記録が必要に応じ電子計算機その他の機器を用いて直ちに表示されることができるようにして保存されるときは、当該記録の保存をもって前条第三項に規定する帳簿の保存に代えることができる。この場合において、商品取引員は、当該記録が滅失し、又はき損することを防止するために必要な措置を講じなければならない。

Article 114 When the content of the books prescribed in Appended Table 5 is recorded through an Electromagnetic Means and is retained to display said record for immediate inspection by a computer or other appliance as necessary, the preservation of said record may substitute for the retention of the books as prescribed in the preceding Article, paragraph (3). In this case, a Futures Commission Merchant shall take the necessary measures for preventing the loss of or damage to said record.

(帳簿の区分経理等)

(Separate accounting in books)

第百十五条 商品取引員は、法第二百二十三条の規定により、別表第五に定める帳簿（先物取引計算帳を除く。以下この条において同じ。）について、自己の計算による取引と委託者の計算による取引及び商品市場における取引等（法第二条第十六項第一号に掲げるもの（商品清算取引を除く。）又は第三号に掲げるものに限る。）の受託に係る取引と商品市場における取引等（同項第二号又は第四号に掲げるものに限る。）の受託に係る取引とについて、帳簿を別にして区分経理しなければならない。

Article 115 With regard to the books prescribed in Appended Table 5 (excluding futures transaction accounting records; hereinafter the same shall apply in this Article), a Futures Commission Merchant shall carry out accounting for transactions based on its own account and that for transactions based on its customer's accounts, and transactions pertaining to brokerage of Transactions on a Commodity Market, etc. (limited to those set forth in Article 2, paragraph (16), item (i) of the Act [excluding Commodity Clearing Transactions] or in item (iii)) and that pertaining to brokerage of Transactions on a Commodity Market, etc. (limited to those set forth in item (ii) or item (iv) of the same paragraph) separately in its books, pursuant to the provisions of Article 223 of the Act.

(事業報告書の作成等)

(Creation, etc., of business reports)

第百十六条 法第二百二十四条第一項の規定により商品取引員が提出する事業報告書は、様式第十五号の二により作成しなければならない。

Article 116 (1) The business report that a Futures Commission Merchant submits pursuant to the provisions of Article 224, paragraph (1) of the Act shall be prepared according to Form No. 15-2.

2 前項の事業報告書には、計算書類等及びその附属明細書を添付しなければならない。
(2) Financial Statements, etc., and detailed statements thereof shall be attached to the business report specified in the preceding paragraph.

(業務又は財産の状況に関する報告書の提出)

(Submission of a written report on the business or on the status of property)

第百十七条 法第二百二十四条第二項の規定により商品取引員は、次の各号に掲げる書類を、当該各号に定める期間内に、主務大臣に提出しなければならない。

Article 117 (1) A Futures Commission Merchant shall submit the documents listed in the following items to the competent minister within the period prescribed in the respective said items pursuant to the provisions of Article 224, paragraph (2) of the Act:

一 六月ごとに様式第一号により作成した純資産額に関する調書及び会社計算規則第九十一条の規定により作成した株主資本等変動計算書 調書の作成日から三月
(i) records regarding the amount of the net assets prepared according to Form

No. 1, for an inclusive six month period, and statements of changes in net assets prepared pursuant to the provisions of Article 91 of the Ordinance on Company Accounting: within three months from the date the record is prepared;

二 一月ごとに様式第十六号により作成した法第二百十条の規定による受託に係る財産の分離保管等に関する調書 報告の対象となる月の翌月の二十日

(ii) records regarding the segregation of property pertaining to brokerage, etc., under the provisions of Article 210 of the Act, prepared monthly according to Form No. 16: by the 20th day of the month following the month subject to the report;

三 一月ごとに様式第十号により作成した事故等の発生状況及びその処理状況についての報告書 報告の対象となる月の翌月の二十日

(iii) reports regarding the occurrence status and handling status of Problematic Conducts, etc., prepared monthly according to Form No. 10: by the 20th day of the month following the month subject to the report;

四 一月ごとに様式第十七号により作成した商品取引受託業務に係る財務の状況を記載した月計残高試算表及び様式第十八号により作成した商品取引受託業務の状況を記載した定期業務報告書 報告の対象となる月の翌月の二十日

(iv) a schedule of detailed account balances stating the financial status pertaining to Commodity Transactions Brokerage Business prepared monthly according to Form No. 17 and a periodic business report stating the status of Commodity Transactions Brokerage Business prepared according to Form No. 18: by the 20th day of the month following the month subject to the report.

2 商品取引員は、前項第一号及び第二号に規定する調書並びに同項第四号に規定する月計残高試算表を作成する場合には、主務大臣の定める会計処理の方法その他一般に公正妥当と認められる企業会計の基準に従わなければならない。

(2) In preparing the records prescribed in the preceding paragraph, item (i) and item (ii), and the monthly schedule of detailed account balances prescribed in the same paragraph, item (iv), a Futures Commission Merchant shall comply with accounting procedures specified by the competent minister and generally accepted corporate accounting standards.

3 商品取引員は、第一項第一号に規定する株主資本等変動計算書を作成する場合には、前事業年度末残高、当調書作成期間変動額及び当調書作成期間末残高の区分に応じて記載をしなければならない。

(3) In preparing the statements of changes in net assets prescribed in paragraph (1), item (i), a Futures Commission Merchant shall make statements for the respective categories of the account balances as of the end of the previous business year, the amount of change during the period for the preparation of the records, and the balance as of the end of the period for the preparation of the records.

(合併の認可申請)

(Application for merger approval)

第百十八条 商品取引員は、法第二百二十五条第一項の規定による合併の認可を受けようとするときは、法第百九十二条第一項各号に掲げる事項のほか、次に掲げる事項を記載した申請書を主務大臣に提出するものとする。

Article 118 (1) In addition to the requirements listed in the respective items of Article 192, paragraph (1) of the Act, a Futures Commission Merchant shall submit to the competent minister a written application stating the following matters when intending to obtain approval for a merger as prescribed in Article 225, paragraph (1) of the Act:

一 合併予定年月日

(i) scheduled date of merger;

二 合併の方法

(ii) method of merger.

2 法第二百二十五条第三項の主務省令で定める書類は、次に掲げるもの（官公署が証明する書類の場合には、認可の申請の日前三月以内に作成されたものに限る。）とする。

(2) The document specified by an ordinance of the competent ministry set forth in Article 225, paragraph (3) of the Act shall be as follows (in the case of certifications issued by a public agency, limited to documents prepared within three months prior to the date of filing the application):

一 合併の理由を記載した書面

(i) a document stating the reasons for the merger;

二 合併の手続を記載した書面

(ii) a document stating the procedures for the merger;

三 合併後の会社の定款（外国法人である場合には、定款に準ずる書面）

(iii) the articles of incorporation of the companies involved in the merger (in the case of foreign juridical persons, a document equivalent to the articles of incorporation);

四 合併の当事者の登記事項証明書

(iv) a certificate of the registered matters of the parties to the merger;

五 合併の当事者の株主総会の議事録その他必要な手続があったことを証する書面

(v) minutes of a general meeting of shareholders of the parties to the merger or another document certifying that the necessary procedures for approval have been followed;

六 合併の当事者（商品取引員を除く。）の直前三年の各事業年度の計算書類等（当該当事者が持分会社である場合にあつては、会社法施行規則第二条第三項第十二号（ロに係る部分に限る。）に規定する計算書類等をいう。第百二十条第六号において同じ。）及びその附属明細書

(vi) Financial Statements, etc., of the parties to the merger (excluding a Futures Commission Merchant) for each business year of the most recent

three years (in cases where said parties are mochibun kaisha, the Financial Statements, etc., prescribed in Article 2, paragraph (3), item (xii) of the Ordinance for Enforcement of the Companies Act [limited to items pertaining to (b)]; the same shall apply to Article 126, item (vi)] and detailed statements thereof;

七 削除

(vii) deleted

八 合併の当事者（商品取引員を除く。）が法第十五条第二項第一号ハからホまで又はハのいずれにも該当しないことを誓約する書面

(viii) a sworn, written statement that the parties to the merger (excluding a Futures Commission Merchant) do not fall under the provisions of Article 15, paragraph (2), item (i), (c) to (e), or (i) of the Act;

九 次に掲げる場合に応じ、それぞれ次に定める書面

(ix) a document specified as follows corresponding to each case:

イ 合併後の会社の役員が外国人である場合 当該役員の住民票の写し等、様式第四号により作成した履歴書及びその者が法第十五条第二項第一号イからルまでのいずれにも該当しないことを誓約する書面

(a) in cases where an officer of a Stock Company Resulting from a Merger is a foreign national: a Copy of the Residence Certificate, etc. of said officer and a curriculum vitae prepared according to Form No. 4, and a sworn, written statement by that person that such person does not fall under any of the provisions of Article 15, paragraph (2), item (i), (a) through (k) of the Act;

ロ 合併後の会社の役員が法人である場合 当該役員の登記事項証明書、沿革を記載した書面及び法第十五条第二項第一号ヲに該当しないことを誓約する書面

(b) in cases where an officer of a Stock Company Resulting from a Merger is a juridical person: a certificate of the registered matters of said officer, a document stating the corporate development, and a sworn, written statement by that person that such person does not fall under the provisions of Article 15, paragraph (2), item (i), (l) of the Act;

ハ 合併後の会社の役員が外国人又は法人でない場合 当該役員の住民票の写し等、様式第四号により作成した履歴書、その者が法第十五条第二項第一号イ及びロに該当しない旨の官公署の証明書並びにその者が同号ハからルまでのいずれにも該当しないことを誓約する書面

(c) in cases where an officer of a Stock Company Resulting from a Merger is neither a foreign national nor a juridical person: a curriculum vitae prepared according to Form No. 4, including a Copy of the Residence Certificate, etc. of said officer; a certification issued by a public agency that such person does not fall under the provisions of Article 15, paragraph (2), item (i), (a) and (b); and a sworn, written statement by that person that such person does not fall under any of the provisions of (c) through (k) of

the same item;

十 認可の申請の日前三十日以内に様式第一号により作成した合併の当事者の純資産額に関する調書

(x) a record pertaining to the amount of the net assets of the parties to a merger prepared according to Form No. 1 within 30 days prior to the date the application is submitted for approval;

十一 合併後の会社の主要株主の氏名又は商号若しくは名称、住所又は所在地、所有する議決権（法第八十六条第一項に規定する議決権をいう。以下この条から第二百二十一条までにおいて同じ。）の議決権の総数に対する割合及び申請者との関係（主要株主が申請者の役職員又は親会社、子会社若しくは関連会社若しくはその役職員である場合に限る。）を記載した書面

(xi) a document stating each Major Shareholder of a Stock Company Resulting from a Merger listing the name, trade name, address, proportion of Voting Rights (which means a Voting Right as prescribed in Article 86, paragraph (1) of the Act; the same shall apply hereinafter in this Article through Article 121) held to the total number of Voting Rights, and its relationship with the applicant (limited to cases where Major Shareholders are officers or employees of an applicant or the Parent Company, Subsidiary, Affiliated Company, or its officers or employees);

十二 合併後の会社の組織等の業務執行体制を記載した書面及び様式第五号により作成した登録外務員等に関する調書

(xii) a document stating the management system of organizations, etc., of a Stock Company Resulting from a Merger and the records pertaining to Registered Sales Representatives, etc., prepared according to Form No. 5;

十三 過去五年以内に、合併の当事者について商品取引受託業務等に関して禁錮以上の刑（外国において商品取引受託業務等に相当する業務に関してこれに相当する外国の法令による刑を含む。）若しくは法若しくはこれに相当する外国の法令の規定により罰金の刑（これに相当する外国の法令による刑を含む。）に処せられ、又は法の規定に基づく処分を受けたことのある職員の数、当該職員の氏名、生年月日、住所、所属する営業所の名称、所属する部署、職名及び外務員登録の有無並びに当該禁錮以上の刑若しくは当該罰金の刑に処せられ、又は当該処分を受けた年月日、理由及びその内容を記載した書面

(xiii) a document stating, with regard to the parties to the merger, the number of employees who have been sentenced to imprisonment or severe punishment with regard to Commodity Transactions Brokerage Business, etc. (including an equivalent punishment under the laws and regulations of a foreign state with regard to the business equivalent of Commodity Transactions Brokerage Business, etc. in the foreign state), to fines pursuant to this Act or equivalent laws and regulations of a foreign state (including an equivalent punishment under the laws and regulations of a foreign state), or who have received a final disposition based on the provisions of the Act

within the last five years, and include each said employee's name, date of birth, and address, the name of the business office or department to which said employee is assigned, the official title, whether or not said employee has been registered as a Sales Representative, the date when and the reasons why punished by said fines or in receipt of said disposition, and all other such details;

十四 合併後の会社の使用人（商品取引受託業務に関し本店、支店又は営業所の業務を統括する者その他これに準ずる者に限る。）の商品取引受託業務等に係る経歴書

(xiv) the curriculum vitae pertaining to Commodity Transactions Brokerage Business, etc., of employees (limited to persons or equivalent persons who supervise the business at the head office, a branch office, or a business office with regard to a Commodity Transactions Brokerage Business) of a Stock Company Resulting from a Merger;

十五 合併後の会社における様式第六号により作成した法第百九十六条第一項に規定する兼業業務の概要に関する調書

(xv) records prepared by a Stock Company Resulting from a Merger according to Form No. 6 pertaining to the description of the Subsidiary Business prescribed in Article 196, paragraph (1), of the Act;

十六 合併後の会社における様式第七号により作成した法第百九十六条第二項に規定する他の法人に対する支配関係の概要に関する調書

(xvi) records prepared by a Stock Company Resulting from a Merger according to Form No. 7 pertaining to the description of a controlling interest in another juridical person prescribed in Article 196, paragraph (2) of the Act;

十七 合併後の会社における様式第八号により作成した第八十七条に規定する特定業務の概要に関する調書

(xvii) records prepared by a Stock Company Resulting from a Merger according to Form No. 8 pertaining to the description of the Specified Business prescribed in Article 87 of the Act;

十八 商品取引受託業務の開始を予定する日の属する事業年度及び当該事業年度の翌事業年度から起算して二事業年度における商品取引受託業務の収支の見込みを記載した書面、商品取引受託業務の計画書並びにこれらの根拠を記載した書面

(xviii) a document stating the estimated income and expenditure of Commodity Transactions Brokerage Business, and the Commodity Transactions Brokerage Business plan for the business year in which Commodity Transactions Brokerage Business is scheduled to commence and the two business years following said business year, and a document stating the preparation procedures and the basis for assumptions used in those documents;

十九 商品取引受託業務の開始を予定する日の属する事業年度及び当該事業年度の翌事業年度から起算して二事業年度における純資産額及び純資産額規制比率の見込みを記載した書面並びにこれらの根拠を記載した書面

(xix) a document stating the estimated amount of the net assets and the Net Assets Regulation Ratio for the business year in which Commodity Transactions Brokerage Business is scheduled to commence and the two business years following said business year, and a document stating the preparation procedures and the basis for assumptions used in those documents;

二十 合併後の会社が商品取引受託業務において電子情報処理組織を使用する場合には、当該電子情報処理組織の概要、設置場所、容量及び保守の方法並びに当該電子情報処理組織に異常が発生した場合の対処方法を記載した書類

(xx) in cases where a Stock Company Resulting from a Merger uses an electronic data processing system for Commodity Transactions Brokerage Business, a document stating the description, installation location, capacity, and maintenance system of said electronic data processing system, and the process for responding in the event of the failure of said electronic data processing system;

二十一 合併後の会社における商品取引受託業務を公正かつ的確に遂行するための規則（当該業務に関する当該商品取引員における責任体制を明確化する規定を含むものとする。）

(xxi) regulations for the fair and appropriate performance of the Commodity Transactions Brokerage Business of a Stock Company Resulting from a Merger (including regulations in order to define a system for the responsibilities of said Futures Commission Merchant pertaining to said Business);

二十二 合併後の会社における様式第九号により作成した内部管理に関する業務を行う組織の概要及び法令を遵守するための管理の体制を記載した書面

(xxii) a document prepared according to Form No. 9 for a Stock Company Resulting from a Merger giving the description of the organization which performs the operations pertaining to internal controls and stating the management system for compliance with laws and regulations;

二十三 合併の当事者（商品取引員を除く。）が劣後特約付借入金を借り入れている場合にあつては、その契約書の写し

(xxiii) in cases where a party to a merger (excluding a Futures Commission Merchant) has Subordinated Borrowings, a copy of all contracts;

二十四 合併の当事者（商品取引員を除く。）が劣後特約付社債を発行している場合にあつては、その目論見書又はこれに準ずるものの写し

(xxiv) in cases where a party to a merger (excluding a Futures Commission Merchant) has issued a Subordinated Bonds, any prospectus or equivalent copy.

（新設分割の認可申請）

(Application for approval of a Consolidation-Type Split)

第百十九条 商品取引員は、法第二百二十六条第一項の規定による新設分割の認可を受けようとするときは、法第九十二条第一項各号に掲げる事項のほか、次に掲げる事項を記載した申請書を主務大臣に提出するものとする。

Article 119 (1) When seeking to obtain approval of a Consolidation-Type Split prescribed in the provisions of Article 226, paragraph (1) of the Act, a Futures Commission Merchant shall submit an application to the competent minister stating the following matters in addition to the matters set forth in the respective items of Article 192, paragraph (1) of the Act:

一 新設分割予定年月日

(i) scheduled date of the Consolidation-Type Split;

二 新設分割の方法

(ii) method of the Consolidation-Type Split.

2 法第二百二十六条第三項の主務省令で定める書類は、次に掲げるもの（官公署が証明する書類の場合には、認可の申請の日前三月以内に作成されたものに限る。）とする。

(2) The documents specified by an ordinance of the competent ministry set forth in Article 226, paragraph (3) of the Act shall be as follows (in the case of certifications issued by a public agency, limited to documents prepared within three months prior to the date of the application for approval):

一 新設分割の理由を記載した書面

(i) a document stating the reasons for the Consolidation-Type Split;

二 新設分割の手続を記載した書面

(ii) a document stating the procedures for the Consolidation-Type Split;

三 設立会社の定款（外国法人である場合には、定款に準ずる書面）

(iii) articles of incorporation of the Formed Company (in cases of a foreign juridical person, a document equivalent to the articles of incorporation);

四 新設分割の当事者の登記事項証明書

(iv) a certificate of the registered matters of the parties to the Consolidation-Type Split;

五 新設分割の当事者の株主総会の議事録その他必要な手続があったことを証する書面

(v) minutes of a general meeting of shareholders of the parties to the Consolidation-Type Split or another document certifying that the necessary procedures for approval have been followed;

六 次に掲げる場合に応じ、それぞれ次に定める書面

(vi) a document specified as follows corresponding to each case:

イ 設立会社の役員が外国人である場合 当該役員の写真等の写し等、様式第四号により作成した履歴書及びその者が法第十五条第二項第一号イからルまでのいずれにも該当しないことを誓約する書面

(a) in cases where an officer of the Formed Company is a foreign national: a curriculum vitae prepared according to Form No. 4, including a Copy of the

Residence Certificate, etc. of said officer and a sworn, written statement by that person that such person does not fall under any of the provisions of Article 15, paragraph (2), item (i), (a) through (k) of the Act;

ロ 設立会社の役員が法人である場合 当該役員の登記事項証明書、沿革を記載した書面及び法第十五条第二項第一号ヲに該当しないことを誓約する書面

(b) in cases where an officer of the Formed Company is a juridical person: a certificate of the registered matters of said officer, a document stating the corporate development, and a sworn, written statement by that person that such person does not fall under the provisions of Article 15, paragraph (2), item (i), (l) of the Act;

ハ 設立会社の役員が外国人又は法人でない場合 当該役員の住民票の写し等、様式第四号により作成した履歴書、その者が法第十五条第二項第一号イ及びロに該当しない旨の官公署の証明書並びにその者が同号ハからルまでのいずれにも該当しないことを誓約する書面

(c) in cases where an officer of the Formed Company is neither a foreign national nor a juridical person: a curriculum vitae prepared according to Form No. 4, including a Copy of the Residence Certificate, etc. of said officer, a certification issued by a public agency that such person does not fall under the provisions of Article 15, paragraph (2), item (i), (a) and (b) of the Act, and a sworn, written statement by that person that such person does not fall under any of the provisions of (c) through (k) of the same item;

七 設立会社の主要株主の氏名又は商号若しくは名称、住所又は所在地、所有する議決権の議決権の総数に対する割合及び申請者との関係（主要株主が申請者の役職員又は親会社、子会社若しくは関連会社若しくはその役職員である場合に限る。）を記載した書面

(vii) a document stating the Major Shareholders of the Formed Company listing the name, trade name, address, proportion of the Voting Rights held to the total number of Voting Rights, and relationship with the applicant (limited to cases where Major Shareholders are officers or employees of the applicant, the Parent Company, Subsidiary, Affiliated Company, or its officers or employees);

八 設立会社の組織等の業務執行体制を記載した書面及び様式第五号により作成した登録外務員等に関する調書

(viii) a document stating the management system of organizations, etc., of the Formed Company and records pertaining to Registered Sales Representatives, etc. prepared according to Form No. 5;

九 過去五年以内に、新設分割の当事者について商品取引受託業務等に関して禁錮以上の刑（外国において商品取引受託業務等に相当する業務に関してこれに相当する外国の法令による刑を含む。）若しくは法若しくはこれに相当する外国の法令の規定により罰金の刑（これに相当する外国の法令による刑を含む。）に処せられ、又は法の規定に基づく処分を受けたことのある職員の数、当該職員の氏名、生年月日、

住所、所属する営業所の名称、所属する部署、職名及び外務員登録の有無並びに当該禁錮以上の刑若しくは当該罰金の刑に処せられ、又は当該処分を受けた年月日、理由及びその内容を記載した書面

(ix) a document stating, with regard to the parties to a Consolidation-Type Split, the number of employees who have been sentenced to imprisonment or severe punishment with regard to Commodity Transactions Brokerage Business, etc. (including an equivalent punishment under the laws and regulations of a foreign state with regard to the business equivalent of Commodity Transactions Brokerage Business, etc. in such foreign state), to fines pursuant to this Act or equivalent laws and regulations of a foreign state (including an equivalent punishment under the laws and regulations of a foreign state), or who have received a final disposition based on the provisions of the Act within the last five years, and include each said employee's name, date of birth, and address, the name of the business office or department to which said employee is assigned, the official title, whether or not said employee has been registered as a Sales Representative, the date when and the reasons why punished by said fines or in receipt of said disposition, and all other such details;

十 設立会社の使用人（商品取引受託業務に関し本店、支店又は営業所の業務を統括する者その他これに準ずる者に限る。）の商品取引受託業務等に係る経歴書

(x) a curriculum vitae pertaining to Commodity Transactions Brokerage Business, etc., of employees (limited to persons or equivalent persons who supervise the business at the head office, a branch office, or a business office with regard to a Commodity Transactions Brokerage Business) of the Established Company;

十一 設立会社における様式第六号により作成した法第九十六条第一項に規定する兼業業務の概要に関する調書

(xi) records prepared by the Formed Company according to Form No. 6 pertaining to the description of the Subsidiary Business prescribed in Article 196, paragraph (1), of the Act;

十二 設立会社における様式第七号により作成した法第九十六条第二項に規定する他の法人に対する支配関係の概要に関する調書

(xii) records prepared by the Formed Company according to Form No. 7 pertaining to the description of a controlling interest in another juridical person prescribed in Article 196, paragraph (2) of the Act;

十三 設立会社における様式第八号により作成した第八十七条に規定する特定業務の概要に関する調書

(xiii) records prepared by the Formed Company according to Form No. 8 pertaining to the description of the Specified Business prescribed in Article 87 of the Act;

十四 商品取引受託業務の開始を予定する日の属する事業年度及び当該事業年度の翌

事業年度から起算して二事業年度における商品取引受託業務の収支の見込みを記載した書面、商品取引受託業務の計画書並びにこれらの根拠を記載した書面

(xiv) a document stating the estimated income and expenditure of Commodity Transactions Brokerage Business, and the Commodity Transactions Brokerage Business plan for the business year in which Commodity Transactions Brokerage Business is scheduled to commence and the two business years following said business year, and a document stating the preparation procedures and basis for assumptions used in those documents;

十五 商品取引受託業務の開始を予定する日の属する事業年度及び当該事業年度の翌事業年度から起算して二事業年度における純資産額及び純資産額規制比率の見込みを記載した書面並びにこれらの根拠を記載した書面

(xv) a document stating the estimated amount of the net assets and the Net Assets Regulation Ratio for the business year in which Commodity Transactions Brokerage Business is scheduled to commence and the two business years following said business year, and a document stating the preparation procedures and basis for assumptions used in those documents;

十六 設立会社が商品取引受託業務において電子情報処理組織を使用する場合には、当該電子情報処理組織の概要、設置場所、容量及び保守の方法並びに当該電子情報処理組織に異常が発生した場合の対処方法を記載した書類

(xvi) in cases where the Formed Company uses an electronic data processing system for Commodity Transactions Brokerage Business, a document giving the description, installation location, capacity, and maintenance system of said electronic data processing system, and the process for responding in the event of the failure of said electronic data processing system;

十七 設立会社における商品取引受託業務を公正かつ的確に遂行するための規則（当該業務に関する当該設立会社における責任体制を明確化する規定を含むものとする。）

(xvii) regulations for the fair and appropriate performance of Commodity Transactions Brokerage Business of the Formed Company (including the regulations in order to define a system for the responsibilities of said Formed Company pertaining to said Business);

十八 設立会社における様式第九号により作成した内部管理に関する業務を行う組織の概要及び法令を遵守するための管理の体制を記載した書面

(xviii) a document prepared according to Form No. 9 by the Formed Company giving the description of the organization which performs operations pertaining to internal controls and stating the management system for compliance with laws and regulations.

(吸収分割の認可申請)

(Application for approval of an Absorption-Type Split)

第二百十条 商品取引員は、法第二百二十七条第一項の規定による吸収分割の認可を受

けようとするときは、法第九十二条第一項各号に掲げる事項のほか、次に掲げる事項を記載した申請書を主務大臣に提出するものとする。

Article 120 (1) When seeking to obtain approval for an Absorption-Type Split prescribed in the provisions of Article 227, paragraph (1) of the Act, a Futures Commission Merchant shall submit an application to the competent minister stating the following matters in addition to the matters set forth in the respective items of Article 192, paragraph (1) of the Act:

一 吸収分割予定年月日

(i) scheduled date of the Absorption-Type Split;

二 吸収分割の方法

(ii) method of the Absorption-Type Split.

2 法第二百二十七条第三項の主務省令で定める書類は、次に掲げるもの（官公署が証明する書類の場合には、認可の申請の日前三月以内に作成されたものに限る。）とする。

(2) The documents specified by an ordinance of the competent ministry set forth in Article 227, paragraph (3) of the Act shall be as follows (in cases of certificates issued by a public agency, limited to documents prepared within three months prior to the date of application for approval):

一 吸収分割の理由を記載した書面

(i) a document stating the reasons for the Absorption-Type Split;

二 吸収分割の手続を記載した書面

(ii) a document stating the procedures for the Absorption-Type Split;

三 承継会社の定款（外国法人である場合には、定款に準ずる書面）

(iii) articles of incorporation of the Succeeding Company (in cases of a foreign juridical person, a document equivalent to the articles of incorporation);

四 吸収分割の当事者の登記事項証明書

(iv) a certificate of the registered matters of the parties to the Absorption-Type Split;

五 吸収分割の当事者の株主総会の議事録その他必要な手続があったことを証する書面

(v) minutes of a general meeting of shareholders of the parties to the Absorption-Type Split or another document certifying that the necessary procedures for approval have been followed;

六 吸収分割の当事者（商品取引員を除く。）の直前三年の各事業年度の計算書類等及びその附属明細書

(vi) Financial Statements, etc., of the parties to the Absorption-Type Split (excluding a Futures Commission Merchant) for each business year for the most recent three years and detailed statements thereof;

七 削除

(vii) deleted

八 吸収分割の当事者（商品取引員を除く。）が法第十五条第二項第一号ハからホま

で又はりのいずれにも該当しないことを誓約する書面

(viii) a sworn, written statement that the parties to the Absorption-Type Split (excluding a Futures Commission Merchant) do not fall under any of the provisions of Article 15, paragraph (2), item (i), (c) through (e), or (i) of the Act;

九 次に掲げる場合に依じ、それぞれ次に定める書面

(ix) a document specified as follows corresponding to each case:

イ 承継会社の役員が外国人である場合 当該役員の住民票の写し等、様式第四号により作成した履歴書及びその者が法第十五条第二項第一号イからルまでのいずれにも該当しないことを誓約する書面

(a) in cases where an officer of the Succeeding Company is a foreign national: a curriculum vitae prepared according to Form No. 4, including a Copy of the Residence Certificate, etc. of said officer and a sworn, written statement by that person that such person does not fall under any of the provisions of Article 15, paragraph (2), item (i), (a) through (k) of the Act;

ロ 承継会社の役員が法人である場合 当該役員の登記事項証明書、沿革を記載した書面及び法第十五条第二項第一号ヲに該当しないことを誓約する書面

(b) in cases where an officer of the Succeeding Company is a juridical person: a certificate of the registered matters of said officer, a document stating the corporate development, and a sworn, written statement by that person that such person does not fall under the provisions of Article 15, paragraph (2), item (i), (l) of the Act;

ハ 承継会社の役員が外国人又は法人でない場合 当該役員の住民票の写し等、様式第四号により作成した履歴書、その者が法第十五条第二項第一号イ及びロに該当しない旨の官公署の証明書並びにその者が同号ハからルまでのいずれにも該当しないことを誓約する書面

(c) in cases where an officer of the Succeeding Company is neither a foreign national nor a juridical person: a curriculum vitae prepared according to Form No. 4, including a Copy of the Residence Certificate, etc. of said officer, a certification issued by a public agency that such person does not fall under the provisions of Article 15, paragraph (2), item (i), (a) and (b) of the Act, and a sworn, written statement by that person that such person does not fall under any of the provisions of (c) through (k) of the same item;

十 認可の申請の日前三十日以内に様式第一号により作成した吸収分割の当事者の純資産額に関する調書

(x) a record pertaining to the amount of the net assets of the parties to the Absorption-Type Split prepared according to Form No. 1 within 30 days prior to the date the application is submitted for approval;

十一 承継会社の主要株主の氏名又は商号若しくは名称、住所又は所在地、所有する議決権の議決権の総数に対する割合及び申請者との関係（主要株主が申請者の役職員又は親会社、子会社若しくは関連会社若しくはその役職員である場合に限る。）

を記載した書面

(xi) a document stating the name, trade name, address, proportion of the Voting Rights held to total number of Voting Rights, and relationship with the applicant of the Major Shareholders of the Succeeding Company (limited to cases where Major Shareholders are officers or employees of the applicant, the Parent Company, Subsidiary, Affiliated Company, or its officers or employees);

十二 承継会社の組織等の業務執行体制を記載した書面及び様式第五号により作成した登録外務員等に関する調書

(xii) a document stating the management system of organizations, etc., of the Succeeding Company and records pertaining to Registered Sales Representatives, etc., prepared according to Form No. 5;

十三 過去五年以内に、吸収分割の当事者について商品取引受託業務等に関して禁錮以上の刑（外国において商品取引受託業務等に相当する業務に関してこれに相当する外国の法令による刑を含む。）若しくは法若しくはこれに相当する外国の法令の規定により罰金の刑（これに相当する外国の法令による刑を含む。）に処せられ、又は法の規定に基づく処分を受けたことのある職員の数、当該職員の氏名、生年月日、住所、所属する営業所の名称、所属する部署、職名及び外務員登録の有無並びに当該禁錮以上の刑若しくは当該罰金の刑に処せられ、又は当該処分を受けた年月日、理由及びその内容を記載した書面

(xiii) a document stating, with regard to the parties to an Absorption-Type Split, the number of employees who have been sentenced to imprisonment or severe punishment with regard to Commodity Transactions Brokerage Business, etc. (including an equivalent punishment under the laws and regulations of a foreign state with regard to the business equivalent of Commodity Transactions Brokerage Business, etc. in the foreign state), to fines pursuant to this Act or equivalent laws and regulations of a foreign state (including an equivalent punishment under the laws and regulations of a foreign state), or who have received a final disposition based on the provisions of the Act within the last five years, and include each said employee's name, date of birth, and address, the name of the business office or department to which said employee is assigned, the official title, whether or not said employee has been registered as a Sales Representative, the date when and reasons why punished by said fines or in receipt of said disposition, and all other such details;

十四 承継会社の使用人（商品取引受託業務に関し本店、支店又は営業所の業務を統括する者その他これに準ずる者に限る。）の商品取引受託業務等に係る経歴書

(xiv) a curriculum vitae pertaining to Commodity Transactions Brokerage Business, etc., of employees (limited to persons or equivalent persons who supervise the business at the head office, a branch office, or a business office with regard to a Commodity Transactions Brokerage Business) of the

Succeeding Company;

十五 承継会社における様式第六号により作成した法第九十六条第一項に規定する兼業業務の概要に関する調書

(xv) records prepared by the Succeeding Company according to Form No. 6 pertaining to the description of the Subsidiary Business prescribed in Article 196, paragraph (1), of the Act;

十六 承継会社における様式第七号により作成した法第九十六条第二項に規定する他の法人に対する支配関係の概要に関する調書

(xvi) records prepared by the Succeeding Company according to Form No. 7 pertaining to the description of a controlling interest in another juridical person prescribed in Article 196, paragraph (2) of the Act;

十七 承継会社における様式第八号により作成した第八十七条に規定する特定業務の概要に関する調書

(xvii) records prepared by the Succeeding Company according to Form No. 8 pertaining to the description of the Specified Business prescribed in Article 87 of the Act;

十八 商品取引受託業務の開始を予定する日の属する事業年度及び当該事業年度の翌事業年度から起算して二事業年度における商品取引受託業務の収支の見込みを記載した書面、商品取引受託業務の計画書並びにこれらの根拠を記載した書面

(xviii) a document stating the estimated income and expenditure of Commodity Transactions Brokerage Business, and the Commodity Transactions Brokerage Business plan for the business year in which Commodity Transactions Brokerage Business is scheduled to commence and the two business years following said business year, and a document stating the preparation procedures and basis for assumptions used in those documents;

十九 商品取引受託業務の開始を予定する日の属する事業年度及び当該事業年度の翌事業年度から起算して二事業年度における純資産額及び純資産額規制比率の見込みを記載した書面並びにこれらの根拠を記載した書面

(xix) a document stating the estimated amount of the net assets and the Net Assets Regulation Ratio for the business year in which Commodity Transactions Brokerage Business is scheduled to commence and the two business years following said business year, and a document stating the preparation procedures and basis for assumptions used in those documents;

二十 承継会社が商品取引受託業務において電子情報処理組織を使用する場合には、当該電子情報処理組織の概要、設置場所、容量及び保守の方法並びに当該電子情報処理組織に異常が発生した場合の対処方法を記載した書類

(xx) in cases where the Succeeding Company uses an electronic data processing system for Commodity Transactions Brokerage Business, a document giving the description, installation location, capacity, and maintenance system of said electronic data processing system, and process for responding in the event of failure of said electronic data processing system;

二十一 承継会社における商品取引受託業務を公正かつ的確に遂行するための規則
(当該業務に関する当該承継会社における責任体制を明確化する規定を含むものとする。)

(xxi) regulations for the fair and appropriate performance of Commodity Transactions Brokerage Business of the Succeeding Company (including regulations in order to define a system for the responsibilities of said Succeeding Company pertaining to said Business);

二十二 承継会社における様式第九号により作成した内部管理に関する業務を行う組織の概要及び法令を遵守するための管理の体制を記載した書面

(xxii) a document prepared according to Form No. 9 for the Succeeding Company giving the description of the organization which performs operations pertaining to internal controls and stating the management system for compliance with laws and regulations;

二十三 吸収分割の当事者（商品取引員を除く。）が劣後特約付借入金を借り入れている場合にあっては、その契約書の写し

(xxiii) in cases where a party to an Absorption-Type Split (excluding a Futures Commission Merchant) has Subordinated Borrowings, a copy of all contracts;

二十四 吸収分割の当事者（商品取引員を除く。）が劣後特約付社債を発行している場合にあっては、その目論見書又はこれに準ずるものの写し

(xxiv) in cases where a party to an Absorption-Type Split (excluding a Futures Commission Merchant) has issued Subordinated Bonds, any prospectus or equivalent copy.

(事業譲渡の認可申請)

(Application for approval of Business Transfer)

第二百一十一条 商品取引員は、法第二百二十八条第一項の規定による事業譲渡の認可を受けようとするときは、法第九十二条第一項各号に掲げる事項のほか、次に掲げる事項を記載した申請書を主務大臣に提出するものとする。

Article 121 (1) When seeking to obtain approval for a Business Transfer prescribed in the provisions of Article 228, paragraph (1) of the Act, a Futures Commission Merchant shall submit an application to the competent minister stating the following matters in addition to the matters set forth in the respective items of Article 192, paragraph (1) of the Act:

一 事業譲渡予定年月日

(i) scheduled date of the Business Transfer;

二 事業譲渡の方法

(ii) method of the Business Transfer.

2 法第二百二十八条第三項の主務省令で定める書類は、次に掲げるもの（官公署が証明する書類の場合には、認可の申請の日前三月以内に作成されたものに限る。）とする。

(2) The documents specified by an ordinance of the competent ministry set forth

in Article 228, paragraph (3) of the Act shall be as follows (in cases of certificates issued by a public agency, limited to documents prepared within three months prior to the date of the application for approval):

一 事業譲渡の理由を記載した書面

(i) a document stating the reasons for the Business Transfer;

二 事業譲渡の手続を記載した書面

(ii) a document stating the procedures for the Business Transfer;

三 譲受会社の定款（外国法人である場合には、定款に準ずる書面）

(iii) articles of incorporation of the Transferee Company (in cases of a foreign juridical person, a document equivalent to the articles of incorporation);

四 事業譲渡の当事者の登記事項証明書

(iv) a certificate of the registered matters of the parties to the Business Transfer;

五 事業譲渡の当事者の株主総会の議事録その他必要な手続があったことを証する書面

(v) minutes of a general meeting of shareholders of the parties to the Business Transfer or another document certifying that the necessary procedures for approval have been followed;

六 事業譲渡の当事者（商品取引員を除く。）の直前三年の各事業年度の計算書類等及びその附属明細書

(vi) Financial Statements, etc., of the parties to the Business Transfer (excluding a Futures Commission Merchant) for each business year for the most recent three years and detailed statements thereof;

七 削除

(vii) deleted

八 事業譲渡の当事者（商品取引員を除く。）が法第十五条第二項第一号ハからホまで又はハのいずれにも該当する者でないことを誓約する書面

(viii) a sworn, written statement that the parties to the Business Transfer (excluding a Futures Commission Merchant) do not fall under any of the provisions of Article 15, paragraph (2), item (i), (c) through (e), or (i) of the Act;

九 次に掲げる場合に応じ、それぞれ次に定める書面

(ix) a document specified as follows corresponding to each case:

イ 譲受会社の役員が外国人である場合 当該役員の住民票の写し等、様式第四号により作成した履歴書及びその者が法第十五条第二項第一号イからルまでのいずれにも該当しないことを誓約する書面

(a) in cases where an officer of the Transferee Company is a foreign national: a curriculum vitae prepared according to Form No. 4, including a Copy of the Residence Certificate, etc. of said officer and a sworn, written statement by the person that such person does not fall under any of the provisions of Article 15, paragraph (2), item (i), (a) through (k) of the Act;

- ロ 譲受会社の役員が法人である場合 当該役員の登記事項証明書、沿革を記載した書面及び法第十五条第二項第一号ヲに該当しないことを誓約する書面
- (b) in cases where an officer of the Transferee Company is a juridical person: a certificate of the registered matters of said officer, a document stating the corporate development, and a sworn, written statement by that person that such person does not fall under the provisions of Article 15, paragraph (2), item (i), (l) of the Act;
- ハ 譲受会社の役員が外国人又は法人でない場合 当該役員の住民票の写し等、様式第四号により作成した履歴書、その者が法第十五条第二項第一号イ及びロに該当しない旨の官公署の証明書並びにその者が同号ハからルまでのいずれにも該当しないことを誓約する書面
- (c) in cases where an officer of the Transferee Company is neither a foreign national nor a juridical person: a curriculum vitae prepared according to Form No. 4, including a Copy of the Residence Certificate, etc. of said officer, a certification issued by a public agency that such person does not fall under the provisions of Article 15, paragraph (2), item (i), (a) and (b) of the Act, and a sworn, written statement by that person that such person does not fall under any of the provisions of (c) through (k) of the same item;
- 十 認可の申請の日前三十日以内に様式第一号により作成した事業譲渡の当事者の純資産額に関する調書
- (x) a record pertaining to the amount of the net assets of the parties to the Business Transfer prepared according to Form No. 1 within 30 days prior to the date the application is submitted for approval;
- 十一 譲受会社の主要株主の氏名又は商号若しくは名称、住所又は所在地、所有する議決権の議決権の総数に対する割合及び申請者との関係（主要株主が申請者の役職員又は親会社、子会社若しくは関連会社若しくはその役職員である場合に限る。）を記載した書面
- (xi) a document stating the name, trade name, address, proportion of the Voting Rights held to the total number of Voting Rights, and relationship with the applicant of the Major Shareholders of the Transferee Company (limited to cases where Major Shareholders are officers or employees of the applicant, the Parent Company, Subsidiary, Affiliated Company, or its officers or employees);
- 十二 譲受会社の組織等の業務執行体制を記載した書面及び様式第五号により作成した登録外務員等に関する調書
- (xii) a document stating the management system of organizations, etc., of the Transferee Company and records pertaining to Registered Sales Representatives, etc., prepared according to Form No. 5;
- 十三 過去五年以内に、事業譲渡の当事者について商品取引受託業務等に関して禁錮以上の刑（外国において商品取引受託業務等に相当する業務に関してこれに相当する外国の法令による刑を含む。）若しくは法若しくはこれに相当する外国の法令の

規定により罰金の刑（これに相当する外国の法令による刑を含む。）に処せられ、又は法の規定に基づく処分を受けたことのある職員の数、当該職員の氏名、生年月日、住所、所属する営業所の名称、所属する部署、職名及び外務員登録の有無並びに当該禁錮以上の刑若しくは当該罰金の刑に処せられ、又は当該処分を受けた年月日、理由及びその内容を記載した書面

(xiii) a document stating, with regard to the parties to the Business Transfer, the number of employees who have been sentenced to imprisonment or severe punishment with regard to Commodity Transactions Brokerage Business, etc. (including an equivalent punishment under the laws and regulations of a foreign state with regard to the business equivalent of Commodity Transactions Brokerage Business, etc. in the foreign state), to fines pursuant to this Act or equivalent laws and regulations of a foreign state (including an equivalent punishment under the laws and regulations of a foreign state), or who received a final disposition based on the provisions of the Act within the last five years, and include each said employee's name, date of birth, and address, name of the business office or department to which said employee is assigned, the official title, whether or not said employee has been registered as a Sales Representative, the date when and the reasons why punished by said fines or in receipt of said disposition, and all other such details;

十四 譲受会社の使用人（商品取引受託業務に関し本店、支店又は営業所の業務を統括する者その他これに準ずる者に限る。）の商品取引受託業務等に係る経歴書

(xiv) a curriculum vitae pertaining to Commodity Transactions Brokerage Business, etc., of employees (limited to persons or equivalent persons who supervise business at the head office, a branch office, or business office with regard to a Commodity Transactions Brokerage Business) of the Transferee Company;

十五 譲受会社における様式第六号により作成した法第九十六条第一項に規定する兼業業務の概要に関する調書

(xv) records prepared by the Transferee Company according to Form No. 6 pertaining to the description of the Subsidiary Business prescribed in Article 196, paragraph (1), of the Act;

十六 譲受会社における様式第七号により作成した法第九十六条第二項に規定する他の法人に対する支配関係の概要に関する調書

(xvi) records prepared by the Transferee Company according to Form No. 7 pertaining to the description of a controlling interest in juridical persons prescribed in Article 196, paragraph (2) of the Act;

十七 譲受会社における様式第八号により作成した第八十七条に規定する特定業務の概要に関する調書

(xvii) records prepared by the Transferee Company according to Form No. 8 pertaining to the description of the Specified Business prescribed in Article 87 of the Act;

十八 商品取引受託業務の開始を予定する日の属する事業年度及び当該事業年度の翌事業年度から起算して二事業年度における商品取引受託業務の収支の見込みを記載した書面、商品取引受託業務の計画書並びにこれらの根拠を記載した書面

(xviii) a document stating the estimated income and expenditure of Commodity Transactions Brokerage Business, and the Commodity Transactions Brokerage Business plan for the business year in which Commodity Transactions Brokerage Business is scheduled to commence and the two business years following said business year, and a document stating the preparation procedures and basis for assumptions used in those documents;

十九 商品取引受託業務の開始を予定する日の属する事業年度及び当該事業年度の翌事業年度から起算して二事業年度における純資産額及び純資産額規制比率の見込みを記載した書面並びにこれらの根拠を記載した書面

(xix) a document stating the estimated amount of the net assets and the Net Assets Regulation Ratio for the business year in which Commodity Transactions Brokerage Business is scheduled to commence and the two business years following said business year, and a document stating the preparation procedures and basis for assumptions used in those documents;

二十 譲受会社が商品取引受託業務において電子情報処理組織を使用する場合には、当該電子情報処理組織の概要、設置場所、容量及び保守の方法並びに当該電子情報処理組織に異常が発生した場合の対処方法を記載した書類

(xx) in cases where the Transferee Company uses an electronic data processing system for Commodity Transactions Brokerage Business, a document stating the description, installation location, capacity, and maintenance system of said electronic data processing system, and the process for responding in the event of the failure of said electronic data processing system;

二十一 譲受会社における商品取引受託業務を公正かつ的確に遂行するための規則（当該業務に関する当該譲受会社における責任体制を明確化する規定を含むものとする。）

(xxi) regulations for the fair and appropriate performance of Commodity Transactions Brokerage Business of the Transferee Company (including regulations in order to define a system for the responsibility of said Transferee Company pertaining to said Business);

二十二 譲受会社における様式第九号により作成した内部管理に関する業務を行う組織の概要及び法令を遵守するための管理の体制を記載した書面

(xxii) a document prepared according to Form No. 9 for the Transferee Company giving the description of the organization which performs operations pertaining to internal controls and stating the management system for compliance with laws and regulations;

二十三 事業譲渡の当事者（商品取引員を除く。）が劣後特約付借入金を借り入れている場合にあっては、その契約書の写し

(xxiii) in cases where a party to the Business Transfer (excluding a Futures

Commission Merchant) has Subordinated Borrowings, a copy of all contracts;
二十四 事業譲渡の当事者（商品取引員を除く。）が劣後特約付社債を発行している
場合にあっては、その目論見書又はこれに準ずるものの写し

(xxiv) in cases where a party to the Business Transfer (excluding a Futures
Commission Merchant) has issued Subordinated Bonds, any prospectus or
equivalent copy.

（商品取引員に係る検査職員の身分証明書）

(Identification of inspection officials pertaining to Futures Commission
Merchants)

第二百二十二条 法第二百三十一条第四項において準用する法第一百五十七条第三項の規定
により職員が携帯すべき証明書は、様式第十九号による。

Article 122 Identification that officials shall carry shall be prepared according to
Form No. 19 pursuant to the provisions of Article 157, paragraph (3) of the Act
which is applied mutatis mutandis pursuant to Article 231, paragraph (4) of
the Act.

（負債比率および流動比率の基準）

(Standards of asset liability ratio and current ratio)

第二百二十三条 法第二百三十二条第二項第一号の主務省令で定める率は十倍とし、同項
第二号の主務省令で定める率は一倍とする。

Article 123 The ratio specified by an ordinance of the competent ministry set
forth in Article 232, paragraph (2), item (i) of the Act shall be 10:1 and the
ratio specified by an ordinance of the competent ministry set forth in the same
paragraph, item (ii) shall be 1:1.

（業務停止命令の事由）

(Reasons for a business suspension order)

第二百二十四条 法第二百三十二条第二項第四号の主務省令で定める場合は、次のとおり
とする。

Article 124 (1) Cases specified by an ordinance of the competent ministry set
forth in Article 232, paragraph (2), item (iv) of the Act shall be as follows:

一 純資産額が第八十一条において定める額を下回るおそれがある場合

(i) in the case where the amount of the net assets is likely to be less than the
amount specified in Article 81;

二 商品取引員の純資産額が資本金の額を下回った場合

(ii) in the case where the amount of the net assets of a Futures Commission
Merchant is below the amount of stated capital;

三 顧客との間に紛争がひん発し、又は使用人に対する指導監督が不適切であるため
紛争がひん発するおそれがある場合

(iii) in the case where disputes with a customer occur frequently or disputes

are likely to occur frequently due to the inappropriate instruction and supervision of employees;

四 商品取引員の自己の計算による商品市場における取引であって決済を結了していないもの（他の商品取引員に委託しているものを含む。）の数量（他の法人に対して支配関係を持っている商品取引員にあっては、当該数量に当該法人の自己の計算による商品市場における取引であって決済を結了していないものの数量を加えた数量）が当該商品取引員の純資産額又は受託に係る商品市場における取引であって決済を結了していないものの数量に比し過大である場合

(iv) in the case where the volume of transactions on a Commodity Market based on a Futures Commission Merchant's account (if a Futures Commission Merchant has a controlling interest in other juridical persons, the volume shall be the result of the volume of transactions based on said juridical person's account on the Commodity Market and for which settlement has not been completed, added to said volume) for which settlement has not been completed (including those consigned to other Futures Commission Merchants) is extremely high in comparison with the amount of said Futures Commission Merchant's net assets or the volume of transactions on the Commodity Market pertaining to brokerage for which settlement has not been completed;

五 商品取引員が、その取り扱う個人である顧客に関する情報の安全管理、従業員の監督及び当該情報の取扱いを委託する場合にはその委託先の監督について、当該情報の漏えい、滅失又はき損の防止を図るために必要かつ適切な措置を講じていない場合

(v) in the case where a Futures Commission Merchant has not taken the necessary and appropriate measures with regard to the supervision of a consignee in order to prevent the leakage, loss, or damage of said information in the case of consigning the safe control of handling personal information pertaining to a customer, supervision of workers, or handling of said information;

六 商品取引員が、その取り扱う個人である顧客に関する人種、信条、門地、本籍地、保健医療又は犯罪経歴についての情報その他の特別の非公開情報（その業務上知り得た公表されていない情報をいう。）を、適切な業務の運営の確保その他必要と認められる目的以外の目的のために利用しないことを確保するための措置を講じていない場合

(vi) in the case where a Futures Commission Merchant has not taken sufficient measures to ensure that personal information regarding race, creed, family origin, domicile of origin, healthcare, or criminal background of a customer and other specified Non-Public Information (which means information learned in connection with business and which has not yet been publicly disclosed) is not used for a purpose other than for ensuring the appropriate operation of the business and for other purposes which are determined to be

necessary.

2 第三十八条の規定は、前項第一号及び第二号の純資産額について準用する。

(2) The provisions of Article 38 shall apply to the amount of the net assets under the preceding paragraph, item (i) and item (ii).

(負債の合計金額等の計算基準)

(Calculation basis of total amount of liabilities, etc.)

第百二十五条 法第二百三十二条第三項の規定により負債の合計金額を計算するときは、様式第一号により作成した純資産額に関する調書の負債の部に計上されるべき金額（商品取引責任準備金の金額を除く。）を合計するものとする。

Article 125 (1) When calculating the total amount of liabilities pursuant to the provisions of Article 232, paragraph (3) of the Act, the amounts to be recorded in the liability section of the records pertaining to the amount of the net assets as prepared pursuant to Form No. 1 (excluding the amount of liability reserve for commodity trading) shall be rounded up.

2 法第二百三十二条第三項の規定により流動資産の合計金額を計算するときは、様式第一号により作成した純資産額に関する調書の流動資産の部に計上されるべき金額（第一号及び第二号に掲げる資産の額を合計した額を除く。）を合計するものとし、同項の規定により流動負債の合計金額を計算するときは、様式第一号により作成した純資産額に関する調書の流動負債の部に計上されるべき金額を合計するものとする。

(2) When calculating the total amount of current assets pursuant to Article 232, paragraph (3) of the Act, the amounts to be recorded in the current assets section of the records pertaining to the amount of the net assets as prepared pursuant to Form No. 1 (excluding the total amount of assets set forth in item (i) and item (ii)) shall be rounded up, and when calculating the total amount of current liabilities pursuant to the provisions of the same paragraph, the amounts to be recorded in the current liabilities section of the records pertaining to the amount of the net assets as prepared pursuant to Form No.1 shall be rounded up:

一 委託者未収金及び委託者先物取引差金（流動資産に属するものに限る。）の合計額が商品市場における取引等に関し当該委託者から預託を受けた金銭及び有価証券並びに当該委託者の計算に属する金銭（当該委託者の計算による商品市場における取引であって決済を結了していないものに係る差益金に相当する金銭を除く。次号において同じ。）及び有価証券の合計額を超える場合における当該超える部分

(i) in the case where the total amount of the accounts receivable from a customer and the net difference of Futures Transactions of the customer (limited to those pertaining to current assets) exceeds the total amount of cash and Securities deposited by said customer with regard to Transactions, etc. on the Commodity Market and cash (excluding cash equivalents to profit pertaining to the Transactions on the Commodity Market on said customer's account that have not yet been settled; the same shall apply in the following

- item) and Securities on said customer's account, the said excess portion;
- 二 貸倒引当金のうち委託者未収金の額が商品市場における取引等に関し当該委託者から預託を受けた金銭及び有価証券並びに当該委託者の計算に属する金銭及び有価証券の合計額を超える場合における当該超える部分に係るもの
- (ii) in the case where the amount of the accounts receivable from a customer exceeds the total amount of cash and Securities deposited by said customer and cash, Securities, and Securities on said customer's account with regard to the Transactions, etc., on the Commodity Market, the amount of allowance for uncollectible receivables pertaining to said excess portion.

(負債の額の算定方法)

(Method of calculating the amount of liabilities)

第二百二十六条 令第十三条に規定する負債の額は、貸借対照表の負債の部に計上されるべき負債の額（保証債務の額を含む。）から非居住者に対する債務の額を控除して算定するものとする。

Article 126 The amount of liabilities prescribed in Article 13 of the Order shall be calculated by deducting the amount of liabilities to Non-Residents from the amount of liabilities (including the amount of guaranteed debts) to be recorded in the liability section of the balance sheet.

(協会の設立認可申請書の添付書類)

(Attached documents to applications for approval of establishment of an Association)

第二百二十七条 法第二百四十七条第二項の主務省令で定める書類は、次に掲げるもの（官公署が証明する書類の場合には、認可の申請の日前三月以内に作成されたものに限る。）とする。

Article 127 The documents specified by an ordinance of the competent ministry set forth in Article 247, paragraph (2) of the Act shall be as follows (in the case of documents certified by a public agency, limited to documents prepared within three months prior to the date of filing the registration):

一 法第十五条第二項第一号ハからホまで、リ又はヲのいずれにも該当しないことを誓約する書面

(i) a sworn, written statement that such person does not fall under any of the provisions of Article 15, paragraph (2), item (i), (c) through (e), (i) or (l) of the Act;

二 役員の住民票の写し等、履歴書、その者が法第十五条第二項第一号イ及びロに該当しない旨の官公署の証明書（その者が外国人である場合を除く。）並びにその者が法第十五条第二項第一号ハからルまで（その者が外国人の場合には、同号イからルまで）のいずれにも該当しないことを誓約する書面

(ii) a Copy of the Residence Certificate, etc. and curriculum vitae of each officer, a certificate issued by a public agency certifying that such person does not

fall under Article 15, paragraph (2), item (i), (a) and (b) of the Act (excluding a case where such person is a foreign national), and a sworn, written statement by that person that such person does not fall under any of the provisions of Article 15, paragraph (2), item (i), (c) through (k) of the Act (in the case where such person is a foreign national, (a) to (k) of the same item);
三 設立総会の議事録
(iii) minutes of the initial meeting of association members.

(定款等の変更認可申請書の添付書類)
(Attached documents to an application for approval of an amendment to articles of incorporation, etc.)

第二百二十八条 法第二百五十条第二項の主務省令で定める書類は、次に掲げるものとする。

Article 128 The documents specified by an ordinance of the competent ministry set forth in Article 250, paragraph (2) of the Act shall be as follows:

一 変更の理由を記載した書面

(i) a document stating the reasons for the amendment;

二 新旧条文の対照表

(ii) a comparative table of the prior and amended article provisions;

三 定款の変更認可申請書にあつては、総会の議事録

(iii) in cases of application for approval of an amendment to the articles of incorporation, minutes of General Meetings regarding the amendment;

四 制裁規程又は紛争処理規程の変更認可申請書にあつては、定款その他の規則で定める変更の手続を完了したことを証する書面

(iv) in cases of application for approval of an amendment to sanction rules or dispute resolution rules, a document certifying the completion of amendment procedures prescribed by the articles of incorporation and other rules.

(苦情の処理状況の報告書の提出)

(Submission of report of status of complaint)

第二百二十九条 協会は法第二百五十九条の規定により苦情の相談に応じたときは、毎月末日現在における当該苦情の処理状況についての報告書を作成し、当該報告に係る月の翌月の十日までに主務大臣に提出するものとする。

Article 129 (1) After having responded to any complaints pursuant to the provisions of Article 259 of the Act, the Association shall prepare and submit a report regarding status of said complaint processing as of the end of every month to the competent minister by the 10th day of the month following the month pertaining to said report.

2 前項の報告書には、半期ごとに、次に掲げる調書を添付し、提出するものとする。

(2) Records as set forth in the following shall be attached to the report prescribed in the preceding paragraph and shall be submitted for every semiannual

period:

一 苦情処理状況通知書

(i) written notices to complainants about the status of processing complaints;

二 商品取引員別苦情受付処理件数表

(ii) a table stating the number of complaints received and processed by each Futures Commission Merchant;

三 商品取引所別苦情受付件数表

(iii) a table stating the number of complaints received by each Commodity Exchange.

(あっせん・調停委員会委員の要件)

(Requirement for a member of mediation/conciliation committee)

第三百三十条 法第二百六十条の主務省令で定める要件は、次の各号のいずれにも該当することとする。

Article 130 Requirements specified by an ordinance of the competent ministry set forth in Article 260 of the Act shall be to fall under all of the following items:

一 法第十五条第二項第一号イからルまでのいずれにも該当しないこと。

(i) the committee member does not fall under any of the provisions of Article 15, paragraph (2), item (i), (a) through (k) of the Act;

二 上場商品構成物品等の取引に関係のある事業者団体と関係を持っていないこと。

(ii) the committee member shall not have any relationship with a business organization related to transactions of Listed Commodity Component Products, etc.;

三 商品市場における取引等（商品清算取引を除く。）の委託を受けること又は商品市場における取引を業として営む企業の役員、顧問若しくは評議員となり、直接間接に当該企業の経営に参加し、当該企業から反対給付を受け、又は当該企業に投資していないこと。

(iii) the committee member shall not be an officer, advisor, or councilor of any enterprise, in the course of trade, engaged in accepting the consignment of transactions, etc., on the Commodity Market (excluding Commodity Clearing Transactions) or carrying out transactions on the Commodity Market, nor joining directly or indirectly in the management of said enterprise, nor receiving any compensation for performance from said enterprise, nor investing in said enterprise.

(あっせん及び調停の処理状況の報告書の提出)

(Submission of report of status of processing mediation/conciliation)

第三百三十一条 協会は法第二百六十一条の規定によりあっせん又は調停を行ったときは、毎月末日現在における当該あっせん又は調停の処理状況についての報告書を作成し、当該報告に係る月の翌月の十日までに主務大臣に提出しなければならない。

Article 131 When having conducted mediation/conciliation pursuant to the provision of Article 261 of the Act, the Association shall prepare and submit a report regarding the status of processing said mediation/conciliation as of the end of every month to the competent minister by the 10th day of the month following the month pertaining to said report.

(協会に係る検査職員の身分証明書)

(Identification of inspection officials pertaining to the Association)

第三百三十二条 法第二百六十三条第二項において準用する法第一百五十七条第三項の規定により職員が携帯すべき証明書は、様式第二十号による。

Article 132 Identification that officials shall carry shall be prepared according to Form No. 20 pursuant to the provisions of Article 157, paragraph (3) of the Act which is applied mutatis mutandis pursuant to Article 263, paragraph (2) of the Act.

(残余財産の帰属)

(Assignment of residual assets)

第三百三十三条 委託者保護会員制法人（法第二百六十九条第四項に規定する委託者保護会員制法人をいう。以下同じ。）の清算人は、法第二百九十二条の規定により、当該委託者保護会員制法人の残余財産をその会員が納付した法第三百十四条第一項に規定する負担金の累計額その他当該委託者会員制法人の指定する基準に応じて、当該会員がそれぞれ加入している又は加入することとなる委託者保護基金に帰属させなければならない。

Article 133 The liquidator of a Consignor Protection Membership Corporation (which means a Consignor Protection Membership Corporation prescribed in Article 269, paragraph (4) of the Act; the same shall apply hereinafter) shall assign the retained residual assets of said Consignor Protection Membership Corporation to a Consumer Protection Fund, which members have joined or will join pursuant to the provisions of Article 292 of the Act, corresponding to the standards specified by said Consignor Protection Membership Corporation, including the accumulated amount of assessment charges that said members have paid as prescribed in Article 314, paragraph (1) of the Act.

(申請書に添付すべき書類)

(Attached documents to an application)

第三百三十四条 法第二百九十四条第一項の規定により登録の申請をしようとする委託者保護会員制法人は、申請書に次に掲げる書類（官公署が証明する書類の場合には、登録の申請の日前三月以内に作成されたものに限る。）を添付しなければならない。

Article 134 A Consignor Protection Membership Corporation which intends to file for registration pursuant to Article 294, paragraph (1) of the Act shall attach the documents set forth in the following items (in the case of documents

certified by a public agency, limited to documents prepared within three months prior to the date of filing the registration):

一 役員の住民票の写し等、履歴書、その者が法第十五条第二項第一号イ及びロに該当しない旨の官公署の証明書（その者が外国人である場合を除く。）並びにその者が法第十五条第二項第一号ハからルまで（その者が外国人の場合には、同号イからルまで）のいずれにも該当しないことを誓約する書面

(i) a Copy of the Residence Certificate, etc. and curriculum vitae of each officer; a certificate issued by a public agency certifying that such person does not fall under Article 15, paragraph (2), item (i), (a) and (b) of the Act (excluding a case where such person is a foreign national), and a sworn, written statement by that person that such person does not fall under any of the provisions of Article 15, paragraph (2), item (i), (c) through (k) of the Act (in the case where such person is a foreign national, (a) to (k) of the same item);

二 定款

(ii) the articles of incorporation;

三 登記事項証明書

(iii) a certificate of registered matters;

四 会員の名簿

(iv) the Member register;

五 登録の申請の日前三十日以内に様式第一号により作成したその者の純資産額に関する調書

(v) the records pertaining to the amount of such person's net assets prepared according to Form No. 1 within thirty days prior to the filing of the registration.

（業務規程の記載事項）

(Matters to be included in market rules)

第三百五十五条 法第三百二条第二項第三号の主務省令で定める事項は、次に掲げる事項とする。

Article 135 The matters specified by an ordinance of the competent ministry set forth in Article 302, paragraph (2), item (iii) of the Act shall be the following matters:

一 法第三百六条第一項の規定による一般委託者に対する支払に関する事項

(i) matters pertaining to payments to General Customers prescribed in Article 306, paragraph (1) of the Act;

二 法第三百七条第四項の規定による補償対象債権（法第三百六条第一項に規定する補償対象債権をいう。）の取得に関する事項

(ii) matters pertaining to the acquisition of Claims Subject to Compensation (which means claims subject to compensation prescribed in Article 306, paragraph (1) of the Act) prescribed in Article 307, paragraph (4) of the Act;

三 法第三百八条第一項の規定による資金の貸付けに関する事項

(iii) matters pertaining to a loan of funds prescribed in Article 308, paragraph (1) of the Act;

四 法第三百九条の規定による保全対象財産の預託の受入れ及び管理に関する事項

(iv) matters pertaining to the acceptance and management of deposits of Property Subject to Preservation prescribed in Article 309 of the Act;

五 法第三百十条に規定する一般委託者債務の迅速な弁済に資するための業務に関する事項

(v) matters pertaining to the business of expeditious repayment of liabilities of a General Customer prescribed in Article 310 of the Act;

六 法第三百十一条第一項に規定する裁判上又は裁判外の行為に関する事項

(vi) matters pertaining to judicial or extra-judicial acts prescribed Article 311, paragraph (1) of the Act;

七 その他必要と認める事項

(vii) other matters determined to be necessary.

(補償対象債権の評価方法)

(Evaluation method of claims subject to compensation)

第三百三十六条 法第三百六条第一項の主務省令で定めるところにより算出した金額は、次の各号に掲げる場合の区分に応じ、当該各号に定める金額とする。

Article 136 The amount calculated pursuant to an ordinance of the competent ministry set forth in Article 306, paragraph (1) of the Act shall be the amount specified in the following items for the categories of cases set forth respectively in those items:

一 補償対象債権に係る委託者資産が金銭である場合 当該委託者資産の金額

(i) in cases where a customer's assets pertaining to claims subject to compensation are cash: the amount of said customer's assets;

二 補償対象債権に係る委託者資産が金融商品取引所（外国において設立されている類似の性質を有するものを含む。以下この条において同じ。）に上場されている有価証券である場合 委託者保護基金が法第三百五条第一項の規定による公告をした日の金融商品取引所における最終価格（当該最終価格がないときは、認可金融商品取引業協会（金融商品取引法第二条第十三号に規定する認可金融商品取引業協会をいう。以下同じ。）が発表する当該公告をした日の気配相場又は、その日前における直近の日の当該金融商品取引所における最終価格のうち、委託者保護基金が指定するもの）に基づき算出した金額

(ii) in cases where a customer's assets pertaining to claims subject to compensation are Securities listed on a Financial Instruments Exchange (including similar markets established in foreign states; hereinafter the same shall apply in this Article): the amount calculated using the closing prices of such Securities on the Financial Instruments Exchange on the date that the Consumer Protection Fund published a public notice prescribed in the provisions of Article 305, paragraph (1) of the Act (if said closing prices

do not exist, indicative price quotations published by the Authorized Financial Instruments Firms Association [which means an Authorized Financial Instruments Firms Association prescribed in Article 2, item (xiii) of the Financial Instruments and Exchange Act; the same shall apply hereinafter] on the date of said public notice, or the closing prices of the said Financial Instruments Exchange on the nearest date prior to the date of said public notice, whichever is specified by the Consumer Protection Fund);

三 補償対象債権に係る委託者資産が店頭売買有価証券（金融商品取引法第二条第八項第十号ハに規定する店頭売買有価証券をいう。以下同じ。）である場合 委託者保護基金が法第三百五条第一項の規定による公告をした日の当該補償対象債権に係る店頭売買有価証券を登録する認可金融商品取引業協会（当該店頭売買有価証券が二以上の認可金融商品取引業協会に登録されているときは、委託者保護基金が指定する認可金融商品取引業協会とする。）が公表する最終価格（当該最終価格がないときは、その日前における直近の日に当該認可金融商品取引業協会が公表した最終価格）に基づき算出した金額

(iii) in cases where a customer's assets pertaining to claims subject to compensation are Over-the-Counter Traded Securities (which means Over-the-Counter Traded Securities prescribed in Article 2, paragraph (8), item (x), (c) of the Financial Instruments and Exchange Act; the same shall apply hereinafter): the amount calculated based on the closing price of such Securities published by the Authorized Financial Instruments Firms Association to which the Consumer Protection Fund registers Over-the-Counter Traded Securities pertaining to said claims subject to compensation (when said Over-the-Counter Traded Securities are registered by more than one Authorized Financial Instruments Firms Association, the Authorized Financial Instruments Firms Association specified by the Consumer Protection Fund), on the date of public notice pursuant to the provisions of Article 305, paragraph (1) of the Act (if said closing price does not exist, the closing price published by said Authorized Financial Instruments Firms Association on the nearest date prior to the date of public notice);

四 補償対象債権に係る委託者資産が前三号に規定する金銭及び有価証券以外の財産である場合 委託者保護基金が法第三百五条第一項の規定による公告をした日の公表されている最終価格に基づき算出した金額又はこれに準ずるものとして合理的な方法により算出した金額

(iv) in cases where a customer's assets pertaining to claims subject to compensation are properties other than cash and Securities prescribed in the preceding three items: the amount calculated based on the closing price of such Securities published on the date that the Consumer Protection Fund published a public notice pursuant to Article 305, paragraph (1) of the Act, or the equivalent amount calculated by a reasonable method.

(実質的支配が可能な関係)

(Relationships that constitute substantial control)

第三百三十七条 令第十九条第二号の主務省令で定める関係は、次の各号に掲げるものとする。

Article 137 Relationships specified by an ordinance of the competent ministry set forth in Article 19, item (ii) of the Order shall be as listed in the following items:

一 商品取引員の営む業務に従事し、又は従事していた者が他の法人の役員の過半数又は代表する権限を有する役員の過半数を占めるその法人に対する関係

(i) a relationship with another such juridical person, when persons who are engaged or were engaged in the business carried out by a Futures Commission Merchant occupy a majority of the positions of officers or officers with representation rights of another juridical person;

二 商品取引員が、他の法人の総株主等（令第七条第一項第三号に規定する総株主等をいう。）の議決権（令第七条第一項第三号に規定する議決権をいう。）の百分の十以上百分の五十以下に相当する議決権を保有し、かつ、その法人の事業活動の主要部分について継続的で緊密な関係を維持するその法人に対する関係（前号に掲げるものを除く。）

(ii) a relationship with another such juridical person (excluding the relationship listed in the preceding item) when a Futures Commission Merchant possesses no fewer than 10 percent and no more than 50 percent of the Voting Rights (which means a voting right prescribed in Article 7, paragraph (1), item (iii) of the Order) of All Shareholders, etc. (which means all shareholders, etc., prescribed in Article 7, paragraph (1), item (iii) of the Order) of another juridical person, and maintains a continuing and close relationship in key portions of such juridical person's business activity.

(保全対象財産の預託の受入れ及び管理)

(Acceptance and management of deposits of Property Subject to Preservation)

第三百三十八条 委託者保護基金は、法第三百九条の規定により、その会員である商品取引員から保全対象財産の全部又は一部の預託を受ける場合には、第九十八条第一項第二号に定めるところにより行うものとする。

Article 138 (1) When accepting the whole or a portion of a deposit of Property Subject to Preservation from a Member pursuant to Article 309 of the Act, the Consumer Protection Fund shall conduct procedures pursuant to Article 98, paragraph (1), item (ii).

2 委託者保護基金は、法第三百九条の規定に基づきその会員である商品取引員から預託を受けた保全対象財産を管理するときは、次項の規定に基づき管理されるものを除き、次に掲げる方法により当該保全対象財産を管理するものとする。

(2) When managing Property Subject to Preservation deposited by a Member Futures Commission Merchant, based on the provisions of Article 309 of the

Act, the Consumer Protection Fund shall manage said Property Subject to Preservation by the following methods (excluding property managed by the provisions of the following paragraph):

一 銀行への預金（保全対象財産であることがその名義により明らかなものに限る。）

(i) by depositing the funds in a bank account (limited to deposit accounts that are obvious as Property Subject to Preservation by the account name);

二 信託業務を営む金融機関への金銭信託（金融機関の信託業務の兼営等に関する法律第六条の規定により元本の補てんの契約をしたものであって、保全対象財産であることがその名義により明らかなものに限る。）

(ii) by using cash in the trust of Financial Institutions Engaged in Trust Business (limited to those with contracts for the replacement of losses pursuant to the provisions of Article 6 of the Act on Additional Operation of Trust Business by a Financial Institution and in trust accounts that are obvious as Property Subject to Preservation by the account name).

3 委託者保護基金は、法第三百九条の規定に基づき保全対象財産である有価証券を管理するときは、次の各号に掲げる有価証券の区分に応じ、当該各号に定める方法により当該有価証券を管理するものとする。

(3) When managing Securities as Property Subject to Preservation, pursuant to the provisions of Article 309 of the Act, the Consumer Protection Fund shall manage said Securities by the method specified in the following items for the categories of Securities set forth respectively in those items:

一 委託者保護基金が保管することにより管理する有価証券（混蔵して保管される有価証券を除く。次号において同じ。） 保全対象財産である有価証券の保管場所については自己の固有財産である有価証券その他の保全対象財産である有価証券以外の有価証券（以下この条において「基金固有有価証券等」という。）の保管場所と明確に区分し、かつ、保全対象財産である有価証券についてどの会員から預託を受けた有価証券であるかが直ちに判別できる状態で保管することにより管理する方法

(i) Securities for retention under the management of a Consumer Protection Fund (excluding Securities which are retained and commingled; the same shall apply to the following item): a management method by which the location for the retention of Securities that are Properties Subject to Preservation is clearly separate from that for Securities of a person's own property and other Securities than Property Subject to Preservation (hereinafter referred to as the "Fund's Securities, etc." in this Article), and that Securities that are Property Subject to Preservation are retained in an available condition that is immediately distinguishable as to which Member deposited such property;

二 委託者保護基金が第三者をして保管させることにより管理する有価証券 当該第三者をして、保全対象財産である有価証券の保管場所については基金固有有価証券等の保管場所と明確に区分させ、かつ、保全対象財産である有価証券についてどの

会員から預託を受けた有価証券であるかが直ちに判別できる状態で保管させることにより管理する方法

(ii) Securities for retention under the management of a Consumer Protection Fund using a third party: a management method by which the Consumer Protection Fund uses a third party to control the location for the retention of Securities that are Properties Subject to Preservation, clearly separating them from the location for the retention of Fund's Securities, etc., and to retain Securities that are Properties Subject to Preservation in an available condition that is immediately distinguishable as to which Member deposited such property;

三 委託者保護基金が保管することにより管理する有価証券（混蔵して保管される有価証券に限る。次号において同じ。） 保全対象財産である有価証券の保管場所については基金固有有価証券等の保管場所と明確に区分し、かつ、各会員から預託を受けた保全対象財産である有価証券に係る持分が自己の帳簿により直ちに判別できる状態で保管することにより管理する方法

(iii) Securities for retention under the management of a Consumer Protection Fund (limited to Securities which are retained and commingled; the same shall apply to the following item): a management method by which the location for the retention of Securities that are Properties Subject to Preservation is clearly separate from that for the Fund's Securities, etc., and that equity interests pertaining to Securities that are Properties Subject to Preservation and are deposited from each Member are retained in an available condition that is immediately distinguishable by using a person's own books;

四 委託者保護基金が第三者をして保管させることにより管理する有価証券 当該第三者をして、保全対象財産である有価証券を預託する者のための口座については委託者保護基金の自己の口座と区分する等の方法により、保全対象財産である有価証券に係る持分が直ちに判別でき、かつ、各会員から預託を受けた保全対象財産である有価証券に係る持分が自己の帳簿により直ちに判別できる状態で保管させることにより管理する方法

(iv) Securities for retention under the management of a Consumer Protection Fund using a third party: a management method by which the Consumer Protection Fund uses a third party to retain the accounts for a person who deposited Securities that are Properties Subject to Preservation in an available condition so as to immediately distinguish the equity interests pertaining to Securities that are Properties Subject to Preservation by a method such as separating the accounts from the Consumer Protection Fund's own accounts and making the equity interests pertaining to such Securities that are Properties Subject to Preservation, immediately distinguishable by using a person's own books.

(迅速な弁済に資するための業務)

(Business for expeditious repayment)

第百三十九条 法第三百十条の主務省令で定める業務は、次に掲げる業務とする。

Article 139 (1) Businesses specified by an ordinance of the competent ministry set forth in Article 310 of the Act shall be as listed in the following:

一 委託者保護基金の会員である商品取引員の信託管理人としての業務

(i) a business as a trust administrator of a Futures Commission Merchant which is a member of the Consumer Protection Fund;

二 第九十八条第一項第一号に定めるところによる信託契約に基づく受益者代理人としての業務

(ii) a business as an agent for a beneficiary based on a trust contract prescribed in Article 98, paragraph (1), item (i);

三 第九十八条第一項第二号及び前条に定めるところにより預託を受けた保全対象財産を原資として、当該預託をした商品取引員に代わって当該商品取引員の委託者債務の弁済を行う業務

(iii) establishing as the source the Property Subject to Preservation deposited pursuant to Article 98, paragraph (1), item (ii) and the preceding Article, a business on behalf of a Futures Commission Merchant who committed to said deposit to repay Debts to a Customer of said Futures Commission Merchant;

四 保証委託契約に基づき金融機関から支払いを受けた金銭を原資として、当該保証委託をした商品取引員に代わって当該商品取引員の委託者債務の弁済を行う業務

(iv) establishing as the source the cash paid by financial institutions based on an Indemnity Agreement, a business on behalf of a Futures Commission Merchant who consigned said indemnity to repay Debts to a Customer of said Futures Commission Merchant;

五 代位弁済委託契約に基づき、当該代位弁済委託をした商品取引員に代わって当該商品取引員の委託者債務の弁済を行う業務

(v) based on a Subrogation Consignment Agreement, a business on behalf of a Futures Commission Merchant who accepted said Subrogation Consignment to repay Debts to a Customer of said Futures Commission Merchant.

2 委託者保護基金は、毎月、前項各号に掲げる業務の状況に関する報告書を作成し、当該報告に係る月の翌月の十日までに主務大臣に提出するものとする。

(2) The Consumer Protection Fund shall prepare a monthly report pertaining to the business status set forth in the respective items of the preceding paragraph and submit the report to the competent minister by the 10th day of the month following the subject month of said report.

(勘定区分)

(Accounts)

第百四十条 法第三百十六条第二項の主務省令で定める勘定区分は、次のとおりとする。

Article 140 (1) Accounts specified by an ordinance of the competent ministry set

forth in Article 316, paragraph (2) of the Act shall be as follows:

一 委託者保護資金勘定（法第二百六十九条第三項第一号及び第二号に掲げる業務に係る勘定をいう。）

(i) an Account for the Consumer Protection Fund (which means an account pertaining to a business set forth in Article 269, paragraph (3), item (i) and item (ii) of the Act);

二 保全対象財産勘定（法第二百六十九条第三項第三号に掲げる業務及び前条第一項第一号から第三号までに掲げる業務に係る勘定をいう。）

(ii) an Account for Property Subject to Preservation (which means an account pertaining to a business set forth in Article 269, paragraph (3), item (iii) of the Act, and to a business set forth in paragraph (1), items 1 through 3 of the preceding Article);

三 委託者債務代位弁済勘定（前条第一項第四号に掲げる業務に係る勘定をいう。）

(iii) an Account for the Subrogation of Debts to a Customer (which means an account pertaining to a business set forth in paragraph (1), item (iv) of the preceding Article);

四 一般勘定

(iv) a general account.

2 委託者保護基金の会計においては、前項各号に掲げる勘定ごとに経理を区分し、それぞれについて貸借対照表勘定及び損益勘定を設けて経理するものとする。

(2) An account of the Consumer Protection Fund shall be separated for each account as set forth in the respective items of the preceding paragraph and each account shall be treated as a separate balance sheet account item and separate profit and loss account items.

(予算の内容)

(Contents of budget)

第百四十一条 委託者保護基金の予算は、予算総則及び収入支出予算とする。

Article 141 The Budget of the Consumer Protection Fund shall consist of the general budget provisions and an income and expenditure budget.

(予算総則)

(General budget provisions)

第百四十二条 予算総則には、収入支出予算に関する総括的規定を設けるほか、次に掲げる事項に関する規定を設けるものとする。

Article 142 General budget provisions shall include comprehensive provisions pertaining to income and expenditure budgets and the provisions pertaining to the matters listed below:

一 第百四十六条の規定による債務を負担する行為について、事項ごとにその負担する債務の限度額、その行為に基づいて支出すべき年限及びその必要な理由

(i) with regard to actions to provide for debts under the provisions of Article

146, an amount of the limit of debts associated with each matter, the term to satisfy the debts based on said actions, and the reasons for such necessity;

二 第四百七条第二項の規定による経費の指定

(ii) the designation of expenses as per the provisions of Article 147, paragraph (2);

三 前号に掲げる事項のほか、予算の実施に必要な事項

(iii) the matters set forth in the preceding items and other matters necessary for the implementation of the budget.

(収入支出予算)

(Income and expenditure budgets)

第四百三十三条 収入支出予算は、収入にあつてはその性質、支出にあつてはその目的に従つて区分する。

Article 143 Income and expenditure budgets shall be separated according to the nature of the income, and as to the purpose for the expenditure.

(予算の添付書類)

(Attached documentation to budgets)

第四百四十四条 委託者保護基金は、法第三百十七条の規定により予算を提出しようとするときは、次に掲げる書類を添付して主務大臣に提出しなければならない。ただし、同条後段の規定により予算を変更したときは、第一号の書類は、添付することを要しない。

Article 144 When intending to submit a budget pursuant to the provisions of Article 317 of the Act, the Consumer Protection Fund shall attach and submit the following documents to the competent minister; provided, however, that when the budget is changed pursuant to the provisions of the second sentence of the same Article, the document prescribed in item (i) is not required to be attached:

一 直前事業年度の予定貸借対照表及び予定損益計算書

(i) a projected balance sheet and projected income statement for the prior fiscal year;

二 当該事業年度の予定貸借対照表及び予定損益計算書

(ii) a projected balance sheet and projected income statement for the current business year;

三 前二号に掲げるもののほか、当該予算の参考となる書類

(iii) any documents that serve as a reference for such budget in addition to those set forth in the preceding two items.

(予備費)

(Contingency funds)

第四百五十五条 委託者保護基金は、予見することができない理由による支出予算の不足

を補うため、収入支出予算に予備費を設けることができる。

Article 145 The Consumer Protection Fund can provide contingency funds with regard to an income and expenditure budget in order to compensate for variances in items of an unpredictable nature in an expenditure budget.

(債務を負担する行為)

(Act to assume debts)

第百四十六条 委託者保護基金は、支出予算の金額の範囲内におけるもののほか、その業務を行うために必要があるときは、毎事業年度、予算をもって主務大臣に提出した金額の範囲内において、債務を負担する行為をすることができる。

Article 146 The Consumer Protection Fund can assume debts within the scope of the expenditure budget and within the scope of the amount of the budget submitted to the competent minister for every fiscal year as necessary to conduct a business.

(予算の流用等)

(Diversion of budgeted funds)

第百四十七条 委託者保護基金は、支出予算については、当該予算に定める目的の外に使用してはならない。ただし、予算の実施上適当かつ必要であるときは、第百四十三条の規定による区分にかかわらず、第百四十条第一項各号に掲げる勘定の予算の範囲内において相互流用することができる。

Article 147 (1) The Consumer Protection Fund shall not use the funds represented in an expenditure budget for any purpose other than as specified in said budget; provided, however, that if it is appropriate and necessary for the implementation of the budget, the budget funds can be diverted within the scope of the budget of the accounts set forth in the respective items of Article 140, paragraph (1), notwithstanding the categories under Article 143.

2 委託者保護基金は、予算総則で指定する経費の金額については、総会の議決を経なければ、それらの経費の間若しくは他の経費との間に相互流用し、又はこれに予備費を使用することができない。

(2) The Consumer Protection Fund shall not divert funds for the amount of an expense designated by general budget provisions to any of the Consumer Protection Fund's other budgeted expenditure items, nor to other non-Fund expenditures, nor apply the contingency funds, without obtaining a resolution to do so from the shareholders at a General Meeting.

(資金計画)

(Funding plans)

第百四十八条 委託者保護基金の資金計画には、次に掲げる事項に関する計画を掲げなければならない。

Article 148 (1) Funding plans for the Consumer Protection Fund shall be set

forth pertaining to the following matters:

一 資金の調達方法

(i) sources and methods of raising funds;

二 資金の用途

(ii) uses of funds;

三 その他必要な事項

(iii) other necessary matters.

2 委託者保護基金は、法第三百十七条後段の規定により資金計画を変更したときは、当該変更に係る事項及びその理由を記載した書面を主務大臣に提出しなければならない。

(2) When a funding plan is changed pursuant to the provisions of the second sentence of Article 317 of the Act, the Consumer Protection Fund shall submit a document including the matters pertaining to and the reasons for said change to the competent minister.

(収入支出等の報告)

(Report of income and expenditure, etc.)

第百四十九条 委託者保護基金は、四半期ごとに、収入及び支出については合計残高試算表により、第百四十六条の規定により負担した債務については事項ごとに金額を明らかにした報告書により、当該四半期経過後一月以内に、主務大臣に報告しなければならない。

Article 149 The Consumer Protection Fund shall report quarterly total income and expenditure by schedules of detailed account balances and report quarterly the debts that they assumed pursuant to the provisions of Article 146 by the amounts as stated by each matter to the competent minister within one month after the end of each calendar quarter.

(事業報告書)

(Business report)

第百五十条 委託者保護基金の事業報告書には、事業の実績及び資金計画の実施の結果を記載しなければならない。

Article 150 The Business Report of the Consumer Protection Fund shall include the business results and the results of funding plans.

(決算報告書)

(Settlement of accounts)

第百五十一条 委託者保護基金の決算報告書は、収入支出決算書及び債務に関する計算書とする。

Article 151 (1) The settlement of accounts of the Consumer Protection Fund shall be financial statements pertaining to income and expenditure, and debts.

2 前項の決算報告書には、第百四十二条の規定により予算総則に規定した事項に係る

予算の実施の結果を示さなければならない。

(2) The settlement of accounts as prescribed in the preceding paragraph shall indicate the actual results compared with budgeted items pertaining to the matters prescribed in the general provisions of budgets pursuant to the provisions of Article 142.

(収入支出決算書等)

(Financial statements, etc.)

第百五十二条 前条第一項の収入支出決算書は、収入支出予算と同一の区分により作成し、かつ、これに次に掲げる事項を記載しなければならない。

Article 152 (1) Financial statements prescribed in paragraph (1) of the preceding Article shall be prepared based on the same distinctions between income and expenditure by item as in the prepared budgets and shall state the matters as set forth in the following:

一 収入

(i) income:

イ 収入予算額

(a) the amount of budgeted income;

ロ 収入決定済額

(b) the determined amount of income;

ハ 収入予算額と収入決定済額との差額

(c) the difference between the amount of budgeted income and the determined amount of income;

二 支出

(ii) expenditure:

イ 支出予算額

(a) the amount of the budgeted expenditure;

ロ 予備費の使用の金額及びその理由

(b) the amount of contingency funds to be applied if any, and the reasons for such application;

ハ 流用の金額及びその理由

(c) the amount of diversion if any, and the reasons for such diversion;

ニ 支出予算現額

(d) the actual budget for the expenditure;

ホ 支出決定済額

(e) the determined amount of the expenditure;

ヘ 不用額

(f) the amount of unused budgeted funds for the expenditure.

2 前条第一項の債務に関する計算書には、第百四十六条の規定により負担した債務の金額を事項ごとに示さなければならない。

(2) The financial statements pertaining to debts under paragraph (1) of the

preceding Article shall state the amount of debts assumed pursuant to the provisions of Article 146 for each matter.

(余裕金等の運用方法)

(Method of utilization of surplus funds, etc.)

第百五十三条 法第三百二十条第三号の主務省令で定める方法は、信託業務を営む金融機関への信託とする。

Article 153 The method specified by an ordinance of the competent ministry set forth in Article 320, item (iii) of the Act shall be a trust account with a Financial Institution Engaged in Trust Business.

(会計規程)

(Accounting rules)

第百五十四条 委託者保護基金は、その財務及び会計に関し、会計規程を定めるものとする。

Article 154 (1) The Consumer Protection Fund shall determine accounting rules with regard to its finance and accounting.

2 委託者保護基金は、前項の会計規程を定めようとするときは、主務大臣の承認を受けるものとする。これを変更しようとするときも、同様とする。

(2) When determining accounting rules prescribed in the preceding paragraph, the Consumer Protection Fund shall obtain the approval of the competent minister. The same shall apply when intending to amend accounting rules.

(委託者保護基金に係る検査職員の身分証明書)

(Identification of inspection officials pertaining to the Consumer Protection Fund)

第百五十五条 法第三百二十一条第二項において準用する法第一百五十七条第三項の規定により職員が携帯すべき証明書は、様式第二十一号による。

Article 155 Identification that officials shall carry shall be prepared according to Form No. 21 pursuant to the provisions of Article 157, paragraph (3) of the Act which is applied mutatis mutandis pursuant to Article 321, paragraph (2) of the Act.

(第一種特定商品市場類似施設の取引方法)

(Method of transaction at a Facility Similar to a Type 1 Specified Commodity Market)

第百五十六条 法第三百三十二条第一項第一号の主務省令で定める方法は、第一種特定施設取引参加者の提示した取引条件が、取引の相手方となる他の第一種特定施設取引参加者の提示した取引条件と、第一種特定商品市場類似施設を介して行われる当事者間の交渉に基づかず一致する場合に、当該第一種特定施設取引参加者の提示した取引条件を用いる方法とする。

Article 156 The method specified by an ordinance of the competent ministry set forth in Article 332, paragraph (1), item (i) of the Act shall be a method of adopting trading terms offered by a Type 1 Specified Facility Trading Participant when the trading terms offered by said Type 1 Specified Facility Trading Participant correspond to trading terms offered by another Type 1 Specified Facility Trading Participant, which is the counterparty of the trade, without relying on negotiation between the parties through a Facility Similar to a Type 1 Specified Commodity Market.

(第一種特定商品市場類似施設の開設許可の申請書の添付書類)

(Attached documents to the written application for permission for establishment of a Facility Similar to a Type 1 Specified Commodity Market)

第百五十七条 法第三百三十二条第三項の主務省令で定める書類は、次に掲げるもの(官公署が証明する書類の場合には、許可の申請の日前三月以内に作成されたものに限る。)とする。

Article 157 The documents specified by an ordinance of the competent ministry set forth in Article 332, paragraph (3) of the Act shall be as follows (in the case of certifications issued by a public agency, limited to documents prepared within three months prior to the date of filing the application for the permission):

一 法第十五条第二項第一号イからルまでのいずれにも該当しないことを誓約する書面

(i) a sworn, written statement that the facility does not fall under any of the provisions of Article 15, paragraph (2), item (i), (a) through (k) of the Act;

二 法人にあっては、次に掲げる場合に応じ、それぞれ次に定める書面

(ii) in the case of juridical persons, a document specified as follows corresponding to each case:

イ 役員が外国人である場合 当該役員の住民票の写し等、履歴書及びその者が法第十五条第二項第一号イからルまでのいずれにも該当しないことを誓約する書面

(a) in cases where an officer of the facility is a foreign national: a Copy of the Residence Certificate, etc. and curriculum vitae of said officer, and a sworn, written statement by that person that such person does not fall under any of the provisions of Article 15, paragraph (2), item (i), (a) through (k) of the Act;

ロ 役員が法人である場合 当該役員の登記事項証明書、沿革を記載した書面及び法第十五条第二項第一号ヲに該当しないことを誓約する書面

(b) in cases where an officer of the facility is a juridical person: a certificate of the registered matters of said officer, a document stating corporate development, and a sworn, written statement by that person that such person does not fall under the provisions of Article 15, paragraph (2), item (i), (l) of the Act;

- ハ 役員が外国人又は法人でない場合 当該役員の住民票の写し等、履歴書、その者が法第十五条第二項第一号イ及びロに該当しない旨の官公署の証明書並びにその者が同号ハからルまでのいずれにも該当しないことを誓約する書面
- (c) in cases where an officer of the facility is neither a foreign national nor a juridical person: a Copy of the Residence Certificate, etc. and curriculum vitae of said officer; a certification issued by a public agency that such person does not fall under the provisions of Article 15, paragraph (2), item (i), (a) and (b) of the Act; and a sworn, written statement by that person that such person does not fall under any of the provisions of (c) through (k) of the same item;
- 三 取引の対象となる商品又は取引の対象となる商品指数及び取引方法の詳細な説明を記載した書面
- (iii) a document stating the Commodity subject to the transaction or the Commodity Index subject to the transaction, and a detailed explanation of the transaction method;
- 四 第一種特定施設取引参加者の氏名又は商号若しくは名称及び主たる事務所又は本店の所在地を記載した書面
- (iv) a document stating the name or trade name, and address of the principal office or head office of the Type 1 Specified Facility Trading Participant;
- 五 取引の対象となる商品又は取引の対象となる商品指数ごとに、第一種特定施設取引参加者の過半数の者が、当該商品の売買等を業として行っている者又は当該商品指数の対象となる商品の売買等を業として行っている者であることを誓約する書面
- (v) a sworn, written statement that for each Commodity subject to the transaction or Commodity Indices subject to the transaction, the majority of the Type 1 Specified Facility Trading Participants are persons who are, in the course of trade, engaged in the Buying and Selling, etc., of said Commodity or the Commodity subject to said Commodity Indices;
- 六 組織等の業務執行体制を記載した書面
- (vi) a document stating the business operation system, such as organizations, etc.;
- 七 第一種特定商品市場類似施設の開設後一年間の取引量の見込みを記載した書面
- (vii) a document stating the estimated transaction volume for one year after the establishment of a Facility Similar to a Type 1 Specified Commodity Market;
- 八 第一種特定商品市場類似施設を開設する業務において電子情報処理組織を使用する場合には、当該電子情報処理組織の概要、設置場所、容量及び保守の方法並びに当該電子情報処理組織に異常が発生した場合の対処方法を記載した書類
- (viii) in cases where using an electronic data processing system for business to establish a Facility Similar to a Type 1 Specified Commodity Market, a document giving the description, installation location, capacity, and maintenance system of said electronic data processing system, and process

for responding in the event of the failure of said electronic data processing system;

九 第一種特定商品市場類似施設を開設する業務を公正かつ的確に遂行するための規則（当該業務に関する第一種特定施設開設者における責任体制を明確化する規定を含むものとする。）

(ix) regulations for the fair and appropriate performance of business to establish a Facility Similar to a Type 1 Specified Commodity Market (including regulations in order to define a system for the responsibility of said Establisher of Type 1 Specified Facility pertaining to said business);

十 内部管理に関する業務を行う組織の概要及び法令を遵守するための管理の体制を記載した書面

(x) a document giving the description of the organization that performs the operations pertaining to internal controls and stating the management system for compliance with laws and regulations.

(変更許可の申請書の添付書類)

(Attached documents to the written application for permission for change)

第百五十八条 法第三百三十五条第二項の主務省令で定める書類は、次に掲げるものとする。

Article 158 Documents specified by an ordinance of the competent ministry set forth in Article 335, paragraph (2) of the Act shall be as follows:

一 変更（廃止を除く。）に係る商品又は商品指数の変更後一年間の取引量の見込みを記載した書面

(i) a document stating the estimated transaction volume of the Commodity and Commodity Indices pertaining to the change (excluding changes requesting abolishment) for one year after the change;

二 取引方法を変更する場合にあっては、当該取引方法の詳細な説明を記載した書面

(ii) in cases of a change to the transaction method, a document giving a detailed explanation of said transaction method;

三 取引の対象となる商品又は商品指数を変更する場合にあっては、当該商品の売買等を業として行っている者又は当該商品指数の対象となる商品の売買等を業として行っている者が第一種特定施設取引参加者の過半数を占めることを誓約する書面

(iii) in cases where changing the Commodity or Commodity Indices subject to transactions, a written statement pledging that the persons engaged in the Buying and Selling, etc. of said Commodity, or Commodity subject to said Commodity Indices, in the course of trade, account for the majority of the entire Type 1 Specified Facility Trading Participants.

(変更の届出の添付書類)

(Attached documents to notification of change)

第百五十八条の二 法第三百三十五条第三項の届出をするときは、次に掲げる書類（官

公署が証明する書類の場合には、変更の届出の日前三月以内に作成されたものに限る。)を添付しなければならない。

Article 158-2 When submitting a notification prescribed in Article 335, paragraph (3) of the Act, the following documents (in the case of certifications issued by a public agency, limited to documents prepared within three months prior to the date of notification of the change) shall be attached:

一 変更の届出が新たに就任した役員に係るときは、次に掲げる場合に応じ、それぞれ次に定める書面

(i) if the notification of the change is pertaining to newly appointed officers, a document specified as follows corresponding to each case:

イ 新たに就任した役員が外国人である場合 当該役員の住民票の写し等、履歴書及びその者が法第十五条第二項第一号イからルまでのいずれにも該当しないことを誓約する書面

(a) in cases where a newly appointed officer is a foreign national: a curriculum vitae, including a Copy of the Residence Certificate, etc. of said officer, and a sworn, written statement by that person that such person does not fall under any of the provisions of Article 15, paragraph (2), item (i), (a) through (k) of the Act;

ロ 新たに就任した役員が法人である場合 当該役員の登記事項証明書、沿革を記載した書面及び法第十五条第二項第一号ロに該当しないことを誓約する書面

(b) in cases where a newly appointed officer is a juridical person: a certificate of the registered matters of said officer, a document stating corporate development, and a sworn, written statement by that person that such person does not fall under the provisions of Article 15, paragraph (2), item (i), (l) of the Act;

ハ 新たに就任した役員が外国人及び法人でない場合 当該役員の住民票の写し等、履歴書、その者が法第十五条第二項第一号イ及びロに該当しない旨の官公署の証明書並びにその者が同号ハからルまでのいずれにも該当しないことを誓約する書面

(c) in cases where a newly appointed officer is neither a foreign national nor a juridical person: a curriculum vitae, including a Copy of the Residence Certificate, etc. of said officer; a certification issued by a public agency that such person does not fall under the provisions of Article 15, paragraph (2), item (i), (a) and (b) of the Act; and a sworn, written statement by that person that such person does not fall under any of the provisions of (c) through (k) of the same item;

二 変更の届出が新たに第一種特定施設取引参加者となった者に係るときは、その者の氏名又は商号若しくは名称及び主たる事務所又は本店の所在地を記載した書面並びに当該第一種特定施設取引参加者が商品（取引の対象となる商品又は商品指数に限る。）の売買等を業として行っている場合の当該商品を記載した書面

(ii) when the notification of the change is pertaining to persons who have newly

become Type 1 Specified Facility Trading Participants, a document stating the name or trade names and address of the principal office or head office of such person, and when said Type 1 Specified Facility Trading Participants are, in the course of trade, engaged in the Buying and Selling, etc. of a Commodity (limited to the Commodity or Commodity Indices subject to the transactions), a document stating said Commodity.

(帳簿の作成)

(Keeping the books)

第百五十九条 第一種特定施設開設者は、法第三百三十六条第一項の規定により、第一種特定商品市場類似施設における取引につき、次に掲げる事項を記載した帳簿を取引の対象となる商品又は商品指数ごとに作成しなければならない。

Article 159 (1) The Establisher of a Type 1 Specified Facility shall prepare stating the following matters by each Commodity or Commodity Index subject to transactions regarding transactions at a Facility Similar to a Type 1 Specified Commodity Market pursuant to the provisions of Article 336, paragraph (1) of the Act:

一 毎日の成立した取引の当事者である第一種特定施設取引参加者の氏名又は商号若しくは名称

(i) the name or trade name of Type 1 Specified Facility Trading Participants who are parties to transactions closed on a daily basis;

二 毎日の成立した取引の価格その他の取引条件

(ii) the price and other trade terms of the transactions closed on a daily basis;

三 毎日の取引高

(iii) the transaction volume on a daily basis.

2 前項の帳簿は、十年間保存するものとする。

(2) The books prepared as per the preceding paragraph shall be retained for ten years.

(電磁的方法による保存)

(Preservation through an Electromagnetic Means)

第百六十条 前条第一項の帳簿の内容が、電磁的方法により記録され、当該記録が必要に応じ電子計算機その他の機器を用いて直ちに表示されることができるようして保存されるときは、当該記録の保存をもって同条第二項に規定する帳簿の保存に代えることができる。この場合において、第一種特定施設開設者は、当該記録が滅失し、又はき損することを防止するために必要な措置を講じなければならない。

Article 160 When the content of the books prescribed in paragraph (1) of the preceding Article is recorded through an Electromagnetic Means and is preserved to display said record for immediate inspection by computer or other appliance as necessary, the preservation of said record may substitute for the retention of the books prescribed in the preceding Article, paragraph (2). In

this case, an Establisher of a Type 1 Specified Facility shall take the necessary measures for preventing the loss of and damage to said record.

(帳簿記載事項の報告)

(Report of matters to be stated in books)

第百六十一条 第一種特定施設開設者は、法第三百三十六条第二項の規定により第五十九条第一項第二号及び第三号に掲げる事項を当該報告に係る月の翌月の十日までに主務大臣に報告しなければならない。

Article 161 The Establisher of a Type 1 Specified Facility shall report the matters set forth in Article 159, paragraph (1), item (ii) and item (iii) pursuant to Article 336, paragraph (2) of the Act to the competent minister by the 10th day of the month following the month pertaining to said report.

(第一種特定施設開設者に係る検査職員の身分証明書)

(Identification of inspection officials pertaining to an Establisher of a Type 1 Specified Facility)

第百六十二条 法第三百三十八条第二項において準用する法第五十七条第三項の規定により職員が携帯すべき証明書は、様式第二十二号による。

Article 162 Identification that officials shall carry shall be prepared according to Form No. 22 pursuant to the provisions of Article 157, paragraph (3) of the Act which is applied mutatis mutandis pursuant to Article 338, paragraph (2), of the Act.

第百六十三条 第百五十八条から前条までの規定は、法第三百四十五条において、法第三百三十五条第二項及び第三項、第三百三十六条第一項及び第二項並びに第三百三十八条第二項を準用する場合について準用する。この場合において、第百五十八条第三号及び第百五十八条の二第二号中「第一種特定施設取引参加者」とあるのは「第二種特定施設取引参加者」と、第百五十九条第一項中「第一種特定施設開設者」とあるのは「第二種特定施設開設者」と、「第一種特定商品市場類似施設」とあるのは「第二種特定商品市場類似施設」と、「第一種特定施設取引参加者」とあるのは「第二種特定施設取引参加者」と、第百六十条中「第一種特定施設開設者」とあるのは「第二種特定施設開設者」と、第百六十一条中「第一種特定施設開設者」とあるのは「第二種特定施設開設者」と、「第百五十九条第一項第二号及び第三号」とあるのは「第百六十三条において準用する第百五十九条第一項第二号及び第三号」と、前条中「第一種特定施設開設者」とあるのは「第二種特定施設開設者」と、「様式第二十二号」とあるのは「様式第二十三号」と読み替えるものとする。

Article 163 The provisions of Article 158 through the preceding Article shall apply mutatis mutandis pursuant to Article 345 of the Act when applying mutatis mutandis to Article 335, paragraph (2) and paragraph (3) of the Act; Article 336, paragraph (1) and paragraph (2); and Article 338, paragraph (2). In this case, the term "a Type 1 Specified Facility Trading Participant" in

Article 158, item (iii) and Article 158-2, item (ii) shall be deemed to be replaced with "a Type 2 Specified Facility Trading Participant"; the terms "an Establisher of a Type 1 Specified Facility" in Article 159, paragraph (1) shall be deemed to be replaced with "an Establisher of a Type 2 Specified Facility," "a Facility Similar to a Type 1 Specified Commodity Market," shall be deemed to be replaced with "a Facility Similar to a Type 2 Specified Commodity Market," and "a Type 1 Specified Facility Trading Participant" shall be deemed to be replaced with "a Type 2 Specified Facility Trading Participant," respectively; the term "an Establisher of a Type 1 Specified Facility" in Article 160 shall be deemed to be replaced with "an Establisher of a Type 2 Specified Facility"; the term "an Establisher of a Type 1 Specified Facility" in Article 161 shall be deemed to be replaced with "an Establisher of a Type 2 Specified Facility" and the phrase "Article 159, paragraph (1), item (ii) and item (iii)" shall be deemed to be replaced with "Article 159, paragraph (1), item (ii) and item (iii) applied mutatis mutandis pursuant to Article 163," respectively; and the term "an Establisher of a Type 1 Specified Facility" in the preceding Article shall be deemed to be replaced with "an Establisher of a Type 2 Specified Facility" and the term "Form No. 22" shall be deemed to be replaced with "Form No. 23," respectively.

(第二種特定商品市場類似施設で取引する商品及び商品指数の指定)

(Designation of Commodity and Commodity Indices traded at a Facility Similar to a Type 2 Specified Commodity Market)

第六十四条 法第三百四十二条第一項の主務省令で定めるものは、次に掲げる商品又は商品指数とする。

Article 164 Items specified by an ordinance of the competent ministry set forth in Article 342, paragraph (1) of the Act shall be the following Commodities and Commodity Indices:

一 くん煙シート (別名RSS)

(i) ribbed smoked sheet (or RSS);

二 技術的格付けゴム (別名TSR)

(ii) technically specified rubber (or TSR);

三 金

(iii) gold;

四 銀

(iv) silver;

五 白金

(v) platinum;

六 パラジウム

(vi) palladium;

七 鉄スクラップ

(vii) ferrous scrap;

八 ニッケル

(viii) nickel;

九 ガソリン

(ix) gasoline;

十 灯油

(x) kerosene;

十一 軽油

(xi) diesel fuel;

十二 原油

(xii) crude oil;

十三 アルミニウム

(xiii) aluminum.

(第二種特定商品市場類似施設の取引方法)

(Method of transaction at a Facility Similar to a Type 2 Specified Commodity Market)

第百六十五条 法第三百四十二条第一項第一号の主務省令で定める方法は、第二種特定施設取引参加者の提示した取引条件が、取引の相手方となる他の第二種特定施設取引参加者の提示した取引条件と、第二種特定商品市場類似施設を介して行われる当事者間の交渉に基づかず一致する場合に、当該第二種特定施設取引参加者の提示した取引条件を用いる方法とする。

Article 165 The method specified by an ordinance of the competent ministry set forth in Article 342, paragraph (1), item (i) of the Act shall be a method of adopting trading terms offered by a Type 2 Specified Facility Trading Participant, when the trading terms offered by said Type 2 Specified Facility Trading Participant correspond to trading terms offered by another Type 2 Specified Facility Trading Participant, which is the counterparty of the trade, without relying on negotiation between the parties through a Facility Similar to a Type 2 Specified Commodity Market.

(第二種特定商品市場類似施設の開設許可の申請書の添付書類)

(Attached documents to the written application for permission for establishment of a Facility Similar to a Type 2 Specified Commodity Market)

第百六十六条 法第三百四十二条第三項の主務省令で定める書類は、次に掲げるもの(官公署が証明する書類の場合には、許可の申請の日前三月以内に作成されたものに限る。)とする。

Article 166 The documents specified by an ordinance of the competent ministry set forth in Article 342, paragraph (3) of the Act shall be as follows (in the case of certifications issued by a public agency, limited to documents prepared within three months prior to the date of filing the application for the

permission):

一 法第十五条第二項第一号イからルまでのいずれにも該当しないことを誓約する書面

(i) a sworn, written statement that the facility does not fall under any of the provisions of Article 15, paragraph (2), item (i), (a) through (k) of the Act;

二 法人にあっては、次に掲げる場合に応じ、それぞれ次に定める書面

(ii) in the case of juridical persons, a document specified as follows corresponding to each case:

イ 役員が外国人である場合 当該役員の住民票の写し等、履歴書及びその者が法第十五条第二項第一号イからルまでのいずれにも該当しないことを誓約する書面

(a) in cases where an officer of the facility is a foreign national: a curriculum vitae, including a Copy of the Residence Certificate, etc. of said officer; and a sworn, written statement by that person that such person does not fall under any of the provisions of Article 15, paragraph (2), item (i), (a) through (k) of the Act;

ロ 役員が法人である場合 当該役員の登記事項証明書、沿革を記載した書面及び法第十五条第二項第一号ヲに該当しないことを誓約する書面

(b) in cases where an officer of the facility is a juridical person: a certificate of the registered matters of said officer, a document stating corporate development, and a sworn, written statement by that person that such person does not fall under the provisions of Article 15, paragraph (2), item (i), (l) of the Act;

ハ 役員が外国人又は法人でない場合 当該役員の住民票の写し等、履歴書、その者が法第十五条第二項第一号イ及びロに該当しない旨の官公署の証明書並びにその者が同号ハからルまでのいずれにも該当しないことを誓約する書面

(c) in cases where an officer of the facility is neither a foreign national nor a juridical person: a curriculum vitae, including a Copy of the Residence Certificate, etc. of said officer; a certification issued by a public agency that such person does not fall under the provisions of Article 15, paragraph (2), item (i), (a) and (b) of the Act; and a sworn, written statement by that person that such person does not fall under any of the provisions of (c) through (k) of the same item;

三 取引の対象となる商品又は取引の対象となる商品指数及び取引方法の詳細な説明を記載した書面

(iii) a document describing the Commodity subject to the transaction or Commodity Index subject to the transaction, and a detailed explanation of the transaction method;

四 第二種特定施設取引参加者の氏名又は商号若しくは名称及び主たる事務所又は本店の所在地を記載した書面

(iv) a document stating the name or trade name, and address of the principal office or head office of the Type 2 Specified Facility Trading Participant;

五 取引の対象となる商品又は取引の対象となる商品指数ごとに、第二種特定施設取引参加者の過半数の者が、当該商品の売買等を業として行っている者又は当該商品指数の対象となる商品の売買等を業として行っている者であることを誓約する書面

(v) a sworn, written statement that for each Commodity subject to the transaction or Commodity Indices subject to the transactions, the majority of the Type 2 Specified Facility Trading Participants are persons who are, in the course of trade, engaged in the Buying and Selling, etc. of said Commodity or Commodity subject to said Commodity Indices;

六 組織等の業務執行体制を記載した書面

(vi) a document stating the business operation system, such as organizations, etc.;

七 第二種特定商品市場類似施設の開設後一年間の取引量の見込みを記載した書面
(vii) a document stating the estimated transaction volume for one year after the establishment of a Facility Similar to a Type 2 Specified Commodity Market;

八 第二種特定商品市場類似施設を開設する業務において電子情報処理組織を使用する場合には、当該電子情報処理組織の概要、設置場所、容量及び保守の方法並びに当該電子情報処理組織に異常が発生した場合の対処方法を記載した書類

(viii) in cases where using an electronic data processing system for business to establish a Facility Similar to a Type 2 Specified Commodity Market, a document giving the description, installation location, capacity, and maintenance system of said electronic data processing system, and the process for responding in the event of the failure of said electronic data processing system;

九 第二種特定商品市場類似施設を開設する業務を公正かつ的確に遂行するための規則（当該業務に関する第二種特定施設開設者における責任体制を明確化する規定を含むものとする。）

(ix) regulations for the fair and appropriate performance of business to establish a Facility Similar to a Type 2 Specified Commodity Market (including regulations in order to define a system for responsibility of said Establisher of a Type 2 Specified Facility pertaining to said business);

十 内部管理に関する業務を行う組織の概要及び法令を遵守するための管理の体制を記載した書面

(x) a document giving the description of the organization that performs the operations pertaining to internal controls and stating the management system for compliance with laws and regulations.

(店頭商品先物取引の対象物品)

(Products subject to Over-the-Counter Commodity Futures Transactions)

第百六十七条 法第三百四十九条第一項の主務省令で定めるものは、次に掲げる物品とする。

Article 167 The products specified by an ordinance of the competent ministry set forth in Article 349, paragraph (1) of the Act shall be as listed in the following:

- 一 くん煙シート (別名RSS)
- (i) ribbed smoked sheet (or RSS);
- 二 技術的格付けゴム (別名TSR)
- (ii) technically specified rubber (or TSR);
- 三 金
- (iii) gold;
- 四 銀
- (iv) silver;
- 五 白金
- (v) platinum;
- 六 パラジウム
- (vi) palladium;
- 七 鉄スクラップ
- (vii) ferrous scrap;
- 八 ニッケル
- (viii) nickel;
- 九 ガソリン
- (ix) gasoline;
- 十 灯油
- (x) kerosene;
- 十一 軽油
- (xi) diesel fuel;
- 十二 原油
- (xii) crude oil;
- 十三 アルミニウム
- (xiii) aluminum.

(店頭商品先物取引の営業の届出)

(Notification of business of Over-the-Counter Commodity Futures Transactions)

第百六十八条 店頭商品先物取引を営業として行おうとする者は、法第三百四十九条第二項の規定により店頭商品先物取引を営業として行おうとする旨の届出をするときは、同項第一号から第三号まで及び第三項に掲げる事項を記載した届出書を、当該店頭商品先物取引に関する業務の開始の日の二十日前までに、提出しなければならない。

Article 168 (1) When giving notification of engaging in Over-the Counter Commodity Futures Transactions as business pursuant to the provisions of Article 349, paragraph (2) of the Act, a person who intends to engage in Over-the-Counter Commodity Futures Transactions as business shall submit a written notification stating the matters set forth in item (i) through item (iii) of

the same paragraph, no later than 20 days prior to the commencement date of business pertaining to said Over-the-Counter Commodity Futures Transactions.

2 前項の届出をした店頭商品先物取引業者は、法第三百四十九条第二項第一号から第三号まで、次項第一号又は第二号に掲げる事項を変更しようとするときはあらかじめ、次の各号に掲げる事項を記載した届出書を提出しなければならない。

(2) When intending to change the matters set forth in Article 349, paragraph (2), item (i) through item (iii) of the Act and item (i) or item (ii) of the following paragraph, an Over-the-Counter Commodity Futures Transactions Dealer who submitted a written notification as per the preceding paragraph shall submit a written notification stating the matters listed in the following items:

一 氏名又は商号若しくは名称

(i) name or trade name;

二 変更内容

(ii) detailed contents of the change;

三 変更日

(iii) date of the change.

3 法第三百四十九条第二項第四号の主務省令で定める事項は、次に掲げるものとする。

(3) The matters specified by an ordinance of the competent ministry set forth in Article 349, paragraph (2), item (iv) of the Act shall be as follows:

一 店頭商品先物取引の対象とする上場商品構成物品等の種類

(i) the type of Listed Commodity Component Products, etc., subject to Over-the-Counter Commodity Futures Transactions;

二 法人にあってはその代表者の氏名

(ii) with regard to a juridical person, the name of its representative;

三 店頭商品先物取引に関する業務の開始の日

(iii) the commencement date of business pertaining to Over-the-Counter Commodity Futures Transactions.

(店頭商品先物取引等の契約の締結前に確認すべき事項等)

(Matters, etc., to be confirmed prior to closing a contract of Over-the Counter Commodity Futures Transactions, etc.)

第百六十九条 店頭商品先物取引業者は、店頭商品先物取引等の相手方たる特定業者又は店頭商品先物取引業者が自己の営業のためにその計算において当該取引を行うことについて、当該特定業者又は店頭商品先物取引業者から次の各号に掲げる事項が記載された書面を徴して確認しなければならない。

Article 169 An Over-the-Counter Commodity Futures Transactions Dealer shall request a document stating the matters set forth in the following items to get confirmation from a Specified Commercial Dealer who is the counterparty to the Over-the-Counter Commodity Futures Transactions, etc., or the Over-the-Counter Commodity Futures Transactions Dealer regarding the fact that said Specified Commercial Dealer or Over-the-Counter Commodity Futures

Transactions Dealer conducts said transactions for that dealer's own business based on the dealer's own account:

一 特定業者又は店頭商品先物取引業者の氏名又は商号若しくは名称及び住所並びに法人にあっては代表者の氏名

(i) the name or trade name, and address of the Specified Commercial Dealer or Over-the-Counter Commodity Futures Transactions Dealer; if such dealer is a juridical person, the name of its representative;

二 当該店頭商品先物取引等においてその相場を利用する商品市場

(ii) the Commodity Exchange on which pertinent quotations are used for said Over-the-Counter Commodity Futures Transactions;

三 当該店頭商品先物取引等の対象とする上場商品構成物品等の種類

(iii) the type of Listed Commodity Component Products, etc., subject to said Over-the-Counter Commodity Futures Transactions;

四 当該店頭商品先物取引等の対象とする上場商品構成物品等の売買等に係る業務の内容

(iv) the contents of a business pertaining to the Buying and Selling, etc., of Listed Commodity Component Products, etc., subject to said Over-the-Counter Commodity Futures Transactions;

五 特定業者又は店頭商品先物取引業者が、自己の営業のためにその計算において当該店頭商品先物取引等を行う旨の誓約

(v) a sworn written statement by the Specified Commercial Dealer or Over-the-Counter Commodity Futures Transactions Dealer that it will conduct said Over-the-Counter Commodity Futures Transactions for that dealer's own business based on the dealer's own account;

六 書面の作成の日

(vi) the date of the preparation of the document.

(店頭商品先物取引の契約の締結前に交付すべき書面の交付等)

(Delivery, etc., of documents to be delivered prior to closing a contract of Over-the-Counter Commodity Futures Transactions)

第百七十条 法第三百四十九条第七項の主務省令で定める事項は、次に掲げるものとする。

Article 170 The matters specified by an ordinance of the competent ministry set forth in Article 349, paragraph (7) of the Act shall be as follows:

一 店頭商品先物取引業者の氏名又は商号若しくは名称及び住所並びに法人にあっては代表者の氏名

(i) the name or trade name and address of the Over-the-Counter Commodity Futures Transactions Dealer; if such dealer is a juridical person, the name of its representative;

二 特定業者が店頭商品先物取引業者に連絡する方法

(ii) the method for a Specified Commercial Dealer to contact an Over-the-

- Counter Commodity Futures Transactions Dealer;
- 三 当該店頭商品先物取引においてその相場を利用する商品市場
(iii) the Commodity Exchange on which pertinent quotations are used for said
Over-the-Counter Commodity Futures Transactions;
- 四 当該店頭商品先物取引の対象となる上場商品構成物品等の種類
(iv) the type of Listed Commodity Component Products, etc., subject to said
Over-the-Counter Commodity Futures Transactions;
- 五 当該店頭商品先物取引の種類及び期限、数量、対価の額又は約定価格等
(v) the type, term, quantity, and amount of consideration or Contract Price, etc.,
of said Over-the-Counter Commodity Futures Transaction;
- 六 売付け又は買付けの別その他これに準ずる事項
(vi) a distinction as to whether the transaction is for selling or buying, and
equivalent matters.

(帳簿の作成等)

(Keeping the books, etc.)

第一百七十一条 店頭商品先物取引業者は、法第三百四十九条第九項の規定により、店頭商品先物取引等の契約ごとに次に掲げる事項を記載した帳簿を作成しなければならない。

Article 171 (1) Over-the-Counter Commodity Futures Transactions Dealers shall prepare the books stating matters listed in the following for each contract of Over-the-Counter Commodity Futures Transactions, etc., pursuant to the provisions of Article 349, paragraph (9) of the Act:

一 第百六十九条各号に掲げる事項

(i) the matters set forth in the respective items of Article 169;

二 前条第五号及び第六号に掲げる事項

(ii) the matters set forth in item (v) and item (vi) of the preceding Article.

2 店頭商品先物取引業者は、法第三百四十九条第九項の帳簿を作成するときは、次の各号に掲げる書面を保存することをもって、当該各号に定める事項の記載に代えることができる。

(2) When Over-the-Counter Commodity Futures Transactions Dealers prepare the books prescribed in Article 349, paragraph (9) of the Act, the preservation of the documents listed in the following items may substitute for the preservation of the record as prescribed in said items:

一 法第三百四十九条第六項の規定により徴すべき書面 第一項第一号に掲げる事項

(i) a document as collected pursuant to the provisions of Article 349, paragraph (6) of the Act: matters set forth in paragraph (1), item (i);

二 法第三百四十九条第七項の規定により交付すべき書面の写し 第一項第二号に掲げる事項

(ii) a copy of the document to be delivered pursuant to the provisions of Article 349, paragraph (7) of the Act: matters set forth in paragraph (1), item (ii).

3 第一項の帳簿又は前項に掲げる書面の保存期間は、十年間とする。

(3) The books prescribed in paragraph (1) or documents prescribed in the preceding paragraph shall be retained for ten years.

(電磁的方法による保存)

(Preservation through an Electromagnetic Means)

第七十二条 前条第一項の帳簿又は同条第二項に掲げる書面の内容が、電磁的方法により記録され、当該記録が必要に応じ電子計算機その他の機器を用いて直ちに表示されることができるようにして保存されるときは、当該記録の保存をもって同条第三項に規定する帳簿の保存に代えることができる。この場合において、店頭商品先物取引業者は、当該記録が滅失し、又はき損することを防止するために必要な措置を講じなければならない。

Article 172 When the content of any of the books prescribed in paragraph (1) of the preceding Article or documents set forth in paragraph (2) of the same Article are recorded through an Electromagnetic Means and preserved to display said record for immediate inspection by a computer or other appliance as necessary, the preservation of said record may substitute for the retention of the books prescribed in the same Article, paragraph (3). In this case, an Over-the-Counter Futures Commodity Transaction Dealer shall take the necessary measures for preventing the loss of and damage to said record.

(店頭商品先物取引業者に係る検査職員の身分証明書)

(Identification of inspection officials pertaining to Over-the-Counter Futures Commodity Transaction Dealers)

第七十三条 法第三百四十九条第十一項において準用する法第一百五十七条第三項の規定により職員が携帯すべき証明書は、様式第二十四号による。

Article 173 Identification that officials shall carry shall be prepared according to Form No. 24 pursuant to the provisions of Article 157, paragraph (3) of the Act which is applied mutatis mutandis pursuant to Article 349, paragraph (11) of the Act.

(公示事項)

(Matters to be publicly notified)

第七十四条 法第三百五十二条の主務省令で定める事項は、次に掲げるものとする。

Article 174 The matters specified by an ordinance of the competent ministry set forth in Article 352 of the Act shall be as follows:

一 商品市場を開設する者

(i) a person who establishes a Commodity Market;

二 上場商品又は上場商品指数

(ii) a Listed Commodity or Listed Commodity Index;

三 公示することとなった事由

(iii) the reasons for public notice.

(標準処理期間)

(Standard processing period)

第百七十五条 主務大臣は、次の各号に掲げる許可、認可、承認又は指定に関する申請があった場合は、その申請が主務省に到達した日から当該各号に定める期間内に、当該申請に対する処分を行うよう努めるものとする。

Article 175 (1) When an application pertaining to the permission (or license), approval, recognition, or designation set forth in the following items is filed, the competent minister shall endeavor to process said application within the term specified in said respective items from the date when the application is received by the competent ministry:

一 法第九条の許可、法第七十六条第一項の認可、法第七十八条の許可、法第九十六条第一項の認可、法第一百三十二条第一項の認可、法第一百四十五条第一項の認可、法第一百五十五条第一項の認可（上場商品又は上場商品指数の変更（廃止又は範囲の縮小を除く。）に係るものに限る。）、法第百六十七条の許可、法第七十三条第一項の承認、法第三百三十二条第一項の許可、法第三百三十五条第一項の許可（法第三百四十五条において準用する場合を含む。）、法第三百四十二条第一項の許可
四月

(i) permission prescribed in Article 9 of the Act; approval prescribed in Article 76, paragraph (1) of the Act; license prescribed in Article 78 of the Act; approval prescribed in Article 96, paragraph (1) of the Act; approval prescribed in Article 132, paragraph (1) of the Act; approval prescribed in Article 145, paragraph (1) of the Act; approval prescribed in Article 155, paragraph (1) of the Act (limited to approval pertaining to changes [excluding the abolishment or narrowing of the scope] of the Listed Commodity or Listed Commodity Index); license prescribed in Article 167 of the Act; recognition prescribed in Article 173, paragraph (1) of the Act; permission prescribed in Article 332, paragraph (1) of the Act; permission prescribed in Article 335, paragraph (1) of the Act (including cases applied mutatis mutandis of Article 345 of the Act); and permission prescribed pursuant to Article 342, paragraph (1) of the Act: four months;

二 法第八十八条第一項の認可、法第一百五十五条第一項の認可（上場商品又は上場商品指数の変更（廃止又は範囲の縮小を除く。）に係るものを除く。）、法第一百五十六条第一項の認可、法第七十条第一項の承認、法第八十二条の認可、法第八十三条の認可、法第九十条第一項の許可、法第二百二十一条第二項の承認、法第二百二十五条第一項の認可、法第二百二十六条第一項の認可、法第二百二十七条第一項の認可、法第二百二十八条第一項の認可、法第三百条第二項の承認、法第三百二条第一項の認可、法第三百十二条の許可 一月

(ii) approval prescribed in Article 88, paragraph (1) of the Act; approval prescribed in Article 155, paragraph (1) of the Act (limited to approval

pertaining to changes [excluding the abolishment or narrowing of the scope] to the Listed Commodity or Listed Commodity Index); approval prescribed in Article 156, paragraph (1) of the Act; approval prescribed in Article 170, paragraph (1) of the Act; approval prescribed in Article 182 of the Act; approval prescribed in Article 183 of the Act; license prescribed in Article 190, paragraph (1) of the Act; approval prescribed in Article 221, paragraph (2) of the Act; approval prescribed in Article 225, paragraph (1) of the Act; approval prescribed in Article 226, paragraph (1) of the Act; approval prescribed in Article 227, paragraph (1) of the Act; approval prescribed in Article 228, paragraph (1) of the Act; approval prescribed in Article 300, paragraph (2) of the Act; approval prescribed in Article 302, paragraph (1) of the Act; and permission prescribed in Article 312 of the Act: one month;

三 法第五十九条第七項の承認 十日

(iii) approval prescribed in Article 59, paragraph (7) of the Act: ten days.

2 前項の期間には、次に掲げる期間を含まないものとする。

(2) The periods of time specified in the preceding paragraph of this Article shall not include the period of time set forth in the following:

一 当該申請を補正する期間

(i) period to change said application;

二 当該申請をした者が当該申請の内容を変更するために要する期間

(ii) period necessary for a person who filed said application to change the content of said application;

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

(iii) period necessary for a person who filed said application to add materials pertaining to said application which are found to be necessary for examination.

附 則 [抄]

Supplementary Provisions [Extract]

(施行期日)

(Effective date)

第一条 この省令は、商品取引所法の一部を改正する法律（以下「改正法」という。）の施行の日（平成十七年五月一日。以下「施行日」という。）から施行する。ただし、第七十九条第四号の規定は、改正法による改正後の商品取引所法（以下「新法」という。）第二百九十三条の登録のうち最初のもの効力が生じた日から施行する。

Article 1 This ordinance of the ministry shall come into effect as from May 1, 2005 (hereinafter referred to as the "Effective Date"), which is the effective date of the Act for Partial Revisions of the Commodity Exchange Act (hereinafter referred to as the "Revised Act"); provided, however, that the

provisions of Article 79, item (iv) shall come into effect as from the date of whichever registration filed under Article 293 of the Commodity Exchange Act, as revised by the Revised Act (hereinafter referred to as the "New Act") first becomes effective.

(受託業務保証金規則の廃止)

(Abolishment of Ordinance on Security Money for Acceptance for Consignment)

第二条 受託業務保証金規則（昭和四十三年農林省・通商産業省令第二号）は、廃止する。

Article 2 Ordinance on Security Money for Acceptance for Consignment

(Ordinance of the Ministry of Agriculture and Forestry, and Ministry of International Trade and Industry No.2 of 1968) shall be abolished.

(商品取引員の許可更新の申請書の添付書類に係る経過措置)

(Transitional measures pertaining to attached documents of applications for renewal of license of a Futures Commission Merchant)

第三条 新法第二百九十三条の登録のうち最初のもの効力が生じる日までの間は、第八十条第二項第三号の規定の適用については、同号中「委託者保護基金」とあるのは、「昭和五十年十月三十一日に設立された社団法人商品取引受託債務補償基金協会（以下「補償基金協会」という。）」と読み替えるものとする。

Article 3 Until the date of whichever registration filed under Article 293 of the New Act first becomes effective, with regard to the application of the provisions of Article 80, paragraph (2), item (iii), the term "Consumer Protection Fund" in the same item shall be deemed to be replaced with "the Association of Compensation Funds for Consigned Liabilities in Commodity Futures, Inc. (hereinafter referred to as the "Association of Compensation Funds") established on October 31, 1975."

(受託に係る財産の分離保管等の措置に係る経過措置)

(Transitional measures pertaining to segregation of property pertaining to brokerage, etc.)

第四条 新法第二百九十三条の登録のうち最初のもの効力が生じる日までの間は、第九十八条第一項及び第四項の規定の適用については、同条第一項第一号中「委託者保護基金（当該商品取引員が会員として加入している委託者保護基金に限る。以下この条において同じ。）」とあるのは「補償基金協会」と、「商品取引員が通知商品取引員（法第三百四条に規定する通知商品取引員をいう。以下同じ。）に該当することとなった」とあるのは「信託管理人である補償基金協会が当該商品取引員の有する取引委託者に対する委託者資産の返還に係る債務の円滑な弁済のために必要と判断した」と、「委託者保護基金が」とあるのは「補償基金協会が」と、「委託者保護基金のみ」とあるのは「補償基金協会のみ」と、「委託者保護基金の」とあるのは「補償基金協会の」と、「商品取引員が通知商品取引員に該当することとなった場合その他信

託管理人」とあるのは「信託管理人」と、同項第二号中「委託者保護基金に」とあるのは「補償基金協会に」と、「商品取引員が通知商品取引員に該当することとなった場合その他委託者保護基金」とあるのは「補償基金協会」と、「当該委託者保護基金」とあるのは「当該補償基金協会」と、「委託者保護基金の」とあるのは「補償基金協会の」と、同項第三号中「委託者保護基金に」とあるのは「補償基金協会に」と、「委託者保護基金の」とあるのは「補償基金協会の」と、「商品取引員が通知商品取引員に該当することとなった場合その他委託者保護基金」とあるのは「補償基金協会」と、「委託者保護基金は」とあるのは「補償基金協会は」と、同項第四号中「委託者保護基金に」とあるのは「補償基金協会に」と、「委託者保護基金の」とあるのは「補償基金協会の」と、「委託者保護基金」とあるのは「補償基金協会」と、「商品取引員が通知商品取引員に該当することとなった場合その他委託者保護基金」とあるのは「補償基金協会」と、「委託者保護基金は」とあるのは「補償基金協会は」と、同条第四項中「委託者保護基金」とあるのは「補償基金協会」と読み替えるものとする。

Article 4 Until the date of whichever registration filed under Article 293 of the New Act first becomes effective, with regard to the application of the provisions of Article 98, paragraph (1) and paragraph (4), the term, "a Consumer Protection Fund (limited to a Consumer Protection Fund which said Futures Commission Merchant joined as a Member; hereinafter the same shall apply in this Article)" in the same Article, paragraph (1), item (i) shall be deemed to be replaced with, "Association of Compensation Funds"; the phrase, "a Futures Commission Merchant has fallen under the category of a Futures Commission Merchant Subject to a Notice (which means a Futures Commission Merchant Subject to a Notice prescribed in the provisions of Article 304 of the Act; the same shall apply hereinafter)" shall be deemed to be replaced with, "the Association of Compensation Funds that is the trust administrator judges it is necessary for the smooth repayment of said Futures Commission Merchant's debts pertaining to the return of the customer's assets to a customer"; the term, "a Consumer Protection Fund" shall be deemed to be replaced with, "Association of Compensation Funds"; the phrase, "only the Consumer Protection Fund" shall be deemed to be replaced with, "only the Association of Compensation Funds"; the phrase, "of a Consumer Protection Fund" shall be deemed to be replaced with, "of the Association of Compensation Funds"; the phrase, "when a Futures Commission Merchant has fallen under the category of a Futures Commission Merchant Subject to a Notice, other trust administrators" shall be deemed to be replaced with, "the trust administrator"; the phrase, "with a Consumer Protection Fund" in the same paragraph, item (ii) shall be deemed to be replaced with, "with the Association of Compensation Funds"; the phrase, "when a Futures Commission Merchant has fallen under the category of a Futures Commission Merchant Subject to a Notice, other Consumer Protection Funds" shall be deemed to be replaced with, "the

Association of Compensation Funds"; the phrase, "said Consumer Protection Fund" shall be deemed to be replaced with, "said Association of Compensation Funds"; the phrase, "of the Consumer Protection Fund" shall be deemed to be replaced with, "of the Association of Compensation Funds"; the phrase, "to a Consumer Protection Fund" in the same paragraph, item (iii) shall be deemed to be replaced with, "to the Association of Compensation Funds"; the phrase, "of the Consumer Protection Fund" shall be deemed to be replaced with, "of the Association of Compensation Funds"; the phrase, "when a Futures Commission Merchant has fallen under the category of a Futures Commission Merchant Subject to a Notice, other Consumer Protection Funds" shall be deemed to be replaced with, "the Association of Compensation Funds"; the term, "Consumer Protection Fund" shall be deemed to be replaced with, "Association of Compensation Funds"; the phrase, "to the Consumer Protection Fund" in the same paragraph, item (iv) shall be deemed to be replaced with, "to the Association of Compensation Funds"; the phrase, "unless the Consumer Protection Fund" shall be deemed to be replaced with "unless the Association of Compensation Funds"; the term, "by a Consumer Protection Fund" shall be deemed to be replaced with, "by the Association of Compensation Funds"; the phrase, "in the cases where a Futures Commission Merchant has fallen under the category of a Futures Commission Merchant Subject to a Notice or where a Consumer Protection Fund" shall be deemed to be replaced with "when the Association of Compensation Funds"; the phrase, "Consumer Protection Fund" shall be deemed to be replaced with, "Association of Compensation Funds"; the term, "Consumer Protection Fund" in the same Article, paragraph (4) shall be deemed to be replaced with "Association of Compensation Funds", respectively.

(商品取引所に預託しなければならない金銭及び有価証券から除かれるもの)

(Exclusion of cash and Securities to be deposited with a Commodity Exchange)

第五条 改正法附則第十三条第一項の主務省令で定めるものは、施行日までにその決済を結了していない取引について、改正法による改正前の商品取引所法第九十七条第一項の規定により委託証拠金として預託を受けている金銭及び有価証券の価額が新法第百三条第一項又は第百七十九条第一項の規定により当該取引の取次者（新法第百三条第一項第二号又は第百七十九条第一項第一号ロに規定する取次者をいう。）、委託者（同法第百三条第一項第二号又は第百七十九条第一項第一号ロに規定する委託者をいう。）、取次委託者（同法第百三条第一項第四号又は第百七十九条第一項第一号ニに規定する取次委託者をいう。）、清算取次者（同項第二号ロに規定する清算取次者をいう。）、清算取次委託者（同号ロに規定する清算取次委託者をいう。）又は清算取次者に対する委託者（同号ニに規定する清算取次者に対する委託者をいう。）が取引証拠金として預託すべき金銭及び有価証券の価額を超える場合にあつては、当該超える部分に相当する金銭及び有価証券とする。

Article 5 With regard to transactions which have not yet been settled by the

Effective Date, when the amount of cash and the value of Securities deposited as Customer Margins pursuant to the provisions of Article 97, paragraph (1) of the Commodity Exchange Act prior to the amendments by the Revised Act exceeds the amount of cash and value of Securities that shall be deposited with an Intermediary (which means an Intermediary prescribed in Article 103, paragraph (1), item (ii), or Article 179, paragraph (1), item (i), (b) of the New Act), a Customer (which means a Customer prescribed in Article 103, paragraph (1), item (ii), or Article 179, paragraph (1), item (i), (b) of the same Act), an Intermediation Customer (which means an Intermediation Customer prescribed in Article 103, paragraph (1), item (iv), or Article 179, paragraph (1), item (i), (d) of the same Act), a Clearing Intermediary (a Clearing Intermediary prescribed in the same paragraph, item (ii), (b)); a Clearing Intermediation Customer (which means a Clearing Intermediation Customer prescribed in the same item, (b)), or a Customer of the Clearing Intermediary (which means a Customer of the Clearing Intermediary prescribed in the same item, (d)) of said transaction, pursuant to the provisions of Article 103, paragraph (1) or Article 179, paragraph (1) of the New Act, cash and Securities specified by an ordinance of the competent ministry set forth in Article 13, paragraph (1) of the Supplementary Provisions of the Revised Act shall be cash and Securities corresponding to such excess portion.

(補償基金協会の定款に基づく弁済業務)

(Repayment based on articles of incorporation of the Association of Compensation Funds)

第六条 改正法附則第十九条第九項の主務省令で定める業務は、補償基金協会の定款に基づき、商品取引員が商品市場における取引の受託により生じた債務を弁済することができない場合にその商品取引員に代わってその債務に関し当該取引を委託した者に対し弁済する業務とする。

Article 6 (1) A business specified by an ordinance of the competent ministry set forth in Article 19, paragraph (9) of the supplementary provisions of the Revised Act shall, when a Futures Commission Merchant cannot repay debts arising from brokerage of a transaction on a Commodity Market, be a repayment to a person who consigned such transaction concerning such debts on behalf of the Futures Commission Merchant, based on the articles of incorporation of the Association of Compensation Funds.

2 委託者保護基金は、前項の業務において取得した求償権を行使して取得した額を、第百四十条の規定にかかわらず、委託者保護資金勘定に繰り入れないことができる。

(2) A Consumer Protection Fund is not required to include the amount gained by the execution of the right to obtain reimbursement that was gained through the performance of business under the preceding paragraph, by adding to an account of a Consumer Protection Fund, notwithstanding the provisions of

Article 140.

附 則 〔平成十七年四月二十八日農林水産省・経済産業省令第九号〕
**Supplementary Provisions [Ordinance of the Ministry of Agriculture,
Forestry and Fisheries and the Ministry of Economy, Trade and Industry
No. 9 of April 28, 2005]**

この省令は、公布の日から施行する。

This ordinance shall be come into effect as from the date of its promulgation.

附 則 〔平成十七年八月二十五日農林水産省・経済産業省令第十号〕
**Supplementary Provisions [Ordinance of the Ministry of Agriculture,
Forestry and Fisheries and the Ministry of Economy, Trade and Industry
No. 10 of August 25, 2005]**

(施行期日)

(Effective date)

第一条 この省令は、次の各号に掲げる規定ごとに、それぞれ当該各号に定める日から施行する。

Article 1 This ordinance shall come into effect as from the date specified in each item for the provisions listed as in the following items:

一 第百六十四条及び第百六十七条の改正規定並びに別表第二中部商品取引所の項の改正規定 平成十七年十月十一日

(i) provisions revising Article 164 and Article 167, and provisions revising the paragraph referring to the Chubu Commodity Exchange (currently Central Japan Commodity Exchange), Appended Table 2: October 11, 2005;

二 別表第二横浜商品取引所の項の改正規定 平成十七年八月二十六日

(ii) provisions revising the paragraph referring to the Yokohama Commodity Exchange, Appended Table 2: August 26, 2005.

(経過措置)

(Transitional measures)

第二条 この省令の施行の際現に横浜商品取引所の繭糸市場において取引が開始されている日本生糸及び国際生糸に係る取引については、なお従前の例による。

Article 2 With regard to transactions pertaining to Japanese raw silk and international raw silk, for which said transaction has commenced on the Yokohama Commodity Exchange at the time of the enforcement of this ordinance, the provisions then in force shall remain applicable.

附 則 〔平成十七年十二月二十八日農林水産省・経済産業省令第十一号〕
Supplementary Provisions [Ordinance of the Ministry of Agriculture,

**Forestry and Fisheries and the Ministry of Economy, Trade and Industry
No. 11 of December 28, 2005]**

この省令は、公布の日から施行する。

This ordinance shall come into effect as from the date of its promulgation.

**附 則 〔平成十八年四月三日農林水産省・経済産業省令第一号〕
Supplementary Provisions [Ordinance of the Ministry of Agriculture,
Forestry and Fisheries and the Ministry of Economy, Trade and Industry
No. 1 of April 3, 2006]**

この省令は、公布の日から施行する。

This ordinance shall come into effect as from the date of its promulgation.

**附 則 〔平成十八年四月二十八日農林水産省・経済産業省令第三号〕
Supplementary Provisions [Ordinance of the Ministry of Agriculture,
Forestry and Fisheries and the Ministry of Economy, Trade and Industry
No. 3 of April 28, 2006]**

この省令は、会社法の施行の日（平成十八年五月一日）から施行する。

This ordinance shall come into effect as from the effective date of the
Companies Act (May 1, 2006).

**附 則 〔平成十八年十二月五日農林水産省・経済産業省令第五号〕
Supplementary Provisions [Ordinance of the Ministry of Agriculture,
Forestry and Fisheries and the Ministry of Economy, Trade and Industry
No. 5 of December 5, 2006]**

この省令は、公布の日から施行する。

This ordinance shall come into effect as from the day of promulgation.

**附 則 〔平成十八年十二月二十五日農林水産省・経済産業省令第六号〕
Supplementary Provisions [Ordinance of the Ministry of Agriculture,
Forestry and Fisheries and the Ministry of Economy, Trade and Industry
No. 6 of December 25, 2006]**

この省令は、平成十九年一月一日から施行する。

This ordinance shall come into effect as from January 1, 2007.

**附 則 〔平成十九年六月二十日農林水産省・経済産業省令第二号〕
Supplementary Provisions [Ordinance of the Ministry of Agriculture,**

**Forestry and Fisheries and the Ministry of Economy, Trade and Industry
No. 2 of June 20, 2007]**

この省令は、平成十九年七月二日から施行する。ただし、「ロブスタコーヒー生豆 百枚 五十枚 野菜 五十枚 二十枚」を「ロブスタコーヒー生豆 百枚 五十枚」に改める部分は、同年十二月二十一日から施行する。

This ordinance shall come into effect as from July 2, 2007; provided, however, that the portion revising "Green robusta coffee bean 100 lots 50 lots Vegetables 50 lots 20 lots" to "Green robusta coffee bean 100 lots 50 lots" shall come into effect as from December 21, 2007.

**附 則 〔平成十九年九月二十一日農林水産省・経済産業省令第三号〕
Supplementary Provisions [Ordinance of the Ministry of Agriculture,
Forestry and Fisheries and the Ministry of Economy, Trade and Industry
No. 3 of September 21, 2007]**

(施行期日)

(Effective date)

第一条 この省令は、証券取引法等の一部を改正する法律の施行の日（平成十九年九月三十日）から施行する。ただし、様式第一号、様式第十七号及び様式第十八号の改正規定は平成十九年十一月一日から施行する。

Article 1 This ordinance shall come into effect as from the day of enforcement of the Act for Partial Revision of the Securities Exchange Act, etc. (September 30, 2007); provided, however, that the provisions revising Form No. 1, Form No. 17 and Form No. 18 shall come into effect as from November 1, 2007.

(経過措置)

(Transitional measures)

第二条 第二十四条第一項第一号ハの規定に掲げる額は、当分の間、零とする。

Article 2 The amount set forth in the provisions of Article 24, paragraph (1), item (i) (c) shall be zero for the time being.

第三条 第百条の三及び第百条の五の規定は、ビラ又はパンフレットを配布する方法により多数の者に対して同様の方法で行う情報の提供については、施行日から起算して三月を経過する日までの間は適用しない。

Article 3 The provisions of Article 100-3 and Article 100-5 shall not apply to the provision of information with the same contents to a large number of persons by the method of distribution of fliers or pamphlets, until three months have elapsed from the Effective Date.

第四条 この省令による改正前の商品取引責任準備金については、なお従前の例による。

Article 4 With regard to the liability reserve for commodity trading prior to the revision by this ordinance, the provisions then in force shall remain applicable.

附 則 〔平成十九年九月二十八日農林水産省・経済産業省令第五号〕
**Supplementary Provisions [Ordinance of the Ministry of Agriculture,
Forestry and Fisheries and the Ministry of Economy, Trade and Industry
No. 5 of September 28, 2007]**

(施行期日)

(Effective date)

第一条 この省令は、信託法（平成十八年法律第百八号）の施行の日（平成十九年九月三十日）から施行する。ただし、第四十六条第二号の改正規定は、平成十九年十月一日から施行する。

Article 1 This ordinance shall come into effect as from the day of enforcement of the Trust Act (Act No. 108 of 2006) (September 30, 2007); provided, however, that the provisions revising Article 46, item (ii) shall come into effect as from October 1, 2007.

(信認金等の運用方法の改正に伴う経過措置)

(Transitional measures in line with the revision of the method of utilization of guarantee funds, etc.)

第二条 旧郵便貯金（郵政民営化法等の施行に伴う関係法律の整備等に関する法律（平成十七年法律百二号）附則第五条第一項の規定によりなおその効力を有するものとされる同法第二条の規定による廃止前の郵便貯金法（昭和二十二年法律第百四十四号）第七条第一項各号に規定する郵便貯金をいう。）は、この省令による改正後の商品取引所法施行規則の規定の適用については、銀行への預け金とみなす。

Article 2 Old Postal Savings (which means the postal savings prescribed in the items of Article 7, paragraph (1) of the Postal Savings Act [Act No. 144 of 1947] prior to being repealed by the provisions of Article 2 of the Act on Preparation, etc. of Relevant Acts Accompanying Enforcement of the Postal Service Privatization Act, etc. [Act No. 102 of 2005], which are to remain effective pursuant to the provisions of Article 5, paragraph (1) of the Supplementary Provisions of the same Act) shall be deemed to be money deposited with a bank, with regard to application of the Ordinance for Enforcement of the Commodity Exchange Act as revised by this ordinance.

附 則 〔平成十九年十二月十九日農林水産省・経済産業省令第六号〕
**Supplementary Provisions [Ordinance of the Ministry of Agriculture,
Forestry and Fisheries and the Ministry of Economy, Trade and Industry
No. 6 of December 19, 2007]**

この省令は、貸金業の規制等に関する法律施行令の一部を改正する政令の施行の日（平成十九年十二月十九日）から施行する。

This ordinance shall come into effect as from the day of enforcement of the Cabinet Order for Partial Revision of the Order for Enforcement of the Act on Regulation, etc. of Loan Business (December 19, 2007).

附 則 〔平成二十年六月十六日農林水産省・経済産業省令第二号〕
Supplementary Provisions [Ordinance of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 2 of June 16, 2008]

この省令は、平成二十年九月一日から施行する。ただし、第九十条、第九十七条、第百七条、様式第十号及び様式第十八号の改正規定は、公布の日から施行する。

This ordinance shall come into effect as from September 1, 2008; provided, however, that the provisions revising Article 90, Article 97, Article 107, Form No. 10 and Form No. 18 shall come into effect as from the day of promulgation.

附 則 〔平成二十年六月二十四日農林水産省・経済産業省令第三号〕
Supplementary Provisions [Ordinance of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 3 of June 24, 2008]

この省令は、公布の日から施行する。

This ordinance shall come into effect as from the day of promulgation.

附 則 〔平成二十年九月三十日農林水産省・経済産業省令第六号〕
Supplementary Provisions [Ordinance of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 6 of September 30, 2008]

この省令は、株式会社商工組合中央金庫法の施行の日（平成二十年十月一日）から施行する。

This ordinance shall come into effect as from the day of enforcement of the Shoko Chukin Bank Limited Act (October 1, 2008).

別表第一（第四十八条関係）

Appended Table 1 (related to Article 48)

書類の種類 Documents:	作成区分 Frequency of report:	記載事項 Items to be recorded:	記載上の注意 Precautions for recording:
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<p>相場表 Quotation list</p>	<p>毎日及び毎月 Daily and monthly</p>	<p>成立した取引に係る対価の額又は約定価格等 Amount of consideration or Contract Price, etc. pertaining to the transaction closed</p>	<p>一 取引の種類ごとに別葉とし、かつ、上場商品又は上場商品指数の種類ごとに区分して記載すること（取引高報告書において同じ。）。</p> <p>1. The document shall be prepared by recording on separate sheets transactions by type of transaction and by type of Listed Commodity or Listed Commodity Index (the same shall apply to reports of transaction volume).</p> <p>二 法第二条第八項第一号に規定する取引（以下「現物先物取引」という。）のうち、格付先物取引の場合にあつては、限月ごとに、銘柄別先物取引の場合にあつては、銘柄及び限月ごとに、区分して記載すること（取引高報告書において同じ。）。</p> <p>2. In cases of transactions prescribed in Article 2, paragraph (8), item (i) of the Act (herein after referred to as "gensaki"), the document shall be prepared by recording transactions separately by expiration month and by description for grading futures transactions, and by expiration month and by description for futures transactions by brand (the same shall apply to reports of transaction volume).</p>
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三 法第二条第八項第二号に規定する取引（以下「現金決済先物取引」という。）及び同項第三号に規定する取引（以下「指数先物取引」という。）の場合にあつては、限月ごとに、区分して記載すること（取引高報告書において同じ。）。

3. In cases of transactions prescribed in Article 2, paragraph (8), item (ii) of the Act (hereinafter referred to as "Futures Transactions with Cash Settlement") and transactions prescribed in the same paragraph, item (iii) (hereinafter referred to as "Index Futures Transactions"), the document shall be prepared by recording transactions separately by expiration month (the same shall apply to reports of transaction volume).

四 法第二条第八項第四号に規定する取引（以下「オプション取引」という。）の場合にあつては、限月、オプションの種類及び権利行使価格（当事者の一方の意思表示により成立する取引に係る対価の額をいう。以下同じ。）が同一であるものごとに区分して記載すること（取引高報告書において同じ。）。

4. In cases of transactions prescribed in Article 2, paragraph (8), item (iv) of the Act (hereinafter referred to as "Option Transactions"), the document shall be prepared by recording transactions separately by expiration month, type of option, and Exercise Price (which means the amount of consideration pertaining to the transaction which is closed by declaration of intent by either party) (the reports of transaction volume shall be prepared in the same manner).

五 法第二条第十項第一号ニに規定する取引（以下「実物取引」という。）の場合にあつては、銘柄ごとに区分して記載すること（取引高報告書において同じ。）。

5. In cases of transactions prescribed in Article 2, paragraph (10), item (i), (d) of the Act (hereinafter referred to as "Spot Transactions"), the document shall be prepared by recording transactions separately by description (the same shall apply to reports of transaction volume).

六 限月ごとに区分して記載する場合には、当該限月までの期間の最短のものから最長のものの順序で記載すること（取引高報告書において同じ。）。

6. When a document is prepared by recording transactions separately by expiration month, transactions shall be recorded in the order of the shortest to the longest term until the expiration month (the same shall apply to reports of transaction volume).

七 毎日の相場表には、その日において成立した最初の対価の額又は約定価格等、最高の対価の額又は約定価格等、最低の対価の額又は約定価格等及び最終の対価の額又は約定価格等をそれぞれ記載すること。

7. Daily quotation lists shall include the opening amount of consideration or Contract Price, etc., the highest amount of consideration or Contract Price, etc., the lowest amount of consideration, or Contract Price, etc., and the closing amount of consideration or Contract Price, etc., respectively, and shall be recorded for the date referenced by the list.

		<p>八 毎月の相場表には、その月の最初の営業日の最初の対価の額又は約定価格等、その月の月中の営業日において成立した最高及び最低の対価の額又は約定価格等並びにその月の最終の営業日の最終の対価の額又は約定価格等をそれぞれ記載すること。</p> <p>8. Monthly quotation lists shall include the opening amount of consideration or Contract Price, etc. on the first business day of the month, the highest and lowest amount of consideration or Contract Price, etc. on business days during the month, and the closing amount of consideration or Contract Price, etc. on the last business day of the month, respectively, and shall be recorded for the referenced month.</p>
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取引高報告書 Report of transaction volume	<p>毎日及び毎月。ただし、会員等別の取引高報告書については毎月。</p> <p>Daily and monthly; provided, however, that the report of transaction volume by Members, etc. shall be reported monthly</p>	<p>一 現物先物取引及び実物取引にあつては、出来高、受渡高及び取組残高につき、その数量及び金額</p> <p>1. With regard to gensaki and Spot Transactions, quantity and amount of trading volume, settlement volume, and open contracts</p>	<p>一 出来高は、毎日（毎月）の取引成立高を記載し、受渡高は、毎月の報告書においてのみ当月限の受渡完了高を記載し、毎日の報告書については記載を要しない。取組残高は、毎日（毎月）の立会終了後において取引成立済の累計から受渡、転売又は買戻しにより決済が終了したものの累計を差し引いた未決済残高を記載すること。</p> <p>1. With regard to transaction volume, the volume of transactions closed shall be recorded daily (and monthly), and with regard to settlement volume, the volume of settlements completed in such month shall be recorded in each monthly report, but it is not necessary for them to be recorded in each daily report. With regard to open contracts, the outstanding balance calculated by deducting the accumulated total volume of settled transactions by delivery, reselling, or repurchasing from the accumulated volume of transactions closed after market hours every day (and every month) shall be recorded.</p>
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二 現金決済先物取引及び
指数先物取引にあつては、
出来高及び取組残高につ
き、その数量及び金額

2. With regard to Futures
Transactions with Cash
Settlement and Index
Futures Transactions,
quantity and amount of
trading volume and open
contracts

三 オプション取引にあつ
ては、出来高及び取組残高
につき、その数量及び金額
並びに権利行使高（自己の
意思表示により成立した取
引の数量。以下同じ。）

3. With regard to Option
Transactions, quantity,
amount, and exercise
volume (quantity of
transactions closed by a
person's own declaration
of intent; the same shall
apply hereinafter) of
transaction volume and
open contracts

二 毎月の報告書には、当
該月中の一日平均、及び立
会日数を併記すること（会
員等別の取引高報告書にお
いて同じ。）。

2. Monthly reports shall
include the daily average
and number of market
days in such month (the
same shall apply to
reports of transaction
volume by Members, etc.).

四 会員等別の取引高報告書は、会員等の氏名又は商号若しくは名称並びに、現物先物取引及び実物取引にあつては、売付高、渡高、買付高及び受高につき、数量及び金額、現金決済先物取引及び指数先物取引にあつては、売付高及び買付高につき、数量及び金額、オプション取引にあつては、オプションの種類、売付高（オプションを付与する立場の当事者となる取引の取引高をいう。）及び買付高（オプションを取得する立場の当事者となる取引の取引高をいう。）につき、数量及び金額並びに権利行使高及び被権利行使高（相手方の意思表示により成立した取引の数量。以下同じ。）

4. Report of transaction volume by Members, etc. shall include the name, or trade name of Members, etc., and with regard to gensaki and Spot Transactions, the quantity and amount of selling volume, delivery volume, buying volume and receipt volume; with regard to Futures Transactions with Cash Settlement and Index Futures Transactions, the quantity and amount of selling volume and buying volume; with regard to Option Transactions, the quantity, amount, and exercise volume or non-exercise volume (quantity of transactions closed by a person's own declaration of intent; the same shall apply hereinafter) of type of option, selling volume (which means transaction volume of a partner who issues the option), and buying volume (which means transaction volume

別表第二（第四十九条関係）

Appended Table 2 (related to Article 49)

商品取引所 Commodity Exchange	商品市場 Commodity Market	数量（自己 の計算） Quantity (on a person's own account)	上場商品又は 上場商品指数 の種類 Type of Listed Commodity or Listed Commodity Index)	数量（自己 の計算） Quantity (on a person's own account)	数量（委託 者の計算） Quantity (on a customer's account)
東京穀物商 品取引所 Tokyo Grain Exchange	農産物市場 Agricultura l products market	千八百枚 1,800 lots	大豆（一般大 豆） Soybeans (general soybeans)	百枚 100 lots	五十枚 50 lots
			大豆（N o n -GMO大 豆） Soybeans (Non-GMO soybeans)	百枚 100 lots	五十枚 50 lots
			小豆 Red beans (adzuki)	五十枚 50 lots	二十枚 20 lots
			とうもろこし Corn	百枚 100 lots	五十枚 50 lots
			大豆ミール Soybean meal	五十枚 50 lots	二十枚 20 lots
			アラビカコー ヒー生豆 Green arabica coffee bean	百枚 100 lots	五十枚 50 lots
			ロブスタコー ヒー生豆 Green robusta coffee bean	百枚 100 lots	五十枚 50 lots
			生糸 Raw silk	五十枚 50 lots	二十枚 20 lots
	砂糖市場 Sugar market	五千枚 5,000 lots	精糖 Refined sugar	五十枚 50 lots	二十枚 20 lots
			粗糖 Raw sugar	百枚 100 lots	五十枚 50 lots

東京工業品 取引所 Tokyo Commodity Exchange	ゴム市場 Rubber market	六百枚 600 lots	くん煙シート (RSS) Ribbed smoked sheet (RSS)	百枚 100 lots	五十枚 50 lots	
	貴金属市場 Precious metals market	五千枚 5,000 lots	金 Gold	二百枚 200 lots	百枚 100 lots	
			銀 Silver	二百枚 200 lots	百枚 100 lots	
			白金 Platinum	五十枚 50 lots	二十枚 20 lots	
			パラジウム Palladium	五十枚 50 lots	二十枚 20 lots	
	石油市場 Oil market	六百枚 600 lots	ガソリン Gasoline	百枚 100 lots	五十枚 50 lots	
			灯油 Kerosene	百枚 100 lots	五十枚 50 lots	
			軽油 Diesel fuel	百枚 100 lots	五十枚 50 lots	
			原油 Crude oil	百枚 100 lots	五十枚 50 lots	
	アルミニウム市場 Aluminium market	六百枚 600 lots	アルミニウム Aluminium	五十枚 50 lots	二十枚 20 lots	
	中部大阪商 品取引所 Central Japan Commodity Exchange	畜産物市場 Animal products market	四百枚 400 lots	鶏卵 Bird eggs	百枚 100 lots	五十枚 50 lots
		ゴム市場 Rubber market	六百枚 600 lots	くん煙シート (RSS) Ribbed smoked sheet (RSS)	百枚 100 lots	五十枚 50 lots
				技術的格付け ゴム (TSR) Technically specified rubber (TSR)	五十枚 50 lots	二十枚 20 lots

	鉄スクラップ市場 Ferrous scrap market	六百枚 600 lots	鉄スクラップ Ferrous scrap	百枚 100 lots	五十枚 50 lots
	ニッケル市場 Nickel market	六百枚 600 lots	ニッケル Nickel	五十枚 50 lots	二十枚 20 lots
	石油市場 Oil market	六百枚 600 lots	ガソリン Gasoline	百枚 100 lots	五十枚 50 lots
			灯油 Kerosene	百枚 100 lots	五十枚 50 lots
			軽油 Diesel fuel	百枚 100 lots	五十枚 50 lots
	アルミニウム市場 Aluminum market	六百枚 600 lots	アルミニウム Aluminum	百枚 100 lots	五十枚 50 lots
	天然ゴム指数 Rubber index	六百枚 600 lots	天然ゴム指数 Rubber index	五十枚 50 lots	二十枚 20 lots
関西商品取引所 Kansai Commodities Exchange	農産物市場 Agricultural products market	千二百枚 1,200 lots	大豆（Non-GMO大豆） Soybeans (Non-GMO soybeans)	百枚 100 lots	五十枚 50 lots
			大豆（米国産大豆） Soybeans (U.S. soybeans)	五十枚 50 lots	二十枚 20 lots
			小豆 Red beans (adzuki)	五十枚 50 lots	二十枚 20 lots
			とうもろこし Corn	百枚 100 lots	五十枚 50 lots
	水産物市場 Fisheries market	二千七百枚 2,700 lots	冷凍えび Frozen shrimp	五十枚 50 lots	二十枚 20 lots
	砂糖市場 Sugar market	三千枚 3,000 lots	精糖 Refined sugar	五十枚 50 lots	二十枚 20 lots
			粗糖 Raw sugar	五十枚 50 lots	二十枚 20 lots

繭糸市場 Cocoon and silk market	八百枚 800 lots	生糸 Raw silk	五十枚 50 lots	二十枚 20 lots
農産物・飼料指数市場 Agricultural and feed products index market	八百枚 800 lots	国際穀物等指数 International grain, etc. index	百枚 100 lots	五十枚 50 lots
		コーヒー指数 Coffee index	百枚 100 lots	五十枚 50 lots

別表第三（第五十条関係）

Appended Table 3 (related to Article 50)

帳簿の種類 Type of records:	記載事項 Items to be recorded:	記載上の注意 Precautions for recording:
先物取引日記帳 Journal of Futures Transactions	<p>一 商品取引所名 1. Name of Commodity Exchange</p> <p>二 上場商品又は上場商品指数の種類 2. Type of Listed Commodity or Listed Commodity Index</p>	<p>一 商品取引受託業務を行う者にあつては、作成しないことができる。 1. A person who engages in the Commodity Transactions Brokerage Business is not required to prepare these documents.</p> <p>二 現物先物取引、現金決済先物取引及び指数先物取引とオプション取引は区別して記載すること。 2. Gensaki, Futures Transactions with Cash Settlement, and Index Futures Transactions shall be recorded separately from Option Transactions.</p>

三 日付
3. Date

四 限月（オプション取引
については、限月、権利行
使価格及びプット又はコー
ルの別）

4. Expiration month (with
regard to Option
Transactions, the
expiration month,
Exercise Price, and
distinction of put or call)

三 取引高及び権利行使又は被権
利行使による取引高については、
その限月ごと、場節又は時間ご
と、売買の別ごと及び新規又は転
売若しくは買戻しの別ごとに記載
するとともに、その日及びその月
の合計額をその限月ごと及び売買
の別ごとに記載すること。

3. Transaction volume, and
exercise or non-exercise
transaction volume, shall be
recorded by the expiration
month, session or time,
distinction of selling or buying,
and by new transaction,
reselling, or repurchasing; and
the total amounts of the day
and the month shall be recorded
by expiration month and by
distinction of selling or buying.

四 権利行使高又は被権利行使高
については、その限月ごと、権利
行使価格ごと、プット又はコー
ルの別ごと、場節又は時間ごと、売
買の別ごと及び新規又は転売若し
くは買戻しの別ごとに記載するこ
とし、その日及びその月の合計
額をその限月ごと及びプット又は
コールの別ごとに記載すること。

4. The volume of exercise or
non-exercise shall be recorded
by expiration month, Exercise
Price, distinction of put or call,
session or time, distinction of
selling or buying, and by new
transaction, reselling, or
repurchasing; and the total
amount of the day and the
month shall be recorded by the
expiration month and by put or
call.

五 単一の対価の額又は約定価格等による競売買の方法による取引については場節、個別に形成される対価の額又は約定価格等による競売買の方法による取引については時間

5. With regard to transactions by auction method with a single amount of consideration or Contract Price, etc., the session (morning or afternoon session) shall be recorded. With regard to transactions by auction method with an amount of consideration or Contract Price, etc., which is individually determined, the time shall be recorded.

六 取引高

6. Transaction volume

五 約定価格等、帳入値段又は帳入指数並びに約定差金及び権利行使約定差金については、その限月ごと及び場節又は時間ごとに記載するとともに、その日及びその月の合計額をその限月ごとに記載すること。

5. Contract price, etc., including the closing price, closing index, balance of contract and balance of exercise contract, shall be recorded by expiration month and by session or time; and total amounts of the day and the month shall be recorded by expiration month.

六 対価の額及び総取引金額については、その限月ごと、権利行使価格ごと、プット又はコールの別ごと及び場節又は時間ごとに記載するとともに、総取引金額については、その日及びその月の合計額をその限月ごと及び売買の別ごとに記載すること。

6. The amounts of consideration and total transaction amount shall be recorded by expiration month, Exercise Price, distinction of put or call, and session or time; and with regard to the total transaction amount, the total amount of the day and the month shall be recorded by expiration month and by distinction of selling or buying.

七 権利行使又は被権利行使による取引高（現物先物取引、現金決済先物取引及び指数先物取引の場合に限る。）

7. Transaction volume by exercise or non-exercise (limited to the cases of gensaki, Futures Transactions with Cash Settlement, and Index Futures Transactions)

八 権利行使高又は被権利行使高（オプション取引の場合に限る。）

8. Volume of exercise or non-exercise (limited to cases of Option Transactions)

九 対価の額又は約定価格等

9. Amount of consideration or Contract Price, etc.

十 帳入値段又は帳入指数（現物先物取引、現金決済先物取引及び指数先物取引の場合に限る。）

10. Closing price or closing index (limited to cases of gensaki, Futures Transactions with Cash Settlement, and Index Futures Transactions)

十一 約定差金及び権利行使約定差金（現物先物取引、現金決済先物取引及び指数先物取引の場合に限る。）

11. Balance of contract or exercise contract (limited to cases of gensaki, Futures Transactions with Cash Settlement, and Index Futures Transactions)

	<p>十二 総取引金額（オプション取引の場合に限る。）</p> <p>12. Total transaction amount (limited to cases of Option Transactions)</p>	
<p>先物取引勘定元帳</p> <p>Futures Transaction Ledger</p>	<p>一 帳簿の作成日</p> <p>1. Date of record</p> <p>二 商品取引所名</p> <p>2. Name of Commodity Exchange</p> <p>三 上場商品又は上場商品指数の種類</p> <p>3. Type of Listed Commodity or Listed Commodity Index</p> <p>四 限月（オプション取引については、限月、権利行使価格及びプット又はコールの別）</p> <p>4. Expiration month (with regard to Option Transactions, expiration month, Exercise Price, and distinction of put or call)</p>	<p>一 商品取引受託業務を行う者にあつては、作成しないことができる。</p> <p>1. A person who engages in the Commodity Transactions Brokerage Business is not required to prepare these documents.</p> <p>二 現物先物取引、現金決済先物取引及び指数先物取引とオプション取引は区別して記載すること。</p> <p>2. Gensaki, Futures Transactions with Cash Settlement, and Index Futures Transactions shall be recorded separately from Option Transactions.</p> <p>三 成立年月日、場節又は時間、数量及び対価の額又は約定価格等については、売買の別、受渡しの別及び権利行使、被権利行使又は権利消滅の別ごとに記載すること。</p> <p>3. The date the transaction closed, session or time, quantity, and amount of consideration or Contract Price, etc. shall be recorded by distinction of selling or buying, distinction of receipt or delivery, and distinction of exercise, non-exercise, or expiration of the right.</p> <p>四 権利行使又は被権利行使により現物先物取引の売買が成立した場合は、その旨及び新規又は転売若しくは買戻しの別を記載すること。</p> <p>4. In cases where gensaki is closed by exercise or non-exercise, the said effect and distinction by new transaction, reselling, or repurchase shall be recorded.</p>

<p>五 成立年月日 5. Date transaction closed</p> <p>六 単一の対価の額又は約定価格等による競売買の方法による取引については場節、個別に形成される対価の額又は約定価格等による競売買の方法による取引については時間</p> <p>6. With regard to transactions by auction method with a single amount of consideration or Contract Price, etc., the session (morning or afternoon session) shall be recorded. With regard to transactions by auction method with an amount of consideration or Contract Price, etc., which is individually determined, the time shall be recorded.</p> <p>七 数量 7. Quantity</p> <p>八 対価の額又は約定価格等 8. Amount of consideration or Contract Price, etc.</p> <p>九 売買差損益金又は総取引金額 9. Balance of transactions or total transaction amount</p> <p>十 差引損益金 10. Net profit or loss</p> <p>十一 商品先物決済損益 11. Profit or loss of Commodity Futures settlement</p>	<p>五 商品先物決済損益については、その年月日、摘要、損益及び差引残高を記載すること。 5. With regard to profit and loss of Commodity Futures settlement, the date of settlement, summary, profit and loss, and the balance shall be recorded.</p>
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<p>先物取引建玉計算帳 Futures Transaction Position Calculation Journal</p>	<p>一 商品取引所名 1. Name of Commodity Exchange</p> <p>二 上場商品又は上場商品指数の種類 2. Type of Listed Commodity or Listed Commodity Index</p> <p>三 日付 3. Date</p> <p>四 限月（オプション取引にあつては、限月、権利行使価格及びプット又はコールの別） 4. Expiration month (with regard to Option Transactions, expiration, Exercise Price, and distinction of put or call)</p> <p>五 前日建玉残高 5. Open contracts of the previous day</p>	<p>一 現物先物取引、現金決済先物取引及び指数先物取引とオプション取引は区別して記載すること。 1. Gensaki, Futures Transactions with Cash Settlement, and Index Futures Transactions shall be recorded separately from Option Transactions.</p> <p>二 商品取引受託業務を行う者にあつては、自己又は受託の別ごとに記載すること。 2. A person who engages in the Commodity Transactions Brokerage Business shall record items by distinction of those pertaining to such person's own account or those pertaining to brokerage.</p> <p>三 前日建玉残高及び本日建玉残高については、売買の別ごとに記載すること。 3. Open contracts of the previous day or of the current day shall be recorded by distinction of selling or buying.</p> <p>四 取引高及び権利行使又は被権利行使による取引高については、売買の別ごと、新規又は転売若しくは買戻しの別ごと及びその合計額を記載すること。 4. Transaction volume and transaction volume of exercise or non-exercise shall be recorded by distinction of selling or buying, and by distinction of new transaction, reselling, or repurchasing, and the total amount shall also be recorded.</p> <p>五 帳入値段又は帳入指数については、当日のもの及び前営業日のものとの差を記載すること。 5. Closing price or closing index shall include the difference between that of the current day and that of the previous business day.</p>
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六 取引高

6. Transaction volume

七 権利行使又は被権利行使による取引高（現物先物取引、現金決済先物取引及び指数先物取引の場合に限る。）

7. Transaction volume by exercise or non-exercise (limited to cases of gensaki, Futures Transactions with Cash Settlement, and Index Futures Transactions)

八 受渡高（現物先物取引、現金決済先物取引及び指数先物取引の場合に限る。）

8. Settlement volume (limited to cases of gensaki, Futures Transactions with Cash Settlement, and Index Futures Transactions)

九 権利行使高又は被権利行使高（オプション取引の場合に限る。）

9. Volume of exercise or non-exercise (limited to Option Transactions)

六 取引証拠金預託必要額は、商品取引市場における会員等の自己の計算による取引の場合に、本証拠金、定時増証拠金、臨時増証拠金、受渡証拠金及び流動証拠金ごと並びにこれらの合計額を記載すること。

6. In cases of transactions on a Commodity Exchange Market by an account of Members, etc., the required amount of clearing margins shall be recorded by initial clearing margin, spot month additional clearing margin, extraordinary clearing margin, supplementary clearing margin, and option fluctuating clearing margin, and the total amount of such clearing margins shall also be recorded.

	<p>十 本日建玉残高 10. Open contracts of the current day</p> <p>十一 帳入値段又は帳入指数（現物先物取引、現金決済先物取引及び指数先物取引の場合に限る。） 11. Closing price or closing index (limited to cases of gensaki, Futures Transactions with Cash Settlement, and Index Futures Transactions)</p> <p>十二 帳入差金（現物先物取引、現金決済先物取引及び指数先物取引の場合に限る。） 12. Closing balance (limited to cases of gensaki, Futures Transactions with Cash Settlement, and Index Futures Transactions)</p> <p>十三 取引証拠金預託必要額 13. Required amount of clearing margins to be deposited</p>	
<p>先物取引受渡計算帳 Futures Transaction Settlement Calculation Journal</p>	<p>一 上場商品の種類 1. Type of Listed Commodity</p> <p>二 限月 2. Expiration month</p> <p>三 受渡の日時 3. Settlement date and time</p>	<p>一 商品取引受託業務を行う者にあつては、自己又は受託の別ごとに記載すること。 1. A person who engages in the Commodity Transactions Brokerage Business shall record items by distinction of a person's own account or a consignor's account.</p> <p>二 受渡高については、受渡しの別ごとに記載すること。 2. Settlement volume shall be recorded by distinction of receipt or delivery.</p> <p>三 差引受払額については、受払いの別ごとに記載すること。 3. The amount of balance of receipts or payments shall be recorded by distinction of receipt or payment.</p>

- 四 委託者名
4. Name of consignor
五 受渡供用品の種類及び
銘柄
5. Type and description of
deliverable grades
六 受渡高
6. Settlement volume
七 倉庫名
7. Name of warehouse
八 倉荷証券番号
8. Warehouse receipt
number
九 約定価格
9. Contract price
十 受渡値段
10. Settlement price
十一 格付差金
11. Balance of grades
十二 約定価格に基づく受
渡代金
12. Settlement amount
based on contract price
十三 受渡値段に基づく受
渡代金
13. Settlement amount
based on delivery price
十四 受渡値段に基づく受
渡代金に係る消費税額
14. Amount of
consumption tax
pertaining to delivery
amount based on
settlement price
十五 委託手数料及び委託
受渡手数料
15. Commission fees and
settlement fees
十六 委託手数料に係る消
費税額
16. Amount of
consumption tax
pertaining to commission
fees
十七 諸勘定
17. Various accounts
十八 差引受払額
18. Balance of receipts
and payments

	十九 受渡仕切差金 19. Settlement balances of reselling and repurchasing 二十 商品取引所又は商品取引清算機関における受渡代金 20. Settlement amount at the Commodity Exchange or Commodity Clearing Organization	
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別表第四（第九十九条関係）

Appended Table 4 (related to Article 99)

1 法第二条第八項第一号から第三号までに掲げる取引及び店頭商品先物取引にあつては、次の表に掲げる取引の区分に応じ同表に定める算定方法により算定した額の合計額

(1) With regard to transactions set forth in Article 2, paragraph (8), item (i) through (iii) of the Act and Over-the-Counter Commodity Futures Transactions, the amount is the total of the amount calculated by the calculation method specified in the following table for the categories of the transactions set forth in the same table.

取引の区分 Category of transaction	算定方法 Calculation method
商品取引員の自己の計算による商品市場における取引及び店頭商品先物取引 Transactions on a Commodity Market on a Futures Commission Merchant's own account and Over-the-Counter Commodity Futures Transactions	一の取引の限月ごと、かつ、商品市場で取引の対象とされる一の上場商品若しくは上場商品指数の種類又は店頭商品先物取引の対象とされる上場商品構成物品等ごとに、次に定める式により算定した額の合計額 Total amount calculated based on the following formula by expiration month of each transaction, and by each type of Listed Commodity or Listed Commodity Index subject to transactions on the Commodity market, or Listed Commodity Component Products, etc., subject to Over-the-Counter Commodity Futures Transactions:

	<p> $a \times b \times c \times 0.03 + d \times b \times c \times 0.15$ $(a \times b \times c \times 0.03) + (d \times b \times c \times 0.15)$ </p> <p>この式において、a、b、c及びdは、それぞれ次の値を表すものとする。</p> <p>The following values are represented by a, b, c, and d in the formula:</p> <p>a 売建玉及び買建玉の合計数量 a total quantity of short position and long position;</p> <p>b 売建玉及び買建玉に係る帳入値段又は帳入指数 b closing price or closing index pertaining short position and long position;</p> <p>c 倍率 c coefficient;</p> <p>d 売建玉及び買建玉の数量を相殺した結果として残る数量 d remaining quantity as a result of offsetting short positions and long positions.</p>
<p>委託者の計算による商品市場における取引及び店頭商品先物取引 Transactions on a Commodity Market on a consignor's own account and Over-the-Counter Commodity Futures Transactions</p>	<p>一の委託者ごとに、次に定める式により算定した額（当該額が負となる場合にあっては零）の合計額 Total amount calculated by individual customer based on the following formula (in cases where such amount becomes negative, the amount shall be zero):</p> <p> $[e + (0.4 \times a \times b \times c \times 0.1 + 0.6 \times a \times b \times c \times 0.1 \times e \div f) - g] \times h$ $\{e + (0.4 \times a \times b \times c \times 0.1) + [(0.6 \times a \times b \times c \times 0.1 \times e) / f] - g\} \times h$ </p>

この式において、e、f、g及びhは、それぞれ次の値を表すものとする。

The following values are represented by e, f, g, and h in the formula, in addition to the above values:

e 売建玉及び買建玉に係る差損金が、差益金を超える場合にあっては当該超える額、当該差益金を超えない場合にあっては零

e when a loss pertaining to a short position and long position exceeds profit, such excess amount, and when the loss does not exceed said profit, the amount shall be zero;

f 全ての売建玉及び買建玉に係る差損金の合計額

f total amount of loss pertaining to total short positions and long positions;

g 取引証拠金の額

g amount of clearing margin;

h 次の表に掲げる委託者の区分に応じ同表に定める率

h percentage prescribed in the following table for the categories of customers set forth respectively in said table:

委託者の区分 Category of customer		率 Percentage
金融機関等 Financial institutions, etc.	指定格付を付与された者 Institution which has been rated by a designated rating agency	1.2 %
	指定格付を付与されていない者 Institution which has not been rated by a designated rating agency	5 %

その他の法人等 Other juridical persons, etc.	指定格付を付与された者 Corporation which has been rated by a designated rating agency	6 % 6%
	指定格付を付与されていない者 Corporation which has not been rated by a designated rating agency	2 5 % 25%
個人 Individual persons		2 5 % 25%

2 法第二条第八項第四号に掲げる取引にあつては、次の表に掲げる取引の区分に応じ同表に定める算定方法により算定した額の合計額

(2) With regard to transactions set forth in Article 2, paragraph (8), item (iv) of the Act, the amount is the total of the amount calculated by the calculation method specified in the following table for the categories of transactions set forth in the same table.

取引の区分 Category of transaction	算定方法 Calculation method
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<p>商品取引員の自 己の計算による 商品市場におけ る取引及び店頭 商品先物取引 Transactions on a Commodity Market on a Futures Commission Merchant's own account and Over-the- Counter Commodity Futures Transactions</p>	<p>(1) 一の取引の限月ごと、かつ、商品市場で取引の対象とされる一の上場商品若しくは上場商品指数の種類又は店頭商品先物取引の対象とされる上場商品構成物品等ごとに、原資産の売建玉又は買建玉の数量に当該原資産の時価の十八パーセントに相当する額及び倍率を乗じた額 (1) The amount is calculated by multiplying the quantity of short positions or long positions of the underlying asset by the amount corresponding to 18 percent of the current market value of such underlying asset and coefficient, by expiration month of each transaction and by each type of Listed Commodity or Listed Commodity Index subject to transactions on the Commodity Market, or Listed Commodity Component Products, etc., subject to Over-the-Counter Commodity Futures Transactions.</p> <p>(2) (1)の規定にかかわらず、次の表に掲げる区分に応じ同表に定める額をもって(1)の額に代えることができる。 (2) Notwithstanding the provisions of (1), the amount specified in the following table corresponding to the category in the same table may substitute for the value of the result calculated as per (1).</p>	
<p>区分 Category</p>	<p>額 Amount</p>	
<p>当該取引に係る取引証拠金が商品取引所又は商品取引清算機関に預託された場合 In cases where a clearing margin pertaining to said transaction is deposited with the Commodity Exchange or Commodity Clearing Organization</p>	<p>当該取引証拠金の額 Amount of said clearing margin</p>	

	<p>買建玉の場合 In cases of long positions</p>	<p>当該取引に係るプレミアムの額 Amount of premium pertaining to said transaction</p>
	<p>売建玉であってアウト・オブ・ザ・マネーの場合 In cases of short positions and out-of-the-money</p>	<p>(1) の額から売建玉の数量にアウト・オブ・ザ・マネーの額及び倍率を乗じた額を控除した額 Result after deducting the amount obtained by multiplying the quantity of short positions by the amount out-of-the-money and the coefficient from the result of (1)</p>
<p>委託者の計算による商品市場における取引（売建玉に限る。） Transactions on a Commodity Market on customer's account (limited to short positions)</p>	<p>一の委託者ごとに、次に定める式により算定した額の合計額 The amount calculated by individual customer based on the following formula:</p> $[e + (0.4 \times a \times i \times c \times 0.1 + 0.6 \times a \times i \times c \times 0.1 \times e \div f) - g] \times h$ $\{e + (0.4 \times a \times i \times c \times 0.1) + [(0.6 \times a \times i \times c \times 0.1 \times e) / f] - g\} \times h$ <p>この式において、i は、売建玉及び買建玉に係る権利行使価格を表すものとする。 With regard to this formula, i shall represent the Exercise Price pertaining to a short position or long position.</p>	

備考

Notes

1 次の(1)から(11)までに掲げる用語の意義は、それぞれ(1)から(11)までに定めるところによる。

1. Definitions of terms prescribed in the following (1) through (11) shall be

set forth in the provisions of (1) through (11).

(1) 商品市場における取引 法第百三条第一項及び第百七十九条第一項に規定する商品市場における取引をいう。

(1) Transactions on a Commodity Market means transactions on a Commodity Market prescribed in the provisions of Article 103, paragraph (1) and Article 179, paragraph (1) of the Act.

(2) 売建玉 決済を結了していない売付けをいう。

(2) Short Position means selling with incomplete settlement.

(3) 買建玉 決済を結了していない買付けをいう。

(3) Long Position means buying with incomplete settlement.

(4) 倍率 売建玉及び買建玉について商品取引所及び店頭商品先物取引業者が定める取引単位を約定価格等の単位となる数量で除したものをいう。

(4) Coefficient means, with regard to short positions and long positions, the result of the calculation by dividing the transaction lot specified by the Commodity Exchange and Over-the-Counter Commodity Futures Transactions Dealers, by the quantity which is to be the unit of the Contract Price, etc.

(5) 金融機関等 次に掲げるものをいう。

(5) Financial Institutions, etc. means the following:

イ 商品取引員

a. Futures Commission Merchants;

ロ 金融商品取引業者

b. Financial Instruments Business Operators;

ハ 金融商品取引業者に準ずる指定国（金融商品取引業者の市場リスク相当額、取引先リスク相当額及び基礎的リスク相当額の算出の基準等を定める件（金融庁告示第五十九号）第一条第四号の指定国をいう。以下この表において同じ。）（日本国を除く。）の者（自己資本規制比率と類似の基準の適用を受けている者に限る。）

c. Persons (limited to those under requirements similar to the capital adequacy ratio) in Designated States (which means the Designated States set forth in Article 1, item (iv) of the Notice on Establishment of Standards for Calculation of Financial Instruments Business Operators' Amount Equivalent to Market Risk, Amount Equivalent to Counterparty Risk, and Amount Equivalent to Basic Risk [Public Notice of the Financial Services Agency No. 59]; hereinafter the same shall apply in this table) (excluding Japan) who are equivalent to Financial Instruments Business Operators;

ニ 国内の金融機関（金融商品取引業者等に関する内閣府令第百七十七条第一項第三号ハの金融機関をいう。以下この表において同じ。）

d. Financial Institutions (which means financial institutions specified in Article 177, paragraph (1), item (iii), (c) of the Cabinet Office

Ordinance on Financial Instruments Business Operators, etc.;
hereinafter the same shall apply in this table) in Japan;

ホ 国内の金融機関に準ずる指定国（日本国を除く。）の会社（自己資本比率基準の適用を受けている者に限る。）

e. Companies (limited to those under capital adequacy requirements) in Designated States (excluding Japan) which are equivalent to Financial Institutions in Japan;

へ 銀行持株会社（銀行法（昭和五十六年法律第五十九号）第二条第十三項に規定する銀行持株会社をいう。）

f. Bank Holding Companies (which means the Bank Holding Companies prescribed in Article 2, paragraph (13) of the Banking Act [Act No. 59 of 1981]);

ト 銀行持株会社に準ずる指定国（日本国を除く。）の会社（自己資本比率基準の適用を受けている会社に限る。）

g. Companies (limited to those under capital adequacy requirements) in Designated States (excluding Japan) which are equivalent to Bank Holding Companies.

(6) 指定格付を付与された者 本格付又は予備格付の別を問わず、長期優先債務（これと同視し得る債務を含む。）に指定格付（金融商品取引業者の市場リスク相当額、取引先リスク相当額及び基礎的リスク相当額の算出の基準等を定める件第一条第五号の指定格付をいう。以下この表において同じ。）が付与されている者をいい、会社格付又は保険金支払能力格付において指定格付と同等の格付が付与されている場合には、指定格付を付与されているものとみなす。なお、指定格付を付与されている連結財務諸表提出会社の連結子会社については、当該連結子会社が指定格付以外の格付を付与されている場合を除き、指定格付を付与されたものとみなす。

(6) An institution which has been rated by a Designated Rating agency means, notwithstanding the difference of the actual rating and the preliminary rating, an institution that has been given a Designated Rating (which means a Designated Rating specified in Article 1, item (v) of the Notice on Establishment of Standards for Calculation of Financial Instruments Business Operators' Amount Equivalent to Market Risk, Amount Equivalent to Counterparty Risk, and Amount Equivalent to Basic Risk; hereinafter the same shall apply in this table) of long term preferred debts (including debts that can be identified as equivalents), and the institution shall be deemed to be given a Designated Rating when said institution has been given the same rating as the Designated Rating with regard to a company rating or an insurance solvency rating. With regard to a consolidated subsidiary of a company with a Designated Rating that also submits a consolidated financial report, said consolidated subsidiary shall be

deemed to be granted the Designated Rating, except for the cases where said consolidated subsidiary has been given a rating other than the Designated Rating.

- (7) 権利行使価格 オプション取引においてオプションが行使された場合に成立する取引に係る価格、数値又はこれらと類似のものをいう。
- (7) Exercise Price means the price, value, or that which is similar to those pertaining to transactions closed when an option is executed as an Option Transaction.
- (8) コール・オプション オプション取引における原資産（オプションの行使の対象となる資産又は取引をいう。）を買う権利をいう。
- (8) Call option means the right to buy the Underlying Asset (which means an asset or transaction subject to an exercise of option) of an Option Transaction.
- (9) プット・オプション オプション取引における原資産を売る権利をいう。
- (9) Put Option means the right to sell the underlying asset of an Option Transaction.
- (10) アウト・オブ・ザ・マネー コール・オプション取引においては、原資産の価格が権利行使価格を下回っている状態をいい、プット・オプション取引においては、原資産の価格が権利行使価格を上回っている状態をいう。
- (10) Out-of-the-Money means the situation when the value of the underlying asset is lower than the Exercise Price with regard to a call Option Transaction, or the situation when the value of the underlying asset is higher than the Exercise Price with regard to a put Option Transaction.
- (11) アウト・オブ・ザ・マネーの額 アウト・オブ・ザ・マネーにおける権利行使価格と原資産の時価との差額をいう。
- (11) Amount Out-of-the-Money means the difference between the Exercise Price and the current market value of the underlying asset.
- 2 dにおいて、売建玉及び買建玉の数量を相殺した結果として残る数量について、直近の一年間又はそれ以上の期間の次の(1)から(3)までに掲げるものの間の価格変動の相関係数が十分の九以上である場合には、次の(1)から(3)までに掲げるものの売建玉及び買建玉の数量を相殺することができる。
2. With regard to d as the remaining quantity as a result of offsetting a short position and a long position, the quantity of short and long positions of the following (1) through (3) can be offset when the correlation coefficient of the price fluctuation listed in the following (1) through (3) is 90 percent or more:
- (1) 同一の商品市場における上場商品又は上場商品指数
- (1) Listed Commodity or Listed Commodity Index on the same Commodity Market;
- (2) 上場商品指数及びその上場商品指数対象物品である上場商品

- (2) Listed Commodity Index and Listed Commodity that is a Product Underlying a Listed Commodity Index;
- (3) 上場商品及び上場商品構成物品等又は上場商品指数及びその上場商品指数の上場商品指数対象物品である上場商品構成物品等
- (3) Listed Commodity and Listed Commodity Component Products, etc., or Listed Commodity Index and Listed Commodity Component Products, etc. that are Products Underlying the Listed Commodity Index of such Listed Commodity Index.
- 3 hの表に定める率については、委託者の区分を行うことが困難な場合にあつては25%とし、次に掲げる者に該当する場合にあつては委託者の区分にかかわらず100%とする。
3. With regard to coefficient h specified in the table, the value shall be 25 percent in cases where it is difficult to segregate by customer, and shall be 100 percent, notwithstanding the category of customer, in cases where the customer falls under any of the following:
- (1) 破産手続開始、再生手続開始、更生手続開始若しくは特別清算開始の申立てを行った者又は外国の法令に基づき同種類の申立てを行った者
- (1) a person who has filed a motion for the commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, commencement of reorganization proceedings, or commencement of special liquidation, or a person who has filed the same type of proceedings based on foreign regulations;
- (2) 破産手続開始の決定、再生手続開始の決定、更生手続開始の決定若しくは特別清算開始の命令を受けた者又は外国の法令に基づき同種類の判断を受けた者
- (2) a person who has received a decision for the commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, commencement of reorganization proceedings, or commencement of special liquidation, or a person who has received the same type of decision based on foreign regulations;
- (3) 客観的に債務超過状態にあると認められた法人
- (3) a juridical person that is determined to be a failed institution with excess debts, stated objectively.
- 4 コール・オプションの買付け又はプット・オプションの売付けは原資産の買付けとみなし、コール・オプションの売付け又はプット・オプションの買付けは原資産の売付けとみなす。
4. The buying of a call option or the selling of a put option shall be deemed to be the buying of the underlying asset, and the selling of a call option or the buying of a put option shall be deemed to be the selling of the underlying asset.
- 5 商品取引員の自己の計算による商品市場における取引においては、同一のオブ

ションの売付けと買付けが対当している場合はこれを相殺することができる。

5. With regard to transactions on a Commodity Market on a Futures Commission Merchant's own account, when the selling and buying of the same option are equivalent opposites, such transactions can be offset.

別表第五（第百十三条関係）

Appended Table 5 (related to Article 113)

帳簿の種類 Type of journal:	記載事項 Items to be recorded:	記載上の注意 Precautions for recording:
注文伝票 Order form	<p>一 受託日時 1. Date and time of the undertaking of brokerage</p> <p>二 商品取引所名 2. Name of Commodity Exchange</p> <p>三 上場商品又は上場商品指数の種類 3. Type of Listed Commodity or Listed Commodity Index</p> <p>四 自己又は受託の別（受託の場合にあつては委託者名） 4. Distinction of transactions pertaining to the person's own account or those pertaining to brokerage (in cases of brokerage, name of the customer)</p> <p>五 受託者名 5. Name of the broker</p>	<p>一 日付順につづり込んで作成すること。 1. File each document by date.</p> <p>二 コンピューターへの直接入力により注文伝票の作成を行う場合は、以下の（１）から（５）までの全ての要件を満たすこと。なお、この場合においては、一覧表形式で注文伝票を作成できるものとする。 2. When generating order forms by inputting directly into a computer, all requirements specified in the following (1) through (5) shall be satisfied. In such cases, order forms can be generated by a form of computer listing.</p> <p>（１） 受託と同時に、注文内容をコンピューターへ入力すること。 (1) Details of the order shall be input at the time of the undertaking of brokerage.</p> <p>（２） 入力されたデータの控えを作成し、及び保存すること。 (2) A copy of input data shall be generated and maintained.</p> <p>（３） 入力時刻が自動的に記録されること。 (3) Input time shall be recorded automatically.</p>

六 売買の別
6. Distinction of selling or
buying

(4) 入力された事項を取消し、又は修正した場合は、その取消し又は修正の記録がそのまま残されること。

(4) When input items are cancelled or modified, each such cancellation or modification shall be recorded per se as a separate record from the original.

七 数量

7. Quantity

(5) 注文内容を電話により営業所に連絡する場合、コンピューターの稼働終了後に翌日の注文を受託する場合、災害等によりコンピューターが使用不能となる場合等受託と同時にコンピューターに直接入力して作成することが不可能な場合は、受託時に手書きで注文伝票を作成すること。ただし、受託時に作成した手書きの注文伝票とその注文内容を後で入力して作成した約定結果等が記載されたコンピューターへの直接入力により作成した注文伝票を併せて保存する場合は、手書きの注文伝票に追記する必要はない。

(5) When it is impossible to input directly into a computer and generate an order form at the time of the undertaking of brokerage, such as: when details of an order are given to a branch office via telephone; when an order for the next day is undertaken after the computer operation; when a computer becomes out-of-service due to a disaster, etc.; the order form shall be generated manually at the time of the undertaking of brokerage; provided, however, that when the order form is both generated manually at the time of the undertaking of brokerage and the order form is generated by inputting directly into a computer, and when the order result, etc. is recorded by subsequently inputting details of the order and is maintained, it is not necessary for an additional copy to be recorded on a manual order form.

八 現物先物取引、現金決済先物取引及び指数先物取引については限月、新規、転売若しくは買戻し又は受渡しの別、オプション取引についてはオプション銘柄（限月、権利行使価格、プット又はコールの別）、新規又は転売若しくは買戻し、権利行使又は被権利行使の別

8. With regard to gensaki, Futures Transactions with Cash Settlement, and Index Futures Transactions, the expiration month, distinction of new transaction, reselling, or repurchasing, and distinction of receipt or delivery; and with regard to Option Transactions, a description of the option (expiration month, Exercise Price, distinction of put or call), distinction of new transaction, reselling, or repurchasing, and distinction of exercise or non-exercise

九 指値又は成行その他注文の種類（指値の場合にあっては、その値段及び注文の有効期限。成行の場合にあっては、取引を行う日及び場節）

9. Distinction of limit order, market order, or other orders (in cases of a limit order, the price and expiration of such order; in cases of a market order, the date and session of the transaction carried out)

三 取引が不成立の場合は、その旨を記載した注文伝票を保存すること。

3. When a transaction has ended in failure, that effect shall be recorded on the order form and such order form shall be maintained.

四 法第二条第十六項第二号又は第四号に掲げる商品市場における取引等の受託を行うもの（にあっては、その委託を受ける商品取引員の商号を記載すること）

4. With regard to a person who brokers of Transactions on a Commodity Market, etc., listed in Article 2, paragraph (16), item (ii) or item (iv) of the Act, the trade name of the Futures Commission Merchant who brokers shall be recorded.

十 単一の対価の額又は約定価格等による競売買の方法による取引については成立日及び場節、個別に形成される対価の額又は約定価格等による競売買の方法による取引については成立日時

10. With regard to transactions by auction method with a single amount of consideration or Contract Price, etc., the date and session of such transaction closed; and with regard to transactions by auction method with an amount of consideration or Contract Price, etc. that is individually determined, the date and time that such transaction closed

十一 対価の額又は約定価格等

11. Amount of consideration or Contract Price, etc.

十二 取引が不成立となった場合にあっては、その理由

12. When a transaction is not closed, the reasons for not closing

十三 転売又は買戻しの場合にあっては、当初約定日、数量及び対価の額（オプション取引の場合に限る。）又は約定価格等（現物先物取引、現金決済先物取引及び指数先物取引の場合に限る。）

13. In cases of reselling or repurchasing, the initial contract date, quantity, and amount of consideration (limited to the case of an Option Transaction) or Contract Price, etc. (limited to cases of gensaki, Futures Transactions with Cash Settlement, and Index Futures Transactions)

五 オプション取引について、権利行使の場合及び被権利行使の場合にあっては、新規、転売又は買戻しの別及びその数量を記載すること。

5. With regard to Option Transactions, in cases of exercise or non-exercise, the distinction of new transaction, reselling, or repurchasing, and quantity thereof, shall be recorded.

	<p>十四 権利行使の場合にあつては、権利行使に係るオプション取引の買建玉</p> <p>14. In cases of exercise, a long position of an Option Transaction pertaining to such exercise</p>	
<p>先物取引計算帳 Futures Transaction Calculation Journal</p>	<p>一 商品取引所名 1. Name of Commodity Exchange</p> <p>二 上場商品又は上場商品指数の種類 2. Type of Listed Commodity or Listed Commodity Index</p>	<p>一 法第二条第十六項第二号又は第四号に掲げる商品市場における取引等の受託を行うものにあつては、その委託を受ける商品取引員の商号を記載すること。 1. With regard to a person who brokers Transactions on Commodity Markets, etc., listed in Article 2, paragraph (16), item (ii) or item (iv) of the Act, the trade name of the Futures Commission Merchant who brokers shall be recorded.</p> <p>二 現物先物取引、現金決済先物取引及び指数先物取引とオプション取引は、区別して記載すること。 2. Gensaki, Futures Transactions with Cash Settlement, and Index Futures Transactions shall be recorded separately from Option Transactions.</p>

三 日付
3. Date

三 取引高及び権利行使又は被権利行使による取引高については、自己又は委託者の別ごと、限月ごと、場節又は時間ごと、売買の別ごと及び新規又は転売若しくは買戻しの別ごとに記載するとともに、その日及びその月の合計額をその限月ごと、自己又は受託の別ごと及び売買の別ごとに記載すること。

3. With regard to transaction volume or transaction volume by exercise or non-exercise, items shall be recorded by distinction of a person's own account or a customer's account, expiration month, session or time, distinction of selling or buying, and distinction of a new transaction, reselling or repurchasing; and the total amount of the day or the month shall be recorded by expiration month, by distinction of a person's own account or a consignor's account, and by distinction of selling or buying.

四 自己又は受託の別（受託の場合にあつては委託者名）
4. Distinction of transactions pertaining to the person's own account or those pertaining to brokerage (in cases of brokerage, the name of the customer)

五 限月（オプション取引にあつては、限月、権利行使価格、プット又はコールの別）
5. Expiration month (with regard to Option Transactions, the expiration month, Exercise Price, and distinction of put or call)

四 権利行使高及び被権利行使高については、自己又は委託者の別ごと、限月ごと、権利行使価格ごと、プット又はコールの別ごと、売買の別ごと及び新規又は転売若しくは買戻しの別ごとに記載することとし、その日及びその月の合計額をその限月ごと、自己又は受託の別ごと及びプット又はコールの別ごとに記載すること。

4. With regard to the volume of exercise or non-exercise, items shall be recorded by distinction of a person's own account or a customer's account, expiration month, Exercise Price, distinction of put or call, distinction of selling or buying, and distinction of new transaction, reselling, or repurchasing; and the total amount of the day and the month shall be recorded by expiration month, distinction of a person's own account or a consignor's account, and distinction of put or call.

五 約定価格等、帳入値段又は帳入指数並びに約定差金及び権利行使約定差金については、自己又は委託者の別ごと及び限月ごとに記載するとともに、その日及びその月の合計額を自己又は受託の別ごと及び限月ごとに記載すること。

5. With regard to the Contract Price, etc., closing price, closing index, balance of contract and balance of exercise contract, items shall be recorded by distinction of a person's own account or a customer's account, and expiration month; and the total amount of the day and the month shall be recorded by distinction of that pertaining to the person's own account or that pertaining to brokerage, and by expiration month.

六 単一の対価の額又は約定価格等による競売買の方法による取引については場節、個別に形成される対価の額又は約定価格等による競売買の方法による取引については時間

6. With regard to transactions by auction method with a single amount of consideration or Contract Price, etc., the session when such transaction closed; and with regard to transactions by auction method with an amount of consideration or Contract Price, etc. which is individually determined, the time such transaction closed

七 取引高

7. Transaction volume

八 権利行使又は被権利行使による取引高（現物先物取引、現金決済先物取引及び指数先物取引の場合に限る。）

8. Transaction volume by exercise or non-exercise (limited to cases of gensaki, Futures Transactions with Cash Settlement, and Index Futures Transactions)

九 権利行使高及び被権利行使高（オプション取引の場合に限る。）

9. Volume of exercise or non-exercise (limited to cases of Option Transactions)

十 対価の額又は約定価格等

10. Amount of consideration or Contract Price, etc.

六 対価の額及び総取引金額については、限月ごと、権利行使価格ごと及びプット又はコールの別ごとに記載するとともに、総取引金額については、その日及びその月の合計額をその限月ごと、自己又は受託の別ごと及び売買の別ごとに記載すること。

6. With regard to the amount of consideration and total transaction amount, items shall be recorded by expiration month, Exercise Price, distinction of put or call; and with regard to the total transaction amount, the total amount of the day and the month shall be recorded by expiration month, distinction of that pertaining to the person's own account or that pertaining to brokerage, and distinction of selling or buying.

	<p>十一 帳入値段又は帳入指数 (現物先物取引、現金決済先物取引及び指数先物取引の場合に限る。)</p> <p>11. Closing price or closing index (limited to cases of gensaki, Futures Transactions with Cash Settlement, and Index Futures Transactions)</p> <p>十二 約定差金及び権利行使約定差金 (現物先物取引、現金決済先物取引及び指数先物取引の場合に限る。)</p> <p>12. Balance of contract or exercise contract (limited to cases of gensaki, Futures Transactions with Cash Settlement, and Index Futures Transactions)</p> <p>十三 総取引金額 (オプション取引の場合に限る。)</p> <p>13. Total transaction amount (limited to cases of Option Transactions)</p>	
<p>委託者別先物取引勘定元帳 Futures Transaction Journal by Customer</p>	<p>一 委託者名 1. Name of customer</p>	<p>一 法第二条第十六項第二号又は第四号に掲げる商品市場における取引等の受託を行うものにあつては、その委託を受ける商品取引員の商号を記載すること。</p> <p>1. With regard to a person who accepts consignment of Transactions on a Commodity Market, etc., set forth in Article 2, paragraph (16), item (ii) or item (iv) of the Act, the trade name of the Futures Commission Merchant who accepts the consignment shall be recorded.</p>

二 帳簿の作成日
2. Date of record

三 商品取引所名
3. Name of Commodity
Exchange

四 上場商品又は上場商品指
数の種類
4. Type of Listed
Commodity or Listed
Commodity Index

五 限月（オプション取引に
あつては、限月、権利行使価
格、プット又はコールの別）
5. Expiration month (with
regard to Option
Transactions, the expiration
month, Exercise Price,
distinction of put or call)

二 現物先物取引、現金決済先物
取引及び指数先物取引とオプショ
ン取引は、区別して記載するこ
と。

2. Gensaki, Futures
Transactions with Cash
Settlement, and Index Futures
Transactions are to be recorded
separately from Option
Transactions.

三 成立年月日、場節又は時間、
数量及び対価の額又は約定価格等
については、売買の別、受渡しの
別又は権利行使、被権利行使若し
くは権利消滅の別ごとに記載する
こと。

3. Date transaction closed,
session or time, quantity and
amount of consideration or
Contract Price, etc. shall be
recorded by distinction of
selling or buying, distinction of
receipt or delivery, and
distinction of exercise, non-
exercise, or expiration of the
right.

四 権利行使又は被権利行使によ
り現物先物取引の売買が成立した
場合は、その旨及び新規又は転売
若しくは買戻しの別を記載するこ
と。

4. In cases where gensaki is
closed by exercise or non-
exercise, the said effect and
distinction of new transaction,
reselling, or repurchase shall
be recorded.

五 損益の清算又は受払いの状況
については、その年月日、摘要、
損益及び差引残高を記載するこ
と。

5. With regard to status of
balance clearing or settlement,
such date, summary, profit or
loss, and the balance shall be
recorded.

<p>六 成立年月日 6. Date transaction closed</p> <p>七 単一の対価の額又は約定価格等による競売買の方法による取引については場節、個別に形成される対価の額又は約定価格等による競売買の方法による取引については時間</p> <p>7. With regard to transactions by auction method with a single amount of consideration or Contract Price, etc., the session such transaction closed; and with regard to transactions by auction method with an amount of consideration or Contract Price, etc. that is individually determined, the time such transaction closed</p> <p>八 数量 8. Quantity</p> <p>九 対価の額又は約定価格等 9. Amount of consideration or Contract Price, etc.</p> <p>十 売買差損益金又は総取引金額 10. Balance of transaction or total transaction amount</p> <p>十一 委託手数料 11. Commission fees</p> <p>十二 消費税額 12. Consumption tax</p> <p>十三 差引損益金又は差引受払金 13. Net profit or loss, or net amount of receipt and delivery</p> <p>十四 損益の清算又は受払いの状況 14. Condition of balance clearing or settlement</p>	<p>六 商品市場における会員等の自己の計算による取引についても記載すること。 6. Transactions on a Commodity Market on a person's own account of Members, etc. shall also be recorded.</p>
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<p>証拠金等出納帳 Journal of Clearing Margins, etc.</p>	<p>一 帳簿の作成日 1. Date of record</p> <p>二 委託者名 2. Name of customer</p> <p>三 証拠金等の別 3. Distinction of clearing margin, etc.</p>	<p>一 証拠金等の別については、取引証拠金、委託証拠金、取次証拠金、清算取次証拠金、オプション料預り金又は商品取引受託業務に係る預り金の別を記載すること。 1. With regard to distinction of clearing margins, etc., distinction by clearing margin, customer margin, intermediary margin, clearing intermediary margin, deposit of option premium, or deposit pertaining to Commodity Transactions Brokerage Business shall be recorded.</p> <p>二 有価証券又は倉荷証券については、その内訳として、その種類又は銘柄名、数量又は額面、単価、預託額、返戻額及び差引預託額を記載し、現金については、その内訳として、預託額、返戻額及び差引預託額を記載すること。 2. With regard to Securities or warehouse receipts, such type or description, quantity or face value, unit price, amount of deposit, refundable amount, and amount of net deposit shall be recorded by each detailed amount; and with regard to cash, the amount of deposit, refundable amount, and amount of net deposit shall be recorded by each detailed amount.</p> <p>三 有価証券又は倉荷証券及び現金のそれぞれの内訳並びに預託現在高については、充用価格に基づく評価額及び時価に基づく評価額を記載すること。 3. With regard to each detailed amount and current outstanding deposits of Securities and warehouse receipts, the value based on allocation price and value based on current market value shall be recorded.</p>
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	<p>四 有価証券又は倉荷証券 4. Securities or warehouse receipts</p> <p>五 現金 5. Cash</p> <p>六 預託現在高 6. Current outstanding deposit</p>	
<p>委託者別証拠金等現在高帳 Journal of Current Outstanding Margins by Customer</p>	<p>一 委託者名 1. Name of customer</p>	<p>一 証拠金等の別については、取引証拠金、委託証拠金、取次証拠金、清算取次証拠金、オプション料預り金又は商品取引受託業務に係る預り金の別を記載すること。 1. With regard to distinction of margins, etc., distinction by clearing margin, customer margin, intermediary margin, clearing intermediary margin, deposit of option premium, or deposit pertaining to the Commodity Transactions Brokerage Business shall be recorded.</p>

二 帳簿の作成日
2. Date of record

三 証拠金等が預託された年月日
3. Date of deposit of margin,
etc.

四 摘要
4. Summary
五 証拠金等の別
5. Distinction of margins,
etc.
六 有価証券又は倉荷証券
6. Securities or warehouse
receipts

二 有価証券又は倉荷証券については、その内訳として、その種類又は銘柄名、数量又は額面、単価、預託額及び返戻額を、現金については、その内訳として、預託額及び返戻額を、預託現在高については、その内訳として、有価証券又は倉荷証券及び現金ごとの額並びにそれらの合計額を記載すること。

2. With regard to Securities or warehouse receipts, such type or description, quantity or face value, unit price, amount of deposit, and refundable amount shall be recorded by each detailed amount; with regard to cash, the amount of deposit and refundable amount shall be recorded by each detailed amount; and with regard to the current outstanding deposit, the amount of Securities or warehouse receipts, and cash, such total amount shall be recorded by each detailed amount.

三 有価証券又は倉荷証券、現金及び預託現在高のそれぞれの内訳については、充用価格に基づく評価額及び時価に基づく評価額を記載すること。

3. With regard to the detailed amounts of Securities or warehouse receipts, cash and current outstanding deposit, the value based on allocation price and value based on current market value shall be recorded.

	<p>七 現金 7. Cash</p> <p>八 預託現在高 8. Outstanding deposit</p>	
<p>預り有価証券 差入明細帳 Details of Securities deposited</p>	<p>一 差入先及び差入目的 1. Destination and purpose of deposit</p> <p>二 帳簿の作成日 2. Date of record</p> <p>三 差入又は返戻年月日 3. Date of deposit or refund</p> <p>四 委託者名 4. Name of customer</p> <p>五 有価証券銘柄名 5. Description of Securities</p> <p>六 数量又は額面 6. Quantity or face value</p> <p>七 単価 7. Unit price</p> <p>八 差入額 8. Amount of deposit</p> <p>九 返戻額 9. Refundable amount</p> <p>十 現在高 10. Current outstanding balance</p>	<p>一 差入先別に別葉とすること。 1. The documents shall be prepared separately by destination of deposit.</p> <p>二 同一差入先に別目的で差し入 れている場合は別葉とすること。 2. When deposits are paid to a location but for various purposes, the documents shall be prepared, separated by purpose.</p> <p>三 単価、差入額、返戻額及び現 在高については、充用価格に基 づく評価額及び時価に基づく評 価額を記載すること。 3. With regard to the unit price, deposit amount, refundable amount, and current outstanding balance, the value based on allocation price and the value based on current market value shall be recorded.</p>
<p>委託者総合管 理表 General Administratio n Table of Customers</p>	<p>一 帳簿の作成日 1. Date of record</p>	<p>一 建玉残高については、売買の 別ごとに記載すること。 1. Balances of open contracts shall be recorded separately by distinction of selling or buying.</p>

二 委託者名
2. Name of customer

三 商品取引所名
3. Name of Commodity
Exchange

二 預託猶予（法第百三条第八項（法第百七十九条第七項において準用する場合を含む。）の規定により取引証拠金の全部又は一部についてその預託の猶予を受けることをいう。以下同じ。）の別については、委託者が法第百三条第三項の取次者、法第百七十九条第三項の取次者又は同条第四項の清算取次者である場合に限って記載すること。

2. With regard to distinction of Deposit Deferrals (which means, with regard to the whole or a part of clearing margins, such deposit will carry a grace period pursuant to the provisions of Article 103, paragraph (8) of the Act [including cases applying mutatis mutandis pursuant to Article 179, paragraph (7) of the Act]; the same shall apply hereinafter), items shall be recorded only in cases where a customer is an intermediary prescribed in Article 103, paragraph (3) of the Act, an intermediary prescribed in Article 179, paragraph (3) of the Act, or a clearing intermediary prescribed in paragraph (4) of the same Article.

三 預り証拠金額については、現金及び有価証券又は倉荷証券並びにそれらの合計額を記載し、それぞれについて充用価格に基づく評価額及び時価に基づく評価額を記載すること。

3. With regard to deposited clearing margin, the amount of cash, Securities or warehouse receipts, and such total amount shall be recorded, and the value based on allocation price and the value based on the current market value shall be recorded.

四 上場商品又は上場商品指数の種類

4. Type of Listed Commodity or Listed Commodity Index

五 限月（オプション取引にあっては、限月、権利行使価格及びプット又はコールの別。）

5. Expiration month (with regard to Option Transactions, the expiration month, Exercise Price, and distinction of put or call)

四 無担保値洗損金通算額、無担保委託者未収金、預り証拠金余剰額、商品取引所又は商品取引清算機関に対する預託申告額、充当控除額及び返還予定額については、充用価格に基づく評価額を記載すること。

4. With regard to unsecured Mark-to-Market profit and loss amounts, unsecured accounts receivable from a customer, amount exceeding deposited margin, deposit amount declared to a Commodity Exchange or Commodity Clearing Organization, deduction amount against allocations, and amount scheduled to be refunded, the value based on allocation price shall be recorded.

五 取引証拠金預託必要額については、本証拠金、定時増証拠金、臨時増証拠金、受渡証拠金、プレミアム証拠金及び追証拠金ごとに記載するとともに、それらの合計額を記載すること。

5. With regard to the required amount of clearing margin, items shall be recorded by initial margin, spot month additional clearing margin, extraordinary clearing margin, delivery clearing margin, premium margin, and additional margin, and such total amount shall be recorded.

六 約定年月日
6. Date transaction closed

七 単一の対価の額又は約定価格等による競売買の方法による取引については場節、個別に形成される対価の額又は約定価格等による競売買の方法による取引については時間
7. With regard to transactions by auction method with a single amount of consideration or Contract Price, etc., the session shall be recorded. With regard to transactions by auction method with an amount of consideration or Contract Price, etc., which is individually determined, the time shall be recorded.

六 取引証拠金維持額については、取引本証拠金維持額、取引流動証拠金、取引定時増証拠金、取引臨時増証拠金及び取引受渡証拠金の合計額を記載すること。

6. With regard to amount for maintenance of the clearing margin, the total amount of the amount for maintenance of the initial clearing margin, option fluctuating clearing margin, spot month additional clearing margin, extraordinary clearing margin and delivery clearing margin shall be recorded.

七 余剰証拠金については、返還予定額を控除した額を記載すること。

7. With regard to the free margin, an amount calculated by deducting the amount scheduled to be refunded shall be recorded.

八 建玉残高
8. Outstanding open contracts

八 記載事項（帳簿の作成日、委託者名、商品取引所名、上場商品又は上場商品指数の種類、限月、約定年月日及び場節又は時間を除く。）については、個々の建玉、委託者（一人ずつ及び差換の有無又は預託猶予の別ごと）及び全ての委託者ごとにその額を記載すること。ただし、無担保値洗損金通算額、預り証拠金額、委託者未収金、無担保委託者未収金、取引証拠金預託必要額の合計額及びその内訳中追証拠金、預り証拠金余剰額又は不足請求額、取引証拠金維持額、値洗充当可能額、余剰証拠金、商品取引所又は商品取引清算機関に対する預託申告額、充当控除額並びに返還予定額については、個々の建玉ごとにその額を記載することを要しない。

8. With regard to items to be recorded (except for the date of record, name of customer, name of Commodity Exchange, Type of Listed Commodity or Listed Commodity Index, expiration month, date of contract, and session or time), such amount shall be recorded by each open contract, by customer (by each customer and distinction of existence or non-existence of replacement, or by Deposit Deferral), and by each of all of the above for all customers; provided, however, that with regard to unsecured Mark-to-Market profit and loss amounts, amount of deposited margin, accounts receivable from a customer, unsecured accounts receivable from a customer, total amount of required amount of clearing margin, and additional margin of such related details, amount exceeding deposited margin or amount of claim for shortage, maintenance account for the clearing margin, Mark-to-Market applicable reserve, free margin, deposit amount declared to a Commodity Exchange or Commodity Clearing Organization, deduction amount against

九 対価の額又は約定価格等	9. Amount of consideration or Contract Price, etc.
十 帳入値段又は帳入指数	10. Closing price or closing index
十一 値洗損益金通算額	11. Mark-to-Market profit and loss amount
十二 無担保値洗損金通算額	12. Unsecured Mark-to-Market profit and loss amount
十三 差換の有無又は預託猶予の別	13. Existence or non-existence of replacement, or distinction of Deposit Deferral
十四 預り証拠金額	14. Amount of deposited margin
十五 委託者未収金	15. Accounts receivable from customer
十六 無担保委託者未収金	16. Unsecured accounts receivable from customer
十七 取引本証拠金基準額	17. Base amount of initial clearing margin
十八 取引証拠金預託必要額	18. Required amount of clearing margin
十九 預り証拠金余剰額又は不足請求額	19. Amount exceeding deposited margin, or amount of claim for shortage
二十 取引証拠金維持額	20. Amount for maintenance of the clearing margin
二十一 値洗充当可能額	21. Mark-to-Market applicable reserve
二十二 余剰証拠金	22. Free margin

	<p>二十三 商品取引所又は商品取引清算機関に対する預託申告額 23. Deposit amount declared to the Commodity Exchange or Commodity Clearing Organization 二十四 充当控除額 24. Deduction amount against allocations 二十五 返還予定額 25. Amount scheduled to be refunded</p>	
<p>委託者別資産管理・保全台帳 Asset Management / Maintenance Journal by Customer</p>	<p>一 日付 1. Date</p>	<p>一 証拠金等の別については、取引証拠金、委託証拠金、取次証拠金若しくは清算取次証拠金又は預託猶予の別を記載すること。ただし、預託猶予については、委託者が法第百三条第三項の取次者、法第百七十九条第三項の取次者又は同条第四項の清算取次者である場合に限って記載すること。 1. With regard to distinction of margins, etc., distinction by clearing margin, customer margin, intermediary margin, clearing intermediary margin, any Deposit Deferral shall be recorded; provided, however, that with regard to Deposit Deferrals, items shall be recorded only in cases where a customer is an intermediary prescribed in Article 103, paragraph (3) of the Act, an intermediary prescribed in Article 179, paragraph (3) of the Act, or a clearing intermediary prescribed in paragraph (4) of the same Article.</p>

二 委託者名
2. Name of customer

三 証拠金等の別
3. Distinction of clearing
margin, etc.

二 預り証拠金額、オプション料
預り金及び商品取引受託業務に係
る預り金、受渡しに係る負債並び
に受渡しの決済のために商品取引
所に預託された財産については、
現金及び有価証券又は倉荷証券並
びにそれらの合計額を記載するこ
と。

2. With regard to the amount
of deposited margin, deposit of
option premium, deposit
pertaining to Commodity
Transactions Brokerage
Business, liabilities pertaining
to receipt and delivery, and
property deposited with a
Commodity Exchange for the
settlement of receipt or
delivery, cash, Securities or
warehouse receipts, and their
total amount shall be recorded.

三 値洗損益金通算額及び委託者
未収金については、無担保部分の
内訳を記載すること。

3. With regard to Mark-to-
Market profit and loss and
accounts receivable from a
customer, detailed amounts of
the unsecured portion shall be
recorded.

四 預かり証拠金額
4. Amount of clearing margin received from customer

四 商品取引所又は商品取引清算機関等に預託された証拠金の額については、その内訳として、差換をしていない場合にあっては現金の額、有価証券又は倉荷証券の額、充当控除額及び委託者が返還請求権を有する額を、差換をした場合にあっては差し換えて預託した額、立替額及び委託者が返還請求権を有する額を記載すること。

4. With regard to the amount of clearing margin deposited with a Commodity Exchange or Commodity Clearing

Organizations, in cases where there is no replacement, the amount of cash, amount of Securities or warehouse receipts, deduction amounts against allocations, and amount for which the customer holds a right to demand restitution shall be recorded as detailed amounts; and in cases where there is a replacement, the amount which was replaced and deposited, advance money, and the amount for which the customer holds a right to demand restitution shall be recorded as detailed amounts.

五 当日証拠金返還額及び賦課手数料

5. Amount of same-day margin refund and the commission imposed

五 値洗損益金通算額、商品取引所又は商品取引清算機関に対する未払委託者先物取引差金又は未収委託者先物取引差金、委託者未収金、委託者仮払金及び受渡しに係る委託者未払金又は委託者未収金については、時価に基づく評価額のみ記載するものとし、それ以外の記載事項（値洗損益金通算額及び委託者未収金のうち無担保部分を含む）については、充用価格に基づく評価額及び時価に基づく評価額を記載すること。

5. With regard to the Mark-to-Market profit and loss, balance of Futures Transactions of a customer who has not paid the Commodity Exchange or Commodity Clearing Organization, or balance of accrued Futures Transactions of the customer, accounts receivable from a customer, suspense payment of a customer, and accounts payable of the customer or accounts receivable from the customer with regard to receipt or delivery, the value based only on the current market value shall be recorded. With regard to other items to be recorded (including the unsecured portion of Mark-to-Market profit and loss and accounts receivable from a customer), the value based on allocation price and the value based on the current market value shall be recorded.

六 オプション料預り金及び
商品取引受託業務に係る預り
金

6. Deposit of option
premium and deposit
pertaining to Commodity
Transactions Brokerage
Business

七 受渡しに係る負債

7. Liabilities pertaining to
receipt and delivery

八 値洗損益金通算額

8. Mark-to-Market profit
and loss

六 全ての記載事項について、委
託者ごとの合計額、証拠金等の別
ごとの全ての委託者分の合計額及
び全ての委託者分の合計額を記載
すること。ただし、商品取引所又
は商品取引清算機関等に預託され
た証拠金の額の合計額について
は、差換をした場合に限って、証
拠金の別ごとに、その内訳とし
て、現金、有価証券又は倉荷証券
及び預託猶予の額を記載するこ
と。

6. With regard to all items to
be recorded, total amount by
customer, total amount of all
customers by distinction of
clearing margin, and total
amount of all customers shall
be recorded; provided,
however, that with regard to
total amount of clearing
margins deposited with a
Commodity Exchange or
Commodity Clearing
Organizations, only in cases
where replacement is carried
out, cash, Securities or
warehouse receipts, and
amounts of Deposit Deferrals
shall be recorded as detailed
items separately by distinction
of clearing margin.

九 商品取引所又は商品取引
清算機関に対する未払委託者
先物取引差金又は未収委託者
先物取引差金

9. Balance of Futures

Transactions of a customer
who has not paid the
Commodity Exchange or
Commodity Clearing
Organization, or balance of
accrued Futures

Transactions of the
customer

十 委託者未収金

**10. Accounts receivable
from a customer**

十一 委託者仮払金

**11. Suspense payment of a
customer**

十二 受渡しに係る委託者未
払金又は委託者未収金

**12. Accounts payable of the
customer or accounts
receivable from the
customer with regard to
receipt or delivery**

十三 未収委託者先物取引差
金調整額

**13. Adjustment amount of
the balance of accrued
Futures Transactions of the
customer**

十四 委託者に係る負債から
委託者に係る資産（商品取引
所又は商品取引清算機関等に
預託された証拠金の額を除
く。）を控除した額

**14. Amount calculated by
deducting assets pertaining
to a customer (except for
clearing margins deposited
with a Commodity
Exchange or Commodity
Clearing Organizations)
from liabilities pertaining to
the customer**

<p>十五 商品取引所又は商品取引清算機関等に預託された証拠金の額</p> <p>15. Amount of clearing margins deposited with a Commodity Exchange or Commodity Clearing Organizations</p> <p>十六 受渡しの決済のために商品取引所に預託された財産</p> <p>16. Property deposited with a Commodity Exchange for the settlement of receipt or delivery</p> <p>十七 保全対象財産</p> <p>17. Property Subject to Preservation</p>	
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様式第一号（第3条第2号 第4条第2号及び第3号 第28条第1項第4号 第29条第2号及び第3号 第38条第1項 第60条第3号 第61条第1号チ及び第2号ニ 第66条第11号 第70条第5号 第80条第1項第7号 第117条第1項第1号 第118条第2項第10号 第120条第2項第10号 第121条第2項第10号 第125条第1項及び第2項 第134条第1項第5号関係）

Form No. 1 (related to: Article 3, item (ii); Article 4, item (ii) and item (iii); Article 28, paragraph (1), item (iv); Article 29, item (ii) and item (iii); Article 38, paragraph (1); Article 60, item (iii); Article 61, item (i), (h) and item (ii), (d); Article 66, item (xi); Article 70, item (v); Article 80, paragraph (1), item (vii); Article 117, paragraph (1), item (i); Article 118, paragraph (2), item (x); Article 120, paragraph (2), item (x); Article 121, paragraph (2), item (x); Article 125, paragraph (1) and paragraph (2); and Article 134, paragraph (1), item (v))

様式第二号（第63条関係）

Form No. 2 (related to Article 63)

様式第三号（第78条関係）

Form No. 3 (related to Article 78)

様式第四号（第80条第1項第6号 第82条第2項第2号ロ 第118条第2項第9号 第119条第2項第6号 第120条第2項第9号 第121条第2項第9号関係）

Form No. 4 (related to: Article 80, paragraph (1), item (vi); Article 82,

paragraph (2), item (ii), (b); Article 118, paragraph (2), item (ix); Article 119, paragraph (2), item (vi); Article 120, paragraph (2), item (ix); and Article 121, paragraph (2), item (ix))

様式第五号 (第80条第1項第9号 第118条第2項第12号 第119条第2項第8号 第120条第2項第12号 第121条第2項第12号関係)

Form No. 5 (related to: Article 80, paragraph (1), item (ix); Article 118, paragraph (2), item (xii); Article 119, paragraph (2), item (viii); Article 120, paragraph (2), item (xii); and Article 121, paragraph (2), item (xii))

様式第六号 (第80条第1項第12号 第118条第2項第15号 第119条第2項第11号 第120条第2項第15号 第121条第2項第15号関係)

Form No. 6 (related to: Article 80, paragraph (1), item (xii); Article 118, paragraph (2), item (xv); Article 119, paragraph (2), item (xi); Article 120, paragraph (2), item (xv); and Article 121, paragraph (2), item (xv))

様式第七号 (第80条第1項第13号 第118条第2項第16号 第119条第2項第12号 第120条第2項第16号 第121条第2項第16号関係)

Form No. 7 (related to: Article 80, paragraph (1), item (xiii); Article 118, paragraph (2), item (xvi); Article 119, paragraph (2), item (xii); Article 120, paragraph (2), item (xvi); and Article 121, paragraph (2), item (xvi))

様式第八号 (第80条第1項第14号 第118条第2項第17号 第119条第2項第13号 第120条第2項第17号 第121条第2項第17号関係)

Form No. 8 (related to: Article 80, paragraph (1), item (xiv); Article 118, paragraph (2), item (xvii); Article 119, paragraph (2), item (xiii); Article 120, paragraph (2), item (xvii); and Article 121, paragraph (2), item (xvii))

様式第九号 (第80条第1項第19号 第118条第2項第22号 第119条第2項第18号 第120条第2項第22号 第121条第2項第22号関係)

Form No. 9 (related to: Article 80, paragraph (1), item (xix); Article 118, paragraph (2), item (xxii); Article 119, paragraph (2), item (xviii); Article 120, paragraph (2), item (xxii); and Article 121, paragraph (2), item (xxii))

様式第十号 (第80条第2項第1号 第117条第1項第3号関係)

Form No. 10 (related to: Article 80, paragraph (2), item (i); and Article 117, paragraph (1), item (iii))

様式第十一号 (第83条第1項関係)

Form No. 11 (related to Article 83, paragraph (1))

様式第十二号 (第 85 条第 1 項関係)

Form No. 12 (related to Article 85, paragraph (1))

様式第十三号 (第 88 条第 1 項関係)

Form No. 13 (related to Article 88, paragraph (1))

様式第十四号 (第 91 条関係)

Form No. 14 (related to Article 91)

様式第十五号 (第 100 条第 3 項関係)

Form No. 15 (related to Article 100, paragraph (3))

様式第十五号の二 (第 116 条第 1 項関係)

Form No. 15-2 (related to Article 116, paragraph (1))

様式第十六号 (第 117 条第 1 項第 2 号関係)

Form No. 16 (related to Article 117, paragraph (1), item (ii))

様式第十七号 (第 117 条第 1 項第 4 号関係)

Form No. 17 (related to Article 117, paragraph (1), item (iv))

様式第十八号 (第 117 条第 1 項第 4 号関係)

Form No. 18 (related to Article 117, paragraph (1), item (iv))

様式第十九号 (第 122 条関係)

Form No. 19 (related to Article 122)

様式第二十号 (第 132 条関係)

Form No. 20 (related to Article 132)

様式第二十一号 (第 155 条関係)

Form No. 21 (related to Article 155)

様式第二十二号 (第 162 条関係)

Form No. 22 (related to Article 162)

様式第二十三号 (第 163 条関係)

Form No. 23 (related to Article 163)

様式第二十四号 (第 173 条関係)

Form No. 24 (related to Article 173)