# 特定金融指標算出者に関する内閣府令 Cabinet Office Order on Specified Financial Benchmark Administrators

(平成二十七年五月十五日内閣府令第三十九号) (Cabinet Office Order No. 39 of May 15, 2015)

金融商品取引法(昭和二十三年法律第二十五号)及び金融商品取引法施行令(昭和四十年政令第三百二十一号)の規定に基づき、並びに同法及び同令を実施するため、特定金融指標算出者に関する内閣府令を次のように定める。

Pursuant to the provisions of the Financial Instruments and Exchange Act (Act No. 25 of 1948) and the Enforcement Order of the Financial Instruments and Exchange Act (Cabinet Order No. 321 of 1965), and for the purpose of implementing that Act and that Order, the Cabinet Office Order on Specified Financial Benchmark Administrators is hereby established as follows.

## (定義)

(Definitions)

- 第一条 この府令(次条第二項を除く。)において「金融指標」又は「特定金融指標」 とは、それぞれ金融商品取引法(以下「法」という。)第二条に規定する金融指標又 は特定金融指標をいう。
- Article 1 (1) As used in this Cabinet Office Order (excluding paragraph (2) of the following Article), the terms "Financial Benchmark" and "Specified Financial Benchmark" respectively mean a financial benchmark and a specified financial benchmark as defined in Article 2 of the Financial Instruments and Exchange Act (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 Order, the meanings of the terms set forth in the following items are as prescribed respectively in those items:
  - 一 算出基礎情報 法第三十八条第七号に規定する算出基礎情報をいう。
  - (i) Basic Data for Calculation: basic data for calculation defined in Article 38, item (vii) of the Act;
  - 二 特定金融指標算出業務 法第百五十六条の八十五第一項に規定する特定金融指標 算出業務をいう。
  - (ii) Specified Financial Benchmark Administration Services: specified financial benchmark administration services defined in Article 156-85, paragraph (1) of the Act;
  - 三 特定金融指標算出者 法第百五十六条の八十五第一項に規定する特定金融指標算 出者をいう。

- (iii) Specified Financial Benchmark Administrator: specified financial benchmark administrator defined in Article 156-85, paragraph (1) of the Act;
- 四 情報提供者 法第百五十六条の八十七第二項第三号に規定する情報提供者をいう。
- (iv) Submitter: submitter defined in Article 156-87, paragraph (2), item (iii) of the Act; and
- 五 行動規範 法第百五十六条の八十七第二項第三号に規定する行動規範をいう。
- (v) Code of Conduct: code of conduct defined in Article 156-87, paragraph (2), item (iii) of the Act.

(外国において適切な監督を受けていると認められる者)

(Persons Found to Be Subject to Appropriate Supervision by Foreign Administrative Organizations)

- 第二条 法第百五十六条の八十五第六項に規定する外国の行政機関その他これに準ずる ものの適切な監督を受けていると認められる者として内閣府令で定める者は、法第五 章の七の規定及びこの府令の規定と同等と認められる外国の法令に基づき、外国の行 政機関その他これに準ずるもの(金融庁長官の要請に応じて、当該者の監督に関する 報告又は資料を金融庁長官に提供できるものに限る。)の監督を受けている者とする。
- Article 2 (1) A person specified by Cabinet Office Order as a person found to be subject to appropriate supervision by a foreign administrative organization or any other equivalent organization prescribed in Article 156-85, paragraph (6) of the Act is a person subject to supervision of a foreign administrative organization or any other equivalent organization (limited to an organization that is capable of providing reports or materials concerning supervision of the person to the Commissioner of the Financial Services Agency at the request of the Commissioner) based on foreign laws and regulations that are found to be equivalent to the requirements prescribed in Chapter V-7 of the Act and the requirements prescribed in this Cabinet Office Order.
- 2 前項の同等性の判断に当たっては、当該外国の法令が証券監督者国際機構により平成二十五年七月十七日に公表された金融指標に関する原則に準拠したものであるかど うかをしん酌するものとする。
- (2) In determining equivalence referred to in the preceding paragraph, whether or not the foreign laws and regulations concerned conform to the Principles for Financial Benchmarks published by the International Organization of Securities Commissions on July 17, 2013, is to be taken into consideration.

(特定金融指標算出者による届出書類の記載事項)

(Information Required to Be Specified in Notification Documents Submitted by Specified Financial Benchmark Administrators)

第三条 法第百五十六条の八十六第一項第五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 3 The information specified by Cabinet Office Order prescribed in Article

- 156-86, paragraph (1), item (v) of the Act is to be the following information:
- 一 他に事業を行っているときは、その事業の種類
- (i) if the Specified Financial Benchmark Administrator engages in any other business; the type of business: and
- 二 法人でない団体で代表者又は管理人の定めのあるものであるときは、その代表者 又は管理人の氏名
- (ii) if the Specified Financial Benchmark Administrator is an organization without legal personality for which a representative or administrator is designated; the name of the representative or administrator.

(特定金融指標算出者による届出書類の添付書類)

- (Documents Required to Be Attached to Notification Documents Submitted by Specified Financial Benchmark Administrators)
- 第四条 法第百五十六条の八十六第二項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 4 The documents specified by Cabinet Office Order prescribed in Article 156-86, paragraph (2) of the Act are to be the following documents:
  - 一 法人(法人でない団体で代表者又は管理人の定めのあるものを含む。)であるときは、次に掲げる書類
  - (i) if the Specified Financial Benchmark Administrator is a corporation (including an organization without legal personality for which a representative or administrator is designated), the following documents: イ 定款及び登記事項証明書(これらに準ずるものを含む。)
    - (a) its articles of incorporation and certificate of registered information (including any document equivalent thereto);
    - ロ 役員(法人でない団体で代表者又は管理人の定めのあるものの代表者又は管理 人を含む。)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)
    - (b) a resume of its officer (including the representative or administrator of an organization without legal personality for which a representative or administrator is designated) (in the case of an officer that is a corporation, a document describing the history of the officer);
    - ハ 役員(法人でない団体で代表者又は管理人の定めのあるものの代表者又は管理人を含む。)の住民票の抄本(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
    - (c) an extract of a residence certificate of its officer (including the representative or administrator of an organization without legal personality for which a representative or administrator is designated) (in the case of an officer that is a corporation, a certificate of registered information of the officer) or any documents in lieu thereof; and
    - ニ 役員(法人でない団体で代表者又は管理人の定めのあるものの代表者又は管理

- 人を含む。) の婚姻前の氏名を当該役員の氏名に併せて法第百五十六条の八十六 第一項の書類に記載した場合において、ハに掲げる書類が当該役員の婚姻前の氏 名を証するものでないときは、当該婚姻前の氏名を証する書面
- (d) if the name of an officer (including the representative or administrator of an organization without legal personality for which a representative or administrator is designated) that was used before marriage is stated together with the officer's current name in a document referred to in Article 156-86, paragraph (1) of the Act, and the document set forth in (c) does not certify the officer's name used before marriage, a document certifying the name before marriage; and
- 二 個人であるときは、次に掲げる書類
- (ii) if the Specified Financial Benchmark Administrator is an individual, the following documents:
  - イ 履歴書
  - (a) a resume;
  - ロ 住民票の抄本又はこれに代わる書面
  - (b) an extract of a residence certificate or any document in lieu thereof; and
  - ハ 個人の婚姻前の氏名を当該個人の氏名に併せて法第百五十六条の八十六第一項 の書類に記載した場合において、ロに掲げる書類が当該個人の婚姻前の氏名を証 するものでないときは、当該婚姻前の氏名を証する書面
  - (c) if the individual's name used before marriage is stated together with the individual's current name in a document referred to in Article 156-86, paragraph (1) of the Act, and the document set forth in (b) does not certify the individual's name used before marriage, a document certifying the name before marriage.

## (電磁的記錄)

## (Electronic or Magnetic Records)

- 第五条 法第百五十六条の八十六第三項に規定する内閣府令で定める電磁的記録は、磁 気ディスクその他これに準ずる方法により一定の情報を確実に記録しておくことがで きる物をもって調製するファイルに情報を記録したものとする。
- Article 5 The electronic or magnetic record specified by Cabinet Office Order prescribed in Article 156-86, paragraph (3) of the Act is to be information recorded in a file prepared using an object in which certain information can be securely record by magnetic disk or any other means equivalent thereto.

#### (変更の届出)

## (Notification of Changes)

第六条 法第百五十六条の八十六第四項の規定により届出を行う特定金融指標算出者は、変更のあった日から二週間以内に、変更の内容、変更年月日及び変更の理由を記載した届出書に、次の各号に掲げる場合の区分に応じ当該各号に定める書類を添付して、

金融庁長官に提出しなければならない。ただし、やむを得ない事由があるときは、当該各号に定める書類は、当該届出書の提出後遅滞なく提出すれば足りる。

- Article 6 Where a Specified Financial Benchmark Administrator submits a notification pursuant to the provisions of Article 156-86, paragraph (4) of the Act, the Specified Financial Benchmark Administrator must submit to the Commissioner of the Financial Services Agency a written notification stating the content of change, date of change, and reasons for change, attaching thereto documents specified in the following items according to the categories of cases set forth in the respective items, within two weeks from the date on which changes specified in that paragraph have occurred; provided, however, that it is sufficient to submit the documents specified in those items without delay after the submission of the written notification in the case where there are compelling circumstances:
  - 一 法第百五十六条の八十六第一項第一号、第二号又は第四号に掲げる事項について変更があった場合 当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面
  - (i) if there is a change to any of the information set forth in Article 156-86, paragraph (1), item (i), item (ii) or item (iv) of the Act: a certificate of registered information containing the information so changed or any document in lieu thereof;
  - 二 法第百五十六条の八十六第一項第三号に掲げる事項について変更があった場合 次に掲げる書類
  - (ii) if there is a change to the information set forth in Article 156-86, paragraph (1), item (iii) of the Act: the following documents:
    - イ 当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面
    - (a) a certificate of registered information containing the information so changed or any document in lieu thereof; and
    - ロ 新たに役員となった者に係る次に掲げる書類
    - (b) the following documents concerning a new officer:
      - (1) 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)
      - 1. a resume (in the case of an officer that is a corporation, a document describing the history of the officer);
      - (2) 住民票の抄本(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
      - 2. an extract of a residence certificate (in the case of an officer that is a corporation, a certificate of registered information of the officer) or any document in lieu thereof; and
        - (3) 婚姻前の氏名を、氏名に併せて届出書に記載した場合において、(2) に掲げる書類が当該婚姻前の氏名を証するものでないときは、当該婚姻前の 氏名を証する書面
      - 3. if an officer's name used before marriage is stated together with the

officer's current name in a written notification, and the document set forth in 2. does not certify the officer's name used before marriage, a document certifying the name before marriage; and

- 三 第三条第二号に掲げる事項について変更があった場合 新たに代表者又は管理人 となった者に係る次に掲げる書類
- (iii) if there is a change to the information set forth in Article 3, item (ii): the following documents concerning a new representative or administrator:
  - イ 履歴書
  - (a) a resume;
  - ロ 住民票の抄本又はこれに代わる書面
  - (b) an extract of a residence certificate or any document in lieu thereof; and
  - ハ 婚姻前の氏名を、氏名に併せて届出書に記載した場合において、ロに掲げる書類が当該婚姻前の氏名を証するものでないときは、当該婚姻前の氏名を証する書面
  - (c) if a representative's or administrator's name used before marriage is stated together with the representative's or administrator's current name in a written notification, and the document set forth in (b) does not certify the representative's or administrator's name used before marriage, a document certifying the name before marriage.

#### (業務規程に添付する書類)

(Documents to Be Attached to Operational Rules)

- 第七条 特定金融指標算出者は、法第百五十六条の八十七第一項の規定により業務規程 の認可を受けようとするときは、業務規程に、その記載内容の参考となるべき事項を 記載した書類を添えて、金融庁長官に提出しなければならない。
- Article 7 Where a Specified Financial Benchmark Administrator intends to obtain authorization for its operational rules pursuant to the provisions of Article 156-87, paragraph (1) of the Act, the Specified Financial Benchmark Administrator must submit the operational rules to the Commissioner of the Financial Services Agency, with a document containing information that should serve as a reference for what is provided for in these rules.

(業務規程の認可を受ける期限の承認の手続)

(Procedures for Approval of Time Limit for Obtaining Authorization for Operational Rules)

- 第八条 外国の者である特定金融指標算出者は、金融商品取引法施行令(以下「令」という。)第十九条の十一ただし書の承認を受けようとするときは、次に掲げる事項を記載した承認申請書を金融庁長官に提出しなければならない。
- Article 8 (1) Where a Specified Financial Benchmark Administrator that is a foreign person intends to obtain approval referred to in the proviso to Article 19-11 of the Enforcement Order of the Financial Instruments and Exchange

Act (hereinafter referred to as the "Order"), the Specified Financial Benchmark Administrator must submit to the Commissioner of the Financial Services Agency a written application for approval containing the following information:

- 一 商号、名称又は氏名
- (i) the corporate name or name;
- 二 業務規程の認可に関し当該承認を受けようとする期間
- (ii) the period for which the approval is sought in relation to authorization for operational rules; and
- 三 業務規程の認可に関し当該承認を必要とする理由
- (iii) the reason for which the approval is needed in relation to authorization for operational rules.
- 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 当該承認申請書に記載された当該特定金融指標算出者の代表者が当該承認申請書の提出に関し正当な権限を有する者であることを証する書面
  - (i) a document proving that the representative of the Specified Financial Benchmark Administrator specified in the written application for approval is duly authorized to submit the written application for approval; and
  - 二 前項第三号の理由を証する書面
  - (ii) a document proving the reason referred to in item (iii) of the preceding paragraph.
- 3 金融庁長官は、第一項の承認の申請があった場合において、当該特定金融指標算出者が、その本国の法令又は慣行その他やむを得ない理由により、法第百五十六条の八十七第一項の指定を受けた日から六月以内に業務規程について同項の認可を受けることができないと認められるときは、令第十九条の十一ただし書の承認をするものとする。
- (3) If an application for approval referred to in paragraph (1) is made, and it is found that the Specified Financial Benchmark Administrator is unable to obtain the authorization referred to in Article 156-87, paragraph (1) of the Act for the operational rules within six months from the date of designation referred to in that paragraph due to the laws and regulations or practice of the home country thereof or for any other compelling reasons, the Commissioner of the Financial Services Agency is to grant the approval referred to in the proviso to Article 19-11 of the Order.

#### (業務規程の記載事項)

(Particulars Required to Be Specified in Operational Rules)

第九条 法第百五十六条の八十七第二項に規定する内閣府令で定める事項は、次に掲げるものとする。

Article 9 (1) The particulars specified by Cabinet Office Order prescribed in

Article 156-87, paragraph (2) of the Act are to be the following particulars:

- 一 特定金融指標の算出及び公表に係る方針及び方法(次に掲げる事項を含む。以下 「特定金融指標算出公表方針等」という。)
- (i) a policy and methodology for the calculation and publication of the Specified Financial Benchmark (including the following particulars; hereinafter referred to as "Policy and Methodology for Calculation and Publication of Specified Financial Benchmark"):
  - イ 特定金融指標の定義、特定金融指標による評価の対象となる経済的価値(以下 「評価対象価値」という。)その他の特定金融指標の概要
  - (a) an outline of the Specified Financial Benchmark, such as the definition of the Specified Financial Benchmark and the interest intended to be measured by the Specified Financial Benchmark (hereinafter referred to as the "Interest");
  - ロ 特定金融指標の算出の基礎となる価格、指標、数値その他の情報(以下「価格等情報」という。)の種類及び利用方法、特定金融指標を算出するために用いる専門家の判断(以下単に「専門家の判断」という。)の利用方法その他の特定金融指標の算出に関する基準及び手続
  - (b) criteria and procedures concerning the calculation of the Specified Financial Benchmark, including the type and method of use of data that would serve as the basis for the calculation of the Specified Financial Benchmark such as prices, indicators and figures (hereinafter referred to as "Prices and Other Data"), and the method of use of expert judgment to be used to calculate the Specified Financial Benchmark (hereinafter referred to as "Expert Judgment");
  - ハ 専門家の判断の一貫性を保つための措置
  - (c) measures to ensure consistency in the Expert Judgment;
  - ニ 特定金融指標の算出又は公表に誤りが生じた場合にとるべき措置(特定金融指標の訂正を含む。)
  - (d) measures that should be taken in the case where any error occurs in the calculation or publication of the Specified Financial Benchmark (including correction of the Specified Financial Benchmark);
  - ホ 特定金融指標の主要な利用者、情報提供者その他の利害関係者(以下単に「利害関係者」という。)との協議に関する事項
  - (e) particulars concerning consultation with the major users of the Specified Financial Benchmark, the Submitter, and other interested parties (hereinafter referred to as "Stakeholders");
  - へ 価格等情報の取得が困難となる事態その他の特定金融指標の算出及び公表が困難となる事態が生じた場合にとるべき措置
  - (f) measures that should be taken in the case where any event occurs that makes it difficult to calculate and publish the Specified Financial Benchmark, such as an event that makes it difficult to acquire Prices and

## Other Data;

- ト 特定金融指標が評価対象価値を正確かつ確実に評価することが困難となる状況 の特定に関する事項
- (g) particulars concerning identifying the situation in which it is difficult for the Specified Financial Benchmark to measure the Interest accurately and reliably; and
- チ 特定金融指標が算出基礎情報を基礎として算出されるものである場合には、情報提供者の選任及び解任の基準
- (h) if the Specified Financial Benchmark is to be calculated on the basis of the Basic Data for Calculation, the criteria for appointment and dismissal of the Submitter;
- 二 特定金融指標算出公表方針等の変更に関する次に掲げる事項
- (ii) the following particulars concerning a change to the Policy and Methodology for Calculation and Publication of Specified Financial Benchmark:
  - イ 変更の手続(次に掲げる事項を含む。)
  - (a) procedures for a change (including the following particulars):
    - (1) 重要な変更についての利害関係者との協議に関する事項(次に掲げる事項を含む。)
    - 1. particulars concerning consultation with Stakeholders about an important change (including the following particulars):
      - (i) 重要な変更について利害関係者に意見を述べる機会を与えるための事 前の通知
      - i. prior notice to Stakeholders in order to give them an opportunity to state their opinions on the important change; and
        - (ii) 当該協議の概要を利害関係者が入手できるようにするための措置
      - ii. measures to enable Stakeholders to obtain an outline of the consultation; and
      - (2) 変更の手続に対する内部監督部門(第十号に規定する内部監督部門をいう。)による監督の方法
    - 2. the method of supervision by the internal oversight section (meaning the internal oversight section prescribed in item (x)) regarding the procedures for the change;
  - ロ 変更の実施の時期
  - (b) the time of implementation of the change;
  - ハ 変更の概要及び変更による影響の分析の公表
  - (c) publication of an outline of the change and of an analysis of the influence of the change; and
  - ニ その他特定金融指標算出公表方針等の変更に関する重要な事項
  - (d) other important particulars concerning the change to the Policy and Methodology for Calculation and Publication of Specified Financial

#### Benchmark;

- 三 価格等情報の根拠となる社会経済の状況その他の評価対象価値を正確かつ確実に 評価することとなるよう特定金融指標を設計するために考慮すべき事項
- (iii) particulars that should be taken into consideration in designing the Specified Financial Benchmark to ensure that the benchmark will measure the Interest accurately and reliably, including the socioeconomic conditions underlying the Prices and Other Data;
- 四 評価対象価値を正確かつ確実に評価することとなるために価格等情報が十分なものであることその他価格等情報が満たすべき基準に関する事項
- (iv) the adequacy of Prices and Other Data to ensure that the Specified Financial Benchmark will measure the Interest accurately and reliably, and other particulars concerning criteria that should be met by Prices and Other Data;
- 五 評価対象価値を正確かつ確実に評価することとなるために専門家の判断が適切な ものであることその他専門家の判断が満たすべき基準に関する事項
- (v) the appropriateness of Expert Judgment to ensure that the Specified Financial Benchmark will measure the Interest accurately and reliably, and other particulars concerning criteria that should be met by Expert Judgment;
- 六 評価対象価値を正確かつ確実に評価することとなるために価格等情報及び専門家 の判断を使用する際の優先順位(価格等情報を取得できない場合の取扱いを含 む。)に関する事項
- (vi) particulars concerning the data hierarchy applied when using Prices and Other Data and Expert Judgment to ensure that the Specified Financial Benchmark will measure the Interest accurately and reliably (including available measures in the case where Prices and Other Data are unavailable);
- 七 特定金融指標の算出の根拠の公表に関する次に掲げる事項
- (vii) the following particulars concerning the publication of the basis for the calculation of the Specified Financial Benchmark:
  - イ 特定金融指標の算出の根拠を利害関係者が十分に理解するために公表すべき事項(次に掲げる事項を含む。)
  - (a) particulars that should be published to enable Stakeholders to fully understand the basis for the calculation of the Specified Financial Benchmark (including the following particulars):
    - (1) 特定金融指標の算出のために検討される情報の内容
    - 1. details of the data to be considered for the calculation of the Specified Financial Benchmark;
    - (2) 専門家の判断が用いられる程度及び当該専門家の判断の根拠
    - 2. the degree to which Expert Judgment is used and the grounds for the Expert Judgment; and
      - (3) 評価対象価値に係る取引の数量、取引の条件その他の状況

- 3. the volume of and conditions for transactions and other circumstances concerning the Interest; and
- ロ その他特定金融指標の算出の根拠の公表に関する重要な事項
- (b) other important particulars concerning the publication of the basis for the calculation of the Specified Financial Benchmark;
- 八 特定金融指標算出公表方針等の変更の必要性を判断するための評価対象価値の検 証に関する次に掲げる事項
- (viii) the following particulars concerning the verification of the Interest to determine the necessity of a change to the Policy and Methodology for Calculation and Publication of Specified Financial Benchmark:
  - イ 検証の方法及び頻度
  - (a) the method and frequency of the verification;
  - ロ 検証の結果の公表
  - (b) the publication of the result of the verification;
  - ハ 検証の結果に基づく特定金融指標の設計及び特定金融指標算出公表方針等の見 直しに関する事項(当該見直しの概要の公表を含む。)
  - (c) particulars concerning the review of the design of the Specified Financial Benchmark and of the Policy and Methodology for Calculation and Publication of Specified Financial Benchmark based on the result of the verification (including the publication of an outline of the review); and
  - ニ その他評価対象価値の検証に関する重要な事項
  - (d) other important particulars concerning the verification of the Interest;
- 九 特定金融指標算出業務に係る利益相反の防止に関する次に掲げる事項
- (ix) the following particulars concerning the prevention of a conflict of interest regarding the Specified Financial Benchmark Administration Services:
  - イ 特定金融指標算出業務のうち利益相反又はそのおそれのある事項を適切な方法 により特定し、当該利益相反又はそのおそれのある事項が特定金融指標算出業務 の適正な遂行を害しないことを確保するための措置(次に掲げる措置を含む。)
  - (a) measures to identify, by an appropriate means, any particulars of the Specified Financial Benchmark Administration Services that cause or are likely to cause a conflict of interest, and ensure that those particulars that cause or are likely to a cause a conflict of interest will not interfere with the proper implementation of the Specified Financial Benchmark Administration Services (including the following measures):
    - (1) 重大な利益相反を公表するための措置
    - 1. measures to publish a material conflict of interest;
      - (2) 特定金融指標算出者と人的関係又は業務上の関係を有する者によって特定金融指標算出業務の適正な遂行が害されないことを確保するための措置
    - 2. measures to ensure that the proper implementation of the Specified Financial Benchmark Administration Services will not be interfered with by any person who has a personal or business relationship with

the Specified Financial Benchmark Administrator;

- (3) 利益相反の発生及び隠蔽を防止するための体制整備に関する措置
- 3. measures concerning the development of a system for preventing the occurrence or concealment of a conflict of interest;
  - (4) 特定金融指標算出業務について、正当な権限を有する役職員による適切 な監督を行うための措置
- 4. measures to enable duly authorized officers and employees to conduct appropriate supervision with regard to the Specified Financial Benchmark Administration Services;
  - (5) 特定金融指標算出業務に係る情報を適切に開示するための措置
- 5. measures to appropriately disclose concerning the Specified Financial Benchmark Administration Services;
  - (6) 利益相反のおそれのある業務に従事している役職員と他の役職員との間 の情報の交換を統制するための措置
- 6. measures to control the exchange of information between officers and employees engaged in the operations that are likely to cause a conflict of interest and other officers and employees;
  - (7) 特定金融指標算出者の役職員が特定金融指標の水準に応じて直接又は間接に報酬等(報酬、賞与その他の職務遂行の対価として特定金融指標算出者から受ける財産上の利益をいう。)を与えられることがないこととするための措置
- 7. measures to prevent officers and employees of the Specified Financial Benchmark Administrator from receiving remuneration, etc. (meaning economic benefits to be received from the Specified Financial Benchmark Administrator as compensation for the performance of duties such as remuneration and bonuses) directly or indirectly according to the level of the Specified Financial Benchmark; and
  - (8) 特定金融指標算出業務と、特定金融指標算出者が行う他の業務又は特定金融指標算出者の関係会社が行う業務との間に存在する利益相反を回避し、 軽減し、又は開示するための措置
- 8. measures to avoid, mitigate or disclose a conflict of interest that exists between the Specified Financial Benchmark Administration Services and other services carried out by the Specified Financial Benchmark Administrator or services carried out by an associated company of the Specified Financial Benchmark Administrator; and
- ロ その他特定金融指標算出業務に係る利益相反の防止に関する重要な事項
- (b) other important particulars concerning the prevention of a conflict of interest regarding the Specified Financial Benchmark Administration Services;
- 十 特定金融指標算出業務が適正に遂行されることを確保するための内部監督に係る 部門(以下「内部監督部門」という。)に関する次に掲げる事項

- (x) the following particulars concerning the section engaged in internal oversight (hereinafter referred to as the "Internal Oversight Section") to ensure that the Specified Financial Benchmark Administration Services will be executed properly:
  - イ 内部監督部門の職務(次に掲げる職務を含む。)
  - (a) duties of the Internal Oversight Section (including the following duties):
    - (1) 特定金融指標算出公表方針等の定期的な見直し
    - 1. periodical review of the Policy and Methodology for Calculation and Publication of Specified Financial Benchmark;
      - (2) 特定金融指標に係るリスクに関する情報の継続的な入手及び管理
    - 2. continuous acquisition and management of information concerning risks concerning the Specified Financial Benchmark;
      - (3) 特定金融指標算出業務に係る苦情及び内部通報の処理
    - 3. processing of complaints and internal reports concerning the Specified Financial Benchmark Administration Services;
      - (4) 特定金融指標算出公表方針等の変更の監督
    - 4. supervision of changes to the Policy and Methodology for Calculation and Publication of Specified Financial Benchmark;
      - (5) 第三者に対する特定金融指標算出業務の監査の委託
    - 5. entrustment of supervision of the Specified Financial Benchmark Administration Services to a third party;
      - (6) 特定金融指標算出業務に関する規程の策定及び変更の監督
    - 6. supervision of the establishment and amendment of rules concerning the Specified Financial Benchmark Administration Services;
      - (7) 特定金融指標算出業務の休止及び廃止の手続の監督
    - 7. supervision of procedures for suspension and discontinuation of the Specified Financial Benchmark Administration Services;
      - (8) 監査の結果の確認及びこれを踏まえた改善の実施の監督
    - 8. confirmation of the results of audit and supervision of the implementation of improvement measures based on the results;
      - (9) 専門家の判断の監督
    - 9. supervision of Expert Judgment; and
      - (10) 特定金融指標が算出基礎情報を基礎として算出されるものである場合 には、次に掲げる職務
    - 10. if the Specified Financial Benchmark is to be calculated on the basis of the Basic Data for Calculation, the following duties:
      - (i) 情報提供者による算出基礎情報の提供の監督
      - i. supervision of submission of Basic Data for Calculation by the Submitter;
        - (ii) 情報提供者による行動規範の遵守状況の監督及び行動規範の違反への対応

- ii. supervision of the compliance of the Submitter with the Code of Conduct and action to be taken against its breach of the Code of Conduct; and
  - (i i i ) 法第三十八条第七号若しくは法第六十六条の十四第一号ハに該当する行為又はそのおそれのある行為がなされた場合における金融庁長官への報告
- iii. reporting to the Commissioner of the Financial Services Agency in cases where any act that falls or is likely to fall under Article 38, item (vii) of the Act or Article 66-14, item (i), sub-item (c) of the Act is committed;
- ロ 内部監督部門の独立性を確保し、かつ、利益相反を適切に防止することができるようにするための構成員の選任及び解任の基準及び手続
- (b) criteria and procedures for appointment and dismissal of members of the Internal Oversight Section to enable the section to ensure its independence and prevent a conflict of interest appropriately; and
- ハ その他内部監督部門に関する重要な事項
- (c) other important particulars concerning the Internal Oversight Section;
- 十一 特定金融指標算出業務の適正な遂行を確保するための体制の整備に関する次に 掲げる事項
- (xi) the following particulars concerning the development of a system for ensuring the proper implementation of the Specified Financial Benchmark Administration Services:
  - イ 役職員の職務の執行が法令等(法令、法令に基づく行政官庁の処分又は定款若 しくは業務規程その他の規則をいう。第十五号において同じ。)に適合すること を確保するための体制(役職員に対する研修に係る体制を含む。)
  - (a) a system for ensuring that the performance of duties by officers and employees will comply with laws and regulations, etc. (meaning laws and regulations, dispositions of a government agency given under laws and regulations, the articles of incorporation, the operational rules, or any other rules; the same applies in item (xv)) (including a system concerning training of officers and employees); and
  - ロ 価格等情報の適正な取得、管理及び利用を確保するための体制
  - (b) a system for ensuring proper acquisition, management and use of Prices and Other Data;
- 十二 特定金融指標に対する不正な操作又は不正な行為を早期に発見するために整備する特定金融指標算出者の役職員、特定金融指標算出者から特定金融指標算出業務の委託を受けた者(以下「業務受託者」という。)及び情報提供者その他特定金融指標の関係者からの通報を受け付けるための体制に関する事項
- (xii) particulars concerning a system for receiving reports from offices and employees of the Specified Financial Benchmark Administrator, a person undertaking the Specified Financial Benchmark Administration Services

entrusted by the Specified Financial Benchmark Administrator (hereinafter referred to as the "Calculation Agent"), the Submitter, and other interested parties of the Specified Financial Benchmark, which is to be developed for the early detection of wrongful manipulation or wrongful acts in relation to the Specified Financial Benchmark;

- 十三 特定金融指標算出者に対する苦情の処理に係る方針及び方法(次に掲げる事項 を含む。)
- (xiii) a policy and method for processing complaints concerning the Specified Financial Benchmark Administrator (including the following particulars):
  - イ 苦情を申し出ようとする者が利用することができる手続及び方法に関する事項 (苦情を申し出ようとする者の利便性の向上のための措置に関する事項を含 む。)
  - (a) particulars concerning a procedure and method available to prospective complainants (including particulars concerning measures to increase convenience for prospective complainants);
  - ロ 苦情の処理が特定金融指標算出業務から独立した立場にある者により適切かつ 迅速に行われることを確保するための措置
  - (b) measures to ensure that complaints will be processed appropriately and promptly by a party independent from the Specified Financial Benchmark Administration Services;
  - ハ 苦情の申出をした者に対する苦情の処理の結果の通知
  - (c) giving notice of the results of processing of complaints to the complainants; and
  - ニ 苦情に関する記録の保存
  - (d) maintaining records concerning complaints;
- 十四 特定金融指標算出業務に関して知り得た情報の管理及び秘密の保持を適切に行うための措置に関する事項
- (xiv) particulars concerning measures to appropriately manage information that the Specified Financial Benchmark Administrator has learned in connection with the Specified Financial Benchmark Administration Services, and to maintain confidentiality of the information;
- 十五 法令等に基づく行政官庁に対する報告、通知、書類の提出その他の事務を適切 かつ迅速に遂行するための体制の整備に関する事項
- (xv) particulars concerning the development of a system for appropriately and promptly making reports, notices, submission of documents, and other affairs in relation to a government agency based on laws and regulations, etc.;
- 十六 行動規範に関する次に掲げる事項
- (xvi) the following particulars concerning the Code of Conduct:
  - イ 行動規範に規定する事項(次に掲げる事項を含む。)
  - (a) particulars prescribed in the Code of Conduct (including the following particulars):

- (1) 算出基礎情報の提供に係る職務を担当する者に関する次に掲げる事項
- 1. the following particulars concerning the persons in charge of duties engaged in the submission of Basic Data for Calculation:
  - (i) 当該者が満たすべき基準
  - i. criteria that should be met by those persons; and
    - (ii) 当該者のうち主要な職務を担当する者の役割及び責任
  - ii. the role and responsibility of the persons who are in charge of the major duties among those persons referred to above;
  - (2) 情報提供者が算出基礎情報の提供を休止又は廃止することを防止するための措置
- 2. measures to prevent the Submitter from suspending or discontinuing the provision of Basic Data for Calculation;
  - (3) 情報提供者に対し、特定金融指標に関する全ての情報を提供することを 促すための措置
- 3. measures to encourage the Submitter to submit all data concerning the Specified Financial Benchmark; and
  - (4) 算出基礎情報を適正に提供することを確保するための情報提供者の体制 の整備に関する次に掲げる事項
- 4. the following particulars concerning the development of a system of the Submitter to ensure the proper submission of Basic Data for Calculation:
  - (i) 業務規程の内容に適合した算出基礎情報を提供するための手続
  - i. a procedure for submission of Basic Data for Calculation that conforms to the content of the operational rules;
    - (ii) 算出基礎情報の正確性を検証するための手続
  - ii. a procedure for verifying the accuracy of Basic Data for Calculation;
    - (i i i) 専門家の判断の管理及び利用の方法
  - iii. methods for management and use of Expert Judgment;
    - (i v) 情報提供者の役職員に対する研修
  - iv. training of officers and employees of the Submitter;
    - (v) 算出基礎情報の正確性に疑義が生じた場合その他の算出基礎情報に係る問題が生じた場合における特定金融指標算出者に対する報告
  - v. reporting to the Specified Financial Benchmark Administrator in cases where a problem occurs with Basic Data for Calculation, such as where a doubt arises as to the accuracy of Basic Data for Calculation;
    - (vi) 特定金融指標に対する不正な操作又は不正な行為を早期に発見する ために整備する、特定金融指標の関係者からの通報を受け付けるための体 制
  - vi. a system for receiving reports from interested parties of the Specified Financial Benchmark, which is to be developed for the early detection of wrongful manipulation or wrongful acts in relation to

## the Specified Financial Benchmark;

- (vii) 算出基礎情報の提供に係る利益相反の管理
- vii. control of a conflict of interest regarding the provision of Basic Data for Calculation;
  - (viii) 算出基礎情報に関する情報の交換を統制するための措置
- viii. measures to control the exchange of Data concerning Basic Data for Calculation; and
  - (ix) 算出基礎情報の提供に係る業務に関する記録の保存
- ix. maintaining records concerning the operations regarding the provision of Basic Data for Calculation;
- ロ 行動規範に係る契約の情報提供者との間の締結の手続に関する事項
- (b) particulars concerning a procedure for executing a contract on the Code of Conduct with the Submitter; and
- ハ その他行動規範に関する重要な事項
- (c) other important particulars concerning the Code of Conduct;
- 十七 特定金融指標算出業務の委託に関する次に掲げる事項
- (xvii) the following particulars concerning the entrustment of the Specified Financial Benchmark Administration Services:
  - イ 業務受託者の役割及び義務並びに業務受託者が遵守すべき事項
  - (a) the role and obligation of the Calculation Agent and the rules to be observed by the Calculation Agent;
  - ロ 委託に係る業務の特定金融指標算出者による監督
  - (b) supervision of the entrusted services by the Specified Financial Benchmark Administrator;
  - ハ 次に掲げる事項の公表
  - (c) publication of the following information:
    - (1) 業務受託者の商号、名称又は氏名
    - 1. the trade name or name of the Calculation Agent; and
      - (2) 業務受託者の役割
    - 2. the role of the Calculation Agent;
  - 二 特定金融指標算出業務の委託が不可能又は困難となる事態が生じた場合に特定 金融指標算出者がとるべき措置
  - (d) measures that should be taken by the Specified Financial Benchmark Administrator if any event occurs that makes it impossible or difficult to entrust the Specified Financial Benchmark Administration Services; and
  - ホ その他特定金融指標算出業務の委託に関する重要な事項
  - (e) other important particulars concerning entrustment of the Specified Financial Benchmark Administration Services;
- 十八 特定金融指標算出業務に係る外部監査に関する次に掲げる事項
- (xviii) the following particulars concerning an external audit on the Specified Financial Benchmark Administration Services:

- イ 外部監査の方法及び内容
- (a) method and content of external audit;
- ロ 外部監査の頻度
- (b) frequency of external audit;
- ハ 外部監査を行う者の独立性を確保するための措置
- (c) measures to ensure the independence of external auditors; and
- ニ その他特定金融指標算出業務に係る外部監査に関する重要な事項
- (d) other important particulars concerning external audit on the Specified Financial Benchmark Administration Services;
- 十九 業務規程(特定金融指標算出公表方針等及び行動規範を含む。)の公表に関する事項
- (xix) particulars concerning the publication of the operational rules (including the Policy and Methodology for Calculation and Publication of Specified Financial Benchmark and the Code of Conduct);
- 二十 特定金融指標算出業務の適正な継続が困難となる場合における措置に関する次に掲げる事項
- (xx) the following particulars concerning measures to be taken in the case where it becomes difficult to properly continue the Specified Financial Benchmark Administration Services:
  - イ 特定金融指標算出業務の休止又は廃止に関する方針及び手続
  - (a) a policy and procedure concerning the suspension or discontinuation of the Specified Financial Benchmark Administration Services;
  - ロ 特定金融指標算出業務を休止し又は廃止する場合にあらかじめその旨を公表することその他利害関係者が適切な措置をとることを可能とするための措置
  - (b) publication in advance of the suspension or discontinuation of the Specified Financial Benchmark Administration Services and other measures to enable Stakeholders to take appropriate measures if the Specified Financial Benchmark Administration Services are to be suspended or discontinued;
  - ハ 特定金融指標に重要な変更が必要となる可能性を利害関係者が認識するための 措置
  - (c) measures to enable Stakeholders to recognize the possibility that an important change will be needed to be made to the Specified Financial Benchmark;
  - ニ 特定金融指標の代替となる金融指標の算出及び公表に関する方針及び手続
  - (d) a policy and procedure concerning the calculation and publication of a Financial Benchmark that is to be an alternative to the Specified Financial Benchmark; and
  - ホ その他特定金融指標算出業務の適正な継続が困難となる場合における措置に関する重要な事項
  - (e) other important particulars concerning measures to be taken in the case

where it becomes difficult to properly continue the Specified Financial Benchmark Administration Services.

- 2 前項第九号イ(8)の「関係会社」とは、次に掲げる者をいう。
- (2) The "associated company" referred to in item (ix), sub-item (a), 8. of the preceding paragraph means the following:
  - 一 特定金融指標算出者の親会社(財務諸表等の用語、様式及び作成方法に関する規則(昭和三十八年大蔵省令第五十九号。以下「財務諸表等規則」という。)第八条第三項の規定により当該特定金融指標算出者の親会社とされる者をいう。第四号及び第五号において同じ。)
  - (i) the parent company of the Specified Financial Benchmark Administrator (meaning the party that is to be deemed to be the parent company of the Specified Financial Benchmark Administrator pursuant to the provisions of Article 8, paragraph (3) of the Regulation on the Terminology, Forms, and Preparation Methods of Financial Statements, etc. (Ministry of Finance Order No. 59 of 1963; hereinafter referred to as the "Regulation on Financial Statements"); the same applies in items (iv) and (v));
  - 二 特定金融指標算出者の子会社(財務諸表等規則第八条第三項及び第七項の規定に より当該特定金融指標算出者の子会社とされる者をいう。)
  - (ii) a subsidiary company of the Specified Financial Benchmark Administrator (meaning a company that is to be deemed to be a subsidiary company of the Specified Financial Benchmark Administrator pursuant to the provisions of Article 8, paragraphs (3) and (7) of the Regulation on Financial Statements);
  - 三 特定金融指標算出者の関連会社(財務諸表等規則第八条第五項の規定により当該 特定金融指標算出者の関連会社とされる者をいう。)
  - (iii) an affiliated company of the Specified Financial Benchmark Administrator (meaning a company that is to be deemed to be an affiliated company of the Specified Financial Benchmark Administrator pursuant to the provisions of Article 8, paragraph (5) of the Regulation on Financial Statements);
  - 四 特定金融指標算出者の親会社の子会社(財務諸表等規則第八条第三項及び第七項 の規定により当該親会社の子会社とされる者(当該特定金融指標算出者及び前二号 に掲げる者を除く。)をいう。)
  - (iv) a subsidiary company of the parent company of the Specified Financial Benchmark Administrator (meaning a company that is to be deemed to be a subsidiary company of the parent company pursuant to the provisions of Article 8, paragraphs (3) and (7) of the Regulation on Financial Statements (excluding the Specified Financial Benchmark Administrator and the company set forth in the preceding two items)); and
  - 五 特定金融指標算出者の親会社の関連会社(財務諸表等規則第八条第五項の規定により当該親会社の関連会社とされる者(第三号に掲げる者を除く。)をいう。)
  - (v) an affiliated company of the parent company of the Specified Financial Benchmark Administrator (meaning a company that is to be deemed to be an

affiliated company of the parent company pursuant to the provisions of Article 8, paragraph (5) of the Regulation on Financial Statements (excluding the party set forth in item (iii))).

#### (業務規程の認可の基準)

(Criteria for Authorization of Operational Rules)

- 第十条 金融庁長官は、法第百五十六条の八十七第一項又は第三項の規定に基づく認可の申請があった場合においては、その申請が次に掲げる基準に適合するかどうかを審査するものとする。
- Article 10 Where an application is filed for authorization under the provisions of Article 156-87, paragraph (1) or paragraph (3) of the Act, the Commissioner of the Financial Services Agency is to examine whether or not the application conforms to the following criteria:
  - 一 業務規程が法令に適合していること。
  - (i) the operational rules comply with laws and regulations; and
  - 二 特定金融指標算出業務を遂行するための体制に照らして業務規程に基づいて特定 金融指標算出業務の適正な遂行を確保することができると認められること。
  - (ii) it is found that the Specified Financial Benchmark Administrator will be able to ensure the proper implementation of the Specified Financial Benchmark Administration Services based on the operational rules, in light of the system for implementing the Specified Financial Benchmark Administration Services.

(特定金融指標算出業務の休廃止の届出)

(Notification of Suspension or Discontinuation of Specified Financial Benchmark Administration Services)

- 第十一条 特定金融指標算出者は、法第百五十六条の八十八の規定により特定金融指標 算出業務の休止又は廃止の届出をしようとするときは、休止又は廃止をしようとする 日の六月前までに、次に掲げる事項を記載した書面を金融庁長官に届け出るものとす る。ただし、災害その他やむを得ない理由がある場合において金融庁長官の承認を受 けたときは、この期間を短縮することができる。
- Article 11 Where a Specified Financial Benchmark Administrator intends to make notification of suspension or discontinuation of the Specified Financial Benchmark Administration Services pursuant to the provisions of Article 156-88 of the Act, the Specified Financial Benchmark Administrator is to submit to the Commissioner of the Financial Services Agency a document containing the following information no later than six months prior to the scheduled date of suspension or discontinuation; provided, however, that this period may be shortened in the case where it is impossible due to a disaster or for any other compelling reasons and the Specified Financial Benchmark Administrator obtains approval of the Commissioner of the Financial Services Agency:

- 一 休止又は廃止をしようとする特定金融指標算出業務の内容
- (i) the content of the Specified Financial Benchmark Administration Services to be suspended or discontinued;
- 二 休止又は廃止をしようとする年月日
- (ii) the scheduled date of suspension or discontinuation;
- 三 休止をしようとする場合にあっては、その期間
- (iii) in the case of suspension, the period thereof; and
- 四 休止又は廃止をしようとする理由
- (iv) the reasons for suspension or discontinuation.

### (業務移転の勧告)

(Recommendation of Transfer of Services)

- 第十二条 法第百五十六条の九十一に規定する内閣府令で定めるときは、次に掲げると きとする。
- Article 12 The cases specified by Cabinet Office Order prescribed in Article 156-91 of the Act are to be the following cases:
  - 一 特定金融指標算出者が特定金融指標算出業務の休止又は廃止をしようとするとき。
  - (i) if the Specified Financial Benchmark Administrator intends to suspend or discontinue the Specified Financial Benchmark Administration Services;
  - 二 法第百五十六条の九十第二項の規定によりその業務の全部又は一部の停止を命ず るとき。
  - (ii) if the Prime Minister orders the Specified Financial Benchmark Administrator to suspends all or part of the Specified Financial Benchmark Administration Services pursuant to the provisions of Article 156-90, paragraph (2) of the Act;
  - 三 弁済期にある債務の弁済が特定金融指標算出業務の継続に著しい支障を来すこと となる事態又は破産手続開始の原因となる事実が生ずるおそれがあると認められる とき。
  - (iii) if it is found to be likely for circumstances to occur in which the payment of a debt that is due and payable substantially compromises the continuation of the Specified Financial Benchmark Administration Services, or for a fact to arise that causes the commencement of bankruptcy proceedings; or
  - 四 特定金融指標算出者が天災、情報提供者による算出基礎情報の提供の停止その他の事由により特定金融指標算出業務の全部又は一部を実施することが困難となったとき。
  - (iv) if it becomes difficult for the Specified Financial Benchmark Administrator to implement all or part of the Specified Financial Benchmark Administration Services due to a natural disaster, suspension of submission of Basic Data for Calculation by the Submitter, or any other grounds.

#### (記録の保存)

## (Maintaining Records)

- 第十三条 特定金融指標算出者は、法第百八十八条の規定に基づき、次の各号に掲げる 特定金融指標算出業務に関する記録を、それぞれ当該各号の区分に応じ、当該各号に 定める日から五年間保存しなければならない。
- Article 13 A Specified Financial Benchmark Administrator must maintain the following records concerning the Specified Financial Benchmark Administration Services for five years from the day specified in each of the respective items according to the categories set forth in the respective items, pursuant to the provisions of Article 188 of the Act:
  - 一価格等情報 当該価格等情報に係る特定金融指標の公表を行った日(当該日が二 以上あるときは、それらの最後の日)
  - (i) records concerning Prices and Other Data: the date of publication of the Specified Financial Benchmark to which the Prices and Other Data pertains (if there are two or more dates of publication, the latest date);
  - 二 専門家の判断 当該専門家の判断に係る特定金融指標の公表を行った日(当該日 が二以上あるときは、それらの最後の日)
  - (ii) records concerning use of Expert Judgment: the date of publication of the Specified Financial Benchmark for which the Expert Judgment is used (if there are two or more dates of publication, the latest date);
  - 三 特定金融指標算出業務に関与した者の氏名又は名称及び住所又は居所 当該特定 金融指標算出業務に係る特定金融指標の公表を行った日(当該日が二以上あるとき は、それらの最後の日)
  - (iii) records concerning the names and addresses or residences of the persons engaged in the Specified Financial Benchmark Administration Services: the date of publication of the Specified Financial Benchmark to which the Specified Financial Benchmark Administration Services pertain (if there are two or more dates of publication, the latest date);
  - 四 業務規程の変更に係る記録 当該変更の実施の日
  - (iv) records concerning a change to the operational rules: the date of implementation of the change;
  - 五 特定金融指標算出公表方針等から逸脱してなされた特定金融指標算出業務に関する記録 当該特定金融指標算出業務を行った日
  - (v) records concerning the Specified Financial Benchmark Administration Services implemented not in conformity with the Policy and Methodology for Calculation and Publication of Specified Financial Benchmark: the date of implementation of the Specified Financial Benchmark Administration Services; and
  - 六 価格等情報に関して受けた照会及びこれに対する回答 当該回答を行った日
  - (vi) records concerning inquiries received and responses made in relation to Prices and Other Data: the date of the response.