

商品先物取引法施行規則

Ordinance for Enforcement of the Commodity Derivatives 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.

(店頭商品デリバティブ取引について高度の能力を有する者等)

(Persons, etc., having a High Level of Ability with respect to Over-the-Counter Commodity Derivative Transactions)

第一条 商品先物取引法（以下「法」という。）第二条第十五項の主務省令で定める者は、次に掲げる者とする。

Article 1 (1) Persons prescribed by an ordinance of the competent ministry in Article 2, paragraph (15) of the Commodity Derivatives Act (referred to hereinafter as the "Act") shall be the following persons:

一 商品先物取引業者

(i) Commodity Derivatives Business Operators;

二 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）第二条第四項に規定する商品投資顧問業者

(ii) Commodity Investment Consultants as defined in Article 2, paragraph (4) of the Act on the Regulations of Commodities Investment Business (Act No. 66 of 1991);

三 金融商品取引法（昭和二十三年法律第二十五号）第二条第三項第一号に規定する適格機関投資家（次号及び第五号に掲げる者並びに金融商品取引法第二条に規定する定義に関する内閣府令（平成五年大蔵省令第十四号）第十条第一項第二十五号に掲げる者を除く。）

(iii) Qualified institutional investors as defined in 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（同法第二十八条第一項に規定する第一種金融商品取引業を行う者に限る。第一条の六第五号を除き、以下同じ。）

(iv) financial instruments business operators as defined in Article 2, paragraph (9) of the Financial Instruments and Exchange Act (limited to entities performing Type 1 Financial Instruments Business as defined in Article 28, paragraph (1) of the same Act; the same shall apply hereinafter, except in Article 1-6, item (v));

五 金融商品取引法第二条第十一項に規定する登録金融機関

(v) Registered financial institutions as defined in Article 2, paragraph (11) of the Financial Instruments and Exchange Act;

六 外国の法令上前各号に掲げる者に相当する者

(vi) Entities equivalent to entities listed in the preceding items under the laws and regulations of a foreign state;

七 外国の法令に準拠して設立された株式会社と同種類の法人で資本金の額が十億円相当以上の者（資本金の額を本邦通貨に換算する場合には、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）第七条第一項に規定する基準外国為替相場又は裁定外国為替相場によるものとする。）

(vii) stock companies and juridical persons of the same type established in accordance with the laws and regulations of a foreign state and having a capital amount of no more than the equivalent of 1 billion yen (in the case in which the capital amount is converted into Japanese currency, the conversion shall be based upon the basic exchange rate or the arbitrated exchange rate as defined in Article 7, paragraph (1) of the Foreign Exchange and Foreign Trade Act (Act No. 228 of December 1, 1949);

八 特定目的会社（資産の流動化に関する法律（平成十年法律第百五号。以下「資産流動化法」という。）第二条第三項に規定する特定目的会社をいう。次号、第一条の六第八号及び第三十八条第六項第一号において同じ。）のうち、次に掲げるもの

(viii) the following Special Purpose Companies (referring to Special Purpose companies as defined in Article 2, paragraph (3) of the Act on Securitization of Assets (Act No. 105 of 1998; referred to hereinafter as the "Asset Securitization Act"); the same shall apply in the following item, in Article 1-6, item (viii), and in Article 38, paragraph (6), item (i));

イ 特定資本金の額（資産流動化法第十六条第二項第四号に規定する特定資本金の額をいう。ロにおいて同じ。）が十億円以上であるもの

(a) those having a specified capital amount (referring to the specified capital amount as defined in Article 16, paragraph (2), item (iv) of the Asset Securitization Act; the same shall apply in (b)) of at least 1 billion yen;

ロ 特定資本金の額が三千万円以上であり、かつ、その発行する資産対応証券（資産流動化法第二条第十一項に規定する資産対応証券をいう。）を前号に掲げる者、金融商品取引法施行令（昭和四十年政令第三百二十一号）第一条の八の六第一項第二号ロに掲げる者又は金融商品取引法第二条に規定する定義に関する内閣府令第十五条第一項第一号から第三号までに掲げる者のみが取得しているもの

(b) those having a specified capital amount of at least 30 million yen with asset-backed Securities (referring to asset-backed Securities as defined in Article 2, paragraph (xi) of the Asset Securitization Act) issued therefrom held by those listed in the preceding item, by those listed in Article 1-8-6, paragraph (1), item (ii) (b) of the Order for Enforcement of the Financial Instruments and Exchange Act (Cabinet Order No. 321 of 1965), and only those listed from Article 15, paragraph (1), item (i) through item (iii) of the Cabinet Order Concerning Definitions Under Article 2 of the Financial Instruments and Exchange Act.

九 前各号に掲げる者又は資本金の額が十億円以上の株式会社の子会社（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。以下「財務諸表等規則」という。）第八条第三項に規定する子会社（同条第七項の規定により子会社に該当しないものと推定される特定目的会社を除く。）をいう。）

(ix) Subsidiary Companies of those listed in the preceding items or of stock companies having a capital amount of at least 1 billion yen (referring to Subsidiary Companies as defined in Article 8, paragraph 3 of the Rules Concerning Terminology, Forms, and Preparation Methods of Financial Statements, etc. (Order of the Ministry of Finance No. 59 of 1963; referred to hereinafter as "Rules for Financial Statements, etc.") (excluding Special Purpose Companies inferred as constituting Subsidiary Companies under provisions of paragraph (7) of the same Article).

2 法第二条第十五項の主務省令で定める金額は、十億円とする。

(2) The amount prescribed by an ordinance of the competent ministry under Article 2, paragraph (15) of the Act shall be 1 billion yen.

(国内にある者の範囲)

(Scope of Entities Within Japan)

第一条の二 商品先物取引法施行令（以下「令」という。）第二条第二号の主務省令で定める者は、前条第一項各号に掲げる者及び資本金の額が十億円以上の株式会社とする。

Article 1-2 Entities prescribed by an ordinance of the competent ministry under Article 2, item (ii) of the Order for Enforcement of the Commodity Derivatives Act (referred to hereinafter as the "Order") shall be those listed in the

respective preceding items and stock companies having a capital amount of at least 1 billion yen.

(外国商品市場取引について高度の能力を有する者)

(Entities Having a High Level of Ability with respect to Transactions in Foreign Commodities Markets)

第一条の三 令第二条第三号の主務省令で定める者は、第一条第一項各号に掲げる者及び資本金の額が十億円以上の株式会社とする。

Article 1-3 The entities prescribed by an ordinance of the competent ministry under Article 2, item (iii) of the Order shall be those listed in the respective items of Article 1, paragraph (1) and stock companies having a capital amount of at least 1 billion yen.

(人的関係又は資本関係において密接な関係を有する者)

(Persons or Entities Having Close Personal or Capital Relationships)

第一条の四 令第二条第五号の主務省令で定める者は、次の各号に掲げる者とする。

Article 1-4 The persons or entities prescribed by an ordinance of the competent ministry under Article 2, item (v) of the Order shall be those listed in the following items:

一 法第二条第二十二項第五号に掲げる行為を行う者の親会社（財務諸表等規則第八条第三項に規定する親会社をいう。以下同じ。）

(i) the parent company of an entity performing the actions listed in Article 2, paragraph (22), item (v) of the Act (referring to parent company as defined in Article 8, paragraph 3 of the Rules on Financial Statements; the same shall apply hereinafter);

二 法第二条第二十二項第五号に掲げる行為を行う者の子会社（財務諸表等規則第八条第三項に規定する子会社をいう。）

(ii) a Subsidiary Company of an entity performing the actions listed in Article 2, paragraph (22), item (v) of the Act (referring to Subsidiary Company as defined in Article 8, paragraph 3 of the Rules for Financial Statements; the same shall apply hereinafter);

三 法第二条第二十二項第五号に掲げる行為を行う者の親会社の子会社（財務諸表等規則第八条第三項の規定により当該親会社の子会社とされる者（当該同号に掲げる行為を行う者及び前二号に掲げる者を除く。）をいう。）

(iii) a Subsidiary Company of a parent company of an entity performing the actions listed in Article 2, paragraph (22), item (v) of the Act (referring to entities deemed to be Subsidiary Companies of said parent companies pursuant to provisions of Article 8, paragraph (3) of the Rules for Financial Statements (excluding those performing the actions listed in Article 2, paragraph (22), item (v) of the Act and those listed in the preceding two items;

四 法第二条第二十二項第五号に掲げる行為（同号に規定する媒介、取次ぎ及び代理を除き、次に掲げるすべての要件を満たすものに限る。）を行う者が商品の売買等（法第二条第二十六項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（以下この号において「当業者」という。）である場合には、他の当業者（前三号に掲げる者を除く。）

(iv) if the persons or entities engaged in the actions listed in Article 2, paragraph (22), item (v) of the Act (excluding brokerage, intermediation, and agency, and limited to those fulfilling all the requirements listed below) are engaged in the buying and selling, etc., of goods (referring to buying and selling, etc. as defined in Article 2, paragraph (26) of the Act) as a business (referred to hereinafter in this item as "Business Specialists"), other Business Specialists;

イ 当該他の当業者との間の商品の売買取引に付随して行うものであること。

(a) those engaged incidentally to purchase and sale transactions of commodities with said other Business Specialists;

ロ 商品市場における相場等（令第二十九条第四号に規定する商品市場における相場等をいう。以下同じ。）に係る変動により生ずるおそれのある当該他の当業者の損失を軽減することを目的とするものであること。

(b) those engaged for the purpose of reducing the risk of losses with said other Business Specialist arising from fluctuations in Commodity Market Prices, etc. (referring to Commodity Market Prices as defined in Article 29, item (iv) of the Order; the same shall apply hereinafter).

（商品デリバティブ取引に係る専門的知識及び経験を有する者）

(Persons Having Specialized Knowledge and Experience Pertaining to Commodity Derivative Transactions)

第一条の五 法第二条第二十五項第三号の主務省令で定める者は、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とする。

Article 1-5 The persons prescribed by an ordinance of the competent ministry under Article 2, paragraph (25), item (iii) of the Act shall be qualified institutional investors as defined in Article 2, paragraph (3), item (i) of the Financial Instruments and Exchange Act.

（特定委託者の範囲）

(Scope of Eligible Consignors)

第一条の六 法第二条第二十五項第八号の主務省令で定める法人は、次に掲げる法人とする。

Article 1-6 The juridical persons prescribed by an ordinance of the competent ministry under Article 2, paragraph (25), item (viii) of the Act shall be the following juridical persons:

一 法第六章に規定する委託者保護基金（以下「委託者保護基金」という。）

- (i) Consignor Protection Funds prescribed in Chapter VI of the Act;
二 法第三百四十九条第一項に規定する特定店頭商品デリバティブ取引業者（法人である者に限る。）
- (ii) Specified OTC Commodity Derivative Business Operators as defined in Article 349, paragraph (1) of the Act (limited to juridical persons);
三 特別の法律により特別の設立行為をもって設立された法人
- (iii) juridical persons founded by special founding action under special law;
四 金融商品取引業者
- (iv) financial instruments business operators;
五 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第三十五条に規定する商品投資販売業者である者（法人である者に限る。）
- (v) financial instruments business operators as defined in Article 2, paragraph (9) of the Financial Instruments and Exchange Act (limited to those engaged in Type 2 Financial Instruments Business as defined in Article 28, paragraph (2) of the same Act) who are commodity investment sellers as defined in Article 35 of the Act on the Regulations of Commodities Investment Business;
六 預金保険機構
- (vi) The Deposit Insurance Corporation of Japan;
七 保険業法（平成七年法律第百五号）第二百五十九条に規定する保険契約者保護機構
- (vii) The Policyholders Protection Corporation as prescribed in Article 259 of the Insurance Business Act (Act No. 105 of June 7, 1995);
八 特定目的会社
- (viii) Special Purpose Companies;
九 金融商品取引所（金融商品取引法第二条第十六項に規定する金融商品取引所をいう。以下同じ。）に上場されている株券の発行者である会社
- (ix) companies listed on a Financial Instruments Exchange (referring to a Financial Instruments Exchange as defined in Article 2, paragraph (16) of the Financial Instruments and Exchange Act; the same shall apply hereinafter) and issuing Securities;
十 取引の状況その他の事情から合理的に判断して資本金の額が五億円以上であると見込まれる株式会社
- (x) stock companies likely to have a capital amount of at least 500 million yen, judged rationally based on transaction conditions or other circumstances;
十一 外国法人
- (xi) foreign juridical persons.

（取引対象商品である物品に関連する物品）

(Articles Associated with Articles That Are Underlying Commodities)

第一条の七 法第二条第二十六項及び第九十七條の九第一項の主務省令で定めるものは、次の各号に掲げる物品とする。

Article 1-7 The articles prescribed by an ordinance of the competent ministry under Article 2, paragraph (26) and Article 197-9, paragraph (1) of the Act shall be the articles listed below:

一 当該取引対象商品である物品の主たる原料又は材料となっている物品

(i) articles constituting the main raw material or ingredient of an article that is an Underlying Commodity;

二 当該取引対象商品である物品を主たる原料又は材料とする物品

(ii) articles for which an article that is an Underlying Commodity is the main raw material or ingredient;

三 商品市場における相場等に係る変動その他の事情から合理的に判断して、当該取引対象商品である物品の価格と他の物品の価格との間に相関関係があると認められる場合における当該他の物品（前二号に掲げるものを除く。）

(iii) in a case in which a correlation relationship is recognized between the price of an article that is a Underlying Commodity and the price of another article, judged rationally based on fluctuations in market price, etc., in commodities markets or other circumstances, said other article (excluding those listed in the two preceding items).

(特定当業者である法人の要件)

(Requirements for Juridical Persons That Are Eligible Commercial Persons)

第一条の八 法第二条第二十六項の主務省令で定める要件は、取引の状況その他の事情から合理的に判断して、当該法人が最初に商品先物取引業者との間で商品取引契約（当該法人が売買等を業として行っている物品又はこれに関連する物品として次に掲げるものを取引対象商品とする商品デリバティブ取引に関するものに限る。）を締結した日から起算して一年を経過していると認められることとする。

Article 1-8 The requirement prescribed by an ordinance of the competent ministry under Article 2, paragraph (26) of the Act shall be that one year shall be recognized as having elapsed since the date on which said juridical person initially concluded a Commodities Transaction Contract (limited to those relating to Commodities Derivatives Transactions the articles listed below as articles for which said juridical person is engaged in the buying and selling, etc., as a business or an article associated therewith is deemed to be the transaction Underlying Commodity) with a Commodity Derivatives Business Operator, judging rationally based on the status of the transaction or other circumstances:

一 当該法人が売買等を業として行っている物品の主たる原料又は材料となっている物品

(i) articles constituting the main raw material or ingredient of an article of

which said juridical person are engaged in the buying and selling, etc. as a business;

二 当該法人が売買等を業として行っている物品を主たる原料又は材料とする物品

(ii) articles for which an article of which said juridical person is engaged in the buying and selling, etc. as a business constitutes the main raw material or ingredient;

三 商品市場における相場等に係る変動その他の事情から合理的に判断して、当該法人が売買等を業として行っている物品の価格と他の物品の価格との間に相関関係があると認められる場合における当該他の物品（前二号に掲げるものを除く。）

(iii) in a case in which a correlation relationship is recognized between the price of an article of which said juridical person is engaged in the buying and selling, etc. as a business and the price of another article, judged rationally based on fluctuations in market price, etc., in commodities markets or other circumstances, said other article (excluding those listed in the two preceding items).

(商品取引所の兼業業務の認可申請)

(Application for approval of a Commodity Exchange Subsidiary Business)

第一条の九 商品取引所は、法第三条第一項ただし書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 1-9 (1) If seeking approval pursuant to the provisions of the proviso of Article 3, paragraph (1), a Commodity Exchange shall submit to the competent minister a written application for approval stating the following matters:

一 認可を受けようとする業務の種類

(i) the type of business for which approval is sought;

二 当該業務の開始予定年月日

(ii) the year, month, and day of the planned start of said business;

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 following documents shall be attached to the written application for approval of the preceding paragraph:

一 当該業務を行う理由を記載した書面

(i) a document stating the reason for conducting said business;

二 当該業務の内容及び方法を記載した書面

(ii) a document stating the content and method of said business;

三 当該業務を所掌する組織及び人員配置を記載した書面

(iii) a document describing the organization and personnel assignments to have administrative responsibility for said business;

四 当該業務に関する内部規則

(iv) the internal rules relating to said business;

五 当該認可後三事業年度における当該業務の収支の見込みを記載した書面

(v) a document stating a forecast of income and expenditures for said business for the three fiscal years following said approval;

六 その他参考となるべき事項を記載した書面

(vi) other documents stating matters to be used for reference

(兼業業務の廃止の届出)

(Notification of Discontinuation of Subsidiary Business)

第一条の十 商品取引所が法第三条第一項ただし書の規定の認可を受けた業務（金融商品債務引受業等（金融商品取引法第一百五十六条の三第一項第六号に規定する金融商品債務引受業等をいう。第七十一条第三号において同じ。）及びこれに附帯する業務に限る。）を廃止したときは、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 1-10 If a commodities exchange discontinues a business authorized under provisions of the Proviso of Article 3, paragraph (1) (limited to Financial Instruments Obligation Assumption Business, etc. (referring to Financial Instruments Obligation Assumption Business, etc. as defined in Article 156-3, paragraph (1), item (vi) of the Financial Instruments and Exchange Act; the same shall apply in Article 71, item (iii) and ancillary businesses), a notification shall be filed listing the following matters:

一 当該業務を廃止した年月日

(i) the date on which said business was discontinued;

二 当該業務を廃止した理由

(ii) the reason for discontinuation of said business.

(商品取引所の子会社の認可申請)

(Application for approval of a Subsidiary Company of a Commodity Exchange)

第一条の十一 商品取引所は、法第三条の二第一項ただし書の規定により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 1-11 If seeking approval pursuant to the provisions of the proviso of Article 3-2, paragraph (1), item (i), a Commodity Exchange shall submit to the competent minister a written application for approval attaching the following documents:

一 当該認可に係る会社を子会社（法第三条の二第三項に規定する子会社をいう。以下この条において同じ。）とする理由を記載した書面

(i) a document stating the reason that the company pertaining to said approval is to be a Subsidiary Company (meaning a Subsidiary Company as prescribed in Article 3-2, paragraph (3) of the Act; hereinafter the same shall apply in this Article);

二 当該認可に係る子会社となる会社に関する次に掲げる書類

(ii) documents stating the following relating to the company that is to be the

Subsidiary Company pertaining to said approval;

イ 商号及び本店の所在地を記載した書面

(a) a document stating its trade name and location of its head office;

ロ 業務の内容を記載した書面

(b) a document stating the content of its business;

ハ 取締役及び監査役（委員会設置会社にあつては、取締役及び執行役。第三十六条の九及び第三十六条の十二第二号ハにおいて同じ。）の氏名及び役職名を記載した書面

(c) a document stating the names and titles of its directors and auditors (for a Company with Committees, directors and executive officers; the same shall apply in Article 36-9 and Article 36-12, paragraph (2), item (ii) (c));

ニ 当該会社が会計参与設置会社である場合には、会計参与の氏名又は名称を記載した書面

(d) in the case of a company with Accounting Advisors, a document stating the name(s) of the Accounting Advisor(s);

ホ 定款

(e) articles of incorporation;

ヘ 登記事項証明書

(f) certificate of registered matters;

ト 直前事業年度の貸借対照表、損益計算書及び株主資本等変動計算書その他最近における業務、財産及び損益の状況を知ることができる書類

(g) documents that make it possible to determine its recent status of business, property, and profit and loss, such as the balance sheet, profit and loss statement, and statement of changes in net assets for the most recent business year;

三 当該商品取引所及びその子会社に関する次に掲げる書類

(iii) the following documents relating to said Commodity Exchange and its Subsidiary Company:

イ 当該商品取引所及びその子会社の業務及び財産の状況を連結して記載した直前事業年度の貸借対照表、損益計算書及び株主資本等変動計算書その他これらの最近における業務、財産及び損益の状況を知ることができる書類

(a) documents that record on a consolidated basis the status of business and property for said Commodity Exchange and its Subsidiary Company and make it possible to determine the recent status of business, property, and profit and loss, such as the balance sheet, profit and loss statement, and statement of changes in net assets for the most recent business year;

ロ 当該認可後三事業年度における当該商品取引所及びその子会社（当該認可に係る子会社となる会社を含む。）の収支の見込みを記載した書面

(b) a document stating a forecast of income and expenditures for said Commodity Exchange and its Subsidiary Company (including a company that is to become the Subsidiary Company pertaining to said approval) for

the three fiscal years following said approval;

四 その他参考となるべき事項を記載した書面

(iv) other documents stating matters to be used for reference.

(自主規制業務)

(Self-Regulation Related Services)

第一条の十二 法第五条の二第二項第三号の主務省令で定めるものは、次に掲げるものとする。

Article 1-12 The matters specified by an ordinance of the competent ministry as prescribed in Article 5-2, paragraph (2), item (iii) shall be the following:

一 会員等の資格の審査

(i) examination of the qualifications of Members, etc;

二 会員等が行う商品市場における取引の内容の審査（商品市場における取引を円滑にするため、これらの取引の状況について即時に行うものを除く。）

(ii) examination of the content of transactions on the Commodity Market conducted by Members, etc. (excluding those for which examination of the status of the transaction is done immediately in order to facilitate smooth transactions on the Commodity Market);

三 法第五条の二第二項第一号及び第二号に掲げる業務に関する定款その他の規則の作成、変更及び廃止の業務

(iii) the work of creating, changing, or abolishing articles of incorporation or other rules relating to the businesses listed in Article 5-2, paragraph (2), items (i) and (ii) of the Act.

(電磁的記録)

(Electromagnetic Record)

第一条の十三 法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 1-13 The media specified by an ordinance of the competent ministry as prescribed in Article 11, paragraph (5) 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.

(商品先物取引法施行令に係る電磁的方法)

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

第二条の二 令第三条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、第四十一条、第五十一条、第九十条の三及び第九十条の二を除き、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, Article 41, Article 51, Article 90-3, and Article 109-2) that should be employed pursuant to the provisions of Article 3, paragraph (1) of 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, time, and place that 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) if 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（会社法第四百四十七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) if it has been judged that the person subject to the claim has a responsibility or duty, but no Action for Pursuing Liability, etc. (which means an Action for Pursuing Liability, etc. as prescribed in Article 847,

paragraph (1) of the Companies Act) will be filed, 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) if 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) if 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 on which 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) if 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 法第九十六条の十四第二項第二号

(iii) Article 96-14, paragraph (2), item (ii) of the Act;

- 四 法第二百三十三條第二項第三号
(iv) Article 123, paragraph (2), item (iii) of the Act;
- 五 法第二百五條第二項第三号
(v) Article 125, paragraph (2), item (iii) of the Act;
- 六 法第四百四十四條第二項第三号
(vi) Article 144, paragraph (2), item (iii) of the Act;
- 七 法第四百四十四條の二第六項第三号
(vii) Article 144-2, paragraph (6), item (iii) of the Act;
- 八 法第四百四十四條の三第二項第三号
(viii) Article 144-3, paragraph (2), item (iii) of the Act;
- 九 法第四百四十四條の四第五項第三号
(ix) Article 144-4, paragraph (5), item (iii) of the Act;
- 十 法第四百四十四條の五第二項第三号
(x) Article 144-5, paragraph (2), item (iii) of the Act;
- 十一 法第四百四十四條の十一第三項第三号
(xi) Article 144-11, paragraph (3), item (iii) of the Act;
- 十二 法第四百四十四條の十二第二項第三号
(xii) Article 144-12, paragraph (2), item (iii) of the Act;
- 十三 法第四百四十四條の十九第三項第三号
(xiii) 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)

第七條 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、第二條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 法第五十七條第四項第四号（法第七十七條第二項及び第九十三條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 法第六十八條の二第三項第四号

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

三 法第二百三十三條第二項第四号

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

四 法第二百五條第二項第四号

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

五 法第百四十四条第二項第四号

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

六 法第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 令第五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 5, paragraph (1) 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)

第九條の二 法第六十二條の三の規定による會員總會の議事録の作成については、この條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 會員總會の議事録は、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 會員總會の議事録は、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 會員總會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、監事又は會員が會員總會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, time, and place that 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 會員總會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 法第四十八條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 會員總會に出席した理事長、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)

第十條 次條から第二十六條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 sheets 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以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以内に回収されないことが明らかなものを除く。）のうち、通常取引に基づいて発生したもの及び通常取引以外の取引に基づいて発生したもので一年以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以内に回収されないことが明らかなものを除く。）のうち、通常取引に基づいて発生したもの及び通常取引以外の取引に基づいて発生したもので一年以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;

ヘ 売買目的有価証券及び一年以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;
- レ 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;
- ニ 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 リース資産であつて、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つて、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つては、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以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 資産除去債務のうち、一年内に履行されると認められるもの

(j) asset retirement obligations which are recognized as to be performed Within a Year;

ル 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

(k) 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;

ヘ ファイナンス・リース取引におけるリース債務のうち、前号リ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 資産除去債務のうち、前号又に掲げるもの以外のもの

(g) asset retirement obligations which are not those set forth in (j) of the preceding item;

チ その他の負債であって、流動負債に属しないもの

(h) 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 statements 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 reports 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（財務諸表等規則第八条第三項に規定する子会社という。）及び関連会社（同条第五項に規定する関連会社という。以下同じ。）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 Subsidiary Companies (referring to Subsidiary Companies as defined in Article 8, paragraph (3) of the Rules for Financial Statements, etc.) and Affiliated Companies (referring to Affiliated Companies as defined in paragraph (5) of the same article) 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 If 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 on which 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り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マ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査

(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（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. 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) if 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) if 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 on which 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) if 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.

(財務及び営業の方針の決定に対して重要な影響を与えることが推測される事実)

(A presumed fact that is expected to have a material effect on decisions of financial and business policies)

第二十九条の二 法第八十六条第一項本文の主務省令で定める事実は、次に掲げる事実とする。

Article 29-2 The facts specified by an ordinance of the competent ministry set forth in the main clause of Article 86, paragraph (1) of the Act shall be as

follows:

一 役員若しくは使用人である者又はこれらであった者であって法第八十六条第一項本文の株式会社商品取引所の財務及び営業又は事業の方針の決定に関して影響を与えることができるものが、当該株式会社商品取引所の取締役若しくは執行役又はこれらに準ずる役職に就任していること。

(i) any person who is or was an officer or an employee and can have an effect in relation on decisions of financial and operational or business policies of the Incorporated Commodity Exchange of the main clause of Article 86, paragraph (1) of the Act is appointed as a director or executive officer, or an equivalent post of said Incorporated Commodity Exchange;

二 当該株式会社商品取引所に対して重要な融資を行っていること。

(ii) material funding is provided to said Incorporated Commodity Exchange;

三 当該株式会社商品取引所に対して重要な技術を提供していること。

(iii) material technology is provided to said Incorporated Commodity Exchange;

四 当該株式会社商品取引所との間に重要な営業上又は事業上の取引があること。

(iv) there are material operational or business transactions with said Incorporated Commodity Exchange;

五 その他当該株式会社商品取引所の財務及び営業又は事業の方針の決定に対して重要な影響を与えることができることが推測される事実が存在すること。

(v) other facts exist that are expected to have a material effect on decisions of financial and operational or business policies of said Incorporated Commodity Exchange.

(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 (if 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), 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 of the day on which 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、第九十六条の十九第二項及び第九十六条の二十五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), Article 96-19, paragraph (2), and Article 96-25, 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本文に規定する対象議決権をいう。以下同じ。）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 the main clause of Article 86, paragraph (1) of the Act; the same shall apply hereinafter) 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。第三十六条の十において同じ。）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; the same shall apply in Article 36-10) for the purpose of the business prescribed in Article 156-24, paragraph (1) of the same Act.

(特定保有者の届出)

(Specified Holder's Notification)

第三十一条の二 法第八十六条第三項の主務省令で定める事項は、次に掲げる事項とする。

Article 31-2 The matters specified by an ordinance of the competent ministry set forth in Article 86, paragraph (3) of the Act shall be the following matters:

一 特定保有者（法第八十六条第三項に規定する特定保有者をいう。次号において同じ。）となった日

(i) the day the person became a Specified Holder (meaning a Specified Holder as prescribed in Article 86, paragraph (3) of the Act; the same shall apply hereinafter.);

二 特定保有者に該当することとなった原因

(ii) the grounds on which the person came to fall under Specified Holders;

三 その保有する対象議決権の数

(iii) the number of Subject Voting Rights held by the person.

(対象議決権保有届出書)

(Notification of Subject Voting Rights)

第三十一条の三 法第八十六条の二第一項の規定により対象議決権保有届出書を提出する者は、様式第一号の二により作成した対象議決権保有届出書及びその写しを主務大臣に提出しなければならない。

Article 31-3 (1) Persons submitting notifications of Subject Voting Rights pursuant to the provisions of Article 86, paragraph (2) of the Act shall submit to the competent minister a notification of Subject Voting Rights prepared according to Form No. 1-2 and a copy thereof.

2 法第八十六条の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。

(2) The matters specified by an ordinance of the competent ministry set forth in Article 86-2, paragraph (1) of the Act shall be the following matters:

一 商号、名称又は氏名

- (i) trade name, company name, or personal name;
二 本店若しくは主たる事務所の所在地又は住所若しくは居所
- (ii) address of head office or principal office or domicile or residence;
三 保有する議決権の数
- (iii) number of Voting Rights held;
四 対象議決権保有届出書を提出する者と特別の関係（令第九条第一項各号又は第十二条第一項各号に掲げる関係をいう。）にある者に関する事項
- (iv) matters relating to persons having a special relationship (meaning one of the relationships listed in the items of Article 9, paragraph 1 of the Order or the items of Article 12 paragraph 1 of the Order) to the person submitting the notification of Subject Voting Rights.

(身分証明書)

(Identification Card)

第三十一条の四 法第八十六条の三第二項（法第九十六条の二十一第三項（同条第二項において同条第一項の規定を準用する場合を含む。））、第九十六条の三十第二項、第九十六条の三十三第三項（同条第二項において同条第一項の規定を準用する場合を含む。）及び第九十六条の三十九第二項（法第九十六条の四十三において準用する場合を含む。）において準用する場合を含む。）又は第百五十七条第三項（法第百八十四条第二項、第二百三十一条第四項、第二百四十条の二十二第三項、第二百六十三条第二項、第三百二十二条第二項、第三百三十八条第二項（法第三百四十五条において準用する場合を含む。）及び第三百四十九条第六項において準用する場合を含む。）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 31-4 The identification card that officials shall carry pursuant to provisions of Article 86-3, paragraph (2) (including as applied mutatis mutandis in Article 96-21, paragraph (3) (including cases in which provisions of paragraph (1) of the same Article are applied mutatis mutandis in paragraph (2) of the same Article), Article 96-30, paragraph (2), Article 96-33, paragraph (3) (including cases in which provisions of paragraph (1) of the same Article are applied mutatis mutandis in paragraph (2) of the same Article), and Article 96-39, paragraph (2) of the Act) or Article 157, paragraph (3) of the Act (including as applied mutatis mutandis in Article 184, paragraph (2), Article 231, paragraph (4), Article 240, paragraph (2), and Article 349, paragraph (6) of the Act) shall be according to Form 2.

(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 If 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 if 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 If 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 If 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っ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.

(緊急の場合の取扱い)

(Handling cases of emergency)

第三十六条の二 法第九十六条の七各項の主務省令で定める自主規制業務は、会員等に対する処分とする。

Article 36-2 Self-Regulation Related Services specified by an ordinance of the competent ministry set forth in the paragraphs of Article 96-7 of the Act shall be dispositions against Members, etc.

(自主規制委員会の同意を得るべき事項)

(Matters on which agreement of the Self-Regulating Committee is to agree)

第三十六条の三 法第九十六条の九の主務省令で定めるものは、取引参加者の資格の付

与に関する基準とする。

Article 36-3 (1) The basis for granting qualification for Trading Participants shall be that specified by an ordinance of the competent ministry set forth in Article 96-9 of the Act.

2 特定株式会社商品取引所（法第九十六条の二第二項に規定する特定株式会社商品取引所をいう。）は、取引参加者の資格の付与に関する基準の作成を行おうとするときは、自主規制委員会の同意を得るものとする。

(2) Specified Incorporated Commodity Exchanges (meaning the Specified Incorporated Commodity Exchanges prescribed in Article 96-2, paragraph (2) of the Act), when establishing standards related to granting the qualification for Trading Participants, shall obtain the agreement of the Self-Regulating Committee.

（自主規制委員会の議事録）

(Minutes of Self-Regulating Committee Meetings)

第三十六条の四 法第九十六条の十三第三項の議事録は、次に掲げる事項を内容とするものでなければならない。

Article 36-4 Minutes under Article 96-13, paragraph (3) of the Act shall include the following matters:

一 自主規制委員会が開催された日時及び場所（当該場所に存しない自主規制委員が自主規制委員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, time, and place that the Self-Regulating Committee meeting was held (including the method of attendance in the case that Self-Regulating Committee members attend the Self-Regulating Committee meeting at a location other than said meeting location.);

二 自主規制委員会の議事の経過の要領及びその結果

(ii) the general nature of the conduct of the Self-Regulating Committee meeting and the results thereof.;

三 決議を要する事項について特別の利害関係を有する自主規制委員があるときは、その氏名

(iii) if there is a Self-Regulating Committee member who has a special interest in a matter that requires a resolution, the name of that person;

四 自主規制委員会に執行役、取締役、会計参与又は会計監査人が出席した場合には、その氏名又は名称

(iv) if an executive officer, director, Accounting Advisor or accounting auditor attends a Self-Regulating Committee meeting, the personal name or company name of that person;

五 自主規制委員会の議長が存するときは、議長の氏名

(v) if there is a chairman of the Self-Regulating Committee meeting, the chairman's name;

六 議事録の作成に係る職務を行った自主規制委員の氏名

(vi) the name of the Self-Regulating Committee member performing the work of preparing the minutes.

(自主規制委員会の議事録に係る電子署名の規定の準用)

(Application mutatis mutandis of Electronic Signatures provisions pertaining to minutes of Self-Regulating Committee meetings)

第三十六条の五 第二条の規定は、法第九十六条の十三第五項の規定による署名又は記名押印に代わる措置について準用する。

Article 36-5 The provisions of Article 2 shall apply mutatis mutandis to measures that replace signatures or names and seals specified by Article 96-13, paragraph (5) of the Act.

(自主規制委員会の職務執行のために決定すべき事項)

(Matters to be determined for the execution of the duties of the Self-Regulating Committee)

第三十六条の六 法第九十六条の十七の主務省令で定める事項は、次に掲げる事項とする。

Article 36-6 The matters specified by an ordinance of the competent ministry set forth in Article 96-17 shall be the following:

一 自主規制委員会の職務を補助すべき取締役及び使用人に関する事項

(i) matters relating to directors and employees to assist with the duties of the Self-Regulating Committee;

二 自主規制業務の執行を行う取締役、執行役及び使用人に関する事項

(ii) matters relating to directors, executive officers, and employees who perform the work of Self-Regulation Related Services;

三 前号の取締役、執行役及び使用人が自主規制委員会に自主規制業務の執行に関する事項を報告するための体制その他の自主規制委員会への報告に関する事項

(iii) matters relating to the system for the directors, executive officers, and employees of the preceding item to report to the Self-Regulating Committee matters concerning performance of the work of Self-Regulation Related Services and relating to other reports to the Self-Reporting Committee;

四 その他自主規制委員会の自主規制業務に関する事項の決定が実効的に行われることを確保するための体制

(iv) other systems for ensuring that decisions on matters relating to the Self-Regulating Committee's work of Self-Regulation Related Services are made effectively.

(株式会社商品取引所の主要株主の認可申請)

(Applications for approval of major shareholders of Incorporated Commodity Exchanges)

第三十六条の七 法第九十六条の十九第一項の認可を受けようとする者は、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 36-7 (1) Persons intending to obtain approval under Article 96-19, paragraph (1) of the Act shall submit to the competent minister a written application for approval which states the following matters:

一 商号若しくは名称又は氏名及び本店若しくは主たる事務所（地方公共団体にあっては、事務所）の所在地又は住所若しくは居所

(i) trade name, company name, or personal name and address of head office or principal office (in the case of a local government, its office address) or domicile or residence;

二 地方公共団体にあっては、その長の氏名

(ii) in the case of a local government, the name of the head thereof;

三 法人（地方公共団体を除く。）にあっては、その代表者の氏名

(iii) in the case of a juridical person (excepting local governments) the name of its representative;

四 認可申請者が保有する当該認可に係る株式会社商品取引所の対象議決権の数及び保有割合並びに当該認可後に取得し、又は保有しようとする当該株式会社商品取引所の対象議決権の数及び保有割合

(iv) the number of Subject Voting Rights and the percentage of holdings of the Incorporated Commodity Exchange pertaining to said approval held by and, following approval, to be obtained by the approval applicant or the number of Subject Voting Rights and the percentage of holdings of said Incorporated Commodity Exchange intended to be held;

五 当該認可に係る株式会社商品取引所の対象議決権を取得し、又は保有しようとする理由

(v) Reason for obtaining or intending to hold Subject Voting Rights of the Incorporated Commodity Exchange pertaining to said approval;

2 前項の認可申請書には、次に掲げる書類（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。）を添付しなければならない。

(2) The following documents (in the case of documents certified by a public agency, limited to documents prepared within three months prior to the date of filing the application for approval) shall be attached to the written application for approval of the preceding paragraph:

一 次のイからハまでに掲げる場合の区分に応じ、当該イからハまでに定める書類（申請者が外国法人であることその他の理由により当該書類の一部がない場合は、当該書類に相当する書類）

(i) the documents specified in the following (a) through (c) for the categories of cases set forth in said (a) through (c) (if part of said documents are not available because the applicant is a foreign juridical person or due to another reason, documents equivalent to said documents)

イ 認可申請者が地方公共団体である場合 当該認可申請者の最近における財産及び収支の状況を知ることができる書類

- (a) if the applicant for approval is a local government, documents that make it possible to determine the recent status of property and income and expenditure of said applicant for approval;
- ロ 認可申請者が法人（地方公共団体を除く。ハにおいて同じ。）である場合 当該認可申請者に関する次に掲げる書類
- (b) if the applicant for approval is a juridical person (excepting a local government; the same shall apply in subsection (c)) the following documents relating to said applicant for approval.
- (1) 定款
 1. articles of incorporation.
 - (2) 登記事項証明書
 2. certificate of registered matters.
 - (3) 役員（会計参与を除く。）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。）並びにその者が同号ハからルまで（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
 3. for officers (excepting the Accounting Advisor), a copy, etc. of the certificate of residence and 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 (excluding the case that the person is a foreigner), and a sworn, written statement that such person does not fall under any of the provisions of (c) to (k) of the same item (if the person is a foreigner, (a) to (k) of the same item).
 - (4) 当該認可申請者が会計参与設置会社である場合には、会計参与の住民票の写し等（その者が法人の場合には、登記事項証明書）、履歴書（その者が法人の場合には、沿革を記載した書面）、会計参与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（その者が法人又は外国人である場合を除く。）並びに会計参与が同号ハからルまで（その者が法人の場合には同号ハからルまで及びワ、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
 4. if the applicant for approval is a company with Accounting Advisors, a copy, etc. of each Accounting Advisor's certificate of residence (if the person is a juridical person, its certificate of registered matters) and curricula vitae (if the person is a juridical person, a document containing the history thereof), a certification issued by a public agency that the Accounting Advisor does not fall under the provisions of Article 15, paragraph (2), item (i) (a) or (b) of the Act (excluding the case that the person is a foreigner), and a sworn, written statement that the Accounting Advisor does not fall under any of the provisions of (c) to (k) of the same item (if the person is a juridical person, (c) to (i) and (l) of the

same item; if the person is a foreigner, (a) to (k) of the same item).

(5) 当該認可申請者の総株主等（令第九条第一項第三号に規定する総株主等をいう。第八十二条第一項第三号及び第二項第十三号ロを除き、以下同じ。）の議決権（令第九条第一項第三号に規定する議決権をいう。以下この（5）において同じ。）の百分の五を超える議決権を保有する者がある場合には、当該者の氏名、住所又は居所、国籍及び職業（当該者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地及びその行っている事業の内容）並びにその保有する議決権の数を記載した書面

5. if there is a person who holds more than 5% of the Voting Rights (meaning the Voting Rights set forth in Article 9, paragraph (1), item (iii) of the Order; hereinafter the same shall apply in this subsection 5.) of the General Shareholders, etc. (meaning the General Shareholders, etc. set forth in Article 9, paragraph (1), item 3 of the Order, excluding paragraph (1), item 3 and paragraph 2, item 13 (b) of Article 82; the same shall apply hereinafter), a document stating that person's name, domicile or resident, nationality and occupation (if the person is a juridical person or other organization, its trade name or company name, location of its head office or principal office and the content of the business it is conducting) as well as the number of Voting Rights held.

(6) 当該認可の申請が株主総会又は取締役会（これらに準ずる機関を含む。以下この（6）において同じ。）の決議を要するものである場合には、これに関する株主総会又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

6. in the case said application for approval requires a decision by a general meeting of shareholders or the board of directors (including administrative bodies similar to these; hereinafter the same shall apply in this subsection 6.), the minutes of a general meeting of shareholders or meeting of the board of directors, relating to the matter, and other documents stating that the necessary procedures were followed.

(7) 業務の内容を記載した書面

7. a document stating the content of its business.

(8) 直前事業年度の貸借対照表、損益計算書及び株主資本等変動計算書その他当該認可申請者の最近における業務、財産及び収支の状況を知ることができる書類

8. documents that make it possible to determine the recent status of business, property and income and expenditure of said applicant for approval, such as the balance sheet, profit and loss statement, and statement of changes in net assets for the most recent business year.

(9) 当該認可申請者が外国商品市場開設者（令第十一条第二号に規定する外国商品市場開設者をいう。以下同じ。）である場合には、その本店又は主たる事務所の所在する国において法第九条若しくは第七十八条の許可と同種類

の許可又はこれに類する認可その他の行政処分を受けていることを証する書面

9. if said applicant for approval is a Foreign Commodity Market Maker (meaning a Foreign Commodity Market Maker as set forth in Article 11, item 2 of the Order; the same shall apply hereinafter), a document stating in the country where the applicant's head office or principal office is located permission of the same type as the permission of Article 9 or Article 78 of the Act or approval or other administrative disposition similar thereto has been granted.

(10) 当該認可申請者が外国商品市場開設者持株会社（令第十一条第三号に規定する外国商品市場開設者持株会社をいう。以下この（10）及び（13）において同じ。）である場合には、その本店又は主たる事務所の所在する国における法（法に基づく命令を含む。）に相当する外国の法令を執行する当局が、当該認可申請者が外国商品市場開設者持株会社であることについて法第九十六条の二十五第一項の認可と同種類の認可又はこれに類する許可その他の行為をしていることを証する書面

10. if said applicant for approval is a Foreign Commodity Market Maker Holding Company (meaning a Foreign Commodity Market Maker Holding Company as prescribed in Article 11, item (iii) of the Order; hereinafter the same shall apply in this subsection 10. and in subsection 13.), a document stating that the authority responsible for enforcement of the laws and regulations of the state where the head office or principal office of the applicant for authorization is located which correspond to the Act (including orders based on the Act) has granted approval of the same type as the approval of Article 96, paragraph (25), item (i) of the Act or has granted permission or taken other action similar thereto concerning the fact that said applicant for approval is a Foreign Commodity Market Maker Holding Company.

(11) 当該認可申請者が外国金融商品取引市場開設者（金融商品取引法第六十条の二第一項第六号に規定する外国金融商品取引市場開設者をいう。以下同じ。）である場合には、その本店又は主たる事務所の所在する国において金融商品取引法第八十条第一項の免許と同種類の免許又はこれに類する許可その他の行政処分を受けていることを証する書面

11. if said applicant for approval is an Establisher of a Foreign Financial Instruments Exchange Market (meaning an Establisher of a Foreign Financial Instruments Exchange Market as prescribed in Article 60-2, paragraph (1), item (vi) of the Financial Instruments and Exchange Act; the same shall apply hereinafter), a document stating that the applicant for approval has been granted in the state where its head office or principal office is located a license of the same type as the license of Article 80, paragraph (1) of the Financial Instruments and

Exchange Act or approval or other administrative disposition similar thereto.

- (1 2) 当該認可申請者が外国金融商品取引市場開設者持株会社（令第十一条第五号に規定する外国金融商品取引市場開設者持株会社をいう。以下この（1 2）及び（1 3）において同じ。）である場合には、その本店又は主たる事務所の所在する国における金融商品取引法（同法に基づく命令をむ。）に相当する外国の法令を執行する当局が、当該認可申請者が外国金融商品取引市場開設者持株会社であることについて金融商品取引法第百六条の十第一項の認可と同種類の認可又はこれに類する許可その他の行為をしていることを証する書面

12. if said applicant for approval is a Holding Company Establisher of a Foreign Financial Instruments Exchange Market (meaning a Holding Company Establisher of a Foreign Financial Instruments Exchange Market as prescribed in Article 11, item (v) of the Order; hereinafter the same shall apply in this subsection 12 and in subsection 13.) a document stating that the authority responsible for enforcement of the laws and regulations of the state where the head office or principal office of the applicant for authorization is located which correspond to the Financial Instruments and Exchange Act (including orders based on the Act) has granted approval of the same type as the approval of Article 106-10, paragraph (1), of the Financial Instruments and Exchange Act or has granted permission or taken other action similar thereto concerning the fact that said applicant for approval is a Holding Company Establisher of a Foreign Financial Instruments Exchange Market.

- (1 3) 当該認可申請者が外国商品市場開設者、外国商品市場開設者持株会社、外国金融商品取引市場開設者又は外国金融商品取引市場開設者持株会社である場合には、これらの者が法第九十六条の十九第一項の認可を受けてその総株主の議決権（法第八十六条第一項本文に規定する議決権をいう。第三号において同じ。）の保有基準割合（法第八十六条第一項本文に規定する保有基準割合をいう。第三号において同じ。）の保有基準割合（法第八十六条第一項本文に規定する保有基準割合をいう。第三号において同じ。）以上百分の五十以下の数の対象議決権を取得し、又は保有しようとする株式会社商品取引所が、商品取引所等（法第八十六条第一項ただし書の商品取引所、商品取引所持株会社、金融商品取引所又は金融商品取引所持株会社をいう。）の子会社（法第三条の二第三項に規定する子会社をいう。）であることを知ることができ書類

13. if said applicant for approval is a Foreign Commodity Market Maker, a Foreign Commodity Market Maker Holding Company, an Establisher of a Foreign Financial Instruments Exchange Market, or a Holding Company Establisher of a Foreign Financial Instruments Exchange

Market, documents that make it possible to determine that these persons, within the approval set forth in Article 96-19, paragraph (1), obtain Subject Voting Rights of a number greater than the Holding Ratio Threshold (meaning the Holding Ratio Threshold prescribed in the main clause of Article 86, paragraph (1) of the Act; the same shall apply in item (iii)) of the Voting Rights (meaning the Voting Rights as prescribed in the main clause of Article 86, paragraph (1) of the Act; the same shall apply in item (iii)) of all shareholders, but less than 50 percent, or that the Incorporated Commodity Exchange these persons intend to hold is a Subsidiary Company (meaning a Subsidiary Company as prescribed in Article 3-2, paragraph (3) of the Act) of a Commodity Exchange, etc. (meaning Commodity Exchanges, Commodity Exchange Holding Companies, Financial Instrument Exchanges, or Financial Instrument Exchange Holding Companies of the proviso to Article 86, paragraph (1) of the Act).

ハ 認可申請者が地方公共団体及び法人以外の者である場合 当該認可申請者に関する次に掲げる書類

(c) if the applicant for approval is other than a local government or a juridical person, the following documents relating to said applicant for approval:

(1) 職業を記載した書面

1. a document stating the person's occupation;

(2) 住民票の写し等

2. a copy, etc. of the certificate of residence;

(3) 当該認可申請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。）並びにその者が同号ハからルまで（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

3. a certification issued by a public agency that the applicant for approval Accounting Advisor does not fall under the provisions of Article 15, paragraph (2), item (i) (a) or (b) of the Act (excluding the case that the person is a foreigner), and a sworn, written statement that the applicant Accounting Advisor does not fall under any of the provisions of (c) to (k) of the same item (if the person is a foreigner, (a) to (k) of the same item);

二 当該認可に係る株式会社商品取引所の対象議決権の保有に係る体制を記載した書面

(ii) a document describing the system pertaining to holding the Subject Voting Rights of the Incorporated Commodity Exchange pertaining to said approval;

三 認可申請者が当該認可に係る株式会社商品取引所との間に、当該認可後に有することを予定する人事、資金、技術及び取引等における関係並びに当該関係に係る方

針（当該株式会社商品取引所の業務の健全かつ適切な運営を確保するための体制を含む。）を記載した書類

(iii) a document describing any relationship between the applicant for approval and the Incorporated Commodity Exchange pertaining to said approval in terms of personnel affairs, funds, technology, transactions or other matters planned for after said approval and the policy pertaining to said relationship (including any systems to ensure the sound and appropriate management of said Incorporated Commodity Exchange);

四 その他法第九十六条の二十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

(iv) documents stating any matters to be used as a reference for recognizing whether the criteria listed in Article 96-20, paragraph (1) of the Act have been met.

（特定保有者に係る規定の準用）

(Mutatis mutandis application of provisions pertaining to Specified Holders)

第三十六条の八 第三十一条の二の規定は、法第九十六条の十九第三項（法第九十六条の二十五第四項及び第九十六条の三十一第四項において準用する場合を含む。）に規定する主務省令で定める事項について準用する。

Article 36-8 The provisions of Article 31-2 shall apply mutatis mutandis to matters prescribed by an ordinance of the competent ministry as prescribed in Article 96-19, paragraph (3) of the Act (including the case of application mutatis mutandis to Article 96-25, paragraph (4) and Article 96-31, paragraph (4) of the Act.)

（商品取引所持株会社に係る認可申請書の添付書類）

(Attached documents to applications for approval pertaining to a Commodity Exchange Holding Company)

第三十六条の九 法第九十六条の二十六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、当該各号に定める書類（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 36-9 The documents specified by an ordinance of the competent ministry set forth in Article 96-26, paragraph (2) of the Act for the categories of cases set forth in the following items shall be the documents specified in each said item (in the case of documents certified by a public agency, limited to documents prepared within three months prior to the date of filing the application for approval):

一 認可申請者が法第九十六条の二十五第一項本文の認可を受けて株式会社商品取引所を子会社（法第三条の二第三項に規定する子会社をいう。以下この条において同じ。）としようとする場合又は認可申請者が株式会社商品取引所を子会社とする会社であることについて法第九十六条の二十五第三項ただし書の認可を受けようとする

る場合次に掲げる書類

(i) In the case that the applicant for approval, with the approval set forth in the main clause of Article 96-25, paragraph (1) of the Act, intends to make the Incorporated Commodity Exchange a Subsidiary Company (meaning a Subsidiary Company as prescribed in Article 3-2, paragraph (3) of the Act; hereinafter the same shall apply in this Article) or the case that the applicant for approval intends to obtain the approval of the proviso of Article 96-25, paragraph (3) concerning the fact that it is a company having the Incorporated Commodity Exchange as a Subsidiary Company, the following documents;

イ 株式会社商品取引所を子会社とする理由を記載した書面

(a) a document stating the reason the Incorporated Commodity Exchange is to be a Subsidiary Company;

ロ 当該認可申請者に関する次に掲げる書類

(b) the following documents concerning said applicant for approval:

(1) 登記事項証明書

1. certificate of registered matters;

(2) 取締役及び監査役の住民票の写し等、履歴書、これら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（これらの者が外国人である場合を除く。）並びにこれらの者が同号ハからルまで（これら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

2. a copy, etc. of each director's and auditor's certificate of residence, curricula vitae, and a certification issued by a public agency that the person does not fall under the provisions of Article 15, paragraph (2), item (i) (a) or (b) of the Act (excluding the case that the person is a foreigner), and a sworn, written statement that the person does not fall under any of the provisions of (c) to (k) of the same item (if the person is a foreigner, (a) to (k) of the same item);

(3) 当該認可申請者が会計参与設置会社である場合には、会計参与の住民票の写し等（その者が法人の場合には、登記事項証明書）、履歴書（その者が法人の場合には、沿革を記載した書面）、会計参与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（その者が法人又は外国人である場合を除く。）並びに会計参与が同号ハからルまで（その者が法人の場合には同号ハからリまで及びワ、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

3. if the applicant for approval is a company with Accounting Advisors, each Accounting Advisor's certificate of residence (if the person is a juridical person, its certificate of registered matters) and curricula vitae (if the person is a juridical person, a document containing the history thereof), a certification issued by a public agency that the

Accounting Advisor does not fall under the provisions of Article 15, paragraph (2), item (i) (a) or (b) of the Act (excluding the case that the person is a foreigner), and a sworn, written statement that the Accounting Advisor does not fall under any of the provisions of (c) to (k) of the same item (if the person is a juridical person, (c) to (i) and (l) of the same item; if the person is a foreigner, (a) to (k) of the same item);

- (4) 当該認可申請者の総株主の議決権の百分の五を超える議決権（法第八十六条第一項本文に規定する議決権をいう。以下この（4）及び次号ロ（3）において同じ。）を保有する者がある場合には、当該者の氏名、住所又は居所、国籍及び職業（当該者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地及びその行っている事業の内容）並びにその保有する議決権の数を記載した書面
4. if the applicant for approval is a person who holds Voting Rights in excess of 5 percent of the Voting Rights of the General Shareholders (meaning Voting Rights as set forth in the main clause of Article 86, paragraph (1); hereinafter the same shall apply in this subsection 4. and in (b) 3 of the next item), documents stating said person's name, domicile or residence, nationality and occupation (if said person is an organization or other juridical person, its trade name, legal name, the location of its head office or principal office and the content of the business it is conducting), and the number of Voting Rights the person holds;
- (5) 株主総会又は取締役会の議事録その他の必要な手続があったことを証する書面
5. a document stating that minutes of a general meeting of shareholders or of a meeting of the board of directors were taken and other necessary procedures were followed;
- (6) 業務の内容を記載した書面
6. documents stating the content of its business;
- (7) 直前事業年度の貸借対照表、損益計算書及び株主資本等変動計算書その他当該認可申請者の最近における業務、財産及び収支の状況を知ることができる書類
7. documents that make it possible to determine the recent status of business, property and income and expenditure of said applicant for approval, such as the balance sheet, profit and loss statement, and statement of changes in net assets for the most recent business year;
- (8) 当該認可申請者が法第九十六条の二十五第一項本文又は第三項ただし書の認可を受けて子会社としようとする株式会社商品取引所の経営管理に係る体制を記載した書類
8. a document describing the system pertaining to business management of

the Incorporated Commodity Exchange the applicant for approval intends to make a Subsidiary Company with the approval set forth in the main clause of Article 96-25, paragraph (1) or in the proviso of paragraph (3) of the Act;

(9) 株式会社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を記載した書類

9. a document describing the situation for securing employees having knowledge and experience concerning the business of an Incorporated Commodity Exchange;

ハ 当該認可申請者が法第九十六条の二十五第一項本文又は第三項ただし書の認可を受けて子会社としようとする株式会社商品取引所に関する次に掲げる書類

(c) the following documents relating to an Incorporated Commodity Exchange which said applicant for approval intends to make a Subsidiary Company with the approval set forth in the main clause of Article 96-25, paragraph (1) or in the proviso of paragraph (3) of the Act;

(1) 商号及び本店の所在地を記載した書面

1. a document stating its trade name and head office location;

(2) 取締役及び監査役の役職名及び氏名を記載した書面

2. a document stating the titles and names of its directors and auditors;

(3) 当該株式会社商品取引所が会計参与設置会社である場合には、会計参与の名称又は氏名を記載した書面

3. if the Incorporated Commodity Exchange is a company with Accounting Advisors, a document stating the name(s) of the Accounting Advisor(s);

(4) 直前事業年度の貸借対照表、損益計算書及び株主資本等変動計算書その他当該株式会社商品取引所の最近における業務、財産及び収支の状況を知ることができる書類

4. documents that make it possible to determine the recent status of business, property and income and expenditure of said Incorporated Commodity Exchange, such as the balance sheet, profit and loss statement, and statement of changes in net assets for the most recent business year;

ニ 法第九十六条の二十五第一項本文又は第三項ただし書の認可後三事業年度における当該認可申請者及びその子会社である株式会社商品取引所の収支の見込みを記載した書面

(d) a document stating a forecast of income and expenditures for said applicant for approval and for the Incorporated Commodity Exchange that is its Subsidiary Company for the three fiscal years following the approval set forth in the main clause of Article 96-25, paragraph (1) or in the proviso of paragraph (3) of the Act;

ホ その他法第九十六条の二十七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

(e) documents stating any matters to be used as a reference for recognizing whether the criteria listed in Article 96-27, paragraph (1) of the Act have been met.

二 認可申請者が法第九十六条の二十五第一項本文の認可を受けて株式会社商品取引所を子会社とする会社を設立しようとする場合 次に掲げる書類

(ii) in the case where the applicant for approval, with the approval set forth in the main clause of Article 96-25, paragraph (1) intends to establish a company that will have the Incorporated Commodity Exchange as a Subsidiary Company:

イ 株式会社商品取引所を子会社とする会社を設立しようとする理由を記載した書面

(a) a document stating the reason for establishing a company that will have the Incorporated Commodity Exchange as a Subsidiary Company;

ロ 当該認可を受けて設立される会社（以下この号において「設立会社」という。）に関する次に掲げる書類

(b) the following documents relating to the company that is to be established with said approval (hereinafter referred to as the "Established Company" in this item):

(1) 取締役及び監査役の住民票の写し等、履歴書、これら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（これらの者が外国人である場合を除く。）並びにこれらの者が同号ハからルまで（これら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

1. a copy, etc. of each director's and auditor's certificate of residence, curricula vitae, and a certification issued by a public agency that the person does not fall under the provisions of Article 15, paragraph (2), item (i) (a) or (b) of the Act (excluding the case that the person is a foreigner), and a sworn, written statement that the person does not fall under any of the provisions of (c) to (k) of the same item (if the person is a foreigner, (a) to (k) of the same item);

(2) 設立会社が会計参与設置会社である場合には、会計参与の住民票の写し等（その者が法人の場合には、登記事項証明書）、履歴書（その者が法人の場合には、沿革を記載した書面）、会計参与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（その者が法人又は外国人である場合を除く。）並びに会計参与が同号ハからルまで（その者が法人の場合には同号ハからルまで及びワ、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

2. if the Established Company is a company with Accounting Advisors, a copy, etc. of each Accounting Advisor's certificate of residence (if the person is a juridical person, its certificate of registered matters) and curricula vitae (if the person is a juridical person, a document

containing the history thereof), a certification issued by a public agency that the Accounting Advisor does not fall under the provisions of Article 15, paragraph (2), item (i) (a) or (b) of the Act (excluding the case that the person is a foreigner), and a sworn, written statement that the Accounting Advisor does not fall under any of the provisions of (c) to (k) of the same item (if the person is a juridical person, (c) to (i) and (l) of the same item; if the person is a foreigner, (a) to (k) of the same item);

- (3) 設立会社の総株主の議決権の百分の五を超える議決権を保有しようとする者がある場合には、当該者の氏名、住所又は居所、国籍及び職業（当該者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地及びその行っている事業の内容）並びにその保有しようとする議決権の数を記載した書面
3. if the Established Company is a person who holds Voting Rights in excess of 5 percent of the Voting Rights of the General Shareholders, documents stating said person's name, domicile or residence, nationality and occupation (if said person is an organization or other juridical person, its trade name, legal name, the location of its head office or principal office and the content of the business it is conducting), and the number of Voting Rights to be held;
 - (4) その設立が創立総会の決議を要するものである場合には、これに関する創立総会の議事録（株式移転、合併又は分割により設立される場合には、これに関する株主総会の議事録）その他必要な手続があったことを証する書面
4. in the case that company establishment requires a decision by an organizational meeting, a document stating that minutes of the organizational meeting relating to the company establishment (in the case of establishment by means of share transfer, merger or company split, the minutes of a general meeting of shareholders relating to the establishment) were taken and other necessary procedures followed;
 - (5) 業務の内容を記載した書面
5. a document stating the content of the business;
 - (6) 資本金の額その他の当該設立後における財産の状況を知ることができる書類
6. documents that make it possible to determine the amount of capital and the status of other property following said establishment;
 - (7) 当該認可申請者が法第九十六条の二十五第一項本文の認可を受けて子会社としようとする株式会社商品取引所の経営管理に係る体制を記載した書面
7. a document describing the system pertaining to business management of the Incorporated Commodity Exchange the applicant for approval intends to make a Subsidiary Company with the approval set forth in the main clause of Article 96-25, paragraph (1) of the Act;

- (8) 株式会社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を記載した書類
8. a document describing the situation for securing employees having knowledge and experience concerning the business of an Incorporated Commodity Exchange;
- ハ 設立会社が子会社としようとする株式会社商品取引所に関する次に掲げる書類
- (c) the following documents concerning the Incorporated Commodity Exchange the Established Company intends to make a Subsidiary Company:
- (1) 商号及び本店の所在地を記載した書面
1. a document stating its trade name and the location of its head office;
- (2) 取締役及び監査役の役職名及び氏名を記載した書面
2. a document stating the titles and names of its directors and auditors;
- (3) 当該株式会社商品取引所が会計参与設置会社である場合には、会計参与の名称又は氏名を記載した書面
3. if said Incorporated Commodity Exchange is a company with Accounting Advisors, a document stating the name(s) of the Accounting Advisor(s);
- (4) 直前事業年度の貸借対照表、損益計算書及び株主資本等変動計算書その他当該株式会社商品取引所の最近における業務、財産及び収支の状況を知ることができる書類
4. documents that make it possible to determine the recent status of business, property, and income and expenditure of said Incorporated Commodity Exchange, such as the balance sheet, profit and loss statement, and statement of changes in net assets for the most recent business year;
- ニ 当該設立後三事業年度における設立会社及びその子会社である株式会社商品取引所の収支の見込みを記載した書面
- (d) a document stating a forecast of income and expenditures for the Established Company and for the Incorporated Commodity Exchange that is to be its Subsidiary Company for the three fiscal years following said approval;
- ホ その他法第九十六条の二十七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
- (e) documents stating any matters to be used as a reference for recognizing whether the criteria listed in Article 96-27, paragraph (1) of the Act have been met.

(取得等の制限の適用除外)

(Exemption of restriction on acquisition, etc.)

第三十六条の十 法第九十六条の二十八第二項及び第九十六条の三十一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 36-10 the cases specified by an ordinance of the competent ministry set forth in Article 96-28, paragraph (2) and Article 96-31, paragraph (2) shall be the following cases:

一 保有する商品取引所持株会社の対象議決権の数に増加がない場合

(i) the case where the number of Subject Voting Rights of the Commodity Exchange Holding Company held does not increase;

二 担保権の行使又は代物弁済の受領により商品取引所持株会社の対象議決権を取得し、又は保有する場合

(ii) the case where the Subject Voting Rights of the Commodity Exchange Holding Company are acquired or held as a result of the exercise of a security interest, or of receipt of substitute performance;

三 金融商品取引業者が業務として商品取引所持株会社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) the case where a Financial Instruments Business Operator acquires or holds the Subject Voting Rights of the Commodity Exchange Holding Company as its business (excluding cases of acquisition or holding by means of acts listed in Article 2, paragraph (8), item (i) of the Financial Instruments and Exchange Act);

四 証券金融会社が金融商品取引法第一百五十六条の二十四第一項に規定する業務として商品取引所持株会社の対象議決権を取得し、又は保有する場合（商品取引所持株会社の財務及び営業の方針の決定に対して重要な影響を与えることが推測される事実等）

(iv) the case where a Securities Finance Company acquires or holds the Subject Voting Rights of the Commodity Exchange Holding Company as its business as prescribed in Article 156-24, paragraph (1) of the Financial Instruments and Exchange Act; (Facts, etc., likely to have a significant influence on the determination of fiscal and operational policies of a commodity exchange holding company);

第三十六条の十一 第二十九条の二の規定は法第九十六条の二十八第一項本文の主務省令で定める事実について、第三十一条の二の規定は法第九十六条の二十八第三項の主務省令で定める事項について、第三十一条の三の規定は法第九十六条の二十九の規定による対象議決権保有届出書の提出について、第三十六条の七（同条第二項第一号ロ（10）及び（12）を除く。）の規定は法第九十六条の三十一第一項の認可について、それぞれ準用する。この場合において、第二十九条の二第一号中「法第八十六条第一項本文」とあるのは「法第九十六条の二十八第一項本文」と、同条中「株式会社商品取引所」とあるのは「商品取引所持株会社」と、第三十六条の七第二項第一号ロ（13）中「外国商品市場開設者、外国商品市場開設者持株会社、外国金融商品取引市場開設者又は外国金融商品取引市場開設者持株会社」とあるのは「外国商品市場開設者又は外国金融商品取引市場開設者」と読み替えるものとする。

Article 36-11 The following shall apply mutatis mutandis respectively: the provisions of Article 29-2 to the facts specified in an ordinance of the competent ministry set forth in the main clause of Article 96-28, paragraph 1 of the Act; the provisions of Article 31-2 to the matters specified in an ordinance of the competent ministry set forth in Article 96-28, paragraph 3 of the Act; the provisions of Article 31-3 to submission of the Notification of Holding Subject Voting Rights pursuant to the provisions of Article 96-29 of the Act; and the provisions of Article 38-7 (excluding paragraph 2, item (i), (b) 10 and 12) to the approval set forth in Article 96-31, paragraph (i) of the Act. In these cases, the term "the main clause of Article 86, paragraph (1) of the Act" in Article 29-2, item (i) shall be deemed to be replaced with "the main clause of Article 96-28, paragraph 1"; the term "Incorporated Commodity Exchange" in the same Article shall be deemed to be replaced with "Commodity Exchange Holding Company"; and the phrase "a Foreign Commodity Market Maker, a Foreign Commodity Market Maker Holding Company, an Establisher of a Foreign Financial Instruments Exchange Market, or a Holding Company Establisher of a Foreign Financial Instruments Exchange Market" in Article 36-7, paragraph (2), item (i), (b) 13 shall be deemed to be replaced with "a Foreign Commodity Market Maker or an Establisher of a Foreign Financial Instruments Exchange Market".

(商品取引所持株会社の子会社の認可申請)

(Application for approval of a Subsidiary Company of a Commodity Exchange Holding Company)

第三十六条の十二 商品取引所持株会社は、法第九十六条の三十七第一項ただし書の規定により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 36-12 If seeking to obtain permission pursuant to the provisions of the proviso of Article 96-37, paragraph (1) of the Act, a Commodity Exchange Holding Company shall submit to the competent minister a written application for approval with the following documents attached:

一 当該認可に係る会社を子会社（法第三条の二第三項に規定する子会社をいう。以下この条において同じ。）とする理由を記載した書面

(i) a document stating the reason the company pertaining to said approval is to be a Subsidiary Company (meaning a Subsidiary Company as prescribed in Article 3-2, paragraph (3) of the Act; hereinafter the same shall apply in this Article;

二 当該認可に係る子会社となる会社に関する次に掲げる書類

(ii) the following documents concerning the company that is to become the Subsidiary Company pertaining to said approval:

イ 商号及び本店の所在地を記載した書面

- (a) a document stating its trade name and the location of its head office;
ロ 業務の内容を記載した書面
 - (b) a document stating the content of its business;
ハ 取締役及び監査役の氏名及び役職名を記載した書面
 - (c) a document stating the names and titles of its officers and auditors;
ニ 当該会社が会計参与設置会社である場合には、会計参与の氏名又は名称を記載した書面
 - (d) if said company is a company with Accounting Advisors, a document stating the name(s) of the Accounting Advisor(s);
ホ 定款
 - (e) its articles of incorporation;
ヘ 登記事項証明書
 - (f) its certificate of registered matters;
ト 直前事業年度の貸借対照表、損益計算書及び株主資本等変動計算書その他最近における業務、財産及び損益の状況を知ることができる書類
 - (g) documents that make it possible to determine its recent status of business, property, and profit and loss, such as the balance sheet, profit and loss statement, and statement of changes in net assets for the most recent business year;
- 三 当該商品取引所持株会社及びその子会社に関する次に掲げる書類
- (iii) the following documents relating to said Commodity Exchange Holding Company and its Subsidiary Company:
 - イ 当該商品取引所持株会社及びその子会社の業務及び財産の状況を連結して記載した直前事業年度の貸借対照表、損益計算書及び株主資本等変動計算書その他これらの最近における業務、財産及び損益の状況を知ることができる書類
 - (a) documents that record on a consolidated basis the status of business and property for said Commodity Exchange Holding Company and its Subsidiary Company and make it possible to determine the recent status of business, property, and profit and loss, such as the balance sheet, profit and loss statement, and statement of changes in net assets for the most recent business year;
 - ロ 当該認可後三事業年度における当該商品取引所持株会社及びその子会社（当該認可に係る子会社となる会社を含む。ハにおいて同じ。）の収支の見込みを記載した書面
 - (b) a document stating a forecast of income and expenditures for said Commodity Exchange Holding Company and its Subsidiary Company (including the company that will become the Subsidiary Company pertaining to said approval; the same shall apply in (c)) for the three fiscal years following said approval;
 - ハ 当該商品取引所持株会社が行う子会社の経営管理に係る体制を記載した書面
 - (c) a document describing the system pertaining to business management of

the Subsidiary Company said Commodity Exchange Holding Company is to create;

四 その他参考となるべき事項を記載した書面

(iv) other documents stating matters to be used for reference.

(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、第二百一十一条第四項、第二百三十二条第四項及び第二百七十九条第三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、貸借対照表の資産の部に計上されるべき金額の合計額（法第九十九条七項の規定を法第二百一十一条第四項において準用する場合にあっては、第一号から第六号までに掲げるものの金額の合計額を除く。）から負債の部に計上されるべき金額の合計額（法第九十九条第七項の規定を法第二百一十一条第四項において準用する場合にあっては、第七号から第十号までに掲げるものの金額の合計額を除き、それ以外の場合にあっては第七号及び第八号に掲げるものの金額の合計を除く。）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 279, paragraph (3), 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 (vii) to (x) inclusive, and in other cases, excluding the total amount of the liabilities listed in item (vii) and item (viii)) shall be deducted from the total amount to be recorded in the assets section in the financial statement (in the case where the provisions of Article 99, paragraph (7) are applied mutatis mutandis in Article 211, paragraph (4) of the Act, excluding

the total amount of the assets listed in items (i) to (vi) inclusive):

一 流動資産のうち、次に掲げるもの

(i) the following securitized assets:

イ 委託者等未収金（期間が二週間未満のものを除く。）が商品デリバティブ取引に関し、当該委託者等から預託を受けた金銭、有価証券その他の物及び当該委託者等の計算に属する金銭（当該委託者等の計算によ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。）、有価証券その他の物の合計額を超える場合における当該超える部分の額

(a) in the case in which accounts receivable from a Customer, etc. (excluding receivables for which the term is under 2 weeks) exceeds the total amount of cash, Securities, or other goods received in deposit from said customer, etc. and cash belonging to the account of said Customer, etc. (excluding funds equivalent to differential funds pertaining to transactions for the account of said customer, etc. the settlement of which has not been completed), the amount of said excess;

ロ 関係会社（連結会社を除く。）に対する短期貸付金（金融機関（銀行、協同組織金融機関（協同組織金融機関の優先出資に関する法律（平成五年法律第四十四号）第二条一項に規定する協同組織金融機関をいう。）又は金融商品取引法施行令第一条の九各号に掲げる金融機関をいう。以下このロにおいて同じ。）、信託会社又は金融商品取引業者へのコール資金の貸付け及び国内の金融機関又は金融商品取引業者が振り出した為替手形の購入に係るものを除く。）

(b) short-term loans to Affiliated Companies (excluding consolidated companies) (excluding loans of call money and loans pertaining to purchases of bills of exchange issued by domestic financial institutions and financial instruments business operators to financial institutions (banks, cooperative structured financial institutions (referring to cooperative structured financial institutions as defined in Article 2, paragraph (1) of the Act on Preferred Equity Investment by Cooperative Structured Financial Institution (Act No. 44 of 1993), trust companies, or financial instruments business operators);

ハ 前渡金

(c) advance payments;

ニ 前払費用

(d) prepaid expenses;

二 一般貸倒引当金

(ii) general loan loss reserves;

三 固定資産のうち、次に掲げるもの

(iii) the following fixed assets:

イ 無形固定資産

(a) intangible fixed assets;

ロ 長期未収債権

(b) long-term accounts receivable;

ハ 長期貸付金

(c) long-term loans;

ニ 長期前払費用

(d) long-term prepaid expenses;

ホ 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。）

(e) deferred tax assets (limited to those associated with assets classified as fixed assets);

四 繰延資産

(iv) deferred assets;

五 保有する有価証券（信託財産をもって保有する有価証券を含む。）のうち、次に掲げるもの（金融商品取引所又は外国金融商品取引市場開設者に上場されている有価証券及び金融商品取引法第六十七条の十一第一項の店頭売買有価証券登録原簿（これに類似するもので外国に備えられるものを含む。）に登録されている有価証券並びに国債証券を除く。）

(v) the following holdings of Securities (including Securities held as trust assets) (excluding Securities publicly traded on financial instruments exchanges or by market makers for trading in financial instruments of foreign states, and Securities and Japanese government bonds registered in the Registry of Over-the-Counter Traded Securities under Article 67-11, paragraph (1) of the Financial Instruments and Exchange Act (including similar instruments disposed in foreign countries):

イ 関係会社が発行した有価証券（連結会社が発行した社債、株式等の振替に関する法律（平成十三年法律第七十五号）第六十六条第一号に規定する短期社債、保険業法第六十一条の十第一項に規定する短期社債及び資産流動化法第二条第八項に規定する特定短期社債に係るもの並びにコマーシャル・ペーパー（金融商品取引法第二条第一項第十五号に掲げる有価証券及び同項第十七号に掲げる有価証券で同項第十五号に掲げる有価証券の性質を有するものをいう。ロにおいて同じ。）、引受けにより取得したもので保有期間が六月を超えないもの並びに売買の状況にかかわらず意図的に関係会社への資金提供を目的とした保有でないことが明らかなものを除く。）

(a) Securities issued by Affiliated Companies (excluding those pertaining to short-term corporate bonds as defined in Article 66, item (i) of the Act on Book-Entry Transfer of Company Bonds, Shares, etc. (Act No. 75 of 2001), short-term bonds prescribed in Article 61-10, paragraph (1) of the Insurance Business Act, and specified short-term bonds as defined in Article 2, paragraph (8) of the Asset Securitization Act, along with commercial paper (securities listed in Article 2, paragraph (1), item (xv) of the Financial Instruments and Exchange Act and instruments listed in item (xvii) of the same paragraph having the same character as the securities listed in item (xv) of the same paragraph; the same shall apply

in (b)), instruments obtained through assumption with a holding period not exceeding 6 months, and instruments clearly not deliberately held for the purpose of provision of funds to Affiliated Companies, the status of purchase or sale notwithstanding);

ロ 他の会社又は第三者が発行したコマーシャル・ペーパー又は社債券（商品先物取引業者が当該他の会社から資本調達手段を受け入れている場合であつて、当該商品先物取引業者が意図的に保有しているものに限る。）

(b) commercial paper or corporate bonds issued by other companies or third parties (in the case in which a Commodity Derivatives Business Operator accepts a capital procurement means from said other company, limited to instruments held deliberately by said Commodity Derivatives Business Operator);

ハ 金融商品取引法第二条第一項第六号から第八号までに掲げる有価証券若しくは新株予約権付社債券又は同項第十七号に掲げる有価証券でこれらの有価証券の性質を有するもの（金融商品取引所又は外国金融商品取引市場開設者に上場されている有価証券及び同法第六十七条の十一第一項の店頭売買有価証券登録原簿（これに類似するもので外国に備えられるものを含む。）に登録されている有価証券並びに引受けにより取得したもので保有期間が六月を超えないものを除く。）

(c) Securities or certificates of bonds with share option listed from Article 2, paragraph (1), item (vi) through item (viii) of the Financial Instruments and Exchange Act, and Securities listed in item (xvii) of the same paragraph and having the same character as these Securities (excluding Securities publicly traded on financial instruments exchanges or by market makers for trading in financial instruments of foreign states, and Securities and Japanese government bonds registered in the Registry of Over-the-Counter Traded Securities under Article 67-11, paragraph (1) of the Financial Instruments and Exchange Act (including similar instruments disposed in foreign countries).

六 第三者のために担保に供されている資産（前各号に掲げるものを除く。）

(vi) assets supplied as collateral for a third party (excluding those listed in the respective preceding items);

七 商品取引責任準備金

(vii) liability reserves for commodity transactions;

八 他に行っている事業に関し法令の規定により負債の部に計上することが義務付けられている引当金又は準備金のうち利益留保性の引当金又は準備金の性質を有するものがある場合には、当該引当金又は準備金

(viii) of allowances or reserves required by provision of law or regulation to be listed under Liabilities in relation to another business being operated, in the case in which allowances or reserves exist that have a profit retention character, said allowances or reserves;

九 短期劣後債務（長期劣後債務（第五項各号に掲げる性質のすべてを有するものに

限る。)のうち、資本金、新株式申込証拠金、資本剰余金、利益剰余金(社外流出予定額(配当及び役員賞与の予定額をいう。))を除く。)、その他有価証券評価差額金(貸借対照表の純資産の部に計上されるその他有価証券(財務諸表等規則第八条第二十二項に規定するその他有価証券をいう。次項において同じ。))の評価差額が負となる場合における当該評価差額をいう。)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。)

(ix) short-term subordinated debts (including those equivalent to the total amount of an amount exceeding an amount equivalent to 50 percent of the total of, among long-term subordinated debts (limited to those having all of the characteristics in the respective items of paragraph (5)), capital, deposits for subscription for new shares, surplus capital (excluding distributed income (refers to planned amounts for dividends and officer bonuses)), other unrealized returns on securities (refers to the unrealized returns in the case in which the unrealized returns on other securities listed under Net Assets in the financial statement are negative (refers to other securities as defined in Article 8, paragraph (22) of the Rules on Financial Statements, etc.; the same shall apply in the following paragraph)) and treasury shares, and the cumulative amount of the depreciated items listed below);

十 長期劣後債務(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。)

(x) long-term subordinated debts (for those with a remaining period of no more than 5 years, limited to debts for which an amount equivalent to 20 percent of the amount at the time the remaining period became 5 years is cumulatively depreciated every year).

2 前項の場合(法第九十九条第七項の規定を法第二百十一条四項において準用する場合に限る。)において、前項第二号及び第七号から第十号までに掲げるものの額(同項第九号に掲げるものにあつては基本的項目の額から控除資産の額(同項第一号及び第三号から第六号までに掲げるものの額の合計額をいう。))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、前項第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。)並びにその他有価証券評価差額金(貸借対照表の純資産の部に計上されるその他有価証券の評価差額が正となる場合における当該評価差額をいう。)その他基本的項目の額以外の貸借対照表の純資産の部に計上されるものの額の合計額(第百条の二第二項において「補完的項目の額」という。)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 (limited to cases in which the provisions of Article 99, paragraph (7) are applied mutatis mutandis in Article 211, paragraph (4) of the Act), the total amount of the amounts listed in item (ii) and from item (vii) through item (x) of the preceding paragraph (for debts listed in item (ix) of the same paragraph, up to a limit of an amount equivalent

to 20 percent of an amount obtained by deducting the amount of deducted assets (referring to the total amount of the amounts listed in item (i) and from item (iii) through item (vi) of the same paragraph, and for debts listed in item (x) of the preceding paragraph, up to an amount equivalent to 50 percent of the amount of the basic items), unrealized return from other securities (referring to the unrealized return if the unrealized return on other securities listed under Net Assets on the balance sheet represents a gain), and the amount of debt listed under Net Assets on the balance sheet aside from other basic items (referred to as "supplemental items" in Article 100-2, paragraph (2)) may not exceed the amount of the 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 on which the amount of the net assets is calculated.

4 第一項第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。）であって、次に掲げる性質のすべてを有するものをいう。

(4) The Short-Term Subordinated Debts prescribed in paragraph (1), item (ix) 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先物取引業者の任意によるものであり、かつ、当該商品先物取引業者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 if said Payment before Maturity, etc. is at the discretion of a Commodity Derivatives Business Operator, a debtor, and said Commodity Derivatives Business Operator has obtained approval to make said Payment before Maturity, etc. from the competent minister;

四 商品先物取引業者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 Commodity Derivatives Business Operator 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.

5 第一項第九号及び第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って、次に掲げる性質のすべてを有するものをいう。

(5) The Long-term Subordinated Debts prescribed in paragraph (1), item (ix) and item (x) 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先物取引業者の任意によるものであり、かつ、当該商品先物取引業者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 if said Payment before Maturity, etc. is at the discretion of a Commodity Derivatives Business Operator, a debtor, and said Commodity Derivatives Business Operator has obtained approval to make said Payment before Maturity, etc. from the competent minister;

四 商品先物取引業者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 Commodity Derivatives Business Operator 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.

6 第四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。

- (6) With regard to Short-Term Subordinated Debts prescribed in paragraph (4) 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 劣後特約付借入金が子会社（財務諸表等規則第八条第三項に規定する子会社（同条第七項の規定により子会社に該当しないものと推定される特定目的会社を除く。）をいう。以下同じ。）又は関連会社である場合 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 Financial Statements) (excluding Special Purpose Companies inferred not to constitute Subsidiaries under provisions of paragraph (7) of the same Article) or Affiliated Companies: 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).
- 7 第四項第三号又は第五項第三号の承認を受けようとする商品先物取引業者は、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。
- (7) If a Commodity Derivatives Business Operator intends to receive approval under paragraph (4), item (iii) or paragraph (5), 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.

8 主務大臣は、第四項第三号又は第五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。

(8) If a competent minister intends to grant approval under paragraph (4), item (iii) or paragraph (5), 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先物取引業者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 Commodity Derivatives Business Operator 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.

9 第一項第一号ハに掲げる前渡金のうち、仕入れに係る消費税の前渡金であって、そ

の額がその他の預り金に計上した売上げに係る消費税の額に達するまでのものについては、その額を当該前渡金の額から控除することができる。

(9) Of the advance payments listed in paragraph (1), item (i) (c), the amount of advance payments of consumption tax pertaining to purchases the amount of which does not reach the amount of consumption tax pertaining to sales listed under Other Payables may be deducted from the amount of said advance payment.

10 次の各号に掲げるものについては、その額から当該各号に定める額を控除することができる。

(10) The amounts prescribed in the following items may be deducted from that amount:

一 第一項第一号ロに規定する短期貸付金 当該短期貸付金の貸付先から預託を受けている担保金その他の資産の評価額

(i) short-term loans as defined in paragraph (1), item (i) (b): cash collateral deposited by the recipient of said short-term loan and other asset appraisal values;

二 第一項第五号イに規定する関係会社が発行した有価証券 当該有価証券に担保として付されている担保金その他の資産の評価額

(ii) Securities issued by an Affiliated Company as defined in paragraph (1), item (v) (a): cash collateral assigned as collateral for said Securities and other asset appraisal values;

三 第一項第六号に規定する第三者のために担保に供されている資産 当該第三者から預託を受けている担保金その他の資産の評価額

(iii) assets provided as collateral for third parties as defined in paragraph (1), item (vi): cash collateral deposited by said third party and other asset appraisal values.

11 第一項第一号ロ及び第五号イの「関係会社」とは、次に掲げる者をいう。

(11) In paragraph (1), item (i) (b) and item (v) (a), the phrase "Related Company" refers to the following entities:

一 商品先物取引業者の親会社

(i) the parent company of a Commodity Commodity Derivatives Business Operator ;

二 商品先物取引業者の子会社

(ii) a Subsidiary Company of a Commodity Derivatives Business Operator ;

三 商品先物取引業者の関連会社

(iii) an Affiliated Company of a Commodity Derivatives Business Operator ;

四 商品先物取引業者の親会社の子会社（財務諸表等規則第八条第三項及び第七項の規定により当該親会社の子会社とされる者（当該商品先物取引業者及び前三号に掲げる者を除く。）をいう。）

(iv) a Subsidiary Company of the parent company of a Commodity Commodity Derivatives Business Operator (referring to an entity deemed to be a

Subsidiary Company of said parent company pursuant to provisions of Article 8, paragraph (3) and paragraph (7) of the Rules on Financial Statements, etc. (excluding said Commodity Derivatives Business Operator and the entities listed in the 3 preceding items));

五 商品先物取引業者の親会社の関連会社（財務諸表等規則第八条第五項の規定により当該親会社の関連会社とされる者（第三号に掲げる者を除く。）をいう。）

(v) an Affiliated Company of the parent company of a Commodity Commodity Derivatives Business Operator (referring to an entity deemed to be a Subsidiary Company of said parent company pursuant to provisions of Article 8, paragraph (5) of the Rules on Financial Statements, etc. (excluding the entities listed in item (iii))).

1 2 第一項第一号ロ及び第五号イの「連結会社」とは、次に掲げる者をいう。

(12) In paragraph (1), item (i) (b) and item (v) (a), the phrase "consolidated company" refers to the following entities:

一 商品先物取引業者（連結財務諸表提出会社（連結財務諸表の用語、様式及び作成方法に関する規則（昭和五十一年大蔵省令第二十八号）第二条第一号に規定する連結財務諸表提出会社又は外国におけるこれに相当する者をいう。次号において同じ。）に限る。）の連結子会社（同条第四号に規定する連結子会社又は外国におけるこれに相当する者をいう。次号において同じ。）

(i) a consolidated Subsidiary Company of the Commodity Derivatives Business Operator (limited to companies filing consolidated financial statements (referring to a company filing consolidated financial statements as defined in Article 2 of the Rules Relating to Terminology, Forms, and Preparation Methods for Consolidated Financial Statements (Ordinance No. 28 of the Ministry of Finance of 1976) or equivalent entities in foreign states; the same shall apply in the following item));

二 商品先物取引業者を連結子会社とする連結財務諸表提出会社及びその連結子会社（当該商品先物取引業者及び前号に掲げる者を除く。）

(ii) a company filing consolidated financial statements treating the Commodity Commodity Derivatives Business Operator as a consolidated Subsidiary Company and a consolidated Subsidiary Company thereof (excluding said Commodity Derivatives Business Operator and the entities listed in the preceding item).

1 3 前各項に規定するもののほか、純資産額の計算に関し必要な事項は、主務大臣が定める。

(13) The competent minister shall prescribe required items in relation to accounting of net asset amounts in addition to the items set forth in the preceding paragraphs.

(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) If 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 Consignor (which means a Consignor prescribed in the same item; hereinafter the same shall apply in this Article through Article 43), or an Intermediation Consignor (which means an Intermediation Consignor 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) If 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 consignor margins from a Consignor and deposited the clearing margins with a Commodity Exchange: said Consignor ;

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 Consignor) or an Intermediation Consignor and deposited a clearing margin with a Commodity Exchange: said Intermediation Consignor ;

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 Consignor and deposited a clearing margin with a Commodity Exchange: said Intermediation Consignor .

(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) If a Member, etc. has a Consignor, an Intermediary, or an Intermediation Consignor (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) If a Member, etc. has an Intermediation Consignor 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 Consignor.

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) If 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 if 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 if 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 Consignor 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) If an Intermediary has an Intermediation Consignor 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 Consignor 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 Consignor 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) If 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 Consignor or an Intermediation Consignor 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) If 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) If 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.

(法第百三条第七項の取引証拠金の預託に代わる契約等)

(Contracts, etc. in lieu of the deposition of clearing margin set forth in Article 103, paragraph (7) of the Act)

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（以下この条及び第四十五条の二第一項において「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 and in Article 45-2, paragraph (1)) shall be as follows:

一 銀行

(i) a bank;

二 株式会社商工組合中央金庫

(ii) the Shoko Chukin Bank, Ltd.

三 信用協同組合

(iii) a credit cooperative;

四 信用金庫

(iv) a Shinkin Bank;

五 農林中央金庫

(v) the Norinchukin Bank;

六 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

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

七 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。）

(vii) 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);

八 保険会社

(viii) 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、銀行等と同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 the same paragraph with a Bank, etc., he/she shall ensure that the contents thereof meet the following requirements:

一 法第百三条第十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 (10), 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, unless 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) If 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) If 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 the Consignor.

5 会員等又は取次者は、法第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。

(5) If a Member, etc. or Intermediary has concluded a contract set forth in Article 103, paragraph (7) of the Act (including if he/she has made 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) If a Member, etc. or Intermediary has 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法第百三条第七項の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 set forth in Article 103, paragraph (7) of the Act 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.

(法第百三条第八項の取引証拠金の預託に代わる契約)

(Contract in lieu of the deposition of clearing margin of Article 103, paragraph (8) of the Act)

第四十五条の二 会員等、取引の委託者又は取次委託者（法第百三条第八項に規定する会員等、取引の委託者又は取次委託者をいう。以下この条において同じ。）は、銀行等と同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。

Article 45-2 (1) In the case where a Member, etc., a transaction Consignor or an Intermediation Consignor (which means a Member, etc., a transaction Consignor or an Intermediation Consignor prescribed in Article 103, paragraph (8) of the Act; hereinafter the same shall apply in this Article) seeks to conclude a contract set forth in the same paragraph with a Bank, etc., he/she shall ensure that the contents thereof meet the following requirements:

- 一 法第百三条第十一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、取引の委託者又は取次委託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 (11) of the Act, the amount of the clearing margin pertaining to said instruction will be deposited with said Commodity Exchange for said Member, etc., transaction Consignor, or Intermediation Consignor;
- 二 当該契約に基づく銀行等の債務と当該会員等、取引の委託者又は取次委託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., transaction Consignor, or Intermediation Consignor 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、取引の委託者又は取次委託者は、あらかじめ商品取引所（法第百三条第八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., a transaction Consignor, or an Intermediation Consignor may not cancel the contract or change the contents of the contract, unless he/she has received approval from a Commodity Exchange (limited to a Commodity Exchange which received a notification pursuant to the provisions of Article 103, paragraph (8) of the Act; hereinafter the same shall apply in this Article) in advance;
- 五 会員等、取引の委託者又は取次委託者は、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., a transaction Consignor, or an Intermediation Consignor shall notify the termination of the contract to a Commodity Exchange by one month prior to the day of termination.
- 2 会員等、取引の委託者又は取次委託者は、法第百三条第八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商品取引所に提出しなければならない。
- (2) If a Member, etc., a transaction Consignor, or an Intermediation Consignor has concluded a contract set forth in Article 103, paragraph (8) of the Act (including if he/she has made a change to said contract), he/she must submit a copy of the contract to a Commodity Exchange.
- 3 会員等、取引の委託者又は取次委託者は、法第百三条第八項の契約を解除したときは、その事実を証する書面を商品取引所に提出しなければならない。
- (3) If a Member, etc., a transaction Consignor, or an Intermediation Consignor has canceled a contract set forth in Article 103, paragraph (8) of the Act, he/she

must submit a document stating the fact thereof to a Commodity Exchange.

(商品取引清算機関に係る法第百三条第八項の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 of Article 103, paragraph (8) of the Act pertaining to Commodity Clearing Organization)

第四十五条の三 前条の規定は、法第百七十九条第八項において法第百三条第八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、前条中「会員等、取引の委託者又は取次委託者」とあるのは「会員等、取引の委託者、取次委託者、清算取次委託者又は清算取次者に対する委託者」と、同条第一項第一号中「第百三条第十一项」とあるのは「第百七十九条第八項において準用する法第百三条第十一项」と、同号、同項第四号及び第五号並びに同条第二項及び第三項中「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 45-3 The provisions of the preceding Article shall apply mutatis mutandis to the case where the provisions of Article 103, paragraph (8) of the Act are applied mutatis mutandis pursuant to Article 179, paragraph (8) of the Act. In this case, the term "a Member, etc., a transaction Consignor, or an Intermediation Consignor" in the preceding Article shall be deemed to be replaced with "Member, etc., a transaction Consignor, an Intermediation Consignor, a Clearing Intermediation Consignor, or a Consignor of the Clearing Intermediary," the term "Article 103, paragraph (11)" in paragraph (1), item (i) of the same Article shall be deemed to be replaced with "Article 103, paragraph (11) of the Act as applied mutatis mutandis pursuant to Article 179, paragraph (8)," and "a Commodity Exchange" in the same item, item (iv) and item (v) of the same paragraph, and paragraph (2) and paragraph (3) of the same Article shall be deemed to be replaced with "a Commodity Clearing Organization," respectively.

(信託金等の運用方法)

(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 株式会社商工組合中央金庫
- (b) the Shoko Chukin Bank, Ltd.
- ハ 信用協同組合
- (c) a credit cooperative;
- ニ 信用金庫
- (d) a Shinkin Bank;
- ホ 農林中央金庫
- (e) the Norinchukin Bank;
- ヘ 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
- (f) 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) If 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 (1) 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.

2 法第百十二条第一号の主務省令で定める事項は、別表第一の第三欄に掲げる事項とする。

(2) The matters specified by an ordinance of the competent ministry set forth in Article 112, item (i) of the Act shall be those listed in column 3 of Appended Table 1.

3 法第百十二条第二号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。

(3) The amount specified by an ordinance of the competent ministry set forth in Article 112, item (ii) of the Act shall be the amount listed in column 3 of 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.

4 法第百十二条第二号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。

(4) The requirements specified by an ordinance of the competent ministry set forth in Article 112, item (ii) 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構成物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 Appended Table 2 by buying and selling and for each type of Listed Commodity Component Products 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構成物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。

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

5 法第百十二条第二号の主務省令で定める事項は、別表第一の二の第二欄に掲げる事項とする。

(5) The matters specified by an ordinance of the competent ministry set forth in Article 112, item (ii) of the Act shall be those listed in column 2 of Appended Table 1-2.

第四十九条 削除

Article 49 Deleted

(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について、帳簿上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.

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 If 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.

(商品市場における取引の制限等)

(Restrictions, etc. on transactions on a Commodity Market)

第五十一条の二 法第百十八条第二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 51-2 The matters specified by an ordinance of the competent ministry set forth in Article 118, item (ii) of the Act shall be as follows:

一 法第百十八条第二号に掲げる商品取引所の開設する商品市場における取引又はその受託を制限する措置を講ずること。

(i) taking measures to restrict transactions or their brokerage on a Commodity Market which has been opened by a Commodity Exchange listed in Article 118, item (ii) of the Act;

二 当該商品取引所の開設する商品市場において会員等が取引を行うことができる時間帯を変更する措置を講ずること。

(ii) taking measures to change the time periods during which a Member, etc. can carry out a transaction on said Commodity Market which has been opened by said Commodity Exchange.

(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 If 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) if 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.

(組織変更に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 法第百二十八条に規定する主務省令で定める組織変更に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っては、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) if 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) if 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 if 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っては、各種類の株式の単元株式数）

(iv) if 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) if 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) if 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）第三十三条の六第四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 33-6, paragraph (4) 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ときは、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 on which 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) if 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) if 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) is Shares Issued upon Entity Conversion are being issued 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、法第三百三十一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) if money is made 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) if property other than money is made 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. if an inspector has been appointed: a document containing the
investigation report by said inspector and its annexed documents;
- (2) 法第三百三十一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) 法第百三十一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) 法第百三十一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) if 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 if 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) if 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) if 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 法第四百十一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) if 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つ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) if 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 on which 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) if 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 on which 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 on which 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

(v) if 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) if 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っては、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っては、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っては、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) if 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。）

(c) if 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 on which 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っては、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。）

(iv) if 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 on which 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 on which 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) if 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、つぎにかかげるものとする。

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つては、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つては、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。)

(b) if 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 on which 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) if 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 on which 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

(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 on which 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) if there have been changes 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 on which 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二百二十四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二百二十四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

がない場合にあつては、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。)

(b) if 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) if 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) if there have been changes to the matters listed in the preceding items less than 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 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) if there are Temporary Financial Statements, etc. that use 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 a 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後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) if 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。）

(iv) if 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) if there have been changes to the matters listed in the preceding items less than 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二百二十四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つては、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つては、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) if 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 on which 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) if 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 on which 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) if the final business year does not exist at the Member Commodity Exchange Surviving an Absorption-Type Merger, a balance sheet as of 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 on which 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) if 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 on which 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一百四十四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 法第一百四十四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。）を定めた場合にあっては、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っては、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 on which 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 法第四百四十四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（法第四百四十四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 if the number obtained by subtracting the number of Specified Shareholders, who notified the Member Commodity Exchange Surviving the 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 notified it 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 if said resolution would not be established if all the Specified Shareholders who gave notice 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 gave notice 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 法第四百四十四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四百四十四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) if 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) if 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) if 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四百四十四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 if 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) if 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 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）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っては、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) if there are Temporary Financial Statements, etc. that use 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っては、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。）

(c) if 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) if 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) if 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) if there have been 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。)、法第一百四十四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。)並びに法第一百四十四条の十七において準用する法第一百四十四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 法第一百四十四条の十九第二項に規定する主務省令で定める事項は、法第一百四十四条の三第一項及び法第一百四十四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 法第一百四十五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ロ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百五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、法百四十四条第四項、百四十四条の二第二項又は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、法百四十四条の六第一項、百四十四条の十三第一項、会社法第七百八十三条第一項、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（第百二十四条第三項、第百四十四条の十第三項（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の変動額)

(Amount of change in 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（法第四百四十条の吸収合併をいう。以下この項及び次条において同じ。）に際して吸収合併対価（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をいう。以下この項及び次条において同じ。）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は、吸収合併存続会員商品取引所において変動する会員資本（第十六条第一項第一号の会員資本をいう。以下同じ。）の総額（次項において「会員資本変動額」という。）は、次の各号に掲げる場合の区分に応じ、当該各号に定める方法に従い定まる額とする。

Article 60-5 (1) In the case where all or part of the Consideration of an Absorption-Type Merger (which means property delivered to Members of a Member Commodity Exchange Dissolved in an Absorption-Type Merger by the Member Commodity Exchange Surviving an Absorption-Type Merger; the same shall apply hereinafter in this paragraph and the following Article) 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 in this paragraph and the following Article) is the contribution of the Member Commodity Exchange Surviving the Absorption-Type Merger, the total amount of the Members' Capital (which means the Members' Capital prescribed in Article 16, paragraph (1), item (i); hereinafter the same shall apply) (referred to as 'Amount of Change in Members' Capital' in the next paragraph) that changes in the Member Commodity Exchange Surviving the Absorption-Type Merger shall be the amounts specified in accordance with the categories of the cases listed in the following items, by the methods provided for in each of such items:

一 当該吸収合併が支配取得（会員商品取引所が他の会員商品取引所（当該会員商品取引所と当該他の会員商品取引所が共通支配下関係にある場合における当該他の会員商品取引所を除く。以下この号において同じ。）又は当該他の会員商品取引所の事業に対する支配を得ることをいう。以下この号及び第六十条の八において同じ。）に該当する場合（吸収合併消滅会員商品取引所による支配取得に該当する場合を除く。） 吸収合併対価時価（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をいう。）又は吸収合併対象財産（吸収合併により吸収合併存続会員商品取引所が承継する財産をいう。次号において同じ。）の時価を基礎として算定する方法

(i) in the case (excluding cases where falling under a controlling acquisition by a Member Commodity Exchange Dissolved in an Absorption-Type Merger) where said Absorption-Type Merger falls under a controlling acquisition

(which means a Member Commodity Exchange obtaining control in another Member Commodity Exchange (in the case where said Member Commodity Exchange and said other Member Commodity Exchange are in a common control relationship, excluding said other Member Commodity Exchange; the same shall apply hereinafter in this item) or the business of said other Member Commodity Exchange; the same shall apply hereinafter in this item and Article 60-8): the method calculating the current market value of the Consideration of the Absorption-Type Merger (which means the value of the Consideration of the Absorption-Type Merger calculated by using the current market value of the Consideration of the Consolidation-Type Merger or other appropriate method) or the Property subject to an Absorption-Type Merger (which means property that a Member Commodity Exchange Surviving an Acquisition-Type Merger acquired by succession through an Absorption-Type Merger; the same shall apply hereinafter in the next item) as the basis;

二 吸収合併存続会員商品取引所と吸収合併消滅会員商品取引所が共通支配下関係にある場合 吸収合併対象財産の吸収合併の直前の帳簿価額を基礎として算定する方法（前号に規定する方法によるべき部分にあっては、当該方法）

(ii) in the case where a Member Commodity Exchange Surviving an Absorption-Type Merger and a Member Commodity Exchange Dissolved in an Absorption-Type Merger are in a common control relationship: the method calculating the book value immediately prior to an Absorption-Type Merger of the Property subject to an Absorption-Type Merger as the basis (for portions that should be according to the method prescribed in the preceding item, said method);

三 前二号に掲げる場合以外の場合 前号に規定する方法

(iii) in cases other than those listed in the two preceding items: the method prescribed in the preceding item.

2 前項の場合には、吸収合併存続会員商品取引所の出資金、加入金及び資本剰余金の増加額は、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それぞれ定めた額とし、法定準備金及び利益剰余金の額は変動しないものとする。ただし、会員資本変動額が零未満の場合には、当該会員資本変動額を利益剰余金の減少額とし、出資金、加入金及び法定準備金の額は変動しないものとする。

(2) In the case of the preceding paragraph, the increased amounts of the contribution, membership fee, and capital surplus of the Member Commodity Exchange Surviving an Absorption-Type Merger shall be the amounts respectively determined by the Member Commodity Exchange Surviving an Absorption-Type Merger in accordance with the provisions of the Absorption-Type Merger contract within the scope of the Amount of Change in Members' Capital, and the amount of the statutory capital and accumulated profits shall not change; provided, however, that in the case where the Amount of Change in Members' Capital is less than zero, said Amount of Change in Members'

Capital is the decreased amount of the accumulated profit, and the amounts of the contribution, membership fee, and statutory capital do not change.

3 第一項の「共通支配下関係」とは、二以上の者（人格のないものを含む。以下この項において同じ。）が同一の者に支配（一時的な支配を除く。以下この項において同じ。）をされている場合又は二以上の者のうち一の者が他のすべての者を支配している場合における当該二以上の者に係る関係をいう。

(3) The phrase "common control relationship" of paragraph (1) refers to a relationship pertaining to two or more persons (including those without juridical personality; the same shall apply hereinafter in this paragraph) in the case where said two or more persons are controlled (excluding temporary control; the same shall apply hereinafter in this paragraph) by the same person or the case where one of said two or more persons control all of the other persons.

（会員資本を引き継ぐ場合における吸収合併存続会員商品取引所の会員資本の変動額）

(Amount of Change in Members' Capital of a Member Commodity Exchange Surviving an Absorption-Type Merger in the cases of succeeding to Members' Capital)

第六十条の六 前条の規定にかかわらず、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であって、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会員資本を引き継ぐものとして計算することが適切であるときには、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、加入金、資本剰余金、法定準備金及び利益剰余金の額をそれぞれ当該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の変動額とすることができる。

Article 60-6 (1) The provisions of the preceding Article notwithstanding, in the case where all of the Consideration of an Absorption-Type Merger is the contribution of a Member Commodity Exchange Surviving an Absorption-Type Merger, if it is appropriate to calculate as the Member Commodity Exchange Dissolved in an Absorption-Type Merger succeeding to the Members' Capital immediately prior to the Absorption-Type Merger, the amounts of the contribution, membership fee, capital surplus, statutory capital, and accumulated profit of the Member Commodity Exchange Dissolved in an Absorption-Type Merger immediately prior to the Absorption-Type Merger may be respectively made the amounts of change of the contribution, membership fee, capital surplus, statutory capital, and accumulated profit of said Member Commodity Exchange Surviving an Absorption-Type Merger.

2 吸収合併対価が存しない場合であって、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会員資本を引き継ぐものとして計算することが適切であるときには、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、加入金及び資本剰余金の合計額を当該吸収合併存続会員商品取引所の資本剰余金の変動額とし、吸収合併の直前の

法定準備金及び利益剰余金の額を当該吸収合併存続会員商品取引所の利益剰余金の変動額とすることができる。

- (2) In the case where there is no Consideration of an Absorption-Type Merger, if it is appropriate to calculate as the Member Commodity Exchange Dissolved in an Absorption-Type Merger succeeding to the Members' Capital immediately prior to the Absorption-Type Merger, the sum total of the contribution, membership fee, and capital surplus of the Member Commodity Exchange Dissolved in an Absorption-Type Merger prior to the Absorption-Type Merger may be made the amount of change in capital surplus of said Member Commodity Exchanged Surviving an Absorption-Type Merger, and the amounts of the statutory capital and accumulated profits immediately prior to an Absorption-Type Merger made the amount of change in accumulated profit of said Member Commodity Exchanged Surviving an Absorption-Type Merger.

(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)

第六十条の七 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十一条及び第二編第三章第四節第一款の規定の適用については、同令第三十六条中「吸収合併の直前の株主資本等」とあるのは「吸収合併の直前の会員資本」と、「資本金、資本剰余金及び利益剰余金の額」とあるのは「出資金、加入金及び資本剰余金並びに法定準備金及び利益剰余金の額」と、「その他資本剰余金の額」とあるのは「資本剰余金の額」と、「資本金及び資本剰余金」とあるのは「出資金、加入金及び資本剰余金」と、「吸収合併の直前の利益剰余金の額」とあるのは「吸収合併の直前の法定準備金及び利益剰余金」とする。

Article 60-7 With regard to the application of the provisions of Article 11 and Part II, 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, "the net assets immediately prior to an Absorption-Type Merger" in Article 36 of the same Ordinance shall be deemed to be replaced with, "the Members' Capital immediately prior to an Absorption-Type Merger"; the phrase, "the amounts of stated capital, capital surplus, and accumulated profit" shall be deemed to be replaced with, "the amounts of the contribution, membership fee, capital surplus, statutory capital, and accumulated profit"; the phrase, "the amount of other capital surplus" shall be deemed to be replaced with, "the amount of capital surplus"; the phrase, "stated capital and capital surplus" shall be deemed to be replaced with, "the contribution, membership fee, and capital surplus"; and the phrase, "the amount of accumulated profit immediately prior to an Absorption-Type Merger" shall be deemed to be replaced with, "the

statutory capital and accumulated profit immediately prior to an Absorption-Type Merger".

(支配取得に該当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 falling under control acquisition)

第六十条の八 新設合併（法第百四十一条の新設合併をいう。以下この項、次条第一項及び第六十条の十第一項において同じ。）が支配取得に該当する場合には、新設合併設立会員商品取引所の設立時の会員資本の総額は、次の各号に掲げる部分の区分に応じ、当該各号に定める額の合計額（次項において「会員資本変動額」という。）とする。

Article 60-8 (1) In cases where a Consolidation-Type Merger (which means a Consolidation Merger of Article 141 of the Act; the same shall apply hereinafter in this paragraph, in paragraph (1) of the following Article, and in Article 60-10, paragraph (1)) falls under control acquisition, the total amount of the Members' Capital at the establishment of a Member Commodity Exchange Established by a Consolidation-Type Merger shall be the total amount of the amounts prescribed in each of the following items, according to the classification of the portions listed therein (referred to as "Amount of Change in Members' Capital" in the following paragraph):

一 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、新設合併により支配取得をするものをいう。以下この条において同じ。）に係る部分 当該新設合併取得会員商品取引所の財産の新設合併の直前の帳簿価額を基礎として算定する方法により定まる額

(i) the portion pertaining to the Member Commodity Exchange acquired through a Consolidation-Type Merger (which means a Member Commodity Exchange Dissolved in a Consolidation-Type Merger whose control is acquired though a Consolidation-Type Merger; the same shall apply hereinafter in this Article): the amount determined according to the method calculating the book value immediately prior to a Consolidation-Type Merger of the property of said Member Commodity Exchange acquired through a Consolidation-Type Merger as the basis;

二 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に係る部分 当該新設合併消滅会員商品取引所の会員に交付される新設合併対価時価（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。以下同じ。）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。）又は新設合併対象財産（新設合併により新設合併設立会員商品取引所が承継する財産をいう。第六十条の九第一項において同じ。）の時価を基礎として算定する方法により定まる額

(ii) the portion pertaining to a Member Commodity Exchange Dissolved in a Consolidation-Type Merger other than a Member Commodity Exchange

acquired through a Consolidation-Type Merger: the amount determined according to the method calculating the current market value of the Consideration of the Consolidation-Type Merger to be delivered to a member of said Member Commodity Exchange Dissolved in a Consolidation-Type Merger (which means the current market value of the Consideration of the Consolidation-Type Merger (which means property delivered to Members of a Member Commodity Exchange 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; the same shall apply hereinafter) or the value of the Consideration of the Consolidation-Type Merger calculated according to another appropriate method) or the current market value of the Property subject to a Consolidation-Type Merger (which means property that a Member Commodity Exchange Established by an Consolidation-Type Merger succeeded through an Consolidation-Type Merger; the same shall apply in Article 60-9, paragraph (1)).

2 前項の場合には、当該新設合併設立会員商品取引所の設立時の出資金、加入金及び資本剰余金の額は、会員資本変動額の範囲内で、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それぞれ定めた額とし、法定準備金及び利益剰余金の額は零とする。ただし、会員資本変動額が零未満の場合には、当該額を設立時の利益剰余金の額とし、出資金、加入金、資本剰余金及び法定準備金の額は零とする。

(2) In the case of the preceding paragraph, the amounts of the contribution, membership fee, and capital surplus at the time of establishing said Member Commodity Exchange Established by a Consolidation-Type Merger shall be the amounts respectively determined by the Member Commodity Exchange Dissolved in an Absorption-Type Merger in accordance with the provisions of the Consolidation-Type Merger contract within the scope of the Amount of Change in Members' Capital, and the amount of the statutory capital and accumulated profits shall be zero; provided, however, that in the case where the Amount of Change in Members' Capital is less than zero, said amount is the amount of the accumulated profit at the time of establishment, and the amounts of the contribution, membership fee, capital surplus, and statutory capital are zero.

3 前二項の規定にかかわらず、第一項の場合であつて、新設合併取得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ときは、新設合併設立会員商品取引所の設立時の出資金、加入金、資本剰余金、法定準備金及び利益剰余金の額は、次の各号に掲げる部分の区分に応じ、当該各号に定める規定を準用してそれぞれ算定される額の合計額とすることができる。

(3) The provisions of the preceding two paragraphs notwithstanding, in the case of paragraph (1), if all of the Consideration of a Consolidation-Type Merger delivered to the Members of a Member Commodity Exchange acquired through a Consolidation-Type Merger is the contribution of a Member Commodity

Exchange Established by a Consolidation-Type Merger, the amounts of the contribution, membership fee, capital surplus, statutory capital, and accumulated profit at the time of establishment of the Member Commodity Exchange Established by a Consolidation-Type Merger may be made the total amount of the amounts respectively calculated by application mutatis mutandis of provisions in each of the following items, according to the classification of the portions listed therein:

一 新設合併取得会員商品取引所に係る部分 第六十条の十

(i) the portion pertaining to the Member Commodity Exchange acquired through a Consolidation-Type Merger: Article 60-10;

二 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に係る部分 第一項（同項第一号に係る部分を除く。）及び前項

(ii) the portion pertaining to a Member Commodity Exchange Dissolved in a Consolidation-Type Merger other than a Member Commodity Exchange acquired through a Consolidation-Type Merger: paragraph (1) (excluding the portion pertaining to item (i) of the same paragraph) and the preceding paragraph.

(共通支配下関係にあ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 the case where there is a common control relationship)

第六十条の九 新設合併消滅会員商品取引所の全部が共通支配下関係（第六十条の五第三項に規定する共通支配下関係をいう。）にある場合には、新設合併設立会員商品取引所の設立時の会員資本の総額は、新設合併対象財産の新設合併の直前の帳簿価額を基礎として算定する方法（前条第一項第二号に規定する方法によるべき部分にあっては、当該方法）に従い定まる額とする。

Article 60-9 (1) In the case where all of the Member Commodity Exchanges Dissolved in a Consolidation-Type Merger are in a common control relationship (which means a common control relationship prescribed in Article 60-5, paragraph (3)), the total amount of the Members' Capital at the time of establishing a Member Commodity Exchange Established by a Consolidation-Type Merger shall be the amount specified according to the method calculating the book value immediately prior to the Consolidation-Type Merger of the Property subject to a Consolidation-Type Merger (for portions that should be according to the method prescribed in the paragraph (1), item (ii) of the preceding Article, said method) as the basis.

2 前項の場合には、新設合併設立会員商品取引所の設立時の出資金、加入金、資本剰余金、法定準備金及び利益剰余金の額は、次の各号に掲げる部分の区分に応じ、当該各号に定める規定を準用してそれぞれ算定される額の合計額とする。

(2) In the case of the preceding paragraph, the amounts of the contribution,

membership fee, capital surplus, statutory capital, and accumulated profit at the time of establishment of a Member Commodity Exchange Established by a Consolidation-Type Merger shall be the total amount of the amounts respectively calculated by application mutatis mutandis of provisions in each of the following items, according to the classification of the portions listed therein:

一 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。）に係る部分 次条第一項

(i) the portion pertaining to a Member Commodity Exchange Dissolved in a Consolidation-Type Merger which Inherits Members' Capital (which means said Member Commodity Exchange Dissolved in a Consolidation-Type Merger is appointed to be a Member Commodity Exchange Dissolved in a Consolidation-Type Merger if 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): paragraph (1) of the following Article;

二 非会員資本承継消滅会員商品取引所（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。次条第二項において同じ。）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。）に係る部分 前条第二項

(ii) the portion pertaining to a Member Commodity Exchange Dissolved in a Consolidation-Type Merger which Does Not Inherit Members' Capital (referring to 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 paragraph (2) of the following Article) and a Member Commodity Exchange Dissolved in a Consolidation-Type Merger other than a Member Commodity Exchange Dissolved in a Consolidation-Type Merger which Inherits Members' Capital): paragraph (2) of the preceding Article.

(会員資本を引き継ぐ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 succeeding to Members' Capital)

第六十条の十 前条第一項の場合であつて、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り、かつ、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会員資本を引き継ぐものとして計算することが適切であるときには、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、加入金、資本剰余金、法定準備金及び利益剰余金の額の各合計額をそれぞれ当該新設合併設立会員商品取引所の設立時の出資金、加入金、資本剰余金、法定準備金及び利益剰余金の額とすることができる。

Article 60-10 (1) In the case of paragraph (1) of the preceding Article, if all of the Consideration of the Consolidation-Type Merger is the contribution of the Member Commodity Exchange Established by a Consolidation-Type Merger and it is appropriate to calculate the Members' Capital immediately prior to a Consolidation-Type Merger that a Member Commodity Exchange Dissolved in a Consolidation-Type Merger succeeds to, the total amounts of the amounts of the contributions, membership fees, capital surplus, statutory capital, and accumulated capital of Member Commodity Exchanges Dissolved in Consolidation-Type Mergers immediately prior to a Consolidation-Type Merger may be respectively made the amount of the contribution, membership fee, capital surplus, statutory capital, and accumulated capital at the time of establishment of said Member Commodity Exchange Established by a Consolidation-Type Merger.

2 前項の規定にかかわらず、同項の場合であつて、非対価交付消滅会員商品取引所があるときには、当該非対価交付消滅会員商品取引所の出資金、加入金及び資本剰余金の合計額を当該非対価交付消滅会員商品取引所の資本剰余金の額とみなし、当該非対価交付消滅会員商品取引所の法定準備金及び利益剰余金の額を当該非対価交付消滅会員商品取引所の利益剰余金の額とみなして、同項の規定を適用する。

(2) The provision of the preceding paragraph notwithstanding, in the case of the preceding paragraph, if there is a Dissolving Member Commodity Exchange with No Consideration to Deliver, the total amount of the contribution, membership fee, and capital surplus of said Dissolving Member Commodity Exchange with No Consideration to Deliver shall be deemed to be the amount of the capital surplus of said Dissolving Member Commodity Exchange with No Consideration to Deliver, the amounts of the statutory capital and accumulated profit of said Dissolving Member Commodity Exchange with No Consideration to Deliver shall be deemed the amounts of the accumulated profit of said Dissolving Member Commodity Exchange with No Consideration to Deliver, and the provision of the same paragraph shall apply.

(その他の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 other cases)

第六十条の十一 第六十条の八第一項及び第六十条の九第一項に規定する場合以外の場合には、新設合併設立会員商品取引所の設立時の出資金、加入金、資本剰余金、法定準備金及び利益剰余金の額は、同条及び前条の定めるところにより計算する。

Article 60-11 In cases other than the cases prescribed in Article 60-8, paragraph (1) and Article 60-9, paragraph (1), the amounts of the contribution, membership fee, capital surplus, statutory capital, and accumulated profit at the time of establishment of a Member Commodity Exchange Established by a Consolidation-Type Merger shall be calculated pursuant to the provisions of the same Articles and the preceding Article.

(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;

ヘ 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第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ニ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;
- ヘ 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 62 The documents specified by an ordinance of the competent ministry set forth in Article 156, 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 変更の申請が株式会社商品取引所の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 by an Incorporated Commodity Exchange, 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 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

- (c) a document certifying that amendment procedures specified by the articles of incorporation or other rules have been completed;
- 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株式会社商品取引所の取引参加者であっ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株式会社商品取引所の取引参加者になろうとする者であって当該商品市場において取引をしようとするもの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 Trading Participants of an Incorporated Commodity Exchange intending to establish a Commodity Market for each Commodity Market which is planned to be newly established and who intend to carry out transactions on said Commodity Market, and persons who intend to become Trading Participants of said Incorporated Commodity Exchange and intend to carry out transactions on said Commodity Market is 20 or more;
- ホ ニに規定する取引参加者及び取引参加者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第二十八条第一項第五号イ又はロに定める者に該当することを誓約する書面
- (e) a sworn, written document stating that the majority of persons who are or intend to become Trading Participants prescribed in (d) fall under the persons specified in Article 28, paragraph (1), item (v) (a) or (b) with regard to said Commodity Market;
- ヘ 当該株式会社商品取引所の取引参加者になろうとする者であっ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
- (f) a sworn, written document stating that the person who intends to become a Trading Participant of said Incorporated Commodity Exchange and intends to carry out 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;
- ト 新たに開設しようとする一以上の商品市場において法第十五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ニに規定する取引参加者及び取引参加者になろうとする者の純資産額に関する調書
- (g) 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 Trading Participant as prescribed in (d);
- チ 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

- (h) 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;
- リ 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
- (i) 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;
- ヌ 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
- (j) 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 変更の申請が株式会社商品取引所の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 of an Incorporated Commodity Exchange (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 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
- (c) a document certifying that amendment procedures specified by the articles of incorporation or other rules have been completed;
- 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って、当該商品市場において取引をする取引参加者の純資産額の最低額を変更した場合にあっては、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取引参加者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 Trading Participants who trade on said Commodity Market, a record pertaining to the amount of the net assets of Trading Participants 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;
- ヘ 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 株式会社商品取引所としての存続期間、株式会社商品取引所の商品市場の開設期限又は株式会社商品取引所が業務規程で定める範囲変更期間（法第百二条第三項に規定する範囲変更期間をいう。）の廃止又は変更に係る場合 次に掲げる書面
- (iii) in cases pertaining to the abolishment or change of the duration as an Incorporated Commodity Exchange, the due date of the establishment of a Commodity Market of the Incorporated Commodity Exchange, or the scope amendment period (which means the scope amendment period prescribed in Article 102, paragraph (3) of the Act) specified by the Incorporated Commodity Exchange in the business regulations, 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 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
- (c) a document certifying that amendment procedures specified by the articles of incorporation or other rules have been completed;
- 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 定款その他の規則で定める変更の手續を完了したことを証する書面

(c) a document certifying that amendment procedures specified by the articles of incorporation or other rules have been completed.

第六十三条 削除

Article 63 Deleted

(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（令第九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 9, 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リ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、法第七十条第二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) If a Commodity Clearing Organization intends to receive approval pursuant to the provisions of Article 170, paragraph (2) 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、法第七十条第三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 (3) of the Act, a Commodity Clearing Organization shall submit a written notification stating the following matters:

一 法第七十条第三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 (3) 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.

三 当該業務を廃止した理由

(iii) the reason for cessation 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、法第一百七十一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等（法第七十条第二項に規定する商品取引債務引受業等という。以下同じ。）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, etc. (referring to the Business of Assuming Commodity Transaction Debts, etc. as defined in Article 170, paragraph (2) of the Act; the same shall apply hereinafter) and

- its appointment of personnel;
- 二 商品取引債務引受業等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, etc.;
- 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等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, etc., 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七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 (vii) of the Act shall be as follows:

一 法第七十条第一項の業務を営む場合にあつては、当該業務に関する事項

(i) In the case in which the businesses of Article 170, paragraph (1) of the Act are operated, matters relating to said business;

二 商品取引債務引受業等に附帯する業務を営む場合にあつては、当該業務に関する事項

(ii) In the case in which a business incidental to the Business of Assuming Commodity Transaction Debts, etc. is operated, matters relating to said business;

三 金融商品債務引受業等その他商品取引債務引受業に関連する業務を営む場合にあっては、当該業務に関する事項

(iii) In the case in which the Business of Assuming Commodity Transaction Debts, etc. or another business associated with the Business of Assuming Commodity Transaction Debts, etc. is operated, matters relating to said business;

四 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

(iv) 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., if 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;

五 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

(v) 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.

六 商品市場における取引に係る受渡しの決済のために預託される金銭、有価証券その他の物に関する事項

(vi) Matters relating to cash, securities, and other instruments deposited for the purpose of settlement of delivery pertaining to transactions in a commodity market.

(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 Consignor (which means a Consignor prescribed in (b) of the same item; hereinafter the same shall apply in this Article and the following Article), an Intermediation Consignor (which means an Intermediation Consignor 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 Consignor (which means a Clearing Intermediation Consignor prescribed in (b) of the same item; hereinafter the same shall apply in this Article and the following Article), or a Consignor of the Clearing Intermediary (which means a Consignor 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 Consignor margin from a Consignor 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 Consignor) or an Intermediation Consignor and deposited the clearing margin with a Commodity Clearing Organization: said Intermediation Consignor ;

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 Consignor and deposited the clearing margin with a Commodity Clearing Organization: said Intermediation Consignor ;
- 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 Consignor and deposited the clearing margin with a Commodity Clearing Organization: said Clearing Intermediation Consignor ;
- 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 Consignor of the Clearing Intermediary) or a Consignor of the Clearing Intermediary and deposited a clearing margin with a Commodity Clearing Organization: said Consignor 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 Consignor of the Clearing Intermediary and deposited the clearing margin with a Commodity Clearing Organization: said Consignor 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、法第一百七十九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) If a Member, etc. requests a Consignor, an Intermediary or an Intermediation Consignor, or a Clearing Intermediation Consignor, a Clearing Intermediary, or a 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、法第一百七十九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 Consignor when requesting said Intermediation Consignor 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 Consignor of the Clearing Intermediary when requesting said Consignor of the Clearing Intermediary to deposit said customer margin pursuant to the provisions of the same paragraph.

3 取次者は、法第百七十九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 Consignor to deposit an intermediation margin, an Intermediary shall obtain written consent for depositing said intermediation margin with the Intermediary from said Intermediation Consignor pursuant to the provisions of Article 179, paragraph (3) of the Act.

4 清算取次者は、法第百七十九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 Consignor 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 Consignor 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 Consignor and a Consignor 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一百三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 74 (1) If 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 Consignor or an Intermediation Consignor 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 法第百七十九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 法第百七十九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 Consignor or a Consignor of the Clearing Intermediary based on the provisions of the same paragraph;

八 法第百七十九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、法第百七十九条第五項において準用する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 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つたときは、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終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.

第七十八条 削除

Article 78 Deleted

(商品先物取引業者の許可申請書の記載事項)

(Matters to be included with a written application for a license of a Commodity Derivatives Business Operator)

第七十九条 法第百九十二条第一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 79 The matters specified by an ordinance of the competent ministry set forth in Article 192, paragraph (1), item (vi) of the Act shall be as follows:

一 資本金の額、出資の総額又は基金の総額

(i) the amount of stated capital, the total amount of investment, and the total amount of endowment funds;

二 商品市場における取引等（商品清算取引を除く。）又は外国商品市場取引等（外国商品市場取引のうち商品清算取引に類似する取引を除く。）の受託を行う場合には、当該受託に係る商品市場又は外国商品市場（当該商品市場を開設する商品取引所又は当該外国商品市場を開設する外国商品市場開設者の名称又は商号を含む。）

(ii) in the case in which brokerage is performed for transactions, etc. in commodity markets (excluding commodity clearing transactions) or transactions, etc. in Foreign Commodity Markets (of Foreign Commodity Market Transactions, excluding transactions similar to commodity clearing transactions), the commodity market or Foreign Commodity Market pertaining to said brokerage (including the name or trade name of the commodity exchange making said commodity market or the foreign commodity market maker making said Foreign Commodity Market);

三 国内の営業所又は事務所において法第二条二十二項第一号又は第二号に掲げる行為を業として行う場合には、加入する委託者保護基金の名称

(iii) in the case in which the actions listed in Article 2, paragraph (22), item (i) and item (ii) are performed as a business at an office or place of business in Japan, the name of the Consignor Protection Fund (which means a Consignor Protection Fund prescribed in Chapter 6 of the Act; the same shall apply hereinafter) which should be joined;

四 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

(iv) 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.

（商品先物取引業の許可申請書の添付書類）

(Attached documents to an application for a license of a Commodity Derivatives 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（外国法人である場合には、登記事項証明書に準ずる書面及び国内における主たる営業所又は事務所の登記事項証明書）
- (ii) a certificate of the registered matters (in the case of a foreign juridical person, a document equivalent to a certificate of the registered matters and a certificate of the registered matters for a principal office or place of business in Japan);
- 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（これらの書類を作成していない場合には、これらに準ずる書類）
- (iii) financial statements, etc. for the most recent three years and supplementary schedules thereof (in the case in which these documents have not been prepared, documents equivalent thereto);
- 四 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
- (iv) 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) of the Act;
- 五 次に掲げる場合に応じ、それぞれ次に定める書面
- (v) 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 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（外国法人である場合には、登記事項証明書に準ずる書面）、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 (in the case of a foreign juridical person, a document equivalent to the certificate of the registered matters), a document stating corporate history, 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 a 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;

六 商品先物取引業を遂行するための方法を記載した書面

(vi) a document stating the method for conducting the Commodity Derivatives Business;

七 商品先物取引業に係る人的構成及び組織等の業務執行体制を記載した書面

(vii) a document stating the human composition and the management system for the organization, etc. pertaining to the Commodity Derivatives Business;

八 取引の種類及び取引の対象とする商品又は商品指数を記載した書面所

(viii) a document stating type of transactions the commodities and commodity indexes to be traded;

九 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

(ix) a written statement relating to the amount of net assets of that entity, prepared according to Form No. 1;

十 様式第三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並びに顧客からの苦情及び相談に対する対応方法等を記載した書面

(x) a document providing a summary of the organization to perform the activities relating to internal controls and stating the method for responding to complaints and inquiries from customers;

十一 商品先物取引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

(xi) in the case in which an electronic data processing organization is used in the Commodity Derivatives Business, documents stating a summary of said electronic data processing organization, along with the installation location and the volume thereof, the method of maintenance, and the disposition method in the case in which an abnormality occurs at said electronic data processing organization;

十二 過去五年以内に、商品先物取引業に関して禁錮以上の刑（外国において商品先物取引業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、所属する営業所又は事務所の名称、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

(xii) a document stating the number of employees who have been sentenced to imprisonment or more severe punishment (including an equivalent punishment under the laws and regulations of a foreign state with regard to the business equivalent to a Commodity Derivatives Business in the foreign

state) with regard to Commodity Derivatives Business and the specified business prescribed in Article 87 (hereinafter referred to as the "Commodity Derivatives 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 on which and the reasons why said officer was punished by said fines or in receipt of said disposition, and all other such details;

十三 商品先物取引業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先物取引業の収支の見込みを記載した書面、商品先物取引業の計画書並びにこれらの根拠を記載した書面

(xiii) a document stating the estimated income and expenditures of the Commodity Derivatives Business, the Commodity Derivatives Business plan for the business year in which Commodity Derivatives 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;

十四 商品先物取引業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（申請者が令第二十八条各号に掲げる者である場合には、純資産額）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

(xiv) a document stating the estimated amount of the net assets and the Net Assets Regulation Ratio (or the amount of net assets, in the case in which the applicant is a person or entity listed in the respective items of Article 28 of the Order) for the business year in which Commodity Derivatives 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;

十五 保有する議決権（総株主、総社員、総会員の議決権をいう。以下この号及び第八十二条において同じ。）の数の上位十名までの株主又は社員その他の出資者（以下この号において「株主等」という。）の氏名又は商号若しくは名称、住所又は所在地、その保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（当該株主等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

(xv) a document stating the names or trade names and addresses of up to the top 10 shareholders or company members or other investors (referred to hereinafter in this item as "Shareholders, etc.") in number of voting rights

held (referring to voting rights of general shareholders, general partners, and general members; the same shall apply hereinafter in this item and in Article 82), along with the proportion of voting rights held to the total number of voting rights and the relationships with the applicant (limited to cases in which said Shareholders, etc. are officers of the applicant or the parent company, a Subsidiary Company, or an affiliated company, or an officer thereof);

十六 様式第四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

(xvi) a written statement relating to a summary of subsidiary businesses as defined in Article 196, paragraph (1) of the Act, prepared according to Form No. 4;

十七 様式第五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

(xvii) a written statement relating to a summary of controlling relationships with respect to other juridical persons as defined in Article 196, paragraph (2) of the Act, prepared according to Form No. 5;

十八 法第二条第二十二項第五号に掲げる行為を業として行う場合には、次に掲げる書類

(xviii) the following documents, in the case in which the actions listed in Article 2, paragraph (22), item (v) of the Act are performed as a business:

イ 当該業務を管理する責任者の履歴書

(a) curriculum vitae of principals managing said business;

ロ 当該業務に関する社内規則

(b) internal rules relating to said business;

ハ 当該業務を行う部署の名称及び組織の体制を記載した書面

(c) a document stating the name of the operating unit and the organizational structure performing said business;

ニ 当該業務に係る顧客との取引開始基準を記載した書面

(d) a document stating the standard for initiation of a transaction with a customer pertaining to said business;

ホ 当該業務に関し顧客と取引を行う際に使用する契約書

(e) the contract to be used when engaging in transactions with a customer pertaining to said business.

2 法第百九十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百九十二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 様式第六号により作成した訴訟又は調停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. 6 stating the causes and status of any litigation or mediation.

二 商品先物取引業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 Derivatives Business; and

三 協会、委託者保護基金、商品取引所又は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, Consignor 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 法第百九十三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五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 under Article 195, paragraph (1), item (v) 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 Commodity Futures Transactions Dealer has become aware that a petition has been filed for the commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, or commencement of reorganization;

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 have been amended (in the case of a foreign juridical person, a document equivalent to articles of incorporation);

三 商品先物取引業者の総株主等（総株主、総社員、総会員又は総組合員をいう。次項第十三号ロにおいて同じ。）の議決権の過半数が他の一の法人その他の団体によって保有されることとなった場合

- (iii) in the case where the majority of the voting rights of the General Shareholders, etc. (referring to general shareholders, general partners, members, or general association members; the same shall apply in item (xiii) (b) of the following paragraph) of the Commodity Derivatives Business Operator has come to be held by another juridical person or another organization;
 - 四 商品先物取引業を遂行するための方法を変更した場合
 - (iv) in the case where the method for performing the Commodity Derivatives Business has changed;
 - 五 取引の種類又は取引の対象とする商品若しくは商品指数を変更した場合
 - (v) in the case where the type of transaction or the commodities to be traded or the commodity indexes have changed;
 - 六 第八十条第一項第十六号に掲げる調書の兼業業務を廃止した場合
 - (vi) in the case where a subsidiary business in the written statement listed in Article 80, paragraph (1), item (xvi) has been discontinued;
 - 七 第八十条第一項第十七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
 - (vii) in the case where the content of the written statement listed in Article 80, paragraph (1), item (xvii) has changed, or the case where a controlling relationship has been extinguished;
 - 八 商品先物取引仲介業者に法第二条第二十二項各号に規定する媒介に係る業務の委託を行った場合又は当該委託を行わなくなった場合
 - (viii) in the case where operations pertaining to brokerage as defined in the respective items of Article 2, paragraph (22) has been consigned to a Commodity Derivatives Intermediary Service Provider , or where said consignment has ceased to be performed.
- 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登記事項証明書（外国法人である場合には、登記事項証明書に準ずる書面。以下この項において同じ。）
 - (i) in the case where the matter set forth in Article 192, paragraph (1), item (i) of the Act is changed: a certificate of registered matters (in the case of a foreign juridical person, a document equivalent to a certificate of registered matters; the same shall apply hereinafter in this paragraph);
 - 二 法第百九十二条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

(ii) in the case where the matters listed in Article 192, paragraph (1), item (iii) of the Act has changed: a certificate of registered matters;

三 法第百九十二条第一項第四号に掲げる事項（役員の住所を除く。）を変更した場合 次に掲げる書類

(iii) in the case where the matters listed in Article 192, paragraph (1), item (iv) of the Act (excluding the address of an officer) has changed: the following documents:

イ 登記事項証明書

(a) a certificate of 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) The documents prescribed below, according to the cases listed therein:

(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、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 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;

(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 history, 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、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;

ハ 商品先物取引業に係る人的構成及び組織等の業務執行体制を記載した書面

(c) a document stating the human composition and the management system

for the organization, etc. pertaining to the Commodity Derivatives Business.

四 法第百九十二条第一項第五号に掲げる事項を変更した場合 次に掲げる書類

(iv) in the case where the matters listed in Article 192, paragraph (1), item (v) of the Act have been changed: the following documents:

イ 変更の内容、変更年月日及び変更の理由を記載した書面

(a) a document stating the content of the change, the date of the change, and the reason for the change;

ロ 商品先物取引業に係る人的構成及び組織等の業務執行体制を記載した書面

(b) a document stating the human composition and the management system for the organization, etc. pertaining to the Commodity Derivatives Business;

ハ 新たに法第二条第二十二項第五号に掲げる行為を業として行う場合には、次に掲げる書類

(c) in the case where the actions listed in Article 2, paragraph (22), item (v) of the Act are newly performed as a business: the following documents:

(1) 当該業務を管理する責任者の履歴書

1. curriculum vitae of principals managing said business;

(2) 当該業務に関する社内規則

2. internal rules relating to said business;

(3) 当該業務を行う部署の名称及び組織の体制を記載した書面

3. a document stating the name of the operating unit and the organizational structure performing said business;

(4) 当該業務に係る顧客との取引開始基準を記載した書面

4. a document stating the standard for initiation of a transaction with a customer pertaining to said business;

(5) 当該業務に関し顧客と取引を行う際に使用する契約書

5. the contract to be used when engaging in transactions with a customer pertaining to said business.

五 資本金の額、出資の総額又は基金の総額を変更した場合 次に掲げる書類

(v) in the case where the total amount of stated capital, the total amount of investment, and the total amount of funds has changed: the following documents:

イ 変更前及び変更後の資本金の額、出資の総額又は基金の総額、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 total amount of stated capital, the total amount of investment, and the total amount of funds before the change and after the change, the method for the change, and the reason for the change;

ロ 登記事項証明書

(b) a certificate of registered matters.

六 商品市場における取引等（商品清算取引を除く。イにおいて同じ。）又は外国商

品市場取引等（外国商品市場取引のうち商品清算取引に類似する取引を除く。イにおいて同じ。）の受託に係る商品市場又は外国商品市場（当該商品市場を開設する商品取引所又は当該外国商品市場を開設する外国商品市場開設者の名称又は商号を含む。）を変更した場合 次に掲げる書類

(vi) in the case where a change is made in the commodity market or Foreign Commodity Market (including the name or trade name of the commodity exchange making said commodity market or the foreign commodity market maker making said Foreign Commodity Market) pertaining to brokerage of transactions, etc. in a commodity market (excluding commodity clearing transactions; the same shall apply in (a)) or transactions, etc. in a Foreign Commodity Market (excluding transactions similar to commodity clearing transactions, of Foreign Commodity Market Transactions): the following documents:

イ 変更した商品市場における取引等又は外国商品市場取引等の受託に係る商品市場の名称（当該商品市場を開設する商品取引所又は当該外国商品市場を開設する外国商品市場開設者の名称又は商号を含む。）及び変更年月日を記載した書面

(a) a document stating the altered name of the commodity market pertaining to brokerage of transactions, etc. in a commodity market or transactions, etc. in a Foreign Commodity Market (including the name or trade name of the commodity exchange making said commodity market or the foreign commodity market maker making said Foreign Commodity Market) and the date of the change;

ロ 取締役会（これに準ずる機関を含む。）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) a document affirming that minutes of the Board of Directors (including an equivalent body) or other required procedural documentation exists.

七 委託者保護基金に加入し、又は脱退した場合 次に掲げる書類

(vii) in a case of joining or withdrawing from a Consignor Protection Fund: the following documents:

イ 加入し、又は脱退した委託者保護基金の名称及び加入又は脱退した年月日を記載した書面

(a) a document stating the name of the Consignor Protection Fund joined or withdrawn from and the date on which the fund was joined or withdrawn from;

ロ 取締役会（これに準ずる機関を含む。）の議事録その他必要な手続があったことを証する書面記載した書面

(b) a document affirming that minutes of the Board of Directors (including an equivalent body) or other required procedural documentation exists.

八 協会に加入し、又は脱退した場合 次に掲げる書類

(viii) in a case of joining or withdrawing from an association: the following documents:

- イ 加入し、又は脱退した協会の名称及び加入又は脱退した年月日を記載した書面
- (a) a document stating the name of the association joined or withdrawn from and the date on which the association was joined or withdrawn from;
- ロ 取締役会（これに準ずる機関を含む。）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) a document affirming that minutes of the Board of Directors (including an equivalent body) or other required procedural documentation exists.
- 九 商品先物取引業を開始し、休止し、又は再開した場合 次に掲げる書類
- (ix) in a case where the Commodity Derivatives Business is started, suspended, or restarted: the following documents:
- イ 商品先物取引業を開始し、休止し、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し、又は再開した理由を記載した書面
- (a) a document stating the fact that the Commodity Derivatives Business has been started, suspended, or restarted, the duration of suspension or the date of starting or restarting, and the reason for the suspension or restart;
- ロ 休止期間中における委託者等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 for processing the accounts of Customers, etc., during the period of suspension (excluding the case of starting and restarting).
- 十 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
- (x) in a case where a petition has been filed for the commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, or commencement of reorganization: the following documents:
- 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 date on which the petition for the commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, or commencement of reorganization was filed and the reason for the 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 a document pertaining to the filing of the petition for the commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, or commencement of reorganization.
- 十一 前項第一号に掲げる場合 次に掲げる書類
- (xi) in the case listed in item (i) of the preceding paragraph: the following documents:
- 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 on which the petition for the commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, or commencement of reorganization was filed, the name or trade name of the entity filing the petition, and the reason for the 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 a document pertaining to the filing of the petition for the commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, or commencement of reorganization.

十二 前項第二号に掲げる場合 次に掲げる書類

(xii) in the case listed in item (ii) of the preceding paragraph: the following documents:

イ 変更の内容、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 content of the change, the date of said change, and the reason for the change;

ロ 新旧条文の対照表

(b) a comparison table showing the new and old versions of the text;

ハ 株主総会（これに準ずる機関を含む。）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) a document affirming that minutes of the general shareholders meeting (including an equivalent body) or other required procedural documentation exists.

十三 前項第三号に掲げる場合 次に掲げる書類

(xiii) in the case listed in item (iii) of the preceding paragraph: the following documents:

イ 他の一の法人その他の団体の商号又は名称及び保有されることとなった年月日を記載した書面

(a) a document stating the trade name or name of the other one juridical person or organization and the date on which holding occurred;

ロ 保有される議決権の数及び総株主等の議決権に占める当該議決権の数の割合を記載した書面

(b) a document stating the number of voting rights held and the proportion of the number of said voting rights out of the voting rights of all Shareholders, etc.;

ハ 議決権を保有する他の一の法人その他の団体の業務の概要を記載した書類

(c) a document providing a summary of the activities of other one juridical person or other organization holding the voting rights.

十四 前項第四号に掲げる場合 次に掲げる書類

(xiv) in the case listed in item (iv) of the preceding paragraph: the following documents:

イ 変更の内容、変更年月日及び変更の理由を記載した書面

(a) a document stating the content of the change, the date of said change,

- and the reason for the change;
- ロ 変更後の商品先物取引業を遂行するための方法を記載した書面
- (b) a document stating the method for performing the Commodity Derivatives Business after the change.
- 十五 前項第五号に掲げる場合 次に掲げる書類
- (xv) in the case listed in item (v) of the preceding paragraph: the following documents:
- イ 変更の内容、変更年月日及び変更の理由を記載した書面
- (a) a document stating the content of the change, the date of said change, and the reason for the change;
- ロ 変更後の取引の種類又は取引の対象とする商品若しくは商品指数を記載した書面
- (b) a document stating the type of transaction, the commodities to be traded, and the commodity indexes after the change.
- 十六 前項第六号に掲げる場合 商品先物取引業者の商号又は名称及び廃止の日を記載した書類
- (xvi) in the case listed in item (vi) of the preceding paragraph: a document stating the trade name or name of the Commodity Derivatives Business Operator and the date of cessation;
- 十七 前項第七号に掲げる場合 商品先物取引業者の商号又は名称、変更又は消滅の内容及び変更又は消滅の日を記載した書類
- (xvii) in the case listed in item (vii) of the preceding paragraph: a document stating the trade name or name of the Commodity Derivatives Business Operator, the content changed or extinguished, and the date of change or extinguishment;
- 十八 前項第八号に掲げる場合のうち商品先物取引仲介業者に業務の委託を行った場合 次に掲げる書類
- (xviii) in the case listed in item (viii) of the preceding paragraph in the case where consignment of the operation occurs to a Commodity Derivatives Intermediary Service Provider : the following documents:
- イ 当該商品先物取引仲介業者の氏名又は商号若しくは名称を記載した書面
- (a) a document stating the name or trade name of said Commodity Derivatives Intermediary Service Provider ;
- ロ 当該商品先物取引仲介業者の本店等（令第三十二条第二項に規定する本店等をいう。以下同じ。）の所在地を記載した書面
- (b) a document stating the location of the Head Office, etc. (referring to the Head Office, etc. as defined in Article 32, paragraph (2) of the Order; the same shall apply hereinafter) of said Commodity Derivatives Intermediary Service Provider ;
- ハ 業務委託に係る契約書の写し
- (c) a copy of the contract pertaining to said consignment.

十九 前項第八号に掲げる場合のうち商品先物取引仲介業者に業務の委託を行わなくなった場合 次に掲げる書類

(xix) in the case listed in item (viii) of the preceding paragraph in the case where consignment of the operation to a Commodity Derivatives

Intermediary Service Provider ceases to occur: the following documents:

イ 当該商品先物取引仲介業者の氏名又は商号若しくは名称を記載した書面

(a) a document stating the name or trade name of said Commodity Derivatives Intermediary Service Provider ;

ロ 業務の委託を行わなくなった年月日及び理由を記載した書面

(b) a document stating the date on which consignment of operations ceased and the reason for the cessation.

(兼業業務の届出)

(Notification of subsidiary business)

第八十三条 商品先物取引業者は、法第百九十六条第一項の規定により兼業業務を行おうとする旨の届出をするときは、様式第七号により作成した当該兼業業務に関する届出書を提出しなければならない。その届け出た事項を変更しようとするとき、又はその兼業業務を廃止したときも、同様とする。

Article 83 (1) When submitting a notification of operating subsidiary business pursuant to the provisions of Article 196, paragraph (1) of the Act, a Commodity Derivatives Business Operator shall submit a written notification prepared according to Form No. 7. The same shall apply when seeking to change the matters notified or when discontinuing the subsidiary business.

2 商品先物取引業者は、法第百九十六条第一項の規定により届出をする場合にあっては、兼業業務を行おうとする旨の届出をするとき及びその届け出た事項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、前項の届出書を提出しなければならない。

(2) When a Commodity Derivatives Business Operator submits a notification pursuant to the provisions of Article 196, paragraph (1) of the Act, if he/she submits a notification of intent to conduct a subsidiary business and seeks to change the matters notified, he/she shall submit a notification in advance, and if he/she discontinues that subsidiary business, he/she shall file the notification of the preceding paragraph without delay after the cessation of business.

(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、次に掲げる関係とする。

Article 84 The relationships specified by an ordinance of the competent ministry set forth in Article 196, paragraph (2) of the Act shall be the following relationships:

一 子会社に対する関係

(i) a relationship with a Subsidiary Company;

二 関連会社に対する関係

(ii) a relationship with an Affiliated Company;

(支配関係の届出)

(Notification of controlling interest)

第八十五条 商品先物取引業者は、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、様式第八号により作成した同項に規定する支配関係を持つに至った他の法人の概要に関する届出書を提出しなければならない。その届け出た事項に変更を生じたとき、又はその支配関係がなくなったときも、同様とする。

Article 85 If a Commodity Derivatives Business Operator provides notification of having 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 submitted relating to a summary of the other juridical person a controlling interest in which has been acquired pursuant to provisions of the same paragraph. The same shall apply if a change occurs in the notified matters, or if the controlling interest ceases.

第八十六条 削除

Article 86 Deleted

第八十七条 削除

Article 87 Deleted

第八十八条 削除

Article 88 Deleted

(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
商品先物取引業を廃止したとき In the case of abolishment of Commodity Derivatives Business	一 廃止年月日 (i) Date of abolishment	一 株主総会（これに準ずる機関を含む。）の議事録その他必要な手続きがあったことを証する書面 (i) Minutes of a general meeting of shareholders (including an equivalent body) or another document certifying that the necessary procedures have been followed
	二 廃止の理由 (ii) Reasons for abolishment	二 委託者等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, etc.
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又は名称 (i) Trade name or name of the other party to the Merger	委託者等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, etc. to the juridical person surviving a Merger
	二 合併年月日 (ii) Date of the Merger	
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	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	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
	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	二 委託者等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, etc.

<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>一 株主総会（これに準ずる機関を含む。）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 the general meeting of shareholders (including an equivalent body) or another document certifying that the necessary procedures have been followed</p>
	<p>二 解散の理由 (ii) Reasons for dissolution</p>	<p>二 委託者等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, etc.</p>
<p>分割により商品先物取引業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 Derivatives Business by a split-off</p>	<p>一 承継先の商号又は名称 (i) Trade name or name of the successor</p>	<p>一 委託者等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 (i) A document stating the succession method of claims and debts to Customers, etc. by to the successor</p>
	<p>二 分割の年月日及び理由 (ii) Date of the split-off and reason</p>	<p>二 新設分割計画又は吸収分割契約の内容及び分割の手続を記載した書面 (ii) A document stating the contents of the incorporation-type company split plan or absorption-type company split agreement and the split procedures</p>
<p>商品先物取引業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 Derivatives Business</p>	<p>一 譲渡先の商号又は名称 (i) Trade name or name of the transferee</p>	<p>一 委託者等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 (i) A document stating the transfer method of claims and debts to Customers, etc. by to the transferee</p>
	<p>二 譲渡年月日及び理由 (ii) Date of transfer and reason</p>	<p>二 事業譲渡契約の内容を記載した書面 (ii) A document stating the contents of the business transfer agreement</p>

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 商品先物取引業者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 Commodity Derivatives Business Operator 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又は事務所での掲示には、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終了の方法並びに商品先物取引業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先物取引業者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 Commodity Derivatives Business Operator 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 Derivatives Business and property which is held by said Commodity Derivatives Business Operator on Consignor'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 商品先物取引業者の商号又は名称

(i) trade name or name of the Commodity Derivatives Business Operator ;

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).

(申出をした特定委託者に交付する書面の記載事項)

(Matters to be Stated in Documents Provided to Eligible Consignors Having Filed Application)

第九十条の二 法第百九十七条の四第三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 90-2 The matters prescribed by an ordinance of the competent ministry under Article 197-4, paragraph (3), item (iii) of the Act shall be the following matters:

一 申出者（法第百九十七条の四第三項に規定する申出者をいう。次号において同じ。）は、同条第二項の規定による承諾を行った商品先物取引業者のみから商品取引契約に関して一般顧客（同条第一項に規定する一般顧客をいう。以下同じ。）として取り扱われることになる旨

(i) the fact that the applicant (referring to the applicant as defined in Article 197-4, paragraph (3) of the Act; the same shall apply in the following item) will be treated as a General Customer (referring to a General Customer as defined in paragraph (1) of the same Article; the same shall apply hereinafter) in relation to the Commodity Transaction Contract only by the Commodity Derivatives Business Operator who has given acceptance pursuant to provisions of paragraph (2) of the same Article;

二 商品先物取引業者が商品取引契約に基づき申出者を代理して他の商品先物取引業者との間で承諾日（法第百九十七条の四第三項第一号に規定する承諾日をいう。）以後に締結する商品取引契約については、当該申出者は当該他の商品先物取引業者からも一般顧客として取り扱われる旨

(ii) the fact that with respect to Commodity Transaction Contracts concluded on or after the Date of Acceptance (referring to the Date of Acceptance as defined in Article 197-4, paragraph (3) of the Act) with other Commodity Futures Transactions Dealers with the Commodity Derivatives Business Operator representing the Applicant pursuant to the Commodity Transactions Contract, said applicant will also be treated as a General Customer by said other Commodity Derivatives Business Operators .

(情報通信の技術を利用する方法)

(Means of Utilizing Information Communication Technology)

第九十条の三 法第百九十七条の四第四項（法第百九十七条の五第十三項（法第百九十七条の六第六項及び第百九十七条の九第二項において準用する場合を含む。）、第百九十七条の六第三項及び第百九十七条の八第二項において準用する場合を含む。以下この条において同じ。）及び第二百十七条第二項（法第二百二十条第二項及び第二百二十条の二第二項において準用する場合を含む。以下この条において同じ。）の主務省令で定める方法は、次に掲げるもの（第百九条の二において「電磁的方法」という。）とする。

Article 90-3 (1) The means prescribed by an ordinance of the competent ministry

under Article 197-4, paragraph (4) (including as applied mutatis mutandis in Article 197-5, paragraph (13) (including as applied mutatis mutandis in Article 197-6, paragraph (6) and Article 197-9, paragraph (2) of the Act), Article 197-6, paragraph (3) and Article 197-8, paragraph (2) of the Act; the same shall apply hereinafter in this Article) and Article 217, paragraph (2) (including as applied mutatis mutandis in Article 220, paragraph (2) and Article 220-2, paragraph (2) of the Act; the same shall apply hereinafter in this Article) shall be the following means (referred to in Article 109-2 as "Electromagnetic Means"):

一 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

(i) The following means utilizing an electronic data processing system:

イ 商品先物取引業者等（商品先物取引業者又は商品先物取引業者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置き、これを法第九十七条の四第四項又は第二百七条第二項に規定する事項を提供し、又は通知する相手方（以下この条において「顧客」という。）又は当該商品先物取引業者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

(a) the means of sending the matters to be stated in a document (referred to hereinafter in this Article as "Stated Matters") over electronic communication circuits connecting an electronic computer for use by the Commodity Derivatives Business Operator , etc. (referring to the Derivatives Business Operator or an entity disposing files on an electronic computer managed by the self-same entity pursuant to a contract with the Commodity Derivatives Business Operator , and supplying those files for use by the counterparty (referred to hereinafter in this Article as "Customer") to whom the matters prescribed in Article 197-4, paragraph (4) or Article 217, paragraph (2) of the Act are to be provided or communicated; the same shall apply hereinafter in this Article) with an electronic computer for use by the Customer, etc. (referring to the Customer or an entity disposing Customer files (referring to files supplied for use exclusively by said Customer; the same shall apply hereinafter in this Article) on an electronic computer managed by the self-same entity; the same shall apply hereinafter in this Article) and recording those matters in a Customer file disposed on the electronic computer for use by the customer, etc.;

ロ 商品先物取引業者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
- (b) the means of supplying the Stated Matters recorded in a file disposed on an electronic computer for use by the Commodity Derivatives Business Operator , etc. over electronic communication circuits for viewing by the Customer and recording said Stated Matters in a customer file of said Customer disposed on an electronic computer for use by the Customer, etc.;
- ハ 商品先物取引業者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) the means of providing the Stated Matters recorded in a customer file disposed on an electronic computer for use by the Commodity Derivatives Business Operator , etc. for viewing by the Customer over electronic communication circuits;
- ニ 閲覧ファイル（商品先物取引業者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記載事項を記録させるものをいう。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) the means of supplying the Stated Matters recorded in a viewing file (referring to a file disposed on an electronic computer for use by the Commodity Derivatives Business Operator , etc. recording the Stated Matters for the purpose of supplying for viewing by multiple Customers simultaneously; the same shall apply hereinafter in this Article) for viewing by Customers over electronic communication circuits.
- 二 磁気ディスク、シー・ディー・ロムその他これら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) the means of providing items recording the Stated Matters in a file prepared using an object capable of reliably recording defined matters using magnetic tape, CD-ROM, or another 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 means listed in the preceding items shall comply with the following standards:
- 一 顧客が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) the customer shall be able to create a document by outputting the record to the file;
- 二 前項第一号イ、ハ又はニに掲げる方法（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。）にあっては、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ことであること。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 the means listed in (a), (b), and (c) of item (i) of the preceding paragraph (excluding the means of recording the Stated Matters in a

customer file disposed on an electronic computer for use by the Customer) the fact that the Stated Matters have been recorded or will be recorded in a customer file or a viewing file shall be communicated to the Customer; provided, however, that this provision shall not apply if it has been confirmed that the customer has viewed said Stated Matters;

三 前項第一号ハ又はニに掲げる方法にあつては、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ったときは、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（令第二十四条第一項又は第三十一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若しくはロ若しくは同項第二号に掲げる方法により提供し、若しくは通知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。

(iii) for the means listed in (c) and (d) of item (i) in the preceding paragraph, the following matters shall be incapable of deletion or modification for 5 years from the date on which the last transaction listed in the Stated Matters was executed (if a complaint is made pertaining to said Stated Matters during the interval until the date on which said term concludes, the interval until the later of the date on which said term concludes or the date on which said complaint is resolved; provided, however, that in the case in which the Stated Matters supplied for viewing are delivered in writing, then said Stated Matters may be deleted with the permission of the customer (referring to permission by a means prescribed in Article 24, paragraph (1) or Article 31, paragraph (1) of the Order) in the case in which the Stated Matters were provided or communicated by means listed in item (i) (a) or (b) or in item (ii) of the preceding paragraph, or if an instruction is given by the customer for deletion of said Stated Matters:

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) for the means listed in item (i) (c) of the preceding paragraph: the Stated Matters 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) for the means listed in item (i) (d) of the preceding paragraph: the Stated matters recorded in a viewing file.

四 前項第一号ニに掲げる方法にあつては、次に掲げる基準に適合するものであること。

(iv) the means listed in item (i) (d) of the preceding paragraph must conform to the following standards:

イ 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。

(a) the information required for a customer to view the viewing file must be

recorded in a customer file;

ロ 前号に規定する期間を経過するまでの間において、イの規定により顧客が閲覧ファイルを検閲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。

(b) a customer file recording information required for a customer to view the viewing file pursuant to provisions of (a), along with said viewing file, must be maintained in a state in which a connection is possible over electronic communication circuits for the duration until the term prescribed in the preceding item has elapsed; provided, however, that this provision shall not apply in the case in which the fact has been communicated that a customer who has been provided with viewing need not have the information maintained in a state in which a connection is possible.

3 第一項第一号の「電子情報処理組織」とは、商品先物取引業者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先物取引業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。

(3) The phrase "electronic data processing system" in paragraph (1), item (i) refers to an electronic data processing system connecting the computer for use by the Commodity Derivatives Business Operator, etc. with the computer for use by the Customer who has disposed the customer file or by the Commodity Derivatives Business Operator , etc. over electronic communication circuits.

(電磁的方法の種類及び内容)

(Type and Content of Electromagnetic Means)

第九十条の四 令第二十四条第一項、第二十五条第一項、第二十七条第一項及び第三十一条第一項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 90-4 The type and content of the means to be indicated pursuant to provisions of Article 24, paragraph (1), Article 25, paragraph (1), Article 27, paragraph (1), and Article 30, paragraph (1) of the Order shall be the following matters:

一 前条第一項各号又は第九十条の六第一項各号に掲げる方法のうち商品先物取引業者が使用するもの

(i) Of the means listed in the respective items of paragraph (1) of the preceding Article and in the respective items of Article 90-6, paragraph (1), those used by the Commodity Derivatives Business Operator ;

二 ファイルへの記録の方式

(ii) the method of recording to a file.

(特定委託者への復帰申出をした者が同意を行う書面の記載事項)

(Matters to be Stated in Documents in which the Entity Making the Request

for Reinstatement to a Eligible Consignor Gives Consent)

第九十条の五 法第百九十七条の四第十一項の主務省令で定める事項は、次に掲げる事項とする。

Article 90-5 The matters prescribed by an ordinance of the competent ministry under Article 197-4, paragraph (11) of the Act shall be the following matters:

一 復帰申出者（法第百九十七条の四第十一項に規定する復帰申出者をいう。以下この条において同じ。）が次に掲げる事項を理解している旨

(i) the fact that the Applicant for Reinstatement (referring to the Applicant for Reinstatement as defined in Article 197-4, paragraph (11) of the Act; the same shall apply hereinafter) understands and accepts the following matters:

イ 法第二百二十条の四第一項各号に掲げる規定は、商品取引契約に関して復帰申出者が承諾日（商品先物取引業者が法第百九十七条の四第十一項の規定による承諾をする日をいう。以下この条において同じ。）以後に当該各号に定める者となる場合（法第二百二十条の四第一項ただし書に規定する場合を除く。）には適用されない旨

(a) the fact that the provisions listed in the respective items of Article 220-4, paragraph (1) of the Act are not applicable in the case in which the Applicant for Reinstatement becomes one of the entities prescribed in said respective items with respect to the Commodity Transaction Contract on or after the date of acceptance (referring to the date on which the return applicant granted acceptance pursuant to provisions of Article 197-4, paragraph (11) of the Act; the same shall apply hereinafter) (excluding the cases specified in the Proviso of Article 220-4, paragraph (1) of the Act;

ロ 商品取引契約に関して特定委託者として取り扱われることがその知識、経験及び財産の状況に照らして適当ではない者が特定委託者として取り扱われる場合には、当該者の保護に欠けることとなるおそれがある旨

(b) the fact that being treated as a Eligible Consignor with respect to the Commodity Transactions Contract risks insufficient protections being afforded if a person ill-suited in terms of knowledge, experience, and the financial circumstances is treated as an Eligible Consignor.

二 承諾日以後に商品取引契約の締結の勧誘又は締結をする場合において、復帰申出者を再び特定委託者として取り扱う旨

(ii) the fact that in the case of a solicitation of conclusion or a conclusion of a Commodity Transaction Contract on or after the date of acceptance, the Applicant for Reinstatement will again be treated as an Eligible Consignor;

三 商品先物取引業者が商品取引契約に基づき復帰申出者を代理して他の商品先物取引業者との間で承諾日以後に締結する商品取引契約については、当該復帰申出者は当該他の商品先物取引業者からも再び特定委託者として取り扱われる旨

(iii) the fact that with respect to commodity transaction contracts concluded on or after the Date of Acceptance (referring to the Date of Acceptance as defined in Article 197-4, paragraph (3) of the Act) with other Commodity

Derivatives Business Operators with the Commodity Derivatives Business Operator representing the Applicant for Reinstatement pursuant to the Commodity Transactions Contract, said Applicant for Reinstatement will also be treated as a Eligible Consignor by said other Commodity Derivatives Business Operators .

四 復帰申出者は、承諾日以後いつでも、法第百九十七条の四第一項の規定による申出ができる旨

(iv) the fact that the Applicant for Reinstatement may at any time on or after the date of acceptance make the application pursuant to Article 197-4, paragraph (1) of the Act.

(情報通信の技術を利用した同意又は承諾の取得)

(Obtaining Consent or Acceptance Utilizing Information Communication Technology)

第九十条の六 法第百九十七条の四第十二項（法第百九十七条の五第三項（同条第九項（法第百九十七条の六第六項において準用する場合を含む。））、第百九十七条の六第六項及び第百九十七条の九第二項において準用する場合を含む。）及び第百九十七条の八第二項において準用する場合を含む。以下この条において同じ。）及び第二百九条第二項の主務省令で定めるもの並びに令第二十四条第一項及び第三十一条第一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、次に掲げるものとする。

Article 90-6 (1) The means for utilizing an electronic data processing system or other means utilizing information communication technology as prescribed by an ordinance of the competent ministry under Article 197-4, paragraph (12) (including as applied mutatis mutandis in Article 197-5, paragraph (3) (including as applied mutatis mutandis in paragraph (9) of the same Article (including as applied mutatis mutandis in Article 197-6, paragraph (6)), Article 197-6, paragraph (6), and Article 197-9, paragraph (2) of the Act; the same shall apply hereinafter in this Article) and Article 109, paragraph (2) of the Act shall be the following:

一 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

(i) the following means utilizing an electronic data processing system:

イ 商品先物取引業者の使用に係る電子計算機と法第百九十七条の四第十二項又は第二百九条第二項の規定により同意を得ようとする相手方（以下この条において「顧客」という。）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) the means of sending over electronic communication circuits connecting an electronic computer for use by the Commodity Derivatives Business Operator with an electronic computer for use by the counterparty (referred to hereinafter in this Article as "Customer") from whom consent is being sought pursuant provisions of to Article 197-4, paragraph (12) or Article

209, paragraph (2) of the Act, and recording in a file disposed on an electronic computer for use by the receiver;

ロ 商品先物取引業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顧客の同意又は承諾に関する事項を電気通信回線を通じて当該顧客の閲覧に供し、当該商品先物取引業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顧客の同意又は承諾に関する事項を記録する方法

(b) the means of supplying matters relating to the consent or acceptance of the customer recorded in a file disposed on an electronic computer for use by the Commodity Derivatives Business Operator for viewing by said customer, and recording the matters relating to consent or acceptance by said customer in a file disposed on an electronic computer for use by said Commodity Derivatives Business Operator.

二 磁気ディスク、シー・ディー・ロムその他これら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同意又は承諾に関する事項を記録したものを得る方法

(ii) The means of providing items recording the matters relating to consent or acceptance in a file prepared using an object capable of reliably recording defined matters using magnetic tape, CD-ROM, or another equivalent method.

2 前項各号に掲げる方法は、商品先物取引業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 means listed in the items of the preceding paragraph shall enable preparation of a document by the Commodity Derivatives Business Operator outputting the record to the file.

3 第一項第一号の「電子情報処理組織」とは、商品先物取引業者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 phrase "electronic data processing system" in paragraph (1), item (i) refers to an electronic data processing system connecting the computer for use by the Commodity Derivatives Business Operator, etc. with the computer for use by the Customer over electronic communication circuits.

(特定委託者等以外の顧客である法人が特定委託者とみなされる場合の期限日)

(Expiration Date When a Juridical Person Customer Other Than an Eligible Consignor, etc. Is Deemed to Be an Eligible Consignor)

第九十条の七 法第百九十七条の五第二項の主務省令で定める場合は、商品先物取引業者が一定の日を定め、次に掲げる事項を当該商品先物取引業者の営業所又は事務所の公衆の見やすい場所への掲示その他の適切な方法により公表している場合とする。

Article 90-7 (1) The case prescribed by an ordinance of the competent ministry under Article 197-5, paragraph (2) of the Act shall be the case in which the Commodity Derivatives Business Operator determines a specific date and posts

or publicly displays by other appropriate means the following matters at the office or place of business of said Commodity Derivatives Business Operator:

一 当該一定の日

(i) Said specific date;

二 次項に規定する日を期限日（法第百九十七条の五第二項第二号に規定する期限日をいう。次条第二項及び第九十条の九において同じ。）とする旨

(ii) The fact that the date specified in the following paragraph shall be the expiration date (referring to the deadline date as defined in Article 197-5, paragraph (2), item (ii) of the Act; the same shall apply in paragraph (2) of the following Article and in Article 90-9).

2 法第百九十七条の五第二項の主務省令で定める日は、商品先物取引業者が前項の規定により定めた日であって承諾日（同条第二項第一号に規定する承諾日をいう。次条及び第九十条の九において同じ。）から起算して一年以内の日のうち最も遅い日とする。

(2) The date prescribed by an ordinance of the competent ministry under Article 197-5, paragraph (2) of the Act shall be the earlier of the date determined by the Commodity Derivatives Business Operator pursuant to provisions of the preceding paragraph or a date no more than 1 year from the date of acceptance (referring to the date of acceptance as defined in paragraph (2), item (i) of the same Article; the same shall apply in the following Article and in Article 90-9).

（申出をした特定委託者等以外の顧客である法人が同意を行う書面の記載事項）

(Matters to Be Stated in a Document in which an Applying Juridical Person Customer Other than an Eligible Consignor, etc. Gives Consent)

第九十条の八 法第百九十七条の五第二項第三号イの主務省令で定める事項は、法第二百二十条の四第一項各号に掲げる規定は、商品取引契約に関して申出者（法第百九十七条の五第二項に規定する申出者をいう。次項において同じ。）が承諾日以後に当該各号に定める者となる場合（法第二百二十条の四第一項ただし書に規定する場合を除く。）には適用されない旨とする。

Article 90-8 (1) The matter prescribed by an ordinance of the competent ministry under Article 197-5, paragraph (2), item (iii) (a) of the Act shall be the fact that the provisions listed in the respective items of Article 220-4, paragraph (1) of the Act are not applicable in the case in which the applicant with respect to a Commodity Transaction Contract (referring to an applicant as defined in Article 197-5, paragraph (2) of the Act; the same shall apply in the following paragraph) becomes an entity prescribed in said respective items on or after the date of acceptance (excluding the case set forth in the Proviso of Article 220-4, paragraph (1) of the Act).

2 法第百九十七条の五第二項第七号の主務省令で定める事項は、次に掲げる事項とする。

(2) The matters prescribed by an ordinance of the competent ministry under

Article 197-5, paragraph (2), item (vii) of the Act shall be the following matters:

一 期限日以前に締結した商品取引契約に関して法令の規定又は契約の定めに基づいて行う行為については、期限日後に行うものであっても、申出者を特定委託者として取り扱う旨

(i) the fact that the applicant will be treated as a Eligible Consignor with respect to actions performed pursuant to provisions of law or to provisions of contract with respect to Commodity Transaction Contracts concluded on or before the expiration date, even if performed after the expiration date;

二 申出者は、法第百九十七条の五第二項の規定による承諾を行った商品先物取引業者のみから商品取引契約に関して特定委託者として取り扱われることになる旨

(ii) the fact that the applicant will only be treated as a Eligible Consignor with respect to the Commodity Transaction Contract by the Commodity Derivatives Business Operator that gave acceptance pursuant to provisions of Article 197-5, paragraph (2) of the Act;

三 商品先物取引業者が商品取引契約に基づき申出者を代理して他の商品先物取引業者との間で期限日以前に締結する商品取引契約については、当該申出者は当該他の商品先物取引業者からも特定委託者として取り扱われる旨

(iii) the fact that with respect to Commodity Transaction Contracts concluded on or before the expiration date with other Commodity Derivatives Business Operators with the Commodity Derivatives Business Operator representing the Applicant pursuant to the Commodity Transactions Contract, said applicant will also be treated as a Eligible Consignor by said other Commodity Derivatives Business Operators ;

四 申出者は、承諾日以後いつでも、法第百九十七条の五第十項の規定による申出ができる旨

(iv) the fact that the applicant may apply at any time on or after the Date of Acceptance pursuant to provisions of Article 197-5, paragraph (10) of the Act.

(申出をした特定委託者等以外の顧客である法人が更新申出をするために必要な期間)

(Required Period for a Juridical Person Customer Other than an Eligible Consignor, etc. Having Submitted Application to Submit a Request for Renewal)

第九十条の九 法第百九十七条の五第七項の主務省令で定める期間は、十一月（次の各号に掲げる場合にあつては、当該各号に定める期間）とする。

Article 90-9 (1) the period prescribed by an ordinance of the competent ministry under Article 197-5, paragraph (7) of the Act shall be 11 months (in the following cases, the period prescribed in the respective item):

一 承諾日から期限日までの期間が一年に満たない場合（次号に掲げる場合を除く。）当該期間から一月を控除した期間

- (i) In the case in which the period from the Date of Acceptance to the expiration date is less than 1 year (excluding the case listed in the following item): a period subtracting 1 month from said period;
 - 二 承諾日から期限日までの期間が一月を超えない場合一日
 - (ii) In the case in which the period from the Date of Acceptance to the expiration date does not exceed 1 month: 1 day.
- 2 法第百九十七条の五第九項に規定する場合における前項の規定の適用については、同項各号中「承諾日」とあるのは、「前回の期限日の翌日」とする。
- (2) Regarding the application of provisions of the preceding paragraph in the case set forth in Article 197-5, paragraph (9) of the Act, the phrase "Date of Acceptance" in each of the items of the same paragraph shall be deemed to be replaced by the phrase "the day following the previous expiration date."

(一般顧客への復帰申出をした特定委託者等以外の顧客である法人に交付する書面の記載事項)

(Matters to be stated in a Document Delivered to a Juridical Person Customer Other than an Eligible Consignor, etc. Having Made Request for Reinstatement to Being a General Customer)

第九十条の十 法第百九十七条の五第十二項の主務省令で定める事項は、次に掲げる事項とする。

Article 90-10 the matters prescribed by an ordinance of the competent ministry under Article 197-5, paragraph (12) of the Act shall be the following matters:

一 法第百九十七条の五第十一項の規定による承諾をする日（以下この条において「承諾日」という。）

- (i) The Date of Acceptance as defined in Article 197-5, paragraph (11) of the Act (referred to hereinafter in this Article as "Date of Acceptance");
- 二 承諾日以後に商品取引契約の締結の勧誘又は締結をする場合において、法第百九十七条の五第十項の規定による申出をした法人（次号において「復帰申出者」という。）を再び一般顧客として取り扱う旨
- (ii) the fact that in the case of solicitation of conclusion or conclusion of a Commodity Transaction Contract on or after the Date of Acceptance, a juridical person who submitted the request pursuant to provisions of Article 197-5, paragraph (10) of the Act (referred to as "Applicant for Reinstatement" in the following item) shall again be treated as a General Customer;
- 三 商品先物取引業者が商品取引契約に基づき復帰申出者を代理して他の商品先物取引業者との間で承諾日以後に締結する商品取引契約については、当該復帰申出者は当該他の商品先物取引業者からも再び一般顧客として取り扱われる旨
- (iii) the fact that with respect to commodity transaction contracts concluded on or after the expiration date with other Commodity Derivatives Business Operators with the Commodity Derivatives Business Operator representing the Applicant for Reinstatement pursuant to the Commodity Transactions

Contract, said Applicant for Reinstatement will again be treated as a General Customer by said other Commodity Derivatives Business Operators .

(特定委託者として取り扱うよう申し出ることができる個人)

(Individual Persons Authorized to Apply to Be Treated as an Eligible Consignor)

第九十条の十一 法第百九十七条の六第一項の主務省令で定める要件は、次の各号に掲げる要件のいずれかとする。

Article 90-11 The requirements prescribed by an ordinance of the competent ministry under Article 197-6, paragraph (1) shall be any of the following requirements:

一 商法（明治三十二年法律第四十八号）第五百三十五条に規定する匿名組合契約を締結した営業者である個人（次に掲げる要件のすべてに該当する者に限る。）

(i) An individual business operator who has concluded a silent partnership agreement as defined in Article 535 of the Commercial Code (Act No. 48 of 1899) (limited to those to whom all of the following requirements apply):

イ 法第百九十七条の六第一項の規定による申出を行うことについてすべての匿名組合員の同意を得ていること。

(a) Consent has been obtained from all of the silent partners regarding the application pursuant to the provisions of Article 197-6, paragraph (1);

ロ 当該匿名組合契約に基づく出資の合計額が三億円以上であること。

(b) The total amount of investment pursuant to said silent partnership agreement is at least 300 million yen.

二 民法（明治二十九年法律第八十九号）第六百六十七条第一項に規定する組合契約を締結して組合の業務の執行を委任された組合員である個人（次に掲げる要件のすべてに該当する者に限る。）

(ii) An individual partner who has been delegated the execution of the business of the partnership under a partnership agreement concluded pursuant to provisions of Article 667, paragraph (1) of the Civil Code (Act No. 89 of 1896) (limited to persons to whom all of the following requirements apply):

イ 法第百九十七条の六第一項の規定による申出を行うことについて他のすべての組合員の同意を得ていること。

(a) Consent has been obtained from all of the other partners regarding the application pursuant to the provisions of Article 197-6, paragraph (1);

ロ 当該組合契約に基づく出資の合計額が三億円以上であること。

(b) The total amount of investment pursuant to said partnership agreement is at least 300 million yen.

三 有限責任事業組合契約に関する法律（平成十七年法律第四十号）第三条第一項に規定する有限責任事業組合契約を締結して組合の重要な業務の執行の決定に関与し、かつ、当該業務を自ら執行する組合員である個人（次に掲げる要件のすべてに該当する者に限る。）

(iii) an individual partner who participates in determination of execution of important activities of the partnership and autonomously performs said activities under terms of a limited liability partnership agreement concluded pursuant to provisions of Article 3, paragraph (1) of the Limited Liability Partnership Act (Act No. 40 of 2005) (limited to persons to whom all of the following requirements apply):

イ 法第百九十七条の六第一項の規定による申出を行うことについて他のすべての組合員の同意を得ていること。

(a) Consent has been obtained from all of the other partners regarding the application pursuant to the provisions of Article 197-6, paragraph (1);

ロ 当該有限責任事業組合契約に基づく出資の合計額が三億円以上であること。

(b) The total amount of investment pursuant to said limited liability partnership agreement is at least 300 million yen.

四 次に掲げる要件のすべてに該当する個人

(iv) Individual persons who meet all of the following requirements:

イ 取引の状況その他の事情から合理的に判断して、承諾日（法第百九十七条の六第六項において準用する法第百九十七条の五第二項第一号に規定する承諾日をいう。ロ、次条、第九十条の十三第二項及び第九十条の十四において同じ。）における申出者（法第百九十七条の六第二項に規定する申出者をいう。以下この条及び第九十条の十四において同じ。）の資産の合計額から負債の合計額を控除した額が三億円以上になると見込まれること。

(a) the amount obtained by subtracting the total amount of liabilities from the total amount of assets of the applicant (referring to the applicant as defined in Article 197-6, paragraph (2) of the Act applied mutatis mutandis in Article 197-6, paragraph (6) of the Act; the same shall apply hereinafter in this Article and in Article 90-14) as of the Date of Acceptance (referring to the Date of Acceptance as defined in Article 197-5, paragraph (2), item (i) of the Act; the same shall apply in (b), in the following article, and in Article 90-13, paragraph (2) and Article 90-14 of the Act) is expected to be at least 300 million yen, judging rationally based on the status of transactions and other circumstances;

ロ 取引の状況その他の事情から合理的に判断して、承諾日における申出者の資産（次に掲げるものに限る。）の合計額が三億円以上になると見込まれること。

(b) the total amount of the applicant's assets (limited to those listed below) as of the Date of Acceptance is expected to be at least 300 million yen, judged rationally based on the status of transactions and other circumstances:

(1) 商品市場における取引に係る権利、外国商品市場取引に係る権利及び店頭商品デリバティブ取引に係る権利

1. Rights pertaining to trading in commodity markets, rights pertaining to transaction in Foreign Commodity Markets, and rights pertaining to

- transaction in Over-the-Counter Commodity Derivatives;
- (2) 金融商品取引法第二条第一項に規定する有価証券（（6）に掲げるものを除く。）
2. Securities as defined in Article 2, paragraph (1) of the Financial Instruments and Exchange Act;
- (3) 金融商品取引法第二条第二十項に規定するデリバティブ取引に係る権利
3. Rights pertaining to trading in derivatives as defined in Article 2, paragraph (22) of the Financial Instruments and Exchange Act.
- (4) 農業協同組合法（昭和二十二年法律第百三十二号）第十一条の二の四に規定する特定貯金等、水産業協同組合法（昭和二十三年法律第二百四十二号）第十一条の九に規定する特定貯金等、協同組合による金融事業に関する法律（昭和二十四年法律第百八十三号）第六条の五の二に規定する特定預金等、信用金庫法（昭和二十六年法律第二百三十八号）第八十九条の二に規定する特定預金等、長期信用銀行法（昭和二十七年法律第百八十七号）第十七条の二に規定する特定預金等、労働金庫法（昭和二十八年法律第二百二十七号）第九十四条の二に規定する特定預金等、銀行法（昭和五十六年法律第五十九号）第十三条の四に規定する特定預金等、農林中央金庫法（平成十三年法律第九十三号）第五十九条の三に規定する特定預金等及び株式会社商工組合中央金庫法（平成十九年法律第七十四号）第二十九条に規定する特定預金等
4. special savings, etc. as defined in Article 11-2-4 of the Agricultural Cooperatives Act (Act No. 32 of 1947), special savings, etc. as defined in Article 11-9 of the Fishery Cooperatives Act (Act No. 242 of 1948), special savings, etc. as defined in Article 6-5-2 of the Act on Financial Businesses by Cooperative (Act No. 183 of 1948), special savings, etc. as defined in Article 89-2 of the Shinkin Bank Act (Act No. 238 of 1951), special deposits, etc. as defined in Article 17-2 of the Long-Term Credit Bank Act (Act No. 187 of 1952), special deposits, etc. as defined in Article 94-2 of the Labor Bank Act (Act No. 227 of 1953), special deposits, etc. as defined in Article 13-4 of the Banking Act (Act No. 59 of June 1, 1981), special deposits, etc. as defined in Article 59-3 of the Norinchukin Bank Act (Act No. 93 of 2001), and special deposits, etc. as defined in Article 29 of the Shoko Chukin Bank Limited Act (Act No. 74 of 2007);
- (5) 農業協同組合法第十一条の十の三に規定する特定共済契約、消費生活協同組合法（昭和二十三年法律第二百号）第十二条の三第一項に規定する特定共済契約、水産業協同組合法第十五条の七に規定する特定共済契約、中小企業等協同組合法（昭和二十四年法律第百八十一号）第九条の七の五第三項に規定する特定共済契約及び保険業法第三百条の二に規定する特定保険契約に基づく保険金、共済金、返戻金その他の給付金に係る権利
5. specified mutual aid contracts as defined in Article 11-10-3 of the

Agricultural Cooperatives Act, specified mutual aid contracts as defined in Article 12-3, paragraph (1) of the Consumer Cooperatives Act (Act No. 200 of 1948), specified mutual aid contracts as defined in Article 15-7 of the Fishery Cooperatives Act, specified mutual aid contracts as defined in Article 9-7-5, paragraph (3) of the Small and Medium-Sized Enterprise Cooperatives Act (Act No. 181 of June 1, 1949), and rights over insurance claims, mutual aid money, refunds, and other benefits pursuant to a specified insurance policy as defined in Article 300-2 of the Insurance Business Act;

(6) 信託業法第二十四条の二に規定する特定信託契約に係る信託受益権

6. Trust beneficial rights pertaining to a specified trust agreement as defined in Article 24-2 of the Trust Business Act;

(7) 不動産特定共同事業法（平成六年法律第七十七号）第二条第三項に規定する不動産特定共同事業契約に基づく権利

7. Rights pursuant to a real estate specified joint enterprise contract as defined in Article 2, paragraph (3) of the Real Estate Specified Joint Enterprise Act (Act No. 77 of 1994).

ハ 申出者が最初に当該商品先物取引業者との間で法第百九十七条の六第一項の規定による申出に係る商品取引契約を締結した日から起算して一年を経過していること。

(c) 1 year has elapsed since the date on which the applicant initially concluded the Commodity Transaction Contract with said Commodity Derivatives Business Operators as defined in Article 197-6, paragraph (1) of the Act.

(申出をした特定委託者以外の顧客である個人が更新申出をするために必要な期間)
(Period Required for an Individual Customer Other than an Eligible Consignor Having Filed Application to File a Request for Renewal)

第九十条の十二 法第百九十七条の六第四項の主務省令で定める期間は、十一月（次の各号に掲げる場合にあつては、当該各号に定める期間）とする。

Article 90-12 (1) The period prescribed by an ordinance of the competent ministry under Article 197-6, paragraph (4) of the Act shall be 11 months (in the following cases, the period prescribed in the respective item):

一 承諾日から期限日（法第百九十七条の六第六項において準用する法第百九十七条の五第二項第二号に規定する期限日をいう。以下この条、次条第一項及び第九十条の十四第二項において同じ。）までの期間が一年に満たない場合（次号に掲げる場合を除く。）当該期間から一月を控除した期間

(i) in the case in which the period from the Date of Acceptance to the expiration date (referring to the expiration date as defined in Article 197-5, paragraph (2), item (ii) of the Act, applied mutatis mutandis in Article 197-6, paragraph (6) of the Act; the same shall apply hereinafter in this Article, in paragraph

(1) of the following Article, and in Article 90-14, paragraph (2) is less than 1 year (excluding the case listed in the following item): a period subtracting 1 month from said period;

二 承諾日から期限日までの期間が一月を超えない場合一日

(ii) In the case in which the period from the Date of Acceptance to the expiration date does not exceed 1 month: 1 day.

2 法第百九十七条の六第六項に規定する場合における前項の規定の適用については、同項各号中「承諾日」とあるのは、「前回の期限日の翌日」とする。

(2) Regarding application of provisions of the preceding paragraph in the case set forth in Article 197-6, paragraph (6) of the Act, the phrase "Date of Application" in the respective items of the same paragraph shall be deemed to be replaced by the phrase "the day following the previous expiration date."

(特定委託者以外の顧客である個人が特定委託者とみなされる場合の期限日)

(Expiration Date When an Individual Person Customer Other Than an Eligible Consignor Is Deemed to Be an Eligible Consignor)

第九十条の十三 法第百九十七条の六第六項において準用する法第百九十七条の五第二項の主務省令で定める場合は、商品先物取引業者が一定の日を定め、次に掲げる事項を当該商品先物取引業者の営業所又は事務所の公衆の見やすい場所への掲示その他の適切な方法により公表している場合とする。

Article 90-13 (1) The case prescribed by an ordinance of the competent ministry under Article 197-5, paragraph (2) of the Act shall be the case in which the Commodity Derivatives Business Operator determines a specific date and posts or publicly displays by other appropriate means the following matters at the office or place of business of said Commodity Derivatives Business Operator:

一 当該一定の日

(i) Said specific date;

二 次項に規定する日を期限日とする旨

(ii) The fact that the dates specified in the following paragraph are the expiration dates.

2 法第百九十七条の六第六項において準用する法第百九十七条の五第二項の主務省令で定める日は、商品先物取引業者が前項の規定により定めた日であって承諾日から起算して一年以内の日のうち最も遅い日とする。

(2) The date prescribed by an ordinance of the competent ministry under Article 197-5, paragraph (2) of the Act applied mutatis mutandis in Article 197-6, paragraph (6) of the Act shall be the earlier of the date determined by the Commodity Derivatives Business Operator pursuant to provisions of the preceding paragraph or a date no more than 1 year from the date of acceptance.

(申出をした特定委託者以外の顧客である個人が同意を行う書面の記載事項)

(Matters to Be Stated in a Document in which an Applying Individual Person

Customer Other than an Eligible Consignor Gives Consent)

第九十条の十四 法第百九十七条の六第六項において準用する法第百九十七条の五第二項第三号イの主務省令で定める事項は、法第二百二十条の四第一項各号に掲げる規定は、商品取引契約に関して申出者が承諾日以後に当該各号に定める者となる場合（同項ただし書に規定する場合を除く。）には適用されない旨とする。

Article 90-14 (1) The matter prescribed by an ordinance of the competent ministry under Article 197-5, paragraph (2), item (iii) (a) of the Act applied mutatis mutandis in Article 197-6, paragraph (6) of the Act shall be the fact that the provisions listed in the respective items of Article 220-4, paragraph (1) of the Act are not applicable in the case in which the applicant with respect to a Commodity Transaction Contract becomes an entity prescribed in said respective items on or after the date of acceptance (excluding the case set forth in the Proviso of Article 220-4, paragraph (1) of the Act).

2 法第百九十七条の六第六項において準用する法第百九十七条の五第二項第七号の主務省令で定める事項は、次に掲げる事項とする。

(2) The matters prescribed by an ordinance of the competent ministry under Article 197-5, paragraph (2), item (vii) of the Act applied mutatis mutandis in Article 197-6, and paragraph (6) of the Act shall be the following matters:

一 期限日以前に締結した商品取引契約に関して法令の規定又は契約の定めに基づいて行う行為については、期限日後に行うものであっても、申出者を特定委託者として取り扱う旨

(i) the fact that the applicant will be treated as a Eligible Consignor with respect to actions performed pursuant to provisions of law or to provisions of contract with respect to Commodity Transaction Contracts concluded on or before the expiration date, even if performed after the expiration date;

二 申出者は、法第百九十七条の六第六項において準用する法第百九十七条の五第二項の規定による承諾を行った商品先物取引業者のみから商品取引契約に関して特定委託者として取り扱われることになる旨

(ii) the fact that the applicant will only be treated as a Eligible Consignor with respect to the Commodity Transaction Contract by the Commodity Derivatives Business Operator that gave acceptance pursuant to provisions of Article 197-5, paragraph (2) of the Act applied mutatis mutandis in Article 197-6, paragraph (6) of the Act;

三 商品先物取引業者が商品取引契約に基づき申出者を代理して他の商品先物取引業者との間で期限日以前に締結する商品取引契約については、当該申出者は当該他の商品先物取引業者からも特定委託者として取り扱われる旨

(iii) the fact that with respect to Commodity Transaction Contracts concluded on or before the expiration date with other Commodity Derivatives Business Operators with the Commodity Derivatives Business Operator representing the Applicant pursuant to the Commodity Transactions Contract, said applicant will also be treated as a Eligible Consignor by said other

Derivatives Business Operators ;

四 申出者は、承諾日以後いつでも、法第百九十七条の六第五項の規定による申出ができる旨

(iv) the fact that the applicant may apply at any time on or after the Date of Acceptance pursuant to provisions of Article 197-6, paragraph (5) of the Act.

(一般顧客への復帰申出をした個人に交付する書面の記載事項)

(Matters to be stated in a Document Delivered to an Individual Person Customer Having Made Request for Reinstatement to Being a General Customer)

第九十条の十五 法第百九十七条の六第六項において準用する法第百九十七条の五第十二項の主務省令で定める事項は、次に掲げる事項とする。

Article 90-15 the matters prescribed by an ordinance of the competent ministry under Article 197-5, paragraph (12) of the Act applied mutatis mutandis in Article 197-6, paragraph (6) of the Act shall be the following matters:

一 法第百九十七条の六第六項において準用する法第百九十七条の五第十一項の規定による承諾をする日（以下この条において「承諾日」という。）

(i) The Date of Acceptance as defined in Article 197-5, paragraph (11) of the Act applied mutatis mutandis in Article 197-6, paragraph (6) of the Act (referred to hereinafter in this Article as "Date of Acceptance");

二 承諾日以後に商品取引契約の締結の勧誘又は締結をする場合において、法第百九十七条の六第五項の規定による申出をした個人（次号において「復帰申出者」という。）を再び一般顧客として取り扱う旨

(ii) The fact that in the case of solicitation of conclusion or conclusion of a Commodity Transaction Contract on or after the Date of Acceptance, a juridical person that has applied pursuant to provisions of Article 197-6, paragraph (5) of the Act (referred to as "Applicant for Reinstatement" in the following item) shall again be treated as a General Customer;

三 商品先物取引業者が商品取引契約に基づき復帰申出者を代理して他の商品先物取引業者との間で承諾日以後に締結する商品取引契約については、当該復帰申出者は当該他の商品先物取引業者からも再び一般顧客として取り扱われる旨

(iii) the fact that with respect to Commodity Transaction Contracts concluded on or after the expiration date with other Commodity Derivatives Business Operators with the Commodity Derivatives Business Operator representing the Applicant for Reinstatement pursuant to the Commodity Transactions Contract, said Applicant for Reinstatement will again be treated as a General Customer by said other Commodity Derivatives Business Operators .

(特定当業者が売買等を業として行っている物品に関連する物品)

(Articles Associated with Articles of which an Eligible Commercial Person is engaged in Buying and Selling, etc. as a Business)

第九十条の十六 法第百九十七条の七の主務省令で定めるものは、次の各号に掲げる物品とする。

Article 90-16 The articles prescribed by an ordinance of the competent ministry under Article 197-7 of the Act shall be the following articles.

一 当該特定当業者が売買等を業として行っている物品の主たる原料又は材料となっている物品

(i) articles constituting the main raw material or ingredient of an article of which said Eligible Commercial Person is engaged in Buying and Selling, etc. as a business;

二 当該特定当業者が売買等を業として行っている物品を主たる原料又は材料とする物品

(ii) articles for which an article of which said Eligible Commercial Persons is engaged in Buying and Selling, etc. as a business is the main raw material or ingredient;

三 商品市場における相場等に係る変動その他の事情から合理的に判断して、当該特定当業者が売買等を業として行っている物品の価格と他の物品の価格との間に相関関係があると認められる場合における当該他の物品（前二号に掲げるものを除く。）

(iii) in a case in which a correlation relationship is recognized between the price of an article of which said Eligible Commercial Person is engaged in Buying and Selling, etc. as a business and the price of another article, judged rationally based on fluctuations in market price, etc., in commodities markets or other circumstances, said other article (excluding those listed in the two preceding items)

(申出をした特定当業者に交付する書面の記載事項)

(Matters to be Stated in Documents Provided to Eligible Commercial Person Having Filed Application)

第九十条の十七 法第百九十七条の八第二項において準用する法第百九十七条の四第三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 90-17 The matters prescribed by an ordinance of the competent ministry under Article 197-4, paragraph (3), item (iii) of the Act applied mutatis mutandis in Article 197-8, paragraph (2) of the Act shall be the following matters:

一 申出者（法第百九十七条の八第二項において準用する法第百九十七条の四第三項に規定する申出者をいう。次号において同じ。）は、法第百九十七条の八第二項において準用する法第百九十七条の四第二項の規定による承諾を行った商品先物取引業者のみから商品取引契約に関して一般顧客として取り扱われることになる旨

(i) the fact that the applicant (referring to the applicant as defined in Article 197-4, paragraph (3) of the Act applied mutatis mutandis in Article 197-8, paragraph (2) of the Act; the same shall apply in the following item) will be

treated as a General Customer in relation to the Commodity Transaction Contract only by the Commodity Derivatives Business Operator who has given acceptance pursuant to provisions of Article 197-4, paragraph (2) of the Act applied mutatis mutandis in Article 197-8, paragraph (2) of the Act;

二 商品先物取引業者が商品取引契約に基づき申出者を代理して他の商品先物取引業者との間で承諾日（法第百九十七条の八第二項において準用する法第百九十七条の四第三項第一号に規定する承諾日をいう。）以後に締結する商品取引契約については、当該申出者は当該他の商品先物取引業者からも一般顧客として取り扱われる旨

(ii) the fact that with respect to Commodity Transaction Contracts concluded on or after the Date of Acceptance (referring to the Date of Acceptance as defined in Article 197-4, paragraph (3) of the Act applied mutatis mutandis in Article 197-8, paragraph (2) of the Act) with other Commodity Derivatives Business Operators with the Commodity Derivatives Business Operator representing the Applicant pursuant to the Commodity Transactions Contract, said applicant will also be treated as a General Customer by said other Commodity Derivatives Business Operators .

(特定当業者への復帰申出をした者が同意を行う書面の記載事項)

(Matters to be Stated in Documents in which the Entity Making the Request for Reinstatement to a Eligible Commercial Person Gives Consent)

第九十条の十八 法第百九十七条の八第二項において準用する法第百九十七条の四第十一項の主務省令で定める事項は、次に掲げる事項とする。

Article 90-18 The matters prescribed by an ordinance of the competent ministry under Article 197-4, paragraph (11) of the Act applied mutatis mutandis in Article 197-8, paragraph (2) of the Act shall be the following matters:

一 復帰申出者（法第百九十七条の八第二項において準用する法第百九十七条の四第十一項に規定する復帰申出者をいう。以下この条において同じ。）が次に掲げる事項を理解している旨

(i) the fact that the Applicant for Reinstatement (referring to the Applicant for Reinstatement as defined in Article 197-4, paragraph (11) of the Act applied mutatis mutandis in Article 197-8, paragraph (2) of the Act; the same shall apply hereinafter in this Article) understands and accepts the following matters:

イ 法第二百二十条の四第二項各号に掲げる規定は、商品取引契約に関して復帰申出者が承諾日（商品先物取引業者が法第百九十七条の八第二項において準用する法第百九十七条の四第十一項の規定による承諾をする日をいう。以下この条において同じ。）以後に当該各号に定める者となる場合（法第二百二十条の四第二項ただし書に規定する場合を除く。）には適用されない旨

(a) the fact that the provisions listed in the respective items of Article 220-4, paragraph (2) of the Act are not applicable in the case in which the Applicant for Reinstatement becomes one of the entities prescribed in said

respective items with respect to the Commodity Transaction Contract on or after the date of acceptance (referring to the date on which the Applicant for Reinstatement granted acceptance pursuant to provisions of Article 197-4, paragraph (11) of the Act applied mutatis mutandis in Article 197-8, paragraph (2) of the Act; the same shall apply hereinafter in this Article) (excluding the cases specified in the Proviso of Article 220-4, paragraph (1) of the Act;

ロ 商品取引契約に関して特定当業者として取り扱われることがその知識、経験及び財産の状況に照らして適当ではない者が特定当業者として取り扱われる場合には、当該者の保護に欠けることとなるおそれがある旨

(b) the fact that being treated as an Eligible Commercial Person with respect to the Commodity Transactions Contract risks insufficient protections being afforded if a person ill-suited in terms of knowledge, experience, and the financial circumstances is treated as an Eligible Commercial Person.

二 承諾日以後に商品取引契約の締結の勧誘又は締結をする場合において、復帰申出者を再び特定当業者として取り扱う旨

(ii) the fact that in the case of a solicitation of conclusion or a conclusion of a Commodity Transaction Contract on or after the date of acceptance, the Applicant for Reinstatement will again be treated as an Eligible Commercial Person;

三 商品先物取引業者が商品取引契約に基づき復帰申出者を代理して他の商品先物取引業者との間で承諾日以後に締結する商品取引契約については、当該復帰申出者は当該他の商品先物取引業者からも再び特定当業者として取り扱われる旨

(iii) the fact that with respect to Commodity Transaction Contracts concluded on or after the Date of Acceptance with other Commodity Derivatives Business Operators with the Commodity Derivatives Business Operator representing the Applicant for Reinstatement pursuant to the Commodity Transactions Contract, said Applicant for Reinstatement will again be treated as a Eligible Commercial Person by said other Commodity Derivatives Business Operators.

四 復帰申出者は、承諾日以後いつでも、法第百九十七条の八第一項の規定による申出ができる旨

(iv) the fact that the Applicant for Reinstatement may at any time on or after the date of acceptance make the application pursuant to Article 197-8, paragraph (1) of the Act.

(特定委託者及び特定当業者以外の法人が特定当業者とみなされる場合の期限日)
(Expiration Date When a Juridical Person Customer Other Than an Eligible Consignor and an Eligible Commercial Person Is Deemed to Be a Specified Business Specialist)

第九十条の十九 法第百九十七条の九第二項において準用する法第百九十七条の五第二

項の主務省令で定める場合は、商品先物取引業者が一定の日を定め、次に掲げる事項を当該商品先物取引業者の営業所又は事務所の公衆の見やすい場所への掲示その他の適切な方法により公表している場合とする。

Article 90-19 (1) The case prescribed by an ordinance of the competent ministry under Article 197-5, paragraph (2) of the Act applied mutatis mutandis in Article 197-9, paragraph (2) of the Act shall be the case in which the Commodity Derivatives Business Operator determines a specific date and posts or publicly displays by other appropriate means the following matters in a location readily visible to the public at the office or place of business of said Commodity Derivatives Business Operator :

一 当該一定の日

(i) said specific date;

二 次項に規定する日を期限日（法第百九十七条の九第二項において準用する法第百九十七条の五第二項第二号に規定する期限日をいう。次条第二項及び第九十条の二十一において同じ。）とする旨

(ii) the fact that the date specified in the following paragraph shall be the expiration date (referring to the deadline date as defined in Article 197-5, paragraph (2), item (ii) of the Act applied mutatis mutandis in Article 197-9, paragraph (2) of the Act; the same shall apply in paragraph (2) of the following Article and in Article 90-21).

2 法第百九十七条の九第二項において準用する法第百九十七条の五第二項の主務省令で定める日は、商品先物取引業者が前項の規定により定めた日であって承諾日（法第百九十七条の九第二項において準用する法第百九十七条の五第二項第一号に規定する承諾日をいう。次条及び第九十条の二十一において同じ。）から起算して一年以内の日のうち最も遅い日とする。

(2) The date prescribed by an ordinance of the competent ministry under Article 197-5, paragraph (2) of the Act applied mutatis mutandis in Article 197-9, paragraph (2) of the Act shall be the earlier of the date determined by the Commodity Derivatives Business Operator pursuant to provisions of the preceding paragraph or a date no more than 1 year from the date of acceptance (referring to the date of acceptance as defined in paragraph (2), item (i) of the same Article applied mutatis mutandis in Article 197-9, paragraph (2) of the Act; the same shall apply in the following Article and in Article 90-21).

(申出をした特定委託者及び特定当業者以外の法人が同意を行う書面の記載事項)
(Matters to Be Stated in a Document in which an Applying Juridical Person Customer Other than an Eligible Consignor and an Eligible Commercial Person Gives Consent)

第九十条の二十 法第百九十七条の九第二項において準用する法第百九十七条の五第二項第三号イの主務省令で定める事項は、法第二百二十条の四第二項各号に掲げる規定は、商品取引契約に関して申出者（法第百九十七条の九第二項において準用する法第

百九十七条の五第二項に規定する申出者をいう。次項において同じ。)が、承諾日以後に当該各号に定める者となる場合(法第二百二十条の四第二項ただし書に規定する場合を除く。)には適用されない旨とする。

Article 90-20 (1) The matter prescribed by an ordinance of the competent ministry under Article 197-5, paragraph (2), item (iii) (a) of the Act applied mutatis mutandis in Article 197-9, paragraph (2) of the Act shall be the fact that the provisions listed in the respective items of Article 220-4, paragraph (2) of the Act are not applicable in the case in which the applicant with respect to a Commodity Transaction Contract (referring to an applicant as defined in Article 197-5, paragraph (2) of the Act applied mutatis mutandis in Article 197-9, paragraph (2) of the Act; the same shall apply in the following paragraph) becomes an entity prescribed in said respective items on or after the Date of Acceptance (excluding the case set forth in the Proviso of Article 220-4, paragraph (2) of the Act).

2 法第百九十七条の九第二項において準用する法第百九十七条の五第二項第七号の主務省令で定める事項は、次に掲げる事項とする。

(2) The matters prescribed by an ordinance of the competent ministry under Article 197-5, paragraph (2), item (vii) of the Act applied mutatis mutandis in Article 197-9, and paragraph (2) of the Act shall be the following matters:

一 期限日以前に締結した商品取引契約に関して法令の規定又は契約の定めに基づいて行う行為については、期限日後に行うものであっても、申出者を特定業者として取り扱う旨

(i) the fact that the applicant will be treated as a Eligible Commercial Person with respect to actions performed pursuant to provisions of law or to provisions of contract with respect to Commodity Transaction Contracts concluded on or before the expiration date, even if performed after the expiration date;

二 申出者は、法第百九十七条の九第二項において準用する法第百九十七条の五第二項の規定による承諾を行った商品先物取引業者のみから商品取引契約に関して特定業者として取り扱われることになる旨

(ii) the fact that the applicant will only be treated as a Eligible Commercial Person with respect to the Commodity Transaction Contract by the Commodity Derivatives Business Operator that gave acceptance pursuant to provisions of Article 197-5, paragraph (2) of the Act applied mutatis mutandis in Article 197-9, paragraph (2) of the Act;

三 商品先物取引業者が商品取引契約に基づき申出者を代理して他の商品先物取引業者との間で期限日以前に締結する商品取引契約については、当該申出者は当該他の商品先物取引業者からも特定業者として取り扱われる旨

(iii) the fact that with respect to Commodity Transaction Contracts concluded on or before the expiration date with other Commodity Derivatives Business Operators with the Commodity Derivatives Business Operators representing

the Applicant pursuant to the Commodity Transactions Contract, said applicant will also be treated as a Eligible Commercial Person by said other Commodity Derivatives Business Operators ;

四 申出者は、承諾日以後いつでも、法第百九十七条の九第二項において準用する法第百九十七条の五第十項の規定による申出ができる旨

(iv) the fact that the applicant may apply at any time on or after the Date of Acceptance pursuant to provisions of Article 197-5, paragraph (10) of the Act applied mutatis mutandis in Article 197-9, paragraph (2) of the Act.

(申出をした特定委託者及び特定当業者以外の法人が更新申出をするために必要な期間)

(Required Period for a Juridical Person Customer Other than an Eligible Consignor and an Eligible Commercial Person Having Submitted Application to Submit a Request for Renewal)

第九十条の二十一 法第百九十七条の九第二項において準用する法第百九十七条の五第七項の主務省令で定める期間は、十一月（次の各号に掲げる場合にあっては、当該各号に定める期間）とする。

Article 90-21 (1) The period prescribed by an ordinance of the competent ministry under Article 197-5, paragraph (7) of the Act applied mutatis mutandis in Article 197-9, paragraph (2) of the Act shall be 11 months (in the following cases, the period prescribed in the respective item):

一 承諾日から期限日までの期間が一年に満たない場合（次号に掲げる場合を除く。）当該期間から一月を控除した期間

(i) in the case in which the period from the Date of Acceptance to the expiration date is less than 1 year (excluding the case listed in the following item): a period subtracting 1 month from said period;

二 承諾日から期限日までの期間が一月を超えない場合一日

(ii) in the case in which the period from the Date of Acceptance to the expiration date does not exceed 1 month: 1 day.

2 法第百九十七条の九第二項に規定する場合における前項の規定の適用については、同項各号中「承諾日」とあるのは、「前回の期限日の翌日」とする。

(2) Regarding the application of provisions of the preceding paragraph in the case set forth in Article 197-5, paragraph (9) of the Act, the phrase "Date of Acceptance" in each of the items of the same paragraph shall be deemed to be replaced by the phrase "the day following the previous expiration date."

(一般顧客への復帰申出をした特定委託者及び特定当業者以外の法人に交付する書面の記載事項)

(Matters to be Stated in a Document Delivered to a Juridical Person Customer Other than an Eligible Consignor and an Eligible Commercial Person Having Made Request for Reinstatement to Being a General Customer)

第九十条の二十二 法第百九十七条の九第二項において準用する法第百九十七条の五第十二項の主務省令で定める事項は、次に掲げる事項とする。

Article 90-22 The matters prescribed by an ordinance of the competent ministry under Article 197-5, paragraph (12) of the Act applied mutatis mutandis in Article 197-9, paragraph (2) of the Act shall be the following matters:

一 法第百九十七条の九第二項において準用する法第百九十七条の五第十一項の規定による承諾をする日（以下この条において「承諾日」という。）

(i) the Date of Acceptance as defined in Article 197-5, paragraph (11) of the Act applied mutatis mutandis in Article 197-9, paragraph (2) of the Act (referred to hereinafter in this Article as "Date of Acceptance");

二 承諾日以後に商品取引契約の締結の勧誘又は締結をする場合において、法第百九十七条の九第二項において準用する法第百九十七条の五第十項の規定による申出をした法人（次号において「復帰申出者」という。）を再び一般顧客として取り扱う旨

(ii) the fact that in the case of solicitation of conclusion or conclusion of a Commodity Transaction Contract on or after the Date of Acceptance, a juridical person who submitted the request pursuant to provisions of Article 197-5, paragraph (10) of the Act applied mutatis mutandis in Article 197-9, paragraph (2) of the Act (referred to as "Applicant for Reinstatement" in the following item) shall again be treated as a General Customer;

三 商品先物取引業者が商品取引契約に基づき復帰申出者を代理して他の商品先物取引業者との間で承諾日以後に締結する商品取引契約については、当該復帰申出者は当該他の商品先物取引業者からも再び一般顧客として取り扱われる旨

(iii) the fact that with respect to commodity transaction contracts concluded on or after the expiration date with other Commodity Derivatives Business Operators with the Commodity Derivatives Business Operator representing the Return Applicant pursuant to the Commodity Transactions Contract, said Applicant for Reinstatement will again be treated as a General Customer by said other Commodity Derivatives Business Operators .

（商品先物取引業者の標識）

(Sign of a Commodity Derivatives Business Operator)

第九十一条 法第百九十八条第一項の主務省令で定める標識は、様式第九号による。

Article 91 The sign prescribed by an ordinance of the competent ministry under Article 198, paragraph (1) of the Act shall be prepared according to Form No. 9.

（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

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

(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;

三 登録を受けようとする外務員が法第二百条第一項各号に掲げる行為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 perform the actions listed in the respective items of Article 200, paragraph (1) of the Act 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 登録の更新を受けようとする外務員が法第二百四条第一項（法第二百四十条の十一において準用する場合を含む。）の規定による処分（その処分の日から五年を経過するまでのものに限る。）を受けたことがある場合には、その処分の日、内容及び理由を記載した書面

(ii) a document stating the date of disposition, the content, and the reason thereof for any disposition (limited to those from the date of the disposition until 5 years have elapsed) imposed pursuant to provisions of Article 204, paragraph (1) of the Act (including cases where applied mutatis mutandis in Article 240-11 of the Act) upon the Sales Representative seeking a registration update.

(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 登録申請者の商号又は名称
- (iii) trade name or 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 役員又は使用人の別
 - (b) whether the Sales Representative is an officer or a non-officer employee;
 - ハ 外務員（法第二百四十条の十一において準用する法第二百条第一項の規定による登録に係る外務員を含む。）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先物取引業者又は商品先物取引仲介業者の商号、名称又は氏名及びその行った期間
 - (c) with regard to a person who has carried out the duties of a Sales Representative (including a Sales Representative pertaining to Registration pursuant to provisions of Article 200, paragraph (1) of the Act applied mutatis mutandis in Article 240-11 of the Act), the trade name or name of the Commodity Derivatives Business Operator or Commodity Derivatives Intermediary Service Provider with which said person was affiliated and the duration of such duties;
 - ニ 商品先物取引仲介業を行ったことのある者については、その行った期間
 - (d) with regard to a person who has engaged in the Commodity Derivatives Intermediary Service, the duration of such business;
 - 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) if 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) if 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（法第二百四十四条第二項に規定する協会

員をいう。以下同じ。)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 (referring to Association Members as defined in Article 244, paragraph (2) of the Act; the same shall apply hereinafter) belonging 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.

(外務員の登録事務に関する届出)

(Notification pertaining to registration affairs 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 当該外務員の所属する協会の商号又は名称

(i) trade name of the Association Member to which said Sales Representative is assigned;

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 令第二十六条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 If registration fees are paid in cash pursuant to the provisions of the proviso of Article 26 of the Order, the registration fees shall be paid in compliance with the payment information obtained through the filing of such registration.

(商品市場における取引に関する財産の分離保管等の措置)

(Measures such as Segregation, etc. of property Relating to Trading in a Commodity Market)

第九十七条 法第二百十条第一号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、有価証券その他の物とする。

Article 97 (1) The items specified by an ordinance of the competent ministry set forth in Article 210, item (i) of the Act shall be the cash and Securities and

other property equivalent to the total amount of the value set forth in the following items:

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及び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。））、有価証券その他の物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 trading, etc. on a Commodity Market, limited to items which can be offset against the cash and Securities and other property deposited by said Consignor (excluding the cash equivalent to profit pertaining to a transaction on a Commodity Market in said Consignor's account for which the settlement of such transaction has not yet been completed));

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。）

(ii) 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 for which a Customer (which means a Customer prescribed in item (ii) of the same paragraph) or an Intermediation Consignor (which means an Intermediation Consignor 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 Consignor (which means an Intermediation Consignor prescribed in (d) of the same item; the same shall apply in (c) and (d) of the following item), a Clearing Intermediation Consignor (which means a Clearing Intermediation Consignor 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

(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 Consignor who deposited customer margins based on the provisions of Article 103, paragraph (2) of the Act: 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。）

(b) an Intermediary who received a deposit of intermediation margins from an Intermediation Consignor 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: 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

(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 Consignor 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 Consignor of the Clearing Intermediary who deposited customer margins based on the provisions of paragraph (2) of the same Article: said customer margins;

ニ 法第百七十九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。）

(d) an Intermediary who accepted a deposit of intermediation margins from an Intermediation Consignor 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:

said customer margins (limited to within the scope of the amount of said intermediation margins deposited with said Intermediary);

ホ 法第百七十九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。）

(e) a Clearing Intermediary who accepted a deposit of clearing intermediation margins from a Consignor 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: said customer margins (limited to within the scope of the amount of said clearing intermediation margins deposited with said Clearing Intermediary);

四 法第百三条第七項（法第百七十九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、法第百三条第九項（法第百七十九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っては、当該預託の猶予を受けた取引証拠金

(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): 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、有価証券その他の物及び当該委託者の計算に属する金銭、有価証券その他の物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 Consignor'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 and other property deposited by said Consignor and against the cash and Securities and other property in said Consignor'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又は商品取引清算機関に預託されている金銭、有価証券その他の物

(vi) cash and Securities and other property deposited with a Commodity Exchange or a Commodity Clearing Organization for the settlement of a receipt or delivery pertaining to transactions on a Commodity Market in a Consignor'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 法第二百十条第一号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, item (i) of the Act (hereinafter referred to as "Measures for Consignor 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（以下この条、第九十八条の三及び第百三十九条において「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 Article, in Article 98, paragraph (3), and in Article 139) 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、商品先物取引業者を委託者とし、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、当該商品先物取引業者に対し商品市場における取引等を委託した者（以下この条、第九十八条の三及び第百三十九条において「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 Commodity Derivatives Business Operators the Consignor; 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 Commodity Derivatives Business Operator (hereinafter referred to as the "Transaction Consignor" in this item) as the beneficiary of the principal;

ロ 信託契約において、当該商品先物取引業者の役職員のうちから指定された者（商品先物取引業者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（当該商品先物取引業者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 Commodity Derivatives Business Operator (in the case where a Commodity Derivatives Business Operator concludes multiple Trust Contracts as Measures for Consignor 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 Consignor Protection Fund (limited to a Consignor Protection Fund which said Commodity Derivatives Business Operator 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、商品先物取引業者が通知商品先物取引業者（法第三百四条に規定する通知商品先物取引業者をいう。以下同じ。）に該当することとな

った場合にあつては、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 Commodity Derivatives Business Operator becomes a Commodity Futures Derivatives Business Operator Subject to a Notice (which means a Commodity Derivatives Business Operator 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 Consignor Protection Fund is permitted to be assigned as the agent for a beneficiary of a trust, except for a case specially approved by the Consignor Protection Fund;

ニ 信託財産の運用を次のいずれか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（昭和十八年法律第四十三号）第六条の規定により元本の補てんの契約をした金銭信託とする場合は、この限りでない。

(d) management of trust 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 (Act No. 43 of 1943):

(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 Consignor 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. if 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 Consignor 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 Consignor 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 Consignor'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 Consignor'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、有価証券その他の物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 or other property which were deposited by a Transaction Consignor or are held in a Transaction Consignor's account, to said Transaction Consignor;
 - (6) 委託手数料の徴収その他受託に係る商品先物取引業者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 Commodity Derivatives Business Operator pertaining to brokerage against a Transaction Consignor;

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 Consignor 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、商品先物取引業者が通知商品先物取引業者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先物取引業者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として終了することを妨げない。

(h) if a Commodity Derivatives Business Operator has fallen under the category of a Futures Commission Merchant Subject to a Notice, or if a Consignor Protection Fund that is the agent for a beneficiary of a trust judges it is necessary for the smooth repayment of said Commodity Derivatives Business Operator's debts pertaining to the return of the Consignor's Assets to a Transaction Consignor, the beneficiary rights to the principal pertaining to the Trust Contract shall be executed by said Consignor Protection Fund for all Transaction Consignors 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 Consignor 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 Consignor 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 Consignor 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（当該商品先物取引業者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. if 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 Consignor Assets Preservation from the amount of the Property Subject to Preservation of said Commodity Derivatives Business Operator), 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 Consignor 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 Consignor'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 Consignor'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、有価証券その他の物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 and other property which were deposited by a Consignor or which are on a Consignor's account, to said Consignor;
 - (6) 委託手数料の徴収その他受託に係る商品先物取引業者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 Commodity Derivatives Business Operator pertaining to brokerage against a Consignor;
- ハ 商品先物取引業者が通知商品先物取引業者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先物取引業者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三号から第五号までにおいて「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先物取引業者に代わって行う当該商品先物取引業者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 Commodity Derivatives Business Operator has fallen under the category of a Commodity Derivatives Business Operator Subject to a Notice, or where the Consignor Protection Fund judges that it is necessary for the smooth repayment of said Commodity Derivatives Business Operator's debts pertaining to the return of a Consignor's Assets to a Consignor (hereinafter referred to as an "Debts to a Consignor" in this Article and Article 139, paragraph (1), item (ii) through item (v)), said Deposited Property can be allocated for repayment by said Commodity Derivatives Business Operator's Debts to a Consignor which is carried out by said Consignor Protection Fund for and on behalf of said Commodity Derivatives Business Operator (hereinafter referred to as the "Subrogation Performance" in this paragraph);

ニ ハの場合において、当該商品先物取引業者は、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 Commodity Derivatives Business Operator can withdraw only the residual of said Deposited Property after the Consignor 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 Consignor 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四号において「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。同号において「保証委託」という。）。

(iii) A contract to consign to a financial institution the payment to a Consignor Protection Fund of the whole or a portion of the necessary amount for the repayment of Debts to a Consignor (hereinafter referred to as an "Indemnity Agreement" in this item and Article 139, paragraph (1), item (iv)) 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 (iv)):

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) 株式会社商工組合中央金庫
- 2. the Shoko Chukin Bank, Ltd.
- (3) 信用協同組合
- 3. a credit cooperative;
- (4) 信用金庫
- 4. a Shinkin Bank;
- (5) 農林中央金庫
- 5. the Norinchukin Bank;
- (6) 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
- 6. an agricultural cooperative or a federation of agricultural cooperatives, either of which can accept deposits or savings in the course of trade;
- (7) 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。）
- 7. 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);
- (8) 保険会社
- 8. 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 Consignor 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 Consignor 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 商品先物取引業者が通知商品先物取引業者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先物取引業者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 Commodity Derivatives Business Operator has fallen under the category of a Commodity Derivatives Business Operator Subject to a Notice and where the Consignor Protection Fund judges it is necessary for the smooth repayment of said Commodity Derivatives Business

Operator's Debts to a Consignor, said Consignor Protection Fund can instruct a financial institution set forth in (a), which has concluded an Indemnity Agreement, to pay to said Consignor Protection Fund the necessary amount for repayment of said Debts to a Consignor 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 Consignor 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、商品先物取引業者が有する委託者債務の全部又は一部を当該商品先物取引業者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五号において「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。同項第五号において「代位弁済委託」という。）。

(iv) A contract to consign to repay to the Consignor Protection Fund the whole or a portion of a Commodity Derivatives Business Operator's Debts to a Consignor, for and on behalf of said Commodity Derivatives Business Operator (hereinafter referred to as a "Subrogation Consignment Agreement" in this item and Article 139, paragraph (1), item (v)), 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 (v)) 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 Consignor Protection Fund approves in advance;

ロ あらかじめ、委託者保護基金が当該商品先物取引業者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 Consignor by a Consignor Protection Fund for and on behalf of said Commodity Derivatives Business Operator shall be specified in advance (hereinafter referred to as the "Subrogation Performance Limit Amount" in this item);

ハ 商品先物取引業者が通知商品先物取引業者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先物取引業者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、当該商品先物取引業者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 Commodity Derivatives Business Operator has fallen under the category of a Commodity Derivatives Business Operator Subject to a Notice or where a Consignor Protection Fund judges it is necessary for the smooth repayment of said Commodity Derivatives Business Operator's

Debts to a Consignor, said Consignor Protection Fund shall pay said Debts to a Consignor 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 Consignor

Protection Fund in addition to items set forth in (a) through (c).

2 商品先物取引業者は、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 Commodity Derivatives Business Operator shall submit a copy of the contract set forth in each of the items of the preceding paragraph to the competent minister without delay when the contract is concluded or after changing it; 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 商品先物取引業者は、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) If a Commodity Derivatives Business Operator 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 商品先物取引業者は、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その他の物及び委託者の計算に属する有価証券その他の物を委託の趣旨に反して、担保として提供し、貸し付け、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 Commodity Derivatives Business Operator shall not deposit as collateral, loan, nor dispose of Securities and other property deposited by a Consignor or Securities and other property in a Consignor's account contrary to the purpose of the consignment; provided, however, that this shall not apply in cases of depositing with a Consignor Protection Fund, depositing as collateral, or entrusting assets to the following financial institutions, after obtaining the consent of the Consignor:

一 銀行

(i) a bank;

二 株式会社商工組合中央金庫

(ii) the Shoko Chukin Bank, Ltd.

三 信用協同組合

(iii) a credit cooperative;

四 信用金庫

(iv) a Shinkin Bank;

五 農林中央金庫

(v) the Norinchukin Bank;

六 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

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

七 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

(vii) 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);

八 信託会社又は信託業務を営む金融機関

(viii) a trust company or a Financial Institution Engaged in Trust Business;

九 保険会社

(ix) an insurance company.

(外国商品市場取引及び店頭商品デリバティブ取引に関する財産の分離保管等の措置)

(Measures such as Segregation, etc. of Property pertaining to brokerage Relating to Transactions in a Foreign Commodity Market and to Transactions in Over-the-Counter Commodity Derivatives)

第九十八条の二 法第二百十条第二号の主務省令で定めるものは、次の各号に掲げる取引の区分に応じ、当該各号に定めるものの価額の合計額に相当する金銭、有価証券その他の物とする。

Article 98-2 (1) The items specified by an ordinance of the competent ministry set forth in Article 210, item (ii) of the Act shall be the cash and Securities and other property equivalent to the total amount of the value set forth in the following items:

一 外国商品市場取引 外国において第九十七条第一項各号に掲げるものに相当するもの

(i) Foreign Commodity Market Transactions: the equivalents of those listed in the respective items of Article 97, paragraph (1);

二 店頭商品デリバティブ取引

(ii) Over-the-Counter Commodity Derivatives Transactions:

イ 当該商品先物取引業者が、預金、貯金又は銀行法第二条第四項に規定する定期積金等（以下「預金等」という。）の受入れを行う金融機関である場合には、委託者等から受け入れた預金等

(a) in the case in which said Commodity Derivatives Business Operator is a financial institution accepting deposits of cash, savings, or Installment Savings, etc. as defined in Article 2, paragraph (4) of the Banking Act (referred to hereinafter as "Deposits, etc."), the Deposits, etc. accepted from Customers, etc.;

- ロ 委託者等未収金（店頭商品デリバティブ取引に関し、当該委託者等から預託を受けた金銭、有価証券その他の物及び当該委託者等の計算に属する金銭（当該委託者等の計算による店頭商品デリバティブ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。）、有価証券その他の物と相殺することができるものに限る。）
- (b) accounts receivable from a Customer, etc. (with regard to transactions in Over-the-Counter Commodity Derivatives, limited to items which can be offset against the cash and Securities and other property deposited by said Consignor and the cash in the Consignor's account (excluding the cash equivalent to profit pertaining to Over-the-Counter Commodity Derivatives Transactions in said Consignor's account for which the settlement of such transactions has not yet been completed));
- ハ 委託者等の計算による店頭商品デリバティブ取引であって決済を結了していないものに係る差損金（店頭商品デリバティブ取引に関し、当該委託者等から預託を受けた金銭、有価証券その他の物及び当該委託者等の計算に属する金銭、有価証券その他の物と相殺することができるものに限る。）
- (c) profit pertaining to Over-the-Counter Commodity Derivatives Transactions in the account of said customer, etc. for which the settlement of such transactions has not yet been completed (limited to deposits of cash, Securities, and other property by said customer, etc. and other cash, Securities and other property in the account of said Customer, etc. relating to Over-the-Counter Commodity Derivatives Transactions);
- ニ 商品先物取引業者が委託者等との間において一括清算（金融機関等が行う特定金融取引の一括清算に関する法律（平成十年法律第百八号）第二条第六項に規定する一括清算をいう。）の約定をした基本契約書（同条第五項に規定する基本契約書をいう。以下このニにおいて同じ。）に基づき店頭商品デリバティブ取引を行っている場合において、当該委託者等に一括清算事由（同条第四項に規定する一括清算事由をいう。以下このニにおいて同じ。）が生じた場合に当該基本契約書に基づいて行われている特定金融取引（同条第一項に規定する特定金融取引をいい、当該店頭商品デリバティブ取引を除く。）について当該一括清算事由が生じた時における評価額（同条第六項の評価額をいう。）で当該委託者等の評価損となるものがあるときは、当該評価損（当該基本契約書に基づき店頭商品デリバティブ取引を決済した場合においても委託者等の保護に欠けるおそれがないと認められる場合に限る。）
- (d) in the case in which a Commodity Derivatives Business Operator performs Over-the-Counter Commodity Derivatives Transactions pursuant to a Basic Contract with a Customer, etc. (referring to a Basic Contract as defined in Article 100, paragraph (5) of the Act on Collective Clearing of Specified Financial Transaction Conducted by Financial Institutions, etc. (Act No. 108 of 1998; the same shall apply hereinafter in this subsection (d)) with a provision for Collective Clearing (referring to Collective

Clearing as defined in paragraph (6) of the same Article), if a valuation loss occurs for said Customer, etc. given the appraised value (referring to appraised value as defined in paragraph (6) of the same Article) as of the time at which a cause of collective clearing (referring to a cause of collective clearing as defined in paragraph (4) of the same Article; the same shall apply hereinafter in this subsection (d)) occurs with respect to a Specified Financial Transaction (referring to a Specified Financial Transaction as defined in paragraph (1) of the same Article, and excluding said Over-the-Counter Derivatives Transactions) performed pursuant to said basic contract in the case in which a cause of collective clearing occurs for said Customer, etc., said valuation loss (limited to cases in which it is determined that there is no risk of a deficiency in protection of Customers, etc. in the case in which Over-the-Counter Commodity Derivatives Transactions are settled pursuant to said basic contract);

ホ 契約により商品先物取引業者が消費できる有価証券

(e) Securities that a Commodity Derivatives Business Operator may use under terms of a contract.

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 cases of the preceding paragraph, the current market value shall be deemed to be the value of the Securities.

第九十八条の三 法第二百十条第二号の主務省令で定める措置は、次の各号に掲げる委託者等の区分に応じ、当該各号に定めるものとする。

Article 98-3 (1) The measures prescribed by an ordinance of the competent ministry under Article 210, item (ii) of the Act shall be those specified in the following items for the categories of Customers, etc. listed respectively in those items:

一 個人である委託者等（以下この項において「個人委託者等」という。）信託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。）

(i) an individual customer, etc. (referred to hereinafter in this paragraph as "Individual Customer, etc."): trust contracts (limited to those fulfilling the following requirements):

イ 信託契約は、商品先物取引業者を委託者とし、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、当該商品先物取引業者が行う法第二条第二十二項第三号から第五号までに掲げる行為（以下この号において「特定行為」という。）に係る個人委託者等を元本の受益者とする。

(a) the trust contract shall construe the Commodity Derivatives Business Operators the Consignor and the trust company or a financial institution engaging in trust business as the trustee, and the Individual Customer, etc. pertaining to the actions listed from item (iii) through item (v) in Article 2, paragraph (22) of the Act (referred to as "Specified Actions" hereinafter in

this item) shall be construed as the beneficiary of the principal;

ロ 信託契約において、受益者代理人を選任し、当該受益者代理人のうち少なくとも一の者は、弁護士、弁護士法人、公認会計士、監査法人、税理士、税理士法人又は主務大臣の指定する者（以下この号において「弁護士等」という。）とすること。

(b) in the trust contract, agents for the beneficiary are appointed, and at least one of said beneficiary's agents is an attorney-at-law, a legal professional corporation, a certified public accountant, an audit corporation, a tax accountant, a tax accountant corporation, or an entity specified by the competent minister (referred to hereinafter in this item as "Attorney, etc.");

ハ 複数の特定信託（商品先物取引業者が個人委託者等を相手方とし、又は個人委託者等のために行う特定行為に係る信託をいう。以下この条において同じ。）を行う場合には、当該複数の特定信託について同一の受益者代理人を選任するものであること。

(c) in the case in which multiple specified trusts are executed (referring to trusts in which a Commodity Derivatives Business Operator construes an Individual Customer, etc. as the counterparty, or trusts pertaining to specified actions performed on behalf of an Individual Customer, etc.; the same shall apply hereinafter in this Article), the same beneficiary's agents are appointed with respect to said multiple specified trusts;

ニ 商品先物取引業者が次のいずれかに該当することとなった場合には、弁護士等である受益者代理人のみがその権限を行使するものであること（当該弁護士等である受益者代理人が、他の受益者代理人が権限を行使することを認める場合を除く。）。

(d) in the case in which a Commodity Derivatives Business Operator qualifies as any of the following, only a beneficiary's agent who is an Attorney, etc. may exercise the authority therein (excluding cases in which said beneficiary's agent who is an Attorney, etc. authorizes the exercise of authority by another beneficiary's representative):

(1) 法第二百三十五条第三項又は第二百三十六条第一項の規定により法第九十条第一項の許可を取り消されたとき。

1. permission under Article 90, paragraph (1) of the Act is revoked pursuant to provisions of Article 235, paragraph (3) or Article 236, paragraph (1) of the Act;

(2) 法第九十条第二項又は第九十七条第二項の規定により法第九十条第一項の許可が効力を失ったとき。

2. permission under Article 90, paragraph (1) of the Act ceases to be effective pursuant to provisions of Article 90, paragraph (2) or Article 97, paragraph (2) of the Act;

(3) 破産手続開始、再生手続開始、更生手続開始又は特別清算開始の申立て

を行ったとき（外国法人である場合には、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とき、又は本店等の所在する国において当該国の法令に基づき同種類の申立てを行ったとき。）。

3. if a petition has been filed for the commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, commencement of reorganization proceedings, or commencement of special liquidation (in the case of a foreign juridical person, if a petition has been filed for the commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, commencement of reorganization proceedings, or commencement of special liquidation, or the same type of motion has been filed in the nation where the Head Office, etc. is situated, under the laws and regulation of said nation);

(4) 商品先物取引業の廃止（外国法人である場合には、国内におけるすべての営業所又は事務所における商品先物取引業の廃止。以下この（4）において同じ。）をしたとき、若しくは解散（外国法人である場合には、国内における営業所又は事務所の清算の開始。以下この（4）において同じ。）をしたとき、又は法第百九十七条第三項の規定による商品先物取引業の廃止若しくは解散の公告をしたとき。

4. if the commodity futures transaction business is discontinued (in the case of a foreign juridical person, the discontinuation of Commodity Derivatives Business at all offices or places of business in Japan; the same shall apply hereinafter in this subsection 4.) or dissolved (in the case of a foreign juridical person, if liquidation of offices or places of business in Japan is initiated; the same shall apply hereinafter in this subsection 4.), or if a public announcement is made of cessation or dissolution of Commodity Derivatives Business under Article 97, paragraph (3) of the Act;

(5) 法第二百三十六条第一項の規定による業務の停止の命令（同項第七号に該当する場合に限る。）を受けたとき。

5. if an order to cease operations pursuant to Article 236, paragraph (1) of the Act is received (limited to cases matching those in item (vii) of the same paragraph).

ホ 信託財産の運用を次のいずれか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、この限りでない。

(e) the trust is construed as constituting a financial trust, with management of trust assets limited to one of the following methods; provided, however, that this provision shall not apply to cash trusts with a contract clause for covering the principal under provisions of Article 6 of the Act on Provision, etc. of Trust Business by Financial Institutions:

- (1) 次に掲げる有価証券の保有
1. holding of the following Securities:
- (i) 国債証券
 - i. Japanese national government bond Securities;
 - (i i) 地方債証券
 - ii. Japanese local government bond Securities;
 - (i i i) 公社、公庫及び公団の発行する有価証券その他政府がその元利金の支払を保証しているもの
 - iii. Securities issued by a public company, a public finance company, or a public organization, or another entity for which payment of the principal and interest is guaranteed by the government;
 - (i v) 信用金庫法第五十四条の二の四第一項の規定による全国連合会債、長期信用銀行法第八条の規定による長期信用銀行債、農林中央金庫法第六十条の規定による農林債及び株式会社商工組合中央金庫法第三十三条の規定による商工債（同法附則第三十七条の規定により同法第三十三条の規定により発行された商工債とみなされたものを含む。）
 - iv. Japan Federation Association Bonds pursuant to provisions of Article 54-2-4, paragraph (1) of the Shinkin Bank Act, Long-Term Trust Bank bonds under provisions of Article 8 of the Long-Term Trust Bank, agricultural bonds pursuant to provisions of Article 60 of the Norinchukin Bank Act, and Shoko Chukin bank bonds pursuant to provisions of Article 33 of the Shoko Chukin Bank Limited Act (including those deemed to be Shoko Chukin bank bonds issued pursuant to the provisions of Article according to Article 37 of the Supplemental Rules of the same Act;
 - (v) 金融機関の合併及び転換に関する法律（昭和四十三年法律第八十六号）第八条第一項（同法第五十五条第四項において準用する場合を含む。）の規定による特定社債（会社法の施行に伴う関係法律の整備等に関する法律（平成十七年法律第八十七号）第百九十九条の規定による改正前の金融機関の合併及び転換に関する法律第十七条の二第一項（同法第二十四条第一項第七号において準用する場合を含む。）の規定による債券を含む。）
 - v. specified corporate bonds pursuant to provisions of Article 8, paragraph (1) of the Act on Financial Institutions' Merger and Conversion (Act No. 86 of 1968) (including as applied mutatis mutandis in Article 55, paragraph (4) of the same Act) (including corporate bonds pursuant to provisions of Article 17-2, paragraph (1) of the pre-revision Act on Financial Institutions' Merger and Conversion (including as applied mutatis mutandis in Article 24, paragraph (1), item (vii) of the same Act) pursuant to provisions of Article 199 of the Act on Arrangement of Relevant Acts Incidental to

- Enforcement of the Companies Act (Act No. 87 of 2005));
- (v i) 貸付信託法（昭和二十七年法律第九十五号）に基づく受益証券で元本補てんの契約のあるもの
- vi. those with a contract for beneficiary certificates in trust with a contract clause for covering the principal under the Loan Trust Act (Act No. 195 of 1952);
- (v i i) 担保付社債（償還及び利払いの遅延のないものに限る。）
- vii. Secured bonds (limited to those with no reimbursement and interest extension);
- (v i i i) 金融商品取引業等に関する内閣府令（平成十九年内閣府令第五十二号）第六十五条第二号イからハマまでに掲げる投資信託の受益証券（特定信託必要額（個別特定信託必要額（法第二百十条第二号に掲げる財産の額を個人委託者等ごとに算定した額をいう。以下この条において同じ。）の合計額をいう。以下この条において同じ。）の三分の一に相当する範囲内に限る。）
- viii. beneficiary certificates of investment trusts listed from Article 65, item (ii)(a) to (c) in the Cabinet Order Concerning the Financial Instruments Transaction Business, etc. (Order No. 52 of 2007) (limited to a range equivalent to one-third of the specified trust required amount (referring to the total amount of individual specified trust required amounts (referring to an amount calculating for each individual Consignor the amount of the assets listed in Article 240, item (ii) of the Act; the same shall apply hereinafter in this Article); the same shall apply hereinafter in this Article);
- (2) 次に掲げる金融機関への預金又は貯金（商品先物取引業者が当該金融機関である場合には、自己に対する預金又は貯金を除く。）
2. the following cash deposits or savings deposits in a financial institution (in the case in which a Commodity Derivatives Business Operator is said financial institution, excluding cash deposits or savings deposits in the self-same institution):
- (i) 銀行
- i. banks
- (i i) 信用金庫及び信用金庫連合会並びに労働金庫及び労働金庫連合会
- ii. Shinkin Banks and federations of Shinkin Banks, and labor banks and federations of labor banks;
- (i i i) 農林中央金庫及び株式会社商工組合中央金庫
- iii. The Norinchukin Bank and the Shoko Chukin Bank, Ltd.;
- (i v) 信用協同組合及び信用協同組合連合会並びに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、農業協同組合連合会、漁業協同組合、漁業協同組合連合会、水産加工業協同組合及び水産加工業協同組合連合会

- iv. credit cooperatives and federations of credit cooperatives, and agricultural cooperatives, fishery cooperatives, federations of fishery cooperatives, fishery processing cooperatives, and federations of fishery cooperatives authorized to accept cash deposits and savings deposits as a business;
 - (3) コールローン
 - 3. call loans;
 - (4) 受託者である信託業務を営む金融機関に対する銀行勘定貸
 - 4. due from bank account at a trustee financial institution engaged in the trust business;
 - (5) 信託業務を営む金融機関への金銭信託で元本補てんの契約のあるもの
 - 5. those with a contract for cash in trust with a contract clause for covering the principal with a financial institution engaged in the trust business.
- へ 信託財産の元本の評価額が特定信託必要額に満たない場合には、満たないこととなった日の翌日から起算して二営業日以内に、商品先物取引業者によりその不足額に相当する金銭が信託財産に追加されるものであること。
- (f) in the case in which the appraised value of the principal of trust assets falls short of the specified trust required amount, cash equivalent to the amount of deficiency shall be added to the trust assets by the Commodity Derivatives Business Operator within 2 business days from the day after the date on which the deficiency occurred;
- ト 商品先物取引業者が信託財産である有価証券の評価額をその時価により算定するものであること（当該特定信託が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である場合を除く。）。
- (g) the Commodity Derivatives Business Operator calculates the appraised value of trust asset Securities at fair market value (excluding cases in which said specified trust is a cash trust with a contract provision for covering the principal under provisions of Article 6 of the Act on Provision, etc. of Trust Business by Financial Institutions);
- チ 特定信託が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である場合には、その信託財産の元本の評価額を当該金銭信託の元本金額とすること。
- (h) in the case in which a specified trust is a cash trust with a contract provision for covering the principal under provisions of Article 6 of the Act on Provision, etc. of Trust Business by Financial Institutions, the appraised value of the principal of those trust assets is deemed to be the value of the principal of said cash trust;
- リ 信託契約の全部又は一部の解除は、次に掲げる場合を除き、行ってはならないものとする。
- (i) trust contract cancellation or partial cancellation shall not occur in cases other than the cases listed below:

- (1) 信託財産の元本の評価額が特定信託必要額を超過する場合に、当該超過額に相当する金額の範囲内で信託契約の全部又は一部の解除を行おうとする場合
1. in the case in which the appraised value of the trust asset principal exceeds the specified trust required amount, the case of seeking cancellation or partial cancellation within the range of an amount equivalent to said excess amount;
- (2) 他の特定信託に係る信託財産として信託することを目的として信託契約の全部又は一部の解除を行おうとする場合
2. the case of seeking cancellation or partial cancellation of the trust contract with the objective of entrusting as trust assets pertaining to another specified trust.
- ヌ リ (1) 又は (2) に掲げる場合に行う信託契約の全部又は一部の解除に係る信託財産は、委託者に帰属させるものであること。
- (j) trust assets pertaining to cancellation or partial cancellation of a trust contract performed in the cases listed in (i) 1. or 2. shall belong to the Consignor;
- ル 商品先物取引業者がニ (1) から (5) までのいずれかに該当することとなった場合には、弁護士等である受益者代理人が特に認める場合を除き、当該商品先物取引業者が受託者に対して信託財産の運用の指図を行うことができないものであること。
- (k) in the case in which a Commodity Derivatives Business Operator qualifies as any of those listed in (d) 1. through 5., said Commodity Derivatives Business Operator may not issue instructions for the management of the trust assets to the trustee unless this is specially approved by a beneficiary's agent who is an Attorney, etc.;
- ヲ 弁護士等である受益者代理人が必要と判断した場合には、個人委託者等の受益権が当該弁護士等である受益者代理人によりすべての個人委託者等について一括して行使されるものであること。
- (l) if determined necessary by a beneficiary's agent who is an Attorney, etc., the beneficial rights of an Individual Customer, etc. are exercised in common with respect to all Individual Customers, etc. by said beneficiary's agent who is an Attorney, etc.;
- ワ 個人委託者等の受益権が弁護士等である受益者代理人により一括して行使された場合には、当該受益権に係る信託契約を終了することができるものであること。
- (m) in the case in which the beneficial rights of Individual Customers, etc. are exercised by a beneficiary's agent who is an Attorney, etc., the trust contract pertaining to said beneficial rights may be terminated;
- カ 個人委託者等が受益権を行使する場合にそれぞれの個人委託者等に支払われる金額が、当該受益権の行使の日における元本換価額（特定信託に係る信託財産（元本部分に限る。）を換価して得られる額（特定信託が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である場合には、元本額)をいう。ヨにおいて同じ。)に、当該日における特定信託必要額に対する当該個人委託者等に係る個別特定信託必要額の割合を乗じて得た額(当該額が当該個別特定信託必要額を超える場合には、当該個別特定信託必要額)とされていること。

(n) the amount to be paid to the respective Individual Customers, etc. in the case in which the Individual Customer, etc. exercise beneficial rights shall be an amount obtained by multiplying the proportion of individual specified trust required amount pertaining to said individual out of the specified trust required amount on the date of exercise of said beneficial rights (in the case in which said amount exceeds said individual specified trust required amount, said individual specified trust required amount) by the principal conversion amount on said date (referring to an amount obtained by converting the trust assets pertaining to the specified trust (limited to the principal portion) (the principal amount, in the case in which the specified trust is a cash trust with a contract provision covering the principal under provisions of Article 6 of the Act on Provision, etc. of Trust Business by Financial Institutions); the same shall apply in (o));

ヨ 個人委託者等が受益権を行使する日における元本換価額が特定信託必要額を超過する場合には、当該超過額は委託者等に帰属するものであること。

(o) in the case in which the principal conversion amount on the date on which beneficial rights are exercised by an Individual Customer, etc. exceeds the specified trust required amount, said excess amount shall belong to the Customer, etc.

二 個人委託者等以外の委託者等次に掲げるいずれかの措置

(ii) Customers, etc. other than Individual Customers, etc.: any of the following measures:

イ 銀行、協同組織金融機関又は株式会社商工組合中央金庫への預金又は貯金(法第二百十条第二号に掲げる財産であることがその名義により明らかなものに限る。)

(a) cash deposits or savings deposits in banks, cooperative organization financial institutions or the Shoko Chukin Bank, Ltd. (limited to those explicitly identified by name as assets listed in Article 210, item (ii) of the Act);

ロ 信託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。)

(b) conclusion of a trust contract (limited to those meeting the following requirements):

(1) 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であること又は信託会社若しくは信託業務を営む金融機関への金銭信託で信託財産が安全に運用されるものであること。

1. that the trust is a cash trust with a contract provision covering the

principal pursuant to provisions of Article 6 of the Act on Provision, etc. of Trust Business by Financial Institutions, or that the trust is a cash trust and that assets are safely managed by a trust company or by a financial institution engaged in the trust business;

(2) 法第二百十条第二号に掲げる財産であることがその名義により明らかであること。

2. that the trust assets listed in Article 210, item (ii) of the Act are explicitly stated by name.

ハ カバー取引相手方等（商品先物取引業者が委託者等を相手方として行う店頭商品デリバティブ取引により生ずるおそれのある損失を軽減することを目的として、当該委託者等が行った店頭商品デリバティブ取引の対象となる商品又は商品指数及び当該店頭商品デリバティブ取引に係る売買の別その他これらに準ずる事項が同一となる商品市場における取引、外国商品市場取引又は他の商品先物取引業者その他の者（以下このハ及びニ並びに第三項において「他の商品先物取引業者等」という。）を相手方とした店頭商品デリバティブ取引（以下このハにおいて「カバー取引」という。）を行う場合における当該カバー取引に係る商品取引所、商品取引清算機関、外国商品市場開設者、外国の法令に準拠して設立された法人で外国において商品取引債務引受業と同種類の業務を行う者（以下このハにおいて「外国商品取引清算機関」という。）又は当該カバー取引の相手方となる他の商品先物取引業者等をいう。）への預託（当該商品先物取引業者が当該カバー取引を行う場合に、当該商品取引所、商品取引清算機関、外国商品市場開設者、外国商品取引清算機関又は他の商品先物取引業者等に当該カバー取引に係る金銭、有価証券その他の物を預託する場合に限る。）

(c) deposit with a covering transaction counterparty, etc. (in the case in which transactions in a commodity market or a Foreign Commodity Market in which commodities or commodity indexes that are the subject of Over-the-Counter Commodity Derivatives Transactions performed by said Consignor, buying and selling pertaining to said Over-the-Counter Commodity Derivatives Transactions and other equivalent matters are the same, or Over-the-Counter Commodity Derivatives Transactions with another Commodity Derivatives Business Operator or another person or entity (referred to hereinafter in this subsection (c) and in subsection (d) as "other Commodity Derivatives Business Operator") as the counterparty (referred to hereinafter in this subsection (c) as "Covering Transactions") are performed with the objective of reducing losses that may occur from the Over-the-Counter Commodity Derivatives Transaction that the Commodity Derivatives Business Operator performs with a Customer, etc. as the counterparty, referring to a commodity exchange, a commodity clearing organization, a foreign commodity market maker, or a juridical person established under the law of a foreign state and engaged in the same type of business as the Business of Assuming Commodity Transaction Debts in

a foreign country (referred to hereinafter in this subsection (c) as "Foreign Commodity Clearing Organization") or another Commodity Derivatives Business Operator pertaining to said Covering Transaction) (in the case in which said Commodity Derivatives Business Operator performs said Covering Transaction, limited to cases in which cash, Securities, and other property pertaining to said covering transaction are deposited with said commodity exchange, commodity clearing organization, foreign commodity market maker, foreign commodity market clearing organization, or other Commodity Derivatives Business Operator);

ニ 媒介等相手方（商品先物取引業者が委託者等のために店頭商品デリバティブ取引の媒介、取次ぎ又は代理を行う場合における当該媒介、取次ぎ又は代理の相手方となる他の商品先物取引業者等をいう。）への預託（当該商品先物取引業者が当該他の商品先物取引業者等を媒介等相手方として店頭商品デリバティブ取引の媒介、取次ぎ又は代理を行う場合に、当該他の商品先物取引業者等に当該店頭商品デリバティブ取引に係る金銭、有価証券その他の物を預託するときに限る。）

(d) deposit with an intermediary counterparty, etc. (referring to a Commodity Derivatives Business Operator, etc. that is a counterparty of an intermediary, broker, or agent in the case in which a Commodity Derivatives Business Operator performs intermediation, brokerage, or agency for Over-the-Counter Commodity Derivatives Transactions on behalf of a Customer, etc.) (in the case in which said Commodity Derivatives Business Operator performs intermediation, brokerage, or agency for Over-the-Counter Commodity Derivatives Transactions with said other Commodity Derivatives Business Operator, etc. as an intermediary counterparty, etc., limited to the cash, Securities, and other property pertaining to said Over-the-Counter Commodity Derivatives Transactions deposited with said other Commodity Derivatives Business Operator).

2 商品先物取引業者が特定信託の措置を講ずる場合には、当該商品先物取引業者は、個別特定信託必要額及び特定信託必要額を毎日算定しなければならない。

(2) In the case in which a Commodity Derivatives Business Operator takes specified trust measures, said Commodity Derivatives Business Operator shall calculate individual specified trust required amounts and specified trust required amounts daily;

3 商品先物取引業者が第一項第二号ハ又はニに掲げる措置を講ずる場合には、当該商品先物取引業者は、他の商品先物取引業者等に預託した金銭、有価証券その他の物について、定期的にその価額の確認を行わなければならない。

(3) In the case in which a Commodity Derivatives Business Operator takes the measures listed in paragraph (1), item (ii)(c) or (d), said Commodity Derivatives Business Operator shall regularly confirm the value of the cash, Securities, and other property deposited with the other Commodity Derivatives

Business Operator, etc.;

4 商品先物取引業者は、外国商品市場取引及び店頭商品デリバティブ取引に関し、委託者等から有価証券等（有価証券その他の金銭以外の物をいう。以下この項において同じ。）の預託を受けた場合には、第一項の規定にかかわらず、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、当該有価証券等を自己の固有財産と区分して管理することができる。この場合において、当該商品先物取引業者は、法第二百十条第二号に定める措置を講じたものとみなす。

(4) In the case in which a Commodity Derivatives Business Operator accepts a deposit of Securities, etc. (referring to Securities and property other than cash; the same shall apply hereinafter in this paragraph) from a Customer, etc. in relation to a Foreign Commodity Market Transaction or an Over-the-Counter Commodity Derivatives Transaction, said Securities, etc. may be managed separately from the self-same entity's fixed assets by one of the methods prescribed in below, according to the classification of Securities, etc. listed in the respective items below. In this case, said Commodity shall be deemed to have taken a measure prescribed in Article 210, item (ii) of the Act.

一 商品先物取引業者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。）委託者等から預託を受けた有価証券等（以下この項において「委託者等有価証券等」という。）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委託者等有価証券等以外の有価証券等（以下この項において「固有有価証券等」という。）の保管場所と明確に区分し、かつ、当該委託者等有価証券等についてどの委託者等の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) the method of clearly differentiating the storage location for Securities, etc. which the Commodity Derivatives Business Operator manages by storing (excluding Securities, etc. in commingled deposit; the same shall apply in the following item) or Securities, etc. received in deposit from a Customer, etc. (referred to hereinafter in this paragraph as "Customer Securities, etc.") from the storage location for Securities, etc. that are self-same fixed assets and Securities, etc. other than Customer Securities, etc. (referred to hereinafter in this paragraph as "Own Securities, etc."), and of storing said Customer Securities, etc. in a state such that Securities, etc. of which Customer, etc. can be immediately discriminated;

二 商品先物取引業者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、委託者等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、当該委託者等有価証券等についてどの委託者等の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) the method of the Commodity Derivatives Business Operator having a third party perform storage such that said third party clearly differentiates the storage location for Customer Securities, etc. from the storage location for Own Securities, etc. among Securities, etc. under management, and manages

by storing said Customer Securities, etc. in a state such that Securities, etc. of which Customer, etc. can be immediately discriminated;

三 商品先物取引業者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。）委託者等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、当該委託者等有価証券等に係る各委託者等の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) the method of clearly differentiating the storage location for Securities, etc. which the Commodity Derivatives Business Operator manages by storing (limited to Securities, etc. in commingled deposit; the same shall apply in the following item) or Customer Securities, etc. from the storage location for Own Securities, etc., and of managing by storing in a state such that the equity of each Customer, etc. pertaining to Customer Securities, etc. can be immediately discriminated from the Dealer's own bookkeeping records;

四 商品先物取引業者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、当該商品先物取引業者の委託者等のための口座については当該商品先物取引業者のための口座と区分する方法その他の方法により、委託者等有価証券等に係る持分が直ちに判別でき、かつ、当該委託者等有価証券等に係る各委託者等の持分が当該商品先物取引業者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（外国の第三者をして保管させる場合には、当該外国の法令上当該第三者をして委託者等有価証券等に係る持分と固有有価証券等に係る持分とを区分して保管させることができないとき、その他当該第三者において委託者等有価証券等に係る持分が直ちに判別できる状態で保管させることができないことについて特にやむを得ない事由があると認められるときにあっては、当該委託者等有価証券等に係る各委託者等の持分が当該商品先物取引業者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) the method of the Commodity Derivatives Business Operator having a third party manage by storing so that an account for Customers, etc. of said Commodity Derivatives Business Operator is differentiated from an account for said Commodity Derivatives Business Operator, among Securities, etc. under management, thereby enabling the equity of each Customer, etc. pertaining to said Customer Securities, etc. to be immediately discriminated, and of managing by storing in a state such that the equity of each Customer, etc. pertaining to Customer Securities, etc. can be immediately discriminated from the bookkeeping records of said Commodity Derivatives Business Operator (in the case of having a foreign country third party perform the storage, if said third party under the laws of said foreign country is unable to store differentiating the equity pertaining to Customer Securities, etc. from equity pertaining to Own Securities, etc., if a particularly unavoidable cause is acknowledged to exist with regard to the fact that storage cannot take place by another third party in a state in which the equity pertaining to

Customer Securities, etc. can be immediately discriminated, the method of managing by storing in a state such that the equity of each Customer, etc. pertaining to Customer Securities, etc. can be immediately discriminated from the bookkeeping records of said Commodity Derivatives Business Operator);

五 金融商品取引法第二条第二項の規定により有価証券とみなされる権利その他の有価証券等（前各号に掲げるものを除く。）次のイ又はロに掲げる場合の区分に応じ、当該イ又はロに定める方法

(v) for rights treated as Securities pursuant to provisions of Article 2, paragraph (2) of the Financial Instruments and Exchange Act, and other Securities, etc. (excluding those listed in each of the preceding items), the method prescribed below in (a) or (b), according to the classification of cases listed in (a) and (b) below:

イ 当該権利を行使する際に必要となる当該権利を証する書類その他の書類がある場合当該書類を有価証券等とみなして前各号に掲げる有価証券等の区分に応じて管理する方法

(a) if a document demonstrating the relevant right or other document exists as required at the time said rights are exercised, the method of construing said document to be a Security, etc. and managing according to the classification of Securities, etc. listed in the respective preceding items;

ロ イに掲げる場合以外の場合第三者をして当該権利を委託者等有価証券等として明確に管理させ、かつ、その管理の状況が当該商品先物取引業者の帳簿により直ちに把握できる状態で管理する方法

(b) in cases other than the case listed in (a), having a third party clearly managing said rights as Customer Securities, etc., and managing in a state such that the status of that management can be immediately discerned from the bookkeeping records of said Commodity Derivatives Business Operator.

六 商品先物取引業者と委託者等が共有しているため前各号に定める方法により管理することができない有価証券等委託者等有価証券等に係る各委託者等の持分が当該商品先物取引業者の帳簿により直ちに判別できる状態で管理する方法

(vi) for Securities, etc. that cannot be managed according to the methods prescribed in the respective preceding items because of common ownership by the Commodity Derivatives Business Operator and the Customer, etc., the method of managing in a state such that the equity of each customer pertaining to Customer Securities, etc. can be immediately discriminated from the bookkeeping records of said Commodity Derivatives Business Operator.

(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、次に掲げる額の合計額とする。

Article 99 (1) 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 following amounts:

一 市場リスク相当額（商品市場における相場等に係る変動その他の理由により発生し得る危険に相当する額として主務大臣が定めるところにより算出した額をいう。次項及び第百条の二第一項第二号において同じ。）

(i) the market risk equivalent amount (referring to an amount calculated as prescribed by the competent minister as an amount equivalent to potential risk arising from fluctuations pertaining to market prices, etc. in commodity markets and other reasons; the same shall apply in the following paragraph and in Article 100-2, paragraph (1), item (ii));

二 取引先リスク相当額（取引の相手方の契約不履行その他の理由により発生し得る危険に相当する額として主務大臣が定めるところにより算出した額をいう。次項及び第百条の二第一項第二号において同じ。）

(ii) the transaction counterparty risk equivalent amount (referring to an amount calculated as prescribed by the competent minister as an amount equivalent to potential risk arising from contract non-performance by the counterparty to a transaction and other reasons; the same shall apply in the following paragraph and in Article 100-2, paragraph (1), item (ii));

三 基礎的リスク相当額（事務処理の誤りその他日常的な業務の遂行上発生し得る危険に相当する額として主務大臣が定めるところにより算出した額をいう。第百条の二第一項第二号において同じ。）

(iii) the fundamental risk equivalent amount (referring to an amount calculated as prescribed by the competent minister as an amount equivalent to potential risk arising from business processing errors and other execution of routine business; the same shall apply in Article 100-2, paragraph (1), item (ii).

2 商品先物取引業者（令第二十八条各号に掲げる者に該当する者を除く。次条において同じ。）は、業務の態様に応じて合理的な方法により、市場リスク相当額及び取引先リスク相当額を、営業日ごとに把握するものとする。

(2) Commodity Derivatives Business Operators(excluding those qualifying as one of those listed in the respective items of Article 28 of the Order; the same shall apply in the following Article) shall use rational methods to track the market risk equivalent amount and the transaction counterparty risk equivalent amount every business day.

（純資産額規制比率の届出）

(Notification of Net Assets Regulation Ratio)

第百条 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 第一項第一号に該当することとなった商品先物取引業者は、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。

(2) A Commodity Derivatives Business Operator who has fallen under paragraph (1), item (i) shall immediately report that fact to the competent minister pursuant to the provisions of Article 211, paragraph (1) of the Act, and moreover shall prepare a written notification relating to the Net Assets Regulation Ratio using Form No. 10 every business day.

3 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。

(3) 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.

4 第一項第二号に該当することとなった商品先物取引業者は、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。

(4) A Commodity Derivatives Business Operator 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.

5 商品先物取引業者は、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。

- (5) A Commodity Derivatives Business Operator shall be aware of the status of the Merchant's own Net Assets Regulation Ratio appropriately on every business day.

(純資産額規制比率の縦覧)

(Inspection of the Net Assets Regulation Ratio)

第百条の二 商品先物取引業者は、法第二百十一条第三項の規定により書面を作成するときは、次に掲げる事項を記載しなければならない。

Article 100-2 (1) Commodity Derivatives Business Operators shall state the following matters when preparing a document pursuant to provisions of Article 211, paragraph (3) of the Act:

一 法第二百十一条第四項において準用する法第九十九条第七項に規定する純資産額
(i) net assets as defined in Article 99, paragraph (7) of the Act, applied mutatis mutandis in Article 211, paragraph (4) of the Act;

二 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並びにこれらの合計額

(ii) the market risk equivalent amount, the transaction counterparty risk equivalent amount, the fundamental risk equivalent amount, and the sum total thereof;

三 純資産額規制比率

(iii) The Net Assets Regulation Ratio.

2 補完的項目の額に、劣後債務（第三十八条第一項第九号及び第十号に掲げるものをいう。以下この項において同じ。）の額がある場合には、次に掲げる事項を前項に規定する書面に注記しなければならない。

(2) In the case in which subordinated debts exist (referring to those listed in Article 38, paragraph (1), item (ix) and item (x); the same shall apply hereinafter in this paragraph), the following matters shall be noted as amounts of supplementary items in the document prescribed in the preceding paragraph:

一 当該劣後債務の金額

(i) the amount after said subordinated debts;

二 当該劣後債務の契約日又は発行日

(ii) the contract date and issue date of said subordinated debts;

三 当該劣後債務の弁済期日又は償還期日

(iii) the payoff date and maturity date of said subordinated debts.

(広告類似行為)

(Acts similar to advertising)

第百条の三 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の伝達に関する法律（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。第二百二十六条の十一において同じ。)、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。第二百二十六条の十一において同じ。)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 100-3 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 Concerning Correspondence Delivery Business [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 same shall apply in Article 116-11), 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 same shall apply in Article 116-11), 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 商品市場における相場等の分析及び評価に関する資料であつて、商品取引契約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 of market prices, etc. in a Commodity Market which is not used for soliciting the conclusion of a Commodity Transaction Contract;

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 商品取引契約の名称又は通称

(a) the name or common name of the Commodity Transaction 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先物取引業者の商号若しくは名称又はこれらの通称

(b) the trade name or name or common name of the Commodity Derivatives Business Operator 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等に係る変動により商品取引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る場合にあっては、当該おそれがある旨（当該損失の額が取引証拠金等（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。）の額を上回ることとなるおそれがある場合にあっては当該おそれがある旨を含み、これらの事項の文字又は数字がこれらの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) in the case in which there is a risk of the customer incurring a loss with regard to the transaction based on the Commodity Transaction Contract due to a fluctuation in the market prices, etc. on the Commodity Market, the fact that said risk exists (including the fact that the risk that the amount of such loss could exceed the amount of the Clearing Margin, etc. (referring to Clearing Margin as defined in Article 217, paragraph (1), item (i) of the Act; the same shall apply hereinafter), and limited to articles 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 representing other matters);

ニ 法第二百十七条第一項に規定する書面（以下「契約締結前交付書面」という。）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 (referred to hereinafter as "Pre-Contract Documents") 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、法第二条第二十二項各号に掲げる行為を行うことによる利益の見込みその他第百条の七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（放送法（昭和二十五年法律第百三十二号）第二条第三号の一般放送事業者という。第二百六条の十一第四号において同じ。）、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。第二百六条の十一第四号において同じ。）、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。第二百六条の十一第四号において同じ。）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。第二百六条の十一第四号において同じ。）の業務を行う者の放送設

備により放送させる方法、商品先物取引業者又は当該商品先物取引業者が行う広告等（広告又はこの条に規定する行為をいう。次条において同じ。）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 (referring to a general broadcaster under Article 2, item (iii) of the Broadcast Act (Act No. 132 of 1950; the same shall apply in Article 126-11, item (iv)), 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]; the same shall apply in Article 126-11, item (iv)), 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]; the same shall apply in Article 126-11, item (iv))) 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 Commodity Derivatives Business Operator or a person who has accepted consignment of business pertaining to advertising, etc. (referring to advertising or other actions defined in this Article; the same shall apply in the following Article) conducted by the Commodity Derivatives Business Operator, 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 performing the actions listed in the respective items of Article 2, paragraph (22) of the Act and other matters specified in Article 100-7:

イ 商品先物取引業者の商号又は名称

(a) the trade name or name of the Commodity Derivatives Business Operator;

ロ 商品先物取引業者である旨

(b) the fact that said Commodity Derivatives Business Operator is a

Commodity Derivatives Business Operator;

ハ 商品市場における相場等に係る変動により商品取引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る場合にあっては、当該おそれがある旨（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場合にあっては当該おそれがある旨を含み、音声により放送する方法を除き、これらの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) in the case in which there is a risk of the customer incurring a loss with regard to the transaction based on the Commodity Transaction Contract due to a fluctuation in the market prices, etc. on the Commodity Market, the fact that said risk exists (including the fact that the risk that the amount of such loss could exceed the amount of the Clearing Margin, etc. (referring to Clearing Margin as defined in Article 217, paragraph (1), item (i) of the Act; the same shall apply hereinafter), and limited to articles 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 representing other matters);

ニ 契約締結前交付書面の内容を十分に読むべき旨

(d) the fact that the contents of the Pre-Contract Documents should be read sufficiently.

(商品先物取引業の内容についての広告等の表示方法)

(Method of representation in conducting Advertising, etc. with regard to the contents of Commodity Derivatives Business)

第百条の四 商品先物取引業者がその行う商品先物取引業の内容について広告等をするときは、法第二百十三条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 100-4 (1) When a Commodity Derivatives Business Operator conducts Advertising, etc. with regard to the contents of its Commodity Derivatives Business, the Commodity Derivatives Business Operator shall clearly and accurately represent the matters listed in the items of Article 213-2, paragraph (1) of the Act.

2 商品先物取引業者がその行う商品先物取引業の内容について広告等をするときは、令第二十九条第四号及び次条に掲げる事項の文字又は数字をこれらの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 Commodity Derivatives Business Operator conducts Advertising, etc. with regard to the contents of its Commodity Derivatives Business, the Commodity Derivatives Business Operator shall represent the matter set forth in Article 29, item (iv) of the Order and the following Article by using the letters or numbers in a size that is not substantially different from the largest

letters or numbers used for representing 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)

第百条の五 令第二十九条第一号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、商品取引契約に関して顧客が支払うべき対価（受渡しに係る価額、法第二条第三項第四号並びに第十四項第四号及び第五号に規定する取引の対価の額並びに取引証拠金等の額を除く。第百二十六条の十三、第百二十六条の十五及び第百二十六条の十六を除き、以下「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（当該商品取引契約に基づく取引の額（令第二十九条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 100-5 The matters specified by an ordinance of the competent ministry as prescribed in Article 29, 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 Commodity Transaction 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 (3), item (iv) and paragraph (14), item (iv) and item (v) of the Act, and the amount of Clearing Margin, etc. ; referred to hereinafter as "Fees, etc."), by type of consideration, by the upper limit amount, or by the summary of their calculation method (including the proportion of the Amount of Transactions [which means the Amount of Transactions prescribed in Article 29, item (iii) of the Order] based on said Commodity Transaction Contract), and the sum of such amounts, or the upper limit thereof or the summary of their calculation method; provided, however, that, in cases where it is not possible to represent 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 Facts that May Affect Customers' Judgment)

第百条の六 令第二十九条第五号の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 prescribed by an ordinance of the competent ministry under Article 29, item (v) of the Order are the following matters:

一 商品市場における相場等に係る変動により商品取引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る場合（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場合を除く。）には、その旨及びその理由

(i) in the case in which there is a risk of the customer incurring a loss with regard to the transaction based on the Commodity Transaction Contract due to a fluctuation in the market prices, etc. on the Commodity Market

(excluding the case in which there is a risk that the amount of that loss may exceed the amount of the Clearing Margin, etc.), that fact and the reason therefor;

二 店頭商品デリバティブ取引について、商品先物取引業者が表示する商品の売付けの価格と買付けの価格（次のイからハまでに掲げる取引の場合にあっては、当該イからハまでに定めるものを含む。）に差がある場合には、その旨

(ii) in the case of a difference between the buy price and sell price of commodities represented by a Commodity Derivatives Business Operator(in the case of the transactions listed from (a) through (c) below, including those prescribed in said (a) through (c)), that fact:

イ 法第二条第十四項第二号又は第三号に掲げる取引の場合現実価格（同条第三項第二号に規定する現実価格をいう。以下同じ。）若しくは現実数値（同条第三項第三号に規定する現実数値をいう。以下同じ。）が約定価格等を上回った場合に金銭を支払う立場の当事者となる取引の約定価格等と当該金銭を受領する立場の当事者となる取引の約定価格等又はこれらに類似するもの

(a) the case of the transactions listed in Article 2, paragraph (14), item (ii) or item (iii) of the Act: in the case in which the Actual Price (referring to the Actual Price as defined in paragraph (3), item (ii) of the same Article; the same shall apply hereinafter) or the Actual Figure (referring to the Actual Figure as defined in paragraph (3), item (iii) of the same Article; the same shall apply hereinafter) exceeds the contract price, etc., the contract price, etc. of the transaction for the party in the position of paying cash and the contract price, etc. of the transaction for the party in the position of receiving said cash, or similar items;

ロ 法第二条第十四項第四号又は第五号に掲げる取引の場合同項第四号又は第五号に規定する権利を付与する立場の当事者となる取引の当該権利の対価の額と当該権利を取得する立場の当事者となる取引の当該権利の対価の額

(b) the case of the transactions listed in Article 2, paragraph (14), item (iv) or item (v) of the Act: the amount of consideration for rights for the party in the position of granting the rights prescribed in item (iv) or item (v) of the same paragraph, and the value of the consideration for said rights of transaction for the party in the position of obtaining said rights;

ハ 法第二条第十四項第六号に掲げる取引の場合商品の価格若しくは商品指数が約定した期間に上昇した場合に金銭を支払う立場の当事者となる取引における約定した期間の開始時の当該商品の価格若しくは商品指数と当該商品の価格若しくは商品指数が約定した期間に上昇した場合に金銭を受領する立場の当事者となる取引における約定した期間の開始時の当該商品の価格若しくは商品指数又はこれらに類するもの

(c) the case of the transactions listed in Article 2, paragraph (14), item (vi) of the Act: the price of said commodity or commodity index at the start of the contracted term in the transaction involving the party in the position of

paying cash in the case in which the price of the commodity or the commodity index rises over the contracted term, and the price of said commodity or commodity index at the start of the contracted term in the transaction involving the party in the position of receiving cash in the case in which the price of the commodity or the commodity index rises over the contracted term, or similar items;

三 商品取引契約に関する重要な事項について顧客の不利益となる事実がある場合には、当該不利益となる事実の内容

(iii) Regarding the important matters relating to a Commodity Transaction Contract, in the case of a fact that is detrimental to the customer, the content of said detrimental fact;

四 当該商品先物取引業者が商品先物取引協会に加入している場合には、その旨及び当該商品先物取引協会の名称

(iv) In the case in which said Commodity Derivatives Business Operator belongs to a commodity futures association, that fact 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)

第百条の七 法第二百十三条の二第二項の主務省令で定める事項は次に掲げる事項とする。

Article 100-7 The matters specified by an ordinance of the competent ministry under Article 213-2, paragraph (2) of the Act shall be the following matters:

一 商品取引契約の解除に関する事項

(i) matters concerning cancellation of the Commodity Transaction Contract;

二 商品取引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 Commodity Transaction Contract;

三 商品取引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 Commodity Transaction Contract;

四 商品取引契約に係る商品市場又は外国商品市場に関する事項

(iv) Matters concerning the Commodity Market or Foreign Commodity Market pertaining to the Commodity Transaction Contract;

五 商品先物取引業者の資力又は信用に関する事項

(v) Matters concerning the funds and credit of the Commodity Derivatives Business Operator;

六 商品先物取引業者の商品先物取引業の実績に関する事項

(vi) Matters concerning the past results of the Commodity Derivatives Business of the Commodity Derivatives Business Operator;

七 手数料等の額又はその計算方法、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 thereof of the Fees, etc. , 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 上場商品構成物品又は上場商品指数の種類

(i) type of Listed Commodity Component Article 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注文の有効期限

(vii) date and time of the transaction or valid period of the order.

(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商品先物取引業者（令第二条第二号に規定する外国商品先物取引業者という）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作法品先物取引業者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又は外国商品市場取引等の委託を受ける行為

(i) an action to accept the consignment of a Transaction on a Commodity Market, etc., or a Transaction on a Foreign Commodity Market, etc. as a Commodity Derivatives Business Operator may stipulate regarding the matters set forth in the preceding Article, item (iii) and item (iv), after obtaining the consent of a Commodity Derivatives Business Operator 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 当該商品先物取引業者が、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（令第九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 Commodity Derivatives Business Operator holds shares or contributions pertaining to 50 percent or more of the Voting Rights (which means Voting Rights prescribed in Article 9, 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 当該商品先物取引業者が、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 said Commodity Derivatives Business Operator has its 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 held by a foreign juridical person or other organization, said juridical person or other organization (hereinafter referred to as the "Foreign Parent Company" in this Article);

ハ 当該商品先物取引業者の外国親会社が、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 Commodity Derivatives Business Operator 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先物取引業者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又は外国商品市場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., or a Foreign Commodity Market, etc. as a Commodity Derivatives Business Operator 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; the same shall apply in Article 126);

三 居住者（外国為替及び外国貿易法第六条第一項第五号に規定する居住者をいう。）である顧客（個人である顧客（以下「個人顧客」という。）を除く。）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先物取引業者が定めることができるものとして外国商品市場取引等の委託を受ける行為

(iii) an action to accept the consignment of a Transaction on a Foreign Commodity Market, etc. as a Commodity Derivatives Business Operator 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 Resident (which means Resident as prescribed in Article 6, paragraph (1), item (v) of the Foreign Exchange and Foreign Trade Control Act (excluding customers who are individual persons (referred to hereinafter as "Individual Customer"));

四 委託者の計算による商品市場における取引等又は外国商品市場取引等であって、委託者があらかじめ定め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又は外国商品市場取引等の委託を受ける行為

(iv) an act to accept the consignment of a Transaction on a Commodity Market, etc. or a Transaction on a Foreign 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 or a Transaction on a Foreign Commodity Market, etc. 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、当該商品先物取引業者及びその外国子会社又は当該商品先物取引業者の外国子会社が、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、当該商品先物取引業者の外国子会社とみなし、当該商品先物取引業者の外国親会社が、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、当該商品先物取引業者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 Commodity Derivatives Business Operator and its Foreign Subsidiary or Foreign Subsidiary of such Commodity Derivatives Business Operator 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 Commodity Derivatives Business Operator, and said other juridical persons or other organizations of which the Foreign Parent Company of said Commodity Derivatives Business Operator 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 Commodity Derivatives Business Operator.

3 第一項各号に掲げる行為を行おうとする商品先物取引業者は、当該行為に基づいて行う商品市場における取引等又は外国商品市場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 Commodity Derivatives Business Operator 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 or a transaction on a Foreign Commodity Market, etc. based on said actions are not lacking in protection for the customer and are not likely to harm the fairness of transactions.

(不招請勧誘の禁止の例外)

(Exceptions to Prohibition on Uninvited Solicitation)

第百二条の二 法第二百十四条第九号の主務省令で定める行為は、商品先物取引業者が継続的取引関係にある顧客（既に当該商品先物取引業者と次の各号に掲げるいずれかの契約を締結している者をいう。）に対し、訪問し、又は電話をかけて、令第三十条に規定する商品取引契約の締結を勧誘する行為とする。

Article 102-2 The action prescribed by an ordinance of the competent ministry under Article 214, item (ix) of the act shall be the action of soliciting the conclusion of a Commodity Transaction Contract as defined in Article 30 of the Order by personal visit or by telephone of a customer with whom the Commodity Derivatives Business Operator has an ongoing trading relationship (referring to those with whom any of the contracts listed in any of the following items has already been concluded with said Commodity Derivatives Business Operator):

一 令第三十条に規定する商品取引契約

(i) a Commodity Transaction Contract as defined in Article 30 of the Order;

二 金融商品取引法施行令第十六条の四第一項に規定する金融商品取引契約

(ii) a contract for financial instruments as defined in Article 16-4, paragraph (1) of the Ordinance for Enforcement of the Financial Instruments and Exchange Act.

(禁止行為)

(Prohibited acts)

第百三条 法第二百十四条第十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 (1) Acts specified by an ordinance of the competent ministry set forth in Article 214, item (x) of the Act shall be those listed in the following items:

一 委託者等の指示を遵守することその他の商品取引契約に基づく委託者等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 to observe customer's instructions or otherwise refusing to perform obligations to Customers, etc. in whole or in part pursuant to the Commodity Transaction Contract;

二 故意に、商品市場における取引の受託に係る取引と自己の計算による取引を対当

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 executing a transaction under its own account in opposition to a transaction pertaining to the brokerage of a transaction in a commodity market, thereby carrying out a transaction harmful to the interests of a Consignor;

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等の委託又は店頭商品デリバティブ取引若しくはその媒介、取次ぎ若しくは代理（次号及び第八号において「店頭商品デリバティブ取引等」という。）につき、顧客（特定委託者（法第百九十七条の四第五項又は第八項の規定により一般顧客とみなされる者を除き、法第百九十七条の五第四項（法第百九十七条の六第六項において準用する場合を含む。）又は第百九十七条の五第六項（法第百九十七条の六第六項において準用する場合を含む。）の規定により特定委託者とみなされる者を含む。以下同じ。）及び特定当業者（法第百九十七条の八第二項において準用する法第百九十七条の四第五項又は第八項の規定により一般顧客とみなされる者を除き、法第百九十七条の九第二項において準用する法第百九十七条の五第四項又は第六項の規定により特定当業者とみなされる者を含む。以下同じ。）を除く。）に対し、取引単位を告げないで勧誘すること。

(vi) soliciting from a customer, without disclosing the transaction unit, the consignment of transactions, etc., on a Commodity Market, the consignment of transactions on a Foreign Commodity Market, etc., or Over-the-Counter Derivatives Transactions, or the intermediation, brokerage, or agency thereof (referred to in the following item and in item (viii) as "Over-the-Counter Commodity Derivatives Transactions, etc.") (excluding Eligible

Consignors(excluding those deemed to be General Customers under provisions of Article 197-4, paragraph (5) or paragraph (8) of the Act, and including those deemed to be Eligible Consignors under provisions of Article 197-5, paragraph (5) (including as applied mutatis mutandis in Article 197-6, paragraph (6) of the Act) or Article 197-5, paragraph (6) of the Act (including as applied mutatis mutandis in Article 197-6, paragraph (6) of the Act; the same shall apply hereinafter) and Eligible Commercial Persons (excluding those deemed to be General Customers under provisions of Article 197-4, paragraph (5) or paragraph (8) of the Act applied mutatis mutandis in Article 197-8, paragraph (2) of the Act, and including those deemed to be Eligible Consignors under provisions of Article 197-5, paragraph (4) or paragraph (6) of the Act applied mutatis mutandis in Article 197-9, paragraph (2) of the Act; the same shall apply hereinafter);

七 商品市場における取引等の委託、外国商品市場取引等の委託又は店頭商品デリバティブ取引等につき、決済を結了する旨の意思を表示した委託者等（特定委託者及び特定当業者を除く。）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, etc. (excluding Eligible Consignors and Eligible Commercial Persons) who manifested intent to complete settlement with regard to the consignment of transactions, etc., on the Commodity Market, consignment of transactions, etc. on a Foreign Commodity Market, or Over-the-Counter Commodity Derivatives Transactions to perform said transactions again;

八 商品市場における取引等の委託、外国商品市場取引等の受託若しくは店頭商品デリバティブ取引等又はこれらに係るその勧誘に関して、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, consignment of transactions, etc. on a Foreign Commodity Market, or Over-the-Counter Commodity Derivatives Transactions, or the solicitation thereof pertaining to these;

九 商品市場における取引等又は外国商品市場取引等につき、特定の上場商品構成物品等（外国商品市場における上場商品構成物品等に相当するものを含む。）の売付け又は買付けその他これに準ずる取引と対当する取引（これらの取引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、その取引を理解していない顧客（特定委託者及び特定当業者を除く。）から受けること。

(ix) with regard to transactions, etc. on the Commodity Market or on a Foreign Commodity Market, accepting the consignment of transactions in opposition to the selling or buying of specific Listed Commodity Component Products, etc. (including articles equivalent to Listed Commodity Component Products in Foreign Commodity Markets), and Equivalent Transactions, etc. (which

means transactions that would reduce the losses arising from these transactions), and which has different volumes and expiration dates from those transactions, from a customer (excluding a Eligible Consignor or an Eligible Commercial Person) who does not understand such transactions.

十 法第二百十四条第九号に規定する商品取引契約の締結を勧誘する目的があることを顧客（特定委託者及び特定当業者を除く。）にあらかじめ明示しないで当該顧客を集めて当該商品取引契約の締結を勧誘すること。

(x) assembling customers (excluding Eligible Consignors and Eligible Commercial Persons) and soliciting conclusion of a Commodity Transaction Contract as defined in Article 244, item (ix) of the Act without explicitly stating in advance that the purpose is to solicit conclusion of a Commodity Transaction Contract;

十一 商品市場における相場若しくは商品市場における相場若しくは取引高に基づいて算出した数値を変動させ、又は取引高を増加させることにより実勢を反映しない作為的なものとなることを知りながら、商品市場における取引の委託を受けること。

(xi) accepting consignment of transactions on a commodity market while knowing that fabricated representations have been made not reflecting actual market conditions, by manipulating market prices in commodity markets or figures calculated based on market prices or transaction amounts in commodity markets, or by inflating transaction amounts;

十二 商品市場における取引等、外国商品市場取引等又は店頭商品デリバティブ取引等に関し、受渡状況その他の顧客に必要な情報を適切に通知していないと認められる状況において、商品先物取引業に係る行為を継続すること。

(xii) continuing actions pertaining to the Commodity Derivatives Business in a situation in which it is recognized that the customer has not been appropriately informed about delivery status and other essential information relating to transactions, etc. in a commodity market, transactions, etc. in a Foreign Commodity Market, or Over-the-Counter Commodity Derivatives Transactions, etc.;

十三 商品先物取引業に係る電子情報処理組織の管理が十分でないと認められる状況にあるにもかかわらず、商品先物取引業を継続すること。

(xiii) continuing the Commodity Derivatives Business despite the situation of a recognizable inadequacy in management of electronic information processing systems pertaining to the Commodity Derivatives Business;

十四 委託を行った商品先物取引仲介業者の商品先物取引仲介業に係る法令に違反する行為を防止するための措置が十分でないと認められる状況にあるにもかかわらず、商品先物取引業を継続すること。

(xiv) continuing the Commodity Derivatives Business despite the situation of a recognizable inadequacy in measures to prevent actions contrary to law pertaining to the Commodity Derivatives Intermediary Service Provider by a consigning Commodity Derivatives Intermediary Service Provider ;

十五 委託を行った商品先物取引仲介業者の商品取引事故につき損失の補てんを行うための適切な措置を講じていないと認められる状況にあるにもかかわらず、商品先物取引業を継続すること。

(xv) continuing the Commodity Derivatives Intermediary Service despite the situation of recognizably not taking appropriate measures for covering of losses pertaining to Problematic Conduct in commodity trading by a consigning Commodity Derivatives Intermediary Service Provider ;

十六 委託を行った商品先物取引仲介業者に顧客に対する金銭又は有価証券の受渡しを行わせること。

(xvi) having a consigning Commodity Derivatives Intermediary Service Provider perform delivery of cash or Securities to a customer;

十七 個人顧客を相手方として店頭商品デリバティブ取引を行う場合において、当該個人顧客がその計算において行った店頭商品デリバティブ取引を決済した場合に当該個人顧客に生ずることとなる損失の額が、当該個人顧客との間であらかじめ約した計算方法により算出される額に達する場合に行うこととする店頭商品デリバティブ取引の決済（次号において「ロスカット取引」という。）を行うための十分な管理体制を整備していない状況にあるにもかかわらず、商品先物取引業を継続すること。

(xvii) in the case in which an Over-the-Counter Commodity Derivatives Transaction is performed with an individual customer as the counterparty, continuing the Commodity Derivatives Business despite the situation of an inadequately organized management system for performing settlement of Over-the-Counter Commodity Derivatives Transactions attempted in cases in which the amount of loss incurred by said individual in the case of settlement of an Over-the-Counter Commodity Derivatives Transaction performed by the individual customer in the customer's account reaches an amount calculated according to a calculation method agreed upon in advance with said individual customer (referred to in the following item as "cut-loss transaction");

十八 個人顧客を相手方として店頭商品デリバティブ取引を行う場合において、当該店頭商品デリバティブ取引について、ロスカット取引を行っていないと認められる状況にあるにもかかわらず、商品先物取引業を継続すること。

(xviii) in the case in which an Over-the-Counter Commodity Derivatives Transaction is performed with an individual customer as the counterparty, continuing the Commodity Derivatives Business despite the situation of recognizably not performing a cut-loss transaction with respect to said Over-the-Counter Commodity Derivatives Transaction;

十九 個人顧客を相手方として店頭商品デリバティブ取引を行う場合において、当該商品先物取引業者が当該個人顧客から預託を受けた取引証拠金等の額に当該店頭商品デリバティブ取引を決済した場合に顧客に生ずることとなる利益の額を加え、又は当該店頭商品デリバティブ取引を決済した場合に顧客に生ずることとなる損失の

額を減じて得た額（次号及び第四項において「実預託額」という。）が約定時必要預託額に不足するにもかかわらず、直ちに当該個人顧客にその不足額を当該商品先物取引業者に預託させることなく、当該店頭商品デリバティブ取引を行うこと。

(xix) in the case in which an Over-the-Counter Commodity Derivatives Transaction is performed with an individual customer as the counterparty, performing said Over-the-Counter Commodity Derivatives Transaction without causing said individual customer to immediately deposit the amount of any insufficiency with said Commodity Derivatives Business Operator despite the fact that an amount obtained either by adding the amount of profit generated for the customer, if said Over-the-Counter Commodity Derivatives Transaction is settled to the amount of the Clearing Margin, etc. accepted by the Commodity Derivatives Business Operator from said individual customer in deposit, or by subtracting the amount of the loss incurred by the customer, if said Over-the-Counter Commodity Derivatives Transaction is settled from the amount of the Clearing Margin, etc., falls short of the required on-deposit amount agreed to a contract time (referred to in the following item and in paragraph (4) as "actual on-deposit amount");

二十 個人顧客を相手方として店頭商品デリバティブ取引を行う場合において、その営業日ごとの一定の時刻における当該店頭商品デリバティブ取引に係る取引証拠金等の実預託額が維持必要預託額に不足するにもかかわらず、速やかに当該個人顧客にその不足額を当該商品先物取引業者に預託させることなく、当該店頭商品デリバティブ取引を行うこと。

(xx) in the case in which an Over-the-Counter Commodity Derivatives Transaction is performed with an individual customer as the counterparty, performing said Over-the-Counter Commodity Derivatives Transaction without causing said individual customer to promptly deposit the amount of any insufficiency with said Commodity Derivatives Business Operator despite the fact that the actual on-deposit amount of the Clearing Margin, etc. pertaining to said Over-the-Counter Commodity Derivatives Transaction as of a set time each business day falls short of the on-deposit amount that must be maintained;

二十一 顧客から商品市場における取引等の委託を受けようとする際、商品先物取引業者が当該委託に係る上場商品構成物品又は上場商品指数及び期限が同一であるものの取引について、故意に、商品市場における取引等の受託に係る取引と当該商品先物取引業者の自己の計算による取引を対当させる取引（以下この号において「特定取引」という。）を行っているにもかかわらず、当該顧客に対し、次に掲げる事項を説明しないで、当該委託を受けること。

(xxi) when seeking to accept consignment of transactions, etc. in a commodity market from a customer, accepting said consignment without explaining the following matters to said customer despite the Commodity Derivatives Business Operator deliberately executing a transaction causing a transaction

pertaining to consignment of transactions, etc. in a commodity market with respect to a transaction wherein the Listed Commodity Component Product or the Listed Commodity Index and expiration date pertaining to said consignment are the same to oppose a transaction for the own account of said Commodity Derivatives Business Operator(referred to hereinafter in this item as a "specified transaction"):

イ 特定取引を行っている旨

(a) the fact of performing a specified transaction;

ロ 特定取引によって当該委託に係る取引と当該商品先物取引業者の自己の計算による取引が対当した場合には、当該顧客と当該商品先物取引業者との利益が相反するおそれがある旨

(b) in the case in which a transaction pertaining to said consignment opposes a transaction for the own account of said Commodity Derivatives Business Operators a result of a specified transaction, the fact that a risk exists of a conflict of interest between said customer and said Commodity Derivatives Business Operator.

二十二 個人顧客を相手方とし、又は個人顧客のために法第二条第二十二項第五号に掲げる行為を業として行う場合において、当該個人顧客（特定委託者を除く。以下この号において同じ。）に対し、当該個人顧客が行う店頭商品デリバティブ取引の売付け又は買付けその他これに準ずる取引と対当する取引（これらの取引から生じ得る損失を減少させる取引をいう。）の勧誘その他これに類似する行為をすること。

(xxii) in the case in which the actions listed in Article 2, paragraph (22), item (v) of the Act are performed as a business with an individual customer as the counterparty or on behalf of an individual customer, soliciting or performing similar actions directed at said customer (excluding Eligible Consignors; the same shall apply hereinafter in this item) for a transaction opposing a buying or selling or other equivalent transaction in Over-the-Counter Commodity Derivatives performed by said customer (referring to transactions reducing possible loss from these transactions);

二十三 個人顧客を相手方とし、又は個人顧客のために法第二条第二十二項第五号に掲げる行為を業として行う場合において、売付けの価格（価格に相当する事項を含む。）及び買付けの価格（価格に相当する事項を含む。）の双方がある場合に、これらの価格を同時に提示しないこと。

(xxiii) in the case in which the actions listed in Article 2, paragraph (22), item (v) of the Act are performed as a business with an individual customer as the counterparty or on behalf of an individual customer, not presenting both a sell price (including matters equivalent to price) and a buy price (including matters equivalent to a price) if both exist;

二十四 個人顧客を相手方とし、又は個人顧客のために法第二条第二十二項第五号に掲げる行為を業として行う場合において、商品先物取引業者が顧客の取引時に表示した価格又は価格に相当する事項を、当該価格又は価格に相当する事項の提示を要

求した当該顧客に提示しないこと。

(xxiv) in the case in which the actions listed in Article 2, paragraph (22), item (v) of the Act are performed as a business with an individual customer as the counterparty or on behalf of an individual customer, the Commodity Derivatives Business Operator not presenting the price represented at customer transaction time or matters equivalent to the price to said customer who has sought presentation of said price or matters equivalent to said price;

二十五 商品市場における相場若しくは商品市場における相場若しくは取引高に基づいて算出した数値を変動させ、又は取引高を増加させることにより実勢を反映しない作為的なものとなることを知りながら、商品市場における取引の委託を受ける行為を防止するための売買管理が十分でないと認められる状況にあるにもかかわらず、商品先物取引業を継続すること。

(xxv) continuing the Commodity Derivatives Business despite the situation of a recognizable inadequacy in management of buying and selling to prevent the action of accepting consignment of transactions in a commodity market while knowing that fabricated representations have been made not reflecting actual market conditions, by manipulating market prices in commodity markets or figures calculated based on market prices or transaction amounts in commodity markets, or by inflating transaction amounts.

2 前項第十九号及び第二十号の取引証拠金等は、有価証券をもって充てることができる。

(2) Securities may be allocated for the Clearing Margin, etc. in item (xix) and item (xx) of the preceding paragraph.

3 商品先物取引業者が預託を受けるべき取引証拠金等の全部又は一部が前項の規定により有価証券をもって充用される場合におけるその充用価格は、第三十九条各項の規定により、いずれか一の商品取引所又は商品取引清算機関が定める額とする。

(3) The allocation price of the Clearing Margin, etc. to be received in deposit by the Commodity Derivatives Business Operator shall be an amount determine by either the commodity exchange or the Commodity Clearing Organization pursuant to provisions the respective paragraphs of Article 39.

4 第一項第十九号及び第二十号の実預託額、同項第十九号の約定時必要預託額並びに同項第二十号の維持必要預託額は、複数の店頭商品デリバティブ取引について個人顧客ごとに一括して算出することができる。この場合における同項第十九号の規定の適用については、同号中「当該店頭商品デリバティブ取引を決済した場合」とあるのは「当該個人顧客が行っている店頭商品デリバティブ取引を決済した場合」と、「加え、又は」とあるのは「加え、」とする。

(4) The actual on-deposit amount in paragraph (1), item (xix) and item (xx), the required on-deposit amount at contract time in item (xix) of the same paragraph, and the on-deposit amount required to be maintained in item (xx) of the same paragraph may be calculated in common for each individual

customer with respect to multiple Over-the-Counter Commodity Derivatives Transactions. Regarding the application of provisions of item (xix) of the same paragraph in this case, in the same item, the phrase "the case in which said Over-the-Counter Commodity Derivatives Transaction is settled" shall be deemed to be replaced by the phrase "the case in which an Over-the-Counter Commodity Derivatives Transaction performed by said individual customer is settled," and the phrase "adding, or" shall be deemed to be replaced by "adding".

5 第一項第十九号の「約定時必要預託額」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に百分の五を乗じて得た額をいう。

(5) The phrase "the on-deposit amount required to be maintained" in paragraph (1), item (xix) refers to an amount obtained by multiplying by 5 percent the amount prescribed in each of the following items according to the classification of cases listed therein:

一 当該額を、個人顧客が行おうとする店頭商品デリバティブ取引のみについて算出する場合当該店頭商品デリバティブ取引の額（当該店頭商品デリバティブ取引が法第二条第十四項第四号又は第五号に掲げる取引であって、個人顧客がこれらの号に掲げる取引に係る権利を取得する立場の当事者になるものである場合には、零。次項第一号において同じ。）

(i) the case in which said amount is calculated with respect only to Over-the-Counter Commodity Derivatives transactions the individual customer seeks to perform: the amount of said Over-the-Counter Commodity Derivatives Transactions (in the case in which said Over-the-Counter Commodity Derivatives Transactions are the transactions listed in Article 2, paragraph (14), item (iv) and item (v) of the Act and the individual customer is a party in position to obtain rights pertaining to the transactions listed in these items, zero; the same shall apply in item (i) of the following paragraph);

二 当該額を、個人顧客が行おうとする店頭商品デリバティブ取引と、当該店頭商品デリバティブ取引を行おうとする際に既に行っている他の店頭商品デリバティブ取引について一括して算出する場合これらの店頭商品デリバティブ取引の額の合計額から法第二条第十四項第四号又は第五号に掲げる取引（個人顧客がこれらの号に掲げる取引に係る権利を取得する立場の当事者になるものに限る。次項第二号において同じ。）に係る店頭商品デリバティブ取引の額を減じて得た額

(ii) the case in which said amount is calculated in common with respect to Over-the-Counter Commodity Derivatives Transactions the individual customer seeks to perform and to other Over-the-Counter Commodity Derivatives Transactions already performed as of the time at which an attempt was made to perform said Over-the-Counter Commodity Derivatives Transactions: an amount obtained by subtracting the amount of Over-the-Counter Commodity Derivatives Transactions pertaining to the transactions listed in Article 2, paragraph (14), item (iv) and item (v) of the Act (limited to those in which the individual customer is a party in position to obtain rights

pertaining to the transactions listed in these items; the same shall apply in item (ii) of the following paragraph) from the total amount of the amounts of these Over-the-Counter Commodity Derivatives Transactions.

- 6 第一項第二十号の「維持必要預託額」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に百分の五を乗じて得た額をいう。
- (6) The phrase "the on-deposit amount required to be maintained" in paragraph (1), item (xx) refers to an amount obtained by multiplying by 5 percent the amount prescribed in each of the following items according to the classification of cases listed therein:
- 一 当該額を、個人顧客が行う各店頭商品デリバティブ取引ごとに算出する場合当該各店頭商品デリバティブ取引の額
 - (i) the case in which said amount is calculated for each Over-the-Counter Commodity Derivatives Transaction an individual customer performs: the amount of said Over-the-Counter Commodity Derivatives Transaction;
 - 二 当該額を、個人顧客が行う複数の店頭商品デリバティブ取引について一括して算出する場合当該複数の店頭商品デリバティブ取引の額の合計額から法第二条第十四項第四号又は第五号に掲げる取引に係る店頭商品デリバティブ取引の額を減じて得た額
 - (ii) the case in which said amount is calculated in common for multiple Over-the-Counter Commodity Derivatives Transactions an individual customer performs: an amount obtained by subtracting the amount of Over-the-Counter Commodity Derivatives Transactions pertaining to the transactions listed in Article 2, paragraph (14), item (iv) and item (v) of the Act from the total amount of said multiple Over-the-Counter Commodity Derivatives Transactions;
- 7 第五項第二号及び前項第二号に掲げる場合において、顧客が同一の商品又は商品指数について商品の売付け等及び商品の買付け等を行っているときは、これらに係る店頭商品デリバティブ取引の額のうちいずれか少くない額を当該同一の商品又は商品指数に係る店頭商品デリバティブ取引の額とすることができる。
- (7) In the cases listed in paragraph (5), item (ii) and in item (ii) of the preceding paragraph, if a customer executes a commodity sell, etc. and a buy, etc. on the same commodity or commodity index, whichever amount is not smaller among the amounts of Over-the-Counter Commodity Derivatives Transactions pertaining thereto may be treated as the amount of Over-the-Counter Commodity Derivatives Transactions pertaining to said same commodity or commodity index.
- 8 前三項の「店頭商品デリバティブ取引の額」とは、次の各号に掲げる店頭デリバティブ取引の区分に応じ、当該各号に定める額をいう。
- (8) The phrase "the amount of Over-the-Counter Commodity Derivatives Transactions" in the 3 preceding paragraphs refers to the amounts prescribed in each of the following items, according to the classification of Over-the-

Counter Commodity Derivatives Transactions listed therein:

一 法第二条第十四項第四号又は第五号に掲げる取引以外の店頭商品デリバティブ取引当該店頭商品デリバティブ取引に係る商品の価格又は商品指数の数値にその取引の件数又は数量を乗じて得た額

(i) Over-the-Counter Commodity Derivatives Transactions other than the transactions listed in Article 2, paragraph (14), item (iv) and item (v) of the Act: the price of the commodities pertaining to said Over-the-counter Commodity Derivatives Transactions or an amount obtained by multiplying the commodity price or the commodity index figure by the number of transactions or the volume;

二 法第二条第十四項第四号又は第五号に掲げる取引これらの号に規定する権利を行使することにより成立する取引に係る商品の価格又は商品指数の数値にその取引の件数又は数量を乗じて得た額

(ii) the transactions listed in Article 2, paragraph (14), item (iv) and item (v) of the Act: an amount obtained by multiplying the price of the commodity or the commodity index figure pertaining to the transactions consummated by the exercise of rights prescribed in these items by the number of transactions or the volume.

9 第七項の「商品の売付け等」とは、次に掲げる取引をいう。

(9) The phrase "commodity sell, etc." in paragraph (7) refers to the following transactions:

一 商品の売付け

(i) sale of a commodity;

二 法第二条第十四項第二号又は第三号に掲げる取引（現実価格又は現実数値が約定価格等を上回った場合に金銭を支払う立場の当事者となるものに限る。）

(ii) the transactions listed in Article 2, paragraph (14), item (ii) or item (iii) of the Act (limited to those with parties in position to pay cash in the case in which the Actual Price or Actual Figure exceeds the contract price, etc.).

10 第七項の「商品の買付け等」とは、次に掲げる取引をいう。

(10) The phrase "commodity buy, etc." in paragraph (7) refers to the following transactions:

一 商品の買付け

(i) purchase of a commodity;

二 法第二条第十四項第二号又は第三号に掲げる取引（現実価格又は現実数値が約定価格等を上回った場合に金銭を受領する立場の当事者となるものに限る。）

(ii) the transactions listed in Article 2, paragraph (14), item (ii) or item (iii) of the Act (limited to those with parties in position to pay cash in the case in which the Actual Price or Actual Figure exceeds the contract price, etc.).

(商品投資顧問契約に係る業務を行う場合の禁止行為)

(Prohibited Actions When Conducting Activities Pertaining to a Commodity

Investment Advisory Contract)

第百三条の二 法第二百十四条の二第二号の主務省令で定める行為は、商品投資顧問契約に係る取引を結了させ、又は反対売買を行わせるため、その旨を説明することなく当該商品投資顧問契約を締結している顧客以外の者に対して商品デリバティブ取引を勧誘する行為とする。

Article 103-2 The actions prescribed by an ordinance of the competent ministry under Article 210, paragraph (2), item (ii) of the Act shall be the action of soliciting a Commodity Derivatives Transaction of one other than the customer with which said commodity investment advisory contract has been concluded without explaining that fact in order to complete a transaction pertaining to a commodity investment advisory contract or to induce a contrary sale or purchase.

(事故の確認を要しない場合)

(Cases where confirmation of Problematic Conduct is not required)

第百三条の三 法第二百十四条の三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 103-3 (1) The cases specified by an ordinance of the competent ministry set forth in the proviso of Article 214-3, 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。第二百二十六条の二十第一項第二号及び第六十九号第一項第二号において同じ。）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); the same shall apply hereinafter in Article 126-20, paragraph (1), item (ii) and Article 169, paragraph (1), item (ii));

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、商品先物取引業に係る紛争が同法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。第百二十六条の二十第一項第七号及び第百六十九条第一項第六号において同じ。）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。第百二十六条の二十第一項第七号及び第百六十九条第一項第六号において同じ。）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]; the same shall apply in Article 126-20, paragraph (1), item (vii) and Article 169, paragraph (1), item (vi)) 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, limited to those where the dispute pertaining to Commodity Derivatives Business falls within the scope of disputes prescribed in Article 6, item (i) of the same Act; the same shall apply in Article 126-20, paragraph (1), item (vii) and Article 169, paragraph (1), item (vi));

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。第百二十六条の二十第一項第八号イ及び第百六十九条第一項第七号イにおいて同じ。）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]; the same shall apply in Article 126-20, paragraph (1), item (viii)(a) and Article 169, paragraph (1), item (vii)(a)) has represented the customer for the procedure of said settlement;

ロ 当該和解の成立により商品先物取引業者が顧客に対して支払をすることとなる額が千万円（イの司法書士が代理をする場合にあつては、司法書士法第三条第一項第七号に規定する額。第二百二十六条の二十第一項第八号ロ及び第六十九条第一項第七号ロにおいて同じ。）を超えないこと。

(b) the amount to be paid to the customer by the Commodity Derivatives Business Operators 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; the same shall apply in Article 126-20, paragraph (1), item (viii)(b) and Article 169, paragraph (1), item (vii)(b));

ハ ロの支払が事故（法第二百二十一条第二項本文に規定する事故をいう。以下この条から第百三条の五までにおいて同じ。）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先物取引業者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 the main clause of Article 214-2, paragraph (2) of the Act; hereinafter the same shall apply in this Article to Article 103-5) has been delivered to the Commodity Derivatives Business Operator;

九 商品先物取引業者の代表者、代理人、使用人その他の従業員（以下「代表者等」という。）が第百十二条第一項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 Commodity Derivatives Business Operator has inflicted a loss on the customer by any of the acts listed in the items of Article 112, paragraph (1), 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 商品取引業者の代表者等が第百十二条第一項第三号又は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 Commodity Futures

Transactions Dealer has inflicted a loss on the customer by the act set forth in Article 112, paragraph (1), 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、第百十二条第一項各号に掲げる行為の区分ごとに計算するものとする。この場合において、同項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, paragraph (1). 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 paragraph, 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 商品先物取引業者は、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、法第二百十四条の三第三項ただし書の確認を受けずに、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、第百三条の五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 Commodity Derivatives Business Operator 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 214-3, paragraph (3) of the Act, the matters listed in the items of Article 103-5 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)

第百三条の四 法第二百十四条の三第三項ただし書の確認を受けようとする者は、同条

第五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 103-4 A person who intends to obtain the confirmation set forth in the Proviso of Article 214-3, paragraph (3) of the Act shall submit a written application and a document under the provisions of paragraph (5) of the same Article 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)

第百三条の五 法第二百十四条の三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 103-5 The matters specified by an ordinance of the competent ministry as set forth in Article 214-3, paragraph (5) of the Act shall be the following matters:

一 商品先物取引業者の商号又は名称

(i) the trade name or name of the Commodity Derivatives Business Operator;

二 事故の発生した本店、支店その他の営業所又は事務所の名称及び所在地

(ii) the name and location of the head office, branch office or business office or place of business 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、本店又は主たる事務所の所在地及び代表者の氏名）

(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 head office head office or principal place of business, and the name 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)

第百三条の六 法第二百十四条の三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 103-6 (1) The document specified by an ordinance of the competent ministry as set forth in Article 214-3, 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、法第二百十四条の三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 214-3, paragraph (5) of the Act pertains to an offer made under paragraph (1), item (ii) of the same Article.

(商品取引契約の締結前に交付すべき書面の共通記載事項等)

(Matters, etc., to be Included in All Documents to be Delivered Prior to the Conclusion of a Commodity Transaction 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、次に掲げる事項とする。

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 当該商品先物取引業者の商号又は名称

(i) the trade name or name of the Commodity Derivatives Business Operator;

二 当該商品先物取引業者の本店又は主たる事務所の名称及び所在地

(ii) the name and location of the head office or principal place of business of said Commodity Derivatives Business Operator;

三 商品先物取引業者である旨

(iii) the fact that said Commodity Derivatives Business Operator is a Derivatives Business Operator;

四 当該商品先物取引業者が、顧客に対し、契約締結前交付書面を交付する義務を負う旨

(iv) the fact that said Commodity Derivatives Business Operator is obliged to deliver contract pre-conclusion documents to the customer;

五 契約締結前交付書面の内容を十分に読むべき旨

(v) the fact that the content of the pre-conclusion documents should be read carefully;

六 当該商品取引契約の概要

(vi) a summary of said Commodity Transaction Contract;

七 商品市場における相場等に係る変動により当該商品取引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る場合（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場合を除く。）には、その旨及びその理由

(vii) in the case in which there is a risk of the customer incurring a loss with regard to a transaction based on the Commodity Transaction Contract due to a fluctuation in the market prices, etc. on the Commodity Market (excluding the case in which a risk exists that said loss may exceed the amount of the Clearing Margin, etc.), that fact and the reason therefor;

八 前号の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場合には、その理由

(viii) in the case in which the risk exists that the amount of the loss in the preceding item may exceed the amount of the Clearing Margin, etc., the reason therefor;

九 当該商品先物取引業者その他の者の業務又は財産の状況の変化により当該商品取引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る場合（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場合を除く。）には、次に掲げる事項

(ix) in the case in which a risk exists that the customer may incur a loss with respect to a transaction based on said Commodity Transaction Contract due to changes in the status of the business or assets of said Commodity Derivatives Business Operator or another person or entity, (excluding the case in which a risk exists that said loss may exceed the amount of the Clearing Margin, etc.), the following matters:

イ 当該者

(a) the party involved;

ロ 当該者の業務又は財産の状況の変化により顧客に損失が生ずることとなるおそれがある旨及びその理由

(b) the fact that a risk exists that the customer may incur a loss due to changes in the status of the business or assets of said party involved, and the reason therefor.

十 前号の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場合には、次に掲げる事項

(x) in the case in which the risk exists that the amount of the loss in the preceding item may exceed the amount of the Clearing Margin, etc., the following matters:

イ 当該者

(a) the party involved;

ロ 当該者の業務又は財産の状況の変化により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及びその理由

(b) the fact that a risk exists that the amount of the loss due to changes in

the status of the business or assets of said party involved may exceed the amount of the Clearing Margin, etc.

十一 取引証拠金等の種類及びその額又は計算方法、取引証拠金等に充当することができる財産の種類及び充当価格その他これに準ずるもの並びに顧客が取引証拠金等を預託する時期及び方法並びに返還を受ける時期及び方法

(xi) the type of the Clearing Margin, etc. and the amount or calculation method thereof, the type of assets that may be appropriated for the Clearing Margin, etc. and the appropriation value or other equivalent item, and the timing and method for the customer to deposit the Clearing Margin, etc. and the timing and method for receipt of a refund;

十二 商品市場における相場等に係る変動により追加的に取引証拠金等を預託する必要があることとなるおそれがある場合には、その旨

(xii) in the case in which a risk exists that a need may arise to deposit additional Clearing Margin, etc. due to fluctuations in market prices, etc. in commodity markets, that fact;

十三 手数料等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（これらの事項を記載することができない場合には、その旨及びその理由）

(xiii) the amounts and maximum by type of Fees, etc. or the calculation method thereof, and the total amount and maximum of said amounts and the calculation method thereof (in the case in which these matters cannot be stated, that fact and the reason therefor);

十四 顧客から手数料等を徴収する時期及び方法

(xiv) the timing and method for collection of Fees, etc. from the customer;

十五 当該商品取引契約に基づく取引に基づいて発生する債務の履行の方法及び当該商品取引契約に基づく取引を決済する方法

(xv) the method of performance of obligations arising from transactions based on said Commodity Transaction Contract and the method of settlement of transactions based on said Commodity Transaction Contract;

十六 当該商品取引契約に基づく取引が商品市場における取引等又は外国商品市場取引等（法第二百十二条に規定する外国商品市場取引等をいう。）である場合には、これらの取引に係る商品取引所又は外国商品市場開設者の名称又は商号

(xvi) in the case in which a transaction based on said Commodity Transaction Contract is a transaction, etc. in a commodity market or a transaction, etc. in a Foreign Commodity Market (referring to a transaction, etc. in a Foreign Commodity Market as defined in Article 242 of the Act), the name or trade name of the commodity exchange or the foreign commodity market maker pertaining to these transactions;

十七 当該商品取引契約に基づく取引が店頭商品デリバティブ取引である場合であつて、商品先物取引業者が表示する商品の売付けの価格と買付けの価格（次のイからハまでに掲げる取引の場合にあつては、当該イからハまでに定めるものを含む。）

に差がある場合には、その旨

(xvii) in the case in which a transaction based on said Commodity Transaction Contract is an Over-the-Counter Commodity Derivatives and a differential exists between a sell price and a buy price for a commodity the Commodity Derivatives Business Operator is representing (in the case of the transactions listed from (a) through (d), including those prescribed in said (a) through (d)), that fact:

イ 法第二条第十四項第二号又は第三号に掲げる取引の場合現実価格若しくは現実数値が約定価格等を上回った場合に金銭を支払う立場の当事者となる取引の約定価格等と当該金銭を受領する立場の当事者となる取引の約定価格等又はこれらに類似するもの

(a) the case of the transactions listed in Article 2, paragraph (14), item (ii) or item (iii) of the Act: in the case in which the Actual Price or the Actual figure exceeds the contract price, etc., the contract price, etc. for a transaction with a party in position to pay cash, and the contract price, etc. for a transaction with a party in position to receive said cash, or items similar thereto;

ロ 法第二条第十四項第四号又は第五号に掲げる取引の場合同項第四号又は第五号に規定する権利を付与する立場の当事者となる取引の当該権利の対価の額と当該権利を取得する立場の当事者となる取引の当該権利の対価の額

(b) the case of the transactions listed in Article 2, paragraph (14), item (iv) or item (v) of the Act: the amount of consideration for rights for the party in the position of granting the rights prescribed in item (iv) or item (v) of the same paragraph, and the value of the consideration for said rights of transaction for the party in the position of obtaining said rights;

ハ 法第二条第十四項第六号に掲げる取引の場合商品の価格若しくは商品指数が約定した期間に上昇した場合に金銭を支払う立場の当事者となる取引における約定した期間の開始時の当該商品の価格若しくは商品指数と当該商品の価格若しくは商品指数が約定した期間に上昇した場合に金銭を受領する立場の当事者となる取引における約定した期間の開始時の当該商品の価格若しくは商品指数又はこれらに類するもの

(c) the case of the transactions listed in Article 2, paragraph (14), item (vi) of the Act: the price of said commodity or commodity index at the start of the contracted term in the transaction involving the party in the position of paying cash in the case in which the price of the commodity or the commodity index rises over the contracted term, and the price of said commodity or commodity index at the start of the contracted term in the transaction involving the party in the position of receiving cash in the case in which the price of the commodity or the commodity index rises over the contracted term, or similar items;

十八 当該商品取引契約の終了の事由がある場合には、その内容

(xviii) in the case that cause exists for termination of said Commodity Transaction Contract, the content thereof;

十九 当該商品取引契約に関する租税の概要

(xix) a summary of taxes relating to said Commodity Transaction Contract;

二十 当該商品取引契約に基づく取引の手続に関する事項

(xx) matters relating to procedures for transactions based on said Commodity Transaction Contract;

二十一 当該商品取引契約に基づく取引に関する主要な用語及びその他の基礎的な事項

(xxi) important terminology and other fundamental matters relating to transactions based on said Commodity Transaction Contract;

二十二 当該商品先物取引業者が行う商品先物取引業の内容及び方法の概要

(xxii) a summary of the content and method of the Commodity Derivatives

Business conducted by said Commodity Derivatives Business Operator;

二十三 顧客が当該商品先物取引業者に連絡する方法

(xxiii) methods for the customer to contact said Commodity Derivatives Business Operator;

二十四 当該商品先物取引業者が加入している商品先物取引協会の名称

(xxiv) the name of the commodity futures transactions association to which said Commodity Derivatives Business Operator belongs.

2 一の商品デリバティブ取引について二以上の商品先物取引業者が法第二百十七条第一項の規定により顧客に対し契約締結前交付書面を交付しなければならない場合において、いずれか一の商品先物取引業者が前項各号に掲げる事項を記載した契約締結前交付書面を交付したときは、他の商品先物取引業者は、同項の規定にかかわらず、契約締結前交付書面に同項各号に掲げる事項（当該一の商品デリバティブ取引に係る事項に限る。）を記載することを要しない。ただし、当該他の商品先物取引業者が顧客のために法第二条第二十二項各号に規定する代理のいずれかを業として行う場合には、この限りでない。

(2) In the case in which 2 or more Commodity Derivatives Business Operators are required to deliver contract pre-conclusion documents to a customer pursuant to provisions of Article 217, paragraph (1) of the Act with respect to 1 Commodity Derivatives Transaction, when either of the Commodity Derivatives Business Operators delivers contract pre-conclusion documents stating the matters listed in the respective items of the preceding paragraph, the other Commodity Derivatives Business Operator need not state the matters listed in the respective items of the preceding paragraph (limited to matters pertaining to said 1 Commodity Derivatives Transaction) in the contract pre-conclusion documents, the provisions of the preceding paragraph notwithstanding; provided, however, that this provision shall not apply in the case in which said other Commodity Derivatives Business Operator performs as a business any of the agency actions defined in the respective items of

Article 2, paragraph (22) of the Act.

(個人顧客を相手方とし、又は個人顧客のために法第二条第二十二項第五号に掲げる行為を行うことを内容とする商品取引契約に係る契約締結前交付書面の記載事項の特則)

(Special Provisions for Matters to be Stated in Contract Pre-Conclusion

Documents to be Delivered Pertaining to a Commodity Transaction Contract the Content of which includes the Actions listed in Article 2, paragraph (22), item (v) with an Individual Customer as the Counterparty or on Behalf of an Individual Customer)

第百五条 その締結しようとする商品取引契約が個人顧客を相手方とし、又は個人顧客のために法第二条第二十二項第五号に掲げる行為を行うことを内容とするものである場合における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、前条第一項各号に掲げる事項のほか、次に掲げる事項とする。

Article 105 (1) The matters prescribed by an ordinance of the competent ministry under Article 217, paragraph (1), item (iv) of the Act in the case in which a Commodity Transaction Contract the conclusion of which is sought has an individual customer as the counterparty or has as content the performance of the actions listed in Article 2, paragraph (22), item (v) of the Act on behalf of an individual customer shall be the following matters, in addition to the matters listed in the respective items of paragraph (1) of the preceding Article:

一 当該商品先物取引業者が個人顧客を相手方として行う店頭商品デリバティブ取引により生ずるおそれのある損失を軽減することを目的として、当該個人顧客が行った店頭商品デリバティブ取引の対象となる商品若しくは商品指数及び当該店頭商品デリバティブ取引に係る売買の別その他これらに準ずる事項が同一となる商品市場における取引、外国商品市場取引又は他の商品先物取引業者その他の者（以下この号及び次号において「他の商品先物取引業者等」という。）を相手方として行う店頭商品デリバティブ取引（以下この号において「カバー取引」という。）を行う場合には、当該カバー取引に係る商品取引所若しくは外国商品市場開設者の名称又は商号（外国商品市場開設者の名称又は商号にあっては、日本語により翻訳して表示したものを含む。）又は当該カバー取引の相手方となる他の商品先物取引業者等の商号、名称若しくは氏名及びその業務内容（当該他の商品先物取引業者等が外国法人である場合には、その商号、名称又は氏名を日本語により翻訳して表示したもの及び当該他の商品先物取引業者等が監督を受けている外国の当局の名称を含む。）

(i) in the case in which transactions in a commodity market or a Foreign Commodity Market in which commodities or commodity indexes that are the subject of Over-the-Counter Commodity Derivatives Transactions performed by said customer, buying and selling pertaining to said Over-the-Counter Commodity Derivatives Transactions and other equivalent matters are the same, or Over-the-Counter Commodity Derivatives Transactions with another Commodity Derivatives Business Operator or another person or

- entity (referred to hereinafter in this subsection (c) and in subsection (d) as "other Commodity Derivatives Business Operator") as the counterparty (referred to hereinafter in this subsection (c) as "Covering Transactions") are performed with the objective of reducing losses that may occur from the Over-the-Counter Commodity Derivatives Transaction that the Commodity Derivatives Business Operator performs with a customer, etc. as the counterparty, the name or trade name of the commodity market or foreign commodity market maker pertaining so said Covering Transaction (for the name or trade name of a foreign commodity market maker, including a representation translated into Japanese), or the trade name or name and the business content of the other Commodity Derivatives Business Operator, etc. acting as the counterparty for said Covering Transaction (in the case in which said other Commodity Derivatives Business Operator is a foreign juridical person, including the trade name or name represented translated into Japanese and the name of the foreign government agency from which said other Commodity Derivatives Business Operator receives supervision);
- 二 当該商品先物取引業者が個人顧客のために店頭商品デリバティブ取引の媒介、取次ぎ又は代理を行う場合には、当該媒介、取次ぎ又は代理の相手方となる他の商品先物取引業者等（以下この号において「媒介等相手方」という。）の商号、名称又は氏名及びその業務内容（当該媒介等相手方が外国法人である場合には、その商号、名称又は氏名を日本語により翻訳して表示したもの及び当該媒介等相手方が監督を受けている外国の当局の名称を含む。）
- (ii) in the case in which said Commodity Derivatives Business Operator performs intermediation, brokerage, or agency for Over-the-Counter Commodity Derivatives Transactions on behalf of an individual customer, the trade name, name and business content of the other Commodity Derivatives Business Operator, etc. serving as the counterparty for said intermediation, brokerage, or agency (referred to hereinafter in this item as "Intermediation, etc. Counterparty") (in the case in which said Intermediation, etc. Counterparty is a foreign juridical person, including a representation translated into Japanese of the trade name or name and the name of the foreign country government agency from which said Intermediation, etc. Counterparty receives supervision);
- 三 商品先物取引業者が個人顧客を相手方とし、又は個人顧客のために法第二条第二十二項第五号に掲げる行為を業として行う場合における禁止行為に関する事項
- (iii) matters relating to prohibited actions in the case in which said Commodity Derivatives Business Operator performs as a business the actions listed in Article 2, paragraph (22), item (v) with an individual customer as the counterparty or on behalf of an individual customer;
- 四 法第二百十条第二号の規定に基づく措置に関する事項
- (iv) the matters relating to measures pursuant to provisions of Article 210,

item (ii) of the Act.

2 前条第二項の規定は、前項の場合について準用する。この場合において、同条第二項中「前項各号」とあるのは、「第百五条第一項各号」と読み替えるものとする。

(2) The provisions of paragraph (2) of the preceding Article shall apply mutatis mutandis with regard to the cases of the preceding paragraph. In this case, the phrase "the respective items in the preceding paragraph" in paragraph (2) of the same Article shall be deemed to be replaced by the phrase "the respective items in Article 105, paragraph (1)."

(契約締結前交付書面の記載方法)

(Method of Statement in Contract Pre-Conclusion Delivery Documents)

第百六条 契約締結前交付書面には、法第二百十七条第一項各号に掲げる事項を日本工業規格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て明瞭かつ正確に記載しなければならない。ただし、次に掲げる事項にあっては、枠の中に日本工業規格Z八三〇五に規定する十二ポイント以上の大きさの文字及び数字を用いて明瞭かつ正確に記載しなければならない。

Article 106 (1) The matters listed in the respective items of Article 217, paragraph (1) of the Act shall be stated in contract pre-conclusion delivery documents clearly and accurately using characters and numerals of a size of at least 8 points as defined in Japan Industrial Standard Z8305; provided, however, that the matters listed below shall be stated and accurately inside a border using characters and numerals of a size of at least 12 points as defined in Japan Industrial Standard Z8305:

一 法第二百十七条第一項第二号に掲げる事項

(i) the matters listed in Article 217, paragraph (1), item (ii) of the Act;

二 第百四条第一項第七号から第十号までに掲げる事項及び同項第十三号に掲げる事項の概要

(ii) a summary of the matters listed from Article 104, paragraph (1), item (vii) through item (x) and the matters listed in item (xiii);

三 第百五条第一項第一号及び第四号に掲げる事項

(iii) the matters listed in Article 105, paragraph (1), item (i) and item (iv).

2 前項本文の規定にかかわらず、契約締結前交付書面には、第百四条第一項第五号に掲げる事項を日本工業規格Z八三〇五に規定する十二ポイント以上の大きさの文字及び数字を用いて当該契約締結前交付書面の最初に平易に記載するものとする。

(2) The provisions of the main clause of the preceding paragraph notwithstanding, the matters listed in Article 104, paragraph (1), item (v) shall be stated plainly at the beginning of said contract pre-conclusion delivery documents using characters and numerals of a size of at least 12 points as defined in Japan Industrial Standard Z8305.

(説明の方法)

(Method of explanation)

第百七条 商品先物取引業者は、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、当該顧客に対し契約締結前交付書面を交付しなければならない。

Article 107 When a Commodity Derivatives Business Operator intends to provide explanations to a customer pursuant to the provisions of Article 218, paragraph (1) of the Act, the Commodity Derivatives Business Operator shall deliver the Contract Pre-Conclusion Delivery Documents to said customer prior to said explanation.

(商品デリバティブ取引における説明を要しない場合)

(Cases in which Explanation is not Required in Commodity Derivatives Transactions)

第百八条 一の商品デリバティブ取引について二以上の商品先物取引業者が法第二百十八条第一項の規定により顧客に対し法第二百十七条第一項各号に掲げる事項について説明をしなければならない場合において、いずれか一の商品先物取引業者が当該事項について説明をしたときは、他の商品先物取引業者は、法第二百十八条第一項の規定にかかわらず、当該事項（当該一の商品デリバティブ取引に係る事項に限る。）について説明をすることを要しない。ただし、当該他の商品先物取引業者が顧客のために法第二条第二十二項各号に規定する代理のいずれかを業として行う場合には、この限りでない。

Article 108 In the case in which 2 or more Commodity Derivatives Business Operators are required to explain to a customer the matters listed in the respective items of Article 217, paragraph (1) of the Act with respect to 1 Commodity Derivatives Transaction, when either of the Commodity Derivatives Business Operators has explained said matters, the other Commodity Derivatives Business Operator need not explain said matters, the provisions of Article 218, paragraph (1) of the Act notwithstanding (limited to matters pertaining to said 1 Commodity Derivatives Transaction); provided, however, that this provision shall not apply in the case in which said other Commodity Derivatives Business Operator performs as a business any of the agency actions defined in the respective items of Article 2, paragraph (22) of the Act.

(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本文の主務省令で定める事項は、次に掲げるものとする。

Article 109 (1) The matters specified by an ordinance of the competent ministry set forth in the main clause of Article 220, paragraph (1) of the Act shall be as follows:

- 一 成立した取引の対象となる商品又は商品指数（上場商品構成物品、商品の価格の公表主体その他の取引の対象を特定するものを含む。次号及び第十号において同じ。）ごとの数量
- (i) the volume per commodity or commodity index that are subjects of the transaction closed (including those specifying listed commodity component products and commodity price publishers or other transactions as subjects; the same shall apply in the following item and item (xv));
- 二 成立した取引の対象となる商品又は商品指数ごとの対価の額又は約定価格等（当該成立した取引が既に成立していた取引を決済するために行われたものである場合には、当該既に成立していた取引の対価の額又は約定価格等を含む。）
- (ii) the amount of consideration and the contract price, etc. for each commodity or commodity index that are subjects of the transaction closed (in the case in which said transaction being closed is being performed in order to settle a previously closed transaction, including the amount of consideration and the contract price, etc. for said previously closed transaction);
- 三 成立した取引につき、委託者等の指示を受けた日時
- (iii) date and time of receiving instructions from the Customer, etc. for the transaction closed;
- 四 成立の日時
- (iv) date and time of closing;
- 五 当該商品先物取引業者の商号又は名称
- (v) the trade name or name of said Commodity Derivatives Business Operator;
- 六 当該商品先物取引業者の本店又は主たる事務所の名称及び所在地
- (vi) the name and location of the head office or principal place of business of said Commodity Derivatives Business Operator;
- 七 委託者等の氏名又は名称
- (vii) name of the Customer, etc.;
- 八 委託者等が当該商品先物取引業者に連絡する方法
- (viii) methods for the Customer, etc. to contact said Commodity Derivatives Business Operator;
- 九 成立した取引の種類
- (ix) the type of transaction closed;
- 十 成立した取引の対象となる商品又は商品指数
- (x) the commodity or commodity index that is the subject of the transaction closed;
- 十一 成立した取引の期限
- (xi) the time limit on the transaction closed;
- 十二 売付け又は買付けの別（次のイからハまでに掲げる取引の場合にあっては、当該イからハまでに定める取引の別）
- (xii) whether the transaction was a sell or a buy transaction (in the case of the transactions listed below, whether the transaction is one of those prescribed

in (a) through (c) below):

イ 法第二条第三項第二号及び第三号に掲げる取引（これらの取引に類似する外国商品市場取引を含む。）並びに同条第十四項第二号及び第三号に掲げる取引の場合現実価格若しくは現実数値が約定価格等を上回った場合に金銭を支払う立場の当事者となる取引又は金銭を受領する立場の当事者となる取引

(a) the transactions listed in Article 2, paragraph (3), item (ii) and item (iii) of the Act (including Foreign Commodity Market Transactions similar to these), and transactions involving parties in position to pay cash or transactions involving parties in position to receive cash in the case in which the Actual Price or the Actual Figure exceeds the contract price, etc. in the case of one of the transactions listed in paragraph (14), item (ii) and item (iii) of the same Article;

ロ 法第二条第三項第四号に掲げる取引（これに類似する外国商品市場取引を含む。）並びに同条第十四項第四号及び第五号に掲げる取引の場合これらの号に規定する権利を付与する立場の当事者となる取引又は当該権利を取得する立場の当事者となる取引

(b) the transactions listed in Article 2, paragraph (3), item (iv) of the Act (including Foreign Commodity Market Transactions similar to these), and in the case of the transactions listed in paragraph (14), item (iv) and item (v) of the same Article, transactions involving parties in position to bestow the rights set forth in these items, or transactions involving parties in position to obtain said rights;

ハ 法第二条第三項第五号及び第六号に掲げる取引（これらの取引に類似する外国商品市場取引を含む。）並びに同条第十四項第六号に掲げる取引の場合商品の価格若しくは商品指数が約定した期間に上昇した場合に金銭を支払う立場の当事者となる取引又は金銭を受領する立場の当事者となる取引

(c) the transactions listed in Article 2, paragraph (3), item (v) and item (vi) of the Act (including Foreign Commodity Market Transactions similar to these), and transactions involving parties in position to pay cash or transactions involving parties in position to receive cash in the case in which the commodity price or the commodity index rose during the contracted term in the case of the transactions listed in paragraph (14), item (vi) of the same Article;

十三 成立した取引に係る取引証拠金等の種類及び金額（個別の成立した取引ごとに取引証拠金等を計算できない場合にあっては、その旨及び当該取引証拠金等の額の計算方法）

(xiii) the type and amount of Clearing Margin, etc. pertaining to the transaction closed (in the case in which the Clearing Margin, etc. cannot be calculated separately for each individual closed transaction, that fact and the calculation method for said Clearing Margin, etc.);

十四 手数料等に関する事項

(xiv) matters relating to Fees, etc.

十五 委託者等が支払うこととなる金銭の額及び計算方法又は委託者等が受け取ることとなる金銭の額及び計算方法

(xv) the amount of and calculation method for monies to be paid by the customer, etc., or the amount of and calculation method for monies to be received by the Customer, etc.;

十六 成立した取引が商品市場における取引又は外国商品市場取引である場合には、当該取引に係る商品取引所又は外国商品市場開設者の名称又は商号

(xvi) in the case in which the transaction closed is a transaction in a commodity market or a transaction in a Foreign Commodity Market, the name or trade name of the commodity exchange or foreign commodity market maker pertaining to said transaction;

十七 法二百十条各号の規定に基づく措置に関する事項

(xvii) matters relating to measures pursuant to provisions of the items of Article 210 of the Act.

2 商品先物取引業者は、商品市場における取引又は外国商品市場取引（以下この項において「商品市場等における取引」という。）であって、注文・清算分離行為（商品取引所又は外国商品市場開設者の定めるところに従い、会員等が行った商品市場等における取引に係る売付け又は買付け（当該商品市場等における取引が次の各号に掲げる取引の場合にあっては、当該各号に定める取引。以下この項において同じ。）を将来に向かって消滅させ、同時に、当該消滅させた商品市場等における取引に係る売付け又は買付けと同一内容の商品市場等における取引に係る売付け又は買付けが他の会員等の名において新たに発生する行為をいう。以下同じ。）が行われた取引が成立した場合には、前項第十四号に掲げる事項には、注文執行会員等（注文・清算分離行為が行われたことにより、商品市場等における取引に係る売付け又は買付けがその名において将来に向かって消滅した会員等をいう。以下同じ。）及び清算執行会員等（注文・清算分離行為が行われたことにより、商品市場等における取引に係る売付け又は買付けがその名において新たに発生した会員等をいう。以下同じ。）が委託者等から直接受領する手数料等を記載するものとする。

(2) In the case in which a transaction is closed in which a give-up action is performed (referring to the action of having a sell or a buy pertaining to a transaction in a commodity market or a Foreign Commodity Market (referred to hereinafter in this paragraph as "Transaction in a Commodity Market, etc.") (in the case in which said Transaction in a Commodity Market, etc. is one the transactions listed in each of the following items, a transaction prescribed in the following respective items; the same shall apply hereinafter in this paragraph) extinguished in the future and simultaneously newly originating a sell or a buy pertaining to a Transaction in a Commodity Market, etc. having the same content as said extinguished sell or buy pertaining to a Transaction in a Commodity Market, etc., as prescribed by the commodity exchange or foreign commodity market maker; the same shall apply hereinafter) for a

transaction in a commodity market, etc., the matters listed in item (xiv) of the preceding paragraph shall state the Fees, etc. received directly from the Customer, etc. by the order-executing member, etc. (referring to the member, etc. causing the sell or the buy pertaining to a Transaction in a Commodity Market, etc. to be extinguished in the future under its name because of performance of the give-up action; the same shall apply hereinafter) and the settlement executing member (referring to the member, etc. causing the sell or the buy pertaining to a Transaction in a Commodity Market, etc. to be newly originated under its name because of performance of the give-up action; the same shall apply hereinafter);

一 法第二条第三項第二号及び第三号に掲げる取引（これらの取引に類似する外国商品市場取引を含む。）並びに同条第十四項第二号及び第三号に掲げる取引の場合現実価格若しくは現実数値が約定価格等を上回った場合に金銭を支払う立場の当事者となる取引又は金銭を受領する立場の当事者となる取引

(i) the transactions listed in Article 2, paragraph (3), item (ii) and item (iii) of the Act (including Foreign Commodity Market Transactions similar to these), and transactions involving parties in position to pay cash or transactions involving parties in position to receive cash in the case in which the Actual Price or the Actual Figure exceeds the contract price, etc. in the case of one of the transactions listed in paragraph (14), item (ii) and item (iii) of the same Article;

二 法第二条第三項第四号に掲げる取引（これに類似する外国商品市場取引を含む。）並びに同条第十四項第四号及び第五号に掲げる取引の場合これらの号に規定する権利を付与する立場の当事者となる取引又は当該権利を取得する立場の当事者となる取引

(ii) the transactions listed in Article 2, paragraph (3), item (iv) of the Act (including Foreign Commodity Market Transactions similar to these), and in the case of the transactions listed in paragraph (14), item (iv) and item (v) of the same Article, transactions involving parties in position to bestow the rights set forth in these items, or transactions involving parties in position to obtain said rights;

三 法第二条第三項第五号及び第六号に掲げる取引（これらの取引に類似する外国商品市場取引を含む。）並びに同条第十四項第六号に掲げる取引の場合商品の価格若しくは商品指数が約定した期間に上昇した場合に金銭を支払う立場の当事者となる取引又は金銭を受領する立場の当事者となる取引

(iii) the transactions listed in Article 2, paragraph (3), item (v) and item (vi) of the Act (including Foreign Commodity Market Transactions similar to these), and transactions involving parties in position to pay cash or transactions involving parties in position to receive cash in the case in which the commodity price or the commodity index rose during the contracted term in the case of the transactions listed in paragraph (14), item (vi) of the same

Article.

- 3 一の商品デリバティブ取引について二以上の商品先物取引業者が法第二百二十条第一項本文の規定により委託者等に通知しなければならない場合において、いずれか一の商品先物取引業者が第一項各号に掲げる事項を通知したときは、他の商品先物取引業者は、同項の規定にかかわらず、同項各号に掲げる事項（当該一の商品デリバティブ取引に係る事項に限る。）を通知することを要しない。ただし、当該他の商品先物取引業者が委託者等のために法第二条第二十二項各号に規定する代理のいずれかを業として行う場合には、この限りでない。

- (3) In the case in which 2 or more Commodity Derivatives Business Operators are required to provide notification to the customer, etc. pursuant to the provisions of the main clause of Article 220, paragraph (1) of the Act with respect to 1 Commodity Derivatives Transaction, when either of the Commodity Derivatives Business Operators has provided notification of the matters of the respective items in paragraph (1), the other Derivatives Business Operator need not explain said matters, the provisions of the same paragraph notwithstanding (limited to matters pertaining to said 1 Commodity Derivatives Transaction); provided, however, that this provision shall not apply in the case in which said other Commodity Derivatives Business Operator performs as a business on behalf of the Customer, etc. any of the agency actions defined in the respective items of Article 2, paragraph (22) of the Act.

（取引の成立の通知を要しない場合等）

(Cases, etc. where Notification of Closing of a Transaction is Not Required)

第百九条の二 法第二百二十条第一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 109-2 (1) The cases prescribed by an ordinance of the competent ministry under the Proviso of Article 220, paragraph (1) of the Act shall be the following cases:

一 店頭商品デリバティブ取引が成立した場合であつて、当該店頭商品デリバティブ取引が成立したときに当該店頭商品デリバティブ取引の条件を記載した契約書を交付するものであるとき。

(i) in the case in which an Over-the-Counter Commodity Derivatives Transaction is closed, if a written contract stating the terms of said Over-the-Counter Commodity Derivatives Transaction is delivered when Over-the-Counter Commodity Derivatives Transaction is closed;

二 注文・清算分離行為が行われた場合であつて、法第二百二十条第一項本文の規定により通知すべき事項を注文執行会員等が委託者等に通知することに代えて清算執行会員等が通知することにつき、あらかじめ当該委託者等、注文執行会員等及び清算執行会員等の間で書面により合意しているとき。

(ii) in the case in which a give-up action is performed, if the customer, etc., the

order performing member, etc. and the settlement executing member, etc. have agreed in writing in advance that matters for which notification should be provided under provisions of the main clause of Article 220, paragraph (1) of the Act, shall be provided by the settlement executing member, etc. instead of by the order executing member to the Customer, etc.;

2 商品先物取引業者は、前項第一号の契約書の交付に代えて、次項に定めるところにより、委託者等の承諾を得て、当該契約書に記載すべき事項（以下この条において「記載事項」という。）を電磁的方法（第九十条の三第一項第一号ニに掲げる方法を除く。以下この条において同じ。）により提供することができる。この場合において、当該商品先物取引業者は、当該契約書を交付したものとみなす。

(2) A Commodity Derivatives Business Operator may provide the matters to be stated in a written contract (referred to hereinafter in this Article as "Stated Matters") by electromagnetic means (excluding the means listed in Article 90-3, paragraph (1), item (i)(d); the same shall apply hereinafter in this Article) instead of by delivery of the written contract of item (i) of the preceding paragraph, with the permission of the Customer, etc., and as prescribed in the following paragraph. In this case, said Commodity Derivatives Business Operator shall be deemed to have delivered said written contract;

3 商品先物取引業者は、前項の規定により記載事項を提供しようとするときは、あらかじめ、委託者等に対し、その用いる第九十条の三第一項第一号イからハまで又は同項第二号に掲げる電磁的方法の種類及び内容を示し、書面又は情報通信の技術を利用する方法による承諾を得なければならない。

(3) When seeking to provide the Stated Matters pursuant to the provisions of the preceding paragraph, the Commodity Derivatives Business Operator shall indicate the type and content of electromagnetic means to be used listed from Article 90-3, paragraph (1), item (i)(a) through (c), and shall obtain approval in writing or by a means utilizing information communication technology;

4 前項の規定による承諾を得た商品先物取引業者は、委託者等から書面又は情報通信を利用する方法により電磁的方法による提供を受けない旨の申出があったときは、当該委託者等に対し、記載事項の提供を情報通信を利用する方法によってしてはならない。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。

(4) Having obtained approval pursuant to provisions of the preceding paragraph, when a request is given by the customer, etc. in writing or by a means utilizing information communication not to receive provision by electromagnetic means, the Commodity Derivatives Business Operator shall not provide the Stated Matters by a means utilizing information communication; provided, however, that this provision shall not apply in a case in which said Customer, etc. has given approval on another occasion pursuant to the provisions of the same paragraph;

5 第九十条の三第二項（第三号ロ及び第四号を除く。）の規定は、第二項の電磁的方

法による提供について準用する。この場合において、同条第二項第三号中「に掲げられた取引を最後に行った」とあるのは、「を記録した」と読み替えるものとする。

(5) The provisions of Article 90-3, paragraph (2) (excluding item (iii) (b) and item (iv)) shall apply mutatis mutandis to provision by electromagnetic means in paragraph (2). In this case, the phrase "transactions set forth in said Contents were carried out" in paragraph (2), item (iii) of the same Article shall be deemed to be replaced by "recording."

6 第三項及び第四項の「情報通信の技術を利用する方法」とは、次に掲げる方法とする。

(6) The phrase "method utilizing information communication technology" in paragraph (3) and paragraph (4) shall be the following methods:

一 第九十条の三第三項に規定する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

(i) of the methods utilizing an electronic data processing system as set forth in Article 90-3, paragraph (3), the following:

イ 商品先物取引業者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) the method of sending over electronic communication circuits connecting an electronic computer pertaining to the use of the Commodity Derivatives Business Operator and an electronic computer pertaining to the use of the Customer, etc., and recording in a file disposed on an electronic computer pertaining to the use of the receiver;

ロ 商品先物取引業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委託者等の承諾に関する事項を電気通信回線を通じて当該委託者等の閲覧に供し、当該商品先物取引業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委託者等の承諾に関する事項を記載する方法

(b) the method of supplying matters relating to approval of the customer, etc. recorded in a file disposed on an electronic computer pertaining to the use of the Commodity Derivatives Business Operator for viewing by said customer, etc. over electronic communication circuits and recording said matters relating to approval of the Customer, etc. in a file disposed on an electronic computer pertaining to the use of said Commodity Derivatives Business Operator.

二 磁気ディスク、シー・ディー・ロムその他これら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承諾に関する事項を記録したものを得る方法

(ii) the method of recording matters relating to approval of the Customer, etc. in a file prepared using an object capable of reliably recording defined matters using magnetic tape, CD-ROM, or another equivalent method.

7 前項各号に掲げる方法は、商品先物取引業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。

(7) The methods listed in the respective items of the preceding paragraph shall enable the preparation of a document by the Commodity Derivatives Business Operator outputting the file record.

(取引の成立の通知及び取引証拠金等の受領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 and receipt of Clearing Margin, etc.)

第百十条 第九十条の三（第一項第一号ニ、第二項第三号ロ及び第四号を除く。）の規定は、法第二百二十条第二項及び第二百二十条の二第二項において法第二百七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、第九十条の三第二項第三号中「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 90-3 (excluding paragraph (1), item (i), (d), paragraph (2), item (iii) (b), item (iv)) shall apply mutatis mutandis in the case in which the provisions of Article 217, paragraph (2) of the Act applies mutatis mutandis to Article 220-2, paragraph (2) of the Act. In this case, the phrase "the last date on which transactions set forth in said Contents were carried out" in Article 90-3, paragraph (2), item (iii) 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 当該商品先物取引業者の商号又は名称

(i) the trade name of the Commodity Derivatives Business Operator;

二 委託者が当該商品先物取引業者に連絡する方法

(ii) the method by which the customer contacts the Commodity Derivatives Business Operator;

三 委託者の氏名又は名称

(iii) the name of the Consignor;

四 当該商品先物取引業が取引証拠金等を受領した日付

(iv) the date on which the Commodity Derivatives Business received the Clearing Margin, etc.;

五 当該取引証拠金等の金銭又は有価証券等（有価証券その他の金銭以外の財産をい

う。以下この号において同じ。)の別並びに当該取引証拠金等が有価証券等であるときは、その種類(有価証券にあっては銘柄)、数量及び充用価格

(v) whether the Clearing Margin, etc. is in the form of money or Securities, etc. , and if the Clearing Margin, etc. is in the form of Securities, etc., the type (description in the case of Securities), quantity and allocation price.

六 当該取引証拠金に係る取引が商品市場における取引等又は外国商品市場取引等である場合には、当該取引に係る商品取引所又は外国商品市場開設者の名称又は商号

(vi) in the case in which the transaction pertaining to said Clearing Margin is a transaction, etc. in a commodity market or a transaction, etc. in a Foreign Commodity Market, the name or trade name of the commodity exchange or foreign commodity market maker pertaining to said transaction.

2 前項の書面には、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。

(2) The document set forth in the preceding paragraph shall be prepared by using letters and numbers in eight points 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、委託者から書面による同意が得られた場合にあっては、適用しない。

(3) The provisions of paragraph (1) shall not apply if 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 and the consent of the Consignor 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.

(公益又は特定委託者等の保護のため支障を生ずるおそれがあるもの)

(Cases in which the Public Interest or Protection of Eligible Consignors Risks Being Hindered)

第百十条の三 法第二百二十条の四第一項ただし書及び第二項ただし書の主務省令で定める場合は、次の各号に掲げる規定の適用について当該各号に定める場合とする。

Article 110-3 The cases prescribed by an ordinance of the competent ministry under the Proviso of Article 220-4, paragraph (1) and the Proviso of paragraph (2) of the same Article shall be the cases prescribed in each of the respective items below with respect to application of the provisions listed in each item:

一 法第二百二十条委託者等からの個別の取引に関する照会に対して速やかに回答できる体制が整備されていない場合

(i) the case in which a system enabling prompt reply to an inquiry from Customer , etc. concerning a particular transaction under Article 220 of the

Act is not developed;

二 法第二百二十条の二委託者等からの個別の取引証拠金等の受領に関する照会に対して速やかに回答できる体制が整備されていない場合」

(ii) the case in which a system enabling prompt reply to an inquiry from Customer, etc. concerning receipt of a particular Clearing Margin, etc. under Article 220 of the Act is not developed.

(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三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（次条第一項各号に規定する事故をいう。）による支払額（商品先物取引業者が、特定委託者及び特定当業者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（商品先物取引業者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、法第二条第三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先物取引業者が、特定委託者及び特定当業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 (3), 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 the following Article, paragraph 1] 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 Commodity Derivatives Business Operator receives a consignment of transactions, etc. on the Commodity Market (excluding Commodity Clearing Transactions; hereinafter the same shall apply in this Article) from a Eligible Consignor or Eligible Commercial Persons 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 Commodity Derivatives Business Operator 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 (3), 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 Commodity Derivatives Business Operator receives a consignment of transactions, etc. on the Commodity Market from a Eligible Consignor or Eligible Commercial Person 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三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 (3), 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三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 (3), 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三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 (3), 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三項第一号に規定する取引のうち、商品先物取引業者が、特定委託者及び特定当業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 (3), item (i) of the Act in each business year in cases where a Commodities Derivatives Business Operator receives a consignment of transactions, etc. on the Commodity Market from a Eligible Consignor or Eligible

- Commercial Person 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三項第二号に規定する取引のうち、商品先物取引業者が、特定委託者及び特定当業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 (3), item (ii) of the Act in each business year in cases where a Derivatives Business Operator receives a consignment of transactions, etc. on the Commodity Market from a Eligible Consignor or Eligible Commercial Person 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二条第三項第三号に規定する取引のうち、商品先物取引業者が、特定委託者及び特定当業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 (3), item (iii) of the Act in each business year in cases where a Commodities Futures Transaction Dealer receives a consignment of transactions, etc. on the Commodity Market from a Eligible Consignor or Eligible Commercial Person 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三項第四号に規定する取引のうち、商品先物取引業者が、特定委託者及び特定当業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 (3), item (iv) of the Act in each business year in cases where a Commodity Derivatives Business Operator receives a consignment of transactions, etc. on the Commodity Market from a Eligible Consignor or Eligible Commercial Person 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三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 (3), 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三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 (3), 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三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 (3), 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三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 (3), 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三項第一号に規定する取引のうち、商品先物取引業者が、特定委託者及び特定当業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 (3), item (i) of the Act, in cases where a Commodity Derivatives Business Operator receives a consignment of transactions, etc. on the Commodity Market from a Eligible Consignor or Eligible Commercial Person 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三項第二号に規定する取引のうち、商品先物取引業者が、特定委託者及び特定当業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 (3), item (ii) of the Act, in cases where a Commodity Derivatives Business Operator receives a consignment of transactions, etc. on the Commodity Market from a Eligible Consignor or Eligible Commercial Person 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三項第三号に規定する取引のうち、商品先物取引業者が、特定委託者及び特定当業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 (3), item (iii) of the Act, in cases where a Commodity Derivatives Business Operator receives a consignment of transactions, etc. on the Commodity Market from a Eligible Consignor or Eligible Commercial Person 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三項第四号に規定する取引のうち、商品先物取引業者が、特定委託者及び特定当業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 (3), item (iv) of the Act, in cases where a Commodity Derivatives Business Operator receives a consignment of transactions, etc. on the Commodity Market from a Eligible Consignor or Eligible Commercial Person 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、法第二条第二十二項第一号又は第二号に掲げる行為を開始し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（次条第一項各号に規定する事故をいう。）による支払額（商品先物取引業

者が、特定委託者及び特定当業者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（商品先物取引業者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、法第二条第三項第一条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先物取引業者が、特定委託者及び特定当業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 actions listed in Article 2, paragraph (22), item (i) or (ii) of the Act were commenced, the phrase "the amount obtained by multiplying the transaction amounts of the transactions prescribed in Article 2, paragraph (3), 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 the following Article, paragraph (1)] 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 Commodity Derivatives Business Operator receives a consignment of transactions, etc. on the Commodity Market (excluding Commodity Clearing Transactions; hereinafter the same shall apply in this Article) from a Eligible Consignor or Eligible Commercial Person 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 Commodity Derivatives Business Operator 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 (3), 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 Commodity Derivatives Business Operator receives a consignment of transactions, etc. on the Commodity Market from a Eligible Consignor or Eligible Commercial Person 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)

第一百十二条 法第二百二十一条第二項本文の主務省令で定める事故は、法第二条第二十二項各号に掲げる行為につき、商品先物取引業者の代表者等が、当該商品先物取引業者の業務に関し、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 (1) A Problematic Conduct specified by an ordinance of the competent ministry set forth in the main clause of Article 221, paragraph (2) of the Act shall be that whereby a Representative, etc. of a Commodity Derivatives Business Operator causes a customer a loss by committing any of the following acts with regard to the business of said Commodity Derivatives Business Operator concerning the actions listed in Article 2, paragraph (22) of the Act:

一 委託者等の注文内容について確認しないで、当該委託者等の計算による商品デリバティブ取引を行うこと。

(i) carrying out commodity derivative transactions for the account of a Customer, etc. without confirming the contents of the order of said Customer, etc.;

二 取引の条件及び商品市場における相場等に係る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 Commodity Market Prices, etc.;

三 委託者等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 an order of a Customer, etc.;

四 電子情報処理組織の異常により、委託者等の注文の執行を誤ること。

(iv) mistakenly executing an order of a Customer, etc. 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.

2 前項の規定にかかわらず、法第二百四十条の十七において準用する法第二百十四条の三第三項の場合の法第二百二十一条第二項の主務省令で定める事故は、商品先物取引仲介業につき、商品先物取引仲介業者又はその代表者等が、当該商品先物取引仲介業者の業務に関し、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

(2) Notwithstanding the provisions of the preceding paragraph, a Problematic Conduct specified by an ordinance of the competent ministry set forth in Article 221, paragraph (2) of the Act in the case where Article 214-3, paragraph (3) of the Act is applied mutatis mutandis in Article 240-17 of the Act, shall be that whereby a Commodity Derivatives Intermediary Service Provider or its representative, etc. causes a customer a loss by committing any of the following actions with regard to the business of said Commodity Derivatives Intermediary Service Provider concerning a Commodity Derivatives Intermediary Service:

一 委託者等の注文内容について確認しないで、当該委託者等の計算による商品デリバティブ取引の媒介を行うこと。

(i) brokering a Commodity Derivative Transaction based on a Customer, etc.'s own account without confirming the contents of the order of said Customer, etc.;

二 取引の条件及び商品市場における相場等に係る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 pertaining to Commodity Market Prices, etc.;

三 委託者等の注文の媒介において、過失により事務処理を誤ること。

(iii) negligently erring in administrative processing in the brokering of an order of a Customer, etc. in the brokering of an order of a Customer, etc.;

四 電子情報処理組織の異常により、委託者等の注文の媒介を誤ること。

(iv) erring in the brokerage of an order of a Customer, etc. due to a failure 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) otherwise committing an action in violation of a law or regulation.

3 第一項の規定にかかわらず、法第三百四十九条第三項において準用する法第二百十四条の三第三項の場合の法第二百二十一条第二項の主務省令で定める事故は、特定店頭商品デリバティブ取引に関する業務につき、特定店頭商品デリバティブ取引業者又はその代表者等が、当該特定店頭商品デリバティブ取引業者の業務に関し、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

(3) Notwithstanding the provisions of paragraph (1), a Problematic Conduct

specified by an ordinance of the competent ministry set forth in Article 221, paragraph (2) of the Act in the case where Article 214-3, paragraph (3) of the Act is applied mutatis mutandis in Article 349, paragraph (3) of the Act, shall be that whereby a Specified OTC Commodity Derivative Business Operator or its representative, etc. causes a customer a loss by committing any of the following actions with regard to the business of said specified over-the-counter commodity derivative transactions dealer concerning the business pertaining to a Specified OTC Commodity Derivative Transaction;

一 過失又は電子情報処理組織の異常により事務処理を誤ること。

(i) erring in administrative processing due to a failure of an electronic data processing system;

二 その他法令に違反する行為を行うこと。

(ii) otherwise committing an action in violation of a law or regulation.

(帳簿の作成)

(Keeping the books)

第百十三条 商品先物取引業者は、法第二百二十二条の規定により、商品デリバティブ取引につき、次に掲げる帳簿を作成しなければならない。

Article 113 (1) A Commodity Derivatives Business Operator shall prepare the following books pursuant to the provisions of Article 222 of the Act:

一 次に掲げる規定に規定する書面の写し

(i) a copy of the documents set forth in the following provisions;

イ 法第百九十七条の四第三項（法第百九十七条の八第二項において準用する場合を含む。）

(a) Article 197-4, paragraph (3) (including as applied mutatis mutandis in Article 197-8, paragraph (2) of the Act) of the Act;

ロ 法第百九十七条の四第十一項（法第百九十七条の八第二項において準用する場合を含む。）

(b) Article 197-4, paragraph (11) (including as applied mutatis mutandis in Article 197-8, paragraph (2) of the Act) of the Act;

ハ 法第百九十七条の五第二項（同条第九項（法第百九十七条の六第六項及び第百九十七条の九第二項において準用する場合を含む。））、第百九十七条の六第六項及び第百九十七条の九第二項において準用する場合を含む。）

(c) Article 197-5, paragraph (2) (including as applied mutatis mutandis in paragraph (9) of the same Article (including as applied mutatis mutandis in Article 197-6, paragraph (6) and Article 197-9, paragraph (2) of the Act) and Article 197-6, paragraph (6) and Article 197-9, paragraph (2)) of the Act;

ニ 法第百九十七条の五第十二項（法第百九十七条の六第六項及び第百九十七条の九第二項において準用する場合を含む。）

(d) Article 197-5, paragraph (12) (including as applied mutatis mutandis in

Article 197-6, paragraph (6) and Article 197-9, paragraph (2) of the Act) of the Act.

二 別表第四に定める帳簿

(ii) Books specified in the Appended Table 4

2 前項第一号に掲げる帳簿は五年間、同項第二号に掲げる帳簿は十年間（注文伝票にあっては、七年間）保存するものとする。

(2) The books listed in item (i) of the preceding paragraph shall be preserved for a period of five years and the books listed in item (ii) of the same paragraph shall be ten years (seven years in the case of order forms).

（電磁的方法による保存）

(Preservation through an Electromagnetic Means)

第百十四条 前条第一項に掲げる帳簿の内容が、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、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 114 If the content of the books prescribed in paragraph (1) of the preceding Article 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 (2). In this case, a Commodity Derivatives Business Operators 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, etc.)

第百十五条 商品先物取引業者は、法第二百二十三条の規定により、別表第四に定める帳簿（商品デリバティブ取引日記帳を除く。）について、自己の計算による取引と委託者等の計算による取引及び商品市場における取引等（法第二条第二十一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規定する取次ぎに限る。）の受託に係る取引とについて若しくは外国商品市場取引（商品清算取引に類似する取引を除く。）又は外国商品市場取引のうち商品清算取引に類似する取引の委託の取次ぎの受託に係る取引と外国商品市場取引（商品清算取引に類似する取引を除く。）の委託の取次ぎ若しくは外国商品市場取引のうち商品清算取引に類似する取引の委託の取次ぎの委託の取次ぎの受託に係る取引とについて、区分経理しなければならない。

Article 115 With regard to the books prescribed in Appended Table 4 (excluding journals of Commodity Derivative Transactions), a Derivatives Business Operator shall carry out separate accounting for transactions based on its own

account, transactions pertaining to brokerage of transactions based on its Customer, etc.'s accounts and Transactions on a Commodity Market, etc. (limited to those set forth in Article 2, paragraph (21), item (i) of the Act [excluding Commodity Clearing Transactions] or listed in item (iii)), and transactions pertaining to brokerage of Transactions on a Commodity Market, etc. (limited to the intermediation prescribed in item (ii) and item (iv) of the same paragraph), and that for transactions pertaining to intermediation of consignment of Foreign Commodity Market Transactions (excluding transactions similar to Commodity Clearing Transactions) and brokerage of intermediation of brokerage of intermediation of consignment of transactions similar to commodity clearing transactions that are Foreign Commodity Market Transactions, 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先物取引業者が提出する事業報告書は、様式第十一号により作成しなければならない。

Article 116 (1) The business report that a Commodity Derivatives Business Operator submits pursuant to the provisions of Article 224, paragraph (1) of the Act shall be prepared according to Form No. 11.

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)

第百七条 法第二百二十四条第二項の規定により商品先物取引業者は、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 Commodity Derivatives Business Operator 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 一月ごとに様式第十二号により作成した月次報告書 報告の対象となる月の翌月の二十日

(i) monthly reports prepared according to Form No. 12 each month: by the 20th day of the month following the month subject to the report;

二 一月ごとに様式第六号により作成した訴訟又は調停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

(ii) Reports prepared according to Form No. 6 each month concerning the causes and status of any litigation or mediation: by the 20th day of the month following the month subject to the report;

2 商品先物取引業者は、前項第一号の月次報告書を作成する場合には、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 monthly reports of item (i) of the preceding paragraph, a Commodity Derivatives Business Operator shall comply with generally accepted corporate accounting standards.

(合併又は分割の認可申請)

(Application for merger or split approval)

第百十八条 商品先物取引業者は、法第二百二十五条第一項の規定による合併又は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 118 (1) In addition to the requirements listed in the respective items of Article 192, paragraph (1) of the Act, a Commodity Derivatives Business Operator shall submit to the competent minister a written application stating the following matters when intending to obtain approval for a merger or split as prescribed in Article 225, paragraph (1) of the Act:

一 合併又は分割の予定年月日

(i) scheduled date of merger or split;

二 合併又は分割の方法

(ii) method of merger or split.

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 合併又は分割の理由を記載した書面

(i) a document stating the reasons for the merger or split;

二 合併又は分割の手続を記載した書面

(ii) a document stating the procedure of the merger or split;

三 合併後又は分割後の法人の定款（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 juridical person (in the case of a foreign juridical person, a document equivalent to articles of incorporation) after the merger or split;

四 合併又は分割の当事者の登記事項証明書（外国法人である場合には、登記事項証明書に準ずる書面及び国内における主たる営業所又は事務所の登記事項証明書）

(iv) a certificate of the registered matters of the party(ies) (in the case of a foreign juridical person, a document equivalent to a certificate of the registered matters and a certificate of the registered matters for a principal office or place of business in Japan) after the merger or split;

五 合併又は分割の当事者の株主総会（これに準ずる機関を含む。）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) the minutes of the Shareholders Meeting (including an equivalent body) of the party(ies) of the merger or split or another document certifying that the necessary procedures have been followed;

六 合併又は分割の当事者（商品先物取引業者を除く。）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（これらの書類を作成していない場合には、これらに準ずる書類）

(vi) financial statements, etc. for the most recent three years and supplementary schedules thereof (in the case in which these documents have not been prepared, documents equivalent thereto) of the party(ies) (excluding Commodity Derivatives Business Operator(s)) of the merger or split;

七 合併又は分割の当事者（商品先物取引業者を除く。）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

(vii) a sworn, written statement that the party(ies) (excluding Derivatives Business Operator(s)) of the merger or split does not fall under any of the provisions of Article 15, paragraph (2), item (i), (c) through (e), or (i) of the Act;

八 次に掲げる場合に応じ、それぞれ次に定める書面約する書面

(viii) a sworn, written statement specified as follows corresponding to each case:

イ 合併後又は分割後の法人の役員が外国人である場合 当該役員の写真等の写し等、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 the juridical person after the merger or split 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 合併後又は分割後の法人の役員が法人である場合 当該役員に登記事項証明書（外国法人である場合には、登記事項証明書に準ずる書面）、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 of the juridical person after the merger or split is a foreign national: a certificate of the registered matters of said officer (in the case of a foreign juridical person, a document equivalent to the certificate of the registered matters), a document stating corporate history, 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 合併後又は分割後の法人の役員が外国人又は法人でない場合 当該役員の写真等の写し等、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 the juridical person after the merger or split is neither a foreign national nor a juridical person: a Copy of the Residence Certificate, etc. and a 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) 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) through (k) of the same item;

九 合併後又は分割後の法人が商品先物取引業を遂行するための方法を記載した書類
(ix) a document stating the method for the juridical person(s) after the merger or split to conduct the Commodity Derivatives Business;

十 合併後又は分割後の法人における、商品先物取引業に係る人的構成及び組織等の業務執行体制を記載した書面

(x) a document stating the human composition and the management system for the organization, etc. pertaining to the Commodity Futures Derivatives Business for the juridical person(s) after the merger or split;

十一 合併後又は分割後の法人が行う取引の種類及び取引の対象とする商品又は商品指数を記載した書面

(xi) a document stating type of transactions the commodities and commodity indexes to be traded by the juridical person(s) after the merger or split;

十二 様式第一号により作成した合併又は分割の当事者の純資産額に関する調査

(xii) a written statement relating to the amount of net assets of the party(ies) of the merger or split, prepared according to Form No. 1;

十三 合併後又は分割後の法人における、様式第三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並びに顧客からの苦情及び相談に対する対応方法等を記載した書面

(xiii) a document providing a summary of the organization to perform the activities relating to internal controls and stating the method for responding to complaints and inquiries from customers, etc. for the party(ies) after the merger or split, prepared according to Form No. 3;

十四 合併後又は分割後の法人が商品先物取引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

(xiv) in the case in which an electronic data processing organization is used in the Commodity Derivatives Business, documents stating a summary of said electronic data processing organization, along with the installation location and the volume thereof, the method of maintenance, and the disposition method in the case in which an abnormality occurs at said electronic data processing organization for the juridical person(s) after the merger or split;

十五 合併後又は分割後の法人における、過去五年以内に商品先物取引業に関して禁

錮以上の刑（外国において商品先物取引業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、所属する営業所又は事務所の名称、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

(xv) a document stating the number of employees who have been sentenced to imprisonment or more severe punishment (including an equivalent punishment under the laws and regulations of a foreign state with regard to the business equivalent to a Commodity Derivatives Business in the foreign state) with regard to a Commodity Derivatives Business, 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 on which and the reasons why said officer was punished by said fines or in receipt of said disposition, and all other such details for the juridical person(s) after the merger or split;

十六 合併後又は分割後の法人が商品先物取引業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先物取引業の収支の見込みを記載した書面、商品先物取引業の計画書並びにこれらの根拠を記載した書面

(xvi) a document stating the expected income and expenditures of Commodity Derivatives Business, the Commodity Futures Transaction Business plan for the business year in which the Commodity Derivatives Business is scheduled to commence by the juridical person(s) after the merger or split 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 合併後又は分割後の法人が商品先物取引業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（申請者が令第二十八条各号に掲げる者である場合には、純資産額）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

(xvii) a document stating the estimated amount of the net assets and the Net Assets Regulation Ratio (or the amount of net assets, in the case in which the applicant is a person or entity listed in the respective items of Article 28 of the Order) for the business year in which Commodity Derivatives n Business

is scheduled to commence by the juridical person(s) after the merger or split 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;

十八 合併後又は分割後の法人について、保有する議決権（総株主、総社員、総会員又は総組合員の議決権をいう。以下この号において同じ。）の数の上位十名までの株主又は社員その他の出資者（以下この号において「株主等」という。）の氏名又は商号若しくは名称、住所又は所在地、その保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（当該株主等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

(xviii) a document stating the names or trade names and addresses of up to the top 10 shareholders or company members or other investors (referred to hereinafter in this item as "Shareholders, etc.") in number of voting rights held (referring to voting rights of general shareholders, general partners, general members, and general association members; the same shall apply hereinafter in this item), along with the proportion of voting rights held to the total number of voting rights and the relationships with the applicant (limited to cases in which said Shareholders, etc. are officers of the applicant or the parent company, a subsidiary company, or an affiliated company, or an officer thereof) for the juridical person(s) after the merger or split;

十九 合併後又は分割後の法人における、様式第四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

(xix) a written statement relating to a summary of subsidiary businesses as defined in Article 196, paragraph (1) of the Act, prepared according to Form No. 4 for the juridical person(s) after the merger or split;

二十 合併後又は分割後の法人における、様式第五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

(xx) a written statement relating to a summary of controlling relationships with respect to other juridical persons as defined in Article 196, paragraph (2) of the Act, prepared according to Form No. 5 for the juridical person(s) after the merger or split;

二十一 合併後又は分割後の法人が法第二条第二十二項第五号に掲げる行為を業として行う場合には、次に掲げる書類

(xxi) the following documents, in the case in which the actions listed in Article 2, paragraph (22), item (v) of the Act are performed as a business by the juridical person(s) after the merger or split:

イ 当該業務を管理する責任者の履歴書

(a) curriculum vitae of principals managing said business;

ロ 当該業務に関する社内規則

(b) internal rules relating to said business;

ハ 当該業務を行う部署の名称及び組織の体制を記載した書面

(c) a document stating the name of the operating unit and the organizational structure performing said business;

ニ 当該業務に係る顧客との取引開始基準を記載した書面

(d) a document stating the standard for initiation of a transaction with a customer pertaining to said business;

ホ 当該業務に関し顧客と取引を行う際に使用する契約書

(e) the contract to be used when engaging in transactions with a customer pertaining to said business.

第百十九条 削除

Article 119 Deleted

第百二十条 削除

Article 120 Deleted

(事業譲渡の認可申請)

(Application for approval of Business Transfer)

第百二十一条 商品先物取引業者は、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 121 (1) When seeking to obtain approval for a Business Transfer prescribed in the provisions of Article 228, paragraph (1) of the Act, a Commodity Derivatives Business Operator 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 reason 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 of 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) the articles of incorporation of the Transferee Company (in the case of a foreign juridical person, a document equivalent to articles of incorporation);
- 四 事業譲渡の当事者の登記事項証明書（外国法人である場合には、登記事項証明書に準ずる書面及び国内における主たる営業所又は事務所の登記事項証明書）
- (iv) a certificate of the registered matters of the parties of the Business Transfer (in the case of a foreign juridical person, a document equivalent to a certificate of the registered matters and a certificate of the registered matters for a principal office or place of business in Japan);
- 五 事業譲渡の当事者の株主総会（これに準ずる機関を含む。）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) a document affirming that minutes of the Shareholders Meeting (including an equivalent body) of the parties of the Business Transfer or other required procedural documentation exists;
- 六 事業譲渡の当事者（商品先物取引業者を除く。）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（これらの書類を作成していない場合には、これらに準ずる書類）
- (vi) financial statements, etc. for the most recent three years of the parties of the Business Transfer (excluding Commodity Derivatives Business Operators) and supplementary schedules thereof (in the case in which these documents have not been prepared, documents equivalent thereto);
- 七 事業譲渡の当事者（商品先物取引業者を除く。）が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
- (vii) a sworn, written statement that the parties of the Business Transfer (excluding Derivatives Business Operators) do not fall under any of the provisions of Article 15, paragraph (2), item (i), (c) through (e), or (i) of the Act;
- 八 次に掲げる場合に応じ、それぞれ次に定める書面
- (viii) 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 the Transferee Company 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 譲受会社の役員が法人である場合 当該役員登記事項証明書、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 of the Transferee Company is a foreign national: a certificate of the registered matters of said officer, a document stating the corporate history, 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、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 the Transferee Company is neither a foreign national nor a juridical person: a Copy of the Residence Certificate, etc. and a 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;

九 譲受会社が商品先物取引業を遂行するための方法を記載した書類

(ix) a document stating the method for the Transferee Company to conduct the Commodity Derivatives Business;

十 譲受会社における、商品先物取引業に係る人的構成及び組織等の業務執行体制を記載した書面

(x) a document stating the human composition and the management system for the organization, etc. pertaining to the Commodity Derivatives Business for the Transferee Company;

十一 譲受会社が行う取引の種類及び取引の対象とする商品又は商品指数を記載した書面

(xi) a document stating type of transactions the commodities and commodity indexes to be traded by the Transferee Company;

十二 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

(xii) a written statement relating to the amount of net assets of the parties of the Business Transfer, prepared according to Form No. 1;

十三 譲受会社における、様式第三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並びに顧客からの苦情及び相談に対する対応方法等を記載した書面

(xiii) a document providing a summary of the organization to perform the activities relating to internal controls and stating the method for responding to complaints and inquiries from customers for the Transferee Company, prepared according to Form No. 3;

十四 譲受会社が商品先物取引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

(xiv) in the case in which an electronic data processing organization is used in the Commodity Derivatives Business, documents stating a summary of said electronic data processing organization, along with the installation location and the volume thereof, the method of maintenance, and the disposition method in the case in which an abnormality occurs at said electronic data

processing organization for the Transferee Company;

十五 譲受会社における、過去五年以内に商品先物取引業に関して禁錮以上の刑（外国において商品先物取引業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、所属する営業所又は事務所の名称、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

(xv) a document stating the number of employees who have been sentenced to imprisonment or more severe punishment (including an equivalent punishment under the laws and regulations of a foreign state with regard to the business equivalent to a Commodity Derivatives Business in the foreign state) with regard to a Commodity Derivatives Business, 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 on which and the reasons why said officer was punished by said fines or in receipt of said disposition, and all other such details for the Transferee Company;

十六 譲受会社が商品先物取引業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先物取引業の収支の見込みを記載した書面、商品先物取引業の計画書並びにこれらの根拠を記載した書面

(xvi) a document stating the estimated income and expenditures of Commodity Derivatives Business, the Commodity Derivatives Business plan for the business year in which the Commodity Derivatives Business is scheduled to commence by the Transferee Company 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 譲受会社が商品先物取引業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（申請者が令第二十八条各号に掲げる者である場合には、純資産額）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

(xvii) a document stating the estimated amount of the net assets and the Net Assets Regulation Ratio (or the amount of net assets, in the case in which the applicant is a person or entity listed in the respective items of Article 28 of the Order) for the business year in which Commodity Derivatives Business is scheduled to commence by the Transferee Company 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;

十八 譲受会社について、保有する議決権（総株主、総社員、総会員又は総組合員の議決権をいう。以下この号において同じ。）の数の上位十名までの株主又は社員その他の出資者（以下この号において「株主等」という。）の氏名又は商号若しくは名称、住所又は所在地、その保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（当該株主等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

(xviii) a document stating the names or trade names and addresses of up to the top 10 shareholders or company members or other investors (referred to hereinafter in this item as "Shareholders, etc.") in number of voting rights held (referring to voting rights of general shareholders, general partners, general members, and general association members; the same shall apply hereinafter in this item), along with the proportion of voting rights held to the total number of voting rights and the relationships with the applicant (limited to cases in which said Shareholders, etc. are officers of the applicant or the parent company, a subsidiary company, or an affiliated company, or an officer thereof) for the Transferee Company;

十九 譲受会社における、様式第四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

(xix) a written statement relating to a summary of subsidiary businesses as defined in Article 196, paragraph (1) of the Act, prepared according to Form No. 4 for the Transferee Company;

二十 譲受会社における、様式第五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

(xx) a written statement relating to a summary of controlling relationships with respect to other juridical persons as defined in Article 196, paragraph (2) of the Act for the Transferee Company, prepared according to Form No. 5;

二十一 譲受会社が法第二条第二十二項第五号に掲げる行為を業として行う場合には、次に掲げる書類

(xxi) the following documents, in the case in which the actions listed in Article 2, paragraph (22), item (v) of the Act are performed as a business by the Transferee Company;

イ 当該業務を管理する責任者の履歴書

(a) curriculum vitae of principals managing said business;

ロ 当該業務に関する社内規則

(b) internal rules relating to said business;

ハ 当該業務を行う部署の名称及び組織の体制を記載した書面

(c) a document stating the name of the operating unit and the organizational structure performing said business;

ニ 当該業務に係る顧客との取引開始基準を記載した書面

(d) a document stating the standard for initiation of a transaction with a customer pertaining to said business;

ホ 当該業務に関し顧客と取引を行う際に使用する契約書

(e) the contract to be used when engaging in transactions with a customer pertaining to said business.

第百二十二条 削除

Article 122 Deleted

(負債比率および流動比率の基準)

(Standards of asset liability ratio and current ratio)

第百二十三条 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五十倍とし、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 50:1 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)

第百二十四条 法第二百三十二条第二項第三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 (iii) 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 商品先物取引業者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 Commodity Derivatives Business Operator is below the amount of stated capital;

三 顧客との間に商品先物取引業に関する紛争がひん発し、又は使用人に対する指導監督が不適切であるため商品先物取引業に関する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 relating to the Commodity Derivatives Business occur frequently or disputes relating to the Derivatives Business are likely to occur frequently due to the inappropriate instruction and supervision of employees;

四 商品先物取引業者が、その取り扱う個人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

(iv) in the case where a Commodity Derivatives Business Operator 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 information pertaining to an individual customer, supervision of workers, or handling of said information;

五 商品先物取引業者が、その取り扱う個人顧客に関する人種、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

(v) in the case where a Commodity Derivatives Business Operator has not taken sufficient measures to ensure that information regarding race, creed, family origin, domicile of origin, healthcare, or criminal background of an individual 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.)

第二百五条 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、貸借対照表の負債の部に計上されるべき金額（第三十八条第一項第七号及び第八号に掲げるものの金額の合計額を除く。）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 balance sheet (excluding the amounts listed in Article 38, paragraph (1), items (vii) and (viii)) 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、商品先物取引業者（令第二十八条各号に掲げる者に該当する者を除く。）にあつては、貸借対照表の流動資産の部に計上されるべき金額を合計するものとし、商品先物取引業者（令第二十八条各号に掲げる者に該当する者に限る。）にあつては、貸借対照表の資産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, a Commodity Derivatives Business Operator (excluding those falling under a person listed in Article 28 of the Order) shall round up the amounts to be recorded in the current assets section of the

balance sheet, and a Commodity Derivatives Business Operators(limited to those falling under a person listed in Article 28 of the Order) shall round up the amounts to be recorded in the assets section of the balance sheet.

- 3 法第二百三十二条第三項の規定により流動負債の合計金額を計算するときは、商品先物取引業者（令第二十八条各号に掲げる者に該当する者を除く。）にあっては、貸借対照表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し、商品先物取引業者（令第二十八条各号に掲げる者に該当する者に限る。）にあっては、貸借対照表の負債の部に計上されるべき金額を合計するものとする。

(3) When calculating the total amount of current liabilities pursuant to Article 232, paragraph (3) of the Act, a Commodity Derivatives Business Operator(excluding those falling under a person listed in Article 28 of the Order) shall round up the amounts to be recorded in the current liabilities section of the balance sheet, and a Commodity Derivatives Business Operators(limited to those falling under a person listed in Article 28 of the Order) shall round up the amounts to be recorded in the assets section of the balance sheet.

(負債の額の算定方法)

(Method of calculating the amount of liabilities)

第二百二十六条 令第三十四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 34 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.

(登録申請書の記載事項)

(Matters to be stated in an application for registration)

第二百二十六条の二 法第二百四十条の三第一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 126-2 The matters prescribed by an ordinance of the competent ministry under Article 240-3, paragraph (1), item (vi) of the Act shall be the following

- 一 個人である場合において、当該個人が他の事業者の常務に従事しているときは、当該他の事業者の商号又は名称及びその事業の種類

(i) In the case of an individual, if said individual engages in the ordinary business of another business operator, the trade name or name of said other business operator and the type of the business;

- 二 法人である場合において、当該法人の役員が他の事業者の常務に従事し、又は事業を行っているときは、当該役員の氏名並びに当該他の事業者の商号又は名称及びその事業の種類又は行っている事業の種類

(ii) In the case of a juridical person, if an officer of said juridical person engages in the ordinary business of another business operator or engages in business, the name of said officer, and the trade name or name and type of said other business operator or the type of the business engaged in;

三 所属商品先物取引業者（法第二百四十条の三第一項第四号に規定する所属商品先物取引業者をいう。以下同じ。）が二以上あるときは、登録申請者の事故（法第二百四十条の十七において準用する法第二百十四条の三第三項に規定する事故をいう。以下この条、第二百二十六条の二十から第二百二十六条の二十二までにおいて同じ。）につき、当該事故による損失の補てんを行う所属商品先物取引業者の商号又は名称

(iii) If there are two or more Entrusting Commodity Derivatives Business Operators(referring hereinafter to the Entrusting Commodity Derivatives Business Operators as defined in Article 240-3, paragraph (1), item (iv) of the Act), the trade name or name of the Entrusting Commodity Derivatives Business Operator giving compensation for loss due to a Problematic Conduct (referring to the Problematic Conduct as defined in Article 240-3, paragraph (3) of the Act, applied mutatis mutandis in Article 240-17 of the Act; the same shall apply hereinafter in this Article and from Article 126-20 to Article 126-22) of an applicant for registration concerning said Problematic Conduct.

（登録申請書の添付書類）

(Attached documents to an application for registration)

第二百二十六条の三 法第二百四十条の三第二項第三号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、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 126-3 (1) The documents specified by an ordinance of the competent ministry set forth in Article 240-3, paragraph (2), item (iii) of the Act shall be the following matters (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):

一 個人であるときは、次に掲げる書面

(i) In the case of an individual, the following documents;

イ 住民票の写し等

(a) a Copy of the Residence Certificate, etc.;

ロ 履歴書

(b) the curriculum vitae;

ハ 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。）

(c) a certificate 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 (excluding the case where that person is a foreign juridical person);

二 法人であるときは、次に掲げる書面

(ii) In the case of an individual, the following documents:

イ 役員の履歴書（役員が法人であるときは、当該役員の沿革を記載した書面）

(a) the curriculum vitae of the officer (a document stating the history of said officer in the case where the officer is a foreign juridical person);

ロ 役員の住民票の写し等（役員が法人であるときは、当該役員の登記事項証明書（外国法人である場合には、登記事項証明書に準ずる書面））

(b) A Copy of the Residence Certificate of the officer (in the case where the officer is a juridical person, a certificate of the registered matters of said officer (in the case of a foreign juridical person, a document equivalent to a certificate of the registered matters));

ハ 役員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（役員が外国人である場合を除く。）

(c) a certificate issued by a public agency that the officer does not fall under the provisions of Article 15, paragraph (2), item (i), (a) or (b) of the Act (excluding the case where the officer is a foreign juridical person);

ニ 役員が法第十五条第二項第一号ハからルまで（役員が外国人の場合には同号イからルまで、法人の場合には同号ヲ）のいずれにも該当しないことを当該役員が誓約する書面

(d) a sworn, written statement that said officer 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 the officer is a foreign juridical person, (a) through (e) of the same item, and in the case of a juridical person, (i) of the same item);

三 商品先物取引仲介業を遂行するための方法を記載した書面

(iii) a document stating the method for performing the Commodity Derivatives Intermediary Service;

四 所属商品先物取引業者との間の商品先物取引仲介業に係る業務の委託契約に係る契約書の写し

(iv) a copy of the contract pertaining to the business pertaining to the Commodity Derivatives Intermediary Service with the Entrusting Commodity Derivatives Business Operator;

五 前条第三号に掲げる事項に係る契約書の写し

(v) A copy of the contract pertaining to the matters listed in item (iii) of the preceding Article.

2 法第二百四十条の二第二項の登録の更新を受けようとする場合における法第二百四十条の三第二項第三号の主務省令で定める書類は、前項各号に掲げるものとする。

(2) In the case where intending to obtain a renewal of approval prescribed in Article 240-2, paragraph (2) of the Act, the documents specified by an ordinance of the competent ministry set forth in Article 240-3, paragraph (2), item (iii) of the Act shall be those listed in the preceding items.

（商品先物取引仲介業者の届出事項）

(Matters requiring notification by a Commodity Derivatives Intermediary Service Provider)

第二百二十六条の四 法第二百四十条の六第一項の主務省令で定める事項は、商品先物取引仲介業を遂行するための方法とする。

Article 126-4 (1) The matter prescribed by an ordinance of the competent ministry under Article 240-6, paragraph (1) of the Act shall be the method for performing the Commodity Derivatives Intermediary Service.

2 法第二百四十条の六第一項の規定により届出を行う商品先物取引仲介業者は、変更の内容、変更年月日及び変更の理由を記載した書面を提出しなければならない。

(2) A Commodity Derivatives Intermediary Service Provider giving notification pursuant to the provisions of Article 240-6, paragraph (1) of the Act shall file a document stating the content of the change, the date of said change, and the reason for the change.

3 法第二百四十条の六第三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。

(3) The documents specified by an ordinance of the competent ministry set forth in Article 240-6, paragraph (3) 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 法第二百四十条の三第一項第一号に掲げる事項を変更した場合 住民票の写し等（法人であるときは、登記事項証明書（外国法人である場合には、登記事項証明書に準ずる書面））

(i) in the case where the matter set forth in Article 240-3, paragraph (1), item (i) of the Act is changed: a Copy of the Residence Certificate, etc. (in the case of a juridical person, a certificate of registered matters (in the case of a foreign juridical person, a document equivalent to a certificate of registered matters));

二 法第二百四十条の三第一項第二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 240-3, paragraph (1), item (ii) of the Act is changed: the following documents;

イ 登記事項証明書（外国法人である場合には、登記事項証明書に準ずる書面）

(a) a certificate of registered matters (in the case of a foreign juridical person, a document equivalent to a certificate of registered matters);

ロ 次に掲げる区分に応じ、それぞれ次に掲げる書面

(b) the documents listed in the following items for the categories set forth respectively in those items;

(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、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 juridical person: 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), items (1), (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又はこれに代わる書面、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
 2. In the case where a newly appointed officer is a juridical person: a certificate of registered matters or any alternative document a document stating the corporate history, and a sworn, written statement that such officer 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、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 juridical person 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.
- 三 法第二百四十条の三第一項第四号に掲げる事項を変更した場合（新たに委託を受けることとなった場合に限る。）新たに委託を受けることとなった所属商品先物取引業者との間の商品先物取引仲介業に係る委託契約に係る契約書の写し
- (iii) in the case where the matter listed in Article 240-3, paragraph (1), item (iv) of the Act is changed (limited to cases where a new consignment is received): a copy of the contract pertaining to the consignment contract pertaining to the Commodity Derivatives Intermediary Service with the Entrusting Commodity Derivatives Intermediary Service receiving the new consignment.
- 四 第一百二十六条の二第三号に掲げる事項を変更した場合（所属商品先物取引業者が二以上ある場合に限る。）次に掲げる書類
- (iv) in the case where the matter listed in Article 126-2, item (iii) of the Act is changed (limited to cases where there are two or more Entrusting Commodity Derivatives Business Operators): the following documents:
- イ 当該変更に係る理由書
 - (a) a statement of reasons pertaining to said change;
 - ロ 前条第一項第五号に掲げる書面

(b) the documents listed in paragraph (1), item (v) of the preceding Article;
 五 商品先物取引仲介業を遂行するための方法を変更した場合 変更後の前条第一項
 第三号に掲げる書面

(v) in the case where the method for performing the Commodity Derivatives
 Intermediary Service is changed: the documents listed in paragraph (1), item
 (iii) of the preceding Article after the change.

(廃業等の届出)

(Notification of abolishment, etc.)

第二百二十六条の五 法第二百四十条の七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 126-5 A person who gives notification pursuant to the provisions of
 Article 240-7, 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
商品先物取引仲介業 を廃止したとき In the case of abolishment of Commodity Derivatives Intermediary Service	一 廃止年月日 (i) Date of abolishment	一 商品先物取引仲介業者が法人 である場合には、株主総会（これ に準ずる機関を含む。）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) In the case where the Commodity Derivatives Intermediary Service Provider is a juridical person, minutes of the general meeting of shareholders (including an equivalent body) or another document certifying that the necessary procedures have been followed
	二 廃止の理由 (ii) Reasons for abolishment	二 委託者等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, etc.

<p>商品先物取引仲介業者である個人が死亡したとき In the case where the individual that is a Commodity Derivatives Intermediary Service Provider has died</p>	<p>その旨及び死亡の年月日 That fact and the date of the death</p>	
<p>商品先物取引仲介業者である法人が合併により消滅したとき In the case where a juridical person that is a Commodity Derivatives Intermediary Service Provider has extinguished upon Merger</p>	<p>一 合併の相手方の商号又は名称 (i) Trade name or name of the other party to the Merger</p>	<p>委託者等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, etc. to the juridical person surviving a Merger</p>
	<p>二 合併年月日 (ii) Date of the Merger</p>	
<p>商品先物取引仲介業者である法人について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 for a Commodity Derivatives Intermediary Service Provider that is a juridical person</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>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 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>二 委託者等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, etc.</p>

<p>商品先物取引仲介業者である法人が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</p> <p>In the case of dissolution for a reason other than a Merger or decision of commencement of bankruptcy proceedings for a Commodity Derivatives Intermediary Service Provider that is a juridical person</p>	<p>一 解散年月日</p> <p>(i) Date of dissolution</p>	<p>一 商品先物取引仲介業者が法人である場合には、株主総会（これに準ずる機関を含む。）の議事録その他必要な手続があったことを証する書面</p> <p>(i) In the case where the Commodity Derivatives Intermediary Service Provider is a juridical person, minutes of the general meeting of shareholders (including an equivalent body) or another document certifying that the necessary procedures have been followed</p>
	<p>二 解散の理由</p> <p>(ii) Reasons for dissolution</p>	<p>二 委託者等に対する債権及び債務の清算の方法を記載した書面</p> <p>(ii) A document stating the clearing method of claims and debts to Customers, etc.</p>
<p>分割により商品先物取引仲介業の全部を承継させたとき</p> <p>In the case of succession to the whole of a Commodity Derivatives Intermediary Service by a split-off</p>	<p>一 承継先の氏名又は商号若しくは名称</p> <p>(i) Name or trade name of the successor</p>	<p>一 委託者等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</p> <p>(i) A document stating the succession method of claims and debts to Customers, etc. to the successor</p>
	<p>二 分割の年月日及び理由</p> <p>(ii) Date of the split-off and reason</p>	<p>二 新設分割計画又は吸収分割契約の内容、分割の手続を記載した書面</p> <p>(ii) A document stating the contents of the incorporation-type company split plan or absorption-type company split agreement and the split procedures</p>

商品先物取引仲介業 の全部を譲渡したと き In the case of transfer of the whole of a Commodity Derivatives Intermediary Service	一 譲渡先の氏名又は 商号若しくは名称 (i) Name or trade name of the transferee	一 委託者等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 (i) A document stating the succession method of claims and debts to transferee to the Customers, etc.
	二 譲渡の年月日及び 理由 (ii) Date and reasons for the transfer	二 事業譲渡契約の内容を記載し た書面 (ii) A document stating the contents of the business transfer agreement

(商品先物取引仲介業者の標識)

(Sign of a Commodity Derivatives Intermediary Service Provider)

第百二十六条の六 法第二百四十条の九第一項に規定する標識は、様式第十三号による。
Article 126-6 The sign prescribed in Article 240-9, paragraph (1) of the Act shall be prepared according to Form No. 13.

(登録申請書の添付書類)

(Attached documents to an application for registration)

第百二十六条の七 法第二百四十条の十一において準用する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、次に掲げるものとする。

Article 126-7 (1) The documents specified by an ordinance of the competent ministry set forth in Article 200, paragraph (4) of the Act, applied mutatis mutandis in Article 240-11 of the Act shall be as following, 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 a Sales Representative who intends to obtain registration;

二 登録を受けようとする外務員が法第二百四十条の十一において準用する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

(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, applied mutatis mutandis in Article 240-11 of the Act;

三 登録を受けようとする外務員が法第二百四十条の十一において準用する法第二百一条第一項各号に掲げる行為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 fairly and appropriately perform the actions listed in the items of Article 200, paragraph (1) of the Act, applied mutatis mutandis in Article 240-11 of the Act.

2 法第二百四十条の十一において準用する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法第二百四十条の十一において準用する法第二百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) The documents specified by an ordinance of the competent ministry set forth in Article 200, paragraph (4) of the Act, applied mutatis mutandis in Article 240-11 of the Act in the case of obtaining a renewal of approval for registration of Article 200, paragraph (7) of the Act, applied mutatis mutandis in Article 240-11 of the Act shall be the following:

一 前項各号に掲げる書面

(i) The documents listed in the preceding paragraph;

二 登録の更新を受けようとする外務員が法第二百四条第一項（法第二百四十条の十一において準用する場合を含む。）の規定による処分（その処分の日から五年を経過するまでのものに限る。）を受けたことがある場合には、その処分の日、内容及び理由を記載した書面

(ii) in the case where the Sales Representative intending to obtain a renewal of approval for registration is subject to a disposition (limited to those for which five years have not yet passed from the date of such disposition) under the provisions of Article 240, paragraph (1) of the Act (including cases where applied mutatis mutandis in Article 240-11 of the Act), a document stating the date of the disposition, the content and the reason.

（外務員登録原簿の記載事項）

(Matters to be stated in a Registry of Sales Representatives)

第二百二十六条の八 法第二百四十条の十一において準用する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 126-8 The matters prescribed by an ordinance of the competent ministry under Article 200, paragraph (5) of the Act, applied mutatis mutandis in Article 240-11 of the Act, shall be the following:

一 登録番号

(i) the registration number;

二 登録の年月日

(ii) the date of registration;

三 登録申請者の氏名又は商号若しくは名称

(iii) the name or trade name of the applicant for the registration;

四 外務員についての次に掲げる事項

(iv) the following matters concerning the Sales Representative;

イ 住所

(a) the address;

ロ 役員又は使用人の別

(b) whether he/she is an officer or an employee;

ハ 外務員（法第二百条第一項の規定による登録に係る外務員を含む。）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先物取引業者又は商品先物取引仲介業者の商号、名称又は氏名及びその行った期間

(c) For a person having performed the duties of a Sales Representative (including a Sales Representative pertaining to the registration under Article 200, paragraph (1) of the Act), the trade name or name of the Commodity Derivatives Business Operator or Commodity Derivatives Intermediary Service Provider said person belonged to, and the period of that performance;

ニ 商品先物取引仲介業を行ったことのある者については、その行った期間

(d) For a person having performed Commodity Derivatives Intermediary Service, the period of that performance;

ホ 法第二百四十条の十一において準用する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) Where the duties were ordered suspended pursuant to the provisions of Article 204, paragraph (1) of the Act, applied mutatis mutandis in Article 240-11 of the Act, the date of that disposition, the reason, and the period;

ヘ 法第二百四十条の十一において準用する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) Where the registration was deleted pursuant to the provisions of Article 204, paragraph (1) of the Act, applied mutatis mutandis in Article 240-11 of the Act, or the registration was deleted pursuant to the provisions of Article 205 of the Act, the date of that disposition and the reason.

（協会による外務員登録事務）

(Registration affairs concerning a Sales Representative by an Association)

第百二十六条の九 法第二百四十条の十一において準用する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を所属商品先物取引業者とする商品先物取引仲介業者に係るものを行わせるものとする。

Article 126-9 Pursuant to the provisions of Article 206, paragraph (1) of the Act, applied mutatis mutandis in Article 240-11 of the Act, an Association shall be made to carry out affairs pertaining to registration set forth in the following items, respectively, that pertain to the Commodity Derivatives Intermediary Service Provider for which the Association member belonging to said Association is the Entrusting Commodity Derivatives Business Operator:

- 一 法第二百四十条の十一において準用する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 the application for registration pursuant to the provisions of Article 200, paragraph (3) of the Act, applied mutatis mutandis in Article 240-11 of the Act;
- 二 法第二百四十条の十一において準用する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, applied mutatis mutandis in Article 240-11 of the Act;
- 三 法第二百四十条の十一において準用する法第二百条第六項、法第二百四十条の十一において準用する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二百四十条の十一において準用する法第二百四条第二項の規定による通知
- (iii) notification pursuant to Article 200, paragraph (6) of the Act, applied mutatis mutandis in Article 240-11 of the Act, Article 15, paragraphs (5) and (7) of the Act, applied mutatis mutandis in Article 201, paragraph (2) of the Act, applied mutatis mutandis in Article 240-11 of the Act, and Article 204, paragraph (2) of the Act, applied mutatis mutandis in Article 240-11 of the Act;
- 四 法第二百四十条の十一において準用する法第二百一条第一項の規定による登録の拒否
- (iv) refusal of the registration pursuant to the provisions of Article 201, paragraph (1) of the Act, applied mutatis mutandis in Article 240-11 of the Act;
- 五 法第二百四十条の十一において準用する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, applied mutatis mutandis in Article 201, paragraph (2) of the Act, applied mutatis mutandis in Article 240-11 of the Act;
- 六 法第二百四十条の十一において準用する法第二百三条の規定による届出の受理
- (vi) acceptance of the notification pursuant to the provisions of Article 203 of the Act, applied mutatis mutandis in Article 240-11 of the Act;
- 七 法第二百四十条の十一において準用する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) deletion of the registration or order of suspension of the duties pursuant to the provisions of Article 240, paragraph (1) of the Act, applied mutatis mutandis in Article 240-11 of the Act;
- 八 法第二百四十条の十一において準用する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 the opinions of witnesses or reports or appraisal of expert witnesses pursuant to the provisions of

Article 158, paragraph (2) of the Act, applied mutatis mutandis in Article 204, paragraph (3) of the Act, applied mutatis mutandis in Article 240-11 of the Act and hearing pursuant to the provisions of Article 159, paragraph (4) of the Act;

九 法第二百四十条の十一において準用する法第二百五条の規定による登録の抹消
(ix) deletion of registration pursuant to the provisions of Article 205 of the Act, applied mutatis mutandis in Article 240-11 of the Act.

(外務員の登録事務に関する届出)

(Notification relating to registration affairs of a Sales Representative)

第二百二十六条の十 協会は、法第二百四十条の十一において準用する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 126-10 When intending to give notification pursuant to the provisions of Article 206, paragraph (4) of the Act, applied mutatis mutandis in Article 240-11 of the Act, an Association shall submit a document stating the following matters to the competent minister:

一 当該外務員の所属する商品先物取引仲介業者の氏名又は商号若しくは名称

(i) the name or trade name of the Commodity Derivatives Intermediary Service Provider to which said Sales Representative belongs;

二 当該外務員の所属する商品先物取引仲介業者の所属商品先物取引業者の商号又は名称

(ii) the trade name or name of the Entrusting Commodity Derivatives Business Operator of the Commodity Derivatives Intermediary Service Provider to which said Sales Representative belongs;

三 当該外務員の氏名、生年月日及び住所

(iii) the name, date of birth, and address of said Sales Representative;

四 処理した登録事務の内容及び処理した日

(iv) the content of the registration affairs that are handled, and the date they are handled;

五 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

(v) in the case where the content of the registration affair listed in the preceding item is an order for suspension of duties or deletion of registration, the reason therefore.

(広告類似行為)

(Acts similar to advertising)

第二百二十六条の十一 法第二百四十条の十三各項の主務省令で定める行為は、郵便、信書便、ファクシミリ装置を用いて送信する方法、電子メールを送信する方法、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 126-11 The acts specified by an ordinance of the competent ministry under any of the items of Article 240-13 of the Act is the provision of information carried out with similar content to a large number of persons by the method of postal mail, Correspondence Delivery, or transmission using a facsimile machine, the method of transmitting electronic mail, 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 distribution of documents prepared based on a disposition by a government agency based on laws and regulations;

二 商品市場における相場等の分析及び評価に関する資料であって、商品先物取引仲介行為（法第二百四十条の十四に規定する商品先物取引仲介行為をいう。以下同じ。）に係る商品取引契約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 distribution of materials relating to the analysis and valuation of Commodity Market Prices, etc. not used in soliciting to conclude a Commodity Transaction Contract pertaining to Commodity Futures Transaction Intermediary Actions (which means a Commodity Futures Transaction Intermediary Action prescribed in Article 240-14 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 only premiums and other articles (limited to those on which the matters listed in (b) to (d) are clearly and accurately indicated) on which only all of the following matters (in the case where one of said matters is not indicated on a premium or other article, including the method of providing said premium or other article and another article on which said matter is indicated in an integrated matter)1:

イ 商品先物取引仲介行為に係る商品取引契約の名称又は通称

(a) the name or popular name of a Commodity Transaction Contract pertaining to a Commodity Futures Transaction Intermediary Action;

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先物取引仲介業者の氏名若しくは商号若しくは名称又はこれらの通称

(b) the names, trade names, or popular names of Commodity Derivatives Intermediary Service Providers providing information carried out with similar content to a large number of persons by the methods prescribed in this item;

ハ 商品市場における相場等に係る変動により商品先物取引仲介行為に係る商品取

引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る場合にあっては、当該おそれがある旨（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場合にあっては当該おそれがある旨を含み、これらの事項の文字又は数字がこれらの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) In the case where there is a risk of a customer incurring a loss with regard to a transaction based on a Commodity Transaction Contract pertaining to a Commodity Futures Transaction Intermediary Action due to fluctuations in market price, etc., in commodities markets, the fact that there is said risk (including the fact that there is a risk in the case where said risk is of the amount of said loss exceeding the amount of the clearing margin, etc., limited to articles on which the letters or numbers are indicated in a size that is not substantially different from the largest letters or numbers used for indicating other matters);

ニ 商品先物取引仲介行為に係る商品取引契約の契約締結前交付書面の内容を十分に読むべき旨

(d) the fact that the contents of Pre-Contract Documents of a Commodity Transaction Contract pertaining to a Commodity Futures Transaction Intermediary Action should be read and understood sufficiently.

四 次に掲げる事項を明瞭かつ正確に表示し、かつ、商品デリバティブ取引を行うことによる利益の見込みその他第二百二十六条の十五で定める事項について、著しく事実と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、有線ラジオ放送の業務を行う者及び電気通信役務利用放送の業務を行う者の放送設備により放送させる方法、商品先物取引仲介業者又は当該商品先物取引仲介業者が行う広告等（広告又はこの条に規定する行為をいう。次条において同じ。）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 clearly and accurately indicating the following matters, not making an indication in a manner that is significantly contradictory to facts or seriously misleading with regard to the outlook of profits from conducting a Commodity Derivative Transaction and other matters specified by Article 126-15, and broadcasting by means of the broadcasting facilities of a general broadcasting organization, a cable television broadcasting organization, a person who performs the business of cable radio broadcasting, and a person who performs the business of broadcasting for telecommunications services, the method of using an electric telecommunication line to have customers inspect the content of information recorded into a file on the computer used

by a Commodity Derivatives Intermediary Service Provider or the person having received consignment of business pertaining to advertising, etc. (referring to advertising and acts stipulated in this Article; the same shall apply in the following Article) conducted by said Commodity Derivatives Intermediary Service Provider, and the method of making a public indication indoors or outside permanently or continuously for a certain period of time, wherein posting or indication is made on signboards, standing signboards, posters, and bills, as well as advertising towers, advertising signs, buildings, other structures, etc., and similar methods:

イ 商品先物取引仲介業者の氏名又は商号若しくは名称

(a) the trade name or name of the Commodity Derivatives Intermediary Service Provider;

ロ 商品先物取引仲介業者である旨及び当該商品先物取引仲介業者の登録番号

(b) the fact of being a Commodity Derivatives Intermediary Service Provider and the registration number of said Commodity Derivatives Intermediary Service Provider;

ハ 商品市場における相場等に係る変動により商品先物取引仲介行為に係る商品取引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る場合にあっては、当該おそれがある旨（当該損失の額が取引証拠金等の額を上回るものとなるおそれがある場合にあっては当該おそれがある旨を含み、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) in the case where there is a risk of a customer incurring a loss with regard to a transaction based on a Commodity Transaction Contract pertaining to a Commodity Futures Transaction Intermediary Action due to fluctuations in market price, etc., in commodities markets, the fact that there is said risk (including the fact that there is a risk in the case where said risk is of the amount of said loss exceeding the amount of the clearing margin, etc., excluding the method of broadcasting using voice, and limited to articles on which the letters or numbers are indicated in a size that is not substantially different from the largest letters or numbers used for indicating other matters);

ニ 商品先物取引仲介行為に係る商品取引契約の契約締結前交付書面の内容を十分に読むべき旨

(d) the fact that the contents of Pre-Contract Documents of a Commodity Transaction Contract pertaining to a Commodity Futures Transaction Intermediary Action should be read and understood sufficiently.

(商品先物取引仲介業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 Derivatives Intermediary Service)

第二百二十六条の十二 商品先物取引仲介業者がその行う商品先物取引仲介業の内容について広告等をするときは、法第二百四十条の十三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 126-12 (1) When a Commodity Derivatives Intermediary Service Provider conducts advertising, etc. with regard to the Commodity Derivatives Intermediary Service it conducts, it must clearly and accurately indicate the matters listed in the items of Article 240-13, paragraph (1) of the Act.

2 商品先物取引仲介業者がその行う商品先物取引仲介業の内容について広告等をするときは、令第三十六条第四号及び第二百二十六条の十四第一号に掲げる事項の文字又は数字をこれらの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らない大ききさで表示するものとする。

(2) If a Commodity Derivatives Intermediary Service Provider conducts advertising, etc. with regard to the contents of the Commodity Derivatives Intermediary Service it conducts, it shall indicate the matters set forth in Article 36, item (iv) and Article 126-14, item (i) 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)

第二百二十六条の十三 令第三十六条第一号の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、商品先物取引仲介行為に係る商品取引契約に関して顧客が支払うべき対価（受渡しに係る価額、法第二条第三項第四号並びに第十四項第四号及び第五号に規定する取引の対価の額並びに取引証拠金等の額を除く。この条、第二百二十六条の十五及び第二百二十六条の十六において「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（当該商品取引契約に基づく取引の額（令第三十六条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つては、その旨及びその理由とする。

Article 126-13 The matters specified by an ordinance of the competent ministry as prescribed in Article 36, 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 Commodity Transaction 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 (3), item (iv) of the Act and paragraph (14), items (iv) and (v) of the same Article, and the amount of the clearing margin, etc.; referred to as the "Fees, etc." in this Article, Article 126-15, and Article 126-16), 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 36-2, item (iii) of the Order] based on said Commodities Transaction Contract), and the sum of said 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 reasons therefor.

(顧客の判断に影響を及ぼす重要事項)

(Important matters that may have an impact on customers' judgment)

第二百二十六条の十四 令第三十六条第五号の主務省令で定める事項は、次に掲げる事項とする。

Article 126-14 The matters prescribed by an ordinance of the competent ministry under Article 36, item (v) shall be the following:

一 商品市場における相場等に係る変動により商品先物取引仲介行為に係る商品取引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る場合（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場合を除く。）には、その旨及びその理由

(i) in the case where there is a risk of a customer incurring a loss with regard to a transaction based on a Commodity Transaction Contract pertaining to a Commodity Futures Transaction Intermediary Action due to fluctuations in market price, etc., in commodities markets, the fact that there is said risk (excluding the case where said risk is of the amount of said loss exceeding the amount of the clearing margin, etc.), that fact and the reasons therefor;

二 商品先物取引仲介行為に係る商品取引契約に基づく店頭商品デリバティブ取引について、商品先物取引仲介業者が表示する商品の売付けの価格と買付けの価格（次のイからハまでに掲げる取引の場合にあつては、当該イからハまでに定めるものを含む。）とに差がある場合には、その旨

(ii) in the case where there is a difference between the sell price and the buy price (in the case of a transaction listed in (a) to (c) below, including that specified in said (a) to (c)) of an article indicated by a Commodity Derivatives Intermediary Service Provider concerning Over-the-Counter Commodity Derivative Transaction based on a Commodity Transaction Contract pertaining to a Commodity Futures Transaction Intermediary Action, that fact;

イ 法第二条第十四項第二号又は第三号に掲げる取引の場合現実価格若しくは現実数値が約定価格等を上回った場合に金銭を支払う立場の当事者となる取引の約定価格等と当該金銭を受領する立場の当事者となる取引の約定価格等又はこれらに類似するもの

(a) in the case of a transaction listed in Article 2, paragraph (14), item (ii) or (iii) of the Act, if the Actual Price or the Actual Figure exceeds the Contract Price, etc., the Contact Price, etc. of a transaction of a party paying money, the contract price, etc. of a transaction of a party receiving

said money, and the like;

ロ 法第二条第十四項第四号又は第五号に掲げる取引の場合同項第四号又は第五号に規定する権利を付与する立場の当事者となる取引の当該権利の対価の額と当該権利を取得する立場の当事者となる取引の当該権利の対価の額

(b) in the case of a transaction listed in Article 2, paragraph (14), item (iv) or (v) of the Act, the amount of compensation for the right of the transaction of the party granted said right provided for in item (iv) or (v) of the same paragraph and the amount of compensation for said right of the transaction of the party acquiring said right;

ハ 法第二条第十四項第六号に掲げる取引の場合商品の価格若しくは商品指数が約定した期間に上昇した場合に金銭を支払う立場の当事者となる取引における約定した期間の開始時の当該商品の価格若しくは商品指数と当該商品の価格若しくは商品指数が約定した期間に上昇した場合に金銭を受領する立場の当事者となる取引における約定した期間の開始時の当該商品の価格若しくは商品指数又はこれらに類するもの

(c) in the case of a transaction listed in Article 2, paragraph (14), item (vi) of the Act, wherein the price of the commodity or the commodity index rises in the agreed period, said price of the commodity or the commodity index at the start of the agreed period in the transaction of the party paying money, and wherein said price of the commodity or the commodity index rises in the agreed period, said price of the commodity or the commodity index at the start of the agreed period in the transaction of the party receiving money, or the like;

三 商品先物取引仲介行為に係る商品取引契約に関する重要な事項について顧客の不利益となる事実がある場合には、当該不利益となる事実の内容

(iii) in the case where there are facts disadvantageous to the customer related to important matters relating to a Commodity Transaction Contract pertaining to a Commodity Futures Transaction Intermediary Action, the contents of said disadvantageous facts;

四 当該商品先物取引仲介業者の所属商品先物取引業者が商品先物取引協会に加入している場合には、その旨及び当該商品先物取引協会の名称

(iv) in the case where the Entrusting Commodity Derivatives Business Operator of said Commodity Derivatives Intermediary Service Provider has joined a Commodity Futures Association, that fact and the name of said has joined a Commodity Futures Association.

(誇大広告等をしてはならない事項)

(Prohibition of misleading advertising, etc.)

第二百二十六条の十五 法二百四十条の十三第二項の主務省令で定める事項は、次に掲げる事項とする。

Article 126-15 The matters prescribed by an ordinance of the competent ministry

under Article 240-13, paragraph (2) of the Act shall be the following:

- 一 商品先物取引仲介行為に係る商品取引契約の解除に関する事項
- (i) matters relating to cancellation of a Commodity Transaction Contract pertaining to a Commodity Futures Transaction Intermediary Action;
- 二 商品先物取引仲介行為に係る商品取引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 relating to all or part of the burden of a loss or a guarantee of a profit pertaining to a Commodity Transaction Contract pertaining to a Commodity Futures Transaction Intermediary Action;
- 三 商品先物取引仲介行為に係る商品取引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 relating to an agreement for liquidated damages (including any penalty) pertaining to a Commodity Transaction Contract pertaining to a Commodity Futures Transaction Intermediary Action;
- 四 商品先物取引仲介行為に係る商品取引契約に係る商品市場又は外国商品市場に関する事項
- (iv) matters relating to a commodity market or a Foreign Commodity Market pertaining to a Commodity Transaction Contract pertaining to a Commodity Futures Transaction Intermediary Action;
- 五 所属商品先物取引業者の資力又は信用に関する事項
- (v) matters relating to the financial resources or credit of an Entrusting Commodity Derivatives Business Operator;
- 六 所属商品先物取引業者の商品先物取引業の実績に関する事項
- (vi) matters relating to the performance of a commodities transaction contract of an Entrusting Commodity Derivatives Business Operator;
- 七 商品先物取引仲介行為に係る商品取引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 relating to the amount of the Fees, etc. to be paid by the customer relating to a Commodity Transaction Contract pertaining to a Commodity Futures Transaction Intermediary Action, the calculation method, the method and time of payment thereof, and the recipient.

(明示事項)

(Indication matters)

第二百二十六条の十六 法第二百四十条の十四第四号の主務省令で定める事項は、次に掲げる事項とする。

Article 126-16 The matters prescribed by an ordinance of the competent ministry under Article 240-14, item (iv) of the Act shall be the following:

- 一 所属商品先物取引業者が二以上ある場合において、顧客が行おうとする取引につき顧客が支払う金額又は手数料等が所属商品先物取引業者により異なる場合は、その旨

(i) In the case where there are two or more Entrusting Commodity Derivatives Business Operators, wherein the amount or the Fees, etc. to be paid by the customer for a transaction the customer intends to engage in differs depending on the Entrusting Commodity Derivatives Business Operators Dealer, that fact;

二 所属商品先物取引業者が二以上ある場合には、顧客の取引の相手方となる所属商品先物取引業者の商号又は名称

(ii) In the case where there are two or more Entrusting Commodity Derivatives Business Operators, the trade name of name of the Entrusting Commodity Derivatives Business Operators that is the counterparty of the transaction of the customer.

(商品先物取引仲介業者と密接な関係を有する者から除かれる者)

(Persons excluded from persons having a close relationship with the Commodity Derivatives Intermediary Service Provider)

第二百二十六条の十七 令第三十七条ただし書の主務省令で定める者は、次に掲げるものとする。

Article 126-17 The matters prescribed by an ordinance of the competent ministry under the proviso of Article 37 of the Ordinance shall be the following:

一 当該商品先物取引仲介業者の所属商品先物取引業者

(i) Entrusting Commodity Derivatives Business Operator of said affiliated Commodity Derivatives Intermediary Service Provider;

二 銀行

(ii) banks;

三 協同組織金融機関

(iii) cooperative structured financial institutions;

四 保険会社

(iv) insurance companies;

五 信託会社

(v) trust companies;

六 株式会社商工組合中央金庫

(vi) the Shoko Chukin Bank, Ltd.

(実質的支配が可能な関係)

(Relationships that constitute substantial control)

第二百二十六条の十八 令第三十七条第三号の主務省令で定める関係は、次に掲げる関係とする。

Article 126-18 The relationships specified by an ordinance of the competent ministry set forth in Article 37, item (iii) of the Order shall be the following:

一 子会社に対する関係

(i) a relationship with a Subsidiary Company;

二 関連会社に対する関係

(ii) a relationship with an Affiliated Company.

(禁止行為)

(Prohibited acts)

第二百二十六条の十九 法第二百四十条の十六第三号の主務省令で定める行為は、次に掲げる行為とする。

Article 126-19 The acts specified by an ordinance of the competent ministry set forth in Article 240-16, item (iii) of the Act shall be the following:

一 委託者等の指示を遵守することその他の商品先物取引仲介行為に係る商品取引契約に基づく委託者等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) complying with the instructions of a Customer, etc., or otherwise refusing to perform or unjustly delaying performance of the obligations in whole or in part to the Customer, etc. based on a Commodity Transaction Contract pertaining to a Commodity Futures Transaction Intermediary Action ;

二 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商品先物取引仲介行為を行うこと。

(ii) conducting a Commodity Futures Transaction Intermediary Action that should be from the account of a customer without receiving an instruction from the customer;

三 商品先物取引仲介行為につき、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。）

(iii) promising to offer to a customer or any person designated by a customer special advantages in relation to a Commodity Futures Transaction Intermediary Action, or actually offering the special advantages to a customer or any person designated by a customer (including having a third person promise to offer the special advantages or actually offer them);

四 商品先物取引仲介行為につき、顧客（特定委託者及び特定当業者を除く。）に対し、取引単位を告げないで勧誘すること。

(iv) soliciting a customer (excluding Eligible Consignors and Eligible Commercial Persons) regarding a Commodity Futures Transaction Intermediary Action without disclosing the transaction unit;

五 商品先物取引仲介行為につき、決済を結了する旨の意思を表示した顧客（特定委託者及び特定当業者を除く。）に対し、引き続き当該取引を行うことを勧めること。

(v) recommending that a customer (excluding Eligible Consignors and Eligible Commercial Persons) who has indicated the intention to complete settlement regarding a Commodity Futures Transaction Intermediary Action continue carrying out said transaction;

六 商品先物取引仲介行為に関して、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。

(vi) making an indication that would cause a misunderstanding with regard to important matters relating to a Commodity Futures Transaction Intermediary Action;

七 法第二百十四条第九号に規定する商品取引契約の締結を勧誘する目的があることを顧客（特定委託者及び特定当業者を除く。）にあらかじめ明示しないで当該顧客を集めて当該商品取引契約の締結を勧誘すること。

(vii) gathering customers (excluding Eligible Consignors and Eligible Commercial Persons) and soliciting conclusion of a Commodity Transaction Contract prescribed in Article 240, item (ix) of the Act without disclosing to said customer in advance that there is a purpose of soliciting conclusion of said Commodity Transaction Contract;

八 商品市場における相場又は商品市場における相場若しくは取引高に基づいて算出した数値を変動させ、又は取引高を増加させることにより実勢を反映しない作為的なものとなることを知りながら、商品市場における取引等の委託の媒介を行うこと。

(viii) brokering the consignment of transactions, etc. on a commodity market while knowing that it is an intentional act not reflecting the actual situation due to causing the fluctuation of a value calculated based on commodity market prices or increasing the transaction volume on the commodity market;

九 商品投資顧問契約に係る業務を行う場合には、商品投資顧問契約に係る取引を結了させ、又は反対売買を行わせるため、その旨を説明することなく当該商品投資顧問契約を締結している顧客以外の者に対して商品デリバティブ取引を勧誘する行為

(ix) in the case of engaging in business pertaining to a commodities investment advisory contract, the act of soliciting a person other than a customer who has concluded a commodities investment advisory contract to conduct a Commodity Derivative Transaction in order to have a commodities investment advisory contract completed or closed trades engaged in without explaining that fact.

(事故の確認を要しない場合)

(Cases where confirmation of Problematic Conduct is not required)

第二百二十六条の二十 法第二百四十条の十七において準用する法第二百十四条の三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 126-20 (1) The cases specified by an ordinance of the competent ministry set forth in Article 240-3, paragraph (3) of the Act, applied mutatis mutandis in Article 240-17 of the Act shall be the following:

一 裁判所の確定判決を得ている場合

(i) the case where a final and binding judgment rendered by a court has been obtained;

二 裁判所の和解が成立している場合

(ii) the case where a court settlement has been reached;

三 民事調停法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) in the case where the conciliation prescribed in Article 16 of the Civil Conciliation Act is concluded or the case where a court decision has been made pursuant to the provisions of Article 17 of the same Act and no objection is made within the period set forth 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) the case where mediation of a commodities exchange, complaint resolution of a Commodity Futures Association, or settlement has been reached through mediation, conciliation, or mediation of an organization designated by the competent minister;

五 弁護士法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) the case where settlement has been reached through mediation in that organ prescribed in the regulations prescribed in Article 33, paragraph (1) of the Attorney Act or the rules established pursuant to the provisions of said regulations or the case where an arbitration award has been made in said organ;

六 消費者基本法第十九条第一項若しく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又は同条に規定する合意による解決が行われている場合

(vi) the case where settlement has been reached through the mediation prescribed in Article 19, paragraph (1) or Article 25 of the Consumer Basic Act or the case where resolution has been reached through the agreement prescribed in said Articles;

七 認証紛争解決事業者が行う認証紛争解決手続による和解が成立している場合

(vii) the case where settlement has been reached through the certified dispute resolution procedure carried out by a certified dispute resolution business operator;

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) the case where settlement has been reached, wherein all of the requirements listed below are met;

イ 当該和解の手続について弁護士又は司法書士が顧客を代理していること。

(a) An attorney or a judicial scrivener represents the customer in relation to the proceedings of said settlement;

ロ 当該和解の成立により所属商品先物取引業者が顧客に対して支払をすることと

なる額が千万円を超えないこと。

(b) the amount to be paid to the customer by the Entrusting Commodity Derivatives Business Operator in accordance with reaching of said settlement does not exceed 10 million yen;

ハ ロの支払が事故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先物取引仲介業者及び当該商品先物取引仲介業者の所属商品先物取引業者に交付されていること。

(c) the attorney or judicial scrivener of (a) investigates the payment of (b) being made to give compensation of loss due to the Problematic Conduct in whole or part, and a document certifying the confirmation is provided to the Commodity Derivatives Intermediary Service Provider and the Entrusting Commodity Derivatives Business Operator of said Commodity Derivatives Intermediary Service Provider;

九 商品先物取引仲介業者の所属商品先物取引業者の代表者等が第百十二条第二項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 the case where the representative, etc. of an Entrusting Commodity Derivatives Business Operator of a Commodity Derivatives Intermediary Service Provider causes a customer a loss through an action listed in any of the items of Article 112, paragraph (2), if the property benefits for which an offer or promise is made or is provided to the customer in relation to the loss incurred thereto in one day of transactions does not exceed the amount equivalent to 100,000 yen;

十 商品先物取引仲介業者の代表者等が第百十二条第二項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) the case where the representative, etc. of an affiliated Commodity Futures Transactions Dealer of a Commodity Derivatives Intermediary Service Provider causes a customer a loss through an action listed in Article 112, paragraph (2), item (iii) or (iv) (limited to cases where it is clear that the Problematic Conduct through the books prescribed in Article 222 of the Act or a record of the contents of an order of the customer).

2 前項第九号の利益は、第百十二条第二項各号に掲げる行為の区分ごとに計算するものとする。この場合において、同項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 actions listed in the items of Article 112, paragraph (2). In this case, with regard to the amount of benefits pertaining to

the category of actions 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 所属商品先物取引業者は、第一項第四号（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、法第二百四十条の十七において準用する法第二百十四条の三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、第二百二十六条の二十二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、当該報告をする者の所属商品先物取引業者が、協会の会員である場合にあっては、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 an Entrusting Commodity Derivatives Business Operator 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 214-3, paragraph (3) of the Act, applied mutatis mutandis in Article 240-17 of the Act, the matters listed in the items of Article 126-22 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 Entrusting Commodity Derivatives Business Operator of 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)

- 第二百二十六条の二十一 法第二百四十条の十七において準用する法第二百十四条の三第三項ただし書の確認を受けようとする者は、法第二百四十条の十七において準用する法第二百十四条の三第五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の所属商品先物取引業者が、協会の会員である場合にあっては、協会を経由しなければならない。

Article 126-21 A person who intends to obtain the confirmation set forth in the proviso of Article 214-3, paragraph (3) of the Act, applied mutatis mutandis in Article 240-17 of the Act, shall submit a written application and a document under the provisions of Article 214-3, paragraph (5) of the Act, applied mutatis mutandis in Article 214-17 of the Act, to the competent minister; provided, however, that if the Entrusting Commodity Derivatives Business Operator of 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)

第二百二十六条の二十二 法第二百四十条の十七において準用する法第二百十四条の三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 126-22 The matters prescribed by an ordinance of the competent ministry under Article 214-3, paragraph (5) of the Act, applied mutatis mutandis in Article 240-17 of the Act, shall be the following:

一 所属商品先物取引業者の商号又は名称

(i) the trade name or name of the Entrusting Commodity Derivatives Business Operator;

二 事故の発生した本店、支店その他の営業所又は事務所の名称及び所在地

(ii) the name and address of the head office, branch office, or any other business office or 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 pertaining to the fact for which confirmation is sought;

イ 事故となる行為に関係した商品先物取引仲介業者の氏名又は商号若しくは名称及び代表者等の氏名又は部署の名称

(a) the name or trade name of the Commodity Derivatives Intermediary Service Provider, and the name or name of the post of the representative, etc., in relation to the Problematic Conduct action;

ロ 顧客の氏名及び住所（法人にあっては、商号又は名称、本店又は主たる事務所の所在地及び代表者の氏名）

(b) the name and address of the customer (in the case of a juridical person, the name or trade name, and the address of the main office or principal office and name of the representative);

ハ 事故の概要

(c) a description 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 the loss of the customer to be compensated for was caused a result of a 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 the property benefits intended to be offered, promised, or provided;

四 その他参考となるべき事項

(iv) Other matters for reference.

(確認申請書の添付書類)

(Attached documents to a written application for confirmation)

第二百二十六条の二十三 法第二百四十条の十七において準用する法第二百十四条の三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 126-23 (1) The document specified by an ordinance of the competent ministry as set forth in Article 214-3, paragraph (5) of the Act, applied mutatis mutandis in Article 240-17 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、法第二百四十条の十七において準用する法第二百十四条の三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 214-3, paragraph (5) of the Act, applied mutatis mutandis in Article 240-17 of the Act, pertains to an offer made under paragraph (1), item (ii) of the same Article.

(説明の方法)

(Method of explanation)

第二百二十六条の二十四 商品先物取引仲介業者の所属商品先物取引業者は、その委託を行った商品先物取引仲介業者が法第二百四十条の十八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、当該顧客に対し契約締結前交付書面を交付しなければならない。

Article 126-24 (1) If a Commodity Derivatives Intermediary Service Provider that did not make the consignment intends to provide explanations to a customer pursuant to the provisions of Article 240-18, paragraph (1) of the Act, Entrusting Commodity Derivatives Business Operator of the Commodity Derivatives Intermediary Service Provider shall deliver the Pre-Contract Documents to said customer prior to said explanation.

2 前項に規定する場合において、既に当該商品先物取引仲介業者が当該契約締結前交付書面を交付をしているときは、当該所属商品先物取引業者は、法第二百十七条第一項の規定にかかわらず、契約締結前交付書面を交付することを要しない。

(2) In the case prescribed in the preceding paragraph, if said Commodity Futures Derivatives Intermediary Service Provider has already delivered said Pre-Contract Documents, said Entrusting Commodity Derivatives Business Operator shall not be required to deliver the Pre-Contract Documents, notwithstanding the provisions of Article 217, paragraph (1) of the Act.

(帳簿の作成)

(Creation of books)

第二百二十六条の二十五 商品先物取引仲介業者は、法第二百四十条の二十の規定により、

商品先物取引仲介業に関する取引につき、別表第五に定める帳簿を作成しなければならない。

Article 126-25 (1) A Commodity Derivatives Intermediary Service Provider shall prepare the books as prescribed in Appended Table 5 for transactions relating to the Commodity Derivatives Intermediary Service pursuant to the provisions of Article 240-20 of the Act.

2 別表第五に定める帳簿は、七年間保存するものとする。

(2) The books prescribed in Appended Table 5 shall be retained for seven years.

(電磁的方法による保存)

(Preservation through an Electromagnetic Means)

第二百二十六条の二十六 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、商品先物取引仲介業者は、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 126-26 If 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 paragraph (2) of the preceding Article. In this case, a Commodity Derivatives Intermediary Service Provider shall take the necessary measures for preventing the loss of or damage to said record.

(事業報告書の作成等)

(Creation, etc., of business reports)

第二百二十六条の二十七 法第二百四十条の二十一の規定により商品先物取引仲介業者が提出する事業報告書は、様式第十四号により作成しなければならない。

Article 126-27 The business report that a Commodity Derivatives Intermediary Service Provider submits pursuant to the provisions of Article 240-21 of the Act shall be prepared according to Form No. 14.

(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 認可申請者が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 the applicant for authorization 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っては、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 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第一項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, paragraph (1) 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 商品先物取引業者等別苦情受付処理件数表

(ii) a table stating the number of complaints received and processed by each Commodity Derivatives Business Operator, etc.;

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 those falling 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 member does not fall under any of the provisions of Article 15, paragraph (2), item (i), (a) through (k) of the Act;

二 次のイからヌまでのいずれにも該当しない者であること。

(ii) the person does not fall under the provisions of any of the following (a) through (j);

イ 公務員で懲戒免職の処分を受け、当該処分の日から二年を経過しない者

(a) a public officer who has been dismissed from being a public officer by disciplinary action and has not yet passed two years from the date of such disposition;

ロ 弾劾裁判所の罷免の裁判を受けた者

(b) a person whose removal from office has been decreed by an impeachment

- court;
- ハ 弁護士法又は外国弁護士による法律事務の取扱いに関する特別措置法（昭和六十一年法律第六十六号）の規定による懲戒処分により弁護士会からの除名の処分を受け、当該処分の日から三年を経過しない者
- (c) a person who was expelled from a bar association as a disciplinary action pursuant to the provisions of the Attorney Act or the Act on Special Measures concerning the Handling of Legal Services by Foreign Lawyers (Act No. 66 of 1986), where three years have not elapsed from the date of such a disposition;
- ニ 公認会計士法（昭和二十三年法律第百三号）、税理士法（昭和二十六年法律第二百三十七号）又は司法書士法の規定による懲戒処分により、公認会計士の登録の抹消、税理士の業務の禁止の処分又は司法書士の業務の禁止の処分を受け、当該処分の日から三年を経過しない者
- (d) a person who has been subjected to deletion of registration as a certified public accountant, prohibition of business as a tax accountant, or prohibition of business as a judicial scrivener through disciplinary action pursuant to the provisions of the Certified Public Accountancy Act (Act No. 103 of 1948), the Tax Accountant Act (Act No. 237 of 1951), or the Judicial Scrivener Act, where three years have not elapsed from the date of such a disposition;
- ホ 当事者（商品デリバティブ取引等に係る紛争（法第二百六十条に規定する商品デリバティブ取引等に係る紛争をいう。チにおいて同じ。）の当事者（当該当事者が商品先物取引仲介業者である場合にあっては、当該商品先物取引仲介業者の所属商品先物取引業者を含む。）をいう。以下この号において同じ。）又はその配偶者若しくは配偶者であった者
- (e) the party (referring to the party (in the case where said party is a Commodity Derivatives Intermediary Service Provider, including an Entrusting Commodity Derivatives Business Operator of said Commodity Derivatives Intermediary Service Provider) of a dispute pertaining to a Commodity Derivative Transaction, etc. (referring to the Dispute Pertaining to a Commodity Derivative Transaction, etc. as defined in Article 260 of the Act; the same shall apply in (h)); the same shall apply hereinafter in this item) or his or her spouse, or any person who was formerly his or her spouse;
- ヘ 当事者の四親等内の血族、三親等内の姻族若しくは同居の親族である者又はこれらであった者
- (f) a person who is or was a party's relative by blood within the fourth degree, relative through marriage within the third degree or relative living together;
- ト 当事者の後見人、後見監督人、保佐人、保佐監督人、補助人又は補助監督人である者

(g) a person who is a guardian, a supervisor of a guardian, a curator, a supervisor of the curator, an assistant or a supervisor of the assistant of a party;

チ 商品デリバティブ取引等に係る紛争について当事者の代理人若しくは補佐人である者又はこれらであった者

(h) a person who is or was the agent or assistant in court of a party for a Dispute Pertaining to a Commodity Derivative Transaction, etc.;

リ 当事者から役務の提供により収入を得ている者又は得ないこととなった日から三年を経過しない者

(i) a person earning income from a party through the provision of services or a person for whom three years has not passed from the day on which he/she ceased to earn said income;

ヌ 商品先物取引業者又は商品先物取引仲介業者（法人である者に限る。）の役員である者

(j) a person who is an officer of a Commodity Derivatives Business Operator or a Commodity Derivatives Intermediary Service Provider (limited to a person who is a juridical person).

（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.

第百三十二条 削除

Article 132 Deleted

第百三十三条 削除

Article 133 Deleted

（認可申請書に添付すべき書類）

(Attached documents to an application for authorization)

第百三十四条 法第二百七十九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、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 134 (1) The documents prescribed by an ordinance of the competent

ministry under Article 279, paragraph (2) of the Act shall be the following (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 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。）並びにその者が同号ハからルまで（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 a 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) or (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) through (k) of the Act (in the case where such person is a foreign national, (a) through (k) of the same item);

二 創立総会の議事録

(ii) minutes of the organizational meeting;

三 会員（法第二百七十五条第一項の会員をいう。以下同じ。）の名簿

(iii) the member (which means the members of Article 275, paragraph (1) of the Act; the same shall apply hereinafter) register;

四 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 written statement relating to the amount of net assets of that entity, prepared according to Form No. 1.

2 主務大臣は、法第二百七十九条第一項の規定による認可を行うために必要があると認めるときは、発起人に対し、参考となるべき報告又は資料の提出を求めることができる。

(2) If the competent minister finds it necessary for providing authorization pursuant to the provisions of Article 279, paragraph (1) of the Act, he/she may order the incorporator to submit a report or materials that would be helpful.

（業務規程の記載事項）

(Matters to be included in market rules)

第百三十五条 法第三百一条第一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 301, paragraph (1), 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 Consignors 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。次条において同じ。)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; hereinafter the same shall apply in this Article) 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 Consignor 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 Consignor's Assets pertaining to claims subject to compensation are cash: the amount of said Consignor'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項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 Consignor'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 Consignor 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, paragraph (13) 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 Consignor 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 Consignor'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 Consignor Protection Fund registers Over-the-Counter Traded Securities pertaining to said claims subject to compensation (if 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 Consignor 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 Consignor'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 Consignor Protection Fund published a public notice pursuant to Article 305, paragraph (1) of the Act, or the equivalent amount calculated by a reasonable method.

(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)

第三百三十七条 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先物取引業者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 137 (1) When accepting the whole or a portion of a deposit of Property Subject to Preservation from a Member Commodity Derivatives Business Operator pursuant to Article 309 of the Act, the Consignor 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先物取引業者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 Commodity Derivatives Business Operator, based on the provisions of Article 309 of the Act, the Consignor 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 Consignor 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 Consignor 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 Consignor Protection Fund using a third party: a management method by which the Consignor 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 Consignor 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 Consignor Protection Fund using a third party: a management method by which the Consignor 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 Consignor 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.

(経理原則)

(Principle of Accounting)

第百三十八条 委託者保護基金は、委託者保護基金の財政状態を明らかにするため、財産の増減及び異動並びに収益及び費用をその発生の実実に基づいて経理しなければならない。

Article 138 To clarify the financial condition of a Consignor Protection Fund, the Consignor Protection Fund shall carry out accounting for fluctuation and changes in assets, profits, and expenses based on the fact of their occurrence.

(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先物取引業者の信託管理人としての業務

(i) a business as a trust administrator of a Commodity Derivatives Business Operator which is a member of the Consignor 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第百三十七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先物取引業者に代わって当該商品先物取引業者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 Article 137, a business on behalf of a Commodity Derivatives Business Operator who committed to said deposit to repay Debts to a Consignor of said Commodity Derivatives Business Operator;

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先物取引業者に代わって当該商品先物取引業者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 Commodity Derivatives Business Operator who consigned said indemnity to repay Debts to a Consignor of said Commodity Derivatives Business Operator;

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先物取引業者に代わって当該商品先物取引業者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 Commodity Derivatives Business Operator who accepted said Subrogation Consignment to repay Debts to a Consignor of said Commodity Derivatives Business Operator.

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 Consignor 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 法第三百十六條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（法第三百条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 Consignor Protection Fund (which means an account pertaining to a business set forth in Article 300, item (i) and item (ii) of the Act);

二 保全対象財産勘定（法第三百条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 300, 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（前条第一項第五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 Consignor (which means an account pertaining to a business set forth in paragraph (1), item (v) 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 Consignor 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 Consignor 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 第百四十七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)

第百四十三条 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 Consignor 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)

第百四十五条 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 Consignor 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 Consignor 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)

第四百四十七条 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、第四百四十三条の規定による区分にかかわらず、第四百十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 Consignor 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 Consignor 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)

第四百四十八条 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 Consignor 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。

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(2) When a funding plan is changed pursuant to the provisions of the second sentence of Article 317 of the Act, the Consignor 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 Consignor 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 Consignor 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 Consignor 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、第四百四十六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 Consignor 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 Consignor Protection Fund shall obtain the approval of the competent minister. The same shall apply when intending to amend accounting rules.

(残余財産の帰属)

(Vesting of Residual Assets)

第百五十五条 委託者保護基金の清算人は、法第三百二十七条第一項の規定により、当該委託者保護基金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の負担金の累計額その他当該委託者保護基金の指定する基準に応じて、当該会員がそれぞれ加入することとなる他の委託者保護基金に帰属させなければならない。

Article 155 A liquidator of the Consignor Protection Fund shall vest the residual assets of said Consignor Protection Fund pursuant to the provisions of Article 327, paragraph (1) of the Act with another Consignor Protection Fund which the members will join corresponding to the standards specified by the other Consignor Protection Fund, including the accumulated amount of assessment charges of Article 314, paragraph (1) of the Act that said members have paid.

(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 if 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、次に掲げる場合に依り、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) if 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 if 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 If 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百五

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.

第百六十二条 削除

Article 162 Deleted

第百六十三条 第百五十八条から第百六十一条までの規定は、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 in cases in which they apply 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.

(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)

第百六十四条 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 金

(ii) gold;

三 銀

(iii) silver;

四 白金

(iv) platinum;

五 パラジウム

(v) palladium;

六 ガソリン

(vi) gasoline;

七 灯油

(vii) kerosene;

八 軽油

(viii) diesel fuel;

九 原油

(ix) crude oil;

十 アルミニウム

(x) 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, if 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 法人にあつては、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ロ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.

（特定店頭商品デリバティブ取引業者の届出）

(Notification by Specified OTC Commodity Derivative Business Operators)

第百六十八条 特定店頭商品デリバティブ取引を業として行おうとする者は、法第三百四十九条第一項の規定により特定店頭商品デリバティブ取引を業として行おうとする旨の届出をするときは、あらかじめ、同項第一号から第三号まで及び第四項各号に掲げる事項を記載した届出書を主務大臣に提出しなければならない。

Article 168 (1) If a person intending to conduct Specified OTC Commodity Derivative Transactions in the course of trade gives notification of the fact of intending to conduct the Specified OTC Commodity Derivative Transactions in the course of trade pursuant to the provisions of Article 349, paragraph (1) of the Act, he or she shall submit shall submit a written notification stating the matters listed in item (i) through item (iii) of the same paragraph and the items of paragraph (4) to the competent minister in advance.

2 前項の届出書には、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面を添付しなければならない。

(2) The documents set forth in the following items for the categories of cases set forth respectively in those items shall be attached to the written notification of the preceding paragraph:

一 法第三百四十九条第一項の規定による届出をしようとする者が個人である場合
住民票の写し等

(i) the case where the person intending to give notification pursuant to the provisions of Article 349, paragraph (1) of the Act is an individual: a Copy of the Residence Certificate, etc.;

二 法第三百四十九条第一項の規定による届出をしようとする者が法人である場合
次に掲げる書面

(ii) the case where the person intending to give notification pursuant to the provisions of Article 349, paragraph (1) of the Act is a juridical person: the

following documents;

イ 定款（外国法人である場合には、定款に準ずる書面）

(a) articles of incorporation (in cases of a foreign juridical person, a document equivalent to the articles of incorporation);

ロ 登記事項証明書（外国法人である場合には、登記事項証明書に準ずる書面）

(b) a certificate of registered matters (in the case of a foreign juridical person, a document equivalent to a certificate of registered matters);

3 第一項の届出をした特定店頭商品デリバティブ取引業者は、法第三百四十九条第一項第一号から第三号まで又は次項各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。

(3) If a Specified OTC Commodity Derivative Business Operator that has given the notification of paragraph (1) intends to change any of the matters listed in Article 349, paragraph (1), item (i) through (iii) of the Act or the items of the following paragraph, he or she shall submit a written notification stating the matters listed in the following items in advance:

一 氏名又は商号若しくは名称

(i) the name or trade name;

二 変更内容

(ii) the content of the change;

三 変更日

(iii) the date of the change.

4 法第三百四十九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。

(4) The matters prescribed by an ordinance of the competent ministry under Article 349, paragraph (1), item (iv) of the Act shall be the following:

一 取引の種類

(i) the type of transaction;

二 法人にあってはその代表者の氏名

(ii) if a juridical person, the name of the representative;

三 特定店頭商品デリバティブ取引に関する業務の開始の日

(iii) the commencement date of business pertaining to the Specified OTC Commodity Derivative Transactions.

（事故の確認を要しない場合）

(Cases where confirmation of Problematic Conduct is not required)

第百六十九条 法第三百四十九条第三項において準用する法第二百十四条の三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 169 (1) Cases specified by an ordinance of the competent ministry set forth in the proviso of Article 214-3, paragraph (3) of the Act, applied mutatis mutandis in Article 349, paragraph (3) of the Act, shall be as follows:

一 裁判所の確定判決を得ている場合

(i) the case where a final and binding judgment rendered by a court has been

- obtained;
- 二 裁判所の和解が成立している場合
(ii) the case where a court settlement has been reached;
- 三 民事調停法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) the case where the conciliation prescribed in Article 16 of the Civil Conciliation Act is concluded or the case where a court decision has been made pursuant to the provisions of Article 17 of the same Act and no objection is made within the period set forth in Article 18, paragraph (1) of the same Act;
- 四 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) the case where settlement has been reached through mediation of an organization designated by the competent minister;
- 五 弁護士法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) the case where settlement has been reached through mediation in that organ prescribed in the regulations prescribed in Article 33, paragraph (1) of the Attorney Act or the rules established pursuant to the provisions of said regulations or the case where an arbitration award has been made in said organ;
- 六 認証紛争解決事業者が行う認証紛争解決手続による和解が成立している場合
(vi) the case where settlement has been reached through the certified dispute resolution procedure carried out by a certified dispute resolution business operator;
- 七 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
(vii) the case where settlement has been reached, wherein all of the requirements listed below are met:
- イ 当該和解の手続について弁護士又は司法書士が顧客を代理していること。
(a) An attorney or a judicial scrivener represents the customer in relation to the proceedings of said settlement;
- ロ 当該和解の成立により特定店頭商品デリバティブ取引業者が顧客に対して支払をすることとなる額が千万円を超えないこと。
(b) the amount to be paid to the customer by the Specified OTC Commodity Derivatives Business Operator in accordance with reaching of said settlement does not exceed 10 million yen;
- ハ ロの支払が事故（法第二百二十一条第二項本文に規定する事故（第一百十二条第三項に定めるものに限る。）をいう。以下この条から第一百七十条の二までにおいて同じ。）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特定店頭商

品デリバティブ取引業者に交付されていること。

(c) the attorney or judicial scrivener of (a) investigates the payment of (b) being made to give compensation of loss due to the Problematic Conduct (referring to the Problematic Conduct (limited to that specified in Article 112, paragraph (3)) as defined in the main clause of Article 221, paragraph (2) of the Act; the same shall apply hereinafter from this Article through Article 170-2) in whole or part, and a document certifying the confirmation is provided to the Specified Derivatives Business Operator;

八 特定店頭商品デリバティブ取引業者又はその代表者等が第一百十二条第三項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。

(viii) in the case where the Specified OTC Commodity Derivatives Business Operator or its representative, etc. causes a customer a loss through an action listed in any of the items of Article 112, paragraph (3), if the property benefits for which an offer or promise is made or is provided to the customer in relation to the loss incurred thereto in one day of transactions does not exceed the amount equivalent to 100,000 yen;

九 特定店頭商品デリバティブ取引業者又はその代表者等が第一百十二条第三項各号に掲げる行為により顧客に損失を及ぼした場合（法第三百四十九条第四項に規定する帳簿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。）

(ix) the case where the Specified OTC Commodity Derivatives Business Operator or its representative, etc. causes a customer a loss through an action listed in any of the items of Article 112, paragraph (3) (limited to cases where the Problematic Conduct is obvious through the books prescribed in Article 349, paragraph (4) of the Act or a record of the contents of an order of the customer).

2 前項第八号の利益は、第一百十二条第三項各号に掲げる行為の区分ごとに計算するものとする。この場合において、同項第一号に掲げる行為の区分に係る利益の額については、前項第九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 actions listed in the items of Article 112, paragraph (3). In this case, with regard to the amount of benefits pertaining to the category of actions set forth in item (i) of the same paragraph, the amount of property benefits for which an offer or promise is made or is provided in the cases set forth in item (ix) of the preceding paragraph shall be deducted.

3 特定店頭商品デリバティブ取引業者は、第一項第九号に掲げる場合において、法第三百四十九条第三項において準用する法第二百十四条の三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、第七十条の二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。

(3) In any of the cases listed in paragraph (1), item (ix), if a Specified OTC Commodity Derivatives Business Operator 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 214-3, paragraph (3) of the Act, applied mutatis mutandis in Article 349, paragraph (3) of the Act, the matters listed in the items of Article 172-2 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.

(事故の確認申請手続)

(Procedure of application for confirmation of Problematic Conduct)

第七十条 法第三百四十九条第三項において準用する法第二百十四条の三第三項ただし書の確認を受けようとする者は、法第三百四十九条第三項において準用する法第二百十四条の三第五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。

Article 170 Any person who intends to obtain the confirmation set forth in the proviso of Article 214-3, paragraph (3), applied mutatis mutandis in Article 349, paragraph (3) of the Act, shall submit the application form and documents pursuant to the provisions of Article 214-3, paragraph (5), applied mutatis mutandis in Article 349, paragraph (3) of the Act to the competent minister.

(確認申請書の記載事項)

(Matters to be stated in a written application for confirmation)

第七十条の二 法第三百四十九条第三項において準用する法第二百十四条の三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 170-2 The matters specified by an ordinance of the competent ministry set forth in Article 214-3, paragraph (5), applied mutatis mutandis in Article 349, paragraph (3) of the Act, shall be the following:

一 特定店頭商品デリバティブ取引業者の氏名又は商号若しくは名称

(i) the trade name or name of the Specified Derivatives Business Operator;

二 事故の発生した本店、支店その他の営業所又は事務所の名称及び所在地

(ii) the name and address of the head office, branch office, or any other business office or 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 pertaining to 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 name of his or her post in

relation to the Problematic Conduct action;

ロ 顧客の氏名及び住所（法人にあっては、商号又は名称、本店又は主たる事務所の所在地及び代表者の氏名）

(b) the name and address of the customer (in the case of a juridical person, the name or trade name, and the address of the main office or principal office and name of the representative);

ハ 事故の概要

(c) a description 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 the loss of the customer to be compensated for was caused as a result of a 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 the property benefits intended to be offered, promised, or provided;

四 その他参考となるべき事項

(iv) Other matters for reference.

（確認申請書の添付書類）

(Attached documents to a written application for confirmation)

第七十条の三 法第三百四十九条第三項において準用する法第二百十四条の三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 170-3 (1) The document specified by an ordinance of the competent ministry as set forth in Article 214-3, paragraph (5) of the Act, applied mutatis mutandis in Article 349, paragraph (3) 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、法第三百四十九条第三項において準用する法第二百十四条の三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 214-3, paragraph (5) of the Act, applied mutatis mutandis in Article 349, paragraph (3) of the Act, pertains to an offer made under paragraph (1), item (ii) of the same Article.

（帳簿の作成）

(Creation, etc. of books)

第七十一条 特定店頭商品デリバティブ取引業者は、法第三百四十九条第四項の規定により、特定店頭商品デリバティブ取引につき、別表第六に定める帳簿を作成しなければならない。

Article 171 (1) A Specified Derivatives Business Operator shall prepare the

books as prescribed in Appended Table 6 for Specified Derivative Transactions pursuant to the provisions of Article 349, paragraph (4) of the Act.

2 別表第六に定める帳簿は、十年間保存するものとする。

(2) The books prescribed in Appended Table 6 shall be retained for ten years.

(電磁的方法による保存)

(Preservation through an Electromagnetic Means)

第百七十二条 別表第六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して保存されるときは、当該記録の保存をもって前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、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 If the contents of any of the books prescribed in Appended Table 6 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 preceding Article, paragraph (2). In this case, the Specified OTC Commodity Derivatives Business Operator shall take the necessary measures for preventing the loss of and damage to said record.

第百七十三条 削除

Article 173 Deleted

(公示事項)

(Matters to be publicly notified)

第百七十四条 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、指定又は登録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) If an application pertaining to the permission (or license),

approval, recognition, designation, or registration 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 on which 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、法第一百七十三条第一項の承認、法第二百四十五条の認可、法第二百七十九条第一項の認可、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 245 of the Act; permission prescribed in Article 279, 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 法第三条の二第一項ただし書の認可、法第八十八条第一項の認可、法第九十六条の十九第一項の認可、法第九十六条の三十一第一項の認可、法第九十六条の三十七第一項ただし書の認可、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に係るものを除く。）、法第一百五十六条第一項本文の認可（上場商品又は上場商品指数の変更に係るものを除く。）、法第七十条第二項ただし書の承認、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、法第二百二十八条第一項の認可、法第二百四十条の二第一項の登録、法第二百五十条第一項の認可、法第二百七十七条第二項第三号の承認、法第二百八十三条第二項の認可、法第二百八十六条第二項の認可、法第二百九十六条第四項の認可、法第三百一条第二項の認可、法第三百十八条第一項の承認及び法第三百二十五条第二項の認可 一月

(ii) the approval prescribed in the proviso of Article 3-2, paragraph (1) of the Act; approval prescribed in Article 88, paragraph (1) of the Act; approval prescribed in Article 96-19, paragraph (1) of the Act; approval prescribed in Article 96-31, paragraph (1) of the Act; approval prescribed in the proviso of

Article 96-37, paragraph (1) of the Act; approval prescribed in Article 155, paragraph (1) of the Act (excluding approval pertaining to changes to the Listed Commodity or Listed Commodity Index); approval prescribed in the main clause of Article 156, paragraph (1) of the Act (excluding approval pertaining to changes to the Listed Commodity or Listed Commodity Index); approval prescribed in the proviso of Article 170, paragraph (2) of the Act; approval prescribed in Article 182 of the Act; approval prescribed in Article 183 of the Act; approval prescribed in Article 190, paragraph (1) of the Act; recognition prescribed in Article 221, paragraph (2) of the Act; approval prescribed in Article 225, paragraph (1) of the Act; approval prescribed in Article 228, paragraph (1) of the Act; registration prescribed in Article 240-2, paragraph (1) of the Act; approval prescribed in Article 250, paragraph (1) of the Act; recognition prescribed in Article 277, paragraph (2), item (iii) of the Act; approval prescribed in Article 283, paragraph (2) of the Act; approval prescribed in Article 286, paragraph (2) of the Act; approval prescribed in Article 296, paragraph (4) of the Act; approval prescribed in Article 301, paragraph (2) of the Act; recognition prescribed in Article 318, paragraph (1) of the Act; and approval prescribed in Article 325, paragraph (2) 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.

(訳文の添付)

(Attachment of a translation)

第百七十六条 法、令又はこの省令の規定により主務大臣、地方農政局長又は経済産業局長（次条において「主務大臣等」という。）に提出する書類で、特別の事情により日本語をもって記載することができないものがあるときは、その訳文を付さなければならない。ただし、当該書類が定款（定款に準ずる書類を含む。）であって、かつ、

英語で記載されたものであるときは、その概要の訳文を付すことをもって足りるものとする。

Article 176 If there is a document for submission to the competent ministry, a Director of a Regional Agricultural Administration Office or a Director of a Bureau of Economy, Trade and Industry (referred to in the following Article as the Competent Minister, etc.) which cannot be prepared in Japanese due to special circumstances, a translation thereof shall be affixed; provided, however, that said document is articles of incorporation (including a document equivalent to the articles of incorporation), and that the document in English is supplemented by affixing a translation of a description.

(外国通貨の換算)

(Conversion of foreign currency)

第百七十七条 法令又はこの省令の規定により主務大臣等に提出する書類中、外国通貨をもって金額を表示するものがあるときは、当該金額を本邦通貨に換算した金額及びその換算に用いた標準を付記しなければならない。

Article 177 If an amount is indicated in a foreign currency in a document submitted to the Competent Minister, etc. pursuant to the provisions of a law, an order, or this Ordinance, the amount found by converting said amount to Japanese currency and the index used in that conversion shall be affixed.

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 "Consignor 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 Consignor Protection Fund (limited to a Consignor 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 Consignor's Assets to a Consignor"; the term, "a Consignor Protection Fund" shall be deemed to be replaced with, "Association of Compensation Funds"; the phrase, "only the Consignor Protection Fund" shall be deemed to be replaced with, "only the Association of Compensation Funds"; the phrase, "of a Consignor Protection Fund" shall be deemed to be replaced with, "of the Association of Compensation Funds"; the phrase, "if 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 Consignor Protection Fund" in the same paragraph, item (ii) shall be deemed to be replaced with, "with the Association of Compensation Funds"; the phrase, "if a Futures Commission Merchant has fallen under the category of a Futures Commission Merchant Subject to a Notice, other Consignor Protection Funds" shall be deemed to be replaced with, "the Association of Compensation Funds"; the phrase, "said Consignor Protection Fund" shall be deemed to be replaced with, "said Association of Compensation Funds"; the phrase, "of the Consignor Protection Fund" shall be deemed to be replaced with, "of the Association of Compensation Funds"; the phrase, "to a Consignor 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 Consignor Protection Fund" shall be deemed to be replaced with, "of the Association of

Compensation Funds"; the phrase, "if a Futures Commission Merchant has fallen under the category of a Futures Commission Merchant Subject to a Notice, other Consignor Protection Funds" shall be deemed to be replaced with, "the Association of Compensation Funds"; the term, "Consignor Protection Fund" shall be deemed to be replaced with, "Association of Compensation Funds"; the phrase, "to the Consignor 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 Consignor Protection Fund" shall be deemed to be replaced with "unless the Association of Compensation Funds"; the term, "by a Consignor 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 Consignor Protection Fund" shall be deemed to be replaced with "if the Association of Compensation Funds"; the phrase, "Consignor Protection Fund" shall be deemed to be replaced with, "Association of Compensation Funds"; the term, "Consignor 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っては、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, if the amount of cash and the value of Securities deposited as Consignor 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 Consignor (which means a Consignor prescribed in Article 103,

paragraph (1), item (ii), or Article 179, paragraph (1), item (i), (b) of the same Act), an Intermediation Consignor (which means an Intermediation Consignor 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 Consignor (which means a Clearing Intermediation Consignor prescribed in the same item, (b)), or a Consignor of the Clearing Intermediary (which means a Consignor 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, if 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 Consignor 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 Consignor 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.

(信託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).

**附 則 [平成二十一年二月三日農林水産省・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 February 3, 2009]**

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 [平成二十一年三月二十四日農林水産省・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 March 24, 2009]**

この省令は、平成二十一年三月二十五日から施行する。

This ordinance shall come into effect as from March 25, 2009.

附 則 〔平成二十一年四月二十八日農林水産省・経済産業省令第四号〕
**Supplementary Provisions [Ordinance of the Ministry of Agriculture,
Forestry and Fisheries and the Ministry of Economy, Trade and Industry
No. 4 of April 28, 2009]**

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 〔平成二十一年九月十一日農林水産省・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 11, 2009]**

この省令は、平成二十一年十月十三日から施行する。

This ordinance shall come into effect as from October 13, 2009.

附 則 〔平成二十一年十月一日農林水産省・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 October 1, 2009]**

(施行期日)

(Effective date)

第一条 この省令は、商品取引所法及び商品投資に係る事業の規制に関する法律の一部を改正する法律附則第一条第二号に掲げる規定の施行の日（平成二十一年十月八日。以下「施行日」という。）から施行する。

Article 1 This ordinance shall come into effect as from October 8, 2009

(hereinafter referred to as the "Effective Date"), which is the effective date of the Commodity Exchange Act and the provisions listed in Article 1, item (ii) of the Supplementary Provisions relating to the partial revision of the Act on the Regulations of Commodities Investment Business.

(会員商品取引所の貸借対照表等に関する経過措置)

(Transitional measures pertaining to balance sheets, etc. of a Member Commodity Exchange)

第二条 この省令による改正後の商品取引所法施行規則第十五条第二項第一号又及び同項第二号ト、様式第一号並びに様式第十七号の規定は、平成二十二年四月一日前に開始する事業年度に係る会員商品取引所（商品取引所法第二条第二項に規定する会員商

品取引所をいう。以下同じ。)の貸借対照表又は純資産額に関する調書(商品取引所法施行規則第百十七条第一項第一号に規定する純資産額に関する調書をいう。)及び月計残高試算表(同項第四号に規定する月計残高試算表をいう。)については、適用しない。

Article 2 The provisions of Article 15, paragraph (2), item (i) (j) of the Ordinance for Enforcement of the Commodity Exchange Act as revised by this ordinance, item (ii) (g) of the same paragraph, Form No. 1, and Form No. 17 shall not apply to Records relating to balance sheets or net assets (which means Records relating to the net assets prescribed in Article 117, paragraph (1), item (i) of the Ordinance for Enforcement of the Commodity Exchange Act) and the monthly schedule of detailed account balances (which means the monthly schedule of detailed account balances as defined in item (iv) of the same paragraph) of a Member Commodity Exchange (which means a Member Commodity Exchange prescribed in Article 2, paragraph (2) of the Commodity Exchange Act; the same shall apply hereinafter) pertaining to the business years that start before April 1, 2010.

(商品取引所の吸収合併等に際しての計算に関する経過措置)

(Transitional measures pertaining to the calculation upon an absorption-type merger, etc. of a commodity exchange)

第三条 施行日前に吸収合併契約又は新設合併契約が締結された会員商品取引所と会員商品取引所又は株式会社商品取引所(商品取引所法第二条第三項に規定する株式会社商品取引所をいう。)との吸収合併(同法第百三十九条第二項に規定する吸収合併をいう。)又は新設合併(同項に規定する新設合併をいう。)に際しての計算については、なお従前の例による。

Article 3 With regard to the calculation upon an Absorption-Type Merger (which means an Absorption-Type Merger prescribed in Article 139, paragraph (2) of the Commodity Exchange Act) or a Consolidation-Type Merger (which means a Consolidation-Type Merger prescribed in the same paragraph) of a Member Commodity Exchange and a Member Commodity Exchange or an Incorporated Commodity Exchange (which means an Incorporated Commodity Exchange prescribed in Article 2, paragraph (3) of the same Act) whose Absorption-Type Merger contract or Consolidation-Type Merger contract is before the Effective Date, the provisions then in force shall remain applicable.

附 則 [平成二十一年十月二十三日農林水産省・経済産業省令第七号]
**Supplementary Provisions [Ordinance of the Ministry of Agriculture,
Forestry and Fisheries and the Ministry of Economy, Trade and Industry
No. 7 of October 23, 2009]**

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 〔平成二十一年十一月六日農林水産省・経済産業省令第八号〕
**Supplementary Provisions [Ordinance of the Ministry of Agriculture,
Forestry and Fisheries and the Ministry of Economy, Trade and Industry
No. 8 of November 6, 2009]**

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 〔平成二十二年三月十九日農林水産省・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 March 19, 2010]**

この省令は、平成二十二年三月二十三日から施行する。

This ordinance shall come into effect as from March 23, 2010.

附 則 〔平成二十二年四月二十一日農林水産省・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 April 21, 2010]**

この省令は、商品取引所法及び商品投資に係る事業の規制に関する法律の一部を改正する法律附則第一条第三号に掲げる規定の施行の日（平成二十二年七月一日）から施行する。

This ordinance shall come into effect as from July 1, 2010, which is the effective date of the Commodity Exchange Act and the provisions listed in Article 1, item (iii) of the Supplementary Provisions relating to the partial revision of the Act on the Regulations of Commodities Investment Business.

附 則 〔平成二十二年七月十六日農林水産省・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 July 16, 2010]**

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 〔平成二十二年十月十二日農林水産省・経済産業省令第四号〕
Supplementary Provisions [Ordinance of the Ministry of Agriculture,

**Forestry and Fisheries and the Ministry of Economy, Trade and Industry
No. 4 of October 12, 2010]**

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 〔平成二十二年十月十五日農林水産省・経済産業省令第五号〕 〔抄〕
Supplementary Provisions [Ordinance of the Ministry of Agriculture,
Forestry and Fisheries and the Ministry of Economy, Trade and Industry
No. 5 of October 15, 2010] [Extract]**

(施行期日)

(Effective date)

第一条 この省令は、改正法の施行の日（平成二十三年一月一日。以下「施行日」という。）から施行する。

Article 1 This ordinance shall come into effect as from the effective date of the Revised Act (January 1, 2011; hereinafter referred to as the "Effective Date").

別表第一（第四十八条関係）

Appended Table 1 (related to Article 48) 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:
毎日の相場 及び取引高 報告書 Daily quotation and transaction volume report	毎日 Daily	一 日付 (i) Date	一 法第二条第三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、銘柄別先物取引の場合にあっては、銘柄ごとに区分して記載すること（以下この表において同じ。）。 (i) In cases of transactions prescribed in Article 2, paragraph (3), item (i) of the Act (hereinafter referred to as "gensaki"), the document shall be prepared by recording transactions separately by brand for futures transactions by brand (the same shall apply hereinafter in this table).

二 商品取引所名
(ii) Name of Commodity
Exchange

二 法第二条第三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、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（以下この表において同じ。）。

(ii) In cases of transactions prescribed in Article 2, paragraph (3), item (iv) of the Act (hereinafter referred to as "Option Transactions"), the document shall be prepared by recording transactions separately by 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 same shall apply hereinafter in this table).

三 上場商品構成物品又は上場商品指数の種類
(iii) Type of Listed Commodity Component Product and Listed Commodity Index

四 取引の種類
(iv) Type of transaction

三 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（以下この表において同じ。）。

(iii) 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 brand (the same shall apply hereinafter in this table).

四 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（以下この表において同じ。）。

(iv) 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 hereinafter in this table).

		<p>五 限月 (v) Expiration month</p> <p>六 相場 (vi) Quotations</p> <p>七 取引高 (vii) Transaction volume</p> <p>八 取組高 (viii) Open interest</p>	<p>五 限月については、限日取引の場合にあつては記載を要しない（以下この表において同じ。）。</p> <p>(v) With regard to the expiration month, in the case of a contract day transaction, no description shall be required (the same shall apply hereinafter in this table).</p> <p>六 相場については、帳入値段又は帳入指数を記載すること。</p> <p>(vi) With regard to quotations, the document shall be prepared by recording the closing price or closing index.</p> <p>七 取引高については、毎日の取引成立高を記載すること。</p> <p>(vii) With regard to the transaction volume, the document shall be prepared by recording the daily volume of transactions closed.</p> <p>八 取組高については、毎日の立会終了後において取引成立済の累計から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>(viii) With regard to open interest, the document shall be prepared by recording the outstanding balance calculated by deducting the accumulated total volume of settled transactions from the accumulated volume of transactions closed after market hours every day.</p>
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<p>毎月の相場及び取引高報告書 Monthly quotation and transaction volume report</p>	<p>毎月 Monthly</p>	<p>一 日付 (i) Date</p> <p>二 商品取引所名 (ii) Name of Commodity Exchange</p> <p>三 上場商品構成物品又は上場商品指数の種類 (iii) Type of Listed Commodity Component Product and Listed Commodity Index</p> <p>四 取引の種類 (iv) Type of transaction</p> <p>五 限月 (v) Expiration month</p>	<p>一 日付については、当該月の末日を記載すること（毎月の会員等別の取引高報告書において同じ。）。</p> <p>(i) With regard to the date, the document shall be prepared by recording the last day of such month (the same shall apply to monthly reports of transaction volume by Members, etc.).</p> <p>二 取引高については、毎月の取引成立高を記載すること。</p> <p>(ii) With regard to the transaction volume, the document shall be prepared by recording the monthly volume of transactions closed.</p> <p>三 受渡高については、現物先物取引及び実物取引の場合においてのみ記載し、当月限の受渡完了高を記載すること。</p> <p>(iii) With regard to the settlement volume, the document shall be prepared by recording the volume of settlements completed in such month only in cases of gensaki and Spot Transactions.</p> <p>四 権利行使高については、オプション取引の場合においてのみ記載すれば足りる。</p> <p>(iv) With regard to the exercise volume, it shall suffice to record only in the case of option transactions.</p>
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		<p>六 当該月中の相場であって営業日において成立した最高の対価の額又は約定価格等 (vi) Quotations in such month that are the highest amount of consideration or Contract Price, etc. closed on the business day</p> <p>七 当該月中の相場であって営業日において成立した最低の対価の額又は約定価格等 (vii) Quotations in such month that are the lowest amount of consideration or Contract Price, etc. closed on the business day</p> <p>八 取引高 (viii) Transaction volume</p> <p>九 受渡高 (ix) Settlement volume</p> <p>十 権利行使高（自己の意思表示により成立した取引の数量をいう。以下同じ。） (x) Exercise volume (which means the quantity of transactions closed by a person's own declaration of intent; the same shall apply hereinafter)</p>	
<p>毎日の会員等別の取引高報告書 Daily report of transaction volume by Members, etc.</p>	<p>毎日 Daily</p>	<p>一 日付 (i) Date</p>	<p>一 売取組高については、売付けに係る取組高を記載すること。 (i) With regard to the sales open interest, the document shall be prepared by recording the open interest pertaining to sales.</p>

		<p>二 商品取引所名 (ii) Name of Commodity Exchange</p> <p>三 上場商品構成物品又は上場商品指数の種類 (iii) Type of Listed Commodity Component Product and Listed Commodity Index</p> <p>四 取引の種類 (iv) Type of transaction</p> <p>五 限月 (v) Expiration month</p> <p>六 会員等の氏名又は商号若しくは名称 (vi) Name or trade name of Members, etc.</p> <p>七 売付高 (vii) Selling volume</p> <p>八 買付高 (viii) Buying volume</p> <p>九 売取組高 (ix) Sales open interest</p> <p>十 買取組高 (x) Buy open interest</p>	<p>二 買取組高については、買付けに係る取組高を記載すること。 (ii) With regard to the buy open interest, the document shall be prepared by recording the open interest pertaining to purchases.</p>
<p>毎月の会員等別の取引高報告書 Monthly report of transaction volume by Members, etc.</p>	<p>毎月 Monthly</p>	<p>一 日付 (i) Date</p>	<p>一 渡高及び受高については、現物先物取引及び実物取引の場合においてのみ記載すれば足りる。 (i) With regard to delivery volume and receipt volume, it shall suffice to record only in cases of gensaki and Spot Transactions.</p>

	<p>二 商品取引所名 (ii) Name of Commodity Exchange</p> <p>三 上場商品構成物品又は上場商品指数の種類 (iii) Type of Listed Commodity Component Product and Listed Commodity Index</p> <p>四 取引の種類 (iv) Type of transaction</p> <p>五 限月 (v) Expiration month</p> <p>六 会員等の氏名又は商号若しくは名称 (vi) Name or trade name of Members, etc.</p> <p>七 渡高 (vii) Delivery volume</p> <p>八 受高 (viii) Receipt volume</p> <p>九 権利行使高 (ix) Exercise volume</p> <p>十 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をいう。以下同じ。） (x) Non-exercise volume (which means the quantity of transactions closed by a person's own declaration of intent; the same shall apply hereinafter)</p>	<p>二 権利行使高及び被権利行使高については、オプション取引の場合においてのみ記載すれば足りる。 (ii) With regard to the exercise volume and non-exercise volume, it shall suffice to record only in the case of option transactions.</p>
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<p>一連の取引 報告書 Series of transaction reports</p>	<p>毎日 Daily</p>	<p>一日付 (i) Date</p>	<p>一 時刻については、取引の申込み、取引の申込みの取消し又は取引の成立の時刻を記載すること。ただし、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（以下この表において「板寄せ取引」という。）を行う商品取引所にあつては、立会中に行われたものの時刻を記載すれば足りる。 (i) With regard to the time, the document shall be prepared by recording the times of transaction offers, cancellations of transaction offers, and transaction closings; provided, however, that it shall suffice to record the times of items carried out during the session in the commodity exchange where the transaction is carried out according to auction method with a single amount of consideration or Contract Price, etc. (hereinafter referred to as "Itayose Transactions" in this table)</p>
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二 時刻
(ii) Time

二 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の別については、板寄せ取引を行う商品取引所にあつては、立会中に行われたもののみを可能な限り記載すること。

(ii) With regard to distinction of transactions on a Member, etc. 's own account and transactions on a consignor's account, the document shall be prepared by recording only those transactions carried out during the session on the Commodity Exchange where Itayose Transactions are carried out.

三 商品取引所名
(iii) Name of
Commodity Exchange

三 番号については、商品取引所が、取引の申込み又は取引の成立を識別するために付している番号を記載し、取引の申込みの取消しの場合にあっては、当該取消しを行う取引の申込み付した番号を記載すること。ただし、板寄せ取引を行う商品取引所にあつては、番号を付している場合のみ記載すること。足りる。
(iii) With regard to the number, the document shall be prepared by recording the number issued by the Commodity Exchange for identifying a transaction offer or a transaction closing, and in the case of a cancellation of a transaction offer, by recording the number issued to said transaction offer to be cancelled; provided, however, that it shall be suffice to record only in the case of issuing a number for a Commodity Exchange carrying out Itayose Transactions.

四 上場商品構成物品又は上場商品指数の種類
(iv) Type of Listed Commodity Component Product and Listed Commodity Index

四 売付け又は買付けの別、新たな取引の申込み又は決済の結了に係る取引の申込みの別及び取引の申込みの種類については、取引の申込みの取消しの場合にあっては当該取消しを行う取引の申込みについて記載し、取引の成立の場合にあっては当該成立した取引の申込みについて記載すること。

(iv) With regard to the distinction of sales and purchases, the distinction of new transaction offers and transaction offers pertaining to completion of settlement, and the type of transaction offer, the document shall be prepared by recording a transaction offer to be cancelled in the case of cancellation of said transaction offer and by recording a closed transaction offer in the case of closing of said transaction.

五 取引の種類
(v) Type of transaction

五 売付け又は買付けの別については、板寄せ取引を行う商品取引所にあつては、立会中に行われたものの売付け又は買付けの別を記載すれば足りる。

(v) With regard to the distinction of sales and purchases, it shall suffice to record the distinction of sales and purchases for transactions carried out during a session on a Commodity Exchange carrying out Itayose Transactions.

六 限月
(vi) Expiration month

六 新たな取引の申込み又は決済の結了に係る取引の申込みの別については、板寄せ取引を行う商品取引所にあつては、立会中に行われたもののみを可能な限り記載すること。

(vi) With regard to the distinction of new transaction offers and transaction offers pertaining to completion of settlement, the document shall be prepared by recording to the extent possible transactions during a session on a Commodity Exchange carrying out Itayose Transactions.

七 会員等の氏名又は商
号若しくは名称
(vii) Name or trade
name of Members, etc.

七 取引の申込みの種類
については、商品取引所
の業務規程その他の規則
で定める約定価格等をあ
らかじめ指定する取引の
申込みその他の取引の申
込みの種類を記載するこ
ととし、板寄せ取引を行
う商品取引所にあつて
は、立会中に行われたも
ののみを可能な限り記載
すること。

(vii) With regard to the
type of transaction
offer, the document
shall be prepared by
recording transaction
offers specifying in
advance the Contract
Price, etc. prescribed in
the operational rules or
other rules of the
Commodity Exchange
and other transaction
offer types, and by
recording to the extent
possible only those
transactions carried out
during a session on a
Commodity Exchange
carrying out Itayose
Transactions.

八 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の別
(viii) Distinction of transactions on a Member, etc.'s own account and transactions on a consignor's account

八 取引の申込み若しくは取引の申込みの取消しに係る価格又は成立した取引に係る対価の額若しくは約定価格等（取引の申込み又は取引の申込みの取消しに係る価格に限る。）については、会員等又は委託者が取引の申込みを行う際に、約定価格等その他の価格を指定していない取引の申込み又は当該取引の申込みの取消しである場合にあっては記載することを要せず、板寄せ取引を行う商品取引所にあつては立会中に行われた取引の申込み又は取引の申込みの取消し時点における仮約定価格等（約定価格等の形成の過程における暫定的な対価の額又は価格若しくは数値をいう。）を記載することで足りる。
(viii) With regard to the price pertaining to a transaction offer and a cancellation of a transaction offer, and the amount of consideration and Contract Price, etc. (limited to the price pertaining to transaction offers or cancellation of transaction offers) pertaining to closed offers, when a Member, etc. or a consignor carries out a transaction offer, recording shall not be required in the case of a transaction offer not specifying the Contract Price, etc. or another price or cancellation of said transaction offer, and it shall suffice to record the provisional Contract Price, etc. (which means the price or value of a temporary

	<p>九 取引の申込み、取引の申込みの取消し又は取引の成立の別 (ix) Distinction of transaction offers, and cancellation or closing of transaction offers</p> <p>十 番号 (x) Number</p> <p>十一 売付け又は買付けの別 (xi) Distinction of sales and purchases</p> <p>十二 新たな取引の申込み又は決済の終了に係る取引の申込みの別 (xii) Distinction of new transaction offers and transaction offers pertaining to completion of settlement</p> <p>十三 取引の申込みの種類 (xiii) Type of transaction offer</p> <p>十四 取引の申込み若しくは取引の申込みの取消しに係る価格又は成立した取引に係る対価の額若しくは約定価格等 (xiv) The price pertaining to transaction offers or cancellation of transaction offers, or the amount of consideration or Contract Price, etc. pertaining to closed transactions</p> <p>十五 数量 (xv) Quantity</p>	<p>九 数量については、板寄せ取引を行う商品取引所にあつては、立会中に行われたものの数量を記載すれば足りる。 (ix) With regard to the quantity, it shall suffice to record the quantity of transactions carried out during a session on a Commodity Exchange carrying out Itayose Transactions.</p>
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別表第一の二（第四十八条関係）

Appended Table 1-2 (related to Article 48) Appended Table 1-2 (related to Article 48)

書類の種類 Documents:	記載事項 Items to be recorded:	記載上の注意 Precautions for recording:
大口建玉報告書 Large-volume open contract report	<p>一 日付 (i) Date</p> <p>二 商品取引所名 (ii) Name of Commodity Exchange</p> <p>三 商品市場 (iii) Commodity Market</p> <p>四 上場商品構成物品又は上場商品指数の種類 (iv) Type of Listed Commodity Component Product and Listed Commodity Index</p>	<p>一 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。 (i) 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.</p> <p>二 限月については、限日取引の場合にあっては記載を要しない。 (ii) With regard to the expiration month, recording shall not be required in the case of a contract day transaction.</p> <p>三 会員等の氏名又は商号若しくは名称については、これに代わるものを記載できる。 (iii) With regard to the name or trade name of the Members, etc., a replacement may be recorded.</p> <p>四 委託者の氏名又は商号若しくは名称については、これに代わるものを記載できる。 (iv) With regard to the name or trade name of the consignor, a replacement may be recorded.</p>

五 取引の種類
(v) Type of transaction

六 限月
(vi) Expiration month

五 会員等の氏名又は商号若しくは名称については、委託者の計算による取引である場合にあっては、当該委託者から商品市場における取引等（商品清算取引を除く。）の委託を受けた会員等の氏名又は商号若しくは名称を記載すること。

(v) With regard to the name or trade name of the Members, etc., the document shall be prepared by recording the name or trade name of the Member, etc. who received the consignment of transactions, etc. on the Commodity Market (excluding Commodity Clearing Transactions) from a consignor in the case of a transaction on said consignor's account.

六 会員等の自己の計算による取引である場合にあっては、委託者の氏名又は商号若しくは名称を記載することを要しない。

(vi) In the case of a transaction on a Member, etc.'s own account, recording shall not be required of the name or trade name of the consignor.

七 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の別

(vii) Distinction of transactions on a Member, etc. 's own account and transactions on a consignor's account

八 会員等の氏名又は商号若しくは名称

(viii) Name or trade name of Members, etc.

七 会員等又は非会員等の別については、委託者の計算による取引である場合であって、当該委託者が報告に係る商品市場において取引をする会員等である場合はその旨を記載し、会員等の自己の計算による取引である場合にあつては記載を要しない。

(vii) With regard to distinction of Members, etc. and non-Members, etc., the document shall be prepared by recording that the consignor is a Member, etc. carrying out a transaction pertaining to the report on a Commodity Market in the case of a transaction on said consignor's account, and recording shall not be required in the case of a transaction on a Member, etc. 's own account.

八 住所及び当業者又は非当業者の別については、会員等の自己の計算による取引である場合にあつては会員等について、委託者の計算による取引である場合にあつては委託者について記載すること。

(viii) With regard to the address and the distinction of a Business Specialist and a non-Business Specialist, the document shall be prepared by recording for the Member, etc. in the case of a transaction on a Member, etc. 's own account, and for the consignor in the case of a transaction on the consignor's account.

九 委託者の氏名又は商号若しくは名称

(ix) Name or trade name of the consignor

九 当業者又は非当業者の別については、報告に係る上場商品構成物品又は上場商品指数対象物品の売買等を業として行っている者を当業者として記載し、それ以外の者を非当業者として記載すること。

(ix) With regard to the distinction of Business Specialist and non-Business Specialist, the document shall be prepared by recording the persons who, in the course of trade, carries out sales and purchase, etc. of Listed Commodity Component Products or the Products Underlying the Listed Commodity Index pertaining to the report as Business Specialists, and recording other persons as non-Business Specialists.

十 会員等又は非会員等の別
(x) Distinction of Member, etc.
and non-Member, etc.

十 建玉の数量の制限に係る特例措置の有無については、委託者の計算による取引である場合であって、商品取引所が当該委託者に対し当該商品取引所の業務規程その他の規則に定める建玉の数量の制限を超えて取引を行うことを認めている場合は、その旨を記載し、会員等の自己の計算による取引である場合にあっては記載を要しない。

(x) With regard to the existence of special measures pertaining to a limitation to the quantity of open contracts, in the case of a transaction on a consignor's account and where it is permitted that a Commodity Exchange can carry out transactions for said consignor exceeding the limitation to the quantity of open contracts prescribed in the operational rules or other rules of said Commodity Exchange, the document shall be prepared by recording that fact, and in the case of a transaction on a Member, etc.'s own account, recording shall not be required.

十一 住所
(xi) Address

十一 建玉の数量については、一の会員等の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毎日の数量が、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ごと、かつ、売付け又は買付けの別ごとに、同表の第三欄に掲げる数量を超えている場合にあつては、報告に係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すべての上場商品構成物品又は上場商品指数に係る建玉の数量を記載すること。

(xi) With regard to the quantity of open contracts, in the case where the daily quantity of transactions on a Member, etc. 's own account whose settlements have not been completed exceeds the quantity prescribed in column 3 of Appended Table 2 for each Commodity Market listed in column 2 of the same Table which is opened by Commodity Exchanges listed in column 1 of the same Table, and by buying and selling, the document shall be prepared by recording the quantity of the open contracts pertaining to all of the Listed Commodity Component Products or Listed Commodity Indices prescribed in column 4 of the same Table subject to transactions on the Commodity Market pertaining to the report.

	<p>十二 当業者又は非当業者の別 (xii) Distinction of Business Specialist and non-Business Specialist</p> <p>十三 建玉の数量の制限に係る特例措置の有無 (xiii) Existence of special measures pertaining to a limitation to the quantity of open contracts</p> <p>十四 建玉の数量 (xiv) Quantity of open contracts</p> <p>十五 売付け又は買付けの別 (xv) Distinction of sales and purchases</p>	<p>十二 建玉の数量については、商品市場における取引の状況が第四十八条第四項各号のいずれかに該当する場合にあっては、報告に係る上場商品構成物品又は上場商品指数のすべての限月に係る建玉の数量を記載すること。</p> <p>(xii) With regard to the quantity of open contracts, in the case where the status of a transaction on a Commodity Market falls under any of the items of Article 48, paragraph (4), the document shall be prepared by recording the quantity of open contracts pertaining to all of the expiration months of the Listed Commodity Component Products or Listed Commodity Indices pertaining to the report.</p>
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別表第二（第四十八条関係）

Appended Table 2 (related to Article 48) Appended Table 2 (related to Article 48)

商品取引所 Commodity Exchange	商品市場 Commodity Market	数量 Quantity	上場商品構成 物品又は上場 商品指数の種 類 Type of Listed Commodity Component Product and Listed Commodity Index	数量 Quantity
東京穀物商品 取引所 Tokyo Grain Exchange	農産物市場 Agricultural products market	千八百枚 1,800 lots	大豆（一般大 豆） Soybeans (general soybeans)	五十枚 50 lots
			大豆（N o n -G M O大 豆） Soybeans (Non-GMO soybeans)	五十枚 50 lots
			小豆 Red beans (adzuki)	二十枚 20 lots
			とうもろこし Corn	五十枚 50 lots
			アラビカコー ヒー生豆 Green arabica coffee bean	五十枚 50 lots
			ロブスタコー ヒー生豆 Green robusta coffee bean	五十枚 50 lots
	砂糖市場 Sugar market	五千枚 5,000 lots	精糖 Refined sugar	二十枚 20 lots
			粗糖 Raw sugar	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 （R S S） Ribbed smoked sheet (RSS)	五十枚 50 lots

	貴金属市場 Precious metals market	五千枚 5,000 lots	金 Gold	百枚 100 lots
			銀 Silver	百枚 100 lots
			白金 Platinum	二十枚 20 lots
			パラジウム Palladium	二十枚 20 lots
	石油市場 Oil market	六百枚 600 lots	ガソリン Gasoline	五十枚 50 lots
			灯油 Kerosene	五十枚 50 lots
			軽油 Diesel fuel	五十枚 50 lots
			原油 Crude oil	五十枚 50 lots
	中京石油市場 Chukyo Oil Market	六百枚 600 lots	ガソリン Gasoline	五十枚 50 lots
			灯油 Kerosene	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	二十枚 20 lots
	日経・東工取 商品指数市場 TOCOM NEXT Commodity Index Market	百枚 100 lots	日経・東工取 商品指数 Nikkei- TOCOM Commodity Index	五十枚 50 lots
中部大阪商品 取引所 Central Japan Commodity Exchange	貴金属市場 Precious Metals Market	五千枚 5,000 lots	金 Gold	百枚 100 lots
	石油市場 Oil market	六百枚 600 lots	ガソリン Gasoline	五十枚 50 lots
			灯油 Kerosene	五十枚 50 lots
			軽油 Diesel fuel	五十枚 50 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)	五十枚 50 lots
			大豆 (米国産 大豆) Soybeans (U.S. soybeans)	二十枚 20 lots
			小豆 Red beans (adzuki)	二十枚 20 lots
			とうもろこし Corn	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	二十枚 20 lots
	砂糖市場 Sugar market	三千枚 3,000 lots	精糖 Refined sugar	二十枚 20 lots
			粗糖 Raw sugar	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	五十枚 50 lots
			コーヒー指数 Coffee index	五十枚 50 lots

別表第三（第五十条関係）

Appended Table 3 (related to Article 50) 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:
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<p>先物取引日記帳 Journal of Futures Transactions</p>	<p>一 商品取引所名称又は 称号 1. Name or designation of Commodity Exchange</p>	<p>一 商品取引受託業務を 行う者であつて、別表第 四に従い作成する者にあ 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 and is to prepare documents according to Appended Table 4 is not required to prepare these documents.</p>
	<p>二 上場商品構成物品又 は上場商品指数の種類 2. Type of Listed Commodity Component Product and Listed Commodity Index</p>	<p>二 約定日時について は、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（以下 この表において「板寄せ 取引」という。）の場合 にあつては、約定日及び 場節を記載すること。 2. With regard to the contract date and time, the document shall be prepared by recording the contract date and session in the case of a transaction carried out according to auction method with a single amount of consideration or Contract Price, etc. (hereinafter referred to as "Itayose Transactions" in this table)</p>

<p>三 約定日時 3. Contract date and time</p>	<p>三 取引の種類については、法第二条第三項第一号から第三号までに掲げる取引の場合にあつては、次に掲げる事項を記載すること。 3. With regard to the type of transaction, the document shall be prepared by recording the following items in the case of a transaction prescribed in Article 2, paragraph (3), item (i) through item (iii) of the Act.</p>
<p>四 対価の額又は約定価格等 4. Amount of consideration or Contract Price, etc.</p>	<p>(1) 限月 (1) Expiration month</p>
<p>五 取引の種類 5. Type of transaction</p>	<p>(2) 新規又は決済の別 (2) Distinction of new and settled</p>
<p>六 売付け又は買付けの別 6. Distinction of sales and purchases</p>	<p>四 取引の種類については、法第二条第三項第四号に掲げる取引の場合にあつては、次に掲げる事項を記載すること。 4. With regard to the type of transaction, the document shall be prepared by recording the following items in the case of a transaction prescribed in Article 2, paragraph (3), item (iv) of the Act.</p>
<p>七 数量 7. Quantity</p>	<p>(1) 限月 (1) Expiration month (2) 利行使期間及び権利行使価格 (2) Exercise period and Exercise Price (3) プット又はコールの別 (3) Distinction of put and call</p>

		<p>(4) 新規又は決済の別 (4) Distinction of new and settled</p> <p>(5) 権利行使又は被権利行使の別 (5) Distinction of exercise and non-exercise</p> <p>五 注文・清算分離行為が行われた取引については、注文執行会員等は、新規又は決済の別及び権利行使又は被権利行使の別の記載を要しない。</p> <p>5. With regard to a transaction for which a give-up action is performed, the order executing member, etc. shall not be required to record the distinction of new and settled or the distinction of exercise and non-exercise.</p>
先物取引受渡計算帳 Futures Transaction Settlement Calculation Journal	<p>一 商品取引所名称又は称号 1. Name or designation of Commodity Exchange</p>	<p>一 商品取引受託業務を行う者であって、別表第四に従い作成する者にあつては、作成しないことができる。</p> <p>1. A person engaging in a Commodity Transactions Brokerage Business and is to prepare documents according to Appended Table 4 is not required to prepare the documents.</p>
	<p>二 上場商品構成物品 2. Listed Commodity Component Products</p>	<p>二 約定日時については、板寄せ取引の場合にあつては、約定日及び場節を記載すること。</p> <p>2. With regard to the contract date and time, the document shall be prepared by recording the contract date and session in the case of an Itayose Transaction.</p>

三 限月 Expiration month	三 受渡数量については、受渡しの別ごとに記載すること。 3. With regard to the settlement quantity, the document shall be prepared by recording the distinction of receipt and delivery.
四 約定日時 4. Contract date and time	
五 約定価格又は権利行使価格 5. Contract Price or Exercise Price	
六 受渡年月日 6. Settlement date	
七 受渡数量 7. Settlement quantity	

別表第四（第百十三条関係）

Appended Table 4 (related to Article 113) Appended Table 4 (related to Article 113)

帳簿の種類 Type of record	記載事項 Matters to be included	記載上の注意 Precautions for recording
注文伝票 Order form	一 商品又は商品指数 (i) Commodity or Commodity Index	一 法第二条第二十二項各号に掲げる行為のうち、媒介又は代理に係るものにあつては、記載することを要しない。 (i) Recording shall not be required for actions prescribed in any of the items of Article 2, paragraph (22) of the Act pertaining to brokerage or agency.

二 自己又は受託の別
(ii) Distinction of transactions pertaining to a person's own account and those pertaining to brokerage

三 委託者等名
(iii) Name of Customers, etc.

二 商品又は商品指数については、上場商品構成物品、商品の価格の公表主体その他の取引の対象を特定するものを記載すること。

(ii) With regard to Commodities and Commodity Indices, the document shall be prepared by recording those specifying Listed Commodity Component Products and Commodity price publishers or other transactions as subjects.

三 受注日時及び約定日時については、法第二条第十四項各号に掲げる取引の場合にあっては、受注年月日及び約定年月日を記載すれば足りる。

(iii) With regard to the order received date and time and the contract date and time, it shall suffice to record the order received date and the contract date in the case of a transaction prescribed in the items of Article 2, paragraph (14) of the Act.

四 受注日時

(iv) Order received date and time

四 約定日時については、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（以下この表において「板寄せ取引」という。）の場合にあつては、約定日及び場節を記載すること。

(iv) With regard to the contract date and time, the document shall be prepared by recording the contract date and session in the case of a transaction carried out according to auction method with a single amount of consideration or Contract Price, etc. (hereinafter referred to as an "Itayose Transaction" in this table)

五 約定日時

(v) Contract date and time

五 受注日時及び受注数量については、自己の計算による取引の場合であつて、かつ、商品市場における取引及び外国商品市場における取引の場合にあつては、発注日時及び発注数量を記載するものとする。

(v) With regard to the order received date and time and the received order quantity, the document shall be prepared by recording the order received date and time and the received order quantity in the case of a transaction on the person's own account, when the transaction is on a Commodity Market or the transaction is on a Foreign Commodity Market.

六 対価の額又は約定価格等

(vi) Amount of consideration or Contract Price, etc.

七 取引の種類

(vii) Type of transaction

八 売付け又は買付けの別

(viii) Distinction of sales and purchases

九 指値又は成行その他注文の種類

(ix) Distinction of limit order, market order, and other orders

十 受注数量（数量がない場合にあつては、数量に準ずるもの）

(x) Received order quantity (an item equivalent to the quantity in the case where there is no quantity)

六 取引の種類については、法第二条第三項第一号から第三号までに掲げる取引（これらに類似する外国商品市場において行われる取引を含む。）及び同条第十四項第一号から第三号までに掲げる取引の場合にあつては、次に掲げる事項を記載すること。

(vi) With regard to the type of transaction, the document shall be prepared by recording the following items in the case of a transaction prescribed in Article 2, paragraph (3), item (i) through item (iii) of the Act (including a transaction carried out on a Foreign Commodity Market similar thereto) or a transaction prescribed in paragraph (14), item (i) through item (iii) of the same Article.

十一 約定数量（数量がない場合にあつては、数量に準ずるもの）
(xi) Contract quantity
(an item equivalent to the quantity in the case where there is no quantity)

(1) 限月
1. Expiration month

(2) 新規又は決済の別
2. Distinction of new and settled

七 取引の種類については、法第二条第三項第四号に掲げる取引（これに類似する外国商品市場において行われる取引を含む。）及び同条第十四項第四号及び第五号に掲げる取引の場合にあつては、次に掲げる事項を記載すること。

(vii) With regard to the type of transaction, the document shall be prepared by recording the following items in the case of a transaction prescribed in Article 2, paragraph (3), item (iv) of the Act (including a transaction carried out on a Foreign Commodity Market similar thereto) or a transaction prescribed in paragraph (14), item (iv) or item (v) of the same Article.

(1) 限月
1. Expiration month

(2) 権利行使期間及び権利行使価格

2. Exercise period and Exercise Price

(3) プット又はコールの別

3. Distinction of put and call

(4) 新規又は決済の別

4. Distinction of new and settled

(5) 権利行使又は被権利行使の別

5. Distinction of exercise and non-exercise

(6) 法第二条第十四項第四号及び第五号に掲げる取引については、オプションの行使により成立することとなる取引の内容

6. With regard to transactions prescribed in Article 2, paragraph (14), item (iv) and item (v) of the Act, the content of the

transaction to be closed by exercise of an option

八 取引の種類については、法第二条第十四項第六号に掲げる取引の場合にあっては、取引期間及び決済の年月日を記載すること。

(viii) With regard to the type of transaction, the document shall be prepared by recording the transaction period and the settlement date in the case of a

transaction prescribed in Article 2, paragraph (14), item (vi) of the Act.

九 指値又は成行その他注文の種類別の別については、指値の場合にあっては、その価格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（商品市場における取引にあっては、場節を含む。）を記載すること。

(ix) With regard to the distinction of limit order, market order, and other orders, the document shall be prepared by recording the price and expiration of the order in the case of a limit order, and the date the transaction was carried out (in the case of a transaction on a Commodity Market, including the session) in the case of a market order.

十 取引が不成立の場合には、その旨を表示すること。

(x) In the case where a transaction is not closed, that effect shall be indicated.

十一 電磁的記録により作成する場合にあっては、以下に掲げる要件を満たすこと。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。

(xi) In the case of preparation by electromagnetic record, the requirements listed below shall be fulfilled. In this case, order forms can be generated by a form of computer listing.

(1) 受注（自己の計算による取引の場合は、発注。以下この表において同じ。）と同時に、注文内容を電子計算機へ入力すること。

1. The order content shall be inputted into an electronic computer simultaneously with the received order (in the case of a transaction on the person's own account, the issued order; the same shall apply hereinafter in this table).

(2) 顧客からの照会に対し、速やかに回答できるようにしていること。

2. A prompt response shall be enabled for an inquiry from a customer.

(3) 入力された注文内容の控えを作成し、及び保存すること。

3. A copy of the inputted order content shall be prepared and preserved.

(4) 電子計算機へ入力した日付及び時刻が自動的に記録されること。

4. The date and time of input into the electronic computer shall be automatically recorded.

(5) 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。

5. In the case where an
inputted item is
cancelled or modified,
the cancellation or
modification shall be
recorded per se as a
separate record from the
original.

(6) 注文内容を電話により営業所又は事務所に連絡する場合、電子計算機の稼働終了後に翌日の注文を受託する場合、災害等により電子計算機が使用不能となる場合その他受注と同時に電子計算機に直接入力して作成することが不可能な場合には、受注時に手書きで注文伝票を作成すること。ただし、受注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電子計算機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には、手書きの注文伝票に追記する必要はない。

6. In the cases of giving details of an order to an office or business office via telephone, undertaking an order for the next day after the electronic computer operation, an electronic computer becoming out-of-service due to a disaster, etc., and other cases where direct input into an electronic computer and preparation simultaneous with the received order is impossible, the order form shall be generated manually at the time of the received order; provided, however, that when the order form is generated manually at the time of the received order and preserved along with an order form generated by inputting directly into an electronic computer that records the order result, etc. generated by subsequently inputting the order details, it is

十二 注文・清算分離行為が行われた取引に係る注文である場合には、その旨を表示すること。

(xii) In the case of an order pertaining to a transaction for which a give-up action is performed, that effect shall be indicated.

十三 注文・清算分離行為が行われた取引については、注文執行会員等は、新規又は決済の別及び権利行使又は被権利行使の別の記載を要しない。

(xiii) With regard to a transaction for which a give-up action is performed, the order-executing member, etc. shall not be required to record the distinction of new and settled or the distinction of exercise and non-exercise.

十四 注文・清算分離行為が行われた取引については、清算執行会員等は、作成することを要しない。

(xiv) With regard to a transaction for which a give-up action is performed, the settlement executing member, etc. shall not be required to prepare the document.

十五 商品取引所の定める規則により当該商品取引所の開設する商品市場において、恒常的に売付け又は買付けの気配を提示する会員等が、当該気配として行う注文については、作成することを要しない。

(xv) With regard to an order for which a Member, etc. permanently presenting a sell or buy quotation on a Commodity Market opened by a Commodity Exchange according to the regulations established by said Commodity Exchange carries out as said quotation, preparation of the document shall not be required.

		<p>十六 商品取引所の定める規則により当該商品取引所の開設する商品市場において、注文時に新規若しくは決済の別又は権利行使若しくは被権利行使の別を指示することが不要とされているものについては、これらの事項を記載をすることを要しない。</p> <p>(xvi) With regard to a transaction for which indication of the distinction of new and settled and the distinction of exercise and non-exercise is not required at the time of ordering on a Commodity Market opened by a Commodity Exchange according to the regulations established by said Commodity Exchange, the recording of such matters shall not be required.</p> <p>十七 注文伝票は日付順につづり込んで保存すること。</p> <p>(xvii) The order forms shall be preserved, filed by date.</p>
<p>商品デリバティブ取引日記帳 Commodity Derivative Transaction journal</p>	<p>一 商品又は商品指数 (i) Commodity or Commodity Index</p>	<p>一 法第二条第二十二項各号に掲げる行為のうち、媒介又は代理に係るものにあつては、記載することを要しない。</p> <p>(i) Recording shall not be required for actions prescribed in any of the items of Article 2, paragraph (22) of the Act pertaining to brokerage or agency.</p>

二 自己又は受託の別
(ii) Distinction of transactions pertaining to the person's own account and those pertaining to brokerage

三 委託者等名
(iii) Name of Customers, etc.

四 約定日時
(iv) Contract date and time

二 商品又は商品指数については、上場商品構成物品、商品の価格の公表主体その他の取引の対象を特定するものを記載すること。

(ii) With regard to Commodities and Commodity Indices, the document shall be prepared by recording those specifying Listed Commodity Component Products and commodity price publishers or other transactions as subjects.

三 約定日時については、法第二条第十四項各号に掲げる取引の場合にあつては、約定年月日を記載すれば足りる。

(iii) With regard to the contract date and time, it shall suffice to record the contract date in the case of a transaction prescribed in the items of Article 2, paragraph (14) of the Act.

四 約定日時については、板寄せ取引の場合にあつては、約定日及び場節を記載すること。

(iv) With regard to the contract date and time, the document shall be prepared by recording the contract date and session in the case of an Itayose Transaction.

五 対価の額又は約定価格等

(v) Amount of consideration or Contract Price, etc.

六 取引の種類

(vi) Type of transaction

七 売付け又は買付けの別

(vii) Distinction of sales and purchases

五 取引の種類については、法第二条第三項第一号から第三号までに掲げる取引（これらに類似する外国商品市場において行われる取引を含む。）及び同条第十四項第一号から第三号までに掲げる取引の場合にあっては、次に掲げる事項を記載すること。

(v) With regard to the type of transaction, the document shall be prepared by recording the following items in the case of a transaction prescribed in Article 2, paragraph (3), item (i) through item (iii) of the Act (including a transaction carried out on a Foreign Commodity Market similar thereto) or a transaction prescribed in paragraph (14), item (i) through item (iii) of the same Article.

(1) 限月

1. Expiration month

(2) 新規又は決済の別

2. Distinction of new and settled

八 数量（数量がない場合にあっては、数量に準ずるもの）

(viii) Quantity (an item equivalent to the quantity in the case where there is no quantity)

六 取引の種類については、法第二条第三項第四号に掲げる取引（これに類似する外国商品市場において行われる取引を含む。）及び同条第十四項第四号及び第五号に掲げる取引の場合にあっては、次に掲げる事項を記載すること。

(vi) With regard to the type of transaction, the document shall be prepared by recording the following items in the case of a transaction prescribed in Article 2, paragraph (3), item (iv) of the Act (including a transaction carried out on a Foreign Commodity Market similar thereto) or a transaction prescribed in paragraph (14), item (iv) or item (v) of the same Article.

(1) 限月

1. Expiration month

(2) 権利行使期間及び権利行使価格

2. Exercise period and Exercise Price

(3) プット又はコールの別

3. Distinction of put and call

(4) 新規又は決済の別

4. Distinction of new and settled

(5) 権利行使又は被権利行使の別

5. Distinction of exercise and non-exercise

		<p>(6) 法第二条第十四項第四号及び第五号に掲げる取引については、オプションの行使により成立することとなる取引の内容</p> <p>6. With regard to transactions prescribed in Article 2, paragraph (14), item (iv) and item (v) of the Act, the content of the transaction to be closed by exercise of an option</p> <p>七 取引の種類については、法第二条第十四項第六号に掲げる取引の場合にあつては、取引期間及び決済の年月日を記載すること。</p> <p>(vii) With regard to the type of transaction, the document shall be prepared by recording the transaction period and the settlement date in the case of a transaction prescribed in Article 2, paragraph (14), item (vi) of the Act.</p> <p>八 注文・清算分離行為が行われた取引については、注文執行会員等は、新規又は決済の別及び権利行使又は被権利行使の別の記載を要しない。</p> <p>(viii) With regard to a transaction for which a give-up action is performed, the order-executing member, etc. shall not be required to record the distinction of new and settled or the distinction of exercise and non-exercise.</p>
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<p>商品デリバティブ取引勘定元帳 Commodity Derivative Transaction ledger</p>	<p>一 商品又は商品指数 (i) Commodity or Commodity Index</p> <p>二 自己又は受託の別 (ii) Distinction of transactions pertaining to the person's own account and those pertaining to brokerage</p> <p>三 委託者等名 (iii) Name of Customers, etc.</p>	<p>一 法第二条第二十二項各号に掲げる行為のうち、媒介又は代理に係るものにあつては、記載することを要しない。 (i) Recording shall not be required for actions prescribed in any of the items of Article 2, paragraph (22) of the Act pertaining to brokerage or agency.</p> <p>二 自己又は受託の別（受託の場合にあつては、委託者等別）に記載すること。 (ii) The document shall be prepared by recording in the distinction of the person's own account and brokerage (in the case of brokerage, by Customers, etc.)</p> <p>三 商品又は商品指数については、上場商品構成物品、商品の価格の公表主体その他の取引の対象を特定するものを記載すること。 (iii) With regard to Commodities and Commodity Indices, the document shall be prepared by recording those specifying Listed Commodity Component Products and commodity price publishers or other transactions as subjects.</p>
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四 約定日時
(iv) Contract date and time

五 対価の額又は約定価格等
(v) Amount of consideration or Contract Price, etc.

六 取引の種類
(vi) Type of transaction
七 売付け又は買付けの別
(vii) Distinction of sales and purchases

八 数量（数量がない場合にあつては、数量に準ずるもの）
(viii) Quantity (an item equivalent to the quantity in the case where there is no quantity)

九 手数料等
(ix) Fees, etc.

十 消費税額
(x) Amount of consumption tax

十一 入出金
(xi) Deposits and withdrawals

四 約定日時については、法第二条第十四項各号に掲げる取引の場合にあつては、約定年月日を記載すれば足りる。

(iv) With regard to the contract date and time, it shall suffice to record the contract date in the case of a transaction prescribed in the items of Article 2, paragraph (14) of the Act.

五 約定日時については、板寄せ取引の場合にあつては、約定日及び場節を記載すること。

(v) With regard to the contract date and time, the document shall be prepared by recording the contract date and session in the case of an Itayose Transaction.

十二 差引残高
(xii) Balance

六 取引の種類については、法第二条第三項第一号から第三号までに掲げる取引（これらに類似する外国商品市場において行われる取引を含む。）及び同条第十四項第一号から第三号までに掲げる取引の場合にあっては、限月を記載すること。
(vi) With regard to the type of transaction, the document shall be prepared by recording the expiration month in the case of a transaction prescribed in Article 2, paragraph (3), item (i) through item (iii) of the Act (including a transaction carried out on a Foreign Commodity Market similar thereto) or a transaction prescribed in paragraph (14), item (i) through item (iii) of the same Article.

十三 取引証拠金等に関する事項
(xiii) Matters relating to the Clearing Margin, etc.

七 取引の種類については、法第二条第三項第四号に掲げる取引（これに類似する外国商品市場において行われる取引を含む。）及び同条第十四項第四号及び第五号に掲げる取引の場合にあつては、次に掲げる事項を記載すること。

(vii) With regard to the type of transaction, the document shall be prepared by recording the following items in the case of a transaction prescribed in Article 2, paragraph (3), item (iv) of the Act (including a transaction carried out on a Foreign Commodity Market similar thereto) or a transaction prescribed in paragraph (14), item (iv) or item (v) of the same Article.

(1) 限月

1. Expiration month

(2) 権利行使期間及び権利行使価格

2. Exercise period and Exercise Price

(3) プット又はコールの別

3. Distinction of put and call

(4) 法第二条第十四項第四号及び第五号に掲げる取引については、オプションの行使により成立することとなる取引の内容

4. With regard to transactions prescribed in Article 2, paragraph (14), item (iv) and item (v) of the Act, the content of the

transaction to be closed by exercise of an option

八 取引の種類については、法第二条第十四項第六号に掲げる取引の場合にあつては、取引期間及び決済の年月日を記載すること。

(viii) With regard to the type of transaction, the document shall be prepared by recording the transaction period and the settlement date in the case of a

transaction prescribed in Article 2, paragraph (14), item (vi) of the Act.

九 入出金については、現金又は有価証券の別、その年月日、銘柄、数量及び金額を記載すること。

(ix) With regard to deposits and withdrawals, the document shall be prepared by recording the distinction of cash and securities, the date, the issue, the quantity, and the amount.

十 差引残高については、現金又は有価証券の別、銘柄、数量及び金額を記載すること。

(x) With regard to the balance, the document shall be prepared by recording the distinction of cash and securities, the brand, the quantity, and the amount.

十一 取引証拠金等に関する事項については、現金又は有価証券の別、受入年月日又は返却年月日、銘柄、数量及び金額を記載すること。

(xi) With regard to matters relating to the Clearing Margin, etc., the document shall be prepared by recording the distinction of cash and securities, the acceptance date or the return date, the issue, the quantity, and the amount.

十二 委託者等別に取引経過を記載すること。

(xii) The document shall be prepared by recording the transaction process by Customers, etc.

十三 注文・清算分離行為が行われた取引に係る委託手数料については、清算執行会員等の勘定元帳には、当該清算執行会員等が委託者から直接受領した手数料等を記載すること。

(xiii) With regard to commission fees, pertaining to a transaction for which a give-up action was performed, the document shall be prepared by recording the Fees, etc. the settlement executing member, etc. directly received from the consignor in the ledger of said settlement executing member, etc.

十四 注文・清算分離行為が行われた取引については、注文執行会員等は、作成することを要しない。ただし、委託者から直接手数料等を受領した場合には、委託者名、手数料等並びに入出金及び差引残高を記載すること。

(xiv) With regard to a transaction for which a give-up action was performed, the order executing member, etc. shall not be required to prepare the document; provided, however, that the consignor, the Fees, etc., the deposits and withdrawals, and the balance are recorded in the case where Fees, etc. are received directly from the consignor.

<p>商品デリバティブ取引残高帳 Commodity Derivative Transaction balance book</p>	<p>一 帳簿の作成日 (i) Date of record</p> <p>二 商品又は商品指数 (ii) Commodity or Commodity Index</p> <p>三 自己又は受託の別 (iii) Distinction of person's own account and brokerage</p>	<p>一 法第二条第二十二項各号に掲げる行為のうち、媒介又は代理に係るものにあつては、記載することを要しない。 (i) Recording shall not be required for actions prescribed in any of the items of Article 2, paragraph (22) of the Act pertaining to brokerage or agency.</p> <p>二 自己又は受託の別（受託の場合にあつては、委託者等別）に記載すること。 (ii) The document shall be prepared by recording in the distinction of the person's own account and brokerage (in the case of brokerage, by Customers, etc.)</p> <p>三 商品又は商品指数については、上場商品構成物品、商品の価格の公表主体その他の取引の対象を特定するものを記載すること。 (iii) With regard to Commodities and Commodity Indices, the document shall be prepared by recording those specifying Listed Commodity Component Products and commodity price publishers or other transactions as subjects.</p>
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四 委託者等名
(iv) Name of Customers,
etc.

五 約定日時
(v) Contract date and
time

六 対価の額又は約定価
格等

(vi) Amount of
consideration or
Contract Price, etc.

七 取引の種類

(vii) Type of transaction

八 売付け又は買付けの
別

(viii) Distinction of sales
and purchases

九 決済の終了していな
い取引に係る数量（数量
がない場合にあつては、
数量に準ずるもの）

(ix) Quantity (an item
equivalent to the
quantity in the case
where there is no
quantity) pertaining to
transactions whose
settlement is not
completed

四 約定日時について
は、法第二条第十四項各
号に掲げる取引の場合に
あつては、約定年月日を
記載すれば足りる。

(iv) With regard to the
contract date and time,
it shall suffice to record
the contract date in the
case of a transaction
prescribed in the items
of Article 2, paragraph
(14) of the Act.

五 約定日時について
は、板寄せ取引の場合に
あつては、約定日及び場
節を記載すること。

(v) With regard to the
contract date and time,
the document shall be
prepared by recording
the contract date and
session in the case of an
Itayose Transaction.

十 時価評価損益額
(x) Amount of profit and
loss from market price
valuation
十一 取引証拠金維持額
(xi) Amount for
maintenance of the
clearing margin
十二 預託申告額
(xii) Deposit amount
declared

六 取引の種類については、法第二条第三項第一号から第三号までに掲げる取引（これらに類似する外国商品市場において行われる取引を含む。）及び同条第十四項第一号から第三号までに掲げる取引の場合にあっては、限月を記載すること。
(vi) With regard to the type of transaction, the document shall be prepared by recording the expiration month in the case of a transaction prescribed in Article 2, paragraph (3), item (i) through item (iii) of the Act (including a transaction carried out on a Foreign Commodity Market similar thereto) or a transaction prescribed in paragraph (14), item (i) through item (iii) of the same Article.

七 取引の種類については、法第二条第三項第四号に掲げる取引（これに類似する外国商品市場において行われる取引を含む。）及び同条第十四項第四号及び第五号に掲げる取引の場合にあつては、次に掲げる事項を記載すること。

(vii) With regard to the type of transaction, the document shall be prepared by recording the following items in the case of a transaction prescribed in Article 2, paragraph (3), item (iv) of the Act (including a transaction carried out on a Foreign Commodity Market similar thereto) or a transaction prescribed in paragraph (14), item (iv) or item (v) of the same Article.

(1) 限月

1. Expiration month

(2) 権利行使期間及び権利行使価格

2. Exercise period and Exercise Price

(3) プット又はコールの別

3. Distinction of put and call

(4) 法第二条第十四項第四号及び第五号に掲げる取引については、オプションの行使により成立することとなる取引の内容

4. With regard to transactions prescribed in Article 2, paragraph (14), item (iv) and item (v) of the Act, the content of the

transaction to be closed by exercise of an option

八 取引の種類については、法第二条第十四項第六号に掲げる取引の場合にあつては、取引期間及び決済の年月日を記載すること。

(viii) With regard to the type of transaction, the document shall be prepared by recording the transaction period and the settlement date in the case of a transaction prescribed in Article 2, paragraph (14), item (vi) of the Act.

九 取引証拠金維持額については、商品取引所又は商品取引清算機関が、これらの者が定める規則により預託を受けなければならないこととされる取引証拠金の額を記載すること。

(ix) With regard to the amount for maintenance of the clearing margin, the Commodity Exchange or the Commodity Clearing Organization shall prepare the document by recording the amount of the clearing margin whose deposit must be received according to the regulations established by such person.

十 預託申告額については、商品取引所又は商品取引清算機関が定める規則により会員等又は清算参加者がこれらの者に預託をしなければならないこととされる取引証拠金の額を記載すること。

(x) With regard to the deposit amount declared, the Member, etc. or the Clearing Participant shall prepare the document by recording the amount of the clearing margin which must be deposited with such person according to the regulations established by the Commodity Exchange or the Commodity Clearing Organization.

<p>商品デリバティブ取引受 渡計算帳 Commodity Derivative Transaction settlement calculation journal</p>	<p>一 商品 (i) Commodity</p> <p>二 限月 (ii) Expiration month</p> <p>三 自己又は受託の別 (iii) Distinction of person's own account and brokerage</p>	<p>一 法第二条第二十二項各号に掲げる行為のうち、媒介又は代理に係るものにあつては、記載することを要しない。 (i) Recording shall not be required for actions prescribed in any of the items of Article 2, paragraph (22) of the Act pertaining to brokerage or agency.</p> <p>二 商品については、上場商品構成物品、商品の価格の公表主体その他の取引の対象を特定するものを記載すること。 (ii) With regard to commodities, the document shall be prepared by recording those specifying Listed Commodity Component Products and commodity price publishers or other transactions as subjects.</p> <p>三 約定日時については、法第二条第十四項各号に掲げる取引の場合にあつては、約定年月日を記載すれば足りる。 (iii) With regard to the contract date and time, it shall suffice to record the contract date in the case of a transaction prescribed in the items of Article 2, paragraph (14) of the Act.</p>
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	<p>四 委託者等名 (iv) Name of Customers, etc.</p> <p>五 約定日時 (v) Contract date and time</p> <p>六 約定価格又は権利行 使価格 (vi) Contract Price or Exercise Price</p> <p>七 受渡年月日 (vii) Settlement date</p> <p>八 受渡数量 (viii) Settlement quantity</p>	<p>四 約定日時について は、板寄せ取引の場合に あつては、約定日及び場 節を記載すること。 (iv) With regard to the contract date and time, the document shall be prepared by recording the contract date and session in the case of an Itayose Transaction.</p> <p>五 受渡数量について は、受渡しの別ごとに記 載すること。 (v) With regard to the settlement quantity, the document shall be prepared by recording the distinction of receipt and delivery.</p>
<p>媒介又は代理に係る取引 記録 Transaction records pertaining to brokerage or agency</p>	<p>一 媒介又は代理を行っ た年月日 (i) Date of brokerage or agency</p> <p>二 委託者等名 (ii) Name of Customers, etc.</p>	<p>法第二条第二十二項各号 に掲げる行為のうち、媒 介又は代理に係るものに 限り、記載すること。 The document shall be prepared by recording, limited to those acts prescribed in the items of Article 2, paragraph (22) of the Act pertaining to brokerage or agency.</p>

	<p>三 商品デリバティブ取引を行う商品先物取引業者名 (iii) Name of Commodity Derivatives Business Operators carrying out Commodity Derivative Transaction</p> <p>四 媒介又は代理の別 (iv) Distinction of brokerage and agency</p> <p>五 媒介又は代理に関して受け取る手数料、報酬その他の対価の額 (v) Amount of fees, remunerations and any other considerations to be received in relation to brokerage or agency</p>	
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別表第五（第百二十六条の二十五関係）

Appended Table 5 (related to Article 126-25) Appended Table 5 (related to Article 126-25)

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:
商品先物取引仲介補助簿 Commodity Derivatives Intermediary auxiliary book	<p>一 商品又は商品指数 (i) Commodity or Commodity Index</p>	<p>一 商品又は商品指数については、上場商品構成物品、商品の価格の公表主体その他の取引の対象を特定するものを記載すること。 (i) With regard to Commodities and Commodity Indices, the document shall be prepared by recording those specifying Listed Commodity Component Products and commodity price publishers or other transactions as subjects.</p>

二 所属商品先物取引業者の商号又は名称

(ii) Trade name or name of the Entrusting Commodity Derivatives Business Operators

三 委託者等名

(iii) Name of Customers, etc.

二 申込を受けた日時及び約定日時については、法第二条第十四項各号に掲げる取引の場合にあつては、申込を受けた年月日及び約定年月日を記載すれば足りる。

(ii) With regard to the offer received date and time and the contract date and time, it shall suffice to record the offer received date and the contract date in the case of a transaction prescribed in the items of Article 2, paragraph (14) of the Act.

三 約定日時については、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の場合にあつては、約定日及び場節を記載すること。

(iii) With regard to the contract date and time, the document shall be prepared by recording the contract date and session in the case of a transaction carried out according to auction method with a single amount of consideration or Contract Price, etc.

四 申込を受けた日時
(iv) Date and time offer received

五 約定日時
(v) Contract date and time

六 対価の額又は約定価格等

(vi) Amount of consideration or Contract Price, etc.

四 取引の種類については、法第二条第三項第一号から第三号までに掲げる取引（これらに類似する外国商品市場において行われる取引を含む。）及び同条第十四項第一号から第三号までに掲げる取引の場合にあっては、次に掲げる事項を記載すること。

(iv) With regard to the type of transaction, the document shall be prepared by recording the following items in the case of a transaction prescribed in Article 2, paragraph (3), item (i) through item (iii) of the Act (including a transaction carried out on a Foreign Commodity Market similar thereto) or a transaction prescribed in paragraph (14), item (i) through item (iii) of the same Article.

(1) 限月

1. Expiration month

(2) 新規又は決済の別

2. Distinction of new and settled

七 取引の種類
(vii) Type of transaction

八 売付け又は買付けの別
(viii) Distinction of sales and purchases

九 指値又は成行その他注文の種類
(ix) Distinction of limit order, market order, and other orders

十 申込を受けた数量
(数量がない場合にあつては、数量に準ずるもの)

(x) Received offer quantity (an item equivalent to the quantity in the case where there is no quantity)

五 取引の種類については、法第二条第三項第四号に掲げる取引（これに類似する外国商品市場において行われる取引を含む。）及び同条第十四項第四号及び第五号に掲げる取引の場合にあつては、次に掲げる事項を記載すること。

(v) With regard to the type of transaction, the document shall be prepared by recording the following items in the case of a transaction prescribed in Article 2, paragraph (3), item (iv) of the Act (including a transaction carried out on a Foreign Commodity Market similar thereto) or a transaction prescribed in paragraph (14), item (4) or item (5) of the same Article.

(1) 限月

1. Expiration month

(2) 権利行使期間及び権利行使価格

2. Exercise period and Exercise Price

(3) プット又はコールの別

3. Distinction of put and call

十一 約定数量（数量がない場合にあつては、数量に準ずるもの）
(xi) Contract quantity
(an item equivalent to the quantity in the case where there is no quantity)

(4) 新規又は決済の別
4. Distinction of new and settled

(5) 権利行使又は被権利行使の別

5. Distinction of exercise and non-exercise

(6) 法第二条第十四項第四号及び第五号に掲げる取引については、オプションの行使により成立することとなる取引の内容

6. With regard to transactions prescribed in Article 2, paragraph (14), item (iv) and item (v) of the Act, the content of the

transaction to be closed by exercise of an option

六 取引の種類については、法第二条第十四項第六号に掲げる取引の場合にあつては、取引期間及び決済の年月日を記載すること。

(vi) With regard to the type of transaction, the document shall be prepared by recording the transaction period and the settlement date in the case of a transaction prescribed in Article 2, paragraph (14), item (vi) of the Act.

七 指値又は成行その他注文の種類別の別については、指値の場合にあっては、その価格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（商品市場における取引にあっては場節を含む。）を記載すること。

(vii) With regard to the distinction of limit order, market order, and other orders, the document shall be prepared by recording the price and expiration of the order in the case of a limit order, and the date the transaction was carried out (in the case of a transaction on a Commodity Market, including the session) in the case of a market order.

八 所属商品先物取引業者が二以上ある場合は、所属商品先物取引業者ごとに作成すること。

(viii) A document shall be prepared for each Entrusting Commodity Derivatives Business Operators in the case of two or more Entrusting Commodity Derivatives Business Operators.

九 商品先物取引仲介補助簿は日付順に記載して保存すること。

(ix) The Commodity Derivatives Intermediary auxiliary book shall be preserved, recorded by date.

十 取引が不成立の場合には、その旨を表示すること。

(x) In the case where a transaction is not closed, that effect shall be indicated.

十一 取引の内容に係る部分については、商品先物取引仲介業者が知り得た事項について記載すること。

(xi) With regard to the portion pertaining to the transaction content, the document shall be prepared for matters that the Commodity Derivatives Intermediary Service Provider has come to know.

十二 電磁的記録により作成する場合にあっては、以下に掲げる要件を満たすこと。なお、この場合においては、一覧表形式で商品先物取引仲介補助簿を作成できるものとする。

(xii) In the case of preparation by electromagnetic record, the requirements listed below shall be fulfilled. In this case, the Commodity Derivatives Intermediary auxiliary book can be generated by a form of computer listing.

(1) 申込を受けた時に、申込内容を電子計算機へ入力すること。

1. When an offer is received, the offer content shall be inputted into an electronic computer.

(2) 電子計算機へ入力した日付及び時刻が自動的に記録されること。

2. The date and time of input into the electronic computer shall be automatically recorded.

十三 注文・清算分離行為が行われた取引に係る注文である場合には、その旨を表示すること。

(xiii) In the case of an order pertaining to a transaction for which a give-up action is performed, that effect shall be indicated.

十四 注文・清算分離行為が行われた取引については、注文執行会員等を所属商品先物取引業者とする商品先物取引仲介業者は、新規又は決済の別及び権利行使又は被権利行使の別の記載を要しない。

(xiv) With regard to a transaction for which a give-up action is performed, a Commodity Derivatives Intermediary Service Provider for which an order executing member, etc. is the Entrusting Commodity Derivatives Business Operators shall not be required to record the distinction of new and settled or the distinction of exercise and non-exercise.

十五 注文・清算分離行為が行われた取引については、清算執行会員等を所属商品先物取引業者とする商品先物取引仲介業者は、作成することを要しない。

(xv) With regard to a transaction for which a give-up action is performed, a Commodity Derivatives Intermediary Service Provider for which a settlement executing member, etc. is the Entrusting Commodity Derivatives Business Operators shall not be required to prepare the document.

		<p>十六 商品取引所の定める規則により当該商品取引所の開設する商品市場において、注文時に新規若しくは決済の別又は権利行使若しくは被権利行使の別を指示することが不要とされているものについては、これらの事項を記載することを要しない。</p> <p>(xvi) With regard to a transaction for which indication of the distinction of new and settled and the distinction of exercise and non-exercise is not required at the time of ordering on a Commodity Market opened by a Commodity Exchange according to the regulations established by said Commodity Exchange, the recording of such matters shall not be required.</p>
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別表第六（第一百七十一条関係）

Appended Table 6 (related to Article 171) Appended Table 6 (related to Article 171)

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:
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<p>特定店頭商品デリバティブ取引日記帳 Specified OTC Commodity Derivatives Transaction journal</p>	<p>一 商品又は商品指数 (i) Commodity or commodity index</p> <p>二 取引の相手方 (ii) Counterparty to a transaction</p> <p>三 約定年月日 (iii) Contract date</p> <p>四 対価の額又は約定価格等 (iv) Amount of consideration or Contract Price, etc.</p>	<p>一 商品又は商品指数については、上場商品構成物品、商品の価格の公表主体その他の取引の対象を特定するものを記載すること。 (i) With regard to Commodities and Commodity Indices, the document shall be prepared by recording those specifying Listed Commodity Component Products and commodity price publishers or other transactions as subjects.</p> <p>二 取引の種類については、法第二条第十四項第一号から第三号までに掲げる取引の場合にあっては、次に掲げる事項を記載すること。 (ii) With regard to the type of transaction, the document shall be prepared by recording the following items in the case of a transaction prescribed in Article 2, paragraph (14), item (i) through item (iii) of the Act.</p> <p>(1) 限月 1. Expiration month</p> <p>(2) 新規又は決済の別 2. Distinction of new and settled</p>
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五 取引の種類
(v) Type of transaction

六 売付け又は買付けの別

(vi) Distinction of sales and purchases

七 数量（数量がない場合にあっては、数量に準ずるもの）

(vii) Quantity (an item equivalent to the quantity in the case where there is no quantity)

三 取引の種類については、法第二条第十四項第四号及び第五号に掲げる取引の場合にあっては、次に掲げる事項を記載すること。

(iii) With regard to the type of transaction, the document shall be prepared by recording the following items in the case of a transaction prescribed in Article 2, paragraph (14), item (iv) or item (v) of the Act.

（１）権利行使期間及び権利行使価格

1. Exercise period and Exercise Price

（２）プット又はコールの別

2. Distinction of put and call

（３）新規又は決済の別

3. Distinction of new and settled

（４）権利行使又は被権利行使の別

4. Distinction of exercise and non-exercise

（５）オプションの行使により成立することとなる取引の内容

5. Content of a transaction closed by exercise of an option

		<p>四 取引の種類については、法第二条第十四項第六号に掲げる取引の場合にあつては、取引期間及び決済の年月日を記載すること。</p> <p>(iv) With regard to the type of transaction, the document shall be prepared by recording the transaction period and the settlement date in the case of a transaction prescribed in Article 2, paragraph (14), item (vi) of the Act.</p>
<p>特定店頭商品デリバティブ取引受渡計算帳 Specified OTC Commodity Derivatives Transaction settlement calculation journal</p>	<p>一 商品 (i) Commodity</p> <p>二 限月 (ii) Expiration month</p> <p>三 取引の相手方 (iii) Counterparty to a transaction</p> <p>四 約定年月日 (iv) Contract date</p> <p>五 約定価格又は権利行使価格 (v) Contract Price or Exercise Price</p>	<p>一 商品については、上場商品構成物品、商品の価格の公表主体その他の取引の対象を特定するものを記載すること。</p> <p>(i) With regard to commodities, the document shall be prepared by recording those specifying Listed Commodity Component Products and commodity price publishers or other transactions as subjects.</p> <p>二 受渡数量については、受渡しの別ごとに記載すること。</p> <p>(ii) With regard to the settlement quantity, the document shall be prepared by recording the distinction of receipt and delivery.</p>

	六 受渡年月日 (vi) Settlement date 七 受渡数量 (数量がない場合にあつては、数量に準ずるもの) (vii) Settlement quantity (an item equivalent to the quantity in the case where there is no quantity)	
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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60条第3号 第61条第1号ト及び第2号ニ 第62条第1号ト及び第2号ニ 第66条第11号 第70条第5号 第80条第1項第9号 第118条第2項第12号 第121条第2項第12号 第134条第1項第4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 60, item (iii); Article 61, item (i) (g) and item (ii) (d); Article 62, item (i) (g) and item (ii) (d); Article 66, item (xi); Article 70, item (v); Article 80, paragraph (1), item (ix); Article 118, paragraph (ii), item (xii); Article 121, paragraph (ii), item (xii); and Article 134, paragraph (1), item (iv))

様式第一号の二 (第31条の3第1項 第36条の11関係)

Form No. 1-2 (related to: Article 31-3, paragraph (1) and Article 36-11)

様式第二号 (第31条の4関係)

Form 2 (related to Article 31-4)

様式第三号 (第80条第1項第10号 第118条第2項第13号 第121条第2項第13号関係)

Form No. 3 (related to: Article 80, paragraph (1), item (x); Article 118, paragraph (ii), item (xiii); and Article 121, paragraph (2), paragraph (xiii))

様式第四号 (第80条第1項第16号 第118条第2項第19号 第121条第2項第19号関係)

Form No. 4 (related to: Article 80, paragraph (1), item (xvi); Article 118, paragraph (2), item (xix); and Article 121, paragraph (2), item (xix))

様式第五号 (第80条第1項第17号 第118条第2項第20号 第121条第2項第20号関係)

Form No. 5 (related to: Article 80, paragraph (1), item (xvii); Article 118, paragraph (2), item (xx); and Article 121, paragraph (2), item (xx))

様式第六号 (第80条第2項第1号 第117条第1項第2号関係)

Form No. 6 (related to: Article 80, paragraph (2), item (i) and Article 117, paragraph (1), item (ii))

様式第七号 (第83条第1項関係)

Form No. 7 (related to Article 83, paragraph (1))

様式第八号 (第85条関係)

Form No. 8 (related to Article 85)

様式第九号 (第91条関係)

Form No. 9 (related to Article 91)

様式第十号 (第100条第2項関係)

Form No. 10 (related to Article 100, paragraph (2))

様式第十一号 (第116条第1項関係)

Form No. 11 (related to Article 116, paragraph (1))

様式第十二号 (第117条第1項第1号関係)

Form No. 12 (related to Article 117, paragraph (1), item (i))

様式第十三号 (第126条の6関係)

Form No. 13 (related to Article 126-6)

様式第十四号 (第126条の27関係)

Form No. 14 (related to Article 126-27)