商品先物取引法
Commodity Derivatives Transaction Act

（昭和二十五年八月五日法律第二百三十九号）
(Act No. 239 of August 5, 1950)

第一章　総則（第一条・第二条）
Chapter I General Provisions (Articles 1 and 2)
第二章　商品取引所
Chapter II Commodity Exchanges
　第一節　総則（第三条―第六条）
　Section 1 General Provisions (Articles 3 through 6)
　第二節　会員商品取引所
　Section 2 Member Commodity Exchanges
　　第一款　設立（第七条―第二十九条）
　　Subsection 1 Establishment (Articles 7 through 29)
　　第二款　会員（第三十条―第四十五条）
　　Subsection 2 Members (Articles 30 through 45)
　　第三款　機関（第四十六条―第六十三条）
　　Subsection 3 Organization (Articles 46 through 63)
　　第四款　計算（第六十四条―第六十八条の三）
　　Subsection 4 Accounts (Articles 64 through 68-3)
　　第五款　解散及び清算（第六十九条―第七十七条）
　　Subsection 5 Dissolution and Liquidation (Articles 69 through 77)
　第三節　株式会社商品取引所
　Section 3 Incorporated Commodity Exchanges
　　第一款　総則（第七十八条―第九十六条）
　　Subsection 1 General Provisions (Articles 78 through 96)
　　第二款　自主規制委員会（第九十六条の二―第九十六条の十八）
　　Subsection 2 Self-Regulatory Committees (Articles 96-2 through 96-18)
　　第三款　主要株主（第九十六条の十九―第九十六条の二十四）
　　Subsection 3 Major Shareholders (Articles 96-19 through 96-24)
　　第四款　商品取引所持株会社（第九十六条の二十五―第九十六条の四十三）
　　Subsection 4 Commodity Exchange Holding Companies (Articles 96-25 through 96-43)
　第四節　商品市場における取引（第九十七条―第百二十条）
　Section 4 Transactions in Commodity Markets (Articles 97 through 120)
　第五節　組織変更（第百二十一条―第百三十八条）
　Section 5 Entity Conversion (Articles 121 through 138)
　第六節　合併

Section 6 Mergers
第一款　総則（第百三十九条）
Subsection 1 General Provisions (Article 139)
第二款　会員商品取引所と会員商品取引所との合併（第百四十条・第百四十一条）
Subsection 2 Mergers between Member Commodity Exchanges (Articles 140 and 141)
第三款　会員商品取引所と株式会社商品取引所との合併（第百四十二条・第百四十三条）
Subsection 3 Mergers between Member Commodity Exchanges and Incorporated Commodity Exchanges (Articles 142 and 143)
第四款　会員商品取引所の合併の手続（第百四十四条―第百四十四条の四）
Subsection 4 Merging Procedures for Member Commodity Exchanges (Articles 144 through 144-4)
第五款　株式会社商品取引所の合併の手続
Subsection 5 Merging Procedures for Incorporated Commodity Exchanges
第一目　吸収合併存続株式会社商品取引所の手続（第百四十四条の五―第百四十四条の十二）
Division 1 Procedures for Incorporated Commodity Exchanges Surviving an Absorption-Type Merger (Articles 144-5 through 144-12)
第二目　新設合併消滅株式会社商品取引所の手続（第百四十四条の十三―第百四十四条の十九）
Division 2 Procedures for Incorporated Commodity Exchanges Dissolved in a Consolidation-Type Merger (Articles 144-13 through 144-19)
第三目　新設合併設立株式会社商品取引所の手続（第百四十四条の二十・第百四十四条の二十一）
Division 3 Procedures for Incorporated Commodity Exchanges Established by a Consolidation-Type Merger (Articles 144-20 and 144-21)
第六款　合併の効力の発生等（第百四十五条―第百五十四条）
Subsection 6 Effectuation of Mergers (Article 145 through 154)
第七節　監督（第百五十五条―第百六十条）
Section 7 Supervision (Articles 155 through 160)
第八節　雑則（第百六十一条―第百六十六条）
Section 8 Miscellaneous Provisions (Articles 161 through 166)
第三章　商品取引清算機関等
Chapter III Commodity Clearing Organizations
第一節　商品取引清算機関（第百六十七条―第百八十七条）
Section 1 Commodity Clearing Organizations (Articles 167 through 187)
第二節　雑則（第百八十八条・第百八十九条）
Section 2 Miscellaneous Provisions (Articles 188 and 189)

第四章　商品先物取引業者
Chapter IV Commodity Derivatives Business Operator
第一節　許可等（第百九十条―第百九十七条の二）
Section 1 Licensing (Articles 190 through 197-2)
第二節　特定委託者等（第百九十七条の三―第百九十七条の十）
Section 2 Eligible Consignors (Articles 197-3 through 197-10)
第三節　業務（第百九十八条―第二百二十四条）
Section 3 Services (Articles 198 through 224)
第四節　合併、分割及び事業の譲渡（第二百二十五条―第二百三十条）
Section 4 Mergers, Splits, and Business Transfers (Articles 225 through 230)
第五節　監督（第二百三十一条―第二百四十条）
Section 5 Supervision (Articles 231 through 240)
第四章の二　商品先物取引仲介業者
Chapter IV-2 Commodity Derivatives Intermediary Service Providers
第一節　総則（第二百四十条の二―第二百四十条の八）
Section 1 General Provisions (Articles 240-2 through 240-8)
第二節　業務（第二百四十条の九―第二百四十条の二十一）
Section 2 Services (Articles 240-9 through 240-21)
第三節　監督（第二百四十条の二十二―第二百四十条の二十五）
Section 3 Supervision (Article 240-22 through 240-25)
第四節　雑則（第二百四十条の二十六）
Section 4 Miscellaneous Provisions (Article 240-26)
第五章　商品先物取引協会
Chapter V Commodity Futures Association
第一節　総則（第二百四十一条―第二百四十四条）
Section 1 General Provisions (Articles 241 through 244)
第二節　設立（第二百四十五条―第二百五十条）
Section 2 Establishment (Articles 245 through 250)
第三節　協会員（第二百五十一条―第二百五十三条）
Section 3 Association Members (Articles 251 through 253)
第四節　機関（第二百五十四条―第二百五十八条）
Section 4 Organs (Articles 254 through 258)
第五節　紛争の解決（第二百五十九条―第二百六十一条）
Section 5 Dispute Resolution (Articles 259 through 261)
第六節　解散（第二百六十二条）
Section 6 Dissolution (Article 262)
第七節　監督（第二百六十三条―第二百六十六条）
Section 7 Supervision (Articles 263 through 266)
第八節　雑則（第二百六十七条・第二百六十八条）
Section 8 Miscellaneous Provisions (Articles 267 and 268)
第六章　委託者保護基金

Chapter VI Consignor Protection Funds
第一節　総則（第二百六十九条―第二百七十四条）
Section 1 General Provisions (Articles 269 through 274)
第二節　会員（第二百七十五条―第二百七十七条）
Section 2 Members (Articles 275 through 277)
第三節　設立（第二百七十八条―第二百八十二条）
Section 3 Establishment (Articles 278 through 282)
第四節　管理（第二百八十三条―第二百九十九条）
Section 4 Management (Articles 283 through 299)
第五節　業務（第三百条―第三百十二条）
Section 5 Businesses (Articles 300 through 312)
第六節　負担金（第三百十三条―第三百十五条）
Section 6 Dues (Articles 313 through 315)
第七節　財務及び会計（第三百十六条―第三百二十一条）
Section 7 Finance and Accounting (Articles 316 through 321)
第八節　監督（第三百二十二条―第三百二十四条）
Section 8 Supervision (Articles 322 through 324)
第九節　解散（第三百二十五条―第三百二十七条）
Section 9 Dissolution (Articles 325 through 327)
第七章　雑則（第三百二十八条―第三百五十五条）
Chapter VII Miscellaneous Provisions (Articles 328 through 355)
第八章　罰則（第三百五十六条―第三百七十五条）
Chapter VIII Penal Provisions (Articles 356 through 375)
附　則
Supplementary Provisions

第一章　総則
Chapter I General Provisions

（目的）
(Purpose)

第一条　この法律は、商品取引所の組織、商品市場における取引の管理等について定め、その健全な運営を確保するとともに、商品先物取引業を行う者の業務の適正な運営を確保すること等により、商品の価格の形成及び売買その他の取引並びに商品市場における取引等の受託等を公正にするとともに、商品の生産及び流通を円滑にし、もつて国民経済の健全な発展及び商品市場における取引等の受託等における委託者等の保護に資することを目的とする。

Article 1 The purpose of this Act is to ensure fairness in commodity price formation, in the purchase and sale of and other transactions in commodities, and for persons consigned with transactions in commodity markets, etc., as well as to facilitate the production and distribution of commodities, by, inter

alia, provide for the organization of commodity exchanges, the management of transactions in commodity markets, and other matters; and by ensuring their sound operation, as well as by ensuring that persons conducting commodity derivatives business do so appropriately, thereby contributing to the sound development of the national economy and to the protection of consigners, etc. in transactions in commodity markets, etc.

（定義）
(Definitions)

第二条　この法律において「商品」とは、次に掲げるものをいう。

Article 2 (1) The term "commodity" as used in this Act means the following things:

一　農産物、林産物、畜産物及び水産物並びにこれらを原料又は材料として製造し、又は加工した物品のうち、飲食物であるもの及び政令で定めるその他のもの

(i) agricultural products, forest products, livestock products, fishery products, and food and drink among goods manufactured or processed using these products as ingredients or materials, and other goods specified by Cabinet Order;

二　鉱業法（昭和二十五年法律第二百八十九号）第三条第一項に規定する鉱物その他政令で定める鉱物及びこれらを製錬し、又は精製することにより得られる物品

(ii) minerals as prescribed in Article 3, paragraph (1) of the Mining Act (Act No. 289 of 1950), other minerals specified by Cabinet Order, and goods obtained by smelting or refining these minerals;

三　前二号に掲げるもののほか、国民経済上重要な原料又は材料であつて、その価格の変動が著しいために先物取引に類似する取引の対象とされる蓋然性が高いもの（先物取引又は先物取引に類似する取引の対象とされているものを含む。）として政令で定める物品

(iii) beyond what is set forth in the preceding two items, goods which are specified by Cabinet Order as ingredients or materials that are important to the national economy and are highly likely to be the subject of transactions similar to futures transactions due to extreme fluctuation of their prices (including those that are already the subject of futures transactions or those similar to futures transactions); and

四　電力（一定の期間における一定の電力を単位とする取引の対象となる電力に限る。以下同じ。）

(iv) electric power (limited to electric power that is subject to transactions by unit of a certain amount of electric power during a fixed period of time; the same applies hereinafter).

２　この法律において「商品指数」とは、二以上の商品たる物品の価格の水準を総合的に表した数値、一の商品たる物品の価格と他の商品たる物品の価格の差に基づいて算出された数値その他の二以上の商品たる物品又は電力の価格に基づいて算出された数

値をいう。

(2) The term "commodity index" as used in this Act means a numerical value that comprehensively expresses the price level of two or more goods that are commodities, a numerical value calculated based on the price difference between one type of goods that are commodities, and the price of another type of goods that are commodities, or a numerical value calculated otherwise based on the prices of two or more types of commodities that are goods or electric power.

３　この法律において「先物取引」とは、商品取引所の定める基準及び方法に従つて、商品市場において行われる次に掲げる取引をいう。

(3) The term "futures transaction" as used in this Act means one of the following transactions conducted in a commodity market in accordance with the standards and methods specified by a commodity exchange:

一　当事者が将来の一定の時期において商品及びその対価の授受を約する売買取引であつて、当該売買の目的物となつている商品の転売又は買戻しをしたときは差金の授受によつて決済することができる取引

(i) a purchase and sale transaction in which the parties promise to deliver and take delivery of a commodity and its value at a fixed time in the future, which the parties may settle by paying and receiving the difference in values if they sell or buy back the commodity that is the subject of the purchase and sale;

二　約定価格（当事者が商品についてあらかじめ約定する価格（一の商品の価格の水準を表す数値その他の一の商品の価格に基づいて算出される数値を含む。以下この号において同じ。）をいう。以下同じ。）と現実価格（将来の一定の時期における現実の当該商品の価格をいう。以下同じ。）の差に基づいて算出される金銭の授受を約する取引

(ii) a transaction in which the parties promise to pay and receive money calculated based on the difference between the contract price (meaning the price of a commodity for which the parties agree in advance (including a numerical value that expresses the price level of a single commodity or any other numerical value calculated based on the price of a single commodity; hereinafter the same applies in this item); the same applies hereinafter) and the actual price (meaning the actual price of the relevant commodity at a fixed time in the future; the same applies hereinafter);

三　当事者が商品指数についてあらかじめ約定する数値（以下「約定数値」という。）と将来の一定の時期における現実の当該商品指数の数値（以下「現実数値」という。）の差に基づいて算出される金銭の授受を約する取引

(iii) a transaction in which the parties promise to pay and receive money calculated based on the difference between the numerical value of a commodity index for which the parties agree in advance (hereinafter referred to as the "agreed figure") and the actual numerical value of the commodity

index at a fixed time in the future (hereinafter referred to as the "actual figure");

四　当事者の一方の意思表示により当事者間において次に掲げる取引を成立させることができる権利（以下「オプション」という。）を相手方が当事者の一方に付与し、当事者の一方がこれに対して対価を支払うことを約する取引

(iv) a transaction in which the first party agrees to grant the second party the right to close one of the following transactions between them by a unilateral manifestation of the second party's intention alone (hereinafter referred to as an "option") and the second party agrees to pay the value of that option:

イ　第一号に掲げる取引

(a) the transaction referred to in item (i);

ロ　第二号に掲げる取引（これに準ずる取引で商品取引所の定めるものを含む。）

(b) the transaction referred to in item (ii) (including equivalent transactions that are specified by a commodity exchange);

ハ　前号に掲げる取引（これに準ずる取引で商品取引所の定めるものを含む。）

(c) the transaction referred to in the preceding item (including equivalent transactions that are specified by a commodity exchange);

ニ　次号に掲げる取引（これに準ずる取引で商品取引所の定めるものを含む。）

(d) the transaction referred to in the following item (including equivalent transactions that are specified by a commodity exchange);

ホ　第六号に掲げる取引（これに準ずる取引で商品取引所の定めるものを含む。）

(e) the transaction referred to in item (vi) (including equivalent transactions that are specified by a commodity exchange).

五　当事者が数量を定めた商品について当事者の一方が相手方と取り決めた当該商品の価格の約定した期間における変化率に基づいて金銭を支払い、相手方が当事者の一方と取り決めた当該商品の価格の約定した期間における変化率に基づいて金銭を支払うことを相互に約する取引

(v) a transaction in which the parties mutually promise that, for a commodity whose volume they have set, the first party will pay money to the second based on the rate of change in the agreed price for that commodity during the period they have agreed to, and the second party will pay money to the first party based on the rate of change in the agreed price for that commodity during the period they have agreed to;

六　当事者が数量を定めた商品について当事者の一方が相手方と取り決めた当該商品に係る商品指数の約定した期間における変化率に基づいて金銭を支払い、相手方が当事者の一方と取り決めた当該商品指数の約定した期間における変化率に基づいて金銭を支払うことを相互に約する取引

(vi) a transaction in which the parties mutually promise that, for a commodity whose volume they have set, the first party will pay money to the second party based on the rate of change in the agreed-upon commodity index for that commodity during the period they have agreed to, and the second party

will pay money to the first party based on the rate of change in that agreed-upon commodity index during the period they have agreed to;

七　前各号に掲げる取引に類似する取引であつて政令で定めるもの

(vii) a transaction which is similar to a transaction that is set forth in one of the preceding items and that is specified by Cabinet Order.

４　この法律において「商品取引所」とは、会員商品取引所及び株式会社商品取引所をいう。

(4) The term "commodity exchange" as used in this Act means a member commodity exchange or an incorporated commodity exchange.

５　この法律において「会員商品取引所」とは、商品又は商品指数について先物取引をするために必要な市場を開設することを主たる目的としてこの法律に基づいて設立された会員組織の社団をいう。

(5) The term "member commodity exchange" as used in this Act means a mutual association with a membership system that has been established based on this Act for the main purpose of opening the necessary markets for conducting futures transactions in commodities or commodity indices.

６　この法律において「株式会社商品取引所」とは、第七十八条の許可を受けて、商品又は商品指数について先物取引をするために必要な市場を開設する株式会社をいう。

(6) The term "incorporated commodity exchange" as used in this Act means a stock company that operates the necessary market for conducting futures transactions in commodities or commodity indices after obtaining the license referred to in Article 78.

７　この法律において「上場商品」とは、商品取引所が一の商品市場で取引すべきものとして定款又は業務規程で定める一若しくは二以上の商品たる物品又は電力であつて、第九条若しくは第七十八条の許可又は第百五十五条第一項若しくは第百五十六条第一項の認可に係るものをいう。

(7) The term "listed commodity" as used in this Act means one or two or more types of commodities that are goods or electric power specified by a commodities exchange in its articles of incorporation or operational rules as those required to be traded in a single commodity market, which are subject to the permission referred to in Article 9, the license referred to in Article 78, or the approval referred to in Article 155, paragraph (1) or Article 156, paragraph (1).

８　この法律において「上場商品指数」とは、商品取引所が一の商品市場でその商品指数に係る取引を行うべきものとして定款又は業務規程で定める一又は二以上の商品指数であつて、第九条若しくは第七十八条の許可又は第百五十五条第一項若しくは第百五十六条第一項の認可に係るものをいう。

(8) The term "listed commodity index" as used in this Act means one commodities index or two or more commodities indices specified by a commodities exchange in its articles of incorporation or operational rules as indices related to transactions which are required to be traded in a single commodity market,

and are subject to the permission referred to in Article 9, the license referred to in Article 78, or the authorization referred to in Article 155, paragraph (1) or Article 156, paragraph (1).

９　この法律において「商品市場」とは、一種の上場商品又は上場商品指数ごとに、次の各号に掲げる区分に応じて当該各号に定める取引を行うために商品取引所が開設する市場をいう。

(9) The term "commodity market" as used in this Act means the market that a commodity exchange operates for each single kind of listed commodity or listed commodity index in order to carry out the transactions provided for in one of the following items in accordance with the category set forth in that item:

一　上場商品に係る商品市場　当該上場商品に係る第三項第一号に掲げる取引、同項第二号に掲げる取引若しくは同項第五号に掲げる取引又は同項第七号に掲げる取引のうちこれらの取引に類似するものとして政令で定めるもの

(i) the commodity market for a listed commodity: among transactions set forth in paragraph (3), item (i), transactions set forth in item (ii) of that paragraph or transactions set forth in item (v) of that paragraph, or the transactions set forth in item (vii) of that paragraph related to the listed commodity, transactions that are specified by Cabinet Order as being similar to those transactions;

二　上場商品指数に係る商品市場　当該上場商品指数に係る第三項第三号に掲げる取引若しくは同項第六号に掲げる取引又は同項第七号に掲げる取引のうちこれらの取引に類似するものとして政令で定めるもの

(ii) the commodity market for a listed commodity index: among transactions set forth in paragraph (3), item (iii), transactions set forth in item (vi) of that paragraph, or the transactions set forth in item (vii) of that paragraph related to the listed commodity index, transactions that are specified by Cabinet Order as being similar to those transactions;

１０　この法律において「商品市場における取引」には、前項各号に定める取引のほか、商品取引所が、定款又は業務規程で定めるところにより、商品市場において次の各号に掲げる区分に応じ当該各号に定める取引をすることとしたものを含むものとする。

(10) The term "transaction in a commodity market" as used in this Act includes, in addition to a transaction set forth in one of the items of the preceding paragraph, a transaction prescribed in one of the following items in accordance with the category set forth in that item, which a commodity exchange has decided to effect pursuant to the provisions of its articles of incorporation or operational rules:

一　上場商品に係る商品市場　次に掲げる取引

(i) the commodity market for a listed commodity: one of the following transactions:

イ　その対象となる物品若しくは電力が当該上場商品であるか又はこれに含まれる商品指数に係る第三項第三号又は第六号に掲げる取引

(a) a transaction set forth in paragraph (3), item (iii) or (vi) related to a commodity index for which the goods or electric power subject to the commodity index constitute or include that listed commodity;

ロ　当該上場商品に係る第三項第四号イ、ロ又はニに掲げる取引に係る同号に掲げる取引

(b) a transaction set forth in paragraph (3), item (iv) related to a transaction set forth in (a), (b), or (d) of that item related to that listed commodity;

ハ　その対象となる物品若しくは電力が当該上場商品であるか又はこれに含まれる商品指数に係る第三項第四号ハ又はホに掲げる取引に係る同号に掲げる取引

(c) a transaction set forth in paragraph (3), item (iv) related to a transaction set forth in (c) or (e) of that item related to a commodity index for which the goods or electric power subject to the index constitute or include that listed commodity;

ニ　当該上場商品の売買取引（第三項第一号に掲げる取引に該当するものを除く。以下この号において同じ。）

(d) a purchase and sale transaction of that listed commodity (other than a transaction falling under the transaction set forth in paragraph (3), item (i); hereinafter the same applies in this item) ;

ホ　当事者の一方の意思表示により当事者間において当該上場商品の売買取引を成立させることができる権利（以下「実物オプション」という。）を相手方が当事者の一方に付与し、当事者の一方がこれに対して対価を支払うことを約する取引

(e) a transaction in which the first party agrees to grant the second party the right to close a purchase and sale transaction between them for that listed commodity by a unilateral manifestation of the second party's intention alone (hereinafter referred to as "spot option") and the second party agrees to pay the value of that spot option;

ヘ　当該上場商品又はその対象となる物品若しくは電力が当該上場商品であるか若しくはこれに含まれる商品指数に係る次に掲げる取引

(f) one of the following transactions related to a commodity index for which the listed commodity or the goods or electric power subject to the index constitute or include that listed commodity:

（１）　当事者が数量を定めた商品について当事者の一方が相手方と取り決めた商品の価格の約定した期間における変化率に基づいて金銭を支払い、相手方が当事者の一方と取り決めた当該商品以外の商品の価格の約定した期間における変化率に基づいて金銭を支払うことを相互に約する取引

1. a transaction in which the parties mutually promise that, for a commodity whose volume they have set, the first party will pay money to the second party based on the rate of change in the agreed price for a commodity during the period they have agreed to, and the second party will pay money to the first party based on the rate of change in the agreed price for a commodity other than that commodity during the

period they have agreed to;

（２）　当事者が数量を定めた商品について当事者の一方が相手方と取り決めた商品の価格の約定した期間における変化率に基づいて金銭を支払い、相手方が当事者の一方と取り決めた商品指数の約定した期間における変化率に基づいて金銭を支払うことを相互に約する取引

2. a transaction in which the parties mutually promise that, for a commodity whose volume they have set, the first party will pay money to the second party based on the rate of change in the agreed price for the commodity during the period they have agreed to, and the second party will pay money to the first party based on the rate of change in an agreed-upon commodity index during the period they have agreed to;

（３）　当事者が数量を定めた商品について当事者の一方が相手方と取り決めた商品指数の約定した期間における変化率に基づいて金銭を支払い、相手方が当事者の一方と取り決めた商品指数の約定した期間における変化率に基づいて金銭を支払うことを相互に約する取引

3. a transaction in which the parties mutually promise that, for a commodity whose volume they have set, the first party will pay money to the second party based on the rate of change in an agreed-upon commodity index during the period they have agreed to, and the second party will pay money to the first party based on the rate of change in an agreed-upon commodity index during the period they have agreed to.

ト　当事者の一方の意思表示により当事者間においてへに掲げる取引を成立させることができる権利（以下「特定スワップオプション」という。）を相手方が当事者の一方に付与し、当事者の一方がこれに対して対価を支払うことを約する取引

(g) a transaction in which the first party agrees to grant the second party the right to close one of the transactions listed in (f) above between them by a unilateral manifestation of the second party's intention alone (hereinafter referred to as a "specified swap option") and the second party agrees to pay the value of that specified swap option;

チ　イからトまでの取引に類似する取引であつて政令で定めるもの

(h) a transaction which is similar to one of the transactions referred to in (a) through (g) and which is specified by Cabinet Order.

二　上場商品指数に係る商品市場　当該上場商品指数に係る第三項第四号ハ又はホに掲げる取引に係る同号に掲げる取引その他これらの取引に類似する取引であつて政令で定めるもの

(ii) the commodity market for a listed commodity index: a transaction set forth in paragraph (3), item (iv) related to a transaction set forth in (c) or (e) of that item connected with that listed commodity index and any other transaction which is similar to those transactions and which is specified by Cabinet Order.

１１　この法律において「商品取引所持株会社」とは、株式会社商品取引所を子会社（第三条の二第三項に規定する子会社をいう。）とする株式会社であつて、第九十六条の二十五第一項の認可を受けて設立され、又は同項若しくは同条第三項ただし書の認可を受けているものをいう。

(11) The term "commodity exchange holding company" as used in this Act means a stock company whose subsidiary company (meaning a subsidiary company prescribed in Article 3-2, paragraph (3)) is an incorporated commodity exchange incorporated with the authorization referred to in in Article 96-25, paragraph (1) or that has obtained the authorization referred to in that paragraph or the proviso to paragraph (3) of that Article.

１２　この法律において「外国商品市場」とは、商品市場に類似する市場で外国に所在するものをいう。

(12) The term "foreign commodity market" as used in this Act means a market that is similar to a commodity market and that is located in a foreign country.

１３　この法律において「外国商品市場取引」とは、外国商品市場において行われる取引であつて、商品市場における取引に類似するものをいう。

(13) The term "foreign commodity market transaction" as used in this Act means a transaction that is conducted in a foreign commodity market and that is similar to a transaction in a commodity market.

１４　この法律において「店頭商品デリバティブ取引」とは、商品市場、外国商品市場及び取引所金融商品市場（金融商品取引法（昭和二十三年法律第二十五号）第二条第十七項に規定する取引所金融商品市場をいう。以下同じ。）によらないで行われる次に掲げる取引（第三百三十一条各号に掲げる施設における取引を除く。）をいう。

(14) The term "over-the-counter commodity derivatives transaction" as used in this Act means any of the following transactions carried out outside a commodity market, foreign commodity market, or a financial instruments exchange market (meaning a financial instruments exchange market as defined in Article 2, paragraph (17) of the Financial Instruments and Exchange Act (Act No. 25 of 1948); the same applies hereinafter) (excluding transactions conducted at the facilities set forth in each of the items of Article 331):

一　当事者が将来の一定の時期において商品及びその対価の授受を約する売買取引であつて、当該売買の目的物となつている商品の売戻し又は買戻しをしたときは差金の授受によつて決済することができる取引

(i) a purchase and sale transaction in which the parties promise to deliver and take delivery of a commodity and its value at a fixed time in the future, which the parties may settle by paying and receiving the difference in values if they sell or buy back the commodity that is the subject of the purchase and sale;

二　約定価格と現実価格の差に基づいて算出される金銭の授受を約する取引又はこれに類似する取引

(ii) a transaction in which the parties promise to pay and receive money

calculated based on the difference between the contract price and the actual price, or a transaction similar to the transaction;

三　約定数値と現実数値の差に基づいて算出される金銭の授受を約する取引又はこれに類似する取引

(iii) a transaction in which the parties promise to pay and receive money calculated based on the difference between the agreed figure and the actual figure, or a transaction similar to the transaction;

四　当事者の一方の意思表示により当事者間において次に掲げる取引を成立させることができる権利を相手方が当事者の一方に付与し、当事者の一方がこれに対して対価を支払うことを約する取引又はこれに類似する取引

(iv) a transaction in which the first party agrees to grant the second party the right to close one of the following transactions between them by a unilateral manifestation of the second party's intention alone, and the second party agrees to pay the value of the transaction; or a transaction similar to the transaction:

イ　第一号に掲げる取引

(a) the transaction set forth in item (i);

ロ　第二号に掲げる取引

(b) the transaction set forth in item (ii);

ハ　前号に掲げる取引

(c) the transaction set forth in the preceding item;

ニ　第六号に掲げる取引

(d) the transaction set forth in item (vi).

五　当事者の一方の意思表示により当事者間において当該意思表示を行う場合の商品の価格としてあらかじめ約定する価格（一の商品の価格の水準を表す数値その他の一の商品の価格に基づいて算出される数値を含む。以下この号において同じ。）若しくは商品指数としてあらかじめ約定する数値と現に当該意思表示を行つた時期における現実の当該商品の価格若しくは当該商品指数の数値の差に基づいて算出される金銭を授受することとなる取引を成立させることができる権利を相手方が当事者の一方に付与し、当事者の一方がこれに対して対価を支払うことを約する取引又はこれに類似する取引

(v) a transaction in which the first party agrees to grant the second party the right, by a unilateral manifestation of the second party's intention alone, to effect a transaction in which the parties pay and receive money calculated based on the difference between the price they have agreed upon in advance as the price for a commodity in the event that the party manifests the intention to close the transaction (including a numerical value that expresses the price level of the commodity or any other numerical value calculated based on the price of the commodity; hereinafter the same applies in this item), or the numerical value they have agreed upon in advance as that for the commodity index in the event that the party manifests that intention,

and the current price of that commodity or numerical value of that commodity index at the time that the party actually manifests that intention, and the second party agrees to pay the value of the transaction; or a transaction similar to the transaction;

六　当事者が数量を定めた商品について当事者の一方が相手方と取り決めた商品の価格若しくは商品指数の約定した期間における変化率に基づいて金銭を支払い、相手方が当事者の一方と取り決めた商品の価格若しくは商品指数の約定した期間における変化率に基づいて金銭を支払うことを相互に約する取引又はこれに類似する取引

(vi) a transaction in which the parties mutually promise that, for a commodity whose volume they have set, the first party will pay money to the second party based on the rate of change in the agreed price or commodity index for a commodity during the period they have agreed to, and the second party will pay money to the first party based on the rate of change in the agreed price or commodity index for a commodity during the period they have agreed to; or a transaction similar to the transaction;

七　前各号に掲げるもののほか、これらと同様の経済的性質を有する取引であつて、公益又は取引の当事者の保護を確保することが必要と認められるものとして政令で定めるもの

(vii) beyond what is set forth in the preceding items, a transaction which has a similar economic nature as those transactions and which is specified by Cabinet Order as a transaction for which it is found necessary to ensure the public interest or the protection of the parties to the transaction.

１５　この法律において「商品デリバティブ取引」とは、商品市場における取引、外国商品市場取引及び店頭商品デリバティブ取引（その内容等を勘案し、取引の当事者の保護に欠けるおそれがないものとして政令で定める店頭商品デリバティブ取引及び店頭商品デリバティブ取引について高度の能力を有する者として主務省令で定める者若しくは資本金の額が主務省令で定める金額以上の株式会社を相手方として行われ、又はこれらの者のために行われる店頭商品デリバティブ取引（第三百四十九条第一項において「対象外店頭商品デリバティブ取引」という。）を除く。）をいう。

(15) The term "commodity derivatives transaction" as used in this Act means a transaction in a commodity market, a foreign commodity market transaction, or an over-the-counter commodity derivatives transaction (other than an over-the-counter commodity derivatives transaction specified by Cabinet Order as one that, in consideration of its content and other factors, is found unlikely to result in insufficient protection of the parties to the transaction, and an over-the-counter commodity derivatives transaction conducted with or on behalf of a party specified by order of the competent ministry as being highly skilled in those transactions or with a stock company whose amount of stated capital is at least the amount specified by order of the competent ministry (such an excluded transaction is referred to as an "excluded over-the-counter commodity derivatives transaction" in Article 349, paragraph (1))).

１６　この法律において「取引参加者」とは、第八十二条第一項の規定により与えられた取引資格に基づき、株式会社商品取引所の開設する商品市場における取引に参加できる者をいう。

(16) The term "trading participant" as used in this Act means a person who may participate in transactions in a commodity market that is operated by an incorporated commodity exchange, based on the trading qualification granted pursuant to the provisions of Article 82, paragraph (1).

１７　この法律において「商品取引債務引受業」とは、商品市場における取引に基づく債務の引受けを行う営業をいう。

(17) The term "business of assuming commodity transaction debts" as used in this Act means the business of assuming the liabilities arising from transactions in a commodity market.

１８　この法律において「商品取引清算機関」とは、商品取引債務引受業を営むことについて第百六十七条又は第百七十三条第一項の規定により主務大臣の許可又は承認を受けた者をいう。

(18) The term "commodity clearing organization" as used in this Act means a person that has been licensed by or has obtained the approval of the competent minister pursuant to the provisions of Article 167 or Article 173, paragraph (1) to engage in the business of assuming commodity transaction debts.

１９　この法律において「清算参加者」とは、第百七十四条第一項の規定により与えられた資格に基づき、商品取引清算機関の行う商品取引債務引受業の相手方となる者をいう。

(19) The term "clearing participant" as used in this Act means a person that becomes the other party to the business of assuming commodity transaction debts conducted by a commodity clearing organization, based on the qualification granted pursuant to the provisions of Article 174, paragraph (1).

２０　この法律において「商品清算取引」とは、清算参加者が商品取引清算機関の業務方法書の定めるところにより商品取引所の会員又は取引参加者（以下「会員等」という。）の委託を受けて行う商品市場における取引であつて、当該取引に基づく債務を当該商品取引清算機関に引き受けさせること及び当該会員等が当該清算参加者を代理して当該取引を成立させることを条件とするものをいう。

(20) The term "commodity clearing transaction" as used in this Act means a transaction in a commodity market that a clearing participant conducts, which has been entrusted to do so by the member or trading participant (hereinafter referred to as a "member, etc.") of a commodity exchange, pursuant to the provisions of the operational method statement of a commodity clearing organization, on the condition that the commodity clearing organization will be made to assume the liabilities arising from the transaction and that the member, etc. will be made to close the transaction on behalf of the clearing participant.

２１　この法律において「商品市場における取引等」とは、次に掲げる行為をいう。

(21) The term "transaction in a commodity market, etc." as used in this Act means one of the following acts:

一　商品市場における取引

(i) a transaction in a commodity market;

二　前号に掲げる行為の委託の媒介、取次ぎ又は代理

(ii) acting as the intermediary, broker, or agent for the consignment of the act set forth in the preceding item;

三　商品清算取引の委託の取次ぎ

(iii) acting as a broker in consigning a person with a commodity clearing transaction; or

四　前号に掲げる行為の委託の媒介、取次ぎ又は代理

(iv) acting as the intermediary, broker, or agent for the consignment of the act set forth in the preceding item.

２２　この法律において「商品先物取引業」とは、次に掲げる行為（その内容等を勘案し、委託者又は店頭商品デリバティブ取引の相手方（以下「委託者等」という。）の保護に欠けるおそれがないものとして政令で定めるもの及び第十五項の主務省令で定める者若しくは資本金の額が同項の主務省令で定める金額以上の株式会社を相手方として店頭商品デリバティブ取引を行い、又はこれらの者のために店頭商品デリバティブ取引の媒介、取次ぎ若しくは代理を行う行為を除く。）のいずれかを業として行うことをいう。

(22) The term "commodity derivatives business" as used in this Act means the business of engaging in one of the following acts in the course of trade (other than an act specified by Cabinet Order as one that, in consideration of its content and other factors, is found unlikely to result in insufficient protection of the consignor or the counterparty to an over-the-counter commodity derivatives transaction (hereinafter referred to as the "consignor, etc."); other than an act of conducting an over-the-counter commodity derivatives transaction with the party specified by order of the competent ministry which is referred to in paragraph (15) or with a stock company whose amount of stated capital is at least the amount specified by order of the competent ministry which is referred to in that paragraph; and other than acting as the intermediary, broker, or agent for those persons in an over-the-counter commodity derivatives transaction):

一　商品市場における取引（商品清算取引を除く。）の委託を受け、又はその委託の媒介、取次ぎ若しくは代理を行う行為

(i) accepting consignment of a transaction in a commodity market (other than a commodity clearing transaction) or acting as the intermediary, broker, or agent for consignment of such a transaction;

二　商品清算取引の委託の取次ぎの委託を受け、又はその委託の媒介、取次ぎ若しくは代理を行う行為

(ii) accepting consignment of intermediation of consignment of a commodity

clearing transaction or acting as the intermediary, broker, or agent for consignment of the transaction;

三　外国商品市場取引（商品清算取引に類似する取引を除く。）の委託を受け、又はその委託の媒介、取次ぎ若しくは代理を行う行為

(iii) accepting consignment of a foreign commodity market transaction (other than a transaction that is similar to a commodity clearing transaction) or acting as the intermediary, broker, or agent for consignment of the transaction;

四　外国商品市場取引のうち、商品清算取引に類似する取引の委託の取次ぎの委託を受け、又はその委託の媒介、取次ぎ若しくは代理を行う行為

(iv) among the foreign commodity market transactions, accepting consignment of brokerage of consignment of a transaction that is similar to a commodity clearing transaction, or acting as the intermediary, broker, or agent for consignment of such a transaction

五　店頭商品デリバティブ取引又はその媒介、取次ぎ若しくは代理を行う行為

(v) conducting an over-the-counter commodity derivatives transaction or acting as the intermediary, broker, or agent for the transaction.

２３　この法律において「商品先物取引業者」とは、商品先物取引業を行うことについて第百九十条第一項の規定により主務大臣の許可を受けた者をいう。

(23) The term "commodity derivatives business operator" as used in this Act means a person licensed by the competent minister pursuant to the provisions of Article 190, paragraph (1) to conduct commodity derivatives business.

２４　この法律において「商品取引契約」とは、商品先物取引業者が顧客を相手方とし、又は顧客のために第二十二項各号に掲げる行為を行うことを内容とする契約をいう。

(24) The term "commodity transaction contract" as used in this Act means a contract for a commodity derivatives business operator to perform an act set forth in one of the items of paragraph (22) with or on behalf of a customer.

２５　この法律において「特定委託者」とは、次に掲げる者をいう。

(25) The term "eligible consignor" as used in this Act means the following persons:

一　商品先物取引業者

(i) a commodity derivatives business operator;

二　商品投資に係る事業の規制に関する法律（平成三年法律第六十六号）第二条第四項に規定する商品投資顧問業者（以下「商品投資顧問業者」という。）

(ii) a commodities investment advisor as prescribed in Article 2, paragraph (4) of the Act Regulating the Commodity Investment Business (Act No. 66 of 1991) (hereinafter referred to as a "commodities investment advisor");

三　商品デリバティブ取引に係る専門的知識及び経験を有する者として主務省令で定める者

(iii) a person specified by order of the competent ministry as having expert knowledge of and experience with commodity derivatives transactions;

四　国

(iv) the State

五　日本銀行

(v) the Bank of Japan;

六　商品取引所の会員等

(vi) members, etc. of a commodity exchange;

七　商品取引所に相当する外国の施設の会員等

(vii) members, etc. of a facility equivalent to a commodity exchange in a foreign state;

八　前各号に掲げるもののほか、第六章に規定する委託者保護基金その他の主務省令で定める法人

(viii) a consignor protection fund as prescribed in Chapter VI and any other corporation specified by order of the competent ministry, other than one as set forth in the preceding items;

２６　この法律において「特定当業者」とは、商品先物取引業者が行う商品取引契約の締結の勧誘の相手方、商品先物取引業者に商品取引契約の申込みをする者又は商品先物取引業者と商品取引契約を締結する者であつて、当該商品取引契約に基づく商品デリバティブ取引に係る取引対象商品の全てについて当該取引対象商品である物品若しくはこれに関連する物品として主務省令で定めるものの売買、売買の媒介、取次ぎ若しくは代理、生産、加工若しくは使用又は当該取引対象商品である電力の売買若しくは売買の媒介、取次ぎ若しくは代理その他主務省令で定める行為を業として行つているもののうち、主務省令で定める要件に該当する法人（特定委託者に該当する法人を除く。）をいう。

(26) The term "eligible commercial person" as used in this Act means a person who is either the other party to a commodity transaction contract whose conclusion is solicited by a commodity derivatives business operator, a person filing an application to conclude a commodity transaction contract with a commodity derivatives business operator, or a person who concludes a commodity transaction contract with a commodity derivatives business operator and who in the course of trade engages in the purchase and sale of goods that are commodities underlying the commodity derivatives transaction conducted under the commodity transaction contract or goods specified by order of the competent ministry as being related to the transaction, acts as a mediator, intermediary or agent for the purchase and sale in the course of trade, or in the course of trade engages in the production, the processing or the use of those goods, or a person who in the course of trade engages in the purchase and sale of electric power that is a commodity underlying the transaction, acts as a mediator, intermediary or agent for the purchase and sale of electric power, or conducts other acts specified by order of the competent ministry in the course of trade, provided that person is a corporation satisfying the requirements specified by order of the competent ministry

(excluding corporations that are eligible consignors).

２７　この法律において「取引対象商品」とは、商品市場における取引、外国商品市場取引若しくは店頭商品デリバティブ取引の対象となる商品又はこれらの取引の対象となる商品指数の対象となる商品をいう。

(27) The term "underlying commodity" as used in this Act means the commodity subject to transaction in a commodity market, foreign commodity market transaction, or over-the-counter commodity derivatives transaction, or a commodity underlyng the commodity index subject to those transactions.

２８　この法律において「商品先物取引仲介業」とは、商品先物取引業者の委託を受けて、当該商品先物取引業者のために第二十二項各号に規定する媒介のいずれかを業として行うことをいう。

(28) The term "commodity derivatives intermediation services" as used in this Act means accepting consignment by a commodity derivatives business operator to act as the intermediary prescribed in one of the items of paragraph (22) on behalf of that commodity derivatives business operator, in the course of trade.

２９　この法律において「商品先物取引仲介業者」とは、第二百四十条の二第一項の規定により主務大臣の登録を受けた者をいう。

(29) The term "commodity derivatives intermediary service provider" as used in this Act means a person that has obtained the registration of the competent minister pursuant to the provisions of Article 240-2, paragraph (1).

第二章　商品取引所
Chapter II Commodity Exchanges

第一節　総則
Section 1 General Provisions

（業務の範囲）

(Scope of Business)

第三条　商品取引所は、商品又は商品指数について先物取引をするために必要な市場の開設の業務（以下「商品市場開設業務」という。）及び上場商品の品質の鑑定、刊行物の発行その他これに附帯する業務以外の業務を行つてはならない。ただし、主務省令で定めるところにより、主務大臣の認可を受けた場合は、商品市場開設業務に関連する業務及びこれに附帯する業務、算定割当量（地球温暖化対策の推進に関する法律（平成十年法律第百十七号）第二条第六項に規定する算定割当量をいう。以下同じ。）に係る取引を行う市場の開設の業務及びこれに附帯する業務、金融商品市場（金融商品取引法第二条第十四項に規定する金融商品市場をいう。以下同じ。）の開設の業務及びこれに附帯する業務（株式会社商品取引所が行う場合に限る。）又は金融商品債務引受業等（同法第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。以下同じ。）及びこれに附帯する業務を行うことができる。

Article 3 (1) A commodity exchange must not conduct business other than the

business of opening the necessary markets for effecting futures transactions for a commodity or commodity index (hereinafter referred to as the "business of opening a commodity market"), appraising the quality of listed commodities, issuing publications, and business incidental thereto; provided, however, that a commodity exchange that obtains the authorization of the competent minister pursuant to order of the competent ministry may engage in business that is connected with the opening a commodity market and business incidental thereto; the business of opening a market for trading carbon dioxide equivalent quotas (meaning carbon dioxide equivalent quotas as prescribed in Article 2, paragraph (6) of the Act on Promotion of Global Warming Countermeasures (Act No. 117 of 1998); the same applies hereinafter) and business incidental thereto; the business of opening a financial instruments market (meaning a financial instruments market as prescribed in Article 2, paragraph (14) of the financial instruments and exchange Act; hereinafter the same applies) and business incidental thereto (limited to cases in which the business is conducted by an incorporated commodity exchange); or perform financial instruments debt assumption services, etc. (meaning financial instruments obligation assumption services, etc. as prescribed in Article 156-3, paragraph (1), item (vi) of that Act; the same applies hereinafter) and business incidental thereto.

２　主務大臣は、前項ただし書の認可に条件を付することができる。

(2) The competent minister may attach conditions to the authorization referred to in the proviso to the preceding paragraph.

３　前項の条件は、公益若しくは取引の公正の確保のため又は委託者の保護のため必要な最小限度のものでなければならない。

(3) The conditions referred to in the preceding paragraph must be the minimum necessary to ensure the public interest or the fairness of transactions, or for protecting the consignors.

４　主務大臣は、第一項ただし書の認可の申請があつた場合において、当該申請に係る業務を行うことにより、商品取引所の業務の公共性に対する信頼を損なうおそれ又は商品市場開設業務及びこれに附帯する業務の健全かつ適切な運営を損なうおそれがあると認めるときは、当該認可をしてはならない。

(4) If an application is filed for the authorization referred to in the proviso to paragraph (1) and the competent minister finds that the applicant's engagement in the business which the application concerns is likely to impair confidence in the public nature of the business of the commodity exchange or to obstruct the sound and proper administration of the business of opening a commodity market or business incidental thereto, the minister must not grant the authorization.

（子会社の範囲）

(Scope of Subsidiary Companies)

第三条の二　商品取引所は、商品市場開設業務及びこれに附帯する業務を行う会社以外の会社を子会社としてはならない。ただし、主務省令で定めるところにより、主務大臣の認可を受けた場合は、商品市場開設業務に関連する業務及びこれに附帯する業務を行う会社、算定割当量に係る取引を行う市場の開設の業務及びこれに附帯する業務を行う会社、取引所金融商品市場の開設の業務及びこれに附帯する業務を行う会社又は取引所金融商品市場の開設に関連する業務及びこれに附帯する業務を行う会社を子会社とすることができる。

Article 3-2 (1) A commodity exchange must not have a company other than one engaging in the business of opening a commodity market or business incidental thereto as its subsidiary company; provided, however, that a commodity exchange that has obtained the authorization of the competent minister pursuant to order of the competent ministry may have as its subsidiary company a company engaging in business that is connected with the business of opening a commodity market and business incidental thereto; a company engaging in the business of opening markets for trading carbon dioxide equivalent quotas and business incidental thereto; a company engaging in the business of opening financial instruments exchange markets and business incidental thereto; or a company engaging in business that is connected with the opening of a financial instruments exchange market and business incidental thereto.

２　前条第二項から第四項までの規定は、前項ただし書の認可について準用する。この場合において、同条第四項中「業務を行う」とあるのは「会社を子会社とする」と、「商品市場開設業務」とあるのは「商品取引所の商品市場開設業務」と読み替えるものとする。

(2) The provisions of paragraphs (2) through (4) of the preceding Article apply mutatis mutandis to the authorization referred to in the proviso to the preceding paragraph. In such a case, in paragraph (4) of that Article, the phrase "the business which the application concerns" is deemed to be replaced with "the subsidiary company which the application concerns" and the term "business of opening a commodity market" is deemed to be replaced with "the commodity exchange's opening of a commodity market".

３　前二項の「子会社」とは、法人がその総株主又は総社員の議決権（株式会社にあつては、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。以下この項及び第百九十六条第二項において同じ。）の過半数を保有する会社をいう。この場合において、法人及びその一若しくは二以上の子会社又は法人の一若しくは二以上の子会社がその総株主又は総社員の議決権の過半数を保有する会社は、当該法人の子会社とみなす。

(3) The term "subsidiary company" as used in the preceding two paragraphs means a company in which a corporation holds the majority of all shareholders'

or all members' voting rights (for a stock company, this excludes voting rights of shares that may not be exercised for all matters that are subject of resolution at a shareholders meeting, and includes voting rights of shares that are deemed to have voting rights pursuant to the provisions of Article 879, paragraph (3) of the Companies Act (Act No. 86 of 2005); hereinafter the same applies in this paragraph and in Article 196, paragraph (2)). In such a case, a company in which a corporation and one or more of its subsidiary companies hold the majority of all shareholders' or members' voting rights, or in which one or more of a corporation's subsidiary companies hold the majority of all shareholders' or members' voting rights, is deemed to be the subsidiary company of that corporation.

（名称又は商号）
(Name or Trade Name)

第四条　商品取引所は、その名称又は商号中に「取引所」という文字を用いなければならない。

Article 4 (1) Commodity exchanges must use the characters "取引所" (pronounced "torihikijo", meaning "exchange") in its name or trade name.

２　商品取引所でない者は、その名称又は商号中に商品取引所であると誤認されるおそれのある文字を用いてはならない。

(2) A person that is not a commodity exchange must not use a word in its name or trade name which could give rise to the misconception that it is a commodity exchange.

（市場の開設の制限）
(Restriction on the Opening of Markets)

第五条　商品取引所は、定款（株式会社商品取引所にあつては、定款又は業務規程。以下この項及び第百五条において同じ。）で定める商品市場以外の市場（定款で定める開設期限を経過し、又は第十一条第四項若しくは第百二条第三項に規定する範囲変更期間が終了した商品市場を含む。）を開設してはならない。

Article 5 (1) Commodity exchanges must not open a market (including a commodity market for which its expiration date specified in the articles of incorporation has passed, or for which the term for a change of scope as prescribed in Article 11, paragraph (4), or Article 102, paragraph (3) has ended) other than the commodity markets prescribed by the articles of incorporation (in the case of an incorporated commodity market, the articles of incorporation or operational rules; hereinafter the same applies in this paragraph and Article 105).

２　商品取引所は、一種の上場商品又は上場商品指数について二以上の商品市場を開設してはならない。

(2) Commodity exchanges must not open two or more commodity markets for a

single kind of listed commodity or listed commodity index.

（自主規制業務）

(Self-Regulatory Services)

第五条の二　商品取引所は、この法律及び定款その他の規則に従い、商品市場における取引を公正にし、及び委託者を保護するため、自主規制業務を適切に行わなければならない。

Article 5-2 (1) Commodity exchanges must perform self-regulatory services in an appropriate manner, in accordance with this Act and its articles of incorporation and other rules, in order to ensure the fairness of transactions in the commodity market, as well as to protect consignors.

２　前項の「自主規制業務」とは、商品市場について行う次に掲げる業務をいう。

(2) The term "self-regulatory services" as used in the preceding paragraph means the following services conducted in respect of a commodity market:

一　会員等のこの法律、この法律に基づく命令若しくはこの法律に基づいてする主務大臣の処分（第九十六条の二十二、第九十六条の三十四、第九十六条の四十、第百五十九条、第百六十条及び第百六十五条において「この法律等」という。）若しくは当該商品取引所の定款、業務規程、受託契約準則、紛争処理規程その他の規則又は取引の信義則の遵守の状況の調査

(i) the investigation of members', etc. compliance with this Act, orders based on this Act, or dispositions made by the competent minister based on this Act (hereinafter referred to as "this Act, etc." in Article 96-22, Article 96-34, Article 96-40, Article 159, Article 160, and Article 165), with the articles of incorporation, operational rules, entrustment contract regulations, dispute resolution rules, and other rules of the commodity exchange, and with the principle of good faith in transactions;

二　会員等に対する除名の処分その他の措置に関する業務

(ii) business related to expulsion and other dispositions against members, etc.; and

三　その他商品市場における取引の公正を確保し、及び委託者を保護するために必要な業務として主務省令で定めるもの

(iii) other business specified by order of the competent ministry as necessary for ensuring the fairness of transactions in a commodity market and protecting consignors.

（商品市場類似施設の開設の禁止）

(Prohibition of Establishing Facilities Similar to Commodity Markets)

第六条　何人も、商品又は商品指数（これに類似する指数を含む。）について先物取引に類似する取引をするための施設（取引所金融商品市場を除く。）を開設してはならない。

Article 6 (1) It is prohibited for any person to establish a facility (excluding a

financial instruments exchange market) in which transactions that are similar to futures transactions in commodities or commodity indices are conducted (including indices similar to commodity indices).

２　何人も、前項の施設において先物取引に類似する取引をしてはならない。

(2) It is prohibited for any person to conduct transactions that are similar to futures transactions in a facility referred to in in the preceding paragraph.

第二節　会員商品取引所
Section 2 Member Commodity Exchanges

第一款　設立
Subsection 1 Establishment

（法人格）

(Legal Personality)

第七条　会員商品取引所は、法人とする。

Article 7 (1) A member commodity exchange is to be a corporation.

２　会員商品取引所は、営利の目的をもつて業務を行つてはならない。

(2) Member commodity exchanges must not conduct business for profit.

（住所）

(Address)

第八条　会員商品取引所の住所は、その主たる事務所の所在地にあるものとする。

Article 8 The address of a member commodity exchange is the address at which its principal office is located.

（設立の許可）

(Permission for Establishment)

第九条　会員商品取引所を設立しようとする者は、主務大臣の許可を受けなければならない。

Article 9 A person seeking to establish a member commodity exchange must obtain the permission of the competent minister to do so.

（設立要件）

(Requirements for Establishment)

第十条　会員商品取引所を設立するには、開設する商品市場ごとに会員になろうとする二十人以上の者が発起人とならなければならない。

Article 10 (1) In order to establish a member commodity exchange, 20 or more persons that seek to become its members must become the founders for each commodity market to be established.

２　発起人については、次の各号に掲げる商品市場の区分に応じ、当該各号に定める者が、それぞれ、一の商品市場における発起人の過半数を占めなければならない。

(2) With regard to the founders, the persons prescribed in each of the following items in accordance with the category of commodity market set forth in that item must constitute the majority of the founders of a single commodity market:

一　上場商品に係る商品市場　一年以上継続して当該上場商品に含まれる物品又は電力（以下「上場商品構成品」という。）の売買、売買の媒介、取次ぎ若しくは代理、生産、加工又は使用（電力にあつては、その売買又は売買の媒介、取次ぎ若しくは代理その他主務省令で定める行為。以下「売買等」という。）を業として行つている者

(i) a commodity market for a listed commodity: persons who have, in the course of trade, engaged in the purchase and sale of the goods or electric power included in the listed commodity (hereinafter referred to as "component products of listed commodities"), acted as an intermediary, broker, or agent for the purchase and sale, or in the course of trade, engaged in the production, the processing or the use of component products of listed commodities (in the case of electric power, engaged in the purchase or sale, acted as an, intermediary, broker, or agent for the purchase and sale, or conducted other acts specified by order of the competent ministry; hereinafter, these acts are referred to as the "purchase and sale, etc.") for one year or more on a continuous basis;

二　上場商品指数に係る商品市場　一年以上継続して当該上場商品指数に係る商品指数の対象となる物品又は電力（以下「上場商品指数対象品」という。）の売買等を業として行つている者

(ii) the commodity market for a listed commodity index: persons who have, in the course of trade, engaged in the purchase and sale, etc. of the goods or electric power subject to the commodity index regarding the listed commodity index (hereinafter referred to as the "products underlying the listed commodity index") for one year or more on a continuous basis.

（定款）

(Articles of Incorporation)

第十一条　発起人は、会員商品取引所の定款を作成し、定款が書面をもつて作成されているときは、これに署名し、又は記名押印しなければならない。

Article 11 (1) The founders must prepare the articles of incorporation of the member commodity exchange, and if the articles of incorporation are prepared in the form of a document, the founders must sign the document or have their names and seals affixed to the document.

２　前項の定款には、次に掲げる事項を記載し、又は記録しなければならない。

(2) The following particulars must be stated or recorded in the articles of incorporation referred to in the preceding paragraph:

一　事業

(i) description of the business;
二　名称
(ii) the name;
三　事務所の所在地
(iii) the office address;
四　会員たる資格に関する事項
(iv) the particulars concerning membership qualification;
五　出資一口の金額並びにその払込みの時期及び方法
(v) the amount of one unit of contribution and the timing and method of its payment;
六　会員の加入及び脱退に関する事項
(vi) the particulars concerning joining and withdrawing as a member;
七　信認金及び取引証拠金に関する事項
(vii) the particulars concerning the guarantee funds and clearing margins;
八　会員の経費の分担に関する事項
(viii) the particulars concerning the sharing of costs among members;
九　会員に対する監査及び制裁に関する事項
(ix) the particulars concerning audits of and sanctions against members;
十　役員の定数、任期及び選任に関する事項
(x) the particulars concerning the fixed number of officers and their term of office and appointment;
十一　会員総会に関する事項
(xi) the particulars concerning general meetings of members;
十二　商品市場外における会員間の契約に対する定款、業務規程、受託契約準則及び紛争処理規程の拘束力に関する事項
(xii) the particulars concerning the binding effect that the articles of incorporation, operational rules, entrustment contract regulations, and dispute resolution rules have on contracts between members concluded outside the commodity market;
十三　商品市場に関する次に掲げる事項
(xiii) the following particulars concerning the commodity market:
イ　上場商品又は上場商品指数
(a) the listed commodity or listed commodity index;
ロ　上場商品又は上場商品指数ごとの取引の種類
(b) the types of transaction for each listed commodity or listed commodity index;
ハ　取引の決済の方法
(c) the settlement method for transactions.
十四　事業年度
(xiv) the business year;
十五　剰余金の処分及び損失の処理に関する事項

(xv) the particulars concerning the appropriation of surplus and disposal of losses;

十六　公告方法（会員商品取引所が公告（この法律又は他の法律の規定により官報に掲載する方法によりしなければならないものとされているものを除く。）をする方法をいう。以下同じ。）

(xvi) the means of public notice (meaning the means by which the member commodity exchange issues public notice (other than public notice that must be issued through publication in the Official Gazette pursuant to the provisions of this Act or other laws); the same applies hereinafter).

３　会員商品取引所の負担に帰すべき設立費用又は発起人が受けるべき報酬の額は、定款に記載し、又は記録しなければ、その効力を生じない。

(3) The amount of costs of establishment to be borne by the member commodity exchange and the remuneration that the founders are to receive does not come into effect unless it is stated or recorded in the articles of incorporation.

４　会員商品取引所の定款には、第二項各号に掲げる事項のほか、会員商品取引所の存続期間、商品市場の開設期限又は範囲変更期間（商品市場（第百五十五条第三項第二号に規定する期限付商品市場を除く。）における上場商品又は上場商品指数の範囲の変更（廃止又は範囲の縮小を除く。同条において同じ。）が行われる期間をいう。以下この項及び同条において同じ。）を定めたときは、その存続期間、開設期限又は範囲変更期間を記載し、又は記録するものとする。

(4) If the term of existence of the member commodity exchange, the expiration date of the commodity market, or the term for a change of scope of the commodity market (meaning the term during which the scope of a listed commodity or a listed commodity index of a commodity market (excluding a fixed-term commodity market prescribed in Article 155, paragraph (3), item (ii)) can be changed (other than a discontinuation or narrowing of the scope; hereinafter the same applies in Article 155); hereinafter the same applies in this paragraph and Article 155) has been decided in addition to the particulars set forth in the items of paragraph (2), the term of existence, expiration date, or term for a change of scope is to be stated or recorded in the articles of incorporation of the member commodity exchange.

５　第一項の定款は、電磁的記録（電子的方式、磁気的方式その他人の知覚によつては認識することができない方式で作られる記録であつて、電子計算機による情報処理の用に供されるもので主務省令で定めるものをいう。以下同じ。）をもつて作成することができる。この場合において、当該電磁的記録に記録された情報については、主務省令で定める署名又は記名押印に代わる措置をとらなければならない。

(5) The articles of incorporation referred to in paragraph (1) may be prepared in the form of an electronic or magnetic record (meaning a record prepared in electronic form, magnetic form, or any other form that cannot be perceived by the human senses, which is used in computer data processing and specified by order of the competent ministry; hereinafter the same applies). In such a case,

the measures in lieu of signing names or affixing the names and seals which are specified by order of the competent ministry must be taken for the information recorded in that electronic or magnetic record.

6　会員商品取引所は、公告方法として、当該会員商品取引所の事務所の店頭に掲示する方法のほか、次に掲げる方法のいずれかを定款で定めることができる。

(6) A member commodity exchange may specify one of the following means as the means of public notice in its articles of incorporation, in addition to the means of posting a notice at the office of the member commodity exchange:

一　官報に掲載する方法

(i) publication in the Official Gazette;

二　時事に関する事項を掲載する日刊新聞紙に掲載する方法

(ii) publication in a daily newspaper that publishes information about current events;

三　電子公告（公告方法のうち、電磁的方法（会社法第二条第三十四号に規定する電磁的方法をいう。）により不特定多数の者が公告すべき内容である情報の提供を受けることができる状態に置く措置であつて同号に規定するものをとる方法をいう。以下同じ。）

(iii) electronic public notice (meaning, among the means of public notice, measures of making the information that is required to be publicized available to many and unspecified persons by an electronic or magnetic means (meaning an electronic or magnetic means prescribed in Article 2, item (xxxiv) of the Companies Act (Act No. 86 of 2005)), which is prescribed in that item; the same applies hereinafter).

7　会員商品取引所が前項第三号に掲げる方法を公告方法とする旨を定款で定める場合には、その定款には、電子公告を公告方法とする旨を定めれば足りる。この場合においては、事故その他やむを得ない事由によつて電子公告による公告をすることができない場合の公告方法として、同項第一号又は第二号に掲げる方法のいずれかを定めることができる。

(7) If a member commodity exchange specifies in its articles of incorporation that the means set forth in item (iii) of the preceding paragraph is the means of public notice, it is sufficient for the member commodity exchange to specify in the articles of incorporation that electronic public notice is the means of public notice. In such a case, either of the means set forth in item (i) or (ii) of that paragraph may be specified as the means of public notice for cases in which public notice cannot be given by electronic public notice as a result of an accident or other unavoidable circumstances.

8　会員商品取引所が電子公告により公告をする場合には、次の各号に掲げる公告の区分に応じ、当該各号に定める日までの間、継続して電子公告による公告をしなければならない。

(8) If a member commodity exchange issues a public notice as an electronic public notice, the member commodity exchange must do so continuously until the day

specified in each of the following items in accordance with the category of public notice set forth in that item:

一　公告に定める期間内に異議を述べることができる旨の公告　当該期間を経過する日

(i) a public notice stating that an objection may be raised within the period specified in the public notice: the day on which that period expires;

二　前号に掲げる公告以外の公告　当該公告の開始後一月を経過する日

(ii) a public notice other than one set forth in the preceding item: the day on which one month has passed from the publication of the public notice.

９　会員商品取引所が電子公告によりこの法律その他の法令の規定による公告をする場合については、会社法第九百四十条第三項、第九百四十一条、第九百四十六条、第九百四十七条、第九百五十一条第二項、第九百五十三条及び第九百五十五条の規定を準用する。この場合において、同法第九百四十条第三項中「前二項の規定にかかわらず、これらの規定」とあるのは「商品先物取引法第十一条第八項の規定にかかわらず、同項」と、同法第九百四十一条中「第四百四十条第一項」とあるのは「商品先物取引法第六十八条の三」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

(9) The provisions of Article 940, paragraph (3), Article 941, Article 946, Article 947, Article 951, paragraph (2), Article 953, and Article 955 of the Companies Act apply mutatis mutandis when a member commodity exchange issues public notice pursuant to the provisions of this Act or other laws by electronic public notice. In such a case, the phrase "Notwithstanding the provisions of the preceding two paragraphs, in cases.... pursuant to these provisions" in Article 940, paragraph (3) of the Companies Act is deemed to be replaced with "Notwithstanding the provisions of Article 11, paragraph (8) of the Commodity Derivatives Transaction Act, in cases.... pursuant to that paragraph," the term "Article 440, paragraph (1)" in Article 941 of that Act is deemed to be replaced with "Article 68-3 of the Commodity Derivatives Transaction Act", and any other technical replacement of terms is specified by Cabinet Order.

１０　第二項各号に掲げる事項のほか、会員商品取引所の定款には、この法律の規定により定款の定めがなければその効力を生じない事項及びその他の事項でこの法律に違反しないものを記載し、又は記録することができる。

(10) In addition to the particulars set forth in the items of paragraph (2), the particulars which do not come into effect unless prescribed in the articles of incorporation pursuant to the provisions of this Act, and any other particulars that do not violate this Act, may be stated or recorded in the articles of incorporation of a member commodity exchange.

（加入の申込み）

(Application for Membership)

第十二条　発起人は、会員商品取引所の設立に際して、あらかじめ、その会員になろう

とする者に対し、次に掲げる事項を通知しなければならない。

Article 12 (1) Before establishing a member commodity exchange, the founders must notify persons seeking to become members of the member commodity exchange of the following particulars:

一　定款に記載し、又は記録した事項

(i) the particulars stated or recorded in the articles of incorporation;

二　発起人の氏名又は商号若しくは名称及び住所

(ii) the names or trade names and addresses of the founders;

三　出資の払込みの方法、期限及び場所

(iii) the method, due date, and place for the payment of the contribution;

四　一定の時期までに創立総会が終わらなかつたときは、加入の申込みを取り消すことができること。

(iv) that the application for membership may be canceled if an organizational meeting has not been concluded by a certain time.

２　理事長は、会員商品取引所の成立後にその会員になろうとする者に対し、次に掲げる事項を通知しなければならない。

(2) The president must notify persons seeking to become members after the establishment of a member commodity exchange of the following particulars:

一　成立の年月日

(i) the date of establishment;

二　定款に記載し、又は記録した事項

(ii) the particulars stated or recorded in the articles of incorporation;

三　役員の氏名及び住所

(iii) the names and addresses of the officers;

四　出資の払込みの方法、期限及び場所

(iv) the method, due date, and place for the payment of the contribution.

３　会員商品取引所の会員になろうとする者（発起人を含む。）は、その者の氏名又は名称及び住所、その引き受ける出資口数並びにその者が取引をしようとする商品市場における上場商品又は上場商品指数を記載した書面を発起人（成立後にあつては、理事長。次項において同じ。）に交付しなければならない。

(3) A person seeking to become a member of a member commodity exchange (including a founder) must deliver to the founders (or to the president after the establishment of the exchange; the same applies in the following paragraph) a document stating the person's name and address, the number of units of contribution that the person will make, and the listed commodity or listed commodity index that the person seeks to trade in the commodity market.

４　会員商品取引所の会員になろうとする者は、前項の書面の交付に代えて、政令で定めるところにより、発起人の承諾を得て、同項の書面に記載すべき事項を電磁的方法（電子情報処理組織を使用する方法その他の情報通信の技術を利用する方法であつて主務省令で定めるものをいう。以下同じ。）により提供することができる。この場合において、当該会員になろうとする者は、同項の書面を交付したものとみなす。

(4) With the consent of the founders, in lieu of delivering the document referred to in the preceding paragraph, a person seeking to become the member of a member commodity exchange may provide the founders with the particulars that are required to be stated in the document referred to in that paragraph by electronic or magnetic means (meaning a means that makes use of an electronic data processing system or a means that makes use of any other information and communications technology, which is specified by order of the competent ministry; the same applies hereinafter) pursuant to the provisions of Cabinet Order. In such a case, the person seeking to become a member is deemed to have delivered the document referred to in that paragraph.

（創立総会）
(Organizational Meetings)

第十三条　発起人は、定款作成後、会員になろうとする者を募り、前条第一項第三号に定める出資の払込みの期限となつている日後十日を経過した日から五日以内に、創立総会を開かなければならない。

Article 13 (1) After preparing the articles of incorporation, the founders must invite persons seeking to become members, and hold the organizational meeting within five days after the day on which 10 days have passed since the due date for the payment of the contribution provided for in paragraph (1), item (iii) of the preceding Article.

２　発起人は、創立総会までに出資の全額の払込みを終了しなければならない。

(2) The founders must pay the full amount of contribution before the organizational meeting.

３　定款の承認その他設立に必要な事項の決定は、創立総会の決議によらなければならない。

(3) Approval of the articles of incorporation and decisions about other matters that are necessary for the establishment of the member commodity exchange must be decided by a resolution of an organizational meeting.

４　創立総会においては、定款を修正することができる。ただし、会員たる資格に関する事項については、この限りでない。

(4) The articles of incorporation may be amended at an organizational meeting; provided, however, that this does not apply to the matters concerning membership qualification.

５　創立総会における議事は、会員になろうとする者（その出資の全額の払込みが終了した者に限る。）の半数以上が出席し、その議決権の三分の二以上で決する。

(5) Proceedings of the organizational meeting is decided by at least a two-thirds majority of the votes of the attendees, at a meeting in which at least half of the persons seeking to become members (limited to those that have paid the full amount of the contribution) are present.

６　創立総会においてその延期又は続行について決議があつた場合には、第八項におい

て準用する第五十九条第八項本文及び第十項の規定は、適用しない。

(6) If a resolution is adopted at an organizational meeting concerning the meeting's postponement or continuation, the provisions of the main clause of Article 59, paragraph (8) and paragraph (10) as applied mutatis mutandis pursuant to paragraph (8) of this Article do not apply.

7　創立総会の議事については、主務省令で定めるところにより、議事録を作成しなければならない。

(7) The minutes of the proceedings of an organizational meeting must be taken pursuant to the provisions of order of the competent ministry.

8　第三十三条並びに第五十九条第八項本文及び第十項の規定は創立総会について、会社法第八百三十条、第八百三十一条、第八百三十四条（第十六号及び第十七号に係る部分に限る。）、第八百三十五条第一項、第八百三十六条第一項及び第三項、第八百三十七条、第八百三十八条、第八百四十六条並びに第九百三十七条第一項（第一号トに係る部分に限る。）の規定（これらの規定中監査役に係る部分を除く。）は創立総会の決議の不存在若しくは無効の確認又は取消しの訴えについて、それぞれ準用する。この場合において、同項中「会社の本店（第一号トに規定する場合であって当該決議によって第九百三十条第二項各号に掲げる事項についての登記がされているときにあっては、本店及び当該登記に係る支店）」とあるのは、「会員商品取引所の主たる事務所（第一号トに規定する場合であって当該決議によって商品先物取引法第二十四条第二項各号に掲げる事項についての登記がされているときにあっては、主たる事務所及び当該登記に係る従たる事務所）」と読み替えるものとする。

(8) The provisions of Article 33, the main clause of Article 59, paragraph (8), and Article 59, paragraph (10) apply mutatis mutandis to an organizational meeting; and the provisions of Article 830, Article 831, Article 834 (limited to the part related to items (xvi) and (xvii)), Article 835, paragraph (1), Article 836, paragraphs (1) and (3), Article 837, Article 838, Article 846, and Article 937, paragraph (1) (limited to the part related to item (i) (g)) (excluding the part related to company auditors), of the Companies Act apply mutatis mutandis to an action for a declaratory judgment as to the absence or invalidity of a resolution at an organizational meeting or an action seeking the rescission of the resolution. In such a case, the phrase "the head office (or, in the case prescribed in item (i) (g), if the particulars set forth in the items of Article 930, paragraph (2) have been registered as a result of the resolution, the head office and the branch offices which the registration concerns)" in Article 937, paragraph (1) is to be deemed to be replaced with "the principal office of the member commodity exchange (or, in the case prescribed in item (i) (g), if the particular set forth in one of the items of Article 24, paragraph (2) of the Commodity Derivatives Transaction Act is registered as a result of the resolution, the principal office and the secondary office which the registration concerns)".

（許可の申請）

(Applications for Permission)

第十四条　発起人は、創立総会終了後、遅滞なく、第九条の許可の申請書に次に掲げる事項を記載して、主務大臣に提出しなければならない。

Article 14 (1) Following an organizational meeting, the founders must enter the following particulars in a written application for the permission referred to in Article 9, and submit the written application to the competent minister without delay:

一　名称

(i) the name;

二　事務所の所在地

(ii) the location of the office;

三　上場商品又は上場商品指数

(iii) the listed commodity or listed commodity index;

四　役員の氏名及び住所

(iv) the names and addresses of the officers;

五　会員の氏名又は商号若しくは名称及び会員が取引をする商品市場における上場商品又は上場商品指数

(v) the names or trade names of the members and the listed commodity or listed commodity index of the commodity market in which the members conduct transactions.

２　前項の申請書には、定款、業務規程、受託契約準則、紛争処理規程、市場取引監視委員会規程その他主務省令で定める書類を添付しなければならない。

(2) The articles of incorporation, operational rules, entrustment contract regulations, dispute resolution rules, market transactions surveillance committee rules, and other documents specified by order of the competent ministry must be attached to the written application referred to in the preceding paragraph.

（許可の基準及び意見の聴取）

(Criteria for Permission and Hearing of Opinions)

第十五条　主務大臣は、第九条の許可の申請が次に掲げる基準に適合していると認めるときは、許可をしなければならない。

Article 15 (1) If the competent minister finds that an application for the permission referred to in Article 9 conforms to the following criteria, the minister must give permission:

一　申請に係る上場商品又は上場商品指数の先物取引を公正かつ円滑にするために十分な取引量が見込まれることその他上場商品構成品又は上場商品指数対象品（以下「上場商品構成品等」という。）の取引の状況に照らし、当該先物取引をする会員商品取引所を設立することが当該上場商品構成品等の生産及び流通を円滑にするため必要かつ適当であること。

(i) the volume of transactions is expected to be sufficient for ensuring fair and smooth futures transactions in the listed commodity or listed commodity index which the application concerns, and in light of the status of transactions of the component products of listed commodities or the products underlying the listed commodity index (hereinafter referred to as the "component products of listed commodities, etc."), it is necessary and appropriate for a member commodity exchange on which those futures transactions are conducted to be established in order to facilitate the production and distribution of the component products of listed commodities, etc.;

二　上場商品に係る商品市場を開設しようとする場合にあつては、上場商品構成品の売買等を業として行つている者の取引の状況その他の当該上場商品構成品に係る経済活動の状況に照らして、当該上場商品構成品を一の商品市場で取引することが適当であることとして政令で定める基準に適合すること。

(ii) if the founders seek to open a commodity market for a listed commodity, the situation conforms to the criteria specified by Cabinet Order as a situation in which it is appropriate for the component products of listed commodities to be traded on a single commodity market, in light of the status of transactions of the persons conducting purchase and sales, etc. of component products of listed commodities in the course of trade, and in light of other circumstances of economic activities related to the component products of listed commodities;

三　二以上の商品指数を一の上場商品指数として商品市場を開設しようとする場合にあつては、当該二以上の商品指数の対象となる物品又は電力の大部分が共通していること。

(iii) if the founders seek to open a commodity market with two or more commodity indices as a single listed commodity index, the majority of the goods or electric power underlying those two or more commodity indices are the same;

四　定款、業務規程、受託契約準則、紛争処理規程及び市場取引監視委員会規程の規定が法令に違反せず、かつ、定款、業務規程、受託契約準則、紛争処理規程又は市場取引監視委員会規程に規定する取引の方法又は管理、会員の資格、会員の数の最高限度を定めた場合におけるその最高限度、特別担保金の預託義務を定めた場合におけるその預託に関する事項その他の事項が適当であつて、商品市場における取引の公正を確保し、及び委託者を保護するため十分であること。

(iv) the provisions of the articles of incorporation, operational rules, entrustment contract regulations, dispute resolution rules, and market transactions surveillance committee rules do not violate laws and regulations, and the method or management of trade, qualification of members, maximum number of members if it is specified, particulars of deposits, if the obligation to deposit a special deposit is specified, and other particulars prescribed in

the articles of incorporation, operational rules, entrustment contract regulations, dispute resolution rules, and market transactions surveillance committee rules are appropriate and sufficient for ensuring the fairness of transactions in the commodity market and for protecting consignors;

五　当該申請に係る会員商品取引所がこの法律の規定に適合するように組織されるものであること。

(v) the member commodity exchange which the application concerns is organized in a manner that conforms to the provisions of this Act.

２　主務大臣は、第九条の許可の申請が次の各号のいずれかに該当する場合には、前項の規定にかかわらず、同条の許可をしてはならない。

(2) If an application for the permission referred to in Article 9 falls under one of the following items, the competent minister must not give the permission referred to in that Article notwithstanding the provisions of the preceding paragraph:

一　発起人のうちに次のいずれかに該当する者があるとき。

(i) there is a person falling under one of the following persons among the founders:

イ　心身の故障のため適正に職務を執行することができない者として主務省令で定める者

(a) a person specified by order of the competent ministry as one incapable of carrying out their duties properly due to mental or physical disorder;

ロ　破産手続開始の決定を受けて復権を得ない者又は外国の法令上これと同様に取り扱われている者

(b) a person who has become subject to an order of commencement of bankruptcy proceedings and has not been released from bankruptcy restriction or a person who is treated in the same manner under the laws and regulations of a foreign country;

ハ　禁錮以上の刑（これに相当する外国の法令による刑を含む。）又はこの法律若しくはこれに相当する外国の法令の規定により罰金の刑（これに相当する外国の法令による刑を含む。）に処せられ、その執行の終わつた日又は執行を受けることがないこととなつた日から五年を経過しない者

(c) a person that has been sentenced to imprisonment without work or a heavier punishment (including an equivalent sentence under foreign laws and regulations) or to a fine (including an equivalent sentence under foreign laws and regulations) pursuant to this Act or pursuant to the provisions of a foreign law or regulation that is equivalent to this Act, and for whom five years have not passed since the day on which the person finished serving the sentence or ceased to be subject to the sentence;

ニ　第九十六条の二十二第一項、第九十六条の三十四第一項若しくは第九十六条の四十第一項の規定により第九十六条の十九第一項、第九十六条の三十一第一項若しくは第九十六条の二十五第一項若しくは第三項ただし書の認可を取り消され、

第百五十九条第一項若しくは第二項、第百八十六条第一項若しくは第二項、第二百三十五条第三項若しくは第二百三十六条第一項若しくは第三百四十条第一項（第三百四十五条において準用する場合を含む。）の規定により第九条若しくは第七十八条、第百六十七条、第百九十条第一項若しくは第三百三十二条第一項若しくは第三百四十二条第一項の許可を取り消され、若しくは第二百四十条の二十三第一項の規定により第二百四十条の二第一項の登録を取り消され、これらの取消しの日から五年を経過しない者又はこの法律に相当する外国の法令の規定により当該外国において受けている同種の認可、許可若しくは登録（当該認可、許可又は登録に類する免許その他の行政処分を含む。ヘにおいて「許可等」という。）を取り消され、その取消しの日から五年を経過しない者

(d) a person that has had the authorization referred to in Article 96-19, paragraph (1), Article 96-31, paragraph (1), Article 96-25, paragraph (1) or the proviso to paragraph (3) revoked pursuant to the provisions of Article 96-22, paragraph (1), Article 96-34, paragraph (1), or Article 96-40, paragraph (1); a person that has had the permission referred to in Article 9, the license referred to in Article 78, Article 167, Article 190, paragraph (1), Article 332, paragraph (1) or Article 342, paragraph (1) revoked pursuant to the provisions of Article 159, paragraph (1) or (2), Article 186, paragraph (1) or (2), Article 235, paragraph (3), Article 236, paragraph (1), or Article 340, paragraph (1) (including as applied mutatis mutandis pursuant to Article 345); a person that has had the registration referred to in Article 240-2, paragraph (1) revoked pursuant to the provisions of Article 240-23, paragraph (1); and for whom five years have not passed since the day of the revocation, or a person that had obtained the same kind of permission, license, or registration in a foreign state pursuant to the provisions of a foreign law or regulation which is equivalent to this Act (including registration or any other administrative disposition similar to the permission, license, or registration; referred to as "permission, etc." in (f)) and that has had the permission, etc. revoked, and for whom five years have not passed since the day of the revocation;

ホ　第百六十条第一項の規定又はこれに相当する外国の法令の規定による命令（これに相当する外国の法令によるその他の行政処分を含む。ト及びチにおいて同じ。）により商品取引所又はこれに相当する外国の施設から除名され、又は取引資格を取り消され、その除名又は取消しの日から五年を経過しない者

(e) a person that has been expelled from a commodity exchange or an equivalent facility in a foreign state pursuant to the provisions of Article 160, paragraph (1) or the provisions of a foreign law or regulation that are equivalent to those provisions (including any other equivalent administrative disposition under foreign laws and regulations; the same applies in (g) and (h)) or whose trading qualification has been revoked, and for whom five years have not passed since the day of the expulsion or

revocation;

へ　第九十六条の十九第一項若しくは第九十六条の三十一第一項の認可を受けた者（以下この号において「主要株主」という。）が第九十六条の二十二第一項若しくは第九十六条の三十四第一項の規定により認可を取り消された場合、商品取引所持株会社が第九十六条の四十第一項の規定により第九十六条の二十五第一項若しくは第三項ただし書の認可を取り消された場合、商品取引所が第百五十九条第一項若しくは第二項の規定により第九条若しくは第七十八条の許可を取り消された場合、商品取引清算機関が第百八十六条第一項若しくは第二項の規定により第百六十七条の許可を取り消された場合、商品先物取引業者が第二百三十五条第三項若しくは第二百三十六条第一項の規定により第百九十条第一項の許可を取り消された場合、商品先物取引仲介業者が第二百四十条の二十三第一項の規定により第二百四十条の二第一項の登録を取り消された場合若しくは法人である第一種特定施設開設者（第三百三十一条第二号に規定する第一種特定施設開設者をいう。以下この号において同じ。）若しくは第二種特定施設開設者（第三百三十一条第三号に規定する第二種特定施設開設者をいう。以下この号において同じ。）が第三百四十条第一項（第三百四十五条において準用する場合を含む。）の規定により第三百三十二条第一項若しくは第三百四十二条第一項の許可を取り消された場合において、これらの取消しの日前三十日以内に当該主要株主、商品取引所持株会社、商品取引所、商品取引清算機関、商品先物取引業者、商品先物取引仲介業者若しくは第一種特定施設開設者若しくは第二種特定施設開設者の役員であつた者で当該取消しの日から五年を経過しないもの又は外国において同種の許可等を受けた法人がこの法律に相当する外国の法令の規定により当該許可等を取り消された場合において、その取消しの日前三十日以内に当該法人の役員であつた者で当該取消しの日から五年を経過しないもの

(f) in the cases in which a person that had obtained the authorization referred to in Article 96-19, paragraph (1) or Article 96-31, paragraph (1) (hereinafter referred to as a "major shareholder" in this item) has had that authorization revoked pursuant to the provisions of Article 96-22, paragraph (1) or Article 96-34, paragraph (1); a commodity exchange holding company that has had the authorization referred to in Article 96-25, paragraph (1) or the proviso of paragraph (3) of that Article revoked pursuant to the provisions of Article 96-40, paragraph (1); a commodity exchange that has had the permission referred to in Article 9 or the license referred to in Article 78 revoked pursuant to the provisions of Article 159, paragraph (1) or (2); a commodity clearing organization that has had the license referred to in Article 167 revoked pursuant to the provisions of Article 186, paragraph (1) or (2); a commodity derivatives business operator that has had the license referred to in Article 190, paragraph (1) revoked pursuant to the provisions of Article 235, paragraph (3) or Article 236, paragraph (1); a commodity derivatives intermediary service provider that has had the registration referred to in Article 240-2, paragraph (1)

revoked pursuant to the provisions of Article 240-23, paragraph (1); or a corporation that is the establisher of a Type 1 Specified Facility (meaning the establisher of a Type 1 Specified Facility as prescribed in Article 331, item (ii); hereinafter the same applies in this item) or the establisher of a Type 2 Specified Facility (meaning the establisher of a Type 2 Specified Facility as prescribed in Article 331, item (iii); hereinafter the same applies in this item) has had the license referred to in Article 332, paragraph (1) or Article 342, paragraph (1) revoked pursuant to the provisions of Article 340, paragraph (1) (including as applied mutatis mutandis pursuant to Article 345); a person who was an officer of the major shareholder, commodity exchange holding company, commodity exchange, commodity clearing organization, commodity derivatives business operator, commodity derivatives intermediary service provider, the establisher of a Type 1 Specified Facility or Type 2 Specified Facility within 30 days prior to the date of revocation and for whom five years have not passed since the day of the revocation; or in the case in which a corporation that had obtained similar permission, etc. in a foreign state has had that permission, etc. revoked pursuant to the provisions of a foreign law or regulation that is equivalent to this Act, a person who was an officer of the corporation and for whom five years have not passed since the day of the revocation;

ト　法人である商品取引所の会員等又は商品取引所に相当する外国の施設の会員等が第百六十条第一項の規定又はこれに相当する外国の法令の規定による命令により当該商品取引所又は当該施設から除名され、又は取引資格を取り消された場合において、その除名又は取消しの日前三十日以内に当該法人の役員であつた者で当該除名又は取消しの日から五年を経過しないもの

(g) in the case in which a member, etc. of a commodity exchange which is a corporation or a member, etc. of a facility equivalent to a commodity exchange in a foreign state has been expelled from the commodity exchange or the facility pursuant to an order under the provisions of Article 160, paragraph (1) or under the provisions of an equivalent foreign law or regulation, or has had their trading qualification revoked, a person who was an officer of the corporation within 30 days prior to the date of expulsion or revocation and for whom five years have not passed since the day of the expulsion or revocation;

チ　第九十六条の四十第二項、第百五十九条第三項、第百六十条第一項、第百八十六条第四項、第二百三十六条第二項若しくは第二百四十条の二十三第二項の規定又はこれらに相当する外国の法令の規定による命令により解任された役員でその解任の日から五年を経過しないもの

(h) an officer that has been dismissed pursuant to an order under the provisions of Article 96-40, paragraph (2), Article 159, paragraph (3),

Article 160, paragraph (1), Article 186, paragraph (4), Article 236, paragraph (2), or Article 240-23, paragraph (2), or under the provisions of an equivalent foreign law or regulation and for whom five years have not passed since the day of the dismissal;

リ　第三百二十八条第一項の規定による裁判所の命令又はこれに相当する外国の法令の規定による外国の裁判所の命令を受けた後一年を経過しない者

(i) a person for whom one year has not passed after becoming subject to a court order under the provisions of Article 328, paragraph (1) or a foreign court order under the provisions of an equivalent foreign law or regulation;

ヌ　会社法第三百三十一条第一項第三号に掲げる者

(j) a person set forth in Article 331, paragraph (1), item (iii) of the Companies Act;

ル　営業に関し成年者と同一の行為能力を有しない未成年者でその法定代理人がイからヌまで又はヲのいずれかに該当するもの

(k) a minor that does not have the same capacity to act as an adult in business, and whose legal representative falls under any of sub-items (a) through (j), or sub-item (l);

ヲ　法人でその役員のうちにイからルまでのいずれかに該当する者のあるもの

(l) a corporation that has a person that falls under one of sub-items (a) through (k) as an officer;

二　申請書又はこれに添付すべき書類のうちに重要な事項について虚偽の記載があるとき。

(ii) if a written application or documents that are required to be attached to the written application contains a false statement about a material particular.

3　主務大臣は、会員商品取引所の存続期間又は商品市場の開設期限が定款に記載され、又は記録されている第九条の許可の申請があつた場合においては、第一項第一号の基準に代えて、申請に係る上場商品又は上場商品指数の先物取引を公正かつ円滑にするために十分な取引量が見込まれないことその他上場商品構成品等の取引の状況に照らし、当該先物取引をする会員商品取引所を設立することが当該上場商品構成品等の生産及び流通に著しい支障を及ぼし、又は及ぼすおそれがあることに該当しないことを同号の基準とし、当該基準並びに同項第二号及び第三号の基準の適用は、当該存続期間又は開設期限までの間について判断して行うものとする。

(3) If an application is filed for the permission referred to in Article 9 and the term of existence of a member commodity exchange or the expiration date of the commodity market is stated or recorded in the articles of incorporation, the criteria set forth in paragraph (1), item (i) is to be replaced by the criteria that the volume of transactions is not expected to fall short in terms of ensuring fair and smooth futures transactions in the listed commodity or listed commodity index which the application concerns, and that, in light of the status of transactions of the component products of listed commodities, etc., the establishment of a member commodity exchange in which the futures

transactions are conducted does not and is not likely to cause significant hindrance to the production and distribution of the component products of listed commodities, etc., and for the application of the criteria and the criteria referred to in items (ii) and (iii) of that paragraph, the competent minister is to make a judgment on those criteria for the term of existence or the term until the expiration date.

4　主務大臣は、第三百五十二条（第三号に係る部分に限る。）の規定による公示があつた日から三月を経過した後でなければ、第九条の許可をしてはならない。

(4) The competent minister must not give the permission referred to in Article 9 until after three months have passed since the day the public notice under the provisions of Article 352 (limited to the part related to item (iii)) has been issued.

5　主務大臣は、第九条の許可の申請が第一項各号に適合していないと認めるとき、又は第二項各号のいずれかに該当すると認めるときは、あらかじめ申請をした者にその旨を通知し、申請をした者又はその代理人の出頭を求め、釈明のための証拠を提出する機会を与えるため、その職員に意見の聴取をさせなければならない。

(5) If the competent minister finds that an application for the permission referred to in Article 9 does not to conform to one of the items of paragraph (1) or to fall under one of the items of paragraph (2), the minister must notify the applicant of this in advance, request the applicant or their representative to appear, and have an official of the ministry conduct a hearing of opinions so as to give that person an opportunity to submit evidence for the purpose of clarification.

6　前項の場合において、主務大臣は、意見の聴取をされる者が正当な理由がないのに意見の聴取に応じないときは、意見の聴取を行うことを要しない。

(6) In the case referred to in the preceding paragraph, if the person whose opinion is to be heard fails to appear at the hearing of opinions without legitimate grounds, the competent minister is not required to conduct the hearing of opinions.

7　主務大臣は、第五項の通知をする場合においては、意見を聴取する事項、場所及び期日を明らかにして、通知しなければならない。

(7) When notifying a person referred to in paragraph (5), the competent minister must give the notice by stating the particulars of the hearing of opinions, and the location and date for the hearing of opinions.

8　第五項の意見の聴取は、公開により行わなければならない。ただし、主務大臣が意見の聴取をされる者の業務に関する秘密を保つため必要があると認めるとき、又は公益上必要があると認めるときは、この限りでない。

(8) The hearing of opinions referred to in paragraph (5) must be opened to the public; provided, however, that this does not apply if the competent minister finds it necessary to maintain confidential information related to the business of the person whose opinion is to be heard secret, or finds it necessary in the

public interest.

９　主務大臣は、第五項の意見の聴取を行うため必要があると認めるときは、参考人の出頭を求めてその意見を聴取し、若しくは参考人にその意見若しくは報告の提出を求め、又は鑑定人に出頭を求めて鑑定をさせることができる。

(9) If the competent minister finds it necessary in order to conduct the hearing of opinions referred to in paragraph (5), the minister may request a witness to appear and hear their opinion, request a witness to submit an opinion or report, or ask an expert to appear and have them give an expert opinion.

１０　主務大臣は、会員商品取引所の存続期間又は商品市場の開設期限が定款に記載され、又は記録されている第九条の許可の申請があつた場合においては、第三百五十二条（第三号に係る部分に限る。）の規定による公示があつた日から四月以内に、申請をした者に対し、許可又は不許可の通知を発しなければならない。

(10) If an application is filed for the permission referred to in Article 9 and the term of existence of a member commodity exchange or the expiration date of the commodity market is stated or recorded in the articles of incorporation, the competent minister must issue a notice of whether the permission was granted or not to the applicant within four months from the day the public notice under the provisions of Article 352 (limited to the part related to item (iii)) was given.

１１　主務大臣が前項の期間内に同項の通知を発しなかつたときは、その期間満了の日に第九条の許可があつたものとみなす。

(11) If the competent minister does not issue the notice referred to in the preceding paragraph within the period set forth in that paragraph, the permission referred to in Article 9 is deemed to have been given on the final day of that period.

（成立の時期及び届出）

(Time of Establishment and Its Notification)

第十六条　会員商品取引所は、その設立の登記をすることにより成立する。

Article 16 (1) A member commodity exchange is established when its establishment is registered.

２　会員商品取引所は、成立の日から二週間以内に、主務大臣にその旨を届け出なければならない。

(2) A member commodity exchange must notify the competent minister of its establishment within two weeks from the day of its establishment.

（理事長への事務引継）

(Transfer of Affairs to the President)

第十七条　発起人は、第九条の許可があつたとき（第十五条第十一項の規定による場合を含む。）は、遅滞なく、その事務を理事長に引き継がなければならない。

Article 17 If permission referred to in Article 9 is granted (including the case pursuant to the provisions of Article 15, paragraph (11)), the founders must

hand over the affairs of the member commodity exchange to the president without delay.

（会社法の準用）
(Application, Mutatis Mutandis of the Companies Act)

第十八条　会社法第五十三条から第五十六条までの規定は、会員商品取引所の発起人について準用する。

Article 18 (1) The provisions of Articles 53 through 56 of the Companies Act apply mutatis mutandis to the founders of a member commodity exchange.

２　会社法第七編第二章第二節（第八百四十七条第二項、第八百四十七条の二、第八百四十七条の三、第八百四十九条第二項、第三項第二号及び第三号並びに第六項から第十一項まで、第八百五十一条並びに第八百五十三条第一項第二号及び第三号を除く。）の規定は、会員商品取引所の発起人の責任を追及する訴えについて準用する。この場合において、同法第八百四十七条第一項及び第四項中「法務省令」とあるのは、「主務省令」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

(2) The provisions of Part VII, Chapter II, Section 2 (excluding Article 847, paragraph (2), Article 847-2, Article 847-3, Article 849, paragraph (2), paragraph (3), items (ii) and (iii), and paragraphs (6) through (11), Article 851, and Article 853, paragraph (1), items (ii) and (iii)) of the Companies Act apply mutatis mutandis to an action to enforce the liability of the founders of a member commodity exchange. In such a case, the term "order of the ministry of justice" in Article 847, paragraphs (1) and (4) of that Act is deemed to be replaced with "order of the competent ministry", and any other necessary technical replacement of terms is specified by Cabinet Order.

３　会社法第八百二十八条第一項（第一号に係る部分に限る。）及び第二項（第一号に係る部分に限る。）、第八百三十四条（第一号に係る部分に限る。）、第八百三十五条第一項、第八百三十六条第一項及び第三項、第八百三十七条から第八百三十九条まで並びに第八百四十六条の規定は、会員商品取引所の設立の無効の訴えについて準用する。

(3) The provisions of Article 828, paragraph (1) (limited to the part related to item (i)) and paragraph (2) (limited to the part related to item (i)), Article 834 (limited to the part related to item (i)), Article 835, paragraph (1), Article 836, paragraphs (1) and (3), Articles 837 through 839, and Article 846 of the Companies Act apply mutatis mutandis to an action to invalidate the establishment of a member commodity exchange.

（役員又は会員の氏名等の変更）
(Changing the Name of an Officer or Member)

第十九条　会員商品取引所は、第十四条第一項第四号又は第五号に掲げる事項について変更があつたときは、遅滞なく、その旨を記載した変更届出書を主務大臣に提出しなければならない。

Article 19 (1) If a particular set forth in Article 14, paragraph (1), item (iv) or (v) changes, the member commodity exchange must submit a written notification of change stating the fact to the competent minister without delay.

２　前項の変更届出書には、その変更を証する書面及び主務省令で定める書類を添付しなければならない。

(2) The written notification of change referred to in the preceding paragraph must be accompanied by a document evidencing the change and the document specified by order of the competent ministry.

（設立の登記）

(Registration of Establishment)

第二十条　会員商品取引所の設立の登記は、その主たる事務所の所在地において、第九条の許可があつた日から二週間以内にしなければならない。

Article 20 (1) A registration of establishment of a member commodity exchange must be made at the locality of its principal office within two weeks from the day on which the permission referred to in Article 9 is given.

２　前項の登記には、次に掲げる事項を登記しなければならない。

(2) The following information must be registered for the registration referred to in the preceding paragraph:

一　目的

(i) the purpose;

二　名称

(ii) the name;

三　事務所の所在場所

(iii) the location of the office;

四　存続期間又は解散の事由を定めたときは、その期間又は事由

(iv) the term of existence or grounds for dissolution, if specified;

五　出資の総額

(v) the total amount of contribution;

六　出資一口の金額及びその払込みの方法

(vi) the amount for one unit of contribution and the method of its payment;

七　代表権を有する者の氏名、住所及び資格

(vii) the name, address, and qualification of the person with the representative authority;

八　公告方法

(viii) the means of public notice;

九　第十一条第六項の定款の定めが電子公告を公告方法とする旨のものであるときは、次に掲げる事項

(ix) if the provisions of the articles of incorporation referred to in Article 11, paragraph (6) specify electronic public notice as the means of public notice, the following matters:

イ　電子公告により公告すべき内容である情報について不特定多数の者がその提供を受けるために必要な事項であつて法務省令で定めるもの

(a) the matters that are necessary for making the information required to be given by electronic public notice available to many and unspecified persons, and that are specified by Order of the Ministry of Justice;

ロ　第十一条第七項後段の規定による定款の定めがあるときは、その定め

(b) if there are provisions in the articles of incorporation pursuant to the provisions of the second sentence of Article 11, paragraph (7), those provisions.

（変更の登記）

(Registration of a Change)

第二十一条　会員商品取引所において前条第二項各号に掲げる事項に変更が生じたときは、二週間以内に、その主たる事務所の所在地において、変更の登記をしなければならない。

Article 21 (1) When a change occurs to a matter set forth in one of the items of paragraph (2) of the preceding Article regarding a member commodity exchange, a registration of the change must be made at the locality of its principal office within two weeks from the day the change occurred.

２　前項の規定にかかわらず、前条第二項第五号に掲げる事項の変更の登記は、毎事業年度末日現在により、当該末日から四週間以内にすれば足りる。

(2) Notwithstanding the provisions of the preceding paragraph, it is sufficient to register a change to the matter set forth in paragraph (2), item (v) of the preceding Article within four weeks from the last day of each business year.

（他の登記所の管轄区域内への主たる事務所の移転の登記）

(Registration of the Relocation of the Principal Office to the Jurisdictional District of Another Registry Office)

第二十二条　会員商品取引所がその主たる事務所を他の登記所の管轄区域内に移転したときは、二週間以内に、旧所在地においては移転の登記をし、新所在地においては第二十条第二項各号に掲げる事項を登記しなければならない。

Article 22 If a member commodity exchange relocates its principal office to the jurisdictional district of another registry office, it must register the relocation at the former locality, and register the information set forth in the items of Article 20, paragraph (2) at the new location, within two weeks from the day of relocation.

（職務執行停止の仮処分等の登記）

(Registration of a Provisional Disposition to Suspend Execution of Duties)

第二十三条　会員商品取引所を代表すべき者の職務の執行を停止し、若しくはその職務を代行する者を選任する仮処分命令又はその仮処分命令を変更し、若しくは取り消す

決定がされたときは、その主たる事務所の所在地において、その登記をしなければならない。

Article 23 If an order for a provisional disposition to suspend the person representing a member commodity exchange from executing their duties or to appoint a person who is to perform the person's duties, or an order to change or revoke such a provisional disposition, a registration to that effect must be made at the locality of the principal office of the member commodity exchange.

（従たる事務所の所在地における登記）

(Registration at the Locality of Secondary Offices)

第二十四条　次の各号に掲げる場合（当該各号に規定する従たる事務所が主たる事務所の所在地を管轄する登記所の管轄区域内にある場合を除く。）には、当該各号に定める期間内に、当該従たる事務所の所在地において、従たる事務所の所在地における登記をしなければならない。

Article 24 (1) In the case set forth in one of the following items (excluding the case in which the secondary office set forth in each item is located within the jurisdictional district of the registry office that has jurisdiction over the locality of the principal office), a registration at the locality of a secondary office must be made at the locality of the secondary office within the period specified in each item:

一　会員商品取引所の設立に際して従たる事務所を設けた場合（次号に規定する場合を除く。）　主たる事務所の所在地における設立の登記をした日から二週間以内

(i) if the secondary office is established upon the establishment of the member commodity exchange (excluding the case set forth in the following item): within two weeks from the day on which the registration of establishment is made at the locality of the principal office;

二　新設合併により設立する会員商品取引所が新設合併に際して従たる事務所を設けた場合　第百四十七条の二第一項に規定する日から三週間以内

(ii) if the member commodity exchange that is established in a consolidation-type merger establishes the secondary office at the time of the consolidation-type merger: within three weeks from the day set forth in Article 147-2, paragraph (1); or

三　会員商品取引所の成立後に従たる事務所を設けた場合　従たる事務所を設けた日から三週間以内

(iii) if the secondary office is established after the establishment of the member commodity exchange: within three weeks from the day on which the secondary office is established.

２　従たる事務所の所在地における登記においては、次に掲げる事項を登記しなければならない。ただし、従たる事務所の所在地を管轄する登記所の管轄区域内に新たに従たる事務所を設けたときは、第三号に掲げる事項を登記すれば足りる。

(2) The following information must be registered for a registration at the locality

of a secondary office; provided, however, that if a secondary office is newly established within the jurisdictional district of a registry office that has jurisdiction over the locality of an existing secondary office, it is sufficient to register the information set forth in item (iii):

一　名称

(i) the name;

二　主たる事務所の所在場所

(ii) the location of the principal office;

三　従たる事務所（その所在地を管轄する登記所の管轄区域内にあるものに限る。）の所在場所

(iii) the locations of the secondary offices (limited to secondary offices located within the jurisdictional district of the registry office that has jurisdiction over the secondary office in question).

3　前項各号に掲げる事項に変更が生じたときは、三週間以内に、当該従たる事務所の所在地において、変更の登記をしなければならない。

(3) When a change occurs to information set forth in one of the items of the preceding paragraph, a registration of the change must be made at the locality of the secondary office within three weeks from the day the change occurred.

（他の登記所の管轄区域内への従たる事務所の移転の登記）

(Registration of the Relocation of a Secondary Office to the Jurisdictional District of Another Registry Office)

第二十四条の二　会員商品取引所がその従たる事務所を他の登記所の管轄区域内に移転したときは、旧所在地（主たる事務所の所在地を管轄する登記所の管轄区域内にある場合を除く。）においては三週間以内に移転の登記をし、新所在地（主たる事務所の所在地を管轄する登記所の管轄区域内にある場合を除く。以下この条において同じ。）においては四週間以内に前条第二項各号に掲げる事項を登記しなければならない。ただし、従たる事務所の所在地を管轄する登記所の管轄区域内に新たに従たる事務所を移転したときは、新所在地においては、同項第三号に掲げる事項を登記すれば足りる。

Article 24-2 If a member commodity exchange relocates its secondary office to the jurisdictional district of another registry office, it must register the relocation at the former locality (excluding the case in which the office is located within the jurisdictional district of the registry office that has jurisdiction over the locality of the principal office) within three weeks, and register the particulars set forth in the items of paragraph (2) of the preceding Article at the new locality (excluding the case in which the office is located within the jurisdictional district of the registry office that has jurisdiction over the locality of the principal office; hereinafter the same applies in this Article) within four weeks; provided, however, that if a member commodity exchange newly relocates a secondary office to the jurisdictional district of a registry

office that has jurisdiction over the locality of an existing secondary office, it is sufficient for the particulars set forth in item (iii) of that paragraph to be registered at the new locality.

（管轄登記所及び登記簿）

(Competent Registry Offices and Registers)

第二十五条　会員商品取引所の登記に関する事務は、その事務所の所在地を管轄する法務局若しくは地方法務局若しくはこれらの支局又はこれらの出張所が管轄登記所としてつかさどる。

Article 25 (1) The legal affairs bureau or the district legal affairs bureau, or the branch office or sub-branch office of that bureau that has jurisdiction over the locality of the office of the member commodity exchange, is in charge of the affairs concerning registration of a member commodity exchange as the competent registry office.

２　登記所に、会員商品取引所登記簿を備える。

(2) A registry office keeps a register of member commodity exchanges.

（設立の登記の申請）

(Application for Registration of Establishment)

第二十六条　会員商品取引所の設立の登記は、会員商品取引所を代表すべき者の申請によつてする。

Article 26 (1) A registration of establishment of a member commodity exchange is made by the filing of an application by the person that is to represent the member commodity exchange.

２　会員商品取引所の設立の登記の申請書には、定款並びに出資の払込みがあつたこと及び会員商品取引所を代表すべき者の資格を証する書面を添付しなければならない。

(2) The written application for a registration of the establishment of a member commodity exchange must be accompanied by the articles of incorporation, and documents proving that payment of the contribution have been made and proving the qualifications of the person that is to represent the member commodity exchange.

（変更の登記の申請）

(Application for the Registration of a Change)

第二十七条　第二十条第二項各号に掲げる事項の変更の登記の申請書には、当該事項の変更を証する書面を添付しなければならない。

Article 27 A written application for the registration of a change to a particular set forth in one of the items of Article 20, paragraph (2) must be accompanied by a document proving the change to the particular.

（設立の無効の登記の手続）

(Procedure for Registering the Invalidity of Establishment)

第二十八条　会社法第九百三十七条第一項（第一号イに係る部分に限る。）の規定は、会員商品取引所の設立の無効の訴えに係る請求を認容する判決が確定した場合について準用する。この場合において、同項中「会社の本店（第一号トに規定する場合であって当該決議によって第九百三十条第二項各号に掲げる事項についての登記がされているときにあっては、本店及び当該登記に係る支店）」とあるのは、「会員商品取引所の主たる事務所」と読み替えるものとする。

Article 28 The provisions of Article 937, paragraph (1) of the Companies Act (limited to the part related to item (i), (a)) apply mutatis mutandis when a judgment upholding a claim related to an action seeking to invalidate the establishment of a member commodity exchange becomes final and binding. In such a case, the phrase "the locality of the head office of the company (or, in the case prescribed in item (i) (g), if the matters set forth in the items of Article 930, paragraph (2) have been registered as a result of the resolution, the head office and the branch offices which the registration concerns)" in that paragraph is deemed to be replaced with "the locality of the principal office of the member commodity exchange".

（商業登記法の準用）

(Application, Mutatis Mutandis of the Commercial Registration Act)

第二十九条　商業登記法（昭和三十八年法律第百二十五号）第二条から第五条まで、第七条から第十五条まで、第十七条から第二十三条の二まで、第二十四条（第十五号及び第十六号を除く。）、第二十五条から第二十七条まで、第四十八条から第五十三条まで及び第百三十二条から第百四十八条までの規定は、会員商品取引所の登記について準用する。この場合において、同法第四十八条第二項中「会社法第九百三十条第二項各号」とあるのは、「商品先物取引法第二十四条第二項各号」と読み替えるものとする。

Article 29 The provisions of Articles 2 through 5, Articles 7 through 15 , Articles 17 through 23-2, Article 24 (excluding items (xv) and (xvi)), Articles 25 through 27, Articles 48 through 53, and Articles 132 through 148 of the Commercial Registration Act (Act No. 125 of 1963) apply mutatis mutandis to the registration of a member commodity exchange. In such case, the phrase "the items of Article 930, paragraph (2) of the Companies Act" in Article 48, paragraph (2) of that Act is deemed to be replaced with "the items of Article 24, paragraph (2) of the Commodity Derivatives Transaction Act".

第二款　会員
Subsection 2 Members

第三十条　削除

Article 30 Deleted

（欠格条件）
(Disqualifying Conditions)
第三十一条　次の各号のいずれかに該当する者は、会員となることができない。
Article 31 (1) A person who falls under any of the following items may not become a member:
一　心身の故障により業務を適正に行うことができない者として主務省令で定める者
(i) a person specified by order of the competent ministry as a person who is incapable of carrying out their duties properly due to mental or physical disorder;
二　第十五条第二項第一号ロからヌまでのいずれかに該当する者
(ii) a person that falls under any of the persons referred to in Article 15, paragraph (2), item (i), sub-items (b) through (j);
三　営業に関し成年者と同一の行為能力を有しない未成年者でその法定代理人が前二号又は次号のいずれかに該当するもの
(iii) a minor that does not have the same capacity to act as an adult in business and whose legal representative falls under any of the persons referred to in the preceding two items or the following item; or
四　法人でその役員のうちに前三号のいずれかに該当する者のあるもの
(iv) a corporation whose officers include a person who falls under one of the persons referred to in the preceding three items.
２　合併後存続する法人又は合併により設立された法人は、前項第二号（第十五条第二項第一号ハからホまで及びリに係る部分に限る。）及び第四号の規定の適用については、当該合併により消滅した法人と同一の法人とみなす。
(2) With regard to the application of the provisions of item (ii) of the preceding paragraph (limited to the part related to Article 15, paragraph (2), item (i), sub-items (c) through (e), and sub-item (i)) and item (iv) of the preceding paragraph, the corporation that survives a merger or the corporation established in a merger is deemed to be the same corporation as the corporation that disappeared in the merger.

（出資）
(Contributions)
第三十二条　会員は、出資一口以上を持たなければならない。
Article 32 (1) A member must make a contribution of one or more units.
２　出資は、金銭以外の財産ですることができない。
(2) Contributions may not be made using property other than money.
３　出資一口の金額は、均一でなければならない。
(3) The amount for one unit of contribution must be uniform.
４　会員商品取引所の債務に対する会員の責任は、第三十四条の規定による経費の負担及び第四十五条第三項の規定による損失額の負担のほか、その出資額を限度とする。

(4) In addition to a member bearing the expenses under the provisions of Article 34 and bearing the amount of loss under the provisions of Article 45, paragraph (3), a member's liability for the obligations of a member financial instruments corporation is limited to the amount of their contribution.

5　会員は、出資の払込みについて、相殺をもつて会員商品取引所に対抗することができない。

(5) A member may not assert against a member commodity exchange by offsetting the payment of contribution.

（議決権及び選挙権）

(Voting Rights and the Right to Elect)

第三十三条　会員は、出資口数にかかわらず、各々一個の議決権及び役員の選挙権を有する。

Article 33 (1) A member has a single voting right and a single right to elect officers, regardless of the number of units of contribution.

2　会員は、第五十九条第八項の規定によりあらかじめ通知のあつた事項につき、書面又は代理人をもつて、議決権又は選挙権を行うことができる。この場合においては、定款で定める資格を有する者でなければ、代理人となることができない。

(2) A member may exercise a voting right or right to elect by a written ballot or through a proxy regarding the particulars that have been notified in advance pursuant to the provisions of Article 59, paragraph (8). In such a case, a person may not act as a proxy unless that person has the qualifications specified in the articles of incorporation.

3　会員は、定款で定めるところにより、前項の規定による書面をもつてする議決権の行使に代えて、議決権を電磁的方法により行うことができる。

(3) In lieu of exercising a voting right by written ballot pursuant to the preceding paragraph, a member may exercise a voting right by electronic or magnetic means, pursuant to the provisions of the articles of incorporation.

4　前二項の規定により議決権又は選挙権を行う者は、出席者とみなす。

(4) A person that exercises a voting right or a right to vote pursuant to the provisions of the preceding two paragraphs is deemed to be present at the relevant meeting.

5　代理人は、代理権を証する書面を会員商品取引所に提出しなければならない。この場合において、電磁的方法により議決権を行うことが定款で定められているときは、当該書面の提出に代えて、代理権を当該電磁的方法により証明することができる。

(5) A proxy must submit a document certifying the representative authority to the member commodity exchange. In such a case, if the articles of incorporation provide that voting rights may be exercised by electronic or magnetic means, the proxy may prove the representative authority through electronic or magnetic means in lieu of submitting the document.

（経費の賦課）
(Imposing Expenses)
第三十四条　会員商品取引所は、定款で定めるところにより、会員に経費を賦課することができる。
Article 34 (1) A member commodity exchange may impose expenses on its members pursuant to the provisions of the articles of incorporation.
２　第三十二条第五項の規定は、前項の経費の払込みについて準用する。
(2) The provisions of Article 32, paragraph (5) apply mutatis mutandis to the payment of the expenses referred to in the preceding paragraph.

（加入）
(Membership)
第三十五条　会員商品取引所の設立の際会員商品取引所に加入しようとする者でその引き受けた出資の全額の払込みが終了したものは、その会員商品取引所成立の時に会員となる。
Article 35 (1) A person that, at the time of establishment of a member commodity exchange, seeks to join the member commodity exchange and has finished paying the full amount of the contribution the person has undertaken, becomes a member of the member commodity exchange at the time of its incorporation.
２　会員商品取引所の設立の際会員商品取引所に加入しようとする者で会員商品取引所成立の時までに前項に規定する払込みを終了しない者については、会員商品取引所成立の時に加入の申込みを取り消したものとみなす。
(2) A person that, at the time of establishment of a member commodity exchange, seeks to join the member commodity exchange but has not finished making the payment prescribed in the preceding paragraph by the time of the incorporation of the member commodity exchange, is deemed to have canceled the application for membership at the time of the incorporation of the member commodity exchange.
３　成立後の会員商品取引所に加入しようとする者は、定款で定めるところにより、加入につき会員商品取引所の承諾を得て、その引き受けた出資の全額の払込み及び会員商品取引所が加入金を徴収することを定めた場合にはその支払を終了した時又は会員の持分の全部若しくは一部の譲受け及び会員商品取引所が加入金を徴収することを定めた場合にはその支払を終了した時に会員となる。
(3) A person seeking to join a member commodity exchange after its incorporation becomes a member at the time that, pursuant to the provisions of the articles of incorporation, the person obtains the member commodity exchange's consent to join, finishes paying the full amount of the contribution that the person has undertaken, and finishes paying the membership fee, if the member commodity exchange has specified that it will require the payment of the full amount of contribution and collection of the membership fee; or at the

time that, the person acquires the whole or a part of a member's equity interest, and finishes paying the membership fee, if the member commodity exchange has specified that it will require the acquisition of the whole or a part of a member's equity interest and collection of the membership fee.

４　会員商品取引所は、会員たる資格を有する者が会員商品取引所に加入しようとするときは、正当な理由がないのに、その加入を拒んではならない。

(4) If a person that is qualified to become a member seeks to join a member commodity exchange, the member commodity exchange must not refuse the membership without legitimate grounds.

（持分の譲渡）

(Transfer of Equity Interest)

第三十六条　会員は、定款で定めるところにより、会員又は会員たる資格を有する者に持分の全部又は一部を譲り渡すことができる。

Article 36 (1) A member may transfer the whole or a part of their equity interest to a member or a person that is qualified to become a member, pursuant to the provisions of the articles of incorporation.

２　会員たる資格を有する者が持分を譲り受けようとするときは、加入の例によらなければならない。

(2) If a person that is qualified to become a member seeks to acquire equity interest, the acquisition must be governed by the same rules as those for joining the member commodity exchange.

３　持分の譲受人は、その持分について、譲渡人の権利及び義務を承継する。

(3) A person that acquires equity interest succeeds to the rights and obligations of the person transferring those shares.

（持分の承継）

(Succession to Shares)

第三十七条　会員が死亡した場合において、その相続人又は受遺者（以下この条において「相続人等」という。）が会員であるときは、その者は、被承継人の持分並びにその持分についての被承継人の権利及び義務を承継する。この場合においては、承継人は、遅滞なく、その旨を会員商品取引所に通知しなければならない。

Article 37 (1) If a member dies and that member's heir or legatee (hereinafter referred to as the "heir, etc." in this Article) is a member, the person succeeds to the equity interest of the decedent and the rights and obligations of the decedent concerning the equity interest. In such a case, the heir, etc. must notify the member commodity exchange of that fact without delay.

２　会員が死亡した場合において、相続人等が会員たる資格を有する者であるときは、その者は、定款で定める期間内に加入につき会員商品取引所の承諾を得て、被承継人の持分並びにその持分についての被承継人の権利及び義務を承継することができる。

(2) If a member dies and the heir, etc. is a person that is qualified to become a

member, the person may succeed to the equity interest of the decedent and the rights and obligations of the decedent concerning the equity interest upon obtaining the member commodity exchange's consent for joining the member commodity exchange within the period specified in the articles of incorporation.

３　前項の規定により相続人等が被承継人の持分並びにその持分についての被承継人の権利及び義務を承継したときは、その者は、被承継人の死亡の時において会員になつたものとみなす。

(3) Once an heir, etc. succeeds to the equity interest of the decedent and to the rights and obligations of the decedent concerning the equity interest pursuant to the provisions of the preceding paragraph, the heir, etc. is deemed to have become a member at the decedent's time of death.

４　第一項又は第二項の場合において、相続人等が数人あるときは、その相続人等全員の同意をもつて選定された一人の相続人等に対してのみ、これらの項の規定を適用する。

(4) In the case referred to in paragraph (1) or (2), if there are two or more heirs, etc., the provisions of these paragraphs apply only to one heir, etc. that has been selected with the consent of all the heirs, etc.

（持分の共有禁止）

(Prohibition on Joint Ownership of Equity Interest)

第三十八条　会員は、持分を共有することができない。

Article 38 No member may jointly own equity interest.

（取引に係る権利及び義務の承継）

(Succession to Rights and Obligations Connected with Transactions)

第三十九条　第三十七条第一項又は第二項の規定により会員の持分並びにその持分についての権利及び義務を承継した者は、当該会員が商品市場においてした取引に係る権利及び義務を承継する。

Article 39 A person that has succeeded to the equity interest of a member and to the rights and obligations connected with the equity interest pursuant to the provisions of Article 37, paragraph (1) or (2) succeeds to the rights and obligations connected with the transactions that the member has conducted in the commodity market.

（会員たる地位の承継）

(Succession to Member Status)

第四十条　会員につき合併があつたときは、合併後存続する法人又は合併により設立された法人は、会員たる地位を承継する。

Article 40 If a member merges, the corporation surviving the merger or the corporation established in the merger succeeds to the member status.

（任意脱退）
(Voluntary Withdrawals)
第四十一条　会員は、三十日前までに予告して、会員商品取引所を脱退することができる。
Article 41 (1) A member may withdraw from a member commodity exchange with 30 days' advance notice.
２　前項の予告期間は、定款で延長することができる。ただし、その期間は、一年を超えることができない。
(2) The period of advance notice referred to in the preceding paragraph may be extended by the articles of incorporation; provided, however, that the period may not exceed one year.

（当然脱退）
(Involuntary Withdrawal)
第四十二条　会員は、前条及び第四十四条第一項に規定する場合のほか、次に掲げる事由によつて脱退する。
Article 42 Beyond what is provided for in the preceding Article and Article 44, paragraph (1), a member is to withdraw from the member commodity exchange for the following reasons:
一　その者が取引をする商品市場のすべてが第七十条の規定により閉鎖されたこと。
(i) all of the commodity markets in which the person trades have been closed pursuant to the provisions of Article 70;
二　持分全部の譲渡
(ii) transfer of the whole of the member's shares;
三　死亡又は解散
(iii) member's death or dissolution; and
四　除名
(iv) member's expulsion.

（除名）
(Expulsion)
第四十三条　会員の除名は、第九十九条第五項の規定によつてする場合及び第百六十条第一項の規定による主務大臣の命令によつてする場合を除き、定款で定める事由のある会員につき、第六十一条に定める会員総会の決議によつてするものとする。
Article 43 (1) With the exception of expulsion pursuant to the provisions of Article 99, paragraph (5) and expulsion by order of the competent minister pursuant to the provisions of Article 160, paragraph (1), a member is to be expelled through a resolution of the general meeting of members as provided in Article 61, in respect of a member for whom a reason as specified by the articles of incorporation exists.
２　前項の場合においては、会員商品取引所は、その会員総会の会日の十日前までに、

その会員に対しその旨及び除名の理由を記載した書面を送付し、かつ、会員総会において弁明する機会を与えなければならない。

(2) In the case referred to in the preceding paragraph, a member commodity exchange must send a document stating the fact and the reason for the expulsion to the member by 10 days prior to the day of the general meeting of members, and must give the member an opportunity to provide an explanation at the general meeting of members.

３　除名は、除名した会員にその旨を通知しなければ、これをもつてその者に対抗することができない。

(3) Expulsion may not be asserted against a member unless the expelled member is notified of the expulsion.

（持分の差押えによる脱退）

(Withdrawal due to Attachment of Equity Interests)

第四十四条　会員の持分を差し押さえた債権者は、その会員を脱退させることができる。ただし、会員商品取引所及び会員に対し三十日前までに予告しなければならない。

Article 44 (1) A creditor that has attached the equity interest of a member may have the member withdraw from a member commodity exchange; provided, however, that the creditor must give 30 days' advance notice to the member commodity exchange and the member.

２　前項ただし書の予告は、同項の会員が、同項の債権者に対し、弁済し、又は相当の担保を提供したときは、その効力を失う。

(2) The advance notice referred to in the proviso to the preceding paragraph ceases to be effective if the member referred to in that paragraph makes payment or provides suitable collateral to the creditor referred to in in that paragraph.

３　会員の持分の差押えは、持分の払戻しを請求する権利に対しても、その効力を有する。

(3) Attachment of the equity interest of a member is also effective against the right to claim a refund of the equity interest.

（持分の払戻し）

(Refunding Equity Interests)

第四十五条　脱退した会員は、定款で定めるところにより、その持分の全部又は一部の払戻しを受けることができる。

Article 45 (1) A member that has withdrawn from the member commodity exchange may receive a refund of the whole or a part of its equity interest pursuant to the provisions of the articles of incorporation.

２　前項の持分は、脱退した日の属する月の前月末日における会員商品取引所の財産によつて定める。

(2) The equity interest referred to in the preceding paragraph is decided based on

the property of the member commodity exchange as of the last day of the month preceding the month that includes the day on which the member has withdrawn from the member commodity exchange.

３　前項の持分を計算するに当たり、会員商品取引所の財産をもつて債務を完済することができないときは、会員商品取引所は、定款で定めるところにより、脱退した会員に対し、その負担に帰すべき損失額の払込みを請求することができる。

(3) In calculating the equity interest referred to in the preceding paragraph, if a debt cannot be repaid in full out of the property of the member commodity exchange, the member commodity exchange may file a claim against the member who has withdrawn for payment of the amount of loss that they are liable to bear.

４　第一項又は前項の規定による請求権は、脱退後二年間行わないときは、時効によつて消滅する。

(4) A claim under paragraph (1) or the preceding paragraph expires by prescription if not exercised within two years after the withdrawal.

５　脱退した会員が会員商品取引所に対する債務を完済するまでは、会員商品取引所は、持分の払戻しを停止することができる。

(5) A member commodity exchange may suspend the refund of the equity interest until the member that has withdrawn pays its debt in full to the member commodity exchange.

第三款　機関
Subsection 3 Organs

（役員）

(Officers)

第四十六条　会員商品取引所に、次の役員を置く。

Article 46 (1) A member commodity exchange has the following officers:

理事長　一人

One president;

理事　二人以上

Two or more directors;

監事　二人以上

Two or more auditors.

（理事長及び理事の権限）

(Authority of the President and Directors)

第四十七条　理事長は、会員商品取引所を代表し、その事務を総理する。

Article 47 (1) The president represents the member commodity exchange and presides over its affairs.

２　理事は、定款で定めるところにより、会員商品取引所を代表し、理事長を補佐して

会員商品取引所の事務を掌理し、理事長に事故があるときにはその職務を代理し、理事長が欠員のときにはその職務を行う。

(2) Directors, pursuant to the provisions of the articles of incorporation, represents the member commodity exchange, assists the president in administering the affairs of the member commodity exchange, acts as a proxy in handling the duties of the president if the president is unavailable, and performs the duties of the president if the position is vacant.

３　会員商品取引所の事務の執行は、定款に別段の定めがないときは、理事長及び理事の過半数で決する。

(3) The execution of the affairs of a member commodity exchange is decided by a majority vote of the president and directors, unless otherwise specified by the articles of incorporation.

（理事長及び理事の代理行為の委任）

(Delegation of the Authority of the President and Directors)

第四十七条の二　理事長及び理事は、定款又は会員総会の決議によつて禁止されていないときに限り、特定の行為の代理を他人に委任することができる。

Article 47-2 The president and directors may delegate their authority for specific actions to another person, unless the delegation is prohibited by the articles of incorporation or a resolution of the general meeting of members.

（監事の権限）

(Authority of Auditors)

第四十八条　監事は、会員商品取引所の事務を監査する。

Article 48 (1) An auditor audits the affairs of the member commodity exchange.

２　監事は、いつでも理事長若しくは理事に対して事務の報告を求め、又は会員商品取引所の事務及び財産の状況を調査することができる。

(2) An auditor may request the president or a director to give a report on the affairs or examine the state of the affairs and the property of the member commodity exchange at any time.

３　監事は、理事長が会員総会に提出しようとする書類を調査し、会員総会にその意見を報告しなければならない。

(3) An auditor must examine the documents that the president seeks to submit to a general meeting of members, and report their opinions to the general meeting of members.

（役員の欠格条件）

(Disqualifying Conditions for Officers)

第四十九条　第十五条第二項第一号イからルまでのいずれかに該当する者は、会員商品取引所の役員となることができない。

Article 49 (1) A person falling under a person referred to in one of Article 15,

paragraph (2), item (i), sub-items (a) through (k) may not become the officer of a member commodity exchange.

２　会員商品取引所の役員が前項に規定する者に該当することとなつたときは、その職を失う。

(2) If an officer of a member commodity exchange comes to fall under a person provided for in the preceding paragraph, the officer loses their position.

（役員の選任）

(Appointment of Officers)

第五十条　会員商品取引所の役員は、次項の規定により選任される理事を除き、定款で定めるところにより、会員総会において、会員が選挙する。ただし、設立当時の役員は、創立総会において、会員になろうとする者が選挙する。

Article 50 (1) The members elect the officers of a member commodity exchange at a general meeting of members pursuant to the provisions of the articles of incorporation, with the exception of the directors that are appointed pursuant to the provisions of the following paragraph; provided, however, that the persons seeking to become members elect the officers at the time of establishment at the organizational general meeting.

２　理事長は、定款に特別の定めがある場合には、理事の過半数の同意を得て、定款で定める数の理事を選任する。

(2) If there are special provisions in the articles of incorporation, the president appoints the number of directors specified by the articles of incorporation with the consent of the majority of the directors.

（会員商品取引所と役員との関係）

(Relationship between a Member Commodity Exchange and Officers)

第五十条の二　会員商品取引所と役員との関係は、委任に関する規定に従う。

Article 50-2 The relationship between a member commodity exchange and its officers is governed by the provisions concerning delegation.

（役員の任期）

(Term of Office of Officers)

第五十一条　役員の任期は、三年以内において定款で定める期間とする。

Article 51 (1) The term of office of an officer is a period of not more than three years, as specified by the articles of incorporation.

２　設立当時の役員の任期は、前項の規定にかかわらず、創立総会において定める期間とする。ただし、その期間は、一年を超えることができない。

(2) Notwithstanding the provisions of the preceding paragraph, the term of office of an officer at the time of establishment is the period decided at the organizational meeting; provided, however, that the period may not exceed one year.

（仮理事及び仮監事）
(Provisional Directors and Provisional Auditors)
第五十二条　主務大臣は、理事又は監事の職を行う者がない場合において、必要があると認めるときは、仮理事又は仮監事を選任することができる。
Article 52 If there is no person to perform the duties of a director or auditor and the competent minister finds it to be necessary, the minister may appoint a provisional director or provisional auditor.

（理事長及び理事の責任）
(Responsibilities of the President and Directors)
第五十三条　理事長又は理事がその任務を怠つたときは、その理事長又は理事は、会員商品取引所に対して連帯して損害賠償の責めに任ずる。
Article 53 (1) If the president or a director neglects their duties, the president and directors are held jointly and severally liable for damages to the member commodity exchange.
２　理事長又は理事が法令又は定款に違反する行為をしたときは、会員総会の決議によつた場合でもその理事長又は理事は、第三者に対して連帯して損害賠償の責めに任ずる。
(2) If the president or a director performs an act that violates a law or regulation or the articles of incorporation, even if this was based on a resolution of the general meeting of members, the president and directors are held jointly and severally liable for damages to third parties.

（役員の解任の請求）
(Request for the Dismissal of an Officer)
第五十四条　会員は、総会員の五分の一以上の連署をもつて、役員の解任を請求することができる。この場合において、その請求につき、総会員の半数以上が出席する会員総会において、出席会員の三分の二以上の同意があつたときは、その請求に係る役員は、その職を失う。
Article 54 (1) A member may request the dismissal of an officer, with the joint signature of at least one-fifth of all the members. In such a case, with regard to the request, the officer which the request concerns loses their position, if there is consent of at least two-thirds of the members present at a general meeting of members with the presence of at least half of all members.
２　前項の規定による解任の請求は、理事長及び理事の全員又は監事の全員について、同時にしなければならない。ただし、法令又は定款若しくは業務規程に違反したことを理由として解任を請求するときは、この限りでない。
(2) A request for dismissal under the preceding paragraph must be made simultaneously for the president and all of the directors or simultaneously for all of the auditors; provided, however, that this does not apply if the dismissal

is requested due to the violation of a law or regulation, the articles of incorporation, or the operational rules.

３　第一項の規定による解任の請求は、その理由を記載した書面を理事長に提出してしなければならない。

(3) To make request for dismissal under the provisions of paragraph (1), a document stating the reason for the request must be submitted to the president.

４　第一項の規定による解任の請求があつたときは、理事長は、その請求を会員総会の議に付し、かつ、会員総会の会日から十日前までに、その請求に係る役員に対し、前項の規定による書面を送付し、かつ、会員総会において弁明する機会を与えなければならない。

(4) If a request for dismissal under the provisions of paragraph (1) is made, the president must submit the request for discussion to a general meeting of members and send the document under the provisions of the preceding paragraph to the officer which the request concerns by 10 days before the day of the general meeting of members, and must give that officer an opportunity to provide an explanation at the general meeting of members.

５　第五十九条第三項、第六項及び第七項の規定は、前項の場合について準用する。

(5) The provisions of Article 59, paragraphs (3), (6), and (7) apply mutatis mutandis to the case referred to in the preceding paragraph.

（役員の兼職禁止）

(Prohibition on the Concurrent Holding of Positions by Officers)

第五十五条　会員商品取引所の役員は、他の商品取引所の役員の地位を占めてはならない。

Article 55 (1) The officer of a member commodity exchange must not hold the position of officer at another commodity exchange.

２　理事長又は理事は、その者が理事長又は理事となつている会員商品取引所の監事と、監事は、その者が監事となつている会員商品取引所の使用人又は理事長若しくは理事と兼ねてはならない。

(2) It is prohibited for the president or a director to concurrently hold the position of auditor at the member commodity exchange where the person is serving as president or director, and for an auditor to concurrently hold the position of employee, president, or director at the member commodity exchange where the person is serving as auditor.

（理事の自己契約等の禁止）

(Prohibition of Self-Contract of Directors)

第五十六条　会員商品取引所が理事長又は理事と契約をするときは、監事が会員商品取引所を代表する。会員商品取引所と理事長又は理事との訴訟についても、また同様とする。

Article 56 When a member commodity exchange concludes a contract with the

president or a director, an auditor represents the member commodity exchange. The same applies to litigation between a member commodity exchange and the president or a director.

（定款等の備置き及び閲覧等）

(Keeping and Inspection of Articles of Incorporation)

第五十七条　会員商品取引所は、定款及び業務規程を会員商品取引所の各事務所に、会員名簿を主たる事務所に備え置かなければならない。

Article 57 (1) A member commodity exchange must keep copies of the articles of incorporation and operational rules at each office of the member commodity exchange, and must keep a register of members at its principal office.

２　会員商品取引所は、会員総会の議事録を十年間主たる事務所に、その謄本を五年間従たる事務所に備え置かなければならない。

(2) A member commodity exchange must keep the minutes of general meetings of members at its principal office for 10 years, and must keep copies of those minutes at its secondary offices for five years.

３　会員名簿には、各会員について次に掲げる事項を記載し、又は記録しなければならない。

(3) The following information concerning each member must be stated or recorded in the register of members:

一　氏名又は商号若しくは名称及び住所

(i) the name or trade name and the address;

二　加入年月日

(ii) the date of membership;

三　出資口数、出資金額及びその払込年月日

(iii) the number of units of contribution, the amount of contribution, and the date of payment;

四　取引をする商品市場における上場商品又は上場商品指数

(iv) the listed commodity or listed commodity index of the commodity market on which the member conducts transactions; and

五　商品先物取引業者であるときは、許可年月日

(v) if it is a commodity derivatives business operator, the license date.

４　会員及び会員商品取引所の債権者は、当該会員商品取引所の事業時間内は、いつでも、次に掲げる請求をすることができる。ただし、第二号又は第四号に掲げる請求をするには、当該会員商品取引所の定めた費用を支払わなければならない。

(4) A member or creditor of a member commodity exchange may make the following requests at any time during the business hours of the member commodity exchange; provided, however, that in making the request set forth in item (ii) or (iv), the member or creditor must pay the cost specified by the member commodity exchange:

一　第一項又は第二項の書面の閲覧の請求

(i) a request to inspect a document referred to in paragraph (1) or (2);

二　第一項又は第二項の書面の謄本又は抄本の交付の請求

(ii) a request to be issued a certified copy or extract of a document referred to in paragraph (1) or (2);

三　第一項又は第二項の書面の作成に代えて電磁的記録の作成がされているときは、当該電磁的記録に記録された事項を主務省令で定める方法により表示したものの閲覧の請求

(iii) if an electronic or magnetic record has been prepared in lieu of a document referred to in paragraph (1) or (2), a request to inspect a thing that displays the information that has been recorded in that electronic or magnetic record by the means specified by order of the competent ministry;

四　前号の電磁的記録に記録された事項を電磁的方法であつて主務省令で定めるものにより提供することの請求又は当該事項を記載した書面の交付の請求

(iv) a request to be provided with the information that has been recorded in an electronic or magnetic record referred to in the preceding item by an electronic or magnetic means specified by order of the competent ministry, or a request to be issued a document that states the information.

5　会員商品取引所は、前項の規定による請求があつたときは、正当な理由がないのにこれを拒んではならない。

(5) If a member commodity exchange has received a request under the provisions of the preceding paragraph, it must not refuse the request without legitimate grounds.

（会社法等の準用）

(Application, Mutatis Mutandis of the Companies Act)

第五十八条　会社法第四百二十四条及び第四百三十条の規定は理事長、理事及び監事について、同法第七編第二章第二節（第八百四十七条第二項、第八百四十七条の二、第八百四十七条の三、第八百四十九条第二項、第三項第二号及び第三号並びに第六項から第十一項まで、第八百五十一条並びに第八百五十三条第一項第二号及び第三号を除く。）の規定は理事長、理事及び監事の責任を追及する訴えについて、同法第三百四十九条第四項及び第五項、第三百五十条、第三百五十四条並びに第三百六十一条第一項及び第四項の規定は理事長及び理事について、第五十三条の規定は監事について、それぞれ準用する。この場合において、同法第四百二十四条中「前条第一項」とあるのは「商品先物取引法第五十三条第一項」と、同法第四百三十条中「役員等が」とあるのは「理事長又は理事が」と、「他の役員等も」とあるのは「監事も」と、同法第八百四十七条第一項及び第四項中「法務省令」とあるのは「主務省令」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

Article 58 The provisions of Article 424 and Article 430 of the Companies Act apply mutatis mutandis to the president, directors, and auditors; the provisions of Part VII, Chapter II, Section 2 (excluding Article 847, paragraph (2), Article 847-2, Article 847-3, Article 849, paragraph (2), paragraph (3),

items (ii) and (iii), and paragraphs (6) through (11), Article 851, and Article 853, paragraph (1), items (ii) and (iii)) of that Act apply mutatis mutandis to an action pursuing the liability of the president, directors, and auditors; the provisions of Article 349, paragraphs (4) and (5), Article 350, Article 354, and Article 361, paragraphs (1) and (4) of that Act apply mutatis mutandis to the president and directors; and the provisions of Article 53 apply mutatis mutandis to the auditors. In such a case, the term "paragraph (1) of the preceding Article" in Article 424 of that Act is deemed to be replaced with "Article 53, paragraph (1) of the Commodity Derivatives Transaction Act", the term "In cases where officers, etc." in Article 430 of that Act is deemed to be replaced with "If the president or a director", the term "another officer, etc." in that Article is deemed to be replaced with "an auditor", the term "Order of the Ministry of Justice" in Article 847, paragraphs (1) and (4) of that Act is deemed to be replaced with "order of the competent ministry", and any other technical replacement of terms is as specified by Cabinet Order.

（会員総会の招集）
(Convocation of General Meetings of Members)

第五十九条　理事長は、定款で定めるところにより、毎事業年度一回通常会員総会を招集しなければならない。

Article 59 (1) The president must convene an ordinary general meeting of members once every business year pursuant to the provisions of the articles of incorporation.

２　理事長は、必要があると認めるときは、定款で定めるところにより、いつでも臨時会員総会を招集することができる。

(2) The president may convene an extraordinary general meeting of members pursuant to the provisions of the articles of incorporation, whenever the president finds this to be necessary.

３　会員が総会員の五分の一以上の者の同意をもつて、会議の目的たる事項及び招集の理由を記載した書面を理事長に提出して、会員総会の招集を請求したときは、理事長は、その請求があつた日から二十日以内に、臨時会員総会を招集しなければならない。

(3) If a member submits a document stating the purpose of a meeting and the grounds for convening a meeting to the president and requests the convocation of a general meeting of members with the consent of at least one-fifth of all the members, the president must convene an extraordinary general meeting of members within 20 days from the day of the request.

４　前項の場合において、電磁的方法により議決権を行うことが定款で定められているときは、同項の規定による書面の提出に代えて、当該書面に記載すべき事項及び理由を当該電磁的方法により提出することができる。この場合において、当該書面に記載すべき事項及び理由を当該電磁的方法により提出した会員は、当該書面を提出したものとみなす。

(4) In the case referred to in the preceding paragraph, if the articles of incorporation provide that a voting right is to be exercised by electronic or magnetic means, in lieu of submitting the document under the provisions of that paragraph, a member may submit the purpose and grounds that are required to be stated in that document by electronic or magnetic means. In such a case, a member that has submitted the purpose and grounds that are required to be stated in the document by electronic or magnetic means is deemed to have submitted that document.

5　前項前段の電磁的方法（主務省令で定める方法を除く。）により行われた当該書面に記載すべき事項及び理由の提供は、理事長の使用に係る電子計算機に備えられたファイルへの記録がされた時に当該理事長に到達したものとみなす。

(5) In providing the purpose and grounds that are required to be stated in a document by the electronic or magnetic means (excluding any means specified by order of the competent ministry) referred to in the first sentence of the preceding paragraph, the purpose and grounds are deemed to have reached the president at the time that they are recorded in a file on a computer used by the president.

6　理事長の職務を行う者がないとき、又は第三項の請求があつた場合において理事長が正当な理由がないのに招集の手続をしないときは、監事は、遅滞なく、会員総会を招集しなければならない。

(6) If there is no person to perform the duties of the president, or if a request set forth in paragraph (3) is made but the president fails to implement convocation procedures without legitimate grounds for failing to do so, an auditor must convene a general meeting of members without delay.

7　前項の場合において、監事の職務を行う者がないとき、又は監事が正当な理由がないのに同項の手続をしないときは、第三項の会員は、主務大臣の承認を得て、会員総会を招集することができる。

(7) In the case referred to in the preceding paragraph, if there is no person to perform the duties of auditor, or if an auditor does not go through the procedures referred to in that paragraph without legitimate grounds, the member referred to in paragraph (3) may convene a general meeting of members with the approval of the competent minister.

8　会員総会を招集するには、会日から十日前までに、各会員に対して、書面をもつて招集の通知を発しなければならない。ただし、第二項、第三項、第六項及び前項に規定する招集については、定款でこの期間を短縮することができる。

(8) In order to convene a general meeting of members, a notice of convocation must be sent in writing to each member by 10 days prior to the day of the meeting; provided, however, that this period may be shortened by the articles of incorporation with regard to a convocation of a meeting prescribed in paragraph (2), (3), (6), or the preceding paragraph.

9　前項の通知には、会議の目的たる事項を記載し、又は記録しなければならない。

(9) The purpose of the meeting must be stated or recorded in the notice referred to in the preceding paragraph.

１０　会員総会を招集する者は、第八項の規定による書面による通知の発出に代えて、政令で定めるところにより、会員の承諾を得て、電磁的方法により通知を発することができる。この場合において、当該通知を当該電磁的方法により発した会員総会を招集する者は、同項の規定による書面による通知を発したものとみなす。

(10) In lieu of sending a written notice under the provisions of paragraph (8), a person that convenes a general meeting of members may send the notice by electronic or magnetic means, with the consent of the members and pursuant to the provisions of Cabinet Order. In such a case, the person that has sent the notice by electronic or magnetic means to convene a general meeting of members is deemed to have sent the written notice under the provisions of that paragraph.

（会員総会の決議事項）

(Matters to be Resolved at General Meeting of Members)

第六十条　この法律に特別の定めがあるもののほか、次に掲げる事項は、会員総会の決議を経なければならない。

Article 60 In addition to what is specifically provided for in this Act, the following matters require a resolution of a general meeting of members:

一　定款の変更

(i) changes to the articles of incorporation;

二　貸借対照表、損益計算書、業務報告書、剰余金処分案及び損失処理案の承認

(ii) approval of the balance sheet, profit and loss statement, business report, and proposed appropriation of surplus, or proposed disposal of losses;

三　経費の賦課及び徴収の方法

(iii) the method of imposing and collecting expenses;

四　解散

(iv) dissolution;

五　合併

(v) merger;

六　会員の除名

(vi) expulsion of a member; and

七　その他定款で定める事項

(vii) any other matter specified by the articles of incorporation.

（会員総会の特別決議事項）

(Matters that Require a Special Resolution of a General Meeting of Members)

第六十一条　前条第一号及び第四号から第六号までに掲げる事項は、総会員の半数以上が出席し、その議決権の三分の二以上の多数による決議を経なければならない。

Article 61 The matters set forth in item (i) and items (iv) through (vi) of the

preceding Article require a resolution to be passed with at least a two-thirds majority vote of the members present, at a meeting in which at least half of all members are present.

（会員総会の議事）
(Proceedings of General Meeting of Members)

第六十二条　会員総会の議事は、この法律又は定款に特別の定めがある場合を除いて、出席した会員の議決権の過半数で決し、可否同数のときは、議長の決するところによる。

Article 62 (1) Unless specifically provided for in this Act or in the articles of incorporation, proceedings of general meeting of members are decided by the majority vote of the members present, and the chairperson makes the decision in the event of a tie.

２　議長は、会員総会において選任する。

(2) The chairperson is appointed at a general meeting of members.

３　議長は、会員として会員総会の決議に加わる権利を有しない。

(3) The chairperson is not entitled to take part in a resolution of a general meeting of members as a member.

４　会員総会においては、第五十九条第八項の規定によりあらかじめ通知した事項についてのみ決議することができる。ただし、定款で別段の定めをしたときは、この限りでない。

(4) Only the matters for which notice is given in advance pursuant to the provisions of Article 59, paragraph (8) may be resolved at a general meeting of members; provided, however, that this does not apply if otherwise provided for in the articles of incorporation.

５　会員総会の議事録には、出席した監事も署名しなければならない。

(5) The minutes of a general meeting of members must also be signed by the auditors present.

（延期又は続行の決議）
(Resolution for Postponement or Continuation)

第六十二条の二　会員総会においてその延期又は続行について決議があつた場合には、第五十九条第八項本文の規定は、適用しない。

Article 62-2 If a resolution has been made to postpone or continue the meeting at a general meeting of members, the provisions of the main clause of Article 59, paragraph (8) do not apply.

（議事録）
(Minutes)

第六十二条の三　会員総会の議事については、主務省令で定めるところにより、議事録を作成しなければならない。

Article 62-3 The minutes of a general meeting of members must be prepared pursuant to the provisions of order of the competent ministry.

（会社法の準用）
(Application, Mutatis Mutandis of the Companies Act)

第六十三条　会社法第八百三十条、第八百三十一条、第八百三十四条（第十六号及び第十七号に係る部分に限る。）、第八百三十五条第一項、第八百三十六条第一項及び第三項、第八百三十七条、第八百三十八条、第八百四十六条並びに第九百三十七条第一項（第一号トに係る部分に限る。）の規定は、会員総会の決議の不存在若しくは無効の確認又は取消しの訴えについて準用する。この場合において、同項中「会社の本店（第一号トに規定する場合であって当該決議によって第九百三十条第二項各号に掲げる事項についての登記がされているときにあっては、本店及び当該登記に係る支店）」とあるのは、「会員商品取引所の主たる事務所（第一号トに規定する場合であって当該決議によって商品先物取引法第二十四条第二項各号に掲げる事項についての登記がされているときにあっては、主たる事務所及び当該登記に係る従たる事務所）」と読み替えるものとする。

Article 63 The provisions of Article 830, Article 831, Article 834 (limited to the part related to items (xvi) and (xvii)), Article 835, paragraph (1), Article 836, paragraphs (1) and (3), Article 837, Article 838, Article 846, and Article 937, paragraph (1) (limited to the part that involves item (i) (g)) of the Companies Act apply mutatis mutandis to an action for a declaratory judgment as to the absence or invalidity of a resolution of a general meeting of members or an action seeking the rescission of the resolution. In such a case, the phrase "the head office (or, in the case prescribed in item (i), (g), if the matters set forth in the items of Article 930, paragraph (2) have been registered as a result of the resolution, the head office and the branch offices which the registration concerns)" in Article 937, paragraph (1) is deemed to be replaced with "the principal office of the member commodity exchange (or, in the case prescribed in item (i), (g), if a particular set forth in the items of Article 24, paragraph (2) of the Commodity Derivatives Transaction Act is registered as a result of the resolution, the principal office and the secondary office which the registration concerns)".

第四款　計算
Subsection 4 Accounts

（損失てん補準備金）
(Loss Reserves)

第六十四条　会員商品取引所は、定款で定めるところにより、毎事業年度の剰余金の百分の十以上を損失てん補準備金として積み立てなければならない。

Article 64 (1) A member commodity exchange must set aside at least ten percent

of surplus for each business year as loss reserves pursuant to the provisions of the articles of incorporation.

２　前項の準備金は、損失のてん補に充てる場合を除いては、取り崩してはならない。

(2) The reserves referred to in the preceding paragraph may not be reduced, except in the case of allocating them to loss compensation.

（剰余金の配当禁止）

(Prohibition of Distribution of Surplus)

第六十五条　会員商品取引所は、剰余金の分配をしてはならない。

Article 65 A member commodity exchange may not distribute its surplus.

（決算関係書類等の作成）

(Preparation of Account Settlement Documents)

第六十六条　会員商品取引所は、主務省令で定めるところにより、財産目録、貸借対照表、損益計算書、業務報告書及び剰余金処分案又は損失処理案（以下「決算関係書類等」という。）を作成しなければならない。

Article 66 (1) A member commodity exchange must prepare an inventory of property, balance sheet, profit and loss statement, business report, and proposed appropriation of surplus or proposed disposal of losses (hereinafter referred to as "account settlement documents, etc.") pursuant to the provisions of order of the competent ministry.

２　決算関係書類等は、電磁的記録をもつて作成することができる。

(2) Account settlement documents, etc. may be prepared as electronic or magnetic records.

（決算関係書類等の提出等）

(Submission of Account Settlement Documents)

第六十七条　理事長は、通常会員総会の会日の二週間前までに、決算関係書類等（これらのものが電磁的記録で作成され、又はその作成に代えて電磁的記録の作成がされている場合における当該電磁的記録を含む。）を監事に提出し、又は提供しなければならない。

Article 67 The president must submit or provide account settlement documents, etc. (including electronic or magnetic records, if these documents have been prepared as electronic or magnetic records or if electronic or magnetic records are prepared in lieu of documents) to the auditors by two weeks before the day of an ordinary general meeting of members.

（決算関係書類等の承認及び報告）

(Approval and Reporting of Account Settlement Documents)

第六十八条　決算関係書類等（財産目録及び業務報告書を除く。）は、通常会員総会の承認を受けなければならない。

Article 68 (1) Account settlement documents, etc. (excluding the inventory of property and business report) must be approved by an ordinary general meeting of members.

２　理事長は、業務報告書の内容を通常会員総会に報告しなければならない。

(2) The president must report the content of the business report at an ordinary general meeting of members.

（決算関係書類等の備置き及び閲覧等）

(Keeping and Inspection of Account Settlement Documents)

第六十八条の二　会員商品取引所は、決算関係書類等を、通常会員総会の会日の二週間前の日から五年間、その主たる事務所に備え置かなければならない。

Article 68-2 (1) A member commodity exchange must keep the account settlement documents, etc. at its principal office for five years, beginning from the day two weeks prior to the day of the relevant ordinary general meeting of members.

２　会員商品取引所は、決算関係書類等の写しを、通常会員総会の会日の二週間前の日から三年間、その従たる事務所に備え置かなければならない。ただし、決算関係書類等が電磁的記録で作成されている場合であつて、従たる事務所における次項第三号及び第四号に掲げる請求に応じることを可能とするための措置として主務省令で定めるものをとつているときは、この限りでない。

(2) A member commodity exchange must keep a copy of account settlement documents, etc. at its secondary offices for three years, beginning from the day two weeks prior to the day of the relevant ordinary general meeting of members; provided, however, that this does not apply if the account settlement documents, etc. have been prepared as electronic or magnetic records and a measure specified by order of the competent ministry as a measure that enables a secondary office to respond to the requests set forth in items (iii) and (iv) of the following paragraph has been taken.

３　会員及び会員商品取引所の債権者は、会員商品取引所に対して、その事業時間内は、いつでも、次に掲げる請求をすることができる。ただし、第二号又は第四号に掲げる請求をするには、当該会員商品取引所の定めた費用を支払わなければならない。

(3) The member or creditor of a member commodity exchange may make the following requests to the member commodity exchange at any time during its business hours; provided, however, that in making the request set forth in item (ii) or (iv), the member or creditor must pay the cost specified by the member commodity exchange:

一　決算関係書類等が書面をもつて作成されているときは、当該書面又は当該書面の写しの閲覧の請求

(i) if account settlement documents, etc. have been prepared as documents, a request to inspect the documents or their copies;

二　前号の書面の謄本又は抄本の交付の請求

(ii) a request to be issued a certified copy or extract of the documents referred to in the preceding item;

三　決算関係書類等が電磁的記録をもつて作成されているときは、当該電磁的記録に記録された事項を主務省令で定める方法により表示したものの閲覧の請求

(iii) if account settlement documents, etc. have been prepared as electronic or magnetic records, a request to inspect a thing that displays the information that have been recorded in that electronic or magnetic record by the means specified by order of the competent ministry;

四　前号の電磁的記録に記録された事項を電磁的方法であつて主務省令で定めるものにより提供することの請求又はその事項を記載した書面の交付の請求

(iv) a request to be provided with the information that has been recorded in an electronic or magnetic record referred to in the preceding item by an electronic or magnetic means specified by order of the competent ministry, or a request to be issued a document that states the information.

（貸借対照表の公告）

(Public Notice of the Balance Sheet)

第六十八条の三　会員商品取引所は、主務省令で定めるところにより、通常会員総会の終結後遅滞なく、貸借対照表を公告しなければならない。

Article 68-3 A member commodity exchange must issue public notice of its balance sheet pursuant to the provisions of order of the competent ministry without delay, after the conclusion of an ordinary general meeting of members.

第五款　解散及び清算
Subsection 5 Dissolution and Liquidation

（会員商品取引所の解散）

(Dissolution of a Member Commodity Exchange)

第六十九条　会員商品取引所は、次に掲げる事由によつて解散する。

Article 69 A member commodity exchange is to dissolve due to the following grounds:

一　定款で定めた存続期間の満了又は解散事由の発生

(i) the expiration of the term of existence or the occurrence of grounds for dissolution specified in the articles of incorporation;

二　会員総会の決議

(ii) a resolution of a general meeting of members;

三　合併（合併により当該会員商品取引所が消滅する場合の当該合併に限る。第七十一条及び第七十二条において同じ。）

(iii) a merger (limited to a merger in which the member commodity exchange disappears; the same applies in Articles 71 and 72);

四　破産手続開始の決定

(iv) an order of commencement of bankruptcy proceedings;
五　設立の許可の取消し
(v) a revocation of permission for establishment;
六　会員の数がすべての商品市場について十人以下となつたこと。
(vi) the number of members becomes 10 or less for all of its commodity markets.

（一部の商品市場の閉鎖）
(Closure of Some Commodity Markets)
第七十条　会員商品取引所は、その開設する商品市場において取引をする会員の数が十人以下となつたときは、前条第六号に掲げる事由により解散する場合を除くほか、当該商品市場における取引を停止し、第百五十五条第一項の規定による定款の変更の認可の申請をしなければならない。
Article 70 If the number of members conducting transactions in a commodity market that a member commodity exchange operates becomes 10 or less, the member commodity exchange must suspend the transactions in that commodity market and file an application for authorization for a change to the articles of incorporation pursuant to the provisions of Article 155, paragraph (1), unless the commodity market is to be dissolved for the reason set forth in item (vi) of the preceding Article.

（清算人）
(Liquidators)
第七十一条　会員商品取引所が解散したときは、合併及び破産手続開始の決定による解散の場合を除いては、理事長及び理事がその清算人となる。ただし、会員総会において他人を選任したときは、この限りでない。
Article 71 If a member commodity exchange is dissolved, the president and directors become the liquidators, unless it is dissolved in a merger or due to an order of commencement of bankruptcy proceedings; provided, however, that this does not apply if another person is appointed at a general meeting of members.

（残余財産の分配）
(Distribution of Residual Assets)
第七十一条の二　残余財産は、会員の出資口数に応じて分配しなければならない。
Article 71-2 Residual assets must be distributed based on a member's number of units of contribution.

（解散の登記）
(Registration of Dissolution)
第七十二条　会員商品取引所が解散したときは、合併及び破産手続開始の決定による解散の場合を除くほか、二週間以内に、その主たる事務所の所在地において、解散の登

記をしなければならない。

Article 72 If a member commodity exchange is dissolved, the dissolution must be registered at the locality of its principal office within two weeks from the dissolution, unless it is dissolved in a merger or due to an order of commencement of bankruptcy proceedings.

（清算結了の登記）

(Registration of Completion of Liquidation)

第七十三条　清算が結了したときは、第七十七条第一項において準用する会社法第五百七条第三項の承認の日から、その主たる事務所の所在地においては二週間以内に、その従たる事務所の所在地においては三週間以内に、清算結了の登記をしなければならない。

Article 73 Once a liquidation is complete, the completion of liquidation must be registered at the locality of the principal office within two weeks, and at the locality of the secondary offices within three weeks, from the day of the approval referred to in Article 507, paragraph (3) of the Companies Act as applied mutatis mutandis pursuant to Article 77, paragraph (1).

（解散の登記の申請）

(Application for Registration of Dissolution)

第七十四条　会員商品取引所の解散の登記の申請書には、解散の事由を証する書面及び理事長又は会員商品取引所を代表すべき理事が清算人でない場合においては、会員商品取引所を代表すべき清算人であることを証する書面を添付しなければならない。

Article 74 (1) A document certifying the reason for dissolution must be attached to the written application to register the dissolution of a member commodity exchange, and if the president or director that represents the member commodity exchange is not the liquidator, a document certifying that the liquidator is the person that is to represent the member commodity exchange must be attached to the written application.

２　会員商品取引所が主務大臣の設立の許可の取消しの処分により解散する場合における解散の登記は、主務大臣の嘱託によつてする。

(2) If a member commodity exchange is dissolved by the competent minister's disposition to revoke the permission for establishment, the registration of its dissolution is made at the request of the competent minister.

（清算結了の登記の申請）

(Application for the Registration of the Completion of Liquidation)

第七十五条　第七十三条の規定による登記の申請書には、第七十七条第一項において準用する会社法第五百七条第三項の承認があつたことを証する書面を添付しなければならない。

Article 75 A document evidencing that the approval referred to in Article 507,

paragraph (3) of the Companies Act as applied mutatis mutandis pursuant to Article 77, paragraph (1) has been obtained must be attached to the written application for a registration under the provisions of Article 73.

（会員商品取引所の合併の認可等）

(Approval of the Merger of a Member Commodity Exchange)

第七十六条　会員商品取引所を全部又は一部の当事者とする合併（第百四十五条第一項の合併を除く。）は、主務大臣の認可を受けなければ、その効力を生じない。

Article 76 (1) A merger in which member commodity exchanges constitute all or part of the parties (excluding a merger referred to in Article 145, paragraph (1)) does not become effective without the authorization of the competent minister.

２　会員商品取引所が次に掲げる事由により解散したときは、その代表者であつた者は、遅滞なく、その旨を主務大臣に届け出なければならない。

(2) If a member commodity exchange is dissolved for one of the following reasons, the person that was its representative must notify the competent minister of the fact without delay:

一　定款で定めた存続期間の満了又は解散事由の発生

(i) the expiration of the term of existence or the occurrence of grounds for dissolution specified in the articles of incorporation;

二　会員総会の決議

(ii) a resolution of a general meeting of members;

三　破産手続開始の決定

(iii) an order of commencement of bankruptcy proceedings;

四　会員の数がすべての商品市場について十人以下となつたこと。

(iv) the number of members becomes 10 or less for all of its commodity markets.

（会社法等の準用等）

(Application, Mutatis Mutandis of the Companies Act)

第七十七条　会社法第四百七十五条（第一号及び第三号を除く。）、第四百七十六条、第四百七十八条第二項及び第四項、第四百七十九条第一項及び第四項、第四百八十一条、第四百八十二条第二項、第四百八十三条第四項から第六項まで、第四百八十四条、第四百八十五条、第四百九十二条第一項から第三項まで、第四百九十九条から第五百三条まで、第五百七条、第八百六十八条第一項、第八百六十九条、第八百七十条第一項（第一号に係る部分に限る。）、第八百七十一条、第八百七十二条（第四号に係る部分に限る。）、第八百七十四条（第一号及び第四号に係る部分に限る。）、第八百七十五条並びに第八百七十六条の規定は、会員商品取引所の清算について準用する。この場合において、同法第四百九十二条第一項及び第五百七条第一項中「法務省令」とあるのは「主務省令」と、同法第四百九十九条第一項中「官報に公告し」とあるのは「公告し」と読み替えるものとする。

Article 77 (1) The provisions of Article 475 (excluding items (i) and (iii)), Article

476, Article 478, paragraphs (2) and (4), Article 479, paragraphs (1) and (4), Article 481, Article 482, paragraph (2), Article 483, paragraphs (4) through (6), Article 484, Article 485, Article 492, paragraphs (1) through (3), Articles 499 through 503, Article 507, Article 868, paragraph (1), Article 869, Article 870, paragraph (1) (limited to the part related to item (i)), Article 871, Article 872 (limited to the part related to item (iv)), Article 874 (limited to the part related to items (i) and (iv)), Article 875, and Article 876 of the Companies Act apply mutatis mutandis to the liquidation of a member commodity exchange. In such a case, the term "Order of the Ministry of Justice" in Article 492, paragraph (1) and Article 507, paragraph (1) of that Act is deemed to be replaced with "order of the competent ministry", and the phrase "give public notice in an Official Gazette" in Article 499, paragraph (1) of that Act is deemed to be replaced with "issue public notice".

2　第四十八条第二項及び第三項、第五十条の二、第五十三条、第五十五条から第五十七条まで、第五十九条、第六十二条の三並びに第六十六条から第六十八条の三まで並びに会社法第三百六十一条第一項及び第四項、第四百二十四条、第四百三十条、第五百九十九条並びに第六百条の規定は会員商品取引所の清算人について、同法第七編第二章第二節（第八百四十七条第二項、第八百四十七条の二、第八百四十七条の三、第八百四十九条第二項、第三項第二号及び第三号並びに第六項から第十一項まで、第八百五十一条並びに第八百五十三条第一項第二号及び第三号を除く。）の規定は会員商品取引所の清算人の責任を追及する訴えについて、それぞれ準用する。この場合において、第六十六条第一項中「財産目録、貸借対照表、損益計算書、業務報告書及び剰余金処分案又は損失処理案」とあるのは「財産目録、貸借対照表及び事務報告書」と、同法第四百二十四条中「前条第一項」とあるのは「商品先物取引法第五十三条第一項」と、同法第八百四十七条第一項及び第四項中「法務省令」とあるのは「主務省令」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

(2) The provisions of Article 48, paragraphs (2) and (3), Article 50-2, Article 53, Articles 55 through 57, Article 59, Article 62-3, and Articles 66 through 68-3 of this Act and the provisions of Article 361, paragraphs (1) and (4), Article 424, Article 430, Article 599, and Article 600 of the Companies Act apply mutatis mutandis to the liquidators of a member commodity exchange, and the provisions of Part VII, Chapter II, Section 2 (excluding Article 847, paragraph (2), Article 847-2, Article 847-3, Article 849, paragraph (2), paragraph (3), items (ii) and (iii), and paragraphs (6) to (11) inclusive, Article 851, and Article 853, paragraph (1), items (ii) and (iii)) of that Act apply mutatis mutandis to an action pursuing the liability of the liquidators of a member commodity exchange. In such a case, the phrase "inventory of property, balance sheet, profit and loss statement, business report, and proposed appropriation of surplus or proposed disposal of losses" in Article 66, paragraph (1) is deemed to be replaced with "inventory of property, balance sheet, and business report", the phrase "paragraph (1) of the preceding Article" in Article 424 of the

Companies Act is deemed to be replaced with "Article 53, paragraph (1) of the Commodity Derivatives Transaction Act", the phrase " Order of the Ministry of Justice" in Article 847, paragraphs (1) and (4) of that Act is deemed to be replaced with "order of the competent ministry", and any other technical replacement of terms is specified by Cabinet Order.

３　会員商品取引所の清算を監督する裁判所は、主務大臣に対し、意見を求め、又は調査を嘱託することができる。

(3) The court supervising the liquidation of a member commodity exchange may seek opinions of or commission an investigation to the competent minister.

４　主務大臣は、前項に規定する裁判所に対し、意見を述べることができる。

(4) The competent minister may state an opinion to the court prescribed in the preceding paragraph.

５　商業登記法第七十一条第一項の規定は、会員商品取引所の解散の登記について準用する。

(5) The provisions of Article 71, paragraph (1) of the Commercial Registration Act apply mutatis mutandis to the registration of the dissolution of a member commodity exchange.

第三節　株式会社商品取引所
Section 3 Incorporated Commodity Exchanges

第一款　総則
Subsection 1 General Provisions

（株式会社商品取引所の許可）

(License of an Incorporated Commodity Exchange)

第七十八条　株式会社商品取引所になろうとする者は、主務大臣の許可を受けなければならない。

Article 78 A person that seeks to become an incorporated commodity exchange must obtain a license from the competent minister.

（許可の申請）

(Applications for Licenses)

第七十九条　前条の許可を受けようとする者は、次に掲げる事項を記載した申請書を主務大臣に提出しなければならない。

Article 79 (1) A person seeking to obtain the license referred to in the preceding Article must submit a written application stating the following information to the competent minister:

一　商号

(i) the trade name;

二　資本金の額

(ii) the amount of stated capital;

三　本店、支店その他の営業所の所在地

(iii) the location of the head office, branch offices, and any other business offices;

四　上場商品又は上場商品指数

(iv) the listed commodity or listed commodity index;

五　役員の氏名又は名称及び住所

(v) the names or trade names and addresses of the officers;

六　取引参加者の氏名又は商号若しくは名称及び取引参加者が取引をする商品市場における上場商品又は上場商品指数並びに取引参加者が一年以上継続して上場商品構成品等の売買等を業として行つている場合にあつてはその旨

(vi) the names or trade names of the trading participants and the listed commodity or listed commodity index of the commodity market in which the trading participants will conduct transactions, and the fact that the trading participant has continuously engaged in the purchase and sale, etc. of the component products of listed commodities etc. in the course of trade for one year or more, if applicable.

２　前項の申請書には、定款、業務規程、受託契約準則、紛争処理規程、市場取引監視委員会規程その他主務省令で定める書類を添付しなければならない。

(2) The articles of incorporation, operational rules, entrustment contract regulations, dispute resolution rules, market transactions surveillance committee rules, and other documents specified by order of the competent ministry must be attached to the written application referred to in the preceding paragraph.

（許可の基準等）

(Licensing Criteria)

第八十条　主務大臣は、第七十八条の許可の申請が次に掲げる基準に適合していると認めるときは、許可をしなければならない。

Article 80 (1) If the competent minister finds that an application for the license referred to in Article 78 conforms to the following criteria, the minister must grant the license:

一　許可申請者が株式会社でその資本金の額が政令で定める金額以上のものであること。

(i) the license applicant is a stock company whose stated capital is at least the amount specified by Cabinet Order;

二　申請に係る商品市場が、次に掲げる商品市場の区分に応じ、それぞれ次に定める基準に適合していること。

(ii) the commodity market which the application concerns conforms to the criteria prescribed in the following sub-items in accordance with the category of commodity market set forth in each sub-item:

イ　上場商品に係る商品市場　当該商品市場において取引をしようとする取引参加

者の合計数が二十人以上であり、かつ、その過半数の者が、一年以上継続して当該商品市場における上場商品構成品の売買等を業として行つている者であること。

(a) a commodity market for a listed commodity: the total number of trading participants that seek to conduct transactions in the commodity market is 20 or more, and the majority of them have continuously engaged in the purchase and sale, etc. of the component products of listed commodities of the commodity market in the course of trade for one year or more;

ロ　上場商品指数に係る商品市場　当該商品市場において取引をしようとする取引参加者の合計数が二十人以上であり、かつ、その過半数の者が、一年以上継続して当該商品市場における上場商品指数対象品の売買等を業として行つている者であること。

(b) a commodity market for a listed commodity index: the total number of trading participants that seek to conduct transactions in the commodity market is 20 or greater, and the majority of them have continuously engaged in the purchase and sale, etc. of the products underlying the listed commodity index of the commodity market in the course of trade for one year or more.

三　申請に係る上場商品又は上場商品指数の先物取引を公正かつ円滑にするために十分な取引量が見込まれることその他上場商品構成品等の取引の状況に照らし、許可申請者が当該先物取引をする株式会社商品取引所になることが当該上場商品構成品等の生産及び流通を円滑にするため必要かつ適当であること。

(iii) the volume of transactions is expected to be sufficient for ensuring fair and smooth futures transactions in the listed commodity or listed commodity index which the application concerns, and in light of the status of transactions of the component products of listed commodities, etc., it is necessary and appropriate for the license applicant to become an incorporated commodity exchange in which the futures transactions are conducted, in order to facilitate the production and distribution of the component products of listed commodities, etc.;

四　上場商品に係る商品市場を開設しようとする場合にあつては、上場商品構成品の売買等を業として行つている者の取引の状況その他の当該上場商品構成品に係る経済活動の状況に照らして、当該上場商品構成品を一の商品市場で取引することが適当であることとして政令で定める基準に適合すること。

(iv) if the applicant seeks to open a commodity market for a listed commodity, the situation conforms to the criteria specified by Cabinet Order as a situation in which it is appropriate for the component products of listed commodities to be traded on a single commodity market, in light of the status of transactions of the persons conducting purchase and sales, etc. of component products of listed commodities in the course of trade, and in light of circumstances of economic activities related to the component products of listed commodities;

五　二以上の商品指数を一の上場商品指数として商品市場を開設しようとする場合にあつては、当該二以上の商品指数の対象となる物品又は電力の大部分が共通していること。

(v) if the applicant seeks to open a commodity market with two or more commodity indices as a single listed commodity index, most of the goods or electric power underlying those two or more commodity indices are the same;

六　定款、業務規程、受託契約準則、紛争処理規程及び市場取引監視委員会規程の規定が法令に違反せず、かつ、定款、業務規程、受託契約準則、紛争処理規程又は市場取引監視委員会規程に規定する取引の方法又は管理、取引参加者の資格、取引参加者の数の最高限度を定めた場合におけるその最高限度、特別担保金の預託義務を定めた場合におけるその預託に関する事項その他の事項が適当であつて、商品市場における取引の公正を確保し、及び委託者を保護するため十分であること。

(vi) the provisions of the articles of incorporation, operational rules, entrustment contract regulations, dispute resolution rules, and market transactions surveillance committee rules do not violate laws and regulations, and the method or management of trade, qualification of trading participants, maximum number of trading participants if it is specified, particulars of deposits if the obligation to deposit a special deposit is specified, and other particulars prescribed in the articles of incorporation, operational rules, entrustment contract regulations, dispute resolution rules, and market transactions surveillance committee rules are appropriate and sufficient for ensuring the fairness of transactions in the commodity market and for protecting consignors;

七　許可申請者が商品市場を適切に運営するに足りる人的構成を有するものであること。

(vii) the license applicant has a sufficient personnel structure to operate a commodity market in an appropriate manner;

八　許可申請者が株式会社商品取引所としてこの法律の規定に適合するように組織されるものであること。

(viii) the license applicant is to be organized in a manner that conforms to the provisions of this Act as an incorporated commodity exchange;

九　次に掲げる機関を置くものであること。

(ix) the license applicant has in place the following organs:

イ　取締役会

(a) a board of company directors;

ロ　監査役会、監査等委員会又は指名委員会等（会社法第二条第十二号に規定する指名委員会等をいう。第九十六条の二十七第二項第一号ロにおいて同じ。）

(b) a board of company auditors, an audit and supervisory committee, or nominating committee, etc. (meaning a nominating committee, etc. prescribed in Article 2, item (xii) of the Companies Act; the same applies in Article 96-27, paragraph (2), item (i), (b)); and

ハ　会計監査人

(c) a financial auditor.

２　主務大臣は、第七十八条の許可の申請が次の各号のいずれかに該当する場合には、前項の規定にかかわらず、同条の許可をしてはならない。

(2) If an application for the license referred to in Article 78 falls under one of the following items, the competent minister must not grant the license referred to in that Article notwithstanding the provisions of the preceding paragraph:

一　許可申請者が第十五条第二項第一号ハからホまで、リ又はヲのいずれかに該当する者であるとき。

(i) the license applicant falls under a person referred to in one of Article 15, paragraph (2), item (i), sub-items (c) through (e), sub-item (i), or sub-item (l);

二　申請書又はこれに添付すべき書類のうちに重要な事項について虚偽の記載があるとき。

(ii) the written application or documents that are required to be attached to the written application include a false statement about a material particular.

３　主務大臣は、株式会社商品取引所としての存続期間又は商品市場の開設期限が業務規程に記載され、又は記録されている第七十八条の許可の申請があつた場合においては、第一項第三号の基準に代えて、申請に係る上場商品又は上場商品指数の先物取引を公正かつ円滑にするために十分な取引量が見込まれないことその他上場商品構成品等の取引の状況に照らし、当該先物取引をする株式会社商品取引所になることが当該上場商品構成品等の生産及び流通に著しい支障を及ぼし、又は及ぼすおそれがあることに該当しないことを同号の基準とし、当該基準並びに同項第四号及び第五号の基準の適用は、当該存続期間又は開設期限までの間について判断して行うものとする。

(3) If an application is filed for the license referred to in Article 78 in which the applicant's term of existence as an incorporated commodity exchange or the expiration date of the commodity market is stated or recorded in the operational rules, the criteria set forth in paragraph (1), item (iii) is replaced by the criteria that in light of the fact that the volume of transactions is not expected to fall short in terms of ensuring fair and smooth futures transactions of the listed commodity or listed commodity index which the application concerns, and the status of transactions of the component products of listed commodities, etc., the applicant becoming an incorporated commodity exchange in which the futures transactions are conducted does not and is not likely to cause a significant hindrance to the production and distribution of the component products of listed commodities, etc., and for the application of these criteria and the criteria referred to in items (iv) and (v) of that paragraph, the competent minister is to make a judgment on those criteria for the term of existence or the period until the end of the expiry date.

４　第十五条第四項から第十一項までの規定は、第七十八条の許可について準用する。

(4) The provisions of Article 15, paragraphs (4) through (11) apply mutatis mutandis to the license referred to in Article 78.

（定款）

(Articles of Incorporation)

第八十一条　株式会社商品取引所の定款には、会社法第二十七条各号に掲げる事項のほか、次に掲げる事項を記載し、又は記録しなければならない。

Article 81 In addition to the particulars set forth in the items of Article 27 of the Companies Act, the following particulars must be stated in the articles of incorporation of an incorporated commodity exchange:

一　取引参加者に対する監査及び制裁に関する事項

(i) the particulars related to audits of and sanctions against trading participants;

二　商品市場外における取引参加者間の契約に対する定款、業務規程、受託契約準則及び紛争処理規程の拘束力に関する事項

(ii) the particulars concerning the binding effect of the articles of incorporation, operational rules, entrustment contract regulations, and dispute resolution rules on contracts between trading participants concluded outside the commodity market;

三　商品市場に関する事項

(iii) the particulars concerning the commodity market;

四　自主規制委員会を設置する場合にあつては、その旨

(iv) if a self-regulatory committee will be established, an indication of this.

（株式会社商品取引所の子会社の範囲の特例）

(Special Provisions on the Scope of the Subsidiary Companies of an Incorporated Commodity Exchange)

第八十一条の二　株式会社商品取引所は、第三条第一項ただし書の認可及び金融商品取引法第八十条第一項の免許を受けて取引所金融商品市場を開設している場合には、第三条の二第一項の規定にかかわらず、主務大臣の認可を受けないで、取引所金融商品市場の開設の業務及びこれに附帯する業務を行う会社を子会社（同条第三項に規定する子会社をいう。以下同じ。）とすることができる。

Article 81-2 If an incorporated commodity exchange is operating a financial instruments exchange market by obtaining the authorization referred to in the proviso to Article 3, paragraph (1) or the license referred to in Article 80, paragraph (1) of the Financial Instruments and Exchange Act, notwithstanding the provisions of Article 3-2, paragraph (1), the incorporated commodity exchange may have a company engaging in the business of operating a financial instruments exchange market and other incidental business as its subsidiary company (meaning a subsidiary company as prescribed in Article 3-2, paragraph (3)), without obtaining the authorization of the competent minister.

（株式会社商品取引所の取引参加者）
(Trading Participants of an Incorporated Commodity Exchange)
第八十二条　株式会社商品取引所は、業務規程で定めるところにより、その開設する商品市場における取引を行うための取引資格を与えることができる。
Article 82 (1) Pursuant to the provisions of the operational rules, an incorporated commodity exchange may grant a person trading qualification for conducting transactions in the commodity markets it operates.
２　株式会社商品取引所は、第十五条第二項第一号ロからヌ又は第三十一条第一項各号（第二号を除く。）のいずれかに該当する者に対し、取引資格を与えてはならない。
(2) An incorporated commodity exchange must not grant trading qualification to a person falling under a person referred to in one of Article 15, paragraph (2), item (i), sub-items (b) through (j) or the items of Article 31, paragraph (1) (excluding item (ii)).
３　合併後存続する法人又は合併により設立された法人は、前項（第十五条第二項第一号ハからホまで及びリ並びに第三十一条第一項第四号に係る部分に限る。）の規定の適用については、当該合併により消滅した法人と同一の法人とみなす。
(3) A corporation surviving a merger or a corporation established by a merger is deemed to be the same corporation as that which has been extinguished as a result of the merger with regard to the application of the provisions of the preceding paragraph (limited to the part related to Article 15, paragraph (2), item (i), sub-items (c) through (e), and sub-item (i), and Article 31, paragraph (1), item (iv)).

（取引参加者の地位の承継）
(Succession to the Status of Trading Participant)
第八十三条　取引参加者につき合併があつたときは、合併後存続する法人又は合併により設立された法人は、その取引参加者の地位を承継する。
Article 83 If a trading participant merges, the corporation surviving the merger or the corporation established by the merger succeeds to the status of trading participant.

（取引資格の喪失）
(Forfeiture of Trading Qualification)
第八十四条　取引参加者は、三十日前までに予告して、第八十二条第一項の規定により与えられた取引資格を喪失することができる。
Article 84 (1) A trading participant may forfeit the trading qualification granted pursuant to the provisions of Article 82, paragraph (1) with 30 days' advance notice.
２　前項の予告期間は、業務規程で延長することができる。ただし、その期間は、一年を超えることができない。
(2) The period of advance notice referred to in the preceding paragraph may be

extended by the operational rules; provided, however, that the period may not exceed one year.

３　取引参加者は、第一項に規定する場合のほか、次に掲げる事由によつて、第八十二条第一項の規定により与えられた取引資格を喪失する。

(3) Beyond what is provided for in paragraph (1), a trading participant forfeits the trading qualification granted pursuant to the provisions of Article 82, paragraph (1) for the following reasons:

一　その者が取引をする商品市場のすべてが第九十五条の規定により閉鎖されたこと。

(i) all of the commodity markets in which the person conducts transactions have been closed pursuant to the provisions of Article 95;

二　死亡又は解散

(ii) death or dissolution; or

三　取引資格の取消し

(iii) revocation of trading qualification.

（役員又は取引参加者の氏名等の変更）

(Changes to the Name of an Officer or Trading Participant)

第八十五条　株式会社商品取引所は、第七十九条第一項第三号、第五号又は第六号に掲げる事項（本店の所在地を除く。）について変更があつたときは、遅滞なく、その旨を記載した変更届出書を主務大臣に提出しなければならない。

Article 85 (1) If a particular set forth in Article 79, paragraph (1), item (iii), (v), or (vi) (excluding the location of the head office) changes, the incorporated commodity exchange must submit a written notification of change stating that fact to the competent minister without delay.

２　前項の変更届出書には、その変更を証する書面及び主務省令で定める書類を添付しなければならない。

(2) The written notification of change referred to in the preceding paragraph must be accompanied by a document proving the change and documents specified by order of the competent ministry.

（議決権の保有制限）

(Limitation on the Holding of Voting Rights)

第八十六条　何人も、株式会社商品取引所の総株主の議決権（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。以下同じ。）の百分の二十（その財務及び営業の方針の決定に対して重要な影響を与えることが推測される事実として主務省令で定める事実がある場合には、百分の十五。以下この条、第三款及び第九十六条の四十第四項において「保有基準割合」という。）以上の数の議決権（社債、株式等の振替に関する法律（平成十三年法律第七十五号）第百四十七条第一項又は第百四十八条第一項の規定により発行者に対抗することができない株式に係る議決権を含み、取得又は

保有の態様その他の事情を勘案して主務省令で定めるものを除く。以下この節において「対象議決権」という。）を取得し、又は保有してはならない。ただし、商品取引所、商品取引所持株会社、金融商品取引所（金融商品取引法第二条第十六項に規定する金融商品取引所をいい、政令で定める者に限る。以下同じ。）又は金融商品取引所持株会社（同条第十八項に規定する金融商品取引所持株会社をいい、政令で定める者に限る。以下同じ。）が取得し、又は保有する場合は、この限りでない。

Article 86 (1) It is prohibited for any person to acquire or possess voting rights (excluding voting rights of shares that do not allow voting rights to be exercised on all matters that may be resolved at shareholders meeting and including voting rights of shares that are deemed to have voting rights pursuant to the provisions of Article 879, paragraph (3) of the Companies Act; the same applies hereinafter) constituting twenty percent or more (or fifteen percent or more, if there is a fact that is specified by order of the competent ministry as a fact that is presumed to have material influence on decisions about financial and operational policies; hereinafter referred to as the "threshold holding ratio" in this Article, Subsection 3, and Article 96-40, paragraph (4)) of voting rights of all the shareholders in an incorporated commodity exchange (including voting rights of shares that cannot be asserted against the issuer pursuant to the provisions of Article 147, paragraph (1) or Article 148, paragraph (1) of the Act on the Book-Entry Transfer of Bonds and Shares (Act No. 75 of 2001) and excluding those specified by order of the competent ministry in consideration of the manner in which they are acquired or held and other circumstances; hereinafter referred to as "subject voting rights" in this Section); provided, however, that this does not apply to voting rights acquired or possessed by a commodity exchange, commodity exchange holding company, financial instruments exchange (meaning a financial instruments exchange as prescribed in Article 2, paragraph (16) of the Financial Instruments and Exchange Act and limited to a financial instruments exchange specified by Cabinet Order; the same applies hereinafter), or financial instruments exchange holding company (meaning a financial instruments exchange holding company as prescribed in paragraph (18) of that Article and limited to a financial instruments exchange holding company specified by Cabinet Order; the same applies hereinafter).

２　前項本文の規定は、保有する対象議決権の数に増加がない場合その他の主務省令で定める場合において、株式会社商品取引所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、又は保有することとなるときには、適用しない。

(2) If the number of subject voting rights that the person holds does not increase or in any other case specified by order of the competent ministry, the provisions of the main clause of the preceding paragraph do not apply to a person that is to acquire or hold a number of subject voting rights in an incorporated commodity exchange which is equal to or greater than the

threshold holding ratio of voting rights of all the shareholders in an incorporated commodity exchange.

３　前項の場合において、株式会社商品取引所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、又は保有することとなつた者（以下この条において「特定保有者」という。）は、特定保有者になつた旨その他主務省令で定める事項を、遅滞なく、主務大臣に届け出なければならない。

(3) In the case referred to in the preceding paragraph, a person that comes to acquire or hold a number of subject voting rights that is greater than the threshold holding ratio of voting rights of all the shareholders in an incorporated commodity exchange (hereinafter referred to as a "specified holder" in this Article) must notify the competent minister without delay that that person has become a specified holder and other matters specified by order of the competent ministry.

４　第二項の場合において、特定保有者は、特定保有者となつた日から三月以内に、株式会社商品取引所の保有基準割合未満の数の対象議決権の保有者となるために必要な措置をとらなければならない。ただし、当該特定保有者が第九十六条の十九第一項に規定する地方公共団体等である場合であつて、当該地方公共団体等が同項の規定により主務大臣の認可を受けたときは、この限りでない。

(4) In the case referred to in paragraph (2), a specified holder must take the necessary measures to become the holder of a number of subject voting rights in the incorporated commodity exchange which is less than the threshold holding ratio within three months from the day on which the person has become a specified holder; provided, however, that this does not apply if the specified holder is a local government, etc. provided for in Article 96-19, paragraph (1) and has obtained the authorization of the competent minister pursuant to the provisions of that paragraph.

５　次の各号に掲げる場合における前各項の規定の適用については、当該各号に定める対象議決権は、これを取得し、又は保有するものとみなす。

(5) With regard to application of the provisions of the preceding paragraphs to the case set forth in one of the following items, the person is deemed to have acquired or to hold the subject voting rights specified in each item:

一　金銭の信託契約その他の契約又は法律の規定に基づき、株式会社商品取引所の対象議決権を行使することができる権限又は当該議決権の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場合　当該対象議決権

(i) a person that has or is to have the authority to exercise the subject voting rights in an incorporated commodity exchange or the authority to give instructions on the exercise of those voting rights pursuant to the provisions of a money trust contract or other contracts or based on the provisions of laws: the subject voting rights in question;

二　株式の所有関係、親族関係その他の政令で定める特別の関係にある者が株式会社商品取引所の対象議決権を取得し、又は保有する場合　当該特別の関係にある者が

取得し、又は保有する対象議決権

(ii) a person that is related to the person in question through a shareholding relationship, familial relationship, or other special relationship specified by Cabinet Order, has acquired or holds the subject voting rights in an incorporated commodity exchange: the subject voting rights acquired or held by the person with the special relationship to the person in question.

６　前各項の規定の適用に関し必要な事項は、政令で定める。

(6) The necessary particulars for the application of the provisions of the preceding paragraphs are specified by Cabinet Order.

（対象議決権保有届出書の提出）

(Submission of Notification of Holding Subject Voting Rights)

第八十六条の二　株式会社商品取引所の総株主の議決権の百分の五を超える対象議決権の保有者（以下この項において「対象議決権保有者」という。）となつた者は、主務省令で定めるところにより、対象議決権保有割合（対象議決権保有者の保有する当該対象議決権の数を当該株式会社商品取引所の総株主の議決権の数で除して得た割合をいう。）、保有の目的その他主務省令で定める事項を記載した対象議決権保有届出書を、遅滞なく、主務大臣に提出しなければならない。

Article 86-2 (1) A person that has become the holder of subject voting rights exceeding five percent of voting rights of all the shareholders in an incorporated commodity exchange (hereinafter referred to as a "holder of subject voting rights" in this paragraph) must submit a notification of holding subject voting rights that states the subject voting rights holding rate (meaning the rate arrived at by dividing the number of subject voting rights held by the holder of subject voting rights by the number of voting rights of all the shareholders in the incorporated commodity exchange), the purpose of the holding, and other particulars specified by order of the competent ministry to the competent minister pursuant to the provisions of order of the competent ministry without delay.

２　前条第五項の規定は、前項の規定を適用する場合について準用する。

(2) The provisions of paragraph (5) of the preceding Article apply mutatis mutandis when the provisions of the preceding paragraph are applicable.

（対象議決権保有届出書の提出者に対する報告徴収及び立入検査）

(Collection of Reports from and On-Site Inspections of a Person Submitting a Notification of Holding Subject Voting Rights)

第八十六条の三　主務大臣は、この法律の施行のため必要があると認めるときは、前条第一項の対象議決権保有届出書の提出者に対し、その業務若しくは財産に関し参考となるべき報告若しくは資料の提出を命じ、又はその職員に、その者の事務所若しくは営業所に立ち入り、帳簿、書類その他の物件の検査（当該対象議決権保有届出書の記載に関し必要な検査に限る。）をさせることができる。

Article 86-3 (1) When the competent minister finds it to be necessary for the enforcement of this Act, the minister may order the person submitting a notification of holding subject voting rights referred to in paragraph (1) of the preceding Article to submit reports or materials that should serve as a reference on their business or property, or may have ministry officials enter that person's office or business office and inspect their books and documents or any other article (limited to inspection necessary in relation to the statements in the notification of holding subject voting rights).

２　前項の規定により立入検査をする職員は、その身分を示す証明書を携帯し、関係人にこれを提示しなければならない。

(2) An official conducting an on-site inspection pursuant to the provisions of the preceding paragraph must carry an identification card and present it to the persons concerned.

３　第一項の規定による立入検査の権限は、犯罪捜査のために認められたものと解釈してはならない。

(3) The authority for an on-site inspection under the provisions of paragraph (1) must not be construed as being granted for criminal investigation purpose.

（発行済株式の総数等の縦覧）

(Public Inspection of the Total Number of Issued Shares)

第八十七条　株式会社商品取引所は、主務省令で定めるところにより、その発行済株式の総数、総株主の議決権の数その他の主務省令で定める事項を、公衆の縦覧に供しなければならない。

Article 87 An incorporated commodity exchange must make its total number of issued shares, the number of voting rights of all the shareholders, and other particulars specified by order of the competent ministry available for public inspection, pursuant to the provisions of order of the competent ministry.

（資本金の減少の認可等）

(Authorization for Reduction of Stated Capital)

第八十八条　株式会社商品取引所は、その資本金の額を減少しようとするときは、主務省令で定めるところにより、主務大臣の認可を受けなければならない。

Article 88 (1) If an incorporated commodity exchange seeks to reduce its stated capital, it must obtain the authorization of the competent minister pursuant to the provisions of order of the competent ministry.

２　株式会社商品取引所は、その資本金の額を増加しようとするときは、主務省令で定めるところにより、主務大臣に届け出なければならない。

(2) If an incorporated commodity exchange seeks to increase its stated capital, it must notify the competent minister pursuant to the provisions of order of the competent ministry.

（仮取締役、仮監査役等）

(Provisional Company Directors and Provisional Company Auditors)

第八十九条　主務大臣は、株式会社商品取引所の取締役、代表取締役、執行役、代表執行役又は監査役の職務を行う者がない場合において、必要があると認めるときは、仮取締役、仮代表取締役、仮執行役、仮代表執行役又は仮監査役を選任することができる。

Article 89 (1) The competent minister may appoint a provisional company director, provisional representative director, provisional executive officer, provisional representative executive officer, or provisional company auditor if there is no one to perform the duties of the company director, representative director, executive officer, representative executive officer, or company auditor of an incorporated commodity exchange and the minister finds this to be necessary.

２　会社法第三百四十六条第二項及び第三項、第三百五十一条第二項及び第三項並びに第四百一条第三項及び第四項（同法第四百三条第三項及び第四百二十条第三項において準用する場合を含む。）の規定は、株式会社商品取引所には、適用しない。

(2) The provisions of Article 346, paragraphs (2) and (3), Article 351, paragraphs (2) and (3); and Article 401, paragraphs (3) and (4) of the Companies Act (including as applied mutatis mutandis pursuant to Article 403, paragraph (3) and Article 420, paragraph (3) of that Act) do not apply to an incorporated commodity exchange.

（主務大臣の嘱託登記）

(Registration Requested by the Competent Minister)

第九十条　主務大臣は、前条第一項の規定により、仮取締役、仮代表取締役、仮執行役、仮代表執行役又は仮監査役を選任したときは、当該株式会社商品取引所の本店の所在地の登記所にその旨の登記を嘱託しなければならない。

Article 90 (1) If the competent minister appoints a provisional company director, provisional representative director, provisional executive officer, provisional representative executive officer, or provisional company auditor pursuant to the provisions of paragraph (1) of the preceding Article, the minister must commission the registry office in the locality of the head office of the incorporated commodity exchange to register this.

２　前項の規定により主務大臣が登記を嘱託するときは、嘱託書に、当該登記の原因となる事由に係る処分を行つたことを証する書面を添付しなければならない。

(2) If the competent minister commissions a registration pursuant to the provisions of the preceding paragraph, the written commission must be accompanied by a document certifying that the minister has made a disposition related to the grounds that caused the registration.

（役員等の兼職禁止）

(Prohibition on the Concurrent Holding of Positions by Officers)

第九十一条　株式会社商品取引所の役員は、他の商品取引所の役員の地位を占めてはならない。

Article 91 (1) An officer of an incorporated commodity exchange must not hold the position of officer at another commodity exchange.

２　前項の規定は、株式会社商品取引所の清算人について準用する。

(2) The provisions of the preceding paragraph apply mutatis mutandis to the liquidators of an incorporated commodity exchange.

（役員の欠格条件）

(Disqualifying Conditions for Officers)

第九十二条　第四十九条の規定は、株式会社商品取引所の役員について準用する。

Article 92 The provisions of Article 49 apply mutatis mutandis to officers of an incorporated commodity exchange.

（業務規程等の備置き及び閲覧等）

(Keeping and Inspection of Operational Rules)

第九十三条　株式会社商品取引所は、業務規程を株式会社商品取引所の各営業所に、取引参加者名簿を本店に備え置かなければならない。

Article 93 (1) An incorporated commodity exchange must keep its operational rules at each of its business offices, and must keep a trading participant register at its head office.

２　取引参加者名簿には、各取引参加者について次に掲げる事項を記載し、又は記録しなければならない。

(2) The following information on each trading participant must be stated or recorded in a trading participant register:

一　氏名又は商号若しくは名称及び住所

(i) the name or trade name and address;

二　取引資格取得年月日

(ii) the date trading qualification was acquired;

三　取引をする商品市場における上場商品又は上場商品指数

(iii) the listed commodity or listed commodity index of the commodity market in which transactions are conducted; and

四　商品先物取引業者であるときは、許可年月日

(iv) if it is a commodity derivatives business operator, the license date.

３　第五十七条第四項及び第五項の規定は、第一項の規定により備え置く業務規程及び取引参加者名簿について準用する。この場合において、同条第四項中「会員及び会員商品取引所の債権者」とあるのは「株式会社商品取引所の株主、取引参加者及び債権者」と、「会員商品取引所の事業時間内」とあるのは「株式会社商品取引所の営業時間内」と、同項ただし書中「会員商品取引所の定めた」とあるのは「株式会社商品取引所の定めた」と、同条第五項中「会員商品取引所」とあるのは「株式会社商品取引

所」と読み替えるものとする。

(3) The provisions of Article 57, paragraphs (4) and (5) apply mutatis mutandis to the operational rules and trading participant register that are kept pursuant to the provisions of paragraph (1). In such a case, the phrase "The member or creditor of a member commodity exchange" in paragraph (4) of that Article is deemed to be replaced with "The shareholder, trading participant, or creditor of an incorporated commodity exchange"; the phrase "during the business hours of the member commodity exchange" in that paragraph is deemed to be replaced with "during the business hours of the incorporated commodity exchange"; the phrase "specified by the member commodity exchange" in the proviso to that paragraph is deemed to be replaced with "specified by the incorporated commodity exchange"; and the term "member commodity exchange" in paragraph (5) of that Article is deemed to be replaced with "incorporated commodity exchange".

４　株式会社商品取引所の取引参加者は、株式会社商品取引所の定款について会社法第三十一条第二項各号に掲げる請求をすることができる。ただし、同項第二号又は第四号に掲げる請求をするには、当該株式会社商品取引所の定めた費用を支払わなければならない。

(4) A trading participant of a incorporated commodity exchange may make the requests set forth in the items of Article 31, paragraph (2) of the Companies Act with regard to the articles of incorporation of an incorporated commodity exchange; provided, however, that in making the request set forth in item (ii) or (iv) of that paragraph, the trading participant must pay the expenses specified by the incorporated commodity exchange.

（許可の失効）

(Expiration of Licenses)

第九十四条　株式会社商品取引所が次の各号のいずれかに該当するときは、第七十八条の許可は、効力を失う。

Article 94 (1) If an incorporated commodity exchange falls under one of the following items, the license under Article 78 ceases to be effective:

一　業務規程で定めた株式会社商品取引所としての存続期間の満了

(i) the term of existence as an incorporated commodity exchange specified by its operational rules has expired;

二　分割により事業の全部を承継させ、又は事業の全部を譲渡したとき。

(ii) the incorporated commodity exchange transfers all of its business through a split or a business transfer;

三　取引参加者の数がすべての商品市場について十人以下となつたとき。

(iii) the number of trading participants becomes 10 or less for all of its commodity markets;

四　解散したとき。

(iv) the incorporated commodity exchange is dissolved;

五　設立、合併（当該合併により設立される者が株式会社商品取引所であるものに限る。）又は新設分割（当該新設分割により設立される者が株式会社商品取引所であるものに限る。）を無効とする判決が確定したとき。

(v) a judgment invalidating its establishment, merger (but only if the entity to be established by the merger is an incorporated commodity exchange), or incorporation-type company split (but only if the entity to be established by the incorporation-type company split is an incorporated commodity exchange) has become final and binding.

２　前項第二号、第三号又は第五号の規定により許可が失効したときは、その代表者又は代表者であつた者は、遅滞なく、その旨を主務大臣に届け出なければならない。

(2) If the license of an incorporated commodity exchange has expired pursuant to the provisions of item (ii), (iii), or (v) of the preceding paragraph, the person that is or was its representative must notify the competent minister of that fact without delay.

（一部の商品市場の閉鎖）

(Closure of Some Commodity Markets)

第九十五条　株式会社商品取引所は、その開設する商品市場において取引をする取引参加者の数が十人以下となつたときは、前条第一項第三号に該当する場合を除くほか、当該商品市場における取引を停止し、第百五十六条第一項の規定による業務規程の変更の認可の申請をしなければならない。

Article 95 If the number of trading participants conducting transactions in a commodity market that an incorporated commodity exchange operates becomes 10 or less, the incorporated commodity exchange must suspend the transactions in that commodity market and file an application for the authorization to change its operational rules under the provisions of Article 156, paragraph (1), except in the case that falls under paragraph (1), item (iii) of the preceding Article.

（株式会社商品取引所の合併の認可等）

(Authorization of a Merger of an Incorporated Commodity Exchange)

第九十六条　次に掲げる事項は、主務大臣の認可を受けなければ、その効力を生じない。

Article 96 (1) The following particulars do not become effective without the authorization of the competent minister:

一　株式会社商品取引所の解散についての株主総会の決議

(i) a resolution of a shareholders meeting to dissolve an incorporated commodity exchange;

二　株式会社商品取引所を全部又は一部の当事者とする合併（第百四十五条第一項の合併を除く。）

(ii) a merger in which incorporated commodity exchanges constitute all or some

of the parties (excluding a merger referred to in Article 145, paragraph (1)).

２　株式会社商品取引所が前項に掲げる事由以外の事由により解散したときは、その代表者であつた者は、遅滞なく、その旨を主務大臣に届け出なければならない。ただし、主務省令で定める場合は、この限りでない。

(2) If an incorporated commodity exchange is dissolved for a reason other than one set forth in the preceding paragraph, the person that was its representative must notify the competent minister of that fact without delay; provided, however, that this does not apply to cases specified by order of the competent ministry.

第二款　自主規制委員会
Subsection 2 Self-Regulatory Committees

（権限等）

(Authority)

第九十六条の二　株式会社商品取引所は、定款の定めるところにより、自主規制委員会を置くことができる。

Article 96-2 (1) An incorporated commodity exchange may have in place a self-regulatory committee pursuant to the provisions of its articles of incorporation.

２　自主規制委員会は、当該自主規制委員会を設置する株式会社商品取引所（以下この款において「特定株式会社商品取引所」という。）の自主規制業務（第五条の二第二項に規定する自主規制業務をいう。以下この款において同じ。）に関する事項の決定を行う。

(2) A self-regulatory committee makes decisions on matters related to self-regulatory services (meaning self-regulatory services as prescribed in Article 5-2, paragraph (2); hereinafter the same applies in this Subsection) of the incorporated commodity exchange that has in place the self-regulatory committee (hereinafter referred to as a "specified incorporated commodity exchange" in this Subsection).

３　自主規制委員会は、自主規制業務に関する事項の決定について、取締役会から委任を受けたものとみなす。

(3) A self-regulatory committee is deemed to be entrusted by the board of company directors to decide the matters related to self-regulatory services.

４　特定株式会社商品取引所の自主規制委員会は、自主規制業務に関する事項の決定について、執行役又は取締役に委任することができない。

(4) The self-regulatory committee of a specified incorporated commodity exchange may not entrust executive officers or company directors with decisions on matters related to self-regulatory services.

５　特定株式会社商品取引所の取締役会は、会社法第三百六十二条第四項、第三百九十九条の十三第四項から第六項まで及び第四百十六条第四項の規定にかかわらず、次条第二項に規定する自主規制委員の選定及び第九十六条の五第一項に規定する自主規制

委員の解職について、執行役又は取締役に委任することができない。

(5) Notwithstanding the provisions of Article 362, paragraph (4), Article 399-13, paragraphs (4) through (6), and Article 416, paragraph (4) of the Companies Act, the board of company directors of a specified incorporated commodity exchange may not entrust executive officers or directors with decisions on matters related to the appointment of members of the self-regulatory committee prescribed in paragraph (2) of the following Article or the removal of members of the self-regulatory committee prescribed in Article 96-5, paragraph (1).

（組織）

(Organization)

第九十六条の三　自主規制委員会は、自主規制委員三人以上で組織し、その過半数は、社外取締役でなければならない。

Article 96-3 (1) A self-regulatory committee must be composed of three or more members of the committee, and the majority of those members must be outside company directors.

２　自主規制委員は、特定株式会社商品取引所の取締役の中から、取締役会の決議によつて選定する。

(2) Members of a self-regulatory committee are selected from among the company directors of a specified incorporated commodity exchange and appointed by the resolution of the board of company directors.

３　前項の決議は、議決に加わることができる取締役の過半数（これを上回る割合を定款で定めた場合にあつては、その割合以上）が出席し、その過半数（これを上回る割合を定款で定めた場合にあつては、その割合以上）で、かつ、出席した社外取締役の過半数をもつて行う。

(3) The resolution referred to in the preceding paragraph is adopted by a majority (or, if a higher proportion is specified in the articles of incorporation, at least that proportion) of the company directors that are entitled to participate in the vote are present and by a majority of those company directors (or, if a higher proportion is provided for in the articles of incorporation, at least that proportion), and by a majority of the outside company directors that are present at the meeting.

４　自主規制委員会に自主規制委員長を置き、自主規制委員の互選によつて社外取締役のうちからこれを定める。

(4) A self-regulatory committee has a chairperson, and the chairperson is designated from among the outside company directors by a vote among the members of the self-regulatory committee.

５　自主規制委員長は、自主規制委員会の会務を総理する。

(5) The chairperson of a self-regulatory committee presides over the affairs of the self-regulatory committee.

６　自主規制委員会は、あらかじめ、自主規制委員のうちから、自主規制委員長に事故がある場合に当該自主規制委員長の職務を代理する者を定めておかなければならない。

(6) A self-regulatory committee must designate in advance, a person from among the members of the self-regulatory committee who performs the duties of the chairperson of the self-regulatory committee when the chairperson is unavailable.

（任期）

(Term of Office)

第九十六条の四　自主規制委員の任期は、選定後一年以内に終了する事業年度のうち最終のものに関する定時株主総会の終結の時までとする。

Article 96-4 (1) The term of office of a member of a self-regulatory committee is to be until the conclusion of the annual shareholders meeting in the last business year that ends within one year from the time the member was selected.

２　自主規制委員は、四回に限り再選されることができる。

(2) Members of a self-regulatory committee may be reselected four times.

（解職等）

(Removal from Positions)

第九十六条の五　自主規制委員は、特定株式会社商品取引所の取締役会の決議によつて解職することができる。

Article 96-5 (1) Members of a self-regulatory committee may be removed by resolution of the board of company directors of the specified incorporated commodity exchange.

２　前項の決議は、議決に加わることができる取締役の過半数（これを上回る割合を定款で定めた場合にあつては、その割合以上）が出席し、その過半数（これを上回る割合を定款で定めた場合にあつては、その割合以上）で、かつ、出席した自主規制委員の過半数をもつて行う。

(2) The resolution referred to in the preceding paragraph is adopted by a majority (or, if a higher proportion is provided for in the articles of incorporation, at least that proportion) of company directors that are entitled to participate in the vote are present and by a majority of those company directors (or, if a higher proportion is provided for in the articles of incorporation, at least that proportion), and by the majority of the members of the self-regulatory committee that are present at the meeting.

３　第九十六条の三第一項に規定する自主規制委員の員数が欠けた場合には、任期の満了又は辞任により退任した自主規制委員は、新たに選定された自主規制委員（次項の一時自主規制委員の職務を行う者を含む。）が就任するまで、なお自主規制委員としての権利義務を有する。

(3) If there is a vacancy resulting from a shortfall in the number of members of a

self-regulatory committee provided for in Article 96-3, paragraph (1), a member of the self-regulatory committee that has left the position due to the expiration of the term of office or that has resigned continues to have rights and obligations as a member of the self-regulatory committee until a newly selected self-regulatory committee member (including a person that will temporarily perform the duties of a member of the self-regulatory committee referred to in the following paragraph) assumes the position.

４　前項に規定する場合において、裁判所は、必要があると認めるときは、利害関係人の申立てにより、一時自主規制委員の職務を行う者を選任することができる。

(4) In the case prescribed in the preceding paragraph, if the court finds it to be necessary, it may appoint a person to temporarily perform the duties of a member of the self-regulatory committee, at the petition of an interested party.

５　裁判所は、前項の一時自主規制委員の職務を行う者を選任した場合には、特定株式会社商品取引所がその者に対して支払う報酬の額を定めることができる。

(5) If the court appoints a person to temporarily perform the duties of a member of the self-regulatory committee as referred to in the preceding paragraph, it may specify the amount of the remuneration to be paid to the person by the specified incorporated commodity exchange.

６　会社法第八百六十八条第一項、第八百七十条第一項（第一号に係る部分に限る。）、第八百七十一条、第八百七十二条（第四号に係る部分に限る。）、第八百七十四条（第一号に係る部分に限る。）、第八百七十五条及び第八百七十六条の規定は、第四項の申立てがあつた場合について準用する。この場合において、必要な技術的読替えは、政令で定める。

(6) The provisions of Article 868, paragraph (1), Article 870, paragraph (1) (limited to the part related to item (i)), Article 871, Article 872 (limited to the part related to item (iv)), Article 874 (limited to the part related to item (i)), Article 875, and Article 876 of the Companies Act apply mutatis mutandis if the petition referred to in paragraph (4) is filed. In such a case, the necessary technical replacement of terms is specified by Cabinet Order.

（取締役の選任及び解任）

(Appointment and Dismissal of Directors)

第九十六条の六　第九十六条の三第三項の規定は、監査役会設置会社又は監査等委員会設置会社である特定株式会社商品取引所が株主総会に提出する取締役の選任及び解任に関する議案の内容を決定する場合について準用する。

Article 96-6 The provisions of Article 96-3, paragraph (3) apply mutatis mutandis when a specified incorporated commodity exchange which is a company with board of company auditors or a company with audit and supervisory committee decides the content of a proposal regarding the appointment or dismissal of a company director which is to be submitted to the shareholders meeting.

（緊急の場合の取扱い）

(Handling of Emergency Cases)

第九十六条の七　第九十六条の二第二項及び第三項の規定にかかわらず、特定株式会社商品取引所の代表取締役又は代表執行役は、公益又は委託者の保護を図るため特に必要があると認める場合であつて、状況に照らし緊急を要するときは、会員等に対する処分その他の主務省令で定める自主規制業務に関する事項を決定することができる。

Article 96-7 (1) Notwithstanding the provisions of Article 96-2, paragraphs (2) and (3), if the representative director or representative executive officer of a specified incorporated commodity exchange finds it to be particularly necessary for ensuring the public interest or the protection of consignors, and there is urgent necessity in light of the circumstances, the representative director or representative executive officer may make a decision on a disposition against a member, etc. or on any other matter specified by order of the competent ministry related to self-regulatory services.

２　前項の規定により特定株式会社商品取引所が会員等に対する処分その他の主務省令で定める自主規制業務に関する事項の決定をした場合には、当該株式会社商品取引所の代表取締役又は代表執行役は、自主規制委員会に対し、速やかに、その旨を報告しなければならない。

(2) If a specified incorporated commodity exchange makes a decision on a disposition against a member, etc. or on any other matter specified by order of the competent ministry related to self-regulatory services pursuant to the provisions of the preceding paragraph, the representative director or representative executive officer of the specified incorporated commodity exchange must promptly report this to the self-regulatory committee.

（執行役又は取締役の行為の差止め）

(Enjoinment of Acts of Executive Officers or Company Directors)

第九十六条の八　自主規制委員は、特定株式会社商品取引所の執行役又は取締役が自主規制業務に関し自主規制委員会の決定に違反する行為をし、又はその行為をするおそれがある場合において、当該行為によつて自主規制業務の適正な運営に著しい支障をきたすおそれがあるときは、当該執行役又は取締役に対し、当該行為をやめることを請求することができる。

Article 96-8 (1) If the executive officer or company director of a specified incorporated commodity exchange performs an act or is likely to perform an act that violates a decision of the self-regulatory committee with regard to self-regulatory services, and if that act is likely to significantly hinder the appropriate operation of self-regulatory services, a member of the self-regulatory committee may demand the executive officer or company director to cease that act.

２　前項の場合において、裁判所が仮処分をもつて同項の執行役又は取締役に対し、そ

の行為をやめることを命ずるときは、担保を立てさせないものとする。

(2) In the case referred to in the preceding paragraph, if the court issues a provisional disposition ordering the executive officer or director referred to in that paragraph to cease that act, the court is not to have the executive officer or company director provide security.

（業務規程等の変更の取扱い）

(Treatment of Changes in Operational Rules)

第九十六条の九　特定株式会社商品取引所は、当該株式会社商品取引所の業務規程その他の規則に定める事項のうち自主規制業務に関連するものとして主務省令で定めるものの変更又は廃止をしようとするときは、自主規制委員会の同意を得なければならない。

Article 96-9 A specified incorporated commodity exchange must obtain the consent of the self-regulatory committee if it seeks to change or discontinue a particular specified in the operational rules or other rules of the specified incorporated commodity exchange, which is specified by order of the competent ministry as being related to self-regulatory services.

（招集権者）

(Conveners)

第九十六条の十　自主規制委員会は、第九十六条の三第四項に規定する自主規制委員長（自主規制委員長に事故があるときは、同条第六項に規定する自主規制委員長の職務を代理する者。次条及び第九十六条の十二第一項において同じ。）が招集する。

Article 96-10 Self-regulatory committees are convened by the chairperson of the committee prescribed in Article 96-3, paragraph (4) (or by the person who performs the duties of the chairperson of the self-regulatory committee as prescribed in Article 96-3, paragraph (6) when the chairperson of the self-regulatory committee is unavailable; the same applies in the following Article and Article 96-12, paragraph (1)).

（招集請求）

(Demanding the Convocation of Meetings)

第九十六条の十一　自主規制委員は、自主規制委員長に対し、自主規制委員会の目的である事項及び招集の理由を示して、自主規制委員会の招集を請求することができる。

Article 96-11 A member of a self-regulatory committee may convene a meeting of the self-regulatory committee by indicating the purpose of a self-regulatory committee meeting and the reasons for the convocation.

（招集手続）

(Procedures for Convocation of Meetings)

第九十六条の十二　自主規制委員会を招集するには、自主規制委員長は、自主規制委員

会の日の一週間（これを下回る期間を自主規制委員会で定めた場合にあつては、その期間）前までに、各自主規制委員に対してその通知を発しなければならない。

Article 96-12 (1) To convene a meeting of the self-regulatory committee, the chairperson of the self-regulatory committee must send a notice to each member of the self-regulatory committee at least one week prior to the day of the self-regulatory committee meeting (or, if a shorter period of time has been specified by the self-regulatory committee, that period).

２　前項の規定にかかわらず、自主規制委員会は、自主規制委員の全員の同意があるときは、招集の手続を経ることなく開催することができる。

(2) Notwithstanding the provisions of the preceding paragraph, a meeting of the self-regulatory committee may be held without going through the procedures for convocation of meetings, with the consent of all members of the self-regulatory committee.

３　特定株式会社商品取引所の執行役、取締役、会計参与又は会計監査人は、自主規制委員会の要求があつたときは、当該自主規制委員会に出席し、当該自主規制委員会が求めた事項について説明をしなければならない。

(3) If there is a request from the self-regulatory committee, the executive officer, company director, accounting advisor, or financial auditor of a specified incorporated commodity exchange must attend a meeting of the self-regulatory committee and provide explanations of the matters requested by the self-regulatory committee.

（決議）

(Resolutions)

第九十六条の十三　自主規制委員会の決議は、議決に加わることができる自主規制委員の過半数が出席し、その過半数で、かつ、出席した社外取締役である自主規制委員の過半数をもつて行う。

Article 96-13 (1) Resolutions of self-regulatory committees are adopted by a majority of the members of the self-regulatory committee that are entitled to participate in the vote are present and by a majority of those members of the self-regulatory committee, and a majority of the members of the self-regulatory committee who are outside company directors that are present at the meeting.

２　前項の決議について特別の利害関係を有する自主規制委員は、議決に加わることができない。

(2) A member of the self-regulatory committee with a special interest in the resolution referred to in the preceding paragraph may not participate in the vote.

３　自主規制委員会の議事については、主務省令で定めるところにより、議事録を作成し、議事録が書面をもつて作成されているときは、出席した自主規制委員は、これに署名し、又は記名押印しなければならない。

(3) The minutes of the proceedings of a self-regulatory committee meeting must

be prepared pursuant to the provisions of order of the competent ministry, and if the minutes are prepared in writing, the members of the self-regulatory committee present at the meeting must sign them or affix their names and seals to them.

４　自主規制委員会が選定する自主規制委員は、第一項の規定による決議後、遅滞なく、当該決議の内容を取締役会に報告しなければならない。

(4) The member of the self-regulatory committee that the self-regulatory committee appoints must, without delay after a resolution under the provisions of paragraph (1) is adopted, report the content of the resolution to the board of company directors.

５　第三項の議事録は、電磁的記録をもつて作成することができる。この場合において、当該電磁的記録に記録された事項については、主務省令で定める署名又は記名押印に代わる措置をとらなければならない。

(5) The minutes referred to in paragraph (3) may be prepared as electronic or magnetic records. In such a case, the relevant persons must use the measures in lieu of signing or affixing their names and seals which are prescribed by order of the competent ministry, for the information that is recorded in the electronic or magnetic records.

６　前各項に定めるもののほか、議事の手続その他自主規制委員会の運営に関し必要な事項は、自主規制委員会が定める。

(6) Beyond what is provided for in the preceding paragraphs, necessary particulars for the proceedings of the meeting and other particulars necessary for the operation of the self-regulatory committee are specified by the self-regulatory committee.

（議事録）

(Minutes)

第九十六条の十四　特定株式会社商品取引所は、自主規制委員会の日から十年間、前条第三項の議事録をその本店に備え置かなければならない。

Article 96-14 (1) A specified incorporated commodity exchange must keep the minutes referred to in paragraph (3) of the preceding Article at its head office for a period of ten years beginning from the day of the self-regulatory committee meeting.

２　当該株式会社商品取引所の取締役は、次に掲げるものの閲覧及び謄写をすることができる。

(2) The company directors of the incorporated commodity exchange may inspect or copy the following things:

一　前項の議事録が書面をもつて作成されているときは、当該書面

(i) if the minutes referred to in the preceding paragraph are prepared in writing, the document; and

二　前項の議事録が電磁的記録をもつて作成されているときは、当該電磁的記録に記

録された事項を主務省令で定める方法により表示したもの

(ii) if the minutes referred to in the preceding paragraph are prepared as electronic or magnetic records, a thing that displays the information that have been recorded in the electronic or magnetic records by the means specified by order of the competent ministry.

3　当該株式会社商品取引所の株主は、その権利を行使するため必要があるときは、裁判所の許可を得て、第一項の議事録について前項各号に掲げるものの閲覧又は謄写の請求をすることができる。

(3) If it is necessary in order for a shareholder of the incorporated commodity exchange to exercise their rights, the shareholder may make a request to inspect or copy the things set forth in the items of the preceding paragraph concerning the minutes referred to in paragraph (1), with the permission of the court.

4　前項の規定は、当該株式会社商品取引所の債権者が自主規制委員の責任を追及するため必要があるとき及び当該株式会社商品取引所を子会社とする者の株主又は会員がその権利を行使するため必要があるときについて準用する。

(4) The provisions of the preceding paragraph apply mutatis mutandis if it is necessary for the creditor of an incorporated commodity exchange to pursue the liability of the members of the self-regulatory committee, or if it is necessary for the shareholder or member of a person that has the incorporated commodity exchange as its subsidiary company to exercise their voting rights.

5　裁判所は、第三項（前項において準用する場合を含む。以下この条において同じ。）の請求に係る閲覧又は謄写をすることにより、当該株式会社商品取引所、当該株式会社商品取引所を子会社とする者又は当該株式会社商品取引所の子会社に著しい損害を及ぼすおそれがあると認めるときは、第三項の許可をすることができない。

(5) The court may not give the permission referred to in paragraph (3) (including as applied mutatis mutandis pursuant to the provisions of the preceding paragraph; hereinafter the same applies in this Article) if the court finds that inspection or copying which the request referred to in that paragraph concerns is likely to cause substantial detriment to the incorporated commodity exchange, to a person that has the incorporated commodity exchange as its subsidiary company, or to a subsidiary company of the incorporated commodity exchange.

6　会社法第八百六十八条第一項、第八百六十九条、第八百七十条第二項（第一号に係る部分に限る。）、第八百七十条の二、第八百七十一条本文、第八百七十二条（第五号に係る部分に限る。）、第八百七十二条の二、第八百七十三条本文、第八百七十五条及び第八百七十六条の規定は、第三項の許可について準用する。この場合において、必要な技術的読替えは、政令で定める。

(6) The provisions of Article 868, paragraph (1), Article 869, Article 870, paragraph (2) (limited to the part related to item (i)), Article 870-2, the main clause of Article 871, Article 872 (limited to the part related to item (v)),

Article 872-2, the main clause of Article 873, Article 875, and Article 876 of the Companies Act apply mutatis mutandis to the permission referred to in paragraph (3). In such a case, the necessary technical replacement of terms is specified by Cabinet Order.

（報告の省略）
(Omission of Reports)

第九十六条の十五　特定株式会社商品取引所の執行役、取締役、会計参与又は会計監査人が自主規制委員全員に対して自主規制委員会に報告すべき事項を通知したときは、当該事項を自主規制委員会へ報告することを要しない。

Article 96-15 If the executive officer, company director, accounting advisor, or financial auditor of a specified incorporated commodity exchange notifies all members of the self-regulatory committee of the particulars that are required to be reported to the self-regulatory committee, they are not required to report those particulars to the self-regulatory committee.

（公衆縦覧）
(Public Inspections)

第九十六条の十六　特定株式会社商品取引所は、自主規制委員の名簿を公衆の縦覧に供しなければならない。

Article 96-16 A specified incorporated commodity exchange must make the register of the members of the self-regulatory committee available for public inspection.

（自主規制委員会の職務執行のための決定）
(Decisions on Execution of Duties of Self-Regulatory Committees)

第九十六条の十七　特定株式会社商品取引所の取締役会は、自主規制委員会の職務の執行のため必要なものとして主務省令で定める事項を決定しなければならない。

Article 96-17 The board of company directors of a specified incorporated commodity exchange must decide on the particulars that are specified by order of the competent ministry as necessary for a self-regulatory committee to execute its duties.

（監査役等の出席）
(Attendance of Company Auditors)

第九十六条の十八　監査役会設置会社である特定株式会社商品取引所の監査役、監査等委員会設置会社である特定株式会社商品取引所の監査等委員会により選定された監査等委員又は指名委員会等設置会社である特定株式会社商品取引所の監査委員会により選定された監査委員は、必要があると認めるときは、特定株式会社商品取引所の自主規制委員会に出席し、意見を述べることができる。

Article 96-18 A company auditor of a specified incorporated commodity exchange

which is a company with a board of company auditors, an audit and supervisory committee member appointed by the audit and supervisory committee of a specified incorporated commodity exchange which is a company with audit and supervisory committee, or an audit committee member appointed by the audit committee of a specified incorporated commodity exchange which is a company with nominating committee, etc. may, if the audit committee member finds it to be necessary, attend the self-regulatory committee meeting of the specified incorporated commodity exchange and state their opinions.

第三款　主要株主
Subsection 3 Major Shareholders

（認可等）
(Authorization)

第九十六条の十九　地方公共団体その他の政令で定める者（以下この条、第九十六条の二十八第四項及び第九十六条の三十一において「地方公共団体等」という。）は、第八十六条第一項本文の規定にかかわらず、主務省令で定めるところにより、主務大臣の認可を受けて、株式会社商品取引所の総株主の議決権の保有基準割合以上百分の五十以下の数の対象議決権を取得し、又は保有することができる。

Article 96-19 (1) Notwithstanding the provisions of the main clause of Article 86, paragraph (1), pursuant to the provisions of the order of the competent minister and by obtaining the authorization of the competent minister, a local government or any other person specified by Cabinet Order (hereinafter referred to as the "local government, etc." in this Article, Article 96-28, paragraph (4), and Article 96-31) may acquire or hold a number of subject voting rights that is equal to or greater than the threshold holding ratio, but is not greater than 50 percent of all shareholders' voting rights in an incorporated commodity exchange.

２　前項の認可を受けた地方公共団体等は、同項及び第八十六条第一項本文の規定にかかわらず、その保有する対象議決権の数に増加がない場合その他の主務省令で定める場合には、株式会社商品取引所の総株主の議決権の百分の五十を超える対象議決権を取得し、又は保有することができる。

(2) Notwithstanding the provisions of the preceding paragraph and the main clause of Article 86, paragraph (1), a local government, etc. that has obtained the authorization referred to in the preceding paragraph may acquire or hold subject voting rights exceeding 50 percent of all shareholders' voting rights in an incorporated commodity exchange if the number of subject voting rights that it holds does not increase or in any other case specified by order of the competent ministry.

３　前項の場合において、株式会社商品取引所の総株主の議決権の百分の五十を超える

対象議決権を取得し、又は保有することとなつた地方公共団体等（以下この条において「特定保有団体等」という。）は、特定保有団体等になつた旨その他主務省令で定める事項を、遅滞なく、主務大臣に届け出なければならない。

(3) In the case referred to in the preceding paragraph, a local government, etc. that has come to acquire or hold subject voting rights exceeding 50 percent of all shareholders' voting rights in an incorporated commodity exchange (hereinafter referred to as a "specified holding entity, etc." in this Article) must notify the competent minister without delay that it has become a specified holding entity, etc., and of any other particulars specified by order of the competent ministry.

４　第二項の場合において、特定保有団体等は、特定保有団体等となつた日から三月以内に、株式会社商品取引所の総株主の議決権の百分の五十以下の数の対象議決権の保有者となるために必要な措置をとらなければならない。

(4) In the case referred to in paragraph (2), a specified holding entity, etc. must take the necessary measures to become the holder of a number of subject voting rights that constitutes 50 percent or less of all shareholders' voting rights in an incorporated commodity exchange, within three months from the day on which it has become a specified holding entity, etc.

５　特定保有団体等は、前項の規定により株式会社商品取引所の総株主の議決権の百分の五十以下の数の対象議決権の保有者となつたときは、遅滞なく、その旨を主務大臣に届け出なければならない。

(5) When a specified holding entity, etc. has become a holder of a number of subject voting rights that constitutes 50 percent or less of all shareholders' voting rights in an incorporated commodity exchange pursuant to the provisions of the preceding paragraph, it must notify the competent minister of this without delay.

６　第三条第二項及び第三項の規定は、第一項の認可について準用する。

(6) The provisions of Article 3, paragraph (2) and paragraph (3) apply mutatis mutandis to the authorization referred to in paragraph (1).

（認可基準）

(Criteria for Authorization)

第九十六条の二十　主務大臣は、前条第一項の認可の申請があつた場合においては、その申請が次に掲げる基準に適合するかどうかを審査しなければならない。

Article 96-20 (1) When an application is filed for the authorization referred to in paragraph (1) of the preceding Article, the competent minister must examine whether the application conforms to the criteria listed in the following items:

一　認可申請者がその対象議決権を行使することにより、株式会社商品取引所の業務の健全かつ適切な運営を損なうおそれがないこと。

(i) the exercise of the subject voting rights by an applicant for authorization is not likely to impair the sound and appropriate operation of the business of

the incorporated commodity exchange; and

二　認可申請者が商品取引所の業務の公共性に関し十分な理解を有すること。

(ii) the applicant for authorization has a sufficient understanding of the public nature of the business of a commodity exchange.

２　主務大臣は、前項の規定により審査した結果、その申請が同項の基準に適合していると認めたときは、次の各号のいずれかに該当する場合を除いて、その認可を与えなければならない。

(2) If, as a result of having conducted an examination pursuant to the provisions of the preceding paragraph, the competent minister finds that the application conforms to the criteria referred to in that paragraph, the minister must grant the authorization, except in a case that falls under one of the following items:

一　認可申請者が次のいずれかに該当する者であるとき。

(i) the applicant for authorization is a person falling under any of the following persons:

イ　心身の故障により株主の権利を適切に行使することができない者として主務省令で定める者

(a) a person specified by order of the competent ministry as a person who is incapable of exercising the right of shareholders properly due to mental or physical disorder;

ロ　第十五条第二項第一号ロからヌまでのいずれかに該当する者

(b) a person who falls under any the persons referred to in Article 15, paragraph (2), item (i), sub-items (b) through (j);

ハ　営業に関し成年者と同一の行為能力を有しない未成年者でその法定代理人がイ、ロ又はニのいずれかに該当するもの

(c) a minor that does not have the same capacity to act as an adult in business whose legal representative falls under any of the persons referred to in sub-item (a), (b), or (d);

ニ　法人でその役員のうちにイからハまでのいずれかに該当する者のあるもの

(d) a corporation whose officers include a person who falls under any of the persons referred to in sub-items (a) through (c);

二　申請書又はこれに添付すべき書類のうちに重要な事項について虚偽の記載があるとき。

(ii) the written application or documents that are required to be attached to the written application includes a false statement about a material particular.

（報告徴収及び立入検査）

(Collection of Reports and On-site Inspections)

第九十六条の二十一　主務大臣は、この法律の施行のため必要があると認めるときは、株式会社商品取引所の主要株主（第九十六条の十九第一項の認可を受けた者をいう。以下この款において同じ。）に対し、当該株式会社商品取引所の業務若しくは財産に関し参考となるべき報告若しくは資料の提出を命じ、又はその職員に、当該主要株主

の事務所若しくは営業所に立ち入り、帳簿、書類その他の物件の検査（当該株式会社商品取引所の業務又は財産に関し必要な検査に限る。）をさせることができる。

Article 96-21 (1) When the competent minister finds it to be necessary for the enforcement of this Act, the minister may order the major shareholder of an incorporated commodity exchange (meaning a person that has obtained the authorization referred to in Article 96-19, paragraph (1); hereinafter the same applies in this Subsection) to submit reports or materials that should serve as a reference on the business or property of the incorporated commodity exchange, or may have ministry officials enter the office or business office of the major shareholder and inspect their books and documents or any other article (limited to inspection necessary in relation to the business or property of the incorporated commodity exchange).

２　前項の規定は、株式会社商品取引所の保有基準割合以上百分の五十以下の数の対象議決権を保有する金融商品取引所及び金融商品取引所持株会社について準用する。

(2) The provisions of the preceding paragraph apply mutatis mutandis to a financial instruments exchange or financial instruments exchange holding company that holds a number of subject voting rights in an incorporated commodity exchange which is equal to or greater than the threshold holding ratio but is not greater than 50 percent.

３　第八十六条の三第二項及び第三項の規定は、第一項（前項において準用する場合を含む。）の規定による立入検査について準用する。

(3) The provisions of Article 86-3, paragraphs (2) and (3) apply mutatis mutandis to an on-site inspection under the provisions of paragraph (1) (including as applied mutatis mutandis pursuant to the preceding paragraph).

（監督上の処分）

(Supervisory Dispositions)

第九十六条の二十二　主務大臣は、株式会社商品取引所の主要株主がこの法律等に違反したとき、又は主要株主の行為が株式会社商品取引所の業務の健全かつ適切な運営を損なうおそれがあると認めるときは、当該主要株主に対し、第九十六条の十九第一項の認可を取り消し、その他監督上必要な措置をとることを命ずることができる。

Article 96-22 (1) If the major shareholder of an incorporated commodity exchange violates this Act, etc., or if the competent minister finds that the act of a major shareholder is likely to impair the sound and appropriate operation of the business of an incorporated commodity exchange, the minister may revoke the authorization referred to in Article 96-19, paragraph (1) granted to the major shareholder, or may order to take other measures necessary for supervision against the major shareholder.

２　前項の規定により第九十六条の十九第一項の認可を取り消された者は、当該認可を取り消された日から三月以内に、株式会社商品取引所の保有基準割合未満の数の対象議決権の保有者となるために必要な措置をとらなければならない。

(2) A person whose authorization referred to in Article 96-19, paragraph (1) has been revoked pursuant to the provisions of the preceding paragraph must take the necessary measures to become the holder of a number of subject voting rights in an incorporated commodity exchange which is less than the threshold holding ratio, within three months from the date that the authorization is revoked.

３　主務大臣は、第一項の規定による処分を行おうとする場合において必要があると認めるときは、参考人の出頭を求めてその意見を聴取し、若しくは参考人にその意見若しくは報告の提出を求め、又は鑑定人に出頭を求めて鑑定をさせることができる。

(3) If the competent minister finds it to be necessary when the minister seeks to make the disposition pursuant to the provisions of paragraph (1), the minister may ask a witness to appear and hear their opinion or ask a witness to submit an opinion or report, or ask an expert to appear and have the expert give an expert opinion.

４　第一項の規定による認可の取消しに係る聴聞の期日における審理は、公開により行わなければならない。ただし、主務大臣が当該処分の名あて人となるべき者の業務に関する秘密を保つため必要があると認めるとき、又は公益上必要があると認めるときは、この限りでない。

(4) The proceedings taking place on the date for a hearing on the revocation of authorization under the provisions of paragraph (1) must be opened to the public; provided, however, that this does not apply if the competent minister finds it to be necessary in order to maintain the confidential information related to the business of the person that is to become subject to the disposition secret, or finds it to be necessary in the public interest.

５　第一項の規定は株式会社商品取引所の保有基準割合以上百分の五十以下の数の対象議決権を保有する商品取引所、商品取引所持株会社、金融商品取引所及び金融商品取引所持株会社について、第三項の規定はこの項において準用する第一項の規定による処分について準用する。

(5) The provisions of paragraph (1) apply mutatis mutandis to a commodity exchange, commodity exchange holding company, financial instruments exchange, or financial instruments exchange holding company that holds a number of subject voting rights in an incorporated commodity exchange that is equal to or greater than the threshold holding ratio, but is not greater than 50 percent; and the provisions of paragraph (3) apply mutatis mutandis to the disposition pursuant to the provisions of paragraph (1) as applied mutatis mutandis pursuant to this paragraph.

（認可の失効）

(Expiration of Authorization)

第九十六条の二十三　株式会社商品取引所の主要株主が次の各号のいずれかに該当することとなつたときは、第九十六条の十九第一項の認可は、その効力を失う。

Article 96-23 (1) If the major shareholder of an incorporated commodity exchange comes to fall under one of the following items, the authorization referred to in Article 96-19, paragraph (1) ceases to be effective:

一　認可を受けた日から六月以内に保有基準割合以上の数の対象議決権の保有者とならなかつたとき。

(i) the major shareholder has failed to become a holder of a number of subject voting rights that is equal to or greater than the threshold holding ratio within six months from the date on which they obtain authorization;

二　保有基準割合未満の数の対象議決権の保有者となつたとき。

(ii) the major shareholder has become the holder of a number of subject voting rights that is less than the threshold holding ratio; or

三　商品取引所、商品取引所持株会社、金融商品取引所又は金融商品取引所持株会社となつたとき。

(iii) the major shareholder has become a commodity exchange, commodity exchange holding company, financial instruments exchange, or financial instruments exchange holding company.

２　前項の規定により認可が失効したとき（同項第三号に係る場合にあつては、金融商品取引所又は金融商品取引所持株会社となつたときに限る。）は、主要株主であつた者は、遅滞なく、その旨を主務大臣に届け出なければならない。

(2) If an authorization ceases to be effective pursuant to the provisions of the preceding paragraph (in the case under item (iii) of that paragraph, this is limited to if the major shareholder becomes a financial instruments exchange or financial instruments exchange holding company), the person that was formerly a major shareholder must notify the competent minister of this without delay.

（対象議決権に係る規定の準用）

(Application, Mutatis Mutandis of Provisions on Subject Voting Rights)

第九十六条の二十四　第八十六条第五項の規定は、第九十六条の十九第一項から第五項まで、第九十六条の二十第一項、第九十六条の二十一第二項、第九十六条の二十二第二項及び第五項並びに前条第一項の規定を適用する場合について準用する。

Article 96-24 The provisions of Article 86, paragraph (5) apply mutatis mutandis when the provisions of Article 96-19, paragraphs (1) through (5), Article 96-20, paragraph (1), Article 96-21, paragraph (2), Article 96-22, paragraph (2) and paragraph (5), and paragraph (1) of the preceding Article are applicable.

第四款　商品取引所持株会社
Subsection 4 Commodity Exchange Holding Companies

（認可等）

(Authorization)

第九十六条の二十五　株式会社商品取引所を子会社としようとする者又は株式会社商品取引所を子会社とする会社の設立をしようとする者は、あらかじめ、主務大臣の認可を受けなければならない。ただし、商品取引所、金融商品取引所又は金融商品取引所持株会社が株式会社商品取引所を子会社とする場合は、この限りでない。

Article 96-25 (1) A person seeking to have an incorporated commodity exchange as its subsidiary company, or a person seeking to incorporate a company that is to have an incorporated commodity exchange as its subsidiary company, must obtain the authorization of the competent minister in advance; provided, however, that this does not apply if a commodity exchange, financial instruments exchange, or financial instruments exchange holding company is to have an incorporated commodity exchange as its subsidiary company.

２　前項の規定は、保有する対象議決権の数に増加がない場合その他の主務省令で定める場合において、株式会社商品取引所を子会社とすることとなるときには、適用しない。

(2) If the number of subject voting rights that a person holds does not increase or in any other case specified by order of the competent ministry, the provisions of the preceding paragraph do not apply if the person is to have an incorporated commodity exchange become its subsidiary company.

３　前項の場合において、株式会社商品取引所を子会社とすることとなつた会社（以下この条において「特定持株会社」という。）は、特定持株会社となつた日から三月以内に、株式会社商品取引所を子会社とする会社でなくなるために必要な措置をとらなければならない。ただし、当該特定持株会社が株式会社商品取引所を子会社とする会社であることについて主務大臣の認可を受けた場合は、この限りでない。

(3) In the case referred to in the preceding paragraph, a company that comes to have an incorporated commodity exchange as its subsidiary company (hereinafter referred to in this Article as a "specified holding company" in this Article) must take necessary measures for it to cease to be a company that has an incorporated commodity exchange as its subsidiary company, within three months from the day on which it becomes a specified holding company; provided, however, that this does not apply if the specified holding company obtains the authorization of the competent minister as a company that has an incorporated commodity exchange as its subsidiary company.

４　第九十六条の十九第三項及び第五項の規定は、特定持株会社について準用する。この場合において、同条第三項中「前項」とあるのは「第九十六条の二十五第二項」と、同条第五項中「前項」とあるのは「第九十六条の二十五第三項」と、「株式会社商品取引所の総株主の議決権の百分の五十以下の数の対象議決権の保有者となつたとき」とあるのは「株式会社商品取引所を子会社とする会社でなくなつたとき」と読み替えるものとする。

(4) The provisions of Article 96-19, paragraphs (3) and (5) apply mutatis mutandis to a specified holding company. In such a case, the term "the preceding paragraph" in paragraph (3) of that Article is deemed to be replaced

with "Article 96-25, paragraph (2)"; the term "the preceding paragraph" in paragraph (5) of that Article is deemed to be replaced with "Article 96-25, paragraph (3)"; and the phrase "becomes the holder of a number of subject voting rights that constitutes 50 percent or less of all shareholders' voting rights in an incorporated commodity exchange" in that paragraph is deemed to be replaced with "ceases to be a company that has an incorporated commodity exchange as its subsidiary company".

５　第三条第二項及び第三項の規定は、第一項及び第三項ただし書の認可について準用する。

(5) The provisions of Article 3, paragraphs (2) and (3) apply mutatis mutandis to the authorization referred to in paragraph (1) and the proviso to paragraph (3).

（認可の申請）

(Application for Authorization)

第九十六条の二十六　前条第一項又は第三項ただし書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申請書を主務大臣に提出しなければならない。

Article 96-26 (1) A person seeking the authorization referred to in paragraph (1) or the proviso to paragraph (3) of the preceding Article must submit a written application for authorization stating the following particulars to the competent minister:

一　商号

(i) the trade name;

二　資本金の額

(ii) the amount of stated capital;

三　本店、支店その他の営業所の所在地

(iii) the location of the head office, branch offices, and other business offices; and

四　役員の氏名又は名称及び住所

(iv) the names and addresses of the officers.

２　前項の申請書には、定款その他主務省令で定める書類を添付しなければならない。

(2) The articles of incorporation and the documents specified by order of the competent ministry must be attached to the written application referred to in the preceding paragraph.

３　前項の場合において、定款が電磁的記録で作成されているときは、書面に代えて電磁的記録を添付することができる。

(3) In the case referred to in the preceding paragraph, if the articles of incorporation have been prepared in the form of an electronic or magnetic record, electronic or magnetic records may be attached to the written application in lieu of documents.

（認可審査基準）

(Examination Criteria for Authorization)

第九十六条の二十七　主務大臣は、前条第一項の規定による認可の申請があつた場合においては、その申請が次に掲げる基準に適合するかどうかを審査しなければならない。

Article 96-27 (1) When an application is filed for the authorization pursuant to the provisions of paragraph (1) of the preceding Article, the competent minister must examine whether the application conforms to the following criteria:

一　認可申請者又は認可を受けて設立される会社（以下この条において「認可申請者等」という。）が専ら株式会社商品取引所又は株式会社商品取引所及び商品取引所関連会社（商品市場開設業務に附帯する業務を行う会社、商品市場開設業務に関連する業務及びこれに附帯する業務を行う会社、算定割当量に係る取引を行う市場の開設の業務及びこれに附帯する業務を行う会社、取引所金融商品市場の開設の業務及びこれに附帯する業務を行う会社又は取引所金融商品市場の開設に関連する業務及びこれに附帯する業務を行う会社をいう。第九十六条の三十六において同じ。）を子会社として保有することを目的とする者であること。

(i) the applicant for authorization or the company to be incorporated with the authorization (hereinafter referred to as an "applicant, etc. for authorization" in this Article) is a person whose sole purpose is to have an incorporated commodity exchange, an incorporated commodity exchange and a commodity exchange affiliated company (meaning a company engaging in business incidental to the operation of a commodity market; a company engaging in business that is connected to the business of operating a commodity market and business incidental thereto; a company engaging in the business of opening a market for trading carbon dioxide equivalent quotas and business incidental thereto; a company engaging in the business of opening a financial instruments exchange market and business incidental thereto; or a company engaging in business that is connected to the business of opening a financial instruments exchange market and business incidental thereto; the same applies in Article 96-36) as its subsidiary company;

二　認可申請者等及びその子会社となる株式会社商品取引所の収支の見込みが良好であること。

(ii) the applicant, etc. for authorization and the incorporated commodity exchange that is to become its subsidiary company have good prospects in terms of expected income and expenditure;

三　認可申請者等がその人的構成に照らして、その子会社となる株式会社商品取引所の経営管理を的確かつ公正に遂行することができる知識及び経験を有すること。

(iii) in light of its personnel structure, the applicant, etc. for authorization has the knowledge and experience to conduct business management of the incorporated commodity exchange that is to become its subsidiary company in an appropriate and fair manner; and

四　認可申請者が十分な社会的信用を有する者であること。

(iv) the applicant for authorization has sufficient social credibility.

２　主務大臣は、前項の規定により審査した結果、その申請が同項の基準に適合していると認めたときは、次の各号のいずれかに該当する場合を除いて、その認可を与えなければならない。

(2) If, as a result of having conducted an examination pursuant to the provisions of the preceding paragraph, the competent minister finds that the application conforms to the criteria referred to in that paragraph, the minister must grant the authorization, except in a case that falls under one of the following items:

一　認可申請者等が株式会社（次に掲げる機関を置くものに限る。）でないとき。

(i) the applicant, etc. for authorization is not a stock company (meaning a stock company with the following organs):

イ　取締役会

(a) a board of company directors;

ロ　監査役、監査等委員会又は指名委員会等

(b) a company auditor, audit and supervisory committee, or nominating committee, etc.;

二　認可申請者がこの法律又はこの法律に相当する外国の法令の規定により罰金の刑（これに相当する外国の法令による刑を含む。）に処せられ、その執行の終わつた日又は執行を受けることがないこととなつた日から五年を経過しない者であるとき。

(ii) the applicant for authorization is a person that has been sentenced to a fine (including an equivalent sentence under foreign laws and regulations) pursuant to the provisions of this Act or pursuant to a foreign law or regulation that is equivalent to this Act, and for whom five years have not passed since the day on which the person finished serving the sentence or ceased to be subject to the sentence;

三　認可申請者が第九十六条の二十二第一項、第九十六条の三十四第一項若しくは第九十六条の四十第一項の規定により認可を取り消され、第百五十九条第一項若しくは第二項、第百八十六条第一項若しくは第二項、第二百三十五条第三項、第二百三十六条第一項若しくは第三百四十条第一項（第三百四十五条において準用する場合を含む。）の規定により許可を取り消され、若しくは第二百四十条の二十三第一項の規定により登録を取り消され、これらの取消しの日から五年を経過しない者又はこの法律に相当する外国の法令の規定により当該外国において受けている同種の認可、許可若しくは登録（当該認可、許可又は登録に類する免許その他の行政処分を含む。）を取り消され、その取消しの日から五年を経過しない者であるとき。

(iii) the applicant for authorization is a person that has had their authorization revoked pursuant to the provisions of Article 96-22, paragraph (1), Article 96-34, paragraph (1), or Article 96-40, paragraph (1), has had their permission revoked pursuant to the provisions of Article 159, paragraph (1) or paragraph (2), Article 186, paragraph (1) or paragraph (2), Article 235, paragraph (3), Article 236, paragraph (1), or Article 340, paragraph (1) (including as applied mutatis mutandis pursuant to Article 345), or has had their registration revoked pursuant to the provisions of Article 240-23,

paragraph (1), and for whom five years have not passed since the date of the revocation, or is a person that had obtained the same kind of authorization, permission, or registration in a foreign state pursuant to the provisions of a foreign law or regulation that is equivalent to this Act (including a license or other administrative disposition similar to the authorization, permission, or registration) and has had the authorization, permission, or registration revoked, and for whom five years have not passed since the date of the revocation;

四　認可申請者等の役員のうちに第十五条第二項第一号イからルまでのいずれかに該当する者があるとき。

(iv) the applicant, etc. for authorization has a person falling under one of the persons referred to in Article 15, paragraph (2), item (i), sub-items (a) through (k) as an officer; or;

五　認可申請書又はこれに添付すべき書類若しくは電磁的記録のうちに重要な事項について虚偽の記載又は記録があるとき。

(v) the written application for authorization or documents that are required to be attached to the written application or an electronic or magnetic record includes a false statement or false record about a material particular.

（議決権の保有制限）

(Limitation on the Holding of Voting Rights)

第九十六条の二十八　何人も、商品取引所持株会社の総株主の議決権の百分の二十（その財務及び営業の方針の決定に対して重要な影響を与えることが推測される事実として主務省令で定める事実がある場合には、百分の十五。以下この款（第九十六条の四十第四項を除く。）において「保有基準割合」という。）以上の数の対象議決権を取得し、又は保有してはならない。ただし、商品取引所又は金融商品取引所が取得し、又は保有する場合は、この限りでない。

Article 96-28 (1) It is prohibited for any person to acquire or hold a number of subject voting rights that constitute twenty percent or more (or fifteen percent or more, if there is a fact that is specified by order of the competent ministry as a fact that is presumed to have a material influence on decisions about financial and operational policies; hereinafter referred to as "threshold holding ratio" in this Subsection (excluding Article 96-40, paragraph (4))) of all shareholders' voting rights in a commodity exchange holding company; provided, however, that this does not apply if a commodity exchange or a financial instruments exchange acquires or holds the subject voting rights.

２　前項本文の規定は、保有する対象議決権の数に増加がない場合その他の主務省令で定める場合において、商品取引所持株会社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、又は保有することとなるときには、適用しない。

(2) If the number of subject voting rights that a person holds does not increase or in any other case specified by order of the competent ministry, the provisions of

the main clause of the preceding paragraph do not apply to the person that is to acquire or hold a number of subject voting rights in a commodity exchange holding company which is equal to or greater than the threshold holding ratio of all shareholders' voting rights.

３　前項の場合において、商品取引所持株会社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、又は保有することとなつた者（以下この条において「特定保有者」という。）は、特定保有者になつた旨その他主務省令で定める事項を、遅滞なく、主務大臣に届け出なければならない。

(3) In the case referred to in the preceding paragraph, a person that has come to acquire or hold a number of subject voting rights in a commodity exchange holding company that is equal to or greater than the threshold holding ratio of all shareholders' voting rights (hereinafter referred to as a "specified holder" in this Article) must notify the competent minister without delay that the person has become a specified holder and of other particulars specified by order of the competent ministry.

４　第二項の場合において、特定保有者は、特定保有者となつた日から三月以内に、商品取引所持株会社の保有基準割合未満の数の対象議決権の保有者となるために必要な措置をとらなければならない。ただし、当該特定保有者が地方公共団体等である場合であつて、当該地方公共団体等が第九十六条の三十一第一項の認可を受けたときは、この限りでない。

(4) In the case referred to in paragraph (2), a specified holder must take necessary measures to become the holder of a number of subject voting rights in a commodity exchange holding company which is less than the threshold holding ratio within three months from the day on which that person has become a specified holder; provided, however, that this does not apply if the specified holder is a local government, etc. and the local government, etc. obtains the authorization referred to in Article 96-31, paragraph (1).

５　前各項の規定の適用に関し必要な事項は、政令で定める。

(5) The necessary particulars for the application of the provisions of the preceding paragraphs are specified by Cabinet Order.

（対象議決権保有届出書の提出）

(Submission of a Notification of Holding Subject Voting Rights)

第九十六条の二十九　商品取引所持株会社の総株主の議決権の百分の五を超える対象議決権の保有者（以下この条において「対象議決権保有者」という。）となつた者は、主務省令で定めるところにより、対象議決権保有割合（対象議決権保有者の保有する当該対象議決権の数を当該商品取引所持株会社の総株主の議決権の数で除して得た割合をいう。）、保有の目的その他主務省令で定める事項を記載した対象議決権保有届出書を、遅滞なく、主務大臣に提出しなければならない。

Article 96-29 A person that has become a holder of subject voting rights exceeding five percent of all shareholders' voting rights in a commodity

exchange holding company (hereinafter referred to as "holder of subject voting rights" in this Article) must submit a notification of holding subject voting rights to the competent minister, pursuant to the provisions of order of the competent ministry and without delay, in which the subject voting rights holding rate (meaning the rate obtained by dividing the number of subject voting rights held by the holder of subject voting rights by the number representing all shareholders' voting rights in the commodity exchange holding company), the purpose of the holding, and other particulars specified by order of the competent ministry are stated.

（対象議決権保有届出書の提出者に対する報告徴収及び立入検査）
(Collection of Reports from and On-site Inspections of Persons Submitting a Notification of Holding Subject Voting Rights)

第九十六条の三十　主務大臣は、この法律の施行のため必要があると認めるときは、前条の対象議決権保有届出書の提出者に対し、その業務若しくは財産に関し参考となるべき報告若しくは資料の提出を命じ、又はその職員に、その者の事務所若しくは営業所に立ち入り、帳簿、書類その他の物件の検査（当該対象議決権保有届出書の記載に関し必要な検査に限る。）をさせることができる。

Article 96-30 (1) When the competent minister finds it to be necessary for the enforcement of this Act, the minister may order the person submitting a notification of holding subject voting rights referred to in the preceding Article to submit reports or materials that should serve as a reference on their business or property, or may have ministry officials enter the person's office or business office and inspect their books and documents or any other article (limited to inspection necessary in relation to the statements in the notification of holding subject voting rights).

２　第八十六条の三第二項及び第三項の規定は、前項の規定による立入検査について準用する。

(2) The provisions of Article 86-3, paragraphs (2) and (3) apply mutatis mutandis to an on-site inspection referred to in the preceding paragraph.

（主要株主に係る認可等）
(Authorization Related to Major Shareholders)

第九十六条の三十一　地方公共団体等は、第九十六条の二十八第一項本文の規定にかかわらず、主務省令で定めるところにより、主務大臣の認可を受けて、商品取引所持株会社の総株主の議決権の保有基準割合以上百分の五十以下の数の対象議決権を取得し、又は保有することができる。

Article 96-31 (1) Notwithstanding the provisions of the main clause of Article 96-28, paragraph (1), pursuant to the provisions of order of the competent ministry and by obtaining the authorization of the competent minister, a local government, etc. may acquire or hold a number of subject voting rights that is

equal to or greater than the threshold holding ratio, but is not greater than 50 percent of all shareholders' voting rights in a commodity exchange holding company.

2　前項の認可を受けた地方公共団体等は、同項及び第九十六条の二十八第一項本文の規定にかかわらず、その保有する対象議決権の数に増加がない場合その他の主務省令で定める場合には、商品取引所持株会社の総株主の議決権の百分の五十を超える対象議決権を取得し、又は保有することができる。

(2) Notwithstanding the provisions of the preceding paragraph and the main clause of Article 96-28, paragraph (1), a local government, etc. that has obtained the authorization referred to in the preceding paragraph may acquire or hold subject voting rights exceeding 50 percent of all shareholders' voting rights in a commodity exchange holding company if the number of subject voting rights that it holds does not increase or in any other case specified by order of the competent ministry.

3　前項の場合において、商品取引所持株会社の総株主の議決権の百分の五十を超える対象議決権を取得し、又は保有することとなつた地方公共団体等（以下この条において「特定保有団体等」という。）は、特定保有団体等となつた日から三月以内に、商品取引所持株会社の総株主の議決権の百分の五十以下の数の対象議決権の保有者となるために必要な措置をとらなければならない。

(3) In the case referred to in the preceding paragraph, a local government, etc. that has come to acquire or hold subject voting rights exceeding 50 percent of all shareholders' voting rights in a commodity exchange holding company (hereinafter referred to as a "specified holding entity, etc." in this Article) must take necessary measures to become the holder of a number of subject voting rights that constitutes 50 percent or less of all shareholders' voting rights in the commodity exchange holding company, within three months from the day on which it has become a specified holding entity, etc.

4　第九十六条の十九第三項及び第五項の規定は、特定保有団体等について準用する。この場合において、同条第三項中「前項」とあるのは「第九十六条の三十一第二項」と、同条第五項中「前項」とあるのは「第九十六条の三十一第三項」と読み替えるものとする。

(4) The provisions of Article 96-19, paragraphs (3) and (5) apply mutatis mutandis to a specified holding entity, etc. In such a case, the term "the preceding paragraph" in paragraph (3) of that Article is deemed to be replaced with "Article 96-31, paragraph (2)" and the term "the preceding paragraph" in paragraph (5) of that Article is deemed to be replaced with "Article 96-31, paragraph (3)".

5　第三条第二項及び第三項の規定は、第一項の認可について準用する。

(5) The provisions of Article 3, paragraphs (2) and (3) apply mutatis mutandis to the authorization referred to in paragraph (1).

（主要株主に係る認可基準）

(Criteria for Authorization for Major Shareholders)

第九十六条の三十二　主務大臣は、前条第一項の認可の申請があつた場合においては、その申請が次に掲げる基準に適合するかどうかを審査しなければならない。

Article 96-32 (1) When an application is filed for the authorization referred to in paragraph (1) of the preceding Article, the competent minister must examine whether the application conforms to the following criteria:

一　認可申請者がその対象議決権を行使することにより、商品取引所持株会社の子会社である株式会社商品取引所の業務の健全かつ適切な運営を損なうおそれがないこと。

(i) the exercise of the subject voting rights by an applicant for authorization is not likely to impair the sound and appropriate operation of the business of an incorporated commodity exchange that is the subsidiary company of the commodity exchange holding company; and

二　認可申請者が商品取引所の業務の公共性に関し十分な理解を有すること。

(ii) the applicant for authorization has a sufficient understanding of the public nature of the business of a commodity exchange.

２　第九十六条の二十第二項の規定は、前条第一項の認可について準用する。この場合において、第九十六条の二十第二項中「前項」とあるのは、「第九十六条の三十二第一項」と読み替えるものとする。

(2) The provisions of Article 96-20, paragraph (2) apply mutatis mutandis to the authorization referred to in paragraph (1) of the preceding Article. In such a case, the term "the preceding paragraph" in Article 96-20, paragraph (2) is deemed to be replaced with "Article 96-32, paragraph (1)".

（主要株主に対する報告徴収及び立入検査）

(Collection of Reports and On-Site Inspections of Major Shareholders)

第九十六条の三十三　主務大臣は、この法律の施行のため必要があると認めるときは、商品取引所持株会社の主要株主（第九十六条の三十一第一項の認可を受けた者をいう。以下この款において同じ。）に対し、当該商品取引所持株会社若しくはその子会社である株式会社商品取引所の業務若しくは財産に関し参考となるべき報告若しくは資料の提出を命じ、又はその職員に、当該主要株主の事務所若しくは営業所に立ち入り、帳簿、書類その他の物件の検査（当該商品取引所持株会社又はその子会社である株式会社商品取引所の業務又は財産に関し必要な検査に限る。）をさせることができる。

Article 96-33 (1) When the competent minister finds it to be necessary for the enforcement of this Act, the minister may order the major shareholder of a commodity exchange holding company (meaning a person that has obtained the authorization referred to in Article 96-31, paragraph (1); hereinafter the same applies in this Subsection) to submit reports or materials that should serve as a reference on the business or property of the commodity exchange holding company or an incorporated commodity exchange that is its subsidiary

company, or may have ministry officials enter the office or business office of the major shareholder and inspect their books and documents or any other article (limited to inspection necessary in relation to the business or property of the commodity exchange holding company or of an incorporated commodity exchange that is its subsidiary company).

２　前項の規定は、商品取引所持株会社の保有基準割合以上百分の五十以下の数の対象議決権を保有する金融商品取引所について準用する。

(2) The provisions of the preceding paragraph apply mutatis mutandis to a financial instruments exchange that holds a number of subject voting rights in a commodity exchange holding company that is equal to or greater than the threshold holding ratio, but is not greater than 50 percent.

３　第八十六条の三第二項及び第三項の規定は、第一項（前項において準用する場合を含む。）の規定による立入検査について準用する。

(3) The provisions of Article 86-3, paragraphs (2) and (3) apply mutatis mutandis to an on-site inspection under the provisions of paragraph (1) (including as applied mutatis mutandis pursuant to the preceding paragraph).

（主要株主に対する監督上の処分）

(Supervisory Dispositions for Major Shareholders)

第九十六条の三十四　主務大臣は、商品取引所持株会社の主要株主がこの法律等に違反したとき、又は主要株主の行為が当該商品取引所持株会社の子会社である株式会社商品取引所の業務の健全かつ適切な運営を損なうおそれがあると認めるときは、当該主要株主に対し、第九十六条の三十一第一項の認可を取り消し、その他監督上必要な措置をとることを命ずることができる。

Article 96-34 (1) If the major shareholder of a commodity exchange holding company violates this Act, etc., or if the competent minister finds that the act of a major shareholder is likely to impair the sound and appropriate operation of the business of an incorporated commodity exchange that is the subsidiary company of the commodity exchange holding company, the minister may revoke the authorization referred to in Article 96-31, paragraph (1), or may order other measures necessary for supervision to be taken against the major shareholder.

２　前項の規定により第九十六条の三十一第一項の認可を取り消された者は、当該認可を取り消された日から三月以内に、商品取引所持株会社の保有基準割合未満の数の対象議決権の保有者となるために必要な措置をとらなければならない。

(2) A person whose authorization referred to in Article 96-31, paragraph (1) has been revoked pursuant to the provisions of the preceding paragraph must take necessary measures to become the holder of a number of subject voting rights in a commodity exchange holding company which is less than the threshold holding ratio, within three months from the date of the revocation of that authorization.

３　第九十六条の二十二第三項の規定は第一項の規定による処分について、同条第四項の規定は第一項の規定による認可の取消しに係る聴聞について準用する。

(3) The provisions of Article 96-22, paragraph (3) apply mutatis mutandis to a disposition pursuant to the provisions of paragraph (1), and the provisions of paragraph (4) of that Article apply mutatis mutandis to a hearing on the revocation of authorization pursuant to the provisions of paragraph (1).

４　第一項の規定は商品取引所持株会社の保有基準割合以上百分の五十以下の数の対象議決権を保有する商品取引所及び金融商品取引所について、第九十六条の二十二第三項の規定はこの項において準用する第一項の規定による処分について準用する。

(4) The provisions of paragraph (1) apply mutatis mutandis to a commodity exchange or financial instruments exchange that holds a number of subject voting rights in a commodity exchange holding company which is equal to or greater than the threshold holding ratio, but is not greater than 50 percent; the provisions of Article 96-22, paragraph (3) apply mutatis mutandis to the disposition pursuant to the provisions of paragraph (1) as applied mutatis mutandis pursuant to this paragraph.

（主要株主に係る認可の失効）

(Expiration of Authorization for Major Shareholders)

第九十六条の三十五　商品取引所持株会社の主要株主が次の各号のいずれかに該当することとなつたときは、第九十六条の三十一第一項の認可は、その効力を失う。

Article 96-35 (1) If the major shareholder of a commodity exchange holding company comes to fall under one of the following items, the authorization referred to in Article 96-31, paragraph (1) ceases to be effective:

一　認可を受けた日から六月以内に保有基準割合以上の数の対象議決権の保有者とならなかつたとき。

(i) the major shareholder has failed to become the holder of a number of subject voting rights that is equal to or greater than the threshold holding ratio within six months from the date of obtaining authorization;

二　保有基準割合未満の数の対象議決権の保有者となつたとき。

(ii) the major shareholder has become the holder of a number of subject voting rights that is less than the threshold holding ratio;

三　商品取引所又は金融商品取引所となつたとき。

(iii) the major shareholder has become a commodity exchange or a financial instruments exchange.

２　前項の規定により認可が失効したとき（同項第三号に係る場合にあつては、金融商品取引所となつたときに限る。）は、主要株主であつた者は、遅滞なく、その旨を主務大臣に届け出なければならない。

(2) If authorization ceases to be effective pursuant to the provisions of the preceding paragraph (in the case under item (iii) of that paragraph, this is limited to if the major shareholder becomes a financial instruments exchange),

the person that was formerly the major shareholder must notify the competent minister of this without delay.

（業務の範囲）
(Scope of Business)

第九十六条の三十六　商品取引所持株会社は、子会社である株式会社商品取引所及び商品取引所関連会社の経営管理を行うこと並びにこれらに附帯する業務のほか、他の業務を行うことができない。

Article 96-36 (1) A commodity exchange holding company may not conduct any business other than the business management of an incorporated commodity exchange and of the commodity exchange affiliated companies which are its subsidiary companies and business incidental to those businesses.

２　商品取引所持株会社は、その業務を行うに当たつては、子会社である株式会社商品取引所の業務の公共性に対する信頼及び健全かつ適切な運営を損なうことのないよう、子会社である株式会社商品取引所又は株式会社商品取引所及び商品取引所関連会社の適切な経営管理に努めなければならない。

(2) A commodity exchange holding company, in performing its business, must endeavor to ensure appropriate business management of the incorporated commodity exchange that is its subsidiary company or of the incorporated commodity exchange and commodity exchange affiliated companies that are its subsidiary companies, so as not to impair the confidence in the public nature of the business of the incorporated commodity exchange that is its subsidiary company, and the sound and appropriate operation of its business.

（子会社の範囲）
(Scope of Subsidiary Companies)

第九十六条の三十七　商品取引所持株会社は、商品市場開設業務及びこれに附帯する業務を行う会社以外の会社を子会社としてはならない。ただし、主務省令で定めるところにより、主務大臣の認可を受けた場合は、商品市場開設業務に関連する業務及びこれに附帯する業務を行う会社、算定割当量に係る取引を行う市場の開設の業務及びこれに附帯する業務を行う会社、取引所金融商品市場の開設の業務及びこれに附帯する業務を行う会社又は取引所金融商品市場の開設に関連する業務及びこれに附帯する業務を行う会社を子会社とすることができる。

Article 96-37 (1) A commodity exchange holding company must not have a company that engages in business other than the business of operating a commodity market and business incidental thereto as its subsidiary company; provided, however, that if a commodity exchange holding company obtains the authorization of the competent minister pursuant to order of the competent ministry, the commodity exchange holding company may have as its subsidiary company a company engaging in business that is connected with the business of operating a commodity market and business incidental thereto, a company

engaging in the business of opening a market for trading carbon dioxide equivalent quotas and business incidental thereto, a company engaging in the business of opening a financial instruments exchange market and business incidental thereto, or a company engaging in business that is connected with the business of opening a financial instruments exchange market and business incidental thereto.

２　第三条第二項から第四項までの規定は、前項ただし書の認可について準用する。この場合において、同条第四項中「業務を行う」とあるのは「会社を子会社とする」と、「商品市場開設業務」とあるのは「商品取引所の商品市場開設業務」と読み替えるものとする。

(2) The provisions of Article 3, paragraphs (2) through (4) apply mutatis mutandis to the authorization referred to in the proviso to the preceding paragraph. In such a case, the phrase "the applicant's engagement in business which the application concerns" in paragraph (4) of that Article is deemed to be replaced with "the applicant having the company which the application concerns as its subsidiary company", and the phrase "business of operating a commodity market" in that paragraph is deemed to be replaced with "business of operating a commodity market of a commodity exchange".

（認可の取消し）

(Revocation of Authorization)

第九十六条の三十八　主務大臣は、商品取引所持株会社が第九十六条の二十五第一項又は第三項ただし書の認可を受けた当時既に第九十六条の二十七第二項各号のいずれかに該当していたことが判明したときは、その認可を取り消すことができる。

Article 96-38 If a commodity exchange holding company is discovered to have fallen under one of the items of Article 96-27, paragraph (2) at the time it obtained the authorization referred to in Article 96-25, paragraph (1) or in the proviso to paragraph (3), the competent minister may revoke its authorization.

（報告徴収及び立入検査）

(Collection of Reports and On-Site Inspections)

第九十六条の三十九　主務大臣は、この法律の施行のため必要があると認めるときは、商品取引所持株会社若しくはその子会社に対し、当該商品取引所持株会社の業務若しくは財産に関し参考となるべき報告若しくは資料の提出を命じ、又はその職員に、当該商品取引所持株会社若しくは当該子会社の事務所若しくは営業所に立ち入り、帳簿、書類その他の物件の検査（当該子会社にあつては、当該商品取引所持株会社の業務又は財産に関し必要な検査に限る。）をさせることができる。

Article 96-39 (1) When the competent minister finds it to be necessary for the enforcement of this Act, the minister may order a commodity exchange holding company or its subsidiary company to submit reports or materials that should serve as a reference on the business or property of that commodity exchange

holding company, or may have ministry officials enter the office or business office of a commodity exchange holding company or its subsidiary company and inspect its books and documents or any other article (for its subsidiary company, limited to inspection necessary in connection with the business or property of the commodity exchange holding company).

２　第八十六条の三第二項及び第三項の規定は、前項の規定による立入検査について準用する。

(2) The provisions of Article 86-3, paragraphs (2) and (3) apply mutatis mutandis to an on-site inspection under the provisions of the preceding paragraph.

（監督上の処分）

(Supervisory Dispositions)

第九十六条の四十　主務大臣は、商品取引所持株会社がこの法律等に違反したとき、商品取引所持株会社の行為がその子会社である株式会社商品取引所の業務の健全かつ適切な運営を損なうおそれがあると認めるとき、又は商品取引所持株会社の子会社の行為が当該商品取引所持株会社の子会社である株式会社商品取引所の業務の健全な運営を損なうおそれがあるにもかかわらず、当該行為の是正のため必要な措置をとることを怠つたときは、当該商品取引所持株会社に対し、第九十六条の二十五第一項若しくは第三項ただし書又は第九十六条の三十七第一項ただし書の認可を取り消し、その他監督上必要な措置をとることを命ずることができる。

Article 96-40 (1) If a commodity exchange holding company violates this Act, etc., if the competent minister finds that the act of a commodity exchange holding company is likely to impair the sound and appropriate operation of the business of an incorporated commodity exchange which is its subsidiary company, or if a commodity exchange holding company fails to take the necessary measures to correct the act of its subsidiary company despite being likely that such an act will impair the sound operation of the business of an incorporated commodity exchange which is a subsidiary company of that commodity exchange holding company, the competent minister may revoke the authorization granted to the commodity exchange holding company under Article 96-25, paragraph (1), the proviso to Article 96-25, paragraph (3), or the proviso to Article 96-37, paragraph (1), or may order other measures necessary for supervision to be taken against the commodity exchange holding company.

２　主務大臣は、商品取引所持株会社の役員がこの法律等に違反したときは、当該商品取引所持株会社に対し、当該役員の解任を命ずることができる。

(2) If an officer of a commodity exchange holding company violates this Act, etc., the competent minister may order the commodity exchange holding company to dismiss that officer.

３　第一項の規定により第九十六条の二十五第一項又は第三項ただし書の認可を取り消された商品取引所持株会社は、速やかに、当該株式会社商品取引所を子会社とする会社でなくなるために必要な措置をとらなければならない。

(3) A commodity exchange holding company that has had the authorization referred to in Article 96-25, paragraph (1) or the proviso of paragraph (3) of that Article revoked pursuant to the provisions of paragraph (1) must promptly take the necessary measures for it to cease to be a company that has an incorporated commodity exchange as its subsidiary company.

４　前項の措置がとられた場合において、当該措置をとつた者がなお株式会社商品取引所の保有基準割合以上の数の対象議決権の保有者であるときは、当該株式会社商品取引所を子会社とする会社でなくなつた日を第八十六条第四項の特定保有者となつた日とみなして、同項の規定を適用する。

(4) If the measures referred to in the preceding paragraph are taken but the person that has taken those measures remains the holder of a number of subject voting rights in an incorporated commodity exchange which is equal to or greater than the threshold holding ratio, the date on which the person ceases to be a company that has the incorporated commodity exchange as its subsidiary company is deemed to be the date on which the person becomes a specified holder referred to in Article 86, paragraph (4), and the provisions of that paragraph apply.

５　第九十六条の二十二第三項の規定は第一項又は第二項の規定による処分について、同条第四項の規定は第一項又は第二項の規定による認可の取消し又は役員の解任の命令に係る聴聞について準用する。

(5) The provisions of Article 96-22, paragraph (3) apply mutatis mutandis to a disposition pursuant to the provisions of paragraph (1) or (2), and the provisions of paragraph (4) of that Article apply mutatis mutandis to a hearing regarding the rescission of authorization or an order to dismiss an officer pursuant to the provisions of paragraph (1) or (2).

（認可の失効）

(Expiration of Authorization)

第九十六条の四十一　商品取引所持株会社が次の各号のいずれかに該当することとなつたときは、第九十六条の二十五第一項又は第三項ただし書の認可は、その効力を失う。

Article 96-41 (1) If a commodity exchange holding company comes to fall under one of the following items, the authorization referred to in Article 96-25, paragraph (1) or in the proviso to paragraph (3) of that Article ceases to be effective:

一　株式会社商品取引所を子会社とする会社でなくなつたとき（当該株式会社商品取引所の議決権の保有の態様その他の事情を勘案して主務省令で定める場合を除く。）。

(i) the company ceases to be a company that has an incorporated commodity exchange as its subsidiary company (excluding cases that are specified by order of the competent ministry in consideration of the manner in which the voting rights in the incorporated commodity exchange are acquired or held,

or of any other circumstances);

二　解散したとき。

(ii) the company is dissolved;

三　設立、合併（当該合併により設立される会社が商品取引所持株会社であるものに限る。）又は新設分割（当該新設分割により設立された会社が商品取引所持株会社であるものに限る。）を無効とする判決が確定したとき。

(iii) a judgment invalidating its incorporation, merger (but only if the company to be incorporated in the merger is a commodity exchange holding company), or incorporation-type company split (but only if the company incorporated in the incorporation-type company split is a commodity exchange holding company) becomes final and binding; or

四　認可を受けた日から六月以内に株式会社商品取引所を子会社とする会社とならなかつたとき。

(iv) the company fails to become a company that has an incorporated commodity exchange as its subsidiary company within six months from the date on which it has obtained authorization.

２　前項の規定により認可が失効したときは、商品取引所持株会社であつた者は、遅滞なく、その旨を主務大臣に届け出なければならない。

(2) If an authorization ceases to be effective pursuant to the provisions of the preceding paragraph, the person that was the commodity exchange holding company must notify the competent minister of this without delay.

（対象議決権に係る規定の準用）

(Application, Mutatis Mutandis of Provisions on Subject Voting Rights)

第九十六条の四十二　第八十六条第五項の規定は、第九十六条の二十五第二項、同条第四項において準用する第九十六条の十九第三項及び第五項、第九十六条の二十八第一項から第四項まで、第九十六条の二十九、第九十六条の三十一第一項から第三項まで、同条第四項において準用する第九十六条の十九第三項及び第五項、第九十六条の三十二第一項、第九十六条の三十三第二項、第九十六条の三十四第二項及び第四項、第九十六条の三十五第一項並びに第九十六条の四十第四項の規定を適用する場合について準用する。

Article 96-42 The provisions of Article 86, paragraph (5) apply mutatis mutandis when Article 96-25, paragraph (2), Article 96-19, paragraph (3) and paragraph (5) as applied mutatis mutandis pursuant to paragraph (4) of that Article, Article 96-28, paragraphs (1) through (4), Article 96-29, Article 96-31, paragraphs (1) through (3), Article 96-19, paragraph (3) and paragraph (5) as applied mutatis mutandis pursuant to paragraph (4) of that Article, Article 96-32, paragraph (1), Article 96-33, paragraph (2), Article 96-34, paragraph (2) and paragraph (4), Article 96-35, paragraph (1), and Article 96-40, paragraph (4) are applicable.

（監督上の処分等に係る規定の準用）

(Application, Mutatis Mutandis of Provisions on Supervisory Dispositions)

第九十六条の四十三　第九十六条の三十六第二項及び第九十六条の四十第一項の規定は株式会社商品取引所を子会社とする商品取引所及び商品取引所持株会社を子会社とする商品取引所について、第九十六条の三十六第二項、第九十六条の三十九及び第九十六条の四十第一項の規定は株式会社商品取引所を子会社とする金融商品取引所及び金融商品取引所持株会社並びに商品取引所持株会社を子会社とする金融商品取引所について、第九十六条の二十二第三項の規定はこの項において準用する第九十六条の四十第一項の規定による処分について、それぞれ準用する。

Article 96-43 The provisions of Article 96-36, paragraph (2) and Article 96-40, paragraph (1) apply mutatis mutandis to a commodity exchange that has an incorporated commodity exchange as its subsidiary company or to a commodity exchange that has a commodity exchange holding company as its subsidiary company; the provisions of Article 96-36, paragraph (2), Article 96-39, and Article 96-40, paragraph (1) apply mutatis mutandis to a financial instruments exchange or financial instruments exchange holding company that has an incorporated commodity exchange as its subsidiary company or to a financial instruments exchange that has a commodity exchange holding company as its subsidiary company; the provisions of Article 96-22, paragraph (3) apply mutatis mutandis to a disposition pursuant to the provisions of Article 96-40, paragraph (1) as applied mutatis mutandis pursuant to this Article.

第四節　商品市場における取引
Section 4 Transactions in a Commodity Market

（取引資格）

(Trading Qualification)

第九十七条　会員商品取引所の開設する商品市場における取引は、当該会員商品取引所の会員でなければすることができない。

Article 97 (1) Transactions in a commodity market operated by a member commodity exchange may only be conducted by a member of that member commodity exchange.

２　株式会社商品取引所の開設する商品市場における取引は、当該商品市場における取引参加者でなければすることができない。

(2) Transactions in a commodity market operated by an incorporated commodity exchange may only be conducted by a trading participant of that commodity market.

３　前二項の規定は、第一項の会員又は前項の取引参加者から委託を受けて商品清算取引を行う場合には、適用しない。

(3) The provisions of the preceding two paragraphs do not apply if a person conducts a commodity clearing transaction with which the person is entrusted

by the member referred to in paragraph (1) or the trading participant referred to in the preceding paragraph.

（相互決済結了取引取決めに係る取引資格）

(Trading Qualification in Respect of an Agreement on Intermarket Linkage)

第九十八条　前条の規定にかかわらず、商品取引所は、定款（株式会社商品取引所にあつては、業務規程。次条第一項、第百条、第百一条第一項、第百九条第一項、第百十三条第一項（第百十四条において準用する場合を含む。）及び第百十四条において同じ。）で定めるところにより、当該商品取引所と相互決済結了取引取決めを締結した他の商品取引所（商品取引所に相当する外国の施設を含む。次項において同じ。）の会員等に、当該相互決済結了取引取決めに基づいて取引の決済を結了させるための取引を行う目的の範囲内において、当該商品取引所の商品市場における取引をすることができる資格を与えることができる。

Article 98 (1) Notwithstanding the provisions of the preceding Article, a commodity exchange, pursuant to the provisions of its articles of incorporation (or the operational rules, if it is an incorporated commodity exchange; the same applies in paragraph (1) of the following Article, Article 100, Article 101, paragraph (1), Article 109, paragraph (1), Article 113, paragraph (1) (including as applied mutatis mutandis pursuant to Article 114), and Article 114), may grant the member, etc. of another commodity exchange (including a facility in a foreign state equivalent to a commodity exchange; the same applies in the following paragraph) with which the commodity exchange has concluded an agreement on intermarket linkage, qualification for conducting transactions in a commodity market of that commodity exchange, within the scope of conducting transactions to complete the settlement of transactions based on the agreement on intermarket linkage.

２　前項に規定する相互決済結了取引取決めとは、当該商品取引所及び他の商品取引所が、それぞれ、他の商品取引所の会員等又は当該商品取引所の会員等に、他の商品取引所の商品市場（商品市場に相当する外国の市場を含む。以下この項において同じ。）又は当該商品取引所の商品市場において決済を結了していない取引について、当該商品取引所の商品市場又は他の商品取引所の商品市場においてその取引の決済を結了させるための取引をすることを、相互に認めるための取決めをいう。

(2) An agreement on intermarket linkage prescribed in the preceding paragraph means an agreement under which a commodity exchange and another commodity exchange mutually acknowledge that the members, etc. of another commodity exchange or the members, etc. of the commodity exchange may conduct transactions in the commodity market of the commodity exchange or in the commodity market of another commodity exchange for completing the settlement for transactions for which settlement has not been completed in the commodity market (including a market in a foreign state equivalent to a commodity market; hereinafter the same applies in this paragraph) of another

commodity exchange or for which settlement has not been completed in the commodity market of the commodity exchange.

３　第一項の規定に基づき商品取引所により取引資格を与えられた者は、同項に規定する目的の範囲内において、第百一条第一項から第四項まで、第百三条、第百四条第三項及び第四項、第百八条第一項、第百十三条から第百十五条まで、第百十八条、第百五十七条、第百五十九条第一項、第百六十条第一項、第百六十五条、第百七十九条並びに第百八十八条の規定の適用については、会員等とみなす。この場合において、第百十三条第一項（第百十四条及び第百八十八条において準用する場合を含む。）中「から脱退した」とあるのは「において取引をすることができる資格を喪失した」と、第百六十条第一項及び第百六十五条中「の除名」とあるのは「の取引をすることができる資格の取消し」とする。

(3) A person granted trading qualification by a commodity exchange pursuant to the provisions of paragraph (1) is deemed to be a member, etc., within the scope of purpose prescribed in that paragraph, with regard to the application of the provisions of Article 101, paragraphs (1) through (4), Article 103, Article 104, paragraphs (3) and (4), Article 108, paragraph (1), Articles 113 through 115, Article 118, Article 157, Article 159, paragraph (1), Article 160, paragraph (1), Article 165, Article 179, and Article 188. In such a case, the term "withdraws from" in Article 113, paragraph (1) (including as applied mutatis mutandis pursuant to Article 114 and Article 188) is deemed to be replaced with "forfeits the qualification for conducting transactions in" and the term "expel that member" in Article 160, paragraph (1) and Article 165 is deemed to be replaced with "revoke the member's qualification that enable them to trade".

（会員等の純資産額）

(Amount of Net Assets of a Member)

第九十九条　商品取引所は、その定款をもつて、商品市場ごとに、主務省令で定めるところにより、当該商品市場において取引をする会員等の純資産額の最低額を定めなければならない。ただし、当該商品市場において第百五条第二号又は第三号に掲げる方法による決済を行う場合については、この限りでない。

Article 99 (1) A commodity exchange must specify, for each commodity market, the minimum amount of net assets of a member, etc. trading in that commodity market in its articles of incorporation, pursuant to the provisions of order of the competent ministry; provided, however, that this does not apply if settlement is made by the method set forth in Article 105, item (ii) or (iii) in that commodity market.

２　商品取引所は、前項の規定により会員等の純資産額の最低額を定めるときは、二以上の商品市場において、又は他の商品取引所の商品市場において取引をする会員等の純資産額の最低額が他の会員等の純資産額の最低額より多い額となるようにしなければならない。

(2) In deciding the minimum amount of net assets of a member, etc. pursuant to

the provisions of the preceding paragraph, a commodity exchange must ensure that the minimum amount of net assets of a member, etc. trading in two or more commodity markets or in the commodity market of another commodity exchange is higher than the minimum amount of net assets of other members, etc.

3　会員等の純資産額が前二項の規定による最低額を下回ることとなつたときは、商品取引所は、遅滞なく、その者の商品市場における取引を停止し、かつ、その旨を主務大臣に報告しなければならない。

(3) If the net assets of a member, etc. fall below the minimum amount under the provisions of the preceding two paragraphs, the commodity exchange must suspend the member's transactions in the commodity market and report this to the competent minister without delay.

4　前項の場合において、当該会員等の商品市場における取引の停止をした日から六月以内にその者の純資産額が第一項又は第二項の規定による最低額以上になつたときは、商品取引所は、遅滞なく、前項の規定による取引の停止を解除し、かつ、その旨を主務大臣に報告しなければならない。

(4) In the case referred to in the preceding paragraph, if the net assets of the member, etc. reach or exceed the minimum amount under the provisions of paragraph (1) or (2) within six months from the day of the suspension of the member's transactions in the commodity market, the commodity exchange must cancel the suspension of transactions pursuant to the provisions of the preceding paragraph and report this to the competent minister without delay.

5　第三項の場合において、会員又は取引参加者の純資産額が前項に規定する期間内に第一項又は第二項の規定による最低額以上とならなかつたときは、商品取引所は、遅滞なく、当該会員の除名又は当該取引参加者の取引資格の取消しを行わなければならない。

(5) In the case referred to in paragraph (3), if the net assets of the member or trading participant does not reach the minimum amount under the provisions of paragraph (1) or (2) within the period prescribed in the preceding paragraph, the commodity exchange must expel the member or revoke the trading participant's trading qualification without delay.

6　商品取引所は、第三項の規定によりその取引を停止したとき、又は前項の規定により会員の除名若しくは取引参加者の取引資格の取消しを行つたときは、その理由を示し、遅滞なく、その旨を本人に通知しなければならない。

(6) If a commodity exchange suspends transactions pursuant to the provisions of paragraph (3), or expels a member or revokes a trading participant's trading qualification pursuant to the provisions of the preceding paragraph, the commodity exchange must notify that person to that effect without delay, indicating the reason for this.

7　第一項から第五項までの純資産額は、資産の合計金額から負債の合計金額を控除した額とし、主務省令で定めるところにより計算しなければならない。

(7) The amount of net assets referred to in paragraphs (1) through (5) must be an amount arrived at by deducting the total amount of debts from the total amount of assets, and must be calculated pursuant to the provisions of order of the competent ministry.

（会員等の数）
(Number of Members)

第百条　商品取引所は、その定款をもつて、商品市場ごとに、当該商品市場において取引をする会員等の数又は委託を受けて当該商品市場において取引をする会員等の数の最高限度を設定することができる。

Article 100 For each commodity market, a commodity exchange may set a maximum number of members, etc. that trade in that commodity market, or of members, etc. that are entrusted to trade in that commodity market, by specifying the number in its articles of incorporation.

（信認金）
(Guarantee Funds)

第百一条　会員等は、定款で定めるところにより、商品取引所に対し、当該会員等が取引をする商品市場ごとに信認金を預託しなければならない。

Article 101 (1) A member, etc. must deposit guarantee funds with the commodity exchange for each commodity market in which the member, etc. trades, pursuant to the provisions of the articles of incorporation.

２　会員等は、前項の信認金を預託した後でなければ、商品市場において取引をしてはならない。

(2) A member, etc. must not trade in a commodity market until it has deposited the guarantee funds referred to in the preceding paragraph.

３　信認金は、有価証券（国債証券、地方債証券並びに特別の法律により法人の発行する債券、取引所金融商品市場において売買取引されている社債券及び株券その他の政令で定める有価証券をいう。）をもつて、これに充てることができる。

(3) Securities (meaning national government bond certificates, local government bond certificates, bond certificates issued by a corporation pursuant to special laws, corporate bond certificates and share certificates purchased and sold in a financial instruments exchange market, and other securities specified by Cabinet Order) may be used as guarantee funds.

４　前項の有価証券の充用価格は、時価を参酌して主務省令で定めるところにより算出した価格を超えてはならない。

(4) The allocation price of the securities referred to in the preceding paragraph must not exceed the price calculated pursuant to the provisions of order of the competent ministry in consideration of the market price.

５　商品先物取引業者である会員等に対して商品市場における取引を委託した者（次項及び第百八条第二項において「取引委託者」という。）は、その委託により生じた債

権に関し、当該商品市場についての当該会員等の信認金について、他の債権者に先立つて弁済を受ける権利を有する。

(5) A person that entrusts a member, etc. that is a commodity derivatives business operator with transactions in a commodity market (referred to as the "transaction consignor" in the following paragraph and Article 108, paragraph (2)) has the right to receive payment from the guarantee funds of the member, etc. of that commodity market for a claim arising from that consignment, in preference over other creditors.

6　前項の優先弁済を受ける権利が互いに競合するときは、会員等でない取引委託者の有する権利は、会員等である取引委託者の有する権利に対し優先する。

(6) If rights to receive preferential payment as referred to in the preceding paragraph conflict with each other, the right of a transaction consignor that is not a member, etc. takes precedence over the right of a transaction consignor that is a member, etc.

7　商品取引所は、商品取引債務引受業を行うことにより取得した会員等に対する債権と当該会員等に対する信認金に係る債務を相殺してはならない。

(7) A commodity exchange must not set off a claim held by a member, etc. that it has acquired by performing business of assuming commodity transaction debts against its obligations to that member, etc. related to guarantee funds.

（業務規程）

(Operational Rules)

第百二条　商品取引所は、その業務規程において、その開設する商品市場ごとに、当該商品市場における次に掲げる事項（会員商品取引所にあつては、第一号から第三号まで及び第五号に掲げる事項を除く。）に関する細則を定めなければならない。

Article 102 (1) A commodity exchange must establish detailed regulations on the following particulars (excluding the particulars set forth in items (i) through (iii) and item (v) for a member commodity exchange) in connection with the commodity markets it operates, for each of its commodity market, in its operational rules:

一　取引参加者に関する事項

(i) the particulars concerning its trading participants;

二　信認金に関する事項

(ii) the particulars concerning guarantee funds;

三　取引証拠金に関する事項

(iii) the particulars concerning clearing margins;

四　商品市場における取引の対象とする商品たる物品若しくは電力、商品指数又はオプション（実物オプション及び特定スワップオプションを含む。）

(iv) the goods or electric power which are commodities, commodity indices, or options (including spot options and specified swap options) underlying the transactions in the commodity market;

五　上場商品又は上場商品指数ごとの取引の種類

(v) the types of transaction for each listed commodity or listed commodity index;

六　取引の期限

(vi) the transaction period;

七　取引の開始及び終了

(vii) the start and end of a transaction;

八　取引の停止

(viii) the suspension of a transaction;

九　取引の契約の締結及びその制限に関する事項

(ix) the particulars concerning the conclusion of transaction contracts and of its restrictions;

十　受渡しその他の決済の方法

(x) delivery and other method of settlement; and

十一　前各号に掲げる事項のほか、取引に関し必要な事項

(xi) in addition to the particulars set forth in the preceding items, necessary particulars concerning trading.

２　前項第九号に掲げる事項については、商品取引所は相場の変動又は決済を結了していない取引の数量を制限する措置を講ずることができる旨を定めなければならない。

(2) With regard to the particulars set forth in item (ix) of the preceding paragraph, a commodity exchange must specify that measures may be taken to limit fluctuations in the quotations or the volume of transactions for which settlement has not been completed.

３　株式会社商品取引所の業務規程には、第一項各号に掲げる事項のほか、株式会社商品取引所としての存続期間、商品市場の開設期限又は範囲変更期間（商品市場（第百五十六条第五項第二号に規定する期限付商品市場を除く。）における上場商品又は上場商品指数の範囲の変更（廃止又は範囲の縮小を除く。同条において同じ。）が行われる期間をいう。以下この項及び同条において同じ。）を定めたときは、その存続期間、開設期限又は範囲変更期間を記載し、又は記録するものとする。

(3) If, in addition to the particulars set forth in the item of paragraph (1), the term of existence as an incorporated commodity exchange, the expiration date of a commodity market, or the term for a change of scope (meaning the period during which the scope of a listed commodity or a listed commodity index of a commodity market (excluding a fixed-term commodity market prescribed in Article 156, paragraph (5), item (ii)) is changed (excluding discontinuation or narrowing of the scope; the same applies in that Article); hereinafter the same applies in this paragraph and that Article) of a commodity market has been decided, that term of existence, expiration date, or term for a change of scope is to be stated or recorded in the operational rules of an incorporated commodity exchange.

（取引証拠金）

(Clearing Margin)

第百三条　商品取引所は、商品市場における取引（第百五条第一号に掲げる方法による決済を行う商品市場における取引に限り、第二条第十項第一号ニに掲げるものを除く。以下この条において同じ。）について、主務省令で定めるところにより、次の各号に掲げる場合の区分に応じ、当該各号に定める者から、取引証拠金の預託を受けなければならない。

Article 103 (1) A commodity exchange must receive a deposit of clearing margin from the person prescribed in each of the following items in accordance with the category set forth in that item, in connection with transactions in a commodity market (limited to transactions in a commodity market for which settlement is made by the method set forth in Article 105, item (i), and excluding those set forth in Article 2, paragraph (10), item (i), (d); hereinafter the same applies in this Article) pursuant to the provisions of order of the competent ministry:

一　会員等が自己の計算において商品市場における取引を行う場合又は会員等がその受託した商品市場における取引（次項の規定に基づき委託証拠金の預託を受けて受託したものに限る。）を行う場合　当該会員等

(i) if a member, etc. conducts a transaction in a commodity market on its own account, or conducts a transaction in a commodity market with which it has been entrusted (limited to transactions with which it has been entrusted after receiving a deposit of customer margin based on the provisions of the following paragraph): the member, etc.;

二　会員等がその受託した商品市場における取引（その委託の取次ぎを受託した者（以下この条において「取次者」という。）から受託したものを除く。）を行う場合（前号に掲げる場合を除く。）　当該取引の委託者（会員等に対して商品市場における取引を委託した者であつて取次者でないものをいう。次項において同じ。）

(ii) if a member, etc. conducts a transaction in a commodity market with which it has been entrusted (excluding a transaction with which it has been entrusted by a person that has entrusted the brokerage of the consignment (hereinafter referred to as a "broker" in this Article)) (excluding the case set forth in the preceding item): the person entrusting the member, etc. with that transaction (meaning the person that entrusts the member, etc. with the transaction in the commodity market, who is not a broker; the same applies in the following paragraph);

三　会員等がその受託した商品市場における取引（第三項の規定に基づき取次証拠金の預託を受けている取次者から受託したものに限る。）を行う場合（第一号に掲げる場合を除く。）　当該取次者

(iii) if a member, etc. conducts a transaction in a commodity market with which it has been entrusted (limited to one with which it has been entrusted by a broker that has received a deposit of brokerage margin based on the

provisions of paragraph (3)) (excluding the case set forth in item (i)): the broker;

四　会員等がその受託した商品市場における取引（取次者から受託したものに限る。）を行う場合（第一号及び前号に掲げる場合を除く。）　当該取引の委託の取次ぎの委託をした者（以下この条において「取次委託者」という。）

(iv) if a member, etc. conducts a transaction in a commodity market with which it has been entrusted (limited a transaction with which it has been entrusted by a broker) (excluding the case set forth in item (i) and the preceding item): the person that entrusted the brokerage of consignment of that transaction (hereinafter referred to as the "person that entrusts brokerage" in this Article).

２　会員等は、商品市場における取引の受託について、主務省令で定めるところにより、委託者又は取次者（当該取引が、次項の規定に基づく取次証拠金の預託を取次委託者から受けていない取次者から受託したものである場合にあつては、取次委託者）の承諾を得て、その者をして、当該会員等に委託証拠金を預託させることができる。

(2) In becoming entrusted with a transaction in a commodity market, a member, etc. may have the consignor or the broker (or the person that entrusts brokerage, if the transaction is one with which the member, etc. has been entrusted by a broker that has not received deposit of the brokerage margin based on the provisions of the following paragraph from the person that entrusts brokerage) deposit a customer margin with the member, etc. by obtaining the consent of that person, pursuant to the provisions of order of the competent ministry.

３　取次者は、商品市場における取引の委託の取次ぎの受託について、主務省令で定めるところにより、取次委託者の承諾を得て、その者をして、当該取次者に取次証拠金を預託させることができる。

(3) In becoming entrusted with brokerage of consignment of a transaction in a commodity market, a broker may have the person that entrusts brokerage deposit brokerage margin with the broker, with the consent of that person, pursuant to the provisions of order of the competent ministry.

４　商品取引所は、主務省令で定めるところにより、第一項の規定に基づき預託を受けた取引証拠金を管理しなければならない。

(4) A commodity exchange must manage the clearing margin deposited based on the provisions of paragraph (1), pursuant to the provisions of order of the competent ministry.

５　第一項の取引証拠金、第二項の委託証拠金及び第三項の取次証拠金は、第百一条第三項に規定する有価証券又は当該商品取引所若しくは他の商品取引所の開設する商品市場における取引の決済のため受渡しの目的物とすることができる当該商品市場の上場商品の保管を証する倉荷証券をもつて、これに充てることができる。

(5) The securities prescribed in Article 101, paragraph (3) or a warehouse receipt certifying retention of a listed commodity that is listed on a commodity market

and that can be made the subject of delivery in order to settle a transaction in a commodity market operated by the commodity exchange or by another commodity exchange may be used as the clearing margin referred to in paragraph (1), the consignor margin referred to in paragraph (2), or the brokerage margin referred to in paragraph (3).

6　第百一条第四項の規定は、前項の有価証券又は倉荷証券の充用価格について準用する。

(6) The provisions of Article 101, paragraph (4) apply mutatis mutandis to the allocation price of the securities or warehouse receipt referred to in the preceding paragraph.

7　第二項又は第三項の場合において、第二項の会員等又は第三項の取次者（以下この項及び第十項において「会員等又は取次者」という。）は、主務省令で定めるところにより、主務大臣の承認を受けて、銀行その他の主務省令で定める金融機関（以下この条において「銀行等」という。）と当該会員等又は取次者のために所要の取引証拠金に相当する金額が商品取引所の指示に応じて当該商品取引所に預託される旨の契約を締結して、その旨を当該商品取引所に届け出ることができる。

(7) In the case referred to in paragraph (2) or (3), the member, etc. referred to in paragraph (2) or the broker referred to in paragraph (3) (hereinafter referred to as the "member, etc. or broker" in this paragraph and paragraph (10)), with the approval of the competent minister and pursuant to the provisions of order of the competent ministry, may conclude a contract with a bank or other financial institution specified by order of the competent ministry (hereinafter referred to as a "bank, etc.") to have an amount corresponding to the required clearing margin deposited with a commodity exchange on its behalf as instructed by the commodity exchange, and notify the commodity exchange of this.

8　第一項第一号に掲げる場合（会員等が自己の計算において商品市場における取引を行う場合に限る。）又は同項第二号若しくは第四号に掲げる場合において、同項第一号に定める会員等、同項第二号に定める取引の委託者又は同項第四号に定める取次委託者（以下この条において「会員等、取引の委託者又は取次委託者」という。）は、主務省令で定めるところにより、銀行等と当該会員等、取引の委託者又は取次委託者のために所要の取引証拠金に相当する金額が商品取引所の指示に応じて当該商品取引所に預託される旨の契約を締結して、その旨を当該商品取引所に届け出ることができる。

(8) In the case referred to in paragraph (1), item (i) (limited to one in which a member, etc. conducts a transaction in a commodity market on its own account) or in the case referred to in item (ii) or (iv) of that paragraph, the member, etc. prescribed in item (i) of that paragraph, the person entrusting the relevant party with the transaction on the commodity market prescribed in item (ii) of that paragraph, or the person that entrusts brokerage prescribed in item (iv) of that paragraph (hereinafter referred to as a "member, etc., person entrusting the member, etc. with the transaction, or person that entrusts brokerage" in

this Article), pursuant to the provisions of order of the competent ministry, may conclude a contract with a bank, etc. to have an amount corresponding to the required clearing margin deposited with the commodity exchange on its behalf as instructed by the commodity exchange, and notify the commodity exchange of this.

９　前二項の場合において、当該商品取引所は、当該契約の効力の存する間に限り、当該契約において当該商品取引所に預託されることとなつている金額に相当する取引証拠金の全部又は一部については、その預託を猶予することができる。

(9) In the cases referred to in the preceding two paragraphs, the commodity exchange may grant a grace period for the deposit of the whole or a part of the clearing margin corresponding to the amount of money to be deposited with the commodity exchange under the contract, but only as long as the contract remains in effect.

１０　商品取引所は、商品市場における取引の公正を確保し、又は委託者を保護するため必要があると認めるときは、会員等又は取次者と第七項の契約を締結した銀行等又は当該会員等又は取次者に対し、所要の取引証拠金に相当する金額又は前項の規定により預託を猶予した取引証拠金を当該商品取引所に預託すべき旨を指示しなければならない。

(10) If a commodity exchange finds it to be necessary for ensuring the fairness of transactions in a commodity market or for the protection of consignors, it must instruct a bank, etc. that has concluded a contract referred to in paragraph (7) with a member, etc. or broker, or instruct that member, etc. or broker, to deposit an amount of money with the commodity exchange that corresponds to the required clearing margin or the clearing margin for which it has granted a grace period pursuant to the provisions of the preceding paragraph.

１１　商品取引所は、商品市場における取引の公正を確保するため必要があると認めるときは、会員等、取引の委託者又は取次委託者と第八項の契約を締結した銀行等又は当該会員等、取引の委託者又は取次委託者に対し、所要の取引証拠金に相当する金額又は第九項の規定により預託を猶予した取引証拠金を当該商品取引所に預託すべき旨を指示しなければならない。

(11) If a commodity exchange finds it to be necessary for ensuring the fairness of transactions in a commodity market, it must instruct a member, etc., a bank, etc. that has concluded a contract referred to in paragraph (8) with the consignor or a person that entrusts brokerage, or a person entrusting the member, etc. with a transaction, or a person that entrusts brokerage, to deposit an amount of money with the commodity exchange that corresponds to the required clearing margin or the clearing margin for which it has granted a grace period pursuant to the provisions of paragraph (9).

（上場商品の格付）

(Grading of a Listed Commodity)

第百四条　上場商品の格付の方法、格付表その他格付に関する事項は、業務規程で定めなければならない。

Article 104 (1) The method of grading, the grade table, and other particulars concerning the grading of a listed commodity must be specified by the operational rules.

２　前項の場合において、商品市場における取引のために、当該上場商品の等級について定められた国定規格があるときは、商品取引所は、これに従わなければならない。

(2) In the case referred to in the preceding paragraph, if a national standard has been set for the grading of a listed commodity for transactions in a commodity market, the commodity exchange must comply with that standard.

３　会員等は、商品取引所が業務規程で定めるところにより行う格付に従わなければならない。

(3) A member, etc. must comply with the grading conducted by a commodity exchange pursuant to the provisions of the operational rules.

４　商品取引所は、格付人を選任する必要がある場合においては、当該商品取引所の会員等以外の者のうちから選任しなければならない。

(4) If it is necessary to appoint a grader, a commodity exchange must appoint the grader from among persons other than the members, etc. of the commodity exchange.

５　前項の格付人は、商品取引所の使用人としなければならない。ただし、主務大臣の承認を受けたときは、この限りでない。

(5) The grader referred to in the preceding paragraph must be an employee of the commodity exchange; provided, however, that this does not apply if the approval of the competent minister has been obtained.

（取引の決済）

(Settlement of Transactions)

第百五条　商品市場における取引の決済は、定款で定めるところにより、商品市場ごとに、次の各号のいずれかに掲げる方法により行わなければならない。

Article 105 Settlement of transactions in commodity markets must be made for each commodity market, by one of the methods set forth in the following items, pursuant to the provisions of the articles of incorporation:

一　商品取引所を経て行う方法

(i) through the commodity exchange;

二　商品取引所が第百七十三条第一項の承認を受けてその開設する商品市場における取引に基づく債務の引受けを行う方法

(ii) by a commodity exchange assuming the obligations arising from transactions in a commodity market that it operates, with the approval referred to in Article 173, paragraph (1); or

三　商品取引清算機関が商品市場における取引に基づく債務の引受けを行う方法（前号に掲げる方法を除く。）

(iii) by a commodity clearing organization assuming the obligations arising from transactions in a commodity market (other than the method set forth in the preceding item).

（取引の決済の繰延べの禁止）

(Prohibition to Defer Settlement of Transactions)

第百六条　商品市場における取引は、商品取引所の格付の遅延その他商品取引所（前条第三号に掲げる方法による決済を行う商品市場にあつては、当該商品市場について商品取引債務引受業を行う商品取引清算機関を含む。）につき生じた事由による場合を除くほか、その履行期を繰り延べて決済してはならない。

Article 106 Transactions in a commodity market must not be settled by deferring the performance period, unless this is caused by a delay in grading by the commodity exchange or other causes attributable to the commodity exchange (including a commodity clearing organization that performs business of assuming commodity transaction debts for the commodity market, for a commodity market in which settlement is made by the method set forth in item (iii) of the preceding Article).

（取引の臨時的開始等の届出）

(Notification of Irregular Start of Trading)

第百七条　商品取引所は、商品市場ごとに、商品市場を開設することができることとなつた日以後最初にその取引を行つたとき、及び臨時に取引を開始し、若しくは終了し、又はその停止をし、若しくはその停止を解除したときは、遅滞なく、その旨を主務大臣に届け出なければならない。

Article 107 When a commodity exchange has conducted transactions for the first time after the day on which it became possible to open a commodity market, or if it has irregularly opened, closed, or suspended trading, or cancelled a suspension, the commodity exchange must notify the competent minister to that effect without delay, for each commodity market.

（債務不履行による損害賠償）

(Damages Caused by Default)

第百八条　会員等（第百五条第二号又は第三号に掲げる方法による決済を行う場合にあつては、清算参加者である会員等に限る。以下この条において同じ。）が商品市場における取引に基づく債務の不履行により他の会員等又は商品取引清算機関に損害を与えたときは、その損害を受けた会員等又は商品取引清算機関は、その損害を与えた会員等の当該取引に係る商品市場についての信認金及び当該取引についての取引証拠金（自己の計算による取引についてのものに限る。）について、他の債権者に先立つて弁済を受ける権利を有する。

Article 108 (1) If a member, etc. (limited to a member, etc. that is a clearing participant, if settlement is to be made by the method set forth in Article 105,

item (ii) or (iii); hereinafter the same applies in this Article) causes damage to another member, etc. or a commodity clearing organization as a result of defaulting on an obligation arising from a transaction in a commodity market, the member, etc. or commodity clearing organization that incurred the damages has the right to receive payment out of the guarantee funds for the commodity market related to the transactions by the member, etc. that has caused the damage, and out of the clearing margin for those transactions (limited to the margin for transactions conducted on the member's, etc. own account), in preference over other creditors.

２　第百一条第五項の規定による取引委託者が優先弁済を受ける権利は、前項の規定にかかわらず、同項の信認金についての会員等又は商品取引清算機関の権利に対して優先する。

(2) Notwithstanding the provisions of the preceding paragraph, the right of a transaction consignor to receive preferential payment pursuant to the provisions of Article 101, paragraph (5) takes precedence over the right of a member, etc. or commodity clearing organization concerning the guarantee funds referred to in that paragraph.

（特別担保金）

(Special Deposits)

第百九条　第百五条第一号に掲げる方法による決済を行う場合において、商品取引所は、定款で定めるところにより、会員等をして、当該会員等が取引をする商品市場ごとに特別担保金を預託させることができる。

Article 109 (1) If settlement is to be made by the method set forth in Article 105, item (i), a commodity exchange may have a member, etc. deposit special deposit for each commodity market on which the member, etc. trades, pursuant to the provisions of the articles of incorporation.

２　会員等は、商品市場における取引に基づく債務の不履行による債権に関し、前条第一項の規定により同項に規定する信認金及び取引証拠金について弁済を受け、なお不足があるときは、当該取引の相手方たる会員等の当該商品市場についての特別担保金について、他の債権者に先立つて弁済を受ける権利を有する。

(2) A member, etc. has the right to receive payment for a claim based on a party's default on an obligation arising from a transaction in a commodity market, out of the guarantee funds or clearing margin prescribed in paragraph (1) of the preceding Article pursuant to the provisions of the that paragraph, and if this amount is still insufficient, the member, etc. has the right to receive payment in preference over other creditors out of the special deposit of the member, etc. that is the other party to the transaction for that commodity market .

３　会員等は、前項の規定により同項の特別担保金について弁済を受け、なお不足があるときは、他の会員等の当該商品市場についての特別担保金について、その特別担保金の額に応じて、他の債権者に先立つて弁済を受ける権利を有する。ただし、その不

足する額に、その会員等の当該商品市場についての特別担保金の額の同項に規定する取引の相手方たる会員等以外の会員等の当該商品市場についての特別担保金の総額に対する割合を乗じて得た額をその不足する額から控除した残額の範囲内に限る。

(3) If a member, etc. receives payment out of a special deposit pursuant to the provisions of the preceding paragraph, and the amount is still insufficient, the member, etc. has the right to receive payment out of special deposit of the other member, etc. for that commodity market, in preference over other creditors and in accordance with the amount of their special deposit; provided, however, that this is limited to the amount that remains after deducting from the shortfall the amount obtained by multiplying the shortfall by the percentage of the amount of the member's, etc. special deposit for the commodity market to the total amount of special deposits for that commodity market of a member's, etc. other than the member, etc. that was the counterparty to the transactions prescribed in the preceding paragraph.

４　前項の規定による弁済があつたときは、同項に規定する他の会員等は、第二項に規定する取引の相手方たる会員等に対し、求償権を有する。

(4) If a payment under the preceding paragraph has been made, the other members, etc. prescribed in that paragraph have the right to claim reimbursement from the member, etc. that was the counterparty to the transactions prescribed in paragraph (2).

（信認金等の運用方法）

(Method of Managing Guarantee Funds)

第百十条　商品取引所は、国債の保有その他主務省令で定める方法によるほか、信認金又は特別担保金として預託を受けたものを運用することができない。

Article 110 A commodity exchange may not manage funds that have been deposited as guarantee funds or special deposits, other than through holding national government bonds or any other method specified by order of the competent ministry.

（総取引高等の公表）

(Disclosure of Total Transaction Volume)

第百十一条　商品取引所は、主務省令で定めるところにより、その開設する商品市場における次に掲げる事項について、速やかに、その会員等に通知し、公表しなければならない。

Article 111 A commodity exchange must promptly notify its members, etc. of and also disclose the following particulars concerning a commodity market it operates, pursuant to order of the competent ministry:

一　毎日の総取引高

(i) the daily total transaction volume; and

二　取引の成立した対価の額又は約定価格若しくは約定数値（以下「約定価格等」と

いう。）であつて主務省令で定めるもの

(ii) the amount of consideration for which a transaction is closed, or the contract price or agreed figure (hereinafter referred to as the "contract price, etc.") which is specified by order of the competent ministry.

（相場、取引高等の報告）

(Reporting of Quotations and Transaction Volume)

第百十二条　商品取引所は、主務省令で定めるところにより、その開設する商品市場における次に掲げる事項について、主務大臣に報告しなければならない。

Article 112 A commodity exchange must report the following particulars concerning a commodity market it operates to the competent minister, pursuant to the provisions of order of the competent ministry:

一　毎日及び毎月の相場及び取引高その他の主務省令で定める事項

(i) the daily and monthly quotations, transaction volumes, and other particulars specified by order of the competent ministry;

二　一の会員等の自己の計算による取引であつて決済を結了していないものの毎日の数量が商品市場ごとに主務省令で定める数量を超えている場合その他その商品市場における取引の状況が主務省令で定める要件に該当している場合における当該会員等の名称、当該数量その他の主務省令で定める事項

(ii) if the daily volume of transactions conducted by a single member, etc. on its own account for which settlement has not been completed exceeds the volume that is specified by order of the competent ministry for each commodity market, or if the status of transactions in a commodity market satisfies the requirement specified by order of the competent ministry, the name of the member, etc., the relevant volume, and other particulars specified by order of the competent ministry.

（脱退前又は取引資格の喪失前にした取引の決済の結了）

(Completing Settlement for Transactions Conducted Prior to Withdrawal or Forfeiture of Trading Qualification)

第百十三条　会員が会員商品取引所から脱退した場合又は取引参加者が株式会社商品取引所の取引資格を喪失した場合において、その会員又は取引参加者が商品市場における取引の決済を結了していないときは、第三十七条第一項若しくは第二項、第四十条又は第八十三条の規定により承継する者がある場合を除き、商品取引所は、定款で定めるところにより、本人若しくはその決済が結了していない取引に係る権利及び義務を承継した者（以下この条において「承継者」という。）又は他の会員等（当該商品市場において取引をすることができる他の会員等に限る。以下この条において同じ。）をして当該取引の決済を結了させなければならない。

Article 113 (1) If a member withdraws from a member commodity exchange or a trading participant forfeits trading qualification in an incorporated commodity exchange, and the member or trading participant has not completed settlement

for a transaction in a commodity market, the commodity exchange must have that person or the person that succeeds to the rights and obligations related to the transactions that have not been settled (hereinafter referred to as the "successor" in this Article) or another member, etc. (limited to another member, etc. who is able to trade in the relevant commodity market; hereinafter the same applies in this Article) complete settlement for the transactions, pursuant to the provisions of the articles of incorporation, unless there is a person that succeeds to those rights and obligations pursuant to the provisions of Article 37, paragraph (1) or (2), Article 40, or Article 83.

２　前項の場合においては、本人又はその承継者（会員又は取引参加者であるものを除く。）は、当該取引の決済を結了する目的の範囲内において、会員又は取引参加者とみなす。

(2) In the case referred to in the preceding paragraph, the person or their successor (other than a successor that is a member or trading participant) is deemed to be a member or trading participant, to the extent required to complete the settlement of those transactions.

３　第一項の規定により商品取引所が他の会員等をして当該取引の決済を結了させるときは、本人又はその承継者と当該会員等との間には委任契約が成立しているものとみなす。

(3) If a commodity exchange has another member, etc. complete settlement of the transactions pursuant to the provisions of paragraph (1), a consignment contract is deemed to be established between the person or their successor and that member, etc.

（取引の停止の場合における取引の決済の結了）

(Completion of Settlement of Transactions in Cases of Suspension of Transactions)

第百十四条　前条の規定は、会員等の商品市場における取引がこの法律又は商品取引所の定款で定めるところにより停止された場合に準用する。

Article 114 The provisions of the preceding Article apply mutatis mutandis if transactions of a member, etc. in a commodity market are suspended pursuant to the provisions of this Act or the articles of incorporation of the commodity exchange.

（帳簿の区分経理及び保存）

(Separate Accounting in the Books and Preservation of Books)

第百十五条　会員等は、主務省令で定めるところにより、商品市場における取引について、その他の取引と帳簿上区分して経理し、かつ、帳簿その他業務に関する書類を保存しておかなければならない。

Article 115 A member, etc. must keep their accounting for transactions in a commodity market separate from that for other transactions in their books as

well as preserve their books and other documents related to business pursuant to the provisions of order of the competent ministry.

（仮装取引、なれ合い取引等の禁止）

(Prohibition of Wash Trading and Accommodation Trading)

第百十六条　何人も、次に掲げる行為をしてはならない。

Article 116 It is prohibited for any person to perform the following acts:

一　商品市場における取引に関し、上場商品の所有権（電力にあつては、電力の供給を受ける権利）の移転を目的としない売買取引をすること。

(i) to conduct a purchase and sale transaction in a commodity market, without the intention to transfer ownership of the listed commodity (for electric power, the right to be supplied with electric power);

二　商品市場における取引に関し、仮装の取引をし、又は偽つて自己の名を用いないで取引をすること。

(ii) to engage in wash trading in a commodity market, or to engage in trading in a commodity market under false pretenses, avoiding the use of one's name;

三　商品市場における取引に関し、自己のする取引の申込みと同時期に、それと同一の対価の額又は約定価格等において、他人が当該取引を成立させることのできる申込みをすることをあらかじめその者と通謀の上、当該取引の申込みをすること。

(iii) to make an offer for a transaction in a commodity market after colluding with another person in advance to offer to conduct a transaction for oneself at the same time that the person makes an offer that will allow that transaction to be completed for the same amount of consideration or for the same contract price, etc.;

四　商品市場における取引に関し、単独で又は他人と共同して、当該商品市場における取引が繁盛であると誤解させるべき一連の取引又は当該商品市場における相場を変動させるべき一連の取引をすること。

(iv) to conduct a series of transactions in a commodity market which is likely to mislead people into believing that the transactions in a commodity market are thriving or which is likely to change the quotations on that commodity market, either independently or jointly with another person;

五　前各号のいずれかに掲げる行為の委託をし、又はその受託をし、若しくはその委託の取次ぎを受託すること。

(v) to entrust or become entrusted with one of the acts set forth in the preceding items, or to become entrusted with the brokerage of consignment of the entrustment;

六　商品市場における取引をする場合に、当該商品市場における相場を変動させる目的をもつて、商品市場外で上場商品構成品等の売買その他の取引をすること。

(vi) conducting transactions in a commodity market and making a purchase and sale or other transaction of component products of listed commodities, etc. or other transactions outside the commodity market with the intention of

causing quotations on the commodity market to fluctuate;

七　商品市場における取引に関し、商品市場における相場が自己又は他人の市場操作によつて変動すべき旨を流布すること。

(vii) to spread information that quotations on a commodity market will fluctuate due to one's own or another party's market manipulation in relation to transactions in a commodity market; or

八　商品市場における取引をする場合に、重要な事項について虚偽の表示又は誤解を生ぜしむべき表示を故意にすること。

(viii) to conduct transactions in a commodity market and intentionally make a false representation about a material particular or a representation about a material particular that is likely to be misleading.

（仮装取引等をした者の損害賠償責任）

(Compensatory Liability of a Person that Has Engaged in Wash Trading)

第百十七条　前条の規定に違反した者は、当該違反行為により形成された対価の額又は約定価格等により当該商品市場における取引又はその委託をした者が当該取引又は委託につき受けた損害を賠償する責めに任ずる。

Article 117 (1) A person that has violated the provisions of the preceding Article is liable to compensate for damages that a person conducting a transaction in the commodity market or a person entrusting a person with the transaction, incurs in conducting or entrusting a transaction based on the amount of consideration or contract price, etc. that is formed due to that violation.

２　前項の規定による賠償の請求権は、請求権者が前条の規定に違反する行為があつたことを知つた時から一年間又は当該行為があつた時から三年間これを行わないときは、時効によつて消滅する。

(2) A claim for damages under the provisions of the preceding paragraph is extinguished by prescription if it is not exercised within one year from the time the claimant learns that an act in violation of the provisions of the preceding Article has taken place or within three years from the time the act has taken place.

（会員等の取引の制限等）

(Restriction on Transactions by a Member)

第百十八条　主務大臣は、商品市場において、買占め、売崩しその他の方法により過当な数量の取引が行われ若しくは行われるおそれがあり、又は不当な対価の額若しくは約定価格等が形成され若しくは形成されるおそれがある場合において、商品市場における秩序を維持し、かつ、公益を保護するため必要があると認めるときは、次の各号に掲げる者に対して、当該各号に定める事項を命ずることができる。

Article 118 If an excessive volume of transactions are conducted or are likely to be conducted through act of buying up, selling off, or any other method, or an unfair amount of consideration or contract price, etc. is formed or is likely to be

formed on a commodity market, and the competent minister finds it to be necessary in order to maintain order in the commodity market and to protect the public interest, the minister may issue orders on the particulars specified in each of the following items to the persons set forth in that item:

一　会員等　商品市場における取引又はその受託の制限

(i) a member, etc.: restrictions on transactions in a commodity market or on becoming entrusted with the transactions;

二　商品取引所　当該商品取引所の開設する商品市場における相場の変動又は決済を結了していない取引の数量を制限する措置を講ずること、取引証拠金の額の変更その他商品市場における取引の公正を確保するための事項として主務省令で定める事項

(ii) a commodity exchange: to take measures to limit fluctuations in the quotations or volume of transactions for which settlement has not been completed in a commodity market that the commodity exchange operates, to change the amount of clearing margins, or other particulars specified by order of the competent ministry as particulars for ensuring the fairness of transactions in a commodity market;

三　商品取引清算機関　取引証拠金の額の変更その他商品市場における取引の公正を確保するための事項として主務省令で定める事項

(iii) a commodity clearing organization: to change the amount of clearing margin or other particulars specified by order of the competent ministry as particulars for ensuring the fairness of transactions in a commodity market.

（受託契約準則）

(Entrustment Contract Regulations)

第百十九条　商品取引所は、その受託契約準則において、次に掲げる事項に関する細則を定めなければならない。

Article 119 A commodity exchange must establish detailed regulations concerning the following particulars in its entrustment contract regulations:

一　商品市場における取引等（商品清算取引を除く。第三号において同じ。）の受託の条件

(i) requirements for becoming entrusted with transactions in a commodity market, etc. (excluding commodity clearing transactions; the same applies in item (iii));

二　受渡しその他の決済の方法

(ii) delivery and other methods of settlement;

三　前二号に掲げる事項のほか、商品市場における取引等の受託に関し必要な事項

(iii) necessary particulars in becoming entrusted with transactions in a commodity market, etc., other than the particulars set forth in the preceding two items.

（紛争の処理）
(Resolution of Disputes)
第百二十条　商品取引所は、当該商品取引所の商品市場における取引に関して会員等の間、商品先物取引業者の間又は商品先物取引業者と委託者との間に生じた紛争について当事者である会員等、商品先物取引業者又は委託者から仲介の申出があつたときは、紛争処理規程で定めるところにより、仲介を行うものとする。
Article 120 (1) When a commodity exchange receives an application for mediation from a member, etc., commodity derivatives business operator, or consignor that is party to a dispute that has arisen between members, etc., between commodity derivatives business operators, or between a commodity derivatives business operator and a consignor concerning a transaction in that commodity exchange's commodity market, the commodity exchange is to act as an intermediary pursuant to the provisions of its dispute resolution rules.
２　商品取引所は、その紛争処理規程において、次に掲げる事項に関する細則を定めなければならない。
(2) A commodity exchange must establish detailed regulations concerning the following particulars in its dispute resolution rules:
一　仲介の申出手続
(i) the procedures for applying for intermediation;
二　仲介の方法
(ii) the intermediation method;
三　前二号に掲げる事項のほか、仲介に関し必要な事項
(iii) beyond what is set forth in the preceding two items, necessary particulars concerning intermediation.

第五節　組織変更
Section 5 Entity Conversion

（会員商品取引所から株式会社商品取引所への組織変更）
(Entity Conversion from a Member Commodity Exchange to an Incorporated Commodity Exchange)
第百二十一条　会員商品取引所は、その組織を変更して株式会社商品取引所になることができる。
Article 121 A member commodity exchange may become an incorporated commodity exchange through an entity conversion.

（組織変更計画）
(Entity Conversion Plan)
第百二十二条　会員商品取引所は、前条の組織変更（以下この節において「組織変更」という。）をするには、組織変更計画を作成して、会員総会の決議によつて、その承認を受けなければならない。

Article 122 (1) In order to implement the entity conversion referred to in the preceding Article (hereinafter referred to as "entity conversion" in this Section), a member commodity exchange must prepare an entity conversion plan and have the plan approved by a resolution of a general meeting of members.

２　第六十一条の規定は、前項の決議について準用する。

(2) The provisions of Article 61 apply mutatis mutandis to the resolution referred to in the preceding paragraph.

３　第一項の会員総会の招集は、組織変更計画の要領及び組織変更後の株式会社（以下「組織変更後株式会社商品取引所」という。）の定款を示してしなければならない。

(3) To convene the general meeting of members referred to in paragraph (1), an outline of the entity conversion plan and the articles of incorporation of the stock company after the entity conversion (hereinafter referred to as the "incorporated commodity exchange after entity conversion") must be presented.

４　会員商品取引所が組織変更をする場合には、当該会員商品取引所は、組織変更計画において、次に掲げる事項を定めなければならない。

(4) When a member commodity exchange implements an entity conversion, the member commodity exchange must provide for the following particulars in its entity conversion plan:

一　組織変更後株式会社商品取引所の目的、商号、本店の所在地及び発行可能株式総数

(i) the purpose, trade name, location of the head office, and total number of authorized shares of the incorporated commodity exchange after entity conversion;

二　前号に掲げるもののほか、組織変更後株式会社商品取引所の定款で定める事項

(ii) beyond what is set forth in the preceding item, particulars that are specified by the articles of incorporation of the incorporated commodity exchange after entity conversion;

三　組織変更後株式会社商品取引所の取締役の氏名及び会計監査人の氏名又は名称

(iii) the names of company directors and the name of the financial auditor of the incorporated commodity exchange after entity conversion;

四　次に掲げる場合の区分に応じ、次に定める事項

(iv) the particulars prescribed in the each of the following in accordance with the category of cases set forth in the item:

イ　組織変更後株式会社商品取引所が会計参与設置会社である場合　組織変更後株式会社商品取引所の会計参与の氏名又は名称

(a) if the incorporated commodity exchange after entity conversion is a company with an accounting advisor: the name of the accounting advisor of the incorporated commodity exchange after entity conversion;

ロ　組織変更後株式会社商品取引所が監査役設置会社（監査役の監査の範囲を会計に関するものに限定する旨の定款の定めがある株式会社を含む。）である場合　組織変更後株式会社商品取引所の監査役の氏名

(b) if the incorporated commodity exchange after entity conversion is a company with company auditors (including a stock company whose articles of incorporation provide that the scope of audits by a company auditor is limited to particulars related to accounting): the names of the company auditors of the incorporated commodity exchange after entity conversion.

五　組織変更をする会員商品取引所の会員が組織変更に際して取得する組織変更後株式会社商品取引所の株式の数（組織変更後株式会社商品取引所が種類株式発行会社である場合にあつては、株式の種類及び種類ごとの数）又はその数の算定方法

(v) the number of shares in the incorporated commodity exchange after entity conversion which the members of the member commodity exchange implementing the entity conversion is to acquire upon entity conversion (if the incorporated commodity exchange after entity conversion is a company with class shares, the classes of shares and the number of shares in each class) or the method of calculating the number of the shares;

六　組織変更をする会員商品取引所の会員に対する前号の株式の割当てに関する事項

(vi) the particulars of the allotment of the shares referred to in the preceding item to members of the member commodity exchange implementing the entity conversion;

七　組織変更後株式会社商品取引所が組織変更に際して組織変更をする会員商品取引所の会員に対してその持分に代わる金銭を交付するときは、その額又はその算定方法

(vii) if, upon entity conversion, the incorporated commodity exchange after entity conversion is to deliver money to the members of the member commodity exchange implementing the entity conversion in lieu of their equity interest, the amount of money or the method of calculating the amount;

八　前号に規定する場合には、組織変更をする会員商品取引所の会員に対する同号の金銭の割当てに関する事項

(viii) in the case prescribed in the preceding item, the particulars concerning the allotment of money referred to in that item to members of the member commodity exchange implementing the entity conversion;

九　組織変更後株式会社商品取引所の資本金及び準備金の額に関する事項

(ix) the particulars concerning the amount of stated capital and reserves of the incorporated commodity exchange after entity conversion;

十　組織変更がその効力を生ずべき日（以下この節において「効力発生日」という。）

(x) the day on which the entity conversion is to come into effect (hereinafter referred to as the "effective date" in this Section);

十一　前各号に掲げる事項のほか、主務省令で定める事項

(xi) beyond what is set forth in the preceding items, the particulars specified by order of the competent ministry.

５　組織変更後株式会社商品取引所が監査等委員会設置会社である場合には、前項第三号に掲げる事項（組織変更後株式会社商品取引所の取締役に係る事項に限る。）は、監査等委員である取締役とそれ以外の取締役とを区別して定めなければならない。

(5) If an incorporated commodity exchange after entity conversion is a company with audit and supervisory committee, the particulars set forth in item (iii) of the preceding paragraph (limited to the particulars regarding company directors of an incorporated commodity exchange after entity conversion) must be specified separately for company directors who are audit and supervisory committee members and other company directors.

（組織変更計画に関する書面等の備置き及び閲覧等）

(Keeping and Inspection of Documents Related to an Entity Conversion Plan)

第百二十三条　組織変更をする会員商品取引所は、前条第一項の会員総会の会議開催日の十日前から組織変更の効力が生ずる日の前日までの間、組織変更計画の内容その他主務省令で定める事項を記載し、又は記録した書面又は電磁的記録を主たる事務所に備え置かなければならない。

Article 123 (1) A member commodity exchange implementing an entity conversion must keep the documents or electronic or magnetic records that state or contain the content of the entity conversion plan and other particulars specified by order of the competent ministry at its principal office, during the period from 10 days prior to the day of the general meeting of members as referred to in paragraph (1) of the preceding Article until the day preceding the day on which the entity conversion comes into effect.

２　組織変更をする会員商品取引所の会員及び債権者は、会員商品取引所に対して、その事業時間内は、いつでも、次に掲げる請求をすることができる。ただし、第二号又は第四号に掲げる請求をするには、当該組織変更をする会員商品取引所の定めた費用を支払わなければならない。

(2) The member or creditor of a member commodity exchange implementing an entity conversion may make the following requests to the member commodity exchange at any time during its business hours; provided, however, that in making the request set forth in item (ii) or (iv), the member or creditor must pay the cost specified by the member commodity exchange implementing the entity conversion:

一　前項の書面の閲覧の請求

(i) a request to inspect a document referred to in the preceding paragraph;

二　前項の書面の謄本又は抄本の交付の請求

(ii) a request to be issued a certified copy or extract of a document referred to in the preceding paragraph;

三　前項の電磁的記録に記録された事項を主務省令で定める方法により表示したものの閲覧の請求

(iii) a request to inspect a thing that displays the information that have been

recorded in an electronic or magnetic record referred to in the preceding paragraph by the means specified by order of the competent ministry;

四　前項の電磁的記録に記録された事項を電磁的方法であつて主務省令で定めるものにより提供することの請求又はその事項を記載した書面の交付の請求

(iv) a request to be provided with the information recorded in an electronic or magnetic record referred to in the preceding paragraph by an electronic or magnetic means specified by order of the competent ministry, or a request to be issued a document that states the information.

３　組織変更をする会員商品取引所は、前項の規定による請求があつたときは、正当な理由がないのにこれを拒んではならない。

(3) If a member commodity exchange implementing an entity conversion has received a request under the provisions of the preceding paragraph, it must not refuse the request without legitimate grounds.

（債権者の異議）

(Objection by Creditors)

第百二十四条　組織変更をする会員商品取引所の債権者は、当該会員商品取引所に対し、組織変更について異議を述べることができる。

Article 124 (1) The creditor of a member commodity exchange implementing an entity conversion may state an objection to the member commodity exchange with regard to the entity conversion.

２　組織変更をする会員商品取引所は、次に掲げる事項を官報に公告し、かつ、知れている債権者には、各別にこれを催告しなければならない。ただし、第二号の期間は、一月を下ることができない。

(2) A member commodity exchange implementing an entity conversion must issue public notice of the following particulars in the Official Gazette, and must issue a notice of those particulars to its known creditors individually; provided, however, that the period referred to in item (ii) may not be shorter than one month:

一　組織変更をする旨

(i) that an entity conversion will be implemented;

二　債権者が一定の期間内に異議を述べることができる旨

(ii) that creditors may state an objection within a certain period.

３　前項の規定にかかわらず、組織変更をする会員商品取引所が同項の規定による公告を、官報のほか、第十一条第六項の規定による定款の定めに従い、同項第二号又は第三号に掲げる公告方法によりするときは、前項の規定による各別の催告は、することを要しない。

(3) Notwithstanding the provisions of the preceding paragraph, if a member commodity exchange implementing an entity conversion issues public notice under the provisions of that paragraph in the Official Gazette as well as by the means of public notice set forth in Article 11, paragraph (6), item (ii) or (iii) in

accordance with the provisions of the articles of incorporation pursuant to the provisions of that paragraph, the member commodity exchange is not required to give individual notice under the provisions of the preceding paragraph.

4　債権者が第二項第二号の期間内に異議を述べなかつたときは、当該債権者は、当該組織変更について承認をしたものとみなす。

(4) If a creditor does not state an objection within the period referred to in paragraph (2), item (ii), the creditor is deemed to have approved the entity conversion.

5　債権者が第二項第二号の期間内に異議を述べたときは、組織変更をする会員商品取引所は、当該債権者に対し、弁済し、若しくは相当の担保を提供し、又は当該債権者に弁済を受けさせることを目的として信託会社等（信託会社及び信託業務を営む金融機関（金融機関の信託業務の兼営等に関する法律（昭和十八年法律第四十三号）第一条第一項の認可を受けた金融機関をいう。）をいう。以下同じ。）に相当の財産を信託しなければならない。ただし、当該組織変更をしても当該債権者を害するおそれがないときは、この限りでない。

(5) If a creditor states an objection within the period referred to in paragraph (2), item (ii), the member commodity exchange implementing the entity conversion must make a payment or provide suitable collateral to the creditor, or deposit suitable property with a trust company, etc. (meaning a trust company or a financial institution engaged in trust business (meaning a financial institution that has obtained the authority under Article 1, paragraph (1) of the Act on the Provision of Trust Services by Financial Institutions (Act No. 43 of 1943)); the same applies hereinafter) for the purpose of ensuring that the creditor receive the payment; provided, however, that this does not apply if the entity conversion is not likely to harm the creditor.

（組織変更手続の経過等の書面等の備置き及び閲覧等）

(Keeping and Inspection of Documents on the Progress of the Entity Conversion Procedure)

第百二十五条　組織変更後株式会社商品取引所は、組織変更の効力が生じた日から六月間、第百二十三条第一項の書面又は電磁的記録及び前条の規定による手続の経過その他の組織変更に関する事項として主務省令で定める事項を記載し、又は記録した書面又は電磁的記録を本店に備え置かなければならない。

Article 125 (1) The incorporated commodity exchange after entity conversion must keep the documents or electronic or magnetic records referred to in Article 123, paragraph (1) and documents or electronic or magnetic records that state or contain the progress of the procedure pursuant to the provisions of the preceding Articles and other particulars specified by order of the competent ministry as those related to entity conversion at its head office, during the period of six months from the day on which the entity conversion comes into effect.

２　組織変更後株式会社商品取引所の株主及び債権者は、組織変更後株式会社商品取引所に対して、その営業時間内は、いつでも、次に掲げる請求をすることができる。ただし、第二号又は第四号に掲げる請求をするには、当該組織変更後株式会社商品取引所の定めた費用を支払わなければならない。

(2) The shareholder or creditor of an incorporated commodity exchange after entity conversion may make the following requests to the incorporated commodity exchange at any time during its business hours; provided, however, that in making the request set forth in item (ii) or (iv), the shareholder or creditor must pay the cost specified by the member commodity exchange implementing the entity conversion:

一　前項の書面の閲覧の請求

(i) a request to inspect a document referred to in the preceding paragraph;

二　前項の書面の謄本又は抄本の交付の請求

(ii) a request to be issued a certified copy or extract of a document referred to in the preceding paragraph;

三　前項の電磁的記録に記録された事項を主務省令で定める方法により表示したものの閲覧の請求

(iii) a request to inspect a thing that displays the information that have been recorded in an electronic or magnetic record referred to in the preceding paragraph by the means specified by order of the competent ministry;

四　前項の電磁的記録に記録された事項を電磁的方法であつて主務省令で定めるものにより提供することの請求又はその事項を記載した書面の交付の請求

(iv) a request to be provided with the information that have been recorded in an electronic or magnetic record referred to in the preceding paragraph by an electronic or magnetic means specified by order of the competent ministry, or a request to be issued a document that states the information.

３　組織変更後株式会社商品取引所は、前項の規定による請求があつたときは、正当な理由がないのにこれを拒んではならない。

(3) If an incorporated commodity exchange after entity conversion has received a request under the provisions of the preceding paragraph, it must not refuse the request without legitimate grounds.

（会員への株式の割当て）

(Allotment of Shares to Members)

第百二十六条　会員商品取引所の会員は、組織変更計画の定めるところにより、組織変更後株式会社商品取引所の株式又は金銭の割当てを受けるものとする。

Article 126 (1) The member of a member commodity exchange is to receive an allotment of shares in the incorporated commodity exchange after entity conversion or an allotment of money, as specified by the entity conversion plan.

２　会社法第二百三十四条第一項から第五項まで、第八百六十八条第一項、第八百六十九条、第八百七十一条、第八百七十四条（第四号に係る部分に限る。）、第八百七十

五条及び第八百七十六条の規定は、前項の規定により株式又は金銭の割当てを受ける場合について準用する。この場合において、必要な技術的読替えは、政令で定める。

(2) The provisions of Article 234, paragraphs (1) through (5), Article 868, paragraph (1), Article 869, Article 871, Article 874 (limited to the part related to item (iv)), Article 875, and Article 876 of the Companies Act apply mutatis mutandis if shares or money is allotted pursuant to the provisions of the preceding paragraph. In such a case, the necessary technical replacement of terms is specified by Cabinet Order.

（資本金として計上すべき額）

(Amount Required to be Reported as Stated Capital)

第百二十七条　組織変更後株式会社商品取引所の資本金として計上すべき額については、主務省令で定める。

Article 127 The amount that is required to be reported as the stated capital of an incorporated commodity exchange after entity conversion is specified by order of the competent ministry.

（資本準備金として計上すべき額等）

(Amount Required to be Reported as Capital Reserves)

第百二十八条　組織変更に際して資本準備金として計上すべき額その他組織変更に際しての計算に関し必要な事項は、主務省令で定める。

Article 128 The amount that is required to be reported as the capital reserves at the time of entity conversion and other particulars necessary for the calculation at the time of entity conversion are specified by order of the competent ministry.

（組織変更における株式の発行）

(Issuance of Shares upon Entity Conversion)

第百二十九条　会員商品取引所は、第百二十六条第一項の規定による株式の割当てを行うほか、組織変更に際して、組織変更後株式会社商品取引所の株式を発行することができる。この場合においては、組織変更計画において、次に掲げる事項を定めなければならない。

Article 129 At the time of an entity conversion, a member commodity exchange may issue shares in the incorporated commodity exchange after entity conversion, in addition to allotting shares under the provisions of Article 126, paragraph (1). In such a case, the member commodity exchange must specify the following particulars in the entity conversion plan:

一　この条の規定により発行する株式（以下この節において「組織変更時発行株式」という。）の数（種類株式発行会社にあつては、組織変更時発行株式の種類及び数。以下この節において同じ。）

(i) the number of shares issued pursuant to the provisions of this Article

(hereinafter referred to as the "shares issued upon entity conversion" in this Section) (if it is a company with class shares, the classes and the number of shares issued upon entity conversion; hereinafter the same applies in this Section);

二　組織変更時発行株式の払込金額（組織変更時発行株式一株と引換えに払い込む金銭又は給付する金銭以外の財産の額をいう。以下この節において同じ。）又はその算定方法

(ii) the amount to be paid in for the shares issued upon entity conversion (meaning the amount of money to be paid in or property other than money to be delivered in exchange for a single share issued upon entity conversion; hereinafter the same applies in this Section) or the method of calculating the amount;

三　金銭以外の財産を出資の目的とするときは、その旨並びに当該財産の内容及び価額

(iii) if property other than money is to be the subject of contribution, that fact and the content and value of the property;

四　組織変更時発行株式と引換えにする金銭の払込み又は前号の財産の給付の期日

(iv) the date for the payment of money or for the delivery of the property referred to in the preceding item to be made in exchange for a share issued upon entity conversion;

五　増加する資本金及び資本準備金に関する事項

(v) the particulars concerning the increased stated capital or capital reserves.

（組織変更時発行株式の申込み等）

(Offers Involving Shares Issued upon Entity Conversion)

第百三十条　会員商品取引所は、組織変更時発行株式の引受けの申込みをしようとする者に対し、次に掲げる事項を通知しなければならない。

Article 130 (1) A member commodity exchange must notify a person that seeks to make an offer to subscribe for shares issued upon entity conversion of the following particulars:

一　組織変更後株式会社商品取引所の商号

(i) the trade name of the incorporated commodity exchange after entity conversion;

二　前条各号に掲げる事項

(ii) the particulars set forth in the items of the preceding Article;

三　金銭の払込みをすべきときは、払込みの取扱いの場所

(iii) if money is to be paid in, the place that handles the payments;

四　前三号に掲げるもののほか、主務省令で定める事項

(iv) beyond what is set forth in the preceding three items, particulars that are specified by order of the competent ministry.

2　組織変更時発行株式の引受けの申込みをする者は、次に掲げる事項を記載した書面

を会員商品取引所に交付しなければならない。

(2) A person making an offer to subscribe for shares issued upon entity conversion must deliver a document stating the following particulars to the member commodity exchange:

一　申込みをする者の氏名又は名称及び住所

(i) the name and address of the person that offers to subscribe;

二　引き受けようとする組織変更時発行株式の数

(ii) the number of the shares issued upon entity conversion for which the person seeks to subscribe.

３　前項の申込みをする者は、同項の書面の交付に代えて、政令で定めるところにより、会員商品取引所の承諾を得て、同項の書面に記載すべき事項を電磁的方法により提供することができる。この場合において、当該申込みをした者は、同項の書面を交付したものとみなす。

(3) A person making the offer referred to in the preceding paragraph may provide a member commodity exchange with the particulars that are required to be stated in the document referred to in that paragraph by electronic or magnetic means with the consent of the member commodity exchange and pursuant to the provisions of Cabinet Order, in lieu of delivering the document referred to in the preceding paragraph. In such a case, the person making the offer is deemed to have delivered the document referred to in that paragraph.

４　会員商品取引所は、第一項各号に掲げる事項について変更があつたときは、直ちに、その旨及び当該変更があつた事項を第二項の申込みをした者（以下この節において「申込者」という。）に通知しなければならない。

(4) If a particular set forth in the items of paragraph (1) changes, the member commodity exchange must immediately notify a person that has made the offer referred to in paragraph (2) (hereinafter referred to as an "offeror" in this Section) of that fact and the particular that has changed.

５　会員商品取引所が申込者に対してする通知又は催告は、第二項第一号の住所（当該申込者が別に通知又は催告を受ける場所又は連絡先を当該会員商品取引所に通知した場合にあつては、その場所又は連絡先）にあてて発すれば足りる。

(5) It is sufficient for a notice or demand that a member commodity exchange issues to an offeror to be sent to the address referred to in paragraph (2), item (i) (or, if the offeror notifies the member commodity exchange of another place or contact address for receiving notices or demands, that place or contact address).

６　前項の通知又は催告は、その通知又は催告が通常到達すべきであつた時に、到達したものとみなす。

(6) The notice or demand referred to in the preceding paragraph is deemed to have arrived at the time that the notice or demand would normally arrive.

（組織変更時発行株式の割当て）

(Allotment of Shares Issued upon Entity Conversion)

第百三十一条　会員商品取引所は、申込者の中から組織変更時発行株式の割当てを受ける者を定め、かつ、その者に割り当てる組織変更時発行株式の数を定めなければならない。この場合において、会員商品取引所は、当該申込者に割り当てる組織変更時発行株式の数を、前条第二項第二号の数よりも減少することができる。

Article 131 (1) A member commodity exchange must decide which persons among the offerors the shares issued upon entity conversion is to be allotted to, and decide the number of the shares issued upon entity conversion to be allotted to those persons. In such a case, the member commodity exchange may reduce the number of shares issued upon entity conversion to be allotted to those offerors to below the number referred to in paragraph (2), item (ii) of the preceding Article.

２　会員商品取引所は、第百二十九条第四号の期日の前日までに、申込者に対し、当該申込者に割り当てる組織変更時発行株式の数を通知しなければならない。

(2) A member commodity exchange must notify an offeror of the number of shares issued upon entity conversion that will be allotted to the offeror no later than the day preceding the due date referred to in Article 129, item (iv).

（組織変更時発行株式の引受け）

(Subscription for Shares Issued upon Entity Conversion)

第百三十一条の二　申込者は、会員商品取引所の割り当てた組織変更時発行株式の数について組織変更時発行株式の引受人となる。

Article 131-2 An offeror becomes a subscriber for shares issued upon entity conversion, in respect of the number of shares issued upon entity conversion allotted to that offeror by the member commodity exchange.

（出資の履行）

(Performance of Contributions)

第百三十一条の三　組織変更時発行株式の引受人（第百二十九条第三号の財産（以下この節において「現物出資財産」という。）を給付する者を除く。）は、同条第四号の期日に、会員商品取引所が定めた銀行等（会社法第三十四条第二項に規定する銀行等をいう。）の払込みの取扱いの場所において、それぞれの組織変更時発行株式の払込金額の全額を払い込まなければならない。

Article 131-3 (1) On the due date referred to in Article 129, item (iv), a subscriber for shares issued upon entity conversion (excluding a person delivering the property referred to in Article 129, item (iii) (hereinafter referred to as "property contributed in kind" in this Section)) must pay the full amount of the amount to be paid in for each share issued upon entity conversion, at the place that handles the payment of the bank, etc. (meaning a bank, etc. prescribed in Article 34, paragraph (2) of the Companies Act) specified by the member commodity exchange.

２　組織変更時発行株式の引受人（現物出資財産を給付する者に限る。）は、第百二十九条第四号の期日に、それぞれの組織変更時発行株式の払込金額の全額に相当する現物出資財産を給付しなければならない。

(2) On the due date referred to in Article 129, item (iv), a subscriber for shares issued upon entity conversion (limited to a person who delivers the property contributed in kind) must deliver the property contributed in kind that is equivalent to the full amount to be paid in for each share issued upon entity conversion.

３　組織変更時発行株式の引受人は、第一項の規定による払込み又は前項の規定による給付（以下この節において「出資の履行」という。）をする債務と会員商品取引所に対する債権とを相殺することができない。

(3) A subscriber for shares issued upon entity conversion may not set off its obligation to make the payment under the provisions of paragraph (1) or the delivery under the provisions of the preceding paragraph (hereinafter referred to as the "performance of contributions" in this Section) against a claim that the subscriber has against the member commodity exchange.

４　出資の履行をすることにより組織変更時発行株式の株主となる権利の譲渡は、組織変更後株式会社商品取引所に対抗することができない。

(4) The transfer of the right to become the shareholder of shares issued upon entity conversion through the performance of contributions may not be asserted against the incorporated commodity exchange after entity conversion.

５　組織変更時発行株式の引受人は、出資の履行をしないときは、当該出資の履行をすることにより組織変更時発行株式の株主となる権利を失う。

(5) If a subscriber for shares issued upon entity conversion fails to make the performance of contributions, they lose the right to become the shareholder of shares issued upon entity conversion through the performance of contributions.

（株主となる時期）

(Time of Becoming a Shareholder)

第百三十一条の四　組織変更時発行株式の引受人は、組織変更の効力が生じた日に、出資の履行をした組織変更時発行株式の株主となる。

Article 131-4 A subscriber for shares issued upon entity conversion becomes the shareholder of the shares issued upon entity conversion for which the subscriber has made the performance of contributions, on the day on which the entity conversion comes into effect.

（引受けの無効又は取消しの制限）

(Restriction on the Invalidation or Rescission of a Subscription)

第百三十一条の五　民法（明治二十九年法律第八十九号）第九十三条第一項ただし書及び第九十四条第一項の規定は、組織変更時発行株式の引受けの申込み及び割当てに係る意思表示については、適用しない。

Article 131-5 (1) The provisions of the proviso to Article 93, paragraph (1) and Article 94, paragraph (1) of the Civil Code (Act No. 89 of 1896) do not apply to the manifestation of an intention to make an offer to subscribe for shares issued upon entity conversion or the allotment of those shares.

２　組織変更時発行株式の引受人は、組織変更の効力が生じた日から一年を経過した後又はその株式について権利を行使した後は、錯誤、詐欺又は強迫を理由として組織変更時発行株式の引受けの取消しをすることができない。

(2) Once one year has passed since the day on which an entity conversion comes into effect or once the subscriber for shares issued upon entity conversion exercises a right in respect of those shares, the subscriber may not rescind the subscription for shares issued upon entity conversion due to a mistake, fraud, or duress.

（金銭以外の財産を出資の目的とする場合についての会社法の準用）

(Application, Mutatis Mutandis of the Companies Act When Property Other than Money is the Subject of Contribution)

第百三十一条の六　会社法第二百七条、第二百十二条（第一項第一号を除く。）、第二百十三条（第一項第一号及び第三号を除く。）、第八百六十八条第一項、第八百七十条第一項（第一号及び第四号に係る部分に限る。）、第八百七十一条、第八百七十二条（第四号に係る部分に限る。）、第八百七十四条（第一号に係る部分に限る。）、第八百七十五条及び第八百七十六条の規定は、第百二十九条第三号に規定する場合について準用する。この場合において、同法第二百七条第一項、第七項及び第九項第二号から第五号まで並びに第二百十二条第一項第二号及び第二項中「第百九十九条第一項第三号」とあるのは「商品先物取引法第百二十九条第三号」と、同法第二百七条第四項、第六項及び第九項第三号並びに第二百十三条第一項第二号中「法務省令」とあるのは「主務省令」と、同法第二百七条第八項及び第二百十二条第二項中「申込み又は第二百五条第一項の契約」とあるのは「申込み」と、同法第二百七条第十項第一号中「取締役、会計参与、監査役若しくは執行役」とあるのは「会員商品取引所の理事長、理事若しくは監事」と、同法第二百十二条第一項第二号中「第二百九条第一項」とあるのは「商品先物取引法第百三十一条の四」と、同法第八百七十条第一項第四号中「第百九十九条第一項第三号又は第二百三十六条第一項第三号」とあるのは「商品先物取引法第百二十九条第三号」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

Article 131-6 The provisions of Article 207, Article 212 (excluding paragraph (1), item (i)), Article 213 (excluding paragraph (1), items (i) and (iii)), Article 868, paragraph (1), Article 870 (limited to the part related to items (i) and (iv)); Article 871, Article 872 (limited to the part related item (iv)), Article 874 (limited to the part related to item (i)), Article 875, and Article 876 of the Companies Act apply mutatis mutandis to the case prescribed in Article 129, item (iii). In such a case, in Article 207, paragraph (1), paragraph (7) and paragraph (9), items (ii) through (v) and Article 212, paragraph (1), item (ii)

and paragraph (2) of the Compnaies Act, the term "Article 199, paragraph (1), item (iii)" is deemed to be replaced with "Article 129, item (iii) of the Commodity Derivatives Transaction Act"; in Article 207, paragraph (4), paragraph (6), and paragraph (9), item (iii) and Article 213, paragraph (1), item (ii) of that Act, the term "Order of the Ministry of Justice" is deemed to be replaced with "order of the competent ministry", in Article 207, paragraph (8) and Article 212, paragraph (2) of that Act, the phrase "subscription for an offered share or a contract referred to in Article 205, paragraph (1)" is deemed to be replaced with "subscription for an offered share", in Article 207, paragraph (10), item (i) of that Act, the phrase "A company director, accounting advisor, company auditor or executive officer" is deemed to be replaced with "The president, director, or auditor of a member commodity exchange", in Article 212, paragraph (1), item (ii) of that Act, the term "Article 209, paragraph (1)" is deemed to be replaced with "Article 131-4 of the Commodity Derivatives Transaction Act", in Article 870, item (vii) of that Act, the phrase "Article 199, paragraph (1), item (iii) or Article 236, paragraph (1), item (iii)" is deemed to be replaced with "Article 129, item (iii) of the Commodity Derivatives Transaction Act", and other necessary technical replacement of terms is specified by Cabinet Order.

（出資の履行を仮装した場合の組織変更時発行株式の引受人の責任等についての会社法の準用）

(Application, Mutatis Mutandis of the Companies Act to Liabilities of a Subscriber to the Shares Issued upon Entity Conversion in Cases of Falsifying the Performance of Contributions)

第百三十一条の七　会社法第二百九条第二項及び第三項、第二百十三条の二並びに第二百十三条の三の規定は、組織変更時発行株式について準用する。この場合において、同法第二百十三条の二第一項第一号中「第二百八条第一項」とあるのは「商品先物取引法第百三十一条の三第一項」と、同項第二号中「第二百八条第二項」とあるのは「商品先物取引法第百三十一条の三第二項」と、同法第二百十三条の三第一項中「取締役（指名委員会等設置会社にあっては、執行役を含む。）」とあるのは「会員商品取引所の理事長又は理事」と、「法務省令」とあるのは「主務省令」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

Article 131-7 The provisions of Article 209, paragraphs (2) and (3), Article 213-2, and Article 213-3 of the Companies Act apply mutatis mutandis to shares issued upon entity conversion. In such a case, the term "Article 208, paragraph (1)" in Article 213-2, paragraph (1), item (i) of that Act is deemed to be replaced with "Article 131-3, paragraph (1) of the Commodity Derivatives Transaction Act", the term "Article 208, paragraph (2)" in item (ii) of that paragraph is deemed to be replaced with "Article 131-3, paragraph (2) of the Commodity Derivatives Transaction Act," the terms "directors (including executive officers

in the case of a company with nominating committee, etc.)" and "Order of the Ministry of Justice" in Article 213-3, paragraph (1) of that Act are deemed to be replaced with "the president or directors of a member commodity exchange" and "order of the competent ministry," respectively, and other necessary technical replacement of terms is specified by Cabinet Order.

（組織変更の認可）

(Authorization for Entity Conversion)

第百三十二条　組織変更は、主務大臣の認可を受けなければ、その効力を生じない。

Article 132 (1) An entity conversion does not become effective without the authorization of the competent minister.

２　前項の認可を受けようとする者は、組織変更後株式会社商品取引所について第七十九条第一項第一号から第三号まで、第五号及び第六号に掲げる事項を記載した申請書を主務大臣に提出しなければならない。

(2) A person seeking the authorization referred to in the preceding paragraph must submit a written application stating the particulars set forth in Article 79, paragraph (1), items (i) through (iii), item (v), and item (vi) concerning the incorporated commodity exchange after entity conversion to the competent minister.

３　前項の申請書には、組織変更計画の内容を記載した書面、組織変更後株式会社商品取引所の定款、業務規程、受託契約準則、紛争処理規程及び市場取引監視委員会規程その他主務省令で定める書面を添付しなければならない。

(3) A document stating the content of the entity conversion plan, the articles of incorporation, operational rules, entrustment contract regulations, dispute resolution rules, and market transactions surveillance committee rules of the incorporated commodity exchange after entity conversion, and other documents specified by order of the competent ministry must be attached to the written application referred to in the preceding paragraph.

（認可基準）

(Criteria for Authorization)

第百三十三条　主務大臣は、前条第一項の認可の申請が次に掲げる基準に適合していると認めるときは、認可をしなければならない。

Article 133 (1) If the competent minister finds that an application for the authorization referred to in paragraph (1) of the preceding Article conforms to the following criteria, the minister must grant an authorization:

一　組織変更後株式会社商品取引所の資本金の額が第八十条第一項第一号の政令で定める金額以上であること。

(i) the amount of stated capital of the incorporated commodity exchange after entity conversion is equal to or greater than the amount specified by Cabinet Order as referred to in Article 80, paragraph (1), item (i);

二　組織変更後株式会社商品取引所の定款、業務規程、受託契約準則、紛争処理規程及び市場取引監視委員会規程の規定が法令に違反せず、かつ、定款、業務規程、受託契約準則、紛争処理規程又は市場取引監視委員会規程に規定する取引の方法又は管理、取引参加者の資格、取引参加者の数の最高限度を定めた場合におけるその最高限度、特別担保金の預託義務を定めた場合におけるその預託に関する事項その他の事項が適当であつて、商品市場における取引の公正を確保し、及び委託者を保護するため十分であること。

(ii) the provisions of the articles of incorporation, operational rules, entrustment contract regulations, dispute resolution rules, and market transactions surveillance committee rules of the incorporated commodity exchange after entity conversion do not violate laws and regulations, and the method or management of trade, qualification of trading participants, maximum number of trading participants if it is specified, particulars of deposits, if the obligation to deposit a special deposit is specified, and other particulars prescribed in the articles of incorporation, operational rules, entrustment contract regulations, dispute resolution rules, and market transactions surveillance committee rules are appropriate and sufficient for ensuring the fairness of transactions in the commodity market and for protecting consignors;

三　組織変更後株式会社商品取引所が商品市場を適切に運営するに足りる人的構成を有するものであること。

(iii) the incorporated commodity exchange after entity conversion is to have a sufficient personnel structure to appropriately operate the commodity market;

四　組織変更後株式会社商品取引所が株式会社商品取引所としてこの法律の規定に適合するように組織されるものであること。

(iv) the incorporated commodity exchange after entity conversion is to be organized as an incorporated commodity exchange in a manner that conforms to the provisions of this Act.

２　主務大臣は、前条第一項の認可の申請が次の各号のいずれかに該当する場合には、前項の規定にかかわらず、同条第一項の認可をしてはならない。

(2) Notwithstanding the provisions of the preceding paragraph, if an application for the authorization referred to in paragraph (1) of the preceding Article falls under one of the following items, the competent minister must not grant the authorization referred to in that paragraph:

一　組織変更後株式会社商品取引所の役員のうちに第十五条第二項第一号イからルまでのいずれかに該当する者があるとき。

(i) the incorporated commodity exchange after entity conversion has a person falling under a person referred to in Article 15, paragraph (2), item (i), sub-items (a) through (k) as an officer;

二　申請書又はこれに添付すべき書面のうちに重要な事項について虚偽の記載がある

とき。

(ii) the application or a document that is required to be attached includes a false statement about a material particular.

3　第十五条第五項から第九項までの規定は、前条第一項の認可について準用する。

(3) The provisions of Article 15, paragraphs (5) through (9) apply mutatis mutandis to the authorization referred to in paragraph (1) of the preceding Article.

4　前条第一項の認可を受けて組織変更が行われた株式会社は、当該組織変更の時に、第七十八条の許可を受けたものとみなす。

(4) A stock company that has undergone an entity conversion by obtaining the authorization referred to in paragraph (1) of the preceding Article is deemed to have received the license referred to in Article 78 at the time of entity conversion.

5　組織変更をする会員商品取引所が開設していた商品市場において取引をしていた会員であつて、組織変更後株式会社商品取引所が開設する当該商品市場と同一の商品市場（同一の上場商品又は上場商品指数について同一の取引の方法により取引を行う商品市場をいう。第百四十九条第二項及び第四項において同じ。）において取引をしようとする者は、組織変更の時に、その商品市場における第八十二条第一項の取引資格を与えられたものとみなす。

(5) A member that has been trading on a commodity market operated by a member commodity exchange that is to implement entity conversion, and that seeks to trade in a commodity market operated by the incorporated commodity exchange after entity conversion which is the same as that commodity market (meaning a commodity market in which transactions are conducted for the same listed commodity or listed commodity index by the same method of trade; the same applies in Article 149, paragraphs (2) and (4)) is deemed to have been granted the trading qualification referred to in Article 82, paragraph (1) for that commodity market at the time of entity conversion.

（登記）

(Registration)

第百三十四条　会員商品取引所が組織変更をしたときは、組織変更の効力が生じた日から、その主たる事務所及び本店の所在地においては二週間以内に、その従たる事務所及び支店の所在地においては三週間以内に、組織変更をする会員商品取引所については解散の登記を、組織変更後株式会社商品取引所の本店については設立の登記を、組織変更後株式会社商品取引所の支店については会社法第九百三十条第二項各号に掲げる事項の登記をしなければならない。

Article 134 (1) Once a member commodity exchange implements an entity conversion, it must register the dissolution for the member commodity exchange implementing the entity conversion, register the incorporation for the head office of the incorporated commodity exchange after the entity conversion,

and register the particulars set forth in the items of Article 930, paragraph (2) of the Companies Act for the branch offices of the incorporated commodity exchange after the entity conversion, within two weeks from the day on which the entity conversion becomes effective at the location of the principal office and the head office, and within three weeks from the day on which the entity conversion becomes effective at the location of the secondary office and branch offices.

２　前項の設立の登記の申請書には、商業登記法第十八条、第十九条及び第四十六条に定める書面のほか、次に掲げる書面を添付しなければならない。

(2) In addition to the documents specified in Article 18, Article 19, and Article 46 of the Commercial Registration Act, the following documents must be attached to the written application for registration of incorporation referred to in the preceding paragraph:

一　組織変更計画書

(i) the entity conversion plan;

二　定款

(ii) the articles of incorporation;

三　組織変更をする会員商品取引所の組織変更会員総会の議事録

(iii) the minutes of the proceedings of the general meeting of members concerning the entity conversion of the member commodity exchange implementing the entity conversion;

四　組織変更後株式会社商品取引所の取締役（組織変更後株式会社商品取引所が監査役設置会社（監査役の監査を会計に関するものに限定する旨の定款の定めがある株式会社を含む。）である場合にあつては、取締役及び監査役）が就任を承諾したことを証する書面

(iv) a document certifying that the company directors of the incorporated commodity exchange after the entity conversion (or, if the incorporated commodity exchange after entity conversion is a company with company auditors (including a stock company whose articles of incorporation provide that audits by company auditors are limited to particulars related to accounting), the company directors and company auditors) have accepted the assumption of office;

五　組織変更時における組織変更前の会員商品取引所に現に存する純資産額を証する書面

(v) a document certifying the amount of net assets that the member commodity exchange before entity conversion has at the time of the entity conversion;

六　組織変更後株式会社商品取引所の会計参与又は会計監査人を定めたときは、商業登記法第五十四条第二項各号に掲げる書面

(vi) if an accounting advisor or a financial auditor has been appointed for the incorporated commodity exchange after entity conversion, the documents set forth in the items of Article 54, paragraph (2) of the Commercial Registration

Act;

七　株主名簿管理人を置いたときは、その者との契約を証する書面

(vii) if an administrator of the shareholder register has been appointed, a document certifying that the contract with that person has been concluded;

八　第百二十四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に掲載する方法又は電子公告によつてした場合にあつては、これらの方法による公告）をしたこと並びに異議を述べた債権者があるときは、当該債権者に対し、弁済し、若しくは相当の担保を提供し、若しくは当該債権者に弁済を受けさせることを目的として相当の財産を信託したこと又は当該組織変更をしても当該債権者を害するおそれがないことを証する書面

(viii) if public notice or demand under Article 124, paragraph (2) (or, if public notice is issued in the Official Gazette as well as by publication in a daily newspaper that publishes matters on current events or electronic public notice pursuant to the provisions of the paragraph (3) of that Article, public notice through those means) has been issued and a creditor has stated an objection, a document certifying that payment has been made or suitable collateral has been provided to the creditor or that suitable property has been deposited in trust for the purpose of enabling the creditor to receive the payment, or that the entity conversion is unlikely to harm the creditor;

九　第百二十九条の規定により組織変更に際して株式を発行したときは、次に掲げる書面

(ix) if shares have been issued upon entity conversion pursuant to the provisions of Article 129, the following documents:

イ　株式の引受けの申込みを証する書面

(a) a document certifying that offers to subscribe for shares have been made;

ロ　金銭を出資の目的とするときは、第百三十一条の三第一項の規定による払込みがあつたことを証する書面

(b) if money is the subject of contributions, a document certifying that the payments under the provisions of Article 131-3, paragraph (1) have been made;

ハ　金銭以外の財産を出資の目的とするときは、次に掲げる書面

(c) if property other than money is the subject of contribution, the following documents:

（１）　検査役が選任されたときは、検査役の調査報告を記載した書面及びその附属書類

1. if an inspector has been appointed, a document stating the investigation report by the inspector and its annexed documents;

（２）　第百三十一条の六において準用する会社法第二百七条第九項第三号に掲げる場合には、有価証券の市場価格を証する書面

2. in the case set forth in Article 207, paragraph (9), item (iii) of the

Companies Act as applied mutatis mutandis pursuant to Article 131-6, a document certifying the market price of the securities;

（３）　第百三十一条の六において準用する会社法第二百七条第九項第四号に掲げる場合には、同号に規定する証明を記載した書面及びその附属書類

3. in the case set forth in Article 207, paragraph (9), item (iv) of the Companies Act as applied mutatis mutandis pursuant to Article 131-6, a document stating the verification prescribed in that item and its annexed documents;

（４）　第百三十一条の六において準用する会社法第二百七条第九項第五号に掲げる場合には、同号の金銭債権について記載された会計帳簿

4. in the case set forth in Article 207, paragraph (9), item (v) of the Companies Act as applied mutatis mutandis pursuant to Article 131-6, the account book stating the monetary claim referred to in that item.

ニ　検査役の報告に関する裁判があつたときは、その謄本

(d) if a judicial decision related to a report by an inspector has been rendered, a certified copy of that judicial decision.

３　商業登記法第七十六条及び第七十八条の規定は、第一項の会員商品取引所の組織変更の登記について準用する。

(3) The provisions of Article 76 and Article 78 of the Commercial Registration Act apply mutatis mutandis to the registration of the entity conversion of a member commodity exchange referred to in paragraph (1).

（組織変更の効力の発生等）

(Coming into Effect of Entity Conversions)

第百三十五条　組織変更をする会員商品取引所は、効力発生日又は第百三十二条第一項の主務大臣の認可を受けた日のいずれか遅い日に、株式会社商品取引所となる。

Article 135 (1) A member commodity exchange implementing an entity conversion becomes a incorporated commodity exchange on the effective date or the day on which it obtains the authorization of the competent minister referred to in Article 132, paragraph (1), whichever comes later.

２　組織変更をする会員商品取引所は、組織変更の効力が生じた日に、第百二十二条第四項第一号及び第二号に掲げる事項についての定めに従い、当該事項に係る定款の変更をしたものとみなす。

(2) A member commodity exchange implementing an entity conversion is deemed to have changed its articles of incorporation in respect of the particulars set forth in Article 122, paragraph (4), items (i) and (ii), in accordance with the provisions on those particulars, on the day on which the entity conversion comes into effect.

３　組織変更をする会員商品取引所の会員は、組織変更の効力が生じた日に、第百二十二条第四項第六号に掲げる事項についての定めに従い、同項第五号の株式の株主となる。

(3) The member of a member commodity exchange implementing an entity conversion becomes the shareholder of the shares referred to in Article 122, paragraph (4), item (v), in accordance with the provisions on the particulars set forth in item (vi) of that paragraph, on the day on which the entity conversion comes into effect.

４　前三項の規定は、第百二十四条の規定による手続が終了していない場合又は組織変更を中止した場合には、適用しない。

(4) The provisions of the preceding three paragraphs do not apply if the procedure under Article 124 has not been completed or if the entity conversion is canceled.

第百三十六条　削除

Article 136 Deleted

（組織変更の無効の訴え）

(Action to Invalidate an Entity Conversion)

第百三十七条　会社法第八百二十八条第一項（第六号に係る部分に限る。）及び第二項（第六号に係る部分に限る。）、第八百三十四条（第六号に係る部分に限る。）、第八百三十五条第一項、第八百三十六条から第八百三十九条まで、第八百四十六条並びに第九百三十七条第三項（第一号に係る部分に限る。）の規定は、組織変更の無効の訴えについて準用する。この場合において、同項中「各会社の本店」とあるのは、「株式会社商品取引所の本店及び支店並びに会員商品取引所の主たる事務所及び従たる事務所」と読み替えるものとする。

Article 137 The provisions of Article 828, paragraph (1) (limited to the part related to item (vi)) and paragraph (2) (limited to the part related to item (vi)), Article 834 (limited to the part related to item (vi)), Article 835, paragraph (1), Articles 836 through 839, Article 846, and Article 937, paragraph (3) (limited to the part related to item (i)) of the Companies Act apply mutatis mutandis to an action to invalidate an entity conversion. In such a case, the phrase "the head office of each company" in that paragraph is deemed to be replaced with "the head office and branch offices of the incorporated commodity exchange and the principal office and secondary offices of the member commodity exchange".

（政令への委任）

(Delegation to Cabinet Order)

第百三十八条　この法律に定めるもののほか、商品取引所の組織変更に関し必要な事項は、政令で定める。

Article 138 Beyond what is provided for in this Act, necessary particulars for the entity conversion of a commodity exchange are specified by Cabinet Order.

第六節　合併

Section 6 Mergers

第一款　総則

Subsection 1 General Provisions

第百三十九条　会員商品取引所は、他の会員商品取引所又は株式会社商品取引所と合併をすることができる。この場合においては、合併をする商品取引所は、合併契約を締結しなければならない。

Article 139 (1) A member commodity exchange may merge with another member commodity exchange or with an incorporated commodity exchange. In such a case, the commodity exchanges that implements the merger must conclude a merger agreement.

２　会員商品取引所が吸収合併（商品取引所が他の商品取引所とする合併であつて、合併により消滅する商品取引所（以下この節において「吸収合併消滅商品取引所」という。）の権利義務の全部を合併後存続する商品取引所（以下この節において「吸収合併存続商品取引所」という。）に承継させるものをいう。以下同じ。）又は新設合併（二以上の商品取引所がする合併であつて、合併により消滅する商品取引所（以下この節において「新設合併消滅商品取引所」という。）の権利義務の全部を合併により設立する商品取引所（以下この節において「新設合併設立商品取引所」という。）に承継させるものをいう。以下同じ。）をする場合には、吸収合併存続商品取引所又は新設合併設立商品取引所は、次の各号に掲げる場合の区分に応じ、当該各号に定める者でなければならない。

(2) If a member commodity exchange implements an absorption-type merger (meaning the merger of a commodity exchange with another commodity exchange, in which the commodity exchange surviving the merger (hereinafter referred to as the "commodity exchange surviving the absorption-type merger" in this Section) succeeds to all of the rights and obligations of the commodity exchange that disappears in the merger (hereinafter referred to as the "commodity exchange dissolved in an absorption-type merger" in this Section); the same applies hereinafter) or a consolidation-type merger (meaning the merger of two or more commodity exchanges, in which the commodity exchange incorporated in the merger (hereinafter referred to as the "commodity exchange incorporated in the consolidation-type merger" in this Section) succeeds to all of the rights and obligations of the commodity exchanges dissolved as a result of the merger (hereinafter referred to as the "commodity exchange dissolved in the consolidation-type merger" in this Section); the same applies hereinafter), the commodity exchange surviving the absorption-type merger or the commodity exchange incorporated in the consolidation-type merger must be the entity prescribed in each of the following items in accordance with the category set forth in that item:

一　会員商品取引所と会員商品取引所とが合併する場合　会員商品取引所

(i) a merger between a member commodity exchange and a member commodity

exchange: a member commodity exchange;

二　会員商品取引所と株式会社商品取引所とが合併する場合　株式会社商品取引所

(ii) a merger between a member commodity exchange and an incorporated commodity exchange: an incorporated commodity exchange.

第二款　会員商品取引所と会員商品取引所との合併
Subsection 2 Mergers Between a Member Commodity Exchange and a Member Commodity Exchange

（会員商品取引所と会員商品取引所との吸収合併契約）

(Absorption-Type Merger Agreement Between a Member Commodity Exchange and a Member Commodity Exchange)

第百四十条　会員商品取引所と会員商品取引所とが吸収合併をする場合には、吸収合併契約において、次に掲げる事項を定めなければならない。

Article 140 If a member commodity exchange and a member commodity exchange implement an absorption-type merger, the following particulars must be specified in the absorption-type merger agreement:

一　会員商品取引所である吸収合併存続商品取引所（以下この節において「吸収合併存続会員商品取引所」という。）及び会員商品取引所である吸収合併消滅商品取引所（以下この節において「吸収合併消滅会員商品取引所」という。）の名称及び住所

(i) the name and address of the commodity exchange surviving an absorption-type merger that is a member commodity exchange (hereinafter referred to as the "member commodity exchange surviving an absorption-type merger" in this Section) and the name and address of the commodity exchange dissolved in an absorption-type merger that is a member commodity exchange (hereinafter referred to as the "member commodity exchange dissolved in an absorption-type merger" in this Section);

二　吸収合併がその効力を生ずべき日（以下この節において「効力発生日」という。）

(ii) the day on which the absorption-type merger is to come into effect (hereinafter referred to as the "effective date" in this Section);

三　前二号に掲げる事項のほか、主務省令で定める事項

(iii) beyond what is set forth in the preceding two items, particulars specified by order of the competent ministry.

（会員商品取引所と会員商品取引所との新設合併契約）

(Consolidation-Type Merger Agreement Between a Member Commodity Exchange and a Member Commodity Exchange)

第百四十一条　会員商品取引所と会員商品取引所とが新設合併をする場合には、新設合併契約において、次に掲げる事項を定めなければならない。

Article 141 If a member commodity exchange and a member commodity exchange implement a consolidation-type merger, the following particulars must be specified in the consolidation-type merger agreement:

一　会員商品取引所である新設合併消滅商品取引所（以下この節において「新設合併消滅会員商品取引所」という。）の名称及び住所

(i) the name and address of the commodity exchange dissolved in the consolidation-type merger that is a member commodity exchange (hereinafter referred to as the "member commodity exchange dissolved in a consolidation-type merger" in this Section);

二　会員商品取引所である新設合併設立商品取引所（以下この節において「新設合併設立会員商品取引所」という。）の目的、名称及び主たる事務所の所在地

(ii) the purpose, name, and location of the principal office of the commodity exchange incorporated in the consolidation-type merger that is a member commodity exchange (hereinafter referred to as the "member commodity exchange established in a consolidation-type merger" in this Section);

三　前号に掲げるもののほか、新設合併設立会員商品取引所の定款で定める事項

(iii) beyond what is set forth in the preceding item, particulars specified by the articles of incorporation of the member commodity exchange established by a consolidation-type merger;

四　新設合併設立会員商品取引所の設立に際して理事長、理事及び監事となる者の氏名

(iv) the names of the persons that will become the president, directors, and auditors at the time of the establishment of the member commodity exchange established by a consolidation-type merger;

五　前各号に掲げる事項のほか、主務省令で定める事項

(v) beyond what is set forth in the preceding items, particulars specified by order of the competent ministry.

第三款　会員商品取引所と株式会社商品取引所との合併
Subsection 3 Mergers Between a Member Commodity Exchange and an Incorporated Commodity Exchange

（会員商品取引所と株式会社商品取引所との吸収合併契約）

(Absorption-Type Merger Agreement Between a Member Commodity Exchange and an Incorporated Commodity Exchange)

第百四十二条　会員商品取引所と株式会社商品取引所とが吸収合併をする場合には、吸収合併契約において、次に掲げる事項を定めなければならない。

Article 142 If a member commodity exchange and an incorporated commodity exchange implement an absorption-type merger, the following particulars must be specified in the absorption-type merger agreement:

一　株式会社商品取引所である吸収合併存続商品取引所（以下この節において「吸収

合併存続株式会社商品取引所」という。）の商号及び住所並びに吸収合併消滅会員商品取引所の名称及び住所

(i) the trade name and address of the commodity exchange surviving the absorption-type merger that is an incorporated commodity exchange (hereinafter referred to as the "incorporated commodity exchange surviving an absorption-type merger" in this Section) and the name and address of the member commodity exchange dissolved in an absorption-type merger;

二　吸収合併存続株式会社商品取引所が吸収合併に際して吸収合併消滅会員商品取引所の会員に対してその持分に代わる株式等（株式又は金銭をいう。以下同じ。）を交付するときは、当該株式等についての次に掲げる事項

(ii) if the incorporated commodity exchange surviving an absorption-type merger is to deliver shares, etc. in lieu of equity interest (meaning shares or money; the same applies hereinafter) to the members of the member commodity exchange dissolved in an absorption-type merger at the time of the absorption-type merger, the following particulars related to those shares, etc.:

イ　当該株式等が吸収合併存続株式会社商品取引所の株式であるときは、当該株式の数（種類株式発行会社にあつては、株式の種類及び種類ごとの数）又はその数の算定方法並びに当該吸収合併存続株式会社商品取引所の資本金及び準備金の額に関する事項

(a) if the shares, etc. are shares in the incorporated commodity exchange surviving an absorption-type merger, their number (or, for a company issuing class shares, the classes of shares and the number of shares in each class) or the method of calculating the number, and the particulars concerning the amount of stated capital and reserves of the incorporated commodity exchange surviving an absorption-type merger;

ロ　当該株式等が金銭であるときは、当該金銭の額又はその算定方法

(b) if the shares, etc. are money, the amount of the money or the method of calculating the amount.

三　前号に規定する場合には、吸収合併消滅会員商品取引所の会員に対する同号の株式等の割当てに関する事項

(iii) in the case prescribed in the preceding item, the particulars of the allotment of the shares, etc. referred to in that item to members of the member commodity exchange dissolved in an absorption-type merger;

四　効力発生日

(iv) the effective date; and

五　前各号に掲げる事項のほか、主務省令で定める事項

(v) beyond what is set forth in the preceding items, particulars specified by order of the competent ministry.

（会員商品取引所と株式会社商品取引所との新設合併契約）

(Consolidation-Type Merger Agreement between a Member Commodity Exchange and an Incorporated Commodity Exchange)

第百四十三条　会員商品取引所と株式会社商品取引所とが新設合併をする場合には、新設合併契約において、次に掲げる事項を定めなければならない。

Article 143 (1) If a member commodity exchange and an incorporated commodity exchange implement a consolidation-type merger, the following particulars must be specified in the consolidation-type merger agreement:

一　新設合併消滅会員商品取引所の名称及び住所並びに株式会社商品取引所である新設合併消滅商品取引所（以下この節において「新設合併消滅株式会社商品取引所」という。）の商号及び住所

(i) the name and address of the member commodity exchanges dissolved in a consolidation-type merger and the trade name and address of the incorporated commodity exchange dissolved in a consolidation-type merger that is an incorporated commodity exchange (hereinafter referred to as the "incorporated commodity exchange dissolved in a consolidation-type merger" in this Section);

二　株式会社商品取引所である新設合併設立商品取引所（以下この節において「新設合併設立株式会社商品取引所」という。）の目的、商号、本店の所在地及び発行可能株式総数

(ii) the purpose, trade name, location of the head office, and total number of authorized shares of the commodity exchange established by a consolidation-type merger that is an incorporated commodity exchange (hereinafter referred to as the "incorporated commodity exchange established by a consolidation-type merger" in this Section);

三　前号に掲げるもののほか、新設合併設立株式会社商品取引所の定款で定める事項

(iii) beyond what is set forth in the preceding item, particulars specified in the articles of incorporation of the incorporated commodity exchange established by a consolidation-type merger;

四　新設合併設立株式会社商品取引所の設立に際して取締役となる者の氏名及びその設立に際して会計監査人となる者の氏名又は名称

(iv) the name of the persons that are to become company directors at the time of the establishment of the incorporated commodity exchange established by a consolidation-type merger, and the name of the person that is to become the financial auditor at the time of its establishment;

五　次に掲げる場合の区分に応じ、次に定める事項

(v) the particulars prescribed in each of the following sub-items in accordance with the category of cases set forth in that sub-item:

イ　新設合併設立株式会社商品取引所が会計参与設置会社である場合　新設合併設立株式会社商品取引所の設立に際して会計参与となる者の氏名又は名称

(a) if the incorporated commodity exchange established by a consolidation-type merger is a company with an accounting advisor: the name of the

person that is to become the accounting advisor at the time of the establishment of the incorporated commodity exchange established by a consolidation-type merger;

ロ　新設合併設立株式会社商品取引所が監査役設置会社（監査役の監査の範囲を会計に関するものに限定する旨の定款の定めがある株式会社を含む。）である場合新設合併設立株式会社商品取引所の設立に際して監査役となる者の氏名

(b) if the incorporated commodity exchange established by a consolidation-type merger is a company with a company auditor (including a stock company whose articles of incorporation provide that the scope of audits by a company auditor is limited to particulars related to accounting): the name of the person that is to become the company auditor at the time of the establishment of the incorporated commodity exchange established by a consolidation-type merger.

六　新設合併設立株式会社商品取引所が新設合併に際して新設合併消滅会員商品取引所の会員又は新設合併消滅株式会社商品取引所の株主に対して交付するその持分又は株式に代わる当該新設合併設立株式会社商品取引所の株式の数（種類株式発行会社にあつては、株式の種類及び種類ごとの数）又はその数の算定方法並びに当該新設合併設立株式会社商品取引所の資本金及び準備金の額に関する事項

(vi) the number of shares in the incorporated commodity exchange established by a consolidation-type merger (or, for a company with class shares, the classes of shares and the number of shares in each class) that the incorporated commodity exchange established by a consolidation-type merger is to deliver to members of the member commodity exchange dissolved in a consolidation-type merger or shareholders of the incorporated commodity exchange dissolved in a consolidation-type merger in lieu of their equity interest or shares, at the time of the consolidation-type merger, or the method of calculating that number, and the particulars concerning the amount of stated capital or reserves of the incorporated commodity exchange established by a consolidation-type merger;

七　新設合併消滅会員商品取引所の会員又は新設合併消滅株式会社商品取引所の株主（新設合併消滅商品取引所を除く。）に対する前号の株式の割当てに関する事項

(vii) the particulars concerning the allotment of the shares referred to in the preceding item to members of the member commodity exchange dissolved in a consolidation-type merger or shareholders of the incorporated commodity exchange dissolved in a consolidation-type merger (excluding the commodity exchange dissolved in a consolidation-type merger);

八　新設合併消滅株式会社商品取引所が新株予約権を発行しているときは、新設合併設立株式会社商品取引所が新設合併に際して当該新株予約権の新株予約権者に対して交付する当該新株予約権に代わる当該新設合併設立株式会社商品取引所の新株予約権又は金銭についての次に掲げる事項

(viii) if the incorporated commodity exchange dissolved in a consolidation-type

merger has issued share options, the following particulars concerning share options in or money of the incorporated commodity exchange established by a consolidation-type merger it is to deliver to the holders of share options in the incorporated commodity exchange dissolved in a consolidation-type merger at the time of the consolidation-type merger in lieu of the share options in the incorporated commodity exchange dissolved in a consolidation-type merger:

イ　当該新設合併消滅株式会社商品取引所の新株予約権の新株予約権者に対して新設合併設立株式会社商品取引所の新株予約権を交付するときは、当該新株予約権の内容及び数又はその算定方法

(a) if share options in the incorporated commodity exchange established by a consolidation-type merger are delivered to the holders of share options in the incorporated commodity exchange dissolved in a consolidation-type merger, the content and number of share options or the method of calculating the number;

ロ　イに規定する場合において、イの新設合併消滅株式会社商品取引所の新株予約権が新株予約権付社債に付された新株予約権であるときは、新設合併設立株式会社商品取引所が当該新株予約権付社債についての社債に係る債務を承継する旨並びにその承継に係る社債の種類及び種類ごとの各社債の金額の合計額又はその算定方法

(b) in the case prescribed in sub-item (a), if share options in the incorporated commodity exchange dissolved in a consolidation-type merger referred to in sub-item (a) are share options that are attached to bonds with share options, the fact that the incorporated commodity exchange established by a consolidation-type merger will succeed to the obligations regarding the bonds related to the bonds with share options, the classes of bonds subject to the succession, and the total amounts of the bonds in each class or the method of calculating the amounts;

ハ　当該新設合併消滅株式会社商品取引所の新株予約権の新株予約権者に対して金銭を交付するときは、当該金銭の額又はその算定方法

(c) if money is to be delivered to the holders of share options in the incorporated commodity exchange dissolved in a consolidation-type merger, the amount of that money or the method of calculating the amount.

九　前号に規定する場合には、新設合併消滅株式会社商品取引所の新株予約権の新株予約権者に対する同号の新設合併設立株式会社商品取引所の新株予約権又は金銭の割当てに関する事項

(ix) in the case prescribed in the preceding item, the particulars concerning the allotment of share options in the incorporated commodity exchange established by a consolidation-type merger or of the money referred to in that item to the holders of share options in the incorporated commodity exchange dissolved in a consolidation-type merger.

2　新設合併設立株式会社商品取引所が監査等委員会設置会社である場合には、前項第四号に掲げる事項（新設合併設立株式会社商品取引所の設立に際して取締役となる者に係る事項に限る。）は、新設合併設立株式会社商品取引所の設立に際して監査等委員である取締役となる者とそれ以外の取締役となる者とを区別して定めなければならない。

(2) If an incorporated commodity exchange established by a consolidation-type merger is a company with audit and supervisory committee, the particulars set forth in item (iv) of the preceding paragraph (limited to the particulars regarding the persons to become company directors at the time of the establishment of the incorporated commodity exchange established by a consolidation-type merger) must be specified separately for the persons to become company directors who are audit and supervisory committee members at the time of the establishment of the incorporated commodity exchange established by a consolidation-type merger and the persons to become other company directors.

3　第一項に規定する場合において、新設合併消滅株式会社商品取引所の全部又は一部が種類株式発行会社であるときは、新設合併消滅株式会社商品取引所の発行する種類の株式の内容に応じ、同項第七号に掲げる事項（新設合併消滅株式会社商品取引所の株主に係る事項に限る。次項において同じ。）として次に掲げる事項を定めることができる。

(3) In the case referred to in paragraph (1), if the whole or a part of the incorporated commodity exchange dissolved in a consolidation-type merger is a company with class shares, the following particulars may be specified as the particulars set forth in item (vii) of that paragraph (limited to particulars concerning the shareholders of the incorporated commodity exchange dissolved in a consolidation-type merger; the same applies in the following paragraph) in accordance with the features of the classes of shares issued by the incorporated commodity exchange dissolved in a consolidation-type merger:

一　ある種類の株式の株主に対して新設合併設立株式会社商品取引所の株式の割当てをしないこととするときは、その旨及び当該株式の種類

(i) if it decides not to allot shares in the incorporated commodity exchange established by a consolidation-type merger to shareholders of a certain class of shares, that fact and the class of those shares; or

二　前号に掲げる事項のほか、新設合併設立株式会社商品取引所の株式の割当てについて株式の種類ごとに異なる取扱いを行うこととするときは、その旨及び当該異なる取扱いの内容

(ii) beyond what is set forth in the preceding item, if it decides to handle the allotment of shares in the incorporated commodity exchange established by a consolidation-type merger differently for each class of shares, that fact and the content of such different handling.

4　第一項に規定する場合には、同項第七号に掲げる事項についての定めは、新設合併

消滅株式会社商品取引所の株主（新設合併消滅商品取引所及び前項第一号の種類の株式の株主を除く。）の有する株式の数（前項第二号に掲げる事項についての定めがある場合にあつては、各種類の株式の数）に応じて新設合併設立株式会社商品取引所の株式を交付することを内容とするものでなければならない。

(4) In the case prescribed in paragraph (1), the provisions concerning the particulars set forth in item (vii) of that paragraph must provide that shares in the incorporated commodity exchange established by a consolidation-type merger will be issued in proportion to the number of shares (if the particulars set forth in item (ii) of the preceding paragraph are provided for, the number of shares in each class) held by the shareholders of the incorporated commodity exchange dissolved in a consolidation-type merger (excluding shareholders of the commodity exchange dissolved in a consolidation-type merger and shareholders of the class of shares referred to in item (i) of the preceding paragraph).

第四款　会員商品取引所の合併の手続
Subsection 4 Merger Procedures for Member Commodity Exchanges

（吸収合併消滅会員商品取引所の手続）

(Procedures for a Member Commodity Exchange Dissolved in an Absorption-Type Merger)

第百四十四条　吸収合併消滅会員商品取引所は、第四項の会員総会の日の十日前の日から吸収合併の効力が生ずる日までの間、吸収合併契約の内容その他主務省令で定める事項を記載し、又は記録した書面又は電磁的記録を主たる事務所に備え置かなければならない。

Article 144 (1) A member commodity exchange dissolved in an absorption-type merger must keep documents or electronic or magnetic records that state or record the content of the absorption-type merger agreement and the particulars specified by order of the competent ministry at its principal office, during the period from 10 days prior to the day of the general meeting of members as referred to in paragraph (4) until the day on which the absorption-type merger comes into effect.

２　吸収合併消滅会員商品取引所の会員及び債権者は、吸収合併消滅会員商品取引所に対して、その事業時間内は、いつでも、次に掲げる請求をすることができる。ただし、第二号又は第四号に掲げる請求をするには、当該吸収合併消滅会員商品取引所の定めた費用を支払わなければならない。

(2) The member or creditor of a member commodity exchange dissolved in an absorption-type merger may make the following requests to the member commodity exchange dissolved in an absorption-type merger at any time during its business hours; provided, however, that in making the request set forth in item (ii) or (iv), the member or creditor must pay the cost specified by the

member commodity exchange dissolved in an absorption-type merger:

一　前項の書面の閲覧の請求

(i) a request to inspect a document referred to in the preceding paragraph;

二　前項の書面の謄本又は抄本の交付の請求

(ii) a request to be issued a certified copy or extract of a document referred to in the preceding paragraph;

三　前項の電磁的記録に記録された事項を主務省令で定める方法により表示したものの閲覧の請求

(iii) a request to inspect a thing that displays the information that have been recorded in an electronic or magnetic record referred to in the preceding paragraph by the means specified by order of the competent ministry;

四　前項の電磁的記録に記録された事項を電磁的方法であつて主務省令で定めるものにより提供することの請求又はその事項を記載した書面の交付の請求

(iv) a request to be provided with the information that has been recorded in an electronic or magnetic record referred to in the preceding paragraph by an electronic or magnetic means specified by order of the competent ministry, or a request to be issued a document that states the information.

3　吸収合併消滅会員商品取引所は、前項の規定による請求があつたときは、正当な理由がないのにこれを拒んではならない。

(3) If a member commodity exchange dissolved in an absorption-type merger has received a request under the provisions of the preceding paragraph, it must not refuse the request without legitimate grounds.

4　吸収合併消滅会員商品取引所は、効力発生日の前日までに、会員総会の決議によつて、吸収合併契約の承認を受けなければならない。

(4) A member commodity exchange dissolved in an absorption-type merger must gain approval for the absorption-type merger agreement by a resolution of a general meeting of members by the day preceding the effective date.

5　吸収合併が法令又は定款に違反する場合において、吸収合併消滅会員商品取引所の会員が不利益を受けるおそれがあるときは、吸収合併消滅会員商品取引所の会員は、吸収合併消滅会員商品取引所に対し、当該吸収合併をやめることを請求することができる。

(5) When an absorption-type merger is in violation of laws and regulations or the articles of incorporation and the members of the member commodity exchange dissolved in an absorption-type merger are likely to suffer disadvantages, the members of the member commodity exchange dissolved in an absorption-type merger may demand the member commodity exchange dissolved in an absorption-type merger to refrain from implementing the absorption-type merger.

6　第百二十四条の規定は、吸収合併消滅会員商品取引所について準用する。

(6) The provisions of Article 124 apply mutatis mutandis to a member commodity exchange dissolved in an absorption-type merger.

７　吸収合併消滅会員商品取引所は、吸収合併存続商品取引所との合意により、効力発生日を変更することができる。

(7) A member commodity exchange dissolved in an absorption-type merger may change the effective date by an agreement with the commodity exchange surviving an absorption-type merger.

８　前項の場合には、吸収合併消滅会員商品取引所は、変更前の効力発生日（変更後の効力発生日が変更前の効力発生日前の日である場合にあつては、当該変更後の効力発生日）の前日までに、変更後の効力発生日を公告しなければならない。

(8) In the case referred to in the preceding paragraph, the member commodity exchange dissolved in an absorption-type merger must issue public notice of the new effective date by the day preceding the former effective date (or, if the new effective date comes before the former effective date, by the day preceding the new effective date).

９　第七項の規定により効力発生日を変更したときは、変更後の効力発生日を効力発生日とみなして、この節の規定を適用する。

(9) If the effective date is changed pursuant to the provisions of paragraph (7), the new effective date is deemed to be the effective date and the provisions of this Section apply.

（吸収合併存続会員商品取引所の手続）

(Procedures for a Member Commodity Exchange Surviving an Absorption-Type Merger)

第百四十四条の二　吸収合併存続会員商品取引所は、次項の会員総会の日の十日前の日から吸収合併の効力が生じた日後六月を経過する日までの間、吸収合併契約の内容その他主務省令で定める事項を記載し、又は記録した書面又は電磁的記録を主たる事務所に備え置かなければならない。

Article 144-2 (1) A member commodity exchange surviving an absorption-type merger must keep documents or electronic or magnetic records that state or record the content of the absorption-type merger agreement and the particulars specified by order of the competent ministry at its principal office, during the period from 10 days prior to the day of the general meeting of members referred to in the following paragraph until the day on which six months have passed from the day the absorption-type merger comes into effect,.

２　吸収合併存続会員商品取引所は、効力発生日の前日までに、会員総会の決議によつて、吸収合併契約の承認を受けなければならない。

(2) A member commodity exchange surviving an absorption-type merger must obtain approval for the absorption-type merger agreement by a resolution of a general meeting of members by the day preceding the effective date.

３　吸収合併が法令又は定款に違反する場合において、吸収合併存続会員商品取引所の会員が不利益を受けるおそれがあるときは、吸収合併存続会員商品取引所の会員は、吸収合併存続会員商品取引所に対し、当該吸収合併をやめることを請求することがで

きる。

(3) When an absorption-type merger is in violation of laws and regulations or the articles of incorporation and the members of the member commodity exchange surviving an absorption-type merger are likely to suffer disadvantages, the members of the member commodity exchange surviving an absorption-type merger may demand the member commodity exchange surviving an absorption-type merger to refrain from implementing the absorption-type merger.

4　第百二十四条の規定は、吸収合併存続会員商品取引所について準用する。

(4) The provisions of Article 124 apply mutatis mutandis to a member commodity exchange surviving an absorption-type merger.

5　吸収合併存続会員商品取引所は、吸収合併の効力が生じた日後遅滞なく、吸収合併により吸収合併存続会員商品取引所が承継した吸収合併消滅会員商品取引所の権利義務その他の吸収合併に関する事項として主務省令で定める事項を記載し、又は記録した書面又は電磁的記録を作成しなければならない。

(5) A member commodity exchange surviving an absorption-type merger must prepare a document or an electronic or magnetic record that states or records the particulars concerning the rights and obligations of the member commodity exchange dissolved in an absorption-type merger to which the member commodity exchange surviving the absorption-type merger has succeeded to as a result of the absorption-type merger, and also states or records other particulars specified by order of the competent ministry as being related to the absorption-type merger, without delay after the day on which the absorption-type merger comes into effect.

6　吸収合併存続会員商品取引所は、吸収合併の効力が生じた日から六月間、前項の書面又は電磁的記録をその主たる事務所に備え置かなければならない。

(6) A member commodity exchange surviving an absorption-type merger must keep the document or electronic or magnetic record referred to in the preceding paragraph at its principal office, during a six-month period beginning from the day on which the absorption-type merger comes into effect.

7　吸収合併存続会員商品取引所の会員及び債権者は、吸収合併存続会員商品取引所に対して、その事業時間内は、いつでも、次に掲げる請求をすることができる。ただし、第二号又は第四号に掲げる請求をするには、当該吸収合併存続会員商品取引所の定めた費用を支払わなければならない。

(7) The member or creditor of a member commodity exchange surviving an absorption-type merger may make the following requests to the member commodity exchange surviving an absorption-type merger at any time during its business hours; provided, however, that in making the request set forth in item (ii) or (iv), the member or creditor must pay the cost specified by the member commodity exchange surviving an absorption-type merger:

一　第一項又は前項の書面の閲覧の請求

(i) a request to inspect a document referred to in paragraph (1) or the

preceding paragraph;

二　第一項又は前項の書面の謄本又は抄本の交付の請求

(ii) a request to be issued a certified copy or extract of a document referred to in paragraph (1) or the preceding paragraph;

三　第一項又は前項の電磁的記録に記録された事項を主務省令で定める方法により表示したものの閲覧の請求

(iii) a request to inspect a thing that displays the information that have been recorded in an electronic or magnetic record referred to in paragraph (1) or the preceding paragraph by the means specified by order of the competent ministry;

四　第一項又は前項の電磁的記録に記録された事項を電磁的方法であつて主務省令で定めるものにより提供することの請求又はその事項を記載した書面の交付の請求

(iv) a request to be provided with the information that has been recorded in an electronic or magnetic record referred to in paragraph (1) or the preceding paragraph by an electronic or magnetic means specified by order of the competent ministry, or a request to be issued a document that states the information.

８　吸収合併存続会員商品取引所は、前項の規定による請求があつたときは、正当な理由がないのにこれを拒んではならない。

(8) If a member commodity exchange surviving an absorption-type merger has received a request under the provisions of the preceding paragraph, it must not refuse that request without legitimate grounds.

（新設合併消滅会員商品取引所の手続）

(Procedures for a Member Commodity Exchange Dissolved in a Consolidation-Type Merger)

第百四十四条の三　新設合併消滅会員商品取引所は、第四項の会員総会の日の十日前の日から新設合併設立商品取引所の成立の日までの間、新設合併契約の内容その他主務省令で定める事項を記載し、又は記録した書面又は電磁的記録を主たる事務所に備え置かなければならない。

Article 144-3 (1) A member commodity exchange dissolved in a consolidation-type merger must keep documents or electronic or magnetic records that state or record the content of the consolidation-type merger agreement and the particulars specified by order of the competent ministry at its principal office, during the period from 10 days prior to the day of the general meeting of members referred to in paragraph (4) until the day of the establishment of the commodity exchange established by a consolidation-type merger.

２　新設合併消滅会員商品取引所の会員及び債権者は、新設合併消滅会員商品取引所に対して、その事業時間内は、いつでも、次に掲げる請求をすることができる。ただし、第二号又は第四号に掲げる請求をするには、当該新設合併消滅会員商品取引所の定めた費用を支払わなければならない。

(2) The member or creditor of a member commodity exchange dissolved in a consolidation-type merger may make the following requests to a member commodity exchange dissolved in a consolidation-type merger at any time during its business hours; provided, however, that in making the request set forth in item (ii) or (iv), the member or creditor must pay the cost specified by the member commodity exchange dissolved in a consolidation-type merger:

一　前項の書面の閲覧の請求

(i) a request to inspect a document referred to in the preceding paragraph;

二　前項の書面の謄本又は抄本の交付の請求

(ii) a request to be issued a certified copy or extract of a document referred to in the preceding paragraph;

三　前項の電磁的記録に記録された事項を主務省令で定める方法により表示したものの閲覧の請求

(iii) a request to inspect a thing that displays the information that has been recorded in an electronic or magnetic record referred to in the preceding paragraph by the means specified by order of the competent ministry;

四　前項の電磁的記録に記録された事項を電磁的方法であつて主務省令で定めるものにより提供することの請求又はその事項を記載した書面の交付の請求

(iv) a request to be provided with the information that has been recorded in an electronic or magnetic record referred to in the preceding paragraph by an electronic or magnetic means specified by order of the competent ministry, or a request to be issued a document that states the information.

３　新設合併消滅会員商品取引所は、前項の規定による請求があつたときは、正当な理由がないのにこれを拒んではならない。

(3) If a member commodity exchange dissolved in a consolidation-type merger has received a request under the provisions of the preceding paragraph, it must not refuse the request without legitimate grounds.

４　新設合併消滅会員商品取引所は、会員総会の決議によつて、新設合併契約の承認を受けなければならない。

(4) A member commodity exchange dissolved in a consolidation-type merger must obtain approval for the consolidation-type merger agreement by a resolution of a general meeting of members.

５　新設合併が法令又は定款に違反する場合において、新設合併消滅会員商品取引所の会員が不利益を受けるおそれがあるときは、新設合併消滅会員商品取引所の会員は、新設合併消滅会員商品取引所に対し、当該新設合併をやめることを請求することができる。

(5) When a consolidation-type merger is in violation of laws and regulations or the articles of incorporation and the members of the member commodity exchange dissolved in a consolidation-type merger are likely to suffer disadvantages, the members of the member commodity exchange dissolved in a consolidation-type merger may demand the member commodity exchange

dissolved in a consolidation-type merger to refrain from implementing the consolidation-type merger.

６　第百二十四条の規定は、新設合併消滅会員商品取引所について準用する。

(6) The provisions of Article 124 apply mutatis mutandis to a member commodity exchange dissolved in a consolidation-type merger.

（新設合併設立会員商品取引所の手続）

(Procedures for a Member Commodity Exchange Established by a Consolidation-Type Merger)

第百四十四条の四　第二節第一款（第七条、第八条、第十一条第二項、第四項及び第五項前段、第十六条第一項、第十九条、第二十条第二項、第二十一条から第二十五条まで並びに第二十七条を除く。）の規定は、新設合併設立会員商品取引所の設立については、適用しない。

Article 144-4 (1) The provisions of Section 2, Subsection 1 (excluding Article 7, Article 8, Article 11, paragraph (2), paragraph (4), and the first sentence of paragraph (5), Article 16, paragraph (1), Article 19, Article 20, paragraph (2), Articles 21 through 25, and Article 27) do not apply to the establishment of a member commodity exchange established by a consolidation-type merger.

２　新設合併設立会員商品取引所の定款は、新設合併消滅会員商品取引所が作成する。

(2) The articles of incorporation of a member commodity exchange established by a consolidation-type merger are prepared by the member commodity exchange dissolved in a consolidation-type merger.

３　新設合併設立会員商品取引所は、その成立の日後遅滞なく、新設合併により新設合併設立会員商品取引所が承継した新設合併消滅会員商品取引所の権利義務その他の新設合併に関する事項として主務省令で定める事項を記載し、又は記録した書面又は電磁的記録を作成しなければならない。

(3) A member commodity exchange established in a consolidation-type merger must prepare the documents or electronic or magnetic records that state or record the rights and obligations of the member commodity exchange dissolved in a consolidation-type merger to which the member commodity exchange established by a consolidation-type merger will succeed as a result of the consolidation-type merger, and also state or contain other particulars specified by order of the competent ministry as particulars related to the consolidation-type merger, without delay after the day of its establishment.

４　新設合併設立会員商品取引所は、その成立の日から六月間、前項の書面又は電磁的記録及び新設合併契約の内容その他主務省令で定める事項を記載し、又は記録した書面又は電磁的記録をその主たる事務所に備え置かなければならない。

(4) a member commodity exchange established by a consolidation-type merger must keep the documents or electronic or magnetic records referred to in the preceding paragraph and documents or electronic or magnetic records that state or record the content of the consolidation-type merger agreement and

other particulars specified by order of the competent ministry at its principal office, during the six-month period beginning from its establishment.

5　新設合併設立会員商品取引所の会員及び債権者は、新設合併設立会員商品取引所に対して、その事業時間内は、いつでも、次に掲げる請求をすることができる。ただし、第二号又は第四号に掲げる請求をするには、当該新設合併設立会員商品取引所の定めた費用を支払わなければならない。

(5) The member or creditor of a member commodity exchange incorporated in a consolidation-type merger may make the following requests to the member commodity exchange established by a consolidation-type merger at any time during its business hours; provided, however, that in making the request set forth in item (ii) or (iv), the member or creditor must pay the cost specified by the member commodity exchange established by a consolidation-type merger:

一　前項の書面の閲覧の請求

(i) a request to inspect a document referred to in the preceding paragraph;

二　前項の書面の謄本又は抄本の交付の請求

(ii) a request to be issued a certified copy or extract of a document referred to in the preceding paragraph;

三　前項の電磁的記録に記録された事項を主務省令で定める方法により表示したものの閲覧の請求

(iii) a request to inspect a thing that displays the information that has been recorded in an electronic or magnetic record referred to in the preceding paragraph by the means specified by order of the competent ministry;

四　前項の電磁的記録に記録された事項を電磁的方法であつて主務省令で定めるものにより提供することの請求又はその事項を記載した書面の交付の請求

(iv) a request to be provided with the information that has been recorded in an electronic or magnetic record referred to in the preceding paragraph by an electronic or magnetic means specified by order of the competent ministry, or a request to be issued a document that states the information.

6　新設合併設立会員商品取引所は、前項の規定による請求があつたときは、正当な理由がないのにこれを拒んではならない。

(6) If a member commodity exchange established by a consolidation-type merger has received a request under the provisions of the preceding paragraph, it must not refuse the request without legitimate grounds.

第五款　株式会社商品取引所の合併の手続

Subsection 5 Merger Procedures for Incorporated Commodity Exchanges

第一目　吸収合併存続株式会社商品取引所の手続

Division 1 Procedures for the Incorporated Commodity Exchange Surviving an Absorption-Type Merger

（吸収合併契約に関する書面等の備置き及び閲覧等）

(Keeping and Inspection of Documents Related to Absorption-Type Merger Agreements)

第百四十四条の五　吸収合併存続株式会社商品取引所（会員商品取引所と株式会社商品取引所とが吸収合併をする場合における当該吸収合併存続株式会社商品取引所に限る。以下この目において同じ。）は、次に掲げる日のいずれか早い日から吸収合併の効力が生じた日後六月を経過する日までの間、吸収合併契約の内容その他主務省令で定める事項を記載し、又は記録した書面又は電磁的記録をその本店に備え置かなければならない。

Article 144-5 (1) An incorporated commodity exchange surviving an absorption-type merger (limited to the incorporated commodity exchange surviving an absorption-type merger in an absorption-type merger between a member commodity exchange and an incorporated commodity exchange; hereinafter the same applies in this Division) must keep documents or electronic or magnetic records that state or record the content of the absorption-type merger agreement and other particulars specified by order of the competent ministry at its head office, during the period from one of the following days, whichever comes the earliest, until the day on which six months have elapsed since the day on which the absorption-type merger comes into effect:

一　吸収合併契約について株主総会（種類株主総会を含む。）の決議によつてその承認を受けなければならないときは、当該株主総会の日の二週間前の日

(i) if approval for the absorption-type merger agreement must be obtained by a resolution of a shareholders meeting (including a general meeting of class shareholders), the day two weeks prior to the day of the shareholders meeting;

二　第百四十四条の八第一項の規定による通知の日又は同条第二項の公告の日のいずれか早い日

(ii) the day of the notice under the provisions of Article 144-8, paragraph (1) or the day of the public notice under the provisions of paragraph (2) of that Article, whichever comes earlier;

三　第百四十四条の十一第二項の規定による公告の日又は同項の規定による催告の日のいずれか早い日

(iii) the day of the public notice under the provisions of Article 144-11, paragraph (2) or the day of the demand under the provisions of that paragraph, whichever comes earlier.

２　吸収合併存続株式会社商品取引所の株主及び債権者は、吸収合併存続株式会社商品取引所に対して、その営業時間内は、いつでも、次に掲げる請求をすることができる。ただし、第二号又は第四号に掲げる請求をするには、当該吸収合併存続株式会社商品取引所の定めた費用を支払わなければならない。

(2) The shareholder or creditor of an incorporated commodity exchange surviving an absorption-type merger may make the following requests to the

incorporated commodity exchange surviving an absorption-type merger at any time during its business hours; provided, however, that in making the request set forth in item (ii) or (iv), the shareholder or creditor must pay the cost specified by the incorporated commodity exchange surviving an absorption-type merger:

一　前項の書面の閲覧の請求

(i) a request to inspect a document referred to in the preceding paragraph;

二　前項の書面の謄本又は抄本の交付の請求

(ii) a request to be issued a certified copy or extract of a document referred to in the preceding paragraph;

三　前項の電磁的記録に記録された事項を主務省令で定める方法により表示したものの閲覧の請求

(iii) a request to inspect a thing that displays the information that has been recorded in an electronic or magnetic record referred to in the preceding paragraph by the means specified by order of the competent ministry;

四　前項の電磁的記録に記録された事項を電磁的方法であつて主務省令で定めるものにより提供することの請求又はその事項を記載した書面の交付の請求

(iv) a request to be provided with the information that has been recorded in an electronic or magnetic record referred to in the preceding paragraph by an electronic or magnetic means specified by order of the competent ministry or a request to be issued a document that states the information.

３　吸収合併存続株式会社商品取引所は、前項の規定による請求があつたときは、正当な理由がないのにこれを拒んではならない。

(3) If an incorporated commodity exchange surviving an absorption-type merger has received a request under the provisions of the preceding paragraph, it must not refuse the request without legitimate grounds.

（吸収合併契約の承認等）

(Approval of Absorption-Type Merger Agreements)

第百四十四条の六　吸収合併存続株式会社商品取引所は、効力発生日の前日までに、株主総会の決議によつて、吸収合併契約の承認を受けなければならない。

Article 144-6 (1) An incorporated commodity exchange surviving an absorption-type merger must obtain approval for the absorption-type merger agreement by a resolution of a shareholders meeting by the day preceding the effective date.

２　次に掲げる場合には、取締役は、前項の株主総会において、その旨を説明しなければならない。

(2) In the following cases, the directors must explain that fact at the shareholders meeting referred to in the preceding paragraph:

一　吸収合併存続株式会社商品取引所が承継する吸収合併消滅会員商品取引所の債務の額として主務省令で定める額（次号において「承継債務額」という。）が吸収合併存続株式会社商品取引所が承継する吸収合併消滅会員商品取引所の資産の額とし

て主務省令で定める額（同号において「承継資産額」という。）を超える場合

(i) the amount specified by order of the competent ministry as the amount of obligations of the member commodity exchange dissolved in an absorption-type merger to which the incorporated commodity exchange surviving the absorption-type merger will succeed (referred to as the "amount of succeeded obligations" in the following item) exceeds the amount specified by order of the competent ministry as the amount of assets of the member commodity exchange dissolved in an absorption-type merger to which the incorporated commodity exchange surviving an absorption-type merger will succeed (referred to as the "amount of succeeded assets" in the following item);

二　吸収合併存続株式会社商品取引所が吸収合併消滅会員商品取引所の会員に対して交付する金銭の額が承継資産額から承継債務額を控除して得た額を超える場合

(ii) the amount of money to be delivered to members of the member commodity exchange dissolved in an absorption-type merger by the incorporated commodity exchange surviving an absorption-type merger exceeds the amount arrived at by deducting the amount of succeeded obligations from the amount of succeeded assets.

3　承継する吸収合併消滅会員商品取引所の資産に吸収合併存続株式会社商品取引所の株式が含まれる場合には、取締役は、第一項の株主総会において、当該株式に関する事項を説明しなければならない。

(3) If the assets of the member commodity exchange dissolved in an absorption-type merger to be succeeded to include shares in the incorporated commodity exchange surviving an absorption-type merger, the company directors must explain the particulars concerning those shares at the shareholders meeting referred to in paragraph (1).

4　吸収合併存続株式会社商品取引所が種類株式発行会社である場合において、吸収合併消滅会員商品取引所の会員に対して交付する株式等が吸収合併存続株式会社商品取引所の株式であるときは、吸収合併は、第百四十二条第二号イの種類の株式（譲渡制限株式であつて、会社法第百九十九条第四項の定款の定めがないものに限る。）の種類株主を構成員とする種類株主総会（当該種類株主に係る株式の種類が二以上ある場合にあつては、当該二以上の株式の種類別に区分された種類株主を構成員とする各種類株主総会）の決議がなければ、その効力を生じない。ただし、当該種類株主総会において議決権を行使することができる株主が存しない場合は、この限りでない。

(4) If the incorporated commodity exchange surviving an absorption-type merger is a company with class shares, and the shares, etc. that are to be delivered to the members of the member commodity exchange dissolved in an absorption-type merger are shares in the incorporated commodity exchange surviving an absorption-type merger, the absorption-type merger does not come into effect without a resolution of a general meeting of class shareholders consisting of class shareholders of the classes of shares referred to in Article 142, item (ii), (a) (limited to shares with restriction on transfer which are not specified in the

articles of incorporation referred to in Article 199, paragraph (4) of the Companies Act) (if there are two or more classes of shares associated with those class shareholders, without the resolution of each general meeting of class shareholders whose constituents are the class shareholders categorized by the class of those two or more classes of shares); provided, however, that this does not apply if there is no shareholder that is able to exercise a voting right at the general meeting of class shareholders.

5　第一項の株主総会の決議は、当該株主総会において議決権を行使することができる株主の議決権の過半数（三分の一以上の割合を定款で定めた場合にあつては、その割合以上）を有する株主が出席し、出席した当該株主の議決権の三分の二（これを上回る割合を定款で定めた場合にあつては、その割合）以上に当たる多数をもつて行わなければならない。この場合においては、当該決議の要件に加えて、一定の数以上の株主の賛成を要する旨その他の要件を定款で定めることを妨げない。

(5) The resolution of a shareholders meeting referred to in paragraph (1) must be adopted by at least a two-thirds majority (or, if a larger ratio is specified by the articles of incorporation, that ratio) of the votes of the shareholders present, at a meeting in which shareholders holding a majority (or, if a ratio of one-third or more is specified by the articles of incorporation, at least that ratio) of the voting rights of the shareholders that are able to exercise voting rights at the shareholders meeting are present. In such a case, in addition to the requirement for the resolution, the incorporated commodity exchange surviving the absorption-type merger is not precluded from providing in its articles of incorporation that consent of a certain number or more of the shareholders is required or other requirements.

6　前項の規定は、第四項の種類株主総会について準用する。

(6) The provisions of the preceding paragraph apply mutatis mutandis to the general meeting of class shareholders referred to in paragraph (4).

（吸収合併契約等の承認を要しない場合等）

(When Approval for an Absorption-Type Merger Agreement is not Required)

第百四十四条の七　前条第一項から第三項までの規定は、第一号に掲げる額の第二号に掲げる額に対する割合が五分の一（これを下回る割合を吸収合併存続株式会社商品取引所の定款で定めた場合にあつては、その割合）を超えない場合には、適用しない。ただし、同条第二項各号に掲げる場合又は吸収合併消滅会員商品取引所の会員に対して交付する株式等の全部又は一部が吸収合併存続株式会社商品取引所の譲渡制限株式である場合であつて、吸収合併存続株式会社商品取引所が公開会社（会社法第二条第五号に規定する公開会社をいう。以下この節において同じ。）でないときは、この限りでない。

Article 144-7 (1) The provisions of paragraphs (1) through (3) of the preceding Article do not apply if the ratio of the amount set forth in item (i) to the amount set forth in item (ii) does not exceed one-fifth (or, if a smaller ratio is

specified by the articles of incorporation of the incorporated commodity exchange surviving an absorption-type merger, that ratio); provided, however, that this does not apply in the case set forth in the items of paragraph (2) of that Article or if the whole or a part of the shares, etc. to be delivered to the members of the member commodity exchange dissolved in an absorption-type merger are shares with a restriction on transfer in the incorporated commodity exchange surviving an absorption-type merger and the incorporated commodity exchange surviving an absorption-type merger is a public company (meaning a public company as prescribed in Article 2, item (v) of the Companies Act; hereinafter the same applies in this Section).

一　次に掲げる額の合計額

(i) the sum of the following amounts:

イ　吸収合併消滅会員商品取引所の会員に対して交付する吸収合併存続株式会社商品取引所の株式の数に一株当たり純資産額（会社法第百四十一条第二項に規定する一株当たり純資産額をいう。）を乗じて得た額

(a) the amount arrived at by multiplying the number of shares in the incorporated commodity exchange surviving an absorption-type merger that will be delivered to the members of the member commodity exchange dissolved in an absorption-type merger by the amount of net assets per share (meaning the amount of net assets per share as prescribed in Article 141, paragraph (2) of the Companies Act);

ロ　吸収合併消滅会員商品取引所の会員に対して交付する金銭の額の合計額

(b) the sum of the amounts of money that will be delivered to the members of the member commodity exchange dissolved in an absorption-type merger;

二　吸収合併存続株式会社商品取引所の純資産額として主務省令で定める方法により算定される額

(ii) the amount calculated in the method specified by order of the competent ministry as the amount of net assets of the incorporated commodity exchange surviving an absorption-type merger.

２　前項本文に規定する場合において、主務省令で定める数の株式（前条第一項の株主総会において議決権を行使することができるものに限る。）を有する株主が次条第一項の規定による通知又は同条第二項の公告の日から二週間以内に吸収合併に反対する旨を吸収合併存続株式会社商品取引所に対し通知したときは、効力発生日の前日までに、株主総会の決議によつて、吸収合併契約の承認を受けなければならない。

(2) In the case prescribed in the main clause of the preceding paragraph, if shareholders holding the number of shares specified by order of the competent ministry (limited to shares for which voting rights may be exercised at the shareholders meeting referred to in paragraph (1) of the preceding Article) notify the incorporated commodity exchange surviving an absorption-type merger that they are against the absorption-type merger within two weeks from the day of the notice referred to in paragraph (1) of the following Article

or within two weeks from the day of the public notice referred to in paragraph (2) of that Article, the incorporated commodity exchange surviving an absorption-type merger must obtain approval for the absorption-type merger agreement by a resolution of a shareholders meeting, by the day preceding the effective date.

３　前条第五項の規定は、前項の株主総会について準用する。

(3) The provisions of paragraph (5) of the preceding Article apply mutatis mutandis to the shareholders meeting referred to in the preceding paragraph.

（株主に対する通知）

(Notices to Shareholders)

第百四十四条の八　吸収合併存続株式会社商品取引所は、効力発生日の二十日前までに、その株主に対し、吸収合併をする旨並びに吸収合併消滅会員商品取引所の名称及び住所（第百四十四条の六第三項に規定する場合にあつては、同項の株式に関する事項を含む。）を通知しなければならない。

Article 144-8 (1) An incorporated commodity exchange surviving an absorption-type merger must notify its shareholders that the absorption-type merger will be implemented as well as notify the name and address of the member commodity exchange dissolved in an absorption-type merger (in the case prescribed in Article 144-6, paragraph (3), including the particulars concerning the shares referred to in that paragraph) by 20 days prior to the effective date.

２　次に掲げる場合には、前項の規定による通知は、公告をもつてこれに代えることができる。

(2) In the following cases, public notice may be substituted for the notice under the provisions of the preceding paragraph:

一　吸収合併存続株式会社商品取引所が公開会社である場合

(i) if the incorporated commodity exchange surviving the absorption-type merger is a public company; or

二　吸収合併存続株式会社商品取引所が第百四十四条の六第一項の株主総会の決議によつて吸収合併契約の承認を受けた場合

(ii) if the incorporated commodity exchange surviving an absorption-type merger has obtained approval for the absorption-type merger agreement by a resolution of the shareholders meeting referred to in Article 144-6, paragraph (1).

３　会社法第九百四十条第一項（第一号に係る部分に限る。）及び第三項の規定は、吸収合併存続株式会社商品取引所が同法第九百三十九条第一項第三号に掲げる方法により前項の公告をする場合について準用する。この場合において、必要な技術的読替えは、政令で定める。

(3) The provisions of Article 940, paragraph (1) (limited to the part related to item (i)) and paragraph (3) of the Companies Act apply mutatis mutandis if the incorporated commodity exchange surviving an absorption-type merger issues

the public notice referred to in the preceding paragraph by the means set forth in Article 939, paragraph (1), item (iii) of that Act. In such a case, the necessary technical replacement of terms is specified by Cabinet Order.

（吸収合併をやめることの請求）

(Demands to Refrain from Implementing an Absorption-Type Merger)

第百四十四条の九　吸収合併が法令又は定款に違反する場合において、吸収合併存続株式会社商品取引所の株主が不利益を受けるおそれがあるときは、吸収合併存続株式会社商品取引所の株主は、吸収合併存続株式会社商品取引所に対し、当該吸収合併をやめることを請求することができる。ただし、第百四十四条の七第一項本文に規定する場合（同条第二項に規定する場合を除く。）は、この限りでない。

Article 144-9 When an absorption-type merger is in violation of laws and regulations or articles of incorporation and the shareholders of the incorporated commodity exchange surviving an absorption-type merger are likely to suffer disadvantages, the shareholders of the incorporated commodity exchange surviving an absorption-type merger may demand the incorporated commodity exchange surviving an absorption-type merger to refrain from implementing the absorption-type merger; provided, however, that this does not apply to cases prescribed in the main clause of Article 144-7, paragraph (1) (excluding the case prescribed in paragraph (2) of that Article).

（株式買取請求）

(Share Purchase Demand)

第百四十四条の十　吸収合併をする場合には、反対株主は、吸収合併存続株式会社商品取引所に対し、自己の有する株式を公正な価格で買い取ることを請求することができる。ただし、第百四十四条の七第一項本文に規定する場合（同条第二項に規定する場合を除く。）は、この限りでない。

Article 144-10 (1) If an absorption-type merger is to be implemented, a dissenting shareholder may demand that the incorporated commodity exchange surviving an absorption-type merger purchase its shares at a fair price; provided, however, that this does not apply to cases prescribed in the main clause of Article 144-7, paragraph (1) (excluding the case prescribed in paragraph (2) of that Article).

２　前項に規定する「反対株主」とは、次の各号に掲げる場合における当該各号に定める株主をいう。

(2) The "dissenting shareholder" prescribed in the preceding paragraph means a shareholder provided for in each of the following items for the case set forth in that item:

一　吸収合併をするために株主総会（種類株主総会を含む。）の決議を要する場合　次に掲げる株主

(i) a resolution of a shareholders meeting (including a general meeting of class

shareholders) is required in order to implement the absorption-type merger: the following shareholders:

イ　当該株主総会に先立つて当該吸収合併に反対する旨を当該吸収合併存続株式会社商品取引所に対し通知し、かつ、当該株主総会において当該吸収合併に反対した株主（当該株主総会において議決権を行使することができるものに限る。）

(a) a shareholder that has notified the incorporated commodity exchange surviving an absorption-type merger that they are against the absorption-type merger prior to the shareholders meeting, and has dissented to the absorption-type merger at the shareholders meeting (limited to a shareholder that is able to exercise a voting right at the shareholders meeting);

ロ　当該株主総会において議決権を行使することができない株主

(b) a shareholder that is not able to exercise a voting right at the shareholders meeting.

二　前号に規定する場合以外の場合　すべての株主

(ii) cases other than that prescribed in the preceding item: all shareholders.

3　会社法第七百九十七条第五項から第九項まで、第七百九十八条、第八百六十八条第一項、第八百七十条第二項（第二号に係る部分に限る。）、第八百七十条の二、第八百七十一条本文、第八百七十二条（第五号に係る部分に限る。）、第八百七十二条の二、第八百七十三条本文、第八百七十五条及び第八百七十六条の規定は、第一項の規定による請求について準用する。この場合において、必要な技術的読替えは、政令で定める。

(3) The provisions of Article 797, paragraphs (5) through (9), Article 798, Article 868, paragraph (1), Article 870, paragraph (2) (limited to the part related to item (ii)), Article 870-2, the main clause of Article 871, Article 872 (limited to the part related to item (v)), Article 872-2, the main clause of Article 873, Article 875, and Article 876 of the Companies Act apply mutatis mutandis to a demand under the provisions of paragraph (1). In such a case, the necessary technical replacement of terms is specified by Cabinet Order.

（債権者の異議）

(Objections of Creditors)

第百四十四条の十一　吸収合併存続株式会社商品取引所の債権者は、吸収合併存続株式会社商品取引所に対し、吸収合併について異議を述べることができる。

Article 144-11 (1) The creditor of an incorporated commodity exchange surviving an absorption-type merger may state an objection to the incorporated commodity exchange surviving an absorption-type merger with regard to the absorption-type merger.

2　吸収合併存続株式会社商品取引所は、次に掲げる事項を官報に公告し、かつ、知れている債権者（社債管理者（会社法第七百二条の社債管理者をいう。以下この条において同じ。）がある場合にあつては、当該社債管理者を含む。）には、各別にこれを

催告しなければならない。ただし、第四号の期間は、一月を下ることができない。

(2) An incorporated commodity exchange surviving an absorption-type merger must issue public notice of the following particulars in the Official Gazette and must issue a notice of those particulars to its known creditors (including the bond administrator (meaning the bond administrator referred to in Article 702 of the Companies Act) if there is a bond administrator) individually; provided, however, that the period referred to in item (iv) may not be less than one month:

一　吸収合併をする旨

(i) that an absorption-type merger is to be implemented;

二　吸収合併消滅会員商品取引所の名称及び住所

(ii) the name and address of the member commodity exchange dissolved in an absorption-type merger;

三　吸収合併存続株式会社商品取引所の計算書類に関する事項として主務省令で定めるもの

(iii) the particulars specified by order of the competent ministry as those concerning the financial statements of the incorporated commodity exchange surviving an absorption-type merger;

四　債権者が一定の期間内に異議を述べることができる旨

(iv) that a creditor may state an objection within a certain period.

3　前項の規定にかかわらず、吸収合併存続株式会社商品取引所が同項の規定による公告を、官報のほか、会社法第九百三十九条第一項の規定による定款の定めに従い、同項第二号又は第三号に掲げる方法によりするときは、前項の規定による各別の催告は、することを要しない。

(3) Notwithstanding the provisions of the preceding paragraph, if the incorporated commodity exchange surviving an absorption-type merger issues the public notice under the provisions of that paragraph in the Official Gazette as well as by the means set forth in Article 939, paragraph (1), item (ii) or (iii) of the Companies Act in accordance with the provisions of the articles of incorporation under the provisions of that paragraph, the incorporated commodity exchange surviving an absorption-type merger is not required to make individual demands under the provisions of the preceding paragraph.

4　債権者が第二項第四号の期間内に異議を述べなかつたときは、当該債権者は、当該吸収合併について承認をしたものとみなす。

(4) If a creditor does not state an objection within the period referred to in paragraph (2), item (iv), the creditor is deemed to have approved the absorption-type merger.

5　債権者が第二項第四号の期間内に異議を述べたときは、吸収合併存続株式会社商品取引所は、当該債権者に対し、弁済し、若しくは相当の担保を提供し、又は当該債権者に弁済を受けさせることを目的として信託会社等に相当の財産を信託しなければならない。ただし、当該吸収合併をしても当該債権者を害するおそれがないときは、こ

の限りでない。

(5) If a creditor states an objection within the period referred to in paragraph (2), item (iv), the incorporated commodity exchange surviving an absorption-type merger must make a payment or provide suitable collateral to the creditor, or deposit suitable property with a trust company, etc. for the purpose of ensuring that the creditor receive the payment; provided, however, that this does not apply if the absorption-type merger is unlikely to harm the creditor.

6　会社法第九百四十条第一項（第三号に係る部分に限る。）及び第三項の規定は、吸収合併存続株式会社商品取引所が同法第九百三十九条第一項第三号に掲げる方法により第二項の規定による公告をする場合について準用する。この場合において、必要な技術的読替えは、政令で定める。

(6) The provisions of Article 940, paragraph (1) (limited to the part related to item (iii)) and paragraph (3) of the Companies Act apply mutatis mutandis if the incorporated commodity exchange surviving an absorption-type merger issues the public notice under the provisions of paragraph (2) by the means set forth in Article 939, paragraph (1), item (iii) of that Act. In such a case, the necessary technical replacement of terms is specified by Cabinet Order.

7　第一項の規定により社債権者が異議を述べるには、社債権者集会の決議によらなければならない。この場合においては、裁判所は、利害関係人の申立てにより、社債権者のために異議を述べることができる期間を伸長することができる。

(7) In order for the bondholders to state an objection pursuant to the provisions of paragraph (1), a resolution of a bondholder meeting is required. In such a case, the court may extend the period for stating an objection for the bondholders, upon the petition of an interested person.

8　前項の規定にかかわらず、社債管理者は、社債権者のために異議を述べることができる。ただし、会社法第七百二条の規定による委託に係る契約に別段の定めがある場合は、この限りでない。

(8) Notwithstanding the provisions of the preceding paragraph, the bond administrator may state an objection on behalf of the bondholders; provided, however, that this does not apply if it is otherwise provided in the contract for consignment under the provisions of Article 702 of the Companies Act.

9　会社法第八百六十八条第四項、第八百七十条第一項（第八号に係る部分に限る。）、第八百七十一条本文、第八百七十二条（第四号に係る部分に限る。）、第八百七十五条及び第八百七十六条の規定は、第七項の申立てに係る事件について準用する。

(9) The provisions of Article 868, paragraph (4), Article 870, paragraph (1) (limited to the part related to item (viii)), the main clause of Article 871, Article 872 (limited to the part related to item (iv)), Article 875, and Article 876 of the Companies Act apply mutatis mutandis to a case related to the petition referred to in paragraph (7).

（吸収合併等に関する書面等の備置き及び閲覧等）

(Keeping and Inspection of Documents Related to Absorption-Type Merger)

第百四十四条の十二　吸収合併存続株式会社商品取引所は、吸収合併の効力が生じた日後遅滞なく、吸収合併により吸収合併存続株式会社商品取引所が承継した吸収合併消滅会員商品取引所の権利義務その他の吸収合併に関する事項として主務省令で定める事項を記載し、又は記録した書面又は電磁的記録を作成しなければならない。

Article 144-12 (1) An incorporated commodity exchange surviving an absorption-type merger must prepare documents or electronic or magnetic records that state or record the particulars of the rights and obligations of the member commodity exchange dissolved in an absorption-type merger to which the incorporated commodity exchange surviving an absorption-type merger has succeeded as a result of the absorption-type merger, and of other particulars specified by order of the competent ministry as being related to the absorption-type merger, without delay after the day on which the absorption-type merger comes into effect.

２　吸収合併存続株式会社商品取引所は、吸収合併の効力が生じた日から六月間、前項の書面又は電磁的記録をその本店に備え置かなければならない。

(2) The incorporated commodity exchange surviving an absorption-type merger must keep the documents or electronic or magnetic records referred to in the preceding paragraph at its head office, during the six-month period beginning from the day on which an absorption-type merger comes into effect.

３　吸収合併存続株式会社商品取引所の株主及び債権者は、吸収合併存続株式会社商品取引所に対して、その営業時間内は、いつでも、次に掲げる請求をすることができる。ただし、第二号又は第四号に掲げる請求をするには、当該吸収合併存続株式会社商品取引所の定めた費用を支払わなければならない。

(3) The member or creditor of an incorporated commodity exchange surviving an absorption-type merger may make the following requests to the incorporated commodity exchange surviving the absorption-type merger at any time during its business hours; provided, however, that in making the request set forth in item (ii) or (iv), the member or creditor must pay the cost specified by the incorporated commodity exchange surviving an absorption-type merger:

一　前項の書面の閲覧の請求

(i) a request to inspect a document referred to in the preceding paragraph;

二　前項の書面の謄本又は抄本の交付の請求

(ii) a request to be issued a certified copy or extract of a document referred to in the preceding paragraph;

三　前項の電磁的記録に記録された事項を主務省令で定める方法により表示したものの閲覧の請求

(iii) a request to inspect a thing that displays the information that has been recorded in an electronic or magnetic record referred to in the preceding paragraph by the means specified by order of the competent ministry;

四　前項の電磁的記録に記録された事項を電磁的方法であつて主務省令で定めるもの

により提供することの請求又はその事項を記載した書面の交付の請求

(iv) a request to be provided with the information that has been recorded in an electronic or magnetic record referred to in the preceding paragraph by an electronic or magnetic means specified by order of the competent ministry, or a request to be issued a document that states the information.

４　吸収合併存続株式会社商品取引所は、前項の規定による請求があつたときは、正当な理由がないのにこれを拒んではならない。

(4) If an incorporated commodity exchange surviving an absorption-type merger has received a request under the provisions of the preceding paragraph, it must not refuse the request without legitimate grounds.

第二目　新設合併消滅株式会社商品取引所の手続
Division 2 Procedures for an Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger

（新設合併契約に関する書面等の備置き及び閲覧等）

(Keeping and Inspection of Documents Related to Consolidation-Type Merger Agreements)

第百四十四条の十三　新設合併消滅株式会社商品取引所（会員商品取引所と株式会社商品取引所とが新設合併をする場合における当該新設合併消滅株式会社商品取引所に限る。以下この目において同じ。）は、次に掲げる日のいずれか早い日から新設合併設立株式会社商品取引所の成立の日までの間、新設合併契約の内容その他主務省令で定める事項を記載し、又は記録した書面又は電磁的記録をその本店に備え置かなければならない。

Article 144-13 (1) An incorporated commodity exchange dissolved in a consolidation-type merger (limited to the incorporated commodity exchange dissolved in a consolidation-type merger by a consolidation-type merger implemented between a member commodity exchange and an incorporated commodity exchange; hereinafter the same applies in this Division) must keep documents or electronic or magnetic records that state or record the content of the consolidation-type merger agreement and the particulars specified by order of the competent ministry at its head office, during the period from one of the following days, whichever comes the earliest, until the day on which the consolidation-type merger comes into effect:

一　次条第一項の株主総会の日の二週間前の日

(i) the day two weeks prior to the shareholders meeting referred to in paragraph (1) of the following Article;

二　新設合併契約について種類株主総会の決議によつてその承認を受けなければならないときは、当該種類株主総会の日の二週間前の日

(ii) if approval for the consolidation-type merger agreement must be obtained by a resolution of a general meeting of class shareholders, the day two weeks

prior to the day of the general meeting of class shareholders;

三　第百四十四条の十五第一項の規定による通知の日又は同条第二項の公告の日のいずれか早い日

(iii) the day of the notice under the provisions of Article 144-15, paragraph (1) or the day of the public notice under the provisions of paragraph (2) of that Article, whichever comes earlier;

四　第百四十四条の十九において準用する第百四十四条の十一第二項の規定による公告の日又は同項の規定による催告の日のいずれか早い日

(iv) the day of the public notice under the provisions of Article 144-11, paragraph (2) as applied mutatis mutandis pursuant to Article 144-19 or the day of the demand under the provisions of Article 144-11, paragraph (2), whichever comes earlier.

2　新設合併消滅株式会社商品取引所の株主及び債権者は、新設合併消滅株式会社商品取引所に対して、その営業時間内は、いつでも、次に掲げる請求をすることができる。ただし、第二号又は第四号に掲げる請求をするには、当該新設合併消滅株式会社商品取引所の定めた費用を支払わなければならない。

(2) The shareholder or creditor of an incorporated commodity exchange dissolved in a consolidation-type merger may make the following requests to the incorporated commodity exchange dissolved in a consolidation-type merger at any time during its business hours; provided, however, that in making the request set forth in item (ii) or (iv), the shareholder or creditor must pay the cost specified by the incorporated commodity exchange dissolved in a consolidation-type merger:

一　前項の書面の閲覧の請求

(i) a request to inspect a document referred to in the preceding paragraph;

二　前項の書面の謄本又は抄本の交付の請求

(ii) a request to be issued a certified copy or extract of a document referred to in the preceding paragraph;

三　前項の電磁的記録に記録された事項を主務省令で定める方法により表示したものの閲覧の請求

(iii) a request to inspect a thing that displays the information that has been recorded in an electronic or magnetic record referred to in the preceding paragraph by the means specified by order of the competent ministry;

四　前項の電磁的記録に記録された事項を電磁的方法であつて主務省令で定めるものにより提供することの請求又はその事項を記載した書面の交付の請求

(iv) a request to be provided with the information that has been recorded in an electronic or magnetic record referred to in the preceding paragraph by an electronic or magnetic means specified by order of the competent ministry, or a request to be issued a document that states the information.

3　新設合併消滅株式会社商品取引所は、前項の規定による請求があつたときは、正当な理由がないのにこれを拒んではならない。

(3) If an incorporated commodity exchange dissolved in a consolidation-type merger has received a request under the provisions of the preceding paragraph, it must not refuse the request without legitimate grounds.

（新設合併契約の承認）

(Approval of a Consolidation-Type Merger Agreement)

第百四十四条の十四　新設合併消滅株式会社商品取引所は、株主総会の決議によつて、新設合併契約の承認を受けなければならない。

Article 144-14 (1) An incorporated commodity exchange dissolved in a consolidation-type merger must obtain approval for the consolidation-type merger agreement by a resolution of a shareholders meeting.

２　前項の株主総会の決議は、当該株主総会において議決権を行使することができる株主の議決権の過半数（三分の一以上の割合を定款で定めた場合にあつては、その割合以上）を有する株主が出席し、出席した当該株主の議決権の三分の二（これを上回る割合を定款で定めた場合にあつては、その割合）以上に当たる多数をもつて行わなければならない。この場合においては、当該決議の要件に加えて、一定の数以上の株主の賛成を要する旨その他の要件を定款で定めることを妨げない。

(2) The resolution of a shareholders meeting referred to in the preceding paragraph must be adopted by at least a two-thirds majority (or, if a larger ratio is specified in the articles of incorporation, that ratio) of the votes of the shareholders present, at a meeting in which the shareholders holding the majority (or, if a ratio of one-third or more is specified in the articles of incorporation, at least that ratio) of the voting rights of shareholders that are able to exercise a voting right at the shareholders meeting are present. In such a case, in addition to the requirement for the resolution, the incorporated commodity exchange dissolved in a consolidation-type merger is not precluded from providing in its articles of incorporation that consent of a certain number or more of votes from the shareholders is required or other requirements.

３　前項の規定にかかわらず、新設合併消滅株式会社商品取引所が公開会社である場合において、当該新設合併消滅株式会社商品取引所の株主に対して交付する新設合併設立株式会社商品取引所の株式の全部又は一部が譲渡制限株式であるときは、第一項の株主総会（種類株式発行会社の株主総会を除く。）の決議は、会社法第三百九条第三項に定める決議によらなければならない。

(3) Notwithstanding the provisions of the preceding paragraph, if the incorporated commodity exchange dissolved in a consolidation-type merger is a public company and the whole or a part of the shares in the incorporated commodity exchange incorporated in the consolidation-type merger that are to be delivered to shareholders of the incorporated commodity exchange dissolved in a consolidation-type merger are shares with a restriction on transfer, a resolution of a shareholders meeting referred to in paragraph (1) (excluding a shareholders meeting of a company with class shares) must be made by the

resolution prescribed in Article 309, paragraph (3) of the Companies Act.

4　新設合併消滅株式会社商品取引所が種類株式発行会社である場合において、新設合併消滅株式会社商品取引所の株主に対して交付する新設合併設立株式会社商品取引所の株式の全部又は一部が譲渡制限株式であるときは、当該新設合併は、当該譲渡制限株式の割当てを受ける種類の株式（譲渡制限株式を除く。）の種類株主を構成員とする種類株主総会（当該種類株主に係る株式の種類が二以上ある場合にあつては、当該二以上の株式の種類別に区分された種類株主を構成員とする各種類株主総会）の決議がなければ、その効力を生じない。ただし、当該種類株主総会において議決権を行使することができる株主が存しない場合は、この限りでない。

(4) If the incorporated commodity exchange dissolved in a consolidation-type merger is a company with class shares and the whole or a part of shares in the incorporated commodity exchange established by a consolidation-type merger that are to be delivered to shareholders of the incorporated commodity exchange dissolved in a consolidation-type merger are shares with restriction on transfer, the consolidation-type merger does not come into effect without a resolution of a general meeting of class shareholders consisting of the class shareholders of the class of shares (other than shares with a restriction on transfer) that is subject to the allotment of shares with restriction on transfer (or, if there are two or more classes of shares associated with those class shareholders, without the resolutions of each general meeting of class shareholders whose constituents are the class shareholders categorized by those two or more classes of shares); provided, however, that this does not apply if no shareholder is able to exercise a voting right at the general meeting of class shareholders.

5　前項の種類株主総会の決議は、当該種類株主総会において議決権を行使することができる株主の半数以上（これを上回る割合を定款で定めた場合にあつては、その割合以上）であつて、当該株主の議決権の三分の二（これを上回る割合を定款で定めた場合にあつては、その割合）以上に当たる多数をもつて行わなければならない。

(5) The resolution of the general meeting of class shareholders referred to in the preceding paragraph must be adopted by a majority vote that constitutes at least two-thirds (or, if a higher ratio is specified in the articles of incorporation, that ratio) of the votes of more than half (or, if a higher ratio is specified in the articles of incorporation, at least that ratio) of the number of shareholders that are able to exercise voting rights at the general meeting of class shareholders.

（株主等に対する通知）

(Notices to Shareholders)

第百四十四条の十五　新設合併消滅株式会社商品取引所は、前条第一項の株主総会の決議の日から二週間以内に、その株主及び登録株式質権者（会社法第百四十九条第一項に規定する登録株式質権者をいう。）並びにその新株予約権者及び登録新株予約権質権者（同法第二百七十条第一項に規定する登録新株予約権質権者をいう。）に対し、

新設合併をする旨並びに他の新設合併消滅商品取引所及び新設合併設立株式会社商品取引所の名称又は商号及び住所を通知しなければならない。

Article 144-15 (1) The incorporated commodity exchange dissolved in a consolidation-type merger must notify its shareholders and registered pledgees of its shares (meaning registered pledgees of shares prescribed in Article 149, paragraph (1) of the Companies Act) as well as holders of its share options and registered pledgees of its share options (meaning registered pledgees of share options prescribed in Article 270, paragraph (1) of that Act) that the consolidation-type merger is to be implemented, and the name or trade name and address of the other commodity exchange dissolved in a consolidation-type merger and of the incorporated commodity exchange incorporated in a consolidation-type merger, within two weeks from the day of the resolution of the shareholders meeting referred to in paragraph (1) of the preceding Article.

２　前項の規定による通知は、公告をもつてこれに代えることができる。

(2) Public notice may be substituted for the notice under the provisions of the preceding paragraph.

３　会社法第九百四十条第一項（第四号に係る部分に限る。）及び第三項の規定は、新設合併消滅株式会社商品取引所が同法第九百三十九条第一項第三号に掲げる方法により前項の公告をする場合について準用する。この場合において、必要な技術的読替えは、政令で定める。

(3) The provisions of Article 940, paragraph (1) (limited to the part related to item (iv)) and paragraph (3) of the Companies Act apply mutatis mutandis if the incorporated commodity exchange dissolved in a consolidation-type merger issues the public notice referred to in the preceding paragraph by the means set forth in Article 939, paragraph (1), item (iii) of the Companies Act. In such a case, the necessary technical replacement of terms is specified by Cabinet Order.

（新設合併をやめることの請求）

(Demand to Refrain from Implementing a Consolidation-Type Merger)

第百四十四条の十六　新設合併が法令又は定款に違反する場合において、新設合併消滅株式会社商品取引所の株主が不利益を受けるおそれがあるときは、新設合併消滅株式会社商品取引所の株主は、新設合併消滅株式会社商品取引所に対し、当該新設合併をやめることを請求することができる。

Article 144-16 When an absorption-type merger is in violation of laws and regulations or the articles of incorporation and the shareholders of the incorporated commodity exchange dissolved in a consolidation-type merger are likely to suffer disadvantages, the shareholders of the incorporated commodity exchange dissolved in a consolidation-type merger may demand the incorporated commodity exchange dissolved in an incorporation-type merger to refrain from implementing the absorption-type merger.

（株式買取請求）

(Share Purchase Demand)

第百四十四条の十七　新設合併をする場合には、次に掲げる株主は、新設合併消滅株式会社商品取引所に対し、自己の有する株式を公正な価格で買い取ることを請求することができる。

Article 144-17 (1) If a consolidation-type merger is to be implemented, the following shareholders may demand that an incorporated commodity exchange dissolved in a consolidation-type merger purchase their shares at a fair price:

一　新設合併契約を承認するための株主総会（種類株主総会を含む。）に先立つて当該新設合併に反対する旨を当該新設合併消滅株式会社商品取引所に対し通知し、かつ、当該株主総会において当該新設合併に反対した株主（当該株主総会において議決権を行使することができるものに限る。）

(i) a shareholder that has notified the incorporated commodity exchange dissolved in a consolidation-type merger that they are against the consolidation-type merger prior to the shareholders meeting (including a general meeting of class shareholders) to approve the consolidation-type merger agreement, and has dissented to the consolidation-type merger at the shareholders meeting (limited to a shareholder that is able to exercise a voting right at the shareholders meeting);

二　当該株主総会において議決権を行使することができない株主

(ii) a shareholder that is not able to exercise a voting right at the shareholders meeting.

２　会社法第八百六条第五項から第九項まで、第八百七条、第八百六十八条第一項、第八百七十条第二項（第二号に係る部分に限る。）、第八百七十条の二、第八百七十一条本文、第八百七十二条（第五号に係る部分に限る。）、第八百七十二条の二、第八百七十三条本文、第八百七十五条及び第八百七十六条の規定は、前項の規定による請求について準用する。この場合において、必要な技術的読替えは、政令で定める。

(2) The provisions of Article 806, paragraphs (5) through (9), Article 807, Article 868, paragraph (1), Article 870, paragraph (2) (limited to the part related to item (ii)), Article 870-2, the main clause of Article 871, Article 872 (limited to the part related to item (v)), Article 872-2, the main clause of Article 873, Article 875, and Article 876 of the Companies Act apply mutatis mutandis to a demand under the provisions of the preceding paragraph. In such a case, the necessary technical replacement of terms is specified by Cabinet Order.

（新株予約権買取請求）

(Demand for Purchase of Share Options)

第百四十四条の十八　新設合併をする場合には、新設合併消滅株式会社商品取引所の新株予約権の新株予約権者は、新設合併消滅株式会社商品取引所に対し、自己の有する新株予約権を公正な価格で買い取ることを請求することができる。

Article 144-18 (1) If a consolidation-type merger is to be implemented, the holder of a share option in the incorporated commodity exchange dissolved in a consolidation-type merger may demand that the incorporated commodity exchange dissolved in a consolidation-type merger purchase their share option at a fair price.

２　会社法第八百八条第五項から第十項まで、第八百九条、第八百六十八条第一項、第八百七十条第二項（第二号に係る部分に限る。）、第八百七十条の二、第八百七十一条本文、第八百七十二条（第五号に係る部分に限る。）、第八百七十二条の二、第八百七十三条本文、第八百七十五条及び第八百七十六条の規定は、前項の規定による請求について準用する。この場合において、必要な技術的読替えは、政令で定める。

(2) The provisions of Article 808, paragraphs (5) through (10), Article 809, Article 868, paragraph (1), Article 870, paragraph (2) (limited to the part related to item (ii)), Article 870-2, the main clause of Article 871, Article 872 (limited to the part related to item (v)), Article 872-2, the main clause of Article 873, Article 875, and Article 876 of the Companies Act apply mutatis mutandis to a demand under the provisions of the preceding paragraph. In such a case, the necessary technical replacement of terms is specified by Cabinet Order.

（準用規定）

(Provisions to be Applied Mutatis Mutandis)

第百四十四条の十九　第百四十四条の十一の規定は、新設合併消滅株式会社商品取引所について準用する。

Article 144-19 The provisions of Article 144-11 apply mutatis mutandis to the incorporated commodity exchange dissolved in a consolidation-type merger.

第三目　新設合併設立株式会社商品取引所の手続
Division 3 Procedures for the Incorporated Commodity Exchange Established by a Consolidation-Type Merger

（株式会社商品取引所の設立の特則）

(Special Provisions on the Establishment of an Incorporated Commodity Exchange)

第百四十四条の二十　会社法第二編第一章（第二十七条（第四号及び第五号を除く。）、第二十九条、第三十一条、第三十七条第三項、第三十九条及び第四十七条から第四十九条までを除く。）の規定は、新設合併設立株式会社商品取引所（会員商品取引所と株式会社商品取引所とが新設合併をする場合における当該新設合併設立株式会社商品取引所に限る。以下この目において同じ。）の設立については、適用しない。

Article 144-20 (1) The provisions of Part II, Chapter I (excluding Article 27 (excluding items (iv) and (v)), Article 29, Article 31, Article 37, paragraph (3), Article 39, and Articles 47 through 49) of the Companies Act do not apply to the establishment of an incorporated commodity exchange established by a

consolidation-type merger (limited to the incorporated commodity exchange established by a consolidation-type merger as a result of a consolidation-type merger between a member commodity exchange and a incorporated commodity exchange; hereinafter the same applies in this Division).

２　新設合併設立株式会社商品取引所の定款は、新設合併消滅商品取引所が作成する。

(2) The articles of incorporation of the incorporated commodity exchange established by a consolidation-type merger are prepared by the commodity exchanges dissolved in a consolidation-type merger.

（新設合併契約に関する書面等の備置き及び閲覧等）

(Keeping and Inspection of Documents Related to Consolidation-Type Merger Agreements)

第百四十四条の二十一　新設合併設立株式会社商品取引所は、その成立の日後遅滞なく、新設合併により新設合併設立株式会社商品取引所が承継した新設合併消滅商品取引所の権利義務その他の新設合併に関する事項として主務省令で定める事項を記載し、又は記録した書面又は電磁的記録を作成しなければならない。

Article 144-21 (1) An incorporated commodity exchange established by a consolidation-type merger must prepare documents or electronic or magnetic records that state or record the particulars of the rights and obligations of the commodity exchanges dissolved in a consolidation-type merger to which the incorporated commodity exchange incorporated in the consolidation-type merger will succeed as a result of the consolidation-type merger and other particulars specified by order of the competent ministry as being related to the consolidation-type merger, without delay after the day of its establishment.

２　新設合併設立株式会社商品取引所は、その成立の日から六月間、前項の書面又は電磁的記録及び新設合併契約の内容その他主務省令で定める事項を記載し、又は記録した書面又は電磁的記録をその本店に備え置かなければならない。

(2) an incorporated commodity exchange established by a consolidation-type merger must keep the documents or electronic or magnetic records referred to in the preceding paragraph and documents or electronic or magnetic records that state or contain the content of the consolidation-type merger agreement and other particulars specified by order of the competent ministry at its head office, during the six-month period beginning from its establishment.

３　新設合併設立株式会社商品取引所の株主及び債権者は、新設合併設立株式会社商品取引所に対して、その営業時間内は、いつでも、次に掲げる請求をすることができる。ただし、第二号又は第四号に掲げる請求をするには、当該新設合併設立株式会社商品取引所の定めた費用を支払わなければならない。

(3) The shareholder or creditor of an incorporated commodity exchange established by a consolidation-type merger may make the following requests to the incorporated commodity exchange established by a consolidation-type merger at any time during its business hours; provided, however, that in

making the request set forth in item (ii) or (iv), the shareholder or creditor must pay the cost specified by the incorporated commodity exchange established by a consolidation-type merger:

一　前項の書面の閲覧の請求

(i) a request to inspect a document referred to in the preceding paragraph;

二　前項の書面の謄本又は抄本の交付の請求

(ii) a request to be issued a certified copy or extract of a document referred to in the preceding paragraph;

三　前項の電磁的記録に記録された事項を主務省令で定める方法により表示したものの閲覧の請求

(iii) a request to inspect a thing that displays the particulars that has been recorded in an electronic or magnetic record referred to in the preceding paragraph by the means specified by order of the competent ministry;

四　前項の電磁的記録に記録された事項を電磁的方法であつて主務省令で定めるものにより提供することの請求又はその事項を記載した書面の交付の請求

(iv) a request to be provided with the information that has been recorded in an electronic or magnetic record referred to in the preceding paragraph by an electronic or magnetic means specified by order of the competent ministry or a request to be issued a document that states the information.

４　新設合併設立株式会社商品取引所は、前項の規定による請求があつたときは、正当な理由がないのにこれを拒んではならない。

(4) If an incorporated commodity exchange established by a consolidation-type merger has received a request under the provisions of the preceding paragraph, it must not refuse the request without legitimate grounds.

第六款　合併の効力の発生等
Subsection 6 Effectuation of Mergers

（合併の認可）

(Authorization of Merger)

第百四十五条　商品取引所を全部又は一部の当事者とする合併（合併後存続する者又は合併により設立される者が商品取引所であるものに限る。）は、主務大臣の認可を受けなければ、その効力を生じない。

Article 145 (1) A merger in which commodity exchanges constitute all or part of the parties (limited to a merger in which the person surviving the merger or the person established by the merger is a commodity exchange) does nover-the-counterome into effect without the authorization of the competent minister.

２　前項の認可を受けようとする者は、合併後存続する商品取引所又は合併により設立される商品取引所（以下「合併後の商品取引所」という。）について次に掲げる事項（合併後の商品取引所が会員商品取引所である場合にあつては、第二号に掲げるものを除く。）を記載した申請書を主務大臣に提出しなければならない。

(2) A person seeking the authorization referred to in the preceding paragraph must submit a written application stating the following particulars concerning the commodity exchange surviving the merger or the commodity exchange established by the merger (hereinafter referred to as the "commodity exchange resulting from a merger") (excluding the particulars set forth in item (ii), if the commodity exchange resulting from a merger is a member commodity exchange) to the competent minister:

一　名称又は商号

(i) their name or trade name

二　資本金の額

(ii) the amount of stated capital

三　事務所又は本店、支店その他の営業所の所在地

(iii) the location of their offices or head office, the branch offices, and other business offices;

四　上場商品又は上場商品指数

(iv) the listed commodity or listed commodity index;

五　役員の氏名又は名称及び住所

(v) the names or trade names and addresses of the officers;

六　会員等の氏名又は商号若しくは名称及び会員等が取引をする商品市場における上場商品又は上場商品指数

(vi) the names or trade names of the members, etc. and the listed commodity or listed commodity index of the commodity market in which the members, etc. will trade.

３　前項の申請書には、合併契約の内容を記載した書面、合併後の商品取引所の定款、業務規程、受託契約準則、紛争処理規程及び市場取引監視委員会規程その他主務省令で定める書面を添付しなければならない。

(3) Documents stating the content of the merger agreement, the articles of incorporation, operational rules, entrustment contract regulations, dispute resolution rules, and market transactions surveillance committee rules for the commodity market resulting from a merger, and documents specified by order of the competent ministry must be attached to the written application referred to in the preceding paragraph.

（認可基準）

(Criteria for Authorization)

第百四十六条　主務大臣は、前条第一項の認可の申請が次に掲げる基準（合併後の商品取引所が会員商品取引所である場合にあつては、第一号及び第六号に掲げるものを除く。）に適合していると認めるときは、認可をしなければならない。

Article 146 (1) If the competent minister finds that an application for the authorization referred to in paragraph (1) of the preceding Article conforms to the following criteria (excluding the criteria set forth in items (i) and (vi), if the

commodity exchange resulting from a merger is a member commodity exchange), the minister must grant the authorization:

一　合併後の商品取引所の資本金の額が第八十条第一項第一号の政令で定める金額以上であること。

(i) the amount of stated capital of the commodity exchange resulting from a merger is at least the amount specified by Cabinet Order as referred to in Article 80, paragraph (1), item (i);

二　申請に係る上場商品又は上場商品指数の先物取引を公正かつ円滑にするために十分な取引量が見込まれることその他上場商品構成品等の取引の状況に照らし、当該先物取引をする商品取引所が合併により存続すること又は当該先物取引をする商品取引所を合併により設立することが当該上場商品構成品等の生産及び流通を円滑にするため必要かつ適当であること。

(ii) the volume of transactions is expected to be sufficient for ensuring fair and smooth futures transactions of the listed commodity or listed commodity index related to the application and in light of the status of transactions of the component products of listed commodities, etc., it is necessary and appropriate for the commodity exchange in which the futures transactions are conducted to survive the merger, or to establish a commodity exchange in which the futures transactions are to be conducted by the merger, in order to facilitate the production and distribution of the component products of listed commodities, etc.;

三　上場商品に係る商品市場を開設しようとする場合にあつては、上場商品構成品の売買等を業として行つている者の取引の状況その他の当該上場商品構成品に係る経済活動の状況に照らして、当該上場商品構成品を一の商品市場で取引することが適当であることとして政令で定める基準に適合すること。

(iii) if the applicant seeks to open a commodity market for a listed commodity, the situation conforms to the criteria specified by Cabinet Order as a situation in which it is appropriate for the component products of listed commodities to be traded on a single commodity market in light of the status of transactions of the persons conducting purchase and sales, etc. of component products of listed commodities in the course of trade, and in light of other circumstances of economic activities related to the component products of listed commodities;

四　二以上の商品指数を一の上場商品指数として商品市場を開設しようとする場合にあつては、当該二以上の商品指数の対象となる物品又は電力の大部分が共通していること。

(iv) if the applicant seeks to open a commodity market with two or more commodity indices as a single listed commodity index, the majority of the goods or electric power underlying those two or more commodity indices are the same;

五　合併後の商品取引所の定款、業務規程、受託契約準則、紛争処理規程及び市場取

引監視委員会規程の規定が法令に違反せず、かつ、定款、業務規程、受託契約準則、紛争処理規程又は市場取引監視委員会規程に規定する取引の方法又は管理、会員等の資格、会員等の数の最高限度を定めた場合におけるその最高限度、特別担保金の預託義務を定めた場合におけるその預託に関する事項その他の事項が適当であつて、商品市場における取引の公正を確保し、及び委託者を保護するため十分であること。

(v) the provisions of the articles of incorporation, operational rules, entrustment contract regulations, dispute resolution rules, and market transactions surveillance committee rules of the commodity exchange resulting from a merger do not violate laws and regulations, and the method or management of trade, qualification of members, etc., maximum number of members, etc. if it is specified, particulars of deposits if the obligation to deposit a special deposit is specified, and other particulars prescribed in the articles of incorporation, operational rules, entrustment contract regulations, dispute resolution rules, and market transactions surveillance committee rules are appropriate and sufficient for ensuring the fairness of transactions in the commodity market and for protecting consignors;

六　合併後の商品取引所が商品市場を適切に運営するに足りる人的構成を有するものであること。

(vi) the commodity exchange resulting from a merger is to have a sufficient personnel structure to appropriately operate the commodity market;

七　合併後の商品取引所が商品取引所としてこの法律の規定に適合するように組織されるものであること。

(vii) the commodity exchange resulting from a merger is to be organized in a manner that conforms to the provisions of this Act as a commodity exchange;

八　合併後の商品取引所において、合併により消滅する商品取引所の開設している商品市場における取引に関する業務の承継が円滑かつ適切に行われる見込みが確実であること。

(viii) it is fully expected that the commodity exchange resulting from a merger will smoothly and appropriately succeed to the business related to transactions in the commodity markets operated by the commodity exchanges that will disappear in the merger.

２　主務大臣は、前条第一項の認可の申請が次の各号のいずれかに該当する場合には、前項の規定にかかわらず、同条第一項の認可をしてはならない。

(2) If an application for the authorization referred to in paragraph (1) of the preceding Article falls under one of the following items, the competent minister must not grant the authorization referred to in that paragraph notwithstanding the provisions of the preceding paragraph:

一　合併後の商品取引所の役員のうちに第十五条第二項第一号イからルまでのいずれかに該当する者があるとき。

(i) the commodity exchange resulting from a merger has a person falling under the person referred to in Article 15, paragraph (2), item (i), sub-items (a)

through (k)as an officer;

二　申請書又はこれに添付すべき書類のうちに重要な事項について虚偽の記載があるとき。

(ii) the written application or documents that are required to be attached to the written application includes a false statement about a material particular.

3　主務大臣は、商品取引所の存続期間（株式会社商品取引所にあつては、株式会社商品取引所としての存続期間）又は商品市場の開設期限が定款（株式会社商品取引所にあつては、業務規程）に記載され、又は記録されている前条第一項の認可の申請があつた場合においては、第一項第二号の基準に代えて、申請に係る上場商品又は上場商品指数の先物取引を公正かつ円滑にするために十分な取引量が見込まれないことその他上場商品構成品等の取引の状況に照らし、当該先物取引をする商品取引所が合併により存続すること又は当該先物取引をする商品取引所を合併により設立することが当該上場商品構成品等の生産及び流通に著しい支障を及ぼし、又は及ぼすおそれがあることに該当しないことを同号の基準とし、当該基準並びに同項第三号及び第四号の基準の適用は、当該存続期間又は開設期限までの間について判断して行うものとする。

(3) If an application is filed for the authorization referred to in paragraph (1) of the preceding Article and the term of existence of the commodity exchange (for a incorporated commodity exchange, its term of existence as an incorporated commodity exchange) or the expiration date of the commodity market is stated or recorded in the articles of incorporation (for an incorporated commodity exchange, its operational rules), the criterion set forth in paragraph (1), item (ii) is replaced by the criteria that the volume of transactions is not expected to fall short in terms of ensuring fair and smooth futures transactions in the listed commodity or listed commodity index which the application concerns, and that, in light of the status of transactions of the component products of listed commodities, etc., the commodity exchange in which the futures transactions are conducted to survive the merger, or a commodity exchange in which the futures transactions are conducted to be established by the merger does not and is not likely to cause significant hindrance to the production and distribution of the component products of listed commodities, etc., and for the application of these criteria and the criteria referred to in items (iii) and (iv) of that paragraph, the competent minister is to make a judgment on those criteria for the term of existence or the term until the expiration date.

4　第十五条第五項から第十一項までの規定は、前条第一項の認可について準用する。この場合において、第十五条第十項中「第三号」とあるのは、「第六号」と読み替えるものとする。

(4) The provisions of Article 15, paragraphs (5) through (11) apply mutatis mutandis to the authorization referred to in paragraph (1) of the preceding Article. In such a case, the term "item (iii)" in Article 15, paragraph (10) is deemed to be replaced with "item (vi)".

（吸収合併の登記）

(Registration of Absorption-type Mergers)

第百四十七条　会員商品取引所が吸収合併をした場合において、吸収合併存続商品取引所が会員商品取引所であるときは、その効力が生じた日から、その主たる事務所の所在地においては二週間以内に、その従たる事務所の所在地においては三週間以内に、吸収合併消滅商品取引所については解散の登記をし、吸収合併存続商品取引所については変更の登記をしなければならない。ただし、従たる事務所の所在地における変更の登記は、吸収合併存続商品取引所について、第二十四条第二項各号に掲げる事項に変更が生じた場合に限り、するものとする。

Article 147 (1) If a member commodity exchange has implemented an absorption-type merger and the commodity exchange surviving an absorption-type merger is a member commodity exchange, it must register the dissolution for the commodity exchange dissolved in an absorption-type merger and register the change for the commodity exchange surviving an absorption-type merger, within two weeks from the day on which the absorption-type merger comes into effect at the locality of the principal office, and within three weeks from that day at the locality of the secondary office; provided, however, that the registration of a change at the locality of the secondary office is to be made only if a particular set forth in one of the items of Article 24, paragraph (2) changes for the commodity exchange surviving an absorption-type merger.

２　会員商品取引所が吸収合併をした場合において、吸収合併存続商品取引所が株式会社商品取引所であるときは、その効力が生じた日から、その主たる事務所及び本店の所在地においては二週間以内に、その従たる事務所及び支店の所在地においては三週間以内に、吸収合併消滅商品取引所については解散の登記をし、吸収合併存続商品取引所については変更の登記をしなければならない。ただし、支店の所在地における変更の登記は、吸収合併存続商品取引所について、会社法第九百三十条第二項各号に掲げる事項に変更が生じた場合に限り、するものとする。

(2) If a member commodity exchange has implemented an absorption-type merger and the commodity exchange surviving an absorption-type merger is a incorporated commodity exchange, it must register the dissolution for the commodity exchange dissolved in an absorption-type merger and register the change for the commodity exchange surviving an absorption-type merger, within two weeks from the day on which the absorption-type merger comes into effect at the locality of the principal office and head office, and within three weeks from that day at the locality of the secondary office and branch offices; provided, however, that the registration of the change at the locality of branch offices is to be made only if a particular set forth in one of the items of Article 930, paragraph (2) of the Companies Act changes for the commodity exchange surviving an absorption-type merger.

（新設合併の登記）

(Registration of Consolidation-Type Mergers)

第百四十七条の二　会員商品取引所が新設合併をする場合において、新設合併設立商品取引所が会員商品取引所であるときは、次の各号に掲げる日のいずれか遅い日から、その主たる事務所の所在地においては二週間以内に、その従たる事務所の所在地においては三週間以内に、新設合併消滅商品取引所については解散の登記をし、新設合併設立商品取引所については設立の登記をしなければならない。この場合における第二十条第二項の適用については、同項中「前項」とあるのは、「新設合併設立商品取引所についての設立」とする。

Article 147-2 (1) If a member commodity exchange is to implement a consolidation-type merger and the commodity exchange established by a consolidation-type merger is a member commodity exchange, it must register the dissolution for the commodity exchange dissolved in a consolidation-type merger and register the establishment for the commodity exchange established by a consolidation-type merger, within two weeks from whichever of the following days is the latest at the locality of the principal office, and within three weeks from that day at the locality of the secondary office. With regard to the application of Article 20, paragraph (2) in such a case, the phrase "referred to in the preceding paragraph" in that paragraph is deemed to be replaced with "for the establishment of the commodity exchange established by a consolidation-type merger":

一　第百四十四条の三第四項の会員総会の決議の日

(i) the day of the resolution of a general meeting of members referred to Article 144-3, paragraph (4)

二　第百四十四条の三第六項において準用する第百二十四条の規定による手続が終了した日

(ii) the day that the procedure under the provisions of Article 124 as applied mutatis mutandis pursuant to Article 144-3, paragraph (6) has been completed;

三　新設合併消滅商品取引所が合意により定めた日

(iii) the day the commodity exchanges dissolved in a consolidation-type merger has decided through an agreement;

四　第百四十五条第一項の認可を受けた日

(iv) the day that the authorization referred to in Article 145, paragraph (1) has been obtained.

２　会員商品取引所が新設合併をする場合において、新設合併設立商品取引所が株式会社商品取引所であるときは、次の各号に掲げる日のいずれか遅い日から、その主たる事務所及び本店の所在地においては二週間以内に、その従たる事務所及び支店の所在地においては三週間以内に、新設合併消滅商品取引所については解散の登記をし、新設合併設立商品取引所については設立の登記をしなければならない。

(2) If a member commodity exchange is to implement a consolidation-type merger and the commodity exchange established by the consolidation-type merger is a

incorporated commodity exchange, it must register the dissolution for the commodity exchange dissolved in the consolidation-type merger and register the establishment for the commodity exchange established by a consolidation-type merger, within two weeks from whichever of the following days is the latest at the locality of the principal office and head office, and within three weeks from that day at the locality of the secondary office and branch offices:

一　第百四十四条の十四第一項の株主総会の決議の日

(i) the day of the resolution of a shareholders meeting referred to in Article 144-14, paragraph (1);

二　新設合併をするために種類株主総会の決議を要するときは、当該決議の日

(ii) if a resolution of a general meeting of class shareholders is required for a consolidation-type merger, the day of that resolution;

三　第百四十四条の十五第一項の規定による通知又は同条第二項の公告をした日から二十日を経過した日

(iii) the day on which 20 days have elapsed since the day the notice under the provisions of Article 144-15, paragraph (1) has been made or the day the public notice referred to in paragraph (2) of that Article has been given;

四　第百四十四条の十九において準用する第百四十四条の十一の手続が終了した日

(iv) the day on which the procedure referred to in Article 144-11 as applied mutatis mutandis pursuant to Article 144-19 has been completed; or

五　前項各号に掲げる日

(v) the days set forth in the items of the preceding paragraph.

（合併の効力の発生等）

(Coming into Effect of a Merger)

第百四十八条　吸収合併存続商品取引所は、効力発生日又は第百四十五条第一項の主務大臣の認可を受けた日のいずれか遅い日に、吸収合併消滅商品取引所の権利義務（当該商品取引所がその行う事業に関し、行政庁の許可、認可その他の処分に基づいて有する権利義務を含む。第三項において同じ。）を承継する。

Article 148 (1) A commodity exchange surviving an absorption-type merger succeeds to the rights and obligations of a commodity exchange dissolved in an absorption-type merger (including rights and obligations that are based on permission, license, authorization, or any other disposition by an administrative agency in relation to the business conducted by the commodity exchange; the same applies in paragraph (3)) on the effective date or on the day it obtains the authorization of the competent minister referred to in Article 145, paragraph (1), whichever is later.

２　吸収合併消滅商品取引所の吸収合併による解散は、吸収合併の登記の後でなければ、これをもつて第三者に対抗することができない。

(2) The dissolution of the commodity exchange dissolved in an absorption-type merger as a result of an absorption-type merger may not be asserted against a

third party until after the absorption-type merger has been registered.

3　新設合併設立商品取引所は、その成立の日に、新設合併消滅商品取引所の権利義務を承継する。

(3) A commodity exchange established in a consolidation-type merger succeeds to the rights and obligations of the commodity exchanges dissolved in a consolidation-type merger on the day of its establishment.

4　次の各号に掲げる規定に規定する場合には、吸収合併消滅会員商品取引所若しくは新設合併消滅会員商品取引所の会員又は新設合併消滅株式会社商品取引所の株主は、吸収合併の効力が生じた日又は新設合併設立株式会社商品取引所の成立の日に、当該各号に定める事項についての定めに従い、次の各号に掲げる規定の株式の株主となる。

(4) In the cases prescribed in the provisions set forth in the following items, the member of a member commodity exchange dissolved in an absorption-type merger or a member commodity exchange dissolved in a consolidation-type merger, or the shareholder of a incorporated commodity exchange dissolved in a consolidation-type merger becomes a shareholder of the shares under the provisions set forth in each of the following item in accordance with the provisions with regard to the particulars set forth in each item, on the day on which the absorption-type merger comes into effect or the day of the establishment of the incorporated commodity exchange established in a consolidation-type merger:

一　第百四十二条第二号イ　同条第三号に掲げる事項

(i) the provisions of Article 142, item (ii), (a): the particulars set forth in item (iii) of that Article; or

二　第百四十三条第一項第六号　同項第七号に掲げる事項

(ii) the provisions of Article 143, paragraph (1), item (vi): the particulars set forth in item (vii) of that paragraph.

5　新設合併消滅株式会社商品取引所の新株予約権は、新設合併設立株式会社商品取引所の成立の日に、消滅する。

(5) A share option in an incorporated commodity exchange dissolved in a consolidation-type merger extinguishes on the day of the establishment of the incorporated commodity exchange established by a consolidation-type merger.

第百四十九条　第百四十五条第一項の認可を受けて設立された者は、当該設立の時に、第九条又は第七十八条の許可を受けたものとみなす。

Article 149 (1) An entity that is established by obtaining the authorization referred to in Article 145, paragraph (1) is deemed to have obtained the permission referred to in Article 9 or the license referred to in Article 78 at the time of the establishment.

2　合併後の商品取引所は、吸収合併消滅商品取引所又は新設合併消滅商品取引所の商品市場において成立した取引であつて決済を結了していないものがあるときは、当該取引に係る商品市場と同一の商品市場（政令で定める同種の商品市場を含む。）を開

設する場合を除き、当該取引の決済を結了する目的の範囲内において、吸収合併消滅商品取引所又は新設合併消滅商品取引所の商品市場と同一の商品市場を開設しなければならない。

(2) If there are transactions that have been closed on the commodity market of a commodity exchange dissolved in an absorption-type merger or commodity exchange dissolved in a consolidation-type merger, whose settlement has not been completed, unless the commodity exchange resulting from a merger opens a commodity market that is the same as the commodity market related to those transactions (including the same type of commodity market specified by Cabinet Order), the commodity exchange resulting from a merger must open a commodity market that is the same as that of the commodity exchange dissolved in an absorption-type merger or commodity exchange dissolved in a consolidation-type merger, to the extent required to complete the settlement of those transactions.

３　第五条第一項の規定は、合併後の商品取引所が前項の規定により商品市場を開設する場合には、適用しない。

(3) The provisions of Article 5, paragraph (1) do not apply if the commodity exchange resulting from a merger opens a commodity market pursuant to the provisions of the preceding paragraph.

４　吸収合併消滅商品取引所又は新設合併消滅商品取引所の商品市場において成立した取引であつて決済を結了していないものは、合併後の商品取引所の当該商品市場と同一の商品市場（政令で定める同種の商品市場を含む。）において同一の条件で成立した取引とみなす。

(4) Transactions that have been closed on the commodity market of the commodity exchange dissolved in an absorption-type merger or commodity exchange dissolved in a consolidation-type merger, and whose settlement has not been completed, are deemed to be transactions that have been closed on the same commodity market as that of the commodity exchange resulting from a merger (including the same type of commodity market specified by Cabinet Order) under the same conditions.

（一に満たない端数の処理等）

(Treatment of Fractions)

第百五十条　会社法第二百三十四条第一項から第五項まで、第八百六十八条第一項、第八百六十九条、第八百七十一条、第八百七十四条（第四号に係る部分に限る。）、第八百七十五条及び第八百七十六条の規定は、第百四十二条の吸収合併及び第百四十三条第一項の新設合併について準用する。この場合において、必要な技術的読替えは、政令で定める。

Article 150 The provisions of Article 234, paragraphs (1) through (5), Article 868, paragraph (1), Article 869, Article 871, Article 874 (limited to the part related to item (iv)), Article 875, and Article 876 of the Companies Act apply mutatis

mutandis to the absorption-type merger referred to in Article 142 and the consolidation-type merger referred to in Article 143, paragraph (1). In such a case, the necessary technical replacement of terms is specified by Cabinet Order.

（株券等の提出）
(Submission of Share Certificates)

第百五十一条　会社法第二百十九条第一項（第六号に係る部分に限る。）、第二項（第四号に係る部分に限る。）及び第三項、第二百二十条並びに第二百九十三条第一項（第三号に係る部分に限る。）、第二項（第四号に係る部分に限る。）、第三項及び第五項の規定は、新設合併消滅株式会社商品取引所について準用する。この場合において、必要な技術的読替えは、政令で定める。

Article 151 (1) The provisions of Article 219, paragraph (1) (limited to the part related to item (vi)), paragraph (2) (limited to the part related to item (iv)), and paragraph (3), Article 220, Article 293, paragraph (1) (limited to the part related to item (iii)) and paragraph (2) (limited to the part related to item (iv)), paragraph (3) and paragraph (5)of the Companies Act apply mutatis mutandis to the incorporated commodity exchange dissolved in a consolidation-type merger. In such a case, the necessary technical replacement of terms is specified by Cabinet Order.

２　会社法第九百四十条第一項（第一号に係る部分に限る。）及び第三項の規定は新設合併消滅株式会社商品取引所が同法第九百三十九条第一項第三号に掲げる方法により前項において準用する同法第二百十九条第一項又は第二百九十三条第一項の規定による公告をする場合について、同法第九百四十条第一項（第三号に係る部分に限る。）及び第三項の規定は新設合併消滅株式会社商品取引所が同法第九百三十九条第一項第三号に掲げる方法により前項において準用する同法第二百二十条第一項（前項において準用する同法第二百九十三条第五項において準用する場合を含む。）の規定による公告をする場合について、それぞれ準用する。この場合において、必要な技術的読替えは、政令で定める。

(2) The provisions of Article 940, paragraph (1) (limited to the part related to item (i)) and paragraph (3) of the Companies Act apply mutatis mutandis if an incorporated commodity exchange dissolved in a consolidation-type merger issues the public notice under the provisions of Article 219, paragraph (1) or Article 293, paragraph (1) of that Act as applied mutatis mutandis pursuant to the preceding paragraph by the means set forth in Article 939, paragraph (1), item (iii) of that Act; the provisions of Article 940, paragraph (1) (limited to the part related to item (iii)) and paragraph (3) apply mutatis mutandis if an incorporated commodity exchange dissolved in a consolidation-type merger issues the public notice under the provisions of Article 220, paragraph (1) of that Act (including as applied mutatis mutandis pursuant to Article 293, paragraph (5) of that Act, as applied mutatis mutandis pursuant to the

preceding paragraph) as applied mutatis mutandis pursuant to the preceding paragraph by the means set forth in Article 939, paragraph (1), item (iii) of that Act. In such a case, the necessary technical replacement of terms is specified by Cabinet Order.

３　会社法第百五十四条第二項（第三号に係る部分に限る。）及び第二百七十二条第三項（第三号に係る部分に限る。）の規定は、新設合併設立株式会社商品取引所について準用する。この場合において、必要な技術的読替えは、政令で定める。

(3) The provisions of Article 154, paragraph (2) (limited to the part related to item (iii)) and Article 272, paragraph (3) (limited to the part related to item (iii)) of the Companies Act apply mutatis mutandis to an incorporated commodity exchange established by a consolidated-type merger. In such a case, the necessary technical replacement of terms is specified by Cabinet Order.

（商業登記法の準用）

(Application, Mutatis Mutandis of the Commercial Registration Act)

第百五十二条　商業登記法第七十九条、第八十条（第二号、第六号、第九号及び第十号を除く。）、第八十一条（第三号、第六号、第九号及び第十号を除く。）、第八十二条及び第八十三条の規定は、第百三十九条第二項第一号に掲げる場合における合併による会員商品取引所の登記について準用する。この場合において、同法第七十九条中「商号及び本店」とあるのは「名称及び主たる事務所」と、同法第八十条第四号中「資本金の額」とあるのは「出資の総額」と、同条第五号及び同法第八十一条第五号中「本店」とあるのは「事務所」と、同法第八十条第七号中「吸収合併消滅会社が持分会社であるときは、総社員の同意（定款に別段の定めがある場合にあつては、その定めによる手続）があつたことを証する書面」とあるのは「吸収合併をする会員商品取引所の合併会員総会の議事録」と、同法第八十一条中「次の書面」とあるのは「次の書面及び代表権を有する者の資格を証する書面」と、同条第七号中「新設合併消滅会社が持分会社であるときは、総社員の同意（定款に別段の定めがある場合にあつては、その定めによる手続）があつたことを証する書面」とあるのは「新設合併消滅会員商品取引所の合併会員総会の議事録」と、同法第八十二条第二項から第四項まで及び第八十三条中「本店」とあるのは「主たる事務所」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

Article 152 (1) The provisions of Article 79, Article 80 (excluding items (ii), (vi), (ix), and (x)), Article 81 (excluding items (iii), (vi), (ix), and (x)), Article 82, and Article 83 of the Commercial Registration Act apply mutatis mutandis to the registration of a member commodity exchange as the result of a merger in a case set forth in Article 139, paragraph (2), item (i). In such a case, the phrase "trade name and the head office" in Article 79 of that Act is deemed to be replaced with "name and the principal office"; the term "amount of stated capital" in Article 80, item (iv) of that Act is deemed to be replaced with "total amount of contribution"; the term "head office" in item (v) of that Article and Article 81, item (v) of that Act is deemed to be replaced with "office"; the

phrase "when a company dissolved in an absorption-type merger is a membership company, a document proving the consent of all members (if special provisions exist in the articles of incorporation, the procedures under those provisions)" in Article 80, item (vii) of that Act is deemed to be replaced with "minutes of the general meeting of members regarding the merger of the member commodity exchange implementing the absorption-type merger"; the term "the following documents" in Article 81 of that Act is deemed to be replaced with "the following documents and a document proving the qualification of the person with the authority of representation"; the phrase "when a company dissolved in an incorporation-type merger is a membership company, a document proving the consent of all members (if special provisions exist in the articles of incorporation, the procedure under such provisions)" in item (vii) of that Article is deemed to be replaced with "minutes of the general meeting regarding the merger of the member commodity exchange dissolved in a consolidation-type merger"; the term "the head office" in Article 82, paragraphs (2) through (4) and Article 83 of that Act is deemed to be replaced with "the principal office"; any other necessary technical replacement of terms is specified by Cabinet Order.

２　商業登記法第七十九条、第八十条（第六号、第九号及び第十号を除く。）及び第八十一条から第八十三条までの規定は、第百三十九条第二項第二号に掲げる場合における合併による会員商品取引所及び株式会社商品取引所の登記について準用する。この場合において、同法第七十九条中「商号及び本店」とあるのは「名称又は商号及び主たる事務所又は本店」と、同法第八十条第五号中「本店」とあるのは「事務所」と、同条第七号中「吸収合併消滅会社が持分会社であるときは、総社員の同意（定款に別段の定めがある場合にあつては、その定めによる手続）があつたことを証する書面」とあるのは「吸収合併消滅会員商品取引所の合併会員総会の議事録」と、同法第八十一条第五号中「本店」とあるのは「本店又は事務所」と、同条第七号中「新設合併消滅会社が持分会社であるときは、総社員の同意（定款に別段の定めがある場合にあつては、その定めによる手続）があつたことを証する書面」とあるのは「新設合併消滅会員商品取引所の合併会員総会の議事録」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

(2) The provisions of Article 79, Article 80 (excluding items (vi), (ix), and (x)), and Articles 81 through 83 of the Commercial Registration Act apply mutatis mutandis to the registration of a member commodity exchange or incorporated commodity exchange as the result of a merger in a case set forth in Article 139, paragraph (2), item (ii). In such a case, the phrase "trade name and the head office" in Article 79 of that Act is deemed to be replaced with "name and the principal office or the head office"; the term "head office" in Article 80, item (v) of that Act is deemed to be replaced with "office"; the phrase "when a company dissolved in an absorption-type merger is a membership company, a document proving the consent of all members (if special provisions exist in the articles of

incorporation, the procedure under those provisions)" in item (vii) of that Article is deemed to be replaced with "the minutes of the general meeting of members regarding the merger of the member commodity exchange surviving an absorption-type merger"; the term "head office" in Article 81, item (v) of that Act is deemed to be replaced with "head office or office"; the phrase "when a company dissolved in an incorporation-type merger is a membership company, a document proving the consent of all members (if special provisions exist in the articles of incorporation, the procedure under those provisions)" in item (vii) of that Article is deemed to be replaced with "the minutes of the general meeting of members regarding the merger of the member commodity exchange dissolved in a consolidation-type merger"; any other necessary technical replacement of terms is specified by Cabinet Order.

（合併の無効の訴え）

(Action to Invalidate a Merger)

第百五十三条　会社法第八百二十八条第一項（第七号及び第八号に係る部分に限る。）及び第二項（第七号及び第八号に係る部分に限る。）、第八百三十四条（第七号及び第八号に係る部分に限る。）、第八百三十五条第一項、第八百三十六条から第八百三十九条まで、第八百四十三条（第一項第三号及び第四号並びに第二項ただし書を除く。）、第八百四十六条並びに第九百三十七条第三項（第二号及び第三号に係る部分に限る。）及び第四項の規定は第百三十九条第一項の合併の無効の訴えについて、同法第八百六十八条第六項、第八百七十条第二項（第六号に係る部分に限る。）、第八百七十条の二、第八百七十一条本文、第八百七十二条（第五号に係る部分に限る。）、第八百七十二条の二、第八百七十三条本文、第八百七十五条及び第八百七十六条の規定はこの条において準用する同法第八百四十三条第四項の申立てについて、それぞれ準用する。この場合において、同法第九百三十七条第三項中「各会社の本店」とあるのは「各株式会社商品取引所の本店又は各会員商品取引所の主たる事務所」と、同条第四項中「第九百三十条第二項各号」とあるのは「第九百三十条第二項各号又は商品先物取引法第二十四条第二項各号」と、「各会社の支店」とあるのは「各株式会社商品取引所の支店又は各会員商品取引所の従たる事務所」と読み替えるものとする。

Article 153 The provisions of Article 828, paragraph (1) (limited to the part related to item (vii) and item (viii)) and paragraph (2) (limited to the part related to item (vii) and item (viii)), Article 834 (limited to the part related to item (vii) and item (viii)), Article 835, paragraph (1), Articles 836 through 839, Article 843 (excluding paragraph (1), item (iii) and item (iv) and the proviso to paragraph (2)), Article 846, and Article 937, paragraph (3) (limited to the part related to item (ii) and item (iii)) and paragraph (4) of the Companies Act apply mutatis mutandis to an action to invalidate a merger referred to in Article 139, paragraph (1); the provisions of Article 868, paragraph (6), Article 870, paragraph (2) (limited to the part related to item (vi)), Article 870-2, the main clause of Article 871, Article 872 (limited to the part related to item (v)),

Article 872-2, the main clause of Article 873, Article 875, and Article 876 of that Act apply mutatis mutandis to a petition referred to in Article 843, paragraph (4) of that Act as applied mutatis mutandis pursuant to this Article. In such a case, the phrase "the head office of each company" in Article 937, paragraph (3) of that Act is deemed to be replaced with "the head office of each incorporated commodity exchange or the principal office of each member commodity exchange"; the phrase "the respective items of Article 930, paragraph (2)" in paragraph (4) of that Article is deemed to be replaced with "the items of Article 930, paragraph (2) of the Companies Act or the items of Article 24, paragraph (2) of the Commodity Derivatives Transaction Act" and the phrase "the branch offices of each company" in that paragraph is deemed to be replaced with "the branch offices of each incorporated commodity exchange or the secondary offices of each member commodity exchange".

（政令等への委任）

(Delegation to Cabinet Order)

第百五十四条　この法律に定めるもののほか、商品取引所の合併に関し必要な事項は、政令で定める。

Article 154 (1) Beyond what is provided for in this Act, necessary particulars for the merger of commodity exchanges are specified by Cabinet Order.

２　合併に際して資本準備金として計上すべき額その他合併に際しての計算に関し必要な事項は、主務省令で定める。

(2) The amount that is required to be reported as capital reserves at the time of a merger and other necessary particulars for the calculation at the time of a merger are specified by order of the competent ministry.

第七節　監督

Section 7 Supervision

（定款の変更）

(Changes to the Articles of Incorporation)

第百五十五条　商品取引所の定款の変更は、主務大臣の認可を受けなければ、その効力を生じない。

Article 155 (1) Changes to the articles of incorporation of a commodity exchange does not come into effect without the authorization of the competent minister.

２　商品取引所は、前項の認可を受けようとするときは、申請書に主務省令で定める書類を添付して、主務大臣に提出しなければならない。

(2) If a commodity exchange seeks the authorization referred to in the preceding paragraph, it must submit a written application by attaching the documents specified by order of the competent ministry to the competent minister.

３　主務大臣は、会員商品取引所から第一項の認可の申請があつた場合において、当該

申請が次の各号に掲げる区分に応じ、当該各号に定める基準に適合していると認めるときは、認可をしなければならない。

(3) If an application is filed by a member commodity exchange for the authorization referred to in paragraph (1) and the competent minister finds the application to conform to the criteria prescribed in each of the following items in accordance with the category set forth in that item, the minister must grant the authorization:

一　商品市場の開設に係るもの（次号に掲げるものを除く。）　次に掲げる基準

(i) an application concerning the operation of a commodity market (other than what is set forth in the following item): the following criteria:

イ　当該商品市場を開設しようとする会員商品取引所の会員であつて当該商品市場において取引をしようとするもの及び当該会員商品取引所の会員になろうとする者であつて当該商品市場において取引をしようとするもの（その出資の全額の払込みが終了した者に限る。）の合計数が二十人以上であり、かつ、その過半数の者が第十条第二項各号に定める者であること。

(a) the total number of members of the member commodity exchange seeking to open the commodity market who seek to trade on that commodity market, and the persons that seek to become members of the member commodity exchange and trade on the commodity market (limited to those that have finished paying the full amount of their contribution) is 20 or more and the majority of them are persons specified in the items of Article 10, paragraph (2);

ロ　第十五条第一項第一号から第四号までに掲げる基準

(b) the criteria set forth in Article 15, paragraph (1), items (i) through (iv);

二　期限付商品市場（定款に存続期間が記載され、若しくは記録されている会員商品取引所の商品市場又は定款に開設期限が記載され、若しくは記録されている商品市場をいう。以下この条において同じ。）の開設に係るもの　次に掲げる基準

(ii) an application concerning the opening of a fixed-term commodity market (meaning the commodity market of a member commodity exchange whose term of existence is stated or recorded in the articles of incorporation, or a commodity market whose expiration date is stated or recorded in the articles of incorporation; hereinafter the same applies in this Article): the following criteria:

イ　前号イに掲げる基準

(a) the criteria set forth in (a) of the preceding item;

ロ　申請に係る上場商品又は上場商品指数の先物取引を公正かつ円滑にするために十分な取引量が見込まれないことその他上場商品構成品等の取引の状況に照らし、当該先物取引をする商品市場を開設することが当該上場商品構成品等の生産及び流通に著しい支障を及ぼし、又は及ぼすおそれがあることに該当しないこと。

(b) the volume of transactions is not expected to fall short in terms of ensuring fair and smooth futures transactions in the listed commodity or

listed commodity index that the application concerns, and in light of the status of transactions of the component products of listed commodities, etc., opening a commodity market in which the futures transactions are conducted does not and is not likely to significantly hinder the production or distribution of the component products of listed commodities, etc.;

ハ　第十五条第一項第二号から第四号までに掲げる基準

(c) the criteria set forth in Article 15, paragraph (1), items (ii) through (iv);

三　商品市場（期限付商品市場を除く。）における上場商品若しくは上場商品指数の範囲の変更（範囲変更期間が定められているものを除く。）又は会員商品取引所の存続期間、商品市場の開設期限若しくは範囲変更期間の廃止に係るもの　第十五条第一項第一号から第四号までに掲げる基準

(iii) an application concerning a change of scope of a listed commodity or listed commodity index (limited to those for which the term for a change of scope is specified) of a commodity market (excluding a fixed-term commodity market) or the abolition of the term of existence of a member commodity exchange, the expiration date of a commodity market, or the term for a change of scope: the criteria set forth in Article 15, paragraph (1), items (i) through (iv);

四　商品市場（期限付商品市場を除く。）における上場商品若しくは上場商品指数の範囲の変更（範囲変更期間が定められているものに限る。）、期限付商品市場における上場商品若しくは上場商品指数の範囲の変更又は会員商品取引所の存続期間、商品市場の開設期限若しくは範囲変更期間の変更に係るもの　次に掲げる基準

(iv) an application concerning a change of scope of a listed commodity or listed commodity index (limited to those for which the term for a change of scope is specified) of a commodity market (excluding a fixed-term commodity market), or a change of scope of a listed commodity or a listed commodity index on a fixed-term commodity market, or to a change of the term of existence of a member commodity exchange, the expiration date of a commodity market, or the term for a change of scope: the following criteria:

イ　申請に係る上場商品又は上場商品指数の先物取引を公正かつ円滑にするために十分な取引量が見込まれないことその他上場商品構成品等の取引の状況に照らし、当該上場商品若しくは上場商品指数の範囲の変更又は当該先物取引をする会員商品取引所の存続期間、商品市場の開設期限若しくは範囲変更期間の変更を行うことが当該上場商品構成品等の生産及び流通に著しい支障を及ぼし、又は及ぼすおそれがあることに該当しないこと。

(a) the volume of transactions is not expected to fall short in terms of ensuring fair and smooth futures transactions in the listed commodity or listed commodity index which the application concerns, and, in light of the status of transactions of the component products of listed commodities, etc., the change of scope of a listed commodity or a listed commodity index or the change of the term of existence of the member commodity exchange, the expiration date of the commodity market, or the change of the term for

a change of scope does not and is not likely to cause significant hindrance to the production or distribution of the component products of listed commodities, etc.;

ロ　第十五条第一項第二号から第四号までに掲げる基準

(b) the criteria set forth in Article 15, paragraph (1), items (ii) through (iv);

五　前各号に掲げるもの以外のもの　第十五条第一項第四号に掲げる基準

(v) beyond what is set forth in the preceding items: the criteria set forth in Article 15, paragraph (1), item (iv).

4　主務大臣は、株式会社商品取引所から第一項の認可の申請があつた場合において、当該申請が第八十条第一項第六号に掲げる基準に適合していると認めるときは、認可をしなければならない。

(4) If an application is filed by an incorporated commodity exchange for the authorization under paragraph (1) and the competent minister finds that the application conforms to the criteria set forth in Article 80, paragraph (1), item (vi), the minister must grant the authorization.

5　主務大臣は、会員商品取引所についての第一項の認可をする場合においては、第三項第二号ロ及びハ（第十五条第一項第四号に係る部分を除く。）並びに第三項第四号イ及びロ（同条第一項第四号に係る部分を除く。）に掲げる基準の適用については、当該基準を適用すべき申請に係る会員商品取引所の存続期間、商品市場の開設期限までの間又は範囲変更期間について判断して行うものとする。

(5) Before granting the authorization referred to in paragraph (1) to a member commodity exchange, the competent minister is to apply the criteria set forth in paragraph (3), item (ii), (b) and (c) (excluding the part related to Article 15, paragraph (1), item (iv)) and paragraph (3), item (iv), (a) and (b) (excluding the part related to paragraph (1), item (iv) of that Article) to make a judgment for the term of existence of the member commodity exchange, the term until the expiration date of the commodity market, or the term for a change of scope.

6　会員商品取引所についての第一項の認可であつて次の各号に掲げる事項に係るものについては、当該各号に定める規定を準用する。

(6) The provisions prescribed in the following items apply mutatis mutandis to the authorization referred to in paragraph (1) for a member commodity exchange, with regard to the particular set forth in the relevant item:

一　商品市場の開設若しくは商品市場に関する第十一条第二項第十三号に掲げる事項の変更（次号に掲げるものを除く。）、会員商品取引所の存続期間、商品市場の開設期限若しくは範囲変更期間の廃止又は会員の数の最高限度の設定、変更若しくは廃止　第十五条第五項から第九項までの規定

(i) the opening of a commodity market, a change to a particular set forth in Article 11, paragraph (2), item (xiii) for a commodity market (other than what is set forth in the following item), the abolition of the term of existence of a member commodity exchange, the expiration date of a commodity market, or the term for a change of scope, or the establishment of, a change to, or the

abolition of the maximum number of members: the provisions of Article 15, paragraphs (5) through(9);

二　商品市場（期限付商品市場を除く。）における上場商品若しくは上場商品指数の範囲の変更（範囲変更期間が定められているものに限る。）、期限付商品市場の開設若しくは期限付商品市場における上場商品若しくは上場商品指数の範囲の変更又は会員商品取引所の存続期間、商品市場の開設期限若しくは範囲変更期間の変更　第十五条第五項から第十一項までの規定

(ii) a change of scope of a listed commodity or listed commodity index (limited to those for which the term for a change of scope is specified) of a commodity market (excluding a fixed-term commodity market), the opening of a fixed-term commodity market, or a change of scope of a listed commodity or a listed commodity index of a fixed-term commodity market, or a change in the term of existence of a member commodity exchange, the expiration date of a commodity market, or the term for a change of scope: the provisions of Article 15, paragraphs (5) through (11).

7　主務大臣は、会員商品取引所の存続期間、商品市場の開設期限又は範囲変更期間の廃止に係る第一項の認可に当たつては、当該認可までの間の当該会員商品取引所又は当該商品市場における取引の状況について勘案しなければならない。

(7) In granting the authorization referred to in paragraph (1) related to the abolition of the term of existence of a member commodity exchange, the expiration date of a commodity market, or the term for a change of scope, the competent minister must take into consideration the status of transactions in the member commodity exchange or the commodity market during the period that the authorization is being considered.

8　主務大臣は、第一項の認可の申請が上場商品又は上場商品指数の範囲の変更に係るものである場合においては、第三百五十二条（第八号に係る部分に限る。）の規定による公示があつた日から三月を経過した後でなければ、同項の認可をしてはならない。

(8) If an application for the authorization referred to in paragraph (1) is related to a change of scope of a listed commodity or listed commodity index, the competent minister must not grant the authorization referred to in that paragraph until after three months have elapsed since the day of the public notice under the provisions of Article 352 (limited to the part related to item (viii).

（業務規程、受託契約準則、紛争処理規程又は市場取引監視委員会規程の変更）

(Changes to the Operational Rules, Entrustment Contract Regulations, Dispute Resolution Rules, or Market Transactions Surveillance Committee Rules)

第百五十六条　商品取引所の業務規程、受託契約準則、紛争処理規程又は市場取引監視委員会規程の変更は、主務大臣の認可を受けなければ、その効力を生じない。ただし、業務規程の軽微な変更であつて主務省令で定めるものについては、この限りでない。

Article 156 (1) A change to the operational rules, entrustment contract regulations, dispute resolution rules, or market transactions surveillance committee rules of a commodity exchange does not come into effect without the authorization of the competent minister; provided, however, that this does not apply to minor changes to the operational rules provided for by order of the competent ministry.

２　商品取引所は、前項の認可を受けようとするときは、申請書に主務省令で定める書類を添付して、主務大臣に提出しなければならない。

(2) If a commodity exchange seeks the authorization referred to in the preceding paragraph, it must submit a written application by attaching the documents specified by order of the competent ministry to the competent minister.

３　商品取引所は、第一項ただし書の主務省令で定める軽微な変更をしたときは、遅滞なく、その旨を主務大臣に届け出なければならない。

(3) If a commodity market makes a minor change provided for by order of the competent ministry which is referred to in the proviso to paragraph (1), it must notify the competent minister of this without delay.

４　主務大臣は、第一項の認可の申請（株式会社商品取引所の業務規程に係るものを除く。）が次の各号に掲げる区分に応じて当該各号に定める基準に適合していると認めるときは、認可をしなければならない。

(4) If the competent minister finds that an application for the authorization referred to in paragraph (1) (excluding one related to the operational rules of an incorporated commodity exchange) conforms to the criteria prescribed in each of the following items in accordance with the category set forth in that item, the minister must grant the authorization:

一　会員商品取引所に係るもの　第十五条第一項第四号に掲げる基準

(i) an application concerning a member commodity exchange: the criteria set forth in Article 15, paragraph (1), item (iv); and

二　株式会社商品取引所に係るもの　第八十条第一項第六号に掲げる基準

(ii) an application concerning an incorporated commodity exchange: the criteria set forth in Article 80, paragraph (1), item (vi).

５　主務大臣は、第一項の認可の申請が株式会社商品取引所の業務規程に係るものである場合においては、当該申請が次の各号に掲げる区分に応じ、当該各号に定める基準に適合していると認めるときは、認可をしなければならない。

(5) If the competent minister finds that an application for the authorization referred to in paragraph (1) related to the operational rules of an incorporated commodity exchange conforms to the criteria prescribed in each of the following items in accordance with the category set forth in that item, the minister must grant the authorization:

一　商品市場の開設に係るもの（次号に掲げるものを除く。）　第八十条第一項第二号から第六号までに掲げる基準

(i) an application concerning the opening of a commodity market (other than

what is set forth in the following item): the criteria set forth in Article 80, paragraph (1), items (ii) through (vi);

二　期限付商品市場（業務規程に存続期間が記載され、若しくは記録されている株式会社商品取引所の商品市場又は業務規程に開設期限が記載され、若しくは記録されている商品市場をいう。以下この条において同じ。）の開設に係るもの　次に掲げる基準

(ii) an application concerning the opening of a fixed-term commodity market (meaning the commodity market of an incorporated commodity exchange whose term of existence is stated or recorded in its operational rules, or a commodity market whose expiration date is stated or recorded in its operational rules; hereinafter the same applies in this Article): the following criteria:

イ　申請に係る上場商品又は上場商品指数の先物取引を公正かつ円滑にするために十分な取引量が見込まれないことその他上場商品構成品等の取引の状況に照らし、当該先物取引をする商品市場を開設することが当該上場商品構成品等の生産及び流通に著しい支障を及ぼし、又は及ぼすおそれがあることに該当しないこと。

(a) the volume of transactions is not expected to fall short in terms of ensuring fair and smooth futures transactions in the listed commodity or listed commodity index that the application concerns, and, in light of the status of transactions of the component products of listed commodities, etc., the opening of a commodity market in which the futures transactions are conducted does not and is not likely to cause significant hindrance to the production or distribution of the component products of listed commodities, etc.;

ロ　第八十条第一項第二号及び第四号から第六号までに掲げる基準

(b) the criteria set forth in Article 80, paragraph (1), item (ii) and items (iv) through (vi).

三　商品市場（期限付商品市場を除く。）における上場商品若しくは上場商品指数の範囲の変更（範囲変更期間が定められているものを除く。）又は株式会社商品取引所としての存続期間、商品市場の開設期限若しくは範囲変更期間の廃止に係るもの　第八十条第一項第三号から第六号までに掲げる基準

(iii) an application that concerns a change in the scope of a listed commodity or listed commodity index (limited to those for which the term for a change of scope is specified) of a commodity market (excluding a fixed-term commodity market), or the abolition of the term of existence as an incorporated commodity exchange, the expiration date of a commodity market, or the term for a change of scope: the criteria set forth in Article 80, paragraph (1), items (iii) through (vi);

四　商品市場（期限付商品市場を除く。）における上場商品若しくは上場商品指数の範囲の変更（範囲変更期間が定められているものに限る。）、期限付商品市場における上場商品若しくは上場商品指数の範囲の変更又は株式会社商品取引所としての

存続期間、商品市場の開設期限若しくは範囲変更期間の変更に係るもの　次に掲げる基準

(iv) an application that concerns a change in the scope of a listed commodity or listed commodity index (limited to those for which the term for a change of scope is specified) of the commodity market (excluding a fixed-term commodity market), a change in the scope of a listed commodity or listed commodity index on a fixed-term commodity market, or a change of the term of existence as an incorporated commodity exchange, the expiration date of a commodity market, or the term for a change of scope: the following criteria:

イ　申請に係る上場商品又は上場商品指数の先物取引を公正かつ円滑にするために十分な取引量が見込まれないことその他上場商品構成品等の取引の状況に照らし、当該上場商品若しくは上場商品指数の範囲の変更又は当該先物取引をする株式会社商品取引所としての存続期間、商品市場の開設期限若しくは範囲変更期間の変更を行うことが当該上場商品構成品等の生産及び流通に著しい支障を及ぼし、又は及ぼすおそれがあることに該当しないこと。

(a) the volume of transactions is not expected to fall short in terms of ensuring fair and smooth futures transactions in the listed commodity or listed commodity index that the application concerns, and, in light of the status of transactions of the component products of listed commodities, etc., the change in the scope of the listed commodity or listed commodity index, the change in the term of existence as an incorporated commodity exchange in which the futures transactions are conducted, the change in the expiration date of the commodity market, or the change in the term for a change of scope does not and is not likely to cause significant hindrance to the production or distribution of the component products of listed commodities, etc.;

ロ　第八十条第一項第四号から第六号までに掲げる基準

(b) the criteria set forth in Article 80, paragraph (1), items (iv) through (vi).

五　前各号に掲げるもの以外のもの　第八十条第一項第六号に掲げる基準

(v) an application other than one set forth in the preceding items: the criteria set forth in Article 80, paragraph (1), item (vi).

6　主務大臣は、第一項の認可の申請が株式会社商品取引所の業務規程に係るものである場合においては、前項第二号イ及びロ（第八十条第一項第二号及び第六号に係る部分を除く。）並びに前項第四号イ及びロ（同条第一項第六号に係る部分を除く。）に掲げる基準の適用については、当該基準を適用すべき申請に係る株式会社商品取引所としての存続期間、商品市場の開設期限までの間又は範囲変更期間について判断して行うものとする。

(6) If an application for the authorization referred to in paragraph (1) concerns the operational rules of an incorporated commodity exchange, the competent minister is to apply the criteria set forth in item (ii), (a) and (b) of the preceding paragraph (excluding the part related to Article 80, paragraph (1),

items (ii) and (vi)) and item (iv), (a) and (b) of the preceding paragraph (excluding the part related to paragraph (1), item (vi) of that Article) to make a judgment for the term of existence as an incorporated commodity exchange, the term until the end of the expiration date of the commodity market, or the term for a change of scope.

7　第一項の認可であつて、当該認可が株式会社商品取引所の業務規程に係るものである場合においては、次の各号に掲げる事項に係るものについては、当該各号に定める規定を準用する。

(7) If the authorization referred to in paragraph (1) concerns the operational rules of an incorporated commodity exchange, the provisions prescribed in the following items apply mutatis mutandis to the particular set forth in each item:

一　商品市場の開設若しくは商品市場に関する第百二条第一項第四号、第五号若しくは第十号に掲げる事項の変更（次号に掲げるものを除く。）、株式会社商品取引所としての存続期間、商品市場の開設期限若しくは範囲変更期間の廃止又は株式会社商品取引所の取引参加者の数の最高限度の設定、変更若しくは廃止　第十五条第五項から第九項までの規定

(i) the opening of a commodity market, a change to a particular set forth in Article 102, paragraph (1), item (iv), (v), or (x) with regard to a commodity market (other than what is set forth in the following item), the abolition of the term of existence as an incorporated commodity exchange, the expiration date of a commodity market, or the term for a change of scope, or the establishment of, a change to, or the abolition of the maximum number of trading participants of an incorporated commodity exchange: the provisions of Article 15, paragraphs (5) through (9);

二　商品市場（期限付商品市場を除く。）における上場商品若しくは上場商品指数の範囲の変更（範囲変更期間が定められているものに限る。）、期限付商品市場の開設若しくは期限付商品市場における上場商品若しくは上場商品指数の範囲の変更又は株式会社商品取引所としての存続期間、商品市場の開設期限若しくは範囲変更期間の変更　第十五条第五項から第十一項までの規定

(ii) a change of scope of a listed commodity or listed commodity index (limited to those for which the term for a change of scope is specified) of a commodity market (excluding a fixed-term commodity market), the operation of a fixed-term commodity market, a change of scope of a listed commodity or listed commodity index of a fixed-term commodity market, or a change in the term of existence as an incorporated commodity exchange, the expiration date of a commodity market, or the term for a change of scope: the provisions of Article 15, paragraphs (5) through (11).

8　主務大臣は、株式会社商品取引所としての存続期間、商品市場の開設期限又は範囲変更期間の廃止に係る第一項の認可に当たつては、当該認可までの間の当該株式会社商品取引所又は当該商品市場における取引の状況について勘案しなければならない。

(8) In granting the authorization referred to in paragraph (1) related to the abolition of the term of existence as an incorporated commodity exchange, the expiration date of a commodity market, or the term for a change of scope, the competent minister must take into consideration the status of transactions in the incorporated commodity exchange or the commodity market during the period that the authorization is being considered.

9　主務大臣は、第一項の認可の申請が株式会社商品取引所の上場商品又は上場商品指数の範囲の変更に係るものである場合においては、第三百五十二条（第八号に係る部分に限る。）の規定による公示があつた日から三月を経過した後でなければ、同項の認可をしてはならない。

(9) If an application for the authorization referred to in paragraph (1) concerns a change of scope of the listed commodity or listed commodity index of an incorporated commodity exchange, the competent minister must not grant the authorization referred to in that paragraph until after three months have elapsed since the day of the public notice under the provisions of Article 352 (limited to the part related to item (viii)).

（報告徴収及び立入検査）

(Collection of Reports and On-site Inspections)

第百五十七条　主務大臣は、この法律の施行のため必要があると認めるときは、商品取引所、その子会社若しくはその会員等に対し、その業務若しくは財産に関し参考となるべき報告若しくは資料の提出を命じ、又はその職員に、商品取引所、その子会社若しくはその会員等の事務所若しくは営業所に立ち入り、帳簿、書類その他業務に関係のある物件を検査させることができる。

Article 157 (1) When the competent minister finds it to be necessary for the enforcement of this Act, the minister may order a commodity exchange, its subsidiary company, or its member, etc. to submit reports or materials that should serve as a reference on its business or assets, or may have a ministry official enter into the office or business office of a commodity exchange, its subsidiary company, or its member, etc. and inspect its books and documents or any other article related to its business.

2　前項の規定により立入検査をした場合において、当該職員は、検査の目的を達成するため、当該会員等が所有し、又は預託を受けた上場商品でその事務所若しくは営業所以外の場所に保管されているものを検査する必要があると認めるときは、当該会員等をして当該上場商品の保管を証する書面をその場所の管理者に提示させてその場所に立ち入り、当該会員等を立ち会わせて当該上場商品を検査することができる。

(2) If an on-site inspection is conducted pursuant to the provisions of the preceding paragraph and a ministerial official finds it to be necessary in order to achieve the purpose of the inspection, to inspect a listed commodity that the member, etc. owns or that has been deposited with the member, etc., and is retained at a place other than the member's, etc. office or business office, the

official may have the member, etc. present a document certifying the retention of the listed commodity to the manager of that place, and may enter that place and inspect the listed commodity in the presence of the member, etc.

3　第一項の規定により立入検査をした場合において、当該会員等が商品たる電力を含む上場商品又は商品たる電力を対象とする商品指数を含む上場商品指数に係る商品市場における会員等である場合には、当該職員は、検査の目的を達成するため、株式会社たる当該会員等の議決権の過半数を有する者、当該会員等の子会社その他の当該会員等と密接な関係を有する者として政令で定める者の事務所又は営業所に立ち入り、当該会員等を立ち会わせて帳簿、書類その他の電力の先物取引に関係のある物件を検査することができる。

(3) If an inspection is conducted pursuant to the provisions of paragraph (1), and the member, etc. is a member, etc. of a commodity market regarding a listed commodity including electric power that is a commodity or related to a listed commodity index including commodity index covering electric power that is a commodity, to achieve the purpose of the inspection, the ministerial official may enter an office or a business office of a person who holds the majority of voting rights of the member, etc. that is a stock company, a subsidiary of the member, etc., or other persons specified by Cabinet Order as having a close relationship with the member, etc., and inspect its books, documents and any other article related to futures transactions of electric power in the presence of the member, etc.

4　前三項の規定により立入検査をする職員は、その身分を示す証明書を携帯し、関係人にこれを提示しなければならない。

(4) An official conducting an on-site inspection pursuant to the provisions of the preceding three paragraphs must carry an identification card and present it to the persons concerned.

5　第一項から第三項までの規定による立入検査の権限は、犯罪捜査のために認められたものと解釈してはならない。

(5) The authority for an on-site inspection under the provisions of paragraphs (1) through (3) must not be construed as being granted for criminal investigation purpose.

（業務改善命令）

(Business Improvement Orders)

第百五十八条　主務大臣は、商品取引所の業務の運営に関し、公益若しくは取引の信義則の確保のため又は委託者の保護のため必要かつ適当であると認めるときは、その必要の限度において、当該商品取引所に対し、定款その他の規則の変更、業務の方法の変更その他業務の運営の改善に必要な措置をとるべきことを命ずることができる。

Article 158 (1) If the competent minister finds it to be necessary and appropriate for ensuring the principle of good faith in transactions or for the protection of entrustors in relation to the business operations of a commodity exchange, the

minister may, to the extent necessary, order the commodity exchange to change its articles of incorporation and other rules, to change its business methods, or to take other measures necessary for improving its business operations.

２　主務大臣は、前項の規定による命令を行おうとする場合において必要があると認めるときは、参考人の出頭を求めてその意見を聴取し、若しくは参考人にその意見若しくは報告の提出を求め、又は鑑定人に出頭を求めて鑑定をさせることができる。

(2) If the competent minister seeks to issue an order under the provisions of the preceding paragraph and finds it to be necessary, the minister may ask a witness to appear and hear their opinion, ask a witness to submit an opinion or report, or ask an expert to appear and have them give an expert opinion.

（商品取引所に対する監督上の処分）

(Supervisory Dispositions on Commodity Exchanges)

第百五十九条　主務大臣は、商品取引所が次の各号のいずれかに該当する場合において、公益若しくは取引の信義則の確保のため又は委託者の保護のため必要かつ適当であると認めるときは、当該商品取引所に対し、当該各号に定める処分をすることができる。

Article 159 (1) If a commodity exchange falls under one of the following items and the competent minister finds it to be necessary and appropriate for ensuring the public interest or the principle of good faith in transactions or for the protection of consignors, the minister may render the disposition set forth in each item on the commodity exchange:

一　この法律等、第三条第一項ただし書若しくは第三条の二第一項ただし書の認可に付された条件若しくは定款その他の規則に違反したとき、又は会員等がこの法律等若しくは当該商品取引所の定款その他の規則に違反した場合において、当該会員等に対しこの法律等若しくは定款その他の規則を遵守させるために当該商品取引所がこの法律、この法律に基づく命令若しくは定款その他の規則により認められた権能の行使その他必要な措置をすることを怠つたとき。　第九条若しくは第七十八条の許可を取り消し、又は一年以内の期間を定めてその業務の全部若しくは一部の停止を命ずること。

(i) if the commodity exchange violates this Act, etc., a condition attached to the authorization referred to in the proviso to Article 3, paragraph (1) or Article 3-2, or its articles of incorporation or other rules, or even though a member, etc. violates this Act, etc. or the articles of incorporation or other rules of the commodity exchange, the commodity exchange fails to exercise the powers authorized under this Act, an order based on this Act, or its articles of incorporation or other rules, or fails to take other necessary measures to have the member, etc. observe this Act, etc., its articles of incorporation, or other rules: to revoke the permission referred to in Article 9 or the license referred to in Article 78, or order the suspension of all or a part of its business for a fixed period not exceeding one year;

二　正当な理由がないのに商品市場を開設することができることとなつた日から三月

以内に全部若しくは一部の商品市場を開設しないとき、引き続き三月以上全部若しくは一部の商品市場における先物取引（上場商品に係る商品市場にあつては第二条第三項第一号又は第二号に掲げる取引、上場商品指数に係る商品市場にあつては同項第三号に掲げる取引に係るものに限る。以下この号において同じ。）を停止したとき、又は全部若しくは一部の商品市場における先物取引が第十五条第一項第一号若しくは第八十条第一項第三号に掲げる基準に適合しなくなつたとき。　第九条若しくは第七十八条の許可又は定款の変更の認可を取り消すこと。

(ii) if the commodity exchange does not open all or some of its commodity markets within three months from the day on which it is permitted to open the commodity markets without legitimate grounds for doing so, if it suspends futures transactions (limited to those related to the transactions set forth in Article 2, paragraph (3), item (i) or (ii) in the case of a commodity market for a listed commodity, and limited to those related to the transactions set forth in item (iii) of that paragraph in the case of a commodity market for a listed commodity index; hereinafter the same applies in this item) on all or some of its commodity markets for three months or longer, or the futures transactions on all or some of its commodity markets no longer conform to the criteria set forth in Article 15, paragraph (1), item (i) or Article 80, paragraph (1), item (iii): to revoke the permission referred to in Article 9, the license referred to in Article 78, or the authorization to change the articles of incorporation;

三　商品取引所の行為又はその開設する商品市場における取引の状況が公益上有害であると認めるとき。　三月以内の期間を定めてその業務の全部又は一部の停止を命ずること。

(iii) if the competent minister finds the acts of the commodity exchange or the status of transactions in a commodity market it operates to be harmful to the public interest: to order the suspension of all or a part of its business for a fixed period not exceeding three months;

四　商品取引所が第三条第一項ただし書の規定により認可を受けて行う業務が、当該商品取引所の業務の公共性に対する信頼を損なうおそれ若しくは商品市場開設業務及びこれに附帯する業務の健全かつ適切な運営を損なうおそれがあると認めるとき、又は商品取引所が同項ただし書の認可に付された条件に違反したとき。　同項ただし書の認可を取り消すこと。

(iv) if the competent minister finds that the business that a commodity exchange conducts under the authorization obtained pursuant to the proviso to Article 3, paragraph (1) is likely to impair confidence in the public nature of the business of the commodity exchange or the sound and appropriate operation of the business of opening a commodity market and business incidental thereto, or the commodity exchange has violated the conditions attached to the authorization referred to in the proviso to that paragraph: to revoke the authorization referred to in the proviso to that paragraph;

五　商品取引所が第三条の二第一項ただし書の規定により認可を受けて保有する子会社の行為が、当該商品取引所の業務の公共性に対する信頼を損なうおそれ若しくは商品市場開設業務及びこれに附帯する業務の健全かつ適切な運営を損なうおそれがあるにもかかわらず、当該行為の是正のため必要な措置をとることを怠つたとき、又は商品取引所が同項ただし書の認可に付された条件に違反したとき。　同項ただし書の認可を取り消すこと。

(v) if, in spite of the fact that the acts of a subsidiary company owned by the commodity exchange with the authorization obtained pursuant to the proviso to Article 3-2, paragraph (1) is likely to impair confidence in the public nature of the business of the commodity exchange or the sound and appropriate operation of the business of opening a commodity market and business incidental thereto, the commodity exchange fails to take the necessary measures for correcting the acts, or the commodity exchange has violated the conditions attached to the authorization referred to in the proviso to that paragraph: to revoke the authorization referred to in the proviso to that paragraph.

２　主務大臣は、第九条若しくは第七十八条の許可若しくは第百五十五条第一項若しくは第百五十六条第一項の認可の申請書又はこれらの書面の添付書類の記載事項のうちに、重要な事項について虚偽の記載があり、又は重要な事実の記載が欠けていることを発見したときは、当該許可若しくは認可を取り消し、又は定款、業務規程、受託契約準則、紛争処理規程若しくは市場取引監視委員会規程について当該重要事項に係る部分の変更を命ずることができる。

(2) If the competent minister discovers that the written application for the permission referred to in Article 9, the license referred to in Article 78, the authorization referred to in Article 155, paragraph (1) or Article 156, paragraph (1), or a document that is attached to these documents contains a false statement about a material particular or lacks a statement of material fact, the minister may revoke that permission, license, or authorization or order a commodity exchange to change the part of its articles of incorporation, operational rules, entrustment contract regulations, dispute resolution rules, or market transactions surveillance committee rules concerning the material particular.

３　主務大臣は、不正の手段により商品取引所の役員になつた者のあつたことを発見したとき、又は商品取引所の役員がこの法律等に違反したときは、当該商品取引所に対し、当該役員の解任を命ずることができる。

(3) If the competent minister discovers that a person has become the officer of a commodity exchange by wrongful means or if the officer of a commodity exchange has violated this Act, etc., the minister may order the commodity exchange to dismiss that officer.

４　前三項の規定による許可若しくは認可の取消し又は役員の解任の命令に係る聴聞の期日における審理は、公開により行わなければならない。ただし、主務大臣が当該処

分の名あて人となるべき者の業務に関する秘密を保つため必要があると認めるとき、又は公益上必要があると認めるときは、この限りでない。

(4) The proceedings on the date for a hearing on the revocation of permission, license, or authorization, or the order to dismiss an officer under the provisions of the preceding three paragraphs must be opened to the public; provided, however, that this does not apply if the competent minister finds it to be necessary to maintain the confidential information of the business of the person that is to become subject to the disposition secret or finds it to be necessary in the public interest.

５　前条第二項の規定は、第一項から第三項までの規定による処分について準用する。

(5) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to a disposition under the provisions of paragraph (1) through (3).

６　第一項第三号の規定による処分については、審査請求をすることができない。

(6) No review may be requested against a disposition under the provisions of paragraph (1), item (iii).

（会員等に対する監督上の処分）

(Supervisory Dispositions on Members)

第百六十条　主務大臣は、会員又は取引参加者がこの法律等に違反したときは、商品取引所に対し当該会員の除名若しくは当該取引参加者の取引資格の取消しをすべき旨若しくは六月以内の期間を定めて当該会員若しくは取引参加者の商品市場における取引若しくはその商品清算取引の委託を停止すべき旨を命じ、又は、当該違反行為が法人たる会員若しくは取引参加者の役員に係るものであるときは、当該会員若しくは取引参加者に対し当該違反行為をした役員を解任すべき旨を命ずることができる。

Article 160 (1) If a member or a trading participant violates this Act etc., the competent minister may order the commodity exchange to expel the member or revoke the trading participant's trading qualification for a fixed period not exceeding six months, or to suspend the member's or trading participant's transactions in commodity markets or the entrustment of the member's or trading participant's commodity clearing transactions, or, if the violation is related to the officer of a member or trading participant that is a corporation, the minister may order the member or trading participant to dismiss the officer that has committed the violation.

２　第百五十八条第二項の規定は前項の規定による処分について、前条第四項の規定は前項の規定による会員の除名若しくは取引参加者の取引資格の取消し又は役員の解任の命令に係る聴聞について準用する。

(2) The provisions of Article 158, paragraph (2) apply mutatis mutandis to a disposition under the provisions of the preceding paragraph and the provisions of paragraph (4) of the preceding Article apply mutatis mutandis to the hearing on an order to expel a member, to revoke the trading qualification of a trading participant, or to dismiss an officer, under the provisions of the preceding

paragraph.

第八節　雑則
Section 8 Miscellaneous Provisions

（商品取引所の役員及び使用人等の秘密保持義務）
(Duty of Confidentiality of the Officers and Employees of a Commodity Exchange)

第百六十一条　商品取引所の役員（役員が法人であるときは、その職務を行うべき者）若しくは使用人又はこれらの職にあつた者は、その職務に関して知り得た秘密を他に漏らし、又は盗用してはならない。

Article 161 It is prohibited for the officer (or, if the officer is a corporation, a person that is to perform the duties of the officer) or employee of a commodity exchange, or a person that has held one of these positions, to divulge or misappropriate any secret learned in the course of duty.

（登記の期間）
(Period for Registration)

第百六十二条　登記すべき事項のうち主務大臣の許可又は認可を要するものの登記の期間については、その許可書又は認可書の到達した日から起算する。

Article 162 The period for registration of the particulars that are required to be registered which require the permission or authorization of the competent minister begins from the day of arrival of the written permission or written authorization.

第百六十三条　削除

Article 163 Deleted

（登記の効力）
(Effect of Registration)

第百六十四条　この法律の規定により登記すべき事項は、登記をした後でなければ、これをもつて第三者に対抗することができない。

Article 164 A particular that is required to be registered pursuant to the provisions of this Act may not be asserted against a third party until after it is registered.

（制裁規程）
(Sanction Rules)

第百六十五条　商品取引所は、その定款において、会員又は取引参加者が、この法律等若しくは当該商品取引所の定款、業務規程、受託契約準則、紛争処理規程その他の規則に違反し、又は取引の信義則に背反する行為をしたときは、当該会員又は取引参加

者に対し、過怠金を科し、若しくは当該商品取引所の全部若しくは一部の商品市場における取引若しくはその商品清算取引の委託を停止し、若しくは制限し、又は当該会員の除名若しくは当該取引参加者の取引資格の取消しを行う旨を定めなければならない。

Article 165 A commodity exchange must specify in its articles of incorporation that if a member or a trading participant violates this Act, etc. or the articles of incorporation, operational rules, entrustment contract regulations, dispute resolution rules, or other rules of the commodity exchange, or if such a person performs an act that is contrary to the principle of good faith in transactions, the commodity exchange will impose a monetary sanction on the member or trading participant, suspend or restrict of all or a part of its transactions in the commodity markets or its entrustment of commodity clearing transactions related to the commodity exchange, or expel the member or revoke the trading participant's trading qualification.

（市場取引監視委員会）

(Market Transactions Surveillance Committee)

第百六十六条　商品取引所は、市場取引監視委員会規程において、商品市場における取引の公正の確保を図るため、商品市場における取引について学識経験を有することその他主務省令で定める要件に該当する委員により組織される市場取引監視委員会（以下この条において「委員会」という。）を置く旨を定めなければならない。

Article 166 (1) A commodity exchange must specify in the market transactions surveillance committee rules that it will establish a market transactions surveillance committee (hereinafter referred to as a "committee" in this Article) comprised of committee members with relevant expertise on transactions in a commodity market and who satisfy the requirements specified by order of the competent ministry, for the purpose of ensuring the fairness of transactions in the commodity market.

２　委員会は、商品市場における取引の方法、管理その他商品取引所の業務の運営について、理事長又は代表取締役（指名委員会等設置会社にあつては、代表執行役）に対して意見を述べることができる。

(2) A committee may state its opinion to the president or the representative director (or the representative executive officer, for a company with nominating committee, etc.) concerning the method or management of transactions in a commodity market and the operation of the business of the commodity exchange.

３　商品取引所は、その市場取引監視委員会規程において、委員会の組織及び権限に関する事項その他主務省令で定める事項を定めなければならない。

(3) A commodity exchange must specify the particulars of the organization and authority of the committee and the other particulars specified by order of the competent ministry in its market transactions surveillance committee rules.

第三章　商品取引清算機関等
Chapter III Commodity Clearing Organizations
第一節　商品取引清算機関
Section 1 Commodity Clearing Organizations

（許可）
(License)

第百六十七条　商品取引債務引受業は、主務大臣の許可を受けた株式会社でなければ、営んではならない。

Article 167 Business of assuming commodity transaction debts may only be operated by a stock company that has obtained a license from the competent minister.

（許可の申請）
(Application for a License)

第百六十八条　前条の許可を受けようとする者は、次に掲げる事項を記載した申請書を主務大臣に提出しなければならない。

Article 168 (1) A person seeking the license referred to in the preceding Article must submit a written application stating the following particulars to the competent minister:

一　商号
(i) the trade name;

二　資本金の額
(ii) the amount of stated capital;

三　本店、支店その他の営業所の所在地
(iii) the location of its head office, branch offices, and any other business office;

四　商品取引債務引受業の対象とする債務の起因となる取引が行われる商品市場
(iv) the commodity markets in which transactions that give rise to obligations subject to the business of assuming commodity transaction debts are to be conducted; and

五　役員の氏名又は名称及び住所
(v) the names or trade names and addresses of the officers.

２　前項の申請書には、定款、業務方法書その他主務省令で定める書類を添付しなければならない。

(2) The articles of incorporation, operational method statement, and documents specified by order of the competent ministry must be attached to the written application referred to in the preceding paragraph.

（許可の基準）
(Licensing Criteria)

第百六十九条　主務大臣は、第百六十七条の許可の申請が次に掲げる基準に適合していると認めるときは、許可をしなければならない。

Article 169 (1) If the competent minister finds that an application for the license referred to in Article 167 conforms to the following criteria, the minister must grant the license:

一　許可申請者が株式会社であること。

(i) the license applicant is a stock company;

二　定款及び業務方法書の規定が法令に違反せず、かつ、商品取引債務引受業を適正かつ確実に遂行するために十分であること。

(ii) the provisions of the articles of incorporation and the operational method statement do not violate laws and regulations and are sufficient for the proper and secure execution of business of assuming commodity transaction debts;

三　商品取引債務引受業を健全に遂行するに足りる財産的基礎を有し、かつ、商品取引債務引受業に係る収支の見込みが良好であること。

(iii) the license applicant has a sufficient financial basis to soundly execute business of assuming commodity transaction debts, and has good prospects in terms of expected income and expenditures in connection with the business of assuming commodity transaction debts;

四　その人的構成に照らして、商品取引債務引受業を適正かつ確実に遂行することができる知識及び経験を有し、かつ、十分な社会的信用を有すること。

(iv) the license applicant has the knowledge and experience to properly and securely execute business of assuming commodity transaction debts, and also has sufficient social credibility.

2　主務大臣は、第百六十七条の許可の申請が次の各号のいずれかに該当する場合には、前項の規定にかかわらず、同条の許可をしてはならない。

(2) Notwithstanding the provisions of the preceding paragraph, if an application for the license referred to in Article 167 falls under one of the following items, the competent minister must not grant the license referred to in that Article:

一　許可申請者が第十五条第二項第一号ハからホまで、リ又はヲのいずれかに該当する者であるとき。

(i) the license applicant is a person that falls under a person referred to in Article 15, paragraph (2), item (i), sub-items (c) through (e), sub-item (i), or sub-item (l);

二　申請書又はこれに添付すべき書類のうちに重要な事項について虚偽の記載があるとき。

(ii) the written application or documents that are required to be attached to the written application contain a false statement about a material particular.

3　第十五条第五項から第九項までの規定は、第百六十七条の許可について準用する。

(3) The provisions of Article 15, paragraphs (5) through (9) apply mutatis mutandis to the license referred to in Article 167.

（業務の範囲）
(Scope of Business)
第百七十条　商品取引清算機関は、業務方法書で定めるところにより、清算参加者を相手方として店頭商品デリバティブ取引に基づく債務の引受けを行う業務を営むことができる。
Article 170 (1) A commodity clearing organization may engage in the business of assuming obligations arising from over-the-counter commodity derivatives transactions for a clearing participant, pursuant to the provisions of the operational method statement.
２　商品取引清算機関（商品取引清算機関が商品取引所である場合を除く。以下この条から第百七十二条までにおいて同じ。）は、商品取引債務引受業及び前項の業務（以下「商品取引債務引受業等」という。）並びにこれらに附帯する業務のほか、他の業務を営むことができない。ただし、金融商品債務引受業等その他商品取引債務引受業に関連する業務で、当該商品取引清算機関が商品取引債務引受業を適正かつ確実に営むにつき支障を生ずるおそれがないと認められるものについて、主務省令で定めるところにより、主務大臣の承認を受けたときは、この限りでない。
(2) A commodity clearing organization (excluding the case in which the commodity clearing organization is a commodity exchange; hereinafter the same applies from this Article through Article 172) may not engage in any business other than the business of assuming commodity transaction debts and the business referred to in the preceding paragraph (hereinafter referred to as "business of assuming commodity transaction debts, etc."), and other business incidental to them; provided, however, that this does not apply if a commodity clearing organization has obtained the approval of the competent minister for financial instruments obligation assumption services, etc. or other business related to business of assuming commodity transaction debts pursuant to the provisions of order of the competent ministry, which is found to involve no risk of hindering the commodity clearing organization to properly and securely engage in the business of assuming commodity transaction debts.
３　商品取引清算機関は、前項ただし書の承認を受けた業務を廃止したときは、主務省令で定めるところにより、その旨を主務大臣に届け出なければならない。
(3) If a commodity clearing organization discontinues the business for which it has obtained the approval referred to in the proviso to the preceding paragraph, it must notify the competent minister of this pursuant to the provisions of order of the competent ministry.
４　主務大臣は、第二項ただし書の承認に条件を付することができる。
(4) The competent minister may attach conditions to the approval referred to in the proviso to paragraph (2).
５　前項の条件は、公益又は委託者の保護のため必要な最小限度のものでなければならない。

(5) The conditions referred to in the preceding paragraph must be the minimum necessary ensure the public interest and the protection of entrustors.

（変更の届出）

(Notification of Changes)

第百七十一条　商品取引清算機関は、第百六十八条第一項第二号、第三号又は第五号に掲げる事項（本店の所在地を除く。）に変更があつたときは、主務省令で定めるところにより、主務省令で定める書類を添付して、その旨を主務大臣に届け出なければならない。

Article 171 If a particular set forth in Article 168, paragraph (1), item (ii), item (iii), or item (v) changes (excluding the location of the head office), the commodity clearing organization must submit a notification indicating this to the competent minister by attaching the documents specified by order of the competent ministry, pursuant to the provisions of order of the competent ministry.

（役員の欠格条件）

(Disqualifying Conditions for Officers)

第百七十二条　第四十九条の規定は、商品取引清算機関の役員について準用する。

Article 172 The provisions of Article 49 apply mutatis mutandis to the officers of a commodity clearing organization.

（商品取引所による商品取引債務引受業等）

(Business of Assuming Commodity Transaction Debts by a Commodity Exchange)

第百七十三条　商品取引所は、第三条第一項及び第百六十七条の規定にかかわらず、主務省令で定めるところにより、主務大臣の承認を受けて商品取引債務引受業等及びこれに附帯する業務を営むことができる。

Article 173 (1) Notwithstanding the provisions of Article 3, paragraph (1) and Article 167, a commodity exchange may engage in the business of assuming commodity transaction debts, etc. and business incidental thereto with the approval of the competent minister, pursuant to the provisions of order of the competent ministry.

２　前項の承認を受けようとする商品取引所は、次に掲げる事項を記載した申請書を主務大臣に提出しなければならない。

(2) A commodity exchange that seeks to obtain the approval referred to in the preceding paragraph must submit a written application stating the following particulars to the competent minister:

一　名称又は商号

(i) the name or trade name; and

二　商品取引債務引受業の対象とする債務の起因となる取引が行われる商品市場

(ii) the commodity markets in which transactions that give rise to obligations subject to the business of assuming commodity transaction debts are to be conducted.

３　前項の申請書には、業務方法書その他主務省令で定める書類を添付しなければならない。

(3) The operational method statement and the documents specified by order of the competent ministry must accompany the written application referred to in the preceding paragraph.

４　第百六十九条第一項（第一号に係る部分を除く。）、第二項（第二号に係る部分に限る。）及び第三項の規定は、第一項の承認について準用する。

(4) The provisions of Article 169, paragraph (1) (excluding the part that involves item (i)), paragraph (2) (limited to the part that involves item (ii)), and paragraph (3) applies mutatis mutandis to the approval referred to in paragraph (1).

（清算参加者）

(Clearing Participants)

第百七十四条　商品取引清算機関は、業務方法書で定めるところにより、業務方法書で定める要件に該当する者に対し、当該商品取引清算機関の行う商品取引債務引受業の相手方となる資格を与えることができる。

Article 174 (1) A commodity clearing organization, pursuant to the provisions of its operational method statement, may grant a person that satisfies the requirements specified by the operational method statement the qualification to become the counterparty to the business of assuming commodity transaction debts that the commodity clearing organization conducts.

２　商品取引清算機関は、業務方法書で定めるところにより、清算参加者が業務方法書で定められた純資産額に関する要件を満たさないものとなつた場合には、当該清算参加者を相手方とする債務引受けの停止又は当該清算参加者の清算参加者としての資格の取消しを行わなければならない。

(2) If a clearing participant no longer satisfies the requirements for the amount of net assets specified in the operational method statement, the commodity clearing organization, pursuant to the provisions of the operational method statement, must stop assuming obligations with the clearing participant as the counterparty or revoke the clearing member's qualification as a clearing participant.

（業務方法書）

(Operational Business Statement)

第百七十五条　商品取引清算機関は、業務方法書で定めるところにより、その業務を行わなければならない。

Article 175 (1) A commodity clearing organization must conduct its business

pursuant to its operational business statement.

２　業務方法書には、次に掲げる事項を定めなければならない。

(2) The following particulars must be specified in the operational business statement:

一　第百七十条第一項の業務を営む場合にあつては、その旨

(i) if the commodity clearing organization engages in the business referred to in Article 170, paragraph (1), an indication of this;

二　商品取引債務引受業の対象とする債務の起因となる取引が行われる商品市場

(ii) the commodity markets in which transactions that give rise to obligations subject to the business of commodity transaction debts are to be conducted;

三　清算参加者の要件に関する事項（清算参加者の純資産額に関するものを含む。）

(iii) the particulars of the requirements for clearing participants (including those concerning the amount of net assets of a clearing participant);

四　商品取引債務引受業（第百七十条第一項の業務を営む場合にあつては、商品取引債務引受業等。第百七十八条において同じ。）として行う債務の引受け及びその履行に関する事項

(iv) the particulars of the assumption and performance of obligations carried out as business of assuming commodity transaction debts (or business of assuming commodity transaction debts, etc., if the commodity clearing organization engages in business referred to in Article 170, paragraph (1); the same applies in Article 178);

五　清算参加者の債務の履行の確保に関する事項（取引証拠金に関するものを含む。）

(v) the particulars involved in ensuring the performance of obligations by clearing participants (including the particulars of clearing margins);

六　商品清算取引に関する事項

(vi) the particulars concerning commodity clearing transactions;

七　その他主務省令で定める事項

(vii) other particulars specified by order of the competent ministry.

３　第九十九条第七項の規定は、前項第三号の純資産額について準用する。

(3) The provisions of Article 99, paragraph (7) apply mutatis mutandis to the amount of net assets under item (iii) of the preceding paragraph.

（商品取引清算機関の役員及び職員等の秘密保持義務）

(Duty of Confidentiality of the Officers and Employees of a Commodity Clearing Organization)

第百七十六条　商品取引清算機関の役員（役員が法人であるときは、その職務を行うべき者）若しくは職員又はこれらの職にあつた者は、その職務に関して知り得た秘密を漏らし、又は盗用してはならない。

Article 176 It is prohibited for the officer (or, if the officer is a corporation, the person that is to perform the duties of the officer) or employee of a commodity

clearing organization, or a person that has held one of these positions, to divulge or misappropriate any secret learned in the course of duty.

（不当な差別的取扱いの禁止）
(Prohibition on Unfair Differential Treatment)

第百七十七条　商品取引清算機関は、特定の清算参加者に対し不当な差別的取扱いをしてはならない。

Article 177 A commodity clearing organization must not treat any particular clearing participant in an unfair discriminatory manner.

（商品取引債務引受業の適切な遂行を確保するための措置）
(Measures for Ensuring Appropriate Execution of Business of Assuming Commodity Transaction Debts)

第百七十八条　商品取引清算機関は、商品市場における取引に基づく債務の不履行により損失が生じた場合に清算参加者が当該損失の全部を負担する旨を業務方法書において定めることその他の商品取引債務引受業の適切な遂行を確保するための措置を講じなければならない。

Article 178 A commodity clearing organization must specify in its operational business statement that a clearing participant bears the entire loss if a loss due to non-performance of obligation arises from a transaction in a commodity market, and must take other measures to ensure the appropriate execution of business of assuming commodity transaction debts.

（取引証拠金）
(Clearing Margin)

第百七十九条　商品取引清算機関は、商品市場における取引（その商品取引債務引受業の対象とする債務の起因となる商品市場における取引に限り、第二条第十項第一号ニに掲げるものを除く。以下この条において同じ。）について、主務省令で定めるところにより、次の各号に掲げる場合の区分に応じ、当該各号に定める者から、取引証拠金の預託を受けなければならない。

Article 179 (1) A commodity clearing organization must receive a deposit of clearing margin from the person prescribed in each of the following items in accordance with the category set forth in that item, for transactions in a commodity market (limited to transactions in a commodity market that give rise to obligations that are subject to its business of assuming commodity transaction debts and excluding those set forth in Article 2, paragraph (10), item (i), (d); hereinafter the same applies in this Article) pursuant to the provisions of order of the competent ministry:

一　清算参加者である会員等が商品市場における取引を行う場合（次号に掲げる場合を除く。）　次のイからニまでに掲げる場合の区分に応じ、それぞれイからニまでに定める者

(i) if a member, etc. that is a clearing participant conducts a transaction in a commodity market (excluding the case set forth in the following item): the person prescribed in each of the sub-items (a) through (d) in accordance with the category of cases set forth in that sub-item:

イ　会員等が自己の計算において商品市場における取引を行う場合又は会員等がその受託した商品市場における取引（次項の規定に基づき委託証拠金の預託を受けて受託したものに限る。）を行う場合　当該会員等

(a) if a member, etc. conducts a transaction in a commodity market on its own account, or conducts a transaction in a commodity market with which they have been entrusted (limited to transactions with which the member, etc. becomes entrusted after receiving a deposit of customer margin based on the provisions of the following paragraph): that member, etc.;

ロ　会員等がその受託した商品市場における取引（その委託の取次ぎを受託した者（以下この条において「取次者」という。）から受託したものを除く。）を行う場合（イに掲げる場合を除く。）　当該取引の委託者（会員等に対して商品市場における取引を委託した者であつて取次者でないものをいう。次項において同じ。）

(b) if a member, etc. conducts a transaction in a commodity market with which it has been entrusted (excluding a transaction with which they have been entrusted by a person that has undertaken the brokerage of the entrustment (hereinafter referred to as a "broker" in this Article)) (excluding the case set forth in (a)): the person entrusting the member, etc. with the transaction (meaning the person that entrusts the member, etc. with the transaction in the commodity market, who is not a broker; the same applies in the following paragraph);

ハ　会員等がその受託した商品市場における取引（第三項の規定に基づき取次証拠金の預託を受けている取次者から受託したものに限る。）を行う場合（イに掲げる場合を除く。）　当該取次者

(c) if a member, etc. conducts a transaction in a commodity market with which it has been entrusted (limited to a transaction with which it has been entrusted by a broker that has received a deposit of a brokerage margin based on the provisions of paragraph (3)) (excluding the case set forth in (a)): the broker;

ニ　会員等がその受託した商品市場における取引（取次者から受託したものに限る。）を行う場合（イ及びハに掲げる場合を除く。）　当該取引の委託の取次ぎを委託した者（以下この条において「取次委託者」という。）

(d) if a member, etc. conducts a transaction in a commodity market with which they have been entrusted (limited to a transaction with which they have been entrusted by a broker) (excluding the case set forth in (a) and (c)): the person that entrusted a person to broker the entrustment of the transaction (hereinafter referred to as the "person that entrusts brokerage"

in this Article);

二　清算参加者がその受託した商品清算取引を行う場合　次のイからニまでに掲げる場合の区分に応じ、それぞれイからニまでに定める者

(ii) if a clearing participant conducts a commodity clearing transaction with which they have been entrusted: the person prescribed in each of the sub-items (a) through (d) in accordance with the category of cases set forth in that sub-item:

イ　清算参加者がその委託をした会員等の計算において商品清算取引を行う場合又は清算参加者が次項の規定に基づき委託証拠金の預託を受けている会員等から受託した商品清算取引を行う場合　当該会員等

(a) if a clearing participant conducts a commodity clearing transaction on the account of the member, etc. that has entrusted them with the transaction or conducts a commodity clearing transaction with which they have been entrusted by a member, etc. that has received a deposit of customer margin based on the following paragraph: that member, etc.;

ロ　清算参加者がその受託した商品清算取引（その委託の取次ぎの委託の取次ぎを受託した者（以下この条において「清算取次者」という。）から受託した会員等から受託したものを除く。）を行う場合（イに掲げる場合を除く。）　当該商品清算取引の委託の取次ぎを委託した者（清算取次者を除く。以下この条において「清算取次委託者」という。）

(b) if a clearing participant conducts a commodity clearing transaction with which they have been entrusted (excluding a transaction with which they have been entrusted by a member, etc. who has been entrusted by a person that has undertaken the brokerage of consignment of brokerage of consignment of the transaction (hereinafter referred to as a "clearing broker" in this Article)) (excluding the case set forth in (a)): the person that has entrusted the brokerage of the consignment of the commodity clearing transaction (excluding a clearing broker; hereinafter referred to as a "person entrusting clearing brokerage" in this Article);

ハ　清算参加者がその受託した商品清算取引（第四項の規定に基づき清算取次証拠金の預託を受けている清算取次者から受託した会員等から受託したものに限る。）を行う場合（イに掲げる場合を除く。）　当該清算取次者

(c) if a clearing participant conducts a commodity clearing transaction with which they have been entrusted (limited to a transaction with which they have been entrusted by a member, etc. who has been entrusted by a clearing broker that has received a deposit of clearing brokerage margin based on the provisions of paragraph (4)) (excluding the case set forth in (a)): the clearing broker;

ニ　清算参加者がその受託した商品清算取引（清算取次者から受託した会員等から受託したものに限る。）を行う場合（イ及びハに掲げる場合を除く。）　当該商品清算取引の委託の取次ぎの委託の取次ぎを委託した者（以下この条において

「清算取次者に対する委託者」という。）

(d) if a clearing participant conducts a commodity clearing transaction with which they have been entrusted (limited to a transaction with which they have been entrusted by a member, etc. who has been entrusted by a clearing broker) (excluding the case set forth in (a) or (c)): the person that entrusts brokerage of a consignment of a brokerage of a consignment of the commodity clearing transaction (hereinafter referred to as the "consignor that makes a request to the clearing broker" in this Article).

２　会員等は、商品市場における取引の受託又は商品清算取引の委託の取次ぎの受託について、主務省令で定めるところにより、前項第一号に掲げる場合においては委託者又は取次者（当該取引が、次項の規定に基づく取次証拠金の預託を取次委託者から受けていない取次者から受託したものである場合にあつては、取次委託者）の、前項第二号に掲げる場合においては清算取次委託者又は清算取次者（当該商品清算取引が、第四項の規定に基づく清算取次証拠金の預託を清算取次者に対する委託者から受けていない清算取次者から受託したものである場合にあつては、清算取次者に対する委託者）の承諾を得て、それらの者をして、当該会員等に委託証拠金を預託させることができる。

(2) In the case set forth in item (i) of the preceding paragraph, a member, etc., in becoming entrusted with a transaction in a commodity market or being entrusted to broker a consignment with a commodity clearing transaction, may have the entrustor or broker (or the person that entrusts brokerage, if the transaction is one with which the member, etc. has been entrusted by a broker that has not received a deposit of brokerage margin based on the provisions of the following paragraph from the consignor that makes a request to the clearing broker) deposit customer margin with the member, etc. with the consent of that person, and in the case set forth in item (ii) of the preceding paragraph, they may have the person entrusting clearing brokerage or the clearing broker (or the consignor that makes a request to the clearing broker, if the commodity clearing transaction is one with which the member, etc. has been entrusted by a clearing broker that has not received a deposit of clearing brokerage margin based on the provisions of paragraph (4) from the person making the request of the clearing brokerage) deposit customer margin with the member, etc. with the consent of that person, pursuant to the provisions of order of the competent ministry.

３　取次者は、商品市場における取引の委託の取次ぎの受託について、主務省令で定めるところにより、取次委託者の承諾を得て、その者をして、当該取次者に取次証拠金を預託させることができる。

(3) In undertaking brokerage of a person's entrustment with a transaction in a commodity market, a broker may have the person that entrusts brokerage deposit brokerage margin with the broker, with the consent of that person.

４　清算取次者は、商品清算取引の委託の取次ぎの委託の取次ぎの受託について、主務

省令で定めるところにより、清算取次者に対する委託者の承諾を得て、その者をして、当該清算取次者に清算取次証拠金を預託させることができる。

(4) In becoming entrusted with the brokerage of a consignment of brokerage of consignment of a commodity clearing transaction, a clearing broker may have the cosignor that makes a request to the clearing broker deposit clearing brokerage margin with the clearing broker, with the consent of that person.

5　第百三条第四項の規定は、第一項の商品取引清算機関について準用する。この場合において、同条第四項中「第一項」とあるのは、「第百七十九条第一項」と読み替えるものとする。

(5) The provisions of Article 103, paragraph (4) apply mutatis mutandis to the commodity clearing organization referred to in paragraph (1). In such a case, the term "paragraph (1)" in paragraph (4) of that Article is deemed to be replaced with "Article 179, paragraph (1)".

6　第百三条第五項及び第六項の規定は、第一項の取引証拠金、第二項の委託証拠金、第三項の取次証拠金及び第四項の清算取次証拠金について準用する。

(6) The provisions of Article 103, paragraphs (5) and (6) apply mutatis mutandis to the clearing margin referred to in paragraph (1), the customer margin referred to in paragraph (2), the brokerage margin referred to in paragraph (3), and the clearing brokerage margin referred to in paragraph (4).

7　第百三条第七項、第九項及び第十項の規定は、第二項から第四項までの場合について準用する。この場合において、同条第七項中「第二項の会員等又は第三項の取次者」とあるのは「第百七十九条第二項の会員等、同条第三項の取次者又は同条第四項の清算取次者」と、同項及び同条第十項中「会員等又は取次者」とあるのは「会員等又は取次者等」と、同条第七項、第九項及び第十項の規定中「商品取引所」とあるのは「商品取引清算機関」と、同条第九項中「前二項」とあるのは「第百七十九条第七項において読み替えて準用する第百三条第七項」と読み替えるものとする。

(7) The provisions of Article 103, paragraphs (7), (9), and (10) apply mutatis mutandis to the cases referred to in paragraphs (2) through (4). In such a case, the phrase "the member, etc. referred to in paragraph (2) or the broker referred to in paragraph (3)" in paragraph (7) of that Article is deemed to be replaced with "the member, etc. referred to in Article 179, paragraph (2), the broker referred to in paragraph (3) of that Article, or the clearing broker referred to in paragraph (4) of that Article"; the phrase "the member, etc. or broker" in that paragraph and paragraph (10) of that Article is deemed to be replaced with "the member, etc. or broker, etc."; the term "commodity exchange" referred to in paragraphs (7), (9), and (10) of that Article is deemed to be replaced with "commodity clearing organization"; and the term "the preceding two paragraphs" in paragraph (9) of that Article is deemed to be replaced with "Article 103, paragraph (7) as applied mutatis mutandis pursuant to Article 179, paragraph (7) following the deemed replacement of terms".

8　第百三条第八項、第九項及び第十一項の規定は、第一項第一号イ（会員等が自己の

計算において商品市場における取引を行う場合に限る。）、ロ及びニ並びに同項第二号イ（清算参加者がその委託をした会員等の計算において商品清算取引を行う場合に限る。）、ロ及びニの場合について準用する。この場合において、同条第八項中「同項第一号に定める会員等、同項第二号に定める取引の委託者又は同項第四号に定める取次委託者」とあるのは「第百七十九条第一項第一号イに定める会員等、同号ロに定める取引の委託者、同号ニに定める取次委託者、同項第二号イに定める会員等、同号ロに定める清算取次委託者又は同号ニに定める清算取次者に対する委託者」と、同項及び同条第十一項中「会員等、取引の委託者又は取次委託者」とあるのは「会員等、取引の委託者、取次委託者、清算取次委託者又は清算取次者に対する委託者」と、同条第八項、第九項及び第十一項中「商品取引所」とあるのは「商品取引清算機関」と、同条第九項中「前二項」とあるのは「第百七十九条第八項において読み替えて準用する第百三条第八項」と読み替えるものとする。

(8) The provisions of Article 103, paragraphs (8), (9), and (11) apply mutatis mutandis to the case referred to in paragraph (1), item (i), (a) (limited to the case in which a member, etc. conducts a transaction in a commodity market on its own account), (b), or (d) or in paragraph (1), item (ii), (a) (limited to the case in which a clearing participant conducts a commodity clearing transaction on the account of the member, etc. that has entrusted them with the transaction), (b), or (d). In such a case, the phrase "the member, etc. prescribed in item (i) of that paragraph, the person entrusting the relevant party with the transaction in the commodity market which is prescribed in item (ii) of that paragraph, or the person that entrusts brokerage that is prescribed in item (iv) of that paragraph" in paragraph (8) of that Article is deemed to be replaced with "the member, etc. prescribed in Article 179, paragraph (1), item (i), (a), the person entrusting the relevant party with the transaction on the commodity market which is prescribed in (b) of that item, the person that entrusts brokerage that is prescribed in (d) of that item, the member, etc. prescribed in Article 179, paragraph (1), item (ii) (a), the person entrusting clearing brokerage that is prescribed in (b) of that item, or the consignor that makes a request to the clearing broker that is prescribed in (d) of that item"; the phrase "member, etc., person entrusting transactions, or person that entrusts brokerage" in that paragraph and paragraph (11) of that Article is deemed to be replaced with "member, etc., person entrusting transactions, or person that entrusts brokerage, the person entrusting clearing brokerage, or the consignor that makes a request to the clearing broker"; the term "commodity exchange" in paragraphs (8), (9), and (11) of that Article is deemed to be replaced with "commodity clearing organization"; and the phrase "the preceding two paragraphs" in paragraph (9) of that Article is deemed to be replaced with "Article 103, paragraph (8) as applied mutatis mutandis pursuant to Article 179, paragraph (8) following the deemed replacement of terms".

（清算預託金）
(Clearing Deposit)
第百八十条　商品取引清算機関は、業務方法書で定めるところにより、清算参加者をして、商品取引清算機関に対する債務の履行を担保するために、清算預託金を預託させることができる。
Article 180 (1) A commodity clearing organization may have a clearing participant deposit clearing funds in order to guarantee the performance of its obligations to the commodity clearing organization, pursuant to the provisions of its operational business statement.
２　商品取引清算機関は、清算参加者の債務の不履行により損害を受けたときは、その損害を与えた清算参加者の清算預託金について、他の債権者に先立ち弁済を受ける権利を有する。
(2) If a commodity clearing organization incurs a loss as a result of a clearing participant's non-performance of obligations, the commodity clearing organization has the right to receive payment in preference over other creditors out of the clearing funds of the clearing participant that has caused the loss.
３　商品取引清算機関は、前項の規定により同項の清算預託金について弁済を受け、なお不足があるときは、同項の清算参加者以外の清算参加者の清算預託金について、その清算預託金の額に応じて、他の債権者に先立つて弁済を受ける権利を有する。
(3) If a commodity clearing organization receives payment out of the clearing deposit referred to in the preceding paragraph pursuant to the provisions of that paragraph and the amount is still insufficient, the commodity clearing organization has the right to receive payment in preference over other creditors out of the clearing funds of the clearing participants other than the clearing participant referred to in that paragraph, in accordance with the amount of their clearing deposits.
４　前項の規定による弁済があつたときは、同項に規定する他の清算参加者は、第二項に規定する損害を与えた清算参加者に対し、求償権を有する。
(4) If a payment under the provisions of the preceding paragraph is made, the other clearing participants prescribed in that paragraph have the right to claim reimbursement from the clearing participant that has caused the loss prescribed in paragraph (2).
５　第百十条の規定は、清算預託金について準用する。この場合において、同条中「商品取引所」とあるのは、「商品取引清算機関」と読み替えるものとする。
(5) The provisions of Article 110 apply mutatis mutandis to a clearing deposit. In such a case, the term "commodity exchange" in the same Article is deemed to be replaced with "commodity clearing organization".

（未決済債務等の決済）
(Settlement of Outstanding Obligations)

第百八十一条　商品取引清算機関が業務方法書で清算参加者に特別清算手続、破産手続、再生手続又は更生手続が開始された場合における未決済債務等（当該清算参加者が行つた商品市場における取引若しくは店頭商品デリバティブ取引又は金融商品取引法第二条第二十八項に規定する対象取引の相手方から当該商品取引清算機関が商品取引債務引受業等として引き受け又は金融商品債務引受業等として引受け、更改その他の方法により負担した当該取引に基づく債務及び当該清算参加者から当該取引に基づく債務を引き受け又は引受け、更改その他の方法により負担した対価として当該商品取引清算機関が当該清算参加者に対して取得した債権（当該債務と同一の内容を有するものに限る。）をいう。以下この項において同じ。）についての決済の方法を定めている場合において、清算参加者にこれらの手続が開始されたときは、これらの手続の関係において、未決済債務等に関する当該商品取引清算機関又は当該清算参加者が有する請求権の額の算定その他の決済の方法は、当該商品取引清算機関の業務方法書の定めに従うものとする。

Article 181 (1) If a commodity clearing organization has specified in its operational business statement the means of settling outstanding obligations in the event that special liquidation proceedings, bankruptcy proceedings, or reorganization proceedings has commenced for a clearing participant (outstanding obligations means obligations arising from transactions in a commodity market, over-the-counter commodity derivatives transactions, or subject transactions prescribed in Article 2, paragraph (28) of the Financial Instruments and Exchange Act that a clearing member has conducted, and which the commodity clearing organization has assumed from the other parties to the transactions or has novated or in any other method borne as business of assuming commodity transaction debts, etc. or as financial instruments obligation assumption services and obligations arising from those transactions that the commodity clearing organization has assumed from the clearing participant; and claims (limited to claims with the same contents as the obligations) that the commodity clearing organization has acquired against the clearing participant as the value of the obligations which have arisen out of those transactions and which the commodity clearing organization has assumed, taken over, novated, or in any other way borne for that clearing participant; hereinafter the same applies in this paragraph), and those proceedings commence for a clearing member, the calculation of the amount of the claim that the commodity clearing organization or the clearing participant has in terms of outstanding obligations, and other means of settlement, are to be made in accordance with the provisions of the operational method statement of the commodity clearing organization.

２　商品取引清算機関の有する前項に規定する請求権は破産債権、再生債権又は更生債権とし、清算参加者が有する同項に規定する請求権は破産財団に属する財産、再生債務者財産又は更生会社財産若しくは更生協同組織金融機関財産とする。

(2) The claims provided for in the preceding paragraph which a commodity

clearing organization has are bankruptcy claims, rehabilitation claims, or reorganization claims, and the claims provided for in that paragraph which a clearing participant has are claims to the property that belongs to the bankruptcy estate, the property of the rehabilitation debtor, the property of a reorganizing company, or the property of a reorganizing cooperative financial institution.

（定款又は業務方法書の変更の認可）
(Authorization to Change the Articles of Incorporation or Operational Method Statement)

第百八十二条　商品取引清算機関の定款又は業務方法書の変更は、主務省令で定めるところにより、主務大臣の認可を受けなければ、その効力を生じない。

Article 182 A change to the articles of incorporation or operational method statement of a commodity clearing organization does not come into effect unless it receives the authorization of the competent minister pursuant to the provisions of order of the competent ministry.

（解散等の認可）
(Authorization for Dissolution)

第百八十三条　商品取引清算機関の商品取引債務引受業の廃止又は解散の決議は、主務大臣の認可を受けなければ、その効力を生じない。

Article 183 A resolution on the discontinuation of the business of assuming commodity transaction debts of a commodity clearing organization or a resolution on the dissolution of a commodity clearing organization does not come into effect without the authorization of the competent minister.

（報告徴収及び立入検査）
(Collection of Reports and On-Site Inspections)

第百八十四条　主務大臣は、この法律の施行のため必要があると認めるときは、商品取引清算機関若しくはその清算参加者に対し、その業務若しくは財産に関し参考となるべき報告若しくは資料の提出を命じ、又はその職員に、商品取引清算機関若しくはその清算参加者の事務所若しくは営業所に立ち入り、帳簿、書類その他業務に関係のある物件を検査させることができる。

Article 184 (1) When the competent minister finds it to be necessary for the enforcement of this Act, the minister may order a commodity clearing organization or its clearing participant to submit reports or materials that should serve as a reference on its business or assets, or may have ministry officials enter the office or business office of a commodity clearing organization or its clearing participant and inspect its books and documents or any other article related to its business.

２　第百五十七条第四項及び第五項の規定は、前項の規定による立入検査について準用

する。
(2) The provisions of Article 157, paragraphs (4) and (5) apply mutatis mutandis to the on-site inspection under the provisions of the preceding paragraph.

（業務改善命令）
(Business Improvement Orders)
第百八十五条　主務大臣は、商品取引債務引受業の適正かつ確実な遂行のため必要かつ適当であると認めるときは、その必要の限度において、商品取引清算機関に対し、定款、業務方法書その他の規則の変更、業務の方法の変更その他業務の運営又は財産の状況の改善に必要な措置をとるべきことを命ずることができる。
Article 185 If the competent minister finds it to be necessary and appropriate for the proper and reliable performance of the business of assuming commodity transaction debts, the minister, to the extent necessary, may order the commodity clearing organization to change its articles of incorporation, operational method statement or other rules, to change its business methods, or to take other measures necessary for improving its business operations or the state of its property.

（監督上の処分）
(Supervisory Dispositions)
第百八十六条　主務大臣は、商品取引清算機関がこの法律、この法律に基づく命令又はこの法律に基づいてする主務大臣の処分（以下この条において「この法律等」という。）に違反した場合において、商品取引債務引受業の適正かつ確実な遂行のため必要かつ適当であると認めるときは、当該商品取引清算機関に対し、第百六十七条の許可若しくは第百七十条第二項ただし書若しくは第百七十三条第一項の承認を取り消し、又は六月以内の期間を定めてその業務の全部若しくは一部の停止を命ずることができる。
Article 186 (1) If a commodity clearing organization violates this Act, an order based on this Act, or a disposition made by the competent minister based on this Act (hereinafter referred to as "this Act, etc." in this Article), and the competent minister finds it to be necessary and appropriate for the proper and reliable performance of the business of assuming commodity transaction debts, the minister may revoke the commodity clearing organization's license under Article 167 or its approval under the proviso to Article 170, paragraph (2) or Article 173, paragraph (1), or may order it to suspend all or a part of its business for a fixed period not exceeding six months.
２　主務大臣は、第百六十七条の許可、第百七十条第二項ただし書若しくは第百七十三条第一項の承認若しくは第百八十二条の認可の申請書又はこれらの書面の添付書類のうちに、重要な事項について虚偽の記載があり、又は重要な事実の記載が欠けていることを発見したときは、当該許可、承認又は認可を取り消すことができる。
(2) If the competent minister discovers that a written application for the license

referred to in Article 167, the approval referred to the proviso of Article 170, paragraph (2) or Article 173, paragraph (1), or the authorization referred to in Article 182, or their attached documents contain a false statement about a material particular or lacks a statement of material fact, the minister may revoke the license, approval, or authorization.

３　第百七十三条第一項の承認を受けた商品取引所が第九条若しくは第七十八条の許可を取り消されたとき又は第六十九条各号若しくは第九十四条第一項各号のいずれかに該当するときは、その承認は、効力を失う。

(3) If a commodity exchange that has obtained the approval referred to in Article 173, paragraph (1) has had its permission referred to in Article 9 or license referred to in Article 78 revoked or if the commodity exchange falls under one of the items of Article 69 or of Article 94, paragraph (1), the approval ceases to be effective.

４　主務大臣は、不正の手段により商品取引清算機関の役員になつた者のあつたことを発見したとき、又は商品取引清算機関の役員がこの法律等に違反したときは、当該商品取引清算機関に対し、当該役員の解任を命ずることができる。

(4) If the competent minister discovers that a person has become the officer of a commodity clearing organization by wrongful means or if the officer of a commodity clearing organization violates this Act, etc., the minister may order the commodity clearing organization to dismiss that officer.

（聴聞等の方法の特例の規定の準用）

(Application, Mutatis Mutandis of Special Provisions on the Means of Conducting Hearings)

第百八十七条　第百五十八条第二項の規定は前二条の規定による処分について、第百五十九条第四項の規定は前条の規定による許可、承認若しくは認可の取消し又は役員の解任の命令に係る聴聞について準用する。

Article 187 The provisions of Article 158, paragraph (2) apply mutatis mutandis to the disposition under the provisions of the preceding two Articles, and the provisions of Article 159, paragraph (4) apply mutatis mutandis to a hearing on the revocation of permission, license, approval, or authorization or on an order to dismiss an officer under the provisions of the preceding Article.

第二節　雑則
Section 2 Miscellaneous Provisions

（取引の決済の結了に関する規定の準用）

(Application, Mutatis Mutandis of Provisions on the Completion of Settlement of Transactions)

第百八十八条　第百十三条（第百十四条において準用する場合を含む。）の規定は、商品清算取引を委託した会員が会員商品取引所から脱退した場合若しくは商品清算取引

を委託した取引参加者が株式会社商品取引所の取引資格を喪失した場合又は商品清算取引を委託した会員等の商品市場における取引が停止された場合であつて、かつ、その商品清算取引の決済が結了していない場合における当該商品清算取引について準用する。

Article 188 The provisions of Article 113 (including as applied mutatis mutandis pursuant to Article 114) apply mutatis mutandis to a commodity clearing transaction if the member that entrusts a person with the commodity clearing transaction withdraws from a member commodity exchange, if the trading participant that entrusts a person with the commodity clearing transaction loses trading qualification on an incorporated commodity exchange, or if transactions in a commodity market are suspended for the member, etc. that entrusts a person with the commodity clearing transactions, and the settlement of those commodity clearing transactions has not been completed.

（政令への委任）

(Delegation to Cabinet Order)

第百八十九条　第百六十七条から前条までに定めるもののほか、商品取引清算機関等に関し必要な事項は、政令で定める。

Article 189 Beyond what is provided for in Article 167 through the preceding Article, necessary particulars concerning commodity clearing organizations, etc. are specified by Cabinet Order.

第四章　商品先物取引業者

Chapter IV Commodity Derivatives Business Operator

第一節　許可等

Section 1 Licensing

（商品先物取引業の許可）

(License for Commodity Derivatives Business)

第百九十条　商品先物取引業は、主務大臣の許可を受けた者でなければ、行うことができない。

Article 190 (1) Commodity derivatives business may only be conducted by a person that has been licensed by the competent minister.

２　前項の許可は、六年ごとにその更新を受けなければ、その期間の経過によつて、その効力を失う。

(2) The license referred to in the preceding paragraph loses its effect due to the expiration of the license period unless it is renewed every six years.

（許可の条件）

(Licensing Conditions)

第百九十一条　前条第一項の許可（同条第二項の許可の更新を含む。以下同じ。）には、

条件を付することができる。

Article 191 (1) Conditions may be attached to the license referred to in paragraph (1) of the preceding Article (including the renewal of a license referred to in paragraph (2) of that Article; the same applies hereinafter).

２　前項の条件は、商品市場における秩序を維持し、又は委託者等を保護するため必要な最小限度のものでなければならない。

(2) The conditions referred to in the preceding paragraph must be the minimum necessary to maintain order in the commodity markets or to protect the entrustors, etc.

（許可の申請）

(Application for License)

第百九十二条　第百九十条第一項の許可を受けようとする者は、次に掲げる事項を記載した申請書を主務大臣に提出しなければならない。

Article 192 (1) A person seeking to obtain the license referred to in Article 190, paragraph (1) must submit a written application stating the following particulars to the competent minister:

一　商号又は名称

(i) the trade name or name;

二　純資産額

(ii) the amount of net assets;

三　本店、支店その他の営業所又は事務所の名称及び所在地

(iii) the names and locations of the head office, branch offices, business offices, and any other offices;

四　役員の氏名又は名称及び住所

(iv) the names or trade names and addresses of the officers;

五　第二条第二十二項各号に掲げる行為に係る業務の種別

(v) the category of business in relation to the acts set forth in the items of Article 2, paragraph (22);

六　その他主務省令で定める事項

(vi) other particulars specified by order of the competent ministry.

２　前項の申請書には、定款、登記事項証明書、貸借対照表、損益計算書その他の主務省令で定める書類を添付しなければならない。

(2) The articles of incorporation, certificate of registered information, balance sheet, profit and loss statement, and documents specified by order of the competent ministry must be attached to the written application referred to in the preceding paragraph.

３　第九十九条第七項の規定は、第一項第二号の純資産額について準用する。

(3) The provisions of Article 99, paragraph (7) apply mutatis mutandis to the amount of net assets referred to in paragraph (1), item (ii).

（許可の基準）

(Licensing Criteria)

第百九十三条　主務大臣は、第百九十条第一項の許可の申請が次の各号のいずれにも適合していると認めるときでなければ、同項の許可をしてはならない。

Article 193 (1) The competent minister must not grant the license referred to in Article 190, paragraph (1) unless the minister finds that the application for the license referred to in that paragraph conforms to all of the following items:

一　許可申請者が次のいずれかに該当する者であること。

(i) the license applicant falls under either of the following sub-items:

イ　株式会社（外国の法令に準拠して設立された法人については、株式会社と同種類の法人で国内に営業所又は事務所を有するもの）

(a) a stock company (or, in the case of a corporation incorporated in accordance with the laws and regulations of a foreign state, the same type of corporation as a stock company, which has a business office or an office in Japan);

ロ　株式会社以外の法人又は外国に住所を有する者（イに該当する者を除く。）であつて政令で定めるもの

(b) a corporation other than a stock company, or a person domiciled in a foreign state (other than one falling under (a)), which is specified by Cabinet Order.

二　許可申請者がその商品先物取引業を健全に遂行するに足りる財産的基礎を有し、かつ、その商品先物取引業の収支の見込みが良好であること。

(ii) the license applicant has sufficient financial basis to soundly perform commodity derivatives business and has good prospects in terms of expected income and expenditures of the commodity derivatives business;

三　許可申請者がその商品先物取引業を公正かつ的確に遂行することができる知識及び経験を有し、かつ、十分な社会的信用を有するとともに、その商品先物取引業を行うことが委託者等の保護に欠けるおそれがないこと。

(iii) the license applicant has the knowledge and experience to fairly and appropriately perform its commodity derivatives business, has sufficient social credibility, and its performance of commodity derivatives business is not likely to result in insufficient protection of entrustors, etc.;

四　許可申請者が第十五条第二項第一号ハからホまで、リ又はヲのいずれかに該当する者でないこと。

(iv) the license applicant is not a person who falls under any of the persons referred to in Article 15, paragraph (2), item (i), sub-items (c) through (e), sub-item (i), or sub-item (l);

五　申請書又はこれに添付すべき書類のうちに重要な事項について虚偽の記載がないこと。

(v) the written application or documents that are required to be attached to the written application contain no false statement about a material particular.

２　許可申請者の純資産額が委託者等の保護のため必要な額として主務省令で定める額を下回る場合には、前項第二号の規定の適用に当たつては、その者は、その商品先物取引業を健全に遂行するに足りる財産的基礎を有しないものとする。

(2) With regard to the application of the provisions of item (ii) of the preceding paragraph, if the amount of net assets of a license applicant is below the amount prescribed by order of the competent ministry as the amount that is necessary in order to protect entrustors, etc., the applicant is considered not to have sufficient financial basis to soundly perform its commodity derivatives business.

（処分の手続）

(Procedures for Disposition)

第百九十四条　第十五条第五項から第九項までの規定は、第百九十条第一項の許可について準用する。

Article 194 The provisions of Article 15, paragraphs (5) through (9) apply mutatis mutandis to the license referred to in Article 190, paragraph (1).

（届出事項）

(Particulars Requiring Notification)

第百九十五条　商品先物取引業者は、次に掲げる場合に該当することとなつたときは、その日から二週間以内に、その旨の届出書を主務大臣に提出しなければならない。

Article 195 (1) If a commodity derivatives business operator comes to fall under one of the following cases, the business operator must submit a written notification of this to the competent minister within two weeks from the day in question:

一　第百九十二条第一項第一号又は第三号から第六号までに掲げる事項を変更したとき。

(i) the business operator changes a particular set forth in Article 192, paragraph (1), item (i), or items (iii) through (vi);

二　国内に設けられたすべての営業所又は事務所において第二条第二十二項第一号及び第二号に掲げる行為に係る業務を廃止したとき。

(ii) the business operator discontinues business related to the acts set forth in Article 2, paragraph (22), items (i) and (ii) at all the business offices and offices that have been established in Japan;

三　商品先物取引業を開始し、休止し、又は再開したとき。

(iii) the business operator commences, suspends, or resumes commodity derivatives business;

四　破産手続開始、再生手続開始又は更生手続開始の申立てを行つたとき。

(iv) the business operator files a petition to commence bankruptcy proceedings, rehabilitation proceedings, or reorganization proceedings; or

五　その他主務省令で定める場合に該当するとき。

(v) the business operator falls under any other case specified by order of the competent ministry.

２　前項の届出書には、主務省令で定める書類を添付しなければならない。

(2) The documents specified by order of the competent ministry must be attached to the written notification referred to in the preceding paragraph.

（兼業業務等の届出）

(Notification of Concurrent Business)

第百九十六条　商品先物取引業者は、商品先物取引業及びこれに附帯する業務以外の業務（以下「兼業業務」という。）を行おうとするときは、主務省令で定めるところにより、その旨の届出書を主務大臣に提出しなければならない。その届け出た事項を変更しようとするとき、又はその兼業業務を廃止したときも、同様とする。

Article 196 (1) If a commodity derivatives business operator seeks to engage in a business other than the commodity derivatives business or business incidental thereto (other such business is hereinafter referred to as "concurrent business"), the commodity derivatives business operator must submit a written notification of this to the competent minister, pursuant to the provisions of order of the competent ministry. The same applies if the commodity derivatives business operator seeks to change a particular for which they have submitted notification or if they discontinue the concurrent business.

２　商品先物取引業者は、他の法人に対する支配関係（他の法人に対する関係で、商品先物取引業者がその法人の総株主又は総社員の議決権の二分の一以上に相当する議決権（社債、株式等の振替に関する法律第百四十七条第一項又は第百四十八条第一項の規定により発行者に対抗することができない株式に係る議決権を含む。）を有する関係その他その法人の事業活動を実質的に支配することが可能なものとして主務省令で定める関係をいう。）を持つに至つたときは、主務省令で定めるところにより、遅滞なく、その旨の届出書を主務大臣に提出しなければならない。その届け出た事項に変更を生じたとき、又はその支配関係がなくなつたときも、同様とする。

(2) If a commodity derivatives business operator gains a controlling interest in another corporation (meaning a relationship with another corporation in which the commodity derivatives business operator holds voting rights equivalent to at least a half of all shareholders' or all members' voting rights in that corporation (including voting rights in respect of shares that cannot be asserted against the issuer pursuant to the provisions of Article 147, paragraph (1) or Article 148, paragraph (1) of the Act on Book-Entry Transfer of Corporate Bonds and Shares or a relationship specified by order of the competent ministry as one that enables the commodity derivatives business operator to substantially control the business activities of that corporation), the commodity derivatives business operator must submit a written notification of this to the competent minister without delay, pursuant to the provisions of order of the competent ministry. The same applies if a particular

for which they have submitted notification changes or if its controlling interest ceases to exist.

（廃業の届出等）
(Notification of Discontinuation of Business)

第百九十七条　商品先物取引業者が次の各号のいずれかに該当することとなつたときは、当該各号に定める者は、その日から三十日以内に、その旨を主務大臣に届け出なければならない。

Article 197 (1) If a commodity derivatives business operator comes to fall under any of the following items, the person set forth in each item must notify the competent minister of this within 30 days from the day in question:

一　商品先物取引業を廃止したとき。　その商品先物取引業者

(i) the business operator discontinues commodity derivatives business: the commodity derivatives business operator;

二　合併により消滅したとき。　その商品先物取引業者を代表する役員であつた者

(ii) the business operator disappears in a merger: the officer that represented the commodity derivatives business operator;

三　破産手続開始の決定により解散したとき。　その破産管財人

(iii) the business operator is dissolved due to an order of commencement of bankruptcy proceedings: the bankruptcy trustee;

四　合併及び破産手続開始の決定以外の理由により解散したとき。　その清算人

(iv) the business operator is dissolved for reasons other than a merger or an order of commencement of bankruptcy proceedings: the liquidator;

五　分割により商品先物取引業の全部又は一部を承継させたとき。　その商品先物取引業者

(v) the business operator has the whole or a part of its commodity derivatives business succeeded to in a company split: the commodity derivatives business operator; or

六　商品先物取引業の全部又は一部を譲渡したとき。　その商品先物取引業者

(vi) the business operator transfers the whole or a part of its commodity derivatives business: the commodity derivatives business operator.

２　商品先物取引業者が前項各号のいずれかに該当することとなつたとき（同項第五号にあつては分割により商品先物取引業の全部を承継させたとき、同項第六号にあつては商品先物取引業の全部を譲渡したときに限る。）は、当該商品先物取引業者の第百九十条第一項の許可は、その効力を失う。

(2) If a commodity derivatives business operator comes to fall under any of the items of the preceding paragraph (but only if they transfer the whole of the commodity derivatives business in a company split, if they fall under item (v) of that paragraph; and only if they transfer the whole of the commodity derivatives business, if they fall under item (vi) of that paragraph), the commodity derivatives business operator's license under Article 190, paragraph

(1) ceases to be effective.

3　商品先物取引業者は、商品先物取引業の廃止をし、合併（合併後存続する法人又は合併により設立される法人が商品先物取引業を行わない場合の当該合併に限る。）をし、又は合併及び破産手続開始の決定以外の理由による解散をしようとするときは、その日の三十日前までに、主務省令で定めるところにより、その旨を公告するとともに、すべての営業所又は事務所の公衆の目につきやすい場所に掲示しなければならない。

(3) If a commodity derivatives business operator seeks to discontinue commodity derivatives business, conduct a merger (limited to one in which the corporation surviving the merger or the corporation incorporated in the merger does not engage in commodity derivatives business), or dissolve for reasons other than a merger or an order of commencement of bankruptcy proceedings, by 30 days prior to that day, the business operator must issue public notice to that effect, as well as post a notice of the fact in a place easily seen by the public at all of their business offices and offices, pursuant to the provisions of order of the competent ministry.

4　商品先物取引業者は、前項の規定による公告をしたときは、直ちに、その旨を主務大臣に届け出なければならない。

(4) If a commodity derivatives business operator issues public notice under the provisions of the preceding paragraph, they must immediately notify the competent minister of this.

5　商品先物取引業者は、第三項の規定による公告をした場合においては、当該商品先物取引業者が行つた委託者の計算による商品市場における取引を速やかに結了し、かつ、商品市場における取引につき委託者から預託を受けた財産及びその計算において自己が占有する財産を遅滞なく返還しなければならない。

(5) If a commodity derivatives business operator issues public notice under the provisions of paragraph (3), they must promptly close the transactions in the commodity market that they have conducted on the entrustors' accounts and return the property deposited by the entrustors in relation to their commodity derivatives business and the property that the commodity derivatives business operator possesses based on the entrustors' accounts, without delay.

（商号等の使用制限）

(Restrictions on the Use of Trade Names)

第百九十七条の二　商品先物取引業者でない者は、その商号又は名称中に商品先物取引業者であると誤認されるおそれのある文字を用いてはならない。

Article 197-2 A person that is not a commodity derivatives business operator must not use a word in its trade name or name which could give rise to the misconception that it is a commodity derivatives business operator.

第二節　特定委託者等

Section 2 Eligible Consignors

（特定委託者への告知義務）

(Obligation to Notify Eligible Consignors)

第百九十七条の三　商品先物取引業者は、商品取引契約の申込みを特定委託者（第二条第二十五項第七号又は第八号に掲げる者に限る。）から受けた場合であつて、商品取引契約を過去に当該特定委託者との間で締結したことがない場合には、当該申込みに係る商品取引契約を締結するまでに、当該特定委託者に対し、当該特定委託者が次条第一項の規定による申出ができる旨を告知しなければならない。

Article 197-3 If a commodity derivatives business operator receives an offer for a commodity transaction contract from an eligible consignor (limited to one set forth in Article 2, paragraph (25), item (vii) or (viii)), and has not concluded a commodity transaction contract with the eligible consignor in the past, the business operator must notify the eligible consignor, by the time the commodity transaction contract which that application concerns is concluded, that the eligible consignor may make a request under the provisions of paragraph (1) of the following Article.

（特定委託者が一般顧客とみなされる場合）

(Cases in which an Eligible Consignor is Deemed to be a General Consignor)

第百九十七条の四　特定委託者（第二条第二十五項第七号又は第八号に掲げる者に限る。）は、商品先物取引業者に対し、商品取引契約に関して自己を特定委託者及び特定当業者以外の顧客（以下「一般顧客」という。）として取り扱うよう申し出ることができる。

Article 197-4 (1) An eligible consignor (limited to one set forth in Article 2, paragraph (25), item (vii) or (viii)) may request a commodity derivatives business operator to treat it as a customer other than an eligible consignor or eligible commercial person (hereinafter referred to as "general customer") in relation to a commodity transaction contract.

２　商品先物取引業者は、前項の規定による申出を受けた後最初に商品取引契約の締結の勧誘又は締結のいずれかを行うまでに、当該申出を承諾しなければならない。

(2) If a commodity derivatives business operator receives a request under the preceding paragraph, they must approve the request by the time they solicit the requester to conclude the first commodity transaction contract thereafter, or by the time they conclude the contract.

３　商品先物取引業者は、前項の規定により承諾する場合には、第一項の規定による申出をした特定委託者（以下この条において「申出者」という。）に対し、あらかじめ、次に掲げる事項を記載した書面を交付しなければならない。

(3) Before a commodity derivatives business operator approves the request pursuant to the provisions of the preceding paragraph, they must deliver a document stating the following particulars to the eligible consignor that

submitted the request under paragraph (1) (hereinafter referred to the "requester" in this Article):

一　前項の規定により承諾する日（以下この条において「承諾日」という。）

(i) the day on which the request is approved pursuant to the provisions of the preceding paragraph (hereinafter referred to as the "approval date" in this Article);

二　承諾日以後に商品取引契約の締結の勧誘又は締結をする場合において、当該申出者を一般顧客として取り扱う旨

(ii) an indication that they will treat the requester as a general customer if they solicit the requester to conclude a commodity transaction contract or conclude a commodity transaction contract with the requester on or after the approval date;

三　その他主務省令で定める事項

(iii) other particulars provided by order of the competent ministry.

4　商品先物取引業者は、前項の規定による書面の交付に代えて、政令で定めるところにより、申出者の承諾を得て、当該書面に記載すべき事項を電子情報処理組織を使用する方法その他の情報通信の技術を利用する方法であつて主務省令で定めるものにより提供することができる。この場合において、当該商品先物取引業者は、当該書面を交付したものとみなす。

(4) With the consent of the requester and pursuant to the provisions of Cabinet Order, in lieu of delivering the document under the provisions of the preceding paragraph, a commodity derivatives business operator may provide the requester with the particulars that are required to be stated in that document by means of an electronic data processing system or by any other means of using information and communications technology specified by order of the competent ministry. In such a case, the commodity derivatives business operator is deemed to have delivered the document.

5　商品先物取引業者が第二項の規定による承諾及び第三項の規定による書面の交付をした場合であつて、申出者が次に掲げる者である場合におけるこの法律（この節を除く。）の規定の適用については、当該申出者は、一般顧客とみなす。

(5) With regard to the application of the provisions of this Act (other than this Section), if a commodity derivatives business operator gives the approval under paragraph (2) or delivers the document under the provisions of paragraph (3), and the requester is a person set forth in one of the following items, the requester is deemed to be a general customer:

一　当該商品先物取引業者が承諾日以後に行う商品取引契約の締結の勧誘の相手方

(i) the other party to the commodity derivatives business operator's solicitation to conclude a commodity transaction contract on or after the approval date; or

二　当該商品先物取引業者が承諾日以後に締結する商品取引契約の相手方

(ii) the other party with which the commodity derivatives business operator

concludes a commodity transaction contract on or after the approval date.

6　商品先物取引業者は、商品取引契約（第二条第二十二項各号に規定する代理を行うことを内容とするものに限る。以下この項及び第八項において「特定商品取引契約」という。）の締結に関して申出者が前項の規定の適用を受ける場合において、当該特定商品取引契約に基づき当該申出者を代理して商品取引契約を締結するときは、当該商品取引契約の相手方である他の商品先物取引業者（次項及び第八項において「相手方商品先物取引業者」という。）に対し、あらかじめ、当該商品取引契約に関して申出者が一般顧客とみなされる旨を告知しなければならない。

(6) If the preceding paragraph applies to a requester with regard to the conclusion of a commodity transaction contract (limited to one concluded for the commodity derivatives business operator to act as an agent as provided for in one of the items of Article 2, paragraph (22); hereinafter referred to as a "specified commodity transaction contract" in this paragraph and paragraph (8)), before the commodity derivatives business operator concludes a commodity transaction contract on behalf of the requester based on the specified commodity transaction contract, they must notify the other commodity derivatives business operator with which the commodity transaction contract is to be concluded (hereinafter referred to as the "counterparty commodity derivatives business operator" in the following paragraph and paragraph (8)) that the requester is deemed to be a general customer in relation to that commodity transaction contract.

7　商品先物取引業者が前項の規定による告知をした場合には、相手方商品先物取引業者に対しては、前条の規定は、適用しない。

(7) If a commodity derivatives business operator gives the notice under the provisions of the preceding paragraph, the provisions of the preceding Article do not apply to the counterparty commodity derivatives business operator.

8　特定商品取引契約を締結した商品先物取引業者が第六項の規定による告知をした場合には、当該商品先物取引業者が当該特定商品取引契約に基づき申出者を代理して相手方商品先物取引業者との間で締結する商品取引契約については、当該申出者を一般顧客とみなして、この法律（この節を除く。）の規定を適用する。

(8) If a commodity derivatives business operator that has concluded a specified commodity transaction contract gives the notice under the provisions of paragraph (6), the requester is deemed to be a general customer with regard to the commodity transaction contracts that the commodity derivatives business operator concludes with the counterparty commodity derivatives business operator on behalf of the requester based on the specified commodity transaction contract, and the provisions of this Act (excluding this Section) apply.

9　承諾日以後に申出者が新たに第二条第二十五項第一号から第三号まで又は第六号のいずれかに掲げる者となつた場合には、当該申出者がこれらの者となつた日以後は、第五項から前項までの規定は、適用しない。

(9) If a requester newly becomes a person that falls under one of Article 2, paragraph (25), items (i) through (iii), or item (vi) on or after the approval date, the provisions of paragraphs (5) through (8) do not apply to the requester after the day on which the requester becomes such a person.

１０　第二項の規定による承諾を得た申出者は、商品先物取引業者に対し、商品取引契約に関して自己を特定委託者として取り扱うよう申し出ることができる。

(10) A requester that has obtained the approval under the provisions of paragraph (2) may request the commodity derivatives business operator to treat them as eligible consignor with regard to a commodity transaction contract.

１１　商品先物取引業者は、前項の申出（以下この条において「復帰申出」という。）を承諾する場合には、あらかじめ、当該復帰申出を承諾する日その他主務省令で定める事項を記載した書面により、復帰申出をした者（以下この条において「復帰申出者」という。）の同意を得なければならない。

(11) Before a commodity derivatives business operator approves the request referred to in the preceding paragraph (hereinafter referred to as a "request for reinstatement"), they must obtain the consent of the person making the request for reinstatement (hereinafter referred to an "person requesting reinstatement" in this Article) in writing using a document stating the date on which they will approve the request for reinstatement and the particulars specified by order of the competent ministry.

１２　商品先物取引業者は、前項の規定による書面による同意に代えて、政令で定めるところにより、復帰申出者の承諾を得て、復帰申出者が特定委託者として取り扱われることについての同意を電子情報処理組織を使用する方法その他の情報通信の技術を利用する方法であつて主務省令で定めるものにより得ることができる。この場合において、当該商品先物取引業者は、当該書面による同意を得たものとみなす。

(12) With the consent of the person requesting reinstatement and pursuant to the provisions of Cabinet Order, in lieu of obtaining the consent in writing under the provisions of the preceding paragraph, a commodity derivatives business operator may obtain consent to treat the person requesting reinstatement as an eligible consignor by means of an electronic data processing system or any other means of using information and communications technology specified by order of the competent ministry. In such a case, the commodity derivatives business operator is deemed to have obtained written consent.

１３　商品先物取引業者が第十一項の規定により復帰申出者の同意を得て復帰申出を承諾した場合には、当該承諾をした日以後新たに第二項の規定による承諾をする日の前日までの間は、第五項、第六項及び第八項の規定は、適用しない。

(13) Once a commodity derivatives business operator approves a request for reinstatement with the consent of the person requesting reinstatement pursuant to the provisions of paragraph (11), the provisions of paragraphs (5), (6), and (8) do not apply during the period from the day on which the request is

approved to the day preceding the day on which the business operator gives the new approval under paragraph (2).

（特定委託者等以外の顧客である法人が特定委託者とみなされる場合）

(When a Customer Other Than an Eligible Consignor is a Corporation Deemed to be an Eligible Consignor)

第百九十七条の五　法人（特定委託者、特定当業者及び第百九十七条の九第一項に規定する法人を除く。）は、商品先物取引業者に対し、商品取引契約に関して自己を特定委託者として取り扱うよう申し出ることができる。

Article 197-5 (1) A corporation (other than an eligible consignor, eligible commercial person, or corporation prescribed in Article 197-9, paragraph (1)) may request a commodity derivatives business operator to treat it as eligible consignor with regard to a commodity transaction contract.

２　商品先物取引業者は、前項の規定による申出を承諾する場合には、あらかじめ、次に掲げる事項を記載した書面により、当該申出をした法人（以下この条において「申出者」という。）の同意を得なければならない。この場合において、第二号に規定する期限日は、第一号に規定する承諾日から起算して一年を経過する日（主務省令で定める場合にあつては、当該経過する日前で主務省令で定める日）としなければならない。

(2) Before approving a request under the provisions of the preceding paragraph, a commodity derivatives business operator must obtain the consent of the corporation that has made the request (hereinafter referred to as the "requester" in this Article) using a document that states the following particulars. In such a case, the business operator must set the due date specified in item (ii) to the day on which one year has elapsed counting from the approval date specified in item (i) (or, in the case specified by order of the competent ministry, a day before one year elapses, which is specified by order of the competent ministry):

一　この項の規定による承諾をする日（以下この条において「承諾日」という。）

(i) the day on which they give the approval under the provisions of this paragraph (hereinafter referred to as the "approval date" in this Article);

二　商品取引契約の締結の勧誘又は締結をする場合において、申出者を特定委託者として取り扱う期間の末日（以下この条において「期限日」という。）

(ii) the last day of the period during which they will treat the requester as eligible consignor in soliciting the requester to conclude a commodity transaction contract or in concluding a commodity transaction contract with the requester (hereinafter referred to as the "due date" in this Article);

三　当該申出者が次に掲げる事項を理解している旨

(iii) a statement to the effect that the requester understands the following particulars:

イ　特定委託者が商品先物取引業者から商品取引契約の締結の勧誘を受け、又は当

該商品先物取引業者に商品取引契約の申込みをし、若しくは当該商品先物取引業者と商品取引契約を締結する場合におけるこの法律の規定の適用の特例の内容として主務省令で定める事項

(a) if an eligible consignor offers a commodity transaction contract to the commodity derivatives business operator or concludes a commodity transaction contract with the commodity derivatives business operator, the particulars specified by order of the competent ministry as the content of special provisions for the application of this Act, if an eligible entrustor is solicited to conclude a commodity transaction contract by a commodity derivatives business operator;

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

(b) if a person that is inappropriate to be treated as eligible consignor in relation to the commodity transaction contracts, in light of their knowledge, experience, and the state of their property, will be treated as eligible consignor, it is likely to result in insufficient protection of that person.

四　期限日以前に商品取引契約の締結の勧誘又は締結をする場合において、当該申出者を特定委託者として取り扱う旨

(iv) in soliciting the requester to conclude a commodity transaction contract before the due date, or in concluding a commodity transaction contract with the requester before the due date, an indication that the business operator will treat the requester as eligible consignor;

五　期限日後に商品取引契約の締結の勧誘又は締結をする場合において、当該申出者を一般顧客として取り扱う旨

(v) in soliciting the requester to conclude a commodity transaction contract on or after the due date, or in concluding a commodity transaction contract with the requester after the due date, an indication that the business operator will treat the requester as a general consignor;

六　商品先物取引業者に対し、申出者を一般顧客として取り扱うよう申し出ることができる旨

(vi) an indication that the requester may request the commodity derivatives business operator to treat them as a general customer;

七　その他主務省令で定める事項

(vii) other particulars specified by order of the competent ministry.

3　前条第十二項の規定は、前項の規定による書面による同意について準用する。

(3) The provisions of paragraph (12) of the preceding Article apply mutatis mutandis to the consent in writing under the provisions of the preceding paragraph.

4　商品先物取引業者が第二項の規定による承諾をし、かつ、申出者が同項の規定による書面による同意をした場合であつて、当該申出者が次に掲げる者である場合におけ

るこの法律（この節を除く。）の規定の適用については、当該申出者は、特定委託者とみなす。

(4) With regard to the application of the provisions of this Act (excluding this Section), when a commodity derivatives business operator gives the approval under paragraph (2) and the requester gives the consent in writing under the provisions of that paragraph, if the requester is a person set forth in one of the following items, the requester is deemed to be an eligible consignor:

一　当該商品先物取引業者が承諾日から期限日までに行う商品取引契約の締結の勧誘の相手方

(i) a person that the commodity derivatives business operator solicits to conclude a commodity transaction contract during the period from the approval date to the due date; or

二　当該商品先物取引業者が承諾日から期限日までに締結する商品取引契約の相手方

(ii) a person with which the commodity derivatives business operator concludes a commodity transaction contract during the period from the approval date to the due date.

5　商品先物取引業者は、商品取引契約（第二条第二十二項各号に規定する代理を行うことを内容とするものに限る。以下この項及び次項において「特定商品取引契約」という。）の締結に関して申出者が前項の規定の適用を受ける場合において、当該特定商品取引契約に基づき当該申出者を代理して商品取引契約を締結するときは、当該商品取引契約の相手方である他の商品先物取引業者（次項において「相手方商品先物取引業者」という。）に対し、あらかじめ、当該商品取引契約に関して申出者が特定委託者とみなされる旨を告知しなければならない。

(5) If the preceding paragraph applies to a requester in relation to the conclusion of a commodity transaction contract (limited to one concluded for the commodity derivatives business operator to act as an agent as provided for in one of the items of Article 2, paragraph (22); hereinafter referred to as the "specified commodity transaction contract" in this paragraph and the following paragraph), before the commodity derivatives business operator concludes a commodity transaction contract on behalf of the requester based on the specified commodity transaction contract, the business operator must notify the other commodity derivatives business operator with which the commodity transaction contract is to be concluded (hereinafter referred to as a "counterparty commodity derivatives business operator" in the following paragraph) that the requester is deemed to be an eligible consignor in relation to the commodity transaction contract.

6　特定商品取引契約を締結した商品先物取引業者が前項の規定による告知をした場合には、当該商品先物取引業者が当該特定商品取引契約に基づき申出者を代理して相手方商品先物取引業者との間で締結する商品取引契約については、当該申出者を特定委託者とみなして、この法律（この節を除く。）の規定を適用する。

(6) If a commodity derivatives business operator that has concluded a specified

commodity transaction contract gives the notice under the provisions of the preceding paragraph, the requester is deemed to be an eligible consignor in relation to the commodity transaction contract that the commodity derivatives business operator concludes with the counterparty commodity derivatives business operator on behalf of the requester based on the specified commodity transaction contract, and the provisions of this Act (excluding this Section) apply.

７　申出者は、承諾日から起算して主務省令で定める期間を経過する日から期限日までの間、期限日後においても自己を特定委託者として取り扱うよう申し出ることができる。

(7) From the day that the period specified by order of the competent ministry has passed counting from the approval date until the due date, the requester may request the commodity derivatives business operator to continue to treat them as eligible consignor after the due date.

８　商品先物取引業者が、前項の申出（以下この条において「更新申出」という。）を期限日以前に承諾する場合には、期限日の翌日に当該承諾があつたものとみなす。

(8) If a commodity derivatives business operator approves the request referred to in the preceding paragraph (hereinafter referred to as "request for renewal" in this Article) on or before the due date, the approval is deemed to have been given on the day following the due date.

９　商品先物取引業者が更新申出を承諾する場合には、第二項から前項までの規定を準用する。この場合において、第二項第一号中「この項の規定による承諾をする日」とあるのは「第八項の規定により承諾があつたものとみなされる日」と、第四項中「第二項の規定による承諾」とあるのは「第八項の規定による承諾」と読み替えるものとする。

(9) If a commodity derivatives business operator is to approve the request for renewal, the provisions of paragraphs (2) through (8) apply mutatis mutandis to the approval. In such a case, the phrase "the day on which they give the approval under this paragraph" in paragraph (2), item (i) is deemed to be replaced with "the day that is deemed to be the day on which on which they have given the approval pursuant to the provisions of paragraph (8)" and the phrase "approval under the provisions of paragraph (2)" in paragraph (4) is deemed to be replaced with "approval under the provisions of paragraph (8)".

１０　第二項の承諾を得た申出者は、承諾日以後において、自己を一般顧客として取り扱うよう申し出ることができる。

(10) A requester that has obtained the approval under paragraph (2) may request a commodity derivatives business operator to treat them as a general customer on or after the approval date.

１１　商品先物取引業者は、前項の申出（以下この条において「復帰申出」という。）を受けた後最初に商品取引契約の締結の勧誘又は締結のいずれかを行うまでに、当該復帰申出を承諾しなければならない。

(11) If a commodity derivatives business operator receives a request under the preceding paragraph (hereinafter referred to as "request for reinstatement" in this Article), they must approve the request for reinstatement by the time they solicit the requester to conclude the first commodity transaction contract thereafter, or by the time they conclude the contract.

１２　商品先物取引業者は、復帰申出を承諾する場合には、復帰申出をした法人に対し、あらかじめ、当該復帰申出を承諾する日その他の主務省令で定める事項を記載した書面を交付しなければならない。

(12) Before a commodity derivatives business operator approves a request for reinstatement, they must deliver a document that states the date on which they will approve the request for reinstatement and other particulars specified by order of the competent ministry to the corporation that has made the request for reinstatement.

１３　前条第四項の規定は、前項の規定による書面の交付について準用する。

(13) The provisions of paragraph (4) of the preceding Article apply mutatis mutandis to the delivery of a document under the provisions of the preceding paragraph.

１４　商品先物取引業者が第十一項の規定により復帰申出を承諾した場合には、当該復帰申出を承諾した日以後新たに第二項の規定による承諾をする日の前日までの間、第四項から第九項までの規定は、適用しない。

(14) If a commodity derivatives business operator approves the request for reinstatement pursuant to the provisions of paragraph (11), the provisions of paragraphs (4) through (9) do not apply during the period from the day on which they approve the request for reinstatement until the day preceding the day on which they newly give the approval under the provisions of paragraph (2).

（特定委託者以外の顧客である個人が特定委託者とみなされる場合）

(When a Customer Other Than an Eligible Consignor who is an Individual is Deemed to be an Eligible Consignor)

第百九十七条の六　知識、経験及び財産の状況に照らして特定委託者に相当する者として主務省令で定める要件に該当する個人（第二条第二十五項第三号に掲げる者及び商品取引所の会員等を除く。）は、商品先物取引業者に対し、商品取引契約に関して自己を特定委託者として取り扱うよう申し出ることができる。

Article 197-6 (1) An individual who satisfies the requirements specified by order of the competent ministry for a person who is equivalent to an eligible consignor in light of the person's knowledge and experience and the state of property (excluding a person falling under Article 2, paragraph (25), item (iii) or the member, etc. of a commodity exchange) may request a commodity derivatives business operator to treat them as eligible consignor in relation to commodity transaction contracts.

２　商品先物取引業者は、前項の規定による申出を受けた場合には、当該申出をした個人（以下この条において「申出者」という。）に対し、前条第二項第三号イ及びロに掲げる事項を記載した書面を交付するとともに、申出者が前項に規定する者に該当することを確認しなければならない。

(2) If a commodity derivatives business operator receives a request under the preceding paragraph, they must deliver a document that states the particulars set forth in paragraph (2), item (iii), (a) and (b) of the preceding Article to the individual that has made the request (hereinafter referred to as the "requester" in this Article) and confirm that the requester falls under the person prescribed in the preceding paragraph.

３　第百九十七条の四第四項の規定は、前項の規定による書面の交付について準用する。

(3) The provisions of Article 197-4, paragraph (4) apply mutatis mutandis to the delivery of a document under the provisions of the preceding paragraph.

４　申出者は、商品先物取引業者が第六項において準用する前条第二項による承諾をする日（次項において「承諾日」という。）から起算して主務省令で定める期間を経過する日から第六項において準用する前条第二項第二号に規定する期限日までの間、期限日後においても自己を特定委託者として取り扱うよう申し出ることができる。

(4) From the day that the period specified by order of the competent ministry has passed counting from the date of the approval under paragraph (2) of the preceding Article as applied mutatis mutandis pursuant to paragraph (6) (referred to as the "approval date" in the following paragraph) until the due date specified in paragraph (2), item (ii) of the preceding Article as applied mutatis mutandis pursuant to paragraph (6), the requester may request the commodity derivatives business operator to continue to treat them as eligible consignor after the end date.

５　次項において準用する前条第二項の承諾を受けた者は、商品先物取引業者が承諾日以後において、自己を一般顧客として取り扱うよう申し出ることができる。

(5) A requester who has obtained the approval referred to in paragraph (2) of the preceding Article as applied mutatis mutandis pursuant to the following paragraph may request the commodity derivatives business operator to treat them as a general customer on or after the approval date.

６　前条第二項から第六項までの規定は商品先物取引業者が第一項の申出を承諾する場合について、同条第八項及び第九項の規定は商品先物取引業者が第四項の申出を承諾する場合について、同条第十一項から第十四項までの規定は商品先物取引業者が前項の申出を承諾する場合について、それぞれ準用する。この場合において、同条第二項中「当該申出をした法人」とあるのは「第百九十七条の六第二項に規定する申出者」と、同条第十二項中「復帰申出をした法人」とあるのは「第百九十七条の六第五項の申出をした者」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

(6) The provisions of paragraphs (2) through (6) of the preceding Article apply mutatis mutandis when a commodity derivatives business operator approves the request referred to in paragraph (1), the provisions of paragraphs (8) and

(9) of that Article apply mutatis mutandis when a commodity derivatives business operator approves the request referred to in paragraph (4), and the provisions of paragraphs (11) through (14) of that Article apply mutatis mutandis when a commodity derivatives business operator approves the request referred to in the preceding paragraph. In such a case, the term "the corporation that has made the request" in paragraph (2) of that Article is deemed to be replaced with "the requester provided for in Article 197-6, paragraph (2)" and the phrase "the corporation that has made the request for reinstatement" in paragraph (12) of that Article is deemed to be replaced with "the person that has made the request referred to in Article 197-6, paragraph (5)", and any other necessary technical replacement of terms is specified by Cabinet Order.

（特定当業者への告知義務）

(Obligation to Notify Eligible Commercial Persons)

第百九十七条の七　商品先物取引業者は、商品取引契約の申込みを特定当業者から受けた場合であつて、商品取引契約（特定当業者が売買、売買の媒介、取次ぎ若しくは代理、生産、加工若しくは使用を業として行つている物品若しくはこれに関連する物品として主務省令で定めるもの又は売買若しくは売買の媒介、取次ぎ若しくは代理その他主務省令で定める行為を業として行つている電力を取引対象商品とする商品デリバティブ取引に関するものに限る。以下この条から第百九十七条の九まで及び第二百二十条の四第二項第二号において同じ。）を過去に当該特定当業者との間で締結したことがない場合には、当該申込みに係る商品取引契約を締結するまでに、当該特定当業者に対し、当該特定当業者が次条第一項の規定による申出ができる旨を告知しなければならない。

Article 197-7 If a commodity derivatives business operator receives an offer for a commodity transaction contract from an eligible commercial person, and has nover-the-counteroncluded a commodity transaction contract (limited to contracts related to commercial derivative transactions of which the underlying commodities are goods for which the eligible commercial person buys and sells, acts as a mediator, intermediary or agent for buying and selling or engages in the production, the processing or the use in the course of trade or other goods specified by order of the competent ministry as being related to those goods, or electric power which the eligible commercial person buys and sells, acts as a mediator, intermediary or agent for buying and selling, or conducts other acts specified by order of the competent ministry in the course of trade; hereinafter the same applies in this Article to Article 197-9 and Article 220-4, paragraph (2), item (ii)) in the past with the eligible commercial person, the commodity derivatives business operator must notify the eligible commercial person by the time the commodity transaction contract which that application concerns is concluded, that the eligible commercial person may make an offer under the

provisions of paragraph (1) of the following Article.

（特定当業者が一般顧客とみなされる場合）

(When Eligible Commercial Persons are Deemed to be General Consignors)

第百九十七条の八　特定当業者は、商品先物取引業者に対し、商品取引契約に関して自己を一般顧客として取り扱うよう申し出ることができる。

Article 197-8 (1) Eligible commercial persons may make a request to a commodity derivatives business operator to treat them as a general customer in relation to a commodity transaction contract.

２　第百九十七条の四第二項から第十三項までの規定は、特定当業者について準用する。この場合において、同条第三項、第十項及び第十二項中「特定委託者」とあるのは、「特定当業者」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

(2) The provisions of Article 197-4, paragraphs (2) through (13) apply mutatis mutandis to eligible commercial persons. In such a case, the term "specified entrustor" in paragraphs (3), (10), and (12) of that Article is deemed to be replaced with "eligible commercial person", and any other necessary technical replacement of terms is specified by Cabinet Order.

（特定委託者及び特定当業者以外の法人が特定当業者とみなされる場合）

(When Corporations Other Than Eligible Consignors or Eligible Commercial Persons are Deemed to be Eligible Commercial Persons)

第百九十七条の九　商品取引契約の申込みを行おうとする法人（特定委託者及び特定当業者を除く。）であつて、当該商品取引契約に基づく商品デリバティブ取引の取引対象商品の全てについて当該取引対象商品である物品若しくはこれに関連する物品として主務省令で定めるものの売買、売買の媒介、取次ぎ若しくは代理、生産、加工若しくは使用又は当該取引対象商品である電力の売買若しくは売買の媒介、取次ぎ若しくは代理その他主務省令で定める行為を業として行つているものは、商品先物取引業者に対し、商品取引契約に関して自己を特定当業者として取り扱うよう申し出ることができる。

Article 197-9 (1) A corporation (excluding eligible consignorss and eligible commercial persons) seeking to file an application for a commodity transaction contract may request that a commodity derivatives business operator treat it as eligible commercial persons, if the corporation, in the course of trade, buys or sells, acts as a mediator, intermediary or agent for the buying and selling, or engages in the production, the processing or the use of all the goods that are the underlying commodities of commodity derivatives transactions concluded based on commodity transaction contract or other goods specified by order of the competent ministry as being related to those goods, or in the course of trade, buys or sells, acts as a mediator, intermediary or agent for the buying and selling, or conducts other acts specified by order of the competent ministry of electric power that are the underlying commodities.

２　第百九十七条の五第二項から第十四項までの規定は、前項に規定する法人について準用する。この場合において、同条第二項第二号から第四号まで及び第四項から第七項までの規定中「特定委託者」とあるのは、「特定当業者」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

(2) The provisions of Article 197-5, paragraphs (2) through (14) apply mutatis mutandis to the corporation prescribed in the preceding paragraph. In such a case, the term "eligible consignor" in paragraph (2), items (ii) through (iv) of that Article and paragraphs (4) through (7) of that Article is deemed to be replaced with "eligible commercial person", and any other necessary technical replacement of terms is specified by Cabinet Order.

（政令への委任）

(Delegation to Cabinet Order)

第百九十七条の十　この節に定めるもののほか、特定委託者（第二条第二十五項第七号又は第八号に掲げる者に限る。）が一般顧客とみなされる場合、特定委託者、特定当業者及び前条第一項に規定する法人以外の顧客が特定委託者とみなされる場合、特定当業者が一般顧客とみなされる場合又は同項に規定する法人が特定当業者とみなされる場合の手続その他この節の規定の適用に関し必要な事項は、政令で定める。

Article 197-10 Beyond what is prescribed in this Section, procedures when an eligible consignor (limited to one set forth in Article 2, paragraph (25), item (vii) or (viii)) is deemed to be a general customer, procedures when a customer other than an eligible consignor, eligible commercial person, or a corporation prescribed in paragraph (1) of the preceding Article is deemed to be an eligible consignor, procedures when an eligible commercial person is deemed to be a general customer, or procedures when a corporation prescribed in that paragraph is deemed to be an eligible commercial person, and other necessary particulars for the application of the provisions of this Section are specified by Cabinet Order.

第三節　業務

Section 3 Services

（標識の掲示）

(Posting of Signs)

第百九十八条　商品先物取引業者は、営業所又は事務所ごとにその見やすい箇所に、主務省令で定める標識を掲げなければならない。

Article 198 (1) A commodity derivatives business operator must post a sign specified by order of the competent ministry in a conspicuous place at each business office or office.

２　商品先物取引業者以外の者は、前項の標識又はこれに類似する標識を掲示してはならない。

(2) A person other than a commodity derivatives business operator must not post the sign referred to in the preceding paragraph or a similar sign.

（名義貸しの禁止）

(Prohibition of Lending One's Name)

第百九十九条　商品先物取引業者は、自己の名義をもつて、他人に商品先物取引業を行わせてはならない。

Article 199 A commodity derivatives business operator must not have another person engage in commodity derivatives business using their name.

（外務員の登録）

(Registration of Sales Representatives)

第二百条　商品先物取引業者は、その役員又は使用人であつて、その商品先物取引業者のために次に掲げる行為を行うもの（以下「外務員」という。）について、主務大臣の行う登録を受けなければならない。

Article 200 (1) A commodity derivatives business operator must have their officers and employees that engage in the following acts on behalf of the commodity derivatives business operator (hereinafter such a person is referred to as a "sales representative") registered by the competent minister:

一　第二条第二十二項各号に掲げる行為

(i) the acts set forth in the items of Article 2, paragraph (22);

二　商品市場における取引（商品清算取引を除く。以下この章において同じ。）の委託の勧誘又はその委託の媒介、取次ぎ若しくは代理の申込みの勧誘

(ii) soliciting the consignment of transactions in a commodity market (other than a commodity clearing transaction; hereinafter the same applies in this Chapter) or soliciting requests for acting as an intermediary, broker, or agent in entrusting a person with the transactions;

三　商品清算取引の委託の取次ぎの委託の勧誘又はその委託の媒介、取次ぎ若しくは代理の申込みの勧誘

(iii) soliciting requests for brokerage of a person's entrustment with commodity clearing transactions or soliciting requests for acting as an intermediary, broker, or agent in entrusting a person with the transactions;

四　外国商品市場取引（商品清算取引に類似する取引を除く。以下この章において同じ。）の委託の勧誘又はその委託の媒介、取次ぎ若しくは代理の申込みの勧誘

(iv) soliciting the entrustment of foreign commodity market transactions (other than those similar to commodity clearing transactions; hereinafter the same applies in this Chapter) or soliciting requests for acting as an intermediary, broker, or agent in entrusting a person with the transactions;

五　外国商品市場取引のうち、商品清算取引に類似する取引の委託の取次ぎの委託の勧誘又はその委託の媒介、取次ぎ若しくは代理の申込みの勧誘

(v) soliciting requests for brokerage of a person's entrustment with foreign

commodity market transactions that are similar to commodity clearing transactions or soliciting requests for acting as an intermediary, broker, or agent in entrusting a person with the transactions;

六　店頭商品デリバティブ取引の申込みの勧誘又はその媒介、取次ぎ若しくは代理の申込みの勧誘

(vi) soliciting offers for over-the-counter commodity derivatives transactions or soliciting requests for acting as an intermediary, broker, or agent in entrusting a person with the transactions.

２　商品先物取引業者は、前項の規定による登録に係る外務員（以下「登録外務員」という。）以外の者に外務員の職務を行わせてはならない。

(2) A commodity derivatives business operator must not have a person other than a sales representative to which a registration under the preceding paragraph concerns (hereinafter referred to as a "registered sales representative") perform the duties of a sales representative.

３　第一項の規定により登録を受けようとする商品先物取引業者は、次に掲げる事項を記載した申請書を主務大臣に提出しなければならない。

(3) A commodity derivatives business operator seeking to obtain registration pursuant to the provisions of paragraph (1) must submit a written application stating the following particulars to the competent minister:

一　登録申請者の商号又は名称及びその代表者の氏名

(i) the name or trade name of the registration applicant and the name of their representative;

二　登録の申請に係る外務員についての次に掲げる事項

(ii) the following particulars with regard to the sales representative which the application for registration concerns:

イ　氏名、生年月日及び住所

(a) the name, date of birth, and address;

ロ　役員又は使用人の別

(b) whether the person is an officer or an employee;

ハ　外務員（第二百四十条の十一において準用する第一項の規定による登録に係る外務員を含む。以下この号並びに次条第一項第二号及び第三号において同じ。）の職務を行つたことの有無並びに外務員の職務を行つたことのある者については、その所属していた商品先物取引業者又は商品先物取引仲介業者の商号、名称又は氏名及びその行つた期間

(c) whether the person has experience of performing the duties of a sales representative (including one pertaining to the registration under the provisions of paragraph (1) as applied mutatis mutandis pursuant to Article 240-11; hereinafter the same applies in this item and paragraph (1), items (ii) and (iii) of the following Article), and if the person has experience of performing the duties of a sales representative, the trade name or name of the commodity derivatives business operator or commodity derivatives

intermediary service provider to which the person belonged and the period during which the person performed those duties;

ニ　商品先物取引仲介業を行つたことの有無及び商品先物取引仲介業を行つたことのある者については、その行つた期間

(d) whether the person has experience of performing commodity derivatives intermediation services, and if the person has experience of performing commodity derivatives intermediation services, the period during which the person performed the services.

4　前項の申請書には、登録を受けようとする外務員に係る履歴書その他主務省令で定める書類を添付しなければならない。

(4) A curriculum vitae of the sales representative that seeks to be registered and the documents specified by order of the competent ministry must be attached to the written application referred to in the preceding paragraph.

5　主務大臣は、第三項の規定による登録の申請があつた場合においては、次条第一項の規定に該当する場合を除くほか、直ちに氏名、生年月日その他主務省令で定める事項を登録原簿に登録しなければならない。

(5) When an application for registration under the provisions of paragraph (3) is filed, the competent minister must immediately register the name, date of birth, and particulars specified by order of the competent ministry in the register except in the case that falls under the provsions of paragraph (1) of the following Article.

6　主務大臣は、前項の規定による登録をした場合においては、遅滞なく、書面をもつて、その旨を登録申請者に通知しなければならない。

(6) Upon making a registration under the provisions of the preceding paragraph, the competent minister must notify the registration applicant of this in writing without delay.

7　第一項の登録は、六年ごとにその更新を受けなければ、その期間の経過によつて、その効力を失う。

(7) The registration referred to in paragraph (1) ceases to be effective upon the expiration of the registration period unless it is renewed every six years.

（外務員の登録の拒否）

(Refusal of Registration of a Sales Representative)

第二百一条　主務大臣は、登録の申請に係る外務員が次の各号のいずれかに該当するとき、又は申請書若しくはこれに添付すべき書類のうちに重要な事項について虚偽の記載があり、若しくは重要な事実の記載が欠けているときは、その登録を拒否しなければならない。

Article 201 (1) If the sales representative which an application for registration concerns falls under one of the following items or if the written application or documents that are required to be attached to the written application contain a false statement about a material particular or lack a statement of a material

fact, the competent minister must refuse the registration:

一　第十五条第二項第一号イからルまでのいずれかに該当する者

(i) a person that falls under one of the persons referred to in Article 15, paragraph (2), item (i), sub-items (a) through (k);

二　第二百四条第一項（第二百四十条の十一において準用する場合を含む。）の規定により外務員の登録を取り消され、その取消しの日から五年を経過するまでの者

(ii) a person whose registration as sales representative has been revoked pursuant to the provisions of Article 204, paragraph (1) (including as applied mutatis mutandis pursuant to Article 240-11), and for whom five years have not passed since the day of the revocation;

三　登録申請者以外の商品先物取引業者又は商品先物取引仲介業者に属する外務員として登録されている者

(iii) a person who is registered as a sales representative belonging to a commodity derivatives business operator or commodity derivatives intermediary service provider other than the registration applicant; or

四　第二百四十条の二第一項の登録を受けている者

(iv) a person who has obtained the registration referred to in Article 240-2, paragraph (1).

２　第十五条第五項から第九項までの規定は、前項の規定による登録の拒否について準用する。

(2) The provisions of Article 15, paragraphs (5) through (9) apply mutatis mutandis to a refusal of registration under the provisions of the preceding paragraph.

（外務員の権限）

(Authority of Sales Representatives)

第二百二条　外務員は、その所属する商品先物取引業者に代わつて、第二百条第一項各号に掲げる行為に関し、一切の裁判外の行為を行う権限を有するものとみなす。ただし、相手方が悪意であつたときは、この限りでない。

Article 202 A sales representative is deemed to have the authority to perform all acts out of court in relation to the acts set forth in the items of Article 200, paragraph (1) on behalf of the commodity derivatives business operator to which the sales representative belongs; provided, however, that this does not apply if the counterparty acts in bad faith.

（外務員についての届出）

(Notification Regarding a Sales Representative)

第二百三条　商品先物取引業者は、登録外務員について、次の各号のいずれかに該当する事実が生じたときは、遅滞なく、その旨を主務大臣に届け出なければならない。

Article 203 If any of the following circumstances arises for a registered sales representative, the commodity derivatives business operator must notify the

competent minister of this without delay:

一　第二百条第三項第二号イ及びロに掲げる事項に変更があつたとき。

(i) there is a change in a particular set forth in Article 200, paragraph (3), item (ii), (a) or (b);

二　第十五条第二項第一号イからルまで（同号ニからリまでについては、この法律に相当する外国の法令の規定又は商品取引所に相当する外国の施設に係る部分に限る。）のいずれかに該当することとなつたとき。

(ii) the registered sales representative comes to fall under one of the persons referred to in Article 15, paragraph (2), item (i), sub-items (a) through (k) (with regard to sub-items (d) through (i) of that item, this is limited to the part that is related to the provisions of a foreign law or regulation that is equivalent to this Act or to the facility of a foreign state equivalent to a commodity exchange);

三　退職その他の理由により外務員の職務を行わないこととなつたとき。

(iii) the registered sales representative no longer perform the duties of a sales representative due to leaving the workplace or other reasons.

（外務員の登録の取消し等）

(Revocatio of the Registration of a Sales Representative)

第二百四条　主務大臣は、登録外務員について、その登録が不正の手段によりなされたことを発見したとき、又は登録外務員が次の各号のいずれかに該当するときは、当該登録を取り消し、又は当該登録外務員に対し、二年以内の期間を定めてその職務の停止を命ずることができる。

Article 204 (1) If the competent minister discovers that a registered sales representative has been registered by wrongful means or if a registered sales representative falls under one of the following items, the minister may revoke the registration or order the registered sales representative to suspend their duties for a fixed period not exceeding two years:

一　第十五条第二項第一号イからルまで（同号ニについては、第三百三十二条第一項及び第三百四十二条第一項の許可の取消しに係る部分並びにこの法律に相当する外国の法令の規定に係る部分に限る。）のいずれかに該当することとなつたとき。

(i) the registered sales representative has come to fall under one of the persons referred to in Article 15, paragraph (2), item (i), sub-items (a) through (k) (with regard to (d) of that item, this is limited to the part that is related to the revocation of the license referred to in Article 332, paragraph (1) or Article 342, paragraph (1) or to the provisions of a foreign law or regulation that is equivalent to this Act);

二　法令に違反したとき、その他外務員の職務に関して著しく不適当な行為をしたと認められるとき。

(ii) the registered sales representative has violated a law or regulation or is found to have committed an extremely inappropriate act in relation to duties

as a sales representative.

２　主務大臣は、前項の規定に基づいて処分をすることとしたときは、書面により、その旨を当該外務員について登録を受けた商品先物取引業者に通知しなければならない。

(2) If the competent minister decides to render a disposition based on the provisions of the preceding paragraph, the minister must notify the commodity derivatives business operator that has had the sales representative registered of this in writing.

３　第百五十八条第二項の規定は第一項の規定による処分について、第百五十九条第四項の規定は第一項の規定による登録の取消しに係る聴聞について準用する。

(3) The provisions of Article 158, paragraph (2) apply mutatis mutandis to a disposition under the provisions of paragraph (1), and the provisions of Article 159, paragraph (4) apply mutatis mutandis to a hearing on the revocation of a registration under the provisions of paragraph (1).

（外務員の登録の抹消）

(Deletion of the Registration of a Sales Representative)

第二百五条　主務大臣は、次に掲げる場合においては、登録原簿につき、外務員に関する登録を抹消する。

Article 205 The competent minister deletes the registration of a sales representative from the register in the following cases:

一　前条第一項の規定により外務員の登録を取り消したとき。

(i) the competent minister revokes the registration of the sales representative pursuant to the provisions of paragraph (1) of the preceding Article;

二　外務員の所属する商品先物取引業者が解散し、又は商品先物取引業を廃止したとき。

(ii) the commodity derivatives business operator to which the sales representative belongs is dissolved or the business operator discontinues commodity derivatives business; or

三　退職その他の理由により外務員の職務を行わないこととなつた事実が確認されたとき。

(iii) the competent minister confirms that the sales representative will no longer perform duties as a sales representative due to leaving the workplace or other reasons.

（商品先物取引協会による外務員の登録事務）

(Registration Work by a Commodity Futures Association for the Registration of Sales Representatives)

第二百六条　主務大臣は、主務省令で定めるところにより、第二百四十一条第一項に規定する商品先物取引協会（以下この条から第二百八条まで、第二百三十九条及び第二百四十条の五第五号において「協会」という。）に、第二百条、第二百一条及び前三条に規定する登録に関する事務であつて当該協会に所属する商品先物取引業者の外務

員に係るもの（以下この条及び第二百八条において「登録事務」という。）を行わせることができる。

Article 206 (1) The competent minister may have a commodity futures association prescribed in Article 241, paragraph (1) (hereinafter referred to as an "association" in this Article through Article 208, Article 239, and Article 240-5, item (v)) conduct the work concerning the registration prescribed in Article 200, Article 201, and the preceding three Articles, which concerns the sales representative of a commodity derivatives business operator that belongs to that association (hereinafter referred to as "registration work" in this Article and Article 208) pursuant to the provisions of order of the competent ministry.

２　主務大臣は、前項の規定により協会に登録事務を行わせることとしたときは、当該登録事務を行わないものとする。

(2) If the competent minister decides to have an association conduct registration work pursuant to the provisions of the preceding paragraph, the minister is not to conduct the registration work.

３　協会は、第一項の規定により登録事務を行うこととしたときは、その定款において外務員の登録に関する事項を定め、主務大臣の認可を受けなければならない。

(3) If an association is to conduct registration work pursuant to the provisions of paragraph (1), it must specify the particulars concerning the registration of sales representatives in its articles of incorporation and obtain the approval of the competent minister.

４　第一項の規定により登録事務を行う協会は、第二百条第五項の規定による登録、第二百三条の規定による届出に係る登録の変更、第二百四条第一項の規定による処分（登録の取消しを除く。）又は前条の規定による登録の抹消をした場合には、主務省令で定めるところにより、その旨を主務大臣に届け出なければならない。

(4) If an association that conducts registration work pursuant to the provisions of paragraph (1) makes a registration under the provisions of Article 200, paragraph (5), makes a change to the registration related to the notification under the provisions of Article 203, renders a disposition under the provisions of Article 204, paragraph (1) (excluding the revocation of a registration), or deletes a registration under the provisions of the preceding Article, it must notify the competent minister of this pursuant to the provisions of order of the competent ministry.

５　主務大臣は、第一項の規定により登録事務を行う協会に所属する商品先物取引業者の登録外務員が第二百四条第一項第一号又は第二号に該当するにもかかわらず、当該協会が同項に規定する措置をしない場合において、商品市場における秩序を維持し、又は委託者等を保護するため必要かつ適当であると認めるときは、同項に規定する措置をすることを命ずることができる。

(5) If an association that conducts registration work pursuant to the provisions of paragraph (1) fails to take a measure prescribed in Article 204, paragraph (1) even though the registered sales representative of a commodity derivatives

business operator that belongs to the association falls under item (i) or (ii) of that paragraph, and the competent minister finds it to be necessary and appropriate for maintaining the order in the commodity market or for the protection of entrustors, the minister may order the association to take the measure prescribed in that paragraph.

６　第百五十八条第二項の規定は、前項の規定による命令について準用する。

(6) The provisions of Article 158, paragraph (2) apply mutatis mutandis to the order under the provisions of the preceding paragraph.

（登録手数料の納付）

(Payment of Registration Fees)

第二百七条　外務員の登録を受けようとする商品先物取引業者は、政令で定めるところにより、登録手数料を国（前条第一項の規定により協会に登録する場合にあつては、協会）に納めなければならない。

Article 207 (1) A commodity derivatives business operator that seeks to have a sales representative registered must pay a registration fee to the national government (or the association, if the sales representative is registered with an association pursuant to the provisions of paragraph (1) of the preceding Article) pursuant to the provisions of Cabinet Order.

２　前項の登録手数料で協会に納められたものは、当該協会の収入とする。

(2) A registration fee under the preceding paragraph which has been paid to an association is the revenue of the association.

（審査請求）

(Request for Administrative Review)

第二百八条　第二百六条第一項の規定により登録事務を行う協会の第二百条第三項の規定による登録の申請に係る不作為、第二百一条第一項の規定による登録の拒否又は第二百四条第一項の規定による処分について不服がある商品先物取引業者は、主務大臣に対し、審査請求をすることができる。この場合において、主務大臣は、行政不服審査法（平成二十六年法律第六十八号）第二十五条第二項及び第三項、第四十六条第一項及び第二項並びに第四十九条第三項の規定の適用については、協会の上級行政庁とみなす。

Article 208 A commodity derivatives business operator that is dissatisfied with the inaction concerning an application for registration under the provisions of Article 200, paragraph (3), a refusal of registration under the provisions of Article 201, paragraph (1), or a disposition under the provisions of Article 204, paragraph (1), of an association that conducts registration work pursuant to the provisions of Article 206, paragraph (1), may request the competent minister for an administrative review. In such a case, the competent minister is deemed to be a higher administrative authority of the association with regard to application of the provisions of Article 25, paragraphs (2) and (3),

Article 46, paragraphs (1) and (2), and Article 49, paragraph (3) of the Administrative Complaint Review Act (Act No. 68 of 2014).

（商品先物取引業者が占有する物の処分の制限）

(Restriction on the Disposal of Articles Possessed by a Commodity Derivatives Business Operator)

第二百九条　商品先物取引業者は、委託者等から預託を受けて、又はその者の計算において自己が占有する物をその者の書面による同意を得ないで、商品取引契約の趣旨に反して、担保に供し、貸し付け、その他処分してはならない。

Article 209 (1) A commodity derivatives business operator must not use an article in its possession on deposit by an entrustor, etc. or in the entrustors' account as collateral, nor lend or otherwise dispose of the article contrary to the purpose of the commodity transactions contract, without obtaining the consent of the entrustor, etc. in writing.

２　商品先物取引業者は、前項の規定による書面による同意に代えて、政令で定めるところにより、委託者等の承諾を得て、その占有する物を担保に供し、貸し付け、その他処分することについての同意を電子情報処理組織を使用する方法その他の情報通信の技術を利用する方法であつて主務省令で定めるものにより得ることができる。この場合において、当該商品先物取引業者は、当該書面による同意を得たものとみなす。

(2) With the consent of the entrustor, etc. and pursuant to the provisions of Cabinet Order, in lieu of the consent in writing under the provisions of the preceding paragraph, a commodity derivatives business operator may obtain consent on the use of an article in its possession on deposit by the entrustor, etc. as collateral, or to lend or disposal of the article by means of using an electronic data processing system or other means of using information and communications technology specified by order of the competent ministry. In such a case, the commodity derivatives business operator is deemed to have obtained the consent in writing.

（顧客財産の分離保管等）

(Segregation of Customer Properties)

第二百十条　商品先物取引業者は、商品先物取引業により生じた債務の弁済を確保するため、次の各号に掲げる財産については、その保全のため、当該各号に定める措置を講じなければならない。

Article 210 In order to ensure the performance of obligations arising from the commodity derivatives business, a commodity derivatives business operator must take the measures specified in each of the following items for the properties specified in those items, in order to preserve those properties:

一　商品市場における取引に関し、委託者から預託を受けた金銭、有価証券その他の物及び委託者の計算に属する金銭、有価証券その他の物（主務省令で定めるものを除く。第三百四条、第三百六条第一項及び第三百十一条第一項において「委託者資

産」という。）の価額に相当する財産（第三百条第三号及び第三百九条において「保全対象財産」という。）　委託者保護基金（第二百七十条に規定する委託者保護基金をいう。）に預託すること、商品先物取引業者の固有財産から分離して信託会社等に信託することその他の主務省令で定める措置

(i) money, securities, and other articles deposited by an entrustor, etc, and property equivalent to the value of the money, securities, and other articles in the entrustor's account (excluding articles specified by order of the competent ministry; the money, securities, and other articles are referred to as "entrustor's assets" in Article 304, Article 306, paragraph (1), and Article 311, paragraph (1)) (the property is referred to as "property subject to preservation" in Article 300, item (iii) and Article 309), in relation to transactions in a commodity market: to deposit the property with an entrustor protection fund (meaning a consignor protection fund prescribed in Article 270), to deposit the property with a trust company, etc. separately from the commodity derivatives business operator's own property, or take other measures specified by order of the competent ministry;

二　外国商品市場取引及び店頭商品デリバティブ取引に関し、委託者等から預託を受けた金銭、有価証券その他の物及び委託者等の計算に属する金銭、有価証券その他の物（主務省令で定めるものを除く。）の価額に相当する財産　商品先物取引業者の固有財産から分離して信託会社等に信託することその他の主務省令で定める措置

(ii) money, securities, and other articles deposited by an entrustor, etc, and property equivalent to the value of the money, securities, and other articles in the entrustor's, etc. account (excluding articles specified by order of the competent ministry), in relation to foreign commodity market transactions and over-the-counter commodity derivatives transactions: to deposit the property with a trust company, etc. separately from the commodity derivatives business operator's own property, or take other measure specified by order of the competent ministry.

（純資産額規制比率）

(Net Assets Regulation Ratio)

第二百十一条　商品先物取引業者（銀行その他の政令で定める者を除く。以下この条及び第二百三十五条において同じ。）は、純資産額の、その商品デリバティブ取引につき生ずる相場の変動その他の理由により発生し得る危険に対応する額として主務省令で定めるところにより算定した額に対する比率（以下「純資産額規制比率」という。）を算出し、毎月末及び主務省令で定める場合に、主務大臣に届け出なければならない。

Article 211 (1) A commodity derivatives business operator (other than a bank or any other person specified by Cabinet Order; hereinafter the same applies in this Article and Article 235) must calculate the ratio of the amount of net assets to the amount calculated pursuant to the provisions of order of the

competent ministry as the amount for covering any potential risks arising from commodity derivatives transactions in association with the fluctuation of quotations and other factors (hereinafter referred to as the "net assets regulation ratio"), and notify the competent minister of that ratio at the end of each month and when specified by order of the competent ministry.

２　商品先物取引業者は、純資産額規制比率が百二十パーセントを下回ることのないようにしなければならない。

(2) A commodity derivatives business operator must ensure that its net assets regulation ratio does not fall below 120 percent.

３　商品先物取引業者は、毎年三月、六月、九月及び十二月の末日における純資産額規制比率を記載した書面を作成し、当該末日から一月を経過した日から三月間、すべての営業所又は事務所に備えて置き、公衆の縦覧に供しなければならない。

(3) A commodity derivatives business operator must prepare a document stating its net assets regulation ratio as of the last day of March, June, September, and December of each year, keep the document at all of its business offices and offices, and make the document available for public inspection for a three-month period beginning from the day one month after the last day.

４　第九十九条第七項の規定は、第一項の純資産額について準用する。

(4) The provisions of Article 99, paragraph (7) apply mutatis mutandis to the amount of net assets under paragraph (1).

（のみ行為の禁止）

(Prohibition of Trading Against Oneself)

第二百十二条　商品先物取引業者は、商品市場における取引等の委託又は外国商品市場取引等（外国商品市場取引若しくはその委託の媒介、取次ぎ若しくは代理又は外国商品市場取引のうち商品清算取引に類似する取引の委託の取次ぎ若しくはその委託の媒介、取次ぎ若しくは代理をいう。以下この章において同じ。）の委託を受けたときは、その委託に係る商品市場における取引等をしないで、自己がその相手方となつて取引を成立させてはならない。

Article 212 If a commodity derivatives business operator is entrusted with a transaction in a commodity market, etc. or is entrusted with a foreign commodity market transaction, etc. (meaning a foreign commodity market transaction, intermediation, brokerage, or agency for entrusting a person with that transaction, brokerage for the entrustment of foreign commodity market transactions that are similar to commodity clearing transactions, or intermediation, brokerage, or agency for entrusting a person with the brokerage; hereinafter the same applies in this Chapter), the business operator must not close the transaction by becoming the counterparty oneself instead of conducting the transaction in the commodity market, etc. with which it has been entrusted.

（誠実かつ公正の原則）
(Principle of Honesty and Fairness)
第二百十三条　商品先物取引業者並びにその役員及び使用人は、顧客に対して誠実かつ公正に、その業務を遂行しなければならない。
Article 213 A commodity derivatives business operator and their officers and employees must execute business with honesty and fairness to customers.

（広告等の規制）
(Regulation of Advertising)
第二百十三条の二　商品先物取引業者は、その行う商品先物取引業の内容について広告その他これに類似するものとして主務省令で定める行為をするときは、主務省令で定めるところにより、次に掲げる事項を表示しなければならない。
Article 213-2 (1) When advertising the content of their commodity derivatives business or performing similar acts specified by order of the competent ministry, a commodity derivatives business operator must indicate the following particulars pursuant to the provisions of order of the competent ministry:
一　当該商品先物取引業者の商号又は名称
(i) the trade name or name of the commodity derivatives business operator;
二　商品先物取引業者である旨
(ii) the fact that the commodity derivatives business operator is a commodity derivatives business operator;
三　商品先物取引業の内容に関する事項であつて、顧客の判断に影響を及ぼすこととなる重要なものとして政令で定めるもの
(iii) the particulars concerning the content of its commodity derivatives business which are specified by Cabinet Order as material particulars that would affect the decision of the customer.
２　商品先物取引業者は、その行う商品先物取引業に関して広告その他これに類似するものとして主務省令で定める行為をするときは、第二条第二十二項各号に掲げる行為を行うことによる利益の見込みその他主務省令で定める事項について、著しく事実に相違する表示をし、又は著しく人を誤認させるような表示をしてはならない。
(2) When advertising the content of its commodity derivatives business or performing similar acts specified by order of the competent ministry, a commodity derivatives business operator must not make an indication that is significantly contradictory to the facts or particularly misleading about the prospect of profiting from performing the act set forth in one of the items of Article 2, paragraph (22), or about the particulars specified by order of the competent ministry.

（不当な勧誘等の禁止）
(Prohibition of Unjust Solicitation)

第二百十四条　商品先物取引業者は、次に掲げる行為をしてはならない。

Article 214 A commodity derivatives business operator must not perform any of the following acts:

一　顧客に対し、不確実な事項について断定的判断を提供し、又は確実であると誤認させるおそれのあることを告げて第二百条第一項第二号から第六号までに掲げる勧誘をすること。

(i) providing a customer with a conclusive assessment of a particcular that is uncertain or with information that could mislead the customer into believing that a particular that is uncertain is actually certain, and conducting a solicitation set forth in one of Article 200, paragraph (1), items (ii) through (vi);

二　商品取引契約の締結又はその勧誘に関して、顧客に対し虚偽のことを告げること。

(ii) providing a customer with false information concerning the conclusion of a commodity transaction contract or its solicitation;

三　商品市場における取引等又は外国商品市場取引等につき、数量、対価の額又は約定価格等その他の主務省令で定める事項についての顧客の指示を受けないでその委託を受けること（当該顧客を相手方とする商品投資顧問契約（商品投資に係る事業の規制に関する法律第二条第二項に規定する商品投資顧問契約をいう。次条及び第二百四十条の十六第一号ニにおいて同じ。）に係る業務として行うものその他委託者の保護に欠け、又は取引の公正を害するおそれのないものとして主務省令で定めるものを除く。）。

(iii) becoming entrusted with a transaction in a commodity market, etc. or a foreign commodity market transaction, etc. without receiving instructions from the customer with regard to the volume, amount of consideration, contract price, etc., or other particulars specified by order of the competent ministry (excluding entrustment the conclusion of a commodity investment advisory contract (meaning a commodity investment advisory contract prescribed in Article 2, paragraph (2) of the Act for the Regulation of Business in Commodity Investment; hereinafter the same applies in the following Article and Article 240-16, paragraph (1), item (i), (d)) with the customer and other acts specified by order of the competent ministry as being unlikely to lack in entrustor protection or harm the fairness of transactions);

四　顧客から商品市場における取引（第二条第三項第一号に掲げる取引に限る。以下この号において同じ。）の委託を受け、その委託に係る取引の申込みの前に自己の計算においてその委託に係る商品市場における当該委託に係る取引と同一の取引を成立させることを目的として、当該委託に係る取引における対価の額より有利な対価の額（買付けについては当該委託に係る対価の額より低い対価の額を、売付けについては当該委託に係る対価の額より高い対価の額をいう。）で商品市場における取引をすること又は顧客から外国商品市場取引（同項第一号に掲げる取引に相当するものに限る。以下この号において同じ。）の委託を受け、その委託に係る取引の申込みの前に自己の計算においてその委託に係る外国商品市場における当該委託に

係る取引と同一の取引を成立させることを目的として、当該委託に係る取引における対価の額より有利な対価の額（買付けについては当該委託に係る対価の額より低い対価の額を、売付けについては当該委託に係る対価の額より高い対価の額をいう。）で外国商品市場取引をすること。

(iv) becoming entrusted with a transaction in a commodity market (limited to one set forth in Article 2, paragraph (3), item (i); hereinafter the same applies in this item) by a customer and, before issuing the offer on the trade with which they are entrusted, conducting a transaction in a commodity market at a more advantageous price than the price for the trade with which they are entrusted (meaning a price that is lower than the price involved in the entrusted transaction, if buying; and a price that is higher than the price involved in the entrusted transaction, if selling) with the purpose of closing the same trade as the one with which it has been entrusted, in the commodity market on which it is entrusted with the trade on its own account; or becoming entrusted with a foreign commodity market transaction (limited to one that is equivalent to the transaction set forth in item (i) of that paragraph; hereinafter the same applies in this item) by a customer and, before issuing the offer on the trade with which they are entrusted, conducting a foreign commodity market transaction at a more advantageous price than the price for the trade with which they are entrusted (meaning a price that is lower than the price involved in the entrusted transaction, if buying; and a price that is higher the price involved in the entrusted transaction, if selling) with the purpose of closing the same trade as the one with which they are entrusted, in the foreign commodity market on which they are entrusted with the trade on its own account;

五　第二百条第一項第二号から第六号までの委託又は申込みを行わない旨の意思（その委託又は申込みの勧誘を受けることを希望しない旨の意思を含む。）を表示した顧客に対し、同項第二号から第六号までに掲げる勧誘をすること。

(v) conducting a solicitation set forth in one of Article 200, paragraph (1), items (ii) through (vi) to a customer that has manifested the intention not to make an entrustment or offer under items (ii) through (vi) of that paragraph (including an intention that indicates a wish not to be solicited to entrust or make that offer);

六　顧客に対し、迷惑を覚えさせるような仕方で第二百条第一項第二号から第六号までに掲げる勧誘をすること。

(vi) conducting a solicitation set forth in one of Article 200, paragraph (1), items (ii) through (vi) to a customer, in a manner that is likely to make the customer uncomfortable;

七　商品取引契約の締結の勧誘に先立つて、顧客に対し、自己の商号又は名称及び商品取引契約の締結の勧誘である旨を告げた上でその勧誘を受ける意思の有無を確認することをしないで勧誘すること。

(vii) before conducting a solicitation to conclude a commodity transaction contract, to solicit a customer to conclude the contract without confirming whether or not the customer wishes to be solicited after telling the customer its trade name or name and the fact that it is a solicitation for the conclusion of a commodity transaction contract;

八　商品市場における取引等又は外国商品市場取引等につき、顧客に対し、特定の上場商品構成品等（外国商品市場における上場商品構成品等に相当するものを含む。）の売付け又は買付けその他これに準ずる取引とこれらの取引と対当する取引（これらの取引から生じ得る損失を減少させる取引をいう。）の数量及び期限を同一にすることを勧めること。

(viii) in respect of transactions in a commodity market, etc. or foreign commodity market transactions, etc., recommending a customer to make the volume and maturity in a sale, purchase, or other equivalent trade of component products of listed commodities, etc. (including commodities equivalent to component products of listed commodities, etc. of a foreign commodity market) the same as the volume and maturity of a corresponding transaction (meaning a transaction that reduces the losses arising from the transaction);

九　商品取引契約（当該商品取引契約の内容その他の事情を勘案し、委託者等の保護を図ることが特に必要なものとして政令で定めるものに限る。以下この号において同じ。）の締結の勧誘の要請をしていない顧客に対し、訪問し、又は電話をかけて、商品取引契約の締結を勧誘すること（委託者等の保護に欠け、又は取引の公正を害するおそれのない行為として主務省令で定める行為を除く。）。

(ix) visiting or telephoning a customer that has not requested to be solicited to conclude a commodity transaction contract (limited to one specified by Cabinet Order in consideration of the content of the commodity transaction contract and other circumstances, as a contract for which it is particularly necessary to ensure the protection of the entrustor, etc.; hereinafter the same applies in this item), and soliciting the customer to conclude a commodity transaction contract (excluding acts specified by order of the competent ministry as not likely to be insufficient in protecting entrustors, etc. or in harming the fairness of transactions);

十　前各号に掲げるもののほか、委託者等の保護に欠け、又は取引の公正を害するものとして主務省令で定める行為

(x) beyond what is provided for in the preceding items, acts which are specified by order of the competent ministry as acts that do not protect the entrustor, etc. or that harm the fairness of transactions.

（商品投資顧問契約に係る業務を行う場合の禁止行為）

(Prohibited Acts when Engaging in Business Under a Commodity Investment Advisory Contract)

第二百十四条の二　商品先物取引業者は、商品投資顧問契約に係る業務を行う場合には、次に掲げる行為をしてはならない。

Article 214-2 When engaging in business under a commodity investment advisory contract, a commodity derivatives business operator must not perform the following acts:

一　商品投資顧問契約に係る業務に関する情報を利用して、自己の計算において商品デリバティブ取引を行い、又は商品取引契約の締結を勧誘すること。

(i) conducting a commodity derivatives transaction on their own account or soliciting a person to conclude a commodity transaction contract using information on the business under a commodity investment advisory contract;

二　前号に掲げるもののほか、委託者等の保護に欠け、又は取引の公正を害するものとして主務省令で定める行為

(ii) beyond what is set forth in the preceding item, acts which are specified by order of the competent ministry as acts that do not protect the entrustor, etc. or that harm the fairness of transactions.

（損失補てん等の禁止）

(Prohibition of Compensation for Losses)

第二百十四条の三　商品先物取引業者は、次に掲げる行為をしてはならない。

Article 214-3 (1) A commodity derivatives business operator may not perform any of the following acts:

一　商品デリバティブ取引（取引の公正を害するおそれがないものとして政令で定める取引を除く。以下この条において同じ。）につき、当該商品デリバティブ取引について顧客（信託会社等が、信託契約に基づいて信託をする者の計算において、商品デリバティブ取引を行う場合にあつては、当該信託をする者を含む。以下この条において同じ。）に損失が生ずることとなり、又はあらかじめ定めた額の利益が生じないこととなつた場合には自己又は第三者がその全部又は一部を補てんし、又は補足するため当該顧客又は第三者に財産上の利益を提供する旨を、当該顧客又はその指定した者に対し、申し込み、若しくは約束し、又は第三者に申し込ませ、若しくは約束させる行為

(i) making an offer or promise, or having a third party make an offer or promise, in relation to a commodity derivatives transaction (excluding one specified by Cabinet Order as unlikely to harm the fairness of transactions; hereinafter the same applies in this Article), to a customer or to a person designated by the customer, that if the customer (if a trust company, etc. conducts commodity derivatives transactions on the account of a person that has created a trust based on a trust agreement, this includes the person that has created the trust; hereinafter the same applies in this Article) incurs a loss from the commodity derivatives transaction, or if a predetermined amount of profit does not accrue from the commodity derivatives transaction,

the business operator or a third party will provide the customer or a third party with an economic benefit to cover the whole or part of the loss or to supplement their profits;

二　商品デリバティブ取引につき、自己又は第三者が当該商品デリバティブ取引について生じた顧客の損失の全部若しくは一部を補てんし、又はこれらについて生じた顧客の利益に追加するため当該顧客又は第三者に財産上の利益を提供する旨を、当該顧客又はその指定した者に対し、申し込み、若しくは約束し、又は第三者に申し込ませ、若しくは約束させる行為

(ii) making an offer or promise, or having a third party make an offer or promise, in relation to a commodity derivatives transaction, to a customer or to a person designated by the customer, that the business operator or a third party will provide the customer or a third party with an economic benefit to cover the whole or part of a loss that the customer has incurred in relation to the commodity derivatives transaction, or to add to the profits that the customer has accrued in relation to the transaction;

三　商品デリバティブ取引につき、当該商品デリバティブ取引について生じた顧客の損失の全部若しくは一部を補てんし、又はこれらについて生じた顧客の利益に追加するため、当該顧客又は第三者に対し、財産上の利益を提供し、又は第三者に提供させる行為

(iii) providing an economic benefit to a customer or third party, or having a third party provide an economic benefit to a customer or third party, in relation to a commodity derivatives transaction, in order to cover the whole or part of a loss that the customer has incurred in relation to that commodity derivatives transaction, or in order to add to the profit that the customer has accrued in relation to the transaction.

２　商品先物取引業者の顧客は、次に掲げる行為をしてはならない。

(2) The customer of a commodity derivatives business operator must not perform any of the following acts:

一　商品デリバティブ取引につき、商品先物取引業者又は第三者との間で、前項第一号の約束をし、又は第三者に当該約束をさせる行為（当該約束が自己がし、又は第三者にさせた要求による場合に限る。）

(i) making or having a third party make the promise referred to in item (i) of the preceding paragraph (but only if that promise is based on a request that the customer has personally made or had a third party make), with a commodity derivatives business operator or a third party in relation to a commodity derivatives transaction;

二　商品デリバティブ取引につき、商品先物取引業者又は第三者との間で、前項第二号の約束をし、又は第三者に当該約束をさせる行為（当該約束が自己がし、又は第三者にさせた要求による場合に限る。）

(ii) making or having a third party make the promise referred to in item (ii) of the preceding paragraph (but only if that promise is based on a request that

the customer has personally made or had a third party make), with a commodity derivatives business operator or a third party in relation to a commodity derivatives transaction;

三　商品デリバティブ取引につき、商品先物取引業者又は第三者から、前項第三号の提供に係る財産上の利益を受け、又は第三者に当該財産上の利益を受けさせる行為（前二号の約束による場合であつて当該約束が自己がし、又は第三者にさせた要求によるとき及び当該財産上の利益の提供が自己がし、又は第三者にさせた要求による場合に限る。）

(iii) receiving an economic benefit that is provided as referred to in item (iii) of the preceding paragraph or having a third party receive the economic benefit (but only if this is based on a promise referred to in one of the preceding two items, if that promise is based on a request that the customer has personally made or had a third party make, and if the economic benefit is provided based on a request that the customer has personally made or had a third party make) from a commodity derivatives business operator or a third party in relation to a commodity derivatives transaction.

３　第一項の規定は、同項各号の申込み、約束又は提供が事故（第二百二十一条第二項の主務省令で定める事故をいう。以下この項及び次項において同じ。）による損失の全部又は一部を補てんするために行うものである場合については、適用しない。ただし、第一項第二号の申込み又は約束及び同項第三号の提供にあつては、その補てんに係る損失が事故に起因するものであることにつき、当該商品先物取引業者があらかじめ主務大臣の確認を受けている場合その他主務省令で定める場合に限る。

(3) The provisions of paragraph (1) do not apply if the offer, promise, or provision of an economic benefit referred to in the items of that paragraph is made in order to cover the whole or a part of a loss incurred due to problematic conduct (meaning problematic conduct specified by order of the competent ministry as referred to in Article 221, paragraph (2); hereinafter the same applies in this paragraph and the following paragraph); provided, however, that with regard to the offer or promise referred to paragraph (1), item (ii) or the provision referred to in item (iii) of that paragraph, this only applies if the commodity derivatives business operator has received confirmation from the competent minister in advance that the loss to be covered was incurred due to problematic conduct, or in other cases specified by order of the competent ministry.

４　第二項の規定は、同項第一号又は第二号の約束が事故による損失の全部又は一部を補てんする旨のものである場合及び同項第三号の財産上の利益が事故による損失の全部又は一部を補てんするため提供されたものである場合については、適用しない。

(4) The provisions of paragraph (2) do not apply if the promise referred to in item (i) or (ii) of that paragraph is a promise to cover the whole or part of a loss incurred due to problematic conduct, or if the provision of an economic benefit referred to in item (iii) of that paragraph is provided in order to cover the whole or part of a loss incurred due to problematic conduct.

５　第三項ただし書の確認を受けようとする者は、主務省令で定めるところにより、その確認を受けようとする事実その他の主務省令で定める事項を記載した申請書に当該事実を証するために必要な書類として主務省令で定めるものを添えて主務大臣に提出しなければならない。

(5) A person seeking the confirmation referred to in the proviso to paragraph (3) must submit to the competent minister a written application stating the fact for which confirmation is sought and other particulars specified by order of the competent ministry, pursuant to the provisions of order of the competent ministry, by attaching a document specified by order of the competent ministry as a necessary document for proving the fact.

（適合性の原則）

(Principle of Suitability)

第二百十五条　商品先物取引業者は、顧客の知識、経験、財産の状況及び商品取引契約を締結する目的に照らして不適当と認められる勧誘を行つて委託者等の保護に欠け、又は欠けることとなるおそれがないように、商品先物取引業を行わなければならない。

Article 215 A commodity derivatives business operator must conduct commodity derivatives business so that they will not conduct a solicitation that is found to be inappropriate in light of the knowledge, experience, and status of property of the entrustor, etc. or the purpose of concluding a commodity transaction contract and compromise the protection of the entrustors, etc. or risk compromising the protection of the entrustors, etc.

（受託契約準則への準拠）

(Conformity to Entrustment Contract Regulations)

第二百十六条　商品先物取引業者は、商品市場における取引等の受託については、商品取引所の定める受託契約準則によらなければならない。

Article 216 A commodity derivatives business operator must comply with the entrustment contract regulations established by the commodity exchange in becoming entrusted with transactions in a commodity market, etc.

（商品取引契約の締結前の書面の交付）

(Delivery of Documents Prior to Conclusion of a Commodity Transaction Contract)

第二百十七条　商品先物取引業者は、商品取引契約を締結しようとするときは、主務省令で定めるところにより、あらかじめ、顧客に対し次に掲げる事項を記載した書面を交付しなければならない。

Article 217 (1) If a commodity derivatives business operator seeks to conclude a commodity transactions contract, they must deliver a document stating the following particulars to the customer in advance, pursuant to the provisions of order of the competent ministry:

一　当該商品取引契約に基づく取引（第二条第三項第四号に掲げる取引にあつては同号の権利を行使することにより成立する同号イからホまでに掲げる取引をいい、同条第十四項第四号に掲げる取引にあつては同号の権利を行使することにより成立する同号イからニまでに掲げる取引をいい、同項第五号に掲げる取引にあつては同号の権利を行使することにより成立する同号に規定する金銭を授受することとなる取引をいう。）の額（取引の対価の額又は約定価格若しくは約定数値に、その取引の件数又は数量を乗じて得た額をいう。）が、当該取引について顧客が預託すべき取引証拠金、取次証拠金又は清算取次証拠金その他の保証金その他主務省令で定めるもの（以下この項及び第二百二十条の二第一項において「取引証拠金等」という。）の額を上回る可能性がある場合にあつては、次に掲げる事項

(i) the following particulars, if there is a possibility that the amount of trading under the commodity transaction contract (for transactions set forth in Article 2, paragraph (3), item (iv), this means the transactions set forth in (a) through (e) of that item which is closed when the right referred to in that is exercised; for transactions set forth in paragraph (14), item (iv) of that Article, this means the transactions set forth in (a) through (d) of the that item which is closed when the right referred to in that item is exercised; and for transactions set forth in item (v) of that paragraph, this means a transaction resulting in the parties paying and receiving money as prescribed in that item which is closed when the right referred to in that item is exercised) (the amount of trading means the amount arrived at by multiplying the price of the trades, contract price, or agreed figure by the quantity or volume of the trade) will exceed the amount of the clearing margin, brokerage margin, clearing brokerage margin, or other security deposit, or any other amounts specified by order of the competent ministry (hereinafter referred to as the "clearing margin, etc." in this paragraph and Article 220-2, paragraph (1)) required to be deposited by the customer for the transaction:

イ　当該取引の額が当該取引証拠金等の額を上回る可能性がある旨

(a) an indication that there is a possibility that the amount of trading will exceed the amount of the clearing margin, etc.;

ロ　当該取引の額の当該取引証拠金等の額に対する比率（当該比率を算出することができない場合にあつては、その旨及びその理由）

(b) the ratio of the amount of trading to the amount of clearing margin, etc. (if this ratio cannot be calculated, an indication of this and the reason therefor).

二　商品市場における相場その他の商品の価格又は商品指数に係る変動により当該商品取引契約に基づく取引について当該顧客に損失が生ずることとなるおそれがあり、かつ、当該損失の額が取引証拠金等の額を上回ることとなるおそれがある場合には、その旨

(ii) an indication that there is a risk of the customer incurring a loss in relation

to the transactions under the commodity transaction contract due to fluctuation in the quotations on the commodity market, or fluctuation of price of commodities or commodity indices, and if there is also a risk that the amount of the loss will exceed the amount of clearing margin, etc., an indication of this;

三　前二号に掲げるもののほか、当該商品取引契約に関する事項であつて、顧客の判断に影響を及ぼすこととなる重要なものとして政令で定めるもの

(iii) beyond what is provided for in the preceding two items, particulars concerning the commodity transaction contract which are specified by Cabinet Order as material particulars that affect the decision of the customer;

四　前三号に掲げるもののほか、当該商品取引契約の概要その他の主務省令で定める事項

(iv) beyond what is provided for in the preceding three items, an outline of the commodity transaction contract and other particulars specified by order of the competent ministry.

２　商品先物取引業者は、前項の規定による書面の交付に代えて、政令で定めるところにより、当該顧客の承諾を得て、当該書面に記載すべき事項を電子情報処理組織を使用する方法その他の情報通信の技術を利用する方法であつて主務省令で定めるものにより提供することができる。この場合において、当該書面に記載すべき事項を当該方法により提供した商品先物取引業者は、当該書面を交付したものとみなす。

(2) With the consent of the customer and pursuant to the provisions of Cabinet Order, in lieu of delivering a document under the provisions of the preceding paragraph, a commodity derivatives business operator may provide the customer with the particulars that are required to be stated in that document by means of using an electronic data processing system or by any other means of using information communications technology which is specified by order of the competent ministry. In such a case, the commodity derivatives business operator that provides the customer with the particulars that are required to be stated in the document by those means is deemed to have delivered the document.

（商品先物取引業者の説明義務及び損害賠償責任）

(Obligation of Explanation and Liability for Damages of Commodity Derivatives Business Operators)

第二百十八条　商品先物取引業者は、商品取引契約を締結しようとする場合には、主務省令で定めるところにより、あらかじめ、顧客に対し、前条第一項各号に掲げる事項について説明をしなければならない。

Article 218 (1) When a commodity derivatives business operator seeks to conclude a commodity transaction contract, they must explain the particulars set forth in the items of paragraph (1) of the preceding Article to the customer

in advance, pursuant to the provisions of order of the competent ministry.

２　前項の説明は、顧客の知識、経験、財産の状況及び当該商品取引契約を締結しようとする目的に照らして、当該顧客に理解されるために必要な方法及び程度によるものでなければならない。

(2) The explanation referred to in the preceding paragraph must be provided in a manner and to the extent necessary for the explanation to be understood by the customer in light of the customer's knowledge, experience, status of property, or the purpose of concluding the commodity transaction contract.

３　一の商品取引契約の締結について二以上の商品先物取引業者又は商品先物取引業者の委託を受けた商品先物取引仲介業者（以下この項において「商品先物取引業者等」という。）が第一項又は第二百四十条の十八第一項本文の規定により顧客に対し前条第一項各号に掲げる事項について説明をしなければならない場合において、いずれか一の商品先物取引業者等が当該事項について説明をしたときは、他の商品先物取引業者等は、第一項又は第二百四十条の十八第一項本文の規定にかかわらず、当該事項につｓいて説明をすることを要しない。ただし、当該他の商品先物取引業者等が政令で定める者である場合は、この限りでない。

(3) Notwithstanding the provisions of the provisions of paragraph (1) or the main clause of Article 240-18, paragraph (1), if a commodity derivatives intermediary service provider has been entrusted with one commodity transaction contract by two or more commodity derivatives business operators or a commodity derivatives business operator (hereinafter individually referred to as a "commodity derivatives business operator, etc." in this paragraph), and they are required to provide an explanation about the particulars set forth in each item of paragraph (1) of the preceding Article to the customer pursuant to the provisions of paragraph (1) or the main clause of Article 240-18, paragraph (1), if either of the commodity derivatives business operator, etc. provides an explanation about those particulars, the other commodity derivatives business operator, etc. is not required to explain those particulars; provided however, that this does not apply if the other commodity derivatives business operator, etc. is a person specified by Cabinet Order.

４　商品先物取引業者は、顧客に対し第一項の規定により説明をしなければならない場合において、第二百十四条（第一号に係る部分に限る。）の規定に違反したとき、又は前条第一項第一号から第三号までに掲げる事項について説明をしなかつたときは、これによつて当該顧客の当該商品取引契約につき生じた損害を賠償する責めに任ずる。

(4) When a commodity derivatives business operator must provide an explanation to a customer pursuant to the provisions of paragraph (1), if the business operator violates the provisions of Article 214 (limited to the part related to item (i)) or fails to explain the particulars set forth in paragraph (1), items (i) through (iii) of the preceding Article, they are liable to compensate for any damage that arises in relation to the commodity transaction contract of the customer due to the failure.

（取引態様の事前明示義務等）

(Obligation to Clarify the Conditions of Transactions in Advance)

第二百十九条　商品先物取引業者は、商品取引契約を締結しようとするときは、あらかじめ、顧客に対し自己が行う行為につき、第二条第二十二項各号のいずれに該当するかの別を明らかにしなければならない。

Article 219 (1) Before a commodity derivatives business operator seeks to conclude a commodity transaction contract, they must clarify which of the categories of transactions referred to in the items of Article 2, paragraph (22) the acts they will perform for the customer fall under.

２　商品先物取引業者は、顧客から店頭商品デリバティブ取引に関する注文を受けようとするときは、あらかじめ、その者に対し自己がその相手方となつて当該取引を成立させるか、又は媒介し、取次ぎし、若しくは代理して当該取引を成立させるかの別を明らかにしなければならない。

(2) When taking an order for an over-the-counter commodity derivatives transaction from a customer, a commodity derivatives business operator must clearly indicate to the customer in advance whether the commodity derivatives business operator will close the transaction as the counterparty to the customer or will act as an intermediary, broker, or agent to close the transaction.

（取引の成立の通知）

(Notice of Closing of a Transaction)

第二百二十条　商品先物取引業者は、その商品取引契約に係る取引が成立したときは、遅滞なく、書面をもつて、成立した取引の種類ごとの数量及び対価の額又は約定価格等並びに成立の日その他の主務省令で定める事項を委託者等に通知しなければならない。ただし、その商品取引契約の内容その他の事情を勘案し、当該書面を委託者等に交付しなくても公益又は委託者等の保護に欠けるおそれがないと認められるものとして主務省令で定める場合は、この限りでない。

Article 220 (1) When a transaction under a commodity transaction contract is closed, the commodity derivatives business operator must notify the entrustor, etc. of the volume and the amount of consideration or the contract price, etc., and the closing date for each type of transaction that has been closed, and of any other particulars specified by order of the competent ministry in writing without delay; provided, however, that this does not apply in the cases that are specified by order of the competent ministry as those in which, in consideration of the content of the commodity transaction contract and other circumstances, it is found that even if the document is not delivered to the entrustor, etc., this does not compromise the public interest or the protection of entrustors, etc.

２　第二百十七条第二項の規定は、前項の規定による書面による通知について準用する。この場合において、同条第二項中「顧客」とあるのは「委託者等」と、「提供する」

とあるのは「通知する」と、「提供した」とあるのは「通知した」と、「当該書面を交付したもの」とあるのは「当該書面による通知をしたもの」と読み替えるものとする。

(2) The provisions of Article 217, paragraph (2) apply mutatis mutandis to a notice in writing under the provisions of the preceding paragraph. In such a case, in paragraph (2) of that Article, the term "customer" is deemed to be replaced with "entrustor, etc.", the phrase "provide the customer with" is deemed to be replaced with "notify the entrustor, etc. of", the phrase "provides the customer with" is deemed to be replaced with "notifies the entrustor, etc. of", and the phrase "deemed to have delivered the document" is deemed to be replaced with "deemed to have given the notice in writing".

（取引証拠金等の受領に係る書面の交付）

(Delivery of Documents Regarding the Receipt of a Clearing Margin)

第二百二十条の二　商品先物取引業者は、その行う商品先物取引業に関して委託者等が預託すべき取引証拠金等を受領したときは、委託者等に対し、直ちに、主務省令で定めるところにより、その旨を記載した書面を交付しなければならない。

Article 220-2 (1) When a commodity derivatives business operator receives a deposit of clearing margin, etc. in relation to their commodity derivatives business which an entrustor, etc. is required to deposit, they must immediately deliver a document stating the fact to the entrustor, etc., pursuant to the provisions of order of the competent ministry.

２　第二百十七条第二項の規定は、前項の規定による書面の交付について準用する。この場合において、同条第二項中「顧客」とあるのは、「委託者等」と読み替えるものとする。

(2) The provisions of Article 217, paragraph (2) apply mutatis mutandis to the delivery of a document under the provisions of the preceding paragraph. In such a case, the term "customer" in paragraph (2) of that Article is deemed to be replaced with "entrustor, etc."

（金融商品の販売等に関する法律の準用）

(Application, Mutatis Mutandis of the Act on Sales of Financial Instruments)

第二百二十条の三　金融商品の販売等に関する法律（平成十二年法律第百一号）第六条から第九条までの規定は、商品先物取引業者が行う商品取引契約の締結について準用する。この場合において、同法第六条第一項中「前条」とあるのは「商品先物取引法第二百十八条第四項」と、同項及び同法第七条中「重要事項について説明をしなかったこと又は断定的判断の提供等を行ったこと」とあるのは「商品先物取引法第二百十四条（第一号に係る部分に限る。）の規定に違反したこと又は同法第二百十七条第一項第一号から第三号までに掲げる事項について説明をしなかったこと」と、同法第九条第二項第一号中「当該金融商品の販売に係る契約」とあるのは「商品取引契約」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

Article 220-3 The provisions of Article 6 through 9 of the Act on Sales of Financial Instruments (Act No. 101 of 2000) apply mutatis mutandis to the conclusion of a commodity transaction contract by a commodity derivatives business operator. In such a case, the term "the preceding Article" in Article 6, paragraph (1) of that Act is deemed to be replaced with "Article 218, paragraph (4) of the Commodity Derivatives Transaction Act"; the phrase "failure of the financial instruments provider, etc. to explain important matters or due to providing a conclusive evaluation, etc." in that paragraph and Article 7 of that Act is deemed to be replaced with "violation of the provisions of Article 214 of the Commodity Derivatives Transaction Act (limited to the part related to item (i)) or failure to explain the particulars set forth in Article 217, paragraph (1), items (i) through (iii) of that Act"; and the phrase "contract regarding the sale of the financial product" in Article 9, paragraph (2), item (i) of that Act is deemed to be replaced with "commodity transaction contract"; and any other necessary technical replacement of terms is specified by Cabinet Order.

（禁止行為等の適用除外）

(Exemption from Application of Prohibited Acts)

第二百二十条の四　次の各号に掲げる規定は、当該各号に定める者が特定委託者である場合には、適用しない。ただし、公益又は特定委託者の保護のため支障を生ずるおそれがあるものとして主務省令で定める場合は、この限りでない。

Article 220-4 (1) The provisions set forth in each of the following items do not apply if the person specified in that item is an eligible consignor; provided, however, that this does not apply to cases specified by order of the competent ministry as those likely to compromose the public interest or the protection of eligible consignors:

一　第二百十三条の二、第二百十四条第五号、第七号及び第九号並びに第二百十五条　商品先物取引業者が行う第二百条第一項第二号から第六号までの勧誘の相手方

(i) the provisions of Article 213-2, Article 214, items (v), (vii), and (ix), and Article 215: the person to which the commodity derivatives business operator conducts the solicitation referred to in one of Article 200, paragraph (1), items (ii) through (vi); and

二　第二百九条、第二百十四条第八号及び第二百十七条から前条まで　商品先物取引業者が申込みを受け、又は締結した商品取引契約の相手方

(ii) the provisions of Article 209, Article 214, item (viii), and Article 217 through the preceding Article: the person from which the commodity derivatives business operator receives the offer for a commodity transaction contract or with which the commodity derivatives business operator concludes the commodity transaction contract.

２　次の各号に掲げる規定は、当該各号に定める者が特定当業者である場合には、適用しない。ただし、公益又は特定当業者の保護のため支障を生ずるおそれがあるものと

して主務省令で定める場合は、この限りでない。

(2) The provisions set forth in each of the following items do not apply if the person specified in that item is an eligible commercial person; provided, however, that this does not apply to cases specified by order of the competent ministry as being likely to harm the public interest or the protection of eligible commercial persons:

一　第二百十三条の二、第二百十四条第五号、第七号及び第九号並びに第二百十五条　商品先物取引業者が行う第二百条第一項第二号から第六号までの勧誘の相手方

(i) the provisions of Article 213-2, Article 214, items (v), (vii), and (ix), and Article 215: the person to which the commodity derivatives business operator conducts a solicitation referred to in one of Article 200, paragraph (1), items (ii) through (vi); and

二　第二百九条、第二百十四条第八号及び第二百十七条から前条まで　商品先物取引業者が申込みを受け、又は締結した商品取引契約の相手方

(ii) the provisions of Article 209, Article 214, item (viii), and Article 217 through the preceding Article: the person from which the commodity derivatives business operator receives an offer for a commodity transaction contract or with which the commodity derivatives business operator concludes a commodity transaction contract.

（商品取引責任準備金）

(Liability Reserves for Commodity Trading)

第二百二十一条　商品先物取引業者は、主務省令で定めるところにより、商品デリバティブ取引の取引高に応じ、商品取引責任準備金を積み立てなければならない。

Article 221 (1) A commodity derivatives business operator must set aside a liability reserve for commodity trading based on the transaction volume of commodity derivatives transactions, pursuant to the provisions of order of the competent ministry.

２　前項の商品取引責任準備金は、第二条第二十二項各号に掲げる行為に関して生じた事故であつて主務省令で定めるものによる損失の補てんに充てる場合のほか、使用してはならない。ただし、主務大臣の承認を受けたときは、この限りでない。

(2) The liability reserves for commodity trading referred to in the preceding paragraph must not be used for cases other than allocating to cover a loss that arises due to problematic conduct concerning an act set forth in one of the items of Article 2, paragraph (22), which is specified by order of the competent ministry; provided, however, that this does not apply if the approval of the competent minister has been obtained.

（帳簿の作成等）

(Preparation of Books)

第二百二十二条　商品先物取引業者は、商品デリバティブ取引について、主務省令で定

めるところにより、帳簿を作成し、これを保存しなければならない。
Article 222 A commodity derivatives business operator must prepare and preserve books for commodity derivatives transactions pursuant to the provisions of order of the competent ministry.

（帳簿の区分経理）
(Separate Accounting in Books)
第二百二十三条　商品先物取引業者は、商品市場における取引又は外国商品市場取引について、主務省令で定めるところにより、自己の計算による取引と委託者の計算による取引とを帳簿上区分して経理しなければならない。
Article 223 A commodity derivatives business operator must separate the accounting for transactions on its own account and for transactions on the entrustor's accounts in its books, pursuant to the provisions of order of the competent ministry, in respect of transactions in a commodity market and foreign commodity market transactions.

（報告書の提出）
(Submission of Written Reports)
第二百二十四条　商品先物取引業者は、事業年度ごとに、主務省令で定めるところにより、事業報告書を作成し、毎事業年度経過後三月以内に、これを主務大臣に提出しなければならない。
Article 224 (1) A commodity derivatives business operator must prepare a business report for each business year and submit it to the competent minister within three months from the end of each business year, pursuant to the provisions of order of the competent ministry.
２　商品先物取引業者は、前項に規定する事業報告書のほか、主務省令で定めるところにより、当該商品先物取引業者の商品先物取引業又は財産の状況に関する報告書を主務大臣に提出しなければならない。
(2) In addition to the business report prescribed in the preceding paragraph, a commodity derivatives business operator must submit a written report on the commodity derivatives business and the status of the property of the commodity derivatives business operator to the competent minister, pursuant to the provisions of order of the competent ministry.

第四節　合併、分割及び事業の譲渡
Section 4 Mergers, Company Splits, and Business Transfers

（合併及び分割）
(Mergers and Company Splits)
第二百二十五条　商品先物取引業者を全部又は一部の当事者とする合併の場合（商品先物取引業者である法人と商品先物取引業者でない法人が合併して商品先物取引業者た

る法人が存続する場合を除く。）又は分割の場合（商品先物取引業の全部又は一部を承継させる場合に限る。）において、当該合併又は分割について主務大臣の認可を受けたときは、合併後存続する法人若しくは合併により設立された法人又は分割により当該商品先物取引業を承継した法人は、商品先物取引業者の地位を承継する。

Article 225 (1) In the case of a merger in which commodity derivatives business operator are all or part of the parties (excluding if the entity surviving the merger between a corporation that is a commodity derivatives business operator and a corporation that is not a commodity derivatives business operator is the coorporation that is a commodity derivatives business operator) or a company split (limited those in which the whole or part of commodity derivatives business is succeeded to), the corporation surviving the merger or incorporated in the merger, or the corporation succeeding to the commodity derivatives business as a result of the company split succeeds to the status of commodity derivatives business operator, if the authorization of the competent minister has been obtained for the merger or company split.

２　前項の認可を受けようとする商品先物取引業者は、合併後存続する法人若しくは合併により設立される法人（以下この条において「合併後の法人」という。）又は分割により商品先物取引業の全部若しくは一部を承継する法人（以下この条において「分割承継法人」という。）について第百九十二条第一項各号に掲げる事項を記載した申請書を主務大臣に提出しなければならない。

(2) A commodity derivatives business operator seeking to obtain the authorization referred to in the preceding paragraph must submit a written application stating the particulars set forth in the items of Article 192, paragraph (1) concerning the corporation surviving the merger or incorporated in the merger (hereinafter referred to as "surviving corporation after merger" in this Article) or the corporation that succeeds to the whole or part of the commodity derivatives business (hereinafter referred to as "succeeding cororation in a company split" in this Article) to the competent minister.

３　前項の申請書には、合併契約書、分割契約書その他主務省令で定める書類を添付しなければならない。

(3) The written merger agreement or company split agreement and other documents specified by order of the competent ministry must be attached to the written application referred to in the preceding paragraph.

４　主務大臣は、第一項の認可の申請が次の各号のいずれにも適合していると認めるときでなければ、同項の認可をしてはならない。

(4) The competent minister must not grant the authorization referred to in paragraph (1) unless the minister finds that the application for the authorization referred to in that paragraph conforms to all of the following items:

一　合併後の法人又は分割承継法人が第百九十三条第一項各号に掲げる要件に該当すること。

(i) the surviving corporation after merger or the succeeding corporation a company split satisfies the requirements set forth in the items of Article 193, paragraph (1);

二　商品先物取引業の承継が円滑かつ適切に行われる見込みが確実であること。

(ii) it is fully expected that the commodity derivatives business will be succeeded to in a smooth and appropriate manner.

第二百二十六条　削除

Article 226 Deleted

第二百二十七条　削除

Article 227 Deleted

（事業譲渡）

(Business Transfers)

第二百二十八条　商品先物取引業者が商品先物取引業の全部又は一部を譲り渡す場合において、譲渡人及び譲受人が譲渡及び譲受けについて主務大臣の認可を受けたときは、譲受人は、商品先物取引業者の地位を承継する。

Article 228 (1) If a commodity derivatives business operator transfers the whole or part of their commodity derivatives business, the transferee succeeds to the status of a commodity derivatives business operator, provided that the transferor and the transferee have obtained the authorization of the competent minister for the transfer and acquisition.

２　前項の認可を受けようとする商品先物取引業者は、事業譲渡により商品先物取引業の全部又は一部を譲り受ける者について第百九十二条第一項各号に掲げる事項を記載した申請書を主務大臣に提出しなければならない。

(2) A commodity derivatives business operator seeking to obtain the authorization referred to in the preceding paragraph must submit a written application stating the particulars set forth in the items of Article 192, paragraph (1) concerning the person acquiring the whole or part of their commodity derivatives business in the business transfer to the competent minister.

３　前項の申請書には、譲渡契約書その他主務省令で定める書類を添付しなければならない。

(3) The written transfer agreement and other documents specified by order of the competent ministry must be attached to the written application referred to in the preceding paragraph.

４　主務大臣は、第一項の認可の申請が次の各号のいずれにも適合していると認めるときでなければ、同項の認可をしてはならない。

(4) The competent minister must not grant the authorization referred to in paragraph (1) unless the minister finds that the application for the

authorization referred to in that paragraph conforms to all of the following items:

一　譲受会社が第百九十三条第一項各号に掲げる要件に該当すること。

(i) the transferee company satisfies the requirements set forth in the items of Article 193, paragraph (1);

二　商品先物取引業の承継が円滑かつ適切に行われる見込みが確実であること。

(ii) it is fully expected that the commodity derivatives business will be succeeded to in a smooth and appropriate manner.

（処分の手続）

(Disposition Procedures)

第二百二十九条　第十五条第五項から第九項までの規定は、第二百二十五条第一項及び前条第一項の認可について準用する。

Article 229 The provisions of Article 15, paragraphs (5) through (9) apply mutatis mutandis to the authorization referred to in Article 225, paragraph (1) and paragraph (1) of the preceding Article.

（政令への委任）

(Delegation to Cabinet Order)

第二百三十条　この法律に定めるもののほか、商品先物取引業者の合併、分割及び事業譲渡に関し必要な事項は、政令で定める。

Article 230 Beyond what is provided for in this Act, necessary particulars related to the merger, company split, or business transfer of a commodity derivatives business operator are specified by Cabinet Order.

第五節　監督

Section 5 Supervision

（報告徴収及び立入検査）

(Collection of Reports and On-Site Inspections)

第二百三十一条　主務大臣は、この法律の施行のため必要があると認めるときは、商品先物取引業者に対し、その業務若しくは財産に関し参考となるべき報告若しくは資料の提出を命じ、又はその職員に、商品先物取引業者の営業所若しくは事務所に立ち入り、帳簿、書類その他業務に関係のある物件を検査させることができる。

Article 231 (1) When the competent minister finds it to be necessary for the enforcement of this Act, the minister may order a commodity derivatives business operator to submit reports or materials that should serve as a reference on their business or assets, or may have ministry officials enter the business office or office of a commodity derivatives business operator to inspect their books and documents or any other article related to their business.

２　主務大臣は、この法律の施行のため特に必要があると認めるときは、商品先物取引

業者と取引をする者に対し、当該商品先物取引業者の業務又は財産に関し参考となるべき報告又は資料の提出を求めることができる。

(2) When the competent minister finds it particularly necessary for the enforcement of this Act, the minister may order a person conducting transactions with a commodity derivatives business operator to submit reports or materials that should serve as a reference on the business or assets of the commodity derivatives business operator.

３　第一項の規定により立入検査をした場合において、当該職員は、検査の目的を達成するため、当該商品先物取引業者が所有し、又は預託を受けた上場商品でその営業所又は事務所以外の場所に保管されているものを検査する必要があると認めるときは、当該商品先物取引業者をして当該上場商品の保管を証する書面をその場所の管理者に提示させてその場所に立ち入り、当該商品先物取引業者を立ち会わせて当該上場商品を検査することができる。

(3) If an on-site inspection is conducted pursuant to the provisions of paragraph (1), and the official find it necessary in order to achieve the purpose of the inspection to inspect the listed commodity that the commodity derivatives business operator owns or that has been deposited with the business operator which is stored at a place other than their business office or office, the official may have the commodity derivatives business operator present a document certifying the storage of the listed commodity to the manager of that place, and enter the place and inspect the listed commodity in the presence of the commodity derivatives business operator.

４　第百五十七条第四項及び第五項の規定は、第一項及び前項の規定による立入検査について準用する。

(4) The provisions of Article 157, paragraphs (4) and (5) apply mutatis mutandis to the on-site inspection under the provisions of paragraph (1) and the preceding paragraph.

（業務改善命令等）

(Business Improvement Orders)

第二百三十二条　主務大臣は、商品市場における秩序の維持又は委託者等の保護のため必要かつ適当であると認めるときは、その必要の限度において、商品先物取引業者に対し、財産の状況又は商品先物取引業の運営の改善に必要な措置をとることを命ずることができる。

Article 232 (1) If the competent minister finds it to be necessary and appropriate for maintaining order in a commodity market or for the protection of entrustors, etc., the minister, to the extent necessary, may order a commodity derivatives business operator to take measures necessary for improving the state of their property or the operation of their commodity derivatives business.

２　主務大臣は、前項に規定する場合において、商品先物取引業者の財産の状況又は商品先物取引業の運営が次の各号のいずれかに該当するときは、その必要の限度におい

て、当該商品先物取引業者に対し、三月以内の期間を定めて商品市場における取引又は商品先物取引業の停止を命ずることができる。

(2) In the case referred to in the preceding paragraph, if the competent minister finds that the status of the property of the commodity derivatives business operator or the operation of their commodity derivatives business falls under any of the following items, the minister, to the extent necessary, may order the commodity derivatives business operator to suspend the transactions in the commodity market or the commodity derivatives business for a fixed period not exceeding three months:

一　負債の合計金額の純資産額に対する比率が主務省令で定める率を超えた場合

(i) if the ratio of the total amount of liabilities to the amount of net assets exceeds the ratio specified by order of the competent ministry;

二　流動資産の合計金額の流動負債の合計金額に対する比率が主務省令で定める率を下つた場合

(ii) if the ratio of the total amount of current assets to the total amount of current liabilities falls below the ratio specified by order of the competent ministry; and

三　前二号に掲げる場合のほか、財産の状況又は商品先物取引業の運営につき是正を加えるために商品市場における取引又は商品先物取引業の停止を命ずることが必要な場合として主務省令で定める場合

(iii) beyond what is set forth in the preceding two items, in the case specified by order of the competent ministry as a case in which it is necessary to order the suspension of transactions in the commodity market or the commodity derivatives business in order to rectify the status of property or the operation of commodity derivatives business.

3　前項第一号の負債の合計金額並びに同項第二号の流動資産の合計金額及び流動負債の合計金額は、主務省令で定めるところにより計算しなければならない。

(3) The total amount of liabilities referred to in item (i) of the preceding paragraph and the total amount of current assets and the total amount of current liabilities referred to in item (ii) of that paragraph must be calculated pursuant to the provisions of order of the competent ministry.

4　第九十九条第七項の規定は、第二項第一号の純資産額について準用する。

(4) The provisions of Article 99, paragraph (7) apply mutatis mutandis to the amount of net assets referred to in paragraph (2), item (i).

（勧告）

(Recommendations)

第二百三十三条　主務大臣は、商品先物取引業者の商品先物取引業の健全な遂行を確保するため必要があると認めるときは、当該商品先物取引業者に対し、兼業業務又は当該商品先物取引業者が第百九十六条第二項に規定する支配関係を持つている法人の業務に関し必要な措置をとるべきことを勧告することができる。

Article 233 If the competent minister finds it to be necessary for ensuring sound execution of the commodity derivatives business of a commodity derivatives business operator, the minister may recommend that the commodity derivatives business operator take the necessary measures for its concurrent business or the business of the corporation over which the commodity derivatives business operator has a controlling interest prescribed in Article 196, paragraph (2).

（資産の国内保有）
(Retention of Assets in Japan)

第二百三十四条　主務大臣は、商品市場における秩序の維持又は委託者等の保護のため必要かつ適当であると認める場合には、商品先物取引業者に対し、その資産のうち政令で定める部分を国内において保有することを命ずることができる。

Article 234 If the competent minister finds it to be necessary and appropriate for maintaining order in a commodity market or for the protection of entrustors, etc., the minister may order a commodity derivatives business operator to retain the part of its assets specified by Cabinet Order in Japan.

（純資産額規制比率についての命令）
(Order Concerning Net Assets Regulation Ratio)

第二百三十五条　主務大臣は、商品先物取引業者が第二百十一条第二項の規定に違反している場合において、委託者等の保護のため必要かつ適当であると認めるときは、その必要の限度において、商品先物取引業の方法の変更を命じ、財産の供託その他監督上必要な措置を命ずることができる。

Article 235 (1) If a commodity derivatives business operator is in violation of the provisions of Article 211, paragraph (2), and the competent minister finds it to be necessary and appropriate for protecting entrustors, etc., the minister, to the extent necessary, may order the business operator to change the business methods of commodity derivatives business, to deposit its property, or to take other measures necessary for supervision.

２　主務大臣は、商品先物取引業者が第二百十一条第二項の規定に違反している場合（純資産額規制比率が、百パーセントを下回るときに限る。）において、委託者等を保護するため必要かつ適当であると認めるときは、その必要の限度において、三月以内の期間を定めて商品先物取引業の停止を命ずることができる。

(2) If a commodity derivatives business operator is in violation of Article 211, paragraph (2) (limited to if the net assets regulation ratio is below 100 percent), and the competent minister finds it to be necessary and appropriate for protecting entrustors, etc., the minister, to the extent necessary, may order the commodity derivatives business operator to suspend their commodity derivatives business for a fixed period not exceeding three months.

３　主務大臣は、前項の規定により商品先物取引業の停止を命じた場合において、その

日から三月を経過した日における当該商品先物取引業者の純資産額規制比率が引き続き百パーセントを下回り、かつ、当該商品先物取引業者の純資産額規制比率の状況が回復する見込みがないと認められるときは、当該商品先物取引業者の第百九十条第一項の許可を取り消すことができる。

(3) If the competent minister orders the suspension of commodity derivatives business pursuant to the provisions of the preceding paragraph, and the minister finds that the net assets regulation ratio of the commodity derivatives business operator on the day when three months have elapsed since the day of the order continues to be below 100 percent and that the status of the net assets regulation ratio of the commodity derivatives business operator is not likely to recover, the minister may revoke the commodity derivatives business operator's license under Article 190, paragraph (1).

（監督上の処分）

(Supervisory Dispositions)

第二百三十六条　主務大臣は、商品先物取引業者が次の各号のいずれかに該当する場合においては、当該商品先物取引業者の第百九十条第一項の許可を取り消し、又は六月以内の期間を定めて商品市場における取引若しくは商品先物取引業の停止を命ずることができる。

Article 236 (1) If a commodity derivatives business operator falls under any of the following items, the competent minister may revoke the commodity derivatives business operator's license under Article 190, paragraph (1) and order the suspension of transactions in the commodity market or the commodity derivatives business for a fixed period not exceeding six months:

一　第十五条第二項第一号ハ、ニ（第三百三十二条第一項及び第三百四十二条第一項の許可の取消しに係る部分並びにこの法律に相当する外国の法令の規定に係る部分に限る。）、ホ、リ又はヲのいずれかに該当することとなつたとき。

(i) the business operator has come to fall under one of Article 15, paragraph (2), item (i), sub-item (c), (d) (limited to the part related to the revocation of the license referred to in Article 332, paragraph (1) or Article 342, paragraph (1) and the part related to the provisions of a foreign law or regulation that is equivalent to this Act), (e), (i), or (l);

二　第百九十三条第一項第一号に適合しなくなつたとき。

(ii) the business operator no longer conforms to Article 193, paragraph (1), item (i);

三　商品先物取引業者の純資産額が第百九十三条第二項の主務省令で定める額を下回るとき。

(iii) the amount of the business operator's net assets has fallen below the amount specified by order of the competent ministry as referred to in Article 193, paragraph (2);

四　不正の手段により第百九十条第一項の許可を受けたとき。

(iv) the business operator has obtained the license referred to in Article 190, paragraph (1) by wrongful means;

五　この法律（第二百十一条第二項を除く。）、この法律に基づく命令若しくはこの法律に基づいてする主務大臣の処分又は第百九十条第一項の許可に付された条件に違反したとき。

(v) the business operator has violated this Act (excluding Article 211, paragraph (2)), an order based on this Act, or a disposition made by the competent minister based on this Act, or the conditions attached to the license referred to in Article 190, paragraph (1);

六　正当な理由がないのに、商品先物取引業を開始することができることとなつた日から三月以内にその業務を開始しないとき、又は引き続き三月以上その業務を休止したとき。

(vi) the business operator has failed to commence commodity derivatives business within three months from the day on which it became possible to commence the business, or they have continuously suspended business for three months or more without legitimate grounds; or

七　業務又は財産の状況に照らし支払不能に陥るおそれがあるとき。

(vii) there is a risk that the business operator will become insolvent, in light of the state of its business or property.

２　主務大臣は、商品先物取引業者の役員が前項第五号に該当する行為をしたときは、当該商品先物取引業者に対し、当該役員の解任を命ずることができる。

(2) If an officer of a commodity derivatives business operator performs an act that falls under item (v) of the preceding paragraph, the competent minister may order the commodity derivatives business operator to dismiss the officer.

（聴聞等の方法の特例の規定の準用）

(Application, Mutatis Mutandis of Special Provisions on the Method of Conducting Hearings)

第二百三十七条　第百五十八条第二項の規定は第二百三十二条第一項若しくは第二項又は前三条の規定による処分について、第百五十九条第四項の規定は第二百三十五条第三項又は前条の規定による許可の取消し又は役員の解任の命令に係る聴聞について準用する。

Article 237 The provisions of Article 158, paragraph (2) apply mutatis mutandis to the disposition under the provisions of Article 232, paragraph (1) or paragraph (2), or the preceding three Articles and the provisions of Article 159, paragraph (4) apply mutatis mutandis to a hearing on the revocation of a license or an order to dismiss an officer under the provisions of Article 235, paragraph (3) or the preceding Article.

（取引の決済の結了）

(Completion of Settlement of Transactions)

第二百三十八条　第百九十七条第五項の規定は、商品先物取引業者が次の各号のいずれかに該当するに至つた場合における当該商品先物取引業者であつた者について準用する。

Article 238 (1) The provisions of Article 197, paragraph (5) apply mutatis mutandis to the person that was a commodity derivatives business operator in the case the commodity derivatives business operator has come to fall under one of the following items:

一　第二百三十五条第三項又は第二百三十六条第一項の規定により第百九十条第一項の許可を取り消されたとき。

(i) the business operator's license under Article 190, paragraph (1) is revoked pursuant to the provisions of Article 235, paragraph (3) or Article 236, paragraph (1);

二　第百九十条第二項又は第百九十七条第二項（同条第一項第一号から第四号まで（同項第二号にあつては、合併後存続する法人又は合併により設立される法人が商品先物取引業を行わない場合の当該合併に係る部分に限る。）に係る部分に限る。）の規定により第百九十条第一項の許可が効力を失つたとき。

(ii) the business operator's license under Article 190, paragraph (1) has ceased to be effective pursuant to the provisions of Article 190, paragraph (2) or Article 197, paragraph (2) (limited to the part related to paragraph (1), items (i) through (iv) of that Article (with regard to item (ii) of that paragraph, limited to the part related to the merger when the corporation surviving the merger or the corporation incorporated in the merger does not conduct commodity derivatives business)).

２　前項各号に掲げる場合において、当該商品先物取引業者であつた者は、委託者等の計算による商品デリバティブ取引を結了する目的の範囲内において、商品先物取引業者とみなす。

(2) The person that was the commodity derivatives business operator in the case set forth in the items of the preceding paragraph is deemed to be a commodity derivatives business operator, to the extent required to close the commodity derivative transactions on the account of the entrustors, etc.

３　第一項の規定にかかわらず、商品取引所は、商品市場における取引の公正を確保し、又は委託者を保護するため、当該商品先物取引業者であつた者をして商品市場における取引の決済を結了させることが適当でないと認めるときは、定款（株式会社商品取引所にあつては、業務規程）で定めるところにより、他の会員等（当該商品市場において取引をすることができる他の会員等に限る。以下この条において同じ。）をして当該取引の決済を結了させなければならない。

(3) Notwithstanding the provisions of paragraph (1), if a commodity exchange finds it to be inappropriate to have the commodity derivatives business operator complete the settlement of transactions in a commodity market for ensuring the fairness of transactions on a commodity market or protecting entrustors, the commodity exchange must have another member, etc. (limited

to another member, etc. that is able to conduct transactions in the commodity market; hereinafter the same applies in this Article) complete the settlement of those transactions, pursuant to the provisions of its articles of incorporation (operational rules for a incorporated commodity exchange).

４　前項の規定により商品取引所が他の会員等をして当該取引の決済を結了させるときは、当該会員等と当該取引の委託者との間には委任契約が成立しているものとみなす。

(4) If a commodity exchange has another member, etc. complete the settlement of transactions pursuant to the provisions of the preceding paragraph, an entrustment agreement is deemed to be established between that member, etc. and entrustor of the transactions.

（非会員等商品先物取引業者に対する監督）

(Supervision of Non-Member Commodity Derivatives Business Operators)

第二百三十九条　主務大臣は、協会に加入せず、又は商品取引所の会員等となつていない商品先物取引業者の業務について、商品市場における秩序を乱し、又は委託者等の保護に欠けることのないよう、協会又は商品取引所の定款その他の規則を考慮し、適切な監督を行わなければならない。

Article 239 The competent minister must appropriately supervise the business of a commodity derivatives business operator that has not joined an association or that is not a member, etc. of a commodity exchange, taking into account of the articles of incorporation and any other rules of the association or the commodity exchange, so that their business does not disrupt the order in the commodity market or fails to protect the entrustors, etc.

（商品先物取引業者の自主的努力の尊重）

(Respecting the Voluntary Efforts of Commodity Derivatives Business Operators)

第二百四十条　主務大臣は、商品先物取引業者を監督するに当たつては、業務の運営についての商品先物取引業者の自主的な努力を尊重するよう配慮しなければならない。

Article 240 In supervising a commodity derivatives business operator, the competent minister must give consideration to respect the voluntary efforts of the commodity derivatives business operator to operate their business.

第四章の二　商品先物取引仲介業者

Chapter IV-2 Commodity Derivatives Intermediary Service Provider

第一節　総則

Section 1 General Provisions

（登録）

(Registration)

第二百四十条の二　主務大臣の登録を受けた者は、第百九十条第一項の規定にかかわら

ず、商品先物取引仲介業を行うことができる。

Article 240-2 (1) Notwithstanding the provisions of Article 190, paragraph (1), a person that is registered by the competent minister may engage in commodity derivatives intermediation services.

２　前項の登録は、六年ごとにその更新を受けなければ、その期間の経過によつて、その効力を失う。

(2) The registration referred to in the preceding paragraph ceases to be effective upon the expiration of the registration period, unless it is renewed every six years.

（登録の申請）

(Application for Registration)

第二百四十条の三　前条第一項の登録を受けようとする者は、次に掲げる事項を記載した申請書を主務大臣に提出しなければならない。

Article 240-3 (1) A person seeking the registration referred to in paragraph (1) of the preceding Article must submit a written application for registration stating the following particulars to the competent minister:

一　氏名又は商号若しくは名称

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

二　法人であるときは、その役員の氏名又は名称

(ii) if the applicant is a corporation, the names of the officers;

三　商品先物取引仲介業を行う営業所又は事務所の名称及び所在地

(iii) the name and location of the business office or office at which the commodity derivatives intermediation services are conducted;

四　委託を受ける商品先物取引業者（以下この章及び次章において「所属商品先物取引業者」という。）の商号又は名称

(iv) the trade name or name of the commodity derivatives business operator to which transactions are entrusted (hereinafter referred to as "entrusting commodity derivatives business operator" in this Chapter and the following Chapter);

五　他に事業を行つているときは、その事業の種類

(v) if the applicant conducts other business, the category of that business; and

六　その他主務省令で定める事項

(vi) other particulars specified by order of the competent ministry.

２　前項の申請書には、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 registration referred to in the preceding paragraph:

一　第二百四十条の五第一号又は第二号に該当しないことを誓約する書面

(i) a document pledging that the applicant does not fall under Article 240-5, paragraph (1), item (i) or (ii);

二　法人であるときは、定款及び登記事項証明書（これらに準ずるものを含む。）

(ii) if the applicant is a corporation, the articles of incorporation and certificate of registered information (including documents equivalent to them); and

三　その他主務省令で定める書類

(iii) other documents specified by order of the competent ministry.

（登録簿への登録）

(Registration in a Register)

第二百四十条の四　主務大臣は、第二百四十条の二第一項の登録の申請があつた場合においては、次条の規定により登録を拒否する場合を除くほか、次に掲げる事項を商品先物取引仲介業者登録簿に登録しなければならない。

Article 240-4 (1) When an application is filed for the registration referred to in Article 240-2, paragraph (1), the competent minister must register the following particulars in the commodity derivatives intermediary service provider register, unless the minister refuses the registration pursuant to the provisions the following Article:

一　前条第一項各号に掲げる事項

(i) the particulars set forth in the items of paragraph (1) of the preceding Article; and

二　登録年月日及び登録番号

(ii) the date of registration and the registration number.

２　主務大臣は、商品先物取引仲介業者登録簿を公衆の縦覧に供しなければならない。

(2) The competent minister must make the commodity derivatives intermediary service provider register available for public inspection.

（登録の拒否）

(Refusal of Registration)

第二百四十条の五　主務大臣は、登録申請者が次の各号のいずれかに該当するとき、又は申請書若しくはこれに添付すべき書類のうちに重要な事項について虚偽の記載があり、若しくは重要な事実の記載が欠けているときは、その登録を拒否しなければならない。

Article 240-5 The competent minister must refuse the registration of a registration applicant if the applicant falls under any of the following items, or if the written application or documents that are required to be attached to the written application contain a false statement about a material particular or lacks a statement of a material fact:

一　登録申請者が個人であるときは、第三十一条第一項第一号から第三号までのいずれかに該当する者

(i) a person falling under one of the persons referred to in Article 31, paragraph (1), items (i) through (iii), if the registration applicant is an individual;

二　登録申請者が法人であるときは、第十五条第二項第一号ハからホまで、リ又はヲのいずれかに該当する者

(ii) a person falling under one of the persons referred to in Article 15, paragraph (2), item (i), sub-items (c) through (e), sub-item (i), or sub-item (l), if the registration applicant is a corporation;

三　他に行つている事業が公益に反すると認められる者

(iii) a person whose other business is found to be contrary to the public interest;

四　商品先物取引仲介業を的確に遂行することができる知識及び経験を有しないと認められる者

(iv) a person that is found not to have the knowledge and experience to properly conduct commodity derivatives intermediation services;

五　登録申請者の所属商品先物取引業者のいずれかが協会に加入していない者

(v) the registration applicant has any entrusting commodity derivatives business operator that is not a member of the Commodity Futures Association; or

六　商品先物取引業者

(vi) a commodity derivatives business operator.

（変更の届出）

(Notification of Changes)

第二百四十条の六　商品先物取引仲介業者は、第二百四十条の三第一項各号に掲げる事項その他主務省令で定める事項について変更があつたときは、その日から二週間以内に、その旨の届出書を主務大臣に提出しなければならない。

Article 240-6 (1) If a particular set forth in one of the items of Article 240-3, paragraph (1) or any other particular specified by order of the competent ministry changes, a commodity derivatives intermediary service provider must submit a written notification indicating this to the competent minister within two weeks from the day of the change.

２　主務大臣は、前項の規定による届出を受理したときは、届出があつた事項を商品先物取引仲介業者登録簿に登録しなければならない。

(2) When the competent minister accepts a notification under the provisions of the preceding paragraph, the minister must register the particulars notified in the commodity derivatives intermediary service provider register.

３　第一項の届出書には、主務省令で定める書類を添付しなければならない。

(3) The documents specified by order of the competent ministry must be attached to the written notification referred to in paragraph (1).

（廃業等の届出等）

(Notification of Discontinuation of Business)

第二百四十条の七　商品先物取引仲介業者が次の各号のいずれかに該当することとなつたときは、当該各号に定める者は、その日から三十日以内に、その旨を主務大臣に届け出なければならない。

Article 240-7 (1) If a commodity derivatives intermediary service provider comes to fall under any of the following items, the person specified in that item must notify the competent minister of this within 30 days from that day:

一　商品先物取引仲介業を廃止したとき。　その商品先物取引仲介業者

(i) the commodity derivatives intermediary service provider discontinues commodity derivatives intermediation services: the commodity derivatives intermediary service provider;

二　商品先物取引仲介業者である個人が死亡したとき。　その相続人

(ii) the commodity derivatives intermediary service provider that is an individual dies: the heir;

三　商品先物取引仲介業者である法人が合併により消滅したとき。　その法人を代表する役員であつた者

(iii) the commodity derivatives intermediary servicer provider that is a corporation has disappeared in a merger: the officer that represented the corporation;

四　商品先物取引仲介業者である法人について破産手続開始の決定により解散したとき。　その破産管財人

(iv) the commodity derivatives intermediary service provider that is a corporation has dissolved due to an order of commencement of bankruptcy proceedings: the bankruptcy trustee;

五　商品先物取引仲介業者である法人が合併及び破産手続開始の決定以外の理由により解散したとき。　その清算人

(v) the commodity derivatives intermediary service provider that is a corporation has dissolved due to reasons other than a merger or an order of commencement of bankruptcy proceedings: the liquidator;

六　分割により商品先物取引仲介業の全部を承継させたとき。　その商品先物取引仲介業者

(vi) the commodity derivatives intermediary service provider has all of their commodity derivatives intermediation service succeeded to in a company split: the commodity derivatives intermediary service provider; or

七　商品先物取引仲介業の全部を譲渡したとき。　その商品先物取引仲介業者

(vii) the commodity derivatives intermediary service provider transfers all of their commodity derivatives intermediation services: the commodity derivatives intermediary service provider.

２　商品先物取引仲介業者が前項各号のいずれかに該当することとなつたとき、所属商品先物取引業者がなくなつたとき、又は第百九十条第一項の許可を受けたときは、当該商品先物取引仲介業者の第二百四十条の二第一項の登録は、その効力を失う。

(2) If a commodity derivatives intermediary service provider comes to fall under any of the items of the preceding paragraph, or no longer has an entrusting commodity derivatives business operator, or obtains the license referred to in Article 190, paragraph (1), the commodity derivatives intermediary service

provider's registration under Article 240-2, paragraph (1) loses its effect.

（商号等の使用制限）
(Restriction on the Use of Trade Names)
第二百四十条の八　商品先物取引仲介業者でない者は、その商号又は名称中に商品先物取引仲介業者であると誤認されるおそれのある文字を用いてはならない。
Article 240-8 A person that is not a commodity derivatives intermediary service provider must not use a word in their trade name or name which could give rise to the misconception that they are a commodity derivatives intermediary service provider.

第二節　業務
Section 2 Services

（標識の掲示）
(Posting of Signs)
第二百四十条の九　商品先物取引仲介業者は、営業所又は事務所ごとにその見やすい箇所に、主務省令で定める標識を掲げなければならない。
Article 240-9 (1) A commodity derivatives intermediary service provider must post a sign designated by order of the competent ministry in a conspicuous place at each business office or office.
２　商品先物取引仲介業者以外の者は、前項の標識又はこれに類似する標識を掲示してはならない。
(2) A person other than a commodity derivatives intermediary service provider must not post the sign referred to in the preceding paragraph or a sign similar to the sign.

（名義貸しの禁止）
(Prohibition of Lending One's Name)
第二百四十条の十　商品先物取引仲介業者は、自己の名義をもつて、他人に商品先物取引仲介業を行わせてはならない。
Article 240-10 A commodity derivatives intermediary service provider must not have another person engage in commodity derivatives intermediation services using their name.

（準用）
(Application, Mutatis Mutandis)
第二百四十条の十一　第二百条から第二百八条までの規定は、商品先物取引仲介業者について準用する。この場合において、必要な技術的読替えは、政令で定める。
Article 240-11 The provisions of Articles 200 through 208 apply mutatis mutandis to commodity derivatives intermediary service providers. In such a

case, the necessary technical replacement of terms is specified by Cabinet Order.

（誠実かつ公正の原則）
(Principle of Honesty and Fairness)

第二百四十条の十二　商品先物取引仲介業者並びにその役員及び使用人は、顧客に対して誠実かつ公正に、その業務を遂行しなければならない。

Article 240-12 A commodity derivatives intermediary service provider and their officers and employees must provide their services to customers with honesty and fairness.

（広告等の規制）
(Regulation of Advertising)

第二百四十条の十三　商品先物取引仲介業者は、その行う商品先物取引仲介業の内容について広告その他これに類似するものとして主務省令で定める行為をするときは、主務省令で定めるところにより、次に掲げる事項を表示しなければならない。

Article 240-13 (1) When advertising the content of their commodity derivatives intermediation service or performing any similar acts specified by order of the competent ministry, a commodity derivatives intermediary service provider must indicate the following particulars pursuant to the provisions of order of the competent ministry:

一　当該商品先物取引仲介業者の氏名又は商号若しくは名称

(i) the name or trade name of the commodity derivatives intermediary service provider;

二　商品先物取引仲介業者である旨及び当該商品先物取引仲介業者の登録番号

(ii) the fact that the commodity derivatives intermediary service provider is a commodity derivatives intermediary service provider and their registration number;

三　当該商品先物取引仲介業者の行う商品先物取引仲介業の内容に関する事項であつて、顧客の判断に影響を及ぼすこととなる重要なものとして政令で定めるもの

(iii) the particulars concerning the content of the commodity derivatives intermediation services conducted by the commodity derivatives intermediary service provider which are specified by Cabinet Order as material particulars that would affect the decision of customers.

２　商品先物取引仲介業者は、その行う商品先物取引仲介業に関して広告その他これに類似するものとして主務省令で定める行為をするときは、商品デリバティブ取引を行うことによる利益の見込みその他主務省令で定める事項について、著しく事実に相違する表示をし、又は著しく人を誤認させるような表示をしてはならない。

(2) When advertising the content of their commodity derivatives intermediation services or performing any similar act specified by order of the competent ministry, a commodity derivatives intermediary service provider must not

make an indication that is significantly contradictory to the facts or particularly misleading about the prospect of profiting from conducting a commodity derivatives transaction, or about the particulars specified by order of the competent ministry.

（商号等の明示）

(Clear Indication of Trade Name)

第二百四十条の十四　商品先物取引仲介業者は、第二条第二十二項各号に規定する媒介（以下この章において「商品先物取引仲介行為」という。）を行おうとするときは、あらかじめ、顧客に対し次に掲げる事項を明らかにしなければならない。

Article 240-14 If a commodity derivatives intermediary service provider seeks to perform intermediation set forth in the items of Article 2, paragraph (22) (hereinafter referred to as "acts of commodity derivatives intermediary services" in this Chapter), they must clearly indicate the following particulars to the customers in advance:

一　所属商品先物取引業者の商号又は名称

(i) the trade name or the name of the entrusting commodity derivatives business operator;

二　所属商品先物取引業者の代理権がない旨

(ii) the fact that the commodity derivatives intermediary service provider does not have the authority to represent the entrusting commodity derivatives business operator;

三　次条の規定の趣旨

(iii) the purport of the provisions of the following Article; and

四　その他主務省令で定める事項

(iv) other particulars provided by order of the competent ministry.

（金銭等の預託の禁止）

(Prohibition of Deposit of Money)

第二百四十条の十五　商品先物取引仲介業者は、いかなる名目によるかを問わず、その行う商品先物取引仲介業に関して、顧客から金銭若しくは有価証券の預託を受け、又は当該商品先物取引仲介業者と密接な関係を有する者として政令で定める者に顧客の金銭若しくは有価証券を預託させてはならない。

Article 240-15 A commodity derivatives intermediary service provider must not, for any reason, receive a deposit of money or securities from a customer, or have a person specified by Cabinet Order as being closely related to the commodity derivatives intermediary service provider deposit customer's money or securities, with regard to their commodity derivatives intermediation services.

（禁止行為）

(Prohibited Acts)

第二百四十条の十六　商品先物取引仲介業者は、次に掲げる行為をしてはならない。

Article 240-16 A commodity derivatives intermediary service provider must not perform any of the following acts:

一　商品先物取引仲介業に関連し、次に掲げるいずれかの行為を行うこと。

(i) performing any of the following acts in relation to commodity derivatives intermediation services:

イ　第二百十四条第一号に該当する行為

(a) an act that falls under the act referred to in Article 214, paragraph (1), item (i);

ロ　第二百十四条第二号に該当する行為

(b) an act that falls under the act referred to in Article 214, paragraph (1), item (ii);

ハ　第二百十四条第五号から第九号までに該当する行為

(c) an act that falls under the act referred to in Article 214, paragraph (1), items (v) through (ix); and

ニ　商品投資顧問契約に係る業務を行う場合には顧客のために行う商品投資（商品投資に係る事業の規制に関する法律第二条第一項に規定するものをいう。）に関する情報を利用して当該顧客以外の顧客に対して勧誘する行為

(d) when conducting business under a commodity investment advisory contract, an act of soliciting a customer by using information about a commodity investment (meaning commodity investment prescribed in Article 2, paragraph (1) of the Act on Regulation of Business Regarding Commodity Investment) that the service provider is making for another customer;

二　商品先物取引仲介業により知り得た商品先物取引仲介業に係る顧客の商品デリバティブ取引に係る注文の動向その他特別の情報を利用して、自己の計算において商品市場における取引（商品清算取引を除く。）、外国商品市場取引及び店頭商品デリバティブ取引を行う行為

(ii) an act of conducting a transaction in a commodity market (excluding commodity clearing transactions), a foreign commodity market transaction, or an over-the-counter commodity derivatives transaction on its own account, using the trend of orders in commodity derivatives transactions made by customers for the service provider's commodity derivatives intermediation services or other special information learned in conducting commodity derivatives intermediation services;

三　前二号に掲げるもののほか、商品先物取引仲介行為に関する行為であつて、委託者等の保護に欠け、又は取引の公正を害するものとして主務省令で定めるもの

(iii) beyond what is set forth in the preceding two items, acts of commodity derivatives intermediary services which are specified by order of the competent ministry as acts that compromise the protection of entrustors, etc.

or that are likely to harm the fairness of transactions.

（損失補てん等の禁止等に関する商品先物取引業者に係る規定の準用）
(Application, Mutatis Mutandis of Provisions on Commodity Derivatives Business Operator in Relation to the Prohibition of Compensation of Loss)

第二百四十条の十七　第二百十四条の三第一項、第三項及び第五項並びに第二百十五条の規定は商品先物取引仲介業者について、第二百十四条の三第二項及び第四項の規定は商品先物取引仲介業者の顧客について、それぞれ準用する。この場合において、同条第三項中「当該商品先物取引業者が」とあるのは、「当該商品先物取引仲介業者の所属商品先物取引業者が」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

Article 240-17 The provisions of Article 214-3, paragraphs (1), (3) and (5), and Article 215 apply mutatis mutandis to commodity derivatives intermediary service providers; the provisions of Article 214-3, paragraphs (2) and (4) apply mutatis mutandis to the customers of a commodity derivatives intermediary service provider. In such a case, the term "the commodity derivatives business operator" in paragraph (3) of that Article is deemed to be replaced with "an entrusting commodity derivatives business operator of the commodity derivatives intermediary service provider", and any other necessary technical replacement of terms is specified by Cabinet Order.

（商品先物取引仲介業者の説明義務及び損害賠償責任）
(Obligation of Explanation and Liability for Damages of Commodity Derivatives Intermediary Service Providers)

第二百四十条の十八　商品先物取引仲介業者は、商品先物取引仲介行為を行おうとする場合には、主務省令で定めるところにより、あらかじめ、顧客に対し、第二百十七条第一項各号に掲げる事項について説明をしなければならない。ただし、第二百十八条第三項の規定により説明をすることを要しない場合は、この限りでない。

Article 240-18 (1) If a commodity derivatives intermediary service provider seeks to perform acts of commodity derivatives intermediary services, they must explain the particulars set forth in the items of Article 217, paragraph (1) to the customer in advance, pursuant to the provisions of order of the competent ministry; provided, however, that this does not apply if the explanation is not required pursuant to the provisions of Article 218, paragraph (3).

２　前項の説明は、顧客の知識、経験、財産の状況及び顧客の商品取引契約を締結しようとする目的に照らして、当該顧客に理解されるために必要な方法及び程度によるものでなければならない。

(2) The explanation referred to in the preceding paragraph must be provided in a manner and to the extent necessary for the explanation to be understood by the customer in light of the customer's knowledge, experience, status of property, or the purpose of concluding the customer's commodity transaction contract.

３　商品先物取引仲介業者は、顧客に対し第一項の規定により説明をしなければならない場合において、第二百四十条の十六（第一号イに係る部分に限る。）の規定に違反したとき、又は第二百十七条第一項第一号から第三号までに掲げる事項について説明をしなかつたときは、これによつて当該顧客の当該商品取引契約につき生じた損害を賠償する責めに任ずる。

(3) If a commodity derivatives intermediary service provider is required to give an explanation to a customer pursuant to the provisions of paragraph (1), and the service provider has violated the provisions of Article 240-16 (limited to the part related to item (i), (a)) or has failed to explain the particulars set forth in Article 217, paragraph (1), items (i) through (iii), they are liable to compensate for any damage that arises in relation to the customer's commodity transaction contract due to the violation or failure.

（金融商品の販売等に関する法律の準用）

(Application, Mutatis Mutandis of the Act on Sales of Financial Products)

第二百四十条の十九　金融商品の販売等に関する法律第六条から第九条までの規定は、商品先物取引仲介業者が行う商品先物取引仲介行為について準用する。この場合において、同法第六条第一項中「前条」とあるのは「商品先物取引法第二百四十条の十八第三項」と、同項及び同法第七条中「重要事項について説明をしなかったこと又は断定的判断の提供等を行ったこと」とあるのは「商品先物取引法第二百四十条の十六（第一号イに係る部分に限る。）の規定に違反したこと又は同法第二百十七条第一項第一号から第三号までに掲げる事項について説明をしなかったこと」と、同法第九条第二項第一号中「当該金融商品の販売に係る契約」とあるのは「商品取引契約」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

Article 240-19 The provisions of Articles 6 through 9 of the Act on Sales of Financial Products apply mutatis mutandis to the acts of commodity derivatives intermediary services performed by a commodity derivatives intermediary service provider. In such a case, the term "the preceding Article" in Article 6, paragraph (1) of that Act is deemed to be replaced with "Article 240-18, paragraph (3) of the Commodity Derivatives Transaction Act", the phrase "failure of the financial instruments provider, etc. to explain important matters or due to providing conclusive evaluation, etc." in that paragraph and Article 7 of that Act is deemed to be replaced with "violation of the provisions of Article 240-16 of the Commodity Derivatives Transaction Act (limited to the part related to item (i), (a)) or failure to explain the particulars set forth in Article 217, paragraph (1), items (i) through (iii) of that Act", the phrase "contract regarding the sale of the financial product" in Article 9, paragraph (2), item (i) of that Act is deemed to be replaced with "commodity transaction contract", and any other necessary technical replacement of terms is specified by Cabinet Order.

（帳簿の作成等）
(Preparation of Books)
第二百四十条の二十　商品先物取引仲介業者は、主務省令で定めるところにより、商品先物取引仲介業に関する帳簿を作成し、これを保存しなければならない。
Article 240-20 A commodity derivatives intermediary service provider must prepare and preserve books related to commodity derivatives intermediation services pursuant to the provisions of order of the competent ministry.

（報告書の提出）
(Submission of Written Reports)
第二百四十条の二十一　商品先物取引仲介業者は、事業年度ごとに、主務省令で定めるところにより、事業報告書を作成し、毎事業年度経過後三月以内に、これを主務大臣に提出しなければならない。
Article 240-21 A commodity derivatives intermediary service provider must prepare a business report for each business year and submit it to the competent minister within three months from the end of each business year, pursuant to the provisions of order of the competent ministry.

第三節　監督
Section 3 Supervision

（報告徴収及び立入検査）
(Collection of Reports and On-Site Inspections)
第二百四十条の二十二　主務大臣は、この法律の施行のため必要があると認めるときは、商品先物取引仲介業者に対し、その業務に関し参考となるべき報告若しくは資料の提出を命じ、又はその職員に、商品先物取引仲介業者の営業所若しくは事務所に立ち入り、帳簿、書類その他業務に関係のある物件を検査させることができる。
Article 240-22 (1) When the competent minister finds it to be necessary for the enforcement of this Act, the minister may order a commodity derivatives intermediary service provider to submit reports or materials that should serve as a reference on their business, or may have ministry officials enter the office or a business office of a commodity derivatives intermediary service provider to inspect their books and documents or any other article related to their business.
２　主務大臣は、この法律の施行のため特に必要があると認めるときは、商品先物取引仲介業者と取引をする者に対し、当該商品先物取引仲介業者の業務に関し参考となるべき報告又は資料の提出を求めることができる。
(2) If the competent minister finds it to be particularly necessary for the enforcement of this Act, the minister may order a person that conducts a transaction with a commodity derivatives intermediary service provider to submit reports or materials that should serve as a reference on the business of the commodity derivatives intermediary service provider.

３　第百五十七条第四項及び第五項の規定は、第一項の規定による立入検査について準用する。
(3) The provisions of Article 157, paragraphs (4) and (5) apply mutatis mutandis to the on-site inspection under the provisions of paragraph (1).

（監督上の処分）
(Supervisory Dispositions)
第二百四十条の二十三　主務大臣は、商品先物取引仲介業者が次の各号のいずれかに該当する場合においては、当該商品先物取引仲介業者の第二百四十条の二第一項の登録を取り消し、六月以内の期間を定めて商品先物取引仲介業の全部又は一部の停止を命じ、その他監督上必要な事項を命ずることができる。
Article 240-23 (1) If a commodity derivatives intermediary service provider falls under any of the following items, the competent minister may revoke the commodity derivatives intermediary service provider's registration under Article 240-2, paragraph (1), order the suspension of all or part of their commodity derivatives intermediation services for a fixed period not exceeding six months, or order other particulars necessary for supervision:
一　第十五条第二項第一号ハ、ニ（この法律に相当する外国の法令の規定に係る部分に限る。）、ホ、リ又はヲのいずれかに該当することとなつたとき。
(i) if the service provider comes to fall under any of Article 15, paragraph (2), item (i), sub-item (c), (d) (limited to the part related to the provisions of a foreign law or regulation that is equivalent to this Act), (e), (i), or (l);
二　不正の手段により第二百四十条の二第一項の登録を受けたとき。
(ii) if the service provider obtains the registration referred to in Article 240-2, paragraph (1) by wrongful means; or
三　この法律、この法律に基づく命令又はこの法律に基づいてする主務大臣の処分に違反したとき。
(iii) if the service prvider violates this Act, an order based on this Act, or a disposition made by the competent minister based on this Act.
２　主務大臣は、商品先物取引仲介業者の役員が前項第三号に該当する行為をしたときは、当該商品先物取引仲介業者に対し、当該役員の解任を命ずることができる。
(2) If the officer of a commodity derivatives intermediary service provider performs an act that falls under item (iii) of the preceding paragraph, the competent minister may order the commodity derivatives intermediary service provider to dismiss the officer.

（登録の抹消）
(Deletion of Registration)
第二百四十条の二十四　主務大臣は、第二百四十条の七第二項の規定により第二百四十条の二第一項の登録がその効力を失つたとき、又は前条第一項の規定により第二百四十条の二第一項の登録を取り消したときは、当該登録を抹消しなければならない。

Article 240-24 If a registration referred to in Article 240-2, paragraph (1) loses its effect pursuant to the provisions of Article 240-7, paragraph (2), or the competent minister revokes a registration referred to in Article 240-2, paragraph (1) pursuant to the provisions of paragraph (1) of the preceding Article, the competent minister must delete the registration.

（準用）

(Application, Mutatis Mutandis)

第二百四十条の二十五　第十五条第五項から第九項までの規定は第二百四十条の二第一項の登録について、第百五十八条第二項の規定は第二百四十条の二十三の規定による処分について、第百五十九条第四項の規定は第二百四十条の二十三の規定による登録の取消し又は役員の解任の命令に係る聴聞について、第二百四十条の規定は商品先物取引仲介業者について、それぞれ準用する。この場合において、第十五条第五項中「第一項各号に適合していないと認めるとき、又は第二項各号のいずれかに該当すると認めるとき」とあるのは、「第二百四十条の五各号のいずれかに該当するとき」と読み替えるものとする。

Article 240-25 The provisions of Article 15, paragraphs (5) through (9) apply mutatis mutandis to the registration referred to in Article 240-2, paragraph (1), the provisions of Article 158, paragraph (2) apply mutatis mutandis to the disposition under the provisions of Article 240-23, the provisions of Article 159, paragraph (4) apply mutatis mutandis to a hearing on the revocation of registration or an order to dismiss an officer under the provisions of Article 240-23, and the provisions of Article 240 apply mutatis mutandis to commodity derivatives intermediary service providers. In such a case, the phrase "not to conform to one of the items of paragraph (1) or to fall under one of the items of paragraph (2)" in Article 15, paragraph (5) is deemed to be replaced with "to fall under one of the items of Article 240-5".

第四節　雑則
Section 4 Miscellaneous Provisions

（所属商品先物取引業者の賠償責任）

(Entrusting Commodity Derivatives Business Operators' Liability for Damages)

第二百四十条の二十六　商品先物取引仲介業者の所属商品先物取引業者は、その委託を行つた商品先物取引仲介業者が商品先物取引仲介業につき顧客に加えた損害を賠償する責任を負う。ただし、当該所属商品先物取引業者がその商品先物取引仲介業者への委託につき相当の注意をし、かつ、その者の行う商品取引仲介行為につき顧客に加えた損害の発生の防止に努めたときは、この限りでない。

Article 240-26 The entrusting commodity derivatives business operator of a commodity derivatives intermediary service provider is liable to compensate for

damages caused to a customer in relation to the commodity derivatives intermediation services performed by the commodity derivatives intermediary service provider to which they have entrusted the services; provided, however, that this does not apply if the entrusting commodity derivatives business operator has exercised due care in entrusting the commodity derivatives intermediary service provider with those services, and has endeavored to prevent the damage that the intermediary service provider causes to the customer in relation to the acts of commodity derivatives intermediary services that the intermediary service provider performs.

第五章　商品先物取引協会
Chapter V Commodity Futures Association

第一節　総則
Section 1 General Provisions

（目的及び法人格）
(Purpose and Legal Personality)

第二百四十一条　商品先物取引協会（以下この章及び第八章において「協会」という。）は、商品デリバティブ取引等（第二条第二十二項各号に掲げる行為をいう。以下この章において同じ。）を公正かつ円滑ならしめ、かつ、委託者等の保護を図ることを目的とする。

Article 241 (1) The purpose of a commodity futures association (hereinafter referred to as an "association" in this Chapter and Chapter VIII) is to achieve a fair and smooth execution of commodity derivatives transactions, etc. (meaning acts set forth in the items of Article 2, paragraph (22); hereinafter the same applies in this Chapter) and to protect the consignors, etc.

２　協会は、法人とする。

(2) An association is to be a corporation.

（業務の制限）
(Restriction on Business)

第二百四十二条　協会は、営利の目的をもつて業務を営んではならない。

Article 242 (1) An association must not engage in business for profit.

２　協会は、その目的を達成するために直接必要な業務及びその業務に附帯する業務以外の業務を営んではならない。

(2) An association must not engage in business other than the business directly necessary for achieving its purpose and business incidental thereto.

（住所）
(Address)

第二百四十三条　協会の住所は、その主たる事務所の所在地にあるものとする。

Article 243 The address of an association is the address at which its principal office is located.

（名称）
(Name)
第二百四十四条　協会でない者は、その名称中に商品先物取引協会であると誤認されるおそれのある文字を用いてはならない。
Article 244 (1) A person that is not an association must not use a word in its name which could give rise to the misconception that it is a commodity futures association.
２　協会に加入していない者は、その名称中に商品先物取引協会の会員（以下この章において「協会員」という。）であると誤認されるおそれのある文字を用いてはならない。
(2) A person that has not joined an association must not use a word in its name which could give rise to the misconception that it is a member of a commodity futures Association (hereinafter referred to as an "association member" in this Chapter).

第二節　設立
Section 2 Establishment

（設立の認可）
(Authorization for Establishment)
第二百四十五条　商品先物取引業者は、協会を設立しようとするときは、主務大臣の認可を受けなければならない。
Article 245 Before seeking to establish an association, a commodity derivatives business operator must obtain the authorization of the competent minister.

（定款記載事項）
(Particulars Required to be Stated in the Articles of Incorporation)
第二百四十六条　協会の定款には、次に掲げる事項を記載しなければならない。
Article 246 The following particulars must be stated in the articles of incorporation of an association:
一　目的
(i) the purpose;
二　名称
(ii) its name;
三　事務所の所在地
(iii) its office address;
四　協会員たる資格に関する事項
(iv) the particulars concerning association membership qualification;

五　協会員の加入及び脱退に関する事項

(v) the particulars concerning joining and withdrawing of association members;

六　協会員の経費の分担に関する事項

(vi) the particulars concerning the sharing of costs among association members;

七　協会員に対する監査及び制裁に関する事項

(vii) the particulars concerning audits of and sanctions against association members;

八　役員の定数、任期、選任及び構成に関する事項

(viii) the particulars concerning the fixed number, term of office, appointment, and composition of officers;

九　協会員の役員及び使用人並びに商品先物取引仲介業者（協会員を所属商品先物取引業者とする商品先物取引仲介業者に限る。以下この章において同じ。）の役員及び使用人の資質の向上に関する事項

(ix) the particulars related to improvement of the qualities of the officers and employees of association members as well as the officers and employees of commodity derivatives intermediary service providers (limited to commodity derivatives intermediary service providers whose association members are entrusting commodity derivatives business operators; hereinafter the same applies in this Chapter);

十　協会員総会に関する事項

(x) the particulars concerning the general meeting of association members;

十一　理事会その他の会議に関する事項

(xi) the particulars concerning board of directors meeting and other meetings

十二　商品デリバティブ取引等に関して協会員間又は協会員若しくは商品先物取引仲介業者と顧客との間に生じた紛争についてのあつせん及び調停その他の紛争の解決に関する事項

(xii) the particulars concerning arbitration and conciliation of disputes arising between association members or between an association member or a commodity derivatives intermediary service provider and a customer in relation to commodity derivatives transactions, etc. and resolution of any other disputes;

十三　会計及び資産に関する事項

(xiii) the particulars concerning accounting and assets; and

十四　公告の方法

(xiv) the means of public notice.

（認可の申請）

(Application for Authorization)

第二百四十七条　第二百四十五条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申請書を主務大臣に提出しなければならない。

Article 247 (1) A person seeking to obtain the authorization referred to in Article 245 must submit a written application stating the following particulars to the competent minister:

一　名称

(i) the name;

二　事務所の所在地

(ii) the office address;

三　役員の氏名及び住所並びに協会員の商号

(iii) the names and addresses of their officers and the trade names of the association members.

２　前項の申請書には、定款、制裁規程、紛争処理規程その他主務省令で定める書類を添付しなければならない。

(2) The articles of incorporation, sanction rules, dispute resolution rules, and other documents specified by order of the competent ministry must be attached to the written application referred to in the preceding paragraph.

（認可の基準）

(Criteria for Authorization)

第二百四十八条　主務大臣は、第二百四十五条の認可の申請が次の各号のいずれにも適合していると認めるときは、認可をしなければならない。

Article 248 (1) If the competent minister finds that an application for the authorization referred to in Article 245 conforms to the following criteria, the minister must grant the authorization:

一　定款、制裁規程、紛争処理規程その他の規則の規定が法令に違反せず、かつ、定款、制裁規程又は紛争処理規程に規定する業務の方法、協会員の資格その他の事項が適当であつて、商品デリバティブ取引等を公正かつ円滑ならしめ、及び委託者等を保護するために十分であること。

(i) the provisions of the articles of incorporation, sanction rules, dispute resolution rules, and other rules do not violate laws and regulations, and the business methods, qualification of association members, and other particulars speicified in the articles of incorporation, sanction rules, or dispute resolution rules are appropriate and sufficient for ensuring fair and smooth commodity derivatives transactions, etc. and for protecting the entrustors, etc.;

二　当該申請に係る協会がこの法律の規定に適合するように組織されるものであること。

(ii) the association which the application concerns is to be organized in a manner that conforms to the provisions of this Act;

三　申請書又はこれに添付すべき書類のうちに重要な事項について虚偽の記載がないこと。

(iii) the written application or documents that are required to be attached to

the written application contain no false statement about a material particular;

四　認可申請者が第十五条第二項第一号ハからホまで、リ又はヲのいずれかに該当する者でないこと。

(iv) the applicant for authorization is not a person that falls under any of the persons referred to in Article 15, paragraph (2), item (i), sub-items (c) through (e), or sub-item (i) or (l);

五　役員のうちに第十五条第二項第一号イからルまでのいずれかに該当する者がないこと。

(v) no person that falls under one of the persons referred to in Article 15, paragraph (2), item (i), sub-items (a) through (k) is among the officers;

２　第十五条第五項から第九項までの規定は、第二百四十五条の認可について準用する。

(2) The provisions of Article 15, paragraphs (5) through (9) apply mutatis mutandis to the authorization referred to in Article 245.

（登記）

(Registration)

第二百四十九条　協会は、政令で定めるところにより、登記しなければならない。

Article 249 (1) An association must be registered pursuant to the provisions of Cabinet Order.

２　協会は、その主たる事務所の所在地において、設立の登記をすることによつて成立する。

(2) An association is established by registering its establishment at the locality of its principal office.

３　第一項の規定により登記しなければならない事項は、登記の後でなければ、これをもつて第三者に対抗することができない。

(3) The particulars that must be registered pursuant to the provisions of paragraph (1) may not be asserted against a third party until after the registration.

（定款等の変更）

(Changes in the Articles of Incorporation)

第二百五十条　協会の定款、制裁規程又は紛争処理規程の変更は、主務大臣の認可を受けなければ、その効力を生じない。

Article 250 (1) A change in the articles of incorporation, sanction rules, or dispute resolution rules of an association does not become effective without the authorization of the competent minister.

２　協会は、前項の認可を受けようとするときは、申請書に主務省令で定める書類を添付して、主務大臣に提出しなければならない。

(2) If an association seeks to obtain the authorization referred to in the preceding paragraph, it must submit a written application by attaching the documents

specified by order of the competent ministry to the competent minister.

３　協会は、第二百四十七条第一項第二号又は第三号に掲げる事項について変更があつたときは、遅滞なく、その旨を主務大臣に届け出なければならない。協会の規則（定款、制裁規程及び紛争処理規程を除く。）の作成、変更又は廃止があつたときも、同様とする。

(3) If a particular set forth in Article 247, paragraph (1), item (ii) or (iii) changes, the association must notify the competent minister of this without delay. The same applies if an association prepares, changes, or abolishes its rules (other than the articles of incorporation, sanction rules, and dispute resolution rules).

４　第二百四十八条第一項第一号の規定は、第一項の認可について準用する。

(4) The provisions of Article 248, paragraph (1), item (i) apply mutatis mutandis to the authorization referred to in paragraph (1).

第三節　協会員
Section 3 Association Members

（協会員たる資格）

(Association Membership Qualification)

第二百五十一条　協会員たる資格を有する者は、商品先物取引業者に限る。

Article 251 (1) commodity derivatives business operators are the only persons that are qualified to become association members.

２　協会は、その定款において、第五項に定める場合を除くほか、商品先物取引業者は何人も協会員として加入することができる旨を定めなければならない。

(2) Except in the case set forth in paragraph (5), an association must specify in its articles of incorporation that any commodity derivatives business operator may join the association as an association member.

３　協会は、その定款において、詐欺行為、相場を操縦する行為又は不当な手数料若しくは費用の徴収その他協会員及び商品先物取引仲介業者の不当な利得行為を防止して、取引の信義則を助長することに努める旨を定めなければならない。

(3) An association must specify in its articles of incorporation that it will endeavor to prevent any fraudulent act, act of manipulating quotations, collection of unreasonable fees and costs, or other acts of unfair profiting by association members and commodity derivatives intermediary service providers, and promote the principle of good faith in transactions.

４　協会は、その定款において、協会員に法令及び協会の定款その他の規則を遵守するための当該協会員及び当該協会員を所属商品先物取引業者とする商品先物取引仲介業者の社内規則及び管理体制を整備させることにより、法令又は協会の定款その他の規則に違反する行為を防止して、委託者等の信頼を確保することに努める旨を定めなければならない。

(4) An association must specify in its articles of incorporation that it will endeavor to prevent acts that violate laws and regulations or the articles of

incorporation or other rules of the association and secure entrustors' trust, by having association members develop internal rules and the administrative structure of the association members and the commodity derivatives intermediary service providers that have the association members as entrusting commodity derivatives business operators, in order for the association members to comply with laws and regulations, and the articles of incorporation and other rules of the association.

5　協会は、その定款において、この法律、この法律に基づく命令若しくはこの法律に基づいてする主務大臣の処分若しくは協会若しくは商品取引所の定款その他の規則に違反し、又は取引の信義則に背反する行為をして、商品市場における取引若しくは商品先物取引業の停止を命ぜられ、又は協会若しくは商品取引所から除名若しくは取引資格の取消しの処分を受けたことのある者については、その者が協会員として加入することを拒否することができる旨を定めることができる。

(5) An association may specify in its articles of incorporation that if a person that has been ordered to suspend transactions in a commodity market or commodity derivatives business or has been expelled from an association or a commodity exchange or has become subject to a disposition of the revocation of trading qualification as a result of violating this Act, an order based on this Act, or a disposition made by the competent minister based on this Act, or of violating the articles of incorporation or other rules of an association or a commodity exchange or performing an act that is contrary to the principle of good faith in transactions, the association may refuse membership of the person.

（名簿の縦覧）

(Public Inspection of the Register)

第二百五十二条　協会は、協会員の名簿を公衆の縦覧に供しなければならない。

Article 252 An association must make its register of association members available for public inspection.

（制裁規程）

(Sanction Rules)

第二百五十三条　協会は、その定款において、協会員又は当該協会員を所属商品先物取引業者とする商品先物取引仲介業者が、この法律、この法律に基づく命令若しくはこの法律に基づいてする主務大臣の処分若しくは当該協会の定款、紛争処理規程その他の規則に違反し、又は取引の信義則に背反する行為をしたときは、制裁規程の定めるところにより、当該協会員に対し、過怠金を課し、若しくは定款の定める協会員の権利の停止若しくは制限を命じ、又は当該協会員を除名する旨を定めなければならない。

Article 253 An association must specify in its articles of incorporation that if an association member or a commodity derivatives intermediary service provider that has an entrusting commodity derivatives business operator as an association member violates this Act, an order based on this Act, or a

disposition made by the competent minister based on this Act, violates the articles of incorporation, sanction rules, or other rules of an association or a commodity exchange, or performs an act that is contrary to the principle of good faith in transactions, the association will impose a monetary sanction on the association member, order the suspension or restriction of the rights of the association member prescribed in the articles of incorporation, or expel the association member pursuant to the provisions of the sanction rules.

第四節　機関
Section 4 Organ

（役員）
(Officers)

第二百五十四条　協会に、役員として、会長一人、理事二人以上及び監事二人以上を置く。

Article 254 An association has one president, two or more directors, and two or more auditors as its officers.

（会長及び理事の権限）
(Authority of the President and Directors)

第二百五十五条　会長は、協会を代表し、その事務を総理する。

Article 255 (1) The president represents the association and presides over its affairs.

２　理事は、定款の定めるところにより、協会を代表し、会長を補佐して協会の事務を掌理し、会長に事故があるときにはその職務を代理し、会長が欠員のときにはその職務を行う。

(2) A director, pursuant to the provisions of the articles of incorporation, represents the association, assists the president in administering the affairs of the association, acts as a proxy in handling the duties of the president in if the president is unavailable, and performs the duties of the president if the position is vacant.

（監事の権限）
(Authority of the Auditors)

第二百五十六条　監事は、協会の事務を監査する。

Article 256 (1) The auditors audit the affairs of the association.

２　監事は、いつでも会長若しくは理事に対して事務の報告を求め、又は協会の事務及び財産の状況を調査することができる。

(2) An auditor may request the president or a director to give a report about the affairs or examine the state of the affairs or property of the association, at any time.

３　監事は、会長が協会員総会に提出しようとする書類を調査し、協会員総会にその意見を報告しなければならない。

(3) An auditor must inspect the documents that the president seeks to submit to a general meeting of association members, and report their opinions to the general meeting of association members.

（役員の欠格条件）

(Disqualifying Conditions for Officers)

第二百五十七条　第四十九条の規定は、協会の役員について準用する。

Article 257 The provisions of Article 49 apply mutatis mutandis to the officers of an association.

（仮理事又は仮監事）

(Provisional Director or Provisional Auditor)

第二百五十八条　主務大臣は、理事又は監事の職を行う者がない場合において、必要があると認めるときは、仮理事又は仮監事を選任することができる。

Article 258 If there is no person to perform the duties of a director or an auditor and the competent minister finds it to be necessary, the minister may appoint a provisional director or provisional auditor.

第五節　紛争の解決
Section 5 Dispute Resolution

（苦情の解決）

(Complaint Resolution)

第二百五十九条　協会は、協会員又は商品先物取引仲介業者の顧客等から協会員又は商品先物取引仲介業者の行う業務に関する苦情について解決の申出があつたときは、その相談に応じ、申出人に必要な助言をし、その苦情に係る事情を調査するとともに、当該協会員又は商品先物取引仲介業者に対し、その苦情の内容を通知してその迅速な処理を求めなければならない。

Article 259 (1) If the customer, etc. of an association member or a commodity derivatives intermediary service provider files for the resolution of a complaint related to the business conducted by that association member or commodity derivatives intermediary service provider, the association must provide consultation, provide necessary advice to the requester, and investigate the circumstances of the complaint, as well as notify the association member or commodity derivatives intermediary service provider of the content of the complaint and demand the association member or service provider to process the complaint expeditiously.

２　協会は、前項の申出に係る苦情の解決について必要があると認めるときは、当該協会員又は商品先物取引仲介業者に対し、文書若しくは口頭による説明を求め、又は資

料の提出を求めることができる。

(2) If an association finds it to be necessary for resolving the complaint which a request referred to in the preceding paragraph concerns, it may demand the association member or commodity derivatives intermediary service provider to provide a written or oral explanation or to submit materials.

３　協会員又は商品先物取引仲介業者は、協会から前項の規定による求めがあつたときは、正当な理由がないのに、これを拒んではならない。

(3) If an association member or commodity derivatives intermediary service provider has received a demand under the provisions of the preceding paragraph from the association, they must not refuse the demand without legitimate grounds for doing so.

４　協会は、第一項の申出、当該苦情に係る事情及びその解決の結果について協会員又は商品先物取引仲介業者に周知させなければならない。

(4) An association must fully inform its association members or commodity derivatives intermediary service provider about any request referred to in paragraph (1), the circumstances which the complaint concerns, and the outcome of the resolution.

（あつせん・調停委員会）

(Arbitration and Conciliation Committee)

第二百六十条　協会は、紛争処理規程において、商品デリバティブ取引等に関して協会員間又は協会員若しくは商品先物取引仲介業者と顧客との間に生じた紛争（次条において「商品デリバティブ取引等に係る紛争」という。）について、あつせん及び調停を行うため、先物取引について学識経験を有することその他主務省令で定める要件に該当する委員をもつて組織されるあつせん・調停委員会（次条において「委員会」という。）を置く旨を定めなければならない。

Article 260 An association must specify in its dispute resolution rules that it will establish an arbitration and conciliation committee (referred to as a "committee" in the following Article) comprising of committee members with relevant expertise in futures transactions and satisfying other requirements specified by order of the competent ministry, for the purpose of conducting arbitration and conciliation of dispute that arises between association members or between an association member or a commodity derivatives intermediary service provider and their customer in relation to a commodity derivatives transaction, etc. (referred to as a "dispute about a commodity derivatives transaction, etc." in the following Article).

（あつせん及び調停の実施）

(Implementation of Arbitration and Conciliation)

第二百六十一条　協会は、商品デリバティブ取引等に係る紛争について当事者である協会員、商品先物取引仲介業者又は顧客からあつせん又は調停の申出があつたときは、

遅滞なく、紛争処理規程で定めるところにより、委員会によるあつせん又は調停を行うものとする。

Article 261 (1) If an association member, commodity derivatives intermediary service provider, or customer who is a party to a dispute about a commodity derivatives transaction, etc. makes a request for arbitration or conciliation, the association is to condcut arbitration or conciliation by the committee without delay, pursuant to the provisions of its dispute resolution rules.

２　協会は、その紛争処理規程において、次に掲げる事項に関する細則を定めなければならない。

(2) An association must specify detailed regulations concerning the following particulars in its dispute resolution rules:

一　あつせん及び調停の申出手続

(i) the procedures for requesting arbitration and conciliation;

二　あつせん及び調停の方法

(ii) the method of arbitration and conciliation; and

三　前二号に掲げる事項のほか、あつせん及び調停に関し必要な事項

(iii) beyond what is set forth in the preceding two items, the necessary particulars for arbitration and conciliation.

３　協会は、あつせん及び調停の円滑な実施を図るため必要があるときは、商品取引所に対し、資料の提出その他必要な協力を求めることができる。

(3) If it is necessary for the smooth implementation of arbitration and conciliation, an association may demand a commodity exchange to submit materials or to provide other necessary cooperation.

第六節　解散
Section 6 Dissolution

第二百六十二条　協会は、次の事由によつて解散する。

Article 262 (1) An association is to dissolve due to the following grounds:

一　定款で定めた解散事由の発生

(i) an occurrence of grounds for dissolution specified by the articles of incorporation;

二　協会員総会の決議

(ii) a resolution of a general meeting of association members;

三　破産手続開始の決定

(iii) an order of commencement of bankruptcy proceedings; or

四　設立の認可の取消し

(iv) a revocation of authorization for establishment.

２　協会は、前項第一号から第三号までの規定により解散したときは、遅滞なく、その旨を主務大臣に届け出なければならない。

(2) If an association is dissolved pursuant to the provisions of items (i) through

(iii) of the preceding paragraph, the association must notify the competent minister of this without delay.

３　前二項に定めるもののほか、協会の解散に関し必要な事項は、政令で定める。

(3) Beyond what is provided for in the preceding two paragraphs, necessary particulars for the dissolution of an association are specified by Cabinet Order.

第七節　監督
Section 7 Supervision

（報告徴収及び立入検査）

(Collection of Reports and On-Site Inspections)

第二百六十三条　主務大臣は、この法律の施行のため必要があると認めるときは、協会若しくはその協会員に対し、その業務若しくは財産に関し参考となるべき報告若しくは資料の提出を命じ、又はその職員に、協会若しくはその協会員の事務所若しくは営業所に立ち入り、帳簿、書類その他業務に関係のある物件を検査させることができる。

Article 263 (1) When the competent minister finds it to be necessary for the enforcement of this Act, the minister may order an association or an association member to submit reports or materials that should serve as a reference on its business or property, or may have ministry officials enter the office or business office of an association or association member and inspect their books and documents or any other article related to business.

２　第百五十七条第四項及び第五項の規定は、前項の規定による立入検査について準用する。

(2) The provisions of Article 157, paragraphs (4) and (5) apply mutatis mutandis to the inspection under the provisions of the preceding paragraph.

（業務改善命令）

(Business Improvement Orders)

第二百六十四条　主務大臣は、商品デリバティブ取引等を公正かつ円滑ならしめ、又は委託者等を保護するため必要かつ適当であると認めるときは、その必要の限度において、協会に対し、当該協会の定款、制裁規程、紛争処理規程その他の規則の変更その他業務の運営の改善に必要な措置をとるべきことを命ずることができる。

Article 264 If the competent minister finds it to be necessary and appropriate for achieving fair and smooth commodity derivatives transactions, etc. or for the protection of entrustors, etc., the minister may, to the extent necessary, order an association to change its articles of incorporation, sanction rules, dispute resolution rules, or other rules, or to take other measures necessary for improving its business operations.

（協会に対する監督上の処分）

(Supervisory Dispositions for Associations)

第二百六十五条　主務大臣は、協会がこの法律、この法律に基づく命令若しくはこの法律に基づいてする主務大臣の処分若しくは定款その他の規則（以下この条において「この法律等」という。）に違反した場合又は協会員若しくは商品先物取引仲介業者がこの法律等に違反する行為をしたにもかかわらず、当該協会員若しくは商品先物取引仲介業者に対しこの法律等を遵守させるために当該協会がこの法律、この法律に基づく命令若しくは当該定款により認められた権能の行使その他必要な措置をすることを怠つた場合において、商品デリバティブ取引等を公正かつ円滑ならしめ、又は委託者等を保護するため必要かつ適当であると認めるときは、その設立の認可を取り消し、一年以内の期間を定めてその業務の全部若しくは一部の停止を命じ、その業務の一部の禁止を命じ、又はその役員の解任を命ずることができる。

Article 265 (1) If an association violates this Act, an order based on this Act, a disposition made by the competent minister based on this Act, its articles of incorporation, or other rules (hereinafter referred to as "this Act, etc." in this Article) or, if, even though an association member or commodity derivatives intermediary service provider has violated this Act, etc., the association fails to exercise the powers granted under this Act, an order based on this Act, or its articles of incorporation, or fails to take other necessary measures to have the association member or commodity derivatives intermediary service provider observes this Act, etc., and the competent minister finds it to be necessary and appropriate for achieving fair and smooth commodity derivatives transactions, etc. or for the protection of entrustors, etc., the minister may revoke the association's authorization for the establishment, order the suspension of all or a part of its business for a fixed period not exceeding one year, order prohibition of its business in part, or order the dismissal of its officer.

２　主務大臣は、第二百四十五条若しくは第二百五十条第一項の認可の申請書又はこれらの書面の添付書類の記載事項のうちに、重要な事項について虚偽の記載があり、又は重要な事実の記載が欠けていることを発見したときは、当該認可を取り消すことができる。

(2) If the competent minister discovers that a written application for the authorization referred to in Article 245 or Article 250, paragraph (1) or its attached document that contains a false statement about a material particular or lacks a statement of a material fact, the minister may revoke the authorization.

３　主務大臣は、不正の手段により協会の役員になつた者のあつたことを発見したとき、又は協会の役員がこの法律、この法律に基づく命令若しくはこの法律に基づいてする主務大臣の処分に違反したときは、当該協会に対し、当該役員の解任を命ずることができる。

(3) If the competent minister discovers that a person has become the officer of an association by wrongful means or if the officer of an association has violated this Act, an order based on this Act, or a disposition made by the competent minister based on this Act, the minister may order the association to dismiss

the officer.

（聴聞等の方法の特例の規定の準用）
(Application, Mutatis Mutandis of Special Provisions on the Method of Conducting Hearings)

第二百六十六条　第百五十八条第二項の規定は前二条の規定による処分について、第百五十九条第四項の規定は前条の規定による認可の取消し又は役員の解任の命令に係る聴聞について準用する。

Article 266 The provisions of Article 158, paragraph (2) apply mutatis mutandis to the dispositions under the provisions of the the preceding two Articles and the provisions of Article 159, paragraph (4) apply mutatis mutandis to a hearing on the revocation of authorization or on an order to dismiss an officer under the provisions of the preceding Article.

第八節　雑則
Section 8 Miscellaneous Provisions

（協会の役員及び職員等の秘密保持義務）
(Duty of Confidentiality of Officers and Employees of an Association)

第二百六十七条　協会の役員若しくは職員又はこれらの職にあつた者は、その職務に関して知り得た秘密を漏らし、又は盗用してはならない。

Article 267 It is prohibited for the officer or employee of an association, or a person that has held one of these positions, to divulge or misappropriate any secret learned in the course of duty.

（事業概況報告書等の提出）
(Submission of Business Summary Reports)

第二百六十八条　協会は、毎事業年度の開始の日から三月以内に、次に掲げる書類を主務大臣に提出しなければならない。

Article 268 An association must submit the following documents to the competent minister within three months from the day on which each business year begins:

一　前事業年度の事業概況報告書及び当該事業年度の事業計画書
(i) a business summary report for the previous business year and the business plan for the relevant business year;

二　前事業年度末における財産目録
(ii) the inventory of property as of the end of the previous business year;

三　前事業年度の収支決算書及び当該事業年度の収支予算書
(iii) the income and expenditure statement for the previous business year and the budget statements for the relevant business year.

第六章　委託者保護基金
Chapter VI Consignor Protection Funds
第一節　総則
Section 1 General Provisions

（一般委託者）
(General Consignors)

第二百六十九条　この章において「一般委託者」とは、商品先物取引業者（国内の営業所又は事務所において第二条第二十二項第一号又は第二号に掲げる行為を業として行う商品先物取引業者に限る。以下この章において同じ。）の国内の営業所又は事務所の顧客であつて当該商品先物取引業者に対し商品市場における取引等（商品清算取引を除く。次項において同じ。）を委託した者（商品先物取引業者、金融商品取引法第二条第三項第一号に規定する適格機関投資家、商品投資顧問業者その他の政令で定める者を除く。）をいう。

Article 269 (1) The term "general consignor" as used in this Chapter means the customer of the domestic business office or office of a commodity derivatives business operator (limited to commodity derivatives business operator performing the acts set forth in Article 2, paragraph (22), item (i) or (ii) in the course of trade, at a business office or office in Japan; hereinafter the same applies in the Chapter) that entrusts the commodity derivatives business operator with a transaction in a commodity market, etc. (excluding a commodity clearing transaction; the same applies in the following paragraph) (excluding a commodity derivatives business operator, a qualified institutional investor prescribed in Article 2, paragraph (3), item (i) of the Financial Instruments and Exchange Act, a commodities investment advisor, and other persons specified by Cabinet Order).

２　商品先物取引業者がその一般委託者の計算において他の商品先物取引業者に対し商品市場における取引等（第二条第二十一項第一号又は第三号に掲げるものに限る。）を委託した場合には、前項の規定にかかわらず、当該商品先物取引業者を当該他の商品先物取引業者の一般委託者とみなして、この章の規定を適用する。

(2) Notwithstanding the provisions of the preceding paragraph, if one commodity derivatives business operator entrusts another commodity derivatives business operator with a transaction in a commodity market, etc. (limited to one set forth in Article 2, paragraph (21), item (i) or (iii)) on its general consignor's account, the commodity derivatives business operator is deemed to be the general consignor of the other commodity derivatives business operator, and the provisions of this Chapter apply.

（目的）
(Purpose)

第二百七十条　委託者保護基金は、第三百六条第一項の規定による一般委託者に対する

支払その他の業務を行うことにより委託者の保護を図り、もつて商品市場に対する信頼性を維持することを目的とする。

Article 270 The purpose of a consignor protection fund is to protect consignors by making payments to general consignors pursuant to the provisions of Article 306, paragraph (1) and through other services, thereby maintaining the credibility of commodity markets.

（法人格及び住所）

(Legal Personality and Address)

第二百七十一条　委託者保護基金は、法人とする。

Article 271 (1) A consignor protection fund is to be a corporation.

２　委託者保護基金の住所は、その主たる事務所の所在地にあるものとする。

(2) The address of a consignor protection fund is to be at the locality of its principal office.

（名称）

(Name)

第二百七十二条　委託者保護基金は、その名称中に「委託者保護基金」という文字を用いなければならない。

Article 272 (1) A consignor protection fund must use the characters "委託者保護基金" (with a pronunciation of "itakusha hogo kikin", and with the literal meaning of "consignor protection fund") in its name.

２　委託者保護基金でない者は、その名称中に「委託者保護基金」という文字を用いてはならない。

(2) A person that is not a consignor protection fund must not use the characters "委託者保護基金" in its name.

（登記）

(Registration)

第二百七十三条　委託者保護基金は、政令で定めるところにより、登記しなければならない。

Article 273 (1) A consignor protection fund must be registered pursuant to the provisions of Cabinet Order.

２　前項の規定により登記しなければならない事項は、登記の後でなければ、これをもつて第三者に対抗することができない。

(2) The particulars that are required to be registered pursuant to the provisions of the preceding paragraph may not be asserted against a third party until after their registration.

（不法行為能力等）

(Capacity in Respect of Tortious Acts)

第二百七十四条　委託者保護基金は、理事長又は理事がその職務を行うについて他人に加えた損害を賠償する責任を負う。

Article 274 A consignor protection fund is liable to compensate for damages that its president or directors caused to another person in the performance of their duties.

第二節　会員
Section 2 Members

（会員の資格）

(Qualification of Members)

第二百七十五条　委託者保護基金の会員たる資格を有する者は、商品先物取引業者に限る。

Article 275 (1) Commodity derivatives business operators are the only persons that are qualified to become members of a consignor protection fund.

２　委託者保護基金は、商品先物取引業者が当該委託者保護基金に加入しようとするときは、正当な事由により加入を制限する場合を除き、その加入を拒み、又はその加入について不当な条件を付してはならない。

(2) If a commodity derivative business operator seeks to join a consignor protection fund, the consignor protection fund must not refuse membership or attach unreasonable conditions to membership, unless membership is restricted based on legitimate grounds.

（加入義務等）

(Obligation to Join)

第二百七十六条　商品先物取引業者は、いずれか一の委託者保護基金にその会員として加入しなければならない。

Article 276 (1) A commodity derivatives business operator must join any one of the consignor protection fund as a member.

２　第百九十条第一項の許可を受けて商品先物取引業を行おうとする者（国内の営業所又は事務所において第二条第二十二項第一号又は第二号に掲げる行為を業として行おうとする者に限る。）又は第百九十五条第一項第一号の届出（第百九十二条第一項第五号に係るものに限る。）をして国内の営業所若しくは事務所において第二条第二十二項第一号若しくは第二号に掲げる行為を業として行おうとする者（委託者保護基金の会員でない者に限る。）は、その許可の申請又は届出に先立つて、いずれか一の委託者保護基金に加入する手続をとらなければならない。

(2) A person seeking to engage in commodity derivatives business after obtaining the license under Article 190, paragraph (1) (limited to a person seeking to perform an act set forth in Article 2, paragraph (22), item (i) or (ii) in the course of trade at a domestic business office or office), or a person seeking to perform an act set forth in Article 2, paragraph (22), item (i) or (ii) in the

course of trade at a business office or office in Japan by giving a notification referred to in Article 195, paragraph (1), item (i) (limited to a notification related to Article 192, paragraph (1), item (v)) (limited to a person that is not a member of a consignor protection fund) must take the procedures for joining any one of the consignor protection funds before filing the application for the license or giving the notification.

３　前項の規定により委託者保護基金に加入する手続をとつた者は、同項の許可を受けた時又は同項の届出が受理された時に、当該委託者保護基金の会員となる。

(3) A person that has taken the procedures for joining a consignor protection fund pursuant to the provisions of the preceding paragraph becomes a member of the consignor protection fund at the time the license referred to in that paragraph is granted or the notification referred to in that paragraph is accepted.

４　商品先物取引業者は、委託者保護基金に加入した場合又は所属する委託者保護基金を変更した場合には、遅滞なく、その旨を主務大臣に届け出なければならない。

(4) When a commodity derivatives business operator joins a consignor protection fund or changes the consignor protection funds they belong to, they must notify the competent minister of this without delay.

（脱退等）

(Withdrawal)

第二百七十七条　委託者保護基金の会員である商品先物取引業者は、次に掲げる事由により、当然、その所属する委託者保護基金を脱退する。

Article 277 (1) A commodity derivatives business operator that is a member of a consignor protection fund withdraws from the consignor protection fund they belong to for the following reasons, as a matter of course:

一　第二百三十五条第三項又は第二百三十六条第一項の規定による第百九十条第一項の許可の取消し

(i) revocation of their license under Article 190, paragraph (1) pursuant to the provisions of Article 235, paragraph (3) or Article 236, paragraph (1);

二　第百九十条第二項又は第百九十七条第二項の規定による第百九十条第一項の許可の失効

(ii) expiration of their license under Article 190, paragraph (1) pursuant to the provisions of Article 190, paragraph (2) or Article 197, paragraph (2).

２　商品先物取引業者は、次に掲げる場合を除き、その所属する委託者保護基金を脱退することができない。

(2) A commodity derivatives business operator may not withdraw from the consignor protection fund they belong to except in the following cases:

一　前項各号に掲げる事由による場合

(i) the withdrawal is for a reason set forth in one of the items of the preceding paragraph;

二　第百九十五条第一項第二号の届出をする場合

(ii) they submit the notification referred to in Article 195, paragraph (1), item (ii);

三　主務大臣の承認を受けて他の委託者保護基金の会員となる場合

(iii) they become a member of another consignor protection fund with the approval of the competent minister.

3　前項第一号又は第二号の場合において委託者保護基金を脱退した者は、第三百二条から第三百十一条までの規定の適用については、なお当該委託者保護基金の会員である商品先物取引業者とみなす。

(3) A person that withdraws from a consignor protection fund for the reason set forth in either item (i) or (ii) of the preceding paragraph is deemed to continue to be a commodity derivatives business operator that is a member of the consignor protection fund for the purpose of the application of the provisions of Articles 302 through 311.

4　商品先物取引業者は、その所属する委託者保護基金を脱退した場合（第一項の規定により脱退した場合を除く。）においても、当該商品先物取引業者が当該委託者保護基金を脱退するまでに第三百三条第一項各号又は第三項各号のいずれかに該当することとなつた商品先物取引業者のために当該委託者保護基金が行う業務（第三百六条第一項及び第三百八条第一項の業務に限る。）に要する費用のうち、脱退した商品先物取引業者の負担すべき費用の額として業務規程で定めるところにより当該委託者保護基金が算定した額を負担金として納付する義務を負う。

(4) Even if a commodity derivatives business operator withdraws from a consignor protection fund they belong to (excluding a case of withdrawal pursuant to the provisions of paragraph (1)), they incur the obligation to pay the amount calculated by the consignor protection fund pursuant to the provisions of the operational rules as the amount of expenses that the withdrawn commodity derivatives business operator should bear out of the amount of the expenses required for the services (limited to services referred to in Article 306, paragraph (1) and Article 308, paragraph (1)) that the consignor protection fund provides for a commodity derivatives business operator that has come to fall under one of the items of Article 303, paragraph (1) or the items of paragraph (3) of that Article before the commodity derivatives business operator withdrew from the consignor protection fund.

5　主務大臣は、第二項第三号の承認の申請があつたときは、次に掲げる要件を満たしている場合でなければ、その承認をしてはならない。

(5) When an application for the approval referred to in paragraph (2), item (iii) is filed, the competent minister must not grant the approval unless the application satisfies the following requirements:

一　当該商品先物取引業者が、その承認の申請の時においてその脱退しようとする委託者保護基金に対し会員として負担する債務を完済しており、かつ、前項に規定する義務を履行することが確実と見込まれること。

(i) the commodity derivatives business operator has repaid in full the obligation it bears as a member to the consignor protection fund from which they seek to withdraw, by the time of filing the application for approval, and their performance of the obligation prescribed in the preceding paragraph is expected to be reliable; and

二　当該商品先物取引業者が、他の委託者保護基金に会員として加入する手続をとつていること。

(ii) the commodity derivatives business operator has taken the procedures for joining another consignor protection fund as a member.

第三節　設立
Section 3 Establishment

（設立要件）

(Requirements for Establishment)

第二百七十八条　委託者保護基金を設立するには、その会員になろうとする二十以上の商品先物取引業者が発起人とならなければならない。

Article 278 (1) In order to establish a consignor protection fund, 20 or more commodity derivatives business operators that seek to become its members must become the founders.

２　発起人は、定款及び業務規程を作成した後、会員になろうとする者を募り、これを会議の日時及び場所とともにその会議開催日の二週間前までに公告して、創立総会を開かなければならない。

(2) After preparing the articles of incorporation and operational rules, the founders must invite persons to become members and hold an organizational meeting and issue public notice of the articles of incorporation and the operational rules together with the time and place of the meeting by two weeks prior to the day of the organizational meeting.

３　定款及び業務規程の承認その他設立に必要な事項の決定は、創立総会の決議によらなければならない。

(3) Approval of the articles of incorporation and operational rules and decisions about other particulars that are necessary for the establishment of the consignor protection fund must be adopted by a resolution of the organizational meeting.

４　創立総会では、定款及び業務規程を修正することができる。

(4) The articles of incorporation and operational rules may be amended at an organizational meeting.

５　第三項の規定による創立総会の議事は、その開会までに発起人に対して会員となる旨を申し出た商品先物取引業者（以下この条において「加入予定者」という。）及び発起人の半数以上が出席し、その出席者の議決権の三分の二以上で決する。

(5) The proceedings of an organizational meeting pursuant to the provisions of

paragraph (3) are decided by at least a two-thirds majority of the votes of those present, at a meeting in which at least half of the commodity derivatives business operators that have proposed that they will become members to the founders before the opening of the organizational meeting (hereinafter referred to as an "expected member" in this Article) and the founders are present.

６　委託者保護基金の成立の日を含む事業年度の業務の運営に必要な事項（予算及び資金計画を含む。）の決定は、第二百九十二条第二項の規定にかかわらず、創立総会の決議によることができる。

(6) Notwithstanding the provisions of Article 292, paragraph (2), the particulars that are necessary for the business operations in the business year that includes the day of the establishment of a consignor protection fund (including the budget and funding plans) may be decided by a resolution of the organizational meeting.

７　第二百九十五条本文の規定は、前項の規定による創立総会の議事について準用する。この場合において、同条本文中「総会員」とあるのは、「その開会までに発起人に対して会員となる旨を申し出た商品先物取引業者及び発起人」と読み替えるものとする。

(7) The provisions of the main clause of Article 295 apply mutatis mutandis to the proceedings of the organizational meeting under the provisions of the preceding paragraph. In such a case, the term "all members" in the main clause of that Article is deemed to be replaced with "the commodity derivatives business operator that have proposed they will become members to the founders before the opening of the organizational meeting and the founders".

８　各加入予定者の創立総会の議決権は、平等とする。

(8) Each of the expected members holds an equal voting right for the organizational meeting.

９　創立総会に出席しない加入予定者は、書面で、又は代理人によつて議決をすることができる。

(9) An expected member not attending an organizational meeting may vote in writing or by proxy.

１０　前二項の規定は、定款に別段の定めがある場合には、適用しない。

(10) The provisions of the preceding two paragraphs do not apply if otherwise provided for in the articles of incorporation.

１１　委託者保護基金と特定の加入予定者との関係について創立総会の議決をする場合には、その加入予定者は、議決権を有しない。

(11) If a resolution of an organizational meeting concerns the relationship between the consignor protection fund and a specific expected member, that expected member has no voting right.

（認可の申請）

(Application for Authorization)

第二百七十九条　発起人は、創立総会の終了後遅滞なく、次に掲げる事項を記載した認

可申請書を主務大臣に提出して、設立の認可を受けなければならない。

Article 279 (1) The founders must obtain approval for establishment by submitting a written application for authorization stating the following particulars to the competent minister, without delay after the conclusion of the organizational meeting:

一　名称

(i) the name;

二　純資産額

(ii) the amount of net assets;

三　事務所の所在地

(iii) the office address;

四　役員の氏名及び住所並びに会員の商号

(iv) the names and addresses of the officers and the trade names of the members.

２　前項の認可申請書には、定款、業務規程その他主務省令で定める書類を添付しなければならない。

(2) The articles of incorporation, operational rules, and documents specified by order of the competent ministry must be attached to the written application for authorization referred to in the preceding paragraph.

３　第九十九条第七項の規定は、第一項第二号の純資産額について準用する。

(3) The provisions of Article 99, paragraph (7) apply mutatis mutandis to the amount of net assets referred to in paragraph (1), item (ii).

（認可の基準）

(Criteria for Authorization)

第二百八十条　主務大臣は、前条第一項の認可の申請が次の各号のいずれにも適合していると認めるときは、設立の認可をしなければならない。

Article 280 (1) If the competent minister finds that the application for authorization referred to in paragraph (1) of the preceding Article conforms to all of the criteria set forth in the following items, the minister must grant authorization for establishment:

一　設立の手続並びに定款及び業務規程の内容が法令に適合していること。

(i) the procedures for establishment and the content of the articles of incorporation and operational rules conform to laws and regulations;

二　認可申請書、定款及び業務規程に虚偽の記載がないこと。

(ii) the written application for authorization, the articles of incorporation, and the operational rules contain no false statements;

三　役員のうちに第十五条第二項第一号イからルまでのいずれかに該当する者がいないこと。

(iii) no person falling under one of the persons referred to in Article 15, paragraph (2), item (i), sub-items (a) through (k) is among the officers;

四　純資産額が三十億円以上であること。
(iv) the amount of net assets is three billion yen or more;
五　業務の運営が適正に行われることが確実であると認められること。
(v) it is found that the business operations will certainly be conducted in an appropriate manner;
六　当該申請に係る委託者保護基金の組織がこの法律の規定に適合するものであること。
(vi) the organization of the consignor protection fund which the application concerns conforms to the provisions of this Act.
２　第十五条第五項から第九項までの規定は、前条第一項の認可について準用する。
(2) The provisions of Article 15, paragraphs (5) through (9) apply mutatis mutandis to the authorization referred to in paragraph (1) of the preceding Article.

（理事長への事務引継）
(Transfer of Affairs to the President)
第二百八十一条　設立の認可があつたときは、発起人は、遅滞なく、その事務を理事長に引き継がなければならない。
Article 281 Upon obtaining authorization for establishment, the founders must hand over the affairs of the consignor protection fund to the president without delay.

（登記）
(Registration)
第二百八十二条　委託者保護基金は、その主たる事務所の所在地において設立の登記をすることによつて成立する。
Article 282 (1) A consignor protection fund is established by registering its establishment at the locality of its principal office.
２　委託者保護基金は、前項の設立の登記をしたときは、遅滞なく、その旨を主務大臣に届け出なければならない。
(2) When the registration of establishment referred to in the preceding paragraph has been made, the consignor protection fund must notify the competent minister of this without delay.

第四節　管理
Section 4 Management

（定款記載事項）
(Particulars Required to be Stated in the Articles of Incorporation)
第二百八十三条　委託者保護基金の定款には、次に掲げる事項を記載しなければならない。

Article 283 (1) The following particulars must be stated in the articles of incorporation of a consignor protection fund:

一　目的

(i) the purpose;

二　名称

(ii) the name;

三　事務所の所在地

(iii) the location of its office;

四　会員に関する次に掲げる事項

(iv) the following particulars concerning its members:

イ　会員たる資格

(a) qualification as a member;

ロ　会員の加入及び脱退

(b) joining and withdrawing as a member;

ハ　会員に対する監査及び制裁

(c) audits of and sanctions against members.

五　総会に関する事項

(v) the particulars concerning its general meetings;

六　役員に関する事項

(vi) the particulars concerning its officers;

七　運営審議会に関する事項

(vii) the particulars concerning the governing council;

八　財務及び会計に関する事項

(viii) the particulars concerning finance and accounting;

九　定款の変更に関する事項

(ix) the particulars concerning changes to the articles of incorporation;

十　解散に関する事項

(x) the particulars concerning dissolution; and

十一　公告の方法

(xi) the means of public notice.

2　定款の変更は、主務大臣の認可を受けなければ、その効力を生じない。

(2) A change to the articles of incorporation does not come into effect without the authorization of the competent minister.

3　委託者保護基金は、第二百七十九条第一項第四号に掲げる事項について変更があつたときは、遅滞なく、その旨を主務大臣に届け出なければならない。

(3) If a particular set forth in Article 279, paragraph (1), item (iv) changes, the consignor protection fund must notify the competent minister of this without delay.

（役員）

(Officers)

第二百八十四条　委託者保護基金に、役員として、理事長一人、理事二人以上及び監事一人以上を置く。

Article 284 A consignor protection fund has one president, two or more directors, and one or more auditors as officers.

（役員の権限）

(Authority of the Officers)

第二百八十五条　理事長は、委託者保護基金を代表し、その業務を総理する。

Article 285 (1) The president represents the consignor protection fund and presides over its affairs.

２　理事は、定款で定めるところにより、委託者保護基金を代表し、理事長を補佐して委託者保護基金の業務を掌理し、理事長に事故があるときはその職務を代理し、理事長が欠員のときにはその職務を行う。

(2) A director, pursuant to the provisions of the articles of incorporation, represents the consignor protection fund, assists the president in administering the affairs of the consignor protection fund, acts as a proxy in handling the duties of the president if the president is unavailable, and performs the duties of the president if the position is vacant.

３　委託者保護基金の業務の執行は、この法律又は定款に別段の定めがないときは、理事長及び理事の過半数で決する。

(3) The execution of the business of a consignor protection fund is decided by a majority vote of the president and directors, unless otherwise specified by the articles of incorporation.

４　監事は、委託者保護基金の業務を監査する。

(4) An auditor audits the affairs of a consignor protection fund.

５　監事は、監査の結果に基づき、必要があると認めるときは、理事長又は主務大臣に意見を提出することができる。

(5) An auditor may submit opinions to the president or the competent minister based on the result of an audit, if the auditor finds this to be necessary.

６　役員が第十五条第二項第一号イからルまでのいずれかに該当することとなつたときは、その職を失う。

(6) An officer loses the position of officer upon coming to fall under one of Article 15, paragraph (2), item (i), sub-items (a) through (k).

（役員の選任、任期及び解任）

(Appointment, Term of Office, and Dismissal of Officers)

第二百八十六条　役員は、定款で定めるところにより、総会において選任し、又は解任する。ただし、設立当時の役員は、創立総会において選任する。

Article 286 (1) Officers are appointed and dismissed at a general meeting pursuant to the provisions of the articles of incorporation; provided, however, that the officers at the time of establishment are appointed at the

organizational meeting.

２　前項の規定による委託者保護基金の役員の選任（設立当時の役員の選任を除く。）及び解任は、主務大臣の認可を受けなければ、その効力を生じない。

(2) The appointment (excluding the appointment of the officers at the time of establishment) and dismissal of the officers of a consignor protection fund under the provisions of the preceding paragraph does not come into effect without the authorization of the competent minister.

３　役員の任期は、二年以内において定款で定める期間とする。

(3) The term of office of an officer is a period of not more than two years specified by the articles of incorporation.

４　役員は、再任されることができる。

(4) An officer may be reappointed.

５　主務大臣は、不正の手段により役員となつた者のあることが判明したとき、又は役員が法令、法令に基づく行政官庁の処分若しくは定款に違反したときは、委託者保護基金に対し、当該役員の解任を命ずることができる。

(5) If an officer is found to have become an officer through wrongful means, or if an officer has violated a law or regulation, a disposition by a government agency based on a law or regulation, or the articles of incorporation, the competent minister may order the consignor protection fund to dismiss the officer.

（監事の兼職禁止）

(Prohibition on the Concurrent Holding of Positions by Auditors)

第二百八十七条　監事は、理事長、理事、運営審議会の委員又は委託者保護基金の職員を兼ねてはならない。

Article 287 An auditor must not concurrently hold the position of president, director, member of the governing council, or employee of the consignor protection fund.

（代表権の制限）

(Restriction on the Representative Authority)

第二百八十八条　委託者保護基金と理事長又は理事との利益が相反する事項については、これらの者は、代表権を有しない。この場合には、監事が委託者保護基金を代表する。

Article 288 The president and a director has no representative authority with respect to any matter in which the interests of the consignor protection fund conflict with those of the president or the directors. In such a case, an auditor represents the consignor protection fund.

（仮理事又は仮監事）

(Provisional Directors and Provisional Auditors)

第二百八十九条　主務大臣は、理事又は監事の職務を行う者のない場合において、必要

があると認めるときは、仮理事又は仮監事を選任することができる。
Article 289 If there is no person to perform the duties of a director or an auditor and the competent minister finds it to be necessary, the minister may appoint a provisional director or provisional auditor.

（総会）
(General Meetings)
第二百九十条　理事長は、定款で定めるところにより、毎事業年度一回通常総会を招集しなければならない。
Article 290 (1) The president must convene an ordinary general meeting once every business year, pursuant to the provisions of the articles of incorporation.
２　理事長は、必要があると認めるときは、臨時総会を招集することができる。
(2) The president may convene an extraordinary general meeting when the president finds this to be necessary.
３　総会員の五分の一以上から会議の目的である事項を示して請求があつたときは、理事長は、臨時総会を招集しなければならない。ただし、総会員の五分の一の割合については、定款でこれと異なる割合を定めることができる。
(3) When the convoction of a general meeting has been requested by at least one-fifth of all members by presenting the subject matter of the meeting, the president must convene an extraordinary general meeting; provided, however, that a proportion other than one-fifth of the members may be specified in the articles of incorporation.

（総会の招集）
(Convocation of a General Meeting)
第二百九十一条　総会（前条第一項の通常総会及び同条第二項の臨時総会をいう。以下この章において同じ。）の招集の通知は、会日より少なくとも五日前に、その会議の目的である事項を示し、定款で定めた方法に従つてしなければならない。
Article 291 A convocation notice for a general meeting (meaning an ordinary general meeting referred to in paragraph (1) of the preceding Article or an extraordinary general meeting referred to in paragraph (2) of that Article; hereinafter the same applies in this Chapter) must specify the subject matter of the meeting, and must be sent by the means specified in the articles of incorporation by at least five days prior to the day of the meeting.

（総会の決議事項）
(Matters to be Resolved at a General Meeting)
第二百九十二条　総会においては、前条の規定によりあらかじめ通知をした事項についてのみ、決議をすることができる。ただし、定款に別段の定めがあるときは、この限りでない。
Article 292 (1) Only matters of which advance notice is given pursuant to the

provisions of the preceding Article may be resolved at a general meeting; provided, however, that this does not apply if otherwise provided for in the articles of incorporation.

２　この法律に特別の定めがあるもののほか、次に掲げる事項は、総会の決議を経なければならない。

(2) Beyond what is specifically provided for in this Act, the following matters require a resolution of a general meeting to be adopted:

一　定款の変更

(i) a change to the articles of incorporation;

二　予算及び資金計画の決定又は変更

(ii) a decision on or change to the budget or funding plan;

三　業務規程の変更

(iii) a change to the operational rules;

四　決算

(iv) settlement of accounts;

五　解散

(v) dissolution; and

六　前各号に掲げるもののほか、定款で定める事項

(vi) beyond what is set forth in the preceding items, matters which is specified in the articles of incorporation.

３　総会は、監事に対し委託者保護基金の業務に関する監査を求め、その結果の報告を請求することができる。

(3) At a general meeting, the members may request an auditor to audit the business of the consignor protection fund and report the results.

（会員の議決権）

(Voting Rights of Members)

第二百九十三条　各会員の議決権は、平等とする。

Article 293 (1) Each of the members holds an equal voting right.

２　総会に出席しない会員は、書面で、又は代理人によつて議決をすることができる。

(2) A member not attending a general meeting may vote in writing or by proxy.

３　前二項の規定は、定款に別段の定めがある場合には、適用しない。

(3) The provisions of the preceding two paragraphs do not apply if otherwise provided for in the articles of incorporation.

（議決権のない場合）

(When a Member Has No Voting Right)

第二百九十四条　委託者保護基金と特定の会員との関係について議決をする場合には、その会員は、議決権を有しない。

Article 294 If a resolution concerns the relationship between the consignor protection fund and a specific member, the member has no voting right.

（総会の議事）

(Proceedings of General Meetings)

第二百九十五条　総会の議事は、総会員の半数以上が出席し、その議決権の過半数で決し、可否同数のときは、議長の決するところによる。ただし、第二百九十二条第二項第一号、第三号及び第五号の議事は、出席した会員の議決権の三分の二以上の多数で決する。

Article 295 The proceedings of a general meeting are decided by a majority vote of the attendees, at a meeting in which at least half of all members are present, and by the chairperson in the event of a tie; provided, however, that decisions of the proceedings set forth in Article 292, paragraph (2), items (i), (iii) and (v) are made by at least a two-thirds majority vote of the attending members.

（運営審議会）

(Governing Council)

第二百九十六条　委託者保護基金の業務の適正な運営を図るため、委託者保護基金に運営審議会を置く。

Article 296 (1) A consignor protection fund establishes a governing council in order to properly conduct its business.

２　次に掲げる場合には、理事長は、あらかじめ、運営審議会の意見を聴かなければならない。

(2) In the following cases, the president must hear the opinion of the governing council in advance:

一　第三百四条の規定により行う認定を行う場合

(i) when making a certification pursuant to the provisions of Article 304;

二　第三百五条第一項の規定により定めるべき事項を定める場合

(ii) when specifying the matters that are required to be specified pursuant to the provisions of Article 305, paragraph (1);

三　第三百八条第四項の規定による貸付けを行うかどうかの決定を行う場合

(iii) when deciding whether or not to provide a loan under the provisions of Article 308, paragraph (4); and

四　その他委託者保護基金の業務の運営に関する重要事項を決定する場合

(iv) when deciding other material particulars related to the operation of the business of the consignor protection fund.

３　運営審議会は、委員八人以内で組織する。

(3) A governing council is composed of not more than eight members.

４　委員は、委託者保護基金の業務の適正な運営に必要な学識経験を有する者のうちから、主務大臣の認可を受けて、理事長が任命する。

(4) The members are appointed by the president from among the persons with relevant expertise necessaty to properly operate the business of the consignor protection fund, with the authorization of the competent minister.

（職員の任命）
(Appointment of Employees)
第二百九十七条　委託者保護基金の職員は、理事長が任命する。
Article 297 The employees of a consignor protection fund are appointed by the president.

（役員及び職員等の秘密保持義務）
(Duty of Confidentiality of the Officers and Employees)
第二百九十八条　委託者保護基金の役員若しくは職員若しくは運営審議会の委員又はこれらの職にあつた者は、その職務に関して知り得た秘密を漏らし、又は盗用してはならない。
Article 298 (1) It is prohibited for the officer or employee of a consignor protection fund, a member of the governing council, or a person that has held one of these positions, to divulge or misappropriate any secret learned in the course of duty.
２　委託者保護基金の役員若しくは職員若しくは運営審議会の委員又はこれらの職にあつた者は、その職務に関して知り得た情報を、委託者保護基金の業務の用に供する目的以外に利用してはならない。
(2) It is prohibited for the officer or employee of a consignor protection fund, a member of the governing council, or a person that has held one of these positions, to use information learned in the course of duty for a purpose other than for the business of the consignor protection fund.

（役員及び職員等の地位）
(Position of Officers and Employees)
第二百九十九条　委託者保護基金の役員及び職員並びに運営審議会の委員は、刑法（明治四十年法律第四十五号）その他の罰則の適用については、法令により公務に従事する職員とみなす。
Article 299 With regard to the application of the Penal Code (Act No. 45 of 1907) and other penal provisions, the officers and employees of a consignor protection fund and the members of the governing council are deemed to be officials engaged in public service pursuant to laws and regulations.

第五節　業務
Section 5 Businesses

（業務の範囲）
(Scope of Businesses)
第三百条　委託者保護基金は、第二百七十条に規定する目的を達成するため、次に掲げる業務を行う。

Article 300 A consignor protection fund performs the following businesses in order to achieve the purpose prescribed in Article 270:

一　第三百六条第一項の規定による一般委託者に対する支払

(i) making payments to general consignors pursuant to the provisions of Article 306, paragraph (1);

二　第三百八条第一項の規定による資金の貸付け

(ii) lending of funds pursuant to the provisions of Article 308, paragraph (1);

三　第三百九条の規定による保全対象財産の預託の受入れ及び管理

(iii) acceptance and management of deposits of the property subject to preservation pursuant to the provisions of Article 309;

四　第三百十条に規定する一般委託者債務の迅速な弁済に資するための業務

(iv) business that contribute to the expeditious repayment of liabilities of general consignors prescribed in Article 310;

五　第三百十一条第一項に規定する裁判上又は裁判外の行為

(v) acts in and out of court prescribed in Article 311, paragraph (1);

六　負担金（第二百七十七条第四項及び第三百十四条第一項に規定する負担金をいう。次条第一項第二号において同じ。）の徴収及び管理

(vi) the collection and management of dues (meaning dues prescribed in Article 277, paragraph (4) and Article 314, paragraph (1); the same applies in paragraph (1), item (ii) of the following Article);

七　前各号に掲げる業務に附帯する業務

(vii) business incidental to the business set forth in the preceding items.

（業務規程）

(Operational Rules)

第三百一条　委託者保護基金の業務規程には、次に掲げる事項を記載しなければならない。

Article 301 (1) The operational rules of a consignor protection fund must state the following particulars:

一　業務及びその執行に関する事項

(i) the particulars concerning the businesses and their execution;

二　負担金に関する事項（その算定方法及び納付に関する事項を含む。）

(ii) the particulars concerning the dues (including particulars concerning the method of calculating them and their payment); and

三　その他主務省令で定める事項

(iii) other particulars specified by order of the competent ministry.

２　委託者保護基金は、業務規程を変更しようとするときは、主務大臣の認可を受けなければならない。

(2) If a consignor protection fund seeks to change its operational rules, it must obtain the authorization of the competent minister.

（報告又は資料の提出）

(Submission of Reports or Materials)

第三百二条　委託者保護基金は、その業務を行うため必要があるときは、その会員である商品先物取引業者に対し、当該商品先物取引業者の業務又は財産の状況に関し、参考となるべき報告又は資料の提出を求めることができる。

Article 302 (1) If it is necessary for conducting its business, a consignor protection fund may request a commodity derivatives business operator that is its member to submit reports or materials that should serve as a reference on the state of the business or property of the commodity derivatives business operator.

２　前項の規定によりその業務又は財産の状況に関し参考となるべき報告又は資料の提出を求められた商品先物取引業者は、遅滞なく、報告又は資料の提出をしなければならない。

(2) A commodity derivatives business operator that has been requested to submit reports or materials that should serve as a reference on the state of their business or property pursuant to the provisions of the preceding paragraph must submit the reports or materials without delay.

３　主務大臣は、委託者保護基金から要請があつた場合において、委託者保護基金が業務を行うため特に必要があると認めるときは、委託者保護基金に対し、資料を交付し、又はこれを閲覧させることができる。

(3) At the request of a consignor protection fund, the competent minister may issue materials to the consignor protection fund or have the consignor protection fund inspect them, if the minister finds that this is particularly necessary in order for the consignor protection fund to conduct business.

（委託者保護基金への通知）

(Notice to a Consignor Protection Fund)

第三百三条　委託者保護基金の会員である商品先物取引業者は、次の各号のいずれかに該当する場合には、直ちに、その旨をその所属する委託者保護基金に通知しなければならない。

Article 303 (1) If a commodity derivatives business operator that is the member of a consignor protection fund falls under one of the following items, the business operator must immediately notify the consignor protection fund they belong to of this:

一　第二百三十五条第三項又は第二百三十六条第一項の規定により第百九十条第一項の許可を取り消されたとき。

(i) when their license under Article 190, paragraph (1) is revoked pursuant to the provisions of Article 235, paragraph (3) or Article 236, paragraph (1);

二　第百九十条第二項の規定により同条第一項の許可が効力を失つたとき。

(ii) when their license under Article 190, paragraph (1) has ceased to be effective pursuant to the provisions of paragraph (2) of that Article;

三　破産手続開始、再生手続開始、更生手続開始又は特別清算開始の申立てを行つたとき。

(iii) when they file a petition to commence bankruptcy proceedings, rehabilitation proceedings, reorganization proceedings, or special liquidation;

四　商品先物取引業の廃止をしたとき（国内に設けられたすべての営業所又は事務所において第二条第二十二項第一号又は第二号に掲げる行為を業として行うことを廃止したときを含む。）若しくは解散をしたとき、又は第百九十七条第三項の規定による商品先物取引業の廃止若しくは解散の公告をしたとき。

(iv) when they discontinue commodity derivatives business (including when they discontinue performing an act set forth in Article 2, paragraph (22), item (i) or (ii) in the course of trade at all business offices and offices established in Japan) or has dissolved, or has issued public notice of the discontinuance or dissolution of commodity derivatives business pursuant to the provisions of Article 197, paragraph (3);

五　第二百三十六条第一項の規定による商品先物取引業の停止の命令（同項第七号に該当する場合に限る。）を受けたとき。

(v) when they become subject to an order to suspend commodity derivatives business pursuant to the provisions of Article 236, paragraph (1) (limited to a case falling under item (vii) of that paragraph); or

六　前各号に掲げる場合のほか、委託者の保護に欠けるおそれがあるものとして政令で定めるとき。

(vi) beyond what is set forth in the preceding items, a case which is specified by Cabinet Order as being likely to result in insufficient protection of consignors.

２　委託者保護基金は、前項の規定による通知を受けたときは、直ちに、その旨を主務大臣に報告しなければならない。

(2) If a consignor protection fund receives a notice under the provisions of the preceding paragraph, they must immediately report this to the competent minister.

３　主務大臣は、委託者保護基金の会員である商品先物取引業者について次に掲げる事由が生じたときは、直ちに、その旨を当該商品先物取引業者が所属する委託者保護基金に通知しなければならない。

(3) If one of the following situations occurs to a commodity derivatives business operator that is a member of a consignor protection fund, the competent minister must immediately notify the consignor protection fund to which the commodity derivatives business operator belongs of this:

一　第二百三十五条第三項又は第二百三十六条第一項の規定により第百九十条第一項の許可を取り消したとき。

(i) when the competent minister revokes their license under Article 190, paragraph (1) pursuant to the provisions of Article 235, paragraph (3) or Article 236, paragraph (1);

二　第二百三十六条第一項の規定により商品先物取引業の停止を命じたとき（同項第

七号に該当する場合に限る。）。

(ii) when the competent minister orders the suspension of commodity derivatives business pursuant to the provisions of Article 236, paragraph (1) (limited to a case falling under item (vii) of that paragraph);

三　第百九十条第二項の規定により同条第一項の許可が効力を失つたとき。

(iii) when their license under Article 190, paragraph (1) ceases to be effective pursuant to the provisions of paragraph (2) of that Article; or

四　その他前三号に準ずる場合であつて、主務大臣が必要と認めるとき。

(iv) in a case equivalent to the preceding three items, and the competent minister finds it to be necessary to give a notice.

（一般委託者債務の弁済困難の認定）

(Certification of Difficulty to Repay the Liabilities of General Consignors)

第三百四条　委託者保護基金は、前条第一項又は第三項の規定による通知を受けた場合（同条第一項の通知がない場合であつて、当該委託者保護基金の会員が同項各号のいずれかに該当することを知つたときを含む。）には、委託者の保護に欠けるおそれがないことが明らかであると認められるときを除き、当該通知に係る商品先物取引業者（同条第一項の通知がない場合に当該委託者保護基金が同項各号のいずれかに該当することを知つた商品先物取引業者を含む。以下「通知商品先物取引業者」という。）につき、その一般委託者に対する委託者資産の返還に係る債務（以下この章において「一般委託者債務」という。）の円滑な弁済が困難であるかどうかの認定を遅滞なく行わなければならない。

Article 304 If a consignor protection fund receives a notice under the provisions of paragraph (1) or (3) of the preceding Article (including when a notice referred to in paragraph (1) of that Article is not given, but the consignor protection fund learns that its member falls under one of the items of that paragraph), it must, without delay, make a certification on whether it is difficult for the commodity derivatives business operator which the notice concerns (including a commodity derivatives business operator that the consignor protection fund has learned falls under one of the items of paragraph (1), when a notice under that paragraph is not given; hereinafter referred to as the "commodity derivatives business operator that is the subject of a notice") to smoothly repay the liabilities concerning the return of consignor assets to its general consignors (hereinafter referred to as "liabilities of general consignors" in this Chapter), unless it is found to be unlikely that not making a certification would result in insufficient protection of consignors.

（認定の公告）

(Public Notice of Certification)

第三百五条　委託者保護基金は、通知商品先物取引業者につき、前条の規定により一般委託者債務の円滑な弁済が困難であるとの認定を行つた場合には、速やかに、次条第

一項の請求の届出期間、届出場所その他政令で定める事項を定め、これを公告しなければならない。

Article 305 (1) If a consignor protection fund, pursuant to the preceding Article, makes a certification that it is difficult for the commodity derivatives business operator that is the subject of a notice to smoothly repay the liabilities of general consignors, the consignor protection fund must promptly specify the period for notification and the place of notification for the request referred to in paragraph (1) of the following Article and any other particulars specified by Cabinet Order and issue public notice thereof.

２　委託者保護基金は、前項の規定により公告した後に、同項の認定に係る商品先物取引業者（以下「認定商品先物取引業者」という。）について破産法（平成十六年法律第七十五号）第百九十七条第一項（同法第二百九条第三項において準用する場合を含む。）の規定による公告、第五項の規定による通知その他の政令で定める事由が生じたときは、前項の規定により公告した届出期間を変更することができる。

(2) If a public notice under the provisions of Article 197, paragraph (1) of the Bankruptcy Act (Act No. 75 of 2004) (including as applied mutatis mutandis pursuant to Article 209, paragraph (3) of that Act) or a notice under paragraph (5) is issued, or if any other situation specified by Cabinet Order occurs with regard to the commodity derivatives business operator that is subject to the certification referred to in the preceding paragraph (hereinafter referred to as the "certified commodity derivatives business operator") after the consignor protection fund issues public notice pursuant to the provisions of the preceding paragraph, the consignor protection fund may change the period of notification for which public notice was given pursuant to the provisions of the preceding paragraph.

３　委託者保護基金は、前項の規定により届出期間を変更したときは、遅滞なく、その変更に係る事項を公告しなければならない。

(3) If a consignor protection fund changes the period of notification pursuant to the provisions of the preceding paragraph, it must issue public notice of the particulars concerning the change without delay.

４　委託者保護基金は、第一項に規定する事項を定めた場合又は第二項の規定により届出期間を変更した場合には、直ちに、その旨を主務大臣に報告しなければならない。

(4) If a consignor protection fund specifies the particulars prescribed in paragraph (1) or changes the period of notification pursuant to the provisions of paragraph (2), it must immediately report this to the competent minister.

５　認定商品先物取引業者の破産手続において、破産法第百九十七条第一項（同法第二百九条第三項において準用する場合を含む。）若しくは第二百四条第二項の規定による通知をしたとき、又は同法第二百八条第一項の規定による許可を受けたときは、破産管財人は、その旨を委託者保護基金に通知しなければならない。

(5) The bankruptcy trustee must notify the consignor protection fund when they have given the notice under the provisions of Article 197, paragraph (1) of the

Bankruptcy Act (including as applied mutatis mutandis pursuant to Article 209, paragraph (3) of that Act) or Article 204, paragraph (2) of that Act or when they have obtained the permission under the provisions of Article 208, paragraph (1) of that Act concerning the bankruptcy proceedings of a certified commodity derivatives business operator.

（補償対象債権の支払）

(Payment of Claims to be Compensated)

第三百六条　委託者保護基金は、認定商品先物取引業者の一般委託者の請求に基づいて、前条第一項の規定により公告した日において現に当該一般委託者が当該認定商品先物取引業者に対して有する債権（当該一般委託者の委託者資産に係るものに限る。）であつて委託者保護基金が政令で定めるところにより当該認定商品先物取引業者による円滑な弁済が困難であると認めるもの（以下「補償対象債権」という。）につき、主務省令で定めるところにより算出した金額の支払を行うものとする。

Article 306 (1) At the request of the general consignor of a certified commodity derivatives business operator, the consignor protection fund is to pay the amount calculated pursuant to the provisions of order of the competent ministry on any claim that the general consignor has against the certified commodity derivatives business operator as of the day that the consignor protection fund has issued public notice pursuant to the provisions of paragraph (1) of the preceding Article (limited to a claim for the consignor assets of the general consignor), and which the consignor protection fund, pursuant to the provisions of Cabinet Order, finds to be difficult for the certified commodity derivatives business operator to repay smoothly (hereinafter referred to as the "claims to be compensated").

２　委託者保護基金は、前項の規定にかかわらず、認定商品先物取引業者の役員その他の政令で定める者に対しては、同項の支払を行わないものとする。

(2) Notwithstanding the provisions of the preceding paragraph, a consignor protection fund is not to make the payment referred to in that paragraph to the officer of the certified commodity derivatives business operator or any other person specified by Cabinet Order.

３　第一項の請求は、前条第一項又は第三項の規定により公告した届出期間内でなければ、することができない。ただし、その届出期間内に請求しなかつたことにつき、災害その他やむを得ない事情があると委託者保護基金が認めるときは、この限りでない。

(3) The request referred to in paragraph (1) may only be made within the period of notification for which public notice is issued pursuant to the provisions of paragraph (1) or (3) of the preceding Article; provided, however, that this does not apply if the consignor protection fund finds there to be compelling circumstances such as a natural disaster for the failure to make the request within the period of notification.

（支払金額等）

(Amount of Payment)

第三百七条　前条第一項の請求をした認定商品先物取引業者の一般委託者が当該認定商品先物取引業者に対して債務を負つている場合において委託者保護基金が同項の規定により支払をすべき金額は、同項の規定にかかわらず、同項の規定による金額からその債務の額を控除した金額に相当する金額とする。

Article 307 (1) Notwithstanding the provisions of the paragraph (1) of the preceding Article, if the general consignor of a certified commodity derivatives business operator which has made the request referred to in that paragraph has incurred an obligation to the certified commodity derivatives business operator, the amount that the consignor protection fund is required to pay pursuant to the provisions of that paragraph is equivalent to the amount arrived at when the amount of the obligation is deducted from the amount provided for in paragraph (1) of the preceding Article.

２　商品先物取引業者が第二百六十九条第二項の規定により一般委託者とみなされる場合における前条第一項及び前項の規定の適用については、当該商品先物取引業者が一般委託者とみなされる起因となつている一般委託者ごとに一般委託者としての地位を有するものとする。

(2) With regard to the application of the provisions of paragraph (1) of the preceding Article and the preceding paragraph, if a commodity derivatives business operator is deemed to be a general consignor pursuant to the provisions of Article 269, paragraph (2), each general consignor that has caused the commodity derivatives business operator to be deemed a general consignor has the position of a general consignor.

３　前条第一項及び第一項の規定により支払をすべき金額が政令で定める金額を超えるときは、当該政令で定める金額を当該支払をすべき金額とする。

(3) If the amount that is required to be paid pursuant to the provisions of paragraph (1) of the preceding Article and paragraph (1) exceeds the amount specified by Cabinet Order, the amount specified by the Cabinet Order is the amount that is required to be paid.

４　委託者保護基金は、前条第一項の支払をしたときは、その支払をした金額に応じ、政令で定めるところにより、当該支払に係る補償対象債権を取得する。

(4) If a consignor protection fund makes the payment referred to in paragraph (1) of the preceding Article, it acquires a claim to be compensated related to that payment and in accordance with the amount it pays, pursuant to the provisions of Cabinet Order.

（返還資金融資）

(Loans of Funds for Refunds)

第三百八条　委託者保護基金は、通知商品先物取引業者（認定商品先物取引業者を除く。）の申込みに基づき、その必要と認められる金額の範囲内において、当該通知商

品先物取引業者に対し、一般委託者債務の迅速な弁済に必要な資金の貸付け（以下「返還資金融資」という。）を行うことができる。

Article 308 (1) At the application of a commodity derivatives business operator that is the subject of a notice, a consignor protection fund may lend the commodity derivatives business operator that is the subject of the notice (other than a certified commodity derivatives business operator) the necessary funds for making expeditious repayment of liabilities of general consignors (hereinafter referred to as a "loan of funds for refunds") within the scope of the amount found to be necessary.

２　返還資金融資の申込みを行う通知商品先物取引業者は、当該申込みを行う時までに、当該返還資金融資に関し、次に掲げる要件のすべてに該当することについて、主務大臣の認定（以下この条において「適格性の認定」という。）を受けなければならない。

(2) A commodity derivatives business operator that is the subject of a notice filing an application for a loan of funds for refunds must be certified by the competent minister that they satisfy all of the following requirements with regard to the loan of funds for refunds (hereinafter referred to as "certification of eligibility" in this Article), by the time it files the application:

一　返還資金融資が行われることが一般委託者債務の迅速な弁済に必要であると認められること。

(i) providing a loan of funds for refunds is found to be necessary for the expeditious repayment of liabilities of general consignorss;

二　返還資金融資による貸付金が一般委託者債務の迅速な弁済のために使用されることが確実であると認められること。

(ii) it is found to be certain that the money from a loan of funds for refunds to be used for the expeditious repayment of liabilities of general consignors.

３　主務大臣は、適格性の認定を行つたときは、その旨を当該適格性の認定を受けた商品先物取引業者が所属する委託者保護基金に通知しなければならない。

(3) Upon granting a certification of eligibility, the competent minister must notify the consignor protection fund to which the commodity derivatives business operator that has obtained the certification of eligibility belongs of this.

４　委託者保護基金は、通知商品先物取引業者から返還資金融資の申込みがあつたときは、当該申込みに係る返還資金融資を行うかどうかの決定をしなければならない。

(4) Upon receiving an application for a loan of funds for refunds from a commodity derivatives business operator that is the subject of a notice, a consignor protection fund must decide whether to provide the loan of funds for refunds which the application concerns.

５　委託者保護基金は、前項の決定をしたときは、直ちに、その決定に係る事項を主務大臣に報告しなければならない。

(5) When a consignor protection fund has made the decision referred to in the preceding paragraph, it must immediately report the particulars concerning

the decision to the competent minister.

（保全対象財産の預託の受入れ及び管理）
(Acceptance and Management of Deposits of Property Subject to Preservation)
第三百九条　委託者保護基金は、主務省令で定めるところにより、会員である商品先物取引業者から保全対象財産の全部又は一部の預託を受け、これを管理することができる。
Article 309 A consignor protection fund may accept and manage a deposit of all or a part of the property subject to preservation from a commodity derivatives business operator that is a member, pursuant to the provisions of order of the competent ministry.

（迅速な弁済に資するための業務）
(Business for Contributing to Expeditious Repayment of Liabilities)
第三百十条　委託者保護基金は、会員である商品先物取引業者の委託を受けて、一般委託者債務の迅速な弁済に資するため、当該商品先物取引業者の信託管理人としての業務その他の主務省令で定める業務を行うことができる。
Article 310 A consignor protection fund may be entrusted by a commodity derivatives business operator that is a member to conduct business as the trust administrator of the commodity derivatives business operator and any other business specified by order of the competent ministry, in order to contribute to the expeditious repayment of liabilities of general consignors.

（一般委託者の債権の保全）
(Preservation of the Claims of General Consignors)
第三百十一条　委託者保護基金は、通知商品先物取引業者の一般委託者の委託を受けて、当該一般委託者のため、当該一般委託者が当該通知商品先物取引業者に対して有する債権（当該一般委託者の委託者資産に係るものに限る。）の実現を保全するために必要な一切の裁判上又は裁判外の行為を行うことができる。
Article 311 (1) A consignor protection fund may be entrusted by the general consignor of a commodity derivatives business operator that is the subject of a notice, to conduct any and all acts in and out of court which are necessary for preserving the fulfillment of the claim that the general consignor has against the commodity derivatives business operator that is the subject of the notice (limited to a claim for the consignor assets of the general consignor) on behalf of the general consignor.
２　委託者保護基金は、一般委託者のために、公平かつ誠実に前項の行為をしなければならない。
(2) A consignor protection fund must conduct the acts referred to in the preceding paragraph in a fair and sincere manner on behalf of the general consignor.
３　委託者保護基金は、一般委託者に対し、善良な管理者の注意をもつて第一項の行為

をしなければならない。
(3) A consignor protection fund must conduct the acts referred to in paragraph (1) for a general consignor with the due care of a prudent manager.

第三百十二条　削除
Article 312 Deleted

第六節　負担金
Section 6 Dues

（委託者保護資金）
(Funds for Consignor Protection)
第三百十三条　委託者保護基金は、第三百条第一号及び第二号に掲げる業務に要する費用に充てるための資金（以下「委託者保護資金」という。）を設けるものとする。
Article 313 (1) A consignor protection fund is to establish funds to be allocated to cover the costs required for the services set forth in Article 300, paragraph (1), items (i) and (ii) (hereinafter referred to as "funds for consignor protection").
２　委託者保護資金は、第三百条第一号及び第二号に掲げる業務に要する費用に充てる場合でなければ、これを使用してはならない。
(2) The funds for consignor protection must not be used unless they are allocated to cover the costs required for the business set forth in Article 300, paragraph (1), items (i) and (ii).

（負担金）
(Dues)
第三百十四条　商品先物取引業者は、委託者保護資金に充てるため、業務規程で定めるところにより、その所属する委託者保護基金に対し、負担金を納付しなければならない。
Article 314 (1) A commodity derivatives business operator must pay dues to the consignor protection fund they belong to, pursuant to the provisions of the operational rules, in order to allocate the dues to funds for consignor protection.
２　委託者保護基金は、前項の規定にかかわらず、業務規程で定めるところにより、通知商品先物取引業者の負担金を免除することができる。
(2) Notwithstanding the preceding paragraph, a consignor protection fund may exempt a commodity derivatives business operator that is the subject of a notice from paying dues, pursuant to the provisions of its operational rules.

（負担金の額の算定方法等）
(Method of Calculating the Amount of Dues)
第三百十五条　前条第一項の負担金の額は、業務規程で定める算定方法により算定される額とする。

Article 315 (1) The amount of the dues referred to in paragraph (1) of the preceding Article is the amount calculated by the calculation method specified in the operational rules.

２　前項の負担金の算定方法は、次に掲げる基準に適合するように定めなければならない。

(2) The method of calculating the dues referred to in the preceding paragraph must be specified so as to conform to the following criteria:

一　第三百六条第一項の支払及び第三百八条第一項の返還資金融資に要する費用の予想額に照らし、長期的に委託者保護基金の財政が均衡するものであること。

(i) the finances of the consignor protection fund will be balanced in the long term in light of the estimated amount of costs required for the payments referred to in Article 306, paragraph (1) and the loan of funds for refunds referred to in Article 308, paragraph (1); and

二　特定の商品先物取引業者に対し差別的取扱いをしないものであること。

(ii) no particular commodity derivatives business operator is to be treated in a discriminatory manner.

３　商品先物取引業者は、負担金を業務規程で定める納期限までに納付しない場合には、その所属する委託者保護基金に対し、延滞金を納付しなければならない。

(3) If a commodity derivatives business operator fails to pay dues by the due date for payment specified in the operational rules, they must pay arrears to the consignor protection fund they belong to.

４　延滞金の額は、未納の負担金の額に納期限の翌日からその納付の日までの日数に応じ年十四・五パーセントの割合を乗じて計算した金額とする。

(4) The amount of arrears is calculated by multiplying the amount of unpaid dues by an annual rate of 14.5 percent, based on the number of days from the day following the due date for payment until the day of the payment.

第七節　財務及び会計
Section 7 Finance and Accounting

（事業年度及び区分経理）

(Business Year and Separate Accounting)

第三百十六条　委託者保護基金の事業年度は、四月一日から翌年三月三十一日までとする。ただし、委託者保護基金の成立の日を含む事業年度は、その成立の日からその後最初の三月三十一日までとする。

Article 316 (1) The business year of a consignor protection fund is from April 1 to March 31 of the following year; provided, however, that the business year that includes the day of the establishment of the consignor protection fund is from the day of its establishment until the following March 31.

２　委託者保護基金は、その会計を主務省令で定める勘定区分ごとに経理しなければならない。

(2) A consignor protection fund must carry out separate accounting for each account specified by order of the competent ministry.

（予算及び資金計画の提出）
(Submission of Budget and Financial Plans)

第三百十七条　委託者保護基金は、毎事業年度、主務省令で定めるところにより、予算及び資金計画を作成し、当該事業年度の開始前に（委託者保護基金の成立の日を含む事業年度にあつては、成立後遅滞なく）、主務大臣に提出しなければならない。これを変更したときも、同様とする。

Article 317 A consignor protection fund must, each business year, prepare budget and financial plans and submit them to the competent minister before the commencement of the relevant business year (with regard to the business year that includes the day of the establishment of the consignor protection fund, this means without delay after its establishment) pursuant to the provisions of order of the competent ministry. The same applies if the consignor protection fund changes the budget and financial plan.

（財務諸表等の提出）
(Submission of Financial Statements)

第三百十八条　委託者保護基金は、事業年度（委託者保護基金の成立の日を含む事業年度を除く。）の開始の日から三月以内に、主務省令で定めるところにより、前事業年度の財産目録、貸借対照表、損益計算書、事業報告書及び決算報告書（以下この条において「財務諸表等」という。）を作成し、これを主務大臣に提出し、その承認を受けなければならない。

Article 318 (1) Within three months from the first day of a business year (excluding the business year that includes the day of establishment of the consignor protection fund), a consignor protection fund, pursuant to the provisions of order of the competent ministry, must prepare an inventory of property, balance sheet, profit and loss statement, business report, and statement of accounts (hereinafter referred to as "financial statements, etc." in this Article) for the previous business year, submit them to the competent minister, and have them approved by the minister.

２　委託者保護基金は、前項の規定により財務諸表等を主務大臣に提出するときは、これに財務諸表等に関する監事の意見書を添付しなければならない。

(2) When a consignor protection fund submits the financial statements, etc. to the competent minister pursuant to the provisions of the preceding paragraph, an auditor's written opinion on the financial statements, etc. must be attached to them.

３　委託者保護基金は、第一項の規定による主務大臣の承認を受けた財務諸表等を当該委託者保護基金の事務所に備えて置き、公衆の縦覧に供しなければならない。

(3) A consignor protection fund must keep a copy of the financial statements, etc.

that have been approved by the competent minister pursuant to the provisions of paragraph (1) at the office of the consignor protection fund and provide them for public inspection.

（準備金）

(Reserve Funds)

第三百十九条　委託者保護基金は、毎事業年度の剰余金の全部を、準備金として積み立てなければならない。

Article 319 (1) A consignor protection fund must set aside all of the surplus for each business year as reserve funds.

２　前項の準備金は、前事業年度から繰り越した欠損のてん補に充て、又は委託者保護資金に繰り入れることができる。

(2) The reserve funds referred to in the preceding paragraph may be allocated to cover deficits carried over from the previous business year, or may be transferred to funds for consignor protection.

３　第一項の準備金は、前項の場合を除き、取り崩してはならない。

(3) The reserve funds referred to in paragraph (1) must not be broken down other than for the case referred to in the preceding paragraph.

（資金運用の制限）

(Restrictions on Investment of Funds)

第三百二十条　委託者保護基金は、次に掲げる方法によるほか、業務上の余裕金及び委託者保護資金を運用してはならない。

Article 320 A consignor protection fund must not invest the surplus funds that arise in the course of business or the funds for consignor protection, other than by the following means:

一　国債その他主務大臣の指定する有価証券の保有

(i) holding national government bonds and other securities designated by the competent minister;

二　主務大臣の指定する金融機関への預金

(ii) depositing them in a financial institution designated by the competent minister; or

三　その他主務省令で定める方法

(iii) other means specified by order of the competent ministry.

（主務省令への委任）

(Delegation to Order of the Competent Ministry)

第三百二十一条　この法律で規定するもののほか、委託者保護基金の財務及び会計に関し必要な事項は、主務省令で定める。

Article 321 Beyond what is provided for in this Act, necessary particulars concerning finance and accounting of a consignor protection fund are specified

by order of the competent ministry.

第八節　監督
Section 8 Supervision

（報告徴収及び立入検査）
(Collection of Reports and On-Site Inspections)

第三百二十二条　主務大臣は、この法律の施行のため必要があると認めるときは、委託者保護基金若しくはその会員に対し、その業務若しくは財産に関し参考となるべき報告若しくは資料の提出を命じ、又はその職員に、委託者保護基金若しくはその会員の事務所若しくは営業所に立ち入り、帳簿、書類その他業務に関係のある物件を検査させることができる。

Article 322 (1) When the competent minister finds it to be necessary for the enforcement of this Act, the minister may order a consignor protection fund or its member to submit reports or materials that should serve as a reference on their business or property, or may have ministry officials enter the office or business office of a consignor protection fund or its member and inspect their books and documents or any other article related to their business.

２　第百五十七条第四項及び第五項の規定は、前項の規定による立入検査について準用する。

(2) The provisions of Article 157, paragraphs (4) and (5) apply mutatis mutandis to the inspection under the provisions of the preceding paragraph.

（業務改善命令）
(Business Improvement Orders)

第三百二十三条　主務大臣は、公益又は委託者の保護のため必要かつ適当であると認めるときは、委託者保護基金に対し、定款又は業務規程の変更その他その業務に関して監督上必要な命令をすることができる。

Article 323 If the competent minister finds it to be necessary and appropriate in the public interest or for the protection of consignors, the minister may order a consignor protection fund to change its articles of incorporation or operational rules, or issue any other order concerning its business that is necessary for supervision.

（認可の取消し）
(Revocation of Approval)

第三百二十四条　主務大臣は、委託者保護基金が法令、法令に基づく行政官庁の処分若しくは当該委託者保護基金の定款若しくは業務規程に違反した場合又は業務若しくは財産の状況によりその業務の継続が困難であると認める場合において、公益又は委託者の保護のため必要かつ適当であると認めるときは、その設立の認可を取り消すことができる。

Article 324 (1) If a consignor protection fund violates a law or regulation, a disposition by a government agency based on a law or regulation, or its articles of incorporation or operational rules, or if the competent minister finds that it will be difficult for a consignor protection fund to continue its business due to the status of its business or property, and the minister finds it to be necessary and appropriate in the public interest or for the protection of consignors, the minister may revoke the authorization for establishment of the consignor protection fund.

２　第百五十八条第二項の規定は前条及び前項の規定による処分について、第百五十九条第四項の規定は前項の規定による認可の取消しに係る聴聞について準用する。

(2) The provisions of Article 158, paragraph (2) apply mutatis mutandis to a disposition under the provisions of the preceding Article and the preceding paragraph, and the provisions of Article 159, paragraph (4) apply mutatis mutandis to a hearing on the revocation of the authorization under the provisions of the preceding paragraph.

第九節　解散
Section 9 Dissolution

（解散事由）

(Grounds for Dissolution)

第三百二十五条　委託者保護基金は、次に掲げる事由によつて解散する。

Article 325 (1) A consignor protection fund is to dissolve due to the following grounds:

一　総会の議決

(i) a resolution of a general meeting; and

二　設立の認可の取消し

(ii) the revocation of authorization for establishment.

２　前項第一号に掲げる理由による解散は、主務大臣の認可を受けなければ、その効力を生じない。

(2) Dissolution due to the grounds set forth in item (i) of the preceding paragraph does not come into effect without the authorization of the competent minister.

（清算人の選任）

(Appointment of Liquidators)

第三百二十六条　清算人は、前条第一項第一号の規定による解散の場合には総会において選任し、同項第二号の規定による解散の場合には主務大臣が選任する。

Article 326 In the case of a dissolution under the provisions of paragraph (1), item (i) of the preceding Article, a liquidator is appointed at a general meeting, and in the case of a dissolution under the provisions of item (ii) of that paragraph, a liquidator is appointed by the competent minister.

（残余財産の処理）

(Disposal of Residual Assets)

第三百二十七条　清算人は、委託者保護基金の債務を弁済してなお残余財産があるときは、主務省令で定めるところにより、当該残余財産をその会員がそれぞれ加入することとなる他の委託者保護基金に帰属させなければならない。

Article 327 (1) If there are residual assets after the payment of the obligations of a consignor protection fund, a liquidator must, pursuant to the provisions of order of the competent ministry, vest the residual assets in other consignor protection funds that the members are to join.

２　前項に定めるもののほか、委託者保護基金の解散に関する所要の措置は、合理的に必要と判断される範囲内において、政令で定めることができる。

(2) Beyond what is provided in the preceding paragraph, necessary measures concerning the dissolution of a consignor protection fund may be specified by Cabinet Order, to the extent considered reasonably necessary.

第七章　雑則

Chapter VII Miscellaneous Provisions

（裁判所の禁止命令）

(Prohibition Orders by the Court)

第三百二十八条　裁判所は、緊急の必要があり、且つ、公益を保護するため必要且つ適当であると認めるときは、主務大臣の申立により、この法律に違反する行為をし、又はしようとする者に対し、その行為の禁止を命ずることができる。

Article 328 (1) If the court finds it to be urgently necessary and finds it to be necessary and appropriate to protect the public interest, the court may issue an order to prohibit the acts to a person that has performed or has attempted to perform an act in violation of this Act, at the petition of the competent minister.

２　前項の禁止命令は、回復しがたい事態が生じた場合にのみ発せられ、その必要がなくなつた場合には、すみやかに撤回されるものとする。

(2) The prohibition order referred to in the preceding paragraph is to be issued only when an unrecoverable situation has occurred, and the order is to be promptly revoked when it becomes no longer necessary.

３　裁判所は、前項の規定により発した命令を取り消し、又は変更することができる。

(3) The court may revoke or change an order issued pursuant to the provisions of the preceding paragraph.

４　第一項及び前項に規定する事件は、被申立人の住所地の地方裁判所の管轄とする。

(4) The cases provided for in paragraph (1) and the preceding paragraph fall under the jurisdiction of the district court that has jurisdiction over the domicile of the respondent.

５　第一項及び第三項に規定する裁判は、非訟事件手続法（平成二十三年法律第五十一号）によつて行う。
(5) The judicial decision provided for in paragraphs (1) and (3) is rendered pursuant to the Non-Contentious Cases Procedure Act (Act No. 14 of 1898).

（相場による賭博行為の禁止）
(Prohibition of Gambling by Quotations)
第三百二十九条　何人も、商品先物取引業者、第三百四十九条第一項の届出をした者を相手方として行う場合を除き、商品市場における取引によらないで、商品市場における相場を利用して、差金を授受することを目的とする行為をしてはならない。
Article 329 Unless a commodity derivatives business operator or a person that has filed a notification referred to in Article 349, paragraph (1) is the other party, it is prohibited for any person to perform an act for the purpose of paying and receiving the difference between the sale price and the purchase price using quotations on a commodity market without recourse to transactions in a commodity market.

第三百三十条　削除
Article 330 Deleted

（商品市場類似施設の開設の禁止の適用除外）
(Exclusion of Application of Prohibition on Establishment of Facilities Similar to a Commodity Market)
第三百三十一条　第六条の規定は、次に掲げる施設については、適用しない。
Article 331 The provisions of Article 6 do not apply to the following facilities:
一　商品（第三百五十二条の規定による公示に係る上場商品に該当しないものに限る。以下この条において同じ。）又は商品指数（同条の規定による公示に係る上場商品指数に該当するか又は類似するもの以外のものに限る。以下この条において同じ。）について次に掲げる取引のみをするための施設として政令で定める要件に該当するもの
(i) a facility that meets the requirements specified by Cabinet Order as a facility in which only the following transactions for a commodity (limited to one that does not fall under a listed commodity which a public notice under the provisions of Article 352 concerns; hereinafter the same applies in this Article) or commodity index (limited to an index other than one that falls under a listed commodity index which a public notice under the provisions of that Article concerns or one that is similar to the listed commodity index; hereinafter the same applies in this Article) are conducted:
イ　商品について当該商品の売買等を業として行つている者が自己の営業のためにその計算において行う先物取引に類似する取引
(a) transactions which are similar to futures transactions which a person

that engages in the purchase and sale, etc. of the commodity in the course of trade for commodities conducts for their own business on their own account;

ロ　商品指数について当該商品指数の対象となる商品の売買等を業として行つている者が自己の営業のためにその計算において行う先物取引に類似する取引

(b) transactions which are similar to futures transactions which a person that engages in the purchase and sale, etc. of the commodity underlying the commodity index in the course of trade for commodity indices conducts for their own business on its own account;

二　次条第一項の許可を受けた者（第三百三十四条から第三百四十一条までにおいて「第一種特定施設開設者」という。）が開設する同項に規定する施設

(ii) a facility prescribed in paragraph (1) of the following Article which is established by a person that has obtained a license referred to in that paragraph (referred to as the "establisher of a Type 1 Specified Facility" in Articles 334 through 341);

三　第三百四十二条第一項の許可を受けた者（第三百四十四条及び第三百四十五条において「第二種特定施設開設者」という。）が開設する同項に規定する施設

(iii) a facility prescribed in Article 342, paragraph (1) which is established by a person that has obtained a license referred to in that paragraph (referred to as the "establisher of a Type 2 Specified Facility" in Articles 344 and 345).

（第一種特定商品市場類似施設の開設の許可）

(Permission to Establish a Facility Similar to a Type 1 Specified Commodity Market)

第三百三十二条　商品（第三百五十二条の規定による公示に係る上場商品に該当しないものに限る。以下この項において同じ。）又は商品指数（同条の規定による公示に係る上場商品指数に該当するか又は類似するもの以外のものに限る。以下この項において同じ。）について次に掲げる取引をするための施設（第一号及び第二号に掲げる取引のみをするためのものを除く。）として政令で定める要件に該当するもの（以下「第一種特定商品市場類似施設」という。）を開設しようとする者は、主務大臣の許可を受けなければならない。

Article 332 (1) A person seeking to establish a facility that meets the requirements specified by Cabinet Order as a facility in which the following transactions (excluding a facility in which only the transactions set forth in items (i) and (ii) are conducted) for a commodity (limited to one that does not fall under a listed commodity which a public notice under the provisions of Article 352 concerns; hereinafter the same applies in this paragraph) or commodity index (limited to an index other than one that falls under a listed commodity index which a public notice under the provisions of that Article concerns or is similar to the listed commodity index; hereinafter the same applies in this paragraph) are conducted (hereinafter the facility is referred to

as a "Facility Similar to a Type 1 Specified Commodity Market") must be licensed by the competent minister to do so:

一　商品について当該商品の売買等を業として行つている者が自己の営業のためにその計算において、当該施設を介した当事者間の交渉に基づき価格その他の取引条件を決定する方法その他主務省令で定める方法により行う先物取引に類似する取引

(i) transactions which are similar to futures transactions, and which a person that engages in the purchase and sale, etc. of the commodity in the course of trade conducts for their own business on its own account for commodities, by a method of deciding the prices and other terms of trade based on negotiations between the parties through the facility, or by other methods specified by order of the competent ministry;

二　商品指数について当該商品指数の対象となる商品の売買等を業として行つている者が自己の営業のためにその計算において、前号に規定する方法により行う先物取引に類似する取引

(ii) transactions which are similar to futures transactions, and which a person that engages in the purchase and sale, etc. of a commodity underlying the commodity index in the course of trade for their own business on their own account for commodity indices conducts, by the methods prescribed in the preceding item; and

三　商品又は商品指数について銀行その他の政令で定める者が自己の営業のためにその計算において、第一号に規定する方法により行う先物取引に類似する取引

(iii) transactions which are similar to futures transactions, and which a bank or other persons specified by Cabinet Order conduct for their own business on their own account for commodities or commodity indices by the methods provided for in item (i).

２　前項の規定により許可を受けようとする者は、次に掲げる事項を記載した申請書を主務大臣に提出しなければならない。

(2) A person seeking to obtain a licensed pursuant to the provisions of the preceding paragraph must submit a written application stating the following particulars to the competent minister:

一　氏名又は商号若しくは名称及び住所

(i) their name or trade name and address;

二　法人にあつては、その役員の氏名又は名称及び住所

(ii) if it is a corporation, the names or trade names and addresses of the officers;

三　取引の対象となる商品又は商品指数

(iii) the commodity or commodity index underlying the transactions;

四　取引方法

(iv) the method of trade;

五　取引の対象となる商品又は商品指数ごとの第一種特定商品市場類似施設における取引に参加する者（以下この項及び次条において「第一種特定施設取引参加者」と

いう。）の氏名又は商号若しくは名称

(v) the names or trade names of the persons that participate in trading in the Facility Similar to a Type 1 Specified Commodity Market, for each commodity or commodity index subject to transactions (hereinafter the person is referred to as a "Type 1 Specified Facility Trading Participant" in this paragraph and the following Article);

六　第一種特定施設取引参加者が商品（申請に係る商品及び申請に係る商品指数の対象となる商品に限る。）の売買等を業として行つている場合の当該商品

(vi) if a Type 1 Specified Facility Trading Participant engages in the purchase and sale, etc. of a commodity (limited to the commodity which the application concerns or a commodity underlying the commodity index which the application concerns) in the course of trade, the commodity;

七　第一種特定商品市場類似施設の開設の予定年月日

(vii) the date on which the Facility Similar to a Type 1 Specified Commodity Market is scheduled to be established; and

八　その他主務省令で定める事項

(viii) other particulars specified by order of the competent ministry.

3　前項の申請書には、事業計画書その他主務省令で定める書類を添付しなければならない。

(3) The business plan and other documents specified by order of the competent ministry must be attached to the written application referred to in the preceding paragraph.

（許可の基準）

(Licensing Criteria)

第三百三十三条　主務大臣は、前条第一項の許可の申請が次に掲げる基準に適合していると認めるときは、許可をしなければならない。

Article 333 (1) If the competent minister finds that an application for the license referred to in paragraph (1) of the preceding Article conforms to the following criteria, the minister must grant the license:

一　前条第一項第一号から第三号までに掲げる取引のみをするための施設であること。

(i) the facility is intended for conducting only the transactions set forth in paragraph (1), items (i) through (iii) of the preceding Article;

二　申請に係る商品が第三百五十二条の規定による公示に係る上場商品に該当しないものであること又は申請に係る商品指数が同条の規定による上場商品指数に該当するか若しくは類似するもの以外のものであること。

(ii) the commodity which the application concerns does not fall under a listed commodity which a public notice under the provisions of Article 352 concerns, or the commodity index which the application concerns is other than an index that falls under a listed commodity index under the provisions of that Article or an index similar to the listed commodity index;

三　申請に係る取引方法が前条第一項第一号に規定する取引の方法に適合していること。

(iii) the method of trade which the application concerns conforms to the method of trade prescribed in paragraph (1), item (i) of the preceding Article;

四　取引の対象となる商品又は取引の対象となる商品指数ごとに、当該商品の売買等を業として行つている者又は当該商品指数の対象となる商品の売買等を業として行つている者が第一種特定施設取引参加者の過半数を占めること。

(iv) for each commodity underlying the transactions or for each commodity index underlying the transactions, persons that engage in the purchase and sale, etc. of the commodity in the course of trade or persons that engage in the purchase and sale, etc. of the commodity subject to the commodity index in the course of trade, account for the majority of the Type 1 Specified Facility Trading Participants; and

五　その他業務の内容及び方法が公益又は取引の公正の確保のため必要かつ適当なものであること。

(v) the content and method of business are necessary and appropriate for ensuring the public interest and the fairness of transactions.

２　主務大臣は、前条第一項の許可の申請が次の各号のいずれかに該当する場合には、前項の規定にかかわらず、同条第一項の許可をしてはならない。

(2) Notwithstanding the provisions of the preceding paragraph, if an application for the license referred to in paragraph (1) of the preceding Article falls under one of the following items, the competent minister must not grant the license referred to in paragraph (1) of that Article:

一　許可申請者が第三十一条第一項各号のいずれかに該当する者であるとき。

(i) the license applicant falls under one of the persons referred to in the items of Article 31, paragraph (1);

二　申請書又はこれに添付すべき書類のうち重要な事項について虚偽の記載があるとき。

(ii) the written application or documents that are required to be attached to the written application contain a false statement about a material particular.

３　第十五条第五項から第九項までの規定は、前条第一項の許可について準用する。

(3) The provisions of Article 15, paragraphs (5) through (9) apply mutatis mutandis to the license referred to in paragraph (1) of the preceding Article.

（承継）

(Succession)

第三百三十四条　第一種特定施設開設者がその事業の全部を譲り渡し、又は第一種特定施設開設者について相続、合併若しくは分割（その事業の全部を承継させるものに限る。）があつたときは、その事業の全部を譲り受けた者又は相続人（相続人が二人以上ある場合において、その全員の同意により事業を承継すべき相続人を選定したときは、その者。以下この条において同じ。）、合併後存続する法人若しくは合併により

設立された法人若しくは分割によりその事業の全部を承継した法人は、その第一種特定施設開設者の地位を承継する。ただし、当該事業の全部を譲り受けた者又は当該相続人、合併後存続する法人若しくは合併により設立された法人若しくは分割により当該事業の全部を承継した法人が第三十一条第一項各号のいずれかに該当するときは、この限りでない。

Article 334 (1) If the establisher of a Type 1 Specified Facility transfers all of its business or if an inheritance, merger, or split (limited to succession of the whole business) involving the establisher of a Type 1 Specified Facility occurs, the person that acquires the whole business or an heir (if there are two or more heirs, and the heir that will succeed to the business is selected by their unanimous consent, that person; hereinafter the same applies in this Article), the corporation surviving the merger, the corporation incorporated in the merger, or the corporation that succeeds to the whole business in the split, succeeds to the status of that establisher of a Type 1 Specified Facility; provided, however, that this does not apply if the corporation surviving the merger, corporation incorporated in the merger, or corporation that succeeds to the whole business in the split falls under one of the items of Article 31, paragraph (1).

２　前項の規定により第一種特定施設開設者の地位を承継した者は、遅滞なく、その旨を主務大臣に届け出なければならない。

(2) A person that succeeds to the status of an establisher of a Type 1 Specified Facility pursuant to the provisions of the preceding paragraph must notify the competent minister of this without delay.

（変更の許可等）

(Permission for a Change)

第三百三十五条　第一種特定施設開設者は、第三百三十二条第二項第三号又は第四号に掲げる事項を変更しようとするときは、主務大臣の許可を受けなければならない。

Article 335 (1) If an establisher of a Type 1 Specified Facility seeks to change a particular set forth in Article 332, paragraph (2), item (iii) or (iv), they must obtain the permission of the competent minister.

２　第一種特定施設開設者は、前項の許可を受けようとするときは、申請書に主務省令で定める書類を添付して、主務大臣に提出しなければならない。

(2) If an establisher of a Type 1 Specified Facility seeks to obtain the permission referred to in the preceding paragraph, they must submit a written application by attaching the documents specified by order of the competent ministry to the competent minister.

３　第一種特定施設開設者は、第三百三十二条第二項第一号、第二号、第五号、第六号又は第八号に掲げる事項に変更があつたときは遅滞なく、同項第七号に掲げる事項を変更しようとするときはあらかじめ、その旨を主務大臣に届け出なければならない。

(3) If there is a change to the particulars set forth in Article 332, paragraph (2),

item (i), (ii), (v), (vi), or (viii), an establisher of a Type 1 Specified Facility must notify the competent minister of this without delay, and if they seek to make a change to the particular set forth in item (vii) of that paragraph, they must notify the competent minister of this in advance.

４　第三百三十三条の規定は、第一項の許可について準用する。

(4) The provisions of Article 333 apply mutatis mutandis to the permission referred to in paragraph (1).

（帳簿の作成等）

(Preparation of Books)

第三百三十六条　第一種特定施設開設者は、第一種特定商品市場類似施設における取引について、主務省令で定めるところにより、帳簿を作成し、これを保存しなければならない。

Article 336 (1) An Establisher of a Type 1 Specified Facility must prepare and preserve books for the transactions at the Facility Similar to a Type 1 Specified Commodity Market, pursuant to the provisions of order of the competent ministry.

２　第一種特定施設開設者は、毎月、主務省令で定めるところにより、その業務に関し主務省令で定める事項を主務大臣に報告しなければならない。

(2) An establisher of a Type 1 Specified Facility must report the particulars specified by order of the competent ministry regarding their business to the competent minister each month, pursuant to the provisions of order of the competent ministry.

（施設の廃止の届出等）

(Notification of Closure of a Facility)

第三百三十七条　第一種特定施設開設者は、第一種特定商品市場類似施設を廃止したときは、遅滞なく、その旨を主務大臣に届け出なければならない。

Article 337 (1) If an establisher of a Type 1 Specified Facility closes a Facility Similar to a Type 1 Specified Commodity Market, they must notify the competent minister of this without delay.

２　第一種特定施設開設者が第一種特定商品市場類似施設を廃止したときは、その許可は効力を失う。

(2) If an establisher of a Type 1 Specified Facility closes a Facility Similar to a Type 1 Specified Commodity Market, their license ceases to be effective.

（報告及び立入検査）

(Reports and On-Site Inspections)

第三百三十八条　主務大臣は、この法律の施行のため必要があると認めるときは、第一種特定施設開設者に対し、その業務に関し参考となるべき報告若しくは資料の提出を命じ、又はその職員に、第一種特定施設開設者の事務所若しくは営業所に立ち入り、

帳簿、書類その他業務に関係のある物件を検査させることができる。

Article 338 (1) When the competent minister finds it to be necessary for the enforcement of this Act, the minister may order an establisher of a Type 1 Specified Facility to submit reports or materials that should serve as a reference on their business, or may have ministry officials enter the office or business office of the establisher of a Type 1 Specified Facility and inspect books and documents or any other article related to their business.

２　第百五十七条第四項及び第五項の規定は、前項の規定による立入検査について準用する。

(2) The provisions of Article 157, paragraphs (4) and (5) apply mutatis mutandis to the inspection under the provisions of the preceding paragraph.

（業務改善命令）

(Business Improvement Orders)

第三百三十九条　主務大臣は、第一種特定施設開設者の業務の運営に関し、取引の対象となつている商品の売買等を業として行つている者又は取引の対象となつている商品指数の対象となる商品の売買等を業として行つている者の利益を害するおそれがあると認めるときその他公益又は取引の公正の確保のため必要かつ適当であると認めるときは、当該第一種特定施設開設者に対し、その業務の運営の改善に必要な措置をとるべきことを命ずることができる。

Article 339 (1) If the competent minister finds that there is a risk of harming the interests of a person that engages in the purchase and sale, etc. of a commodity underlying the transactions in the course of trade, or a person that engages in the purchase and sale, etc. of a commodity subject to a commodity index that is underlying the transactions in the course of trade, or finds it to be necessary and appropriate in order to ensure the public interest or the fairness of transactions concerning the business operations of an establisher of a Type 1 Specified Facility, the minister may order the establisher of a Type 1 Specified Facility to take necessary measures for improving their business operations.

２　第百五十八条第二項の規定は、前項の規定による処分について準用する。

(2) The provisions of Article 158, paragraph (2) apply mutatis mutandis to a disposition under the provisions of the preceding paragraph.

（許可の取消し等）

(Revocation of License)

第三百四十条　主務大臣は、第一種特定施設開設者が次の各号のいずれかに該当するときは、その許可を取り消し、又は六月以内の期間を定めてその業務の全部若しくは一部の停止を命ずることができる。

Article 340 (1) If an establisher of a Type 1 Specified Facility falls under any of the following items, the competent minister may revoke their license, or order the suspension of all or a part of their business for a fixed period not exceeding

six months:

一　この法律若しくはこの法律に基づく命令又はこれらに基づく処分に違反したとき。

(i) when the establisher violates this Act, an order based on this Act, or a disposition based on this Act or the order;

二　第十五条第二項第一号ロからヌまで（同号ニについては、第百九十条第一項及び第三百四十二条第一項の許可の取消しに係る部分並びにこの法律に相当する外国の法令の規定に係る部分に限る。）又は第三十一条第一項各号（第二号を除く。）のいずれかに該当することとなつたとき。

(ii) when the establisher comes to fall under any of the provisions of Article 15, paragraph (2), item (i), sub-items (b) through (j) (with regard to (d) of that item, limited to the part related to the revocation of the license under Article 190, paragraph (1) or Article 342, paragraph (1), and the part related to the provisions of a foreign law or regulation that is equivalent to this Act) or the provisions of the items of Article 31, paragraph (1) (excluding item (ii));

三　正当な理由がないのに、許可を受けてから三月以内に第一種特定商品市場類似施設を開設せず、又は引き続き三月以上当該施設における取引を停止したとき。

(iii) when the establisher fails to establish a Facility Similar to Type 1 Specified Commodity Market within three months after receiving permission, or continuously suspends transactions in the facility for three months or more, without legitimate grounds for doing so;

四　不正の手段により第三百三十二条第一項又は第三百三十五条第一項の許可を受けたとき。

(iv) when the establisher has obtained the license under Article 332, paragraph (1) or the permission under Article 335, paragraph (1) by wrongful means; or

五　第一種特定施設開設者が開設する第一種特定商品市場類似施設が第三百三十三条第一項各号に掲げる基準に適合しないこととなつたとき。

(v) when a Facility Similar to a Type 1 Specified Commodity Market that the establisher has established no longer conforms to the criteria set forth in the items of Article 333, paragraph (1).

２　第百五十八条第二項の規定は前項の規定による処分について、第百五十九条第四項の規定は前項の規定による許可の取消しに係る聴聞について準用する。

(2) The provisions of Article 158, paragraph (2) apply mutatis mutandis to a disposition under the provisions of the preceding paragraph and the provisions of Article 159, paragraph (4) apply mutatis mutandis to a hearing on the revocation of a license pursuant to the provisions of the preceding paragraph.

（名簿）

(Register)

第三百四十一条　主務大臣は、第一種特定施設開設者に関する第三百三十二条第二項第一号、第三号及び第四号に掲げる事項その他主務省令で定める事項を記載した第一種特定施設開設者名簿を備えなければならない。

Article 341 (1) The competent minister must keep a register of establishers of Type 1 Specified Facilities which states the particulars set forth in Article 332, paragraph (2), items (i), (iii), and (iv), and other particulars specified by order of the competent ministry concerning the establishers of Type 1 Specified Facilities.

２　主務大臣は、第一種特定施設開設者名簿を公衆の縦覧に供しなければならない。

(2) The competent minister must make the register of establishers of Type 1 Specified Facilities available for public inspection.

（第二種特定商品市場類似施設の開設の許可）

(License to Establish a Facility Similar to a Type 2 Specified Commodity Market)

第三百四十二条　商品（第三百五十二条の規定による公示に係る上場商品に該当するものであつて、主務省令で定めるものに限る。以下この項において同じ。）又は商品指数（同条の規定による公示に係る上場商品指数に該当するか又は類似するものであつて、主務省令で定めるものに限る。以下この項において同じ。）について次に掲げる取引をするための施設として政令で定める要件に該当するもの（以下「第二種特定商品市場類似施設」という。）を開設しようとする者は、主務大臣の許可を受けなければならない。

Article 342 (1) A person seeking to establish a facility that meets the requirements specified by Cabinet Order as a facility in which the following transactions for a commodity (limited to one that falls under a listed commodity which a public notice under Article 352 concerns and which is specified by order of the competent ministry; hereinafter the same applies in this paragraph) or commodity index (limited to an index falling under a listed commodity index which a public notice under that Article concerns, or an index similar to the listed commodity index, which is specified by order of the competent ministry; hereinafter the same applies in this paragraph) are conducted (hereinafter the facility is referred to as a "Facility Similar to a Type 2 Specified Commodity Market") must be licensed by the competent minister:

一　商品について当該商品の売買等を業として行つている者が自己の営業のためにその計算において、当該施設を介した当事者間の交渉に基づき価格その他の取引条件を決定する方法その他主務省令で定める方法により行う先物取引に類似する取引

(i) transactions which are similar to futures transactions, and which a person that engages in the purchase and sale, etc. of a commodity in the course of trade conducts for their own business based on their own account for commodities, by a method for deciding the prices and other terms of the trade based on negotiations between the parties through the facility, or by other methods specified by order of the competent ministry;

二　商品指数について当該商品指数の対象となる商品の売買等を業として行つている者が自己の営業のためにその計算において、前号に規定する方法により行う先物取

引に類似する取引

(ii) transactions which are similar to futures transactions, and which a person that engages in the purchase and sale, etc. of a commodity subject to the commodity index in the course of trade conducts for their own business on their own account for commodity indices, by the methods provided for in the preceding item;

三　商品又は商品指数について銀行その他の政令で定める者が自己の営業のためにその計算において、第一号に規定する方法により行う先物取引に類似する取引

(iii) transactions which are similar to futures transactions, and which a bank or other persons specified by Cabinet Order conducts for their own business on their own account for commodities or commodity indices, by the methods provided for in item (i).

２　前項の規定により許可を受けようとする者は、次に掲げる事項を記載した申請書を主務大臣に提出しなければならない。

(2) A person seeking to obtain a license pursuant to the provisions of the preceding paragraph must submit a written application stating the following particulars to the competent minister:

一　氏名又は商号若しくは名称及び住所

(i) their name or trade name and address;

二　法人にあつては、その役員の氏名又は名称及び住所

(ii) if the person is a corporation, the names or trade names and addresses of the officers;

三　取引の対象となる商品又は商品指数

(iii) the commodity or commodity index underlying the transactions;

四　取引方法

(iv) the method of trade;

五　取引の対象となる商品又は商品指数ごとの第二種特定商品市場類似施設における取引に参加する者（以下この項及び次条において「第二種特定施設取引参加者」という。）の氏名又は商号若しくは名称

(v) the names or trade names of the persons that participate in transactions at the Facility Similar to a Type 2 Specified Commodity Market, for each commodity or commodity index underlying the transactions (hereinafter the person is referred to as a "Type 2 Specified Facility Trading Participant" in this paragraph and the following Article);

六　第二種特定施設取引参加者が商品（申請に係る商品及び申請に係る商品指数の対象となる商品に限る。）の売買等を業として行つている場合の当該商品

(vi) if a Type 2 Specified Facility Trading Participant engages in the purchase and sale, etc. of a commodity (limited to the commodity which the application concerns or the commodity subject to the commodity index which the application concerns) in the course of trade, the commodity;

七　第二種特定商品市場類似施設の開設の予定年月日

(vii) the date on which the Facility Similar to a Type 2 Specified Commodity Market is scheduled to be established; and

八　その他主務省令で定める事項

(viii) other particulars specified by order of the competent ministry.

3　前項の申請書には、事業計画書その他主務省令で定める書類を添付しなければならない。

(3) The business plan and documents specified by order of the competent ministry must be attached to the written application referred to in the preceding paragraph.

（許可の基準）

(Licensing Criteria)

第三百四十三条　主務大臣は、前条第一項の許可の申請が次に掲げる基準に適合していると認めるときは、許可をしなければならない。

Article 343 (1) If the competent minister finds that an application for permission referred to in paragraph (1) of the preceding Article conforms to the following criteria, the minister must grant the permission:

一　前条第一項第一号から第三号までに掲げる取引のみをするための施設であること。

(i) the facility is intended for conducting only the transactions set forth in paragraph (1), items (i) through (iii) of the preceding Article;

二　申請に係る取引方法が前条第一項第一号に規定する取引の方法に適合していること。

(ii) the method of trade which the application concerns conforms to the method of trade prescribed in paragraph (1), item (i) of the preceding Article;

三　取引の対象となる商品又は取引の対象となる商品指数若しくは当該商品指数に類似する商品指数を上場している商品取引所の健全な運営に支障を及ぼすおそれがないこと。

(iii) there is no risk of causing a hindrance to the sound operation of a commodity exchange that lists the commodity underlying the transactions, the commodity index underlying the transactions, or a commodity index similar to the commodity index;

四　取引の対象となる商品又は取引の対象となる商品指数ごとに、当該商品の売買等を業として行つている者又は当該商品指数の対象となる商品の売買等を業として行つている者が第二種特定施設取引参加者の過半数を占めること。

(iv) for each commodity underlying the transactions and for each commodity index underlying the transactions, persons that engage in the purchase and sale, etc. of the commodity in the course of trade or persons that engage in the purchase and sale, etc. of the commodity subject to the commodity index in the course of trade, account for the majority of the Type 2 Specified Facility Trading Participants; and

五　その他業務の内容及び方法が公益又は取引の公正の確保のため必要かつ適当なも

のであること。

(v) the content and method of business are necessary and appropriate for ensuring the public interest and the fairness of transactions.

２　主務大臣は、前条第一項の許可の申請が次の各号のいずれかに該当する場合には、前項の規定にかかわらず、同条第一項の許可をしてはならない。

(2) Notwithstanding the provisions of the preceding paragraph, if an application for the license referred to in paragraph (1) of the preceding Article falls under any of the following items, the competent minister must not grant the license referred to in that paragraph:

一　許可申請者が第三十一条第一項各号のいずれかに該当する者であるとき。

(i) the license applicant falls under one of the provisions of the items of Article 31, paragraph (1); or

二　申請書又はこれに添付すべき書類のうち重要な事項について虚偽の記載があるとき。

(ii) the written application or documents that are required to be attached to the written application contain a false statement about a material particular.

３　第十五条第五項から第九項までの規定は、前条第一項の許可について準用する。

(3) The provisions of Article 15, paragraphs (5) through (9) apply mutatis mutandis to the license referred to in paragraph (1) of the preceding Article.

（業務改善命令）

(Business Improvement Orders)

第三百四十四条　主務大臣は、第二種特定施設開設者の業務の運営に関し、取引の対象となつている商品又は取引の対象となつている商品指数若しくは当該商品指数に類似する商品指数を上場している商品取引所の健全な運営に支障を及ぼすおそれがあると認めるとき、取引の対象となつている商品の売買等を業として行つている者又は取引の対象となつている商品指数の対象となる商品の売買等を業として行つている者の利益を害するおそれがあると認めるときその他公益又は取引の公正の確保のため必要かつ適当であると認めるときは、当該第二種特定施設開設者に対し、その業務の運営の改善に必要な措置をとるべきことを命ずることができる。

Article 344 (1) If the competent minister finds that there is a risk of causing hindrance to the sound operation of a commodity exchange that lists the commodity underlying the transactions, the commodity index underlying the transactions, or a commodity index similar to the commodity index, or a risk of harming the interests of a person that engages in the purchase and sale, etc. of the commodity underlying the transactions in the course of trade or a person that engages in the purchase and sale, etc. of the commodity subject to the commodity index that is underlying the transactions in the course of trade, or if the minister finds it to be necessary and appropriate in order to ensure the public interest or the fairness of transactions concerning the business operations of the establisher of a Type 2 Specified Facility, the minister may

order the establisher of a Type 2 Specified Facility to take necessary measures for improving its business operations.

２　第百五十八条第二項の規定は、前項の規定による処分について準用する。

(2) The provisions of Article 158, paragraph (2) apply mutatis mutandis to a disposition under the provisions of the preceding paragraph.

（準用）

(Application, Mutatis Mutandis)

第三百四十五条　第三百三十四条から第三百三十八条まで、第三百四十条及び第三百四十一条の規定は、第二種特定施設開設者について準用する。この場合において、第三百三十五条第一項中「第三百三十二条第二項第三号又は第四号」とあるのは「第三百四十二条第二項第三号又は第四号」と、同条第三項中「第三百三十二条第二項第一号、第二号、第五号、第六号又は第八号」とあるのは「第三百四十二条第二項第一号、第二号、第五号、第六号又は第八号」と、同条第四項中「第三百三十三条」とあるのは「第三百四十三条」と、第三百三十六条第一項及び第三百三十七条中「第一種特定商品市場類似施設」とあるのは「第二種特定商品市場類似施設」と、第三百四十条第一項第二号中「第三百四十二条第一項」とあるのは「第三百三十二条第一項」と、同項第三号中「第一種特定商品市場類似施設」とあるのは「第二種特定商品市場類似施設」と、同項第四号中「第三百三十二条第一項又は第三百三十五条第一項」とあるのは「第三百四十二条第一項又は第三百四十五条において準用する第三百三十五条第一項」と、同項第五号中「第一種特定商品市場類似施設」とあるのは「第二種特定商品市場類似施設」と、「第三百三十三条第一項各号」とあるのは「第三百四十三条第一項各号」と、第三百四十一条第一項中「第三百三十二条第二項第一号、第三号及び第四号」とあるのは「第三百四十二条第二項第一号、第三号及び第四号」と、「第一種特定施設開設者名簿」とあるのは「第二種特定施設開設者名簿」と、同条第二項中「第一種特定施設開設者名簿」とあるのは「第二種特定施設開設者名簿」と読み替えるものとする。

Article 345 The provisions of Articles 334 through 338, Article 340, and Article 341 apply mutatis mutandis to the Establisher of a Type 2 Specified Facility. In such a case, the term "Article 332, paragraph (2), item (iii) or (iv)" in Article 335, paragraph (1) is deemed to be replaced with "Article 342, paragraph (2), item (iii) or (iv)"; the term "Article 332, paragraph (2), item (i), (ii), (v), (vi), or (viii)" in paragraph (3) of that Article is deemed to be replaced with "Article 342, paragraph (2), item (i), (ii), (v), (vi), or (viii)"; the term "Article 333" in paragraph (4) of that Article is deemed to be replaced with "Article 343"; the term "Facility Similar to a Type 1 Specified Commodity Market" in Article 336, paragraph (1) and Article 337 is deemed to be replaced with "Facility Similar to a Type 2 Specified Commodity Market"; the term "Article 342, paragraph (1)" in Article 340, paragraph (1), item (ii) is deemed to be replaced with "Article 332, paragraph (1)"; the term "Facility Similar to a Type 1 Specified Commodity Market" in item (iii) of that paragraph is deemed to be replaced

with "Facility Similar to a Type 2 Specified Commodity Market"; the term "Article 332, paragraph (1) or Article 335, paragraph (1)" in item (iv) of that paragraph is deemed to be replaced with "Article 342, paragraph (1) or Article 335, paragraph (1) as applied mutatis mutandis pursuant to Article 345"; the terms "Facility Similar to a Type 1 Specified Commodity Market" and "the items of Article 333, paragraph (1)" in item (v) of that paragraph are deemed to be replaced with "Facility Similar to a Type 2 Specified Commodity Market" and "the items of Article 343, paragraph (1)", respectively; the terms "Article 332, paragraph (2), items (i), (iii), and (iv)" and "register of establishers of Type 1 Specified Facilities" in Article 341, paragraph (1) are deemed to be replaced with "Article 342, paragraph (2), items (i), (iii), and (iv)" and "register of establishers of Type 2 Specified Facilities", respectively; the term "register of establishers of Type 1 Specified Facilities" in paragraph (2) of that Article is deemed to be replaced with "register of establishers of Type 2 Specified Facilities".

（商品市場の開設等に係る経過措置）

(Transitional Measures for the Opening of a Commodity Market)

第三百四十六条　商品又は商品指数が上場商品又は上場商品指数となり、かつ、その旨が第三百五十二条の規定により公示された場合において、当該公示の際現に当該商品又は当該商品指数に係る第三百三十一条第一号又は第二号に掲げる施設が開設されており、かつ、当該施設において決済を結了していない先物取引に類似する取引が存するときは、当該取引の決済のためにする先物取引に類似する取引及びその取引がなされる施設の開設については、第六条の規定は適用しない。

Article 346 (1) If a commodity or commodity index becomes a listed commodity or listed commodity index and public notice of this is issued pursuant to the provisions of Article 352, when a facility set forth in Article 331, item (i) or (ii) for that commodity or commodity index has already been opened at the time the public notice is issued and there are transactions similar to futures transactions for which settlement has not been completed at the facility, the provisions of Article 6 do not apply to the transactions similar to futures transactions which are conducted in order to settle those transactions nor to the establishment of the facility in which those transactions are conducted.

２　商品又は商品指数が上場商品（第三百四十二条第一項に規定する商品に限る。）又は上場商品指数（同項に規定する商品指数に限る。）となり、かつ、その旨が第三百五十二条の規定により公示された場合において、当該公示の際現に当該商品又は当該商品指数に係る第三百三十一条第二号に掲げる施設が開設されているときは、当該公示の日から起算して一月を経過する日までの間に限り、当該施設の開設者は、第三百四十二条第一項の許可を受けたものとみなす。

(2) If a commodity or commodity index becomes a listed commodity (limited to a commodity prescribed in Article 342, paragraph (1)) or listed commodity index

(limited to a commodity index prescribed in that paragraph) and public notice of this is issued pursuant to the provisions of Article 352, when a facility set forth in Article 331, item (ii) for that commodity or commodity index has already been opended at the time the public notice is issued, the establisher of the facility is deemed to have obtained the license referred to in Article 342, paragraph (1), limited to the period until the day on which one month has passed since the day of the public notice.

3　第一項の規定は、前項の規定により第三百四十二条第一項の許可を受けたものとみなされた者が当該公示の日から一月を経過した日において同項の許可を受けておらず、かつ、当該許可を受けたとみなされた者が開設する施設において決済を結了していない先物取引に類似する取引が存する場合における当該取引の決済のためにする先物取引に類似する取引及びその取引がなされる施設の開設について準用する。

(3) If a person that is deemed to have obtained the license referred to in Article 342, paragraph (1) pursuant to the provisions of the preceding paragraph has not obtained the license referred to in that paragraph on the day on which one month has passed since the day of the public notice, and there are transactions similar to futures transactions for which settlement has not been completed at the facility established by the person that is deemed to have obtained the license, the provisions of paragraph (1) apply mutatis mutandis to transactions similar to futures transactions which are conducted for settling those transactions and to the establishment of the facility in which those transactions are conducted.

4　商品が第三百五十二条の規定による公示に係る上場商品に該当しないものとなり又は商品指数が同条の規定による公示に係る上場商品指数に該当するか若しくは類似するもの以外のものとなり、かつ、その旨が同条の規定により公示された場合において、当該公示の際現に当該商品又は当該商品指数に係る第三百三十一条第三号に掲げる施設が開設されているときは、当該施設の開設者は第三百三十二条第一項の許可を受けたものとみなす。ただし、当該施設が第三百三十一条第一号に掲げる施設に該当するものであるときは、この限りでない。

(4) If a commodity becomes one that does not fall under a listed commodity which a public notice under Article 352 concerns or a commodity index becomes an index other than one that falls under a listed commodity index which a public notice under that Article concerns or an index similar to the listed commodity index and a public notice of this is issued pursuant to the provisions of that Article, when a facility set forth in Article 331, item (iii) regarding the commodity or the commodity index has already been opened at the time the public notice is issued, the establisher of the facility is deemed to have obtained the license referred to in Article 332, paragraph (1); provided, however, this does not apply if the facility falls under a facility set forth in Article 331, item (i).

（政令への委任）
(Delegation to Cabinet Order)
第三百四十七条　第三百三十一条から前条までに定めるもののほか、第一種特定商品市場類似施設及び第二種特定商品市場類似施設の開設等に関し必要な事項は、政令で定める。
Article 347 In addition to what is provided for in Article 331 through the preceding Article, necessary particulars for the establishment of a Facility Similar to a Type 1 Specified Commodity Market or a Facility Similar to a Type 2 Specified Commodity Market are specified by Cabinet Order.

（他の法令との関係）
(Relationship with Other Laws and Regulations)
第三百四十八条　取引所金融商品市場に類似する施設に該当するものについては、第六条の規定を適用せず、金融商品取引法の定めるところによるものとする。
Article 348 The provisions Article 6 do not apply to a facility similar to financial futures market, and is governed by the provisions of the Financial Instruments and Exchange Act.

（特定店頭商品デリバティブ取引業者の届出等）
(Notification by a Specified Over-the-Counter Commodity Derivatives Business Operator)
第三百四十九条　対象外店頭商品デリバティブ取引のうち、第三百五十二条の規定による公示に係る上場商品に該当する商品を取引対象商品とする店頭商品デリバティブ取引又は同条の規定による公示に係る上場商品指数に該当し、若しくは類似する商品指数を取引の対象とする店頭商品デリバティブ取引（以下「特定店頭商品デリバティブ取引」という。）を業として行おうとする者は、主務省令で定めるところにより、次に掲げる事項を主務大臣に届け出なければならない。特定店頭商品デリバティブ取引を業として行う者（以下「特定店頭商品デリバティブ取引業者」という。）が届け出た事項を変更しようとするときも、同様とする。
Article 349 (1) A person that seeks to engage in either over-the-counter commodity derivatives transactions whose underlying commodity is a commodity that falls under a listed commodity which a public notice prescribed in Article 352 concerns, or over-the-counter commodity derivatives transactions with an underlying commodity index that falls under a listed commodity index which a public notice prescribed in that Article concerns or an underlying commodity index similar to the listed commodity index (hereinafter referred to as a "specified over-the-counter commodity derivatives transaction") in the course of trade among the out-of-scope over-the-counter commodity derivatives transactions, must notify the competent minister of the following particulars, pursuant to the provisions of order of the competent ministry. The same applies if a person that engages in specified over-the-counter commodity

derivatives transactions in the course of trade (hereinafter referred to as "specified over-the-counter commodity derivatives business operator") seeks to change a particular notified to the minister.

一　氏名又は商号若しくは名称

(i) their name or trade name;

二　営業所又は事務所の名称及び所在地

(ii) the name and location of the business office or office;

三　特定店頭商品デリバティブ取引の対象となる商品又は商品指数

(iii) the commodity or commodity index that will be subject to the specified over-the-counter commodity derivatives transactions; and

四　その他主務省令で定める事項

(iv) other particulars specified by order of the competent ministry.

2　主務大臣は、特定店頭商品デリバティブ取引業者の名簿を作成し、これを公衆の縦覧に供しなければならない。

(2) The competent minister must prepare a register of specified over-the-counter commodity derivatives business operators, and make it available for public inspection.

3　第二百十四条の三第一項、第三項及び第五項の規定は特定店頭商品デリバティブ取引業者について、同条第二項及び第四項の規定は特定店頭商品デリバティブ取引業者の顧客について、それぞれ準用する。この場合において、同条第一項各号及び第二項各号中「商品デリバティブ取引」とあるのは、「特定店頭商品デリバティブ取引」と読み替えるものとする。

(3) The provisions of Article 214-3, paragraphs (1), (3), and (5) apply mutatis mutandis to a specified over-the-counter commodity derivatives business operator and the provisions of paragraphs (2) and (4) of that Article apply mutatis mutandis to the customers of a specified over-the-counter commodity derivatives business operator. In such a case, the term "commodity derivatives transactions" in the items of paragraph (1) and the items of paragraph (2) of that Article is deemed to be replaced with "specified over-the-counter commodity derivatives transactions".

4　特定店頭商品デリバティブ取引業者は、特定店頭商品デリバティブ取引について、主務省令で定めるところにより、帳簿を作成し、これを保存しなければならない。

(4) A specified over-the-counter commodity derivatives business operator must prepare and preserve books for specified over-the-counter commodity derivatives transactions pursuant to the provisions of order of the competent ministry.

5　主務大臣は、この法律の施行のため必要があると認めるときは、特定店頭商品デリバティブ取引業者に対し、その特定店頭商品デリバティブ取引に関する業務（以下「特定店頭商品デリバティブ取引業務」という。）に関し報告若しくは資料の提出を求め、又はその職員に、特定店頭商品デリバティブ取引業者の営業所若しくは事務所に立ち入り、特定店頭商品デリバティブ取引業務の状況若しくは特定店頭商品デリバ

ティブ取引業務に関する帳簿、書類その他の物件を検査させることができる。

(5) When the competent minister finds it to be necessary for the enforcement of this Act, the minister may order a specified over-the-counter commodity derivatives business operator to submit reports or materials on their business for specified over-the-counter commodity derivatives transactions (hereinafter referred to as "specified over-the-counter commodity derivatives transactions business"), or may have ministry officials enter the office or business office of a specified over-the-counter commodity derivatives business operator and inspect the status of specified over-the-counter commodity derivatives transactions business or books and documents or any other article related to specified over-the-counter commodity derivatives transactions business.

6　第百五十七条第四項及び第五項の規定は、前項の規定による立入検査について準用する。

(6) The provisions of Article 157, paragraphs (4) and (5) apply mutatis mutandis to the on-site inspection under the provisions of the preceding paragraph.

7　主務大臣は、商品市場における秩序の維持のため必要かつ適当であると認めるときは、その必要の限度において、特定店頭商品デリバティブ取引業者に対し、特定店頭商品デリバティブ取引業務の運営を改善するため必要な措置をとるべきことを命ずることができる。

(7) If the competent minister finds it to be necessary and appropriate for maintaining order in a commodity market, the minister, to the extent necessary, may order a specified over-the-counter commodity derivatives business operator to take the necessary measures for improving the operation of the specified over-the-counter commodity derivatives transactions business.

8　主務大臣は、特定店頭商品デリバティブ取引業者がこの法律、この法律に基づく命令又はこの法律に基づいてする主務大臣の処分に違反したときは、当該特定店頭商品デリバティブ取引業者に対し、三月以内の期間を定めて特定店頭商品デリバティブ取引業務の全部又は一部の停止を命ずることができる。

(8) If a specified over-the-counter commodity derivatives business operator violates this Act, an order based on this Act, or a disposition rendered by the competent minister based on this Act, the competent minister may order the specified over-the-counter commodity derivatives business operator to suspend all or a part of its specified over-the-counter commodity derivatives transactions business for a fixed period not exceeding three months.

9　商品又は商品指数が上場商品又は上場商品指数となり、かつ、その旨が第三百五十二条の規定により公示された場合において、当該公示の際現に当該商品又は当該上場商品指数若しくは当該上場商品指数に類似する商品指数を対象として特定店頭商品デリバティブ取引を業として行つている者は、当該公示の日から起算して一月を経過するまでの間に、第一項の届出をしなければならない。

(9) If a commodity or a commodity index becomes a listed commodity or a listed commodity index and public notice of this is issued pursuant to the provisions

of Article 352, a person who is conducting specified over-the-counter commodity derivatives transactions in the course of trade for which the commodity or listed commodity index, or a commodity index similar to the listed commodity index are the subject of transactions at the time the public notice is issued, must file the notification referred to in paragraph (1) before one month passes counting from the day of the public notice.

（外国商品先物取引規制当局に対する調査協力）
(Cooperation in Investigations with Foreign Regulatory Authorities for Commodity Futures)

第三百四十九条の二　主務大臣は、この法律に相当する外国の法令を執行する当局（以下この条において「外国商品先物取引規制当局」という。）から、その所掌に属する当該この法律に相当する外国の法令を執行するために行う行政上の調査に関し、協力の要請があつた場合において、当該要請に応ずることが相当と認めるときは、当該要請に応ずるために必要かつ適当であると認められる範囲内において、当該外国にある者を相手方として商品デリバティブ取引を行う者その他関係人又は参考人に対して、参考となるべき報告又は資料の提出を命ずることができる。

Article 349-2 (1) If the competent minister finds it appropriate to comply with a request from a regulatory authority that is responsible for enforcing a foreign law or regulation that is equivalent to this Act (hereinafter referred to as a "foreign regulatory authority for commodity futures" in this Article) for cooperation in an administrative investigation it conducts in order to enforce a foreign law or regulation under its jurisdiction that is equivalent to this Act, the minister may order a person that conducts a commodity derivatives transaction with a counterparty in that foreign state, or any other concerned party or witness, to submit reports or materials that should serve as a reference, to the extent that is found to be necessary and appropriate in order to respond to the request.

２　主務大臣は、次の各号のいずれかに該当する場合には、前項の規定による処分をすることができない。

(2) The competent minister may not render the disposition under the provisions of the preceding paragraph in cases that fall under any of the following items:

一　我が国が行う同種の要請に応ずる旨の当該外国商品先物取引規制当局の保証がないとき。

(i) the foreign regulatory authority for commodity futures has not given assurance that it will comply with a similar request from Japan;

二　当該外国商品先物取引規制当局の要請に基づき当該処分をすることが我が国における商品の公正な価格の形成又は生産及び流通に重大な悪影響を及ぼし、その他我が国の利益を害するおそれがあると認められるとき。

(ii) it is found that if the disposition is rendered based on the request by the foreign regulatory authority for commodity futures, this is likely to have a

material adverse impact on the fair price formation or production and distribution of commodities in Japan, or to be detrimental to Japan's interests;

三　当該外国商品先物取引規制当局において、前項の規定による処分により提出された報告又は資料の内容が、その職務の遂行に資する目的以外の目的で使用されるおそれがあると認められるとき。

(iii) it is found that there is a risk of the content of the report or materials submitted pursuant to the disposition under the provisions of the preceding paragraph being used for a purpose other than the purpose of contributing to the performance of its functions at the foreign regulatory authority for commodity futures.

３　第一項の協力の要請が外国商品先物取引規制当局による当該この法律に相当する外国の法令に基づく行政処分（当該処分を受ける者の権利を制限し、又はこれに義務を課すものに限る。）を目的とする場合には、当該要請に応ずるに当たつて、主務大臣は、外務大臣に協議するものとする。

(3) If the request for cooperation under paragraph (1) is made for the purpose of an administrative disposition by the foreign regulatory authority for commodity futures based on a foreign law or regulation that is equivalent to this Act (limited to one that restricts the rights of the person subject to the disposition or imposes a duty on that person), the competent minister is to consult with the Minister for Foreign Affairs before complying with the request.

４　第一項の規定による処分により提出された報告又は資料については、その内容が外国における裁判所又は裁判官の行う刑事手続に使用されないよう適切な措置がとられなければならない。

(4) Appropriate measures must be taken for the reports and materials submitted pursuant to a disposition under the provisions of paragraph (1), to ensure that their content will not be used for criminal proceedings undertaken in a court or by a judge in a foreign country.

５　前各項の規定の適用に関し必要な事項は、政令で定める。

(5) The necessary particulars for the application of the provisions of the preceding paragraphs are specified by Cabinet Order.

（参考人等の費用の請求）

(Request of Expenses by Witnesses or Experts)

第三百五十条　第十五条第九項（第八十条第四項、第百三十三条第三項、第百四十六条第四項、第百五十五条第六項、第百五十六条第七項、第百六十九条第三項（第百七十三条第四項において準用する場合を含む。）、第百九十四条、第二百一条第二項、第二百二十九条、第二百四十条の二十五、第二百四十八条第二項、第二百八十条第二項、第三百三十三条第三項（第三百三十五条第四項において準用する場合を含む。）及び第三百四十三条第三項（第三百四十五条において読み替えて準用する第三百三十五条第四項において準用する場合を含む。）において準用する場合を含む。）、第九十六

条の二十二第三項（同条第五項、第九十六条の三十四第三項及び第四項、第九十六条の四十第五項並びに第九十六条の四十三において準用する場合を含む。）又は第百五十八条第二項（第百五十九条第五項、第百六十条第二項、第百八十七条、第二百四条第三項（第二百四十条の十一において準用する場合を含む。）、第二百六条第六項（第二百四十条の十一において準用する場合を含む。）、第二百三十七条、第二百四十条の二十五、第二百六十六条、第三百二十四条第二項、第三百三十九条第二項、第三百四十条第二項（第三百四十五条において準用する場合を含む。）及び第三百四十四条第二項において準用する場合を含む。）の規定により出頭又は鑑定を命ぜられた参考人又は鑑定人は、政令で定めるところにより、旅費、日当その他の費用を請求することができる。

Article 350 A witness or an expert who is ordered to appear or provide an expert opinion pursuant to the provisions of Article 15, paragraph (9) (including as applied mutatis mutandis pursuant to Article 80, paragraph (4), Article 133, paragraph (3), Article 146, paragraph (4), Article 155, paragraph (6), Article 156, paragraph (7), Article 169, paragraph (3) (including as applied mutatis mutandis pursuant to Article 173, paragraph (4)), Article 194; Article 201, paragraph (2), Article 229, Article 240-25, Article 248, paragraph (2), Article 280, paragraph (2), Article 333, paragraph (3) (including as applied mutatis mutandis pursuant to Article 335, paragraph (4)), Article 343, paragraph (3) (including as applied mutatis mutandis pursuant to Article 335, paragraph (4) as applied mutatis mutandis pursuant to Article 345 following the deemed replacement of terms)), Article 96-22, paragraph (3) (including as applied mutatis mutandis pursuant to Article 96-22, paragraph (5), Article 96-34, paragraphs (3) and (4), Article 96-40, paragraph (5), and Article 96-43), or Article 158, paragraph (2) (including as applied mutatis mutandis pursuant to Article 159, paragraph (5), Article 160, paragraph (2), Article 187, Article 204, paragraph (3) (including as applied mutatis mutandis pursuant to Article 240-11), Article 206, paragraph (6) (including as applied mutatis mutandis pursuant to Article 240-11), Article 237, Article 240-25, Article 266, Article 324, paragraph (2), Article 339, paragraph (2), Article 340, paragraph (2) (including as applied mutatis mutandis pursuant to Article 345) and Article 344, paragraph (2)) may request travel expenses, a daily allowance, and other costs, pursuant to the provisions of Cabinet Order.

（発起人等の数の計算）

(Calculation of the Number of Founders)

第三百五十一条　第十条、第六十九条第六号、第七十条、第八十条第一項第二号、第九十四条第一項第三号、第九十五条又は第百五十五条第三項第一号イに規定する発起人、会員若しくは会員になろうとする者又は取引参加者の数の計算については、二以上の商品市場について上場商品構成品等の売買等を業として行つている者は、当該商品市場の一ごとに一人とみなす。

Article 351 To calculate the number of founders, members, or persons who seek to become members, or trading participants prescribed in Article 10, Article 69, item (vi), Article 70, Article 80, paragraph (1), item (ii), Article 94, paragraph (1), item (iii), Article 95, or Article 155, paragraph (3), item (i), (a), a person who engages in the purchase and sale, etc. of component products of listed commodities, etc. in two or more commodity markets in the course of trade is deemed to be one person for each of the commodity markets.

（公示）

(Public Notice)

第三百五十二条　主務大臣は、次に掲げる場合は、上場商品又は上場商品指数に関する事項その他の主務省令で定める事項を、遅滞なく、官報に公示しなければならない。

Article 352 In the following cases, the competent minister must issue public notice in the Official Gazette with regard to the particulars concerning the listed commodity or listed commodity index and any other particulars specified by order of the competent ministry, without delay:

一　第九条又は第七十八条の規定による許可又は不許可の処分をしたとき（第十五条第十一項（第八十条第四項及び第百四十六条第四項において準用する場合を含む。）の規定による場合を含む。）。

(i) the competent minister has made a disposition of permission or non-permission under the provisions of Article 9 or Article 78 (including as applied pursuant to Article 15, paragraph (11) (including as applied mutatis mutandis pursuant to Article 80, paragraph (4) and Article 146, paragraph (4)));

二　商品市場について第十一条第四項又は第百二条第三項の開設期限を経過したとき又は範囲変更期間が終了したとき。

(ii) the expiration date or the term for a change of scope referred to in Article 11, paragraph (4) or Article 102, paragraph (3) has passed or ended for a commodity market;

三　第十四条第一項又は第七十九条第一項の規定による許可の申請書の提出があつたとき。

(iii) a written application for permission is submitted pursuant to the provisions of Article 14, paragraph (1) or Article 79, paragraph (1);

四　第六十九条の規定による解散（同条第五号に掲げる事由による解散を除く。）又は第九十四条第一項の規定による許可の失効があつたとき。

(iv) there has been a dissolution pursuant to the provisions of Article 69 (excluding a dissolution due to the grounds set forth in item (v) of that Article) or lapse of a license pursuant to the provisions of Article 94, paragraph (1);

五　第百三十二条第一項又は第百四十五条第一項の規定による認可又は不認可の処分をしたとき。

(v) the competent minister has made a disposition of authorization or refusing authorization pursuant to the provisions of Article 132, paragraph (1) or Article 145, paragraph (1);

六　第百三十二条第二項又は第百四十五条第二項の規定による認可の申請書の提出があつたとき。

(vi) a written application for authorization under the provisions of Article 132, paragraph (2) or Article 145, paragraph (2) is submitted;

七　第百五十五条第一項又は第百五十六条第一項の規定による認可又は不認可の処分（上場商品又は上場商品指数の範囲の変更に係るものに限る。）をしたとき（第百五十五条第六項第二号又は第百五十六条第七項第二号において準用する第十五条第十一項の規定による場合を含む。）。

(vii) the competent minister has made a disposition of authorization or refusing authorization under the provisions of Article 155, paragraph (1) or Article 156, paragraph (1) (limited to a disposition involving a change in the scope of a listed commodity or listed commodity index) (including as applied pursuant to Article 15, paragraph (11) as applied mutatis mutandis pursuant to Article 155, paragraph (6), item (ii) or Article 156, paragraph (7), item (ii));

八　第百五十五条第二項又は第百五十六条第二項の規定による認可（上場商品又は上場商品指数の範囲の変更（廃止又は範囲の縮小を除く。）に係るものに限る。）の申請書の提出があつたとき。

(viii) a written application for authorization under the provisions of Article 155, paragraph (2) or Article 156, paragraph (2) is submitted (limited to an authorization related to change of the scope (other than the abolishment or narrowing of the scope) of a listed commodity or listed commodity index);

九　第百五十九条第一項第一号若しくは第二号又は第二項の規定により第九条又は第七十八条の許可の取消しをしたとき。

(ix) the competent minister has revoked the permission under Article 9 or the license under Article 78 pursuant to the provisions of Article 159, paragraph (1), item (i) or (ii), or paragraph (2); or

十　第百五十九条第一項第二号又は第二項の規定による定款の変更の認可（上場商品又は上場商品指数の範囲の変更に係るものに限る。）の取消しをしたとき。

(x) the competent minister has revoked the authorization to change the articles of incorporation pursuant to the provisions of Article 159, paragraph (1), item (ii) or paragraph (2) (limited to an authorization related to change of the scope of a listed commodity or a listed commodity index).

（外国法人等に対するこの法律の規定の適用に当たつての技術的読替え等）

(Technical Replacement of Terms in Applying the Provisions of this Act to Foreign Corporations)

第三百五十三条　商品先物取引業者が外国の法令に準拠して設立された法人又は外国に住所を有する者である場合において、当該商品先物取引業者に対するこの法律の規定

の適用に当たつての技術的読替えその他この法律の規定の適用に関し必要な事項は、政令で定める。

Article 353 If a commodity derivatives business operator is a corporation established pursuant to the law or regulation of a foreign country or a person domiciled in a foreign country, the technical replacement of terms in applying the provisions of this Act to the commodity derivatives business operator and other necessary particulars for the application of the provisions of this Act are specified by Cabinet Order.

（主務大臣、主務省令及び権限の委任）

(Competent Minister, Order of the Competent Ministry, and Delegation of Authority)

第三百五十四条　この法律における主務大臣は、次のとおりとする。

Article 354 (1) The competent ministers under this Act are as follows:

一　農林水産省関係商品（商品のうち政令で指定するものをいう。以下同じ。）のみを上場商品とする商品市場若しくはその対象となる物品が農林水産省関係商品のみである商品指数を上場商品指数とする商品市場（以下「農林水産省関係商品市場」という。）のみを開設する商品取引所、農林水産省関係商品市場のみを開設する株式会社商品取引所の主要株主（第九十六条の十九第一項の認可を受けた者をいう。以下この条において同じ。）、農林水産省関係商品市場のみを開設する株式会社商品取引所を子会社とする商品取引所持株会社若しくは商品取引所持株会社の主要株主（第九十六条の三十一第一項の認可を受けた者をいう。以下この条において同じ。）、農林水産省関係商品市場のみに係る商品取引債務引受業を行う商品取引清算機関、農林水産省関係商品のみ若しくはその対象となる物品が農林水産省関係商品のみである商品指数のみについて取引をするための第一種特定商品市場類似施設若しくは第二種特定商品市場類似施設の開設者又は農林水産省関係特定店頭商品デリバティブ取引に係る特定店頭商品デリバティブ取引業者については、農林水産大臣

(i) the Minister of Agriculture, Forestry and Fisheries, for commodity exchanges that only operate commodity markets whose listed commodities are only commodities related to the Ministry of Agriculture, Forestry and Fisheries (meaning the commodities specified by Cabinet Order; the same applies hereinafter) or commodity markets in which the listed commodities consist only of commodity indices whose underlying goods are only commodities related to the Ministry of Agriculture, Forestry and Fisheries (hereinafter referred to as "commodity markets related to the Ministry of Agriculture, Forestry and Fisheries"); for major shareholders of incorporated commodity exchanges that only operate commodity markets related to the Ministry of Agriculture, Forestry and Fisheries (meaning those that have obtained the authorization referred to in Article 96-19, paragraph (1); hereinafter the same applies in this Article); for commodity exchange holding

companies with a subsidiary company that is an incorporated commodity exchange that only operates commodity markets related to the Ministry of Agriculture, Forestry and Fisheries, and the major shareholders of the commodity exchange holding companies (meaning those that have obtained the authorization referred to in Article 96-31, paragraph (1); hereinafter in this Article the same applies); for commodity clearing organizations that only perform business of assuming commodity transaction debts for commodity markets related to the Ministry of Agriculture, Forestry and Fisheries; for establisher of Facilities Similar to Type 1 Specified Commodity Markets or Facilities Similar to Type 2 Specified Commodity Markets on which transactions are conducted only for commodities related to the Ministry of Agriculture, Forestry and Fisheries or on which transactions are conducted only for commodity indices whose only underlying goods are commodities related to the Ministry of Agriculture, Forestry and Fisheries; and for specified over-the-counter commodity derivatives business operators related to specified over-the-counter commodity derivatives transactions whose underlying goods are only commodities related to the Ministry of Agriculture, Forestry and Fisheries;

二　経済産業省関係商品（商品のうち農林水産省関係商品以外のものをいう。以下同じ。）のみを上場商品とする商品市場若しくはその対象となる物品若しくは電力が経済産業省関係商品のみである商品指数を上場商品指数とする商品市場（以下「経済産業省関係商品市場」という。）のみを開設する商品取引所、経済産業省関係商品市場のみを開設する株式会社商品取引所の主要株主、経済産業省関係商品市場のみを開設する株式会社商品取引所を子会社とする商品取引所持株会社若しくは商品取引所持株会社の主要株主、経済産業省関係商品市場のみに係る商品取引債務引受業を行う商品取引清算機関、経済産業省関係商品のみ若しくはその対象となる物品若しくは電力が経済産業省関係商品のみである商品指数のみについて取引をするための第一種特定商品市場類似施設若しくは第二種特定商品市場類似施設の開設者又は経済産業省関係商品のみを対象とした特定店頭商品デリバティブ取引に係る特定店頭商品デリバティブ取引業者については、経済産業大臣

(ii) the Minister of Economy, Trade and Industry, for commodity exchanges that only operate commodity markets whose listed commodities are only commodities related to the Ministry of Economy, Trade and Industry (meaning commodities other than commodities related to the Ministry of Agriculture, Forestry and Fisheries; the same applies hereinafter); for commodity markets whose listed commodities are only commodity indices whose underlying goods or electric power are only commodities related to the Ministry of Economy, Trade and Industry (hereinafter referred to as "commodity markets related to the Ministry of Economy, Trade and Industry"); for major shareholders of incorporated commodity exchanges that only operate commodity markets related to the Ministry of Economy, Trade

and Industry; for major shareholders of commodity exchange holding companies whose subsidiary company is an incorporated commodity exchange that only operates commodity markets related to the Ministry of Economy, Trade and Industry, and the major shareholders of the commodity exchange holding companies; for commodity clearing organizations that perform business of assuming commodity transaction debts only for commodity markets related to the Ministry of Economy, Trade and Industry; for establisher of Facilities Similar to Type 1 Specified Commodity Markets or Facilities Similar to Type 2 Specified Commodity markets in which transactions are only conducted for commodities related to the Ministry of Economy, Trade and Industry or on which transactions are only conducted for commodity indices whose only underlying goods or electric power are commodities related to the Ministry of Economy, Trade and Industry; and for specified over-the-counter commodity derivatives business operator related to specified over-the-counter commodity derivative transactions whose underlying goods are only commodities related to the Ministry of Economy, Trade and Industry;

三　商品取引所、株式会社商品取引所の主要株主、商品取引所持株会社、商品取引所持株会社の主要株主、商品取引清算機関、第一種特定商品市場類似施設の開設者、第二種特定商品市場類似施設の開設者若しくは特定店頭商品デリバティブ取引業者であつて前二号に掲げるもの以外のもの又は商品先物取引業者、商品先物取引仲介業者、商品先物取引協会若しくは委託者保護基金については、農林水産大臣及び経済産業大臣

(iii) the Minister of Agriculture, Forestry and Fisheries, and the Minister of Economy, Trade and Industry, for commodity exchanges, major shareholders of incorporated commodity exchanges, commodity exchange holding companies, major shareholders of commodity exchange holding companies, commodity clearing organizations, establisher of Facilities Similar to Type 1 Specified Commodity Markets, establisher of Facilities Similar to Type 2 Specified Commodity Markets, and specified over-the-counter commodity derivatives business operator other than those set forth in the preceding two items, and for commodity derivatives business operators, commodity derivatives intermediary service providers, commodity futures associations, and entrustor protection funds.

２　この法律において主務省令は、農林水産省令、経済産業省令とする。

(2) The order of the competent ministry in this Act is Order of the Ministry of Agriculture, Forestry and Fisheries or Order of the Ministry of Economy, Trade and Industry.

３　主務大臣は、政令で定めるところにより、この法律に基づく権限の一部を地方支分部局の長に行なわせることができる。

(3) The competent minister may delegate a part of the authority granted

pursuant to this Act to the head of a local branch bureau, pursuant to the provisions of Cabinet Order.

（内閣総理大臣との関係）

(Relationship with the Prime Minister)

第三百五十四条の二　主務大臣は、商品取引所又は商品取引所持株会社に対し、次に掲げる処分をする場合には、あらかじめ、内閣総理大臣に通知するものとする。

Article 354-2 (1) Before rendering one of the following dispositions to a commodity exchange or commodity exchange holding company, the competent minister is to notify the Prime Minister of that fact:

一　第九十六条の三十八又は第九十六条の四十第一項の規定による第九十六条の二十五第一項又は第三項ただし書の認可の取消し（取引所金融商品市場の開設の業務を行う会社を子会社とする商品取引所持株会社に係るものに限る。）

(i) revocation of the authorization referred to in Article 96-25, paragraph (1) or the proviso to paragraph (3) of that Article, pursuant to the provisions of Article 96-38 or Article 96-40, paragraph (1) (limited to a revocation related a commodity exchange holding company whose subsidiary company is a company engaging in the business of opening a financial instruments exchange market);

二　第九十六条の四十第一項の規定による第九十六条の三十七第一項ただし書の認可の取消し（取引所金融商品市場の開設の業務を行う会社を子会社とすることに係るものに限る。）

(ii) revocation of the authorization referred to in the proviso to paragraph (1) of Article 96-37, pursuant to the provisions of Article 96-40, paragraph (1) (limited to a revocation invloving a company that is to have a company engaging in the business of opening a financial instruments exchange market as its subsidiary company);

三　第百五十九条第一項又は第二項の規定による第九条又は第七十八条の許可の取消し（第三条第一項ただし書の認可及び金融商品取引法第八十条第一項の免許を受けて、金融商品市場の開設の業務を行う株式会社商品取引所又は第三条の二第一項ただし書の認可を受けて、取引所金融商品市場の開設の業務を行う会社を子会社とする商品取引所に係るものに限る。）

(iii) revocation of the permission under Article 9 or the license under Article 78, pursuant to the provisions of Article 159, paragraph (1) or (2) (limited to a revocation involving an incorporated commodity exchange that engages in the business of opening a financial instruments market under the authorization referred to in the proviso to Article 3, paragraph (1) or the license referred to in Article 80, paragraph (1) of the Financial Instruments and Exchange Act, or a commodity exchange whose subsidiary company is a company engaging in the business of opening a financial instruments exchange market with the authorization referred to in the proviso to Article

3-2, paragraph (1));

四　第百五十九条第一項第四号の規定による第三条第一項ただし書の認可の取消し（金融商品市場の開設の業務に係るものに限る。）

(iv) revocation of the authorization referred to in the proviso to Article 3, paragraph (1) pursuant to the provisions of Article 159, paragraph (1), item (iv) (limited to a revocation involving the business of opening a financial instruments market);

五　第百五十九条第一項第五号の規定による第三条の二第一項ただし書の認可の取消し（取引所金融商品市場の開設の業務を行う会社を子会社とすることに係るものに限る。）

(v) revocation of the authorization referred to in the proviso to Article 3-2, paragraph (1) pursuant to the provisions of Article 159, paragraph (1), item (v) (limited to a revocation involving a company that is to have a company engaging in the business of opening a financial instruments exchange market as its subsidiary company).

２　主務大臣は、金融商品取引法第二条第八項第一号に規定する商品関連市場デリバティブ取引に関し、当該商品関連市場デリバティブ取引が商品の生産及び流通に与える重大な悪影響を防止するため必要があると認めるときは、内閣総理大臣に対し、同法に基づき必要な措置をとるべきことを要請することができる。

(2) If the competent minister finds it necessary for preventing the commodity-related market derivative transactions prescribed in Article 2, paragraph (8), item (i) of the Financial Instruments and Exchange Act from causing material adverse impact on the production and distribution of commodities, the minister may request the Prime Minister to take necessary measures based on that Act.

（経過措置）

(Transitional Measures)

第三百五十五条　この法律に基づき命令を制定し、又は改廃する場合においては、その命令で、その制定又は改廃に伴い合理的に必要とされる範囲内において、所要の経過措置（罰則に係る経過措置を含む。）を定めることができる。

Article 355 If an order is established, amended, or repealed based on this Act, the order may provide for the necessary transitional measures (including transitional measures for penal provisions) to the extent considered reasonably necessary for the establishment, amendment, or repeal of the order.

第八章　罰則
Chapter VIII Penal Provisions

第三百五十六条　次の各号のいずれかに該当する者は、五年以下の懲役若しくは五百万円以下の罰金に処し、又はこれを併科する。

Article 356 A person that falls under any of the following items is subject to

punishment by imprisonment for not more than five years, a fine of not more than five million yen, or both:

一　商品市場における取引若しくはその受託のため、又は相場の変動を図る目的をもつて、風説を流布し、偽計を用い、又は暴行若しくは脅迫をした者

(i) a person that spreads rumors, uses fraudulent means, or resorts to physical violence, or intimidation for a transaction in a commodity market or in order to become entrusted with the transaction, or for the purpose of causing a fluctuation in quotations on a commodity market;

二　第百十六条の規定に違反した者

(ii) a person that violates the provisions of Article 116;

三　第百二十九条の規定により発行する株式を引き受ける者の募集をするに当たり、目論見書、当該募集の広告その他の当該募集に関する文書であつて重要な事項について虚偽の記載のあるものを行使し、又は当該文書の作成に代えて電磁的記録の作成がされている場合における当該電磁的記録であつて重要な事項について虚偽の記録のあるものをその募集の事務の用に供した会員商品取引所の役員（仮理事及び仮監事を含む。次号において同じ。）又は事業に関するある種類若しくは特定の事項の委任を受けた使用人

(iii) an officer (including a provisional director or provisional auditor; the same applies in the following item) of a member commodity exchange who, in soliciting persons to subscribe for shares that will be issued pursuant to the provisions of Article 129, uses a prospectus, advertisement, or other document for the subscription which contains a false statement about a material particular, or, if electronic or magnetic records are prepared in lieu of the documents, provides a person with an electronic or magnetic record that contains a false statement about a material particular, or an employee that has been given the authority to handle a certain kind of business matter or specific business matter; or

四　第百二十九条の規定により発行する株式の払込みを仮装するため預合いを行つた会員商品取引所の役員若しくは事業に関するある種類若しくは特定の事項の委任を受けた使用人又は当該預合いに応じた者

(iv) an officer of a member commodity exchange that borrows and deposits money in order to disguise payment for shares issued pursuant to the provisions of Article 129, an employee that has been given the authority to handle a certain kind of business matter or specific business matter, or a person that complies with the borrowing and depositing of money.

第三百五十六条の二　次に掲げる財産は、没収する。ただし、その取得の状況、損害賠償の履行の状況その他の事情に照らし、当該財産の全部又は一部を没収することが相当でないときは、これを没収しないことができる。

Article 356-2 (1) The following property is subject to confiscation; provided, however, that if it is not appropriate to confiscate all or part of that property in

light of the circumstances of its acquisition, the progress of a person's performance of compensation for damages, and other circumstances, the property may be exempted from confiscation:

一　前条第一号又は第二号の罪の犯罪行為により得た財産

(i) property obtained through a criminal act referred to in item (i) or (ii) of the preceding Article;

二　前号に掲げる財産の対価として得た財産又は同号に掲げる財産がオプションその他の権利である場合における当該権利の行使により得た財産

(ii) property obtained in exchange for the property set forth in the preceding item, or, if the property set forth in the preceding item is an option or other right, property obtained through the exercise of the right.

２　前項の規定により財産を没収すべき場合において、これを没収することができないときは、その価額を犯人から追徴する。

(2) If it is not possible to confiscate property that is required to be confiscated pursuant to the preceding paragraph, an equivalent amount is collected from the offender.

第三百五十七条　次の各号のいずれかに該当する者は、三年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Article 357 A person that falls under any of the following items is subject to punishment by imprisonment for not more than three years, a fine of not more than three million yen, or both:

一　第六条第一項の規定に違反した者

(i) a person that violates the provisions of Article 6, paragraph (1)

二　第百二十九条の規定により発行する株式の総数の引受け、払込み若しくは現物出資の給付又は同条第三号に掲げる事項について、主務大臣、裁判所又は会員総会に対して虚偽の申述を行い、又は事実を隠ぺいした会員商品取引所の役員（仮理事及び仮監事を含む。）若しくは検査役又は株式会社商品取引所の取締役若しくは監査役となるべき者

(ii) a person that is to become the officer (including a provisional director or provisional auditor) or an inspector of a member commodity exchange, or a person that is to become the company director or company auditor of a incorporated commodity exchange, that has made a false statement to the competent minister, the court, or the general meeting of members, or has concealed a fact, with regard to subscription, payment, or delivery of contribution in kind for the total number of shares issued pursuant to the provisions of Article 129, or with regard to a particular set forth in item (iii) of that Article;

三　第百六十七条の規定に違反して商品取引債務引受業を営んだ者

(iii) a person that violates the provisions of Article 167 in performing business of assuming commodity transaction debts;

四　第百九十条第一項の規定に違反して商品先物取引業を行つた者

(iv) a person that violates the provisions of Article 190, paragraph (1) in conducting commodity derivatives business;

五　不正の手段により第百九十条第一項の許可又は第二百四十条の二第一項の登録を受けた者

(v) a person that has obtained a license under Article 190, paragraph (1) or registration under Article 240-2, paragraph (1) through wrongful means;

六　第百九十九条の規定に違反して、他人に商品先物取引業を行わせた者

(vi) a person that had another person conduct commodity derivatives business, in violation of the provisions of Article 199;

七　第二百四十条の十の規定に違反して、他人に商品先物取引仲介業を行わせた者

(vii) a person that had another person conduct commodity derivatives intermediation services, in violation of Article 240-10; or

八　第三百二十八条第一項の規定による命令に違反した者

(viii) a person that violates an order under the provisions of Article 328, paragraph (1).

第三百五十八条　第五条第一項又は第二項の規定に違反した場合においては、その行為をした商品取引所の代表者、代理人、使用人その他の従業者は、三年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Article 358 In the case of a violation of the provisions of Article 5, paragraph (1) or (2), the representative, agent, employee, or other worker of the commodity exchange that committed the act is subject to punishment by imprisonment for not more than three years, a fine of not more than three million yen, or both.

第三百五十八条の二　第二百十四条の三第一項（第二百四十条の十七及び第三百四十九条第三項において準用する場合を含む。）の規定に違反した場合においては、その行為をした商品先物取引業者、商品先物取引仲介業者又は特定店頭商品デリバティブ取引業者の代表者、代理人、使用人その他の従業者は、三年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Article 358-2 In the case of a violation of the provisions of Article 214-3, paragraph (1) (including as applied mutatis mutandis pursuant to Article 240-17 and Article 349, paragraph (3)), the representative, agent, employee, or other worker of the commodity derivatives business operator, commodity derivatives intermediary service provider, or specified over-the-counter commodity derivatives business operator that committed the act is subject to punishment by imprisonment for not more than three years, a fine of not more than three million yen, or both.

第三百五十九条　商品取引所又は協会の役員（会計参与が法人である場合にあつてはその職務を行う社員とし、仮理事及び仮監事並びに仮取締役、仮執行役及び仮監査役を

含む。）又は職員がその職務に関して、賄賂を収受し、又はその要求若しくは約束をしたときは、五年以下の懲役に処する。

Article 359 (1) If an officer (if the accounting advisor is a corporation, this means a member that performs the duties of accounting advisor and includes a provisional director, provisional auditor, provisional company director, provisional executive officer, or provisional company auditor) or an employee of a commodity exchange or an association accepts, requests, or promises to accept a bribe in relation to the person's duties, the officer or employee is subject to punishment by imprisonment for not more than five years.

２　前項の場合において、収受した賄賂は、没収する。その全部又は一部を没収することができないときは、その価額を追徴する。

(2) In the case referred to in the preceding paragraph, the bribe accepted is confiscated. If the whole or a part of the bribe cannot be confiscated, an equivalent amount is collected.

３　第一項の賄賂を供与し、又はその申込み若しくは約束をした者は、三年以下の懲役又は三百万円以下の罰金に処する。

(3) A person that provides, offers, or promises to provide the bribe referred to in paragraph (1) is subject to punishment by imprisonment for not more than three years or by a fine of not more than three million yen.

第三百五十九条の二　前条第一項の罪は、日本国外においてこれらの罪を犯した者にも適用する。

Article 359-2 (1) The provisions on the crimes referred to in paragraph (1) of the preceding Article also apply to a person that commits those crimes outside Japan.

２　前条第三項の罪は、刑法第二条の例に従う。

(2) The crimes referred to in paragraph (3) of the preceding Article are governed by Article 2 of the Penal Code.

第三百六十条　第九十六条の四十第二項、第百十八条第二号若しくは第三号、第百五十八条第一項、第百五十九条第一項から第三項まで、第百六十条第一項、第百八十六条第一項若しくは第四項又は第二百六十五条第一項若しくは第三項の規定による処分に違反した場合においては、その行為をした商品取引所、商品取引所持株会社、商品取引清算機関又は協会の代表者、代理人、使用人その他の従業者は、二年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Article 360 In the case of a violation of a disposition under the provisions of Article 96-40, paragraph (2), Article 118, item (ii) or (iii), Article 158, paragraph (1), Article 159, paragraphs (1) through (3), Article 160, paragraph (1), Article 186, paragraph (1) or (4), or Article 265, paragraph (1) or (3), the representative, agent, employee, or other worker of the commodity exchange, commodity exchange holding company, commodity clearing organization, or

association that committed the act is subject to punishment by imprisonment for not more than two years, a fine of not more than three million yen, or both.

第三百六十一条　次の各号のいずれかに該当する者は、二年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Article 361 A person that falls under any of the following items is subject to punishment by imprisonment for not more than two years, a fine of not more than three million yen, or both:

一　第九十六条の二十五第一項若しくは第三項、第九十六条の四十第三項又は第二百十条の規定に違反した者

(i) a person that violates the provisions of Article 96-25, paragraph (1) or (3), Article 96-40, paragraph (3), or Article 210;

二　第二百三十二条第二項、第二百三十五条第二項、第二百三十六条第一項、第二百四十条の二十三第一項、第三百四十条第一項（第三百四十五条において準用する場合を含む。）又は第三百四十九条第八項の規定による業務の停止の処分に違反した者

(ii) a person that violates a disposition of suspension of business under the provisions of Article 232, paragraph (2), Article 235, paragraph (2), Article 236, paragraph (1), Article 240-23, paragraph (1), Article 340, paragraph (1) (including as applied mutatis mutandis pursuant to Article 345) or Article 349, paragraph (8);

三　第二百三十六条第二項又は第二百四十条の二十三第二項の規定による命令に違反した者

(iii) a person that violates an order under the provisions of Article 236, paragraph (2) or Article 240-23, paragraph (2).

第三百六十二条　次の各号のいずれかに該当する者は、一年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Article 362 A person that falls under any of the following items is subject to punishment by imprisonment for not more than one year, a fine of not more than three million yen, or both:

一　第十四条、第七十九条、第九十六条の二十六、第百六十八条、第百九十二条第一項若しくは第二項、第二百二十五条第二項若しくは第三項、第二百二十八条第二項若しくは第三項、第二百四十条の三、第二百四十七条、第三百三十二条第二項若しくは第三項又は第三百四十二条第二項若しくは第三項の規定による申請書又は添付書類若しくは電磁的記録に虚偽の記載又は記録をして提出した者

(i) a person that has entered or recorded a false statement in a written application, an attached document, or an electronic or magnetic record under the provisions of Article 14, Article 79, Article 96-26, Article 168, Article 192, paragraph (1) or (2), Article 225, paragraph (2) or (3), Article 228, paragraph (2) or (3), Article 240-3, Article 247, Article 332, paragraph (2) or (3), or

Article 342, paragraph (2) or (3), and has submitted the document or record;

二　第八十六条の三第一項、第九十六条の二十一第一項（同条第二項において準用する場合を含む。）、第九十六条の三十第一項、第九十六条の三十三第一項（同条第二項において準用する場合を含む。）、第九十六条の三十九第一項（第九十六条の四十三において準用する場合を含む。）、第百五十七条第一項、第百八十四条第一項、第二百三十一条第一項、第二百四十条の二十二第一項、第二百六十三条第一項、第三百三十八条第一項（第三百四十五条において準用する場合を含む。）又は第三百四十九条第五項の規定による報告をせず、若しくは資料を提出せず、又は虚偽の報告をし、若しくは虚偽の資料を提出した者

(ii) a person that has failed to make a report or submit materials under the provisions of Article 86-3, paragraph (1), Article 96-21, paragraph (1) (including as applied mutatis mutandis pursuant to paragraph (2) of that Article), Article 96-30, paragraph (1), Article 96-33, paragraph (1) (including as applied mutatis mutandis pursuant to paragraph (2) of that Article), Article 96-39, paragraph (1) (including as applied mutatis mutandis pursuant to the Article 96-43), Article 157, paragraph (1), Article 184, paragraph (1), Article 231, paragraph (1), Article 240-22, paragraph (1), Article 263, paragraph (1), Article 338, paragraph (1) (including as applied mutatis mutandis pursuant to Article 345), or Article 349, paragraph (5), or has made a false report or submitted false materials;

三　第八十六条の三第一項、第九十六条の二十一第一項（同条第二項において準用する場合を含む。）、第九十六条の三十第一項、第九十六条の三十三第一項（同条第二項において準用する場合を含む。）、第九十六条の三十九第一項（第九十六条の四十三において準用する場合を含む。）、第百五十七条第一項から第三項まで、第百八十四条第一項、第二百三十一条第一項若しくは第三項、第二百四十条の二十二第一項、第二百六十三条第一項、第三百三十八条第一項（第三百四十五条において準用する場合を含む。）又は第三百四十九条第五項の規定による検査を拒み、妨げ、又は忌避した者

(iii) a person that has refused, prevented, or evaded an inspection under the provisions of Article 86-3, paragraph (1), Article 96-21, paragraph (1) (including as applied mutatis mutandis pursuant to paragraph (2) of that Article), Article 96-30, paragraph (1), Article 96-33, paragraph (1) (including as applied mutatis mutandis pursuant to paragraph (2) of that Article), Article 96-39, paragraph (1) (including as applied mutatis mutandis pursuant to Article 96-43), Article 157, paragraphs (1) through (3), Article 184, paragraph (1), Article 231, paragraph (1) or (3), Article 240-22, paragraph (1), Article 263, paragraph (1), Article 338, paragraph (1) (including as applied mutatis mutandis pursuant to Article 345), or Article 349, paragraph (5);

四　第百九十七条第一項又は第四項の規定による届出をせず、又は虚偽の届出をした者

(iv) a person that has failed to give a notification under the provisions of Article 197, paragraph (1) or (4) or that has given a false notification;

五　第百九十七条第三項の規定による公告をせず、又は虚偽の公告をした者

(v) a person that has failed to issue a public notice under the provisions of Article 197, paragraph (3) or that has issued a false public notice;

六　第二百十一条第一項の規定による届出をせず、又は虚偽の届出をした者

(vi) a person that has failed to give a notification under the provisions of Article 211, paragraph (1) or that has given a false notification;

七　第二百十一条第三項の規定による書面を公衆の縦覧に供せず、又は虚偽の記載をした書面を公衆の縦覧に供した者

(vii) a person that has failed to make a document under the provisions of Article 211, paragraph (3) available for public inspection or that has made a document that contains a false statement available for public inspection;

八　第二百十四条第二号又は第二百四十条の十六第一号ロの規定に違反した者

(viii) a person that has violated the provisions of Article 214, item (ii) or Article 240-16, item (i), (b);

九　第二百二十二条、第二百四十条の二十、第三百三十六条第一項（第三百四十五条において準用する場合を含む。）又は第三百四十九条第四項の規定による帳簿の作成若しくは保存をせず、又は虚偽の帳簿を作成した者

(ix) a person that has failed to prepare or preserve books under the provsions of Article 222, Article 240-20, Article 336, paragraph (1) (including as applied mutatis mutandis pursuant to Article 345), or Article 349, paragraph (4), or has prepared false books;

十　第二百二十三条の規定に違反した者

(x) a person that has violated the provisions of Article 223;

十一　第二百二十四条又は第二百四十条の二十一の規定による報告書若しくは第二百六十八条の規定による書類を提出せず、又は虚偽の記載をした報告書若しくは書類を提出した者

(xi) a person that has failed to submit a report under the provisions of Article 224 or Article 240-21, or a document under the provisions of Article 268, or has submitted a report or document that contains a false statement;

十二　第二百三十二条第一項、第二百三十四条、第二百三十五条第一項又は第二百四十条の二十三第一項の規定による命令（同項の命令においては、業務の停止の処分を除く。）に違反した者

(xii) a person that has violated an order under the provisions of Article 232, paragraph (1), Article 234, Article 235, paragraph (1), or Article 240-23, paragraph (1) (for the order referred to in that paragraph, this excludes a disposition of suspension of business);

十三　第三百三条第一項の規定に違反して通知をせず、又は虚偽の通知をした者

(xiii) a person that has not given a notice or that has given a false notice, in violation of the provisions of Article 303, paragraph (1);

十四　第三百三十六条第二項（第三百四十五条において準用する場合を含む。）の規定による報告をせず、又は虚偽の報告をした者

(xiv) a person that has failed to make a report under the provisions of Article 336, paragraph (2) (including as applied mutatis mutandis pursuant to Article 345) or has made a false report.

第三百六十三条　次の各号のいずれかに該当する者は、一年以下の懲役若しくは百万円以下の罰金に処し、又はこれを併科する。

Article 363 A person that falls under any of the following items is subject to punishment by imprisonment for not more than one year, by a fine of not more than one million yen, or both:

一　第六条第二項又は第九十七条第一項若しくは第二項の規定に違反して取引をした者

(i) a person that has violated the provisions of Article 6, paragraph (2), Article 97, paragraph (1) or (2) in conducting transactions;

二　第八十六条第一項又は第四項の規定に違反した者

(ii) a person that has violated the provisions of Article 86, paragraph (1) or (4);

三　第九十六条の十九第一項若しくは第四項、第九十六条の二十二第二項、第九十六条の三十一第一項若しくは第三項又は第九十六条の三十四第二項の規定に違反した者

(iii) a person that has violated the provisions of Article 96-19, paragraph (1) or (4), Article 96-22, paragraph (2), Article 96-31, paragraph (1) or (3), or Article 96-34, paragraph (2);

四　第九十六条の二十二第一項（同条第五項において準用する場合を含む。）、第九十六条の三十四第一項（同条第四項において準用する場合を含む。）又は第九十六条の四十第一項（第九十六条の四十三において準用する場合を含む。）の規定による命令に違反した者

(iv) a person that has violated an order under the provisions of Article 96-22, paragraph (1) (including as applied mutatis mutandis pursuant to paragraph (5) of that Article), Article 96-34, paragraph (1) (including as applied mutatis mutandis pursuant to paragraph (4) of that Article), or Article 96-40, paragraph (1) (including as applied mutatis mutandis pursuant to Article 96-43);

五　第九十六条の二十八第一項又は第四項の規定に違反した者

(v) a person that has violated the provisions of Article 96-28, paragraph (1) or (4);

六　第百十八条第一号の規定による制限に違反した者

(vi) a person that has violated the restriction under the provisions of Article 118, item (i);

七　第二百条第二項（第二百四十条の十一において準用する場合を含む。）の規定に違反した者

(vii) a person that has violated the provisions of Article 200, paragraph (2) (including as applied mutatis mutandis pursuant to Article 240-11);

八　第二百九条第一項又は第二百十二条の規定に違反した者

(viii) a person that has violated the provisions of Article 209, paragraph (1) or Article 212;

九　第二百十四条の三第二項（第二百四十条の十七又は第三百四十九条第三項において準用する場合を含む。）の規定に違反した者

(ix) a person that has violated the provisions of Article 214-3, paragraph (2) (including as applied mutatis mutandis pursuant to Article 240-17 or Article 349, paragraph (3));

十　第二百十四条の三第五項（第二百四十条の十七又は第三百四十九条第三項において準用する場合を含む。）の規定による申請書又は書類に虚偽の記載をして提出した者

(x) a person that has entered a false statement in a written application or a document under the provisions of Article 214-3, paragraph (5) (including as applied mutatis mutandis pursuant to Article 240-17 or Article 349, paragraph (3)) and has submitted the written application or document;

十一　第二百四十条の十五の規定に違反した者

(xi) a person that has violated the provisions of Article 240-15;

十二　第二百四十四条第二項の規定に違反して、その名称中に商品先物取引協会の会員であると誤認されるおそれのある文字を用いた者

(xii) a person that, in violation of the provisions of Article 244, paragraph (2), has used a word in their name which could give rise to the misconception that they are a member of a commodity futures association;

十三　商品市場における相場を偽つて公示した者

(xiii) a person that has issued a false public notice of the quotations on a commodity market;

十四　公示若しくは頒布する目的をもつて商品市場における相場を偽つて記載した文書を作成し、又はこれを頒布した者

(xiv) a person that has prepared a document that contains a false statement of the quotations on a commodity market for public notice or distribution purposes, or that has distributed the document;

十五　第三百三十五条第一項の許可を受けないで第三百三十二条第二項第三号又は第四号に掲げる事項を変更した者

(xv) a person that has changed a particular set forth in Article 332, paragraph (2), item (iii) or (iv) without obtaining the permission referred to in Article 335, paragraph (1);

十六　第三百三十九条第一項、第三百四十四条第一項又は第三百四十九条第七項の規定による命令に違反した者

(xvi) a person that has violated an order under the provisions of Article 339, paragraph (1), Article 344, paragraph (1), or Article 349, paragraph (7); or

十七　第三百四十五条において準用する第三百三十五条第一項の許可を受けないで第三百四十二条第二項第三号又は第四号に掲げる事項を変更した者

(xvii) a person that has changed a particular set forth in Article 342, paragraph (2), item (iii) or item (iv) without obtaining the permission referred to in Article 335, paragraph (1) as applied mutatis mutandis pursuant to Article 345.

第三百六十四条　次の各号に掲げる違反があつた場合においては、その行為をした商品取引所、商品取引清算機関又は協会の代表者、代理人、使用人その他の従業者は、一年以下の懲役若しくは百万円以下の罰金に処し、又はこれを併科する。

Article 364 In the case of a violation set forth in one of the following items, the representative, agent, employee, or other worker of the commodity exchange, commodity clearing organization, or association that has committed the violation is subject to punishment by imprisonment for not more than one year, a fine of not more than one million yen, or both:

一　第七条第二項又は第二百四十二条第一項の規定に違反したとき。

(i) when the person has violated the provisions of Article 7, paragraph (2) or Article 242, paragraph (1);

二　第六十五条、第百三条第四項（第百七十九条第五項において準用する場合を含む。）又は第百十条（第百八十条第五項において準用する場合を含む。）の規定に違反したとき。

(ii) when the person has violated the provisions of Article 65, Article 103, paragraph (4) (including as applied mutatis mutandis pursuant to Article 179, paragraph (5)), or Article 110 (including as applied mutatis mutandis pursuant to Article 180, paragraph (5)); or

三　第百八十五条又は第二百六十四条の規定による命令に違反したとき。

(iii) when the person has violated an order under the provisions of Article 185 or Article 264.

第三百六十五条　第三百二十九条の規定に違反して差金を授受することを目的とする行為をした者は、一年以下の懲役若しくは百万円以下の罰金に処し、又はこれを併科する。ただし、刑法第百八十六条の規定の適用を妨げない。

Article 365 A person that has violated the provisions of Article 329 in performing an act for the purpose of paying and receiving the difference is subject to punishment by imprisonment for not more than one year, a fine of not more than one million yen, or both; provided, however, that this does not preclude the application of the provisions of Article 186 of the Penal Code.

第三百六十六条　第百六十一条、第百七十六条、第二百六十七条又は第二百九十八条の規定に違反した者は、一年以下の懲役又は五十万円以下の罰金に処する。

Article 366 A person that has violated the provisions of Article 161, Article 176,

Article 267, or Article 298 is subject to punishment by imprisonment for not more than one year or by a fine of not more than 500 thousand yen.

第三百六十七条　次の各号のいずれかに該当する者は、六月以下の懲役若しくは五十万円以下の罰金に処し、又はこれを併科する。

Article 367 A person that falls under any of the following items is subject to punishment by imprisonment for not more than six months, a fine of not more than 500 thousand yen, or both:

一　第四条第二項、第五十五条（第七十七条第二項において準用する場合を含む。）、第九十一条第一項（同条第二項において準用する場合を含む。）、第百五条、第百六条又は第二百七十二条第二項の規定に違反した者

(i) a person that has violated the provisions of Article 4, paragraph (2), Article 55 (including as applied mutatis mutandis pursuant to Article 77, paragraph (2)), Article 91, paragraph (1) (including as applied mutatis mutandis pursuant to paragraph (2) of that Article), Article 105, Article 106, or Article 272, paragraph (2);

二　第八十六条第三項、第九十六条の十九第三項（第九十六条の二十五第四項又は第九十六条の三十一第四項において準用する場合を含む。）若しくは第九十六条の二十八第三項の規定による届出をせず、又は虚偽の届出をした者

(ii) a person that has failed to give a notification under Article 86, paragraph (3), Article 96-19, paragraph (3) (including as applied mutatis mutandis pursuant to Article 96-25, paragraph (4) or Article 96-31, paragraph (4)), or Article 96-28, paragraph (3), or has given a false notification;

三　第八十六条の二第一項若しくは第九十六条の二十九の規定による対象議決権保有届出書を提出せず、又は虚偽の記載をした対象議決権保有届出書を提出した者

(iii) a person that has failed to submit a notification of holding subject voting rights under the provisions of Article 86-2, paragraph (1) or Article 96-29, or has submitted a notification of holding subject voting rights that contains a false statement;

四　第二百条第三項若しくは第四項（第二百四十条の十一においてこれらの規定を準用する場合を含む。）又は第三百三十五条第二項（第三百四十五条において準用する場合を含む。）の規定による申請書又は添付書類に虚偽の記載をして提出した者

(iv) a person that has entered a false statement in a written application or an attached document under the provisions of Article 200, paragraph (3) or (4) (including as applied mutatis mutandis pursuant to Article 240-11) or Article 335, paragraph (2) (including as applied mutatis mutandis pursuant to Article 345) and has submitted the written application or document;

五　第二百十三条の二第一項若しくは第二百四十条の十三第一項に規定する事項を表示せず、又は虚偽の表示をした者

(v) a person that has failed to indicate the particulars prescribed in Article 213-2, paragraph (1) or Article 240-13, paragraph (1), or that has indicated

false particulars;

六　第二百十三条の二第二項又は第二百四十条の十三第二項の規定に違反した者

(vi) a person that has violated the provisions of Article 213-2, paragraph (2) or Article 240-13, paragraph (2);

七　第二百十七条第一項の規定に違反して、書面を交付せず、若しくは同項に規定する事項を記載しない書面若しくは虚偽の記載をした書面を交付した者又は同条第二項に規定する方法により当該事項を欠いた提供若しくは虚偽の事項の提供をした者

(vii) a person that, in violation of the provisions of Article 217, paragraph (1), has failed to deliver a written document, has delivered a written document that does not contain the particulars prescribed in that paragraph or a written document that contains a false statement, or has provided a person with something that lacks those particulars or that contains false particulars by the means prescribed in paragraph (2) of that Article;

八　第二百二十条第一項の規定に違反して、通知せず、若しくは同項に規定する事項を記載しない書面若しくは虚偽の記載をした書面により通知した者又は同条第二項において読み替えて準用する第二百十七条第二項に規定する方法により当該事項を欠いた通知若しくは虚偽の事項の通知をした者

(viii) a person that, in violation of the provisions of Article 220, paragraph (1), has failed to give notice or has given notice using a written document that does not contain the particulars prescribed in that paragraph or a written document that contains a false statement, or has given a notice that lacks a statement of the particulars or contains false particulars by the means prescribed in Article 217, paragraph (2) as applied mutatis mutandis pursuant to Article 220, paragraph (2) following the deemed replacement of terms;

九　第二百二十条の二第一項の規定に違反して、書面を交付せず、若しくは同項に規定する事項を記載しない書面若しくは虚偽の記載をした書面を交付した者又は同条第二項において準用する第二百十七条第二項に規定する方法により当該事項を欠いた提供若しくは虚偽の事項の提供をした者

(ix) a person that, in violation of the provisions of Article 220-2, paragraph (1), has failed to deliver a document, has delivered a document that does not contain the particulars prescribed in that paragraph, or has delivered a document that contains a false statement, or has provided a person with something that lacks a statement of the particulars or contains a false statement by the means prescribed in Article 217, paragraph (2) as applied mutatis mutandis pursuant to Article 220-2, paragraph (2); or

十　第二百四十四条第一項の規定に違反して、その名称中に商品先物取引協会であると誤認されるおそれのある文字を用いた者

(x) a person that, in violation of the provisions of Article 244, paragraph (1), uses a word in their name which could give rise to the misconception that they are a commodity futures association.

第三百六十八条　次の各号に掲げる違反があつた場合においては、その行為をした商品取引所、商品取引所持株会社、商品取引清算機関又は協会の代表者、代理人、使用人その他の従業者は、六月以下の懲役若しくは五十万円以下の罰金に処し、又はこれを併科する。

Article 368 In the case of a violation set forth in the following items, the representative, agent, employee, or other worker of the commodity exchange, commodity exchange holdings company, commodity clearing organization, or association that has committed the violation is subject to punishment by imprisonment for not more than six months, a fine of not more than 500 thousand yen, or both:

一　第三条第一項、第三条の二第一項、第六十四条、第九十六条の三十七第一項、第百七十条第二項又は第二百四十二条第二項の規定に違反したとき。

(i) when the person has violated the provisions of Article 3, paragraph (1), Article 3-2, paragraph (1), Article 64, Article 96-37, paragraph (1), Article 170, paragraph (2), or Article 242, paragraph (2); and

二　第百五十五条第二項又は第百五十六条第二項の規定による申請書又は添付書類に虚偽の記載をして提出したとき。

(ii) when the person has entered a false statement in a written application or an attached document under the provisions of Article 155, paragraph (2) or Article 156, paragraph (2) and submitted the written application or document.

第三百六十九条　次の各号のいずれかに該当する者は、三十万円以下の罰金に処する。

Article 369 A person that falls under any of the following items is subject to punishment by a fine of not more than 300 thousand yen:

一　第九十六条の十九第五項（第九十六条の二十五第四項及び第九十六条の三十一第四項において準用する場合を含む。）の規定による届出をせず、又は虚偽の届出をした者

(i) a person that has failed to give a notification under the provisions of Article 96-19, paragraph (5) (including as applied mutatis mutandis pursuant to Article 96-25, paragraph (4) and Article 96-31, paragraph (4)), or has given a false notification;

二　第百一条第二項、第百十五条、第百九十七条の二、第百九十八条第一項、第二百四十条の八又は第二百四十条の九第一項の規定に違反した者

(ii) a person that has violated the provisions of Article 101, paragraph (2), Article 115, Article 197-2, Article 198, paragraph (1), Article 240-8, or Article 240-9, paragraph (1);

三　第百九十五条第一項、第百九十六条若しくは第二百四十条の六第一項の規定による届出書を提出せず、若しくは虚偽の記載をした届出書を提出し、又は第百九十五条第二項若しくは第二百四十条の六第三項の規定による添付書類を提出せず、若し

くは添付書類に虚偽の記載をして提出した者

(iii) a person that has failed to submit a written notification under the provisions of Article 195, paragraph (1), Article 196, or Article 240-6, paragraph (1), or has submitted a written notification that contains a false statement, or has failed to submit an attached document under the provisions of Article 195, paragraph (2) or Article 240-6, paragraph (3), or has entered a false statement in the attached document and has submitted it;

四　第百九十八条第二項又は第二百四十条の九第二項の規定に違反して、第百九十八条第一項若しくは第二百四十条の九第一項の規定による標識又はこれらに類似する標識を掲示した者

(iv) a person that, in violation of the provisions of Article 198, paragraph (2) or Article 240-9, paragraph (2), has posted a sign under the provisions of paragraph (1) of Article 198 or Article 240-9 or a sign similar to the sign;

五　第二百三条（第二百四十条の十一において準用する場合を含む。）、第二百四十条の七第一項又は第二百七十六条第四項の規定による届出をせず、又は虚偽の届出をした者

(v) a person that has failed to give a notification under the provisions of Article 203 (including as applied mutatis mutandis pursuant to Article 240-11), Article 240-7, paragraph (1), or Article 276, paragraph (4), or has filed a false notification;

六　第二百十六条の規定に違反して、商品取引所の定める受託契約準則によらないで商品市場における取引等の受託を内容とする契約を締結した者

(vi) a person that, in violation of the provisions of Article 216, has concluded a contract to become entrusted with a transaction in a commodity market, etc. without complying with the entrustment contract regulations specified by a commodity exchange;

七　第二百三十一条第二項又は第二百四十条の二十二第二項の規定による報告をせず、若しくは資料を提出せず、又は虚偽の報告をし、若しくは虚偽の資料の提出をした者

(vii) a person that has failed to make a report or has failed to submit a material under the provisions of Article 231, paragraph (2) or Article 240-22, paragraph (2), or has made a false report or has submitted a false material;

八　第二百七十九条第一項又は第二項の規定による申請書又は添付書類に虚偽の記載をしてこれを提出した者

(viii) a person that has submitted a written application or an attached document under the provisions of Article 279, paragraph (1) or (2) by entering a false statement and has submitted the written application or the attached document;

九　第三百二条第二項の規定による報告をせず、若しくは資料を提出せず、又は虚偽の報告をし、若しくは虚偽の資料の提出をした者

(ix) a person that has failed to make a report or submit a material under the provisions of Article 302, paragraph (2), or has made a false report or has submitted a false material;

十　第三百二十二条第一項の規定による報告をせず、若しくは資料を提出せず、又は虚偽の報告をし、若しくは虚偽の資料の提出をした者

(x) a person that has failed to make a report or submit a material under the provisions of Article 322, paragraph (1), or has made a false report or has submitted a false material;

十一　第三百二十二条第一項の規定による検査を拒み、妨げ、又は忌避した者

(xi) a person the has refused, hindered, or evaded an inspection under the provisions of Article 322, paragraph (1); or

十二　第三百三十四条第二項（第三百四十五条において準用する場合を含む。）、第三百三十五条第三項（第三百四十五条において準用する場合を含む。）、第三百三十七条第一項（第三百四十五条において準用する場合を含む。）又は第三百四十九条第一項若しくは第九項の規定による届出をせず、又は虚偽の届出をした者

(xii) a person that has failed to give a notification under the provisions of Article 334, paragraph (2) (including as applied mutatis mutandis pursuant to Article 345), Article 335, paragraph (3) (including as applied mutatis mutandis pursuant to Article 345), Article 337, paragraph (1) (including as applied mutatis mutandis pursuant to Article 345), or Article 349, paragraph (1) or (9), or has given a false notification.

第三百七十条　次の各号に掲げる違反があつた場合においては、その行為をした商品取引所、商品取引清算機関、協会又は委託者保護基金の代表者、代理人、使用人その他の従業者は、三十万円以下の罰金に処する。

Article 370 In the case of a violation set forth in one of the following items, the representative, agent, employee, or other worker of the commodity exchange, commodity clearing organization, association, or consignor protection fund has committed the violation is subject to punishment by a fine of not more than 300 thousand yen:

一　第十九条第一項若しくは第八十五条第一項の規定による届出書を提出せず、若しくは虚偽の記載をした届出書を提出し、又は第十九条第二項若しくは第八十五条第二項の規定による添付書類を提出せず、若しくは添付書類に虚偽の記載をして提出したとき。

(i) the person has failed to submit a written notification under the provisions of Article 19, paragraph (1) or Article 85, paragraph (1) or has submitted a written notification that contains a false statement, or has failed to submit an attached document under the provisions of Article 19, paragraph (2) or Article 85, paragraph (2) or has entered a false statement in an attached document and submitted it;

二　第七十条又は第九十五条の規定に違反したとき。

(ii) the person has violated the provisions of Article 70 or Article 95;

三　第八十八条第一項又は第二百六条第三項（第二百四十条の十一において準用する場合を含む。）の規定に違反したとき。

(iii) the person has violated the provisions of Article 88, paragraph (1) or Article 206, paragraph (3) (including as applied mutatis mutandis pursuant to Article 240-11);

四　第百七十条第三項又は第二百五十条第三項前段の規定による届出をせず、又は虚偽の届出をしたとき。

(iv) the person has failed to give a notification under the provisions of Article 170, paragraph (3) or the first sentence of Article 250, paragraph (3), or has given a false notification;

五　第百七十一条の規定による届出をせず、若しくは虚偽の届出をし、又は同条の規定による書類を添付せず、若しくは虚偽の記載をした書類を添付したとき。

(v) the person has failed to give a notification under the provisions of Article 171 or has given a false notification, or has failed to give an attached document under the provisions of that Article or has given an attached document that contains a false statement;

六　第二百五十条第二項の規定による申請書又は添付書類に虚偽の記載をして提出したとき。

(vi) the person has entered a false statement in a written application or an attached document under the provisions of Article 250, paragraph (2) and has submitted the written application or attached document; or

七　第三百五条第四項又は第三百八条第五項の規定に違反して報告をせず、又は虚偽の報告をしたとき。

(vii) the person has failed to make a report in violation of the provisions of Article 305, paragraph (4) or Article 308, paragraph (5), or has made a false report.

第三百七十条の二　第十一条第九項において準用する会社法第九百五十五条第一項の規定に違反して、同項に規定する調査記録簿等に同項に規定する電子公告調査に関し法務省令で定めるものを記載せず、若しくは記録せず、若しくは虚偽の記載若しくは記録をし、又は調査記録簿等を保存しなかつた者は、三十万円以下の罰金に処する。

Article 370-2 A person that, in violation of the provisions of Article 955, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 11, paragraph (9), has failed to enter or record the particulars specified by Order of the Ministry of Justice concerning an electronic public notice investigation prescribed in that paragraph in the investigation record, etc. prescribed in that paragraph, has entered or recorded a false statement, or has failed to preserve the investigation record, etc., is subject to punishment by a fine of not more than 300 thousand yen.

第三百七十一条　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。以下この条において同じ。）の代表者又は法人若しくは人の代理人、使用人その他の従業者がその法人又は人の業務又は財産に関し、次の各号に掲げる規定の違反行為をしたときは、その行為者を罰するほか、その法人に対して当該各号に定める罰金刑を、その人に対して各本条の罰金刑を科する。

Article 371 (1) If the representative of a corporation (including an organization that is not a corporation for which a representative or administrator has been designated; hereinafter the same applies in this Article) or the agent, employee, or other worker of a corporation or an individual has violated the provisions set forth in the following items, in addition to the offender being subject to punishment, the corporation is subject to punishment by the fine set forth in the following items and the individual is subject to punishment by the fine prescribed in the provisions referred to in the respective Articles:

一　第三百五十六条（第三号及び第四号を除く。）　五億円以下の罰金刑

(i) the provisions of Article 356 (excluding items (iii) and (iv)): a fine of not more than 500 million yen;

二　第三百五十八条の二、第三百六十条及び第三百六十一条　三億円以下の罰金刑

(ii) the provisions of Article 358-2, Article 360, and Article 361: a fine of not more than 300 million yen;

三　第三百六十二条（第四号及び第五号を除く。）　二億円以下の罰金刑

(iii) the provisions of Article 362 (excluding items (iv) and (v)): a fine of not more than 200 million yen;

四　第三百六十三条第二号、第四号、第五号、第十号、第十一号、第十三号及び第十四号　一億円以下の罰金刑

(iv) the provisions of Article 363, items (ii), (iv), (v), (x), (xi), (xiii), and (xiv): a fine of not more than 100 million yen; and

五　第三百五十七条第一号及び第三号から第七号まで、第三百五十八条、第三百六十二条第四号及び第五号、第三百六十三条（第二号、第四号、第五号、第十号、第十一号、第十三号及び第十四号を除く。）、第三百六十四条、第三百六十七条、第三百六十八条、第三百六十九条（第八号、第十号及び第十一号を除く。）、第三百七十条（第七号を除く。）並びに前条　各本条の罰金刑

(v) the provisions of Article 357, item (i), items (iii) through (vii), Article 358, Article 362, items (iv) and (v), Article 363 (excluding items (ii), (iv), (v), (x), (xi), (xiii), and (xiv)), Article 364, Article 367, Article 368, Article 369 (excluding items (viii), (x), and (xi)), Article 370 (excluding item (vii)), and the preceding Article: the fine prescribed in the respective Articles.

２　前項の規定により第三百五十六条（第三号及び第四号を除く。）の違反行為につき法人又は人に罰金刑を科する場合における時効の期間は、同条の罪についての時効の期間による。

(2) The period of prescription when a fine is imposed on a corporation or an individual due to a violation referred to in Article 356 (excluding items (iii) and

(iv)) pursuant to the provisions of the preceding paragraph is the same as that for the offenses set forth in that Article.

3　第一項の規定により法人でない団体を処罰する場合には、その代表者又は管理人がその訴訟行為につきその団体を代表するほか、法人を被告人又は被疑者とする場合の刑事訴訟に関する法律の規定を準用する。

(3) When an organization that is not a corporation is to be punished pursuant to the provisions of paragraph (1), its representative or administrator represents the organization with regard to procedural acts, and the provisions of laws concerning criminal proceedings if a corporation is the accused or a suspect apply mutatis mutandis.

第三百七十二条　次の各号に掲げる違反があつた場合においては、その行為をした商品取引所の役員（仮理事並びに仮取締役及び仮執行役を含む。）又は清算人は、百万円以下の過料に処する。

Article 372 In the case of a violation set forth in any of the following items, the officer (including a provisional director, provisional company director, and provisional executive officer) or liquidator of the commodity exchange that has committed the violation is subject to punishment by a civil fine of not more than one million yen:

一　第七十七条第一項において準用する会社法第四百八十四条第一項の規定に違反して、破産手続開始の申立てをすることを怠つたとき。

(i) the person has failed to file a petition for commencement of bankruptcy proceedings in violation of the provisions of Article 484, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 77, paragraph (1);

二　清算の結了を遅延させる目的をもつて第七十七条第一項において準用する会社法第四百九十九条第一項の期間を不当に定めたとき。

(ii) the person has inappropriately specified a period referred to in Article 499, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 77, paragraph (1) for the purpose of delaying the completion of liquidation;

三　第七十七条第一項において準用する会社法第五百条第一項の規定に違反して、債務を弁済したとき。

(iii) the person has violated the provisions of Article 500, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 77, paragraph (1) and has performed the obligations;

四　第九十六条の三第一項の規定に違反して、自主規制委員の過半数を社外取締役に選定しなかつたとき。

(iv) the person has failed to appoint the majority of members of the self-regulatory committee as outside company directors, in violation of Article 96-3, paragraph (1);

五　第九十六条の十四第一項の規定に違反して、議事録を備え置かなかつたとき。
(v) the person has failed to keep minutes, in violation of Article 96-14, paragraph (1);
六　第九十六条の十六の規定による名簿を公衆の縦覧に供することを怠つたとき。
(vi) the person has failed to make the register under the provisions of Article 96-16 available for public inspection;
七　第百三十条第一項又は第四項の規定による通知をすることを怠り、又は不正の通知をしたとき。
(vii) the person has failed to give a notice under the provisions of Article 130, paragraph (1) or (4), or has given a false notice; or
八　第百三十四条第一項の規定による登記をすることを怠つたとき。
(viii) the person has failed to make a registration under the provisions of Article 134, paragraph (1).

第三百七十二条の二　次の各号のいずれかに該当する者は、百万円以下の過料に処する。
Article 372-2 A person that falls under any of the following items is subject to punishment by a civil fine of not more than one million yen:
一　第十一条第九項において準用する会社法第九百四十六条第三項の規定に違反して、報告をせず、又は虚偽の報告をした者
(i) a person that, in violation of the provisions of Article 946, paragraph (3) of the Companies Act as applied mutatis mutandis pursuant to Article 11, paragraph (9), has failed to make a report or has made a false report;
二　正当な理由がないのに、第十一条第九項において準用する会社法第九百五十一条第二項各号又は第九百五十五条第二項各号に掲げる請求を拒んだ者
(ii) a person that has refused a request set forth in the items of Article 951, paragraph (2) or of Article 955, paragraph (2) of the Companies Act as applied mutatis mutandis pursuant to Article 11, paragraph (9), without legitimate grounds; or
三　正当な理由がないのに、第九十六条の十四第二項又は第三項（同条第四項において準用する場合を含む。）に規定する閲覧又は謄写を拒んだ者
(iii) a person that has refused the public inspection or copying under the provisions of Article 96-14, paragraph (2) or (3) (including as applied mutatis mutandis pursuant to paragraph (4) of that Article), without legitimate grounds.

第三百七十三条　次の各号のいずれかに該当する者は、五十万円以下の過料に処する。
Article 373 A person that falls under any of the following items is subject to punishment by a civil fine of not more than 500 thousand yen:
一　第二百二十条の三又は第二百四十条の十九において準用する金融商品の販売等に関する法律第九条第一項の規定に違反して勧誘方針を定めず、又は同条第三項の規定に違反してこれを公表しなかつた者

(i) a person that has failed to establish a solicitation policy in violation of the provisions of Article 9, paragraph (1) of the Act on Sales of Financial Products as applied mutatis mutandis pursuant to Article 220-3 or Article 240-19, or has failed to disclose the solicitation policy in violation of the provisions of Article 9, paragraph (3) of that Act; or

二　第二百二十一条第一項又は第二項の規定に違反して商品取引責任準備金を積み立てず、又はこれを使用した者

(ii) a person that, in violation of the provisions of Article 221, paragraph (1) or (2), has failed to set aside a liability reserve for commodity trading, or has used the reserve.

第三百七十四条　次の各号に掲げる違反があつた場合においては、その行為をした商品取引所の発起人、役員（仮理事並びに仮取締役及び仮執行役を含む。）若しくは清算人、協会の役員（仮理事を含む。）又は委託者保護基金の役員（仮理事及び仮監事を含む。）若しくは清算人は、三十万円以下の過料に処する。

Article 374 In the case of a violation set forth in one of the following items, the founder, officer (including a provisional director, provisional company director, or provisional executive officer), or liquidator of the commodity exchange that committed the violation, the officer (including a provisional director) of the association that committed the violation, or the officer (including a provisional director or provisional auditor) or liquidator of the consignor protection fund that committed the violation, is subject to punishment by a civil fine of not more than 300 thousand yen:

一　第十一条第九項において準用する会社法第九百四十一条の規定に違反して、同条の調査を求めなかつたとき。

(i) when the person has failed to request the investigation referred to in Article 941 of the Companies Act in violation of the provisions of that Article as applied mutatis mutandis pursuant to Article 11, paragraph (9);

二　第十六条第二項の規定による届出をしなかつたとき。

(ii) when the person has failed to give a notification under the provisions of Article 16, paragraph (2);

三　第五十七条第一項から第三項まで、第六十七条若しくは第六十八条の二第一項若しくは第二項（第七十七条第二項においてこれらの規定を準用する場合を含む。）、第七十六条第二項、第九十三条第一項若しくは第二項、第九十四条第二項、第九十六条第二項、第百三条第一項、第百七条、第百十一条、第百十二条、第百二十三条第一項、第百二十五条第一項、第百四十四条第一項、第百四十四条の二第一項若しくは第六項、第百四十四条の三第一項、第百四十四条の四第四項、第百四十四条の五第一項、第百四十四条の十二第二項、第百四十四条の十三第一項、第百四十四条の二十一第二項又は第百七十九条第一項の規定に違反したとき。

(iii) when the person has violated the provisions of Article 57, paragraphs (1) through (3), Article 67, Article 68-2, paragraph (1) or (2) (including as

applied mutatis mutandis pursuant to Article 77, paragraph (2)), Article 76, paragraph (2), Article 93, paragraph (1) or (2), Article 94, paragraph (2), Article 96, paragraph (2), Article 103, paragraph (1), Article 107, Article 111, Article 112, Article 123, paragraph (1), Article 125, paragraph (1), Article 144, paragraph (1), Article 144-2, paragraph (1) or (6), Article 144-3, paragraph (1), Article 144-4, paragraph (4), Article 144-5, paragraph (1), Article 144-12, paragraph (2), Article 144-13, paragraph (1), Article 144-21, paragraph (2), or Article 179, paragraph (1);

四　第五十七条第五項（第七十七条第二項及び第九十三条第三項において準用する場合を含む。）、第百二十三条第三項、第百二十五条第三項、第百四十四条第三項、第百四十四条の二第八項、第百四十四条の三第三項、第百四十四条の四第六項、第百四十四条の五第三項、第百四十四条の十二第四項、第百四十四条の十三第三項又は第百四十四条の二十一第四項の規定に違反して、正当な理由がないのに、書面若しくは電磁的記録に記録された事項を主務省令で定める方法により表示したものの閲覧又は書面の謄本若しくは抄本の交付若しくは電磁的記録に記録された事項を電磁的方法であつて主務省令で定めるものにより提供すること若しくは当該事項を記載した書面の交付を拒んだとき。

(iv) when the person has refused the inspection of a thing that shows the particulars that have been recorded in a document or an electronic or magnetic record by the means specified by order of the competent ministry, has refused to issue a certified copy or extract of a document, has refused to provide a person with the particulars recorded in an electronic or magnetic record by electronic or magnetic means specified by order of the competent ministry, or has refused to issue a document that states the particulars, without legitimate grounds, and in violation of the provisions of Article 57, paragraph (5) (including as applied mutatis mutandis pursuant to Article 77, paragraph (2) and Article 93, paragraph (3)), Article 123, paragraph (3), Article 125, paragraph (3), Article 144, paragraph (3), Article 144-2, paragraph (8), Article 144-3, paragraph (3), Article 144-4, paragraph (6), Article 144-5, paragraph (3), Article 144-12, paragraph (4), Article 144-13, paragraph (3), or Article 144-21, paragraph (4);

五　第七十七条第一項において準用する会社法第五百二条の規定に違反して、会員商品取引所の財産を分配したとき。

(v) when the person has distributed the property of a member commodity exchange in violation of the provisions of Article 502 of the Companies Act as applied mutatis mutandis pursuant to Article 77, paragraph (1);

六　第八十七条の規定に違反して、同条に規定する事項を公衆の縦覧に供しないとき。

(vi) when the person has failed to make the particulars prescribed in Article 87 available for public inspection in violation of the provisions of that Article;

七　第八十八条第二項、第二百六条第四項（第二百四十条の十一において準用する場合を含む。）、第二百五十条第三項後段又は第二百六十二条第二項の規定に違反し

て、届出を怠つたとき。

(vii) when the person has failed to give a notification in violation of the provisions of Article 88, paragraph (2), Article 206, paragraph (4) (including as applied mutatis mutandis pursuant to Article 240-11), the second sentence of Article 250, paragraph (3), or Article 262, paragraph (2);

八　第九十九条第三項又は第四項の規定による報告をしなかつたとき。

(viii) when the person has failed to make a report under the provisions of Article 99, paragraph (3) or (4);

九　第百二十二条第一項の規定に違反して組織変更の手続をしたとき。

(ix) when the person has taken the procedures for entity conversion in violation of the provisions of Article 122, paragraph (1);

十　第百二十四条第二項若しくは第五項の規定（これらの規定を第百四十四条第六項、第百四十四条の二第四項及び第百四十四条の三第六項において準用する場合を含む。）又は第百四十四条の十一第二項若しくは第五項の規定（これらの規定を第百四十四条の十九において準用する場合を含む。）に違反して、商品取引所の組織変更又は合併をしたとき。

(x) when the person has implemented an entity conversion or a merger of a commodity exchange in violation of the provisions of Article 124, paragraph (2) or (5) (including as applied mutatis mutandis pursuant to Article 144, paragraph (6), Article 144-2, paragraph (4), and Article 144-3, paragraph (6)) or Article 144-11, paragraph (2) or (5) (including as applied mutatis mutandis pursuant to Article 144-19);

十一　この法律の規定による公告又はこの法律において準用する会社法の規定による公告をすることを怠り、又は不正の公告をしたとき。

(xi) when the person has failed to issue public notice under the provisions of this Act or public notice under the provisions of the Companies Act as applied mutatis mutandis pursuant to this Act, or has given false public notice;

十二　この法律の規定による登記（第百三十四条第一項の規定によるものを除く。）をすることを怠つたとき。

(xii) when the person has failed to make a registration (other than one under the provisions of Article 134, paragraph (1)) under the provisions of this Act;

十三　この法律において準用する会社法の規定に定める調査を妨げたとき。

(xiii) when the person has obstructed an investigation prescribed in the Companies Act as applied mutatis mutandis pursuant to this Act;

十四　商品取引所の創立総会又は会員総会に対し、虚偽の申述を行い、又は事実を隠蔽したとき。

(xiv) when the person has made a false statement or has concealed a fact at a commodity exchange's organizational meeting or general meeting of members;

十五　定款、会員名簿、取引参加者名簿、議事録、財産目録、貸借対照表、損益計算

書、業務報告書、剰余金処分案、損失処理案又は決算報告書に記載し、若しくは記録すべき事項を記載せず、若しくは記録せず、又は虚偽の記載若しくは記録をしたとき。

(xv) when the person has failed to enter or record particulars that are required to be entered or recorded in the articles of incorporation, member register, trading participant register, minutes, inventory of property, balance sheet, profit and loss statement, business report, proposal for appropriation of surplus, proposal for disposal of loss, or settlement of accounts, or has entered or recorded a false statement;

十六　第二百五十二条の規定に違反して、同条の協会員の名簿を公衆の縦覧に供しないとき。

(xvi) when the person has failed to make the association member register set forth in Article 252 available for public inspections in violation of the provisions of that Article;

十七　第二百七十五条第二項又は第三百二十条の規定に違反したとき。

(xvii) when the person has violated the provisions of Article 275, paragraph (2) or Article 320;

十八　第六章の規定により主務大臣の認可を受けなければならない場合において、その認可を受けなかつたとき。

(xviii) when the person has not obtained the authorization of the competent minister pursuant to the provisions of Chapter VI when the person is required to obtain the authorization;

十九　第二百八十三条第三項の規定による届出をせず、又は虚偽の届出をしたとき。

(xix) when the person has failed to give a notification under the provisions of Article 283, paragraph (3) or has given a false notification;

二十　第二百八十六条第五項又は第三百二十三条の規定による命令に違反したとき。

(xx) when the person has violated an order under the provisions of Article 286, paragraph (5) or Article 323;

二十一　第三百条に規定する業務以外の業務を行つたとき。

(xxi) when the person has conducted business other than that prescribed in Article 300;

二十二　第三百三条第二項の規定による報告をせず、又は虚偽の報告をしたとき。

(xxii) when the person has failed to make a report under the provisions of Article 303, paragraph (2) or has made a false report;

二十三　第三百十八条第一項若しくは第二項に規定する書類を提出せず、又は虚偽の書類を提出したとき。

(xxiii) when the person has failed to submit a document prescribed in Article 318, paragraph (1) or (2), or has submitted a false document;

二十四　第三百十九条の規定に違反して経理をしたとき。

(xxiv) when the person has violated the provisions of Article 319 in its accounting; or

二十五　第三百二十七条の規定に違反して、委託者保護基金の残余財産を処分したとき。

(xxv) when the person has violated the provisions of Article 327 and has disposed the residual assets of the consignor protection fund.

第三百七十五条　次の各号のいずれかに該当する者は、十万円以下の過料に処する。

Article 375 A person that falls under any of the following items is subject to punishment by a civil fine of not more than 100 thousand yen:

一　第十五条第九項（第八十条第四項、第百三十三条第三項、第百四十六条第四項、第百五十五条第六項、第百五十六条第七項、第百六十九条第三項（第百七十三条第四項において準用する場合を含む。）、第百九十四条、第二百一条第二項（第二百四十条の十一において準用する場合を含む。）、第二百二十九条、第二百四十条の二十五、第二百四十八条第二項、第二百八十条第二項、第三百三十三条第三項（第三百三十五条第四項において準用する場合を含む。）及び第三百四十三条第三項（第三百四十五条において読み替えて準用する第三百三十五条第四項において準用する場合を含む。）において準用する場合を含む。）、第九十六条の二十二第三項（同条第五項、第九十六条の三十四第三項及び第四項、第九十六条の四十第五項並びに第九十六条の四十三において準用する場合を含む。）又は第百五十八条第二項（第百五十九条第五項、第百六十条第二項、第百八十七条、第二百四条第三項（第二百四十条の十一において準用する場合を含む。）、第二百六条第六項（第二百四十条の十一において準用する場合を含む。）、第二百三十七条、第二百四十条の二十五、第二百六十六条、第三百二十四条第二項、第三百三十九条第二項、第三百四十条第二項（第三百四十五条において準用する場合を含む。）及び第三百四十四条第二項において準用する場合を含む。）の規定による参考人に対する処分に違反して、陳述をせず、若しくは虚偽の陳述をし、若しくは報告をせず、若しくは虚偽の報告をした者又は鑑定人に対する処分に違反して、鑑定をせず、若しくは虚偽の鑑定をした者

(i) a person that has failed to give a statement or has given a false statement, or has failed to make a report or has made a false report in violation of a disposition against a witness, or has failed to give an expert opinion, or has given a false expert opinion in violation of a disposition against an expert, under the provisions of Article 15, paragraph (9) (including as applied mutatis mutandis pursuant to Article 80, paragraph (4), Article 133, paragraph (3), Article 146, paragraph (4), Article 155, paragraph (6), Article 156, paragraph (7), Article 169, paragraph (3) (including as applied mutatis mutandis pursuant to Article 173, paragraph (4)), Article 194, Article 201, paragraph (2) (including as applied mutatis mutandis pursuant to Article 240-11), Article 229, Article 240-25, Article 248, paragraph (2), Article 280, paragraph (2), Article 333, paragraph (3) (including as applied mutatis mutandis pursuant to Article 335, paragraph (4)), Article 343, paragraph (3) (including as applied mutatis mutandis pursuant to Article 335, paragraph

(4) as are applied mutatis mutandis pursuant to Article 345 following the deemed replacement of terms)), Article 96-22, paragraph (3) (including as applied mutatis mutandis pursuant to paragraph (5) of that Article, Article 96-34, paragraph (3) and (4), Article 96-40, paragraph (5), and Article 96-43), or Article 158, paragraph (2) (including as applied mutatis mutandis pursuant to Article 159, paragraph (5), Article 160, paragraph (2), Article 187, Article 204, paragraph (3) (including as applied mutatis mutandis pursuant to Article 240-11), Article 206, paragraph (6) (including as applied mutatis mutandis pursuant to Article 240-11), Article 237, Article 240-25, Article 266, Article 324, paragraph (2), Article 339, paragraph (2), Article 340, paragraph (2) (including as applied mutatis mutandis pursuant to Article 345), and Article 344, paragraph (2)); or

二　第三百四十九条の二第一項の規定による商品デリバティブ取引を行う者その他関係人又は参考人に対する処分に違反して、報告若しくは資料の提出をせず、又は虚偽の報告若しくは資料の提出をした者

(ii) a person that has failed to submit a report or materials, or has submitted a false report or materials, in violation of a disposition against a person that conducts commodity derivatives transactions, or to any other concerned party or witness under the provisions of Article 349-2, paragraph (1).

附　則　〔抄〕

Supplementary Provisions [Extract]

（施行の期日）

(Effective Date)

1　この法律は、公布の日から起算して十五日を経過した日から施行する。但し、第八条（これに係る罰則の規定を含む。）及び第十五章並びに附則第二項、第三項及び第七項から第十一項までの規定は、公布の日から施行する。

(1) This Act comes into effect as of the day on which 15 days have elapsed from the date of promulgation; provided, however, that the provisions of Article 8 (including the penal provisions related to the provisions), Chapter XV, and paragraph (2), paragraph (3), and paragraphs (7) through (11) of the Supplementary Provisions come into effect as of the date of promulgation.

（商品取引所法の廃止）

(Repeal of the Commodity Exchange Act)

2　商品取引所法（明治二十六年法律第五号。以下「旧法」という。）は、廃止する。

(2) The Commodity Exchange Act (Act No. 5 of 1893; hereinafter referred to as the "former Act") is repealed.

3　旧法廃止前にした行為に対する罰則の適用については、なお従前の例による。

(3) Prior laws continue to govern the applicability of penal provisions to acts

committed prior to the repeal of the former Act.

（会員の欠格条件の特例）
(Special Provisions on Disqualifying Conditions for Members)

6　旧法又は旧日本証券取引所法（昭和十八年法律第四十四号）の規定により罰金の刑に処せられた者は、第二十四条第一項第二号の規定の適用については、この法律により罰金の刑に処せられた者とみなす。

(6) With regard to the application of the provisions of Article 24, paragraph (1), item (ii), those punished by a fine pursuant to the provisions of the former Act or the former Stock Exchange Act of Japan (Act No. 44 of 1943) are deemed to be those punished by a fine pursuant to this Act.

（審議会の会長及び委員の任命の特例）
(Special Provisions on Appointment of the Chairperson and Members of the Council)

7　第十五章の規定施行の際国会が閉会中である場合においては、内閣総理大臣は、第百三十九条第二項の規定にかかわらず、両議院の同意を得ないで審議会の最初の会長又は委員を任命することができる。

(7) When enforcing the provisions of Chapter XV while the Diet is closed, the Prime Minister may appoint the initial chairperson and members of the council without obtaining the consent of both Houses of the Diet, notwithstanding the provisions of Article 139, paragraph (2).

8　内閣総理大臣は、前項の規定により審議会の最初の会長又は委員を任命したときは、任命後最初の国会で、前項の任命について両議院の事後の承認を求めなければならない。この場合において、両議院の事後の承認が得られなかつたときは、内閣総理大臣は、直ちに、その会長又は委員を罷免しなければならない。

(8) When the Prime Minister has appointed the initial chairperson and members of the council pursuant to the provisions of the preceding paragraph, the Prime Minister must request the subsequent approval by both Houses of the Diet on the appointment referred to in the preceding paragraph at the first Diet session held after the appointment. In such a case, if the subsequent approval by both Houses could not be obtained, the Prime Minister must dismiss the chairperson and members immediately.

附　則　〔昭和二十六年六月一日法律第百七十六号〕〔抄〕
Supplementary Provisions [Act No. 176 of June 1, 1951 Extract] [Extract]

1　この法律は、公布の日から施行する。

(1) This Act comes into effect as of the day of promulgation.

3　この法律の施行前にした行為に対する罰則の適用に関しては、第七条の規定にかかわらず、なお従前の例による。

(3) Prior laws continue to govern the applicability of penal provisions to acts committed prior to the enforcement of this Act, notwithstanding the provisions of Article 7.

附　則　〔昭和二十六年六月八日法律第二百十一号〕〔抄〕
Supplementary Provisions [Act No. 211 of June 8, 1951 Extract] [Extract]

1　この法律は、昭和二十六年七月一日から施行する。
(1) This Act comes into effect as of July 1, 1951.
4　この法律施行前にした行為に対する罰則の適用については、なお従前の例による。
(4) Prior laws continue to govern the applicability of penal provisions to acts committed prior to the enforcement of this Act.

附　則　〔昭和二十七年四月十二日法律第九十号〕
Supplementary Provisions [Act No. 90 of April 12, 1952]

1　この法律は、公布の日から施行する。
(1) This Act comes into effect as of the day of promulgation.
2　この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。
(2) Prior laws continue to govern the applicability of penal provisions to acts committed prior to the enforcement of this Act.

附　則　〔昭和二十九年五月十日法律第九十二号〕〔抄〕
Supplementary Provisions [Act No. 92 of May 10, 1954 Extract] [Extract]

1　この法律の施行期日は、公布の日から起算して三月をこえない範囲内において政令で定める。
(1) The effective date of this Act is specified by Cabinet Order within a period not exceeding three months from the date of promulgation.
2　この法律の施行の際現に改正前の第九条第五項の登録を受けている商品取引所は、改正後の第八条の二の許可を受けたものとみなす。
(2) A commodity exchange which has obtained the registration set forth in Article 9, paragraph (5) prior to the amendment at the time of the enforcement of this Act is deemed to have received the permission set forth in Article 8-2 after the amendment.
3　この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。
(3) Prior laws continue to govern the applicability of penal provisions to acts committed prior to the enforcement of this Act.

附　則　〔昭和三十七年四月二十日法律第八十二号〕〔抄〕
Supplementary Provisions [Act No. 82 of April 20, 1962 Extract] [Extract]

（施行期日）
(Effective Date)
第一条　この法律は、昭和三十八年四月一日から施行する。
Article 1 This Act comes into effect as of April 1, 1963.

（定義）
(Definitions)
第二条　この附則で、「新法」とは、この法律による改正後の商法をいい、「旧法」とは、従前の商法をいう。
Article 2 The term "new Act" as used in these Supplementary Provisions means the Commercial Code as amended by this Act, and the "former Act" means the Commercial Code in force before this Act came into effect.

（原則）
(Principles)
第三条　新法は、特別の定めがある場合を除いては、この法律の施行前に生じた事項にも適用する。ただし、旧法によつて生じた効力を妨げない。
Article 3 Except as otherwise provided, the new Act also applies to matters that have arisen prior to the enforcement of this Act; provided, however, that this does not preclude the effects that have arisen from the provisions of the former Act.

附　則　〔昭和三十八年七月九日法律第百二十六号〕〔抄〕
Supplementary Provisions [Act No. 126 of July 9, 1963 Extract] [Extract]

この法律は、商業登記法の施行の日（昭和三十九年四月一日）から施行する。
This Act comes into effect as of the date on which the Commercial Registration Act comes into effect (April 1, 1964).

附　則　〔昭和四十二年七月二十九日法律第九十七号〕〔抄〕
Supplementary Provisions [Act No. 97 of July 29, 1967 Extract] [Extract]

１　この法律は、公布の日から起算して六月をこえない範囲内において政令で定める日から施行する。
(1) This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation.
２　この法律の施行の際現に改正前の商品取引所法（以下「旧法」という。）の規定による商品仲買人の登録を受けている者（以下「商品仲買人」という。）については、当該登録に係る商品（改正後の商品取引所法（以下新法」という。）第四十一条第一項の許可に係るものを除く。以下同じ。）に限り、この法律の施行の日から三年間は、

旧法（第四十二条、第四十二条の二、第四十四条、第四十六条第二項（仲買保証金に係る部分に限る。）、第四十七条、第四十九条（営業所若しくは事務所の設置又は商品の追加に係る部分に限る。）、第五十条、第九十一条第一項（委託の勧誘の制限に係る部分に限る。）、第九十三条、第九十四条及び第九十七条並びにこれらの規定に係る罰則を除く。）の規定は、なおその効力を有する。

(2) With regard to a person who has received registration as a commodity broker (hereinafter referred to as a "commodity broker") pursuant to the provisions of the Commodity Exchange Act prior to its amendment (hereinafter referred to as the "former Act") at the time of the enforcement of this Act, the provisions of the former Act (excluding Article 42, Article 42-2, Article 44, Article 46, paragraph (2) (limited to the part related to brokerage deposits), Article 47, Article 49 (limited to the part related to the establishment of business offices or offices, or to the addition of commodities), Article 50, Article 91, paragraph (1) (limited to the part related to restriction on solicitation of consignment), Article 93, Article 94, and Article 97, and penal provisions regarding those provisions) remain in force only for commodities related to the registration (excluding those related to the license under Article 41, paragraph (1) of the Commodity Exchange Act after the amendment (hereinafter referred to as the "new Act"); the same applies hereinafter), for three years from the date on which this Act comes into effect.

3　商品仲買人については、当該登録に係る商品に限り、前項に規定する期間内は、新法第四十九条、第五十条、第五十三条の三、第九十一条の二、第九十三条、第九十四条第一項、第九十七条から第九十七条の六まで、第百十九条第二項及び第百二十条第二項から第四項まで並びにこれらの規定による改正後の租税特別措置法（昭和三十二年法律第二十六号）第二十条の三及び第五十七条の規定は、その者をその商品ごとに新法の規定による商品取引員とみなして、適用する。この場合において、第九十七条の二第三項中「受託業務を開始してはならない」とあるのは、「商品市場における売買取引の委託を受けてはならない。ただし、その受託に係る商品市場における売買取引の決済を結了する目的の範囲内でする場合は、この限りでない」とする。

(3) With regard to a commodity broker, the provisions of Article 49, Article 50, Article 53-3, Article 91-2, Article 93, Article 94, paragraph (1), Articles 97 through 97-6, Article 119, paragraph (2), and Article 120, paragraphs (2) through (4) of the new Act and the provisions of Article 20-3 and Article 57 of the Act on Special Measures Concerning Taxation (Act No. 26 of 1957) amended by those provisions, only for commodities related to the registration, apply to the person by deeming the person as a futures commission merchant set forth in the new Act for each of those commodities, during the period prescribed in the preceding paragraph. In such a case, "must not start accepting entrusted operations" in Article 97-2, paragraph (3) is deemed to be replaced with "must not accept consignment of purchase and sale transactions in a commodity market; provided, however, that this does not apply to cases in

which the transactions are conducted within the scope of the purpose to complete the settlement of the purchase and sale transactions in a commodity market related to the entrustment."

5　この法律の施行前に商品仲買人に対し商品市場における売買取引を委託した者は、新法第九十七条の三第一項の規定の適用については、商品取引員に対し商品市場における売買取引を委託したものとみなす。

(5) With regard to the application of the provisions of Article 97-3, paragraph (1), a person who has entrusted a commodity business operator with purchase and sale transactions in a commodity market prior to the enforcement of this Act is deemed to have entrusted a futures commission merchant with the purchase and sale transactions in a commodity market.

6　旧法第五十二条第一項又は第百二十三条の規定により商品仲買人の登録を取り消された者は、その取消しの日において、新法第五十二条第一項又は第百二十三条の規定により許可を取り消されたものとみなす。

(6) A person who has their registration as a commodity business operator revoked pursuant to the provisions of Article 52, paragraph (1) or Article 123 of the former Act is deemed to have had their license revoked pursuant to the provisions of Article 52, paragraph (1) or Article 123 of the new Act on the day of the revocation.

7　この法律の施行前（商品仲買人については、第二項の規定により旧法がなお効力を有する期間の経過前）にした行為に対する罰則の適用については、なお従前の例による。

(7) Prior laws continue to govern the applicability of penal provisions to acts committed prior to the enforcement of this Act (with regard to a commodity broker, prior to the expiration of the period during which the former Act remains in force pursuant to the provisions of paragraph (2)).

8　第二項から前項までに定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

(8) Beyond what is provided for in paragraph (2) through the preceding paragraph, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

附　則　〔昭和四十九年四月二日法律第二十三号〕〔抄〕

Supplementary Provisions [Act No. 23 of April 2, 1974 Extract] [Extract]

この法律は、公布の日から起算して六月をこえない範囲内において政令で定める日から施行する。

This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

附　則　〔昭和五十年七月十五日法律第六十五号〕〔抄〕

Supplementary Provisions [Act No. 56 of July 15, 1975 Extract] [Extract]

（施行期日）

(Effective Date)

第一条　この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日から施行する。

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

（経過措置）

(Transitional Measures)

第二条　この法律の施行の際現に商品取引員である者が受けている改正前の第四十一条第一項の許可についての改正後の同条第四項の規定の適用については、同項中「四年ごとに」とあるのは、「商品取引所法の一部を改正する法律（昭和五十年法律第六十五号）の施行の日から起算して四年を経過する日までにその更新を受けなければ、又はその更新後四年ごとに」とする。

Article 2 With regard to the application of the provisions of Article 41, paragraph (4) after the amendment to the license under paragraph (1) of that Article prior to the amendment which a futures commission merchant holds at the time of the enforcement of this Act, the term "every four years" in that paragraph is deemed to be replaced with "if the person did not have their license renewed by the day on which four years have elapsed from the effective date of the Act for Partial Revision of the Commodity Exchange Act (Act No. 65 of 1975), or every four years after the renewal."

第三条　この法律の施行の際現に改正後の第四十七条の二第二項に規定する支配関係を持つている商品取引員についての同項の規定の適用については、同項中「遅滞なく」とあるのは、「商品取引所法の一部を改正する法律（昭和五十年法律第六十五号）の施行の日から起算して三十日を経過する日までに」とする。

Article 3 With regard to the application of the provisions of Article 47-2, paragraph (2) after the amendment to a futures commission merchant who has a controlling interest prescribed in that paragraph at the time of the enforcement of this Act, the term "without delay" in that paragraph is deemed to be replaced with "by the day on which 30 days have elapsed from the date on which the Act for Partial Revision of the Commodity Exchange Act (Act No. 65 of 1975) comes into effect".

第四条　この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。

Article 4 Prior laws continue to govern the applicability of penal provisions to acts committed prior to the enforcement of this Act.

第五条　前三条に定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 5 Beyond what is provided for in the preceding three Articles, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

附　則　〔昭和五十三年七月五日法律第八十七号〕〔抄〕

Supplementary Provisions [Act No. 87 of July 5, 1978 Extract] [Extract]

（施行期日）

(Effective Date)

第一条　この法律は、公布の日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act comes into effect as of the date of promulgation; provided, however, that the provisions set forth in the following items come into effect as of the date specified in each item:

一　第六十四条の四第一項、第六十六条、第六十七条、第六十八条第一項、第二項及び第四項、第六十九条並びに第六十九条の二第二項の改正規定、第六十九条の三の次に一条を加える改正規定、第七十条第一項及び第三項の改正規定、同条を第七十一条とする改正規定並びに第七十二条を削り、第七十一条を第七十二条とする改正規定　昭和五十四年一月一日

(i) the provisions amending Article 64-4, paragraph (1), Article 66, Article 67, Article 68, paragraph (1), paragraphs (2) and (4), Article 69, and Article 69-2, paragraph (2); the provisions that add one Article after Article 69-3; the provisions amending Article 70, paragraphs (1) and (3); the provisions which change Article 70 to Article 71; the provisions that delete Article 72 and change Article 71 to Article 72: January 1, 1979;

二　第十八条の八、第二十二条第二項及び第二十二条の三第二項の改正規定、第七十八条第六号を削る改正規定、第八十条第一号及び第八十一条の改正規定、第八十二条第二項の表の改正規定（淡水区水産研究所の項を削る部分に限る。）、第八十三条の改正規定、同条の次に一条を加える改正規定並びに第八十七条の改正規定　昭和五十四年三月三十一日までの間において、各規定につき、政令で定める日

(ii) the provisions amending Article 18-8, Article 22, paragraph (2), and Article 22-3, paragraph (2); the provisions that delete Article 78, item (vi); the provisions amending Article 80, item (i) and Article 81; the provisions amending the table of Article 82, paragraph (2) (limited to the part that deletes the row for the freshwater fisheries research laboratory); the provisions amending Article 83; the provisions which add one Article after Article 83; the provisions amending Article 87: the date specified by Cabinet Order for each provision within the period until March 31, 1979; and

三　第十八条第三項、第十八条の三第二項及び第二十一条第二項の改正規定　昭和五十五年三月三十一日までの間において、各規定につき、政令で定める日

(iii) the provisions amending Article 18, paragraph (3), Article 18-3, paragraph (2) and Article 21, paragraph (2): the date specified by Cabinet Order for each provision within the period until March 31, 1980.

附　則　〔昭和五十六年六月九日法律第七十五号〕〔抄〕
Supplementary Provisions [Act No. 75 of June 9, 1981 Extract] [Extract]

この法律は、商法等の一部を改正する法律の施行の日（昭和五十七年十月一日）から施行する。

This Act comes into effect as of the date on which the Act for Partial Revision of the Commercial Code comes into effect (October 1, 1982).

附　則　〔昭和五十八年十二月二日法律第七十八号〕
Supplementary Provisions [Act No. 78 of December 2, 1983]

１　この法律（第一条を除く。）は、昭和五十九年七月一日から施行する。

(1) This Act (excluding Article 1) comes into effect as of July 1, 1984.

２　この法律の施行の日の前日において法律の規定により置かれている機関等で、この法律の施行の日以後は国家行政組織法又はこの法律による改正後の関係法律の規定に基づく政令（以下「関係政令」という。）の規定により置かれることとなるものに関し必要となる経過措置その他この法律の施行に伴う関係政令の制定又は改廃に関し必要となる経過措置は、政令で定めることができる。

(2) Transitional measures necessary for organizations, etc. which have been established under the provisions of Acts as of the day preceding the date on which this Act comes into effect, which are to be established under the provisions of the National Administrative Organization Act or the provisions of Cabinet Order based on the provisions of related laws amended by this Act (hereinafter referred to as the "related Cabinet Order") after the date this Act comes into effect, and other transitional measures necessary for the establishment, amendment, or repeal of the related Cabinet Order accompanying the enforcement of this Act may be specified by Cabinet Order.

附　則　〔昭和六十三年六月十一日法律第八十一号〕〔抄〕
Supplementary Provisions [Act No. 81 of June 11, 1988 Extract] [Extract]

（施行期日）

(Effective Date)

第一条　この法律は、公布の日から起算して二十日を経過した日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act comes into effect as of the day on which 20 days have elapsed from the date of promulgation; provided, however, that the provisions set forth in the following items come into effect as of the date specified in each item:

一　第一条中不動産登記法第四章の次に一章を加える改正規定のうち第百五十一条ノ三第二項から第四項まで、第百五十一条ノ五及び第百五十一条ノ七の規定に係る部分、第二条中商業登記法の目次の改正規定並びに同法第三章の次に一章を加える改正規定のうち第百十三条の二、第百十三条の三、第百十三条の四第一項、第四項及び第五項並びに第百十三条の五の規定に係る部分並びに附則第八条から第十条までの規定　公布の日から起算して一年を超えない範囲内において政令で定める日

(i) The parts related to the provisions of Article 151-3, paragraphs (2) through (4), Article 151-5, and Article 151-7 among the provisions that add one Chapter after Chapter IV of the Real Property Registration Act in Article 1 of this Act; the provisions amending the Table of Contents of the Commercial Registration Act, and the parts related to the provisions of Article 113-2, Article 113-3, Article 113-4, paragraph (1), paragraphs (4) and (5), and Article 113-5 among the provisions that add one Chapter after Chapter III of that Act in Article 2 of this Act; the provisions of Articles 8 through 10 of the Supplementary Provisions: the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

附　則　〔平成元年十二月二十二日法律第九十一号〕〔抄〕

Supplementary Provisions [Act No. 91 of December 22, 1989 Extract] [Extract]

（施行期日）

(Effective Date)

第一条　この法律は、公布の日から起算して二年を超えない範囲内において政令で定める日から施行する。

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding two years from the date of promulgation.

附　則　〔平成二年六月二十七日法律第五十二号〕〔抄〕

Supplementary Provisions [Act No. 52 of June 27, 1990 Extract] [Extract]

（施行期日）

(Effective Date)

第一条　この法律は、平成二年十月一日から起算して三月を超えない範囲内において政令で定める日から施行する。ただし、第五十四条の二の改正規定、第九十二条の次に一条を加える改正規定、第九十七条の二の改正規定（同条第二項の改正規定、同条第三項の改正規定中「売買取引」を「取引」に改める部分及び同条第五項の改正規定中「政令で」を「主務省令で」に改める部分を除く。）、第九十七条の三第二項の改正

規定、第九十七条の四の改正規定、第九十七条の十一第三項の改正規定（「弁済契約において定める額」を「契約弁済額」に改める部分に限る。）、第百四十六条の改正規定（「第五十二条第三項」の下に「、第五十四条の二第二項」を加える部分に限る。）、第百六十一条第一号の改正規定、第百六十四条の改正規定（同条第二号の次に一号を加える部分に限る。）及び第百六十六条第一号及び第二号の改正規定（「第五十二条第三項」の下に「、第五十四条の二第二項」を加える部分に限る。）は、平成三年四月一日から施行する。

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding three months from October 1, 1990; provided, however, that the provisions amending Article 54-2, the provisions which add one Article after Article 92, the provisions amending Article 97-2 (excluding the provisions amending paragraph (2) of that Article, the part that amends the term "purchase and sale transactions" in the provisions amend ing paragraph (3) of that Article to "transactions" and the part that amend the term "by Cabinet Order" in the provisions amending paragraph (5) of that Article to "by order of the competent ministry"), the provisions that amend Article 97-3, paragraph (2), the provisions that amend Article 97-4, the provisions amending Article 97-11, paragraph (3) (limited to the part that amends the phrase "the amount as specified in the payment contract" to "the contracted payment amount"), the provisions amending Article 146 (limited to the part that adds the term"Article 54-2, paragraph (2)" after the term "Article 52, paragraph (3)"), the provisions amending Article 161, item (i), the provisions amending Article 164 (limited to the part that adds one item after item (ii) of that Article), and the provisions amending Article 166, items (i) and (ii) (limited to the part that adds the term "Article 54-2, paragraph (2)" after the term "Article 52, paragraph (3)") comes into effect as of April 1, 1991.

（取引所の許可等に関する経過措置）

(Transitional Measures for Permission for Exchanges)

第二条　この法律の施行の際現に改正前の商品取引所法（以下「旧法」という。）第八条の二の許可を受けている商品取引所は、改正後の商品取引所法（以下「新法」という。）第八条の二の許可を受けて設立された商品取引所とみなす。

Article 2 (1) A commodity exchange that has obtained the permission under Article 8-2 of the Commodity Exchange Act prior to amendment (hereinafter referred to as the "former Act") at the time of the enforcement of this Act is deemed to be a commodity exchange established with the permission under Article 8-2 of the Commodity Exchange Act after the amendment (hereinafter referred to as the "new Act").

２　この法律の施行の際現に前項の規定により新法第八条の二の許可を受けて設立されたとみなされた商品取引所（以下「旧法取引所」という。）が開設している商品市場（以下「旧市場」という。）は、旧法取引所が開設している新法第二条第七項の商品

市場とみなす。

(2) A commodity market that has been opened by a commodity exchange deemed to have been established with the permission under Article 8-2 of the new Act (hereinafter referred to as an "exchange under the former Act") pursuant to the provisions of the preceding paragraph (hereinafter the commodity market is referred to as a"former market") at the time of the enforcement of this Act is deemed to be a commodity market referred to in Article 2, paragraph (7) of the new Act opened by an exchange under the former Act.

３　この法律の施行の際現に上場されている旧市場に係る上場商品は、旧法取引所が新法第二条第四項の上場商品として定款で定めたものとみなす。

(3) A listed commodity related to a former market which is listed at the time of the enforcement of this Act is deemed to be a commodity that an exchange under the former Act has specified in its articles of incorporation as a listed commodity referred to in Article 2, paragraph (4) of the new Act.

４　この法律の施行の際現に旧市場で行われている売買取引の種類は、旧法取引所が上場商品に係る新法第二条第六項第一号又は第八項第一号ニに掲げる取引として定款で定めたものとみなす。

(4) The type of purchase and sale transactions which have been conducted in a former market at the time of the enforcement of this Act are deemed to be transactions that an exchange under the former Act has specified in its articles of incorporation as transactions set forth in Article 2, paragraph (6), item (i) or paragraph (8), item (i), (d) of the new Act related to listed commodities.

（商品取引員の許可に関する経過措置）

(Transitional Measures for License for Futures Commission Merchants)

第三条　この法律の施行の際現に旧法第四十一条第一項の許可（以下「旧法の許可」という。）を受けている者は、新法第四十一条第二項第一号に掲げる者に係る同条第一項の許可（以下「新法の許可」という。）を受けたものとみなす。

Article 3 (1) A person who has obtained the license under Article 41, paragraph (1) of the former Act (hereinafter referred to as a "license under the former Act") at the time of the enforcement of this Act is deemed to have obtained a license under Article 41, paragraph (1) related to a person set forth in paragraph (2), item (i) of that Article of the new Act (hereinafter referred to as a "license under the new Act").

２　前項の規定により新法の許可を受けたものとみなされた者についての新法第四十一条第四項の規定の適用については、その者が旧法の許可を受けた日を新法の許可を受けた日とみなす。

(2) With regard to the application of the provisions of Article 41, paragraph (4) of the new Act to a person who is deemed to have obtained a license under the new Act pursuant to the provisions of the preceding paragraph, the day when the person obtained a license under the former Act is deemed to be the day

when the person obtained a license under the new Act.

3　第一項の規定により新法の許可を受けたものとみなされた者に対する新法第四十六条第一項及び新法第四十七条第一項第一号の規定の適用については、この法律の施行の日からその者が新法第四十一条第四項の許可の更新を受けるまでの間は、新法第四十六条第一項中「次に掲げる場合（第二種商品取引受託業の許可を受けた商品取引員にあつては、第二号又は第三号に掲げる場合）」とあるのは「第二号又は第三号に掲げる場合」と、新法第四十七条第一項第一号中「第四十三条第一項第一号、第一号の二又は第三号に掲げる事項（第二種商品取引受託業の許可を受けた商品取引員にあつては、同項第一号又は第三号に掲げる事項）」とあるのは「第四十三条第一項第一号又は第三号に掲げる事項」とする。

(3) With regard to the application of the provisions of Article 46, paragraph (1) and Article 47, paragraph (1), item (i) of the new Act to a person who is deemed to have obtained a license under the new Act pursuant to the provisions of paragraph (1), the phrase "in the following cases (in the cases set forth in item (ii) or (iii) for a futures commission merchant who obtained a license for Second Class Business of Accepting Consignment of Commodity Transactions)" in Article 46, paragraph (1) of the new Act is deemed to be replaced with "in the cases set forth in item (ii) or (iii)," and "particulars set forth in Article 43, paragraph (1), item (i), (i)-2, or (iii) (particulars set forth in item (i) or (iii) of the same paragraph for a futures commission merchant who obtained a license for Second Class Business of Accepting Consignment of Commodity Transactions)" in Article 47, paragraph (1), item (i) of the new Act is deemed to be replaced with "particulars set forth in Article 43, paragraph (1), item (i) or (iii)", during the period from the effective date of this Act to the day on which the person has their license under Article 41, paragraph (4) of the new Act renewed.

4　旧法第五十二条第一項又は旧法第百二十三条の規定により旧法の許可を取り消された者についての新法第二十四条第一項第三号及び第四号の規定の適用については、その者は、その取消しの日において、新法第五十二条第一項又は新法第百二十三条の規定により新法の許可を取り消されたものとみなす。

(4) With regard to the application of the provisions of Article 24, paragraph (1), items (iii) and (iv) of the new Act to a person who has had their license under the former Act revoked pursuant to the provisions of Article 52, paragraph (1) or Article 123 of the former Act, the person is deemed to have had their license under the new Act revoked pursuant to the provisions of Article 52, paragraph (1) or Article 123 of the new Act on the day of the revocation.

（商品取引員協会等の名称の使用制限に関する経過措置）

(Transitional Measures for Restriction on the Use of the Name of Futures Commission Merchant Association)

第四条　この法律の施行の際現にその名称中に商品取引員協会又は商品取引員協会会員

であると誤認されるおそれのある文字を用いている者については、新法第五十四条の四の規定は、この法律の施行後六月間は、適用しない。

Article 4 The provisions of Article 54-4 of the new Act do not apply to a person who was, at the time of the enforcement of this Act, using words which could give rise to the misconception that the person is the futures commission merchant association or a future commission merchant association member in their name, for six months after the enforcement of this Act.

（売買証拠金に関する経過措置）

(Transitional Measures for Trading Margins)

第五条　この法律の施行の際現に会員が旧法第七十九条第一項の規定により旧法取引所に預託している売買証拠金は、当該会員が新法第七十九条第一項の規定により当該旧法取引所に預託した取引証拠金とみなす。

Article 5 The trading margins which has already been deposited with an exchange under the former Act pursuant to the provisions of Article 79, paragraph (1) of the former Act at the time of the enforcement of this Act are deemed to be clearing margins that the member has deposited with the exchange under the former Act pursuant to the provisions of Article 79, paragraph (1) of the new Act.

（弁済機関の指定に関する経過措置）

(Transitional Measures for Designation of Payment Organizations)

第六条　この法律の施行の際現に旧法第九十七条の二第三項の指定を受けている者は、新法第九十七条の二第三項の指定を受けたものとみなす。

Article 6 A person who has already received a designation under Article 97-2, paragraph (3) of the former Act at the time of the enforcement of this Act is deemed to have received a designation under Article 97-2, paragraph (3) of the new Act.

（紛争処理規程の認可に関する経過措置）

(Transitional Measures for Authorization for Dispute Resolution Rules)

第七条　旧法取引所は、この法律の施行の日から三十日以内に、紛争処理規程を作成し、主務大臣の認可を受けなければならない。

Article 7 (1) An exchange under the former Act must prepare dispute resolution rules and obtain the authorization of the competent minister within 30 days from the date on which this Act comes into effect.

２　新法第十五条第一項第四号及び第九項の規定は、前項の認可について準用する。

(2) The provisions of Article 15, paragraph (1), item (iv) and paragraph (9) of the new Act apply mutatis mutandis to the authorization referred to in the preceding paragraph.

３　主務大臣は、旧法取引所が第一項の規定に違反した場合には、その設立の許可を取

り消し、又は一年以内の期間を定めてその業務の全部又は一部の停止を命ずることができる。

(3) If an exchange under the former Act has violated the provisions of paragraph (1), the competent minister may revoke the permission for its establishment or order suspension of all or a part of its business for a fixed period not exceeding one year.

4　前項の規定による処分に違反したときは、その行為をした旧法取引所の代表者、代理人、使用人その他の従業者は、一年以下の懲役若しくは百万円以下の罰金に処し、又はこれを併科する。

(4) If an exchange under the former Act has violated the disposition under the provisions of the preceding paragraph, the representative, agent, employee, or other worker of the exchange who has committed the act is subject to punishment by imprisonment for not more than one year or a fine of not more than a million yen, or both.

5　旧法取引所の代表者、代理人、使用人その他の従業者が前項の違反行為をしたときは、その行為者を罰するほか、その旧法取引所に対して前項の罰金刑を科する。

(5) If the representative, agent, employee, or other worker of an exchange under the former Act has committed a violation referred to in the preceding paragraph, not only the offender, but also the exchange under the former Act is subject to punishment by a fine referred to in the preceding paragraph.

（商品市場類似施設の開設の禁止の適用除外規定の適用に関する経過措置）

(Transitional Measures for Application of the Exemption Provisions on Prohibition of Establishing Facilities Similar to a Commodity Market)

第八条　主務大臣は、旧市場の開設の地及びこの法律の施行の際現に上場されている旧市場に係る上場商品を、この法律の施行の日に、官報に公示するものとする。

Article 8 (1) The competent minister is to give public notice in the Official Gazette with regard to the locations where former markets have been opened and the listed commodities in the former markets which have already been listed at the time of the enforcement of this Act on the date on which this Act comes into effect.

2　前項の規定による公示に係る上場商品については、当該上場商品を新法第百四十七条の二の規定により公示された上場商品とみなして、新法第百四十五条の三の規定を適用する。

(2) With regard to the listed commodities related to the public notice under the provisions of the preceding paragraph, the listed commodities is deemed to be listed commodities for which public notice has been given pursuant to the provisions of Article 147-2 of the new Act, and the provisions of Article 145-3 of the new Act apply.

3　新法第百四十八条第一項の規定は、第一項の主務大臣について準用する。

(3) The provisions of Article 148, paragraph (1) of the new Act apply mutatis

mutandis to the competent minister referred to in paragraph (1).

（罰則に関する経過措置）
(Transitional Measures for Penal Provisions)
第九条　この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。
Article 9 Prior laws continue to govern the applicability of penal provisions to acts committed prior to the enforcement of this Act.

（その他の経過措置の政令への委任）
(Delegation of Other Transitional Measures to Cabinet Order)
第十条　附則第二条から前条までに定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。
Article 10 Beyond what is provided for in Article 2 through the preceding Article of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

附　則　〔平成四年六月五日法律第七十三号〕〔抄〕
Supplementary Provisions [Act No. 73 of June 5, 1992 Extract] [Extract]

（施行期日）
(Effective Date)
第一条　この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日から施行する。
Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

附　則　〔平成五年十一月十二日法律第八十九号〕〔抄〕
Supplementary Provisions [Act No. 89 of November 12, 1993 Extract] [Extract]

（施行期日）
(Effective Date)
第一条　この法律は、行政手続法（平成五年法律第八十八号）の施行の日から施行する。
Article 1 This Act comes into effect as of the date on which the Administrative Procedure Act (Act No. 88 of 1993) comes into effect.

（諮問等がされた不利益処分に関する経過措置）
(Transitional Measures for Adverse Dispositions Consulted On)
第二条　この法律の施行前に法令に基づき審議会その他の合議制の機関に対し行政手続法第十三条に規定する聴聞又は弁明の機会の付与の手続その他の意見陳述のための手

続に相当する手続を執るべきことの諮問その他の求めがされた場合においては、当該諮問その他の求めに係る不利益処分の手続に関しては、この法律による改正後の関係法律の規定にかかわらず、なお従前の例による。

Article 2 If, based on laws and regulations prior to the enforcement of this Act, consultation or any other request has been made to a council or other body with a council system concerning implementation of procedures equivalent to stating opinions such as conducitng a hearing or granting an opportunity for explanation prescribed in Article 13 of the Administrative Procedure Act, prior laws continue to govern the procedures for adverse dispositions related to the consultation or other requests, notwithstanding the provisions of related laws amended by this Act.

（罰則に関する経過措置）

(Transitional Measures for Penal Provisions)

第十三条　この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。

Article 13 Prior laws continue to govern the applicability of penal provisions to acts committed prior to the enforcement of this Act.

（聴聞に関する規定の整理に伴う経過措置）

(Transitional Measures for the Adjustment of Provisions Regarding Hearings)

第十四条　この法律の施行前に法律の規定により行われた聴聞、聴問若しくは聴聞会（不利益処分に係るものを除く。）又はこれらのための手続は、この法律による改正後の関係法律の相当規定により行われたものとみなす。

Article 14 Hearings (excluding those regarding adverse dispositions) conducted pursuant to the provisions of Acts prior to the enforcement of this Act or procedures for the hearings are deemed to have been conducted pursuant to the equivalent provisions of the related laws amended by this Act.

（政令への委任）

(Delegation to Cabinet Order)

第十五条　附則第二条から前条までに定めるもののほか、この法律の施行に関して必要な経過措置は、政令で定める。

Article 15 Beyond what is provided for in Article 2 through the preceding Article of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

附　則　〔平成九年六月六日法律第七十二号〕

Supplementary Provisions [Act No. 72 of June 6, 1997]

（施行期日）

(Effective Date)

1　この法律は、商法等の一部を改正する法律（平成九年法律第七十一号）の施行の日から施行する。

(1) This Act comes into effect as of the date on which the Act for Partial Revision of the Commercial Code (Act No. 71 of 1997) comes into effect.

（経過措置）

(Transitional Measures)

2　この法律の施行前に締結された合併契約に係る合併に関しては、この法律の施行後も、なお従前の例による。

(2) Prior laws continue to govern a merger related to a merger agreement concluded prior to the enforcement of this Act, even after the enforcement of this Act.

（罰則の適用に関する経過措置）

(Transitional Measures fo r the Application of Penal Provisions)

3　この法律の施行前にした行為及び前項の規定により従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

(3) Prior laws continue to govern the applicability of penal provisions to acts committed prior to the enforcement of this Act and acts committed after the enforcement of this Act to which the provisions previously in force are to remain applicable pursuant to the provisions of the preceding paragraph.

附　則　〔平成十年四月二十二日法律第四十二号〕〔抄〕

Supplementary Provisions [Act No. 42 of April 22, 1998 Extract] [Extract]

（施行期日）

(Effective Date)

第一条　この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, that the provisions set forth in the following items come into effect as of the date specified in each item:

一　附則第八条の規定　公布の日

(i) the provisions of Article 8 of the Supplementary Provisions: the date of promulgation;

二　第十五条の改正規定（同条第一項第四号の改正規定を除く。）、第十七条の改正規定、第二十条の改正規定及び第百四十七条の二の改正規定　公布の日から起算し

て三月を経過した日

(ii) the provisions amending Article 15 (excluding the provisions amending paragraph (1), item (iv) of that Article); the provisions amending Article 17; the provisions amending Article 20 and the provisions amending Article 147-2: the day on which three months have elapsed from the date of promulgation; and

三　第九十七条の見出しの改正規定及び同条第一項の改正規定（「委託手数料を徴し、及び」を削る部分に限る。）　平成十六年十二月三十一日

(iii) the provisions amending the title of Article 97 and the provisions amending paragraph (1) of that Article (limited to the part that deletes the term "collecting commission fees, and"): December 31, 2004

（取引所の許可等に関する経過措置）

(Transitional Measures for the Permission for Exchanges)

第二条　前条第二号に掲げる規定の施行前に同号の規定による改正前の商品取引所法第八条の二の規定によりされた許可の申請であって、同号に掲げる規定の施行の際、許可又は不許可の処分がされていないものについての許可又は不許可の処分については、なお従前の例による。

Article 2 (1) Prior laws continue to govern the disposition of permission or non-permission of the application for permission filed prior to the enforcement of the provisions set forth in item (ii) of the preceding Article, pursuant to the provisions of Article 8-2 of the Commodity Exchange Act prior to the amendment by the provisions of that item, for which a disposition of permission or non-permission has not been made at the time of the enforcement of the provisions set forth in that item.

２　前条第二号に掲げる規定の施行前に同号の規定による改正前の商品取引所法第二十条第一項の規定によりされた認可の申請であって、同号に掲げる規定の施行の際、認可又は不認可の処分がされていないものについての認可又は不認可の処分については、なお従前の例による。

(2) Prior laws continue to govern the disposition of authorization or refusal of authorization of the application for authorization filed prior to the enforcement of the provisions set forth in item (ii) of the preceding Article, pursuant to the provisions of Article 20, paragraph (1) of the Commodity Exchange Act prior to the amendment by the provisions of that item, for which a disposition of authorization or refusal of authorization has not been made at the time of the enforcement of the provisions set forth in that item.

（市場取引監視委員会規程の認可に関する経過措置）

(Transitional Measures for the Authorization for Market Transaction Surveillance Committee Rules)

第三条　この法律の施行の際現にこの法律による改正前の商品取引所法（以下「旧法」

という。）第八条の二の許可を受けている商品取引所（以下「旧法取引所」という。）は、この法律の施行の日（以下「施行日」という。）から三十日以内に、市場取引監視委員会規程を作成し、主務大臣に認可の申請をしなければならない。

Article 3 (1) A commodity exchange which has already obtained the permission under Article 8-2 of the Commodity Exchange Act prior to the amendment by this Act (hereinafter referred to as the "former Act") at the time of the enforcement of this Act must prepare market transactions surveillance committee rules and file an application for authorization with the competent minister within 30 days from the date on which this Act comes into effect (hereinafter referred to as the "date of enforcement").

２　この法律による改正後の商品取引所法（以下「新法」という。）第十五条第一項第四号の規定は、前項の認可について準用する。

(2) The provisions of Article 15, paragraph (1), item (iv) of the Commodity Exchange Act amended by this Act (hereinafter referred to as the "new Act") apply mutatis mutandis to the authorization referred to in the preceding paragraph.

３　主務大臣は、旧法取引所が第一項の規定に違反した場合には、その設立の許可を取り消し、又は一年以内の期間を定めてその業務の全部又は一部の停止を命ずることができる。

(3) If an exchange under the former Act has violated the provisions of paragraph (1), the competent minister may revoke the permission for its establishment or order suspension of all or a part of its business for a fixed period not exceeding one year.

４　前項の規定による処分に違反したときは、その行為をした旧法取引所の代表者、代理人、使用人その他の従業者は、二年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

(4) If an exchange under the former Act has violated the disposition under the provisions of the preceding paragraph, the representative, agent, employee, or other worker of the exchange under the former Act who has committed the act is subject to punishment by imprisonment for not more than two years or a fine of not more than three million yen, or both.

５　旧法取引所の代表者、代理人、使用人その他の従業者が前項の違反行為をしたときは、その行為者を罰するほか、その旧法取引所に対して三億円以下の罰金刑を科する。

(5) If the representative, agent, employee, or other worker of an exchange under the former Act has committed a violation referred to in the preceding paragraph, not only the offender is subject to punishment but also the exchange under the former Act is subject to punishment by a fine of not more than 300 million yen.

（商品取引員の許可に関する経過措置）

(Transitional Measures for the License for Futures Commission Merchants)

第四条　この法律の施行の際現に旧法第四十一条第二項第一号に掲げる者又は同項第二号に掲げる者に係る同条第一項の許可（以下「旧法の許可」という。）を受けている者は、当該旧法の許可に係る商品市場を含む許可の種類（新法第百二十六条第二項に規定する許可の種類をいう。以下同じ。）につき、旧法の許可に係る商品市場を新法第百二十八条第一項第四号の商品市場における取引の受託等を行う商品市場として、それぞれ新法第百二十六条第二項第一号に掲げる者又は同項第二号に掲げる者に係る同条第一項の許可（以下「新法の許可」という。）を受けたものとみなす。

Article 4 (1) A person who has, at the time of the enforcement of this Act, already obtained a license under Article 41, paragraph (1) of the former Act related to a person set forth in paragraph (2), item (i) of that Article or a person set forth in item (ii) of that paragraph (hereinafter referred to as a "license under the former Act") is deemed to have obtained a license under Article 126, paragraph (1) of the new Act related to a person set forth in paragraph (2), item (i) of that Article or a person set forth in item (ii) of that paragraph of the new Act (hereinafter referred to as a "license under the new Act"), respectively, with regard to types of licenses including a commodity market related to the license under the former Act (meaning types of licenses prescribed in Article 126, paragraph (2) of the new Act; the same applies hereinafter), deeming a commodity market related to a license under the former Act to be a commodity market where the entrustment of transactions in a commodity market under Article 128, paragraph (1), item (iv) of the new Act is accepted.

２　前項の規定により新法の許可を受けたものとみなされる者であって、同項の規定により、一の許可の種類について二以上の許可を受けたものとみなされるものについては、当該二以上の許可を一の許可とみなして、この法律の規定を適用する。

(2) With regard to a person who is deemed to have obtained a license under the new Act pursuant to the provisions of the preceding paragraph and deemed to have obtained two or more licenses for a single type of license, the provisions of this Act apply, deeming the two or more licenses to be one license.

３　前二項の規定により新法の許可を受けたものとみなされた者についての新法第百二十六条第四項の規定の適用については、その者が旧法の許可を受けた日（前項の規定により二以上の許可を一の許可とみなされた者にあっては、当該二以上の許可のうち最後の許可を受けた日）を新法の許可を受けた日とみなす。

(3) With regard to the application of the provisions of Article 126, paragraph (4) of the new Act to a person who is deemed to have obtained a license under the new Act pursuant to the provisions of the preceding two paragraphs, the day on which the person obtained a license under the former Act (for a person whose two or more licenses are deemed to be one license pursuant to the provisions of the preceding paragraph, the day on which the person obtained the last license of the two or more licenses) is deemed to be the day on which the person obtained a license under the new Act.

４　旧法第四十二条第一項の規定により旧法の許可に付された条件は、新法第百二十七条第一項の規定により新法の許可に付された条件とみなす。

(4) The conditions attached to a license under the former Act pursuant to the provisions of Article 42, paragraph (1) of the former Act is deemed to be the conditions attached to a license under the new Act pursuant to the provisions of Article 127, paragraph (1) of the new Act.

５　旧法第五十二条第一項又は旧法第百二十三条の規定により旧法の許可を取り消された者についての新法第二十四条第一項第三号及び第四号、第百二十九条第一項第五号及び第八号並びに第二項、第百三十六条の六第一項第一号、第百三十六条の八第二号、第百三十六条の九第一項第一号、第百三十六条の二十八第一項第一号、第百三十六条の三十二第一項第一号、第百三十六条の四十三第一項第四号及び第五号並びに第百三十六条の五十二の規定の適用については、その者は、その取消しの日において、新法第百三十六条の二十七第一項又は新法第百三十六条の三十二第一項の規定により新法の許可を取り消されたものとみなす。

(5) With regard to the application of the provisions of Article 24, paragraph (1), items (iii) and (iv), Article 129, paragraph (1), item (v), item (viii) and paragraph (2), Article 136-6, paragraph (1), item (i), Article 136-8, item (ii), Article 136-9, paragraph (1), item (i), Article 136-28, paragraph (1), item (i), Article 136-32, paragraph (1), item (i), Article 136-43, paragraph (1), items (iv) and (v), and Article 136-52 of the new Act to a person who has had their license under the former Act revoked pursuant to the provisions of Article 52, paragraph (1) or Article 123 of the former Act, the person is deemed to have had their license under the new Act revoked pursuant to the provisions of Article 136-27, paragraph (1) or Article 136-32, paragraph (1) of the new Act on the day of the revocation.

（従たる営業所の開設等に関する経過措置）

(Transitional Measures for the Establishment of Secondary Business Offices)

第五条　施行日前に旧法第四十六条第一項第二号又は第三号に掲げる場合についての同項の許可が行われたものであって、施行日後に従たる営業所の開設又は本店若しくは従たる営業所の位置の変更がされるものについては、新法第百三十二条第一項の規定による届出を要しない。

Article 5 When a license under Article 46, paragraph (1) has been obtained prior to the date of enforcement for the cases set forth in paragraph (1), item (ii) or (iii) of that Article of the former Act, in which a secondary business office is established or the location of the head office or a secondary business office is changed after the date of enforcement, the notification under the provisions of Article 132, paragraph (1) of the new Act is not necessary.

（外務員に関する経過措置）

(Transitional Measures for Sales Representatives)

第六条　この法律の施行の際現に旧法第九十一条の二第一項の規定により商品取引員（旧法第四十一条第三項に規定するものをいう。以下同じ。）が旧法取引所の行う登録を受けている外務員（旧法第九十一条の二第一項に規定するものをいう。以下同じ。）については、新法第百三十六条の四第一項の規定により主務大臣の行う登録を受けたものとみなす。

Article 6 (1) A futures commission merchant (meaning one prescribed in Article 41, paragraph (3) of the former Act; the same applies hereinafter) who has, at the time of the enforcement of this Act, already obtained registration as sales representative (meaning one prescribed in Article 91-2, paragraph (1) of the former Act; the same applies hereinafter) granted by an exchange under the former Act pursuant to the provisions of Article 91-2, paragraph (1) of the former Act is deemed to have obtained the registration granted by the competent minister pursuant to the provisions of Article 136-4, paragraph (1) of the new Act.

２　旧法取引所は、旧法第九十一条の二第一項の規定による登録を受けている事項を施行日から十日以内に主務大臣に通知しなければならない。

(2) An exchange under the former Act must notify the particulars for which it has obtained registration pursuant to the provisions of Article 91-2, paragraph (1) of the former Act to the competent minister within 10 days from the date of enforcement.

３　第一項の規定により新法第百三十六条の四第一項の規定により商品取引員が登録を受けたものとみなされる外務員についての同条第七項の規定の適用については、当該商品取引員が旧法第九十一条の二第一項の規定による登録を最後に受けた日を新法第百三十六条の四第一項の規定による登録を受けた日とみなす。

(3) With regard to the application of the provisions of Article 136-4, paragraph (7) of the new Act to a futures commission merchant that is deemed to have obtained the registration as sales representative pursuant to the provisions of paragraph (1) of that Article pursuant to the provisions of paragraph (1), the day on which the last registration under the provisions of Article 91-2, paragraph (1) of the former Act was obtained by the futures commission merchant is deemed to be the day on which they obtained the registration under the provisions of Article 136-4, paragraph (1) of the new Act.

（商品先物取引協会等の名称の使用制限に関する経過措置）

(Transitional Measures for Restriction on the Use of the Name of Commodity Futures Association)

第七条　この法律の施行の際現にその名称中に商品先物取引協会又は商品先物取引協会の会員であると誤認されるおそれのある文字を用いている者については、新法第百三十六条の三十九の規定は、この法律の施行後六月間は、適用しない。

Article 7 The provisions of Article 136-39 of the new Act do not apply to a person who was, at the time of the enforcement of this Act, using words which could

give rise to the misconception that the person is a commodity futures association or its member in their name, for six months after the enforcement of this Act.

（商品取引員協会に関する経過措置）

(Transitional Measures for the Futures Commission Merchant Association)

第八条　この法律の公布の際既に旧法第五十四条の三第一項に規定する商品取引員協会（以下「旧法協会」という。）が設立されている場合においては、当該旧法協会は、施行日前においても、新法第百三十六条の四十一及び第百三十六条の四十四の規定の例により、定款を変更し、主務大臣の認可を受けることができる。

Article 8 (1) If the futures commission merchant association prescribed in Article 54-3, paragraph (1) of the former Act (hereinafter referred to as the "association under the former Act") has already been established at the time of the enforcement of this Act, the association under the former Act may change its articles of incorporation and obtain the authorization of the competent minister, pursuant to the provisions of Article 136-41 and Article 136-44 of the new Act, even prior to the date of enforcement.

２　旧法協会は、前項の認可を受けようとする場合には、制裁規程及び紛争処理規程を定め、主務大臣の認可を併せて受けなければならない。

(2) If the association under the former Act seeks to obtain the authorization referred to in the preceding paragraph, it must establish sanction rules and dispute resolution rules and obtain authorization of the competent minister for those rules at the same time.

３　新法第百三十六条の四十三第一項第一号の規定は、前項の認可について準用する。

(3) The provisions of Article 136-43, paragraph (1), item (i) of the new Act apply mutatis mutandis to the authorization referred to in the preceding paragraph.

４　第一項の認可を受けた定款の変更並びに第二項の認可を受けた制裁規程及び紛争処理規程は、施行日にその効力を生ずるものとする。

(4) The changes to the articles of incorporation that obtained the authorization referred to in paragraph (1) and the sanction rules and dispute resolution rules that obtained the authorization referred to in paragraph (2) come into effect on the date of enforcement.

（罰則に関する経過措置）

(Transitional Measures for Penal Provisions)

第九条　この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。

Article 9 Prior laws continue to govern the applicability of penal provisions to acts committed prior to the enforcement of this Act.

（その他の経過措置の政令への委任）

(Delegation of Other Transitional Measures to Cabinet Order)

第十条　附則第二条から前条までに定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 10 Beyond what is provided for in Article 2 through the preceding Article of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

附　則　〔平成十年六月十五日法律第百七号〕〔抄〕

Supplementary Provisions [Act No. 107 of June 15, 1998 Extract]

[Extract]

（施行期日）

(Effective Date)

第一条　この法律は、平成十年十二月一日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act comes into effect as of December 1, 1998; provided, however, that the provisions set forth in the following items come into effect as of the date specified in each item:

一　第一条中証券取引法第四章の次に一章を加える改正規定（第七十九条の二十九第一項に係る部分に限る。）並びに同法第百八十九条第二項及び第四項の改正規定、第二十一条の規定、第二十二条中保険業法第二編第十章第二節第一款の改正規定（第二百六十五条の六に係る部分に限る。）、第二十三条の規定並びに第二十五条の規定並びに附則第四十条、第四十二条、第五十八条、第百三十六条、第百四十条、第百四十三条、第百四十七条、第百四十九条、第百五十八条、第百六十四条、第百八十七条（大蔵省設置法（昭和二十四年法律第百四十四号）第四条第七十九号の改正規定を除く。）及び第百八十八条から第百九十条までの規定　平成十年七月一日

(i) The provisions that add one Chapter after Chapter IV of the Securities Exchange Act (limited to the part related to Article 79-29, paragraph (1)) in Article 1 and the provisions amending Article 189, paragraphs (2) and (4) of that Act; the provisions of Article 21; the provisions amending Part II, Chapter X, Section 2, Subsection 1 of the Insurance Business Act (limited to the part related to Article 265-6) in Article 22; the provisions of Article 23 and the provisions of Article 25 of this Act; and the provisions of Article 40, Article 42, Article 58, Article 136, Article 140, Article 143, Article 147, Article 149, Article 158, Article 164, Article 187 (excluding the provisions amending Article 4, item (lxxix) of the Act for Establishment of the Ministry of Finance (Act No. 144 of 1949)), and Articles 188 through 190 of the Supplementary Provisions: July 1, 1998.

（処分等の効力）

(Effect of Dispositions)

第百八十八条　この法律（附則第一条各号に掲げる規定にあっては、当該規定）の施行前に改正前のそれぞれの法律（これに基づく命令を含む。以下この条において同じ。）の規定によってした処分、手続その他の行為であって、改正後のそれぞれの法律の規定に相当の規定があるものは、この附則に別段の定めがあるものを除き、改正後のそれぞれの法律の相当の規定によってしたものとみなす。

Article 188 The dispositions made, the procedures taken, and other acts performed pursuant to the provisions of the respective laws prior to amendment (including orders based on those laws; hereinafter the same applies in this Article) prior to the enforcement of this Act (for the provisions set forth in each item of Article 1 of the Supplementary Provisions, the relevant provisions), for which corresponding provisions exist in the amended laws, are deemed to have been made, taken, or performed pursuant to the corresponding provisions of the respective laws after the amendment, unless otherwise provided for by these Supplementary Provisions.

（罰則の適用に関する経過措置）

(Transitional Measures for the Application of Penal Provisions)

第百八十九条　この法律（附則第一条各号に掲げる規定にあっては、当該規定）の施行前にした行為並びにこの附則の規定によりなお従前の例によることとされる場合及びこの附則の規定によりなおその効力を有することとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 189 Prior laws continue to govern the applicability of penal provisions to acts committed prior to the enforcement of this Act (for the provisions set forth in each item of Article 1 of the Supplementary Provisions, the relevant provisions) and acts committed after the enforcement of this Act for which the provisions previously in force are to remain applicable pursuant to the provisions of these Supplementary Provisions and for which the provisions prior to the amendment are to remain in force pursuant to the provisions of these Supplementary Provisions.

（その他の経過措置の政令への委任）

(Delegation of Other Transitional Measures to Cabinet Order)

第百九十条　附則第二条から第百四十六条まで、第百五十三条、第百六十九条及び前条に定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 190 In addition to what is provided for in Articles 2 through 146, Article 153, Article 169, and the preceding Article of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

（検討）

(Review)

第百九十一条　政府は、この法律の施行後においても、新保険業法の規定による保険契約者等の保護のための特別の措置等に係る制度の実施状況、保険会社の経営の健全性の状況等にかんがみ必要があると認めるときは、保険業に対する信頼性の維持を図るために必要な措置を講ずるものとする。

Article 191 (1) If the government finds it necessary in light of the implementation status of the systems regarding special measures for protecting insurance policyholders and the state of soundness of management of the insurance companies pursuant to the provisions of the New Insurance Business Act, the government is to take necessary measures for maintaining the credibility of the insurance business even after the enforcement of this Act.

２　政府は、前項に定めるものを除くほか、この法律の施行後五年以内に、この法律による改正後の規定の実施状況、金融システムを取り巻く社会経済状況の変化等を勘案し、この法律による改正後の金融諸制度について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

(2) Except for what is provided for in the preceding paragraph, the government is to review the financial systems after the amendment by this Act within five years after the enforcement of this Act, by taking into account the implementation status of the the provisions amended by this Act and the changes in social and economic situations surrounding the financial systems, and, when the government finds it necessary, is to take the required measures based on the results of the review.

附　則　〔平成十一年七月十六日法律第百二号〕〔抄〕

Supplementary Provisions [Act No. 102 of July 16, 1999 Extract]

[Extract]

（施行期日）

(Effective Date)

第一条　この法律は、内閣法の一部を改正する法律（平成十一年法律第八十八号）の施行の日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act comes into effect as of the date on which the Act Partially Amending the Cabinet Act (Act No. 88 of 1999) comes into effect; provided, however, that the provisions set forth in the following items come into effect as of the date specified in each item:

二　附則第十条第一項及び第五項、第十四条第三項、第二十三条、第二十八条並びに第三十条の規定　公布の日

(ii) The provisions of Article 10, paragraphs (1) and (5), Article 14, paragraph (3), Article 23, Article 28, and Article 30 of the Supplementary Provisions: the date of promulgation.

（職員の身分引継ぎ）

(Succession of Status of an Official)

第三条　この法律の施行の際現に従前の総理府、法務省、外務省、大蔵省、文部省、厚生省、農林水産省、通商産業省、運輸省、郵政省、労働省、建設省又は自治省（以下この条において「従前の府省」という。）の職員（国家行政組織法（昭和二十三年法律第百二十号）第八条の審議会等の会長又は委員長及び委員、中央防災会議の委員、日本工業標準調査会の会長及び委員並びに　これらに類する者として政令で定めるものを除く。）である者は、別に辞令を発せられない限り、同一の勤務条件をもって、この法律の施行後の内閣府、総務省、法務省、外務省、財務省、文部科学省、厚生労働省、農林水産省、経済産業省、国土交通省若しくは環境省（以下この条において「新府省」という。）又はこれに置かれる部局若しくは機関のうち、この法律の施行の際現に当該職員が属する従前の府省又はこれに置かれる部局若しくは機関の相当の新府省又はこれに置かれる部局若しくは機関として政令で定めるものの相当の職員となるものとする。

Article 3 A person who, at the time of the enforcement of this Act, is an official (excluding the chairperson and member of councils, etc. referred to in Article 8 of the National Government Organization Act (Act No. 120 of 1948), a member of the central disaster prevention council, the chairperson and member of the Japanese Industrial Standards Committee, and persons specified by Cabinet Order as being similar to them) of the former Prime Minister's Office, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Education, the Ministry of Health and Welfare, the Ministry of Agriculture, Forestry and Fisheries, the Ministry of International Trade and Industry, the Ministry of Transport, the Ministry of Posts and Telecommunications, the Ministry of Labor, the Ministry of Construction, or the Ministry of Home Affairs (hereinafter referred to as the "former Ministry or Agency" in this Article) is to, unless an appointment is announced separately, become a relevant official of the Cabinet Office, the Ministry of Internal Affairs and Communications, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Education, Culture, Sports, Science and Technology, the Ministry of Health, Labour and Welfare, the Ministry of Agriculture, Forestry and Fisheries, the Ministry of Economy, Trade and Industry, the Ministry of Land, Infrastructure, Transport and Tourism, or the Ministry of the Environment after the enforcement of this Act (hereinafter referred to as the "new Ministry or Agency" in this Article), or a department established thereunder, which is specified by Cabinet Order as the new Ministry or Agency or the department established thereunder that corresponds to the former Ministry or Agency or the department established thereunder to which the official belongs at the time of the enforcement of this Act, with the same working conditions.

（別に定める経過措置）
(Transitional Measures Specified Separately)
第三十条　第二条から前条までに規定するもののほか、この法律の施行に伴い必要となる経過措置は、別に法律で定める。
Article 30 Beyond what is provided for in Article 2 through the preceding Article, transitional measures necessary for the enforcement of this Act are specified separately by laws.

附　則　〔平成十一年八月十三日法律第百二十五号〕〔抄〕
Supplementary Provisions [Act No. 125 of August 13, 1999 Extract] [Extract]

（施行期日）
(Effective Date)
第一条　この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日から施行する。
Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

附　則　〔平成十一年十二月八日法律第百五十一号〕〔抄〕
Supplementary Provisions [Act No. 151 of December 8, 1999 Extract] [Extract]

（施行期日）
(Effective Date)
第一条　この法律は、平成十二年四月一日から施行する。
Article 1 This Act comes into effect as of April 1, 2000.

第四条　この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。
Article 4 Prior laws continue to govern the applicability of penal provisions to acts committed prior to the enforcement of this Act.

附　則　〔平成十一年十二月二十二日法律第百六十号〕〔抄〕
Supplementary Provisions [Act No. 160 of December 22, 1999 Extract] [Extract]

（施行期日）
(Effective Date)
第一条　この法律（第二条及び第三条を除く。）は、平成十三年一月六日から施行する。
Article 1 This Act (excluding Article 2 and Article 3) comes into effect as of

January 6, 2001.

附　則　〔平成十二年五月三十一日法律第九十六号〕〔抄〕
Supplementary Provisions [Act No. 96 of May 31, 2000 Extract] [Extract]

（施行期日）
(Effective Date)
第一条　この法律は、平成十二年十二月一日（以下「施行日」という。）から施行する。
Article 1 This Act comes into effect as of December 1, 2000 (hereinafter referred to as the "date of enforcement").

（処分等の効力）
(Effect of Dispositions)
第四十九条　この法律（附則第一条各号に掲げる規定にあっては、当該規定）の施行前に改正前のそれぞれの法律の規定によってした処分、手続その他の行為であって、改正後のそれぞれの法律の規定に相当の規定があるものは、この附則に別段の定めがあるものを除き、改正後のそれぞれの法律の相当の規定によってしたものとみなす。
Article 49 The dispositions made, procedures taken, and other acts performed pursuant to the provisions of the respective laws before the amendment prior to the enforcement of this Act (for the provisions set forth in the items of Article 1 of the Supplementary Provisions, the relevant provisions) for which corresponding provisions exist in the amended laws, are deemed to have been made, taken, or performed pursuant to the corresponding provisions of the respective laws after the amendment, unless otherwise provided for by these Supplementary Provisions.

（罰則の適用に関する経過措置）
(Transitional Measures for the Application of Penal Provisions)
第五十条　この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。
Article 50 Prior laws continue to govern the applicability of penal provisions to acts committed prior to the enforcement of this Act.

（その他の経過措置の政令への委任）
(Delegation of Other Transitional Measures to Cabinet Order)
第五十一条　附則第二条から第十一条まで及び前条に定めるもののほか、この法律の施行に際し必要な経過措置は、政令で定める。
Article 51 In addition to what is provided for in Articles 2 through 11 and the preceding Article of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

（検討）
(Review)
第五十二条　政府は、この法律の施行後五年を経過した場合において、新証券取引法及び新金融先物取引法の施行状況、社会経済情勢の変化等を勘案し、新証券取引法第二条第十六項に規定する証券取引所及び新金融先物取引法第二条第六項に規定する金融先物取引所に係る制度について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。
Article 52 When five years have elapsed after the enforcement of this Act, the government is to review the systems regarding securities exchanges prescribed in Article 2, paragraph (16) of the new Securities Exchange Act and financial futures exchanges prescribed in Article 2, paragraph (6) of the new Financial Futures Trading Act, by taking into account the implementation status of the new Securities Exchange Act and the new Financial Futures Trading Act and the changes in social and economic situations, and, when the government deems it necessary, is to take any required measures based on the results of the review.

附　則　〔平成十三年十一月二十八日法律第百二十九号〕〔抄〕
Supplementary Provisions [Act No. 129 of November 28, 2001 Extract] [Extract]

（施行期日）
(Effective Date)
１　この法律は、平成十四年四月一日から施行する。
(1) This Act comes into effect as of April 1, 2002.

（罰則の適用に関する経過措置）
(Transitional Measures for the Application of Penal Provisions)
２　この法律の施行前にした行為及びこの法律の規定により従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。
(2) Prior laws continue to govern the applicability of penal provisions to acts committed prior to the enforcement of this Act and acts committed after the enforcement of this Act for which the provisions previously in force are to remain applicable pursuant to the provisions of this Act.

附　則　〔平成十四年五月二十九日法律第四十五号〕
Supplementary Provisions [Act No. 45 of May 29, 2002]

（施行期日）
(Effective Date)

１　この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。
(1) This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

（経過措置）
(Transitional Measures)
２　この法律の施行の日が農業協同組合法等の一部を改正する法律（平成十三年法律第九十四号）第二条の規定の施行の日前である場合には、第九条のうち農業協同組合法第三十条第十二項の改正規定中「第三十条第十二項」とあるのは、「第三十条第十一項」とする。
(2) When the date of enforcement of this Act is prior to the date of enforcement of the provisions of Article 2 of the Act Partially Amending the Agricultural Cooperatives Act (Act No. 94 of 2001), the term "Article 30, paragraph (12)" in the provisions amending Article 30, paragraph (12) of the Agricultural Cooperatives Act in Article 9 is replaced with "Article 30, paragraph (11)".

附　則　〔平成十五年五月三十日法律第五十四号〕〔抄〕
Supplementary Provisions [Act No. 54 of May 30, 2003 Extract] [Extract]

（施行期日）
(Effective Date)
第一条　この法律は、平成十六年四月一日から施行する。
Article 1 This Act comes into effect as of April 1, 2004.

（罰則の適用に関する経過措置）
(Transitional Measures for the Application of Penal Provisions)
第三十八条　この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。
Article 38 Prior laws continue to govern the applicability of penal provisions to acts committed prior to the enforcement of this Act.

（その他の経過措置の政令への委任）
(Delegation of Other Transitional Measures to Cabinet Order)
第三十九条　この法律に規定するもののほか、この法律の施行に伴い必要な経過措置は、政令で定める。
Article 39 Beyond what is provided for in this Act, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

（検討）
(Review)

第四十条　政府は、この法律の施行後五年を経過した場合において、この法律による改正後の規定の実施状況、社会経済情勢の変化等を勘案し、この法律による改正後の金融諸制度について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 40 When five years have elapsed after the enforcement of this Act, the government is to review the financial systems amended by this Act, taking into account the implementation status of the provisions amended by this Act and the changes in social and economic situations, and, when the government deems it necessary, is to take any required measures based on the results of the review.

附　則　〔平成十六年五月十二日法律第四十三号〕〔抄〕

Supplementary Provisions [Act No. 43 of May 12, 2004 Extract] [Extract]

（施行期日）

(Effective Date)

第一条　この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, that the provisions set forth in the following items come into effect as of the date specified in each item:

一　第六章を第七章とし、同章の前に一章を加える改正規定（第二百九十九条及び第三百十四条に係る部分に限る。）　この法律による改正後の商品取引所法（以下「新法」という。）第二百九十三条の登録のうち最初のものの効力が生じた日

(i) the provisions which change Chapter VI to Chapter VII and add one Chapter before that Chapter (limited to the part related to Article 299 and Article 314): the day on which the first registration under Article 293 of the Commodity Exchange Act amended by this Act (hereinafter referred to as the "new Act") becomes effective;

二　附則第五条、第七条第一項、第十四条第一項及び第二項、第十八条、第十九条第一項から第四項まで及び第七項並びに第二十三条の規定　この法律の公布の日

(ii) the provisions of Article 5, Article 7, paragraph (1), Article 14, paragraphs (1) and (2), Article 18, Article 19, paragraphs (1) through (4), and paragraph (7), and Article 23 of the Supplementary Provisions: the date of promulgation of this Act;

三　附則第三十条及び第三十三条の規定　公布の日から九月を超えない範囲内において政令で定める日

(iii) the provisions of Article 30 and Article 33 of the Supplementary Provisions: the day specified by Cabinet Order within a period not exceeding

nine months from the date of promulgation; and

四　附則第三十一条の規定　電子公告制度の導入のための商法等の一部を改正する法律（平成十六年法律第八十七号）の公布の日又はこの法律の公布の日のいずれか遅い日

(iv) the provisions of Article 31 of the Supplementary Provisions: the date of the promulgation of the Act for Partial Revision of the Commercial Code, etc. for Introducing a System of Electronic Public Notice (Act No. 87 of 2004) or the date of promulgation of this Act, whichever comes later.

（商品取引所の許可に関する経過措置）

(Transitional Measures for the Permission for a Commodity Exchange)

第二条　この法律の施行の際現にこの法律による改正前の商品取引所法（以下「旧法」という。）第八条の二の許可を受けている商品取引所は、新法第九条の許可を受けて設立された会員商品取引所とみなす。

Article 2 A commodity exchange which has, at the time of the enforcement of this Act, already obtained the permission under Article 8-2 of the Commodity Exchange Act prior to the amendment by this Act (hereinafter referred to as the "former Act") is deemed to be a member commodity exchange established with the permission under Article 9 of the new Act.

（商品取引所の登記に関する経過措置）

(Transitional Measures for the Registration of a Commodity Exchange)

第三条　新法の施行前に商品取引所について旧法第百二条から第百八条までの規定により旧法第百九条第二項の商品取引所登記簿に登記された事項は、この法律の施行の日（以下「施行日」という。）において新法第二十条から第二十四条まで、第七十二条、第七十三条又は第百四十七条の規定により新法第二十五条第二項の会員商品取引所登記簿に登記されたものとみなす。

Article 3 The information registered in a commodity exchange register referred to in Article 109, paragraph (2) of the former Act concerning a commodity exchange prior to the enforcement of the new Act pursuant to the provisions of Articles 102 through 108 of the former Act is deemed to have been registered in a member commodity exchange register referred to in Article 25, paragraph (2) of the new Act on the date of enforcement of this Act (hereinafter referred to as the "date of enforcement") pursuant to the provisions of Articles 20 through 24, Article 72, Article 73, or Article 147 of the new Act.

（会員信認金に関する経過措置）

(Transitional Measures for Membership Guarantee Funds)

第四条　この法律の施行の際現に旧法第三十八条第一項の規定により預託されている会員信認金（附則第九条の規定によりなお従前の例によることとされる損害の賠償に充てるべきものを除く。）は、新法第百一条第一項の規定により預託されている信認金

とみなす。

Article 4 The membership guarantee funds (excluding those required to be allocated for damages, for which the provisions previously in force are to remain applicable pursuant to the provisions of Article 9 of the Supplementary Provisions) which have already been deposited pursuant to the provisions of Article 38, paragraph (1) of the former Act at the time of the enforcement of this Act is deemed to be guarantee funds deposited pursuant to the provisions of Article 101, paragraph (1) of the new Act.

（商品取引所の定款等の変更に関する経過措置）

(Transitional Measures for Changes in Articles of Incorporation of Commodity Exchanges)

第五条　商品取引所は、施行日までに、新法第百五十五条及び第百五十六条の規定の例により、この法律の施行に伴い必要となる定款、業務規程、受託契約準則、紛争処理規程及び市場取引監視委員会規程の変更をし、主務大臣の認可を受けなければならない。この場合において、これらの認可の効力は、施行日から生ずるものとする。

Article 5 A commodity exchange must make changes to its articles of incorporation, operational rules, entrustment contract regulations, dispute resolution rules, and market transactions surveillance committee rules pursuant to the provisions of Article 155 and Article 156 of the new Act which are necessary for the enforcement of this Act and obtain the authorization of the competent minister by the date of enforcement. In such a case, the authorization becomes effective as of the date of enforcement.

（取引証拠金に関する経過措置）

(Transitional Measures for Clearing Margins)

第六条　この法律の施行の際現に旧法第七十九条第一項の規定により預託されている取引証拠金（商品取引所の会員の自己の計算による取引についてのものに限り、附則第九条の規定によりなお従前の例によることとされる損害の賠償に充てるべきものを除く。）は、当該取引証拠金が新法第百五条第一号に掲げる方法による決済が行われる取引についてのものである場合にあっては新法第百三条第一項の規定により預託されている取引証拠金（同項第一号に掲げる場合において同号の会員等が自己の計算において行う商品市場における取引について預託すべきものに限る。）と、当該取引証拠金が新法第百五条第二号に掲げる方法による決済が行われる取引についてのものである場合にあっては新法第百七十九条第一項の規定により預託されている取引証拠金（同項第一号に掲げる場合にあっては同号イに掲げる場合において同号イの会員等が自己の計算において行う商品市場における取引について預託すべきものに、同項第二号に掲げる場合にあっては同号イに掲げる場合において同号イの会員等が自己の計算において清算参加者に委託した商品清算取引について預託すべきものに限る。）とみなす。

Article 6 (1) The clearing margins (limited to those for transactions conducted on

a commodity exchange member's own account and excluding those to be allocated for damages, for which the provisions previously in force are to remain applicable pursuant to the provisions of Article 9 of the Supplementary Provisions) which have already been deposited pursuant to the provisions of Article 79, paragraph (1) of the former Act at the time of the enforcement of this Act are deemed to be clearing margins which are deposited pursuant to the provisions of Article 103, paragraph (1) of the new Act (limited to those required to be deposited by a member, etc. set forth in item (i) of that paragraph for transactions in a commodity market conducted on their own account in the case set forth in that item) if the clearing margins are for transactions for which settlement is made by the method set forth in Article 105, item (i) of the new Act, and are deemed to be clearing margins which are deposited pursuant to the provisions of Article 179, paragraph (1) of the new Act (in the case set forth in item (i) of that paragraph, limited to those to be deposited by a member, etc. set forth in (a) of that item for transactions in a commodity market conducted on the member's own account in the case set forth in (a) of that item, and in the case set forth in item (ii) of that paragraph, limited to those required to be deposited by a member, etc. set forth in (a) of that item for commodity clearing transactions which the member, etc. entrusts to a clearing participant based on their own account in the case set forth in (a) of that item) if the clearing margins are for transactions for which settlement is made by the method set forth in Article 105, item (ii) of the new Act.

２　商品取引所は、この法律の施行の際現に旧法第七十九条第一項の規定により預託されている取引証拠金（商品取引所の会員に対し取引を委託した者の計算による取引についてのものに限り、附則第九条の規定によりなお従前の例によることとされる損害の賠償に充てるべきものを除く。）を、この法律の施行後遅滞なく、当該取引証拠金を預託した会員に返還しなければならない。

(2) A commodity exchange must return the clearing margins (limited to those for transactions entrusted by a person to a member of the commodity exchange which is to be conducted on the person's own account and excluding those to be allocated for damages, for which the provisions previously in force are to remain applicable pursuant to the provisions of Article 9 of the Supplementary Provisions) which have already been, at the time of the enforcement of this Act, deposited pursuant to the provisions of Article 79, paragraph (1) of the former Act, without delay, to the member who deposited the clearing margins after the enforcement of this Act.

（商品取引債務引受業に関する経過措置）

(Transitional Measures for the Business of Assuming Commodity Transaction Debts)

第七条　この法律の施行前から旧法第八十一条第二項の規定により商品取引債務引受業

（新法第二条第十二項に規定する商品取引債務引受業をいう。以下同じ。）に相当する業務を営んでいた商品取引所は、継続して当該業務を行う場合には、施行日までに、新法第百七十三条の規定の例により、主務大臣の承認を受けなければならない。この場合において、その承認の効力は、施行日から生ずるものとする。

Article 7 (1) If a commodity exchange which has conducted a business equivalent to the business of assuming commodity transaction debts (meaning the business of assuming commodity transaction debts prescribed in Article 2, paragraph (12) of the new Act; the same applies hereinafter) pursuant to the provisions of Article 81, paragraph (2) of the former Act prior to the enforcement of this Act seeks to continue to conduct the business, the commodity exchange must obtain the approval of the competent minister by the date of enforcement pursuant to the provisions of Article 173 of the new Act. In such a case, the approval becomes effective as of the date of enforcement.

２　商品取引所が前項の規定による承認を受けたときは、この法律の施行の際現に旧法第八十一条第三項の規定により当該商品取引所に預託されている特別清算負担金（施行日において商品取引清算機関としての当該商品取引所の清算参加者となった会員が預託しているものに限り、附則第九条の規定によりなお従前の例によることとされる損害の賠償に充てるべきものを除く。）は、新法第百八十条第一項の規定により商品取引清算機関としての当該商品取引所に預託されている清算預託金とみなす。

(2) When a commodity exchange has obtained approval pursuant to the provisions of the preceding paragraph, the special clearing funds (limited to those deposited by a member who became a clearing participant of the commodity exchange as a commodity clearing organization on the date of enforcement, and excluding those required to be allocated for damages, for which the provisions previously in force are to remain applicable pursuant to the provisions of Article 9 of the Supplementary Provisions) which have already been deposited with the commodity exchange pursuant to the provisions of Article 81, paragraph (3) of the former Act at the time of the enforcement of this Act are deemed to be clearing deposits deposited with the commodity exchange as the commodity clearing organization pursuant to the provisions of Article 180, paragraph (1) of the new Act.

３　商品取引所は、この法律の施行の際現に旧法第八十一条第三項の規定により預託されている特別清算負担金（附則第九条の規定によりなお従前の例によることとされる損害の賠償に充てるべきものを除く。）のうち、前項の規定により清算預託金とみなされたもの以外のものを、この法律の施行後遅滞なく、当該特別清算負担金を預託した会員に返還しなければならない。

(3) Out of the special clearing funds which have already been deposited pursuant to the provisions of Article 81, paragraph (3) of the former Act at the time of the enforcement of this Act, a commodity exchange must return the portion other than what are deemed to be clearing deposits pursuant to the provisions

of the preceding paragraph (excluding the portion required to be allocated for damages, for which the provisions previously in force are to remain applicable pursuant to the provisions of Article 9 of the Supplementary Provisions) to the member who deposited the special clearing fund, without delay, after the enforcement of this Act.

（特別担保金に関する経過措置）
(Transitional Measures for Special Collateral Money)

第八条　この法律の施行の際現に旧法第八十四条の二第一項の規定により預託されている特別担保金（次条の規定によりなお従前の例によることとされる損害の賠償に充てるべきものを除く。）は、新法第百九条第一項の規定により預託されている特別担保金とみなす。

Article 8 The special collateral money (excluding that required to be allocated for damages, for which the provisions previously in force are to remain applicable pursuant to the provisions of the following Article) which has already been deposited pursuant to the provisions of Article 84-2, paragraph (1) of the former Act at the time of the enforcement of this Act is deemed to be special collateral money deposited pursuant to the provisions of Article 109, paragraph (1) of the new Act.

（債務不履行による損害賠償に関する経過措置）
(Transitional Measures for Compensation for Damages due to Default)

第九条　商品取引所の会員が施行日前において商品市場における取引に基づく債務の不履行により他の会員又は商品取引所に与えた損害の賠償については、なお従前の例による。

Article 9 Prior laws continue to govern the compensation for damages caused by a member of a commodity exchange to other members or to the commodity exchange due to non-performance of obligations arising from the transactions in a commodity market prior to the date of enforcement.

（受託業務保証金に関する経過措置）
(Transitional Measures for Security Money for Acceptance of Consignment)

第十条　商品取引所は、この法律の施行の際現に旧法第九十七条の二第一項の規定により預託されている受託業務保証金（次項又は第三項の規定によりなお従前の例によることとされる払渡し又は取戻しに係るものを除く。）を、この法律の施行後遅滞なく、当該受託業務保証金を預託した会員に返還しなければならない。

Article 10 (1) A commodity exchange must return the security money for acceptance of consignment (excluding those related to payment or recovery, for which the provisions previously in force are to remain applicable pursuant to the provisions of the following paragraph or paragraph (3)) which has already been deposited pursuant to the provisions of Article 97-2, paragraph (1) of the

former Act at the time of the enforcement of this Act, to the member who deposited the security money for acceptance of consignment, without delay, after the enforcement of this Act.

２　商品取引所の会員に対し商品市場における取引を委託した者が施行日前において旧法第九十七条の三第一項の規定により行った請求に対する受託業務保証金の払渡しについては、なお従前の例による。

(2) Prior laws continue to govern the payment of security money for acceptance of consignment for a claim which was made pursuant to the provisions of Article 97-3, paragraph (1) of the former Act prior to the date of enforcement by a person who entrusted transactions in a commodity market to a member of a commodity exchange.

３　施行日前において、旧法第百二十六条第一項の許可が効力を失ったとき、又は同項の許可が取り消されたときは、商品取引員であった者が預託した受託業務保証金の払渡し及び取戻しについては、なお従前の例による。

(3) Prior laws continue to govern the payment and recovery of security money for acceptance of consignment deposited by a person that was a futures commission merchant when the permission under Article 126, paragraph (1) of the former Act ceased to be effective or the permission under that paragraph was revoked prior to the date of enforcement.

（取引の決済の結了に関する経過措置）

(Transitional Measures for Completion of the Settlement of Transactions)

第十一条　施行日前において、旧法第百二十六条第一項の許可を取り消された場合、同項の許可が効力を失った場合若しくは商品市場における取引の受託が旧法若しくは商品取引所の定款で定めるところにより停止された場合又は施行日において同項の許可が効力を失った場合（附則第十四条第四項の規定により旧法第百二十六条第一項の許可が効力を失った場合を除く。）であって、商品取引員であった者が施行日までにその受託に係る商品市場における取引の決済を結了していないときは、当該取引については、なお従前の例による。

Article 11 If the permission under Article 126, paragraph (1) of the former Act was revoked, the permission under that paragraph ceased to be effective, or acceptance of consignment of transactions in a commodity market was suspended pursuant to the provisions of the former Act or the articles of incorporation of a commodity exchange, prior to the date of enforcement, or the permission under that paragraph ceased to be effective on the effective date (excluding cases in which the permission under Article 126, paragraph (1) of the former Act ceased to be effective pursuant to the provisions of Article 14, paragraph (4) of the Supplementary Provisions) and the person that was a futures commission merchant has not completed settlement of transactions in a commodity market related to the consignment by the date of enforcement, the provisions previously in force remain applicable with regard to the

transactions.

（商品取引所に対する監督上の処分及び罰則）
(Supervisory Disposition and Penal Provisions for Commodity Exchanges)

第十二条　主務大臣は、商品取引所が附則第五条、第六条第二項、第七条第三項又は第十条第一項の規定に違反した場合には、その設立の許可を取り消し、又は一年以内の期間を定めてその業務の全部若しくは一部の停止を命ずることができる。

Article 12 (1) If a commodity exchange has violated the provisions of Article 5, Article 6, paragraph (2), Article 7, paragraph (3), or Article 10, paragraph (1) of the Supplementary Provisions, the competent minister may revoke the permission for its establishment or order suspension of all or a part of its business for a fixed period not exceeding one year.

２　前項の規定による処分に違反したときは、その行為をした商品取引所の代表者、代理人、使用人その他の従業者は、二年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

(2) If a commodity exchange has violated the disposition under the provisions of the preceding paragraph, the representative, agent, employee, or other worker of the commodity exchange is subject to punishment by imprisonment for not more than two years or by a fine of not more than three million yen, or both.

３　商品取引所の代表者、代理人、使用人その他の従業者が、その商品取引所の業務又は財産に関し、前項の違反行為をしたときは、その行為者を罰するほか、その商品取引所に対して三億円以下の罰金刑を科する。

(3) If the representative, agent, employee, or other worker of a commodity exchange has committed a violation set forth in the preceding paragraph concerning the business or property of the commodity exchange, not only the offender is subject to punishment but also the exchange is subject to punishment by a fine of not more than 300 million yen.

（委託証拠金に関する経過措置）
(Transitional Measures for Consignor Margins)

第十三条　商品取引員は、この法律の施行の際現に旧法第九十七条第一項の規定により委託証拠金として預託を受けている金銭及び有価証券（主務省令で定めるものを除く。）を、この法律の施行後遅滞なく、当該取引の決済が新法第百五条第一号に掲げる方法により行われる場合にあっては当該取引に係る商品市場を開設する商品取引所に、当該取引の決済が同条第二号に掲げる方法により行われる場合にあっては当該取引について商品取引債務引受業を行う商品取引所に預託しなければならない。

Article 13 (1) A futures commission merchant must deposit money and securities (excluding those specified by order of the competent ministry) which have already been, at the time of the enforcement of this Act, deposited as consignor margins pursuant to the provisions of Article 97, paragraph (1) of the former Act, with a commodity exchange that has opened the commodity market related

to the transactions in the case settlement of the transactions is to be made by the method set forth in Article 105, item (i) of the new Act, and with a commodity exchange which conducts the business of assuming commodity transaction debts for the transactions in the case settlement of the transactions is to be made by the method set forth in item (ii) of that Article, without delay after the enforcement of this Act.

2　前項の規定により商品取引所に預託された金銭及び有価証券は、新法第百五条第一号に掲げる方法により決済が行われる取引についてのものにあっては新法第百三条第一項の規定により預託されている取引証拠金（同項第二号に掲げる場合において同号の委託者が預託すべきものに限る。）と、新法第百五条第二号に掲げる方法により決済が行われる取引についてのものにあっては新法第百七十九条第一項の規定により預託されている取引証拠金（同項第一号に掲げる場合にあっては同号ロに掲げる場合において同号ロの委託者が預託すべきものに、同項第二号に掲げる場合にあっては同号ロに掲げる場合において同号ロの清算取次委託者が預託すべきものに限る。）とみなす。

(2) Money and securities deposited with a commodity exchange pursuant to the provisions of the preceding paragraph are deemed to be clearing margins which are deposited pursuant to the provisions of Article 103, paragraph (1) of the new Act (limited to those required to be deposited by a consignor set forth in item (ii) of that paragraph in the case set forth in that item) with regard to transactions whose settlement is to be made by the method set forth in the Article 105, item (i) of the new Act, and deemed to be clearing margins which are deposited pursuant to the provisions of Article 179, paragraph (1) of the new Act (in the case set forth in item (i) of that paragraph, limited to those required to be deposited by a consignor set forth in (b) of that item in the case set forth in (b) of that item, and in the case set forth in item (ii) of that paragraph, limited to those required to be deposited by a person entrusting clearing brokerage set forth in (b) of that item in the case set forth in (b) of that item) with regard to transactions whose settlement is made by the method set forth in Article 105, item (ii) of the new Act.

3　主務大臣は、商品取引員が第一項の規定に違反した場合には、当該商品取引員の新法第百九十条の許可を取り消し、六月以内の期間を定めて商品市場における取引若しくは商品取引受託業務（新法第二条第十七項に規定する商品取引受託業務をいう。以下同じ。）の停止を命じ、商品取引受託業務の方法の変更を命じ、その他監督上必要な事項を命ずることができる。

(3) If a futures commission merchant has violated the provisions of paragraph (1), the competent minister may revoke the license of the futures commission merchant under Article 190 of the new Act, order the suspension of transactions in a commodity market or business of accepting consignment of commodity transactions (meaning the business of accepting consignment of commodity transactions prescribed in Article 2, paragraph (17) of the new Act;

the same applies hereinafter) for a fixed period not exceeding six months, order a change of the method of the business of accepting consignment of commodity transactions, or order other particulars necessary for supervision.

４　前項の規定による命令に違反した者は、二年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

(4) A person who has violated an order under the provisions of the preceding paragraph is subject to punishment by imprisonment for not more than two years or a fine of not more than three million yen, or both.

５　商品取引員の代表者、代理人、使用人その他の従業者が、その商品取引員の業務又は財産に関し、前項の違反行為をしたときは、その行為者を罰するほか、その商品取引員に対して三億円以下の罰金刑を科する。

(5) If the representative, agent, employee, or other worker of a futures commission merchant has committed a violation referred to in the preceding paragraph concerning the business or property of the futures commission merchant, not only the offender is subject to punishment but also the futures commission merchant is subject to punishment by a fine of not more than 300 million yen.

（商品取引員の許可に関する経過措置）

(Transitional Measures for the License for Futures Commission Merchants)

第十四条　新法第百九十条第一項の許可を受けようとする者は、施行日前においても、新法第百九十二条の規定の例により、その許可の申請をすることができる。

Article 14 (1) A person who seeks to obtain a license under Article 190, paragraph (1) of the new Act may file an application for the license pursuant to the provisions of Article 192 of the new Act even prior to the date of enforcement.

２　主務大臣は、前項の規定により許可の申請があった場合には、施行日前においても、新法第百九十条から第百九十四条までの規定の例により、その許可をすることができる。この場合において、その許可を受けた者は、施行日において新法第百九十条第一項の許可を受けたものとみなす。

(2) If an application for a license has been filed pursuant to the provisions of the preceding paragraph, the competent minister may grant the license pursuant to the provisions of Articles 190 through 194 of the new Act even prior to the date of enforcement. In such a case, a person who has obtained the license is deemed to have obtained the license under Article 190, paragraph (1) of the new Act on the date of enforcement.

３　この法律の施行の際第一項の許可の申請について処分が行われていない場合においては、その処分が行われるまでの間は、当該申請を行った者（この法律の施行の際現に旧法第百二十六条第一項の許可を受けている者に限る。）は、新法第百九十条第一項の許可を受けたものとみなす。

(3) If a disposition has not been rendered for an application for a license under

paragraph (1) at the time of the enforcement of this Act, a person who has filed the application (limited to a person who has already obtained a license under Article 126, paragraph (1) of the former Act at the time of the enforcement of this Act) is deemed to have obtained the license under Article 190, paragraph (1) of the new Act, until the disposition is rendered.

４　前二項の規定により新法第百九十条第一項の許可を受けたものとみなされた者については、旧法第百二十六条第一項の許可は、施行日に、その効力を失う。

(4) With regard to a person who is deemed to have obtained the license under Article 190, paragraph (1) of the new Act pursuant to the provisions of the preceding two paragraphs, the license under Article 126, paragraph (1) of the former Act ceases to be effective on the date of enforcement.

（廃業等の公告等に関する経過措置）

(Transitional Measures for Public Notice of Discontinuation of Business)

第十五条　新法第百九十七条第三項の規定は、施行日から起算して三十日を経過した日以後の商品取引受託業務の廃止、合併（合併後存続する法人又は合併により設立される法人が商品取引受託業務を営まない場合の当該合併に限る。）又は合併及び破産以外の理由による解散について適用する。

Article 15 The provisions of Article 197, paragraph (3) of the new Act apply to discontinuation, merger (limited to a merger in which the corporation surviving the merger or the corporation established by the merger does not engage in business of accepting consignment of commodity transactions), or dissolution due to any reason other than the merger or bankruptcy, of the business of accepting consignment of commodity transactions, on and after the day on which 30 days have elapsed from the date of enforcement.

（受託契約の締結前の書面の交付及び説明に関する経過措置）

(Transitional Measures for Delivery of a Document and Explanation Prior to the Conclusion of Entrustment Contracts)

第十六条　新法第二百十七条及び第二百十八条の規定は、この法律の施行後に商品取引員が締結した受託契約（新法第二百十七条第一項に規定する受託契約をいう。）について適用する。

Article 16 The provisions of Article 217 and Article 218 of the new Act apply to entrustment contracts (meaning entrustment contracts prescribed in Article 217, paragraph (1) of the new Act) which is concluded by a futures commission merchant after the enforcement of this Act.

（外務員の登録に関する経過措置）

(Transitional Measures for Registration of Sales Representatives)

第十七条　この法律の施行の際現に旧法第百三十六条の四第一項の規定による登録を受けている外務員（附則第十四条第二項又は第三項の規定により新法第百九十条第一項

の許可を受けたものとみなされた者に係るものに限る。）は、施行日において新法第二百条第一項の規定により登録を受けたものとみなす。この場合において、同条第六項の規定は、適用しない。

Article 17 (1) A sales representative (limited to one concerning a person who is deemed to have obtained a license under Article 190, paragraph (1) of the new Act pursuant to the provisions of Article 14, paragraph (2) or (3) of the Supplementary Provisions) who has already been registered pursuant to the provisions of Article 136-4, paragraph (1) of the former Act at the time of the enforcement of this Act is deemed to have been registered pursuant to the provisions of Article 200, paragraph (1) of the new Act on the date of enforcement. In such a case, the provisions of paragraph (6) of that Article do not apply.

２　前項の場合において、新法第二百条第七項に規定する期間は、旧法による登録又は登録の更新の日から起算するものとする。

(2) In the case referred to in the preceding paragraph, the period prescribed in Article 200, paragraph (7) of the new Act is to be calculated from the day of registration or renewal of registration under the former Act.

（委託者保護会員制法人の設立等に関する経過措置）

(Transitional Measures for Establishment of a Consignor Protection Membership Corporation)

第十八条　委託者保護会員制法人（新法第二百六十九条第四項に規定する委託者保護会員制法人をいう。以下同じ。）の発起人又は会員になろうとする者（附則第十四条第二項の規定により新法第百九十条から第百九十四条までの規定の例による許可を受けた者に限る。）は、施行日前においても、新法第六章第二節の規定の例により、定款の作成、創立総会の開催その他委託者保護会員制法人の設立に必要な行為及び委託者保護会員制法人への加入に必要な行為をすることができる。

Article 18 (1) A person (limited to a person who has obtained a license in accordance with the provisions of Articles 190 through 194 of the new Act, pursuant to the provisions of Article 14, paragraph (2) of the Supplementary Provisions) who seeks to become a founder or a member of a consignor protection membership corporation (meaning a consignor protection membership corporation prescribed in Article 269, paragraph (4) of the new Act; the same applies hereinafter) may prepare articles of incorporation, hold an organizational meeting, and perform other acts necessary for establishing the consignor protection membership corporation and acts necessary for joining the consignor protection membership corporation, pursuant to the provisions of Chapter VI, Section 2 of the new Act, even prior to the date of enforcement.

２　前項の規定により施行日前において設立された委託者保護会員制法人は、施行日前においても、新法第六章第三節の規定の例により、新法第二百九十三条の登録の申請及び新法第三百二条第一項の業務規程の認可の申請並びにこれらに必要な準備行為を

することができる。

(2) A consignor protection membership corporation established prior to the date of enforcement pursuant to the provisions of the preceding paragraph may file an application for registration under Article 293 of the new Act, file an application for the authorization of operational rules under Article 302, paragraph (1) of the new Act, and perform preparatory acts necessary for these applications, pursuant to the provisions of Chapter VI, Section 3 of the new Act, even prior to the date of enforcement.

３　主務大臣は、前項の規定により新法第二百九十三条の登録の申請又は新法第三百二条第一項の業務規程の認可の申請があった場合には、新法第二百九十三条から第二百九十五条まで又は第三百二条の規定の例により、施行日前においても、その登録又は認可をすることができる。この場合において、その登録又は認可の効力は、施行日から生ずるものとする。

(3) If an application for registration under Article 293 of the new Act or an application for authorization for operational rules under Article 302, paragraph (1) of the new Act was filed pursuant to the provisions of the preceding paragraph, the competent minister may grant the registration or authorization even prior to the date of enforcement pursuant to the provisions of Articles 293 through 295, or Article 302 of the new Act. In such a case, the registration or authorization becomes effective as of the date of enforcement.

（委託者保護基金への業務等の承継に関する経過措置）

(Transitional Measures for Succession of Business to the Consignor Protection Fund)

第十九条　昭和五十年十月三十一日に設立された社団法人商品取引受託債務補償基金協会（以下この条において「補償基金協会」という。）は、政令で定める日までの間、委託者保護会員制法人に対し、当該補償基金協会が行う一切の業務並びにその有する一切の資産及び負債を当該委託者保護会員制法人において承継すべき旨を申し出ることができる。

Article 19 (1) The Association of Compensation Funds for Consigned Liabilities in Commodity Futures, Inc. (hereinafter referred to as the "Association of Compensation Funds" in this Article) established on October 31, 1975 may propose to the consignor protection membership corporation that the consignor protection membership corporation should succeed to any and all businesses conducted by and any and all assets and liabilities held by the Association of Compensation Funds until the date specified by Cabinet Order.

２　委託者保護会員制法人は、前項の規定による申出があった場合において、当該申出を承諾しようとするときは、当該委託者保護会員制法人の総会（新法第二百八十五条第一項に規定する総会をいう。次項及び第四項において同じ。）でその承認を得なければならない。

(2) If a proposal under the provisions of the preceding paragraph has been made,

a consignor protection membership corporation must obtain authorization at a general meeting (meaning a general meeting prescribed in Article 285, paragraph (1) of the new Act; the same applies in the following paragraph and paragraph (4)) of the consignor protection membership corporation when it seeks to approve the proposal.

3　委託者保護会員制法人は、新法第二百九十三条の登録（前条第三項の規定により施行日前において行う新法第二百九十三条の規定の例による登録を含む。以下この条において同じ。）の申請を行う場合において、既に前項の規定による総会の承認の決議を得ているときは、その登録の申請と併せて補償基金協会からの承継についての認可を主務大臣に申請しなければならない。

(3) In cases where a consignor protection membership corporation files an application for registration under Article 293 of the new Act (including registration pursuant to the provisions of Article 293 of the new Act which is to be made prior to the date of enforcement pursuant to the provisions of paragraph (3) of the preceding Article; hereinafter the same applies in this Article), and when the corporation has already obtained a resolution of approval of a general meeting pursuant to the provisions of the preceding paragraph, it must file an application with the competent minister for approval for succession from the Association of Compensation Funds, together with an application for the registration.

4　委託者保護会員制法人は、新法第二百九十三条の登録の申請の後に第二項の規定による総会の承認の決議を得たときは、遅滞なく、主務大臣の認可を申請しなければならない。

(4) When a consignor protection membership corporation has obtained a resolution of approval of a general meeting pursuant to the provisions of paragraph (2) after applying for registration under Article 293 of the new Act, the corporation must file an application for the authorization from the competent minister without delay.

5　第三項又は前項の認可があったときは、補償基金協会の行う業務並びにその有する資産及び負債は、当該認可を受けた日（その日が当該認可に係る委託者保護会員制法人が新法第二百九十三条の登録を受けた日（前条第三項の規定により施行日前において新法第二百九十三条の規定の例による登録を受けた場合にあっては施行日）前であるときは、同日）において、委託者保護基金（新法第二百九十六条に規定する委託者保護基金をいう。以下同じ。）としての当該委託者保護会員制法人（第八項及び第九項において「委託者保護基金」という。）に承継されるものとし、補償基金協会は、その時において解散するものとする。この場合においては、他の法令中法人の解散及び清算に関する規定は、適用しない。

(5) When authorization under paragraph (3) or the preceding paragraph has been granted, business operated by and assets and liabilities held by the Association of Compensation Funds are to be succeeded by the consignor protection membership corporation (referred to as the "consignor protection fund" in

paragraphs (8) and (9)) as a consignor protection fund (meaning the consignor protection fund prescribed in Article 296 of the new Act; the same applies hereinafter) on the day on which the consignor protection membership corporation received the authorization (when the day is before the day on which the consignor protection membership corporation related to the authorization received registration under Article 293 of the new Act (or when the day is before the date of enforcement in cases where the consignor protection membership corporation received registration in accordance with the provisions of Article 293 of the New Act prior to the effective date pursuant to the provisions of paragraph (3) of the preceding Article), on the date of enforcement), and the Association of Compensation Funds is to be dissolved at that time. In such a case, the provisions on the dissolution and liquidation of corporations in other laws and regulations do not apply.

6　前項の規定により補償基金協会が解散した場合における解散の登記については、政令で定める。

(6) The registration of dissolution when the Association of Compensation Funds has been dissolved pursuant to the provisions of the preceding paragraph is specified by Cabinet Order.

7　委託者保護会員制法人が第三項の規定により新法第二百九十三条の登録の申請及び補償基金協会からの承継の認可の申請を同時に行った場合における新法第二百九十五条第一項（第一号に係る部分に限る。）の規定の適用については、同号中「であること」とあるのは、「であること（商品取引所法の一部を改正する法律（平成十六年法律第四十三号）附則第十九条第三項の規定により認可の申請が併せてされた登録の申請にあつては、主務大臣が当該認可をしようとする場合には、当該認可の申請に係る補償基金協会の資産及び負債を含めて算定するものとする。）」とする。

(7) With regard to the application of the provisions of Article 295, paragraph (1) (limited to the part related to item (i)) when a consignor protection membership corporation has simultaneously filed an application for registration under Article 293 of the new Act and an application for authorization for succession from the Association of Compensation Funds pursuant to the provisions of paragraph (3), the term "is" in that item is deemed to be replaced with "is (with regard to an application for registration filed together with an application for authorization pursuant to the provisions of Article 19, paragraph (3) of the Supplementary Provisions of the Act for Partial Revision of the Commodity Exchange Act (Act No. 43 of 2004), calculation is to be done by including the assets and liabilities held by the Association of Compensation Fund related to the application for authorization, if the competent minister seeks to grant the authorization)".

8　第五項の規定により補償基金協会の業務の承継を受けた委託者保護基金は、新法第三百一条の規定にかかわらず、当該承継に係る補償基金協会の業務（次項において「承継業務」という。）を行うことができる。

(8) The consignor protection fund which succeeded to the businesses of the Association of Compensation Funds pursuant to the provisions of paragraph (5) may conduct businesses of the Association of Compensation Funds related to the succession (referred to as "succeeded businesses" in the following paragraph), notwithstanding the provisions of Article 301 of the new Act.

９　前項の委託者保護基金が承継業務のうち新法第二百六十九条第三項第一号に掲げる業務に類似する業務として主務省令で定める業務を行う場合には、当該業務は同号に掲げる業務とみなす。

(9) If the consignor protection fund referred to in the preceding paragraph conducts business specified by order of the competent ministry as being similar to the business set forth in Article 269, paragraph (3), item (i) of the new Act among the succeeded businesses, the business is deemed to be business set forth in that item.

（委託者保護基金等の名称の使用制限に関する経過措置）

(Transitional Measures for Restriction on the Use of the Name of Consignor Protection Fund)

第二十条　この法律の施行の際現にその名称のうちに「委託者保護会員制法人」という文字を用いている者については、新法第二百七十一条第二項の規定は、施行日から起算して六月を経過する日までの間は、適用しない。

Article 20 (1) The provisions of Article 271, paragraph (2) of the new Act do not apply to a person who has already been using the words for "consignor protection membership corporation" in their name at the time of the enforcement of this Act, until the day on which six months have elapsed from the date of enforcement.

２　この法律の施行の際現にその名称のうちに「委託者保護基金」という文字を用いている者については、新法第二百九十七条第二項の規定は、施行日から起算して六月を経過する日までの間は、適用しない。

(2) The provisions of Article 297, paragraph (2) of the new Act do not apply to a person who has already been using the words for "consignor protection fund" in their name at the time of the enforcement of this Act, until the day on which six months have elapsed from the date of enforcement.

（処分等の効力）

(Effect of Dispositions)

第二十一条　施行日前に旧法の規定によってした処分、手続その他の行為であって、新法に相当の規定があるものは、この附則に別段の定めがあるものを除き、新法の相当の規定によってしたものとみなす。

Article 21 The dispositions made, procedures taken, and other acts performed pursuant to the provisions of the former Act prior to the date of enforcement, for which corresponding provisions exist in the new Act, are deemed to have

been made, taken, or performed pursuant to the corresponding provisions of the new Act, except as otherwise provided by these Supplementary Provisions.

（罰則の適用に関する経過措置）
(Transitional Measures for the Application of Penal Provisions)
第二十二条　施行日前にした行為に対する罰則の適用については、なお従前の例による。
Article 22 Prior laws continue to govern the applicability of penal provisions to acts committed prior to the date of enforcement.

（その他の経過措置の政令への委任）
(Delegation of Other Transitional Measures to Cabinet Order)
第二十三条　附則第二条から前条までに定めるもののほか、この法律の施行に関し必要な経過措置（罰則に関する経過措置を含む。）は、政令で定める。
Article 23 In addition to what is provided for in Article 2 through the preceding Article of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act (including transitional measures for penal provisions) are specified by Cabinet Order.

（検討）
(Review)
第二十四条　政府は、この法律の施行後五年以内に、この法律による改正後の規定の実施状況、商品先物市場を取り巻く社会経済状況の変化等を勘案し、この法律による改正後の商品取引所制度について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。
Article 24 The government is to review the commodity exchange system revised by this Act within five years after the enforcement of this Act, taking into account of the implementation status of the provisions amended by this Act and the changes in social and economic situations surrounding the commodity futures markets, and when the government finds it necessary, is to take the required measures based on the results of the review,.

附　則　〔平成十六年六月二日法律第七十六号〕〔抄〕
Supplementary Provisions [Act No. 76 of June 2, 2004 Extract] [Extract]

（施行期日）
(Effective Date)
第一条　この法律は、破産法（平成十六年法律第七十五号。次条第八項並びに附則第三条第八項、第五条第八項、第十六項及び第二十一項、第八条第三項並びに第十三条において「新破産法」という。）の施行の日から施行する。
Article 1 This Act comes into effect as of the date on which the Bankruptcy Act (Act No. 75 of 2004; referred to as the "new Bankruptcy Act" in paragraph (8)

of the following Article, and Article 3, paragraph (8), Article 5, paragraph (8), paragraphs (16), and (21), Article 8, paragraph (3) and Article 13 of the Supplementary Provisions) comes into effect.

（政令への委任）
(Delegation to Cabinet Order)
第十四条　附則第二条から前条までに規定するもののほか、この法律の施行に関し必要な経過措置は、政令で定める。
Article 14 In addition to what is provided for in Article 2 through the preceding Article of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

附　則　〔平成十六年六月九日法律第八十七号〕〔抄〕
Supplementary Provisions [Act No. 87 of June 9, 2004 Extract] [Extract]

（施行期日）
(Effective Date)
第一条　この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。
Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

附　則　〔平成十六年六月九日法律第八十八号〕〔抄〕
Supplementary Provisions [Act No. 88 of June 9, 2004 Extract] [Extract]

（施行期日）
(Effective Date)
第一条　この法律は、公布の日から起算して五年を超えない範囲内において政令で定める日（以下「施行日」という。）から施行する。
Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding five years from the date of promulgation (hereinafter referred to as the "date of enforcement").

（罰則の適用に関する経過措置）
(Transitional Measures for the Application of Penal Provisions)
第百三十五条　この法律の施行前にした行為並びにこの附則の規定によりなお従前の例によることとされる場合及びなおその効力を有することとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。
Article 135 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act and acts committed after the enforcement of this Act for which the provisions previously in force are to remain applicable

pursuant to the provisions of these Supplementary Provisions and for which the provisions prior to the amendment are to remain in force, prior laws continue to govern.

（その他の経過措置の政令への委任）
(Delegation of Other Transitional Measures to Cabinet Order)

第百三十六条　この附則に規定するもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 136 In addition to what is provided for in these Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

（検討）
(Review)

第百三十七条　政府は、この法律の施行後五年を経過した場合において、この法律による改正後の規定の実施状況、社会経済情勢の変化等を勘案し、この法律による改正後の株式等の取引に係る決済制度について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 137 When five years have elapsed after the enforcement of this Act, the government is to review the settlement system regarding transactions of shares amended by this Act, taking into account of the implementation status of the provisions amended by this Act and the changes in social and economic situations, and when the government finds it necessary, is to take the required measures based on the results of the review.

附　則　〔平成十六年六月十八日法律第百二十四号〕〔抄〕
Supplementary Provisions [Act No. 124 of June 18, 2004 Extract] [Extract]

（施行期日）
(Effective Date)

第一条　この法律は、新不動産登記法の施行の日から施行する。

Article 1 This Act comes into effect as of the date on which the new Real Property Registration Act comes into effect.

（経過措置）
(Transitional Measures)

第二条　この法律の施行の日が行政機関の保有する個人情報の保護に関する法律の施行の日後である場合には、第五十二条のうち商業登記法第百十四条の三及び第百十七条から第百十九条までの改正規定中「第百十四条の三」とあるのは、「第百十四条の四」とする。

Article 2 If the date of enforcement of this Act comes after the date of enforcement of the Act Concerning the Protection of Personal Information Held by Administrative Organs, the term "Article 114-3" in the provisions amending Article 114-3, and Articles 117 through 119 of the Commercial Registration Act in Article 52 is deemed to be replaced with "Article 114-4".

附　則　〔平成十六年十二月一日法律第百四十七号〕〔抄〕
Supplementary Provisions [Act No. 147 of December 1, 2004 Extract] [Extract]

（施行期日）
(Effective Date)
第一条　この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日から施行する。
Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

附　則　〔平成十六年十二月三日法律第百五十四号〕〔抄〕
Supplementary Provisions [Act No. 154 of December 3, 2004 Extract] [Extract]

（施行期日）
(Effective Date)
第一条　この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日（以下「施行日」という。）から施行する。
Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation (hereinafter referred to as the "date of enforcement").

（処分等の効力）
(Effect of Dispositions)
第百二十一条　この法律の施行前のそれぞれの法律（これに基づく命令を含む。以下この条において同じ。）の規定によってした処分、手続その他の行為であって、改正後のそれぞれの法律の規定に相当の規定があるものは、この附則に別段の定めがあるものを除き、改正後のそれぞれの法律の相当の規定によってしたものとみなす。
Article 121 The dispositions made, procedures taken, and other acts performed pursuant to the provisions of the respective laws (including orders based on them; hereinafter the same applies in this Article) prior to the enforcement of this Act, for which corresponding provisions exist in the respective Acts after the amendment, are deemed to have been made, taken, or performed pursuant to the corresponding provisions of the respective laws after the amendment,

except as otherwise provided by these Supplementary Provisions.

（罰則に関する経過措置）
(Transitional Measures for Penal Provisions)
第百二十二条　この法律の施行前にした行為並びにこの附則の規定によりなお従前の例によることとされる場合及びこの附則の規定によりなおその効力を有することとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。
Article 122 With regard to the application of penal provisions to acts committed after the enforcement of this Act to acts committed prior to the enforcement of this Act, acts for which the provisions previously in force are to remain applicable pursuant to the provisions of these Supplementary Provisions, and acts for which the provisions prior to the amendment are to remain in force pursuant to the provisions of these Supplementary Provisions, prior laws continue to govern.

（その他の経過措置の政令への委任）
(Delegation of Other Transitional Measures to Cabinet Order)
第百二十三条　この附則に規定するもののほか、この法律の施行に伴い必要な経過措置は、政令で定める。
Article 123 In addition to what is provided for in these Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

（検討）
(Review)
第百二十四条　政府は、この法律の施行後三年以内に、この法律の施行の状況について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。
Article 124 The government is to review the implementation status of this Act within three years after the enforcement of this Act, and when the government finds it necessary, is to take any required measures based on the results of the review.

附　則　〔平成十六年十二月八日法律第百五十九号〕〔抄〕
Supplementary Provisions [Act No. 159 of December 8, 2004 Extract] [Extract]

（施行期日）
(Effective Date)
第一条　この法律は、平成十七年七月一日から施行する。

Article 1 This Act comes into effect as of July 1, 2005.

附　則　〔平成十七年七月二十六日法律第八十七号〕〔抄〕
Supplementary Provisions [Act No. 87 of July 26, 2005 Extract] [Extract]

この法律は、会社法の施行の日から施行する。
This Act comes into effect as of the date on which the Companies Act comes into effect.

附　則　〔平成十八年六月二日法律第五十号〕
Supplementary Provisions [Act No. 50 of June 2, 2006]

この法律は、一般社団・財団法人法の施行の日から施行する。
This Act comes into effect as of the date on which the Act on General Incorporated Associations and General Incorporated Foundations comes into effect.

附　則　〔平成十八年六月十四日法律第六十五号〕〔抄〕
Supplementary Provisions [Act No. 65 of June 14, 2006 Extract] [Extract]

（施行期日）
(Effective Date)
第一条　この法律は、公布の日から起算して一年六月を超えない範囲内において政令で定める日（以下「施行日」という。）から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。
Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding one year and six months from the date of promulgation (hereinafter referred to as the "date of enforcement"); provided, however, that the provisions set forth in the following items comes into effect as of the date specified in each item:
一　第一条の規定、第八条中農業協同組合法第三十条の四第二項第二号の改正規定（「第百九十七条第一項第一号から第四号まで若しくは第七号若しくは第二項、第百九十八条第一号から第十号まで、第十八号若しくは第十九号」を「第百九十七条、第百九十七条の二第一号から第十号まで若しくは第十三号、第百九十八条第八号」に改める部分に限る。）、第九条中水産業協同組合法第三十四条の四第二項第二号の改正規定（「第百九十七条第一項第一号から第四号まで若しくは第七号若しくは第二項、第百九十八条第一号から第十号まで、第十八号若しくは第十九号」を「第百九十七条、第百九十七条の二第一号から第十号まで若しくは第十三号、第百九十八条第八号」に改める部分に限る。）、第十一条中協同組合による金融事業に関する法律第五条の四第四号の改正規定（「第百九十七条第一項第一号から第四号まで若しくは第七号若しくは第二項」を「第百九十七条」に、「第百九十八条第一号か

ら第十号まで、第十八号若しくは第十九号（有価証券の無届募集等の罪）」を「第百九十七条の二第一号から第十号まで若しくは第十三号（有価証券の無届募集等の罪）、第百九十八条第八号（裁判所の禁止又は停止命令違反の罪）」に改める部分に限る。）、第十三条中信用金庫法第三十四条第四号の改正規定（「第百九十七条第一項第一号から第四号まで若しくは第七号若しくは第二項」を「第百九十七条」に、「第百九十八条第一号から第十号まで、第十八号若しくは第十九号（有価証券の無届募集等の罪）」を「第百九十七条の二第一号から第十号まで若しくは第十三号（有価証券の無届募集等の罪）、第百九十八条第八号（裁判所の禁止又は停止命令違反の罪）」に改める部分に限る。）、第十五条中労働金庫法第三十四条第四号の改正規定（「第百九十七条第一項第一号から第四号まで若しくは第七号若しくは第二項」を「第百九十七条」に、「第百九十八条第一号から第十号まで、第十八号若しくは第十九号（有価証券の無届募集等の罪）」を「第百九十七条の二第一号から第十号まで若しくは第十三号（有価証券の無届募集等の罪）、第百九十八条第八号（裁判所の禁止又は停止命令違反の罪）」に改める部分に限る。）、第十八条中保険業法第五十三条の二第一項第三号の改正規定（「第百九十七条第一項第一号から第四号まで若しくは第七号若しくは第二項」を「第百九十七条」に、「第百九十八条第一号から第十号まで、第十八号若しくは第十九号（有価証券の無届募集等の罪）」を「第百九十七条の二第一号から第十号まで若しくは第十三号（有価証券の無届募集等の罪）、第百九十八条第八号（裁判所の禁止又は停止命令違反の罪）」に改める部分に限る。）、第十九条中農林中央金庫法第二十四条の四第四号の改正規定（「第百九十七条第一項第一号から第四号まで若しくは第七号若しくは第二項、第百九十八条第一号から第十号まで、第十八号若しくは第十九号」を「第百九十七条、第百九十七条の二第一号から第十号まで若しくは第十三号、第百九十八条第八号」に改める部分に限る。）並びに附則第二条、第四条、第百八十二条第一項、第百八十四条第一項、第百八十七条第一項、第百九十条第一項、第百九十三条第一項、第百九十六条第一項及び第百九十八条第一項の規定　公布の日から起算して二十日を経過した日

(i) the provisions of Article 1; the provisions amending Article 30-4, paragraph (2), item (ii) of the Agricultural Cooperatives Act in Article 8 (limited to the part that amends the phrase "Article 197, paragraph (1), items (i) through (iv) , or item (vii), or paragraph (2), Article 198, items (i) through (x), item (xviii) or item (xix)" to "Article 197, Article 197-2, items (i) through (x), or item (xiii), Article 198, item (viii)"); the provisions amending Article 34-4, paragraph (2), item (ii) of the Fisheries Cooperatives Act in Article 9 (limited to the part that amends the phrase "Article 197, paragraph (1), items (i) through (iv), or item (vii), or paragraph (2), Article 198, items (i) through (x), item (xviii) or (xix)" to "Article 197, Article 197-2, items (i) through (x) , or item (xiii), Article 198, item (viii)"); the provisions amending Article 5-4, item (iv) of the Act on Financial Businesses by Cooperatives in Article 11 (limited to the part that amends the phrase "Article 197, paragraph (1), items (i) through (iv), or item (vii), or paragraph (2)" to "Article 197" and the phrase

"Article 198, items (i) through (x), item (xviii) or (xix) (Offense of Solicitation Without Notification of Securities)" to "Article 197-2, items (i) through (x), or item (xiii) (Offense of Solicitation Without Notification of Securities), Article 198, item (viii) (Offense of Violation of Prohibition or Suspension Order by a Court)"); the provisions amending Article 34, item (iv) of the Shinkin Bank Act in Article 13 (limited to the part that amend the phrase "Article 197, paragraph (1), items (i) through (iv), or item (vii), or paragraph (2)" to "Article 197" and the phrase "Article 198, items (i) through (x), item (xviii) or (xix) (Offense of Solicitation Without Notification of Securities)" to "Article 197-2, items (i) through (x), or item (xiii) (Offense of Solicitation Without Notification of Securities), Article 198, item (viii) (Offense of Violation of Prohibition or Suspension Order by a Court)"); the provisions amending Article 34, item (iv) of the Labor Bank Act in Article 15 (limited to the part that amends the phrase "Article 197, paragraph (1), items (i) through (iv), or item (vii), or paragraph (2)" to "Article 197" and "Article 198, items (i) through (x), item (xviii) or item (xix) (Offense of Solicitation Without Notification of Securities)" to "Article 197-2, items (i) through (x), or item (xiii) (Offense of Solicitation Without Notification of Securities), Article 198, item (viii) (Offense of Violation of Prohibition or Suspension Order by a Court)"); the provisions amending Article 53-2, paragraph (1), item (iii) of the Insurance Business Act in Article 18 (limited to the part that amends the phrase "Article 197, paragraph (1), items (i) through (iv), or item (vii), or paragraph (2)" to "Article 197" and "Article 198, items (i) through (x), item (xviii) or item (xix) (Offense of Solicitation Without Notification of Securities)" to "Article 197-2, items (i) through (x), or item (xiii) (Offense of Solicitation Without Notification of Securities), Article 198, item (viii) (Offense of Violation of Prohibition or Suspension Order by a Court)"); the provisions amending Article 24-4, item (iv) of the Norinchukin Bank Act in Article 19 (limited to the part that amends the phrase "Article 197, paragraph (1), items (i) through (iv), or item (vii), or paragraph (2), Article 198, items (i) through (x), item (xviii) or item (xix)" to "Article 197, Article 197-2, items (i) through (x), or item (xiii), Article 198, item (viii)"); the provisions of Article 2, Article 4, Article 182, paragraph (1), Article 184, paragraph (1), Article 187, paragraph (1), Article 190, paragraph (1), Article 193, paragraph (1), Article 196, paragraph (1), and Article 198, paragraph (1) of the Supplementary Provisions: the day on which 20 days have elapsed from the date of promulgation;

二　附則第三条の規定　犯罪の国際化及び組織化並びに情報処理の高度化に対処するための刑法等の一部を改正する法律（平成十八年法律第　号）の施行の日又は前号に掲げる規定の施行の日のいずれか遅い日

(ii) the provisions of Article 3 of the Supplementary Provisions: the date on

which the Act for Partial Revision of the Penal Code in Order to Respond to the Internationalization and Organization of Crimes and the Sophistication of Information Processing (Act No. of 2006) comes into effect or the date of enforcement of the provisions set forth in the preceding item, whichever comes later;

三　第二条の規定（証券取引法第二十七条の二十三の改正規定（「第二十七条の二十五第一項」の下に「及び第二十七条の二十六」を加える部分を除く。）、同法第二十七条の二十四の改正規定、同法第二十七条の二十五の改正規定、同法第二十七条の二十六の改正規定（「株券等の発行者である会社の事業活動を支配する」を「株券等の発行者の事業活動に重大な変更を加え、又は重大な影響を及ぼす行為として政令で定めるもの（第四項及び第五項において「重要提案行為等」という。）を行う」に改める部分及び同条に三項を加える部分を除く。）、同法第二十七条の二十七の改正規定及び同法第二十七条の三十の二の改正規定（「第二十七条の十第二項」を「第二十七条の十第八項及び第十二項」に改める部分及び「第二十七条の十第一項」の下に「若しくは第十一項」を加える部分を除く。）を除く。）並びに附則第七条、第八条及び第十二条の規定　公布の日から起算して六月を超えない範囲内において政令で定める日

(iii) the provisions of Article 2 (excluding the provisions amending Article 27-23 of the Securities and Exchange Act (excluding the part that adds the term "and Article 27-26" after "Article 27-25, paragraph (1)"); the provisions amending Article 27-24 of that Act; the provisions amending Article 27-25 of that Act; the provisions amending Article 27-26 of that Act (excluding the part that amends the phrase "controlling the business activities of a company which is an issuer of share certificates, etc." to "conducting acts specified by Cabinet Order as those that impose serious changes or have a serious impact on the business activities of the issuer of share certificates, etc. (referred to as "important proposal acts, etc." in paragraphs (4) and (5))" and the part that adds three paragraphs to that Article); the provisions amending Article 27-27 of that Act; and the provisions amending Article 27-30-2 of that Act (excluding the part that amends the term "Article 27-10, paragraph (2)" to "Article 27-10, paragraphs (8) and (12)" and the part that adds the term "or paragraph (11)" after "Article 27-10, paragraph (1)")); the provisions of Article 7, Article 8, and Article 12 of the Supplementary Provisions: the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation;

四　第二条中証券取引法第二十七条の二十三の改正規定（「第二十七条の二十五第一項」の下に「及び第二十七条の二十六」を加える部分を除く。）、同法第二十七条の二十四の改正規定、同法第二十七条の二十五の改正規定、同法第二十七条の二十六の改正規定（「株券等の発行者である会社の事業活動を支配する」を「株券等の発行者の事業活動に重大な変更を加え、又は重大な影響を及ぼす行為として政令で定めるもの（第四項及び第五項において「重要提案行為等」という。）を行う」に

改める部分及び同条に三項を加える部分を除く。）、同法第二十七条の二十七の改正規定及び同法第二十七条の三十の二の改正規定（「第二十七条の十第二項」を「第二十七条の十第八項及び第十二項」に改める部分及び「第二十七条の十第一項」の下に「若しくは第十一項」を加える部分を除く。）並びに附則第九条から第十一条まで及び第十三条の規定　公布の日から起算して一年を超えない範囲内において政令で定める日

(iv) the provisions amending Article 27-23 of the Securities and Exchange Act (excluding the part that adds the term "and Article 27-26" after "Article 27-25, paragraph (1)") in Article 2; the provisions amending Article 27-24 of that Act; the provisions amending Article 27-25 of that Act; the provisions amending Article 27-26 of that Act (excluding the part that amends the phrase "controlling the business activities of a company which is an issuer of share certificates, etc." to "conducting acts specified by Cabinet Order as those that impose serious changes or have a serious impact on the business activities of the issuer of share certificates, etc. (referred to as "important proposal acts, etc." in paragraphs (4) and (5))" and the part that adds three paragraphs to that Article); the provisions amending Article 27-27 of that Act; and the provisions amending Article 27-30-2 of that Act (excluding the part that amends the term "Article 27-10, paragraph (2)" to "Article 27-10, paragraphs (8) and (12)" and the part that adds the term "or paragraph (11)" after "Article 27-10, paragraph (1)"); the provisions of Articles 9 through 11, and Article 13 of the Supplementary Provisions: the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation; and

五　第四条の規定　一般社団法人及び一般財団法人に関する法律（平成十八年法律第四十八号）の施行の日

(v) the provisions of Article 4: the date on which the Act on General Incorporated Associations and General Incorporated Foundations (Act No. 48 of 2006) comes into effect.

（商品取引所法の一部改正に伴う経過措置）

(Transitional Measures upon Partial Revision of the Commodity Exchange Act)

第百八十九条　第十二条の規定による改正後の商品取引所法（以下この条において「新商品取引所法」という。）の規定は、この法律の施行後に行われる新商品取引所法第二条第十七項に規定する商品取引受託業務について適用し、この法律の施行前に行われた第十二条の規定による改正前の商品取引所法第二条第十七項に規定する商品取引受託業務については、なお従前の例による。

Article 189 (1) The provisions of the Commodity Exchange Act as amended by Article 12 (hereinafter referred to as the "new Commodity Exchange Act" in this Article) apply to business of accepting consignment of commodity transactions prescribed in Article 2, paragraph (17) of the new Commodity

Exchange Act to be conducted after the enforcement of this Act, and prior laws continue to govern the business of accepting consignment of commodity transactions prescribed in Article 2, paragraph (17) of the Commodity Exchange Act prior to the amendment by Article 12 that has been conducted prior to the enforcement of this Act.

２　商品取引員（新商品取引所法第二条第十八項に規定する商品取引員をいう。）が、この法律の施行前に新商品取引所法第二百十七条第一項に規定する事項に相当する事項について新商品取引所法第二百十八条第一項の規定の例により説明を行った場合には、当該説明を同項の規定により行った説明とみなして、新商品取引所法の規定を適用する。

(2) If a futures commission merchant (meaning a futures commission merchant prescribed in Article 2, paragraph (18) of the new Commodity Exchange Act) has provided explanation about the matters equivalent to those prescribed in Article 217, paragraph (1) of the new Commodity Exchange Act pursuant to the provisions of Article 218, paragraph (1) of the new Commodity Exchange Act, prior to the enforcement of this Act, the provisions of the new Commodity Exchange Act apply by deeming that the explanation was the explanation that have been provided pursuant to the provisions of that paragraph.

（権限の委任）

(Delegation of Authority)

第二百十六条　内閣総理大臣は、この附則の規定による権限（政令で定めるものを除く。）を金融庁長官に委任する。

Article 216 (1) The Prime Minister delegates the authority under the provisions of these Supplementary Provisions (excluding the authority specified by Cabinet Order) to the Commissioner of the Financial Services Agency.

２　前項の規定により金融庁長官に委任された権限については、政令で定めるところにより、その一部を財務局長又は財務支局長に委任することができる。

(2) A part of the authority delegated to the Commissioner of the Financial Services Agency pursuant to the provisions of the preceding paragraph may be delegated to the head of a Local Finance Bureau or the head of a Local Finance Branch Bureau, pursuant to the provisions of Cabinet Order.

（処分等の効力）

(Effect of Dispositions)

第二百十七条　この法律の施行前にした旧証券取引法、旧投資信託法若しくは旧信託業法又はこれらに基づく命令の規定によってした処分、手続その他の行為であって、新金融商品取引法の規定に相当の規定があるものは、この附則に別段の定めがあるものを除き、新金融商品取引法の相当の規定によってしたものとみなす。

Article 217 The dispositions made, procedures taken, and other acts performed pursuant to the provisions of the former Securities and Exchange Act, the

former Investment Trust Act, or the former Trust Business Act, or pursuant to an order based on these Acts, prior to the enforcement of this Act, for which corresponding provisions exist in the new Financial Instruments and Exchange Act, are deemed to have been made pursuant to the corresponding provisions of the new Financial Instruments and Exchange Act, except as otherwise provided by these Supplementary Provisions.

（罰則の適用に関する経過措置）
(Transitional Measures for the Application of Penal Provisions)

第二百十八条　この法律（附則第一条各号に掲げる規定にあっては、当該規定。以下この条において同じ。）の施行前にした行為並びにこの附則の規定によりなお従前の例によることとされる場合及びなおその効力を有することとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 218 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act (for the provisions set forth in the items of Article 1 of the Supplementary Provisions, the relevant provisions; hereinafter the same applies in this Article) and acts committed after the enforcement of this Act for which the provisions previously in force are to remain applicable pursuant to the provisions of these Supplementary Provisions and for which the provisions prior to the amendment are to remain in force pursuant to the provisions of these Supplementary Provisions, prior laws continue to govern.

（その他の経過措置の政令等への委任）
(Delegation of Other Transitional Measures to Cabinet Order)

第二百十九条　この附則に規定するもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 219 (1) In addition to what is provided for in these Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

２　第三条の規定による証券取引法の一部改正に伴う登記に関する手続について必要な経過措置は、法務省令で定める。

(2) The transitional measures necessary for the procedures for registration associated with the partial amendment of the Securities Exchange Act pursuant to the provisions of Article 3 are specified by Cabinet Order.

（検討）
(Review)

第二百二十条　政府は、この法律の施行後五年以内に、この法律の施行の状況について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 220 The government is to review the implementation status of this Act

within five years after the enforcement of this Act, and when the government finds it necessary, is to take the required measures based on the results of the review.

附　則　〔平成二十一年七月十日法律第七十四号〕〔抄〕
Supplementary Provisions [Act No. 74 of July 10, 2009 Extract] [Extract]

（施行期日）
(Effective Date)

第一条　この法律は、公布の日から起算して一年六月を超えない範囲内において政令で定める日（以下「施行日」という。）から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding one year and six months from the date of promulgation (hereinafter referred to as the "date of enforcement"); provided, however, that the provisions set forth in the following items come into effect as of the date specified in each item.

一　附則第五条、第十七条第一項、第二十四条、第二十五条及び第二十八条の規定　この法律の公布の日

(i) the provisions of Article 5, Article 17, paragraph (1), Article 24, Article 25, and Article 28 of the Supplementary Provisions; the date of promulgation of this Act;

二　第一条及び附則第六条の規定　公布の日から起算して三月を超えない範囲内において政令で定める日

(ii) the provisions of Article 1 of this Act and Article 6 of the Supplementary Provisions: the day specified by Cabinet Order within a period not exceeding three months from the date of promulgation;

三　第二条並びに附則第四条、第七条第一項及び第二項、第八条（第一項及び第七項を除く。）、第十四条、第十七条第三項及び第四項、第十八条から第二十条まで並びに第二十六条の規定並びに附則第三十二条中住民基本台帳法（昭和四十二年法律第八十一号）別表第一の改正規定（八十の項中「第八十五条第一項の届出、同法」の下に「第九十六条の十九第一項の認可、同条第三項（同法第九十六条の二十五第四項及び第九十六条の三十一第四項において準用する場合を含む。）の届出、同法第九十六条の二十五第一項若しくは第三項ただし書の認可、同法第九十六条の二十八第三項若しくは第九十六条の二十九の届出、同法第九十六条の三十一第一項、」を加える部分に限る。）並びに附則第四十二条の規定　公布の日から起算して一年を超えない範囲内において政令で定める日

(iii) The provisions of Article 2 of this Act and Article 4, Article 7, paragraphs (1) and (2), Article 8 (excluding paragraphs (1) and (7)), Article 14, Article 17, paragraphs (3) and (4), Articles 18 through 20, and Article 26 of the Supplementary Provisions; the provisions amending the Appended Table 1 of

the Residential Basic Book Act (Act No. 81 of 1967) in Article 32 of the Supplementary Provisions (limited to the part in row (lxxx) that adds the phrase "authorization under Article 96-19, paragraph (1), notification under paragraph (3) of that Article (including as applied mutatis mutandis pursuant to Article 96-25, paragraph (4) and Article 96-31, paragraph (4) of that Act), authorization under Article 96-25, paragraph (1) or the proviso to paragraph (3), notification under Article 96-28, paragraph (3) or Article 96-29, authorization under Article 96-31, paragraph (1), of that Act" to "notification under Article 85, paragraph (1), that Act"; the provisions of Article 42 of the Supplementary Provisions: the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

（海外商品市場における先物取引の受託等に関する法律の廃止に伴う経過措置）
(Transitional Measures upon Appeal of the Act on the Consignment and Other Matters Relating to Futures Transaction in Foreign Commodity Markets)

第三条　海外商品取引業者（前条の規定による廃止前の海外商品市場における先物取引の受託等に関する法律（以下「旧海外商品先物取引法」という。）第二条第五項に規定する海外商品取引業者をいう。）が、施行日前に成立した旧海外商品先物取引法第二条第六項に規定する海外先物契約に係る売付け又は買付けに基づく債務の履行を完了していないときは、第三条の規定による改正後の商品先物取引法（以下「新法」という。）第百九十条第一項の許可を受けないでも、当該債務の履行を完了することができる。この場合において、当該債務の履行に係る旧海外商品先物取引法の規定は、なおその効力を有する。

Article 3 If a business operator engaged in futures transactions in foreign commodity markets (meaning a business operator engaged in futures transactions in foreign commodity markets prescribed in Article 2, paragraph (5) of the Act on the Consignment and Other Matters Relating to Futures Transaction in Foreign Commodity Markets prior to the appeal pursuant to the provisions of the preceding Article (hereinafter referred to as the "former Act on Futures Transaction in Foreign Commodity Markets")) has not completed the performance of obligations based on buying or selling regarding a contract on futures transactions in foreign commodity markets prescribed in Article 2, paragraph (6) of the former Act on Futures Transaction in Foreign Commodity Markets which was entered into prior to the date of enforcement, the business operator may complete the performance of the obligations without obtaining permission under Article 190, paragraph (1) of the Commodity Derivatives Transaction Act as amended by the provisions of Article 3 (hereinafter referred to as the "new Act"). In such a case, the provisions of the former Act on Futures Transaction in Foreign Commodity Markets related to the performance of the obligations remain in force.

（相場、取引高等の報告に関する経過措置）

(Transitional Measures for the Report on Quotations and Transaction Volume)

第四条　第二条の規定による改正前の商品取引所法第百十二条第二項の規定による報告で、附則第一条第三号に掲げる規定の施行の日前に行われていないものについては、なお従前の例による。

Article 4 Prior laws continue to govern a report pursuant to the provisions of Article 112, paragraph (2) of the Commodity Exchange Act prior to the amendment by Article 2 that has not been made prior to the date of enforcement of the provisions set forth in Article 1, item (iii) of the Supplementary Provisions.

（商品取引所の定款等の変更に関する経過措置）

(Transitional Measures for Changes to Articles of Incorporation of Commodity Exchanges)

第五条　商品取引所は、附則第一条第二号に掲げる規定の施行の日までに、第一条の規定による改正後の商品取引所法第百五十五条及び第百五十六条の規定の例により、この法律の施行に伴い必要となる定款、業務規程、受託契約準則、紛争処理規程及び市場取引監視委員会規程の変更をし、主務大臣の認可を受けなければならない。この場合において、これらの認可の効力は、同号に掲げる規定の施行の日から生ずるものとする。

Article 5 A commodity exchange is to change its articles of incorporation, operational rules, entrustment contract regulations, dispute resolution rules, and market transactions surveillance committee rules in accordance with the provisions of Article 155 and Article 156 of the Commodity Exchange Act amended by the provisions of Article 1, which will be required upon the enforcement of this Act, and obtain the authorization of the competent minister by the date of enforcement of the provisions set forth in Article 1, item (ii) of the Supplementary Provisions. In such a case, the authorization becomes effective as of the date of enforcement of the provisions set forth in that item.

（商品取引所に対する監督上の処分及び罰則）

(Supervisory Dispositions and Penal Provisions for a Commodity Exchange)

第六条　主務大臣は、商品取引所が前条の規定に違反した場合には、その設立の許可を取り消し、又は一年以内の期間を定めてその業務の全部若しくは一部の停止を命ずることができる。

Article 6 (1) If a commodity exchange has violated the provisions of the preceding Article, the competent minister may revoke the permission for its establishment or order suspension of all or a part of its business for a fixed period not exceeding one year.

２　前項の規定による処分に違反したときは、その行為をした商品取引所の代表者、代理人、使用人その他の従業者は、二年以下の懲役若しくは三百万円以下の罰金に処し、

又はこれを併科する。

(2) If a commodity exchange has violated the disposition under the provisions of the preceding paragraph, the representative, agent, employee, or other worker of the commodity exchange who has committed the act is subject to punishment by imprisonment for not more than two years or by a fine of not more than three million yen, or both.

３　商品取引所の代表者、代理人、使用人その他の従業者が、その商品取引所の業務又は財産に関し、前項の違反行為をしたときは、その行為者を罰するほか、その商品取引所に対して三億円以下の罰金刑を科する。

(3) If the representative, agent, employee, or other worker of a commodity exchange has committed a violation referred to in the preceding paragraph, not only the offender is subject to punishment but also the commodity exchange is subject to punishment by a fine of not more than 300 million yen.

（商品先物取引業者の許可等に関する経過措置）

(Transitional Measures for the License of a Commodity Derivatives Business Operator)

第七条　新法第百九十条第一項の許可を受けようとする者は、施行日前においても、新法第百九十二条の規定の例により、その許可の申請をすることができる。

Article 7 (1) A person who seeks to obtain a license under Article 190, paragraph (1) of the new Act may file an application for the license pursuant to the provisions of Article 192 of the new Act even prior to the date of enforcement.

２　主務大臣は、前項の規定により許可の申請があった場合には、施行日前においても、新法第百九十条から第百九十四条までの規定の例により、その許可をすることができる。この場合において、その許可を受けた者は、施行日において新法第百九十条第一項の許可を受けたものとみなす。

(2) If an application for a license has been filed pursuant to the provisions of the preceding paragraph, the competent minister may grant the license pursuant to the provisions of Articles 190 through 194 of the new Act even prior to the date of enforcement. In such a case, the person who has obtained the license is deemed to have obtained the license under Article 190, paragraph (1) of the new Act on the date of enforcement.

３　この法律の施行の際第一項の許可の申請について処分が行われていない場合においては、その処分が行われるまでの間は、当該申請を行った者は、新法第百九十条第一項の許可を受けたものとみなす。

(3) If a disposition has not been rendered for an application for a license under paragraph (1) at the time of the enforcement of this Act, a person who filed the application is deemed to have obtained a license under Article 190, paragraph (1) of the new Act until the disposition is rendered.

４　商品取引員（第三条の規定による改正前の商品取引所法（以下「旧法」という。）第二条第十八項に規定する商品取引員をいう。以下同じ。）であった者（前二項の規

定により新法第百九十条第一項の許可を受けたものとみなされた者を除く。）が、施行日までにその受託に係る商品市場における取引を結了していないときは、当該取引については、なお従前の例による。

(4) If a person that was a futures commission merchant (meaning a futures commission merchant prescribed in Article 2, paragraph (18) of the Commodity Exchange Act prior to the amendment by Article 3 (hereinafter referred to as the "former Act"); the same applies hereinafter) (excluding those deemed to have obtained a license under Article 190, paragraph (1) of the new Act pursuant to the provisions of the preceding two paragraphs) has not completed transactions in a commodity market related to the entrustment by the date of enforcement, the provisions previously in force remain applicable to the transactions.

５　新法第百九十七条第五項の規定は、商品取引員であった者（第三項の規定により新法第百九十条第一項の許可を受けたものとみなされた者に限る。）が第一項の許可の申請について不許可の処分を受けた場合について準用する。

(5) The provisions of Article 197, paragraph (5) of the new Act apply mutatis mutandis to cases in which a person that was a futures commission merchant (limited those deemed to have obtained a license under Article 190, paragraph (1) of the new Act pursuant to the provisions of paragraph (3)) has been rendered a disposition that the license will not be granted for the application for the license under paragraph (1).

（廃業等の公告等に関する経過措置）

(Transitional Measures for Public Notice of Discontinuation of Business)

第八条　新法第百九十七条第三項の規定は、次項に規定する場合を除き、施行日から起算して三十日を経過した日以後の商品先物取引業（新法第二条第二十二項に規定する商品先物取引業をいう。以下同じ。）の廃止、合併（合併後存続する法人又は合併により設立される法人が商品先物取引業を行わない場合の当該合併に限る。）又は合併及び破産手続開始の決定以外の理由による解散（以下この条において「廃止等」という。）について適用する。

Article 8 (1) The provisions of Article 197, paragraph (3) of the new Act apply to the discontinuation of business (meaning commodity derivatives business prescribed in Article 2, paragraph (22) of the new Act; the same applies hereinafter), merger (limited to a merger in cases in which a corporation surviving the merger or a corporation established by the merger does not engage in commodity derivatives business), or dissolution due to reasons other than a merger or order of commencement of bankruptcy proceedings (hereinafter referred to as "discontinue, etc." in this Article) of commodity derivatives business on and after the day on which 30 days have elapsed from the date of enforcement, except in the cases prescribed in the following paragraph.

2　施行日前に商品取引員であった者であって、前条第一項の許可を申請した者（以下この条において「特定商品取引員」という。）が、施行日から起算して三十日以内に商品先物取引業の廃止等をしようとするときは、その日の三十日前までに、新法第百九十七条第三項の規定の例により、その旨を公告するとともに、すべての営業所の公衆の目につきやすい場所に掲示しなければならない。

(2) If a person that was a futures commission merchant prior to the date of enforcement and has filed an application for a license under paragraph (1) of the preceding Article (hereinafter referred to as a "specified futures commission merchant" in this Article) seeks to discontinue, etc. its commodity derivatives business, the specified futures commission merchant must, by 30 days prior to that day, give a public notice to that effect, as well as post a notice of that fact in a place easily seen by the public at all of its business offices pursuant to the provisions of Article 197, paragraph (3) of the new Act.

3　特定商品取引員は、前項の規定による公告をしたときは、直ちに、その旨を主務大臣に届け出なければならない。

(3) If a specified futures commission merchant has given a public notice under the provisions of the preceding paragraph, the specified futures commission merchant must immediately notify the competent minister to that effect.

4　特定商品取引員は、第二項の規定による公告をした場合においては、当該特定商品取引員が行った委託者の計算による商品市場における取引を速やかに結了し、かつ、商品市場における取引につき委託者から預託を受けた財産及びその計算において自己が占有する財産を遅滞なく返還しなければならない。

(4) If a specified futures commission merchant has given a public notice under paragraph (2), the specified futures commission merchant must promptly complete the transactions in a commodity market which they have conducted on the consignor's account and return the property deposited by the consignor for the transactions in a commodity market and the property which the specified futures commission merchant possesses based on their own account without delay.

5　次の各号のいずれかに該当する者は、一年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

(5) A person who falls under any of the following items is subject to punishment by imprisonment for not more than one year or by a fine of not more than three million yen, or both:

一　第二項の規定による公告をせず、又は虚偽の公告をした者

(i) a person who has failed to give a public notice under the provisions of paragraph (2) or who has given a false public notice; or

二　第三項の規定による届出をせず、又は虚偽の届出をした者

(ii) a person who has failed to give a notification under the provisions of paragraph (3) or who has given a false notification.

6　特定商品取引員の代表者、代理人、使用人その他の従業者が、その特定商品取引員

の業務に関し、前項の違反行為をしたときは、その行為者を罰するほか、その特定商品取引員に対して三百万円以下の罰金刑を科する。

(6) If the representative, agent, employee, or other worker of a specified futures commission merchant has committed a violation referred to in the preceding paragraph regarding the business of the specified futures commission market, not only the offender is subject to punishment but also the specified futures commission merchant is subject to punishment by a fine of not more than three million yen.

7　施行日前にされた第二項の規定による公告及び掲示は、新法第百九十七条第三項の規定によりされた公告及び掲示とみなす。

(7) A public notice given and posted pursuant to the provisions of paragraph (2) prior to the date of enforcement is deemed to be a public notice given and posted pursuant to the provisions of Article 197, paragraph (3) of the new Act.

（商品先物取引業者の名称の使用制限に関する経過措置）

(Transitional Measures for Restriction on the Use of the Name of Commodity Derivatives Business Operator)

第九条　この法律の施行の際現にその商号又は名称中に商品先物取引業者であると誤認されるおそれのある文字を用いている者については、新法第百九十七条の二の規定は、施行日以後六月間は、適用しない。

Article 9 The provisions of Article 197-2 of the new Act do not apply to a person who was, at the time of the enforcement of this Act, using words in their name or trade name which could give give rise to the misconception that the person is a commodity derivatives business operator, for six months after the date of enforcement.

（特定委託者等への告知義務に関する経過措置）

(Transitional Measures for the Obligation to Notify Eligible Consignors)

第十条　商品先物取引業者（新法第二条第二十三項に規定する商品先物取引業者をいい、附則第七条第三項の規定により新法第百九十条第一項の許可を受けたものとみなされている者を含む。以下同じ。）は、施行日以後最初に商品取引契約（新法第二条第二十四項に規定する商品取引契約をいう。以下同じ。）の申込みを顧客（新法第二条第二十五項第七号及び第八号に掲げる者に限る。）から受けた場合であって、施行日前に、当該顧客に対し、施行日以後に当該顧客が新法第百九十七条の四第一項の規定による申出ができる旨を新法第百九十七条の三の規定の例により告知しているときには、当該顧客に対し、同条に規定する告知をしたものとみなす。

Article 10 (1) If a commodity derivatives business operator (meaning a commodity derivatives business operator prescribed in Article 2, paragraph (23) of the new Act and including those deemed to have obtained a license under Article 190, paragraph (1) of the new Act pursuant to the provisions of Article 7, paragraph (3) of the Supplementary Provisions; the same applies

hereinafter) has received, for the first time on or after the date of enforcement, an offer of a commodity transaction contract (meaning a commodity transaction contract prescribed in Article 2, paragraph (24) of the new Act; the same applies hereinafter) from a customer (limited to a person set forth in Article 2, paragraph (25), items (vii) and (viii) of the new Act), and the commodity derivatives business operator has notified the customer, prior to the date of enforcement, that the customer may make a request under the provisions of Article 197-4, paragraph (1) of the new Act on or after the date of enforcement, pursuant to the provisions of Article 197-3 of the new Act, the commodity derivatives business operator is deemed to have given a notification prescribed in that Article to the customer.

２　商品先物取引業者は、施行日以後最初に商品取引契約（特定当業者（新法第二条第二十六項に規定する特定当業者をいう。以下この項において同じ。）が売買等を業として行っている物品又はこれに関連する物品として新法第百九十七条の七の主務省令で定めるものを新法第二条第二十七項に規定する取引対象商品とする同条第十五項に規定する商品デリバティブ取引に関するものに限る。）の申込みを顧客（特定当業者に限る。）から受けた場合であって、施行日前に、当該顧客に対し、施行日以後に当該顧客が新法第百九十七条の八第一項の規定による申出ができる旨を新法第百九十七条の七の規定の例により告知しているときには、当該顧客に対し、同条に規定する告知をしたものとみなす。

(2) If a commodity derivatives business operator has received, for the first time on or after the date of enforcement, an offer of a commodity transaction contract (limited to those regarding commodity derivatives transactions prescribed in Article 2, paragraph (15) of the New Act, for which the underlying commodities prescribed in paragraph (27) of that Article are goods regarding which an eligible commercial person (meaning the eligible commercial person prescribed in paragraph (26) of that Article; hereinafter the same applies in this paragraph) engages in purchase and sale, etc. in the course of trade or other goods specified by order of the competent ministry set forth in Article 197-7 of the New Act as being related to them) from a customer (limited to an eligible commercial person), and the commodity derivatives business operator has notified the customer, prior to the date of enforcement, that the customer may make a request under the provisions of Article 197-8, paragraph (1) of the new Act on or after the date of enforcement, pursuant to the provisions of Article 197-7 of the new Act, the commodity derivatives business operator is deemed to have given a notification prescribed in that Article to the customer.

（商品先物取引業者の外務員の登録に関する経過措置）

(Transitional Measures for Registration of a Sales Representative of a Commodity Derivatives Business Operator)

第十一条　この法律の施行の際現に旧法第二百条第一項の規定による登録を受けている外務員（附則第七条第二項又は第三項の規定により新法第百九十条第一項の許可を受けたものとみなされた商品取引員に係るものに限る。）は、施行日において新法第二百条第一項の規定により登録を受けたものとみなす。この場合において、同条第六項の規定は適用しない。

Article 11 (1) A sales representative who has already obtained a registration pursuant to the provisions of Article 200, paragraph (1) of the former Act at the time of the enforcement of this Act (limited to one regarding a futures commission merchant who is deemed to have obtained a license under Article 190, paragraph (1) of the new Act pursuant to the provisions of Article 7, paragraph (2) or (3) of the Supplementary Provisions) is deemed to have obtained a registration pursuant to the provisions of Article 200, paragraph (1) of the new Act on the date of enforcement. In such a case, the provisions of paragraph (6) of that Article do not apply.

２　前項の場合において、新法第二百条第七項に規定する期間は、旧法による登録又は登録の更新の日から起算するものとする。

(2) In the case referred to in the preceding paragraph, the period prescribed in Article 200, paragraph (7) of the new Act is to be calculated from the day of registration or renewal of registration under the former Act.

３　商品先物取引業者は、施行日から六月間は、新法第二百条第二項の規定にかかわらず、同条第一項の規定により登録を受けた外務員以外の者に外務員の職務（商品市場における取引等（旧法第二条第十六項に規定する商品市場における取引等をいい、同条第十五項に規定する商品清算取引を除く。）の受託又は委託の勧誘を除く。）を行わせることができる。その者につきその期間内に新法第二百条第一項の登録を申請した場合において、その申請について登録をする旨の通知を受ける日又はその申請についてその期間の経過後登録をしない旨の通知を受ける日までの間も、同様とする。

(3) A commodity derivatives business operator may have a person other than a sales representative who has obtained registration pursuant to the provisions of Article 200, paragraph (1) of the new Act perform the duties of sales representatives (excluding acceptance of consignment or solicitation of consignment of transactions, etc. in a commodity market (meaning transactions, etc. in a commodity market prescribed in Article 2, paragraph (16) of the former Act and excluding commodity clearing transactions prescribed in paragraph (15) of that Article)) for six months from the date of enforcement, notwithstanding the provisions of Article 200, paragraph (2) of the new Act. The same applies if an application for registration under Article 200, paragraph (1) has been filed for the person during that period, until the day on which the commodity derivatives business operator receives a notice to the effect that registration will be granted for the application, or until the day on which the commodity derivatives business operator receives a notice to the effect that registration will not be granted for the application after the lapse of

that period.

4　この法律の施行の際現に存する旧法第二百条第五項の規定による登録原簿は、新法第二百条第五項の規定による登録原簿とみなす。

(4) A register under the provisions of Article 200, paragraph (5) of the former Act that exists at the time of the enforcement of this Act is deemed to be a register under the provisions of Article 200, paragraph (5) of the new Act.

（商品取引契約の締結前の書面の交付に関する経過措置）

(Transitional Measures for Delivery of a Document Prior to Conclusion of Commodity Transaction Contracts)

第十二条　施行日以後に締結される商品取引契約について、施行日前に新法第二百十七条第一項に規定する事項に相当する事項について同項の規定の例により書面を交付しているとき、又は同条第二項の規定の例により同条第一項に規定する書面に記載すべき事項を提供しているときは、商品先物取引業者は、同項の規定により書面を交付したものとみなす。

Article 12 With regard to a commodity transaction contract concluded on or after the date of enforcement, if a commodity derivatives business operator has delivered a document pursuant to the provisions of Article 217, paragraph (1) of the new Act, concerning matters equivalent to to those prescribed in that paragraph, or provided matters that is required to be stated in a document prescribed in that paragraph pursuant to the provisions of paragraph (2) of that Article, prior to the date of enforcement, the commodity derivatives business operator is deemed to have delivered the document pursuant to the provisions of paragraph (1) of that Article.

（商品先物取引業者の説明義務に関する経過措置）

(Transitional Measures for Obligation of Explanation of Commodity Derivatives Business Operators)

第十三条　施行日以後に締結される商品取引契約について、施行日前に新法第二百十七条第一項に規定する事項に相当する事項について新法第二百十八条第一項の規定の例により説明をしているときは、商品先物取引業者は、同項の規定により説明をしたものとみなす。

Article 13 With regard to a commodity transaction contract concluded on or after the date of enforcement, if a commodity derivatives business operator has provided explanations pursuant to the provisions of Article 218, paragraph (1) of the new Act, concerning matters equivalent to those prescribed in Article 217, paragraph (1) of the new Act, prior to the date of enforcement, the commodity derivatives business operator is deemed to have provided explanations pursuant to the provisions of Article 218, paragraph (1) of the new Act.

（合併等に係る認可の申請に関する経過措置）
(Transitional Measures for the Application for Authorization Regarding Mergers)

第十四条　附則第七条第二項の規定により新法第百九十条第一項の規定による許可を受けたものとみなされた者であって、新法第二百二十五条第一項又は第二百二十八条第一項の認可を受けようとする者は、施行日前においても、新法第二百二十五条又は第二百二十八条の規定の例により、その認可の申請をすることができる。

Article 14 (1) A person who is deemed to have obtained a license under Article 190, paragraph (1) of the new Act pursuant to the provisions of Article 7, paragraph (2) of the Supplementary Provisions and seeks to obtain authorization under Article 225, paragraph (1) or Article 228, paragraph (1) of the new Act may file an application for the authorization pursuant to the provisions of Article 225 or Article 228 of the new Act even prior to the date of enforcement.

２　主務大臣は、前項の規定により認可の申請があった場合には、施行日前においても、新法第二百二十五条又は第二百二十八条の規定の例により、その認可をすることができる。この場合において、その認可を受けた者は、施行日において新法第二百二十五条第一項又は第二百二十八条第一項の認可を受けたものとみなす。

(2) If an application for authorization has been filed pursuant to the provisions of the preceding paragraph, the competent minister may grant the authorization pursuant to the provisions of Article 225 or Article 228 of the new Act even prior to the date of enforcement. In such a case, a person who has obtained the authorization is deemed to have obtained the authorization under Article 225, paragraph (1) or Article 228, paragraph (1) of the new Act on the date of enforcement.

（商品先物取引仲介業者の登録に関する経過措置）
(Transitional Measures for Registration of Commodity Derivatives Intermediary Service Providers)

第十五条　この法律の施行の際現に特定商品先物取引仲介業（商品先物取引業者の委託を受けて、当該商品先物取引業者のために新法第二条第二十二項第二号から第五号までに規定する媒介のいずれかを業として行うことをいう。以下この条において同じ。）を行っている者（以下この条において「仮商品先物取引仲介業者」という。）は、施行日から六月間（当該期間内に新法第二百四十条の二第一項の登録の拒否の処分があったとき、又は次項の規定により読み替えて適用する新法第二百四十条の二十三第一項の規定により特定商品先物取引仲介業の廃止を命じられたときは、当該処分のあった日又は当該廃止を命じられた日までの間）は、新法第百九十条第一項及び第二百四十条の二第一項の規定にかかわらず、引き続き特定商品先物取引仲介業を行うことができる。仮商品先物取引仲介業者（同条の登録の拒否の処分を受けず、かつ、次項の規定により読み替えて適用する新法第二百四十条の二十三第一項の規定により特定商品先物取引仲介業の廃止を命じられていない者に限る。）が施行日から起算し

て六月以内に新法第二百四十条の二第一項の登録の申請をした場合において、その期間を経過したときは、その申請について登録又は登録の拒否の処分があるまでの間も、同様とする。

Article 15 (1) A person who has been engaging in specified commodity derivatives intermediation services (meaning to engage in any of the intermediation acts prescribed in Article 2, paragraph (22), items (ii) through (v) of the new Act, entrusted by a commodity derivatives business operator in the course of trade for the commodity derivatives business operator; hereinafter the same applies in this Article) at the time of the enforcement of this Act (hereinafter referred to as a "provisional commodity derivatives intermediary service provider" in this Article) may continue to engage in specified commodity derivatives intermediation services for six months from the date of enforcement (if, during that period, the provisional commodity derivatives intermediary service provider has been rendered a disposition that refuses the registration under Article 240-2, paragraph (1) of the new Act or has been ordered to discontinue their specified commodity derivatives intermediation services pursuant to the provisions of Article 240-23, paragraph (1) of the new Act as applied pursuant to the following paragraph following the deemed replacement of term, until the day on which the disposition is rendered or the discontinuation of services is ordered), notwithstanding the provisions of Article 190, paragraph (1) and Article 240-2, paragraph (1) of the new Act. The same applies, if a provisional commodity derivatives intermediary service provider (limited to those who have not received a disposition that refuses the registration under that Article nor have been ordered to discontinue their specified commodity derivatives intermediation services pursuant to the provisions of Article 240-23, paragraph (1) of the new Act as applied pursuant to the following paragraph following the deemed replacement of terms) has filed an application for registration referred to in Article 240-2, paragraph (1) of the new Act within six months from the date of enforcement, and that period has elapsed, until the time when a disposition that grants or refuses the registration is rendered for the application.

２　前項の規定により引き続き特定商品先物取引仲介業を行う場合においては、仮商品先物取引仲介業者を新法第二条第二十九項に規定する商品先物取引仲介業者とみなして、新法第二百四十条の十二から第二百四十条の二十二まで、第二百四十条の二十三（第一項第二号を除く。）及び第二百四十条の二十六の規定（これらの規定に係る罰則を含む。）を適用する。この場合において、新法第二百四十条の十三第一項第二号中「商品先物取引仲介業者である旨及び当該商品先物取引仲介業者の登録番号」とあるのは「仮商品先物取引仲介業者である旨」と、新法第二百四十条の二十三第一項中「第二百四十条の二第一項の登録を取り消し」とあるのは「特定商品先物取引仲介業の廃止を命じ」とする。

(2) If a provisional commodity derivatives intermediary service provider is to

continue to engage in specified commodity derivatives intermediation services pursuant to the provisions of the preceding paragraph, the provisions of Articles 240-12 through 240-22, Article 240-23 (excluding paragraph (1), item (ii)), and Article 240-26 of the new Act (including penal provisions related to these provisions) apply to the provisional commodity derivatives intermediary service provider, by deeming them to be a commodity derivatives intermediary service provider prescribed in Article 2, paragraph (29) of the new Act. In this case, "The fact that they are a commodity derivatives intermediary service provider, and their registration number" in Article 240-13, paragraph (1), item (ii) of the new Act is deemed to be replaced with "The fact that they are a provisional commodity derivatives intermediary service provider," and "revoke the registration granted to the commodity derivatives service provider under Article 240-2, paragraph (1)" in Article 240-23, paragraph (1) of the new Act is deemed to be replaced with "order the discontinuation of their specified commodity derivatives intermediation services".

3　個人である仮商品先物取引仲介業者が前項の規定により読み替えて適用する新法第二百四十条の二十三第一項の規定により特定商品先物取引仲介業の廃止を命じられた場合における新法第二百四十条の五第一号の規定の適用については、その者が当該廃止を命じられた日から起算して五年を経過する日までの間は、その者を新法第十五条第二項第一号ヘに該当する者とみなす。

(3) With regard to the application of the provisions of Article 240-5, item (i) of the new Act in cases in which a provisional commodity derivatives intermediary service provider who is an individual, has been ordered to discontinue their specified commodity derivatives intermediation services pursuant to the provisions of Article 240-23, paragraph (1) of the new Act as applied pursuant to the preceding paragraph following the deemed replacement of terms, the person is deemed to be a person falling under Article 15, paragraph (2), item (i), (f) of the new Act until the day on which five years have elapsed from the day on which the person is ordered to discontinue the services.

4　法人である仮商品先物取引仲介業者が第二項の規定により読み替えて適用する新法第二百四十条の二十三第一項の規定により特定商品先物取引仲介業の廃止を命じられた場合における新法第二百四十条の五第二号の規定の適用については、当該廃止を命じられた法人である仮商品先物取引仲介業者を新法第二百四十条の二十三第一項の規定により新法第二百四十条の二第一項の登録を取り消された者と、当該廃止を命じられた日を新法第二百四十条の二十三第一項による新法第二百四十条の二第一項の登録の取消しの日とみなす。

(4) With regard to the application of the provisions of Article 240-5, item (ii) of the new Act in cases in which a provisional commodity derivatives intermediary service provider, who is a corporation, has been ordered to discontinue its specified commodity derivatives intermediation services pursuant to the provisions of Article 240-23, paragraph (1) of the new Act as

applied pursuant to paragraph (2) following the deemed replacement of terms, the provisional commodity derivatives intermediary service provider, who is a corporation that has been ordered to discontinue the services, is deemed to be a person whose registration under Article 240-2, paragraph (1) of the new Act has been revoked pursuant to the provisions of Article 240-23, paragraph (1) of the new Act, and the day on which the corporation is ordered to discontinue the services is deemed to be the day on which its registration under Article 240-2, paragraph (1) of the new Act has been revoked pursuant to the provisions of Article 240-23, paragraph (1) of the new Act.

（商品先物取引仲介業者の名称の使用制限に関する経過措置）
(Transitional Measures for Restriction on the Use of the Name of Commodity Derivatives Intermediary Service Provider)

第十六条　この法律の施行の際現にその商号又は名称中に商品先物取引仲介業者であると誤認されるおそれのある文字を用いている者については、新法第二百四十条の八の規定は、施行日以後六月間は、適用しない。

Article 16 The provisions of Article 240-8 of the new Act do not apply to a person who was, at the time of the enforcement of this Act, using a word in their name or trade name which could give give rise to the misconception that the person is a commodity derivatives intermediary service provider, for six months on or after the date of enforcement.

（商品先物取引協会の認可に関する経過措置）
(Transitional Measures for the Authorization for Commodity Futures Associations)

第十七条　この法律の公布の際現に旧法第二百四十一条第一項に規定する商品先物取引協会（以下この項において「旧法協会」という。）が設立されている場合又はこの法律の公布の日から施行日の前日までの間に旧法協会が設立された場合においては、旧法協会は、同日までに、新法第二百四十一条第一項に規定する商品先物取引協会となるために必要な定款、制裁規程及び紛争処理規程の変更をし、主務大臣の認可を受けることができる。

Article 17 (1) If a commodity futures association prescribed in Article 241, paragraph (1) of the former Act (hereinafter referred to as an "association under the former Act" in this paragraph) has already been established at the time of the enforcement of this Act, or an association under the former Act has been established during the period from the date of promulgation of this Act to the day preceding the date of enforcement, the association under the former Act may change its articles of incorporation, sanction rules, and dispute resolution rules necessary to become a commodity futures association prescribed in Article 241, paragraph (1) of the new Act, and receive the authorization of the competent minister by that day.

２　前項の認可があったときは、同項に規定する定款、制裁規程及び紛争処理規程の変更は、施行日にその効力を生ずる。

(2) If authorization referred to in the preceding paragraph is granted, the changes to the articles of incorporation, sanction rules, and dispute resolution rules prescribed in that paragraph come into effect on the date of enforcement.

３　附則第七条第二項の規定により新法第百九十条第一項の許可を受けたものとみなされた者は、施行日前においても、新法第二百四十七条の規定の例により、新法第二百四十五条の認可の申請をすることができる。

(3) A person who is deemed to have obtained a license under Article 190, paragraph (1) of the new Act pursuant to the provisions of Article 7, paragraph (2) of the Supplementary Provisions may file an application for authorization under Article 245 of the new Act pursuant to the provisions of Article 247 of the new Act even prior to the date of enforcement.

４　主務大臣は、前項の規定により認可の申請があった場合には、施行日前においても、新法第二百四十五条から第二百四十八条までの規定の例により、その認可をすることができる。この場合において、その認可を受けた者は、施行日において新法第二百四十五条の認可を受けたものとみなす。

(4) If an application for authorization is filed pursuant to the provisions of the preceding paragraph, the competent minister may grant the authorization even prior to the date of enforcement pursuant to the provisions of Articles 245 through 248 of the new Act. In such a case, the person who has obtained the authorization is deemed to have obtained the authorization under Article 245 of the new Act on the date of enforcement.

（委託者保護基金に関する経過措置）

(Transitional Measures for the Consignor Protection Fund)

第十八条　新法第二百七十条に規定する委託者保護基金（以下この条から附則第二十二条までにおいて「新委託者保護基金」という。）の発起人又は会員になろうとする者（附則第七条第二項の規定により新法第百九十条第一項の許可を受けたものとみなされた者であって、国内の営業所又は事務所において新法第二条第二十二項第一号又は第二号に掲げる行為を業として行おうとするものに限る。）は、施行日前においても、新法第六章（第二百七十九条及び第二百八十条を除く。）の規定の例により、定款の作成、創立総会の開催その他新委託者保護基金の設立に必要な行為、新委託者保護基金への加入に必要な行為及び新委託者保護基金の成立の日を含む事業年度の業務の運営に必要な行為をすることができる。

Article 18 (1) A person (limited to a person who is deemed to have obtained a license under Article 190, paragraph (1) of the new Act pursuant to the provisions of Article 7, paragraph (2) of the Supplementary Provisions and who seeks to engage in the acts set forth in Article 2, paragraph (22), item (i) or (ii) of the new Act in the course of trade at a business office or office in Japan) who seeks to become a founder or a member of a consignor protection fund

prescribed in Article 270 of the new Act (hereinafter referred to as a "new consignor protection fund" in this Article through Article 22 of the Supplementary Provisions) may prepare articles of incorporation, hold an organizational meeting, and perform other acts necessary for establishing the new consignor protection fund, acts necessary for joining the new consignor protection fund, and acts necessary for the operation of the business of the new consignor protection fund for the business year that includes the date of its establishment, pursuant to the provisions of Chapter VI (excluding Articles 279 and 280) of the new Act, even prior to the date of enforcement.

２　新委託者保護基金の発起人は、施行日前においても、新法第二百七十九条及び第二百八十条の規定の例により、新委託者保護基金の設立の認可の申請をし、主務大臣の認可を受けることができる。この場合において、認可の効力は、施行日から生ずるものとする。

(2) A founder of a new consignor protection fund may file an application for authorization for establishing the new consignor protection fund and obtain the authorization of the competent minister pursuant to the provisions of Articles 279 and 280 of the new Act, even prior to the date of enforcement. In such a case, the authorization becomes effective as of the date of enforcement.

第十九条　旧法第二百九十六条に規定する委託者保護基金（以下「旧委託者保護基金」という。）は、附則第一条第三号に掲げる規定の施行の日から施行日の前日までの間（次条において「移行期間」という。）に、定款の変更その他新委託者保護基金になるために必要な行為をし、新法第二百七十九条及び第二百八十条の規定の例により主務大臣の認可を受けて、新委託者保護基金になることができる。

Article 19 (1) A consignor protection fund prescribed in Article 296 of the former Act (hereinafter referred to as a "former consignor protection fund") may become a new consignor protection fund by changing its articles of incorporation and performing other acts necessary to become a new consignor protection fund, and by obtaining the authorization of the competent minister pursuant to the provisions of Articles 279 and 280 of the new Act, during the period from the date of enforcement of the provisions set forth in Article 1, item (iii) of the Supplementary Provisions to the day preceding the effective date (referred to as the "transitional period" in the following Article).

２　前項の認可の効力は、施行日から生ずるものとする。

(2) The authorization referred to in the preceding paragraph becomes effective on the date of enforcement.

３　第一項の認可を受けた旧委託者保護基金に係る新法の適用については、同項の認可は、新委託者保護基金の設立の認可とみなす。

(3) With regard to the application of the new Act to a former consignor protection fund that has obtained the authorization under paragraph (1), the authorization referred to in that paragraph is deemed to be the authorization

for establishing a new consignor protection fund.

4　第一項の認可を受けた旧委託者保護基金に係る登記について必要な事項は、政令で定める。

(4) The necessary particulars for the registration of a former consignor protection fund that has obtained the authorization under paragraph (1) are specified by Cabinet Order.

5　第一項の認可を受けた旧委託者保護基金に係る新委託者保護基金は、新法第三百条の規定にかかわらず、同条第一号に掲げる業務に類似する業務として主務省令で定める業務を行うことができる。この場合において、当該業務は同号に掲げる業務とみなして、新法第三百十三条及び第三百七十四条第二十一号の規定を適用する。

(5) A new consignor protection fund related to a former consignor protection fund that has obtained the authorization under paragraph (1) may conduct businesses specified by order of the competent ministry as being businesses similar to those set forth in Article 300, item (i) of the new Act, notwithstanding the provisions of that Article. In such a case, the provisions of Article 313 and Article 374, item (xxi) of the new Act apply to those businesses by deeming them to be businesses set forth in that item.

6　前各項に定めるもののほか、第一項の認可に関し必要な事項は、政令で定める。

(6) Beyond what is provided for in the preceding paragraphs, necessary particulars for the authorization set forth in paragraph (1) are specified by Cabinet Order.

第二十条　移行期間に前条第一項の認可を受けなかった旧委託者保護基金は、旧法第二百九十条及び第三百十二条の規定にかかわらず、移行期間の満了の日に解散する。

Article 20 (1) A former consignor protection fund which has not obtained the authorization under paragraph (1) of the preceding Article during the transitional period is dissolved on the expiration date of the transitional period, notwithstanding the provisions of Articles 290 and 312 of the former Act.

2　前項の場合における解散及び清算については、旧法第二百九十一条及び第二百九十二条の規定は、なおその効力を有する。この場合において、同条中「委託者保護基金（第二百九十六条に規定する委託者保護基金をいう。）」とあるのは、「委託者保護基金（商品先物取引法第二百七十条に規定する委託者保護基金をいう。）」と読み替えるものとする。

(2) With regard to dissolution and liquidation in the case referred to in the preceding paragraph, the provisions of Articles 291 and 292 of the former Act remain in force. In such a case, the phrase "consignor protection fund (meaning a consignor protection fund prescribed in Article 296)" in that Article is deemed to be replaced with "consignor protection fund (meaning a consignor protection fund prescribed in Article 270 of the Commodity Derivatives Transaction Act)".

3　前二項に定めるもののほか、前条第一項の認可を受けなかった旧委託者保護基金に関し必要な事項は、政令で定める。

(3) Beyond what is provided for in the preceding two paragraphs, necessary particulars concerning a former consignor protection fund which has not obtained the authorization under paragraph (1) of the preceding Article are specified by Cabinet Order.

第二十一条　旧委託者保護基金が附則第十九条第一項の認可を受けた場合において、この法律の施行の際現に旧法第三百条第一項の規定により当該旧委託者保護基金の会員である商品取引員とみなされている者は、当該旧委託者保護基金に係る新委託者保護基金の会員である商品先物取引業者とみなして、新法第三百二条から第三百十一条までの規定を適用する。

Article 21 If a former consignor protection fund has obtained the authorization under Article 19, paragraph (1) of the Supplementary Provisions, the provisions of Articles 302 through 311 of the new Act apply to a person who is deemed, at the time of the enforcement of this Act, to be a futures commission merchant that is a member of the former consignor protection fund pursuant to the provisions of Article 300, paragraph (1) of the former Act, by deeming the person to be a commodity derivatives business operator that is a member of a new consignor protection fund related to the former consignor protection fund.

（一般委託者に対する支払に関する経過措置）

(Transitional Measures for the Payment to a General Consignor)

第二十二条　旧委託者保護基金が附則第十九条第一項の認可を受けた場合には、当該旧委託者保護基金が施行日前に行った旧法第三百四条の認定に係る商品取引員の一般委託者に対する支払については、当該旧委託者保護基金に係る新委託者保護基金が従前の例により行うものとする。

Article 22 If a former consignor protection fund has obtained the authorization under Article 19, paragraph (1) of the Supplementary Provisions, payment to be made by the former consignor protection fund, prior to the date of enforcement to a general consignor of a futures commission merchant related to the certification under Article 304 of the former Act is to be made by a new consignor protection fund related to the former consignor protection fund pursuant to the provisions then in force.

（特定店頭商品デリバティブ取引業者の届出に関する経過措置）

(Transitional Measures for Notification by Specified Over-The-Counter Commodity Derivatives Business Operators)

第二十三条　この法律の施行の際現に特定店頭商品デリバティブ取引（新法第三百四十九条第一項に規定する特定店頭商品デリバティブ取引をいう。以下この条において同じ。）を業として行っている者は、施行日から一月間は、同項の規定による届出をしないで、特定店頭商品デリバティブ取引を業として行うことができる。

Article 23 A person who is engaging in specified over-the-counter commodity

derivatives transactions (meaning specified over-the-counter commodity derivatives transactions prescribed in Article 349, paragraph (1) of the new Act; hereinafter the same applies in this Article) in the course of trade at the time of the enforcement of this Act may engage in specified over-the-counter commodity derivatives transactions in the course of trade without making a notification under that paragraph, for one month from the date of enforcement.

（処分等の効力）
(Effect of Dispositions)

第二十四条　この法律（附則第一条各号に掲げる規定にあっては、当該規定。次条において同じ。）の施行前に改正前のそれぞれの法律（これに基づく命令を含む。以下この条において同じ。）の規定によってした処分、手続その他の行為であって、改正後のそれぞれの法律の規定に相当の規定があるものは、この附則に別段の定めがあるものを除き、改正後のそれぞれの法律の相当の規定によってしたものとみなす。

Article 24 The dispositions made, procedures taken, and other acts performed pursuant to the provisions of the respective laws prior to amendment (including orders based on them; hereinafter the same applies in this Article) prior to the enforcement of this Act (for the provisions set forth in each item of Article 1 of the Supplementary Provisions, the relevant provisions; the same applies in the following Article.), for which corresponding provisions exist in the amended laws, are deemed to have been made, taken, or performed pursuant to the corresponding provisions of the respective laws after the amendment, except as otherwise provided for by these Supplementary Provisions.

（罰則の適用に関する経過措置）
(Transitional Measures for the Application of Penal Provisions)

第二十五条　この法律の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、それぞれなお従前の例による。

Article 25 Prior laws continue to govern the application of penal provisions to acts committed prior to the enforcement of this Act and acts committed after the enforcement of this Act for which the provisions previously in force are to remain applicable pursuant to the provisions of these Supplementary Provisions.

第二十六条　削除
Article 26 Deleted

第二十七条　削除
Article 27 Deleted

（その他の経過措置の政令への委任）
(Delegation of Other Transitional Measures to Cabinet Order)
第二十八条　附則第三条から第二十五条までに定めるもののほか、この法律の施行に関し必要な経過措置（罰則に関する経過措置を含む。）は、政令で定める。
Article 28 In addition to what is provided for in Articles 3 through 25 of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act (including transitional measures regarding penal provisions) are specified by Cabinet Order.

（検討）
(Review)
第二十九条　政府は、この法律の施行後五年以内に、この法律による改正後の規定の実施状況、商品先物取引を取り巻く社会経済状況の変化等を勘案し、この法律による改正後の商品先物取引制度について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。
Article 29 The government is to review the commodity derivatives system amended by this Act within five years after the enforcement of this Act, taking into account of the implementation status of the provisions amended by this Act and the changes in social and economic situations surrounding commodity derivatives, and when the government finds it necessary, is to take the required measures based on the results of the review.

附　則　〔平成二十二年五月十九日法律第三十二号〕〔抄〕
Supplementary Provisions [Act No. 32 of May 19, 2010 Extract] [Extract]

（施行期日）
(Effective Date)
第一条　この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。
Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, that the provisions set forth in the following items come into effect as of the date specified in each item.
一　第一条中金融商品取引法第二条第二十八項の改正規定（「、デリバティブ取引その他」を「若しくはデリバティブ取引（取引の状況及び我が国の資本市場に与える影響その他の事情を勘案し、公益又は投資者保護のため支障を生ずることがないと認められるものとして政令で定める取引を除く。）又はこれらに付随し、若しくは関連する取引として」に改める部分に限る。）及び同法第二百五条の二の三第九号の改正規定、第四条の規定、第五条中信託業法第四十九条第一項及び第二項の改正

規定並びに附則第十三条及び第十四条の規定　公布の日

(i) the provisions amending Article 2, paragraph (28) of the Financial Instruments and Exchange Act in Article 1 (limited to the part that amends the phrase ", derivative transactions or other transactions specified by a Cabinet Order" to ", derivative transactions (excluding transactions specified by Cabinet Order as those that are found not to hinder the public interest or protection of investors, taking into account of the status of transactions, impact on the Japanese capital market, and other circumstances), or other transactions specified by a Cabinet Order as being incidental or related to the transactions") and the provisions amending Article 205-2-3, item (ix) of that Act; the provisions of Article 4; the provisions amending Article 49, paragraphs (1) and (2) of the Trust Business Act in Article 5; the provisions of Articles 13 and 14 of the Supplementary Provisions: the date of promulgation.

（商品先物取引法の一部改正に伴う調整規定）

(Adjustment Provisions upon Partial Amendment of the Commodity Derivatives Transaction Act)

第七条　施行日が商品取引所法及び商品投資に係る事業の規制に関する法律の一部を改正する法律（平成二十一年法律第七十四号）の施行の日前である場合には、前条（見出しを含む。）中「商品先物取引法」とあるのは「商品取引所法」と、「、店頭商品デリバティブ取引」を「若しくは店頭商品デリバティブ取引」に、「が引き受けた」とあるのは「が引き受けた」と、「商品取引債務引受業等」とあるのは「商品取引債務引受業」とする。

Article 7 (1) If the date of enforcement is prior to the date on which the Act for Partial Revision of the Commodity Exchange Act and the Act on Regulations of Business Regarding Commodities Investment (Act No. 74 of 2009) comes into effect, in the preceding Article (including the title), "Commodity Derivatives Transaction Act" is deemed to be replaced with "Commodity Exchange Act," ", over-the-counter commodity derivatives transactions" is deemed to be replaced with "or over-the-counter commodity derivatives transactions," "has taken over" is deemed to be replaced with "has taken over," and "business of assuming commodity transaction debts, etc." is deemed to be replaced with "business of assuming commodity transaction debts".

２　前項に規定する場合において、商品取引所法及び商品投資に係る事業の規制に関する法律の一部を改正する法律第三条のうち、商品取引所法（昭和二十五年法律第二百三十九号）第百八十一条第一項の改正規定中「、店頭商品デリバティブ取引」とあるのは「若しくは店頭商品デリバティブ取引」と、「加える」とあるのは「加え、「商品取引債務引受業」を「商品取引債務引受業等」に改める」とする。

(2) In the case prescribed in the preceding paragraph, in Article 3 of the Act for Partial Revision of the Commodity Exchange Act and the Act on Regulations of

Business Regarding Commodities Investment, in the provisions that amend Article 181, paragraph (1) of the Commodity Exchange Act (Act No. 239 of 1950), ", over-the-counter commodity derivatives transactions" is deemed to be replaced with "or over-the-counter commodity derivatives transactions," and "adds ..." to "adds ..., and amends the term 'business of assuming commodity transaction debts' to 'business of assuming commodity transaction debts, etc.'".

（罰則の適用に関する経過措置）
(Transitional Measures for the Application of Penal Provisions)

第十三条　この法律（附則第一条各号に掲げる規定にあっては、当該規定）の施行前にした行為に対する罰則の適用については、なお従前の例による。

Article 13 Prior laws continue to govern the applicability of penal provisions to acts committed prior to the enforcement of this Act (for the provisions set forth in the items of Article 1 of the Supplementary Provisions, the relevant provisions).

（政令への委任）
(Delegation to Cabinet Order)

第十四条　附則第二条から第五条まで及び前条に定めるもののほか、この法律の施行に関し必要な経過措置（罰則に関する経過措置を含む。）は、政令で定める。

Article 14 In addition to what is provided for in Articles 2 through 5 and the preceding Article of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act (including transitional measures regarding penal provisions) are specified by Cabinet Order.

（検討）
(Review)

第十五条　政府は、この法律の施行後五年以内に、この法律による改正後の規定の実施状況について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 15 The government is to review the implementation status of the provisions amended by this Act within five years after the enforcement of this Act, and when the government finds it necessary, is to take the required measures based on the results of the review.

附　則　〔平成二十三年五月二十五日法律第五十三号〕
Supplementary Provisions [Act No. 53 of May 25, 2011]

この法律は、新非訟事件手続法の施行の日から施行する。

This Act comes into effect as of the date on which the new Non-Contentious Cases Procedures Act comes into effect.

附　則　〔平成二十三年六月三日法律第六十一号〕〔抄〕
Supplementary Provisions［Act No. 61 of June 3, 2011 Extract］［Extract］

（施行期日）
(Effective Date)
第一条　この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日（以下「施行日」という。）から施行する。
Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation (hereinafter referred to as the "date of enforcement").

附　則　〔平成二十三年六月二十四日法律第七十四号〕〔抄〕
Supplementary Provisions［Act No. 74 of June 24, 2011 Extract］［Extract］

（施行期日）
(Effective Date)
第一条　この法律は、公布の日から起算して二十日を経過した日から施行する。
Article 1 This Act comes into effect as of the day on which 20 days have elapsed from the date of promulgation.

附　則　〔平成二十四年九月十二日法律第八十六号〕〔抄〕
Supplementary Provisions［Act No. 86 of September 12, 2012 Extract］［Extract］

（施行期日）
(Effective Date)
第一条　この法律は、公布の日から起算して一年六月を超えない範囲内において政令で定める日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。
Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding one year and six months from the date of promulgation; provided, however, that the provisions set forth in the following items come into effect as of the date specified in each item.
一　附則第四条第十三項及び第十八条の規定　公布の日
(i) the provisions of Article 4, paragraph (13) and Article 18 of the Supplementary Provisions: the date of promulgation;
二　第一条、次条及び附則第十七条の規定　公布の日から起算して一年を超えない範囲内において政令で定める日
(ii) the provisions of Article 1 and the following Article of this Act and Article 17 of the Supplementary Provisions: the day specified by Cabinet Order

within a period not exceeding one year from the date of promulgation.

（罰則の適用に関する経過措置）
(Transitional Measures for the Application of Penal Provisions)
第十七条　この法律（附則第一条第二号及び第三号に掲げる規定については、当該規定）の施行前にした行為に対する罰則の適用については、なお従前の例による。
Article 17 Prior laws continue to govern the applicability of penal provisions to acts committed prior to the enforcement of this Act (for the provisions set forth in Article 1, items (ii) and (iii) of the Supplementary Provisions, the relevant provisions).

（政令への委任）
(Delegation to Cabinet Order)
第十八条　附則第二条から第五条まで及び前条に定めるもののほか、この法律の施行に関し必要な経過措置（罰則に関する経過措置を含む。）は、政令で定める。
Article 18 In addition to what is provided for in Articles 2 through 5 and the preceding Article of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act (including transitional measures regarding penal provisions) are specified by Cabinet Order.

（検討）
(Review)
第十九条　政府は、この法律の施行後五年以内に、この法律による改正後の規定の実施状況について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。
Article 19 The government is to review the implementation status of the provisions amended by this Act within five years after the enforcement of this Act, and when the government finds it necessary, is to take the required measures based on the results of the review.