

金融商品取引清算機関等に関する内閣府令 Cabinet Office Ordinance on Financial Instruments Clearing Organization

(平成十四年十二月六日内閣府令第七十六号)
(Cabinet Office Ordinance No. 76 of December 6, 2002)

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第一章 総則

Chapter I General Provisions

（定義）

(Definitions)

第一条 この府令において「有価証券」、「金融商品取引業者」、「金融商品取引所」、「市場デリバティブ取引」、「有価証券等清算取次ぎ」、「金融商品債務引受業」、「金融商品取引清算機関」、「外国金融商品取引清算機関」、「証券金融会社」又は「商品市場開設金融商品取引所」とは、それぞれ金融商品取引法（昭和二十三年法律第二十五号。以下「法」という。）第二条に規定する有価証券、金融商品取引業者、金融商品取引所、市場デリバティブ取引、有価証券等清算取次ぎ、金融商品債務引受業、金融商品取引清算機関、外国金融商品取引清算機関、証券金融会社又は商品市場開設金融商品取引所をいう。

Article 1 (1) As used in this Cabinet Office Ordinance, the terms "Securities," "Financial Instruments Business Operator," "Financial Instruments Exchange," "Market Derivatives Transaction," "Brokerage for Clearing of

Securities, etc.," "Financial Instruments Obligation Assumption Service," "Financial Instruments Clearing Organization," "Foreign Financial Instruments Clearing Organization," "Securities Finance Company" and "Financial Instruments Exchange Engaged in the Operation of a Commodity Market" respectively mean Securities, Financial Instruments Business Operator, Financial Instruments Exchange, Market Derivatives Transaction, Brokerage for Clearing of Securities, etc., Financial Instruments Obligation Assumption Service, Financial Instruments Clearing Organization, Foreign Financial Instruments Clearing Organization, Securities Finance Company and Financial Instruments Exchange Engaged in the Operation of a Commodity Market as defined in Article 2 of the Financial Instruments and Exchange Act (Act No. 25 of 1948; hereinafter referred to as the "Act").

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

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

一 対象取引 法第二条第二十八項に規定する対象取引をいう。

(i) Subject Transaction: a Subject Transaction as defined in Article 2, paragraph (28) of the Act;

二 役員 法第二十一条第一項第一号に規定する役員をいう。

(ii) Officer: an Officer as defined in Article 21, paragraph (1), item (i) of the Act;

三 金融商品債務引受業等 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。

(iii) Financial Instruments Obligation Assumption Service, etc.: Financial Instruments Obligation Assumption Service, etc. as defined in Article 156-3, paragraph (1), item (vi) of the Act;

四 対象議決権 法第一百五十六条の五の三第一項に規定する対象議決権をいう。

(iv) Subject Voting Right: a Subject Voting Right as defined in Article 156-5-3, paragraph (1) of the Act;

五 清算参加者 法第一百五十六条の七第二項第三号に規定する清算参加者をいう。

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

六 清算預託金 法第一百五十六条の十一に規定する清算預託金をいう。

(vi) Clearing Deposit: a Clearing Deposit as defined in Article 156-11 of the Act;

七 連携清算機関等 法第一百五十六条の二十の十六第一項に規定する連携清算機関等をいう。

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

八 連携金融商品債務引受業務 法第一百五十六条の二十の十六第一項に規定する連携

金融商品債務引受業務をいう。

(viii) Collaborative Financial Instruments Obligation Assumption Service: collaborative financial instruments obligation assumption service as defined in Article 156-20-16, paragraph (1) of the Act;

九 認可金融商品取引清算機関 法第百五十六条の二十の十六第三項に規定する認可金融商品取引清算機関をいう。

(ix) Authorized Financial Instruments Clearing Organization: an Authorized Financial Instruments Clearing Organization as defined in Article 156-20-16, paragraph (3) of the Act; and

十 連携契約書 法第百五十六条の二十の十七第二項第一号に規定する連携契約書をいう。

(x) Collaboration Agreement: a Collaboration Agreement as defined in Article 156-20-17, paragraph (2), item (i) of the Act.

(訳文の添付)

(Attaching of Translations)

第二条 法（第五章の三及び第百八十八条（金融商品取引清算機関若しくはその清算参加者又は外国金融商品取引清算機関若しくはその清算参加者に係るものに限る。）に限る。次条において同じ。）又はこの府令の規定により内閣総理大臣又は金融庁長官に提出する書類で、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、当該書類が株主総会又は取締役会（これらに準ずる機関を含む。）の議事録であつて、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 2 If there is a document to be submitted to the Prime Minister or the Commissioner of the Financial Services Agency pursuant to the provisions of the Act (limited to Chapter V-3 and Article 188 (limited to provisions related to a Financial Instruments Clearing Organization or its Clearing Member or to a Foreign Financial Instruments Clearing Organization or its Clearing Member); the same applies in the following Article) or the provisions of this Cabinet Office Ordinance, which cannot be prepared in the Japanese language due to special circumstances, a Japanese translation thereof must be attached; provided, however, that if said document is the minutes of a shareholders meeting or board or directors meeting (including any equivalent organ) and is prepared in the English language, it is sufficient to attach a Japanese translation of the summary thereof.

(外国通貨の換算)

(Conversion of Foreign Currency)

第三条 法又はこの府令の規定により内閣総理大臣又は金融庁長官に提出する書類中、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 3 If a document to be submitted to the Prime Minister or the Commissioner of the Financial Services Agency pursuant to the provisions of the Act or this Cabinet Office Ordinance contains any item the amount of which is indicated in a foreign currency, the equivalent amount converted to Japanese currency and the standard used for the conversion must be included in the supplementary notes to said document.

第二章 金融商品取引清算機関

Chapter II Financial Instruments Clearing Organizations

(免許申請書の経由)

(Submission of a Written License Application through the Commissioner of the Financial Services Agency)

第四条 法第百五十六条の三第一項の規定により免許申請書を提出しようとする者は、当該免許申請書を金融庁長官を経由して提出しなければならない。

Article 4 A person who intends to submit a written license application pursuant to the provisions of Article 156-3, paragraph (1) of the Act must submit the written license application through the Commissioner of the Financial Services Agency.

(免許申請書の添付書類)

(Documents to Be Attached to a Written License Application)

第五条 法第百五十六条の三第二項第八号に規定する内閣府令で定める書類は、次に掲げる書類とする。

Article 5 The documents specified by Cabinet Office Ordinance which are provided for in Article 156-3, paragraph (2), item (viii) of the Act are the following documents:

一 免許申請者の総株主の議決権（株主総会において決議をすることができる事項の全部につき議決権を行使することができない株式についての議決権を除き、会社法（平成十七年法律第八十六号）第八百七十九条第三項の規定により議決権を有するものとみなされる株式についての議決権を含む。次号及び第四十八条第二項第五号において同じ。）の百分の十以上の数の議決権を保有している株主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

(i) a document giving the name or trade name and address or location of a shareholder that holds voting rights amounting to ten percent or more of the number of all shareholders' voting rights of the license applicant (excluding voting rights attached to the shares for which voting rights cannot be exercised with regard to all of the matters that are subject to a resolution at a shareholders meeting, and including voting rights attached to the shares for which the shareholders are deemed to have voting rights pursuant to the provisions of Article 879, paragraph (3) of the Companies Act (Act No. 86 of

- 2005); the same applies in the following item and Article 48, paragraph (2), item (v)), and the number of voting rights held by such shareholder;
- 二 親法人（免許申請者の総株主の議決権の過半数を保有している法人その他の団体をいう。）及び子法人（免許申請者が総株主等の議決権（法第二十九条の四第二項に規定する総株主等の議決権をいう。以下同じ。）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
- (ii) a document giving an outline of the Parent Corporation (meaning a corporation or any other organization that holds the majority of all shareholders' voting rights of the license applicant) and Subsidiary Corporation (meaning a corporation or any other organization in which the license applicant holds the majority of all shareholders', etc. voting rights (meaning all shareholders', etc. voting rights as defined in Article 29-4, paragraph (2) of the Act; the same applies hereinafter));
- 三 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。以下この号において同じ。）の履歴書及び住民票の抄本（本籍の記載のあるものに限る。）又はこれに代わる書面並びに取締役及び監査役が法第八十二条第二項第三号イからへまでのいずれにも該当しない者であることを当該取締役及び監査役が誓約する書面
- (iii) resumes and abridged copies of the residence certificates (limited to those listing a registered domicile) of the directors and auditors (in the case of a company with committees, the directors and executive officers; hereinafter the same applies in this item) or any documents that substitute for these, as well as documents in which the directors and auditors pledge that they do not fall under any of Article 82, paragraph (2), item (iii), (a) to (f) inclusive of the Act;
- 四 会計参与設置会社にあつては、会計参与の履歴書（会計参与が法人であるときは、当該会計参与の沿革を記載した書面）及び住民票の抄本（本籍の記載のあるものに限る。）又はこれに代わる書面（会計参与が法人であるときは、当該会計参与の登記事項証明書又はこれに代わる書面）並びに会計参与が法第八十二条第二項第三号イからへまでのいずれにも該当しない者であることを当該会計参与が誓約する書面
- (iv) in the case of a company with accounting advisors, resumes of the accounting advisors (if an accounting advisor is a corporation, a document describing the history of the corporation) and abridged copies of their residence certificates (limited to those listing a registered domicile) or any documents that substitute for these (if an accounting advisor is a corporation, the certificate of registered matters of the accounting advisor or any document that substitutes for this), as well as documents in which the accounting auditors pledge that they do not fall under any of Article 82, paragraph (2), item (iii), (a) to (f) inclusive of the Act;
- 五 取締役（委員会設置会社にあつては、執行役）の担当業務を記載した書面
- (v) a document describing the duties assigned to directors (or executive officers, in the case of a company with committees);

六 金融商品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面

(vi) a document giving the status in terms of the securement of employees with knowledge of and experience in Financial Instruments Obligation Assumption Service and the assignment of said employees;

七 事務の機構及び分掌を記載した書面

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

八 金融商品債務引受業において使用する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) a document giving an outline of the electronic data processing systems that will be used in Financial Instruments Obligation Assumption Service and detailing the locations of their installation, their capacities and the means of doing maintenance on them, as well as the process for responding in the event of a failure in the electronic data processing systems; and

九 その他法第百五十六条の四第一項の規定による審査の参考となるべき事項を記載した書面

(ix) other documents containing the matters to be used as a reference for the examination under the provisions of Article 156-4, paragraph (1) of the Act.

(免許申請書に添付すべき電磁的記録)

(Electronic or Magnetic Records to Be Attached to a Written License Application)

第六条 法第百五十六条の三第三項に規定する内閣府令で定める電磁的記録は、工業標準化法（昭和二十四年法律第百八十五号）に基づく日本工業規格（以下「日本工業規格」という。）X六二二三に適合する九十ミリメートルフレキシブルディスクカートリッジに該当する構造の磁気ディスクとする。

Article 6 (1) The electronic or magnetic record specified by Cabinet Office Ordinance which is provided for in Article 165-3, paragraph (3) of the Act is a magnetic disk with a structure comprising a 90 millimeter flexible disk cartridge that complies with Japanese Industrial Standard X 6223 under the Industrial Standardization Act (Act No. 185 of 1949) (hereinafter such standards are referred to as "JIS").

2 前項の電磁的記録への記録は、次に掲げる方式に従ってしなければならない。

(2) Recording onto the electronic or magnetic record referred to in the preceding paragraph must be carried out in accordance with the following methods:

一 トラックフォーマットについては、日本工業規格X六二二五に規定する方式

(i) the method prescribed in JIS X 6225 in terms of track format; and

二 ボリューム及びファイル構成については、日本工業規格X〇六〇五に規定する方式

(ii) the method prescribed in JIS X 0605 in terms of volume and file structure.

3 第一項の電磁的記録には、日本工業規格X六二二三に規定するラベル領域に、次に掲げる事項を記載した書面をはり付けなければならない。

(3) A written statement of the following matters must be affixed onto the labeling area prescribed in JIS X 6223 of the electronic or magnetic record referred to in paragraph (1):

一 免許申請者の商号

(i) the trade name of the license applicant; and

二 申請年月日

(ii) the date of application.

(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, in View of the Manner of Acquisition or Holding or Any Other Circumstances)

第七条 法第百五十六条の五の三第一項に規定する内閣府令で定めるものは、次に掲げるものとする。

Article 7 The matters specified by Cabinet Office Ordinance which are provided for in Article 156-5-3, paragraph (1) of the Act are the following:

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、又は所有する金融商品取引清算機関（金融商品取引清算機関が金融商品取引所である場合を除く。第十八条、第十九条第一項及び第二十五条を除き、以下この章において同じ。）の株式に係る議決権（当該信託業を営む者が行使することができる権限又は行使について指図を行うことができる権限を有し、又は有することとなるものを除く。）

(i) voting rights attached to shares in a Financial Instruments Clearing Organization (excluding the cases where the Financial Instruments Clearing Organization is a Financial Instruments Exchange; hereinafter the same applies in this Chapter, except in Article 18, Article 19, paragraph (1) and Article 25) which are acquired or held as trust property by a person engaged in the trust business (meaning the trust business as defined in Article 2, paragraph (1) of the Trust Business Act (Act No. 154 of 2004)) (excluding voting rights that the person engaged in the trust business has or will come to have the authority to exercise or voting rights with respect to whose exercise such a person has or will come to have the authority to give instructions);

二 法人の代表権を有する者又は法人の代理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し、又は有することとなる場合における当該法人が取得し、又は所有する金融商品取引清算機関の株式に係る議決権

(ii) voting rights attached to shares in a Financial Instruments Clearing Organization which are acquired or held by a corporation, if the person with the right to represent the corporation or the manager with the right to represent the corporation has or will come to have the authority to exercise voting rights, the authority to give instructions on the exercise of voting rights, or the authority necessary for making an investment, based on said right to represent;

三 金融商品取引清算機関の役員又は従業員が当該金融商品取引清算機関の他の役員又は従業員と共同して当該金融商品取引清算機関の株式の取得（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（当該金融商品取引清算機関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金融商品取引清算機関の株式を信託された者が取得し、又は所有する当該金融商品取引清算機関の株式に係る議決権（当該信託された者が行使することができる権限又は行使について指図を行うことができる権限を有し、又は有することとなるものを除く。）

(iii) voting rights attached to shares in a Financial Instruments Clearing Organization which are acquired or held by a person that has been entrusted with the shares in the Financial Instruments Clearing Organization that have been acquired, if the Officer or employee of the Financial Instruments Clearing Organization has acquired shares in the Financial Instruments Clearing Organization jointly with another Officer or employee of the Financial Instruments Clearing Organization (limited to acquisition under a fixed program wherein shares are continuously acquired without this being based on individual investment decisions, and wherein the amount to be contributed by each Officer or employee on each occasion is less than one million yen) (in the case of acquisition of any shares other than those acquired by the Financial Instruments Clearing Organization pursuant to the provisions of Article 156, paragraph (1) of the Companies Act (including the cases where applied after deemed replacement pursuant to Article 165, paragraph (3) of that Act), this is limited to such an acquisition that is made on entrustment to a Financial Instruments Business Operator) (excluding voting rights that the entrusted person has or will come to have the authority to exercise or voting rights with respect to whose exercise such a person has or will come to have the authority to give instructions);

四 相続人が相続財産として取得し、又は所有する金融商品取引清算機関の株式（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相続財産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 attached to shares in a Financial Instruments Clearing Organization which are acquired or held by an heir as estate (limited to those acquired prior to the day on which the heir (excluding the case of joint succession) makes an unqualified acceptance (including cases where the heir is deemed to have made an unqualified acceptance) or makes a qualified acceptance or those in respect of which the coheirs of the estate have not yet completed the division of the estate); and

五 金融商品取引清算機関が自己の株式の消却を行うために取得し、又は所有する当該金融商品取引清算機関の株式に係る議決権

(v) voting rights attached to shares in a Financial Instruments Clearing Organization which are acquired or held by the Financial Instruments Clearing Organization for the purpose of cancelling its own shares.

(対象議決権保有届出書の提出等)

(Submission of a Statement of Holdings in Subject Voting Rights)

第八条 法第百五十六条の五の三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、別紙様式により作成した対象議決権保有届出書を金融庁長官に提出しなければならない。

Article 8 (1) A person who is to submit a statement of holdings in Subject Voting Rights pursuant to the provisions of Article 156-5-3, paragraph (1) of the Act must submit a statement of holdings in Subject Voting Rights that is prepared using the appended form to the Commissioner of the Financial Services Agency.

2 法第百五十六条の五の三第一項に規定する内閣府令で定める事項は、別紙様式に定める事項とする。

(2) The matters specified by Cabinet Office Ordinance which are provided for in Article 156-5-3, paragraph (1) of the Act are those which are specified in the appended form.

(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)

(Facts Estimated to Have a Material Influence on the Decision of Financial and Operational Policies)

第九条 法第百五十六条の五の五第一項に規定する内閣府令で定める事実、次に掲げる事実とする。

Article 9 The facts specified by Cabinet Office Ordinance which are provided for in Article 156-5-5, paragraph (1) of the Act are the following facts:

一 役員若しくは使用人である者又はこれらであつた者であつて金融商品取引清算機関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、当該金融商品取引清算機関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) that any person who is or was an Officer or an employee and who is capable of influencing the decisions on the financial and operational or business

- policies of a Financial Instruments Clearing Organization holds the position of director or executive officer or any equivalent position at the Financial Instruments Clearing Organization;
- 二 金融商品取引清算機関に対して重要な融資を行っていること。
(ii) that the relevant person has extended an important loan to the Financial Instruments Clearing Organization;
- 三 金融商品取引清算機関に対して重要な技術を提供していること。
(iii) that the relevant person has provided important technology to the Financial Instruments Clearing Organization;
- 四 金融商品取引清算機関との間に重要な営業上又は事業上の取引があること。
(iv) that the relevant person has material operational or business dealings with the Financial Instruments Clearing Organization; and
- 五 その他金融商品取引清算機関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) that there are any other facts that are estimated to have a material influence on the decision of financial and operational or business policies of the Financial Instruments Clearing Organization.

(主要株主に係る認可の申請)

(Application for Authorization as Major Shareholders)

第十条 法第百五十六条の五の五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金融庁長官に提出しなければならない。

Article 10 (1) A person that intends to obtain the authorization referred to in Article 156-5-5, paragraph (1) of the Act must submit a written application for authorization containing the following matters to the Commissioner of the Financial Services Agency:

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の所在地又は住所若しくは居所

(i) the trade name or name and the location of the head office or principal office or the domicile or residence; and

二 法人であるときは、代表者の氏名

(ii) if the person is a corporation, the name of its representative.

2 前項の認可申請書には、次の各号に掲げる者の区分に応じ、当該各号に定める書類を添付しなければならない。

(2) Documents specified in the following items must be attached to the written application for authorization referred to in the preceding paragraph according to the categories of persons set forth in the respective items:

一 金融商品取引清算機関の総株主の議決権の保有基準割合（法第百五十六条の五の五第一項に規定する保有基準割合をいう。以下この項において同じ。）以上の数の対象議決権を取得し、又は保有しようとする法人 次に掲げる書類

(i) a corporation which intends to acquire or hold Subject Voting Rights of not

less than the Threshold Holding Ratio (meaning the Threshold Holding Ratio as defined in Article 156-5-5, paragraph (1) of the Act; hereinafter the same applies in this paragraph) of the all shareholders' voting rights of a Financial Instruments Clearing Organization: the following documents:

イ 当該対象議決権を取得し、又は保有しようとする理由を記載した書面

(a) a document describing its reasons for acquiring or holding those Subject Voting Rights; and

ロ 当該法人に関する次に掲げる書類（当該法人が外国の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にあっては、当該書類に相当する書類）

(b) the following documents relating to the corporation (if any of these documents are lacking due to the fact that said corporation is a foreign corporation or for any other reason, documents equivalent to the documents that are lacking):

(1) 定款

1. the articles of incorporation:

(2) 登記事項証明書

2. a certificate of registered matters;

(3) 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）及び住民票の抄本（本籍の記載のあるものに限る。）又はこれに代わる書面（役員が法人であるときは、当該役員の登記事項証明書又はこれに代わる書面）並びに役員が法第八十二条第二項第三号イからへまでのいずれにも該当しない者であることを当該役員が誓約する書面

3. resumes of the Officers (if an Officer is a corporation, a document describing the history of the corporation) and abridged copies of their residence certificates (limited to those listing a registered domicile) or any documents that substitute for these (if an Officer is a corporation, the Officer's certificate of registered matters or any document that substitutes for this), as well as documents in which the Officers pledge that they do not fall under any of Article 82, paragraph (2), item (iii), (a) to (f) inclusive of the Act;

(4) 当該法人の総株主等の議決権の百分の五を超える議決権を保有している者の氏名、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ときは、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. a document giving the name, domicile or residence, nationality and occupation of any person that holds voting rights exceeding five percent of the all shareholders', etc. voting rights of the corporation (if that person is a corporation or other organization, its trade name or name, the location of its head office or principal office and a description of its business), as well as the number of voting rights held by such person;

- (5) 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。
(5)において同じ。）の決議を要するものである場合にあっては、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
- 5. if the application for authorization requires a resolution at a shareholders meeting or board of directors meeting (including any equivalent organ; the same applies in 5.), the minutes of a shareholders meeting or board of directors meeting or any other document evidencing that the necessary procedure has been followed;
- (6) 業務の内容を記載した書面
- 6. a document describing the content of its business;
- (7) 最終の貸借対照表、損益計算書及び株主資本等変動計算書その他当該法人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. the most recent balance sheet, profit and loss statement, and statement of changes in net assets, and any other documents from which the recent status of business, property, income and expenditure of the corporation can be ascertained;
- (8) 当該金融商品取引清算機関の対象議決権の保有に係る体制を記載した書類
- 8. a document describing the system for holding Subject Voting Rights in the Financial Instruments Clearing Organization;
- (9) その保有する当該金融商品取引清算機関の対象議決権の数及び保有割合並びに認可後に取得し、又は保有しようとする当該金融商品取引清算機関の対象議決権の数及び保有割合を記載した書面
- 9. a document giving the number of Subject Voting Rights in the Financial Instruments Clearing Organization that the corporation currently holds and the holding ratio, as well as the number of Subject Voting Rights in the Financial Instruments Clearing Organization that the corporation intends to acquire or hold after obtaining authorization and the holding ratio;
- (10) 認可後に当該金融商品取引清算機関との間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（当該金融商品取引清算機関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
- 10. a document describing any relationship that the corporation plans to have with the Financial Instruments Clearing Organization in terms of personnel, funds, technology, transactions or other matters after obtaining authorization, as well as the policy for that relationship (including any system for ensuring the sound and appropriate operation of the business of the Financial Instruments Clearing Organization); and
- (11) その他法第百五十六条の五の六第一項の規定による審査の参考となる

べき事項を記載した書面

11. other documents containing the matters to be used as a reference for the examination under the provisions of Article 156-5-6, paragraph (1) of the Act;

二 金融商品取引清算機関の総株主の議決権の保有基準割合以上の数の対象議決権を取得し、又は保有しようとする者（前号に掲げる者を除く。） 次に掲げる書類

- (ii) a person that intends to acquire or hold Subject Voting Rights of not less than the Threshold Holding Ratio of the all shareholders' voting rights of a Financial Instruments Clearing Organization (other than a person as set forth in the preceding item): the following documents:

イ 当該対象議決権を取得し、又は保有しようとする理由を記載した書面

- (a) a document describing the person's reasons for acquiring or holding those Subject Voting Rights;

ロ 当該者に関する次に掲げる書類

- (b) the following documents relating to that person:

（１） 住民票の抄本（本籍の記載のあるものに限る。）又はこれに代わる書面

1. an abridged copy of the person's residence certificate (limited to one listing a registered domicile) or any document that substitutes for this;

（２） 法第八十二条第二項第三号イからへまでのいずれにも該当しないことを誓約する書面

2. a document in which the person pledges that the person does not fall under any of Article 82, paragraph (2), item (iii), (a) to (f) inclusive of the Act;

（３） 職業を記載した書面

3. a document giving the person's occupation;

（４） 前号ロ（８）から（１１）までに掲げる書類

4. the documents set forth in (b), 8. to 11. inclusive of the preceding item;

三 金融商品取引清算機関の総株主の議決権の保有基準割合以上の数の対象議決権を取得し、又は保有しようとする会社その他の法人の設立をしようとする者 次に掲げる書類

- (iii) a person that intends to establish a company or other corporation that seeks to acquire or hold Subject Voting Rights of not less than the Threshold Holding Ratio of the all shareholders' voting rights of a Financial Instruments Clearing Organization: the following documents:

イ 当該会社その他の法人の設立をしようとする理由を記載した書面

- (a) a document giving the person's reasons for seeking to establish that company or other corporation;

ロ 当該会社その他の法人に関する次に掲げる書類（当該会社その他の法人が外国の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にあっては、当該書類に相当する書類）

- (b) the following documents relating to the company or other corporation (if

any of the documents are lacking due to the fact that the company or other corporation is a foreign corporation or for any other reason, documents equivalent to the documents that are lacking):

- (1) 株主となる者の氏名、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ときは、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
1. a document giving the name, domicile or residence, nationality and occupation of any person that is to become a shareholder (if said person is a corporation or other organization, its trade name or name, the location of its head office or principal office and a description of its business), as well as the number of voting rights to be held by said person;
- (2) 設立が創立総会（これに準ずる機関を含む。（2）において同じ。）の決議を要するものである場合にあっては、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あっては、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
2. if the establishment of the company or other corporation requires a resolution at an organizational meeting (including any equivalent organ; the same applies in 2.), the minutes of an organizational meeting (in the case of establishment through a share transfer, merger or company split, the minutes of a shareholders meeting) or any other document evidencing that the necessary procedure has been followed;
- (3) 本店又は主たる事務所の所在の場所を記載した書面
3. a document giving the location of the head office or principal office;
- (4) 資本金の額その他の設立後における財産の状況を知ることができる書類
4. documents from which the amount of the stated capital and any other status of property after establishment can be ascertained; and
- (5) 第一号ロ（1）、（3）、（6）及び（8）から（11）までに掲げる書類
5. the documents set forth in item (i), (b), 1, 3, 6, and 8 to 11 inclusive.

（主要株主に係る認可の予備審査）

(Preliminary Examination for Authorization as a Major Shareholder)

第十一条 法第百五十六条の五の五第一項の認可を受けようとする者は、前条第一項の認可申請書及び同条第二項各号に掲げる者の区分に応じ当該各号に定める書類に準じた書類を金融庁長官に提出して予備審査を求めることができる。

Article 11 A person who intends to obtain the authorization referred to in Article 156-5-5, paragraph (1) of the Act may request a preliminary examination by submitting the written application for authorization referred to in paragraph (1) of the preceding Article and documents equivalent to those specified in the

items of paragraph (2) of that Article according to the categories of persons set forth in the respective items to the Commissioner of the Financial Services Agency.

(主要株主に係る認可の適用除外)

(Exclusion from Application of Authorization as a Major Shareholder)

第十二条 法第百五十六条の五の五第二項に規定する内閣府令で定める場合は、次に掲げる場合とする。

Article 12 The cases specified by Cabinet Office Ordinance which are provided for in Article 156-5-5, paragraph (2), of the Act are the following cases:

一 保有する対象議決権の数に増加がない場合

(i) the case where there is no increase in the number of the Subject Voting Rights held;

二 担保権の行使又は代物弁済の受領により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 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（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。）が業務として対象議決権を取得し、又は保有する場合（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 the Subject Voting Rights are acquired or held by a Financial Instruments Business Operator (limited to one engaged in Type I Financial Instruments Business as defined in Article 28, paragraph (1) of the Act) in the course of business (excluding the case where the Subject Voting Rights are acquired or held as a result of the act set forth in Article 2, paragraph (8), item (i) of the Act); and

四 証券金融会社が法第百五十六条の二十四第一項に規定する業務として対象議決権を取得し、又は保有する場合

(iv) the case where the Subject Voting Rights are acquired or held by a Securities Finance Company in the course of the business provided for in Article 156-24, paragraph (1) of the Act.

(特定保有者の届出に関する事項)

(Matters for a Specified Holder Notification)

第十三条 法第百五十六条の五の五第三項に規定する内閣府令で定める事項は、次に掲げる事項とする。

Article 13 The matters specified by Cabinet Office Ordinance which are provided for in Article 156-5-5, paragraph (3) of the Act are the following matters:

一 特定保有者（法第百五十六条の五の五第三項に規定する特定保有者をいう。次号及び次条において同じ。）になった日

(i) the day on which the person became a Specified Holder (meaning a Specified Holder as defined in Article 156-5-5, paragraph (3) of the Act; the same

applies in the following item and the following Article);

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 within the category of a Specified Holder; and

三 その保有する対象議決権の数

(iii) the number of Subject Voting Rights the person holds.

(特定保有者による主要株主に係る認可の申請)

(Application for Authorization as a Major Shareholder Filed by a Specified Holder)

第十四条 第十条（第二項第三号を除く。）の規定は、特定保有者が法第百五十六条の五の五第四項ただし書の認可を受けようとする場合について準用する。

Article 14 The provisions of Article 10 (excluding paragraph (2), item (iii)) apply mutatis mutandis to the cases where a Specified Holder intends to obtain the authorization referred to in the proviso to Article 156-5-5, paragraph (4) of the Act.

(他の業務の承認の申請)

(Application for Approval of Other Business)

第十五条 法第百五十六条の六第二項ただし書の承認を受けようとする金融商品取引清算機関は、次に掲げる事項を記載した承認申請書を金融庁長官に提出しなければならない。

Article 15 (1) A Financial Instruments Clearing Organization that intends to obtain the approval referred to in the proviso to Article 156-6, paragraph (2) of the Act must submit a written application for approval containing the following matters to the Commissioner of the Financial Services Agency:

一 承認を受けようとする業務の種類

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

二 当該業務の開始予定年月日

(ii) the scheduled date of the commencement of said 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 must be attached to the written application for approval referred to 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 describing the content and method of the 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 describing the organization and assignment of personnel in charge of the details and methods of said business;

三 当該業務の運営に関する社内規則

(iii) the internal rules concerning the operation of said business; and

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 describing the expected income and expenditure for the three years after the commencement of said business.

(承認を受けた業務の廃止の届出)

(Notification of the Abolition of Approved Business)

第十六条 法第百五十六条の六第三項の規定により届出を行う金融商品取引清算機関は、次に掲げる事項を記載した届出書を金融庁長官に提出しなければならない。

Article 16 A Financial Instruments Clearing Organization filing a notification pursuant to the provisions of Article 156-6, paragraph (3) of the Act must submit a written notification containing the following matters to the Commissioner of the Financial Services Agency:

一 廃止した業務の種類

(i) the type of business abolished;

二 当該業務を廃止した年月日

(ii) the date of abolition of said business; and

三 当該業務を廃止した理由

(iii) the reasons for the abolition of said business.

(業務方法書の記載事項)

(Matters to Be Included in the Operational Method Statements)

第十七条 法第百五十六条の七第二項第八号に規定する内閣府令で定める事項は、次に掲げる事項とする。

Article 17 The matters specified by Cabinet Office Ordinance which are provided for in Article 156-7, paragraph (2), item (viii) of the Act are the following matters:

一 金融商品債務引受業（法第百五十六条の六第一項の業務を行う場合にあっては、金融商品債務引受業等）に附帯する業務を行う場合にあっては、その旨

(i) if the Financial Instruments Clearing Organization conducts any business incidental to Financial Instruments Obligation Assumption Service (or, if it conducts business referred to in Article 156-6, paragraph (1) of the Act, any business incidental to Financial Instruments Obligation Assumption Service, etc.), a statement of such fact;

二 金融商品債務引受業に関連する業務又は商品取引債務引受業等（商品先物取引法（昭和二十五年法律第二百三十九号）第百七十条第二項に規定する商品取引債務引受業等をいう。以下同じ。）及びこれに附帯する業務を行う場合にあっては、その旨

(ii) if the Financial Instruments Clearing Organization conducts any business related to the Financial Instruments Obligation Assumption Service or conducts the Commodity Transaction Debt Assumption Services, etc.

(meaning the Commodity Transaction Debt Assumption Services, etc. as defined in Article 170, paragraph (2) of the Commodity Derivatives Act (Act

No. 239 of 1950); the same applies hereinafter) and any business incidental thereto, a statement of such fact;

三 有価証券等清算取次ぎ（法第二条第二十七項第一号に係るものに限る。）を行う清算参加者と顧客の間の基本契約においては、顧客が清算参加者を代理して対象取引を成立させようとするときは、当該顧客が有価証券等清算取次ぎの申込みをし、かつ、当該清算参加者が当該有価証券等清算取次ぎの受託をしたこととする旨

(iii) a statement to the effect that under a basic contract between a Clearing Member conducting Brokerage for Clearing of Securities, etc. (limited to that falling under Article 2, paragraph (27), item (i) of the Act) and a customer, if the customer intends to effect a Subject Transaction on behalf of the Clearing Member, the customer has applied for Brokerage for Clearing of Securities, etc. and the Clearing Member is treated as having undertaken that Brokerage for Clearing of Securities, etc.;

四 市場デリバティブ取引について金融商品債務引受業を行う場合にあっては、取引証拠金に関する事項

(iv) if the Financial Instruments Clearing Organization conducts Financial Instruments Obligation Assumption Service for Market Derivatives Transactions, the particulars of the clearing margin; and

五 清算預託金を定める場合にあっては、次に掲げる事項

(v) if the Financial Instruments Clearing Organization specifies a clearing deposit, the following matters:

イ 次条の規定により清算預託金として定める有価証券に関する事項

(a) the particulars of the Securities that are specified as clearing deposits pursuant to the provisions of the following Article; and

ロ 清算預託金の管理方法に関する事項

(b) the particulars of the method of management for the clearing deposit.

（清算預託金）

（Clearing Deposit）

第十八条 法第百五十六条の十一に規定する内閣府令で定めるものは、金銭及び金融商品取引清算機関が業務方法書において定める有価証券であって、当該金融商品取引清算機関が、業務方法書の定めるところにより、清算預託金として他の財産と分別して管理するものとする。

Article 18 The matters specified by Cabinet Office Ordinance which is provided for in Article 156-11 of the Act are the money or Securities that are specified by a Financial Instruments Clearing Organization in its operational method statements, which are managed by the Financial Instruments Clearing Organization as a clearing deposit separately from other property, pursuant to the provisions of the operational method statements.

（定款又は業務方法書の変更の認可の申請）

(Application for Authorization for Amendment of the Articles of Incorporation or Operational Method Statements)

第十九条 法第百五十六条の十二の認可を受けようとする金融商品取引清算機関は、次に掲げる事項を記載した認可申請書を金融庁長官に提出しなければならない。

Article 19 (1) A Financial Instruments Clearing Organization that intends to obtain the authorization referred to in Article 156-12 of the Act must submit a written application for authorization containing the following matters to the Commissioner of the Financial Services Agency:

一 変更の内容及び理由

(i) the details of and reasons for the amendment; and

二 変更予定年月日

(ii) the 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。ただし、業務方法書の変更の認可申請書にあっては、第二号に掲げる書類を提出することを要しない。

(2) The following documents must be attached to the written application for authorization referred to in the preceding paragraph: provided, however, that the document set forth in item (ii) is not required to be submitted as an attachment to a written application for authorization for the amendment to the operational method statements:

一 定款又は業務方法書の新旧対照表

(i) a comparative table presenting the articles of incorporation or operational method statements before and after the amendment;

二 株主総会（法第百五十六条の十九第一項の規定に基づく承認を受けた会員金融商品取引所（法第八十七条の六第一項に規定する会員金融商品取引所をいう。以下同じ。）にあっては、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 shareholders meeting (or, for an Incorporated Association-Operated Financial Instruments Exchange (meaning an Incorporated Association-Operated Financial Instruments Exchange as defined in Article 87-6, paragraph (1) of the Act; the same applies hereinafter) that has obtained approval under the provisions of Article 156-19, paragraph (1) of the Act, a general meeting), or any other document evidencing that the necessary procedure has been followed; and

三 その他参考となる書類

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

(定款又は業務方法書の変更の認可の基準)

(Criteria for Authorization for Amendment of the Articles of Incorporation or Operational Method Statements)

第二十条 金融庁長官は、法第百五十六条の十二の規定に基づく認可の申請があったときは、その申請が法令に適合し、かつ、業務を適正かつ確実に運営するために十分か

どうかを審査しなければならない。

Article 20 When an application for authorization under the provisions of Article 156-12 of the Act is filed, the Commissioner of the Financial Services Agency must examine whether the application conforms to laws and regulations and is sufficient to allow the business to be operated appropriately and certainly.

(公衆縦覧の事項等)

(Matters for Public Inspection)

第二十一条 法第百五十六条の十二の二に規定する内閣府令で定める事項は、当該金融商品取引清算機関の発行済株式の総数及び総株主の議決権の数とする。

Article 21 (1) The matters specified by Cabinet Office Ordinance which are provided for in Article 156-12-2 of the Act are the total number of issued shares and the number of all shareholders' voting rights of the Financial Instruments Clearing Organization.

2 法第百五十六条の十二の二の規定により公衆の縦覧に供する場合において、株式の転換（当該株式がその発行会社に取得され、引換えに他の種類の株式が交付されることをいう。）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) If there has been a change in the total number of issued shares or the number of all shareholders' voting rights as a result of the conversion of shares (meaning the delivery of shares of another class in exchange for the acquisition of the relevant shares by the company issuing them) or the exercise of share options, the total number of issued shares or the number of all shareholders' voting rights, which is to be made available for public inspection pursuant to the provisions of Article 156-12-2 of the Act, may be those numbers as of the last day of the previous month.

3 法第百五十六条の十二の二の規定により公衆の縦覧に供する場合において、金融商品取引清算機関の発行済株式の総数に変更があったときは、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) If there has been a change in the total number of issued shares in a Financial Instruments Clearing Organization, the registered total number of issued shares may be deemed to be the total number of issued shares referred to in paragraph (1), which is to be made available for public inspection pursuant to the provisions of Article 156-12-2 of the Act, during the period until the registration of the change is completed.

4 金融商品取引清算機関は、第一項に定める事項を記載した書面を本店に備え置き、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) A Financial Instruments Clearing Organization must keep a document containing the matters specified in paragraph (1) at its head office and make

such document available for public inspection during its business hours.

(資本金の額の減少の認可の申請)

(Application for Authorization for a Reduction of Amount of the Stated Capital)

第二十二条 法第百五十六条の十二の三第一項の認可を受けようとする金融商品取引清算機関は、次に掲げる事項を記載した認可申請書を金融庁長官に提出しなければならない。

Article 22 (1) A Financial Instruments Clearing Organization that intends to obtain the authorization referred to in Article 156-12-3, paragraph (1) of the Act must submit a written application for authorization containing the following matters to the Commissioner of the Financial Services Agency:

一 減少する前の資本金の額

(i) the amount of the stated capital before the reduction;

二 減少する資本金の額

(ii) the amount by which the stated capital is to be reduced;

三 資本金の額の減少の内容

(iii) the details of the reduction of the amount of the stated capital; and

四 資本金の額の減少が効力を生ずる日

(iv) the day on which the reduction of the amount of the stated capital takes effect.

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 must be attached to the written application for authorization referred to in the preceding paragraph:

一 資本金の額を減少する理由を記載した書面

(i) a document describing the reasons for reducing the amount of the stated capital;

二 資本金の額の減少の方法を記載した書面

(ii) a document describing the method of reducing the amount of the stated capital;

三 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

(iii) the minutes of a shareholders meeting or board of directors meeting or any other document evidencing that the necessary procedure has been followed;

四 最終の貸借対照表

(iv) the most recent balance sheet;

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（同法第二条第三十四号に規定する電子公告をいう。）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 evidencing that the public notice and the notice under Article 449, paragraph (2) of the Companies Act (if, in addition to public notice being issued in an official gazette, public notice has been issued by publication in a daily newspaper that publishes matters on current affairs or by means of electronic public notice (meaning electronic public notice as defined in Article 2, item (xxxiv) of that Act) pursuant to the provisions of Article 449, paragraph (3) of that Act, public notice by such method) have been issued, and if any creditor has made an objection, evidencing that payment has been made or reasonable security has been provided to said creditor or reasonable property has been deposited in trust for the purpose of having said creditor receive payment, or that the reduction in the amount of the stated capital is not likely to harm said creditor;

六 株券発行会社が株式の併合をする場合にあっては、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) when a company issuing share certificates consolidates its shares, a document evidencing that the company has issued public notice pursuant to the provisions of the main clause of Article 219, paragraph (1) of the Companies Act or a document evidencing that the company does not issue share certificates for all of these shares; and

七 その他参考となるべき事項を記載した書面

(vii) other documents containing matters to be used as a reference.

(資本金の額の増加の届出)

(Notification of an Increase of Amount of the Stated Capital)

第二十三条 法第百五十六条の十二の三第二項の規定により届出を行う金融商品取引清算機関は、次に掲げる事項を記載した届出書を金融庁長官に提出しなければならない。

Article 23 (1) A Financial Instruments Clearing Organization filing a notification pursuant to the provisions of Article 156-12-3, paragraph (2) of the Act must submit a written notification containing the following matters to the Commissioner of the Financial Services Agency:

一 増加する前の資本金の額

(i) the amount of the stated capital before the increase;

二 増加する資本金の額

(ii) the amount by which the stated capital is to be increased;

三 資本金の額の増加の内容

(iii) the details of the increase in the amount of the stated capital; and

四 資本金の額の増加が効力を生ずる日

(iv) the day on which the increase in the amount of the stated capital takes effect.

2 前項の届出書には、次に掲げる書類を添付しなければならない。

(2) The following documents must be attached to the written notification referred to in the preceding paragraph:

一 資本金の額の増加の方法を記載した書面

(i) a document describing the method of increasing the amount of the stated capital;

二 取締役会の議事録その他必要な手続があったことを証する書面

(ii) the minutes of a board of directors meeting or any other document evidencing that the necessary procedure has been followed; and

三 資本金の額の増加後に想定される貸借対照表

(iii) the expected balance sheet after the increase in the amount of the stated capital.

(営業所等の変更の届出)

(Notification of a Change of Business Office)

第二十四条 法第百五十六条の十三の規定により届出を行う金融商品取引清算機関は、次に掲げる事項を記載した届出書を金融庁長官に提出しなければならない。

Article 24 (1) A Financial Instruments Clearing Organization filing a notification pursuant to the provisions of Article 156-13 of the Act must submit a written notification containing the following matters to the Commissioner of the Financial Services Agency:

一 変更の内容

(i) the details of the change; and

二 変更年月日

(ii) the date of the change.

2 前項の届出書には、次の各号に掲げる変更の区分に応じ、当該各号に定める書類を添付するものとする。

(2) Documents specified in the following items must be attached to the written notification referred to in the preceding paragraph according to the categories of changes set forth in the respective items:

一 法第百五十六条の三第一項第三号に掲げる事項の変更 同条第二項第三号に掲げる書類

(i) a change in the matters set forth in Article 156-3, paragraph (1), item (iii) of the Act: the document set forth in paragraph (2), item (iii) of that Article;

二 法第百五十六条の三第一項第四号に掲げる事項の変更 同条第二項第三号に掲げる書類並びに第五条第三号及び第五号に掲げる書類

(ii) a change in the matters set forth in Article 156-3, paragraph (1), item (iv) of the Act: the document set forth in paragraph (2), item (iii) of that Article and the documents set forth in Article 5, items (iii) and (v); and

三 法第百五十六条の三第一項第五号に掲げる事項の変更 同条第二項第三号に掲げる書類及び第五条第四号に掲げる書類

(iii) a change in the matters set forth in Article 156-3, paragraph (1), item (v)

of the Act: the document set forth in paragraph (2), item (iii) of that Article and the documents set forth in Article 5, item (iv).

(金融商品債務引受業の廃止又は解散の決議に係る認可の申請)

(Application for Authorization for a Resolution to Abolish Financial

Instruments Obligation Assumption Service or a Resolution for Dissolution)

第二十五条 法第百五十六条の十八の認可を受けようとする金融商品取引清算機関は、認可申請書に次に掲げる書類を添付して金融庁長官に提出しなければならない。

Article 25 A Financial Instruments Clearing Organization that intends to obtain the authorization referred to in Article 156-18 of the Act must submit a written application for authorization to the Commissioner of the Financial Services Agency, with the following documents attached thereto:

一 金融商品債務引受業の廃止又は解散の理由を記載した書面

(i) a document describing the reasons for the abolition of Financial Instruments Obligation Assumption Service or the reasons for the dissolution;

二 株主総会（会員金融商品取引所にあつては、総会）の議事録（会社法第三百十九条第一項の規定により株主総会の決議があつたものとみなされる場合にあっては、当該場合に該当することを証する書面）

(ii) the minutes of a shareholders meeting (in the case of an Incorporated Association-Operated Financial Instruments Exchange, a general meeting) (when a resolution of a shareholders meeting is deemed to have been adopted pursuant to the provisions of Article 319, paragraph (1) of the Companies Act, a document evidencing that the relevant case falls under said case);

三 最終事業年度に係る貸借対照表（関連する注記を含む。）及び損益計算書（関連する注記を含む。）並びに当該決議時における資産及び負債の内容を明らかにした書面

(iii) the balance sheet (including any related notes) and profit and loss statements (including any related notes) for the most recent business year, as well as a document clarifying the details of the assets and liabilities as of the time of the resolution;

四 金融商品債務引受業の結了の方法を記載した書面

(iv) a document describing the way of completing the Financial Instruments Obligation Assumption Service; and

五 その他参考となるべき事項を記載した書面

(v) other documents containing matters to be used as a reference.

(金融商品取引所による金融商品債務引受業等の承認の申請)

(Application for Approval of Financial Instruments Obligation Assumption Service by a Financial Instruments Exchange)

第二十六条 法第百五十六条の十九第一項の承認を受けようとする金融商品取引所は、

次に掲げる事項を記載した承認申請書を金融庁長官を経由して内閣総理大臣に提出しなければならない。

Article 26 (1) A Financial Instruments Exchange that intends to obtain the approval referred to in Article 156-19, paragraph (1) of the Act must submit a written application for approval containing the following matters to the Prime Minister through the Commissioner of the Financial Services Agency:

一 承認を受けようとする業務の種類

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

二 当該業務の開始予定年月日

(ii) the scheduled date of commencement of said 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 must be attached to the written application for approval referred to in the preceding paragraph:

一 業務方法書

(i) the operational method statements;

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 describing the organization and assignment of personnel in charge of said business; and

三 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

(iii) a document describing the expected income and expenditure for the three years after the commencement of said business.

(商品市場開設金融商品取引所による商品取引債務引受業等の承認の申請)

(Application for Approval of the Commodity Transaction Debt Assumption Services by a Financial Instruments Exchange Engaged in the Operation of a Commodity Market)

第二十七条 法第百五十六条の十九第二項の承認を受けようとする商品市場開設金融商品取引所は、次に掲げる事項を記載した承認申請書を金融庁長官に提出しなければならない。

Article 27 (1) A Financial Instruments Exchange Engaged in the Operation of a Commodity Market that intends to obtain the approval referred to in Article 156-19, paragraph (2) of the Act must submit a written application for approval containing the following matters to the Commissioner of the Financial Services Agency:

一 承認を受けようとする業務の種類

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

二 当該業務の開始予定年月日

(ii) the scheduled date of commencement of said 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 must be attached to the written application for approval referred to 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 describing the content and method of the 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 describing the organization and assignment of personnel in charge of the details and methods of said business;
- 三 当該業務の運営に関する社内規則
(iii) the internal rules concerning the operation of said business; and
- 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 describing the expected income and expenditure for the three years after the commencement of said business.

(承認を受けた商品取引債務引受業等の廃止の届出)

(Notification of the Abolition of the Commodity Transaction Debt Assumption Services for Which Approval Has Been Granted)

第二十八条 法第百五十六条の十九第三項の規定により届出を行う商品市場開設金融商品取引所は、次に掲げる事項を記載した届出書を金融庁長官に提出しなければならない。

Article 28 A Financial Instruments Exchange Engaged in the Operation of a Commodity Market that files a notification pursuant to the provisions of Article 156-19, paragraph (3) of the Act must submit a written notification containing the following matters to the Commissioner of the Financial Services Agency:

- 一 廃止した業務の種類
(i) the type of business abolished;
- 二 当該業務を廃止した年月日
(ii) the date of abolition of said business; and
- 三 当該業務を廃止した理由
(iii) the reasons for the abolition of said business.

第三章 外国金融商品取引清算機関

Chapter III Foreign Financial Instruments Clearing Organization

(免許申請書の経由)

(Submission of a Written License Application through the Commissioner of the Financial Services Agency)

第二十九条 法第百五十六条の二十の三第一項の規定により免許申請書を提出しようとする者は、当該免許申請書を金融庁長官を経由して提出しなければならない。

Article 29 A person who intends to submit a written license application pursuant to the provisions of Article 156-20-3, paragraph (1) of the Act must submit the written license application through the Commissioner of the Financial Services Agency.

(免許申請書の添付書類)

(Documents to Be Attached to a Written License Application)

第三十条 法第百五十六条の二十の三第二項第七号に規定する内閣府令で定める書類は、次に掲げる書類とする。

Article 30 The documents specified by Cabinet Office Ordinance which are provided for in Article 156-20-3, paragraph (2), item (vii) of the Act are the following documents:

一 免許申請者の総株主等の議決権の百分の十以上の数の議決権を保有している者の氏名又は商号若しくは名称、住所又は所在地及びその保有する議決権の数を記載した書面

(i) a document giving the name or trade name and address or location of a shareholder that holds voting rights amounting to ten percent or more of the number of all shareholders', etc. voting rights of the license applicant, and the number of voting rights held by such shareholder;

二 親法人（免許申請者の総株主等の議決権の過半数を保有している法人その他の団体をいう。）及び子法人（免許申請者が総株主等の議決権の過半数を保有している法人その他の団体をいう。）の概要を記載した書面

(ii) a document giving an outline of the Parent Corporation (meaning a corporation or any other organization that holds the majority of all shareholders', etc. voting rights of the license applicant) and subsidiary corporation (meaning a corporation or any other organization in which the license applicant holds the majority of all shareholders', etc. voting rights);

三 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）及び国内に事務所がある場合にあっては、当該事務所に駐在する役員の住民票の抄本（本籍の記載のあるものに限る。）又はこれに代わる書面並びに役員が法第八十二条第二項第三号イからへまでのいずれにも該当しない者であることを当該役員が誓約する書面

(iii) resumes of the Officers (if an Officer is a corporation, a document describing the history of the corporation), and if there is any office in Japan, abridged copies of the residence certificates (limited to those listing a registered domicile) of the Officers stationed at said office or any documents that substitute for these, as well as documents in which the Officers pledge that they do not fall under any of Article 82, paragraph (2), item (iii), (a) to (f) inclusive of the Act;

四 国内における代表者の履歴書及び住民票の抄本（本籍の記載のあるものに限る。）又はこれに代わる書面並びに国内における代表者が法第八十二条第二項第三号イからへまでのいずれにも該当しない者であることを当該国内における代表者が誓約する書面

(iv) the resume and an abridged copy of the residence certificate (limited to one listing a registered domicile) of the representative person in Japan or any

documents that substitute for these, as well as a document in which the representative person in Japan pledges that the representative person in Japan does not fall under any of Article 82, paragraph (2), item (iii), (a) to (f) inclusive of the Act;

五 業務を執行する役員の担当業務を記載した書面

(v) a document describing the duties assigned to directors that execute business;

六 金融商品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面

(vi) a document giving the status in terms of the securement of employees with knowledge of and experience in Financial Instruments Obligation Assumption Service and the assignment of said employees;

七 事務の機構及び分掌を記載した書面

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

八 金融商品債務引受業において使用する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) a document giving an outline of the electronic data processing systems that will be used in Financial Instruments Obligation Assumption Service and detailing the locations of their installation, their capacities and the means of doing maintenance on them, as well as the process for responding in the event of a failure in the electronic data processing systems; and

九 法人の登記事項証明書（これに準ずるものを含む。）

(ix) a certificate of registered matters of a corporation (including any document equivalent thereto);

十 外国の法令に準拠し、当該外国において金融商品債務引受業と同種類の業務を開始してから金融商品取引法施行令（昭和四十年政令第三百二十一号。以下「令」という。）第十九条の四の四第一項に定める期間を経過していること、又は同条第二項に定める場合に該当することを証する書面

(x) a document evidencing that the period specified in Article 19-4-4, paragraph (1) of the Order for Enforcement of the Financial Instruments and Exchange Act (Cabinet Order No. 321 of 1965); hereinafter referred to as the "Order") has elapsed from when the license applicant commenced the same kind of business as Financial Instruments Obligation Assumption Service in a foreign state in compliance with laws and regulations of said foreign state, or that the license applicant falls under the case specified in paragraph (2) of that Article;

十一 免許申請者が所在する国における金融商品債務引受業と同種類の業務に関する法制を記載した書類

(xi) a document stating the law for the same type of business as Financial

Instruments Obligation Assumption Service in the state where the license applicant is located; and

十二 その他法第百五十六条の二十の四第一項の規定による審査の参考となるべき事項を記載した書面

(xii) other documents containing the matters to be used as a reference for the examination under the provisions of Article 156-20-4, paragraph (1) of the Act.

(免許申請書に添付すべき電磁的記録)

(Electronic or Magnetic Records to Be Attached to a Written License Application)

第三十一条 法第百五十六条の二十の三第三項に規定する内閣府令で定める電磁的記録は、日本工業規格X六二二三に適合する九十ミリメートルフレキシブルディスクカートリッジに該当する構造の磁気ディスクとする。

Article 31 (1) The electronic or magnetic record specified by Cabinet Office Ordinance which is provided for in Article 165-20-3, paragraph (3) of the Act is a magnetic disk with a structure comprising a 90 millimeter flexible disk cartridge that complies with JIS X 6223.

2 前項の電磁的記録への記録は、次に掲げる方式に従ってしなければならない。

(2) Recording onto the electronic or magnetic record referred to in the preceding paragraph must be carried out in accordance with the following methods:

一 トラックフォーマットについては、日本工業規格X六二二五に規定する方式

(i) the method prescribed in JIS X 6225 in terms of track format; and

二 ボリューム及びファイル構成については、日本工業規格X〇六〇五に規定する方式

(ii) the method prescribed in JIS X 0605 in terms of volume and file structure.

3 第一項の電磁的記録には、日本工業規格X六二二三に規定するラベル領域に、次に掲げる事項を記載した書面をはり付けなければならない。

(3) A written statement of the following matters must be affixed onto the labeling area prescribed in JIS X 6223 of the electronic or magnetic record referred to in paragraph (1):

一 免許申請者の商号又は名称

(i) the trade name or name of the license applicant; and

二 申請年月日

(ii) the date of application.

(分割又は事業の譲渡)

(Company Split or Business Transfer)

第三十二条 令第十九条の四の四第二項第二号に規定する内閣府令で定める場合は、分割により承継される業務自体で金融商品債務引受業と同種類の業務を行うことができると認められる場合とする。

Article 32 (1) The case specified by Cabinet Office Ordinance which is provided for in Article 19-4-4, paragraph (2), item (ii) of the Order is a case in which it is found that the same type of business as Financial Instruments Obligation Assumption Service can be conducted through the business taken over as a result of the company split.

2 令第十九条の四の四第二項第三号に規定する内閣府令で定める場合は、譲渡される業務自体で金融商品債務引受業と同種類の業務を行うことができると認められる場合とする。

(2) The case specified by Cabinet Office Ordinance which is provided for in Article 19-4-4, paragraph (2), item (iii) of the Order is a case in which it is found that the same type of business as Financial Instruments Obligation Assumption Service can be conducted through the business transferred.

(業務方法書の記載事項)

(Matters to Be Included in the Operational Method Statements)

第三十三条 法第百五十六条の二十の六第二項第六号に規定する内閣府令で定める事項は、次に掲げる事項とする。

Article 33 The matters specified by Cabinet Office Ordinance which are provided for in Article 156-20-6, paragraph (2), item (vi) of the Act are the following matters:

一 有価証券等清算取次ぎ（法第二条第二十七項第一号に係るものに限る。）を行う清算参加者と顧客の間の基本契約においては、顧客が清算参加者を代理して対象取引を成立させようとするときは、当該顧客が有価証券等清算取次ぎの申込みをし、かつ、当該清算参加者が当該有価証券等清算取次ぎの受託をしたこととする旨

(i) a statement to the effect that under a basic contract between a Clearing Member conducting Brokerage for Clearing of Securities, etc. (limited to that falling under Article 2, paragraph (27), item (i) of the Act) and a customer, if the customer intends to effect a Subject Transaction on behalf of the Clearing Member, the customer has applied for Brokerage for Clearing of Securities, etc. and the Clearing Member is treated as having undertaken that Brokerage for Clearing of Securities, etc.; and

二 清算参加者が外国金融商品取引清算機関に対し債務の履行を担保するために預託する金銭その他の財産を定める場合にあっては、当該財産及びその管理方法に関する事項

(ii) when the money or other property to be deposited by a Clearing Member to ensure the performance of obligations to a Foreign Financial Instruments Clearing Organization is specified, the particulars of said property and the means of managing it.

(定款又は業務方法書の変更の認可の申請)

(Application for Authorization for the Amendment of the Articles of

Incorporation or Operational Method Statements)

第三十四条 法第百五十六条の二十の十の認可を受けようとする外国金融商品取引清算機関は、次に掲げる事項を記載した認可申請書を金融庁長官に提出しなければならない。

Article 34 (1) A Foreign Financial Instruments Clearing Organization that intends to obtain the authorization referred to in Article 156-20-10 of the Act must submit a written application for authorization containing the following matters to the Commissioner of the Financial Services Agency:

一 変更の内容及び理由

(i) the details of and reasons for the amendment; and

二 変更予定年月日

(ii) the 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。ただし、業務方法書の変更の認可申請書にあっては、第二号に掲げる書類を提出することを要しない。

(2) The following documents must be attached to the written application for authorization referred to in the preceding paragraph: provided, however, that the document set forth in item (ii) is not required to be submitted as an attachment to a written application for authorization for the amendment to the operational method statements:

一 定款（金融商品債務引受業に係る部分に限る。）又は業務方法書の新旧対照表

(i) a comparative table presenting the articles of incorporation (limited to the part related to the Financial Instruments Obligation Assumption Service) or operational method statements before and after the amendment;

二 株主総会に準ずる機関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 an organ equivalent to a shareholders meeting, or any other document evidencing that the necessary procedure has been followed; and

三 その他参考となる書類

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

（定款又は業務方法書の変更の認可の基準）

(Criteria for Authorization for the Amendment of the Articles of Incorporation or Operational Method Statements)

第三十五条 金融庁長官は、法第百五十六条の二十の十の規定に基づく認可の申請があったときは、その申請が法令に適合し、かつ、金融商品債務引受業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 35 When an application for authorization under the provisions of Article 156-20-10 of the Act is filed, the Commissioner of the Financial Services Agency must examine whether the application conforms to laws and regulations and is sufficient to allow Financial Instruments Obligation Assumption Service to be operated appropriately and certainly.

(資本金の額等の変更の届出)

(Notification of Change of Amount of the Stated Capital)

第三十六条 法第百五十六条の二十の十一の規定により届出を行う外国金融商品取引清算機関は、次に掲げる事項を記載した届出書を金融庁長官に提出しなければならない。

Article 36 (1) A Foreign Financial Instruments Clearing Organization filing a notification pursuant to the provisions of Article 156-20-11 of the Act must submit a written notification containing the following matters to the Commissioner of the Financial Services Agency:

一 変更の内容

(i) the details of the change; and

二 変更年月日

(ii) the date of the change.

2 前項の届出書には、次の各号に掲げる変更の区分に応じ、当該各号に定める書類を添付するものとする。

(2) Documents specified in the following items must be attached to the written notification referred to in the preceding paragraph according to the categories of changes set forth in the respective items:

一 法第百五十六条の二十の三第一項第二号から第四号までに掲げる事項の変更 第三十条第九号に掲げる書類

(i) a change in the matters set forth in Article 156-20-3, paragraph (1), items (ii) to (iv) inclusive of the Act: the document set forth in Article 30, item (ix);

二 法第百五十六条の二十の三第一項第五号に掲げる事項の変更 第三十条第三号、第五号及び第九号に掲げる書類

(ii) a change in the matters set forth in Article 156-20-3, paragraph (1), item (v) of the Act: the documents set forth in Article 30, items (iii), (v) and (ix);

三 法第百五十六条の二十の三第一項第六号に掲げる事項の変更 第三十条第四号及び第九号に掲げる書類

(iii) a change in the matters set forth in Article 156-20-3, paragraph (1), item (vi) of the Act: the documents set forth in Article 30, items (iv) and (ix); and

四 法第百五十六条の二十の三第一項第七号に掲げる事項の変更 第三十条第七号に掲げる書類

(iv) a change in the matters set forth in Article 156-20-3, paragraph (1), item (vii) of the Act: the document set forth in Article 30, item (vii).

(金融商品債務引受業の廃止の認可の申請)

(Application for Authorization for the Abolition of Financial Instruments Obligation Assumption Service)

第三十七条 法第百五十六条の二十の十五の認可を受けようとする外国金融商品取引清算機関は、認可申請書に次に掲げる書類を添付して金融庁長官に提出しなければならない。

Article 37 A Foreign Financial Instruments Clearing Organization that intends to obtain the authorization referred to in Article 156-20-15 of the Act must submit a written application for authorization to the Commissioner of the Financial Services Agency, with the following documents attached thereto:

一 金融商品債務引受業の廃止の理由を記載した書面

(i) a document describing the reasons for the abolition of the Financial Instruments Obligation Assumption Service;

二 株主総会又は取締役会に準ずる機関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 an organ equivalent to a shareholders meeting or board of directors meeting or any other document evidencing that the necessary procedure has been followed;

三 最終事業年度に係る貸借対照表（関連する注記を含む。）及び損益計算書（関連する注記を含む。）並びに金融商品債務引受業に係る資産及び負債の内容を明らかにした書面

(iii) the balance sheet (including any related notes) and profit and loss statements (including any related notes) for the most recent business year, as well as a document clarifying the details of the assets and liabilities from Financial Instruments Obligation Assumption Service;

四 金融商品債務引受業の結了の方法を記載した書面

(iv) a document describing the way of completing the Financial Instruments Obligation Assumption Service; and

五 その他参考となるべき事項を記載した書面

(v) other documents containing matters to be used as a reference.

第四章 金融商品取引清算機関と他の金融商品取引清算機関等との連携 **Chapter IV Coordination between Financial Instruments Clearing** **Organization and Other Financial Instruments Clearing Organization**

（連携金融商品債務引受業務となる行為）

(Acts Constituting Collaborative Financial Instruments Obligation Assumption Service)

第三十八条 法第百五十六条の二十の十六第一項に規定する内閣府令で定める行為は、次に掲げる行為とする。

Article 38 The acts specified by Cabinet Office Ordinance which are provided for in Article 156-20-16, paragraph (1) of the Act are the following acts:

一 法第百五十六条の六十二第一号に掲げる取引以外の対象取引に係る清算参加者の債務及び当該対象取引に係る清算参加者の相手方の債務を自らが負担し、その負担した当該清算参加者の債務は第三者に負担させる行為

(i) an act whereby the Financial Instruments Clearing Organization bears by itself the obligations of a Clearing Member arising from a Subject

Transaction other than the transactions set forth in Article 156-62, item (i) of the Act and the obligations of the counterparty of the Clearing Member arising from said Subject Transaction, and then has a third party bear these obligations of the Clearing Member;

二 法第百五十六条の六十二第一号に掲げる取引以外の対象取引に係る清算参加者の債務及び当該対象取引に係る清算参加者の相手方の債務を第三者に負担させ、その負担させた当該清算参加者の相手方の債務は自らが負担する行為

(ii) an act whereby the Financial Instruments Clearing Organization has a third party bear the obligations of a Clearing Member arising from a Subject Transaction other than the transactions set forth in Article 156-62, item (i) of the Act and the obligations of the counterparty of the Clearing Member arising from said Subject Transaction, and then bears by itself these obligations of the counterparty of the Clearing Member;

三 法第百五十六条の六十二第一号に掲げる取引以外の対象取引に係る清算参加者の債務を自らが負担し、その負担した当該清算参加者の債務を第三者に負担させ、かつ、当該対象取引に係る清算参加者の相手方の債務を第三者に負担させ、その負担させた当該清算参加者の相手方の債務を自らが負担する行為

(iii) an act whereby the Financial Instruments Clearing Organization bears by itself the obligations of a Clearing Member arising from a Subject Transaction other than the transactions set forth in Article 156-62, item (i) of the Act and then has a third party bear these obligations of the Clearing Member, and it has a third party bear the obligations of the counterparty of the Clearing Member arising from said Subject Transaction, and then bears by itself the obligations of the counterparty of the Clearing Member;

四 前三号に掲げるもののほか、法第百五十六条の六十二第一号に掲げる取引以外の対象取引に係る債権債務の清算のため、清算参加者と清算参加者の相手方との間で生じた当該対象取引に係る清算参加者の債務を第三者に負担させ、当該対象取引に係る清算参加者の相手方の債務は自らが負担する行為

(iv) in addition to what is set forth in the preceding three items, an act whereby, for the purpose of clearing claims and obligations arising from a Subject Transaction other than the transactions set forth in Article 156-62, item (i) of the Act, the Financial Instruments Clearing Organization has a third party bear the obligations of a Clearing Member arising from said Subject Transaction between the Clearing Member and the counterparty thereof, while bearing by itself the obligations of the counterparty of the Clearing Member arising from said Subject Transaction.

(認可申請書の経由)

(Submission of a Written Application for Authorization through the Commissioner of the Financial Services Agency)

第三十九条 法第百五十六条の二十の十七第一項の規定により認可申請書を提出しよう

とする金融商品取引清算機関は、当該認可申請書を金融庁長官を経由して提出しなければならない。

Article 39 A Financial Instruments Clearing Organization that intends to submit a written application for authorization pursuant to the provisions of Article 156-20-17, paragraph (1) of the Act must submit the written application for authorization through the Commissioner of the Financial Services Agency.

(認可申請書の添付書類)

(Documents to Be Attached to Written Application for Authorization)

第四十条 法第百五十六条の二十の十七第二項第二号に規定する内閣府令で定めるものは、次に掲げるものとする。

Article 40 (1) The matters specified by Cabinet Office Ordinance which are provided for provided in Article 156-20-17, paragraph (2), item (ii) of the Act are the following:

一 清算参加者及びその相手方の要件に関する事項

(i) matters concerning the requirements for a Clearing Member and the counterparty thereof;

二 連携金融商品債務引受業務として行う引受け、更改その他の方法による債務の負担及びその履行に関する事項

(ii) matters concerning assumption as the Collaborative Financial Instruments Obligation Assumption Service, novation or bearing by any other method of obligations, and performance thereof; and

三 清算参加者及びその相手方の債務の履行の確保に関する事項

(iii) matters concerning ensuring the performance of obligations of a Clearing Member and the counterparty thereof.

2 法第百五十六条の二十の十七第二項第三号ハに規定する内閣府令で定めるものは、次に掲げるもの（連携清算機関等の業務方法書（これに準ずるものを含み、連携金融商品債務引受業務に係るものに限る。第四十八条第八項第一号において同じ。）に記載されているものを除く。）とする。

(2) The matters specified by Cabinet Office Ordinance which are provided for in Article 156-20-17, paragraph (2), item (iii), (c) of the Act are the following (excluding those included in the operational method statements (including those equivalent thereto and excluding those related to the Collaborative Financial Instruments Obligation Assumption Service; the same applies in Article 48, paragraph (8), item (i) of the Collaborating Clearing Organization, etc.):

一 清算参加者の相手方の要件に関する事項

(i) matters concerning the requirements for the counterparty of a Clearing Member;

二 連携清算機関等の業務（連携金融商品債務引受業務に係るものに限る。）として行う引受け、更改その他の方法による債務の負担及びその履行に関する事項

- (ii) matters concerning assumption, novation or bearing by any other method of obligations carried out as the business of the Collaborating Clearing Organization, etc. (limited to business related to Collaborative Financial Instruments Obligation Assumption Service), and performance thereof;
- 三 清算参加者の相手方の債務の履行の確保に関する事項
- (iii) matters concerning ensuring the performance of obligations of the counterparty of a Clearing Member;
- 四 清算参加者の相手方が連携清算機関等に対し債務の履行を担保するために預託する金銭その他の財産を定める場合にあっては、当該財産及びその管理方法に関する事項
- (iv) when money or other property to be deposited by the counterparty of a Clearing Member to ensure the performance of obligations to the Collaborating Clearing Organization, etc. is specified, the particulars of said property and the means of managing it;
- 五 連携清算機関等の業務（連携金融商品債務引受業務に係るものに限る。）を管理する責任者の氏名及び役職名
- (v) the name and title of the person responsible for the management of the business of the Collaborating Clearing Organization, etc. (limited to business related to Collaborative Financial Instruments Obligation Assumption Service); and
- 六 連携清算機関等の業務（連携金融商品債務引受業務に係るものに限る。）を行う部署の名称及び組織の体制
- (vi) the name of the operating unit and the organizational structure for conducting the business of the Collaborating Clearing Organization, etc. (limited to business related to Collaborative Financial Instruments Obligation Assumption Service).
- 3 法第百五十六条の二十の十七第二項第五号に規定する内閣府令で定める書類は、次に掲げる書類とする。
- (3) The documents specified by Cabinet Office Ordinance which are provided for in Article 156-20-17, paragraph (2), item (v) of the Act are the following documents:
 - 一 連携清算機関等において連携金融商品債務引受業務に係る業務を行うことを決議した株主総会又は取締役会（これら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) the minutes of a shareholders meeting or board of directors meeting (including any equivalent organ) where it was resolved that the Collaborating Clearing Organization, etc. will conduct the business related to Collaborative Financial Instruments Obligation Assumption Service, or any other document evidencing that the necessary procedure has been followed;
 - 二 連携清算機関等が金融商品取引清算機関又は外国金融商品取引清算機関以外の者であるときは、次に掲げる書類

(ii) when the Collaborating Clearing Organization, etc. is neither a Financial Instruments Clearing Organization nor a Foreign Financial Instruments Clearing Organization, the following documents:

イ 連携清算機関等の総株主等の議決権の百分の十以上の数の議決権を保有している者の氏名又は商号若しくは名称、住所又は所在地及びその保有する議決権の数を記載した書面

(a) a document giving the name or trade name and address or location of a person that holds voting rights amounting to ten percent or more of the number of all shareholders', etc. voting rights of the Collaborating Clearing Organization, etc., and the number of voting rights held by such person;

ロ 親法人（連携清算機関等の総株主等の議決権の過半数を保有している法人その他の団体をいう。）及び子法人（連携清算機関等が総株主等の議決権の過半数を保有している法人その他の団体をいう。）の概要を記載した書面

(b) a document giving an outline of the parent corporation (meaning a corporation or any other organization that holds the majority of all shareholders', etc. voting rights of the Collaborating Clearing Organization, etc.) and subsidiary corporation (meaning a corporation or any other organization in which the Collaborating Clearing Organization, etc. holds the majority of all shareholders', etc. voting rights);

ハ 連携清算機関等の役員の履歴書（連携清算機関等の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）及び国内に連携清算機関等の事務所がある場合にあっては、当該事務所に駐在する役員の住民票の抄本（本籍の記載のあるものに限る。）又はこれに代わる書面並びに連携清算機関等の役員が法第八十二条第二項第三号イからへまでのいずれにも該当しない者であることを当該役員が誓約する書面

(c) resumes of the Officers of the Collaborating Clearing Organization, etc. (if an Officer of the Collaborating Clearing Organization, etc. is a corporation, a document describing the history of the corporation), and if there is any office of the Collaborating Clearing Organization, etc. in Japan, abridged copies of the residence certificates (limited to those listing a registered domicile) of the Officers stationed at said office or any documents that substitute for these, as well as documents in which the Officers of the Collaborating Clearing Organization, etc. pledge that they do not fall under any of Article 82, paragraph (2), item (iii), (a) to (f) inclusive of the Act;

ニ 連携清算機関等の業務を執行する役員の担当業務を記載した書面

(d) a document describing the duties assigned to directors that execute the business of the Collaborating Clearing Organization, etc.;

ホ 連携清算機関等の連携金融商品債務引受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

(e) a document giving the status in terms of the securement of employees

- with knowledge of and experience in the Collaborative Financial Instruments Obligation Assumption Service of the Collaborating e Clearing Organization, etc. and the assignment of said employees;
- へ 連携清算機関等の事務の機構及び分掌を記載した書面
- (f) a document describing the organizational structure and division of responsibilities for handling processes of the Collaborating Clearing Organization, etc.;
- ト 連携清算機関等がその業務（連携金融商品債務引受業務に係るものに限る。）において使用する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
- (g) a document giving an outline of the electronic data processing systems that will be used by the Collaborating Clearing Organization, etc. in its business (limited to business related to Collaborative Financial Instruments Obligation Assumption Service) and detailing the locations of their installation, their capacities and the means of doing maintenance on them, as well as the process for responding in the event of a failure in the electronic data processing systems;
- チ 連携清算機関等の登記事項証明書（これに準ずるものを含む。）
- (h) a certificate of registered matters (including any document equivalent thereto) of the Collaborating Clearing Organization, etc.;
- リ 連携清算機関等が外国の法令に準拠し、当該外国において金融商品債務引受業と同種類の業務を開始してから令第十九条の四の五第一項に定める期間を経過していること、又は同条第二項に定める場合に該当することを証する書面
- (i) a document evidencing that the period specified in Article 19-4-5, paragraph (1) of the Order has elapsed from when the Collaborating Clearing Organization, etc. commenced the same kind of business as Financial Instruments Obligation Assumption Service in a foreign state in compliance with laws and regulations of said foreign state, or that the Collaborating Clearing Organization, etc. falls under the case specified in paragraph (2) of that Article; and
- ヌ 連携清算機関等が所在する国における金融商品債務引受業と同種類の業務に関する法制を記載した書類
- (j) a document stating the law for the same type of business as Financial Instruments Obligation Assumption Service in the state where the Collaborating Clearing Organization, etc. is located; and
- 三 その他法第百五十六条の二十の十八第一項の規定による審査の参考となるべき事項を記載した書面
- (iii) other documents containing the matters to be used as a reference for the examination under the provisions of Article 156-20-18, paragraph (1) of the Act.

(認可申請書に添付すべき電磁的記録)

(Electronic or Magnetic Records to Be Attached to a Written Application for Authorization)

第四十一条 法第百五十六条の二十の十七第三項に規定する内閣府令で定める電磁的記録は、日本工業規格X六二二三に適合する九十ミリメートルフレキシブルディスクカートリッジに該当する構造の磁気ディスクとする。

Article 41 (1) The electronic or magnetic record specified by Cabinet Office Ordinance which is provided for in Article 165-20-17, paragraph (3) of the Act is a magnetic disk with a structure comprising a 90 millimeter flexible disk cartridge that complies with JIS X 6223.

2 前項の電磁的記録への記録は、次に掲げる方式に従ってしなければならない。

(2) Recording onto the electronic or magnetic record referred to in the preceding paragraph must be carried out in accordance with the following methods:

一 トラックフォーマットについては、日本工業規格X六二二五に規定する方式

(i) the method prescribed in JIS X 6225 in terms of track format; and

二 ボリューム及びファイル構成については、日本工業規格X〇六〇五に規定する方式

(ii) the method prescribed in JIS X 0605 in terms of volume and file structure.

3 第一項の電磁的記録には、日本工業規格X六二二三に規定するラベル領域に、次に掲げる事項を記載した書面をはり付けなければならない。

(3) A written statement of the following matters must be affixed onto the labeling area prescribed in JIS X 6223 of the electronic or magnetic record referred to in paragraph (1):

一 認可申請者の商号

(i) the trade name of the applicant for authorization; and

二 申請年月日

(ii) the date of application.

(分割又は事業の譲渡)

(Company Split or Business Transfer)

第四十二条 令第十九条の四の五第二項第二号に規定する内閣府令で定める場合は、分割により承継される業務自体で金融商品債務引受業と同種類の業務を行うことができると認められる場合とする。

Article 42 (1) The case specified by Cabinet Office Ordinance which is provided for in Article 19-4-5, paragraph (2), item (ii) of the Order is a case in which it is found that the same type of business as Financial Instruments Obligation Assumption Service can be conducted through the business taken over as a result of the company split.

2 令第十九条の四の五第二項第三号に規定する内閣府令で定める場合は、譲渡される業務自体で金融商品債務引受業と同種類の業務を行うことができると認められる場合とする。

- (2) The case specified by Cabinet Office Ordinance which is provided for in Article 19-4-5, paragraph (2), item (iii) of the Order is a case in which it is found that the same type of business as Financial Instruments Obligation Assumption Service can be conducted through the business transferred.

(変更の認可の申請)

(Application for Authorization for a Change)

第四十三条 法第百五十六条の二十の二十一第一項の認可を受けようとする認可金融商品取引清算機関は、次に掲げる事項を記載した認可申請書を金融庁長官に提出しなければならない。

Article 43 (1) An Authorized Financial Instruments Clearing Organization that intends to obtain the authorization referred to in Article 156-20-21, paragraph (1) of the Act must submit a written application for authorization containing the following matters to the Commissioner of the Financial Services Agency:

一 変更の内容及び理由

(i) the details of and reasons for the change; and

二 変更予定年月日

(ii) the scheduled date of the change.

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 must be attached to the written application for authorization referred to in the preceding paragraph:

一 法第百五十六条の二十の十七第二項第一号又は第二号に掲げる書類に記載した事項を変更しようとする場合にあっては、当該書類の新旧対照表

(i) in order to change any of the matters contained in the documents set forth in Article 156-20-17, paragraph (2), item (i) or item (ii) of the Act, a comparative table presenting the relevant document before and after the change; and

二 その他参考となる書類

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

(変更の認可の基準)

(Criteria for Authorization for a Change)

第四十四条 金融庁長官は、法第百五十六条の二十の二十一第一項の規定に基づく認可の申請があったときは、その申請が法令に適合し、かつ、連携金融商品債務引受業務及び連携清算機関等の業務（連携金融商品債務引受業務に係るものに限る。）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 44 When an application for authorization under the provisions of Article 156-20-21, paragraph (1) of the Act is filed, the Commissioner of the Financial Services Agency must examine whether the application conforms to laws and regulations and is sufficient to allow the Collaborative Financial Instruments Obligation Assumption Service and the business of a Collaborating Clearing

Organization, etc. (limited to business related to Collaborative Financial Instruments Obligation Assumption Service) to be operated appropriately and certainly.

(変更の届出)

(Notification of a Change)

第四十五条 法第百五十六条の二十の二十一第二項の規定により届出を行う認可金融商品取引清算機関は、次に掲げる事項を記載した届出書を金融庁長官に提出しなければならない。

Article 45 (1) An Authorized Financial Instruments Clearing Organization filing a notification pursuant to the provisions of Article 156-20-21, paragraph (2) of the Act must submit a written notification containing the following matters to the Commissioner of the Financial Services Agency:

一 変更の内容

(i) the details of the change; and

二 変更年月日

(ii) the date of the change.

2 前項の届出書には、次の各号に掲げる変更の区分に応じ、当該各号に定める書類を添付するものとする。

(2) Documents specified in the following items must be attached to the written notification referred to in the preceding paragraph according to the categories of changes set forth in the respective items:

一 法第百五十六条の二十の十七第一項第二号又は第三号イからハまでに掲げる事項の変更 第四十条第三項第二号チに掲げる書類

(i) a change in the matters set forth in Article 156-20-17, paragraph (1), item (ii) or item (iii), (a) to (c) inclusive of the Act: the document set forth in Article 40, paragraph (3), item (ii), (h);

二 法第百五十六条の二十の十七第一項第三号ニに掲げる事項の変更 第四十条第三項第二号ハ、ニ及びチに掲げる書類

(ii) a change in the matters set forth in Article 156-20-17, paragraph (1), item (iii), (d) of the Act: the document set forth in Article 40, paragraph (3), item (ii), (c), (d), and (h); and

三 法第百五十六条の二十の十七第二項第三号ロ又はハに掲げる書類に記載した事項の変更 当該書類の新旧対照表及び変更後の当該書類

(iii) a change in the matters included in the documents set forth in Article 156-20-17, paragraph (2), item (iii), (b) or (c) of the Act: a comparative table presenting the relevant document before and after the change and the relevant document after the change.

(廃止の届出)

(Notification of Abolition)

第四十六条 法第百五十六条の二十の二十一第三項の規定により届出を行う認可金融商品取引清算機関は、次に掲げる事項を記載した届出書を金融庁長官に提出しなければならない。

Article 46 An Authorized Financial Instruments Clearing Organization filing a notification pursuant to the provisions of Article 156-20-21, paragraph (3) of the Act must submit a written notification containing the following matters to the Commissioner of the Financial Services Agency:

一 連携金融商品債務引受業務の廃止の年月日

(i) the date of the abolition of the Collaborative Financial Instruments Obligation Assumption Service; and

二 連携金融商品債務引受業務の廃止の理由

(ii) the reasons for the abolition of the Collaborative Financial Instruments Obligation Assumption Service.

第五章 雑則

Chapter V Miscellaneous Provisions

(業務方法書に基づく規則の届出)

(Submission of Rules Based on the Operational Method Statements)

第四十七条 金融商品取引清算機関又は外国金融商品取引清算機関は、業務方法書に基づき規則を定め、又は廃止若しくは変更したときは、遅滞なく、その旨を金融庁長官に届け出なければならない。

Article 47 If a Financial Instruments Clearing Organization or Foreign Financial Instruments Clearing Organization has established, abolished, or amended rules based on its operational method statements, it must notify the Commissioner of the Financial Services Agency of this without delay.

(金融商品取引清算機関の業務に関する提出書類)

(Documents to be Submitted in Connection with the Business of Financial Instrument Clearing Organization)

第四十八条 金融商品取引清算機関は、法第百八十八条の規定に基づき、会社法第四百三十五条第二項に規定する計算書類及び事業報告を、毎事業年度終了後三月以内に、金融庁長官に提出しなければならない。

Article 48 (1) A Financial Instruments Clearing Organization must submit the financial statements and business reports provided for in Article 435, paragraph (2) of the Companies Act to the Commissioner of the Financial Services Agency within three months from the end of each business year, pursuant to the provisions of Article 188 of the Act.

2 前項の規定により提出する書類には、次に掲げる書類を添付するものとする。

(2) The following documents must be attached to the documents to be submitted pursuant to the provisions of the preceding paragraph:

- 一 会社法第四百三十五条第二項の附属明細書
 - (i) annexed detailed statements referred to in Article 435, paragraph (2) of the Companies Act;
 - 二 清算預託金その他の清算参加者が金融商品取引清算機関に対し債務の履行を担保するために預託する金銭その他の財産の明細表
 - (ii) a schedule of clearing deposits, or money or other property to be deposited by a Clearing Member to ensure the performance of obligations to the Financial Instruments Clearing Organization;
 - 三 取引証拠金明細表（市場デリバティブ取引について金融商品債務引受業を行う金融商品取引清算機関に限る。）
 - (iii) a schedule of clearing margins (limited to a Financial Instruments Clearing Organization which conducts the Financial Instruments Obligation Assumption Service with regard to Market Derivatives Transactions);
 - 四 その他諸勘定明細表
 - (iv) schedules of other accounts; and
 - 五 金融商品取引清算機関の総株主の議決権の百分の十以上の数の議決権を保有している株主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
 - (v) a document giving the name or trade name and address or location of a shareholder that holds voting rights amounting to ten percent or more of the number of all shareholders' voting rights of the Financial Instruments Clearing Organization, and the number of voting rights held by such shareholder.
- 3 金融商品取引所が法第百五十六条の十九第一項の規定により内閣総理大臣の承認を受けて金融商品取引清算機関として業務を行う場合にあつては、当該金融商品取引所は、第一項の期間内に、前二項に掲げる書類又はこれに相当する書類（前項第二号に掲げる書類を除く。）を提出したときは、前二項の規定にかかわらず、当該各項に掲げる書類（前項第二号に掲げる書類を除く。）を提出することを要しない。
- (3) Where a Financial Instruments Exchange conducts business as a Financial Instruments Clearing Organization with the approval of the Prime Minister it has obtained pursuant to the provisions of Article 156-19, paragraph (1) of the Act, if it has submitted the documents set forth in the preceding two paragraphs or documents equivalent thereto (excluding the document set forth in item (ii) of the preceding paragraph) within the period referred to in paragraph (1), it is not required to submit the documents set forth in the preceding two paragraphs (excluding the document set forth in item (ii) of the preceding paragraph), notwithstanding the provisions of these paragraphs.
- 4 金融商品取引清算機関は、次の各号に掲げる事実（次項において「事故」という。）が発生した場合には、法第百八十八条の規定により、直ちに、その旨を金融庁長官に報告しなければならない。
- (4) Where any of the events set forth in the following items (referred to as an

"Incident" in the following paragraph) has taken place, a Financial Instruments Clearing Organization must report it to the Commissioner of the Financial Services Agency immediately pursuant to the provisions of Article 188 of the Act:

一 取締役、会計参与（会計参与が法人であるときは、職務を行うべき社員を含む。）、監査役、執行役又は使用人がその業務を執行するに際し、法令又は業務方法書（認可金融商品取引清算機関にあっては、連携契約書を含む。）に違反する行為をしたこと。

(i) an event wherein a director, accounting advisor (if an accounting advisor is a corporation, including members who perform its duties), company auditor, executive officer or employee has committed an act in violation of laws and regulations or the operational method statements (or, for an Authorized Financial Instruments Clearing Organization, including a Collaboration Agreement) in the course of executing their duties; and

二 電子情報処理組織の故障その他偶発的な事情による金融商品債務引受業の全部又は一部の停止

(ii) suspension of whole or part of Financial Instruments Obligation

Assumption Service due to a failure in an electronic data processing system or any other accidental cause.

5 金融商品取引清算機関は、前項の規定により報告した事故の詳細が判明した場合には、法第百八十八条の規定により、遅滞なく、次に掲げる事項を記載した書類を金融庁長官に提出しなければならない。

(5) If the details of an Incident reported pursuant to the provisions of the preceding paragraph have become clear, a Financial Instruments Clearing Organization must submit a document containing the following matters to the Commissioner of the Financial Services Agency without delay, pursuant to the provisions of Article 188 of the Act:

一 事故の詳細

(i) details of the Incident;

二 事故の改善策

(ii) improvement measures in response to the Incident; and

三 その他必要な事項

(iii) other necessary matters.

6 認可金融商品取引清算機関は、法第百八十八条の規定に基づき、認可に係る連携清算機関等（金融商品取引清算機関又は外国金融商品取引清算機関以外の者に限る。以下この条において同じ。）の貸借対照表、損益計算書その他当該連携清算機関等の業務、財産及び収支の状況を知ることができる書類を、当該連携清算機関等の毎事業年度終了後三月以内に、金融庁長官に提出しなければならない。

(6) An Authorized Financial Instruments Clearing Organization must submit its balance sheet and profit and loss statement of a Collaborating Clearing Organization, etc. subject to authorization (limited to a person other than a

Financial Instruments Clearing Organization or Foreign Financial Instruments Clearing Organization; hereinafter the same applies in this Article) and any other documents from which the status of business, property, income and expenditure of the Collaborating Clearing Organization, etc. can be ascertained, to the Commissioner of the Financial Services Agency within three months from the end of each business year of the Collaborating Clearing Organization, etc., pursuant to the provisions of Article 188 of the Act.

7 前項の規定により提出する書類には、次に掲げる書類を添付するものとする。

(7) The following documents must be attached to the documents to be submitted pursuant to the provisions of the preceding paragraph:

一 清算参加者の相手方が認可に係る連携清算機関等に対し債務の履行を担保するために預託する金銭その他の財産の明細表

(i) a schedule of money or other property to be deposited by the counterparty of a Clearing Member to ensure the performance of obligations to the Collaborating Clearing Organization, etc. subject to authorization; and

二 認可に係る連携清算機関等の総株主等の議決権の百分の十以上の数の議決権を保有している者の氏名又は商号若しくは名称、住所又は所在地及びその保有する議決権の数を記載した書面

(ii) a document giving the name or trade name and address or location of a person that holds voting rights amounting to ten percent or more of the number of all shareholders', etc. voting rights of the Collaborating Clearing Organization, etc. subject to authorization, and the number of voting rights held by such person.

8 認可金融商品取引清算機関は、次の各号に掲げる事実（次項において「事故」という。）が発生したことを知った場合には、法第百八十八条の規定により、直ちに、その旨を金融庁長官に報告しなければならない。

(8) Where any of the events set forth in the following items (referred to as an "Incident" in the following paragraph) has taken place, an Authorized Financial Instruments Clearing Organization must report it to the Commissioner of the Financial Services Agency immediately pursuant to the provisions of Article 188 of the Act:

一 認可に係る連携清算機関等の役員又は使用人がその業務（連携金融商品債務引受業務に係るものに限る。）を執行するに際し、法令又は当該連携清算機関等の業務方法書若しくは連携契約書に違反する行為をしたこと。

(i) an event wherein an Officer or employee of the Collaborating Clearing Organization, etc. subject to authorization has committed an act in violation of laws and regulations or the operational method statements or Collaboration Agreement of the Collaborating Clearing Organization, etc. in the course of executing their duties (limited to those related to the Collaborative Financial Instruments Obligation Assumption Service); and

二 認可に係る連携清算機関等の電子情報処理組織の故障その他偶発的な事情による

当該連携清算機関等の業務（連携金融商品債務引受業務に係るものに限る。）の全部又は一部の停止

(ii) suspension of whole or part of the business of the Collaborating Clearing Organization, etc. subject to authorization (limited to the business related to the Collaborative Financial Instruments Obligation Assumption Service) due to a failure in an electronic data processing system of the Collaborating Clearing Organization, etc. or other accidental cause.

9 認可金融商品取引清算機関は、前項の規定により報告した事故の詳細が判明した場合には、法第百八十八条の規定により、遅滞なく、次に掲げる事項を記載した書類を金融庁長官に提出しなければならない。

(9) If the details of an Incident reported pursuant to the provisions of the preceding paragraph have become clear, an Authorized Financial Instruments Clearing Organization must submit a document containing the following matters to the Commissioner of the Financial Services Agency without delay, pursuant to the provisions of Article 188 of the Act:

一 事故の詳細

(i) details of the Incident;

二 事故の改善策

(ii) improvement measures in response to the Incident; and

三 その他必要な事項

(iii) other necessary matters.

（外国金融商品取引清算機関の業務に関する提出書類）

(Documents to Be Submitted in Connection with the Business of Foreign Financial Instrument Clearing Organization)

第四十九条 外国金融商品取引清算機関は、法第百八十八条の規定に基づき、貸借対照表、損益計算書その他当該外国金融商品取引清算機関の業務、財産及び収支の状況を知ることができる書類を、毎事業年度終了後三月以内に、金融庁長官に提出しなければならない。

Article 49 (1) A Foreign Financial Instruments Clearing Organization must submit its balance sheet and profit and loss statement, and any other documents from which the status of business, property, income and expenditure of the Foreign Financial Instruments Clearing Organization can be ascertained, to the Commissioner of the Financial Services Agency within three months from the end of each business year, pursuant to the provisions of Article 188 of the Act.

2 前項の規定により提出する書類には、次に掲げる書類を添付するものとする。

(2) The following documents must be attached to the documents to be submitted pursuant to the provisions of the preceding paragraph:

一 清算参加者が外国金融商品取引清算機関に対し債務の履行を担保するために預託する金銭その他の財産の明細表

- (i) a schedule of money or other property to be deposited by a Clearing Member to ensure the performance of obligations to the Foreign Financial Instruments Clearing Organization; and
- 二 外国金融商品取引清算機関の総株主等の議決権の百分の十以上の数の議決権を保有している者の氏名又は商号若しくは名称、住所又は所在地及びその保有する議決権の数を記載した書面
- (ii) a document giving the name or trader name and address or location of a person that holds voting rights amounting to ten percent or more of the number of all shareholders', etc. voting rights of the Foreign Financial Instruments Clearing Organization, and the number of voting rights held by such person.
- 3 外国金融商品取引清算機関は、次の各号に掲げる事実（次項において「事故」という。）が発生した場合には、法第百八十八条の規定により、直ちに、その旨を金融庁長官に報告しなければならない。
- (3) Where any of the events set forth in the following items (referred to as an "Incident" in the following paragraph) has taken place, a Foreign Financial Instruments Clearing Organization must report it to the Commissioner of the Financial Services Agency immediately pursuant to the provisions of Article 188 of the Act:
 - 一 役員、国内における代表者又は使用人がその金融商品債務引受業に係る業務を執行するに際し、法令又は業務方法書に違反する行為をしたこと。
 - (i) an event wherein an Officer, representative person in Japan or employee has committed an act in violation of laws and regulations or operational method statements in the course of executing their duties related to Financial Instruments Obligation Assumption Service; and
 - 二 電子情報処理組織の故障その他偶発的な事情による金融商品債務引受業の全部又は一部の停止
 - (ii) suspension of whole or part of Financial Instruments Obligation Assumption Service due to a failure in an electronic data processing system or other accidental cause.
- 4 外国金融商品取引清算機関は、前項の規定により報告した事故の詳細が判明した場合には、法第百八十八条の規定により、遅滞なく、次に掲げる事項を記載した書類を金融庁長官に提出しなければならない。
- (4) If the details of an Incident reported pursuant to the provisions of the preceding paragraph have become clear, a Foreign Financial Instruments Clearing Organization must submit a document containing the following matters to the Commissioner of the Financial Services Agency without delay, pursuant to the provisions of Article 188 of the Act:
 - 一 事故の詳細
 - (i) details of the Incident;
 - 二 事故の改善策

(ii) improvement measures in response to the Incident; and

三 その他必要な事項

(iii) other necessary matters.

(標準処理期間)

(Standard Period for Processing)

第五十条 内閣総理大臣又は金融庁長官は、法第百五十六条の六第二項ただし書の承認又は法第百五十六条の十二、第百五十六条の十二の三第一項、第百五十六条の十八、第百五十六条の二十の十、第百五十六条の二十の十五若しくは第百五十六条の二十の二十一第一項の認可に関する申請がその事務所に到達してから一月以内に、法第百五十六条の二若しくは第百五十六条の二十の二の免許、法第百五十六条の五の五第一項若しくは第四項ただし書若しくは第百五十六条の二十の十六第一項の認可又は法第百五十六条の十九第一項若しくは第二項の承認に関する申請がその事務所に到達してから二月以内に、それぞれ当該申請に対する処分をするよう努めるものとする。

Article 50 (1) The Prime Minister or the Commissioner of the Financial Services Agency is to endeavor to render a disposition on an application within one month from the arrival of the application at the office, in the case of an application for the approval referred to in the proviso to Article 156-6, paragraph (2) of the Act or for the authorization referred to in Article 156-12, Article 156-12-3, paragraph (1), Article 156-18, Article 156-20-10, Article 156-20-15 or Article 156-20-21, paragraph (1) of the Act; or within two months from the arrival of the application at the office, in the case of an application for the license referred to in Article 156-2 or Article 156-20-2 of the Act, for the authorization referred to in Article 156-5-5, paragraph (1) or the proviso to paragraph (4) or Article 156-20-16, paragraph (1) of the Act or for the approval referred to in Article 156-19, paragraph (1) or paragraph (2) of the Act.

2 前項に規定する期間には、次に掲げる期間を含まないものとする。

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

一 当該申請を補正するために要する期間

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

二 当該申請をした者が当該申請の内容を変更するために要する期間

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

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

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