

# 店頭デリバティブ取引等の規制に関する内閣府令 Cabinet Office Order on the Regulation of Over-the-Counter Derivatives Transactions

(平成二十四年七月十一日内閣府令第四十八号)  
(Cabinet Office Order No. 48 of July 11, 2012)

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## 第一章 総則

### Chapter I General Provisions

第一条 この府令において「金融商品取引業」、「金融商品取引業者」、「店頭デリバティブ取引」、「金融商品」、「金融指標」、「金融商品債務引受業」、「金融商品取引清算機関」又は「外国金融商品取引清算機関」とは、それぞれ金融商品取引法（以下「法」という。）第二条に規定する金融商品取引業、金融商品取引業者、店頭デリバティブ取引、金融商品、金融指標、金融商品債務引受業、金融商品取引清算機関又は外国金融商品取引清算機関をいう。

Article 1 (1) The terms "financial instruments business," "financial instruments business operator," "over-the-counter derivatives transactions," "financial instruments," "financial index," "financial instruments obligation assumption service," "financial instruments clearing organization," and "foreign financial instruments clearing organization" as used in this Cabinet Office Order mean financial instruments business, financial instruments business operator, over-the-counter derivatives transactions, financial instruments, financial index, financial instruments obligation assumption service, financial instruments clearing organization, and foreign financial instruments clearing organization

as defined in Article 2 of the Financial Instruments and Exchange Act (hereinafter referred to as the "Act").

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

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

一 オプション 法第二条第一項第十九号に規定するオプションをいう。

(i) options: options as defined in Article 2, paragraph (1), item (xix) of the Act;

二 登録金融機関 法第二条第十一項に規定する登録金融機関をいう。

(ii) registered financial institution: a registered financial institution as defined in Article 2, paragraph (11) of the Act;

三 第一種金融商品取引業 法第二十八条第一項に規定する第一種金融商品取引業をいう。

(iii) type-I financial instruments business: type-I financial instruments business as defined in Article 28, paragraph (1) of the Act;

四 金融商品取引業者等 法第三十四条に規定する金融商品取引業者等をいう。

(iv) financial instruments business operator, etc.: a financial instruments business operator, etc. as defined in Article 34 of the Act;

五 清算参加者 法第百五十六条の七第二項第三号に規定する清算参加者をいう。

(v) clearing member: a clearing member prescribed in Article 156-7, paragraph (2), item (iii) of the Act;

六 連携清算機関等 法第百五十六条の二十の十六第一項に規定する連携清算機関等をいう。

(vi) collaborating clearing organization, etc.: a collaborating clearing organization, etc. as defined in Article 156-20-16, paragraph (1) of the Act;

七 連携金融商品債務引受業務 法第百五十六条の二十の十六第一項に規定する連携金融商品債務引受業務をいう。

(vii) collaborative financial instruments obligation assumption service: collaborative financial instruments obligation assumption service as defined in Article 156-20-16, paragraph (1) of the Act;

八 金融商品取引清算機関等 法第百五十六条の六十三第一項に規定する金融商品取引清算機関等をいう。

(viii) financial instruments clearing organization, etc.: a financial instruments clearing organization, etc. as defined in Article 156-63, paragraph (1) of the Act;

九 取引情報蓄積機関 法第百五十六条の六十三第一項に規定する取引情報蓄積機関をいう。

(ix) trade repository: a trade repository as defined in Article 156-63, paragraph (1) of the Act;

十 指定外国取引情報蓄積機関 法第百五十六条の六十三第一項に規定する指定外国取引情報蓄積機関をいう。

- (x) designated foreign trade repository: a designated foreign trade repository as defined in Article 156-63, paragraph (1) of the Act;  
十一 取引情報蓄積業務 法第一百五十六条の六十三第一項に規定する取引情報蓄積業務をいう。
- (xi) trade repository business: trade repository business as defined in Article 156-63, paragraph (1) of the Act;  
十二 取引情報 法第一百五十六条の六十三第三項に規定する取引情報をいう。
- (xii) trade data: trade data as defined in Article 156-63, paragraph (3) of the Act;  
十三 清算集中等取引情報 法第一百五十六条の六十三第三項に規定する清算集中等取引情報をいう。
- (xiii) data on centrally cleared trades: data on centrally cleared trades as defined in Article 156-63, paragraph (3) of the Act;  
十四 非清算集中等取引情報 法第一百五十六条の六十四第一項に規定する非清算集中等取引情報をいう。
- (xiv) data on non-centrally cleared trades: data on non-centrally cleared trades as defined in Article 156-64, paragraph (1) of the Act; and  
十五 取引情報収集契約 法第一百五十六条の七十四第一項第一号に規定する取引情報収集契約をいう。
- (xv) contract for trade data collection: a contract for trade data collection prescribed in Article 156-74, paragraph (1), item (i) of the Act.

## 第二章 清算集中

### Chapter II Centralization of Clearing

(清算集中の対象となる取引)

(Transactions Subject to Centralization of Clearing)

第二条 法第一百五十六条の六十二第一号に規定する内閣府令で定める取引は、法第二条第二十二項第六号に掲げる取引であって、複数の内国法人（国内に本店又は主たる事務所を有する法人をいう。以下この項において同じ。）の信用状態に係る事由又は金融商品取引法第二条に規定する定義に関する内閣府令（平成五年大蔵省令第十四号）第二十条に規定する事由（複数の内国法人に係るものに限る。）を同号に規定する事由とするもののうち、金融庁長官が指定するものとする。

Article 2 (1) The transactions specified by Cabinet Office Order as prescribed in Article 156-62, item (i) of the Act are the transactions set forth in Article 2, paragraph (22), item (vi) of the Act whose grounds prescribed in that item is either the grounds related to the credit statuses of multiple domestic corporations (meaning a corporation that has its head office or principal office located in Japan; hereinafter the same applies in this paragraph) or the grounds prescribed in Article 20 of the Cabinet Office Order on Definitions under Article 2 of the Financial Instruments and Exchange Act (Ministry of

Finance Order No. 14 of 1993) (limited to the grounds related to multiple domestic corporations), which are designated by the Commissioner of the Financial Services Agency.

2 法第百五十六条の六十二第二号に規定する内閣府令で定める取引は、法第二条第二十二項第五号に掲げる取引であって、当事者が元本（円建てのものに限る。）として定めた金額について当事者の一方が相手方と取り決めた利率又は市場金利の約定した期間における変化率（以下この項において「利率等」という。）に基づいて金銭（円建てのものに限る。以下この項において同じ。）を支払い、相手方が当事者の一方と取り決めた利率等に基づいて金銭を支払うことを相互に約するもののうち、金融庁長官が指定するものとする。

(2) The transactions specified by Cabinet Office Order as prescribed in Article 156-62, item (ii) of the Act are the transactions set forth in Article 2, paragraph (22), item (v) of the Act in which the parties mutually promise that, using the amount the parties have agreed to as the principal (limited to yen-dominated principal), one of the parties will pay an amount of money (limited to an yen-dominated amount; hereinafter the same applies in this paragraph) calculated based on the interest rate agreed upon with the counterparty or the rate of change in the agreed period of the market interest rate (hereinafter referred to as the "interest rate, etc." in this paragraph), and the counterparty will pay the amount of money calculated based on the interest rate, etc. agreed upon with the other party, which are designated by the Commissioner of the Financial Services Agency.

3 第一項の規定にかかわらず、同項に規定する取引が、当該取引に係る契約を締結する時において次の各号のいずれかに該当する取引である場合には、当該取引は、法第百五十六条の六十二第一号に規定する内閣府令で定める取引に該当しないものとする。

(3) Notwithstanding the provisions of paragraph (1), if a transaction prescribed in that paragraph is a transaction that falls under any of the following items at the time the contract for the transaction is concluded, the transaction is considered not to fall under a transaction specified by Cabinet Office Order as prescribed in Article 156-62, item (i) of the Act:

一 取引の当事者の一方が金融商品取引業者等以外の者である場合における当該取引

(i) the transaction in which one of the parties is a person other than a financial instruments business operator, etc.;

二 信託勘定に属するものとして経理される取引

(ii) a transaction for which the accounting is to be settled as a transaction belonging to a trust account;

三 取引を行う金融商品取引業者等の親会社等（金融商品取引法施行令（昭和四十年政令第三百二十一号）第十五条の十六第三項に規定する親会社等をいう。以下この条及び第六条第二項第六号において同じ。）、子会社等（同令第十五条の十六第三項に規定する子会社等をいう。以下この条及び第六条第二項第六号において同じ。）又は親会社等の子会社等（当該金融商品取引業者等を除く。）が当該取引の

相手方となる場合における当該取引

- (iii) the transaction in which the counterparty is a parent company, etc. (meaning a parent company, etc. prescribed in Article 15-16, paragraph (3) of the Order for Enforcement of the Financial Instruments and Exchange Act (Cabinet Order No. 321 of 1965); hereinafter the same applies in this Article and Article 6, paragraph (2), item (vi)) or a subsidiary company, etc. (meaning a subsidiary company, etc. prescribed in Article 15-16, paragraph (3) of that Order; hereinafter the same applies in this Article and Article 6, paragraph (2), item (vi)) of a financial instruments business operator, etc. that conducts a transaction, or a subsidiary company, etc. (excluding the financial instruments business operator, etc. itself) of the parent company, etc. of that financial instrument business operator, etc.;

四 取引の当事者の一方又はその親会社等若しくは子会社等と当該取引の相手方又はその親会社等若しくは子会社等とが当該取引に基づく債務を金融商品債務引受業の対象とする同一の金融商品取引清算機関等（当該取引が第一項に規定する取引である場合には、外国金融商品取引清算機関を除く。次号において同じ。）の当該取引に係る清算参加者となっている場合以外の場合（取引の当事者の一方又は双方（その親会社等又は子会社等を含む。）において、当該取引に係る清算参加者となっていないことについて合理的理由がある場合に限る。）における当該取引。

- (iv) the transaction in cases other than the case in which one of the parties or its parent company, etc. or subsidiary company, etc., and the counterparty, or its parent company, etc. or subsidiary company, etc., serve as clearing members for the transaction by the same financial instruments clearing organization, etc. that covers obligations under that transaction in its financial instruments obligation assumption service (the financial instruments clearing organization, etc. excludes foreign financial instruments clearing organizations, if that transaction falls under the transaction prescribed in paragraph (1); the same applies in the following item) (limited to cases in which there are reasonable grounds for either or both of the parties (including their parent companies, etc. or subsidiary companies, etc.) do not serve as clearing members for the transaction); or

五 金融商品取引業者等が行った取引に基づく債務を金融商品取引清算機関等に負担させることが不相当であると認められる特別の事情があるものとして金融庁長官が指定する場合において金融商品取引業者等が行う取引

- (v) a transaction conducted by a financial instruments business operator, etc. in cases designated by the Commissioner of the Financial Services Agency as cases in which there are special circumstances to consider it inappropriate to have the financial instruments clearing organization, etc. undertake the obligation under the transaction conducted by the financial instruments business operator, etc.

4 第二項の規定にかかわらず、同項に規定する取引が、当該取引に係る契約を締結す

る時において次の各号のいずれかに該当する取引である場合には、当該取引は、法第百五十六条の六十二第二号に規定する内閣府令で定める取引に該当しないものとする。

(4) Notwithstanding the provisions of paragraph (2), if a transaction prescribed in that paragraph is a transaction that falls under any of the following items at the time of concluding the contract for the transaction, the transaction does not fall under the transaction specified by Cabinet Office Order as prescribed in Article 156-62, item (ii) of the Act:

一 取引の当事者の一方が金融商品取引業者等以外の者である場合における当該取引

(i) the transaction in which one of the parties is a person other than a financial instruments business operator, etc.;

二 信託勘定に属するものとして経理される取引（当該取引に係る契約を締結する時の属する年の前々年の四月から前年の三月まで（その時が十二月に属するときは、その前年の四月からその年の三月まで）の各月末日における店頭デリバティブ取引（取引情報の対象となっているものに限る。）に係る想定元本額の合計額の平均額が三千億円以上である信託財産に係るものを除く。）

(ii) a transaction for which the accounting is to be settled as a transaction belonging to a trust account (excluding a transaction relating to the trust property for which the average total amount of notional principal for the over-the-counter derivatives transactions (limited to the transactions subject to trade data) at the end of each month during the period from April two years before the year in which the time the contract for the transaction is concluded falls until March of the year preceding the year in which that time falls (or, during the period from April of the preceding year in which that time falls until March of the year in which that time falls, if that time falls in December) is 300 billion yen or more);

三 取引を行う金融商品取引業者等の親会社等、子会社等又は親会社等の子会社等（当該金融商品取引業者等を除く。）が当該取引の相手方となる場合における当該取引

(iii) the transaction in which the counterparty is a parent company, etc. or a subsidiary company, etc. of the financial instruments business operator, etc. that conducts the transaction, or a subsidiary company, etc. of the parent company, etc. of that financial instrument business operator, etc. (excluding that financial instruments business operator, etc. itself);

四 当事者の一方又は双方が次のいずれかに掲げる者である場合における当該取引（ロに掲げる者については、信託勘定に属するものとして経理される取引を除く。）

(iv) the transaction in which one or both of the parties are any of the following persons (excluding a transaction for which the accounting is to be settled as a transaction belonging to a trust account, for the person set forth in sub-item (b)):

イ 金融商品取引業者等のうち、第一種金融商品取引業を行う金融商品取引業者又

は登録金融機関である銀行、株式会社商工組合中央金庫、株式会社日本政策投資銀行、全国を地区とする信用金庫連合会、農林中央金庫若しくは保険会社（保険業法（平成七年法律第百五号）第二条第二項に規定する保険会社をいい、同条第七項に規定する外国保険会社等を含む。）のいずれかの者（以下「取引情報作成対象業者」という。）以外の者

(a) a financial instruments business operator, etc. which is other than a financial instruments business operator that conducts type-I financial instruments business, a bank, The Shoko Chukin Bank, Ltd., Development Bank of Japan Inc., a federation of Shinkin banks whose district is the entire nation, The Norinchukin Bank, an insurance company (meaning an insurance company as defined in Article 2, paragraph (2) of the Insurance Business Act (Act No. 105 of 1995) and including a foreign insurance company, etc. as defined in paragraph (7) of that Article) (hereinafter referred to as a "business operator to prepare trade data"), which is a registered financial institution; or

ロ 金融商品取引業者等のうち、当該取引に係る契約を締結する時の属する年の前々年の四月から前年の三月まで（その時が十二月に属するときは、その前年の四月からその年の三月まで）の各月末日における店頭デリバティブ取引（取引情報の対象となっているものに限り、信託勘定に属するものとして経理されるものを除く。次条第一項第一号及び第二号において同じ。）に係る想定元本額の合計額の平均額が三千億円未満である者（イに掲げる者を除く。）

(b) a financial instruments business operator, etc. for which the average total amount of notional principal for the over-the-counter derivatives transactions (limited to the transactions subject to trade data, and excluding those for which the accounting is to be settled as transactions belonging to a trust account; the same applies in paragraph (1), items (i) and (ii) of the following Article) at the end of each month during the period from April two years before the year in which the time the contract for the transaction is concluded falls until March of the year preceding the year in which that time falls (or, the period from April of the preceding year in which that time falls until March of the year in which that time falls if that time falls in December) is less than 300 billion yen (excluding the person set forth in sub-item (a)); and

五 金融商品取引業者等が行った取引に基づく債務を金融商品取引清算機関等に負担させることが不相当であると認められる特別の事情があるものとして金融庁長官が指定する場合において金融商品取引業者等が行う取引

(v) a transaction conducted by a financial instruments business operator, etc. in cases designated by the Commissioner of the Financial Services Agency as cases in which there are special circumstances to consider it inappropriate to have the financial instruments clearing organization, etc. undertake the obligation under the transaction conducted by the financial instruments

business operator, etc.

(取引規模の届出等)

(Notification of the Size of Transactions)

第二条の二 金融商品取引業者等（取引情報作成対象業者に限る。）は、毎年、次の各号のいずれかに該当する場合には、四月一日から五月三十一日までの間に、その旨（第三号又は第四号に該当する場合には、当該各号の規定による届出に係る信託を特定するために必要な事項を含む。）を金融庁長官に届け出なければならない。

Article 2-2 (1) If a financial instruments business operator, etc. (limited to a business operator to prepare trade data) falls under any of the following items each year, the financial instruments business operator, etc. must make a notification of that fact to the Commissioner of the Financial Services Agency (including necessary particulars to identify the trust related to the notification under the provisions of the respective items, if the financial instruments business operator, etc. falls under item (iii) or item (iv)), during the period from April 1 to May 31:

一 前々年の四月から前年の三月までの各月末日における店頭デリバティブ取引に係る想定元本額の合計額の平均額が三千億円未満であり、かつ、前年の四月からその年の三月までの各月末日における店頭デリバティブ取引に係る想定元本額の合計額の平均額が三千億円以上である場合

(i) if the average total amount of notional principal for the over-the-counter derivatives transactions at the end of each month during the period from April two years before the year in question until March of the year preceding the year in question is less than 300 billion yen, and the average total amount of notional principal for the over-the-counter derivatives transactions at the end of each month during the period from April of the preceding year to March of the year in question is 300 billion yen or more;

二 前々年の四月から前年の三月までの各月末日における店頭デリバティブ取引に係る想定元本額の合計額の平均額が三千億円以上であり、かつ、前年の四月からその年の三月までの各月末日における店頭デリバティブ取引に係る想定元本額の合計額の平均額が三千億円未満である場合

(ii) if the average total amount of notional principal for the over-the-counter derivatives transactions at the end of each month during the period from April two years before the year in question until March of the year preceding the year in question is 300 billion yen or more, and the average total amount of notional principal for the over-the-counter derivatives transactions at the end of each month during the period from April of the preceding year until March of the year in question is less than 300 billion;

三 前々年の四月から前年の三月までの各月末日における店頭デリバティブ取引（取引情報の対象となっているものであって、信託勘定に属するものとして経理されるものに限る。次号において同じ。）に係る想定元本額の合計額の平均額が三千億円



未満であり、かつ、前年の四月からその年の三月までの各月末日における店頭デリバティブ取引に係る想定元本額の合計額の平均額が三千億円以上の信託財産がある場合

- (iii) if there is a trust property for which the average total amount of notional principal for the over-the-counter derivatives transactions (limited to the transactions subject to trade data, for which the accounting is to be settled as transactions belonging to a trust account; the same applies in the following item) at the end of each month during the period from April two years before the year in question until March of the year preceding the year in question is less than 300 billion yen, and the average total amount of notional principal for the over-the-counter derivatives transactions at the end of each month during the period from April of the preceding year until March of the year in question is 300 billion yen or more; or

四 前々年の四月から前年の三月までの各月末日における店頭デリバティブ取引に係る想定元本額の合計額の平均額が三千億円以上であり、かつ、前年の四月からその年の三月までの各月末日における店頭デリバティブ取引に係る想定元本額の合計額の平均額が三千億円未満の信託財産がある場合

- (iv) if there is a trust property for which the average total amount of notional principal for the over-the-counter derivatives transactions at the end of each month during the period from April two years before the year in question until March of the year preceding the year in question is 300 billion yen or more, and the average total amount of notional principal for the over-the-counter derivatives transactions at the end of each month during the period from April of the preceding year until March of the year in question is less than 300 billion yen.

2 金融庁長官は、毎年、前項第一号の規定による届出をしたことがある者であって、最後に当該届出をした後同項第二号の規定による届出をしていない者の商号又は名称並びに同項第三号の規定による届出をしたことがある者であって、当該届出に係る信託財産について最後に当該届出をした後同項第四号の規定による届出をしていない者の商号又は名称及び当該信託を特定するために必要な事項を、インターネットを利用して公衆の閲覧に供する方法により公表するものとする。

- (2) The Commissioner of the Financial Services Agency is to publicize every year, the trade names or names of persons that have made a notification under the provisions of item (i) of the preceding paragraph but, since making that notification for the last time, have not made a notification under the provisions of item (ii) of that paragraph for the last time, and the trade names or names of persons that have made a notification under the provisions of item (iii) of that paragraph but, since making that notification for the last time, have not made a notification under the provisions of item (iv) of that paragraph, as well as necessary particulars to identify the trust, by the means of making those particulars available for public inspection using the internet.

### 第三章 取引情報の保存及び報告

#### Chapter III Preservation and Report of Trade Data

(取引情報蓄積機関又は指定外国取引情報蓄積機関に対する清算集中等取引情報の提供)

(Provision of Data on Centrally Cleared Trades to the Trade Repository or Designated Foreign Trade Repository)

第三条 金融商品取引清算機関等は、清算集中等取引情報の対象となっている取引に基づく債務を負担した場合には、法第一百五十六条の六十三第一項の規定により、当該取引に基づく債務を負担した日から起算して三営業日以内（当該期間が経過するまでの間に当該清算集中等取引情報について第四条第一項に規定する事項に変更が生じた場合には、当該変更が生じた日から起算して三営業日以内）に、当該取引情報蓄積機関又は指定外国取引情報蓄積機関の定めるところにより、当該取引情報蓄積機関又は指定外国取引情報蓄積機関に対し、当該清算集中等取引情報を提供しなければならない。

Article 3 (1) If a financial instruments clearing organization, etc. assumes the obligation under a transaction covered by data on centrally cleared trades, it must provide the data on centrally cleared trades to the trade repository or the designated foreign trade repository within three business days from the day on which it has assumed the obligation under the transaction (or, if there is any change to a particular prescribed in Article 4, paragraph (1) for the data on centrally cleared trades within the three business days, within an additional three-business-day period from the day on which the change has occurred) as prescribed by the trade repository or the designated foreign trade repository, pursuant to the provisions of Article 156-63, paragraph (1) of the Act.

2 前項の規定による提供をした金融商品取引清算機関等は、同項の規定による提供後、当該提供に係る清算集中等取引情報について第四条第一項に規定する事項に変更が生じたときは、当該変更が生じた日から起算して三営業日以内に、当該提供をした取引情報蓄積機関又は指定外国取引情報蓄積機関の定めるところにより、当該取引情報蓄積機関又は指定外国取引情報蓄積機関に対し、当該変更事項を通知し、又は当該変更事項を反映させた清算集中等取引情報を提供しなければならない。

(2) If, after a financial instruments clearing organization, etc. has provided data on centrally cleared trades pursuant to the preceding paragraph, there is a change to a particular prescribed in Article 4, paragraph (1) for the data on centrally cleared trades in relation to the provision of data, the financial instruments clearing organization, etc. that has provided the data must notify the trade repository or the designated foreign trade repository of the particular changed or provide it with data on centrally cleared trades that reflects the particular changed, within three business days from the day on which the change has occurred, as prescribed by the trade repository or designated foreign trade repository to which it has provided that data.

(清算集中等取引情報を提供することができないやむを得ない理由がある場合)  
(Cases in Which There Is a Compelling Reason for Being Unable to Provide  
Data on Centrally Cleared Trades)

第三条の二 法第一百五十六条の六十三第二項に規定する内閣府令で定めるやむを得ない理由は、次に掲げる理由とする。

Article 3-2 The compelling reasons specified by Cabinet Office Order as prescribed in Article 156-63, paragraph (2) of the Act are the following reasons:

- 一 取引情報蓄積機関又は指定外国取引情報蓄積機関が存在しないこと。  
(i) there is no trade repository or designated foreign trade repository;
- 二 取引情報蓄積機関又は指定外国取引情報蓄積機関がその全部の取引情報蓄積業務を休止していること。  
(ii) the trade repository or the designated foreign trade repository suspends all of its trade repository business;
- 三 清算集中等取引情報を提供するために使用する電気通信回線の故障が発生した場合であって、回復する見込みがないこと。  
(iii) a failure occurs in telecommunication lines to be used for providing data on centrally cleared trades, and there is no prospect for recovery; or
- 四 その他やむを得ない理由として金融庁長官が定めるもの。  
(iv) any other compelling reasons specified by the Commissioner of the Financial Services Agency.

(金融商品取引清算機関等による清算集中等取引情報の保存)  
(Preservation of Data on Centrally Cleared Trades by the Financial  
Instruments Clearing Organization)

第四条 法第一百五十六条の六十三第二項に規定する清算集中等取引情報について内閣府令で定める事項は、次に掲げる事項とする。

Article 4 (1) The particulars specified by Cabinet Office Order for data on centrally cleared trades as prescribed in Article 156-63, paragraph (2) of the Act are the following particulars:

- 一 取引の執行の日時、取引に係る契約の評価の日時その他の取引に係る日時に関する事項  
(i) the date and time of execution of the transaction, the date and time of appraisal of the contract for the transaction, and other particulars concerning the date and time related to the transaction;
- 二 取引の当事者及び取引情報の報告者に関する事項  
(ii) particulars concerning the parties to the transaction and the person reporting the trade data;
- 三 金融商品取引清算機関等による債務の負担、決済及び取引の識別に関する事項  
(iii) particulars concerning assumption of obligations, settlement, and identification of the transaction, by the financial instruments clearing

organization, etc.;

四 取引における日数の計算方法、定期的な金銭の支払の周期その他の支払に関する事項

(iv) the method of calculation of the number of days for the transaction, the period of periodic payment of money, and other particulars concerning payment;

五 取引に係る契約の評価額及び評価手法並びに担保及び証拠金に関する事項

(v) particulars concerning the estimated amount and the estimation method as well as security and margins for the contract related to the transaction;

六 取引価格に関する事項

(vi) particulars concerning the transaction price;

七 取引に係る想定元本に関する事項

(vii) particulars concerning the notional principal of the transaction;

八 取引における新規、変更又は解除の別その他の取引の過程に関する事項

(viii) whether it is a new transaction, or a change to or cancellation of a transaction, and other particulars concerning the process of the transaction;

九 約定した金融指標その他の取引の対象に関する事項

(ix) the agreed financial index and other particulars concerning the subject of the transaction;

十 取引に係る契約の種類に関する事項

(x) particulars concerning the type of the contract for the transaction; and

十一 その他金融庁長官が必要と認める事項

(xi) other particulars that the Commissioner of the Financial Services Agency finds to be necessary.

2 金融商品取引清算機関等は、清算集中等取引情報の対象となる取引に基づく債務を負担した場合において、災害又は前条に規定する理由により清算集中等取引情報を提供することができないときは、次条第一項の規定による提出の時までに、当該取引に係る清算集中等取引情報について前項に規定する事項に関する記録を作成し、次の各号に掲げる取引の区分に応じ、当該各号に定める日から五年間保存しなければならない。

(2) If a financial instruments clearing organization, etc. assumes the obligation under a transaction covered by data on centrally cleared trades, but is unable to provide the data on centrally cleared trades due to a disaster or the reason prescribed in the preceding Article, it must prepare a record of the particulars prescribed in the preceding paragraph for the data on centrally cleared trades in relation to the transaction by the time of submission pursuant to the provisions of paragraph (1) of the following Article, and must preserve that record for five years from the day prescribed in the following items in accordance with the category of transactions set forth in each of those items:

一 第六条第一項第一号に掲げる取引 受渡しの日

(i) transactions set forth in Article 6, paragraph (1), item (i): the date of

delivery;

二 第六条第一項第二号及び第四号に掲げる取引 権利行使期間の末日

(ii) transactions set forth in Article 6, paragraph (1), items (ii) and (iv): the last day of the exercise period; and

三 第六条第一項第三号に掲げる取引 取引期間の末日又は受渡しの日 of the whichever comes later

(iii) transactions set forth in Article 6, paragraph (1), item (iii): the last day of the transaction period or the date of delivery, whichever comes later.

3 金融商品取引清算機関等は、その保存する清算集中等取引情報について、第一項に規定する事項に変更が生じたときは、次条第二項の規定による提出の時（同条第一項の規定による提出の前に当該変更が生じた場合には、当該提出の時）までに、当該清算集中等取引情報に係る前項の記録に当該変更事項を反映させなければならない。

(3) If there is a change to particulars prescribed in paragraph (1) for the data on centrally cleared trades that the financial instruments clearing organization, etc. preserves, the financial instruments clearing organization, etc. must make the record referred to in the preceding paragraph related to the data on centrally cleared trades reflect the particulars changed by the time of submission pursuant to the provisions of paragraph (2) of the following Article (or, if the change occurs before the submission pursuant to the provisions of paragraph (1) of that Article, by the time of that submission).

4 第二項の記録は、電磁的記録（法第十三条第五項に規定する電磁的記録をいう。第八条第六項及び第十条第四項において同じ。）により作成しなければならない。

(4) The record referred to in paragraph (2) must be prepared as an electronic or magnetic record (meaning an electronic or magnetic record prescribed in Article 13, paragraph (5) of the Act; the same applies in Article 8, paragraph (6) and Article 10, paragraph (4)).

（金融商品取引清算機関等による清算集中等取引情報の報告）

(Report of Data on Centrally Cleared Trades by Financial Instruments Clearing Organizations)

第五条 金融商品取引清算機関等は、法第一百五十六条の六十三第二項の規定により、前条第二項に定めるところにより作成した記録を、当該金融商品取引清算機関等が当該記録に係る清算集中等取引情報の対象となっている取引に基づく債務を負担した日から起算して三営業日以内（当該期間が経過するまでの間に当該清算集中等取引情報について前条第一項に規定する事項に変更が生じた場合には、当該変更が生じた日から起算して三営業日以内）に、金融庁長官に提出しなければならない。

Article 5 (1) A financial instruments clearing organization, etc. must submit the record that it has prepared pursuant to the provisions of paragraph (2) of the preceding Article to the Commissioner of the Financial Services Agency within three business days from the day on which the financial instruments clearing organization, etc. has assumed the obligation under the transaction covered by

data on centrally cleared trades related to that record (or, if there is any change to the particulars prescribed in paragraph (1) of the preceding Article for the data on centrally cleared trades within the three business days, within an additional three-business-day period from the day on which that change has occurred), pursuant to the provisions of Article 156-63, paragraph (2) of the Act.

2 金融商品取引清算機関等は、前項の規定による提出後、当該提出に係る清算集中等取引情報について前条第一項に規定する事項に変更が生じたときは、当該変更事項に関する記録を作成し、当該変更が生じた日から起算して三営業日以内に、金融庁長官に提出しなければならない。

(2) If there is a change to the particulars prescribed in paragraph (1) of the preceding Article for the data on centrally cleared trades in relation to the submission pursuant to the provisions of the preceding paragraph after the submission, the financial instruments clearing organization, etc. must prepare a record of the changed particulars and submit the record to the Commissioner of the Financial Services Agency within three business days from the day on which the change has occurred.

3 前二項の規定による提出は、電磁的方法（情報通信技術を活用した行政の推進等に関する法律（平成十四年法律第百五十一号）第六条第一項に規定する電子情報処理組織を使用する方法をいう。第九条第三項並びに第十一条第三項及び第五項において同じ。）により行わなければならない。

(3) The submissions pursuant to the provisions of the preceding two paragraphs must be made by electronic or magnetic means (meaning the means of using the electronic data processing system prescribed in Article 6, paragraph (1) of the Act on the Advancement of Government Administration Processes That Use Information and Communications Technology (Act No. 151 of 2002); the same applies in Article 9, paragraph (3) and Article 11, paragraphs (3) and (5)).

（金融商品取引業者等の取引の状況を明らかにする必要がある取引）

(Transactions for Which the Status of Transactions by a Financial Instruments Business Operator is Required to Be Clarified)

第六条 法第百五十六条の六十三第三項に規定する金融商品取引業者等の取引の状況を明らかにする必要があるものとして内閣府令で定める取引は、次に掲げる取引とする。

Article 6 (1) The transactions specified by Cabinet Office Order as transactions for which the status of transactions by a financial instruments business operator, etc. as prescribed in Article 156-63, paragraph (3) of the Act is required to be clarified are the following transactions:

一 法第二条第二十二項第一号及び第二号に掲げる取引（約定の日から受渡しの日までの期間が二営業日以内のものを除く。）

(i) transactions set forth in Article 2, paragraph (22), items (i) and (ii) of the Act (excluding transactions for which the period from the contract date to the date of delivery is two business days or less);

二 法第二条第二十二項第三号及び第四号に掲げる取引（権利行使期間が二営業日以内のものを除く。）

(ii) transactions set forth in Article 2, paragraph (22), items (iii) and (iv) of the Act (excluding transactions in which the exercise period is two business days or less);

三 法第二条第二十二項第五号に掲げる取引

(iii) transactions set forth in Article 2, paragraph (22), item (v) of the Act; and

四 法第二条第二十二項第六号に掲げる取引（同号イに掲げる事由を同号に規定する事由とするものに限る。）

(iv) transactions set forth in Article 2, paragraph (22), item (vi) of the Act (limited to the transactions whose grounds prescribed in (b) of that item is considered to be the grounds set forth in that item).

2 前項の規定にかかわらず、次に掲げる者を相手方として行う取引は、法第百五十六条の六十三第三項に規定する金融商品取引業者等の取引の状況を明らかにする必要があるものとして内閣府令で定める取引に該当しないものとする。

(2) Notwithstanding the provisions of the preceding paragraph, transactions in which the counterparty is any of the following entities are considered not to fall under the transaction specified by Cabinet Office Order as transactions for which the status of transactions by a financial instruments business operator, etc. as prescribed in Article 156-63, paragraph (3) of the Act is required to be clarified:

一 国

(i) the national government;

二 地方公共団体

(ii) local governments;

三 日本銀行

(iii) the Bank of Japan;

四 外国政府その他の外国の法令上前三号に掲げる者に相当する者

(iv) foreign governments and persons equivalent to those set forth in the preceding three items under the laws or regulations of a foreign country;

五 金融庁長官が指定する国際機関

(v) international organizations designated by the Commissioner of the Financial Services Agency; and

六 当該取引を行う金融商品取引業者等の親会社等、子会社等又は親会社等の子会社等（当該金融商品取引業者等を除く。）

(vi) a parent company, etc. or a subsidiary company, etc. of the financial instruments business operator, etc. conducting the transaction, or a subsidiary company, etc. of the parent company, etc. of that financial instruments business operator, etc. (excluding the financial instruments business operator, etc. itself).

(金融商品取引清算機関等による清算集中等取引情報の提供の対象となる取引)

**(Transactions Subject to the Provision of Data on Centrally Cleared Trades by a Financial Instruments Clearing Organization)**

第六条の二 法第百五十六条の六十三第三項に規定するその他取引の状況等を勘案して内閣府令で定める取引は、前条第一項各号に掲げる取引（法第百五十六条の六十二各号に掲げる取引を除き、法第二条第二十二項第二号、第四号及び第五号に掲げる取引にあつては、同条第二十五項第二号、第三号又は第四号（同項第二号及び第三号に係る部分に限る。）に掲げる金融指標に係るものを除く。）とする。

Article 6-2 The transactions specified by Cabinet Office Order in consideration of the status of trade, etc. as prescribed in Article 156-63, paragraph (3) of the Act are the transactions set forth in the items of paragraph (1) of the preceding Article (excluding the transactions set forth in the items of Article 156-62 of the Act; and excluding the transactions related to the financial index set forth in Article 2, paragraph (25), item (ii), item (iii), or item (iv) of the Act (item (iv) is limited to the part related to item (ii) and item (iii) of that paragraph) for the transactions set forth in Article 2, paragraph (22), item (ii), item (iv), and item (v)).

(取引情報蓄積機関又は指定外国取引情報蓄積機関に対する非清算集中等取引情報の提供)

**(Provision of Data on Non-Centrally Cleared Trades to Trade Repository or Designated Foreign Trade Repository)**

第七条 金融商品取引業者等は、非清算集中等取引情報の対象となる取引（当事者の一方又は双方が取引情報作成対象業者である取引に限り、法第二条第二十二項第二号、第四号及び第五号に掲げる取引にあつては、同条第二十五項第二号、第三号又は第四号（同項第二号及び第三号に係る部分に限る。）に掲げる金融指標に係るものを除く。第四項並びに第八条第二項及び第五項において「非清算集中等取引情報作成対象取引」という。）を行った場合には、法第百五十六条の六十四第一項の規定により、当該非清算集中等取引情報の対象となっている取引の成立した日から起算して三営業日以内（当該期間が経過するまでの間に当該非清算集中等取引情報について第八条第一項に規定する事項に変更が生じた場合には、当該変更が生じた日から起算して三営業日以内）に、取引情報蓄積機関又は指定外国取引情報蓄積機関の定めるところにより、当該取引情報蓄積機関又は指定外国取引情報蓄積機関に対し、当該非清算集中等取引情報を提供しなければならない。

Article 7 (1) If a financial instruments business operator, etc. conducts a transaction covered by data on non-centrally cleared trades (limited to transactions in which one or both of the parties are business operators to prepare trade data; and excluding the transactions related to the financial index set forth in Article 2, paragraph (25), item (ii), item (iii), or item (iv) of the Act (item (iv) is limited to the part related to item (ii) and item (iii) of that paragraph) for the transactions set forth in Article 2, paragraph (22), item (ii),



item (iv) and item (v); referred to as a "transaction subject to the preparation of data on non-centrally cleared trades" in paragraph (4) and Article 8, paragraphs (2) and (5)), the financial instruments business operator, etc. must provide the data on non-centrally cleared trades to the trade repository or the designated foreign trade repository within three business days from the day on which the transaction covered by the data on non-centrally cleared trades has been closed (or, if there is a change to a particular prescribed in Article 8, paragraph (1) for the data on non-centrally cleared trades within the three business days, within an additional three-business-day period from the day on which the change has occurred) as specified by the trade repository or the designated foreign trade repository, pursuant to the provisions of Article 156-64, paragraph (1) of the Act.

2 前項の規定による提供をした金融商品取引業者等は、同項の規定による提供後、当該提供に係る非清算集中等取引情報について第八条第一項に規定する事項に変更が生じたときは、当該変更が生じた日から起算して三営業日以内に、当該提供をした取引情報蓄積機関又は指定外国取引情報蓄積機関の定めるところにより、当該取引情報蓄積機関又は指定外国取引情報蓄積機関に対し、当該変更事項を通知し、又は当該変更事項を反映させた非清算集中等取引情報を提供しなければならない。

(2) If, after data on non-centrally cleared trades is provided pursuant to the provisions of the preceding paragraph, there is a change to a particular prescribed in Article 8, paragraph (1) for the data on non-centrally cleared trades related to the provision of data, the financial instruments business operator, etc. that has provided the data on non-centrally cleared trades pursuant to the provisions of the preceding paragraph must notify the trade repository or designated foreign trade repository of the particular changed or provide it with data on non-centrally cleared trades that reflects the particular changed within three business days from the day on which the change has occurred, as specified by the trade repository or the designated foreign trade repository to which it has provided that data on non-centrally cleared trades.

3 前二項の規定にかかわらず、金融商品取引業者等のうち金融庁長官の指定する者は、金融庁長官の定める取引に関する非清算集中等取引情報を提供すれば足りる。

(3) Notwithstanding the provisions of the preceding two paragraphs, it is sufficient for a financial instruments business operator, etc. which is designated by the Commissioner of the Financial Services Agency to provide data on non-centrally cleared trades for the transactions specified by the Commissioner of the Financial Services Agency.

4 非清算集中等取引情報作成対象取引の当事者の双方が金融商品取引業者等である場合において、いずれか一方の金融商品取引業者等が取引情報作成対象業者であるときは、他方の金融商品取引業者等は、第一項の規定にかかわらず、同項の規定による提供をすることを要しない。

(4) If both parties to a transaction subject to the preparation of data on non-

centrally cleared trades are financial instruments business operators, etc., and either of the financial instruments business operators, etc. is a business operator to prepare trade data, the other financial instruments business operator, etc. is not required to provide data on non-centrally cleared trades pursuant to the provisions of paragraph (1), notwithstanding the provisions of that paragraph.

5 金融商品取引業者等は、やむを得ない理由（法第百五十六条の六十四第二項及び次条に定める理由を除く。）により第一項及び第二項に規定する期日までにこれらの項に規定する非清算集中等取引情報の提供をすることができない場合には、金融庁長官の承認を受けて、当該提供を延期することができる。

(5) If a financial instruments business operator, etc. is unable to provide data on non-centrally cleared trades prescribed in paragraph (1) and paragraph (2) by the date provided for in those paragraphs due to compelling reasons (excluding the reasons prescribed in Article 156-64, paragraph (2) of the Act and the following Article), the financial instruments business operator, etc. may postpone the provision of the data with the approval of the Commissioner of the Financial Services Agency.

6 金融商品取引業者等は、前項の規定による承認を受けようとするときは、第一項及び第二項に規定する期日までに、承認申請書に理由書を添付して金融庁長官に提出しなければならない。

(6) If a financial instruments business operator, etc. seeks to obtain the approval under the provisions of the preceding paragraph, the financial instruments business operator, etc. must submit a written application for approval with a written statement of reasons attached to the Commissioner of the Financial Services Agency by the date specified in paragraph (1) and paragraph (2).

7 金融庁長官は、前項の規定による承認の申請があったときは、当該申請をした金融商品取引業者等が第一項及び第二項の規定による提供の延期をすることについてやむを得ないと認められる理由があるかどうかを審査するものとする。

(7) When an application for approval under the provisions of the preceding paragraph is filed, the Commissioner of the Financial Services Agency is to examine whether there is a compelling reason for the financial instruments business operator, etc. filing the application to postpone the provision of data pursuant to the provisions of paragraph (1) and paragraph (2).

8 第五項の規定により金融商品取引業者等が同項に規定する提供を延期した場合における第一項及び第二項の規定の適用については、第一項中「当該非清算集中等取引情報の対象となっている取引の成立した日」とあり、及び第二項中「当該変更が生じた日」とあるのは、「第五項に規定するやむを得ない理由がなくなった日」とする。

(8) For applying the provisions of paragraph (1) and paragraph (2) when a financial instruments business operator, etc. postpones the provision of data prescribed in paragraph (5) pursuant to the provisions of that paragraph, the term "day on which the transaction covered by the data on non-centrally

cleared trades has been closed" in paragraph (1) and the term "day on which the change has occurred" in paragraph (2) are deemed to be replaced with "day on which the compelling reason provided in paragraph (5) has ceased to exist."

(非清算集中等取引情報を提供することができないやむを得ない理由がある場合)  
(Cases in Which There Is a Compelling Reason for Being Unable to Provide Data on Non-Centrally Cleared Trades)

第七条の二 法第百五十六条の六十四第二項に規定する内閣府令で定めるやむを得ない理由は、次に掲げる理由とする。

Article 7-2 The compelling reasons specified by Cabinet Office Order as prescribed in Article 156-64, paragraph (2) of the Act are the following reasons:

- 一 取引情報蓄積機関又は指定外国取引情報蓄積機関が存在しないこと。  
(i) there is no trade repository or designated foreign trade repository;
- 二 取引情報蓄積機関又は指定外国取引情報蓄積機関がその全部の取引情報蓄積業務を休止していること。  
(ii) the trade repository or the designated foreign trade repository has suspended all of its trade repository business;
- 三 非清算集中等取引情報を提供するために使用する電気通信回線の故障が発生した場合であって、回復する見込みがないこと。  
(iii) a failure occurs in telecommunication lines to be used to provide data on non-centrally cleared trades, and there is no prospect for recovery; or
- 四 その他やむを得ない理由として金融庁長官が定めるもの。  
(iv) any other compelling reasons specified by the Commissioner of the Financial Services Agency.

(金融商品取引業者等による非清算集中等取引情報の保存)  
(Preservation of Data on Non-Centrally Cleared Trades by Financial Instruments Business Operators)

第八条 法第百五十六条の六十四第二項に規定する非清算集中等取引情報について内閣府令で定める事項は、第四条第一項に規定する事項とする。

Article 8 (1) The particulars specified by Cabinet Office Order for data on non-centrally cleared trades as prescribed in Article 156-64, paragraph (2) of the Act are the particulars provided for in Article 4, paragraph (1).

2 金融商品取引業者等は、非清算集中等取引情報作成対象取引を行った場合において、災害又は前条に規定する理由により非清算集中等取引情報を提供することができないときは、次条第一項の規定による提出の時までに、当該取引に係る非清算集中等取引情報について前項に規定する事項に関する記録を作成し、その作成の日から五年間保存しなければならない。

(2) If a financial instruments business operator, etc. conducts a transaction subject to the preparation of data on non-centrally cleared trades but is unable to provide the data on non-centrally cleared trades due to a disaster or the

reason prescribed in the preceding Article, the financial instruments business operator, etc. must prepare a record of the particulars prescribed in the preceding paragraph for the data on non-centrally cleared trades related to the transaction by the time of submission pursuant to the provisions of paragraph (1) of the following Article and must preserve the record for five years from the day of the preparation.

3 金融商品取引業者等は、その保存する非清算集中等取引情報について、第一項に規定する事項に変更が生じたときは、次条第二項の規定による提出の時（同条第一項の規定による提出の前に当該変更が生じた場合には、当該提出の時）までに、当該非清算集中等取引情報に係る前項の記録に当該変更事項を反映させなければならない。

(3) If there is a change to the particulars prescribed in paragraph (1) for the data on non-centrally cleared trades that the financial instruments business operator, etc. preserves, the financial instruments business operator, etc. must have the record referred to in the preceding paragraph of that data on non-centrally cleared trades reflect the particulars changed by the time of submission pursuant to the provisions of paragraph (2) of the following Article (or, if the change occurs before the submission pursuant to the provisions of paragraph (1) of that Article, by the time of the submission).

4 前二項の規定にかかわらず、金融商品取引業者等のうち金融庁長官の指定する者は、金融庁長官の定める取引に関する非清算集中等取引情報について記録を作成し、その記録を保存すれば足りる。

(4) Notwithstanding the provisions of the preceding two paragraphs, it is sufficient for a financial instruments business operator, etc. that is designated by the Commissioner of the Financial Services Agency to prepare a record for the data on non-centrally cleared trades related to the transactions specified by the Commissioner of the Financial Services Agency, and to preserve that record.

5 非清算集中等取引情報作成対象取引の当事者の双方が金融商品取引業者等である場合において、いずれか一方の金融商品取引業者等が取引情報作成対象業者であるときには、他方の金融商品取引業者等は、第二項の規定にかかわらず、同項の記録を作成することを要しない。

(5) Notwithstanding the provisions of paragraph (2), if both of the parties to a transaction subject to the preparation of data on non-centrally cleared trades are financial instruments business operators, etc. and either of them is a business operator to prepare trade data, the other party is not required to prepare the record referred to in that paragraph.

6 第二項の記録は、電磁的記録により作成しなければならない。

(6) The record referred to in paragraph (2) must be prepared as an electronic or magnetic record.

(金融商品取引業者等による非清算集中等取引情報の報告)

(Report of Data on Non-Centrally Cleared Trades by Financial Instruments

Business Operators)

第九条 金融商品取引業者等は、法第五十六条の六十四第二項の規定により、各週（月曜日から日曜日までの七日をいう。以下この条において同じ。）ごとに、各週中に成立した非清算集中等取引情報の対象となる取引について、前条第二項に定めるところにより作成した記録を、当該各週の翌週以降の最初の営業日から起算して三営業日以内（当該期間が経過するまでの間に当該非清算集中等取引情報について前条第一項に規定する事項に変更が生じた場合には、当該変更が生じた日の属する週の翌週以降の最初の営業日から起算して三営業日以内）に、金融庁長官に提出しなければならない。

Article 9 (1) A financial instruments business operator, etc. must submit each week (meaning the seven days from Monday to Sunday; hereinafter the same applies in this Article) the record it has prepared pursuant to the provisions of paragraph (2) of the preceding Article for the transactions covered by data on non-centrally cleared trades which have been closed during each week, to the Commissioner of the Financial Services Agency within three business days from the first business day in or after the week following that week (or, if there is a change to a particular prescribed in paragraph (1) of the preceding Article for the data on non-centrally cleared trades within the three business days, within an additional three-business-day period from the first business day in or after the week following the week in which the day of that change falls), pursuant to the provisions of Article 156-64, paragraph (2) of the Act.

2 金融商品取引業者等は、前項の規定による提出後、当該提出に係る非清算集中等取引情報について前条第一項に規定する事項に変更が生じたときは、当該変更事項に関する記録を作成し、当該変更が生じた日の属する週の翌週以降の最初の営業日から起算して三営業日以内に、金融庁長官に提出しなければならない。

(2) If, after the submission pursuant to the provisions of the preceding paragraph is made, there is a change to a particular prescribed in paragraph (1) of the preceding Article for the data on non-centrally cleared trades related to the submission, the financial instruments business operator, etc. must prepare a record of the particular changed and submit the record to the Commissioner of the Financial Services Agency within three business days from the first business day in or after the week following the week in which the day of the change falls.

3 前二項の規定による提出は、電磁的方法により行わなければならない。

(3) The submission pursuant to the provisions of the preceding two paragraphs must be made by electronic or magnetic means.

4 金融商品取引業者等は、やむを得ない理由により第一項及び第二項に規定する期日までにこれらの項に規定する記録の提出をすることができない場合には、金融庁長官の承認を受けて、当該提出を延期することができる。

(4) If a financial instruments business operator, etc. is unable to submit the records prescribed in paragraph (1) or paragraph (2) by the date specified in

that paragraph due to compelling reasons, the financial instruments business operator, etc. may postpone the submission with the approval of the Commissioner of the Financial Services Agency.

5 金融商品取引業者等は、前項の規定による承認を受けようとするときは、第一項及び第二項に規定する期日までに、承認申請書に理由書を添付して金融庁長官に提出しなければならない。

(5) If a financial instruments business operator, etc. seeks to obtain an approval under the provisions of the preceding paragraph, the financial instruments business operator, etc. must submit a written application for approval with a written statement of reasons attached to the Commissioner of the Financial Services Agency by the date specified in paragraph (1) and paragraph (2).

6 金融庁長官は、前項の規定による承認の申請があったときは、当該申請をした金融商品取引業者等が第四項の規定による提出の延期をすることについてやむを得ないと認められる理由があるかどうかを審査するものとする。

(6) When an application for approval under the provisions of the preceding paragraph is filed, the Commissioner of the Financial Services Agency is to examine whether there is a compelling reason for the financial instruments business operator, etc. filing the application to postpone the submission pursuant to the provisions of paragraph (4).

7 金融商品取引業者等は、法第百五十六条の六十四第二項及び第七条の二に規定する理由により第四項の規定による提出を延期している場合において、当該理由が消滅したときは、第七条の規定により、取引情報蓄積機関又は指定外国取引情報蓄積機関に対し、非清算集中等取引情報を提供するものとする。

(7) If a financial instruments business operator, etc. postpones the submission pursuant to the provisions of paragraph (4) for the reason prescribed in Article 156-64, paragraph (2) of the Act and Article 7-2, the financial instruments business operator, etc. is to provide data on non-centrally cleared trades to the trade repository or designated foreign trade repository pursuant to the provisions of Article 7.

(取引情報蓄積機関による取引情報の保存)

(Preservation of Trade Data by a Trade Repository)

第十条 法第百五十六条の六十五第一項に規定する内閣府令で定める事項は、第四条第一項に規定する事項とする。

Article 10 (1) The particulars specified by Cabinet Office Order as prescribed in Article 156-65, paragraph (1) of the Act are the particulars provided for in Article 4, paragraph (1).

2 取引情報蓄積機関は、第三条又は第七条の規定による取引情報の提供を受けた場合には、次条第一項の規定による提出の時までに、当該取引情報について前項に規定する事項に関する記録を作成し、次の各号に掲げる取引の区分に応じ、当該各号に定める日から五年間保存しなければならない。

- (2) If a trade repository is provided with trade data under the provisions of Article 3 or Article 7, it must prepare a record of the particulars prescribed in the preceding paragraph for the trade data by the time of submission specified in paragraph (1) of the following Article, and must preserve the record for five years from the day specified in the following items in accordance with the category of transactions set forth in each of those items:
- 一 第六条第一項第一号に掲げる取引 受渡しの日  
(i) transactions set forth in Article 6, paragraph (1), item (i): the date of delivery;
  - 二 第六条第一項第二号及び第四号に掲げる取引 権利行使期間の末日  
(ii) transactions set forth in Article 6, paragraph (1), items (ii) and (iv): the last day of the exercise period; and
  - 三 第六条第一項第三号に掲げる取引 取引期間の末日又は受渡しの日  
(iii) transactions set forth in item Article 6, paragraph (1), item (iii): the last day of the transaction period or the date of the delivery, whichever comes later.
- 3 取引情報蓄積機関は、その保存する取引情報について、第一項に規定する事項に変更が生じたことを知ったときは、次条第二項の規定による提出の時（同条第一項の規定による提出の前に当該変更が生じたことを知った場合には、当該提出の時）までに、当該取引情報に係る前項の記録に当該変更事項を反映させなければならない。
- (3) If a trade repository comes to know that there has been a change to the particular prescribed in paragraph (1) for the trade data that it preserves, it must make the record referred to in the preceding paragraph related to the trade data reflect the change to that particular by the time of submission pursuant to the provisions of paragraph (2) of the following Article (or, if it comes to know that the change has occurred before the submission pursuant to paragraph (1) of that Article, by the time of that submission).
- 4 第二項の記録は、電磁的記録により作成しなければならない。
- (4) The record referred to in paragraph (2) must be prepared as an electronic or magnetic record.

（取引情報蓄積機関による取引情報の報告）

**(Report of Trade Data by a Trade Repository)**

第十一条 取引情報蓄積機関は、法第百五十六条の六十五第二項の規定により、前条第二項に定めるところにより作成した記録を、第三条又は第七条の規定による提供を受けた日の翌営業日（当該営業日までの間に当該記録に係る取引情報について前条第一項に規定する事項に変更が生じたことを知った場合には、当該変更が生じたことを知った日の翌営業日）までに、金融庁長官に提出しなければならない。

Article 11 (1) A trade repository must submit the record it has prepared pursuant to the provisions of paragraph (2) of the preceding Article to the

Commissioner of the Financial Services Agency by the business day following the day on which it has been provided with the trade data pursuant to the provisions of Article 3 or Article 7 (or, if it comes to know that there has been a change to a particular prescribed in paragraph (1) of the preceding Article for the trade data in the record before that business day, by the business day following the day on which it has come to know that the change has occurred).

2 取引情報蓄積機関は、前項の規定による提出後、当該提出に係る取引情報について前条第一項に規定する事項に変更が生じたことを知ったときは、当該変更事項に関する記録を作成し、当該変更が生じたことを知った日の翌営業日までに、金融庁長官に提出しなければならない。

(2) If a trade repository comes to know that there has been a change to a particular prescribed in paragraph (1) of the preceding Article for the trade data related to the submission after the submission pursuant to the provisions of the preceding paragraph has been made, the trade repository must prepare a record of the particular changed and submit the record to the Commissioner of the Financial Services Agency by the business day following the day on which it has come to know that the change has occurred.

3 取引情報蓄積機関は、毎月一回以上、前条第二項に定めるところにより保存している記録を金融庁長官に提出しなければならない。

(3) A trade repository must submit the record that it preserves pursuant to the provisions of paragraph (2) of the preceding Article to the Commissioner of the Financial Services Agency at least once a month.

4 前三項の規定による提出は、電磁的方法により行わなければならない。

(4) The submissions under the provisions of the preceding three paragraphs must be made by electronic or magnetic means.

5 法第百五十六条の六十五第三項に規定する内閣府令で定めるものは、インターネットを利用して、前条第一項に規定する事項を内容とする取引情報を金融庁長官が受信することができる方式のものであって、かつ、当該取引情報を金融庁長官が管理する電気通信設備の記録媒体に記録することができる措置とする。

(5) The measures specified by Cabinet Office Order as prescribed in Article 156-65, paragraph (3) of the Act are measures that enable the Commissioner of the Financial Services Agency to receive trade data containing the particulars prescribed in paragraph (1) of the preceding Article using the internet, and that enables the trade data to be recorded in a recording medium in a telecommunication facility managed by the Commissioner of the Financial Services Agency.

6 取引情報蓄積機関は、前項の措置を講ずるときは、あらかじめ又は同時に、当該措置を講ずる旨又は講じた旨を金融庁長官に電磁的方法により通知するものとする。

(6) When taking the measures referred to in the preceding paragraph, a trade repository is to notify the Commissioner of the Financial Services Agency by an electronic or magnetic means that it will take or has taken those measures, in



advance, or at the same time as taking the measures.

(取引情報蓄積機関による取引情報の公表)

(Publication of Trade Data by a Trade Repository)

第十一条の二 法第百五十六条の六十六第一項に規定する内閣府令で定める事項は、次に掲げる事項とする。

Article 11-2 (1) The particulars specified by Cabinet Office Order as prescribed in Article 156-66, paragraph (1) of the Act are the following particulars:

一 第六条第一項各号に掲げる取引に係る残高の合計及び取引件数の合計

(i) the total outstanding balance of transactions set forth in the items of Article 6, paragraph (1) and the total number of transactions;

二 取引情報作成対象業者の業種ごとの第六条第一項各号に掲げる取引に係る残高の合計及び取引件数の合計

(ii) the total outstanding balance of transactions set forth in the items of Article 6, paragraph (1) and the total number of transactions for each business type of business operator to prepare trade data;

三 金融商品取引清算機関等の第六条第一項各号に掲げる取引に係る残高の合計及び取引件数の合計

(iii) the total outstanding balance of transactions set forth in the items of Article 6, paragraph (1) and the total number of transactions of the financial instruments clearing organization, etc.;

四 取引情報の対象となる取引の種類ごとの残高の合計及び取引件数の合計

(iv) the total outstanding balance and the total number of transactions for each type of transaction covered by trade data; and

五 その他取引の概要を明らかにするために必要な事項

(v) other necessary particulars for clarifying the outline of transactions.

2 取引情報蓄積機関は、前項に規定する事項を、毎月一回以上、インターネットを利用して公衆の閲覧に供する方法により公表しなければならない。

(2) A trade repository must disclose the particulars prescribed in the preceding paragraph by the means of making them available for public inspection using the internet, at least once a month.

#### 第四章 取引情報蓄積機関

#### Chapter IV Trade Repositories

(心身の故障のため職務を適正に執行することができない者)

(A Person Unable to Properly Perform Their Duties due to a Mental or Physical Disorder)

第十一条の三 法第百五十六条の六十七第一項第四号イに規定する内閣府令で定める者は、精神の機能の障害のため職務を適正に執行するに当たって必要な認知、判断及び意思疎通を適切に行うことができない者とする。

Article 11-3 The person specified by Cabinet Office Order as prescribed in Article 156-67, paragraph (1), item (iv), sub-item (a) of the Act is a person who is unable to appropriately carry out reasoning, decision making, and communication necessary for properly performing their duties due to mental impairment.

(指定申請書の添付書類)

(Documents to Be Attached to a Written Application for Designation)

第十二条 法第百五十六条の六十八第二項第六号に規定する内閣府令で定める書類は、次に掲げる書類とする。

Article 12 The documents specified by Cabinet Office Order as prescribed in

Article 156-68, paragraph (2), item (vi) of the Act are the following documents:

一 法第百五十六条の六十七第一項の規定による指定を受けようとする者（次号及び第八号において「申請者」という。）の総株主等の議決権（法第二十九条の四第二項に規定する総株主等の議決権をいう。次号において同じ。）の百分の十以上の議決権を保有している者の氏名又は商号若しくは名称、住所又は主たる営業所若しくは事務所の所在地及びその保有する議決権の数を記載した書面

(i) a document stating the name or the trade name, or address, or the location of the principal office or office of a person that holds voting rights accounting for ten percent or more of the number of voting rights held by all the shareholders, etc. (meaning the voting rights held by all the shareholders, etc. as defined in Article 29-4, paragraph (2) of the Act; the same applies in the following item) of the person that seeks to obtain the designation under the provisions of Article 156-67, paragraph (1) of the Act (referred to as the "applicant" in the following item and item (viii)), and the number of the voting rights held by the person;

二 申請者の親法人（申請者の総株主等の議決権の過半数を保有している法人その他の団体をいう。）及び子法人（申請者が総株主等の議決権の過半数を保有している法人その他の団体をいう。）の商号又は名称、主たる営業所又は事務所の所在地及び事業の内容を記載した書面

(ii) a document stating the trade name or the name, the location of the principal office or office, and the business content of the parent corporation (meaning a corporation or any other organization that holds the majority of the voting rights held by all the shareholders, etc. of the applicant) and subsidiary corporations (meaning a corporation or any other organization for which the applicant holds the majority of voting rights held by all the shareholders, etc.) of the applicant;

三 役員（法第百五十六条の六十七第一項第四号に規定する役員をいい、役員が法人であるときは、その職務を行うべき者を含む。以下この号、第四号、第六号及び第七号、第十七条第二項第八号から第十号まで並びに第二十条第二項第三号ハ、ニ及び第三項第三号において同じ。）の住民票の抄本（役員が法人である場合には、当

該役員の登記事項証明書) 又はこれに代わる書面

(iii) an extract of a resident record of the officers (meaning an officer prescribed in Article 156-67, paragraph (1), item (iv) of the Act, and including a person who is to perform their duties if the officer is a corporation; hereinafter the same applies in this item, item (iv), item (vi), and item (vii) of this Article, Article 17, paragraph (2), items (viii) through (x), and Article 20, paragraph (2), item (iii), sub-items (c) and (d), and paragraph (3), item (iii)) (or a certificate of registered information of the officers, if the officer is a corporation) or a document that substitutes for the extract;

四 役員の旧氏（住民基本台帳法施行令（昭和四十二年政令第二百九十二号）第三十条の十三に規定する旧氏をいう。以下同じ。）及び名を当該役員の氏名に併せて法第百五十六条の六十八第一項の指定申請書に記載した場合において、前号に掲げる書類が当該役員の旧氏及び名を証するものでないときは、当該旧氏及び名を証する書面

(iv) a document certifying the former surname (meaning the former surname prescribed in Article 30-13 of the Order for Enforcement of the Act for Basic Register of Residents (Cabinet Order No. 292 of 1967); the same applies hereinafter) and given name of an officer if they are entered together with the officer's current surname and given name in a written application for designation referred to in Article 156-68, paragraph (1) of the Act and the document set forth in the preceding item does not certify the officer's former surname and given name;

五 役員（法第百五十六条の六十七第一項第四号に規定する役員をいう。以下この号、第十四条、第十七条第二項第四号及び第十八条第四号において同じ。）が法第百五十六条の六十七第一項第四号イに該当しない者であることを当該役員が誓約する書面及び役員が同号ロに該当しない旨の官公署の証明書（役員が日本の国籍を有しない場合には、同号イ及びロに該当しない者であることを当該役員が誓約する書面）

(v) a document with which an officer (meaning an officer prescribed in Article 156-67, paragraph (1), item (iv) of the Act; hereinafter the same applies in this item, Article 14, Article 17, paragraph (2), item (iv), and Article 18, item (iv)) pledges that they do not fall under Article 156-67, paragraph (1), item (iv), sub-item (a), and a certification issued by a public agency indicating the fact that an officer does not fall under sub-item (b) of that item (or, a document with which an officer pledges that they do not fall under sub-item (a) or (b) of that item, if the officer does not have Japanese nationality);

六 役員の履歴書（役員が法人である場合には、当該役員の沿革を記載した書面）

(vi) resumes of officers (or, a document stating the history of an officer, if the officer is a corporation);

七 取引情報蓄積業務に関する知識及び経験を有する役員及び職員（以下「役員等」という。）の確保の状況並びに当該役員等の配置の状況を記載した書面

(vii) a document stating the situation of securing officers and employees with

knowledge of and experience in trade repository business (hereinafter referred to as the "officer and employees") and the situation of the placement of the officers and employees;

八 申請者の事務の機構及び分掌を記載した書面

(viii) a document stating the applicant's organizational structure and division of responsibilities for handling affairs; and

九 その他参考となるべき事項を記載した書類

(ix) other documents stating the information that should serve as a reference.

(役員<sup>(1)</sup>の兼職の制限)

(Restriction on the Concurrent Holding of Positions by Officers)

第十三条 法第百五十六条の六十九に規定する内閣府令で定める法人は、次に掲げる法人とする。

Article 13 (1) The corporations specified by Cabinet Office Order as prescribed in Article 156-69 of the Act are the following corporations:

一 金融商品取引清算機関等である法人

(i) a corporation that is a financial instruments clearing organization, etc.;

二 金融商品取引業者等である法人

(ii) a corporation that is a financial instruments business operator, etc.; and

三 外国の法令上前二号に掲げる者に相当する者である法人

(iii) a corporation equivalent to the corporation set forth in the preceding two items under laws or regulations of a foreign country.

2 法第百五十六条の六十九に規定する内閣府令で定める事業は、金融商品取引業及び金融商品債務引受業とする。

(2) The business specified by Cabinet Office Order as prescribed in Article 156-69 of the Act is financial instruments business and financial instruments obligation assumption service.

(取引情報蓄積機関<sup>(2)</sup>の役員<sup>(1)</sup>の兼職の認可の申請等)

(Application for Authorization for the Concurrent Holding of Positions by Officers of a Trade Repository)

第十四条 取引情報蓄積機関の代表者及び常務に従事する役員は、法第百五十六条の六十九の規定により、前条第一項各号に掲げる法人（以下この条において「他の法人」という。）の代表者となり、若しくは常務に従事し、又は前条第二項に規定する事業を営むことについて認可を受けようとするときは、認可申請書に次に掲げる書面を添付して、当該取引情報蓄積機関を経由して金融庁長官に提出しなければならない。

Article 14 (1) If a trade repository's representative or an officer engaged in its day-to-day business seeks to obtain an authorization for assuming the position of a representative or for engaging in the day-to-day business of a corporation set forth in the items of paragraph (1) of the preceding Article (hereinafter referred to as "the other corporation" in this Article), or for conducting the

business prescribed in paragraph (2) of the preceding Article, pursuant to the provisions of Article 156-69, the representative or officer must submit a written application for authorization with the following documents attached to the Commissioner of the Financial Services Agency through the trade repository:

一 理由書

(i) a statement of reasons;

二 履歴書

(ii) a resume;

三 取引情報蓄積機関における常務の処理方法又は勤務状況を記載した書面

(iii) a document stating the method of handling the day-to-day business and the working situation at the trade repository;

四 他の法人の常務に従事しようとする場合には、当該他の法人における常務の処理方法及び取引情報蓄積機関と当該他の法人との取引その他の関係を記載した書面並びに当該他の法人の定款、最終の業務報告又は事業報告の内容を記載した書面、貸借対照表（関連する注記を含む。以下同じ。）、損益計算書（関連する注記を含む。以下同じ。）、剰余金処分計算書若しくは損失金処理計算書又は株主資本等変動計算書（関連する注記を含む。）その他最近における業務、財産及び損益の状況を知ることができる書面

(iv) if the representative or officer seeks to engage in the day-to-day business of the other corporation, a document stating the method of handling the day-to-day business at the other corporation and the transactions and any other relations between the trade repository and the other corporation, a document stating the details of the articles of incorporation, final operation report or business report of the other corporation, its balance sheet (including related explanatory notes; the same applies hereinafter), its profit and loss statements (including related explanatory notes; the same applies hereinafter), its surplus appropriation statement or deficit disposition statement, or its statements of changes in net assets (including related explanatory notes), and any other document disclosing the recent status of services, assets, and profit and loss of the other corporation;

五 現在営んでいる前条第二項に規定する事業を継続して営もうとする場合には、その事業の種類及び方法、その事業の最近における業務、財産及び損益の状況並びに申請の日から起算して一年間における取引及び収支の予想を記載した書面

(v) if the representative or officer seeks to continue to conduct the business prescribed in paragraph (2) of the preceding Article that they are currently conducting, a document stating the type and method of that business, the status of the recent operations in relation to that business, assets, and profit and loss, and the expected transactions and income and expenditure for the one-year period starting from the day of filing the application,;

六 新たに前条第二項に規定する事業を営もうとする場合には、その事業の種類及び

方法並びにその事業開始後一年間における取引及び収支の予想を記載した書面  
(vi) if the representative or officer seeks to newly conduct the business prescribed in paragraph (2) of the preceding Article, a document stating the type and method of the business, and the expected transactions and income and expenditure for the one-year period after commencing the business; and  
七 その他金融庁長官が必要と認める事項を記載した書面  
(vii) other documents stating the particulars that the Commissioner of the Financial Services Agency finds to be necessary.

2 金融庁長官は、前項の規定による認可の申請があったときは、当該申請に係る取引情報蓄積機関の代表者若しくは常務に従事する役員が取引情報蓄積機関を代表すること又は取引情報蓄積機関の常務に従事することに対し、当該申請に係る他の法人を代表し若しくは常務に従事し、又は事業を営むことが何らの支障を及ぼすおそれのないものであるかどうかを審査するものとする。

(2) When an application for approval under the preceding paragraph is filed, the Commissioner of the Financial Services Agency is to examine whether the representative or officer to represent or engage in day-to-day business, or engage in business of the other corporation related to the application is likely to hinder the representative or the officer engaging in day-to-day business of the trade repository related to the application to represent the trade repository or to engage in day-to-day business of the trade depository.

3 第一項の規定による取引情報蓄積機関に対する認可申請書又は当該認可申請書に添付すべき書面（以下この項において「認可申請書等」という。）の提出については、当該認可申請書等が電磁的記録で作成されている場合には、電磁的方法をもって行うことができる。

(3) A written application for approval and documents to be attached to the written application for approval (hereinafter referred to as a "written application for approval and attached documents" in this paragraph) under the provisions of paragraph (1) may be submitted to a trade repository by electronic or magnetic means if the written application for approval and attached documents are prepared as an electronic or magnetic record.

（兼業の承認申請）

(Application for Approval for Concurrent Business)

第十五条 取引情報蓄積機関は、法第百五十六条の七十二第一項ただし書の規定により承認を受けようとするときは、次に掲げる事項を記載した承認申請書を金融庁長官に提出しなければならない。

Article 15 (1) If a trade repository seeks to obtain an approval pursuant to the proviso to Article 156-72, paragraph (1) of the Act, it must submit a written application for approval stating the following particulars to the Commissioner of the Financial Services Agency:

一 兼業の承認を受けようとする業務（以下この条において「兼業業務」という。）

(i) a business for which the trade depository seeks to obtain an approval for concurrent business (hereinafter referred to as a "concurrent business"); and  
二 兼業業務の開始年月日

(ii) the date of commencement of the concurrent business.

2 前項の承認申請書には、次に掲げる書類を添付しなければならない。

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

一 兼業業務の内容及び方法を記載した書面

(i) a document stating the content and the method of the concurrent business;

二 兼業業務を所掌する組織及び人員配置を記載した書面

(ii) a document stating the organization in charge of the concurrent business and the placement of personnel;

三 兼業業務の運営に関する規則

(iii) the rules concerning the operation of the concurrent business; and

四 兼業業務の開始後三年間における当該業務の収支の見込みを記載した書面

(iv) a document stating the expected income and expenditure of the concurrent business for a three-year period after commencing the concurrent business.

(兼業業務の廃止の届出)

(Notification of Discontinuation of Concurrent Business)

第十六条 取引情報蓄積機関は、法第百五十六条の七十二第二項後段の規定により同条第一項ただし書の承認を受けた業務を廃止した旨の届出をしようとするときは、次に掲げる事項を記載した書面を金融庁長官に届け出るものとする。

Article 16 If a trade repository seeks to give a notification that it has discontinued the business for which the approval referred to in the proviso to Article 156-72, paragraph (1) of the Act was obtained pursuant to the provisions of the second sentence of paragraph (2) of that Article, it is to submit a document stating the following particulars to the Commissioner of the Financial Services Agency:

一 廃止したその業務の内容

(i) the content of the discontinued business;

二 廃止した年月日

(ii) the discontinuation date; and

三 廃止の理由

(iii) the reason for the discontinuation.

(業務の一部委託の承認申請)

(Application for Approval for Entrusting Part of the Business)

第十七条 取引情報蓄積機関は、法第百五十六条の七十三第一項の規定により承認を受けようとするときは、次に掲げる事項を記載した承認申請書を金融庁長官に提出しなければならない。

Article 17 (1) If a trade repository seeks to obtain approval pursuant to the provisions of Article 156-73, paragraph (1) of the Act, it must submit a written application for approval stating the following particulars to the Commissioner of the Financial Services Agency:

一 業務を委託する相手方（以下「受託者」という。）の商号又は名称及び住所又は所在地

(i) the trade name or name and the address or location of the counterparty which it entrusts with the business (hereinafter referred to as the "entrusted person");

二 委託する業務の内容及び範囲

(ii) the details and the scope of the business that it is to entrust; and

三 委託の期間

(iii) the period of entrustment.

2 前項の承認申請書には、次に掲げる書類を添付しなければならない。

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

一 理由書

(i) a statement of reasons;

二 業務の委託契約の内容を記載した書面

(ii) a document stating the content of the business entrustment contract;

三 受託者が法第百五十六条の六十七第一項第三号に掲げるものと同様の要件に該当する旨を誓約する書面

(iii) a document pledging that the entrusted person satisfies the same requirements as those set forth in Article 156-67, paragraph (1), item (iii) of the Act;

四 受託者の役員が法第百五十六条の六十七第一項第四号に掲げるものと同様の要件に該当する旨を誓約する書面

(iv) a document pledging that all officers of the entrusted person satisfy the same requirements as those set forth in Article 156-67, paragraph (1), item (iv) of the Act;

五 受託者の定款及び法人の登記事項証明書（これらに準ずるものを含む。）

(v) the articles of incorporation of the entrusted person and a certificate of registered information of that corporation (including particulars equivalent to those documents);

六 委託する業務の実施方法を記載した書面

(vi) a document stating the method of performing the business with which it is to entrust;

七 受託者の最近三年の各年度における事業報告、貸借対照表及び損益計算書又はこれらに代わる書面

(vii) the business report, balance sheet, and profit and loss statement for each of the most recent three fiscal years of the entrusted person, or any document



that substitutes for those documents;

八 受託者の役員の氏名又は商号若しくは名称を記載した書面

(viii) a document stating the names or trade names of the officers of the entrusted person;

九 受託者の役員の住民票の抄本（役員が法人である場合には、当該役員の登記事項証明書）又はこれに代わる書面

(ix) an extract of a resident record of the entrusted person's officers (or a certificate of registered information of the officer, if the officer is a corporation), or any document that substitutes for the extract;

十 受託者の役員の履歴書（役員が法人である場合には、当該役員の沿革を記載した書面）

(x) resumes of the entrusted person's officer (or a document stating the history of the officer, if the officer is a corporation); and

十一 その他参考となるべき事項を記載した書類

(xi) other documents stating the information that should serve as a reference.

（業務の一部委託の承認基準）

**(Criteria for Approval for Entrusting Part of the Business)**

第十八条 金融庁長官は、前条第一項の承認申請書を受理した場合において、その申請が次に掲げる基準に適合していると認められるときは、これを承認するものとする。

**Article 18** If the Commissioner of the Financial Services Agency receives a written application for approval referred to in paragraph (1) of the preceding Article and finds that the application complies with the following criteria, the Commissioner is to approve the application:

一 業務の委託が取引情報蓄積業務の適正かつ確実な遂行を阻害するものでないこと。

(i) the entrustment of the business will not hinder proper and reliable implementation of the trade repository business;

二 受託者が社会的信用のある法人であり、かつ、その受託する業務について、適正な計画を有し、確実にその業務を行うことができるものであること。

(ii) the entrusted person is a corporation with social credibility, and has a proper plan for the business with which they are entrusted and can reliably perform the business;

三 受託者が法第百五十六条の六十七第一項第三号に掲げるものと同様の要件に該当すること。

(iii) the entrusted person satisfies the same requirements as those set forth in Article 156-67, paragraph (1), item (iii) of the Act;

四 受託者の役員が法第百五十六条の六十七第一項第四号に掲げるものと同様の要件に該当すること。

(iv) the officers of the entrusted person satisfies the same requirements as those set forth in Article 156-67, paragraph (1), item (iv) of the Act; and

五 取引情報蓄積機関がその委託した業務の適正かつ確実な遂行を確保するための措

置を講ずることができること。

(v) the trade repository is capable of taking measures for ensuring the proper and reliable implementation of the business with which it has entrusted.

(業務規程の記載事項)

(Particulars to Be Stated in the Operational Rules)

第十九条 法第百五十六条の七十四第一項第八号に規定する内閣府令で定める事項は、次に掲げるものとする。

Article 19 The particulars specified by Cabinet Office Order as prescribed in Article 156-74, paragraph (1), item (viii) of the Act are the following particulars:

一 取引情報蓄積業務を行う時間及び休日に関する事項

(i) particulars concerning the hours for engaging in trade repository business and the non-working days;

二 従業者の監督体制に関する事項

(ii) particulars concerning the system for supervising employees;

三 取引情報の提供を行う場合にあっては、当該提供に関する事項

(iii) particulars concerning provision of trade data, if the trade repository is to provide trade data;

四 取引情報の公表に関する事項

(iv) particulars concerning the disclosure of trade data;

五 取引情報収集契約に関する契約約款に関する事項

(v) particulars concerning the provisions of the contract for trade data collection; and

六 その他取引情報蓄積業務に関し必要な事項

(vi) other necessary particulars concerning trade repository business.

(届出事項)

(Particulars Requiring Notification)

第二十条 法第百五十六条の七十八各項の規定による届出は、届出事由の発生した後遅滞なく行わなければならない。

Article 20 (1) A notification pursuant to the provisions of the paragraphs of Article 156-78 of the Act must be filed after the grounds for notification have occurred, without delay.

2 取引情報蓄積機関は、法第百五十六条の七十八各項の規定による届出をしようとするときは、届出書に理由書その他参考となるべき事項を記載した書類（次の各号に掲げる場合にあっては、当該各号に定める書類）を添付して金融庁長官に提出しなければならない。

(2) If a trade repository seeks to file a notification pursuant to the provisions of the paragraphs of Article 156-78 of the Act, the trade repository must submit a written notification with a written statement of reasons and other documents

stating the information that should serve as a reference (or, the document prescribed in one of the following items, in the case set forth in that item) attached, to the Commissioner of the Financial Services Agency:

一 次項第一号に掲げる場合 変更に係る事項を記載した書面

(i) the case set forth in item (i) of the following paragraph: a document stating the particulars changed; and

二 次項第二号に掲げる場合 次に掲げる事項を記載した書面

(ii) the case set forth in item (ii) of the following paragraph: a document stating the following particulars:

イ 事故の概要

(a) an outline of the accident; and

ロ 改善策

(b) improvement measures.

三 次項第三号に掲げる場合 次に掲げる書類

(iii) the case set forth in item (iii) of the following paragraph: the following documents:

イ 法百五十六条の六十八第二項第一号に掲げる書面

(a) the document set forth in Article 156-68, paragraph (2), item (i) of the Act;

ロ 法人の登記事項証明書（これに準ずるものを含む。）

(b) a certificate of registered information of a corporation (including documents equivalent to the certificate); and

ハ 新たに役員となった者に係る第十二条第三号、第五号及び第六号までに掲げる書類

(c) the documents set forth in Article 12, item (iii), item (v), and item (vi) concerning a person that has become a new officer; and

ニ 新たに役員となった者の旧氏及び名を当該者の氏名に併せて届出書に記載した場合において、ハの住民票の抄本又はこれに代わる書面が当該者の旧氏及び名を証するものでないときは、当該旧氏及び名を証する書面

(d) a document certifying the former surname and given name of a person that has become a new officer if they are stated together with the person's current surname and given name in a written notification, and the extract of the resident record or its substitute document referred to in sub-item (c) above does not certify the former surname and given name; and

四 次項第四号又は第五号に掲げる場合 次に掲げる事項を記載した書面

(iv) the case set forth in item (iv) or (v) of the following paragraph: a document stating the following particulars:

イ 行為が発生した営業所又は事務所の名称

(a) the name of the business office or office at which the act occurred;

ロ 行為をした役員等の氏名又は商号若しくは名称及び役職名

(b) the name or trade name and the title of the officer and employees that

performed the act;

ハ 行為の概要

(c) a summary of the act; and

ニ 改善策

(d) improvement measures.

3 法第百五十六条の七十八第三項に規定する内閣府令で定めるときは、次に掲げるときとする。

(3) The cases specified by Cabinet Office Order as prescribed in Article 156-78, paragraph (3) of the Act are the following cases:

一 第十二条第七号又は第八号に掲げる書面の記載事項に変更があったとき。

(i) if there is a change to a particular stated in the document set forth in Article 12, item (vii) or (viii);

二 電子情報処理組織の故障その他の偶発的な事情により、取引情報蓄積業務の全部又は一部を停止する事故が発生したとき。

(ii) if an accident in which the whole or a part of the trade repository business is to be suspended occurs due to the failure of an electronic data processing system or any other accidental circumstances;

三 法第百五十六条の六十八第一項の指定申請書を提出後、新たに取引情報蓄積機関の役員となった者がいるとき。

(iii) if there is a person that has become a new officer of the trade repository after submitting the written application for designation referred to in Article 156-68, paragraph (1) of the Act;

四 取引情報蓄積機関又はその業務の委託先の役員等が取引情報蓄積業務（業務の委託先にあつては、当該取引情報蓄積機関が委託する業務に係るものに限る。）を遂行するに際して法令又は当該取引情報蓄積機関の業務規程に反する行為が発生したことを知ったとき。

(iv) if the trade repository comes to know that an act violating laws or regulations or violating the trade repository's operational rules has occurred while the officer and employees of the trade repository or of the entity with which the business of the trade repository has been entrusted (for an entity entrusted with the business, limited to the business related to the business with which the trade repository entrusts); and

五 取引情報蓄積機関と取引情報収集契約を締結している者又はその役員等が取引情報蓄積機関の業務規程に反する行為を行った事実を知ったとき。

(v) if the trade repository comes to know that a person that has concluded a contract for trade data collection with the trade repository or the officer and employees of that person has conducted an act in violation of the operational rules of the trade repository.

(業務及び財産に関する報告書の提出)

(Submission of Reports on Business and Assets)

第二十一条 法第百五十六条の七十九第一項の規定による取引情報蓄積機関が作成すべき業務及び財産に関する報告書は、別紙様式により作成し、事業年度経過後三月以内に金融庁長官に提出しなければならない。

Article 21 (1) The report on business and assets which is required to be prepared by a trade repository pursuant to the provisions of Article 156-79, paragraph (1) of the Act must be prepared using the appended form and submitted to the Commissioner of the Financial Services Agency within three months after the end of the business year.

2 前項の報告書には、最終事業年度に係る財産目録、貸借対照表及び収支計算書若しくは損益計算書又はこれらに準ずるものその他参考となるべき事項を記載した書類を添付しなければならない。

(2) The inventory of property, the balance sheet, and the income and expenditure statement or profit and loss statement, or documents equivalent to them, and other documents stating the information that should serve as a reference must be attached to the report referred to in the preceding paragraph.

3 取引情報蓄積機関は、やむを得ない理由により第一項に規定する期間内に同項の報告書の提出をすることができない場合には、あらかじめ金融庁長官の承認を受けて、当該提出を延期することができる。

(3) If a trade repository is unable to submit the report prescribed in paragraph (1) within the period provided for in that paragraph due to compelling reasons, it may postpone the submission with the approval of the Commissioner of the Financial Services Agency.

4 取引情報蓄積機関は、前項の規定による承認を受けようとするときは、承認申請書に理由書を添付して金融庁長官に提出しなければならない。

(4) If a trade repository seeks to obtain the approval pursuant to the preceding paragraph, the trade repository must submit a written application for approval to the Commissioner of the Financial Services Agency with the statement of reasons attached.

5 金融庁長官は、前項の規定による承認の申請があったときは、当該申請をした取引情報蓄積機関が第三項の規定による提出の延期をすることについてやむを得ないと認められる理由があるかどうかを審査するものとする。

(5) When an application for approval under the provisions of the preceding paragraph is filed, the Commissioner of the Financial Services Agency is to examine whether there is a compelling reason for the trade repository filing the application to postpone the submission pursuant to the provisions of paragraph (3).

## 第五章 雑則

### Chapter V Miscellaneous Provisions

第二十二条 金融庁長官は、次の各号に掲げる指定、認可又は承認に関する申請があつ

た場合は、その申請が事務所に到達した日から当該各号に定める期間内に、当該申請に対する処分をするよう努めるものとする。

Article 22 (1) When an application for designation, authorization, or approval set forth in the following items is filed, the Commissioner of the Financial Services Agency is to endeavor to render a disposition on the application within the period provided in the relevant item that starts from the day on which the application has arrived at the office:

一 法第百五十六条の六十七第一項の指定 二月

(i) the designation referred to in Article 156-67, paragraph (1) of the Act: two months;

二 法第百五十六条の六十九、第百五十六条の七十四第一項若しくは第百五十六条の八十二第一項の認可又は法第百五十六条の七十二第一項ただし書若しくは第百五十六条の七十三第一項の承認 一月

(ii) the authorization referred to in Article 156-69, Article 156-74, paragraph (1), or Article 156-82, paragraph (1), or the approval referred to in the proviso to Article 156-72, paragraph (1), or Article 156-73, paragraph (1): one month; and

三 第七条第五項、第九条第四項又は前条第三項の承認 一月

(iii) the approval referred to in Article 7, paragraph (5), Article 9, paragraph (4), or paragraph (3) of the preceding Article: one month.

2 前項の期間には、次に掲げる期間を含まないものとする。

(2) The periods referred to in the preceding paragraph do not include the following periods:

一 当該申請を補正するために要する期間

(i) any period required to amend the application;

二 当該申請をした者が当該申請の内容を変更するために要する期間

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

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

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