

保険業法第百三十二条第二項に規定する区分等を定める命令

Order Providing for Categories Prescribed in Article 132, Paragraph (2) of the Insurance Business Act

(平成十二年六月二十九日総理府・大蔵省令第四十五号)

(Prime Minister's Office Order/Ministry of Finance Order No. 45 of June 29, 2000)

中央省庁等改革関係法施行法（平成十一年法律第百六十号）の一部の施行に伴い、並びに保険業法（平成七年法律第百五号）第百二十七条第七号、第百三十二条第二項、第二百四条第二項、第二百三十条第二項及び第三百十一条の三第二項の規定に基づき、保険業法第百三十二条第二項に規定する区分等を定める命令を次のように定める。

Along with the Act for Enforcement of Laws Related to Central Government Reform (Act No. 160 of 1999) partially coming into effect, and pursuant to the provisions of Article 127, item (vii), Article 132, paragraph (2), Article 204, paragraph (2), Article 230, paragraph (2), and Article 311-3, paragraph (2) of the Insurance Business Act (Act No. 105 of 1995), an Order Providing for Categories Prescribed in Article 132, Paragraph (2) of the Insurance Business Act is hereby established as follows.

(届出事項)

(Particulars Requiring Notice)

第一条 保険業法（以下「法」という。）第百二十七条第一項第八号に規定する内閣府令・財務省令で定める場合は、次に掲げる場合とする。

Article 1 The cases specified by Cabinet Office Order/Ministry of Finance Order as prescribed in Article 127, paragraph (1), item (viii) of the Insurance Business Act (hereinafter referred to as the "Act") are the following cases:

一 破産手続開始の決定を受け、破産手続開始の決定に対して抗告をし、又は抗告に対して裁判所の決定を受けた場合

(i) if an order of commencement of bankruptcy proceedings is rendered, an appeal is filed against an order of commencement of bankruptcy proceedings, or a ruling against an appeal is rendered by a court;

二 再生手続開始の申立てをし、再生計画認可の決定が確定し、又は再生計画がその効力を失った場合

(ii) if a petition for commencement of rehabilitation proceedings is filed, an order of confirmation of a rehabilitation plan becomes final and binding, or a rehabilitation plan becomes invalid; or

三 更生手続開始の申立てをし、更生計画認可の決定が確定し、又は更生計画がその効力を失った場合

(iii) if a petition for reorganization proceedings is filed, an order of confirmation of a reorganization plan becomes final and binding, or a reorganization plan becomes invalid.

(保険会社の保険金等の支払能力の充実の状況に係る区分に応じた命令)

(Order According to Category Corresponding to an Insurance Company's Level of Solvency in Terms of its Ability to Pay for Insurance Proceeds)

第二条 法第百三十二条第二項の保険会社（法第二条第二項に規定する保険会社をいう。以下同じ。）の保険金等の支払能力の充実の状況に係る区分に応じ内閣府令・財務省令で定める命令は、次条に定める場合を除き、次の表のとおりとする。

Article 2 (1) The order specified by Cabinet Office Order/Ministry of Finance Order for the category corresponding to the level of solvency of an insurance company (meaning the insurance company prescribed in Article 2, paragraph (2) of the Act; the same applies hereinafter) in terms of its ability to pay insurance proceeds, etc. as referred to in Article 132, paragraph (2) of the Act is as set forth in the following table, except for the cases specified in the following Article.

保険金等の支払能力の充実の状況に係る区分 Category corresponding to the level of solvency interm of the ability to pay insurance proceeds, etc.		命令 Order
非対象区分 Exception from category	保険金等の支払能力の充実の状況を示す比率 Ratio indicating the level of solvency interm of the ability to pay insurance proceeds, etc. 二〇〇パーセント以上 200% or more	
第一区分 Category 1	保険金等の支払能力の充実の状況を示す比率 Ratio indicating the level of solvency interm of the ability to pay insurance proceeds, etc. 一〇〇パーセント以上二〇〇パーセント未満 100% or more and less than 200%	経営の健全性を確保するための合理的と認められる改善計画の提出の求め及びその実行の命令 A request to submit an improvement plan deemed reasonable to secure sound management, and an order for its implementation

<p>第二区分 Category 2</p>	<p>保険金等の支払能力の充実の状況を示す比率 Ratio indicating the level of solvency interm of the ability to pay insurance proceeds, etc.</p> <p>〇パーセント以上一〇〇パーセント未満 0% or more and less than 100%</p>	<p>次の各号に掲げる保険金等の支払能力の充実に資する措置に係る命令 An order pertaining to any of the following measures which contribute to the level of solvency interm of the ability to pay insurance proceeds, etc.</p> <p>一 保険金等の支払能力の充実に係る合理的と認められる計画の提出及びその実行 (i) submission of a plan deemed reasonable for the of solvency insurance proceeds, etc. and its implementation</p> <p>二 配当の禁止又はその額の抑制 (ii) prohibition from distributing dividends or reduction of the amount thereof</p> <p>三 契約者配当又は社員に対する剰余金の分配の禁止又はその額の抑制 (iii) prohibition from distributing policy dividends or dividends of surplus to members, or reduction of the amount thereof</p>
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		<p>四 新規に締結しようとする保険契約に係る保険料の計算の方法（その計算の基礎となる係数を要する場合においては、その係数を含む。）の変更 (iv) change of the method for calculation of insurance premiums (when the method requires a coefficient as the basis of the calculation, the coefficient is included) for a new insurance contract to be concluded</p> <p>五 役員賞与の禁止又はその額の抑制その他の事業費の抑制 (v) prohibition from providing bonuses to directors or reduction of the amount thereof or of other operating expenses</p> <p>六 一部の方法による資産の運用の禁止又はその額の抑制 (vi) prohibition from investment of assets by some methods or reduction of the amount thereof</p> <p>七 一部の営業所又は事務所における業務の縮小 (vii) reduction of operations at some business offices or offices</p> <p>八 本店又は主たる事務所を除く一部の営業所又は事務所の廃止 (viii) closure of some business offices or offices, excluding the head office or principal office</p>
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		<p>九 子会社等の業務の縮小 (ix) reduction of operations of the subsidiary company, etc.</p> <p>十 子会社等の株式又は持分の処分 (x) disposal of shares or equity interests in the subsidiary company, etc.</p> <p>十一 法第九十八条第一項各号に掲げる業務その他の法第九十七条の規定により行う業務に付随する業務、法第九十九条の規定により行う業務又は他の法律により行う業務の縮小又は新規の取扱いの禁止 (xi) reduction of the operations set forth in the items of Article 98, paragraph (1) of the Act and other operations incidental to operations carried out pursuant to the provisions of Article 97 of the Act, operations carried out pursuant to the provisions of Article 99 of the Act, or operations carried out pursuant to other laws, or prohibition from handling new business</p> <p>十二 その他金融庁長官が必要と認める措置 (xii) other measures deemed necessary by the Commissioner of the Financial Services Agency</p>
第三区分 Category 3	<p>保険金等の支払能力の充実の状況を示す比率 Ratio indicating the level of solvency interm of the ability to pay insurance proceeds, etc.</p>	<p>期限を付した業務の全部又は一部の停止の命令 An order to suspend all or part of the operations for a limited term</p>

	○パーセント未満 Less than 0%	
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2 前項の表中「保険金等の支払能力の充実の状況を示す比率」とは、法第百三十条の保険会社又は保険会社及びその子会社等に係る同条各号に掲げる額を用いて定めた保険金等の支払能力の充実の状況が適当であるかどうかの基準に係る算式により得られる比率をいう。

(2) The phrase "ratio indicating the level of solvency in terms of the ability to pay insurance proceeds, etc." as used in the table under the preceding paragraph means the ratio derived from the formula pertaining to the criteria regarding the appropriateness of the level of solvency in terms of the ability to pay insurance proceeds, etc. established using the amounts set forth in the items of Article 130 of the Act that pertain to an insurance company or to an insurance company and its subsidiary company, etc. as referred to in that Article.

3 第一項の表中「契約者配当」とは、法第百十四条第一項に規定する契約者配当をいう。

(3) The term "policy dividend" as used in the table under paragraph (1) means the policy dividend prescribed in Article 114, paragraph (1) of the Act.

4 第一項の表中「子会社等」とは、法第百十条第二項に規定する子会社等をいう。

(4) The term "subsidiary company, etc." as used in the table under paragraph (1) means the subsidiary company, etc. prescribed in Article 110, paragraph (2) of the Act.

第三条 保険会社が、その保険金等の支払能力の充実の状況を示す比率（前条第二項に規定する保険金等の支払能力の充実の状況を示す比率をいう。以下この条において同じ。）が当該保険会社が従前に該当していた前条第一項の表の区分に係る保険金等の支払能力の充実の状況を示す比率の範囲を超えて低下したことを知った後、速やかに、その保険金等の支払能力の充実の状況を示す比率を当該保険会社が該当する同表の区分に係る保険金等の支払能力の充実の状況を示す比率の範囲を超えて確実に改善するための合理的と認められる計画を金融庁長官に提出した場合には、当該保険会社について、当該区分に応じた命令は、当該保険会社の保険金等の支払能力の充実の状況を示す比率以上で当該計画の実施後に見込まれる当該保険会社の保険金等の支払能力の充実の状況を示す比率以下の保険金等の支払能力の充実の状況を示す比率に係る同表の区分（非対象区分を除く。）に掲げる命令とする。ただし、当該計画が合理的でないことが明らかになった場合には、当該保険会社について、当該保険会社が該当する同表の区分に係る命令は、同項のとおりとする。

Article 3 (1) If an insurance company learns that the ratio indicating the level of its solvency in terms of its ability to pay insurance proceeds, etc. (meaning the ratio indicating the level of solvency in terms of the ability to pay insurance proceeds, etc. prescribed in paragraph (2) of the preceding Article; hereinafter the same applies in this Article) falls below the range of the ratio indicating

the level of solvency in terms of the ability to pay insurance proceeds, etc. that corresponds to the category referred to in the table under paragraph (1) of the preceding Article to which the insurance company used to belong, and promptly after that, submits to the Commissioner of the Financial Services Agency a plan deemed reasonable to improve the ratio indicating the level of its solvency in terms of its ability to pay insurance proceeds, etc. with certainty to exceed the range of the ratio indicating the level of solvency in terms of the ability to pay insurance proceeds, etc. that corresponds to the category to which the insurance company belongs, with regard to the insurance company, the order according to the relevant category is to be an order set forth for the category (except for exception from the category) in that table corresponding to the ratio indicating the level of solvency in terms of the ability to pay insurance proceeds, etc. which is not less than the ratio indicating the level of solvency in terms of the insurance company's ability to pay insurance proceeds, etc. and not more than the ratio indicating the level of its solvency in terms of its ability to pay insurance proceeds, etc. to be expected after the implementation of the plan; provided, however, that if it becomes clear that the plan is not reasonable, with regard to the insurance company, an order according to the category in the table to which the insurance company belongs is to be as prescribed in that paragraph.

- 2 前条第一項の表の第三区分に該当する保険会社の貸借対照表の資産の部に計上されるべき金額（次の各号に掲げる資産については、当該各号に定める価額とする。次項において同じ。）の合計額（その他有価証券（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。以下この項において「財務諸表等規則」という。）第八条第二十二項に規定するその他有価証券をいう。以下この項において同じ。）に属する資産の貸借対照表計上額と帳簿価額の差額に係る繰延税金資産（税効果会計の適用により資産として計算されるものをいう。以下この項において同じ。）に相当する額を控除した額とする。次項において同じ。）又は連結貸借対照表の資産の部に計上されるべき金額（次の各号に掲げる資産については、当該各号に定める価額とする。次項において同じ。）の合計額（その他有価証券に属する資産の連結貸借対照表計上額と帳簿価額の差額に係る繰延税金資産に相当する額並びに未認識数理計算上の差異（財務諸表等規則第八条第六十二項に規定する未認識数理計算上の差異をいう。）の額及び未認識過去勤務費用（財務諸表等規則第八条第六十三項に規定する未認識過去勤務費用をいう。）の額の合計額に係る繰延税金資産に相当する額を控除した額とする。次項並びに第七条第二項及び第三項において同じ。）が貸借対照表又は連結貸借対照表の負債の部に計上されるべき金額の合計額を基礎として金融庁長官及び財務大臣が定めるところにより計算した金額を上回る場合又は上回ると見込まれる場合には、当該保険会社について、当該区分に応じた命令は、同表の第二区分に掲げる命令を含むものとする。

- (2) If the total of the amounts to be recorded in the assets section (with regard to assets set forth in the following items, the value specified in the respective

items; the same applies in the following paragraph) of a balance sheet (the amount equivalent to the amount of deferred tax assets (meaning the amount recorded as assets as a result of applying tax effect accounting; hereafter the same applies in this paragraph) regarding any difference between the amount recorded in the balance sheet and the book value regarding assets that fall within the scope of other securities (meaning other securities as prescribed in Article 8, paragraph (22) of the Regulation on the Terminology, Forms, and Preparation Methods of Financial Statements (Ministry of Finance Order No. 59 of 1963; hereinafter referred to as the "Regulation on Financial Statements"); hereinafter the same applies in this paragraph) is deducted; the same applies in the following paragraph) or the total of the amounts to be recorded in the assets section (with regard to assets set forth in the following items, the value specified in the respective items; the same applies in the following paragraph) of a consolidated balance sheet (the amount equivalent to the amount of deferred tax assets regarding any difference between the amount recorded in the consolidated balance sheet and the book value of assets that fall within the scope of other securities as well as the amount equivalent to the amount of deferred tax assets regarding the total of the amount of any unrecognized actuarial gain/loss (meaning the unrecognized actuarial gain/loss prescribed in Article 8, paragraph (62) of the Regulation on Financial Statements) and the amount of unrecognized past service cost (meaning the unrecognized past service cost prescribed in Article 8, paragraph (63) of the Regulation on Financial Statements) are deducted; the same applies in the following paragraph and Article 7, paragraphs (2) and (3)) of an insurance company that belongs to Category 3 in the table under paragraph (1) of the preceding Article exceeds or is expected to exceed the amount calculated as prescribed by the Commissioner of the Financial Services Agency and the Minister of Finance on the basis of the total of the amounts to be recorded in the liabilities section of the balance sheet or consolidated balance sheet, with regard to the insurance company, the order according to the relevant category is to include an order set forth for Category 2 in that table:

一 有価証券 保険金等の支払能力の充実の状況を示す比率の算出を行う日（以下この項において「算出日」という。）の公表されている最終価格に基づき算出した価額又はこれに準ずるものとして合理的な方法により算出した価額

(i) securities: the value calculated based on the closing price which is published on the day on which the ratio indicating the insurance company's level of solvency in terms of its ability to pay insurance proceeds, etc. is to be calculated (hereinafter referred to as the "calculation day" in this paragraph) or the value calculated by a reasonable method equivalent thereto;

二 有形固定資産 算出日の適正な評価価格に基づき算出した価額

(ii) tangible fixed assets: the value calculated based on the fairly appraised

value on the calculation day; and

三 前二号に掲げる資産以外の資産で帳簿価額が算出日において評価した価額と著しく異なるもの 当該評価した価額

(iii) assets other than the assets set forth in the preceding two items with the book value being significantly different from the value appraised on the calculation day: the appraised value.

3 前条第一項の表の第三区分以外の区分に該当する保険会社の貸借対照表の資産の部に計上されるべき金額の合計額又は連結貸借対照表の資産の部に計上されるべき金額の合計額が貸借対照表又は連結貸借対照表の負債の部に計上されるべき金額の合計額を基礎として金融庁長官及び財務大臣が定めるところにより計算した金額を下回る場合又は下回ると見込まれる場合には、当該保険会社について、当該区分に応じた命令は、同表の第三区分に掲げる命令を含むものとする。

(3) If the total of the amounts to be recorded in the assets section of a balance sheet or the total of the amounts to be recorded in the assets section of a consolidated balance sheet of an insurance company that belongs to any category other than Category 3 in the table under paragraph (1) of the preceding Article falls below or is expected to fall below the amount calculated as prescribed by the Commissioner of the Financial Services Agency and the Minister of Finance on the basis of the total of the amounts to be recorded in the liabilities section of the balance sheet or consolidated balance sheet, with regard to the insurance company, the order according to the relevant category is to include an order set forth for Category 3 in that table.

4 保険会社が地震保険に関する法律（昭和四十一年法律第七十三号）第三条第一項（政府の再保険）に規定する再保険契約を政府との間で締結している場合には、当該保険会社について、当該保険会社が該当する前条第一項の表の区分に応じた命令は、同表の非対象区分に掲げる命令とする。

(4) If an insurance company holds a reinsurance contract prescribed in Article 3, paragraph (1) (Reinsurance by the Government) of the Act on Earthquake Insurance (Act No. 73 of 1966) that has been concluded with the government, with regard to the insurance company, the order according to the category in the table under paragraph (1) of the preceding Article to which the insurance company belongs is to include an order set forth for exception from the category in that table.

（外国保険会社等の保険金等の支払能力の充実の状況に係る区分に応じた命令）

(Order According to Category Corresponding to a Foreign Insurance Company's Level of Solvency in Terms of its Ability to Pay Insurance Proceeds)

第四条 法第二百四条第二項の外国保険会社等（法第二条第七項に規定する外国保険会社等をいう。以下この条において同じ。）の保険金等の支払能力の充実の状況に係る区分に応じ内閣府令・財務省令で定める命令は、第五項において準用する前条第一項から第三項までに定める場合を除き、次の表のとおりとする。

Article 4 (1) The order specified by Cabinet Office Order/Ministry of Finance Order for the category corresponding to the level of solvency of a foreign insurance company, etc. (meaning the foreign insurance company, etc. prescribed in Article 2, paragraph (7) of the Act; hereinafter the same applies in this Article) in terms of its ability to pay insurance proceeds, etc. as referred to in Article 204, paragraph (2) of the Act is as set forth in the following table, except for the cases specified in paragraphs (1) to (3) of the preceding Article as applied mutatis mutandis pursuant to paragraph (5).

保険金等の支払能力の充実の状況に係る区分 Category corresponding to the level of solvency interm of the ability to pay insurance proceeds, etc.		命令 Order
非対象区分 Exception from category	保険金等の支払能力の充実の状況を示す比率 Ratio indicating the level of solvency interm of the ability to pay insurance proceeds, etc. 二〇〇パーセント以上 200% or more	
第一区分 Category 1	保険金等の支払能力の充実の状況を示す比率 Ratio indicating the level of solvency interm of the ability to pay insurance proceeds, etc. 一〇〇パーセント以上二〇〇パーセント未満 100% or more and less than 200%	日本における業務の運営の健全性を確保するための合理的と認められる改善計画の提出の求め及びその実行の命令 A request to submit an improvement plan deemed reasonable to secure sound management of operations in Japan, and an order for its implementation

<p>第二区分 Category 2</p>	<p>保険金等の支払能力の充実の状況を示す比率</p> <p>Ratio indicating the level of solvency interm of the ability to pay insurance proceeds, etc.</p> <p>○パーセント以上ー ○○パーセント未満 0% or more and less than 100%</p>	<p>次の各号に掲げる保険金等の支払能力の充実に資する措置に係る命令</p> <p>An order pertaining to any of the following measures which contribute to the level of solvency interm of the ability to pay insurance proceeds, etc.</p> <p>一 保険金等の支払能力の充実に係る合理的と認められる計画の提出及びその実行 (i) submission of a plan deemed reasonable for the level of solvency interm of the ability to pay insurance proceeds, etc. and its implementation</p> <p>二 契約者配当又は社員に対する剰余金の分配の禁止又はその額の抑制 (ii) prohibition from distributing policy dividends or dividends of surplus to members, or reduction of the amount thereof</p> <p>三 日本において新規に締結しようとする保険契約に係る保険料の計算の方法（その計算の基礎となる係数を要する場合においては、その係数を含む。）の変更 (iii) change of the method for calculation of insurance premiums (when the method requires a coefficient as the basis of the calculation, the coefficient is included) for a new insurance contract to be concluded in Japan</p> <p>四 日本における保険業に係る事業費の抑制 (iv) reduction of the amount of operating expenses for the insurance business in Japan</p>
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五 一部の方法による支店等における資産の運用の禁止又はその額の抑制

(v) prohibition from investment of assets at branch offices, etc. by some methods or reduction of the amount thereof

六 一部の支店等における業務の縮小

(vi) reduction of operations at some branch offices, etc.

七 日本における主たる店舗を除く一部の支店等の廃止

(vii) closure of some branch offices, etc., excluding the principal office in Japan

八 法第百九十九条において準用する法第九十八条第一項各号に掲げる業務その他の法第百九十九条において準用する法第九十七条の規定により行う業務に付随する業務、法第百九十九条において準用する法第九十九条の規定により行う業務又は他の法律により行う業務の縮小又は新規の取扱いの禁止

(viii) reduction of the operations set forth in the items of Article 98, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 199 of the Act and other operations incidental to operations carried out pursuant to the provisions of Article 97 of the Act as applied mutatis mutandis pursuant to Article 199 of the Act, operations carried out pursuant to the provisions of Article 99 of the Act as applied mutatis mutandis pursuant to Article 199 of the Act, or operations carried out pursuant to other laws, or prohibition from handling new business

		九 その他金融庁長官が必要と認める措置 (ix) other measures deemed necessary by the Commissioner of the Financial Services Agency
第三区分 Category 3	保険金等の支払能力の充実の状況を示す比率 Ratio indicating the level of solvency in terms of the ability to pay insurance proceeds, etc. ○パーセント未満 Less than 0%	期限を付した日本における業務の全部又は一部の停止の命令 An order to suspend all or part of the operations in Japan for a limited term

2 前項の表中「保険金等の支払能力の充実の状況を示す比率」とは、法第二百二条の保険金等の支払能力の充実の状況が適当であるかどうかの基準に係る算式により得られる比率をいう。

(2) The phrase "ratio indicating the level of solvency in terms of the ability to pay insurance proceeds, etc." as used in the table under the preceding paragraph means the ratio derived from the formula pertaining to the criteria regarding the appropriateness of a foreign insurance company's level of solvency in terms of its ability to pay insurance proceeds, etc. as referred to in Article 202 of the Act.

3 第一項の表中「支店等」とは、法第百八十五条第一項に規定する支店等をいう。

(3) The term "branch office, etc." as used in the table under paragraph (1) means the branch office, etc. prescribed in Article 185, paragraph (1) of the Act.

4 第一項の表中「日本における主たる店舗」とは、法第百八十七条第一項第四号に規定する日本における主たる店舗をいう。

(4) The phrase "principal branch in Japan" as used in the table under paragraph (1) means the principal branch in Japan prescribed in Article 187, paragraph (1), item (iv) of the Act.

5 前条第一項から第三項までの規定は、外国保険会社等について準用する。この場合において、同条第一項から第三項までの規定中「前条第一項」とあるのは「第四条第一項」と、同条第一項中「前条第二項」とあるのは「第四条第二項」と、同条第二項及び第三項中「貸借対照表又は連結貸借対照表」とあるのは「日本における保険業の貸借対照表」と、同条第二項中「保険会社の貸借対照表」とあるのは「外国保険会社等の日本における保険業の貸借対照表」と、「資産の貸借対照表計上額」とあるのは「資産の日本における保険業の貸借対照表計上額」と、「同じ。）又は連結貸借対照表の資産の部に計上されるべき金額（次の各号に掲げる資産については、当該各号に定める価額とする。次項において同じ。）の合計額（その他有価証券に属する資産の

連結貸借対照表計上額と帳簿価額の差額に係る繰延税金資産に相当する額並びに未認識数理計算上の差異（財務諸表等規則第八条第六十二項に規定する未認識数理計算上の差異をいう。）の額及び未認識過去勤務費用（財務諸表等規則第八条第六十三項に規定する未認識過去勤務費用をいう。）の額の合計額に係る繰延税金資産に相当する額を控除した額とする。次項並びに第七条第二項及び第三項において同じ。）とあるのは「同じ。）」と、同条第三項中「貸借対照表の資産の部に計上されるべき金額の合計額又は連結貸借対照表」とあるのは「日本における保険業の貸借対照表」と読み替えるものとする。

- (5) The provisions of paragraphs (1) to (3) of the preceding Article apply mutatis mutandis to a foreign insurance company, etc. In this case: the phrase "paragraph (1) of the preceding Article" in paragraphs (1) to (3) of that Article is deemed to be replaced with "Article 4, paragraph (1)"; the phrase "paragraph (2) of the preceding Article" in paragraph (1) of that Article is deemed to be replaced with "Article 4, paragraph (2)"; the phrase "balance sheet or consolidated balance sheet" in paragraphs (2) and (3) of that Article is deemed to be replaced with "balance sheet for the insurance business in Japan"; in paragraph (2) of that Article, the phrase "balance sheet of an insurance company" is deemed to be replaced with "balance sheet for the insurance business in Japan of a foreign insurance company, etc.," the phrase "amount recorded in the balance sheet regarding assets" is deemed to be replaced with "amount recorded in the balance sheet for the insurance business in Japan regarding assets," and the phrase "or the total of the amounts to be recorded in the assets section (with regard to assets set forth in the following items, the value specified in the respective items; the same applies in the following paragraph) of a consolidated balance sheet (the amount equivalent to the amount of deferred tax assets regarding any difference between the amount recorded in the consolidated balance sheet and the book value of assets that fall within the scope of other securities as well as the amount equivalent to the amount of differed tax assets regarding the total of the amount of any unrecognized actuarial gain/loss (meaning the unrecognized actuarial gain/loss prescribed in Article 8, paragraph (62) of the Regulation on Financial Statements) and the amount of unrecognized past service cost (meaning the unrecognized past service cost prescribed in Article 8, paragraph (63) of the Regulation on Financial Statements) are deducted; the same applies in the following paragraph and Article 7, paragraphs (2) and (3))" is deemed to be deleted; and the phrase "the total of the amounts to be recorded in the assets section of a balance sheet or the total of the amounts to be recorded in the assets section of a consolidated balance sheet" is deemed to be replaced with "the total of the amounts to be recorded in the assets section of a balance sheet for the insurance business in Japan."

(免許特定法人及び引受社員の支払能力の充実の状況に係る区分に応じた命令)
(Order According to Category Corresponding to a Licensed Specified Corporation's and Underwriting Member's Level of Solvency in Terms of Their Ability to Pay Insurance Proceeds)

第五条 前条第一項の規定は、免許特定法人（法第二百二十三条第一項に規定する免許特定法人をいう。以下この条において同じ。）及び引受社員（法第二百十九条第一項に規定する引受社員をいう。以下この条において同じ。）について準用する。この場合において、前条第一項中「法第二百四条第二項」とあるのは「法第二百三十条第二項」と、「外国保険会社等」とあるのは「引受社員」と、「第五項」とあるのは「第五条第三項」と、「日本における業務」とあるのは「引受社員の日本における業務」と、「契約者配当又は社員に対する剰余金の分配」とあるのは「契約者配当」と、「支店等」とあるのは「総代理店の事務所」と、「日本における主たる店舗」とあるのは「総代理店の本店」と読み替えるものとする。

Article 5 (1) The provisions of paragraph (1) of the preceding Article apply mutatis mutandis to a licensed specified corporation (meaning the licensed specified corporation prescribed in Article 223, paragraph (1) of the Act; hereinafter the same applies in this Article) and underwriting member (meaning the underwriting member prescribed in Article 219, paragraph (1) of the Act; hereinafter the same applies in this Article). In this case, in paragraph (1) of the preceding Article: the phrase "Article 204, paragraph (2) of the Act" is deemed to be replaced with "Article 230, paragraph (2) of the Act"; the term "foreign insurance company, etc." is deemed to be replaced with "underwriting member"; the term "paragraph (5)" is deemed to be replaced with "Article 5, paragraph (3)"; the phrase "operations in Japan" is deemed to be replaced with "operations in Japan of the underwriting member"; the phrase "distributing policy dividends or dividends of surplus to members" is deemed to be replaced with "distributing policy dividends"; the term "branch offices, etc." is deemed to be replaced with "offices of the general agent"; and the phrase "principal office in Japan" is deemed to be replaced with "head office of the general agent."

2 前項の規定により準用する前条第一項の表中「保険金等の支払能力の充実の状況を示す比率」とは、法第二百二十八条の引受社員の保険金等の支払能力の充実の状況が適当であるかどうかの基準に係る算式により得られる比率をいう。

(2) The phrase "ratio indicating the level of solvency in terms of the ability to pay insurance proceeds, etc." as used in the table under paragraph (1) of the preceding Article as applied mutatis mutandis pursuant to the preceding paragraph means the ratio derived from the formula pertaining to the criteria regarding the appropriateness of an underwriting member's level of solvency in terms of its ability to pay insurance proceeds, etc. as referred to in Article 228 of the Act.

3 第一項の規定により準用する前条第一項の表中「総代理店」とは、法第二百十九条第一項に規定する総代理店をいう。

(3) The term "general agent" as used in the table under paragraph (1) of the preceding Article as applied mutatis mutandis pursuant to paragraph (1) means the general agent prescribed in Article 219, paragraph (1) of the Act.

4 第三条第一項から第三項までの規定は、免許特定法人及び引受社員について準用する。この場合において、同条第一項から第三項までの規定中「前条第一項」とあるのは「第五条第一項において準用する第四条第一項」と、「当該保険会社について」とあるのは「当該免許特定法人又は引受社員について」と、同条第一項中「保険会社が、」とあるのは「免許特定法人又は引受社員が、」と、「その」とあるのは「引受社員の」と、「前条第二項」とあるのは「第五条第二項」と、「当該保険会社が」とあるのは「当該引受社員が」と、「当該保険会社の」とあるのは「当該引受社員の」と、同条第二項及び第三項中「貸借対照表又は連結貸借対照表」とあるのは「日本における保険業の貸借対照表」と、同条第二項中「保険会社の貸借対照表」とあるのは「引受社員の日本における保険業の貸借対照表」と、「資産の貸借対照表計上額」とあるのは「資産の日本における保険業の貸借対照表計上額」と、「同じ。）又は連結貸借対照表の資産の部に計上されるべき金額（次の各号に掲げる資産については、当該各号に定める価額とする。次項において同じ。）の合計額（その他有価証券に属する資産の連結貸借対照表計上額と帳簿価額の差額に係る繰延税金資産に相当する額並びに未認識数理計算上の差異（財務諸表等規則第八条第六十二項に規定する未認識数理計算上の差異をいう。）の額及び未認識過去勤務費用（財務諸表等規則第八条第六十三項に規定する未認識過去勤務費用をいう。）の額の合計額に係る繰延税金資産に相当する額を控除した額とする。次項並びに第七条第二項及び第三項において同じ。））」とあるのは「同じ。））」と、同条第三項中「保険会社の貸借対照表の資産の部に計上されるべき金額の合計額又は連結貸借対照表」とあるのは「引受社員の日本における保険業の貸借対照表」と読み替えるものとする。

(4) The provisions of Article 3, paragraphs (1) to (3) apply mutatis mutandis to a licensed specified corporation and underwriting member. In this case: in the provisions of paragraphs (1) to (3) of that Article, the phrase "paragraph (1) of the preceding Article" is deemed to be replaced with "Article 4, paragraph (1) as applied mutatis mutandis pursuant to Article 5, paragraph (1)" and the phrase "with regard to the insurance company" is deemed to be replaced with "with regard to the licensed specified corporation or underwriting member"; in paragraph (1) of that Article, the phrase "If an insurance company" is deemed to be replaced with "If a licensed specified corporation or underwriting member"; the phrase "the ratio indicating the level of its solvency in terms of its ability to pay insurance proceeds, etc." is deemed to be replaced with "the ratio indicating an underwriting member's level of solvency in terms of its ability to pay insurance proceeds, etc."; the phrase "paragraph (2) of the preceding Article" is deemed to be replaced with "Article 5, paragraph (2)"; and the term "the insurance company" is deemed to be replaced with "the underwriting member"; the phrase "balance sheet or consolidated balance sheet" in paragraphs (2) and (3) of that Article is deemed to be replaced with

"balance sheet for the insurance business in Japan"; in paragraph (2) of that Article, the phrase "balance sheet of an insurance company" is deemed to be replaced with "balance sheet for the insurance business in Japan of an underwriting member," the phrase "amount recorded in the balance sheet regarding assets" is deemed to be replaced with "amount recorded in the balance sheet for the insurance business in Japan regarding assets," and the phrase "or the total of the amounts to be recorded in the assets section (with regard to assets set forth in the following items, the value specified in the respective items; the same applies in the following paragraph) of a consolidated balance sheet (the amount equivalent to the amount of deferred tax assets regarding any difference between the amount recorded in the consolidated balance sheet and the book value of assets that fall within the scope of other securities as well as the amount equivalent to the amount of differed tax assets regarding the total of the amount of any unrecognized actuarial gain/loss (meaning the unrecognized actuarial gain/loss prescribed in Article 8, paragraph (62) of the Regulation on Financial Statements) and the amount of unrecognized past service cost (meaning the unrecognized past service cost prescribed in Article 8, paragraph (63) of the Regulation on Financial Statements) are deducted; the same applies in the following paragraph and Article 7, paragraphs (2) and (3))" is deemed to be deleted; and the phrase "the total of the amounts to be recorded in the assets section of a balance sheet or the total of the amounts to be recorded in the assets section of a consolidated balance sheet of an insurance company" is deemed to be replaced with "the total of the amounts to be recorded in the assets section of a balance sheet for the insurance business in Japan of an underwriting company."

(保険持株会社の子会社である保険会社の保険金等の支払能力の充実の状況に係る区分に応じた命令)

(Order According to Category Corresponding to the Level of Solvency of an Insurance Company That is a Subsidiary Company of an Insurance Holding Company in Terms of its Ability to Pay Insurance Proceeds)

第六条 法第二百七十一条の二十九第二項の保険持株会社（法第二条第十六項に規定する保険持株会社をいう。以下同じ。）の子会社である保険会社の保険金等の支払能力の充実の状況に係る区分に応じ内閣府・財務省令で定める命令は、次条に定める場合を除き、次の表のとおりとする。

Article 6 (1) The order specified by Cabinet Office Order/Ministry of Finance Order for the category corresponding to the level of solvency of an insurance company that is a subsidiary company of an insurance holding company (meaning the insurance holding company prescribed in Article 2, paragraph (16) of the Act; the same applies hereinafter) in terms of its ability to pay insurance proceeds, etc. as referred to in Article 271-29, paragraph (2) of the

Act is as set forth in the following table, except for the cases specified in the following Article.

保険金等の支払能力の充実の状況に係る区分 Category corresponding to the level of solvency interm of the ability to pay insurance proceeds, etc.		命令 Order
非対象区分 Exception from category	保険金等の支払能力の充実の状況を示す比率 Ratio indicating the level of solvency interm of the ability to pay insurance proceeds, etc. 二〇〇パーセント以上 200% or more	
第一区分 Category 1	保険金等の支払能力の充実の状況を示す比率 Ratio indicating the level of solvency interm of the ability to pay insurance proceeds, etc. 一〇〇パーセント以上二〇〇パーセント未満 100% or more and less than 200%	経営の健全性を確保するための合理的と認められる改善計画の提出の求め及びその実行の命令 A request to submit an improvement plan deemed reasonable to secure sound management, and an order for its implementation
第二区分 Category 2	保険金等の支払能力の充実の状況を示す比率 Ratio indicating the level of solvencyinterm of the ability to pay insurance proceeds, etc.	次の各号に掲げる保険金等の支払能力の充実に資する措置に係る命令 An order pertaining to any of the following measures which contribute to the level of solvency interm of the ability to pay insurance proceeds, etc.

	<p>〇パーセント以上一〇〇パーセント未満 0% or more and less than 100%</p>	<p>一 保険金等の支払能力の充実に係る合理的と認められる計画の提出及びその実行 (i) submission of a plan deemed reasonable for the level of solvency interm of the ability to pay insurance proceeds, etc. and its implementation 二 保険持株会社の配当の禁止又はその額の抑制 (ii) prohibition from distributing dividends of the insurance holding company or reduction of the amount thereof 三 役員賞与の禁止又はその額の抑制その他の事業費の抑制 (iii) prohibition from providing bonuses to directors or reduction of the amount thereof or of other operating expenses 四 一部の方法による資産の運用の禁止又はその額の抑制 (iv) prohibition from investment of assets by some methods or reduction of the amount thereof 五 子会社等（保険会社及び少額短期保険業者を除く。）の株式又は持分の処分 (v) disposal of shares or equity interests in the subsidiary company, etc. (excluding an insurance company and small amount and short term insurer)</p>
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		六 その他金融庁長官が必要と認める措置 (vi) other measures deemed necessary by the Commissioner of the Financial Services Agency
第三区分 Category 3	保険金等の支払能力の充実の状況を示す比率 Ratio indicating the level of solvency in terms of the ability to pay insurance proceeds, etc. ○パーセント未満 Less than 0%	子会社等（保険会社及び少額短期保険業者に限る。）の株式の処分 disposal of shares in the subsidiary company, etc. (limited to an Insurance company and small amount and short term insurer)

2 前項の表中「保険金等の支払能力の充実の状況を示す比率」とは、法第二百七十一条の二十八の二の保険持株会社の子会社である保険会社における保険金等の支払能力の充実の状況が適当であるかどうかの基準に係る算式により得られる比率をいう。

(2) The phrase "ratio indicating the level of solvency in terms of the ability to pay insurance proceeds, etc." as used in the table under the preceding paragraph means the ratio derived from the formula pertaining to the criteria regarding the appropriateness of level of solvency of an insurance company that is a subsidiary company of an insurance holding company in terms of its ability to pay insurance proceeds, etc. as referred to in Article 271-28-2 of the Act.

3 第一項の表中「子会社等」とは、法第百十条第二項に規定する子会社等をいう。

(3) The term "subsidiary company, etc." as used in the table under paragraph (1) means the subsidiary company, etc. prescribed in Article 110, paragraph (2) of the Act.

第七条 保険持株会社が、保険金等の支払能力の充実の状況を示す比率（前条第二項に規定する保険金等の支払能力の充実の状況を示す比率をいう。以下この条において同じ。）が当該保険持株会社が従前に該当していた前条第一項の表の区分に係る保険金等の支払能力の充実の状況を示す比率の範囲を超えて低下したことを知った後、速やかに、その保険金等の支払能力の充実の状況を示す比率を当該保険持株会社が該当する同表の区分に係る保険金等の支払能力の充実の状況を示す比率の範囲を超えて確実に改善するための合理的と認められる計画を金融庁長官に提出した場合には、当該保険持株会社について、当該区分に応じた命令は、当該保険持株会社に係る保険金等の支払能力の充実の状況を示す比率以上で当該計画の実施後に見込まれる当該保険持株会社に係る保険金等の支払能力の充実の状況を示す比率以下の保険金等の支払能力の充実の状況を示す比率に係る同表の区分（非対象区分を除く。）に掲げる命令とする。

ただし、当該計画が合理的でないことが明らかになった場合には、当該保険持株会社について、当該保険持株会社が該当する同表の区分に係る命令は、同項のとおりとする。

Article 7 (1) If an insurance holding company learns that the ratio indicating the level of its solvency in terms of its ability to pay insurance proceeds, etc. (meaning the ratio indicating the level of solvency in terms of its ability to pay insurance proceeds, etc. prescribed in paragraph (2) of the preceding Article; hereinafter the same applies in this Article) falls below the range of the ratio indicating the level of solvency in terms of its ability to pay insurance proceeds, etc. that corresponds to the category referred to in the table under paragraph (1) of the preceding Article to which the insurance holding company used to belong, and promptly after that, submits to the Commissioner of the Financial Services Agency a plan deemed reasonable to improve the ratio indicating the level of its solvency in terms of its ability to pay insurance proceeds, etc. with certainty to exceed the range of the ratio indicating the level of solvency in terms of the ability to pay insurance proceeds, etc. that corresponds to the category to which the insurance holding company belongs, with regard to the insurance holding company, the order according to the relevant category is to be an order set forth for the category (except for exception from the category) in that table corresponding to the ratio indicating the level of solvency in terms of the ability to pay insurance proceeds, etc. which is not less than the ratio indicating the level of solvency in terms of the insurance holding company's ability to pay insurance proceeds, etc. and not more than the ratio indicating the level of its solvency in terms of its ability to pay insurance proceeds, etc. to be expected after the implementation of the plan; provided, however, that if it becomes clear that the plan is not reasonable, with regard to the insurance holding company, an order according to the category in the table to which the insurance holding company belongs is to be as prescribed in that paragraph.

2 前条第一項の表の第三区分に該当する保険持株会社の連結貸借対照表の資産の部に計上されるべき金額（次の各号に掲げる資産については、当該各号に定める価額とする。次項において同じ。）の合計額が連結貸借対照表の負債の部に計上されるべき金額の合計額を基礎として金融庁長官及び財務大臣が定めるところにより計算した金額を上回る場合又は上回ると見込まれる場合には、当該保険持株会社について、当該区分に応じた命令は、同表の第二区分に掲げる命令を含むものとする。

(2) If the total of the amounts to be recorded in the assets section of (with regard to assets set forth in the following items, the value specified in the respective items; the same applies in the following paragraph) a consolidated balance sheet of an insurance holding company that belongs to Category 3 in the table under paragraph (1) of the preceding Article exceeds or is expected to exceed the amount calculated as prescribed by the Commissioner of the Financial Services Agency and the Minister of Finance on the basis of the total of the

amounts to be recorded in the liabilities section of the consolidated balance sheet, with regard to the insurance holding company, the order according to the relevant category is to include an order set forth for Category 2 in that table:

一 有価証券 保険金等の支払能力の充実の状況を示す比率の算出を行う日（以下この項において「算出日」という。）の公表されている最終価格に基づき算出した価額又はこれに準ずるものとして合理的な方法により算出した価額

(i) securities: the value calculated based on the closing price which is published on the day on which the ratio indicating the insurance holding company's level of solvency in terms of its ability to pay insurance proceeds, etc. is to be calculated (hereinafter referred to as the "calculation day" in this paragraph) or the value calculated by a reasonable method equivalent thereto;

二 有形固定資産 算出日の適正な評価価格に基づき算出した価額

(ii) tangible fixed assets: the value calculated based on the fairly appraised value on the calculation day; and

三 前二号に掲げる資産以外の資産で帳簿価額が算出日において評価した価額と著しく異なるもの 当該評価した価額

(iii) assets other than the assets set forth in the preceding two items with the book value being significantly different from the value appraised on the calculation day: the appraised value.

3 前条第一項の表の第三区分以外の区分に該当する保険持株会社の連結貸借対照表の資産の部に計上されるべき金額の合計額が連結貸借対照表の負債の部に計上されるべき金額の合計額を基礎として金融庁長官及び財務大臣が定めるところにより計算した金額を下回る場合又は下回ると見込まれる場合には、当該保険持株会社について、当該区分に応じた命令は、同表の第三区分に掲げる命令を含むものとする。

(3) If the total of the amounts to be recorded in the assets section of a consolidated balance sheet of an insurance holding company that belongs to any category other than Category 3 in the table under paragraph (1) of the preceding Article falls below or is expected to fall below the amount calculated as prescribed by the Commissioner of the Financial Services Agency and the Minister of Finance on the basis of the total of the amounts to be recorded in the liabilities section of the consolidated balance sheet, with regard to the insurance holding company, the order according to the relevant category is to include an order set forth for Category 3 in that table.

（財務大臣への通知）

(Notice of the Finance Minister)

第八条 法第三百十一条の三第二項に規定する内閣府令・財務省令で定めるもの（同項第一号に掲げる規定による届出に限る。）は、第一条各号に掲げる場合に該当するときにする届出とする。

Article 8 The notice specified by Cabinet Office Order/Ministry of Finance Order

as prescribed in Article 311-3, paragraph (2) of the Act (limited to the notice under the provisions set forth in item (i) of that paragraph) is to be the notice to be made if any of the cases set forth in the items of Article 1 applies.