金融商品取引業等に関する内閣府令
Cabinet Office Order on Financial Instruments Business

（平成十九年八月六日内閣府令第五十二号）
(Cabinet Office Order No. 52 of August 6, 2007)

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

Pursuant to the provisions of the Financial Instruments and Exchange Act (Act No. 25 of 1948) and the Order for Enforcement of the Financial Instruments and Exchange Act (Cabinet Order No. 321 of 1965), and for the purpose of the enforcement of that Act and that Order, the Cabinet Office Order on Financial Instruments Business is enacted as follows:

第一章　総則（第一条―第三条）
Chapter I General Provisions (Articles 1 through 3)
第二章　金融商品取引業者等
Chapter II Financial Instruments Business Operators
第一節　総則
Section 1 General Provisions
第一款　通則（第四条・第四条の二）
Subsection 1 General Rules (Articles 4 and 4-2)
第二款　金融商品取引業者（第五条―第三十五条）
Subsection 2 Financial Instruments Business Operators (Articles 5 through 35)
第三款　主要株主（第三十六条―第三十九条）
Subsection 3 Major Shareholders (Articles 36 through 39)
第四款　登録金融機関（第四十条―第五十二条）
Subsection 4 Registered Financial Institutions (Articles 40 through 52)
第五款　特定投資家（第五十三条―第六十四条の三）
Subsection 5 Professional Investors (Articles 53 through 64-3)
第二節　業務
Section 2 Business
第一款　通則（第六十五条―第百二十五条の六）
Subsection 1 General Rules (Articles 65 through 125-6)
第二款　投資助言業務及び投資運用業に関する特則（第百二十六条―第百三十五条）
Subsection 2 Special Provisions on Investment Advisory Business and

Investment Management Business (Articles 126 through 135)
第三款　有価証券等管理業務に関する特則（第百三十六条―第百四十六条）
Subsection 3 Special Provisions on Securities Management Business (Articles 136 through 146)
第四款　電子募集取扱業務に関する特則（第百四十六条の二）
Subsection 4 Special Provisions on Electronic Public Offering Services (Article 146-2)
第五款　暗号資産関連業務に関する特則（第百四十六条の三―第百四十六条の五）
Subsection 5 Special Provisions Concerning Cryptoasset-Related Business (Articles 146-3 through 146-5)
第六款　弊害防止措置等（第百四十七条―第百五十五条）
Subsection 6 Preventive Measures against Adverse Effects (Articles 147 through 155)
第七款　雑則（第百五十六条）
Subsection 7 Miscellaneous Provisions (Article 156)
第三節　経理
Section 3 Accounting
第一款　第一種金融商品取引業を行う金融商品取引業者（第百五十七条―第百八十条）
Subsection 1 Financial Instruments Business Operators Engaged in Type I Financial Instruments Business (Articles 157 through 180)
第二款　第一種金融商品取引業を行わない金融商品取引業者（第百八十一条―第百八十三条）
Subsection 2 Financial Instruments Business Operators Not Engaged in Type-I Financial Instruments Business (Articles 181 through 183)
第三款　登録金融機関（第百八十四条―第百八十九条）
Subsection 3 Registered Financial Institutions (Articles 184 through 189)
第四款　外国法人等に対する特例（第百九十条―第百九十七条）
Subsection 4 Special Rules for Foreign Corporations (Articles 190 through 197)
第四節　監督（第百九十八条―第二百八条）
Section 4 Supervision (Articles 198 through 208)
第四節の二　特別金融商品取引業者等に関する特則
Section 4-2 Special Provisions on Special Financial Instruments Business Operators
第一款　特別金融商品取引業者（第二百八条の二―第二百八条の十七）
Subsection 1 Special Financial Instruments Business Operators (Articles 208-2 through 208-17)
第二款　指定親会社（第二百八条の十八―第二百八条の三十四）
Subsection 2 Designated Parent Companies (Articles 208-18 through 208-

34)
第三款　雑則（第二百八条の三十五）
Subsection 3 Miscellaneous Provisions (Article 208-35)
第五節　外国業者に関する特例
Section 5 Special Rules on Foreign Business Operators
第一款　外国証券業者（第二百八条の三十六―第二百十四条）
Subsection 1 Foreign Securities Service Providers (Articles 208-36 through 214)
第二款　引受業務の一部の許可（第二百十五条―第二百十七条）
Subsection 2 Permission to Engage in Part of Underwriting Operations (Articles 215 - 217)
第三款　取引所取引業務の許可（第二百十八条―第二百三十二条）
Subsection 3 Permission for On-Exchange Transaction Services (Articles 218 through 232)
第四款　電子店頭デリバティブ取引等業務の許可（第二百三十二条の二―第二百三十二条の十七）
Subsection 4 Permission for the Business of Conducting Electronic Over-the-Counter Derivatives Transactions etc. (Articles 232-2 through 232-17)
第五款　情報収集のための施設の設置（第二百三十三条）
Subsection 5 Establishment of Institution for Collecting Information (Article 233)
第六節　適格機関投資家等特例業務に関する特例（第二百三十三条の二―第二百四十六条の七）
Section 6 Special Rules on Specially-Permitted Business for Qualified Institutional Investors (Articles 233-2 through 246-7)
第六節の二　海外投資家等特例業務に関する特例（第二百四十六条の八―第二百四十六条の三十七）
Section 6-2 Special Rules on Specially Permitted Services for Foreign Investors (Articles 246-8 through 246-37)
第七節　外務員（第二百四十七条―第二百五十六条）
Section 7 Sales Representatives (Articles 247 through 256)
第三章　金融商品仲介業者
Chapter III Financial Instruments Intermediary Service Providers
第一節　総則（第二百五十七条―第二百六十四条）
Section 1 General Provisions (Articles 257 through 264)
第二節　業務（第二百六十五条―第二百八十一条の四）
Section 2 Business (Articles 265 through 281-4)
第三節　経理（第二百八十二条―第二百八十五条）
Section 3 Accounting (Articles 282 through 285)
第四節　監督（第二百八十六条）

Section 4 Supervision (Article 286)
第五節　雑則（第二百八十七条―第二百九十四条）
Section 5 Miscellaneous Provisions (Articles 287 through 294)
第四章　信用格付業者
Chapter IV Credit Rating Agencies
第一節　総則（第二百九十五条―第三百五条）
Section 1 General Provisions (Articles 295 through 305)
第二節　業務（第三百六条―第三百十四条）
Section 2 Business (Articles 306 through 314)
第三節　経理（第三百十五条―第三百二十条）
Section 3 Accounting (Articles 315 through 320)
第四節　監督（第三百二十一条―第三百二十五条）
Section 4 Supervision (Articles 321 through 325)
第五章　高速取引行為者
Chapter V High-Speed Traders
第一節　総則（第三百二十六条―第三百三十五条）
Section 1 General Provisions (Articles 326 through 335)
第二節　業務（第三百三十六条・第三百三十七条）
Section 2 Business (Articles 336 and 337)
第三節　経理（第三百三十八条―第三百四十条）
Section 3 Accounting (Articles 338 through 340)
第四節　監督（第三百四十一条―第三百四十六条）
Section 4 Supervision (Articles 341 through 346)
第六章　雑則（第三百四十七条―第三百五十条）
Chapter VI Miscellaneous Provisions (Articles 347 through 350)
附　則
Supplementary Provisions

第一章　総則
Chapter I General Provisions

（定義）
(Definitions)

第一条　この府令において「有価証券」、「有価証券の募集」、「有価証券の私募」、「有価証券の売出し」、「発行者」、「引受人」、「有価証券届出書」、「金融商品取引業」、「金融商品取引業者」、「目論見書」、「金融商品仲介業」、「金融商品仲介業者」、「認可金融商品取引業協会」、「金融商品市場」、「金融商品取引所」、「取引所金融商品市場」、「取引参加者」、「デリバティブ取引」、「市場デリバティブ取引」、「店頭デリバティブ取引」、「外国市場デリバティブ取引」、「金融商品」、「金融指標」、「外国金融商品取引所」、「有価証券等清算取次ぎ」、「金融商品債務引受業」、「金融商品取引清算機関」、「外国金融商品取引清算機関」、

「証券金融会社」、「特定投資家」、「信用格付」、「信用格付業」、「信用格付業者」、「高速取引行為」又は「高速取引行為者」とは、それぞれ金融商品取引法（以下「法」という。）第二条に規定する有価証券、有価証券の募集、有価証券の私募、有価証券の売出し、発行者、引受人、有価証券届出書、金融商品取引業、金融商品取引業者、目論見書、金融商品仲介業、金融商品仲介業者、認可金融商品取引業協会、金融商品市場、金融商品取引所、取引所金融商品市場、取引参加者、デリバティブ取引、市場デリバティブ取引、店頭デリバティブ取引、外国市場デリバティブ取引、金融商品、金融指標、外国金融商品取引所、有価証券等清算取次ぎ、金融商品債務引受業、金融商品取引清算機関、外国金融商品取引清算機関、証券金融会社、特定投資家、信用格付、信用格付業、信用格付業者、高速取引行為又は高速取引行為者をいう。

Article 1 (1) The terms "securities", "public offering of securities", "private placement of securities", "secondary distribution of securities", "issuer", "underwriter", "registration statement," "financial instruments business", "financial instruments business operator", "prospectus", "financial instruments intermediary service", "financial instruments intermediary service provider", "authorized financial instruments firms association", "financial instruments market", "financial instruments exchange", "financial instruments exchange market", "trading participant", "derivative transactions", "market transactions of derivatives", "over-the-counter derivatives transactions", "foreign market derivatives transactions", "financial instruments", "financial indicator", "foreign financial instruments exchange", "brokerage for clearing of securities, etc.", "financial instruments obligation assumption service", "financial instruments clearing organization", "foreign financial instruments clearing organizations", "securities finance company", "professional investor", "credit rating", "credit rating business", "credit rating agency", "high-speed trading" or "high-speed trader" as used in this Cabinet Office Order mean the securities, public offering of securities, private placement of securities, secondary distribution of securities, issuer, underwriter, registration statement, financial instruments business, financial instruments business operator, prospectus, financial instruments intermediary service, financial instruments intermediary service provider, authorized financial instruments firms association, financial instruments market, financial instruments exchange, financial instruments exchange market, trading participant, derivative transactions, market transactions of derivatives, over-the-counter derivatives transactions, foreign market derivatives transactions, financial instruments, financial indicator, foreign financial instruments exchange, brokerage for clearing of securities, etc., financial instruments obligation assumption service, financial instruments clearing organization, foreign financial instruments clearing organizations, securities finance company, professional investor, credit rating, credit rating business or credit rating agency, high-speed trading or high-speed trader 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「第一種金融商品取引業」、「第二種金融商品取引業」、「投資助言・代理業」、「投資運用業」、「有価証券等管理業務」、「投資助言業務」、「有価証券の元引受け」又は「有価証券関連業」とは、それぞれ法第二十八条に規定する第一種金融商品取引業、第二種金融商品取引業、投資助言・代理業、投資運用業、有価証券等管理業務、投資助言業務、有価証券の元引受け又は有価証券関連業をいう。

(2) The terms "type I financial instruments business", "type II financial instruments business", "investment advisory and agency business", "investment management business", "securities, etc. management business", "investment advisory business", "wholesale underwriting of securities", or "securities-related business" as used in this Cabinet Office Order mean type-I financial instruments business, type-II financial instruments business, investment advisory and agency business, investment management business, securities, etc. management business, investment advisory business, wholesale underwriting of securities, or securities-related business as defined in Article 28 of the Act.

３　この府令（第十六号に掲げる用語にあっては、第百九十九条第十三号、第二百一条第二十四号、第二百二条第十八号、次章第四節の二及び別紙様式第十七号の二から別紙様式第十七号の六までを除く。）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。

(3) In this Cabinet Office Order (in cases of the terms listed in item (xvi), excluding Article 199, item (xiii), Article 201, item (xxiv), Article 202, item (xviii), Section 4-2 of the following Chapter, and Appended Forms No. 17-2 through No. 17-6), the meanings of the terms set forth in the following items are as prescribed respectively in those items:

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

二　出資対象事業　法第二条第二項第五号に規定する出資対象事業をいう。

(ii) business subject to investment: the business subject to investment as defined in Article 2, paragraph (2), item (v) of the Act;

二の二　電子記録移転権利　法第二条第三項に規定する電子記録移転権利をいう。

(ii)-2 electronically recorded transferable rights: the electronically recorded transferable rights prescribed in Article 2, paragraph (3) of the Act;

三　適格機関投資家　法第二条第三項第一号に規定する適格機関投資家をいう。

(iii) qualified institutional investors: the qualified institutional investors prescribed in Article 2, paragraph (3), item (i) of the Act;

三の二　特定投資家向け売付け勧誘等　法第二条第六項に規定する特定投資家向け売付け勧誘等をいう。

(iii)-2 solicitation for selling, etc. only for professional investors: the solicitation for selling, etc. only for professional investors prescribed in

Article 2, paragraph (6) of the Act;

三の三　商品関連市場デリバティブ取引　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をいう。

(iii)-3 commodity-related market derivatives transaction: the commodity-related market derivatives transaction as defined in Article 2, paragraph (8), item (i) of the Act;

四　外国金融商品市場　法第二条第八項第三号ロに規定する外国金融商品市場をいう。

(iv) foreign financial instruments market: the foreign financial instruments market prescribed in Article 2, paragraph (8), item (iii), sub-item (b) of the Act;

五　店頭デリバティブ取引等　法第二条第八項第四号に規定する店頭デリバティブ取引等をいう。

(v) over-the-counter derivatives transactions, etc.: the over-the-counter derivatives transactions, etc. prescribed in Article 2, paragraph (8), item (iv) of the Act;

六　有価証券の引受け　法第二条第八項第六号に規定する有価証券の引受けをいう。

(vi) underwriting of securities: the underwriting of securities as defined in Article 2, paragraph (8), item (vi) of the Act;

七　店頭売買有価証券　法第二条第八項第十号ハに規定する店頭売買有価証券をいう。

(vii) over-the-counter traded securities: the over-the-counter traded securities as defined in Article 2, paragraph (8), item (x), sub-item (c) of the Act;

八　投資顧問契約　法第二条第八項第十一号に規定する投資顧問契約をいう。

(viii) investment advisory contract: the investment advisory contract prescribed in Article 2, paragraph (8), item (xi) of the Act;

九　投資一任契約　法第二条第八項第十二号ロに規定する投資一任契約をいう。

(ix) discretionary investment contract: the discretionary investment contract prescribed in Article 2, paragraph (8), item (xii), sub-item (b) of the Act;

十　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。

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

十の二　商品　法第二条第二十四項第三号の三に規定する商品をいう。

(x)-2 commodities: the commodities as defined in Article 2, paragraph (24), item (iii)-3 of the Act;

十の三　特定投資家向け有価証券　法第四条第三項に規定する特定投資家向け有価証券をいう。

(x)-3 securities for professional investors: the securities for professional investors prescribed in Article 4, paragraph (3) of the Act;

十の四　特定投資家向け取得勧誘　法第四条第三項第一号に規定する特定投資家向け取得勧誘をいう。

(x)-4 solicitation for acquisition only for professional investors: the solicitation for acquisition only for professional investors prescribed in Article 4,

paragraph (3), item (i) of the Act;

十一　役員　法第二十一条第一項第一号に規定する役員をいう。

(xi) officer: the officer defined in Article 21, paragraph (1), item (i) of the Act;

十二　有価証券関連デリバティブ取引　法第二十八条第八項第六号に規定する有価証券関連デリバティブ取引をいう。

(xii) securities-related derivatives transactions: the securities-related derivatives transactions prescribed in Article 28, paragraph (8), item (vi) of the Act;

十二の二　第一種少額電子募集取扱業者　法第二十九条の四の二第九項に規定する第一種少額電子募集取扱業者をいう。

(xii)-2 type-I small amount electronic public offering service provider: the type-I small amount electronic public offering service provider as defined in Article 29-4-2, paragraph (9) of the Act;

十二の三　第一種少額電子募集取扱業務　法第二十九条の四の二第十項に規定する第一種少額電子募集取扱業務をいう。

(xii)-3 type-I small amount electronic public offering service: the type-I small amount electronic public offering service as defined in Article 29-4-2, paragraph (10) of the Act;

十二の四　第二種少額電子募集取扱業者　法第二十九条の四の三第二項に規定する第二種少額電子募集取扱業者をいう。

(xii)-4 type-II small amount electronic public offering service provider: the type-II small amount electronic public offering service provider as defined in Article 29-4-3, paragraph (2) of the Act;

十二の五　第二種少額電子募集取扱業務　法第二十九条の四の三第四項に規定する第二種少額電子募集取扱業務をいう。

(xii)-5 type-II small amount electronic public offering service: the type-II small amount electronic public offering service as defined in Article 29-4-3, paragraph (4) of the Act;

十二の六　適格投資家向け投資運用業　法第二十九条の五第一項に規定する適格投資家向け投資運用業をいう。

(xii)-6 investment management business for qualified investors: the investment management business for qualified investors prescribed in Article 29-5, item (i) of the Act;

十二の七　適格投資家　法第二十九条の五第三項に規定する適格投資家をいう。

(xii)-7 qualified investor: the qualified investor as defined in Article 29-5, item (iii) of the Act;

十三　親銀行等　法第三十一条の四第三項に規定する親銀行等をいう。

(xiii) parent bank, etc.: the parent bank, etc. as defined in Article 31-4, paragraph (3) of the Act;

十四　親法人等　法第三十一条の四第三項に規定する親法人等をいう。

(xiv) parent corporation, etc.: the parent corporation, etc. prescribed in Article

31-4, paragraph (3) of the Act;

十五　子銀行等　法第三十一条の四第四項に規定する子銀行等をいう。

(xv) subsidiary bank, etc.: the subsidiary bank, etc. as defined in Article 31-4, paragraph (4) of the Act;

十六　子法人等　法第三十一条の四第四項に規定する子法人等をいう。

(xvi) subsidiary corporation, etc.: the subsidiary corporation, etc. prescribed in Article 31-4, paragraph (4) of the Act;

十七　デリバティブ取引等　法第三十三条第三項に規定するデリバティブ取引等をいう。

(xvii) derivative transactions, etc.: the derivative transactions, etc. prescribed in Article 33, paragraph (3) of the Act;

十八　有価証券関連デリバティブ取引等　法第三十三条第三項に規定する有価証券関連デリバティブ取引等をいう。

(xviii) securities-related derivatives transactions, etc.: the securities-related derivatives transactions, etc. prescribed in Article 33, paragraph (3) of the Act;

十九　市場デリバティブ取引等　法第三十三条第三項第一号に規定する市場デリバティブ取引等をいう。

(xix) market derivatives transactions, etc.: the market derivatives transactions, etc. as defined in Article 33, paragraph (3), item (i) of the Act;

二十　外国市場デリバティブ取引等　法第三十三条第三項第三号に規定する外国市場デリバティブ取引等をいう。

(xx) foreign market derivatives transactions, etc.: the foreign market derivatives transactions, etc. defined in Article 33, paragraph (3) item (iii) of the Act;

二十一　登録金融機関業務　法第三十三条の三第一項第六号イに規定する登録金融機関業務をいう。

(xxi) registered financial institution business: the registered financial institution business as defined in Article 33-3, paragraph (1), item (vi), sub-item (a) of the Act;

二十二　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。

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

二十三　金融商品取引行為　法第三十四条に規定する金融商品取引行為をいう。

(xxiii) act that constitutes a financial instruments transaction: the acts that constitute financial instruments transactions as defined in Article 34 of the Act;

二十四　金融商品取引契約　法第三十四条に規定する金融商品取引契約をいう。

(xxiv) financial instruments transaction contract: the financial instruments transaction contract prescribed in Article 34 of the Act;

二十五　運用財産　法第三十五条第一項第十五号に規定する運用財産をいう。

(xxv) investment property: the investment property as defined in Article 35, paragraph (1), item (xv) of the Act;

二十五の二　特定店頭デリバティブ取引　法第四十条の七第一項に規定する特定店頭デリバティブ取引をいう。

(xxv)-2 specified over-the-counter derivatives transactions: the specified over-the-counter derivatives transactions defined in Article 40-7, paragraph (1) of the Act.

二十六　有価証券の売買その他の取引等　法第四十一条の二第四号に規定する有価証券の売買その他の取引等をいう。

(xxvi) purchase and sale or other transactions of securities: the purchase and sale or other transactions of securities prescribed in Article 41-2, item (iv) of the Act;

二十七　権利者　法第四十二条第一項に規定する権利者をいう。

(xxvii) right holders: the right holders as defined in Article 42, paragraph (1) of the Act;

二十八　自己資本規制比率　法第四十六条の六第一項に規定する自己資本規制比率をいう。

(xxviii) capital adequacy ratio: the capital adequacy ratio prescribed in Article 46-6, paragraph (1) of the Act;

二十九　金融商品取引業等　法第五十条第一項第一号に規定する金融商品取引業等をいう。

(xxix) financial instruments business, etc.: the financial instruments business, etc. prescribed in Article 50, paragraph (1), item (i) of the Act;

二十九の二　特別金融商品取引業者　法第五十七条の二第二項に規定する特別金融商品取引業者をいう。

(xxix)-2 special financial instruments business operator: the special financial instruments business operator as defined in Article 57-2, paragraph (2) of the Act;

二十九の三　対象特別金融商品取引業者　法第五十七条の十二第三項に規定する対象特別金融商品取引業者をいう。

(xxix)-3 subject special financial instruments business operator: the subject special financial instruments business operator prescribed in Article 57-12, paragraph (3) of the Act;

二十九の四　指定親会社　法第五十七条の十二第三項に規定する指定親会社をいう。

(xxix)-4 designated parent company: the designated parent company as defined in Article 57-12, paragraph (3) of the Act;

二十九の五　最終指定親会社　法第五十七条の十二第三項に規定する最終指定親会社をいう。

(xxix)-5 highest designated parent company: the highest designated parent company as defined in Article 57-12, paragraph (3) of the Act;

三十　外国証券業者　法第五十八条に規定する外国証券業者をいう。

(xxx) foreign securities service provider: the foreign securities service provider as defined in Article 58 of the Act;

三十一　取引所取引許可業者　法第六十条の四第一項に規定する取引所取引許可業者をいう。

(xxxi) authorized firm for on-exchange transactions: the authorized firm for on-exchange transactions prescribed in Article 60-4, paragraph (1) of the Act;

三十一の二　電子店頭デリバティブ取引等業務　法第六十条の十四第一項に規定する電子店頭デリバティブ取引等業務をいう。

(xxxi)-2 electronic over-the-counter derivatives transactions, etc. business: the electronic over-the-counter derivatives transactions, etc. business prescribed in Article 60-14, paragraph (1) of the Act;

三十一の三　電子店頭デリバティブ取引等許可業者　法第六十条の十四第二項に規定する電子店頭デリバティブ取引等許可業者をいう。

(xxxi)-3 business operator authorized to conduct electronic over-the-counter derivatives transactions, etc.: the business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. prescribed in Article 60-14, paragraph (2) of the Act;

三十二　適格機関投資家等　法第六十三条第一項第一号に規定する適格機関投資家等をいう。

(xxxii) qualified institutional investors, etc.: the qualified institutional investors, etc. as defined in Article 63, paragraph (1), item (i) of the Act;

三十三　適格機関投資家等特例業務　法第六十三条第二項に規定する適格機関投資家等特例業務をいう。

(xxxiii) specially-permitted services for qualified institutional investors, etc.: the specially-permitted services for qualified institutional investors, etc. prescribed in Article 63, paragraph (2) of the Act;

三十四　特例業務届出者　法第六十三条第五項に規定する特例業務届出者をいう。

(xxxiv) notifier of specially-permitted services: the notifier of specially-permitted services as defined in Article 63, paragraph (5) of the Act;

三十四の二　海外投資家等特例業務　法第六十三条の八第一項に規定する海外投資家等特例業務をいう。

(xxxiv)-2 specially permitted services for foreign investors, etc.: the specially permitted services for foreign investors, etc. prescribed in Article 63-8, paragraph (1) of the Act;

三十四の三　海外投資家等特例業務届出者　法第六十三条の九第四項に規定する海外投資家等特例業務届出者をいう。

(xxxiv)-3 notifier of specially permitted services for foreign investors, etc.: the notifier of specially permitted services for foreign investors, etc. as defined in Article 63-9, paragraph (4) of the Act;

三十五　外務員　法第六十四条第一項に規定する外務員をいう。

(xxxv) sales representative: the sales representative prescribed in Article 64,

paragraph (1) of the Act;

三十六　所属金融商品取引業者等　法第六十六条の二第一項第四号に規定する所属金融商品取引業者等をいう。

(xxxvi) entrusting financial instruments business operators, etc.: the entrusting financial instruments business operators, etc. prescribed in Article 66-2, paragraph (1), item (iv) of the Act;

三十七　金融商品仲介行為　法第六十六条の十一に規定する金融商品仲介行為（金融サービス仲介業者（金融サービスの提供に関する法律（平成十二年法律第百一号）第十一条第六項に規定する金融サービス仲介業者をいい、有価証券等仲介業務（同条第四項に規定する有価証券等仲介業務をいう。以下同じ。）を行う者に限る。以下同じ。）にあっては、金融サービスの提供に関する法律第十一条第四項各号に掲げる行為）をいう。

(xxxvii) intermediation for financial instruments: the intermediation for financial instruments prescribed in Article 66-11 of the Act (in the case of a financial service intermediary (meaning the financial service intermediary as defined in Article 11, paragraph (6) of the Act on the Provision of Financial Services (Act No. 101 of 2000) and limited to a person who is engaged in securities, etc. intermediary business operations (meaning the securities, etc. intermediary business operations as defined in paragraph (4) of that Article; the same applies hereinafter); the same applies hereinafter), the acts set forth in the items of Article 11, paragraph (4) of the Act on the Provision of Financial Services);

三十八　店頭売買有価証券市場　法第六十七条第二項に規定する店頭売買有価証券市場をいう。

(xxxviii) over-the-counter securities market: the over-the-counter securities market as defined in Article 67, paragraph (2) of the Act;

三十九　取扱有価証券　法第六十七条の十八第四号に規定する取扱有価証券をいう。

(xxxix) tradable securities: the tradable securities as defined in Article 67-18, item (iv) of the Act;

四十　認定金融商品取引業協会　法第七十八条第二項に規定する認定金融商品取引業協会をいう。

(xl) certified financial instruments business association: the certified financial instruments business association prescribed in Article 78, paragraph (2) of the Act;

四十一　認定投資者保護団体　法第七十九条の十第一項に規定する認定投資者保護団体をいう。

(xli) certified investor protection organization: the certified investor protection organization prescribed in Article 79-10, paragraph (1) of the Act;

四十二　投資者保護基金　法第七十九条の二十一に規定する投資者保護基金をいう。

(xlii) investor protection fund: the investor protection fund prescribed in Article 79-21 of the Act;

四十三　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。

(xliii) collaborating financial instruments obligation assumption services: the collaborating financial instruments obligation assumption services as defined in Article 156-20-16, paragraph (1) of the Act;

四十四　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。

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

四十五　信用取引　法第百五十六条の二十四第一項に規定する信用取引をいう。

(xlv) margin transaction: the margin transaction prescribed in Article 156-24, paragraph (1) of the Act;

四十六　指定紛争解決機関　法第百五十六条の三十八第一項に規定する指定紛争解決機関をいう。

(xlvi) designated dispute resolution organization: the designated dispute resolution organization as defined in Article 156-38, paragraph (1) of the Act;

四十七　紛争解決手続　法第百五十六条の三十八第十項に規定する紛争解決手続をいう。

(xlvii) dispute resolution procedures: the dispute resolution procedures as defined in Article 156-38, paragraph (10) of the Act;

四十八　紛争解決等業務の種別　法第百五十六条の三十八第十二項に規定する紛争解決等業務の種別をいう。

(xlviii) category of dispute resolution services: the category of dispute resolution services as defined in Article 156-38, paragraph (12) of the Act;

四十九　手続実施基本契約　法第百五十六条の三十八第十三項に規定する手続実施基本契約をいう。

(xlix) basic contract for implementation of dispute resolution procedures: the basic contract for implementation of dispute resolution procedures as defined in Article 156-38, paragraph (13) of the Act;

五十　金融商品取引関係業者　法第百五十六条の三十八第十三項に規定する金融商品取引関係業者をいう。

(l) business operator involved in financial instruments transactions: the business operator involved in financial instruments transactions as defined in Article 156-38, paragraph (13) of the Act.

4　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。

(4) In this Cabinet Office Order, the meanings of the terms set forth in the following items are as prescribed in each of those items:

一　本店等　本店その他の主たる営業所又は事務所（外国法人又は外国に住所を有する個人にあっては、国内における主たる営業所又は事務所）をいう。

(i) the head office, etc.: meaning the head office or any other principal business

office or office (in the case of a foreign corporation or an individual that has an address in a foreign country, meaning the principal business office or office in Japan);

二　固定化されていない自己資本の額　基本的項目の額（第百七十六条第一項第一号から第六号までに掲げるものの額の合計額をいう。以下同じ。）及び補完的項目の額（同項第七号に掲げるものの額をいう。以下同じ。）の合計額から、控除資産の額（第百七十七条第一項各号に掲げるものの額の合計額をいう。以下同じ。）を控除した額をいう。

(ii) the amount of non-fixed equity capital: meaning the amount obtained by deducting the amount of deductible assets (meaning the total amount of each of the items listed in the items of Article 177, paragraph (1); the same applies hereinafter) from the sum of the amount of basic items (meaning the sum of the amount the things set forth in Article 176, paragraph (1), items (i) through (vi); the same applies hereinafter) and the amount of supplementary items (meaning the amount of the thing set forth in item (vii) of that paragraph; the same applies hereinafter);

三　管轄財務局長等　金融商品取引業者、登録金融機関、金融商品仲介業者若しくは高速取引行為者が現に受けている登録又は取引所取引許可業者が現に受けている許可をした財務局長又は福岡財務支局長をいう。

(iii) the competent Director-General of a Local Finance Bureau, etc.: meaning the Director-General of a Local Finance Bureau or the Director-General of the Fukuoka Local Finance Branch Bureau, who has granted the current registration to a financial instruments business operator, registered financial institution, financial instruments intermediary service provider, or high-speed trader, or has granted the current permission to an authorized firm for on-exchange transactions;

四　所管金融庁長官等　特別金融商品取引業者及び金融商品取引法施行令（以下「令」という。）第四十二条第二項、第四十三条第二項又は第四十三条の二の三第二項の規定により金融庁長官の指定を受けた者にあっては金融庁長官、それ以外の者にあっては管轄財務局長等をいう。

(iv) the Commissioner of the Financial Services Agency or the competent Direcror-General of a Local Finance Bureau: meaning the Commissioner of the Financial Services Agency, in the case of a special financial instruments business operator and a person designated by the Commissioner of the Financial Services Agency pursuant to the provisions of Article 42, paragraph (2), Article 43, paragraph (2), or Article 43-2-3, paragraph (2) of the Order for Enforcement of the Financial Instruments and Exchange Act (hereinafter referred to as "the Order"); and the competent Director-General of a Local Finance Bureau, etc., in the case of a person other than the aforementioned persons.

五　組合契約　民法（明治二十九年法律第八十九号）第六百六十七条第一項に規定す

る組合契約をいう。

(v) partnership contract: meaning a partnership contract prescribed in Article 667, paragraph (1) of the Civil Code (Act No. 89 of 1896);

六　匿名組合契約　商法（明治三十二年法律第四十八号）第五百三十五条に規定する匿名組合契約をいう。

(vi) silent partnership contract: meaning a silent partnership contract prescribed in Article 535 of the Commercial Code (Act No. 48 of 1899);

七　投資事業有限責任組合契約　投資事業有限責任組合契約に関する法律（平成十年法律第九十号）第三条第一項に規定する投資事業有限責任組合契約をいう。

(vii) limited partnership agreement for investment: meaning a limited partnership agreement for investment prescribed in Article 3, paragraph (1) of the Limited Partnership Act for Investment (Act No. 90 of 1998);

八　有限責任事業組合契約　有限責任事業組合契約に関する法律（平成十七年法律第四十号）第三条第一項に規定する有限責任事業組合契約をいう。

(viii) limited liability partnership agreement: meaning a limited liability partnership agreement prescribed in Article 3, paragraph (1) of the Limited Liability Partnership Act (Act No. 40 of 2005);

九　私設取引システム運営業務　法第二条第八項第十号に掲げる行為に係る業務をいう。

(ix) proprietary trading system operation: meaning a business operation related to the acts set forth in Article 2, paragraph (8), item (x) of the Act;

十　協同組織金融機関　協同組織金融機関の優先出資に関する法律（平成五年法律第四十四号）第二条第一項に規定する協同組織金融機関をいう。

(x) cooperative financial institution: meaning a cooperative financial institution as defined in Article 2, paragraph (1) of the Act on Preferred Equity Investment by Cooperative Structured Financial Institution (Act No. 44 of 1993);

十一　発行日取引　金融商品取引法第百六十一条の二に規定する取引及びその保証金に関する内閣府令（昭和二十八年大蔵省令第七十五号）第一条第二項に規定する発行日取引をいう。

(xi) when-issued transaction: meaning a when-issued transaction defined in Article 1, paragraph (2) of the Cabinet Office Order on Transactions Prescribed in Article 161-2 of the Financial Instruments and Exchange Act and Security Deposits for the Transactions (Ministry of Finance Order No. 75 of 1953);

十二　非公開情報　発行者である会社の運営、業務若しくは財産に関する公表されていない重要な情報であって顧客の投資判断（法第二条第八項第十一号ロに規定する投資判断をいう。第十六条の五の二第三号、第二百三十三条の二第一項第四号及び第二百四十六条の十第三項第三号を除き、以下同じ。）に影響を及ぼすと認められるもの又は自己若しくはその親法人等若しくは子法人等の役員（役員が法人であるときは、その職務を行うべき社員を含む。）若しくは使用人が職務上知り得た顧客

の有価証券の売買その他の取引等に係る注文の動向その他の特別の情報（これらの情報のうち外国法人（法人でない外国の団体で代表者又は管理人の定めのあるものを含む。）に係るものを除く。）をいう。

(xii) undisclosed information: meaning material information on the operation, business or property of a company that is an issuer, which is found to have an impact on customers' investment decisions (meaning the investment decisions as defined in Article 2, paragraph (8), item (xi), sub-item (b) of the Act; the same applies hereinafter excluding Article 16-5-2, item (iii), Article 233-2, paragraph (1), item (iv), and Article 246-10, paragraph (3), item (iii)), or information on the trend of orders in the customers' purchase and sale or other transactions of securities and any other special information which the officers (if an officer is a corporation, including members that are to perform the corporation's duties) or employees of the company itself or its parent corporation, etc. or subsidiary corporation, etc. have come to know in the course of duties (excluding information related to a foreign corporation (including a foreign organization without juridical personality for which a representative or administrator has been designated) among these pieces of information);

十三　非公開融資等情報　融資業務（事業のための融資に係る業務をいう。以下この号、第百二十三条第一項第十九号及び第百五十条第五号において同じ。）若しくは金融機関代理業務（第六十八条第十三号に規定する金融機関代理業のうち事業のための資金の貸付け又は手形の割引を内容とする契約の締結の代理又は媒介に係る業務をいう。以下同じ。）に従事する役員（外国法人にあっては、国内における代表者を含む。次章第五節、第二百三十八条の二第一項第一号イ、第二百三十九条第二項第三号ロ（（１）に係る部分に限る。）、第二百四十一条第二項第一号ロ、第二百四十六条の十四第一項第三号イ、第二百四十六条の二十第二項第三号ロ（（１）に係る部分に限る。）及び第二百四十六条の二十二第二項第三号ロを除き、以下同じ。）若しくは使用人が職務上知り得たその顧客の行う事業に係る公表されていない情報その他の特別な情報であって金融商品取引業若しくは金融商品仲介業務（金融商品仲介行為を行う業務をいう。以下同じ。）に従事する役員若しくは使用人が勧誘する有価証券（法第三十三条第二項第一号に掲げる有価証券並びに法第二条第一項第十七号に掲げる有価証券であって同項第一号及び第二号の性質を有する有価証券を除く。以下この号において同じ。）に係る顧客の投資判断に影響を及ぼすと認められるもの又は金融商品取引業若しくは金融商品仲介業務に従事する役員若しくは使用人が職務上知り得たその顧客の有価証券の売買その他の取引等に係る注文の動向その他の特別の情報であって当該有価証券の発行者に係る融資業務若しくは金融機関代理業務に重要な影響を及ぼすと認められるものを（これらの情報のうち外国法人（法人でない外国の団体で代表者又は管理人の定めのあるものを含む。）に係るものを除く。）いう。

(xiii) undisclosed loan information, etc.: meaning undisclosed information on the customer's business or any other special information which the officers

(in the case of a foreign corporation, including its representative in Japan; hereinafter the same applies excluding Section 5 of the following Chapter, Article 238-2, paragraph (1), item (i), sub-item (a), Article 239, paragraph (2), item (iii), sub-item (b) (limited to the part related to 1.), Article 241, paragraph (2), item (i), sub-item (b), Article 246-14, paragraph (1), item (iii), sub-item (a), Article 246-20, paragraph (2), item (iii), sub-item (b) (limited to the part related to 1.) and Article 246-22, paragraph (2), item (iii), sub-item (b)) or employees engaged in lending operations (meaning operations related to loans for business; hereinafter the same applies in this item, Article 123, paragraph (1), item (xix) and Article 150, item (v)) or financial institution agency services (meaning services for agency or intermediation for the conclusion of contracts which provide for lending of funds or discounting of negotiable instrument for business, from among the financial institution agency services prescribed in Article 68, item (xiii); the same applies hereinafter) have come to know in the course of duties, which is found to have an impact on the customer's investment decisions in respect of the securities (excluding the securities set forth in Article 33, paragraph (2), item (i) of the Act and the securities set forth in Article 2, paragraph (1), item (xvii) of the Act which have the nature referred to in items (i) and (ii) of that paragraph; hereinafter the same applies in this item) solicited by officers or employees engaged in a financial instruments business or financial instruments intermediary service (meaning business of conducting intermediation for financial instruments; the same applies hereinafter); or trend on orders in the customers' purchase and sale or other transactions of securities, or any other special information that the officers or employees engaged in a financial instruments business or financial instruments intermediation operation in the course of duties have come to know in the course of duties, which is found to have a material impact on the loan business or the financial institution agency services related to the issuer of the securities (excluding information related to a foreign corporation (including a foreign organization without juridical personality for which a representative or administrator has been designated) among these pieces of information);

十四　法人関係情報　法第百六十三条第一項に規定する上場会社等の運営、業務又は財産に関する公表されていない重要な情報であって顧客の投資判断に影響を及ぼすと認められるもの並びに法第二十七条の二第一項に規定する公開買付け（同項本文の規定の適用を受ける場合に限る。）、これに準ずる株券等（同項に規定する株券等をいう。）の買集め及び法第二十七条の二十二の二第一項に規定する公開買付け（同項本文の規定の適用を受ける場合に限る。）の実施又は中止の決定（法第百六十七条第二項ただし書に規定する基準に該当するものを除く。）に係る公表されていない情報をいう。

(xiv) corporate information: meaning undisclosed material information on the operation, business, or properties of listed companies, etc. prescribed in Article 163, paragraph (1) of the Act, which is found to have an impact on customers' investment decisions; and undisclosed information about a decision on the implementation or suspension of a tender offer (excluding a decision that falls under the criteria prescribed in the proviso to Article 167, paragraph (2) of the Act) prescribed in Article 27-2, paragraph (1) of the Act (limited to a tender offer to which the provisions of the main clause of that paragraph apply), the buying-up of share cerificates equivalent to this (meaning the share certificates, etc. prescribed in that paragraph), and tender offer prescribed in Article 27-22-2, paragraph (1) of the Act (limited to a tender offer to which the provisions of the main clause of that paragraph apply);

十五　商品関連業務　金融商品取引業のうち、法第二十八条第一項第一号の二に掲げる行為のいずれかを業として行うことをいう。

(xv) commodity-related business: meaning a financial instruments business that conducts any of the acts set forth in Article 28, paragraph (1), item (i)-2 of the Act on a regular basis;

十六　電子取引基盤運営業務　金融商品取引業者等が、その店頭デリバティブ取引等の業務の用に供する電子情報処理組織を使用して特定店頭デリバティブ取引又はその媒介、取次ぎ（有価証券等清算取次ぎを除く。）若しくは代理を業として行うことをいう。

(xvi) electronic trading platform management service: meaning specified over-the-counter derivatives transactions or their intermediary, brokerage (excluding brokerage for clearing of securities, etc.) or agency services conducted by a financial instruments business operator, etc. on a regular basis, using an electronic data processing system to be used for their over-the-counter derivatives transactions business, etc.

十七　電子記録移転有価証券表示権利等　法第二十九条の二第一項第八号に規定する権利をいう。

(xvii) electronically recorded transferable rights to be indicated on securities, etc.: meaning the rights prescribed in Article 29-2, paragraph (1), item (viii) of the Act; and

十八　暗号資産　資金決済に関する法律（平成二十一年法律第五十九号）第二条第十四項に規定する暗号資産をいう。

(xviii) cryptoassets: meaning cryptoassets as defined in Article 2, paragraph (14) of the Payment Services Act (Act No. 59 of 2009).

（英語による提出書類の記載等）

(English Entries in Documents to be Submitted)

第二条　法（第三章から第三章の四までに限る。第三項及び次条において同じ。）、令

（第四章から第四章の四までに限る。同項及び同条において同じ。）又はこの府令の規定により金融庁長官、財務局長又は福岡財務支局長（以下「金融庁長官等」という。）に提出する書類（この府令の他の規定により英語で記載すること（この府令に定める様式に準じて英語で作成することを含む。以下この項において同じ。）ができるものを除く。第三項において同じ。）のうち、その内容その他の事情を勘案して金融庁長官が定めるものは、英語で記載することができる。

Article 2 (1) Documents to be submitted to the Commissioner of the Financial Services Agency, Director-General of a Local Finance Bureau, or Director-General of the Fukuoka Local Finance Branch Bureau (hereinafter referred to as the "Commissioner of the Financial Services Agency or a Director-General") pursuant to the provisions of the Act (limited to Chapter III through Chapter III-4; the same applies in paragraph (3) and the following Article), the Order (limited to Chapters IV through IV-4; the same applies in that paragraph and that Article) or this Cabinet Office Order (excluding documents that can be prepared in English pursuant to other provisions of this Cabinet Office Order (including preparation in English in the same manner as the forms specified in this Cabinet Office Order; hereinafter the same applies in this paragraph); the same applies in paragraph (3)) that are specified by the Commissioner of the Financial Services Agency in consideration of the content of the document and other circumstances may be prepared in English.

２　前項の場合において、金融庁長官等は、公益又は投資者保護のため必要かつ適当であると認めるときは、同項の規定の適用を受ける者に対し、当該規定の適用がある書類の全部又は一部について、その概要の訳文を付すことを求めることができる。

(2) In the case referred to in the preceding paragraph, if the Commissioner of the Financial Service Agency or a Director-General finds it to be necessary and appropriate for the public interest or the protection of investors, the Commissioner or the Director-General may request that the person that is subject to the application of provisions of that paragraph attach a Japanese translation of the outline of all or part of the documents to which those provisions apply.

３　法、令又はこの府令の規定により金融庁長官等に提出する書類（第一項の規定の適用があるものを除く。）で、特別の事情により日本語をもって記載することができないものがあるときは、その訳文を付さなければならない。ただし、当該書類が定款又は株主総会若しくは役員会等（第二百二十一条第一号に規定する役員会等をいう。）の議事録であって、かつ、英語で記載されたものであるときは、その概要の訳文を付すことをもって足りるものとする。

(3) If, due to special circumstances, there are documents to be submitted to the Commissioner of the Financial Services Agency or a Director-General (excluding those to which the provisions of paragraph (1) apply) pursuant to the provisions of the Act, the Order, or this Cabinet Office Order that cannot be stated in Japanese, their translation must be attached to the document;

provided, however, that if the documents to be submitted are the articles of incorporation, or the minutes of a shareholders meeting or a board of officers meeting, etc. (meaning the board of officers meeting, etc. prescribed in Article 221, item (i)), which are stated in English, it is sufficient to attach a translation of the outline.

（外国通貨又は暗号資産の換算）
(Conversion of Foreign Currencies or Cryptoassets)

第三条　法、令又はこの府令の規定により金融庁長官等に提出する書類中、外国通貨又は暗号資産をもって金額又は数量を表示するものがあるときは、当該金額又は数量を本邦通貨に換算した金額及びその換算に用いた標準を付記しなければならない。

Article 3 If the document to be submitted to the Commissioner of the Financial Services Agency or a Director-General pursuant to the provisions of the Act, the Order, or this Cabinet Office Order contains a statment indicating the amount or volume in a foreign currency or a cryptoasset, a supplementary note on the amount or volume converted into the Japanese currency and the criteria used for the conversion must be made.

第二章　金融商品取引業者等
Chapter II Financial Instruments Business Operators

第一節　総則
Section 1 General Provisions

第一款　通則
Subsection 1 General Rules

（幹事会社となる有価証券の元引受け）
(Wholesale Underwriting of Securities Constituting a Managing Underwriter)

第四条　令第十五条に規定する内閣府令で定めるものは、元引受契約（同条に規定する元引受契約をいう。以下この条及び第百四十七条第三号において同じ。）の締結に際し、有価証券の発行者又は所有者と当該元引受契約の内容を確定するための協議を行うものであって、次に掲げるもの以外のものとする。

Article 4 The wholesale underwriting of securities specified by Cabinet Office Order as prescribed in Article 15 of the Order is the wholesale underwriting for which discussions are to be held with the issuer or owner of the securities in concluding the wholesale underwriting contract (meaning the wholesale underwriting contract as defined in that Article; hereinafter the same applies in this Article and Article 147, item (iii)), in order to decide the content of the contract, other than those set forth as follows:

一　当該元引受契約に係る有価証券の発行価額又は有価証券の売出し若しくは特定投資家向け売付け勧誘等の価額の総額（当該元引受契約が令第十五条第三号に掲げる契約である場合にあっては、同号に規定する新株予約権の行使に際して払い込むべ

き金額の合計額を含む。）のうち金融商品取引業者等及び外国証券業者の行う有価証券の引受けに係る部分の金額（以下この条において「引受総額」という。）が百億円を超える場合において他の者（資本金の額、基金の総額又は出資の総額が三十億円以上である者に限る。）と共同して当該協議を行うものであって、当該引受総額のうち自己の行う有価証券の引受けに係る部分の金額が百億円以下であるもの

(i) if either the total issue value of the securities under the wholesale underwriting contract or the total value of the secondary distribution of securities or the solicitation for selling, etc. only for professional investors (if the wholesale underwriting contract is the contract set forth in Article 15, item (iii) of the Order, including the sum of the amount to be paid upon the exercise of the share options prescribed in that item) for which the amount of the portion related to the underwriting of securities by a financial instruments business operator, etc. and a foreign securities service provider (hereinafter referred to as the "total amount of underwriting" in this Article) exceeds ten billion yen, and discussion is to be held jointly with another person (limited to a person whose amount of stated capital, total amount of funds, or total amount of contribution is three billion yen or more) for the wholesale underwriting of securities and the amount of the portion related to the underwriting of securities by the person themselves out of the total amount of underwriting is ten billion yen or less; and

二　引受総額が百億円以下である場合において当該協議を行うもの

(ii) if the total amount of underwriting is ten billion yen or less, and for which the discussion is to be held.

（新株予約権証券に準ずる有価証券等）

(Securities Equivalent to Share Option Certificates)

第四条の二　法第二十八条第七項第三号に規定する内閣府令で定める有価証券は、次に掲げる有価証券とする。

Article 4-2 (1) Securities specified by Cabinet Office Order as prescribed in Article 28, paragraph (7), item (iii) of the Act are the following securities:

一　新株予約権付社債券

(i) corporate bond certificates with share options;

二　外国の者の発行する証券又は証書で新株予約権証券又は新株予約権付社債券の性質を有するもの

(ii) instruments or certificates issued by a foreign person, which have the nature of share option certificates or corporate bond certificates with share options;

三　新投資口予約権証券（投資信託及び投資法人に関する法律（昭和二十六年法律第百九十八号）第二条第十八項に規定する新投資口予約権証券をいう。以下同じ。）

(iii) certificates of investment equity subscription rights (meaning certificates of investment equity subscription rights as defined in Article 2, paragraph

(18) of the Act on Investment Trusts and Investment Corporations (Act No. 198 of 1951); the same applies hereinafter); and

四　外国投資証券（投資信託及び投資法人に関する法律第二百二十条第一項に規定する外国投資証券をいう。以下同じ。）で新投資口予約権証券に類する証券

(iv) foreign investment securities (meaning foreign investment securities provided for in Article 220, paragraph (1) of the Act on Investment Trusts and Investment Corporations; the same applies hereinafter) and are similar to certificates of investment equity subscription rights.

２　法第二十八条第七項第三号に規定する内閣府令で定める権利は、次に掲げるものとする。

(2) The rights specified by Cabinet Office Order as prescribed in Article 28, paragraph (7), item (iii) of the Act are those set forth in the following items:

一　外国の者に対する権利で新株予約権の性質を有するもの

(i) rights against a foreign person which have the nature of share options;

二　新投資口予約権（投資信託及び投資法人に関する法律第二条第十七項に規定する新投資口予約権をいう。以下同じ。）

(ii) investment equity subscription rights (meaning investment equity subscription rights as defined in Article 2, paragraph (17) of the Act on Investment Trusts and Investment Corporations; the same applies hereinafter); and

三　外国投資法人（投資信託及び投資法人に関する法律第二条第二十五項に規定する外国投資法人をいう。）に対する権利で新投資口予約権の性質を有するもの

(iii) rights against a foreign investment corporation (meaning a foreign investment corporation as defined in Article 2, paragraph (25) of the Act on Investment Trusts and Investment Corporations) which have the nature of investment equity subscription rights.

第二款　金融商品取引業者
Subsection 2 Financial Instruments Business Operators

（登録の申請）

(Application for Registration)

第五条　法第二十九条の登録を受けようとする者は、別紙様式第一号により作成した法第二十九条の二第一項の登録申請書に、当該登録申請書の写し及び同条第二項又は第三項の規定により当該登録申請書に添付すべき書類又は電磁的記録（法第十三条第五項に規定する電磁的記録をいう。以下同じ。）を添付して、その者の本店等の所在地を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては福岡財務支局長、国内に営業所又は事務所を有しない場合にあっては関東財務局長）に提出しなければならない。

Article 5 A person that seeks to obtain the registration referred to in Article 29 of the Act must submit to the Director-General of a Local Finance Bureau with

jurisdiction over the locality of the person's head office, etc. (if the locality falls within the jurisdictional area of the Fukuoka Local Finance Branch Bureau, to its Director-General; if the person does not have a business office or an office in Japan, to the Director-General of the Kanto Finance Bureau) a written application for registration referred to in Article 29-2, paragraph (1) of the Act prepared using the Appended Form No. 1, by attaching a copy of the written application and documents or electronic or magnetic record (meaning an electronic or magnetic record as defined in Article 13, paragraph (5) of the Act; the same applies hereinafter) to required to be attached to the written application pursuant to the provisions of Article 29-2, paragraph (2) or (3) of the Act.

（登録の申請又は届出に係る使用人）

(Employees to Be Indicated in an Application or Notification for Registration)

第六条　令第十五条の四第一号に規定する内閣府令で定める者は、部長、次長、課長その他いかなる名称を有する者であるかを問わず、同号に規定する業務を統括する者の権限を代行し得る地位にある者とする。

Article 6 (1) The person specified by Cabinet Office Order as prescribed in Article 15-4, item (i) of the Order is a person that is in a position in which the person may be delegatecd the authority of a person that supervises the business prescribed in that item, such as the head of department, the deputy head of department, the section head or other persons irrespective of the title.

２　令第十五条の四第二号に規定する内閣府令で定める者は、金融商品の価値等（法第二条第八項第十一号ロに規定する金融商品の価値等をいう。以下同じ。）の分析に基づく投資判断を行う者とする。

(2) The person specified by Cabinet Office Order as prescribed in Article 15-4, item (ii) of the Order is a person that makes investment decisions based on analysis of the values, etc. of financial instruments (meaning the values, etc. of financial instruments as defined in Article 2, paragraph (8), item (xi), sub-item (b) of the Act; the same applies hereinafter).

（情報通信の技術を利用する募集の取扱い等の方法）

(Means of Handling Public Offerings Using Information and Communications Technology)

第六条の二　法第二十九条の二第一項第六号に規定する内閣府令で定めるものは、次に掲げるものとする。

Article 6-2 The means specified by Cabinet Office Order as prescribed in Article 29-2, paragraph (1), item (vi) of the Act are as follows:

一　金融商品取引業者等の使用に係る電子計算機に備えられたファイルに記録された情報の内容を電気通信回線を通じて相手方の閲覧に供する方法

(i) to make the content of information recorded in the files stored on the

computer used by a financial instruments business operator, etc. available via a telecommunications line for inspection by the coounterparty; and

二　前号に掲げる方法による場合において、金融商品取引業者等の使用に係る電子計算機と相手方の使用に係る電子計算機とを接続する電気通信回線を通じて又はこれに類する方法により通信文その他の情報を送信する方法（音声の送受信による通話を伴う場合を除く。）

(ii) in using the means set forth in the preceding item, to transmit correspondence or other information via a telecommunications line that connects a computer used by a financial instruments business operator, etc. and a computer used by the counterparty or any means similar to this (other than the case involving communication through audio transmission).

（電子記録移転有価証券表示権利等）

(Electronically Recorded Transferable Rights to Be Indicated on Securities)

第六条の三　法第二十九条の二第一項第八号に規定する内閣府令で定めるものは、電子情報処理組織を用いて移転することができる財産的価値（電子機器その他の物に電子的方法により記録されるものに限る。以下単に「財産的価値」という。）に表示される場合に該当するものとする。

Article 6-3 What are specified by Cabinet Office Order as prescribed in Article 29-2, paragraph (1), item (viii) of the Act are those falling under the cases indicated on financial values that can be transferred by using an electronic data processing system (limited to that which is recorded on an electronic device or any other object by electronic means; hereinafter simply referred to as "financial values").

（登録申請書の記載事項）

(Matters to Be Stated in a Written Application for Registration)

第七条　法第二十九条の二第一項第十二号に規定する内閣府令で定める事項は、次に掲げる事項とする。

Article 7 The matters specified by Cabinet Office Order as prescribed in Article 29-2, paragraph (1), item (xii) of the Act are the following matters:

一　法第三十七条の七第一項第一号イ、第二号イ、第三号イ又は第四号イに定める業務に係る手続実施基本契約を締結する措置を講ずる当該手続実施基本契約の相手方である指定紛争解決機関の商号又は名称並びに加入する金融商品取引業協会（認可金融商品取引業協会又は認定金融商品取引業協会をいう。以下同じ。）及び対象事業者（法第七十九条の十一第一項に規定する対象事業者をいう。以下同じ。）となる認定投資者保護団体の名称

(i) the trade name or name of the designated dispute resolution organization that is the counterparty to a basic contract for implementation of dispute procedures concluded for the purpose of taking the measures to conclude the contract for implementation of dispute procedures related to the business

specified in Article 37-7, paragraph (1), item (i), sub-item (a), item (ii), sub-item (a), item (iii), sub-item (a), or item (iv), sub-item (a) of the Act, and the name of the certified investor protection organization which is to become a financial instruments firms association of which the applicant is to become a member (meaning the authorized financial instruments firms association or certified financial instruments business association; the same applies hereinafter) and a covered business operator (meaning a covered business operator prescribed in Article 79-11, paragraph (1) of the Act; the same applies hereinafter);

二　会員又は取引参加者（以下「会員等」という。）となる金融商品取引所の名称又は商号

(ii) the name or trade name of the financial instruments exchange of which the applicant for registration is to become a member or trading participant (hereinafter referred to as the "members, etc.");

三　有価証券関連業を行う場合には、次に掲げる事項

(iii) if the applicant for registration is to conduct securities-related business, the following matters:

イ　その旨（第一種金融商品取引業のうち電子記録移転権利又は令第一条の十二第二号に規定する権利に係るもののみを行う場合にあっては、その旨を含む。）

(a) that fact (if the applicant for registration conducts only business related to electronically recorded transferable rights or the rights prescribed in Article 1-12, item (ii) of the Cabinet Order among the type I financial instruments business, including that fact);

ロ　第一種金融商品取引業を行う場合（電子記録移転権利若しくは令第一条の十二第二号に規定する権利に係るもののみを行う場合又は第一種少額電子募集取扱業務のみを行う場合であって、投資者保護基金にその会員として加入しないときを除く。）には、加入する投資者保護基金（法第七十九条の四十九第四項の規定による定款の定めがあるものを除く。）の名称

(b) if the applicant for registration is to conduct type-I financial instruments business (excluding the cases in which the applicant for registration is to only conduct business related to electronically recorded transferable rights or the rights prescribed in Article 1-12, item (ii) of the Cabinet Order, or type-I small amount electronic public offering service, and is not to become a member of an investor protection fund), the name of the investor protection fund of which the applicant for registration is to become a member (excluding an investor protection fund provided for in the articles of incorporation under the provisions of Article 79-49, paragraph (4) of the Act);

三の二　電子取引基盤運営業務を行う場合には、その旨

(iii)-2 if the applicant for registration is to conduct electronic trading platform management service, that fact;

三の三　商品関連業務を行う場合には、次に掲げる事項

(iii)-3 if the applicant for registration is to conduct commodity-related business, the following matters:

イ　その旨

(a) that fact; and

ロ　商品デリバティブ取引関連業務（法第七十九条の二十第一項に規定する商品デリバティブ取引関連業務をいう。以下同じ。）を行う場合には、加入する投資者保護基金（法第七十九条の四十九第二項の規定による定款の定めがあるものを除く。）の名称

(b) if the applicant for registration is to conduct commodity derivatives transaction-related business (meaning the commodity derivatives transaction-related business provided for in Article 79-20, paragraph (1) of the Act; the same applies hereinafter), the name of an investor protection fund to which the applicant is to become a member (excluding an investor protection fund provided for in the articles of incorporation under the provisions of Article 79-49, paragraph (2) of the Act);

四　商品投資関連業務（令第三十七条第二項に規定する商品投資関連業務をいう。以下同じ。）を行う場合には、次に掲げる事項

(iv) if the applicant for registration is to conduct business related to commodities investment (meaning the business related to commodities investment prescribed in Article 37, paragraph (2) of the Order; the same applies hereinafter), the following matters:

イ　その旨

(a) that fact; and

ロ　その行う商品投資関連業務が令第三十七条第一項第二号ロに掲げる物品又は農林水産関係商品等（商品投資に係る事業の規制に関する法律施行令（平成四年政令第四十五号）第十一条第二項第一号に規定する農林水産関係商品等をいう。第四十四条第七号ロにおいて同じ。）のみに係るものである場合には、その旨

(b) if the business related to commodities investment conducted by the applicant for registration only concerns the goods set forth in Article 37, paragraph (1), item (ii), sub-item (b) of the Order or the agriculture, forestry, and fisheries goods, etc. (meaning the agriculture, forestry, and fisheries defined in Article 11, paragraph (2), item (i) of the Order for Enforcement of Act on Regulation of Commodity Investment (Cabinet Order No. 45 of 1992); the same applies in Article 44, item (vii), sub-item (b)), that fact;

ハ　その行う商品投資関連業務が令第三十七条第一項第二号ハからホまでに掲げる物品又は経済産業関係商品等（商品投資に係る事業の規制に関する法律施行令第十一条第一項ただし書に規定する経済産業関係商品等をいう。第四十四条第七号ハにおいて同じ。）のみに係るものである場合には、その旨

(c) if the business related to commodities investment conducted by the

applicant for registration only concerns the goods listed in Article 37, paragraph (1), item (ii), sub-items (c) through (e) of the Order or the economy, trade and industry goods, etc. (meaning the economy, trade and industry goods, etc. prescribed in the proviso to Article 11, paragraph (1) of the Order for Enforcement of Act on Regulation of Commodity Investment; the same applies in Article 44, item (vii), sub-item (c)), that fact;

ニ　競走用馬投資関連業務（次のいずれかに掲げる権利に係る法第百九十四条の六第一項各号に掲げる行為を行う業務をいう。以下同じ。）を行う場合には、その旨

(d) if the applicant for registration is to conduct business related to investment in racehorses (meaning a business to conduct the acts set forth in the items of Article 194-6, paragraph (1) of the Act, which are related to the rights set forth in any of the following clause; the same applies hereinafter), that fact:

（１）　匿名組合契約に基づく権利であって、当該権利を有する者から出資を受けた金銭（令第一条の三第一号から第三号までに掲げるものを含む。）の全部を充てて競走用馬（競馬法（昭和二十三年法律第百五十八号）第十四条（同法第二十二条において準用する場合を含む。）の登録を受け、又は受けようとするものに限る。以下同じ。）を取得し、当該競走用馬を、（２）に掲げる権利に係る匿名組合契約に基づきその相手方（特定の一の者に限る。）に出資し、競走（同法第一条第五項に規定する中央競馬又は地方競馬の競走に限る。（２）において同じ。）に出走させることを目的とするもの

1. a right under a silent partnership contract, the purpose of which is to acquire racehorses (limited to the racehorses that are or are to obtain the registration referred to in Article 14 of the Horse Racing Act (Act No. 158 of 1948) (including as applied mutatis mutandis pursuant to Article 22 of that Act); the same applies hereinafter), using all the money (including the things set forth in Article 1-3, items (i) through (iii) of the Order) invested by the holders of the right, to invest the racehorses to the counterparty (limited to one specific person) based on the silent partnership contract related to the right specified in 2., and to enter the racehorses in races (limited to races held by the Japan Racing Association or the National Association of Racing prescribed in Article 1, paragraph (5) of the Horse Racing Act; the same applies in 2.);

（２）　匿名組合契約に基づく権利であって、当該権利を有する（１）に掲げる権利に係る匿名組合契約の営業者（特定の一の者に限る。）から出資を受けた競走用馬を競走に出走させることを目的とするもの

2. a right under a silent partnership contract, the purpose of which is to enter a racehorse invested by the business operator (limited to one specific person) based on the silent partnership contract which

concerns the right set forth in 1. that is entitled to the right;

五　法第百九十四条の六第二項各号に掲げる行為を業として行う場合には、その旨

(v) if the applicant for registration is to conduct any of the acts set forth in the items of Article 194-6, paragraph (2) of the Act on a regular basis, that fact;

六　不動産信託受益権等売買等業務（宅地（宅地建物取引業法（昭和二十七年法律第百七十六号）第二条第一号に掲げる宅地をいう。以下同じ。）若しくは建物に係る法第二条第二項第一号に掲げる権利（以下「不動産信託受益権」という。）又は組合契約、匿名組合契約若しくは投資事業有限責任組合契約に基づく権利のうち当該権利に係る出資対象事業が主として不動産信託受益権に対する投資を行うものの売買その他の取引に係る業務をいう。以下同じ。）を行う場合には、その旨

(vi) if the applicant for registration is to conduct business of purchase and sale, etc. of beneficial interest in real property trust (meaning business related to purchase and sale or any other transaction of the rights set forth in Article 2, paragraph (2), item (i) of the Act (hereinafter referred to as the "beneficial interest in real property trust") concerning building lots (meaning building lots as defined in Article 2, item (i) of the Real Estate Brokerage Act (Act No. 176 of 1952); the same applies hereinafter) or buildings, or business related to the purchase and sale or any other transaction of the rights under a partnership contract, silent partnership contract, or limited partnership agreement for investment for which the business subject to investment related to the rights is mainly business of investing in a beneficial interest in real property trust; the same applies hereinafter), that fact;

七　不動産関連特定投資運用業（投資運用業（法第二条第八項第十二号イに掲げる契約に係る同号に掲げる行為及び同項第十四号に掲げる行為を行う業務を除く。）のうち、不動産信託受益権又は組合契約、匿名組合契約若しくは投資事業有限責任組合契約に基づく権利のうち当該権利に係る出資対象事業が主として不動産信託受益権に対する投資を行うものを投資の対象とするものをいう。以下同じ。）を行う場合には、その旨

(vii) if the applicant for registration is to conduct specified investment management business related to real property (meaning among investment management businesses (excluding the business of conducting the act set forth in Article 2, paragraph (8), item (xii) of the Act and the act set forth in item (xiv) of that paragraph related to the contract set forth in sub-item (a) of that item) the business for which the subject of investment is mainly business of in a beneficial interest in real property trust or the rights under a partnership contract, silent partnership contract, or limited partnership agreement for investment for which the business subject to investment related to the rights is mainly business whose subject of investment is business that invests in a beneficial interest in real property trust; the same applies hereinafter), that fact;

八　特定引受行為（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）第十六条第一項第五号に掲げる行為をいう。）を行う場合には、その旨

(viii) if the applicant for registration is to conduct specific underwriting act (meaning the act set forth in Article 16, paragraph (1), item (v) of the Cabinet Office Order on Definitions under Article 2 of the Financial Instruments and Exchange Act (Order of the Ministry of Finance No. 14 of 1993)), that fact;

九　特定有価証券等管理行為（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第十六条第一項第十四号及び第十四号の二に掲げる行為をいう。第百四十九条第一号イ及び第百八十一条第一項第二号ロにおいて同じ。）を行う場合には、その旨

(ix) if the applicant for registration is to conduct an act of managing specified securities, etc. (meaning the act set forth in Article 16, paragraph (1), items (xiv) and (xiv)-2 of the Cabinet Office Order on Definitions under Article 2 of the Financial Instruments and Exchange Act; the same applies in Article 149, item (i), (a) and Article 181, paragraph (1), item (ii), (b)), that fact;

十　金融商品取引業として高速取引行為を行う場合において、外国に住所を有する個人であるときは、国内における代理人の氏名、商号又は名称

(x) if the applicant for registration is to conduct high-speed trading as financial instruments business, and the applicant is an individual that has an address in a foreign country, the name or trade name of the agent in Japan;

十一　第二種金融商品取引業に係る業務のうち、令第一条の十二第二号に掲げる行為に係る業務を行う場合には、その旨

(xi) if the applicant for registration is to conduct business related to the acts set forth in Article 1-12, item (ii) of the Cabinet Order among the businesses related to type II financial instruments business, that fact; and

十二　本店等の名称及び所在地

(xii) the name and location of its head office, etc.

（業務の内容及び方法）

(Content and Method of Business)

第八条　法第二十九条の二第二項第二号に規定する内閣府令で定めるものは、次に掲げるものとする。

Article 8 The content and method of business specified by Cabinet Office Order as prescribed in Article 29-2, paragraph (2), item (ii) of the Act are as follows:

一　業務運営に関する基本原則

(i) the basic principles of business operations;

二　業務執行の方法

(ii) the method of execution of business;

三　業務分掌の方法

(iii) the method of division of duties;

四　業として行う金融商品取引行為の種類

(iv) the types of acts that constitute financial instruments transactions conducted on a regular basis;

五　苦情の解決のための体制（法第三十七条の七第一項第一号ロ、第二号ロ、第三号ロ又は第四号ロに定める業務に関する苦情処理措置及び紛争解決措置の内容を含む。）

(v) the system for handling complaints (including the content of complaint processing measures and dispute resolution measures concerning the business specified in Article 37-7, paragraph (1), item (i), sub-item (b), item (ii), sub-item (b), item (iii), sub-item (b), or item (iv), sub-item (b) of the Act);

六　第一種金融商品取引業を行う場合には、次に掲げる事項（第一種少額電子募集取扱業務のみを行う場合には、ロからニまでに掲げる事項を除く。）

(vi) if the applicant for registration is to conduct type-I financial instruments business, the following matters (in cases of conducting only type-I small amount electronic public offering service, excluding the matters specified in sub-items (b) through (e)):

イ　取り扱う有価証券及び業として行うデリバティブ取引の種類（当該有価証券又はデリバティブ取引が電子記録移転有価証券表示権利等又は法第二十九条の二第一項第八号に規定するデリバティブ取引である場合にあってはその旨並びに次号ロ及びハに掲げる事項を含み、商品関連業務を行う場合にあっては取引の対象とする商品又は商品に係る金融指標を含む。）

(a) the type of the securities handled, and the type of the derivatives transactions conducted on a regular basis (in the cases the securities in question are electronically recorded transferable rights, etc. to be indicated on securities, or the derivatives transactions in question are the derivatives transactions prescribed in Article 29-2, paragraph (1), item (viii) of the Act, including that fact and the matters set forth in sub-item (b) or (c) of the following item, and in the cases of conducting commodity-related business, including commodities that are subject of transactions or financial indexes related to commodities);

ロ　損失の危険の管理方法に関する次に掲げる事項

(b) the following matters related to the method of managing risk of loss:

（１）　損失の危険相当額（第百七十八条第一項第一号に規定する市場リスク相当額、同項第二号に規定する取引先リスク相当額及び同項第三号に規定する基礎的リスク相当額を含む。以下この号において同じ。）の算定方法

1. the method of calculating the value of loss risk equivalent (including the market risk equivalent amount specified in Article 178, paragraph (1), item (i), the counterparty risk equivalent amount specified in item (ii) of that paragraph, and the basic risk equivalent amount specified in item (iii) of that paragraph; hereinafter the same applies in this item);

（２）　損失の危険相当額の限度枠の設定及び適用方法

2. the method of establishing the ceiling on the value of loss risk

equivalent and of applying the ceiling;

（３）　損失の危険相当額の算定及び限度枠の管理を行う部署の名称及び体制

3. the name and structure of the section in charge of calculating the value of loss risk equivalent and managing of the ceilingf;

（４）　損失の危険相当額の算定の基礎となる資料の作成及び保存の方法

4. the method of preparing and preserving the materials that serve as the basis for the calculation of the value of loss risk equivalent;

（５）　損失の危険相当額及びその限度枠の適用状況について、検査を行う頻度、部署の名称及び体制

5. the frequency of inspection of the value of loss risk equivalent and the status of the application of the ceiling, and the name and structure of the section in charge of the inspection;

（６）　その他損失の危険の管理に関する重要な事項

6. any other material matters related to the management of risk of loss;

ハ　店頭デリバティブ取引等に係る業務（電子取引基盤運営業務を除く。）を行う場合には、次に掲げる事項

(c) if the applicant for registration is to conduct business related to over-the-counter derivatives transactions etc. (excluding electronic trading platform management service), the following matters:

（１）　当該業務を管理する責任者の氏名及び役職名

1. the name and title of the person responsible for the management of the business;

（２）　当該業務を行う部署の名称及び組織の体制

2. the name and organizational structure of the department that conducts the business;

（３）　当該業務に係る顧客との取引開始基準

3. the standards for initiating a transaction with customers related to the business;

（４）　当該業務に係る損失の危険相当額の算定方法及び算定の頻度（取引所金融商品市場における相場、金利、通貨の価格その他の指標の変動により発生し得る損失の危険、取引の相手方の契約不履行その他の理由により発生し得る損失の危険及びこれらの理由以外の理由により発生し得る損失の危険ごとに記載すること。）

4. the method and frequency of calculating the value of loss risk equivalent related to the business (the information is to be stated by the risk of loss which may accrue due to fluctuations in indexes such as quotations on the financial instruments exchange market, interest rates, or currency value, risk of loss which may accrue due to default in the performance of contract by counterparties to the transactions, and other reasons, and risk of loss which may accrue due to reasons other than those reasons);

（５）　当該業務に係る損失の危険相当額の限度枠の設定及び適用方法並びに取引の種類及び顧客の属性別の当該限度枠の設定及び適用方法

5. the method of establishing and applying a ceiling on the value of loss risk equivalent related to the business, and the method of establishing and applying the ceiling for each type of transactions and customer attributes;

（６）　当該業務に係る損失の危険相当額の算定及び限度枠の管理を行う部署の名称及び体制

6. the name and structure of the department that calculates the value of loss risk equivalent related to the business and that manages the ceiling on the value;

（７）　当該業務に係る損失の危険相当額及びその限度枠の適用状況について、代表権を有する取締役又は執行役（外国法人にあっては、国内における営業所若しくは事務所に駐在する取締役若しくは執行役若しくはこれらに準ずる者又は国内における代表者）に報告する頻度

7. the frequency of reporting the value of loss risk equivalent related to the business and the status of the application of the ceiling on the value to directors or executive officers that have the right of representation (in the case of a foreign corporation, its directors, executive officers, or a person equivalent to them who are stationed at a business office or office in Japan, or its representative in Japan);

（８）　当該業務に係る損失の危険相当額の算定の基礎となる資料の作成及び保存の方法

8. the means of preparing and preserving materials that serve as the basis for the calculation of the value of loss risk equivalent related to the business;

（９）　当該業務の執行並びに損失の危険相当額及びその限度枠の適用状況について、検査を行う頻度、部署の名称及び体制

9. the frequency of inspection on the execution of the business, the value of loss risk equivalent, and the status of application of the ceiling on the value, and the name and structure of the department that conducts the inspection; and

（１０）　その他当該業務に係る損失の危険の管理に関する重要な事項

10. any other material matters concerning the management of risk of loss related to the business;

ニ　有価証券の元引受けに係る業務を行う場合には、次に掲げる事項

(d) if the applicant for registration is to conduct business related to the wholesale underwriting of securities, the following matters:

（１）　当該業務を管理する責任者の氏名及び役職名

1. the name and title of the person responsible for managing the business;

（２）　当該業務を行う部署の名称及び組織の体制

2. the name and organizational structure of the department in charge of the business;

（３）　当該業務に係る損失の危険相当額の算定方法

3. the method of calculating the value of loss risk equivalent related to the business;

（４）　当該業務に係る損失の危険相当額の限度枠の設定及び適用方法

4. the method of the establishing and applying a ceiling on the value of loss risk equivalent related to the business;

（５）　当該業務に係る損失の危険相当額の算定及び限度枠の管理を行う部署の名称及び体制

5. the name and structure of the department in charge of the calculation of the value of loss risk equivalent related to the business and the management of the ceiling;

（６）　当該業務の執行並びに損失の危険相当額及びその限度枠の適用状況について、検査を行う頻度、部署の名称及び体制

6. the frequency of inspection, the name of the department, and the structure of the department concerning the execution of the business, the value of loss risk equivalent and status of the application of the ceiling, and the name and structure of the section in charge of the inspection; and

（７）　その他当該業務に係る損失の危険の管理に関する重要な事項

7. any other material matters concerning the management of risk of loss related to the business;

ホ　有価証券等管理業務を行う場合には、法第四十三条の二から第四十三条の三までの規定による管理の方法

(e) if the applicant for registration is to conduct securities, etc. management business, the means of management under the provisions of Articles 43-2 through 43-3 of the Act;

ヘ　有価証券関連業を行う場合には、第七十条の四第一項各号に掲げる措置に関する次に掲げる事項

(f) if the applicant for registration is to conduct securities-related business, the following matters concerning the measures set forth in the items of Article 70-4, paragraph (1):

（１）　当該措置の実施の方法

1. the means of implementing the measures; and

（２）　当該措置の実施を組織及びその人員の配置

2. the organization in charge of implementing the measures and its assignment of personnel ; and

ト　電子取引基盤運営業務を行う場合には、次に掲げる事項

(g) if the applicant for registration is to conduct electronic trading platform management services, the following matters:

（１）　電子取引基盤運営業務において行う特定店頭デリバティブ取引の種類及びその具体的内容

1. the type and specific details of the specified over-the-counter derivatives transactions to be conducted in relation to the electronic trading platform management service;

（２）　電子取引基盤運営業務を管理する責任者の氏名及び役職名

2. the name and title of the person responsible for managing electronic trading platform management services;

（３）　電子取引基盤運営業務を行う部署及び法第四十条の七第二項の規定に基づく公表に係る業務を行う部署（電子取引基盤運営業務の一部又は同項の規定に基づく公表に係る業務の一部を他の者に委託する場合にあっては、その者を含む。）の名称及び組織の体制

3. the name and organizational structure of the department that conducts the electronic trading platform management service and the department that conducts the business related to the publication based on the provisions of Article 40-7, paragraph (2) of the Act (if a part of the electronic trading platform management service or a part of the business relating to the publication under that paragraph is entrusted to another person, including that person);

（４）　電子取引基盤運営業務に係る顧客との取引開始基準及び顧客の管理方法

4. the standards for initiating a transaction with customers related to the electronic trading platform management service, and the method of managing the customers;

（５）　料金に関する事項

5. the matters related to the fees;

（６）　売付け及び買付けの気配その他価格情報を顧客に公表する方法（電子情報処理組織の使用その他の電子的方法に限る。）

6. the means of publicizing quotes for bids and offers, and other price information to customers (limited to the means of using an electronic data processing system or other electronic means);

（７）　取引価格の決定方法（特定店頭デリバティブ取引において当事者が想定元本として定めた金額が、第百二十五条の八第二項各号に掲げる特定店頭デリバティブ取引の効力が生じる日から当該効力が消滅する日までの期間の区分に応じ、当該各号に定める金額以下である場合には、次の（ｉ）に掲げるもの又は次の（ｉ）若しくは（ii）に掲げるもののいずれかを顧客が選択することができるものに限る。）及び取引の成立の時期

7. the method for deciding the transaction price (for a specified over-the-counter derivatives transactions, if the amount designated by the party concerned as a notional principal does not exceed the amount specified in the items of Article 125-8, paragraph (2) in accordance with the category of the period that commences on the day when the specified

over-the-counter derivatives transaction becomes effective to the day when the transaction ceases to be effective specified in each of those items, limited to the method that enables the customers to choose the method setbforth in the following i., or the method set forth in the following i. or ii.), and the time when the transaction is closed:

（ｉ）　（６）の規定により公表された自己又は顧客の売付け及び買付けの気配に基づく価格を用いる方法

i. the method of using a price based on quotes for their own bids and offers or the customer's bids and offers that are publicized pursuant to the provisions of 6.;

（ⅱ）　顧客の間の交渉（顧客の指定に基づき三以上の他の顧客に対して売付け又は買付けの気配の提示を求め、当該求めに応じ当該他の顧客が提示した売付け又は買付けの気配、（６）の規定により公表された売付け又は買付けの気配及び自己が売付け又は買付けの気配を提示する場合における当該気配を当該顧客に通知した上で行うものに限る。）に基づく価格を用いる方法

ii. the method of using a price based on a negotiation among customers (limited to a negotiation conducted after making a request to three or more other customers based on the designation by a customer to present the quotes for the bids or offers, and notifying the customer of the quotes for bids or offers presented by the other customers in response to the request, the quotes for bids or offers publicized pursuant to the provisions of 6., and the quotes for bids or offers presented by the applicant for registration themselves);

（８）　法第四十条の七第二項の規定に基づく公表を行う方法

8. the method of the publication based on the provisions of Article 40-7, paragraph (2) of the Act;

（９）　電子取引基盤運営業務において使用する電子情報処理組織の概要、設置場所、容量及び保守の方法並びに当該電子情報処理組織に異常が発生した場合の対処方法

9. the outline, installation location, capacity, and maintenance method of the electronic data processing system used for the electronic trading platform management service, and the method of handling in the case of malfunction of the electronic data processing system;

（１０）　電子取引基盤運営業務に係る決済の方法（法第百五十六条の六十二第一号又は第二号に掲げる取引に基づく債務を金融商品取引清算機関（当該金融商品取引清算機関が連携金融商品債務引受業務を行う場合には、連携清算機関等を含む。）又は外国金融商品取引清算機関に適切かつ迅速に負担させるための方法を含む。）及び顧客の契約不履行が生じた場合の対処方法

10. the method of settlement for the electronic trading platform management service (including the method for having a financial instruments clearing organization (including a collaborating clearing

organization, etc., if the financial instruments clearing organization is to conduct collaborating financial instruments obligation assumption service) or a foreign financial instruments clearing organization appropriately and promptly assume the obligations arising from the transactions set forth in Article 156-62, item (i) or (ii) of the Act), and the method of handling in the case of default in performance of contract by a customer;

（１１）　電子取引基盤運営業務に係る取引記録の作成及び保存の方法

11. the method of preparing and preserving the transaction records for the electronic trading platform management service;

（１２）　電子取引基盤運営業務の執行状況について、検査を行う頻度、部署の名称及び体制

12. the frequency of the inspection on the status of the execution of the electronic trading platform management service, and the name and structure of the section in charge of such inspection;

（１３）　不公正な取引の防止の方法その他の取引の公正の確保に関する事項

13. the method of the prevention of unfair transactions, and any other matters relating to the securing of fair transactions; and

（１４）　その他電子取引基盤運営業務に係る損失の危険の管理に関する重要な事項

14. any other material matters concerning the management of risk of loss related to the electronic trading platform management service.

チ　第百二十三条第一項第十八号ホ及び第二十四号ニ並びに第百五十三条第一項第七号ト及びリに規定する場合において情報を受領し、又は提供するときは、電子情報処理組織の保守及び管理に関する業務並びに同条第三項に規定する内部の管理及び運営に関する業務に関する次に掲げる事項

(h) if the applicant for registration receives or provides information in the cases prescribed in Article 123, paragraph (1), item (xviii), sub-item (e) and item (xxiv), sub-item (d), and Article 153, paragraph (1), item (vii), sub-items (g) and (i), the following matters concerning work related to the maintenance and management of an electronic data processing system and work related to internal management and operation prescribed in paragraph (3) of that Article:

（１）　当該情報を受領し、又は提供する登録金融機関又は親法人等若しくは子法人等の商号又は名称

1. the trade name or name of the registered financial institution, or parent corporation, etc. or subsidiary corporation, etc., that receives or provides the information;

（２）　業務執行の方法

2. the method of conducting business; and

（３）　当該業務を所掌する組織及びその人員の配置

3. the organization in charge of the business and its assignment of personnel ;

七　第二種金融商品取引業を行う場合には、次に掲げる事項

(vii) if the applicant for registration is to conduct type-II financial instruments business, the following matters:

イ　取り扱う有価証券及び業として行うデリバティブ取引の種類（当該有価証券又はデリバティブ取引が電子記録移転有価証券表示権利等又は法第二十九条の二第一項第八号に規定するデリバティブ取引である場合にあっては、その旨を含む。）

(a) the type of the securities to be handled, and the type of the derivative transactions to be conducted on a regular basis (in cases where the securities in question are electronically recorded transferable rights to be indicated on securities, etc. or the derivatives transactions in question are derivatives transactions prescribed in Article 29-2, paragraph (1), item (viii) of the Act, including that fact);

ロ　法第二条第二項第一号又は第二号に掲げる権利を取り扱うときは、当該権利に係る信託財産の種類

(b) if the applicant for registration is to handle the rights set forth in Article 2, paragraph (2), item (i) or (ii) of the Act, the type of the trust property related to the rights;

ハ　法第二条第二項第五号又は第六号に掲げる権利を取り扱うときは、当該権利に係る出資対象事業の概要

(c) if the applicant for registration is to handle the rights set forth in Article 2, paragraph (2), item (v) or (vi) of the Act, the outline of the business subject to investment related to the rights; and

ニ　法第二十九条の五第二項に規定する業務を行う場合には、その旨

(d) in cases of conducting the business prescribed in Article 29-5, paragraph (2) of the Act, that;

ホ　前条第十一号に規定する業務を行う場合には、法第四十三条の二及び第四十三条の三の規定による管理の方法

(e) in cases of conducting the business prescribed in item (xi) of the preceding Article, the management methods under the provisions of Article 43-2 and Article 43-3 of the Act;

八　投資助言・代理業を行う場合には、次に掲げる事項

(viii) if the applicant for registration is to conduct an investment advisory and agency business, the following matters:

イ　投資助言・代理業の種別（法第二条第八項第十一号及び第十三号に掲げる行為に係る業務の種別をいう。）

(a) the type of the investment advisory and agency business (meaning the types of business related to the acts set forth in Article 2, paragraph (8), items (xi) and (xiii) of the Act);

ロ　助言を行う有価証券及びデリバティブ取引に係る権利の種類

(b) the type of the securities and rights related to derivative transactions regarding which the applicant for registration intends to give advice;

ハ　法第二条第二項第一号又は第二号に掲げる権利に関し助言を行うときは、当該権利に係る信託財産の種類

(c) if the applicant for registration is to give advice in relation to the rights set forth in Article 2, paragraph (2), item (i) or (ii) of the Act, the type of trust property related to such rights;

ニ　法第二条第二項第五号又は第六号に掲げる権利に関し助言を行うときは、当該権利に係る出資対象事業の概要

(d) if the applicant for registration is to give advice in relation to the rights set forth in Article 2, paragraph (2), item (v) or (vi) of the Act, the outline of the business subject to investment related to those rights;

九　投資運用業を行う場合には、次に掲げる事項

(ix) if the applicant for registration is to conduct investment management business, the following matters:

イ　投資運用業の種別（法第二条第八項第十二号イに掲げる契約に係る同号に掲げる行為、同号ロに掲げる契約に係る同号に掲げる行為、同項第十四号に掲げる行為及び同項第十五号イからハまでに掲げる権利に係る同号に掲げる行為に係る業務の種別をいい、適格投資家向け投資運用業を行う場合には、その旨を含む。）

(a) the types of the investment management business (meaning the types of business related to the act set forth in Article 2, paragraph (8), item (xii) of the Act which concerns the contract set forth in (a) of that item, the act set forth in that item which concerns the contract set forth in (b) of that item, the act set forth in item (xiv) of that paragraph, and the act set forth in item (xv) of that paragraph which concerns any of the rights set forth in sub-items (a) through (c) of that item; in cases of conducting investment management business for qualified investors, including that fact);

ロ　投資の対象とする有価証券及びデリバティブ取引に係る権利の種類（当該有価証券又はデリバティブ取引が電子記録移転有価証券表示権利等又は法第二十九条の二第一項第八号に規定するデリバティブ取引である場合にあっては、その旨を含む。）

(b) the type of the securities and type of the rights related to the derivative transactions for which the investment is to be made (if the securities are electronically recorded transferable rights to be indicated on securities, etc. or that the derivatives transactions are the derivatives transactions prescribed in Article 29-2, paragraph (1), item (viii) of the Act, including that fact);

ハ　法第二条第二項第一号又は第二号に掲げる権利を投資の対象とするときは、当該権利に係る信託財産の種類

(c) if any of the rights specified in Article 2, paragraph (2), item (i) or (ii) of

the Act is to become the subject of investment, the type of trust property related to the rights;

ニ　法第二条第二項第五号又は第六号に掲げる権利を投資の対象とするときは、当該権利に係る出資対象事業の概要

(d) if any of the rights specified in Article 2, paragraph (2), item (v) or (vi) of the Act is to become the subject of investment, the outline of the business subject to investment related to the rights; and

ホ　有価証券又はデリバティブ取引に係る権利以外の資産を投資の対象とするときは、当該資産の種類

(e) if any asset other than the securities or the rights related to the derivative transactions is to become the subject of investment, the type of the asset;

十　電子募集取扱業務（法第二十九条の二第一項第六号に規定する電子募集取扱業務をいい、法第三条各号に掲げる有価証券又は金融商品取引所に上場されていない有価証券（令第十五条の四の二各号に掲げるものを除く。）について行うものに限る。以下同じ。）を行う場合には、次に掲げる事項

(x) if the applicant for registration is to conduct electronic public offering services (meaning the electronic public offering services provided for in Article 29-2, paragraph (1), item (vi) of the Act, and limited to services conducted in relation to the securities set forth in the items of Article 3 of the Act or the securities not listed on any financial instruments exchange (excluding the securities set forth in the items of Article 15-4-2 of the Order; the same applies hereinafter)), the following matters:

イ　取り扱う有価証券の種類（当該有価証券が電子記録移転有価証券表示権利等である場合にあっては、その旨を含む。）

(a) the type of securities to be handled (if the securities fall under the electronically recorded transferable rights to be indicated on securities, etc., including that fact);

ロ　第一種金融商品取引業のうち第一種少額電子募集取扱業務のみを行う場合には、その旨（その業務に関して顧客から金銭の預託を受ける場合にあっては、その旨を含む。）

(b) if the applicant for registration is to conduct only type-I small amount electronic public offering service among the type I financial instruments businesses, that fact (if the applicant for registration is to receive money deposited by customers in relation to that business, including that fact);

ハ　第二種金融商品取引業のうち第二種少額電子募集取扱業務のみを行う場合には、その旨

(c) if the applicant for registration is to conduct only type-II small amount electronic public offering service among the type II financial instruments businesses, that fact;

ニ　電子申込型電子募集取扱業務（第七十条の二第三項に規定する電子申込型電子

募集取扱業務をいう。第百四十九条第一号ハ及び第百五十条第一号ハにおいて同じ。）を行う場合には、その旨

(d) if the applicant for registration is to conduct electronic-based application type electronic public offering services) (meaning the electronic-based application type electronic public offering services provided for in Article 70-2, paragraph (3); the same applies in Article 149, item (i), sub-item (a) and Article 150, item (i), sub-item (c)), that fact;

十一　金融商品取引業として高速取引行為を行う場合には、次に掲げる事項

(xi) if the applicant for registration is to conduct high-speed trading as part of their financial instruments business, the following matters:

イ　取引戦略ごとに、当該取引戦略の概要（次に掲げる事項を含む。）

(a) the outline of the transaction strategy for each of transaction strategy (including the following matters):

（１）　取引戦略の類型

1. the type of transaction strategy;

（２）　高速取引行為に係る金融商品取引所等（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第二十六条第一項に定める者をいう。以下同じ。）の名称又は商号

2. the name or trade name of the financial instruments exchange, etc. (meaning a person specified in Article 26, paragraph (1) of the Cabinet Office Order on Definitions under Article 2 of the Financial Instruments and Exchange Act; the same applies hereinafter) related to high-speed trading;

（３）　高速取引行為の対象とする有価証券又は市場デリバティブ取引の種類

3. the type of securities or market derivatives transactions subject to high-speed trading;

ロ　高速取引行為に係る業務を管理する責任者（法第二条第四十一項の判断並びに高速取引行為に係るプログラム（電子計算機に対する指令であって、一の結果を得ることができるように組み合わされたものをいう。以下同じ。）の作成及び電子情報処理組織その他の設備の管理の責任者を含む。以下同じ。）の氏名及び役職名

(b) the name and title of the person responsible for the management of the business pertaining to high-speed trading (including the person responsible for making a decision referred to in Article 2, paragraph (41) of the Act and the creation of programs (meaning a series of instructions given to a computer which is combined in order to obtain a single result; the same applies hereinafter) for high-speed trading and the management of the electronic data processing system and other facilities; the same applies hereinafter);

ハ　高速取引行為に係る電子情報処理組織その他の設備の概要、設置場所及び保守の方法

(c) the outline, installation location, and maintenance method of the electronic data processing system and other facilities for high-speed trading; and

ニ　高速取引行為に係る電子情報処理組織その他の設備の管理を十分に行うための措置の内容

(d) the details of the measures to ensure sufficient management of the electronic data processing system and other facilities for high-speed trading.

十二　法第二十九条の二第一項第九号に規定するデリバティブ取引についての次に掲げる行為を業として行う場合には、次のイ又はロに掲げる行為の区分に応じ、当該イ又はロに定めるデリバティブ取引に係る暗号資産及び金融指標の名称

(xii) if the registration applicant is to conduct any of the following acts with regard to the derivative transactions prescribed in Article 29-2, paragraph (1), item (ix) of the Act on a regular basis, the name of the cryptoassets and financial indexes related to the derivative transactions specified in sub-item (a) or (b) in accordance with the category of the act prescribed in either sub-item (a) or (b):

イ　法第二条第八項第一号から第五号までに掲げる行為　業として行うデリバティブ取引

(a) the acts set forth in Article 2, paragraph (8), items (i) through (v) of the Act: the derivative transactions to be conducted on a regular basis; or

ロ　法第二条第八項第十二号、第十四号又は第十五号に掲げる行為　投資の対象とするデリバティブ取引

(b) the acts set forth in Article 2, paragraph (8), item (xii), item (xiv), or item (xv) of the Act: the derivative transactions which is to be the subject of investment.

（登録申請書の添付書類）

(Documents to Be Attached to Written Applications for Registration)

第九条　法第二十九条の二第二項第二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 9 The documents specified by Cabinet Office Order as prescribed in Article 29-2, paragraph (2), item (ii) of the Act are as follows:

一　業務に係る人的構成及び組織等の業務執行体制を記載した書面

(i) the documents stating the personnel structure and the system for conducting business of the organization;

二　法人であるときは、次に掲げる書類

(ii) if the applicant for registration is a corporation, the following documents:

イ　役員（相談役、顧問その他いかなる名称を有する者であるかを問わず、当該法人に対し取締役、執行役又はこれらに準ずる者と同等以上の支配力を有するものと認められる者を含む。以下この号、第十三条第一号、第二号及び第四号、第四

十七条第一項第二号、第四十九条第一号、第二号及び第四号、第百九十九条第二号、第二百一条第九号、第二百二条第八号、第二百八条の二十第二号から第六号まで、第二百八条の二十二第二号ハ、第二百八条の三十一第一項第四号及び第二項第四号、第二百八条の三十二第二号、第二百三十八条の二第一項第一号、第二百四十一条第一項第五号及び第二項第一号、第二百四十一条の二第二号、第二百四十二条第一項第四号、第二百四十二条の二第一項第二号、第三百二十九条第一項第二号、第三百三十二条各号、第三百四十一条第二号、第三百四十二条第一項第五号並びに第三百四十三条第一項第四号において同じ。）及び令第十五条の四に規定する使用人（第四十七条第一項第二号、第五十一条第一項第四号、第九十一条第一項第四号、第六節及び第六節の二を除き、以下「重要な使用人」という。）の履歴書（役員が法人であるときは、当該役員の沿革を記載した書面）

(a) the resumes of the officers (including the persons that are found to have equivalent or greater control over the corporation as directors, executive officers, or any persons equivalent to them, irrespective of their title such as advisor or consultant; hereinafter the same applies in this item, Article 13, items (i), (ii) and (iv), Article 47, paragraph (1), item (ii), Article 49, items (i), (ii) and (iv), Article 199, item (ii), Article 201, item (ix), Article 202, item (viii), Article 208-20, items (ii) through (vi), Article 208-22, item (ii), (c), Article 208-31, paragraph (1), item (iv), and paragraph (2), item (iv), Article 208-32, item (ii), Article 238-2, paragraph (1), item (i), Article 241, paragraph (1), item (v), Article 241, paragraph (2), item (i), Article 241-2, item (ii), Article 242, paragraph (1), item (iv), Article 242-2, paragraph (1), item (ii), Article 329, paragraph (1), item (ii), the items of Article 332, Article 341, item (ii), Article 342, paragraph (1), item (v) and Article 343, paragraph (1), item (iv)) (if an officer is a corporation, the document stating the background of the officer); and the resume of the employee prescribed in Article 15-4 of the Order (hereinafter referred to as "important employee", excluding Article 47, paragraph (1), item (ii), Article 51, paragraph (1), item (iv), Article 91, paragraph (1), item (iv), Section 6, and Section 6-2);

ロ　役員及び重要な使用人の住民票の抄本（役員が法人であるときは、当該役員の登記事項証明書）又はこれに代わる書面

(b) an extract of the resident record of the officers and important employees (if an officer is a corporation, the certificate of registered information of the officer), or alternative documents;

ハ　役員及び重要な使用人の旧氏（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。）及び名を当該役員及び重要な使用人の氏名に併せて法第二十九条の二第一項の登録申請書に記載した場合において、ロに掲げる書類が当該役員及び重要な使用人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

(c) if the former surname (meaning the former surname prescribed in Article

30-13 of the Enforcement Order of the Residential Basic Book Act (Cabinet Order No. 292 of 1967); the same applies hereinafter) and given name of the officer or important employee are stated together with the current name of the officer or important employee in a written application for registration under Article 29-2, paragraph (1) of the Act, and the document specified in (b) is not a document certifying the former surname and given name of the officer or important employee, a document certifying the former surname and given name;

ニ　役員及び重要な使用人が法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

(d) the certificate issued by the public agency evidencing that none of the officers or important employees falls under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, or alternative documents;

ホ　役員及び重要な使用人が法第二十九条の四第一項第二号イ又はハからリまでのいずれにも該当しない者であることを当該役員及び重要な使用人が誓約する書面

(e) the document in which each of the officers and the important employees pledges that they do not fall under any of Article 29-4, paragraph (1), item (ii), sub-items (a) or sub-items (c) through (i) of the Act;

三　個人であるときは、次に掲げる書類

(iii) if the applicant for registration is an individual, the following documents:

イ　登録申請者及び重要な使用人の履歴書

(a) the resumes of the applicant for registration and the important employees;

ロ　登録申請者及び重要な使用人の住民票の抄本又はこれに代わる書面

(b) extracts of the resident records of the applicant for registration and the important employees, or alternative documents;

ハ　登録申請者及び重要な使用人の旧氏及び名を当該登録申請者及び重要な使用人の氏名に併せて法第二十九条の二第一項の登録申請書に記載した場合において、ロに掲げる書類が当該登録申請者及び重要な使用人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

(c) if the former surname and given name of the applicant for registration or important employee are stated together with the current name of the applicant for registration or the important employee in a written application for registration under Article 29-2, paragraph (1) of the Act, and the document specified in sub-item (b) is not a document certifying the former surname and given name of the applicant for registration or the important employee, a document certifying the former surname and given name;

ニ　登録申請者及び重要な使用人が法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

(d) the certificate issued by a public agency evidencing that none of the

applicant for registration or the important employees falls under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, or alternative documents; and

ホ　重要な使用人が法第二十九条の四第一項第二号イ又はハからリまでのいずれにも該当しない者であることを当該重要な使用人が誓約する書面

(e) the document in which each of the important employees pledges that they do not fall under any of Article 29-4, paragraph (1) item (ii), sub-item (a) or sub-items (c) through (g) of the Act;

四　特定関係者（親法人等、子法人等及び持株会社（法第二十九条の四第三項に規定する持株会社をいう。第百九十八条を除き、以下同じ。）をいい、第一種金融商品取引業を行う場合には、関係会社（第百七十七条第六項に規定する関係会社をいう。へにおいて同じ。）を含む。ホにおいて同じ。）の状況として次に掲げる事項を記載した書類

(iv) the document stating the following matters as the status of the persons in specified relationship (meaning the parent corporation, etc., subsidiary corporation, etc. and holding company (meaning the holding company prescribed in Article 29-4, paragraph (3) of the Act; hereinafter the same applies except in Article 198); and if the applicant for registration is to conduct type-I financial instruments business, including an associated company (meaning a related company prescribed in Article 177, paragraph (6); the same applies in sub-item (f)); the same applies in sub-item (e)):

イ　商号又は名称

(a) the trade name or name;

ロ　資本金の額、基金の総額又は出資の総額

(b) the amount of stated capital, the total amount of funds or the total amount of investment;

ハ　本店又は主たる事務所の所在地

(c) the location of the head office or principal office;

ニ　事業の種類

(d) the type of business;

ホ　登録申請者と特定関係者との間の資本関係、人的関係及び最近一年間の業務上の関係

(e) the capital relationship and personnel relationship between the applicant for registration and the persons in specified relationship, and their business relationship over the past year;

ヘ　親法人等、子法人等又は持株会社（第一種金融商品取引業を行う場合には、親法人等、子法人等、持株会社又は関係会社）のいずれに該当するかの別

(f) distinction of whether the persons in specified relationship falls under a parent corporation, etc., a subsidiary corporation, etc., or a holding company (if the applicant for registration is to conduct type-I financial instruments business, whether the persons in specified relationship falls

under a parent corporation, a subsidiary corporation, etc., a holding company, or an associated company);

五　第一種金融商品取引業、第二種金融商品取引業又は投資運用業を行う場合であって、金融商品取引業協会（登録申請者が行う業務を行う者を主要な協会員又は会員とするものに限る。）に加入しないときは、当該業務に関する社内規則

(v) if the applicant for registration is to conduct type I financial instruments business, type II financial instruments business, or investment management business, and will not belong to a financial instruments firms association (limited to an association that has a person conducting business to be performed by an applicant for registration as a principal association member or a member), the internal rules concerning the business;

六　競走用馬に係る商品投資関連業務を行う場合には、第十三条第三号に掲げる基準に該当しないことを証する書面

(vi) if the applicant for registration is to conduct business related to commodities investment for racehorses, a document certifying that the applicant for registration does not satisfy the criteria specified in Article 13, item (iii);

七　不動産信託受益権等売買等業務を行う場合には、第十三条第四号に掲げる基準に該当しないことを証する書面

(vii) if the applicant for registration is to conduct the business of purchase and sale, etc. of beneficial interest in real property trust, a document certifying that the applicant for registration does not satisfy the criteria set forth in Article 13, item (iv);

八　不動産関連特定投資運用業を行う場合における業務遂行能力に関する事項を記載した書面

(viii) a document stating the matters related to the applicant for registration's ability to carry out the business, if the applicant for registration is to conduct specified investment management business related to real property;

九　金融商品取引業として高速取引行為を行う場合には、次に掲げる書類

(ix) if the applicant for registration is to conduct high-speed trading as part of its financial instruments business, the following documents:

イ　外国に住所を有する個人であるときは、次に掲げる書類

(a) if the applicant for registration is an individual that has a domicile in a foreign country, the following documents:

（１）　国内における代理人の住民票の抄本（国内における代理人が法人であるときは、当該国内における代理人の登記事項証明書）又はこれに代わる書面

1. an extract of the resident record of the agent in Japan (if the agent in Japan is a corporation, a certificate of registered information of the agent in Japan), or alternative documents;

（２）　国内における代理人の旧氏及び名を当該国内における代理人の氏名に併せて法第二十九条の二第一項の登録申請書に記載した場合において、（１）

に掲げる書類が当該国内における代理人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

2. if the former surname and given name of the agent in Japan are stated together with the current name of the agent in Japan in a written application for registration referred to in Article 29-2, paragraph (1) of the Act, and the document set forth in 1. is not a document certifying the former surname and given name of the agent in Japan, a document certifying the former surname and given name;

ロ　個人であるときは、別紙様式第一号の二により作成した書面

(b) if the applicant for registration is an individual, a document prepared by using the Appended Form 1-2;

ハ　高速取引行為に係る業務を管理する責任者の履歴書

(c) the resume of the person responsible for the management of the business pertaining to high-speed trading; and

ニ　第二種金融商品取引業として高速取引行為を行う場合（第一種金融商品取引業又は投資運用業を行う場合を除く。）には、純財産額（法第六十六条の五十三第七号に規定する純財産額をいう。第二百一条第二十七号ロ、第二百二条第十九号及び第五章において同じ。）を算出した書面

(d) if the applicant for registration is to conduct high-speed trading as part of the type-II financial instruments business (excluding the case in which the applicant conducts type-I financial instruments business or investment management business), a document stating the calculated net assets (meaning the net assets provided in Article 66-53, item (vii) of the Act; the same applies in Article 201, item (xxvii), sub-item (b), Article 202, item (xix) and Chapter V).

十　前条第十二号に規定する場合には、同号の暗号資産及び金融指標の概要を説明した書類

(x) in the case prescribed in item (xii) of the preceding Article, a document explaining the outline of the cryptoassets and financial indexes set forth in that item.

第十条　法第二十九条の二第二項第三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 10 (1) The documents specified by Cabinet Office Order as prescribed in Article 29-2, paragraph (2), item (iii) of the Act are as follows:

一　最終の貸借対照表（関連する注記を含む。）及び損益計算書（関連する注記を含む。）

(i) the latest balance sheet (including the related notes) and the latest profit and loss statement (including the related notes);

二　第一種金融商品取引業又は投資運用業を行う場合には、次に掲げる書類

(ii) if the applicant for registration is to conduct type-I financial instruments

business or investment management business, the following documents:

イ　純財産額（法第二十九条の四第一項第五号ロに規定する純財産額をいう。以下この章（第二百一条第二十七号ロ及び第二百二条第十九号を除く。）において同じ。）を算出した書面

(a) a document stating the calculated net assets (meaning the net assets prescribed in Article 29-4, paragraph (1), item (v), sub-item (b) of the Act; hereinafter the same applies in this Chapter (excluding Article 201, item (xxvii), (b) and Article 202, item (ix));

ロ　主要株主（法第二十九条の四第二項に規定する主要株主をいう。以下この号、第三十八条の二、第三十八条の五、第百九十九条第十一号ハ、第二百一条第二十号、第二百二条第五号ロ及び第十六号、第二百八条の三十一第一項第十一号及び第二項第八号並びに第二百八条の三十二第九号において同じ。）の商号、名称又は氏名及び本店又は主たる事務所の所在地（個人にあっては、住所又は居所）並びに当該主要株主が保有する対象議決権（法第二十九条の四第二項に規定する対象議決権をいい、同条第五項の規定により保有しているものとみなされるものを含む。）の数を記載した書面

(b) a document stating the major shareholders' trade names or names (meaning the major shareholders defined in Article 29-4, paragraph (2) of the Act; hereinafter the same applies in this item, Article 38-2, Article 38-5, Article 199, item (xi), sub-item (c), Article 201, item (xx), Article 202, item (v), sub-item (b), and item (xvi), Article 208-31, paragraph (1), item (xi) and paragraph (2), item (viii), and Article 208-32, item (ix)), and the locations of their head offices or principal offices (if a major shareholder is an individual, the domicile or residence), and the number of the subject voting rights held by the major shareholders (meaning the subject voting rights defined in Article 29-4, paragraph (2) of the Act, and including those deemed to be held pursuant to the provisions of paragraph (5) of that Article);

ハ　外国法人であるときは、主要株主に準ずる者について法第二十九条の四第一項第五号ヘに規定する確認が行われていることを証する書面又はこれに準ずる書面

(c) for a foreign corporation, a document certifying that a confirmation prescribed in Article 29-4, paragraph (1) item (v), sub-item (f) of the Act has been made with regard to a person equivalent to a major shareholder, or an equivalent document;

三　第一種金融商品取引業を行う場合には、次に掲げる書類（第一種少額電子募集取扱業務のみを行う場合には、ロ及びハに掲げる書類を除く。）

(iii) if the applicant for registration is to conduct type I financial instruments business, the following documents (in cases of conducting only type-I small amount electronic public offering service, excluding the documents set forth in sub-items (b) and (c)):

イ　外国法人であるときは、外国の法令に準拠し、当該外国において第一種金融商

品取引業と同種類の業務を行っている者（令第十五条の八に規定する者を含む。）であることを証する書面

(a) if the applicant for registration is a foreign corporation, a document certifying that the applicant for registration is a person conducting the same type of business as the type I financial instruments business in a foreign country in accordance with foreign laws and regulations (including a person prescribed in Article 15-8 of the Order);

ロ　法第二十九条の四第一項第六号イに規定する比率を算出した書面

(b) a document stating the calculated ratio prescribed in Article 29-4, paragraph (1), item (vi), sub-item (a) of the Act;

ハ　店頭デリバティブ取引等に係る業務（電子取引基盤運営業務を除く。）を行う場合又は有価証券の元引受けに係る業務を行う場合には、次に掲げる書類

(c) if the applicant for registration is to conduct business related to over-the-counter derivatives transactions, etc. (excluding electronic trading platform management service) or business related to the wholesale underwriting of securities, the following documents:

（１）　当該業務を管理する責任者の履歴書

1. the resume of the responsible person for managing the business;

（２）　当該業務に関する社内規則

2. the internal rules regarding the business;

（３）　当該業務に関し顧客と取引を行う際に使用する契約書類

3. the contracts to be used in transactions with customers in connection with the business;

ニ　電子取引基盤運営業務を行う場合には、次に掲げる書類

(d) if the applicant for registration is to conduct an electronic trading platform management service, the following documents:

（１）　電子取引基盤運営業務を管理する責任者の履歴書

1. the resume of the person responsible for the electronic trading platform management service;

（２）　電子取引基盤運営業務に関する社内規則

2. the internal rules concerning the electronic trading platform management service;

（３）　電子取引基盤運営業務に関し顧客と取引を行う際に使用する契約書類及びその添付書類

3. contract documents to be used when conducting transactions with customers concerning electronic trading platform management service and documents attached to them; and

（４）　第八条第六号ト（９）に掲げるものに関する登録申請者と特別の利害関係のない者の評価書

4. an appraisal report issued by a person not in a special interest relationship with the applicant for registration concerning the matters

set forth in Article 8, item (vi), sub-item (g), 9.

２　前項第一号に掲げる書類を添付する場合において、貸借対照表（関連する注記を含む。）が電磁的記録で作成されているとき、又は損益計算書（関連する注記を含む。）について書面に代えて電磁的記録の作成がされているときは、書類に代えて電磁的記録（次条に定めるものに限る。）を添付することができる。

(2) If the applicant for registration attaches the documents set forth in item (i) of the preceding paragraph, if the balance sheet (including the related notes) has been prepared as an electronic or magnetic record, or if a profit and loss statement (including the related notes) has been prepared as an electronic or magnetic record, in lieu of a written document, that applicant for registration may attach the electronic or magnetic record (limited to those specified in the following Article) in lieu of documents.

（電磁的記録）

(Electronic or Magnetic Records)

第十一条　法第二十九条の二第三項及び第三十三条の三第三項に規定する内閣府令で定める電磁的記録は、次に掲げる構造のいずれかに該当するものとする。

Article 11 (1) The electronic or magnetic record to be specified by Cabinet Office Order as referred to in Article 29-2, paragraph (3) and Article 33-3, paragraph (3) of the Act must have a structure specified in the following items:

一　産業標準化法（昭和二十四年法律第百八十五号）に基づく日本産業規格（以下「日本産業規格」という。）Ｘ六二二三に適合する九十ミリメートルフレキシブルディスクカートリッジ

(i) a 90mm flexible magnetic disc cartridge which complies with Japanese Industrial Standards X6223 based on the Industrial Standardization Act (Act No. 185 of 1949) (hereinafter referred to as "JIS"); or

二　日本産業規格Ｘ〇六〇六及びＸ六二八二に適合する直径百二十ミリメートルの光ディスク

(ii) a 120mm optical disc that complies with JIS X0606 and X6282.

２　前項第一号の電磁的記録への記録は、次に掲げる方式に従ってしなければならない。

(2) Record in an electronic or magnetic record referred to in item (i) of the preceding paragraph must be made by the following methods

一　トラックフォーマットについては、日本産業規格Ｘ六二二五に規定する方式

(i) for the track format, the method specified by JIS X6225; and

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

(ii) for the volume and file configuration, the method specified by JIS X0605.

３　第一項の電磁的記録には、次に掲げる事項を記載しなければならない。

(3) the following matters must be stated in the electronic or magnetic record referred to in paragraph (1):

一　登録申請者の商号又は名称

(i) the trade name or name of the applicant for registration; and
二　申請年月日
(ii) the date of application.

（金融商品取引業者登録簿の縦覧）
(Public Inspection of the Register of Financial Instruments Business Operators)
第十二条　管轄財務局長等は、その登録をした金融商品取引業者に係る金融商品取引業者登録簿を当該金融商品取引業者の本店等の所在地を管轄する財務局（当該所在地が福岡財務支局の管轄区域内にある場合にあっては福岡財務支局、国内に営業所又は事務所を有しない場合にあっては関東財務局）に備え置き、公衆の縦覧に供するものとする。
Article 12 The competent Director-General of a Local Finance Bureau, etc. is to keep the register of financial instruments business operators which contains information on the financial business operator to whom the Director-General has granted registration at the local finance bureau with jurisdiction over the locality of the financial instruments business operator's head office, etc. (if the locality falls within the jurisdictional district of the Fukuoka Local Finance Branch Bureau, at the Fukuoka Local Finance Branch Bureau; if the financial instruments business operator does not have a business office or an office in Japan, at the Kanto Finance Bureau), and make the register available for public inspection.

（人的構成の審査基準）
(Criteria for Examination of Personnel Structure)
第十三条　法第二十九条の四第一項第一号ホ（法第三十一条第五項において準用する場合を含む。）に規定する金融商品取引業を適確に遂行するに足りるであるかどうかの審査をするときは、登録申請者が次に掲げるいずれかの基準に該当するかどうかを審査するものとする。
Article 13 When conducting an examination prescribed in Article 29-4, paragraph (1), item (i), sub-item (e) of the Act (including as applied mutatis mutandis pursuant to Article 31, paragraph (5) of the Act) on whether the applicant for registration has a sufficient personnel structure to appropriately conduct financial instruments business, it is to be examined whether the applicant for registration falls under any of the following criteria:
一　その行う業務に関する十分な知識及び経験を有する役員又は使用人の確保の状況並びに組織体制に照らし、当該業務を適正に遂行することができないと認められること。
(i) the applicant for registration is found not able to appropriately conduct business in light of the situation of securing officers or employees that have sufficient knowledge and experience for conducting the business and its

organizational structure;

二　役員又は使用人のうちに、経歴、暴力団員による不当な行為の防止等に関する法律（平成三年法律第七十七号）第二条第二号に規定する暴力団又は同条第六号に規定する暴力団員との関係その他の事情に照らして業務の運営に不適切な資質を有する者があることにより、金融商品取引業の信用を失墜させるおそれがあると認められること。

(ii) the applicant for registration is found to be likely to cause loss of credibility of financial instruments business due to having an officer or employee with quality inappropriate for the operation of business, in light of their personal history, relationship with the organized crime group as defined in Article 2, item (ii) of the Act on Prevention of Unjust Acts by Organized Crime Group Members (Act No. 77 of 1991), or relationship with the organized crime group members as defined item (vi) of that Article or any other circumstances;

三　競走用馬に係る商品投資関連業務を行う場合には、次に掲げる要件に該当しないこと。

(iii) if the applicant for registration is to conduct business related to commodities investment for racehorses, the applicant for registration does not satisfy the following requirements:

イ　あらかじめ日本中央競馬会又は地方競馬全国協会による指導を受けていること。

(a) the applicant for registration has been given guidance by the Japan Racing Association or the National Association of Racing in advance;

ロ　その行う商品投資関連業務が第七条第四号ニ（１）に掲げる権利に係る競走用馬投資関連業務又は同号ニ（２）に掲げる権利に係る競走用馬投資関連業務のいずれかのみに該当すること。

(b) the business related to commodities investment to be conducted by the applicant for registration only falls under either the business related to investment in racehorses related to the rights specified in Article 7, item (iv), sub-item (d), 1. or the business related to investment in racehorses related to the rights specified in Article 7, item (iv), sub-item (d), 2.;

ハ　第七条第四号ニ（２）に掲げる権利に係る競走用馬投資関連業務を行う場合には、競馬法第十三条第一項（同法第二十二条において準用する場合を含む。）の登録を受けていること。

(c) if the applicant for registration is to conduct business related to investment in racehorses related to the rights set forth in Article 7, item (iv), sub-item (d), 2., they have obtained the registration referred to in Article 13, paragraph (1) of the Horse Racing Act (including as applied mutatis mutandis pursuant to Article 22 of that Act);

四　不動産信託受益権等売買等業務を行う場合には、次に掲げる要件に該当しないこと。

(iv) if the applicant for registration is to conduct the business of purchase and sale, etc. of beneficial interest in real property trust, they do not satisfy the

following requirements:

イ　宅地又は建物の取引に関する専門的知識及び経験を有する役員又は使用人を次に掲げる部門にそれぞれ配置していること。

(a) the applicant for registration has assigned its officers or employees that have expert knowledge of and experience in transactions related to building lots or buildings to each of the following departments:

（１）　不動産信託受益権等売買等業務の統括に係る部門

1. the department in charge of supervising the business of purchase and sale, etc. of beneficial interest in real property trust;

（２）　内部監査に係る部門

2. the department in charge of internal audit;

（３）　法令等（法令、法令に基づく行政官庁の処分又は定款その他の規則をいう。第四十四条第一号イ、第四十九条第四号イ（３）、第百九十九条第七号及び第十三号イ、第二百条第六号、第二百八条の三十一第一項第八号イ、第二百二十条第七号ロ、第二百二十三条第十号、第二百三十二条の八第十号、第二百四十一条の二第四号、第二百四十六条の二十三第四号、第二百四十六条の三十第一号、第三百二十八条第五号並びに第三百四十一条第五号において同じ。）を遵守させるための指導に関する業務に係る部門

3. the department in charge of the work concerning the guidance for ensuring compliance with laws and regulations, etc. (meaning the laws and regulations, dispositions of administrative agencies issued based on laws and regulations, or the articles of incorporation and other rules; the same applies in Article 44, item (i), sub-item (a), Article 49, item (iv), sub-item (a), 3., Article 199, items (vii) and (xiii) sub-item (a), Article 200, item (vi), Article 208-31, paragraph (1), item (viii), sub-item (a), Article 220, item (vii), sub-item (b), Article 223, item (x), Article 232-8, item (x), Article 241-2, item (iv), Article 246-23, item (iv), Article 246-30, item (i), Article 328, item (v) and Article 341, item (v));

ロ　不動産信託受益権等売買等業務を行う役員又は使用人が、第八十五条第一項各号に掲げる事項について、顧客の知識、経験、財産の状況及び金融商品取引契約を締結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説明をするために必要な宅地又は建物の取引に関する専門的知識及び経験を有していること。

(b) the officers or the employees who conduct the business of purchase and sale, etc. of beneficial interest in real property trust have sufficient expert knowledge of and experience in transactions of building lots or buildings necessary for giving explanations by the means and to the extent that is required for a customer to understand the matters set forth in the items of Article 85, paragraph (1), in light of the customer's knowledge, experience, status of property and the purpose of concluding a financial instruments transaction contract;

五　不動産関連特定投資運用業を行う場合には、金融庁長官の定める要件に該当しないこと。

(v) if the applicant for registration is to conduct a specified investment management business related to real property, they do not satisfy the requirements specified by the Commissioner of the Financial Services Agency.

（心身の故障により金融商品取引業に係る業務を適正に行うことができない者）

(A Person Unable to Properly Perform Business Related to Financial Instruments Business Due to a Mental or Physical Disorder)

第十三条の二　法第二十九条の四第一項第二号イに規定する内閣府令で定める者は、精神の機能の障害により金融商品取引業に係る業務を適正に行う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 13-2 The person specified by Cabinet Office Order as prescribed in Article 29-4, paragraph (1), item (ii), sub-item (a) of the Act is a person who is unable to adequately carry out the cognition, decision making, and communication necessary for properly performing business related to financial instruments business due to a mental impairment.

（純財産額の算出）

(Calculation of Net Assets)

第十四条　法第二十九条の四第一項第五号ロ（法第三十一条第五項において準用する場合を含む。）の規定により算出する純財産額は、貸借対照表の資産の部に計上されるべき金額の合計額から負債の部に計上されるべき金額の合計額（次に掲げるものの金額の合計額を除く。）を控除して計算しなければならない。

Article 14 (1) The net assets calculated pursuant to the provisions of Article 29-4, paragraph (1), item (v), sub-item (b) of the Act (including as applied mutatis mutandis pursuant to Article 31, paragraph (5) of the Act) must be calculated by deducting the total amount to be recorded in the liabilities section of the balance sheet (excluding the sum of the amounts set forth in the following items) from the total amount to be recorded in the assets section of the balance sheet:

一　金融商品取引責任準備金

(i) the financial instruments transaction liability reserve;

二　他に行っている事業に関し法令の規定により負債の部に計上することが義務付けられている引当金又は準備金のうち利益留保性の引当金又は準備金の性質を有するものがある場合には、当該引当金又は準備金

(ii) if the applicant for registration has any allowance or reserve funds which are required to be recorded in the liabilities section pursuant to the provisions of laws and regulations and which have the nature of retained earnings in connection with another business conducted by the applicant, the allowance or reserve funds.

２　前項の資産及び負債の評価は、計算を行う日において、一般に公正妥当と認められる企業会計の基準に従って評価した価額によらなければならない。

(2) The appraisal of assets and liabilities referred to in the preceding paragraph must be made based on the value appraised in accordance with the corporate accounting standards generally accepted as fair and appropriate on the day of the calculation.

３　前項の場合において、次の各号に掲げる場合に該当するときは、当該各号に定める金額を評価額とする。

(3) In the case referred to in the preceding paragraph, if the case falls under any of the following items, the amount prescribed in each of those items is to be the appraised amount:

一　金銭債権又は市場価格のない債券について取立不能のおそれがある場合　取立不能見込額を控除した金額

(i) if a monetary claim or bonds without a market price is likely to become uncollectible: the amount after deducting the estimated uncollectible amount;

二　市場価格のない株式についてその発行会社の資産状態が著しく悪化した場合　相当の減額をした金額

(ii) if, with regard to shares without a market price, the status of the assets of the company issuing the shares has deteriorated substantially: the amount after appropriate reduction is made;

三　前二号以外の流動資産の時価が帳簿価額より著しく低い場合であって、その価額が帳簿価額まで回復することが困難と見られる場合　当該時価

(iii) if the market value of the current assets other than those referred to in the preceding two items is substantially lower than their book value, and it is considered difficult for the value to recover to the level of the book value: that market value;

四　第一号又は第二号以外の固定資産について償却不足があり、又は予測することのできない減損が生じた場合　償却不足額を控除し、又は相当の減額をした金額

(iv) if there is underdepreciation, or unpredictable impairment loss was incurred for the fixed assets other than those referred to in item (i) or (ii): the amount after deducting the underdepreciation, or the amount after appropriate reduction has been made;

五　繰延資産について償却不足がある場合　償却不足額を控除した金額

(v) if there is underdepreciation for deferred assets: the amount after deducting the amount of the underdepreciation.

（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）

(A Person Unable to Properly Exercise the Right of a Shareholder Due to a Mental or Physical Disorder)

第十四条の二　法第二十九条の四第一項第五号ニ（１）及びホ（３）（イ）（これらの

規定を法第三十一条第五項において準用する場合を含む。）に規定する内閣府令で定める者は、精神の機能の障害により株主の権利を適切に行使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 14-2 The person specified by Cabinet Office Order as prescribed in Article 29-4, paragraph (1), item (v), sub-item (d), 1. and sub-item (e), 3., a. of the Act (including as applied mutatis mutandis pursuant to Article 31, paragraph (5) of the Act) is a person who is unable to adequately carry out the cognition, decision making, and communication necessary for properly exercising the right of a shareholder due to a mental impairment.

（会社の財務及び業務の方針の決定に対して重要な影響を与えることが推測される事実）

(Facts Presumed to Have Material Impact on Decisions on Company's Financial and Operational Policies)

第十五条　法第二十九条の四第二項（法第三十一条第五項において準用する場合を含む。）に規定する内閣府令で定める事実は、次に掲げる事実とする。

Article 15 The facts specified by Cabinet Office Order as prescribed in Article 29-4, paragraph (2) of the Act (including as applied mutatis mutandis pursuant to Article 31, paragraph (5) of the Act) are as follows:

一　役員若しくは使用人である者又はこれらであった者であって会社の財務及び営業又は事業の方針の決定に関して影響を与えることができるものが、当該会社の取締役若しくは執行役又はこれらに準ずる役職に就任していること。

(i) the fact that a person who is or was an officer or employee, who is able to influence the decision on the company's financial policies and operational or business policies has assumed the position of the company's director, executive officer, or any other position equivalent to them;

二　会社に対して重要な融資を行っていること。

(ii) the fact that an important loan has been provided to the company;

三　会社に対して重要な技術を提供していること。

(iii) the fact that an important technology is provided to the company;

四　会社との間に重要な営業上又は事業上の取引があること。

(iv) the fact that important operational or business transactions are conducted with the company; and

五　その他会社の財務及び営業又は事業の方針の決定に対して重要な影響を与えることができることが推測される事実が存在すること。

(v) the fact that a fact presumed to have a material impact on decisions on the company's financial policies and operational or business policies exists.

（保有の態様その他の事情を勘案して保有する議決権から除く議決権）

(Voting Rights Excluded from Voting Rights Held In Consideration of the Manner in Which They are Held and Other Circumstances)

第十五条の二　法第二十九条の四第二項（法第三十一条第五項において準用する場合を含む。）に規定する内閣府令で定めるものは、次に掲げるものとする。

Article 15-2 The voting rights specified by Cabinet Office Order as prescribed in Article 29-4, paragraph (2) of the Act (including as applied mutatis mutandis pursuant to Article 31, paragraph (5) of the Act) are as follows:

一　信託業（信託業法（平成十六年法律第百五十四号）第二条第一項に規定する信託業をいう。）を営む者が信託財産として保有する議決権（当該者が行使することができる権限又は行使について指図を行うことができる権限を有するものを除く。）

(i) the voting rights held by a person engaged in trust business (meaning the trust business as defined in Article 2, paragraph (1) of the Trust Business Act (Act No. 154 of 2004)) as trust property (excluding the voting rights for which that person has been granted the authority to exercise, or the authority to give guidance on their exercise);

二　法人の代表権を有する者又は法人の代理権を有する支配人が、当該代表権又は代理権に基づき、議決権を行使することができる権限若しくは議決権の行使について指図を行うことができる権限又は投資を行うのに必要な権限を有する場合における当該法人の所有する株式又は持分に係る議決権

(ii) the voting rights related to the shares or equity owned by a corporation, if a person having the representative authority for the corporation or a manager having the authority to act as an agent of the corporation has been granted the authority to exercise the voting rights or to give guidance on the exercise of the voting rights, or has the authority required for making an investment, based on the representative authority or authority to act as an agent;

三　会社の役員又は従業員が当該会社の他の役員又は従業員と共同して当該会社の株式の取得（一定の計画に従い、個別の投資判断に基づかず、継続的に行われ、各役員又は従業員の一回当たりの拠出金額が百万円に満たないものに限る。）をした場合（当該会社が会社法（平成十七年法律第八十六号）第百五十六条第一項（同法第百六十五条第三項の規定により読み替えて適用する場合を含む。）の規定に基づき取得した株式以外の株式を取得したときは、金融商品取引業者に委託して行った場合に限る。）において当該取得をした会社の株式を信託された者が所有する当該会社の株式に係る議決権（当該信託された者が行使することができる権限又は行使について指図を行うことができる権限を有するものを除く。）

(iii) if an officer or employee of the company has acquired the company's shares jointly with another officer or employee of the company (limited to the acquisition according to a certain plan, which is not based on individual investment decisions and the shares are continuously acquired, and the amount to be contributed by each officer or employee at one time is less than one million yen) (if the company acquires shares other than those acquired based on the provisions of Article 156, paragraph (1) of the Companies Act (Act No. 86 of 2005) (including as applied pursuant to the provisions of Article 165, paragraph (3) of that Act following the deemed replacement of

terms), limited to cases in which the acquisition is made by entrustment to a financial instruments business operator) the voting rights related to the company's shares owned by a person entrusted with the company's shares acquired (excluding the voting rights for which the person so entrusted has the authority to exercise or the authority to give instructions on their exercise);

四　相続人が相続財産として所有する株式又は持分（当該相続人（共同相続の場合を除く。）が単純承認（単純承認をしたものとみなされる場合を含む。）若しくは限定承認をした日までのもの又は当該相続財産の共同相続人が遺産分割を了していないものに限る。）に係る議決権

(iv) the voting rights related to shares or equity owned by an heir as their inherited property (limited to the shares or equity owned before the day when the heir (excluding the case of a joint inheritance) gave an unqualified acceptance (including if an unqualified acceptance is deemed to have been given) or a qualified acceptance, or the shares or equity for which the coheirs of the inherited property have not divided);

五　有価証券関連業を行う者が有価証券の引受けに係る業務により所有する株式（当該株式の払込期日（有価証券の売出し又は特定投資家向け売付け勧誘等の場合にあっては、受渡期日）の翌日（当該者が法第二条第六項第三号に掲げるものを行う場合にあっては、同号に規定する行使しない新株予約権に係る新株予約権証券を取得した日から起算して五日（日曜日及び令第十四条の五に規定する休日の日数は、算入しない。）を経過した日）以後に所有するものを除く。）に係る議決権

(v) the voting rights related to the shares owned by a person engaged in a securities-related business in the course of business related to the underwriting of securities (excluding shares owned on or after the day following the payment date for the shares (or on or after the day following the delivery date for the shares, in cases of the secondary distribution of securities or solicitation for selling, etc. only for professional investors) (if the person performs an action set forth in Article 2, paragraph (6), item (iii) of the Act, the day after five days (Sunday and the number of holidays prescribed in Article 14-5 of the Order are not included in the five days) have passed from the day when the share option certificates related to unexercised share options prescribed in that item are acquired)); and

六　銀行等保有株式取得機構が保有する議決権

(vi) the voting rights held by the Banks' Shareholding Purchase Corporation.

（総資産の額等）

(Amount of Total Assets)

第十六条　法第二十九条の四第三項（法第三十一条第五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。）に規定する内閣府令で定める方法による資産の合計金額は、会社の最終の貸借対照表（当該会社の設立後最初の事業年度が終了していない場

合にあっては、当該会社の成立の日における貸借対照表）による資産の合計金額とし、当該貸借対照表に係る事業年度終了の日（当該会社の設立後最初の事業年度が終了していない場合にあっては、当該会社の成立の日）後において会社法第百九十九条第一項に規定する募集株式の発行、新株予約権の行使による株式の交付、社債の発行、株式交換、株式交付、合併、会社分割、事業の譲受け、事業の譲渡その他当該会社の資産に重要な変更があった場合には、これらによる総資産の額の変動を加え、又は除いた額とする。

Article 16 (1) The total amount of assets calculated by the method specified by Cabinet Office Order as prescribed in Article 29-4, paragraph (3) of the Act (including as applied mutatis mutandis pursuant to Article 31, paragraph (5) of the Act; hereinafter the same applies in this Article) is the total amount of assets stated in the latest balance sheet of a company (if the first business year of the company after its incorporation is not completed, the balance sheet on the day of the incorporation of the company), and if there is issuance of shares for subscription provided for in Article 199, paragraph (1) of the Companies Act, delivery of shares as a result of exercise of share options, issuance of corporate bonds, share exchange, partial share exchange, merger, company split, acquisition of business, transfer of business, or any other material change in the company's assets after the last day of the business year related to the balance sheet (if the first business year of the company after its incorporation is not completed, the day hof the incorporation of the company), the amount obtained after adding or deducting the changes in the amount of total assets as a result of these changes.

２　法第二十九条の四第三項に規定する内閣府令で定める資産は、金融商品取引業者の親会社（法第五十七条の二第八項に規定する親会社をいい、金融庁長官が指定するものに限る。）の子会社（法第二十九条の四第四項に規定する子会社をいい、金融庁長官が指定するものに限る。）に対する貸付金その他金融庁長官が定める資産とする。

(2) The assets specified by Cabinet Office Order as prescribed in Article 29-4, paragraph (3) of the Act are loans provided to the parent company of a financial instruments business operator (meaning a parent company prescribed in Article 57-2, paragraph (8) of the Act, and limited to a company designated by the Commissioner of the Financial Services Agency) to its subsidiary company (meaning a subsidiary company prescribed in Article 29-4, paragraph (4) of the Act, and limited to a company designated by the Commissioner of the Financial Services Agency) and any other assets designated by the Commissioner of the Financial Services Agency.

３　法第二十九条の四第三項に規定する内閣府令で定めるところにより算出した額は、会社が会社法第四百三十五条第二項の規定により作成した最終の事業年度に係る計算書類及びその附属明細書に記載された前項に規定する資産の合計金額（当該会社の設立後最初の事業年度が終了していない場合にあっては、当該会社の成立時の貸借対照表に記載された同項に規定する資産の合計金額）とする。

(3) The amount calculated by the method specified by Cabinet Office Order as prescribed in Article 29-4, paragraph (3) of the Act is the total amount of assets prescribed in the preceding paragraph which is stated in the financial statements and their annexed detailed statements for the final business year of the company prepared pursuant to the provisions of Article 435, paragraph (2) of the Companies Act (or, if the first business year of the company after its incorporation is not completed, the total amount of assets prescribed in that paragraph stated in the balance sheet at the time of the incorporation of the company).

（第一種少額電子募集取扱業者による商号等の公表）

(Publication of Trade Name and Other Information by Type-I Small Amount Electronic Public Offering Service Providers)

第十六条の二　第一種少額電子募集取扱業者は、法第二十九条の四の二第八項の規定による公表をするときは、同項に規定する事項を、当該事項を閲覧しようとする者の使用に係る電子計算機の映像面において、当該者にとって見やすい箇所に明瞭かつ正確に表示されるようにしなければならない。

Article 16-2 (1) When a type-I small amount electronic public offering service provider makes a publication under the provisions of Article 29-4-2, paragraph (8) of the Act, they must clearly and accurately display the matters provided for in that paragraph on the screen of a computer used by a person that seeks to inspect those matters in an easily visible manner for that person.

２　法第二十九条の四の二第八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。

(2) The matters specified by Cabinet Office Order as prescribed in Article 29-4-2, paragraph (8) of the Act are as follows:

一　第一種少額電子募集取扱業者である旨

(i) the fact that the person is a type-I small amount electronic public offering service provider;

二　加入している金融商品取引業協会の名称（当該第一種少額電子募集取扱業者が行う第一種金融商品取引業（有価証券関連業に該当するものに限る。）を行う者を主要な協会員又は会員とするものに加入していない場合にあっては、その旨）

(ii) the name of the financial instruments firms association to which the person is a member (if the person is not a member of a financial instruments firms association with principal association members or members that are persons conducting type I financial instruments business that the type I small amount electronic public offering service provider conducts (limited to the business that falls under the securities-related business), that fact);

三　投資者保護基金にその会員として加入しているか否かの別（会員として加入していない場合にあっては、顧客が当該第一種少額電子募集取扱業者に対して有する債権が法第七十九条の五十六第一項に規定する補償対象債権に該当しない旨を含

む。）

(iii) whether or not the person is a member of any investor protection fund (if the person is not a member, including the fact that claims held by the customers against the type-I small amount electronic public offering service provider are not eligible as claims subject to compensation provided for in Article 79-56, paragraph (1) of the Act);

３　法第二十九条の四の二第八項に規定する内閣府令で定めるものは、第一種少額電子募集取扱業者の使用に係る電子計算機に備えられたファイルに記録された情報の内容を電気通信回線を通じて公衆の閲覧に供する方法とする。

(3) The means specified by Cabinet Office Order as prescribed in Article 29-4-2, paragraph (8) of the Act are the means in which the information recorded in the file stored on a computer used by a type-I small amount electronic public offering service provider are made available for public inspection via a telecommunications line.

（発行価額の総額及び有価証券を取得する者が払い込む額の算定の方法）

(Total Issue Value and Method of Calculation of the Amount to Be Paid by Persons that Acquire Securities)

第十六条の三　令第十五条の十の三第一号に規定する内閣府令で定める方法は、募集又は私募に係る有価証券（第一種少額電子募集取扱業務又は第二種少額電子募集取扱業務としてその募集の取扱い又は私募の取扱いが行われるものに限る。）の発行価額の総額（当該有価証券が新株予約権証券である場合には、当該新株予約権証券の発行価額の総額に当該新株予約権証券に係る新株予約権の行使に際して払い込むべき金額の合計額を合算した金額。以下この項において同じ。）に、当該有価証券の募集又は私募を開始する日前一年以内に同一の発行者により行われた募集又は私募及び当該有価証券の募集又は私募と申込期間（第七十条の二第二項第四号に規定する申込期間をいう。）の重複する同一の発行者により行われる募集又は私募に係る当該有価証券と同一の種類（法第二条第一項第九号に掲げる有価証券であるか同条第二項の規定により有価証券とみなされる同項第五号又は第六号に掲げる権利であるかの別をいう。次項において同じ。）の有価証券（第一種少額電子募集取扱業務又は第二種少額電子募集取扱業務としてその募集の取扱い又は私募の取扱いが行われた又は行われるものに限る。）の発行価額の総額を合算する方法とする。

Article 16-3 (1) The method specified by Cabinet Office Order as prescribed in Article 15-10-3, item (i) of the Order means the method of adding up the total issue value of the securities subject to public offering or private placement (limited to those for which handling of public offering or handling of private placement is conducted as type-I small amount electronic public offering service or type-II small amount electronic public offering service) (if the securities are share option certificates, the sum of the total issue value of the share option certificates and the total amount to be paid upon the exercise of the share options related to the share option certificates; hereinafter the same

applies in this paragraph) and the total issue value of the securities of the same type (meaning the distinction of whether the securities fall under the category of the securities specified in Article 2, paragraph (1), item (ix) of the Act or the rights specified in item (v) or (vi) of that paragraph which are deemed to be securities pursuant to paragraph (2) of that Article; the same applies in the following paragraph) as the securities subject to the public offering or private placement to be implemented by the same issuer for the same subscription period (meaning the subscription period provided for in Article 70-2, paragraph (2), item (iv)) subject to the public offering or private placement of the securities as the public offering or private placement implemented by the same issuer within one year before the day of the commencement of the public offering or private placement of the securities (the securities of the same type are limited to those for which handling of public offering or handling of private placement has been or is conducted as type-I small amount electronic public offering service or type-II small amount electronic public offering service).

２　令第十五条の十の三第二号に規定する内閣府令で定める方法は、募集又は私募に係る有価証券に対する個別払込額（有価証券を取得する者がそれぞれ払い込む額をいい、当該有価証券が新株予約権証券である場合には、当該額に当該新株予約権証券に係る新株予約権の行使に際して払い込むべき金額を合算した金額とする。以下この項において同じ。）に、当該有価証券の募集又は私募に係る払込みが行われた日前一年以内に応募又は払込みを行った同一の発行者による当該有価証券と同一の種類の有価証券の募集又は私募に係る個別払込額を合算する方法とする。

(2) The method specified by Cabinet Office Order as prescribed in Article 15-10-3, item (ii) of the Order means the method of adding up the individual payment amount (meaning the amounts to be paid by each person that acquire the securities, and if the securities are share option certificates, the sum of that amount and the amount to be paid upon the exercise of the share options related to the share option certificates; hereinafter the same applies in this paragraph) for the securities subject to public offering or private placement and the individual payment amount for the public offering or private placement of the securities of the same type as the securities issued by a same issuer subscribed for or paid within a year before the day of the payment for the public offering or private placement for the securities.

（第二種少額電子募集取扱業者による商号等の公表）

(Publication of Trade Name and Other Information by Type-II Small Amount Electronic Public Offering Service Providers)

第十六条の四　第二種少額電子募集取扱業者は、法第二十九条の四の三第三項の規定による公表をするときは、同項に規定する事項を、当該事項を閲覧しようとする者の使用に係る電子計算機の映像面において、当該者にとって見やすい箇所に明瞭かつ正確

に表示されるようにしなければならない。

Article 16-4 (1) When a type-II small amount electronic public offering service provider makes a publication under the provisions of Article 29-4-3, paragraph (3) of the Act, they must clearly and accurately display the matters provided for in that paragraph on the screen of a computer used by a person that seeks to inspect those matters, in an easily visible manner for the person.

２　法第二十九条の四の三第三項に規定する内閣府令で定める事項は、次に掲げる事項とする。

(2) The matters specified by Cabinet Office Order as prescribed in Article 29-4-3, paragraph (3) of the Act are as follows:

一　第二種少額電子募集取扱業者である旨

(i) the fact that the person is a type-II small amount electronic public offering service provider; and

二　加入している金融商品取引業協会の名称（当該第二種少額電子募集取扱業者が行う第二種金融商品取引業（有価証券関連業に該当するものに限る。）を行う者を主要な協会員又は会員とするものに加入していない場合にあっては、その旨）

(ii) the name of the financial instruments firms association to which the person is a member (if the person is not a member of a financial instruments firms association with principal association members or members that are persons conducting type II financial instruments business that the type II small amount electronic public offering service provider conducts (limited to the business which falls under the category of the securities-related businesses), that fact).

３　法第二十九条の四の三第三項に規定する内閣府令で定めるものは、第二種少額電子募集取扱業者の使用に係る電子計算機に備えられたファイルに記録された情報の内容を電気通信回線を通じて公衆の閲覧に供する方法とする。

(3) The means specified by Cabinet Office Order as prescribed in Article 29-4-3, paragraph (3) of the Act are the means in which the content of information recorded in the file stored on a computer used by a type-II small amount electronic public offering service provider has been made available for public inspection via a telecommunications line.

（適格投資家向け投資運用業を行う金融商品取引業者が行う取得勧誘に係る有価証券の譲渡に関する措置等）

(Measures Concerning the Transfer of Securities Related to Solicitation for Acquisition by Financial Instruments Business Operators Who Conduct Investment Management Business for Qualified Investors)

第十六条の五　令第十五条の十の六第一号に規定する内閣府令で定める措置は、当該財産的価値を適格投資家以外の者に移転することができないようにする技術的措置とする。

Article 16-5 (1) The measures specified by Cabinet Office Order as prescribed in

Article 15-10-6, item (i) of the Cabinet Order are technical measures for preventing the financial values to be transferred to persons other than qualified investors.

２　令第十五条の十の六第二号に規定する内閣府令で定める事項は、次に掲げる事項とする。

(2) The matters specified by Cabinet Office Order as prescribed in Article 15-10-6, item (ii) of the Cabinet Order are the following matters:

一　当該取得しようとする者が当該取得勧誘（法第二条第三項に規定する取得勧誘をいう。次号において同じ。）に応じて取得した当該有価証券を適格投資家以外の者に譲渡しないこと。

(i) a person who seeks to make the acquisition does not transfer the securities that were acquired in response to the solicitation for acquisition (meaning the solicitation for acquisition as defined in Article 2, paragraph (3) of the Act; the same applies in the following item) to persons other than qualified investors; and

二　当該取得しようとする者が当該取得勧誘に応じて取得した当該有価証券を譲渡する場合には、その相手方に対し、当該有価証券の売付け勧誘等（法第二条第四項に規定する売付け勧誘等をいう。以下この号において同じ。）を行う者と当該売付け勧誘等に応じて当該有価証券の買付けを行おうとする者との間において、当該買付けを行おうとする者が買い付けた当該有価証券を適格投資家以外の者に譲渡を行わない旨を定めた譲渡に係る契約を締結することが買付けの条件とされていることを告知すべきこと。

(ii) if a person who seeks to make the acquisition transfers the securities acquired in response to the solicitation for acquisition, the fact that the person is required to notify the other party that the purchase between a person who makes the solicitation for selling, etc. of the securities (meaning the solicitation for selling, etc. as defined in Article 2, paragraph (4) of the Act; hereinafter the same applies in this item) and a person who seeks to purchase those securities in response to the solicitation for selling, etc., is to be made on condition that the parties will conclude a contract related to the transfer for which it is stipulated that the person who seeks to make the purchase will not transfer the purchased securities to a person other than qualified investors.

（金融商品取引業者と密接な関係を有する者）

(Persons that Have a Close Relationship with Financial Instruments Business Operators)

第十六条の五の二　令第十五条の十の七第四号に規定する内閣府令で定める者は、次に掲げる者とする。

Article 16-5-2 The persons specified by Cabinet Office Order as prescribed in Article 15-10-7, item (iv) of the Order are the persons specified in the following

items:

一　当該金融商品取引業者の子会社等（令第十五条の十六第三項に規定する子会社等をいう。以下この号、第三十三条第二項、第三十四条、第百二十三条第一項第三十号、第十一項第三号及び第十二項、第百二十五条の七第二項第二号、第六節並びに第六節の二において同じ。）又は当該金融商品取引業者の親会社等（令第十五条の十六第三項に規定する親会社等をいう。第百二十三条第十一項第三号及び第十二項、第百二十五条の七第二項第二号、第六節並びに第六節の二において同じ。）の子会社等

(i) a subsidiary company, etc. of the financial instruments business operator (meaning a subsidiary company, etc. provided for in Article 15-16, paragraph (3) of the Order; hereinafter the same applies in this item, Article 33, paragraph (2), Article 34, Article 123, paragraph (1), item (xxx), paragraph (11), item (iii), and paragraph (12), Article 125-7, paragraph (2), item (ii), Section 6, and Section 6-2), or a subsidiary company, etc. of the parent company, etc. of the financial instruments business operator (meaning a parent company, etc. provided for in Article 15-16, paragraph (3) of the Order; the same applies in Article 123, paragraph (11), item (iii), and paragraph (12), Article 125-7, paragraph (2), item (ii), Section 6, and Section 6-2);

二　当該金融商品取引業者が行う一の運用財産の運用に係る権限の全部又は一部の委託を受けた者

(ii) a person that has received an entrustment of all or part of the authority for the investment of one investment property conducted by the financial instruments business operator;

三　当該金融商品取引業者が一の運用財産の運用として行うこととなる取引の対象となるもの（以下この号において「取引対象」という。）の価値等（取引対象の価値、オプションの対価の額又は取引対象に係る指標の動向をいう。以下この号において同じ。）若しくは価値等の分析に基づく投資判断（投資の対象となるものの種類、数及び価格並びに売買の別、方法及び時期についての判断又は行うべき取引の内容及び時期についての判断をいう。）に関し、口頭、文書（新聞、雑誌、書籍その他不特定多数の者に販売することを目的として発行されるもので、不特定多数の者により随時に購入可能なものを除く。）その他の方法により助言を行うことを約し、当該金融商品取引業者がそれに対し報酬を支払うことを約する契約を当該金融商品取引業者と締結している者又は当該投資判断に関し、当該方法により助言を行うことを約し、当該者がそれに対し報酬を支払うことを約する契約を当該者と締結している者

(iii) a person that has concluded a contract with the financial instruments business operator in which the person promises to provide the financial instruments business operator with oral advice, written advice (excluding newspapers, magazines, books, or other documents that is issued for the purpose of selling to many and unspecified persons and which many and

unspecified persons can buy at any time), or other form of advice on investment decisions based on the value, etc. of property that is subject of transactions (hereinafter referred to as "transaction assets" in this item) (the value, etc. means the value of transaction assets, the amount receivable for options, or the trend of indexs related to transaction assets; hereinafter the same applies in this item) to be conducted by the financial instruments business operator as an investment of one investment property or based on the analysis of the value, etc. (meaning decisions on the types, quantities, and prices of property that is subject of investment, whether the type of transaction is purchase or sale, the means and timing of the transactions, or decisions on the content and timing of the transactions required to be conducted) and the financial instruments business operator promises to pay remuneration for that, or a person that has concluded a contract with the person in question which the person promises to provide the person in question with advice on the investment decisions by the means and the person in question promises to pay remuneration for that;

四　令第十五条の十の七第三号及び前三号に掲げる者の役員又は使用人

(iv) an officer or employee of the person set forth in Article 15-10-7, item (iii) of the Order and the preceding three items; and

五　令第十五条の十の七第一号及び第二号並びに前三号に掲げる者の親族（配偶者並びに三親等以内の血族及び姻族に限る。）

(v) a relative of the person set forth in Article 15-10-7, items (i) and (ii) of the Order and the preceding three items (limited to a spouse and a relative by blood or by affinity within the third degree of kinship).

（特定投資家に準ずる者）

(Persons Equivalent to Professional Investors)

第十六条の六　法第二十九条の五第三項に規定する内閣府令で定める者は、次に掲げる者とする。

Article 16-6 The persons specified by Cabinet Office Order as prescribed in Article 29-5, paragraph (3) of the Act are the following persons:

一　令第十七条の十二第一項第三号から第五号まで、第八号、第九号、第十二号、第十四号又は第十五号に掲げる者

(i) a person specified in Article 17-12, paragraph (1), items (iii) through (v), item (viii), item (ix), item (xii), item (xiv), or item (xv) of the Order; and

二　その取得する出資対象事業持分（法第二条第二項第五号又は第六号に掲げる権利をいう。以下同じ。）に係る私募又は私募の取扱いの相手方であって、第二百三十三条の三各号に掲げる者

(ii) a counterparty to the private placement or handling of private placement of equity in the business subject to investment to be acquired (meaning the right set forth in Article 2, paragraph (2), item (v) or (vi) of the Act; the same

applies hereinafter) who is specified in the items of Article 233-3.

（適格投資家から除かれる者）

(Persons Excluded from Persons Considered to be Qualified Investors)

第十六条の七　法第二十九条の五第四項第三号に規定する内閣府令で定める者は、その発行する法第二条第一項第五号、第九号若しくは第十五号に掲げる有価証券若しくは同項第十七号に掲げる有価証券（同項第五号、第九号又は第十五号に掲げる有価証券の性質を有するものに限る。）に表示される権利又は同条第二項第三号若しくは第四号に掲げる権利（その取得の対価の額を超えて財産の給付を受けることがないことを内容とする権利を除く。）を適格投資家以外の者が取得している特別目的会社（第三十三条第二項に規定する特別目的会社をいう。）とする。

Article 16-7 The person specified by Cabinet Office Order as prescribed in Article 29-5, paragraph (4), item (iii) of the Act is a special purpose company (meaning a special purpose company as defined in Article 33, paragraph (2)), for which a person other than qualified investors has acquired the right indicated on securities set forth in Article 2, paragraph (1) item (v), item (ix), or item (xv) of the Act or securities set forth in item (xvii) of that paragraph (limited to those that have the nature of the securities set forth in item (v), item (ix), or item (xv) of that paragraph) issued by that person, or the right set forth in paragraph (2), item (iii) or item (iv) of that Article (excluding the right with which the delivery of the property cannot be received in an amount exceeding the amount receivable of the acquisition).

（認可に係る業務の内容及び方法）

(Content and Method of Business Related to Authorization)

第十七条　法第三十条の三第二項に規定する内閣府令で定めるものは、次に掲げるものとする。

Article 17 The matters specified by Cabinet Office Order as prescribed in Article 30-3, paragraph (2) of the Act are as follows:

一　私設取引システム運営業務において行う取引の種類

(i) the types of transactions conducted under the proprietary trading system operation;

二　私設取引システム運営業務を管理する責任者の氏名及び役職名

(ii) the name and title of the responsible person for managing the proprietary trading system operation;

三　私設取引システム運営業務を行う部署（私設取引システム運営業務の一部を他の者に委託する場合にあっては、その者を含む。）の名称及び組織の体制

(iii) the name and organizational structure of the department in charge of the proprietary trading system operation (if a part of the proprietary trading system operation is entrusted to another person, including that person);

四　私設取引システム運営業務において取り扱う有価証券の種類、銘柄及び取引の最

低単位

(iv) the types, issues, and minimum unit of transaction of the securities handled under the proprietary trading system operation;

五　私設取引システム運営業務に係る顧客との取引開始基準及び顧客の管理方法

(v) the standards for initiating a transaction with customers related to the proprietary trading system operation, and the method of managing customers;

六　売買価格の決定方法

(vi) the method for deciding the trading price;

七　気配、売買価格その他の価格情報の公表方法

(vii) the method of publicizing the quotes, trading price, and other price information;

八　私設取引システム運営業務において使用する電子情報処理組織の概要、設置場所、容量及び保守の方法並びに当該電子情報処理組織に異常が発生した場合の対処方法

(viii) the outline, installation location, capacity, and maintenance method of the electronic data processing system used for the proprietary trading system operation, and the method of handling in the case of malfunction of the electronic data processing system;

九　私設取引システム運営業務に係る有価証券の受渡しその他の決済の方法及び顧客の契約不履行が生じた場合の対処方法

(ix) the method of transfer or other settlement procedures for the securities related to the proprietary trading system operation, and the method of handling a customer's default in performance of contract;

十　顧客である金融商品取引業者における有価証券の売買の受託についての信用の供与に関する事項

(x) the matters concerning the grant of credit with regard to entrustment for a purchase and sale of securities by a financial instruments business operator that is a customer;

十一　私設取引システム運営業務に係る取引記録の作成及び保存の方法

(xi) the method for the preparation and preservation of the transaction records for the proprietary trading system operation;

十二　私設取引システム運営業務の執行状況について、検査を行う頻度、部署の名称及び体制

(xii) the frequency of the inspection on the status of the execution of the proprietary trading system operation, and the name and structure of the department in charge of the inspection; and

十三　その他私設取引システム運営業務に係る損失の危険の管理又は取引の公正の確保に関する重要な事項

(xiii) other material matters concerning the management of risk of loss or for securing fairness of the transactions, in regard to the proprietary trading system operation.

（認可申請書の添付書類）

(Documents to Be Attached to Written Application for Authorization)

第十八条　法第三十条の三第二項に規定する内閣府令で定める書類は、次に掲げる書類とする。

Article 18 The documents specified by Cabinet Office Order as prescribed in Article 30-3, paragraph (2) of the Act are as follows:

一　私設取引システム運営業務を管理する責任者の履歴書

(i) the resume of the responsible person for managing the proprietary trading system operation;

二　私設取引システム運営業務に関する社内規則

(ii) the internal rules regarding the proprietary trading system operation;

三　私設取引システム運営業務に関し顧客と取引を行う際に使用する契約書類

(iii) the contract documents used for transactions with customers in connection with the proprietary trading system operation; and

四　前条第八号に掲げるものに関する認可申請者と特別の利害関係のない者の評価書

(iv) the appraisal report on matters set forth in item (viii) of the preceding Article, which is prepared by a person that has no special interest in the applicant for authorization.

（審査等の対象となる業務の内容及び方法）

(Content and Method of Business that is Subject to Examinations)

第十九条　法第三十条の四第五号及び第三十一条第六項に規定する内閣府令で定める業務の内容及び方法は、次に掲げるものとする。

Article 19 The content and method of business specified by Cabinet Office Order as prescribed in Article 30-4, item (v) and Article 31, paragraph (6) of the Act are as follows:

一　第十七条第五号、第八号、第十号及び第十一号に掲げるもの

(i) the matters set forth in Article 17, item (v), item (viii), item (x), and item (xi); and

二　その他私設取引システム運営業務に係る取引の公正の確保に関する重要な事項

(ii) other material matters related to securing the fairness of transactions conducted under the proprietary trading system operation.

（登録申請書記載事項の変更の届出）

(Notification of Change to the Matters Stated in Written Application for Registration)

第二十条　法第三十一条第一項の規定により届出を行う金融商品取引業者は、変更の内容、変更年月日及び変更の理由を記載した届出書に、別紙様式第一号により作成した変更後の内容を記載した書面及び当該書面の写し並びに次の各号に掲げる場合の区分に応じ当該各号に定める書類を添付して、所管金融庁長官等に提出しなければならな

い。ただし、やむを得ない事由があるときは、当該各号に定める書類は、当該届出書の提出後遅滞なく提出すれば足りる。

Article 20 (1) A financial instruments business operator that files a notification pursuant to the provisions of Article 31, paragraph (1) of the Act must submit to the Commissioner of the Financial Services Agency or the competent Direcror-General of a Local Finance Bureau a written notification stating the content and the date of the change, and the reason for the change, by attaching a document stating the content of the notification after the change prepared by using the Appended Form No. 1, a copy of the document, and the documents specified in the following items in accordance with the category of the cases set forth in each of those items; provided, however, that, if there are compelling reasons, it is sufficient to submit the documents specified in each of the following items without delay after the submission of the notification:

一　法第二十九条の二第一項第一号に掲げる事項について変更があった場合　次に掲げる書類

(i) if there is any change to the matters set forth in Article 29-2, paragraph (1), item (i) of the Act: the following documents:

イ　当該変更に係る事項を記載した登記事項証明書（個人であるときは、住民票の抄本）又はこれに代わる書面

(a) a certificate of registered information stating the changed information (for an individual, an extract of the resident record) or alternative documents; and

ロ　旧氏及び名を、氏名に併せて別紙様式第一号により作成した変更後の内容を記載した書面に記載した場合において、イに掲げる書類が当該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

(b) if the former surname and given name are stated together with the current name in a document stating the changed content which is prepared by using the Appended Form 1 and the document set forth in sub-item (a) is not a document certifying the former surname and given name, a document certifying the former surname and given name;

二　法第二十九条の二第一項第二号に掲げる事項又は第七条第十二号に掲げる事項について変更があった場合　当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面

(ii) if there is any change to the matters set forth in Article 29-2, paragraph (1), item (ii) of the Act or the matters specified in Article 7, item (xii): the certificate of the registered information stating the changed matters, or alternative documents;

三　法第二十九条の二第一項第三号又は第四号に掲げる事項について変更があった場合　次に掲げる書類

(iii) if there is any change to the matters set forth in Article 29-2, paragraph (1), item (iii) or (iv) of the Act: the following documents:

イ　業務に係る人的構成及び組織等の業務執行体制を記載した書面

(a) the documents stating the personnel structure and the system for conducting business of the organization;

ロ　役員に変更があった場合には、当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面

(b) when there is a change of officers, the certificate of registered information stating the changed matters, or alternative documents;

ハ　新たに役員又は重要な使用人となった者に係る次に掲げる書類

(c) the following documents in relation to a person that has newly assumed the position of officer or important employee:

（１）　履歴書（役員が法人であるときは、当該役員の沿革を記載した書面）

1. the resumes (if the officer is a corporation, the document stating the background of the officer);

（２）　住民票の抄本（役員が法人であるときは、当該役員の登記事項証明書）又はこれに代わる書面

2. an extract of the resident record (if the officer is a corporation, the certificate of registered information of the officer), or alternative documents;

（３）　旧氏及び名を、氏名に併せて別紙様式第一号により作成した変更後の内容を記載した書面に記載した場合において、（２）に掲げる書類が当該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

3. if the former surname and given name are stated together with the current name in the document stating the changed content which is prepared using the Appended Form 1, and the document set forth in 2. is not a document certifying the former surname and given name, a document certifying the former surname and given name;

（４）　法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

4. the certificate issued by public agency certifying that the officers or employees do not fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, or alternative documents;

（５）　法第二十九条の四第一項第二号イ又はハからリまでのいずれにも該当しない者であることを当該役員又は重要な使用人が誓約する書面

5. the documents with which the officer and important employee pledge that they do not fall under any of Article 29-4, paragraph (1), item (ii), sub-item (a), or sub-items (c) through (i) of the Act;

（６）　当該金融商品取引業者が法人であるときは、法第二十九条の四第一項第二号（イに係る部分に限る。）に該当しないことを誓約する書面

6. if the financial instruments business operator is a corporation, a document pledging that it does not fall under Article 29-4, paragraph (1), item (ii) of the Act (limited to the part related to sub-item (a)); and

（７）　当該金融商品取引業者が個人であるときは、法第二十九条の四第一項第三号（同項第二号イに係る部分に限る。）に該当しないことを誓約する書面

7. if the financial instruments business operator is an individual, a document pledging that they do not fall under Article 29-4, paragraph (1), item (iii) of the Act (limited to the part related to item (ii), sub-item (a) of that paragraph);

四　法第二十九条の二第一項第十号に掲げる事項について変更があった場合（営業所又は事務所の廃止をした場合に限る。）　当該変更に伴う顧客勘定の処理の内容を記載した書面

(iv) if there is any change to the matters set forth in Article 29-2, paragraph (1), item (x) of the Act (limited to cases in which the business office or office has been abolished): a document stating the content of the handling of customer's accounts accompanying the change;

五　第七条第三号の二に掲げる事項について変更があった場合（電子取引基盤運営業務を行うこととなった場合に限る。）　次に掲げる書類

(v) if there is any change to the matters set forth in Article 7, item (iii)-2 (limited to cases in which the applicant is to conduct electronic trading platform management services), the following documents:

イ　電子取引基盤運営業務を管理する責任者の履歴書

(a) the resume of the responsible person for managing electronic trading platform management services;

ロ　電子取引基盤運営業務に関する社内規則

(b) the internal rules concerning electronic trading platform management services;

ハ　電子取引基盤運営業務に関し顧客と取引を行う際に使用する契約書類及びその添付書類

(c) written contracts and the documents attached to them to be used for transactions with customers concerning electronic trading platform management services; and

ニ　第八条第六号トに掲げるものに関する届出者と特別の利害関係のない者の評価書

(d) an appraisal report issued by a person that have no special interest relationship with the notifying person concerning the matters set forth in Article 8, item (vi), sub-item (g);

六　第七条第四号ニに掲げる事項について変更があった場合（競走用馬投資関連業務を行うこととなった場合に限る。）　第十三条第三号に掲げる基準に該当しないことを証する書面

(vi) if there is any change to the matters set forth in Article 7, item (iv), sub-item (d) (limited to cases in which the financial instruments business operator has come to conduct business related to investment in racehorses): a document evidencing that the business operator does not fall under the

criteria set forth in Article 13, item (iii);

七　第七条第六号に掲げる事項について変更があった場合（不動産信託受益権等売買等業務を行うこととなった場合に限る。）　第十三条第四号に掲げる基準に該当しないことを証する書面

(vii) if there is any change to the matters set forth in Article 7, item (vi) (limited to cases in which the financial instruments business operator has come to conduct business of purchase and sale, etc. of beneficial interest in real property trust): a document evidencing that the business operator does not fall under the criteria set forth in Article 13, item (iv);

八　第七条第七号に掲げる事項について変更があった場合（不動産関連特定投資運用業を行うこととなった場合に限る。）　不動産関連特定投資運用業を行う場合における業務遂行能力に関する事項を記載した書面

(viii) if there is any change to the matters set forth in Article 7, item (vii) (limited to cases in which the financial instruments business operator has come to conduct specified investment management business related to real property): a document stating the matters related to the ability to perfrom business in cases of conducting specified investment management business related to real property;

九　第七条第十号に掲げる事項について変更があった場合新たに国内における代理人となった者に係る次に掲げる書類

(ix) if there is any change to the matters specified in Article 7, item (x), the following documents concerning the person that newly assumed the position of the agent in Japan:

イ　住民票の抄本（国内における代理人が法人であるときは、当該国内における代理人の登記事項証明書）又はこれに代わる書面

(a) an extract of the resident record (if the agent in Japan is a corporation, a certificate of registered information of the agent in Japan), or alternative documents; and

ロ　旧氏及び名を、氏名に併せて別紙様式第一号により作成した変更後の内容を記載した書面に記載した場合において、イに掲げる書類が当該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

(b) if the former surname and given name are stated together with the current name in a document stating the changed content which is prepared using the Appended Form 1 and the document specified in sub-item (a) is not a document certifying the former surname and given name, a document certifying the former surname and given name.

2　所管金融庁長官等は、金融商品取引業者から管轄財務局長等の管轄する区域を超えて本店等の所在地を変更したことの届出を受理した場合には、届出書及び金融商品取引業者登録簿のうち当該金融商品取引業者に係る部分その他の書類を、当該届出に係る変更後の本店等の所在地を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては福岡財務支局長、国内に営業所又は事務所を有しない場合

にあっては関東財務局長）に送付し、又は送付させるものとする。

(2) If the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau has received from a financial instruments business operator a notification on the relocation of the head office, etc. filed beyond the jurisdictional area of the competent Director-General of a Local Finance Bureau, etc., the Commissioner or Director-General is to send or have the business operator send the written notification and the part of the register of financial instruments business operators related to the financial instruments business operator and other documents to the Director-General of a Local Finance Bureau with jurisdiction over the locality of the relocated head office, etc. (if the locality falls within the jurisdictional area of the Fukuoka Local Finance Branch Bureau, to its Director-General; if the financial instruments business operator does not have a business office or an office in Japan, to the Director-General of the Kanto Finance Bureau).

３　前項の規定による書類の送付を受けた財務局長又は福岡財務支局長は、当該金融商品取引業者に係る事項を金融商品取引業者登録簿に登録するものとする。

(3) The Director-General of a Local Finance Bureau or the Director-General of the Fukuoka Local Finance Branch Bureau who has received the documents sent under the provisions of the preceding paragraph is to register the matters related to the financial instruments business operator in the registry of financial instruments business operators.

（特定業務内容等）

(Specified Business Outline)

第二十条の二　法第三十一条第三項に規定する内閣府令で定めるものは、新たに第八条第十二号の暗号資産又は金融指標となるものとする。

Article 20-2 The business outline or business method specified by Cabinet Office Order as prescribed in Article 31, paragraph (3) of the Act is what newly becomes cryptoasset or financial index referred to in Article 8, item (xii).

（業務の内容又は方法の変更の届出）

(Notification on Change of Business Content or Method)

第二十一条　法第三十一条第三項の規定により届出を行う金融商品取引業者は、変更の内容、変更予定年月日又は変更年月日及び変更の理由を記載した届出書に、第八条各号に掲げるもの（内容に変更のあるものに限る。）を記載した書類、第九条第九号ハ及び第十号に掲げる書類（内容に変更のあるものに限る。）並びに第二十条第一項第五号に定める書類（内容に変更のあるものに限る。）を添付して、所管金融庁長官等に提出しなければならない。

Article 21 A financial instruments business operator that files a notification pursuant to the provisions of Article 31, paragraph (3) of the Act must submit to the Commissioner of the Financial Services Agency or the competent

Director-General of a Local Finance Bureau a written notification stating the content of the change, the scheduled date or the actual date of change, and the reasons for the change by attaching a document stating the matters set forth in the items of Article 8 (limited to matters whose content has been changed), the documents set forth in Article 9, item (ix), sub-item (c) and item (x) (limited to matters whose content has been changed) and the documents provided for in Article 20, paragraph (1), item (v) (limited to matters whose content has been changed).

（変更登録の申請）

(Application for Registration of Changes)

第二十二条　法第三十一条第四項の変更登録を受けようとする金融商品取引業者は、別紙様式第一号により作成した変更登録申請書に、当該変更登録申請書の写しを添付して、所管金融庁長官等に提出しなければならない。

Article 22 (1) A financial instruments business operator that seeks to obtain the registration of a change referred to in Article 31, paragraph (4) of the Act must submit to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureaus a written application for registration of change prepared by using the Appended Form No. 1, by attaching a copy of the written application for registration of charge.

２　前項の変更登録申請書には、変更の内容及び理由を記載した書面並びに次に掲げる書類（新たに行おうとする業務（電子募集取扱業務及び高速取引行為を含む。）に係るものに限る。）を添付しなければならない。

(2) A document stating the content of and reason for the change and the following documents (limited to the documents related to the business to be newly conducted (including electronic public offering services and high-speed trading)) must be attached to a written application for a registration of change set forth in the preceding paragraph:

一　法第二十九条の四第一項各号（第一号から第三号まで、第四号ニ、第五号ハ及び第七号（法第六十六条の五十三第六号ハに係る部分に限る。）を除く。）のいずれにも該当しないことを誓約する書面

(i) a document with which the financial instruments business operator pledges that they do not fall under any of the items of Article 29-4, paragraph (1) of the Act (excluding items (i) through (iii), item (iv), sub-item (d), item (v), sub-item (c) and item (vii) (limited to the part related to Article 66-53, item (vi), sub-item (c) of the Act);

二　第八条各号に掲げるものを記載した書類

(ii) a document stating the matters specified in the items of Article 8; and

三　第九条各号及び第十条第一項各号に掲げる書類

(iii) a document set forth in the items of Article 9 and the items of Article 10, paragraph (1).

３　第十条第二項の規定は、前項第三号に掲げる書類（同条第一項第一号に掲げるものに限る。）を添付する場合について準用する。

(3) The provisions of Article 10, paragraph (2) apply mutatis mutandis if any of the documents specified in item (iii) of the preceding paragraph (limited to those specified in paragraph (1), item (i) of that Article) is to be attached.

（変更の認可の申請）

(Application for Authorization of Change)

第二十三条　法第三十一条第六項の認可を受けようとする金融商品取引業者は、次に掲げる事項を記載した認可申請書を所管金融庁長官等に提出しなければならない。

Article 23 (1) A financial instruments business operator that seeks to obtain the authorization under Article 31, paragraph (6) of the Act must submit a written application for authorization stating the following matters to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau:

一　商号

(i) the trade name;

二　登録年月日及び登録番号

(ii) the registration date and registration number; and

三　変更の内容及び理由

(iii) the content of and reasons for change.

２　前項の認可申請書には、第十七条各号に掲げるもの（内容に変更のあるものに限る。）を記載した書類及び第十八条各号に掲げる書類（内容に変更のあるものに限る。）を添付しなければならない。

(2) The document stating the matters set forth in the items of Article 17 (limited to matters whose content has been changed) and the documents set forth in the items of Article 18 (limited to matters whose content has been changed) must be attached to a written application for authorization referred to in the preceding paragraph.

（変更の認可の基準）

(Criteria for Authorization of Change)

第二十四条　所管金融庁長官等は、法第三十一条第六項の認可をしようとするときは、法第三十条の四第一号及び第五号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 24 When the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau intends to grant the authorization referred to in Article 31, paragraph (6) of the Act, the Commissioner or the Director-General must examine whether the applicant complies with the criteria set forth in Article 30-4, item (i) or (v) of the Act.

（営業保証金の供託の届出等）

(Notification for Making Business Security Deposit)

第二十五条　法第三十一条の二第一項、第四項又は第八項の規定により供託をした者は、別紙様式第二号により作成した供託届出書に、当該供託に係る供託書正本を添付して、所管金融庁長官等に提出しなければならない。

Article 25 (1) A person that has made a deposit pursuant to the provisions of Article 31-2, paragraph (1), paragraph (4), or paragraph (8) of the Act must submit to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureaus, a written notification of deposit prepared using the Appended Form No. 2 by attaching an authenticated copy of the certificate of deposit relevant to the deposit.

２　金融商品取引業者（第二種金融商品取引業を行う個人及び投資助言・代理業のみを行う者に限る。第二十七条及び第二十八条において同じ。）が既に供託している供託物の差替えを行う場合は、差替えのために新たに供託をした後、その旨を記載した届出書に、差替え後の供託に係る供託書正本を添付して、所管金融庁長官等に提出しなければならない。

(2) If a financial instruments business operator (limited to an individual that conducts type-II financial instruments business or a person that only conducts investment advisory and agency business; the same applies in Article 27 and Article 28) intends to replace the items already deposited, the financial instruments business operator must, after newly making the deposit for the replacement, submit a written notification stating that fact by attaching an authenticated copy of the certificate of deposit for the deposit after the replacement to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureaus.

３　所管金融庁長官等は、前二項の供託書正本を受理したときは、保管証書をその供託者に交付しなければならない。

(3) When the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureaus receive the authenticated copy of the deposit certificate referred to in the preceding two paragraphs, the Commissioner or the competent Director-General must deliver a custody certificate to the depositor.

（営業保証金に代わる契約の相手方）

(Counterparties to Contracts That Repalce a Business Security Deposit)

第二十六条　令第十五条の十三に規定する内閣府令で定める金融機関は、協同組織金融機関及び株式会社商工組合中央金庫とする。

Article 26 The financial institutions specified by Cabinet Office Order as prescribed in Article 15-13 of the Order are a cooperative financial institution and the Shoko Chukin Bank Limited.

（営業保証金に代わる契約の締結の届出等）

(Notification of Conclusion of Contracts That Replace a Business Security Deposit)

第二十七条　金融商品取引業者は、法第三十一条の二第三項の契約を締結したときは、別紙様式第三号により作成した保証契約締結届出書に契約書の写しを添付して所管金融庁長官等に届け出るとともに、契約書正本を提示しなければならない。

Article 27 (1) When a financial instruments business operator concludes a contract referred to in Article 31-2, paragraph (3) of the Act, they must submit a written notification of the conclusion of a guarantee contract prepared by using the Appended Form No. 3 by attaching a copy of the contract, and present the original written contract to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau.

２　金融商品取引業者は、営業保証金に代わる契約の変更又は解除を行おうとする場合は、別紙様式第四号により作成した保証契約変更承認申請書又は別紙様式第五号により作成した保証契約解除承認申請書により、所管金融庁長官等に承認を申請しなければならない。

(2) When a financial instruments business operator seeks to make a change or cancel a contract that replaces a business security deposit, they must file an application for approval with the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau by submitting a written application for approval of change to the guarantee contract prepared by using the Appended Form No. 4 or a written application for approval of cancellation of the guarantee contract prepared by using the Appended Form No. 5.

３　所管金融庁長官等は、前項の規定による承認の申請があったときは、当該承認の申請をした金融商品取引業者が営業保証金に代わる契約を変更し、又は解除することが投資者の保護に欠けるおそれがないものであるかどうかを審査するものとする。

(3) When an application for approval under the provisions of the preceding paragraph has been filed, the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau is to examine whether or not the financial instruments business operator that has filed the application for approval to change or cancel the contract that replaces a business security deposit is likely to result in insufficient protection of investors.

４　金融商品取引業者は、所管金融庁長官等の承認に基づき営業保証金に代わる契約の変更又は解除をしたときは、別紙様式第六号により作成した保証契約変更届出書に変更後の契約書の写しを添付し、又は別紙様式第七号により作成した保証契約解除届出書に契約を解除した事実を証する書面を添付して当該所管金融庁長官等に届け出るとともに、契約の変更の場合には、変更後の契約書正本を提示しなければならない。

(4) When a financial instruments business operator changes or cancels the contract that replaces a business security deposit based on the approval

granted by the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau, they must submit to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau a written notification of change to a guarantee contract prepared by using the Appended Form No. 6 by attaching a copy of the changed contract, or a written notification of the cancellation of a guarantee contract prepared by using the Appended Form No. 7 by attaching a document evidencing the fact that the contract was cancelled, and in the case of changing the contract, the financial instruments business operator must present the original written contract after the change was made.

（営業保証金の追加供託の起算日）

(Initial Calculation Date of the Period for Making Additional Deposit of Business Security Deposit)

第二十八条　法第三十一条の二第八項に規定する内閣府令で定める日は、営業保証金の額が不足した理由につき、次の各号に掲げる場合の区分に応じ、当該各号に定める日とする。

Article 28 The day specified by Cabinet Office Order as prescribed in Article 31-2, paragraph (8) of the Act is the day specified in the following items in accordance with the category of cases set forth in each of those items concerning the reasons for the deficiency in the amount of business security deposit:

一　金融商品取引業者が令第十五条の十三第三号の承認（次号において「承認」という。）を受けて法第三十一条の二第三項の契約（以下この号及び次号において「契約」という。）の内容を変更したことにより、同条第十項に規定する供託した営業保証金の額（同条第三項に規定する契約金額を含む。）が令第十五条の十二に定める額に不足した場合　当該契約の内容を変更した日

(i) if the amount of business security deposit deposited which is prescribed in Article 31-2, paragraph (10) of the Act (including the contract amount prescribed in paragraph (3) of that Article) has become less than the amount prescribed in Article 15-12 of the Order because the financial instruments business operator has changed the content of the contract referred to in Article 31-2, paragraph (3) of the Act (hereinafter referred to as "the contract" in this item and the following item) by obraining the approval referred to in Article 15-13, item (iii) of the Order (hereinafter referred to as "the approval" in the following item): the day when the content of the contract was changed;

二　金融商品取引業者が承認を受けて契約を解除した場合　当該契約を解除した日

(ii) if the financial instruments business operator has cancelled the contract with the approval: the day of the cancellation of the contract;

三　令第十五条の十四の権利の実行の手続が行われた場合　金融商品取引業者が金融

商品取引業者営業保証金規則（平成十九年内閣府・法務省令第三号）第十一条第三項の支払委託書の写しの送付を受けた日

(iii) if the procedures for enforcement of the rights referred to in Article 15-14 of the Order are implemented: the day when the financial instruments business operator has received a copy of the payment entrustment document referred to in Article 11, paragraph (3) of the Regulation on Business Security Deposits by Financial Instruments Business Operators (Cabinet Office and Ministry of Justice Order No. 3 of 2007);

四　令第十五条の十四の権利の実行の手続を行うため所管金融庁長官等が供託されている有価証券（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）第二百七十八条第一項に規定する振替債を含む。）の換価を行い、換価代金から換価の費用を控除した額を供託した場合　金融商品取引業者が金融商品取引業者営業保証金規則第十二条第四項の規定による通知を受けた日

(iv) if, for the purpose of implementing procedures for the enforcement of the rights referred to in Article 15-14 of the Order, the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau has converted the deposited securities (including the book-entry transfer bonds prescribed in Article 278, paragraph (1) of the Act on Book-Entry Transfer of Corporate Bonds and Shares (Act No. 75 of 2001)), and has deposited the amount remaining after deducting the expenses from the conversion proceeds: the day on which the financial instruments business operator has received a notice under the provisions of Article 12, paragraph (4) of the Regulation on Security Deposits by Financial Instruments Business Operators; or

五　金融商品取引業者（投資助言・代理業のみを行う個人及び第二種金融商品取引業のうち第二種少額電子募集取扱業務のみを行う個人に限る。）が第二種金融商品取引業を行う者として法第三十一条第四項の変更登録を受けた場合　当該変更登録を受けた日

(v) if a financial instruments business operator (limited to an individual that conducts only an investment advisory and agency business and an individual that conducts only type-II small amount electronic public offering service among the type-II financial instruments business) has obtained a registration of change referred to in Article 31, paragraph (4) of the Act as a person conducting type-II financial instruments business: the day when the business operator obtained the registration of change.

（営業保証金に充てることができる有価証券の種類）

(Types of Securities That May Be Used for Business Security Deposits)

第二十九条　法第三十一条の二第九項に規定する内閣府令で定める有価証券は、次に掲げるものとする。この場合において、次に掲げる有価証券に表示されるべき権利の帰属が、社債、株式等の振替に関する法律の規定による振替口座簿の記載又は記録によ

り定まるものとされるときは、当該権利は当該有価証券とみなす。

Article 29 The securities specified by Cabinet Office Order as prescribed in Article 31-2, paragraph (9) of the Act are as follows. In such a case, if the attribution of the right required to be indicated on any of the following securities is to be determined based on the entry or record in a book-entry transfer account book under the provisions of the Act on Book-Entry Transfer of Corporate Bonds and Shares, the right is deemed to be those securities:

一　国債証券

(i) national government bond certificates;

二　地方債証券

(ii) local government bond certificates;

三　政府保証債券（法第二条第一項第三号に掲げる有価証券のうち政府が元本の償還及び利息の支払について保証しているものをいう。第六十五条第一号ハにおいて同じ。）

(iii) government guaranteed bond certificates (meaning the securities set forth in Article 2, paragraph (1), item (iii) of the Act, which the government guarantees redemption of principal and interest payments; the same applies in Article 65, item (i), sub-item (c));

四　金融庁長官が指定した社債券その他の債券（記名式のもの及び割引の方法により発行されるもの並びに前号に掲げるものを除く。）

(iv) corporate bond certificates or other bond certificates designated by the Commissioner of the Financial Services Agency (excluding those in registered form and those issued on a discount basis, and also those set forth in the preceding item).

（営業保証金に充てることができる有価証券の価額）

(Value of Securities That May Be Used for Business Security Deposits)

第三十条　法第三十一条の二第九項の規定により有価証券を営業保証金に充てる場合における当該有価証券の価額は、次の各号に掲げる有価証券の区分に応じ、当該各号に定める額とする。

Article 30 (1) The value of the securities when securities are used for a business security deposit pursuant to the provisions of Article 31-2, paragraph (9) of the Act is the amount specified in the following items in accordance with the category of the securities set forth in each of those items:

一　前条第一号に掲げる有価証券　額面金額（その権利の帰属が社債、株式等の振替に関する法律の規定による振替口座簿の記載又は記録により定まるものとされるものにあっては、振替口座簿に記載又は記録された金額。以下この条において同じ。）

(i) the securities set forth in item (i) of the preceding Article: the face value (if the attribution of the right related to those securities is to be determined based on the entry or record in the book-entry transfer account book under

the provisions of the Act on Book-Entry Transfer of Corporate Bonds and Shares, the amount stated or recorded in the book-entry transfer account book; hereinafter the same applies in this Article);

二　前条第二号に掲げる有価証券　額面金額百円につき九十円として計算した額

(ii) the securities set forth in item (ii) of the preceding Article: the amount calculated by discounting the face value of 100 yen to 90 yen;

三　前条第三号に掲げる有価証券　額面金額百円につき九十五円として計算した額

(iii) the securities set forth in item (iii) of the preceding Article: the amount calculated by discounting the face value of 100 yen to 95 yen;

四　前条第四号に掲げる有価証券　額面金額百円につき八十円として計算した額

(iv) the securities set forth in item (iv) of the preceding Article: the amount calculated by discounting the face value of 100 yen to 80 yen.

２　割引の方法により発行した有価証券については、その発行価額に次の算式により算出した額を加えた額を額面金額とみなして、前項の規定を適用する。

(2) With regard to the securities issued on a discount basis, the provisions of the preceding paragraph is applied by deeming the amount arrived at by adding the amount calculated by using the following formula to the issue value as the face value:

（（額面金額―発行価額）÷発行の日から償還の日までの年数）×発行の日から供託の日までの年数

((Face value - Issue value) / Number of years from the date of issuance to the date of redemption) X Number of years from the date of issuance to the date of deposit

３　前項の算式による計算において、発行の日から償還の日までの年数及び発行の日から供託の日までの年数について生じた一年未満の端数並びに額面金額と発行価額との差額を発行の日から償還の日までの年数で除して得た金額について生じた一円未満の端数は、切り捨てる。

(3) For the calculation using the formula referred to in the preceding paragraph, a fraction of less than one year that arises for the number of years from the date of issuance to the date of redemption and the number of years from the date of issuance to the date of deposit, and a fraction of less than one yen that arises for the amount arrived at by dividing the difference between the face value and the issue value by the number of years from the date of issuance to the date of redemption are rounded down.

（兼職の届出）

(Notification of Concurrent Holding of Positions)

第三十一条　法第三十一条の四第一項及び第二項の規定による届出（これらの規定に規定する退任した場合に係るものを除く。）は、次に掲げる事項を記載した届出書を所管金融庁長官等に提出して行わなければならない。

Article 31 (1) A notification under the provisions of Article 31-4, paragraphs (1)

and (2) of the Act (excluding the notification filed in the case of resignation that is prescribed in those provisions) must be filed by submitting a written notification stating the following matters to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau:

一　氏名

(i) the person's name;

二　金融商品取引業者の商号

(ii) the trade name of the financial instruments business operator;

三　金融商品取引業者における役職名

(iii) the title of the financial instruments business operator;

四　兼職先の商号

(iv) the trade name of the other company in which the person concurrently holds the position of officer;

五　兼職先における役職名及び代表権の有無

(v) the title of the position at the company in which the person concurrently holds the position and the fact as to whether or not the person has the representative authority; and

六　就任年月日及び任期

(vi) the date of assumption of office and the term of office.

２　前項の場合において、同項第四号又は第五号に掲げる事項に変更があったときは、次に掲げる事項を記載した兼職変更届出書を所管金融庁長官等に提出しなければならない。

(2) In the case referred to in the preceding paragraph, if there is any change to the matters set forth in item (iv) or (v) of that paragraph, a written notification of the change of the position which is concurrently held stating the following matters must be submitted to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau:

一　氏名

(i) the person's name;

二　金融商品取引業者の商号

(ii) the trade name of the financial instruments business operator;

三　金融商品取引業者における役職名

(iii) the title of the financial instruments business operator;

四　変更の内容

(iv) the content of the change; and

五　変更年月日

(v) the date of the change.

３　法第三十一条の四第一項及び第二項の規定による届出（これらの規定に規定する退任した場合に係るものに限る。）は、次に掲げる事項を記載した届出書を所管金融庁長官等に提出して行わなければならない。

(3) A notification under the provisions of Article 31-4, paragraphs (1) and (2) of

the Act (limited to the notification filed in the case of a resignation that is prescribed in those provisions) must be filed by submitting a written notification stating the following matters to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau:

一　氏名

(i) the person's name;

二　金融商品取引業者の商号

(ii) the trade name of the financial instruments business operator;

三　金融商品取引業者における役職名

(iii) the title of the financial instruments business operator;

四　兼職をしていた会社の商号

(iv) the trade name of the other company in which the person concurrently holds the position of officer;

五　兼職をしていた会社における役職名及び代表権の有無

(v) the title of the position at the company in which the person concurrently holds the position and the fact as to whether or not the person has the representative authority; and

六　退任年月日

(vi) the date of resignation.

（親法人等及び子法人等から除かれる者）

(Persons Excluded from Being Parent Corporations or Subsidiary Corporations)

第三十二条　令第十五条の十六第一項及び第二項に規定する内閣府令で定める者は、次に掲げる者とする。

Article 32 The person specified by Cabinet Office Order as prescribed in Article 15-16, paragraphs (1) and (2) of the Order is as follows:

一　専ら次に掲げるいずれかの者の金融商品取引業等、金融商品仲介業又は有価証券等仲介業務の遂行のための業務を行っている者

(i) a person exclusively engaged in the business for conducting financial instruments business, etc., financial instruments intermediary service, or securities, etc. intermediary business operations of any of the following persons:

イ　自己

(a) the person themselves; or

ロ　自己及びその親法人等又は子法人等

(b) the person themselves and their parent corporation, etc. or subsidiary corporation, etc.;

二　専ら次に掲げるいずれかの者の業務（金融商品取引業等、金融商品仲介業及び有価証券等仲介業務を除く。）の遂行のための業務（非公開情報（発行者又は自己の行う金融商品取引業等、金融商品仲介業若しくは有価証券等仲介業務の顧客に関するものに限る。）に関連するものを除く。）を行っている者

(ii) a person who is exclusively engaged in the business (excluding business related to non-disclosure information (limited to information concerning customers of financial instruments business, etc., financial instruments intermediary service, or securities, etc. intermediary business operations conducted by the issuer or the person themselves)) for conducting business of any of the following persons (excluding financial instruments business, etc., financial instruments intermediary service, and securities, etc. intermediary business operations):

イ　自己

(a) the person themselves; or

ロ　自己及びその親法人等又は子法人等

(b) the person themselves and their parent corporation, etc. or subsidiary corporation, etc.;

三　外国の法人その他の団体であって、国内に営業所、事務所その他これらに準ずるものを有していない者

(iii) a corporation or any other organization of a foreign country that does not have a business office, office or facilities equivalent to them in Japan.

（親会社等となる者）

(Persons Classified as Parent Companies)

第三十三条　令第十五条の十六第三項に規定する内閣府令で定めるものは、次に掲げる会社等（同項に規定する会社等をいう。以下この条から第三十五条までにおいて同じ。）とする。ただし、財務上又は営業上若しくは事業上の関係からみて他の会社等の意思決定機関（同項に規定する意思決定機関をいう。第二号ホにおいて同じ。）を支配していないことが明らかであると認められるときは、この限りでない。

Article 33 (1) The companies specified by Cabinet Office Order as prescribed in Article 15-16, paragraph (3) of the Order are the following companies, etc. (meaning the companies, etc. prescribed in that paragraph; hereinafter the same applies in this Article through Article 35); provided, however, that this does not apply if it is clearly found that the company does not have control over the decision-making body of the other company, etc. (meaning the decision-making body specified in Article 15-16, paragraph (3) of the Order; the same applies in item (ii), (e)) in terms of their financial, operational, or business relationship:

一　他の会社等（破産手続開始の決定、再生手続開始の決定又は更生手続開始の決定を受けた他の会社等その他これらに準ずる他の会社等であって、有効な支配従属関係が存在しないと認められるものを除く。以下この項において同じ。）の議決権の過半数を自己の計算において保有している会社等

(i) a company, etc. which holds the majority of voting rights in the other company, etc. on its own account (excluding other companies, etc. that have become subject to an order for commencement of bankruptcy proceedings, an

order for commencement of rehabilitation proceedings, or an order for commencement of reorganization proceedings and other companies, etc. equivalent to them, which are found to have no effective parent-subsidiary relationship; hereinafter the same applies in this paragraph);

二　他の会社等の議決権の百分の四十以上、百分の五十以下を自己の計算において保有している会社等であって、次に掲げるいずれかの要件に該当するもの

(ii) a company, etc. which holds 40 percent or more and 50 percent or less of the voting rights in the other company, etc. on its own account, and falls under any of the following requirements:

イ　当該会社等が自己の計算において保有している議決権と当該会社等と出資、人事、資金、技術、取引等において緊密な関係があることにより当該会社等の意思と同一の内容の議決権を行使すると認められる者及び当該会社等の意思と同一の内容の議決権を行使することに同意している者が保有している議決権とを合わせて、当該他の会社等の議決権の過半数を占めていること。

(a) the voting rights held by the company, etc. on its own account, by the person found likely to exercise voting rights in concert with the intention of the company, etc. due to a close relationship with the company, etc. in terms of contribution, personnel affairs, funds, technology, transactions, etc., and by the person that has consented to exercise the voting rights in concert with the intention of the company, etc., together account for the majority of the voting rights in that other company, etc.;

ロ　当該会社等の役員若しくは使用人である者又はこれらであった者であって当該会社等が当該他の会社等の財務及び営業又は事業の方針の決定に関して影響を与えることができるものが、当該他の会社等の取締役会その他これに準ずる機関の構成員の過半数を占めていること。

(b) the officers or employees or former officers or employees of the company, etc. for whom the company, etc. is able to influence the decision of the other company, etc. concerning its financial policies and operational or business policies, constitute the majority of the members of the board of directors or other equivalent organs of that other company, etc.;

ハ　当該会社等と当該他の会社等との間に当該他の会社等の重要な財務及び営業又は事業の方針の決定を支配する契約等が存在すること。

(c) there is a contract, etc. concluded between the company, etc. and the other company, etc. which controls the decision on important financial, operational, or business policies of that other company, etc.;

ニ　当該他の会社等の資金調達額（貸借対照表の負債の部に計上されているものに限る。）の総額の過半について当該会社等が融資（債務の保証及び担保の提供を含む。ニ及び次条第二号ロにおいて同じ。）を行っていること（当該会社等と出資、人事、資金、技術、取引等において緊密な関係のある者が行う融資の額を合わせて資金調達額の総額の過半となる場合を含む。）。

(d) the company, etc. is providing the amount of the procured funds

(including guarantee of obligations and provision of security; the same applies in sub-item (d) and Article 34, item (ii), (b)) which amounts to more than half of the total amount of funds procured by the other company, etc. (limited to the amount recorded in the liability section of the balance sheet) (including the cases in which the amount financed by the company, etc., and the amount financed by a person with a close relationship with the company, etc. in terms of contribution, personnel affairs, funds, technology, transactions, etc. together amount to more than half of the total amount of the funds procured); or

ホ　その他当該会社等が当該他の会社等の意思決定機関を支配していることが推測される事実が存在すること。

(e) there is a fact to presume that the company, etc. is controlling the decision-making body of that other company, etc.;

三　会社等が自己の計算において保有している議決権と当該会社等と出資、人事、資金、技術、取引等において緊密な関係があることにより当該会社等の意思と同一の内容の議決権を行使すると認められる者及び当該会社等の意思と同一の内容の議決権を行使することに同意している者が保有している議決権とを合わせて、他の会社等の議決権の過半数を占めている場合（当該会社等が自己の計算において議決権を保有していない場合を含む。）における当該会社等であって、前号ロからホまでに掲げるいずれかの要件に該当するもの

(iii) the company, etc. if the voting rights held by a company, etc. on its own account, by the person found likely to exercise voting rights in concert with the intention of the company, etc. due to a close relationship with the company, etc. in terms of contribution, personnel affairs, funds, technology, transactions, etc., and by the person that has consented to exercise the voting rights in concert with the intention of the company, etc. together account for the majority of the voting rights in the other company, etc. (including when the company, etc. does not hold voting rights on its own account), which falls under any of the requirements set forth in sub-items (b) through (e) of the preceding item,.

２　特別目的会社（資産の流動化に関する法律（平成十年法律第百五号）第二条第三項に規定する特定目的会社及び事業内容の変更が制限されているこれと同様の事業を営む事業体をいう。以下同じ。）については、適正な価額で譲り受けた資産から生ずる収益を当該特別目的会社が発行する証券の所有者（同条第十二項に規定する特定借入れに係る債権者を含む。）に享受させることを目的として設立されており、当該特別目的会社の事業がその目的に従って適切に遂行されているときは、当該特別目的会社に資産を譲渡した会社等（以下この項において「譲渡会社等」という。）から独立しているものと認め、前項の規定にかかわらず、譲渡会社等の子会社等に該当しないものと推定する。

(2) Notwithstanding the provisions of the preceding paragraph, with regard to a special purpose company (meaning a specific purpose company as defined in

Article 2, paragraph (3) of the Act on Securitization of Assets (Act No. 105 of 1998) and an entity engaged in business similar to that of the specific purpose company, for which change in business content is restricted; the same applies hereinafter), if the purpose of the incorporation of that specific purpose company is to have the owners of the securities issued by the company (including the creditors of the specific borrowings as defined in paragraph (12) of that Article) receive the profit generating from assets that the company has acquired at a fair value, and the business of the company is properly implemented in compliance with that purpose, the special purpose company is found to be independent from the company, etc. that transferred the assets to the company (hereinafter referred to as the "transferor company, etc." in this paragraph), and is presumed not to fall under a subsidiary company, etc. of the transferor company, etc.

（関連会社等となる者）

(Persons Classified as Affiliated Companies)

第三十四条　令第十五条の十六第四項に規定する内閣府令で定めるものは、次に掲げるものとする。ただし、財務上又は営業上若しくは事業上の関係からみて会社等（当該会社等の子会社等を含む。）が子会社等以外の他の会社等の財務及び営業又は事業の方針の決定に対して重要な影響を与えることができないことが明らかであると認められるときは、この限りでない。

Article 34 The affiliated companies, etc. specified by Cabinet Office Order as prescribed in Article 15-16, paragraph (4) of the Order are as follows; provided, however, that this does not apply if it is clearly found that a company, etc. (including a subsidiary company, etc. of that company, etc.) is unable to have a material impact in deciding the financial policies and operational or business policies of other companies etc. other than subsidiary companies, etc., in terms of their financial, operational or business relationship:

一　会社等（当該会社等の子会社等を含む。）が子会社等以外の他の会社等（破産手続開始の決定、再生手続開始の決定又は更生手続開始の決定を受けた子会社等以外の他の会社等その他これらに準ずる子会社等以外の他の会社等であって、当該会社等がその財務及び営業又は事業の方針の決定に対して重要な影響を与えることができないと認められるものを除く。以下この条において同じ。）の議決権の百分の二十以上を自己の計算において保有している場合における当該子会社等以外の他の会社等

(i) the other companies, etc. other than a subsidiary company, etc., if a company, etc. (including a subsidiary company, etc. of that company, etc.) holds 20 percent or more of the voting rights in that other company, etc. other than a subsidiary company, etc. on its own account (excluding other companies, etc. other than subsidiary companies, etc. which have become subject to an order for commencement of bankruptcy proceedings, order for

commencement of rehabilitation proceedings, or order for commencement of reorganization proceedings, or other companies, etc. other than subsidiary companies, etc. equivalent to them, which are found that they are not able to have a material impact on deciding their financial policies and operational or business policies; hereinafter the same applies in this Article);

二　会社等（当該会社等の子会社等を含む。）が子会社等以外の他の会社等の議決権の百分の十五以上、百分の二十未満を自己の計算において保有している場合における当該子会社等以外の他の会社等であって、次に掲げるいずれかの要件に該当するもの

(ii) the other companies, etc. other than a subsidiary company, etc. if a company, etc. (including a subsidiary company, etc. of that company, etc.) holds 15 percent or more and less than 20 percent of the voting rights in the other companies, etc. other than a subsidiary company, etc. on their own account, which falls under any of the following requirements,;

イ　当該会社等の役員若しくは使用人である者又はこれらであった者であって当該会社等がその財務及び営業又は事業の方針の決定に関して影響を与えることができるものが、その取締役若しくは執行役又はこれらに準ずる役職に就任していること。

(a) an officer or employee of the company, etc. or a former officer or employee, for whom the company, etc. is able to give an impact on decision of the other company's financial policies and operational or business policies, has assumed the position of the other company's director, executive officer, or an equivalent person;

ロ　当該会社等から重要な融資を受けていること。

(b) an important loan has been granted by the company, etc.;

ハ　当該会社等から重要な技術の提供を受けていること。

(c) an important technology has been provided by the company, etc.;

ニ　当該会社等との間に重要な販売、仕入れその他の営業上又は事業上の取引があること。

(d) there is an important transaction on sales, procurement, or other operational or business transactions with the company, etc.; or

ホ　その他当該会社等がその財務及び営業又は事業の方針の決定に対して重要な影響を与えることができることが推測される事実が存在すること。

(e) there is a facts to presume that the company, etc. is able to have a material impact on the decision on the other company's financial, operational or business policies;

三　会社等（当該会社等の子会社等を含む。）が自己の計算において保有している議決権と当該会社等と出資、人事、資金、技術、取引等において緊密な関係があることにより当該会社等の意思と同一の内容の議決権を行使すると認められる者及び当該会社等の意思と同一の内容の議決権を行使することに同意している者が保有している議決権とを合わせて、子会社等以外の他の会社等の議決権の百分の二十以上を

占めている場合（当該会社等が自己の計算において議決権を保有していない場合を含む。）における当該子会社等以外の他の会社等であって、前号イからホまでに掲げるいずれかの要件に該当するもの

(iii) the other companies, etc. other than a subsidiary company, etc. if the voting rights held by a company, etc. (including a subsidiary company, etc. of that company, etc.) on its own account, by the person found likely to exercise voting rights in concert with the intention of the company, etc. due to a close relationship with the company, etc. in terms of contribution, personnel affairs, funds, technology, transactions, etc., and by a person that has consented to exercise voting rights in concert with the intention of the company, etc. (including if the company, etc. does not hold voting rights on its own account) together account for 20 percent or more of the voting rights in the other companies, etc. other than a subsidiary company, etc., which falls under any of the requirements set forth in sub-items (a) through (e) of the preceding item.

（議決権の保有の判定）

(Criteria for Determining Holding of Voting Rights)

第三十五条　令第十五条の十六第五項に規定する議決権の保有の判定に当たって、保有する議決権には、他人（仮設人を含む。第二百三条第一項において同じ。）の名義によって保有する議決権及び次に掲げる場合における株式又は出資（以下この条において「株式等」という。）に係る議決権を含むものとする。

Article 35 (1) For the purpose of determining the holding voting rights provided for in Article 15-16, paragraph (5) of the Order, the voting rights held are to include the voting rights held under the name of another person (or under a pseudonym; the same applies in Article 203, paragraph (1)), and the voting rights related to shares or contribution in any of the following cases (hereinafter referred to as "shares, etc." in this Article):

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、会社等の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する場合

(i) if a person has the authority to exercise the voting rights in the company, etc. or the authority to give instructions on the exercise of the voting rights, pursuant to the provisions of a trust agreement for money or other agreements, or laws;

二　令第十五条の十に定める特別の関係にある者が会社等の議決権を保有する場合

(ii) if a person in special relationship provided for in Article 15-10 of the Order holds the voting rights in a company, etc.;

三　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（これらの規定を同法第二百二十八条第一項、第二百三十五条第一項、第二百三十九条第一項及び第二百七十六条（第二号に係る部分に限る。）において準用する場

合を含む。）の規定によりその保有する株式等（この項の規定により令第十五条の十六第一項第四号の特定個人株主が保有する議決権に含むものとされる議決権に係る株式等を含む。）を発行者に対抗することができない場合

(iii) if, 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 (including as applied mutatis mutandis pursuant to Article 228, paragraph (1), Article 235, paragraph (1), Article 239, paragraph (1) and Article 276 (limited to the part related to item (ii)) of that Act), a person may not assert the shares, etc. held by them against an issuer (including the shares, etc. related to the voting rights which are to be included in the voting rights held by the specified individual shareholder referred to in Article 15-16, paragraph (1), item (iv) of the Order pursuant to the provisions of this paragraph).

２　前項の保有する議決権からは、同項の規定にかかわらず、次に掲げる株式等に係る議決権を除くものとする。

(2) Notwithstanding the provisions of the preceding paragraph, the voting rights related to the following shares, etc. are to be excluded from the voting rights held that are referred to in the preceding paragraph:

一　法人の代表権を有する者又は法人の代理権を有する支配人が、当該代表権又は代理権に基づき、議決権を行使することができる権限若しくは議決権の行使について指図を行うことができる権限又は投資を行うのに必要な権限を有する場合における当該法人の所有する株式等

(i) if a person having the authority to represent a corporation or a manager having the authority to act as an agent for a corporation has the authority to exercise voting rights or to give instructions on the exercise of voting rights, or the authority required for making an investment, based on the authority to represent or the authority to act as an agent, the shares, etc. owned by the corporation;

二　相続人が相続財産として所有する株式等（当該相続人（共同相続の場合を除く。）が単純承認（単純承認をしたものとみなされる場合を含む。）若しくは限定承認をした日までのもの又は当該相続財産の共同相続人が遺産分割を了していないものに限る。）

(ii) the shares, etc. owned by heirs as their inherited property (limited to the shares, etc. owned before the day when the heir (excluding the case of a joint inheritance) gave an unqualified acceptance (including if an unqualified acceptance is deemed to have been given) or a qualified acceptance, or the shares, etc. which the coheirs of the inherited property have not finished dividing).

第三款　主要株主
Subsection 3 Major Shareholders

（対象議決権保有届出書の提出）

(Submission of Statement of Holdings in Subject Voting Rights)

第三十六条　法第三十二条第一項の規定により同項の対象議決権保有届出書を提出する者は、別紙様式第八号により作成した対象議決権保有届出書に、当該対象議決権保有届出書の写し及び同条第二項の規定により当該対象議決権保有届出書に添付すべき書類を添付して、居住者（外国為替及び外国貿易法（昭和二十四年法律第二百二十八号）第六条第一項第五号前段に規定する居住者をいう。以下この章において同じ。）にあってはその本店等の所在地（個人である場合にあっては、その住所又は居所）を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては、福岡財務支局長）に、非居住者（同法第六条第一項第六号に規定する非居住者をいう。以下この章において同じ。）にあっては関東財務局長に提出しなければならない。

Article 36 A person that submits a statement of holdings in subject voting rights referred to in Article 32, paragraph (1) of the Act pursuant to the provisions of that paragraph must submit a statement of holdings in subject voting rights prepared by using the Appended Form No. 8 by attaching a copy of the statement and the documents required to be attached to the statement pursuant to the provisions of paragraph (2) of that Article to the Director-General of a Local Finance Bureau with jurisdiction over the locality of the head office, etc. (in the case of an individual, their domicile or residence) (if the locality falls within the jurisdictional area of the Fukuoka Local Finance Branch Bureau, to its Director-General) in the case of a resident (meaning the resident provided for in the first sentence of Article 6, paragraph (1), item (v) of the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949); hereinafter the same applies in this Chapter), or to the Director-General of the Kanto Finance Bureau in the case of a non-resident (meaning a non-resident provided for in Article 6, paragraph (1), item (vi) of that Act; hereinafter the same applies in this Chapter).

（対象議決権保有届出書の記載事項等）

(Matters to Be Stated in Statement of Holdings in Subject Voting Rights)

第三十七条　法第三十二条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 37 (1) The matters specified by Cabinet Office Order as prescribed in Article 32, paragraph (1) of the Act are as follows:

一　商号、名称又は氏名

(i) the trade name or name;

二　本店又は主たる事務所の所在地（個人にあっては、住所又は居所）

(ii) the location of the head office or principal office (in the case of an individual, the domicile or residence);

三　法人であるときは、代表者の氏名

(iii) in the case of a corporation, the name of its representative; and
四　保有する議決権の数
(iv) the number of voting rights held.
２　法第三十二条第一項の総株主等の議決権の数は、対象議決権（法第二十九条の四第二項に規定する対象議決権をいう。）を保有することとなった日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。以下同じ。）の数とする。ただし、当該総株主等の議決権の数を知ることが困難な場合には、直近の有価証券報告書等（法第二十四条第一項に規定する有価証券報告書、法第二十四条の四の七第一項に規定する四半期報告書又は法第二十四条の五第一項に規定する半期報告書をいう。以下この項において同じ。）に記載された総株主等の議決権の数（有価証券報告書等が提出されていない場合にあっては、商業登記簿その他の書類の記載内容により計算された総株主等の議決権の数）とすることができる。
(2) The number of voting rights held by all the shareholders, etc. referred to in Article 32, paragraph (1) of the Act is the number of voting rights held by all the shareholders, etc. (meaning the voting rights held by all the shareholders, etc. provided for in Article 29-4, paragraph (2) of the Act; the same applies hereinafter) on the day when the person has come to hold the subject voting rights (meaning the subject voting rights provided for in Article 29-4, paragraph (2) of the Act); provided, however, that if it is difficult to find out the number of voting rights held by all the shareholders, etc., the number may be the number of voting rights held by all the shareholders, etc. stated in the latest annual securities report, etc. (meaning the annual securities report provided for in Article 24, paragraph (1) of the Act, the quarterly securities report provided for in Article 24-4-7, paragraph (1) of the Act, or the semiannual securities report provided for in Article 24-5, paragraph (1) of the Act; hereinafter the same applies in this paragraph) (if the annual securities report, etc. has not been submitted, the number of the voting rights held by all the shareholders, etc. calculated based on the content stated in the commercial register or other documents).

（対象議決権保有届出書の添付書類）
(Documents to Be Attached to Statement of Holdings in Subject Voting Rights)
第三十八条　法第三十二条第二項に規定する内閣府令で定める書類は、次に掲げる書類とする。
Article 38 The documents specified by Cabinet Office Order as prescribed in Article 32, paragraph (2) of the Act are as follows:
一　個人であるときは、住民票の抄本（本籍の記載のあるものに限る。）又はこれに代わる書面
(i) in the case of an individual, an extract of the resident record (limited to that stating the registered domicile), or alternative documents;
二　旧氏及び名を、氏名に併せて法第三十二条第一項の対象議決権保有届出書に記載

した場合において、前号に掲げる書類が当該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

(ii) if the former surname and given name are stated together with the current name in a statement of holdings in subject voting rights referred to in Article 32, paragraph (1) of the Act and the document set forth in the preceding item is not a document certifying the former surname and given name, a document certifying the former surname and given name; and

三　法人であるときは、登記事項証明書又はこれに代わる書面

(iii) in the case of a corporation, its certificate of registered matters, or alternative documents.

（特定主要株主となった旨の届出）

(Notification that a Person Has Become a Specified Major Shareholder)

第三十八条の二　法第三十二条第三項の規定により届出を行う金融商品取引業者の特定主要株主（同条第四項に規定する特定主要株主をいう。以下この条及び第三十八条の五において同じ。）以外の主要株主は、別紙様式第八号の二により作成した特定主要株主となった旨の届出書に、当該届出書の写しを添付して、居住者にあってはその本店等の所在地（個人である場合にあっては、その住所又は居所）を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては、福岡財務支局長）に、非居住者にあっては関東財務局長に提出しなければならない。

Article 38-2 A major shareholder other than a specified major shareholder of a financial instruments business operator that files a notification pursuant to the provisions of Article 32, paragraph (3) of the Act (meaning the specified major shareholder as defined in paragraph (4) of that Article; hereinafter the same applies in this Article and Article 38-5) must submit a notification staing the fact that the major shareholder has become a specified major shareholder, which is prepared using the Appended Form No. 8-2, by attaching a copy of that notification, to the Director-General of a Local Finance Bureau with jurisdiction over the locality of the major shareholder's head office, etc. (in cases of an individual, the address or residence) in the case of a resident (if the locality is within the jurisdictional area of the Fukuoka Local Finance Branch Bureau, to its Director-General), and in the case of a non-resident to the Director-General of the Kanto Finance Bureau.

（親会社等となる者）

(Persons Classified as Parent Companies)

第三十八条の三　令第十五条の十六の二第二項に規定する内閣府令で定めるものは、次に掲げるもの（財務計算に関する書類の内容に影響を与えないものに係る場合におけるものを除く。）とする。

Article 38-3 The companies specified by Cabinet Office Order as prescribed in Article 15-16-2, paragraph (2) of the Order are the following persons (excluding

those related to companies that do not have an impact on the content of the documents on financial calculation):

一　財務諸表等の用語、様式及び作成方法に関する規則（昭和三十八年大蔵省令第五十九号。以下「財務諸表等規則」という。）第八条第三項に規定する親会社

(i) a parent company defined in Article 8, paragraph (3) of the Regulation on Terminology, Forms, and Preparation Methods of Financial Statements (Order of the Ministry of Finance No. 59 of 1963; hereinafter referred to as the "Regulation on Financial Statements"); and

二　指定国際会計基準（連結財務諸表の用語、様式及び作成方法に関する規則（昭和五十一年大蔵省令第二十八号）第九十三条に規定する指定国際会計基準をいう。以下同じ。）その他外国における公正妥当な企業会計の基準又は慣行において、財務計算に関する書類の作成上前号に掲げるものと同様に取り扱われているもの

(ii) a company that is treated in the same manner as that set forth in the preceding item in preparing documents on financial calculation under the designated international accounting standards (meaning the designated international accounting standards prescribed in Article 93 of the Regulation on Terminology, Forms, and Preparation Methods of Financial Statements (Order of the Ministry of Finance No. 28 of 1976; the same applies hereinafter)) and other fair and appropriate standards or practices of corporate accounting standards in a foreign country.

（関連会社等となる者）

(Persons Classified as Affiliated Companies)

第三十八条の四　令第十五条の十六の二第三項に規定する内閣府令で定めるものは、次に掲げるもの（財務計算に関する書類の内容に影響を与えないものを除く。）とする。

Article 38-4 The affiliated companies, etc. specified by Cabinet Office Order as prescribed in Article 15-16-2, paragraph (3) of the Order are the following companies (excluding those that have no impact on the content of documents related to financial accounting):

一　財務諸表等規則第八条第五項に規定する関連会社

(i) affiliated companies provided for in Article 8, paragraph (5) of the Regulation on Financial Statements; and

二　指定国際会計基準その他外国における公正妥当な企業会計の基準又は慣行において、財務計算に関する書類の作成上前号に掲げるものと同様に取り扱われているもの

(ii) a company that is treated in the same manner as that set forth in the preceding item in preparing documents on financial calculation under the designated international accounting standards and other fair and appropriate standards or practices of corporate accounting standards in foreign countries.

（特定主要株主以外の主要株主となった旨の届出）
(Notification of Becoming a Major Shareholder Other Than a Specified Major Shareholder)

第三十八条の五　法第三十二条の三第二項の規定により届出を行う金融商品取引業者の特定主要株主は、別紙様式第八号の三により作成した特定主要株主以外の主要株主となった旨の届出書に、当該届出書の写しを添付して、居住者にあってはその本店等の所在地（個人である場合にあっては、その住所又は居所）を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては、福岡財務支局長）に、非居住者にあっては関東財務局長に提出しなければならない。

Article 38-5 A specified major shareholder of a financial instruments business operator that files a notification pursuant to the provisions of Article 32-3, paragraph (2) of the Act must submit a notification of the fact that they have become a major shareholder other than a specified major shareholder, which is prepared using the Appended Form No. 8-3, by attaching a copy of that notification, to the Director-General of a Local Finance Bureau with jurisdiction over the locality of the major shareholder's head office, etc. (in cases of an individual, the address or residence) in the case of a resident (if the locality is within the jurisdictional area of the Fukuoka Local Finance Branch Bureau, to its Director-General), or in the case of a non-resident, to the Director-General of the Kanto Finance Bureau.

（準用）
(Application, Mutatis Mutandis)

第三十九条　第三十六条から第三十八条までの規定は、法第三十二条の四において法第三十二条第一項及び第二項の規定を準用する場合について準用する。

Article 39 The provisions of Articles 36 through 38 apply mutatis mutandis to the case in which the provisions of Article 32, paragraphs (1) and (2) of the Act are applied mutatis mutandis pursuant to Article 32-4 of the Act.

第四款　登録金融機関
Subsection 4 Registered Financial Institutions

（特定社債券に準ずる有価証券）
(Securities Equivalent to Specified Corporate Bond Certificates)

第四十条　令第十五条の十七第一項第二号に規定する内閣府令で定めるものは、次に掲げる要件のすべてに該当するものとする。

Article 40 The securities specified by Cabinet Office Order as prescribed in Article 15-17, paragraph (1), item (ii) of the Order are those which satisfy all of the following requirements:

一　その有価証券の発行を目的として設立され、又は運営される法人に直接又は間接に所有者から譲渡される資産（次号において「譲渡資産」という。）が存在するこ

と。

(i) there are assets to be transferred directly or indirectly from the owner to a corporation incorporated or managed for the purpose of the issuing the securities (the assets are referred to as "acquired assets" in the following item); and

二　前号に規定する法人がその有価証券を発行し、当該有価証券（当該有価証券の借換えのために発行されるものを含む。）上の債務の履行について譲渡資産の管理、運用又は処分を行うことにより得られる金銭を充てること。

(ii) the corporation provided for in the preceding item issues its securities, and appropriates the money obtained by the management, investment, or disposition of the acquired assets for the performance of the obligations arising from the securities (including those issued for the purpose of the refinancing the securities).

（短期社債等に準ずる有価証券）

(Securities Equivalent to Short-Term Corporate Bonds)

第四十一条　令第十五条の十七第三項に規定する内閣府令で定めるものは、次に掲げるものとする。

Article 41 The securities specified by Cabinet Office Order as prescribed in Article 15-17, paragraph (3) of the Order are as follows:

一　振替外債（社債、株式等の振替に関する法律第百二十七条において準用する同法第六十六条（第一号を除く。）に規定する振替外債をいう。以下この号において同じ。）のうち、次に掲げる要件のすべてに該当するもの

(i) book-entry transfer foreign-issued bonds (meaning a book-entry transfer foreign-issued bond prescribed in Article 66 (excluding item (i)) of the Act on Book-Entry Transfer of Corporate Bonds and Shares as applied mutatis mutandis pursuant to Article 127 of that Act; hereinafter the same applies in this item) which satisfy all of the following requirements:

イ　円建てで発行されるものであること。

(a) the book-entry foreign-issued bonds are to be issued in yen;

ロ　各振替外債の金額が一億円を下回らないこと。

(b) the amount of each book-entry transfer foreign-issued bond is not less than 100 million yen;

ハ　元本の償還について、振替外債の総額の払込みのあった日から一年未満の日とする確定期限の定めがあり、かつ、分割払の定めがないこと。

(c) there are provisions on the fixed due date for the redemption of principal to be within one year from the day the total amount of the book-entry transfer foreign-issuesd bonds has been paid, and there are no provisions for installment payment of the redemption of principal; and

ニ　利息の支払期限を、ハの元本の償還期限と同じ日とする旨の定めがあること。

(d) there are provisions stating that the due date for the interest payment is

to be the same date as the due date for the redemption of principal referred to in sub-item (c);

二　前条各号に掲げる要件のすべてに該当するもの（前号に掲げるものを除く。）

(ii) the securities that satisfy all of the requirements set forth in the items of the preceding Article (limited to those set forth in the preceding item).

（株券等に準ずる有価証券）

(Securities Equivalent to Share Certificates)

第四十二条　令第十五条の十八第一号に規定する内閣府令で定める有価証券は、社債券であって、株券（優先出資証券（協同組織金融機関の優先出資に関する法律に規定する優先出資証券をいう。以下同じ。）を含む。）、新株予約権証券又は新株予約権付社債券により償還することができる旨の特約が付されているもの（当該社債券の発行会社以外の会社が発行したこれらの有価証券により償還することができる旨の特約が付されているものに限る。）とする。

Article 42 The securities specified by Cabinet Office Order as prescribed in Article 15-18, item (i) of the Order are corporate bond certificate with special provisions stating that redemption may be made through share certificates (including preferred equity securities (meaning the preferred equity securities provided for in the Act on Preferred Equity Investment by Cooperative Financial Institutions; the same applies hereinafter)), share option certificates, or corporate bond certificates with share options (limited to the corporate bond certificates with special provisions stating that redemption may be made through securities issued by a company other than the issuer company of those corporate bond certificates).

（登録の申請）

(Application for Registration)

第四十三条　法第三十三条の二の登録を受けようとする者は、別紙様式第九号により作成した法第三十三条の三第一項の登録申請書に、当該登録申請書の写し及び同条第二項又は第三項の規定により当該登録申請書に添付すべき書類又は電磁的記録を添付して、その者の本店等の所在地を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては、福岡財務支局長）に提出しなければならない。

Article 43 A person that seeks to obtain the registration referred to in Article 33-2 of the Act must submit to the Director-General of a Local Finance Bureau with jurisdiction over the locality of the person's head office, etc. (if the locality falls within the jurisdictional area of the Fukuoka Local Finance Branch Bureau, to its Director-General) a written application for registration referred to in Article 33-3, paragraph (1) of the Act prepared by using the Appended Form No. 9 by attaching a copy of the written application and the documents or electronic or magnetic record required to be attached pursuant to the provisions of paragraph (2) or (3) of that Article.

（登録申請書の記載事項）

(Matters to Be Stated in Written Applications for Registration)

第四十四条　法第三十三条の三第一項第九号に規定する内閣府令で定める事項は、次に掲げる事項とする。

Article 44 The matters specified by Cabinet Office Order as prescribed in Article 33-3, paragraph (1), item (ix) of the Act are as follows:

一　使用人のうち次のいずれかに該当する者があるときは、その者の氏名

(i) if an employee of the applicant for registration falls under any of the following persons, the name of that employee:

イ　登録金融機関業務に関し、法令等を遵守させるための指導に関する業務を統括する者及び部長、次長、課長その他いかなる名称を有する者であるかを問わず、当該業務を統括する者の権限を代行し得る地位にある者

(a) a person that supervises the work related to instructions for having employees comply with laws and regulations in regard to the registered financial institution business, and a person that is in a position in which the person may be delegated the authority of the person that supervises the business, such as the head of department, the deputy head of department, the section head, or other persons irrespective of the title;

ロ　投資助言業務又は投資運用業に関し、助言又は運用（その指図を含む。以下同じ。）を行う部門を統括する者及び金融商品の価値等の分析に基づく投資判断を行う者

(b) a person that supervises the department in charge of giving advise and making investment (including its instructions; the same applies hereinafter) and a person that makes an investment decision based on the analysis of the value of financial instruments and other factors, in connection with the investment advisory business or investment management business;

二　法第三十七条の七第一項第五号イに定める業務に係る手続実施基本契約を締結する措置を講ずる当該手続実施基本契約の相手方である指定紛争解決機関の商号又は名称並びに加入する金融商品取引業協会及び対象事業者となる認定投資者保護団体の名称

(ii) the trade name or name of the designated dispute resolution organization which is the counterparty to a basic contract for implementation of dispute procedures concluded for the purpose of taking the measures to conclude the contract for implementation of dispute procedures related to the business provided for in Article 37-7, paragraph (1), item (v), sub-item (a) of the Act, and the name of the financial instruments firms association with which the applicant for registration becomes a member and the name of the certified investor protection organization with which the applicant for registration becomes a target business operator;

三　会員等となる金融商品取引所の名称又は商号

(iii) the name or trade name of the financial instruments exchange with which the applicant for registration becomes a member, etc.;

四　法第三十三条の二第一号又は第二号に掲げる行為を業として行う場合には、次に掲げる事項

(iv) if the applicant for registration conduct the acts set forth in Article 33-2, item (i) or (ii) of the Act on a regular basis, the following matters:

イ　その旨

(a) that fact;

ロ　法第三十三条第二項第五号に掲げる取引について、同号に定める行為を業として行う場合には、その旨

(b) if the applicant for registration conducts the acts set forth in Article 33, paragraph (2), item (v) of the Act for the transaction set forth in that item, that fact;

四の二　電子取引基盤運営業務を行う場合には、その旨

(iv)-2 in the cases of conducting electronic trading platform management services, that fact;

五　商品関連業務を行う場合には、その旨

(v) in the cases of conducting commodity-related businesses, that fact;

六　金融商品仲介業務を行う場合には、委託金融商品取引業者（金融商品仲介業務の委託を受ける第一種金融商品取引業を行う金融商品取引業者をいう。第二百七十五条第一項第二十七号を除き、以下同じ。）の商号

(vi) if the applicant for registration conducts financial instruments intermediary services, the trade name of the entrusting financial instruments business operator (meaning the financial instruments business operator that conducts type-I financial instruments business who is entrusted with financial instruments intermediary services; hereinafter the same applies except in Article 275, paragraph (1), item (xxvii));

七　商品投資関連業務を行う場合には、次に掲げる事項

(vii) if the applicant for registration conducts business related to commodities investment, the following matters:

イ　その旨

(a) that fact;

ロ　その行う商品投資関連業務が令第三十七条第一項第二号ロに掲げる物品又は農林水産関係商品等のみに係るものである場合には、その旨

(b) if the business related to commodities investment conducted by the applicant for registration only concerns the goods specified in Article 37, paragraph (1), item (ii), (b) of the Order or the agriculture, forestry and fisheries goods, etc., that fact;

ハ　その行う商品投資関連業務が令第三十七条第一項第二号ハからホまでに掲げる物品又は経済産業関係商品等のみに係るものである場合には、その旨

(c) if the business related to commodities investment conducted by the applicant for registration only concerns the goods specified in Article 37, paragraph (1), item (ii), (c) through (e) of the Order or the economy, trade and industry goods, etc., to that effect; and

ニ　競走用馬投資関連業務を行う場合には、その旨

(d) if the applicant for registration is to conduct a business related to investment in racehorses, that fact;

八　法第百九十四条の六第二項各号に掲げる行為を業として行う場合には、その旨

(viii) if the applicant for registration is to conduct the acts listed in the items of Article 194-6, paragraph (2) of the Act on a regular basis, that fact;

九　不動産信託受益権等売買等業務を行う場合には、その旨

(ix) if the applicant for registration is to conduct the business of purchase and sale, etc. of beneficial interest in real property trust, that fact;

十　不動産関連特定投資運用業を行う場合には、その旨

(x) if the applicant for registration is to conduct specified investment management business related to real property, that fact;

十一　電子記録移転有価証券表示権利等についての法第三十三条の二第一号、第二号若しくは第四号に掲げる行為若しくは法第二十九条の二第一項第八号に規定するデリバティブ取引についての法第三十三条の二第一号若しくは第二号に掲げる行為を業として行う場合又は電子記録移転有価証券表示権利等若しくは当該デリバティブ取引に係る投資運用業を行う場合にあっては、その旨

(xi) if the applicant for registration is to conduct the acts set forth in Article 33-2, item (i), (ii) or (iv) of the Act with regard to electronically recorded transferable rights to be indicated on securities, etc., or the acts set forth in Article 33-2, item (i) or (ii) of the Act with regard to the derivatives transactions prescribed in Article 29-2, paragraph (1), item (viii) of the Act on a regular basis, or if the applicant for registration is to conduct investment management business related to electronically recorded transferable rights to be indicated on securities, etc., or the derivative transactions, that fact;

十二　法第二十九条の二第一項第九号に規定するデリバティブ取引についての法第三十三条の二第三号に掲げる行為を業として行う場合又は当該デリバティブ取引に係る投資運用業を行う場合にあっては、その旨

(xii) if the applicant for registration is to conduct the acts set forth in Article 33-2, item (iii) of the Act with regard to the derivatives transactions prescribed in Article 29-2, paragraph (1), item (ix) of the Act on a regular basis, or if the application for registration is to conduct investment management business related to the derivative transactions, that fact; and

十三　本店等の名称及び所在地

(xiii) the name and location of the head office, etc.

（業務の内容及び方法）
(Content and Method of Business)
第四十五条　法第三十三条の三第二項第二号に規定する内閣府令で定めるものは、次に掲げるものとする。
Article 45 The content and method of a business specified by Cabinet Office Order as prescribed in Article 33-3, paragraph (2), item (ii) of the Act are as follows:
一　業務運営に関する基本原則
(i) the basic principles of business operation;
二　業務執行の方法
(ii) the method of execution of business;
三　業務分掌の方法
(iii) the method of division of duties;
四　業として行う金融商品取引行為の種類
(iv) type of acts that constitute financial instruments transactions intenconducted on a regular basis;
五　苦情の解決のための体制（法第三十七条の七第一項第五号ロに定める業務に関する苦情処理措置及び紛争解決措置の内容を含む。）
(v) the system for handling complaints (including the contents of the complaint processing measures and dispute resolution measures concerning the business specified in Article 37-7, paragraph (1), item (v), (b) of the Act);
六　法第三十三条の二各号に掲げる行為を業として行う場合には、次に掲げる事項
(vi) if the applicant for registration is to conduct the acts set forth in the items of Article 33-2 of the Act on a regular basis, the following matters:
イ　取り扱う有価証券及び業として行うデリバティブ取引の種類（当該有価証券又はデリバティブ取引が電子記録移転有価証券表示権利等又は法第二十九条の二第一項第八号に規定するデリバティブ取引である場合にあってはその旨を含み、商品関連業務を行う場合にあっては取引の対象とする商品又は商品に係る金融指標を含む。）
(a) the types of the securities to be handled, and the type of the derivative transactions to be conducted on a regular basis (if the securities in question or the derivatives transactions in question are electronically recorded transferable rights to be indicated on securities, etc. or the derivatives transactions provided for in Article 29-2, paragraph (1), item (viii) of the Act, including that fact, and if commodity-related business is to be conducted, including the commodities that are subject of transactions or financial indexes related to the commodities);
ロ　法第二条第二項第一号又は第二号に掲げる権利を取り扱うときは、当該権利に係る信託財産の種類
(b) if the applicant for registration handles the rights set forth in Article 2, paragraph (2), item (i) or (ii) of the Act, the type of the trust property

related to the rights;

ハ　法第二条第二項第五号又は第六号に掲げる権利を取り扱うときは、当該権利に係る出資対象事業の概要

(c) if the applicant handles the rights set forth in Article 2, paragraph (2), item (v) or (vi) of the Act, the outline of the business subject to investment related to the rights;

ニ　損失の危険の管理方法

(d) the means of managing the risk of loss;

ホ　法第三十三条第二項第一号に掲げる有価証券について有価証券の元引受けに係る業務を行う場合には、次に掲げる事項

(e) if the applicant for registration conducts business related to the wholesale underwriting of securities for the securities set forth in Article 33, paragraph (2), item (i) of the Act, the following matters:

（１）　当該業務を管理する責任者の氏名及び役職名

1. the name and title of the person responsible for managing the business;

（２）　当該業務を行う部署の名称及び組織の体制

2. the name and organizational structure of the department that conducts the business;

（３）　当該業務に係る損失の危険相当額の算定方法

3. the method of calculating the value of loss risk equivalent related to the business;

（４）　当該業務に係る損失の危険相当額の限度枠の設定及び適用方法

4. the method of establishing and applying a ceiling on the value of loss risk equivalent related to the business;

（５）　当該業務に係る損失の危険相当額の算定及び限度枠の管理を行う部署の名称及び体制

5. the name and structure of the section in charge of calculating the value of loss risk equivalent related to the business and management of ceiling of the value;

（６）　当該業務の執行並びに損失の危険相当額及びその限度枠の適用状況について、検査を行う頻度、部署の名称及び体制

6. the frequency of inspection of the execution of the business, the value of loss risk equivalent and the status of the application of the ceiling thereof, and the name and structure of the section in charge of such inspection; and

（７）　その他当該業務に係る損失の危険の管理に関する重要な事項

7. any other material matters concerning the management of risk of loss related to the business;

ヘ　法第三十三条第二項第五号に掲げる取引について同号に定める行為に係る業務を行う場合には、次に掲げる事項

(f) if the applicant for registration conducts business related to the act set

forth in Article 33, paragraph (2), item (v) of the Act in connection with the transaction provided for in that item, the following matters:

（１）　当該業務を管理する責任者の氏名及び役職名

1. the name and title of the person responsible for managing the business;

（２）　当該業務を行う部署の名称及び組織の体制

2. the name and organizational structure of the department in charge of the business;

（３）　当該業務に係る顧客との取引開始基準

3. the standards for initiating a transaction with the customers related to the business;

（４）　当該業務に係る損失の危険相当額の算定方法及び算定の頻度（取引所金融商品市場における相場、金利、通貨の価格その他の指標の変動により発生し得る損失の危険、取引の相手方の契約不履行その他の理由により発生し得る損失の危険及びこれらの理由以外の理由により発生し得る損失の危険ごとに記載すること。）

4. the method and frequency of calculating the value of loss risk equivalent related to the business (the information is to be stated by the risk of loss which may accrue due to fluctuations in quotations on the financial instruments exchange market, interest rate, currency value, or other indicators, the risk of loss which may accrue due to a default in the performance of contracts by counterparties to the transactions, and other reasons, and the risk or loss which may accrue due to reasons other than those reasons);

（５）　当該業務に係る損失の危険相当額の限度枠の設定及び適用方法並びに取引の種類及び顧客の属性別の当該限度枠の設定及び適用方法

5. the method of establishing and applying a ceiling on the value of loss risk equivalent related to the business, and the method of establishing and applying the ceiling for each type of transactions and customer attributes;

（６）　当該業務に係る損失の危険相当額の算定及び限度枠の管理を行う部署の名称及び体制

6. the name and structure of the department in charge of calculating the value of loss risk equivalent related to the business and managing the ceiling of the value;

（７）　当該業務に係る損失の危険相当額及びその限度枠の適用状況について、代表権を有する取締役若しくは執行役又は理事（外国法人にあっては、国内における営業所若しくは事務所に駐在する取締役若しくは執行役若しくはこれらに準ずる者又は国内における代表者）に報告する頻度

7. the frequency of reporting the value of loss risk equivalent related to the business and the status of application of the ceiling of the value to directors or executive officers with the authority of representation, or

board members (in the case of a foreign corporation, directors, executive officers or any other person equivalent to them, who is stationed at the business office or office in Japan, or the representative in Japan);

（８）　当該業務に係る損失の危険相当額の算定の基礎となる資料の作成及び保存の方法

8. the method of preparing and preserving materials that serve as the basis for the calculation of the value of loss risk equivalent related to the business;

（９）　当該業務の執行並びに損失の危険相当額及びその限度枠の適用状況について、検査を行う頻度、部署の名称及び体制

9. the frequency of inspection and the name and structure of the department in charge of the inspection concerning execution of the business, the value of loss risk equivalent, and the status of application of the ceiling of the value; and

（１０）　その他当該業務に係る損失の危険の管理に関する重要な事項

10. any other material matters concerning the management of risk of loss related to the business;

七　電子取引基盤運営業務を行う場合には、次に掲げる事項

(vii) if the applicant for registration is to conduct electronic trading platform management services, the following matters:

イ　電子取引基盤運営業務において行う特定店頭デリバティブ取引の種類及びその具体的内容

(a) the type and specific content of the specified over-the-counter derivatives transactions conducted for electronic trading platform management services;

ロ　電子取引基盤運営業務を管理する責任者の氏名及び役職名

(b) the name and title of the person responsible for managing electronic trading platform management services;

ハ　電子取引基盤運営業務を行う部署及び法第四十条の七第二項の規定に基づく公表に係る業務を行う部署（電子取引基盤運営業務の一部又は同項の規定に基づく公表に係る業務の一部を他の者に委託する場合にあっては、その者を含む。）の名称及び組織の体制

(c) the name and organizational structure of the department in charge of electronic trading platform management services and the department in charge of business related to the publication based on the provisions of Article 40-7, paragraph (2) of the Act (if a part of electronic trading platform management services or a part of the business related to the publication based on that paragraph is entrusted to another person, including that person);

ニ　電子取引基盤運営業務に係る顧客との取引開始基準及び顧客の管理方法

(d) the standards for initiating a transaction with customers related to electronic trading platform management services, and the method of managing customers;

ホ　料金に関する事項

(e) matters concerning fees;

ヘ　売付け及び買付けの気配その他価格情報を顧客に公表する方法（電子情報処理組織の使用その他の電子的方法に限る。）

(f) the method of disclosing quotes for bids and offers and other price information to customers (limited to the method using an electronic data processing system or other electronic methods);

ト　取引価格の決定方法（特定店頭デリバティブ取引において当事者が想定元本として定めた金額が、第百二十五条の八第二項各号に掲げる特定店頭デリバティブ取引の効力が生じる日から当該効力が消滅する日までの期間の区分に応じ、当該各号に定める金額以下である場合には、次の（１）に掲げるもの又は次の（１）若しくは（２）に掲げるもののいずれかを顧客が選択することができるものに限る。）及び取引の成立の時期

(g) the method for deciding the transaction price (if the amount determined by the party as the notional principal in specified over-the-counter transaactions does not exceed the amount specified in the items of Article 125-8, paragraph (2) in accordance with the category of the period from the day when the specified over-the-counter derivatives transaction takes effect to the day when the transaction ceases to be effective, limited to the method that enables the customers to choose the method specified in the following 1., or the method specified in the following 1. or 2.) and the time when the transaction is closed;

（１）　への規定により公表された自己又は顧客の売付け及び買付けの気配に基づく価格を用いる方法

1. the method of using the price based on the applicant's own quotes for bids and offers or the customer's quotes for bids and offers publicized pursuant to the provisions of sub-item (f);

（２）　顧客の間の交渉（顧客の指定に基づき三以上の他の顧客に対して売付け又は買付けの気配の提示を求め、当該求めに応じ当該他の顧客が提示した売付け又は買付けの気配、への規定により公表された売付け又は買付けの気配及び自己が売付け又は買付けの気配を提示する場合における当該気配を当該顧客に通知した上で行うものに限る。）に基づく価格を用いる方法

2. the method of using a price determined based on negotiations between customers (limited to a negotiation conducted after notifying the customer of the quotes when three or more other customers are requested to present quotes for bids or offers based on the designation by the customer, and presenting the quotes for bids or offers presented by the other customers in response to the request, the quotes for bids

or offers publicized pursuant to the provisions of sub-item (f), and the quotes when the applicant themselves presents the quotes for bids or offers);

チ　法第四十条の七第二項の規定に基づく公表を行う方法

(h) the method of the publication based on the provisions of Article 40-7, paragraph (2) of the Act;

リ　電子取引基盤運営業務において使用する電子情報処理組織の概要、設置場所、容量及び保守の方法並びに当該電子情報処理組織に異常が発生した場合の対処方法

(i) the outline, installation location, capacity, and maintenance method of the electronic data processing system used for the electronic trading platform management service, and the method of handling in the case of malfunction of the electronic data processing system;

ヌ　電子取引基盤運営業務に係る決済の方法（法第百五十六条の六十二第一号又は第二号に掲げる取引に基づく債務を金融商品取引清算機関（当該金融商品取引清算機関が連携金融商品債務引受業務を行う場合には、連携清算機関等を含む。）又は外国金融商品取引清算機関に適切かつ迅速に負担させるための方法を含む。）及び顧客の契約不履行が生じた場合の対処方法

(j) the method of settlement for electronic trading platform management services (including the method of having a financial instruments clearing organization (including a collaborating clearing organization, etc., if the financial instruments clearing organization conducts collaborative financial instruments obligation assumption service) or a foreign financial instruments clearing organization appropriately and promptly bear the obligations arising from the transactions specified in Article 156-62, item (i) or (ii) of the Act), and the handling method when a customer defaults on a contract;

ル　電子取引基盤運営業務に係る取引記録の作成及び保存の方法

(k) the method of preparing and preserving transaction records for electronic trading platform management services;

ヲ　電子取引基盤運営業務の執行状況について、検査を行う頻度、部署の名称及び体制

(l) the frequency of the inspection and the name and structure of the department in charge of the inspection on the status of the execution of electronic trading platform management services;

ワ　不公正な取引の防止の方法その他の取引の公正の確保に関する事項

(m) the method of preventing unfair transactions, and other matters related to ensuring fair transactions; and

カ　その他電子取引基盤運営業務に係る損失の危険の管理に関する重要な事項

(n) any other material matters concerning the management of risk of loss related to electronic trading platform management services;

八　投資助言・代理業を行う場合には、第八条第八号イからニまでに掲げる事項
(viii) if the applicant for registration to conduct investment advisory and agency business, the matters set forth in Article 8, item (viii), sub-items (a) through (d);
九　投資運用業を行う場合には、第八条第九号イからホまでに掲げる事項
(ix) if the applicant for registration is to conduct investment management business, the matters set forth in Article 8, item (ix), sub-items (a) through (e);
十　有価証券等管理業務を行う場合には、法第四十三条の二から第四十三条の三までの規定による管理の方法
(x) if the applicant for registration is to conduct securities, etc. management business, the method of management under the provisions of Articles 43-2 through 43-3 of the Act;
十一　電子募集取扱業務を行う場合には、第八条第十号イ及びニに掲げる事項
(xi) if the applicant for registration is to conduct electronic public offering services, the matters set forth in Article 8, item (x), sub-items (a) and (d);
十二　第七十条の四第一項各号に掲げる措置に関する次に掲げる事項
(xii) the following matters concerning the measures set forth in each item of Article 70-4, paragraph (1):
イ　当該措置の実施の方法
(a) the method for implementing the measures; and
ロ　当該措置の実施を所掌する組織及びその人員の配置
(b) the organization in charge of implementing the measures and its assignment of personnel;
十三　第百二十三条第一項第十八号ホ及び第二十四号ニに規定する場合において情報を受領し、又は提供するときは、電子情報処理組織の保守及び管理に関する業務並びに第百五十三条第三項に規定する内部の管理及び運営に関する業務に関する次に掲げる事項
(xiii) if the applicant for registration is to receive or supply information in the cases prescribed in Article 123, paragraph (1), item (xviii), sub-item (e) and item (xxiv), sub-item (d), the following matters concerning work on maintenance and management of the electronic data processing system and work on internal management and operation prescribed in Article 153, paragraph (3):
イ　当該情報を受領し、又は提供する委託金融商品取引業者の商号又は名称
(a) the trade name or name of the entrusting financial instruments business operator that receives or supplies the information;
ロ　業務執行の方法
(b) the method of conducting business; and
ハ　当該業務を所掌する組織及びその人員の配置
(c) the organization in charge of the business and its assignment of

personnel;

十四　第百五十四条第四号ト、リ及びヌに規定する場合において情報を提供するときは、当該情報を受領する親法人等又は子法人等の商号又は名称

(xiv) if the applicant for registration provides information in the case referred to in Article 154, item (iv), sub-item (g), sub-item (i), and sub-item (j), the trade name or name of the parent corporation, etc. or subsidiary corporation, etc. that receives the information;

十五　登録金融機関業務として高速取引行為を行う場合には、第八条第十一号イからニまでに掲げる事項

(xv) if the applicant for registration is to conduct high-speed trading as a registered financial institution business, the matters set forth in Article 8, item (xi), sub-items (a) through (d). and

十六　法第二十九条の二第一項第九号に規定するデリバティブ取引についての法第三十三条の二第三号に掲げる行為を業として行う場合又は当該デリバティブ取引に係る投資運用業を行う場合には、第八条第十二号の暗号資産及び金融指標の名称

(xvi) if the applicant for registration is to conduct the acts set forth in Article 33-2, item (iii) of the Act with regard to the derivatives transactions prescribed in Article 29-2, paragraph (1), item (ix) of the Act on a regular basis, or if the applicant for registration is to conduct investment management business related to the derivatives transactions, the name of the cryptoassets and financial indexes referred to in Article 8, item (xii)

（登録申請書の添付書類）

(Documents to Be Attached to Written Application for Registration)

第四十六条　法第三十三条の三第二項第三号に規定する内閣府令で定めるものは、関係会社（親法人等、子法人等又は持株会社をいう。第五号において同じ。）の状況として次に掲げる事項とする。

Article 46 The things specified by Cabinet Office Order as prescribed in Article 33-3, paragraph (2), item (iii) of the Act are the following matters stated as the status of an affiliated company (meaning a parent corporation, etc., a subsidiary corporation, etc. or a holding company; the same applies in item (v)):

一　商号又は名称

(i) the trade name or name;

二　資本金の額、基金の総額又は出資の総額

(ii) the amount of stated capital, the total amount of funds, or the total amount of investment;

三　本店又は主たる事務所の所在地

(iii) the location of the head office or principal office;

四　事業の種類

(iv) the type of business;

五　登録申請者と関係会社との間の資本関係、人的関係及び最近一年間の業務上の関係

(v) the capital relationship, personnel relationship, and business relationship in the most recent one year, between the applicant for registration and an affiliated company; and

六　親法人等、子法人等又は持株会社のいずれに該当するかの別

(vi) distinction of whether the affiliated company falls under a parent corporation, etc., a subsidiary corporation, etc. or a holding company.

第四十七条　法第三十三条の三第二項第四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 47 (1) The documents specified by Cabinet Office Order as prescribed in Article 33-3, paragraph (2), item (iv) of the Act are as follows:

一　業務に係る人的構成及び組織等の業務執行体制を記載した書面

(i) the documents stating the personnel structure and the system for conducting business of the organization;

二　登録金融機関業務を担当する役員及び重要な使用人（第四十四条第一号イ又はロのいずれかに該当する使用人をいう。第五十一条第一項第四号において同じ。）の履歴書（役員が法人であるときは、当該役員の沿革を記載した書面）

(ii) the resume of the officers and important employees (meaning an employee that falls under any of Article 44, item (i), sub-item (a) or (b); the same applies in Article 51, paragraph (1), item (iv)) in charge of the registered financial institution business (if the officer is a corporation, the document stating the background of the officer);

三　金融商品取引業協会（登録申請者が行う業務を行う者を主要な協会員又は会員とするものに限る。）に加入しないときは、当該業務に関する社内規則

(iii) if the applicant for registration does not become a member of a financial instruments firms association (limited to an association that has the persons conducting the business performed by the applicant for registration as the principal association members or members), the internal rules concerning the business;

四　電子取引基盤運営業務を行う場合には、次に掲げる書類

(iv) if the applicant for registration is to conduct electronic trading platform management services, the following documents:

イ　電子取引基盤運営業務を管理する責任者の履歴書

(a) the resume of the person responsible for managing electronic trading platform management services;

ロ　電子取引基盤運営業務に関する社内規則

(b) the internal rules concerning electronic trading platform management services;

ハ　電子取引基盤運営業務に関し顧客と取引を行う際に使用する契約書類及びその

添付書類

(c) contract documents to be used in conducting transactions with customers in relation to electronic trading platform management services and the documents attached to them; and

ニ　第四十五条第七号リに掲げるものに関する登録申請者と特別の利害関係のない者の評価書

(d) an appraisal report issued by a person not in special interest relationship with the applicant for registration concerning the matters set forth in Article 45, item (vii), (i);

五　競走用馬に係る商品投資関連業務を行う場合には、第四十九条第三号に掲げる基準に該当しないことを証する書面

(v) if the applicant for registration is to conduct business related to commodities investment for racehorses, a document certifying that the applicant for registration does not satisfy the criteria set forth in Article 49, item (iii);

六　不動産信託受益権等売買等業務を行う場合には、第四十九条第四号に掲げる基準に該当しないことを証する書面

(vi) if the applicant for registration is to conduct the business of purchase and sale, etc. of beneficial interest in real property trust, a document certifying that the applicant for registration does not satisfy the criteria specified in Article 49, item (iv);

七　不動産関連特定投資運用業を行う場合における業務遂行能力に関する事項を記載した書面

(vii) a document stating the matters related to the ability to conduct business of the applicant for registration, if the applicant is to conduct specified investment management business related to real property;

八　貸借対照表に関連する注記及び損益計算書に関連する注記

(viii) the notes related to the balance sheet and the notes related to the profit and loss statement;

九　法第三十三条第二項第一号に掲げる有価証券について有価証券の元引受けに係る業務を行う場合又は同項第五号に掲げる取引について同号に定める行為に係る業務を行う場合には、次に掲げる書類

(ix) if the applicant for registration is to conduct business related to the wholesale underwriting of securities for the securities set forth in Article 33, paragraph (2), item (i) of the Act, or the business related to the act set forth in item (v) of that paragraph for the transaction set forth in that item, the following documents:

イ　当該業務を管理する責任者の履歴書

(a) the resume of the person responsible for managing the business;

ロ　当該業務に関する社内規則

(b) the internal rules concerning the business;

ハ　当該業務に関し顧客と取引を行う際に使用する契約書類

(c) the contract documents to be used in transactions with customers in connection with the business; and

十　金融商品仲介業務を行う場合には、委託金融商品取引業者との間の金融商品仲介業務の委託契約に係る契約書の写し

(x) if the applicant for registration is to conduct financial instruments intermediary services, a copy of the written contract for the entrustment contract of financial instruments intermediary services concluded with the entrusting financial instruments business operator;

十一　登録金融機関業務として高速取引行為を行う場合には、高速取引行為に係る業務を管理する責任者の履歴書

(xi) for conducting high-speed trading as registered financial institution business, the resume of the person responsible for managing services pertaining to high-speed trading.

２　前項第七号に掲げる書類を添付する場合において、貸借対照表に関連する注記又は損益計算書に関連する注記が電磁的記録で作成されているときは、書類に代えて電磁的記録（第十一条に定めるものに限る。）を添付することができる。

(2) In attaching the document set forth in item (vii) of the preceding paragraph, if the notes related to the balance sheet or the notes related to the profit and loss statement have been prepared as an electronic or magnetic record, an applicant for registration may attach the electronic or magnetic record (limited to the record provided for in Article 11) in lieu of documents; and

十二　第四十五条第十六号に規定する場合には、第八条第十二号の暗号資産及び金融指標の概要を説明した書類

(xii) in the case prescribed in Article 45, item (xvi), a document explaining the outline of the cryptoassets and financial indexes set forth in Article 8, item (xii).

２　前項第七号に掲げる書類を添付する場合において、貸借対照表に関連する注記又は損益計算書に関連する注記が電磁的記録で作成されているときは、書類に代えて電磁的記録（第十一条に定めるものに限る。）を添付することができる。

(2) In attaching the document set forth in item (vii) of the preceding paragraph, if the notes related to the balance sheet or the notes related to the profit and loss statement have been prepared as an electronic or magnetic record, the applicant for registration may attach electronic or magnetic record (limited to the record provided for in Article 11) in lieu of documents.

（金融機関登録簿の縦覧）

(Public Inspection of Register of Registered Financial Institutions)

第四十八条　管轄財務局長等は、その登録をした登録金融機関に係る金融機関登録簿を当該登録金融機関の本店等の所在地を管轄する財務局（当該所在地が福岡財務支局の管轄区域内にある場合にあっては、福岡財務支局）に備え置き、公衆の縦覧に供する

ものとする。

Article 48 The competent Director-General of a Local Finance Bureau, etc. is to keep the register of registered financial institutions containing information on the registered financial institutions to which the Director-General has granted registration, at the finance bureau with jurisdiction over the locality of the head office, etc. of the registered financial institution (if the locality falls within the jurisdictional district of the Fukuoka Local Finance Branch Bureau, at the Fukuoka Local Finance Branch Bureau), and make the register available for public inspection.

（人的構成の審査基準）

(Criteria for Examination of Personnel Structure)

第四十九条　法第三十三条の五第一項第三号に規定する登録金融機関業務を適確に遂行するに足りる人的構成を有しない者であるかどうかの審査をするときは、登録申請者が次に掲げるいずれかの基準に該当するかどうかを審査するものとする。

Article 49 When conducting an examination on whether the applicant for registration lacks a personnel structure sufficient to appropriately conduct a registered financial institution business provided for in Article 33-5, paragraph (1), item (iii) of the Act, whether the applicant for registration falls under any of the following criteria is to be examined:

一　その行う業務に関する十分な知識及び経験を有する役員又は使用人の確保の状況並びに組織体制に照らし、当該業務を適正に遂行することができないと認められること。

(i) the applicant for registration is found not able to properly conduct the business, in light of the state of securing officers or employees that have sufficient knowledge and experience for conducting the business and its organizational structure;

二　役員又は使用人のうちに、経歴、暴力団員による不当な行為の防止等に関する法律第二条第二号に規定する暴力団又は同条第六号に規定する暴力団員との関係その他の事情に照らして業務の運営に不適切な資質を有する者があることにより、登録金融機関業務の信用を失墜させるおそれがあると認められること。

(ii) the applicant for registration is found to be likely to cause a loss of credibility of registered financial institution business due to having an officer or employee with qualities inappropriate for operating business in light of the personal history of the officer or the employee, relationships with the organized crime group as defined in Article 2, item (ii) of the Act on Prevention of Illegal Acts by Organized Crime Group Members, or relationships with the organized crime group members as defined in item (vi) of that Article, or other circumstances;

三　競走用馬に係る商品投資関連業務を行う場合には、次に掲げる要件に該当しないこと。

(iii) if the applicant for registration is to conduct business related to commodities investment for racehorses, that the applicant does not satisfy the following requirements:

イ　あらかじめ日本中央競馬会又は地方競馬全国協会による指導を受けていること。

(a) the applicant for registration has been given guidance by the Japan Racing Association or the National Association of Racing in advance;

ロ　その行う商品投資関連業務が第七条第四号ニ（１）に掲げる権利に係る競走用馬投資関連業務又は同号ニ（２）に掲げる権利に係る競走用馬投資関連業務のいずれかのみに該当すること。

(b) the business related to commodities investment conducted by the applicant for registration only falls under either of the business related to investment in racehorses related to the rights set forth in Article 7, item (iv), sub-item (d), 1. or the business related to investment in racehorses related to the rights set forth in Article 7, item (iv), sub-item (d), 2.;

ハ　第七条第四号ニ（２）に掲げる権利に係る競走用馬投資関連業務を行う場合には、競馬法第十三条第一項（同法第二十二条において準用する場合を含む。）の登録を受けていること。

(c) if the applicant for registration is to conduct a business related to investment in racehorses related to the rights set forth in Article 7, item (iv), sub-item (d), 2., that the applicant has obtained a registration referred to in Article 13, paragraph (1) of the Horse Racing Act (including as applied mutatis mutandis pursuant to Article 22 of that Act);

四　不動産信託受益権等売買等業務を行う場合には、次に掲げる要件に該当しないこと。

(iv) if the applicant for registration is to conduct the business of purchase and sale, etc. of beneficial interest in real property trust, that the applicant does not satisfy the following requirements:

イ　宅地又は建物の取引に関する専門的知識及び経験を有する役員又は使用人を次に掲げる部門にそれぞれ配置していること。

(a) the applicant for registration has assigned officers or employees that have expert knowledge of and experience in transactions related to building lots or buildings to each of the following departments:

（１）　不動産信託受益権等売買等業務の統括に係る部門

1. the department in charge of supervising the business of purchase and sale, etc. of beneficial interest in real property trust;

（２）　内部監査に係る部門

2. the department in charge of the internal audit; and

（３）　法令等を遵守させるための指導に関する業務に係る部門

3. the department in charge of work related to instructions for having the officers and employees comply with laws and regulations, etc.;

ロ　不動産信託受益権等売買等業務を行う役員又は使用人が、第八十五条第一項各

号に掲げる事項について、顧客の知識、経験、財産の状況及び金融商品取引契約を締結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説明をするために必要な宅地又は建物の取引に関する専門的知識及び経験を有していること。

(b) the officers or the employees that conduct the business of purchase and sale, etc. of beneficial interest in real property trust have sufficient expert knowledge of and experience in transactions of building lots or buildings for giving explanations by the means and to the extent that is required for a customer to understand the matters set forth in the items of Article 85, paragraph (1), in light of the customer's knowledge, experience, status of property, and the purpose of concluding a financial instruments transaction contract.

五　不動産関連特定投資運用業を行う場合には、金融庁長官の定める要件に該当しないこと。

(v) if the applicant for registration is to conduct specified investment management business related to real property, that the applicant does not satisfy the requirements specified by the Commissioner of the Financial Services Agency.

（有価証券に係る店頭デリバティブ取引についての登録の条件）

(Conditions for Registering Over-the-Counter Derivatives Transactions Related to Securities)

第五十条　法第三十三条の五第二項に規定する内閣府令で定める条件は、次に掲げる条件とする。

Article 50 The conditions specified by Cabinet Office Order as prescribed in Article 33-5, paragraph (2) of the Act are as follows:

一　登録金融機関である銀行、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。以下同じ。）、信用金庫連合会、農林中央金庫又は株式会社商工組合中央金庫にあっては、業として株券関連店頭デリバティブ取引（株券の価格又は株価指数（株券の価格に基づき算出される指数をいう。第四号において同じ。）の変動によりその時価が変動する法第三十三条第二項第五号に掲げる取引をいう。以下この条において同じ。）を行う場合には、当該株券関連店頭デリバティブ取引を特定取引勘定（銀行法施行規則（昭和五十七年大蔵省令第十号）第十三条の六の三第一項、長期信用銀行法施行規則（昭和五十七年大蔵省令第十三号）第十二条の四の三第一項、保険業法施行規則（平成八年大蔵省令第五号）第五十三条の六の二第一項、信用金庫法施行規則（昭和五十七年大蔵省令第十五号）第百七条第一項、農林中央金庫法施行規則（平成十三年内閣府・農林水産省令第十六号）第六十五条第一項又は経済産業省・財務省・内閣府関係株式会社商工組合中央金庫法施行規則（平成二十年内閣府・財務省・経済産業省令第一号）第十八条第一項に規定する特定取引勘定（銀行法（昭和五十六年法律第五十九号）第四十七条第二項に規定する外国銀行支店又

は保険業法第二条第七項に規定する外国保険会社等にあっては、特定取引勘定に類する勘定）をいう。以下この条において同じ。）において経理すること。

(i) if a 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; the same applies hereinafter), a federation of shinkin banks, the Norinchukin Bank, or the Shoko Chukin Bank Limited, which is a registered financial institution, conducts over-the-counter derivatives transactions related to share certificates (meaning the transaction set forth in Article 33, paragraph (2), item (v) of the Act for which the market value fluctuates depending on the fluctuation of price of share certificates or stock price index (meaning the index calculated based on the price of share certificates; the same applies in item (iv)); hereinafter the same applies in this Article) on a regular basis, the accounting for the over-the-counter derivatives transactions related to share certificates is managed in a specified transaction account (meaning the specified transaction account prescribed in Article 13-6-3, paragraph (1) of the Order for Enforcement of the Banking Act (Order of the Ministry of Finance No. 10 of 1982), Article 12-4-3, paragraph (1) of the Order for Enforcement of the Long Term Credit Bank Act (Order of the Ministry of Finance No. 13 of 1982), Article 53-6-2, paragraph (1) of the Order for Enforcement of the Insurance Business Act (Order of the Ministry of Finance No. 5 of 1996), Article 107, paragraph (1) of the Order for Enforcement of the Shinkin Bank Act (Order of the Ministry of Finance No. 15 of 1982), Article 65, paragraph (1) of the Order for Enforcement of the Norinchukin Bank Act (Order of the Cabinet Office and the Ministry of Agriculture, Forestry and Fisheries No. 16 of 2001) or Article 18, paragraph (1) of the Order for Enforcement of The Shoko Chukin Bank Limited Act Relating to the Ministry of Economy, Trade and Industry, the Ministry of Finance and the Cabinet Office (Order of the Cabinet Office, the Ministry of Finance, and the Ministry of Economy, Trade and Industry No. 1 of 2008) (in case of a foreign bank branch office prescribed in Article 47, paragraph (2) of the Banking Act (Act No. 59 of 1981) or a foreign insurance company, etc. as defined in Article 2, paragraph (7) of the Insurance Business Act, an account similar to a specified transaction account); hereinafter the same applies in this Article);

二　前号に規定する登録金融機関以外の登録金融機関にあっては、業として株券関連店頭デリバティブ取引を行う場合には、当該株券関連店頭デリバティブ取引を特定取引勘定に準ずる勘定において経理すること。

(ii) if a registered financial institution other than that prescribed in the preceding item conducts over-the-counter derivatives transactions related to share certificates on a regular basis, that the accounting for the over-the-

counter derivatives transactions related to share certificates is to be managed in an account equivalent to the specified transaction account;

三　前二号の規定にかかわらず、業として株券関連店頭デリバティブ取引を行う登録金融機関は、次に掲げる条件のすべてに該当する株券関連店頭デリバティブ取引のみを特定取引勘定（前号に規定する登録金融機関にあっては、特定取引勘定に準ずる勘定）以外の勘定において経理することができること。

(iii) notwithstanding the provisions of the preceding two items, that a registered financial institution that conducts over-the-counter derivatives transactions related to share certificates on a regular basis may manage only the over-the-counter derivatives transactions related to share certificates which satisfy all of the following requirements in an account other than the specified transaction account (for a registered financial institution provided for in the preceding item, an account other than an account equivalent to the specified transaction account):

イ　当該株券関連店頭デリバティブ取引の相手方が、法第二十八条第八項第四号に掲げる取引若しくはその媒介、取次ぎ（有価証券等清算取次ぎを除く。）若しくは代理を業として行う金融商品取引業者又は法第三十三条第二項第五号に掲げる取引について同号に定める行為を業として行う登録金融機関であること。

(a) the counterparty to the over-the-counter derivatives transactions related to share certificates is a financial instruments business operator that conducts the transaction set forth in Article 28, paragraph (8), item (iv) of the Act, or its intermediary, brokerage (excluding brokerage for clearing of securities, etc.) or agency services on a regular basis, or is a registered financial institution that conducts the act specified in Article 33, paragraph (2), item (v) of the Act for the transaction set forth in that item on a regular basis; and

ロ　当該株券関連店頭デリバティブ取引の相手方が、当該株券関連店頭デリバティブ取引を特定取引勘定（金融商品取引業者にあっては特定取引勘定と同種類の勘定、前号に規定する登録金融機関にあっては特定取引勘定に準ずる勘定）において経理すること。

(b) the counterparty to the over-the-counter derivatives transactions related to share certificates manages the accounting for those over-the-counter derivatives transactions related to share certificates in the specified transaction account (in the case of a financial instruments business operator, the same type of account as the specified transaction account, or in the case of a registered financial institution provided for in the preceding item, an account equivalent to the specified transaction account);

四　登録金融機関は、業として株券関連店頭デリバティブ取引を行った場合には、当該株券関連店頭デリバティブ取引に係る株券の価格又は株価指数の変動により生じ得る損失を有効に減少させるための取引（特定取引勘定（第二号に規定する登録金融機関にあっては、特定取引勘定に準ずる勘定。以下この号において同じ。）にお

いて経理するものに限る。）を直ちに行うことにより、当該株券関連店頭デリバティブ取引に係る株券の価格又は株価指数の変動により生じ得る特定取引勘定における損失の額を可能な限り抑制するものとすること。

(iv) if a registered financial institution conducts over-the-counter derivatives transactions related to share certificates on a regular basis, that the registered financial institution is to restrain to the extent possible the amount of loss in the specified transaction account which may accrue from a fluctuation in the price of share certificates or stock price index related to those over-the-counter transactions related to share certificates by immediately conducting a transaction (limited to a transaction managed in the specified transaction account (in the case of a registered financial institution prescribed in item (ii), an account equivalent to the specified transaction account; hereinafter the same applies in this item)) for effectively reducing the loss that arises from a fluctuation in the price of share certificates or stock price index related to those over-the-counter derivatives transactions related to share certificates.

（登録申請書記載事項の変更の届出）

(Notification of Changes to Matters Stated in a Written Application for Registration)

第五十一条　法第三十三条の六第一項の規定により届出を行う登録金融機関は、変更の内容、変更年月日及び変更の理由を記載した届出書に、別紙様式第九号により作成した変更後の内容を記載した書面及び当該書面の写し並びに次の各号に掲げる場合の区分に応じ当該各号に定める書類を添付して、所管金融庁長官等に提出しなければならない。ただし、やむを得ない事由があるときは、当該各号に定める書類は、当該届出書の提出後遅滞なく提出すれば足りる。

Article 51 (1) A registered financial institution that files a notification pursuant to the provisions of Article 33-6, paragraph (1) of the Act must submit to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau a document stating the content and date of the change and the reasons for the change prepared by using the Appended Form No. 9, a copy of that document, and by attaching a document specified in the following items in accordance with the category of documents set forth in each of those items; provided, however, that, if there are compelling reasons, it is sufficient for the documents specified in each of the items to be submitted without delay after the submission of the written notification:

一　法第三十三条の三第一項第一号若しくは第二号に掲げる事項又は第四十四条第十三号に掲げる事項について変更があった場合　当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面

(i) if there is any change to the matters set forth in Article 33-3, paragraph (1), item (i) or (ii) of the Act, or the matters set forth in Article 44, item (xiii): the

certificate of registered information stating the changed information, or alternative documents;

二　法第三十三条の三第一項第三号又は第四号に掲げる事項について変更があった場合　次に掲げる書類

(ii) if there is any change to the matters set forth in Article 33-3, paragraph (1), item (iii) or (iv) of the Act: the following documents:

イ　業務に係る人的構成及び組織等の業務執行体制を記載した書面

(a) the documents stating the personnel structure and the system for conducting business of the organization;

ロ　当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面

(b) the certificate of registered information stating the changed information, or alternative documents; and

ハ　新たに役員（登録金融機関業務を担当する者及び会計参与に限る。）となった者の履歴書（役員が法人であるときは、当該役員の沿革を記載した書面）

(c) the resume of the person that has newly assumed the position of an officer (limited to an officer in charge of registered financial institution business or an accounting advisor) (if the officer is a corporation, the document stating the background of the officer);

三　法第三十三条の三第一項第七号に掲げる事項について変更があった場合（営業所又は事務所の廃止をした場合に限る。）　当該変更に伴う顧客勘定の処理の内容を記載した書面

(iii) if there is any change to the matters set forth in Article 33-3, paragraph (1), item (vii) of the Act (if the business office or office is closed): a document stating the details of handling customers' accounts accompanying the change;

四　第四十四条第一号に掲げる事項について変更があった場合　新たに重要な使用人となった者の履歴書

(iv) if there is any change to the matters set forth in Article 44, item (i): the resume of the person that newly became an important employee;

五　第四十四条第四号から第十二号までに掲げる事項について変更があった場合（新たにこれらの号に掲げる業務を行うこととなった場合に限る。）　金融商品取引業協会（当該登録金融機関が新たに行うこととなった業務を行う者を主要な協会員又は会員とするものに限る。）に加入していないときは、当該業務に関する社内規則

(v) if there is any change to the matters set forth in Article 44, items (iv) through (xii) (only if the registered financial institution has come to newly conduct the businesses set forth in those items): internal rules relating to the businesses, if the applicant for registration is not a member of a financial instruments firms association (limited to an association that has a principal association member or a member as a person that conducts the businesses to be newly conducted by the registered financial business);

六　第四十四条第四号の二に掲げる事項について変更があった場合（電子取引基盤運

営業務を行うこととなった場合に限る。）　次に掲げる書類

(vi) if there is any change to the matters set forth in Article 44, item (iv)-2 (limited to cases in which a registered financial institution has come to conduct electronic trading platform management services): the following documents:

イ　電子取引基盤運営業務を管理する責任者の履歴書

(a) the resume of the responsible person for managing electronic trading platform management services;

ロ　電子取引基盤運営業務に関する社内規則

(b) the internal rules concerning electronic trading platform management services;

ハ　電子取引基盤運営業務に関し顧客と取引を行う際に使用する契約書類及びその添付書類

(c) written contracts and the documents attached to them to be used for the transactions with customers relating to electronic trading platform management services; and

ニ　第四十五条第七号リに掲げるものに関する届出者と特別の利害関係のない者の評価書

(d) an appraisal report issued by a person that have no special interest relationship with the notifying person in relation to the matters set forth in Article 45, item (vii), sub-item (i);

七　第四十四条第六号に掲げる事項について変更があった場合（新たに金融商品仲介業務の委託を受けることとなった場合に限る。）　委託金融商品取引業者との間の金融商品仲介業務の委託契約に係る契約書の写し

(vii) if there is any change to the matters set forth in Article 44, item (vi) (limited to cases in which the registered financial institution has come to be newly entrusted with financial instruments intermediary services): a copy of the written contract for the entrustment contract of financial instruments intermediary services concluded with the entrusting financial instruments business operator;

八　第四十四条第七号ニに掲げる事項について変更があった場合（競走用馬投資関連業務を行うこととなった場合に限る。）　第四十九条第三号に掲げる基準に該当しないことを証する書面

(viii) if there is any change to the matters set forth in Article 44, item (vii), sub-item (d) (limited to cases in which the registered financial institution has come to conduct business related to investment in racehorses): a document certifying that the registered financial institution does not fall under the criteria set forth in Article 49, item (iii);

九　第四十四条第九号に掲げる事項について変更があった場合（不動産信託受益権等売買等業務を行うこととなった場合に限る。）　第四十九条第四号に掲げる基準に該当しないことを証する書面

(ix) if there is any change to the matters set forth in Article 44, item (ix) (limited to cases in which the registered financial institution has come to conduct business of purchase and sale, etc. of beneficial interest in real property trust): a document certifying that the registered financial institution does not fall under the criteria set forth in Article 49, item (iv); and

十　第四十四条第十号に掲げる事項について変更があった場合（不動産関連特定投資運用業を行うこととなった場合に限る。）　不動産関連特定投資運用業を行う場合における業務遂行能力に関する事項を記載した書面

(x) if there is any change to the matters set forth in Article 44, item (x) (limited to cases in which the registered financial institution has come to conduct specified investment management business related to real property): a document stating the matters related to its capacity to perform business when specified investment management business related to real property is to be conducted.

２　所管金融庁長官等は、登録金融機関から管轄財務局長等の管轄する区域を超えて本店等の所在地を変更したことの届出を受理した場合には、届出書及び金融機関登録簿のうち当該登録金融機関に係る部分その他の書類を、当該届出に係る変更後の本店等の所在地を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては、福岡財務支局長）に送付し、又は送付させるものとする。

(2) If the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau has received from a registered financial institution a notification on a change to the locality of the head office, etc. which was filed beyond the jurisdictional area of the competent Director-General of a Local Finance Bureau, etc., the Commissioner or the Director-General is to send or have an official send the written notification, the portion of the register of registered financial institutions related to the registered financial institution and other documents to the Director-General of a Local Finance Bureau with jurisdiction over the changed locality of the head office, etc. related to the notification (if the locality falls within the jurisdictional area of the Fukuoka Local Finance Branch Bureau, to its Director-General).

３　前項の規定による書類の送付を受けた財務局長又は福岡財務支局長は、当該登録金融機関に係る事項を金融機関登録簿に登録するものとする。

(3) The Director-General of a Local Finance Bureau or the Director-General of the Fukuoka Local Finance Branch Bureau who has received the documents sent under the provisions of the preceding paragraph is to register the matters related to the registered financial institution in the register of registered financial institutions.

（業務の内容又は方法の変更の届出）

(Notification on Change of Content and Method of Business)

第五十二条　法第三十三条の六第三項の規定により届出を行う登録金融機関は、変更の内容、変更予定年月日又は変更年月日及び変更の理由を記載した届出書に、第四十五条各号に掲げるもの（内容に変更のあるものに限る。）を記載した書類、第四十七条第一項第十一号及び第十二号に掲げる書類（内容に変更のあるものに限る。）並びに前条第一項第六号に定める書類（内容に変更のあるものに限る。）を添付して、所管金融庁長官等に提出しなければならない。

Article 52 A registered financial institution that files a notification pursuant to the provisions of Article 33-6, paragraph (3) of the Act must submit to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau a written notification stating the content and the scheduled date or actual date of the change, and the reasons for the change, by attaching a document stating the matters set forth in the items of Article 45 (limited to matters whose content has been changed) and a document specified in Article 47, paragraph (1), items (xi) and (xii) (limited to matters whose content has been changed) and a document specified in Article 51, paragraph (1), item (vi) (limited to matters whose content has been changed).

第五款　特定投資家
Subsection 5 Professional Investors

（契約の種類）

(Type of Contract)

第五十三条　法第三十四条に規定する内閣府令で定めるものは、次に掲げるものとする。

Article 53 The type of contract specified by Cabinet Office Order as prescribed in Article 34 of the Act is as follows:

一　有価証券についての法第二条第八項第一号から第十号までに掲げる行為、当該行為に関して行う同項第十六号若しくは令第一条の十二第二号に掲げる行為又は同項第十七号に掲げる行為を行うことを内容とする契約

(i) a contract which provides for performing acts set forth in Article 2, paragraph (8), items (i) through (x) of the Act, acts set forth in item (xvi) of that paragraph or in Article 1-12, item (ii) of the Cabinet Order to be performed for those acts, or acts set forth in item (xvii) of that paragraph, in relation to securities;

二　デリバティブ取引についての法第二条第八項第一号から第五号までに掲げる行為、当該行為に関して行う同項第十六号若しくは令第一条の十二第二号に掲げる行為又は同項第十七号に掲げる行為を行うことを内容とする契約

(ii) a contract which provides for performing acts set forth in Article 2, paragraph (8), items (i) through (v) of the Act, acts set forth in item (xvi) of that paragraph or in Article 1-12, item (ii) of the Cabinet Order to be performed for those acts, or acts set forth in item (xvii) of that paragraph, in relation to derivative transactions;

三　投資顧問契約及び法第二条第八項第十三号に掲げる行為（投資顧問契約に係るものに限る。）を行うことを内容とする契約

(iii) an investment advisory contract and a contract which provides for performing an act set forth in Article 2, paragraph (8), item (xiii) of the Act (limited to the act related to an investment advisory contract); and

四　投資一任契約及び法第二条第八項第十三号に掲げる行為（投資一任契約に係るものに限る。）を行うことを内容とする契約

(iv) a discretionary investment contract and a contract which provides for performing an act set forth in Article 2, paragraph (8), item (xiii) of the Act (limited to the act related to a discretionary investment contract).

第五十四条　削除

Article 54 Deleted

（申出をした特定投資家に交付する書面の記載事項）

(Matters to Be Stated in Document to Be Delivered to Professional Investor That Made a Request)

第五十五条　法第三十四条の二第三項第四号に規定する内閣府令で定める事項は、次に掲げる事項とする。

Article 55 The matters specified by Cabinet Office Order as prescribed in Article 34-2, paragraph (3), item (iv) of the Act are as follows:

一　申出者（法第三十四条の二第三項に規定する申出者をいう。次号において同じ。）は、同条第二項の規定による承諾を行った金融商品取引業者等のみから対象契約（同項に規定する対象契約をいう。同号及び第五十七条の二において同じ。）に関して特定投資家以外の顧客として取り扱われることになる旨

(i) the fact that the applicant (meaning an applicant prescribed in Article 34-2, paragraph (3) of the Act; the same applies in the following item) is to be treated as a customer other than a professional investor concerning the subject contract (meaning a subject contract prescribed in that paragraph; the same applies in that item and Article 57-2), only by the financial instruments business operator, etc. that has given an approval under the provisions of paragraph (2) of that Article; and

二　金融商品取引業者等が対象契約に基づき申出者を代理して他の金融商品取引業者等との間で承諾日（法第三十四条の二第三項第一号に規定する承諾日をいう。）以後に締結する金融商品取引契約については、当該他の金融商品取引業者等からも特定投資家以外の顧客として取り扱われる旨

(ii) with regard to a financial instruments transaction contract which the financial instruments business operator, etc., on behalf of the applicant, concludes with another financial instruments business operator, etc. on or after the approval date (meaning the approval date provided for in Article 34-2, paragraph (3), item (i) of the Act) based on the subject contract, the

applicant is to be treated as a customer other than a professional investor also by the other financial instruments business operator, etc.

（情報通信の技術を利用した提供）

(Provision Using Information and Communications Technology)

第五十六条　法第三十四条の二第四項（法第三十四条の三第十二項（法第三十四条の四第六項において準用する場合を含む。）、第三十四条の四第三項、第三十七条の三第二項、第三十七条の四第二項、第三十七条の五第二項、第四十条の二第六項、第四十条の五第三項及び第四十二条の七第二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。）に規定する内閣府令で定めるものは、次に掲げるもの（以下「電磁的方法」という。）とする。

Article 56 (1) The means specified by Cabinet Office Order as prescribed in Article 34-2, paragraph (4) of the Act (including as applied mutatis mutandis pursuant to Article 34-3, paragraph (12) (including as applied mutatis mutandis pursuant to Article 34-4, paragraph (6) of the Act), Article 34-4, paragraph (3), Article 37-3, paragraph (2), Article 37-4, paragraph (2), Article 37-5, paragraph (2), Article 40-2, paragraph (6), Article 40-5, paragraph (3) and Article 42-7, paragraph (2) of the Act; hereinafter the same applies in this Article) are the following means (hereinafter referred to as "electronic or magnetic means"):

一　電子情報処理組織を使用する方法のうち次に掲げるもの

(i) the means of using an electronic data processing system which are set forth in the following items:

イ　金融商品取引業者等（法第三十四条の二第四項に規定する事項の提供を行う金融商品取引業者等との契約によりファイルを自己の管理する電子計算機に備え置き、これを当該事項を提供する相手方（以下この条において「顧客」という。）又は当該金融商品取引業者等の用に供する者を含む。以下この条において同じ。）の使用に係る電子計算機と顧客等（顧客及び顧客との契約により顧客ファイル（専ら顧客の用に供せられるファイルをいう。以下この条において同じ。）を自己の管理する電子計算機に備え置く者をいう。以下この条において同じ。）の使用に係る電子計算機とを接続する電気通信回線を通じて書面に記載すべき事項（以下この条において「記載事項」という。）を送信し、顧客等の使用に係る電子計算機に備えられた顧客ファイルに記録する方法（同項に規定する方法による提供を受ける旨の承諾又は受けない旨の申出をする場合にあっては、同項に規定する事項の提供を行う金融商品取引業者等の使用に係る電子計算機に備えられたファイルにその旨を記録する方法）

(a) the means of transmitting matters required to be stated in a document (hereinafter referred to as the "matters to be stated" in this Article) via telecommunications line that connects the computers used by a financial instruments business operator, etc. (including a person that, pursuant to the contract with a financial instruments business operator, etc. that

provides the matters prescribed in Article 34-2, paragraph (4) of the Act, stores files on a computer managed by the person, and provides them to the other party to whom the matters are provided (hereinafter referred to as the "customer" in this Article) or provides them for use by the financial instruments business operator, etc.; hereinafter the same applies in this Article) and the computers used by the customers, etc. (meaning a customer and a person that stores a customer file (meaning the file solely used by customers; hereinafter the same applies in this Article) on a computer managed by such person; hereinafter the same applies in this Article), and recording the matters in the customer file stored on the computer used by the customers, etc. (if the applicant gives consent to the provision of the matters by the means prescribed in Article 34-2, paragraph (4) of the Act or notifies that they are not willing to be provided with the matters by such means, the means of recording the fact in a file stored on the computer used by the financial instruments business operator, etc. that provides the matters provided for in that paragraph);

ロ　金融商品取引業者等の使用に係る電子計算機に備えられたファイルに記録された記載事項を電気通信回線を通じて顧客の閲覧に供し、顧客等の使用に係る電子計算機に備えられた当該顧客の顧客ファイルに当該記載事項を記録する方法（法第三十四条の二第四項に規定する方法による提供を受ける旨の承諾又は受けない旨の申出をする場合にあっては、金融商品取引業者等の使用に係る電子計算機に備えられたファイルにその旨を記録する方法）

(b) the means of making the matters stated which are recorded in the files stored on a computer used by a financial instruments business operator, etc. available for customers' inspection via telecommunications line, and recording the matters stated into the customer file of that customer stored on the computer used by the customer, etc. (if the applicant gives consent to the provision of the matters by the means prescribed in Article 34-2, paragraph (4) of the Act or notifies that they are not willing to be provided with the matters by such means, the means of recording the fact in a file stored on the computer used by the financial instruments business operator, etc.);

ハ　金融商品取引業者等の使用に係る電子計算機に備えられた顧客ファイルに記録された記載事項を電気通信回線を通じて顧客の閲覧に供する方法

(c) the means of making the matters stated which are recorded in the customer file stored on the computer used by a financial instruments business operator, etc. available for customers' inspection via telecommunications line; and

ニ　閲覧ファイル（金融商品取引業者等の使用に係る電子計算機に備えられたファイルであって、同時に複数の顧客の閲覧に供するため記載事項を記録させるファイルをいう。以下この条において同じ。）に記録された記載事項を電気通信回線

を通じて顧客の閲覧に供する方法

(d) the means of making the matters stated which are recorded in the inspection file (meaning a file stored on a computer used by a financial instruments business operator, etc., on which the matters stated are recorded for the purpose of making them available for inspection by multiple customers at the same time; hereinafter the same applies in this Article) available for customers' inspection via telecommunications line;

二　磁気ディスク、シー・ディー・ロムその他これらに準ずる方法により一定の事項を確実に記録しておくことができる物をもって調製するファイルに記載事項を記録したものを交付する方法

(ii) the means of delivering a medium recording the matters stated on the file prepared by using an object that can securely record certain information by the means of a magnetic disk, CD-ROM, or any other equivalent means.

２　前項各号に掲げる方法は、次に掲げる基準に適合するものでなければならない。

(2) The means set forth in the items of the preceding paragraph must conform to the following criteria:

一　顧客が顧客ファイル又は閲覧ファイルへの記録を出力することにより書面を作成できるものであること。

(i) the means enables a customer to prepare a document by outputting the matters recorded in the customer file or inspection file;

二　前項第一号イ、ハ又はニに掲げる方法（顧客の使用に係る電子計算機に備えられた顧客ファイルに記載事項を記録する方法を除く。）にあっては、記載事項を顧客ファイル又は閲覧ファイルに記録する旨又は記録した旨を顧客に対し通知するものであること。ただし、顧客が当該記載事項を閲覧していたことを確認したときはこの限りでない。

(ii) when the means set forth in item (i), sub-item (a), sub-item (c), or sub-item (d) of the preceding paragraph (excluding the means of recording the matters stated in the customer file stored on a computer used by a customer) is used, the customer is informed of the fact that the matters stated are to be recorded or have been recorded in the customer file or the inspection file; provided, however, that this does not apply if it has been confirmed that the customer has inspected the matters stated;

三　前項第一号ハ又はニに掲げる方法にあっては、記載事項に掲げられた取引を最後に行った日以後五年間（当該期間が終了する日までの間に当該記載事項に係る苦情の申出があったときは、当該期間が終了する日又は当該苦情が解決した日のいずれか遅い日までの間）次に掲げる事項を消去し又は改変することができないものであること。ただし、閲覧に供している記載事項を書面により交付する場合、顧客の承諾（令第十五条の二十二に規定する方法による承諾をいう。）を得て前項第一号イ、ロ若しくは同項第二号に掲げる方法により提供する場合又は顧客による当該記載事項に係る消去の指図がある場合は、当該記載事項を消去することができる。

(iii) for the means set forth in item (i), sub-item (c) or (d) of the preceding

paragraph, that the following matters may not be deleted or altered until five years have passed from the day when the transaction set forth in the matters stated was finally conducted (if a complaint related to the matters stated has been raised before the expiration date of that period, until either the expiration date of the period or the day when the complaint was settled, whichever comes later); provided, however, that the matters stated may be deleted if the matters stated which are made available for inspection are delivered in writing, the matters stated are provided by the means set forth in item (i), sub-item (a) or (b) of the preceding paragraph or in item (ii) of that paragraph with the customer's consent (meaning a consent given by the means provided for in Article 15-22 of the Order), or the customer has instructed that the matters stated are to be deleted:

イ　前項第一号ハに掲げる方法については、顧客ファイルに記録された記載事項

(a) in the case of the means set forth in item (i), sub-item (c) of the preceding paragraph, the matters stated which are recorded in the customer file; and

ロ　前項第一号ニに掲げる方法については、閲覧ファイルに記録された記載事項

(b) in the case of the means set forth in item (i), sub-item (d) of the preceding paragraph, the matters stated which are recorded in the inspection file;

四　前項第一号ニに掲げる方法にあっては、次に掲げる基準に適合するものであること。

(iv) in the case of the means set forth in item (i), sub-item (d) of the preceding paragraph, that the matters stated conform to the following requirements:

イ　顧客が閲覧ファイルを閲覧するために必要な情報を顧客ファイルに記録するものであること。

(a) the information necessary for customers to inspect the inspection file is recorded in the customer file; and

ロ　前号に規定する期間を経過するまでの間において、イの規定により顧客が閲覧ファイルを閲覧するために必要な情報を記録した顧客ファイルと当該閲覧ファイルとを電気通信回線を通じて接続可能な状態を維持させること。ただし、閲覧の提供を受けた顧客が接続可能な状態を維持させることについて不要である旨通知した場合は、この限りでない。

(b) until the end of the period provided for in the preceding item, the customer file that has the information necessary for the customer to inspect the inspection file pursuant to the provisions of sub-item (a) is to be kept connected to the inspection file via telecommunications line; provided, however, that this does not apply if the customer who has been given access to the files has notified that it is not necessary to keep the connection.

3　第一項第一号の「電子情報処理組織」とは、金融商品取引業者等の使用に係る電子計算機と、顧客ファイルを備えた顧客等又は金融商品取引業者等の使用に係る電子計算機とを電気通信回線で接続した電子情報処理組織をいう。

(3) The term "electronic data processing system" as used in paragraph (1), item (i) means an electronic data processing system that connects via telecommunications line a computer used by a financial instruments business operator, etc. and a computer that has customer files used by a customer, etc. or a financial instruments business operator, etc. stored.

（電磁的方法の種類及び内容）

(Type and Content of Electronic or Magnetic Means)

第五十七条　令第十五条の二十二第一項及び第十五条の二十三第一項の規定により示すべき方法の種類及び内容は、次に掲げる事項とする。

Article 57 The type and content of the means required to be specified pursuant to the provisions of Article 15-22, paragraph (1) and Article 15-23, paragraph (1) of the Order are as follows:

一　前条第一項各号又は第五十七条の三第一項各号に掲げる方法のうち金融商品取引業者等が使用するもの

(i) the means set forth in the items of paragraph (1) of the preceding Article or the items of Article 57-3, paragraph (1), which are used by financial instruments business operators, etc.; and

二　ファイルへの記録の方式

(ii) the formalities for recording the matters in a file.

（特定投資家への復帰申出をした者が同意を行う書面の記載事項）

(Matters to Be Stated in Document Indicating Consent by Person That Made Request for Reinstatement as a Professional Investor)

第五十七条の二　法第三十四条の二第十一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 57-2 The matters specified by Cabinet Office Order as prescribed in Article 34-2, paragraph (11) of the Act are as follows:

一　法第三十四条の二第十一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 when the consent under the provisions of Article 34-2, paragraph (11) of the Act is given (hereinafter referred to as the "date of consent" in this Article);

二　対象契約の属する契約の種類（法第三十四条に規定する契約の種類をいう。以下この款において同じ。）

(ii) the type of contract to which the subject contract belongs (meaning the type of contract provided for in Article 34 of the Act; hereinafter the same applies in this Subsection);

三　復帰申出者（法第三十四条の二第十一項に規定する復帰申出者をいう。以下この条において同じ。）が次に掲げる事項を理解している旨

(iii) the fact that the applicant for reinstatement (meaning an applicant for

reinstatement provided for in Article 34-2, paragraph (11) of the Act; hereinafter the same applies in this Article) understands the following matters:

イ　法第四十五条各号に掲げる規定は、対象契約に関して復帰申出者が当該各号に定める者である場合（同条ただし書に規定する場合を除く。）には適用されない旨

(a) the provisions set forth in the items of Article 45 of the Act do not apply if the applicant for reinstatement is a person specified in each of those items in connection to subject contracts (excluding the cases specified in the proviso to that Article);

ロ　対象契約に関して特定投資家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投資家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, in light of the knowledge, experience, and state of property of the person, is deemed inappropriate to be treated as a professional investor in connection to subject contracts is treated as a professional investor, the protection of that person may be impaired;

四　承諾日以後に対象契約の締結の勧誘又は締結をする場合において、復帰申出者を再び特定投資家として取り扱う旨

(iv) the applicant for reinstatement will once again be treated as a professional investor when soliciting the conclusion of or concluding the subject contract on or after the date of consent;

五　金融商品取引業者等が対象契約に基づき復帰申出者を代理して他の金融商品取引業者等との間で承諾日以後に締結する金融商品取引契約については、当該他の金融商品取引業者等からも再び特定投資家として取り扱われる旨

(v) with regard to a financial instruments transaction contract that a financial instruments business operator, etc. concludes with another financial business operators, etc. on behalf of an applicant for reinstatement, on or after the date of consent based on the subject contract, the applicant for reinstatement will also once again be treated as a professional investor by the other financial instruments business operators, etc.; and

六　復帰申出者は、承諾日以後いつでも、法第三十四条の二第一項の規定による申出ができる旨

(vi) the applicant for reinstatement may make a request under the provisions of Article 34-2, paragraph (1) of the Act at any time on or after the date of consent.

（情報通信の技術を利用した同意の取得）

(Obtaining Consent Using Information and Communications Technology)

第五十七条の三　法第三十四条の二第十二項（法第三十四条の三第三項（法第三十四条の四第六項において準用する場合を含む。）及び第四十三条の四第三項において準用

する場合を含む。以下この条において同じ。）に規定する内閣府令で定めるものは、次に掲げるものとする。

Article 57-3 (1) The means specified by Cabinet Office Order as prescribed in Article 34-2, paragraph (12) of the Act (including as applied mutatis mutandis pursuant to Article 34-3, paragraph (3) (including as applied mutatis mutandis pursuant to Article 34-4, paragraph (6) of the Act) and Article 43-4, paragraph (3) of the Act; hereinafter the same applies in this Article) are as follows:

一　電子情報処理組織を使用する方法のうち次に掲げるもの

(i) the means of using an electronic data processing system which are set forth in the following sub-items:

イ　金融商品取引業者等の使用に係る電子計算機と法第三十四条の二第十二項の規定により同意を得ようとする相手方（以下この条において「顧客」という。）の使用に係る電子計算機とを接続する電気通信回線を通じて送信し、受信者の使用に係る電子計算機に備えられたファイルに記録する方法

(a) the means of sending the matters via a telecommunications line that connects a computer used by a financial instruments business operator, etc. and that used by the other party from whom the business operator seeks to obtain consent pursuant to the provisions of Article 34-2, paragraph (12) of the Act (hereinafter referred to as the "customer" in this Article), and recording the information in a file stored on a computer used by the recipient; and

ロ　金融商品取引業者等の使用に係る電子計算機に備えられたファイルに記録された顧客の同意に関する事項を電気通信回線を通じて当該顧客の閲覧に供し、当該金融商品取引業者等の使用に係る電子計算機に備えられたファイルに当該顧客の同意に関する事項を記録する方法

(b) the means of making the matters related to the customer's consent recorded in a file stored on a computer used by a financial instruments business operator, etc. available for the customer's inspection through a telecommunications line, and recording the matters related to the customer's consent in a file stored on a computer used by the financial instruments business operator, etc.;

二　磁気ディスク、シー・ディー・ロムその他これらに準ずる方法により一定の事項を確実に記録しておくことができる物をもって調製するファイルに同意に関する事項を記録したものを得る方法

(ii) the means of obtaining a medium on which the file that has the matters related to a consent recorded, which is prepared by using an object that can securely record certain information by means of a magnetic disk, CD-ROM, or any other equivalent means.

２　前項各号に掲げる方法は、金融商品取引業者等がファイルへの記録を出力することにより書面を作成することができるものでなければならない。

(2) The means set forth in the items of the preceding paragraph must be the

means that enables a financial instruments business operator, etc. to prepare a document by way of outputting the matters recorded on the file.

３　第一項第一号の「電子情報処理組織」とは、金融商品取引業者等の使用に係る電子計算機と、顧客の使用に係る電子計算機とを電気通信回線で接続した電子情報処理組織をいう。

(3) The term "electronic data processing system" as used in paragraph (1), item (i) means an electronic data processing system that connects a computer used by a financial instruments business operator, etc. and a computer used by a customer via telecommunications line.

（特定投資家以外の顧客である法人が特定投資家とみなされる場合の期限日）

(Due Date for Deeming a Corporation That Is Customer Other Than a Professional Investor to Be a Professional Investor)

第五十八条　法第三十四条の三第二項に規定する内閣府令で定める場合は、金融商品取引業者等が一定の日を定め、次に掲げる事項を当該金融商品取引業者等の営業所又は事務所の公衆の見やすい場所への掲示その他の適切な方法により公表している場合とする。

Article 58 (1) The case specified by Cabinet Office Order as prescribed in Article 34-3, paragraph (2) of the Act is the case if a financial instruments business operator, etc. has designated a certain date and publicized the following matters by posting them at a place easily visible to the public at its business office or office, or by other appropriate means:

一　当該日

(i) the designated date; and

二　次項に規定する日を期限日（法第三十四条の三第二項第二号に規定する期限日をいう。次条第二項及び第六十条において同じ。）とする旨

(ii) the fact that the day provided for in the following paragraph is the due date (meaning the due date provided for in Article 34-3, paragraph (2), item (ii) of the Act; the same applies in paragraph (2) of the following Article and Article 60).

２　法第三十四条の三第二項に規定する内閣府令で定める日は、金融商品取引業者等が前項の規定により定めた日であって承諾日（同条第二項第一号に規定する承諾日をいう。次条第二項第五号及び第六十条において同じ。）から起算して一年以内の日のうち最も遅い日とする。

(2) The day specified by Cabinet Office Order as prescribed in Article 34-3, paragraph (2) of the Act is the day designated by a financial instruments business operator, etc. pursuant to the provisions of the preceding paragraph, which is the latest date within one year from the date of acceptance (meaning the date of acceptance prescribed in paragraph (2), item (i) of that Article; the same applies in paragraph (2), item (v) of the following Article and Article 60).

（申出をした特定投資家以外の顧客である法人が同意を行う書面の記載事項）
(Matters to Be Stated in Documents Indicating the Consent by a Corporation That Is a Customer Other Than Professional Investors That Made a Request)

第五十九条　法第三十四条の三第二項第四号イに規定する内閣府令で定める事項は、法第四十五条各号に掲げる規定は、対象契約（同項第二号に規定する対象契約をいう。次項及び第六十条の二において同じ。）に関して申出者（法第三十四条の三第二項に規定する申出者をいう。次項において同じ。）が当該各号に定める者である場合（法第四十五条ただし書に規定する場合を除く。）には適用されない旨とする。

Article 59 (1) The matter specified by Cabinet Office Order as prescribed in Article 34-3, paragraph (2), item (iv), (a) of the Act is the fact that the provisions of the items of Article 45 of the Act do not apply if the applicant (meaning the applicant prescribed in Article 34-3, paragraph (2) of the Act; the same applies in the following paragraph) falls under any of the persons set forth in each of those items concerning the subject contract (meaning the subject contract prescribed in Article 34-3, paragraph (2), item (ii) of the Act; the same applies in the following paragraph and Article 60-2) (excluding the case prescribed in the proviso to Article 45 of the Act).

２　法第三十四条の三第二項第七号に規定する内閣府令で定める事項は、次に掲げる事項とする。

(2) The matters specified by Cabinet Office Order as prescribed in Article 34-3, paragraph (2), item (vii) of the Act are as follows:

一　期限日以前に締結した対象契約（投資顧問契約及び投資一任契約を除く。）に関して法令の規定又は契約の定めに基づいて行う行為については、期限日後に行うものであっても、申出者を特定投資家として取り扱う旨

(i) the fact that for an act conducted based on the provisions of laws and regulations or the contract related to the subject contract (excluding an investment advisory contract and a discretionary investment contract) concluded before the due date, the applicant is to be treated as a professional investor, even if that act is conducted after the due date;

二　法第三十四条の三第二項に規定する申出に係る契約の種類が第五十三条第三号及び第四号に掲げるものである場合にあっては、対象契約（投資顧問契約及び投資一任契約に限る。）に関して法令の規定又は契約の定めに基づいて行う行為については、期限日以前に行うものに限り、申出者を特定投資家として取り扱う旨

(ii) if the types of contract related to the request provided for in Article 34-3, paragraph (2) of the Act falls under those set forth in Article 53, items (iii) and (iv), the fact that an act conducted based on the provisions of laws and regulations or the contract related to the subject contract (limited to an investment advisory contract and a discretionary investment contract), the applicant is to be treated as a professional investor only for the act conducted before the due date;

三　申出者は、法第三十四条の三第二項の規定による承諾を行った金融商品取引業者

等のみから対象契約に関して特定投資家として取り扱われることになる旨

(iii) the fact that the applicant is to be treated as a professional investor with regard to the subject contract, only by the financial instruments business operator, etc. that has accepted the request under the provisions of Article 34-3, paragraph (2) of the Act;

四　金融商品取引業者等が対象契約に基づき申出者を代理して他の金融商品取引業者等との間で期限日以前に締結する金融商品取引契約については、当該他の金融商品取引業者等からも特定投資家として取り扱われる旨

(iv) the fact that, with regard to a financial instruments transaction contract that a financial instruments business operator, etc. concludes with another financial instruments business operator, etc. on behalf of the applicant before the due date based on the subject contract, the applicant is to be treated as a professional investor also by that other financial instruments business operator, etc.; and

五　申出者は、承諾日以後いつでも、法第三十四条の三第九項の規定による申出ができる旨

(v) the fact that the applicant may make a request under the provisions of Article 34-3, paragraph (9 of the Act at any time on or after the date of acceptance.

（申出をした特定投資家以外の顧客である法人が更新申出をするために必要な期間）

(Period Necessary for a Corporation That Is a Customer Other Than Professional Investors Which Made a Request to Make a Request for Renewal)

第六十条　法第三十四条の三第七項に規定する内閣府令で定める期間は、十一月（次の各号に掲げる場合にあっては、当該各号に定める期間）とする。

Article 60 (1) The period specified by Cabinet Office Order as prescribed in Article 34-3, paragraph (7) of the Act is eleven months (in the cases set forth in the following items, the period specified in each of those items):

一　承諾日から期限日までの期間が一年に満たない場合（次号に掲げる場合を除く。）　当該期間から一月を控除した期間

(i) when the period between the date of acceptance and the due date is less than one year (excluding the case set forth in the following item): the period obtained by deducting one month; or

二　承諾日から期限日までの期間が一月を超えない場合　一日

(ii) when the period between the date of acceptance and the due date does not exceed one month: one day.

２　法第三十四条の三第八項に規定する場合における前項の規定の適用については、同項各号中「承諾日」とあるのは、「前回の期限日の翌日」とする。

(2) In applying the provisions of the preceding paragraph in the cases prescribed in Article 34-3, paragraph (8) of the Act, the term "date of acceptance" in the

items of that paragraph is deemed to be replaced with "day following the previous due date".

（特定投資家以外の顧客への復帰申出をした法人に交付する書面の記載事項）
(Matters to Be Stated in a Document to Be Delivered to a Corporation That Made a Request for Reinstatement as a Customer Other Than a Professional Investor)

第六十条の二　法第三十四条の三第十一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 60-2 The matters specified by Cabinet Office Order as prescribed in Article 34-3, paragraph (11) of the Act are as follows:

一　法第三十四条の三第十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 when the acceptance under the provisions of Article 34-3, paragraph (10) of the Act is to be given (hereinafter referred to as the "date of acceptance" in this Article);

二　対象契約の属する契約の種類

(ii) the type of contract to which the subject contract belongs;

三　承諾日以後に対象契約の締結の勧誘又は締結をする場合において、法第三十四条の三第九項の規定による申出をした法人（次号において「復帰申出者」という。）を再び特定投資家以外の顧客として取り扱う旨

(iii) the fact that when soliciting the conclusion of, or concluding, the subject contract on or after the date of acceptance, the corporation that made a request under the provisions of Article 34-3, paragraph (9) of the Act (referred to as the "applicant for reinstatement" in the following item) is to be treated as a customer other than a professional investor again; and

四　金融商品取引業者等が対象契約に基づき復帰申出者を代理して他の金融商品取引業者等との間で承諾日以後に締結する金融商品取引契約については、当該他の金融商品取引業者等からも再び特定投資家以外の顧客として取り扱われる旨

(iv) the fact that, with regard to a financial instruments transaction contract for which they conclude with another financial business operator, etc. on behalf of the applicant for reinstatement on or after the date of acceptance based on the subject contract, the applicant for reinstatement will also be treated as a customer other than a professional investor again by the other financial instruments business operator, etc.

（特定投資家として取り扱うよう申し出ることができる営業者等）
(Proprietors That May Request to Be Treated as a Professional Investor)

第六十一条　法第三十四条の四第一項第一号に規定する内閣府令で定めるものは、次に掲げる要件のいずれかに該当するものとする。

Article 61 (1) The individual specified by Cabinet Office Order as prescribed in

Article 34-4, paragraph (1), item (i) of the Act is one that satisfies any of the following requirements:

一　法第三十四条の四第一項の規定による申出を行うことについてすべての匿名組合員の同意を得ていないこと。

(i) the fact that the individual has not obtained the consent from all of the silent partners in making a request under the provisions of Article 34-4, paragraph (1) of the Act; or

二　その締結した匿名組合契約に基づく出資の合計額が三億円未満であること。

(ii) the fact that the total amount of the equity investment under the silent partnership contract which the individual concluded is less than 300 million yen.

２　法第三十四条の四第一項第一号に規定する内閣府令で定める個人は、次に掲げる者とする。

(2) The individuals specified by Cabinet Office Order as prescribed in Article 34-4, paragraph (1), item (i) of the Act are the following persons:

一　組合契約を締結して組合の業務の執行を委任された組合員である個人（次に掲げる要件のすべてに該当する者に限る。）

(i) an individual who has concluded a partnership contract and has become a partner that has been entrusted with the execution of the business of the partnership (limited to an individual who satisfies all of the following requirements):

イ　法第三十四条の四第一項の規定による申出を行うことについて他のすべての組合員の同意を得ていること。

(a) the fact that the individual has obtained the consent from all of the other partners in making a request under the provisions of Article 34-4, paragraph (1) of the Act; and

ロ　当該組合契約に基づく出資の合計額が三億円以上であること。

(b) the fact that the total amount of the equity investment under the partnership contract is not less than 300 million yen.

二　有限責任事業組合契約を締結して組合の重要な業務の執行の決定に関与し、かつ、当該業務を自ら執行する組合員である個人（次に掲げる要件のすべてに該当する者に限る。）

(ii) an individual who has concluded a limited liability partnership agreement and is involved in the decision-making for executing important business of the partnership, and who is also a partner that personally executes the business (limited to an individual who satisfies all of the following requirements):

イ　法第三十四条の四第一項の規定による申出を行うことについて他のすべての組合員の同意を得ていること。

(a) the fact that the individual has obtained the consent from all of the other partners in making a request under the provisions of Article 34-4,

paragraph (1) of the Act; and

ロ　当該有限責任事業組合契約に基づく出資の合計額が三億円以上であること。

(b) the fact that the total amount of the equity investment under the limited liability partnership agreement is 300 million yen or more.

（特定投資家として取り扱うよう申し出ることができる個人）

(Individual Who May Request to be Treated as a Professional Investor)

第六十二条　法第三十四条の四第一項第二号に規定する内閣府令で定める要件は、次に掲げる要件の全てに該当することとする。

Article 62 The requirements specified by Cabinet Office Order as prescribed in Article 34-4, paragraph (1), item (ii) of the Act are that the individual falls under all of the following requirements:

一　取引の状況その他の事情から合理的に判断して、承諾日（法第三十四条の四第六項において準用する法第三十四条の三第二項第一号に規定する承諾日をいう。次号、次条第二項、第六十四条第二項第五号及び第六十四条の二において同じ。）における申出者（法第三十四条の四第二項に規定する申出者をいう。以下この条及び第六十四条において同じ。）の資産の合計額から負債の合計額を控除した額が三億円以上になると見込まれること。

(i) reasonably judging from the status of the transactions or any other circumstances, the amount obtained by deducting the total amount of its liabilities from the total amount of the assets of the applicant (meaning the applicant prescribed in Article 34-4, paragraph (2) of the Act; hereinafter the same applies in this Article and Article 64) on the date of acceptance (meaning the date of acceptance prescribed in Article 34-3, paragraph (2), item (i) of the Act as applied mutatis mutandis pursuant to Article 34-4, paragraph (6) of the Act; the same applies in the following item, paragraph (2) of the following Article, and Article 64, paragraph (2), item (v), and Article 64-2), is expected to be 300 million yen or more;

二　取引の状況その他の事情から合理的に判断して、承諾日における申出者の資産（次に掲げるものに限る。）の合計額が三億円以上になると見込まれること。

(ii) reasonably judging from the status of the transactions or any other circumstances, the total amount of the assets of the applicant (limited to the assets set forth in the following sub-items) on the date of acceptance is expected to be 300 million yen or more:

イ　有価証券（ホに掲げるもの及びへに掲げるもの（不動産特定共同事業法（平成六年法律第七十七号）第二条第九項に規定する特例事業者と締結したものに限る。）を除く。）

(a) securities (excluding the securities set forth in sub-items (e) and (f) (limited to contracts that are concluded with a special enterprise operator as defined in Article 2, paragraph (9) of the Act on Specified Joint Real Estate Ventures (Act No. 77 of 1994)));

ロ　デリバティブ取引に係る権利

(b) rights related to a derivative transaction;

ハ　農業協同組合法（昭和二十二年法律第百三十二号）第十一条の五に規定する特定貯金等、水産業協同組合法（昭和二十三年法律第二百四十二号）第十一条の十一に規定する特定貯金等、協同組合による金融事業に関する法律（昭和二十四年法律第百八十三号）第六条の五の十一に規定する特定預金等、信用金庫法（昭和二十六年法律第二百三十八号）第八十九条の二に規定する特定預金等、長期信用銀行法（昭和二十七年法律第百八十七号）第十七条の二に規定する特定預金等、労働金庫法（昭和二十八年法律第二百二十七号）第九十四条の二に規定する特定預金等、銀行法第十三条の四に規定する特定預金等、農林中央金庫法（平成十三年法律第九十三号）第五十九条の三に規定する特定預金等及び株式会社商工組合中央金庫法（平成十九年法律第七十四号）第二十九条に規定する特定預金等

(c) specified deposits, etc. prescribed in Article 11-5 of the Agricultural Co-operatives Act (Act No. 132 of 1947), in Article 11-11 of the Fishery Cooperatives Act (Act No. 242 of 1948), in Article 6-5-11 of the Act on Financial Businesses by Cooperative (Act No. 183 of 1949), in Article 89-2 of the Shinkin Bank Act (Act No. 238 of 1951), in Article 17-2 of the Long Term Credit Bank Act (Act No. 187 of 1952), in Article 94-2 of the Labor Bank Act (Act No. 227 of 1953), in Article 13-4 the Banking Act, in Article 59-3 of the Norinchukin Bank Act (Act No. 93 of 2001), and in Article 29 of the Shoko Chukin Bank Limited Act (Act No. 74 of 2007);

ニ　農業協同組合法第十一条の十の三に規定する特定共済契約、消費生活協同組合法（昭和二十三年法律第二百号）第十二条の三第一項に規定する特定共済契約、水産業協同組合法第十五条の十二に規定する特定共済契約、中小企業等協同組合法（昭和二十四年法律第百八十一号）第九条の七の五第二項に規定する特定共済契約及び保険業法第三百条の二に規定する特定保険契約に基づく保険金、共済金、返戻金その他の給付金に係る権利

(d) the rights related to insurance proceeds, mutual aid benefits, refunds, or other benefits under a specified mutual aid contract prescribed in Article 11-10-3 of the Agricultural Cooperatives Act, a specified mutual aid contract prescribed in Article 12-3, paragraph (1) of the Consumer Cooperatives Act (Act No. 200 of 1948), a specified mutual aid contract prescribed in Article 15-12 of the Fisheries Cooperatives Act, a specified mutual aid contract prescribed in Article 9-7-5, paragraph (2) of the Small and Medium-Sized Enterprise Cooperatives Act (Act No. 181 of 1949), and a specified insurance contract prescribed in Article 300-2 of the Insurance Business Act;

ホ　信託業法第二十四条の二に規定する特定信託契約に係る信託受益権

(e) beneficial interest in a trust related to a specific trust agreement prescribed in Article 24-2 of the Trust Business Act;

ヘ　不動産特定共同事業法第二条第三項に規定する不動産特定共同事業契約に基づ

く権利

(f) rights under a specified joint real estate venture contract as defined in Article 2, paragraph (3) of the Act on Specified Joint Real Estate Ventures; and

ト　商品市場における取引（商品先物取引法（昭和二十五年法律第二百三十九号）第二条第十項に規定する商品市場における取引をいう。）、外国商品市場取引（同条第十三項に規定する外国商品市場取引をいう。第六十七条第一号において同じ。）及び店頭商品デリバティブ取引（同法第二条第十四項に規定する店頭商品デリバティブ取引をいう。第六十七条第二号並びに第百二十三条第八項及び第十二項において同じ。）に係る権利

(g) rights related to transactions on a commodity market (meaning the transactions on a commodity market as defined in Article 2, paragraph (10) of the Commodity Derivatives Transaction Act (Act No. 239 of 1950)), foreign commodity market transactions (meaning the foreign commodity market transactions as defined in paragraph (13) of that Article; the same applies in Article 67, item (i)), and over-the-counter commodity derivatives transactions (meaning the over-the-counter commodity derivatives transactions as defined in Article 2, paragraph (14) of that Act; the same applies in Article 67, item (ii) and Article 123, paragraphs (8) and (12)); and

三　申出者が最初に当該金融商品取引業者等との間で法第三十四条の四第一項の規定による申出に係る契約の種類に属する金融商品取引契約を締結した日から起算して一年を経過していること。

(iii) the fact that one year has passed from the day when the applicant concluded a financial instruments transaction contract that belongs to the type of contract related to the request under the provisions of Article 34-4, paragraph (1) of the Act with the financial instruments business operator, etc. for the first time.

（特定投資家以外の顧客である個人が特定投資家とみなされる場合の期限日）

(Due Date When an Individual Who Is a Customer Other Than a Professional Investor Is Deemed to Be a Professional Investor)

第六十三条　法第三十四条の四第六項において準用する法第三十四条の三第二項に規定する内閣府令で定める場合は、金融商品取引業者等が一定の日を定め、次に掲げる事項を当該金融商品取引業者等の営業所又は事務所の公衆の見やすい場所への掲示その他の適切な方法により公表している場合とする。

Article 63 (1) The case specified by Cabinet Office Order as prescribed in Article 34-3, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 34-4, paragraph (6) of the Act is a case in which a financial instruments business operator, etc. has specified a certain date and publicized the following matters by posting them at a place easily accessible to the public at its

business office or office, or by any other appropriate means:

一　当該日

(i) the designated date; and

二　次項に規定する日を期限日（法第三十四条の四第六項において準用する法第三十四条の三第二項第二号に規定する期限日をいう。次条第二項及び第六十四条の二において同じ。）とする旨

(ii) the fact that the day provided for in the following paragraph is to be the due date (meaning the due date provided for in Article 34-3, paragraph (2), item (ii) of the Act as applied mutatis mutandis pursuant to Article 34-4, paragraph (6) of the Act; the same applies in paragraph (2) of the following Article and Article 64-2).

２　法第三十四条の四第六項において準用する法第三十四条の三第二項に規定する内閣府令で定める日は、金融商品取引業者等が前項の規定により定めた日であって承諾日から起算して一年以内の日のうち最も遅い日とする。

(2) The day specified by Cabinet Office Order as prescribed in Article 34-3, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 34-4, paragraph (6) of the Act is the day specified by the financial instruments business operator, etc. pursuant to the provisions of the preceding paragraph, which is the latest day within one year from the date of acceptance.

（申出をした特定投資家以外の顧客である個人が同意を行う書面の記載事項）

(Matters to Be Stated in Documents Indicating Consent by an Individual Who Is a Customer Other Than the Professional Investor That Made a Request)

第六十四条　法第三十四条の四第六項において準用する法第三十四条の三第二項第四号イに規定する内閣府令で定める事項は、法第四十五条各号に掲げる規定は、対象契約（同項第二号に規定する対象契約をいう。次項及び第六十四条の三において同じ。）に関して申出者が当該各号に定める者である場合（法第四十五条ただし書に規定する場合を除く。）には適用されない旨とする。

Article 64 (1) The matter specified by Cabinet Office Order as prescribed in Article 34-3, paragraph (2), item (iv), (a) of the Act as applied mutatis mutandis pursuant to Article 34-4, paragraph (6) of the Act is the fact that the provisions set forth in the items of Article 45 do not apply if the applicant falls under any of the persons prescribed in each of those items concerning the subject contract (meaning the subject contract prescribed in Article 34-3, paragraph (2), item (ii) of the Act; the same applies in the following paragraph and Article 64-3) (excluding the case specified in the proviso to Article 45 of the Act).

２　法第三十四条の四第六項において準用する法第三十四条の三第二項第七号に規定する内閣府令で定める事項は、次に掲げる事項とする。

(2) The matters specified by Cabinet Office Order as prescribed in Article 34-3, paragraph (2), item (vii) of the Act as applied mutatis mutandis pursuant to

Article 34-4, paragraph (6) of the Act are as follows:

一　期限日以前に締結した対象契約（投資顧問契約及び投資一任契約を除く。）に関して法令の規定又は契約の定めに基づいて行う行為については、期限日後に行うものであっても、申出者を特定投資家として取り扱う旨

(i) the fact that with regard to an act related to the subject contract concluded before the due date (excluding an investment advisory contract and a discretionary investment contract) which is to be conducted based on the provisions of laws and regulations or the contract, the applicant is treated as a professional investor, even if that act is to be conducted after the due date;

二　法第三十四条の四第六項において準用する法第三十四条の三第二項に規定する申出に係る契約の種類が第五十三条第三号及び第四号に掲げるものである場合にあっては、対象契約（投資顧問契約及び投資一任契約に限る。）に関して法令の規定又は契約の定めに基づいて行う行為については、期限日以前に行うものに限り、申出者を特定投資家として取り扱う旨

(ii) if the type of the contract related to the request provided for in Article 34-3, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 34-4, paragraph (6) of the Act is the type of contract set forth in Article 53, items (iii) and (iv), the fact that with regard to an act conducted based on the provisions of laws and regulations or the contract related to the subject contract (limited to an investment advisory contract and a discretionary investment contract), the applicant is treated as a professional investor limited to an act conducted before the due date;

三　申出者は、法第三十四条の四第六項において準用する法第三十四条の三第二項の規定による承諾を行った金融商品取引業者等のみから対象契約に関して特定投資家として取り扱われることになる旨

(iii) the fact that the applicant is to be treated as a professional investor in regard to the subject contract, only by the financial instruments business operator, etc. that has accepted the request under the provisions of Article 34-3, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 34-4, paragraph (6) of the Act;

四　金融商品取引業者等が対象契約に基づき申出者を代理して他の金融商品取引業者等との間で期限日以前に締結する金融商品取引契約については、当該他の金融商品取引業者等からも特定投資家として取り扱われる旨

(iv) the fact that with regard to a financial instruments transaction contract which the financial instruments business operator, etc. concludes with another financial instruments business operator, etc. on behalf of the applicant before the due date based on the subject contract, the applicant is to be treated as a professional investor also by the other financial instruments business operator, etc.; and

五　申出者は、承諾日以後いつでも、法第三十四条の四第四項の規定による申出ができる旨

(v) the fact that the applicant may make a request under the provisions of Article 34-4, paragraph (4) of the Act at any time on or after the date of acceptance.

（申出をした特定投資家以外の顧客である個人が更新申出をするために必要な期間）
(Period Necessary for an Individual Who Is a Customer Other Than a Professional Investor That Made a Request to Make a Request for Renewal)

第六十四条の二　法第三十四条の四第六項において準用する法第三十四条の三第七項に規定する内閣府令で定める期間は、十一月（次の各号に掲げる場合にあっては、当該各号に定める期間）とする。

Article 64-2 (1) The period specified by Cabinet Office Order as prescribed in Article 34-3, paragraph (7) of the Act as applied mutatis mutandis pursuant to Article 34-4, paragraph (6) of the Act is eleven months (in the cases set forth in the following items, the period specified in each of those items):

一　承諾日から期限日までの期間が一年に満たない場合（次号に掲げる場合を除く。）　当該期間から一月を控除した期間

(i) when the period between the date of acceptance and the due date is less than one year (excluding the case specified in the following item): the period calculated by deducting one month from that period; or

二　承諾日から期限日までの期間が一月を超えない場合　一日

(ii) when the period between the date of acceptance and the due date does not exceed one month: one day.

２　法第三十四条の四第六項において準用する法第三十四条の三第八項に規定する場合における前項の規定の適用については、同項各号中「承諾日」とあるのは、「前回の期限日の翌日」とする。

(2) In applying the provisions of the preceding paragraph in the cases prescribed in Article 34-3, paragraph (8) of the Act as applied mutatis mutandis pursuant to Article 34-4, paragraph (6) of the Act, the term "date of acceptance" in the items of that paragraph is deemed to be replaced with "day following the previous expiration date".

（特定投資家以外の顧客への復帰申出をした個人に交付する書面の記載事項）
(Matters to Be Stated in Documents to Be Delivered to an Individual Who Made a Request for Reinstatement as a Customer Other Than a Professional Investor)

第六十四条の三　法第三十四条の四第六項において準用する法第三十四条の三第十一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 64-3 The matters specified by Cabinet Office Order as prescribed in Article 34-3, paragraph (11) of the Act as applied mutatis mutandis pursuant to Article 34-4, paragraph (6) of the Act are as follows:

一　法第三十四条の四第五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 when the acceptance under the provisions of Article 34-4, paragraph (5) of the Act is to be made (hereinafter referred to as the "date of acceptance" in this Article);

二　対象契約の属する契約の種類

(ii) the type of contract to which the subject contract belongs;

三　承諾日以後に対象契約の締結の勧誘又は締結をする場合において、法第三十四条の四第四項の規定による申出をした個人（次号において「復帰申出者」という。）を再び特定投資家以外の顧客として取り扱う旨

(iii) when soliciting the conclusion of, or concluding, the subject contract on or after the date of acceptance, the fact that the individual that made a request under the provisions of Article 34-4, paragraph (4) of the Act (referred to as the "applicant for reinstatement" in the following item) is to be treated as a customer other than a professional investor again; and

四　金融商品取引業者等が対象契約に基づき復帰申出者を代理して他の金融商品取引業者等との間で承諾日以後に締結する金融商品取引契約については、当該他の金融商品取引業者等からも再び特定投資家以外の顧客として取り扱われる旨

(iv) with regard to a financial instruments transaction contract which the financial instruments business operator, etc. concludes with another financial business operator, etc. on behalf of the applicant for reinstatement on or after the date of acceptance based on the subject contract, the applicant for reinstatement is to be treated as a customer other than a professional investor again also by the other financial instruments business operator, etc.

第二節　業務

Section 2 Business

第一款　通則

Subsection 1 General Rules

（保護預り有価証券を担保とする金銭の貸付け）

(Money Loan Secured by Securities in Safe Custody)

第六十五条　法第三十五条第一項第三号に規定する内閣府令で定めるものは、次の各号のいずれかに該当するものとする。

Article 65 The money loan specified by Cabinet Office Order as prescribed in Article 35, paragraph (1), item (iii) of the Act is money loan that falls under any of the following items:

一　顧客から保護預りをしている有価証券が次に掲げるいずれかの有価証券（当該保護預りをした顧客の所有するものに限る。）であって、当該顧客が当該有価証券を引き続き所有するために必要なものとして当該有価証券を担保として行う金銭の貸付けのうち、当該顧客に貸し付ける金額が当該有価証券を担保として既に貸し付けている金銭の額と合計して五百万円（当該貸付けの時における当該有価証券の時価

の範囲内に限る。次号において同じ。）を超えないもの

(i) if the securities deposited by the customer for safe custody are any of the following securities (limited to the securities owned by the customer which has made the deposit for safety custody), the money loan provided by using those securities as those necessary for the customer to continue to own them, in which the sum of the amount to be lent to the customer and the amount of loan already extended secured by those securities does not exceed five million yen (limited to the amount within the range of market price of the securities at the time of extending loan; the same applies in the following item):

イ　国債証券

(a) national government bond securities;

ロ　地方債証券

(b) local government bond securities;

ハ　政府保証債券

(c) government guaranteed bond certificates;

ニ　社債券

(d) corporate bond certificates;

ホ　株券

(e) share certificates;

ヘ　投資信託及び投資法人に関する法律（昭和二十六年法律第百九十八号）に規定する投資信託又は外国投資信託の受益証券

(f) beneficiary certificates of an investment trust or a foreign investment trust prescribed in the Act on Investment Trust and Investment Corporations (Act No. 198 of 1951);

ト　投資証券（投資信託及び投資法人に関する法律第二条第十五項に規定する投資証券をいう。以下同じ。）若しくは投資法人債券（同条第二十項に規定する投資法人債券をいう。第百十七条第二十項第三号並びに第百五十三条第一項第四号ハ及びニにおいて同じ。）又は外国投資証券（新投資口予約権証券に類するものを除く。）

(g) investment securities (meaning the investment securities provided in Article 2, paragraph (15) of the Act on Investment Trusts and Investment Corporations; the same applies hereinafter), investment corporation bond certificates (meaning the investment corporation bond certificates provided for in paragraph (20) of that Article; the same applies in Article 117, paragraph (20), item (iii) and Article 153, paragraph (1), item (iv), sub-items (c) and (d)) or foreign investment securities (excluding those similar to investment equity subscription right certificates);

チ　外国又は外国法人の発行する証券又は証書でイからホまでに掲げる有価証券の性質を有するもの

(h) instruments or certificates issued by a foreign country or a foreign corporation, which have the nature of the securities set forth in sub-items

(a) through (e);

二　顧客から保護預りをしている有価証券が投資信託の受益証券のうち次に掲げるいずれかのもの（当該保護預りをした顧客の所有するものに限る。）であって、当該有価証券に係る解約を請求した顧客に対し、解約に係る金銭が支払われるまでの間に当該有価証券を担保として行うその解約に係る金銭の額に相当する額の金銭の貸付けのうち、当該顧客に貸し付ける金額が当該有価証券を担保として既に貸し付けている金銭の額と合計して五百万円を超えないもの

(ii) if the securities deposited by a customer for safe custody are any of the following beneficiary certificates of an investment trust (limited to the securities owned by the customer that has made the deposit for safety custody), a money loan provided in the amount equivalent to the cancellation money for those securities by using those securities as security to the customer that has requested the cancellation of those securities until the money related to the cancellation is paid, in which the sum of the amount to be lent to the customer and the amount of loan already lent by using those securities as security does not exceed five million yen:

イ　投資信託及び投資法人に関する法律施行規則（平成十二年総理府令第百二十九号）第十三条第二号イに規定する公社債投資信託のうち、主たる投資対象を短期の公社債（前号イからニまでに掲げる有価証券（外国又は外国法人の発行する証券又は証書で同様の性質を有するものを含む。）をいう。）、預金、金銭信託及びコール・ローン等の金融資産とするものであって、次に掲げる要件の全てに該当するものの受益証券

(a) public and corporate bond investment trust prescribed in Article 13, item (ii), sub-item (a) of the Regulation for Enforcement of the Act on Investment Trusts and Investment Corporations (Order of the Prime Minister's Office No. 129 of 2000) whose primary investment targets are financial assets including short-term public or corporate bonds (meaning the securities set forth in sub-items (a) through (d) of the preceding item (including instruments or certificates issued by a foreign country or a foreign corporation that have similar natures)), deposits, money trusts and call loans, which is a beneficiary certificate of those that satisfy all of the following requirements:

（１）　信託期間に制限のないものであること。

1. the trust period is unlimited;

（２）　毎日決算を行い元本を超える額を分配し、その分配金が月末に再投資されるものであること。

2. the account is settled and the amount in excess of the principal is distributed every day, and its dividend is to be reinvested at the end of the month;

（３）　解約を常時行うことができるものであること。

3. the bond investment trust may be canceled at any time; and

（４）　解約金の支払いが当日又はその翌営業日に行われるものであること。

4. the cancellation money is payable on the day of cancellation or on the business day following that day;

ロ　投資信託のうち、主たる投資対象を中期の利付国債、預金、金銭信託及びコール・ローン等の金融資産とするものであって、イ（１）から（４）までに掲げる要件の全てに該当するものの受益証券

(b) beneficiary certificates of an investment whose primary investment targets are financial assets such as medium-term interest-bearing government bonds, deposits, money trusts, and call loans, which are beneficiary certificates of those that satisfy all of the following requirements; and

ハ　投資信託及び投資法人に関する法律施行規則第二十五条第二号に規定する公社債投資信託（計算期間が一日のものに限る。）の受益証券

(c) beneficiary certificates of public and corporate bond investment trust prescribed in Article 25, item (ii) of the Regulation for Enforcement of the Act on Investment Trusts and Investment Corporations (limited to those whose accounting period is one day).

（累積投資契約の締結）

(Conclusion of Contracts for Cumulative Investment)

第六十六条　法第三十五条第一項第七号に規定する内閣府令で定めるものは、次の各号に掲げる要件のすべてに該当する契約の締結とする。

Article 66 What is specified by Cabinet Office Order as prescribed in Article 35, paragraph (1), item (vii) of the Act is the conclusion of a contract that satisfies all of the requirements set forth in the following items:

一　有価証券の買付けの方法として、当該有価証券の種類及び買付けのための預り金の充当方法を定めていること。

(i) the contract provides the type of the securities and the method for the appropriation of deposit for making purchases as a method of purchasing securities;

二　預り金の管理の方法として、顧客からの払込金及び顧客が寄託している有価証券の果実並びに償還金の受入れに基づいて発生した金融商品取引業者の預り金を累積投資預り金として他の預り金と区分して経理することを定めていること。

(ii) the contract provides that the fruits (proceeds) from the money to be paid by the customer and the securities deposited by the customer, and the accounting for the deposits of financial instruments business operators accrued from the acceptance of redemption money are to be conducted separately from other deposits by considering them to be cumulative investment depoists;

三　他の顧客又は金融商品取引業者と共同で買い付ける場合には、顧客が買い付けた有価証券につき回記号及び番号が特定されたときに、当該顧客が単独で当該有価証

券の所有権を有することが確定することを定めていること。

(iii) the contract provides that in making a joint purchase with another customer or financial instruments business operator, when the code and number of the securities purchased by a customer are identified, it becomes certain that the customer gains sole ownership of those securities;

四　有価証券の管理の方法として、預託を受けた有価証券（金融商品取引業者と顧客が共有しているものに限る。）が他の有価証券と分別して管理されるものであること。

(iv) the deposited securities (limited to those co-owned by a financial instruments business operator and a customer) are to be managed separately from other securities, as a method for managing securities; and

五　顧客から申出があったときには解約するものであること。

(v) the contract may be canceled if the customer makes a request.

（地域の活性化等に資するもの）

(Acts Contributing to Regional Revitalization)

第六十六条の二　法第三十五条第一項第十七号に規定する内閣府令で定めるものは、次に掲げる行為（当該金融商品取引業者の保有する人材、情報通信技術、設備その他の当該金融商品取引業者の行う金融商品取引業に係る経営資源に加えて、当該行為を行う業務の遂行のために新たに経営資源を取得する場合にあっては、需要の状況によりその相当部分が活用されないときにおいても、当該金融商品取引業者の業務の健全かつ適切な遂行に支障を及ぼすおそれがないものに限り、同項第八号、第十一号、第十二号及び第十六号に掲げる行為に該当するものを除く。）とする。

Article 66-2 The acts specified by Cabinet Office Order as prescribed in Article 35, paragraph (1), item (xvii) of the Act are the following acts (if newly acquiring management resources for performing operations to conduct the acts in addition to the human resources, information and communications technology, equipment and other management resources held by the financial instruments business operator related to the financial instruments business conducted by the financial instruments business operator, even when the considerable part of the resources are not utilized depending on the demand situation, limited to acts that are not likely to hinder the sound and appropriate performance of the operations of the financial instruments business operator, the acts falling under the acts set forth in item (viii), item (xi), item (xii), and item (xvi) of that paragraph are excluded):

一　他の事業者等（法人その他の団体及び事業を行う個人（当該事業の利益のためにする行為を行う場合における個人に限る。）をいう。以下この条及び第六十八条において同じ。）の経営に関する相談の実施、当該他の事業者等の業務に関連する事業者等又は顧客の紹介その他の必要な情報の提供及び助言並びにこれらに関連する事務の受託

(i) providing consultation on management to other business operators, etc.

(meaning a corporation, other organizations, and an individual that conducts business (limited to an individual in the case of performing an act for the profit of the business); hereinafter the same applies in this Article and Article 68), introducing business operators, etc. or customers related to business of the other business operator, etc., providing other necessary information and advice, and becoming entrusted with the affairs related to them;

二　高度の専門的な能力を有する人材その他の当該金融商品取引業者の利用者である事業者等の経営の改善に寄与する人材に係る労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律（昭和六十年法律第八十八号）第二条第一号に規定する労働者派遣（前号に掲げる行為を業として行うことその他の当該金融商品取引業者の行う業務に関連して行うものであって、その対象となる派遣労働者（同条第二号に規定する派遣労働者をいい、業として行われる同条第一号に規定する労働者派遣の対象となるものに限る。）が常時雇用される労働者でないものに限る。）

(ii) worker dispatching services as defined in Article 2, item (i) of the Act on Securing the Proper Operation of Worker Dispatching Businesses and Protecting Dispatched Workers (Act No. 88 of 1985) of human resources with highly specialized abilities and other human resources that contribute to the improvement of the running of business by business operators, etc. who are users of the financial instruments business operator (limited to the services conducted in relation to performing the acts set forth in the preceding item on a regular basis and other services conducted by the financial instruments business operator, and the dispatched workers subject to the services (meaning dispatched workers as defined in Article 2, item (ii) and limited to those subject to the worker dispatch services as defined in item (i) of that Article conducted on a regular basis) are not workers that are regularly employed);

三　他の事業者等のために電子計算機を使用することにより機能するシステムの設計、開発若しくは保守（当該金融商品取引業者が単独で若しくは他の事業者等と共同して設計し、若しくは開発したシステム又はこれに準ずるものに係るものに限る。）又はプログラムの設計、作成、販売（プログラムの販売に伴い必要となる附属機器の販売を含む。）若しくは保守（当該金融商品取引業者が単独で若しくは他の事業者等と共同して設計し、若しくは作成したプログラム又はこれに準ずるものに係るものに限る。）を行うこと。

(iii) designing, developing, or maintaining a system that functions by using a computer for another business operators, etc. (limited to the acts related to a system designed or developed solely by the financial instruments business operator or jointly with another business operator, etc., or an equivalent system), or designing, creating, selling (including selling peripheral equipment that becomes necessary in association with the sale of programs),

or maintaining a program (limited to the acts related to a program designed or created solely by the financial instruments business operator or jointly with another business operator, etc., or an equivalent program);

四　他の事業者等の業務に関する広告、宣伝、調査、情報の分析又は情報の提供を行うこと。

(iv) advertising, publicizing, investigating, analyzing information, or providing information related to the business of another business operator, etc.; and

五　当該金融商品取引業者の利用者について定期的に又は随時通報を受けて巡回訪問を行うこと。

(v) visiting users of the financial instruments business operator regularly or in response to a notification.

（指標に係る変動等を利用して行う取引）

(Transactions Conducted by Using Fluctuations in Indexes)

第六十七条　法第三十五条第二項第二号に規定する内閣府令で定めるものは、次に掲げるものとする。

Article 67 The transactions specified by Cabinet Office Order as prescribed in Article 35, paragraph (2), item (ii) of the Act are as follows:

一　外国商品市場取引

(i) foreign commodity market transactions; and

二　店頭商品デリバティブ取引

(ii) over-the-counter commodity derivatives transactions.

（届出業務）

(Business Subject to Notification)

第六十八条　法第三十五条第二項第七号に規定する内閣府令で定める業務は、次に掲げる業務とする。

Article 68 The business specified by Cabinet Office Order as prescribed in Article 35, paragraph (2), item (vii) of the Act is as follows:

一　金地金の売買又はその媒介、取次ぎ若しくは代理に係る業務

(i) a business related to purchase and sale of gold bullion, or its intermediation, brokerage, or agency;

二　組合契約の締結又はその媒介、取次ぎ若しくは代理に係る業務

(ii) a business related to conclusion of a partnership contract, or its intermediation, brokerage, or agency;

三　匿名組合契約の締結又はその媒介、取次ぎ若しくは代理に係る業務

(iii) a business related to conclusion of a silent partnership contract, or its intermediation, brokerage, or agency;

四　貸出参加契約（金融機関等貸出債権に係る権利義務関係を移転させずに、原貸出債権に係る経済的利益及び損失の危険を原債権者から第三者に移転させる契約をいう。）の締結又はその媒介、取次ぎ若しくは代理に係る業務

(iv) a business related to conclusion of a loan participation contract (meaning a contract in which the economic profit and risk of loss arising from the original credited loans is transferred from the original creditor to a third party without transferring any right and obligation arising from the credited loans of financial institutions, etc.), or its intermediation, brokerage, or agency;

五　保険業法第二条第二十六項に規定する保険募集に係る業務又は金融サービスの提供に関する法律第十一条第三項に規定する保険媒介業務

(v) a business related to insurance solicitation as defined in Article 2, paragraph (26) of the Insurance Business Act or insurance intermediary business operations as prescribed in Article 11, paragraph (3) of the Act on the Provision of Financial Services;

六　自ら所有する不動産の賃貸に係る業務

(vi) a business related to lease of real property owned by financial instruments business operator themselves;

七　物品賃貸業

(vii) rental services of goods;

八　他の事業者等の業務に関する電子計算機のプログラムの作成又は販売を行う業務及び計算受託業務

(viii) a business related to creation and sale of computer programs for the business of another business operator, etc., and a business that accepts entrustment of calculation services;

九　確定拠出年金法（平成十三年法律第八十八号）第二条第七項に規定する確定拠出年金運営管理業

(ix) a business of operational management of defined contribution pensions as defined in Article 2, paragraph (7) of the Defined Contribution Pension Act (Act No. 88 of 2001);

十　国民年金基金連合会から確定拠出年金法第六十一条第一項の規定による委託を受けて同項第一号、第二号又は第五号に掲げる事務（第五号に掲げる事務にあっては、同法第七十三条において準用する同法第二十二条の措置に関する事務又は同法第二条第三項に規定する個人型年金に係る届出の受理に関する事務に限る。）を行う業務

(x) a business of conducting the affairs set forth in Article 61, paragraph (1), item (i), (ii), or (v) of the Defined Contribution Pension Act (for the affairs set forth in item (v), limited to the affairs related to the measures referred to in Article 22 of that Act as applied mutatis mutandis pursuant to Article 73 of that Act or the affairs related to the acceptance of notifications for the individual-type pension plan as defined in Article 2, paragraph (3) of that Act), based on an entrustment pursuant to the provisions of Article 61, paragraph (1) of that Act from the national pension fund association;

十一　信託業法第二条第八項に規定する信託契約代理業

(xi) trust agreement agency services as defined in Article 2, paragraph (8) of the Trust Business Act;

十二　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）第一条第一項第四号に掲げる業務若しくは同項第六号に掲げる業務のうち遺言の執行に関するもの又は同号若しくは同項第七号（イを除く。）に掲げる業務のうち遺産の整理に関するものに係る契約の締結の媒介（信託業務を営む金融機関（同項の認可を受けた金融機関をいう。以下同じ。）のために行うものに限る。）に係る業務

(xii) services related to intermediation of conclusion of a contract related to services set forth in Article 1, paragraph (1), item (iv) of the Act on Engagement in Trust Business by Financial Institutions (Act No. 43 of 1943) or services set foth in item (vi) of that paragraph or services set forth in item (vi) of that paragraph which are related to execution of a will, or services set forth in that item or item (vii) of that paragraph (excluding sub-item (a)) which concerns the arrangement of an estate (limited to intermediary services conducted for a financial institution engaged in trust business (meaning a financial institution that obtained the authorization referred to in that paragraph; the same applies hereinafter));

十三　金融機関代理業（銀行法第二条第十四項に規定する銀行代理業、長期信用銀行法第十六条の五第二項に規定する長期信用銀行代理業、信用金庫法第八十五条の二第二項に規定する信用金庫代理業、協同組合による金融事業に関する法律第六条の三第二項に規定する信用協同組合代理業、労働金庫法第八十九条の三第二項に規定する労働金庫代理業、農業協同組合法第九十二条の二第二項に規定する特定信用事業代理業、水産業協同組合法第百六条第二項に規定する特定信用事業代理業、農林中央金庫法第九十五条の二第二項に規定する農林中央金庫代理業又は金融サービスの提供に関する法律第十一条第二項に規定する預金等媒介業務をいう。以下同じ。）

(xiii) financial institution agency services (meaning the bank agency services as defined in Article 2, paragraph (14) of the Banking Act, the long term credit bank agency services prescribed in Article 16-5, paragraph (2) of the Long-Term Credit Bank Act, the shinkin bank agency services prescribed in Article 85-2, paragraph (2) of the Shinkin Bank Act, the credit cooperative agency services prescribed in Article 6-3, paragraph (2) of the Act on Financial Businesses by Cooperative, the labor bank agency services prescribed in Article 89-3, paragraph (2) of the Labor Bank Act, the specific credit business agency services prescribed in Article 92-2, paragraph (2) of the Agricultural Cooperatives Act, the specific credit business agency services prescribed in Article 106, paragraph (2) of the Fishery Cooperatives Act, the Norinchukin Bank agency services prescribed in Article 95-2, paragraph (2) of the Norinchukin Bank Act, or the deposit, etc. intermediary business operations prescribed in Article 11, paragraph (2) of the Act on the Provision of Financial Services; the same applies hereinafter);

十四　不動産の管理業務

(xiv) real property management business;

十五　不動産に係る投資に関し助言を行う業務

(xv) a business of providing advice on investment related to real property;

十六　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）第二条第七項に規定する算定割当量その他これに類似するものをいう。次号において同じ。）の取得若しくは譲渡に関する契約の締結又はその媒介、取次ぎ若しくは代理を行う業務

(xvi) a business of concluding a contract on the acquisition or transfer of carbon dioxide equivalent quotas (meaning the carbon dioxide equivalent quotas as defined in Article 2, paragraph (7) of the Act on Promotion of Global Warming Countermeasures (Act No. 117 of 1998) or other things similar to the quotas; the same applies in the following item), or of performing its intermediation, brokerage, or agency;

十七　次に掲げる取引又はその媒介、取次ぎ若しくは代理を行う業務

(xvii) a business of conducting any of the following transactions, or its intermediation, brokerage, or agency:

イ　当事者が数量を定めた算定割当量について当該当事者間で取り決めた算定割当量の相場に基づき金銭の支払を相互に約する取引その他これに類似する取引

(a) a transaction in which the parties mutually promise to pay money based on the quotation for carbon dioxide equivalent quotas agreed by the parties for the carbon dioxide equivalent quotas whose quantities are specified by the parties, or other similar transactions; and

ロ　当事者の一方の意思表示により当事者間において前号の契約に係る取引及びイ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その他これに類似する取引

(b) a transaction for which the parties promise that one of the parties will grant to the other party the right to close a transaction related to the contract referred to in the preceding item and a transaction set forth in sub-item (a) through the manifestation of intention of one of the patries, and that the other party pays money in consideration for that right, or other similar transactions;

十八　投資法人（投資信託及び投資法人に関する法律第二条第十二項に規定する投資法人をいう。以下同じ。）から同法第百十七条第一項の規定による委託を受けて同項第四号に掲げる事務を行う業務又は特別目的会社から委託を受けてその機関の運営に関する事務を行う業務

(xviii) a business of conducting the affairs set forth in Article 117, paragraph (1), item (iv) of the Act on Investment Trust and Investment Corporations, based on an entrustment under the provisions of Article 117, paragraph (1) of that Act by an investment corporation (meaning an investment corporation

as defined in Article 2, paragraph (12) of that Act; the same applies hereinafter) or a business of conducting the affairs related to the management of an organ of a special purpose company, based on an entrustment by that special purpose company;

十九　有価証券又はデリバティブ取引に係る権利以外の資産（暗号資産を除く。）に対する投資として、他人のため金銭その他の財産の運用を行う業務（法第三十五条第二項第一号、第二号、第五号の二及び第六号に掲げる業務に該当するものを除く。）

(xix) a business of investing money or other property for another person, as an investment in assets other than securities or rights related to a derivatives transaction (excluding cryptoasset) (excluding business that falls under any of the business set forth in Article 35, paragraph (2), item (i), item (ii), item (v)-2, and item (vi) of the Act);

二十　債務の保証又は引受けに係る契約の締結又はその媒介、取次ぎ若しくは代理に係る業務

(xx) a business of concluding a contract for a guarantee or assumption of an obligation, or its intermediation, brokerage, or agency;

二十一　その行う業務に係る顧客に対し他の事業者等のあっせん又は紹介を行う業務

(xxi) a business of acting as a go-between for or introducing another business operator, etc., to the customers of one's business;

二十二　他の事業者等の業務に関する広告又は宣伝を行う業務

(xxii) a business of advertising or promoting the business of another business operator, etc.;

二十三　資金決済に関する法律第二条第二項に規定する資金移動業

(xxiii) a funds transfer business as defined in Article 2, paragraph (2) of the Payment Services Act ; and

二十四　法第三十五条第二項第一号から第六号まで又は前各号に掲げる業務に附帯する業務

(xxiv) a business incidental to the business set forth in Article 35, paragraph (2), items (i) through (vi) of the Act or the preceding items.

（その他業務に係る届出）

(Notification of Additional Business)

第六十九条　法第三十五条第三項又は第六項の規定により届出を行う金融商品取引業者は、当該届出に係る業務の種類並びに当該業務の開始又は廃止の年月日及び理由を記載した届出書に、次の各号に掲げる場合の区分に応じ、当該各号に定める書類を添付して、所管金融庁長官等に提出しなければならない。

Article 69 A financial instruments business operator that files a notification pursuant to the provisions of Article 35, paragraph (3) or (6) of the Act must submit to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau a written notification stating the

type of business to be notified and the date of the commencement or discontinuation of the business, and the reasons for the commencement or discontinuation, by attaching a document specified in the following items in accordance with the category of documents prescribed in each of those items:

一　当該業務を開始した場合　次に掲げる事項を記載した書類

(i) in the case the business is commenced: a document stating the following matters:

イ　当該業務の方法

(a) the method of the business;

ロ　当該業務の損失の危険の管理方法

(b) the method of managing risk of loss related to the business; and

ハ　当該業務を行う部署の名称及び人員配置

(c) the name and the assignment of personnel of the department in charge of the business;

二　当該業務を廃止した場合　当該業務の廃止に伴う顧客勘定の処理の方法を記載した書面

(ii) in the case the business is discontinued: a document stating the means of the handling customers' accounts associated with the discontinuation of the business.

（その他業務の承認申請）

(Application for Approval of Additional Business)

第七十条　法第三十五条第四項の承認を受けようとする金融商品取引業者は、次に掲げる事項を記載した承認申請書を所管金融庁長官等に提出しなければならない。

Article 70 (1) A financial instruments business operator that seeks to obtain the approval referred to in Article 35, paragraph (4) of the Act must submit to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau a written application for approval stating the following matters:

一　商号

(i) the trade name;

二　登録年月日及び登録番号

(ii) the registration date and registration number;

三　承認を受けようとする業務の種類

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

四　当該業務の開始予定年月日

(iv) the scheduled date for the commencement of the business.

２　前項の承認申請書には、次に掲げる事項を記載した書類を添付しなければならない。

(2) A document stating the following matters must be attached to a written application for approval referred to in the preceding paragraph:

一　当該業務の内容及び方法

(i) the content and method of the business;

二　当該業務に係る損失の危険の管理方法に関する次に掲げる事項

(ii) the following matters concerning the method of managing the risk of loss related to the business:

イ　当該業務に係る損失の危険相当額（第一種金融商品取引業を行う者にあっては、第百七十八条第一項第一号に規定する市場リスク相当額、同項第二号に規定する取引先リスク相当額及び同項第三号に規定する基礎的リスク相当額を含む。以下この号において同じ。）の算定方法

(a) the method of calculating the value of loss risk equivalent related to the business (for a person that conducts type-I financial instruments business, including the market risk equivalent amount prescribed in Article 178, paragraph (1), item (i), the counterparty risk equivalent amount prescribed in item (ii) of that paragraph, and the fundamental risk equivalent amount prescribed in item (iii) of that paragraph; hereinafter the same applies in this item);

ロ　当該業務に係る損失の危険相当額の限度枠の設定及び適用方法

(b) the method of establishing and applying a ceiling on the value of loss risk equivalent related to the business;

ハ　当該業務に係る損失の危険相当額の算定及び限度枠の管理を行う部署の名称及び体制

(c) the name and structure of the department in charge of the calculation of the value of loss risk equivalent related to the business and the management of the ceiling thereof;

ニ　当該業務に係る損失の危険相当額の算定の基礎となる資料の作成及び保存の方法

(d) the method of preparing and preserving materials that serve as the basis for the calculation of the value of loss risk equivalent related to the business;

ホ　当該業務に係る損失の危険相当額及びその限度枠の適用状況について、検査を行う頻度、部署の名称及び体制

(e) the frequency of inspection of the value of loss risk equivalent related to the business and the status of application of its ceiling, and the name and structure of the department in charge of the inspection; and

ヘ　その他当該業務に係る損失の危険の管理に関する重要な事項

(f) any other material matters concerning the management of risk of loss related to the business;

三　当該業務を所掌する組織及び人員配置

(iii) the organization in charge of the business and the assignment of personnel;

四　当該業務の運営に関する社内規則

(iv) the internal rules regarding the management of the business.

（業務管理体制の整備）

(Development of the Operational Control System)

第七十条の二　法第三十五条の三の規定により金融商品取引業者等が整備しなければならない業務管理体制は、金融商品取引業等を適確に遂行するための社内規則等（社内規則その他これに準ずるものをいう。）を整備し、当該社内規則等を遵守するための従業員に対する研修その他の措置がとられていることとする。

Article 70-2 (1) The operational control system required to be developed by a financial instruments business operator, etc. pursuant to the provisions of Article 35-3 of the Act is to develop internal rules, etc. for ensuring the appropriate implementation of financial instruments business, etc. (meaning internal rules and other equivalent rules) and to conduct employee training and take other measures for ensuring compliance with the internal rules, etc.

２　法第三十五条の三の規定により金融商品取引業者等（電子募集取扱業務を行う者又は第六条の二各号に掲げる方法により法第二条第八項第七号に掲げる行為（法第三条各号に掲げる有価証券又は金融商品取引所に上場されていない有価証券（令第十五条の四の二各号に掲げるものを除く。）について行う場合に限る。）を業として行う者に限る。第二号において同じ。）が整備しなければならない業務管理体制は、前項の要件のほか、次に掲げる要件を満たさなければならない。

(2) The operational control system required to be developed by a financial instruments business operator, etc. pursuant to the provisions of Article 35-3 of the Act (limited to a person that conducts electronic public offering services or a person that conducts the acts set forth in Article 2, paragraph (8), item (vii) of the Act by the method set forth in the items of Article 6-2 (limited to the case of conducting the acts related to the securities set forth in the items of Article 3 of the Act or the securities not listed on a financial instruments exchange (excluding those set forth in the items of Article 15-4-2 of the Order) on a regular basis); the same applies in item (ii)) must satisfy the following requirements in addition to the requirements referred to in the preceding paragraph.

一　金融商品取引業等に係る電子情報処理組織の管理を十分に行うための措置がとられていること。

(i) the fact that measures to ensure sufficient control of the electronic data processing system related to the financial instruments business, etc. have been taken;

二　法第三十六条の二第一項の規定により同項の標識に表示されるべき事項（金融商品取引業者等が電子申込型電子募集取扱業務等を行う場合であって、金融商品取引業協会（当該金融商品取引業者等が行う業務（当該電子申込型電子募集取扱業務等に係るものに限る。）を行う者を主要な協会員又は会員とするものに限る。）に加入していない場合にあっては、その旨を含む。）に関し、金融商品取引業者等の使用に係る電子計算機に備えられたファイルに記録された情報の内容を電気通信回線

を通じて公衆の閲覧に供するための措置がとられていること。

(ii) the fact that measures have been taken to make the content of information recorded in the file stored on the computer used by a financial instruments business operator, etc. available for public inspection via a telecommunications line for the matters required to be indicated on the sign referred to in Article 36-2, paragraph (1) of the Act pursuant to the provisions of that paragraph (if the financial instruments business operator, etc. conducts electronic-based application type electronic public offering services and is not a member of a financial instruments firms association (limited to an association that has persons conducting the business performed by the financial instruments business operator, etc. as the principal association members or members (limited to the business related to the electronic-based application type electronic public offering services)), including that fact),;

三　電子申込型電子募集取扱業務等において取り扱おうとする有価証券に関し、その発行者の財務状況、事業計画の内容及び資金使途その他電子申込型電子募集取扱業務等の対象とすることの適否の判断に資する事項の適切な審査（電子申込型電子募集取扱業務等において取り扱う有価証券の募集又は私募に係る顧客の応募額の目標として設定した金額（次号及び第五号並びに第八十三条第一項第六号ロ及びハにおいて「目標募集額」という。）が発行者の事業計画に照らして適当なものであることを確認することを含む。）を行うための措置がとられていること。

(iii) the fact that measures for conducting appropriate examinations (including the confirmation that the amount established as target of the subscription amount for customers of public offering or private placement of securities handled in electronic-based application type electronic public offering services (referred to as "target subscription amount" in the following item and item (v), and Article 83, paragraph (1), item (vi), sub-items (b) and (c)) is appropriate in light of the business plan of the issuer) of the financial status of the issuer, the content of the business plan, and the use of funds concerning the securities to be handled in electronic-based application type electronic public offering services, etc., or other matters that contribute to the decision on whether it is appropriate to make the securities the subject of electronic-based application type electronic public offering services, etc. have been taken;

四　電子申込型電子募集取扱業務等において取り扱う有価証券の募集又は私募に係る顧客の応募額が顧客が当該有価証券の取得の申込みを行うことができる期間（次号及び第八十三条第一項第六号イにおいて「申込期間」という。）内に目標募集額に到達しなかった場合及び目標募集額を超過した場合の当該応募額の取扱いの方法を定め、当該方法に関して顧客に誤解を生じさせないための措置がとられていること。

(iv) the fact that the method of handling the target subscription amount are established for the case in which the subscription amount for the customers

of the public offering or private placement of securities handled in electronic-based application type electronic public offering services failed to reach the target subscription amount within the period during which the customers may make a subscription for the acquisition of the securities (referred to as the "subscription period" in the following item and Article 83, paragraph (1), item (vi), sub-item (a)) and the case in which the subscription amount exceeds the target subscription amount, and that measures have been taken to prevent the customers from misunderstanding the method;

五　電子申込型電子募集取扱業務等において取り扱う有価証券の募集又は私募に関して、顧客の応募額が申込期間内に目標募集額に到達したときに限り当該有価証券が発行される方法を用いている場合には、当該目標募集額に到達するまでの間、発行者が応募代金（これに類するものを含む。第七号及び第八十三条第一項第六号ニにおいて同じ。）の払込みを受けることがないことを確保するための措置がとられていること。

(v) the fact that measures have been taken to ensure that the issuer will not receive the payment of subscription price (including things equivalent to this; the same applies in item (vii) and Article 83, paragraph (1), item (vi), sub-item (d)) until the target subscription amount is achieved, if the financial instruments business operator, etc. is using a method in which the securities are issued only when the customer's subscription price reaches the target subscription amount within the subscription period in relation to the public offering or private placement of the securities handled in performing electronic-based application type electronic public offering services;

六　電子申込型電子募集取扱業務等に係る顧客が電子申込型電子募集取扱業務等において取り扱う有価証券の取得の申込みをした日から起算して八日を下らない期間が経過するまでの間、当該顧客が当該申込みの撤回又は当該申込みに係る発行者との間の契約の解除を行うことができることを確認するための措置がとられていること。

(vi) the fact that the measures for confirming that customers may withdraw the subscription or cancel the contract for subscription concluded with the issuer until the period of not less than eight days that commences from the day when the customer of the electronic-based application type electronic public offering services, etc. makes a subscription for the acquisition of securities to be handled in performing electronic-based application type electronic public offering services have been taken;

七　発行者が電子申込型電子募集取扱業務等に係る顧客の応募代金の払込みを受けた後に、当該発行者が顧客に対して事業の状況について定期的に適切な情報を提供することを確保するための措置がとられていること。

(vii) the fact that the measures for ensuring that the issuer periodically provides customers with appropriate information on business after the issuer receives the payment of the subscription price by the customer of the electronic-based application type electronic public offering services have been

taken; and

八　第一種少額電子募集取扱業務又は第二種少額電子募集取扱業務において取り扱う募集又は私募に係る有価証券の発行価額の総額及び当該有価証券を取得する者が払い込む額が令第十五条の十の三各号に掲げる要件を満たさなくなることを防止するための必要かつ適切な措置（第十六条の三各項に規定する算定方法に基づいて当該有価証券の発行価額の総額及び当該有価証券を取得する者が払い込む額を適切に算定するための措置を含む。）がとられていること。

(viii) the fact that necessary and appropriate measures for preventing the total amount of the issue value of the securities related to the public offering or private placement which are handled in performing type-I small amount electronic public offering service or type-II small amount electronic public offering service and the amount to be paid by the person that acquires those securities from not satisfying the requirements set forth in the items of Article 15-10-3 of the Order (including measures for appropriately calculating the total amount of issue value of the securities and the amount to be paid by the person that acquires those securities based on the calculation method provided for in the paragraphs of Article 16-3) have been taken.

3　前項第二号から第七号までの「電子申込型電子募集取扱業務等」とは、電子申込型電子募集取扱業務（電子募集取扱業務のうち、次に掲げる方法により当該電子募集取扱業務の相手方（以下この項において「顧客」という。）に有価証券の取得の申込みをさせるものをいう。以下この項において同じ。）又は第一種少額電子募集取扱業者若しくは第二種少額電子募集取扱業者が行う電子募集取扱業務（電子申込型電子募集取扱業務に該当するものを除く。以下この項において同じ。）及びこれらの業務において取り扱う募集又は私募に係る有価証券についての法第二条第八項第九号に掲げる行為（電子申込型電子募集取扱業務又は第一種少額電子募集取扱業者若しくは第二種少額電子募集取扱業者が行う電子募集取扱業務に該当するものを除く。）をいう。

(3) The term "electronic-based application type electronic public offering services, etc." as used in items (ii) through (vii) of the preceding paragraph means electronic-based application type electronic public offering services (meaning an electronic public offering services that has the counterparty to the electronic public offering services (hereinafter referred to as a "customer" in this paragraph) make a subscription for the acquisition of securities by the following means; hereinafter the same applies in this paragraph), or electronic public offering services conducted by a type-I small amount electronic public offering service provider or type-II small amount electronic public offering service provider (excluding services that fall under electronic-based application type electronic public offering services; hereinafter the same applies in this paragraph), and the acts set forth in Article 2, paragraph (8), item (ix) of the Act concerning the securities related to the public offering and private placement to be handled in performing these services (excluding electronic-

based application type electronic public offering services, or the services that fall under electronic public offering services conducted by a type-I small amount electronic public offering service provider or type-II small amount electronic public offering service provider):

一　金融商品取引業者等の使用に係る電子計算機に備えられたファイルに記録された顧客が申し込もうとする有価証券に関する事項を電気通信回線を通じて顧客の閲覧に供し、当該金融商品取引業者等の使用に係る電子計算機に備えられたファイルに当該顧客の申込みに関する事項を記録する方法

(i) a means by which the matters concerning the securities to be subscribed for by a customer which are recorded in the file stored on a computer used by a financial instruments business operator, etc. are made available for inspection by custmers through a telecommunication line, and the matters concerning the subscription by the customer is recorded in the file stored on a computer used by the financial instruments business operator, etc.; or

二　金融商品取引業者等の使用に係る電子計算機と有価証券の取得の申込みをしようとする顧客の使用に係る電子計算機とを接続する電気通信回線を通じて又はこれに類する方法により顧客が申し込もうとする有価証券に関する事項を送信し（音声の送受信による通話を伴う場合を除く。）、当該金融商品取引業者等の使用に係る電子計算機に備えられたファイルに当該顧客の申込みに関する事項を記録する方法

(ii) a means by which the matters concerning the securities to be subscribed for by a customer that intends to make a subscription for acquiring the securities are transmitted via a telecommunication line connecting a computer used by a financial instruments business operator, etc. and a computer used by the customer or by similar means (excluding the case that involves communication through audio transmission), and recording the matters concerning the subscription by the customer in the file stored on a computer used by the financial instruments business operator, etc.

4　法第三十五条の三の規定により金融商品取引業者等（金融商品取引業等として高速取引行為を行う者に限る。）が整備しなければならない業務管理体制は、第一項の要件のほか、高速取引行為に係る電子情報処理組織その他の設備の管理を十分に行うための措置がとられていることとする。

(4) The operational control systems required to be developed by financial instruments business operators, etc. pursuant to the provisions of Article 35-3 of the Act (limited to the business operators that conduct high-speed trading as financial instruments business, etc.) are that the measures for sufficiently managing an electronic data processing system and other facilities concerning high-speed trading are taken, in addition to the requirements referred to in paragraph (1).

5　法第三十五条の三の規定により金融商品取引業者等（電子記録移転有価証券表示権利等について有価証券等管理業務又は第七条第十一号に規定する業務を行う者に限る。）が整備しなければならない業務管理体制は、第一項の要件のほか、電子記録移

転有価証券表示権利等を表示する財産的価値を移転するために必要な情報の漏えい、滅失、毀損その他の事由に起因して、法第四十三条の二第一項又は第四十三条の三第一項の規定により自己の固有財産と分別し、又は区分して管理する電子記録移転有価証券表示権利等で顧客に対して負担する電子記録移転有価証券表示権利等の管理に関する債務の全部を履行することができない場合における当該債務の履行に関する方針（当該債務を履行するために必要な対応及びそれを実施する時期を含む。）を定めて公表し、かつ、実施するための措置がとられていることとする。

(5) The operational control system required to be developed by financial instruments business operators, etc. pursuant to the provisions of Article 35-3 of the Act (limited to the business operators that conduct securities, etc. management business or business prescribed in Article 7, item (xi) for electronically recorded transferable rights to be indicated on securities, etc.) are that the measures for the business operators to formulate and publicize, and implement, the policies concerning the performance of obligations when they are unable to perform all of the obligations concerning the management of electronically recorded transferable rights to be indicated on securities, etc. that they assume on behalf of the customers, out of electronically recorded transferable rights to be indicated on securities, etc. that they manage separately or distinctively from their own property pursuant to the provisions of Article 43-2, paragraph (1) or Article 43-3, paragraph (1) of the Act, as a result of leakage, loss, or damage of information necessary for transferring financial values on which electronically recorded transferable rights to be indicated on securities, etc. are indicated or due to other grounds (the policies include the actions necessary for performing the obligations and the period for taking those actions) are taken, in addition to the requirements referred to in paragraph (1).

6　法第三十五条の三の規定により金融商品取引業者等（親会社（法第五十七条の二第八項に規定する親会社をいう。以下この項において同じ。）が外国会社である者のうち金融庁長官が指定する者に限る。）が整備しなければならない業務管理体制は、第一項の要件のほか、金融庁長官が定めるところにより、親会社との間において、業務の継続的な実施を確保するための措置がとられていることとする。

(6) The operational control systems required to be developed by financial instruments business operators, etc. pursuant to the provisions of Article 35-3 of the Act (limited to those whose parent company (meaning a parent company provided for in Article 57-2, paragraph (8) of the Act; hereinafter the same applies in this paragraph) is a foreign company designated by the Commissioner of the Financial Services Agency) are that the measures for ensuring continuous implementation of business with the parent company are taken as prescribed by the Commissioner of the Financial Services Agency, in addition to the requirements under paragraph (1).

7　法第三十五条の三の規定により金融商品取引業者等（取引所金融商品市場における

有価証券の売買若しくは市場デリバティブ取引（当該取引所金融商品市場を開設する金融商品取引所の業務規程で定める売買立会又は立会によらないものに限る。）又はこれらの取引の委託の取次ぎ（有価証券等清算取次ぎを除く。）であって社内取引システム（当該金融商品取引業者等その他の者が、電子情報処理組織を使用して、同時に多数の者を一方の当事者又は各当事者として、当該有価証券の売買若しくは市場デリバティブ取引の価格その他の取引の条件の決定又はこれに類似する行為を行うものをいい、令第二十六条の二の二第七項に規定する私設取引システムを除く。以下この項及び第百五十八条第五項において同じ。）を使用して行うものを業として行う者に限る。）が整備しなければならない業務管理体制は、第一項の要件のほか、次に掲げる要件を満たさなければならない。

(7) The operational control systems required to be developed by financial instruments business operators, etc. (limited to a person that conducts purchase and sale of securities or market derivatives transactions on the financial instruments exchange market (limited to those conducted outside the trading session or through off-floor trading which is prescribed in the operational rules of a financial instruments exchange operating the financial instruments exchange market) or a brokerage service for entrusting those transactions (excluding brokerage for clearing of securities, etc.) on a regular basis by using an intra-company transaction system (meaning a system for which the financial instruments business operators, etc. or any other person determines the price of the purchase and sale of securities or market derivatives transactions or other conditions for trade, or conducts similar acts by using electronic data processing systems with many persons as the other party or each party of the trade at the same time, and excluding the proprietary trading system prescribed in Article 26-2-2, paragraph (7) of the Order; hereinafter the same applies in this paragraph and Article 158, paragraph (5))) pursuant to Article 35-3 of the Act must meet the following requirements, in addition to the requirements referred to in paragraph (1):

一　その使用する社内取引システム（当該金融商品取引業者等が開設するものを除く。）の運営の状況を把握するための措置がとられていること。

(i) the measures to understand the status of operations of the intra-company transaction system that the financial instruments business operator, etc. uses (excluding the system established by the financial instruments business operator, etc.) are taken; and

二　その使用する社内取引システムに関し、顧客に対して、次に掲げる事項について、当該顧客の知識、経験、財産の状況及び当該有価証券の売買又は市場デリバティブ取引を行う目的を踏まえた適切な説明を行うための措置がとられていること。

(ii) the measures for providing proper explanation to customers concerning the intra-company transaction system that the financial instruments business operator, etc. uses concerning the following matters, in light of the customers' knowledge, experience, status of property, and purpose of

conducting the purchase and sale of securities or market derivatives transactions are taken:

イ　当該社内取引システムを使用する場合の条件

(a) conditions for using the intra-company transaction system; and

ロ　当該社内取引システムを開設する者、取引の条件の決定に参加できる者、取引の条件の決定方法その他の当該社内取引システムの運営に関する情報

(b) information on a person that establishes the intra-company transaction system, a person who can participate in making decisions on the conditions of transactions, the method of deciding conditions of transactions, and other information on the operation of the intra-company transaction system.

（金融商品関連業務の範囲）

(Scope of Financial Instruments Related Business)

第七十条の三　法第三十六条第二項に規定する内閣府令で定める業務は、次の各号に掲げる場合の区分に応じ、当該各号に定める業務とする。

Article 70-3 The businesses specified by Cabinet Office Order as prescribed in Article 36, paragraph (2) of the Act are the businesses specified in the following items in accordance with the category of cases set forth in the each of those items:

一　特定金融商品取引業者等（法第三十六条第三項に規定する特定金融商品取引業者等をいう。以下同じ。）が令第十五条の二十七第一号に掲げる者である場合　次のイ及びロに掲げる業務

(i) when a specified financial instruments business operator, etc. (meaning a specified financial instruments business operator, etc. prescribed in Article 36, paragraph (3) of the Act; the same applies hereinafter) is a person set forth in Article 15-27, item (i) of the Order: the businesses set forth in the following sub-items (a) and (b):

イ　金融商品取引業又は登録金融機関業務

(a) financial instruments business or registered financial institution business; and

ロ　法第三十五条第一項に規定する金融商品取引業に付随する業務（当該特定金融商品取引業者等の子金融機関等（法第三十六条第五項に規定する子金融機関等をいう。以下同じ。）が行う当該業務に相当する業務を含む。）

(b) a business incidental to financial instruments business prescribed in Article 35, paragraph (1) of the Act (including a business conducted by a subsidiary financial institution, etc. of the specified financial instruments business operator, etc. (meaning a subsidiary financial institution, etc. prescribed in Article 36, paragraph (5) of the Act; the same applies hereinafter) that is equivalent to the business); and

二　特定金融商品取引業者等が令第十五条の二十七第二号に掲げる者である場合　次

のイ及びロに掲げる業務

(ii) when a specified financial instruments business operator, etc. is a person et forth in Article 15-27, item (ii) of the Order: the businesses set forth in the following sub-items (a) and (b):

イ　金融商品取引業又は登録金融機関業務

(a) financial instruments business or registered financial institution business; and

ロ　法第三十五条第一項に規定する金融商品取引業に付随する業務

(b) a business incidental to financial instruments business prescribed in Article 35, paragraph (1) of the Act.

（顧客の利益が不当に害されることのないよう必要な措置）

(Necessary Measures For Ensuing That Interests of Customers Will Not Be Unjustly Harmed)

第七十条の四　特定金融商品取引業者等は、当該特定金融商品取引業者等又はその親金融機関等（法第三十六条第四項に規定する親金融機関等をいう。以下同じ。）若しくは子金融機関等が行う取引に伴い、当該特定金融商品取引業者等又はその子金融機関等が行う金融商品関連業務（同条第二項に規定する金融商品関連業務をいう。以下同じ。）に係る顧客の利益が不当に害されることのないよう、次に掲げる措置を講じなければならない。

Article 70-4 (1) A specified financial instruments business operator, etc. must take the following measures so that the interests of a customer related to financial instruments related business (meaning a financial instruments related business prescribed in paragraph (2) of that Article; the same applies hereinafter)conducted by the specified financial instruments business operator, etc. or their subsidiary financial institution, etc. will not be unjustly harmed, as a result of a transaction conducted by the specified financial instruments business operator, etc. or their parent financial institution (meaning a parent financial institution, etc. prescribed in Article 36, paragraph (4); the same applies hereinafter) or subsidiary financial institution, etc.:

一　対象取引を適切な方法により特定するための体制の整備

(i) the development of a system for identifying the subject transactions in an appropriate manner;

二　次に掲げる方法その他の方法により当該顧客の保護を適正に確保するための体制の整備

(ii) the development of a system for appropriately ensuring the protection of the customer by the following means and other means:

イ　対象取引を行う部門と当該顧客との取引を行う部門を分離する方法

(a) the means of separating the department that conducts the subject transactions and the department that conducts the transactions with the customer;

ロ　対象取引又は当該顧客との取引の条件又は方法を変更する方法

(b) the means of changing the terms and conditions or the means of conducting the subject transactiosn or the transactions with the customer;

ハ　対象取引又は当該顧客との取引を中止する方法

(c) the means of discontinuing the subject transactions or the transactions with the customer; and

ニ　対象取引に伴い、当該顧客の利益が不当に害されるおそれがあることについて、当該顧客に適切に開示する方法

(d) the means of appropriately disclosing the fact that as a result of conducting the subject transactions, it is liklely that the interests of the customer will be unjustly harmed;

三　前二号に掲げる措置の実施の方針の策定及びその概要の適切な方法による公表

(iii) the formulation of the policies for implementing the measures set forth in the preceding two items and the publication of their overview by an appropriate method; and

四　次に掲げる記録の保存

(iv) the preservation of the following records:

イ　第一号の体制の下で実施した対象取引の特定に係る記録

(a) the records related to the identification of subject transactions performed under the system referred to in item (i); and

ロ　第二号の体制の下で実施した顧客の保護を適正に確保するための措置に係る記録

(b) the records related to the measures for appropriately ensuring the protection of customers implemented under the system referred to in item (ii).

２　前項第四号に規定する記録は、その作成の日から五年間保存しなければならない。

(2) The records prescribed in item (iv) of the preceding paragraph must be preserved for five years after the day of their creation.

３　第一項の「対象取引」とは、特定金融商品取引業者等又はその親金融機関等若しくは子金融機関等が行う取引に伴い、当該特定金融商品取引業者等又はその子金融機関等が行う金融商品関連業務に係る顧客の利益が不当に害されるおそれがある場合における当該取引をいう。

(3) The "subject transaction" as used in paragraph (1) means the transaction conducted by a specified financial instruments business operator, etc. or their subsidiary financial institution, etc., when it is likely that the interests of a customer related to the financial instruments related business conducted by the specified financial instruments business operator, etc. or its subsidiary financial institution, etc. to be unjustly harmed, as a result of the transactions conducted by the specified financial instruments business operator, etc., or their parent financial institution or subsidiary financial institution.

（掲示すべき標識の様式）
(Format of Signs Required to Be Posted)
第七十一条　法第三十六条の二第一項に規定する内閣府令で定める様式は、次の各号に掲げる者の区分に応じ、当該各号に定めるものとする。
Article 71 The format specified by Cabinet Office Order as prescribed in Article 36-2, paragraph (1) of the Act are the format specified in the following items in accordance with the category of the persons set forth in each of those items:
一　金融商品取引業者　別紙様式第十号
(i) financial instruments business operator: Appended Form No. 10; or
二　登録金融機関　別紙様式第十一号
(ii) registered financial institution: Appended Form 11.

（広告類似行為）
(Acts Similar to Advertising)
第七十二条　法第三十七条各項に規定する内閣府令で定める行為は、郵便、信書便（民間事業者による信書の送達に関する法律（平成十四年法律第九十九号）第二条第六項に規定する一般信書便事業者又は同条第九項に規定する特定信書便事業者の提供する同条第二項に規定する信書便をいう。第二百六十六条において同じ。）、ファクシミリ装置を用いて送信する方法、電子メール（特定電子メールの送信の適正化等に関する法律（平成十四年法律第二十六号）第二条第一号に規定する電子メールをいう。第二百六十六条において同じ。）を送信する方法、ビラ又はパンフレットを配布する方法その他の方法（次に掲げるものを除く。）により多数の者に対して同様の内容で行う情報の提供とする。
Article 72 The acts specified by Cabinet Office Order as prescribed in the paragraphs of Article 37 of the Act are the acts of providing the same information to many persons, by the means of postal mail, correspondences delivery (meaning correspondence delivery as defined in Article 2, paragraph (2) of the Act on Correspondence Delivery by Private Business Operators (Act No. 99 of 2002) that is provided by a general correspondence delivery operator as defined in paragraph (6) of that Article or by a specified correspondence delivery operator as defined in paragraph (9) of that Article; the same applies in Article 266), transmission by a facsimile device, electronic mail (meaning the electronic mail as defined in Article 2, item (i) of the Act on Regulation of Transmission of Specified Electronic Mail (Act No. 26 of 2002); the same applies in Article 266), distribution of fliers or pamphlets or by other means (excluding those set forth in the following sub-items):
一　法令又は法令に基づく行政官庁の処分に基づき作成された書類を配布する方法
(i) distribution of documents prepared based on laws and regulations, or dispositions rendered by administrative agencies under laws and regulations;
二　個別の企業の分析及び評価に関する資料であって、金融商品取引契約の締結の勧誘に使用しないものを配布する方法

(ii) distribution of materials on the analysis and appraisal of individual companies which are not intended to be used for solicitation for the conclusion of a financial instruments transaction contract;

三　次に掲げる全ての事項のみが表示されている景品その他の物品（ロからニまでに掲げる事項について明瞭かつ正確に表示されているものに限る。）を提供する方法（当該事項のうち景品その他の物品に表示されていない事項がある場合にあっては、当該景品その他の物品と当該事項が表示されている他の物品とを一体のものとして提供する方法を含む。）

(iii) means of providing premiums or other goods on which only all of the following information is indicated (limited to premiums or goods on which the information set forth in sub-items (b) through (d) are clearly and accurately indicated) (if there is information that is not indicated on the premiums or other goods, including the means of providing the premiums or other goods and the other goods on which the information is indicated together as a single unit):

イ　次に掲げるいずれかのものの名称、銘柄又は通称

(a) the name, issue, or common name of any of the following information:

（１）　金融商品取引契約又はその種類

1. financial instruments transaction contract or its type;

（２）　有価証券又はその種類

2. securities or their types;

（３）　出資対象事業又はその種類

3. business subject to investment or its type; or

（４）　（１）から（３）までに掲げる事項に準ずる事項

4. information equivalent to those set forth in 1. through 3.;

ロ　この号に規定する方法により多数の者に対して同様の内容で行う情報の提供をする金融商品取引業者等の商号、名称若しくは氏名又はこれらの通称

(b) the trade name, name, or common name of the financial instruments business operator, etc. that provides the same information to many persons by the means specified in this item;

ハ　令第十六条第二項第一号に掲げる事項及び第七十六条第三号に掲げる事項（これらの事項の文字又は数字が当該事項以外の事項の文字又は数字のうち最も大きなものと著しく異ならない大きさで表示されているものに限る。）

(c) the infromation set forth in Article 16, paragraph (2), item (i) of the Order and those set forth in Article 76, item (iii) (limited to those whose letters or numbers are indicated in a size which does not substantially differ from the size of the largest letters or numbers for the information other than that information);

ニ　次に掲げるいずれかの書面の内容を十分に読むべき旨

(d) the fact that the recipient should thoroughly read any of the following documents:

（１）　法第三十七条の三第一項に規定する書面（以下「契約締結前交付書面」という。）

1. the document prescribed in Article 37-3, paragraph (1) of the Act (hereinafter referred to as the "document for delivery prior to conclusion of a contract");

（２）　第八十条第一項第一号に規定する上場有価証券等書面

2. the document on listed securities, etc. prescribed in Article 80, paragraph (1), item (i);

（３）　第八十条第一項第三号に規定する目論見書（同号の規定により当該目論見書と一体のものとして交付される書面がある場合には、当該目論見書及び当該書面）

3. the prospectus prescribed in Article 80, paragraph (1), item (iii) (if there is any document to be delivered together with the prospectus as a single unit pursuant to the provisions of that item, that prospectus and that document); and

（４）　第八十条第一項第四号ロに規定する契約変更書面

4. the contract change document prescribed in Article 80, paragraph (1), item (iv), (b).

（金融商品取引業の内容についての広告等の表示方法）

(Presentation Method of Advertisement on the Content of Financial Instruments Business)

第七十三条　金融商品取引業者等がその行う金融商品取引業（登録金融機関にあっては、登録金融機関業務。次項及び第三項において同じ。）の内容について広告又は前条に規定する行為（以下この款において「広告等」という。）をするときは、法第三十七条第一項各号に掲げる事項について明瞭かつ正確に表示しなければならない。

Article 73 (1) If a financial instruments business operator, etc. makes an advertisement or conducts the acts prescribed in the preceding Article (hereinafter referred to as "advertisement, etc." in this Subsection) for the content of the financial instruments business they conduct (for a registered financial institution, registered financial institution business; the same applies in the following paragraph and paragraph (3)), they must clearly and accurately indicate the information set forth in the items of Article 37, paragraph (1) of the Act.

２　金融商品取引業者等がその行う金融商品取引業の内容について広告等をするときは、令第十六条第一項第四号及び第五号に掲げる事項並びに第七十六条第三号に掲げる事項の文字又は数字をこれらの事項以外の事項の文字又は数字のうち最も大きなものと著しく異ならない大きさで表示するものとする。

(2) If a financial instruments business operator, etc. makes an advertisement, etc. of the content of the financial instruments business they conduct, they are to indicate the information set forth in Article 16, paragraph (1), items (iv) and

(v) of the Order, and the information set forth in Article 76, item (iii) in a size that does not substantially differ from the size of the largest letters or numbers for the information other than that infromation.

３　金融商品取引業者等がその行う金融商品取引業の内容について基幹放送事業者（放送法（昭和二十五年法律第百三十二号）第二条第二十三号に規定する基幹放送事業者をいい、日本放送協会及び放送大学学園（放送大学学園法（平成十四年法律第百五十六号）第三条に規定する放送大学学園をいう。）を除く。以下同じ。）の放送設備により放送をさせる方法又は第七十七条第一項各号に掲げる方法（音声により放送をさせる方法を除く。）により広告をするときは、前項の規定にかかわらず、令第十六条第二項第一号に掲げる事項及び第七十六条第三号に掲げる事項の文字又は数字をこれらの事項以外の事項の文字又は数字のうち最も大きなものと著しく異ならない大きさで表示するものとする。

(3) Notwithstanding the provisions of the preceding paragraph, if a financial instruments business operator, etc. makes an advertisement of the content of the financial instruments business they conduct by means of having a basic broadcaster broadcast the advertisement using its broadcasting facilities (meaning the basic broadcaster prescribed in Article 2, item (xxiii) of the Broadcast Act (Act No. 132 of 1950) and excluding the Japan Broadcasting Corporation and the Open University of Japan (meaning the Open University of Japan defined in Article 3 of the Act on the Open University of Japan (Act No. 156 of 2002); the same applies hereinafter) or by the means set forth in the items of Article 77, paragraph (1) (excluding the means of sound broadcasting), the financial instruments business operator, etc. is to indicate the information set forth in Article 16, paragraph (2), item (i) of the Order and the information specified in Article 76, item (iii) in a size that does not substantially differ from the size of the largest letters or numbers for the information other than that information.

（顧客が支払うべき対価に関する事項）

(Matters Related to Consideration Required to be Paid by Customers)

第七十四条　令第十六条第一項第一号に規定する内閣府令で定めるものは、手数料、報酬、費用その他いかなる名称によるかを問わず、金融商品取引契約に関して顧客が支払うべき対価（有価証券の価格又は保証金等の額（同項第三号に規定する保証金等の額をいう。第二百六十八条第一項において同じ。）を除く。以下この款において「手数料等」という。）の種類ごとの金額若しくはその上限額又はこれらの計算方法（当該金融商品取引契約に係る有価証券の価格、令第十六条第一項第三号に規定するデリバティブ取引等の額若しくは運用財産の額に対する割合又は金融商品取引行為を行うことにより生じた利益に対する割合を含む。以下この項において同じ。）の概要及び当該金額の合計額若しくはその上限額又はこれらの計算方法の概要とする。ただし、これらの表示をすることができない場合にあっては、その旨及びその理由とする。

Article 74 (1) The matters specified by Cabinet Office Order as prescribed in

Article 16, paragraph (1), item (i) of the Order are the amount of the consideration payable by customers in relation to a financial instruments transaction contract irrespective of their name such as fees, remunerations, or expenses (excluding the price of securities or the amount of security deposit, etc. (meaning the amount of security deposit, etc. prescribed in item (iii) of that paragraph; the same applies in Article 268, paragraph (1)); hereinafter referred to as the "fees, etc." in this Subsection) for each type of consideration or its upper limit, or the outline of their calculation method (including their ratio to the price of the securities, the amount of the derivative transactions, etc. prescribed in Article 16, paragraph (1), item (iii) of the Order or the amount of investment property, related to the financial instruments transaction contract, or their ratio to the profit generated from performing an act of financial instruments transaction; hereinafter the same applies in this paragraph) and the sum of the amount or its upper limit, or the outline of their calculation method; provided, however, that if these matters cannot be indicated, that fact and the reasons for that are to be indicated.

２　前項の金融商品取引契約が法第二条第一項第十号若しくは第十一号に掲げる有価証券に表示されるべき権利又は同条第二項第五号若しくは第六号に掲げる権利（以下この条及び第二百六十八条において「投資信託受益権等」という。）の取得に係るものであって、当該投資信託受益権等に係る財産が他の投資信託受益権等（以下この条において「出資対象投資信託受益権等」という。）に対して出資され、又は拠出されるものである場合には、前項の手数料等には、当該出資対象投資信託受益権等に係る信託報酬その他の手数料等を含むものとする。

(2) If the financial instruments transaction contract referred to in the preceding paragraph is related to the acquisition of rights to be indicated on the securities set forth in Article 2, paragraph (1), item (x) or (xi) of the Act or the rights set forth in paragraph (2), item (v) or (vi) of that Article (hereinafter referred to as the "investment trust beneficial interests, etc." in this Article and Article 268), and if the property related to the investment trust beneficial interests, etc. is to be invested in or contributed to another investment trust beneficial interests, etc. (hereinafter they are referred to as the "target investment trust beneficial interests, etc." in this Article), the fees, etc. referred to in the preceding paragraph are to include the trust fee and other fees, etc. related to the target investment trust beneficial interests, etc.

３　前項の出資対象投資信託受益権等に係る財産が他の投資信託受益権等に対して出資され、又は拠出される場合には、当該他の投資信託受益権等を出資対象投資信託受益権等とみなして、前二項の規定を適用する。

(3) If the property related to the target investment trust beneficial interests, etc. referred to in the preceding paragraph are to be invested in or contributed to another investment trust beneficial interests, etc., those other investment trust beneficial interests, etc. are deemed to be target investment trust beneficial

interests, etc., and the provisions of the preceding two paragraphs apply.

4　前項の規定は、同項（この項において準用する場合を含む。）の規定により出資対象投資信託受益権等とみなされた投資信託受益権等に係る財産が他の投資信託受益権等に対して出資され、又は拠出される場合について準用する。

(4) The provisions of the preceding paragraph apply mutatis mutandis to a case in which the property related to the investment trust beneficial interests, etc. which is deemed to be target investment trust beneficial interests, etc. pursuant to the provisions of that paragraph (including as applied mutatis mutandis pursuant to this paragraph) is to be invested in or contributed to another investment trust beneficial interests, etc.

（売付けの価格と買付けの価格に相当する事項）

(Matters Equivalent to Sale Price and Purchase Price)

第七十五条　令第十六条第一項第六号に規定する内閣府令で定める事項は、次の各号に掲げる取引の区分に応じ、当該各号に定める事項とする。

Article 75 The matters specified by Cabinet Office Order as prescribed in Article 16, paragraph (1), item (vi) of the Order are the matters prescribed in the following items in accordance with the category of transactions set forth in each of those items:

一　法第二条第二十二項第二号に掲げる取引　現実数値（同条第二十一項第二号に規定する現実数値をいう。以下同じ。）が約定数値（同号に規定する約定数値をいう。以下同じ。）を上回った場合に金銭を支払う立場の当事者となる取引の約定数値と当該金銭を受領する立場の当事者となる取引の約定数値又はこれらに類似するもの

(i) the transactiona set forth in Article 2, paragraph (22), item (ii) of the Act: the agreed figure under the transaction in which a person becomes the party that pays money when the actual figure (meaning the actual figure prescribed in item (ii), paragraph (21) of that Article; the same applies hereinafter) exceeds the agreed figure (meaning the agreed figure prescribed in that item; the same applies hereinafter), and the agreed figure under the transaction in which the person becomes the party that receives the money, or other figures similar to those figures;

二　法第二条第二十二項第三号又は第四号に掲げる取引　同項第三号又は第四号に規定する権利を付与する立場の当事者となる取引の当該権利の対価の額と当該権利を取得する立場の当事者となる取引の当該権利の対価の額

(ii) the transactions set forth in Article 2, paragraph (22), item (iii) or (iv) of the Act: the amount of consideration for the rights under the transaction in which the person becomes the party that grants the rights specified in item (iii) or (iv) of that paragraph, and the amount of consideration for the rights under the transaction in which the person becomes the party that acquires the rights;

三　法第二条第二十二項第五号に掲げる取引　金融商品（同条第二十四項第三号に掲

げるものを除く。）の利率等（同条第二十一項第四号に規定する利率等をいう。以下同じ。）若しくは金融指標が約定した期間に上昇した場合に金銭を支払う立場の当事者となる取引における約定した期間の開始時の当該金融商品の利率等若しくは金融指標と当該金融商品の利率等若しくは金融指標が約定した期間に上昇した場合に金銭を受領する立場の当事者となる取引における約定した期間の開始時の当該金融商品の利率等若しくは金融指標又はこれらに類似するもの

(iii) the transactions set forth in Article 2, paragraph (22), item (v) of the Act: the interest rates, etc. (meaning the interest rates, etc. prescribed in paragraph (21), item (iv) of that Article; the same applies hereinafter) of the financial instruments (excluding the financial instrument set forth in paragraph (24), item (iii) of that Article) or the interest rates, etc. of the financial instruments or the financial index at the time of the commencement of the agreed period for the transaction in which the person becomes the party that receives money when the interest rates, etc. of the financial instruments or the financial indicator rise within the agreed period, or any other figures similar thereto the financial index at the time of the commencement of the agreed period for the transaction in which the person becomes the party to pay money when the interest rates, etc. or the financial indexes of the financial instruments rise within the agreed period, and; and

四　法第二条第二十二項第六号に掲げる取引　同号に規定する事由が発生した場合において金銭を支払う立場の当事者となる取引の条件と金銭を受領する立場の当事者となる取引の条件又はこれらに類似するもの

(iv) the transactions set forth in Article 2, paragraph (22), item (vi) of the Act: the terms and conditions of the transaction in which the person becomes the party that pays money and the terms and conditions of the transaction in which the person becomes the party that receives money, when an event specified in that item occurs, or other terms and conditions similar to them.

（顧客の判断に影響を及ぼす重要事項）

(Important Matters That Impact Customers' Judgment)

第七十六条　令第十六条第一項第七号に規定する内閣府令で定める事項は、次に掲げる事項とする。

Article 76 The matters specified by Cabinet Office Order as prescribed in Article 16, paragraph (1), item (vii) of the Order are as follows:

一　当該金融商品取引契約に関する重要な事項について顧客の不利益となる事実

(i) the facts concerning important matters on the financial instruments transaction contract, which is disadvantageous to customers;

二　当該金融商品取引業者等が金融商品取引業協会（当該金融商品取引業の内容に係る業務を行う者を主要な協会員又は会員とするものに限る。）に加入している場合にあっては、その旨及び当該金融商品取引業協会の名称

(ii) if the financial instruments business operator, etc. is a member of a

financial instruments firms association (limited to an association that has persons conducting the business related to the content of the financial instruments business as its prinicipal associationmembers or members), that fact and the name of the financial instruments firms association; and

三　暗号資産に関する金融商品取引行為について広告等をする場合にあっては、次に掲げる事項

(iii) when placing advertisements, etc. concerning acts of financial instruments transaction for cryptoassets, the following matters:

イ　暗号資産は本邦通貨又は外国通貨ではないこと。

(a) the fact that cryptoassets are not Japanese currency or foreign currency; and

ロ　暗号資産は代価の弁済を受ける者の同意がある場合に限り代価の弁済のために使用することができること。

(b) the fact that cryptoassets may be used for the purpose of paying consideration only with the consent of the person who is to receive payment of the consideration.

四　レバレッジ指標等（金融商品市場における相場その他の指標であって、その一日の変動率が他の指標（イ及び第八十三条第一項第八号イにおいて「原指標」という。）の一日の変動率に一定の数を乗じて得た率となるように算出されるものをいう。第七十八条第十四号及び同項第八号において同じ。）に関する金融商品取引行為について広告等をする場合にあっては、次に掲げる事項

(iv) when placing advertisements, etc. concerning acts of financial instruments transaction for the leveraged index, etc. (meaning the quotations on the financial instruments market and other indexes for which calculation is made so that their daily fluctuation rate becomes the ratio obtained by multiplying the daily fluctuation rate of another index (referred to as the "original index" in sub-item (a) below and Article 83, paragraph (1), item (viii), sub-item (a)) by a certain number; the same applies in Article 78, item (xiv) and Article 83, paragraph (1), item (viii)), the following matters:

イ　当該レバレッジ指標等の変動率とその原指標の変動率に一定の数を乗じて得た率とに差が生ずることとなるおそれがある場合にあっては、その旨及びその理由

(a) if there is a risk that there will be a difference between the fluctuation rate of the leveraged index, etc. and the ratio obtained by multiplying the fluctuation rate of the original index by a certain number, that fact and the reasons; and

ロ　当該レバレッジ指標等に関する有価証券に対する投資が中長期的な投資の目的に適合しないものであるときは、その旨及びその理由

(b) when an investment in securities related to the leveraged index, etc. does not meet the objective of medium- to long-term investments, that fact and the reasons.

（基幹放送事業者の放送設備により放送をさせる方法に準ずる方法等）
(Means Equivalent to Broadcasting Using Broadcasting Facilities of Basic Broadcasters)

第七十七条　令第十六条第二項に規定する内閣府令で定める方法は、次に掲げるものとする。

Article 77 (1) The methods specified by Cabinet Office Order as prescribed in Article 16, paragraph (2) of the Order are as follows:

一　一般放送事業者（放送法第二条第二十五号に規定する一般放送事業者をいう。第二百七十条第一項第一号において同じ。）の放送設備により放送をさせる方法

(i) the means of having private broadcasters broadcast using their broadcasting facilities (meaning a private broadcaster as defined in Article 2, item (xxv) of the Broadcast Act; the same applies in Article 270, paragraph (1), item (i));

二　金融商品取引業者等又は当該金融商品取引業者等が行う広告等に係る業務の委託を受けた者の使用に係る電子計算機に備えられたファイルに記録された情報の内容（基幹放送事業者の放送設備により放送をさせる方法又は前号に掲げる方法により提供される事項と同一のものに限る。）を電気通信回線を利用して顧客に閲覧させる方法

(ii) to have customers inspect the content of the information recorded in the file stored on a computer to be used by a financial instruments business operator, etc. or a person that has been entrusted with advertisement, etc. services to be conducted by the financial instruments business operator, etc. (limited to information that is the same as the information provided by the means of having a basic broadcaster broadcast using their broadcasting facilities or the means set forth in the preceding item) via a telecommunications line; or

三　常時又は一定の期間継続して屋内又は屋外で公衆に表示させる方法であって、看板、立看板、はり紙及びはり札並びに広告塔、広告板、建物その他の工作物等に掲出させ、又は表示させるもの並びにこれらに類するもの

(iii) a means of having the public place an indoor or outdoor advertisement regularly or continuously for a fixed period, which posts or indicates it on signboards, standing signboards, bills, notices, advertising towers, billboards, buildings or other structures, or other similar means.

２　令第十六条第二項第二号に規定する内閣府令で定める事項は、第七十二条第三号ニ及び前条第三号に掲げる事項とする。

(2) The matters specified by Cabinet Office Order as prescribed in Article 16, paragraph (2), item (ii) of the Order are the matters set forth in Article 72, item (iii), (d) and item (iii) of the preceding Article.

（誇大広告をしてはならない事項）
(Matters for Which Exaggerated Advertisement is Prohibited)

第七十八条　法第三十七条第二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 78 The matters specified by Cabinet Office Order as prescribed in Article 37, paragraph (2) of the Act are as follows:

一　金融商品取引契約の解除に関する事項（法第三十七条の六第一項から第四項までの規定に関する事項を含む。）

(i) the matters related to cancellation of a financial instruments transaction contract (including matters related to the provisions of Article 37-6, paragraphs (1) through (4) of the Act);

二　金融商品取引契約に係る損失の全部若しくは一部の負担又は利益の保証に関する事項

(ii) the matters related to the sharing of all or part of the losses or the guarantee of profit, in connection with a financial instruments transaction contract;

三　金融商品取引契約に係る損害賠償額の予定（違約金を含む。）に関する事項

(iii) the matters related to agreement for liquidated damages (including penalties) concerning a financial instruments transaction contract;

四　金融商品取引契約に係る金融商品市場又は金融商品市場に類似する市場で外国に所在するもの（商品関連業務を行う場合にあっては、商品市場（商品先物取引法第二条第九項に規定する商品市場をいう。）又は外国商品市場（同条第十二項に規定する外国商品市場をいう。）を含む。第二百七十一条第四号において同じ。）に関する事項

(iv) the matters related to a financial instruments market or other similar markets located in a foreign country, which concerns financial instruments transaction contracts (if conducting commodity-related business, including a commodity market (meaning the commodity market as defined in Article 2, paragraph (9) of the Commodity Derivatives Transaction Act) or a foreign commodity market (meaning the foreign commodity market as defined in paragraph (12) of that Article); the same applies in Article 271, item (iv));

五　金融商品取引業者等の資力又は信用に関する事項

(v) the matters related to financial resources or credibility of a financial instruments business operator, etc.;

六　金融商品取引業者等の金融商品取引業（登録金融機関にあっては、登録金融機関業務）の実績に関する事項

(vi) the matters related to the performance of financial instruments business conducted by a financial instruments business operator, etc. (for a registered financial institution, the performance of registered financial institution business conducted by the registered financial institution);

七　金融商品取引契約に関して顧客が支払うべき手数料等の額又はその計算方法、支払の方法及び時期並びに支払先に関する事項

(vii) the matters related to the amount of the fees, etc. payable by customers in connection with a financial instruments transaction contract or its calculation method, and the method and timing of the payment of the fees,

etc. and the payee of the fees, etc.;

八　抵当証券等（法第二条第一項第十六号に掲げる有価証券又は同項第十七号に掲げる有価証券（同項第十六号に掲げる性質を有するものに限る。）をいう。以下同じ。）の売買その他の取引について広告等をする場合にあっては、次に掲げる事項

(viii) when placing an advertisement, etc. for the purchase and sale or other transactions of mortgage securities, etc. (meaning the securities set forth in Article 2, paragraph (1), item (xvi) of the Act, or the securities set forth in item (xvii) of that paragraph (limited to those which have the nature set forth in item (xvi) of that paragraph); the same applies hereinafter), the following matters:

イ　抵当証券等に記載された債権の元本及び利息の支払の確実性又は保証に関する事項

(a) the matters related to the certainty or guarantee of the payment of principal and interests of the claims stated in the mortgage securities, etc.;

ロ　金融商品取引業者等に対する推薦に関する事項

(b) the matters related to recommendation concerning a financial instruments business operator, etc.;

ハ　利息に関する事項

(c) the matters related to interest; and

ニ　抵当証券等に記載された抵当権の目的に関する事項

(d) the matters related to the collateral on which the mortgage has been created, as stated in the mortgage securities, etc.;

九　投資顧問契約について広告等をする場合にあっては、助言の内容及び方法に関する事項

(ix) when placing an advertisement, etc. of an investment advisory contract, the matters related to the content of advice and method of giving advice;

十　投資一任契約又は法第二条第八項第十五号に掲げる行為を行うことを内容とする契約について広告等をする場合にあっては、投資判断の内容及び方法に関する事項

(x) when placing an advertisement, etc. for a discretionary investment contract or a contract which provides for performing acts set forth in Article 2, paragraph (8), item (xv) of the Act, the matters related to the content of investment decisions and the method of making the investment decisions;

十一　第七条第四号ニ（１）に掲げる権利に係る募集又は私募について広告等をする場合にあっては、競走用馬の血統及び飼養管理の状況に関する事項

(xi) when placing an advertisement, etc. for the public offering or private placement of the rights set forth in Article 7, item (iv), sub-item (d), 1., the matters related to the bloodlines of the racehorses and the status of their breeding management.

十二　電子記録移転有価証券表示権利等に関する金融商品取引行為について広告等をする場合にあっては、次に掲げる事項

(xii) when placing an advertisement, etc. for the acts of financial instruments

transaction for electronically recorded transferable rights to be indicated on securities, etc., the following matters:

イ　電子記録移転有価証券表示権利等の性質

(a) the nature of the electronically recorded transferable rights to be indicated on securities, etc.; and

ロ　電子記録移転有価証券表示権利等に係る保有又は移転の仕組みに関する事項

(b) the matters related to the mechanism for the holding and transfer of the electronically recorded transferable rights to be indicated on securities, etc.; and

十三　暗号資産に関する金融商品取引行為について広告等をする場合にあっては、次に掲げる事項

(xiii) when placing an advertisement, etc. for the acts of financial instruments transaction for cryptoassets:

イ　暗号資産の性質

(a) the nature of the cryptoassets;

ロ　暗号資産の保有又は移転の仕組みに関する事項

(b) the matters related to the mechanism for holding or transferring cryptoassets;

ハ　暗号資産の取引高若しくは価格の推移又はこれらの見込みに関する事項

(c) the matters related to changes in the transaction volume or the price of cryptoassets or their prospects;

ニ　暗号資産に表示される権利義務の内容に関する事項

(d) the matters related to the content of the rights and obligations indicated on cryptoassets; and

ホ　暗号資産を発行し、若しくは発行しようとする者、暗号資産に表示される権利に係る債務者又は暗号資産の価値若しくは仕組みに重大な影響を及ぼすことができる者の資力若しくは信用又はその行う事業に関する事項

(e) the matters related to the financial resources or creditability of the person who issues or intends to issue the cryptoassets, the debtor related to the rights indicated on cryptoassets, or the person who can exert a material impact on the value or the mechanism of cryptoassets, or the business conducted by the person.

十四　レバレッジ指標等に関する金融商品取引行為について広告等をする場合にあっては、次に掲げる事項

(xiv) when placing an advertisement, etc. for the acts of financial instruments transaction for leveraged index, etc., the following matters:

イ　レバレッジ指標等又はレバレッジ指標等に関する有価証券の性質

(a) the nature of the leveraged index, etc. or securities relating to the leveraged index, etc.; and

ロ　レバレッジ指標等の数値若しくはレバレッジ指標等に関する有価証券の価格の推移又はこれらの見込みに関する事項

(b) the matters related to changes in leveraged index, etc. value or in prices of securities related to the leveraged index, etc., or their prospects.

（契約締結前交付書面の記載方法）

(Matters to be Stated in a Document for Delivery Prior To Conclusion of a Contract)

第七十九条　契約締結前交付書面には、法第三十七条の三第一項各号に掲げる事項を日本産業規格Ｚ八三〇五に規定する八ポイント以上の大きさの文字及び数字を用いて明瞭かつ正確に記載しなければならない。

Article 79 (1) The matters set forth in the items of Article 37-3, paragraph (1) of the Act must be stated clearly and accurately in the document for delivery prior to conclusion of a contract by using letters and numbers of font size larger than 8 point specified by the JIS Z8305.

２　前項の規定にかかわらず、契約締結前交付書面には、次に掲げる事項を枠の中に日本産業規格Ｚ八三〇五に規定する十二ポイント以上の大きさの文字及び数字を用いて明瞭かつ正確に記載し、かつ、次項に規定する事項の次に記載するものとする。

(2) Notwithstanding the provisions of the preceding paragraph, the following matters are to be stated clearly and accurately inside the box in the document for delivery prior to conclusion of a contract by using letters and numbers of font size larger than 12 point specified by the JIS Z8305 after the matters required to be stated under the following paragraph:

一　法第三十七条の三第一項第四号に掲げる事項の概要並びに同項第五号及び第六号並びに第八十二条第三号から第六号までに掲げる事項

(i) an outline of the matters set forth in Article 37-3, paragraph (1), item (iv) of the Act, and the matters set forth in items (v) and (vi) of that Article and Article 82, items (iii) through (vi) of this Cabinet Office Order;

二　金融商品取引契約が店頭デリバティブ取引契約（令第十六条の四第一項イからハまでに掲げる取引（以下「店頭金融先物取引」という。）若しくは同号ニに掲げる取引に係る同号に掲げる契約又は同項第二号に掲げる契約（第百十六条第一項第三号イ及びロに掲げる取引に係るものを除く。）をいう。以下同じ。）であるときは、第九十四条第一項第一号及び第四号に掲げる事項

(ii) if a financial instruments transaction contract is an over-the-counter derivatives transaction contact (meaning a contract set forth in Article 16-4, paragraph (1), item (i), sub-items (a) through (c) of the Order (hereinafter referred to as the "over-the-counter transactions of financial futures") or a contract set forth in that item related to the transactions set forth in sub-item (d) of that item, or a contract set forth in item (ii) of that paragraph (excluding contracts related to the transactions set forth in Article 116, paragraph (1), item (iii), sub-items (a) and (b)); the same applies hereinafter), the matters set forth in Article 94, paragraph (1), items (i) and (iv); and

三　金融商品取引契約が電子申込型電子募集取扱業務等（第七十条の二第三項に規定

する電子申込型電子募集取扱業務等をいう。以下同じ。）に係る取引に係るものであるときは、第八十三条第一項第六号ヘ及びトに掲げる事項

(iii) if a financial instruments transaction contract concerns a transaction related to electronic-based application type electronic public offering services, etc. (meaning the electronic-based application type electronic public offering services, etc. provided for in Article 70-2, paragraph (3); the same applies hereinafter), whether the matters specified in Article 83, paragraph (1), item (vi), sub-items (f) and (g);

四　第八十二条第九号に掲げる事項

(iv) the matters set forth in Article 82, item (ix).

3　金融商品取引業者等は、契約締結前交付書面には、第八十二条第一号に掲げる事項、第九十二条の二第一項第三号に掲げる事項（その締結しようとする金融商品取引契約が、出資対象事業持分のうち当該出資対象事業持分に係る出資対象事業が主として有価証券又はデリバティブ取引に係る権利に対する投資を行う事業以外の事業であるものの売買その他の取引に係るものである場合に限る。）及び法第三十七条の三第一項各号に掲げる事項のうち顧客の判断に影響を及ぼすこととなる特に重要なものを、日本産業規格Ｚ八三〇五に規定する十二ポイント以上の大きさの文字及び数字を用いて当該契約締結前交付書面の最初に平易に記載するものとする。

(3) A financial instruments business operator, etc. is to plainly state the matters set forth in Article 82, item (i) in a document for delivery prior to conclusion of a contract, the matters set forth in Article 92-2, paragraph (1), item (iii) (limited to the cases in which the financial instruments transaction contract to be concluded is related to the purchase and sale and other transactions of the business other than the business that the business subject to investment related to the equity interest subject to business subject to investment mainly invests in the rights related to securities or derivative transactions among the equity interests subject to business in investment), and the matters that is to have an impact on customers' judgment that are particularly important among the matters set forth in the items of Article 37-3, paragraph (1) of the Act, at the beginning of the document for delivery prior to conclusion of a contract by using letters and numbers of a font larger than 12 point specified by the JIS Z8305.

（契約締結前交付書面の交付を要しない場合）

(When Delivery of Documents for Delivery Prior to the Conclusion of a Contract is Unnecessary)

第八十条　法第三十七条の三第一項ただし書に規定する内閣府令で定める場合は、次に掲げる場合とする。

Article 80 (1) The matters specified by Cabinet Office Order as prescribed in the proviso to Article 37-3, paragraph (1) of the Act are as follows:

一　金融商品取引所に上場されている有価証券、店頭売買有価証券（法第二条第一項

第十九号に掲げる有価証券及び金融庁長官の指定する有価証券を除く。）、金融商品取引所に類似するもので外国に所在するものに上場されている有価証券又は店頭売買有価証券市場に類似する市場で外国に所在するものにおいて取引されている有価証券（金融庁長官の指定する有価証券を除く。）の売買その他の取引（デリバティブ取引に該当するもの並びに信用取引及び発行日取引又はこれらに類似する取引を除く。以下「上場有価証券等売買等」という。）に係る金融商品取引契約の締結前一年以内に当該顧客に対し当該金融商品取引契約について法第三十七条の三第一項第一号から第五号まで並びに第八十二条第一号、第三号、第五号、第十一号、第十四号及び第十五号並びに第八十三条第一項第八号に掲げる事項を、前条に規定する方法に準ずる方法により記載した書面（以下「上場有価証券等書面」という。）を交付している場合

(i) if a document that states the matters set forth in Article 37-3, paragraph (1), items (i) through (v) of the Act and Article 82, item (i), item (iii), item (v), item (xi), item (xiv), and item (xv), and Article 83, paragraph (1), item (viii) with regard to the securities listed on a financial instruments exchange market, over-the-counter traded securities (excluding the securities set forth in Article 2, paragraph (1), item (xix) of the Act and the securities designated by the Commissioner of the Financial Services Agency), securities listed on an exchange that is similar to a financial instruments exchange located in a foreign country, or securities traded in the market that is similar to the over-the counter securities market located in a foreign country (excluding the securities designated by the Commissioner of the Financial Services Agency) (excluding the transactions that fall under derivative transactions, and margin transactions, when-issued transactions or other transactions similar to those transactions; hereinafter referred to as the "purchase and sale, etc. of listed securities, etc.") by the means equivalent to the means specified in the preceding Article (hereinafter referred to as the "document on listed securities, etc."), has been delivered by a financial instruments business operator, etc., within one year before the conclusion of the financial instruments transaction contract to the customer;

二　有価証券の売買（法第二条第八項第一号に規定する有価証券の売買をいう。以下同じ。）その他の取引又はデリバティブ取引等に係る金融商品取引契約の締結前一年以内に当該顧客に対し当該金融商品取引契約と同種の内容の金融商品取引契約に係る契約締結前交付書面を交付している場合

(ii) if a document for delivery prior to conclusion of a contract related to a financial instruments transaction contract that has a similar content as the financial instruments transaction contract has been delivered to the customer within one year before the conclusion of the financial instruments transaction contract related to the purchase and sale of securities (meaning the purchase and sale of securities as defined in Article 2, paragraph (8), item (i) of the Act; the same applies hereinafter), other transactions of

securities, or derivative transactions, etc.;

三　当該顧客に対し目論見書（前条に規定する方法に準ずる方法により当該契約締結前交付書面に記載すべき事項の全てが記載されているものに限る。）を交付している場合（目論見書に当該事項の全てが記載されていない場合にあっては、当該目論見書及び当該事項のうち当該目論見書に記載されていない事項の全てが記載されている書面を一体のものとして交付している場合を含む。）又は法第十五条第二項第二号に掲げる場合

(iii) if the financial instruments business operator, etc. has delivered to the customer a prospectus (limited to a prospectus that states all of the matters required to be stated in the document for delivery prior to conclusion of a contract by the means equivalent to the means specified in the preceding Article) (if the prospectus does not state all of those matters, including if a document stating all of the matters not stated in the prospectus has been delivered together with the prospectus as a single unit), or in the cases set forth in Article 15, paragraph (2), item (ii) of the Act;

四　既に成立している金融商品取引契約の一部の変更をすることを内容とする金融商品取引契約を締結しようとする場合においては、次に掲げるとき。

(iv) if the financial instruments business operator, etc. seeks to conclude a financial instruments transaction contract that provides a partial change to the financial instruments transaction contract already concluded, the following cases:

イ　当該変更に既に成立している当該金融商品取引契約に係る契約締結前交付書面の記載事項に変更すべきものがないとき。

(a) if the change does not include a change to the matters stated in the document for delivery prior to conclusion of a contract related to the financial instruments transaction contract already concluded; or

ロ　当該変更に伴い既に成立している金融商品取引契約に係る契約締結前交付書面の記載事項に変更すべきものがある場合にあっては、当該顧客に対し当該変更すべき記載事項を記載した書面（以下「契約変更書面」という。）を交付しているとき。

(b) if the change includes a change to the matters stated in the document for delivery prior to conclusion of a contract related to the financial instruments transaction contract already concluded, when the financial instruments business operator, etc. has delivered to the customer a document stating the matters required to be changde (hereinafter referred to as the "contract change document");

五　上場有価証券等売買等に係る金融商品取引契約を締結しようとする場合において、当該顧客（当該金融商品取引業者等から上場有価証券等書面の交付を受けたことがある者に限る。）に対し上場有価証券等書面に記載すべき事項を、電子情報処理組織を使用して顧客の閲覧に供する方法により提供しているとき（次に掲げる要件の全てを満たす場合に限り、当該顧客から上場有価証券等書面の交付の請求があった

場合を除く。）。

(v) if a financial instruments business operator, etc. seeks to conclude a financial instruments transaction contract related to the purchase and sale, etc. of listed securities, etc., and has provided the matters required to be stated in a document on listed securities, etc. to the customer (limited to a person who has received the delivery of a document on listed securities, etc. from the financial instruments business operator, etc. before) by using an electronic data processing system in the means of making them available for their inspection (limited to the cases that satisfy all of the following requirements and excluding the cases in which the customer has requested the delivery of a document on listed securities, etc.):

イ　あらかじめ、当該顧客に対し、書面の交付その他の適切な方法により、当該事項を当該閲覧に供する方法により提供する旨及び当該顧客から請求があるときは上場有価証券等書面を交付する旨の説明が行われていること。

(a) the financial instruments business operator, etc. has provided the customer with an explanation on the fact that the matters will be provided for inspection in the means of make them available for their inspection by delivering a document or other appropriate means and that a document on listed securities, etc. is to be delivered upon request from the customer in advance;

ロ　当該上場有価証券等売買等に係る金融商品取引契約の締結前一年以内に、当該顧客に対し、当該事項の提供を受けるために必要な情報を、書面の交付その他の適切な方法により提供していること。

(b) the financial instruments business operator, etc. has provided the customer with information necessary for receiving the provision of the matters by means of delivering a document or other appropriate means within one year before the conclusion of the financial instruments transaction contract related to the purchase and sale, etc. of listed securities, etc.;

ハ　当該事項を、当該顧客の使用に係る電子計算機の映像面において、当該顧客にとって見やすい箇所に前条に規定する方法に準じて表示されるようにしていること。

(c) it is ensured that the matters are to be displayed on the screen of a computer used by the customer in accordance with the means prescribed in the preceding Article in an easily visible manner; and

ニ　当該上場有価証券等売買等を行った日以後五年間（当該期間が終了する日までの間に当該事項に係る苦情の申出があったときは、当該期間が終了する日又は当該苦情が解決した日のいずれか遅い日までの間）、当該顧客が常に容易に当該事項を閲覧することができる状態に置く措置がとられていること。

(d) measures of keeping the matters in a state in which the customer may easily inspect them for a period of five years from the day when the

purchase and sale, etc. of listed securities, etc. was conducted (if a complaint concerning the matters has been made within the period until its expiration date, for the period until either the expiration date or the day when the complaint was settled, whichever comes later) has been taken;

六　法第二条第一項第一号から第三号まで若しくは第五号に掲げる有価証券（新株予約権付社債券を除く。以下この号において同じ。）又は同項第十七号に掲げる有価証券のうち同項第一号から第三号まで若しくは第五号に掲げる有価証券の性質を有するもの（償還期限（確定期限に限る。以下この号において同じ。）及び償還金額（確定金額に限る。以下この号において同じ。）の定めがあり、かつ、償還期限の到来時における償還金額の全部又は一部の償還がされない条件が付されていないものに限り、金融庁長官の指定する有価証券を除く。）の売買その他の取引（デリバティブ取引に該当するもの並びに信用取引及び発行日取引又はこれらに類似する取引を除く。ロ及びニにおいて「債券売買等」という。）に係る金融商品取引契約を締結しようとする場合において、当該顧客（当該金融商品取引業者等から当該金融商品取引契約と同種の内容の金融商品取引契約に係る契約締結前交付書面の交付を受けたことがある者に限る。）に対し契約締結前交付書面に記載すべき事項を、電子情報処理組織を使用して顧客の閲覧に供する方法により提供しているとき（次に掲げる要件の全てを満たす場合に限り、当該顧客から契約締結前交付書面の交付の請求があった場合を除く。）。

(vi) if a financial instruments business operator, etc. seeks to conclude a financial instruments transaction contract related to purchase and sale or other transactions of securities set forth in Article 2, paragraph (1), items (i) through (iii) or item (v) of the Act (excluding corporate bond certificates with share options; hereinafter the same applies in this item), or the securities set forth in item (xvii) of that paragraph which have the nature of the securities set forth in items (i) through (iii) or item (v) of that paragraph (limited to the securities for which the due date (limited to the fixed due date; hereinafter the same applies in this item) and the redemption amount (limited to the fixed amount; hereinafter the same applies in this item) are specified and to which the condition that all or part of the redemption amount will not be redeemed on the due date is not attached, and excluding the securities designated by the Commissioner of the Financial Services Agency) (the purchase and sale or other transactions exclude those that fall under derivative transactions, and margin transactions, when-issued transactions or other transactions similar to them; the transactions are referred to as "purchase and sale, etc. of bond certificates" in sub-items (b) and (d)), and has provided the matters required to be stated in a document for delivery prior to conclusion of a contract to the customer (limited to a customer who has received the delivery of a document for delivery before conclusion of contract related to a financial instruments transaction contract with a

similar content to that of the financial instruments transaction contract from the financial instruments business operator, etc. before) by using an electronic data processing system in the means of making them available for customers' inspection (limited to the cases that satisfy all of the following requirements and excluding the cases in which the customer has requested the delivery of a document for delivery before conclusion of a contract):

イ　あらかじめ、当該顧客に対し、書面の交付その他の適切な方法により、当該事項を当該閲覧に供する方法により提供する旨及び当該顧客から請求があるときは契約締結前交付書面を交付する旨の説明が行われていること。

(a) the fact that the financial instruments business operator, etc. has provided the customer with an explanation to the effect that the matters is to be provided in the means of making them available for the inspection by delivering a document or by other appropriate means and that a document for delivery prior to conclusion of a contract is to be delivered upon a request of the customer in advance;

ロ　当該債券売買等に係る金融商品取引契約の締結前一年以内に、当該顧客に対し、当該事項の提供を受けるために必要な情報を、書面の交付その他の適切な方法により提供していること。

(b) the fact that the financial instruments business operator, etc. has provided the customer with the necessary information for receiving the provision of those matters by the means of delivering a document or other appropriate means within one year before the conclusion of the financial instruments transaction contract related to the purchase and sale, etc. of bond certificates;

ハ　当該事項を、当該顧客の使用に係る電子計算機の映像面において、当該顧客にとって見やすい箇所に前条に規定する方法に準じて表示されるようにしていること。

(c) it has been ensured that the matters are to be displayed on the screen of a computer used by the customer in accordance with the means prescribed in the preceding Article in an easily visible manner; and

ニ　当該債券売買等を行った日以後五年間（当該期間が終了する日までの間に当該事項に係る苦情の申出があったときは、当該期間が終了する日又は当該苦情が解決した日のいずれか遅い日までの間）、当該顧客が常に容易に当該事項を閲覧することができる状態に置く措置がとられていること。

(d) the fact that measures of keeping the matters in a state in which the customer may easily inspect them customer for a period of five years from the day when the purchase and sale, etc. of bond cerificates was conducted (if a complaint related to those matters has been made within the period before the expiration date of that period, for the period until either the expiration date of that period or the day when the complaint was settled, whichever comes later) has been taken;

七　当該顧客に対し、簡潔な重要情報提供等を行い、かつ、法第三十七条の三第一項第三号から第七号までに掲げる事項（第四号ロに規定する場合にあっては、同号の変更に係るものに限る。）について当該顧客の知識、経験、財産の状況及び金融商品取引契約を締結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説明をしている場合（当該顧客に対し契約締結前交付書面（上場有価証券等売買等に係る金融商品取引契約を締結しようとする場合にあっては契約締結前交付書面又は上場有価証券等書面、第四号ロに規定する場合にあっては契約締結前交付書面又は契約変更書面。以下この号並びに第六項第二号及び第三号において同じ。）に記載すべき事項を、電子情報処理組織を使用して顧客の閲覧に供する方法により提供している場合において、次に掲げる要件の全てを満たすときに限り、当該顧客から契約締結前交付書面の交付の請求があった場合を除く。）

(vii) if important information has been provided in a simple manner and explanations have been given to the customer on the matters set forth in Article 37-3, paragraph (1), items (iii) through (vii) of the Act (in the cases specified in item (iv), sub-item (b), limited to the matters regarding the change referred to in that item), in a manner and to the extent necessary for the customer to understand the matters in light of the customer's knowledge, experience, and status of property, and the purpose of concluding a financial instruments transaction contract (in the cases the matters required to be stated in a document for delivery prior to conclusion of a contract (if a financial instruments transaction contract concerning purchase and sale, etc. of listed securities, etc. is to be concluded, a document for delivery prior to conclusion of a contract or an explanatory document on listed securities, etc.; if it is to be specified in item (iv), sub-item (b), a document for delivery prior to conclusion of a contract or a contract change document; hereinafter the same applies in this item, paragraph (6), items (ii) and (iii)) are provided to the customer by using an electronic data processing system for making them available for customers' inspection, excluding the cases in which the customer requests delivery of the document for delivery prior to conclusion of a contract only if all of the following requirements are satisfied):

イ　当該契約締結前交付書面に記載すべき事項を、当該顧客の使用に係る電子計算機の映像面において、当該顧客にとって見やすい箇所に前条に規定する方法に準じて表示されるようにしていること（当該閲覧に供する方法が第五十六条第二項第一号に掲げる基準に適合するものである場合を除く。）。

(a) the matters required to be stated in the document for delivery prior to conclusion of a contract have been displayed on the screen of a computer used by the customer in accordance with the method prescribed in the preceding Article in an easily visible manner (excluding the cases in which the method of providing the matters for customers' inspection conforms to the standards set forth in Article 56, paragraph (2), item (i)); and

ロ　当該契約締結前交付書面に記載すべき事項に掲げられた取引を最後に行った日

以後五年間（当該期間が終了する日までの間に当該事項に係る苦情の申出があったときは、当該期間が終了する日又は当該苦情が解決した日のいずれか遅い日までの間）、当該顧客が常に容易に当該事項を閲覧することができる状態に置く措置がとられていること。

(b) measures for keeping the matters in a state in which the customer may easily inspect them for a period of five years after the day when the transaction set forth in the matters required to be stated in the document for delivery prior to conclusion of a contract was conducted (if a complaint related to those matters is made before the last day of that period, until the last day of the period or the day when the complaint is resolved, whichever comes later) has been taken;

八　当該金融商品取引契約が次に掲げる行為に係るものである場合

(viii) if the financial instruments transaction contract concerns the following acts:

イ　有価証券の売付け（当該金融商品取引業者等との間で当該有価証券の買付けに係る金融商品取引契約を締結した場合に限る。）

(a) the sale of securities (limited to cases in which a financial instruments transaction contract for the purchase of the securities has been concluded with the financial instruments business operator, etc.);

ロ　有価証券の買付けの媒介又は代理（公開買付者（法第二十七条の三第二項（法第二十七条の二十二の二第二項において準用する場合を含む。）に規定する公開買付者をいう。以下同じ。）を相手方として公開買付け（法第二十七条の二第六項（法第二十七条の二十二の二第二項において準用する場合を含む。）に規定する公開買付けをいう。第百十条第一項第二号ト及び第百十一条第二号において同じ。）に係る有価証券の買付けの媒介又は代理を行う場合に限る。）

(b) an intermediary or agency service of the purchase of securities (limited to cases in which the financial instruments business operator, etc. provides an intermediary or agency services for the purchase of securities related to tender offer (meaning the tender offer prescribed in Article 27-2, paragraph (6) of the Act (including as applied mutatis mutandis pursuant to Article 27-22-2, paragraph (2) of the Act); the same applies in Article 110, paragraph (1), item (ii), sub-item (g) and Article 111, item (ii)) to a tender offeror (meaning the tender offeror prescribed in Article 27-3, paragraph (2) of the Act (including as applied mutatis mutandis pursuant to Article 27-22-2, paragraph (2) of the Act); the same applies hereinafter));

ハ　令第一条の十二第一号に掲げる行為

(c) an act set forth in Article 1-12, item (i) of the Order;

ニ　令第三十三条の十四第三項に規定する反対売買

(d) a reversing trade prescribed in Article 33-14, paragraph (3) of the Order;

ホ　累積投資契約（金融商品取引業者等が顧客から金銭を預かり、当該金額を対価としてあらかじめ定めた期日において当該顧客に有価証券を継続的に売り付ける

契約をいう。以下ホ及び第百十条第一項第一号イにおいて同じ。）による有価証券の買付け又は累積投資契約に基づき定期的にする有価証券の売付け

(e) the purchase of securities under a contract for cumulative investment (meaning a contract in which a financial instruments business operator, etc. receives money on deposit from a customer and sells securities to that customer continuously on the dates designated in advance while receiving a consideration payable out of the money; hereinafter the same applies in sub-item (e) and Article 110, paragraph (1), item (i), sub-item (a)), or the sale of securities periodically conducted based on a contract for cumulative investment;

ヘ　顧客が所有する法第二条第一項第十号に掲げる有価証券又は同条第二項第五号若しくは第六号に掲げる権利から生ずる収益金をもって当該有価証券又は当該権利と同一の銘柄を取得させるもの

(f) an act of causing the securities set forth in Article 2, paragraph (1), item (x) of the Act owned by a customer, or the same issue of securities as the rights, to be acquired using the earnings generated from the rights set forth in paragraph (2), item (v) or (vi) of that Article;

ト　法第二条第一項第十号に掲げる有価証券（投資信託及び投資法人に関する法律施行規則第二十五条第二号に規定する公社債投資信託（計算期間が一日のものに限る。）の受益証券に限る。）の売買（当初の買付けを除く。）又は当該有価証券に係る投資信託契約（投資信託及び投資法人に関する法律第三条又は第四十七条第一項に規定する投資信託契約をいう。以下同じ。）の解約

(g) the purchase and sale (excluding the initial purchase) of the securities set forth in Article 2, paragraph (1), item (x) of the Act (limited to the beneficiary certificates for public and corporate bond investment trust prescribed in Article 25, item (ii) of the Regulations for Enforcement of the Act on Investment Trusts and Investment Corporations (limited to those whose accounting period is one day)), or cancellation of an investment trust agreement related to the securities (meaning the investment trust agreement prescribed in Article 3 or Article 47, paragraph (1) of the Act on Investment Trusts and Investment Corporations; the same applies hereinafter) ;

チ　有価証券の引受け

(h) the underwriting of securities; or

リ　有価証券の募集若しくは売出しの取扱い若しくは私募の取扱い又は特定投資家向け売付け勧誘等の取扱い（当該金融商品取引契約に係る顧客が当該有価証券の発行者又は所有者である場合に限る。）

(i) handling of a public offering or secondary distribution of securities, handling of private placement of securities, or handling of a solicitation for selling, etc. only for professional investors (only if the customer related to the financial instruments transaction contract is the issuer or owner of

those securities).

2　法第三十四条の二第四項、令第十五条の二十二並びに第五十六条及び第五十七条の規定は、前項第一号の規定による上場有価証券等書面の交付及び同項第四号ロの規定による契約変更書面の交付について、法第二十七条の三十の九第一項並びに企業内容等の開示に関する内閣府令（昭和四十八年大蔵省令第五号）第二十三条の二、外国債等の発行者の内容等の開示に関する内閣府令（昭和四十七年大蔵省令第二十六号）第十八条の二及び特定有価証券の内容等の開示に関する内閣府令（平成五年大蔵省令第二十二号）第三十二条の二の規定は前項第三号の規定による同号に規定する書面の交付について、それぞれ準用する。

(2) The provisions of Article 34-2, paragraph (4) of the Act, Article 15-22 of the Order, and Article 56 and Article 57 apply mutatis mutandis to the delivery of an explanatory document on listed securities, etc. under the provisions of item (i) of the preceding paragraph and delivery of a contract change document under the provisions of item (iv), (b) of that paragraph, and the provisions of Article 27-30-9, paragraph (1) of the Act, Article 23-2 of the Cabinet Office Order on Disclosure of Corporate Affairs (Ministry of Finance Order No. 5 of 1973), Article 18-2 of the Cabinet Office Order on the Disclosure of Information, etc. on Issuers of Foreign Government Bonds, etc. (Ministry of Finance Order No. 26 of 1972), and Article 32-2 of the Cabinet Office Order on Disclosure of Information on Regulated Securities (Ministry of Finance Order No. 22 of 1993) apply mutatis mutandis to the delivery of a document prescribed in item (iii) of the preceding paragraph under the provisions of that item.

3　上場有価証券等書面を交付した日（この項の規定により上場有価証券等書面を交付したものとみなされた日を含む。）から一年以内に上場有価証券等売買等に係る金融商品取引契約の締結を行った場合には、当該締結の日において上場有価証券等書面を交付したものとみなして、第一項第一号の規定を適用する。

(3) If a financial instruments transaction contract related to the purchase and sale, etc. of listed securities, etc. has been concluded within one year from the day the explanatory document on listed securities, etc. has been delivered (including the day when the explanatory document on listed securities, etc. is deemed to have been delivered pursuant to the provisions of this paragraph), the explanatory document on listed securities, etc. is deemed to have been delivered on the day of the conclusion of the contract, and the provisions of paragraph (1), item (i) apply.

4　契約締結前交付書面を交付した日（この項の規定により契約締結前交付書面を交付したものとみなされた日を含む。）から一年以内に当該契約締結前交付書面に係る金融商品取引契約と同種の内容の金融商品取引契約（店頭デリバティブ取引契約を除く。）の締結を行った場合には、当該締結の日において契約締結前交付書面を交付したものとみなして、第一項第二号の規定を適用する。

(4) If a financial instruments transaction contract that has the same content as the financial instruments transaction contract related to the document for

delivery prior to conclusion of a contract (excluding a contract for over-the-counter derivatives transactions) has been concluded within one year from the day the document for delivery prior to conclusion of a contract has been delivered (including the day on which a document for delivery prior to conclusion of a contract has been deemed to be delivered pursuant to the provisions of this paragraph), the document for delivery prior to conclusion of a contract is deemed to have been delivered on the day of the conclusion of the contract, and the provisions of paragraph (1), item (ii) apply.

5　法第二条第一項第十号に掲げる有価証券に係る目論見書（第一項第三号の規定により目論見書と一体のものとして交付される書面がある場合には、当該目論見書及び当該書面）に対する第一項第三号の規定の適用については、同号中「前条に規定する方法に準ずる方法により当該」とあるのは、「当該」とする。

(5) To apply the provisions of paragraph (1), item (iii) to a prospectus related to securities set forth in Article 2, paragraph (1), item (x) of the Act (if there is a document to be delivered together with a prospectus pursuant to the provisions of paragraph (1), item (iii), the prospectus and the document) the phrase "the document for delivery before conclusion of a contract, by the means equivalent to those specified in the preceding Article" is deemed to be replaced with "the document for delivery before conclusion of a contract".

6　第一項第七号の「簡潔な重要情報提供等」とは、次に掲げる事項を簡潔に記載した書面の交付又は当該書面に記載すべき事項の電磁的方法による提供をし、これらの事項について説明をすること（第一号の質問例に基づく顧客の質問に対して回答をすることを含む。）をいう。

(6) The phrase "important information has been provided in a simple manner" as used in paragraph (1), item (vii) means to deliver a document stating the following matters in a simple manner or to provide the matters required to be stated in the document by electronic or magnetic means, and to give explanation of these matters (including replying to customers' questions based on the examples of questions referred to in item (i)):

一　法第三十七条の三第一項各号に掲げる事項（第一項第四号ロに規定する場合にあっては、同号の変更に係るものに限る。）のうち金融商品取引契約の締結についての顧客の判断に資する主なものの概要及びこれに関する質問例

(i) the outline of the main matters that contribute to the judgment of customers on conclusion of a financial instrument transaction contract among the matters set forth in the items of Article 37-3, paragraph (1) of the Act (for the cases prescribed in paragraph (1), item (iv), (b), limited to the matters related to the change referred to in that item) and the examples of questions concerning the outline;

二　契約締結前交付書面に記載すべき事項の提供を受けるために必要な情報及び当該提供を受ける事項の内容を十分に読むべき旨

(ii) the fact that the necessary information in order to be provided with the

matters required to be stated in the document for delivery prior to conclusion of a contract and the fact that the content of the matters to be provided should be thoroughly read; and

三　顧客から請求があるときは契約締結前交付書面を交付する旨

(iii) the fact that a document for delivery prior to conclusion of a contract is to be delivered at the request of a customer.

（顧客が支払うべき対価に関する事項）

(Matters Related to the Consideration Payable by Customers)

第八十一条　法第三十七条の三第一項第四号に規定する内閣府令で定めるものは、手数料、報酬、費用その他いかなる名称によるかを問わず、金融商品取引契約に関して顧客が支払うべき手数料等の種類ごとの金額若しくはその上限額又はこれらの計算方法（当該金融商品取引契約に係る有価証券の価格、令第十六条第一項第三号に規定するデリバティブ取引等の額若しくは運用財産の額に対する割合又は金融商品取引行為を行うことにより生じた利益に対する割合を含む。以下この項において同じ。）及び当該金額の合計額若しくはその上限額又はこれらの計算方法とする。ただし、これらの記載をすることができない場合にあっては、その旨及びその理由とする。

Article 81 (1) The matters specified by Cabinet Office Order as prescribed in Article 37-3, paragraph (1), item (iv) of the Act are the amount of the consideration payable by customers in relation to a financial instruments transaction contract irrespective of their name such as fees, remunerations, expenses, for each type of consideration or their upper limit, or an outline of the method of calculation thereof (including the ratio to the price of securities, the amount of the derivatives transactions, etc. prescribed in Article 16, paragraph (1), item (iii) of the Order or the amount of investment property, related to the financial instruments transaction contract, or the ratio to the profit generated from acts of conducting financial instruments transactions; hereinafter the same applies in this paragraph), and the sum of the amount or their upper limit, or their calculation method; provided, however, that if these matters cannot be stated, that fact and the reasons.

２　第七十四条第二項から第四項までの規定は、前項の手数料等について準用する。

(2) The provisions of Article 74, paragraphs (2) through (4) apply mutatis mutandis to the fees, etc. referred to in the preceding paragraph.

（契約締結前交付書面の共通記載事項）

(Common Matters to Be Stated in All Documents to Be Delivered Prior to Conclusion of a Contract)

第八十二条　法第三十七条の三第一項第七号に規定する内閣府令で定める事項は、次に掲げる事項とする。

Article 82 The matters specified by Cabinet Office Order as prescribed in Article 37-3, paragraph (1), item (vii) of the Act are as follows:

一　当該契約締結前交付書面の内容を十分に読むべき旨

(i) a notice to the effect that the recipient should thoroughly read the content of the document for delivery prior to conclusion of a contract;

二　令第十六条第一項第二号に掲げる事項

(ii) the matters set forth in Article 16, paragraph (1), item (ii) of the Order;

三　顧客が行う金融商品取引行為について金利、通貨の価格、金融商品市場における相場その他の指標に係る変動を直接の原因として損失が生ずることとなるおそれがある場合にあっては、次に掲げる事項

(iii) if an act of conducting a financial instruments transaction by a customer may incur a loss due directly to a fluctuation in money rate, currency value, quotations on the financial instruments market, or other indexes, the following matters:

イ　当該指標

(a) the index; and

ロ　当該指標に係る変動により損失が生ずるおそれがある理由

(b) the reasons the loss may be incurred by a fluctuation of the indexes;

四　前号の損失の額が顧客が預託すべき委託証拠金その他の保証金の額を上回ることとなるおそれ（以下この号において「元本超過損が生ずるおそれ」という。）がある場合にあっては、次に掲げる事項

(iv) if there is a risk that the amount of loss referred to in the preceding item may exceed the amount of the customer margin or other security deposits required to be deposited by a customer (hereinafter the risk is referred to as the "risk of loss in excess of principal" in this item), the following matters:

イ　前号の指標のうち元本超過損が生ずるおそれを生じさせる直接の原因となるもの

(a) the index referred to in the preceding item which will be the direct cause of the risk of loss in excess of principal; and

ロ　イに掲げるものに係る変動により元本超過損が生ずるおそれがある理由

(b) the reason of risk of loss in excess of principal which may be caused by the fluctuation in the indexes set forth in (a);

五　顧客が行う金融商品取引行為について当該金融商品取引業者等その他の者の業務又は財産の状況の変化を直接の原因として損失が生ずることとなるおそれがある場合にあっては、次に掲げる事項

(v) if an act of conducting a financial instruments transaction by a customer has a risk of the accrual of any loss caused directly by a change to the status of the business or property of the financial instruments business operator, etc. or any other person, the following matters:

イ　当該者

(a) the person; and

ロ　当該者の業務又は財産の状況の変化により損失が生ずるおそれがある旨及びその理由

(b) the fact that a change to status of the person's business or property is likely to incur a loss, and the reasons for the loss;

六　前号の損失の額が顧客が預託すべき委託証拠金その他の保証金の額を上回ることとなるおそれ（以下この号において「元本超過損が生ずるおそれ」という。）がある場合にあっては、次に掲げる事項

(vi) if there is a risk that the amount of loss referred to in the preceding item may exceed the amount of the customer margin or other security deposits that is required to be deposited by a customer (hereinafter referred to as the "risk of loss in excess of principal" in this item), the following matters:

イ　前号の者のうち元本超過損が生ずるおそれを生じさせる直接の原因となるもの

(a) acts of the persons referred to in the preceding item that will be the direct cause of the risk of loss in excess of principal; and

ロ　イに掲げるものの業務又は財産の状況の変化により元本超過損が生ずるおそれがある旨及びその理由

(b) the fact that a change to the status of business or property of the person set forth in sub-item (a) may result in risk of loss in excess of principal, and the reasons for the loss;

七　当該金融商品取引契約に関する租税の概要

(vii) an outline of the taxation related to the financial instruments transaction contract;

八　当該金融商品取引契約の終了の事由がある場合にあっては、その内容

(viii) if there are any grounds for termination of the financial instruments transaction contract, their details;

九　当該金融商品取引契約への法第三十七条の六の規定の適用の有無

(ix) whether or not the provisions of Article 37-6 of the Act is applicable to the financial instruments transaction contract;

十　当該金融商品取引契約が法第三十七条の六の規定が適用されるものである場合にあっては、同条第一項から第四項までの規定に関する事項

(x) if the provisions of Article 37-6 of the Act is applicable to the financial instruments transaction contract, the matters related to the provisions of paragraphs (1) through (4) of that Article;

十一　当該金融商品取引業者等の概要

(xi) an outline of the financial instruments business operator, etc.;

十二　当該金融商品取引業者等が行う金融商品取引業（登録金融機関にあっては、登録金融機関業務）の内容及び方法（当該金融商品取引契約に関するものに限る。）の概要

(xii) an outline of the content and method (limited to those concerning the financial instruments transaction contract) of the financial instruments business conducted by the financial instruments business operator, etc. (for a registered financial institution, the registered financial institution business);

十三　顧客が当該金融商品取引業者等に連絡する方法

(xiii) the method with which a customer contacts the financial instruments business operator, etc.; and

十四　当該金融商品取引業者等が加入している金融商品取引業協会（当該金融商品取引契約に係る業務を行う者を主要な協会員又は会員とするものに限る。）の有無及び加入している場合にあっては、その名称並びに対象事業者となっている認定投資者保護団体（当該金融商品取引契約が当該認定投資者保護団体の認定業務（法第七十九条の十第一項に規定する認定業務をいう。）の対象となるものである場合における当該認定投資者保護団体に限る。）の有無及び対象事業者となっている場合にあっては、その名称

(xiv) whether or not there is a financial instruments firms association the financial instruments business operator, etc. is a member of (limited to an association that has persons conducting the business concerning the financial instruments transaction contract as its principal association member or member), the name of the association and whether there is the financial instruments business operator, etc. is a member of a financial instruments firms association, the name of the association and whether there is a certified investor protection organization that the financial instruments business operator, etc. is a target business operator (limited to the certified investor protection organization if the financial instruments transaction contract is covered by the certified businesses (meaning the certified businesses prescribed in Article 79-10, paragraph (1) of the Act) of the certified investor protection organization), and if it is a target business operator, the name of the organization;

十五　次のイ又はロに掲げる場合の区分に応じ、当該イ又はロに定める事項

(xv) the matters specified in the following sub-item (a) or (b) in accordance with the category of the case set forth in the sub-item (a) or (b),:

イ　指定紛争解決機関（当該金融商品取引契約に係る業務をその紛争解決等業務の種別とするものに限る。以下この号において同じ。）が存在する場合　当該金融商品取引業者等が法第三十七条の七第一項第一号イ、第二号イ、第三号イ、第四号イ又は第五号イに定める業務に係る手続実施基本契約を締結する措置を講ずる当該手続実施基本契約の相手方である指定紛争解決機関の商号又は名称

(a) if there is a designated dispute resolution organization (limited to the organization whose category of dispute resolution services concerns the business related to the financial instruments transaction contract; hereinafter the same applies in this item): the trade name or name of the designated dispute resolution organization that is the counterparty to a basic contract for implementation of dispute procedures related to the business specified in Article 37-7, paragraph (1), item (i), sub-item (a), item (ii), sub-item (a), item (iii), sub-item (a), item (iv), sub-item (a), or item (v), sub-item (a) of the Act when the financial instruments business operator, etc. takes the measures of concluding the basic contract for implementation

of dispute procedures; or

ロ　指定紛争解決機関が存在しない場合　当該金融商品取引業者等の法第三十七条の七第一項第一号ロ、第二号ロ、第三号ロ、第四号ロ又は第五号ロに定める業務に関する苦情処理措置及び紛争解決措置の内容

(b) if there is no designated dispute resolution organization: the content of the complaint processing measures and dispute resolution measures concerning the business specified in Article 37-7, paragraph (1), item (i), sub-item (b), item (ii), sub-item (b), item (iii), sub-item (b), item (iv), sub-item (b), or item (v), sub-item (b) of the Act of the financial instruments business operator.

（有価証券の売買その他の取引に係る契約締結前交付書面の共通記載事項）

(Commom Matters to Be Stated in Documents to Be Delivered Prior to Conclusion of a Contract Related to Purchase and Sale and Other Transactions of Securities)

第八十三条　その締結しようとする金融商品取引契約が有価証券の売買その他の取引に係るものである場合における法第三十七条の三第一項第七号に規定する内閣府令で定める事項は、前条各号に掲げる事項のほか、次に掲げる事項とする。ただし、その締結しようとする金融商品取引契約が電子募集取扱業務に係る取引に係るものである場合以外の場合にあっては、第三号から第六号までに掲げる事項を除く。

Article 83 (1) If the financial instruments transaction contract to be concluded concerns the purchase and sale or other transactions of securities, the matters specified by Cabinet Office Order as prescribed in Article 37-3, paragraph (1), item (vii) of the Act are as follows, in addition to the matters set forth in the items of the preceding Article; provided, however, that if the financial instruments transaction contract to be concluded is not a contract for the transaction related to electronic public offering services, excluding the matters set forth in items (iii) through (vi):

一　当該有価証券の譲渡に制限がある場合にあっては、その旨及び当該制限の内容

(i) if restrictions are imposed on the transfer of the securities, that fact and the content of the restriction; and

二　当該有価証券が取扱有価証券である場合にあっては、当該取扱有価証券の売買の機会に関し顧客の注意を喚起すべき事項

(ii) if the securities are tradable securities, the matters for which customers' attention should be called on the occasion of purchase and sale of the tradable securities;

三　当該有価証券の発行者の商号、名称又は氏名及び住所

(iii) the trade name, name, and address of the issuer of the securities;

四　当該有価証券の発行者が法人であるときは、代表者の氏名

(iv) if the issuer of the securities is a corporation, the name of its representative;

五　当該有価証券の発行者の事業計画の内容及び資金使途

(v) the content of the business plan of and the purpose of use of funds by the issuer of the securities;

六　電子申込型電子募集取扱業務等の場合にあっては、次に掲げる事項

(vi) in the case of electronic-based application type electronic public offering services, the following matters:

イ　申込期間

(a) the subscription period;

ロ　目標募集額

(b) the target subscription amount;

ハ　当該有価証券の取得に係る応募額が目標募集額を下回る場合及び上回る場合における当該応募額の取扱いの方法

(c) the means of handling the subscription amount concerning the acquisition of the securities when the amount falls below or exceeds the target subscription amount;

ニ　当該有価証券の取得に係る応募代金の管理方法

(d) the means of managing subscription prices concerning the acquisition of the securities;

ホ　第七十条の二第二項第三号に規定する措置の概要及び当該有価証券に関する当該措置の実施結果の概要

(e) the outline of the measures provided for in Article 70-2, paragraph (2), item (iii) and the outline of the implementation results of the measures related to the securities;

ヘ　電子申込型電子募集取扱業務等に係る顧客が当該有価証券の取得の申込みをした後、当該顧客が当該申込みの撤回又は当該申込みに係る発行者との間の契約の解除を行うために必要な事項

(f) the necessary matters for a customer of electronic-based application type electronic public offering services, etc. to withdraw the subscription or cancel the subscription contract concluded with the issuer after subscribing to the acquisition of the securities;

ト　当該有価証券の取得に関し、売買の機会に関する事項その他の顧客の注意を喚起すべき事項

(g) the matters concerning the occasion of purchase and sale and other matters for which the customers' attention should be called; and

七　当該有価証券が電子記録移転有価証券表示権利等である場合にあっては、当該電子記録移転有価証券表示権利等の概要その他当該電子記録移転有価証券表示権利等の性質に関し顧客の注意を喚起すべき事項

(vii) if the securities are electronically recorded transferable rights to be indicated on securities, etc., the outline of the electronically recorded transferable rights to be indicated on securities, etc. and other matters for which the customers' attention should be called for the nature of the

electronically recorded transferable rights to be indicated on securities, etc.

八　当該有価証券がレバレッジ指標等に関する有価証券である場合にあっては、次に掲げる事項

(viii) if the securities are securities related to leveraged index, etc.., the following matters:

イ　当該レバレッジ指標等の変動率とその原指標の変動率に一定の数を乗じて得た率とに差が生ずることとなるおそれがある場合にあっては、その旨及びその理由

(a) if there is a risk that there will be a difference between the fluctuation rate of the leveraged index, etc. and the ratio obtained by multiplying the fluctuation rate of the original index by a certain number, that fact and the reasons;

ロ　当該レバレッジ指標等に関する有価証券に対する投資が中長期的な投資の目的に適合しないものであるときは、その旨及びその理由

(b) if an investment in securities related to the leveraged index, etc.. does not meet the objective of medium- to long-term investments, that fact and the reasons ; and

ハ　イ及びロに掲げる事項のほか、当該レバレッジ指標等及び当該レバレッジ指標等に関する有価証券の概要及び特性その他当該レバレッジ指標等及び当該レバレッジ指標等に関する有価証券の性質に関し顧客の注意を喚起すべき事項

(c) beyond the matters set forth in sub-items (a) and (b), the outline and the characteristics of the leveraged index, etc.. and securities related to the leveraged index, etc. and other matters for which the customers' attention should be called concerning the leveraged index, etc.. and the nature of the securities related to the leveraged index, etc.

２　一の有価証券の売買その他の取引について二以上の金融商品取引業者等（金融サービス仲介業者を含む。）が法第三十七条の三第一項（金融サービスの提供に関する法律第三十一条第二項において準用する場合を含む。）の規定により顧客に対し契約締結前交付書面（金融サービス仲介業者にあっては、金融サービスの提供に関する法律第三十一条第二項において準用する法第三十七条の三第一項に規定する書面。以下この項において同じ。）を交付しなければならない場合において、いずれか一の金融商品取引業者等（金融サービス仲介業者を含む。）が前項各号に掲げる事項を記載した契約締結前交付書面を交付したときは、他の金融商品取引業者等は、同項の規定にかかわらず、契約締結前交付書面に同項各号に掲げる事項を記載することを要しない。

(2) Notwithstanding the provisions of the preceding paragraph, if two or more financial instruments business operators, etc. (including a financial service intermediary) are required to deliver a document for delivery prior to conclusion of a contract (for a financial service intermediary, a document prescribed in Article 37-3, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 31, paragraph (2) of the Act on the Provision of Financial Services; hereinafter the same applies in this paragraph) to the customer for the same purchase and sale or other transactions of securities

pursuant to the provisions of Article 37-3, paragraph (1) of the Act (including as applied mutatis mutandis pursuant to Article 31, paragraph (2) of the Act on the Provision of Financial Services), and one of those financial instruments business operators, etc. (including a financial service intermediary) has delivered the document for delivery prior to conclusion of a contract stating the matters set forth in the items of the preceding paragraph to the customer, the other financial instruments business operator, etc. is not required to state the matters set forth in the items of the preceding paragraph in the document for delivery before conclusion of a contract.

３　その締結しようとする金融商品取引契約が有価証券の売付けの媒介、取次ぎ又は代理に係るものであって、当該金融商品取引契約に係る顧客がこれらの有価証券の発行者又は所有者である場合には、第一項の規定にかかわらず、契約締結前交付書面に同項各号に掲げる事項を記載することを要しない。

(3) Notwithstanding the provisions of paragraph (1), if the financial instruments transaction contract to be concluded concerns intermediation, brokerage, or agency services for the sale of securities, and if the customer related to the financial instruments transaction contract is an issuer or owner of those securities, the financial instruments business operator, etc. is not required to state the matters specified in the items of that paragraph in the document for delivery prior to conclusion of a contract.

（信託受益権等の売買その他の取引に係る契約締結前交付書面の記載事項の特則）

(Special Provisions on Matters to Be Stated in a Document to Be Delivered Prior to Conclusion of a Contract Related to Purchase and Sale or Other Transactions of Beneficial Interest in a Trust)

第八十四条　その締結しようとする金融商品取引契約が法第二条第一項第十四号に掲げる有価証券若しくは同項第十七号に掲げる有価証券（同項第十四号に掲げる有価証券の性質を有するものに限る。）又は同条第二項第一号若しくは第二号に掲げる権利（以下「信託受益権等」という。）の売買その他の取引に係るものである場合における法第三十七条の三第一項第七号に規定する内閣府令で定める事項は、前条第一項に規定する事項のほか、次に掲げる事項とする。

Article 84 (1) If a financial instruments transaction contract to be concluded concerns the purchase and sale or other transactions of securities set forth in Article 2, paragraph (1), item (xiv) of the Act or securities set forth in item (xvii) of that paragraph (limited to those which have the nature of the securities set forth in item (xiv) of that paragraph), or the rights set forth in paragraph (2), item (i) or (ii) of that Article (hereinafter referred to as the "beneficial interest in a trust, etc."), the matters specified by Cabinet Office Order as prescribed in Article 37-3, paragraph (1), item (vii) of the Act are as follows, in addition to the matters prescribed in paragraph (1) of the preceding Article:

一　信託財産の種類、信託期間、信託財産の管理又は処分の方法及び信託財産の交付に関する事項

(i) the matters related to the type of the trust property, term of the trust, method for the management, or disposition of the trust property, and delivery of trust property;

二　信託財産の管理又は処分の権限を有する者及び権限の内容に関する事項（当該者が適格投資家向け投資運用業を行うことにつき法第二十九条の登録を受けた金融商品取引業者であるときは、その旨を含む。）

(ii) the matters related to the person that has been granted the authority to manage or dispose of trust property, and content of the authority (if the person is the financial instruments business operator that has obtained the registration referred to in Article 29 of the Act for conducting investment management business for qualified investors, including that fact);

三　信託の設定時における第三者による信託財産の評価の有無その他信託財産の評価に関する事項

(iii) whether or not the trust property was appraised by a third party at the time of the creation of the trust, or other matters related to the appraisal of trust property;

四　信託行為において定められる信託受益権等（法第二条第二項の規定により有価証券とみなされる同項第一号又は第二号に掲げる権利に限る。）の譲渡手続に関する事項

(iv) the matters related to the transfer procedures of the beneficial interest in a trust, etc. prescribed by the act of trust (limited to the rights set forth in Article 2, paragraph (2), item (i) or (ii) of the Act, which are deemed to be securities pursuant to the provisions of that paragraph) as;

五　取引の種類の別

(v) distinction of the type of transaction;

六　売付けの代理若しくは媒介又は募集、私募若しくは売出しの取扱いの場合にあっては、売主又は買主に関する事項

(vi) for agency or intermediary services of sales, or handling of a public offering, private placement or secondary distribution, the matters related to the seller or the purchaser;

七　信託の目的

(vii) the purpose of the trust;

八　受益者の権利義務に関する次に掲げる事項

(viii) the following matters related to the beneficiary's rights and obligations:

イ　受託者が受益者との間において、信託法（平成十八年法律第百八号）第四十八条第五項（同法第五十四条第四項において準用する場合を含む。）に規定する合意を行う定めがある場合（信託業法第二十九条の三の規定により信託会社が説明する場合を除く。）は、その旨及び当該合意の内容

(a) if there are provisions providing that the trustee and the beneficiary is to

enter into an agreement provided for in Article 48, paragraph (5) of the Trust Act (Act No. 108 of 2006) (including as applied mutatis mutandis pursuant to Article 54, paragraph (4) of that Act) (excluding if the trust company gives an explanation pursuant to the provisions of Article 29-3 of the Trust Business Act), that fact and the content of the agreement;

ロ　受益者の意思決定に関する特別の定めがある場合は、その旨及び当該定めの内容

(b) if there are special provisions on the decision-making of beneficiaries, that fact and the content of those provisions;

ハ　信託の変更、併合又は分割に関する特別の定めがある場合は、その旨及び当該定めの内容

(c) if there are special provisions on the change, consolidation, or split of the trust, that fact and the content of those provisions;

ニ　信託終了の事由に関する特別の定めがある場合は、その旨及び当該定めの内容

(d) if there are special provisions on the grounds for the termination of trust, that fact and the content of those provisions;

ホ　信託の合意による終了に関する特別の定めがある場合は、その旨及び当該定めの内容

(e) if there are special provisions on the termination of trust based on an agreement, that fact and the content of those provisions; and

ヘ　受託者の辞任及び新受託者の選任に関する特別の定めがある場合は、その旨及び当該定めの内容

(f) if there are provisions on the resignation of a trustee and the appointment of a new trustee, that fact and the content of those provsions;

九　信託受益権等の損失の危険に関する次に掲げる事項

(ix) the following matters concerning the risk of loss of the beneficial interest in a trust, etc.:

イ　信託法第二十一条第一項第三号に掲げる権利に係る債務がある場合は、当該債務の総額及び契約ごとの債務の金額その他当該債務の内容に関する事項（当該債務が借入れである場合にあっては、総借入金額並びに契約ごとの借入先の属性、借入金額、返済期限、直前の計算期間の借入残高、計算期間及び借入期間における利率、返済方法、担保の設定に関する事項並びに借入れの目的及び使途を含む。）

(a) if there is an obligation related to the right set forth in Article 21, paragraph (1), item (iii) of the Trust Act, the matters related to the total amount of the obligation and the amount of obligation for each contract or other matters related to the content of the obligation (if the obligation is a borrowing, including the total amount of borrowing and the features of the lender, the borrowed amount, the due date, the outstanding balance for the immediately prior accounting period, the interest rates for the accounting period and borrowing period, the repayment method, the matters related to

establishment of security, the purpose of the borrowing, and for each contract, and the purpose of use of the borrowing);

ロ　イに掲げるもののほか、信託受益権について損失を生じるおそれのある債務がある場合は、その旨及び当該債務の総額その他の当該債務の状況

(b) beyond what is set forth in sub-item (a), if there is an obligation which may result in a loss related to the beneficial interest in a trust, that fact and the total amount of the obligation and the status of the obligation;

ハ　信託債権、信託財産に設定された担保権その他当該信託受益権に優先する権利がある場合は、当該権利の内容

(c) if there is a trust claim, security interest established on trust property, or other rights that have priority over the beneficial interest in trust, the content of the rights;

ニ　信託受益権について信用補完が講じられている場合は、その旨及び当該信用補完の内容

(d) if credit enhancement has been made for the beneficial interest in a trust, that fact and the content of the credit enhancement; and

ホ　金融機関の信託業務の兼営等に関する法律第六条の規定に基づき損失の補てん又は利益の補足を約する特約が付されている場合は、その旨及びその内容

(e) if there are special provisions that promises to compensate for loss or to supplement profit based on the provisions of Article 6 of the Act on Engagement in Trust Business by Financial Institutions, that fact and the content of the special provisions;

十　信託財産に関する租税その他の費用に関する事項

(x) the matters related to taxes and other expenses for trust property;

十一　信託財産の計算期間に関する事項

(xi) the matters related to the accounting period of trust property;

十二　信託財産の管理又は処分の状況の報告に関する事項

(xii) the matters related to report of the status of the management or disposal of trust property;

十三　受託者の氏名又は名称及び公告の方法

(xiii) the name of the trustee and the means of giving public notice;

十四　信託財産である金銭を固有財産又は他の信託財産である金銭と合同運用する場合は、その旨及び当該信託財産と固有財産又は他の信託財産との間の損益の分配に係る基準

(xiv) if money which is trust property is to be jointly invested with money which is the trustee's own property or money which is other trust property, that fact and the criteria for allocating profit and loss between the trust property and the trustee's own property or other trust property;

十五　当該金融商品取引契約が信託法第三条第三号に掲げる方法によってする信託に係る信託受益権等の売買その他の取引に係るものである場合にあっては、次に掲げる事項

(xv) if the financial instruments transaction contract concerns the purchase and sale or other transactions of the beneficial interest in a trust, etc. related to the trust created by the means set forth in Article 3, item (iii) of the Trust Act, the following matters:

イ　信託法第三条第三号の公正証書その他の書面又は電磁的記録に記載され、又は記録された事項の内容

(a) the content of information stated or recorded in the notarial deed or other documents, or electronic or magnetic record referred to in Article 3, item (iii) of the Trust Act;

ロ　受託者に係る信託業法第五十条の二第一項の登録の有無及び同条第十項の調査の有無

(b) whether or not the trustee has obtained the registration referred to in Article 50-2, paragraph (1) of the Trust Business Act, and whether or not the inspection referred to in paragraph (10) of that Article has been conducted;

ハ　信託業法第五十条の二第十項の調査が行われた場合には、当該調査の結果

(c) if the inspection referred to in Article 50-2, paragraph (10) of the Trust Business Act has been conducted, the results of the inspection; and

ニ　信託業法第五十条の二第十項の調査が行われなかった場合であり、かつ、信託受益権等の売買その他の取引を行う者が当該信託の受託者と同一の者であるものについては、信託業法施行規則（平成十六年内閣府令第百七号）第五十一条の七第一項各号に掲げる事項

(d) if the inspection referred to in Article 50-2, paragraph (10) of the Trust Business Act has not been conducted, and, the person that conducts the purchase and sale or other transactions of the beneficial interest in a trust, etc. is a trustee of the trust, the matters set forth in the items of Article 51-7, paragraph (1) of the Regulations for Enforcement of the Trust Business Act (Cabinet Office Order No. 107 of 2004);

十六　当該金融商品取引契約が信託法第二条第十二項に規定する限定責任信託に係る信託受益権等の売買その他の取引に係るものである場合にあっては、第一号から第十四号までに掲げるもののほか、次に掲げる事項

(xvi) if the financial instruments transaction contract concerns the purchase and sale or other transactions of the beneficial interest in a trust, etc. related to the limited liability trust as defined in Article 2, paragraph (12) of the Trust Act, the following matters in addition to those set forth in items (i) through (xiv):

イ　限定責任信託の名称

(a) the name of the limited liability trust;

ロ　限定責任信託の事務処理地

(b) the place affairs of the limited liability trust are handled; and

ハ　給付可能額及び受益者に対する信託財産に係る給付は当該給付可能額を超えて

することはできない旨

(c) the amount payable, and the fact that the benefit related to the trust property may not be paid in excess of the payable amount to the beneficiaries.

２　前条第二項の規定は、信託受益権等の売買その他の取引について準用する。この場合において、同項中「前項各号」とあるのは、「第八十四条第一項各号」と読み替えるものとする。

(2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to the purchase and sale or other transactions of the beneficial interest in a trust, etc. In such a case, the term "items of the preceding paragraph" in that paragraph is deemed to be replaced with "the items of Article 84, paragraph (1)".

３　前条第三項の規定は、信託受益権等について準用する。この場合において、同項中「第一項」とあるのは、「第八十四条第一項」と読み替えるものとする。

(3) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to the beneficial interest in a trust, etc. In such a case, the term "paragraph (1)" in that paragraph is deemed to be replaced with "Article 84, paragraph (1)".

（不動産信託受益権の売買その他の取引に係る契約締結前交付書面の記載事項の特則）

(Special Provisions on Matters to Be Stated in a Document to Be Delivered Prior to Conclusion of a Contract Related to Purchase and Sale or Other Transactions of Beneficial Interest in Real Property Trust)

第八十五条　その締結しようとする金融商品取引契約が不動産信託受益権の売買その他の取引に係るものである場合における法第三十七条の三第一項第七号に規定する内閣府令で定める事項は、前条第一項に規定する事項のほか、次に掲げる事項とする。ただし、当該不動産信託受益権に係る信託財産が宅地である場合にあっては、第一号から第九号の二まで及び第十三号に掲げるものに限る。

Article 85 (1) If a financial instruments transaction contract to be concluded concerns a purchase and sale or other transactions of beneficial interest in real property trust, the matters specified by Cabinet Office Order as prescribed in Article 37-3, paragraph (1), item (vii) of the Act are as follows, in addition to those specified in paragraph (1) of the preceding Article; provided, however, that if the trust property related to the beneficial interest in real property trust is a building lot, the matters are limited to those set forth in items (i) through (ix)-2 and item (xiii):

一　当該不動産信託受益権に係る信託財産の上に存する登記された権利の種類及び内容並びに登記名義人又は登記簿の表題部に記録された所有者の氏名（法人にあっては、その名称）

(i) the type and content of the registered right existing on the trust property

related to the beneficial interest in real property trust and the name of the registered right holder, or the name of the owner recorded in the heading-section of the register (for a corporation, its name);

二　当該不動産信託受益権に係る信託財産である宅地又は建物に係る都市計画法（昭和四十三年法律第百号）、建築基準法（昭和二十五年法律第二百一号）その他の法令に基づく制限で宅地建物取引業法施行令（昭和三十九年政令第三百八十三号）第三条の二に規定する制限に関する事項の概要

(ii) an outline of the matters related to restrictions on the building lots or buildings which is trust property related to the beneficial interest in real property trust based on the City Planning Act (Act No. 100 of 1968), the Building Standards Act (Act No. 201 of 1950), or other laws and regulations, which are specified in Article 3-2 of the Order for Enforcement of the Building Lots and Buildings Transaction Business Act (Cabinet Order No. 383 of 1964);

三　当該不動産信託受益権に係る信託財産である宅地又は建物に係る私道に関する負担に関する事項

(iii) the matters related to the liabilities of a private road in connection with the building lots or buildings which are trust property related to the beneficial interest in real property trust;

四　当該不動産信託受益権に係る信託財産である宅地又は建物に係る飲用水、電気及びガスの供給並びに排水のための施設の整備の状況（これらの施設が整備されていない場合においては、その整備の見通し及びその整備についての特別の負担に関する事項）

(iv) the status of the improvement of the facilities for supplying drinking water, electricity, and gas and the drainage facilities for building lots or buildings which are trust property related to the beneficial interest in real property trust (if these facilities have not been developed, the matters related to the outlook of the improvement and and special assumption of burden for that improvement);

五　当該不動産信託受益権に係る信託財産である宅地又は建物が宅地の造成又は建築に関する工事の完了前のものであるときは、その完了時における形状、構造その他宅地建物取引業法施行規則（昭和三十二年建設省令第十二号）第十九条の二の四に規定する事項

(v) if the development or construction work of the building lot or building that is the trust property related to the beneficial interest in real property trust has not been completed, the matters related to the shape and structure at the time of their completion and other matters specified in Article 19-2-4 of the Regulations for Enforcement of the Building Lots and Buildings Transaction Business Act (Order of the Ministry of Construction No. 12 of 1957);

六　当該不動産信託受益権に係る信託財産である建物が建物の区分所有等に関する法

律（昭和三十七年法律第六十九号）第二条第一項に規定する区分所有権の目的であるものであるときは、当該建物を所有するための一棟の建物の敷地に関する権利の種類及び内容、同条第四項に規定する共用部分に関する規約の定めその他の一棟の建物又はその敷地（一団地内に数棟の建物があって、その団地内の土地又はこれに関する権利がそれらの建物の所有者の共有に属する場合には、その土地を含む。）に関する権利及びこれらの管理又は使用に関する事項で宅地建物取引業法施行規則第十九条の二の五各号に掲げるもの

(vi) if the building that is trust property related to the beneficial interest in real property trust is the purpose of unit ownership as defined in Article 2, paragraph (1) of the Act on Building Unit Ownership, etc. (Act No. 69 of 1962), the type and content of the rights related to site of a single building for owning the building, the provisions of a regulation in relation to the common area as defined in paragraph (4) of that Article, the other rights related to a single building or its site (if there are two or more buildings in one housing complex, and the land located within the housing complex or the rights related to the land are co-owned by the owners of those buildings, including the land), and the matters related to their management or use which are set forth in the items of Article 19-2-5 of the Regulations for Enforcement of the Building Lots and Buildings Transaction Business Act;

七　当該不動産信託受益権に係る信託財産である宅地又は建物が宅地造成等規制法（昭和三十六年法律第百九十一号）第二十条第一項により指定された造成宅地防災区域内にあるときは、その旨

(vii) if a building lot or building that is trust property related to the beneficial interest in real property trust is located within the disaster high risk area building lot designated pursuant to the provisions of Article 20, paragraph (1) of the Act on the Regulation of Housing Land Development (Act No. 191 of 1961), that fact;

八　当該不動産信託受益権に係る信託財産である宅地又は建物が土砂災害警戒区域等における土砂災害防止対策の推進に関する法律（平成十二年法律第五十七号）第七条第一項により指定された土砂災害警戒区域内にあるときは、その旨

(viii) if the building lot or building that is trust property related to the beneficial interest in real property trust is located in areas at risk of sediment disasters designated pursuant to the provisions of Article 7, paragraph (1) of the Act on Advancing Sediment Disaster Countermeasures in Areas at Risk of Sediment Disasters (Act No. 57 of 2000), that fact;

九　当該不動産信託受益権に係る信託財産である宅地又は建物が津波防災地域づくりに関する法律（平成二十三年法律第百二十三号）第五十三条第一項により指定された津波災害警戒区域内にあるときは、その旨

(ix) if the building lot or building that is trust property related to the beneficial interest in real property trust is located in tsunami disaster alert areas designated pursuant to the provisions of Article 53, paragraph (1) of the Act

on Regional Development for Tsunami Disaster Prevention (Act No. 123 of 2011), that fact;

九の二　水防法施行規則（平成十二年建設省令第四十四号）第十一条第一号の規定により当該不動産信託受益権に係る信託財産である宅地又は建物が所在する市町村の長が提供する図面に当該信託財産である宅地又は建物の位置が表示されているときは、当該図面における当該信託財産である宅地又は建物の所在地

(ix)-2 if the location of the building lot or building that is trust property related to the beneficial interest in a real property trust is indicated on the drawing provided by the mayor of a municipality where the building lot or building that is trust property is located, pursuant to the provisions of Article 11, item (i) of the Regulations for Enforcement of the Flood Control Act (Order of the Ministry of Construction No. 44 of 2000), the location of the building lot or building that is trust property on the drawing;

十　当該不動産信託受益権に係る信託財産である建物について、石綿の使用の有無の調査の結果が記録されているときは、その内容

(x) if the results of an investigation on the use of asbestos have been recorded for a building that is trust property related to the beneficial interest in real property trust, the details of the record;

十一　当該不動産信託受益権に係る信託財産である建物（昭和五十六年六月一日以降に新築の工事に着手したものを除く。）が建築物の耐震改修の促進に関する法律（平成七年法律第百二十三号）第四条第一項に規定する基本方針のうち同条第二項第三号の技術上の指針となるべき事項に基づいて次に掲げる者が行う耐震診断を受けたものであるときは、その内容

(xi) if a building that is trust property related to the beneficial interest in real property trust (excluding a building for which new construction was commenced on or after June 1, 1981) has undergone a seismic diagnosis conducted by any of the following persons based on the matters that are to serve as technical guidelines referred to in Article 4, paragraph (2), item (iii) of the Act on Promotion of Seismic Retrofitting of Buildings (Act No. 123 of 1995), from among the basic policies specified in paragraph (1) of that Article, the content of the seismic diagnosis:

イ　建築基準法第七十七条の二十一第一項に規定する

(a) a designated confirmation and inspection body prescribed in Article 77-21, paragraph (1) of the Building Standards Act;

ロ　建築士法（昭和二十五年法律第二百二号）第二条第一項に規定する建築士

(b) an architect as defined in Article 2, paragraph (1) of the Act on Architects and Building Engineers (Act No. 202 of 1950);

ハ　住宅の品質確保の促進等に関する法律（平成十一年法律第八十一号）第五条第一項に規定する登録住宅性能評価機関

(c) a registered housing quality evaluation agency prescribed in Article 5, paragraph (1) of the Housing Quality Assurance Act (Act No. 81 of 1999);

or

ニ　地方公共団体

(d) a local government.

十二　当該不動産信託受益権に係る信託財産である建物が住宅の品質確保の促進等に関する法律第五条第一項に規定する住宅性能評価を受けた新築住宅であるときは、その旨

(xii) if the building that is trust property related to the beneficial interest in real property trust is a newly constructed house that has undergone the housing quality evaluation test prescribed in Article 5, paragraph (1) of the Housing Quality Assurance Act, that fact; and

十三　当該不動産信託受益権に係る信託財産である宅地又は建物が種類又は品質に関して契約の内容に適合しない場合におけるその不適合を担保すべき責任の履行に関し保証保険契約の締結その他の措置で次に掲げるものが講じられているときは、その概要

(xiii) when a building lot or building that is trust property related to the beneficial interest in real property trust does not conform to the content of the contract in terms of type or quality for which conclusion of a guarantee insurance contract or other measures that are set forth in any of the following sub-items have been taken for the performance of the non-conformity warranty obligation, the outline of the measures:

イ　当該宅地又は建物が種類又は品質に関して契約の内容に適合しない場合におけるその不適合を担保すべき責任の履行に関する保証保険契約又は責任保険契約の締結

(a) when the building lot or the building does not conform to the content of the contract in terms of type or quality, the conclusion of a guarantee insurance contract or a liability insurance contract for the performance of the non-conformity warranty obligation;

ロ　当該宅地又は建物が種類又は品質に関して契約の内容に適合しない場合におけるその不適合を担保すべき責任の履行に関する保証保険又は責任保険を付保することを委託する契約の締結

(b) when the building lot or the building does not conform to the content of the contract in terms of type or quality, the conclusion of a contract for entrusting the conclusion of a guarantee insurance or a liability insurance for the performance of the non-conformity warranty obligation; or

ハ　当該宅地又は建物が種類又は品質に関して契約の内容に適合しない場合におけるその不適合を担保すべき責任の履行に関する債務について銀行等が連帯して保証することを委託する契約の締結

(c) when the building lot or the building does not conform to the content of the contract in terms of type or quality, the conclusion of a contract for entrusting the bank, etc. to jointly and severally guarantee the obligation of the performance of the non-conformity warranty obligation.

２　第八十三条第二項の規定は、不動産信託受益権の売買その他の取引について準用する。この場合において、同項中「前項各号」とあるのは、「第八十五条第一項各号」と読み替えるものとする。

(2) The provisions of Article 83, paragraph (2) apply mutatis mutandis to the purchase and sale or other transactions of the beneficial interest in real property trust. In such a case, the term "items of the preceding paragraph" in that paragraph is deemed to be replaced with "the items of Article 85, paragraph (1)".

３　第八十三条第三項の規定は、不動産信託受益権について準用する。この場合において、同項中「第一項」とあるのは、「第八十五条第一項」と読み替えるものとする。

(3) The provisions of Article 83, paragraph (3) apply mutatis mutandis to the beneficial interest in real property trust. In such a case, the term "paragraph (1)" in that paragraph is deemed to be replaced with "Article 85, paragraph (1)".

（抵当証券等の売買その他の取引に係る契約締結前交付書面の記載事項の特則）

(Special Provisions on Matters to Be Stated in a Document to Be Delivered Prior to Conclusion of a Contract Related to Purchase and Sale and Other Transactions of Mortgage Securities)

第八十六条　その締結しようとする金融商品取引契約が抵当証券等の売買その他の取引に係るものである場合における法第三十七条の三第一項第七号に規定する内閣府令で定める事項は、第八十三条第一項に規定する事項のほか、次に掲げる事項とする。

Article 86 (1) If a financial instruments transaction contract to be concluded concerns the purchase and sale or any other transaction of mortgage securities, etc., the matters specified by Cabinet Office Order as prescribed in Article 37-3, paragraph (1), item (vii) of the Act are the following matters, in addition to those prescribed in Article 83, paragraph (1):

一　元本の単位に関する事項

(i) the matters related to the unit of principal;

二　利息に関する事項

(ii) the matters related to interest;

三　当該抵当証券等に記載された債権の元本及び利息の弁済の受領に関する定めがあるときは、その内容

(iii) if there are any provisions on the receipt of payment of principal and interest of the claims that are stated in the mortgage securities, etc., the content of those provisions;

四　代金の受渡しの方法

(iv) the method of delivery of the price;

五　元本及び利息の支払の時期、手段その他支払の方法

(v) the timing, means of the payment of principal and interest, or other payment methods;

六　当該抵当証券等に記載された抵当証券法（昭和六年法律第十五号）第十二条第一

項各号に掲げる事項

(vi) the matters set forth in the items of Article 12, paragraph (1) of the Mortgage Securities Act (Act No. 15 of 1931) which are stated in the mortgage securities, etc.;

七　当該抵当証券等に係る貸付契約に関する次に掲げる事項

(vii) the following matters concerning a loan contract related to the mortgage securities, etc.:

イ　貸付契約の締結の年月日

(a) the date of the conclusion of a loan contract;

ロ　貸付資金の金額、金利、使途並びに返済の方法及び期限

(b) the amount, interest, and purpose of the loan fund, and the method and due date for repayment;

ハ　保証人の有無

(c) whether there is a guarantor or not;

ニ　貸付契約に係る担保物件の概要に関する次に掲げる事項

(d) the following matters concerning the outline of the collateral related to the loan contract:

（１）　担保設定額

1. the secured amount;

（２）　担保物件の評価をした年月日、評価額並びに評価をした者の商号、名称又は氏名及び連絡先

2. the date of the appraisal of the collateral, its appraised value, and the trade name or name, and contact information of the appraiser; and

（３）　物件明細

3. the details of the collateral;

ホ　ニの担保物件に係る事業計画その他の計画で定める貸付資金の返済計画の概要

(e) an outline of the repayment plan of the loan fund specified in the business plan or any other plan related to the collateral referred to in sub-item (d); and

ヘ　債務者が法人である場合にあっては、当該法人に関する次に掲げる事項

(f) if the debtor is a corporation, the following matters in relation to the corporation:

（１）　設立の年月又は事業を開始した年月

1. the date of incorporation, or the date of the commencement of business;

（２）　主たる事業の種類

2. the type of the primary business;

（３）　当該契約締結前交付書面を交付した日の三月前（当該金融商品取引業者等が外国法人である場合には、六月前）の日を含む事業年度の前事業年度の決算日における資本金の額又は出資の総額並びに貸借対照表及び損益計算書

3. the amount of stated capital or the total amount of contribution and the balance sheet, and the profit and loss statement on the closing day of

the accounts in the business year preceding the current business year that includes the date three months before the delivery date of the document for delivery prior to conclusion of a contract (if the financial instruments business operator, etc. is a foreign corporation, six months before);

ト　債務者が当該金融商品取引業者等の関連当事者（財務諸表等規則第八条第十七項に規定する関連当事者をいう。）である場合には、その旨

(g) if the debtor is the party concerned of the financial instruments business operator, etc. (meaning the party concerned prescribed in Article 8, paragraph (17) of the Regulation on Financial Statements), that fact; and

チ　顧客が債務者から債権を取り立てる方法

(h) the method with which the customer collects the claims from the debtor;

八　当該金融商品取引業者等の資本金の額又は出資の総額及び他の事業を行っている場合には、その事業の種類

(viii) the amount of stated capital or the total amount of contribution of the financial instruments business operator, etc., and if they are conducting another business, the type of that business;

九　当該金融商品取引業者等に係る法第四十六条の三第一項、第四十七条の二又は第四十八条の二第一項に規定する事業報告書に記載すべき事項

(ix) the matters required to be stated in the business report specified in Article 46-3, paragraph (1), Article 47-2, or Article 48-2, paragraph (1) of the Act, which are related to the financial instruments business operator, etc.;

十　抵当証券等の元本が政府により保証されたものではない旨

(x) the fact that the principal of the mortgage securities, etc. is not guaranteed by the government; and

十一　当該金融商品取引業者等に係る直近の計算書類又は次に掲げるいずれかの事項

(xi) the latest financial statements of the financial instruments business operator, etc., or any of the following matters concerning the financial instruments business operator, etc.:

イ　会社法第三百九十六条第一項後段の会計監査報告の内容

(a) the content of the accounting audit report referred to in the second sentence of Article 396, paragraph (1) of the Companies Act;

ロ　当該金融商品取引業者等が会計監査人設置会社でない場合において、公認会計士（公認会計士法（昭和二十三年法律第百三号）第十六条の二第五項に規定する外国公認会計士を含む。以下同じ。）又は監査法人の監査を受けているときは、当該監査における監査報告の内容

(b) if the financial instruments business operator, etc. is not a company with accounting auditors, and has been audited by a certified public accountant (including a foreign certified public accountant prescribed in Article 16-2, paragraph (5) of the Certified Public Accountants Act (Act No. 103 of 1948); the same applies hereinafter) or an audit corporation, the content of the

audit report; or

ハ　当該金融商品取引業者等が会計監査人設置会社でない場合であって、公認会計士又は監査法人の監査を受けていないときは、公認会計士又は監査法人の監査を受けていない旨及びその理由

(c) if the financial instruments business operator, etc. is not a company with accounting auditors, and has not been audited by a certified public accountant or an audit corporation, that fact and the reasons.

２　第八十三条第二項の規定は、抵当証券等の売買その他の取引について準用する。この場合において、同項中「前項各号」とあるのは、「第八十六条第一項各号」と読み替えるものとする。

(2) The provisions of Article 83, paragraph (2) apply mutatis mutandis to the purchase and sale or other transactions of mortgage securities, etc. In such a case, the term "items of the preceding paragraph" in that paragraph is deemed to be replaced with "the items of Article 86, paragraph (1)".

３　第八十三条第三項の規定は、抵当証券等について準用する。この場合において、同項中「第一項」とあるのは、「第八十六条第一項」と読み替えるものとする。

(3) The provisions of Article 83, paragraph (3) apply mutatis mutandis to mortgage securities, etc. In such a case, the term "paragraph (1)" in that paragraph is deemed to be replaced with "Article 86, paragraph (1)".

（出資対象事業持分の売買その他の取引に係る契約締結前交付書面の記載事項の特則）

(Special Provisions on Matters to Be Stated in a Document to Be Delivered Prior to Conclusion of a Contract Related to Purchase and Sale or Other Transactions of Equity in the Business Subject to Investment)

第八十七条　その締結しようとする金融商品取引契約が出資対象事業持分の売買その他の取引に係るもの（以下この条において「出資対象事業持分取引契約」という。）である場合における法第三十七条の三第一項第七号に規定する内閣府令で定める事項は、第八十三条第一項に規定する事項のほか、次に掲げる事項とする。

Article 87 (1) If a financial instruments transaction contract to be concluded concerns purchase and sale or other transactions of equity in the business subject to investment (hereinafter the contract is referred to as "contract for transactions of equity in the business subject to investment" in this Article), the matters specified by Cabinet Office Order as prescribed in Article 37-3, paragraph (1), item (vii) of the Act are the following matters, in addition to those prescribed in Article 83, paragraph (1):

一　出資対象事業持分取引契約に関する次に掲げる事項

(i) the following matters concerning the contract for transaction of equity in the business subject to investment:

イ　出資対象事業持分の名称

(a) the name of the equity in the business subject to investment;

ロ　出資対象事業持分の形態
(b) the type of the equity in the business subject to investment;
ハ　出資対象事業持分取引契約の締結の申込みに関する事項
(c) the matters concerning an application for concluding a contract for transaction of equity in the business subject to investment;
ニ　出資又は拠出をする金銭の払込みに関する事項
(d) the matters concerning the payment of money to be invested or paid;
ホ　出資対象事業持分に係る契約期間がある場合にあっては、当該契約期間
(e) if the contract period for the equity in the business subject to investment has been prescribed, the contract period;
ヘ　出資対象事業持分に係る解約に関する次に掲げる事項
(f) the following matters concerning the cancellation of the equity in the business subject to investment:
（１）　解約の可否
1. whether the equity in the business subject to investment may be canceled or not;
（２）　解約により行われる出資対象事業持分に係る財産の分配に係る金銭の額の計算方法、支払方法及び支払予定日
2. the calculation method, the payment method, and the scheduled payment date of the money concerns the distribution of the property related to the equity in the business subject to investment, which is made upon cancellation; and
（３）　解約に係る手数料
3. the cancellation fee;
ト　損害賠償額の予定（違約金を含む。）に関する定めがあるときは、その内容
(g) if there are provisions for agreement on liquidated damages (including penalties), the content of the provisions;
チ　顧客の権利及び責任の範囲に関する次に掲げる事項
(h) the following matters concerning the scope of rights and liabilities of customers:
（１）　出資対象事業に係る財産に対する顧客の監視権の有無及び顧客が当該監視権を有する場合にあっては、その内容
1. whether the customer has a right to monitor the property related to the business subject to investment, and if they have that right, the content of the right;
（２）　出資対象事業に係る財産の所有関係
2. ownership relationship of the property related to the business subject to investment;
（３）　顧客の第三者に対する責任の範囲
3. the scope of the customer's liabilities owed to third parties;
（４）　出資対象事業に係る財産が損失により減じた場合の顧客の損失分担に関

する事項

4. the matters concerning the allocation of losses to be borne by the customer, if the property related to the business subject to investment decreases due to loss; and

（５）　出資対象事業持分の内容

5. the details of the equity in business subject to investment;

二　出資対象事業の運営に関する次に掲げる事項

(ii) the following matters concerning the operation of the business subject to investment:

イ　出資対象事業の内容及び運営の方針

(a) the content and the operational policy of the business subject to investment;

ロ　組織、内部規則、出資対象事業に関する意思決定に係る手続その他の出資対象事業の運営体制に関する事項

(b) the matters concerning the organizational structure, internal rules, and decision-making process for the business subject to investment, or other matters concerning the operational system for the business subject to investment;

ハ　出資対象事業持分の発行者の商号、名称又は氏名、役割及び関係業務の内容

(c) the trade name, name, and duty of the issuer of the equity in business subject to investment, and the content of related business;

ニ　出資対象事業の運営を行う者の商号、名称又は氏名（当該者が適格投資家向け投資運用業を行うことにつき法第二十九条の登録を受けた金融商品取引業者であるときは、その旨を含む。）、役割及び関係業務の内容

(d) the trade name, name, and duty of the person operating the business subject to investment (if the relevant person is a financial instruments business operator that has obtained the registration referred to in Article 29 of the Act for conducting investment management business for qualified investors, including that fact), and the content of related business;

ホ　出資対象事業が有価証券に対する投資を行う事業であるものである場合にあっては、次に掲げる者の商号、名称又は氏名（（２）に掲げる者が適格投資家向け投資運用業を行うことにつき法第二十九条の登録を受けた金融商品取引業者であるときは、その旨を含む。）、役割及び関係業務の内容

(e) if the business subject to investment is a business that invests in securities, the trade name, name, and duty of the following persons (if the person listed in 2. is a financial instruments business operator has obtained the registration referred to in Article 29 of the Act for conducting investment management business for qualified investors, including that fact), and the content of related business:

（１）　当該有価証券（投資の総額に占める割合が大きいものから順次その順位を付し、その第一順位から第三十順位までのものに限る。）の発行者（当該

発行者（第七十四条第二項に規定する投資信託受益権等の発行者に限る。）が他の有価証券に対する投資を行う場合における当該他の有価証券は、当該有価証券とみなす。）

1. the issuers of the securities (the ratio of securities to the total amount of investment is ranked in descending order and limited to those ranked the first to the thirtieth) (if the issuer (limited to the issuer of the investment trust beneficial interests, etc. prescribed in Article 74, paragraph (2)) makes an investment in other securities, those other securities are deemed to be those securities);

（２）　出資対象事業持分の発行者又は（１）に掲げる者から金銭その他の財産の運用又は保管の委託を受ける者（当該者が運用を再委託する者は出資対象事業持分の発行者又は（１）に掲げる者から委託を受ける者とみなす。）

2. the person that is entrusted with the investment or the custody of money or other properties from the issuer of the equity in the business subject to investment or a person set forth in clause 1. (another person that is re-entrusted with the investment by the relevant person re-entrusts is deemed to be the person that is entrusted by the issuer of the equity in the business subject to investment or the person specified in clause 1.);

ヘ　出資対象事業から生ずる収益の配当又は出資対象事業に係る財産の分配（以下「配当等」という。）の方針

(f) the policy for paying the dividend of profits generating from the business subject to investment or for the distribution of property related to the business subject to investment (hereinafter referred to as the "dividends, etc.");

ト　事業年度、計算期間その他これに類する期間

(g) the business year, the accounting period, or any other similar period;

チ　出資対象事業に係る手数料等の徴収方法及び租税に関する事項

(h) the method for collecting fees, etc. related to the business subject to investment and the matters concerning taxation; and

リ　法第四十条の三に規定する管理の方法

(i) the management method provided for in Article 40-3 of the Act.

三　出資対象事業の経理に関する次に掲げる事項

(iii) the following matters concerning accounting of the business subject to investment;

イ　貸借対照表

(a) the balance sheet;

ロ　損益計算書

(b) the profit and loss statement;

ハ　出資対象事業持分の総額

(c) the total amount of the equity in the business subject to investment;

ニ　発行済みの出資対象事業持分の総数

(d) the total number of issued equity interests in the business subject to investment;

ホ　配当等に関する次に掲げる事項

(e) the following matters concerning dividends, etc.:

（１）　配当等の総額

1. the total amount of dividends, etc.;

（２）　配当等の支払方法

2. the payment method of dividends, etc.;

（３）　出資対象事業に係る財産の分配が第一号ホに掲げる契約期間の末日以前に行われる場合にあっては、当該分配に係る金銭の支払方法

3. if the distribution of property related to the business subject to investment is to be made before the last day of the contract period set forth in item (i), sub-item (e), the payment method of the money for the distribution; and

（４）　配当等に対する課税方法及び税率

4. the taxation method and the tax rate of the dividends, etc.;

ヘ　総資産額、純資産額、営業損益額、経常損益額及び純損益額

(f) the amount of total assets, the net assets, the amount of operating profit or loss, the amount of current profit or loss, and the amount of net profit or loss;

ト　出資対象事業持分一単位当たりの総資産額、純損益額及び配当等の金額

(g) the amount of total net assets, the amount of net profit or loss, and the amount of dividends, etc. per unit of equity interest in the business subject to investment;

チ　自己資本比率及び自己資本利益率

(h) the capital-to-asset ratio and the return on equity;

リ　出資対象事業が有価証券に対する投資を行う事業であるものである場合にあっては、当該有価証券に関する次に掲げる事項

(i) if the business subject to investment is a business that invests in securities, the following matters concerning those securities:

（１）　発行地又は金融商品取引所その他これに準ずるものが所在する地域ごとの銘柄、当該有価証券が株券である場合にあっては、当該株券の発行者の業種、数量、金額（簿価の総額及び時価の総額又は評価額の総額をいう。以下この号において同じ。）並びに当該有価証券が債券である場合にあっては、利率及び償還金額

1. the issues of the securities for each place of issuance or regions in which the financial instruments exchange or others similar entities are located, if the securities are share certificate, the type of business of their issuer, their volume, their amount (meaning the total book value and the total market value or the total appraisal value; hereinafter the same applies in this item), and if the securities are bonds, the interest

rate and the amount of redemption;

（２）　（１）の金額の評価方法

2. the method of the appraisal of the amounts referred to in 1.; and

（３）　（１）の金額がそれぞれ出資対象事業に係る資産の総額に占める割合

3. the ratio of the amounts specified in 1. to the total amount of assets related to the business subject to investment;

ヌ　出資対象事業が有価証券以外の資産に対する投資を行う事業であるものである場合にあっては、当該資産に関する次に掲げる事項

(j) if the business subject to investment is a business that invests in an asset other than securities, the following matters concerning the asset:

（１）　資産の種類ごとの数量及び金額

1. the volume and amount of asset, for each type of asset;

（２）　（１）の金額の評価方法

2. the method of appraisal of the amounts referred to in 1.;

（３）　（１）の金額がそれぞれ出資対象事業に係る資産の総額に占める割合

3. the ratio of each of the amounts referred to in 1. to the total amount of assets related to the business subject to investment; and

四　第百二十九条第一項第三号又は第四号に掲げる行為を行う場合にあっては、その旨

(iv) when conducting the act set forth in Article 129, paragraph (1), item (iii) or (iv), that fact.

２　第八十三条第二項の規定は、出資対象事業持分の売買その他の取引について準用する。この場合において、同項中「前項各号」とあるのは、「第八十七条第一項各号」と読み替えるものとする。

(2) The provisions of Article 83, paragraph (2) apply mutatis mutandis to the purchase and sale or other transactions of equity in the business subject to investment. In such a case, the term "items of the preceding paragraph" in that paragraph is deemed to be replaced with "the items of Article 87, paragraph (1)".

３　第八十三条第三項の規定は、出資対象事業持分について準用する。この場合において、同項中「第一項」とあるのは、「第八十七条第一項」と読み替えるものとする。

(3) The provisions of Article 83, paragraph (3) apply mutatis mutandis to the equity in the business subject to investment. In such a case, the term "paragraph (1)" in that paragraph is deemed to be replaced with "the items of Article 87, paragraph (1)".

（外国出資対象事業持分の売買その他の取引に係る契約締結前交付書面の記載事項の特則）

(Special Provisions on Matters to Be Stated in a Document to Be Delivered Prior to Conclusion of a Contract Related to Purchase and Sale or Other Transactions of Equity in the Foreign Business Subject to Investment)

第八十八条　その締結しようとする金融商品取引契約が法第二条第二項第六号に掲げる権利（以下「外国出資対象事業持分」という。）の売買その他の取引に係るものである場合における法第三十七条の三第一項第七号に規定する内閣府令で定める事項は、前条第一項に規定する事項のほか、次に掲げる事項とする。

Article 88 (1) If a financial instruments transaction contract to be concluded concerns the purchase and sale or other transactions of the right set forth in Article 2, paragraph (2), item (vi) of the Act (hereinafter referred to as the "equity in the foreign business subject to investment"), the matters specified by Cabinet Office Order as prescribed in Article 37-3, paragraph (1), item (vii) of the Act are the following matters, in addition to those prescribed in paragraph (1) of the preceding Article:

一　外国出資対象事業持分に係る契約その他の法律行為の準拠法の名称及びその主な内容

(i) the name of the laws governing the contract related to the equity in the foreign business subject to investment or other juridical acts, and their main content;

二　外国出資対象事業持分の発行者が監督を受けている外国の当局の有無並びに当該当局がある場合にあっては、その名称及び当該監督の主な内容

(ii) whether there is authority of the foreign country that supervises the issuer of equity in the foreign business subject to investment, and if the authority exists, the name of the authority and the main content of the supervision;

三　配当等、売却代金その他の送金についての為替管理上の取扱い

(iii) the handling of remittance of the dividends, etc., sales proceeds, and other payments, in terms of exchange control;

四　本邦内に住所を有する者であって、裁判上及び裁判外において当該外国出資対象事業持分の発行者を代理する権限を有する者の有無並びに当該者がある場合にあっては、その氏名又は名称及び住所並びに当該権限の内容

(iv) whether there is a person that has a domicile in Japan who has the authority to act as an agent of the issuer of the equity in the foreign business subject to investment for acts in or out of court, and if there is such a person, the name and address of the person and the content of the authority; and

五　当該外国出資対象事業持分に係る契約その他の法律行為に当該外国出資対象事業持分に関する訴訟について管轄権を有する裁判所の定めがある場合にあっては、その名称及び所在地並びに執行の手続

(v) if the contract related to the equity in the foreign business subject to investment or other juridical acts provides for the court that has jurisdiction over an action related to the equity in the foreign business subject to investment, the name and location of the court and the procedure for enforcement.

２　第八十三条第二項の規定は、外国出資対象事業持分の売買その他の取引について準用する。この場合において、同項中「前項各号」とあるのは、「第八十八条第一項各

号」と読み替えるものとする。

(2) The provisions of Article 83, paragraph (2) apply mutatis mutandis to the purchase and sale or other transactions of equity in the foreign business subject to investment. In such a case, the term "items of the preceding paragraph" in that paragraph is deemed to be replaced with "the items of Article 88, paragraph (1)".

３　第八十三条第三項の規定は、外国出資対象事業持分について準用する。この場合において、同項中「第一項」とあるのは、「第八十八条第一項」と読み替えるものとする。

(3) The provisions of Article 83, paragraph (3) apply mutatis mutandis to equity in the foreign business subject to investment. In such a case, the term "paragraph (1)" in that paragraph is deemed to be replaced with "Article 88, paragraph (1)".

（主として信託受益権等に対する投資を行う事業を出資対象事業とする出資対象事業持分の売買その他の取引に係る契約締結前交付書面の記載事項の特則）

(Special Provisions on Matters to Be Stated in a Document to Be Delivered Prior to Conclusion of a Contract Related to Purchase and Sale or Other Transactions of Equity in the Business Subject to Investment Whose Business Subject to Investment Business is the Business That Mainly Invests in Beneficial Interest in Trust)

第八十九条　その締結しようとする金融商品取引契約が、出資対象事業持分のうち当該出資対象事業持分に係る出資対象事業が主として信託受益権等に対する投資を行う事業であるものの売買その他の取引に係るものである場合における法第三十七条の三第一項第七号に規定する内閣府令で定める事項は、第八十七条第一項に規定する事項（当該金融商品取引契約が外国出資対象事業持分の売買その他の取引に係るものにあっては、前条第一項に規定する事項）のほか、第八十四条第一項各号に掲げる事項とする。

Article 89 (1) If a financial instruments transaction contract to be concluded concerns a purchase and sale or other transactions of the business that the business subject to investment related to the equity in the business subject to investment mainly invests in beneficial interest in trust, etc. among the equity interests in the business subject to investment, the matters specified by Cabinet Office Order as prescribed in Article 37-3, paragraph (1), item (vii) of the Act are the matters set forth in the items of Article 84, paragraph (1), in addition to those prescribed in Article 87, paragraph (1) (if the financial instruments transaction contract concerns the purchase and sale or other transactions of equity in the foreign business subject to investment, the matters prescribed in paragraph (1) of the preceding Article).

２　前項の信託受益権等には、同項の出資対象事業が出資対象事業持分に対する投資を行う事業である場合であって当該出資対象事業持分に係る出資対象事業（次項及び第

四項において「子出資対象事業」という。）が信託受益権等に対する投資を行う事業であるときにおける当該信託受益権等を含むものとする。

(2) The beneficial interest in trust, etc. referred to in the preceding paragraph is to include the beneficial interest in trust, etc., if the business subject to investment referred to in that paragraph is a business that invests in equity in the business subject to investment and the business subject to investment related to the equity in the business subject to investment (referred to as the "secondary business subject to investment" in the following paragraph and paragraph (4)) is a business that invests in beneficial interest in trust, etc.

３　前項の子出資対象事業が出資対象事業持分に対する投資を行う事業である場合であって、当該出資対象事業持分に係る出資対象事業が信託受益権等に対する投資を行う事業であるときにおける当該出資対象事業は、子出資対象事業とみなして、前二項の規定を適用する。

(3) If the secondary business subject to investment referred to in the preceding paragraph is a business that invests in equity in the business subject to investment and the business subject to investment related to the equity in the business subject to investment is a business that invests in beneficial interest in trust, etc., the business subject to investment is deemed to be the secondary business subject to investment, and the provisions of the preceding two paragraphs apply.

４　前項の規定は、同項（この項において準用する場合を含む。）の規定により子出資対象事業とみなされた出資対象事業が出資対象事業持分に対する投資を行う事業である場合であって、当該出資対象事業持分に係る出資対象事業が信託受益権等に対する投資を行う事業であるときについて準用する。

(4) The provisions of the preceding paragraph apply mutatis mutandis when the business subject to investment that is deemed to be the secondary business subject to investment pursuant to the provisions of that paragraph (including as applied mutatis mutandis pursuant to this paragraph) is a business that invests in equity in the business subject to investment, and the business subject to investment related to the equity in the business subject to investment is a business that invests in the beneficial interest in trust, etc.

５　第八十三条第二項の規定は、出資対象事業持分のうち当該出資対象事業持分に係る出資対象事業が主として信託受益権等に対する投資を行う事業であるものの売買その他の取引について準用する。この場合において、同項中「前項各号」とあるのは「第八十四条第一項各号」と、「同項の」とあるのは「第八十九条第一項の」と、「同項各号」とあるのは「第八十四条第一項各号」と読み替えるものとする。

(5) The provisions of Article 83, paragraph (2) apply mutatis mutandis to purchase and sale or other transactions of equity in the business subject to investment when the business subject to investment related to the equity in the business subject to investment is a business that mainly invests in beneficial interest in trust, etc. In such a case, the terms "items of the

preceding paragraph", "in that paragraph", and "items of that paragraph" in that paragraph are deemed to be replaced with "the items of Article 84, paragraph (1)", "in Article 89, paragraph (1)", and "the items of Article 84, paragraph (1)", respectively.

6　第八十三条第三項の規定は、出資対象事業持分のうち当該出資対象事業持分に係る出資対象事業が主として信託受益権等に対する投資を行う事業であるものについて準用する。この場合において、同項中「第一項」とあるのは、「第八十九条第一項」と読み替えるものとする。

(6) The provisions of Article 83, paragraph (3) apply mutatis mutandis to equity in the business subject to investment when business subject to investment related to the equity in business subject to investment is a business that maily invests in beneficial interest in trust, etc. In such a case, the term "paragraph (1)" in that paragraph is deemed to be replaced with "Article 89, paragraph (1)".

（組合契約等に基づく権利のうち当該権利に係る出資対象事業が主として不動産信託受益権に対する投資を行うものの売買その他の取引に係る契約締結前交付書面の記載事項の特則）

(Special Provisions on Matters to Be Stated in a Document to Be Delivered Prior to Conclusion of a Contract Related to Purchase and Sale or Other Transactions of a Right Based on Partnership Contracts, When Business Subject to Investment Related to the Right is a Business That Mainly Invests in Beneficial Interest in Real Property Trust)

第九十条　その締結しようとする金融商品取引契約が、組合契約、匿名組合契約又は投資事業有限責任組合契約に基づく権利のうち当該権利に係る出資対象事業が主として不動産信託受益権に対する投資を行うものの売買その他の取引に係るものである場合における法第三十七条の三第一項第七号に規定する内閣府令で定める事項は、前条第一項に規定する事項のほか、第八十五条第一項各号に掲げる事項とする。

Article 90 (1) If a financial instruments transaction contract to be concluded concerns purchase and sale or other transactions of the rights based on a partnership contract, a silent partnership contract, or a limited partnership agreement for investment, in which business subject to investment related to the right is a business that mainly invests in beneficial interest in real property trust, the matters specified by Cabinet Office Order as prescribed in Article 37-3, paragraph (1), item (vii) of the Act are the matters set forth in the items of Article 85, paragraph (1) in addition to the matters prescribed in paragraph (1) of the preceding Article.

2　前項の不動産信託受益権には、同項の出資対象事業が出資対象事業持分に対する投資を行う事業である場合であって当該出資対象事業持分に係る出資対象事業（次項及び第四項において「子出資対象事業」という。）が不動産信託受益権に対する投資を行う事業であるときにおける当該不動産信託受益権を含むものとする。

(2) The beneficial interest in real property trust referred to in the preceding

paragraph is to include the beneficial interest in real property trust, when business subject to investment referred to in that paragraph is a business that invests in an equity in the business subject to investment, and business subject to investment related to the equity in the business subject to investment (referred to as "the secondary business subject to investment" in the following paragraph and paragraph (4)) is a business that invests in the beneficial interest in real property trust.

3　前項の子出資対象事業が出資対象事業持分に対する投資を行う事業である場合であって、当該出資対象事業持分に係る出資対象事業が不動産信託受益権に対する投資を行う事業であるときにおける当該出資対象事業は、子出資対象事業とみなして、前二項の規定を適用する。

(3) When the secondary business subject to investment referred to in the preceding paragraph is a business that invests in equity in the business subject to investment, and the business subject to investment related to the equity in the business subject to investment is a business that invests in beneficial interest in real property trust, the business subject to investment is deemed to be the secondary business subject to investment, and the provisions of the preceding two paragraphs apply.

4　前項の規定は、同項（この項において準用する場合を含む。）の規定により子出資対象事業とみなされた出資対象事業が出資対象事業持分に対する投資を行う事業である場合であって、当該出資対象事業持分に係る出資対象事業が不動産信託受益権に対する投資を行う事業であるときについて準用する。

(4) The provisions of the preceding paragraph apply mutatis mutandis when the business subject to investment that is deemed to be the secondary business subject to investment pursuant to the provisions of that paragraph (including as applied mutatis mutandis pursuant to this paragraph) is a business that invests in equity in the business subject to investment, and business subject to investment related to the equity in the business subject to investment is a business that invests in the beneficial interest in real property trust.

5　第八十三条第二項の規定は、組合契約、匿名組合契約若しくは投資事業有限責任組合契約に基づく権利のうち当該権利に係る出資対象事業が主として不動産信託受益権に対する投資を行うものの売買その他の取引について準用する。この場合において、同項中「前項各号」とあるのは「第八十五条第一項各号」と、「同項の」とあるのは「第九十条第一項の」と、「同項各号」とあるのは「第八十五条第一項各号」と読み替えるものとする。

(5) The provisions of Article 83, paragraph (2) apply mutatis mutandis to purchase and sale or other transactions of the rights based on a partnership contract, a silent partnership contract, or a limited partnership agreement for investment when business subject to investment related to the rights is business that mainly invests in the beneficial interest in real property trust. In such a case, the terms "the items of the preceding paragraph", "in that

paragraph" and "the items of that paragraph" in that paragraph are deemed to be replaced with "the items of Article 85, paragraph (1)", "in Article 90, paragraph (1)", and "items of Article 85, paragraph (1)", respectively.

6　第八十三条第三項の規定は、組合契約、匿名組合契約若しくは投資事業有限責任組合契約に基づく権利のうち当該権利に係る出資対象事業が主として不動産信託受益権に対する投資を行うものについて準用する。この場合において、同項中「第一項」とあるのは、「第九十条第一項」と読み替えるものとする。

(6) The provisions of Article 83, paragraph (3) apply mutatis mutandis to the rights based on a partnership contract, a silent partnership contract, or a limited partnership agreement for investment when business subject to investment related to the rights is business that mainly invests in beneficial interest in real property trust. In such a case, the term "paragraph (1)" in that paragraph is deemed to be replaced with "Article 90, paragraph (1)".

（商品ファンド関連取引に係る契約締結前交付書面の記載事項の特則）

(Special Provisions on Matters to Be Stated in a Document to Be Delivered Prior to Conclusion of a Contract Related to Commodity Fund-Related Transactions)

第九十一条　その締結しようとする金融商品取引契約が、商品ファンド関連受益権の売買その他の取引（以下「商品ファンド関連取引」という。）に係るものである場合における法第三十七条の三第一項第七号に規定する内閣府令で定める事項は、第八十四条第一項、第八十七条第一項、第八十八条第一項及び第八十九条第一項の規定にかかわらず、第八十三条第一項に規定する事項のほか、次に掲げる事項とする。

Article 91 (1) Notwithstanding the provisions of Article 84, paragraph (1), Article 87, paragraph (1), Article 88, paragraph (1) and Article 89, paragraph (1), if a financial instruments transaction contract to be concluded concerns purchase and sale or other transactions of a beneficial interest in commodity fund (hereinafter referred to as "commodity fund-related transactions"), the matters specified by Cabinet Office Order as prescribed in Article 37-3, paragraph (1), item (vii) of the Act are the following matters in addition to those prescribed in Article 83, paragraph (1):

一　商品ファンド（商品ファンド関連受益権を有する者から出資又は拠出を受けた金銭その他の財産をいう。以下この条及び第百九条第五号において同じ。）の運用を行う者（以下この項において「運用業者」という。）及び商品ファンドに関し業務上密接な関係を有する者（以下この項において「関係業者」という。）のうち主要な者であって次に掲げるものの商号、名称又は氏名及び住所並びに代表者がいる場合にあっては、代表者の氏名

(i) the trade name, name and address of the persons that make an investment (hereinafter referred to as an "investment manager" in this paragraph) of the commodity fund (meaning money or other property invested or paid by persons who hold a beneficial interest in commodity fund; hereinafter the

same applies in this Article and Article 109, item (v)) and the persons that have a close business relationship with the commodity fund (hereinafter referred to as "related business operators" in this paragraph), who are the major business operators and set forth in following sub-items, and the name of the representative if the person has a representative:

イ　商品ファンドの運用に関与する商品投資顧問業者（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をいう。以下この条において同じ。）及び同法に相当する外国の法令の規定により当該外国において同法第三条の商品投資顧問業の許可と同種の許可又はこれに準ずる処分（第十三号において「許可等」という。）を受けている者

(a) a commodity trading advisor involved in investment in commodity funds (meaning a commodity trading advisor as defined in Article 2, paragraph (4) of the Act on Regulation of Commodity Investment (Act No. 66 of 1991); hereinafter the same applies in this Article) and a person that has been granted the same type of permission as a commodity investment advisory business permission referred to in Article 3 of that Act or any other equivalent disposition (referred to as a "permission, etc." in item (xiii)) in a foreign country pursuant to foreign laws and regulations corresponding to that Act;

ロ　商品ファンドから出資又は拠出を受ける者（運用業者を除く。）

(b) a person that receives investment or contribution from the commodity fund (excluding an investment manager); and

ハ　運用業者及びロに掲げる者が当該商品ファンドの運用を委託する者

(c) a person that is entrusted the investment of the commodity fund by an investment manager and the person set forth in (b);

二　当該金融商品取引業者等及び運用業者の資本金の額又は出資の総額及び主要株主（自己又は他人の名義をもって総株主等の議決権の百分の十以上の議決権を保有している者をいう。第九十五条第一項第一号及び第百五十三条第一項第四号ニ（６）（ｉ）において同じ。）の商号、名称又は氏名並びに当該金融商品取引業者等又は運用業者が他に事業を行っているときは、その種類

(ii) the amount of stated capital or the total amount of contribution of the financial instruments business operator, etc. and the investment manager, and the trade name or name of the major shareholder (meaning a person holding ten percent or more of the voting rights held by all the shareholders, etc. under their own name or the name of another person; the same applies in Article 95, paragraph (1), item (i) and Article 153, paragraph (1), item (iv), sub-item (d), 6., i.) and if the financial instruments business operator, etc. or the investment manager is conducting another business, the type of that business;

三　運用業者の財産の運用開始日が属する事業年度の前事業年度の貸借対照表及び損益計算書又はこれらに代わる書面

(iii) the balance sheet and profit and loss statement for the previous business year of the business year in which the day when the investment manager commenced the investment of their properties belongs, or any alternative document;

四　運用業者の役員及び商品ファンドを運用する重要な使用人（部長、次長、課長その他いかなる名称であるかを問わず、商品ファンドの運用について責任を有する者をいう。）の氏名並びに役員が他の法人の常務に従事し、又は事業を営んでいるときは、当該役員の氏名並びに当該他の法人の商号又は名称及び業務又は当該事業の種類

(iv) the names of the officers and important employees of investment managers who are investing in commodity funds (meaning a person responsible for investment in commodity funds, such as general manager, deputy general manager, manager, or any other person irrespective of the title), and if an officer is engaged in the day-to-day operations of or manages business for another corporation, the name of that officer, the trade name or name of the other corporation, and the type of the operations or the business;

五　当該金融商品取引契約の種類並びに顧客の権利及び責任の範囲に関する次に掲げる事項

(v) the following matters related to the type of the financial instruments transaction contract and the scope of the customer's rights and responsibilities:

イ　当該金融商品取引契約の種類

(a) the type of the financial instruments transaction contract;

ロ　顧客から出資され、若しくは拠出された財産又は当該商品ファンド関連受益権に係る信託財産に関する顧客の監視権の有無及び顧客が当該監視権を有する場合にあっては、その内容

(b) whether the customer has a right to monitor the property invested or contributed by the customer or trust property related to the beneficial interest in commodity fund, and if the customer has the monitoring right, the content of the right;

ハ　顧客から出資され、若しくは拠出された財産又は当該商品ファンド関連受益権に係る信託財産の所有関係

(c) ownership relationship of the property invested or contributed by a customer, or the trust property related to the beneficial interest in commodity fund;

ニ　顧客の第三者に対する責任の範囲

(d) the scope of a customer's responsibility to third parties;

ホ　出資され、若しくは拠出された財産又は当該商品ファンド関連受益権に係る信託財産が損失により減じた場合の顧客の損失分担に関する事項

(e) the matters concerning the share of loss of a customer, if the property invested or contributed or the trust property related to the beneficial

interest in commodity fund decreases due to a loss; and

ヘ　顧客から出資され、若しくは拠出された財産又は当該商品ファンド関連受益権に係る信託財産に関する収益及び償還金の受領権

(f) the right to receive profit and redemption concerning the property invested or contributed by the customer or the trust property related to the beneficial interest in commodity fund;

六　当該金融商品取引契約又は当該商品ファンド関連受益権に係る信託契約に係る法令の概要

(vi) an outline of laws and regulations applicable to the financial instruments transaction contract or a trust agreement related to the beneficial interest in commodity fund;

七　顧客から出資され、若しくは拠出された財産又は当該商品ファンド関連受益権に係る信託財産の運用形態に関する次に掲げる事項

(vii) the following matters concerning the type of the investment in the property invested or contributed by a customer or the trust property related to the beneficial interest in commodity fund:

イ　元本確保型であるか、又は積極運用型であるかの別

(a) distinction of whether it is a capital-protected investment or aggressive investment;

ロ　元本確保型である場合にあっては、元本の確保の方法及び確保することができる元本の金額

(b) if it is a capital-protected investment, the means of protecting the principal and the amount of principal that may be protected;

ハ　積極運用型である場合にあっては、予想される損失の範囲

(c) if it is an aggressive investment, the scope of expected loss; and

ニ　追加募集の有無

(d) whether additional offering is to be made or not.

八　顧客から出資され、若しくは拠出された財産又は当該商品ファンド関連受益権に係る信託財産の投資の内容及び方針に関する次に掲げる事項

(viii) the following matters concerning the content and policy of the investment of the property invested or contributed by a customer or the trust property related to the beneficial interest in commodity fund:

イ　地域別、種類別その他の投資の対象に係る分類別の比率の予定が明らかである場合にあっては、当該比率その他の主な投資の対象の内容及び基準に関する事項

(a) if the scheduled ratio by region, scheduled ratio by type, or other scheduled ratio by classification has been made clear, the ratio and other matters on the content and the criteria of the main target for investment;

ロ　法令その他の規則において投資の制限についての定めがある場合にあっては、当該制限の内容及びその根拠

(b) if there are provisions on restriction of investment in laws and regulations or other rules, the content and the grounds for the restriction;

ハ　借入れ、集中投資、他の商品ファンドへの投資及び流動性に欠ける投資対象への投資の有無並びに投資に関する制限を設ける場合にあっては、当該制限の内容及びその根拠

(c) whether borrowing, concentrated investment, investment in other commodity funds, or investment in the subject of investment lacking liquidity is to be made, and if any restriction on investment is to be imposed, the content and the grounds for the restriction;

ニ　繰上償還の有無

(d) whether an advanced redemption may be made;

ホ　運用開始予定日

(e) the scheduled date for the commencement of investment;

ヘ　運用終了予定日

(f) the scheduled date for the termination of investment; and

ト　一年以内で定められた商品ファンドの運用に係る計算期間（以下「計算期間」という。）

(g) the accounting period for investment of commodity fund, which is set within one year (hereinafter referred to as "accounting period");

九　商品投資に係る事業の規制に関する法律第二条第一項第一号に掲げる取引（以下この条及び第百九条第四号において「商品先物取引」という。）の投機性、資金運用効率、流動性、商品先物取引法第二条第二十三項に規定する商品先物取引業者の信用、商品投資顧問業者の運用手法その他の商品ファンドを商品先物取引で運用することにより予想される損失発生の要因

(ix) the factors expected to give rise to losses by the transaction set forth in Article 2, paragraph (1), item (i) of the Act on Regulation of Commodity Investment (hereinafter referred to as "commodity futures" in this Article and Article 109, item (iv)) due to its speculativeness, efficiency of fund management, liquidity, credibility of commodity derivatives business operators as defined in Article 2, paragraph (23) of the Commodity Derivatives Transaction Act, the method of investment taken by commodity trading advisors, and by investing in other commodity funds through commodity futures transactions;

十　顧客への運用状況の報告の方法、頻度及び時期

(x) the method, frequency, and timing of reporting the status of the investment to customers; and

十一　商品投資に係る事業の規制に関する法律第二条第五項第三号に掲げる契約を締結する場合にあっては、当該契約により顧客に付与される報告請求権の内容

(xi) if a contract set forth in Article 2, paragraph (5), item (iii) of the Act on Regulation of Commodity Investment is to be concluded, the content of the right to request a report to be granted to the customer under that contract;

十二　運用業者に関する次に掲げる事項

(xii) the following matters concerning investment managers:

イ　定款上の事業目的

(a) the purpose of the business stated in its articles of incorporation;

ロ　設立経緯

(b) the history of incorporation;

ハ　商号の変更

(c) change to the trade name;

ニ　運用業者の役員の変更についての監督官庁及び株主等による承認の要否並びに当該承認が必要な場合にあっては、その根拠及び承認手続

(d) whether a change of officer of an investment manager requires the approval of the supervisory government agency or shareholders, etc., and if the approval is required, the grounds for the approval and the procedures for obtaining the approval;

ホ　定款変更、合併並びに事業譲渡及び事業譲受

(e) change to the articles of incorporation, a merger, and business transfer and acquisition;

ヘ　主要な出資又は拠出の状況

(f) the status of the major investment or contribution; and

ト　訴訟事件その他の重要事項

(g) important matters such as lawsuits;

十三　関係業者のうち主要な者に関する次に掲げる事項

(xiii) the following matters concerning related business operators who are major business operators:

イ　関係業者が商品ファンドから出資又は拠出を受ける者である場合にあっては、その資本金の額又は出資の総額

(a) if the related business operator is to receive investment or contribution from commodity funds, the amount of stated capital or the total amount of investment;

ロ　商品ファンドから新たに出資又は拠出を受けて関係業者となる法人が設立される場合にあっては、当該出資又は拠出の予定額

(b) if a corporation that will newly become a related business operator by receiving investment or contribution from commodity funds is to be incorporated, the planned amount of the investment or contribution;

ハ　商品投資顧問業者及び商品投資に係る事業の規制に関する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同法第三条の許可と同種の許可等を受けている者に係る当該許可等の番号、当該許可等を与えた機関の名称及びその機関が属する国の名称、設立年並びに当該許可等を受けた年

(c) for a commodity trading advisor and a person that has been granted the same type of permission, etc. as the permission referred to in Article 3 of the Act on Regulation of Commodity Investment in a foreign country under a foreign law and regulation corresponding to that Act, the number of the permission, etc., the name of the agency that has granted the permission,

etc., the name of the country to which the agency belongs and the year of the establishment of the agency, and the year the permission, etc. was granted; and

ニ　商品ファンドの運用に係る業務内容

(d) the content of the business related to the investment in commodity funds;

十四　運用業者及び関係業者のうち主要な者との資本関係

(xiv) the capital relationship with investment managers and related business operators who are major business operators;

十五　商品ファンド関連受益権の募集、私募又は売出しに関する次に掲げる事項

(xv) the following matters concerning a public offering, private placement, or secondary distribution of beneficial interest in commodity fund:

イ　商品ファンド関連受益権の名称

(a) the name of the beneficial interest in commodity fund:

ロ　募集、私募又は売出しの予定総額及び予定総口数

(b) the total planned amount and the total planned number of units of the public offering, private placement, or secondary distribution;

ハ　募集、私募又は売出しの単位

(c) the unit of the public offering, private placement, or secondary distribution;

ニ　申込みの期間、方法及び取扱場所

(d) the period, method, and place of handling of the application; and

ホ　払込みの期日及び方法

(e) the payment date and the payment method.

十六　当該商品ファンド関連受益権に係る契約期間に関する事項

(xvi) the matters concerning the contract period related to the beneficial interest in commodity fund;

十七　金融商品取引契約の変更の手続、変更をする旨の開示の方法その他当該金融商品取引契約の変更に関する事項

(xvii) the procedures for the change, the means for disclosing the change, and other matters concerning the change to the financial instruments transaction contract;

十八　当該金融商品取引契約の解約に関する次に掲げる事項

(xviii) the following matters concerning cancellation of the financial instruments transaction contract:

イ　解約の可否

(a) whether the financial instruments transaction contract may be canceled or not;

ロ　解約をすることができる場合にあっては、次に掲げる事項

(b) if the financial instruments transaction contract may be canceled, the following matters:

（１）　解約の条件及び方法

1. the conditions for and method of cancellation;

（２）　解約の申込期間

2. the application period for cancellation;

（３）　解約償還金の金額の計算方法及び支払方法

3. the calculation method of the redemption money upon cancellation and its payment method;

（４）　解約償還金の支払予定日

4. the scheduled payment date of the redemption money upon cancellation;

（５）　解約に係る手数料

5. the cancellation fee; and

（６）　解約が多発したときは、当初予定していた運用を行うことができなくなるおそれがある旨及び運用自体を行うことができなくなるおそれがある旨

6. if the contracts are canceled frequently, the fact that it may not be possible to make the investment as initially scheduled and make the investment itself.

十九　当該金融商品取引業者等による買取りの有無並びに買取りをする場合にあっては、その条件及び方法並びに当該買取りに係る買取り金額の計算方法、支払方法及び支払時期

(xix) whether the financial instruments business operator, etc. conducts a purchase, and if they conduct a purchase, its conditions and method, and the calculation method of the purchase price related to the purchase, the payment method, and the timing of the payment;

二十　損害賠償額の予定（違約金を含む。）に関する定めがあるときは、その内容

(xx) if there is an agreement for liquidated damages (including penalties), the content of the agreement;

二十一　当該金融商品取引業者等が顧客から手数料等を徴収する方法

(xxi) the method with which the financial instruments business operator, etc. collects fees, etc. from customers;

二十二　商品ファンドから支払われる商品ファンドの管理に係る手数料等の支払先、計算方法、支払額、支払方法及び支払時期並びに当該支払額が未定の場合にあっては、その旨

(xxii) the payee, calculation method, payment amount, payment method, and timing of the payment, of the fees, etc. related to the management of the commodity fund payable from commodity funds, and if the payment amount has not been determined, that fact;

二十三　商品ファンドに係る資産評価等に関する次に掲げる事項

(xxiii) the following matters concerning asset assessment, etc. related to commodity funds:

イ　一口当たりの純資産額の計算方法及び資産の評価方法

(a) the calculation method of the net asset per unit, and the assessment method of the assets;

ロ　計算期間

(b) the accounting period; and

ハ　顧客への通知の方法

(c) the means of notifying the customers;

二十四　計算期間に係る商品ファンドの貸借対照表及び損益計算書又はこれらに代わる書面その他の財務計算に関する書類に対する公認会計士又は監査法人の監査を受ける予定の有無及びその予定がある場合にあっては、監査を受ける範囲

(xxiv) whether an audit by a certified public accountant or an audit corporation of the balance sheet and profit and loss statement, an alternative document or other documents on financial calculation of commodity funds related to an accounting period is scheduled to be made, and if the audit is scheduled, the scope of the matters to be audited;

二十五　商品ファンドの収益の分配の方法及び方針

(xxv) the method and policy for distributing the profit for commodity funds;

二十六　満期時の償還金の金額の計算方法、支払方法及び支払時期

(xxvi) the calculation method, the payment method, and the timing of the amount of redemption money payable upon maturity;

二十七　配当及び償還金に係る租税に関する事項

(xxvii) the matters concerning taxation on the dividend and the redemption money;

二十八　運用業者が外国法人である場合にあっては、本邦内に住所を有する者であって裁判上及び裁判外において当該運用業者を代理する権限を有するものの有無並びに当該者がある場合にあっては、その商号、名称又は氏名及び住所並びに当該権限の内容

(xxviii) if the investment manager is a foreign corporation, whether it has a person that has a domicile in Japan who has been granted the authority to represent the investment manager for acts in or out of court, and if there is such a person, the trade name, name, and address of that person, and the content of the authority;

二十九　当該商品ファンド関連受益権に係る契約その他の法律行為に当該商品ファンド関連受益権に関する訴訟について管轄権を有する裁判所の定めがある場合にあっては、その名称及び所在地

(xxix) if the contract related to the beneficial interest in commodity fund or other juridical acts provides for the court that has jurisdiction over the action related to the beneficial interest in commodity fund, the name and location of that court; and

三十　元本の追加運用をすることができる商品ファンドに追加運用するための商品ファンド関連取引に係る金融商品取引契約の締結又はその代理若しくは媒介（以下この号において「締結等」という。）をしようとする場合にあっては、次に掲げる事項

(xxx) if a financial instruments transaction contract related to commodity fund-

related transactions intended for making additional investment in commodity funds for which additional investment of principal may be made is to be concluded, or if its agency or intermediary services are to be provided (hereinafter referred to as "conclusion, etc." in this item), the following matters:

イ　当該締結等の勧誘の開始日の前々月末日における次に掲げる事項ごとの当該商品ファンドに係る資産配分状況

(a) the status of the distribution of assets related to the commodity fund on the last day of the month two months before the day of the commencement of solicitation for the conclusion, etc., for each of the following matters:

（１）　商品先物取引（貴金属、農産物、エネルギー資源、その他の当該商品先物取引に係る主要な物品ごとの内訳を含む。）

1. commodity derivatives transaction (including a breakdown for each major goods related to precious metals, agricultural products, energy resources, and for other major goods related to the commodity derivatives transactions);

（２）　商品投資に係る事業の規制に関する法律第二条第一項第二号に規定する商品投資（貴金属、農産物、エネルギー資源その他の当該商品投資に係る主要な物品ごとの内訳を含む。）

2. the commodities investment as defined in Article 2, paragraph (1), item (ii) of the Act on Regulation of Commodity Investment (including a breakdown for each major goods related to precious metals, agricultural products, energy resources, and for other major goods related to the commodity investment);

（３）　商品投資に係る事業の規制に関する法律第二条第一項第三号に規定する商品投資（貴金属、農産物、エネルギー資源その他の当該商品投資に係る主要な物品ごとの内訳を含む。）

3. the commodities investment as defined in Article 2, paragraph (1), item (iii) of the Act on Regulation of Commodity Investment (including a breakdown for each major goods related to precious metals, agricultural products, energy resources and for other major goods related to the commodity investment);

（４）　令第三十七条第一項第二号イからホまでに掲げる物品の取得（生産を含む。）をし、譲渡をし、使用をし、又は使用させることによる運用（同号イからホまでに掲げる当該運用に係る物品ごとの内訳を含む。）

4. investment by acquisition (including production), transfer, use of the goods set forth in Article 37, paragraph (1), item (ii), sub-items (a) through (e) of the Order or by having those goods used (including a breakdown of each goods related to the investment set forth in sub-items (a) through (e) of that item);

（５）　その他の運用方法（有価証券、譲渡性預金その他の主要な金融商品に対

する投資、法第二条第二十一項各号に掲げる取引、同条第二十二項各号に掲げる取引、同条第二十三項に規定する取引その他の主要な運用方法ごとの内訳を含む。）

5. other investment methods (including a breakdown for each major investment method of investment in securities, negotiable deposits, and other major financial instruments, for a transaction set forth in the items of Article 2, paragraph (21) of the Act, a transaction set forth in the items of paragraph (22) of that Article, a transaction prescribed in paragraph (23) of that Article, and other major investment methods);

ロ　当該勧誘の開始日が属する月の前々月末日において終了している直近十計算期間の各計算期間の末日における純資産額及び配当

(b) the amount of net assets and the dividends on the last day of each of the latest ten accounting periods that ended on the last day of the month two months before the month the day of the commencement of the solicitation belongs;

ハ　当該勧誘の開始日が属する月の前々月末日において終了している直近十計算期間の各計算期間における募集、私募、売出し又は特定投資家向け売付け勧誘等の金額、解約金額及び償還金額

(c) the amount, the amount of cancellation money, and the amount of redemption for public offering, private placement, secondary distribution, or solicitation for selling, etc. only for professional investors, for each of the latest ten accounting periods that ended on the last day of the month two months before the month the day of commencement of the solicitation belongs;

ニ　当該勧誘の開始日が属する計算期間の前計算期間に係る商品ファンドの貸借対照表及び損益計算書又はこれらに代わる書面

(d) the balance sheet and the profit and loss statement of the commodity fund related to the accounting period before the accounting period which the day of the commencement of the solicitation belongs, or other alternative documents;

ホ　ニの商品ファンドから出資又は拠出を受けた者がある場合にあっては、当該商品ファンド及び当該者に係る連結貸借対照表及び連結損益計算書又はこれらに代わる書面であって顧客が当該商品ファンド及び当該者に係る純資産額を理解することができる方法により記載されているもの

(e) if there is a person that has received investment or contribution from the commodity fund referred to in sub-item (d), the consolidated balance sheet and the consolidated profit and loss statement related to the commodity fund and the person, or other alternative documents, which are stated in a way that a customer can understand the amount of net assets of the commodity fund or the person; and

ヘ　ニ又はホに掲げる書面その他の財務計算に関する書類に対する公認会計士又は監査法人の監査を受けているときは、その範囲（契約締結前交付書面に公認会計士又は監査法人の監査に係る書類が添付されており、かつ、当該書類に監査を受けた範囲が明記されている場合を除く。）

(f) if the document set forth in sub-item (d) or (e) or other documents on the financial calculation has been audited by a certified public accountant or an audit corporation, the scope of the audit (excluding when a document related to the audit by a certified public accountant or an audit corporation is attached to the document for delivery prior to conclusion of a contract and the scope of the audit is clearly indicated in the document).

２　第八十三条第二項の規定は、商品ファンド関連取引について準用する。この場合において、同項中「前項各号」とあるのは、「第九十一条第一項各号」と読み替えるものとする。

(2) The provisions of Article 83, paragraph (2) apply mutatis mutandis to a commodity fund-related transaction. In such a case, the term "items of the preceding paragraph" in that paragraph is deemed to be replaced with "the items of Article 91, paragraph (1)".

３　第八十三条第三項の規定は、商品ファンド関連受益権について準用する。この場合において、同項中「第一項」とあるのは、「第九十一条第一項」と読み替えるものとする。

(3) The provisions of Article 83, paragraph (3) apply mutatis mutandis to the beneficial interest in commodity fund. In such a case, the term "paragraph (1)" in that paragraph is deemed to be replaced with "Article 91, paragraph (1)".

４　第一項及び前項の「商品ファンド関連受益権」とは、次に掲げるものをいう。

(4) The term the "beneficial interest in commodity fund" as used in paragraph (1) and the preceding paragraph means the following matters:

一　法第二条第一項第十四号に掲げる有価証券若しくは同項第十七号に掲げる有価証券（同項第十四号に掲げる有価証券の性質を有するものに限る。）に表示されるべき権利又は同条第二項第一号若しくは第二号に掲げる権利であって、これらの権利に係る信託財産を主として次に掲げる行為により運用することを目的とする信託の収益の分配及び元本の返還を受ける権利であるもの

(i) the rights required to be indicated on the securities set forth in Article 2, paragraph (1), item (xiv) of the Act or on those set forth in item (xvii) of that paragraph (limited to those which have the nature of the securities set forth in item (xiv) of that paragraph) or the rights set forth in paragraph (2), item (i) or (ii) of that Article, which are rights to receive distribution of profits and refund of principal of trust for the purpose of mainly investing in trust property related to the rights through the following acts:

イ　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商品投資

(a) the commodities investment as defined in Article 2, paragraph (1) of the Act on Regulation of Commodity Investment; and

ロ　令第三十七条第一項第二号イからホまでに掲げるいずれかの物品の取得（生産を含む。）をし、譲渡をし、使用をし、又は使用をさせること。

(b) to acquire (including production), transfer, use, or having a person use any of the goods set forth in Article 37, paragraph (1), item (ii), sub-items (a) through (e) of the Order;

二　法第二条第二項第五号又は第六号に掲げる権利のうち当該権利に係る出資対象事業が前号に規定する権利に対する投資であるもの

(ii) the rights set forth in Article 2, paragraph (2), item (v) or (vi) of the Act when the business subject to investment related to those rights is an investment in the rights specified in the preceding item; and

三　法第二条第二項第五号又は第六号に掲げる権利のうち当該権利に係る出資対象事業が主として第一号イ又はロに掲げる行為を行う事業であるもの

(iii) the rights set forth in Article 2, paragraph (2), item (v) or (vi) of the Act when the business subject to investment related to those rights is mainly business that conducts the act set forth in item (i), sub-item (a) or (b).

（競走用馬投資関連業務に係る取引に係る契約締結前交付書面の記載事項の特則）

(Special Provisions on Matters to Be Stated in a Document to Be Delivered Prior to Conclusion of a Contract on Transactions Related to Business Related to Investment in Racehorses)

第九十二条　その締結しようとする金融商品取引契約が競走用馬投資関連業務に係る取引に係るものである場合における法第三十七条の三第一項第七号に規定する内閣府令で定める事項は、前条第一項に規定する事項のほか、競走用馬の血統及び飼養管理の状況に関する事項とする。

Article 92 (1) If a financial instruments transaction contract to be concluded concerns transactions for business related to investment in racehorses, the matters specified by Cabinet Office Order as prescribed in Article 37-3, paragraph (1), item (vii) of the Act are the matters related to the bloodlines of racehorses and the status of their breeding management, in addition to the matters specified in paragraph (1) of the preceding Article.

２　第八十三条第二項の規定は、競走用馬投資関連業務に係る取引について準用する。この場合において、同項中「前項各号に掲げる事項」とあるのは「競走用馬の血統及び飼養管理の状況に関する事項」と、「同項の」とあるのは「第九十二条第一項の」と、「同項各号に掲げる事項」とあるのは「当該事項」と読み替えるものとする。

(2) The provisions of Article 83, paragraph (2) apply mutatis mutandis to transactions for business related to investment in racehorses. In such a case, the terms "the matters set forth in the items of the preceding paragraph", "that paragraph", and "the matters set forth in the items of that paragraph" in that paragraph are deemed to be replaced with "the matters related to the bloodlines of the racehorses and the status of their breeding management", "Article 92, paragraph (1)", and "the matters", respectively.

３　第八十三条第三項の規定は、第七条第四号ニ（１）又は（２）に掲げる権利について準用する。この場合において、同項中「第一項」とあるのは、「第九十二条第一項」と読み替えるものとする。

(3) The provisions of Article 83, paragraph (3) apply mutatis mutandis to the right set forth in Article 7, item (iv), sub-item (d), 1. or 2. In such a case, the term "paragraph (1)" in that paragraph is deemed to be replaced with "Article 92, paragraph (1)".

（事業型出資対象事業持分の売買その他の取引に係る契約締結前交付書面の記載事項の特則）

(Special Provisions on Matters to Be Stated in Documents to Be Delivered Prior to Conclusion of a Contract Related to Purchase and Sale or Other Transactions of Business-Type Equity in the Business Subject to Investment)

第九十二条の二　その締結しようとする金融商品取引契約が、出資対象事業持分のうち当該出資対象事業持分に係る出資対象事業が主として有価証券又はデリバティブ取引に係る権利に対する投資を行う事業以外の事業であるもの（以下この条において「事業型出資対象事業持分」という。）の売買その他の取引に係るものである場合における法第三十七条の三第一項第七号に規定する内閣府令で定める事項は、第八十七条第一項に規定する事項（当該金融商品取引契約が外国出資対象事業持分の売買その他の取引に係るものである場合にあっては第八十八条第一項に規定する事項、当該金融商品取引契約が第九十一条第四項第三号に掲げるものの売買その他の取引に係るものである場合にあっては同条第一項に規定する事項、当該金融商品取引契約が競走用馬投資関連業務に係る取引に係るものである場合にあっては前条第一項に規定する事項）のほか、次に掲げる事項とする。

Article 92-2 (1) The matters specified by Cabinet Office Order as prescribed in Article 37-3, paragraph (1), item (vii) of the Act when the financial instruments transaction contract to be concluded concerns purchase and sale and other transactions of the right, of which the business subject to investment related to equity in the business subject to investment is business other than the business that invests mainly in the rights related to securities or derivative transactions from among equity in the business subject to investment (hereinafter referred to as "business-type equity in the business subject to investment" in this Article) are the following matters in addition to the matters prescribed in Article 87, paragraph (1) (if the financial instruments transaction contract is related to the purchase and sale or other transactions of equity in the foreign business subject to investment, the matters specified in Article 88, paragraph (1); if the financial instruments transaction contract is related to the purchase and sale or other transactions of the rights set forth in Article 91, paragraph (4), item (iii), the matters specified in paragraph (1) of that Article; and if the financial instruments transaction contract concerns transactions for business related to investment in racehorses, the matters specified in

paragraph (1) of the preceding Article):

一　事業型出資対象事業持分に関する次のイからニまでに掲げる金銭の管理の方法の区分に応じ当該イからニまでに定める事項

(i) the matters specified in the following sub-items (a) through (c) in accordance with the category of money management methods set forth in those sub-items (a) through (c) related to business-type equity in the business subject to investment:

イ　第百二十五条第二号イに掲げる方法　次に掲げる事項

(a) the method set forth in Article 125, item (ii), (a): the following matters:

（１）　預託先の商号又は名称

1. the trade name or name of the depository;

（２）　預託に係る営業所又は事務所の名称及び所在地

2. the name and location of the business office or office related to deposit;

（３）　預託の名義

3. the name of the depositer; and

（４）　預託の口座番号その他の当該預託を特定するために必要な事項

4. the account number of the depositer and other necessary matters to identify the deposit;

ロ　第百二十五条第二号ロに掲げる方法　次に掲げる事項

(b) the method set forth in Article 125, item (ii), sub-item (b): the following matters:

（１）　預金又は貯金の口座のある銀行等（銀行、協同組織金融機関、株式会社商工組合中央金庫又は外国の法令に準拠し、外国において銀行法第十条第一項第一号に掲げる業務を行う者をいう。）の商号又は名称

1. the trade name or name of the bank, etc. (meaning a bank, cooperative financial institution, the Shoko Chukin Bank Limited, or a person that engages in the operations listed in Article 10, paragraph (1), item (i) of the Banking Act in a foreign state) in which there is a bank or postal savings account;

（２）　預金又は貯金の口座に係る営業所又は事務所の名称及び所在地

2. the name and location of the business office or office related to a bank or postal savings account;

（３）　預金又は貯金の名義

3. the bank or postal savings account name; and

（４）　預金又は貯金の口座番号その他の当該預金又は貯金を特定するために必要な事項

4. the bank or postal savings account number and other necessary matters to identify the bank or postal savings account;

ハ　第百二十五条第二号ハに掲げる方法　次に掲げる事項

(c) the method set forth in Article 125, item (ii), sub-item (c): the following matters:

（１）　金銭信託の受託者の商号又は名称

1. the trade name or name of the trustee of a money trust;

（２）　金銭信託に係る営業所又は事務所の名称及び所在地

2. the name and location of the business office or office related to a money trust;

（３）　金銭信託の名義

3. the name of the money trust; and

（４）　金銭信託の口座番号その他の当該金銭信託を特定するために必要な事項

4. the account number of a money trust and other necessary matters to identify a money trust;

ニ　第百二十五条第二号ニに掲げる方法　次に掲げる事項

(d) the method set forth in Article 125, item (ii), sub-item (d): the following matters:

（１）　管理の委託先の商号又は名称

1. the trade name or name of the person entrusted with management;

（２）　管理の委託に係る営業所又は事務所の名称及び所在地

2. the name and location of the business office or office related to the entrustment of management;

（３）　管理の委託の名義

3. the name of the person entrusted with management; and

（４）　管理の委託の口座番号その他の当該管理の委託を特定するために必要な事項

4. the account number of the person entrusted with management and other matters necessary to identify the entrustment of management;

二　法第四十条の三に規定する管理の実施状況及び当該金融商品取引業者等が当該実施状況の確認を行った方法

(ii) the implementation status of the management specified in Article 40-3 of the Act and the method with which the financial instruments business operator, etc. checked the implementation status;

三　事業型出資対象事業持分の売買その他の取引に係る契約の特性及び当該特性を理解した上で投資を行うべきである旨

(iii) the characteristics of the contract related to purchase and sale and other transactions of business-type equity in the business subject to investment and the fact that investment should be made after understanding the characteristics;

四　出資対象事業に係る資金の流れに関する次に掲げる事項

(iv) the following matters concerning the flow of funds related to the business subject to investment:

イ　事業型出資対象事業持分を有する者から出資又は拠出を受けた金銭その他の財産の使途の具体的な内容及び当該金銭その他の財産の各使途への配分に係る方針

(a) the specific content of the use of money and other property that is

invested or paid by a person that has business-type equity in the business subject to investment, and the policy on the distribution of the money and other property for each use; and

ロ　事業型出資対象事業持分を有する者から出資又は拠出を受けた金銭その他の財産に係る送金若しくは送付又は管理若しくは保管を行う者の商号又は名称及び役割

(b) the trade name or name and role of the person that transfers or sends, or manages or stores money or other properties invested or paid by the person that has business-type equity in the business subject to investment; and

五　事業型出資対象事業持分を有する者から出資又は拠出を受けた金銭その他の財産に係る外部監査の有無及び当該外部監査を受ける場合にあっては、当該外部監査を行う者の氏名又は名称

(v) whether an external audit of money and other properties invested or paid by the person that has business-type equity in the business subject to investment, and when receiving an external audit, the name of the person that performs the external audit.

２　第八十三条第二項の規定は、事業型出資対象事業持分の売買その他の取引について準用する。この場合において、同項中「前項各号」とあるのは、「第九十二条の二第一項各号」と読み替えるものとする。

(2) The provisions of Article 83, paragraph (2) apply mutatis mutandis to purchase and sale and other transactions of business-type equity in the business subject to investment. In such a case, the term "the items of the preceding paragraph" in that paragraph is deemed to be replaced with "the items of Article 92-2, paragraph (1)".

３　第八十三条第三項の規定は、事業型出資対象事業持分について準用する。この場合において、同項中「第一項」とあるのは、「第九十二条の二第一項」と読み替えるものとする。

(3) The provisions of Article 83, paragraph (3) apply mutatis mutandis to the business-type equity of business subject to investment. In such a case, the term "paragraph (1)" in that paragraph is deemed to be replaced with "Article 92-2, paragraph (1)".

（デリバティブ取引等に係る契約締結前交付書面の共通記載事項）

(Common Matters to Be Stated in All Documents for Delivery Prior to Conclusion of a Contract Related to Derivative Transactions)

第九十三条　その締結しようとする金融商品取引契約がデリバティブ取引等に係るものである場合における法第三十七条の三第一項第七号に規定する内閣府令で定める事項は、第八十二条各号に掲げる事項のほか、次に掲げる事項とする。

Article 93 (1) If a financial instruments transaction contract to be concluded concerns derivative transactions, etc., the matters specified by Cabinet Office Order as prescribed in Article 37-3, paragraph (1), item (vii) of the Act are the

matters set forth in the following items, in addition to those set forth in the items of Article 82:

一　令第十六条第一項第三号及び第六号に規定する事項

(i) the matters prescribed in Article 16, paragraph (1), items (iii) and (vi) of the Order;

二　当該デリバティブ取引等に基づき発生する債務の履行の方法及び当該デリバティブ取引等を決済する方法

(ii) the method of performance of the obligations arising from the derivative transactions, etc., and the method of settlement of those derivative transactions, etc.;

三　当該デリバティブ取引等が市場デリバティブ取引等又は外国市場デリバティブ取引等である場合にあっては、これらの取引に係る取引所金融商品市場又は外国金融商品市場を開設する者の商号又は名称

(iii) if the derivative transactions, etc., are market transactions of derivatives, etc. or foreign market derivatives transactions, etc., the trade name or name of the person that establishes a financial instruments exchange market or a foreign financial instruments market related to those transactions;

四　顧客が当該デリバティブ取引等に関し預託すべき委託証拠金その他の保証金の種類及び金額の計算方法、当該委託証拠金その他の保証金に充当することができる財産の種類及び充当価格その他これに準ずるもの並びに顧客が当該委託証拠金その他の保証金を預託し、及びその返還を受ける方法

(iv) the type and calculation method of customer margin required to be deposited by customers in connection with the derivative transactions, etc. or other security deposits; the type of property that may be appropriated to the customer margin or other security deposits, and the amount to be appropriated or other equivalent property; and the method taken by customers to deposit the customer margin or other security deposits, and to refund them.

五　顧客から手数料等を徴収する方法

(v) the method of collecting fees, etc. from customers;

六　デリバティブ取引又はその受託等（法第四十四条の二第一項第一号に規定する受託等をいう。以下同じ。）に係る手続に関する事項

(vi) the matters concerning the procedures related to derivative transactions or to receive their entrustment, etc. (meaning to receive entrustment, etc. prescribed in Article 44-2, paragraph (1), item (i) of the Act; the same applies hereinafter); and

七　デリバティブ取引に関する主要な用語及びその他の基礎的な事項

(vii) the key terms concerning derivative transactions and other basic matters.

2　第八十三条第二項の規定は、デリバティブ取引等について準用する。この場合において、同項中「前項各号」とあるのは、「第九十三条第一項各号」と読み替えるものとする。

(2) The provisions of Article 83, paragraph (2) apply mutatis mutandis to derivative transactions, etc. In such a case, the term "the items of the preceding paragraph" in that paragraph is deemed to be replaced with "the items of Article 93, paragraph (1)".

（店頭デリバティブ取引契約に係る契約締結前交付書面の記載事項の特則）
(Special Provisions on Matters to Be Stated in a Document to Be Delivered Prior to Conclusion of a Contract Related to Over-the-Counter Derivatives Transaction Contracts)

第九十四条　その締結しようとする金融商品取引契約が店頭デリバティブ取引契約に係るものである場合における法第三十七条の三第一項第七号に規定する内閣府令で定める事項は、前条に規定する事項のほか、次に掲げる事項とする。

Article 94 (1) If a financial instruments transaction contract to be concluded concerns the contract of over-the-counter derivatives transactions, the matters specified by Cabinet Office Order as prescribed in Article 37-3, paragraph (1), item (vii) of the Act are the following matters, in addition to those prescribed in the preceding Article:

一　当該金融商品取引業者等が顧客を相手方として行う店頭デリバティブ取引（第百十六条第一項第三号イ及びロに掲げる取引を除く。以下この項、第百十七条第一項第二十六号並びに第百二十三条第一項第二十号及び第二十一号において同じ。）により生じ得る損失の減少を目的として、当該金融商品取引業者等が行う市場デリバティブ取引若しくは外国市場デリバティブ取引又は他の金融商品取引業者等その他の者（以下この号及び次号並びに第百十七条第一項第二十八号の二ロにおいて「他の業者等」という。）を相手方として行う店頭デリバティブ取引その他の取引で、当該顧客が行った店頭デリバティブ取引と取引の対象とする金融商品若しくは金融指標及び売買の別その他これらに準ずる事項が同一のもの（以下「カバー取引」という。）を行う場合の当該カバー取引に係る取引所金融商品市場の商号若しくは名称若しくは外国金融商品市場を開設する者の商号若しくは名称を当該外国金融商品市場が開設されている国若しくは地域において使用されている言語により表示したもの及びそれを日本語により翻訳して表示したもの又は店頭デリバティブ取引その他の取引の相手方となる他の業者等（以下「カバー取引相手方」という。）の商号、名称若しくは氏名及び業務内容並びにこれらの者が外国法人である場合にあっては、監督を受けている外国の当局の名称

(i) if the financial instruments business operator, etc., for the purpose of reducing a loss which may accrue from conducting over-the-counter derivatives transactions (excluding transactions set forth in Article 116, paragraph (1), item (iii), sub-items (a) and (b); hereinafter the same applies in this paragraph, Article 117, paragraph (1), item (xxvi), and Article 123, paragraph (1), items (xx) and (xxi)) with a customer, in market derivatives transactions or foreign market derivatives transactions, or over-the-counter derivatives transactions or other transactions conducted with another

financial instruments business operator, etc. or other persons (hereinafter referred to as "other business operators, etc." in this item and the following item, and Article 117, paragraph (1), item (xxviii)-2, (b)) as the counterparty, in conducting a transaction for which the financial instruments or financial indexes subject to transactions, or whether it is a purchase or sale transaction or other equivalent matters are the same with over-the-counter derivatives transactions conducted by the customer (hereinafter referred to as "cover deal"), the trade name or name of a financial instruments exchange market related to the cover deal or the trade name or name of the person that operates the foreign financial instruments market indicated in the language used in the country or region where the foreign financial instruments market is established, and that trade name or name indicated by using a Japanese translation, or the trade name or name and the business content of the other business operators, etc. that are the counterparties to over-the-counter derivatives transactions or other transactions (hereinafter referred to as "counterparties to cover deals"); and if such a person is a foreign corporation, the name of the competent authority supervising the corporation;

二　顧客が行う店頭デリバティブ取引で当該金融商品取引業者等が媒介、取次ぎ又は代理を行う場合の当該媒介、取次ぎ又は代理の相手方となる他の業者等（以下この号及び第百四十三条第一項第二号ニにおいて「媒介等相手方」という。）の商号、名称又は氏名及び業務内容並びに当該媒介等相手方が外国法人である場合にあっては、監督を受けている外国の当局の名称

(ii) the trade name, name, and content of business, of another business operator, etc. that is the counterparty to the intermediation, brokerage, or agency services, when the financial instruments business operator, etc. conducts intermediation, brokerage, or agency services for over-the-counter derivatives transactions to be conducted by a customer (hereinafter referred to as the "counterparty to intermediary services, etc." in this item and Article 143, paragraph (1), item (ii), (d)); and when the counterparty to intermediary services, etc. is a foreign corporation, the name of the competent authority that is supervising the counterparty;

三　当該店頭デリバティブ取引契約に係る禁止行為に関する事項

(iii) the matters concerning prohibited acts related to the contract for over-the-counter derivatives transactions; and

四　法第四十三条の二第一項若しくは第二項又は第四十三条の三の規定に基づく財産の管理方法及び預託先

(iv) the method of managing the property based on the provisions of Article 43-2, paragraph (1) or (2), or Article 43-3 of the Act, and the depository.

2　第八十三条第二項の規定は、店頭デリバティブ取引契約について準用する。この場合において、同項中「前項各号」とあるのは、「第九十四条第一項各号」と読み替え

るものとする。

(2) The provisions of Article 83, paragraph (2) apply mutatis mutandis to contracts for over-the-counter derivatives transactions. In such a case, the term "the items of the preceding paragraph" in that paragraph is deemed to be replaced with "the items of Article 94, paragraph (1)".

（投資顧問契約等に係る契約締結前交付書面の記載事項）

(Matters to Be Stated in a Document to Be Delivered Prior to Conclusion of a Contract for Investment Advisory Contracts)

第九十五条　その締結しようとする金融商品取引契約が投資顧問契約又は法第二条第八項第十三号に掲げる行為（投資顧問契約に係るものに限る。）を行うことを内容とする契約である場合における法第三十七条の三第一項第七号に規定する内閣府令で定める事項は、第八十二条各号に掲げる事項のほか、次に掲げる事項とする。

Article 95 (1) If a financial instruments transaction contract to be concluded is an investment advisory contract or a contract which provides for performing an act set forth in Article 2, paragraph (8), item (xiii) of the Act (limited to the act related to an investment advisory contract), the matters specified by Cabinet Office Order as prescribed in Article 37-3, paragraph (1), item (vii) of the Act are as follows, in addition to the matters set forth in the items of Article 82:

一　当該金融商品取引業者等が法人である場合にあっては、その資本金の額又は出資の総額並びにその役員及び主要株主の商号、名称又は氏名

(i) if the financial instruments business operator, etc. is a corporation, the amount of the stated capital or the total amount of contributions, and the trade names or names of their officers and major shareholders;

二　顧客に対する投資顧問契約に基づく助言の業務の用に供する目的で金融商品の価値等の分析又は当該分析に基づく投資判断を行う者（第百六条第一項第六号において「分析者等」という。）の氏名

(ii) the name of a person that conducts analysis of the values, etc. of financial instruments for the purpose of making them available for advisory services for customers based on investment advisory contracts, or a person that makes investment decisions based on the analysis (referred to as "analysts, etc." in Article 106, paragraph (1), item (vi));

三　助言の内容及び方法

(iii) the content of the advice and the method of giving advice;

四　顧客に対する投資顧問契約に基づく助言の業務を行う者の氏名

(iv) the name of a person that performs advisory services for customers based on investment advisory contracts;

五　当該金融商品取引契約に法第三十七条の六の規定が適用される場合にあっては、顧客は、金融商品取引契約が成立したとき、又は第九十八条第一項第一号若しくは第二号に掲げるときに作成する法第三十七条の四第一項に規定する書面（以下「契約締結時交付書面」という。）を受領した日（当該契約締結時交付書面の受領に代

えて、電磁的方法により当該契約締結時交付書面に記載すべき事項が提供された場合にあっては、次に掲げる場合の区分に応じ、それぞれ次に定める日）から起算して十日を経過するまでの間、書面により当該金融商品取引契約の解除を行うことができる旨

(v) if the provisions of Article 37-6 of the Act is applicable to the financial instruments transaction contract, the fact that the customer may cancel the financial instruments transaction contract in writing, in the period that commences from the day when the financial instruments transaction contract is concluded or when the customer received the document provided for in Article 37-4, paragraph (1) of the Act to be prepared in the cases set forth in Article 98, paragraph (1), item (i) or (ii) (hereinafter referred to as "document for delivery upon conclusion of a contract") until ten days have passed (if the matters required to be stated in the document for delivery upon conclusion of a contract has been provided by electronic or magnetic means in lieu of receiving that document, the day specified in the following sub-items in accordance with the category of the cases set forth in each of those sub-items),:

イ　第五十六条第一項第一号に掲げる方法により提供された場合　当該契約締結時交付書面に記載すべき事項が顧客の使用に係る電子計算機に備えられたファイルへ記録された日

(a) if the matters have been provided by the means set forth in Article 56, paragraph (1), item (i): the day when the matters required to be stated in the document for delivery upon conclusion of a contract are recorded in the file stored on a computer used by a customer; or

ロ　第五十六条第一項第二号に掲げる方法により提供された場合　同号のファイルを受領した日

(b) if the matters have been provided by the means set forth in Article 56, paragraph (1), item (ii): the day when the file referred to in that item is received;

六　法第三十七条の六第一項の規定による当該金融商品取引契約の解除は、金融商品取引契約の解除を行う旨の書面を発した時に、その効力を生じる旨

(vi) the fact that the cancellation of the financial instruments transaction contract under the provisions of Article 37-6, paragraph (1) of the Act becomes effective when the document stating the fact that the financial instruments transaction contract is to be canceled is issued;

七　金融商品取引業者等は、その行う投資助言業務に関して、顧客を相手方として又は当該顧客のために法第二条第八項第一号から第四号までに掲げる行為を行ってはならない旨

(vii) the fact that a financial instruments business operator, etc. may not conduct the acts set forth in Article 2, paragraph (8), items (i) through (iv) of the Act with a customer as the counterparty or for the customer, in relation

to investment advisory business they conduct;

八　金融商品取引業者等は、いかなる名目によるかを問わず、その行う投資助言業務に関して、顧客から金銭若しくは有価証券の預託を受け、又は当該金融商品取引業者等と密接な関係を有す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旨

(viii) the fact that a financial instruments business operator, etc. may not receive deposit of money or securities from a customer, or have a person that has a close relationship with the financial instruments business operator, etc. deposit a customer's money or securities, for any reason in connection with investment advisory business they conduct; and

九　金融商品取引業者等は、その行う投資助言業務に関して、顧客に対し金銭若しくは有価証券を貸し付け、又は顧客への第三者による金銭若しくは有価証券の貸付けにつき媒介、取次ぎ若しくは代理をしてはならない旨

(ix) the fact that a financial instruments business operator, etc. may not lend money or securities to customers, or provide intermediation, brokerage, or agency services for lending of money or securities by a third party to customers in connection with investment advisory business they conduct.

２　次の各号に掲げる規定は、当該各号に定める場合には、適用しない。

(2) The provisions set forth in the following items do not apply to the cases provided for in each of those items:

一　前項第七号の規定　金融商品取引業者等が次に掲げる者である場合

(i) the provisions of item (vii) of the preceding paragraph: when a financial instruments business operator, etc. is any of the following persons:

イ　第一種金融商品取引業を行う者（第一種少額電子募集取扱業者を除く。）

(a) a person engaged in type I financial instruments business (excluding a type-I small amount electronic public offering service provider);

ロ　第二金融商品取引業を行う者（第二種少額電子募集取扱業者を除く。）

(b) a person engaged in type II financial instruments business (excluding a type-II small amount electronic public offering service provider);

ハ　登録金融機関

(c) a registered financial institution;

ニ　金融商品仲介業者

(d) a financial instruments intermediary service provider; or

ホ　金融サービス仲介業者

(e) a financial service intermediary;

二　前項第八号の規定　金融商品取引業者等が次に掲げる者である場合

(ii) the provisions of item (viii) of the preceding paragraph: when a financial instruments business operator, etc. is any of the following persons:

イ　有価証券等管理業務を行う者

(a) a person engaged in securities, etc. management business; or

ロ　登録金融機関（信託業務を営む金融機関又は預金、貯金若しくは銀行法第二条

第四項に規定する定期積金等の受入れを行う金融機関に限る。）

(b) a registered financial institution (limited to a financial institution engaged in a trust business, or a financial institution that receives bank savings, postal savings, or installment savings, etc. as defined in Article 2, paragraph (4) of the Banking Act);

三　前項第九号の規定　金融商品取引業者等が次に掲げる者である場合

(iii) the provisions of item (ix) of the preceding paragraph: when a financial instruments business operator, etc. is any of the following persons:

イ　第一種金融商品取引業を行う者

(a) a person engaged in type I financial instruments business;

ロ　金融商品仲介業者

(b) a financial instruments intermediary service provider;

ハ　登録金融機関（信託業務を営む金融機関に限る。）

(c) a registered financial institution (limited to a financial institution engaged in a trust business); or

ニ　金融サービス仲介業者

(d) a financial service intermediary.

3　第八十三条第二項の規定は、投資顧問契約について準用する。この場合において、同項中「前項各号」とあるのは、「第九十五条第一項各号」と読み替えるものとする。

(3) The provisions of Article 83, paragraph (2) apply mutatis mutandis to investment advisory contracts. In such a case, the term "the items of the preceding paragraph" in that paragraph is deemed to be replaced with "the items of Article 95, paragraph (1)".

（投資一任契約等に係る契約締結前交付書面の記載事項）

(Matters to Be Stated in a Document for Delivery Prior to Conclusion of a Contract Related to Discretionary Investment Contracts)

第九十六条　その締結しようとする金融商品取引契約が投資一任契約又は法第二条第八項第十三号に掲げる行為（投資一任契約に係るものに限る。第六号において同じ。）を行うことを内容とする契約である場合における法第三十七条の三第一項第七号に規定する内閣府令で定める事項は、第八十二条各号に掲げる事項のほか、次に掲げる事項とする。

Article 96 (1) If a financial instruments transaction contract to be concluded is a discretionary investment contract or a contract which provides for performing an act set forth in Article 2, paragraph (8), item (xiii) of the Act (limited to acts related to a discretionary investment contract; the same applies in item (vi)), the matters specified by Cabinet Office Order as prescribed in Article 37-3, paragraph (1), item (vii) of the Act are the following matters, in addition to the matters set forth in the items of Article 82:

一　運用の基本方針

(i) basic policy for investment;

二　投資一任契約に基づき顧客のために行う当該顧客の資産に係る投資の方法及び取引の種類

(ii) the means of investment related to the customer's assets to be made for the customer based on a discretionary investment contract, and the type of transactions;

三　投資一任契約に基づき顧客のために投資判断を行い、又は当該投資判断を行うとともに、これに基づく投資を行う者の氏名

(iii) the name of a person that makes an investment decision for customers based on a discretionary investment contract, or a person that makes the investment decision and then makes an investment based on the investment decision;

四　投資判断の一任の範囲及び投資の実行に関する事項（権利者のために運用を行う権限の全部又は一部を法第四十二条の三第一項に規定する者に委託（当該委託に係る権限の一部を更に委託するものを含む。）をする場合における当該者の商号又は名称（当該者が適格投資家向け投資運用業を行うことにつき法第二十九条の登録を受けた金融商品取引業者であるときは、その旨を含む。）及び当該委託の概要を含む。）

(iv) the matters concerning the scope of investment decision left to the discretion of the person and the execution of investment (when entrusting the person specified in Article 42-3, paragraph (1) of the Act all or part of the authority to make an investment for the right holder, including the trade name or name (if the person is a financial instruments business operator that obtained a registration referred to in Article 29 of the Act for conducting investment management business for qualified investors, including that fact) and the outline of the entrustment (including if a part of the authority concerning the entrustment is to further entrusted));

五　投資一任契約に基づき権利者のために運用を行う者が適格投資家向け投資運用業を行うことにつき法第二十九条の登録を受けた金融商品取引業者であるときは、その旨

(v) if a person that manages investment for the right holder based on a discretionary investment contract is a financial instruments business operator that has obtained the registration referred to in Article 29 of the Act for conducting investment management business for qualified investors, including that fact; and

六　当該金融商品取引業者等（その締結しようとする金融商品取引契約が法第二条第八項第十三号に掲げる行為を行うことを内容とする契約である場合にあっては、当該行為に係る投資一任契約の相手方となる金融商品取引業者等）の財務又は投資一任契約に係る業務に関する外部監査の有無並びに当該外部監査を受けている場合にあっては、当該外部監査を行った者の氏名又は名称並びに当該外部監査の対象及び結果の概要

(vi) whether an external audit related to the business concerning finance of the

financial instruments business operator, etc. (if a financial instruments transaction contract to be concluded is a contract which provides for performing an act set forth in Article 2, paragraph (8), item (xiii) of the Act, the financial instruments business operator, etc. that is to be a counterparty to the discretionary investment contract related to the act) or a discretionary investment contract, and if the business operator has undergone the external audit, the name of the person that conducted the external audit, the subject of the external audit, and the outline of its results.

２　その締結しようとする金融商品取引契約が投資一任契約である場合において、当該投資一任契約の締結後に当該投資一任契約に基づき特定の銘柄の対象有価証券を投資の対象とする方針であるときにおける法第三十七条の三第一項第七号に規定する内閣府令で定める事項は、前項に規定する事項のほか、次に掲げる事項とする。

(2) If a financial instruments transaction contract to be concluded is a discretionary investment contract, the matters specified by Cabinet Office Order as prescribed in Article 37-3, paragraph (1), item (vii) of the Act when the policy is to set the subject securities of specific issue as the subject of investment based on the discretionary investment contract after concluding the discretionary investment contract are the following matters, in addition to the matters prescribed in the preceding paragraph:

一　当該対象有価証券の名称、当該対象有価証券の価額の算出方法並びに当該対象有価証券に係る権利を有する者に当該価額を報告する頻度及び方法に関する事項

(i) the name of the subject securities, the calculation method of the value of the subject securities, and the matters related to the frequency, and the calculation method of reporting the value to the person that holds the right pertaining to the subject securities;

二　当該対象有価証券の発行者、当該対象有価証券に係る権利を有する者から出資又は拠出を受けた資産（以下この号及び第四号において「ファンド資産」という。）の運用に係る重要な業務を行う者、ファンド資産の保管に係る重要な業務を行う者並びにファンド資産の運用及び保管に係る業務以外の前号に掲げる事項（同号に規定する価額の算出方法又は当該価額を報告する方法に関する事項に限る。）に係る重要な業務を行う者（次号において「ファンド関係者」という。）の商号又は名称、住所又は所在地及びそれらの者の役割分担に関する事項

(ii) the trade name or name, address, or location of the issuer of the subject securities, a person that conducts important business related to the investment of assets invested or paid by the person that holds the right pertaining to the subject securities (hereinafter referred to as "fund assets" in this item and item (iv)), a person that conducts important business related to custody of fund assets, and a person that conducts important business related to the matters set forth in the preceding item other than business related to investment and custody of fund assets (limited to the matters related to the calculation method of the value specified in that item or the

method of reporting the value) (referred to as "persons related to the fund") and the matters concerning the role sharing among those persons;

三　当該金融商品取引業者等とファンド関係者との間の資本関係及び人的関係

(iii) the capital relationship and personnel relationship between the financial instruments business operator, etc. and the persons related to the fund; and

四　ファンド資産に係る外部監査の有無及び当該外部監査を受ける場合にあっては、当該外部監査を行う者の氏名又は名称

(iv) whether or not there is an external audit related to fund assets and if the external audit is conducted, the name of the person that conducts the external audit.

３　第八十三条第二項の規定は、投資一任契約について準用する。この場合において、同項中「前項各号」とあるのは、「第九十六条第一項各号及び第二項各号」と、「同項の」とあるのは「これらの」と、「同項各号」とあるのは「同条第一項各号及び第二項各号」と読み替えるものとする。

(3) The provisions of Article 83, paragraph (2) apply mutatis mutandis to a discretionary investment contract. In such a case, the term "the items of the preceding paragraph" in that paragraph is deemed to be replaced with "the items of Article 96, paragraph (1) and (2)", the term "of that paragraph" is deemed to be replaced with "those", and the term "the items of that paragraph" is deemed to be replaced with "the items of paragraphs (1) and (2) of that Article", respectively.

４　第二項の「対象有価証券」とは、次に掲げる有価証券（当該有価証券に関して法第四条第七項に規定する開示が行われている場合に該当するものを除く。）をいう。

(4) The "subject securities" as used in paragraph (2) mean the following securities (excluding those falling under the cases in which disclosure prescribed in Article 4, paragraph (7) of the Act has been made for those securities):

一　法第二条第一項第十号又は第十一号に掲げる有価証券

(i) the securities set forth in Article 2, paragraph (1), item (x) or (xi) of the Act;

二　法第二条第一項第十四号に掲げる有価証券のうち、投資信託の受益証券に類似するもの

(ii) the securities set forth in Article 2, paragraph (1), item (xiv) of the Act, which are similar to beneficiary certificates of investment trust;

三　法第二条第一項第十七号に掲げる有価証券のうち、前号に掲げる有価証券の性質を有するもの

(iii) the securities set forth in Article 2, paragraph (1), item (xvii) of the Act, which have the nature of securities listed in the preceding item;

四　法第二条第一項第二十号に掲げる有価証券で、前三号に掲げる有価証券に係る権利を表示するもの

(iv) the securities set forth in Article 2, paragraph (1), item (xx) of the Act, which indicate the rights related to securities set forth in the preceding three

items;

五　前各号に掲げる有価証券に表示されるべき権利であって、法第二条第二項の規定により有価証券とみなされるもの

(v) the rights required to be indicated on the securities set forth in the preceding items, which are deemed to be securities pursuant to the provisions of Article 2, paragraph (2) of the Act; and

六　法第二条第二項の規定により有価証券とみなされる同項第五号又は第六号に掲げる権利

(vi) the rights set forth in Article 2, paragraph (2), item (v) or (vi) of the Act, which are deemed to be securities pursuant to the provisions of that paragraph.

（契約締結前交付書面の届出を要しない場合）

(Cases Not Requiring Notification of Document for Delivery Prior to Conclusion of a Contract)

第九十七条　法第三十七条の三第三項ただし書に規定する内閣府令で定める場合は、同項に規定する金融商品取引契約の締結の勧誘に関し法第四条第一項又は第二項の届出がされている場合（その届出の書面に契約締結前交付書面に記載すべき事項のすべてが記載されている場合に限る。）とする。

Article 97 The cases specified by Cabinet Office Order as prescribed in the proviso to Article 37-3, paragraph (3) of the Act are those in which a notification referred to in Article 4, paragraph (1) or (2) of the Act has been filed in connection with the solicitation for concuding a financial instruments transaction contract prescribed in that paragraph (limited to cases in which the written notification states all of the matters required to be stated in a document for delivery prior to conclusion of a contract).

（その他書面を交付するとき等）

(Occasions in Which Delivery of Documents Is Made)

第九十八条　法第三十七条の四第一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。

Article 98 (1) The occasions specified by Cabinet Office Order as prescribed in Article 37-4, paragraph (1) of the Act are as follows:

一　法第二条第一項第十号に掲げる有価証券に係る投資信託契約又は投資信託及び投資法人に関する法律第二条第二十四項に規定する外国投資信託に係る信託契約の全部又は一部の解約があったとき（法第三十七条の四第一項に規定する金融商品取引契約の成立に該当するときを除く。）。

(i) when all or part of an investment trust agreement related to securities set forth in Article 2, paragraph (1), item (x) of the Act or a trust agreement related to foreign investment trust as defined in Article 2, paragraph (24) of the Act on Investment Trusts and Investment Corporations ha been canceled

(excluding those that fall under formation of a financial instruments transaction contract prescribed in Article 37-4, paragraph (1));

二　投資口（投資信託及び投資法人に関する法律第二条第十四項に規定する投資口をいう。第百二十三条第一項第九号において同じ。）の払戻しがあったとき。

(ii) if an investment equity (meaning the investment equity as defined in Article 2, paragraph (14) of the Act on Investment Trusts and Investment Corporations; the same applies in Article 123, paragraph (1), item (ix)) has been refunded; and

三　有価証券の売買その他の取引若しくはデリバティブ取引等（有価証券等清算取次ぎを除く。）に係る金融商品取引契約が成立し、又は有価証券、商品（寄託された商品に関して発行された証券又は証書を含む。）若しくは金銭の受渡しを行った場合にあっては、次に掲げるとき。

(iii) if a financial instruments transaction contract related to purchase and sale or other transactions of securities or a financial instruments transaction contract related to derivative transactions, etc. (excluding brokerage for clearing of securities, etc.) has been concluded, or if securities, commodities (including instruments or certificates issued for deposited commodities), or money has been delivered, the following cases:

イ　当該金融商品取引契約が成立し、又は当該受渡しを行った場合にはその都度取引残高報告書（法第三十七条の四第一項の規定によりこの号に掲げるときに作成し、交付する書面をいう。以下同じ。）の交付を受けることについて顧客から請求があったときは、当該金融商品取引契約の成立又は当該受渡しの都度

(a) if a customer has requested that a report on outstanding balance of transactions (meaning the document to be prepared and delivered if it is set forth in this item pursuant to the provisions of Article 37-4, paragraph (1) of the Act; the same applies hereinafter) be delivered for each occasion the financial instruments transaction contract has been concluded or the delivery has been made;

ロ　次に掲げる場合にあっては、当該金融商品取引契約が成立し、又は当該受渡しを行った日の属する報告対象期間（一年を三月以下の期間ごとに区分した期間（直近に取引残高報告書を作成した日から一年間当該金融商品取引契約が成立しておらず、又は当該受渡しを行っていない場合であって、金銭又は有価証券の残高があるときにあっては、一年又は一年を一年未満の期間ごとに区分した期間）をいう。以下同じ。）の末日ごと

(b) in the case referred to in the following clauses, on each final day of the reporting period the day when the financial instruments transaction contract has been concluded or the delivery has been made belongs (the term "reporting period" means the period in which one year has been divided into periods of three months or shorter (if a financial instruments transaction contract has not been concluded, or the delivery has not been made, for one year from the day the latest report on outstanding balance of

transactions was prepared, and there is outstanding money or securities, one year or the period in which one year has been divided into a period shorter than one year); the same applies hereinafter):

（１）　顧客がイの請求をした顧客以外の者である場合

1. if a customer is other than the customer that has made the request referred to in sub-item (a); or

（２）　第百八条第五項の規定により同条第一項第五号及び第六号に掲げる事項の記載を省略する場合

2. if the entry of the matters set forth in Article 108, paragraph (1), items (v) and (vi) is to be omitted pursuant to the provisions of paragraph (5) of that paragraph;

四　商品ファンド関連取引に係る金融商品取引契約を締結しているとき。

(iv) if a financial instruments transaction contract related to commodity fund-related transactions has been concluded.

２　金融商品取引業者等は、前項第四号に掲げるときは、同号の商品ファンド関連取引に係る商品ファンドの運用に係る計算期間の末日以後遅滞なく、当該商品ファンドの運用の状況について説明した報告書を作成し、交付しなければならない。

(2) In the case referred to in item (iv) of the preceding paragraph, a financial instruments business operator, etc. must prepare and deliver a written report explaining the status of the investment of the commodity fund without delay on or after the final day of the accounting period for the investment of commodity fund related to the commodity fund-related transactions referred to in that item.

（契約締結時交付書面の共通記載事項）

(Common Matters to Be Stated in Documents to Be Delivered Prior to Conclusion of a Contract)

第九十九条　契約締結時交付書面には、次に掲げる事項を記載しなければならない。

Article 99 (1) The following matters must be stated in a document for delivery upon conclusion of a contract:

一　当該金融商品取引業者等の商号、名称又は氏名

(i) the trade name or name of the financial instruments business operator, etc.;

二　当該金融商品取引業者等の営業所又は事務所の名称

(ii) the name of the business office or office of the financial instruments business operator, etc.;

三　当該金融商品取引契約、前条第一項第一号の解約又は同項第二号の払戻しの概要（次条から第百七条までに規定するものを除く。）

(iii) an outline of the financial instruments transaction contract, the cancellation referred to in item (i), paragraph (1) of the preceding Article, or the refund referred to in item (ii) of that paragraph (excluding those specified in the following Article through Article 107);

四　当該金融商品取引契約の成立、前条第一項第一号の解約又は同項第二号の払戻しの年月日

(iv) the date when the financial instruments transaction contract has been concluded, when the cancellation referred to in paragraph (1), item (i) of the preceding Article has been made, or the refund referred to in item (ii) of that paragraph has been made;

五　当該金融商品取引契約、前条第一項第一号の解約又は同項第二号の払戻しに係る手数料等に関する事項

(v) the matters concerning the fees, etc. for the financial instruments transaction contract, the cancellation referred to in item (i), paragraph (1) of the preceding Article, or the refund referred to in item (ii) of that paragraph;

六　顧客の氏名又は名称

(vi) the name of the customer; and

七　顧客が当該金融商品取引業者等に連絡する方法

(vii) the method with which the customer contacts the financial instruments business operator, etc.

2　金融商品取引業者等は、市場デリバティブ取引であって注文・清算分離行為（金融商品取引所の定めるところに従い、会員等が行った市場デリバティブ取引の売付け又は買付け（当該市場デリバティブ取引が次の各号に掲げる取引にあっては、当該各号に定めるもの。以下この項において同じ。）を将来に向かって消滅させ、同時に、当該消滅した市場デリバティブ取引の売付け又は買付けと同一内容の市場デリバティブ取引の売付け又は買付けが他の会員等の名において新たに発生する行為をいう。以下同じ。）が行われた取引に係る金融商品取引契約が成立した場合には、前項第五号の手数料等として、注文執行会員等（注文・清算分離行為が行われたことにより、市場デリバティブ取引の売付け又は買付けがその名において将来に向かって消滅した会員等をいう。以下同じ。）及び清算執行会員等（注文・清算分離行為が行われたことにより、市場デリバティブ取引の売付け又は買付けがその名において新たに発生した会員等をいう。以下同じ。）が顧客から直接受領する手数料等を記載するものとする。

(2) If a financial instruments transaction contract related to a market derivatives transaction for which give-up action was conducted has been concluded, a financial instruments business operator, etc. (meaning an action in which sale or purchase of a market derivatives transaction conducted by a member, etc. as provided by a financial instruments exchange (if the market derivatives transaction is a transaction set forth in any of the following items, the transaction specified in each of those items; hereinafter the same applies in this paragraph) is to be extinguished toward the future, and at the same time, sale or purchase of a market derivatives transaction that has the same content as the purchase and sale of a market derivatives transaction extinguished is newly conducted under the name of another member, etc.; the same applies hereinafter), is to state the fees, etc. that are directly received by an order executing member, etc. (meaning the member, etc. for whom sales or purchases

of the market derivatives transactions were extinguished toward the future under their name due to a give-up action being conducted; the same applies hereinafter) and the clearance executing member, etc. (meaning the member, etc. for whom sales or purchases of the market derivatives transactions were newly conducted due to a give-up action being conducted; the same applies hereinafter) from the customer as the fees, etc. referred to in item (v) of the preceding paragraph:

一　法第二条第二十一項第二号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）　顧客が現実数値が約定数値を上回った場合に金銭を支払う立場の当事者となるもの又は金銭を受領する立場の当事者となるもの

(i) a transaction set forth in Article 2, paragraph (21), item (ii) of the Act (including a foreign market derivatives transaction similar to the transaction): a transaction in which the customer becomes a party to pay money or a party to receive money if the actual figure exceeds the agreed figure;

二　法第二条第二十一項第三号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）　顧客がオプションを付与する立場の当事者となるもの又はオプションを取得する立場の当事者となるもの

(ii) a transaction set forth in Article 2, paragraph (21), item (iii) of the Act (including a foreign market derivatives transaction similar to the transaction): a transaction in which the customer becomes a party to grant options or a party to acquire options;

三　法第二条第二十一項第四号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）　顧客が相手方と取り決めた金融商品の利率等又は金融指標が約定した期間に上昇した場合に金銭を支払う立場の当事者となるもの又は金銭を受領する立場の当事者となるもの

(iii) a transaction set forth in Article 2, paragraph (21), item (iv) of the Act (including a foreign market derivatives transaction similar to the transaction): a transaction in which the person becomes a party to pay money or a party to receive money when the interest rate, etc. or financial index of the financial instrument which was agreed between the customer and the counterparty increases in the agreed period;

四　法第二条第二十一項第四号の二に掲げる取引　顧客が相手方と取り決めた商品に係る金融指標が約定した期間に上昇した場合に金銭を支払う立場の当事者となるもの又は金銭を受領する立場の当事者となるもの

(iv) a transaction set forth in Article 2, paragraph (21), item (iv) of the Act: a transaction in which the person becomes a party to pay money a party to receive money when a financial index for the instrument agreed between the customer and the counterparty rises in the agreed period; and

五　法第二条第二十一項第五号（これに類似する外国市場デリバティブ取引を含む。）　当事者があらかじめ定めた事由（同号に掲げる事由をいう。）が発生した

場合に顧客が金銭を支払う立場の当事者となるもの又は金銭を受領する立場の当事者となるもの

(v) a transaction set forth in Article 2, paragraph (21), item (v) of the Act (including a foreign market derivatives transaction similar to the transaction): a transaction in which the customer becomes a party to pay money or a party to receive money when grounds agreed by the parties in advance (meaning grounds set forth in that item) occur.

（有価証券の売買その他の取引又はデリバティブ取引等に係る契約締結時交付書面の共通記載事項）

(Common Matters to Be Stated in Documents for Delivery Upon Conclusion of a Contract Related to Purchase and Sale or Other Transactions of Securities or Derivative Transactions)

第百条　有価証券（抵当証券等を除く。以下この条及び次条において同じ。）の売買その他の取引又はデリバティブ取引等に係る金融商品取引契約が成立したとき、又は第九十八条第一項第一号若しくは第二号に掲げるときに作成する契約締結時交付書面には、前条第一項各号に掲げる事項のほか、次に掲げる事項（当該有価証券の売買その他の取引が法第二条第八項第七号若しくは令第一条の十二第一号に掲げる行為に係るものである場合又は第九十八条第一項第一号若しくは第二号に掲げるときにあっては、第一号に掲げる事項を除く。）を記載しなければならない。

Article 100 (1) Beyond the matters set forth in the items of paragraph (1) of the preceding Article, the following matters must be stated in the document for delivery upon conclusion of a contract to be prepared when a financial instruments transaction contract related to purchase and sale or other transactions of securities (excluding mortgage securities, etc.; hereinafter the same applies in this Article and the following Article) or a derivative transaction, etc. is concluded or in the cases set forth in Article 98, paragraph (1), item (i) or (ii) (if purchase and sale and other transactions of securities concerns an action set forth in Article 2, paragraph (8), item (vii) of the Act or Article 1-12, item (i) of the Order, or in cases set forth in Article 98, paragraph (1), item (i) or (ii), excluding the matters set forth in item (i)):

一　自己又は委託の別並びに委託（店頭デリバティブ取引等に係るものに限る。）の場合にあっては、相手方の商号、名称又は氏名及び住所又は所在地

(i) distinction of whether the financial instruments business operator, etc. themselves is conducting the transaction or a transaction entrusted by a customer, and if it is an entrusted transaction (limited to entrustment related to over-the-counter derivatives transaction, etc.), the trade name or name and address or location of the counterparty; and

二　売付け等（売付けその他の有償の譲渡又は解約若しくは払戻しをいう。第百八条第一項第二号ハにおいて同じ。）又は買付け等（買付けその他の有償の取得をいう。同号ハにおいて同じ。）の別（次のイからホまでに掲げる取引にあっては、それぞ

れイからホまでに定めるものの別)

(ii) distinction of whether the type of transaction is a sale, etc. (meaning a sale or transfer for value, or a cancellation or refunding; the same applies in Article 108, paragraph (1), item (ii), (c)) or a purchase, etc. (meaning a purchase or acquisition for value; the same applies in sub-item (c) of that item) (for transactions set forth in the following sub-items (a) through (e), distinction of the type of transaction specified in each of those sub-items):

イ　法第二条第二十一項第二号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）及び同条第二十二項第二号に掲げる取引　顧客が現実数値が約定数値を上回った場合に金銭を支払う立場の当事者となるもの又は金銭を受領する立場の当事者となるもの

(a) a transaction set forth in Article 2, paragraph (21), item (ii) of the Act (including a foreign market derivatives transaction similar to the transaction) and a transaction set forth in paragraph (22), item (ii) of that Article: a transaction in which the customer becomes a party to pay money or a party to receive money when the actual figure exceeds the agreed figure;

ロ　法第二条第二十一項第三号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）並びに同条第二十二項第三号及び第四号に掲げる取引　顧客がオプションを付与する立場の当事者となるもの又はオプションを取得する立場の当事者となるもの

(b) a transaction set forth in Article 2, paragraph (21), item (iii) of the Act (including a foreign market derivatives transaction similar to the transaction) and a transaction set forth in paragraph (22), items (iii) and (iv) of that Article: whether it is a transaction in which the customer becomes a party to grant the options, or a party to acquire the options;

ハ　法第二条第二十一項第四号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）及び同条第二十二項第五号に掲げる取引　顧客が相手方と取り決めた金融商品の利率等又は金融指標が約定した期間に上昇した場合に金銭を支払う立場の当事者となるもの又は金銭を受領する立場の当事者となるもの

(c) a transaction set forth in Article 2, paragraph (21), item (iv) of the Act (including a foreign market derivatives transaction similar to the transaction) and a transaction set forth in paragraph (22), item (v) of that Article: whether it is a transaction in which the customer becomes a party to pay money, or a party to receive money, when the interest rate, etc. of the financial instruments or the financial index agreed between the customer and the counterparty rises in the agreed period; and

ニ　法第二条第二十一項第四号の二に掲げる取引　顧客が相手方と取り決めた商品に係る金融指標が約定した期間に上昇した場合に金銭を支払う立場の当事者となるもの又は金銭を受領する立場の当事者となるもの

(d) a transaction set forth in Article 2, paragraph (21), item (iv)-2 of the Act:

a transaction in which a party becomes a party to pay money or a party to receive moeny when the financial index concerning instruments agreed between the customer and the counterparty rises in the agreed period;

ホ　法第二条第二十一項第五号（これに類似する外国市場デリバティブ取引を含む。）及び同条第二十二項第六号に掲げる取引　当事者があらかじめ定めた事由（同条第二十一項第五号及び第二十二項第六号に掲げるいずれかの事由をいう。）が発生した場合に顧客が金銭を支払う立場の当事者となるもの又は金銭を受領する立場の当事者となるもの

(e) a transaction set forth in Article 2, paragraph (21), item (v) of the Act (including a foreign market derivatives transaction similar to the transaction) and a transaction set forth in paragraph (22), item (vi) of that Article: whether it is a transaction in which the customer becomes a party to pay money, or a party to receive money, when an event agreed by the parties in advance (meaning events set forth in any of Article 2, paragraph (21), item (v) and paragraph (22), item (vi) of the Act) occurs;

三　銘柄（取引の対象となる金融商品、金融指標その他これらに相当するものを含む。）

(iii) the issue (including financial instruments, financial indexes which are the subject of transactions or other transactions equivalent to them);

四　約定数量（数量がない場合にあっては、件数又は数量に準ずるもの）

(iv) the agreed volume (if there is no volume, number of transactions or the matter equivalent to volume);

五　単価、対価の額、約定数値その他取引一単位当たりの金額又は数値

(v) the amount or figure per transaction unit, such as unit price, amount of consideration, or agreed figure;

六　顧客が支払うこととなる金銭の額及び計算方法

(vi) the amount of money to be paid by customers and its calculation method;

七　取引の種類

(vii) the type of transaction; and

八　前各号に掲げる事項のほか、取引の内容を的確に示すために必要な事項

(viii) beyond what is set forth in the preceding items, the matters necessary for accurately indicating the content of the transaction.

2　一の有価証券の売買その他の取引又はデリバティブ取引等について二以上の金融商品取引業者等（金融サービス仲介業者を含む。）が法第三十七条の四第一項（金融サービスの提供に関する法律第三十一条第二項において準用する場合を含む。）の規定により顧客に対し契約締結時交付書面（金融サービス仲介業者にあっては、金融サービスの提供に関する法律第三十一条第二項において準用する法第三十七条の四第一項に規定する書面。以下この項において同じ。）を交付しなければならない場合において、いずれか一の金融商品取引業者等（金融サービス仲介業者を含む。）が前項各号に掲げる事項を記載した契約締結時交付書面を交付したときは、他の金融商品取引業者等は、同項の規定にかかわらず、契約締結時交付書面に同項各号に掲げる事項を記

載することを要しない。

(2) Notwithstanding the provisions of the preceding paragraph, if two or more financial instruments business operators, etc. (including financial service intermediaries) are required to deliver a document for delivery upon conclusion of a contract to the customer (for a financial service intermediary, the document prescribed in Article 37-4, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 31, paragraph (2) of the Act on the Provision of Financial Services; hereinafter the same applies in this paragraph) in regard to purchase and sale or other transactions of a security, or derivative transactions, etc., pursuant to the provisions of Article 37-4, paragraph (1) of the Act (including as applied mutatis mutandis pursuant to Article 31, paragraph (2) of the Act on the Provision of Financial Services), and one of those financial instruments business operators, etc. (including a financial service intermediary) has delivered to the customer the document for delivery upon conclusion of a contract stating the matters set forth in the items of the preceding paragraph, the other financial instruments business operator, etc. is not required to state in their document for delivery upon conclusion of a contract the matters set forth in the items of the preceding paragraph.

３　第一項の規定にかかわらず、その成立した金融商品取引契約が国債の入札前取引（国債の発行日前取引（国債の入札予定日、発行予定額、発行予定日及び償還予定日を国が公表した時（以下この項において「国債の入札予定日等公表時」という。）から当該国債の発行日の前日までの間に、当該発行日における発行を停止条件とする当該国債に係る停止条件付売買取引契約を締結し、かつ、当該停止条件付売買取引契約に係る受渡決済を当該発行日以後に行うものをいう。第百八条第一項第六号及び第百六十四条第一項第一号において同じ。）のうち、国債の入札予定日等公表時から当該国債の回号及び表面利率を公表した時までの間において行うものをいう。以下同じ。）に係るものである場合には、当該金融商品取引契約に係る契約締結時交付書面には、第一項第三号、第五号及び第六号に掲げる事項に代えて、国債の入札前取引である旨、償還予定日及び約定利回り（当該国債が変動利付国債である場合にあっては、国が定める基準金利に対するスプレッド）を記載することができる。ただし、当該発行日以前に、当該事項を記載した書面を交付しなければならない。

(3) Notwithstanding the provisions of paragraph (1), if the financial instruments transaction contract which has been concluded concerns a pre-auction trading of government bonds (meaning a when-issued transaction of government bonds (meaning a transaction conducted from the time when the government discloses the scheduled auction date, scheduled issuance amount, scheduled issue date, and scheduled redemption date of the government bonds (hereinafter referred to as "time of disclosure of scheduled auction date, etc. of government bond" in this paragraph) until the day before the issue date of the government bond, a purchase and sale transaction subject to conditions prededent related to the government bond with the condition precedent of

issuance on the issue date, and for which the delivery settlement under that contract is to be made on or after the issue date; the same applies in Article 108, paragraph (1), item (vi) and Article 164, paragraph (1), item (i)) to be conducted from the time of disclosure of scheduled auction date, etc. of government bond until the time of disclosure of the issue number and coupon rate of the government bond; the same applies hereinafter), the document for delivery upon conclusion of a contract related to the financial instruments transaction contract may state the fact that the transaction is a pre-auction trading of government bonds, the scheduled redemption date, and the contracted yield (if the government bonds are floating rate government bonds, spread on the base rates determined by the government), in lieu of the matters set forth in paragraph (1), item (iii), item (v), and item (vi); provided, however, that a document stating those matters must be delivered before the issue date.

（有価証券の売買その他の取引又は有価証券関連デリバティブ取引等に係る契約締結時交付書面の記載事項の特則）

(Special Provisions on Matters to Be Stated in a Document to Be Delivered Upon Conclusion of a Contract Related to Purchase and Sale or Other Transactions of Securities or Securities-Related Derivatives Transactions)

第百一条　有価証券の売買その他の取引又は有価証券関連デリバティブ取引等に係る金融商品取引契約が成立したときに作成する契約締結時交付書面には、前条第一項に規定する事項のほか、次に掲げる事項を記載しなければならない。

Article 101 (1) Beyond the matters specified in paragraph (1) of the preceding Article, the following matters must be stated in a document for delivery upon conclusion of a contract to be prepared when a financial instruments transaction contract related to the purchase and sale or other transactions of securities or securities-related derivatives transactions, etc. is concluded:

一　金融商品取引契約が有価証券の売買（有価証券関連デリバティブ取引に該当するものを除く。以下この条において同じ。）に係るものであるときは、次に掲げる事項

(i) if a financial instruments transaction contract concerns purchase and sale of securities (excluding a transaction that falls under securities-related derivatives transaction, etc.; hereinafter the same applies in this Article), the following matters:

イ　現金取引又は信用取引の別

(a) distinction of whether the transaction is a cash transaction or a margin transaction; and

ロ　当該金融商品取引契約が信用取引に係るものであるときは、弁済期限及び新規又は決済の別

(b) if the financial instruments transaction contract concerns a margin transaction, the due date for payment, and distinction of whether it is a

new transaction or a settlement transaction;

二　金融商品取引契約が法第二十八条第八項第三号イに掲げる取引又は外国金融商品市場において行う取引であって同号イに掲げる取引と類似の取引に係るものであるときは、次に掲げる事項

(ii) if a financial instruments transaction contract concerns a transaction set forth in Article 28, paragraph (8), item (iii), sub-item (a) of the Act, or to a transaction conducted on a foreign financial instruments market which is similar to the transaction set forth in sub-item (a) of that item, the following matters:

イ　新規又は決済の別

(a) distinction of whether it is a new transaction or a settlement transaction; and

ロ　当該金融商品取引契約が金融商品取引所又は外国金融商品市場を開設する者の規則で定める限月間スプレッド取引に係るものであるときは、その旨

(b) if the financial instruments transaction contract concerns a calendar spread transaction specified in the regulations of a person that establishes a financial instruments exchange or a foreign financial instruments market, that fact;

三　金融商品取引契約が法第二十八条第八項第三号ロ若しくはハに掲げる取引又は外国金融商品市場において行う取引であって同号ロ若しくはハに掲げる取引と類似の取引に係るものであるときは、新規又は決済の別

(iii) if a financial instruments transaction contract concerns a transaction set forth in Article 28, paragraph (8), item (iii), sub-item (b) or (c) of the Act, or to a transaction conducted on a foreign financial instruments market which is similar to the transaction set forth in sub-item (b) or (c) of that item, distinction of whether it is a new transaction or a settlement transaction;

四　金融商品取引契約が法第二十八条第八項第四号イに掲げる取引に係るものであるときは、次に掲げる事項

(iv) if a financial instruments transaction contract concerns a transaction set forth in Article 28, paragraph (8), item (iv), sub-item (a) of the Act, the following matters:

イ　新規又は決済の別

(a) distinction of whether it is a new transaction or a settlement transaction;

ロ　有価証券及びその対価の授受を約した将来の一定の時期

(b) a fixed time in the future at which the parties promise to deliver or receive securities and their consideration; and

ハ　差金の授受によって決済する場合にあっては、当該差金の額の計算方法

(c) if the transaction is to be settled by means of delivery or receipt of the difference, the calculation method of the difference;

五　金融商品取引契約が法第二十八条第八項第四号ロに掲げる取引に係るものであるときは、次に掲げる事項

(v) if a financial instruments transaction contract concerns a transaction set forth in Article 28, paragraph (8), item (iv), sub-item (b) of the Act, the following matters:

イ　授受することとなる金銭の額の計算年月日

(a) the date of the calculation of the amount of money to be delivered or received;

ロ　授受することとなる金銭の額の計算方法

(b) the calculation method of the amount of money to be delivered or received;

ハ　金銭を授受することとなる年月日

(c) the date when the money is to be delivered or received;

ニ　イからハまでに掲げる事項のほか、取引の内容を的確に示すために必要な事項であって、これらの事項に準ずるもの

(d) beyond what is set forth in sub-items (a) through (c), the matters equivalent to those matters that are necessary for accurately indicating the content of the transaction;

六　金融商品取引契約が法第二十八条第八項第四号ハ又はニに掲げる取引に係るものであるときは、オプションの行使により成立する次に掲げる取引の区分に応じ、それぞれ次に定めるもの

(vi) if a financial instruments transaction contract concerns a transaction set forth in Article 28, paragraph (8), item (iv), sub-item (c) or (d) of the Act, the matters specified in the following sub-items in accordance with the category of the transactions closed by exercise of the options set forth in each of those sub-items:

イ　有価証券の売買　第一号イ及びロに掲げる事項

(a) a purchase and sale of securities: the matters set forth in item (i), sub-item (a) and (b);

ロ　法第二十八条第八項第四号イに掲げる取引　第四号イからハまでに掲げる事項

(b) a transaction set forth in Article 28, paragraph (8), item (iv), sub-item (a) of the Act: the matters set forth in item (iv), sub-items (a) through (c);

ハ　法第二十八条第八項第四号ロに掲げる取引　前号イからニまでに掲げる事項

(c) a transaction set forth in Article 28, paragraph (8), item (iv), sub-item (b) of the Act: the matters set forth in sub-items (a) through (d) of the preceding item;

ニ　法第二十八条第八項第四号ホに掲げる取引　次号イからトまでに掲げる事項

(d) a transaction set forth in Article 28, paragraph (8), item (iv), sub-item (e) of the Act: the matters set forth in sub-items (a) through (g) of the following item; and

ホ　イからニまでに掲げる取引以外の取引　当該取引の内容を的確に示すために必要な事項

(e) a transaction other than that set forth in sub-items (a) through (d): the

necessary matters for accurately indicating the content of the transaction;

七　金融商品取引契約が法第二十八条第八項第四号ホに掲げる取引に係るものであるときは、次に掲げる事項

(vii) if a financial instruments transaction contract concerns a transaction set forth in Article 28, paragraph (8), item (iv), sub-item (e) of the Act, the following matters:

イ　元本として定めた金額

(a) the amount fixed as the principal;

ロ　顧客が支払うこととなる金銭の額の計算に係る有価証券指標又は有価証券の銘柄

(b) the securities index or the securities issue related to the calculation of the amount of money to be paid by a customer;

ハ　顧客が支払うこととなる金銭の額の計算方法

(c) the method of the amount of money to be paid by a customer;

ニ　顧客が受領することとなる金銭の額の計算に係る金利、有価証券指標、通貨の種類又は有価証券の銘柄

(d) the interest rate, securities indicator, type of currency or securities issues related to the calculation of the amount of money to be received by a customer;

ホ　顧客が受領することとなる金銭の額の計算方法

(e) the calculation method of the amount of money to be received by a customer;

ヘ　法第二十八条第八項第四号ホの期間

(f) the period referred to in Article 28, paragraph (8), item (iv), sub-item (e) of the Act; and

ト　イからヘまでに掲げる事項のほか、取引の内容を的確に示すために必要な事項であって、これらの事項に準ずるもの

(g) in addition to the matters set forth in sub-items (a) through (f), the necessary matters for accurately indicating the content of the transaction which are equivalent to those matters.

２　前条第二項の規定は、有価証券の売買その他の取引又は有価証券関連デリバティブ取引等について準用する。この場合において、同項中「前項各号」とあるのは、「第百一条第一項各号」と読み替えるものとする。

(2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to a purchase and sale or other transactions of securities or securities-related derivatives transactions, etc. In such a case, the term "the items of the preceding paragraph" in that paragraph is deemed to be replaced with "the items of Article 101, paragraph (1)".

３　第一項の規定にかかわらず、第九十九条第二項に規定する場合には、第一項第二号イ、第三号及び第四号イに掲げる事項の記載を要しない。

(3) Notwithstanding the provisions of paragraph (1), in the case prescribed in

Article 99, paragraph (2), the matters specified in paragraph (1), item (ii), sub-item (a), item (iii), and item (iv), sub-item (a) need not be stated.

（デリバティブ取引等に係る契約締結時交付書面の記載事項の特則）
(Special Provisions on Matters to Be Stated in a Document to Be Delivered Upon Conclusion of a Contract Related to Derivative Transactions)

第百二条　デリバティブ取引等（有価証券関連デリバティブ取引等（店頭デリバティブ取引契約に係るものを除く。）及び有価証券等清算取次ぎに係るものを除く。次項において同じ。）に係る金融商品取引契約が成立したときに作成する契約締結時交付書面には、第百条第一項に規定する事項（当該金融商品取引契約が有価証券関連デリバティブ取引等（店頭デリバティブ取引契約に係るものに限る。）に係るものである場合にあっては、前条第一項に規定する事項）のほか、次に掲げる事項を記載しなければならない。

Article 102 (1) In a document for delivery upon conclusion of a contract to be prepared when a financial instruments transaction contract related to derivative transactions, etc. (excluding securities-related derivatives transactions, etc. (excluding those related to the contract for over-the-counter derivatives transactions) and transactions related to brokerage for clearing of securities, etc.; the same applies in following paragraph) is concluded, the following matters must be stated in addition to the matters prescribed in Article 100, paragraph (1) (if the financial instruments transaction contract concerns securities-related derivatives transactions, etc. (limited to a contract for over-the-counter derivatives transactions), the matters prescribed in paragraph (1) of the preceding Article):

一　成立したデリバティブ取引に係る委託証拠金その他の保証金の種類及び金額（デリバティブ取引に係る委託証拠金その他の保証金に係る契約を個別のデリバティブ取引ごとに締結していない場合にあっては、その旨及び当該保証金の額の計算方法）

(i) the type and amount of the customer margin and other security deposits related to the derivative transaction closed (if a contract for a customer margin or other security deposits related to derivative transactions has not been concluded for each individual derivative transactions, that fact and the calculation method of the security deposit);

二　成立したデリバティブ取引に係る委託証拠金その他の保証金を預託すべき相手方

(ii) the counterparty with which the customer margin or other security deposits related to the derivative transactions closed is required to be deposited;

三　成立したデリバティブ取引（店頭デリバティブ取引を除く。）に係る取引所金融商品市場又は外国金融商品市場を開設する者の商号又は名称

(iii) the trade name or name of the person that establishes a financial instruments exchange market or a foreign financial instruments market related to the derivative transactions, etc. closed (excluding over-the-counter

derivatives transactions);

四　成立したデリバティブ取引の期限並びに当該成立したデリバティブ取引が既に成立していたデリバティブ取引を期限前に決済するために行われたときはその旨及び当該既に成立していたデリバティブ取引に係る第百条第一項第五号に掲げる事項

(iv) the deadline of the derivative transactions closed, and if the derivative transactions closed has been conducted for settling an existing derivative transaction before its deadline, that fact and the matters set forth in Article 100, paragraph (1), item (v) concerning the existing derivative transaction;

五　分別管理上の預託先の商号又は名称

(v) the trade name or name of the depository for separate management;

六　金融商品取引契約が法第二条第二十一項第五号又は第二十二項第六号に掲げる取引に係るものである場合にあっては、次に掲げる事項

(vi) if a financial instruments transaction contract concerns a transaction set forth in Article 2, paragraph (21), item (v) or, paragraph (22), item (vi) of the Act, the following matters:

イ　当事者があらかじめ定めた事由

(a) the grounds specified in advance by the parties;

ロ　当事者があらかじめ定めた事由が発生した場合に顧客が受け取り、又は支払うこととなる金銭の額の計算方法

(b) the calculation method of the amount of money to be received or paid by customers if grounds specified in advance by the parties occurs;

ハ　当事者があらかじめ定めた事由が発生した場合に当事者の間で移転することを約した金融商品、金融商品に係る権利又は金銭債権（金融商品であるもの及び金融商品に係る権利であるものを除く。）

(c) financial instruments, rights related to financial instruments, or a monetary claim (excluding claims that are financial instruments or are the rights related to financial instruments) which the parties have promised to transfer between them if grounds specified in advance by the parties occurs; and

ニ　取引期間

(d) the transaction period.

2　第百条第二項の規定は、デリバティブ取引等について準用する。この場合において、同項中「前項各号」とあるのは、「第百二条第一項各号」と読み替えるものとする。

(2) The provisions of Article 100, paragraph (2) apply mutatis mutandis to derivative transactions, etc. In such a case, the term "the items of the preceding paragraph" in that paragraph is deemed to be replaced with "the items of Article 102, paragraph (1)".

（抵当証券等の売買その他の取引に係る契約締結時交付書面の記載事項の特則）

(Special Provisions on Matters to Be Stated in a Document to Be Delivered Upon Conclusion of a Contract Related to Purchase and Sale or Other

Transactions of Mortgage Securities)

第百三条　抵当証券等の売買その他の取引に係る金融商品取引契約が成立したときに作成する契約締結時交付書面には、第九十九条第一項各号に掲げる事項のほか、次に掲げる事項を記載しなければならない。

Article 103 (1) The following matters must be stated in a document for delivery upon conclusion of a contract to be prepared when a financial instruments transaction contract related to purchase and sale or other transactions of mortgage securities, etc. is closed in addition to the matters set forth in the items of Article 99, paragraph (1):

一　抵当証券等に記載された債権の元本及び利息の弁済の受領に関する定めがあるときは、その内容

(i) if there are provisions on the receipt of the payment of the principal and interest of the claim stated in the mortgage securities, etc., the content of the provisions;

二　抵当証券法第十二条第一項各号に掲げる事項

(ii) the matters set forth in the items of Article 12, paragraph (1) of the Mortgage Securities Act;

三　元本及び利息に関する事項

(iii) the matters concerning principal and interest;

四　元本及び利息の支払日

(iv) the payment date of principal and interest;

五　利息の計算に関する定めがあるときは、その内容

(v) if there are any provisions on the calculation of interests, the content of the provisions;

六　当該抵当証券等に係る貸付契約の契約書の記載事項

(vi) the matters stated in the contract document of a loan contract related to the mortgage securities;

七　不動産鑑定評価書の記載事項

(vii) the matters stated in a real property appraisal report;

八　担保物件に係る事業計画その他の計画において定める貸付資金の返済計画

(viii) a repayment plan of loan funds specified in a business plan or other plans related to the collateral;

九　債務者が法人である場合にあっては、当該法人に関する次に掲げる事項

(ix) if the debtor is a corporation, the following matters concerning the corporation:

イ　設立の年月又は事業を開始した年月

(a) the year and month when the corporation was incorporated or has commenced business;

ロ　主たる事業の種類

(b) the type of the main business; and

ハ　当該契約締結時交付書面を交付した日の三月前（当該金融商品取引業者等が外

国法人である場合にあっては、六月前）の日を含む事業年度の前事業年度の貸借対照表及び損益計算書

(c) the balance sheet and profit and loss statement for the business year immediately preceding the business year that includes the day three months (if the financial instruments business operator, etc. is a foreign corporation, six months) before the day when the document for delivery upon conclusion of a contract was delivered; and

十　顧客が債務者から債権を取り立てる方法

(x) the method by which customers collect claims from debtors.

２　第百条第二項の規定は、抵当証券等の売買その他の取引について準用する。この場合において、同項中「前項各号」とあるのは、「第百三条第一項各号」と読み替えるものとする。

(2) The provisions of Article 100, paragraph (2) apply mutatis mutandis to purchase and sale or other transactions of mortgage securities, etc. In such a case, the term "the items of the preceding paragraph" in that paragraph is deemed to be replaced with "the items of Article 103, paragraph (1)".

（商品ファンド関連取引に係る契約締結時交付書面の記載事項の特則）

(Special Provisions on Matters to Be Stated in a Document to Be Delivered Upon Conclusion of a Contract Related to Commodity Fund-Related Transactions)

第百四条　商品ファンド関連取引に係る金融商品取引契約が成立したときに作成する契約締結時交付書面には、第百条第一項に規定する事項のほか、次に掲げる事項を記載しなければならない。

Article 104 (1) The following matters must be stated in a document for delivery upon conclusion of a contract to be prepared when a financial instruments transaction contract related to commodity fund-related transactions is closed in addition to the matters prescribed in Article 100, paragraph (1):

一　法第三十七条の三第一項第五号及び第六号に掲げる事項

(i) the matters set forth in Article 37-3, paragraph (1), items (v) and (vi) of the Act;

二　第八十三条第一項第一号並びに第九十一条第一項第一号、第五号、第十六号、第十八号ロ（２）及び（４）から（６）まで並びに第二十号に掲げる事項

(ii) the matters set forth in Article 83, paragraph (1), item (i), Article 91, paragraph (1), item (i), item (v), item (xvi), and item (xviii), sub-item (b), 2., 4. through 6., and item (xx);

三　当該商品ファンド関連受益権に係る第九十一条第四項第一号イ若しくはロに掲げる行為による運用、同項第二号の投資又は同項第三号の事業の内容

(iii) the content of the fund management conducted through the act set forth in Article 91, paragraph (4), item (i), sub-item (a) or (b), the investment referred to in item (ii) of that paragraph, or the business referred to in item

(iii) of that paragraph, in connection with the beneficial interest in commodity fund;

四　商品ファンドの収益の分配の方法

(iv) the method of the distribution of the profit of the commodity fund;

五　満期時の償還金の支払方法及び繰上償還がある場合にあっては、当該償還金の支払方法

(v) the payment method of the redemption money payable upon maturity, and if an accelerated redemption may be made, the payment method of the redemption money; and

六　配当及び償還金に対する課税方法及び税率

(vi) the method of taxation imposed on the dividend and the redemption money and the tax rate.

２　第百条第二項の規定は、商品ファンド関連取引について準用する。この場合において、同項中「同項各号」とあるのは、「第百四条第一項各号」と読み替えるものとする。

(2) The provisions of Article 100, paragraph (2) apply mutatis mutandis to commodity fund-related transactions. In such a case, the term "the items of that paragraph" in that paragraph is deemed to be replaced with "the items of Article 104, paragraph (1)".

（競走用馬投資関連業務に係る取引に係る契約締結時交付書面の記載事項の特則）

(Special Provisions on Matters to Be Stated in a Document to Be Delivered Upon Conclusion of a Contract on Transactiond For Business Related to Investment in Racehorses)

第百五条　競走用馬投資関連業務に係る取引に係る金融商品取引契約が成立したときに作成する契約締結時交付書面には、前条第一項に規定する事項のほか、競走用馬の血統及び飼養管理の状況に関する事項を記載しなければならない。

Article 105 (1) The matters concerning the bloodlines of the racehorses and the status of their breeding management must be stated in a document for delivery upon conclusion of a contract to be prepared when a financial instruments transaction contract on business related to investment in racehorses is concluded, in addition to the matters specified in paragraph (1) of the preceding Article.

２　第百条第二項の規定は、競走用馬投資関連業務に係る取引について準用する。この場合において、同項中「前項各号に掲げる事項」とあるのは「競走用馬の血統及び飼養管理の状況に関する事項」と、「同項の」とあるのは「第百五条第一項の」と、「同項各号に掲げる事項」とあるのは「当該事項」と読み替えるものとする。

(2) The provisions of Article 100, paragraph (2) apply mutatis mutandis to transactions for a business related to investment in racehorses. In such a case, the terms "the matters set forth in the items of the preceding paragraph", "in that paragraph", and "the matters set forth in the items of that paragraph" in

that paragraph are deemed to be replaced with "the matters related to the bloodlines of racehorses and the status of their breeding management", "in Article 105, paragraph (1)", and "the matters", respectively.

（投資顧問契約等に係る契約締結時交付書面の記載事項等）

(Special Provisions on Matters to Be Stated in a Document to Be Delivered Upon Conclusion of a Contract Related to Investment Advisory Contracts)

第百六条　投資顧問契約又は法第二条第八項第十三号に掲げる行為（投資顧問契約に係るものに限る。）を行うことを内容とする金融商品取引契約が成立したときに作成する契約締結時交付書面には、第九十九条第一項各号に掲げる事項のほか、次に掲げる事項を記載しなければならない。

Article 106 (1) The following matters must be stated in a document for delivery upon conclusion of a contract to be prepared when an investment advisory contract or a financial instruments transaction contract which provides for performing the act specified in Article 2, paragraph (8), item (xiii) of the Act (limited to that related to an investment advisory contract) has been concluded:

一　助言の内容及び方法

(i) the content and method of advice;

二　報酬の額及び支払の時期

(ii) the amount and timing of the payment of remuneration;

三　契約の解除に関する事項（法第三十七条の六第一項から第四項までの規定に関する事項を含む。）

(iii) the matters concerning the cancellation of a contract (including the matters related to the provisions of Article 37-6, paragraphs (1) through (4) of the Act);

四　損害賠償額の予定（違約金を含む。）に関する定めがあるときは、その内容

(iv) if there is an agreement for liquidated damages (including penalties), the content of the agreement;

五　契約期間

(v) the contract period;

六　分析者等の氏名

(vi) the name of the analysts, etc.;

七　顧客に対して投資顧問契約に基づく助言の業務を行う者の氏名

(vii) the name of the person that provides advisory services based on investment advisory contracts to customers;

八　投資顧問契約により生じた債権に関し、金融商品取引業者に係る営業保証金について、他の債権者に先立ち弁済を受ける権利を有する旨

(viii) the fact that the customer is entitled to receive a payment for claims arising from the investment advisory contract from a business security deposit furnished by the financial instruments business operator in

preference over other creditors;

九　第九十五条第一項第七号に掲げる事項

(ix) the matters set forth in Article 95, paragraph (1), item (vii);

十　第九十五条第一項第八号に掲げる事項

(x) the matters set forth in Article 95, paragraph (1), item (viii); and

十一　第九十五条第一項第九号に掲げる事項

(xi) the matters set forth in Article 95, paragraph (1), item (ix).

２　次の各号に掲げる規定は、当該各号に定める場合には、適用しない。

(2) The provisions set forth in the following items do not apply to the cases prescribes in each of those items:

一　前項第九号の規定　金融商品取引業者等が次に掲げる者である場合

(i) the provisions of item (ix) of the preceding paragraph: if the financial instruments business operator, etc. falls under any of the following persons:

イ　第一種金融商品取引業を行う者（第一種少額電子募集取扱業者を除く。）

(a) a person engaged in type I financial instruments business (excluding type-I small amount electronic public offering service providers);

ロ　第二種金融商品取引業を行う者（第二種少額電子募集取扱業者を除く。）

(b) a person engaged in type II financial instruments business (excluding type-II small amount electronic public offering service providers);

ハ　登録金融機関

(c) a registered financial institution;

ニ　金融商品仲介業者

(d) a financial instruments intermediary service provider; or

ホ　金融サービス仲介業者

(e) a financial service intermediary;

二　前項第十号の規定　金融商品取引業者等が次に掲げる者である場合

(ii) the provisions of item (x) of the preceding paragraph: if the financial instruments business operator, etc. falls under any of the following persons:

イ　有価証券等管理業務を行う者

(a) a person engaged in a securities, etc. management business; or

ロ　登録金融機関（信託業務を営む金融機関又は預金、貯金若しくは銀行法第二条第四項に規定する定期積金等の受入れを行う金融機関に限る。）

(b) a registered financial institution (limited to a financial institution engaged in a trust business, or a financial institution that accepts bank savings, postal savings, or installment savings, etc. as defined in Article 2, paragraph (4) of the Banking Act);

三　前項第十一号の規定　金融商品取引業者等が次に掲げる者である場合

(iii) the provisions of item (xi) of the preceding paragraph: if the financial instruments business operator, etc. is any of the following persons:

イ　第一種金融商品取引業を行う者

(a) a person engaged in type I financial instruments business;

ロ　金融商品仲介業者

(b) a financial instruments intermediary service provider;

ハ　登録金融機関（信託業務を営む金融機関に限る。）

(c) a registered financial institution (limited to a financial institution engaged in trust business); or

ニ　金融サービス仲介業者

(d) a financial service intermediary.

３　第百条第二項の規定は、投資顧問契約について準用する。この場合において、同項中「前項各号」とあるのは、「第百六条第一項各号」と読み替えるものとする。

(3) The provisions of Article 100, paragraph (2) apply mutatis mutandis to investment advisory contracts. In such a case, the term "the items of the preceding paragraph" in that paragraph is deemed to be replaced with "the items of Article 106, paragraph (1)".

（投資一任契約等に係る契約締結時交付書面の記載事項等）

(Matters to Be Stated in a Document for Delivery Upon Conclusion of a Contract Related to Discretionary Investment Contracts)

第百七条　投資一任契約又は法第二条第八項第十三号に掲げる行為（投資一任契約に係るものに限る。）を行うことを内容とする金融商品取引契約が成立したときに作成する契約締結時交付書面には、第九十九条第一項各号に掲げる事項のほか、次に掲げる事項を記載しなければならない。

Article 107 (1) The following matters must be stated in a document for delivery upon conclusion of a contract to be prepared when a discretionary investment contract or a financial instruments transaction contract which provides for performing the acts set forth in Article 2, paragraph (8), item (xiii) of the Act (limited to acts related to discretionary investment contracts) is concluded in addition to the matters set forth in the items of Article 99, paragraph (1):

一　投資判断の一任の範囲及び投資の実行に関する事項（投資判断及び投資の実行に係る権限の全部又は一部の委託をする場合における当該委託を受けた者の名称（当該者が適格投資家向け投資運用業を行うことにつき法第二十九条の登録を受けた金融商品取引業者であるときは、その旨を含む。）及び当該委託の範囲を含む。）

(i) the matters concerning the scope of discretionary investment decisions and the execution of an investment (if all or part of the authority concerning investment decisions or execution of an investment is entrusted to another person, including the name of the entrusted person (if the person is a financial instruments business operator that obtained a registration referred to in Article 29 of the Act for conducting investment management business for qualified investors, including that fact) and the scope of the entrustment);

二　報酬の額及び支払の時期

(ii) the amount of the remuneration and the timing of its payment;

三　契約の解除に関する事項

(iii) the matters concerning cancellation of the contract;

四　損害賠償額の予定（違約金を含む。）に関する定めがあるときは、その内容

(iv) if there are provisions for agreement on liquidated damages (including penalties) the content of the provisions;

五　契約期間

(v) the contract period;

六　投資一任契約に係る顧客の資産の内容及び金額

(vi) the content and amount of the customer's assets related to discretionary investment contracts;

七　投資一任契約に基づき顧客のために投資判断を行い、又は当該投資判断を行うとともに、これに基づく投資を行う者の氏名

(vii) the name of a person that makes an investment decision for customers, or a person that makes the investment decision and also makes an investment based on that decision for customers, based on the discretionary investment contract; and

八　投資一任契約に基づき顧客のために行う当該顧客の資産に係る投資の方法及び取引の種類

(viii) the method of investment and the type of transactions, related to the customer's assets, which are conducted for the customer based on discretionary investment contracts;

九　当該金融商品取引契約が法第二条第八項第十三号に掲げる行為により成立したものである場合にあっては、投資一任契約により生じた債権に関し金融商品取引業者に係る営業保証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旨

(ix) if the financial instruments transaction contract is concluded through an act set forth in Article 2, paragraph (8), item (xiii) of the Act, the fact that the customer is entitled to receive payment for the claims arising from discretionary investment contracts for business security deposits related to financial instruments business operators in preference over other creditors;

十　投資一任契約に基づき権利者のために運用を行う者が適格投資家向け投資運用業を行うことにつき法第二十九条の登録を受けた金融商品取引業者であるときは、その旨

(x) if a person that makes investments for right holders based on discretionary investment contracts is a financial instruments business operator that has obtained a registration referred to in Article 29 of the Act for conducting an investment management business for qualified investors, that fact; and

十一　法第四十二条の七第一項の運用報告書を交付する頻度

(xi) the frequency of delivering an investment report referred to in Article 42-7, paragraph (1) of the Act.

2　第百条第二項の規定は、投資一任契約について準用する。この場合において、同項中「前項各号」とあるのは、「第百七条第一項各号」と読み替えるものとする。

(2) The provisions of Article 100, paragraph (2) apply mutatis mutandis to

discretionary investment contract. In such a case, the term "the items of the preceding paragraph" is deemed to be replaced with "the items of Article 107, paragraph (1)".

（取引残高報告書の記載事項等）

(Matters to Be Stated in Reports on Outstanding Balance of Transactions)

第百八条　取引残高報告書には、次に掲げる事項を記載しなければならない。

Article 108 (1) The following matters must be stated in a report on outstanding balance of transactions:

一　顧客の氏名又は名称

(i) the name of the customer;

二　第九十八条第一項第三号イの金融商品取引契約又は報告対象期間において成立した金融商品取引契約に係る次に掲げる事項

(ii) the following matters concerning the financial instruments transaction contract referred to in Article 98, paragraph (1), item (iii), sub-item (a), or the financial instruments transaction contract concluded during the reporting period:

イ　約定年月日

(a) the contract date;

ロ　有価証券又は商品（寄託された商品に関して発行された証券又は証書を含む。以下この条において同じ。）の受渡しの年月日

(b) the date of the delivery of securities or commodities (including instruments or certificates issued in relation to the deposited commodities; hereinafter the same applies in this Article);

ハ　売付け等又は買付け等の別（次の（１）から（５）までに掲げる取引にあっては、それぞれ（１）から（５）までに定めるものの別）

(c) distinction of whether the type of transaction is a sale, etc. or a purchase, etc. (for transactions set forth in the following 1. through 5., distinction of the transactions prescribed in each of those clauses):

（１）　法第二条第二十一項第二号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）及び同条第二十二項第二号に掲げる取引　顧客が現実数値が約定数値を上回った場合に金銭を支払う立場の当事者となるもの又は金銭を受領する立場の当事者となるもの

1. a transaction set forth in Article 2, paragraph (21), item (ii) of the Act (including foreign market derivatives transactions similar to the transaction) and a transaction set forth in Article 2, paragraph (22), item (ii) of the Act: whether it is a transaction in which the customer becomes a party that pays money or a party that receives money when the actual figure exceeds the agreed figure;

（２）　法第二条第二十一項第三号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）並びに同条第二十二項第三号及び第四号に掲げる取

引　顧客がオプションを付与する立場の当事者となるもの又はオプションを取得する立場の当事者となるもの

2. a transaction set forth in Article 2, paragraph (21), item (iii) of the Act (including foreign market derivatives transactions similar to the transaction) and a transaction set forth in Article 2, paragraph (22), items (iii) and (iv) of the Act: whether it is a transaction in which the customer becomes a party to grant options or a party to acquire options;

（３）　法第二条第二十一項第四号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）及び同条第二十二項第五号に掲げる取引　顧客が相手方と取り決めた金融商品の利率等又は金融指標が約定した期間に上昇した場合に金銭を支払う立場の当事者となるもの又は金銭を受領する立場の当事者となるもの

3. a transaction set forth in Article 2, paragraph (21), item (iv) of the Act (including foreign market derivatives transactions similar to the transaction) and a transaction set forth in Article 2, paragraph (22), item (v) of the Act: whether it is a transaction in which the customer becomes a party to pay money or a party to receive money when the interest rate, etc. of the financial instrument or financial index agreed between the customer and the counterparty rises in the agreed period;

（４）　法第二条第二十一項第四号の二に掲げる取引　顧客が相手方と取り決めた商品に係る金融指標が約定した期間に上昇した場合に金銭を支払う立場の当事者となるもの又は金銭を受領する立場の当事者となるもの

4. a transaction set forth in Article 2, paragraph (21), item (iv)-2 of the Act: a transaction in which a party becomes a party to pay money or a party to receive money when the financial index concerning the commodities agreed between a customer and the counterparty rises in the agreed period; and

（５）　法第二条第二十一項第五号（これに類似する外国市場デリバティブ取引を含む。）及び同条第二十二項第六号に掲げる取引　当事者があらかじめ定めた事由（同条第二十一項第五号及び第二十二項第六号に掲げるいずれかの事由をいう。）が発生した場合に顧客が金銭を支払う立場の当事者となるもの又は金銭を受領する立場の当事者となるもの

5. a transaction set forth in Article 2, paragraph (21), item (v) of the Act (including foreign market derivatives transactions similar to the transaction) and a transaction set forth in Article 2, paragraph (22), item (vi) of the Act: whether it is a transaction in which the customer becomes a party to pay money or a party to receive money when grounds agreed in advance by the parties (meaning any of the grounds specified in paragraph (21), item (v) of that Article or paragraph (22), item (vi) of that Article) occur.

ニ　有価証券の種類又はデリバティブ取引の種類

(d) the type of securities or derivative transactions;

ホ　銘柄（取引の対象となる金融商品若しくは金融指標又は契約書に記載されている契約番号その他取引の対象を特定するものを含む。以下この節において同じ。）

(e) the issue (including financial instruments or financial indexes which are to be the subject of transactions, the contract number stated in the contract document, or any other information that identify the subject of the transaction; hereinafter the same applies in this Section);

ヘ　約定数量（数量がない場合にあっては、件数又は数量に準ずるもの）

(f) the agreed volume (if there is no volume, number of transactions or the matter equivalent to volume);

ト　単価、対価の額、約定数値、選択権料その他取引一単位当たりの金額又は数値

(g) the amount or figure per transaction unit, such as the unit price, the amount of consideration, the agreed figure, or the option premium;

チ　支払金額（手数料を含む。）

(h) the amount payable (including fees); and

リ　現金取引又は信用取引の別

(i) distinction of whether the transaction is a cash transaction or a margin transaction.

三　報告対象期間において行った有価証券の受渡しの年月日並びに当該有価証券の種類及び株数若しくは口数又は券面の総額

(iii) the date of the delivery of securities made during the reporting period, and the type of those securites and the total number of shares or units, or the face value of those securities;

三の二　報告対象期間において行った商品の受渡しの年月日並びに当該商品の種類及び数量

(iii)-2 the date of delivery of commodities made during the reporting period, and the type and quantity of the commodities;

四　報告対象期間において行った金銭の受渡しの年月日及びその金額

(iv) the date of the delivery of money made during the reporting period and the amount of that money;

五　報告対象期間の末日における金銭、有価証券及び商品の残高

(v) the outstanding balance of the money, securities, and commodities on the last day of the reporting period;

六　報告対象期間の末日における信用取引、発行日取引（国債の発行日前取引を除く。）及びデリバティブ取引の未決済勘定明細及び評価損益

(vi) the details of the unsettled account and variation loss or gain of the margin transaction, when-issued transaction (excluding when-issued transaction of government bonds), and derivative transactions, on the last day of the reporting period;

七　第二号の金融商品取引契約が信用取引に係るものである場合にあっては、当該信用取引に関する次に掲げる事項

(vii) if a financial instruments transaction contract referred to in item (ii) concerns a margin transaction, the following matters in connection with the margin transaction:

イ　新規又は決済の別

(a) distinction of whether it is a new transaction or a settlement transaction;

ロ　弁済期限

(b) the due date for the payment; and

ハ　信用取引支払利息若しくは信用取引受取利息又は品借料若しくは品貸料

(c) interest payable for margin transaction or interest receivable from margin transaction, or share-borrowing commission or share-lending commission;

八　第二号の金融商品取引契約が法第二十八条第八項第三号イ及びロに規定する取引に係るものである場合にあっては、当該取引に関する新規又は決済の別

(viii) if a financial instruments transaction contract referred to in item (ii) concerns a transaction provided for in Article 28, paragraph (8), item (iii), sub-items (a) and (b) of the Act, distinction of whether it is a new transaction or a settlement transaction;

九　第二号の金融商品取引契約が法第二十八条第八項第三号ハに規定する取引又は選択権付債券売買（当事者の一方が受渡日を指定できる権利を有する債券売買であって、一定の期間内に当該権利が行使されない場合にあっては、当該選択権付債券売買の契約が解除される取引をいう。以下同じ。）に係るものである場合にあっては、これらに関する次に掲げる事項

(ix) if a financial instruments transaction contract referred to in item (ii) concerns a transaction provided for in Article 28, paragraph (8), item (iii), sub-item (c) of the Act or the trading of bonds with options (meaning bond trading for which one of the parties has the right to designate the delivery date, and if the right is not exercised within a certain period, the contract for the trading of bonds with options is canceled; the same applies hereinafter), the following matters concerning them:

イ　権利行使期間

(a) the exercise period;

ロ　権利行使価格

(b) the exercise price;

ハ　プット（権利の行使により売主としての地位を取得するものをいう。以下同じ。）又はコール（権利の行使により買主としての地位を取得するものをいう。以下同じ。）の別

(c) distinction of whether it is a put option (meaning the option with which the party acquires the position of seller by exercise of rights; the same applies hereinafter) or a call option (meaning the option with which the party acquires the position of purchaser by exercise of rights; the same

applies hereinafter);

ニ　新規、権利行使、転売、買戻し又は相殺の別

(d) distinction of whether it is a new transaction, a transaction for exercise of rights, a resale transaction, a buy-back transaction, or a set-off transaction; and

ホ　限月

(e) the contract month;

十　第二号の金融商品取引契約が法第二十八条第八項第三号ニに掲げる取引に係るものである場合にあっては、当該取引に関する次に掲げる事項

(x) if a financial instruments transaction contract referred to in item (ii) concerns a transaction set forth in Article 28, paragraph (8), item (iii), sub-item (d) of the Act, the following matters concerning the transaction:

イ　取引期間

(a) the transaction period; and

ロ　受渡しの年月日

(b) the delivery date;

十一　第二号の金融商品取引契約が法第二十八条第八項第四号イ又はロに規定する取引に係るものである場合にあっては、当該取引に関する次に掲げる事項

(xi) if a financial instruments transaction contract referred to in item (ii) concerns a transaction provided for in Article 28, paragraph (8), item (iii), sub-item (d) of the Act, the following matters concerning the transaction:

イ　自己又は委託の別

(a) distinction of whether the financial instruments business operator, etc. themselves is conducting the transaction on their own account or transaction has been entrusted to the business operator, etc.;

ロ　期日

(b) the due date; and

ハ　新規、決済又は解除の別

(c) dinstinction of whether it is a new transaction, a settlement transaction, or a cancellation of transaction;

十二　第二号の金融商品取引契約が法第二十八条第八項第四号ハ又はニに規定する取引に係るものであるときは、当該取引に関する次に掲げる事項

(xii) if a financial instruments transaction contract referred to in item (ii) concerns a transaction provided for in Article 28, paragraph (8), item (iv), sub-item (c) or (d) of the Act, the following matters concerning the transaction:

イ　自己又は委託の別

(a) distinction of whether the financial instruments business operator, etc. themselves is conducting the transaction on their own account or transaction has been entrusted to the business operator, etc.;

ロ　権利行使期間

(b) the exercise period; and

ハ　オプションの行使により成立する取引の内容

(c) the content of the transaction to be closed by the exercise of options;

十三　第二号の金融商品取引契約が法第二十八条第八項第四号ホに規定する取引に係るものであるときは、当該取引に関する次に掲げる事項

(xiii) if the financial instruments transaction contract referred to in item (ii) concerns a transaction provided for in Article 28, paragraph (8), item (iv), sub-item (e) of the Act, the following matters concerning the transaction:

イ　自己又は委託の別

(a) distinction of whether the financial instruments business operator, etc. themselves is conducting the transaction on their own account or the transaction has been entrusted to the business operator, etc.;

ロ　取引期間

(b) the transaction period; and

ハ　受渡しの年月日

(c) the delivery date.

2　二以上の金融商品取引業者等が顧客に対し前項各号に掲げる事項を記載した取引残高報告書を交付しなければならない場合において、いずれか一の金融商品取引業者等が同項各号に掲げる事項を記載した取引残高報告書を交付したときは、他の金融商品取引業者等は、第九十八条第一項第三号の規定にかかわらず、取引残高報告書を作成し、交付することを要しない。

(2) Notwithstanding the provisions of Article 98, paragraph (1), item (iii), if two or more financial instruments business operators, etc. are required to deliver a report on outstanding balance of transactions stating the matters set forth in the items of the preceding paragraph to a customer, if one of those financial instruments business operators, etc. has delivered the report on outstanding balance of transactions stating the matters set forth in the items of the preceding paragraph to the customer, the other financial instruments business operator, etc. is not required to prepare and deliver a report on outstanding balance of transactions.

3　第一項の規定にかかわらず、第九十八条第一項第三号イに掲げるとき（同号イの金融商品取引契約に係る有価証券、商品及び金銭の受渡しが終了している場合に限る。）に作成する取引残高報告書は、次に掲げる事項を記載するものとする。

(3) Notwithstanding the provisions of paragraph (1), the following matters are to be stated in a report on outstanding balance of transactions to be prepared in the case referred to in Article 98, paragraph (1), item (iii), sub-item (a) (only if the delivery of securities, commodities, and money related to the financial instruments transaction contract specified in sub-item (a) of that item has been completed):

一　第一項第一号並びに第二号ロ及びホに掲げる事項

(i) the matters set forth in paragraph (1), item (i), and item (ii), sub-items (b)

and (e);

二　当該個別の有価証券の売買その他の取引又はデリバティブ取引等に係る有価証券、商品及び金銭の受渡しが終了した後の有価証券、商品及び金銭の残高（次号に掲げる事項を除く。）

(ii) the outstanding balance of the securities, the commodities, and money after the delivery of securities, commodities, and money related to the individual purchase and sale or other transactions of securities or derivative transactions, etc. (excluding the matters set forth in the following item) have been completed;

三　当該個別の有価証券の売買その他の取引又はデリバティブ取引等に係る有価証券、商品及び金銭の受渡しが終了した後の当該有価証券、商品及び金銭の残高

(iii) the outstanding balance of the securities, the commodities, and money after the delivery of securities, commodities, and money related to the the individual purchase and sale or other transactions of securities or derivative transactions, etc. have been completed;

四　信用取引、発行日取引（国債の発行日前取引を除く。）及びデリバティブ取引の未決済勘定明細及び評価損益

(iv) the details of the unsettled account and the loss or gain on valuation of margin transactions, when-issued transactions (excluding when-issued transactions of government bonds), and derivatives transactions; and

五　当該個別の有価証券の売買その他の取引又はデリバティブ取引等に係る有価証券、商品及び金銭の受渡しが終了している旨

(v) the fact that the delivery of securities, commodities, and money related to the individual purchase and sale or other transactions of securities or derivative transactions, etc. have been completed.

4　二以上の金融商品取引業者等が顧客に対し前項各号に掲げる事項を記載した取引残高報告書を交付しなければならない場合において、いずれか一の金融商品取引業者等が同項各号に掲げる事項を記載した取引残高報告書を交付したときは、他の金融商品取引業者等は、第九十八条第一項第三号イの規定にかかわらず、取引残高報告書を作成し、交付することを要しない。

(4) Notwithstanding the provisions of Article 98, paragraph (1), item (iii), sub-item (a), if two or more financial instruments business operators, etc. are required to deliver a report on outstanding balance of transactions stating the matters set forth in the items of the preceding paragraph to a customer, if one of those financial instruments business operators, etc. has delivered the report on outstanding balance of transactions stating the matters set forth in the items of the preceding paragraph to the customer, the other financial instruments business operator, etc. is not required to prepare and deliver a report on outstanding balance of transactions.

5　第三項の規定にかかわらず、第九十八条第一項第三号イの請求をした顧客に対し、同号ロに掲げるときに取引残高報告書を作成し、交付する場合には、同号イの金融商

品取引契約に係る有価証券、商品及び金銭の受渡しが終了した時における当該顧客に係る次に掲げる事項の記載を省略することができる。

(5) Notwithstanding the provisions of paragraph (3), if a financial instruments business operator, etc. prepares and delivers a report on outstanding balance of transactions in the case set forth in sub-item (b) of that item to the customer that has made a request referred to in Article 98, paragraph (1), item (iii), sub-item (a), the business operator may omit the statement of the following matters related to the customer at the time the delivery of securities, commodities, and money related to the financial instruments transaction contract referred to in sub-item (a) of that item has been completed:

一　第三項第二号に掲げる事項

(i) the matters set forth in paragraph (3), item (ii); and

二　第三項第四号に掲げる事項

(ii) the matters set forth in paragraph (3), item (iv).

6　金融商品取引業者等は、第一項又は第三項に掲げる事項を記載した書面を作成し、これを顧客に交付することに代えて、当該事項を通帳に記載する方法により顧客に対して通知することができる。

(6) In lieu of preparing a document stating the matters set forth in paragraph (1) or (3) and delivering the document to a customer, a financial instruments business operator, etc. may notify the customer of those matters by way of entering the the matters into a passbook.

7　第一項の規定にかかわらず、第百十条第一項第五号又は第六号の規定により契約締結時交付書面を交付しない顧客から同一日における同一銘柄の注文を一括することについてあらかじめ同意を得ている場合には、第一項第二号トに掲げる事項として、同一日における当該銘柄の取引の単価の平均額を記載することができる。

(7) Notwithstanding the provisions of paragraph (1), if a financial instruments business operator, etc. has obtained a prior consent from a customer to whom a document for delivery upon conclusion of a contract is not delivered pursuant to the provisions of Article 110, paragraph (1), item (v) or (vi) on packaging the orders for the same issue on the same day, the financial instruments business operator, etc. may state the average amount of the unit price for the transaction of that issues on the same day as the matters set forth in paragraph (1), item (ii), sub-item (g).

8　第一項第二号の金融商品取引契約が市場デリバティブ取引であって注文・清算分離行為が行われたものである場合には、同号チの手数料として、注文執行会員等及び清算執行会員等が顧客から直接受領した手数料を記載するものとする。

(8) If the financial instruments transaction contract referred to in paragraph (1), item (ii) is a market derivatives transaction for which give-up action has been conducted, the fees which the order executing member, etc. and the clearance executing member, etc. directly received from a customer are to be stated as the fees referred to in sub-item (h) of that item.

９　第一項の規定にかかわらず、同項第二号から第十三号までに掲げる事項（同項第二号イ及びニからヘまでに掲げる事項並びに同号チに掲げる事項（手数料に限る。）を除く。）のうち、個別のデリバティブ取引等に係る契約締結時交付書面又は当該デリバティブ取引等に係る取引の条件を記載した契約書に記載されている事項の記載を省略することができる。

(9) Notwithstanding the provisions of paragraph (1), the entries of the matters set forth in items (ii) through (xiii) of that paragraph (excluding the matters set forth in item (ii), sub-item (a) and sub-items (d) through (f) of that paragraph, and the matters set forth in sub-item (h) of that item (limited to fees)) which have been made in the document for delivery upon conclusion of a contract for individual derivative transactions, etc. or in the contract document stating the terms and conditions of the derivative transaction, etc. may be omitted.

１０　第一項各号に掲げる事項のうち、第百十八条第一号イからホまでに掲げる行為があった場合に、当該行為に係る取引を解消し、又は顧客注文の本旨に従った履行をするために行う取引であって、顧客の同意を得て行うもの（第百十条第一項第四号及び第百六十四条第三項第一号において「事故処理」という。）に係るものについては、記載を省略することができる。

(10) If any act set forth in the items of Article 118, item (i), sub-items (a) through (e) among the acts set forth in the items of paragraph (1) has been performed, the entries of the matters concerning a transaction for canceling the act or for performance to achieve the main purpose of the customer's order, which is conducted after obtaining the customer's consent (referred to as "handling of problematic conduct" in Article 110, paragraph (1), item (iv) and Article 164, paragraph (3), item (i)) may be omitted.

１１　第一項第二号の金融商品取引契約が市場デリバティブ取引であって注文・清算分離行為が行われたものである場合には、同項第三号、第五号（金銭の残高に係るものを除く。）、第六号、第七号イ、第八号及び第九号ニに掲げる事項の記載を省略するものとする。

(11) If the financial instruments transaction contract referred to in paragraph (1), item (ii) is a market derivatives transaction for which give-up was executed, the entries of the matters set forth in item (iii), item (v) (excluding matters concerning outstanding balance), item (vi), item (vii), sub-item (a), item (viii), and item (ix), sub-item (d) of that paragraph is to be omitted.

（商品ファンドの運用の状況を示す報告書の記載事項等）

(Matters to Be Stated in Report on Status of Investment of Commodity Funds)

第百九条　第九十八条第二項の報告書には、次に掲げる事項を記載しなければならない。

Article 109 The report referred to in Article 98, paragraph (2) must state the following matters:

一　当該報告書の作成の日及び前回の報告書の作成の日

(i) the preparation date of the report and that of the previous report;

二　計算期間末における純資産総額及び一口当たりの純資産額（信託財産の金額を含む。）

(ii) the total amount of net assets and the amount of net assets per unit (including the amount of trust property), at the end of the accounting period;

三　計算期間における運用の経過

(iii) the progress of investments made in the accounting period;

四　計算期間末における次の事項ごとの資産配分状況

(iv) the status of the distribution of assets for each of the following matters at the end of the accounting period:

イ　商品先物取引（貴金属、農産物、エネルギー資源その他の当該商品先物取引に係る主要な物品ごとの内訳を含む。）

(a) the commodity futures transactions (including the breakdown of each of the major goods related to the commodity futures transactions, such as precious metals, agricultural products, and energy resources);

ロ　商品投資に係る事業の規制に関する法律第二条第一項第二号に掲げる商品投資（貴金属、農産物、エネルギー資源その他の当該商品投資に係る主要な物品ごとの内訳を含む。）

(b) the commodities investment set forth in Article 2, paragraph (1), item (ii) of the Act on Regulation of Commodity Investment (including the breakdown of each of the major goods related to the commodities investment transactions, such as precious metals, agricultural products, and energy resources);

ハ　商品投資に係る事業の規制に関する法律第二条第一項第三号に掲げる商品投資（貴金属、農産物、エネルギー資源その他の当該商品投資に係る主要な物品ごとの内訳を含む。）

(c) the commodities investment set forth in Article 2, paragraph (1), item (iii) of the Act on Regulation of Commodity Investment (including the breakdown of each of the major goods related to the commodities investment transactions, such as precious metals, agricultural products, energy resources);

ニ　令第三十七条第一項第二号イからホまでに掲げる物品の取得（生産を含む。）をし、譲渡をし、使用をし、又は使用させることによる運用（当該物品ごとの内訳を含む。）

(d) investment by way of acquisition (including production), transfer, use, or having a person use the goods set forth in Article 37, paragraph (1), item (ii), sub-items (a) through (e) of the Order (including the breakdown of each of the goods);

ホ　その他の運用方法（有価証券、譲渡性預金その他の主要な金融商品に対する投資、法第二条第二十一項各号に掲げる取引、同条第二十二項各号に掲げる取引、同条第二十三項に規定する取引その他の主要な運用方法ごとの内訳を含む。）

(e) other investment methods (including the breakdown of investment in securities, negotiable deposits, or other major financial instruments, transactions set forth in the items of Article 2, paragraph (21) of the Act, transactions set forth in the items of paragraph (22) of that Article, a transaction prescribed in paragraph (23) of that Article, and other major investment methods);

五　計算期間に係る商品ファンドの貸借対照表及び損益計算書又はこれらに代わる書面（当該商品ファンドから出資を受けた者がある場合にあっては、当該商品ファンド及び当該者に係る連結貸借対照表及び連結損益計算書又はこれらに代わる書面であって顧客が当該商品ファンド及び当該者に係る純資産額を理解することができる方法により記載されているもの）

(v) the balance sheet and profit and loss statement of the commodity fund for the accounting period, or a substitute document for them (if there is a person that has received an investment from the commodity fund, the consolidated balance sheet and the consolidated profit and loss statement related to the commodity fund and that person, or a substitute document for them, for which entries are made in a way that customers are able to understand the net asset concerning the commodity fund or that person);

六　前号の書面その他の財務計算に関する書類が公認会計士又は監査法人の監査を受けたものである場合には、その旨及びその範囲（同号に規定する書面に公認会計士又は監査法人の監査に係る書類が添付されており、かつ、当該書類に監査を受けた範囲が明記されている場合を除く。）

(vi) if the document referred to in the preceding item or other documents related to financial balance calculation have been audited by a certified public accountant or an audit corporation, that fact and the scope of the audit (excluding the case in which a document related to audit by a certified public accountant or an audit corporation is attached to the document specified in that item, and the scope of the audit is clearly indicated in the document);

七　第五号の書面その他の財務書類に関する書類が公認会計士又は監査法人の監査を受けたものでない場合には、その旨

(vii) if the document referred to in item (v) or other financial documents have not been audited by a certified public accountant or an audit corporation, that fact;

八　計算期間における商品ファンド関連受益権の募集、私募、売出し又は特定投資家向け売付け勧誘等の件数、解約件数及び償還件数並びにそれらによる資産の増減額並びに運用開始から計算期間末までの募集、私募、売出し又は特定投資家向け売付け勧誘等の件数、解約件数及び償還件数並びにこれらによる資産の増減額

(viii) the number, the number of cancellations, and the number of redemptions, of public offerings, private placements, secondary distributions, or solicitations for selling, etc. only for professional investors, during the

accounting period, and the amount of increase or decrease of assets resulting from them; the number, the number of cancellations, and the number of redemptions, of public offerings, private placements, secondary distributions, or solicitations for selling, etc. only for professional investors, during the period from the commencement of the investment to the end of the accounting period, and the amount of increase or decrease of assets resulting from them; and

九　配当に関する次の事項

(ix) the following matters in connection with dividends:

イ　計算期間における配当の総額

(a) the total amount of dividends for the accounting period; and

ロ　計算期間における一口当たりの配当の金額

(b) the amount of dividend per unit for the accounting period.

（契約締結時交付書面の交付を要しない場合）

(When Delivery of Document for Delivery Upon Conclusion of a Contract Is Unnecessary)

第百十条　契約締結時交付書面に係る法第三十七条の四第一項ただし書に規定する内閣府令で定める場合は、次に掲げる場合とする。

Article 110 (1) The cases specified by Cabinet Office Order as prescribed in the proviso to Article 37-4, paragraph (1) of the Act related to a document for delivery upon conclusion of a contract are as follows:

一　当該金融商品取引契約が次に掲げるものである場合であって、顧客に対し当該金融商品取引契約の内容を記載した書面を定期的に交付し、かつ、当該顧客からの個別の取引に関する照会に対して、速やかに回答できる体制が整備されているとき。

(i) if the financial instruments transaction contract is any of the following contracts, and the financial instruments business operator, etc. has developed a system in which it is possible to periodically deliver documents stating the content of the financial instruments transaction contract to customers, and to promptly respond to the customer's inquiries on individual transactions:

イ　累積投資契約による有価証券の買付け又は累積投資契約に基づき定期的にする有価証券の売付け

(a) a contract for purchase of securities under a contract for cumulative investment, or for periodical sale of securities conducted based on a contract for cumulative investment;

ロ　顧客が所有する法第二条第一項第十号に掲げる有価証券又は同条第二項第五号若しくは第六号に掲げる権利から生ずる収益金をもって当該有価証券又は当該権利と同一の銘柄を取得させるもの

(b) a contract to have a customer acquire the issues of securities or rights that are the same as the securities set forth in Article 2, paragraph (1),

item (x) of the Act owned by the customer or the rights set forth in paragraph (2), item (v) or (vi) of that Article, using the earnings generated from those securities or rights; or

ハ　法第二条第一項第十号に掲げる有価証券（投資信託及び投資法人に関する法律施行規則第二十五条第二号に規定する公社債投資信託（計算期間が一日のものに限る。）の受益証券に限る。）の売買又は当該有価証券に係る投資信託契約の解約

(c) a contract for canceling purchase and sale of the securities set forth in Article 2, paragraph (1), item (x) of the Act (limited to the beneficiary certificates for bond investment trust prescribed in Article 25, item (ii) of the Regulations for Enforcement of the Act on Investment Trusts and Investment Corporations (limited to those whose accounting period is one day)), or for canceling an investment trust agreement related to those securities;

二　次に掲げる取引に係る金融商品取引契約が成立した場合であって、契約するごとに当該取引の条件を記載した契約書を交付するものであるとき。

(ii) if a financial instruments transaction contract related to any of the following transactions has been concluded, and a written contract stating the conditions of the transaction is to be delivered on each occasion a contract is concluded:

イ　債券等（法第二条第一項第一号から第五号まで及び第十五号に掲げる有価証券（資産の流動化に関する法律に規定する転換特定社債券及び新優先出資引受権付特定社債券並びに新株予約権付社債券を除く。イにおいて同じ。）、同項第十七号に掲げる有価証券（同項第一号から第五号まで及び第十五号に掲げる有価証券の性質を有するものに限る。）並びに令第一条第一号に掲げる有価証券をいう。以下この号において同じ。）の買戻条件付売買（買戻価格があらかじめ定められているもの又は約定時において買戻日が定められていないものであって、買戻日を定めることにより買戻価格を定めることができるものをいう。）

(a) a purchase and sale with repurchase conditions of bonds, etc. (meaning securities set forth in Article 2, paragraph (1), items (i) through (v) and item (xv) of the Act (excluding convertible specified bond certificates and specified bond certificates with preferred equity subscription rights prescribed in the Act on Securitization of Assets, and corporate bond certificates with share options; the same applies in sub-item (a)), securities set forth in item (xvii) of that paragraph (limited to the securities that have the nature of the securities set forth in items (i) through (v) and item (xv) of that paragraph), and securities set forth in Article 1, item (i) of the Order; hereinafter the same applies in this item) (meaning purchase and sale in which the repurchase price has been fixed in advance or the repurchase date has not been fixed at the time of the conclusion of the contract, and for which the repurchase price may be determined upon

fixing the repurchase date);

ロ　債券等の売戻条件付売買（売戻価格があらかじめ定められているもの又は約定時において売戻日が定められていないものであって、売戻日を定めることにより売戻価格を定めることができるものをいう。）

(b) a purchase and sale with resale conditions of bonds, etc. (meaning bonds, etc. for which the resale price has been fixed in advance or the resale date has not been fixed at the time of conclusion of the contract, and the resale price may be determined upon fixing the resale date);

ハ　債券等の売買のうち約定日から受渡しの日までの期間が一月以上となる取引

(c) a transaction of purchase and sale of bonds, etc. for which the period from the contract date to the delivery date is one month or longer;

ニ　選択権付債券売買

(d) a trading of bonds with options;

ホ　店頭デリバティブ取引

(e) an over-the-counter derivatives transaction;

ヘ　有価証券の売付けの媒介、取次ぎ又は代理（当該金融商品取引契約に係る顧客が当該有価証券の発行者又は所有者である場合に限る。）

(f) an intermediation, a brokerage, or an agency service for sale of securities (limited to cases in which a customer related to the financial instruments transaction contract is the issuer or owner of those securities);

ト　有価証券の買付けの媒介又は代理（公開買付者を相手方として公開買付けに係る有価証券の買付けの媒介又は代理を行う場合に限る。）

(g) an intermediary or agency service for purchase of securities (limited to cases in which an intermediary or agency service for purchase of securities related to a tender offer is provided with a tender offeror as the other party);

チ　有価証券の引受け

(h) underwriting of securities; and

リ　有価証券の募集若しくは売出しの取扱い若しくは私募の取扱い又は特定投資家向け売付け勧誘等の取扱い（当該金融商品取引契約に係る顧客が当該有価証券の発行者又は所有者である場合に限る。）

(i) handling of a public offering or secondary distribution of securities, handling of a private placement of securities, or handling of a solicitation for selling, etc. only for professional investors (only if the customer related to the financial instruments transaction contract is the issuer or owner of the securities);

三　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。）が行う有価証券等清算取次ぎに係る金融商品取引契約が成立した場合

(iii) if a financial instruments transaction contract related to the brokerage for clearing of securities conducted by a clearing participant (meaning a clearing participant prescribed in Article 156-7, paragraph (2), item (iii) of the Act)

has been concluded;

四　事故処理である場合

(iv) if the caseis for handling of problematic conduct;

五　顧客が自己又は他の金融商品取引業者等（投資運用業を行う者に限る。）と投資一任契約を締結している場合であって、当該投資一任契約に基づく有価証券の売買その他の取引又はデリバティブ取引等について次に掲げる要件の全てを満たすものであるとき。

(v) if a customer has concluded a discretionary investment contract with the financial instruments business operator, etc. or another financial instruments business operator, etc. (limited to a person that conducts an investment management business), and purchase and sale or other transactions of securities based on the discretionary investment contract or derivative transactions, etc. satisfy all of the following requirements:

イ　書面又は情報通信を利用する方法により、当該顧客からあらかじめ契約締結時交付書面の交付を要しない旨の承諾を得ること。

(a) the financial instruments business operator, etc. is to obtain a prior consent that delivery of the document for delivery upon conclusion of a contract is unnecessary from the customer, in writing or by the means of utilizing information communications technology;

ロ　当該顧客に対し、第百条第一項に掲げる事項に準ずる事項その他当該投資一任契約に基づく有価証券の売買その他の取引又はデリバティブ取引等の内容を記載した書面を遅滞なく交付すること（書面又は情報通信を利用する方法により、当該顧客からあらかじめ当該内容を記載した書面の交付を要しない旨の承諾を得た場合を除く。）。

(b) the financial instruments business operator, etc. is to deliver a document stating the matters equivalent to those set forth in Article 100, paragraph (1) and other details of purchase and sale or other transactions of securities based on the discretionary investment contract or derivative transactions, etc. to the customer without delay (excluding the case in which the customer's prior consent that the delivery of a document stating the details is unnecessary has been obtained in writing or by the means of utilizing information communications technology in advance); and

ハ　当該顧客からの個別の取引に関する照会に対して速やかに回答できる体制が整備されていること。

(c) the financial instruments business operator, etc. has developed a system in which it is possible to promptly respond to the customer's inquiries on individual transactions;

六　既に成立している金融商品取引契約の一部の変更をすることを内容とする金融商品取引契約が成立した場合においては、次に掲げるとき。

(vi) if a financial instruments transaction contract providing that the conditions of a financial instruments transaction contract already concluded

is to be partially changed, the following cases:

イ　当該変更に伴い既に成立している金融商品取引契約に係る契約締結時交付書面の記載事項に変更すべきものがないとき。

(a) if there are no matters stated in a document for delivery upon conclusion of a contract related to a financial instruments transaction contract already concluded required to be changed as a result of the partial change; or

ロ　当該変更に伴い既に成立している金融商品取引契約に係る契約締結時交付書面の記載事項に変更すべきものがある場合にあっては、当該顧客に対し当該変更すべき記載事項を記載した書面を交付しているとき。

(b) if there are matters stated in a document for delivery upon conclusion of a contract related to the financial instruments transaction contract already concluded required to be changed as a result of the partial change, and the financial instruments business operator, etc. has delivered a document stating the matters required to be changed to the customer;

七　当該金融商品取引契約が市場デリバティブ取引であって顧客の指示に基づき注文・清算分離行為が行われたものである場合であって、契約締結時交付書面を注文執行会員等が当該顧客に対して交付することに代えて清算執行会員等が交付することにつき、あらかじめ顧客、注文執行会員等及び清算執行会員等の間で書面により合意しているとき。

(vii) if the financial instruments transaction contract is a market derivatives transaction for which give-up was performed upon the customer's instruction, and it has been agreed in writing among the customer, the order executing member, etc., and the clearance executing member, etc., in advance, that a document for delivery upon conclusion of a contract is to be delivered by the clearance executing member, etc. in lieu of delivering that document to the customer by the order executing member, etc.

２　金融商品取引業者等は、前項第一号の書面又は同項第二号の契約書（以下この項において「書面等」という。）の交付に代えて、次項に定めるところにより、顧客の承諾を得て、当該書面等に記載すべき事項（以下この条において「記載事項」という。）を電磁的方法（第五十六条第一項第一号ニに掲げる方法を除く。以下この条において同じ。）により提供することができる。この場合において、金融商品取引業者等は、当該書面等を交付したものとみなす。

(2) In lieu of delivering the document referred to in item (i) of the preceding paragraph or a contract document referred to in item (ii) of that paragraph (hereinafter referred to as "document, etc." in this paragraph), a financial instruments business operator, etc. may provide the matters required to be stated in the document, etc. (hereinafter referred to as "matters to be stated" in this Article) by electronic or magnetic means (excluding the means set forth in Article 56, paragraph (1), item (i), sub-item (d); hereinafter the same applies in this Article) as specified in the following paragraph and by obtaining the

customer's consent. In such a case, a financial instruments business operator, etc. is deemed to have delivered the document, etc.

3　金融商品取引業者等は、前項の規定により記載事項を提供しようとするときは、あらかじめ、顧客に対し、その用いる第五十六条第一項第一号イからハまで又は第二号に掲げる電磁的方法の種類及び内容を示し、書面又は情報通信を利用する方法による承諾を得なければならない。

(3) If a financial instruments business operator, etc. seeks to provide the matters to be stated pursuant to the provisions of the preceding paragraph, the business operator, etc. must present the type and content of the electronic or magnetic means set forth in Article 56, paragraph (1), item (i), sub-items (a) through (c) or item (ii) they are to use to the customer and obtain their approval in writing or by the means of utilizing information communications technology.

4　前項の規定による承諾を得た金融商品取引業者等は、顧客から書面又は情報通信を利用する方法により電磁的方法による提供を受けない旨の申出があったときは、当該顧客に対し、記載事項の提供を情報通信を利用する方法によってしてはならない。ただし、当該顧客が再び同項の規定による承諾をした場合は、この限りでない。

(4) If a customer has made a notice in writing or by the means of utilizing information communications technology that they are not willing to receive the matters by electronic or magnetic means, a financial instruments business operator, etc. that has obtained the consent referred to in the preceding paragraph must not provide them with the matters to be stated by the means of utilizing information communications technology; provided, however, that this does not apply if the customer has given the consent under the provisions of that paragraph.

5　第五十六条第二項（第三号ロ及び第四号を除く。）の規定は、第二項の電磁的方法による提供について準用する。この場合において、同条第二項第三号中「に掲げられた取引を最後に行った」とあるのは、「を記録した」と読み替えるものとする。

(5) The provisions of Article 56, paragraph (2) (excluding item (iii), (b), and item (iv)) apply mutatis mutandis to the provision of matters by electronic or magnetic means referred to in paragraph (2). In such a case, the phrase "the transaction est frth in the matters stated was finally conducted " in Article 56, paragraph (2), item (iii) is deemed to be replaced with "the matters stated have been recorded".

6　第一項第五号イ及びロ、第三項並びに第四項の「情報通信を利用する方法」とは、次に掲げる方法とする。

(6) The "means of utilizing information communications technology" as used in paragraph (1), item (v), sub-items (a) and (b), and in paragraphs (3) and (4) are the following means:

一　第五十六条第三項に規定する電子情報処理組織を使用する方法のうち次に掲げるもの

(i) a means of using an electronic data processing system prescribed in Article 56, paragraph (3), the following means:

イ　金融商品取引業者等の使用に係る電子計算機と顧客の使用に係る電子計算機とを接続する電気通信回線を通じて送信し、受信者の使用に係る電子計算機に備えられたファイルに記録する方法

(a) a means of transmitting data via a telecommunications line that connects a computer used by a financial instruments business operator, etc. and that used by a customer, and recording the data in a file stored on a computer used by the recipient; and

ロ　金融商品取引業者等の使用に係る電子計算機に備えられたファイルに記録された顧客の承諾に関する事項を電気通信回線を通じて当該顧客の閲覧に供し、当該金融商品取引業者等の使用に係る電子計算機に備えられたファイルに当該顧客の承諾に関する事項を記録する方法

(b) a means of making the matters concerning the customer's consent recorded in a file stored on a computer used by a financial instruments business operator, etc. available for inspection by the customer via a telecommunications line, and recording the matters concerning the customer's consent in a file stored on a computer used by the financial instruments business operator, etc.;

二　磁気ディスク、シー・ディー・ロムその他これらに準ずる方法により一定の事項を確実に記録しておくことができる物をもって調製するファイルに顧客の承諾に関する事項を記録したものを得る方法

(ii) the means of obtaining a medium on which a file prepared by using an object that can securely record certain matters by means of a magnetic disk, CD-ROM, or any other equivalent means and recording the matters concerning the customer's consent.

7　前項各号に掲げる方法は、金融商品取引業者等がファイルへの記録を出力することにより書面を作成することができるものでなければならない。

(7) The means set forth in the items of the preceding paragraph must be the means that enable a financial instruments business operator, etc. to prepare a document by outputting the data recorded on the file.

8　法第三十四条の二第四項、令第十五条の二十二並びに第五十六条及び第五十七条の規定は、第一項第六号の規定による書面の交付について準用する。

(8) The provisions of Article 34-2, paragraph (4) of the Act, Article 15-22 of the Order, and Article 56 and Article 57 of this Cabinet Office Order apply mutatis mutandis to the delivery of the document under the provisions of paragraph (1), item (vi).

（取引残高報告書の交付を要しない場合）

(When Delivery of Report on Outstanding Balance of Transactions Is Unnecessary)

第百十一条　取引残高報告書に係る法第三十七条の四第一項ただし書に規定する内閣府令で定める場合は、次に掲げる場合とする。

Article 111 The cases specified by Cabinet Office Order as prescribed in the proviso to Article 37-4, paragraph (1) of the Act related to a report on outstanding balance of transactions are as follows:

一　顧客が外国政府、外国の政府機関、外国の地方公共団体、外国の中央銀行及び日本国が加盟している国際機関であって、当該顧客の権限ある者から書面又は前条第六項に規定する情報通信を利用する方法によりあらかじめ取引残高報告書の交付を要しない旨の承諾を得、かつ、当該顧客からの取引残高に関する照会に対して速やかに回答できる体制が整備されている場合（顧客が適格機関投資家である場合及び特定投資家である外国法人である場合を除く。）

(i) if the customer is a foreign government, foreign governmental organization, foreign local government, foreign central bank, or an international organization to which Japan has acceded and a financial instruments business operator, etc. has obtained a prior consent that a delivery of a report on outstanding balance of transactions is unnecessary in writing or by the means of utilizing information communications technology as set forth in paragraph (6) of the preceding Article from the customer with authority, and the financial instruments business operator, etc. has established a system in which it is possible to promptly respond to the customer's inquiries on their transaction balance (excluding the case in which a customer is a qualified institutional investor, or is a foreign corporation that is a professional investor);

二　有価証券の買付けの媒介又は代理（公開買付者を相手方として公開買付けに係る有価証券の買付けの媒介又は代理を行う場合に限る。）

(ii) an intermediary or agency services for purchase of securities (only if the financial instruments business operator, etc. provides an intermediary or agency services for purchase of securities concerning a tender offer to a tender offeror);

三　第九十八条第一項第三号の受渡しが有価証券の引受けに係るものである場合

(iii) if the delivery referred to in Article 98, paragraph (1), item (iii) concerns underwriting of securities;

四　第九十八条第一項第三号の金融商品取引契約又は受渡しが有価証券の募集若しくは売出しの取扱い若しくは私募の取扱い又は特定投資家向け売付け勧誘等の取扱い（当該有価証券の募集若しくは売出しの取扱い若しくは私募の取扱い又は特定投資家向け売付け勧誘等の取扱いに係る顧客が当該有価証券の発行者又は所有者であるものに限る。）に係るものである場合

(iv) if a financial instruments transaction contract or the delivery referred to in Article 98, paragraph (1), item (iii) concerns handling of a public offering or secondary distribution of securities, handling of a private placement of securities, or handling of a solicitation for selling, etc. only for professional

investors (limited to the case in which a customer related to the handling of a public offering or secondary distribution of those securities or a private placement of those securities, or handling of a solicitation for selling, etc. only for professional investors is the issuer or owner of the securities);

五　有価証券、商品（寄託された商品に関して発行された証券又は証書を含む。）又は金銭の受渡しを伴わない有価証券の売買その他の取引又はデリバティブ取引等（有価証券等清算取次ぎを除く。）を行う場合

(v) if purchase and sale or other transactions of securities, commodities (including instruments or certificates issued in relation to deposited commodities), or securities not involving delivery of money, or a derivatives transaction, etc. (excluding brokerage for clearing of securities, etc.) is conducted;

六　当該金融商品取引契約が市場デリバティブ取引であって顧客の指示に基づき注文・清算分離行為が行われたものである場合であって、取引残高報告書を注文執行会員等が当該顧客に対して交付することに代えて清算執行会員等が交付することにつき、あらかじめ顧客、注文執行会員等及び清算執行会員等の間で書面により合意しているとき。

(vi) if the financial instruments transaction contract is a market derivatives transaction for which a give-up action has been implemented upon a customer's instruction, and the customer, the order executing member, etc. and the clearance executing member, etc., have reached an agreement in writing that a report on outstanding balance of transactions is to be delivered by the clearance executing member, etc. in lieu of the order executing member, etc. delivering the report, in advance.

（商品ファンドの運用の状況を示す報告書の交付を要しない場合）

(When Delivery of Report on Status of Investment of Commodity Fund Is Unnecessary)

第百十二条　第九十八条第二項の報告書に係る法第三十七条の四第一項ただし書に規定する内閣府令で定める場合は、顧客が次に掲げる者である場合とする。

Article 112 The cases specified by Cabinet Office Order as prescribed in the proviso to Article 37-4, paragraph (1) of the Act related to the report referred to in Article 98, paragraph (2) are those in which a customer is any of the following persons:

一　信託会社（信託業法第三条又は第五十三条第一項の免許を受けたものに限る。）

(i) a trust company (limited to a trust company that obtained a license referred to in Article 3 or Article 53, paragraph (1) of the Trust Business Act);

二　信用協同組合及び信用協同組合連合会並びに業として貯金の受入れを行う農業協同組合、農業協同組合連合会、漁業協同組合、漁業協同組合連合会、水産加工業協同組合及び水産加工業協同組合連合会

(ii) credit cooperatives and federations of credit cooperatives, and agricultural

cooperatives, federations of agricultural cooperatives, fisheries cooperatives, federations of fisheries cooperatives, fishery processing industry cooperatives and federations of fishery processing industry cooperatives, which accept postal savings on a regular basis;

三　商品先物取引法第二条第二十三項に規定する商品先物取引業者

(iii) a commodity derivatives business operator as defined in Article 2, paragraph (23) of the Commodity Derivatives Transaction Act;

四　商品投資に係る事業の規制に関する法律第二条第四項に規定する商品投資顧問業者

(iv) a commodity trading advisor as defined in Article 2, paragraph (4) of the Act on Regulation of Commodity Investment; or

五　金融商品取引業者（第二種金融商品取引業を行う者に限り、適格機関投資家を除く。）

(v) a financial instruments business operator (limited to a business operator that conducts type II financial instruments business, and excluding a qualified institutional investor).

（書面の交付が必要となる保証金の種類）

(Type of Security Deposit for Which Delivery of Documents Is Necessary)

第百十三条　法第三十七条の五第一項に規定する内閣府令で定めるものは、店頭デリバティブ取引契約及び令第十六条の四第二項各号に掲げる契約に係る取引に関して顧客から預託を受けた金銭、有価証券その他の財産とする。

Article 113 The security deposits specified in Cabinet Office Order as prescribed in Article 37-5, paragraph (1) of the Act are a contract for over-the-counter derivatives transactions, and money, securities or any other property deposited by customers in connection with a transaction related to a contract set forth in the items of Article 16-4, paragraph (2) of the Order.

（保証金の受領に係る書面の記載事項等）

(Matters to Be Stated in Documents Required Upon Receipt of Security Deposits)

第百十四条　法第三十七条の五第一項に規定する書面には、次に掲げる事項を記載しなければならない。

Article 114 (1) The following matters must be stated in the document provided for in Article 37-5, paragraph (1) of the Act:

一　当該金融商品取引業者等の商号、名称又は氏名

(i) the trade name or name of the financial instruments business operator, etc.;

二　顧客が当該金融商品取引業者等に連絡する方法

(ii) the means by which a customer contacts the financial instruments business operator, etc.;

三　顧客の氏名又は名称

(iii) the customer's name;

四　当該金融商品取引業者等が保証金（前条に規定するものに限る。以下この項において同じ。）を受領した日付

(iv) the date when the financial instruments business operator, etc. received security deposit (limited to a security deposit prescribed in the preceding Article; hereinafter the same applies in this paragraph);

五　保証金に係る取引の種類及び取引の対象とする金融商品又は金融指標の種類

(v) the type of the transaction related to the security deposit, and the type of the financial instrument or financial index that is subject of the transaction;

六　保証金に係る取引が市場デリバティブ取引又は外国市場デリバティブ取引に係るものであるときは、当該市場デリバティブ取引又は外国市場デリバティブ取引に係る金融商品市場又は外国金融商品市場を開設する者の商号又は名称

(vi) if the transaction secured by deposits concerns market derivatives transactions or foreign market derivatives transactions, the trade name or name of a person that establishes the financial instruments exchange market or the foreign financial instruments market on which the market transaction of derivatives or foreign market derivatives transactions are to be conducted; and

七　保証金の金銭又は有価証券等（有価証券その他の金銭以外の財産をいう。以下この号において同じ。）の別並びに当該保証金が有価証券等であるときは、その種類（有価証券にあっては、銘柄）、数量及び代用価格

(vii) distinction of whether the security deposit is money or securities, etc. (meaning securities or property other than money; hereinafter the same applies in this item), and if the security deposit is securities, etc., their type (for securities, the issues), quantity, and the substitute price.

２　前項の書面には、日本産業規格Ｚ八三〇五に規定する八ポイント以上の大きさの文字及び数字を用いなければならない。

(2) The document referred to in the preceding paragraph must use letters and numbers of a size larger than 8 point specified in JIS Z8305.

（解除までの期間に相当する対価の額）

(Amount of Consideration Equivalent to Money Payable by Customers for the Period Until Cancellation of Contracts)

第百十五条　法第三十七条の六第三項に規定する内閣府令で定める金額は、次の各号に掲げる場合の区分に応じ、当該各号に定める金額とする。

Article 115 (1) The amount specified by Cabinet Office Order as prescribed in Article 37-6, paragraph (3) of the Act is the amount specified in the following items in accordance with the category of cases set forth in each of those items:

一　法第三十七条の六第二項に規定する時（以下この項において「解除時」という。）までに投資顧問契約に基づき助言を行わなかった場合　投資顧問契約の締結のために通常要する費用の額に相当する金額

(i) if a financial instruments business operator, etc. has not given any advice based on an investment advisory contract by the time specified in Artice 37-6, paragraph (2) of the Act (hereinafter referred to as the "time of cancellation"): the amount of money equivalent to the expenses usually required for the conclusion of an investment advisory contract;

二　投資顧問契約により報酬の額を助言の回数に応じて算定することとしている場合（前号に掲げる場合を除く。）　当該金融商品取引業者等が解除時までに行った助言の回数に応じて算定した報酬の額（その額が当該金融商品取引業者等の助言に対する報酬として社会通念上相当と認められる額を超える場合にあっては、その超える部分の額を控除した額）に相当する金額

(ii) if it has been decided that the amount of the remuneration is to be calculated based on the number of times advice is given pursuant to an investment advisory contract (excluding the case set forth in the preceding item): the amount of money equivalent to the amount of remuneration calculated based on the number of times advice was given by the financial instruments business operator, etc. until the time of cancellation (if the calculated amount exceeds the amount of the remuneration for the advice given by the financial instruments business operator, etc. considered appropriate in light of socially accepted conventions, the amount obtained after deducting the excess amount);

三　前二号に掲げる場合以外の場合　投資顧問契約の契約期間の全期間に係る報酬の額を当該契約期間の総日数（解除時において当該契約期間の終期が確定していないときは、当該契約期間の総日数は三百六十五日であるものとみなす。次項において同じ。）で除して得た額に、契約締結時交付書面を受領した日（当該契約締結時交付書面の交付に代えて、当該契約締結時交付書面に記載すべき事項を電磁的方法により提供された場合にあっては、第九十五条第一項第五号イ又はロに掲げる場合の区分に応じ、同号イ又はロに定める日）から解除時までの日数を乗じて得た額（その額が当該金融商品取引業者等の助言に対する報酬として社会通念上相当と認められる額を超える場合にあっては、その超える部分の額を控除した額）に相当する金額

(iii) cases other than those set forth in the preceding two items: the amount of money equivalent to the amount obtained by multiplying the amount obtained by dividing the amount of remuneration for the entire contract period by the total number of days (if the time of expiration of the contract period has not been fixed at the time of cancellation, the total number of days for the contract period is deemed to be 365; the same applies in the following paragraph) for the contract period by the number of days from the day the document for delivery upon conclusion of a contract is received (if the matters required to be stated in the document for delivery upon conclusion of a contract has been provided by electronic or magnetic means in lieu of delivering the document, the day specified in Article 95, paragraph (1), item

(v), sub-item (a) or (b) in accordance with the category of the case set forth in the sub-item (a) or (b)) to the time of cancellation (if the calculated amount exceeds the amount of remuneration for advice given by the financial instruments business operator, etc. considered appropriate in light of socially accepted conventions, the amount after deducting the excess amount).

２　前項第三号の計算において、投資顧問契約の契約期間の全期間に係る報酬の額を当該契約期間の総日数で除して得た額について生じた一円未満の端数は、切り捨てる。

(2) For the calculation referred to in item (iii) of the preceding paragraph, if a fraction less than one yen occurs in the calculation, the fraction is rounded down.

（金融商品取引業等業務に関する苦情処理措置及び紛争解決措置）

(Complaint Processing Measures and Dispute Resolution Measures Concerning Financial Instruments Business)

第百十五条の二　法第三十七条の七第一項第一号ロに規定する苦情処理措置として内閣府令で定める措置は、次の各号のいずれかとする。

Article 115-2 (1) The measures specified by Cabinet Office Order as complaint processing measures prescribed in Article 37-7, paragraph (1), item (i), sub-item (b) of the Act are any of the following measures:

一　次に掲げるすべての措置を講じること。

(i) to take all of the following measures:

イ　金融商品取引業等業務関連苦情（法第百五十六条の三十八第九項に規定する金融商品取引業等業務関連苦情をいう。以下この項及び第三項において同じ。）の処理に関する業務を公正かつ適確に遂行するに足りる業務運営体制を整備すること。

(a) to develop a business operation system sufficient to execute business concerning the processing of complaints related to business of financial instruments business, etc. (meaning complaints related to business of financial instruments business, etc. as defined in Article 156-38, paragraph (9) of the Act; hereinafter the same applies in this paragraph and paragraph (3)) in a fair and appropriate fashion;

ロ　金融商品取引業等業務関連苦情の処理に関する業務を公正かつ適確に遂行するための社内規則（当該業務に関する社内における責任分担を明確化する規定を含むものに限る。）を整備すること。

(b) to develop internal rules for executing business related to the processing of complaints concerning business of financial instruments business, etc. in a fair and appropriate manner (limited to rules that contain provisions which clarify the sharing of responsibility related to the business in the company); and

ハ　金融商品取引業等業務関連苦情の申出先を顧客に周知し、並びにイの業務運営体制及びロの社内規則を公表すること。

(c) to inform customers of the place to file complaints related to business of financial instruments business, etc., and publicize the business operation system referred to in sub-item (a) and the internal rules referred to in sub-item (b);

二　法第七十七条第一項（法第七十八条の六及び第七十九条の十二において準用する場合を含む。）の規定により金融商品取引業協会又は認定投資者保護団体が行う苦情の解決により金融商品取引業等業務関連苦情の処理を図ること。

(ii) to process complaints related to business of financial instruments business, etc. through settlement of complaint by a financial instruments firms association or a certified investor protection organization pursuant to the provisions of Article 77, paragraph (1) of the Act (including as applied mutatis mutandis pursuant to Article 78-6 and Article 79-12 of the Act);

三　消費者基本法（昭和四十三年法律第七十八号）第十九条第一項又は第二十五条に規定するあっせんにより金融商品取引業等業務関連苦情の処理を図ること。

(iii) to process complaints related to business of financial instruments business, etc. through mediation prescribed in Article 19, paragraph (1) or Article 25 of the Basic Consumer Act (Act No. 78 of 1968);

四　次に掲げる金融商品取引業等業務（法第百五十六条の三十八第八項に規定する金融商品取引業等業務をいう。次項第四号において同じ。）の区分に応じそれぞれ次に定める者又は令第十九条の七各号に掲げる指定を受けた者が実施する苦情を処理する手続により金融商品取引業等業務関連苦情の処理を図ること。

(iv) to process complaints related to business of financial instruments business, etc. through complaint processing procedures implemented by a person specified in the following sub-items in accordance with the category of business of financial instruments business, etc. (meaning the business of financial instruments business, etc. as defined in Article 156-38, paragraph (8) of the Act; the same applies in item (iv) of the following paragraph) set forth in each of those sub-items, or by a person that has received the designation set forth in the items of Article 19-7 of the Order:

イ　特定第一種金融商品取引業務（法第百五十六条の三十八第二項に規定する特定第一種金融商品取引業務をいう。次項第四号において同じ。）　指定第一種紛争解決機関（法第三十七条の七第一項第一号イに規定する指定第一種紛争解決機関をいう。次項第四号において同じ。）以外の指定紛争解決機関

(a) specified type I financial instruments business (meaning specified type I financial instruments business as defined in Article 156-38, paragraph (2) of the Act; hereinafter the same applies in item (iv) of the following paragraph): a designated dispute resolution organization other than a designated type-I dispute resolution organization (meaning a designated type-I dispute resolution organization prescribed in Article 37-7, paragraph (1), item (i), (a) of the Act; the same applies in item (iv) of the following paragraph);

ロ　特定第二種金融商品取引業務（法第百五十六条の三十八第三項に規定する特定第二種金融商品取引業務をいう。次項第四号において同じ。）　指定第二種紛争解決機関（法第三十七条の七第一項第二号イに規定する指定第二種紛争解決機関をいう。次項第四号において同じ。）以外の指定紛争解決機関

(b) specified type II financial instruments business (meaning specified type II financial instruments business as defined in Article 156-38, paragraph (3) of the Act; hereinafter the same applies in item (iv) of the following paragraph): a designated dispute resolution organization other than a designated type-II dispute resolution organization (meaning a designated type-II dispute resolution organization prescribed in Article 37-7, paragraph (1), item (ii), sub-item (a) of the Act; the same applies in item (iv) of the following paragraph);

ハ　特定投資助言・代理業務（法第百五十六条の三十八第四項に規定する特定投資助言・代理業務をいう。次項第四号において同じ。）　指定投資助言・代理紛争解決機関（法第三十七条の七第一項第三号イに規定する指定投資助言・代理紛争解決機関をいう。次項第四号において同じ。）以外の指定紛争解決機関

(c) specified investment advisory and agency business (meaning specified investment advisory and agency business as defined in Article 156-38, paragraph (4) of the Act; the same applies in item (iv) of the following paragraph): a designated dispute resolution organization other than a designated investment advisory and agency business dispute resolution organization (meaning a designated investment advisory and agency business dispute resolution organization prescribed in Article 37-7, paragraph (1), item (iii), sub-item (a) of the Act; the same applies in item (iv) of the following paragraph);

ニ　特定投資運用業務（法第百五十六条の三十八第五項に規定する特定投資運用業務をいう。次項第四号において同じ。）　指定投資運用紛争解決機関（法第三十七条の七第一項第四号イに規定する指定投資運用紛争解決機関をいう。次項第四号において同じ。）以外の指定紛争解決機関

(d) specified investment management business (meaning specified investment management business as defined in Article 156-38, paragraph (5) of the Act; the same applies in item (iv) of the following paragraph): a designated dispute resolution organization other than a designated investment management business dispute resolution organization (meaning a designated investment management business dispute resolution organization prescribed in Article 37-7, paragraph (1), item (iv), (a) of the Act; the same applies in item (iv) of the following paragraph);

ホ　特定登録金融機関業務（法第百五十六条の三十八第六項に規定する特定登録金融機関業務をいう。次項第四号において同じ。）　指定登録金融機関紛争解決機関（法第三十七条の七第一項第五号イに規定する指定登録金融機関紛争解決機関をいう。次項第四号において同じ。）以外の指定紛争解決機関

(e) business of a specified registered financial institution (meaning business of a specified registered financial institution as defined in Article 156-38, paragraph (6) of the Act; the same applies in item (iv) of the following paragraph): a designated dispute resolution organization other than a designated registered financial institutions dispute resolution organization (meaning a designated registered financial institutions dispute resolution organization prescribed in Article 37-7, paragraph (1), item (v), sub-item (a) of the Act; the same applies in item (iv) of the following paragraph); and

へ　特定証券金融会社業務（法第百五十六条の三十八第七項に規定する特定証券金融会社業務をいう。次項第四号において同じ。）　指定証券金融会社紛争解決機関（法第百五十六条の三十一の二第一項第一号に規定する指定証券金融会社紛争解決機関をいう。次項第四号において同じ。）以外の指定紛争解決機関

(f) business of a specified securities finance company (meaning business of a securities finance company as defined in Article 156-38, paragraph (7) of the Act; the same applies in item (iv) of the following paragraph): a designated dispute resolution organization other than a designated securities finance companies dispute resolution organization (meaning a designated securities finance companies dispute resolution organization prescribed in Article 156-31-2, paragraph (1), item (i) of the Act; the same applies in item (iv) of the following paragraph); or

五　金融商品取引業等業務関連苦情の処理に関する業務を公正かつ適確に遂行するに足りる経理的基礎及び人的構成を有する法人（法第百五十六条の三十九第一項第一号に規定する法人をいう。次項第五号において同じ。）が実施する苦情を処理する手続により金融商品取引業等業務関連苦情の処理を図ること。

(v) to process complaints related to business of financial instruments business, etc. through complaint processing procedures implemented by a corporation that has a financial basis and a personnel structure sufficient to execute business related to the processing of complaints on business of financial instruments business, etc. in a fair and appropriate manner (meaning a corporation as defined in Article 156-39, paragraph (1), item (i) of the Act; the same applies in item (v) of the following paragraph).

２　法第三十七条の七第一項第一号ロに規定する紛争解決措置として内閣府令で定める措置は、次の各号のいずれかとする。

(2) The measures specified by Cabinet Office Order as dispute resolution measures provided for in Article 37-7, paragraph (1), item (i), sub-item (b) of the Act are any of the following measures:

一　金融商品取引業協会又は認定投資者保護団体のあっせん（法第七十七条の二第一項（法第七十八条の七及び第七十九条の十三において準用する場合を含む。）に規定するあっせんをいう。）により金融商品取引業等業務関連紛争（法第百五十六条の三十八第十項に規定する金融商品取引業等業務関連紛争をいう。以下この条において同じ。）の解決を図ること。

(i) to resolve disputes related to business of financial instruments business, etc. (meaning disputes related to business of a financial instruments business, etc. as defined in Article 156-38, paragraph (10) of the Act; hereinafter the same applies in this Article) through mediation by a financial instruments firms association or a certified investor protection organization (meaning mediation prescribed in Article 77-2, paragraph (1) of the Act (including as applied mutatis mutandis pursuant to Article 78-7 and Article 79-13 of the Act));

二　弁護士法（昭和二十四年法律第二百五号）第三十三条第一項に規定する会則若しくは当該会則の規定により定められた規則に規定する機関におけるあっせん又は当該機関における仲裁手続により金融商品取引業等業務関連紛争の解決を図ること。

(ii) to resolve disputes related to business of financial instruments business, etc. through mediation by an organization prescribed in the articles of association provided for in Article 33, paragraph (1) the Attorneys Act (Act No. 205 of 1949) or rules specified pursuant to the articles of association or through arbitration procedures taken by the organization;

三　消費者基本法第十九条第一項若しくは第二十五条に規定するあっせん又は同条に規定する合意による解決により金融商品取引業等業務関連紛争の解決を図ること。

(iii) to resolve disputes related to business of financial instruments business, etc. through mediation prescribed in Article 19, paragraph (1) or Article 25 of the Basic Consumer Act, or resolution based on an agreement prescribed in that Article;

四　次に掲げる金融商品取引業等業務の区分に応じそれぞれ次に定める者又は令第十九条の七各号に掲げる指定を受けた者が実施する紛争の解決を図る手続により金融商品取引業等業務関連紛争の解決を図ること。

(iv) to resolve disputes related to business of financial instruments business, etc. through procedures to resolve disputes implemented by a person specified in the following sub-items in accordance with the category of business of financial instruments business, etc. set forth in each of those sub-itens, or by a person that received a designation set forth in the items of Article 19-7 of the Order:

イ　特定第一種金融商品取引業務　指定第一種紛争解決機関以外の指定紛争解決機関

(a) specified type I financial instruments business: a designated dispute resolution organization other than a designated type-I dispute resolution organization;

ロ　特定第二種金融商品取引業務　指定第二種紛争解決機関以外の指定紛争解決機関

(b) specified type II financial instruments business: a designated dispute resolution organization other than a designated type-II dispute resolution organization;

ハ　特定投資助言・代理業務　指定投資助言・代理紛争解決機関以外の指定紛争解決機関

(c) specified investment advisory and agency business: a designated dispute resolution organization other than a designated investment advisory and agency business dispute resolution organization;

ニ　特定投資運用業務　指定投資運用紛争解決機関以外の指定紛争解決機関

(d) specified investment management business: a designated dispute resolution organization other than a designated investment management business dispute resolution organization;

ホ　特定登録金融機関業務　指定登録金融機関紛争解決機関以外の指定紛争解決機関

(e) specified registered financial institution business: a designated dispute resolution organization other than a designated registered financial institution dispute resolution organization; and

ヘ　特定証券金融会社業務　指定証券金融会社紛争解決機関以外の指定紛争解決機関

(f) specified business of a securities finance company: a designated dispute resolution organization other than a designated securities finance company dispute resolution organization; or

五　金融商品取引業等業務関連紛争の解決に関する業務を公正かつ適確に遂行するに足りる経理的基礎及び人的構成を有する法人が実施する紛争の解決を図る手続により金融商品取引業等業務関連紛争の解決を図ること。

(v) to resolve disputes related to business of a financial instruments business, etc. through procedures on the resolution of disputes implemented by a corporation that has a financial basis and a personnel structure sufficient to execute business related to the resolution of disputes related to business of a financial instruments business, etc. in a fair and appropriate manner.

3　前二項（第一項第五号及び前項第五号に限る。）の規定にかかわらず、金融商品取引関係業者は、次の各号のいずれかに該当する法人が実施する手続により金融商品取引業等業務関連苦情の処理又は金融商品取引業等業務関連紛争の解決を図ってはならない。

(3) Notwithstanding the provisions of the preceding two paragraphs (limited to paragraph (1), item (v), and item (v) of the preceding paragraph), a business operator involved in financial instruments transactions must not process complaints related to business of a financial instruments business, etc. or resolve disputes related to business of a financial instruments business, etc. through procedures implemented by a corporation that falls under any of the following items:

一　法又は弁護士法の規定により罰金の刑に処せられ、その執行を終わり、又は執行を受けることがなくなった日から五年を経過しない法人

(i) a corporation that was sentenced to a fine pursuant to the provisions of the

Act or the Attorneys Act, and for whom five years have not passed since the day on which the corporation finished serving the sentence or ceased to be subject to the enforcement of the sentence;

二　法第百五十六条の六十一第一項の規定により法第百五十六条の三十九第一項の規定による指定を取り消され、その取消しの日から五年を経過しない法人又は令第十九条の七各号に掲げる指定を取り消され、その取消しの日から五年を経過しない法人

(ii) a corporation that had its designation under the provisions of Article 156-39, paragraph (1) of the Act revoked pursuant to the provisions of Article 156-61, paragraph (1) of the Act and for whom five years have not passed since the day of the revocation, or a corporation that had the designation set forth in the items of Article 19-7 of the Order revoked and for whom five years have not passed since the day of the revocation; or

三　その業務を行う役員（役員が法人であるときは、その職務を行うべき者を含む。以下この号において同じ。）のうちに、次のいずれかに該当する者がある法人

(iii) a corporation that has a person falling under any of the following sub-items among its officers engaged in its business (if an officer is a corporation, including a person that is to perform the duties of the corporation; hereinafter the same applies in this item):

イ　禁錮以上の刑に処せられ、又は法若しくは弁護士法の規定により刑に処せられ、その執行を終わり、又は執行を受けることがなくなった日から五年を経過しない者

(a) a person that was sentenced to imprisonment without work or a heavier punishment, or was sentenced under the provisions of the Act or the Attorneys Act for whom and five years have not passed since the day on which the person finished serving the sentence or ceased to be subject to the enforcement of the sentence; or

ロ　法第百五十六条の六十一第一項の規定により法第百五十六条の三十九第一項の規定による指定を取り消された法人において、その取消しの日前一月以内にその法人の役員であった者でその取消しの日から五年を経過しない者又は令第十九条の七各号に掲げる指定を取り消された法人において、その取消しの日前一月以内にその法人の役員であった者でその取消しの日から五年を経過しない者

(b) at a corporation that had its designation under the provisions of Article 156-39, paragraph (1) of the Act revoked pursuant to the provisions of Article 156-61, paragraph (1) of the Act, a person who was an officer within one month before the day of the revocation and for whom five years have not passed since the day of the revocation, or at a corporation that had its designation set forth in the items of Article 19-7 of the Order revoked, a person who was an officer within one month before the day of the revocation and for whom five years have not passed since the day of the revocation.

（不招請勧誘等の禁止の例外）

(Exception to the Prohibition of Uninvited Solicitation)

第百十六条　法第三十八条ただし書に規定する内閣府令で定めるものは、同条第四号に掲げる行為にあっては、次に掲げるものとする。

Article 116 (1) The acts specified by Cabinet Office Order as prescribed in the proviso to Article 38 of the Act are those set forth in the following sub-items for the acts set forth in item (iv) of that Article:

一　金融商品取引業者等が継続的取引関係にある顧客（勧誘の日前一年間に店頭金融先物取引に係る二以上の店頭金融商品取引契約のあった者及び勧誘の日に未決済の店頭金融先物取引の残高を有する者に限る。）に対して店頭金融先物取引に係る金融商品取引契約の締結の勧誘をする行為

(i) an act by a financial instruments business operator of soliciting a customer who is in a continuous transaction relationship with them (limited to a person that concluded two or more contracts for over-the-counter financial instruments transactions related to over-the-counter transactions of financial futures in the period of one year before the day of the solicitation, and a person that has an unsettled balance of over-the-counter transactions of financial futures on the day of the solicitation) to conclude a financial instruments transaction contract related to over-the-counter transactions of financial futures;

二　外国貿易その他の外国為替取引に関する業務を行う法人に対する勧誘であって、当該法人が保有する資産及び負債に係る為替変動による損失の可能性を減殺するために店頭金融先物取引に係る金融商品取引契約の締結の勧誘をする行為

(ii) an act of soliciting a corporation that conducts foreign trade or other foreign exchange transactions to conclude a financial instruments transaction contract for over-the-counter transactions of financial futures, in order to reduce the possible risk of losses arising from fluctuations in the exchange rate related to the assets or liabilities held by the corporation;

二の二　金融商品取引業者等が継続的取引関係にある顧客（勧誘の日前一年間に暗号資産関連店頭デリバティブ取引（令第十六条の四第一項第一号ニに掲げる取引をいう。以下この号、第百十七条第一項第二十六号、第百二十三条第一項第二十号及び第二十一号並びに第百四十三条第二項において同じ。）に係る二以上の金融商品取引契約のあった者及び勧誘の日に未決済の暗号資産関連店頭デリバティブ取引の残高を有する者に限る。）に対して暗号資産関連店頭デリバティブ取引に係る金融商品取引契約の締結の勧誘をする行為

(ii)-2 an act by a financial instruments business operator, etc. to solicit a customer in a continuous business relationship with them (limited to a customer who has concluded two or more contracts for financial instruments transaction related to cryptoasset-related over-the-counter derivatives transactions (meaning the transactions set forth in Article 16-4, paragraph

(1), item (i), sub-item (d) of the Cabinet Order; hereinafter, the same applies in this item, Article 117, paragraph (1), item (xxvi), Article 123, paragraph (1), items (xx) and (xxi), and Article 143, paragraph (2)) for the period of one year before the day of the solicitation, and who, on the day of the solicitation, has an unsettled balance of cryptoasset-related over-the-counter derivatives transactions) to conclude a financial instruments transaction contract for cryptoasset-related over-the-counter derivatives transactions;

三　個人に対する勧誘であって、有価証券関連店頭デリバティブ取引（法第二十八条第八項第四号に掲げる取引をいう。次号において同じ。）のうち次に掲げる取引に係る金融商品取引契約の締結の勧誘をする行為

(iii) an act of soliciting an individual to conclude a financial instruments transaction contract related to the following transactions from among securities-related over-the-counter derivatives transactions (meaning the transactions listed in Article 28, paragraph (8), item (iv) of the Act; hereinafter the same applies in the following item):

イ　法第二十八条第八項第四号イに掲げる取引のうち、当該個人が、将来の一定の時期におけるその所有に係る有価証券の売付けを約するとともに、当該有価証券を当該売付けの相手方となる金融商品取引業者等に貸し付け、又は担保に供するもの

(a) among the transactions set forth in Article 28, paragraph (8), item (iv), (a) of the Act the securities that the individual owns which the individual promises to sell at a fixed time in the future and also lends or provides as security to the financial instruments business operator, etc. that are to be the counterparty to the sales; and

ロ　法第二十八条第八項第四号ハに掲げる取引（同号ハに規定する権利を行使することにより成立する取引が、同号ハ（１）に掲げる取引であるものに限る。）のうち、当該個人が、その所有に係る有価証券の買付けを成立させることができる権利を金融商品取引業者等に付与するとともに、当該有価証券を当該金融商品取引業者等に貸し付け、又は担保に供するもの

(b) among the transactions set forth in Article 28, paragraph (8), item (iv), sub-item (c) of the Act (limited to the transactions to be closed by execution of the right prescribed in sub-item (c) of that item is the transaction set forth in sub-item (c), 1. of that item), those which the individual grants to the financial instruments business operator, etc. the right to close the purchase of securities owned by the individual, and also lends or provides the securities as security to the financial instruments business operator, etc.

四　金融商品取引業者等が継続的取引関係にある個人である顧客（勧誘の日前一年間に有価証券関連店頭デリバティブ取引（前号イ及びロに掲げる取引を除く。以下この号において同じ。）に係る二以上の金融商品取引契約のあった者及び勧誘の日に未決済の有価証券関連店頭デリバティブ取引の残高を有する者に限る。）に対して

有価証券関連店頭デリバティブ取引に係る金融商品取引契約の締結の勧誘をする行為

(iv) an act by a financial instruments business operator, etc. of soliciting a customer that is an individual in a continuous transaction relationship with them (limited to a person who has concluded two or more contracts for financial instruments transaction related to securities-related over-the-counter derivatives transactions (excluding transactions set forth in sub-items (a) and (b) of the preceding item; hereinafter the same applies in this item) in the period of one year before the day of the solicitation, and a person who has an unsettled balance of securities-related over-the-counter derivatives transactions on the day of the solicitation) to conclude a financial instruments transaction contract related to securities-related over-the-counter derivatives transactions; and

五　金融商品取引業者等が継続的取引関係にある個人である顧客（勧誘の日前一年間に店頭デリバティブ取引（次に掲げる取引に限る。以下この号において同じ。）に係る二以上の金融商品取引契約のあった者及び勧誘の日に未決済の店頭デリバティブ取引の残高を有する者に限る。）に対して店頭デリバティブ取引に係る金融商品取引契約の締結の勧誘をする行為

(v) an act by a financial instruments business operator, etc. of soliciting a customer that is an individual in a continuous transaction relationship with them (limited to a person who has concluded two or more contracts for financial instruments transaction related to over-the-counter derivatives transactions (limited to the following transactions; hereinafter the same applies in this item) in the period of one year before the day of the solicitation, and a person who has an unsettled balance of over-the-counter derivatives transactions on the day of the solicitation) to conclude a financial instruments transaction contract related to over-the-counter derivatives transactions:

イ　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金融指標（金融商品（法第二条第二十四項第二号又は第三号に掲げるものに限る。）の価格若しくは金融商品（同項第二号に掲げるものに限る。ロにおいて同じ。）の利率等又はこれらに基づいて算出した数値に限る。以下この号において同じ。）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った時期における現実の当該金融指標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

(a) a transaction in which one of the party promises to grant the other party the option to close a transaction by a unilateral manifestation of the party's intention alone, in which the parties are to pay and receive the money calculated based on the difference between the numerical value that they have agreed in advance to use as the agreed figure for the financial

index (the price of financial instruments (limited to those set forth in Article 2, paragraph (24), item (ii) or (iii) of the Act) or the interest rate, etc. of financial instruments (limited to those set forth in item (ii) of that paragraph; the same applies in sub-item (b)) or numerical value calculated based on them; hereinafter the same applies in this item) and the numerical value of the actual financial index at the time the manifestation was made, and the party promises to pay consideration for the option, or a similar transaction;

ロ　当事者が元本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金融商品の利率等若しくは金融指標（金融商品の利率等及びこれに基づいて算出した数値を除く。ロにおいて同じ。）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金融商品の利率等若しくは金融指標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（これらの金銭の支払とあわせて当該元本として定めた金額に相当する金銭又は金融商品を授受することを約するものを含む。）又はこれに類似する取引

(b) a transaction in which the parties mutually promise that the first party pays money based on the interest rate, etc. of financial instruments agreed with the other party or the rate of change during the agreed period of a financial index for the amount of money determined as the principal by the parties (excluding the interest rate, etc. of financial instruments and figures calculated based on them; the same applies in sub-item (b)) and the second party pays money based on the interest rate of financial instruments that are agreed with the second party or the rate of change during the agreed period of a financial index (including transactions promising to pay and receive money or financial instruments equivalent to the amount determined as the principal, together with the payment of the money in question), or transaction similar to the transaction; and

ハ　当事者の一方の意思表示により当事者間においてロ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

(c) a transaction in which the second party promises to grant the first party the option to close a transaction set forth in sub-item (b) through the unilateral manifestation of the first party and the first party pays the consideration, or a similar transaction.

２　法第三十八条ただし書に規定する内閣府令で定めるものは、同条第五号及び第六号に掲げる行為にあっては、前項第三号に掲げるものとする。

(2) The matters specified by Cabinet Office Order as prescribed in the proviso to Article 38 of the Act are those set forth in item (iii) of the preceding paragraph for acts set forth in items (v) and (vi) of that Article.

（投資者の保護に欠けるおそれが少ないと認められる信用格付）

(Credit Ratings Found Unlikely to Result in Insufficient Protection of Investors)

第百十六条の二　法第三十八条第三号に規定する内閣府令で定めるものは、次に掲げるものとする。

Article 116-2 The acts specified by Cabinet Office Order as prescribed in Article 38, item (iii) of the Act, are as follows:

一　当該金融商品取引契約に係る資産証券化商品（第二百九十五条第三項第一号に規定する資産証券化商品をいう。以下この号において同じ。）の原資産（同項第二号に規定する原資産をいう。）の信用状態に関する評価を対象とする信用格付（実質的に当該資産証券化商品の信用状態に関する評価を対象とする信用格付と認められる信用格付を除く。）

(i) a credit rating for the assessment of the credit status of the underlying assets (meaning underlying assets prescribed in Article 295, paragraph (3), item (ii)) of the asset securitization products (meaning asset securitization products prescribed in item (i) of that paragraph; hereinafter the same applies in this item) for which the financial instruments transaction contract was concluded (excluding a credit rating found to be substantially the credit rating for the assessment of credit status of the asset securitization products); and

二　前号に掲げるもののほか、当該金融商品取引契約に係る有価証券以外の有価証券又は当該金融商品取引契約に係る有価証券の発行者以外の者の信用状態に関する評価を主たる対象とする信用格付（実質的に当該金融商品取引契約に係る有価証券又は当該有価証券の発行者の信用状態に関する評価を対象とする信用格付と認められる信用格付を除く。）

(ii) beyond what is set forth in the preceding item, a credit rating which is mainly for assessment of the credit status of securities other than those related to the financial instruments transaction contract or the credit status of persons other than the issuer of securities (excluding a credit rating considered to be substantially the credit rating for the assessment of the credit status of the securities for the finance instruments transaction contract or the credit status of the issuer of the securities).

（信用格付業者の登録の意義その他の事項）

(Significance of Registration of Credit Rating Agencies and Other Matters)

第百十六条の三　法第三十八条第三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 116-3 (1) The matters specified by Cabinet Office Order as prescribed in Article 38, item (iii) of the Act are as follows:

一　法第六十六条の二十七の登録の意義

(i) the significance of registration referred to in Article 66-27 of the Act;

二　信用格付を付与した者に関する次に掲げる事項

(ii) the following matters regarding the person that has assigned the credit rating:

イ　商号、名称又は氏名

(a) the trade name or name;

ロ　法人（法人でない団体で代表者又は管理人の定めのあるものを含む。）であるときは、役員（法人でない団体で代表者又は管理人の定めのあるものにあっては、その代表者又は管理人）の氏名又は名称

(b) if a person is a corporation (including an organization without juridical personality for which the representative person or administrator has been designated), the names of the officers (for an organization without juridical personality for which the representative person or administrator has been designated, the name of the representative person or administrator);

ハ　本店その他の主たる営業所又は事務所の名称及び所在地

(c) the name and location of the head office, other principal business office, or office;

三　信用格付を付与した者が当該信用格付を付与するために用いる方針及び方法の概要

(iii) an outline of the policy and method used by the person that has assigned a credit rating in assigning the credit rating; and

四　信用格付の前提、意義及び限界

(iv) the assumption, significance, and limitations of credit rating.

２　前項の規定にかかわらず、信用格付業者の関係法人（第二百九十五条第三項第十号に規定する関係法人をいう。以下この項において同じ。）であって、金融庁長官が、当該信用格付業者の関係法人による信用格付業の業務の内容及び方法、信用格付に関する情報の公表状況その他の事情を勘案して、有効期間を定めて指定した者（以下この項において「特定関係法人」という。）の付与した信用格付については、法第三十八条第三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。

(2) Notwithstanding the provisions of the preceding paragraph, the credit ratings assigned by a person that is an associated corporation of a credit rating agency (meaning an "associated corporation" as defined in Article 295, paragraph (3), item (x); hereinafter the same applies in this paragraph) and that is designated by the Commissioner of the Financial Services Agency taking into consideration of the content and method of credit rating business conducted by the associated corporation of the credit rating agency, the status of the disclosure of information or other circumstances (hereinafter referred to as the "specified associated corporation" in this paragraph), the matters specified by Cabinet Office Order as prescribed in Article 38, item (iii) of the Act are as follows:

一　法第六十六条の二十七の登録の意義

(i) the significance of registration referred to in Article 66-27 of the Act;

二　当該信用格付業者の商号又は名称及び登録番号

(ii) the trade name or name and the registration number of the credit rating agency;

三　当該特定関係法人が信用格付業を示すものとして使用する呼称

(iii) the name used by the specified associated corporation as a name indicating credit rating business;

四　信用格付を付与した特定関係法人が当該信用格付を付与するために用いる方針及び方法の概要又は当該概要に関する情報を当該信用格付業者から入手する方法

(iv) an outline of the policy and method used by the specified associated corporation in assigning the credit ratings, or means of obtaining information on the outline from the credit rating agency; and

五　信用格付の前提、意義及び限界

(v) the assumption, significance, and limitations of credit ratings.

（高速取引行為者以外の者が行う高速取引行為に係る有価証券の売買等の委託を受ける行為に準ずるもの）

(Acts Equivalent to Acts of Receiving the Entrustment of Purchase and Sale of Securities Related to High-Speed Trading Conducted by Persons Other Than High-Speed Traders)

第百十六条の四　法第三十八条第八号に規定する内閣府令で定める行為は、次に掲げる行為とする。

Article 116-4 The acts specified by Cabinet Office Order as prescribed in Article 38, item (viii) of the Act are the following acts:

一　高速取引行為に係る業務の停止の命令を受けている高速取引行為者（令第十六条の四の二に定める者を含む。次号において同じ。）が行う当該高速取引行為に係る有価証券の売買又は市場デリバティブ取引の委託を受ける行為

(i) an act of being entrusted with the purchase and sale of securities or market derivatives transactions related to the high-speed trading conducted by a high-speed trader that has received an order for suspension of business related to high-speed trading (including a person specified in Article 16-4-2 of the Order; the same applies in the following item);

二　高速取引行為に係る電子情報処理組織その他の設備の管理を十分に行うための措置を適正に講じていることを確認することができない高速取引行為者が行う当該高速取引行為に係る有価証券の売買又は市場デリバティブ取引の委託を受ける行為

(ii) an act of being entrusted with the purchase and sale of securities or market derivatives transactions conducted by a high-speed trader for whom it is not possible to confirm that they have appropriately taken the measures for sufficiently managing the electronic data processing system and other facilities related to high-speed trading; and

三　法第三十八条第八号に規定する高速取引行為者以外の者が行う高速取引行為（法第二条第四十一項第三号に掲げる行為に係るものに限る。以下この号において同じ。）又は前二号に規定する高速取引行為者が行うこれらの号の高速取引行為に係

る同項第一号に掲げる行為

(iii) high-speed trading conducted by a person other than a high-speed trader prescribed in Article 38, item (viii) of the Act (limited to those related to the acts set forth in Article 2, paragraph (41), item (iii) of the Act; hereinafter the same applies in this item) or the act set forth in item (i) of that paragraph related to the high-speed trading referred to in the preceding two items conducted by the high-speed trader provided for in those items.

（禁止行為）

(Prohibited Acts)

第百十七条　法第三十八条第九号に規定する内閣府令で定める行為は、次に掲げる行為とする。

Article 117 (1) The acts specified by Cabinet Office Order as prescribed in Article 38, item (ix) of the Act are as follows:

一　次に掲げる書面の交付に関し、あらかじめ、顧客（特定投資家（法第三十四条の二第五項の規定により特定投資家以外の顧客とみなされる者を除き、法第三十四条の三第四項（法第三十四条の四第六項において準用する場合を含む。）の規定により特定投資家とみなされる者を含む。以下同じ。）を除く。以下この号において同じ。）に対して、法第三十七条の三第一項第三号から第七号までに掲げる事項（ニに掲げる書面を交付する場合にあっては、当該書面に記載されている事項であって同項第三号から第七号までに掲げる事項に係るもの）について顧客の知識、経験、財産の状況及び金融商品取引契約を締結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説明をすることなく、金融商品取引契約を締結する行為

(i) an act of concluding a financial instruments transaction contract without providing a customer (excluding a professional investor (excluding a person that is deemed to be a customer other than a professional investor pursuant to the provisions of Article 34-2, paragraph (5) of the Act, and including a person deemed to be a professional investor pursuant to the provisions of Article 34-3, paragraph (4) of the Act (including as applied mutatis mutandis pursuant to Article 34-4, paragraph (6) of the Act); the same applies hereinafter); hereinafter the same applies in this item) with an explanation in a manner and to the extent necessary for a customer to understand the matters set forth in Article 37-3, paragraph (1), items (iii) through (vii) of the Act (in delivering the document set forth in sub-item (d), an explanation on the matters set forth in items (iii) through (vii) of that paragraph that are stated in the document) in light of the customer's knowledge, experience, the status of the property, and the purpose of concluding a financial instruments transaction contract in advance to the customer, in delivering the following documents:

イ　契約締結前交付書面

(a) a document for delivery prior to conclusion of a contract;

ロ　上場有価証券等書面

(b) an explanatory document on listed securities, etc.; and

ハ　第八十条第一項第三号に掲げる場合にあっては、同号に規定する目論見書（同号の規定により当該目論見書と一体のものとして交付される書面がある場合には、当該目論見書及び当該書面）

(c) in the case referred to in Article 80, paragraph (1), item (iii), the prospectus specified in that item (if there is a document to be delivered as one document with the prospectus pursuant to the provisions of that item, the prospectus and the document); and

ニ　契約変更書面

(d) a contract change document;

二　金融商品取引契約の締結又はその勧誘に関して、虚偽の表示をし、又は重要な事項につき表示をする行為

(ii) an act of making a false representation, or making a representation which may lead to a material information being misunderstood, in concluding a financial instruments transaction contract or in making a solicitation for concluding the contract;

三　金融商品取引契約につき、顧客若しくはその指定した者に対し、特別の利益の提供を約し、又は顧客若しくは第三者に対し特別の利益を提供する行為（第三者をして特別の利益の提供を約させ、又はこれを提供させる行為を含む。）

(iii) an act of promising a customer or a person designated by the customer to provide a special benefit, or of providing a special benefit to a customer or a third party (including an act of having a third party to promise of providing, or providing, a special benefit), in connection with the financial instruments transaction contract;

四　金融商品取引契約の締結又は解約に関し、偽計を用い、又は暴行若しくは脅迫をする行為

(iv) an act of using fraudulent means, or committing an assault or intimidation, in connection with the conclusion or cancellation of a financial instruments transaction contract;

五　金融商品取引契約に基づく金融商品取引行為を行うことその他の当該金融商品取引契約に基づく債務の全部又は一部の履行を拒否し、又は不当に遅延させる行為

(v) an act of refusing or unreasonably delaying the performance of a financial instruments transaction act based on a financial instrements transaction contract or performance of all or part of the obligations based on the financial instruments transaction contract;

六　金融商品取引契約に基づく顧客の計算に属する金銭、有価証券その他の財産又は委託証拠金その他の保証金を虚偽の相場を利用することその他不正の手段により取得する行為

(vi) an act of acquiring money, securities, or other properties, or a customer

margin and other security deposits belonging to the customer's account based on the financial instruments transaction contract, through using false quotations and other wrongful means;

七　金融商品取引契約の締結又は解約に関し、顧客（当該金融商品取引契約が抵当証券等及び商品ファンド関連受益権の売買その他の取引に係るもの並びに令第十六条の四第一項第一号及び第二項各号に掲げる契約以外のものである場合にあっては、個人に限る。）に迷惑を覚えさせるような時間に電話又は訪問により勧誘する行為

(vii) in concluding or canceling a financial instruments transaction contract, an act of soliciting a customer (limited to an individual, if the financial instruments transaction contract is not a contract for purchase and sale or other transactions of mortgage securities, etc. or beneficial interest in commodity fund and a contract set forth in each item of Article 16-4, paragraphs (1) and (2) of the Order) by telephone or a visit timed at a time the customer finds it annoying;

八　法第三十八条第四号に規定する金融商品取引契約（第百十六条第一項第三号イ及びロに掲げる取引に係るものを除く。）の締結を勧誘する目的があることを顧客（特定投資家を除く。）にあらかじめ明示しないで当該顧客を集めて当該金融商品取引契約の締結を勧誘する行為

(viii) an act of assembling customers (excluding professional investors) and soliciting the conclusion of a financial instruments transaction contract specified in Article 38, item (iv) of the Act (excluding those related to transactions set forth in Article 116, paragraph (1), item (iii), sub-items (a) and (b)), without indicating to the customers in advance that the purpose of the assembly is solicitation for concluing the financial instruments transaction contract;

八の二　個人である顧客（当該金融商品取引業者等に有価証券の取引又はデリバティブ取引を行うための口座を開設している者及び当該金融商品取引業者等と商品先物取引法施行令（昭和二十五年政令第二百八十号）第三十条に規定する商品取引契約を締結している者を除く。）に対し、法第三十八条第五号に規定する金融商品取引契約（令第十六条の四第二項第一号ホに掲げる取引に係るものに限る。）の締結につき、その勧誘に先立って、その勧誘を受ける意思の有無を確認する際、次に掲げる方法を用いる行為

(viii)-2 when at the time of confirming whether or not a customer that is an individual (excluding a person that has opened an account for conducting transactions of securities or derivative transactions with the financial instruments business operator, etc. and a person that has concluded a commodity transaction contract provided for in Article 30 of the Order for Enforcement of the Commodity Derivatives Transaction Act (Cabinet Order No. 280 of 1950) wishes to receive solicitation for the conclusion of a financial instruments transaction contract provided for in Article 38, item (v) of the Act (limited to the solicitation related to the transactions set forth in Article

16-4, paragraph (2), item (i), sub-item (e) of the Order) in advance of the solicitation, using any of the following methods:

イ　訪問し又は電話をかけること。

(a) to make a visit or phone call; and

ロ　勧誘する目的があることをあらかじめ明示しないで当該顧客を集めること。

(b) to assemble customers without indicating in advance that the assembly is for solicitation purposes;

九　法第三十八条第六号に規定する金融商品取引契約（第百十六条第一項第三号イ及びロに掲げる取引に係るものを除く。）の締結につき、顧客（特定投資家を除く。）があらかじめ当該金融商品取引契約を締結しない旨の意思（当該金融商品取引契約の締結の勧誘を受けることを希望しない旨の意思を含む。）を表示したにもかかわらず、当該金融商品取引契約の締結の勧誘をする行為

(ix) notwithstanding the fact that a customer (excluding a professional investor) has manifested the intention not to conclude the financial instruments transaction contract provided for in Article 38, item (vi) of the Act (excluding the contracts related to transactions set forth in Article 116, paragraph (1), item (iii), sub-items (a) and (b)) (including the intention of not wishing to be solicited for the conclusion of the financial instruments transaction contract) in advance, an act of soliciting a customer to conclude the financial instruments transaction contract;

十　顧客から有価証券の買付け若しくは売付け又は市場デリバティブ取引若しくは外国市場デリバティブ取引の委託等（法第四十四条第一号に規定する委託等をいう。以下同じ。）を受け、当該委託等に係る売買又は取引を成立させる前に自己の計算において当該有価証券と同一の銘柄の有価証券の売買又は当該市場デリバティブ取引若しくは当該外国市場デリバティブ取引と同一の取引を成立させることを目的として、当該顧客の有価証券の買付け若しくは売付け又は市場デリバティブ取引若しくは外国市場デリバティブ取引の委託等に係る価格（市場デリバティブ取引又は外国市場デリバティブ取引にあっては、価格に相当する事項。以下この号において同じ。）と同一又はそれよりも有利な価格で有価証券の買付け若しくは売付け又は市場デリバティブ取引若しくは外国市場デリバティブ取引（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第十六条第一項第八号ロに規定する取引一任契約（有価証券の売買又は市場デリバティブ取引若しくは外国市場デリバティブ取引に係るものに限る。以下「取引一任契約」という。）に基づいて行われる取引を含む。）をする行為

(x) entrusted with purchase and sale of securities, or market derivatives transactions or foreign market derivatives transaction by a customer (meaning entrustment, etc. prescribed in Article 44, item (i) of the Act; the same applies hereinafter), for the purpose of closing the same transaction as purchase and sale of securities of the same issue as those securities or those market derivatives transactions or those foreign market derivatives transactions on the financial business operator's own account before closing

purchase and sale or transactions for the entrustment, the act of conducting purchase and sale of securities, or market derivatives transactions or foreign market derivatives transactions (including a transaction conducted based on a discretionary transaction contract prescribed in Article 16, paragraph (1), item (viii), sub-item (b) of the Cabinet Office Order on Definitions under Article 2 of the Financial Instruments and Exchange Act (limited to a contract related to purchase and sale of securities, or market derivatives transactions or foreign market derivatives transactions; hereinafter referred to as "discretionary transaction contract")) at a price related to the entrustment of purchase and sale of the customer's securities, or market derivatives transactions or foreign market derivatives transactions (for market derivatives transactions or foreign market derivatives transactions, matter equivalent to price; hereinafter the same applies in this item) or at a more favorable price;

十一　あらかじめ顧客の同意を得ずに、当該顧客の計算により有価証券の売買その他の取引又はデリバティブ取引等（有価証券等清算取次ぎを除く。）をする行為

(xi) an act of conducting purchase and sale or other transactions of securities or derivatives transactions, etc. (excluding brokerage for clearing of securities, etc.) on the customer's account, without obtaining the customer's consent in advance;

十二　個人である金融商品取引業者又は金融商品取引業者等の役員（役員が法人であるときは、その職務を行うべき社員を含む。）若しくは使用人が、自己の職務上の地位を利用して、顧客の有価証券の売買その他の取引等に係る注文の動向その他職務上知り得た特別の情報に基づいて、又は専ら投機的利益の追求を目的として有価証券の売買その他の取引等をする行為

(xii) an act by a financial instruments business operator, etc. that is an individual or an officer of a financial instruments business operator, etc. (if the officer is a corporation, including members that are to perform the corporation's duties) or employee of conducting purchase and sale or other transactions of a customer's securities by taking advantage of their position and based on the trend of orders related to purchase and sale or other transactions of securities conducted by customers and other special information learned in the course of duties, or solely in pursuit of speculative profit;

十三　顧客の有価証券の売買その他の取引等が法第百六十六条第一項若しくは第三項又は法第百六十七条第一項若しくは第三項の規定に違反すること又は違反するおそれのあることを知りながら、当該有価証券の売買その他の取引等の受託等をする行為

(xiii) an act of becoming entrusted, etc. with the purchase and sale or other transactions of securities from a customer, knowing that the customer's purchase and sale or other transactions of securities violates or may violate

the provisions of Article 166, paragraph (1) or (3) of the Act or Article 167, paragraph (1) or (3) of the Act;

十四　有価証券の売買その他の取引若しくは有価証券に係るデリバティブ取引又はこれらの媒介、取次ぎ若しくは代理につき、顧客に対して当該有価証券の発行者の法人関係情報を提供して勧誘する行為

(xiv) an act of soliciting a customer for purchase and sale or other transactions of securities or derivative transactions related to securities, or their intermediation, brokerage, or agency services, by providing the customer with corporate information on the issuer of those securities;

十四の二　有価証券の売買その他の取引若しくは有価証券に係るデリバティブ取引（以下この号において「売買等」という。）又はこれらの媒介、取次ぎ若しくは代理につき、当該有価証券の発行者の法人関係情報について公表がされたこととなる前に当該売買等をさせることにより顧客に利益を得させ、又は当該顧客の損失の発生を回避させる目的をもって、当該顧客に対して当該売買等をすることを勧めて勧誘する行為（前号に掲げる行為を除く。）

(xiv)-2 with regard to purchase and sale and other transactions of securities or derivative transactions related to securities (hereinafter referred to as "purchase and sale, etc." in this item) or their intermediation, brokerage, or agency services, an act to have a customer gain interest by having the customer conduct the purchase and sale, etc. before corporate information on the issuer of the securities is considered to have been disclosed, or for the purpose of preventing the customers from incurring losses (excluding the acts listed in the preceding item), an act of soliciting the customer to conduct the purchase and sale, etc.; and

十五　法第百六十六条第二項第一号イ又は第九号ロに規定する募集（法第百六十三条第一項に規定する上場会社等の発行する有価証券に係るものに限る。）について、当該募集に係る有価証券に対する投資者の需要の見込みに関する調査を行う場合において、次のイ又はロに掲げる場合の区分に応じ、それぞれ当該イ又はロに定める措置を講ずることなく、当該調査の対象者（以下この号において「調査対象者」という。）又は第三者が委託若しくは当該募集に係る法人関係情報の提供を受けて当該調査を行う場合における当該第三者に対し、当該募集に係る法人関係情報を提供する行為

(xv) if a survey is to be conducted on the prospects of demands by investors for securities subject to public offering prescribed in Article 166, paragraph (2), item (i), sub-item (a) or item (ix), sub-item (b) of the Act (limited to the public offering related to securities issued by a listed company, etc. prescribed in Article 163, paragraph (1) of the Act), an act of providing corporate information related to the public offering to the persons who are the target of the survey (hereinafter referred to as the "target persons of the survey" in this item), or the third party in cases a third party is to conduct the survey by being entrusted or provided with corporate information related to the

public offering without taking the measures specified in sub-item (a) or (b) below in accordance with the category of the cases set forth in sub-item (a) or (b):

イ　金融商品取引業者等が自ら当該調査を行う場合　次に掲げる措置

(a) if a financial instruments business operator, etc. themselves conduct the surey: the following measures:

（１）　法令遵守管理（金融商品取引業者等の業務が法令等（法令（外国の法令を含む。）、法令に基づく行政官庁の処分（外国の法令に基づく同様の処分を含む。）又は金融商品取引業協会若しくは金融商品取引所の定款その他の規則（外国の法令に基づくこれらに相当する協会又は取引所の定款その他の規則を含む。）をいう。以下この号、第百五十三条第一項第七号チ及び第百五十四条第四号チにおいて同じ。）に適合するかどうかを判断すること及び当該法令等を役職員に遵守させることをいう。ロ（１）において同じ。）に関する業務を行う部門から、当該調査を行うこと、調査対象者並びに調査対象者に提供される法人関係情報の内容並びにその提供の時期及び方法が適切であることについて、あらかじめ承認を受けていること。

1. the department in charge of the operations related to compliance management (meaning to judge whether the operations of a financial instruments business operator, etc. complies with the laws and regulations (meaning laws and regulations (including foreign laws and regulations), dispositions issued by administrative agencies based on laws and regulations (including similar dispositions based on foreign laws and regulations), or articles of incorporation or other rules of a financial instruments firms association or financial instruments exchange (including articles of incorporation or other rules of an association exchange equivalent to them, which are based on foreign laws and regulations); hereinafter the same applies in this item, Article 153, paragraph (1), item (vii), sub-item (h), and Article 154, item (iv), (h)), and ensuring that the officers and employees comply with the laws and regulations, etc.; the same applies in sub-item (b), 1.) has given approval for conducting the survey, the target persons of the survey, and the content of corporate information to be provided to the target persons of the survey, and the timing and the method of the provision are appropriate, in advance;

（２）　当該法人関係情報若しくは当該募集を行うことが公表され、又は金融商品取引業者等から当該調査の後当該募集を行わないこととなったことを通知されるまでの間における当該上場会社等の法第百六十三条第一項に規定する特定有価証券等に係る売買その他の有償の譲渡若しくは譲受け又はデリバティブ取引（以下この号において「特定有価証券等の売買等」という。）を行わないこと（法第百六十六条第六項第一号から第六号まで及び第八号に掲げる場合並びにこの号の規定により当該法人関係情報の提供を受けた者の間に

おいて特定有価証券等の売買等を取引所金融商品市場又は店頭売買有価証券市場によらないでする場合を除く。以下この号において同じ。）、及び当該法人関係情報を調査対象者以外の者に提供しないこと（調査対象者が当該調査の内容に係る業務を行うために当該法人関係情報の提供を行うことが不可欠な者であって、調査対象者との契約によって特定有価証券等の売買等を行わない義務及び当該法人関係情報を漏らさない義務を負うものに提供する場合又は法令等に基づいて提供する場合を除く。）について、あらかじめ調査対象者に約させていること。

2. until the corporate information or the fact that the public offering will be conducted is publicized, or a financial instruments business operator, etc. informs the target persons of the survey that the public offering will not be conducted after the survey has been conducted, the business operator has the target person of the survey promise in advance that they will not conduct purchase and sale or transfer or acquisition for value, or derivative transactions related to specified securities, etc. of the listed companies, etc. prescribed in Article 163, paragraph (1) of the Act (hereinafter referred to as "purchase and sale, etc. of specified securities, etc." in this item) (excluding the cases set forth in any of Article 166, paragraph (6), items (i) through (vi) and item (viii) of the Act, and cases in which purchase and sale, etc. of specified securities, etc. is conducted by the persons provided with the corporate information pursuant to the provisions of this item, by means other than through financial instruments exchange market or over-the-counter securities market; hereinafter the same applies in this item), and that they will not provide the corporate information to persons other than the target persons of the survey (excluding the cases of provision to a person to whom it is essential for the target person of the survey to provide the corporate information in order to conduct operations related to the content of the survey and the person is bound by an obligation to refrain from conducting purchase and sale, etc. of specified securities, etc. and from divulging the corporate information, under a contract with the target person of the survey; or providing the information based on laws and regulations, etc.); and

（３）　その金融商品取引業者等における当該調査に係る事務の責任ある担当者及び当該調査に係る事務を実際に担当した者の氏名、調査対象者の氏名及び住所並びに調査対象者に提供した法人関係情報の内容並びにその提供の日時及び方法を記載した書面を作成し、その作成の後五年間これを保存するために必要な措置を講じていること。

3. the financial instruments business operator, etc. has prepared a document stating the name of the person that is in charge responsible for the affairs related to the survey and the person that has actually

handled the affairs related to the survey, the name and address of the target person of the survey, the content of corporate information provided to the target person of the survey, and the timing and means of the provision, and has taken necessary measures for preserving the document for five years after its preparation.

ロ　第三者が委託又は当該募集に係る法人関係情報の提供を受けて当該調査を行う場合　次に掲げる措置

(b) if a third party is to conduct the survey through entrustment or by being provided with corporate information related to the public offering: the following measures:

（１）　法令遵守管理に関する業務を行う部門から、当該調査を行うこと、当該第三者、調査対象者並びに当該第三者及び調査対象者に提供される法人関係情報の内容並びにその提供の時期及び方法が適切であることについて、あらかじめ承認を受けていること。

1. the department in charge of the operations related to compliance management has given approval for conducting the survey, the fact that the third party, the target person of the survey, and the content of corporate information to be provided to the third party and the target person of the survey, and the timing and method of the provision are appropriate, in advance;

（２）　特定有価証券等の売買等を行わないこと、及び当該法人関係情報を調査対象者以外の者に提供しないこと（当該第三者が当該調査を行うため、又は当該上場会社等若しくは金融商品取引業者等から委託を受けて当該募集に係る業務を行うために当該法人関係情報の提供を行うことが不可欠な者であって、当該第三者との契約によって特定有価証券等の売買等を行わない義務及び当該法人関係情報を漏らさない義務を負うものに提供する場合又は法令等に基づいて提供する場合を除く。）について、あらかじめ当該第三者に約させていること。

2. the financial instruments business operator, etc., has the third party promise in advance, not to conduct purchase and sale, etc. of specified securities, etc., or provide the corporate information to a person other than the target person of the survey (excluding the case of the third party providing the information for conducting the survey, or a person for whom it is essential to provide the corporate information for conducting operations related to the public offering entrusted by the listed company, etc. or a financial instruments business operator, etc., and the person is bound by an obligation to refrain from conducting purchase and sale, etc. of specified securities, etc. and from divulging the corporate information, under a contract with the third party, or the provision of the information based on laws and regulations, etc.); and

（３）　その金融商品取引業者等における当該調査に係る事務の責任ある担当者

及び当該第三者に対する当該委託又は当該法人関係情報の提供に係る事務を実際に担当した者の氏名、当該第三者の氏名及び住所並びに当該第三者に提供した法人関係情報の内容並びにその提供の日時及び方法を記載した書面を作成し、その作成の後五年間これを保存するために必要な措置を講じていること。

3. that the financial instruments business operator, etc. has prepared a document stating the name of the person that is in charge responsible for the affairs related to the survey and the person that has actually handled the affairs related to the entrustment to the third party or the provision of the corporate information, the third party's name and address, the content of the corporate information provided to the third party, and the timing and the means of its provision, and has taken necessary measures for preserving the document for five years after its preparation; and

（４）　当該第三者がイ（２）及び（３）に掲げる措置に相当する措置を講ずることなく当該調査を行うことを防止するために必要な措置を講じていること。

4. that the financial instruments business operator, etc. has taken necessary measures for preventing the third party from conducting the survey without taking the measures equivalent to those set forth in sub-item (a), 2. and 3.;

十六　法人関係情報に基づいて、自己の計算において当該法人関係情報に係る有価証券の売買その他の取引等（当該有価証券の売買その他の取引等が有価証券の売買である場合にあっては、オプション（オプションと類似の権利であって、外国市場デリバティブ取引のうち法第二十八条第八項第三号ハ（１）と類似の取引に係るものを含む。）が行使された場合に成立する有価証券の売買を除く。）をする行為（有価証券関連業を行う金融商品取引業者（第一種金融商品取引業を行う者に限る。）又はその役員若しくは使用人が行うものに限り、取引一任契約に基づくこれらの取引をする行為を含む。）

(xvi) an act of conducting purchase and sale or other transactions of securities related to the corporate information on the financial instruments business operator's account based on corporate information (if the purchase and sale or other transactions of securities are purchase and sale of securities, excluding purchase and sale of securities closed by the exercise of options (including rights similar to options which are related to foreign market derivatives transactions similar to the transaction referred to in Article 28, paragraph (8), item (iii), sub-item (c), 1. of the Act)) (limited to an act performed by a financial instruments business operator that conducts securities-related business (limited to a person that conducts type-I financial instruments business) or their officers or employees; and including the act of conducting those transactions based on a discretionary transaction contract);

十七　不特定かつ多数の顧客に対し、特定かつ少数の銘柄の有価証券の買付け若しく

は売付け若しくはデリバティブ取引又はこれらの委託等を一定期間継続して一斉にかつ過度に勧誘する行為（金融商品仲介業務の委託を行う登録金融機関、金融商品仲介業者又は金融サービス仲介業者に勧誘させる行為を含む。次号において同じ。）で、公正な価格（市場デリバティブ取引にあっては、価格に相当する事項）の形成を損なうおそれがあるもの

(xvii) an act of soliciting unspecified and many customers to purchase or sell securities or conduct derivative transactions concerning a specified and small number of issues, or soliciting its entrustment, etc. continuously over a fixed period of time at the same time and in an excessive manner, which is likely to impair the formation of a fair price (for market derivatives transactions, matter equivalent to price) (including an act of having a registered financial institution, financial instruments intermediary service provider, or financial service intermediary that entrusts financial instruments intermediary services to conduct the solicitation; the same applies in the following item);

十八　顧客の取引に基づく価格、指標、数値又は対価の額の変動を利用して自己又は当該顧客以外の第三者の利益を図ることを目的として、不特定かつ多数の顧客に対し、有価証券の買付け若しくは売付け若しくはデリバティブ取引又はこれらの委託等を一定期間継続して一斉にかつ過度に勧誘する行為

(xviii) an act of soliciting unspecified and many customers to purchase or sell securities, conduct derivatives transactions, or solicit its entrustment, etc., continuously over a fixed period of time at the same time and in an excessive manner, for the purpose of taking advantage of fluctuation in the prices, indexes, figures, or amount of consideration based on a customer's transaction and gaining one's own profit or a that of a third party other than the customer;

十九　取引所金融商品市場における上場金融商品等（金融商品取引所が上場する金融商品、金融指標又はオプションをいい、暗号資産等（法第百八十五条の二十三第一項に規定する暗号資産等をいう。以下同じ。）を除く。以下同じ。）若しくは店頭売買有価証券市場における店頭売買有価証券の相場若しくは相場若しくは取引高に基づいて算出した数値を変動させ、若しくはくぎ付けし、固定し、若しくは安定させ、又は取引高を増加させる目的をもって、当該上場金融商品等若しくは当該店頭売買有価証券に係る買付け若しくは売付け若しくはデリバティブ取引又はこれらの申込み若しくは委託等をする行為

(xix) for the purpose of causing fluctuation, pegging, fixing, or stabilizing the quotations or the figures calculated based on the quotations or transaction volumes of the listed financial instruments, etc. on a financial instruments exchange market (meaning financial instruments, financial indicators, or options listed by a financial instruments exchange and excluding cryptoassets, etc. (meaning cryptoassets, etc. prescribed in Article 185-23, paragraph (1) of the Act; the same applies hereinafter) or over-the-counter traded securities on the over-the-counter securities market, or increasing the

transaction volumes, an act of conducting purchase, sale, or derivative transactions related to the listed financial instruments, etc. or the over-the-counter traded securities or making an application for them or entrusting, etc. them;

二十　取引所金融商品市場における上場金融商品等又は店頭売買有価証券市場における店頭売買有価証券の相場若しくは相場若しくは取引高に基づいて算出した数値を変動させ、若しくはくぎ付けし、固定し、若しくは安定させ、又は取引高を増加させることにより実勢を反映しない作為的なものとなることを知りながら、当該上場金融商品等又は当該店頭売買有価証券に係る買付け若しくは売付け又はデリバティブ取引（有価証券等清算取次ぎを除く。）の受託等をする行為

(xx) knowing that causing fluctuation, pegging, fixing, or stabilizing the quotation or the figures calculated based on the quotations or transaction volumes of the listed financial instruments, etc. on a financial instruments exchange market or over-the-counter traded securities on over-the-counter securities market, or increasing the transaction volumes will result in the formation of manipulative quotations that do not reflect actual market status, to become entrusted, etc. with the purchase, sale, or derivative transactions related to the listed financial instruments, etc. or the over-the-counter traded securities (excluding brokerage for clearing of securities, etc.);

二十一　有価証券の売買若しくはデリバティブ取引又はこれらの受託等につき、顧客から資金総額について同意を得た上で、売買の別、銘柄、数及び価格（デリバティブ取引にあっては、これらに相当する事項）のうち同意が得られないものについては、一定の事実が発生した場合に電子計算機による処理その他のあらかじめ定められた方式に従った処理により決定され、金融商品取引業者等がこれらに従って、取引を執行することを内容とする契約を書面によらないで締結する行為（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により締結するものを除く。）

(xxi) an act of concluding a contract not in writing (excluding a contract concluded by the means of using an electronic data processing system or of using other information and communication technology), which provides that a financial instruments business operator, etc. by obtaining the customer's consent on the total amount of funds to be used for the purchase and sale of securities or derivative transactions, or for their entrustment, etc. decides the matters on whether the transaction is for purchase or sale, the issue, the number, and the price (in the case of derivatives transactions, matters equivalent to them) for which consent may not be obtained through computer processing or any other method specified in advance when a certain fact occurs, and that the financial instruments business operator, etc. is to execute the transaction in accordance with those decisions;

二十二　令第二十条第二項各号に掲げる金融商品取引業者が、同項各号の募集若しくは売出し又は特定投資家向け取得勧誘若しくは特定投資家向け売付け勧誘等に係る

有価証券（時価又は時価に近い一定の価格により株券が発行され若しくは移転される新株予約権を表示する新株予約権証券（以下この号、次号及び第二百三十一条第一項第八号において「時価新株予約権証券」という。）又は当該新株予約権を付与されている新株予約権付社債券（以下この号、次号及び第二百三十一条第一項第八号において「時価新株予約権付社債券」という。）以外の新株予約権証券又は社債券、時価又は時価に近い一定の価格により発行する優先出資証券以外の優先出資証券及び時価又は時価に近い一定の価格により投資証券が発行される新投資口予約権を表示する新投資口予約権証券（以下この号、次号及び第二百三十一条第一項第八号において「時価新投資口予約権証券」という。）以外の新投資口予約権証券を除く。）の発行者が発行する株券（時価新株予約権証券の募集（五十名以上の者を相手方として行うものに限る。以下この号において同じ。）若しくは売出し（五十名以上の者を相手方として行うものに限る。以下この号において同じ。）又は特定投資家向け取得勧誘（五十名以上の者を相手方として行うものに限る。以下この号において同じ。）若しくは特定投資家向け売付け勧誘等（五十名以上の者を相手方として行うものに限る。以下この号において同じ。）の場合には株券又は時価新株予約権証券、時価新株予約権付社債券の募集若しくは売出し又は特定投資家向け取得勧誘若しくは特定投資家向け売付け勧誘等の場合には株券又は時価新株予約権付社債券）、優先出資証券又は投資証券（時価新投資口予約権証券の募集若しくは売出し又は特定投資家向け取得勧誘若しくは特定投資家向け売付け勧誘等の場合には投資証券又は時価新投資口予約権証券）で、金融商品取引所に上場されており、又は店頭売買有価証券に該当するものについて、令第二十四条第一項第一号イに規定する安定操作期間内における買付けに関し行う次に掲げる行為

(xxii) the following acts conducted by a financial instruments business operator set forth in the items of Article 20, paragraph (2) of the Order, in relation to the purchase within a period for stabilizing transactions specified in Article 24, paragraph (1), item (i), sub-item (a) of the Order for share certificates (meaning a share certificate, or a share option certificate representing a share option for which a share certificate is to be issued or transferred at a market value or a fixed value similar to the market value (hereinafter referred to as "market value share option certificate" in this item, the following item, and Article 231, paragraph (1), item (viii)), for a public offering (limited to solicitation of 50 or more persons; hereinafter the same applies in this item) or a secondary distribution (limited to solicitation of 50 or more persons; hereinafter the same applies in this item) of market value share option certificate, or a solicitation for acquisition only for professional investors (limited to the solicitation of 50 or more people; hereinafter the same applies in this item) or a solicitation for selling, etc. only for professional investors (limited to the solicitation of 50 or more persons; hereinafter the same applies in this item) related to the market value share option certificate; or, share certificates, or corporate bonds with a share option wherein the aforementioned share options are granted (hereinafter

referred to as the "market value corporate bond certificates with share options" in this item, the following item and Article 231, paragraph (1), item (viii)), in the case of a public offering or secondary distribution, or solicitation for acquisition only for professional investors or solicitation for selling, etc. only for professional investors related to the market value corporate bond certificates with share options), preferred equity securities or investment securities (for a public offering or secondary distribution, solicitation for acquisition only for professional investors or solicitation for selling, etc. only for professional investors of certificates of market value investment equity subscription rights, the investment securities or certificates of market value investment equity subscription rights) issued by an issuer of the securities related to the public offering or secondary distribution, or solicitation for acquisition only for professional investors or solicitation for selling, etc. only for professional investors specified in the items of Article 20, paragraph (2) of the Order (excluding share option certificates or corporate bond certificates other than market value share option certificates or market value corporate bond certificates with share options, and also preferred equity investment certificates other than those issued with a market value or a fixed value similar to market value and certificates of investment equity subscription rights other than certificates of investment equity subscription rights representing investment equity subscription rights in which investment securities is to be issued at a market value or a fixed value similar to market value (hereinafter referred to as "certificates of market value investment equity subscription rights" in this item, the following item, and Article 231, paragraph (1), item (viii)), which are listed on a financial instruments exchange or which fall under over-the-counter traded securities:

イ　自己の計算による買付け（有価証券関連デリバティブ取引（法第二十八条第八項第三号ハ（同号ハ（１）に係る取引に限る。）又は同項第四号ハ（同号ハ（１）に係る取引に限る。）に掲げる取引に限る。以下この号において同じ。）により取得し、又は付与した権利が行使された場合に成立する有価証券の売買取引による買付け、令第六条の二第一項第十五号に規定する買付け等（買付けに限る。）、令第二十条第一項に規定する安定操作取引のうち同条から令第二十五条までの規定に従い行うもの（ハを除き、以下「安定操作取引」という。）、金融商品取引所の定める規則（法第百四十九条第一項の規定に基づき金融庁長官が認可するものに限る。）において当該金融商品取引所が開設する取引所金融商品市場における有価証券の流通の円滑化を図るため必要なもの及び個別の銘柄に対する投資判断に基づかないものと認められているもの並びに認可金融商品取引業協会の定める規則（法第六十七条の十二の規定に基づき金融庁長官が認可するものに限る。）において当該認可金融商品取引業協会が登録する店頭売買有価証券の流通の円滑化を図るため必要なもの及び個別の銘柄に対する投資判断に基づかな

いものと認められているものを除く。）をする行為

(a) an act of making a purchase based on the purchase and sale transaction of securities which is closed upon the exercise of the right acquired or granted by the purchase on their own account (limited to a transaction of securities-related derivatives (limited to a transaction specified in Article 28, paragraph (8), item (iii), sub-item (c) of the Act (limited to a transaction related to sub-item (c), 1. of that item) or in Article 28, paragraph (8), item (iv), (c) of the Act (limited to a transaction related to sub-item (c), 1. of that item); hereinafter the same applies in this item); a purchase, etc. prescribed in Article 6-2, paragraph (1), item (xv) of the Order (limited to a purchase); stabilizing transactions prescribed in Article 20, paragraph (1) of the Order to be implemented pursuant to the provisions of Articles 20 through 25 of the Order (hereinafter referred to as "stabilizing transactions", except in sub-item (c)); the purchase provided for in the regulations of a financial instruments exchange (limited to those authorized by the Commissioner of the Financial Services Agency based on the provisions of Article 149, paragraph (1) of the Act), as a purchase that is necessary for facilitating smooth distribution of securities on a financial instruments exchange market established by the financial instruments exchange and that is found not to be based on an investment decision on an individual issue; and the purchase provided for in the regulations of an authorized financial instruments firms association (limited to those authorized by the Commissioner of the Financial Services Agency pursuant to the provisions of Article 67-12 of the Act), as the purchase which is necessary for facilitating smooth distribution of over-the-counter traded securities registered by the authorized financial instruments firms association and which is found not to be based on an investment decision on an individual issue);

ロ　他の金融商品取引業者等に買付けの委託等（有価証券等清算取次ぎの委託（自己の計算による買付けに係る有価証券等清算取次ぎの委託を除く。）を除く。）をする行為

(b) an act of entrusting, etc. purchase to another financial instruments business operator, etc. (excluding an entrustment for brokerage for clearing of securities, etc. (excluding an entrustment for brokerage for clearing of securities, etc. related to purchase conducted on their own account));

ハ　令第二十条第一項に規定する安定操作取引に係る有価証券の発行者の計算による株券又は投資証券の買付けの受託等（有価証券等清算取次ぎの受託を除く。）をする行為

(c) an act of becoming entrusted, etc. with purchase of share certificates or investment securities on the account of the issuer of securities subject to

stabilizing transactions prescribed in Article 20, paragraph (1) of the Order (excluding the acceptance of entrustment, etc. of brokerage for clearing of securities);

ニ　令第二十条第三項各号に掲げる者の計算による買付けの受託等（有価証券等清算取次ぎの受託、有価証券関連デリバティブ取引により取得し、又は付与した権利が行使された場合に成立する有価証券の売買による買付け及び安定操作取引の受託等を除く。）をする行為

(d) an act of becoming entrusted, etc. with purchase on the account of any person set forth in the items of Article 20, paragraph (3) of the Order (excluding becoming entrusted with brokerage for clearing of securities, becoming entrusted, etc. with purchase based on purchase and sale of securities closed upon the exercise of rights acquired or granted by securities-related derivatives transactions, and stabilizing transactions); and

ホ　取引一任契約に基づく買付け（有価証券関連デリバティブ取引により取得し、又は付与した権利が行使された場合に成立する有価証券の売買取引による買付け、金融商品取引所の定める規則（法第百四十九条第一項の規定に基づき金融庁長官が認可するものに限る。）において当該金融商品取引所が開設する取引所金融商品市場における有価証券の流通の円滑化を図るため必要なもの及び個別の銘柄に対する投資判断に基づかないものと認められているもの並びに認可金融商品取引業協会の定める規則（法第六十七条の十二の規定に基づき金融庁長官が認可するものに限る。）において当該認可金融商品取引業協会が登録する店頭売買有価証券の流通の円滑化を図るため必要なもの及び個別の銘柄に対する投資判断に基づかないものと認められているものを除く。）をする行為

(e) an act of making a purchase based on a discretionary transaction contract (excluding a purchase based on a purchase and sale transaction of securities which is closed upon the exercise of the right acquired or granted by securities-related derivatives transactions; a purchase provided for in the regulations of a financial instruments exchange (limited to those authorized by the Commissioner of the Financial Services Agency pursuant to the provisions of Article 149, paragraph (1) of the Act), as a purchase which is necessary for facilitating smooth distribution of securities on a financial instruments exchange market established by the financial instruments exchange and which is found not to be based on an investment decision on individual issues; and a purchase provided for in the regulations of an authorized financial instruments firms association (limited to those authorized by the Commissioner of the Financial Services Agency pursuant to the provisions of Article 67-12 of the Act), as a purchase which is necessary for facilitating smooth distribution of over-the-counter traded securities registered by the authorized financial instruments firms association and which is found not to be based on an

investment decision on individual issues);

二十三　安定操作取引又はその受託等（有価証券等清算取次ぎの受託を除く。）をした金融商品取引業者が、その最初に行った安定操作取引の時から前号の期間の末日までの間において、当該安定操作取引に係る有価証券につき安定操作取引が行われた旨を表示しないで、当該有価証券の発行者が発行する株券、時価新株予約権証券、時価新株予約権付社債券、優先出資証券、投資証券若しくは時価新投資口予約権証券について買付けの受託等若しくは売付け（金融商品取引業者等からの買付けの受託等、金融商品取引業者等への売付け及び売付けに係る有価証券等清算取次ぎを除く。）又は当該有価証券の売買に係る有価証券関連デリバティブ取引（コールの取得又はプットの付与に限る。）の受託等（金融商品取引業者等からの受託等を除く。）をする行為

(xxiii) an act of a financial instruments business operator that has conducted stabilizing transactions or has entrusted, etc. stabilizing transactions (excluding entrustment, etc. of brokerage for clearing of securities, etc.), to become entrusted, etc. with purchase of share certificates, market value share option certificates, market value corporate bond certificates with share options, preferred equity securities, investment securities, or certificates of market value investment equity subscription rights issued by the issuer of the securities subject to stabilizing transactions (excluding entrustment, etc. of purchase by a financial instruments business operator, etc., sales to a financial instruments business operator, etc. and brokerage for clearing of securities, etc. related to sales) or to become entrusted, etc. (excluding entrustment, etc. by a financial instruments business operator, etc.) with conducting transactions of securities-related derivatives, etc. related to the purchase and sale of the securities (limited to transactions for acquiring calls or granting put options), in the period between the first stabilizing transaction was conducted and the last day of the period referred to in the preceding item without indicating the fact that stabilizing transactions were conducted for securities subject to the stabilizing transaction;

二十四　顧客の信用取引を、自己の計算においてする買付け又は売付け（取引一任契約に係るものを含む。）と対当させ、かつ、金銭又は有価証券の受渡しを伴わない方法により成立させた場合において、当該買付け又は売付けに係る未決済の勘定を決済するため、これと対当する売付け又は買付けをする行為

(xxiv) if a customer's margin transaction is matched with purchase or sale conducted on their own account (including purchase or sale related to discretionary transaction contracts) and, is closed by a method that does not involve the delivery of money or securities, an act of conducting a matching sale or purchase for the purpose of settling the unsettled account related to the sale or purchase;

二十四の二　令第二十六条の二の二第一項に規定する決済措置（次号、第百五十七条第一項及び第百五十八条の二において単に「決済措置」という。）に係る有価証券

の調達先の確認をせずに、空売り又は当該空売りの委託の取次ぎを行う行為

(xxiv)-2 an act of conducting short selling or providing brokerage for entrustment of the short selling, without confirming the provider of the securities related to the settlement measures prescribed in Article 26-2-2, paragraph (1) of the Order (simply referred to as "settlement measures" in the following item, Article 157, paragraph (1), and Article 158-2);

二十四の三　あらかじめその有価証券を所有し、調達し、又は調達するための措置を講ずることなく、決済措置として有価証券の貸付けを約する行為

(xxiv)-3 an act of promising to lend securities as settlement measures, without owning or procuring the securities, or taking the measures necessary for procuring the securities, in advance;

二十四の四　一般信用取引（信用取引のうち、信用取引の決済に必要な金銭又は有価証券を、金融商品取引所が開設する取引所金融商品市場又は認可金融商品取引業協会が開設する店頭売買有価証券市場の決済機構を利用して貸付けを受けることができる取引以外のものをいう。）に係る有価証券（令第二十六条の二の二第一項（同条第六項及び第七項において準用する場合を含む。）に規定する金融庁長官が指定する有価証券に限る。）を所有し、調達し、又は調達するための措置が講じられることなく、その売付けを受託し、又はその売付けの委託の取次ぎの申込みを受ける行為

(xxiv)-4 an act of accepting an entrustment of the sale or to accept an application for brokerage of entrustment of the sale, of the securities (limited to securities designated by the Commissioner of the Financial Services Agency which are prescribed in Article 26-2-2, paragraph (1) of the Order (including as applied mutatis mutandis pursuant to paragraphs (6) and (7) of that Article)) related to general margin trading (meaning a margin transaction other than that in which a customer is able to borrow money or securities necessary for settling margin transactions by utilizing the clearing systems of a financial instruments exchange market established by a financial instruments exchange or the clearing systems of the over-the-counter securities market established by authorized financial instruments firms association), without owning or procuring the securities, or taking the measures necessary for the procuring the securities;

二十四の五　有価証券（預託を受けていないものに限る。以下この号において同じ。）の売付けの委託又は委託の取次ぎの申込みの相手方に対し当該売付けに係る有価証券の管理の方法の確認をすることなく、金融商品取引所、認可金融商品取引業協会若しくは法第三十条第一項の認可を受けた金融商品取引業者又は金融商品取引所の会員等、認可金融商品取引業協会の会員若しくは同項の認可を受けた金融商品取引業者の顧客に対して当該有価証券の売付けが空売りでないことを明らかにする行為（当該売付けが有価証券の取引等の規制に関する内閣府令（平成十九年内閣府令第五十九号。第百二十三条第一項第二十六号及び第二十七号並びに第百五十八条の三において「取引等規制府令」という。）第九条の三第一項第六号から第十六

号まで、第二項第三号から第五号まで又は第三項第三号若しくは第四号に掲げる取引のいずれかに該当するものである場合には、当該取引に係る有価証券の管理の方法の確認をすることなく、当該売付け又は当該売付けの委託の取次ぎを行う行為）

(xxiv)-5 an act of clarifying the fact that the sale of securities (limited to securities which have not been deposited; hereinafter the same applies in this item) does not fall under short selling to financial instruments exchange, authorized financial instruments firms association or financial instruments business operator, etc. that obtained the authorization referred to in Article 30, paragraph (1) of the Act, or the members, etc. of a financial instruments exchange, the members of authorized financial instruments firms association, or customers of a financial instruments business operator, etc. that obtained the authorization referred to in that paragraph, without confirming the management method of the securities related to the sales with the counterparty to the entrustment of the sale or the counterparty to the application of brokerage for the entrustment of sale (if the sale falls under any of the transactions specified in Article 9-3, paragraph (1), items (vi) through (xvi), paragraph (2), items (iii) through (v), or paragraph (3), item (iii) or (iv) of the Cabinet Office Order on Restrictions on Securities Transactions (Cabinet Office Order No. 59 of 2007; referred to as the "Cabinet Office Order on Restrictions on Transactions" in Article 123, paragraph (1), items (xxvi) and (xxvii) and Article 158-3), an act of conducting the sale, or providing brokerage of the entrustment of the sale without confirming the management method of securities subject to the transaction);

二十五　顧客（特定投資家を除く。）に対して、有価証券に係る次に掲げる書類（第二百七十五条第一項第十六号において「外国会社届出書等」という。）が英語により記載される旨の説明を行わず、又はその旨を記載した文書の交付（当該文書に記載すべき事項を第八十条第一項第五号又は第六号に規定する閲覧に供する方法に準じて提供することを含む。以下この号及び第二百七十五条第一項第十六号において同じ。）をしないで法第二条第八項第一号から第三号までに掲げる行為（当該有価証券の買付け、当該有価証券の売付けの媒介、取次ぎ又は代理及び取引所金融商品市場又は外国金融商品市場における当該有価証券の売付けに係る委託の媒介、取次ぎ又は代理を除く。）及び同項第九号に掲げる行為を行うこと（当該行為の日前一年以内に当該顧客に当該説明を行い、かつ、当該文書の交付をした場合又は金融商品仲介業務の委託を行う登録金融機関、金融商品仲介業者若しくは金融サービス仲介業者が当該顧客に当該説明を行い、かつ、当該文書の交付をした場合を除く。）。

(xxv) an act of conducting any act set forth in Article 2, paragraph (8), items (i) through (iii) of the Act (excluding purchase of the securities and intermediation, brokerage, or agency services for sale of the securities, and intermediation, brokerage, or agency services for entrustment of sales of the securities on a financial instruments exchange market or a foreign financial

instruments market) and an act set forth in item (ix) of that paragraph, without explaining to a customer (excluding professional investors) that the following documents related to securities (referred to as "foreign company statements, etc." in Article 275, paragraph (1), item (xvi)) are to be prepared in English, or without delivering a document stating that fact (including provision of the matters required to be stated in the document by a method equivalent to the method of making them available for inspection set forth in Article 80, paragraph (1), item (v) or (vi); hereinafter the same applies in this item and Article 275, paragraph (1), item (xvi)) (excluding the cases in which the explanation has been given to the customer and the document was delivered to the customer within one year before the day when the act is conducted, or the registered financial institution, financial instruments intermediary service provider, or financial service intermediary that entrusts financial instruments intermediary service has given the explanation and delivered the document to the customer):

イ　法第五条第八項（法第二十七条において準用する場合を含む。）に規定する外国会社届出書

(a) a foreign company statement prescribed in Article 5, paragraph (8) of the Act (including as applied mutatis mutandis pursuant to Article 27 of the Act);

ロ　法第二十四条第八項（法第二十七条において準用する場合を含む。）に規定する外国会社報告書

(b) a foreign company report prescribed in Article 24, paragraph (8) of the Act (including as applied mutatis mutandis pursuant to Article 27 of the Act);

ハ　法第二十四条の四の七第六項（法第二十七条において準用する場合を含む。）に規定する外国会社四半期報告書

(c) a foreign company quarterly securities report prescribed in Article 24-4-7, paragraph (6) of the Act (including as applied mutatis mutandis pursuant to Article 27 of the Act);

ニ　法第二十四条の五第七項（法第二十七条において準用する場合を含む。）に規定する外国会社半期報告書

(d) a foreign company semiannual securities report prescribed in Article 24-5, paragraph (7) of the Act (including as applied mutatis mutandis pursuant to Article 27 of the Act);

ホ　企業内容等の開示に関する内閣府令第一条第十八号の四に規定する外国会社確認書

(e) a foreign company confirmation document prescribed in Article 1, item (xviii)-4 of the Cabinet Office Order on Disclosure of Corporate Affairs;

ヘ　財務計算に関する書類その他の情報の適正性を確保するための体制に関する内閣府令（平成十九年内閣府令第六十二号）第二条第三号の二に規定する外国会社

内部統制報告書

(f) a foreign company internal control report as defined in Article 2, item (iii)-2 of the Cabinet Office Order on the System for Ensuring the Appropriateness of Documents on Financial Calculation and Other Information (Cabinet Office Order No. 62 of 2007);

ト　法第二十四条の五第十五項（法第二十七条において準用する場合を含む。）に規定する外国会社臨時報告書

(g) a foreign company extraordinary report prescribed in Article 24-5, paragraph (15) of the Act (including as applied mutatis mutandis pursuant to Article 27 of the Act);

チ　イからトまでに掲げる書類の訂正に係る書類であって英語で記載されたもの

(h) a document for correcting any of the documents set forth in sub-items (a) through (g), which is written in English; and

リ　企業内容等の開示に関する内閣府令第十九条の四第二項に規定する外国親会社等状況報告書

(i) a report on the status of foreign parent company, etc. prescribed in Article 19-4, paragraph (2) of the Cabinet Office Order on Disclosure of Corporate Affairs;

二十六　店頭デリバティブ取引又はその受託等（証拠金その他の保証金を預託する取引に係るものに限る。）につき、顧客（特定投資家を除き、当該店頭デリバティブ取引が店頭金融先物取引及び暗号資産関連店頭デリバティブ取引以外のものである場合にあっては、個人に限る。）に対し、当該顧客が行う当該店頭デリバティブ取引の売付け又は買付けその他これに準ずる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。）の勧誘その他これに類似する行為をすること。

(xxvi) with regard to over-the-counter derivatives transactions or their entrustment, etc. (limited to those related to a transaction in which a margin or other security deposits are to be deposited), an act of soliciting a customer (excluding professional investors; if the over-the-counter derivatives transactions are other than over-the-counter financial futures trading or cryptoasset-related over-the-counter derivatives transactions, limited to an individual) to conduct a transaction that matches with sale or purchase of the over-the-counter transaction of financial futures conducted by the customer or other transactions equivalent to them (meaning transactions to reduce losses which may be incurred from those transactions), or other acts similar to them;

二十七　通貨関連デリバティブ取引（第百二十三条第一項第二十一号の二に規定する通貨関連デリバティブ取引をいい、決済のために行うものを除く。以下この号、次号、第四項及び第六項から第十項までにおいて同じ。）に係る契約を締結する時において顧客（個人（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第十条第一項第二十四号ロ（１）に掲げる要件に該当する業務執行組合員等（同項第二十

三号に規定する業務執行組合員等をいう。以下この号において同じ。）が業務執行組合員等として通貨関連デリバティブ取引を行う場合における当該業務執行組合員等を除く。）に限る。以下この号、次号及び第六項から第九項までにおいて同じ。）が証拠金等預託先（金融商品取引業者等又は金融商品取引所若しくは金融商品取引清算機関（外国におけるこれらに相当するものを含む。）をいう。以下この号及び次号において同じ。）に預託した証拠金等（委託証拠金その他の保証金をいう。以下この号、次号、第二十八号の二ハ及び第三項から第五項までにおいて同じ。）の額（当該通貨関連デリバティブ取引が行われる取引所金融商品市場を開設する金融商品取引所の業務規程（法第百十七条第一項に規定する業務規程をいう。以下この号及び第百二十三条第一項第二十一号の二において同じ。）及び当該通貨関連デリバティブ取引に基づく債務を、引受け、更改その他の方法により負担する金融商品取引清算機関の業務方法書（法第百五十六条の七第一項に規定する業務方法書をいう。以下この号及び第百二十三条第一項第二十一号の二において同じ。）において、同一の顧客が預託した通貨関連デリバティブ取引に係る証拠金等及び通貨関連デリバティブ取引以外のデリバティブ取引（以下この号及び第百二十三条第一項第二十一号の二において「非通貨関連デリバティブ取引」という。）に係る証拠金等について、一方に不足を生じた場合には、他方から補足する旨の定めがある場合（当該補足を行うことについて顧客の書面又は第五十七条の三第一項各号及び第二項に規定する方法に準ずる方法（令第十五条の二十三の規定に準じて当該顧客の承諾を得ている場合に限る。次号及び第百二十三条第一項第二十一号の二において同じ。）による同意を得ている場合に限る。）にあっては、当該顧客が当該証拠金等預託先に預託した非通貨関連デリバティブ取引に係る証拠金等の額に、当該顧客が行っている非通貨関連デリバティブ取引を決済した場合に顧客に生ずることとなる利益の額を加え、当該顧客が行っている非通貨関連デリバティブ取引を決済した場合に顧客に生ずることとなる損失の額及び当該顧客が非通貨関連デリバティブ取引に係る契約を継続するために必要な額の算出方法として業務規程又は業務方法書に規定する方法に基づき算出される額を減じて得た額（次号において「非通貨関連デリバティブ取引損益額」という。）を、当該通貨関連デリバティブ取引に係る証拠金等の額に加え、又は減じて得た額）に当該通貨関連デリバティブ取引を決済した場合に顧客に生ずることとなる利益の額を加え、又は当該通貨関連デリバティブ取引を決済した場合に顧客に生ずることとなる損失の額を減じて得た額（次号、第二十八号の二ハ及び第六項において「実預託額」という。）が約定時必要預託額に不足する場合に、当該契約の締結後直ちに当該顧客にその不足額を証拠金等預託先に預託させることなく、当該契約を継続する行為

(xxvii) if at the time of concluding a contract related to a currency-related derivatives transaction (meaning a currency-related derivatives transaction prescribed in Article 123, paragraph (1), item (xxi)-2 and excluding a transaction conducted for settlement purposes; hereinafter the same applies in this item, the following item, and paragraphs (4) and (6) through (10)), the amount of the margin, etc. (meaning a customer margin or any other security deposit; the same applies in this item, the following item, item (xxviii)-2,

sub-item (c) and paragraphs (3) through (5)) that a customer (limited to an individual (excluding, if an operating partner, etc. (meaning an operating partner, etc. that satisfies the requirements set forth in Article 10, paragraph (1), item (xxiv), sub-item (b), 1. of the Cabinet Office Order on Definitions under Article 2 of the Financial Instruments and Exchange Act (meaning an operating partner, etc. prescribed in item (xxiii) of that paragraph; hereinafter the same applies in this item); hereinafter the same applies in this item, the following item, and paragraphs (6) through (9)) has deposited with a depository for margins, etc. (meaning a financial instruments business operator, etc., or financial instruments exchange or financial instruments clearing organization (including an organization equivalent to them in a foreign country); hereinafter the same applies in this item and the following item) (if operational rules of a financial instruments exchange operating the financial instruments exchange market in which the currency-related derivatives transaction is conducted (meaning the operational rules prescribed in Article 117, paragraph (1) of the Act; hereinafter the same applies in this item and Article 123, paragraph (1), item (xxi)-2) and the business rules of the financial instruments clearing organization that takes over, novates, or in any other way bears the obligations arising from the currency-related derivatives transaction (meaning the business rules prescribed in Article 156-7, paragraph (1) of the Act; hereinafter the same applies in this item and Article 123, paragraph (1), item (xxi)-2) provide that for a margin, etc. related to a currency-related derivatives transaction or a margin, etc. related to a derivatives transaction other than a currency-related derivatives transaction (hereinafter referred to as a "non-currency-related derivatives transaction" in this item and Article 123, paragraph (1), item (xxi)-2) deposited by the same customer, if there is a shortfall in one of the margins, etc., the shortfall is to be compensated by the other margin, etc. (limited to cases in which a customer's consent has been obtained for the compensation of a shortfall with the customer's written consent or by a means equivalent to any of the means prescribed in the items of Article 57-3, paragraph (1) and paragraph (2) of that Article (limited to cases in which the customer's consent is obtained in accordance with the provisions of Article 15-23 of the Order; the same applies in the following item and Article 123, paragraph (1), item (xxi)-2)), the amount arrived at by adding the amount of profit to be received by the customer when the non-currency-related derivatives transaction conducted by the customer is settled to the amount of margin, etc. related to non-currency-related derivatives transaction deposited to the depository of margins, etc. by the customer, and by adding or deducting the amount arrived at by deducting the amount calculated based on the calculation method of the amount of loss to be

incurred by the customer when the customer settles the non-currency-related derivatives transaction and the amount calculated based on the method specified in operational rules or business rules as the calculation method for the amount necessary for the customer to continue the contract related to the non-currency-related derivatives transaction (referred to as the "amount of profit or loss from non-currency-related derivatives transactions" in the following item)) to the margin, etc. related to the currency-related derivatives transaction to the amount of margin, etc. related to the currency-related derivatives transaction or the amount obtained by deducting that amount of loss to be incurred by the customer from settling the currency-related derivatives transaction (referred to as the "actual deposit amount" in the following item, item (xxviii)-2, sub-item (c), and paragraph (6)) falls short of the required deposit amount at the time of a contract is cloncluded, an act of continuing the contract without having the customer deposit the shortfall amount with the depository for margins, etc. immediately after concluding the contract;

二十八　その営業日ごとの一定の時刻における通貨関連デリバティブ取引に係る証拠金等の実預託額（前号の補足を行うことについて顧客の書面又は第五十七条の三第一項各号及び第二項に規定する方法に準ずる方法による同意を得ている場合において、非通貨関連デリバティブ取引損益額が零を下回るときにあっては、当該実預託額に当該非通貨関連デリバティブ取引損益額の絶対値の額を加えた額）が維持必要預託額に不足する場合に速やかに当該通貨関連デリバティブ取引に係る顧客にその不足額を証拠金等預託先に預託させることなく、当該通貨関連デリバティブ取引に係る契約を継続する行為（前号に掲げる行為を除く。）

(xxviii) if the actual deposit amount of the margin, etc. related to a currency-related derivatives transaction at a fixed hour each business day (if consent has been obtained for covering a shortfall referred to in the preceding item by a written consent by a customer or by a method equivalent to any of the methods prescribed in the items of Article 57-3, paragraph (1) and paragraph (2) of that Article, and the amount of profits or losses from a non-currency-related derivatives transaction becomes less than zero, the amount obtained by adding the absolute value of the amount of profits or losses for a non-currency-related derivatives transaction to the actual deposit amount) is short of the deposit amount required to be maintained, an act to continue the contract related to the currency-related derivatives transaction without promptly having the customer related to the currency-related derivatives transaction deposit the shortfall amount with the depository for margins, etc. (excluding an act set forth in the preceding item);

二十八の二　特定通貨関連店頭デリバティブ取引（通貨を対象とする店頭デリバティブ取引であって、法第二条第二十二項第一号に掲げる取引（当該取引の期限が到来した場合に、決済をした後、決済された取引と通貨の種類、価格及び件数若しくは

数量が同じである取引を成立させること又は決済をせずに、期限の延長その他の方法により当該取引の期限を実質的に延長させることをあらかじめ約するものに限る。）又は同項第二号に掲げる取引（当該取引の期限が到来した場合に、決済をした後、決済された取引と金融指標の種類、数値及び件数若しくは数量が同じである取引を成立させること又は決済をせずに、期限の延長その他の方法により当該取引の期限を実質的に延長させることをあらかじめ約するものに限る。）をいう。以下この号において同じ。）について、毎月、当該月の基準時点（金融庁長官が指定する時点をいう。）における次に掲げる事項を、その翌月二十日までにインターネットの利用その他の方法により、投資者が常に容易に閲覧することができるよう公表することなく、特定通貨関連店頭デリバティブ取引に係る金融商品取引契約を締結する行為

(xxviii)-2 an act of concluding a financial instruments transaction contract related to specified currency-related over-the-counter derivatives transactions (meaning over-the-counter derivatives transactions subject to currencies, which are transactions set forth in Article 2, paragraph (22), item (i) of the Act (limited to those in which the parties promise in advance that, when the due date of the transaction arrives, after settling the transaction, they will close the transactions for which the type of currency, price, and number of cases, or the volume of transaction are the same as the settled transaction, or that they will substantially extend the due date of the transaction by extending the due date or by other means without settling the transaction) or transactions set forth in item (ii) of that paragraph (limited to those in which the parties promise in advance that, when the due date of the transaction arrives, after settling the transaction, they will close the transactions for which the type of financial index, figure, and number of cases or the volume of transaction are the same as the settled transaction, or that they will substantially extend the due date of the transaction by extending the due date or by other means without settling the transactions); hereinafter the same applies in this item) without publicizing the following matters with regard to the specified currency-related over-the-counter derivatives transactions on the base point of time (meaning the point of time designated by the Commissioner of the Financial Services Agency) of that month by no later than the 20th of the following month, by using the internet or other means that enables easy access for investors at all times:

イ　通貨の売付け等及び通貨の買付け等に係る特定通貨関連店頭デリバティブ取引の額（当該特定通貨関連店頭デリバティブ取引に係る通貨の価格又は金融指標の数値にその取引の件数又は数量を乗じて得た額をいう。ハにおいて同じ。）のうちいずれか少なくない額からいずれか少ない額を除いた額に占めるカバー取引により損失が減少しない額の割合

(a) among the amounts of the specified currency-related over-the-counter derivatives transactions related to sale or purchase of currency (meaning

the amount arrived at by multiplying the currency value related to the specified currency-related over-the-counter derivatives transactions or the figure of the financial index by the number or volume of the transactions; the same applies in sub-item (c)), the proportion of the amount for which the amount of loss does not due to a cover deal in the amount arrived at by deducting any of the smaller amount from any of the amount that is not smaller;

ロ　特定通貨関連店頭デリバティブ取引に係るカバー取引の額（当該カバー取引に係る通貨の価格又は金融指標の数値にその取引の件数又は数量を乗じて得た額をいう。以下ロにおいて同じ。）に占める取引所金融商品市場若しくは外国金融商品市場ごとに行ったカバー取引の額の割合又は他の業者等の信用格付（金融庁長官が指定する者が付与するものに限る。）に応じて行ったカバー取引の額の割合

(b) the proportion of the amount of cover deal conducted on each financial instruments exchange market or foreign financial instruments market in the amount of cover deals related to specified currency-related over-the-counter derivatives transactions (meaning the amount arrived at by multiplying the currency value, or the figure of the financial index related to the cover deal by the number or volume of that deal; hereinafter the same applies in sub-item (b)), or the proportion of the amount of cover deal conducted in accordance with the credit rating of other business operators;

ハ　特定通貨関連店頭デリバティブ取引の額に占める特定通貨関連店頭デリバティブ取引に係る証拠金等の実預託額の割合

(c) the proportion of the actual deposit amount of the margins, etc. related to specified currency-related over-the-counter derivatives transactions among the amount of the specified currency-related over-the-counter derivatives transactions;

二十九　有価証券関連店頭デリバティブ取引（次に掲げる取引をいい、決済のために行うものを除く。以下この号、次号及び第二十項から第二十二項までにおいて同じ。）に係る契約を締結する時において顧客（個人（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第十条第一項第二十四号ロ（１）に掲げる要件に該当する業務執行組合員等（同項第二十三号に規定する業務執行組合員等をいう。以下この号において同じ。）が業務執行組合員等として有価証券関連店頭デリバティブ取引を行う場合における当該業務執行組合員等を除く。）に限る。以下この号、次号及び第二十項から第二十三項までにおいて同じ。）が証拠金等預託先（金融商品取引業者等又は金融商品取引清算機関（外国におけるこれに相当するものを含む。）をいう。以下この号及び次号において同じ。）に預託した証拠金等（委託証拠金その他の保証金をいう。同号及び第十七項から第十九項までにおいて同じ。）の額に当該有価証券関連店頭デリバティブ取引を決済した場合に顧客に生ずることとなる利益の額を加え、又は当該有価証券関連店頭デリバティブ取引を決済した場合に顧客に生ずることとなる損失の額を減じて得た額（同号及び第二十項において「実預託額」という。）が約定時必要預託額に不足する場合に、当該契約の締結後直ちに

当該顧客にその不足額を証拠金等預託先に預託させることなく、当該契約を継続する行為

(xxix) if at the time of concluding a contract related to a securities-related over-the-counter derivatives transaction (meaning any of the following transactions, and excluding those conducted for settlement purposes; hereinafter the same applies in this item, the following item, and paragraphs (20) through (22)), the amount arrived at by adding the amount of profit to be received by a customer when the securities-related over-the-counter derivatives transaction is settled to the amount of margin, etc. deposited by a customer (limited to an individual (excluding operating partners, etc. when an operating partner, etc. that satisfies the requirements set forth in Article 10, paragraph (1), item (xxiv), sub-item (b), 1. of the Cabinet Office Order on Definitions under Article 2 of the Financial Instruments and Exchange Act conducts securities-related over-the-counter derivatives transactions as an operating partner, etc. (meaning an operating partner, etc. prescribed in item (xxiii) of that paragraph; hereinafter the same applies in this item) with a depository for margins, etc. (meaning a financial instruments business operator, etc. or financial instruments clearing organization (including an equivalent organization in a foreign country); hereinafter the same applies in this item and items (xvii) through (xix)), or the amount arrived at by deducting the amount of loss to be incurred by by a customer when the securities-related over-the-counter derivatives transaction is settled from that amount (referred to as the "actual deposit amount" in the following item and paragraph (20)) falls short of the required deposit amount at the time a contract is concluded, an act of continuing the contract without having the customer deposit the shortfall amount with a depository for margins, etc. immediately after concluding the contract:

イ　法第二十八条第八項第四号イに掲げる取引（顧客が、将来の一定の時期におけるその所有に係る有価証券の売付けを約するとともに、当該有価証券を当該売付けの相手方となる金融商品取引業者等に貸し付けるものを除く。）

(a) a transaction set forth in Article 28, paragraph (8), item (iv), sub-item (a) of the Act (excluding the transaction in which a customer promises to sell securities that they own, and lends the securities to a financial instruments business operator, etc. who is to be the counterparty to the sale, at a fixed time in the future);

ロ　法第二十八条第八項第四号ロに掲げる取引

(b) a transaction set forth in Article 28, paragraph (8), item (iv), (b) of the Act;

ハ　法第二十八条第八項第四号ハに掲げる取引（同号ハに規定する権利を行使することにより成立する取引が、同号イ若しくはロに掲げる取引であるもの又は同号ハ（１）に掲げる取引であるもの（顧客が、その所有に係る有価証券の買付けを

成立させることができる権利を金融商品取引業者等に付与するとともに、当該有価証券を当該金融商品取引業者等に貸し付けるものを除く。）に限る。）

(c) a transaction set forth in Article 28, paragraph (8), item (iv), sub-item (c) of the Act (limited to the transaction that is closed by exercising the right prescribed in sub-item (c) of that item is a transaction set forth in sub-item (a) or (b) of that item, or a transaction set forth in sub-item (c), 1. of that item (excluding a transaction in which a customer grants a financial instruments business operator, etc. an option to close the purchase of securities that the customer owns, and lends the securities to the financial instruments business operator, etc.)); or

ニ　法第二十八条第八項第四号ニに掲げる取引

(d) a transaction set forth in Article 28, paragraph (8), item (iv), (d) of the Act;

三十　その営業日ごとの一定の時刻における有価証券関連店頭デリバティブ取引に係る証拠金等の実預託額が維持必要預託額に不足する場合に速やかに当該有価証券関連店頭デリバティブ取引に係る顧客にその不足額を証拠金等預託先に預託させることなく、当該有価証券関連店頭デリバティブ取引に係る契約を継続する行為（前号に掲げる行為を除く。）

(xxx) if the actual deposit amount of the margin, etc. related to a securities-related over-the-counter derivatives transaction falls short of the required deposit amount for maintenance at a fixed hour for each business day, an act of continuing the contract related to the securities-related over-the-counter derivatives transaction without promptly having a customer of the securities-related over-the-counter derivatives transaction deposit the shortfall amount with a depository for margins, etc. (excluding an act set forth in the preceding item);

三十一　委託金融商品取引業者が当該委託金融商品取引業者の親法人等又は子法人等に対して借入金に係る債務を有する者が発行する有価証券（法第三十三条第二項第一号に掲げる有価証券並びに法第二条第一項第十七号に掲げる有価証券であって同項第一号及び第二号の性質を有する有価証券を除く。）又は処分する自己株式の引受人となる場合において、これらの有価証券（当該委託金融商品取引業者が同条第六項第三号に掲げるものを行う場合にあっては、同号に規定する新株予約権の行使により取得される有価証券を含む。以下この号において同じ。）に係る手取金が当該借入金に係る債務の弁済に充てられることを登録金融機関又はその役員（当該役員が法人であるときは、その職務を行うべき社員を含む。）若しくは使用人が知りながら、その事情を顧客に告げることなく当該有価証券に係る同条第十一項第一号に掲げる行為（当該委託金融商品取引業者が引受人となった日から六月を経過する日までの間に当該有価証券を売却するものに係るものに限る。）又は同項第三号に掲げる行為を行うこと（第百五十条第四号に規定する旨（同号イに係るものに限る。）を顧客に説明した場合を除く。）。

(xxxi) if an entrusting financial instruments business operator is to become an

underwriter of securities issued by a person that owes a debt related to borrowings to the entrusting financial instruments business operator's parent corporation, etc. or subsidiary corporation, etc. (excluding securities set forth in Article 33, paragraph (2), item (i) of the Act and securities set forth in Article 2, paragraph (1), item (xvii) of the Act, which have the nature referred to in items (i) and (ii) of that paragraph) or an underwriter of the treasury shares to be disposed of, and the registered financial institution or any of its officers (if the officer is a corporation, including a member that is to perform the corporation's duties) or employees knowing the fact that the proceeds from those securities (if the entrusting financial instruments business operator is to perform an act set forth in paragraph (6), item (iii) of that Article, including securities obtained by the exercise of share options prescribed in that item; hereinafter the same applies in this item) will be appropriated for payment of the debt, conducts the act set forth in paragraph (11), item (i) of that Article related to the securities (limited to an act related to a case in which the securities are to be sold in the period that commences from the day when the entrusting financial instruments business operator becomes the underwriter until the day on which six months have passed) or item (iii) of that paragraph, without informing the customer of the circumstances (excluding the cases in which the customer has been given an explanation of the fact Article 150, item (iv) of this Cabinet Office Order (limited to those related to (a) of that item)); and

三十二　裏書以外の方法による抵当証券等の売買その他の取引を行う行為

(xxxii) an act of conducting purchase and sale or any other transaction of mortgage securities, etc. by means other than indorsement.

三十三　有価証券の引受け（法第二条第六項第三号に掲げるものを行う行為に限る。）を行う場合において、次に掲げる行為を行うこと。

(xxxiii) in cases of underwriting securities (limited to acts of conducting those set forth in Article 2, paragraph (6), item (iii) of the Act), to conduct the following acts:

イ　法第二条第六項第三号に規定する新株予約権の行使の勧誘に関して、同号に規定する新株予約権証券を取得した者に対し虚偽のことを告げる行為

(a) with regard to soliciting of the exercise of share options as defined in Article 2, paragraph (6), item (iii) of the Act, an act of conveying false information to the person that acquired share option certificates prescribed in that item; and

ロ　法第二条第六項第三号に規定する新株予約権証券を取得した者に対し、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解させるおそれのあることを告げて同号に規定する新株予約権の行使の勧誘をする行為

(b) an act of soliciting a person that acquired share option certificates prescribed in Article 2, paragraph (6), item (iii) of the Act to exercise share

options prescribed in that item by providing a conclusive assessment of a matter that is uncertain or information that may mislead the customer into believing that a matter that is uncertain is actually certain.

三十四　投資運用業を行う金融商品取引業者等から投資一任契約の締結の媒介の委託を受けている場合において、その旨及び当該金融商品取引業者等の商号又は名称を顧客にあらかじめ明示しないで、次に掲げる行為を行うこと。

(xxxiv) when entrusted to act as an intermediary for concluding a discretionary investment contract by a financial instruments business operator, etc. that conducts investment management business, performing the following acts without clearly indicating that fact and the trade name or name of the financial instruments business operator, etc. to the customer in advance:

イ　投資顧問契約の締結の勧誘をすること。

(a) soliciting the conclusion of an investment advisory contract;

ロ　当該顧客との投資顧問契約に基づき、当該顧客が当該金融商品取引業者等と投資一任契約を締結する場合に当該金融商品取引業者等が運用として行うこととなる取引の対象に係る助言をすること。

(b) based on an investment advisory contract with the customer, providing advice related to the subject of transaction to be conducted by the financial instrument transaction operator, etc. as investment when the customer concludes a discretionary investment contract with the financial instrument transaction operator, etc.;

ハ　投資一任契約の締結の媒介を行うことを内容とする契約の締結の勧誘をすること。

(c) soliciting the conclusion of a contract which provides for conducting intermediary services for concluding a discretionary investment contract; and

ニ　当該金融商品取引業者等を相手方とする投資一任契約の締結の媒介をすること。

(d) intermediating the conclusion of a discretionary investment contract with the financial instrument transaction operator, etc. as the counterparty.

三十五　商品関連市場デリバティブ取引の受託等につき、顧客（特定投資家を除く。）に対し、当該顧客が行う商品関連市場デリバティブ取引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行為

(xxxv) an act of recommending a customer (excluding a professional investor), concerning acceptance of entrustment, etc. of commodity-related market derivatives transactions, to make the volume and due date of a sale or purchase of commodity-related market derivatives transactions, and other transactions equivalent to that conducted by the customer and corresponding transactions (meaning a transaction which reduces the loss that may arise from those transactions) the same;

三十六　商品関連市場デリバティブ取引の売付け又は買付けその他これに準ずる取引

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。）であってこれらの取引と数量又は期限を同一にしないものについて、その取引を理解していない顧客（特定投資家を除く。）から受託等をする行為

(xxxvi) with regard to corresponding transactions to the sale or purchase of commodity-related market derivatives transactions and other transactions equivalent to that (meaning a transaction which reduces the loss that may arise from those transactions), for which the volume and due date have not been made the same as those transactions, to becoming entrusted, etc. with those transactions from a customer (excluding a professional investor) that does not understand the transactions;

三十七　商品関連市場デリバティブ取引の委託等を受け、故意に、当該委託等に係る取引と自己の計算による取引を対当させて、顧客の利益を害することとなる取引をする行為

(xxxvii) being entrusted, etc. with commodity-related market derivatives transactions, intentionally matching the transaction related to the entrustment, etc. with a transaction on one's own account, and conducting a transaction which results in damaging the interest of a customer;

三十八　顧客から商品関連市場デリバティブ取引の委託等を受けようとする場合において、金融商品取引業者等が当該委託等に係る商品又は商品に係る金融指標及び期限が同一であるものの取引について、故意に、顧客の取引と自己の計算による取引を対当させる取引（以下この号において「特定取引」という。）を行っているにもかかわらず、当該委託等に係る顧客に対し、あらかじめ、次に掲げる事項を説明しないで、受託等をする行為

(xxxviii) in seeking to become entrusted, etc. with commodity-related market derivatives transactions from a customer, in spite of a financial instruments business operator, etc. intentionally conducting a transaction that matches a customer's transaction with a transaction conducted on their own account for a transaction whose commodities or financial index related to the commodities concerning the entrustment, etc. and the due date are the same (hereinafter referred to as "specified transaction" in this item), an act of accepting the entrustment, etc. without explaining to the customer related to the entrustment, etc. the following matters in advance;

イ　特定取引を行っている旨

(a) the fact that they are conducting a specified transaction; and

ロ　特定取引によって当該委託等に係る取引と当該金融商品取引業者等の自己の計算による取引が対当した場合には、当該委託等に係る顧客と当該金融商品取引業者等との利益が相反するおそれがある旨

(b) the fact that a conflict of interest may arise between the customer related to the entrustment, etc. and the financial instruments business operator, etc. if a transaction related to the entrustment, etc. and a transaction conducted on the own account of the financial instruments business

operator, etc. are matched as a result of the specified transaction.

三十九　特定通貨関連店頭デリバティブ取引（第二十八号の二に規定する特定通貨関連店頭デリバティブ取引をいい、決済のために行うものを除く。以下この号、次号及び第三十項から第三十四項までにおいて同じ。）に係る契約を締結する時において顧客（個人（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第十条第一項第二十四号ロ（１）に掲げる要件に該当する業務執行組合員等（同項第二十三号に規定する業務執行組合員等をいう。以下この号において同じ。）が業務執行組合員等として特定通貨関連店頭デリバティブ取引を行う場合における当該業務執行組合員等を除く。）、金融商品取引業者等又は外国において店頭デリバティブ取引を業として行う者を除く。以下この号、次号及び第三十項から第三十三項までにおいて同じ。）が証拠金等預託先（金融商品取引業者等又は金融商品取引清算機関（外国におけるこれに相当するものを含む。）をいう。以下この号及び次号において同じ。）に預託した証拠金等（委託証拠金その他の保証金をいう。同号及び第二十七項から第二十九項までにおいて同じ。）の額に当該特定通貨関連店頭デリバティブ取引を決済した場合に顧客に生ずることとなる利益の額を加え、又は当該特定通貨関連店頭デリバティブ取引を決済した場合に顧客に生ずることとなる損失の額を減じて得た額（同号及び第三十項において「実預託額」という。）が約定時必要預託額に不足する場合に、当該契約の締結後直ちに当該顧客にその不足額を証拠金等預託先に預託させることなく、当該契約を継続する行為

(xxxix) at the time of concluding a contract related to a specified currency-related over-the-counter derivatives transaction (meaning a specified currency-related over-the-counter derivatives transaction prescribed in item (xxviii)-2 and excluding a transaction conducted for settlement purposes; hereinafter the same applies in this item, the following item, and paragraphs (30) through (34)), a customer (excluding an individual (excluding an operating partner, etc. (meaning an operating partner, etc. that satisfies the requirements set forth in Article 10, paragraph (1), item (xxiv), sub-item (b), 1. of the Cabinet Office Order on Definitions under Article 2 of the Financial Instruments and Exchange Act) (meaning an operating partner, etc. prescribed in item (xxiii) of that paragraph; hereinafter the same applies in this item) that conducts conducts a specified currency-related over-the-counter derivatives transaction as an operating partner, etc.), a financial instruments business operator, etc. or a person that conducts over-the-counter derivatives transactions on a regular basis in a foreign country; hereinafter the same applies in this item, the following item, and paragraphs (30) through (33)) if the amount of margin, etc. (meaning a customer margin or other security deposits; the same applies in this item and paragraphs (27) through (29)) that has been deposited with a depository for margins, etc. (meaning a financial instruments business operator, etc. or financial instruments clearing organization (including an equivalent organization in a foreign country); hereinafter the same applies in this item and the following

item) is added to the amount of profit that would arise to the customer from settling that specified currency-related over-the-counter derivatives transaction or the amount of loss that the customer incurs from settling the specified currency-related over-the-counter derivatives transaction (referred to as the "actual deposit amount" in this item and paragraph (30)) is deducted from that amount is short of the required deposit amount at the time a contract is concluded, an act of continuing the contract without having the customer deposit the shortfall amount with the depository for margins, etc. immediately after concluding the contract;

四十　その営業日ごとの一定の時刻における特定通貨関連店頭デリバティブ取引に係る証拠金等の実預託額が維持必要預託額に不足する場合に速やかに当該特定通貨関連店頭デリバティブ取引に係る顧客にその不足額を証拠金等預託先に預託させることなく、当該特定通貨関連店頭デリバティブ取引に係る契約を継続する行為（前号に掲げる行為を除く。）

(xl) if the actual deposit amount of the margin, etc. related to a specified currency-related over-the-counter derivatives transaction at a fixed hour each business day is short of the required deposit amount for maintenance, an act of continuing the contract related to the specified currency-related over-the-counter derivatives transaction without promptly having the customer related to the specified currency-related over-the-counter derivatives transaction deposit the shortfall amount with the depository for margins, etc. (excluding an act set forth in the preceding item).

四十一　暗号資産関連契約（法第四十三条の六第二項に規定する契約をいう。次号において同じ。）の締結若しくはその勧誘をするに際し、又はその行う金融商品取引業等（暗号資産に関する金融商品取引行為に係るものに限る。第四十六号、第百二十三条第一項第三十一号、第三十二号及び第三十四号、第二百七十五条第一項第三十三号並びに第二百八十一条第十三号において同じ。）に関して広告等をするに際し、顧客（金融商品取引業者等（暗号資産に関する金融商品取引行為を業として行う者に限る。）及び暗号資産交換業者等（資金決済に関する法律第二条第八項に規定する暗号資産交換業者又は同条第九項に規定する外国暗号資産交換業者をいう。以下同じ。）を除く。次号において同じ。）に対し、裏付けとなる合理的な根拠を示さないで、第七十八条第五号から第七号まで又は第十三号イからホまでに掲げる事項に関する表示をする行為

(xli) in concluding or soliciting the conclusion of a cryptoasset-related contract (meaning the contract prescribed in Article 43-6, paragraph (2) of the Act; the same applies in the following item), or in placing an advertisement, etc. regarding the financial instruments business, etc. that the financial instruments business operator, etc. conducts (limited to the business related to acts of financial instruments transaction for cryptoassets; the same applies in item (xlvi), Article 123, paragraph (1), item (xxxi), item (xxxii), and item (xxxiv), Article 275, paragraph (1), item (xxxiii), and Article 281,

item (xiii)), an act of making a representation concerning the matters set forth in Article 78, items (v) through (vii) or item (xiii), sub-items (a) through (e), without indicating reasonable grounds that support those matters to customers (excluding financial instruments business operators, etc. (limited to those conducting the acts of financial instruments transaction for cryptoassets on a regular basis) and cryptoasset exchange service providers, etc. (meaning the cryptoasset exchange service providers prescribed in Article 2, paragraph (8) of the Payment Services Act and foreign cryptoasset exchange service providers prescribed in paragraph (9) of that Article; the same applies hereinafter); the same applies in the following item);

四十二　顧客に対し、第七十六条第三号イ及びロに掲げる事項を明瞭かつ正確に表示しないで（書面の交付その他これに準ずる方法を用いる場合にあっては、当該事項の文字又は数字を当該事項以外の事項の文字又は数字のうち最も大きなものと著しく異ならない大きさで表示しないことを含む。）暗号資産関連契約の締結の勧誘をする行為

(xlii) an act of soliciting a customer to conclude a cryptoasset-related contract without clearly and accurately indicating the matters set forth in Article 76, item (iii), sub-items (a) and (b) (when delivering a document or using other means equivalent to that, including not indicating the letters or numbers representing those matters in a size is not substantially different from the size of the largest letters or numbers representing the matters other than those matters);

四十三　顧客が法第百八十五条の二十二第一項、第百八十五条の二十三第一項又は第百八十五条の二十四第一項若しくは第二項の規定に違反するデリバティブ取引（これらの規定に違反する行為に関連して行われるものを含む。）を行うおそれがあることを知りながら、これらの取引又はその受託等をする行為

(xliii) while knowing that a customer is likely to conduct a derivatives transaction in violation of Article 185-22, paragraph (1), Article 185-23, paragraph (1), or Article 185-24, paragraph (1) or (2) of the Act (including a transaction conducted in relation to an act violating any of these provisions), an act of conducting the transaction or becoming entrusted, etc. with the transaction;

四十四　暗号資産等の相場若しくは相場若しくは取引高に基づいて算出した数値を変動させ、又は取引高を増加させる目的をもって、当該暗号資産等に係るデリバティブ取引又はその申込み若しくは委託等をする行為

(xliv) an act of conducting a derivatives transaction for cryptoassets, or filing an application or becoming entrusted, etc. with a derivatives transaction for cryptoassets, for the purpose of causing fluctuations in the quotations of cryptoassets or the figures calculated based on the quotations or transaction volumes or increasing the transaction volumes;

四十五　暗号資産等の相場若しくは相場若しくは取引高に基づいて算出した数値を変

動させ、又は取引高を増加させることにより実勢を反映しない作為的なものとなることを知りながら、当該暗号資産等に係るデリバティブ取引（有価証券等清算取次ぎを除く。）の受託等をする行為

(xlv) an act of becoming entrusted, etc. with a derivatives transaction for cryptoassets (excluding brokerage for clearing of securities, etc.) while knowing that this will result in formation of manipulative quotations not reflecting actual market status through causing fluctuations in the quotations of cryptoassets or the figures calculated based on the quotations or transaction volumes, or through increasing the transaction volumes;

四十六　自己又は第三者の利益を図ることを目的として、その行う金融商品取引業等の対象とし、若しくは対象としようとする有価証券の売買その他の取引等に係る暗号資産等又は当該金融商品取引業者等に関する重要な情報であって顧客の暗号資産等に係る有価証券の売買その他の取引等に係る判断に影響を及ぼすと認められるもの（当該金融商品取引業者等の行う金融商品取引業等の全ての顧客が容易に知り得る状態に置かれている場合を除く。）を、第三者に対して伝達し、又は利用する行為（当該金融商品取引業者等の行う金融商品取引業等の適正かつ確実な遂行に必要なものを除く。）

(xlvi) an act of providing material information concerning cryptoassets, etc. related to purchase and sale or other transactions of securities that the financial instruments business operator, etc. uses or intends to use as the target of financial instruments business, etc. they conduct or concerning the financial instruments business operator, etc., which is found to influence customers' decision on purchase and sale or other transactions of securities related to cryptoassets, etc. (excluding cases where the material information has been made readily available to all customers of the financial instruments business, etc. conducted by the financial instruments business operator, etc.) for the purpose of gaining their own profit or profit of the third party (excluding an act that is necessary for proper and reliable implemention of financial instruments business, etc. to be conducted by the financial instruments business operator, etc.);

四十七　暗号資産関連デリバティブ取引（第百二十三条第一項第三十五号に規定する暗号資産関連デリバティブ取引をいい、決済のために行うものを除く。以下この号、次号、第三十八項及び第四十項から第四十四項までにおいて同じ。）に係る契約を締結する時において顧客（個人（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第十条第一項第二十四号ロ（１）に掲げる要件に該当する業務執行組合員等（同項第二十三号に規定する業務執行組合員等をいう。以下この号において同じ。）が業務執行組合員等として暗号資産関連デリバティブ取引を行う場合における当該業務執行組合員等を除く。）に限る。以下この号、次号及び第四十項から第四十三項までにおいて同じ。）が証拠金等預託先（金融商品取引業者等又は金融商品取引所若しくは金融商品取引清算機関（外国におけるこれらに相当するものを含む。）をいう。以下この号及び次号において同じ。）に預託した証拠金等（委託証

拠金その他の保証金をいう。同号及び第三十七項から第三十九項までにおいて同じ。）の額に当該暗号資産関連デリバティブ取引を決済した場合に顧客に生ずることとなる利益の額を加え、又は当該暗号資産関連デリバティブ取引を決済した場合に顧客に生ずることとなる損失の額を減じて得た額（同号及び第四十項において「実預託額」という。）が約定時必要預託額に不足する場合に、当該契約の締結後直ちに当該顧客にその不足額を証拠金等預託先に預託させることなく、当該契約を継続する行為

(xlvii) at the time of concluding a contract related to a cryptoasset-related derivatives transaction (meaning a cryptoasset-related derivatives transaction prescribed in Article 123, paragraph (1), item (xxxv), and excluding those conducted for settlement purposes; hereinafter the same applies in this item, the following item, paragraph (38), and paragrphs (40) through (44)) where the amount of margin, etc. (meaning a customer margin or any other security deposit; the same applies in the following item and paragraphs (37) through (39)) that a customer (limited to an individual (if an operating partner, etc. (meaning an operating partner, etc. prescribed in Article 10, paragraph (1), item (xxiii) of the Cabinet Office Order on Definitions under Article 2 of the Financial Instruments and Exchange Act; hereinafter the same applies in this item) who falls under the requirements listed in item (xxiv), sub-item (b), 1. of that paragraph conducts cryptoasset-related derivatives transactions as an operating partner, etc., excluding the operating partner, etc.); hereinafter the same applies in this item, the following item, and paragraphs (40) through (43)) has deposited with a depository for margins, etc. (meaning a financial instruments business operator, etc., or financial instruments exchange, or financial instruments clearing organization (including an equivalent organization in a foreign country); hereinafter the same applies in this item and the following item) plus the amount of profits that would arise to the customer from settling the cryptoasset-related derivatives transaction or minus the amount of loss to be incurred by the customer from settling the cryptoasset-related derivatives transaction (referred to as the "actual deposit amount" in the following item and paragraph (40)) is short of the required deposit amount at the time a contract is concluded, an act of continuing the contract without having the customer deposit the shortfall amount with the depository for margins, etc. immediately after concluding the contract;

四十八　その営業日ごとの一定の時刻における暗号資産関連デリバティブ取引に係る証拠金等の実預託額が維持必要預託額に不足する場合に速やかに当該暗号資産関連デリバティブ取引に係る顧客にその不足額を証拠金等預託先に預託させることなく、当該暗号資産関連デリバティブ取引に係る契約を継続する行為（前号に掲げる行為を除く。）

(xlviii) when the actual deposit amount of margin, etc. related to a cryptoasset-

related derivatives transaction at a fixed hour each business day becomes short of the required deposit amount for maintenance, an act of continuing the contract related to the cryptoasset-related derivatives transaction without promptly having the customer related to the cryptoasset-related derivatives transaction deposit the shortfall amount with the depository for margins, etc. (excluding an act set forth in the preceding item);

四十九　特定暗号資産関連店頭デリバティブ取引（暗号資産を対象とする店頭デリバティブ取引であって、法第二条第二十二項第一号に掲げる取引（当該取引の期限が到来した場合に、決済をした後、決済された取引と暗号資産の種類、価格及び件数若しくは数量が同じである取引を成立させること又は決済をせずに、期限の延長その他の方法により当該取引の期限を実質的に延長させることをあらかじめ約するものに限る。）又は同項第二号に掲げる取引（当該取引の期限が到来した場合に、決済をした後、決済された取引と金融指標の種類、数値及び件数若しくは数量が同じである取引を成立させること又は決済をせずに、期限の延長その他の方法により当該取引の期限を実質的に延長させることをあらかじめ約するものに限る。）をいい、決済のために行うものを除く。以下この号、次号及び第五十項から第五十四項までにおいて同じ。）に係る契約を締結する時において顧客（個人（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第十条第一項第二十四号ロ（１）に掲げる要件に該当する業務執行組合員等（同項第二十三号に規定する業務執行組合員等をいう。以下この号において同じ。）が業務執行組合員等として特定暗号資産関連店頭デリバティブ取引を行う場合における当該業務執行組合員等を除く。）、金融商品取引業者等又は外国において店頭デリバティブ取引を業として行う者を除く。以下この号、次号及び第五十項から第五十三項までにおいて同じ。）が証拠金等預託先（金融商品取引業者等又は金融商品取引清算機関（外国におけるこれに相当するものを含む。）をいう。以下この号及び次号において同じ。）に預託した証拠金等（委託証拠金その他の保証金をいう。同号及び第四十七項から第四十九項までにおいて同じ。）の額に当該特定暗号資産関連店頭デリバティブ取引を決済した場合に顧客に生ずることとなる利益の額を加え、又は当該特定暗号資産関連店頭デリバティブ取引を決済した場合に顧客に生ずることとなる損失の額を減じて得た額（同号及び第五十項において「実預託額」という。）が約定時必要預託額に不足する場合に、当該契約の締結後直ちに当該顧客にその不足額を証拠金等預託先に預託させることなく、当該契約を継続する行為

(xlix) at the time of concluding a contract related to a specified cryptoasset-related over-the-counter derivatives transaction (meaning an over-the-counter derivatives transaction for cryptoassets that is a transaction set forth in Article 2, paragraph (22), item (i) of the Act (limited to the transaction in which the parties to the transaction promise in advance that after settling the transactions they will close a transaction with the same type, price, and number or volume of cryptoassets as the transaction that was settled, or substantially extend the due date of the transaction by extending the due date or by other methods without settling the transaction,

when the due date of the transaction arrives) or a transaction set forth in item (ii) of that paragraph (limited to the transaction in which the parties to the transaction promise in advance that after settling the transaction they will close a transaction with the same type, figure, and number or volume of financial index as the transaction that was settled, or substantially extend the due date of the transaction by extending the due date or by other methods without settling the transaction, when the due date of the transaction arrives) and excluding trasactions conducted for settlement purposes; hereinafter the same applies in this item, the following item, and paragraphs (50) through (54)), when the amount of profit that arises to the customer from settling the specified cryptoasset-related over-the-counter derivatives transaction is added to the amount that a customer (excluding an individual (excluding an operating partner, etc. (meaning an operating partner, etc. prescribed in Article 10, paragraph (1), item (xxiii) of the Cabinet Office Order on Definitions under Article 2 of the Financial Instruments and Exchange Act; hereinafter the same applies in this item) that satisfies the requirements set forth in item (xxiv), sub-item (b), 1. of that paragraph who conducts cryptoasset-related over-the-counter derivatives transactions as an operating partner, etc.), financial instruments business operator, etc., or a person who conducts over-the-counter derivatives transactions on a regular basis in a foreign country; hereinafter the same applies in this item, the following item, and paragraphs (50) through (53)) has deposited with a depository for margins, etc. (meaning a financial instruments business operator, etc. or financial instruments clearing organization (including an equivalent organization in a foreign country); hereinafter the same applies in this item and the following item) or the amount arrived at by deducting the amount of loss that the customer incurs from settling the specified cryptoasset-related over-the-counter derivatives transaction (referred to as the "actual deposit amount" in the following item and paragraph (50)) is short of the required deposit amount at the time a contract is concluded, an act of continuing the contract without having the customer deposit the shortfall amount with the depository for margins, etc. immediately after concluding the contract; and

五十　その営業日ごとの一定の時刻における特定暗号資産関連店頭デリバティブ取引に係る証拠金等の実預託額が維持必要預託額に不足する場合に速やかに当該特定暗号資産関連店頭デリバティブ取引に係る顧客にその不足額を証拠金等預託先に預託させることなく、当該特定暗号資産関連店頭デリバティブ取引に係る契約を継続する行為（前号に掲げる行為を除く。）

(l) when the actual deposit amount of margin, etc. related to a specified cryptoasset-related over-the-counter derivatives transaction at a fixed hour each business day is short of the required deposit amount for maintenance,

an act of continuing the contract related to the specified cryptoasset-related over-the-counter derivatives transaction without promptly having the customer related to the specified cryptoasset-related over-the-counter derivatives transaction deposit the shortfall amount with the depository for margins, etc. (excluding an act set forth in the preceding item).

２　前項第十九号及び第二十号の規定は、有価証券の募集（五十名以上の者を相手方として行うものに限る。）若しくは特定投資家向け取得勧誘（五十名以上の者を相手方として行うものに限る。）又は有価証券の売出し（五十名以上の者を相手方として行うものに限る。）若しくは特定投資家向け売付け勧誘等（五十名以上の者を相手方として行うものに限る。）を容易にするために取引所金融商品市場若しくは店頭売買有価証券市場において一連の有価証券売買等（法第百五十九条第二項に規定する有価証券売買等をいう。以下この項、第二百三十一条第二項及び第二百七十五条第三項において同じ。）をする場合における当該一連の有価証券売買等又はこれらの委託等を行う場合には、適用しない。

(2) The provisions of items (xix) and (xx) of the preceding paragraph do not apply to the series of purchases and sales of securities, etc. or their entrustment, etc., if the series of purchases and sales of securities, etc. (meaning purchases and sales of securities, etc. prescribed in Article 159, paragraph (2) of the Act; hereinafter the same applies in this paragraph, Article 231, paragraph (2) and Article 275, paragraph (3)) are to be conducted on a financial instruments exchange market or an over-the-counter securities market in order to facilitate the public offering of securities (limited to a public offering made to 50 or more persons), the solicitation for acquisition only for professional investors (limited to a solicitation made to 50 or more persons), the secondary distribution of securities (limited to a secondary distribution made to 50 or more persons) or the solicitation for selling, etc. only for professional investors (limited to a solicitation made to 50 or more persons).

３　第一項第二十七号及び第二十八号の証拠金等は、有価証券をもって充てることができる。

(3) The margin, etc. referred to in paragraph (1), items (xxvii) and (xxviii) may be satisfied by securities.

４　金融商品取引業者等が預託を受けるべき証拠金等の全部又は一部が前項の規定により有価証券をもって代用される場合におけるその代用価格は、次の各号に掲げる通貨関連デリバティブ取引の区分に応じ、当該各号に定める額とする。

(4) The substitute price of securities when all or part of the deposit of margin, etc. that should be received by a financial instruments business operator, etc. is substituted by securities pursuant to the provisions of the preceding paragraph is the amount specified in the following items in accordance with the category of currency-related derivatives transaction set forth in each of those items:

一　第百二十三条第三項に規定する通貨関連市場デリバティブ取引　金融商品取引所等に関する内閣府令（平成十九年内閣府令第五十四号）第六十八条第二項に規定す

る額

(i) currency-related market derivatives transaction prescribed in Article 123, paragraph (3): the amount prescribed in Article 68, paragraph (2) of the Cabinet Office Order on Financial Instruments Exchanges (Cabinet Office Order No. 54 of 2007); or

二　第百二十三条第四項に規定する通貨関連店頭デリバティブ取引又は同条第五項に規定する通貨関連外国市場デリバティブ取引　いずれか一の金融商品取引所における金融商品取引所等に関する内閣府令第六十八条第二項に規定する額

(ii) currency-related over-the-counter derivatives transaction prescribed in Article 123, paragraph (4) or currency-related foreign market derivatives transaction prescribed in paragraph (5) of that Article: the amount prescribed in Article 68, paragraph (2) of the Cabinet Office Order on Financial Instruments Exchanges in any one of the financial instruments exchanges.

5　金融商品取引業者等は、第一項第二十七号又は第二十八号の証拠金等の全部又は一部が第三項の規定により社債、株式等の振替に関する法律第二条第一項に規定する社債等で同条第二項に規定する振替機関が取り扱うもの（以下この項において「振替社債等」という。）をもって代用される場合であって、当該金融商品取引業者等の口座における保有欄（同法に規定する保有欄をいう。）に当該振替社債等に係る記載又は記録を受けるときは、当該金融商品取引業者等の取引のための欄と区分しなければならない。

(5) If all or part of the margin, etc. referred to in paragraph (1), item (xxvii) or (xxviii) is to be substituted by corporate bonds, etc. as defined in Article 2, paragraph (1) of the Act on Book-Entry Transfer of Corporate Bonds and Shares which are handled by a book-entry transfer institution as defined in paragraph (2) of that Article (hereinafter referred to as "book-entry transafer corporate bonds, etc." in this paragraph) pursuant to the provisions of paragraph (3) and the financial instruments business operator, etc. is to have the information related to the book-entry transafer corporate bonds, etc. stated or recorded in the holdings column (meaning the holding column prescribed in that Act)) in the account of the financial instruments business operator, etc., the holdings column must be separated from the column for transactions by that financial instruments business operator, etc.

6　第一項第二十七号又は第二十八号の実預託額、同項第二十七号の約定時必要預託額及び同項第二十八号の維持必要預託額は、複数の通貨関連デリバティブ取引について顧客ごとに一括して算出することができる。この場合における同項第二十七号の規定の適用については、同号中「当該通貨関連デリバティブ取引を」とあるのは「当該顧客が行っている通貨関連デリバティブ取引を」と、「加え、又は」とあるのは「加え、」とする。

(6) The actual deposit amount referred to in paragraph (1), item (xxvii) or (xxviii), the required deposit amount at the time a contract is concluded referred to in

item (xxvii) of that paragraph and the required deposit amount for maintenance referred to in item (xxviii) of that paragraph may be calculated in aggregate for each customer concerning multiple currency-related derivatives transactions. In applying the provisions of item (xxvii) of that paragraph in such a case, the term "the currency-related derivatives transaction" in that item is deemed to be replaced with "currency-related derivatives transaction being conducted by the customer" and the term "adding...., or deducting" is deemed to be replaced with "adding...".

7　第一項第二十七号及び前項の「約定時必要預託額」とは、次の各号に掲げる場合の区分に応じ、当該各号に定める額に百分の四を乗じて得た額又は当該額に外国為替相場の変動を適切に反映させた額をいう。ただし、当該各号の通貨関連デリバティブ取引がこれらの取引に係るオプションが行使された場合に顧客が一定額の金銭を支払うこととなるものである場合において、当該取引について算出するときは、当該金銭の額をいう。

(7) The phrase "required deposit amount at the time a contract is concluded" as used in paragraph (1), item (xxvii) and the preceding paragraph means the amount arrived by multiplying by 4/100 the amount specified in the following items in accordance with the category of cases set forth in each of those items, or the amount arrived at by adjusting the amount to reflect foreign exchange rate fluctuation; provided, however, that when the currency-related derivatives transaction set forth in each of those items is a transaction in which a customer is to pay a certain amount of money if an option related to those transactions is exercised, in making calculations for the transaction, this means the amount of the money:

一　顧客が行おうとする通貨関連デリバティブ取引のみについて算出する場合　当該通貨関連デリバティブ取引の額（当該通貨関連デリバティブ取引が次に掲げる取引である場合にあっては、零。次項第一号において同じ。）

(i) when calculating only currency-related derivatives transaction that the customer seeks to conduct: the amount of the currency-related derivatives transaction (if the currency-related derivatives transaction is any of the following transaction, zero; the same applies in item (i) of the following paragraph):

イ　法第二条第二十一項第三号に掲げる取引（顧客がオプションを取得する立場の当事者になるものに限る。）

(a) a transaction set forth in Article 2, paragraph (21), item (iii) of the Act (limited to the transaction in which the customer will become the party to acquire the option);

ロ　法第二条第二十二項第三号又は第四号に掲げる取引（顧客がオプションを取得する立場の当事者になるものに限る。）

(b) a transaction set forth in Article 2, paragraph (22), item (iii) or (iv) of the Act (limited to the transaction in which the customer is to become the

party to acquire the option); and

ハ　外国市場デリバティブ取引であってイに掲げる取引と類似の取引

(c) a foreign market derivatives transaction that is similar to a transaction set forth in (a); and

二　顧客が行おうとする通貨関連デリバティブ取引と当該通貨関連デリバティブ取引に係る契約を締結する時において行っている他の通貨関連デリバティブ取引について一括して算出する場合　これらの通貨関連デリバティブ取引の額の合計額から前号イからハまでに掲げる取引に係る通貨関連デリバティブ取引の額を減じて得た額

(ii) when calculation is to be made in aggregate for another currency-related derivaties transactuion being conducted at the time of concluding a contract related to the currency-related derivatives transaction that the customer seeks to conduct and the currency-related derivatives transactions: the amount arrived at by deducting the amount for currency-related derivatives transaction related to any of the transactions set forth in sub-item (a) through (c) of the preceding item from the total amount of those currency-related derivatives transactions.

8　第一項第二十八号及び第六項の「維持必要預託額」とは、次の各号に掲げる場合の区分に応じ、当該各号に定める額に百分の四を乗じて得た額又は当該額に外国為替相場の変動を適切に反映させた額（これらの額が当該各号の通貨関連デリバティブ取引に関し顧客が負担する債務の履行に必要な金銭の額を超える場合にあっては、当該金銭の額）をいう。ただし、当該各号の通貨関連デリバティブ取引がこれらの取引に係るオプションが行使された場合に顧客が一定額の金銭を支払うこととなるものである場合において、当該取引について算出するときは、当該金銭の額をいう。

(8) The phrase "required deposit amount for maintenance" as used in paragraph (1), item (xxviii) and paragraph (6) means the amount arrived at by multiplying by 4/100 the amount specified in the following items in accordance with the category of cases set forth in each of those items multiplied, or the amount arrived at by adjusting the amount to appropriately reflect the foreign exchange rate fluctuation (the amount of the money, if the amount exceeds the amount of money required for the performance of the obligation by the customer for currency-related derivatives transactions referred to in each of those items); provided, however, that if a customer is to pay a certain amount of money when the currency-related derivatives transaction referred to in each of those items if an option related to those transactions is exercised, this means the amount of the money in making calculations for the transaction:

一　顧客が行う各通貨関連デリバティブ取引ごとに算出する場合　当該各通貨関連デリバティブ取引の額

(i) when calculation is to be made for each currency-related derivatives transaction conducted by the customer: the amount for each of the currency-related derivatives transaction; and

二　複数の通貨関連デリバティブ取引について一括して算出する場合　当該複数の通

貨関連デリバティブ取引の額の合計額から前項第一号イからハまでに掲げる取引に係る通貨関連デリバティブ取引の額を減じて得た額

(ii) when calculation is to be made in aggregate for multiple currency-related derivatives transactions: the amount arrived by deducting the amount of the currency-related derivatives transactions related to transactions set forth in any of item (i), sub-items (a) through (c) of the preceding paragraph from the total amount of the multiple currency-related derivatives transactions.

９　第七項第二号又は前項第二号に掲げる場合において、顧客が一の通貨の売付け等を行うことによる他の通貨の買付け等及び当該他の通貨の売付け等を行うことによる当該一の通貨の買付け等を行っているときは、これらに係る通貨関連デリバティブ取引の額のうちいずれか少なくない額を当該一の通貨又は当該他の通貨に係る通貨関連デリバティブ取引の額とすることができる。

(9) In the case set forth in paragraph (7), item (ii), or item (ii) of the preceding paragraph, when a customer conducts purchase, etc. of another currency through conducting sale, etc. of one currency and conducts purchase, etc. of that one currency through conducting sale, etc. of the other currency, the amount that is not smaller among the amounts of the currency-related derivatives transactions related to the purchase or sale may be used as the amount of currency-related derivatives transactions related to that one currency or that other currency.

１０　前三項の「通貨関連デリバティブ取引の額」とは、次の各号に掲げる通貨関連デリバティブ取引の区分に応じ、当該各号に定める額をいう。

(10) The phrase "amount of currency-related derivatives transactions" as used in the preceding three paragraphs means the amount specified in the following items in accordance with the category of currency-related derivatives transaction set forth in each of those items:

一　次に掲げる通貨関連デリバティブ取引以外の通貨関連デリバティブ取引　当該通貨関連デリバティブ取引に係る通貨の価格又は金融指標の数値にその取引の件数又は数量を乗じて得た額

(i) currency-related derivatives transaction other than the following currency-related derivatives transaction: the amount arrived at by multiplying the currency value or the figure of the financial index, related to the currency-related derivatives transaction by the number or volume of that transaction:

イ　法第二条第二十一項第三号に掲げる取引

(a) transaction set forth in Article 2, paragraph (21), item (iii) of the Act;

ロ　法第二条第二十二項第三号又は第四号に掲げる取引

(b) transaction set forth in Article 2, paragraph (22) item (iii) or (iv) of the Act; or

ハ　外国市場デリバティブ取引であってイに掲げる取引と類似の取引

(c) a foreign market derivatives transaction that is similar to the transaction set forth in sub-item (a);

二　次に掲げる通貨関連デリバティブ取引　次に掲げる当該通貨関連デリバティブ取引の区分に応じ、それぞれ次に定める取引に係る通貨の価格又は金融指標の数値にその取引の件数又は数量を乗じて得た額

(ii) the currency-related derivatives transaction set forth in the following sub-items: the amount arrived at by multiplying the currency value or the figure of the financial index, related to any of the following transactions specified in accordance with the category of the currency-related derivatives transaction set forth as follows by the number or volume of the transaction:

イ　法第二条第二十一項第三号に掲げる取引　同号に規定する権利を行使することにより成立する同号イ又はロに掲げる取引

(a) transaction set forth in Article 2, paragraph (21), item (iii) of the Act: the transaction set forth in sub-item (a) or (b) of that item which is closed by exercising the right prescribed in that item;

ロ　法第二条第二十二項第三号又は第四号に掲げる取引　同項第三号又は第四号に規定する同項第三号イ若しくはロに掲げる取引又は同項第四号に規定する取引

(b) transaction set forth in Article 2, paragraph (22) item (iii) or (iv) of the Act: the transaction set forth in item (iii), (a) or (b) which is prescribed in item (iii) or (iv) of that paragraph, or the transaction prescribed in item (iv) of that paragraph; or

ハ　外国市場デリバティブ取引であってイに掲げる取引と類似の取引　イに定める取引と類似の取引

(c) a foreign market derivatives transaction that is similar to a transaction set forth in sub-item (a): the transaction similar to the transaction specified in sub-item (a).

１１　第九項の「通貨の売付け等」とは、次に掲げる取引をいう。

(11) The term "sale, etc. of currency" as used in paragraph (9) means any of the following transactions:

一　通貨の売付け

(i) a sale of currency;

二　法第二条第二十一項第二号に掲げる取引（現実数値が約定数値を上回った場合に金銭を支払う立場の当事者となるものに限る。）

(ii) transaction set forth in Article 2, paragraph (21), item (ii) of the Act (limited to the transaction in which the customer is to become the party to pay money if the actual figure exceeds the agreed figure);

三　法第二条第二十二項第二号に掲げる取引（現実数値が約定数値を上回った場合に金銭を支払う立場の当事者となるものに限る。）

(iii) transaction set forth in Article 2, paragraph (22), item (ii) of the Act (limited to the transaction in the customer is to become the party to pay money if the actual figure exceeds the agreed figure); or

四　外国市場デリバティブ取引（第二号に掲げる取引に類似するものに限る。）

(iv) a foreign market derivatives transaction (limited to the transaction that is

similar to the transaction set forth in item (ii)).

１２　第九項の「通貨の買付け等」とは、次に掲げる取引をいう。

(12) The term "purchase, etc. of currency" as used in paragraph (9) means any of the following transactions:

一　通貨の買付け

(i) a purchase of currency;

二　法第二条第二十一項第二号に掲げる取引（現実数値が約定数値を上回った場合に金銭を受領する立場の当事者となるものに限る。）

(ii) transaction set forth in Article 2, paragraph (21), item (ii) of the Act (limited to the transaction in which the customer is to become the party to receive money if the actual figure exceeds the agreed figure);

三　法第二条第二十二項第二号に掲げる取引（現実数値が約定数値を上回った場合に金銭を受領する立場の当事者となるものに限る。）

(iii) transaction set forth in Article 2, paragraph (22), item (ii) of the Act (limited to the transaction in which the customer is to become the party to receive money if the actual figure exceeds the agreed figure); or

四　外国市場デリバティブ取引（第二号に掲げる取引に類似するものに限る。）

(iv) a foreign market derivatives transaction (limited to the transaction that is similar to the transaction set forth in item (ii)).

１３　第一項第二十八号の二イの「通貨の売付け等」とは、次に掲げる取引をいう。

(13) The term "sale, etc. of currency" as used in paragraph (1), item (xxviii)-2, (a) means any of the following transactions:

一　通貨の売付け

(i) a sale of currency; or

二　法第二条第二十二項第二号に掲げる取引（現実数値が約定数値を上回った場合に金銭を支払う立場の当事者となるものに限る。）

(ii) transaction set forth in Article 2, paragraph (22), item (ii) of the Act (limited to the transaction in which the customer is to become the party to pay money if the actual figure exceeds the agreed figure).

１４　第一項第二十八号の二イの「通貨の買付け等」とは、次に掲げる取引をいう。

(14) The term "purchase, etc. of currency" as used in paragraph (1), item (xxviii)-2, (a) means any of the following transactions:

一　通貨の買付け

(i) a purchase of currency; or

二　法第二条第二十二項第二号に掲げる取引（現実数値が約定数値を上回った場合に金銭を受領する立場の当事者となるものに限る。）

(ii) transaction set forth in Article 2, paragraph (22), item (ii) of the Act (limited to the transaction in which the customer is to become the party to receive money if the actual figure exceeds the agreed figure).

１５　第一項第二十八号の二ハの証拠金等は、有価証券をもって充てることができる。

(15) The margin, etc. referred to in paragraph (1), item (xxviii)-2, (c) may be

satisfied by securities.

１６　金融商品取引業者等が預託を受けるべき証拠金等の全部又は一部が前項の規定により有価証券をもって代用される場合におけるその代用価格は、いずれか一の金融商品取引所における金融商品取引所等に関する内閣府令第六十八条第二項に規定する額とする。

(16) The substitute price of securities when all or part of the deposit of margin, etc. that should be received by a financial instruments business operator, etc. is substituted by securities pursuant to the provisions of the preceding paragraph is an amount prescribed in Article 68, paragraph (2) of the Cabinet Office Order on Financial Instruments Exchanges in any one of the financial instruments exchanges.

１７　第一項第二十九号及び第三十号の証拠金等は、有価証券をもって充てることができる。

(17) The margin, etc. referred to in paragraph (1), items (xxix) and (xxx) may be satisfied by securities.

１８　金融商品取引業者等が預託を受けるべき証拠金等の全部又は一部が前項の規定により有価証券をもって代用される場合におけるその代用価格は、いずれか一の金融商品取引所における金融商品取引所等に関する内閣府令第六十八条第二項に規定する額とする。

(18) The substitute price of securities when all or part of the deposit of margin, etc. that should be received by a financial instruments business operator, etc. is substituted by securities pursuant to the provisions of the preceding paragraph is the amount prescribed in Article 68, paragraph (2) of the Cabinet Office Order on Financial Instruments Exchanges in any one of the financial instruments exchanges.

１９　金融商品取引業者等は、第一項第二十九号又は第三十号の証拠金等の全部又は一部が第十七項の規定により社債、株式等の振替に関する法律第二条第一項に規定する社債等で同条第二項に規定する振替機関が取り扱うもの（以下この項において「振替社債等」という。）をもって代用される場合であって、当該金融商品取引業者等の口座における保有欄（同法に規定する保有欄をいう。）に当該振替社債等に係る記載又は記録を受けるときは、当該金融商品取引業者等の取引のための欄と区分しなければならない。

(19) If all or part of the margin, etc. referred to in paragraph (1), item (xxix) or (xxx) is substituted by corporate bonds, etc. as defined in Article 2, paragraph (1) of the Act on Book-Entry Transfer of Corporate Bonds and Shares that are handled by a book-entry transfer institution as defined in paragraph (2) of that Article (hereinafter referred to as "book-entry corporate bonds, etc." in this paragraph) pursuant to the provisions of paragraph (17), and the information related to the book-entry corporate bonds, etc. is to be stated or recorded in the holdings column (meaning a holdings column prescribed in that Act) in the account of the financial instruments business operator, etc., the column must

be separated from the column for transactions by that financial instruments business operator, etc.

２０　第一項第二十九号又は第三十号の実預託額、同項第二十九号の約定時必要預託額及び同項第三十号の維持必要預託額は、次の各号に掲げる有価証券関連店頭デリバティブ取引の区分に応じ、当該各号に定める有価証券関連店頭デリバティブ取引について顧客ごとに一括して算出することができる。この場合における同項第二十九号の規定の適用については、同号中「当該有価証券関連店頭デリバティブ取引を」とあるのは「当該顧客が行っている有価証券関連店頭デリバティブ取引を」と、「加え、又は」とあるのは「加え、」とする。

(20) The actual deposit amount referred to in paragraph (1), item (xxix) or (xxx), the required deposit amount at the time a contract is concluded referred to in item (xxix) of that paragraph, and the required deposit amount for maintenance referred to in item (xxx) of that paragraph may be calculated in aggregate for each customer concerning securities-related over-the-counter derivatives transactions specified in the following items in accordance with the category of securities-related over-the-counter derivatives transaction set forth in each of those items. In applying the provisions of item (xxix) of that paragraph to the case, the term "the securities-related over-the-counter derivatives transaction" in that item is deemed to be replaced with "securities-related over-the-counter derivatives transaction that is being conducted by the customer" and the term "by adding..., or" is deemed to be replaced with "by adding...":

一　個別株関連店頭デリバティブ取引（株券（法第二条第一項第十七号に掲げる有価証券で株券の性質を有するものを含む。次号において同じ。）を対象とする有価証券関連店頭デリバティブ取引又はこれに類似する取引をいう。以下この条において同じ。）　複数の個別株関連店頭デリバティブ取引

(i) individual stock-related over-the-counter derivatives transaction (meaning securities-related over-the-counter derivatives transaction whose subject is share certificates (including securities set forth in Article 2, paragraph (1), item (xvii) of the Act which have the nature of share certificates; the same applies in the following item) or transactions similar to them; hereinafter the same applies in this Article): multiple individual stock-related over-the-counter derivatives transactions;

二　株価指数関連店頭デリバティブ取引（次に掲げるものを対象とする有価証券関連店頭デリバティブ取引又はこれに類似する取引をいう。以下この条において同じ。）　複数の株価指数関連店頭デリバティブ取引

(ii) stock price index-related over-the-counter derivatives transaction (meaning securities-related over-the-counter derivatives transaction whose subject is the following things or transactions similar to them; hereinafter the same applies in this Article): multiple stock price index-related over-the-counter derivatives transactions:

イ　株価指数（金融商品取引所（金融商品取引所に類するもので外国の法令に基づき設立されたものを含む。ロにおいて同じ。）に上場されている株券の価格に基づいて算出した数値（多数の銘柄の価格の水準を総合的に表すものに限る。）をいう。ロにおいて同じ。）

(a) stock price index (meaning a figure calculated based on the price of share certificates listed on a financial instruments exchange (including an entity equivalent to a financial instruments exchange that has been established based on foreign laws and regulations; the same applies in sub-item (b)) (limited to a figure that comprehensively indicates the price level of a large number of issues of shares); the same applies in (b)); or

ロ　金融商品取引所に上場されている投資信託（その投資信託財産（投資信託及び投資法人に関する法律第三条第二号に規定する投資信託財産をいう。）の一口当たりの純資産額の変動率を株価指数に一致させるよう運用する旨を投資信託約款（同法第四条第一項に規定する投資信託約款をいう。）に定めたものに限る。）又はこれに類する外国投資信託の受益証券

(b) a beneficiary certificate of investment trust listed on a financial instruments exchange (limited to an investment trust for which basic terms and conditions of the investment trust (meaning the basic terms and conditions of the investment trust prescribed in Article 4, paragraph (1) of the Act on Investment Trusts and Investment Corporations) provides that the volatility of the amount of net assets per unit of the investment trust property (meaning an investment trust property prescribed in Article 3, item (ii) of that Act) is to be invested to match the stock price index), or a foreign investment trust similar to the investment trust;

三　債券関連店頭デリバティブ取引（法第二条第一項第一号から第五号までに掲げる有価証券（同項第十七号に掲げる有価証券で同項第一号から第五号までに掲げる有価証券の性質を有するものを含む。）、投資法人債券若しくは外国投資証券で投資法人債券に類する証券を対象とする有価証券関連店頭デリバティブ取引又はこれに類似する取引をいう。以下この条において同じ。）　複数の債券関連店頭デリバティブ取引

(iii) bond certificate-related over-the-counter derivatives transactions (meaning securities-related over-the-counter derivatives transactions of securities set forth in Article 2, paragraph (1), items (i) through (v) of the Act (including securities set forth in item (xvii) of that paragraph which have the nature of securities set forth in items (i) through (v) of that paragraph), investment corporation bond certificates or foreign investment securities that are similar to investment corporation bond certificates, or any transaction similar to this; hereinafter the same applies in this Article): multiple bond certificate-related over-the-counter derivatives transactions; and

四　その他有価証券関連店頭デリバティブ取引（前三号に掲げる有価証券関連店頭デリバティブ取引以外の有価証券関連店頭デリバティブ取引をいう。以下この条にお

いて同じ。）　複数のその他有価証券関連店頭デリバティブ取引

(iv) other securities-related over-the-counter derivatives transactions (meaning securities-related over-the-counter derivatives transaction other than securities-related over-the-counter derivatives transaction set forth in the preceding three items; hereinafter the same applies in this Article): multiple other securities-related over-the-counter derivatives transactions.

２１　第一項第二十九号及び前項の「約定時必要預託額」とは、次の各号に掲げる場合の区分に応じ、当該各号に定める額をいう。ただし、当該各号の有価証券関連店頭デリバティブ取引がこれらの取引に係るオプションが行使された場合に顧客が一定額の金銭を支払うこととなるものである場合において、当該取引について算出するときは、当該金銭の額をいう。

(21) The term "required deposit amount at the time a contract is concluded" referred to in paragraph (1), item (xxix) and the preceding paragraph means the amount specified in the following items in accordance with the category of cases set forth in each of those items; provided, however, that when the securities-related over-the-counter derivatives transaction referred to in each of the items is a transaction in which a customer is to pay a certain amount of money if an option related to those transactions is exercised, in making a calculation for the transaction, this means the amount of the money:

一　顧客が行おうとする個別株関連店頭デリバティブ取引のみについて算出する場合　当該個別株関連店頭デリバティブ取引の額（当該個別株関連店頭デリバティブ取引が法第二十八条第八項第四号ハ又はニに掲げる取引（顧客がオプションを取得する立場の当事者になるものに限る。）である場合にあっては、零。次項第一号において同じ。）に百分の二十を乗じて得た額

(i) when calculating only individual stock-related over-the-counter derivatives transaction that the customer seeks to conduct: the amount arrived at when the amount of the individual stock-related over-the-counter derivatives transaction (if the individual stock-related over-the-counter derivatives transaction is a transaction set forth in Article 28, paragraph (8), item (iv), sub-item (c) of the Act (limited to the transaction in which the customer is to become the party to acquire the option), zero; the same applies in item (i) of the following paragraph) is multiplied by 20/100;

二　顧客が行おうとする株価指数関連店頭デリバティブ取引のみについて算出する場合　当該株価指数関連店頭デリバティブ取引の額（当該株価指数関連店頭デリバティブ取引が法第二十八条第八項第四号ハ又はニに掲げる取引（顧客がオプションを取得する立場の当事者になるものに限る。）である場合にあっては、零。次項第二号において同じ。）に百分の十を乗じて得た額

(ii) when calculating only for a stock price index-related over-the-counter derivatives transaction that a customer seeks to conduct: the amount arrived at when the amount of the stock price index-related over-the-counter derivatives transaction (if the stock price index-related over-the-counter

derivatives transaction is a transaction set forth in Article 28, paragraph (8), item (iv), sub-item (c) or (d) of the Act (limited to the transaction in which a customer is to become the party to acquire the option), zero; the same applies in item (ii) of the following paragraph) is multiplied by 10/100;

三　顧客が行おうとする債券関連店頭デリバティブ取引のみについて算出する場合　当該債券関連店頭デリバティブ取引の額（当該債券関連店頭デリバティブ取引が法第二十八条第八項第四号ハ又はニに掲げる取引（顧客がオプションを取得する立場の当事者になるものに限る。）である場合にあっては、零。次項第三号において同じ。）に百分の二を乗じて得た額

(iii) when calculating only for a bond certificate-related over-the-counter derivatives transaction that a customer seeks to conduct: the amount arrived at when the amount of the bond certificate-related over-the-counter derivatives transaction (if the bond certificate-related over-the-counter derivatives transaction is a transaction set forth in Article 28, paragraph (8), item (iv), sub-item (c) or (d) of the Act (limited to the transaction in which a customer will become the party to acquire the option), zero; the same applies in item (iii) of the following paragraph) is multiplied by 2/100;

四　顧客が行おうとするその他有価証券関連店頭デリバティブ取引のみについて算出する場合　当該その他有価証券関連店頭デリバティブ取引の額（当該その他有価証券関連店頭デリバティブ取引が法第二十八条第八項第四号ハ又はニに掲げる取引（顧客がオプションを取得する立場の当事者になるものに限る。）である場合にあっては、零。次項第四号において同じ。）に百分の二十を乗じて得た額

(iv) when calculating only for another securities-related over-the-counter derivatives transaction that a customer seeks to conduct: the amount arrived at by multiplying by 20/100 the amount of the other securities-related over-the-counter derivatives transaction (if the other securities-related over-the-counter derivatives transaction is a transaction set forth in Article 28, paragraph (8), item (iv), sub-item (c) of the Act (limited to the transaction in which a customer is to become the party to acquire the option), zero; the same applies in item (iv) of the following paragraph);

五　顧客が行おうとする個別株関連店頭デリバティブ取引と当該個別株関連店頭デリバティブ取引に係る契約を締結する時において行っている他の個別株関連店頭デリバティブ取引について一括して算出する場合　これらの個別株関連店頭デリバティブ取引の額の合計額から法第二十八条第八項第四号ハ又はニに掲げる取引（顧客がオプションを取得する立場の当事者になるものに限る。）に係る個別株関連店頭デリバティブ取引の額を減じて得た額に百分の二十を乗じて得た額

(v) when at the time of concluding a contract related to an individual stock-related over-the-counter derivatives transaction that a customer seeks to conduct and the individual stock-related over-the-counter derivatives transaction, calculation is to be made in aggregate for other individual stock-related over-the-counter derivatives transactions being conducted: the

amount arrived at by multiplying by 20/100 the amount arrived at by deducting the amount of individual stock-related over-the-counter derivatives transactions related to transactions set forth in Article 28, paragraph (8), item (iv), sub-item (c) of the Act (limited to the transaction in which a customer is to become the party to acquire the option) from the total amount of those individual stock-related over-the-counter derivatives transactions;

六　顧客が行おうとする株価指数関連店頭デリバティブ取引と当該株価指数関連店頭デリバティブ取引に係る契約を締結する時において行っている他の株価指数関連店頭デリバティブ取引について一括して算出する場合　これらの株価指数関連店頭デリバティブ取引の額の合計額から法第二十八条第八項第四号ハ又はニに掲げる取引（顧客がオプションを取得する立場の当事者になるものに限る。）に係る株価指数関連店頭デリバティブ取引の額を減じて得た額に百分の十を乗じて得た額

(vi) when at the time of concluding the contract related to stock price index-related over-the-counter derivatives transaction that a customer seeks to conduct and the stock price index-related over-the-counter derivatives transaction, calculation is to be made in aggregate for other stock price index-related over-the-counter derivatives transactions being conducted: the amount arrived at by multiplying by 10/100 the amount arrived at by deducting the amount of any stock price index-related over-the-counter derivatives transactions related to transaction set forth in Article 28, paragraph (8), item (iv), sub-item (c) or (d) of the Act (limited to the transaction in which a customer is to become the party to acquire the option) from the total amount of the stock price index-related over-the-counter derivatives transactions;

七　顧客が行おうとする債券関連店頭デリバティブ取引と当該債券関連店頭デリバティブ取引に係る契約を締結する時において行っている他の債券関連店頭デリバティブ取引について一括して算出する場合　これらの債券関連店頭デリバティブ取引の額の合計額から法第二十八条第八項第四号ハ又はニに掲げる取引（顧客がオプションを取得する立場の当事者になるものに限る。）に係る債券関連店頭デリバティブ取引の額を減じて得た額に百分の二を乗じて得た額

(vii) when calculation is to be made in aggregate for other bond certificate-related over-the-counter derivatives transactions being conducted at the time of concluding a contract related to bond certificate-related over-the-counter derivatives transaction a customer seeks to conduct and the bond certificate-related over-the-counter derivatives transaction: the amount arrived at by multiplying by 2/100 the amount arrived at by deducting the amount of the bond certificate-related over-the-counter derivatives transaction related to the transaction set forth in Article 28, paragraph (8), item (iv), sub-item (c) or (d) of the Act (limited to the transactions in which a customer is to become the party to acquire the option) from the total amount of those bond

certificate-related over-the-counter derivatives transactions; and

八　顧客が行おうとするその他有価証券関連店頭デリバティブ取引と当該その他有価証券関連店頭デリバティブ取引に係る契約を締結する時において行っている他のその他有価証券関連店頭デリバティブ取引について一括して算出する場合　これらのその他有価証券関連店頭デリバティブ取引の額の合計額から法第二十八条第八項第四号ハ又はニに掲げる取引（顧客がオプションを取得する立場の当事者になるものに限る。）に係るその他有価証券関連店頭デリバティブ取引の額を減じて得た額に百分の二十を乗じて得た額

(viii) when calculation is made in aggregate for other securities-related over-the-counter derivatives transaction being conducted at the time of concluding the contract related to the other securities-related over-the-counter derivatives that a customer seeks to conduct and the other securities-related over-the-counter derivatives transactions: the amount arrived at by multiplying by 20/100 the amount arrived at by deducting the amount for other securities-related over-the-counter transactions related the transactions set forth in Article 28, paragraph (8), item (iv), sub-item (c) or (d) of the Act (limited to the transactions in which the customer is to become the party to acquire the option) from the total amount of the other seutrities-related over-the-counter derivatives transactions.

２２　第一項第三十号及び第二十項の「維持必要預託額」とは、次の各号に掲げる場合の区分に応じ、当該各号に定める額（当該額が当該各号の有価証券関連店頭デリバティブ取引に関し顧客が負担する債務の履行に必要な金銭の額を超える場合にあっては、当該金銭の額）をいう。ただし、当該各号の有価証券関連店頭デリバティブ取引がこれらの取引に係るオプションが行使された場合に顧客が一定額の金銭を支払うこととなるものである場合において、当該取引について算出するときは、当該金銭の額をいう。

(22) The term "required deposit amount for maintenance" as used in paragraph (1), item (xxx) and paragraph (20) means the amount specified in the following items in accordance with the category of cases set forth in each of those items (if the amount exceeds the amount of money required for the performance of the obligation to be paid by the customer for the securities-related over-the-counter derivatives transactions referred to in each item, the amount of that money); provided, however, that if the securities-related over-the-counter derivatives transactions referred to in each item are transactions for which the customer is to pay a specified amount of money when the option related to those transactions is exercised, and calculation is to be made for the transaction, this means the amount of that money:

一　顧客が行う各個別株関連店頭デリバティブ取引ごとに算出する場合　当該各個別株関連店頭デリバティブ取引の額に百分の二十を乗じて得た額

(i) when calculation is made for each individual stock-related over-the-counter derivatives transaction conducted by a customer: the amount arrived at when

the amount of each of the individual stock-related over-the-counter derivatives transaction is multiplied by 20/100;

二　顧客が行う各株価指数関連店頭デリバティブ取引ごとに算出する場合　当該各株価指数関連店頭デリバティブ取引の額に百分の十を乗じて得た額

(ii) when calculation is made for each stock price index-related over-the-counter derivatives transaction conducted by a customer: the amount arrived at by multiplying the amount of each of the stock price index-related over-the-counter derivatives transaction by 10/100;

三　顧客が行う各債券関連店頭デリバティブ取引ごとに算出する場合　当該各債券関連店頭デリバティブ取引の額に百分の二を乗じて得た額

(iii) when calculation is made for each bond certificate-related over-the-counter derivatives transaction to be conducted by a customer: the amount arrived at by multiplying by 2/100 the amount of each of the bond certificate-related over-the-counter derivatives transaction;

四　顧客が行う各その他有価証券関連店頭デリバティブ取引ごとに算出する場合　当該各その他有価証券関連店頭デリバティブ取引の額に百分の二十を乗じて得た額

(iv) when calculation is made for each of the other securities-related over-the-counter derivatives transaction to be conducted by a customer: the amount arrived at by multiplying by 20/100 the amount of each of the other securities-related over-the-counter derivatives transaction;

五　複数の個別株関連店頭デリバティブ取引について一括して算出する場合　当該複数の個別株関連店頭デリバティブ取引の額の合計額から法第二十八条第八項第四号ハ又はニに掲げる取引（顧客がオプションを取得する立場の当事者になるものに限る。）に係る個別株関連店頭デリバティブ取引の額を減じて得た額に百分の二十を乗じて得た額

(v) when calculation is made in aggregate for multiple individual stock-related over-the-counter derivatives transactions: the amount arrived at by multiplying by 20/100 the amount arrived at by deducting the amount of individual stock-related over-the-counter derivatives transaction related to a transaction set forth in Article 28, paragraph (8), item (iv), sub-item (c) or (d) of the Act (limited to a transaction in which the customer is to become the party to acquire the option) from the total amount of those multiple individual stock-related over-the-counter derivatives transactions ;

六　複数の株価指数関連店頭デリバティブ取引について一括して算出する場合　当該複数の株価指数関連店頭デリバティブ取引の額の合計額から法第二十八条第八項第四号ハ又はニに掲げる取引（顧客がオプションを取得する立場の当事者になるものに限る。）に係る株価指数関連店頭デリバティブ取引の額を減じて得た額に百分の十を乗じて得た額

(vi) when calculation is made in aggregate for multiple stock price index-related over-the-counter derivatives transactions: the amount arrived at by multiplying by 10/100 the amount arrived at by deduting the amount of stock

price index-related over-the-counter derivatives transaction related to a transaction set forth in Article 28, paragraph (8), item (iv), sub-item (c) or (d) of the Act (limited to a transaction in which the customer is to become the party to acquire the option) from the total amount of such multiple stock price index-related over-the-counter derivatives transactions;

七　複数の債券関連店頭デリバティブ取引について一括して算出する場合　当該複数の債券関連店頭デリバティブ取引の額の合計額から法第二十八条第八項第四号ハ又はニに掲げる取引（顧客がオプションを取得する立場の当事者になるものに限る。）に係る債券関連店頭デリバティブ取引の額を減じて得た額に百分の二を乗じて得た額

(vii) when calculation is made in aggregate for multiple bond certificate-related over-the-counter derivatives transactions: the amount arrived at by multiplying by 2/100 the amount of bond certificate-related over-the-counter derivatives transaction related to a transaction set forth in Article 28, paragraph (8), item (iv), sub-item (c) or (d) of the Act (limited to a transaction in which the customer is to become the party to acquire the option) from the total amount of the multiple bond certificate-related over-the-counter derivatives transactions; and

八　複数のその他有価証券関連店頭デリバティブ取引について一括して算出する場合当該複数のその他有価証券関連店頭デリバティブ取引の額の合計額から法第二十八条第八項第四号ハ又はニに掲げる取引（顧客がオプションを取得する立場の当事者になるものに限る。）に係るその他有価証券関連店頭デリバティブ取引の額を減じて得た額に百分の二十を乗じて得た額

(viii) when calculation is made in aggregate for two or more other securities-related over-the-counter derivatives transactions: the amount arrived at by multiplying by 20/100 the amount of the other securities-related over-the-counter derivatives transaction related to a transaction set forth in Article 28, paragraph (8), item (iv), sub-item (c) or (d) of the Act (limited to a transaction in which the customer is to become the party to acquire the option) from the total amount of the multiple other securities-related over-the-counter derivatives transactions.

２３　第二十一項第五号から第八号まで又は前項第五号から第八号までに掲げる場合において、顧客が同一の有価証券又は有価証券指標（法第二条第八項第十一号イに規定する有価証券指標をいう。以下この項及び次項において同じ。）について有価証券の売付け等及び有価証券の買付け等を行っているときは、これらに係る個別株関連店頭デリバティブ取引の額、株価指数関連店頭デリバティブ取引の額、債券関連店頭デリバティブ取引の額又はその他有価証券関連店頭デリバティブ取引の額のうちいずれか少なくない額を当該同一の有価証券又は有価証券指標に係る個別株関連店頭デリバティブ取引の額、株価指数関連店頭デリバティブ取引の額、債券関連店頭デリバティブ取引の額又はその他有価証券関連店頭デリバティブ取引の額とすることができる。

(23) In the cases set forth in paragraph (21), items (v) through (viii), or items (v)

through (viii) of the preceding paragraph, if a customer has conducted sale, etc. of securities and purchase, etc. of securities for the same securities or securities index (meaning a securities index as defined in Article 2, paragraph (8), item (xi), sub-item (a) of the Act; hereinafter the same applies in this paragraph and the following paragraph), the amount that is not smaller among the amount of individual stock-related over-the-counter derivatives transactions, the amount of stock price index-related over-the-counter derivatives transactions, the amount of bond certificate-related over-the-counter derivatives transactions, or the amount of the other securities-related over-the-counter derivatives transactions, related to those sales or purchases may be used as the amount of individual stock-related over-the-counter derivatives transactions, the amount of stock price index-related over-the-counter derivatives transactions, the amount of bond certificate-related over-the-counter derivatives transactions, or the amount of the other securities-related over-the-counter derivatives transactions, related to the same securities or securities index.

２４　前三項の「個別株関連店頭デリバティブ取引の額」、「株価指数関連店頭デリバティブ取引の額」、「債券関連店頭デリバティブ取引の額」又は「その他有価証券関連店頭デリバティブ取引の額」とは、次の各号に掲げる個別株関連店頭デリバティブ取引、株価指数関連店頭デリバティブ取引、債券関連店頭デリバティブ取引又はその他有価証券関連店頭デリバティブ取引の区分に応じ、当該各号に定める額をいう。

(24) The terms "amount of individual stock-related over-the-counter derivatives transaction", "amount of stock price index-related over-the-counter derivatives transaction", "amount of bond certificate-related over-the-counter derivatives transaction", or "amount of the other securities-related over-the-counter derivatives transaction" as used in the preceding three paragraphs means the amount specified in the following items in accordance with the category of individual stock-related over-the-counter derivatives transaction, stock price index-related over-the-counter derivatives transaction, bond certificate-related over-the-counter derivatives transaction, or the other securities-related over-the-counter derivatives transaction set forth in each of those items:

一　法第二十八条第八項第四号ハ又はニに掲げる取引以外の個別株関連店頭デリバティブ取引、株価指数関連店頭デリバティブ取引、債券関連店頭デリバティブ取引又はその他有価証券関連店頭デリバティブ取引　当該個別株関連店頭デリバティブ取引、株価指数関連店頭デリバティブ取引、債券関連店頭デリバティブ取引又はその他有価証券関連店頭デリバティブ取引に係る有価証券の価格又は有価証券指標の数値にその取引の件数又は数量を乗じて得た額

(i) individual stock-related over-the-counter derivatives transaction, stock price index-related over-the-counter derivatives transaction, bond certificate-related over-the-counter derivatives transaction or the other securities-related over-the-counter derivatives transaction other than the transaction

set forth in Article 28, paragraph (8), item (iv), sub-item (c) or (d) of the Act: the amount arrived by multiplying the price of securities, or the figure of securities index, related to the individual stock-related over-the-counter derivatives transaction, the stock price index-related over-the-counter derivatives transaction, the bond certificate-related over-the-counter derivatives transaction, or the other securities-related over-the-counter derivatives transaction by the number or volume of those transactions; and

二　法第二十八条第八項第四号ハ又はニに掲げる取引　同号ハ又はニに規定する権利を行使することにより成立する同号ハ（１）若しくは（２）に掲げる取引又は同号ニに規定する取引に係る有価証券の価格又は有価証券指標の数値にその取引の件数又は数量を乗じて得た額

(ii) transaction set forth in Article 28, paragraph (8), item (iv), sub-item (c) or (d) of the Act: the amount arrived at by multiplying the price of securities, or the figure of securities index, related to the transaction set forth in sub-item (c), 1. or 2. of that item or the transaction prescribed in sub-item (d) of that item that is closed by exercising the right prescribed in sub-item (c) or (d) of that item by the number or volume of that transaction.

２５　第二十三項の「有価証券の売付け等」とは、次に掲げる取引をいう。

(25) The term "sale, etc. of securities" as used in paragraph (23) means any of the following transactions:

一　有価証券の売付け

(i) sales of securities; or

二　法第二十八条第八項第四号ロに掲げる取引（有価証券現実数値（同項第三号ロに規定する有価証券現実数値をいう。次項第二号において同じ。）が有価証券約定数値（同条第八項第三号ロに規定する有価証券約定数値をいう。次項第二号において同じ。）を上回った場合に金銭を支払う立場の当事者となるものに限る。）

(ii) transaction set forth in Article 28, paragraph (8), item (iv), sub-item (b) of the Act (limited to a transaction in which the customer is to become the party to pay money when the actual figure for securities (meaning an actual figure for securities prescribed in item (iii), sub-item (b) of that paragraph; the same applies in item (ii) of the following paragraph) exceeds the agreed figure for securities (meaning an agreed figure for securities prescribed in paragraph (8), item (iii), sub-item (b) of that Article; the same applies in item (ii) of the following paragraph)).

２６　第二十三項の「有価証券の買付け等」とは、次に掲げる取引をいう。

(26) The term "purchase, etc. of securities" as used in paragraph (23) means any of the following transactions:

一　有価証券の買付け

(i) purchase of securities; or

二　法第二十八条第八項第四号ロに掲げる取引（有価証券現実数値が有価証券約定数値を上回った場合に金銭を受領する立場の当事者となるものに限る。）

(ii) transaction set forth in Article 28, paragraph (8), item (iv), sub-item (b) of the Act (limited to a transaction in which the customer is to become the party to receive money when the actual figure for securities exceeds the agreed figure for securities).

２７　第一項第三十九号及び第四十号の証拠金等は、有価証券をもって充てることができる。

(27) The margin, etc. referred to in items (xxxix) and (xl) of paragraph (1) may be satisfied by securities.

２８　金融商品取引業者等が預託を受けるべき証拠金等の全部又は一部が前項の規定により有価証券をもって代用される場合におけるその代用価格は、いずれか一の金融商品取引所における金融商品取引所等に関する内閣府令第六十八条第二項に規定する額とする。

(28) The substitute price of securities when all or part of the deposit of margin, etc. that should be received by a financial instruments business operator, etc. is substituted by securities pursuant to the provisions of the preceding paragraph is an amount prescribed in Article 68, paragraph (2) of the Cabinet Office Order on Financial Instruments Exchanges in any one of the financial instruments exchanges.

２９　金融商品取引業者等は、第一項第三十九号又は第四十号の証拠金等の全部又は一部が第二十七項の規定により社債、株式等の振替に関する法律第二条第一項に規定する社債等で同条第二項に規定する振替機関が取り扱うもの（以下この項において「振替社債等」という。）をもって代用される場合であって、当該金融商品取引業者等の口座における保有欄（同法に規定する保有欄をいう。）に当該振替社債等に係る記載又は記録を受けるときは、当該金融商品取引業者等の取引のための欄と区分しなければならない。

(29) If all or part of the margin, etc. referred to in item (xxxix) or (xl) of paragraph (1) is substituted by corporate bonds, etc. as defined in Article 2, paragraph (1) of the Act on Book-Entry Transfer of Corporate Bonds and Shares that are handled by a book-entry transfer institution as defined in paragraph (2) of that Article (hereinafter referred to as "book-entry transfer bonds, etc." in this paragraph) pursuant to the provisions of paragraph (27), and the data related to those book-entry bonds, etc. is to be stated or recorded in the holdings column (meaning the holdings column prescribed ine that Act) in the account of the financial instruments business operator, etc., the column must be separated from the column for transactions by that financial instruments business operator, etc.

３０　第一項第三十九号又は第四十号の実預託額、同項第三十九号の約定時必要預託額及び同項第四十号の維持必要預託額は、複数の特定通貨関連店頭デリバティブ取引について顧客ごとに一括して算出することができる。この場合における同項第三十九号の規定の適用については、同号中「当該特定通貨関連店頭デリバティブ取引を」とあるのは「当該顧客が行っている特定通貨関連店頭デリバティブ取引を」と、「加え、

又は」とあるのは「加え、」とする。

(30) The actual deposit amount referred to in paragraph (1), item (xxxix) or (xl), the required amount deposit amount at the time a contract is concluded referred to in item (xxxix) of that paragraph, and the required deposit amount for maintenance referred to in item (xl) of that paragraph may be calculated in aggregate for each customer concerning multiple specified currency-related over-the-counter derivatives transactions. In applying the provisions of item (xxxix) of that paragraph in such a case, the term "the specified currency-related over-the-counter derivatives transaction" in that item is deemed to be replaced with "the specified currency-related over-the-counter derivatives transaction that is being conducted by the customer" and the term "by adding..., or" is deemed to be replaced with "by adding...,".

３１　第一項第三十九号及び前項の「約定時必要預託額」とは、次の各号に掲げる場合の区分に応じ、当該各号に定める額をいう。

(31) The term "required deposit amount at the time a contract is concluded" as used in paragraph (1), item (xxxix) and the preceding paragraph means the amount specified in the following items in accordance wiht the category of cases set forth in each of those items:

一　顧客が行おうとする特定通貨関連店頭デリバティブ取引のみについて算出する場合　当該特定通貨関連店頭デリバティブ取引の額に当該取引の対象となる通貨の組合せの為替リスク想定比率（当該通貨に係る為替相場の変動により発生し得る危険に相当する額の元本の額に対する比率として金融庁長官が定める方法により算出した比率をいう。次号及び次項において同じ。）を乗じて得た額又は当該額に外国為替相場の変動を適切に反映させた額

(i) when making a calculation only for a specified currency-related over-the-counter derivatives transaction that the customer seeks to conduct: the amount arrived at by multiplying the amount of the specified currency-related over-the-counter derivatives transaction by the assumed exchange risk ratio for the combination of currencies for the transaction (meaning the ratio calculated by the method specified by the Commissioner of the Financial Services Agency as the ratio against the amount of principal of the amount equivalent to a risk that may arise due to exchange rate fluctuation of the currency; the same applies in the following item and the following paragraph) or the amount arrived at that properly reflects the foreign exchange rate fluctuations; or

二　顧客が行おうとする特定通貨関連店頭デリバティブ取引と当該特定通貨関連店頭デリバティブ取引に係る契約を締結する時において行っている他の特定通貨関連店頭デリバティブ取引について一括して算出する場合　これらの特定通貨関連店頭デリバティブ取引の対象となる通貨の組合せの区分に応じ、当該区分ごとの特定通貨関連店頭デリバティブ取引の額の合計額に当該区分ごとの為替リスク想定比率を乗じて得た額又は当該額に外国為替相場の変動を適切に反映させた額の合計額

(ii) when at the time of concluding a contract related to a specified currency-related over-the-counter derivatives transaction that a customer seeks to conduct and the specified currency-related over-the-counter derivatives transactions, making a calculation in aggregate for another specified currency-related over-the-counter derivatives transaction being conducted: the amount arrived at by multiplying the total amount of the amount of the specified currency-related over-the-counter derivatives transaction for each of the category by the assumed exchange risk ratio, in accordance with the combination of the currencies that are subject of these specified currency-related over-the-counter derivatives transactions, or the amount arrived at that properly reflects the foreign exchange rate fluctuations.

３２　第一項第四十号及び第三十項の「維持必要預託額」とは、次の各号に掲げる場合の区分に応じ、当該各号に定める額をいう。

(32) The term "required deposit amount for maintenance" as used in paragraph (1), item (xl) and paragraph (30) means the amount specified in the following items in accordance with the category of cases set forth in each of those items:

一　顧客が行う各特定通貨関連店頭デリバティブ取引ごとに算出する場合　当該各特定通貨関連店頭デリバティブ取引の額に当該取引の対象となる通貨の組合せの為替リスク想定比率を乗じて得た額又は当該額に外国為替相場の変動を適切に反映させた額

(i) when makin a calculation for each specified currency-related over-the-counter derivatives transaction conducted by a customer: the amount arrived at by multiplying the amount of each of the specified currency-related over-the-counter derivatives transaction by the assumed exchange risk ratio for the combination of currencies that are subject of the transaction or the amount arrived at that properly reflects the foreign exchange rate fluctuations; or

二　複数の特定通貨関連店頭デリバティブ取引について一括して算出する場合　当該複数の特定通貨関連店頭デリバティブ取引の対象となる通貨の組合せの区分に応じ、当該区分ごとの特定通貨関連店頭デリバティブ取引の額の合計額に当該区分ごとの為替リスク想定比率を乗じて得た額又は当該額に外国為替相場の変動を適切に反映させた額の合計額

(ii) when making a calculation in aggregate for multiple specified currency-related over-the-counter derivatives transactions: in accordance with the combination of currencies subject to those multiple specified currency-related over-the-counter derivatives transactions, the amount arrived at by multiplying the sum of the amount of the specified currency-related over-the-counter derivatives transaction for each of the category by the assumed exchange risk ratio, or the sum of the amount that properly reflect the foreign exchange rate fluctuations for that amount.

３３　第三十一項第二号又は前項第二号に掲げる場合において、顧客が一の通貨の売付

け等を行うことによる他の通貨の買付け等及び当該他の通貨の売付け等を行うことによる当該一の通貨の買付け等を行っているときは、これらに係る特定通貨関連店頭デリバティブ取引の額のうちいずれか少なくない額を当該一の通貨又は当該他の通貨に係る特定通貨関連店頭デリバティブ取引の額とすることができる。

(33) In the case set forth in paragraph (31), item (ii), or item (ii) of the preceding paragraph, a customer has conducted purchase, etc. of another currency through sale, etc. of one currency and a purchase, etc. of that one currency through sale, etc. of the other currency, the amount that is not smaller among the amounts of the specified currency-related over-the-counter derivatives transactions related to purchase or sale may be used as the amount of the specified currency-related over-the-counter derivatives transactions related to that one currency or that other currency.

３４　前三項の「特定通貨関連店頭デリバティブ取引の額」とは、当該特定通貨関連店頭デリバティブ取引に係る通貨の価格又は金融指標の数値にその取引の件数又は数量を乗じて得た額をいう。

(34) The term "amount of the specified currency-related over-the-counter derivatives transaction" as used in the preceding three paragraphs means the amount arrived at by multiplying the currency value, or the figure of the financial index, related to the specified currency-related over-the-counter derivatives transaction by the number or volume of that transaction.

３５　第三十三項の「通貨の売付け等」とは、次に掲げる取引をいう。

(35) The term "sale, etc. of currency" as used in paragraph (33) means any of the following transactions:

一　通貨の売付け

(i) sale of currency; or

二　法第二条第二十二項第二号に掲げる取引（現実数値が約定数値を上回った場合に金銭を支払う立場の当事者となるものに限る。）

(ii) transaction set forth in Article 2, paragraph (22), item (ii) of the Act (limited to a transaction in which the customer is to become the party to pay money when the actual figure exceeds the agreed figure).

３６　第三十三項の「通貨の買付け等」とは、次に掲げる取引をいう。

(36) The term "purchase, etc. of currency" as used in paragraph (33) means any of the following transactions:

一　通貨の買付け

(i) purchase of currency; or

二　法第二条第二十二項第二号に掲げる取引（現実数値が約定数値を上回った場合に金銭を受領する立場の当事者となるものに限る。）

(ii) transaction set forth in Article 2, paragraph (22), item (ii) of the Act (limited to a transaction in which the customer is to become the party to receive money when the actual figure exceeds the agreed figure).

３７　第一項第四十七号及び第四十八号の証拠金等は、有価証券又は暗号資産をもって

充てることができる。

(37) The margin, etc. referred to in paragraph (1), items (xlvii) and (xlviii) may be satisfied by securities or cryptoassets.

３８　金融商品取引業者等が預託を受けるべき証拠金等の全部又は一部が前項の規定により有価証券又は暗号資産をもって代用される場合におけるその代用価格は、次の各号に掲げる暗号資産関連デリバティブ取引の区分に応じ、当該各号に定める額とする。

(38) The substitute price of securities or cryptoassets when all or part of the deposit of margin, etc. that should be received by a financial instruments business operator, etc. is substituted by securities or cryptoassets pursuant to the provisions of the preceding paragraph is the amount specified in the following items in accordance with the category of cryptoasset-related derivatives transaction set forth in each of those items:

一　第百二十三条第十四項に規定する暗号資産関連市場デリバティブ取引　金融商品取引所等に関する内閣府令第六十八条第二項に規定する額

(i) cryptoasset-related market derivatives transaction prescribed in Article 123, paragraph (14): an amount prescribed in Article 68, paragraph (2) of the Cabinet Office Order on Financial Instruments Exchanges, etc.; or

二　第百二十三条第十五項に規定する暗号資産関連店頭デリバティブ取引又は同条第十六項に規定する暗号資産関連外国市場デリバティブ取引　いずれか一の金融商品取引所における金融商品取引所等に関する内閣府令第六十八条第二項に規定する額（暗号資産をもって代用される場合において、当該額がないときは、金融商品取引業協会の規則（金融庁長官の指定するものに限る。）に定める額）

(ii) cryptoasset-related over-the-counter derivatives transaction prescribed in Article 123, paragraph (15) or cryptoasset-related foreign market derivatives transaction prescribed in paragraph (16) of that Article: an amount prescribed in Article 68, paragraph (2) of the Cabinet Office Order on Financial Instruments Exchanges, etc. in any one of the financial instruments exchanges (when all or part of the deposit of margin, etc. is substituted by cryptoassets, and there is no such amount, the amount specified by the rules of the financial instruments firms association (limited to the rules designated by the Commissioner of the Financial Services Agency)).

３９　金融商品取引業者等は、第一項第四十七号又は第四十八号の証拠金等の全部又は一部が第三十七項の規定により社債、株式等の振替に関する法律第二条第一項に規定する社債等で同条第二項に規定する振替機関が取り扱うもの（以下この項において「振替社債等」という。）をもって代用される場合であって、当該金融商品取引業者等の口座における保有欄（同法に規定する保有欄をいう。）に当該振替社債等に係る記載又は記録を受けるときは、当該金融商品取引業者等の取引のための欄と区分しなければならない。

(39) When all or part of the margin, etc. referred to in paragraph (1), item (xlvii) or (xlviii) is substituted by corporate bonds, etc. as defined in Article 2,

paragraph (1) of the Act on Book-Entry Transfer of Corporate Bonds and Shares that are handled by a book-entry transfer institution as defined in paragraph (2) of that Article (hereinafter referred to as "book-entry corporate bonds, etc." in this paragraph) pursuant to the provisions of paragraph (37) and the information related to the book-entry transfer corporate bonds, etc. is to be stated or recorded in the holdings column (meaning the holdings column prescribed in that Act) in the account of the financial instruments business operator, etc., the holdings column must be separated from the column for the transactions by the financial instruments business operator, etc.

４０　第一項第四十七号又は第四十八号の実預託額、同項第四十七号の約定時必要預託額及び同項第四十八号の維持必要預託額は、複数の暗号資産関連デリバティブ取引について顧客ごとに一括して算出することができる。この場合における同項第四十七号の規定の適用については、同号中「当該暗号資産関連デリバティブ取引を」とあるのは「当該顧客が行っている暗号資産関連デリバティブ取引を」と、「加え、又は」とあるのは「加え、」とする。

(40) The actual deposit amount referred to in paragraph (1), item (xlvii) or (xlviii), the required deposit amount at the time a contract is concluded referred to in item (xlvii) of that paragraph, and the required deposit amount for maintenance referred to in item (xlviii) of that paragraph may be calculated in aggregate for each customer for multiple cryptoasset-related derivatives transactions. In applying the provisions of item (xlvii) of that paragraph in such a case, the term "the cryptoasset-related derivatives transaction" in that item is deemed to be replaced with "cryptoasset-related derivatives transaction being conducted by the customer" and the term "by adding..., or deducting" is deemed to be replaced with "by adding...".

４１　第一項第四十七号及び前項の「約定時必要預託額」とは、次の各号に掲げる場合の区分に応じ、当該各号に定める額に百分の五十を乗じて得た額をいう。ただし、当該各号の暗号資産関連デリバティブ取引がこれらの取引に係るオプションが行使された場合に顧客が一定額の金銭を支払うこととなるものである場合において、当該取引について算出するときは、当該金銭の額をいう。

(41) The term "required deposit amount at the time a contract is concluded" as used in paragraph (1), item (xlvii) and the preceding paragraph means the amount arrived at by multiplying by 50/100 the amount specified in the following items in accordance with the category of cases set forth in each of those items; provided, however, that for cases a customer is to pay a certain amount of money when the cryptoasset-related derivatives transactions referred to in those items if an option related to those transactions is exercised, and when making a calculation for those transactions, this means the amount of the money:

一　顧客が行おうとする暗号資産関連デリバティブ取引のみについて算出する場合　当該暗号資産関連デリバティブ取引の額（当該暗号資産関連デリバティブ取引が次

に掲げる取引である場合にあっては、零。次項第一号において同じ。）

(i) when calculating only the cryptoasset-related derivatives transaction that the customer seeks to conduct: the amount of the cryptoasset-related derivatives transaction (if the cryptoasset-related derivatives transaction is any of the following transaction, zero; the same applies in item (i) of the following paragraph):

イ　法第二条第二十一項第三号に掲げる取引（顧客がオプションを取得する立場の当事者になるものに限る。）

(a) transaction set forth in Article 2, paragraph (21), item (iii) of the Act (limited to the transaction in which the customer will become the party to acquire the option);

ロ　法第二条第二十二項第三号又は第四号に掲げる取引（顧客がオプションを取得する立場の当事者になるものに限る。）

(b) transaction set forth in Article 2, paragraph (22), item (iii) or (iv) of the Act (limited to the transaction for which the customer will become the party to acquire the option); or

ハ　外国市場デリバティブ取引であってイに掲げる取引と類似の取引

(c) a foreign market derivatives transaction that is similar to the transaction set forth in sub-item (a);

二　顧客が行おうとする暗号資産関連デリバティブ取引と当該暗号資産関連デリバティブ取引に係る契約を締結する時において行っている他の暗号資産関連デリバティブ取引について一括して算出する場合　これらの暗号資産関連デリバティブ取引の額の合計額から前号イからハまでに掲げる取引に係る暗号資産関連デリバティブ取引の額を減じて得た額

(ii) when at the time of concluding a contract related to a cryptoasset-related derivatives transaction a customer seeks to conduct and the cryptoasset-related derivatives transaction, calculation is to be made in aggregate for another cryptoasset-related derivatives transaction that is being conducted: the amount arrived at by deducting the amount of cryptoasset-related derivatives transactions related to transactions set forth in sub-items (a) through (c) of the preceding item from the total amount of those cryptoasset-related derivatives transactions.

４２　第一項第四十八号及び第四十項の「維持必要預託額」とは、次の各号に掲げる場合の区分に応じ、当該各号に定める額に百分の五十を乗じて得た額をいう。ただし、当該各号の暗号資産関連デリバティブ取引がこれらの取引に係るオプションが行使された場合に顧客が一定額の金銭を支払うこととなるものである場合において、当該取引について算出するときは、当該金銭の額をいう。

(42) The term "required deposit amount for maintenance" as used in paragraph (1), item (xlviii) and paragraph (40) means the amount arrived at by multiplying by 50/100 the amount specified in the following items in accordance with the category of cases set forth in each of those items; provided,

however, that for cases in which a customer is to pay a certain amount of money when the cryptoasset-related derivatives transactions set forth in those items if an option related to those transactions is exercised, and when making a calculation for those transactions, this means the amount of the money:

一　顧客が行う各暗号資産関連デリバティブ取引ごとに算出する場合　当該各暗号資産関連デリバティブ取引の額

(i) when making a calculation for each cryptoasset-related derivatives transaction conducted by a customer: the amount of each of the cryptoasset-related derivatives transaction; and

二　複数の暗号資産関連デリバティブ取引について一括して算出する場合　当該複数の暗号資産関連デリバティブ取引の額の合計額から前項第一号イからハまでに掲げる取引に係る暗号資産関連デリバティブ取引の額を減じて得た額

(ii) when making a calculation in aggregate for multiple cryptoasset-related derivatives transactions: the amount arrived at by deducting the amount of a cryptoasset-related derivatives transactions related to transactions set forth in item (i), sub-items (a) through (c) of the preceding paragraph from the total amount of those multiple cryptoasset-related derivatives transactions.

４３　第四十一項第二号又は前項第二号に掲げる場合において、顧客が同一の暗号資産又は金融指標について暗号資産の売付け等及び暗号資産の買付け等を行っているときは、これらに係る暗号資産関連デリバティブ取引の額（同一の通貨をもって表示されるものに限る。）のうちいずれか少なくない額を当該同一の暗号資産又は金融指標に係る暗号資産関連デリバティブ取引の額とし、顧客が一の暗号資産の売付け等を行うことによる他の暗号資産の買付け等及び当該他の暗号資産の売付け等を行うことによる当該一の暗号資産の買付け等を行っているときは、これらに係る暗号資産関連デリバティブ取引の額のうちいずれか少なくない額を当該一の暗号資産又は当該他の暗号資産に係る暗号資産関連デリバティブ取引の額とすることができる。

(43) In the case set forth in paragraph (41), item (ii) or item (ii) of the preceding paragraph, if a customer has conducted sale, etc. of cryptoassets and purchase, etc. of cryptoassets for the same cryptoassets or financial index, among the amounts of cryptoasset-related derivatives transactions related to the purchase or sale (limited to the amount to be indicated in the same currency) the amount that is not smaller may be used as the amount of cryptoasset-related derivatives transaction related to the same cryptoassets or financial indexes, and if a customer has conducted the purchase, etc. of another cryptoasset through conducting the sale, etc. of one cryptoasset and has conducted purchase, etc. of the one cryptoasset through conducting sale, etc. of that other cryptoasset, among the amounts of cryptoasset-related derivatives transactions related to the purchase or sale, the amount that is not smaller may be used as the amount of cryptoasset-related derivatives transaction related to that one cryptoasset or that other cryptoasset.

４４　前三項の「暗号資産関連デリバティブ取引の額」とは、次の各号に掲げる暗号資

産関連デリバティブ取引の区分に応じ、当該各号に定める額をいう。

(44) The term "amount of cryptoasset-related derivatives transaction" as used in the preceding three paragraphs means the amount specified in the following items in accordance with the category of cryptoasset-related derivatives transactions set forth in those items:

一　次に掲げる暗号資産関連デリバティブ取引以外の暗号資産関連デリバティブ取引　当該暗号資産関連デリバティブ取引に係る暗号資産の価格又は金融指標の数値にその取引の件数又は数量を乗じて得た額

(i) cryptoasset-related derivatives transactions other than the following cryptoasset-related derivatives transactions: the amount arrived at as the price of the cryptoassets or the figure of the financial index related to the cryptoasset-related derivatives transaction multiplied by the number or volume of the transactions:

イ　法第二条第二十一項第三号に掲げる取引

(a) transaction set forth in Article 2, paragraph (21), item (iii) of the Act;

ロ　法第二条第二十二項第三号又は第四号に掲げる取引

(b) transaction set forth in Article 2, paragraph (22), item (iii) or (iv) of the Act; and

ハ　外国市場デリバティブ取引であってイに掲げる取引と類似の取引

(c) a foreign market derivatives transaction that is similar to the transaction set forth in sub-item (a); and

二　次に掲げる暗号資産関連デリバティブ取引　次に掲げる当該暗号資産関連デリバティブ取引の区分に応じ、それぞれ次に定める取引に係る暗号資産の価格又は金融指標の数値にその取引の件数又は数量を乗じて得た額

(ii) the following cryptoasset-related derivatives transactions: the amount arrived at by multiplying the price of the cryptoasset or the figure of the financial index related to the transaction specified in the following sub-items in accordance with the category of the cryptoasset-related derivatives transactions set forth in each of the sub-items by the number or volume of the transaction:

イ　法第二条第二十一項第三号に掲げる取引　同号に規定する権利を行使することにより成立する同号イ又はロに掲げる取引

(a) transaction set forth in Article 2, paragraph (21), item (iii) of the Act: the transaction set forth in sub-item (a) or (b) of that item that is closed by exercising the right prescribed in that item;

ロ　法第二条第二十二項第三号又は第四号に掲げる取引　同項第三号又は第四号に規定する権利を行使することにより成立する同項第三号イ若しくはロに掲げる取引又は同項第四号に規定する取引

(b) transaction set forth in Article 2, paragraph (22) item (iii) or (iv) of the Act: the transaction set forth in item (iii), sub-item (a) or (b) that is closed by exercising the right prescribed in item (iii) or (iv) of that paragraph, or

the transaction prescribed in item (iv) of that paragraph; or

ハ　外国市場デリバティブ取引であってイに掲げる取引と類似の取引　イに定める取引と類似の取引

(c) a foreign market derivatives transaction that is similar to the transaction set forth in sub-item (a): the transaction similar to the transaction prescribed in sub-item (a).

４５　第四十三項の「暗号資産の売付け等」とは、次に掲げる取引をいう。

(45) The term "sale, etc. of cryptoasset" as used in paragraph (43) means any of the following transactions:

一　暗号資産の売付け

(i) sale of cryptoasset;

二　法第二条第二十一項第二号に掲げる取引（現実数値が約定数値を上回った場合に金銭を支払う立場の当事者となるものに限る。）

(ii) transaction set forth in Article 2, paragraph (21), item (ii) of the Act (limited to a transaction in which the customer is to become the party to pay money when the actual figure exceeds the agreed figure);

三　法第二条第二十二項第二号に掲げる取引（現実数値が約定数値を上回った場合に金銭を支払う立場の当事者となるものに限る。）

(iii) transaction set forth in Article 2, paragraph (22), item (ii) of the Act (limited to a transaction in which the customer is to become the party to pay money when the actual figure exceeds the agreed figure); or

四　外国市場デリバティブ取引（第二号に掲げる取引に類似するものに限る。）

(iv) a foreign market derivatives transaction (limited to a transaction that is similar to the transaction set forth in item (ii)).

４６　第四十三項の「暗号資産の買付け等」とは、次に掲げる取引をいう。

(46) The term "purchase, etc. of cryptoasset" as used in paragraph (43) means any of the following transactions:

一　暗号資産の買付け

(i) purchase of cryptoasset;

二　法第二条第二十一項第二号に掲げる取引（現実数値が約定数値を上回った場合に金銭を受領する立場の当事者となるものに限る。）

(ii) transaction set forth in Article 2, paragraph (21), item (ii) of the Act (limited to a transaction in which a customer is to become the party to pay money when the actual figure exceeds the agreed figure);

三　法第二条第二十二項第二号に掲げる取引（現実数値が約定数値を上回った場合に金銭を受領する立場の当事者となるものに限る。）

(iii) transaction set forth in Article 2, paragraph (22), item (ii) of the Act (limited to a transaction in which a customer is to become the party to pay money when the actual figure exceeds the agreed figure); or

四　外国市場デリバティブ取引（第二号に掲げる取引に類似するものに限る。）

(iv) a foreign market derivatives transaction (limited to a transaction that is

similar to the transaction set forth in item (ii)).

４７　第一項第四十九号及び第五十号の証拠金等は、有価証券又は暗号資産をもって充てることができる。

(47) The margin, etc. referred to in paragraph (1), items (xlix) and (l) may be satisfied by securities or cryptoassets.

４８　金融商品取引業者等が預託を受けるべき証拠金等の全部又は一部が前項の規定により有価証券又は暗号資産をもって代用される場合におけるその代用価格は、いずれか一の金融商品取引所における金融商品取引所等に関する内閣府令第六十八条第二項に規定する額（暗号資産をもって代用される場合において、当該額がないときは、金融商品取引業協会の規則（金融庁長官の指定するものに限る。）に定める額）とする。

(48) The substitute price of securities or cryptoassets when all or part of the deposit of margin, etc. that should be received by a financial instruments business operator, etc. is substituted by securities or cryptoassets pursuant to the provisions of the preceding paragraph is an amount prescribed in Article 68, paragraph (2) of the Cabinet Office Order on Financial Instruments Exchanges, etc. in any one of the financial instruments exchanges (if it is substituted by cryptoassets, and there is no such amount, the amount specified by the rules of a financial instruments firms association (limited to the rules designated by the Commissioner of the Financial Services Agency)).

４９　金融商品取引業者等は、第一項第四十九号又は第五十号の証拠金等の全部又は一部が第四十七項の規定により社債、株式等の振替に関する法律第二条第一項に規定する社債等で同条第二項に規定する振替機関が取り扱うもの（以下この項において「振替社債等」という。）をもって代用される場合であって、当該金融商品取引業者等の口座における保有欄（同法に規定する保有欄をいう。）に当該振替社債等に係る記載又は記録を受けるときは、当該金融商品取引業者等の取引のための欄と区分しなければならない。

(49) When all or part of the margin, etc. referred to in paragraph (1), item (xlix) or (l) is substituted by corporate bonds, etc. as defined in Article 2, paragraph (1) of the Act on Book-Entry Transfer of Corporate Bonds and Shares which are handled by a book-entry transfer institution as defined in paragraph (2) of that Article (hereinafter referred to as "book-entry corporate bonds, etc." in this paragraph) pursuant to the provisions of paragraph (47) and the information related to the book-entry corporate bonds, etc. are to be stated or recorded in the holdings column (meaning the holdings column prescribed in that Act) in the account of the financial instruments business operator, etc., the column must be separated from the column for transactions by that financial instruments business operator, etc.

５０　第一項第四十九号又は第五十号の実預託額、同項第四十九号の約定時必要預託額及び同項第五十号の維持必要預託額は、複数の特定暗号資産関連店頭デリバティブ取引について顧客ごとに一括して算出することができる。この場合における同項第四十九号の規定の適用については、同号中「当該特定暗号資産関連店頭デリバティブ取引

を」とあるのは「当該顧客が行っている特定暗号資産関連店頭デリバティブ取引を」と、「加え、又は」とあるのは「加え、」とする。

(50) The actual deposit amount referred to in paragraph (1), item (xlix) or (l), the required deposit amount at the time of concluding a contract referred to in item (xlix) of that paragraph and the required deposit amount for maintenance referred to in item (l) of that paragraph may be calculated in aggregate for each customer concerning multiple specified cryptoasset-related over-the-counter derivatives transactions. In applying the provisions of item (xlix) of that paragraph in such a case, the term "the specified cryptoasset-related over-the-counter derivatives transaction" in that item is deemed to be replaced with "specified cryptoasset-related over-the-counter derivatives transaction that is being conducted by the customer" and the term "by adding..., or " is deemed to be replaced with "by adding...,".

５１　第一項第四十九号及び前項の「約定時必要預託額」とは、次の各号に掲げる場合の区分に応じ、当該各号に定める額をいう。

(51) The term "required deposit amount at the time a contract is concluded" as used in paragraph (1), item (xlix) and the preceding paragraph means the amount specified in the following items in accordance with the category of cases set forth in each of those items:

一　顧客が行おうとする特定暗号資産関連店頭デリバティブ取引のみについて算出する場合　当該特定暗号資産関連店頭デリバティブ取引の額に当該取引の対象となる暗号資産若しくは金融指標又は暗号資産の組合せの暗号資産リスク想定比率（これらの暗号資産又は金融指標に係る相場の変動により発生し得る危険に相当する額の元本の額に対する比率として金融庁長官が定める方法により算出した比率をいう。以下この項及び次項において同じ。）を乗じて得た額（暗号資産リスク想定比率を用いない金融商品取引業者等にあっては、当該特定暗号資産関連店頭デリバティブ取引の額に百分の五十を乗じて得た額）

(i) when making a calculation only for a specified cryptoasset-related over-the-counter derivatives transaction that a customer seeks to conduct: the amount arrived at by multiplying the amount of the specified cryptoasset-related over-the-counter derivatives transaction by the assumed cryptoasset risk ratio for the cryptoasset or financial index, or the combination of cryptoassets which is the subject of the transaction (meaning the ratio calculated by the method designated by the Commissioner of the Financial Services Agency as the ratio for the amount of principal of the amount equivalent to a risk that may arise due to fluctuations in the quotations of those cryptoassets or financial indexes; hereinafter the same applies in this paragraph and the following paragraph) (for financial instruments business operators, etc. that do not use the assumed cryptoasset risk ratio, the amount arrived at by multiplying the amount of the specified cryptoasset-related over-the-counter derivatives transaction by 50/100); or

二　顧客が行おうとする特定暗号資産関連店頭デリバティブ取引と当該特定暗号資産関連店頭デリバティブ取引に係る契約を締結する時において行っている他の特定暗号資産関連店頭デリバティブ取引について一括して算出する場合　これらの特定暗号資産関連店頭デリバティブ取引の対象となる暗号資産若しくは金融指標又は暗号資産の組合せの区分に応じ、当該区分ごとの特定暗号資産関連店頭デリバティブ取引の額の合計額に当該区分ごとの暗号資産リスク想定比率を乗じて得た額（暗号資産リスク想定比率を用いない金融商品取引業者等にあっては、これらの特定暗号資産関連店頭デリバティブ取引の額の合計額に百分の五十を乗じて得た額）

(ii) when at the time of concluding a contract related to a specified cryptoasset-related over-the-counter derivatives transaction a customer is seeking to conclude and the specified cryptoasset-related over-the-counter derivatives transaction, calculation is to be made in aggregate for other specified cryptoasset-related over-the-counter derivatives transactions: for the category of the cryptoasset or financial index, or combination of cryptoassets that is the subject of those specified cryptoasset-related over-the-counter derivatives transactions, the amount arrived at by multiplying the total amount of the amount of the specified cryptoasset-related over-the-counter derivatives transactions for each of the category by the assumed cryptoasset risk ratio for each of the category (for financial instruments business operators, etc. that do not use the assumed cryptoasset risk ratio, the amount arrived at by multiplying the total amount of those specified cryptoasset-related over-the-counter derivatives transactions by 50/100).

５２　第一項第五十号及び第五十項の「維持必要預託額」とは、次の各号に掲げる場合の区分に応じ、当該各号に定める額をいう。

(52) The term "required deposit amount for maintenance" as used in paragraph (1), item (l) and paragraph (50) means the amount specified in the following items in accordance with the category of cases set forth in each of those items:

一　顧客が行う各特定暗号資産関連店頭デリバティブ取引ごとに算出する場合　当該各特定暗号資産関連店頭デリバティブ取引の額に当該取引の対象となる暗号資産若しくは金融指標又は暗号資産の組合せの暗号資産リスク想定比率を乗じて得た額（暗号資産リスク想定比率を用いない金融商品取引業者等にあっては、当該各特定暗号資産関連店頭デリバティブ取引の額に百分の五十を乗じて得た額）

(i) when making a calculation for each specified cryptoasset-related over-the-counter derivatives transaction that a customer conducts: the amount arrived at by multiplying the amount of each of the specified cryptoasset-related over-the-counter derivatives transaction by the assumed cryptoassets risk ratio for the cryptoassets or financial index, or the combination of cryptoassets that is the subject of the transaction (for a financial instruments business operator, etc. that does not use the assumed cryptoassets risk ratio, the amount arrived at by multiplying by 50/100 the amount of each of the specified cryptoasset-related over-the-counter

derivatives transaction); or

二　複数の特定暗号資産関連店頭デリバティブ取引について一括して算出する場合当該複数の特定暗号資産関連店頭デリバティブ取引の対象となる暗号資産若しくは金融指標又は暗号資産の組合せの区分に応じ、当該区分ごとの特定暗号資産関連店頭デリバティブ取引の額の合計額に当該区分ごとの暗号資産リスク想定比率を乗じて得た額（暗号資産リスク想定比率を用いない金融商品取引業者等にあっては、当該複数の特定暗号資産関連店頭デリバティブ取引の額の合計額に百分の五十を乗じて得た額）

(ii) when making a calculation in aggregate for multiple specified cryptoasset-related over-the-counter derivatives transactions: the amount arrived at by multiplying the total amount for each category of specified cryptoasset-related over-the-counter derivatives transactions by the assumed cryptoassets risk ratio for each category in accordance with the category of the cryptoassets or financial index, or the combination of cryptoassets for those multiple specified cryptoasset-related over-the-counter derivatives transactions (for a financial instruments business operator, etc. that does not use assumed cryptoassets risk ratio, the amount arrived at by multiplying the total amount of the multiple specified cryptoasset-related over-the-counter derivatives transactions by 50/100).

５３　第五十一項第二号又は前項第二号に掲げる場合において、顧客が同一の暗号資産又は金融指標について暗号資産の売付け等及び暗号資産の買付け等を行っているときは、これらに係る特定暗号資産関連店頭デリバティブ取引の額（同一の通貨をもって表示されるものに限る。）のうちいずれか少なくない額を当該同一の暗号資産又は金融指標に係る特定暗号資産関連店頭デリバティブ取引の額とし、顧客が一の暗号資産の売付け等を行うことによる他の暗号資産の買付け等及び当該他の暗号資産の売付け等を行うことによる当該一の暗号資産の買付け等を行っているときは、これらに係る特定暗号資産関連店頭デリバティブ取引の額のうちいずれか少なくない額を当該一の暗号資産又は当該他の暗号資産に係る特定暗号資産関連店頭デリバティブ取引の額とすることができる。

(53) In the case set forth in paragraph (51), item (ii) or (ii) of the preceding paragraph, if a customer has conducted sale, etc. of cryptoassets and purchase, etc. of cryptoassets for the same cryptoassets or financial index, among the amounts of specified cryptoasset-related over-the-counter derivatives transactions related to the purchase or sale (limited to the amount to be indicated in the same currency), the amount that is not smaller may be used as the amount of specified cryptoasset-related over-the-counter derivatives transaction related to the same cryptoassets or financial index, and if a customer has conducted purchase, etc. of another cryptoasset through conducting sale, etc. of the one cryptoasset and has conducted purchase, etc. of the one cryptoasset through conducting sale, etc. of the other cryptoasset, among the amounts of specified cryptoasset-related over-the-counter

derivatives transactions related to the purchase or sale, the amount that is not smaller may be used as the amount of specified cryptoasset-related over-the-counter derivatives transaction related to that one cryptoasset or that other cryptoasset.

５４　前三項の「特定暗号資産関連店頭デリバティブ取引の額」とは、当該特定暗号資産関連店頭デリバティブ取引に係る暗号資産の価格又は金融指標の数値にその取引の件数又は数量を乗じて得た額をいう。

(54) The term "amount of specified cryptoasset-related over-the-counter derivatives transaction" as used in the preceding three paragraphs means the amount arrived at by multiplying the price of the cryptoassets or the figure of the financial index related to specified cryptoasset-related over-the-counter derivatives transaction by the number or volume of the transactions.

５５　第五十三項の「暗号資産の売付け等」とは、次に掲げる取引をいう。

(55) The term "sale, etc. of cryptoassets" as used in paragraph (53) means any of the following transactions:

一　暗号資産の売付け

(i) sale of cryptoassets; or

二　法第二条第二十二項第二号に掲げる取引（現実数値が約定数値を上回った場合に金銭を支払う立場の当事者となるものに限る。）

(ii) transaction set forth in Article 2, paragraph (22), item (ii) of the Act (limited to a transaction in which the customer is to become the party to pay money when the actual figure exceeds the agreed figure).

５６　第五十三項の「暗号資産の買付け等」とは、次に掲げる取引をいう。

(56) The term "purchase, etc. of cryptoassets" as used in paragraph (53) means any of the following transactions:

一　暗号資産の買付け

(i) purchase of cryptoassets; or

二　法第二条第二十二項第二号に掲げる取引（現実数値が約定数値を上回った場合に金銭を受領する立場の当事者となるものに限る。）

(ii) transaction set forth in Article 2, paragraph (22), item (ii) of the Act (limited to a transaction in which the customer is to become the party to pay money when the actual figure exceeds the agreed figure).

（事故）

(Problematic Conduct)

第百十八条　法第三十九条第三項に規定する内閣府令で定めるものは、次に掲げるものとする。

Article 118 The cases specified by Cabinet Office Order as prescribed in Article 39, paragraph (3) of the Act are as follows:

一　有価証券売買取引等（法第三十九条第一項第一号に規定する有価証券売買取引等をいい、有価証券等清算取次ぎを除く。イにおいて同じ。）につき、金融商品取引

業者等の代表者、代理人、使用人その他の従業者（以下「代表者等」という。）が、当該金融商品取引業者等の業務に関し、次に掲げる行為を行うことにより顧客に損失を及ぼしたもの

(i) the case in which the representative, an agent, an employee, or any other worker of a financial instruments business operator, etc. (hereinafter referred to as "representative, etc.") has caused a loss to the customer through conducting any of the following acts for the business of the financial instruments business operator, etc. in relation to purchase and sale or other transaction of securities (meaning purchase and sale or other transaction of securities prescribed in Article 39, paragraph (1), item (i) of the Act, and excluding brokerage for clearing of securities; the same applies in sub-item (a)):

イ　顧客の注文の内容について確認しないで、当該顧客の計算により有価証券売買取引等を行うこと。

(a) an act of conducting purchase and sale or other transaction of securities, etc. on the customer's account, without confirming the content of the customer's order;

ロ　次に掲げるものについて顧客を誤認させるような勧誘をすること。

(b) an act of soliciting a customer in a manner which causes customers to misunderstand the following matters:

（１）　有価証券等（法第三十九条第一項第一号に規定する有価証券等をいう。）の性質

1. the nature of the securities, etc. (meaning the securities, etc. prescribed in Article 39, paragraph (1), item (i) of the Act);

（２）　取引の条件

2. the conditions of trading;

（３）　金融商品の価格若しくはオプションの対価の額の騰貴若しくは下落、法第二条第二十一項第二号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）若しくは同条第二十二項第二号に掲げる取引の約定数値若しくは現実数値の上昇若しくは低下、同条第二十一項第四号若しくは第四号の二若しくは同条第二十二項第五号に掲げる取引の当該取引に係る金融指標の上昇若しくは低下若しくは金融商品の価格の騰貴若しくは下落又は同条第二十一項第五号若しくは同条第二十二項第六号に掲げる取引の同条第二十一項第五号イ若しくはロ若しくは同条第二十二項第六号イ若しくはロに掲げる事由の発生の有無

3. appreciation or depreciation in the price of financial instruments or the amount of consideration of options, increase or decrease in the agreed figure or the actual figure of the transaction set forth in Article 2, paragraph (21), item (ii) of the Act (including foreign market derivatives transactions similar to the transaction) or the transaction set forth in paragraph (22), item (ii) of that Article, increase or

decrease in financial index related to the transaction set forth in Article 2, paragraph (21), item (iv) or (iv)-2, or paragraph (22), item (v) of that Article or appreciation or depreciation in the price of financial instruments, or whether or not the grounds set forth in Article 2, paragraph (21), item (v), sub-item (a) or (b) or paragraph (22), item (vi), sub-item (a) or (b) of that Article have occurred for the transaction set forth in Article 2, paragraph (21), item (v) or paragraph (22), item (vi) of that Article;

ハ　顧客の注文の執行において、過失により事務処理を誤ること。

(c) to erroneously process clerical work due to negligence in executing a customer's order;

ニ　電子情報処理組織の異常により、顧客の注文の執行を誤ること。

(d) to erroneously execute a customer's orders, due to malfunctioning of the electronic data processing system; or

ホ　その他法令に違反する行為を行うこと。

(e) to perform any other act in violation of laws and regulations.

二　投資助言業務又は投資運用業に関し、次に掲げる行為を行うことにより顧客又は権利者に損失を及ぼしたもの

(ii) cases of causing a loss to a customer or a right holder through conducting any of the following acts in connection with investment advisory business or investment management business:

イ　過失又は電子情報処理組織の異常により事務処理を誤ること。

(a) to erroneously process clerical work due to negligence or malfunctioning of the electronic data processing system;

ロ　任務を怠ること。

(b) to neglect performance of duties; or

ハ　その他法令又は投資顧問契約若しくは法第四十二条の三第一項各号に掲げる契約その他の法律行為に違反する行為を行うこと。

(c) to perform other acts in violation of laws and regulations, or investment advisory contracts or any contract set forth in the items of Article 42-3, paragraph (1) of the Act, or other juridical acts.

（事故の確認を要しない場合）

(Cases in Which Confirmation of Problematic Conduct is not Required)

第百十九条　法第三十九条第三項ただし書に規定する内閣府令で定める場合は、次に掲げる場合とする。

Article 119 (1) The cases specified by Cabinet Office Order as prescribed in Article 39, paragraph (3) of the Act are as follows:

一　裁判所の確定判決を得ている場合

(i) when a final and binding judgment has been issued by the court;

二　裁判上の和解（民事訴訟法（平成八年法律第百九号）第二百七十五条第一項に定

めるものを除く。）が成立している場合

(ii) when a judicial settlement (excluding a judicial settlement specified in Article 275, paragraph (1) of the Code of Civil Procedures (Act No. 109 of 1996)) has been reached;

三　民事調停法（昭和二十六年法律第二百二十二号）第十六条に規定する調停が成立している場合又は同法第十七条の規定により裁判所の決定が行われ、かつ、同法第十八条第一項に規定する期間内に異議の申立てがない場合

(iii) when a conciliation prescribed in Article 16 of the Civil Conciliation Act (Act No. 222 of 1951) has been reached; or when the court has made a decision pursuant to the provisions of Article 17 of that Act, and objection was not filed within the period specified in Article 18, paragraph (1) of that Act;

四　金融商品取引業協会若しくは認定投資者保護団体のあっせん（法第七十七条の二第一項（法第七十八条の七及び第七十九条の十三において準用する場合を含む。）に規定するあっせんをいう。第二百七十七条第一項第四号において同じ。）又は指定紛争解決機関（令第十九条の七各号に掲げる指定を受けた者を含む。第二百七十七条第一項第四号において同じ。）の紛争解決手続による和解が成立している場合

(iv) when settlement has been reached through mediation by a financial instruments firms association or a certified investor protection organization (meaning a mediation prescribed in Article 77-2, paragraph (1) of the Act (including as applied mutatis mutandis pursuant to Article 78-7 and Article 79-13 of the Act); the same applies in Article 277, paragraph (1), item (iv)), or dispute resolution procedures by a designated dispute resolution organization (including a person that has received a designation set forth in the items of Article 19-7 of the Order; the same applies in Article 277, paragraph (1), item (iv));

五　弁護士法第三十三条第一項に規定する会則若しくは当該会則の規定により定められた規則に規定する機関におけるあっせんによる和解が成立している場合又は当該機関における仲裁手続による仲裁判断がされている場合

(v) when settlement has been reached through mediation by an organization specified in the articles of association prescribed in Article 33, paragraph (1) of the Attorney Acts or in rules specified by those articles of association, or when an arbitral award through arbitration procedures conducted by that organization has been rendered;

六　消費者基本法第十九条第一項若しくは第二十五条に規定するあっせんによる和解が成立している場合又は同条に規定する合意による解決が行われている場合

(vi) when settlement has been reached through mediation prescribed in Article 19, paragraph (1) or Article 25 of the Basic Act on Consumer Policies, or when settlement by an agreement prescribed in that Article has been reached;

七　認証紛争解決事業者（裁判外紛争解決手続の利用の促進に関する法律（平成十六

年法律第百五十一号）第二条第四号に規定する認証紛争解決事業者をいい、有価証券売買取引等（法第三十九条第一項第一号に規定する有価証券売買取引等をいう。）に係る紛争が裁判外紛争解決手続の利用の促進に関する法律第六条第一号に規定する紛争の範囲に含まれるものに限る。）が行う認証紛争解決手続（同法第二条第三号に規定する認証紛争解決手続をいう。第二百七十七条第一項第七号において同じ。）による和解が成立している場合

(vii) when settlement has been reached through certified dispute resolution procedures (meaning the certified dispute resolution procedures as defined in Article 2, item (iii) of the Act on Promotion of Use of Alternative Dispute Resolution (Act No. 151 of 2004); the same applies in Article 277, paragraph (1), item (vii)) taken by a certified dispute resolution business operator (meaning a certified dispute resolution business operator as defined in Article 2, item (iv) of that Act, and limited to a case in which the dispute related to purchase and sale or other transactions of securities, etc. (meaning purchase and sale or other transactions of securities, etc. prescribed in Article 39, paragraph (1), item (i) of the Act) falls within the scope of disputes prescribed in Article 6, item (i) of the Act on Promotion of Use of Alternative Dispute Resolution);

八　和解が成立している場合であって、次に掲げる要件の全てを満たす場合

(viii) when settlement has been reached, and the settlement fulfills all of the following requirements:

イ　当該和解の手続について弁護士又は司法書士（司法書士法（昭和二十五年法律第百九十七号）第三条第一項第七号に掲げる事務を行う者に限る。次号において同じ。）が顧客を代理していること。

(a) an attorney-at-law or a judicial scrivener (limited to a person that provides the services set forth in Article 3, paragraph (1), item (vii) of the Judicial Scriveners Act (Act No. 197 of 1950); the same applies in the following item) has acted on behalf of the customer concerning the settlement procedures;

ロ　当該和解の成立により金融商品取引業者等が顧客に対して支払をすることとなる額が千万円（イの司法書士が代理する場合にあっては、司法書士法第三条第一項第七号に規定する額）を超えないこと。

(b) the amount to be paid by the financial instruments business operator, etc. to the customer due to the settlement being reached does not exceed ten million yen (if a judicial scrivener referred to in sub-item (a) acts on behalf of the customer, the amount specified in Article 3, paragraph (1), item (vii) of the Judicial Scriveners Act); and

ハ　ロの支払が事故（法第三十九条第三項に規定する事故をいう。以下この条から第百二十一条までにおいて同じ。）による損失の全部又は一部を補填するために行われるものであることをイの弁護士又は司法書士が調査し、確認したことを証する書面又は電磁的記録が金融商品取引業者等に交付され、又は提供されている

こと。

(c) a document or electronic or magnetic record certifying that the attorney-at-law or judicial scrivener referred to in sub-item (a) has investigated and confirmed that the purpose of the payment referred to in sub-item (b) is to compensate for all or part of losses arising from a problematic conduct (meaning a problematic conduct prescribed in Article 39, paragraph (3) of the Act; hereinafter the same applies in this Article through Article 121) has been delivered or provided to a financial instruments business operator, etc.

九　事故による損失について、金融商品取引業者等と顧客との間で顧客に対して支払をすることとなる額が定まっている場合であって、次に掲げる要件の全てを満たす場合（前各号に掲げる場合を除く。）

(ix) when the amount to be paid to the customer for losses arising from a problematic conduct has been determined between the financial instruments business operator and the customer, and meets all of the following requirements (excluding the cases set forth in the preceding items):

イ　金融商品取引業者等が顧客に対して支払をすることとなる額が千万円（ロに規定する委員会が司法書士である委員のみにより構成されている場合にあっては、司法書士法第三条第一項第七号に規定する額）を超えないこと。

(a) the amount to be paid by a financial instruments business operator, etc. to the customer does not exceed ten million yen (if the committee prescribed in sub-item (b) consists only of members that are judicial scriveners, the amount specified in Article 3, paragraph (1), item (vii) of the Judicial Scriveners Act); and

ロ　イの支払が事故による損失を補填するために行われるものであることが、金融商品取引業協会の内部に設けられた委員会（金融商品取引業協会により任命された複数の委員（事故に係る金融商品取引業者等及び顧客と特別の利害関係のない弁護士又は司法書士である者に限る。）により構成されるものをいう。）において調査され、確認されていること。

(b) the fact that the payment referred to in sub-item (a) is to be made for the purpose of compensating for losses arising from a problematic conduct has been investigated and confirmed by a committee set up within a financial instruments firms association (meaning a committee that consists of multiple members appointed by a financial instruments firms association (limited to persons that are attorneys-at-law or judicial scriveners that does not have a special interest with the financial instruments business operator, etc. and the customer related to the problematic conduct));

十　金融商品取引業者等の代表者等が前条第一号イからホまでに掲げる行為により顧客に損失を及ぼした場合で、一日の取引において顧客に生じた損失について顧客に対して申し込み、約束し、又は提供する財産上の利益が十万円に相当する額を上回らないとき（前各号に掲げる場合を除く。）。

(x) when the representative, etc. of a financial instruments business operator, etc. has caused a loss to the customer due to any act set forth in item (i), sub-items (a) through (e) of the preceding Article, and the amount of the property benefit offered, promised, or provided to a customer in relation to the loss incurred by the customer in one day's transaction does not exceed the amount equivalent to 100 thousand yen (excluding the cases set forth in the preceding items); and

十一　金融商品取引業者等の代表者等が前条第一号ハ又はニに掲げる行為により顧客に損失を及ぼした場合（法第四十六条の二、第四十七条若しくは第四十八条に規定する帳簿書類又は顧客の注文の内容の記録により事故であることが明らかである場合に限り、第一号から第九号までに掲げる場合を除く。）

(xi) when the representative, etc. of a financial instruments business operator, etc. has caused a loss to a customer due to any act set forth in item (i), sub-item (c) or (d) of the preceding Article (limited to cases in which it is obvious from the statements in books and documents prescribed in Article 46-2, Article 47 or Article 48 of the Act, or records of the content of a customer's order that the act is a problematic conduct and excluding the cases set forth in items (i) through (ix)).

２　前項第十号の利益は、前条第一項第一号イからホまでに掲げる行為の区分ごとに計算するものとする。この場合において、同号ハ又はニに掲げる行為の区分に係る利益の額については、前項第十一号に掲げる場合において申し込み、約束し、又は提供する財産上の利益の額を控除するものとする。

(2) The benefit referred to in item (x) of the preceding paragraph is to be calculated for each category of the acts set forth in paragraph (1), item (i), sub-items (a) through (e) of the preceding Article. In such a case, the amount of property benefit offered, promised, or provided in the case referred to in item (xi) of the preceding paragraph is to be deducted from the amount of benefit related to the category of the acts set forth in sub-item (c) or (d) of that item.

３　金融商品取引業者等は、第一項第九号から第十一号までに掲げる場合において、法第三十九条第三項ただし書の確認を受けないで、顧客に対し、財産上の利益を提供する旨を申し込み、若しくは約束し、又は財産上の利益を提供したときは、その申込み若しくは約束又は提供をした日の属する月の翌月末日までに、第百二十一条各号に掲げる事項を、当該申込み若しくは約束又は提供に係る事故の発生した本店その他の営業所又は事務所の所在地を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては福岡財務支局長、国内に営業所又は事務所を有しない場合にあっては関東財務局長。第百二十条において同じ。）に報告しなければならない。

(3) In the case set forth in paragraph (1), items (ix) through (xi), if a financial instruments business operator, etc. has offered or promised to provide, or has provided property benefits to a customer without obtaining confirmation referred to in the proviso to Article 39, paragraph (3) of the Act, the financial instruments business operator, etc. must report the matters set forth in the

items of Article 121 to the Director-General of a Local Finance Bureau with jurisdiction over the location of the head office or other business offices, or offices where the problematic conduct related to the offer, promise, or provision has occurred (if the locality falls within the jurisdictional area of the Fukuoka Local Finance Branch Bureau, its Director-General; if the business operator does not have a business office or an office in Japan, the Director-General of the Kanto Finance Bureau; the same applies in Article 120), no later than the last day of the month immediately after the month that includes the day of the offer, promise, or provision.

（損失補填の禁止の適用除外）

(Exemption of Prohibition of Compensation for Loss)

第百十九条の二　法第三十九条第四項に規定する内閣府令で定める投資信託は、投資信託及び投資法人に関する法律施行規則第二十五条第二号に規定する公社債投資信託（計算期間が一日のものに限る。）であって、顧客と金融商品取引業者等との間で行われる有価証券の売買その他の取引に係る金銭の授受の用に供することを目的としてその受益権が取得され、又は保有されるものとする。

Article 119-2 The investment trust specified by Cabinet Office Order as prescribed in Article 39, paragraph (4) of the Act is a bond investment trust provided for in Article 25, item (ii) of the Regulations for Enforcement of Act on Investment Trusts and Investment Corporations (limited to a bond investment trust for which the accounting period is one day), for which beneficial interest is acquired or held for using it to pay or receive money for purchase and sale of securities or other transactions conducted between a customer and a financial instruments business operator, etc.

（事故の確認の申請）

(Applying for Confirmation of Problematic Conduct)

第百二十条　法第三十九条第三項ただし書の確認を受けようとする者は、同条第七項の規定による申請書及びその添付書類の正本一通並びにこれらの写し一通を、当該確認に係る事故の発生した本店その他の営業所又は事務所の所在地を管轄する財務局長に提出しなければならない。

Article 120 A person that seeks confirmation referred to in the proviso to Article 39, paragraph (3) of the Act must submit one original copy of the written application under the provisions of paragraph (7) of that Article and of the attached documents, and copies of those documents to the Director-General of a Local Finance Bureau with jurisdiction over the location of the head office, or other business offices, or offices in which the problematic conduct related to the confirmation has occurred.

（確認申請書の記載事項）

(Matters to Be Stated in Written Applications for Confirmation)

第百二十一条　法第三十九条第七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 121 The matters specified by Cabinet Office Order as prescribed in Article 39, paragraph (7) of the Act are as follows:

一　金融商品取引業者等の商号、名称又は氏名及び登録番号

(i) the trade name or name, and the registration number of the financial instruments business operator, etc.;

二　事故の発生した本店その他の営業所又は事務所の名称及び所在地

(ii) the name and location of the head office, or other business offices, or offices in which the problematic conduct has occurred;

三　確認を受けようとする事実に関する次に掲げる事項

(iii) the following matters related to the fact for which confirmation is sought:

イ　事故となる行為に関係した代表者等の氏名又は部署の名称

(a) the name the representative, etc. or the department which was involved in the act which falls under problematic conduct;

ロ　顧客の氏名及び住所（法人にあっては、商号又は名称、主たる営業所又は事務所の所在地並びに代表者の氏名）

(b) the name and address of the customer (if the customer is a corporation, its trade name or name, the location of the principal business office or offices, and the name of its representative);

ハ　事故の概要

(c) an outline of the problematic conduct;

ニ　補填に係る顧客の損失が事故に起因するものである理由

(d) the reasons that the customer's loss to be compensated for is due to problematic conduct; and

ホ　申込み若しくは約束又は提供をしようとする財産上の利益の額

(e) the amount of property benefit to be offered, promised, or provided;

四　その他参考となるべき事項

(iv) other information that should serve as a reference.

（確認申請書の添付書類）

(Documents to Be Attached to Written Applications for Confirmation)

第百二十二条　法第三十九条第七項に規定する内閣府令で定めるものは、顧客が前条各号に掲げる事項の内容を確認したことを証明する書類その他参考となるべき資料とする。

Article 122 (1) The documents specified by Cabinet Office Order as prescribed in Article 39, paragraph (7) of the Act are the documents certifying that customers have confirmed the content of the matters set forth in the items of the preceding Article, and other information that should serve as a reference.

２　前項の規定は、法第三十九条第七項の規定による申請書が同条第一項第二号の申込

みに係るものである場合には、適用しない。

(2) The provisions of the preceding paragraph do not apply if the written application under the provisions of Article 39, paragraph (7) of the Act concerns the application set forth in item (ii), paragraph (1) of that Article.

（業務の運営の状況が公益に反し又は投資者の保護に支障を生ずるおそれがあるもの）

(Circumstances in Which the State of Managing Business Is Likely to Be Contrary to Public Interest or Hinder Protection of Investors)

第百二十三条　法第四十条第二号に規定する内閣府令で定める状況は、次に掲げる状況とする。

Article 123 (1) The circumstances specified by Cabinet Office Order as prescribed in Article 40, item (ii) of the Act are as follows:

一　あらかじめ顧客の注文の内容を確認することなく、頻繁に当該顧客の計算において有価証券の売買その他の取引又はデリバティブ取引等（有価証券等清算取次ぎを除く。）をしている状況

(i) circumstances in which the financial instruments business operator, etc. frequently conducts purchase and sale or other transactions of securities or derivative transactions, etc. (excluding brokerage for clearing of securities, etc.) on the customer's account, without confirming the content of the customer's order in advance;

二　不特定かつ多数の投資者を勧誘して有価証券の売買又はデリバティブ取引についての委任を受けている者（法令に準拠して金融商品取引行為を行う者を除く。）から、当該投資者の計算において行う取引であることを知りながら、あらかじめ当該投資者の意思を確認することなく有価証券の売買又はデリバティブ取引の受託等をしている状況

(ii) circumstances in which the financial instruments business operator, etc. has become entrusted, etc. with purchase and sale of securities or derivative transactions, etc. from a person who has been entrusted with purchase and sale of the securities or derivative transactions through the soliciting unspecified and many investors (excluding a person that conducts an act that constitutes a financial instruments transaction in compliance with laws and regulations), knowing that the transaction is to be conducted on such investor's account, and without confirming the investor's intention in advance;

三　著しく不適当と認められる数量、価格その他の条件により、有価証券の引受けを行っている状況

(iii) circumstances in which the financial instruments business operator, etc. is conducting underwriting of securities in which the quantity, price and other conditions that are found to be extremely inappropriate;

四　有価証券の元引受けを行う場合において、発行者の財務状況、経営成績その他引

受けの適否の判断に資する事項の適切な審査を行っていないものと認められる状況

(iv) when conducting the wholesale underwriting of securities, circumstances in which it is found that the financial instruments business operator, etc. has not conducted an appropriate examination of the issuer's financial condition, operating results, or other matters that contribute to determining the appropriateness of underwriting;

五　その取り扱う法人関係情報に関する管理又は顧客の有価証券の売買その他の取引等に関する管理について法人関係情報に係る不公正な取引の防止を図るために必要かつ適切な措置を講じていないと認められる状況

(v) circumstances in which it is found that the financial instruments business operator, etc. has not taken the measures necessary and appropriate for preventing unfair transactions based on corporate information concerning the management of corporate information they handle, or the management of a customer's purchase and sale or other transactions of securities.,;

六　その取り扱う個人である顧客に関する情報の安全管理、従業者の監督及び当該情報の取扱いを委託する場合には、その委託先の監督について、当該情報の漏えい、滅失又は毀損の防止を図るために必要かつ適切な措置を講じていないと認められる状況

(vi) when entrusting the safety management of information on a customer the financial instruments business operator, etc. handles who is an individual, the supervision of workers, and the handling of the information, circumstances in which it is found that the business operator, etc. has not taken the measures necessary and appropriate for preventing the leakage, destruction, or damage of the information in relation to supervision of the entrusted person;

六の二　その取り扱う個人である顧客に関する情報（個人情報の保護に関する法律（平成十五年法律第五十七号）第十六条第三項に規定する個人データに該当するものに限る。）の漏えい、滅失若しくは毀損が発生し、又は発生したおそれがある事態が生じたときに、当該事態が生じた旨を所管金融庁長官等に速やかに報告することその他の適切な措置を講じていないと認められる状況

(vi)-2 when leakage, destruction, or damage occurs to information on a customer the financial instruments business operator, etc. handles who is an individual (limited to information that falls under personal data prescribed in Article 16, paragraph (3) of the Act on the Protection of Personal Information (Act No. 57 of 2003)), or when a situation has arisen in which it is suspected that leakage, destruction, or damage has occurred, circumstances in which it is found that the financial instruments business operator, etc. has not reported the fact that the situation has arisen to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau or has not taken other appropriate measures;

七　その取り扱う個人である顧客に関する人種、信条、門地、本籍地、保健医療又は犯罪経歴についての情報その他業務上知り得た公表されていない特別の情報を、適切な業務の運営の確保その他必要と認められる目的以外の目的のために利用しないことを確保するための措置を講じていないと認められる状況

(vii) circumstances in which it is found that the financial instruments business operator, etc. has not taken measures to ensure that they will not use the information concerning the race, creed, family origin, registered domicile, health and medical care, or criminal record, of the customer they handle who is an indicidual, or other undisclosed special information that has come to their knowledge in the course of business for any purpose other than ensuring the proper operation of business or other purposes found to be necessary;

八　顧客の有価証券の売買その他の取引等に関し、受渡状況その他の顧客に必要な情報を適切に通知していないと認められる状況

(viii) circumstances in which it is found that the financial instruments business operator, etc. has not properly notified the customer of the delivery status and other information necessary for customers in connection with purchase and sale or other transaction of securities by customers;

九　投資信託受益証券等（投資信託及び投資法人に関する法律に規定する投資信託若しくは外国投資信託の受益証券（第六十五条第二号イからハまでに掲げるもの及びこれらと同様の性質を有するものを除く。）、投資証券又は外国投資証券で投資証券に類する証券をいい、金融商品取引所に上場されているもの及び店頭売買有価証券に該当するものを除く。以下この号及び第二百八十一条第六号において同じ。）の乗換え（現に保有している投資信託受益証券等に係る投資信託契約の一部解約若しくは投資口の払戻し又は投資信託受益証券等の売付け若しくはその委託等を伴う投資信託受益証券等の取得又は買付け若しくはその委託等をいう。以下この号及び同条第六号において同じ。）を勧誘するに際し、顧客（特定投資家を除く。次号において同じ。）に対して、当該乗換えに関する重要な事項について説明を行っていない状況

(ix) circumstances in which in soliciting a rollover (meaning the partial cancellation of an investment trust agreement concerning investment trust beneficiary certificates, etc. currently held or refund of equity investment, or sale of investment trust beneficiary certificates, etc. or acquisition of investment trust beneficiary certificates, etc. involving their entrustment, or purchase or their entrustment; hereinafter the same applies in this item and Article 281, item (vi)) of beneficiary certificates, etc. of an investment trust (meaning the beneficiary certificates of investment trust or foreign investment trust prescribed in the Act on Investment Trusts and Investment Corporations (excluding beneficiary certificates set forth in Article 65, item (ii), sub-items (a) through (c) and those that have a nature similar to them), investment securities, or foreign investment securities similar to investment

securities, and excluding those which have been listed on a financial instruments exchange or which fall under over-the-counter traded securities; hereinafter the same applies in this item and Article 281, item (vi)), explanation of important matters concerning the rollover have not been given to customers (excluding a professional investor; hereinafter the same applies in the following item) ;

十　金融商品取引業者が、法第二条第八項第七号イに掲げる有価証券（当該有価証券に表示されるべき権利であって、同条第二項の規定により有価証券とみなされるものを含む。）に係る同号に掲げる行為又は当該有価証券の転売を目的としない買取りその他これに類する行為を行い、当該行為に関して、当該有価証券に係る顧客の応募代金若しくは売却代金又は当該有価証券に係る投資信託の解約金、収益金若しくは償還金の預託を受ける場合において、当該預託を受けた金銭について、法第四十三条の二第二項に規定する方法に準じた方法により、当該金融商品取引業者が金融商品取引業を廃止した場合その他金融商品取引業を行わないこととなった場合に当該顧客に返還すべき額に相当する金銭を管理することを目的として、国内において、信託会社又は信託業務を営む金融機関に信託をしていない状況

(x) when a financial instruments business operator conducts an act set forth in Article 2, paragraph (8), item (vii) of the Act concerning the securities set forth in sub-item (a) of that item (including rights required to be indicated on the securities which are deemed to be securities pursuant to the provisions of paragraph (2) of that Article), or conducts purchase of the securities without the purpose of resale or other similar acts, and receives from the customer a deposit for their subscription payment or proceeds of sale related to the securities, or cancellation fee, earnings, or redemption money for investment trust related to those securities in relation to the act, for the purpose of controlling the money equivalent to the amount that should be returned to the customer when they discontinue financial instruments business or cease to conduct financial instruments business, circumstances in which they have not entrusted the deposited money with a trust company or financial institution engaged in trust business, in Japan, concerning the money the business operator has received deposit, by the means equivalent to the means prescribed in Article 43-2, paragraph (2) of the Act;

十一　法第二条第八項第八号又は第九号に掲げる行為により同条第一項第五号に掲げる有価証券又は同項第十七号に掲げる有価証券（同項第一号から第五号までのいずれかに掲げる有価証券の性質を有するものに限る。）を取得させ、又は売り付けようとする際に、これらの有価証券の取得又は買付けの申込みの期間中に生じた投資判断に影響を及ぼす重要な事象について、個人である顧客（特定投資家を除く。）に対して説明を行っていない状況

(xi) at the time a financial instruments business operator, etc. seeks to have a person acquire, or sell them securities set forth in Article 2, paragraph (1), item (v) of the Act or item (xvii) of that paragraph (limited to those which

have the nature of the securities set forth in any of Article 2, paragraph (1), items (i) through (v) of the Act) through an act set forth in Article 2, paragraph (8), item (viii) or (ix) of the Act, circumstances in which the financial instruments business operator, etc. has not given an explanation on material events that influence investment decision which has occurred during the period for making an application for the acquisition or purchase of those securities to customers (excluding professional investors) that are individuals;

十二　取引所金融商品市場における上場金融商品等又は店頭売買有価証券市場における店頭売買有価証券の相場若しくは相場若しくは取引高に基づいて算出した数値を変動させ、若しくはくぎ付けし、固定し、若しくは安定させ、又は取引高を増加させることにより実勢を反映しない作為的なものを形成させるべき当該上場金融商品等若しくは当該店頭売買有価証券に係る買付け若しくは売付け若しくはデリバティブ取引又はこれらの申込み若しくは委託等若しくは受託等をする行為を防止するための売買管理が十分でないと認められる状況

(xii) circumstances in which it is found that the management of purchase and sale for preventing acts of making an application for, entrusting, etc., or becoming entrusted, etc. with, sale, purchase, or derivative transaction related to the listed financial instruments, etc. traded on a financial instruments exchange market or the over-the-counter traded securities, which would result in forming a manipulative quotation that does not reflect the actual market status through fluctuating, pegging, fixing, or stabilizing the quotation of listed financial instruments, etc. in financial instruments exchange market, or over-the-counter traded securities in over-the-counter securities market or the figure calculated based on quotation or transaction volume;

十三　金融商品取引業者等が第一種金融商品取引業又は第二種金融商品取引業として次に掲げる行為を行う場合において、当該行為が投資者の保護に欠け、取引の公正を害し、又は金融商品取引業等の信用を失墜させることとなることを防止するため十分な社内管理体制をあらかじめ整備していない状況

(xiii) in conducting any of the following acts as type I financial instruments business or type II financial instruments business, circumstances in which a financial instruments business operator, etc. has not developed in advance an internal management system sufficient to prevent the act from resulting in insufficient protection for investors, harming the fairness of transactions, or losing credibility of financial instruments business, etc.:

イ　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第十六条第一項第八号イ又はロに掲げる行為

(a) an act set forth in Article 16, paragraph (1), item (viii), sub-item (a) or (b) of the Cabinet Office Order on Definitions under Article 2 of the Financial Instruments and Exchange Act;

ロ　顧客から売買の別、銘柄及び数（デリバティブ取引にあっては、これらに相当する事項）について同意を得た上で、価格（デリバティブ取引にあっては、価格に相当する事項）については当該同意の時点における相場（当該同意の時点における相場がない場合には、当該同意の直近の時点における相場）を考慮して適切な幅を持たせた同意（ハにおいて「特定同意」という。）の範囲内で当該金融商品取引業者等が定めることができることを内容とする契約に基づき行う有価証券の売買又はデリバティブ取引

(b) purchase and sale of securities or derivative transactions conducted based on the contract which provides that the financial instruments business operator, etc. by obtaining the customer's consent on whether the transaction is for purchase or sale, the issue, and the volume (for derivatives transactions, matters equivalent to them), may determine the price (for derivatives transactions, the matter equivalent to the price) within an appropriate scope of consent given in consideration of the quotation at the time of the consent (if there is no quotation at the time of the consent, the quotation at the time immediately before the consent) (the consent is referred to as the "specific consent" in sub-item (c));

ハ　顧客から売買の別、銘柄及び個別の取引の総額（デリバティブ取引にあっては、これらに相当する事項）並びに数又は価格（デリバティブ取引にあっては、これらに相当する事項）の一方について同意（価格については、特定同意を含む。）を得た上で、他方については当該金融商品取引業者等が定めることができることを内容とする契約に基づき行う有価証券の売買又はデリバティブ取引

(c) purchase and sale of securities or derivative transactions conducted based on the contract which provides that the financial instruments business operator, etc. by obtaining the customer's consent on whether the transaction is for purchase or sale, the issue, and the total amount of each transaction (in the case of derivatives transactions, matters equivalent to them), and the consent (for the price, including the specific consent) on either the volume or the price (in the case of derivatives transactions, matters equivalent to them), may determine the volume or the price that have not been given a consent by the customer;

ニ　第百十七条第一項第二十一号に規定する契約に基づき行う有価証券の売買又はデリバティブ取引

(d) purchase and sale of securities or derivative transactions to be conducted under the contract specified in Article 117, paragraph (1), item (xxi);

ホ　当該金融商品取引業者等の役員（役員が法人であるときは、その職務を行うべき社員を含む。）及び使用人の親族（配偶者並びに二親等内の血族及び姻族に限る。）から、売買の別、銘柄及び数（デリバティブ取引にあっては、これらに相当する事項）について同意を得た上で、価格（デリバティブ取引にあっては、価格に相当する事項）については当該金融商品取引業者等が定めることができることを内容とする契約に基づき行う有価証券の売買又はデリバティブ取引

(e) purchase and sale of securities or derivative transactions conducted based on the contract which provides that the financial instruments business operator, etc. by obtaining a consent from the relative (limited to a spouse, and relative by blood or affinity within the second degree of kinship) of their officer (if the officer is a corporation, including members that are to perform the corporation's duties) or of an employee on whether the transaction is for purchase or sale, the issue, and the volume (for derivatives transactions, matters equivalent to them), may determine the price (for derivatives transactions, matters equivalent to the price);

十三の二　金融商品取引業者が適格投資家向け投資運用業を行う場合において、権利者（法第二条第八項第十二号イに掲げる契約の相手方である登録投資法人（投資信託及び投資法人に関する法律第二条第十三項に規定する登録投資法人をいう。）の投資主（同法第二条第十六項に規定する投資主をいう。）及び令第十五条の十の四各号に掲げる者を含む。以下この号において同じ。）又は権利者となろうとする者の属性の確認及び権利者の有価証券の売買その他の取引の動向の把握その他の方法により、適格投資家以外の者が権利者となることを防止するための必要かつ適切な措置を講じていないと認められる状況

(xiii)-2 when a financial instruments business operator engages in investment management business for qualified investors, circumstances in which it is found that the financial instruments business operator has not taken necessary and appropriate measures for preventing persons other than qualified investors from becoming a right holder through confirming the attributes of a right holder (including the investor (meaning an investor as defined in Article 2, paragraph (16) of the Act on Investment Trusts and Investment Corporations) of a registered investment corporation that is the other party to the contract set forth in Article 2, paragraph (8), item (xii) of the Act (meaning a registered investment corporation as defined in Article 2, paragraph (13) of the Act on Investment Trusts and Investment Corporations) and the person set forth in the items of Article 15-10-4 of the Order; hereinafter the same applies in this item) or a person that seeks to become a right holder and understanding the trend of purchase and sale or other transactions of securities of the right holder or other means;

十四　金融商品取引業等に係る電子情報処理組織の管理が十分でないと認められる状況（金融商品取引業等として高速取引行為を行う金融商品取引業者等にあっては、法第六十六条の五十七第一号に規定する状況を含む。）

(xiv) circumstances in which the management of electronic data processing system used for financial instruments business, etc. is found to be insufficient (for a financial instruments business operator, etc. engaged in high-speed trading as financial instruments business, etc., including the circumstances provided for in Article 66-57, item (i) of the Act);

十五　委託を行った金融商品仲介業者の金融商品仲介業に係る法令に違反する行為を

防止するための措置が十分でないと認められる状況

(xv) circumstances in which the measures for preventing an act in violation of laws and regulations related to financial instruments intermediary services of the entrusted financial instruments intermediary service provider are found to be insufficient;

十六　委託を行った金融商品仲介業者の事故（第二百五十八条第三号に規定する事故をいう。）につき損失の補填を行うための適切な措置を講じていないと認められる状況

(xvi) circumstances in which it is found that the financial instruments business operator, etc. has not taken appropriate measures for the compensation of loss for the problematic conduct of the entrusted financial instruments intermediary service provider (meaning a problematic conduct prescribed in Article 258, item (iii));

十七　委託を行った金融商品仲介業者に顧客に対する金銭、有価証券又は商品（寄託された商品に関して発行された証券又は証書を含む。）の受渡しを行わせている状況

(xvii) circumstances in which the financial instruments business operator, etc. has the entrusted financial instruments intermediary service provider deliver money, securities, or commodities for the customers (including instruments or certificates issued for the deposited commodities);

十八　金融商品取引業者等が取得した顧客の財産に関する公表されていない情報その他の特別な情報（次に掲げるものを除く。）を、事前に顧客の書面による同意を得ることなく、当該金融商品取引業者等が委託を行う登録金融機関、金融商品仲介業者若しくは金融サービス仲介業者に提供している状況又は金融商品取引業者等が委託を行った登録金融機関、金融商品仲介業者若しくは金融サービス仲介業者から取得した顧客の財産に関する公表されていない情報その他の特別な情報（へに掲げるもの以外のものであって、当該登録金融機関、金融商品仲介業者又は金融サービス仲介業者が当該顧客の書面による同意を得ずに提供したものに限る。）を利用して有価証券の売買その他の取引等を勧誘している状況

(xviii) circumstances in which a financial instruments business operator, etc. provides unpublished information concerning a customer's property or other special information (excluding the following information) which they have obtained to registered financial institution, financial instruments intermediary service provider, or financial service intermediary to which they have entrusted business, without obtaining prior written consent from the customer, or solicits purchase and sale or other transactions of securities by using unpublished information concerning a customer's property or other special information obtained from registered financial institution, financial instruments intermediary service provider, or financial service intermediary to which they have entrusted business (limited to information other than those set forth in sub-item (f), which is provided by the registered financial

institution, financial instruments intermediary service provider, or financial service intermediary without obtaining the customer's written consent):

イ　当該登録金融機関、金融商品仲介業者又は金融サービス仲介業者の金融商品仲介行為に係る情報

(a) information concerning act of intermediation for financial instruments performed by the registered financial institution, financial instruments intermediary service provider, or financial service intermediary;

ロ　当該登録金融機関、金融商品仲介業者又は金融サービス仲介業者が金融商品仲介業又は有価証券等仲介業務に係る法令を遵守するために提供する必要があると認められる情報

(b) information which is found necessary to be provided in order to ensure compliance with the laws and regulations applicable to the financial instruments intermediary service or the securities, etc. intermediary business operations by the registered financial institution, financial instruments intermediary service provider, or financial service intermediary;

ハ　第百五十条第四号に規定する場合において、当該有価証券に係る手取金が当該借入金に係る債務の弁済に充てられる旨の情報

(c) in the case prescribed in Article 150, item (iv), information of the fact that proceeds related to the securities are to be appropriated for performance of tobligation related to the borrowings;

ニ　当該登録金融機関又は委託金融商品取引業者が対象規定（法第三十六条第二項、銀行法第十三条の三の二第一項（長期信用銀行法第十七条、協同組合による金融事業に関する法律第六条第一項、信用金庫法第八十九条第一項及び労働金庫法第九十四条第一項において準用する場合を含む。）、農林中央金庫法第五十九条の二の二第一項、中小企業等協同組合法第五十八条の五の二第一項、農業協同組合法第十一条の五の二第一項若しくは第十一条の十二の三第一項、水産業協同組合法第十一条の十六第一項（同法第九十二条第一項、第九十六条第一項及び第百条第一項において準用する場合を含む。）若しくは第十五条の十六第一項（同法第九十六条第一項及び第百五条第一項において準用する場合を含む。）、株式会社商工組合中央金庫法第二十八条の二第一項又は保険業法第百条の二の二第一項若しくは第百九十三条の二第一項の規定をいう。第二十四号ハにおいて同じ。）を遵守するために当該登録金融機関に提供する必要があると認められる情報

(d) information found necessary to be provided to the registered financial institution for the registered financial institution or entrusting financial instruments business operator to comply with the applicable provisions (meaning the provisions of Article 36, paragraph (2) of the Act, Article 13-3-2, paragraph (1) of the Banking Act (including as applied mutatis mutandis pursuant to Article 17 of the Long-Term Credit Bank Act, Article 6, paragraph (1) of the Act on Financial Businesses by Cooperatives, Article 89, paragraph (1) of the Shinkin Bank Act, and Article 94,

paragraph (1) of the Labor Bank Act), Article 59-2-2, paragraph (1) of the Norinchukin Bank Act, Article 58-5-2, paragraph (1) of the Small and Medium-Sized Enterprise Cooperatives Act, Article 11-5-2, paragraph (1) or Article 11-12-3, paragraph (1) of the Agricultural Cooperatives Act, Article 11-16, paragraph (1) of the Fishery Cooperatives Act (including as applied mutatis mutandis pursuant to Article 92, paragraph (1), Article 96, paragraph (1) and Article 100, paragraph (1) of that Act) or Article 15-16, paragraph (1) of that Act (including as applied mutatis mutandis pursuant to Article 96, paragraph (1) and Article 105, paragraph (1) of that Act), Article 28-2, paragraph (1) of the Shoko Chukin Bank Limited Act, or Article 100-2-2, paragraph (1) or Article 193-2, paragraph (1) of the Insurance Business Act; the same applies in item (xxiv), (c));

ホ　委託金融商品取引業者が委託を行う登録金融機関の親法人等若しくは子法人等である場合又は委託金融商品取引業者が委託を行う登録金融機関が当該委託金融商品取引業者の親法人等若しくは子法人等である場合（第百五十三条第三項第七号に掲げる業務の全部又は一部を行うために必要な情報を提供する場合においては、委託金融商品取引業者が委託を行う登録金融機関の子法人等である場合又は委託金融商品取引業者が委託を行う登録金融機関が当該委託金融商品取引業者の親法人等である場合に限る。）であって、当該委託金融商品取引業者が内部の管理及び運営に関する業務等（電子情報処理組織の保守及び管理に関する業務並びに第百五十三条第三項に規定する内部の管理及び運営に関する業務をいう。以下ホ及び第二十四号ニにおいて同じ。）の全部又は一部を行うために必要な情報を当該登録金融機関に提供する場合（当該委託金融商品取引業者及び当該登録金融機関において内部の管理及び運営に関する業務等を行う部門から当該情報が漏えいしない措置が的確に講じられている場合であって、当該委託金融商品取引業者が当該登録金融機関の金融商品仲介業務に従事する役員（役員が法人であるときは、その職務を行うべき社員を含む。）及び使用人以外の者に当該情報を提供する場合に限る。）における当該情報

(e) if the entrusting financial instruments business operator is the parent corporation, etc. or subsidiary corporation, etc. of the registered financial institution that entrusts business, or the registered financial institution to which the entrusting financial instruments business operator entrusts business is the parent corporation, etc. or subsidiary corporation, etc. of the entrusting financial instruments business operator (when providing necessary information for conducting all or part of the business set forth in Article 153, paragraph (3), item (vii), limited to when the entrusting financial instruments business operator is a subsidiary corporation, etc. of registered financial institution which entrusts business, or the registered financial institution to which the entrusting financial instruments business operator entrusts business is the parent corporation, etc. of the entrusting financial instruments business operator), and the entrusting

financial instruments business operator provides the necessary information for conducting all or part of the work, etc. on internal management and operation at the registered financial institution (meaning the work on maintenance and management of the electronic data processing system and internal management and operation affairs prescribed in Article 153, paragraph (3); hereinafter the same applies in sub-item (e) and item (xxiv), sub-item (d)) to the registered financial institution (limited to the case in which measures for preventing the leak of the information from the department in charge of the internal management and operation affairs, etc. have been appropriately taken by the the entrusting financial instruments business operator and registered financial institution, and the entrusting financial instruments business operator provides the information to persons other than officers (if the officer is a corporation, including members that are to perform the corporation's duties) and employees that are engaged in financial instruments intermediary services of the registered financial institution), that information; and

ヘ　当該金融商品取引業者等が当該登録金融機関、金融商品仲介業者若しくは金融サービス仲介業者の親法人等若しくは子法人等である場合又は当該登録金融機関、金融商品仲介業者若しくは金融サービス仲介業者が当該金融商品取引業者等の親法人等若しくは子法人等である場合には、外国法人（法人でない外国の団体で代表者又は管理人の定めのあるものを含む。）に係るもの

(f) if the financial instruments business operator, etc. is the parent corporation, etc. or subsidiary corporation, etc. of the registered financial institution, financial instruments intermediary service provider or financial service intermediary, or if the registered financial institution, financial instruments intermediary service provider, or financial service intermediary is the parent corporation, etc. or subsidiary corporation, etc. of the financial instruments business operator, etc., information related to a foreign corporation (including a foreign organization that is not a corporation for which a representative person or administrator has been designated);

十九　金融商品取引業又は金融商品仲介業務を実施する組織（融資業務又は金融機関代理業務を併せて実施する組織に限る。）の業務を統括する役員（役員が法人であるときは、その職務を行うべき社員を含む。以下この号において同じ。）又は使用人が、有価証券（法第三十三条第二項第一号に掲げる有価証券並びに法第二条第一項第十七号に掲げる有価証券であって同項第一号及び第二号の性質を有する有価証券を除く。以下この号において同じ。）の発行者である顧客の非公開融資等情報を自ら取得し、又は融資業務若しくは金融機関代理業務に従事する役員若しくは使用人から受領して、当該有価証券に係る法第二条第八項各号に掲げる行為の勧誘を行っている状況（当該統括する役員又は使用人が、非公開融資等情報（法人関係情報

を除く。）の提供につき、事前にその顧客の書面による同意を得ることなく、その顧客の非公開融資等情報を金融商品取引業又は金融商品仲介業務に従事する役員又は使用人に提供している状況を含む。）

(xix) circumstances in which the officer (if the officer is a corporation, including members that are to perform the corporation's duties; hereinafter the same applies in this item) or employee that supervises the business of the organization that conducts financial instruments business or financial instruments intermediary service (limited to the organization that conducts lending operations or financial institution agency services in addition to the business or service) personally acquires undisclosed loan, etc. information of the customer that is the issuer of securities (excluding those set forth in Article 33, paragraph (2), item (i) of the Act, and those set forth in Article 2, paragraph (1), item (xvii) of the Act which have the nature referred to in items (i) and (ii) of that paragraph; hereinafter the same applies in this item), or receives the information from an officer or employee engaged in lending operations or financial institution agency services, and solicits the acts set forth in the items of Article 2, paragraph (8) of the Act concerning the securities (including the circumstances in which the officer or employee supervising the business provides an officer or employee engaged in financial instruments business or financial instruments intermediary service with the customer's undisclosed loan, etc. information (excluding corporate information), without obtaining the customer's written consent in advance for the provision of that information);

二十　店頭デリバティブ取引について、金融商品取引業者等が売付け及び買付けの価格又は価格に相当する事項の双方がある場合に、これらの価格又は価格に相当する事項を同時に提示していない状況（当該店頭デリバティブ取引が店頭金融先物取引及び暗号資産関連店頭デリバティブ取引以外のものである場合にあっては、当該価格又は価格に相当する事項を同時に個人である顧客に提示していない状況）

(xx) when there are both the prices for purchase and sale, and the matter equivalent to the price for over-the-counter derivatives transactions, circumstances in which the financial instruments business operator, etc. does not present the prices or the matter equivalent to the price at the same time (if the over-the-counter derivatives transaction is a transaction other than an over-the-counter transaction of financial futures or cryptoasset-related over-the-counter derivatives transaction, circumstances in which the price or the matter equivalent to the price is not presented to a customer that is an individual, at the same time);

二十一　店頭デリバティブ取引について、金融商品取引業者等が顧客（当該店頭デリバティブ取引が店頭金融先物取引及び暗号資産関連店頭デリバティブ取引以外のものである場合にあっては、個人に限る。）の取引時に表示した価格又は価格に相当する事項を、当該価格又は価格に相当する事項の提示を要求した当該顧客に提示し

ていない状況

(xxi) circumstances in which a financial instruments business operator, etc. has not presented the price or the matter equivalent to the price indicated by the business operator at the time a customer (if the over-the-counter derivatives transactions are transactions other than over-the-counter transactions of financial futures or cryptoasset-related over-the-counter derivatives transactions, limited to an individual) conducts the transaction to the customer that has requested the price or the matter equivalent to the price to be presented;

二十一の二　顧客（個人（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第十条第一項第二十四号ロ（１）に掲げる要件に該当する業務執行組合員等（同項第二十三号に規定する業務執行組合員等をいう。以下この号において同じ。）が業務執行組合員等として通貨関連デリバティブ取引（通貨関連市場デリバティブ取引、通貨関連店頭デリバティブ取引又は通貨関連外国市場デリバティブ取引をいう。以下この号及び次号において同じ。）を行う場合における当該業務執行組合員等を除く。）に限る。以下この号において同じ。）がその計算において行った通貨関連デリバティブ取引を決済した場合に顧客に生ずることとなる損失の額が、当該顧客との間であらかじめ約した計算方法（当該通貨関連デリバティブ取引が行われる取引所金融商品市場を開設する金融商品取引所の業務規程及び当該通貨関連デリバティブ取引に基づく債務を、引受け、更改その他の方法により負担する金融商品取引清算機関の業務方法書において、同一の顧客が預託した通貨関連デリバティブ取引に係る証拠金等（委託証拠金その他の保証金をいう。以下この号において同じ。）及び非通貨関連デリバティブ取引に係る証拠金等について、一方に不足を生じた場合には、他方から補足する旨の定めがある場合（当該補足を行うことについて顧客の書面又は第五十七条の三第一項各号及び第二項に規定する方法に準ずる方法による同意を得ている場合に限る。）にあっては、当該定めに準拠した計算方法）により算出される額に達する場合に行うこととする通貨関連デリバティブ取引の決済（次号において「ロスカット取引」という。）を行うための十分な管理体制を整備していない状況

(xxi)-2 circumstances in which a financial instruments business operator, etc. has not developed a management system sufficient for settling a currency-related derivatives transaction (referred to as a "loss-cut transaction" in the following item) that is to be conducted if the amount of loss that will occur to be incurred by a customer (limited to an individual (excluding the operating partner, etc. when the operating partner, etc. that satisfies the requirements set forth in Article 10, paraqgraph (1), item (xxiv), sub-item (b), 1. of the Cabinet Office Order on Definitions under Article 2 of the Financial Instruments and Exchange Act conducts currency-related derivatives transactions (meaning currency-related market derivatives transactions, currency-related over-the-counter derivatives transactions, or currency-related foreign market derivatives transactions; hereinafter the same applies

in this item and the following item) as an operating partner, etc.; hereinafter the same applies in this item) reaches the amount calculated by the calculation method agreed with the customer in advance (if the operational rules of a financial instruments exchange operating the financial instruments exchange market where the currency-related derivatives transaction is conducted and the business rules of the financial instruments clearing organization that assumes, novates, or in any other way bears the obligations based on currency-related derivatives transactions, provide that if there is a shortfall in either the margin, etc. (meaning a customer margin or other security deposits; hereinafter the same applies in this item) related to a currency-related derivatives transaction or the margin, etc. related to a non-currency-related derivatives transaction that was deposited by the same customer, the shortfall is to be covered by the other margin (limited to the case in which consent is obtained for covering the shortfall by a written consent of the customer or by a method equivalent to any of the methods prescribed in the items of Article 57-3, paragraph (1), and paragraph (2) of that Article), the calculation method that conforms to the provisions);

二十一の三　通貨関連デリバティブ取引について、ロスカット取引を行っていないと認められる状況

(xxi)-3 circumstances in which it is found that a loss-cutting transaction has not been conducted for a currency-related derivatives transaction;

二十一の四　特定通貨関連店頭デリバティブ取引（第百十七条第一項第二十八号の二に規定する特定通貨関連店頭デリバティブ取引をいう。次号及び第二十一号の六において同じ。）について、金融商品取引業者（指定親会社を親会社（法第五十七条の二第八項に規定する親会社をいう。）とする特別金融商品取引業者を除く。以下この号から第二十一号の六まで及び第六項において同じ。）が、その所属する金融商品取引業協会の規則（金融庁長官の指定するもの（以下この号から第二十一号の六まで及び第六項において「協会規則」という。）に限る。（協会規則を定める金融商品取引業協会に加入していない金融商品取引業者にあっては、金融庁長官の指定するもの。次号及び第二十一号の六において同じ。））の定めるところにより、ストレステスト（外国為替相場の変動その他の変化があったものとして、当該金融商品取引業者に生ずる損失を計算し、経営の健全性に与える影響を分析することをいう。次号及び第二十一号の六並びに第六項において同じ。）を実施していないと認められる状況

(xxi)-4 circumstances in which it is found that a financial instruments business operator (excluding the special financial instruments business operator whose parent company (meaning a parent company provided for in Article 57-2, paragraph (8) of the Act) is a designated parent company; hereinafter the same applies in this item through item (xxi)-6 and paragraph (6)) has not conducted a stress test (meaning to calculate the loss that will occur to the financial instruments business operator on the assumption that there has

been fluctuations in the foreign exchange rate or other changes, and to analyze the impact of the loss on the soundness of management; the same applies in the following item, and item (xxi)-6 and paragraph (6)) concerning specified currency-related over-the-counter derivatives transactions (meaning the specified currency-related over-the-counter derivatives transactions prescribed in Article 117, paragraph (1), item (xxviii)-2; the same applies in the following item and item (xxi)-6) as provided for by the rules of a financial instruments firms association to which they belong (limited to the rules designated by the Commissioner of the Financial Services Agency (hereinafter referred to as "association rules" in this item through item (xxi)-6 and paragraph (6); for a financial instruments business operator that does not belong to a financial instruments firms association that has established association rules, the rules designated by the Commissioner of the Financial Services Agency; the same applies in the following item and item (xxi)-6));

二十一の五　特定通貨関連店頭デリバティブ取引について、金融商品取引業者が、協会規則の定めるところにより、ストレステストの結果を踏まえ、必要があると認められるにもかかわらず、経営の健全性を確保するための措置を講じていないと認められる状況

(xxi)-5 circumstances in which it is found that a financial instruments business operator has not taken measures to secure the soundness of management for specified currency-related over-the-counter derivatives transactions as provided for in association rules, even though the measures are found to be necessary based on the result of a stress test;

二十一の六　特定通貨関連店頭デリバティブ取引について、金融商品取引業者が、協会規則の定めるところにより、ストレステストの結果を、その所属する金融商品取引業協会（協会規則を定める金融商品取引業協会に加入していない金融商品取引業者にあっては、当該金融商品取引業者の本店等の所在地を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては福岡財務支局長））に報告していないと認められる状況

(xxi)-6 circumstances in which it is found that a financial instruments business operator has not reported the results of a stress test to the financial instruments firms association to which it belongs as provided for by the association rules (for a financial instruments business operator that does not belong to a financial instruments firms association that has established association rules, the Director-General of a Local Finance Bureau having jurisdiction over the locality of the head office, etc. of the financial instruments business operator (if the locality falls within the jurisdictional area of the Fukuoka Local Finance Branch Bureau, to the Director-General of the Fukuoka Local Finance Branch Bureau));

二十一の七　特定通貨関連店頭デリバティブ取引について、金融商品取引業者等が、

その所属する金融商品取引業協会の規則（金融庁長官の指定するもの（以下この号及び次号並びに第七項において「協会規則」という。）に限る。（協会規則を定める金融商品取引業協会に加入していない金融商品取引業者等にあっては、金融庁長官の指定するもの。次号において同じ。））の定めるところにより、特定通貨関連店頭デリバティブ取引に関する情報を保存していないと認められる状況

(xxi)-7 circumstances in which it is found that a financial instruments business operator, etc. has not preserved the information on specified currency-related over-the-counter derivatives transactions as provided for by the rules of the financial instruments firms association to which they belong (limited to the rules designated by the Commissioner of the Financial Services Agency (hereinafter referred to as "association rules" in this item and the following item, and paragraph (7) (for a financial instruments business operator, etc. that does not belong to a financial instruments firms association that has established association rules, rules designated by the Commissioner of the Financial Services Agency; the same applies in the following item));

二十一の八　特定通貨関連店頭デリバティブ取引について、協会規則の定めるところにより、特定通貨関連店頭デリバティブ取引に関する情報を、その所属する金融商品取引業協会（協会規則を定める金融商品取引業協会に加入していない金融商品取引業者等にあっては、当該金融商品取引業者等の本店等の所在地を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては福岡財務支局長））に報告していないと認められる状況

(xxi)-8 circumstances in which it is found that a financial instruments business operator, etc. has not reported the information on specified currency-related over-the-counter derivatives transactions to the financial instruments firms association to which they belong as provided for by association rules (for a financial instruments business operator, etc. that does not belong to a financial instruments firms association that has established association rules, to the Director-General of a Local Finance Bureau having jurisdiction over the locality of the head office, etc. of the Financial Instruments Business Operator, etc. (if the locality falls within the jurisdictional area of the Fukuoka Local Finance Branch Bureau, to the Director-General of the Fukuoka Local Finance Branch Bureau));

二十一の九　特定店頭オプション取引について、次に掲げる措置を講じていないと認められる状況

(xxi)-9 circumstances in which it is found that the following measures have not been taken for specified over-the-counter transactions of options:

イ　特定店頭オプション取引に係る契約を締結しようとするときに、あらかじめ、顧客（個人（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第十条第一項第二十四号ロ（１）に掲げる要件に該当する業務執行組合員等（同項第二十三号に規定する業務執行組合員等をいう。以下イにおいて同じ。）が業務執行組合員等として特定店頭オプション取引を行う場合における当該業務執行組合員等を

除く。）に限る。ロにおいて同じ。）に対し、当該特定店頭オプション取引に係る権利行使価格（一定の方法により定められるものにあっては、その算定方法）を提示すること。

(a) when seeking to conclude a contract related to a specified over-the-counter transaction of options, to present in advance the exercise price related to the specified over-the-counter transaction of options (if the price is decided by a certain method, its calculation method) to the customer (limited to an individual (excluding the operating partner, etc. that satisfies the requirements set forth in Article 10, paragraph (1), item (xxiv), sub-item (b), 1. of the Cabinet Office Order on Definitions under Article 2 of the Financial Instruments and Exchange Act (meaning the operating partner, etc. prescribed in item (xxiii) of that paragraph; hereinafter the same applies in sub-item (a)) if an operating partner, etc. conducts specified over-the-counter transaction of options as an operating partner, etc.); the same applies in sub-item (b)); and

ロ　特定店頭オプション取引の取引期間及び期限を、顧客が、当該取引期間を通じて、権利行使期間、権利行使価格及び金利、通貨の価格、金融商品市場における相場その他の指標の実勢条件に基づき公正な方法により算出された対価の額で、かつ、金融商品の価値等の分析に基づく投資判断に基づいて、オプションの取得及び付与その他の取引を行うために必要かつ適切なものとすること。

(b) to ensure that the transaction period and due date of a specified over-the-counter transaction of options are necessary and appropriate for a customer to acquire and grant options or to conduct other transactions, at the amount of consideration calculated in a fair manner based on the exercise period, exercise price and interest rate, currency value, quotations in a financial instrument market, or other actual conditions of indexes, and also based on the investment decisions made based on analysis of value, etc. of financial instruments;

二十一の十　非清算店頭デリバティブ取引（店頭デリバティブ取引のうち、金融商品取引清算機関（当該金融商品取引清算機関が連携金融商品債務引受業務を行う場合には、連携清算機関等を含む。第十二項第一号ハ（１）において同じ。）若しくは外国金融商品取引清算機関が当該店頭デリバティブ取引に基づく債務を負担するもの又は令第一条の十八の二に規定する金融庁長官が指定するもの以外のものをいう。以下この号及び次号、第八項、第十項並びに第十二項において同じ。）に係る変動証拠金（非清算店頭デリバティブ取引の時価の変動に応じて、当該非清算店頭デリバティブ取引の相手方に貸付若しくは預託又はこれらに類する方法による差入（以下この号及び次号において「預託等」という。）をする証拠金をいう。以下この号及び次号、第九項並びに第十項において同じ。）に関して次に掲げる行為を行うための措置を講じていないと認められる状況

(xxi)-10 circumstances in which it is found that the measures for performing the following acts have not been taken concerning the variation margin

(meaning the margin to be lent or deposited, or delivered by a method equivalent to them (hereinafter referred to as "deposit, etc." in this item and the following item) to a counterparty to the non-cleared over-the-counter derivatives transaction in accordance with the fluctuation of the market value of non-cleared over-the-counter derivatives transactions; hereinafter the same applies in this item, the following item, paragraph (9), and paragraph (10)) concerning non-cleared over-the-counter derivatives transactions (meaning over-the-counter derivatives transactions other than those for which obligations are assumed by a financial instruments clearing organization (if the financial instruments clearing organization conducts collaborating financial instruments obligation assumption services, including a collaborating clearing organization, etc.; the same applies in paragraph (12), item (i), sub-item (c), 1.) or a foreign financial instruments clearing organization or those designated by the Commissioner of the Financial Services Agency prescribed in Article 1-18-2 of the Order; hereinafter the same applies in this item and the following item, and paragraph (8), paragraph (10), and paragraph (12)):

イ　非清算店頭デリバティブ取引の相手方ごとに、非清算店頭デリバティブ取引の時価の合計額及び相手方から預託等がされている変動証拠金の時価（変動証拠金が第九項に規定する資産をもって充てられる場合には、第十項に規定する方法により算出される当該資産に係る代用価格をいう。以下イにおいて同じ。）の合計額又は当該相手方に預託等をしている変動証拠金の時価の合計額を毎日算出すること。

(a) to calculate every day for each counterparty to non-cleared over-the-county derivatives transactions, the sum of the market value of non-cleared over-the-counter derivatives transactions and the sum of the market value of the variation margin for which deposit, etc. is made by the counterparty (if variation margin is appropriated by the assets prescribed in paragraph (9), meaning the substitute price of the asset calculated by the method prescribed in paragraph (10); hereinafter the same applies in sub-item (a)) or the sum of the market value of the variation margin deposited to the counterparty;

ロ　イの規定により算出される額に基づき金融庁長官が定める方法により算出した額が、変動証拠金の預託等又は返還を求めることを要しない額として当事者があらかじめ定めた額（次号ロに規定する当初証拠金の預託等を求めることを要しない額として当事者があらかじめ定めた額と合計して七千万円以下の額に限る。）を上回るときは、直ちに、当該相手方に対して当該算出した額に相当する変動証拠金の預託等を求め、又は当該相手方に預託等をしている変動証拠金の返還を求めること。

(b) if the amount calculated by the method specified by the Commissioner of the Financial Services Agency based on the amount calculated pursuant to

the provisions of sub-item (a) exceeds the amount determined in advance by the parties as the amount not required to request deposit, etc. or refund of the variation margin (limited to the amount of 70 million yen or less when the sum of the amount determined in advance by the parties as the amount not required to request deposit, etc. of the initial margin prescribed in sub-item (b) of the following item and that amunt), to immediately request the counterparty to deposit, etc. of the variation margin equivalent to the calculated amount, or to return the variation margin that has been deposited, etc. to the counterparty;

ハ　ロの規定により変動証拠金の預託等又は返還を求めた後、遅滞なく、当該変動証拠金（当該変動証拠金の額と当該変動証拠金に相当する額として当該相手方が算出した額に差異がある場合にあっては、当事者があらかじめ約した方法により算出した額に相当する変動証拠金）の預託等又は返還を受けること。

(c) to receive deposit, etc. or refund of the variation margin (if there is a difference between the amount of the variation margin and the amount calculated by the counterparty as the amount equivalent to the variation margin, the variation margin equivalent to the amount calculated in advance by the method agreed on by the parties) after requesting for the deposit, etc. or refund of the variation margin pursuant to the provisions of sub-item (b);

ニ　非清算店頭デリバティブ取引の相手方がイからハまでに掲げる行為又はこれらに類する行為（ホの規定に基づき当該行為が行われる場合を含む。）に基づき行う変動証拠金の預託等又は返還に係る求めに応じること。

(d) to respond to the request for deposit, etc. or refund of the variation margin made by the counterparty to the non-cleared over-the-counter derivatives transaction based on the acts set forth in sub-items (a) through (c) or an act similar to those acts (including when the acts are conducted based on the provisions of sub-item (e));

ホ　信託勘定に属するものとして経理される非清算店頭デリバティブ取引について、信託財産ごとに、イからニまでに掲げる行為を行うこと。

(e) to conduct the acts set forth in sub-items (a) through (d) for each trust property concerning non-cleared over-the-counter derivatives transactions that are accounted as belonging to a trust account;

二十一の十一　非清算店頭デリバティブ取引（法第二条第二十二項第五号に掲げる取引（通貨に係るものに限る。）のうち元本として定めた金額に相当する金銭又は金融商品（同条第二十四項第三号に掲げるものに限る。）を授受することを約する部分を除く。以下この号において同じ。）に係る当初証拠金（非清算店頭デリバティブ取引について将来発生し得る費用又は損失の合理的な見積額（以下この号において「潜在的損失等見積額」という。）に対応して預託等をする証拠金をいう。以下この号、第九項及び第十項並びに第百七十七条第一項第三号イにおいて同じ。）に関して次に掲げる行為を行うための措置を講じていないと認められる状況

(xxi)-11 circumstances in which it is found that measures for conducting the following acts have not been taken for the initial margin (meaning a margin that is deposited, etc. in response to the reasonably estimated amount of costs and losses that may arise in the future concerning non-cleared over-the-counter derivatives transactions (hereinafter referred to as "estimated amount of potential losses, etc." in this item); hereinafter the same applies in this item, paragraph (9), and paragraph (10), and Article 177, paragraph (1), item (iii), sub-item (a)) for non-cleared over-the-counter derivatives transactions (for the transaction set forth in Article 2, paragraph (22), item (v) of the Act (limited to a transaction related to currencies), excluding the part that promises to pay or receive money or financial instruments (limited to those set forth in paragraph (24), item (iii) of that Article) equivalent to the amount of money determined as principal; hereinafter the same applies in this item):

イ　非清算店頭デリバティブ取引の相手方との間で次に掲げる事由が生じた場合に、当該相手方との間における非清算店頭デリバティブ取引に係る潜在的損失等見積額（あらかじめ金融庁長官に届け出た定量的計算モデルを用いる方法その他の金融庁長官が定める方法により算出されるものに限る。）並びに当該相手方から預託等がされている当初証拠金の時価（当初証拠金が第九項に規定する資産をもって充てられる場合には、第十項に規定する方法により算出される当該資産に係る代用価格をいう。以下イにおいて同じ。）の合計額及び当該相手方に預託等をしている当初証拠金の時価の合計額を算出すること。

(a) if any of the following grounds occurs in relation to the counterparty to a non-cleared over-the-counter derivatives transaction, to calculate sum of the amount of the estimated amount of potential losses, etc. (limited to the amount calculated in advance by the method of using the quantitative calculation model notified to the Commissioner of the Financial Services Agency or other means specified by the Commissioner of the Financial Services Agency) for non-cleared over-the-counter derivatives transactions conducted with the counterparty, and the market value of the initial margin deposited, etc. by the counterparty (if the initial margin is to be appropriated by the assets prescribed in paragraph (9), meaning the substitute price for the assets calculated by the method specified in paragraph (10); hereinafter the same applies in sub-item (a)) and sum of the amount of market value of the initial margin deposited, etc. for the counterparty:

（１）　非清算店頭デリバティブ取引を行ったとき、非清算店頭デリバティブ取引が終了したときその他非清算店頭デリバティブ取引に係る権利関係に変更があった場合

1. if non-cleared over-the-counter derivatives transaction is conducted or terminated, or otherwise there is a change to relationships of rights

related to non-cleared over-the-counter derivatives transactions;

（２）　最後に潜在的損失等見積額を算出した日から一月が経過した場合

2. if a period of one month has passed from the day when an estimated amount of potential losses, etc. was calculated for the last time;

（３）　相場の変動その他の理由により当該相手方に対して当初証拠金の預託等を求めることが必要と認められる場合（（１）及び（２）に掲げる場合を除く。）

3. if it is found necessary to request the counterparty to deposit, etc. the initial margin due to fluctuation in quotation or other reasons (excluding the cases set forth in 1. and 2.);

ロ　イの規定により算出される額に基づき金融庁長官が定める方法により算出した額が、当初証拠金の預託等を求めることを要しない額として当事者があらかじめ定めた額（前号ロに規定する変動証拠金の預託等又は返還を求めることを要しない額として当事者があらかじめ定めた額と合計して七千万円以下の額に限る。）を上回るときは、直ちに、当該相手方に対して当該算出した額に相当する当初証拠金の預託等を求めること。

(b) to immediately request the counterparty to deposit, etc. the initial margin equivalent to the calculated amount, if the amount calculated by the method specified by the Commissioner of the Financial Services Agency based on the amount calculated pursuant to the provisions of sub-item (a) exceeds the amount determined in advance by the parties as the amount not required to request deposit, etc. of the initial margin (limited to the amount of 70 million yen or less when the amount is added up to the amount specified in advance by the parties as the amount not required to request deposit, etc. or refund of the variation margin provided for in sub-item (b) of the preceding item);

ハ　ロの規定により当初証拠金の預託等を求めた後、遅滞なく、当該当初証拠金の預託等を受けること（当該当初証拠金の額と当該当初証拠金に相当する額として当該相手方が算出した額に差異がある場合にあっては、当事者があらかじめ約した方法により算出した額について遅滞なく預託等を受けるとともに、当該預託等を受けた後に、当該預託等を受けた額を当該当初証拠金の額から控除した残額について速やかに預託等を受けることその他の当該差異を解消するための措置に係る行為を行うこと。）。

(c) to receive without delay the deposit, etc. of the initial margin after requesting the deposit, etc. of the initial margin pursuant to the provisions of sub-item (b) (if there is a difference between the amount of the initial margin and the amount calculated by the counterparty as the amount equivalent to the initial margin, to receive without delay the amount calculated by the method agreed on in advance by the parties, and promptly receive the amount arrived at by deducting the amount deposited, etc. from the amount of the initial margin and take other measures for

eliminating the difference, after receiving the deposit, etc.);

ニ　ハの規定により預託等を受けた当初証拠金を、相手方が非清算店頭デリバティブ取引に係る債務を履行しないときに遅滞なく利用することができ、かつ、当該当初証拠金の預託等を受けた金融商品取引業者等に一括清算事由（金融機関等が行う特定金融取引の一括清算に関する法律（平成十年法律第百八号）第二条第四項に規定する一括清算事由をいう。第百四十条の三第二項及び第百四十三条の二第三項において同じ。）又はこれに類する事由が生じた場合に当該相手方に当該当初証拠金が返還されるよう、信託の設定又はこれに類する方法により管理すること。

(d) to manage the initial margin deposited, etc. pursuant to the provisions of sub-item (c) by creating a trust or other similar means so that the margin is made available for use without delay in the case of non-performance of the obligations related to non-cleared over-the-counter derivatives transactions by the counterparty and the initial margin is returned to the counterparty in the case of occurrence of a close-out netting event (meaning a close-out netting event as defined in Article 2, paragraph (4) of the Act Concerning Close-out Netting of Specified Financial Transactions Conducted by Financial Institutions (Act No. 108 of 1998); the same applied in Article 140-3, paragraph (2) and Article 143-2, paragraph (3)) or other similar events to a financial instruments business operator, etc. that has accepted the deposit, etc. of the initial margin;

ホ　ハの規定により預託等を受けた当初証拠金を担保に供し、又は貸し付けないこと（ニに定める当初証拠金（当該当初証拠金が金銭をもって充てられているものに限る。）の管理に付随して安全な方法により行われる場合を除く。）。

(e) not to provide security or lend initial margin for which the deposit, etc. was made pursuant to the provisions of sub-item (c) (excluding the case this is done incidentally with the management of the prescribed in sub-item (d) by a safe method (limited to the initial margin appropriated by using money));

ヘ　非清算店頭デリバティブ取引の相手方（ニ及びホに掲げる行為を行うための措置が講じられている者に限る。）がイからハまでに掲げる行為又はこれらに類する行為（トの規定に基づき当該行為が行われる場合を含む。）に基づき行う当初証拠金の預託等に係る求めに応じること。

(f) to respond to the request for deposit, etc. of initial margin made based on the acts set forth in sub-items (a) through (c) or an act similar to them (including the cases in which the acts are conducted based on the provisions of sub-item (g)) by the counterparty to a non-cleared over-the-counter derivatives transaction (limited to a party for which measures for conducting the acts set forth in sub-item (d) and (e) are taken); and

ト　信託勘定に属するものとして経理される非清算店頭デリバティブ取引について、信託財産ごとに、イからヘまでに掲げる行為を行うこと。

(g) to conduct the acts set forth in sub-items (a) through (d) for each trust property concerning non-cleared over-the-counter derivatives transactions accounted for as belonging to a trust account;

二十二　金融商品取引業者が、本店その他の営業所又は事務所を金融機関（銀行、協同組織金融機関、信託会社その他令第一条の九各号に掲げる金融機関をいう。）の本店その他の営業所若しくは事務所又はその代理店（銀行法第二条第十五項に規定する銀行代理業者、長期信用銀行法第十六条の五第三項に規定する長期信用銀行代理業者、信用金庫法第八十五条の二第三項に規定する信用金庫代理業者、協同組合による金融事業に関する法律第六条の三第三項に規定する信用協同組合代理業者、労働金庫法第八十九条の三第三項に規定する労働金庫代理業者、農業協同組合法第九十二条の二第三項に規定する特定信用事業代理業者、水産業協同組合法第百六条第三項に規定する特定信用事業代理業者及び農林中央金庫法第九十五条の二第三項に規定する農林中央金庫代理業者並びに農林中央金庫及び特定農水産業協同組合等による信用事業の再編及び強化に関する法律（平成八年法律第百十八号。第二百七十五条第一項第二十四号及び第二十五号並びに第二百八十一条第十号において「再編強化法」という。）第四十二条第三項の認可に係る業務の代理を行う農業協同組合、漁業協同組合及び水産加工業協同組合の営業所又は事務所を含む。）と同一の建物に設置してその業務を行う場合において、顧客が当該金融商品取引業者を当該金融機関と誤認することを防止するための適切な措置を講じていないと認められる状況

(xxii) circumstances in which a financial instruments business operator establishes the head office or other business offices or offices in the same building as that for the head office, other business offices or offices, or agency (including business offices or offices of a bank agent as defined in Article 2, paragraph (15) of the Banking Act, a long-term credit bank agent prescribed in Article 16-5, paragraph (3) of the Long-Term Credit Bank Act, a shinkin bank agent prescribed in Article 85-2, paragraph (3) of the Shinkin Bank Act, a credit cooperative agent prescribed in Article 6-3, paragraph (3) of the Act on Financial Businesses by Cooperatives, a labor bank agent prescribed in Article 89-3, paragraph (3) of the Labor Bank Act, a specific credit business agent prescribed in Article 92-2, paragraph (3) of the Agricultural Cooperatives Act, a specific credit business agent prescribed in Article 106, paragraph (3) of the Fishery Cooperatives Act and a Norinchukin Bank agent as prescribed in Article 95-2, paragraph (3) of the Norinchukin Bank Act, and agricultural cooperatives, fisheries cooperatives, and fishery processing cooperatives engaged in agency service for business related to the authorization referred to in Article 42, paragraph (3) of the Act on Enhancement and Restructuring of Credit Business Conducted by The Norinchukin Bank and Specified Agricultural and Fishery Cooperative Savings Insurance Cooperation, etc. (Act No. 118 of 1996; referred to as "Enhancement and Restructuring Act" in Article 275, paragraph (1), items

(xxiv) and (xxv) and Article 281, item (x)) of a financial institution (meaning a bank, cooperative financial institution, trust company, or other financial institutions set forth in the items of Article 1-9 of the Order) and conducts their business, and it is found that the financial instruments business operator has not taken appropriate measures to prevent customers from mistaking the financial instruments business operator for the financial institution;

二十三　金融商品取引業者が、電気通信回線に接続している電子計算機を利用してその業務を行う場合において、顧客が当該金融商品取引業者を他の者と誤認することを防止するための適切な措置を講じていないと認められる状況

(xxiii) when a financial instruments business operator conducts their business by using a computer connected to a telecommunications line, circumstances in which it is found that the financial instruments business operator has not taken appropriate measures for preventing the customer from mistaking the financial instruments business operator for another person;

二十四　登録金融機関が取得した顧客の財産に関する公表されていない情報その他の特別な情報（次に掲げるものを除く。）を、事前に顧客の書面による同意を得ることなく、委託金融商品取引業者に提供している状況又は委託金融商品取引業者から取得した顧客の財産に関する公表されていない情報その他の特別な情報（ホに掲げるもの以外のものであって、当該委託金融商品取引業者が当該顧客の書面による同意を得ずに提供したものに限る。）を利用して有価証券の売買その他の取引等を勧誘している状況

(xxiv) circumstances in which a registered financial institution has provided to the entrusting financial instruments business operator unpublished information on a customer's property or other special information which it has acquired (excluding the following information) without obtaining a written consent from the customer in advance, or has solicited purchase and sale or other transactions of securities by using unpublished information on a customer's property or other special information acquired from the entrusting financial instruments business operator (limited to information other than that set forth in sub-item (e) which has been provided by the entrusting financial instruments business operator without obtaining a written consent from the customer):

イ　登録金融機関が金融商品仲介行為を行うために委託金融商品取引業者に対し提供する必要があると認められる情報

(a) information which is found necessary to be provided to the entrusting financial instruments business operator, in order for a registered financial institution to conduct intermediation for financial instruments;

ロ　委託金融商品取引業者からの委託に係る金融商品仲介業務により知り得た情報であって、登録金融機関が法令を遵守するため、当該委託金融商品取引業者に提供する必要があると認められる情報

(b) information that has come to the knowledge of a registered financial institution in conducting financial instruments intermediary service entrusted by the entrusting financial instruments business operator, which is found necessary to be provided to the entrusting financial instruments business operator in order for the registered financial institution to comply with laws and regulations;

ハ　当該登録金融機関又は委託金融商品取引業者が対象規定を遵守するために当該委託金融商品取引業者に提供する必要があると認められる情報

(c) information found necessary to be provided to the entrusting financial instruments business operator in order for the registered financial institution or entrusting financial instruments business operator to comply with the applicable provisions; and

ニ　当該登録金融機関が当該委託金融商品取引業者の親法人等若しくは子法人等である場合（第百五十三条第三項第七号に掲げる業務の全部又は一部を行うために必要な情報を提供する場合においては、当該登録金融機関が当該委託金融商品取引業者の子法人等である場合又は当該委託金融商品取引業者が当該登録金融機関の親法人等である場合に限る。）又は当該委託金融商品取引業者が当該登録金融機関の親法人等若しくは子法人等である場合であって、当該登録金融機関が内部の管理及び運営に関する業務等の全部又は一部を行うために必要な情報を当該委託金融商品取引業者に提供する場合（当該登録金融機関及び当該委託金融商品取引業者において内部の管理及び運営に関する業務等を行う部門から当該情報が漏えいしない措置が的確に講じられている場合であって、当該登録金融機関の金融商品仲介業務に従事する役員（役員が法人であるときは、その職務を行うべき社員を含む。）及び使用人以外の者が当該委託金融商品取引業者に当該情報を提供する場合に限る。）における当該情報

(d) the information when the registered financial institution is the parent corporation, etc. or a subsidiary corporation, etc. of the entrusting financial instruments business operator (when providing information necessary for conducting all or part of the business set forth in Article 153, paragraph (3), item (vii), limited to cases in which the registered financial institution is a subsidiary corporation, etc. of the entrusting financial instruments business operator, or the entrusting financial instruments business operator is the parent corporation, etc. of the registered financial institution), or when the entrusting financial instruments business operator is the parent corporation, etc. or a subsidiary corporation, etc. of the registered financial institution, and the registered financial institution is to provide information necessary for performing all or part of the work, etc. on internal management and operation is provided to the entrusting financial instruments business operator (limited to the case in which measures have been appropriately taken by the registered financial institution and the entrusting financial instruments business operator in

order to prevent the leakage of information from the department that performs the work, etc. on internal management and operation and if persons other than officers (if the officer is a corporation, including members that are to perform the corporation's duties) and employees engaged in financial instruments intermediary services of the registered financial institution provide the information to the entrusting financial instruments business operator);

ホ　当該登録金融機関が当該委託金融商品取引業者の親法人等若しくは子法人等である場合又は当該委託金融商品取引業者が当該登録金融機関の親法人等若しくは子法人等である場合には、外国法人（法人でない外国の団体で代表者又は管理人の定めのあるものを含む。）に係るもの

(e) when the registered financial institution is the parent corporation, etc. or a subsidiary corporation, etc. of the entrusting financial instruments business operator or when the entrusting financial instruments business operator is the parent corporation, etc. or a subsidiary corporation, etc. of the registered financial institution, information related to a foreign corporation (including a foreign organization that is not a corporation for which the representative or administrator has been designated);

二十五　登録金融機関が金融商品仲介行為を行おうとするときに、あらかじめ、顧客に対し次に掲げる事項を明らかにしていない状況

(xxv) when a registered financial institution seeks to conduct intermediation for financial instruments, circumstances in which the registered financial institution has not clarified the following matters to a customer in advance:

イ　委託金融商品取引業者が二以上ある場合において、顧客が行おうとする取引につき顧客が支払う金額又は手数料等が委託金融商品取引業者により異なる場合は、その旨

(a) if there are two or more entrusting financial instruments business operators, and the money or fees, etc. payable by the customer concerning the transaction to the customer seeks to conduct varies depending on the entrusting financial instruments business operator, that fact;

ロ　顧客の取引の相手方となる委託金融商品取引業者の商号

(b) the trade name of the entrusting financial instruments business operator that is to be the counterparty to the customer's transaction; and

ハ　投資助言・代理業（法第二十八条第三項第二号に掲げる行為を除く。以下ハにおいて同じ。）を行う場合において、投資助言・代理業の顧客に対し金融商品仲介行為を行う場合（一定の期間における金融商品仲介行為に係る手数料等の額が、当該金融商品仲介行為の回数にかかわらず一定となっている場合であって、あらかじめ当該手数料等の形態又は額を顧客に対し明示している場合を除く。）は、当該金融商品仲介行為により得ることとなる手数料等の額（あらかじめ手数料等の額が確定しない場合においては、当該手数料等の額の計算方法）

(c) in conducting an investment advisory and agency business (excluding an

act set forth in Article 28, paragraph (3), item (ii) of the Act; hereinafter the same applies in sub-item (c)), the registered financial institution conducts intermediation for financial instruments for customers of the investment advisory and agency business (excluding the cases in which the amount of the fees, etc. for intermediation for financial instruments to be performed over a certain period of time has been fixed notwithstanding the number of times the intermediation for financial instruments is conducted, and the registered financial institution has clearly indicated the type or amount of the fees, etc. to customers in advance), the amount of fees, etc. receivable due to the intermediation for financial instruments (if the amount of fees, etc. has not been fixed in advance, the calculation method of the amount of fees, etc.);

二十六　金融商品取引所に上場されている有価証券又は店頭売買有価証券（取引等規制府令第十五条の七第二号イからヌまでに掲げる有価証券を除く。）と同一の銘柄の有価証券の募集又は売出し（当該有価証券の発行価格又は売出価格の決定前にこれらをする場合に限り、取引等規制府令第十五条の五に定める期間がない場合を除く。）の取扱いを行う場合において、顧客に当該有価証券を取得させようとするときに、あらかじめ、当該顧客に対し書面又は電磁的方法により次に掲げる事項を適切に通知していないと認められる状況

(xxvi) circumstances in which in handling a public offering or secondary distribution of securities that are the same as the securities listed on a financial instruments exchange market or over-the-counter traded securities (excluding securities set forth in Article 15-7, item (ii), sub-items (a) through (j) of the Cabinet Office Order on Restrictions on Securities Transactions) (excluding the cases in which they are conducted before the issue price or distribution price of the securities and excluding those in which there is no period that is specified in Article 15-5 of the Cabinet Office Order on Restrictions on Securities Transactions), it is found that that the registered financial institution has not appropriately notified the customers of the following matters in advance in writing or by electronic or magnetic means when it seeks to have customers acquire those securities:

イ　令第二十六条の六の規定により、取引等規制府令第十五条の五に定める期間において当該有価証券と同一の銘柄につき取引所金融商品市場、店頭売買有価証券市場又は私設取引システム（令第二十六条の二の二第七項に規定する私設取引システムをいう。）における空売り（取引等規制府令第十五条の七各号又は第十五条の八各号に掲げる取引を除く。以下この号において同じ。）又はその委託若しくは委託の取次ぎの申込みを行った者は、当該募集又は売出しに応じて取得した有価証券により当該空売りに係る有価証券の借入れ（取引等規制府令第十五条の六に定めるものを含む。ロにおいて同じ。）の決済を行うことができない旨

(a) the fact that a person that requests short selling (excluding the transactions set forth in the items of Article 15-7 or of Article 15-8 of the

Cabinet Office Order on Restrictions on Securities Transactions) of securities with the same issue as the securities at financial instruments exchange market, over-the-counter securities market, or of a proprietary trading system (meaning a proprietary trading system prescribed in Article 26-2-2, paragraph (7) of the Order), or their entrustment or brokerage for their entrustment during the period specified in Article 15-5 of the Cabinet Office Order on Restrictions on Securities Transactions, may not settle the borrowing of securities related to the short selling (including those specified in Article 15-6 of the Cabinet Office Order on Restrictions on Securities Transactions; the same applies in sub-item (b)) with securities acquired through the public offering or secondary distribution, pursuant to the provisions of Article 26-6 of the Order; and

ロ　金融商品取引業者等は、イに規定する者がその行った空売りに係る有価証券の借入れの決済を行うために当該募集又は売出しに応じる場合には、当該募集又は売出しの取扱いにより有価証券を取得させることができない旨

(b) the fact that if a person prescribed in sub-item (a) responds to the public offering or secondary distribution in order to settle the borrowing of securities related to the short selling that the person has conducted, a financial instruments business operator, etc. may not have the person acquire securities through handling the public offering or secondary distribution;

二十七　令第三十一条に規定する買集め行為であって、取引等規制府令第六十二条に定める基準（同条第二号に係るものに限る。）に係るものを行う場合において、次に掲げる措置を講じていないと認められる状況

(xxvii) circumstances in which it is found that that the following measures have not been taken, in cases of performing an act of buying-up prescribed in Article 31 of the Order related to the standard established in Article 62 of the Cabinet Office Order on Restrictions on Securities Transactions (limited to the standard related to item (ii) of that Article),:

イ　当該買集め行為を行うに際し、その相手方に対して、当該買集め行為が当該買集め行為により買い集めた株券等（令第三十一条に規定する株券等をいう。ロにおいて同じ。）を当該買集め行為後直ちに転売することを目的とするものであることを約すること。

(a) in performing an act of buying up, to promise to the counterparty that the purpose of the act of buying-up is to resell share certificates, etc. that are bought up by the buying up (meaning share certificates, etc. prescribed in Article 31 of the Order; the same applies in sub-item (b)) immediately after the act of buying up; and

ロ　当該買集め行為により買い集めた株券等を当該買集め行為後直ちに転売することができない可能性がある場合にあっては、当該買集め行為を行った後、直ちに、次に掲げる事項を令第三十条に定める公表の措置に準じ公開すること。

(b) if there is a possibility that the share certificates, etc. that are bought-up by the act of buying up may not be resold immediately after the act of buying up, to disclose the following matters in accordance with the measures of disclosure prescribed in Article 30 of the Order:

（１）　当該買集め行為を行った旨

1. the fact that the act of buying up has been conducted;

（２）　当該買集め行為により買い集めた株券等の銘柄

2. the issues of share certificates, etc. that have been bought up by the act of buying up;

（３）　当該買集め行為により買い集めた株券等に係る議決権の数（令第三十一条に規定する議決権の数をいう。）の合計

3. the sum of the number of voting rights related to share certificates, etc. bought up by the act of buying up (meaning the number of voting rights prescribed in Article 31 of the Order); and

（４）　当該買集め行為により買い集めた株券等を当該買集め行為後直ちに転売することができない可能性がある旨

4. the fact that there is a possibility that share certificates, etc. bought up by the act of buying up may not be resold immediately after the act of buying up;

二十八　公的年金制度の健全性及び信頼性の確保のための厚生年金保険法等の一部を改正する法律（平成二十五年法律第六十三号。以下この号及び第二百三十三条の二第四項第二号において「平成二十五年厚生年金等改正法」という。）附則第五条第一項の規定によりなおその効力を有するものとされる平成二十五年厚生年金等改正法第一条の規定による改正前の厚生年金保険法（昭和二十九年法律第百十五号。以下この号及び第二百三十三条の二第四項第二号において「改正前厚生年金保険法」という。）第百三十条の二第一項の規定による投資一任契約を締結し、当該投資一任契約に基づき、同条第二項に規定する年金給付等積立金の運用（以下この号及び第百三十条第一項第十四号において「積立金の運用」という。）を行う場合において、当該投資一任契約の相手方である特定投資家以外の存続厚生年金基金（平成二十五年厚生年金等改正法附則第三条第十一号に規定する存続厚生年金基金をいう。以下同じ。）から平成二十五年厚生年金等改正法附則第五条第一項の規定によりなおその効力を有するものとされる改正前厚生年金保険法第百三十六条の四第三項の規定により同項に規定する事項を示されたときに、当該存続厚生年金基金に対して、その示されたところに従って当該積立金の運用を行うことによる利益の見込み及び損失の可能性について、当該存続厚生年金基金の知識、経験、財産の状況及び投資一任契約を締結する目的に照らして適切に説明を行うための十分な体制を整備していない状況

(xxviii) in cases of concluding a discretionary investment contract under the provisions of Article 130-2, paragraph (1) of the Employees' Pension Insurance Act (Act No. 115 of 1954; hereinafter referred to as the "former Employees' Pension Insurance Act" in this item and Article 233-2, paragraph

(4), item (ii)) before the amendment pursuant to the provisions of Article 1 of the 2013 Employees' Pension Amendment Act that is to remain effective pursuant to the provisions of Article 5, paragraph (1) of the Act Partially Amending the Employees' Pension Insurance Act, etc. to Ensure the Soundness and Reliability of the Public Pension System (Act No. 63 of 2013; hereinafter referred to as "2013 Employees' Pensions Amendment Act" in this item and Article 233-2, paragraph (4), item (ii)) and based on the discretionary investment contract managing the pension benefit funds prescribed in paragraph (2) of that Article (hereinafter referred to as "fund management" in this item and Article 130, paragraph (1), item (xiv)), and the surviving employee's pension fund (meaning the surviving employee's pension fund provided for in Article 3, item (xi) of the Supplementary Provisions of the 2013 Employees' Pension Amendment Act; the same applies hereinafter) that is not a professional investor who is the counterparty to the discretionary investment contract, presents the matters prescribed in Article 136-4, paragraph (2) of the former Employees' Pension Insurance Act which remains in force pursuant to the provisions of Article 5, paragraph (1) of the Supplementary Provisions of the 2013 Employees' Pension Amendment Act, circumstances in which a system sufficient to appropriately explain to the surviving employee's pension fund the prospect of profit and possibility of loss to be incurred from the fund management in accordance with the matters presented in light of the knowledge, experience, and status of property of the employees' pension fund and the purpose of concluding a discretionary investment contract;

二十九　第百三十条第一項第十五号に規定する場合において、同号の運用財産の運用を行う金融商品取引業者が、当該運用財産に係る権利者に交付をした法第四十二条の七第一項の運用報告書に記載した同号の対象有価証券に係る第百三十四条第一項第二号ロに掲げる事項を、当該交付後遅滞なく、第百三十条第一項第十五号の信託会社等に通知していないと認められる状況

(xxix) in the cases prescribed in Article 130, paragraph (1), item (xv), circumstances in which it is found that a financial instruments business operator that invests the investment property referred to in that item, has not informed the matters set forth in Article 134, paragraph (1), item (ii), (b) related to the subject securities referred to in that item stated in the investment report referred to in Article 42-7, paragraph (1) of the Act that have been delivered to the right holder related to the investment property, to the trust company, etc. referred to in Article 130, paragraph (1), item (xv) after the delivery without delay;

三十　適格機関投資家等特例業務において、出資対象事業への出資を行っている適格機関投資家が特例業務届出者の子会社等である適格機関投資家のみであることその他の事情を勘案して法第六十三条第一項各号に掲げる行為を適切に行っていないと

認められる状況

(xxx) circumstances in which it is found that a qualified institutional investor is not appropriately performing the acts set forth in the items of Article 63, paragraph (1) of the Act, taking into account the fact that the qualified institutional investor investing in a business subject to investment is only a qualified institutional investor that is a subsidiary company, etc. of the notifier of specially-permitted business and other situations.

三十一　暗号資産の特性及び自己の業務体制に照らして、投資者の保護又は金融商品取引業等の適正かつ確実な遂行に支障を及ぼすおそれがあると認められる暗号資産等に係る有価証券の売買その他の取引等をその行う金融商品取引業等の対象としないために必要な措置を講じていないと認められる状況

(xxxi) circumstances in which it is found that a financial instruments business operator, etc. has not taken necessary measures to ensure that purchase and sale or other transactions of securities related to cryptoassets that are found to be likely to hinder the protection of investors or the proper and secure execution of financial instruments business, etc. in light of the characteristics of cryptoassets and their own operational system are excluded from the subject of the financial instruments business, etc. they conduct;

三十二　金融商品取引業者等が、その行う暗号資産関連デリバティブ取引等（法第百八十五条の二十二第一項第一号に規定する暗号資産関連デリバティブ取引等をいう。以下この号及び第二百三十二条第四号において同じ。）について、金融商品取引業等の顧客の暗号資産関連デリバティブ取引等に係る注文の動向若しくは内容又は暗号資産関連デリバティブ取引等の状況その他の事情に応じ、顧客が法第百八十五条の二十二第一項、第百八十五条の二十三第一項又は第百八十五条の二十四第一項若しくは第二項の規定に違反していないかどうかを審査し、違反する疑いがあると認めるときは当該顧客との間の金融商品取引業等に係る取引の停止等を行う措置その他の暗号資産関連デリバティブ取引等に係る不公正な行為の防止を図るために必要な措置を講じていないと認められる状況

(xxxii) circumstances in which it is found that a financial instruments business operator, etc. with regard to cryptoasset-related derivatives transactions, etc. (meaning cryptoasset-related derivatives transactions, etc. prescribed in Article 185-22, paragraph (1), item (i) of the Act; hereinafter the same applies in this item and Article 232, item (iv)) that they conduct, in accordance with the trend or content of the order for cryptoasset-related derivatives transactions, etc. by customers of financial instruments business, etc. and other situations, examine whether customer have violated the provisions of Article 185-22, paragraph (1), Article 185-23, paragraph (1), or Article 185-24, paragraph (1) or (2) of the Act, and if the customer is suspected of violating the provisions, has not taken measures to suspend transactions related to financial instruments business, etc. with the customer, or other necessary measures for preventing unfair acts related to

cryptoasset-related derivatives transactions, etc.;

三十三　暗号資産等の相場若しくは相場若しくは取引高に基づいて算出した数値を変動させ、又は取引高を増加させることにより実勢を反映しない作為的なものを形成させるべき当該暗号資産等に係るデリバティブ取引又はその申込み若しくは委託等若しくは受託等をする行為を防止するための売買管理が十分でないと認められる状況

(xxxiii) circusmstances in which it is found that a financial instruments business operator, etc. has not sufficiently managed trading to prevent derivative transactions for the cryptoassets, etc., that would result in the formation of manipulative quotations not reflecting actual market status through causing fluctuations in the quotations of the cryptoassets, etc. or figures calculated based on quotations or transaction volumes, or by increasing the transaction volumes or acts to prevent their application, entrustment, etc. or accepting entrustment, etc.;

三十四　金融商品取引業者等が、その行う金融商品取引業等の対象とし、若しくは対象としようとする有価証券の売買その他の取引等に係る暗号資産等又は当該金融商品取引業者等に関する重要な情報であって顧客の暗号資産等に係る有価証券の売買その他の取引等に係る判断に影響を及ぼすと認められるもの（当該金融商品取引業者等の行う金融商品取引業等の全ての顧客が容易に知り得る状態に置かれている場合を除く。）を適切に管理するために必要な措置を講じていないと認められる状況

(xxxiv) circumstances in which it is found that a financial instruments business operator, etc. has not taken necessary measures for appropriately managing material information concerning cryptoassets, etc. related to purchase and sale or other transactions of securities that the financial instruments business operator, etc. uses or seeks to use as the target of their financial instruments business ,or concerning the financial instruments business operator, etc. which is found to have an impact on customers' decision on purchase and sale or other transactions of securities related to cryptoassets, etc. (excluding cases in which the material information has been made readily accessible to all customers of the financial instruments business, etc. conducted by the financial Instruments Business Operator, etc.);

三十五　顧客（個人（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第十条第一項第二十四号ロ（１）に掲げる要件に該当する業務執行組合員等（同項第二十三号に規定する業務執行組合員等をいう。以下この号において同じ。）が業務執行組合員等として暗号資産関連デリバティブ取引（暗号資産関連市場デリバティブ取引、暗号資産関連店頭デリバティブ取引又は暗号資産関連外国市場デリバティブ取引をいう。以下この号及び次号において同じ。）を行う場合における当該業務執行組合員等を除く。）に限る。以下この号において同じ。）がその計算において行った暗号資産関連デリバティブ取引を決済した場合に顧客に生ずることとなる損失の額が、当該顧客との間であらかじめ約した計算方法により算出される額に達する場

合に行うこととする暗号資産関連デリバティブ取引の決済（次号において「ロスカット取引」という。）を行うための十分な管理体制を整備していない状況

(xxxv) circumstances in which a management system for appropriately settling a cryptoasset-related derivatives transaction (meaning a cryptoasset-related market derivatives transaction, cryptoasset-related over-the-counter derivatives transaction, or cryptoasset-related foreign market derivatives transaction; hereinafter the same applies in this item and the following item) to be performed when the amount of losses that the customer incurs (limited to an individual (if an operating partner, etc. (meaning an operqating partner, etc. prescribed in Article 10, paragraph (1), item (xxiii) of the Cabinet Office Order on Definitions under Article 2 of the Financial Instruments and Exchange Act; hereinafter the same applies in this item) who satisfies the requirements set forth in item (xxiv), sub-item (b), 1. of that paragraph conducts a cryptoasset-related derivatives transaction as an operating partner, etc., excluding the operating partner, etc.); hereinafter the same applies in this item) when the customer settled a cryptoasset-related derivatives transaction conducted on their own account reaches the amount calculated by the calculation method agreed on with the customer in advance (the transaction is referred to as a "loss-cut transaction" in the following item); and

三十六　暗号資産関連デリバティブ取引について、ロスカット取引を行っていないと認められる状況

(xxxvi) circumstances in which it is found that a loss-cut transaction has not been conducted for a cryptoasset-related derivatives transaction.

２　登録金融機関が委託金融商品取引業者の親法人等若しくは子法人等である場合又は委託金融商品取引業者が登録金融機関の親法人等若しくは子法人等である場合における前項第十八号及び第二十四号の規定の適用については、登録金融機関又は委託金融商品取引業者が顧客（法人に限る。以下この項において同じ。）に対して当該顧客の財産に関する公表されていない情報その他の特別な情報（以下この項において「特別情報」という。）の委託金融商品取引業者又は登録金融機関への提供（以下この項において「特別情報の提供」という。）の停止を求める機会を適切に提供している場合には、当該顧客が当該停止を求めるまでは、当該特別情報の提供について当該顧客の書面による同意を得ているものとみなす。ただし、登録金融機関の金融商品仲介業務に従事する役員（役員が法人であるときは、その職務を行うべき社員を含む。）又は使用人が顧客の特別情報を委託金融商品取引業者に提供し、又は委託金融商品取引業者から受領する場合は、この限りでない。

(2) In applying the provisions of items (xviii) and (xxiv) of the preceding paragraph, if a registered financial institution is the parent corporation, etc. or a subsidiary corporation, etc. of the entrusting financial instruments business operator, or if the entrusting financial business operator is the parent corporation, etc. or a subsidiary corporation, etc. of a registered financial

institution, when a registered financial institution or the entrusting financial instruments business operator has appropriately provided to a customer (limited to corporations; hereinafter the same applies in this paragraph) the opportunity to request suspension of the provision of unpublished information on the customer's property or other special information (hereinafter referred to as "special information" in this paragraph) to the entrusting financial instruments business operator or the registered financial institution (hereinafter the provision is referred to as the "provision of special information" in this paragraph), a written consent from the customer for the provision of special information is deemed to have been obtained until the customer requests the suspension; provided, however, that this does not apply if an officer (if an officer is a corporation, including members that are to perform the corporation's duties) or employee engaged in the financial instruments intermediary services of the registered financial institution provides special information to the entrusting financial instruments business operator or receives special information from the entrusting financial instruments business operator:

3　第一項第二十一号の二の「通貨関連市場デリバティブ取引」とは、通貨を対象とする市場デリバティブ取引であって、法第二条第二十一項第一号若しくは第二号に掲げる取引又は同項第三号に掲げる取引（同号に規定する権利を行使することにより成立する取引が同号イに掲げる取引又は同号ロに掲げる取引（同項第一号若しくは第二号に掲げる取引に係るもの又は同号に掲げる取引に準ずる取引で金融商品取引所の定めるものに係るものに限る。）であるものに限る。）をいう。

(3) The term "currency-related market derivatives transaction" as used in paragraph (1), item (xxi)-2 means a market derivatives transaction for currency that is a transaction set forth in Article 2, paragraph (21), item (i) or (ii) of the Act, or a transaction set forth in item (iii) of that paragraph (limited to the transaction for which a transaction closed by exercising the right prescribed in that item is a transaction set forth in sub-item (a) of that item or a transaction set forth in sub-item (b) of that item (limited to the transaction concerning a transaction set forth in item (i) or (ii) of that paragraph, or an equivalent transaction that is related to those specified by a financial instruments exchange)).

4　第一項第二十一号の二の「通貨関連店頭デリバティブ取引」とは、通貨を対象とする店頭デリバティブ取引であって、法第二条第二十二項第一号若しくは第二号に掲げる取引、同項第三号に掲げる取引（同号に規定する権利を行使することにより成立する取引が同項第一号、第二号又は第三号イに掲げる取引であるものに限る。）又は同項第四号に掲げる取引をいう。

(4) The term "currency-related over-the-counter derivatives transaction" as used in paragraph (1), item (xxi)-2 means an over-the-counter derivatives transaction for currency that is a transaction set forth in Article 2, paragraph

(22), item (i) or (ii) of the Act, a transaction set forth in item (iii) of that paragraph (limited to a transaction for which a transaction closed by exercising the right prescribed in that item is a transaction set forth in item (i), item (ii), or item (iii), sub-item (a) of that paragraph), or a transaction set forth in item (iv) of that paragraph.

5　第一項第二十一号の二の「通貨関連外国市場デリバティブ取引」とは、外国市場デリバティブ取引であって、第三項に規定する通貨関連市場デリバティブ取引と類似の取引をいう。

(5) The term "currency-related foreign market derivatives transaction" as used in paragraph (1), item (xxi)-2 means a foreign market derivatives transaction that is similar to a currency-related market derivatives transaction prescribed in paragraph (3).

6　第一項第二十一号の四から第二十一号の六までに規定する協会規則には、次に掲げる事項が定められていなければならない。

(6) The following matters must be provided in the association rules specified in paragraph (1), items (xxi)-4 through (xxi)-6:

一　当該協会規則の定めるところによりストレステストを実施する金融商品取引業者に関する事項

(i) matters concerning financial instruments business operators that conduct a stress test pursuant to the association rules;

二　当該協会規則の定めるところにより金融商品取引業者が実施するストレステストにおける外国為替相場の変動その他の変化に関する事項

(ii) matters concerning foreign exchange rate fluctuations and other changes to be assumed in a stress test that the financial instruments business operator conducts pursuant to the association rules;

三　当該協会規則の定めるところにより金融商品取引業者がストレステストを実施する頻度に関する事項

(iii) matters concerning the frequency of a financial instruments business operator performing a stress test pursuant to the association rules;

四　当該協会規則の定めるところにより金融商品取引業者が実施するストレステストにおいて、当該金融商品取引業者に生ずる損失の計算方法及び当該損失が当該金融商品取引業者の経営の健全性に与える影響の分析に関する事項

(iv) matters concerning the calculation method of losses that may arise to the financial instruments business operator and the analysis of the impact of the loss on the soundness of management by the financial instruments business operator in the stress test that the financial instruments business operator conducts pursuant to the association rules;

五　第一項第二十一号の五に規定する経営の健全性を確保するための措置に関する事項

(v) matters concerning the measures to ensure the soundness of management prescribed in item (xxi)-5 of paragraph (1);

六　当該協会規則の定めるところにより実施したストレステストの結果に係る報告に関する事項

(vi) matters concerning a report related to the results of a stress test performed pursuant to the association rules; and

七　当該協会規則を変更する場合には、あらかじめその内容を金融庁長官に通知する旨

(vii) in changing the association rules, the fact that the content of the change is to be notified to the Commissioner of the Financial Services Agency in advance.

7　第一項第二十一号の七及び第二十一号の八に規定する協会規則には、次に掲げる事項が定められていなければならない。

(7) The following matters must be provided in the association rules prescribed in paragraph (1), items (xxi)-7 and (xxi)-8:

一　金融商品取引業者等が保存する特定通貨関連店頭デリバティブ取引に関する情報に係る次に掲げる事項

(i) the following matters concerning the information on specified currency-related over-the-counter derivatives transactions preserved by a financial instruments business operator, etc.:

イ　当該情報の内容

(a) the content of the information; and

ロ　当該情報の保存の方法及び期間

(b) the method and period of preserving the information; and

二　金融商品取引業者等が報告する特定通貨関連店頭デリバティブ取引に関する情報に係る次に掲げる事項

(ii) the following matters concerning the information on specified currency-related over-the-counter derivatives transactions a financial instruments business operator, etc. reports:

イ　当該情報の内容

(a) the content of the information;

ロ　当該情報の報告の方法及び頻度

(b) the method and frequency of reporting the information; and

ハ　当該情報の分析の方法及びその結果

(c) the method of analyzing the information and the result of the analysis; and

三　当該協会規則を変更する場合には、あらかじめその内容を金融庁長官に通知する旨

(iii) in changing the association rules, the fact that the content of the change is to be notified to the Commissioner of the Financial Services Agency in advance.

8　第一項第二十一号の七の「特定店頭オプション取引」とは、店頭デリバティブ取引であって、法第二条第二十二項第三号に掲げる取引（同号に規定する権利を行使する

ことにより成立する取引が同項第二号に掲げる取引であるものに限る。）又は同項第四号に掲げる取引のうち、これらの取引に係るオプションが行使された場合に一定額の金銭を授受することとなるものをいう。

(8) The term "specified over-the-counter transactions of options" as used in paragraph (1), item (xxi)-7 means over-the-counter derivatives transactions that are transactions set forth in Article 2, paragraph (22), item (iii) of the Act (limited to those for which the transaction closed by the exercise of the right prescribed in that item is the transaction set forth in item (ii) of that paragraph) or transactions set forth in item (iv) of that paragraph for which a specified amount of money will be delivered or received if an option related to those transactions is exercised.

9　金融商品取引業者等は、次の各号に掲げる措置を講じる場合は、当該各号に掲げる措置の区分に応じ、当該各号に定める一又は複数の取引を、当該措置に係る非清算店頭デリバティブ取引に含めること（当該一又は複数の取引を当該非清算店頭デリバティブ取引の相手方との間で継続して含める場合に限る。）ができる。

(9) If a financial instruments business operator, etc. takes the measures set forth in the following items, they may include one or more transactions specified in those item in accordance with the category of the measures set forth in each item, in the non-cleared over-the-counter derivatives transactions for which the measures are taken (limited to the case in which those one or more transactions are continuously included in the non-cleared over-the-counter derivatives transactions in relation to the counterparty to the transactions):

一　第一項第二十一号の八に掲げる措置　次に掲げる取引

(i) the measures set forth in paragraph (1), item (xxi)-8: the following transactions:

イ　店頭商品デリバティブ取引（商品取引清算機関（商品先物取引法第二条第十八項に規定する商品取引清算機関をいう。）又は外国の法令に準拠して設立された法人で外国において商品取引債務引受業（同条第十七項に規定する商品取引債務引受業をいう。）と同種類の業務若しくは同法第百七十条第一項に規定する業務と同種類の業務を行う者が債務を負担するものを除く。次号及び第十二項において同じ。）

(a) over-the-counter commodity derivatives transactions (excluding transactions for which a commodity clearing organization (meaning a commodity clearing organization as defined in Article 2, paragraph (18) of the Commodity Derivatives Transaction Act) or a corporation established in conformity with foreign laws and regulations, which is engaged in the same type of business as commodity transaction obligation assumption services (meaning the commodity transaction obligation assumption services prescribed in paragraph (17) of that Article) or the same type of business as the business prescribed in Article 170, paragraph (1) of that Act; the same applies in the following item and paragraph (12) assumes the

obligations);

ロ　先物外国為替取引

(b) foreign exchange futures transactions;

ハ　非清算店頭デリバティブ取引を行った時（以下この項、第十一項及び第十二項において「基準時」という。）において第十一項各号に掲げる取引に該当する取引

(c) transactions which fall under the transaction set forth in the items of paragraph (11) at the time when a non-cleared over-the-counter derivatives transaction is conducted (hereinafter referred to as "base time" in this paragraph, paragraph (11), and paragraph (12));

ニ　一括清算（金融機関等が行う特定金融取引の一括清算に関する法律第二条第六項に規定する一括清算をいう。以下この項、第十一項及び第十二項、第百四十条の三第二項並びに第百四十三条の二第三項において同じ。）の約定をした基本契約書（同法第二条第五項に規定する基本契約書をいう。以下この項、第百四十条の三第二項及び第百四十三条の二第三項において同じ。）に基づき行われている取引（金融商品取引業者等が当該基本契約書に基づき第一項第二十一号の八の措置に係る非清算店頭デリバティブ取引を行っている場合に限り、イからハまでに掲げる取引を除く。）

(d) transaction conducted based on a written master agreement (meaning a written master agreement as defined in Article 2, paragraph (5) of the Act Concerning Close-out Netting of Specified Financial Transactions Conducted by Financial Institutions; hereinafter the same applies in this paragraph, Article 140-3, paragraph (2), and Article 143-2, paragraph (3)) in which a close-out netting (meaning a close-out netting as defined in Article 2, paragraph (6) of that Act; hereinafter the same applies in this paragraph, paragraph (11) and paragraph (12), Article 140-3, paragraph (2), and Article 143-2, paragraph (3)) has been agreed on (limited to cases in which a financial instruments business operator, etc. conducts non-cleared over-the-counter derivatives transactions related to the measures referred to in paragraph (1), item (xxi)-8 based on the master agreement, and excluding the transactions set forth in sub-items (a) through (c));

二　第一項第二十一号の九に掲げる措置　次に掲げる取引

(ii) the measure set forth in paragraph (1), item (xxi)-9: the following transactions:

イ　法第二条第二十二項第五号に掲げる取引（通貨に係るものに限る。）のうち元本として定めた金額に相当する金銭又は金融商品（同条第二十四項第三号に掲げるものに限る。）を授受することを約する部分

(a) for the transaction set forth in Article 2, paragraph (22), item (v) of the Act (limited to a transaction related to currency), the part for which money or financial instruments (limited to those set forth in paragraph (24), item (iii) of that Article) equivalent to the amount determined as principal are

promised to be delivered or received;

ロ　店頭商品デリバティブ取引

(b) over-the-counter commodity derivatives transactions;

ハ　先物外国為替取引

(c) foreign exchange futures transactions;

ニ　基準時において第十二項各号に掲げる取引に該当する取引

(d) transactions which fall under the transaction set forth in the items of paragraph (12) at the base time;

ホ　一括清算の約定をした基本契約書に基づき行われている取引（金融商品取引業者等が当該基本契約書に基づき第一項第二十一号の九の措置に係る非清算店頭デリバティブ取引を行っている場合に限り、イからニまでに掲げる取引を除く。）

(e) transactions conducted based on a written master agreement in which a close-out netting has been agreed upon (limited to cases in which a financial instruments business operator, etc. conducts non-cleared over-the-counter derivatives transactions related to the measures referred to in paragraph (1), item (xxi)-9 based on the written master agreement, and excluding the transactions set forth in sub-items (a) through (d)).

１０　変動証拠金及び当初証拠金は、金銭その他金融庁長官が定める資産をもって充てるものとする。

(10) Variation margin and initial margin are to be appropriated using money or other assets designated the Commissioner of the Financial Services Agency.

１１　変動証拠金及び当初証拠金の全部又は一部が前項に規定する資産をもって充てられる場合におけるその代用価格は、次の各号に掲げる区分に応じ、当該各号に定める額又は当該各号に定める方法によって算出される額とする。

(11) If all or part of the variation margin and initial margin is to be appropriated using the assets provided for in the preceding paragraph, the substitute price is the amount specified in the following items in accordance with the category of the cases set forth in each of those items or the amount to be calculated by the method set forth in each of those items:

一　変動証拠金が金銭をもって充てられる場合　当該金銭の額

(i) if the variation margin is to be appropriated using money: the amount of money;

二　当該資産に係る通貨の種類と、非清算店頭デリバティブ取引の当事者が一又は複数の非清算店頭デリバティブ取引ごとにあらかじめ定めた通貨の種類が同一の場合（前号に掲げる場合を除く。）　当該資産の時価から、当該資産の時価に当該資産の時価に乗じる割合として金融庁長官が定める割合を乗じて得た額を控除して得られる額

(ii) if the type of currency concerning the asset and the type of currency determined in advance by the parties to the non-cleared over-the-counter derivatives transaction for one or more non-cleared over-the-counter derivatives transactions are the same (excluding the cases specified in the

preceding item): the amount arrived at by deducting the amount arrived at by multiplying the market value of the asset by the ratio specified by the Commissioner of the Financial Services Agency as the ratio to be multiplied by the market value of the asset, from the market value of the asset;

三　当該資産に係る通貨の種類と、非清算店頭デリバティブ取引の当事者が一又は複数の非清算店頭デリバティブ取引ごとにあらかじめ定めた通貨の種類が異なる場合（第一号に掲げる場合を除く。）　当該資産の時価から、当該資産の時価に次のイに掲げる割合を乗じて得た額及び当該資産の時価に次のロに掲げる割合を乗じて得た額を控除して得られる額

(iii) if the type of currency concerning the asset and the type of currency determined in advance by the parties to the non-cleared over-the-counter derivatives transaction for one or more non-cleared over-the-counter derivatives transactions are different (excluding the cases set forth in item (i)): the amount arrived at by deducting the amount arrived at by multiplying the market value of the asset by the ratio set forth in the following sub-item (a) and the amount arrived at by multiplying the market value of the asset by the ratio set forth in the following sub-item (b) from the market value of the asset:

イ　前号に定める割合

(a) the ratio prescribed in the preceding item; and

ロ　当該資産に係る通貨の種類と、非清算店頭デリバティブ取引の当事者が一又は複数の非清算店頭デリバティブ取引ごとにあらかじめ定めた通貨の種類が異なる場合に乘じる割合として金融庁長官が定める割合

(b) the ratio specified by the Commissioner of the Financial Services Agency as the ratio to be multiplied when the type of currency concerning the asset and the type of currency determined in advance by the parties to the non-cleared over-the-counter derivatives transaction for one or more non-cleared over-the-counter derivatives transactions are different.

１２　第一項第二十一号の八の規定は、基準時において、次の各号のいずれかに該当する取引については、適用しない。

(12) The provisions of paragraph (1), item (xxi)-8 do not apply to a transaction which falls under any of the following items at the base time:

一　取引の当事者の一方が金融商品取引業者等以外の者（次のいずれにも該当する者を除く。）である場合における当該取引

(i) the transaction when one of the parties to the transaction is a person other than a financial instruments business operator, etc. (excluding a person that falls under both of the following persons):

イ　外国（当該外国の法令に照らし、一括清算の約定又はこれに類する約定が有効であることが適切に確認されている国に限る。）において店頭デリバティブ取引を業として行う者（外国政府、外国の中央銀行、国際開発金融機関及び国際決済銀行（次項第一号イにおいて「外国政府等」という。）を除く。）

(a) a person that conducts over-the-counter derivatives transactions on a regular basis in a foreign country (limited to a country in which the fact that a close-out netting or an agreement similar to a close-out netting has been properly confirmed to be effective, in light of the laws and regulations of the foreign country) (excluding a foreign government, a foreign central bank, the Multilateral Development Bank, and the Bank for International Settlements (referred to as "foreign governments, etc." in item (i), sub-item (a) of the following paragraph);

ロ　取引の状況その他の事情から合理的に判断して、基準時の属する年の前々年の四月から前年の三月まで（基準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と見込まれる者

(b) judging reasonably from the status of transactions or other circumstances, a person for which the average total amount of notional principal for over-the-counter derivatives transactions at the end of each month during the period from April of the year two years before the year in which the base time belongs to March of the year preceding the year in which the base time belongs (if the base time is in December, the period from April of the preceding year to March of the relevant year) is expected to be 300 billion yen or more,;

二　信託勘定に属するものとして経理される取引のうち、基準時の属する年の前々年の四月から前年の三月まで（基準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（法第百五十六条の六十三第三項に規定する取引情報をいう。第四号ロ、次項及び第百二十五条の七第二項第三号ロにおいて同じ。）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未満である信託財産に係る取引

(ii) among the transactions for which accounting is done by considering them as belonging to a trust account, those related to a trust property whose average total amount of notional principal of over-the-counter derivatives transactions (limited to the transactions that are subject of trade data (meaning trade data prescribed in Article 156-63, paragraph (3) of the Act; the same applies in item (iv), sub-item (b), the following paragraph, and Article 125-7, paragraph (2), item (iii), sub-item (b))) at the end of each month during the period from April of the year two years before the year in which the base time belongs to March of the year preceding the year in which the base time belongs (if the base time is in December, the period from April of the preceding year to March of the relevant year) is less than 300 billion yen;

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 the parent company, etc., a subsidiary company, etc., or a subsidiary company, etc. of the parent company, etc. of a financial instruments business operator, etc. that conducts transactions (excluding the financial instruments business operator, etc.);

四　取引の当事者の一方又は双方が、次のいずれかに該当す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 party or both parties fall under any of the following persons (for a person set forth in sub-item (b), excluding a transaction to be accounted as belonging to a trust account):

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のいずれかの者以外の者

(a) a financial instruments business operator, etc. that is not a bank which is a financial instruments business operator or registered financial institution engaged in type-I financial instruments business, The Shoko Chukin Bank, Ltd., the Development Bank of Japan, a federation of Shinkin banks whose district is the entire nation, The Norinchukin Bank, or an insurance company;

ロ　金融商品取引業者等のうち、基準時の属する年の前々年の四月から前年の三月まで（基準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。）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. whose average total amount of notional principal for the over-the-counter derivatives transactions (limited to the transactions that are subject to trade data, and excluding those accounted for as belonging to a trust account) at the end of each month during the period from April of the year two years before the year in which the base time falls to March of the year preceding the year in which the base time falls (if the base time is in December, the period from April of the preceding year to March of the relevant year) is less than 300 billion yen (excluding a person specified in sub-item (a); and

五　金融商品取引業者等について、第一項第二十一号の八に規定する措置と同等であると認められる外国の法令に準拠することその他の事情により同号に規定する措置を講じなくても公益に反し又は投資者の保護に支障を生ずるおそれがないと認められる場合として金融庁長官が指定する場合における当該取引

(v) the transaction in the case designated by the Commissioner of the Financial Services Agency as a transaction found to involve no risk of conflicting with public interest or compromising the protection of investors even when the

measures prescribed in paragraph (1), item (xxi)-8 are not taken for the reasons that it conforms to foreign laws and regulations found to be equivalent to the measures specified in that item or other circumstances for a financial instruments business operator, etc.

１３　第一項第二十一号の九の規定は、基準時において、次の各号のいずれかに該当する取引については、適用しない。

(13) The provisions of paragraph (1), item (xxi)-9 do not apply to a transaction that falls under any of the following items at the base time:

一　取引の当事者の一方が金融商品取引業者等以外の者（次のいずれにも該当する者を除く。）である場合における当該取引

(i) a transaction in which one of the parties is a person other than a financial instruments business operator, etc. (excluding a person that falls under all of the following persons):

イ　外国（当該外国の法令に照らし、一括清算の約定又はこれに類する約定が有効であることが適切に確認されている国に限る。）において店頭デリバティブ取引を業として行う者（外国政府等を除く。）

(a) a person engaged in over-the-counter derivatives transactions on a regular basis in a foreign country (limited to a country in which the agreement on a close-out netting or an agreement similar to that is appropriately confirmed to be effective, in light of the laws and regulations of that foreign country) (excluding the foreign government, etc.);

ロ　取引の状況その他の事情から合理的に判断して、基準時の属する年の前々年の四月から前年の三月まで（基準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と見込まれる者

(b) judging reasonably from the status of transaction or other circumstances, a person for which the average total amount of notional principal for an over-the-counter derivatives transactions at the end of each month during the period from April of the year two years before the year in which the base time falls to March of the year preceding the year in which the base time falls (if the base time is in December, the period from April of the preceding year to March of the relevant year) is expected to be 300 billion yen or more;

ハ　取引の状況その他の事情から合理的に判断して、基準時の属する年の前年の三月から五月まで（基準時が九月から十二月までに属するときは、その年の三月から五月まで）の各月末日における次に掲げる取引（当該取引の当事者の双方がイに規定する者又は第四号イに規定する者以外の者である取引に限る。）に係る想定元本額の合計額（当該取引の当事者に親会社等、子会社等又は親会社等の子会社等（当該取引の当事者を除く。）があるときは、それらの者が行うこれらの取引の想定元本額の合計額（それらの者の間の取引に係る想定元本額の合計額を除く。）を合計した額を含む。）の平均額が一兆千億円を超えると見込まれる者

(c) judging reasonably from the status of transaction or other circumstances, a person for which the average total amount of notional principal for the following transactions (limited to the transactions in which both parties are other than the person specified in sub-item (a) or item (iv), sub-item (a)) (if the parties to the transaction have a parent company, etc., a subsidiary company, etc. or a subsidiary company, etc. of a parent company, etc. (excluding the parties to the transaction), including the sum of the notional principal of those transactions conducted by those persons (excluding the total amount of notional principal of the transactionamong those persons)) at the end of each month during the period from March to May of the year preceding the year in which the base time belongs (if the base time is in the period from September to December, the period from March to May of the relevant year) is expected to exceed 1.1 trillion yen,:

（１）　店頭デリバティブ取引（金融商品取引清算機関、外国金融商品取引清算機関又は外国の法令に準拠して設立された法人で外国において金融商品債務引受業と同種類の業務を行う者が債務を負担するものを除く。）

1. over-the-counter commodity derivatives transactions (excluding transactions for which a financial instruments clearing organization, a foreign financial instruments clearing organization or a corporation incorporated based on foreign laws and regulations which conducts the same type of business as financial instruments debt assumption service in a foreign country assumes the obligations);

（２）　店頭商品デリバティブ取引

2. over-the-counter commodity derivatives transactions;

（３）　先物外国為替取引

3. foreign exchange futures transactions;

二　信託勘定に属するものとして経理される取引のうち、次のいずれかに該当する信託財産に係る取引

(ii) a transaction for which the accounting is done as a transaction belonging to a trust account, which is related to a trust property that falls under any of the following trust property;

イ　基準時の属する年の前々年の四月から前年の三月まで（基準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未満である信託財産

(a) a trust property for which the average total amount of notional principal for an over-the-counter derivatives transaction (limited to the transaction that is subject to trade data) at the end of each month during the period from April of the year two years before the year in which the base time falls to March of the year preceding the year in which the base time falls (if the base time is in December, the period from April of the preceding year to

March of the relevant year) is less than 300 billion yen;

ロ　基準時の属する年の前年の三月から五月まで（基準時が九月から十二月までに属するときは、その年の三月から五月まで）の各月末日における次に掲げる取引（当該取引の当事者の双方が前号イに規定する者又は第四号イに規定する者以外の者である取引に限る。）に係る想定元本額の合計額の平均額が一兆千億円以下である信託財産

(b) a trust property for which the average total amount of notional principal for the following transactions (limited to the transactions in which both parties are other than the person prescribed in sub-item (a) of the preceding item or item (iv), (a)) at the end of each month during the period from March to May of the year preceding the year in which the base time falls (if the base time is in the period from September to December, the period from March to May of the relevant year) is 1.1 trillion yen or less:

（１）　非清算店頭デリバティブ取引

1. non-cleared over-the-counter derivatives transactions;

（２）　店頭商品デリバティブ取引

2. over-the-counter commodity derivatives transactions;

（３）　先物外国為替取引

3. foreign exchange futures transactions;

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

四　取引の当事者の一方又は双方が、次のいずれかに該当する場合における当該取引（ロ及びハ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) a transaction in which one or both parties fall under any of the following persons (for persons set forth in sub-item (b) and (c), excluding a transaction for which accounting is done as a transaction belonging to a trust account):

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のいずれかの者以外の者

(a) a financial instruments business operator, etc. which is not a bank that is a financial instruments business operator or registered financial institution that conducts type I financial instruments business, The Shoko Chukin Bank, Ltd., the Development Bank of Japan, a federation of Shinkin banks whose district is the entire nation, The Norinchukin Bank

or an insurance company;

ロ　金融商品取引業者等のうち、基準時の属する年の前々年の四月から前年の三月まで（基準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。）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 transaction (limited to the transaction subject to trade data, and excluding those for which accounting is done as a transaction belonging to a trust account) at the end of each month during the period from April of the year two years before the year in which the base time falls in March of the year preceding the year in which the base time falls (if the base time falls in December, the period from April of the preceding year to March of the relevant year) is less than 300 billion yen (excluding a person specified in sub-item (a));

ハ　金融商品取引業者等のうち、基準時の属する年の前年の三月から五月まで（基準時が九月から十二月までに属するときは、その年の三月から五月まで）の各月末日における次に掲げる取引（当該取引の当事者の双方が第一号イに規定する者又はイに規定する者以外の者である取引に限る。）に係る想定元本額の合計額（当該金融商品取引業者等に親会社等、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。）があるときは、それらの者が行うこれらの取引の想定元本額の合計額（それらの者の間の取引に係る想定元本額の合計額を除く。）を合計した額を含む。）の平均額が一兆千億円以下である者（イ及びロに掲げる者を除く。）

(c) among financial instruments business operators, etc., one whose average total amount of notional principal for the following transactions (limited to the transactions in which both parties are other than the person specified in item (i), (a) or sub-item (a) of this item) (if the financial instruments business operator, etc. has a parent company, etc., a subsidiary company, etc. or a subsidiary company, etc. of a parent company, etc. (excluding the financial instruments business operator, etc.), including the sum of the notional principal of those transactions conducted by those persons (excluding the total amount of notional principal of the transactions conducted among those persons)) at the end of each month during the period from March to May of the year preceding the year in which the base time falls (if the base time is in the period from September to December, the period from March to May of the relevant year) is 1.1 trillion yen or less (excluding the persons set forth in sub-items (a) and (b)):

（１）　非清算店頭デリバティブ取引（法第二条第二十八項に規定する金融商品債務引受業対象業者以外の者が行う当該取引については、外国の法令に準拠

して設立された法人で外国において金融商品債務引受業と同種類の業務を行う者が債務を負担するものを除く。）

1. non-cleared over-the counter derivatives transactions (for the transaction conducted by a person other than a business counterparty to financial instruments debt assumption services as defined in Article 2, paragraph (28) of the Act, excluding transactions for which a corporation incorporated based on foreign laws and regulations which conducts the same type of business as financial instruments debt assumption services in a foreign country assumes the obligation);

（２）　店頭商品デリバティブ取引

2. over-the-counter commodity derivatives transactions;

（３）　先物外国為替取引

3. foreign exchange futures transactions;

五　金融商品取引業者等について、第一項第二十一号の九に規定する措置と同等であると認められる外国の法令に準拠することその他の事情により同号に規定する措置を講じなくても公益に反し又は投資者の保護に支障を生ずるおそれがないと認められる場合として金融庁長官が指定する場合における当該取引

(v) the transaction in the case designated by the Commissioner of the Financial Services Agency as a transaction found to involve no risk of conflicting with public interest or compromising the protection of investors even when the measures prescribed in paragraph (1), item (xxi)-9 are taken for the reasons that the transaction conforms to foreign laws and regulations found to be equivalent to the measures prescribed in that item or other circumstances for a financial instruments business operator, etc.

１４　第一項第三十五号の「暗号資産関連市場デリバティブ取引」とは、暗号資産を対象とする市場デリバティブ取引であって、法第二条第二十一項第一号若しくは第二号に掲げる取引又は同項第三号に掲げる取引（同号に規定する権利を行使することにより成立する取引が同号イに掲げる取引又は同号ロに掲げる取引（同項第一号若しくは第二号に掲げる取引に係るもの又は同号に掲げる取引に準ずる取引で金融商品取引所の定めるものに係るものに限る。）であるものに限る。）をいう。

(14) The term "cryptoasset-related market derivatives transaction" as used in paragraph (1), item (xxxv) means a market derivatives transaction for cryptoassets that is a transaction set forth in Article 2, paragraph (21), item (i) or (ii) of the Act, or a transaction set forth in item (iii) of that paragraph (limited to the transaction for which a transaction closed by exercising the right prescribed in that item is a transaction set forth in sub-item (a) of that item or a transaction set forth in sub-item (b) of that item (limited to the transaction related to a transaction set forth in item (i) or (ii) of that paragraph, or an equivalent transaction that is related to those specified by a financial instruments exchange)).

１５　第一項第三十五号の「暗号資産関連店頭デリバティブ取引」とは、暗号資産を対

象とする店頭デリバティブ取引であって、法第二条第二十二項第一号若しくは第二号に掲げる取引、同項第三号に掲げる取引（同号に規定する権利を行使することにより成立する取引が同項第一号、第二号又は第三号イに掲げる取引であるものに限る。）又は同項第四号に掲げる取引をいう。

(15) The term "cryptoasset-related over-the-counter derivatives transaction" as used in paragraph (1), item (xxxv) means an over-the-counter derivatives transaction for cryptoassets that is a transaction set forth in Article 2, paragraph (22), item (i) or (ii) of the Act, a transaction set forth in item (iii) of that paragraph (limited to the transaction for which a transaction closed by exercising the right prescribed in that item is a transaction set forth in item (i), item (ii), or item (iii), (a) of that paragraph), or a transaction set forth in item (iv) of that paragraph.

１６　第一項第三十五号の「暗号資産関連外国市場デリバティブ取引」とは、外国市場デリバティブ取引であって、第十四項に規定する暗号資産関連市場デリバティブ取引と類似の取引をいう。

(16) The term "cryptoasset-related foreign market derivatives transaction" as used in paragraph (1), item (xxxv) means a foreign market derivatives transaction that is similar to a cryptoasset-related market derivatives transaction prescribed in paragraph (14).

（最良執行方針等）

(Best Execution Policy)

第百二十四条　令第十六条の六第一項第一号イに規定する内閣府令で定める有価証券は、次に掲げるものとする。

Article 124 (1) The securities specified by Cabinet Office Order as prescribed in Article 16-6, paragraph (1), item (i) of the Order are as follows:

一　株券

(i) share certificates;

二　新株予約権付社債券

(ii) corporate bond certificates with share options;

三　新株予約権証券

(iii) share option certificates;

四　法第二条第一項第六号に掲げる有価証券

(iv) securities set forth in Article 2, paragraph (1), item (vi) of the Act;

五　優先出資証券

(v) preferred equity securities;

六　投資信託又は外国投資信託の受益証券

(vi) beneficiary certificates of investment trusts or foreign investment trusts;

七　投資証券又は外国投資証券で投資証券に類する証券

(vii) investment securities, or foreign investment securities similar to them;

八　新投資口予約権証券又は外国投資証券で新投資口予約権証券に類する証券

(viii) certificates of investment equity subscription rights, or foreign investment securities that are similar to certificates of investment equity subscription rights;

九　法第二条第一項第十四号に掲げる有価証券

(ix) securities set forth in Article 2, paragraph (1), item (xiv) of the Act; and

十　法第二条第一項第十七号に掲げる有価証券で第一号から第五号まで又は前号に掲げる有価証券の性質を有するもの

(x) securities set forth in Article 2, paragraph (1), item (xvii) of the Act which have the nature of securities set forth in items (i) through (v) or the preceding item.

２　金融商品取引業者等は、法第四十条の二第二項の規定に基づき、その本店等において最良執行方針等（同条第一項に規定する最良執行方針等をいう。以下この条において同じ。）を見やすいように掲示する方法又は最良執行方針等を閲覧に供する方法及び次の各号に掲げる場合に該当するときは、当該各号に定める方法により、公表しなければならない。

(2) Based on the provisions of Article 40-2, paragraph (2) of the Act, a financial instruments business operator, etc. must publicize at their head office, etc. the best execution policy, etc. (meaning the best execution policy, etc. prescribed in paragraph (1) of that Article; hereinafter the same applies in this Article) through posting the policy in a clearly visible manner, or making it available for public inspection, and in the cases falling under any of the following items, by the means set forth set forth in each of those items:

一　金融商品取引業者等が、その営業所、事務所その他の場所（その本店等を除く。以下この号において「営業所等」という。）において有価証券等取引（法第四十条の二第一項に規定する有価証券等取引をいう。第五項第一号において同じ。）に関する顧客の注文（以下この項において「顧客の注文」という。）を受ける場合　顧客の注文を受ける営業所等ごとに、最良執行方針等を見やすいように掲示する方法又は最良執行方針等を閲覧に供する方法

(i) if a financial instruments business operator, etc. receives a customer's order (hereinafter referred to as "customer's order" in this paragraph) related to the transactions of securities, etc. (meaning the transactions of securities, etc. prescribed in Article 40-2, paragraph (1) of the Act; the same applies in paragraph (5), item (i)) at its business office, office, or other places (excluding their head office, etc.; hereinafter referred to as the "business office, etc." in this item): posting the best execution policy, etc. in a clearly visible manner or making it available for public inspection, at each business office, etc. for receiving a customer's order; or

二　金融商品取引業者等が、公衆によって直接受信されることを目的として公衆からの求めに応じ自動的に無線通信又は有線電気通信の送信を行うこと（以下この号において「自動送信」という。）により顧客の注文を受ける場合（前号に掲げる場合に該当する場合を除く。）　最良執行方針等を自動送信し、又は顧客の求めに応じ

て郵便若しくはファクシミリ装置を利用して送信する方法

(ii) if a financial instruments business operator, etc. receives a customer's order by automatically transmitting messages by means of wireless or cable transmission (hereinafter referred to as "automatically transmit" in this item) at the request of the public and for the purpose of being directly received by the public (excluding the cases falling under the cases set forth in the preceding item): to automatically transmit the best execution policy, etc., or to transmit it by mail or using a facsimile device, at the customers' request.

3　金融商品取引業者等は、法第四十条の二第四項の規定により交付する書面には、最良執行方針等を記載しなければならない。

(3) A financial instruments business operator, etc. must state the best execution policy, etc. in the document to be delivered pursuant to the provisions of Article 40-2, paragraph (4) of the Act.

4　法第四十条の二第五項に規定する内閣府令で定める期間は、三月間とする。

(4) The period specified by Cabinet Office Order as prescribed in Article 40-2, paragraph (5) of the Act is three months.

5　法第四十条の二第五項に規定する最良執行方針等に従って執行された旨を説明した書面（次項において「最良執行説明書」という。）には、次に掲げる事項を記載しなければならない。

(5) The following matters must be stated in a document explaining the fact that the order has been executed in accordance with the best execution policy, etc. prescribed in Article 40-2, paragraph (5) of the Act (hereinafter referred to as the "best execution explanatory document" in the following paragraph):

一　注文に係る有価証券等取引の銘柄、数量及び売付け又は買付けの別

(i) the issue and volumes of the transactions of securities, etc. related to the orders, and distinction of whether it is a transaction for sale or purchase;

二　受注日時

(ii) the date and time of the receipt of the order; and

三　約定日時及び執行した金融商品市場その他執行の方法

(iii) the contract date and time, the financial instruments exchange market that has executed the order, and other methods of executing the order.

6　法第四十条の二第五項の規定により最良執行説明書を交付しようとする金融商品取引業者等は、顧客から求められた日から二十日（特定投資家である顧客から同意を得た場合にあっては、当該同意に係る期間（二十日以上の期間に限る。））以内に当該顧客に交付しなければならない。

(6) A financial instruments business operator, etc. that seeks to deliver the best execution explanatory document pursuant to the provisions of Article 40-2, paragraph (5) of the Act must deliver the document to the customer within 20 days from the day when the customer requested the delivery (if consent has been obtained from a customer that is a professional investor, within the

period consented (limited to a period of 20 days or longer)).

（分別管理が確保されているもの）

(Cases When Separate Management Is Ensured)

第百二十五条　法第四十条の三に規定する内閣府令で定めるものは、同条に規定する権利又は有価証券に関し出資され、又は拠出された金銭を充てて事業を行う者（当該事業に係る業務を執行する者を含む。以下この条において「事業者」という。）に対し、当該事業者の定款（当該事業に係る規約その他の権利又は有価証券に係る契約その他の法律行為を含む。）により次に掲げる基準を満たすことが義務付けられていることにより、当該金銭が当該事業者の固有財産その他当該事業者の行う他の事業に係る財産と分別して管理されていることが確保されているものとする。

Article 125 The cases specified by Cabinet Office Order as prescribed in Article 40-3 of the Act are those in which for the person that conducts business by allotting the money invested or contributed in relation to the rights or securities prescribed in that Article (including the person who executs the operation of that business; hereinafter referred to as the "business operator" in this Article), it is ensured that the money will be managed separately from the business operator's own property or the property related to other businesses conducted by the business operator through the requirement to meet the following criteria pursuant to the articles of incorporation of the business operator (including certificate of incorporation concerning the business, other contracts, or juridical acts related to the right or securities):

一　当該事業者による当該金銭を充てて行われる事業の対象及び業務の方法が明らかにされるとともに、当該事業に係る財産がそれぞれ区分して経理され、かつ、それらの内容が投資者の保護を図る上で適切であること。

(i) that the subject of the business and the method of the business operation to be conducted by the business operator using the money have been clarified, the accounting of the properties related to the business is handled separately for each property, and the content of those matters is appropriate in protecting investors;

二　当該金銭が、次に掲げる方法により、適切に管理されていること。

(ii) that the money is appropriately managed through any of the following methods:

イ　他の金融商品取引業者等への預託（当該他の金融商品取引業者等が有価証券等管理業務として受けるものに限る。）又は外国の法令に準拠し、外国において有価証券等管理業務を行う者への預託

(a) by making a deposit with another financial instruments business operator, etc. (only if the other financial instruments business operator, etc. accepts the money as securities, etc. management business), or with a person engaged in securities, etc. management business in a foreign country in accordance with foreign laws and regulations;

ロ　銀行、協同組織金融機関、株式会社商工組合中央金庫又は外国の法令に準拠し、外国において銀行法第十条第一項第一号に掲げる業務を行う者への預金又は貯金（当該金銭であることがその名義により明らかなものに限る。）

(b) by setting up a savings account at a bank, cooperative financial institution, The Shoko Chukin Bank, Ltd., or with a person that conducts the business set forth in Article 10, paragraph (1), item (i) of the Banking Act in a foreign country in accordance with foreign laws and regulations (limited to the cases in which it is obvious from the holder's name that the money in the saving account is that money);

ハ　信託業務を営む金融機関又は外国の法令に準拠し、外国において信託業務を行う者への金銭信託で元本補填の契約のあるもの（当該金銭であることがその名義により明らかなものに限る。）

(c) by creating a money trust that has an agreement on compensation for loss of principal with a financial institution engaged in trust business or with a person that conducts trust business in a foreign country in accordance with foreign laws and regulations (limited to cases in which it is obvious from the right holder's name that the money is that money); and

ニ　暗号資産交換業者等への管理の委託（他人のために暗号資産の管理を業として行うことにつき資金決済に関する法律以外の法律に特別の規定のある者への当該管理の委託を含み、当該金銭であることがその名義により明らかなものに限る。）

(d) by entrusting the management to a cryptoasset exchange service provider, etc. (including the entrustment of the management to a person whose management of cryptoassets for another person on a regular basis is specially provided in a law other than the Payment Services Act, and limited to the case in which it is obvious from the holder's name that the cryptoasset is that money).

（一般投資家に含まれない者）

(Persons Not Considered to be General Investors)

第百二十五条の二　法第四十条の四に規定する内閣府令で定める者は、次に掲げる者とする。

Article 125-2 (1) The persons specified by Cabinet Office Order as prescribed in Article 40-4 of the Act are as follows:

一　当該特定投資家向け有価証券の発行者の取締役等（取締役、監査役、執行役、理事若しくは監事又はこれらに準ずる者をいう。）であり、かつ、当該発行者の総株主等の議決権の百分の五十を超える議決権（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（これらの規定を同法第二百二十八条第一項、第二百三十五条第一項、第二百三十九条第一項及び第二百七十六条（第二号に係る部分に限る。）において準用する場合を含む。）の規定により発行者に対抗することができない株式又は出資に係る議決権を含む。以下この条において「対象議

決権」という。）を自己若しくは他人の名義をもって保有する者（以下この条において「特定役員」という。）又は当該特定役員の被支配法人等（当該発行者を除く。）

(i) a person that is a director, etc. of the issuer of the securities for professional investors (meaning a director, company auditor, executive officer, board member, auditor or a person that is equivalent to them), and, under the person's own name or another person's name, holds the voting rights exceeding 50 percent of the voting rights held by all the shareholders, etc. of the issuer (including the voting rights related to a share or contribution that may not be duly asserted against the issuer pursuant to the provisions of Article 147, paragraph (1) or Article 148, paragraph (1) (including as applied mutatis mutandis pursuant to Article 228, paragraph (1), Article 235, paragraph (1), Article 239, paragraph (1) and Article 276 (limited to the parts related to item (ii))); hereinafter referred to as the "subject voting rights" in this Article) (hereinafter the person is referred to as the "specified officer" in this Article), or the controlled corporation, etc. of the specified officer (the issuer is excluded from the controlled corporation, etc.);

二　当該特定投資家向け有価証券の発行者の総株主等の議決権の百分の五十を超える対象議決権を自己又は他人の名義をもって保有する会社（前号に掲げる者を除く。）

(ii) a company which holds the subject voting rights exceeding 50 percent of the voting rights held by all the shareholders, etc. of the issuer of the securities for professional investors under its name or another person's name (excluding the person specified in the preceding item);

三　当該特定投資家向け有価証券（次に掲げるものに限る。）の発行者の役員等（当該特定投資家向け有価証券の買付け（当該発行者の他の役員等と共同して、一定の計画に従い、個別の投資判断に基づかず、継続的に買付けを行うことを内容とする契約であって各役員等の一回当たりの拠出金額が百万円に満たないものに基づいて行うものに限る。）を行う者に限り、第一号に掲げる者を除く。）

(iii) an officer, etc. of the issuer of the securities for professional investors (limited to the securities set forth in the following sub-items) (the officer, etc. is limited to a person that conducts purchase of the securities for professional investors (limited to a purchase made based on a contract which provides that the officer, etc. jointly with other officers, etc. of the issuer, continuously conducts purchase in accordance with a fixed plan, not based on individual investment decisions, and by the amount to be contributed by each of the officers, etc. at one time is less than one million yen), and excluding the person specified in item (i)):

イ　法第二条第一項第九号に掲げる有価証券

(a) securities set forth in Article 2, paragraph (1), item (ix) of the Act;

ロ　法第二条第一項第十一号に掲げる有価証券のうち、投資証券、新投資口予約権

証券又は外国投資証券で投資証券若しくは新投資口予約権証券に類する証券

(b) among the securities set forth in Article 2, paragraph (1), item (xi) of the Act, those that are investment securities, investment equity subscription rights certificates, or foreign investment securities, which are similar to the investment securities or investment equity subscription rights certificates;

ハ　法第二条第一項第十七号に掲げる有価証券のうち、同項第九号に掲げる有価証券の性質を有するもの

(c) among the securities set forth in Article 2, paragraph (1), item (xvii) of the Act, those that have nature of the securities set forth in item (ix) of that paragraph;

ニ　イからハまでに掲げる有価証券を受託有価証券（令第二条の三第三号に規定する受託有価証券をいう。以下同じ。）とする有価証券信託受益証券（同号に規定する有価証券信託受益証券をいう。以下同じ。）

(d) certificates of a beneficial interest in a securities trust (meaning the certificates of a beneficial interest in a securities trust prescribed in Article 2-3, item (iii) of the Order; the same applies hereinafter) for which the securities set forth in sub-items (a) through (c) are the entrusted securities (meaning the entrusted securities prescribed in that item; the same applies hereinafter); and

ホ　法第二条第一項第二十号に掲げる有価証券でイからハまでに掲げる有価証券に係る権利を表示するもの

(e) securities set forth in Article 2, paragraph (1), item (xx) of the Act, which indicate the rights related to the securities set forth in sub-items (a) through (c).

２　特定役員とその被支配法人等が合わせて他の法人等（法人その他の団体をいう。以下この条において同じ。）の総株主等の議決権の百分の五十を超える対象議決権を自己又は他人の名義をもって保有する場合には、当該他の法人等は、当該特定役員の被支配法人等とみなして、前項第一号及びこの項の規定を適用する。

(2) If the specified officer and their controlled corporation, etc. jointly hold subject voting rights that exceed 50 percent of the voting rights held by all shareholders, etc. of another corporation (meaning a corporation or other organizations; hereinafter the same applies in this Article) in their own name or another person's name, the other corporation, etc. is deemed to be the controlled corporation, etc. of the specified officer, and the provisions of item (i) of the preceding paragraph and this paragraph apply.

３　第一項第一号及び前項の「被支配法人等」とは、特定役員が他の法人等の総株主等の議決権の百分の五十を超える対象議決権を自己又は他人の名義をもって保有する場合における当該他の法人等をいう。

(3) The term "controlled corporation, etc." as used in paragraph (1), item (i) and the preceding paragraph means the other corporation, etc. if a specified officer

holds subject voting rights that exceed 50 percent of the voting rights held by all the shareholders, etc. of that other corporation, etc. in their own name or another person's name.

４　第一項第三号の「役員等」とは、令第一条の三の三第五号に規定する役員等をいう。

(4) The term "officer, etc." as used in paragraph (1), item (iii) means an officer, etc. prescribed in Article 1-3-3, item (v) of the Order.

（特定投資家向け有価証券の売買等の制限の例外）

(Exception to Restrictions on Purchase and Sale of Securities for Professional Investors)

第百二十五条の三　法第四十条の四に規定する内閣府令で定める場合は、次に掲げる場合とする。

Article 125-3 The cases specified by Cabinet Office Order as prescribed in Article 40-4 of the Act are as follows:

一　一般投資家（法第四十条の四に規定する一般投資家をいう。以下この条及び第百二十五条の六第二項第四号において同じ。）に対する勧誘に基づかないで次に掲げる行為を行う場合

(i) if the financial instruments business operator, etc. conducts any of the following acts not based on solicitation to general investors (meaning the general investors prescribed in Article 40-4 of the Act; hereinafter the same applies in this Article and Article 125-6, paragraph (2), item (iv)):

イ　一般投資家を相手方として行う買付け

(a) purchase made from a general investor as the counterparty;

ロ　一般投資家のために行う売付けの取次ぎ又は代理（一般投資家を相手方として行う場合を除く。）

(b) brokerage or agency services for general investors concerning a sale (excluding a sale made to a general investor as the counterparty);

ハ　一般投資家から買付けをする者（一般投資家を除く。）のために行う当該買付けの媒介、取次ぎ又は代理

(c) intermediation, brokerage, or agency services for the purchase made for a person (excluding general investors) that makes purchases from a general investor;

ニ　一般投資家のために行う取引所金融商品市場又は外国金融商品市場における売付けの委託の媒介、取次ぎ又は代理

(d) intermediation, brokerage, or agency services concerning entrustment of sales on the financial instruments exchange market or the foreign financial instruments exchange market conducted for general invesors; and

ホ　一般投資家から取引所金融商品市場又は外国金融商品市場における売付けの委託を受ける者のために行う当該委託の媒介、取次ぎ又は代理

(e) intermediation, brokerage, or agency services concerning the entrustment of sales conducted for a person who is entrusted the sale on the financial

instruments exchange market or the foreign financial instruments exchange market from a general investor.

二　法第二十七条の二第一項に規定する公開買付け（同項本文の規定の適用を受ける場合に限る。次号において同じ。）に係る株券等（同項に規定する株券等をいう。同号において同じ。）の売付けをする場合

(ii) if the financial instruments business operator, etc. makes a sale of share certificates, etc. (meaning the share certificates, etc. prescribed in Article 27-2, paragraph (1) of the Act; the same applies in the following item) related to the tender offer prescribed in that paragraph (limited to cases in which the provisions of the main text of that paragraph is applicable; the same applies in the following item);

三　法第二十七条の二第一項に規定する公開買付けを行う者のために当該公開買付けに係る株券等の買付けの媒介又は代理を行う場合（第一号に規定する場合を除く。）

(iii) if the financial instruments business operator, etc. conducts intermediary or agency services for the purchase of share certificates, etc. related to the tender offer prescribed in Article 27-2, paragraph (1) of the Act for the person that conducts the tender offer (excluding the cases specified in item (i)); and

四　法第二十七条の二十二の二第一項に規定する公開買付け（同項本文の規定の適用を受ける場合に限る。）を行う者のために当該公開買付けに係る法第二十四条の六第一項に規定する上場株券等の買付けの媒介又は代理を行う場合（第一号に規定する場合を除く。）

(iv) if the financial instruments business operator, etc. conducts intermediary or agency services for the purchase of the listed share certificates, etc. prescribed in Article 24-6, paragraph (1) of the Act related to the tender offer prescribed in Article 27-22-2, paragraph (1) of the Act (limited to cases in which the provisions of the main text of that paragraph is applicable) (excluding the cases specified in item (i)).

（特定投資家向け有価証券に係る告知を要しない売付け等）

(Sales Not Requiring Notification Related to Securities for Professional Investors)

第百二十五条の四　令第十六条の七の二第一号ヘに規定する内閣府令で定めるものは、次に掲げるものとする。

Article 125-4 (1) The sales specified by Cabinet Office Order as prescribed in Article 16-7-2, item (i), sub-item (f) of the Order are as follows:

一　累積投資契約（金融商品取引業者等が相手方から金銭を預かり、当該金銭を対価としてあらかじめ定めた期日において当該相手方に有価証券を継続的に売り付ける契約をいう。次項第一号において同じ。）による有価証券の売付け（過去に当該有価証券と同一の銘柄の有価証券を当該相手方が取得し、又は保有したことのない場合を除く。）

(i) the sale of securities under a cumulative investment contract (meaning a contract in which a financial instruments business operator, etc. receives money in trust from a counterparty and continuously sells securities to that counterparty on dates decided in advance by using the money as consideration; hereinafter the same applies in item (i) of the following paragraph) (excluding the cases in which the counterparty has neither acquired nor held securities whose issue was the same as those securities in the past);

二　相手方が所有する法第二条第一項第十号に掲げる有価証券から生ずる収益金をもってする当該有価証券と同一の銘柄の有価証券の売付け

(ii) the sale of securities whose issue is the same as the securities set forth in Article 2, paragraph (1), item (x) of the Act owned by the counterparty, by using the earnings generated from those securities; and

三　法第二条第一項第十号に掲げる有価証券（投資信託及び投資法人に関する法律施行規則第二十五条第二号に規定する公社債投資信託であって計算期間が一日のものの受益証券に限る。次項第三号において「特定公社債投資信託受益証券」という。）の売付け（過去に当該有価証券と同一の銘柄の有価証券を相手方が取得し、又は保有したことのない場合を除く。）

(iii) the sale of the securities set forth in Article 2, paragraph (1), item (x) of the Act (limited to the beneficiary certificates of the bond investment trust prescribed in Article 25, item (ii) of the Regulations for Enforcement of the Act on Investment Trusts and Investment Corporations, for which the accounting period is one day; referred to as the "specified beneficiary certificates of bond investment trust" in item (iii) of the following paragraph) (excluding the cases in which the counterparty has neither acquired nor held securities whose issue was the same as those securities in the past).

２　令第十六条の七の二第二号ニに規定する内閣府令で定めるものは、次に掲げるものとする。

(2) The services specified by Cabinet Office Order as prescribed in Article 16-7-2, item (ii), sub-item (d) of the Order are as follows:

一　累積投資契約に基づき定期的にする有価証券の買付けの媒介、取次ぎ又は代理（過去に当該有価証券と同一の銘柄の有価証券を相手方が取得し、又は保有したことのない場合を除く。）

(i) intermediation, brokerage, or agency for the purchase of securities periodically conducted based on a cumulative investment contract (excluding the case in which the counterparty has neither acquired nor held the securities whose issues were the same as those securities in the past);

二　相手方が所有する法第二条第一項第十号に掲げる有価証券から生ずる収益金をもってする当該有価証券と同一の銘柄の有価証券の買付けの媒介、取次ぎ又は代理

(ii) intermediation, brokerage, or agency for the purchase of securities that are the same issue as the securities set forth in Article 2, paragraph (1), item (x)

of the Act owned by the counterparty conducted by using the earnings generated from those securities; and

三　特定公社債投資信託受益証券の買付けの媒介、取次ぎ又は代理（過去に当該特定公社債投資信託受益証券と同一の銘柄の有価証券を相手方が取得し、又は保有したことのない場合を除く。）

(iii) intermediation, brokerage, or agency for the purchase of the specified beneficiary certificates of bond investment trust (excluding the case in which the counterparty has neither acquired nor held the securities whose issue was the same as the specified beneficiary certificates of bond investment trust in the past).

（特定投資家向け有価証券に関する告知の方法）

(Method of Notification Concerning Securities for Professional Investors)

第百二十五条の五　法第四十条の五第一項の規定により告知を行おうとする金融商品取引業者等は、法第二条第三項に規定する取得勧誘又は同条第四項に規定する売付け勧誘等を行うことなく令第十六条の七の二に規定する行為（以下この条において「告知対象行為」という。）を行うまでに（同条第一号に掲げる告知対象行為にあっては、当該告知対象行為を行うことを内容とする契約を締結するまでに）、当該告知を行わなければならない。

Article 125-5 (1) A financial instruments business operator, etc. which seeks to give a notification pursuant to the provisions of Article 40-5, paragraph (1) of the Act must give the notification, before they conduct the act prescribed in Article 16-7-2 of the Order (hereinafter referred to as an "act subject to notification" in this Article) (for an act subject to notification set forth in item (i) of that Article, before they conclude a contract which provides the performance of the act subject to notification) without making a solicitation of offers to acquire provided for in Article 2, paragraph (3) of the Act or offer to sell, etc. provided for in paragraph (4) of that Article.

２　法第四十条の五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。

(2) The matters specified by Cabinet Office Order as prescribed in Article 40-5, paragraph (1) of the Act are as follows:

一　当該特定投資家向け有価証券が特定投資家向け有価証券であること。

(i) the securities for professional investors are securities for professional investors;

二　当該特定投資家向け有価証券に関して開示が行われている場合（法第四条第七項に規定する開示が行われている場合をいう。）に該当しないこと。

(ii) the securities for professional investors do not fall under cases in which disclosure has been made (meaning the cases in which disclosure prescribed in Article 4, paragraph (7) of the Act has been made);

三　当該特定投資家向け有価証券の有価証券交付勧誘等（法第四条第二項に規定する有価証券交付勧誘等をいう。以下同じ。）について、同条第三項、第五項及び第六

項の適用があること。

(iii) the provisions of Article 4, paragraph (3), paragraph (5), and paragraph (6) of the Act are applicable to the solicitation for delivery of existing securities, etc. related to the securities for professional investors (meaning the solicitation for delivery of existing securities, etc. prescribed in Article 4, paragraph (2) of the Act; the same applies hereinafter);

四　当該有価証券について過去に行われた特定投資家向け取得勧誘若しくは特定投資家向け売付け勧誘等に係る特定証券等情報（法第二十七条の三十三に規定する特定証券等情報をいう。以下同じ。）が法第二十七条の三十一第二項若しくは第四項の規定により公表されている場合又は法第二十七条の三十二第一項から第三項までの規定により発行者等情報（法第二十七条の三十四に規定する発行者等情報をいう。以下同じ。）が公表されている場合にはその旨及び公表の方法（当該公表がインターネットを利用して行われている場合には、当該公表に係るホームページアドレス（使用する自動公衆送信装置（著作権法（昭和四十五年法律第四十八号）第二条第一項第九号の五イに規定する自動公衆送信装置をいう。）のうちその用に供する部分をインターネットにおいて識別するための文字、番号、記号その他の符号又はこれらの結合であって、情報の提供を受ける者がその使用に係る電子計算機に入力することによって当該情報の内容を閲覧することができるものをいう。以下同じ。）を含む。）

(iv) if the specified information on securities, etc. (meaning the specified information on securities, etc. prescribed in Article 27-33 of the Act; the same applies hereinafter) related to the solicitation for acquisition only for professional investors or the solicitation for sale, etc. only for professional investors conducted in the past in relation to the securities has been disclosed pursuant to the provisions of Article 27-31, paragraph (2) or (4), or the information on the issuer, etc. (meaning the information on the issuer, etc. prescribed in Article 27-34 of the Act; the same applies hereinafter) has been disclosed pursuant to the provisions of Article 27-32, paragraphs (1) through (3) of the Act, that fact and the means of disclosure (if the disclosure has been made using the internet, including information on the website address related to the disclosure (website address means the characters, numbers, marks, or other symbols, or their combination for identifying the part of the automatic public transmission server (meaning the automatic public transmission server as defined in Article 2, paragraph (1), item (ix)-5, (a) of the Copyright Act (Act No. 48 of 1970)) to be used, on the internet, which enables the recipient of the information to browse the content of the information by inputting them in the computer they use; the same applies hereinafter);

五　当該特定投資家向け有価証券の所有者に対し、法第二十七条の三十二の規定により発行者等情報の提供又は公表が行われること。

(v) the information on the issuer, etc. is to be provided or disclosed, to the

owner of the securities for professional investors pursuant to the provisions of Article 27-32 of the Act.

３　一の告知対象行為について二以上の金融商品取引業者等が法第四十条の五第一項の規定により告知をしなければならない場合において、いずれか一の金融商品取引業者等が前項各号に掲げる事項を告知したときは、他の金融商品取引業者等は、同項の規定にかかわらず、同項各号に掲げる事項を告知することを要しない。

(3) Notwithstanding the provisions of Article 40-5, paragraph (1) of the Act, if two or more financial instruments business operators, etc. are required to make a notification of the same act subject to notification pursuant to that paragraph, if one of the financial instruments business operators, etc. has made a notification of the matters set forth in the items of the preceding paragraph, the other financial instruments business operator, etc. is not required to notify the matters set forth in the items of that paragraph.

（特定投資家向け有価証券取引契約等）

(Contracts for Transactions of Securities for Professional Investors)

第百二十五条の六　法第四十条の五第二項に規定する内閣府令で定めるものは、次に掲げるものとする。

Article 125-6 (1) The matters specified by Cabinet Office Order as prescribed in Article 40-5, paragraph (2) of the Act are as follows:

一　法第二条第八項第十号に掲げる行為による特定投資家向け有価証券の売買（当該行為を行う金融商品取引業者による媒介、取次ぎ又は代理によるものに限る。）を行うことを内容とする契約

(i) a contract which provides that purchase and sale of securities for professional investors through an act set forth in Article 2, paragraph (8), item (x) of the Act (limited to purchase and sale made through the intermediation, brokerage, or agency services conducted by the financial instruments business operator that conducts the act) are to be conducted;

二　取引所取引許可業者を相手方として特定投資家向け有価証券の売買（取引所金融商品市場においてするものに限る。）を行うことを内容とする契約

(ii) a contract which provides that purchase and sale of securities for professional investors with an authorized firm for on-exchange transactions (limited to the purchase and sale made in a financial instruments exchange market) are to be conducted; and

三　金融商品取引清算機関（当該金融商品取引清算機関が連携金融商品債務引受業務を行う場合には、連携清算機関等を含む。以下この号において同じ。）又は外国金融商品取引清算機関を相手方として特定投資家向け有価証券の売買（当該金融商品取引清算機関又は外国金融商品取引清算機関が行う金融商品債務引受業（当該金融商品取引清算機関が連携金融商品債務引受業務を行う場合には、連携金融商品債務引受業務を含む。）に係るものに限る。）を行うことを内容とする契約

(iii) a contract which provides that purchase and sale of securities for

professional investors with an financial instruments clearing organization (if the financial instruments clearing organization performs collaborating financial instruments obligation assumption services, including a collaborating clearing organization, etc.; hereinafter the same applies in this item) or a foreign financial instruments clearing organization (limited to the purchase and sale related to financial instruments obligation assumption services conducted by the financial instruments clearing organization or foreign financial instruments clearing organization (if the financial instruments clearing organization is to conduct collaborating financial instruments obligation assumption services, including collaborating financial instruments obligation assumption services)) are to be conducted.

２　法第四十条の五第二項第一号に規定する内閣府令で定める事項は、次に掲げる事項とする。

(2) The matters specified by Cabinet Office Order as prescribed in Article 40-5, paragraph (2), item (i) of the Act are as follows:

一　特定投資家向け有価証券の発行者は、法に別段の定めがある場合を除き、法第二十五条第一項第四号から第十号までに掲げる書類を提出する義務を負わないこと。

(i) unless otherwise provided for in the Act, the issuer of the securities for professional investors is not obligated to submit the documents set forth in Article 25, paragraph (1), items (iv) through (x) of the Act;

二　特定投資家向け有価証券の有価証券交付勧誘等について、法第四条第三項、第五項及び第六項の適用があること。

(ii) the provisions of Article 4, paragraph (3), paragraph (5), and paragraph (6) of the Act apply to the solicitation for delivery of existing securities, etc. related to securities for professional investors;

三　特定投資家向け有価証券の所有者に対し、法第二十七条の三十二第一項から第三項までの規定による発行者等情報の提供又は公表が行われること。

(iii) the information on the issuer, etc. is to be provided or disclosed to the owner of the securities for professional investors pursuant to the provisions of Article 27-32, paragraphs (1) through (3) of the Act; and

四　金融商品取引業者等は、特定投資家向け有価証券について、法に規定する場合を除き、一般投資家を相手方とし、又は一般投資家のために、売買の媒介、取次ぎ又は代理その他の法第二条第八項第一号から第四号まで及び第十号に掲げる行為を行うことができないこと。

(iv) unless otherwise provided for by the Act, a financial instruments business operator, etc. may not conduct intermediation, brokerage, or agency services for purchase and sale or other acts set forth in Article 2, paragraph (8), items (i) through (iv) and item (x) of the Act concerning the securities for professional investors, with a general investor as an counterparty, or on behalf of a general investor.

（特定店頭デリバティブ取引）

(Specified Over-the-Counter Derivatives Transactions)

第百二十五条の七　法第四十条の七第一項に規定する内閣府令で定めるものは、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。

Article 125-7 (1) The transactions specified by Cabinet Office Order as prescribed in Article 40-7, paragraph (1) 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 one of the parties will pay money (limited to yen-denominated amount; hereinafter the same applies in this paragraph) based on an interest rate determined by one of the parties and the counterparty in relation to the amount fixed as principal (limited to the yen-denominated principal) or a rate of change of the market interest rate for the agreed period (hereinafter referred to as "interest rate, etc." in this paragraph), and the other party will pay money based on the interest rate, etc. agreed on by one of the parties and the counterparty, which the Commissioner of the Financial Services Agency designates.

２　前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、法第四十条の七第一項に規定する内閣府令で定めるものに該当しないものとする。

(2) Notwithstanding the provisions of the preceding paragraph, if the transaction prescribed in that paragraph is a transaction which falls under any of the following items at the time of concluding a contract related to the transaction, the transaction is considered not to fall under a transaction specified by Cabinet Office Order as prescribed in Article 40-7, paragraph (1) of the Act.

一　信託勘定に属するものとして経理される取引

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

二　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

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

三　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

(iii) the transaction in which one or both of the parties is a person specified in any of the following sub-items:

イ　金融商品取引業者等（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若しくは農林中央金庫に限る。）以外の者

(a) a person that is not a financial instruments business operator, etc. (limited to a bank which is a financial instruments business operator or registered financial institution that conducts type I financial instruments business, The Shoko Chukin Bank, Ltd., the Development Bank of Japan, a federation of Shinkin banks whose district is the entire nation, or The Norinchukin Bank);

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。）に係る想定元本額の合計額の平均額が六兆円未満である者（イに掲げる者を除く。）

(b) a financial instruments business operator, etc. whose 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 accounting is done as a transaction belonging to a trust account) at the end of each month during the period from April of the year two years before the year in which the time of conclusion of the contract related to the transaction belongs to March of the preceding year (if the time is in December, the period from April of the preceding year to March of the relevant year) is less than 6 trillion yen (excluding a person set forth in sub-item (a)); and

四　店頭デリバティブ取引等の業務の用に供する電子情報処理組織の使用の停止を必要とする障害が発生した場合その他金融商品取引業者等が行う取引を店頭デリバティブ取引等の業務の用に供する電子情報処理組織を使用して行わせることが不適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当該金融商品取引業者等が行う取引

(iv) transactions conducted by the financial instruments business operator, etc. if a failure occurs which requires the suspension of use of an electronic data processing system to be used for business of over-the-counter derivatives transactions, etc. or other case in which there are special circumstances to find that it is inappropriate to have a financial instruments business operator, etc. use the electronic data processing system to be used for business of over-the-counter derivatives transactions, etc. designated by the Commissioner of the Financial Services Agency.

（公表の方法）

(Means of Public Announcement)

第百二十五条の八　法第四十条の七第二項（法第六十条の十四第二項において準用する場合を含む。次項において同じ。）の規定により公表を行おうとする者は、別表の上欄に掲げる事項を、当該電子情報処理組織を使用して特定店頭デリバティブ取引が行われた後、直ちに公表しなければならない。

Article 125-8 (1) A person that seeks to make a public announcement pursuant to the provisions of Article 40-7, paragraph (2) of the Act (including as applied mutandis pursuant to Article 60-14, paragraph (2) of the Act; the same applies in the following paragraph) must publicize the matters specified in the upper column of the Appended Table immediately after the specified over-the-counter derivatives transactions using the electronic data processing system has been conducted.

２　前項の規定にかかわらず、特定店頭デリバティブ取引において当事者が想定元本として定めた金額が、次の各号に掲げる特定店頭デリバティブ取引の効力が生じる日から当該効力が消滅する日までの期間の区分に応じ、当該各号に定める金額を超える場合には、法第四十条の七第二項の規定により公表を行おうとする者は、別表の上欄に掲げる事項を、当該電子情報処理組織を使用して特定店頭デリバティブ取引が行われた日の翌営業日までに公表しなければならない。

(2) Notwithstanding the provisions of the preceding paragraph, if the amount the parties to a specified over-the-counter derivatives transaction determines as notional principal exceeds the amount specified in the following items in accordance with the category of the period between the day when the over-the-counter derivatives transaction takes effect and the day when the effect expires speicified in each of those items, a person that seeks to make a public announcement pursuant to thee provisions of Article 40-7, paragraph (2) of the Act must publicize the matters set forth in the left hand column of Appended Table no later than the business day following the day when the over-the-counter derivatives transaction was conducted by using the electronic data processing system:

一　三月以下の場合　三千億円

(i) a period not exceeding three months: 300 billion yen;

二　三月を超え六月以下の場合　六百億円

(ii) a period exceeding three months and not exceeding six months: 60 billion yen;

三　六月を超え一年以下の場合　五百五十億円

(iii) a period exceeding six months and not exceeding one year: 55 billion yen;

四　一年を超え二年以下の場合　五百億円

(iv) a period exceeding one year and not exceeding two years: 50 billion yen;

五　二年を超え五年以下の場合　二百億円

(v) a period exceeding two years and not exceeding five years: 20 billion yen;

六　五年を超え十年以下の場合　百億円
(vi) a period exceeding five years and not exceeding ten years: 10 billion yen;
七　十年を超え三十年以下の場合　五十億円
(vii) a period exceeding ten years and not exceeding thirty years: 5 billion yen;
八　三十年を超える場合　二十億円
(viii) a period exceeding thirty years: 2 billion yen.

第二款　投資助言業務及び投資運用業に関する特則
Subsection 2 Special Provisions on Investment Advisory Business and Investment Management Business

（投資助言業務に関する禁止行為）
(Prohibited Acts Concerning Investment Advisory Business)
第百二十六条　法第四十一条の二第六号に規定する内閣府令で定める行為は、次に掲げる行為とする。
Article 126 The acts specified by Cabinet Office Order as prescribed in Article 41-2, item (vi) of the Act are as follows:
一　自己又は第三者の利益を図るため、顧客の利益を害することとなる取引を行うことを内容とした助言を行うこと。
(i) to give an advice on conducting a transaction that will be detrimental to the customer's interests, for their personal gain or the profit of a third party;
二　有価証券の売買その他の取引等について、不当に取引高を増加させ、又は作為的に値付けをすることとなる取引を行うことを内容とした助言を行うこと。
(ii) to give an advice on conducting a transaction that results in unjust increase of transaction volumes or manipulative pricing to be made, for the purchase and sale or other transactions of securities.; and
三　当該金融商品取引業者の関係外国法人等（第三十二条第三号に掲げる者であって、令第十五条の十六第一項各号又は同条第二項各号のいずれかに該当するものをいう。以下この号並びに第百三十条第一項第九号イ及び第十五号ハ（２）において同じ。）が有価証券の募集又は私募を行っている場合において、当該関係外国法人等に対する当該有価証券の取得又は買付けの申込みの額が当該関係外国法人等が予定していた額に達しないと見込まれる状況の下で、当該関係外国法人等の要請を受けて、当該有価証券を取得し、又は買い付けることを内容とした助言を行うこと。
(iii) if a related foreign corporation, etc. of the financial instruments business operator (meaning a person set forth in Article 32, item (iii), who falls under any of the items of Article 15-16, paragraph (1) of the Order or the items of paragraph (2) of that Article; hereinafter the same applies in this item, Article 130, paragraph (1), item (ix), (a), and item (xv), sub-item (c), 2.) conducts public offering or private placement of securities, and the amount to be paid to the related foreign corporation, etc. for the application of the acquisition or purchase of the securities is expected to be less than the

amount prearranged by the related foreign corporation, etc., to give an advice for acquiring or purchasing those securities, upon the request of the related foreign corporation, etc.

（金銭又は有価証券の預託の受入れ等の禁止の適用除外）

(Exemption from Application of Prohibition of Accepting Deposit of Money or Securities)

第百二十六条の二　令第十六条の九第三号に規定する内閣府令で定める場合は、他人のために暗号資産の管理を業として行うことにつき法律に特別の規定のある者が当該管理を行う場合とする。

Article 126-2 The cases specified by Cabinet Office Order as prescribed in Article 16-9, item (iii) of the Cabinet Order are cases in which a person who is specially provided for in laws for managing cryptoassets for another person on a regular basis manages the cryptoassets.

（金融商品取引業者等と密接な関係を有する者から除外される者）

(Persons Excluded from Persons Closely-Related to a Financial Instruments Business Operator)

第百二十七条　令第十六条の十各号列記以外の部分に規定する内閣府令で定める者は、次に掲げる者とする。

Article 127 The persons specified by Cabinet Office Order as prescribed in the non-itemized part of Article 16-10 of the Order are as follows:

一　金融商品取引業者（有価証券等管理業務を行う者に限る。）

(i) a financial instruments business operator (limited to an operator that conducts securities, etc. management business);

二　銀行

(ii) a bank;

三　協同組織金融機関

(iii) a cooperative financial institution;

四　保険会社

(iv) an insurance company;

五　信託会社

(v) a trust company; and

六　株式会社商工組合中央金庫

(vi) The Shoko Chukin Bank, Ltd.

（自己取引等の禁止の適用除外）

(Exclusion from Application of Prohibition of Self-Dealing)

第百二十八条　法第四十二条の二に規定する内閣府令で定める同条第一号に掲げる行為は、次に掲げる行為とする。

Article 128 The acts set forth in Article 42-2, item (i) of the Act which are

specified by Cabinet Office Order as prescribed in that Article are as follows:

一　第一種金融商品取引業、第二種金融商品取引業又は登録金融機関業務として、運用財産に係る有価証券の売買又はデリバティブ取引の取次ぎを行うことを内容とした運用を行うこと。

(i) to make an investment whose purpose is to provide brokerage service for purchase and sale of securities or derivative transactions related to invested property, as type I financial instruments business, type II financial instruments business, or registered financial institution business; and

二　次に掲げる要件の全てを満たす取引を行うことを内容とした運用を行うこと。

(ii) to make an investment whose purpose is to conduct a transaction that satisfies all of the following requirements:

イ　個別の取引ごとに全ての権利者（当該権利者が投資信託及び投資法人に関する法律第二条第十三項に規定する登録投資法人である場合にあっては、同条第十六項に規定する投資主。以下イ、次条第一項第二号イ並びに第五号ロ及びハ並びに第百三十条第一項第六号において同じ。）に当該取引の内容及び当該取引を行おうとする理由の説明（（２）において「取引説明」という。）を行い、当該全ての権利者の同意（法第二条第八項第十五号イからハまでに掲げる権利に係る契約その他の法律行為において次に掲げる事項の全ての定めがある場合において行う取引にあっては、（１）の同意を含む。）を得たものであること。

(a) the explanation on the content of the transaction and the reason for seeking to conduct the transaction (the explanation is referred to as "explanation on the transaction" in 2.) has been given to all right holders for each individual transactions (if the right holder is a registered investment corporation as defined in Article 2, paragraph (13) of the Act on Investment Trusts and Investment Corporations, meaning an investor prescribed in paragraph (16) of that Article; the same applies in sub-item (a), paragraph (1), item (ii), sub-item (a) and item (v), subitems (b) and (c) of the following Article, and Article 130, paragraph (1), item (vi)), and the consent of all right holders has been obtained (for a transaction to be conducted when a contract or other juridical acts related to the rights set forth in Article 2, paragraph (8), item (xv), sub-items (a) through (c) of the Act prescribes all of the following matters, including the consent referred to in 1.):

（１）　全ての権利者の半数以上（これを上回る割合を定めた場合にあっては、その割合以上）であって、かつ、全ての権利者の有する法第二条第八項第十五号イからハまでに掲げる権利の四分の三（これを上回る割合を定めた場合にあっては、その割合）以上に当たる多数の同意を得た場合には法第四十二条の二第一号に掲げる行為を行うことができる旨

1. the fact that the act set forth in Article 42-2, item (i) of the Act may be conducted if the consent of at least a half of all right holders (if a larger proportion has been specified, at least that proportion), and, the

consent of the majority of at least three-fourths of the rights set forth in Article 2, paragraph (8), item (xv), sub-items (a) through (c) of the Act held by all right holders (if a larger proportion has been specified, that proportion) have been obtained;

（２）　法第四十二条の二第一号に掲げる行為を行うことに同意しない権利者が取引説明を受けた日から二十日（これを上回る期間を定めた場合にあっては、その期間）以内に請求した場合には、当該行為を行った日から六十日（これを下回る期間を定めた場合にあっては、その期間）を経過する日までに当該権利者の有する法第二条第八項第十五号イからハまでに掲げる権利を公正な価額で運用財産をもって買い取る旨（当該権利に係る契約を解約する旨を含む。）

2. the fact that, if a right holder that does not consent to conduct the act set forth in Article 42-2, item (i) of the Act makes a request within 20 days (if a longer period has been prescribed, that period) after they have been given an explanation on the transaction, the rights set forth in Article 2, paragraph (8), item (xv), sub-items (a) through (c) of the Act held by the right holder is to be purchased at a fair value using the investment property, until the day on which 60 days (if a shorter period has been prescribed, that period) have passed from the day when that act was conducted (including the fact that the contract related to the right will be cancelled);

ロ　次のいずれかに該当するものであること。

(b) the transaction falls under any of the following transactions:

（１）　取引所金融商品市場又は店頭売買有価証券市場における有価証券の売買

1. a purchase and sale of securities on the financial instruments exchange market or the over-the-counter securities market;

（２）　市場デリバティブ取引又は外国市場デリバティブ取引

2. market derivatives transactions or foreign market derivatives transactions; or

（３）　前日の公表されている最終の価格に基づき算出した価額又はこれに準ずるものとして合理的な方法により算出した価額により行う取引

3. a transaction conducted at a value calculated based on the closing price publicized on the preceding day, or at a price equivalent to that value calculated by a reasonable method;

三　その他投資者の保護に欠け、若しくは取引の公正を害し、又は金融商品取引業の信用を失墜させるおそれがないと認められるものとして所管金融庁長官等の承認を受けた取引を行うことを内容とした運用を行うこと。

(iii) to make any other investment whose purpose is to conduct a transaction approved by the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau as a transaction that is found not to result in insufficient protection of investors or harm the

fairness of transactions, or cause financial instruments business to lose credibility.

（運用財産相互間取引の禁止の適用除外）

(Exclusion from Application of Prohibition of Transactions Between Investment Properties)

第百二十九条　法第四十二条の二に規定する内閣府令で定める同条第二号に掲げる行為は、次に掲げる行為とする。

Article 129 (1) The acts specified by Cabinet Office Order as prescribed in Article 42-2 of the Act are as follows:

一　次に掲げる要件の全てを満たす取引を行うことを内容とした運用を行うこと。

(i) to make an investment whose purpose is to conduct a transaction that meets all of the following requirements:

イ　次のいずれかの場合に該当するものであること。

(a) the transaction falls under any of the following cases:

（１）　一の運用財産の運用を終了させるために行うものである場合

1. the transaction is to be conducted for the purpose of terminating the investment of one investment property;

（２）　法第二条第一項第十号に掲げる有価証券に係る解約金又は同項第十一号に掲げる有価証券若しくは同条第八項第十五号イからハまでに掲げる権利に係る払戻金の支払に応ずるために行うものである場合

2. the transaction is to be conducted for the purpose of paying the cancellation money related to the securities set forth in Article 2, paragraph (1), item (x) of the Act, or paying refund related to the securities set forth in item (xi) of that paragraph or related to the rights set forth in Article 2, paragraph (8), item (xv), sub-items (a) through (c) of the Act;

（３）　法令又は法第四十二条の三第一項各号に掲げる契約その他の法律行為に定められている投資の対象とする資産の保有額又は保有割合に係る制限を超えるおそれがある場合において、当該制限を超えることを避けるために行うものであるとき。

3. the transaction is to be conducted when the amount of the assets targeted for investment held or their holding ratio is likely to exceed the limit specified by laws and regulations or the contract or other juridical acts specified in the items of Article 42-3, paragraph (1) of the Act, for the purpose of preventing the amount or ratio from exceeding the limit; or

（４）　双方の運用財産について、運用の方針、運用財産の額及び市場の状況に照らして当該取引を行うことが必要かつ合理的と認められる場合

4. it is found to be necessary and reasonable to conduct the transaction for both of the investment properties, in light of the investment policy, the

amount of the investment property, and the market conditions;

ロ　対象有価証券売買取引等であって、第三項で定めるところにより公正な価額により行うものであること。

(b) a purchase and sale or other transactions of subject securities, etc., to be conducted at a fair value pursuant to the provisions of paragraph (3);

二　次に掲げる要件の全てを満たす取引を行うことを内容とした運用を行うこと。

(ii) to make an investment whose purpose is to conduct a transaction that meets all of the following requirements:

イ　個別の取引ごとに双方の運用財産の全ての権利者に当該取引の内容及び当該取引を行おうとする理由の説明（以下この号から第五号までにおいて「取引説明」という。）を行い、当該全ての権利者の同意（双方の運用財産の法第二条第八項第十五号イからハまでに掲げる権利に係る契約その他の法律行為において次に掲げる事項の全ての定めがある場合において同号に掲げる行為として行う取引にあっては、双方の運用財産に係る（１）の同意を含む。）を得たものであること。

(a) an explanation on the content of the transaction and the reason for seeking to conduct the transaction (hereinafter the explanation is referred to as "explanation on the transaction" from this item through item (v)) has been given to all rightholders of both investment properties for each individual transaction, and the consent of all rightholders has been obtained (for a transaction to be conducted as an act set forth in Article 2, paragraph (8), item (xv) of the Act, if the contract or other juridical acts concerning both investment properties related to the rights provides all of the following matters, including the consent related to both investment properties referred to in 1.):

（１）　全ての権利者の半数以上（これを上回る割合を定めた場合にあっては、その割合以上）であって、かつ、全ての権利者の有する法第二条第八項第十五号イからハまでに掲げる権利の四分の三（これを上回る割合を定めた場合にあっては、その割合）以上に当たる多数の同意を得た場合には法第四十二条の二第二号に掲げる行為を行うことができる旨

1. the fact that the act set forth in Article 42-2, item (ii) of the Act may be conducted when the consent of at least half of all right holders (if a larger proportion has been specified, at least that proportion), and, of at least three-fourths of the rights set forth in Article 2, paragraph (8), item (xv), sub-items (a) through (c) of the Act held by all right holders (if a larger proportion has been specified, at least that proportion) have been obtained;

（２）　法第四十二条の二第二号に掲げる行為を行うことに同意しない権利者が取引説明を受けた日から二十日（これを上回る期間を定めた場合にあっては、その期間）以内に請求した場合には、当該行為を行った日から六十日（これを下回る期間を定めた場合にあっては、その期間）を経過する日までに当該権利者の有する法第二条第八項第十五号イからハまでに掲げる権利を公正な

価額で運用財産をもって買い取る旨（当該権利に係る契約を解約する旨を含む。）

2. the fact that, if a right holder that does not consent to conducting the act set forth in Article 42-2, item (ii) of the Act makes a request within 20 days (if a longer period has been prescribed, within that period) after they have been given an explanation on the transaction, the rights set forth in Article 2, paragraph (8), item (xv), sub-items (a) through (c) of the Act held by the right holder will be purchased at a fair value using the investment property, until the day on which 60 days (if a shorter period has been prescribed, that period) have passed from the day when that act was conducted (including the fact that the contract related to the right will be cancelled);

ロ　前条第二号ロ（１）から（３）までのいずれかに該当するものであること。

(b) the transaction falls under any of item (ii), sub-item (b), 1. through 3. of the preceding Article;

三　次に掲げる要件の全てを満たす取引を行うことを内容とした運用（適格機関投資家等特例業務（法第六十三条第一項第二号に掲げる行為であって、当該行為に係る出資対象事業持分が令第十七条の十二第二項各号に掲げる要件に該当するものに限る。第百三十四条第一項第三号ハにおいて同じ。）を行うものに限る。次号において同じ。）を行うこと。

(iii) to make an investment whose purpose is to conduct a transaction that satisfies all of the following requirements (limited to a transaction that conducts specially-permitted business for qualified institutional investors, etc. (meaning an act set forth in Article 63, paragraph (1), item (ii) of the Act for which the equity in business subject to investment for that act satisfies the requirements set forth in Article 17-12, paragraph (2) of the Order; the same applies in Article 134, paragraph (1), item (iii), sub-item (c)); the same applies hereinafter):

イ　個別の取引ごとに双方の運用財産の全ての権利者に取引説明を行い、当該全ての権利者の有する出資対象事業持分の三分の二（これを上回る割合を定めた場合にあっては、その割合）以上に当たる多数の同意を得たものであること。

(a) an explanation on the transaction has been given to all right holders of both investment properties for each individual transaction, and consent by not less than two-thirds (if a larger proportion has been specified, that proportion) of the equities in business subject to investment held by all right holders has been obtained;

ロ　対象有価証券売買取引等であって第三項で定めるところにより公正な価額により行うもの又は不動産信託受益権に係る売買であって合理的な方法により算出した価額により行う取引であること。

(b) a purchase and sale or other transactions of subject securities, etc. to be conducted at a fair value which is conducted pursuant to the provisions of

paragraph (3), or a purchase and sale of a beneficial interest in real property trust to be conducted at a value calculated by a reasonable method;

四　次に掲げる要件の全てを満たす取引を行うことを内容とした運用を行うこと。

(iv) to make an investment whose purpose is to conduct transactions that satisfy all of the following requirements:

イ　個別の取引ごとに双方の運用財産の全ての権利者に取引説明（当該取引に係る価額の算出方法を含む。）を行い、当該全ての権利者の有する出資対象事業持分の三分の二（これを上回る割合を定めた場合にあっては、その割合）以上に当たる多数の同意を得たものであること。

(a) an explanation on the transaction (including the calculation method of the value related to the transaction) has been given to all right holders of both investment properties for each individual transaction, and consent by not less than two-thirds (if a larger proportion has been specified, that proportion) of the equities in business subject to investment held by all right holders has been obtained; and

ロ　対象有価証券売買取引等又は不動産信託受益権に係る売買でないこと。

(b) the transaction is not a purchase and sale or other transactions of subject securities, etc. or a transaction for the purchase and sale of beneficial interest in real property trust.

五　次に掲げる要件の全てを満たす取引を行うことを内容とした運用を行うこと。

(v) to make an investment whose purpose is to conduct transactions that meet all of the following requirements:

イ　当該運用が法第二条第八項第十二号又は第十五号（ハに係る部分に限る。）に掲げる行為に該当するものであること。

(a) the investment falls under the acts set forth in Article 2, paragraph (8), item (xii) or (xv) (limited to the part related to sub-item (c)) of the Act;

ロ　双方の運用財産の全ての権利者（当該運用が法第二条第八項第十二号（ロに係る部分に限る。）に掲げる行為に該当する場合にあっては、同号ロに掲げる契約の相手方を除く。）が適格機関投資家であること。

(b) all right holders of both investment properties (if the investment falls under the acts set forth in Article 2, paragraph (8), item (xii) (limited to the part related to sub-item (b)) of the Act, excluding the counterparty to the contract set forth in sub-item (b) of that item) are qualified institutional investors;

ハ　個別の取引ごとに双方の運用財産の全ての権利者に取引説明を行い、当該全ての権利者の有する権利の三分の二（これを上回る割合を定めた場合にあっては、その割合）以上に当たる多数の同意を得たものであること。

(c) an explanation on the transaction has been given to all right holders of both investment properties, and consent by not less than two-thirds (if a larger proportion has been specified, that proportion) of the rights held by

all right holders has been obtained; and

ニ　不動産信託受益権に係る売買であって、合理的な方法により算出した価額により行う取引であること。

(d) it is a purchase and sale of beneficial interest in real property trust, which is a transaction conducted at a value calculated by a reasonable method;

六　その他投資者の保護に欠け、若しくは取引の公正を害し、又は金融商品取引業の信用を失墜させるおそれがないと認められるものとして所管金融庁長官等の承認を受けた取引を行うことを内容とした運用を行うこと。

(vi) to make an investment whose purpose is to conduct other transactions approved by the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau as a transaction found unlikely to result in insufficient protection for investors or harming the fairness of transactions, or cause financial instruments business to lose credibility.

２　前項第一号ロ、第三号ロ及び第四号ロの「対象有価証券売買取引等」とは、次に掲げる取引をいう。

(2) The term "purchase and sale or other transaction of subject securities, etc." as used in item (i), sub-item (b), item (iii), sub-item (b), and item (iv), sub-item (b) of the preceding paragraph means the following transactions:

一　次に掲げる有価証券（法第二条第一項第二十号に掲げる有価証券であってこれらの有価証券に係る権利を表示するもの及び同条第二項の規定により有価証券とみなされる権利のうちこれらの有価証券に表示されるべきものを含む。）の売買

(i) purchase and sale of the following securities (including securities set forth in Article 2, paragraph (1), item (xx) of the Act that indicate the rights related to those securities and the rights deemed to be securities pursuant to the provisions of paragraph (2) of that Article, which are indicated on those securities):

イ　金融商品取引所に上場されている有価証券

(a) securities listed on financial instruments exchange;

ロ　店頭売買有価証券

(b) over-the-counter traded securities;

ハ　指定外国金融商品取引所（令第二条の十二の三第四号ロに規定する指定外国金融商品取引所をいう。次項第三号及び第百三十条第三項第二号において同じ。）に上場されている有価証券

(c) securities listed on a designated foreign financial instruments exchange (meaning a designated foreign financial instruments exchange prescribed in Article 2-12-3, item (iv), sub-item (b) of the Order; the same applies in item (iii) of the following paragraph and Article 130, paragraph (3), item (ii));

ニ　イからハまでに掲げる有価証券以外の有価証券で、次に掲げるもの

(d) securities other than those set forth in sub-items (a) through (c), which are set forth in the following clauses:

（１）　法第二条第一項第一号から第五号までに掲げる有価証券（同項第十七号に掲げる有価証券でこれらの有価証券の性質を有するものを含む。）

1. securities set forth in Article 2, paragraph (1), items (i) through (v) of the Act (including securities set forth in item (xvii) of that paragraph, which have the nature of those securities);

（２）　法第二条第一項第九号に掲げる有価証券（同項第十七号に掲げる有価証券で当該有価証券の性質を有するものを含む。）のうち、その価格が認可金融商品取引業協会又は外国において設立されているこれと類似の性質を有する団体の定める規則に基づいて公表されるもの

2. securities set forth in Article 2, paragraph (1), item (ix) of the Act (including securities set forth in item (xvii) of that paragraph, which have the nature of those securities) whose price is publicized based on the rules prescribed by an authorized financial instruments firms association or by an organization with characteristics similar to them which are established in a foreign country; and

（３）　法第二条第一項第十号及び第十一号に掲げる有価証券

3. securities set forth in Article 2, paragraph (1), items (x) and (xi) of the Act;

二　市場デリバティブ取引

(ii) market derivatives transactions; and

三　外国市場デリバティブ取引

(iii) foreign market derivatives transactions.

３　第一項第一号ロ及び第三号ロの対象有価証券売買取引等は、次の各号に掲げる取引の区分に応じ、当該各号に定める方法によるものとする。

(3) The purchase and sale or other transactions of subject securities, etc. referred to in paragraph (1), item (i), sub-item (b) and item (iii), sub-item (b) are to be conducted by the means specified in the following items in accordance with the category of transactions set forth in each of those items:

一　前項第一号イに掲げる有価証券の売買　取引所金融商品市場において行うもの又は前日の公表されている最終価格に基づき算出した価額若しくはこれに準ずるものとして合理的な方法により算出した価額により行うもの

(i) the purchase and sale of securities set forth in item (i), sub-item (a) of the preceding paragraph: a transaction conducted on a financial instruments exchange market, or a transaction conducted at a value calculated based on the closing price publicized on the preceding day or a price equivalent to that calculated by a reasonable method;

二　前項第一号ロに掲げる有価証券の売買　店頭売買有価証券市場において行うもの又は前日の公表されている最終価格に基づき算出した価額若しくはこれに準ずるものとして合理的な方法により算出した価額により行うもの

(ii) the purchase and sale of securities set forth in item (i), sub-item (b) of the preceding paragraph: a transaction conducted on an over-the-counter traded securities market, or a transaction conducted at a value calculated based on the closing price publicized on the preceding day or a price equivalent to that calculated by a reasonable method;

三　前項第一号ハに掲げる有価証券の売買　指定外国金融商品取引所において行うもの又は前日の公表されている最終価格に基づき算出した価額若しくはこれに準ずるものとして合理的な方法により算出した価額により行うもの

(iii) the purchase and sale of securities set forth in item (i), sub-item (c) of the preceding paragraph: a transaction conducted on a designated foreign financial instruments exchange, or a transaction conducted at a value calculated based on the closing price publicized on the preceding day or a price equivalent to that calculated by a reasonable method;

四　前項第一号ニに掲げる有価証券の売買　前日の公表されている最終価格に基づき算出した価額又はこれに準ずるものとして合理的な方法により算出した価額により行うもの

(iv) the purchase and sale of securities set forth in item (i), sub-item (d) of the preceding paragraph: a transaction conducted at a value calculated based on the closing price publicized on the preceding day, or a value equivalent to that calculated by a reasonable method;

五　前項第二号に掲げる取引　金融商品市場において行うもの

(v) a transaction set forth in item (ii) of the preceding paragraph: a transaction to be conducted on a financial instruments market; and

六　前項第三号に掲げる取引　外国金融商品市場において行うもの

(vi) a transaction set forth in item (iii) of the preceding paragraph: a transaction to be conducted on a foreign financial instruments market.

（投資運用業に関する損失補填の禁止の適用除外）

(Exemption from Application of Prohibition of Compensation for Loss Concerning Investment Management Business)

第百二十九条の二　法第四十二条の二第六号に規定する内閣府令で定める投資信託は、投資信託及び投資法人に関する法律施行規則第二十五条第二号に規定する公社債投資信託（計算期間が一日のものに限る。）であって、権利者と金融商品取引業者等との間で行われる有価証券の売買その他の取引に係る金銭の授受の用に供することを目的としてその受益権が取得され、又は保有されるものとする。

Article 129-2 The investment trust specified by Cabinet Office Order as prescribed in Article 42-2, item (vi) of the Act is a public and corporate bond investment trust provided for in Article 25, item (ii) of the Regulations for Enforcement of the Act on Investment Trusts and Investment Corporations (limited to those for which the accounting period is one day), for which beneficial interest is acquired or held for the purpose of using it for paying or

receiving money in relation to purchase and sale of securities or other transactions between a right holder and a financial instruments business operator, etc.

（投資運用業に関する禁止行為）
(Prohibited Acts Concerning Investment Management Business)

第百三十条　法第四十二条の二第七号に規定する内閣府令で定める行為は、次に掲げる行為とする。

Article 130 (1) The acts specified by Cabinet Office Order as prescribed in Article 42-2, item (vii) of the Act are as follows:

一　自己の監査役、役員に類する役職にある者又は使用人との間における取引を行うことを内容とした運用を行うこと（第百二十八条各号に掲げる行為を除く。）。

(i) making an investment whose purpose is to conduct a transaction with one's auditor, a person holding a position similar to an officer, or an employee (excluding acts set forth in the items of Article 128);

二　自己又は第三者の利益を図るため、権利者の利益を害することとなる取引を行うことを内容とした運用を行うこと。

(ii) making an investment whose purpose is to conduct a transaction which will harm the right holder's interests, for their personal gain or the profit of a third party;

三　第三者の利益を図るため、その行う投資運用業に関して運用の方針、運用財産の額又は市場の状況に照らして不必要な取引を行うことを内容とした運用を行うこと（法第四十四条の三第一項第三号及び第二項第三号に掲げる行為を除く。）。

(iii) making an investment whose purpose is to conduct a transaction concerning the investment management business one performs, which is unnecessary in light of the management policy, the amount of investment property, or the market conditions (excluding the acts set forth in Article 44-3, paragraph (1), item (iii) and paragraph (2), item (iii) of the Act), for the profit of a third party;

四　他人から不当な取引の制限その他の拘束を受けて運用財産の運用を行うこと。

(iv) making an investment of investment property when there are unreasonable limitations on transactions or other restrictions imposed by other people;

五　有価証券の売買その他の取引等について、不当に取引高を増加させ、又は作為的な値付けをすることを目的とした取引を行うことを内容とした運用を行うこと。

(v) making an investment whose purpose is to conduct a transaction for unjustly increasing transaction volumes or manipulative pricing, concerning purchase and sale or other transactions of securities.;

六　第三者の代理人となって当該第三者との間における取引を行うことを内容とした運用を行うこと（第一種金融商品取引業、第二種金融商品取引業又は登録金融機関業務として当該第三者を代理して行うもの並びにあらかじめ個別の取引ごとに全ての権利者に当該取引の内容及び当該取引を行おうとする理由を説明し、当該権利者

の同意を得て行うものを除く。）。

(vi) making an investment whose purpose is to conduct a transaction with a third party in which the financial instruments business operator, etc. is to act as an agent of that third party (excluding an investment made on behalf of the third party as type I financial instruments business, type II financial instruments business, or registered financial instrument business, and an investment made in which a financial instruments business operator, etc. has given an explanation on the content of the transaction and the reason for seeking to conduct the transaction to all right holders for each individual transactions in advance, and has obtained the consent of those right holders);

七　運用財産の運用に関し、取引の申込みを行った後に運用財産を特定すること。

(vii) specifying the investment property after making an application for transaction concerning an investment of investment property;

八　運用財産（法第二条第八項第十四号に掲げる行為を行う業務に係るものに限る。以下この号から第八号の三まで及び次項において同じ。）に関し、金利、通貨の価格、金融商品市場における相場その他の指標に係る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あらかじめ金融商品取引業者等が定めた合理的な方法により算出した額が当該運用財産の純資産額を超えることとなる場合において、デリバティブ取引（新株予約権証券、新投資口予約権証券又はオプションを表示する証券若しくは証書に係る取引及び選択権付債券売買を含む。）を行い、又は継続することを内容とした運用を行うこと。

(viii) if the amount calculated by a reasonable method predetermined by a financial instruments business operator, etc. as the amount corresponding to the risk that may accrue from reasons such as fluctuations in the interest rate, currency value, quotations on a financial instruments market, or any other indicators in relation to investment property (limited to investment property related to business of conducting an act set forth in Article 2, paragraph (8), item (xiv) of the Act; hereinafter the same applies in this item through item (viii)-3, and the following paragraph) exceeds the amount of net assets of the investment property, making an investment whose purpose is to conduct or to continue derivative transactions (including transactions concerning share option certificates, investment equity subscription rights certificates, or instruments or certificates indicating options, and trading of bonds with options);

八の二　運用財産に関し、信用リスク（保有する有価証券その他の資産について取引の相手方の債務不履行その他の理由により発生し得る危険をいう。）を適正に管理する方法としてあらかじめ金融商品取引業者等が定めた合理的な方法に反することとなる取引を行うことを内容とした運用を行うこと。

(viii)-2 making an investment whose purpose is to conduct transactions that run contrary to the reasonable method predetermined by a financial instruments business operator, etc. as a method for appropriately managing

credit risk (meaning risk that may arise due to default of the counterparty to the transaction or other reasons concerning the securities held or other assets) in relation to investment property;

八の三　運用財産の運用に関し、保有する有価証券その他の資産の流動性に係る管理について権利者の解約の申入れに応ずることができなくなることを防止するための合理的な措置を講ずることなく、当該運用を行うこと。

(viii)-3 making an investment without taking reasonable measures to prevent the situation in which it is no longer possible to respond to a right holder's offer to terminate the management related to liquidity of securities held or other assets in relation to investment property;

九　次に掲げる者が有価証券の引受け等（法第二条第八項第六号から第九号までに掲げる行為をいう。第百四十七条第四号、第百五十三条第一項第十三号及び第百五十四条第七号において同じ。）を行っている場合において、当該者に対する当該有価証券の取得又は買付けの申込み（当該者が法第二条第六項第三号に掲げるものを行っている場合にあっては、同号に規定する新株予約権を取得した者による当該新株予約権の行使）の額が当該者が予定していた額に達しないと見込まれる状況の下で、当該者の要請を受けて、当該有価証券（当該者が同号に掲げるものを行っている場合にあっては、当該新株予約権の行使により取得される有価証券）を取得し、又は買い付けることを内容とした運用を行うこと。

(ix) if any of the following persons is conducting underwriting, etc. of securities (meaning the acts set forth in Article 2, paragraph (8), items (vi) through (ix) of the Act; the same applies in Article 147, item (iv), Article 153, paragraph (1), item (xiii), and Article 154, item (vii)), and the amount to be paid to the person for the application of acquisition or purchase of the securities (if the person is conducting the acts set forth in Article 2, paragraph (6), item (iii) of the Act, the exercise of the share options by the person that acquired the share options prescribed in that item) is expected to be less than the amount prearranged by that person, to make an investment whose purpose is the acquisition or purchase of those securities (if the person is conducting the acts set forth in that item, securities to be acquired by exercising the share options), upon the request of that person:

イ　当該金融商品取引業者の関係外国法人等

(a) a related foreign corporation, etc. of the financial instruments business operator, etc.; or

ロ　直近二事業年度において法第二条第八項第一号から第三号まで、第八号及び第九号に掲げる行為を行った運用財産に係る有価証券（当該運用財産に係る権利者の権利を表示するもの又は当該権利に限る。以下この号において同じ。）の合計額が当該二事業年度において発行された運用財産に係る有価証券の額の百分の五十を超える者

(b) a person whose total amount of securities related to the investment property for which the acts set forth in Article 2, paragraph (8), items (i)

through (iii), item (viii), and item (ix) of the Act has been conducted (limited to the securities indicating the rights of the holder related to the investment property, or the rights; hereinafter the same applies in this item) in the immediately preceding two business years exceeds 50 percent of the amount of securities related to the investment property issued in the immediately preceding two business years;

十　法第四十二条の三第一項の規定により権利者のため運用を行う権限の全部又は一部の委託を行う場合において、当該委託を受けた者が当該委託に係る権限の再委託（当該権限の一部を同項に規定する政令で定める者に更に委託するもの（更に委託を受けた者が当該委託に係る権限を更に委託しないことを確保するための措置を講じている場合に限る。）を除く。）をしないことを確保するための措置を講ずることなく、当該委託を行うこと。

(x) in entrusting all or part of the authority for making investments for right holders pursuant to the provisions of Article 42-3, paragraph (1) of the Act, the act of entrusting the authority without the entrusted person taking measures to ensure that they will not re-entrust the authority concerning the entrustment (excluding the case in which they re-entrust a part of authority to a person specified by Cabinet Order as prescribed in that paragraph (limited to the case in which measures to prevent the re-entrusted person from further entrusting the authority re-entrusted have been taken));

十一　法第四十二条の五ただし書の規定により取引の決済のため顧客からその計算に属する金銭又は有価証券を自己の名義の口座に預託を受ける場合において、当該取引の決済以外の目的で当該口座を利用し、又は当該金銭若しくは有価証券を当該取引の決済のため必要な期間を超えて当該口座に滞留させること。

(xi) in receiving from a customer a deposit of money or securities belonging to the customer's account into an account held under a financial instruments business operator's own name for the purpose of settling a transaction pursuant to the provisions of the proviso to Article 42-5 of the Act, the financial instrument business operator to utilize the account for a purpose other than settling the transaction, or to retain the money or securities in the account for a period exceeding the period necessary for settling the transaction;

十二　存続厚生年金基金が公的年金制度の健全性及び信頼性の確保のための厚生年金保険法等の一部を改正する法律の施行に伴う経過措置に関する政令（平成二十六年政令第七十四号。次号において「平成二十六年経過措置政令」という。）第三条第二項の規定によりなおその効力を有するものとされる公的年金制度の健全性及び信頼性の確保のための厚生年金保険法等の一部を改正する法律の一部の施行に伴う整備等に関する政令（平成二十六年政令第七十三号）第一条の規定による廃止前の厚生年金基金令（昭和四十一年政令第三百二十四号。次号において「廃止前厚生年金基金令」という。）第三十九条の十五第一項の規定に違反するおそれがあることを知った場合において、当該存続厚生年金基金に対し、その旨を通知しないこと。

(xii) if a financial instruments business operator, etc. has learned that a surviving employee's pension fund is likely to violate the provisions of Article 39-15, paragraph (1) of the Cabinet Order for Employees' Pension Fund (Cabinet Order No. 324 of 1966; referred to as "Cabinet Order for Employees' Pension Fund before the repeal") before the repeal under the provisions of Article 1 of the Cabinet Order on Revision, etc. Accompanying the Partial Enforcement of the Act for Partial Revision to the Employees' Pension Insurance Act, etc. to Ensure the Soundness and Reliability of the Public Pension System (Cabinet Order No. 73 of 2014) that is to remain effective pursuant to the provisions of Article 3, paragraph (2) of the Cabinet Order on Transitional Measures Accompanying the Enforcement of the Act for Partial Revision to the Employees' Pension Insurance Act to Ensure the Soundness and Reliability of the Public Pension System (Cabinet Order No. 74 of 2014; referred to as "2014 Cabinet Order on Transitional Measures" in the following item), an act of failing to notify the surviving employee's pension fund of that fact;

十三　存続厚生年金基金から、平成二十六年経過措置政令第三条第二項の規定によりなおその効力を有するものとされる廃止前厚生年金基金令第三十条第三項の規定に違反し、運用財産の運用として特定の金融商品を取得させることその他の特定の取引に関する指図を受けた場合において、これに応じること。

(xiii) when a financial instruments business operator, etc. violates the provisions of Article 30, paragraph (3) of the Cabinet Order for Employees' Pension Fund before the repeal which is to remain effective pursuant to the provisions of Article 3, paragraph (2) of the 2014 Cabinet Order on Transitional Measures and receives guidance from a surviving employee's pension fund to have customers acquire specific financial instruments as investment of investment property or other guidance on specific transactions, to obey the guidance;

十四　積立金の運用に関して、存続厚生年金基金に対し、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解させるおそれのあることを告げること。

(xiv) with regard to fund management, to provide a surviving employee's pension fund with conclusive judgment on uncertain matters or providing information that is likely to mislead the customer into believing that an uncertain matter is certain; and

十五　運用財産（法第二条第八項第十二号に掲げる行為を投資一任契約に基づき行う業務に係るものに限る。以下この号及び第三項において同じ。）の管理について権利者（特定投資家を除く。イ（１）及び同項第一号において同じ。）が信託会社等（信託会社又は信託業務を営む金融機関をいう。以下この号及び同項第一号において同じ。）への信託をする場合において、当該運用財産の運用に関し、当該運用を行う金融商品取引業者が、対象有価証券について次に掲げる要件を満たすことなく、当該対象有価証券の取得又は買付けの申込みを行うこと。

(xv) if a right holder (excluding a professional investor; hereinafter the same applies in sub-item (a), 1. and paragraph (3), item (i)) entrusts management of investment property (limited to those related to business in which the act set forth in Article 2, paragraph (8), item (xii) of the Act is conducted based on a discretionary investment contract; hereinafter the same applies in this item and paragraph (3)) to a trust company, etc. (meaning a trust company or a financial institution engaged in trust business; hereinafter the same applies in this item and paragraph (3), item (i)), a financial instrument transaction operator that makes the investment concerning the investment property makes an offer for acquisition or purchase of the subject securities without fulfilling the following requirements for the subject securities:

イ　当該信託会社等が当該対象有価証券の真正な価額を知るために必要な措置として次に掲げるいずれかの措置を講ずること。

(a) to take any of the following measures as necessary measures for the trust company, etc. to learn the true value of the subject securities:

（１）　当該信託会社等が、当該対象有価証券の価額について、六月（権利者が存続厚生年金基金である場合にあっては、三月）に一回以上、当該価額の算出を行う者から直接に通知を受けることを確保するための措置

1. measures for ensuring that the trust company, etc. directly receives information on the price of the subject securities from the person that calculates the value once every six months (if a right holder is a surviving employee's pension fund, three months); and

（２）　当該信託会社等が、当該対象有価証券の価額について、当該価額の算出を行う者に対し直接に確認することができることを確保するための措置

2. measures for ensuring that the trust company, etc. can directly check the value of the subject securities with the person that calculates the value;

ロ　当該対象有価証券に係る権利を有する者から出資又は拠出を受けた資産に係るファンド監査が行われること。

(b) to conduct a fund audit related to the assets invested or paid by the person that holds a right pertaining to the subject securities; and

ハ　当該信託会社等がロのファンド監査の真正な監査報告書等の提供を受けるために必要な措置として次に掲げるいずれかの措置を講ずること。

(c) to take any of the following measures as necessary measures for the trust company, etc. to receive provision of the true audit report, etc. for the fund audit referred to in sub-item (b):

（１）　当該信託会社等が、当該ファンド監査の監査報告書等について、当該ファンド監査を行った者から直接に提供を受けることを確保するための措置

1. measures for ensuring that the trust company, etc. directly receives provision of an audit report, etc. of the fund audit from the person that has conducted the fund audit;

（２）　当該信託会社等が、当該ファンド監査の監査報告書等について、当該ファンド監査を行った者から当該金融商品取引業者又は当該金融商品取引業者の親法人等、子法人等若しくは関係外国法人等以外の者を経由して提供を受けることを確保するための措置

2. measures for ensuring that the trust company, etc. receives provision of an audit report, etc. of the fund audit from the person that has conducted the fund audit through a person other than the financial instruments business operator or the parent corporation, etc., subsidiary corporation, etc., or related foreign corporation, etc. of the financial instruments business operator; and

（３）　その他当該信託会社等が当該ファンド監査の真正な監査報告書等の提供を受けることを確保するための措置

3. other measures for ensuring that the trust company, etc. receives provision of the true audit report of the fund audit.

２　前項（第八号から第八号の三までに係る部分に限る。）の規定は、運用財産に係る受益証券（当該運用財産に係る権利者の権利を表示するもの又は当該権利をいう。以下この項において同じ。）について、その取得の申込みの勧誘が有価証券の私募により行われている場合（当該受益証券を取得することを目的とする他の運用財産に係る受益証券について、その取得の申込みの勧誘が有価証券の募集により行われている場合を除く。）には、適用しない。

(2) The provisions of the preceding paragraph (limited to the parts related to items (viii) through (viii)-3) do not apply, if the solicitation of an application for acquiring beneficiary certificates related to investment property (meaning the securities that indicate the rights of the holder related to the investment property, or those rights; hereinafter the same applies in this paragraph) is conducted through private placement of securities (excluding the case in which the solicitation of an application for acquiring beneficiary certificates related to another investment property whose purpose is to acquire the beneficiary certificates is conducted through a public offering of securities).

３　第一項第十五号の「対象有価証券」とは、第九十六条第四項に規定する対象有価証券（次に掲げるものを除く。）をいう。

(3) The term "subject securities" as used in paragraph (1), item (xv) means the subject securities prescribed in Article 96, paragraph (4) (excluding the following things):

一　投資信託の受益証券であって、当該投資信託の受託者が権利者の運用財産の管理について受託する信託会社等であり、かつ、投資信託約款（投資信託及び投資法人に関する法律第四条第一項に規定する投資信託約款をいう。ト において同じ。）において投資の対象とする資産の種類が次に掲げるものに限定されているもの

(i) beneficiary certificates of investment trusts in which a trustee of the investment trust is a trust company, etc. that accepts management of the right holder's investment property, and, the type of assets subject to the

investment is limited to the following things in the basic terms and conditions of the investment trust (meaning the basic terms and conditions of the investment trust prescribed in Article 4, paragraph (1) of the Order for the Enforcement of the Act on Investment Trusts and Investment Corporations; the same applies in sub-item (g)):

イ　金融商品取引所に上場されている有価証券

(a) securities listed on a financial instruments exchange;

ロ　国債証券

(b) national government bonds;

ハ　市場デリバティブ取引に係る権利

(c) rights related to market derivatives transactions;

ニ　為替予約取引（投資信託財産の計算に関する規則（平成十二年総理府令第百三十三号）第五十七条第二項に規定する為替予約取引をいう。）

(d) forward exchange transactions (meaning forward exchange transactions prescribed in Article 57, paragraph (2) of the Regulations on Accounting of Investment Trust Property (Prime Minister's Office Order No. 133 of 2000));

ホ　預金

(e) deposits;

ヘ　コールローン

(f) a call loan; and

ト　親投資信託（投資信託及び投資法人に関する法律施行規則第十三条第二号ロに規定する親投資信託をいう。）の受益証券（当該親投資信託の受託者が権利者の運用財産の管理について受託する信託会社等であり、かつ、当該親投資信託の投資信託約款において投資の対象とする資産の種類がイからヘまでに掲げるものに限定されているものに限る。）

(g) beneficiary certificates (limited to those for which a trustee of the investment trust is a trust company, etc. that accepts the entrustment of management of the right holder's investment property and the type of assets subject to the investment is limited to those set forth in sub-items (a) through (f) in the basic terms and conditions of the investment trust of the mother fund) of mother funds (meaning mother funds prescribed in Article 13, item (iii), sub-item (b) of the Regulations for the Enforcement of the Act on Investment Trusts and Investment Corporations);

二　指定外国金融商品取引所に上場されているもの

(ii) beneficiary securities listed on the designated foreign financial instrument exchange.

4　第一項第十五号ロの「ファンド監査」とは、当該金融商品取引業者の所属する金融商品取引業協会の規則（金融庁長官の指定するもの（以下この項及び次項において「協会規則」という。）に限り、協会規則を定める金融商品取引業協会に加入していない金融商品取引業者にあっては、金融庁長官の指定するもの）の定める要件を満た

す外部監査をいう。

(4) The term "fund audit" as used in paragraph (1), item (xv), sub-item (b) means an external audit that satisfies the requirements specified by the rules of a financial instruments firms association to which the financial instruments business operator belongs (limited to the rules designated by the Commissioner of the Financial Services Agency (hereinafter referred to as "association rules" in this paragraph and the following paragraph); for a financial instruments business operator that is not a member of the financial instruments firms association that specifies association rules, the rules designated by the Commissioner of the Financial Services Agency).

５　協会規則には、次に掲げる事項が定められていなければならない。

(5) The following matters must be specified in the association rules:

一　外部監査の対象となる貸借対照表、損益計算書その他の財務計算に関する書類に関する事項

(i) matters related to balance sheets, profit and loss statements, and other documents related to financial and accounting documents, which are subject to an external audit;

二　外部監査を行う主体に関する事項

(ii) matters related to the main party that conducts an external audit;

三　外部監査の基準及び手続に関する事項

(iii) matters related to the criteria and procedures of an external audit; and

四　協会規則を変更する場合には、あらかじめその内容を金融庁長官に通知する旨

(iv) in changing the association rules, the fact that the content of the change is notified to the Commissioner of the Financial Services Agency in advance.

６　第一項第十五号ハの「監査報告書等」とは、第四項に規定するファンド監査を行った者が当該ファンド監査の結果を記載した書面（その写し及び電磁的記録を含む。）及び当該ファンド監査の対象となった貸借対照表、損益計算書その他の財務計算に関する書類（電磁的記録を含む。）をいう。

(6) The term "audit report, etc." as used in paragraph (1), item (xv), sub-item (c) means the documents in which the person that has conducted a fund audit prescribed in paragraph (4) enters the results of the fund audit (including and balance sheet, profit and loss statement, and other documents related to finance and accounting that are subject to the fund audit (including electronic or magnetic records).

（運用権限の委託に関する事項）

(Matters Concerning Entrustment of Authority for Investment)

第百三十一条　法第四十二条の三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 131 The matters specified by Cabinet Office Order as prescribed in Article 42-3, paragraph (1) of the Act are as follows:

一　権利者のため運用を行う権限の全部又は一部の委託（当該委託に係る権限の一部を更に委託するものを含む。以下この条において同じ。）をする旨及びその委託先の商号又は名称（当該委託先が適格投資家向け投資運用業を行うことにつき法第二十九条の登録を受けた金融商品取引業者であるときは、その旨を含む。）

(i) the fact that all or part of the authority to make investments for a right holder is to be entrusted (including the case in which a part of the authority is to be re-entrusted; hereinafter the same applies in this Article), and the trade name or name of the entrusted party (if the entrusted party is a financial instruments business operator that has been granted registration referred to in Article 29 of the Act for conducting an investment management business for qualified investors, including that fact);

二　委託の概要

(ii) an outline of the entrusted business; and

三　委託に係る報酬を運用財産から支払う場合には、当該報酬の額（あらかじめ報酬の額が確定しない場合においては、当該報酬の額の計算方法）

(iii) if the remuneration for the entrustment is to be paid from the investment property, the amount of the remuneration (when the amount of the remuneration has not been fixed in advance, the calculation method of the amount).

（分別管理）

(Separate Management)

第百三十二条　金融商品取引業者等は、法第四十二条の四の規定に基づき運用財産を管理する場合において、当該運用財産が金銭（暗号資産を含む。次項において同じ。）であるときは、第百二十五条第二号イからニまでに掲げる方法により、当該金銭を管理しなければならない。

Article 132 (1) If a financial instruments business operator, etc. manages investment property pursuant to the provisions of Article 42-4 of the Act, and the investment property consists of money (including cryptoassets; the same applies in the following paragraph), the business operator must manage the money by the methods set forth in Article 125, item (ii), sub-items (a) through (d).

２　金融商品取引業者等は、法第四十二条の四の規定に基づき運用財産を管理する場合において、当該運用財産が有価証券等（有価証券その他の金銭以外の財産をいう。以下この条において同じ。）であるときは、次の各号に掲げる有価証券等の区分に応じ、当該各号に定める方法により、当該有価証券等を管理しなければならない。

(2) If a financial instruments business operator, etc. manages an investment property pursuant to the provisions of Article 42-4 of the Act, and the investment property consists of securities, etc. (meaning securities or property other than money; hereinafter the same applies in this Article), the business operator must manage the securities, etc. by the methods specified in the

following items in accordance with the category of the securities, etc. set forth in each of those items:

一　金融商品取引業者等が自己で保管することにより管理する有価証券等（混合して保管されるものを除く。次号において同じ。）　運用財産である有価証券等（以下この条において「運用有価証券等」という。）の保管場所について自己の固有財産である有価証券等その他の運用有価証券等以外の有価証券等（以下この項において「固有有価証券等」という。）の保管場所と明確に区分し、かつ、当該運用有価証券等についてどの運用財産の有価証券等であるかが直ちに判別できる状態で保管することにより管理する方法

(i) securities, etc. managed by the financial instruments business operator, etc. by taking custody themselves (excluding the securities, etc. to be retained by way of commingled custody; the same applies in the following item): a method in which the place of custody of the securities, etc. that are investment properties (hereinafter referred to as "invested securities, etc." in this Article) is clearly distinguished from the place of custody of the securities, etc. that are the their own property orsecurities, etc. other than the invested securities, etc. (hereinafter referred to as the "their own securities, etc." in this paragraph), and, managing the invested securities, etc. in a method of custody that is possible to immediately identify which investment property's securities they are;

二　金融商品取引業者等が第三者をして保管させることにより管理する有価証券等当該第三者において、運用有価証券等の保管場所について固有有価証券等の保管場所と明確に区分させ、かつ、当該運用有価証券等についてどの運用財産の有価証券等であるかが直ちに判別できる状態で保管させることにより管理する方法

(ii) securities, etc. which a financial instruments business operator, etc. manages by having a third party take their custody: a method in which the financial instruments business operator, etc. manages the securities by having the third party make a clear distinction between the place of the custody of the invested securities, etc. and the place of the custody of their own securities, etc., and, in a method of custody that is possible to immediately identify which investment property to which the invested securities, etc. belong;

三　金融商品取引業者等が自己で保管することにより管理する有価証券等（混合して保管されるものに限る。次号において同じ。）　運用有価証券等の保管場所について固有有価証券等の保管場所と明確に区分し、かつ、当該運用有価証券等に係る各運用財産の持分が自己の帳簿により直ちに判別できる状態で保管することにより管理する方法

(iii) securities, etc. which a financial instruments business operator, etc. manages by taking custody themselves (limited to securities to be taken custody in a commingled manner; the same applies in the following item): a method in which the securities are managed by clearly distinguishing the

place of custody of the invested securities, etc. from the place of custody of their own securities, etc., and, in a manner that the share of each investment property related to the invested securities, etc. is immediately identifiable through their own books;

四　金融商品取引業者等が第三者をして保管させることにより管理する有価証券等　当該第三者における自己の運用財産のための口座について自己のための口座と区分する方法その他の方法により運用有価証券等に係る持分が直ちに判別でき、かつ、当該運用有価証券等に係る各運用財産の持分が自己の帳簿により直ちに判別できる状態で保管させることにより管理する方法（外国の第三者をして保管させる場合において、当該外国の法令上当該第三者をして運用有価証券等に係る持分と固有有価証券等に係る持分とを区分して保管させることができないとき、その他当該第三者において運用有価証券等に係る持分が直ちに判別できる状態で保管させることができないことについて特にやむを得ない事由があると認められるときにあっては、当該運用有価証券等に係る各運用財産の持分が自己の帳簿により直ちに判別できる状態で保管させることにより管理する方法）

(iv) securities, etc. which a financial instruments business operator, etc. manages the securities by having a third party take their custody: a method in which the financial instruments business operator, etc. has the third party take custody in a manner that is possible to separate their own account from the account for their own investment property or by other methods, and, that is possible to immediately identify the share of each investment property related to the invested securities, etc. through their own books (if the financial instruments business operator, etc. has a foreign third party take custody of the securities, and if it is not possible to have the third party take custody by separating the share related to the invested securities, etc. and the share related to the own securities, etc. under the foreign laws and regulations, or it is found that there are particularly compelling reasons for the third party to take custody in a manner that is possible to immediately identify the shares related to the invested securities, etc., a method in which the financial instruments business operator, etc. has the third party take custody in a manner that is possible to immediately identify the share of each investment property related to the invested securities, etc. through their own books);

五　金融商品取引業者等が自己で管理する等　次のイ及びロに掲げる方法（投資運用業（法第二条第八項第十五号に掲げる行為を行う業務に限る。以下この号及び次号において同じ。）の運用財産に係る権利者の利便の確保及び投資運用業の円滑な遂行を図るために、その行う投資運用業の状況に照らし、ロに掲げる方法以外の方法で管理することが必要な最小限度の電子記録移転有価証券表示権利等にあっては、次のイに掲げる方法）

(v) electronically recorded transferable rights to be indicated on securities, etc. managed by the financial instruments business operator, etc. themselves: the

method set forth in the following sub-items (a) and (b) (for the minimum level of electronically recorded transferable rights to be indicated on securities, etc. that are required to be managed by a method other than the method set forth in sub-item (b) in order to secure the convenience of the right holders related to investment property of the investment management business (limited to the business of conducting the act set forth in Article 2, paragraph (8), item (xv) of the Act; hereinafter the same applies in this item and the following item) and smoothly accomplish the investment management business in light of the situation of the investment management business that they conduct, the method set forth in sub-item (a)):

イ　運用有価証券等である電子記録移転有価証券表示権利等について、固有有価証券等と明確に区分し、かつ、どの運用財産の電子記録移転有価証券表示権利等であるかが直ちに判別できる状態（当該運用有価証券等である電子記録移転有価証券表示権利等に係る各運用財産の持分が自己の帳簿により直ちに判別できる状態を含む。次号イにおいて同じ。）で管理する方法

(a) a method of managing electronically recorded transferable rights to be indicated on securities, etc. that are invested securities, etc. by clearly distinguishing them from their own securities, etc., and, in a manner that is possible to immediately identify to which investment property the electronically recorded transferable rights to be indicated on securities, etc. belong (including the manner in which it is possible to immediately identify the share of each investment property related to the electronically recorded transferable rights to be indicated on securities, etc. that are invested securities, etc. through their own books; the same applies in sub-item (a) of the following item); and

ロ　運用有価証券等である電子記録移転有価証券表示権利等を表示する財産的価値を移転するために必要な情報を、常時インターネットに接続していない電子機器、電磁的記録媒体その他の記録媒体（文書その他の物を含む。）に記録して管理する方法その他これと同等の技術的安全管理措置を講じて管理する方法

(b) a method of managing information necessary for transferring the fiancial value of representing the electronically recorded transferable rights to be indicated on securities, etc. that are invested securities, etc., by recording the information on electronic equipment, electronic or magnetic recording medium, or other recording media that are not connected to the internet at all times (including a document or other such objects), or a method of managing that information by taking other equivalent technological security control measures;

六　金融商品取引業者等が第三者をして管理させる電子記録移転有価証券表示権利等次のイ及びロに掲げる方法（投資運用業の運用財産に係る権利者の利便の確保及び投資運用業の円滑な遂行を図るために、その行う投資運用業の状況に照らし、ロに

掲げる方法以外の方法で管理することが必要な最小限度の電子記録移転有価証券表示権利等にあっては、次のイに掲げる方法）

(vi) electronically recorded transferable rights to be indicated on securities, etc. that the financial instruments business operator, etc. has a third party manage: the method set forth in the following sub-items (a) and (b) (for the minimum level of electronically recorded transferable rights to be indicated on securities, etc. that are required to be managed by a method other than the method set forth in sub-item (b) in order to secure the convenience of the right holders related to investment property of the investment management business and smoothly accomplish the investment management business in light of the situation of the investment management business that they conduct, the method set forth in sub-item (a)):

イ　当該第三者において、運用有価証券等である電子記録移転有価証券表示権利等について、固有有価証券等と明確に区分させ、かつ、どの運用財産の電子記録移転有価証券表示権利等であるかが直ちに判別できる状態で管理させる方法

(a) a method of having the third party manage electronically recorded transferable rights to be indicated on securities, etc. that are invested securities, etc. by clearly distinguishing them from their own securities, etc., and, in a manner that is possible to immediately identify to which investment property the electronically recorded transferable rights to be indicated on securities, etc. belong; and

ロ　運用有価証券等である電子記録移転有価証券表示権利等の保全に関して、当該金融商品取引業者等が自己で管理する場合と同等の運用財産の保護が確保されていると合理的に認められる方法

(b) a method reasonably found that the level of protection of investment property that is equivalent as the level of management conducted by the financial instruments business operator, etc. themselves has been secured concerning the preservation of electronically recorded transferable tights to be indicated on securities, etc. that are invested securities, etc.;

七　法第二条第二項の規定により有価証券とみなされる権利、デリバティブ取引に係る権利その他の有価証券等（前各号に掲げるものを除く。）　次のイ又はロに掲げる場合の区分に応じ、当該イ又はロに定める方法

(vii) rights deemed to be securities pursuant to the provisions of Article 2, paragraph (2) of the Act, rights related to derivative transactions, or other securities, etc. (excluding those set forth in the preceding items): the method specified in the following (a) or (b) in accordance with the category of the cases set forth in each of those items:

イ　当該有価証券等に係る権利を行使する際に必要となる当該権利を証する書類その他の書類がある場合　当該書類を有価証券等とみなして第一号から第四号までに掲げる有価証券等の区分に応じて管理する方法

(a) if there are documents certifying the rights that are are necessary in

exercising the rights related to the securities, etc. or if there are other such documents: managing the securities by deeming the documents to be securities, etc. and in accordance with the category of the securities set forth in items (i) through (iv); and

ロ　イに掲げる場合以外の場合　第三者をして当該有価証券等に係る権利を運用有価証券等として明確に管理させ、かつ、その管理の状況が自己の帳簿により直ちに把握できる状態で管理する方法

(b) in cases other than the case set forth in sub-item (a): method of having a third party distinctly manage the rights related to the securities, etc. by considering them to be invested securities, etc., and, in a manner that is possible to immediately identify the status of the management of the rights through their own books.

３　金融商品取引業者等と運用財産とが共有しており、前項の定めるところにより管理することができない有価証券等については、同項の規定にかかわらず、運用有価証券等に係る各運用財産の持分が自己の帳簿により直ちに判別できる状態で管理しなければならない。

(3) Notwithstanding the provisions of the preceding paragraph, if the investment property is co-owned with a financial instruments business operator, etc. and the securities may not be managed pursuant to the provisions of that paragraph, the financial instruments business operator, etc. must manage them in a manner that it is possible to immediately identify the share of each investment property related to invested securities, etc. through their own books.

（投資運用業に関する金銭又は有価証券の貸付け等の禁止の適用除外）

(Exclusion from Application of Prohibition of Lending Money or Securities Concerning Investment Management Business)

第百三十三条　令第十六条の十三第六号に規定する内閣府令で定める場合は、金融商品取引業者が資産の運用を行う投資法人への金銭又は有価証券の貸付けの媒介又は代理を行う場合とする。

Article 133 The cases specified by Cabinet Office Order as prescribed in Article 16-13, item (vi) of the Order are those in which a financial instruments business operator provides intermediary or brokerage services for lending money or securities to an investment corporation that invests assets.

（運用報告書の交付）

(Delivery of Investment Reports)

第百三十四条　法第四十二条の七第一項の運用報告書（以下この条及び次条において単に「運用報告書」という。）には、次に掲げる事項（第九号から第十一号までに掲げる事項にあっては、運用財産が法第二条第八項第十二号に掲げる行為を投資一任契約に基づき行う業務に係るものである場合に限る。）を記載しなければならない。

Article 134 (1) The following matters must be stated in an investment report referred to in Article 42-7, paragraph (1) of the Act (hereinafter simply referred to as the "investment report" in this Article and the following Article) (for the particulars set forth in items (ix) through (xi), limited to if investment property is related to business in which acts set forth in Article 2, paragraph (8), item (xii) of the Act are conducted based on discretionary investment contracts):

一　当該運用報告書の対象期間（直前の基準日（運用報告書の作成の基準とした日をいう。以下この条において同じ。）の翌日（当該運用報告書が初めて作成するものである場合にあっては、運用財産の運用を開始した日）から当該運用報告書の基準日までの期間をいう。以下この条において同じ。）

(i) the reporting period for the investment report (meaning the period between the day following the latest base date (meaning the date based on which the investment report is prepared; hereinafter the same applies in this Article) (if the investment report is prepared for the first time, the date when the investment of the investment property is commenced) and the base date for that investment report; hereinafter the same applies in this Article);

二　当該運用報告書の基準日における運用財産の状況として次に掲げる事項

(ii) the following matters as the status of the investment property on the base date of the investment report:

イ　金銭の額（暗号資産の額を含む。）

(a) the amount of money (including the amount of cryptoassets);

ロ　有価証券の銘柄、数及び価額

(b) the issue, volume, and value of the securities; and

ハ　デリバティブ取引の銘柄（取引の対象となる金融商品、金融指標その他これらに相当するものを含む。次号ニ（２）において同じ。）、約定数量（数量がない場合にあっては、件数又は数量に準ずるもの。同号ニ（２）において同じ。）及び単価等（単価、対価の額、約定数値その他の取引一単位あたりの金額又は数値をいう。同号ニ（２）において同じ。）

(c) the issue of derivative transactions (including financial instruments, financial indexes, or other equivalent matters; the same applies in sub-item (d), 2. of the following item), the agreed volume (if there are no volumes, number of transactions or the matters equivalent to volume; the same applies in sub-item (d), 2. of that item), and the unit price, etc. (meaning the unit price, amount of consideration, agreed figure, or any other amount or figure for each unit of transaction; the same applies in sub-item (d), 2. of that item);

三　当該運用報告書の対象期間における運用の状況として次に掲げる事項

(iii) the following matters as the status of the investments made in the reporting period for the investment report:

イ　取引を行った日

(a) the day when the transaction has been conducted;

ロ　取引の種類

(b) the type of the transaction;

ハ　金融商品取引行為の相手方の商号、名称又は氏名（適格機関投資家等特例業務に係る出資対象事業持分に係る契約に当該相手方から同意を得られない場合は当該相手方の商号、名称又は氏名の記載を要しない旨が定められている場合において、当該同意を得られないときを除く。）

(c) the trade name or name of the counterparty to the act that constitutes financial instruments transactions (if it is provided in the contract for equity in business subject to investment related to the specially-permitted services for qualified institutional investors, etc. that it is not necessary to state the trade name or name of the counterparty if their consent cannot be obtained, excluding the cases in which consent cannot be obtained);

ニ　取引の内容として次に掲げる事項

(d) the following matters as the content of the transaction:

（１）　有価証券の売買その他の取引にあっては、取引ごとに有価証券の銘柄、数、価額及び売付け等又は買付け等の別

1. for purchase and sale or other transactions of securities, the issue, volume, value of the securities for each transaction and distinction of whether the transaction is for sale, etc. or purchase, etc.; and

（２）　デリバティブ取引にあっては、取引ごとにデリバティブ取引の銘柄、約定数量、単価等及び売付け等又は買付け等の別（第百条第一項第二号イからホまでに掲げる取引にあっては、それぞれ同号イからホまでに定めるもの）

2. for derivatives transactions, the issue, agreed volume, unit price, etc. for the derivative transaction for each transaction and whether the transaction was sale, etc. or purchase, etc. (for a transaction set forth in Article 100, paragraph (1), item (ii), sub-items (a) through (e), matters specified in the sub-items (a) through (e) of that item);

四　当該運用報告書の対象期間において支払を受けた運用財産の運用に係る報酬の額

(iv) the amount of remuneration for the investment of the investment property that has been paid during the reporting period of the investment report;

五　当該運用報告書の対象期間において運用財産に係る取引について第一種金融商品取引業、第二種金融商品取引業又は登録金融機関業務に該当する行為を行った場合にあっては、当該運用報告書の対象期間における当該行為に係る手数料、報酬その他の対価の額

(v) if a financial instruments business operator, etc. has conducted an act that falls under type I financial instruments business, type II financial instruments business, or registered financial institution business in relation to a transaction for investment property during the reporting period of the investment report, the amount of fees, remuneration, or any other type of consideration related to act conducted during the reporting period of the investment report;

六　当該運用報告書の対象期間において次に掲げるものとの間における取引を行ったときは、その内容

(vi) if a financial instruments business operator, etc. has conducted a transaction with any of the following parties during the reporting period of the investment report, the content of the transaction:

イ　自己又はその取締役、執行役、監査役、役員に類する役職にある者若しくは使用人

(a) the financial instruments business operator, etc. themselves, or their directors, executive officers, company auditors, or persons holding positions similar to officers or employees;

ロ　他の運用財産

(b) other investment properties; or

ハ　自己の親法人等又は子法人等

(c) the parent corporation, etc. or the subsidiary corporation, etc. of the financial instruments business operator, etc. themselves;

七　当該運用報告書の対象期間において行った金融商品取引行為に係る取引総額に占める前号イからハまでに掲げる者を相手方とする金融商品取引行為に係る取引総額の割合

(vii) the ratio of the total amount of the transaction related to acts that constitute financial instruments transactions conducted with any of the persons set forth in sub-items (a) through (c) of the preceding item as the counterparty to the total amount of the transaction related to acts that constitute financial instruments transactions conducted during the reporting period of the investment report; and

八　当該運用報告書の対象期間における運用財産の運用として行った金融商品取引行為の相手方で、その取引額が当該運用財産のために行った金融商品取引行為に係る取引総額の百分の十以上である者がいる場合にあっては、当該相手方の商号、名称又は氏名並びに当該運用報告書の対象期間において行った金融商品取引行為に係る取引総額に占める当該相手方に対する金融商品取引行為に係る取引総額の割合

(viii) if there is a person that is the counterparty to the acts that constitute financial instruments transactions conducted as the investment of investment properties during the reporting period of the investment report, whose transaction amount is ten percent or more of the total transaction amount of the acts that constitute financial instruments transactions conducted for the investment property, the trade name or name of the counterparty, and the ratio of the total transaction amount related to the acts that constitute financial instruments transactions conducted for the counterparty to the total transaction amount related to acts that constitute financial instruments transactions conducted during the reporting period of the investment report;

九　当該運用報告書の対象期間における運用財産の運用の経過（運用財産の額の主要

な変動の要因を含む。）

(ix) development of investment for the investment property during the reporting period of the investment report (including the factors of the major change in the amount of investment property);

十　運用状況の推移

(x) changes in status of investment; and

十一　当該金融商品取引業者等がその財務又は投資一任契約に係る業務に関する外部監査を受けている場合において、当該運用報告書の対象期間において当該外部監査に係る報告を受けたときは、当該外部監査を行った者の氏名又は名称並びに当該外部監査の対象及び結果の概要

(xi) if an external audit has been conducted for the financial instruments business operator, etc. concerning operations related to finance or a discretionary investment contract, when they have received a report related to the external audit during the reporting period of the investment report, the name of the person that has conducted the external audit, subject of the external audit, and summary of the results.

２　運用財産が法第二条第八項第十二号に掲げる行為を投資一任契約に基づき行う業務に係るものである場合において、基準日における当該運用財産に第九十六条第四項に規定する対象有価証券（その保有額の当該運用財産の額に対する割合が百分の三に満たないものを除く。）が含まれているときにおける運用報告書には、前項各号に掲げる事項のほか、同条第二項各号に掲げる事項を記載しなければならない。ただし、当該運用報告書の交付前一年以内に当該投資一任契約の相手方に対し交付した当該投資一任契約に係る契約締結前交付書面若しくは契約変更書面又は運用報告書に当該事項の全てが記載されている場合は、この限りでない。

(2) If investment property is related to business for which the act set forth in Article 2, paragraph (8), item (xii) of the Act is conducted based on a discretionary investment contract, the matters set forth in the items of paragraph (2) of the preceding Article must be stated in addition to the matters set forth in the items of paragraph (2) of that Article in the investment report when the subject securities (excluding those for which the percentage of the amount held to the investment properties is less than three percent) prescribed in Article 96, paragraph (4) are included in the investment property on the base date; provided, however, that this does not apply if all of those matters are stated in the document for delivery prior to conclusion of a contract or contract change document, or investment report related to the discretionary investment contract that is delivered to the counterparty to the discretionary investment contract, within one year before the delivery of the investment report.

３　対象期間は、六月（次の各号に掲げる場合にあっては、当該各号に定める期間。第五項第三号において同じ。）を超えてはならない。

(3) The reporting period must not exceed six months (in cases set forth in the

following items, the period specified in each of those items; the same applies in paragraph (5), item (iii)):

一　権利者（投資一任契約の相手方に限る。）が存続厚生年金基金又は国民年金基金である場合　三月

(i) if the right holder (limited to a counterparty to a discretionary investment contract) is a surviving employee's pension fund or the national pension fund: three months;

二　権利者（適格機関投資家等特例業務（法第六十三条第一項第二号に掲げる行為に限る。第五項第四号において同じ。）に係る契約の相手方に限る。）が令第十七条の十二第二項に掲げる要件に該当する権利を有する者である場合であって、当該契約の契約書に対象期間が記載されているとき　一年

(ii) if the right holder (limited to a counterparty to a contract related to a specially permitted services for qualified institutional investors, etc. (limited to an act set forth in Article 63, paragraph (1), item (ii) of the Act; the same applies in paragraph (5), item (iv))) is a holder of a right that satisfies the requirements set forth in Article 17-12, paragraph (2) of the Order, and the written contract provides for the reporting period: one year.

4　運用報告書は、対象期間経過後遅滞なく作成し、知れている権利者に交付しなければならない。

(4) A financial instruments business operator, etc. must prepare an investment report after the end of the reporting period and deliver it to the known right holders without delay.

5　法第四十二条の七第一項ただし書に規定する内閣府令で定める場合は、次に掲げる場合とする。

(5) The cases specified by Cabinet Office Order as prescribed in the proviso to Article 42-7, paragraph (1) of the Act are as follows:

一　権利者の同居者が確実に運用報告書の交付を受けると見込まれる場合であって、かつ、当該権利者が当該運用報告書の交付を受けないことについてその基準日までに同意している場合（当該基準日までに当該権利者から当該運用報告書の交付の請求があった場合を除く。）

(i) if it is expected that the person that lives together with a right holder will certainly receive delivery of the investment report, and the right holder has given consent that they will not receive delivery of the investment report before the base date (excluding the case in which the right holder has requested the delivery of the investment report before the base date);

二　運用財産に係る受益証券（当該運用財産に係る権利者の権利を表示するもの又は当該権利をいう。）が特定投資家向け有価証券に該当する場合であって、運用報告書に記載すべき事項に係る情報が対象期間経過後遅滞なく法第二十七条の三十二第一項に規定する発行者情報として同項又は同条第二項の規定により提供され、又は公表される場合（当該受益証券に係る契約その他の法律行為において、運用報告書の交付に代えて当該情報の提供又は公表が行われる旨の定めがある場合に限る。）

(ii) if the beneficiary certificates related to the investment property (meaning the beneficiary certificates that indicate the rights of the right holder concerning the investment property, or the rights) fall under securities for professional investors, and information on the matters required to be stated in an investment report is provided or publicized pursuant to the provisions of Article 27-32, paragraph (1) of the Act or paragraph (2) of that Article as information on the issuer prescribed in paragraph (1) of that Article without delay after the reporting period has elapsed (limited to the case in which the contract or other juridical acts related to the beneficiary certificates provides that the information is to be provided or publicized in lieu of the delivery of an investment report);

三　他の法令の規定により、六月に一回以上、運用財産に係る知れている権利者に対して運用報告書に記載すべき事項を記載した書面が交付され、又は当該事項を記録した電磁的記録が提供される場合

(iii) when a document stating the matters required to be stated in an investment report is delivered to the known right holders related to the investment property, or an electronic or magnetic record that has recorded the matters is provided to the known right holders, at least once every six months, pursuant to the provisions of other laws and regulations;

四　適格機関投資家等特例業務を行う場合であって、当該適格機関投資家等特例業務に係る契約の相手方が特定投資家である場合

(iv) if specially permitted services for qualified institutional investors, etc. is to be conducted, and the counterparty to the contract related to the specially permitted services for qualified institutional investors, etc. is a professional investor; and

五　定期に、運用財産（法第六十三条の八第一項第一号に掲げる行為を行う業務に係るものに限る。）に係る知れている権利者（外国の法令の規定により、当該外国の法令に基づいて作成される運用報告書に類する書面を交付し、又は当該書面に記載すべき事項を記録した電磁的記録を提供することを要しないものとされている者を除く。）に対して当該書面が交付され、又は当該電磁的記録が提供される場合

(v) if the document is to be delivered or the electronic or magnetic record is to be provided regularly to the known right holder (excluding a person for whom delivery of a document equivalent to an investment report created based on foreign laws and regulations or provision of electronic or magnetic records on which matters required to be stated in the document are recorded is not necessary pursuant to the provisions of foreign laws and regulations) related to investment property (limited to investment property related to business of conducting the acts set forth in Article 63-8, paragraph (1), item (i) of the Act).

（運用報告書の届出を要しない場合）

(Exemption from Requirement of Notification of Investment Reports)

第百三十五条　法第四十二条の七第三項ただし書に規定する内閣府令で定める場合は、運用財産の権利者が有する当該運用財産に係る法第二条第八項第十五号イからハまでに掲げる権利について法第二十四条第五項（法第二十七条において準用する場合を含む。）において準用する法第二十四条第一項の規定により同項に規定する有価証券報告書（運用報告書に記載すべき事項が記載されているものに限る。）を提出しなければならない場合とする。

Article 135 The cases specified by Cabinet Office Order as prescribed in the proviso to Article 42-7, paragraph (3) of the Act are those in which a financial instruments business operator, etc. is required to submit an annual securities report set forth in Article 24, paragraph (1) (limited to an annual securities report that states the matters required to be stated in an investment report), in connection with the rights set forth in Article 2, paragraph (8), item (xv), sub-items (a) through (c) of the Act related to the investment property held by the right holder of an investment property pursuant to the provisions of Article 24, paragraph (1) of the Act as applied mutatis mutandis pursuant to paragraph (5) of that Article (including as applied mutatis mutandis pursuant to Article 27 of the Act).

第三款　有価証券等管理業務に関する特則
Subsection 3 Special Provisions on Securities Management Business

（確実にかつ整然と管理する方法）

(Method of Managing Securities in a Reliable and Orderly Manner)

第百三十六条　法第四十三条の二第一項に規定する内閣府令で定める方法は、次の各号に掲げる有価証券の区分に応じ、当該各号に定める方法とする。

Article 136 (1) The methods specified by Cabinet Office Order as prescribed in Article 43-2, paragraph (1) of the Act are the methods specified in the following items in accordance with the category of the securities set forth in each of those items:

一　金融商品取引業者等が自己で保管することにより管理する有価証券（混合して保管されるものを除く。次号において同じ。）　法第四十三条の二第一項の規定により金融商品取引業者等が自己の固有財産と分別して管理しなければならない有価証券（以下この条において「顧客有価証券」という。）の保管場所について自己の固有財産である有価証券その他の顧客有価証券以外の有価証券（以下この項において「固有有価証券等」という。）の保管場所と明確に区分し、かつ、当該顧客有価証券についてどの顧客の有価証券であるかが直ちに判別できる状態で保管することにより管理する方法

(i) securities managed by the financial instruments business operator, etc. by taking custody themselves (excluding securities to be retained by way of commingled custody; the same applies in the following item): a method in

which the place of custody of the securities which a financial instruments business operator, etc. is required to manage separately from their own assets pursuant to the provisions of Article 43-2, paragraph (1) of the Act (hereinafter referred to as the "customers' securities" in this Article) is clearly distinguished from the place of custody of the securities that are their own assets or securities other than customers' securities (hereinafter referred to as "their own securities, etc." in this paragraph), and in a manner that is possible to immediately identify to which customers the securities belong;

二　金融商品取引業者等が第三者をして保管させることにより管理する有価証券　当該第三者において、顧客有価証券の保管場所について固有有価証券等の保管場所と明確に区分させ、かつ、当該顧客有価証券についてどの顧客の有価証券であるかが直ちに判別できる状態で保管させることにより管理する方法

(ii) securities managed by a financial instruments business operator, etc. by having a third party take custody: a method in which a financial instruments business operator, etc. manages the securities by having the third party clearly distinguish the place of custody of the customers' securities and the place of custody of their own securities, etc., and, in a manner that is possible to immediately identify to which customers the securities belong;

三　金融商品取引業者等が自己で保管することにより管理する有価証券（混合して保管されるものに限る。次号において同じ。）　顧客有価証券の保管場所について固有有価証券等の保管場所と明確に区分し、かつ、当該顧客有価証券に係る各顧客の持分が自己の帳簿により直ちに判別できる状態で保管することにより管理する方法

(iii) securities managed by the financial instruments business operator, etc. by taking custody themselves (limited to those to be retained by way of commingled custody; the same applies in the following item): managing the securities in a manner that the place of custody of the customers' securities is clearly distinguished from the place of custody of their own securities, etc., and, that is possible to immediately identify the share of each customer related to the customers' securities through their own books;

四　金融商品取引業者等が第三者をして保管させることにより管理する有価証券　当該第三者における自己の顧客のための口座について自己のための口座と区分する方法その他の方法により顧客有価証券に係る持分が直ちに判別でき、かつ、当該顧客有価証券に係る各顧客の持分が自己の帳簿により直ちに判別できる状態で保管させることにより管理する方法（外国の第三者をして保管させる場合において、当該外国の法令上当該第三者をして顧客有価証券に係る持分と固有有価証券等に係る持分とを区分して保管させることができないとき、その他当該第三者において顧客有価証券に係る持分が直ちに判別できる状態で保管させることができないことについて特にやむを得ない事由があると認められるときにあっては、当該顧客有価証券に係る各顧客の持分が自己の帳簿により直ちに判別できる状態で保管させることにより管理する方法）

(iv) securities managed by the financial instruments business operator, etc. by having a third party take custody: a method of managing the securities in which the financial instruments business operator, etc. has the third party take custody by separating their own account from the account for the customers of the financial instruments business operator, etc. or by any other method, and, in a manner that is possible to immediately identify the share of each customer related to the customers' securities through their own books (if the financial instruments business operator, etc. has a foreign third party take custody of the securities, and if it is not possible to have the third party take custody by separating the share related to the customers' securities and the share related to their own securities, etc. under the laws and regulations of that foreign country, or it is found that there are particularly compelling reasons for the third party to not take custody in a manner that is possible to immediately identify the shares related to the customers' securities, a method in which the financial instruments business operator, etc. manages the securities by having the third party take custody in a manner that is possible to immediately identify the share of each customer related to the customers' securities through their own books);

五　金融商品取引業者等が自己で管理する電子記録移転有価証券表示権利等　次のイ及びロに掲げる方法（金融商品取引業（登録金融機関業務を含む。以下この号及び次号において同じ。）の顧客の利便の確保及び金融商品取引業の円滑な遂行を図るために、その行う金融商品取引業の状況に照らし、ロに掲げる方法以外の方法で管理することが必要な最小限度の電子記録移転有価証券表示権利等にあっては、次のイに掲げる方法）

(v) electronically recorded transferable rights to be indicated on securities, etc. managed by the financial instruments business operator, etc. themselves: the method set forth in sub-items (a) and (b) (for the minimum level of electronically recorded transferable rights to be indicated on securities, etc. that are required to be managed by a method other than the method set forth in sub-item (b) in order to secure the convenience of the customers of the financial instruments business (including registered financial institution business; hereinafter the same applies in this item and the following item) and accomplish smooth implementation of the financial instruments business, in light of the situation of the fnancial instruments business that they conduct, the method set forth in sub-item (a)):

イ　顧客有価証券である電子記録移転有価証券表示権利等について、固有有価証券等と明確に区分し、かつ、どの顧客の電子記録移転有価証券表示権利等であるかが直ちに判別できる状態（当該顧客有価証券である電子記録移転有価証券表示権利等に係る各顧客の持分が自己の帳簿により直ちに判別できる状態を含む。次号イにおいて同じ。）で管理する方法

(a) a method of managing electronically recorded transferable rights to be

indicated on securities, etc. that are customers' securities by clearly separating them from their own securities, etc., and, in a manner that is possible to immediately identify to which customer the electronically recorded transferable rights to be indicated on securities, etc. belong (including a manner that is possible to immediately identify the share of each customer related to electronically recorded transferable rights to be indicated on securities, etc. that are the customers' securities through their own books; the same applies in sub-item (a) of the following item); and

ロ　顧客有価証券である電子記録移転有価証券表示権利等を表示する財産的価値を移転するために必要な情報を、常時インターネットに接続していない電子機器、電磁的記録媒体その他の記録媒体（文書その他の物を含む。）に記録して管理する方法その他これと同等の技術的安全管理措置を講じて管理する方法

(b) a method of managing the information necessary for transferring financial values that represent electronically recorded transferable rights to be indicated on securities, etc. that are customers' securities by recording the information in electronic equipment, electronic or magnetic recording medium, or other recording media that are not connected to the internet at all times (including a document or other objects), or by taking other equivalent technical security control measures;

六　金融商品取引業者等が第三者をして管理させる電子記録移転有価証券表示権利等次のイ及びロに掲げる方法（金融商品取引業の顧客の利便の確保及び金融商品取引業の円滑な遂行を図るために、その行う金融商品取引業の状況に照らし、ロに掲げる方法以外の方法で管理することが必要な最小限度の電子記録移転有価証券表示権利等にあっては、次のイに掲げる方法）

(vi) electronically recorded transferable rights to be indicated on securities, etc. that a financial instruments business operator, etc. has a third party manage: the method set forth in sub-items (a) and (b) (for the minimum level of electronically recorded transferable rights to be indicated on securities, etc. that are necessary to be managed by a method other than the method set forth in sub-item (b) in order to secure the convenience of customers of financial instruments business and accomplish smooth implementation of financial instruments business in light of the situation of the financial instruments business that they conduct, the method set forth in the following sub-item (a)):

イ　当該第三者において、顧客有価証券である電子記録移転有価証券表示権利等について、固有有価証券等と明確に区分させ、かつ、どの顧客の電子記録移転有価証券表示権利等であるかが直ちに判別できる状態で管理させる方法

(a) a method of having the third party manage electronically recorded transferable rights to be indicated on securities, etc. that are customers' securities by clearly separating them from their own securities, etc., and, in a manner that is possible to immediately identify to which customer the

electronically recorded transferable rights to be indicated on securities, etc. belong; and

ロ　顧客有価証券である電子記録移転有価証券表示権利等の保全に関して、当該金融商品取引業者等が自己で管理する場合と同等の顧客の保護が確保されていると合理的に認められる方法

(b) a method reasonably found that the level of protection of customers that is equivalent as the level of management conducted by the financial instruments business operator, etc. themselves is taken concerning the preservation of electronically recorded transferable rights to be indicated on securities, etc. that are customers' securities;

七　法第二条第二項の規定により有価証券とみなされる権利（前各号に掲げるものを除く。）　次のイ又はロに掲げる場合の区分に応じ、当該イ又はロに定める方法

(vii) rights deemed to be securities pursuant to the provisions of Article 2, paragraph (2) of the Act (excluding those set forth in the preceding items): the method set forth in the following sub-item (a) or (b) in accordance with the category of cases specified in each of those items:

イ　当該権利を行使する際に必要となる当該権利を証する書類その他の書類がある場合　当該書類を有価証券とみなして第一号から第四号までに掲げる有価証券の区分に応じて管理する方法

(a) if there are documents or other documents certifying the rights that are necessary upon the exercise of those rights: to deem those documents as securities, etc. and manage them in accordance with the category of the securities set forth in items (i) through (iv); and

ロ　イに掲げる場合以外の場合　第三者をして当該権利を顧客有価証券として明確に管理させ、かつ、その管理の状況が自己の帳簿により直ちに把握できる状態で管理する方法

(b) in the cases other than the case set forth in sub-item (a): method of having a third party distinctly manage the rights by considering them to be customers' securities, and, to manage them in a manner that is possible to immediately identify the status of their management through their own books.

２　金融商品取引業者等と顧客とが共有しており、前項の定めるところにより管理することができない有価証券については、同項の規定にかかわらず、顧客有価証券に係る各顧客の持分が自己の帳簿により直ちに判別できる状態で管理しなければならない。

(2) Notwithstanding the provisions of the preceding paragraph, the securities that are co-owned by a financial instruments business operator, etc. and a customer, and that are not possible to manage them pursuant to the provisions of that paragraph, must be managed in a manner that is possible to immediately identify the share of each customer of customers' securities through their own books.

（有価証券関連業に付随する業務）
(Business Incidental to Securities-Related Business)
第百三十七条　法第四十三条の二第一項第二号に規定する有価証券関連業に付随する業務として内閣府令で定めるものは、金融商品取引業に付随する業務のうち、次に掲げるもの以外のものとする。
Article 137 The business specified by Cabinet Office Order as business incidental to securities-related business which is provided for in Article 43-2, paragraph (1), item (ii) of the Act, is business that is incidental to the financial instruments business other than the following businesses:
一　法第三十五条第一項第一号又は第十号から第十七号までに掲げる行為を行う業務
(i) business of conducting the acts set forth in Article 35, paragraph (1), item (i), or items (x) through (xvii) of the Act;
二　法第三十五条第一項第九号に掲げる行為（次に掲げる業務に係るものに限る。）を行う業務
(ii) business of conduct the act specified in Article 35, paragraph (1), item (ix) of the Act (limited to an act related to the following businesses):
イ　金融商品取引業（登録金融機関が行う登録金融機関業務を含む。）のうち、有価証券関連業以外の業務
(a) among financial instruments businesses (including a registered financial institution business conducted by a registered financial institution), a business other than securities-related business;
ロ　有価証券関連業のうち、店頭デリバティブ取引（次条に規定する取引に限る。）又は令第十六条の十五に規定する取引（次条に規定する取引に限る。）に係るもの
(b) among securities-related businesses, a business which concerns an over-the-counter derivatives transaction (limited to the transaction prescribed in the following Article) or a transaction prescribed in Article 16-15 of the Order (limited to the transaction prescribed in the following Article); and
ハ　前号に掲げる業務
(c) business set forth in the preceding item; and
三　前二号に掲げる業務に類似する業務
(iii) business similar to those set forth in the preceding two items.

（分別管理の対象から除かれる有価証券関連業に係る店頭デリバティブ取引）
(Over-the-Counter Derivatives Transactions Related to Securities-Related Business Excluded from Separate Management)
第百三十七条の二　法第四十三条の二第一項第二号に規定する有価証券関連業を行う金融商品取引業者であって第一種金融商品取引業を行うことにつき法第二十九条の登録を受けた者を相手方として行う取引その他の取引の相手方の特性を勘案して内閣府令で定めるものは、令第一条の八の六第一項第二号イ又はロのいずれかに該当する者を相手方として行う取引とする。

Article 137-2 A transaction to be conducted with a financial instruments business operator engaged in securities-related business who has obtained a registration referred to in Article 29 of the Act for engaging in type-I financial instruments business as the counterparty and other transactions specified by Cabinet Office Order by taking into account the characteristics of the counterparty to the transaction, as prescribed in Article 43-2, paragraph (1), item (ii) of the Act are to be transactions conducted with a person that falls under either Article 1-8-6, paragraph (1), item (ii), sub-item (a) or (b) of the Order.

（顧客分別金の額の算定）

(Calculation of the Amount of Customer-Segregated Funds)

第百三十八条　法第四十三条の二第二項に規定する顧客に返還すべき額は、顧客ごとに算定し、その算定の対象となる同項第一号及び第二号に掲げる金銭の額並びに同項第三号に掲げる有価証券の時価（その日の公表されている最終の価格又はこれに準ずるものとして合理的な方法により算出した価格をいう。次条から第百四十一条までにおいて同じ。）の合計額とする。

Article 138 The amount required to be returned to the customer which is specified in Article 43-2, paragraph (2) of the Act is calculated for each customer, and is to be the sum of the amount of money set forth in items (i) and (ii) of that paragraph that is the subject of calculation and the market value of the securities set forth in item (iii) of that paragraph (meaning the closing price publicized on that date or the price calculated by a reasonable method as a price equivalent to the closing price; the same applies in the following Article through Article 141).

（顧客分別金の額からの控除）

(Deduction from the Amount of Customer-Segregated Funds)

第百三十九条　前条の規定による顧客ごとの額の算定に当たっては、次に掲げる額を控除することができる。

Article 139 (1) In calculating the amount payable to each customer pursuant to the provisions of the preceding Article, the following amounts may be deducted:

一　金融商品取引業者等が顧客に対して有する債権（当該顧客が買い付けた有価証券（法第四十三条の二第一項の規定により分別して管理されているものに限る。）の買付代金の立替金に係るものに限る。）

(i) a claim held by a financial instruments business operator, etc. against the customer (limited to the claim related to the advance payment of purchase price of securities purchased by the customer (limited to the securities separately managed pursuant to the provisions of Article 43-2, paragraph (1) of the Act));

二　顧客が信用取引により売り付けた有価証券の売付代金である金銭（当該信用取引

につき金融商品取引業者が当該顧客に供与した信用に係る債権の担保に供されているものに限る。）

(ii) money that is the sales price of securities a customer sold by margin transaction (limited to money provided as security for the claim related to the credit granted to the customer by a financial instruments business operator for the margin transaction);

三　金融商品取引法第百六十一条の二に規定する取引及びその保証金に関する内閣府令第八条第一項各号に掲げる額（顧客の信用取引に係るものに限り、その額が当該顧客の信用取引に係る受入保証金（同令第三条第一号に規定する受入保証金をいう。）として預託された金銭の額及び有価証券の時価の合計額を超える場合にあっては、当該合計額）

(iii) the amount set forth in the items of Article 8, paragraph (1) of the Cabinet Office Order on Transactions Prescribed in Article 161-2 of the Financial Instruments and Exchange Act and Security Deposits for the Transactions (limited to the amount related to a customer's margin transaction, and if the amount exceeds the sum of the amount of the money deposited and the market value of securities deposited as security deposit received (meaning the security deposit received prescribed in Article 3, item (i) of that Order) related to the customer's margin transaction, that sum); and

四　現先取引（第百十条第一項第二号イ又はロに掲げる取引をいう。以下同じ。）に係る契約により顧客が担保に供した金銭の額

(iv) the amount of money provided as security by a customer under a contract concerning transaction with a repurchase or resale agreement (meaning a transaction set forth in Article 110, paragraph (1), item (ii), sub-item (a) or (b); the same applies hereinafter).

２　前項第三号に規定する顧客の信用取引に係る額の算定に当たっては、金融商品取引法第百六十一条の二に規定する取引及びその保証金に関する内閣府令第八条第一項の当該顧客の信用取引に係る有価証券の相場の変動に基づく損益は、同条第三項の規定にかかわらず、当該有価証券の約定価額と算定の日の時価により評価した価額との差損益とする。

(2) In calculating the amount related to a customer's margin transaction prescribed in item (iii) of the preceding paragraph, the profit and loss accrued from fluctuation in the quotation of the securities related to the customer's margin transaction referred to in Article 8, paragraph (1) of the Cabinet Office Order on Transactions Prescribed in Article 161-2 of the Financial Instruments and Exchange Act and Security Deposits for the Transactions are the gains or losses arising fromthe difference between the contract value of the securities and the price appraised based on the market value on the calculation date, notwithstanding the provisions of Article 8, paragraph (3) of the Cabinet Office Order.

（調達取引に係る特例）

(Special Rules on Procurement Transactions)

第百四十条　第百三十八条に規定する有価証券の時価の算定に当たっては、金融商品取引業者が、信用取引につき顧客に貸し付ける金銭又は有価証券を調達するため、当該顧客から預託を受けた法第百六十一条の二第二項の規定により同条第一項に規定する金銭に充てられる有価証券（以下この条において「信用取引保証金代用有価証券」という。）を、証券金融会社又は当該金融商品取引業者と取引（有価証券等清算取次ぎ（法第二条第二十七項第一号に掲げる要件に該当するものに限る。以下この条において同じ。）の委託者として当該有価証券等清算取次ぎを行う者を代理して成立させるものを含む。第一号において同じ。）を行う他の金融商品取引業者若しくは当該金融商品取引業者から有価証券等清算取次ぎを受託した者（以下この項において「母店金融商品取引業者等」という。）に担保に供する場合において、次に掲げる要件のすべてを満たすときは、当該信用取引保証金代用有価証券の時価を控除するものとする。

Article 140 (1) In calculating the market value of the securities prescribed in Article 138, if, for the purpose of procuring money or securities to be lent to customers for margin transactions, a financial instruments business operator provides as security the securities deposited by the customer which are to be used as money prescribed in Article 161-2, paragraph (1) of the Act pursuant to the provisions of paragraph (2) of that Article (hereinafter referred to as "security deposit substitute securities related to margin transactions" in this Article) to a securities finance company, another financial instruments business operator that conducts transactions (including transactions closed on behalf of the person providing a service for brokerage for clearing of securities, etc. (limited to a brokerage that meets the requirements set forth in Article 2, paragraph (27), item (i) of the Act; hereinafter the same applies in this Article) as an entrustor of the brokerage for clearing of securities, etc.; the same applies in item (i)) with the financial instruments business operator or to a person that has accepted entrustment of brokerage for clearing of securities, etc. from the financial instruments business operator (hereinafter referred to as the "correspondent financial instruments business operator, etc." in this paragraph), and all of the following requirements are satisfied, the market value of those security deposit substitute securities related to margin transactions is to be deducted:

一　金融商品取引業者及び証券金融会社又は母店金融商品取引業者等において、信用取引につき顧客に貸し付ける金銭又は有価証券を調達するため当該金融商品取引業者が当該証券金融会社又は母店金融商品取引業者等と行う取引（以下この項において「調達取引」という。）の管理については、当該金融商品取引業者が当該証券金融会社又は母店金融商品取引業者等と行うその他の取引（以下この項において「非調達取引」という。）の管理と明確に区分されていること。

(i) the management of a transaction to be conducted for procuring money or securities to be lent to customers for a margin transaction by the financial

instruments business operator with the securities finance company or the correspondent financial instruments business operator, etc. (hereinafter referred to as "procurement transactions" in this paragraph) by a financial instruments business operator and a securities finance company or a correspondent financial instruments business operator, etc., and the management of other transactions that the financial instruments business operator conducts with the securities finance company or the correspondent financial instruments business operator, etc. (hereinafter referred to as "non-procurement transactions" in this paragraph) are clearly distinguished;

二　調達取引が母店金融商品取引業者等との間で行われる場合にあっては、当該母店金融商品取引業者等において顧客ごとの調達取引の管理が明確に区分されていること。

(ii) if a procuring transaction is conducted with a correspondent financial instruments business operator, etc., the correspondent financial instruments business operator, etc. clearly distinguishes the management of procurement transactions for each customer;

三　調達取引において証券金融会社又は母店金融商品取引業者等に担保に供された信用取引保証金代用有価証券（以下この項において「特定代用有価証券」という。）の所有権が顧客に留保されていること。

(iii) the customer retains ownership of security deposit substitute securities related to margin transactions provided as collateral to a securities finance company or a correspondent financial instruments business operator, etc. for a procurement transaction (hereinafter referred to as "specified substitute securities" in this paragraph);

四　証券金融会社又は母店金融商品取引業者等において特定代用有価証券の管理が非調達取引に係る有価証券の管理と明確に区分されており、かつ、金融商品取引業者（調達取引が母店金融商品取引業者等との間で行われる場合にあっては、当該母店金融商品取引業者等を含む。）において顧客ごとの所有に係る当該特定代用有価証券の種類の別及び数量が帳簿により明確に判別できること。

(iv) a securities finance company or a correspondent financial instruments business operator, etc. clearly distinguishes the management of the specified substitute securities and the management of securities related to non-procurement transactions, and, it is possible for a financial instruments business operator (if a procuring transaction is conducted with a correspondent financial instruments business operator, etc., including the correspondent financial instruments business operator, etc.) to clearly identify the type and volume of the specified substitute securities owned by each customer through books;

五　金融商品取引業者と証券金融会社又は母店金融商品取引業者等において、当該金融商品取引業者が調達取引において当該証券金融会社又は母店金融商品取引業者等から調達した金銭及び有価証券の時価の合計額と、当該金融商品取引業者が当該調

達取引において当該証券金融会社又は母店金融商品取引業者等に担保に供した当該調達した金銭により買い付けた有価証券の時価及び当該調達した有価証券の売付代金の合計額との差額が、毎日算出され、かつ、授受されることとされていること。

(v) a financial instruments business operator and a securities finance company or a correspondent financial instruments business operator, etc. have agreed that the difference between the sum of the money the financial instruments business operator has procured from the securities finance company or correspondent financial instruments business operator, etc. in a procuring transaction and the sum of the market value of the securities, and the sum of the market value of the securities purchased by using the money procured, which the financial instruments business operator has provided as security for the securities finance company or correspondent financial instruments business operator, etc. in the procuring transaction and the sales price of the securities procured will be calculated, and, paid and received, evey day; and

六　契約により、証券金融会社又は母店金融商品取引業者等において、当該証券金融会社又は母店金融商品取引業者等が非調達取引に関して金融商品取引業者に対して有する債権（調達取引が母店金融商品取引業者等との間で行われる場合にあっては、当該母店金融商品取引業者等が他の顧客に係る調達取引に関して有する債権を含む。）の金額に充当することを目的として特定代用有価証券を処分しないこととされていること。

(vi) a contract provides that a securities finance company or a correspondent financial instruments business operator, etc. is not to dispose of the specified substitute securities for the purpose of appropriating the proceeds to the amount of claims (if a procuring transaction is conducted with a correspondent financial instruments business operator, etc., including claims held by the correspondent financial instruments business operator, etc. in relation to a procuring transaction related to another customer) held by the securities finance company or correspondent financial instruments business operator, etc. against a financial instruments business operator for non-procurement transactions.

２　前項（第二号を除く。）の規定は、金融商品取引業者等が、顧客である他の金融商品取引業者から有価証券等清算取次ぎの委託を受けて当該他の金融商品取引業者から預託を受けた信用取引保証金代用有価証券を証券金融会社に担保に供する場合について準用する。この場合において、同項第四号中「金融商品取引業者（調達取引が母店金融商品取引業者等との間で行われる場合にあっては、当該母店金融商品取引業者等を含む。）」とあるのは「金融商品取引業者等」と、同項第六号中「債権（調達取引が母店金融商品取引業者等との間で行われる場合にあっては、当該母店金融商品取引業者等が他の顧客に係る調達取引に関して有する債権を含む。）」とあるのは「債権」と読み替えるものとする。

(2) The provisions of the preceding paragraph (excluding item (ii)) apply mutatis mutandis if a financial instruments business operator, etc. is entrusted

brokerage for clearing of securities, etc. from another financial instruments business operator that is a customer and provides the security deposit substitute securities related to margin transactions deposited by that other financial instruments business operator as security to a securities finance company. In such a case, the phrase "a financial instruments business operator (if a procuring transaction is to be conducted with a correspondent financial instruments business operator, etc., including the correspondent financial instruments business operator, etc.)" in item (iv) of that paragraph is deemed to be replaced with "a financial instruments business operator, etc."; and the phrase "the claims (if a procuring transaction is to be conducted with a correspondent financial instruments business operator, etc., including the claims held by the correspondent financial instruments business operator, etc. in relation to a procuring transaction related to the other customer)" in item (vi) of that paragraph is deemed to be replaced with "the claims".

（対象有価証券関連店頭デリバティブ取引等に係る顧客分別金の額の算定）
(Calculation of the Amount of Customer Segregated Funds Concerning Over-the-Counter Derivatives Transactions Related to Subject Securities)

第百四十条の二　前三条の規定にかかわらず、法第四十三条の二第二項第二号に掲げる金銭及び同項第三号に掲げる有価証券（同条第一項第二号に規定する対象有価証券関連取引（次に掲げる取引に該当するものに限る。以下この款において「対象有価証券関連店頭デリバティブ取引等」という。）に関するものに限る。）について、同条第二項に規定する顧客に返還すべき額は、顧客ごとに算定し、その算定の対象となる当該金銭の額及び当該有価証券の時価の合計額とする。

Article 140-2 Notwithstanding the provisions of the preceding three Articles, the amount to be returned to the customer which is prescribed in Article 43-2, paragraph (2) of the Act concerning the money set forth in paragraph (2), item (ii) of that Article and securities set forth in item (iii) of that paragraph (limited to those concerning a transaction related to subject securities prescribed in paragraph (1), item (ii) of that Article (limited to those that fall under the following transactions; hereinafter referred to as "over-the-counter derivatives transaction etc. related to subject securities" in this Subsection)) is to be calculated for each customer and the sum of the amount of that money and the market value of those securities which are the subject of the calculation:

一　店頭デリバティブ取引
(i) over-the-counter derivatives transactions;
二　外国市場デリバティブ取引
(ii) foreign market derivatives transactions; or
三　令第十六条の十五に規定する取引
(iii) transactions prescribed in Article 16-15 of the Order.

（対象有価証券関連店頭デリバティブ取引等に係る顧客分別金の額からの控除）
(Deduction from the Amount of Customer Segregated Funds Concerning Over-the-Counter Derivatives Transactions Related to Subject Securities)

第百四十条の三　前条の金銭の額には、同条の対象有価証券関連店頭デリバティブ取引等を決済した場合に顧客に生ずることとなる利益の額を含むものとし、当該対象有価証券関連店頭デリバティブ取引等を決済した場合に顧客に生ずることとなる損失の額を控除することができるものとする。

Article 140-3 (1) The amount of money referred to in the preceding Article is to include the amount of profit to be accrued by the customer from settling the over-the-counter derivatives transaction, etc. related to subject securities referred to in that Article, and the amount of loss to be incurred by the customer from settling the over-the-counter derivatives transaction, etc. related to subject securities may be deducted.

２　前条の規定による顧客ごとの額の算定に当たっては、金融商品取引業者等が顧客との間において一括清算の約定をした基本契約書に基づき対象有価証券関連店頭デリバティブ取引等を行っている場合において、当該算定の時において当該顧客に一括清算事由が生じた場合に当該基本契約書に基づいて行われている特定金融取引（金融機関等が行う特定金融取引の一括清算に関する法律第二条第一項に規定する特定金融取引をいう。以下この項及び第百四十三条の二第三項において同じ。）について当該一括清算事由が生じた時における評価額（同法第二条第六項の評価額をいう。第百四十三条の二第三項において同じ。）で当該顧客の評価損となるもの（当該対象有価証券関連店頭デリバティブ取引等に係るものを除く。）があるときは、当該基本契約書に基づき対象有価証券関連店頭デリバティブ取引等を決済した場合においても顧客の保護に支障を生ずることがないと認められる限りにおいて、当該評価損の額を控除することができる。

(2) For the purpose of the calculation of the amount for each customer under the provisions of the preceding Article, when a financial instruments business operator, etc. is conducting over-the-counter derivatives transaction etc. related to subject securities based on a master agreement in which close-out netting has been agreed on with the customer, and a close-out netting event occurs to the customer at the time of the calculation, if there is an appraisal value (meaning an appraisal value referred to in Article 2, paragraph (6) of the Act Concerning Close-Out Netting of Specified Financial Transactions Conducted by Financial Institutions; the same applies in Article 143-2, paragraph (3)) at the time the close-out netting event occurred for a specified financial transaction (meaning a specified financial transaction as defined in Article 2, paragraph (1) of that Act; hereinafter the same applies in this paragraph and Article 143-2, paragraph (3)) being conducted based on the master agreement which is to be the appraisal value for the customer (excluding the appraisal value concerning the over-the-counter derivatives

transaction etc. related to subject securities), the amount of the appraisal value may be deducted only to the extent that even in the case an over-the-counter derivatives transaction etc. related to subject securities is settled based on the master agreement, this is found not to impede the protection of customers.

（顧客分別金信託の要件）

(Requirements for Customer Segregated Fund Trusts)

第百四十一条　法第四十三条の二第二項に規定する信託（以下「顧客分別金信託」という。）について、金融商品取引業者等は、次に掲げる要件（令第十八条の七の二第一項に規定する金融商品取引業者及び第一種少額電子募集取扱業者（投資者保護基金にその会員として加入していない者に限る。以下この条において同じ。）並びに登録金融機関にあっては、第三号及び第十号に掲げるものを除く。）の全てを満たさなければならない。

Article 141 (1) For the trust specified in Article 43-2, paragraph (2) of the Act (hereinafter referred to as "customer segregated fund trust"), a financial instruments business operator, etc. must satisfy all of the following requirements (for a financial instruments business operator and a type I small amount electronic public offering service provider specified in Article 18-7-2, paragraph (1) of the Order (limited to an operator that is not a member of an investor protection fund; hereinafter the same applies in this Article), and a registered financial institution, excluding the requirements set forth in items (iii) and (x)):

一　顧客分別金信託（対象有価証券関連店頭デリバティブ取引等に係る顧客分別金信託を除く。以下この条において同じ。）に係る信託契約（以下この条において「顧客分別金信託契約」という。）は、金融商品取引業者等を委託者とし、信託会社又は信託業務を営む金融機関を受託者とし、かつ、当該金融商品取引業者等の行う金融商品取引業（登録金融機関業務を含む。）に係る顧客を元本の受益者とすること。

(i) for a trust agreement concerning a customer segregated fund trust (excluding a customer segregated fund trust related to an over-the-counter derivatives transaction etc. related to subject securities; hereinafter the same applies in this Article) (hereinafter the trust agreement is referred to as "customer segregated fund trust agreement" in this Article), a financial instruments business operator, etc. is to be the settlor, a trust company or a financial institution engaged in trust business is to be the trustee, and, a customer of financial instruments business conducted by the financial instruments business operator, etc. (including registered financial institution business) is to be the beneficiary of the principal;

二　顧客分別金信託については、受益者代理人を選任することとし、金融商品取引業者等が複数の顧客分別金信託契約を締結する場合にあっては、これらの顧客分別金信託契約に係る受益者代理人を同一の者とすること。

(ii) a beneficiary's agent is to be appointed for a customer segregated fund trust, and if a financial instruments business operator, etc. concludes two or more customer segregated fund trust agreements, the same person is to be assigned as the beneficiary's agent for those customer segregated fund trust agreements;

三　金融商品取引業者が通知金融商品取引業者（法第七十九条の五十四に規定する通知金融商品取引業者をいう。第十号において同じ。）に該当することとなった場合には、投資者保護基金（当該金融商品取引業者が所属するものに限り、法第七十九条の四十九第四項の規定による定款の定めがあるものを除く。以下この項において同じ。）が特に認める場合を除き、投資者保護基金を受益者代理人とすること。

(iii) if a financial instruments business operator comes to fall under a notifying financial instruments business operator (meaning the notifying financial instruments business operator prescribed in Article 79-54 of the Act; the same applies in item (x)), unless otherwise specifically permitted by an investor protection fund (limited to a fund to which the financial instruments business operator, etc. belongs, and excluding an investor protection fund which has a provision of articles of incorporation under the provisions of Article 79-49, paragraph (4) of the Act; hereinafter the same applies in this paragraph), an investor protection fund is to be assigned as a beneficiary's agent;

四　顧客分別金信託（信託業務を営む金融機関への金銭信託で元本補填の契約のあるものを除く。）の信託財産に属する金銭の運用は、次に掲げる方法に限るものとすること。

(iv) the investment of money that belong to trust property under a customer segregated fund trust (excluding a money trust created with a financial institution engaged in trust business, which has an agreement on compensation for loss of principal) is to be made only by the following methods:

イ　国債その他金融庁長官の指定する有価証券の保有

(a) holding of government bonds or other securities designated by the Commissioner of the Financial Services Agency;

ロ　金融庁長官の指定する銀行その他の金融機関（自己を除く。）への預金

(b) depositing money with a bank or other financial institutions designated by the Commissioner of the Financial Services Agency (excluding financial instruments business operator, etc. themselves); or

ハ　その他金融庁長官の指定する方法

(c) other methods designated by the Commissioner of the Financial Services Agency;

五　顧客分別金信託が有価証券の信託又は金銭及び有価証券の信託である場合にあっては、信託される有価証券は、国債その他の金融庁長官が指定する有価証券に限るものとすることとし、当該顧客分別金信託の信託財産である有価証券につき貸付け

による運用を行わないものであること。

(v) if a customer segregated fund trust is a securities trust or a money and securities trust, the securities to be entrusted are to be limited to government bonds or other securities designated by the Commissioner of the Financial Services Agency, and the securities that are trust property under the customer segregated fund trust are not to be invested through loans;

六　金融商品取引業者等において、個別顧客分別金額（第百三十八条から第百四十条までの規定により顧客ごとに算定した当該顧客に返還すべき額をいう。以下この号及び第十二号において同じ。）及び顧客分別金必要額（個別顧客分別金額の合計額をいう。以下この条において同じ。）が、毎日算定されるものであること。

(vi) a financial instruments business operator, etc. is to calculate the individual amount of customer segregated fund to be refunded (meaning the amount required to be refunded to the customer which has been calculated for each customer pursuant to the provisions of Articles 138 through 140; hereinafter the same applies in this item and item (xii)) and the required amount of customer segregated fund (meaning the sum of the individual amount of customer segregated fund to be refunded; hereinafter the same applies in this Article) every day;

七　週に一日以上設ける基準日（以下この条において「差替計算基準日」という。）における信託財産の元本の評価額が顧客分別金必要額に満たない場合には、当該差替計算基準日の翌日から起算して三営業日以内にその不足額に相当する額の信託財産が追加されるものであること。

(vii) if the appraisal value of the principal of the trust property on the base date that is set at least once a week (hereinafter referred to as the "reappraisal base date" in this Article) is less than the required amount of customer segregated fund, the trust property equivalent to the shortfall amount is to be added within three business days from the day immediately after the reappraisal base date;

八　信託財産である有価証券の評価額は、次のイからハまでに掲げる場合の区分に応じ、当該イからハまでに定める額とすること。

(viii) the appraised value of the securities that are trust property is to be the amount specified in the following sub-items (a) through (c) in accordance with the category of the cases set forth in each of those sub-items (a) through (c):

イ　顧客分別金信託が信託業務を営む金融機関への金銭信託で元本補填の契約のあるものである場合　当該金銭信託の元本金額

(a) the customer segregated fund trust is a money trust created with a financial institution engaged in trust business, which has an agreement on compensation for loss of principal: the amount of the principal of the money trust;

ロ　顧客分別金信託が有価証券の信託又は金銭及び有価証券の信託である場合　差

替計算基準日の時価に金融庁長官が顧客分別金信託の元本の受益者である顧客の保護を確保することを考慮して定める率を乗じて得た額を超えない額

(b) the customer segregated fund trust is a securities trust or a money and securities trust: the amount not exceeding the amount arrived by multiplying the market value on the reappraisal base date by the rate the Commissioner of the Financial Services Agency specifies in consideration of ensuring the protection of customers that are the beneficiaries of the principal of the customer segregated fund trust; or

ハ　イ及びロに掲げる場合以外の場合　差替計算基準日の時価

(c) in the cases other than those set forth in sub-item (a) or (b): the market value on the reappraisal base date;

九　顧客分別金信託契約の解約又は一部の解約を行うことができる場合は、次に掲げる場合とすること。

(ix) the cases in which the customer segregated fund trust agreement may be cancelled in whole or in part, are to be as follows:

イ　差替計算基準日の信託財産の元本の評価額が顧客分別金必要額を超過する場合に、その超過額に相当する金額の範囲内で顧客分別金信託契約の解約又は一部の解約を行おうとする場合

(a) if the appraised value of the principal of the trust property on the reappraisal base date exceeds the required amount of customer segregated fund, and a financial instruments business operator, etc. seeks to cancel the customer segregated fund trust agreement in whole or in part within the amount equivalent to the excess amount;

ロ　募集等受入金（顧客から受け入れた売出し若しくは特定投資家向け売付け勧誘等又は募集若しくは売出しの取扱い若しくは私募若しくは特定投資家向け売付け勧誘等の取扱いに係る株券、債券、投資信託の受益証券又は投資証券の申込証拠金又は払込金をいう。以下この条において同じ。）の払込日に当該募集等受入金に係る顧客分別金必要額に相当する額（当該額が顧客分別金残余額を超える場合にあっては、当該顧客分別金残余額）の範囲内で顧客分別金信託契約の解約又は一部の解約を行おうとする場合

(b) if a financial instruments business operator, etc. seeks to cancel the customer segregated fund trust agreement in whole or in part on the payment date of deposit related to public offering, etc. (meaning deposit for subscription or amount to be paid for share certificates, bond certificates, beneficiary certificates for investment trust, or investment securities related to secondary distribution or solicitation for selling, etc. only for professional investors, handling of a public offering or secondary distribution, or handling of a private placement or a solicitation for selling, etc. only for professional investors, received from customers; hereinafter the same applies in this Article) within the amount equivalent to the required amount of customer segregated fund concerning the deposit

related to public offering, etc. (if the amount exceeds the remaining amount of the customer segregated fund, the remaining amount of the customer segregated fund); or

ハ　他の顧客分別金信託契約に変更するために顧客分別金信託契約の解約又は一部の解約を行おうとする場合

(c) if a financial investments business operator seeks to cancel the customer segregated fund trust agreement in whole or in part in order to change it into another customer segregated fund trust agreement;

十　金融商品取引業者が通知金融商品取引業者に該当することとなった場合には、投資者保護基金が特に認める場合を除き、当該金融商品取引業者は、受託者に対して信託財産の運用の指図を行わないこと。

(x) if a financial instruments business operator comes to fall under a notifying financial instruments business operator, unless otherwise specifically permitted by an investor protection fund, the financial instruments business operator is not to give instructions on investment of trust property to trustees;

十一　顧客分別金信託契約に係る元本の受益権の行使は、受益者代理人（委託者が第十八条の七の二第一項に規定する金融商品取引業者及び第一種少額電子募集取扱業者以外の金融商品取引業者である場合にあっては受益者代理人である投資者保護基金に限り、委託者が同項に規定する金融商品取引業者又は第一種少額電子募集取扱業者である場合にあっては受益者代理人である弁護士等（第七項第一号に規定する弁護士等をいう。）に限る。以下この号及び第六項において同じ。）が必要と判断した場合に、当該受益者代理人がすべての顧客について一括して行使するものであること。

(xi) the beneficial interest in principal related to the customer segregated fund agreement is to be exercised as a whole by a beneficiary agent (limited to the investor protection fund that is a beneficiary agent if the settlor is a financial instruments business operator other than the financial instruments business operator and type I small amount electronic public offering service provider specified in Article 18-7-2, paragraph (1) of the Cabinet Order, and limited to attorney-at-law, etc. who is a beneficiary agent (meaning the attorney-at-law, etc. prescribed in paragraph (7), item (i)) if the settlor is the financial instruments business operator or type I small amount electronic public offering service provider specified in that paragraph; hereinafter the same applies in this item and paragraph (6)), when the beneficiary agent determines it to be necessary;

十二　元本の受益者である顧客ごとの元本の受益権に相当する価額は、元本の受益権の行使時における顧客分別金信託の元本換価額に当該受益権の行使の日における顧客分別金必要額に対する当該顧客に係る個別顧客分別金額の割合を乗じて得た額（当該額が当該個別顧客分別金額を超える場合には、当該個別顧客分別金額）とすること。

(xii) the value equivalent to the beneficial interest in principal for each customer that is a beneficiary of the principal is the amount arrived by multiplying the realized amount of principal of the customer segregated fund trust at the time of exercising the beneficial interest in principal by the ratio of the individual amount of customer segregated fund to be refunded related to the customer to the required amount of customer segregated fund on the date of the exercise of the beneficial interest (if the amount exceeds the individual amount of customer segregated fund to be refunded, the individual amount of customer segregated fund to be refunded); and

十三　元本換価額のうち顧客ごとの元本の受益権に相当する価額の合計額を超える部分については、委託者である金融商品取引業者等に帰属するものとすること。

(xiii) the portion of the realized amount of principal exceeding the sum of the value equivalent to the beneficial interest in principal for each customer is vested in the financial instruments business operator, etc. that is a settlor.

２　前項第七号の場合において、同号の顧客分別金必要額のうちに募集等受入金（同号の規定により信託財産が追加される日までの間に払込みが行われたものに限る。以下この項において同じ。）に係るものがあるときは、当該募集等受入金に係る顧客分別金必要額を同号の不足額から控除することができる。

(2) In the case referred to in item (vii) of the preceding paragraph, if there is a portion concerning the deposit related to public offering, etc. (limited to the deposit paid before the day trust property was added pursuant to the provisions of that item; hereinafter the same applies in this paragraph) in the required amount of customer segregated fund referred to in that item, the required amount of customer segregated fund concerning the deposit related to public offering, etc. may be deducted from the shortfall amount referred to in that item.

３　第一項第九号の規定により行う顧客分別金信託契約の解約又は一部の解約に係る信託財産は、委託者である金融商品取引業者等に帰属させることができる。

(3) The trust property related to the cancellation of the customer segregated fund trust agreement in whole or in part conducted pursuant to the provisions of paragraph (1), item (ix) may be vested in the financial instruments business operator, etc. that is a settlor.

４　第一項第九号ロの「顧客分別金残余額」とは、同号ロの規定により行う顧客分別金信託契約の解約又は一部の解約に関する募集等受入金に係る顧客分別金必要額を算定する日における顧客分別金信託契約の信託財産の元本の評価額から、顧客分別金必要額（当該募集等受入金に係るものを除く。）を控除した額をいう。

(4) The term "remaining customer segregated fund" as used in paragraph (1), item (ix), (b) means the amount arrived at by deducting the required amount of customer segregated fund (excluding the amount concerning the deposit related to public offering, etc.) from the appraisal value of the principal of trust property under the customer segregated fund trust agreement on the day of the

calculation of the required amount of customer segregated fund concerning the deposit related to public offering, etc. in relation to the cancellation of the customer segregated fund trust agreement in whole or in part conducted pursuant to the provisions of item (ix), sub-item (b) of that paragraph.

5　第一項第十一号の場合において、同号の顧客分別金信託契約は、その目的を達成したものとして終了することができる。

(5) In the case referred to in paragraph (1), item (xi), the customer segregated fund trust agreement referred to in that item may be terminated by considering that its purpose has been achieved.

6　第一項第十二号及び第十三号の「元本換価額」とは、顧客分別金信託契約の元本である信託財産を換価して得られる額又はこれに準ずるものとして受益者代理人が合理的な方法により算定した額をいう。

(6) The term "realized amount of principal" as used in paragraph (1), items (xii) and (xiii) means the amount obtained by realizing the trust property that is the principal under the customer segregated fund agreement, or the amount equivalent to that amount calculated by a reasonable method by the beneficiary agent.

7　顧客分別金信託について、令第十八条の七の二第一項に規定する金融商品取引業者又は第一種少額電子募集取扱業者は、第一項各号に掲げる要件（同項第三号及び第十号に掲げるものを除く。）のほか、次に掲げる要件の全てを満たさなければならない。

(7) For a customer segregated fund trust, the financial instruments business operator or a type I small amount electronic public offering service provider specified in Article 18-7-2, paragraph (1) of the Cabinet Order must satisfy all of the following requirements in addition to the requirements set forth in the items of paragraph (1) (excluding those specified in items (iii) and (x) of that paragraph):

一　受益者代理人のうち少なくとも一の者は、弁護士、弁護士法人、公認会計士、監査法人、税理士、税理士法人又は金融庁長官の指定する者（以下この項及び次条第一項において「弁護士等」という。）をもって充てられるものであること。

(i) at least one of the beneficiary agents is to be appointed from an attorney-at-law, legal professional corporation, certified public accountant, audit corporation, tax accountant, tax accountant corporation, or a person designated by the Commissioner of the Financial Services Agency (hereinafter referred to as an "attorney-at-law, etc." in this paragraph and paragraph (1) of the following Article);

二　令第十八条の七の二第一項に規定する金融商品取引業者又は第一種少額電子募集取扱業者が次条第一項第四号イ及びハからトまでに掲げる要件のいずれかに該当することとなった場合には、弁護士等である受益者代理人のみがその権限を行使するものであること（当該受益者代理人が、他の受益者代理人が権限を行使することを認める場合を除く。）。

(ii) if the financial instruments business operator or the type I small amount

electronic public offering service provider specified in Article 18-7-2, paragraph (1) of the Cabinet Order comes to fall under any of the requirements set forth in Article 141-2, paragraph (1), item (iv), subitem (a), or sub-items (c) through (g), only a beneficiary agent that is an attorney-at-law, etc. is to exercise their authority (excluding the case in which the beneficiary agent approves the exercise of authority by another beneficiary agent);

三　令第十八条の七の二第一項に規定する金融商品取引業者又は第一種少額電子募集取扱業者が次条第一項第四号イ及びハからトまでに掲げる要件のいずれかに該当することとなった場合には、弁護士等である受益者代理人が特に認める場合を除き、当該金融商品取引業者又は第一種少額電子募集取扱業者が受託者に対して信託財産の運用の指図を行うことができないものであること。

(iii) if the financial instruments business operator or the type I small amount electronic public offering service provider specified in Article 18-7-2, paragraph (1) of the Cabinet Order comes to fall under any of the requirements set forth in Article 141-2, paragraph (1), item (iv), sub-item (a), or sub-items (c) through (g), the financial instruments business operator or the type I small amount electronic public offering service provider may not give the trustee instructions on the investment of trust property to the settlor, unless otherwise specifically permitted by a beneficiary agent that is an attorney-at-law, etc.; and

四　顧客の受益権が弁護士等である受益者代理人により一括して行使された場合には、当該受益権に係る信託契約を終了することができるものであること。

(iv) if the beneficial interests of customers have been exercised collectively by a beneficiary agent that is an attorney-at-law, etc., the trust agreement related to the beneficial interests may be terminated.

（対象有価証券関連店頭デリバティブ取引等に係る顧客分別金信託の要件）

(Requirements for Customer Segregated Fund Trust Related to Over-the-Counter Derivatives Transaction Related to Subject Securities)

第百四十一条の二　前条の規定にかかわらず、対象有価証券関連店頭デリバティブ取引等に係る顧客分別金信託（以下この条において単に「顧客分別金信託」という。）に係る契約は、次に掲げる要件の全てを満たさなければならない。

Article 141-2 (1) Notwithstanding the provisions of the preceding Article, the contract related to a customer segregated fund trust concerning an over-the-counter derivatives transaction etc. related to subject securities (hereinafter simply referred to as a "customer segregated fund trust" in this Article) must satisfy all of the following requirements:

一　金融商品取引業者等を委託者とし、信託会社又は信託業務を営む金融機関を受託者とし、かつ、当該金融商品取引業者等の行う対象有価証券関連店頭デリバティブ取引等に係る顧客を元本の受益者とするものであること。

(i) a financial instruments business operator, etc. is to be the settlor, a trust company or a financial institution engaged in trust business is to be the trustee, and, the customer for over-the-counter derivatives transaction etc. related to subject securities conducted by the financial instruments business operator, etc. is to be the beneficiary of the principal;

二　受益者代理人を選任し、当該受益者代理人のうち少なくとも一の者は、弁護士等をもって充てられるものであること。

(ii) beneficiary agents are to be appointed and at least one of the beneficiary agent is to be appointed from an attorney-at-law, etc.;

三　複数の顧客分別金信託を行う場合にあっては、当該複数の顧客分別金信託について同一の受益者代理人を選任するものであること。

(iii) in creating multiple customer segregated fund trusts, the same beneficiary agent is to be appointed for those multiple customer segregated fund trusts;

四　金融商品取引業者等が次に掲げる要件に該当することとなった場合には、弁護士等である受益者代理人のみがその権限を行使するものであること（当該受益者代理人が、他の受益者代理人が権限を行使することを認める場合を除く。）。

(iv) if a financial instruments business operator, etc. comes to satisfy any the following requirements, only a beneficiary agent that is an attorney-at-law, etc. is to exercise the authority (excluding the case in which the beneficiary agent approves another beneficiary agent to exercise the authority):

イ　法第五十二条第一項若しくは第四項、第五十三条第三項、第五十四条又は第五十七条の六第三項の規定により法第二十九条の登録を取り消されたとき。

(a) registration referred to in Article 29 of the Act has been revoked pursuant to the provisions of Article 52, paragraph (1) or (4), Article 53, paragraph (3), Article 54, or Article 57-6, paragraph (3) of the Act;

ロ　法第五十二条の二第一項若しくは第三項又は第五十四条の規定により法第三十三条の二の登録を取り消されたとき。

(b) registration referred to in Article 33-2 of the Act has been revoked pursuant to the provisions of Article 52-2, paragraph (1) or (3), or Article 54 of the Act;

ハ　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ったとき（外国法人である金融商品取引業者等にあっては、国内において破産手続開始、再生手続開始、更生手続開始若しくは特別清算開始の申立てを行ったとき、又は本店の所在する国において当該国の法令に基づき同種類の申立てを行ったとき。）。

(c) filing of an application for commencement of bankruptcy proceedings, rehabilitation proceedings, reorganization proceedings, or special liquidation proceedings (for a financial instruments business operator, etc. that is a foreign corporation, filing of an application for commencement of bankruptcy proceedings, rehabilitation proceedings, reorganization proceedings, or special liquidation proceedings in Japan, or filing the same

kind of application in a country where the head office is located based on the laws and regulations of that country);

ニ　金融商品取引業等の廃止（外国法人である金融商品取引業者等にあっては、国内に設けた全ての営業所又は事務所における金融商品取引業等の廃止。以下ニにおいて同じ。）をしたとき、若しくは解散（外国法人である金融商品取引業者等にあっては、国内に設けた営業所又は事務所の清算の開始。ニにおいて同じ。）をしたとき、又は法第五十条の二第六項の規定による金融商品取引業等の廃止若しくは解散の公告をしたとき。

(d) discontinuation of financial instruments business, etc. (for a financial instruments business operator, etc. that is a foreign corporation, discontinuation of financial instruments business, etc. at all business offices or offices established in Japan; hereinafter the same applies in sub-item (d)) or dissolution (for a financial instruments business operator, etc. that is a foreign corporation, commencement of liquidation of all business offices or offices established in Japan; hereinafter the same applies in sub-item (d)), or when a public notice of discontinuation or dissolution of financial instruments business, etc. under the provisions of Article 50-2, paragraph (6) of the Act has been given;

ホ　法第五十二条第一項の規定による業務の全部又は一部の停止の命令（同項第八号に該当する場合に限る。）を受けたとき。

(e) receiving an order for suspension of all or part of the business under the provisions of Article 52, paragraph (1) of the Act (limited to the cases that fall under item (vii) of that paragraph);

ヘ　内閣総理大臣が、裁判所に対し、金融機関等の更生手続の特例等に関する法律（平成八年法律第九十五号）第三百七十七条第一項の規定による更生手続開始の申立て、同法第四百四十六条第一項の規定による再生手続開始の申立て又は同法第四百九十条第一項の規定による破産手続開始の申立てを行ったとき。

(f) the Prime Minister has filed a petition for commencement of reorganization proceedings under the provisions of Article 377, paragraph (1) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions (Act No. 95 of 1996), a petition for commencement of rehabilitation proceedings under the provisions of Article 446, paragraph (1) of that Act or a petition for commencement of bankruptcy proceedings under the provisions of Article 490, paragraph (1) of that Act with a court; or

ト　内閣総理大臣が、金融機関等の更生手続の特例等に関する法律第三百七十九条、第四百四十八条又は第四百九十二条の規定による通知その他特別清算に関する通知を受けたとき。

(g) the Prime Minister has received a notice under the provisions of Article 379, Article 448, or Article 492 of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions or other notices

concerning special liquidation proceedings;

五　当該顧客分別金信託（信託業務を営む金融機関への金銭信託で元本補填の契約のあるものを除く。）に係る信託財産の運用の方法が、次に掲げる方法によるものであること。

(v) the methods of investment of trust property related to the customer segregated fund (excluding a money trust with a financial institution engaged in trust business which has an agreement on compensation for loss of principal) are to be the following methods:

イ　次に掲げる有価証券の保有

(a) holding of the following securities:

（１）　国債証券

1. national government bond certificates;

（２）　地方債証券

2. local government bond certificates;

（３）　公社、公庫及び公団の発行する有価証券その他政府がその元利金の支払を保証しているもの

3. securities issued by public corporations (established by the State), public finance corporations, and public corporations (established by the State or local governments) and other securities for which the government guarantees the payment of their principal and interest;

（４）　信用金庫法第五十四条の二の四第一項の規定による全国連合会債、長期信用銀行法第八条の規定による長期信用銀行債、農林中央金庫法第六十条の規定による農林債及び株式会社商工組合中央金庫法第三十三条の規定による商工債（同法附則第三十七条の規定により同法第三十三条の規定により発行された商工債とみなされたものを含む。）

4. national federation bonds under the provisions of Article 54-2-4, paragraph (1) of the Shinkin Bank Act, long-term credit bank bonds under the provisions of Article 8 of the Long-Term Credit Bank Act, Norinchukin Bank bonds under the provisions of Article 60 of the Norinchukin Bank Act, and Shoko Chukin Bank bonds under the provisions of Article 33 of The Shoko Chukin Bank Limited Act (including those deemed to be Shoko Chukin Bank bonds issued pursuant to the provisions of Article 33 of that Act pursuant to the provisions of Article 37 of the Supplementary Provisions of that Act);

（５）　金融機関の合併及び転換に関する法律（昭和四十三年法律第八十六号）第八条第一項（同法第五十五条第四項において準用する場合を含む。）の規定による特定社債（会社法の施行に伴う関係法律の整備等に関する法律（平成十七年法律第八十七号）第百九十九条の規定による改正前の金融機関の合併及び転換に関する法律第十七条の二第一項（同法第二十四条第一項第七号において準用する場合を含む。）の規定による債券を含む。）

5. specified corporate bonds under the provisions of Article 8, paragraph (1)

of the Act on Financial Institutions' Merger and Conversion (Act No. 86 of 1968) (including as applied mutatis mutandis pursuant to Article 55, paragraph (4) of that Act) (including bond certificates under the provisions of Article 17-2, paragraph (1) of the Act on Financial Institutions' Merger and Conversion before the amendment by Article 199 of the Act on Arrangement of Relevant Acts Incidental to Enforcement of the Companies Act (Act No. 87 of 2005) (including as applied mutatis mutandis pursuant to Article 24, paragraph (1), item (vii) of that Act));

（６）　貸付信託法（昭和二十七年法律第百九十五号）に基づく受益証券で元本補填の契約のあるもの

6. beneficiary certificates under the Loan Trust Act (Act No. 195 of 1952) which has an agreement on compensation for loss of principal;

（７）　担保付社債（償還及び利払の遅延のないものに限る。）

7. secured bonds (limited to those whose redemption or interest payment is delayed); and

（８）　第六十五条第二号イからハまでに掲げる投資信託の受益証券（顧客分別金必要額（個別顧客分別金額（第百四十条の二及び第百四十条の三の規定により顧客ごとに算定した当該顧客に返還すべき額をいう。第十四号及び次条において同じ。）の合計額をいう。以下この項及び次条において同じ。）の三分の一に相当する範囲内に限る。）

8. beneficiary certificates of investment trusts set forth in Article 65, item (ii), sub-items (a) through (c) (limited to within the range equivalent to one third of the required amount of customer segregated fund (meaning the sum of the individual amounts of customer segregated fund to be refunded (meaning the amount calculated for each customer pursuant to the provisions of Articles 140-2 and 140-3 to be refunded to the customer; the same applies in item (xiv) and the following Article); hereinafter the same applies in this paragraph and the following Article)); or

ロ　次に掲げる金融機関への預金又は貯金（金融商品取引業者等が当該金融機関である場合は、自己に対する預金又は貯金を除く。）

(b) depositing money in a savings account at any of the following financial institutions (if the financial instruments business operator, etc. is the financial institution, excluding depositing money in a savings account at that financial institution):

（１）　銀行

1. a bank;

（２）　信用金庫及び信用金庫連合会並びに労働金庫及び労働金庫連合会

2. a Shinkin bank and a federation of Shinkin banks, and a labor bank and a federation of labor banks;

（３）　農林中央金庫及び株式会社商工組合中央金庫

3. The Norinchukin Bank and The Shoko Chukin Bank Limited; and

（４）　信用協同組合及び信用協同組合連合会並びに業として預金又は貯金の受入れをすることができる農業協同組合、農業協同組合連合会、漁業協同組合、漁業協同組合連合会、水産加工業協同組合及び水産加工業協同組合連合会

4. a credit cooperative and a federation of credit cooperatives, and an agricultural cooperative, a federation of agricultural cooperatives, a fisheries cooperative, a federation of fisheries cooperatives, a fishery processing cooperative, and a federation of fishery processing cooperatives, which accepts deposit of money in a savings account on a regular basis;

ハ　コールローン

(c) a call loan;

ニ　受託者である信託業務を営む金融機関に対する銀行勘定貸

(d) due from bank accounts to the financial institution engaged in trust business that is a trustee; and

ホ　信託業務を営む金融機関への金銭信託で元本補填の契約のあるもの

(e) a money trust with a financial institution engaged in trust business which has an agreement on compensation for loss of principal;

六　信託財産の元本の評価額が顧客分別金必要額に満たない場合には、満たないこととなった日の翌日から起算して二営業日以内に、金融商品取引業者等によりその不足額に相当する金銭が信託財産に追加されるものであること。

(vi) if the appraisal value of the principal of trust property is less than the required amount of customer segregated fund, money in an amount equivalent to the shortfall amount is to be added to the trust property by the financial instruments business operator, etc. within two business days counting from the day following the date when the shortfall occurs;

七　金融商品取引業者等が信託財産である有価証券の評価額をその時価により算定するものであること（当該顧客分別金信託が信託業務を営む金融機関への金銭信託で元本補填の契約のある場合を除く。）。

(vii) a financial instruments business operator, etc. is to calculate the appraisal value of securities that are trust property by their market value (excluding the case in which the customer segregated fund trust is a money trust with a financial institution engaged in trust business which has an agreement on compensation for loss of principal);

八　顧客分別金信託が信託業務を営む金融機関への金銭信託で元本補填の契約のある場合に、その信託財産の元本の評価額を当該金銭信託の元本額とするものであること。

(viii) if the customer segregated fund trust is a money trust with a financial institution engaged in trust business which has an agreement on compensation for loss of principal, the appraisal value of the principal of that

trust property is to be used as the amount of the principal of that money trust;

九　次に掲げる場合以外の場合には、顧客分別金信託に係る契約の全部又は一部の解約を行うことができないものであること。

(ix) in the cases other than the following cases, all or part of the contract related to the customer segregated fund trust may not be canceled:

イ　信託財産の元本の評価額が顧客分別金必要額を超過する場合において、その超過額の範囲内で顧客分別金信託に係る契約の全部又は一部の解約を行うとき。

(a) if the appraisal value of the principal of trust property exceeds the required amount of customer segregated fund, all or part of the contract related to the customer segregated fund trust is to be canceled to the extent of the excess amount; or

ロ　他の顧客分別金信託に係る信託財産として信託することを目的として顧客分別金信託に係る契約の全部又は一部の解約を行う場合

(b) if all or part of the contract related to the customer segregated fund trust is canceled for the purpose of entrustment as a trust property related to another customer segregated fund trust;

十　前号イ又はロに掲げる場合に行う顧客分別金信託に係る契約の全部又は一部の解約に係る信託財産を委託者に帰属させるものであること。

(x) the trust property related to the cancellation of the contract related to the customer segregated fund trust in whole or in part in the case set forth in sub-item (a) or (b) of the preceding item is to be vested in the settlor;

十一　金融商品取引業者等が第四号イからトまでのいずれかに該当することとなった場合には、弁護士等である受益者代理人が特に認める場合を除き、当該金融商品取引業者等が受託者に対して信託財産の運用の指図を行うことができないものであること。

(xi) if the financial instruments business operator etc. comes to fall under any of item (iv), sub-items (a) through (g), the financial instruments business operator, etc. may not give instructions on investment of the trust property, unless otherwise specifically permitted by a beneficiary agent that is an attorney-at-law, etc.;

十二　弁護士等である受益者代理人が必要と判断した場合には、顧客の受益権が当該受益者代理人により全ての顧客について一括して行使されるものであること。

(xii) if a beneficiary agent that is an attorney-at-law, etc. determines it to be necessary, the beneficial interests of customers are to be exercised collectively for all customers by that beneficiary agent;

十三　顧客の受益権が弁護士等である受益者代理人により一括して行使された場合には、当該受益権に係る信託契約を終了することができるものであること。

(xiii) if the beneficial interests of customers have been exercised collectively by a beneficiary agent that is an attorney-at-law, etc., the trust agreement related to the beneficial interests may be terminated;

十四　顧客が受益権を行使する場合にそれぞれの顧客に支払われる金額が、当該受益権の行使の日における元本換価額に、当該日における顧客分別金必要額に対する当該顧客に係る個別顧客分別金額の割合を乗じて得た額（当該額が当該個別顧客分別金額を超える場合には、当該個別顧客分別金額）とされていること。

(xiv) the amount to be paid to each customer when a customer exercises beneficial interests is to be the amount arrived by multiplying the realized amount of principal on the day of the exercise of the beneficial interests by the ratio of the individual amount of customer segregated fund to be refunded related to the customer to the required amount of customer segregated fund on that date (if the amount exceeds the individual amount of customer segregated fund to be refunded, the individual amount of customer segregated fund to be refunded); and

十五　顧客が受益権を行使する日における元本換価額が顧客分別金必要額を超過する場合には、当該超過額は委託者に帰属するものであること。

(xv) if the realized amount of principal on the day when the customer exercises the beneficial interests exceeds the required amount of customer segregated fund, the excess amount is to be vested in the settlor.

２　前項第十四号及び第十五号の「元本換価額」とは、顧客分別金信託に係る信託財産（元本部分に限る。）を換価して得られる額（顧客分別金信託に元本補填がある場合には、元本額）をいう。

(2) The term "realized amount of principal" as used in items (xiv) and (xv) of the preceding paragraph means the amount that is obtained by realizing the trust property related to the customer segregated fund trust (limited to the portion of principal) (if the customer segregated fund trust has compensation for loss of principal, the amount of principal).

（個別顧客分別金額等の算定）

(Calculation of Individual Amount of Customer Segregated Funds to Be Refunded)

第百四十一条の三　金融商品取引業者等は、個別顧客分別金額及び顧客分別金必要額を毎日算定しなければならない。

Article 141-3 A financial instruments business operator, etc. must calculate the individual amount of customer segregated fund to be refunded and the required amount of customer segregated fund every day.

（分別管理監査）

(Audit of Separate Management)

第百四十二条　金融商品取引業者は、法第四十三条の二第三項の規定に基づき、同条第一項及び第二項の規定による管理の状況について、その所属する金融商品取引業協会の規則（金融庁長官の指定するもの（以下この条において「協会規則」という。）に限り、協会規則を定める金融商品取引業協会に加入していない金融商品取引業者にあ

っては、金融庁長官の指定するもの）の定めるところにより、毎年一回以上定期的に、公認会計士又は監査法人の監査（以下「分別管理監査」という。）を受けなければならない。

Article 142 (1) Based on the provisions of paragraph (3) of Article 43-2, paragraph (3) of the Act, a financial instruments business operator must undergo an audit by a certified public accountant or audit corporation on the status of management under the provisions of paragraph (1) and (2) of that Article (hereinafter referred to as "audit of separate management") periodically and at least once every year, as specified by the rules of a financial instruments firms association to which they belong (limited to the rules designated by the Commissioner of the Financial Services Agency (hereinafter referred to as "association rules" in this Article), and for a financial instruments business operator that does not belong to a financial instruments firms association that has association rules, the rules specified by the Commissioner of the Financial Services Agency).

２　協会規則には、次に掲げる事項が定められていなければならない。

(2) The association rules must state the following matters:

一　分別管理監査の基準及び手続に関する事項

(i) the matters concerning the standards and procedures for audit of separate management;

二　分別管理監査の結果に係る報告に関する事項

(ii) the matters concerning a report on the results of an audit of separate management;

三　金融商品取引業協会の会員が法令、法令に基づく行政官庁の処分又は当該金融商品取引業協会の定款その他の規則に違反した場合の措置その他の当該会員の法第四十三条の二第一項及び第二項の規定による管理の状況について必要な措置に関する事項

(iii) the matters concerning measures to be taken when a member of a financial instruments firms association violates laws and regulations, dispositions issued by administrative agencies based on laws and regulations, or the articles of incorporation of the financial instruments firms association or other rules, or necessary measures to be taken on the status of management by the member under the provisions of Article 43-2, paragraphs (1) and (2) of the Act;

四　協会規則の変更に関する事項

(iv) the matters concerning changes to association rules; and

五　前各号に掲げる事項のほか、分別管理監査の実施に関し必要な事項

(v) beyond what is set forth in the preceding items, the necessary matters for conducting an audit of separate management.

３　次に掲げる者は、分別管理監査をすることができない。

(3) A person set forth in any of the following items may not conduct an audit of

separate management:

一　公認会計士法の規定により、法第四十三条の二第三項の規定による監査に係る業務をすることができない者

(i) a person that may not conduct the services related to audits under the provisions of Article 43-2, paragraph (3) of the Act, pursuant to the provisions of the Certified Public Accountants Act;

二　当該金融商品取引業者の役員若しくは使用人又は特定個人株主（令第十五条の十六第一項第四号に規定する特定個人株主をいう。）

(ii) an officer or employee of the financial instruments business operator, or their specified individual shareholder (meaning the specified individual shareholder prescribed in Article 15-16, paragraph (1), item (iv) of the Order);

三　当該金融商品取引業者の親法人等又は子法人等

(iii) a parent corporation, etc. or subsidiary corporation, etc. of the financial instruments business operator;

四　当該金融商品取引業者若しくは前二号に掲げる者から公認会計士若しくは監査法人の業務以外の業務により継続的な報酬を受けている者又はその配偶者

(iv) a person that continuously receives remuneration for a service other than the service for the certified public accountant or audit corporation from the financial instruments business operator or any of the persons set forth in the preceding two items, or their spouse; and

五　監査法人でその社員のうちに第二号又は前号に掲げる者があるもの

(v) an audit corporation any of whose members fall under the person set forth in item (ii) or the preceding item.

（商品関連市場デリバティブ取引取次ぎ等に係る業務に付随する業務）

(Business Incidental to Business Related to Brokerage for Commodity-Related Market Derivatives Transactions)

第百四十二条の二　法第四十三条の二の二に規定する内閣府令で定めるものは、法第三十五条第一項第九号に掲げる行為に係る業務（商品関連市場デリバティブ取引取次ぎ等（法第四十三条の二の二に規定する商品関連市場デリバティブ取引取次ぎ等をいう。以下同じ。）に係るものに限る。）とする。

Article 142-2 The business specified by Cabinet Office Order as prescribed in Article 43-2-2 of the Act is the business related to the act set forth in Article 35, paragraph (1), item (ix) of the Act (limited to the business related to brokerage, etc. for commodity-related market derivatives transactions (meaning the brokerage, etc. for commodity-related market derivatives transactions provided for in Article 43-2-2 of the Act; the same applies hereinafter)).

（対象商品デリバティブ取引関連取引に係る有価証券等の区分管理）

(Separate Management of Securities for Subject Commodity Derivatives

Transaction-Related Transactions)

第百四十二条の三　金融商品取引業者等は、法第四十三条の二の二の規定に基づき財産を管理する場合において、当該財産が有価証券等であるときは、次の各号に掲げる有価証券等の区分に応じ、当該各号に定める方法により、当該有価証券等を自己の固有財産と区分して管理しなければならない。

Article 142-3 (1) If a financial instruments business operator, etc. manages property based on the provisions of Article 43-2-2 of the Act, and the property is securities, etc., they must manage those securities, etc. by separating them from their own property by the method specified in the following items in accordance with the category of the securities, etc. set forth in each of those items:

一　金融商品取引業者等が自己で保管することにより管理する有価証券等（混合して保管されるものを除く。次号において同じ。）　法第四十三条の二の二の規定により金融商品取引業者等が自己の固有財産と区分して管理しなければならない有価証券等（以下この条において「顧客有価証券等」という。）の保管場所について自己の固有財産である有価証券等その他の顧客有価証券等以外の有価証券等（以下この項において「固有有価証券等」という。）の保管場所と明確に区分し、かつ、当該顧客有価証券等についてどの顧客の有価証券等であるかが直ちに判別できる状態で保管することにより管理する方法

(i) securities, etc. managed by a financial instruments business operator, etc. by taking custody themselves (excluding those retained by commingled custody; the same applies in the following item): a method in which the place of custody of the securities, etc. that a financial instruments business operator, etc. is required to manage separately from their own property pursuant to the provisions of Article 43-2-2 of the Act (hereinafter referred to as the "customers' securities, etc." in this Article) is clearly distinguished from the place of custody of the securities, etc. other than their own securities, etc. or another customers' securities, etc. (hereinafter referred to as the "own securities, etc." in this paragraph), and, in a manner that is possible to immediately identify to which customers those customers' securities, etc. belong;

二　金融商品取引業者等が第三者をして保管させることにより管理する有価証券等　当該第三者において、顧客有価証券等の保管場所について固有有価証券等の保管場所と明確に区分させ、かつ、当該顧客有価証券等についてどの顧客の有価証券等であるかが直ちに判別できる状態で保管させることにより管理する方法

(ii) securities, etc. managed by a financial instruments business operator, etc. by having a third party take custody: a method in which a financial instruments business operator, etc. has the third party make a clear distinction between the place of the custody of the customers' securities, etc. and the place of the custody of the own securities, etc., and retain custody of the customers' securities, etc. in a manner that is possible to immediately

identify to which customers those customers' securities, etc. belong;

三　金融商品取引業者等が自己で保管することにより管理する有価証券等（混合して保管されるものに限る。次号において同じ。）　顧客有価証券等の保管場所について固有有価証券等の保管場所と明確に区分し、かつ、当該顧客有価証券等に係る各顧客の持分が自己の帳簿により直ちに判別できる状態で保管することにより管理する方法

(iii) securities, etc. managed by a financial instruments business operator, etc. by taking custody themselves (limited to those retained by commingled custody; the same applies in the following item): a method in which the place of custody of the customers' securities, etc. is clearly distinguished from the place of custody of the own securities, etc., and, in a manner that is possible to immediately identify the share of each customer related to the customers' securities, etc. through their own books;

四　金融商品取引業者等が第三者をして保管させることにより管理する有価証券等　当該第三者における自己の顧客のための口座について自己のための口座と区分する方法その他の方法により顧客有価証券等に係る持分が直ちに判別でき、かつ、当該顧客有価証券等に係る各顧客の持分が自己の帳簿により直ちに判別できる状態で保管させることにより管理する方法（外国の第三者をして保管させる場合において、当該外国の法令上当該第三者をして顧客有価証券等に係る持分と固有有価証券等に係る持分とを区分して保管させることができないとき、その他当該第三者において顧客有価証券等に係る持分が直ちに判別できる状態で保管させることができないことについて特にやむを得ない事由があると認められるときにあっては、当該顧客有価証券等に係る各顧客の持分が自己の帳簿により直ちに判別できる状態で保管させることにより管理する方法）

(iv) securities, etc. managed by a financial instruments business operator, etc. by having a third party take custody: a method in which a financial instruments business operator, etc. has the third party take custody by separating the account for the customers of the financial instruments business operator, etc. from their own account or in a manner that is possible to immediately identify the share related to the customers' securities, etc., and, that is possible to immediately identify the share of each customer related to the customers' securities, etc. through their own books (if a financial instruments business operator, etc. has a foreign third party take custody, and if it is not possible for the financial instruments business operator, etc. to have the third party take custody by separating the share related to the customers' securities, etc. and the share related to their own securities, etc. due to laws and regulations of that foreign country, or it is found that there are particularly compelling reasons to have the third party take custody in a manner that is possible to immediately identify the shares related to the customers' securities, etc. through their own books, a method in which the financial instruments business operator, etc. has the third party

take custody in a manner that is possible to immediately identify the share of each customer related to those customers' securities, etc. through their own books);

五　法第二条第二項の規定により有価証券とみなされる権利その他の有価証券等（前各号に掲げるものを除く。）　次のイ又はロに掲げる場合の区分に応じ、当該イ又はロに定める方法

(v) rights deemed to be securities pursuant to the provisions of Article 2, paragraph (2) of the Act (excluding those set forth in the preceding items): the method specified in the following sub-item (a) or (b) in accordance with the category of the cases set forth in each of those items:

イ　当該有価証券等に係る権利を行使する際に必要となる当該権利を証する書類その他の書類がある場合　当該書類を有価証券等とみなして前各号に掲げる有価証券等の区分に応じて管理する方法

(a) cases in which there are documents or other documents certifying the rights related to the securities, etc., which are necessary upon exercising those rights: method of managing them by deeming those documents to be securities, etc. and in accordance with the category of the securities set forth in each of the preceding items; and

ロ　イに掲げる場合以外の場合　第三者をして当該有価証券等に係る権利を顧客有価証券等として明確に管理させ、かつ、その管理の状況が自己の帳簿により直ちに把握できる状態で管理する方法

(b) in the cases other than those set forth in sub-item (a): method of having a third party distinctly manage the rights related to the securities, etc. by considering them to be customers' securities, etc., and, in a manner that is possible to immediately identify the status of management through their own books.

２　金融商品取引業者等と顧客とが共有しており、前項の定めるところにより管理することができない有価証券等については、同項の規定にかかわらず、顧客有価証券等に係る各顧客の持分が自己の帳簿により直ちに判別できる状態で管理しなければならない。

(2) Notwithstanding the provisions of the preceding paragraph, if the securities, etc. are co-owned by the financial instruments business operator, etc. and a customer, and it is not possible to manage them in a manner as specified by the provisions of that paragraph, the financial instruments business operator, etc. must manage them in a manner that is possible to immediately identify the share of each customer related to the customers' securities, etc. through their own books.

３　前二項に規定する有価証券等とは、次に掲げる有価証券その他の金銭以外の財産（次条第一項の規定により管理する有価証券その他の金銭以外の財産を除く。）をいう。

(3) The term "securities, etc." provided in the preceding two paragraphs means

the following securities and other properties that are not money (excluding securities and other properties that are not money managed pursuant to the provisions of paragraph (1) of the following Article):

一　法第百十九条の規定により金融商品取引業者等が顧客から預託を受けた有価証券その他の金銭以外の財産（商品関連市場デリバティブ取引に関して預託を受けたものに限る。）

(i) securities and other properties that are not money deposited with the financial instruments business operator, etc. by customers pursuant to the provisions of Article 119 of the Act (limited to those deposited in relation to commodity-related market derivatives transactions); and

二　対象商品デリバティブ取引関連取引（法第四十三条の二の二に規定する対象商品デリバティブ取引関連取引をいう。次条第一項第二号及び第百四十二条の五第一項第一号において同じ。）に関し、顧客の計算において金融商品取引業者等が占有する有価証券若しくは商品（寄託された商品に関して発行された証券又は証書を含む。以下この号及び次条において同じ。）又は金融商品取引業者等が顧客から預託を受けた有価証券若しくは商品（前号に掲げる有価証券又は商品及び契約により金融商品取引業者等が消費できる有価証券又は商品を除く。）

(ii) concerning subject commodity derivatives transaction-related transactions (meaning subject commodity derivatives transaction-related transactions provided for in Article 43-2-2 of the Act; the same applies in paragraph (1), item (ii) of the following Article and Article 142-5, paragraph (1), item (i)), securities or commodities possessed by a financial instruments business operator, etc. on the account of customers (including instruments or certificates issued for the commodities deposited; hereinafter the same applies in this item and the following Article) or securities or commodities deposited with the financial instruments business operator, etc. by customers (excluding securities or commodities set forth in the preceding item and securities or commodities that may be consumed by the financial instruments business operator, etc. under a contract).

（対象商品デリバティブ取引関連取引に係る金銭等の区分管理）

(Separate Management of Money Related to Subject Commodity Derivatives Transaction-Related Transactions)

第百四十二条の四　金融商品取引業者等は、法第四十三条の二の二の規定に基づき財産を管理する場合において、当該財産が次に掲げる金銭、有価証券その他の財産であるときは、当該金融商品取引業者等が金融商品取引業（登録金融機関業務を含む。以下この項において同じ。）を廃止した場合その他金融商品取引業を行わないこととなった場合に顧客に返還すべき額に相当する金銭を、自己の固有財産と区分して管理し、当該金融商品取引業者等が金融商品取引業を廃止した場合その他金融商品取引業を行わないこととなった場合に顧客に返還すべき額に相当する金銭を管理することを目的として、国内において、信託会社又は信託業務を営む金融機関に信託をしなければな

らない。

Article 142-4 (1) If a financial instruments business operator, etc. manages property based on the properties of Article 43-2-2 of the Act and the property is money, securities or other properties set forth in the following items, they must manage the money equivalent to the amount required to be refunded to customers when they discontinue financial instruments business (including registered financial institution business; hereinafter the same applies in this paragraph) or other cases in which they ceases conduct financial instruments business separately from their own property, and must create a trust with a trust company or a financial institution engaged in trust business in Japan for the purpose of managing the money equivalent to the amount required to be refunded to customers when they discontinue financial instruments business or other cases in which they cease to conduct financial instruments business:

一　法第百十九条の規定により金融商品取引業者等が顧客から預託を受けた金銭（商品関連市場デリバティブ取引に関して預託を受けたものに限る。）

(i) money deposited with a financial instruments business operator, etc. by customers pursuant to the provisions of Article 119 of the Act (limited to those deposited in relation to commodity-related market derivatives transactions);

二　対象商品デリバティブ取引関連取引に関し、顧客の計算に属する金銭又は金融商品取引業者等が顧客から預託を受けた金銭（前号に掲げる金銭を除く。）

(ii) money belonging to the account of customers or money deposited with the financial instruments business operator, etc. by customers, concerning subject commodity derivatives transaction-related transactions (excluding the money set forth in the preceding item); and

三　前条第三項各号に掲げる有価証券その他の金銭以外の財産のうち、法第四十三条の四第一項の規定により担保に供された有価証券又は同条第二項の規定により担保に供された商品

(iii) among the securities or other properties set forth in the items of paragraph (3) of the preceding Article, securities provided as collateral pursuant to the provisions of Article 43-4, paragraph (1) of the Act or commodities provided as collateral pursuant to the provisions of paragraph (2) of that Article.

2　前項に規定する顧客に返還すべき額は、顧客ごとに算定し、その算定の対象となる同項第一号及び第二号に掲げる金銭の額並びに同項第三号に掲げる有価証券又は商品の時価（その日の公表されている最終の価格又はこれに準ずるものとして合理的な方法により算出した価格をいう。次条において同じ。）の合計額とする。

(2) The amount required to be refunded to the customer that is specified in the preceding paragraph is to be calculated for each customer, and is to be the sum of the amount of money set forth in items (i) and (ii) of that paragraph and the market value of the securities or commodities set forth in item (iii) of that paragraph, on which the calculation is made (meaning the closing price

publicized on that date or the price equivalent to the closing price calculated by a reasonable method; the same applies in the following Article).

３　前項の金銭の額には、商品関連市場デリバティブ取引取次ぎ等に係る取引を決済した場合に顧客に生ずることとなる利益の額を含むものとし、商品関連市場デリバティブ取引取次ぎ等に係る取引を決済した場合に顧客に生ずることとなる損失の額を控除することができるものとする。

(3) The amount of money referred to in the preceding paragraph is to include the amount of profit that would arise to the customer from settling transactions related to brokerage, etc. for commodity-related market derivatives transactions, and the amount of loss that the customer incurs from settling the transactions related to the brokerage, etc. for commodity-related market transactions of derivatives may be deducted.

（商品顧客区分管理信託の要件等）

(Requirement for Commodity Customer Segregated Fund Trust)

第百四十二条の五　前条第一項に規定する信託（以下「商品顧客区分管理信託」という。）について、金融商品取引業者等は、次に掲げる要件（登録金融機関にあっては、第三号及び第十号に掲げるものを除く。）の全てを満たさなければならない。

Article 142-5 (1) In creating the trust specified in paragraph (1) of the preceding Article (hereinafter referred to as "commodity customer segregated fund trust"), a financial instruments business operator, etc. must satisfy all of the following requirements (for a registered financial institution, excluding the requirements set forth in items (iii) and (x)):

一　商品顧客区分管理信託に係る信託契約（以下この条において「商品顧客区分管理信託契約」という。）は、金融商品取引業者等を委託者とし、信託会社又は信託業務を営む金融機関を受託者とし、かつ、当該金融商品取引業者等の行う対象商品デリバティブ取引関連取引に係る顧客を元本の受益者とすること。

(i) the trust agreement for the commodity customer segregated fund trust (hereinafter referred to as "commodity customer segregated fund trust agreement" in this Article) is to have a financial instruments business operator, etc. as the settlor, a trust company or a financial institution engaged in trust business as the trustee, and the customer of the subject commodity derivatives transaction-related transactions conducted by the financial instruments business operator, etc. as the beneficiary of the principal;

二　商品顧客区分管理信託については、受益者代理人を選任することとし、金融商品取引業者等が複数の商品顧客区分管理信託契約を締結する場合にあっては、これらの商品顧客区分管理信託契約に係る受益者代理人を同一の者とすること。

(ii) a beneficiary agent is to be appointed for a commodity customer segregated fund trust, and if a financial instruments business operator, etc. is to conclude two or more customer segregated fund trust agreements, the

beneficiary agent for these customer segregated fund trust agreements is to be the same person;

三　金融商品取引業者が通知金融商品取引業者（法第七十九条の五十四に規定する通知金融商品取引業者をいう。第十号において同じ。）に該当することとなった場合には、投資者保護基金（当該金融商品取引業者が所属するものに限り、法第七十九条の四十九第二項の規定による定款の定めがあるものを除く。以下この項において同じ。）が特に認める場合を除き、投資者保護基金を受益者代理人とすること。

(iii) if a financial instruments business operator comes to fall under a notifying financial instruments business operator (meaning the notifying financial instruments business operator prescribed in Article 79-54 of the Act; the same applies in item (x)), an investor protection fund (limited to a fund to which the financial instruments business operator, etc. belongs, and excluding that has a provision on the article of incorporation under the provisions of Article 79-49, paragraph (2) of the Act; hereinafter the same applies in this paragraph) is the beneficiary agent, unless otherwise specifically permitted by the investor protection fund;

四　商品顧客区分管理信託（信託業務を営む金融機関への金銭信託で元本補填の契約のあるものを除く。）の信託財産に属する金銭の運用の方法が第百四十一条第一項第四号イからハまでに掲げる方法によるものであること。

(iv) the investment of money belonging to the trust property under the commodity customer segregated fund trust (excluding the money trust created with a financial institution engaged in trust business, which has an agreement on compensation for loss of principal) is made by the methods set forth in Article 141, paragraph (1), item (iv), sub-items (a) through (c);

五　商品顧客区分管理信託が有価証券の信託又は金銭及び有価証券の信託である場合にあっては、信託される有価証券は、国債その他の金融庁長官が指定する有価証券に限るものとすることとし、当該商品顧客区分管理信託の信託財産である有価証券につき貸付けによる運用を行わないものであること。

(v) if a commodity customer segregated fund trust is a securities trust, or a money and securities trust, the securities to be entrusted are limited to government bonds or other securities designated by the Commissioner of the Financial Services Agency, and that the securities that is trust property under the commodity customer segregated fund trust are not to be invested through loans;

六　金融商品取引業者等において、個別商品顧客区分管理金額（前条第二項の規定により顧客ごとに算定した当該顧客に返還すべき額をいう。以下この号及び第十二号において同じ。）及び商品顧客区分管理必要額（個別商品顧客区分管理金額の合計額をいう。以下この項において同じ。）が、毎日算定されるものであること。

(vi) if a financial instruments business operator, etc. is to calculate the individual amount of commodity customer segregated fund to be refunded (meaning the amount required to be refunded to a customer calculated for

each customer pursuant to the provisions of paragraph (2) of the preceding Article; hereinafter the same applies in this item and item (xii)) and the required amount of commodity customer segregated fund (meaning the sum of the individual amount of commodity customer segregated funds to be refunded; the same applies in this paragraph) every day;

七　週に一日以上設ける基準日（以下この項において「差替計算基準日」という。）における信託財産の元本の評価額が商品顧客区分管理必要額に満たない場合には、当該差替計算基準日の翌日から起算して三営業日以内にその不足額に相当する額の信託財産が追加されるものであること。

(vii) if the appraisal value of the principal of trust property on the base date established at least once a week (hereinafter referred to as the "reappraisal base date") is less than the required amount of commodity customer segregated fund, the trust property equivalent to the shortfall amount is to be added within three business days from the day after the reappraisal base date;

八　信託財産である有価証券の評価額は、次のイからハまでに掲げる場合の区分に応じ、当該イからハまでに定める額とすること。

(viii) the appraised value of the securities that is trust property is the amount specified in the following sub-items (a) through (c) in accordance with the category of the cases set forth in each of those sub-items:

イ　商品顧客区分管理信託が信託業務を営む金融機関への金銭信託で元本補填の契約のあるものである場合　当該金銭信託の元本金額

(a) if a commodity customer segregated fund trust is a money trust created with a financial institution engaged in trust business, which has an agreement on compensation for loss of principal: the amount of principal of the money trust;

ロ　商品顧客区分管理信託が有価証券の信託又は金銭及び有価証券の信託である場合　差替計算基準日の時価に金融庁長官が商品顧客区分管理信託の元本の受益者である顧客の保護を確保することを考慮して定める率を乗じて得た額を超えない額

(b) if a commodity customer segregated fund trust is a securities trust, or a money and securities trust: the amount that does not exceed the amount arrived by multiplying the market value on the reappraisal base date by the rate the Commissioner of the Financial Services Agency specifies in consideration of ensuring of the protection of a customer that is the beneficiary of the principal of the commodity customer segregated fund trust; or

ハ　イ及びロに掲げる場合以外の場合　差替計算基準日の時価

(c) in the cases other than those set forth in sub-item (a) or (b): the market value on the reappraisal base date;

九　商品顧客区分管理信託契約の解約又は一部の解約を行うことができる場合は、次

に掲げる場合とすること。

(ix) the cases in which the cancellation of the customer segregated fund trust agreement or part of the agreement may be made are as follows:

イ　差替計算基準日の信託財産の元本の評価額が商品顧客区分管理必要額を超過する場合に、その超過額に相当する金額の範囲内で商品顧客区分管理信託契約の解約又は一部の解約を行おうとする場合

(a) if the appraised value of the principal of the trust property on the reappraisal base date exceeds the required amount of commodity customer segregated fund, and a financial instruments business operator seeks to cancel the customer segregated fund trust agreement or part of the agreement, within the amount equivalent to the excess amount;

ロ　他の商品顧客区分管理信託契約に変更するために商品顧客区分管理信託契約の解約又は一部の解約を行おうとする場合

(b) if a financial instruments business operator seeks to cancel a commodity customer segregated fund trust agreement or part of the agreement in order to change it into another commodity customer segregated fund trust agreement.

十　金融商品取引業者が通知金融商品取引業者に該当することとなった場合には、投資者保護基金が特に認める場合を除き、当該金融商品取引業者は、受託者に対して信託財産の運用の指図を行わないこと。

(x) if a financial instruments business operator comes to fall under a notifying financial instruments business operator, the financial instruments business operator is not to give the trustee instructions on the investment of trust property, unless otherwise specifically permitted by the investor protection fund;

十一　商品顧客区分管理信託契約に係る元本の受益権の行使は、受益者代理人（委託者が金融商品取引業者である場合にあっては、受益者代理人である投資者保護基金に限る。以下この号及び第四項において同じ。）が必要と判断した場合に、当該受益者代理人が全ての顧客について一括して行使するものであること。

(xi) the beneficial interest in principal related to a commodity customer segregated fund trust agreement is to be exercised collectively for all customers by a beneficiary agent (if the settlor is a financial instruments business operator, limited to an investor protection fund that is a beneficiary agent; hereinafter the same applies in this item and paragraph (4)), when the agent determines it to be necessary;

十二　元本の受益者である顧客ごとの元本の受益権に相当する価額は、元本の受益権の行使時における商品顧客区分管理信託の元本換価額に当該受益権の行使の日における商品顧客区分管理必要額に対する当該顧客に係る個別商品顧客区分管理金額の割合を乗じて得た額（当該額が当該個別商品顧客区分管理金額を超える場合には、当該個別商品顧客区分管理金額）とすること。

(xii) the value equivalent to beneficial interest in principal for each customer

that is a beneficiary of principal is to be the amount arrived by multiplying the realized amount of principal of the commodity customer segregated fund trust at the time of exercising the beneficial interest in principal by the ratio of the individual amount of commodity customer segregated fund to be refunded related to the customer to the required amount of commodity customer segregated fund on the date of the exercise of the beneficial interest (if the amount exceeds the individual amount of commodity customer segregated fund to be refunded, the individual amount of commodity customer segregated fund to be refunded); and

十三　元本換価額のうち顧客ごとの元本の受益権に相当する価額の合計額を超える部分については、委託者である金融商品取引業者等に帰属するものとすること。

(xiii) the portion of the realized amount of principal that exceeds the sum of the value equivalent to the beneficial interest in principal for each customer is to be vested in the financial instruments business operator, etc. that is a settlor.

２　前項第九号の規定により行う商品顧客区分管理信託契約の解約又は一部の解約に係る信託財産は、委託者である金融商品取引業者等に帰属させることができる。

(2) The trust property related to the cancellation of the commodity customer segregated fund trust agreement or of part of the agreement made pursuant to the provisions of item (ix) of the preceding paragraph may be vested in the financial instruments business operator, etc. that is a settlor.

３　第一項第十一号の場合において、同号の商品顧客区分管理信託契約は、その目的を達成したものとして終了することができる。

(3) In the case referred to in paragraph (1), item (xi), the commodity customer segregated fund trust agreement referred to in that item may be terminated by considering that its purpose has been achieved.

４　第一項第十二号及び第十三号の「元本換価額」とは、商品顧客区分管理信託契約の元本である信託財産を換価して得られる額又はこれに準ずるものとして受益者代理人が合理的な方法により算定した額をいう。

(4) The term "realized amount of principal" as used in paragraph (1), items (xii) and (xiii) means the amount obtained by realizing the trust property that is the principal under the commodity customer segregated fund agreement, or the amount calculated by a beneficiary agent by a reasonable method as an amount equivalent to that amount.

（金銭の区分管理）

(Separate Management of Money)

第百四十三条　金融商品取引業者等は、法第四十三条の三第一項の規定に基づき金銭その他の保証金を管理する場合において、当該保証金が金銭であるときは、次の各号に掲げるデリバティブ取引等（有価証券関連デリバティブ取引等又は商品関連市場デリバティブ取引若しくは商品関連市場デリバティブ取引取次ぎ等に該当するものを除

く。）の区分に応じ、当該各号に定める方法により、当該金銭を自己の固有財産と区分して管理しなければならない。

Article 143 (1) If a financial instruments business operator, etc. manages money or other security deposits based on the provisions of Article 43-3, paragraph (1) of the Act, and the security deposit is money, they must manage the money by separating it from their own property by the method specified in the following items in accordance with the category of derivatives transaction, etc. (excluding a transaction that falls under securities-related derivatives transaction, commodity-related market derivatives transaction, or brokerage, etc. for commodity-related market derivatives transaction) set forth in each of those items:

一　通貨関連デリバティブ取引等及び暗号資産関連デリバティブ取引等　信託会社又は信託業務を営む金融機関への金銭信託

(i) currency-related derivatives transaction, etc. and cryptoasset-related derivatives transaction, etc.: a money trust with a trust company or a financial institution engaged in trust business; and

二　前号に掲げるデリバティブ取引等以外のもの　次に掲げる方法

(ii) transactions other than derivative transactions, etc. set forth in the preceding item: the following methods:

イ　銀行、協同組織金融機関又は株式会社商工組合中央金庫への預金又は貯金（当該保証金であることがその名義により明らかなものに限る。）

(a) setting up a savings account at a bank, cooperative financial institution or the Shoko Chukin Bank, Ltd. (limited to an account for which it is obvious from the holder's name that the money used is the security deposit);

ロ　信託業務を営む金融機関への金銭信託で元本補填のあるもの又は信託会社若しくは信託業務を営む金融機関への金銭信託で信託財産が安全に運用されるもの（当該保証金であることがその名義により明らかなものに限る。）

(b) a money trust created with a financial institution engaged in trust business, which has compensation for principal losses, or a money trust created with a trust company or a financial institution engaged in trust business, for which the trust property is to be safely managed (limited to a trust for which it is obvious from the holder's name that the money used is the security deposit);

ハ　カバー取引相手方への預託（金融商品取引業者等が、特定業者等（他の金融商品取引業者等若しくは銀行（登録金融機関を除く。）又は外国の法令上これらに相当する者で外国の法令を執行する当局の監督を受ける者をいう。以下この号及び第百四十三条の三において同じ。）を相手方としてカバー取引を行う場合又は取引所金融商品市場（外国金融商品市場を含む。ハにおいて同じ。）においてカバー取引を行う場合に、当該特定業者等又は当該取引所金融商品市場を開設する者に当該カバー取引に係る保証金として金銭を預託するときに限る。）

(c) a deposit made with the counterparty to a cover deal (if a financial instruments business operator, etc. conducts a cover deal with a specified business operator, etc. (meaning another financial instruments business operator, etc. or a bank (excluding registered financial institutions) or a person equivalent to those persons under foreign laws and regulations, who is supervised by the competent authority in charge of the enforcement of laws and regulations of the foreign country; hereinafter the same applies in this item and Article 143-3), or conducts a cover deal on a financial instruments exchange market (including a foreign financial instruments market; the same applies in sub-item (c)), limited to cases of depositing money as a security deposit for the cover deal with the specified business operator, etc. or a person that operates the financial instruments exchange market); or

ニ　媒介等相手方への預託（金融商品取引業者等が、特定業者等を媒介等相手方として第百二十三条第四項に規定する通貨関連店頭デリバティブ取引及び同条第十五項に規定する暗号資産関連店頭デリバティブ取引以外の店頭デリバティブ取引（有価証券関連デリバティブ取引に該当するものを除く。以下この号及び次項において同じ。）の媒介、取次ぎ又は代理を行う場合に、当該特定業者等に当該店頭デリバティブ取引に係る保証金として金銭を預託するときに限る。）

(d) a deposit made with the counterparty to intermediary services, etc. (if a financial instruments business operator, etc. provides intermediation, brokerage, or agency services for an over-the-counter derivatives transaction other than currency-related over-the-counter derivatives transactions prescribed in Article 123, paragraph (4) and cryptoasset-related over-the-counter derivatives transactions prescribed in paragraph (15) of that Article (excluding transactions that fall under securities-related derivatives transactions; hereinafter the same applies in this item and the following paragraph) for a specified business operator, etc. as the counterparty to intermediary services, etc., limited to cases of depositing money with the specified business operator, etc. as a security deposit for the over-the-counter derivatives transactions).

２　前項の金銭には、店頭デリバティブ取引（店頭金融先物取引、暗号資産関連店頭デリバティブ取引又は第百十六条第一項第五号イに掲げる取引に該当するものを除く。第百四十四条第三項において同じ。）に関し、顧客が担保に供した金銭を含まないものとする。

(2) The money referred to in the preceding paragraph is not to include the money that the customer has provided as security for an over-the-counter derivatives transactions (excluding those that fall under over-the-counter financial futures transactions, cryptoasset-related over-the-counter derivatives transactions or those corresponding to the transaction set forth in Article 116, paragraph (1), item (v), (a); the same applies in Article 144, paragraph (3)).

３　第一項第一号の「通貨関連デリバティブ取引等」とは、次に掲げる行為をいう。

(3) The term "currency-related derivatives transaction, etc." as used in paragraph (1), item (i) means any of the following acts:

一　第百二十三条第三項に規定する通貨関連市場デリバティブ取引又はこれに係る法第二条第八項第二号若しくは第三号に掲げる行為

(i) a currency-related market derivatives transaction prescribed in Article 123, paragraph (3) or an act set forth in Article 2, paragraph (8), item (ii) or (iii) of the Act related to that transaction;

二　第百二十三条第四項に規定する通貨関連店頭デリバティブ取引（外国貿易その他の外国為替取引に関する業務を行う法人が保有する資産及び負債に係る為替変動による損失の可能性を減殺するために行うものであって、当該損失の可能性を減殺するために行われることが金融商品取引業者等において確認されるものを除く。）又はその媒介、取次ぎ（有価証券等清算取次ぎを除く。）若しくは代理

(ii) a currency-related over-the-counter derivatives transaction prescribed in Article 123, paragraph (4) (excluding a transaction that a corporation conducting business related to foreign trade or other foreign exchange transactions conducts for reducing the risk of loss due to fluctuations in the exchange rate related to assets or liabilities held by them and that is confirmed by a financial instruments business operator, etc. that it is conducted for reducing the risk of loss), or intermediary, brokerage (excluding brokerage for clearing of securities, etc.) or agency services for the currency-related over-the-counter derivatives transaction; or

三　第百二十三条第五項に規定する通貨関連外国市場デリバティブ取引又はこれに係る法第二条第八項第二号若しくは第三号に掲げる行為

(iii) a currency-related foreign market derivatives transaction prescribed in Article 123, paragraph (5) or an act set forth in Article 2, paragraph (8), item (ii) or (iii) of the Act related to that transaction.

４　第一項第一号の「暗号資産関連デリバティブ取引等」とは、次に掲げる行為をいう。

(4) The term "cryptoasset-related derivatives transaction, etc." as used in paragraph (1), item (i) means any of the following acts:

一　第百二十三条第十四項に規定する暗号資産関連市場デリバティブ取引又はこれに係る法第二条第八項第二号若しくは第三号に掲げる行為

(i) a cryptoasset-related market derivatives transaction prescribed in Article 123, paragraph (14) or an act set forth in Article 2, paragraph (8), item (ii) or (iii) of the Act related to that transaction;

二　第百二十三条第十五項に規定する暗号資産関連店頭デリバティブ取引又はその媒介、取次ぎ（有価証券等清算取次ぎを除く。）若しくは代理

(ii) a cryptoasset-related over-the-counter derivatives transaction prescribed in Article 123, paragraph (15) or intermediary, brokerage (excluding brokerage for clearing of securities, etc.), or agency services for that transaction; or

三　第百二十三条第十六項に規定する暗号資産関連外国市場デリバティブ取引又はこ

れに係る法第二条第八項第二号若しくは第三号に掲げる行為

(iii) a cryptoasset-related foreign market derivatives transaction prescribed in Article 123, paragraph (16) or an act set forth in Article 2, paragraph (8), item (ii) or (iii) of the Act related to that transaction.

（顧客区分管理信託の要件等）

(Requirements for Segregated Customer Management Trust)

第百四十三条の二　前条第一項第一号に規定する金銭信託（以下「顧客区分管理信託」という。）に係る契約は、次に掲げる要件の全てを満たさなければならない。

Article 143-2 (1) The contract related to a money trust prescribed in paragraph (1), item (i) of the preceding Article (hereinafter referred to as a "segregated customer management trust") must satisfy all of the following requirements:

一　金融商品取引業者等を委託者とし、信託会社又は信託業務を営む金融機関を受託者とし、かつ、当該金融商品取引業者等の行う通貨関連デリバティブ取引等（前条第三項に規定する通貨関連デリバティブ取引等をいう。以下この条において同じ。）又は暗号資産関連デリバティブ取引等（前条第四項に規定する暗号資産関連デリバティブ取引等をいう。以下この条において同じ。）に係る顧客を元本の受益者とするものであること。

(i) a financial instruments business operator, etc. is to be the settlor, a trust company or a financial institution engaged in trust business is to be the trustee, and, a customer related to currency-related derivatives transaction, etc. (meaning a currency-related derivatives transaction, etc. prescribed in paragraph (3) of the preceding Article; the same applies in this Article) or cryptoasset-related derivatives transaction, etc. (meaning a cryptoasset-related derivatives transaction, etc. prescribed in paragraph (4) of the preceding Article; hereinafter the same applies in this Article) conducted by the financial instruments business operator, etc. is to be the beneficiary of the principal;

二　受益者代理人を選任し、当該受益者代理人のうち少なくとも一の者は、弁護士、弁護士法人、公認会計士、監査法人、税理士、税理士法人又は金融庁長官の指定する者（以下この項において「弁護士等」という。）をもって充てられるものであること。

(ii) beneficiary agents are to be appointed and at least one of those beneficiary agents is to be appointed from an attorney-at-law, legal professional corporation, certified public accountant, audit corporation, tax accountant, tax accountant corporation, or a person designated by the Commissioner of the Financial Services Agency (hereinafter referred to as "attorney-at-law, etc." in this paragraph);

三　複数の顧客区分管理信託を行う場合にあっては、当該複数の顧客区分管理信託について同一の受益者代理人を選任するものであること。

(iii) in creating multiple segregated customer management trusts, the same

beneficiary agent is to be appointed for those multiple segregated customer management trusts;

四　金融商品取引業者等が次に掲げる要件に該当することとなった場合には、弁護士等である受益者代理人のみがその権限を行使するものであること（当該受益者代理人が、他の受益者代理人が権限を行使することを認める場合を除く。）。

(iv) if a financial instruments business operator, etc. comes to meet any of the following requirements, only a beneficiary agent that is an attorney-at-law, etc. is to exercise the authority (excluding the case in which the beneficiary agent approves another beneficiary agent to exercise the authority):

イ　法第五十二条第一項若しくは第四項、第五十三条第三項、第五十四条又は第五十七条の六第三項の規定により法第二十九条の登録を取り消されたとき。

(a) when registration referred to in Article 29 of the Act is revoked pursuant to the provisions of Article 52, paragraph (1) or (4), Article 53, paragraph (3), Article 54, or Article 57-6, paragraph (3) of the Act;

ロ　法第五十二条の二第一項若しくは第三項又は第五十四条の規定により法第三十三条の二の登録を取り消されたとき。

(b) when registration referred to in Article 33-2 of the Act is revoked pursuant to the provisions of Article 52-2, paragraph (1) or (3), or Article 54 of the Act;

ハ　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ったとき（外国法人である金融商品取引業者等にあっては、国内において破産手続開始、再生手続開始、更生手続開始若しくは特別清算開始の申立てを行ったとき、又は本店の所在する国において当該国の法令に基づき同種類の申立てを行ったとき。）。

(c) when a petition for commencement of bankruptcy proceedings, rehabilitation proceedings, reorganization proceedings, or special liquidation proceedings is filed (for a financial instruments business operator, etc. that is a foreign corporation, when they file a petition for commencement of bankruptcy proceedings, rehabilitation proceedings, reorganization proceedings, or special liquidation proceedings in Japan, or file the same kind of petition in a country where the head office is located based on the laws and regulations of that country);

ニ　金融商品取引業等の廃止（外国法人である金融商品取引業者等にあっては、国内に設けた全ての営業所又は事務所における金融商品取引業等の廃止。ニにおいて同じ。）をしたとき、若しくは解散（外国法人である金融商品取引業者等にあっては、国内に設けた営業所又は事務所の清算の開始。ニにおいて同じ。）をしたとき、又は法第五十条の二第六項の規定による金融商品取引業等の廃止若しくは解散の公告をしたとき。

(d) when a financial instruments business operator, etc. discontinues financial instruments business, etc. (for a financial instruments business operator, etc. that is a foreign corporation, when financial instruments

business, etc. at all business offices or offices established in Japan is discontinued; the same applies in sub-item (d)) or dissolves (for a financial instruments business operator, etc. that is a foreign corporation, when liquidation of business offices or offices established in Japan is commenced; the same applies in sub-item (d)), or gives a public notice of discontinuation or dissolution of financial instruments business, etc. under the provisions of Article 50-2, paragraph (6) of the Act;

ホ　法第五十二条第一項の規定による業務の全部又は一部の停止の命令（同項第八号に該当する場合に限る。）を受けたとき。

(e) when a financial instruments business operator is given an order for suspension of all or part of their business under the provisions of Article 52, paragraph (1) of the Act (limited to the case falling under item (viii) of that paragraph);

ヘ　内閣総理大臣が、裁判所に対し、金融機関等の更生手続の特例等に関する法律第三百七十七条第一項の規定による更生手続開始の申立て、同法第四百四十六条第一項の規定による再生手続開始の申立て又は同法第四百九十条第一項の規定による破産手続開始の申立てを行ったとき。

(f) when the Prime Minister files a petition for commencement of reorganization proceedings under the provisions of Article 377, paragraph (1) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions, a petition for commencement of rehabilitation proceedings under the provisions of Article 446, paragraph (1) of that Act, or a petition for commencement of bankruptcy proceedings under the provisions of Article 490, paragraph (1) of that Act, with a court; or

ト　内閣総理大臣が、金融機関等の更生手続の特例等に関する法律第三百七十九条、第四百四十八条又は第四百九十二条の規定による通知その他特別清算に関する通知を受けたとき。

(g) when the Prime Minister receives a notice under the provisions of Article 379, Article 448, or Article 492 of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions or other notices concerning special liquidation proceedings;

五　当該顧客区分管理信託（信託業務を営む金融機関への金銭信託で元本補填の契約のあるものを除く。）に係る信託財産の運用の方法が、第百四十一条の二第一項第五号イ（１）から（７）までに掲げる有価証券及び第六十五条第二号イからハまでに掲げる投資信託の受益証券（次号に規定する顧客区分管理必要額の三分の一に相当する範囲内に限る。）の保有並びに同項第五号ロからホまでに掲げる方法によるものであること。

(v) the method of investing trust property related to the segregated customer management trust (excluding a money trust with a financial institution engaged in trust business which has an agreement on compensation for loss of principal) is to be a method of holding securities set forth in Article 141-2,

paragraph (1), item (v), sub-item (a), 1. through 7. and beneficiary certificates of investment trusts set forth in Article 65, item (ii), sub-items (a) through (c) (limited to within the scope equivalent to one third of the required amount of segregated customer management trust prescribed in the following item) and the methods set forth in item (v), sub-items (b) through (e) of that paragraph;

六　信託財産の元本の評価額が顧客区分管理必要額（個別顧客区分管理金額（金融商品取引業者等が廃止その他の理由により金融商品取引業等を行わないこととなる場合に顧客に返還すべき通貨関連デリバティブ取引等又は暗号資産関連デリバティブ取引等に係る法第四十三条の三第一項に規定する金銭その他の保証金の額を当該顧客ごとに算定した額をいう。第十四号及び次条第一項において同じ。）の合計額をいう。以下この項及び同条第一項において同じ。）に満たない場合には、満たないこととなった日の翌日から起算して二営業日以内に、金融商品取引業者等によりその不足額に相当する金銭が信託財産に追加されるものであること。

(vi) if the appraisal value of the principal of the trust property is less than the required amount of segregated customer management (meaning the sum of the individual amounts of segregated customer management (meaning the amount of the money or other security deposits prescribed in Article 43-3, paragraph (1) of the Act related to currency-related derivatives transaction, etc. or cryptoasset-related derivatives transaction, etc. required to be refunded to customers, calculated for each customer, in the case a financial instruments business operator, etc. comes to no longer conduct financial instruments business, etc. due to discontinuation of business or other reasons; the same applies in item (xiv) and paragraph (1) of the following Article); hereinafter the same applies in this paragraph and paragraph (1) of that Article), the money in an amount equivalent to the shortfall amount is to be added to the trust property by a financial instruments business operator, etc. within two business days counting from the day following the date when the shortfall occurs;

七　金融商品取引業者等が信託財産である有価証券の評価額をその時価により算定するものであること（当該顧客区分管理信託が信託業務を営む金融機関への金銭信託で元本補填の契約のある場合を除く。）。

(vii) a financial instruments business operator, etc. is to calculate the appraisal value of securities that is trust property based on their market value (excluding the segregated customer management trust that is a money trust with a financial institution engaged in trust business which has an agreement on compensation for loss of principal);

八　顧客区分管理信託が信託業務を営む金融機関への金銭信託で元本補填の契約のある場合に、その信託財産の元本の評価額を当該金銭信託の元本額とするものであること。

(viii) if the segregated customer management trust is a money trust with a

financial institution engaged in trust business which has an agreement on compensation for loss of principal, the appraisal value of the principal of the trust property is to be the amount of the principal of that money trust;

九　次に掲げる場合以外の場合には、顧客区分管理信託に係る契約の全部又は一部の解約を行うことができないものであること。

(ix) in cases other than the following cases, all or part of the contract related to the segregated customer management trust may not be terminated:

イ　信託財産の元本の評価額が顧客区分管理必要額を超過する場合において、その超過額の範囲内で顧客区分管理信託に係る契約の全部又は一部の解約を行うとき。

(a) if the appraisal value of the principal of trust property exceeds the required amount of segregated customer management, all or part of the contract related to the segregated customer management trust is to be terminated to the extent of the excess amount; or

ロ　他の顧客区分管理信託に係る信託財産として信託することを目的として顧客区分管理信託に係る契約の全部又は一部の解約を行う場合

(b) if all or part of the contract related to the segregated customer management trust is to be terminated for the purpose of creating a trust as trust property related to another segregated customer management trust;

十　前号イ又はロに掲げる場合に行う顧客区分管理信託に係る契約の全部又は一部の解約に係る信託財産を委託者に帰属させるものであること。

(x) the trust property related to the cancellation of the contract related to the segregated customer management trust made in the case set forth in sub-item (a) or (b) of the preceding item is to be vested in the settlor;

十一　金融商品取引業者等が第四号イからトまでのいずれかに該当することとなった場合には、弁護士等である受益者代理人が特に認める場合を除き、当該金融商品取引業者等が受託者に対して信託財産の運用の指図を行うことができないものであること。

(xi) if a financial instruments business operator etc. comes to fall under any of item (iv), sub-item (a) through (g), the financial instruments business operator, etc. may not give instructions on the investment of trust property, unless otherwise specifically permitted by a beneficiary agent that is an attorney-at-law, etc.;

十二　弁護士等である受益者代理人が必要と判断した場合には、顧客の受益権が当該受益者代理人により全ての顧客について一括して行使されるものであること。

(xii) if a beneficiary agent that is an attorney-at-law, etc. determines it to be necessary, the beneficial interest of customers is to be exercised collectively for all customers by the beneficiary agent;

十三　顧客の受益権が弁護士等である受益者代理人により一括して行使された場合には、当該受益権に係る信託契約を終了することができるものであること。

(xiii) if the beneficial interest of customers has been exercised collectively by a beneficiary agent that is an attorney-at-law, etc., trust agreement related to

the beneficial interest may be terminated;

十四　顧客が受益権を行使する場合にそれぞれの顧客に支払われる金額が、当該受益権の行使の日における元本換価額に、当該日における顧客区分管理必要額に対する当該顧客に係る個別顧客区分管理金額の割合を乗じて得た額（当該額が当該個別顧客区分管理金額を超える場合には、当該個別顧客区分管理金額）とされていること。

(xiv) the amount paid to each customer when customers exercise the beneficial interest is determined to be the amount arrived by multiplying the realized amount of principal on the day of the exercise of the beneficial interest by the ratio of the individual amount of segregated customer management trust related to the customer to the required amount of segregated customer management on that date (if the amount exceeds the individual amount of segregated customer management, the individual amount of segregated customer management); and

十五　顧客が受益権を行使する日における元本換価額が顧客区分管理必要額を超過する場合には、当該超過額は委託者に帰属するものであること。

(xv) if the realized amount of principal on the day when the customer exercises the beneficial interest exceeds the required amount of segregated customer management, the excess amount is to be vested in the settlor.

２　前項第六号の金銭その他の保証金の額には、同号の通貨関連デリバティブ取引等又は暗号資産関連デリバティブ取引等を決済した場合に顧客に生ずることとなる利益の額を含むものとし、当該通貨関連デリバティブ取引等又は暗号資産関連デリバティブ取引等を決済した場合に顧客に生ずることとなる損失の額を控除することができるものとする。

(2) The amount of money and other security deposits referred to in item (vi) of the preceding paragraph is to include the amount of profit that would arise to the customer from settling currency-related derivatives transaction, etc. or cryptoasset-related derivatives transaction, etc. referred to in that item, and the amount of loss that the customer incurs from settling the currency-related derivatives transaction, etc. or the cryptoasset-related derivatives transaction, etc. may be deducted.

３　第一項第六号に規定する個別顧客区分管理金額の算定に当たっては、金融商品取引業者等が顧客との間において一括清算の約定をした基本契約書に基づき通貨関連デリバティブ取引等又は暗号資産関連デリバティブ取引等を行っている場合において、当該算定の時において当該顧客に一括清算事由が生じた場合に当該基本契約書に基づいて行われている特定金融取引について当該一括清算事由が生じた時における評価額で当該顧客の評価損となるもの（当該通貨関連デリバティブ取引等又は暗号資産関連デリバティブ取引等に係るものを除く。）があるときは、当該基本契約書に基づき通貨関連デリバティブ取引等又は暗号資産関連デリバティブ取引等を決済した場合においても顧客の保護に支障を生ずることがないと認められる限りにおいて、当該評価損の額を控除することができる。

(3) In calculating an individual amount of segregated customer management

prescribed in paragraph (1), item (vi), if a financial instruments business operator, etc. is conducting currency-related derivatives transaction, etc. or cryptoasset-related derivatives transaction, etc. based on a written master agreement in which agreement on close-out netting was made with a customer, and if a close-out netting event occurs to the customer at the time of the calculation, and there is an appraisal value at the time the close-out netting event has occurred for a specified financial transaction being conducted based on the master agreement (excluding the value related to the currency-related derivatives transaction, etc. or cryptoasset-related derivatives transaction, etc.), the amount of the appraisal value may be deducted to the extent that is found not to impede the protection of customers even if a currency-related derivatives transaction, etc. or a cryptoasset-related derivatives transaction, etc. is settled based on the master agreement.

４　第一項第十四号及び第十五号の「元本換価額」とは、顧客区分管理信託に係る信託財産（元本部分に限る。）を換価して得られる額（顧客区分管理信託に元本補填がある場合には、元本額）をいう。

(4) The term "realized amount of principal" as used in paragraph (1), items (xiv) and (xv) means the amount that is obtained by realizing the trust property related to a segregated customer management trust (limited to the portion of the principal) (if the segregated customer management trust has compensation for principal losses, the amount of the principal).

（個別顧客区分管理金額等の算定等）

(Calculation of Individual Amount of Segregated Customer Management)

第百四十三条の三　顧客区分管理信託の方法により管理する場合にあっては、金融商品取引業者等は、個別顧客区分管理金額及び顧客区分管理必要額を毎日算定しなければならない。

Article 143-3 (1) If a financial instruments business operator, etc. manages money by the means of a segregated customer management trust, they must calculate the individual amount of segregated customer management and the required amount of segregated customer management every day.

２　第百四十三条第一項第二号ハ及びニに掲げる方法により管理する場合にあっては、金融商品取引業者等は、特定業者等に預託した保証金について、定期的にその金額の確認を行わなければならない。

(2) If a financial instruments business operator, etc. manages money by the means set forth in Article 143, paragraph (1), item (ii), sub-items (c) and (d), they must periodically confirm the amount of the security deposit deposited with the specified business operator, etc.

（有価証券等の区分管理）

(Separate Management of Securities)

第百四十四条　金融商品取引業者等は、法第四十三条の三第一項の規定に基づき保証金又は有価証券を管理する場合において、当該保証金又は有価証券が有価証券等（有価証券その他の金銭以外の財産をいう。以下この条及び次条において同じ。）であるときは、次の各号に掲げる有価証券等の区分に応じ、当該各号に定める方法により、当該有価証券等を自己の固有財産と区分して管理しなければならない。

Article 144 (1) If a financial instruments business operator, etc. manages security deposits or securities pursuant to the provisions of Article 43-3, paragraph (1) of the Act, and the security deposits or securities are securities, etc. (meaning property that are securities or properties other than money; hereinafter the same applies in this Article and the following Article), they must manage the securities, etc. separately from their own properties by the method specified in the following items in accordance with the category of the securities, etc. set forth in each of those items:

一　金融商品取引業者等が自己で保管することにより管理する有価証券等（混合して保管されるものを除く。次号において同じ。）　法第四十三条の三第一項の規定により金融商品取引業者等が自己の固有財産と区分して管理しなければならない有価証券等（以下この条において「顧客有価証券等」という。）の保管場所について自己の固有財産である有価証券等その他の顧客有価証券等以外の有価証券等（以下この項において「固有有価証券等」という。）の保管場所と明確に区分し、かつ、当該顧客有価証券等についてどの顧客の有価証券等であるかが直ちに判別できる状態で保管することにより管理する方法

(i) securities, etc. managed by a financial instruments business operator, etc. by taking custody themselves (excluding those retained by commingled custody; the same applies in the following item): a method of managing securities in which the place of custody of the securities, etc. which a financial instruments business operator, etc. is required to manage separately from their own property pursuant to the provisions of Article 43-3, paragraph (1) of the Act (hereinafter referred to as "customers' securities, etc." in this Article) is clearly distinguished from the place of the custody of their own securities, etc. or the securities, etc. other than the customers' securities, etc. (hereinafter referred to as "their own securities, etc." in this paragraph), and in a manner that is possible to immediately identify to which customer the customers' securities, etc. belong;

二　金融商品取引業者等が第三者をして保管させることにより管理する有価証券等　当該第三者において、顧客有価証券等の保管場所について固有有価証券等の保管場所と明確に区分させ、かつ、当該顧客有価証券等についてどの顧客の有価証券等であるかが直ちに判別できる状態で保管させることにより管理する方法

(ii) securities, etc. managed by a financial instruments business operator, etc. by having a third party take custody: a method of managing securities in which a financial instruments business operator, etc. has the third party make a clear distinction between the place of the custody of the customers'

securities, etc. and the place of the custody of their own securities, etc., and in a manner that is possible to immediately identify to which customer the customers' securities, etc. belongs;

三　金融商品取引業者等が自己で保管することにより管理する有価証券等（混合して保管されるものに限る。次号において同じ。）　顧客有価証券等の保管場所について固有有価証券等の保管場所と明確に区分し、かつ、当該顧客有価証券等に係る各顧客の持分が自己の帳簿により直ちに判別できる状態で保管することにより管理する方法

(iii) securities, etc. managed by a financial instruments business operator, etc. by taking custody themselves (limited to those retained by commingled custody; the same applies in the following item): a method of managing the securities in whcih the place of custody of the customers' securities, etc. is clearly distinguished from the place of custody of their own securities, etc., and in a manner that is possible to immediately identify the share of each customer related to the customers' securities, etc. through their own books;

四　金融商品取引業者等が第三者をして保管させることにより管理する有価証券等　当該第三者における自己の顧客のための口座について自己のための口座と区分する方法その他の方法により顧客有価証券等に係る持分が直ちに判別でき、かつ、当該顧客有価証券等に係る各顧客の持分が自己の帳簿により直ちに判別できる状態で保管させることにより管理する方法（外国の第三者をして保管させる場合において、当該外国の法令上当該第三者をして顧客有価証券等に係る持分と固有有価証券等に係る持分とを区分して保管させることができないとき、その他当該第三者において顧客有価証券等に係る持分が直ちに判別できる状態で保管させることができないことについて特にやむを得ない事由があると認められるときにあっては、当該顧客有価証券等に係る各顧客の持分が自己の帳簿により直ちに判別できる状態で保管させることにより管理する方法）

(iv) securities, etc. managed by a financial instruments business operator, etc. by having a third party take custody: a method of managing securities in which a financial instruments business operator, etc. has the third party take custody by separating their own account from the account for their customers or by other methods that is possible to immediately identify each share of customers related to the customers' securities, etc. through their books (if a financial instruments business operator, etc. has a foreign third party take custody and it is not possible for the third party to take custody of the securities by separating the share related to customers' securities, etc. and the share related to the own securities, etc., or it is found that there are particularly compelling reasons makes it impossible to have the third party take custody in a manner that is possible to immediately identify the shares related to customers' securities, etc., a method of having the third party take custody in a manner that is possible to immediately identify the share of each customer related to the customers' securities, etc. through their own

books);

五　金融商品取引業者等が自己で管理する電子記録移転有価証券表示権利等　次のイ及びロに掲げる方法（金融商品取引業（登録金融機関業務を含む。以下この号及び次号において同じ。）の顧客の利便の確保及び金融商品取引業の円滑な遂行を図るために、その行う金融商品取引業の状況に照らし、ロに掲げる方法以外の方法で管理することが必要な最小限度の電子記録移転有価証券表示権利等にあっては、次のイに掲げる方法）

(v) electronically recorded transferable rights to be indicated on securities, etc. managed by a financial instruments business operator, etc. themselves: the method set forth in the following sub-items (a) and (b) (for the minimum level of electronically recorded transferable rights to be indicated on securities, etc. that are required to be managed by a method other than the method set forth in sub-item (b) in order to secure the convenience of the customers of financial instruments business (including registered financial institution business; hereinafter the same applies in this item and the following item) and accomplish smooth implementation of financial instruments business in light of the situation of financial instruments business that they conduct, the method set forth in the following sub-item (a)):

イ　顧客有価証券等である電子記録移転有価証券表示権利等について、固有有価証券等と明確に区分し、かつ、どの顧客の電子記録移転有価証券表示権利等であるかが直ちに判別できる状態（当該顧客有価証券等である電子記録移転有価証券表示権利等に係る各顧客の持分が自己の帳簿により直ちに判別できる状態を含む。次号イにおいて同じ。）で管理する方法

(a) a method of managing electronically recorded transferable rights to be indicated on securities, etc. that are customers' securities, etc. by clearly separating them from their own securities, etc., and, in a manner that is possible to immediately identify to which customer the electronically recorded transferable rights to be indicated on securities, etc. belong (including a manner in which it is possible to immediately identify the share of each customer related to the electronically recorded transferable rights to be indicated on securities, etc. that are customers' securities, etc. through their own books; the same applies in sub-item (a) of the following item); and

ロ　顧客有価証券等である電子記録移転有価証券表示権利等を表示する財産的価値を移転するために必要な情報を、常時インターネットに接続していない電子機器、電磁的記録媒体その他の記録媒体（文書その他の物を含む。）に記録して管理する方法その他これと同等の技術的安全管理措置を講じて管理する方法

(b) a method of managing the information necessary for transferring the financial value that indicates electronically recorded transferable rights to be indicated on securities, etc. that are customers' securities, etc. by

recording the information on electronic equipment that is not connected to the internet at all times, an electronic or magnetic recording medium, or other recording medium (including a document or any other object), or to manage the information by taking other equivalent technical security control measures;

六　金融商品取引業者等が第三者をして管理させる電子記録移転有価証券表示権利等　次のイ及びロに掲げる方法（金融商品取引業の顧客の利便の確保及び金融商品取引業の円滑な遂行を図るために、その行う金融商品取引業の状況に照らし、ロに掲げる方法以外の方法で管理することが必要な最小限度の電子記録移転有価証券表示権利等にあっては、次のイに掲げる方法）

(vi) electronically recorded transferable rights to be indicated on securities, etc. that a financial instruments business operator, etc. has a third party manage: the method set forth in the following sub-items (a) and (b) (for the minimum level of electronically recorded transferable rights to be indicated on securities, etc. that are required to be managed by a method other than the method set forth in sub-item (b) in oreder to secure the convenience of customers of financial instruments business and achieving smooth implementation of financial instruments business in light of the situation of financial instruments business that they conduct, the method set forth in the following sub-item (a)):

イ　当該第三者において、顧客有価証券等である電子記録移転有価証券表示権利等について、固有有価証券等と明確に区分させ、かつ、どの顧客の電子記録移転有価証券表示権利等であるかが直ちに判別できる状態で管理させる方法

(a) a method of having the third party manage electronically recorded transferable rights to be indicated on securities, etc. that are customers' securities, etc. by clearly separating them from their own securities, etc., and, in a manner that is possible to immediately identify to which customer the electronically recorded transferable rights to be indicated on securities, etc. belongs; and

ロ　顧客有価証券等である電子記録移転有価証券表示権利等の保全に関して、当該金融商品取引業者等が自己で管理する場合と同等の顧客の保護が確保されていると合理的に認められる方法

(b) a method reasonably found that the level of protection of customers is equivalent to the level of management conducted by the financial instruments business operator, etc. themselves concerning the preservation of electronically recorded transferable rights to be indicated on securities, etc. that are customers' securities, etc.;

七　法第二条第二項の規定により有価証券とみなされる権利その他の有価証券等（前各号に掲げるものを除く。）　次のイ又はロに掲げる場合の区分に応じ、当該イ又はロに定める方法

(vii) rights deemed to be securities pursuant to the provisions of Article 2,

paragraph (2) of the Act (excluding those set forth in the preceding items): the method specified in the following sub-item (a) or (b) in accordance with the category of the cases set forth in the sub-item (a) or (b):

イ　当該有価証券等に係る権利を行使する際に必要となる当該権利を証する書類その他の書類がある場合　当該書類を有価証券等とみなして第一号から第四号までに掲げる有価証券等の区分に応じて管理する方法

(a) when there are documents certifying that the rights related to the securities, etc. or other documents, which are necessary upon exercising the rights: managing the documents by deeming them to be securities, etc. and in accordance with the category of the securities set forth in items (i) through (iv); and

ロ　イに掲げる場合以外の場合　第三者をして当該有価証券等に係る権利を顧客有価証券等として明確に管理させ、かつ、その管理の状況が自己の帳簿により直ちに把握できる状態で管理する方法

(b) in the cases other than the case set forth in sub-item (a): having a third party distinctly manage the rights related to the securities, etc. as e customers' securities, etc., and, in a manner that is possible to immediately identify the status of their management through their own books.

２　金融商品取引業者等と顧客とが共有しており、前項の定めるところにより管理することができない有価証券等については、同項の規定にかかわらず、顧客有価証券等に係る各顧客の持分が自己の帳簿により直ちに判別できる状態で管理しなければならない。

(2) Notwithstanding the provisions of the preceding paragraph, the securities, etc. that are co-owned by the financial instruments business operator, etc. and customers and that are not possible to manage in the manner specified by the provisions of that paragraph, the securities must be managed in a manner that is possible to immediately identify the share of each customer related to customers' securities, etc. through their own books.

３　前二項の有価証券等には、契約により金融商品取引業者等が消費できる有価証券等（店頭デリバティブ取引に関し、金融商品取引業者等が占有するもの又は金融商品取引業者等が顧客から預託を受けたものに限る。）を含まないものとする。

(3) The securities, etc. referred to in the preceding two paragraphs are not to include the securities, etc. that the financial instruments business operator, etc. may consume under a contract (limited to securities that a financial instruments business operator, etc. possesses or has accepted as deposits from customers, in relation to over-the-counter derivatives transactions).

（金銭及び金融商品の価額に相当する財産の管理）

(Management of Money and Property Equivalent to the Value of Financial Instruments)

第百四十五条　金融商品取引業者等は、法第四十三条の三第二項に規定する財産につい

ては、第百四十三条及び前条に規定するものを除くほか、当該財産の価額が次に掲げるものの額の合計額を超えないように管理しなければならない。

Article 145 (1) A financial instruments business operator, etc. must manage the property prescribed in Article 43-3, paragraph (2) of the Act by excluding those set forth in Article 143 and the preceding Article, and in a manner that the value of the property does not exceed the sum of the following amounts;

一　金融商品取引業者等が所有する金銭及び有価証券等（デリバティブ取引等（有価証券関連デリバティブ取引等又は商品関連市場デリバティブ取引若しくは商品関連市場デリバティブ取引取次ぎ等に該当するものを除く。以下この項において同じ。）に係るものとして他のものと区分して管理されているものに限る。）

(i) money and securities, etc. owned by a financial instruments business operator, etc. (limited to those that are managed separately from other money and securities, etc. as money or securities related to derivative transactions, etc. (excluding the transactions which fall under the category of the transactions of securities-related derivatives, etc., commodity-related market derivatives transactions or brokerage, etc. for commodity-related market derivatives transactions; hereinafter the same applies in this paragraph));

二　顧客から預託を受けた有価証券等（デリバティブ取引等に係るものとして他のものと区分して管理されているものに限り、前条の規定により管理されているものを除く。）

(ii) securities, etc. deposited by a customer (limited to those managed separately from other securities, etc., as those related to derivative transactions, etc., and excluding those managed pursuant to the provisions of the preceding Article);

三　銀行、協同組織金融機関又は株式会社商工組合中央金庫への預金又は貯金（デリバティブ取引等に係るものとして他のものと区分して管理されているものに限り、第百四十三条の規定により管理されているものを除く。）

(iii) a deposit or savings account at a bank, cooperative financial institution, or the Shoko Chukin Bank Limited (limited to that managed separately from other money as that related to derivative transactions, etc., and excluding that managed pursuant to the provisions of Article 143); or

四　信託業務を営む金融機関への金銭信託で元本補填の契約のあるもの又は信託会社若しくは信託業務を営む金融機関への金銭信託で信託契約により顧客の資産が保全されるもの（デリバティブ取引等に係るものとして他のものと区分して管理されているものに限り、第百四十三条の規定により管理されているものを除く。）

(iv) a money trust created with a financial institution engaged in a trust business, which has an agreement on compensation for loss of principal, or a money trust created with a trust company or a financial institution engaged in a trust business, for which customer's assets are preserved by the trust agreement (limited to those managed separately from other trusts as those

related to derivative transactions, etc., and excluding those managed pursuant to the provisions of Article 143).

２　前項の財産及び同項各号に掲げるものには、第百四十三条第二項に規定する顧客が担保に供した金銭及び前条第三項に規定する契約により金融商品取引業者等が消費できる有価証券等を含まないものとする。

(2) The property referred to in the preceding paragraph and those set forth in the items of that paragraph, are not to include money provided as security by customers as prescribed in Article 143, paragraph (2) and securities, etc. that a financial instruments business operator, etc. may consume under a contract prescribed in paragraph (3) of the preceding Article.

（顧客の有価証券を担保に供する場合等における書面による同意）

(Written Consent When Customer's Securities are Provided as Collateral)

第百四十六条　金融商品取引業者等は、法第四十三条の四第一項に規定する場合には、その都度、顧客から同項の規定による書面による同意を得なければならない。

Article 146 (1) A financial instruments business operator, etc. must obtain a written consent under the provisions of Article 43-4, paragraph (1) of the Act from a customer each time, in the case prescribed in Article 43-4, paragraph (1) of the Act.

２　前項の規定にかかわらず、金融商品取引業者は、第百四十条第一項に規定する場合において、同項各号に掲げる要件のすべてを満たすときは、あらかじめ、顧客から法第四十三条の四第一項の規定による書面による同意（次に掲げる要件の全てを満たすものに限る。）を包括的に得ることができる。

(2) Notwithstanding the provisions of the preceding paragraph, in the case prescribed in Article 140, paragraph (1), a financial instruments business operator, etc. may obtain a comprehensive written consent under the provisions of Article 43-4, paragraph (1) of the Act (limited to a consent that satisfies all of the following requirements) from a customer in advace, if all of the requirements set forth in the items of Article 140, paragraph (1) are satisfied:

一　担保に供する有価証券の範囲が定められていること。

(i) the scope of securities to be provided as collateral has been fixed;

二　当該金融商品取引業者は、前号の有価証券の預託を受けた後、担保に供するまでの間に、当該顧客に対し、この項の規定による書面による同意を得ていることを確認すること。

(ii) the financial instruments business operator, etc. confirms with the customer that they have obtained a written consent under the provisions of this paragraph, during the period after receiving the deposit of the securities referred to in the preceding item until providing them as collateral;

三　当該金融商品取引業者は、前号の規定による確認を受けた有価証券をこの項の規定による書面による同意に基づき担保に供しようとするときは、当該顧客に対し、

担保に供しようとする有価証券の種類、銘柄及び株数若しくは券面の総額を記載した書面を交付し、又は当該書面に記載すべき事項を電磁的方法（第五十六条第一項第一号ニに掲げる方法を除く。）により提供すること。

(iii) if the financial instruments business operator, etc. seeks to provide the securities that has received confirmation under the provisions of the preceding item as collateral based on the written consent obtained under the provisions of this paragraph, they are to deliver a document that states the type, issue, and number of shares or the total amount of the face value, of the securities they seek to provide as collateral, or provide the matters required to be stated in the document by electronic or magnetic means (excluding the means set forth in Article 56, paragraph (1), item (i), (d)), to the customer; and

四　当該顧客は、いつでも、この項の規定による書面による同意を撤回することができること。

(iv) the customer may revoke the written consent under the provisions of this paragraph at any time.

3　法第四十三条の四第一項の規定による書面による同意は、次の各号に掲げる場合の区分に応じ、当該各号に定める書面により行わなければならない。

(3) The written consent under the provisions of Article 43-4, paragraph (1) of the Act must be given using the document specified in the following items in accordance with the category of the cases set forth in each of those items:

一　有価証券を担保に供する場合であって、前項の規定により書面による同意を包括的に得るとき　次に掲げる事項を記載した包括担保同意書

(i) when securities are to be provided as collateral, and a comprehensive written consent is to be obtained pursuant to the provisions of the preceding paragraph: a comprehensive written consent on provision of collateral stating the following matters:

イ　前項の規定による包括的な同意である旨及びその内容

(a) the consent is a comprehensive consent under the provisions of the preceding paragraph, and its content;

ロ　単独で担保に供されるか、又は混同して担保に供されるかの別

(b) distinction of whether the securities are to be independently provided as collateral, or to be provided together with other customers' securities;

ハ　顧客の氏名又は名称及び住所

(c) the name and address of the customer;

ニ　同意の年月日

(d) the date of the consent; and

ホ　有価証券の範囲

(e) the scope of the securities;

二　前号に掲げる場合のほか、有価証券を担保に供するとき　次に掲げる事項を記載した担保同意書

(ii) securities are to provided as collateral in the cases other than those set forth in the preceding item: a written consent on the provision of collateral stating the following matters:

イ　単独で担保に供されるか、又は混同して担保に供されるかの別

(a) distinction of whether the securities are to be independently provided, or to be provided together with other customers' securities;

ロ　顧客の氏名又は名称及び住所

(b) the name and address of the customer;

ハ　同意の年月日

(c) the date of the consent;

ニ　占有し、又は預託を受けるに至った原因

(d) the cause for possessing the securities or receiving deposit of the securities; and

ホ　有価証券の種類、銘柄及び株数又は券面の総額

(e) the types and issue of securities, and the number of shares, or the total amount of their face value.

三　有価証券を他人に貸し付ける場合　前号ロからホまでに掲げる事項を記載した貸付同意書

(iii) when the securities are lended to other persons: a written consent for a loan stating the matters set forth in sub-items (b) through (e) of the preceding item.

4　第一項及び前項（第一号を除く。）の規定は、法第四十三条の四第二項に規定する場合について準用する。この場合において、前項中「有価証券を」とあるのは「商品（寄託された商品に関して発行された証券又は証書を含む。）を」と、同項第二号ホ中「有価証券の種類、銘柄及び株数又は券面の総額」とあるのは「商品の種類及び数量」と読み替えるものとする。

(4) The provisions of paragraph (1) and the preceding paragraph (excluding item (i)) apply mutatis mutandis to the cases prescribed in Article 43-4, paragraph (2) of the Act. In such a case, the term "securities" in the preceding paragraph is deemed to be replaced with "commodities (including instruments or certificates issued for the deposited commodities)"; and the phrase "the types and issue of securities, and the number of shares, or the total amount of their face value" in item (ii), sub-item (e) of that paragraph is deemed to be replaced with "the types and quantity of the commodities".

第四款　電子募集取扱業務に関する特則
Subsection 4 Special Provisions on Electronic Public Offering Services

第百四十六条の二　金融商品取引業者等は、第三項に規定する事項を、電子募集取扱業務の相手方の使用に係る電子計算機の映像面において、当該相手方にとって見やすい箇所に明瞭かつ正確に表示されるようにしなければならない。

Article 146-2 (1) A financial instruments business operator, etc. must ensure that the matters provided for in paragraph (3) are clearly and accurately displayed on the screen of a computer used by the counterparty to the electronic public offering services in an easily visible manner for that counterparty.

２　次項に規定する事項のうち法第三十七条の三第一項第五号に掲げる事項、第八十二条第三号及び第五号に掲げる事項並びに第八十三条第一項第六号（トに係る部分に限る。）に掲げる事項の文字又は数字については、当該事項以外の事項の文字又は数字のうち最も大きなものと著しく異ならない大きさで表示するものとする。

(2) Among the matters prescribed in the following paragraph, the letters or numbers representing the matters set forth in Article 37-3, paragraph (1), item (v) of the Act, the matters set forth in Article 82, items (iii) and (v), and Article 83, paragraph (1), item (vi) (limited to the part related to item (g)) are to be indicated in a size that does not substantially differ from the size of the largest letters or numbers representing matters other than those matters.

３　法第四十三条の五に規定する内閣府令で定める事項は、法第三十七条の三第一項第四号に掲げる事項の概要、同項第五号に掲げる事項、第八十二条第三号及び第五号に掲げる事項並びに第八十三条第一項第三号から第七号までに掲げる事項とする。

(3) The matters specified by Cabinet Office Order as prescribed in Article 43-5 of the Act are the summary of the matters set forth in Article 37-3, paragraph (1), item (iv), the matters set forth in item (v) of that paragraph, the matters set forth in Article 82, items (iii) and (v), and Article 83, paragraph (1), items (iii) through (vii) .

４　法第四十三条の五に規定する内閣府令で定めるものは、金融商品取引業者等の使用に係る電子計算機に備えられたファイルに記録された情報の内容を電気通信回線を通じて電子募集取扱業務の相手方の閲覧に供する方法とする。

(4) The means specified by Cabinet Office Order as prescribed in Article 43-5 of the Act are the means in which the content of information recorded in the files stored on the computer used by a financial instruments business operator, etc. is made available via telecommunications line to the counterparty to electronic public offering services.

第五款　暗号資産関連業務に関する特則
Subsection 5 Special Provisions on Cryptoasset-Related Business

（暗号資産関連行為）

(Cryptoasset-Related Acts)

第百四十六条の三　法第四十三条の六第一項に規定する内閣府令で定める金融商品取引行為は、次に掲げる行為とする。

Article 146-3 (1) The acts of financial instruments transactions specified by Cabinet Office Order as prescribed in Article 43-6, paragraph (1) of the Act are

the following acts:

一　法第二十九条の二第一項第九号に規定するデリバティブ取引についての次に掲げる行為

(i) the following acts for derivatives transactions prescribed in Article 29-2, paragraph (1), item (ix) of the Act:

イ　法第二条第八項第一号から第四号までに掲げる行為

(a) the acts set forth in Article 2, paragraph (8), items (i) through (iv) of the Act; and

ロ　法第二条第八項第十一号、第十二号（ロに係る部分に限る。）又は第十三号に掲げる行為

(b) the acts set forth in Article 2, paragraph (8), item (xi), item (xii) (limited to the part related to sub-section (b)), or item (xiii) of the Act; and

二　暗号資産関連有価証券又は暗号資産関連有価証券若しくは金融指標（暗号資産関連有価証券の価格及び利率等並びにこれらに基づいて算出した数値に限る。）に係るデリバティブ取引についての次に掲げる行為

(ii) the following acts related to derivative transactions for cryptoasset-related securities, or cryptoasset-related securities or financial indexes (limited to the prices and interest rates, etc. of cryptoasset-related securities, and figures calculated based on them):

イ　暗号資産関連有価証券についての法第二条第八項第一号から第四号まで若しくは第七号から第十号までに掲げる行為又は当該デリバティブ取引についての同項第一号から第四号までに掲げる行為

(a) the acts set forth in Article 2, paragraph (8), items (i) through (iv) or items (vii) through (x) of the Act concerning cryptoasset-related securities or the acts set forth in items (i) through (iv) of that paragraph concerning the derivative transaction;

ロ　法第二条第八項第十一号、第十二号（ロに係る部分に限る。）又は第十三号に掲げる行為

(b) the acts set forth in Article 2, paragraph (8), item (xi), item (xii) (limited to the part related to sub-item (b)), or item (xiii) of the Act; and

ハ　暗号資産関連有価証券についての法第二条第八項第十六号若しくは第十七号又は令第一条の十二第二号に掲げる行為

(c) the acts set forth in Article 2, paragraph (8), item (xvi) or (xvii) of the Act or Article 1-12, item (ii) of the Order concerning cryptoasset-related securities.

２　前項第二号の「暗号資産関連有価証券」とは、次に掲げるものをいう。

(2) The term "cryptoasset-related securities" as used in item (ii) of the preceding paragraph means the following things:

一　信託受益権等のうち、当該信託受益権等に係る信託財産を主として暗号資産又は法第二十九条の二第一項第九号に規定するデリバティブ取引に係る権利に対する投資として運用するもの

(i) among beneficial interests, etc. for a trust, trust property related to the beneficial interest, etc. for a trust which is invested mainly in cryptoassets or the rights related to derivative transactions prescribed in Article 29-2, paragraph (1), item (ix) of the Act; and

二　出資対象事業持分のうち、当該出資対象事業持分に係る出資対象事業が主として暗号資産又は法第二十九条の二第一項第九号に規定するデリバティブ取引に係る権利に対する投資を行う事業であるもの

(ii) among equity interests in the business subject to investment, business subject to investment related to the equity interest in the business subject to investment is a business of investing mainly in cryptoassets or the rights related to derivative transactions prescribed in Article 29-2, paragraph (1), item (ix) of the Act.

3　信託受益権等のうち当該信託受益権等に係る信託財産を主として前項各号に掲げるものに対する投資（同項各号に掲げるもの及び暗号資産又は法第二十九条の二第一項第九号に規定するデリバティブ取引に係る権利に対する投資を含む。以下この項において同じ。）として運用するものについては前項第一号に掲げるものと、出資対象事業持分のうち当該出資対象事業持分に係る出資対象事業が主として同項各号に掲げるものに対する投資を行う事業であるものについては同項第二号に掲げるものと、それぞれみなして、同項及びこの項の規定を適用する。

(3) Among beneficial interests, etc. for a trust, for trust property that is invested mainly in the things set forth in the items of the preceding paragraph (including investment in the things set forth in the items of that paragraph and in cryptoassets or the rights related to derivative transactions prescribed in Article 29-2, paragraph (1), item (ix) of the Act; hereinafter the same applies in this paragraph) is deemed to be the trust property set forth in item (i) of the preceding paragraph, and among the equity interests in business subject to investment, for business subject to investment related to the equity interest in business subject to investment which is a business of investing mainly in the things set forth in the items of that paragraph is deemed to be the business subject to investment set forth in item (ii) of that paragraph, and the provisions of the preceding paragraph and this paragraph apply.

（暗号資産の性質に関する説明）

(Explanation on Nature of Cryptoassets)

第百四十六条の四　金融商品取引業者等は、法第四十三条の六第一項の規定に基づき、顧客（金融商品取引業者等（暗号資産に関する金融商品取引行為を業として行う者に限る。）及び暗号資産交換業者等を除く。以下この条において同じ。）を相手方とし、又は顧客のために暗号資産関連行為（同項に規定する暗号資産関連行為をいう。）を行うときは、あらかじめ、当該顧客に対し、書面の交付その他の適切な方法により、暗号資産の性質に関する説明をしなければならない。

Article 146-4 (1) When a financial instruments business operator, etc. conducts a

cryptoasset-related act (meaning the cryptoasset-related act prescribed in Article 43-6, paragraph (1) of the Act) with a customer as the other party or on behalf of a customer (excluding financial instruments business operators, etc. (limited to those conducting acts of financial instruments transactions concerning cryptoassets on a regular basis) and cryptoasset exchange service providers, etc.; hereinafter the same applies in this Article), based on the provisions of Article 43-6, paragraph (1) of the Act, the financial instruments business operator, etc. must provide an explanation on the nature of cryptoassets to the customer by delivering a document or by other appropriate methods, in advance.

２　金融商品取引業者等は、前項に規定する説明をする場合には、次に掲げる事項を説明するものとする。

(2) When providing an explanation prescribed in the provisions of the preceding paragraph, a financial instruments business operator, etc. is to explain the following matters:

一　暗号資産は本邦通貨又は外国通貨ではないこと。

(i) the fact that cryptoassets are not Japanese currency or foreign currency;

二　暗号資産の価値の変動を直接の原因として損失が生ずるおそれがあるときは、その旨及びその理由

(ii) when there is a risk of an accrual of loss directly caused by fluctuations in the value of cryptoassets, that fact and its reason;

三　暗号資産は代価の弁済を受ける者の同意がある場合に限り代価の弁済のために使用することができること。

(iii) the fact that cryptoassets may be used for paying consideration only with the consent of the person who is paid consideration;

四　当該暗号資産関連行為に関する暗号資産の概要及び特性（当該暗号資産が、特定の者によりその価値を保証されていない場合にあっては、その旨又は特定の者によりその価値を保証されている場合にあっては、当該者の氏名、商号若しくは名称及び当該保証の内容を含む。）

(iv) the outline and the characteristics of cryptoassets for the cryptoasset-related act (if the value of the cryptoassets has not been guaranteed by a specific person, that fact, or if the value has been guaranteed by a specific person, the name and trade name of that person and the content of the guarantee); and

五　その他暗号資産の性質に関し顧客の注意を喚起すべき事項

(v) other matters concerning the nature of cryptoassets about which a financial instruments business operator, etc. should alert the customers.

３　金融商品取引業者等は、その営業所又は事務所において、第一項の暗号資産関連行為を行う場合において、同項に規定する説明をするときは、前項各号に掲げる事項を当該顧客の目につきやすいように窓口に掲示してするものとする。

(3) If a financial instruments business operator, etc. conducts the cryptoasset-

related act referred to in paragraph (1) at its business office or office and provides a customer with an explanation prescribed in that paragraph, the financial instruments business operator, etc. is to do so by posting the matters set forth in the items of the preceding paragraph at the service counter in a manner easily seen by the customer.

（誤認させるような表示をしてはならない事項）
(Matters for which Misleading Representations are Prohibited)

第百四十六条の五　法第四十三条の六第二項に規定する内閣府令で定める事項は、第七十八条第五号から第七号まで及び第十三号ロからホまでに掲げる事項とする。

Article 146-5 The matters specified by Cabinet Office Order as prescribed in Article 43-6, paragraph (2) of the Act are the matters set forth in Article 78, items (v) through (vii) and item (xiii), sub-items (b) through (e).

第六款　弊害防止措置等
Subsection 6 Preventive Measures against Adverse Effects

（二以上の種別の業務を行う場合の禁止行為）
(Prohibited Acts When Conducting Two or More Types of Businesses)

第百四十七条　法第四十四条第三号に規定する内閣府令で定める行為は、次に掲げる行為とする。

Article 147 The acts specified by Cabinet Office Order as prescribed in Article 44, item (iii) of the Act are as follows:

一　投資助言業務に係る助言に基づいて顧客が行った有価証券の売買その他の取引等又は投資運用業に関して運用財産の運用として行った有価証券の売買その他の取引等を結了させ、又は反対売買を行わせるため、その旨を説明することなく当該顧客以外の顧客又は当該運用財産の権利者以外の顧客に対して有価証券の売買その他の取引等を勧誘する行為

(i) in order to complete purchase and sale or other transactions of securities conducted by a customer based on advice related to an investment advisory business, or purchase and sale or other transactions of securities conducted as investment of investment property concerning an investment management business, or conduct a reversing trade, an act of soliciting a customer other than the customer, or a customer other than the right holder of the investment property to purchase and sell securities or conduct other transactions of securities, without explaining the reasons for this;

二　投資助言業務又は投資運用業に関して、非公開情報（有価証券の発行者又は投資助言業務及び投資運用業以外の業務に係る顧客に関するものに限る。）に基づいて、顧客の利益を図ることを目的とした助言を行い、又は権利者の利益を図ることを目的とした運用を行うこと（当該非公開情報に係る有価証券の発行者又は顧客（以下「発行者等」という。）の同意を得て行うものを除く。）。

(ii) an act of giving advice for the benefit of customers or of making an investment for the benefit of right holders, concerning investment advisory business or investment management business, based on undisclosed information (limited to information on the issuers of securities or on customers of businesses other than investment advisory business or investment management business) (excluding acts to be conducted with the consent of the issuer of securities or customers related to the undisclosed information (hereinafter referred to as the "issuer, etc.));

三　有価証券の引受けに係る主幹事会社（元引受契約の締結に際し、当該元引受契約に係る有価証券の発行者又は所有者と当該元引受契約の内容を確定させるための協議を行う者（以下この号において「引受幹事会社」という。）であって、当該有価証券の発行価額若しくは当該有価証券の売出し若しくは特定投資家向け売付け勧誘等の価額の総額（当該元引受契約が令第十五条第三号に掲げる契約である場合にあっては、同号に規定する新株予約権の行使に際して払い込むべき金額の合計額を含む。）のうちその引受けに係る部分の金額（以下この号において「引受額」という。）が他の引受幹事会社の引受額より少なくないもの又はその受領する手数料、報酬その他の対価が他の引受幹事会社が受領するものより少なくないものをいう。以下この款において同じ。）である場合において、当該有価証券の募集若しくは売出し又は特定投資家向け取得勧誘若しくは特定投資家向け売付け勧誘等の条件に影響を及ぼすために、その行う投資助言業務に関して実勢を反映しない作為的な相場を形成することを目的とした助言を行い、又はその行う投資運用業に関して実勢を反映しない作為的な相場を形成することを目的とした運用を行うこと。

(iii) if a financial instruments business operator, etc. is the lead managing underwriter related to underwriting of securities (meaning a person that, in concluding a wholesale underwriting contract, conducts deliberations with the issuer or holder of the securities related to the wholesale underwriting contract in order to finalize the content of the wholesale underwriting contract (hereinafter referred to as the "managing underwriter" in this item), among the total amount of the issue price of the securities or the price of secondary distribution of the securities or solicitation for selling, etc. only for professional investors (if the wholesale underwriting contract is a contract set forth in Article 15, item (iii) of the Order, including the sum of the amount required to be paid when exercising the share option prescribed in that item), the amount of the part related to the underwriting (hereinafter referred to as the "underwriting amount" in this item) is not smaller than that of another managing underwriter, or the fees, remuneration, or any other consideration to be received by the managing underwriter is not less than that to be received by the other managing underwriter; hereinafter the same applies in this Subsection), an act of giving advice for the purpose of creating a manipulative quotation not reflecting the actual market status concerning investment advisory business they conduct, or making an

investment for the purpose of creating a manipulative quotation not reflecting the actual market status concerning investment management business they conduct, in order to influence the conditions of public offering or secondary distribution of those securities or the conditions of solicitation for acquisition only for professional investors or the solicitation for selling, etc. only for professional investors;

四　有価証券の引受け等を行っている場合において、当該有価証券の取得又は買付けの申込み（法第二条第六項第三号に掲げるものを行っている場合にあっては、同号に規定する新株予約権を取得した者による当該新株予約権の行使）の額が当該金融商品取引業者等が予定していた額に達しないと見込まれる状況の下で、その行う投資助言業務に関して当該有価証券（同号に掲げるものを行っている場合にあっては、当該新株予約権の行使により取得される有価証券。以下この号において同じ。）を取得し、若しくは買い付けることを内容とした助言を行い、又はその行う投資運用業に関して当該有価証券を取得し、若しくは買い付けることを内容とした運用を行うこと。

(iv) if a financial instruments business operator, etc. conducts the underwriting of securities, etc., and the application amount for the acquisition or purchase of the securities (if conducting the act set forth in Article 2, paragraph (6), item (iii) of the Act, the exercise of the share options by the person that has acquired the share options prescribed in that item) is expected to be less than the amount prearranged by the financial instruments business operator, etc., to give advice on the acquisition or purchase of the securities for the investment advisory business they are conducting (if they are performing an act set forth in Article 2, paragraph (6), item (iii), securities acquired by the exercise of the share options; hereinafter the same applies in this item), or to make investments for the acquisition or purchase of the securities for the investment management business they are conducting.

（金融商品取引業者における信用の供与を条件とした有価証券の売買の受託等の禁止の例外）

(Exception to Prohibition on Financial Instruments Business Operators to Become Entrusted with Purchase and Sale of Securities on Condition of Granting Credit)

第百四十八条　法第四十四条の二第一項第一号に規定する内閣府令で定めるものは、信用の供与をすることを条件として有価証券の売買の受託等をする行為のうち、次に掲げる要件の全てを満たすものとする。

Article 148 The act specified by Cabinet Office Order as prescribed in Article 44-2, paragraph (1), item (i) of the Act is the act of becoming entrusted, etc. with the purchase and sale of securities on the condition that credit is granted to the customer, which satisfies all of the following requirements:

一　証票等（証票その他の物又は番号、記号その他の符号をいう。次条第一号イ、第

百四十九条の二第一号イ、第百五十条第一号イ及び第二百七十四条第一号において同じ。）を提示し、又は通知した個人から有価証券の売買の受託等をする行為であって、当該個人が当該有価証券の対価に相当する額を二月未満の期間内に一括して支払い、当該額が金融商品取引業者（有価証券等管理業務を行う者に限る。第三号において同じ。）に交付されること。

(i) an act of becoming entrusted, etc. with purchase and sale of securities from an individual that has presented an identification card, etc. (meaning an identification card or other objects, or symbols such as numbers and marks; the same applies in Article 149, item (i), sub-item (a), Article 149-2, item (i), sub-item (a), Article 150, item (i), sub-item (a), and Article 274, item (i)), has notified the content of the identification card, etc., in which the individual makes a lump-sum payment of the amount equivalent to the consideration for the securities within a period that is less than two months and the amount of payment is delivered to the financial instruments business operator (limited to a person that conducts securities, etc. management business; the same applies in item (iii));

二　同一人に対する信用の供与が十万円を超えることとならないこと。

(ii) the credit to be granted to the same person is not to exceed 100,000 yen;

三　当該有価証券の売買が累積投資契約（金融商品取引業者が顧客から金銭を預かり、当該金銭を対価としてあらかじめ定めた期日において当該顧客に有価証券を継続的に売り付ける契約であって、次に掲げる要件の全てを満たすものをいう。）によるものであること。

(iii) purchase and sale of the securities is conducted under a cumulative investment contract (meaning a contract in which a financial instruments business operator receives money on deposit from a customer, and continuously sells securities to the customer on dates determined in advance by paying the money as consideration, which satisfies all of the following requirements):

イ　有価証券の買付けの方法として、当該有価証券の種類及び買付けのための預り金の充当方法を定めていること。

(a) the contract provides for the types of the securities and the method for appropriating the money on deposit for the purchase, as a method of purchasing securities;

ロ　預り金の管理の方法として、顧客からの払込金及び顧客が寄託している有価証券の果実並びに償還金の受入れに基づいて発生した金融商品取引業者の預り金を累積投資預り金として他の預り金と区分して経理することを定めていること。

(b) the contract provides that the fruits derived from the money paid or securities deposited by customers, and the money which the financial instruments business operator keeps custody derived from accepting redemption money are to be considered as cumulative investment deposit which is to be managed separately from other money on deposit, as a

method for managing money on deposit;

ハ　他の顧客又は金融商品取引業者と共同で買い付ける場合には、顧客が買い付けた有価証券につき回記号及び番号が特定されたときに、当該顧客が単独で当該有価証券の所有権を有することが確定することを定めていること。

(c) if the securities are purchased jointly with another customer or a financial instruments business operator, the contract provides that when the code and number of the securities purchased by the customer are identified, the fact that the customer has sole ownership of those securities will be established;

ニ　有価証券の管理の方法として、預託を受けた有価証券（金融商品取引業者と顧客が共有しているものに限る。）が他の有価証券と分別して管理されるものであること。

(d) the contract provides that the deposited securities (limited to those co-owned by a financial instruments business operator and a customer) are to be managed separately from other securities, as a method for managing the securities; and

ホ　顧客から申出があったときには解約するものであること。

(e) the contract may be cancelled when requested by a customer.

（金融商品取引業者その他業務に係る禁止行為）

(Prohibited Acts Related to Other Businesses of Financial Instruments Business Operators)

第百四十九条　法第四十四条の二第一項第三号に規定する内閣府令で定める行為は、次に掲げる行為とする。

Article 149 The acts specified by Cabinet Office Order as prescribed in Article 44-2, paragraph (1), item (iii) of the Act are as follows:

一　資金の貸付け若しくは手形の割引を内容とする契約の締結の代理若しくは媒介又は信用の供与（法第百五十六条の二十四第一項に規定する信用取引に付随して行う金銭又は有価証券の貸付けを除く。以下この号において同じ。）を行うことを条件として、金融商品取引契約の締結又はその勧誘を行う行為（第百十七条第一項第三号に掲げる行為によってするもの、前条各号に掲げる要件の全てを満たすもの及び次に掲げる要件の全てを満たすものを除く。）

(i) to conclude a financial instruments transaction contract or solicit for its conclusion (excluding acts that are conducted through the act set forth in Article 117, paragraph (1), item (iii), acts that satisfy all of the requirements set forth in the items of the preceding Article, and acts that satisfy all of the following requirements), on condition of providing agency or intermediary services for concluding a contract that provides for lending of funds or discount of negotiable instruments, or on condition of granting credit (excluding lending of money or securities made incidentally with margin transactions prescribed in Article 156-24, paragraph (1) of the Act;

hereinafter the same applies in this item);

イ　証票等を提示し、又は通知した個人を相手方として金融商品取引契約の締結又はその勧誘を行う行為であって、当該個人が当該金融商品取引契約に基づく債務に相当する額を二月未満の期間内に一括して支払い、当該額が金融商品取引業者（有価証券等管理業務又は特定有価証券等管理行為を行う者に限る。）に交付されること。

(a) the act is to conclude a contract for financial instruments transactions with an individual that has presented an identification card, etc. or has notified the content of the identification card, etc. or solicit for its conclusion, in which the individual makes a lump-sum payment of the amount equivalent to the obligations under the financial instruments transaction contract within a period that is less than two months and the amount of payment is to be delivered to a financial instruments business operator (limited to a person that conducts securities, etc. management business or act of managing specified securities, etc.); or

ロ　同一人に対する信用の供与が十万円を超えることとならないこと。

(b) the credit to be granted to the same person is not to exceed 100,000 yen;

ハ　当該金融商品取引契約の締結又はその勧誘が次に掲げるいずれかの有価証券又は権利を対象とする電子申込型電子募集取扱業務に係るものであること。

(c) the conclusion of the financial instruments transaction contract or its solicitation is related to electronic-based application type electronic public offering services that target any of the following securities or rights:

（１）　法第二条第一項第九号に掲げる有価証券（金融商品取引所に上場されていないものに限り、令第十五条の十の二第一項第一号に掲げるものを除く。）

1. securities set forth in Article 2, paragraph (1), item (ix) of the Act (limited to those that are not listed on a financial instruments exchange, and excluding those set forth in Article 15-10-2, paragraph (1), item (i) of the Order);

（２）　法第二条第二項の規定により有価証券とみなされる同項第五号又は第六号に掲げる権利（法第三条第三号に掲げるもの又は金融商品取引所に上場されていないものに限り、令第十五条の十の二第一項第二号に掲げるものを除く。）

2. rights set forth in Article 2, paragraph (2), item (v) or (vi) of the Act which are deemed to be securities pursuant to the provisions of that paragraph (limited to those set forth in Article 3, item (iii) of the Act or those that are not listed on a financial instruments exchange, and excluding those set forth in Article 15-10-2, paragraph (1), item (ii) of the Order);

二　金融商品取引業に従事する役員又は使用人が、有価証券の発行者である顧客の非公開融資等情報を金融機関代理業務に従事する役員若しくは使用人から受領し、又

は金融機関代理業務に従事する役員若しくは使用人に提供する行為（次に掲げる場合において行うものを除く。）

(ii) an act by an officer or employee engaged in finance instruments business of receiving undisclosed finance, etc. information of the customer that is an issuer of securities from an officer or employee engaged in financial institution agency services (excluding an act conducted in the following cases):

イ　非公開融資等情報の提供につき、事前に顧客の書面による同意を得て提供する場合

(a) if undisclosed finance, etc. information is provided with a prior written consent by the customer;

ロ　金融商品取引業に係る法令を遵守するために、金融機関代理業務に従事する役員又は使用人から非公開融資等情報を受領する必要があると認められる場合

(b) if it is found necessary to receive undisclosed finance, etc. information from an officer or employee engaged in financial institution agency services, in order to comply with laws and regulations related to financial instruments business; or

ハ　非公開融資等情報を金融商品取引業を実施する組織の業務を統括する役員又は使用人に提供する場合

(c) if undisclosed finance, etc. information is provided to an officer or employee supervising the operations of an organization in charge of conducting financial instruments business.

（登録金融機関における信用の供与を条件とした有価証券の売買の受託等の禁止の例外）

(Exemption from Prohibition on Registered Financial Institutions to Become Entrusted with Purchase and Sale of Securities Subject to Granting Credit)

第百四十九条の二　法第四十四条の二第二項第一号に規定する内閣府令で定めるものは、信用の供与をすることを条件として有価証券の売買の受託等をする行為のうち、次に掲げる要件の全てを満たすものとする。

Article 149-2 The act specified by Cabinet Office Order as prescribed in Article 44-2, paragraph (2), item (i) of the Act is the act of becoming entrusted, etc. with purchase and sale of securities on condition that credit is granted to the customer, which satisfies all of the following requirements:

一　次のいずれかに該当すること。

(i) the act falls under either of the following cases:

イ　証票等を提示し、又は通知した個人から有価証券の売買の受託等をする行為であって、当該個人が当該有価証券の対価に相当する額を二月未満の期間内に一括して支払い、当該額が登録金融機関（有価証券等管理業務を行う者に限る。以下この条及び次条第一号イにおいて同じ。）に交付されること。

(a) an act of becoming entrusted, etc. with purchase and sale of securities

from an individual that has presented an identification card or has notified the content of an identification card, etc., in which the individual makes a lump-sum payment of the amount equivalent to the consideration for those securities within a period that is less than two months, and the amount of payment is to be delivered to a registered financial institution (limited to a person that conducts securities, etc. management business; hereinafter the same applies in this Article and Article 150, item (i), (a)); or

ロ　登録金融機関と預金又は貯金の受入れを内容とする契約を締結する個人から有価証券の売買の受託等をする行為であって、当該契約に付随した貸付けを行う契約に基づき当該個人に対し当該有価証券の対価に相当する額の全部又は一部の貸付け（一月以内に返済を受ける貸付けに限る。）を行うものであること。

(b) an act of becoming entrusted, etc. with purchase and sale of securities from an individual that concludes a contract with a registered financial institution providing the acceptance of a bank or postal savings account, in which all or part of the amount equivalent to the consideration for the securities is lent (limited to a loan for which repayment is to be made within one month) to the individual based on a contract on making loans ancillary to that contract;

二　同一人に対する信用の供与が十万円を超えることとならないこと。

(ii) the credit to be granted to the same person is not to exceed 100,000 yen;

三　当該有価証券の売買が累積投資契約（登録金融機関が顧客から金銭を預かり、当該金銭を対価としてあらかじめ定めた期日において当該顧客に有価証券を継続的に売り付ける契約であって、次に掲げる要件の全てを満たすものをいう。）によるものであること。

(iii) purchase and sale of the securities is conducted under a cumulative investment contract (meaning a contract in which a registered financial institution receives money on deposit from a customer and continuously sells securities to that customer on dates determined in advance by paying the money as consideration, which satisfies all of the following requirements):

イ　有価証券の買付けの方法として、当該有価証券の種類及び買付けのための預り金の充当方法を定めていること。

(a) the contract provides for the types of the securities and the method for appropriating the money on deposit for the purchase, as a method of purchasing the securities;

ロ　預り金の管理の方法として、顧客からの払込金及び顧客が寄託している有価証券の果実並びに償還金の受入れに基づいて発生した登録金融機関の預り金を累積投資預り金として他の預り金と区分して経理することを定めていること。

(b) the contract provides that the fruits derived from the money paid or securities deposited by a customer, and the money that a registered financial institution keeps custody accrued from accepting redemption money are considered to be cumulative investment deposit, for which

accounting is managed separately from other money on deposit, as a method of managing money on deposit;

ハ　他の顧客又は登録金融機関と共同で買い付ける場合には、顧客が買い付けた有価証券につき回記号及び番号が特定されたときに、当該顧客が単独で当該有価証券の所有権を有することが確定することを定めていること。

(c) if securities are purchased jointly with another customer or a registered financial institution, the contract provides that when the code and number of securities purchased by the customer are identified, the fact that the customer acquires sole ownership of those securities is to be established;

ニ　有価証券の管理の方法として、預託を受けた有価証券（登録金融機関と顧客が共有しているものに限る。）が他の有価証券と分別して管理されるものであること。

(d) the contract provides that the deposited securities (limited to those co-owned by a registered financial institution and a customer) are to be managed separately from other securities, as a method of managing securities; and

ホ　顧客から申出があったときには解約するものであること。

(e) the contract is to be canceled when requested by a customer.

（登録金融機関その他業務に係る禁止行為）

(Prohibited Acts Related to Other Businesses of Registered Financial Institutions)

第百五十条　法第四十四条の二第二項第三号に規定する内閣府令で定める行為は、次に掲げる行為とする。

Article 150 The acts specified by Cabinet Office Order as prescribed in Article 44-2, paragraph (2), item (iii) of the Act are as follows:

一　資金の貸付け若しくは手形の割引を内容とする契約の締結の代理若しくは媒介又は信用の供与の条件として、金融商品取引契約の締結又はその勧誘を行う行為（第百十七条第一項第三号に掲げる行為によってするもの、前条各号に掲げる要件の全てを満たすもの及び次に掲げる要件の全てを満たすものを除く。）

(i) an act of concluding a financial instruments transaction contract or soliciting for its conclusion (excluding acts that are conducted through the act set forth in Article 117, paragraph (1), item (iii), acts that satisfy all of the requirements set forth in the items of the preceding Article, and acts that satisfy all of the requirements set forth in the following items) on condition of providing agency or intermediary services for the conclusion of a contract for lending funds or for discount of negotiable instruments, or as a condition for granting credit;

イ　証票等を提示し、又は通知した個人を相手方として金融商品取引契約の締結又はその勧誘を行う行為であって、当該個人が当該金融商品取引契約に基づく債務に相当する額を二月未満の期間内に一括して支払い、当該額が登録金融機関に交

付されること。

(a) an act of concluding a financial instruments transaction contract with an individual that has presented an identification card, etc. or has notified the content of an identification card, etc., or soliciting for its conclusion, in which the individual makes a lump-sum payment of the amount equivalent to the obligations under the financial instruments transaction contract within a period that is less than two months, and the amount of payment is to be delivered to a registered financial institution; or

ロ　同一人に対する信用の供与が十万円を超えることとならないこと。

(b) the credit to be granted to the same person is not to exceed 100,000 yen;

ハ　当該金融商品取引契約の締結又はその勧誘が次に掲げるいずれかの有価証券又は権利を対象とする電子申込型電子募集取扱業務に係るものであること。

(c) the conclusion of a financial instruments transaction contract or its solicitation is related to electronic-based application type electronic public offering services that target any of the following securities or rights;

（１）　法第二条第一項第九号に掲げる有価証券（金融商品取引所に上場されていないものに限り、令第十五条の十の二第一項第一号に掲げるものを除く。）

1. the securities set forth in Article 2, paragraph (1), item (ix) of the Act (limited to those that are not listed on a financial instruments exchange, and excluding those set forth in Article 15-10-2, paragraph (1), item (i) of the Order);

（２）　法第二条第二項の規定により有価証券とみなされる同項第五号又は第六号に掲げる権利（法第三条第三号に掲げるもの又は金融商品取引所に上場されていないものに限り、令第十五条の十の二第二項に規定するものを除く。）

2. the rights set forth in Article 2, paragraph (2), item (v) or (vi) of the Act which are deemed to be securities pursuant to the provisions of that paragraph (limited to those set forth in Article 3, item (iii) of the Act or those that are not listed on a financial instruments exchange, and excluding those set forth in Article 15-10-2, paragraph (1), item (ii) of the Order);

二　資金の貸付け若しくは手形の割引を内容とする契約の締結の代理若しくは媒介又は信用の供与を行うことを条件として、金融商品取引契約の締結又はその勧誘を行う行為（第百十七条第一項第三号に掲げる行為によってするもの、前条各号に掲げる要件の全てを満たすもの及び前号イからハまでに掲げる要件の全てを満たすものを除く。）

(ii) an act of concluding a financial instruments transaction contract or soliciting for its conclusion (excluding acts that are conducted through the act set forth in Article 117, paragraph (1), item (iii), acts that satisfy all of the requirements set forth in the items of the preceding Article, and acts that

satisfy all of the requirements set forth in sub-items (a) through (c) of the preceding item), on condition that agency or intermediary services for concluding a contract which provides for loan of funds or for discount of negotiable instruments, or grant of credit;

三　前二号に掲げるもののほか、自己の取引上の優越的な地位を不当に利用して金融商品取引契約の締結又はその勧誘を行う行為

(iii) beyond what is set forth in the preceding two items, an act of concluding a financial instruments transaction contract or soliciting for its conclusion by unjustly taking advantage of one's dominant trading position;

四　次に掲げる場合において、その旨を顧客に説明することなく行う有価証券（当該有価証券の引受人となる委託金融商品取引業者が法第二条第六項第三号に掲げるものを行う場合にあっては、同号に規定する新株予約権の行使により取得される有価証券を含む。以下この号において同じ。）の売買の媒介（当該委託金融商品取引業者が引受人となった日から六月を経過する日までの間に当該有価証券を売却するものに係るものに限る。）又は有価証券の募集若しくは売出しの取扱い若しくは私募の取扱い若しくは特定投資家向け売付け勧誘等の取扱い

(iv) in the following cases, an act of providing intermediary services for purchase and sale of securities (if an entrusting financial instruments business operator that will be an underwriter of the securities is to perform the acts set forth in Article 2, paragraph (6), item (iii) of the Act, including securities to be acquired by the exercise of the share option prescribed in that item; hereinafter the same applies in this item) (limited to a service related to the case in which securities are to be sold in the period between the day when the entrusting financial instruments business operator becomes an underwriter and the day on which six months have passed), handling public offering or secondary distribution of securities, handling private placement of securities, or handling solicitation for selling, etc. only for professional investors, without explaining the circumstances to customers:

イ　自己に対して借入金に係る債務を有する者が当該有価証券を発行する場合であって、当該有価証券に係る手取金が当該債務の弁済に充てられることを知っているとき。

(a) if a person that owes an obligation related to borrowings to the person themselves issues the securities, and the person knows that the proceeds from those securities are to be appropriated for performance of the obligation;

ロ　自己が借入金の主たる借入先である者が当該有価証券を発行する場合（自己が借入先である事実が法第百七十二条の二第三項に規定する発行開示書類又は法第二十七条の三十一第二項若しくは第四項の規定により提供され、若しくは公表された特定証券等情報において記載され、又は記録されている場合に限る。）

(b) if a person whose main lender is the person themselves issues the

securities (limited to the case in which the disclosure documents for offering prescribed in Article 172-2, paragraph (3) of the Act or the specified information on securities, etc. provided or publicized pursuant to the provisions of Article 27-31, paragraph (2) or (4) of the Act states or records the fact that the lender is the person themselves);

五　金融商品仲介業務に従事する役員（役員が法人であるときは、その職務を行うべき社員を含む。以下この号において同じ。）又は使用人が、有価証券の発行者である顧客の非公開融資等情報を融資業務若しくは金融機関代理業務に従事する役員若しくは使用人から受領し、又は融資業務若しくは金融機関代理業務に従事する役員若しくは使用人に提供する行為（次に掲げる場合において行うものを除く。）

(v) an act of an officer (if the officer is a corporation, including members that are to perform the corporation's duties; hereinafter the same applies in this item) or employee engaged in financial instruments intermediary services to receive from an officer or employee engaged in finance business or financial institution agency services undisclosed finance, etc. information of the customer that is the issuer of the securities, or provides the undisclosed finance, etc. information to an officer or employee engaged in finance business or financial institution agency services (excluding an act conducted in the following cases):

イ　非公開融資等情報の提供につき、事前に顧客の書面による同意（第百二十三条第一項第二十四号の顧客の書面による同意を含む。）を得て提供する場合

(a) if undisclosed finance, etc. information is provided with a prior written consent by the customer (including the customer's written consent referred to in Article 123, paragraph (1), item (xxiv));

ロ　登録金融機関業務に係る法令を遵守するために、融資業務又は金融機関代理業務に従事する役員又は使用人から非公開融資等情報を受領する必要があると認められる場合

(b) if it is found necessary to receive undisclosed finance, etc. information from an officer or employee engaged in finance business or financial institution agency services in order to comply with laws and regulations related to a registered financial institution business; or

ハ　非公開融資等情報を金融商品仲介業務を実施する組織の業務を統括する役員又は使用人に提供する場合

(c) if undisclosed finance, etc. information is provided to an officer or employee that supervises the operation of the organ conducting financial instruments intermediary services.

第百五十一条及び第百五十二条　削除

Articles 151 and 152 Deleted

（金融商品取引業者の親法人等又は子法人等が関与する行為の制限）

(Restrictions of Acts Parent Corporations or Subsidiary Corporations of Financial Instruments Business Operators Are Involved In)

第百五十三条　法第四十四条の三第一項第四号に規定する内閣府令で定める行為は、次に掲げる行為とする。

Article 153 (1) The acts specified by Cabinet Office Order as prescribed in Article 44-3, paragraph (1), item (iv) of the Act are as follows:

一　通常の取引の条件と著しく異なる条件で、当該金融商品取引業者の親法人等又は子法人等と資産の売買その他の取引を行うこと。

(i) an act to conduct purchase and sale or other transactions of assets with the parent corporation, etc. or the subsidiary corporation, etc. of the financial instruments business operator under conditions that substantially differ from those for ordinary transactions;

二　当該金融商品取引業者との間で金融商品取引契約を締結することを条件としてその親法人等又は子法人等がその顧客に対して通常の取引の条件よりも有利な条件で資産の売買その他の取引を行っていることを知りながら、当該顧客との間で当該金融商品取引契約を締結すること。

(ii) knowing that the financial instruments business operator's parent corporation, etc. or subsidiary corporation, etc. is conducting purchase and sale or other transactions of assets with a customer under conditions more favorable than those for ordinary transactions, an act of concluding a financial instruments transaction contract with the customer on condition of concluding a financial instruments transaction contract with the financial instruments business operator;

三　当該金融商品取引業者の親法人等又は子法人等に対して借入金に係る債務を有する者が発行する有価証券（第百十七条第一項第三十一号に規定する有価証券をいう。以下この号において同じ。）の引受人となる場合であって、当該有価証券（当該金融商品取引業者が法第二条第六項第三号に掲げるものを行う場合にあっては、同号に規定する新株予約権の行使により取得される有価証券を含む。以下この号において同じ。）に係る手取金が当該債務の弁済に充てられることを知っているときにおける次に掲げる行為

(iii) the following acts in the case the financial instruments business operator is to become an underwriter of the securities (meaning the securities prescribed in Article 117, paragraph (1), item (xxxi); hereinafter the same applies in this item) issued by a person owing an obligation related to borrowings to the parent corporation, etc. or subsidiary corporation, etc. of the financial instruments business operator, and knows that the proceeds from those securities (if the financial instruments business operator performs the acts set forth in Article 2, paragraph (6), item (iii) of the Act, including securities acquired by the exercise of the share option prescribed in that item; hereinafter the same applies in this item) are to be appropriated for the performance of the obligation:

イ　その旨を顧客に説明することなく当該有価証券を売却すること。

(a) to sell the securities to a customer, without explaining the circumstances to the customer;

ロ　その旨を金融商品仲介業務の委託を行う登録金融機関、金融商品仲介業者又は金融サービス仲介業者に説明することなく当該登録金融機関、金融商品仲介業者又は金融サービス仲介業者に次に掲げる行為を行わせること（当該金融商品取引業者が当該有価証券を買い戻すことを約している場合を除く。）。

(b) to have a registered financial institution, financial instruments intermediary service provider, or financial service intermediary which entrusts financial instruments intermediary services conduct any of the following acts, without giving an explanation of that fact to the registered financial institution, financial instruments intermediary service provider, or financial service intermediary (excluding the case in which the financial instruments business operator has promised to repurchase those securities):

（１）　当該有価証券の売買の媒介（当該金融商品取引業者が引受人となった日から六月を経過する日までの間に当該有価証券を売却するものに係るものに限る。）

1. an intermediary service for purchase and sale of the securities (limited to a service in a case the securities are to be sold within the period between the day when the financial instruments business operator becomes the underwriter and the day on which six months have passed from that time); or

（２）　当該有価証券の募集若しくは売出しの取扱い若しくは私募の取扱い又は特定投資家向け売付け勧誘等の取扱い

2. handling of public offering or secondary distribution of the securities, handling private placement of the securities, or handling solicitation for selling, etc. only for professional investors concerning the securities.

四　当該金融商品取引業者の親法人等又は子法人等が発行する有価証券（次に掲げるものを除く。）の引受けに係る主幹事会社となること。

(iv) to become the lead managing underwriter for underwriting securities (excluding the following securities) issued by the parent corporation, etc. or subsidiary corporation, etc. of the financial instruments business operator:

イ　金融商品取引所において六月以上継続して上場されている株券（新設合併又は株式移転により設立された株式会社（当該新設合併により消滅した会社又は当該株式移転をした会社の全てが株式会社であり、かつ、それらの発行していた株券が当該新設合併又は当該株式移転に伴い上場を廃止されるまで金融商品取引所において上場されていたものに限る。）のうちその発行する株券が当該新設合併又は当該株式移転に伴い金融商品取引所において上場されてから継続して上場されており、かつ、上場されている期間が六月に満たないものであって、当該上場されている期間と、当該新設合併又は当該株式移転に伴い上場を廃止された株券が

その上場を廃止されるまで金融商品取引所において継続して上場されていた期間のうち最も短いものとを合算した期間が六月以上であるものを含む。）又は金融商品取引所において六月以上継続して上場されている投資証券（新設合併により設立された投資法人（当該新設合併により消滅した全ての投資法人の発行していた投資証券が当該新設合併に伴い上場を廃止されるまで金融商品取引所において上場されていたものに限る。）のうちその発行する投資証券が当該新設合併に伴い金融商品取引所において上場されてから継続して上場されており、かつ、上場されている期間が六月に満たないものであって、当該上場されている期間と、当該新設合併に伴い上場を廃止された投資証券がその上場を廃止されるまで金融商品取引所において継続して上場されていた期間のうち最も短いものとを合算した期間が六月以上であるものを含む。）であって、次に掲げる要件のいずれかを満たすもの

(a) share certificates that have been continuously listed on a financial instruments exchange for a period of six months or more (among stock companies that have been incorporated through a consolidation-type merger or share transfer (limited to the case in which all of the companies extinguished through the consolidation-type merger or that made the share transfer are stock companies, and, the share certificates issued by those companies had been listed in the financial instruments exchange before they were delisted due to the consolidation-type merger or share transfer) those for which the share certificates issued by them have been continuously listed on a financial instruments exchange since they were listed due to the consolidation-type merger or share transfer, and, the listed period is less than six months and the total of the listed period and the shortest period for which the share certificates delisted due to the consolidation-type merger or share transfer had been continuously listed on a financial instruments exchange until they were delisted is six months or more), or investment securities that have been continuously listed on a financial instruments exchange for a period of six months or more (among the investment corporations incorporated through consolidation-type merger (limited to the case in which the investment securities issued by all of the investment corporations extinguished through the consolidation-type merger had been listed in a financial instruments exchange before they were delisted due to the consolidation-type merger) those for which the investment securities issued by them have been continuously listed on a financial instruments exchange since they were listed due to the consolidation-type merger, and, the listed period is less than six months, and the total of the listed period and the shortest of the periods for which the investment securities delisted due to the consolidation-type merger had been continuously listed on a financial instruments exchange until they were delisted is six months or more), which satisfy any of the following

requirements:

（１）　上場日（金融商品取引所に上場されている株券又は投資証券に該当することとなった日をいう。（２）及び（３）において同じ。）が発行日（当該有価証券の引受けに係る有価証券が発行される日をいう。（２）及び（３）並びにハ（３）において同じ。）の三年六月前の日以前の日である場合において、当該親法人等又は子法人等の発行済株券又は発行済投資証券について、当該発行日前六月のいずれかの日（以下イ及びハにおいて「算定基準日」という。）以前三年間の取引所金融商品市場における売買金額（（２）及び（３）において単に「売買金額」という。）の合計を三で除して得た額が百億円以上であり、かつ、当該算定基準日、当該算定基準日の属する年（以下（１）及び（２）において「算定基準年」という。）の前年の応当日及び当該算定基準年の前々年の応当日における時価総額（取引所金融商品市場における時価総額をいう。（２）及び（３）において同じ。）の合計を三で除した額が百億円以上であること。

1. when the listing date (meaning the day when share certificates has come to fall under share certificates or investment securities listed on a financial instruments exchange; the same applies in 2. and 3.) is on the day or before the day three years and six months before the issue date (meaning the day when the securities related to the underwriting of the securities are issued; the same applies in 2., 3., and (c), 3.), and for the issued share certificates or issued investment securities of the parent corporation, etc. or the subsidiary corporation, etc., the amount arrived at by dividing the sum of the purchase and sale amount in a financial instruments exchange market (simply referred to as "purchase and sale amount" in 2. and 3.) for three years before any of the day that is six months before the issue date (referred to as "calculation base date" in the following sub-items (a) and (c)) by three is ten billion yen or more, and, the amount arrived at by dividing the total market capitalization (meaning the total market value in a financial instruments exchange market; hereinafter the same applies in 1. and 2.) on the calculation base date, the corresponding day to the calculation base date in the year before the year that includes the calculation base date (referred to as the "calculation base year" in 2. and 3.), and the day corresponding to the calculation base date in the year two years before the calculation base year by three is ten billion yen or more;

（２）　上場日が発行日の三年六月前の日後の日であって二年六月前の日以前の日である場合において、当該親法人等又は子法人等の発行済株券又は発行済投資証券について、算定基準日以前二年間の売買金額の合計を二で除して得た額が百億円以上であり、かつ、当該算定基準日及び算定基準年の前年の応当日における時価総額の合計を二で除した額が百億円以上であること。

2. when the listing date is on a day after the day three years and six months before the issue date and a day that is on or before the day two years and six months before that date, the amount arrived at by dividing the sum of the purchase and sale amoint of the issued share certificates or issued investment securities of the parent corporation, etc. or the subsidiary corporation, etc. for the two years before the calculation base date by two is ten billion yen or more, and, the amount arrived at by dividing the total market capitalization on the calculation base date and the corresponding day to the calculation base date in the year before the calculation base year by two is ten billion yen or more; or

（３）　上場日が発行日の二年六月前の日後の日である場合において、当該親法人等又は子法人等の発行済株券又は発行済投資証券について、算定基準日以前一年間の売買金額が百億円以上であり、かつ、当該算定基準日における時価総額が百億円以上であること。

3. when the listing date is on a day after the day two years and six months before the issue date, the purchase and sale amount of the issued share certificates or issued investment securities of the parent corporation, etc. or the subsidiary corporation, etc. for one year before the calculation base date is ten billion yen or more, and, the market capitalization on the calculation base date is ten billion yen or more;

ロ　新株予約権証券又は新投資口予約権証券であって、新株予約権又は新投資口予約権の行使により取得され、又は引き受けられることとなる株券又は投資証券がイに該当するもの

(b) securities that are share option certificates or investment equity subscription rights certificates, and share certificates or investment equity subscription rights certificates that are acquired or underwritten by the exercise of the share option or investment equity subscription rights fall under sub-item (a);

ハ　新株予約権付社債券（新株予約権の行使により取得され、又は引き受けられることとなる株券がイに該当するものに限る。）若しくは社債券（新株予約権付社債券を除く。以下ハにおいて同じ。）又は投資法人債券であって、その発行者が次に掲げる要件の全てを満たすもの

(c) securities that are corporate bond certificates with share options (limited to those for which the share certificates to be acquired or underwritten by the exercise of share options fall under sub-item (a)) or corporate bond certificates (excluding corporate bond certificates with share options; hereinafter the same applies in the following sub-item (c)), or investment corporation bond certificates, and the issuer satisfies all of the following requirements:

（１）　当該発行者が本邦においてその募集又は売出しに係る有価証券届出書又

は発行登録追補書類（法第二十三条の八第一項に規定する発行登録追補書類をいう。（２）及び（３）において同じ。）を提出することにより発行し、又は交付された社債券又は投資法人債券（金融商品取引所において六月以上継続して上場されていたもの又は認可金融商品取引業協会によって六月以上継続的に売買の価格若しくは気配相場の価格が公表されていたものに限る。（２）及び（３）において同じ。）について、算定基準日以前一年間の取引所金融商品市場における売買高の総額が百億円以上であること又は認可金融商品取引業協会によって算定基準日以前一年間の売買高の総額が百億円以上であることが公表されていること。

1. for corporate bond certificates or investment corporation bond certificates that the issuer issued or delivered by submitting security registration statements or shelf registration supplements (meaning the shelf registration supplements prescribed in Article 23-8, paragraph (1) of the Act; the same applies in 2. and 3.) related to public offering or secondary distributions in Japan (limited to corporate bond certificates or investment corporation bond certificates that has been continuously listed on a financial instruments exchange for six months or more or those for which the purchase and sale price or the quotation price has been continuously disclosed by an authorized financial instruments firms association for six months or more; the same applies in 2. and 3.), the total amount of the trading volume at a financial instruments exchange market for one year before the calculation base date is 10 billion yen or more, or an authorized financial instruments firms association has disclosed the fact that the total amount of the trading volume for one year before the calculation base date is 10 billion yen or more;

（２）　当該発行者が本邦においてその募集又は売出しに係る有価証券届出書又は発行登録追補書類を提出することにより発行し、又は交付された社債券若しくは投資法人債券の算定基準日における券面総額又は振替社債（社債、株式等の振替に関する法律第六十六条に規定する振替社債をいう。（３）において同じ。）若しくは振替投資法人債（同法第百十六条に規定する振替投資法人債をいう。（３）において同じ。）の総額が二百五十億円以上であること。

2. the total face value on the calculation base date of corporate bond certificates or investment corporation bonds issued or delivered by the issuer by submitting securities registration statements or shelf registration supplements related to public offering or secondary distribution in Japan or the total amount of book-entry transfer corporate bonds (meaning the book-entry transfer corporate bonds prescribed in Article 66 of the Act on Book-Entry Transfer of Corporate Bonds and Shares; the same applies in 3.) or book-entry transfer

investment corporation bonds (meaning the book-entry transfer investment corporation bonds prescribed in Article 116 of that Act; the same applies in 3.) is 25 billion yen or more; and

（３）　当該発行者が本邦において発行日以前五年間にその募集又は売出しに係る有価証券届出書又は発行登録追補書類を提出することにより発行し、又は交付された社債券若しくは投資法人債券の券面総額又は振替社債若しくは振替投資法人債の総額が百億円以上であること。

3. the total face value of corporate bond certificates or investment corporation bond certificates issued or delivered by the issuer by submitting securities registration statements or shelf registration supplements related to public offering or secondary distribution for five years before the issue date, or the total amount of book-entry transfer corporation bonds or book-entry transfer investment corporation bonds is 10 billion yen or more;

ニ　株券等（株券、新株予約権証券、社債券、投資証券、新投資口予約権証券又は投資法人債券をいう。）であって、次に掲げる要件の全てを満たす金融商品取引業者が引受幹事会社（第百四十七条第三号に規定する引受幹事会社をいう。）としてその引受けに係る発行価格（新株予約権証券にあっては新株予約権の行使に際して払い込むべき金額及び新株予約権の行使により株券を発行する場合における当該株券の発行価格を、新投資口予約権証券にあっては新投資口予約権の行使に際して払い込むべき金額及び新投資口予約権の行使により投資証券を発行する場合における当該投資証券の発行価格を、新株予約権付社債券にあっては利率、新株予約権の発行価格、新株予約権の行使に際して払い込むべき金額及び新株予約権の行使により株券を発行する場合における当該株券の発行価格を、社債券（新株予約権付社債券を除く。）にあっては利率を含む。）又は投資法人債券の決定に適切に関与しているもの（イからハまでに該当するものを除く。）

(d) share certificates, etc. (meaning share certificates, share option certificates, corporate bond certificates, investment securities, certificates of investment equity subscription rights, or investment corporation bond certificates) for which a financial instruments business operator that satisfies all of the following requirements is appropriately involved in the decision of the issue price (including the amount to be paid upon exercising share options and the issue price of the share certificates when issuing share certificates by exercising share options, for share certificates; the amount to be paid upon exercising investment equity subscription rights and the issue price of the investment securities when issuing investment securities by exercising the investment equity subscription rights, for certificates of investment equity subscription rights; the interest rate, the issue price of share options, the amount to be paid upon exercising share options, and the issue price of the share certificates when issuing share certificates by exercising share options, for corporate bond certificates with

share options; the interest rate for bonds (excluding corporate bond certificates with share options)) or investment corporation bond certificates related to the underwriting as a managing underwriter (meaning a managing underwriter prescribed in Article 147, item (iii)) (excluding those that fall under sub-items (a) through (c)):

（１）　法第二十八条第一項第三号イに掲げる行為に係る業務を行うことについて法第二十九条の登録を受けていること。

1. they have obtained the registration referred to in Article 29 of the Act for conducting business related to the acts set forth in Article 28, paragraph (1), item (iii), (a) of the Act;

（２）　有価証券の引受けに係る業務に関する十分な経験を有すること。

2. they have sufficient experience concerning business related to the underwriting of securities;

（３）　主幹事会社又は当該株券等の発行者（以下ニにおいて「主幹事会社等」という。）の親法人等又は子法人等でないこと。

3. they are not the parent corporation, etc. or the subsidiary corporation, etc. of the lead managing underwriter or the issuer of the share certificates, etc. (hereinafter referred to as the "lead managing underwriter, etc." in sub-item (d));

（４）　主幹事会社等又はその親法人等若しくは子法人等の総株主等の議決権の百分の五以上の数の対象議決権（法第二十九条の四第二項に規定する対象議決権をいい、同条第五項の規定により保有しているものとみなされるものを含む。（５）において同じ。）を保有していないこと。

4. they do not hold five percent or more of subject voting rights held by all the shareholders, etc. in the lead managing underwriter, etc., or its parent corporation, etc. or subsidiary corporation, etc. (meaning subject voting rights prescribed in Article 29-4, paragraph (2) of the Act and including those which are deemed to be held pursuant to the provisions of paragraph (5) of that Article; the same applies in 5.);

（５）　その総株主等の議決権の百分の五以上の数の対象議決権を主幹事会社等又はその親法人等若しくは子法人等が保有していないこと。

5. the lead managing underwriter, etc., or its parent corporation, etc. or subsidiary corporation, etc. does not hold five percent or more of voting rights held by all of its shareholders, etc.;

（６）　次に掲げる者が、主幹事会社等の取締役及び執行役（理事、監事その他これらに準ずる者を含む。以下（６）及び（７）において同じ。）並びにその代表権を有する取締役及び執行役の過半数を占めていないこと。

6. the following persons do not account for a majority of directors and executive officers of the lead managing underwriter, etc. (including board members, auditors and other persons equivalent to them; the same applies in 6. and 7.), and directors and executive officers with the

authority to act as the representative of the lead managing underwriter, etc.:

（ｉ）　その役員（役員が法人であるときは、その職務を行うべき社員を含む。以下（６）において同じ。）及び主要株主

i. its officers (if an officer is a corporation, including members that are to perform the corporation's duties; hereinafter the same applies in 6.) and the main shareholders;

（ｉｉ）　（ｉ）に掲げる者の親族（配偶者並びに二親等内の血族及び姻族に限る。）

ii. relatives of the persons set forth in i. (limited to the spouse, and a relative by blood and by affinity within the second degree of kinship);

（ｉｉｉ）　自己並びに（ｉ）及び（ｉｉ）に掲げる者が、他の会社等（令第十五条の十六第三項に規定する会社等をいう。）の総株主等の議決権の百分の五十を超える議決権を保有している場合における当該他の会社等及びその役員

iii. when the lead managing underwriter themselves or a person set forth in i. and ii. holds voting rights in other companies, etc. (meaning a company, etc. prescribed in Article 15-16, paragraph (3) of the Order) exceeding fifty percent of voting rights held by all shareholders, etc., that other company, etc. and its officers; and

（ｉｖ）　その役員であった者（役員でなくなった日から二年を経過するまでの者に限る。）及び使用人

iv. persons that were formerly its officers (limited to those for whom two years have not passed from the day on which they ceased to be officers) and employees; and

（７）　その取締役及び執行役並びにその代表権を有する取締役及び執行役の過半数を主幹事会社等についての（６）（ｉ）から（ｉｖ）までに掲げる者が占めていないこと。

7. the majority of its directors and executive officers, and directors and executive officers with the authority to act as the representative of the company do not account for the persons set forth in 6., i. through iv. of the lead managing underwriter, etc.;

五　有価証券の引受人となった日から六月を経過する日までの間において、当該金融商品取引業者の親法人等又は子法人等がその顧客に当該有価証券（当該金融商品取引業者が法第二条第六項第三号に掲げるものを行う場合にあっては、同号に規定する新株予約権を行使することにより取得する有価証券。以下この号において同じ。）の買入代金につき貸付けその他信用の供与をしていることを知りながら、当該金融商品取引業者が当該顧客に当該有価証券を売却すること。

(v) in the period between the day when a financial instruments business operator becomes an underwriter of securities and the day on which six months have passed, knowing that their parent corporation, etc. or

subsidiary corporation, etc. has extended a loan or granted other credits to the customer for the purchase price of those securities (if the financial instruments business operator performs the acts set forth in Article 2, paragraph (6), item (iii) of the Act, securities that are acquired by exercising the share options prescribed in that item; hereinafter the same applies in this item), the financial instruments business operator sells those securities to the customer;

六　有価証券（国債証券、地方債証券並びに政府が元本の償還及び利息の支払について保証している社債券その他の債券を除く。）の引受人となった日から六月を経過する日までの間において、当該金融商品取引業者の親法人等又は子法人等に当該有価証券（当該金融商品取引業者が法第二条第六項第三号に掲げるものを行う場合にあっては、同号に規定する新株予約権を行使することにより取得する有価証券。以下この号において同じ。）を売却すること（次に掲げる場合において行うものを除く。）。

(vi) in the period between the day when a financial instruments business operator becomes an underwriter of securities (excluding national government bond securities and municipal bond securities, and corporate bond certificates or other bond certificates for which the government guarantees redemption of principal and interest payments) and the day on which six months have passed, the financial instruments business operator sells those securities (if the financial instruments business operator performs the acts set forth in Article 2, paragraph (6), item (iii) of the Act, securities that are acquired by exercising the share options prescribed in that item; hereinafter the same applies in this item) to their parent corporation, etc. or subsidiary corporation, etc. (excluding selling securities in the following cases):

イ　当該金融商品取引業者の親法人等又は子法人等である信託会社又は信託業務を営む金融機関に運用方法が特定された金銭の信託（当該金銭の信託の委託者が当該金融商品取引業者の親法人等又は子法人等に該当する場合を除く。）に係る信託財産をもって当該有価証券を取得させる場合

(a) to have a trust company that is the financial instruments business operator's parent corporation, etc. or subsidiary corporation, etc. or a financial institution engaged in trust business acquire the securities by using trust property under the money trust for which the investment method is specified (excluding cases in which the settlor of the money trust falls under the financial instruments business operator's parent corporation, etc. or subsidiary corporation, etc.);

ロ　当該金融商品取引業者の親法人等又は子法人等が金融商品取引業又は登録金融機関業務の顧客（当該顧客が当該親法人等又は子法人等に該当する場合を除く。）から当該有価証券の売買に関する注文を受け、当該親法人等又は子法人等がその相手方となって当該売買を成立させるために当該有価証券を取得させる場

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(b) the parent corporation, etc. or subsidiary corporation, etc. of the financial instruments business operator receives an order for purchase and sale of the securities from a customer of financial instruments business or registered financial institution business (excluding the case in which the customer falls under the parent corporation, etc. or subsidiary corporation, etc.), and the financial instruments business operator has the parent corporation, etc. or subsidiary corporation, etc. acquire the securities in order to close the purchase and sale with the parent corporation, etc. or subsidiary corporation, etc. as the counterparty;

ハ　当該有価証券の募集若しくは売出し又は特定投資家向け取得勧誘若しくは特定投資家向け売付け勧誘等に際し、金融商品取引所又は認可金融商品取引業協会の規則で定めるところにより、有価証券の募集若しくは売出し又は特定投資家向け取得勧誘若しくは特定投資家向け売付け勧誘等に際して行う当該有価証券に対する投資者の需要の状況に関する調査を行った場合において、当該調査により当該有価証券に対する投資者の十分な需要が適正に把握され、合理的かつ公正な発行条件が決定されている場合

(c) in conducting public offering or secondary distribution, or solicitation for acquisition only for professional investors or solicitation for selling, etc. only for professional investors, of those securities, if investigation on the situation of investors' demands for the securities is conducted for public offering or secondary distribution, or solicitation for acquisition only for professional investors or solicitation for selling, etc. only for professional investors pursuant to the provisions of the rules of a financial instruments exchange or an authorized financial instruments firms association, and through the results of the investigation, sufficient demand for the securities by investors has been properly grasped and reasonable and fair issuance conditions have been determined;

七　有価証券関連業を行う金融商品取引業者（第一種金融商品取引業を行う者に限る。）が発行者等に関する非公開情報を当該金融商品取引業者の親法人等若しくは子法人等から受領し、又は当該親法人等若しくは子法人等に提供すること（次に掲げる場合において行うものを除く。）。

(vii) a financial instruments business operator that conducts securities-related business (limited to a person that conducts type I financial instruments business) receives undisclosed information on issuers, etc. from the parent corporation, etc. or subsidiary corporation, etc. of the financial instruments business operator, or provides the information to the parent corporation, etc. or subsidiary corporation, etc. (excluding an act conducted in the following cases):

イ　当該金融商品取引業者又はその親法人等若しくは子法人等による非公開情報の提供についてあらかじめ当該発行者等の書面による同意がある場合

(a) if the issuer, etc. has given a prior written consent on the provision of undisclosed information by the financial instruments business operator or their parent corporation, etc. or subsidiary corporation, etc.;

ロ　当該金融商品取引業者の親法人等又は子法人等に金融商品仲介業又は有価証券等仲介業務に係る委託を行う場合であって、第二百八十一条第十二号イからハまで若しくは金融サービス仲介業者等に関する内閣府令（令和三年内閣府令第三十五号）第百十八条第九号イ若しくはロに掲げる情報を受領する場合又は第百二十三条第一項第十八号イからハまでに掲げる情報を提供する場合

(b) in cases of entrusting business related to financial instruments intermediary service or securities, etc. intermediary business operations to the parent corporation, etc. or subsidiary corporation, etc. of the financial instruments business operator, and receiving information set forth in Article 281, item (xii), sub-items (a) through (c) of this Cabinet Office Order or Article 118, item (ix), sub-item (a) or (b) of the Cabinet Office Order on Financial Service Intermediaries (Cabinet Office Order No. 35 of 2021), or providing information set forth in Article 123, paragraph (1), item (xviii), sub-items (a) through (c);

ハ　当該金融商品取引業者の親銀行等又は子銀行等に金融商品仲介業務に係る委託を行う場合であって、第百二十三条第一項第二十四号イ若しくはロに掲げる情報を受領する場合又は同項第十八号イからハまでに掲げる情報を提供する場合

(c) in entrusting business related to financial instruments intermediary services to the parent bank, etc. or subsidiary bank, etc. of the financial instruments business operator, and receiving information set forth in Article 123, paragraph (1), item (xxiv), sub-item (a) or (b), or providing information set forth in item (xviii), sub-items (a) through (c) of that paragraph;

ニ　当該金融商品取引業者の親銀行等若しくは子銀行等である所属金融機関（銀行法第二条第十六項に規定する所属銀行、長期信用銀行法第十六条の五第三項に規定する所属長期信用銀行、信用金庫法第八十五条の二第三項に規定する所属信用金庫、協同組合による金融事業に関する法律第六条の三第三項に規定する所属信用協同組合、労働金庫法第八十九条の三第三項に規定する所属労働金庫、農業協同組合法第九十二条の二第三項に規定する所属組合、水産業協同組合法第百六条第三項に規定する所属組合、農林中央金庫又は金融サービスの提供に関する法律第二十九条において読み替えて準用する銀行法第五十二条の四十五第四号に規定する相手方金融機関をいう。以下同じ。）の委託を受けて金融機関代理業を行う場合であって、次の（１）若しくは（２）に掲げる情報を受領する場合又は次の（３）若しくは（４）に掲げる情報を提供する場合

(d) in conducting financial institution agency services entrusted by a principal financial institution which is the parent bank, etc. or subsidiary bank, etc. of the financial instruments business operator (principal financial institution means the principal bank as defined in Article 2,

paragraph (16) of the Banking Act, the principal long-term credit bank prescribed in Article 16-5, paragraph (3) of the Long-Term Credit Bank Act, the principal Shinkin bank prescribed in Article 85-2, paragraph (3) of the Shinkin Bank Act, the principal credit cooperative prescribed in Article 6-3, paragraph (3) of the Act on Financial Businesses by Cooperatives, the principal labor bank prescribed in Article 89-3, paragraph (3) of the Labor Bank Act, the principal cooperative prescribed in Article 92-2, paragraph (3) of the Agricultural Cooperatives Act, the principal cooperative prescribed in Article 106, paragraph (3) of the Fisheries Cooperatives Act, the Norinchukin Bank, or the counterparty financial institution prescribed in Article 52-45, item (iv) of the Banking Act as applied mutatis mutandis pursuant to Article 29 of the Act on the Provision of Financial Services following the deemed replacement of terms; the same applies hereinafter), and receiving information set forth in 1. or 2. below or providing information set forth in 3. or 4. below:

（１）　当該金融商品取引業者が親銀行等又は子銀行等である所属金融機関の委託を受けて行う金融機関代理業に係る情報

1. information on financial institution agency services conducted by the financial instruments business operator entrusted by the principal financial institution that is their parent bank, etc. or subsidiary bank, etc.;

（２）　当該金融商品取引業者が親銀行等又は子銀行等である所属金融機関の委託を受けて行う金融機関代理業に係る法令を遵守するために受領する必要があると認められる情報

2. information which is found necessary to be received by the financial instruments business operator in order to comply with the laws and regulations related to financial institution agency services conducted based on entrustment from the principal financial institution that is their parent bank, etc. or subsidiary bank, etc.;

（３）　当該金融商品取引業者が親銀行等又は子銀行等である所属金融機関の委託を受けて行う金融機関代理業を行うために所属金融機関に対し提供する必要があると認められる情報

3. information which is found necessary for the financial instruments business operator to provide to the principal financial institution that is their parent bank, etc. or subsidiary bank, etc. in order to conduct financial institution agency services based on entrustment from the principal financial institution;

（４）　当該金融商品取引業者が親銀行等又は子銀行等である所属金融機関の委託を受けて行う金融機関代理業により知り得た情報であって、当該金融商品取引業者が法令を遵守するため、当該所属金融機関に提供する必要があると認められる情報

4. information which has come to the knowledge of the financial instruments business operator in conducting financial institution agency services based on entrustment from the principal financial institution that is their parent bank, etc. or subsidiary bank, etc., and which is found necessary to be provided to the principal financial institution in order for the financial instruments business operator to comply with laws and regulations;

ホ　次の（１）から（５）までに掲げるものを算出するため当該金融商品取引業者がその親銀行等又は子銀行等に顧客への信用の供与等の額を提供する場合

(e) when the financial instruments business operator discloses the amount of extension of credit or making of contributions for their customers to their parent bank, etc. or subsidiary bank, etc., for calculating the amounts set forth in the following 1. through 5.:

（１）　銀行法第十三条第二項（長期信用銀行法第十七条、信用金庫法第八十九条第一項、労働金庫法第九十四条第一項及び協同組合による金融事業に関する法律第六条第一項の規定において準用する場合を含む。）に規定する信用の供与等の額及び合算信用供与等限度額

1. the amount for extension of credit or making of contributions and the consolidated maximum amount of credit and contribution prescribed in Article 13, paragraph (2) of the Banking Act (including as applied mutatis mutandis pursuant to Article 17 of the Long-Term Credit Bank Act, Article 89, paragraph (1) of the Shinkin Bank Act, Article 94, paragraph (1) of the Labor Bank Act, and Article 6, paragraph (1) of the Act on Financial Businesses by Cooperatives);

（２）　保険業法第九十七条の二第三項に規定する資産運用の額及び同項に規定する合算して内閣府令で定めるところにより計算した額

2. the asset investment amount prescribed in Article 97-2, paragraph (3) of the Insurance Business Act, and the total amount calculated pursuant to the provisions of Cabinet Office Order as prescribed in that paragraph;

（３）　農林中央金庫法第五十八条第二項に規定する信用の供与等の額及び合算信用供与等限度額

3. the amount for extension of credit or making of contribution and the consolidated maximum amount of credit and contribution prescribed in Article 58, paragraph (2) of the Norinchukin Bank Act;

（４）　農業協同組合法第十一条の四第二項に規定する信用の供与等の額及び合算信用供与等限度額

4. the amount of extension of credit or making of contributions and the consolidated maximum amount of credit and contribution prescribed in Article 11-4, paragraph (2) of the Agricultural Cooperatives Act;

（５）　水産業協同組合法第十一条の十四第二項に規定する信用の供与等の額及

び合算信用供与等限度額

5. the amount of extension of credit or making of contributions and the consolidated maximum amount of credit and contribution prescribed in Article 11-14, paragraph (2) of the Fisheries Cooperatives Act;

ヘ　法第二十四条の四の二第一項に規定する確認書又は法第二十四条の四の四第一項に規定する内部統制報告書を作成するために必要な情報を受領し、又は提供する場合（当該金融商品取引業者及び当該情報を当該金融商品取引業者に提供し、又は当該金融商品取引業者から受領する親法人等又は子法人等において当該確認書及び内部統制報告書の作成を行う部門から非公開情報が漏えいしない措置が的確に講じられている場合に限る。）

(f) when receiving or providing the necessary information for preparing a confirmation letter prescribed in Article 24-4-2, paragraph (1) of the Act or an internal control report prescribed in Article 24-4-4, paragraph (1) of the Act (limited to cases in which the financial instruments business operator, and their parent corporation, etc. or subsidiary corporation, etc. that provides the information to, or receives the information from the financial instruments business operator, have appropriately taken measures to prevent the leaking of undisclosed information from the department in charge of preparing the confirmation report and internal control report);

ト　電子情報処理組織の保守及び管理を行うために必要な情報を受領し、又は提供する場合（当該金融商品取引業者及び当該情報を当該金融商品取引業者に提供し、又は当該金融商品取引業者から受領する親法人等又は子法人等において電子情報処理組織の保守及び管理を行う部門から非公開情報が漏えいしない措置が的確に講じられている場合に限る。）

(g) when receiving or providing necessary information for maintaining and managing an electronic data processing system (limited to cases in which the financial instruments business operator, and their parent corporation, etc. or subsidiary corporation, etc. that provides the information to the financial instruments business operator or receives the information from the financial instruments business operator, have appropriately taken measures to prevent the leaking of undisclosed information from the department in charge of maintaining and managing the electronic data processing system);

チ　法令等に基づいて非公開情報を受領し、又は提供する場合

(h) when receiving or providing undisclosed information based on laws and regulations, etc.; and

リ　内部の管理及び運営に関する業務の全部又は一部を行うために必要な情報を受領（第三項第七号に掲げる業務の全部又は一部を行うために必要な情報を受領する場合においては、当該金融商品取引業者の子法人等からの受領に限る。）し、又はその特定関係者に提供（同号に掲げる業務の全部又は一部を行うために必要な情報を提供する場合においては、当該金融商品取引者の親法人等への提供に限

る。）する場合（当該金融商品取引業者及び当該情報を当該金融商品取引業者に提供し、又は当該金融商品取引業者から受領する特定関係者において内部の管理及び運営に関する業務を行う部門から非公開情報が漏えいしない措置が的確に講じられている場合に限る。）

(i) when receiving necessary information for conducting all or part of the work on internal management and operation (when receiving necessary information for conducting all or part of the business set forth in paragraph (3), item (vii), limited to the case of receiving information from a subsidiary corporation, etc. of the financial instruments business operator), or providing the information to the person in specified relationship (when providing necessary information for conducting all or part of the business set forth in that item, limited to the case of providing information to the parent corporation, etc. of the financial instruments business operator) (limited to cases in which the financial instruments business operator and the person in specified relationship that provides the information to the financial instruments business operator, or receives the information from the financial instruments business operator have appropriately taken measures to prevent the leaking of undisclosed information from the department in charge of business concerning internal management and operations);

八　有価証券関連業を行う金融商品取引業者（第一種金融商品取引業を行う者に限る。）が、その親法人等又は子法人等から取得した顧客に関する非公開情報（当該親法人等又は子法人等が当該顧客の書面による同意を得ずに提供したものに限る。）を利用して金融商品取引契約の締結を勧誘すること。

(viii) when a financial instruments business operator that conducts securities-related business (limited to a person that conducts type I financial instruments business) solicits the conclusion of a financial instruments transaction contract by utilizing undisclosed information on a customer acquired from their parent corporation, etc. or subsidiary corporation, etc. (limited to information that has been provided by the parent corporation, etc. or subsidiary corporation, etc. without obtaining the customer's written consent);

九　有価証券関連業を行う金融商品取引業者（第一種金融商品取引業を行う者に限る。）が、その親法人等又は子法人等から取得した発行者等に関する非公開情報（第七号ト及びリの場合に取得したものに限る。）を電子情報処理組織の保守及び管理並びに内部の管理及び運営に関する業務を行うため以外の目的で利用すること。

(ix) when a financial instruments business operator that conducts securities-related business (limited to a person that conducts type I financial instruments business) utilizes undisclosed information on issuers, etc. acquired from their parent corporation, etc. or subsidiary corporation, etc. (limited to information acquired in the cases referred to in item (vii), sub-

item (g) and (i)) for purposes other than work on maintenance and management of the electronic data processing system and internal management and operation;

十　有価証券関連業を行う金融商品取引業者（第一種金融商品取引業を行う者に限る。）が、その親銀行等又は子銀行等の取引上の優越的な地位を不当に利用して金融商品取引契約の締結又はその勧誘を行うこと。

(x) when a financial instruments business operator conducting securities-related business (limited to a person that conducts type I financial instruments business) concludes or solicits the conclusion of a financial instruments transaction contract by unjustly taking advantage of the dominant trading position of their parent bank, etc. or subsidiary bank, etc.;

十一　金融商品取引業者が、その親銀行等又は子銀行等と共に顧客を訪問する際に、当該金融商品取引業者がその親銀行等又は子銀行等と別の法人であることの開示をせず、同一の法人であると顧客を誤認させるような行為を行うこと。

(xi) when a financial instruments business operator visits a customer with their parent bank, etc. or subsidiary bank, etc., and the financial instruments business operator fails to disclose the fact that they are a different corporation from the parent bank, etc. or subsidiary bank, etc., and conducts an act that may mislead the customer into believing that it is the same corporation as the parent bank, etc. or subsidiary bank, etc.;

十二　当該金融商品取引業者の親法人等又は子法人等が有価証券の引受けに係る主幹事会社である場合において、当該有価証券の募集若しくは売出し又は特定投資家向け取得勧誘若しくは特定投資家向け売付け勧誘等の条件に影響を及ぼすために、その行う投資助言業務に関して実勢を反映しない作為的な相場を形成することを目的とした助言を行い、又はその行う投資運用業に関して実勢を反映しない作為的な相場を形成することを目的とした取引を行うことを内容とした運用を行うこと。

(xii) when the parent corporation, etc. or subsidiary corporation, etc. of the financial instruments business operator is the lead managing underwriter related to underwriting of securities, to give advice for the purpose of creating a manipulative quotation that does not reflect the actual market status of its investment advisory business, or make an investment for the purpose of creating a manipulative quotation that does not reflect the actual market status of its investment management business, in order to influence the conditions of public offering or secondary distribution of the securities or the conditions of solicitation for acquisition only for professional investors or solicitation for selling, etc. only for professional investors of those securities;

十三　当該金融商品取引業者の親法人等又は子法人等が有価証券の引受け等を行っている場合において、当該親法人等又は子法人等に対する当該有価証券の取得又は買付けの申込み（当該親法人等又は子法人等が法第二条第六項第三号に掲げるものを行っている場合にあっては、同号に規定する新株予約権を取得した者による当該新株予約権の行使）の額が当該親法人等又は子法人等が予定していた額に達しないと

見込まれる状況の下で、当該親法人等又は子法人等の要請を受けて、その行う投資助言業務に関して当該有価証券（当該親法人等又は子法人等が同号に掲げるものを行っている場合にあっては、当該新株予約権の行使により取得される有価証券。以下この号において同じ。）を取得し、若しくは買い付けることを内容とした助言を行い、又はその行う投資運用業に関して当該有価証券を取得し、若しくは買い付けることを内容とした運用を行うこと。

(xiii) when the parent corporation, etc. or subsidiary corporation, etc. of the financial instruments business operator is conducting underwriting of securities, etc. and the amount to be paid to the parent corporation, etc. or subsidiary corporation, etc. for the application of the acquisition or purchase of the securities (if the parent corporation, etc. or subsidiary corporation, etc. is conducting the acts set forth in Article 2, paragraph (6), item (iii) of the Act, the exercise of the share option by the person that has acquired the share option prescribed in that item) is expected to be less than the amount prearranged by the parent corporation, etc. or subsidiary corporation, etc., to give advice on the acquisition or purchase of those securities (if the parent corporation, etc. or subsidiary corporation, etc. is conducting the acts set forth in that item, securities to be acquired by the exercise of the share options; hereinafter the same applies in that item) for its investment advisory business, or to make an investment whose purpose is to acquire or purchase the securities for the investment management business it conducts, upon the request of the parent corporation, etc. or subsidiary corporation, etc.;

十四　当該金融商品取引業者の親法人等又は子法人等が発行する有価証券に係る電子申込型電子募集取扱業務等を行うこと。

(xiv) to conduct electronic-based application type electronic public offering services, etc. related to securities issued by the parent corporation, etc. or subsidiary corporation, etc. of the financial instruments business operator;

十五　何らの名義によってするかを問わず、法第四十四条の三第一項の規定による禁止を免れること。

(xv) to evade the prohibitions under the provisions of Article 44-3, paragraph (1) of the Act, irrespective of the name under which the act to evade the prohibitions is conducted.

２　前項第七号及び第八号の金融商品取引業者又はその親法人等若しくは子法人等が発行者等（法人に限る。以下この項において同じ。）に対して当該発行者等に関する非公開情報の当該親法人等若しくは子法人等又は金融商品取引業者への提供（以下この項において「非公開情報の提供」という。）の停止を求める機会を適切に提供している場合は、当該発行者等が当該停止を求めるまでは、当該非公開情報の提供について当該発行者等の書面による同意があるものとみなす。

(2) If the financial instruments business operator referred to in items (vii) and (viii) of the preceding paragraph, or their parent corporation, etc. or subsidiary

corporation, etc. appropriately offers an opportunity to request the suspension of provision of undisclosed information concerning issuers, etc. to the parent corporation, etc. or subsidiary corporation, etc., or financial instruments business operator of, etc. (hereinafter referred to as "provision of undisclosed information" in this paragraph) to the issuer, etc. (limited to a corporation; hereinafter the same applies in this paragraph), a written consent from the issuer, etc. is deemed to have been given concerning the provision of undisclosed information, until the issuer, etc. requests the suspension.

３　第一項第七号リ及び第九号の「内部の管理及び運営に関する業務」とは、次に掲げる業務をいう。

(3) The term "work on internal management and operation" as used in paragraph (1), item (vii), (i), and item (ix) means the following work:

一　法令遵守管理（業務が法令等（法令（外国の法令を含む。）、法令に基づく行政官庁の処分（外国の法令に基づく同様の処分を含む。）又は金融商品取引業協会、金融商品取引所若しくは商品取引所（商品先物取引法第二条第四項に規定する商品取引所をいう。）の定款その他の規則（外国におけるこれらに相当するものを含む。）をいう。以下この号において同じ。）を遵守したものかどうかを判断すること及び当該法令等を役職員に遵守させることをいう。）に関する業務

(i) work related to compliance management (meaning determining whether business complies with laws and regulations, etc. (laws and regulations (including foreign laws and regulations), dispositions based on laws and regulations by administrative agencies (including similar dispositions under foreing laws and regulations), or articles of incorporation of a financial instruments firms association, financial instruments exchange, or commodity exchange (meaning the commodity exchange as defined in Article 2, paragraph (4) of the Commodity Futures Act) or other rules (including rules in foreign countries which are equivalent to them); hereinafter the same applies in this item), and having officers and employees comply with the laws and regulations, etc.);

二　損失の危険の管理に関する業務

(ii) work concerning management of risk of loss;

三　内部監査及び内部検査に関する業務

(iii) work concerning internal audit and internal inspection;

四　財務に関する業務

(iv) work concerning finance;

五　経理に関する業務

(v) work concerning accounting;

六　税務に関する業務

(vi) work concerning taxation;

七　子法人等の経営管理に関する業務（前各号に掲げるものを除く。）

(vii) work concerning business management of subsidiary corporations, etc.

(excluding those set forth in the preceding items); and

八　有価証券の売買、デリバティブ取引その他の取引に係る決済及びこれに関連する業務

(viii) settlement of accounts concerning purchase and sale of securities, derivative transactions, or other transactions, and work related to them.

４　第一項第七号リの「特定関係者」とは、次に掲げる者をいう。

(4) The term "person in specified relationship" as used in paragraph (1), item (vii), sub-item (i) means any of the following persons:

一　当該金融商品取引業者を子会社（法第二十九条の四第四項に規定する子会社をいう。以下この項において同じ。）とする持株会社

(i) a holding company that has the financial instruments business operator as a subsidiary company (meaning a subsidiary company prescribed in Article 29-4, paragraph (4) of the Act; hereinafter the same applies in this paragraph);

二　持株会社に該当しない当該金融商品取引業者の親法人等であって当該金融商品取引業者の経営管理及びこれに附帯する業務を行う会社（次号から第五号までに掲げる者を除く。）

(ii) a company that is the parent corporation, etc. of the financial instruments business operator that does not fall under a holding company and conducts business management of the financial instruments business operator and work incidental to business management (excluding the persons set forth in the following item through item (v));

三　当該金融商品取引業者の親銀行等又は子銀行等

(iii) the parent bank, etc. or subsidiary bank, etc. of the financial instruments business operator;

四　当該金融商品取引業者の親銀行等又は子銀行等を子会社とする持株会社（第一号に掲げる者を除く。）

(iv) a holding company that has the parent bank, etc. or subsidiary bank, etc. of the financial instruments business operator as a subsidiary company (excluding the person set forth in item (i));

五　当該金融商品取引業者の親法人等又は子法人等である次に掲げる者

(v) the following person that is the parent corporation, etc. or subsidiary corporation, etc. of the financial instruments business operator:

イ　金融商品取引業者

(a) a financial instruments business operator;

ロ　信託会社

(b) a trust company; or

ハ　貸金業法（昭和五十八年法律第三十二号）第二条第二項に規定する貸金業者

(c) a money lender as defined in Article 2, paragraph (2) of the Money Lending Business Act (Act No. 32 of 1983); or

六　その他金融庁長官の指定する者

(vi) other persons designated by the Commissioner of the Financial Services

Agency.

（登録金融機関の親法人等又は子法人等が関与する行為の制限）

(Restrictions on Acts Parent Corporations or Subsidiary Corporations of Registered Financial Institutions Are Involved In)

第百五十四条　法第四十四条の三第二項第四号に規定する内閣府令で定める行為は、次に掲げる行為とする。

Article 154 The acts specified by Cabinet Office Order as prescribed in Article 44-3, paragraph (2), item (iv) of the Act are as follows:

一　当該登録金融機関の親法人等又は子法人等との間で金融商品取引契約を締結することを条件として当該登録金融機関がその顧客に対して通常の取引の条件よりも有利な条件で資産の売買その他の取引を行っていながら、当該顧客との間で金融商品仲介業務を行うこと。

(i) a registered financial institution conducts financial instruments intermediary service with a customer, even though the registered financial institution has conducted purchase and sale or other transactions of assets with the customer under conditions more favorable than those for ordinary transactions, on the condition that the customer concludes a financial instruments transaction contract with the parent corporation, etc. or subsidiary corporation, etc. of the registered financial institution;

二　当該登録金融機関との間で金融商品取引契約を締結することを条件としてその親法人等又は子法人等がその顧客に対して信用の供与又は通常の取引の条件よりも有利な条件で資産の売買その他の取引を行っていることを知りながら、当該顧客との間で当該金融商品取引契約を締結すること。

(ii) an act of concluding a financial instruments transaction contract with a customer, knowing that the registered financial institution's parent corporation, etc. or subsidiary corporation, etc. has granted credit to the customer, or has conducted purchase and sale or other transactions of assets with the customer under conditions more favorable than those for ordinary transactions, on the condition that the customer concludes the financial instruments transaction contract with the registered financial institution;

三　当該登録金融機関の親法人等又は子法人等が有価証券の引受人となった日から六月を経過する日までの間において、顧客に当該有価証券（当該親法人等又は子法人等が法第二条第六項第三号に掲げるものを行う場合にあっては、同号に規定する新株予約権を行使することにより取得する有価証券。以下この号において同じ。）の買入代金の貸付けその他信用の供与をすることを約して、当該顧客に対し当該有価証券に係る金融商品仲介業務を行うこと。

(iii) to conduct financial instruments intermediary services related to the securities for the customer during the period commencing on the day when the parent corporation, etc. or subsidiary corporation, etc. of the registered financial institution has become the underwriter of securities until the day

on which six months have passed, by promising to extend a loan for the purchase price of those securities or otherwise grant credit (if the parent corporation, etc. or subsidiary corporation, etc. is to conduct an act set forth in Article 2, paragraph (6), item (iii) of the Act, securities obtained by exercising the share option prescribed in that item; hereinafter the same applies in this item);

四　当該登録金融機関の金融商品仲介業務に従事する役員（役員が法人であるときは、その職務を行うべき社員を含む。以下この号及び次号において同じ。）又は使用人が、発行者等に関する非公開情報（顧客の有価証券の売買その他の取引等に係る注文の動向その他の特別の情報に限る。）を、当該登録金融機関の親法人等（銀行法第二条第十三項に規定する銀行持株会社、同法第五十二条の二十三第一項第十号に掲げる会社（同号イに掲げる業務を営む会社に限る。）、長期信用銀行法第十六条の四第一項に規定する長期信用銀行持株会社、同項第十号に掲げる会社（同号イに掲げる業務を営む会社に限る。）、保険業法第二条第十六項に規定する保険持株会社及び同法第二百七十一条の二十二第一項第十二号に掲げる会社（同号イに掲げる業務を営む会社に限る。）を除く。以下この号において同じ。）若しくは子法人等（銀行法第十六条の二第一項第十一号に掲げる会社（同号イに掲げる業務を営む会社に限る。）、長期信用銀行法第十三条の二第一項第十一号に掲げる会社（同号イに掲げる業務を営む会社に限る。）、信用金庫法第五十四条の二十三第一項第十号に掲げる会社（同号イに掲げる業務を営む会社に限る。）、労働金庫法第五十八条の五第一項第六号に掲げる会社（同号イに掲げる業務を営む会社に限る。）、協同組合による金融事業に関する法律第四条の四第一項第六号に掲げる会社（同号イに掲げる業務を営む会社に限る。）、保険業法第百六条第一項第十二号に掲げる会社（同号イに掲げる業務を営む会社に限る。）、農林中央金庫法第七十二条第一項第八号に掲げる会社（同号イに掲げる業務を営む会社に限る。）、農業協同組合法第十一条の四十七第一項第五号に掲げる会社（同号イに掲げる業務を営む会社に限る。）及び水産業協同組合法第八十七条の二第一項第五号（同法第百条第一項において準用する場合を含む。）に掲げる会社（同号イに掲げる業務を営む会社に限る。）を除く。以下この号において同じ。）に提供し、又は有価証券（法第三十三条第二項第一号に掲げる有価証券並びに法第二条第一項第十七号に掲げる有価証券であって同項第一号及び第二号の性質を有する有価証券を除く。）の発行者である顧客の非公開融資等情報をその親法人等若しくは子法人等から受領すること（次に掲げる場合において行うものを除く。）。

(iv) the act by an officer (if the officer is a corporation, including members that are to perform the corporation's duties; hereinafter the same applies in this item and the following item) or employee of the registered financial institution that is engaged in a financial instruments intermediary services of providing undisclosed information on the issuer, etc. (limited to information on trend of orders concerning customers' purchase and sale or other transactions of securities and other special information) to the parent corporation, etc. (excluding a bank holding company as defined in Article 2,

paragraph (13) of the Banking Act, a company set forth in Article 52-23, paragraph (1), item (x) of that Act (limited to a company that conducts the business set forth in sub-item (a) of that item), a long-term credit bank holding company prescribed in Article 16-4, paragraph (1) of the Long Term Credit Bank Act, a company set forth in item (x) of that paragraph (limited to a company that conducts the business set forth in sub-item (a) of that item), an insurance holding company as defined in Article 2, paragraph (16) of the Insurance Business Act, and a company set forth in Article 271-22, paragraph (1), item (xii) of that Act (limited to a company that conducts the business set forth in sub-item (a) of that item); hereinafter the same applies in this item) or the subsidiary corporation, etc. (excluding a company set forth in Article 16-2, paragraph (1), item (xi) of the Banking Act (limited to a company that conducts the business set forth in sub-item (a) of that item), a company set forth in Article 13-2, paragraph (1), item (xi) of the Long Term Credit Bank Act (limited to a company that conducts the business set forth in sub-item (a) of that item), a company set forth in Article 54-23, paragraph (1), item (x) of the Shinkin Bank Act (limited to a company that conducts the business set forth in sub-item (a) of that item), a company set forth in Article 58-5, paragraph (1), item (vi) of the Labor Bank Act (limited to a company that conducts the business set forth in sub-item (a) of that item), a company specified in Article 4-4, paragraph (1), item (vi) of the Act on Financial Businesses by Cooperatives (limited to a company that conducts the business set forth in sub-item (a) of that item), a company set forth in Article 106, paragraph (1), item (xii) of the Insurance Business Act (limited to a company that conducts the business set forth in sub-item (a) of that item), a company set forth in Article 72, paragraph (1), item (viii) of the Norinchukin Bank Act (limited to a company that conducts the business set forth in sub-item (a) of that item), a company set forth in Article 11-47, paragraph (1), item (v) of the Agricultural Cooperatives Act (limited to a company that conducts the business set forth in sub-item (a) of that item), and a company specified in Article 87-2, paragraph (1), item (v) of the Fishery Cooperatives Act (including as applied mutatis mutandis pursuant to Article 100, paragraph (1) of that Act) (limited to a company that conducts the business set forth in sub-item (a) of that item); hereinafter the same applies in this item), or to receive undisclosed loan, etc. informationof the customer that is the issuer of securities (excluding the securities set forth in Article 33, paragraph (2), item (i) of the Act and the securities set forth in Article 2, paragraph (1), item (xvii) of the Act, which has the nature referred to in items (i) and (ii) of that paragraph) from its parent corporation, etc. or subsidiary corporation, etc. (excluding the act to be conducted in the following cases):

イ　当該登録金融機関又は当該登録金融機関の親法人等若しくは子法人等による非

公開情報の提供についてあらかじめ当該発行者等の書面による同意がある場合
(a) when the issuer, etc. has given prior written consent to the provision of undisclosed information by the registered financial institution, or by the registered financial institution's parent corporation, etc. or subsidiary corporation, etc.;
ロ　当該登録金融機関の親法人等又は子法人等に金融商品仲介業又は有価証券等仲介業務に係る委託を行う場合であって、第二百八十一条第十二号イからハまで若しくは金融サービス仲介業者等に関する内閣府令第百十八条第九号イ若しくはロに掲げる情報を受領する場合又は第百二十三条第一項第十八号イ若しくはロに掲げる情報を提供する場合
(b) when financial instruments intermediary services or securities, etc. intermediary business operations are entrusted to the parent corporation, etc. or subsidiary corporation, etc. of the registered financial institution, and the registered financial institution receives the information set forth in Article 281, item (xii), sub-items (a) through (c) of this Cabinet Office Order or Article 118, item (ix), sub-item (a) or (b) of the Cabinet Office Order on Financial Service Intermediaries, or provides the information set forth in Article 123, paragraph (1), item (xviii), sub-item (a) or (b);
ハ　当該登録金融機関の親法人等又は子法人等が委託金融商品取引業者である場合であって、第百二十三条第一項第十八号イからハまでに掲げる情報を受領する場合又は同項第二十四号イ若しくはロに掲げる情報を提供する場合
(c) when the parent corporation, etc. or subsidiary corporation, etc. of the registered financial institution is an entrusting financial instruments business operator, and the registered financial institution receives the information set forth in Article 123, paragraph (1), item (xviii), sub-item (a) through (c), or provides the information set forth in item (xxiv), sub-item (a) or (b) of that paragraph;
ニ　当該登録金融機関の親銀行等若しくは子銀行等である所属金融機関の委託を受けて金融機関代理業を行う場合であって、次の（１）若しくは（２）に掲げる情報を受領する場合又は次の（３）若しくは（４）に掲げる情報を提供する場合
(d) when conducting financial institution agency services entrusted by the principal financial institution that is the parent corporation, etc. or subsidiary corporation, etc. of the registered financial institution, and the restered financial institution receives the information set forth in the following 1. or 2., or the provides the information set forth in the following 3. or 4.:
（１）　当該登録金融機関が親銀行等又は子銀行等である所属金融機関の委託を受けて行う金融機関代理業に係る情報
1. information on financial institution agency services conducted by the registered financial institution entrusted by the principal financial institution that is its parent corporation, etc. or subsidiary corporation,

etc.;

（２）　当該登録金融機関が親銀行等又は子銀行等である所属金融機関の委託を受けて行う金融機関代理業に係る法令を遵守するために受領する必要があると認められる情報

2. information which is found necessary to be received in order to comply with the laws and regulations applicable to financial institution agency services conducted based on entrustment by the principal financial institution that is the parent corporation, etc. or subsidiary corporation, etc. of the registered financial institution;

（３）　当該登録金融機関が親銀行等又は子銀行等である所属金融機関の委託を受けて行う金融機関代理業を行うために所属金融機関に対し提供する必要があると認められる情報

3. information that is found necessary to be provided to the principal financial institution that is the parent bank, etc. or subsidiary bank, etc. of the registered financial institution in order for the registered financial institution to conduct financial institution agency services based on entrustment from the principal financial institution;

（４）　当該登録金融機関が親銀行等又は子銀行等である所属金融機関から委託を受けて行う金融機関代理業により知り得た情報であって、当該登録金融機関が法令を遵守するため、当該所属金融機関に提供する必要があると認められる情報

4. information that has come to the knowledge of the registered financial institution in conducting financial institution agency services based on entrustment from the principal financial institution that is its parent bank, etc. or subsidiary bank, etc., and that is found necessary to be provided to the principal financial institution in order for the registered financial institution to comply with laws and regulations.

ホ　次の（１）から（５）までに掲げるものを算出するため当該登録金融機関の親銀行等又は子銀行等からその顧客への信用の供与等の額を受領する場合

(e) when receiving the amount of the extension of credit or making of contributions by the registered financial institution's parent bank, etc. or subsidiary bank, etc. to the customers for the purpose of calculating the amount set forth in 1. through 5. below:

（１）　銀行法第十三条第二項（長期信用銀行法第十七条、信用金庫法第八十九条第一項、労働金庫法第九十四条第一項及び協同組合による金融事業に関する法律第六条第一項の規定において準用する場合を含む。）に規定する信用の供与等の額及び合算信用供与等限度額

1. the amount of extension of credit or making of contributions and the consolidated maximum amount of credit and contribution specified in Article 13, paragraph (2) of the Banking Act (including as applied mutatis mutandis pursuant to Article 17 of the Long-Term Credit Bank

Act, Article 89, paragraph (1) of the Shinkin Bank Act, Article 94, paragraph (1) of the Labor Bank Act, and Article 6, paragraph (1) of the Act on Financial Businesses by Cooperatives);

（２）　保険業法第九十七条の二第三項に規定する資産運用の額及び同項に規定する合算して内閣府令で定めるところにより計算した額

2. the assets investment amount specified in Article 97-2, paragraph (3) of the Insurance Business Act, and the total amount calculated pursuant to the provisions of Cabinet Office Order that is specified in that paragraph;

（３）　農林中央金庫法第五十八条第二項に規定する信用の供与等の額及び合算信用供与等限度額

3. the amount of the extension of credit or making of contributions and the consolidated maximum amount of credit and contribution specified in Article 58, paragraph (2) of the Norinchukin Bank Act;

（４）　農業協同組合法第十一条の四第二項に規定する信用の供与等の額及び合算信用供与等限度額

4. the amount of the extension of credit or making of contributions and the consolidated maximum amount of credit and contribution specified in Article 11-4, paragraph (2) of the Agricultural Cooperatives Act;

（５）　水産業協同組合法第十一条の十四第二項に規定する信用の供与等の額及び合算信用供与等限度額

5. the amount of the extension of credit or making of contributions and the consolidated maximum amount of credit and contribution specified in Article 11-14, paragraph (2) of the Fisheries Cooperatives Act;

ヘ　法第二十四条の四の二第一項に規定する確認書又は法第二十四条の四の四第一項に規定する内部統制報告書を作成するために必要な情報を提供する場合（当該情報を当該役員又は使用人から受領する親法人等又は子法人等において当該確認書及び内部統制報告書の作成を行う部門から非公開情報が漏えいしない措置が的確に講じられている場合に限る。）

(f) when providing necessary information for preparing the confirmation letter prescribed in Article 24-4-2, paragraph (1) of the Act or the internal control report prescribed in Article 24-4-4, paragraph (1) of the Act (limited to cases in which the parent corporation, etc. or subsidiary corporation, etc. that receives the information from the officer or employee has appropriately taken measures to prevent the leaking of undisclosed information from the department in charge of preparing the confirmation report and internal control report);

ト　電子情報処理組織の保守及び管理を行うために必要な情報を提供する場合（当該情報を当該役員又は使用人から受領する親法人等又は子法人等において電子情報処理組織の保守及び管理を行う部門から非公開情報が漏えいしない措置が的確に講じられている場合に限る。）

(g) when providing necessary information for maintaining and managing electronic data processing system (limited to cases in which the parent corporation, etc. or subsidiary corporation, etc. that receives the information from the officer or employee have appropriately taken measures to prevent the leaking of undisclosed information from the department in charge of the maintenance and management of the electronic data processing system);

チ　法令等に基づいて非公開情報を受領し、又は提供する場合

(h) when undisclosed information is received or provided based on laws and regulations, etc.;

リ　内部の管理及び運営に関する業務（前条第三項に規定する内部の管理及び運営に関する業務をいう。以下リにおいて同じ。）の全部又は一部を行うために必要な情報を特定関係者（当該登録金融機関が有価証券関連業を行う金融商品取引業者（第一種金融商品取引業を行う者に限る。）の親法人等若しくは子法人等である場合又は当該金融商品取引業者が当該登録金融機関の親法人等若しくは子法人等である場合における当該金融商品取引業者及び当該金融商品取引業者についての同条第四項各号に掲げる者であって、当該登録金融機関の親法人等又は子法人等である者（同条第三項第七号に掲げる業務の全部又は一部を行うために必要な情報を提供する場合においては、当該登録金融機関の親法人等である者に限る。）をいう。以下リにおいて同じ。）に提供する場合（当該情報を当該役員又は使用人から受領する特定関係者において内部の管理及び運営に関する業務を行う部門から非公開情報が漏えいしない措置が的確に講じられている場合に限る。）

(i) when necessary information for conducting all or part of the work on internal management and operation (meaning the work on internal management and operation prescribed in paragraph (3) of the preceding Article; hereinafter the same applies in sub-item (i)) is provided to a person in specified relationship (when the registered financial institution is the parent corporation, etc. or subsidiary corporation, etc. of a financial instruments business operator that conducts securities-related business (limited to a person that conducts type I financial instruments business), or the financial instruments business operator is the parent corporation, etc. or subsidiary corporation, etc. of the registered financial institution, the financial instruments business operator and the person set forth in the items of paragraph (4) of that Article, who is the parent corporation, etc. or subsidiary corporation, etc. of the registered financial institution (when providing necessary information for conducting all or part of the business set forth in paragraph (3), item (vii) of that Article, limited to the parent corporation, etc. of the registered financial institution); hereinafter the same applies in sub-item (i)) (limited to the cases in which the person in specified relationship that receives the information from the officer or

employee has appropriately taken measures to prevent the leaking of undisclosed information from the department in charge of the work on internal management and operation); and

ヌ　当該登録金融機関又は当該登録金融機関の親銀行等若しくは子銀行等が対象規定（第百二十三条第一項第十八号ニに規定する対象規定をいう。以下ヌにおいて同じ。）を遵守するために必要な情報を当該親銀行等又は子銀行等に提供する場合（当該情報を当該役員又は使用人から受領する親銀行等又は子銀行等において当該対象規定の遵守に関する業務を行う部門から非公開情報が漏えいしない措置が的確に講じられている場合に限る。）

(j) when necessary information for the registered financial institution or the parent bank, etc. or subsidiary bank, etc. of the registered financial institution to comply with the applicable provisions (meaning the applicable provisions prescribed in Article 123, paragraph (1), item (xviii), sub-item (d); hereinafter the same applies in sub-item (j)) is provided to the parent bank, etc. or subsidiary bank, etc. (limited to cases in which the parent bank, etc. or subsidiary bank, etc. that receives the information from the officer or employee has appropriately taken measures to prevent the leaking of undisclosed information from the department in charge of work related to the compliance with the applicable provisions);

五　当該登録金融機関の金融商品仲介業務に従事する役員又は使用人が、当該登録金融機関の親法人等又は子法人等から取得した顧客に関する非公開情報（当該親法人等又は子法人等が当該顧客の書面による同意を得ずに提供したものに限る。）を利用して金融商品取引契約の締結を勧誘すること。

(v) an act in which an officer or employee engaged in financial instruments intermediary services of the registered financial institution solicits the conclusion of a financial instruments transaction contract by utilizing the undisclosed information concerning customers obtained from the parent corporation, etc. or subsidiary corporation, etc. of the registered financial institution (limited to information provided by the parent corporation, etc. or subsidiary corporation, etc. without obtaining the customer's written consent);

六　当該登録金融機関の親法人等又は子法人等が有価証券の引受けに係る主幹事会社である場合において、当該有価証券の募集若しくは売出し又は特定投資家向け取得勧誘若しくは特定投資家向け売付け勧誘等の条件に影響を及ぼすために、その行う投資助言業務に関して実勢を反映しない作為的な相場を形成することを目的とした助言を行い、又はその行う投資運用業に関して実勢を反映しない作為的な相場を形成することを目的とした取引を行うことを内容とした運用を行うこと。

(vi) when the parent corporation, etc. or subsidiary corporation, etc. of the registered financial institution is the lead managing underwriter for the underwriting of securities, to give advice for the purpose of creating manipulative quotation that does not reflect the actual market status

concerning investment advisory business it conducts, or make an investment for the purpose of creating manipulative quotation that does not reflect the actual market status concerning investment management business it conducts, in order to exert an impact on the conditions for public offering or secondary distribution of the securities, or solicitation for acquisition only for professional investors or solicitation for selling, etc. only for professional investors related to those securities;

七　当該登録金融機関の親法人等又は子法人等が有価証券の引受け等を行っている場合において、当該親法人等又は子法人等に対する当該有価証券の取得又は買付けの申込み（当該親法人等又は子法人等が法第二条第六項第三号に掲げるものを行っている場合にあっては、同号に規定する新株予約権を取得した者による当該新株予約権の行使）の額が当該親法人等又は子法人等が予定していた額に達しないと見込まれる状況の下で、当該親法人等又は子法人等の要請を受けて、その行う投資助言業務に関して当該有価証券（当該親法人等又は子法人等が同号に掲げるものを行っている場合にあっては、当該新株予約権の行使により取得される有価証券。以下この号において同じ。）を取得し、若しくは買い付けることを内容とした助言を行い、又はその行う投資運用業に関して当該有価証券を取得し、若しくは買い付けることを内容とした運用を行うこと。

(vii) when the parent corporation, etc. or subsidiary corporation, etc. of the registered financial institution is conducting underwriting, etc. of securities, and the amount to be paid to the parent corporation, etc. or subsidiary corporation, etc. for the application of the acquisition or purchase of the securities (if the parent corporation, etc. or subsidiary corporation, etc. is conducting the acts set forth in Article 2, paragraph (6), item (iii) of the Act, exercise of the share option by the person that has acquired the share option prescribed in that item) is expected to be less than the amount prearranged by the parent corporation, etc. or subsidiary corporation, etc., to give advice on the acquisition or purchase of the securities (if the parent corporation, etc. or subsidiary corporation, etc. is conducting the acts set forth in that item, securities to be acquired by exercising the share options; hereinafter the same applies in that item) for its investment advisory business, or to make an investment whose purpose is to acquire or purchase those securitiesfor its investment management business, upon the request of the parent corporation, etc. or subsidiary corporation, etc.;

八　当該登録金融機関の親法人等又は子法人等が発行する有価証券に係る電子申込型電子募集取扱業務等を行うこと。

(viii) to conduct electronic-based application type electronic public offering services, etc. related to securities issued by the parent corporation, etc. or subsidiary corporation, etc. of the registered financial institution;

九　何らの名義によってするかを問わず、法第四十四条の三第二項の規定による禁止を免れること。

(ix) to evade the prohibitions under the provisions of Article 44-3, paragraph (2) of the Act, irrespective of the name under which the act is conducted.

（情報通信の技術を利用する方法）

(Means of Using Information Communication Technology)

第百五十五条　金融商品取引業者等は、第百五十三条第一項第七号イ及び前条第四号イの規定による発行者等の書面による同意に代えて、次項の定めるところにより、当該発行者等の承諾を得て、当該発行者等の同意を電磁的方法により得ることができる。この場合において、当該金融商品取引業者等は、当該発行者等の書面による同意を得たものとみなす。

Article 155 (1) A financial instruments business operator, etc. may obtain consent from the issuer, etc. by electronic or magnetic means in lieu of the written consent of the issuer, etc. under the provisions of Article 153, paragraph (1), item (vii), sub-item (a) and Article 154, item (iv), sub-item (a), pursuant to the provisions of the following paragraph and by obtaining an approval form the issuer, etc. In such a case, the financial instruments business operator, etc. is deemed to have obtained the written consent from the issuer, etc.

２　金融商品取引業者等は、前項の規定により当該発行者等の同意を得ようとするときは、あらかじめ、当該発行者等に対し、その用いる次に掲げる電磁的方法の種類及び内容を示し、書面又は電磁的方法による承諾を得なければならない。

(2) If a financial instruments business operator, etc. seeks to obtain the consent from the issuer, etc. pursuant to the provisions of the preceding paragraph, they must present the type and content of the following electronic or magnetic means to be used by them in advance, and obtain consent in writing or by electronic or magnetic means from the issuer, etc.:

一　第五十六条第一項各号に規定する方法のうち金融商品取引業者等が使用するもの

(i) the means to be used by a financial instruments business operator, etc., from among the means specified in the items of Article 56, paragraph (1); and

二　ファイルへの記録の方式

(ii) the formalities for recording the matters in a file.

３　前項の規定による承諾を得た金融商品取引業者等は、発行者等から書面又は電磁的方法により電磁的方法による同意を行わない旨の申出があったときは、当該発行者等の同意を電磁的方法によって得てはならない。ただし、当該発行者等が再び同項の規定による承諾をした場合は、この限りでない。

(3) If the issuer, etc. has notified in writing or by electronic or magnetic means that they will not give consent by electronic or magnetic means, the financial instruments business operator, etc. that has obtained the approval under the provisions of the preceding paragraph may not obtain the consent from the issuer, etc. by electronic or magnetic means; provided, however, that this does

not apply if the issuer, etc. has given the consent under the provisions of that paragraph at another time.

第七款　雑則
Subsection 7 Miscellaneous Provisions

第百五十六条　法第四十五条ただし書に規定する内閣府令で定める場合は、次の各号に掲げる規定の適用について当該各号に定める場合とする。

Article 156 The cases specified by Cabinet Office Order as prescribed in the proviso to Article 45 of the Act are those specified in the following items concerning the application of the provisions set forth in each of those items:

一　法第三十七条の四　顧客からの個別の取引に関する照会に対して速やかに回答できる体制が整備されていない場合

(i) the provisions of Article 37-4: when a system that enables to promptly respond to customers' inquiries on individual transactions has not been developed;

二　法第三十七条の五　顧客からの個別の保証金の受領に関する照会に対して速やかに回答できる体制が整備されていない場合

(ii) the provisions of Article 37-5: when a system that enables to promptly respond to customers' inquiries on receipt of individual security deposits has not been developed;

三　法第四十一条の四及び第四十二条の五　預託を受けた金銭及び有価証券を自己の固有財産及び他の顧客の財産と分別して管理するための体制（管理場所を区別することその他の方法により当該金銭及び有価証券を自己の固有財産及び他の顧客の財産と明確に区分し、かつ、当該金銭及び有価証券の預託を行った顧客を判別できる状態で管理するための体制をいう。）が整備されていない場合

(iii) the provisions of Article 41-4 and Article 42-5: when a system for managing deposited money and securities separately from their own assets and other customers' assets (meaning the system for separating the money and securities from their own assets and other customers' assets by means of separating the place of custody or by other means, and, managing the money and securities in a manner that is possible to identify the customer that has deposited the money and securities) has not been developed; and

四　法第四十二条の七　顧客からの同条第一項の運用報告書に記載すべき事項に関する照会に対して速やかに回答できる体制が整備されていない場合

(iv) the provisions of Article 42-7: when a system that enables to promptly respond to customers' inquiries on the matters to be stated in an investment report referred to in paragraph (1) of that Article has not been developed.

第三節　経理
Section 3 Accounting

第一款　第一種金融商品取引業を行う金融商品取引業者
Subsection 1 Financial Instruments Business Operators Conducting Type-I Financial Instruments Business

（業務に関する帳簿書類）
(Books and Documents Related to Business)

第百五十七条　法第四十六条の二の規定により金融商品取引業者（第一種金融商品取引業を行う者に限る。以下この款において同じ。）が作成すべき帳簿書類は、次に掲げるものとする。

Article 157 (1) The books and documents required to be prepared by a financial instruments business operator (limited to an operator that conducts type I financial instruments business; hereinafter the same applies in this Subsection) pursuant to the provisions of Article 46-2 of the Act are as follows:

一　次に掲げる書面の写し
(i) copies of the following documents:

イ　次に掲げる規定に規定する書面
(a) the documents set forth in the following provisions:

（１）　法第三十四条の二第三項
1. the provisions of Article 34-2, paragraph (3) of the Act;

（２）　法第三十四条の四第二項
2. the provisions of Article 34-4, paragraph (2) of the Act;

（３）　法第三十七条の三第一項
3. the provisions of Article 37-3, paragraph (1) of the Act;

（４）　法第三十七条の四第一項
4. the provisions of Article 37-4, paragraph (1) of the Act;

（５）　法第四十条の二第五項
5. the provisions of Article 40-2, paragraph (5) of the Act; and

（６）　法第四十条の五第二項
6. the provisions of Article 40-5, paragraph (2) of the Act;

ロ　上場有価証券等書面
(b) explanatory document on listed securities, etc.;

ハ　第八十条第一項第三号に規定する目論見書（同号の規定により当該目論見書と一体のものとして交付される書面がある場合には、当該目論見書及び当該書面）
(c) a prospectus prescribed in Article 80, paragraph (1), item (iii) (if there is a document to be delivered together with the prospectus pursuant to the provisions of that item, the prospectus and the document); and

ニ　契約変更書面
(d) contract change document;

二　次に掲げる規定に規定する書面
(ii) the documents prescribed in the following provisions:

イ　法第三十四条の三第二項（法第三十四条の四第六項において準用する場合を含

む。）

(a) the provisions of Article 34-3, paragraph (2) of the Act (including as applied mutatis mutandis pursuant to Article 34-4, paragraph (6) of the Act);

ロ　法第四十三条の四第一項

(b) the provisions of Article 43-4, paragraph (1) of the Act; and

ハ　第百五十三条第一項第七号イ

(c) the provisions of Article 153, paragraph (1), item (vii), (a);

三　注文伝票

(iii) order forms;

三の二　決済措置の確認に係る記録

(iii)-2 records concerning confirmation of settlement measures;

三の三　決済措置適用除外取引の確認に係る記録

(iii)-3 records concerning confirmation of transactions exempted from application of settlement measures;

三の四　第百十七条第一項第二十四号の五の確認に係る記録

(iii)-4 records concerning confirmation referred to in Article 117, paragraph (1), item (xxiv)-5;

四　取引日記帳

(iv) a transaction diary;

五　媒介又は代理に係る取引記録

(v) transaction records for intermediary or agency services;

六　有価証券等清算取次ぎに係る取引記録

(vi) transaction records for brokerage for clearing of securities, etc.;

七　募集若しくは売出し又は私募若しくは特定投資家向け売付け勧誘等に係る取引記録

(vii) transaction records for public offering or secondary distribution, or private placement or solicitation for selling, etc. only for professional investors;

八　募集若しくは売出しの取扱い又は私募若しくは特定投資家向け売付け勧誘等の取扱いに係る取引記録

(viii) transaction records for handling public offering or secondary distribution, or handling private placement or solicitation for selling, etc. only for professional investors;

九　顧客勘定元帳

(ix) customer ledger;

十　受渡有価証券記番号帳

(x) book on serial numbers of delivered securities;

十一　保護預り有価証券等明細簿

(xi) book on the details of securities, etc. in safe custody;

十二　分別管理監査の結果に関する記録

(xii) records of the results of audit of separate management;

十三　トレーディング商品勘定元帳
(xiii) trading products ledger;
十四　現先取引勘定元帳
(xiv) the transactions with repurchase or resale agreement ledger;
十五　私設取引システム運営業務を行う者であるときは、私設取引システム運営業務に係る取引記録
(xv) if the financial instruments business operator is a person that conducts a proprietary trading system operation, transaction records for the proprietary trading system operation;
十五の二　電子取引基盤運営業務を行う者であるときは、当該電子取引基盤運営業務に係る顧客の注文（変更及び取消しに係るものを含む。）の内容の記録その他の取引記録
(xv)-2 if the financial instruments business operator is a person that conducts electronic trading platform management services, records of the content of customers' orders (including orders related to changes and cancellations) and other transaction records for the electronic trading platform management services;
十六　投資助言・代理業を行う者であるときは、次に掲げるもの
(xvi) if the financial instruments business operator is a person that conducts an investment advisory and agency business, the following documents:
イ　その締結した投資顧問契約の内容を記載した書面
(a) a document stating the content of the investment advisory contract concluded by the financial instruments business operator;
ロ　投資顧問契約に基づく助言の内容を記載した書面
(b) a document stating the content of the advice given under the investment advisory contract;
ハ　法第三十七条の六第一項の規定による金融商品取引契約の解除があった場合には、当該金融商品取引契約の解除を行う旨の書面
(c) if a financial instruments transaction contract has been cancelled under the provisions of Article 37-6, paragraph (1) of the Act, a written notice of the fact that the financial instruments transaction contract will be canceled; and
ニ　投資顧問契約又は投資一任契約の締結の代理又は媒介に係る取引記録
(d) transaction records for agency or intermediation services conducted for concluding an investment advisory contract or a discretionary investment contract;
十七　投資運用業を行う者であるときは、次に掲げるもの
(xvii) if the financial instruments business operator is a person that conducts investment management business, the following documents:
イ　法第四十二条の三第一項各号に掲げる契約その他の法律行為の内容を記載した書面（同項の規定により委託をした場合にあっては、当該委託に関する契約書を

含む。）

(a) a document stating the content of the contract or other juridical acts set forth in the items of Article 42-3, paragraph (1) of the Act (if the authority has been entrusted pursuant to the provisions of that paragraph, including the contract for the entrustment);

ロ　法第四十二条の七第一項の運用報告書（投資信託委託会社（投資信託及び投資法人に関する法律第二条第十一項に規定する投資信託委託会社をいい、同条第一項に規定する委託者指図型投資信託に類する同条第二十四項に規定する外国投資信託の受益証券の発行者を含む。ホにおいて同じ。）であるときは、同法第十四条第一項（同法第五十九条において準用する場合を含む。）の運用報告書及び同法第十四条第四項（同法第五十九条において準用する場合を含む。）の書面を含む。）の写し

(b) a copy of the investment report referred to in Article 42-7, paragraph (1) of the Act (for a settlor company of an investment trust (meaning a settlor company of an investment trust as defined in Article 2, paragraph (11) of the Act on Investment Trusts and Investment Corporations, and including the issuer of beneficiary certificates of a foreign investment trust as defined in paragraph (24) of that Article which is similar to an investment trust managed under instructions from the settlor as defined in paragraph (1) of that Article; the same applies in (e)), including an investment report referred to in Article 14, paragraph (1) of that Act (including as applied mutatis mutandis pursuant to Article 59 of that Act) and a document referred to in Article 14, paragraph (4) of that Act (including as applied mutatis mutandis pursuant to Article 59 of that Act);

ハ　運用明細書

(c) an investment statement;

ニ　発注伝票

(d) a purchase order form;

ホ　投資信託委託会社であるときは、次に掲げる事項

(e) for a settlor company of an investment trust, the following matters:

（１）　未収委託者報酬明細簿

1. a book on the details of the settlor's outstanding remuneration;

（２）　未払収益分配金明細簿

2. a book on the details of unpaid dividends;

（３）　未払償還金明細簿

3. a book on the details of unpaid redemption; and

（４）　未払手数料明細簿

4. a book on the details of unpaid fees;

十八　電子募集取扱業務を行う者であるときは、次に掲げるもの

(xviii) for a person that conducts electronic public offering services, the following records:

イ　第七十条の二第二項第三号に規定する措置に基づく審査に係る記録

(a) record of examinations based on the measures prescribed in Article 70-2, paragraph (2), item (iii); and

ロ　第百四十六条の二第一項の規定により電子計算機の映像面に表示されたものの記録

(b) record of information displayed on a screen of a computer pursuant to the provisions of Article 146-2, paragraph (1).

２　前項第一号、第二号、第十六号ハ及び第十八号ロに掲げる帳簿書類は、その作成の日（同項第二号に掲げる帳簿書類にあっては、その効力を失った日）から五年間、同項第三号から第三号の四まで及び第十七号ニに掲げる帳簿書類は、その作成の日から七年間、同項第四号から第十五号の二まで、第十六号（同号ハを除く。）、第十七号（同号ニを除く。）及び第十八号イに掲げる帳簿書類は、その作成の日（同項第十六号イ及び第十七号イに掲げる帳簿書類にあっては、その契約その他の法律行為に係る業務の終了の日）から十年間保存しなければならない。

(2) The books and documents set forth in item (i), item (ii), item (xvi), sub-item (c), and item (xviii), sub-item (b) of the preceding paragraph must be preserved for five years from the day of their preparation (for books and documents set forth in item (ii) of that paragraph, from the day when they cease to be effective); the books and documents set forth in items (iii) through (iii)-4 and item (xvii), sub-item (d) of that paragraph must be preserved for seven years from the day of their preparation; the books and documents set forth in items (iv) through (xv)-2, item (xvi) (excluding (c) of that item), item (xvii) (excluding (d) of that item) and item (xviii), sub-item (a) of that paragraph must be preserved for ten years from the day of their preparation (for books and documents set forth in item (xvi), sub-item (a) and item (xvii), sub-item (a) of that paragraph, from the day of the termination of the business related to the contract or other juridical acts).

３　第一項各号に掲げる帳簿書類は、国内において保存しなければならない。ただし、当該帳簿書類が外国に設けた営業所又は事務所において作成された場合において、その作成後遅滞なく国内においてその写しを保存しているとき、又は当該帳簿書類が電磁的記録をもって作成され、かつ、国内に設けた営業所若しくは事務所において当該電磁的記録に記録された事項を表示したものを遅滞なく閲覧することができる状態に置いているときは、この限りでない。

(3) The books and documents set forth in the items of paragraph (1) must be preserved in Japan; provided, however, that this does not apply if the books and documents are prepared in a business office or an office established in a foreign country and their copies have been preserved in Japan without delay after their preparation, or the books and documents are prepared as electronic or magnetic records, and, a document indicating the matters recorded in the electronic or magnetic records has been made available for inspection without delay at a business office or an office established in Japan.

（注文伝票）

(Order Forms)

第百五十八条　前条第一項第三号の注文伝票には、法第二条第八項第一号から第四号までに掲げる行為（媒介若しくは代理又は同項第八号に掲げる行為（当該行為に係る有価証券の買付けの申込み又は売付けの期間を定めて行うものに限る。）に係るものを除く。）及び商品関連市場デリバティブ取引に関し、次に掲げる事項を記載しなければならない。

Article 158 (1) The following matters concerning the acts listed in Article 2, paragraph (8), items (i) through (iv) of the Act (excluding those related to intermediary or agency services, or those related to an act set forth in item (viii) of that paragraph (limited to an act conducted by specifying a period of offer for purchase, or sale, of securities related to the act)) and commodity-related market derivatives transactions, must be stated in an order form referreed to in Article 157, paragraph (1), item (iii):

一　自己又は委託の別（自己の取引の発注の場合は自己）

(i) distinction of whether the transaction is one's own transaction or a transaction entrusted by a customer (for placing an order for one's own transaction, one's own transaction);

二　顧客からの注文の場合には、当該顧客の氏名又は名称

(ii) in the case of an order by a customer, the name of the customer;

三　取引の種類（次のイからチまでに掲げる取引にあっては、それぞれイからチまでに定める事項を含む。以下この節において同じ。）

(iii) the type of the transaction (for a transaction set forth in sub-items (a) through (h) below, including the matters specified in each of those sub-items (a) through (h); hereinafter the same applies in this Section):

イ　信用取引又は発行日取引　その旨及び信用取引の場合は弁済期限

(a) a margin transaction or when-issued transaction: that fact, and in the case of a margin transaction, the due date for payment;

ロ　現先取引　次に掲げる事項

(b) a transaction with a repurchase or resale agreement: the following matters:

（１）　その旨

1. that fact;

（２）　スタート分の取引（売主が買主に現先取引の対象となる有価証券を売り付ける取引をいう。以下同じ。）又はエンド分の取引（買主が売主に現先取引の対象となった有価証券と同種及び同量の有価証券を売り戻す取引をいう。以下同じ。）の別

2. distinction of whether it is a transaction for starting (meaning a transaction in which the seller sells the securities subject to a transaction with a repurchase or resale agreement to the purchaser;

the same applies hereinafter) or a transaction for ending (meaning a transaction in which the purchaser resells the same type and volume of securities as the securities that were the subject of the transaction with a repurchase or resale agreement to the seller; the same applies hereinafter);

（３）　委託現先又は自己現先の別

3. distinction of whether it is a transaction with a repurchase or resale agreement based on entrustment from a customer or a transaction with a repurchase or resale agreement for raising one's funds; and

（４）　期間利回り

4. yield for the period;

ハ　有価証券の空売り　その旨

(c) short selling of securities: that fact;

ニ　法第二条第二十一項第一号及び第二号に掲げる取引（これらに類似する外国市場デリバティブ取引を含む。）並びに同条第二十二項第一号及び第二号に掲げる取引　次に掲げる事項

(d) a transaction set forth in Article 2, paragraph (21), items (i) and (ii) of the Act (including foreign market derivatives transactions similar to the transaction), and a transaction set forth in Article 2, paragraph (22), items (i) and (ii) of the Act: the following matters:

（１）　限月又は受渡年月日

1. the expiration month or delivery date;

（２）　新規、決済又は解除の別

2. distinction of whether it is a new transaction, a settlement, or a cancellation;

ホ　法第二条第二十一項第三号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）、同条第二十二項第三号及び第四号に掲げる取引並びに選択権付債券売買　次に掲げる事項

(e) a transaction set forth in Article 2, paragraph (21), item (iii) of the Act (including foreign market derivatives transactions similar to the transaction), a transaction set forth in Article 2, paragraph (22), items (iii) and (iv) of the Act, and a trading of bonds with options: the following matters:

（１）　権利行使期間及び権利行使価格

1. the exercise period and exercise price;

（２）　プット又はコールの別

2. distinction of whether it is a put option or a call option;

（３）　新規、権利行使、転売、買戻し又は相殺の別

3. distinction of whether it is a new transaction, a transaction for exercise of rights, a resale transaction, a buy-back transaction, or a set-off transaction;

（４）　限月

4. the expiration month; and

（５）　法第二条第二十二項第三号及び第四号に掲げる取引については、オプションの行使により成立することとなる取引の内容

5. for a transaction set forth in Article 2, paragraph (22), items (iii) and (iv) of the Act, the content of the transaction to be closed by the exercise of options;

ヘ　法第二条第二十一項第四号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）、同項第四号の二に掲げる取引及び同条第二十二項第五号に掲げる取引　取引期間及び受渡年月日

(f) a transaction set forth in Article 2, paragraph (21), item (iv) of the Act (including foreign market derivatives transactions similar to the transaction), a transaction set forth in item (iv)-2 of that paragraph, and a transaction set forth in Article 2, paragraph (22), item (v) of the Act: the transaction period and delivery date;

ト　法第二条第二十一項第五号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）及び同条第二十二項第六号に掲げる取引　次に掲げる事項

(g) a transaction set forth in Article 2, paragraph (21), item (v) of the Act (including foreign market derivatives transactions similar to the transaction), and a transaction set forth in Article 2, paragraph (22), item (vi) of the Act: the following matters:

（１）　権利行使期間

1. the exercise period;

（２）　新規、権利行使、転売又は買戻しの別

2. distinction of whether it is a new transaction, a transaction for exercise of rights, a resale transaction, or a buy-back transaction; and

（３）　法第二条第二十二項第六号に掲げる取引については、当事者があらかじめ定めた事由（同号に掲げるいずれかの事由をいう。第百五十九条第一項第十三号ニにおいて同じ。）、当該事由が発生した場合に支払われることとなる金銭の額又はその計算方法及び当事者の間で移転することを約した金融商品、金融商品に係る権利又は金銭債権（金融商品であるもの及び金融商品に係る権利であるものを除く。）

3. for a transaction set forth in Article 2, paragraph (22), item (vi) of the Act, the events determined by the parties in advance (meaning any of the events set forth in that item; the same applies in Article 159, paragraph (1), item (xiii), sub-item (d)), the amount of money to be paid upon the occurrence of the events or its calculation method, and the financial instruments, rights related to the financial instruments, or monetary claims (excluding claims that are financial instruments or rights related to the financial instruments) which the parties promised to transfer;

チ　金融商品取引所の規則で定めるストラテジー取引（当該金融商品取引所の開設する金融商品市場において行われる市場デリバティブ取引であって、複数の取引を同時に成立させるものをいう。第二百八十三条第一項第三号チにおいて同じ。）　その種類

(h) a strategy trading provided by the rules of a financial instruments exchange (meaning market derivatives transactions conducted on a financial instruments market established by the financial instruments exchange, in which two or more transactions are closed at the same time; the same applies in Article 283, paragraph (1), item (iii), sub-item (h)): its type;

四　銘柄（取引の対象となる金融商品若しくは金融指標又は取引の条件を記載した契約書に記載されている契約番号その他取引の対象を特定するものを含む。以下この節において同じ。）

(iv) issue (including the financial instrument or financial index which will be the subject of a transaction, or the contract number stated in the contract which states the conditions of the transaction and other matters that specify the subject of a transaction; hereinafter the same applies in this Section);

五　売付け又は買付け（次のイからホまでに掲げる取引にあっては、それぞれイからホまでに定めるもの。第百七十条及び第百七十一条を除き、以下この節において同じ。）の別

(v) distinction of whether the transaction is a sale or a purchase transaction (for transactions set forth in sub-items (a) through (e) below, the type of transaction specified in each of those sub-items (a) through (e)); hereinafter the same applies in this Section excluding Article 170 and Article 171):

イ　法第二条第二十一項第二号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）及び同条第二十二項第二号に掲げる取引　顧客（自己の取引の発注の場合にあっては、自己。以下この号において同じ。）が現実数値が約定数値を上回った場合に金銭を支払う立場の当事者となるもの又は金銭を受領する立場の当事者となるもの

(a) a transaction set forth in Article 2, paragraph (21), item (ii) of the Act (including foreign market derivatives transactions similar to the transaction) and a transaction set forth in Article 2, paragraph (22), item (ii) of the Act: a transaction in which a customer (the financial instruments business operator themselves, when placing an order for oneself; hereinafter the same applies in this item) becomes the party to pay money, or the party to receive money when the actual figure exceeds the agreed figure ;

ロ　法第二条第二十一項第三号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）並びに同条第二十二項第三号及び第四号に掲げる取引　顧客がオプションを付与する立場の当事者となるもの又はオプションを取得する立場の当事者となるもの

(b) a transaction set forth in Article 2, paragraph (21), item (iii) of the Act (including foreign market derivatives transactions similar to the transaction) and transactions set forth in Article 2, paragraph (22), items (iii) and (iv) of the Act: a transaction in which a customer becomes the party to grant options, or the party to acquireg options;

ハ　法第二条第二十一項第四号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）及び同条第二十二項第五号に掲げる取引　顧客が相手方と取り決めた金融商品の利率等又は金融指標が約定した期間に上昇した場合に金銭を支払う立場の当事者となるもの又は金銭を受領する立場の当事者となるもの

(c) a transaction set forth in Article 2, paragraph (21), item (iv) of the Act (including foreign market derivatives transactions similar to the transaction) and a transaction set forth in Article 2, paragraph (22), item (v) of the Act: a transaction in which a customer becomes the party to pay money, or the party to receive money when the interest rate, etc. of the financial products or financial indexes agreed between the customer and the counterparty increase in the agreed period,; and

ニ　法第二条第二十一項第四号の二に掲げる取引　顧客が相手方と取り決めた商品に係る金融指標が約定した期間に上昇した場合に金銭を支払う立場の当事者となるもの又は金銭を受領する立場の当事者となるもの

(d) a transaction set forth in Article 2, paragraph (21), item (iv)-2 of the Act: a transaction in which a customer becomes the party to pay money or the party to receive money when the financial index for the products agreed between the customer and the counterparty rises in the agreed period;

ホ　法第二条第二十一項第五号（これに類似する外国市場デリバティブ取引を含む。）及び同条第二十二項第六号に掲げる取引　当事者があらかじめ定めた事由（同条第二十一項第五号及び第二十二項第六号に掲げるいずれかの事由をいう。第十一号ニにおいて同じ。）が発生した場合に顧客が金銭を支払う立場の当事者となるもの又は金銭を受領する立場の当事者となるもの

(e) a transaction set forth in Article 2, paragraph (21), item (v) of the Act (including foreign market derivatives transactions similar to the transaction) and a transaction set forth in Article 2, paragraph (22), item (vi) of the Act: a transaction in which a customer becomes the party to pay money, or the party to receive money when an event determined by the parties in advance (meaning any of the events set forth in Article 2, paragraph (21), item (v) or Article 2, paragraph (22), item (vi) of the Act; the same applies in item (xi), sub-item (d)) occurs,;

六　受注数量（数量がない場合にあっては、件数又は数量に準ずるもの。第三項第三号において同じ。）

(vi) volume of the orders received (if there is no volume, number of orders or the matter equivalent to volume; the same applies in paragraph (3), item (iii));

七　約定数量（数量がない場合にあっては、件数又は数量に準ずるもの。第三項第三号において同じ。）

(vii) agreed volume (if there is no volume, number of orders or the matter equivalent to volume; the same applies in paragraph (3), item (iii));

八　指値又は成行の別（指値の場合にあっては、その価格及び注文の有効期限（当該有効期限が当日中であるものを除く。）を含む。）

(viii) distinction of whether it is a limit order or a market order (for a limit order, the price and expiration date of the order (excluding an order whose expiration date falls on the order date) are included);

九　受注日時

(ix) the date and time when the order was received;

十　約定日時

(x) the date and time when the contract was concluded;

十一　約定価格（次のイからニまでに掲げる取引にあっては、それぞれイからニまでに定める事項。以下この節において同じ。）

(xi) the contracted price (for a transaction set forth in sub-items (a) through (d) below, the matters specified in each of those items (a) through (d); hereinafter the same applies in this Section):

イ　法第二条第二十一項第二号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）及び同条第二十二項第二号に掲げる取引　約定数値

(a) a transaction set forth in Article 2, paragraph (21), item (ii) of the Act (including foreign market derivatives transactions similar to the transaction) and a transaction set forth in Article 2, paragraph (22), item (ii) of the Act: the agreed figure;

ロ　法第二条第二十一項第三号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）、同条第二十二項第三号及び第四号に掲げる取引並びに選択権付債券売買　オプションの対価の額又は選択権料

(b) a transaction set forth in Article 2, paragraph (21), item (iii) of the Act (including foreign market derivatives transactions similar to the transactions), transactions set forth in Article 2, paragraph (22), items (iii) and (iv) of the Act, and trading of bonds with options: the amount of the consideration for the options or option premiums;

ハ　法第二条第二十一項第四号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）、同項第四号の二に掲げる取引及び同条第二十二項第五号に掲げる取引　約定した金融商品の利率等又は金融指標

(c) a transaction set forth in Article 2, paragraph (21), item (iv) of the Act (including foreign market derivatives transactions similar to the transaction), a transaction set forth in item (iv)-2 of that paragraph, and a transaction set forth in Article 2, paragraph (22), item (v): the contracted interest rate, etc. of the financial instrument or the contracted financial index; or

ニ　法第二条第二十一項第五号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）及び同条第二十二項第六号に掲げる取引　当事者があらかじめ定めた事由が発生した場合に金銭を受領する権利の対価の額

(d) a transaction set forth in Article 2, paragraph (21), item (v) of the Act (including foreign market derivatives transactions similar to the transaction), and a transaction set forth in Article 2, paragraph (22), item (vi) of the Act: the amount of the consideration for the right to receive money upon the occurrence of the event determined by the parties in advance.

２　前項の注文伝票は、次に掲げるところにより作成しなければならない。

(2) An order form referred to in the preceding paragraph must be prepared in accordance with the following conditions:

一　顧客からの注文の場合は当該注文を受けたときに、自己の取引の発注の場合は当該発注を行うときに、速やかに作成すること。ただし、銘柄の異なる複数の有価証券に係る注文を一度に受けた場合その他注文を受けたときに速やかに作成することが困難な場合については、この限りでない。

(i) an order form is to be promptly prepared upon receipt of the order for an order from a customer, or promptly upon placing the order for an order for one's own transaction; provided, however, that this does not apply when orders for two or more securities of different issues are received at the same time or when it is difficult to promptly prepare an order form upon receiving an order;

二　取引が不成立の場合には、その旨を表示すること。

(ii) if the transaction is not closed, to indicate the fact in an order form;

三　注文伝票を電磁的記録により作成する場合は、前項各号に掲げる事項のほか、次に掲げるところにより作成すること。

(iii) if an order form is to be prepared by means of an electronic or magnetic record, the record is prepared in accordance with the following conditions, in addition to the matters set forth in the items of the preceding paragraph:

イ　前項各号（第七号、第十号及び第十一号を除く。）に掲げる事項は、注文を受けたとき（自己の取引の発注の場合にあっては、発注を行うときまで）に電子計算機へ入力すること。

(a) the matters set forth in the items of the preceding paragraph (excluding item (vii), item (x), and item (xi)) is to be entered on a computer upon receiving an order (for placing an order for one's own transaction, before placing the order); and

ロ　顧客の注文又は自己の発注の内容を電子計算機へ入力した日付及び時刻が自動的に記録されること。

(b) the date and time when the content of the customer's order or order of one's own transaction are entered on a computer are to be automatically recorded;

四　注文伝票の保存は次に掲げるところにより行うこと。

(iv) the order forms are to be preserved in accordance with the following conditions:

イ　顧客の注文と自己の発注とに分け、日付順につづり込んで保存すること。

(a) the order forms are to be divided into customer's orders and one's own orders, and are to be filed in order of date and preserved;

ロ　現先取引に係るものについては、別つづりとして保存すること。ただし、取引量の少ない営業所又は事務所については、この限りでない。

(b) the order forms for transactions with a repurchase or resale agreement are to be preserved in separate files; provided, however, that this does not apply to business offices or offices that has a small trading volume;

ハ　私設取引システム運営業務に係るものについては、判別できるようにして保存すること。

(c) the order forms for proprietary trading system operations are preserved in a manner that is readily identifiable from other forms;

ニ　電子取引基盤運営業務に係るものについては、判別できるようにして保存すること。

(d) the order forms for electronic trading platform management services are preserved in a manner that is readily identifiable from other forms;

五　注文・清算分離行為が行われた取引に係る注文である場合には、その旨を表示すること。

(v) if an order is for a transaction for which a give-up was effected, that fact is to be indicated;

六　注文・清算分離行為が行われた取引については、注文執行会員等は、新規又は決済の別及び新規、権利行使、転売又は買戻しの別の記載を要しない。

(vi) for a transaction for which give-up action has been performed, an order executing member, etc. is not required to state whether the transaction is a new transaction or a settlement transaction, or whether it is a new transaction, a transaction for the exercise of rights, a resale transaction, or a buy-back transaction;

七　注文・清算分離行為が行われた取引については、清算執行会員等は、作成することを要しない。

(vii) for a transaction for which give-up action has been performed, a clearance executing member, etc. is not required to prepare order forms.

八　金融商品取引所の定める規則により当該金融商品取引所の開設する取引所金融商品市場において特定の銘柄の有価証券又は市場デリバティブ取引に係る金融商品若しくは金融指標につき恒常的に売付け又は買付けの気配を提示する会員等が、当該気配として行う注文については、作成することを要しない。

(viii) when a member, etc. presents quotes for sale or purchase of securities of specific issues, or financial instruments or financial indexes related to market derivatives transactions on a regular and continuous basis on a

financial instruments exchange market established by the financial instruments exchange pursuant to the rules of the financial instruments exchange, the member, etc. is not required to prepare order forms for the orders placed as the quotes by the member, etc.;

九　認可金融商品取引業協会の定める規則により当該認可金融商品取引業協会の開設する店頭売買有価証券市場において特定の銘柄の有価証券につき恒常的に売付け又は買付けの気配を提示する当該認可金融商品取引業協会の会員が、当該気配として行う注文については、作成することを要しない。

(ix) when a member of an authorized financial instruments firms association presents quotes for sale or purchase of securities of specific issues on the over-the-counter securities market established by the authorized financial instruments firms association on a regular and continuous basis pursuant to the rules of the authorized financial instruments firms association, the member is not required to prepare order forms for the orders placed as the quotes by the member.

3　前二項の規定にかかわらず、次の各号に掲げる事項については、当該各号に定めるところによることができる。

(3) Notwithstanding the provisions of the preceding two paragraphs, the matters set forth in the following items may be stated in accordance with the conditions set forth in each of those items:

一　国債の入札前取引に係る第一項第四号及び第十一号に掲げる事項　同項第四号及び第十一号に掲げる事項に代えて、国債の入札前取引である旨、償還予定日及び約定利回りを記載すること。

(i) the matters set forth in paragraph (1), items (iv) and (xi) which are related to pre-auction trading of government bonds: to state the fact that the transaction is a pre-auction trading of government bonds, the scheduled redemption date, and the contracted yield, in lieu of the matters set forth in items (iv) and (xi) of that paragraph;

二　現先取引に係る第一項各号に掲げる事項　同一顧客のスタート分の取引とエンド分の取引を一枚の注文伝票に記載すること。

(ii) the matters set forth in the items of paragraph (1) which are related to a transaction with a repurchase or resale agreement: to state the transaction for starting and the transaction for ending of the same customer on one order form;

三　同一日において価格が変動しない投資信託受益証券等（投資信託若しくは外国投資信託の受益証券、投資証券又は外国投資証券で投資証券に類する証券をいう。第二百八十一条第六号を除き、以下同じ。）に係る第一項各号に掲げる事項　当該各号に掲げる事項に代えて、顧客の氏名又は名称、銘柄、売付け又は買付けの別、受注数量、約定数量、受注日及び約定日を記載すること。

(iii) the matters set forth in the items of paragraph (1) related to investment trust beneficiary certificates, etc. for which the price does not fluctuate on

the same day (meaning beneficiary certificates of an investment trust or a foreign investment trust, investment securities, or foreign investment securities similar to investment securities; hereinafter the same applies except in Article 281, item (vi)): to state the customer's name, the issue, distinction of whether the transaction is a sale or purchase transaction, volume of the orders received, contracted volume, the date of the receipt of the order, and the contract date, in lieu of the matters set forth in each of those items;

四　第一項第二号に掲げる事項　第百十条第一項第五号又は第六号の規定により契約締結時交付書面の交付を要しない顧客の場合であって、当該顧客と当該顧客の資産に係る運用指図者が異なるときは、運用指図者から受注した売買取引について当該運用指図者を第一項第二号に掲げる顧客とすること。この場合においては、その旨を注文伝票に表示しなければならない。

(iv) the matter set forth in paragraph (1), item (ii): in the case of a customer for whom delivery of a document for delivery upon conclusion of contract is not required pursuant to the provisions of Article 110, paragraph (1), item (v) or (vi), and the customer is different from the person authorized to give investment instructions related to the customer's assets, the person authorized to give investment instructions is to be treated as the customer set forth in paragraph (1), item (ii) for a purchase and sale transaction ordered by that person authorized to give investment instructions. In such a case, that fact must be indicated on the order form;

五　第一項第三号ニ（２）、ホ（３）及びト（２）に掲げる事項　金融商品取引所の定める規則により注文時にこれらの事項を指示することが不要とされているものについては、記載を省略すること。

(v) the matters set forth in paragraph (1), item (iii), sub-item (d), 2., sub-item (e), 3., and sub-item (g), 2.: to omit the entry of the matters for which instructionis not required at the time of the order pursuant to the rules established by a financial instruments exchange;

六　前項第三号の規定により電磁的記録により作成されている事項　当該電磁的記録により作成されている事項を電子計算機の映像面へ表示し、又は書面へ出力する場合においては、一覧表により表示し、又は出力すること。

(vi) matters prepared by means of an electronic or magnetic record pursuant to the provisions of item (iii) of the preceding paragraph: when the matters prepared by means of an electronic or magnetic record is displayed on the screen of a computer, or printed out on a document, the matters are to be displayed or printed in the form of a list.

4　高速取引行為に関する第一項の注文伝票については、第二項第三号及び第四号並びに前項第六号の規定は適用せず、第三百三十八条第六項及び第七項の規定を準用する。この場合において、同項中「次に掲げるところにより」とあるのは、「高速取引行為に関するものであることが判別できるようにし、かつ、次に掲げるところにより」と

読み替えるものとする。

(4) With regard to order forms referred to in paragraph (1) related to high-speed trading, the provisions of paragraph (2), items (iii) and (iv), and item (vi) of the preceding paragraph do not apply, and the provisions of Article 338, paragraphs (6) and (7) apply mutatis mutandis. In such a case, the phrase "in accordance with the following conditions" in that paragraph is deemed to be replaced with "to enable to identify the transactions as those related to high-speed trading, and, in accordance with the following conditions".

5　第一項及び第三項の規定によるもののほか、社内取引システムを使用して行う第七十条の二第七項に規定する取次ぎ（取引所金融商品市場等（取引所金融商品市場又は令第二十六条の二の二第七項に規定する私設取引システムをいう。第三号において同じ。）における価格（価格に相当する事項を含む。以下この項において同じ。）と比較して当該価格と同一又はそれよりも有利な価格で行うことを主たる目的としないものを除く。）に関する第一項の注文伝票には、次に掲げる事項を記載しなければならない。

(5) Beyond what is prescribed in the provisions of paragraph (1) and paragraph (3), the following matters must be stated in the order forms referred to in paragraph (1) related to a brokerage prescribed in Article 70-2, paragraph (7) that is implemented by using the intra-company transaction system (excluding brokerage not for the main purpose of operating it at a price equivalent to or more favorable than the price (including the matter equivalent to the price; the same applies hereinafter in this paragraph) at the financial instruments exchange market, etc. (meaning the financial instruments exchange market or proprietary trading system prescribed in Article 26-2-2, paragraph (7) of the Order; the same applies in item (iii))):

一　当該社内取引システムの名称

(i) the name of the intra-company transaction system;

二　当該社内取引システムにおいて決定された価格及びその時刻

(ii) the price and the time that has been determined by the intra-company transaction system; and

三　当該社内取引システムの使用に際して比較した取引所金融商品市場等及び社内取引システムにおける価格並びにその時刻

(iii) the price and the time on the financial instruments exchange market, etc. and in the intra-company transaction system which have been compared in using the intra-company transaction system.

6　第二項及び第三項の規定によるもののほか、前項に規定する取次ぎに関する第一項の注文伝票は、当該取次ぎに関するものであることが判別できるようにしなければならない。

(6) Beyond what is prescribed in the provisions of paragraphs (2) and (3), the order form referred to in paragraph (1) related to a brokerage prescribed in the preceding paragraph must be prepared in a manner that is possible to identify

that it is related to the brokerage.

第百五十八条の二　第百五十七条第一項第三号の二の決済措置の確認に係る記録には、令第二十六条の二の二第一項又は第二項（これらの規定を同条第六項及び第七項において準用する場合を含む。）の規定により確認した内容に関し、次に掲げる事項を記載しなければならない。

Article 158-2 The record for confirmation of the settlement measures referred to in Article 157, paragraph (1), item (iii)-2 must state the following matters concerning the content confirmed pursuant to the provisions of Article 26-2-2, paragraph (1) or (2) of the Order (including as applied mutatis mutandis pursuant to paragraphs (6) and (7) of that Article):

一　顧客の氏名又は名称

(i) the name of the customer;

二　確認年月日

(ii) the date of confirmation;

三　決済措置に係る有価証券の調達先

(iii) the name of the person that has provided the securities related to the settlement measures; and

四　令第二十六条の二の二第一項又は第二項（これらの規定を同条第六項及び第七項において準用する場合を含む。）の規定により確認した決済措置の内容

(iv) the content of the settlement measures confirmed pursuant to the provisions of Article 26-2-2, paragraph (1) or (2) of the Order (including as applied mutatis mutandis pursuant to paragraphs (6) and (7) of that Article).

（決済措置適用除外取引の確認に係る記録）

(Record for Confirmation of Transactions Exempted from Application of Settlement Measures)

第百五十八条の三　第百五十七条第一項第三号の三の決済措置適用除外取引の確認に係る記録には、受託した有価証券（令第二十六条の二の二第一項（同条第六項及び第七項において準用する場合を含む。）に規定する金融庁長官が指定する有価証券に限る。）の空売りが取引等規制府令第九条の三第一項第二十号から第三十六号まで、第二項第七号から第九号まで又は第三項第七号から第十号までに掲げる取引として行うものであることを確認する場合における当該空売りの内容に関し、次に掲げる事項を記載しなければならない。

Article 158-3 The record for confirmation of a transaction exempted from application of settlement measures referred to in Article 157, paragraph (1), item (iii)-3 must state the following matters concerning the content of a short selling when confirming the fact that short selling of entrusted securities (limited to securities designated by the Commissioner of the Financial Services Agency which are prescribed in Article 26-2-2, paragraph (1) of the Order (including as applied mutatis mutandis pursuant to paragraphs (6) and (7) of

that Article)) is to be conducted as a transaction set forth in Article 9-3, paragraph (1), items (xx) through (xxxvi), paragraph (2), items (vii) through (ix), or paragraph (3), items (vii) through (x) of the Order on Restrictions on Transactions:

一　顧客の氏名又は名称

(i) the name of the customer;

二　確認年月日

(ii) the date of confirmation; and

三　取引の具体的な内容

(iii) the specific content of the transaction.

（第百十七条第一項第二十四号の五の確認に係る記録）

(Record for the Confirmation Referred to in Article 117, Paragraph (1), Item (xxiv)-5)

第百五十八条の四　第百五十七条第一項第三号の四の第百十七条第一項第二十四号の五の確認に係る記録には、同号の確認をした内容に関し、次に掲げる事項を記載しなければならない。

Article 158-4 The record for the confirmation referred to in Article 117, paragraph (1), item (xxiv)-5 as referred to in Article 157, paragraph (1), item (iii)-4 must state the following matters concerning the content of confirmation referred to in Article 117, paragraph (1), item (xxiv)-5 which has been made:

一　顧客の氏名又は名称

(i) the name of the customer;

二　確認年月日

(ii) the date of confirmation; and

三　有価証券の管理の方法

(iii) the management method of securities.

（取引日記帳）

(Transaction Diary)

第百五十九条　第百五十七条第一項第四号の取引日記帳には、法第二条第八項第一号から第五号（同条第二十七項第二号に該当するものを除く。）まで、第八号及び第九号に掲げる行為（媒介又は代理に係るものを除く。）並びに商品関連市場デリバティブ取引に関し、次に掲げる事項を記載しなければならない。

Article 159 (1) The following matters must be stated in the transaction diary referred to in Article 157, paragraph (1), item (iv), concerning the acts set forth in Article 2, paragraph (8), items (i) through (v) of the Act (excluding the act that falls under item (ii), paragraph (27) of that Article) and Article 2, paragraph (8), items (viii) and (ix) of the Act (excluding an act related to intermediary or agency services) and commodity-related market derivatives transactions:

一　約定年月日
(i) the date of the contract;
二　委託者である顧客の氏名又は名称
(ii) the name of the customer who is the entrustor;
三　売付け若しくは買付けの別又は募集若しくは売出しの取扱い若しくは私募若しくは特定投資家向け売付け勧誘等の取扱い若しくは解約若しくは払戻しの別
(iii) distinction fo whether it is a sale or purchase transaction, or handling public offering or secondary distribution, handling private placement or solicitation for selling, etc. only for professional investors, or a cancellation of transaction or for refund;
四　銘柄
(iv) the issue;
五　数量（数量がない場合にあっては、件数又は数量に準ずるもの）
(v) the volume (if there is no volume, number of transactions or the matter equivalent to volume);
六　約定価格又は単価及び金額
(vi) the contracted price or unit price, and the amount;
七　受渡年月日
(vii) the delivery date;
八　相手方の氏名又は名称（有価証券の売買その他の取引等を取引所金融商品市場又は店頭売買有価証券市場によらないでする場合に限る。）
(viii) the name of the counterparty (limited to cases in which purchase and sale or other transactions of securities is conducted through neither a financial instruments exchange market nor a over-the-counter securities market);
九　現先取引については、次に掲げる事項
(ix) for a transaction with a repurchase or resale agreement, the following matters:
イ　現先取引である旨
(a) the fact that the transaction falls under a transaction with a repurchase or resale agreement;
ロ　スタート分の取引又はエンド分の取引の別
(b) distinction of whether it is a transaction for starting or a transaction for ending;
ハ　委託現先又は自己現先の別
(c) distinction of whether it is a transaction with a repurchase or resale agreement based on an entrustment by a customer, or a transaction with a repurchase or resale agreement for raising one's funds;
十　法第二条第二十一項第一号及び第二号並びに第二十二項第一号及び第二号に掲げる取引については、次に掲げる事項
(x) for transactions set forth in Article 2, paragraph (21), items (i) and (ii), and Article 2, paragraph (22), items (i) and (ii) of the Act, the following matters:

イ　自己又は委託の別（法第二条第二十一項第一号及び第二号に掲げる取引については、委託先物か自己先物かの別）

(a) distinction of whether it is the financial instruments business operator's own transaction or a transaction entrusted by a customer (for transactions set forth in Article 2, paragraph (21), items (i) and (ii) of the Act, distinction of whether it is a futures transaction entrusted by a customer or a futures transaction for oneself);

ロ　限月又は受渡年月日

(b) the expiration month or delivery date;

ハ　新規、決済又は解除の別

(c) distinction of whether it is a new transaction, a transaction for a settlement, or cancellation; and

ニ　商品有価証券以外の有価証券に係る法第二条第二十一項第一号及び第二号に掲げる取引については、その旨

(d) for transactions set forth in Article 2, paragraph (21), items (i) and (ii) of the Act related to securities other than trading account securities, that fact;

十一　法第二条第二十一項第三号並びに第二十二項第三号及び第四号に掲げる取引並びに選択権付債券売買については、次に掲げる事項

(xi) for transactions set forth in Article 2, paragraph (21), item (iii) and Article 2, paragraph (22), items (iii) and (iv) of the Act, and the trading of bonds with options, the following matters:

イ　自己又は委託の別

(a) distinction of whether it is a financial instruments business operator's own transaction or a transaction based on entrustment by a customer;

ロ　権利行使期間及び権利行使価格

(b) the exercise period and exercise price;

ハ　プット又はコールの別

(c) distinction of whether it is a put option or call option;

ニ　新規、権利行使、転売、買戻し又は相殺の別

(d) distinction of whether it is a new transaction, or a transaction for exercise of rights, a resale transaction, a buy-back transaction, or a set-off transaction;

ホ　限月

(e) the expiration month;

ヘ　法第二条第二十二項第三号及び第四号に掲げる取引については、オプションの行使により成立することとなる取引の内容

(f) for transactions set forth in Article 2, paragraph (22), items (iii) and (iv) of the Act, the content of the transaction to be closed by the exercise of options;

十二　法第二条第二十一項第四号及び第四号の二並びに第二十二項第五号に掲げる取

引については、次に掲げる事項

(xii) for transactions set forth in Article 2, paragraph (21), items (iv) and (iv)-2, and Article 2, paragraph (22), item (v) of the Act, the following matters:

イ　自己又は委託の別

(a) distinction of whether it is a financial instruments business operator's own transaction or a transaction based on entrustment by a customer; and

ロ　取引期間及び受渡年月日

(b) the transaction period and delivery date;

十三　法第二条第二十一項第五号及び第二十二項第六号に掲げる取引については、次に掲げる事項

(xiii) for transactions set forth in Article 2, paragraph (21), item (v) and Article 2, paragraph (22), item (vi) of the Act, the following matters:

イ　自己又は委託の別

(a) distinction of whether it is a financial instruments business operator's own transaction or a transaction based on entrustment by the customer;

ロ　権利行使期間

(b) the exercise period;

ハ　新規、権利行使、転売又は買戻しの別

(c) distinction of whether it is a new transaction, a transaction for exercise of rights, a resale transaction, or a buy-back transaction;

ニ　法第二条第二十二項第六号に掲げる取引については、次に掲げる事項

(d) for a transaction set forth in Article 2, paragraph (22), item (vi) of the Act, the following matters:

（１）　当事者があらかじめ定めた事由

1. the events determined by the parties in advance;

（２）　当事者があらかじめ定めた事由が発生した場合に支払われることとなる金銭の額又はその計算方法

2. the amount of money to be paid upon the occurrence of an event determined by the parties in advance, or its calculation method; and

（３）　当事者の間で移転することを約した金融商品、金融商品に係る権利又は金銭債権（金融商品であるもの及び金融商品に係る権利であるものを除く。）

3. the financial instruments, the rights related to the financial instruments, or monetary claims that the parties have agreed to transfer between them (excluding monetary claims that are financial instruments or rights related the financial instruments).

２　前項の取引日記帳は、次に掲げるところにより作成しなければならない。

(2) The transaction diary referred to in the preceding paragraph must be prepared in accordance with the following conditions:

一　募集若しくは売出しの取扱い若しくは私募若しくは特定投資家向け売付け勧誘等の取扱い又は解約若しくは払戻しの別（次号において「募集等」という。）につい

ては、それぞれに区分して記載すること。

(i) as for the transaction for public offering or secondary distribution, private placement or solicitation for selling, etc. only for professional investors, or a cancellation or refund (referred to as "public offering, etc." in the following item), the transaction is to be stated under each of the category;

二　募集等以外については、自己売買と委託売買の別に市場内取引（取引所金融商品市場又は店頭売買有価証券市場における取引をいう。以下この号及び次号において同じ。）における売付け及び買付け、市場内取引以外の取引における売付け及び買付けに区分して記載すること。

(ii) for transactions other than for public offering, etc. they are to be stated separately for sale or purchase of a market transaction (meaning a transaction on a financial instruments exchange market or an over-the-counter securities market; hereinafter the same applies in this item and the following item) and sale or purchase of a transaction other than market transaction separately for financial instrument business operator's own transactions and transactions based on entrustment by a customer;

三　市場内取引については市場別に記載すること。

(iii) market transactions are to be stated for each market;

四　受渡年月日は、実際に受渡しを行った年月日を記載すること。ただし、取引所金融商品市場における取引のうち金融商品取引所の規則で定める普通取引に係るものについては、この限りでない。

(iv) for the delivery date, to state the day when the delivery was actually made; provided, however, that this does not apply to transactions on a financial instruments exchange market which are related to regular transactions prescribed by the rules of a financial instruments exchange;

五　クロス取引（取引所金融商品市場において行う売付け又は買付け（当該取引所金融商品市場を開設する金融商品取引所が定める方法により行うものに限る。）であって、同一の会員等が対当する売付け又は買付けを同時に成立させるものをいう。）については、その旨を表示すること。

(v) for a cross transaction (meaning sale or purchase made on a financial instruments exchange market (limited to one conducted by the method specified by a financial instruments exchange that operates the financial instruments exchange market), in which the same member, etc. closes a matching sale or purchase at the same time), to state that fact;

六　国債の入札前取引において、当該入札前取引の成立時に、銘柄、単価、金額及び受渡年月日（以下この号において「銘柄等」という。）の記載をすることができない場合にあっては、国債の入札前取引である旨、償還予定日及び約定利回りを記載することとし、当該銘柄等が判明したときに、これらの記載をすること。なお、これらの事項を記載した期日及び経緯が判別できるようにしておくこと。

(vi) for a pre-auction trading of government bonds, when it is not possible to state the issue, unit price, amount, and delivery date (hereinafter referred to

as "issues, etc." in this item) at the time of closing the pre-auction trading, the fact that it is a pre-auction trading of government bonds, the scheduled redemption date, and the contracted yield are to be stated, and when the issues, etc. become clear, they are to be stated. In such a case, a record is to be kept in a manner that is possible to identify the date when those matters were entered and the circumstances for that.

七　私設取引システム運営業務に係るものは、別つづりとするか、当該私設取引システム運営業務に係るものであることが判別できるようにしておくこと。

(vii) transactions related to the proprietary trading system operations is to be kept in a separate file, or recorded in a manner that is possible to identify that they are related to the proprietary trading system operations;

八　注文・清算分離行為が行われた取引については、注文執行会員等は、新規又は決済の別及び新規、権利行使、転売又は買戻しの別の記載を要しない。

(viii) for a transaction for which a give-up action was conducted, an order executing member, etc. is not required to state whether it is a new transaction, a transaction for exercise of rights, a resale transaction, or a buy-back transaction;

九　電子取引基盤運営業務に係るものは、別つづりとするか、当該電子取引基盤運営業務に係るものであることが判別できるようにしておくこと。

(ix) transactions related to electronic trading platform management services are to be kept in a separate file, or recorded in a manner that is possible to identify that they are related to the electronic trading platform management services.

3　前二項の規定にかかわらず、次の各号に掲げる事項については、当該各号に定めるところによることができる。

(3) Notwithstanding the provisions of the preceding two paragraphs, the matters set forth in the following items may be stated in accordance with the conditions set forth in each of those items:

一　有価証券等清算取次ぎに係る第一項各号に掲げる事項　金融商品取引清算機関（当該金融商品取引清算機関が連携金融商品債務引受業務を行う場合には、連携清算機関等を含む。）若しくは外国金融商品取引清算機関又は委託者から送付される伝票又はデータ（委託者の氏名又は名称、銘柄、数量、金額及び約定年月日が含まれているものに限る。）を保存することをもって取引日記帳とすること。

(i) the matters set forth in the items of paragraph (1) which are related to brokerage for clearing of securities, etc.: a record preserving slips or data sent by financial instruments clearing organizations (if the financial instruments clearing organization conducts collaborating financial instruments obligation assumption services, including collaborating clearing organization, etc.), foreign financial instruments clearing organizations, or entrustors (limited to slips or data that include the entrustor's name, issue, volume, amount, and the contracted date) is to be considered as transaction

diary;

二　第一項第二号及び第八号に掲げる事項　第百十条第一項第五号又は第六号の規定により契約締結時交付書面の交付を要しない顧客又は相手方の場合であって、当該顧客又は相手方と当該顧客又は相手方の資産に係る運用指図者が異なるときは、運用指図者から受注し約定した売買取引について当該運用指図者を第一項第二号に掲げる顧客又は同項第八号に掲げる相手方とすること。この場合においては、その旨を取引日記帳に表示しなければならない。

(ii) the matters set forth in paragraph (1), items (ii) and (viii): for a customer or counterparty for which a document for delivery upon conclusion of contract is not required to be delivered pursuant to the provisions of Article 110, paragraph (1), item (v) or (vi), and the customer or counterparty is different from a person authorized to give investment instructions concerning the assets of the customer or counterparty, to consider the person authorized to give investment instructions as a customer set forth in paragraph (1), item (ii) or counterparty set forth in item (viii) of that paragraph for purchase and sale transaction ordered by and agreed with the person authorized to give investment instructions. In such a case, that fact must be indicated on a transaction diary.

４　高速取引行為に関する第一項の取引日記帳については、第二項第七号及び第九号の規定は適用せず、第三百三十八条第七項（第一号を除く。）の規定を準用する。この場合において、同項中「次に掲げるところにより」とあるのは、「高速取引行為に関するものであることが判別できるようにし、かつ、次に掲げるところにより」と読み替えるものとする。

(4) Conerning the transaction diary referred to in paragraph (1) related to high-speed trading, the provisions of paragraph (2), items (vii) and (ix) do not apply, and the provisions of Article 338, paragraph (7) (excluding item (i)) apply mutatis mutandis. In such a case, the term "in accordance with the following conditions" in that paragraph is deemed to be replaced with "in a manner that is possible to identify them as transactions related to high-speed trading, and, in accordance with the following conditions".

（媒介又は代理に係る取引記録）

(Transaction Records for Intermediary or Agency Services)

第百六十条　第百五十七条第一項第五号の媒介又は代理に係る取引記録には、法第二条第八項第二号から第四号までに掲げる行為（媒介又は代理に係るものに限る。）に関し、次に掲げる事項を記載しなければならない。

Article 160 The transaction records for intermediary or agency services referred to in Article 157, paragraph (1), item (v) must state the following matters, in connection with the acts set forth in Article 2, paragraph (8), items (ii) through (iv) of the Act (limited to acts related to intermediary or agency services):

一　媒介又は代理を行った年月日

(i) the date when the intermediary or agency services has been provided;
二　顧客の氏名又は名称
(ii) the customer's name;
三　媒介又は代理の別
(iii) distinction of whether it is for intermediary or agency services;
四　媒介又は代理の内容
(iv) the content of the intermediary or agency services; and
五　媒介又は代理に関して受け取る手数料、報酬その他の対価の額
(v) the amount of fee, remuneration, or any other consideration to be received in connection with the intermediary or agency services.

（有価証券等清算取次ぎに係る取引記録）
(Transaction Records for Brokerage for Clearing of Securities)
第百六十一条　第百五十七条第一項第六号の有価証券等清算取次ぎに係る取引記録には、有価証券等清算取次ぎ（法第二条第二十七項第二号に規定する有価証券等清算取次ぎを除く。）に関する次に掲げる事項を記載しなければならない。
Article 161 The transaction records for brokerage for clearing of securities, etc. referred to in Article 157, paragraph (1), item (vi) must state the following matters concerning brokerage for clearing of securities, etc. (excluding brokerage for clearing of securities, etc. prescribed in Article 2, paragraph (27), item (ii) of the Act):
一　委託者の氏名又は名称
(i) the name of the entrustor;
二　銘柄
(ii) the issue;
三　数量（数量がない場合にあっては、件数又は数量に準ずるもの）
(iii) the volume (if there is no volume, number of transactions or the matter equivalent to volume);
四　受渡金額
(iv) the delivery price;
五　受渡年月日
(v) the delivery date; and
六　受渡しの相手方
(vi) the party receiving the delivery.

（募集若しくは売出し又は私募若しくは特定投資家向け売付け勧誘等に係る取引記録）
(Transaction Records for Public Offering or Secondary Distribution, or Private Placement or Solicitation for Selling, etc. Only for Professional Investors)
第百六十二条　第百五十七条第一項第七号の募集若しくは売出し又は私募若しくは特定投資家向け売付け勧誘等に係る取引記録には、法第二条第八項第七号に掲げる行為及

び同項第八号に掲げる行為（当該行為に係る有価証券の買付けの申込み又は売付けの期間を定めて行うものに限る。）並びに令第一条の十二第一号に規定する行為に関し、次に掲げる事項を記載しなければならない。

Article 162 (1) The transaction records for a public offering or secondary distribution, or a private placement or solicitation for selling, etc. only for professional investors referred to in Article 157, paragraph (1), item (vii) must state the following matters concerning the act set forth in Article 2, paragraph (8), item (vii) of the Act and the act set forth in item (viii) of that paragraph (limited to those conducted by specifying a period of offer for purchase or sale of securities related to the acts), and the act set forth in Article 1-12, item (i) of the Order:

一　顧客の氏名又は名称

(i) the customer's name;

二　銘柄

(ii) the issue;

三　募集若しくは売出し若しくは私募若しくは特定投資家向け売付け勧誘等又は買取り若しくは解約若しくは払戻し（次項において「募集等」という。）の別

(iii) distinction of whether the transaction is for public offering or secondary distribution, private placement or solicitation for selling, etc. only for professional investors, or purchase, cancellation or refund (referred to as "public offering, etc." in the following paragraph);

四　受注数量（数量がない場合にあっては、件数又は数量に準ずるもの。第三項第一号において同じ。）、受注単価及び受注金額

(iv) the volume of orders received (if there is no volume, number of orders or the matter equivalent to volume; the same applies in paragraph (3), item (i)), the unit price and the amount of orders received;

五　約定数量（数量がない場合にあっては、件数又は数量に準ずるもの。第三項第一号において同じ。）、約定単価及び約定金額

(v) the agreed volume (if there is no volume, number orders or the matter equivalent to volume; the same applies in paragraph (3), item (i)), the contracted unit price and the contracted amount;

六　受注日時

(vi) the date and time of receipt of the orders; and

七　約定日時

(vii) the contracted date and time.

２　前項の募集若しくは売出し又は私募若しくは特定投資家向け売付け勧誘等に係る取引記録は、次に掲げるところにより作成しなければならない。

(2) The transaction records for public offering or secondary distribution, or private placement or solicitation for selling, etc. only for professional investors referred to in the preceding paragraph must be prepared in accordance with the following conditions:

一　原則として募集等に係る申込みを受けたときに、速やかに作成すること。
(i) the record is to be prepared promptly upon the receipt of applications related to public offering, etc., in principle;
二　約定が不成立の場合には、その旨を表示すること。
(ii) if the contract has not been closed, to indicate that fact;
三　募集若しくは売出し又は私募若しくは特定投資家向け売付け勧誘等に係る取引記録を電磁的記録により作成する場合は、前二号に掲げるところによるほか、次に掲げるところにより作成すること。
(iii) if the transaction records for public offering or secondary distribution, or private placement or solicitation for selling, etc. only for professional investors are to be prepared as an electronic or magnetic record, it is to be prepared in accordance with the following conditions, beyond what is set forth in the preceding two items:
イ　前項各号（第五号及び第七号を除く。）に掲げる事項は、募集等に係る申込みを受けたときに電子計算機へ入力すること。
(a) the fact that the matters set forth in the items of the preceding paragraph (excluding items (v) and (vii)) are entered in a computer upon the receipt of an application related to public offering, etc.; and
ロ　募集等に係る申込みを電子計算機へ入力した日付及び時刻が自動的に記録されること。
(b) the fact that the date and time when the application related to public offering, etc. was entered in the computer are automatically recorded.
3　前二項の規定にかかわらず、次の各号に掲げる事項については、当該各号に定めるところによることができる。
(3) Notwithstanding the provisions of the preceding two paragraphs, the matters set forth in the following items may be stated in accordance with the conditions set forth in each of those items:
一　同一日において価格が変動しない投資信託受益証券等に係る第一項第四号から第七号までに掲げる事項　当該各号に掲げる事項に代えて、受注数量、約定数量、受注日及び約定日を記載すること。
(i) the matters set forth in paragraph (1), items (iv) through (vii) which are related to investment trust beneficiary certificates, etc. without price fluctuation on the same day: volume of orders received, contracted volume, date of the receipt of the order, and contracted date is to be stated in lieu of the matters set forth in each of those items;
二　前項第三号の規定により電磁的記録により作成されている事項　当該電磁的記録により作成されている事項を電子計算機の映像面へ表示し、又は書面へ出力する場合においては、一覧表により表示し、又は出力すること。
(ii) matters prepared as an electronic or magnetic record pursuant to the provisions of item (iii) of the preceding paragraph: if the matters prepared as an electronic or magnetic record is to be displayed on a computer screen or

printed out on a document, they are to be displayed or printed as a list.

（募集若しくは売出しの取扱い又は私募若しくは特定投資家向け売付け勧誘等の取扱いに係る取引記録）

(Transaction Records for Handling of Public Offering or Secondary Distribution, or Handling of Private Placement or Solicitation for Selling, etc. Only for Professional Investors)

第百六十三条　第百五十七条第一項第八号の募集若しくは売出しの取扱い又は私募若しくは特定投資家向け売付け勧誘等の取扱いに係る取引記録には、法第二条第八項第九号に掲げる行為に関し、次に掲げる事項を記載しなければならない。

Article 163 (1) In the transaction records for handling of public offering or secondary distribution, or handling of private placement or solicitation for selling, etc. only for professional investors referred to in Article 157, paragraph (1), item (viii), the following matters must be stated in relation to the acts set forth in Article 2, paragraph (8), item (ix) of the Act:

一　顧客の氏名又は名称

(i) the customer's name;

二　銘柄

(ii) the issue;

三　募集若しくは売出しの取扱い若しくは私募若しくは特定投資家向け売付け勧誘等の取扱い又は解約若しくは払戻し（次項において「募集等」という。）の別

(iii) distinction of whether the transaction is for handling of public offering or secondary distribution, handling of private placement or solicitation for selling, etc. only for professional investors, or a cancellation or a refund (referred to as "public offering, etc." in the following paragraph);

四　受注数量（数量がない場合にあっては、件数又は数量に準ずるもの。第三項第一号において同じ。）、受注単価及び受注金額

(iv) the volume of orders received (if there is no volume, number of orders or the matter equivalent to volume; the same applies in paragraph (3), item (i)), the unit price of orders received, and the amount of orders received;

五　約定数量（数量がない場合にあっては、件数又は数量に準ずるもの。第三項第一号において同じ。）、約定単価及び約定金額

(v) the agreed volume (if there is no volume, number of orders or the matter equivalent to volume; the same applies in paragraph (3), item (i)), the contracted unit price and the contracted amount;

六　受注日時

(vi) the date and time of receipt of orders; and

七　約定日時

(vii) the contracted date and time.

２　前項の募集若しくは売出しの取扱い又は私募若しくは特定投資家向け売付け勧誘等の取扱いに係る取引記録は、次に掲げるところにより作成しなければならない。

(2) The transaction records for handling of public offering or secondary distribution, or handling of private placement or solicitation for selling, etc. only for professional investors, referred to in the preceding paragraph, must be prepared in accordance with the following conditions:

一　原則として募集等に係る申込みを受けたときに、速やかに作成すること。

(i) it is prepared promptly upon the receipt of an application for public offering, etc., in principle;

二　約定が不成立の場合には、その旨を表示すること。

(ii) if the contract was not closed, to indicate that fact;

三　募集若しくは売出しの取扱い又は私募若しくは特定投資家向け売付け勧誘等の取扱いに係る取引記録を電磁的記録により作成する場合は、前二号に掲げるところによるほか、次に掲げるところにより作成すること。

(iii) if transaction records for handling of public offering or secondary distribution, or handling of private placement or solicitation for selling, etc. only for professional investors is to be prepared as an electronic or magnetic record, it is to be prepared in accordance with the following conditions, beyond what is set forth in the preceding two items:

イ　前項各号（第五号及び第七号を除く。）に掲げる事項は、募集等に係る申込みを受けたときに電子計算機へ入力すること。

(a) the fact that the matters set forth in the items of the preceding paragraph (excluding items (v) and (vii)) are entered in a computer upon the receipt of an application for public offering, etc.; and

ロ　募集等に係る申込みを電子計算機へ入力した日付及び時刻が自動的に記録されること。

(b) the date and time when the application for public offering, etc. has been entered on a computer are to be automatically recorded.

3　前二項の規定にかかわらず、次の各号に掲げる事項については、当該各号に定めるところによることができる。

(3) Notwithstanding the provisions of the preceding two paragraphs, the matters set forth in the following items may be stated in accordance with the conditions set forth in each of those items:

一　同一日において価格が変動しない投資信託受益証券等に係る第一項第四号から第七号までに掲げる事項　当該各号に掲げる事項に代えて、受注数量、約定数量、受注日及び約定日を記載すること。

(i) the matters specified in paragraph (1), items (iv) through (vii) concerning investment trust beneficiary certificates, etc. without price fluctuation on the same day: the volume of orders received, the contracted volume, the date of the receipt of orders, and the contracted date are to be stated in lieu of the matters set forth in each of those items;

二　前項第三号の規定により電磁的記録により作成されている事項　当該電磁的記録により作成されている事項を電子計算機の映像面へ表示し、又は書面へ出力する場

合においては、一覧表により表示し、又は出力すること。

(ii) the matters prepared as an electronic or magnetic record pursuant to the provisions of item (iii) of the preceding paragraph: if the matters prepared as an electronic or magnetic record is to be displayed on the screen of a computer or printed out on a paper, the matters are to be displayed or printed as a list.

（顧客勘定元帳）

(Customer Ledgers)

第百六十四条　第百五十七条第一項第九号の顧客勘定元帳には、顧客が行う取引（媒介又は代理に係るもの及び有価証券等清算取次ぎを除く。）に関し、次の各号に掲げる取引の区分に応じ、当該各号に掲げる事項を記載しなければならない。

Article 164 (1) The customer ledger referred to in Article 157, paragraph (1), item (ix) must state the matters set forth in the following items concerning customer's transactions (excluding transactions related to intermediary or agency services, and to brokerage for clearing of securities, etc.) in accordance with the category of the transactions set forth in each of those transactions:

一　信用取引、発行日取引（国債の発行日前取引を除く。）、選択権付債券売買、市場デリバティブ取引及び店頭デリバティブ取引（次項第二号において「信用取引等」という。）　次に掲げる事項

(i) a margin transaction, when-issued transaction (excluding when-issued transaction of government bonds), trading of bonds with options, market derivatives transactions and over-the-counter derivatives transactions (referred to as "margin transactions, etc." in item (ii) of the following paragraph): the following matters:

イ　顧客の氏名又は名称

(a) the customer's name;

ロ　約諾書番号

(b) the serial number of the consent letter;

ハ　銘柄

(c) the issue;

ニ　取引の種類（第百五十八条第一項第三号ロ、ハ、ニ（２）、ホ（３）及びト（２）を除く。）

(d) the type of transactions (excluding Article 158, paragraph (1), item (iii), sub-item (b), sub-item (c), sub-item (d), 2., sub-item (e), 3. and sub-item (g), 2.);

ホ　売付け又は買付けの別

(e) distinction of whether it is a sale or purchase transaction;

ヘ　約定年月日

(f) the contracted date;

ト　数量（数量がない場合にあっては、件数又は数量に準ずるもの）

(g) volumes (if there is no volume, the number of transactions or the matter equivalent to volume);

チ　約定価格又は単価及び金額

(h) the contracted price or unit price, and the amount;

リ　委託手数料

(i) the commission fee;

ヌ　信用取引支払利息若しくは信用取引受取利息又は品借料若しくは品貸料

(j) interest expense for margin transactions or interest income for margin transactions, or share borrowing fee or share lending fee;

ル　入出金及び差引残高

(k) deposits and withdrawals, and the balance;

ヲ　受入保証金、委託証拠金、売買証拠金その他の担保財産に関する事項（現金又は代用有価証券等の別、受入年月日又は返却年月日、銘柄、数量及び金額）

(l) matters concerning guarantee deposits received, customer margins, trading margins or other collateral properties (distinction of whether it is money or substitute securities, etc., the date of receipt, the return date, and the issue, volume, and the amount);

二　前号に掲げる取引以外の取引　次に掲げる事項

(ii) a transaction other than those set forth in the preceding item: the following matters:

イ　顧客の氏名又は名称

(a) the customer's name;

ロ　約定年月日

(b) the contracted date;

ハ　銘柄

(c) the issue;

ニ　数量（数量がない場合にあっては、件数又は数量に準ずるもの）、単価及び金額

(d) the volume (if there is no volume, number of transactions or the matter equivalent to volume), the unit price, and the price;

ホ　受渡年月日

(e) the delivery date;

ヘ　借方、貸方及び残高

(f) the amount of the debit, credit, and balance;

ト　スタート分の取引又はエンド分の取引の別

(g) distinction of whether it is a transaction for starting or a transaction for ending;

チ　現先取引についてはその旨

(h) for a transaction with a repurchase or resale agreement, that fact.

２　前項の顧客勘定元帳は、次に掲げるところにより作成しなければならない。

(2) The customer ledger referred to in the preceding paragraph must be prepared

in accordance with the following conditions:

一　前項各号に掲げる取引ごと（市場デリバティブ取引及び店頭デリバティブ取引については、法第二条第二十一項各号及び第二十二項各号に掲げる取引ごと）に分冊し、顧客別に取引経過を記載すること。

(i) the ledger is divided by transaction set forth in the items of the preceding paragraph (for market derivatives transactions and over-the-counter derivatives transactions, by transaction set forth in the items of Article 2, paragraph (21) and of paragraph (22) of the Act), and is to state the transaction progress for each customer;

二　信用取引等により発生した損益金及び受取配当金相当額については、その他の取引に係る顧客勘定元帳に振り替えること。

(ii) the amount of profit and loss accrued from the margin transaction, etc. and the amount equivalent to dividend income are transferred to the customer ledger for other transactions;

三　約諾書番号が別途顧客別に検索できる場合には、約諾書番号の記載を省略することができる。

(iii) if it is possible to separately search for the serial number of consent letters by customer, the entry of the serial numbers may be omitted;

四　注文・清算分離行為が行われた取引に係る委託手数料については、清算執行会員等が顧客から直接受領した委託手数料を記載すること。

(iv) for the commission fee concerning a transaction for which a give-up action has been performed, to state the commission fee which a clearance executing member, etc. has received directly from a customer; and

五　注文・清算分離行為が行われた取引については、注文執行会員等は、作成することを要しない。ただし、顧客から直接委託手数料を受領した場合には、顧客の氏名又は名称、約諾書番号、委託手数料並びに入出金及び差引残高を記載すること。

(v) an order executing member, etc. is not required to prepare a customer ledger for transactions for which a give-up action has been performed; provided, however, that if an order executing member, etc. has directly received commission fees from a customer, to state the customer's name, the serial number of the consent letter, the amount of the commission fee, deposits and withdrawals, and the balance.

3　前二項の規定にかかわらず、次の各号に掲げる事項については、当該各号に定めるところによることができる。

(3) Notwithstanding the provisions of the preceding two paragraphs, the matters set forth in the following items may be stated in accordance with the conditions set forth in each of those items:

一　事故処理に係る第一項各号に掲げる事項　当該各号に掲げる事項について事故処理別に取引経過を記載すること。この場合においては、事故処理に係る顧客勘定元帳を単独で作成し、保存することができる。

(i) the matters set forth in the items of paragraph (1) that concern handling of

problematic conduct: to state the transaction status for each problematic conduct handled for the matters set forth in each of those items. In such a case, it is possible to independently prepare and preserve the customer ledger on handling of problematic conduct;

二　第一項第一号チに掲げる約定価格又は単価及び同項第二号ニに掲げる単価　第百十条第一項第五号及び第六号の規定により契約締結時交付書面を交付しない顧客から同一日における同一銘柄の注文を一括することについてあらかじめ同意を得ている場合には、同一日における当該銘柄の取引の約定価格又は単価の平均額を記載すること。この場合においては、その旨を顧客勘定元帳に表示しなければならない。

(ii) the contracted price or unit price set forth in paragraph (1), item (i), sub-item (h), and the unit price set forth in item (ii), sub-item (d) of that paragraph: if a prior consent on bundling the orders for the same issue on the same day from a customer to whom a document for delivery upon conclusion of contract is not delivered pursuant to the provisions of Article 110, paragraph (1), item (v) or (vi) has been obtained, to state the average amount of the contracted price or unit price for the transaction of that issue on the same day. In such a case, that fact must be indicated in the customer ledger.

（受渡有価証券記番号帳）

(Book on Serial Numbers of Delivered Securities)

第百六十五条　第百五十七条第一項第十号の受渡有価証券記番号帳には、一切の受渡有価証券（受渡しを行った法第二条第一項各号に掲げる証券若しくは証書、電子記録移転権利又は令第一条の十二第二号に規定する権利をいい、第百五十七条第一項第十一号の保護預り有価証券明細簿に記載したもの、受渡し時点において記号又は番号が特定できない外国有価証券、登録国債及び社債、株式等の振替に関する法律第二条第一項に規定する社債等で同条第二項に規定する振替機関が取り扱うものを除く。）について次に掲げる事項を記載しなければならない。

Article 165 (1) The book on the serial numbers of delivered securities referred to in Article 157, paragraph (1), item (x) must state the following matters concerning any and all delivered securities (meaning instruments or certificates set forth in the items of Article 2, paragraph (1) of the Act, electronically recorded transferable rights, or rights prescribed in Article 1-12, item (ii) of the Order for which delivery have been made, and excluding those entered into the book on details of securities in safe custody referred to in Article 157, paragraph (1), item (xi), foreign securities whose code or number cannot be identified at the time of delivery, registered national government bonds, and corporate bonds, etc. as defined in Article 2, paragraph (1) of the Act on Book-Entry Transfer of Corporate Bonds and Shares handled by a book-entry transfer institution as defined in paragraph (2) of that Article):

一　受入年月日

(i) the date of receipt;
二　受入先の氏名又は名称
(ii) the name of the recipient;
三　銘柄、数量、券面額、記号、番号その他の当該証券若しくは証書、電子記録移転権利又は権利を特定するために必要な事項
(iii) the issue, volume, face value, code, number, and other matters necessary for identifying the instruments or certificates, electronically recorded transferable rights, or rights;
四　記名式であるときは、名義人の氏名又は名称
(iv) if the instruments or certificates are in registered form, the name of the holder;
五　引渡年月日
(v) the date of delivery; and
六　引渡先の氏名又は名称
(vi) the name of the recipient of delivery.
２　前項の受渡有価証券記番号帳は、次に掲げるところにより作成することができる。
(2) The book on the serial numbers of delivered securities may be prepared in accordance with the following conditions:
一　前項各号に掲げる事項については、マイクロフィルムの使用をもって記載に代えること。
(i) in lieu of entering the matters set forth in the items of the preceding paragraph, they may be recorded by using microfilm; and
二　前項各号に掲げる事項を伝票に記載し、当該伝票を日付順につづり込んだ場合には、当該伝票のつづりを受渡有価証券記番号帳とすること。
(ii) if the matters set forth in the items of the preceding paragraph are entered into a voucher and the voucher is filed in order of the date, the file of the vouchers may be considered to be the serial number book for delivered securities.

（保護預り有価証券等明細簿）
(Book on Details of Securities in Safe Custody)
第百六十六条　第百五十七条第一項第十一号の保護預り有価証券等明細簿には、法第二条第八項第十六号に掲げる行為として顧客から預託を受けた同条第一項各号に掲げる証券若しくは証書又は電子記録移転権利（商品関連業務を行う場合にあっては、同条第八項第十六号に掲げる行為として顧客から預託を受けた商品又は寄託された商品に関して発行された証券若しくは証書を含む。）及び令第一条の十二第二号に掲げる行為として顧客から預託を受けた同号に規定する権利について次に掲げる事項を記載しなければならない。
Article 166 (1) The book on details of the securities in safe custody referred to in Article 157, paragraph (1), item (xi) must state the following matters concerning instruments or certificates set forth in the items of Article 2,

paragraph (1) of the Act or electronically recorded transferable rights which has been deposited by customers as an act set forth in Article 2, paragraph (8), item (xvi) of the Act (if commodity-related business is conducted, including commodities deposited by customers as an act set forth in paragraph (8), item (xvi) of that Article or instruments or certificates issued for the commodities deposited), and the rights prescribed in Article 1-12, item (ii) of the Order which has been deposited by customers as an act set forth in that item:

一　預託を受けた年月日

(i) the date deposit was accepted;

二　預託先の氏名又は名称

(ii) the name of the depository;

三　銘柄、数量、券面額、記号、番号その他の当該証券若しくは証書、電子記録移転権利又は権利を特定するために必要な事項

(iii) the issue, volume, face value, code, number, and other necessary information for identifying the instruments or certificates, electronically recorded transferable rights, or the rights;

四　記名式であるときは、名義人の氏名又は名称

(iv) if the instruments or certificates are in registered form, the name of the holder;

五　保管方法

(v) the method of custody;

六　引出年月日

(vi) the date of withdrawal; and

七　引出事由

(vii) the grounds for withdrawal.

２　前項の保護預り有価証券等明細簿は、次に掲げるところにより作成しなければならない。

(2) The book on details of the securities, etc. in safe custody referred to in the preceding paragraph must be prepared in accordance with the following conditions:

一　顧客ごとに作成すること。

(i) the book is to be prepared for each customer;

二　引出事由には、顧客からの返還請求、売却依頼及び保証金代用有価証券への振替え指示その他の引出しの事由を具体的に判別できるよう記載すること。

(ii) the grounds for withdrawal are to be stated in a manner that is possible to specifically identify the grounds for the customer's request for restitution, the customer's request for selling the securities, and the customer's instruction to replace the securities with securities that substitute for security money, and other grounds for withdrawal;

三　混合寄託に係る有価証券の売付け又は買付けについては、券面額、記号、番号及び名義人以外の事項について記載することとし、混合寄託である旨を明確に表示し

なければならない。

(iii) for sale or purchase of securities that are kept by joint deposit of securities, to state the matters other than the face value, code, number, and holder's name, and must clearly indicate the fact that the securities are kept by joint deposit of securities.

（トレーディング商品勘定元帳）

(Accounting Ledger for Trading Products)

第百六十七条　第百五十七条第一項第十三号のトレーディング商品勘定元帳には、次に掲げる事項を記載しなければならない。

Article 167 (1) A trading products ledger referred to in Article 157, paragraph (1), item (xiii) must state the following matters:

一　商品有価証券等（貸借対照表の科目の商品有価証券等をいう。次項第一号及び第三号において同じ。）に係るものについては、次に掲げる事項

(i) for a ledger of trading securities, etc. (meaning the trading securities, etc. that are the items of a balance sheet; the same applies in items (i) and (iii) of the following paragraph), the following matters:

イ　銘柄

(a) the issue;

ロ　約定年月日

(b) the contracted date;

ハ　受渡年月日

(c) the delivery date;

ニ　相手方の氏名又は名称（有価証券の売買その他の取引を取引所金融商品市場又は店頭売買有価証券市場によらないでする場合に限る。）

(d) the counterparty's name (limited to cases in which purchase and sale or other transactions of securities are not conducted through a financial instruments exchange market or an over-the-counter securities market);

ホ　借方又は貸方の区分

(e) the classification of debit or credit;

ヘ　数量（数量がない場合にあっては、件数又は数量に準ずるもの）、単価及び金額

(f) volume (if there is no volume, number of transactions, or the matter equivalent to volume), the unit price, and the amount; and

ト　残数量及び残金額

(g) the remaining volume and remaining amount;

二　オプション取引（選択権付債券売買、法第二条第二十一項第三号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）並びに同条第二十二項第三号及び第四号に掲げる取引をいう。次項第一号において同じ。）に係るものについては、次に掲げる事項

(ii) for a ledger of option transactions (meaning a trading of bonds with options,

a transaction set forth in Article 2, paragraph (21), item (iii) of the Act (including foreign market derivatives transactions similar to them), transactions set forth in paragraph (22), items (iii) and (iv) of that Act; the same applies in item (i) of the following paragraph), the following matters:

イ　銘柄

(a) the issue;

ロ　権利行使期間及び権利行使価格

(b) the exercise period and exercise price;

ハ　プット又はコールの別

(c) distinction of whether it is a put option or call option;

ニ　オプションの行使により成立する取引の内容

(d) the content of the transaction to be closed by the exercise of options;

ホ　約定年月日

(e) the contracted date;

ヘ　受渡年月日

(f) the delivery date;

ト　相手方の氏名又は名称（選択権付債券売買及び法第二条第二十二項第三号及び第四号に掲げる取引の場合に限る。）

(g) the counterparty's name (limited to trading of bonds with options and transactions set forth in Article 2, paragraph (22), items (iii) and (iv) of the Act);

チ　新規、権利行使、権利放棄、転売、買戻し又は相殺の別

(h) distinction of whether it is a new transaction, a transaction for exercise of rights, a transaction for waiver of rights, a resale transaction, a buy-back transaction, or a set-off transaction;

リ　借方又は貸方の区分

(i) the classification of debit or credit;

ヌ　数量（数量がない場合にあっては、件数又は数量に準ずるもの）、単価及び対価の額又は選択権料

(j) volume (if there is no volume, number of transactions or the matter equivalent to volume), the unit price, and the amount of consideration or option premium; and

ル　残数量及び残金額

(k) the remaining volume and remaining amount;

三　先物取引（法第二条第二十一項第一号及び第二号に掲げる取引（これらに類似する外国市場デリバティブ取引を含む。）をいう。以下この条において同じ。）及び先渡取引（同条第二十二項第一号及び第二号に掲げる取引をいう。以下この条において同じ。）に係るものについては、次に掲げる事項

(iii) for a ledger of futures transactions (meaning transactions set forth in Article 2, paragraph (21), items (i) and (ii) of the Act (including foreign market derivatives transactions similar to them); hereinafter the same

applies in this Article) and a leger of forward transactions (meaning transactions set forth in paragraph (22), items (i) and (ii) of that Article; hereinafter the same applies in this Article), the following matters:

イ　銘柄

(a) the issue;

ロ　限月

(b) the expiration month;

ハ　約定年月日

(c) the contracted date;

ニ　受渡年月日

(d) the delivery date;

ホ　相手方の氏名又は名称（先渡取引の場合に限る。）

(e) the counterparty's name (limited to forward transactions);

ヘ　新規、転売、買戻し又は決済の別（先物取引については新規、決済又は解除の別）

(f) distinction of whether it is a new transaction, a transaction for resale, a buy-back transaction, or settlement of a transaction (for a futures transaction, distinction of whether it is a new transaction, a settlement of a transaction, or a cancellation of a transaction);

ト　売付け又は買付けの別

(g) distinction of whether it is a sale or purchase transaction;

チ　数量（数量がない場合にあっては、件数又は数量に準ずるもの）、約定金額、約定単価及び決済金額

(h) volume (if there is no volume, number of transactions or the matter equivalent to volume), the contracted amount, contracted unit price, and settlement price; and

リ　残数量、未決済約定金額、時価金額、時価単価及びみなし損益相当額

(i) the remaining volume, unsettled contracted amount, market value, market unit price, and amount equivalent to deemed profit and loss;

四　法第二条第二十一項第四号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）、同項第四号の二に掲げる取引及び同条第二十二項第五号に掲げる取引に係るものについては、次に掲げる事項

(iv) a ledger of a transaction set forth in Article 2, paragraph (21), item (iv) of the Act (including foreign market derivatives transactions similar to the transaction), a transaction set forth in item (iv)-2 of that paragraph, and a transaction set forth in Article 2, paragraph (22), item (v) of the Act, the following matters:

イ　銘柄

(a) the issue;

ロ　約定した金融商品の利率等又は金融指標

(b) the contracted interest rate, etc. or contracted financial index of financial

instruments;

ハ　約定年月日

(c) the contracted date;

ニ　取引期間

(d) the transaction period;

ホ　相手方の氏名又は名称（法第二条第二十二項第五号に掲げる取引の場合に限る。）

(e) the counterparty's name (limited to the case of a transaction set forth in Article 2, paragraph (22), item (v) of the Act);

ヘ　元本として定めた金額（法第二条第二十一項第四号の二に掲げる取引の場合を除く。）又は商品について定めた数量（同号に掲げる取引の場合に限る。）

(f) the amount fixed as principal (excluding the case of the transaction set forth in Article 2, paragraph (21), item (iv)-2 of the Act) or the quantity fixed for commodities (limited to the case of a transaction set forth in that item);

ト　新規、転売、買戻し又は決済の別

(g) distinction of whether it is a new transaction, a resale transaction, a buy-back transaction, or settlement of a transaction;

チ　みなし損益相当額

(h) the amount equivlent to deemed profit and loss; and

リ　割引利率（法第二条第二十一項第四号の二に掲げる取引の場合を除く。）

(i) the discount interest rate (excluding the case of the transaction specified in Article 2, paragraph (21), item (iv)-2 of the Act);

五　法第二条第二十一項第五号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）及び同条第二十二項第六号に掲げる取引に係るものについては、次に掲げる事項

(v) for a ledger of the transaction set forth in Article 2, paragraph (21), item (v) of the Act (including foreign market derivatives transactions similar to the transaction) and the transaction set forth in Article 2, paragraph (22), item (vi) of the Act, the following matters:

イ　銘柄

(a) the issue;

ロ　約定年月日

(b) the contracted date;

ハ　相手方の氏名又は名称（法第二条第二十二項第六号に掲げる取引の場合に限る。）

(c) the counterparty's name (limited to the case of a transaction set forth in Article 2, paragraph (22), item (vi) of the Act);

ニ　権利行使期間

(d) the exercise period;

ホ　当事者があらかじめ定めた事由（法第二条第二十一項第五号及び第二十二項第

六号に掲げるいずれかの事由をいう。ヘにおいて同じ。）

(e) the event determined by the parties in advance (meaning any of the events set forth in Article 2, paragraph (21), item (v) and Article 2, paragraph (22), item (vi) of the Act; the same applies in sub-item (f));

ヘ　当事者があらかじめ定めた事由が発生した場合に支払われることとなる金銭の額又はその計算方法

(f) the amount of money to be paid upon the occurrence of an event determined by the parties in advance, or its calculation method;

ト　当事者の間で移転することを約した金融商品、金融商品に係る権利又は金銭債権（金融商品であるもの及び金融商品に係る権利であるものを除く。）

(g) the financial instruments, the rights related to the financial instruments, or monetary claims (the monetary claims exclude the claims that is a financial instrument or the rights related to them) which the parties have promised to transfer;

チ　新規、権利行使、転売又は買戻しの別

(h) distinction of whether it is a new transaction, a transaction for exercise of rights, a resale transaction, or a buy-back transaction; and

リ　対価の額

(i) the amount of consideration;

六　第二号から前号までに掲げる取引に類似する取引に係るものについては、次に掲げる事項

(vi) for a ledger of a transaction similar to the transactions set forth in item (ii) through the preceding item, the following matters:

イ　銘柄

(a) the issue;

ロ　約定年月日

(b) the contracted date;

ハ　受渡年月日

(c) the delivery date;

ニ　相手方の氏名又は名称

(d) the name of the counterparty; and

ホ　第二号から前号までに掲げる事項に準ずる事項

(e) the matters equivalent to those set forth in item (ii) through the preceding item.

２　前項のトレーディング商品勘定元帳は、次に掲げるところにより作成しなければならない。

(2) The trading products ledger referred to in the preceding paragraph must be prepared in accordance with the following conditions:

一　商品有価証券等、オプション取引、先物取引及び先渡取引に係るものについては、銘柄ごとに取引の経過を個別に記載すること（有価証券の引受けに係るものについて別途記載事項を記載した明細表をもとに一括記入する場合を除く。）。

(i) for the ledger on trading securities, etc., option transactions, futures transactions, and forward transactions, to independently state the progress of each transaction by issue (excluding the cases in which the matters on underwriting of securities are to be stated in a batch based on a schedule that separately states the matters to be stated);

二　前項第六号に掲げる取引については、取引の種類、取引に係る指標、期間等により適宜分類して記載すること。

(ii) for the transaction set forth in item (vi) of the preceding paragraph, to state the matters by appropriately categorizing them by the type of transaction, index related to the transaction, transaction period, etc.; and

三　商品有価証券等については、現先取引を記入せず、第百五十七条第一項第十四号の現先取引勘定元帳に記載すること。

(iii) for trading securities, etc., not to enter matters on a transaction with a repurchase or resale agreement, and to state them in the ledger of transactions with a repurchase or resale agreement referred to in Article 157, paragraph (1), item (xiv).

3　前二項の規定にかかわらず、次の各号に掲げる事項については、当該各号に定めるところによることができる。

(3) Notwithstanding the provisions of the preceding two paragraphs, the matters set forth in the following items may be stated in accordance with the conditions specified in each of those items:

一　第一項各号に掲げる事項のうち新規、解約又は転売の別及び決済金額　これらの事項については決済金額について別途区分経理することによって記載を省略すること。

(i) among the matters set forth in the items of paragraph (1), distinction of whether the transaction is a new transaction, cancellation of a transaction, or a resale transaction, and the settlement amount: to omit the statement on those matters by separately manage the account for the settlement amount concerning those matters:

二　国債の入札前取引に係る第一項第一号イに掲げる事項　同号イに掲げる事項に代えて、国債の入札前取引である旨及び償還予定日を記載すること。

(ii) the matters set forth in paragraph (1), item (i), sub-item (a) concerning pre-auction trading of government bonds: the fact that the transaction is a pre-auction trading of government bonds and the scheduled redemption date are to be stated in lieu of the matters set forth in sub-item (a) of that item;

三　第一項第一号ニ、第二号ト、第三号ホ、第四号ホ、第五号ハ及び第六号ニに掲げる事項　第百十条第一項第五号及び第六号の規定により契約締結時交付書面の交付を要しない相手方の場合であって、当該相手方と当該相手方の資産に係る運用指図者が異なるときは、運用指図者から受注し約定した売買取引について当該運用指図者を第一項各号の相手方とすること。この場合においては、その旨をトレーディング商品勘定元帳に記載しなければならない。

(iii) the matters set forth in paragraph (1), item (i), sub-item (d), item (ii), sub-item (g), item (iii), sub-item (e), item (iv), sub-item (e), item (v), sub-item (c), and item (vi), sub-item (d): if the person is a counterparty to whom a document for delivery upon conclusion of contract is not required to be delivered pursuant to the provisions of Article 110, paragraph (1), items (v) and (vi), and the counterparty is different from the person authorized to give investment instructions on the counterparty's assets, the person authorized to give investment instructions is to be treated as the counterparty referred to in the items of paragraph (1) purchase and sale transaction ordered by and concluded with the person authorized to give investment instructions. In such a case, that fact must be stated in the trading products ledger;

四　第一項第三号に掲げる事項　同号に掲げる取引の自己取引を区分して第百五十七条第一項第四号の取引日記帳を作成している場合においては、第一項第三号に掲げる事項を当該取引日記帳に記載することをもって、代えること。

(iv) the matters set forth in paragraph (1), item (iii): if a financial instruments business operator has prepared a transaction diary referred to in Article 157, paragraph (1), item (iv) by separating their own transactions set forth in that item, they are to enter the matters set forth in paragraph (1), item (iii) into the transaction diary, in lieu of entering them into the trading products ledger;

五　第一項第三号リに掲げる事項、同項第四号チ及びリに掲げる事項、同項第六号ホに掲げる同項第三号リに準ずる事項並びに同項第六号ホに掲げる同項第四号チ及びリに準ずる事項　これらの事項については月末又は期末以外は記載を省略すること。

(v) the matters set forth in paragraph (1), item (iii), sub-item (i), the matters set forth in item (iv), sub-items (h) and (i) of that paragraph, the matters set forth in item (vi), sub-item (e) of that paragraph which are equivalent to the matters set forth in item (iii), sub-item (i) of that paragraph, and the matters set forth in item (vi), sub-item (e) of that paragraph which are equivalent to the matters specified in item (iv), sub-items (h) and (i) of that paragraph: to omit the entry of those matters, except at the end of a month or at the end of a business year.

（現先取引勘定元帳）

(Ledger of Transactions with a Repurchase or Resale Agreement)

第百六十八条　第百五十七条第一項第十四号の現先取引勘定元帳には商品有価証券のうち現先取引に係るものについて、次に掲げる事項を記載しなければならない。

Article 168 (1) The following matters must be entered into a ledger of transactions with a repurchase or resale agreement referred to in Article 157, paragraph (1), item (xiv) for trading securities related to transactions with a repurchase or resale agreement among trading trading securities:

一　受渡年月日

(i) the date of delivery;
二　約定年月日
(ii) the contracted date;
三　銘柄
(iii) the issue;
四　相手方の氏名又は名称
(iv) the name of the counterparty;
五　スタート又はエンドの別
(v) distinction of whether it is a transaction for starting or transaction for ending;
六　借方又は貸方の区分
(vi) the classification of debit or credit;
七　数量、単価、経過利息、金額及び現先レート
(vii) the volume, unit price, accrued interest, amount, and Gensaki rate;
八　借方の残数量及び残金額
(viii) the outstanding volumes and outstanding amount included in the debit section;
九　貸方の残数量及び残金額
(ix) the remaining volume and the remaining amount on the credit side.

２　前項の現先取引勘定元帳の作成に当たっては、現先取引の経過を個別に記載しなければならない。

(2) In preparing the ledger of transactions with a repurchase or resale agreement referred to in the preceding paragraph, the progress of transactions with a repurchase or resale agreement must be independently stated for each transaction.

３　前二項の規定にかかわらず、第一項第八号及び第九号に掲げる事項については、月末又は期末以外は記載を省略することができる。

(3) Notwithstanding the provisions of the preceding two paragraphs, entry of the matters set forth in paragraph (1), items (viii) and (ix) may be omitted except at the end of a month or at the end of a business year.

（投資顧問契約又は投資一任契約の締結の代理又は媒介に係る取引記録）

(Transaction Records for Agency or Intermediation Services for Conclusion of Investment Advisory Contract or Discretionary Investment Contract)

第百六十九条　第百五十七条第一項第十六号ニの投資顧問契約又は投資一任契約の締結の代理又は媒介に係る取引記録には、法第二条第八項第十三号に掲げる行為に関し、次に掲げる事項を記載しなければならない。

Article 169 The following matters must be stated in a transaction record for agency or intermediation services for concluding an investment advisory contract or a discretionary investment contract referred to in Article 157, paragraph (1), item (xvi), sub-item (d), in relation to the act set forth in Article

2, paragraph (8), item (xiii) of the Act:
一　代理又は媒介を行った年月日
(i) the date when the agency or intermediation services have been provided;
二　顧客の氏名又は名称
(ii) the customer's name;
三　代理又は媒介の別
(iii) distinction of whether they are agency or intermediation services;
四　代理又は媒介の内容
(iv) the content of the agency or intermediation services; and
五　代理又は媒介に関して受け取る手数料、報酬その他の対価の額
(v) the amount of the fees, remuneration, or other consideration to be received for the agency or intermediation services.

（運用明細書）
(Investment Statements)
第百七十条　第百五十七条第一項第十七号ハの運用明細書には、運用財産（投資信託及び投資法人に関する法律第三条第二号に規定する投資信託財産を除く。）の運用（運用を行う権限の全部又は一部の委託を受けた者の運用を含む。）に関する次に掲げる事項を記載しなければならない。
Article 170 (1) The following matters concerning investment (including investment made by a person that has been entrusted all or part of the authority to make an investment) of investment property (excluding investment trust property specified in Article 3, item (ii) of the Act on Investment Trusts and Investment Corporations) must be stated in investment statements referred to in Article 157, paragraph (1), item (xvii), sub-item (c):
一　取引年月日
(i) the date of transaction;
二　取引の種類
(ii) the type of transaction;
三　銘柄
(iii) the issue;
四　売付け又は買付け（次のイからホまでに掲げる取引にあっては、それぞれイからホまでに定めるもの。次条において同じ。）の別
(iv) distinction of whether the transaction is a sale or purchase transaction (for transactions set forth in the following sub-items (a) through (e), the transaction specified in each of those sub-items (a) through (e); the same applies in the following Article):
イ　法第二条第二十一項第二号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）及び同条第二十二項第二号に掲げる取引　現実数値が約定数値を上回った場合に金銭を支払う立場の当事者となるもの又は金銭を受領する立場の当事者となるもの

(a) a transaction set forth in Article 2, paragraph (21), item (ii) of the Act (including foreign market derivatives transactions similar to the transaction) and a transaction set forth in Article 2, paragraph (22), item (ii) of the Act: a person that becomes the party to pay money or to receive money when the actual figure exceeds the agreed figure;

ロ　法第二条第二十一項第三号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）並びに同条第二十二項第三号及び第四号に掲げる取引　オプションを付与する立場の当事者となるもの又はオプションを取得する立場の当事者となるもの

(b) a transaction set forth in Article 2, paragraph (21), item (iii) of the Act (including foreign market derivatives transactions similar to the transaction) and a transaction set forth in Article 2, paragraph (22), items (iii) and (iv) of the Act: a person that becomes the party to grant options or to acquire options;

ハ　法第二条第二十一項第四号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）及び同条第二十二項第五号に掲げる取引　相手方と取り決めた金融商品の利率等又は金融指標が約定した期間に上昇した場合に金銭を支払う立場の当事者となるもの又は金銭を受領する立場の当事者となるもの

(c) a transaction set forth in Article 2, paragraph (21), item (iv) of the Act (including foreign market derivatives transactions similar to the transaction) and a transaction set forth in Article 2, paragraph (22), item (v) of the Act: a person that becomes the party to pay money or to receive money when the interest rate, etc. of the financial instrument or financial index agreed with the counterparty rises during the agreed period; and

ニ　法第二条第二十一項第四号の二に掲げる取引　相手方と取り決めた商品に係る金融指標が約定した期間に上昇した場合に金銭を支払う立場の当事者となるもの又は金銭を受領する立場の当事者となるもの

(d) a transaction set forth in Article 2, paragraph (21), item (iv)-2 of the Act: a person that becomes the party to pay money or to receive money when a financial index related to the instruments agreed with the counterparty rises during the agreed period;

ホ　法第二条第二十一項第五号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）及び同条第二十二項第六号に掲げる取引　当事者があらかじめ定めた事由（同条第二十一項第五号及び第二十二項第六号に掲げるいずれかの事由をいう。）が発生した場合に金銭を支払う立場の当事者となるもの又は金銭を受領する立場の当事者となるもの

(e) a transaction set forth in Article 2, paragraph (21), item (v) of the Act (including foreign market derivatives transactions similar to the transaction) and a transaction set forth in Article 2, paragraph (22), item (vi) of the Act: a person that becomes the party to pay money or receive money when an event determined by the parties in advance occurs

(meaning any of the events set forth in Article 2, paragraph (21), item (v) and Article 2, paragraph (22), item (vi) of the Act);

五　数量（数量がない場合にあっては、件数又は数量に準ずるもの）

(v) volume (if there is no volume, number of transactions or the matter equivalent to volume);

六　約定価格

(vi) the contracted price;

七　取引の相手方の氏名又は名称

(vii) the name of the counterparty to the transaction; and

八　他の者が運用財産の保管を行っているときは、その者の商号又は名称及びその者に対し運用の内容を連絡した年月日

(viii) if another person keeps custody of the investment property, the trade name or name of that other person, and the day when the person was informed of the content of the investment.

２　前項の運用明細書は、運用財産ごとに作成しなければならない。

(2) The investment statement referred to in the preceding paragraph must be prepared for each investment property.

３　高速取引行為に関する第一項の運用明細書については、第三百三十八条第七項（第一号を除く。）の規定を準用する。この場合において、同項中「次に掲げるところにより」とあるのは、「高速取引行為に関するものであることが判別できるようにし、かつ、次に掲げるところにより」と読み替えるものとする。

(3) Concerning the investment statement referred to in paragraph (1) related to high-speed trading, the provisions of Article 338, paragraph (7) (excluding item (i)) apply mutatis mutandis. In such a case, the term "in accordance with the following conditions" in that paragraph is deemed to be replaced with "in a manner that is possible to identify that the transaction concerns high-speed trading, and, in accordance with the following conditions".

（発注伝票）

(Purchase Order Forms)

第百七十一条　第百五十七条第一項第十七号ニの発注伝票には、運用財産の運用として行う取引及び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第十六条第一項第二号に掲げる行為に関する次に掲げる事項を記載しなければならない。

Article 171 (1) In a purchase order form referred to in Article 157, paragraph (1), item (xvii), sub-item (d), the following matters concerning the transaction conducted as the investment of investment property and the act set forth in Article 16, paragraph (1), item (ii) of the Cabinet Office Order on Definitions under Article 2 of the Financial Instruments and Exchange Act:

一　運用財産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第十六条第一項第二号に規定する運用に係る財産（以下「外国運用財産」という。）の名称その他の運用財産又は外国運用財産を特定するために必要な事項

(i) the name of the investment property or the name of the property related to the investment specified in Article 16, paragraph (1), item (ii) of the Cabinet Office Order on Definitions under Article 2 of the Financial Instruments and Exchange Act (hereinafter referred to as "foreign investment property"), or other necessary matters for identifying investment property or foreign investment property;

二　取引の種類

(ii) the type of transaction;

三　銘柄

(iii) the issue;

四　売付け又は買付けの別

(iv) distinction of whether the transaction is a sale or purchase transaction;

五　発注数量（数量がない場合にあっては、件数又は数量に準ずるもの）

(v) volume of the orders placed (if there is no volume, number of orders, or the matter equivalent to volume);

六　約定数量（数量がない場合にあっては、件数又は数量に準ずるもの）

(vi) agreed volume (if there is no volume, number of orders, or the matter equivalent to volume);

七　指値又は成行の別（指値の場合にあっては、その価格及び注文の有効期限（当該有効期限が当日中であるものを除く。）を含む。）

(vii) distinction of whether it is a limit order or a market order (for a limit order, including the price and expiration date of the order (excluding an order whose expiration date comes on the day the order is placed));

八　発注日時（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第十六条第一項第二号に掲げる行為を行う場合にあっては、発注日時及び受注日時）

(viii) the date and time the order is placed (in conducting an act specified in Article 16, paragraph (1), item (ii) of the Cabinet Office Order on Definitions under Article 2 of the Financial Instruments and Exchange Act, the date and time the order is placed and the date and time the order is received);

九　約定日時

(ix) the contracted date and time;

十　約定価格

(x) the contracted price; and

十一　他の者が運用財産の保管を行っているときは、その者の商号又は名称

(xi) if another person keeps custody of investment property, the trade name or name of that person.

２　前項の発注伝票は、次に掲げるところにより作成しなければならない。

(2) A purchase order form referred to in the preceding paragraph must be prepared in accordance with the following conditions:

一　発注時に作成すること。

(i) the form is prepared upon the placement of an order;

二　日付順につづり込んで保存すること。

(ii) the forms are to be filed in order of date and preserved;

三　複数の運用財産（法第二条第八項第十四号に掲げる行為を行う業務に係る運用財産を除く。）について合同運用を行っている場合には、それぞれの運用財産ごとに約定数量を記載するとともに、その配分基準を記載すること。

(iii) if two or more investment properties (excluding investment property related to the business of conducting an act set forth in Article 2, paragraph (8), item (xiv) of the Act) are jointly invested, to state the agreed volume for each of their investment property, as well as its allocation criteria;

四　複数の運用財産又は外国運用財産に係る同一銘柄の注文を一括して金融商品取引業者に発注する場合（次項において「一括発注」という。）の発注伝票については、日付順につづり込んで保存すること。

(iv) if orders for the same issue related to two or more investment properties or foreign investment properties are to be placed with a financial instruments business operator together (referred to as "placement of bulk order" in the following paragraph), their purchase order forms are to be filed in order of date and preserved;

五　発注伝票を電磁的記録により作成する場合は、前各号に掲げるところによるほか、次に掲げるところにより作成すること。

(v) if a purchase order form is prepared as an electronic or magnetic record, it is to be prepared in accordance with the following conditions, beyond what is set forth in the preceding items:

イ　前項各号（第六号及び第八号から第十号までを除く。）に掲げる事項は発注を行うときまでに、前項第八号に掲げる事項は発注時に、電子計算機へ入力すること。

(a) the matters set forth in the items of the preceding paragraph (excluding item (vi), and items (viii) through (x)) are to be entered into a computer before placing an order, and the matters set forth in item (viii) of the preceding paragraph are to be entered into a computer at the time of placing an order; and

ロ　発注内容を電子計算機へ入力した日付及び時刻が自動的に記録されること。

(b) the date and time when the content of the order placed has been entered into a computer are to be automatically recorded.

3　前二項の規定にかかわらず、次の各号に掲げる事項については、当該各号に定めるところによることができる。

(3) Notwithstanding the provisions of the preceding two paragraphs, the matters set forth in the following items may be stated in accordance with the conditions set forth in each of those items:

一　一括発注に係る運用財産又は外国運用財産の名称その他の運用財産又は外国運用財産を特定するために必要な事項及び運用財産又は外国運用財産の保管を行っている者の商号又は名称　これらの事項については記載を省略すること。ただし、この

場合においては、運用財産又は外国運用財産ごとに発注伝票の記載事項の内容を明らかにした書面を添付するものとする。

(i) the name of the investment property or foreign investment property related to placement of bulk order, the necessary matters for identifying other investment properties or foreign investment, and the trade name or name of a person that is taking custody of investment property or foreign investment property: the entry of those matters may be omitted; provided, however, that in those cases, a document clarifying the content of the matters to be stated in a purchase order form for each investment property or foreign investment property is to be attached;

二　約定価格　同一日における同一銘柄の取引については、当該取引の単価の平均額を約定価格とすることについてあらかじめ発注先の金融商品取引業者との間で合意がある場合には、当該平均額で記載すること。

(ii) the contracted price: for transactions of the same issue conducted on the same day, if there is a prior agreement with a financial instruments business operator with whom orders are placed that the average amount of the unit price for the transactions is to be the contract price, to state the average amount;

三　約定時間　前号に定めるところにより約定価格を記載した場合においては、約定時間を省略すること。

(iii) the agreed time: if the contracted price was stated pursuant to the preceding item, the agreed time is to be omitted;

四　同一日において価格が変動しない投資信託受益証券等に係るものの第一項各号に掲げる事項　当該各号に掲げる事項に代えて、銘柄、募集若しくは一部解約の別又は売買の別、発注数量、発注日及び約定日を記載すること。

(iv) the matters set forth in the items of paragraph (1) concerning investment trust beneficiary certificates, etc. without price fluctuation on the same day: to state the issue, distinction of whether the transaction is for public offering or a partial cancellation, or whether the transaction is a purchase or sale transaction, the volume of the orders placed, the day when the orders were placed, and the contracted date, in lieu of the matters set forth in each of those items; and

五　前項第五号の規定により電磁的記録により作成されている事項　当該電磁的記録により作成されている事項を電子計算機の映像面へ表示し、又は書面へ出力する場合においては、一覧表により表示し、又は出力すること。

(v) matters prepared as an electronic or magnetic record pursuant to the provisions of item (v) of the preceding paragraph: when the matters prepared as an electronic or magnetic record is displayed on the screen of a computer or printed out on a paper, to display or print out the matters as a list.

4　前三項の規定にかかわらず、運用財産の運用として行う取引に係る取引契約書（運用財産の名称その他の運用財産を特定するために必要な事項、契約年月日その他運用

の内容を特定できる事項が記載されたものに限る。）をもって、第一項の発注伝票とすることができる。

(4) Notwithstanding the provisions of the preceding three paragraphs, a transaction contract for a transaction conducted as an investment of investment property (limited to a contract stating the name of the investment property or other matters necessary for identifying the investment property, the contract date, and other matters that enable to identify the content of the investment) may be substituted for the purchase order form referred to in paragraph (1).

５　高速取引行為に関する第一項の発注伝票については、第二項第二号、第四号及び第五号、第三項第五号並びに前項の規定は適用せず、第三百三十八条第六項及び第七項の規定を準用する。この場合において、同項中「次に掲げるところにより」とあるのは、「高速取引行為に関するものであることが判別できるようにし、かつ、次に掲げるところにより」と読み替えるものとする。

(5) For the purchase order form referred to in paragraph (1) concerning high-speed trading, the provisions of paragraph (2), item (ii), item (iv), and item (v), paragraph (3), item (v), and the preceding paragraph do not apply, and the provisions of Article 338, paragraphs (6) and (7) apply mutatis mutandis. In such a case, the term "in accordance with the following conditions" in that paragraph is deemed to be replaced with "in a manner that is possible to identify that the transaction is related to high-speed trading, and, in accordance with the following conditions".

（事業報告書）

(Business Report)

第百七十二条　法第四十六条の三第一項の規定により金融商品取引業者が提出する事業報告書は、別紙様式第十二号により作成しなければならない。

Article 172 (1) The business report a financial instruments business operator submits pursuant to the provisions of Article 46-3, paragraph (1) of the Act must be prepared by using the Appended Form No. 12.

２　金融商品取引業者は、前項の事業報告書を作成する場合には、一般に公正妥当と認められる企業会計の慣行に従うものとする。

(2) When a financial instruments business operator prepares a business report referred to in the preceding paragraph, they are to comply with the business accounting practices generally accepted as fair and appropriate.

（業務又は財産の状況に関する報告）

(Report on Status of Business or Property)

第百七十三条　法第四十六条の三第二項の規定により金融商品取引業者は、次の各号に掲げる報告書（当該金融商品取引業者が外国法人である場合にあっては、第二号に掲げるものを除く。）を、当該各号に定める提出期限までに所管金融庁長官等に提出し

なければならない。

Article 173 Pursuant to the provisions of Article 46-3, paragraph (2) of the Act, a financial instruments business operator must submit the report set forth in each of the following items (if the financial instruments business operator is a foreign corporation, excluding the report set forth in item (ii)) to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau, by no later than the due date for submitting the report specified in each of those items:

一　別紙様式第十三号により作成した関係会社に関する報告書　毎事業年度経過後四月以内

(i) a report on associated companies prepared using the Appended Form No. 13: within four months after the end of each business year; and

二　別紙様式第十四号により作成した国際業務に関する報告書　毎事業年度経過後四月以内

(ii) a report on international business prepared using the Appended Form No. 14: within four months after the end of each business year.

（説明書類の記載事項）

(Matters to Be Stated in Explanatory Documents)

第百七十四条　法第四十六条の四に規定する内閣府令で定めるものは、次に掲げる事項とする。

Article 174 The matters specified by Cabinet Office Order as prescribed in Article 46-4 of the Act are as follows:

一　金融商品取引業者の概況及び組織に関する次に掲げる事項

(i) the following matters concerning the profile and organization of a financial instruments business operator:

イ　商号、登録年月日及び登録番号

(a) the trade name, the registration date, and the registration number;

ロ　沿革及び経営の組織

(b) the history and organization of management;

ハ　株式の保有数の上位十位までの株主の氏名又は名称並びにその株式の保有数及び総株主等の議決権に占める当該株式に係る議決権の数の割合

(c) the name of the top ten shareholders in descending order of the numbers of shares held by them, the number of shares held by them, and the ratio of the number of voting rights to the voting rights held by all the shareholders, etc.;

ニ　法第二十九条の二第一項第三号から第十二号までに掲げる事項

(d) the matters set forth in Article 29-2, paragraph (1), items (iii) through (xii) of the Act; and

ホ　法第三十七条の七第一項第一号ロ、第二号ロ、第三号ロ又は第四号ロに定める業務に関する苦情処理措置及び紛争解決措置の内容

(e) the content of the complaint processing measures and dispute resolution measures concerning the business specified in Article 37-7, paragraph (1), item (i), sub-item (b), item (ii), sub-item (b), item (iii), sub-item (b), or item (iv), sub-item (b) of the Act;

二　金融商品取引業者の業務の状況に関する次に掲げる事項

(ii) the following matters concerning the status of business of a financial instruments business operator;

イ　直近の事業年度における業務の概要

(a) an outline of the business for the most recent business year;

ロ　直近の三事業年度における業務の状況を示す指標として次に掲げる事項

(b) the following matters as an indicator of the status of the business for the most recent three business years:

（１）　営業収益及び純営業収益

1. the operating profit and the net operating profit;

（２）　経常利益又は経常損失

2. the ordinary profit or the ordinary loss;

（３）　当期純利益又は当期純損失

3. the net profit for the current year or the net loss for the current year;

（４）　資本金の額及び発行済株式の総数（外国法人にあっては、資本金の額及び持込資本金の額）

4. the amount of stated capital, and the total number of issued shares (for a foreign corporation, the amount of stated capital and the amount of brought-in capital);

（５）　受入手数料の内訳

5. a breakdown of the commission received;

（６）　トレーディング損益（損益計算書の科目のトレーディング損益をいう。）その他の自己取引に係る損益の内訳

6. a breakdown of the trading profit or loss (meaning the trading profit or loss from among the accounting items on the profit and loss statement), and the breakdown of the profit or loss related to their own transactions;

（７）　株券の売買高（有価証券等清算取次ぎの委託高（有価証券等清算取次ぎの委託の取次ぎの取扱高を除く。）を含む。）及びその受託の取扱高（有価証券等清算取次ぎの受託高を除き、有価証券等清算取次ぎの委託の取次ぎの取扱高を含む。）

7. the trading volume of share certificates (including the entrusted volume of brokerage for clearing of securities, etc. (excluding the handling volume of brokerage for an entrustment of brokerage for clearing of securities, etc.)) and the handling volume of the acceptance of its entrustment (excluding the volume of accepted entrustment of brokerage for clearing of securities, etc., and including the handling

volume of brokerage for entrustment of the brokerage for clearing of securities, etc.);

（８）　国債証券、社債券、株券及び投資信託の受益証券の引受高、売出高及び募集、売出し、私募又は特定投資家向け売付け勧誘等の取扱高

8. the underwriting volume and the secondary distribution volume of national government bond securities, corporate bond certificates, share certificates and beneficiary certificates for investment trust and the handling volume of public offering, secondary distribution, private placement, or solicitation for selling, etc. only for professional investors;

（９）　その他業務（法第三十五条第二項各号に掲げる業務又は同条第四項の承認を受けた業務をいう。以下同じ。）の状況

9. the status of other businesses (meaning the businesses set forth in the items of Article 35, paragraph (2) of the Act or the businesses that has obtained the approval referred to in paragraph (4) of that Article; the same applies hereinafter);

（１０）　各事業年度終了の日における自己資本規制比率

10. the capital adequacy ratio on the last day of each business year; and

（１１）　各事業年度終了の日における使用人の総数及び外務員の総数

11. the total number of employees and sales representatives on the last day of each business year.

ハ　第百七十二条第一項の事業報告書に記載されている役員の業績連動報酬の状況

(c) the status of performance-based compensation of officers stated in the business report referred to in Article 172, paragraph (1).

三　金融商品取引業者の直近の二事業年度における財産の状況に関する事項として次に掲げるもの

(iii) the following matters as matters concerning the status of the property of the financial instruments business operator in the most recent two business years:

イ　貸借対照表（関連する注記を含む。）、損益計算書（関連する注記を含む。）及び株主資本等変動計算書（関連する注記を含む。）

(a) the balance sheet (including the related notes), the profit and loss statement (including the related notes) and the statement of changes in shareholders' equity, etc. (including the related notes);

ロ　各事業年度終了の日における次に掲げる事項

(b) the following matters on the last day of each business year:

（１）　借入金の主要な借入先及び借入金額

1. the main lender of money, and the borrowed amount;

（２）　保有する有価証券（トレーディング商品（貸借対照表の科目のトレーディング商品をいう。（３）において同じ。）に属するものとして経理された有価証券を除く。）の取得価額、時価及び評価損益

2. the acquisition value, the market value, and the profit or loss from valuation, of the securities held (excluding securities managed by considering them as belonging to trading products for accounting (meaning trading product in the items of balance sheet; the same applies in 3.)); and

（３）　デリバティブ取引（トレーディング商品に属するものとして経理された取引を除く。）の契約価額、時価及び評価損益

3. the contract value, the market value, and the profit or loss from valuation, of the derivatives transactions (excluding the transactions managed by considering them as belonging to trading products for accounting);

ハ　イに掲げる書類について会社法第四百三十六条第二項の規定に基づき会計監査人の監査を受けている場合には、その旨

(c) if the document set forth in sub-item (a) has been audited by a financial auditor based on the provisions of Article 436, paragraph (2) of the Companies Act, that fact; and

ニ　イに掲げる書類について法第百九十三条の二の規定に基づき公認会計士又は監査法人の監査証明を受けている場合には、その旨

(d) if audit certification by a certified public accountant or an audit corporation has been received for the documents set forth in sub-item (a) based on the provisions of Article 193-2 of the Act, that fact;

四　金融商品取引業者の管理の状況に関する次に掲げる事項

(iv) the following matters concerning the status of the management of the financial instruments business operator:

イ　内部管理の状況の概要

(a) an outline of the status of internal management; and

ロ　法第四十三条の二から第四十三条の三までの規定により管理される金銭、有価証券その他の財産の種類ごとの数量若しくは金額及び管理の状況

(b) the quantity or amount of money, securities, or other properties managed pursuant to the provisions of Articles 43-2 through 43-3 of the Act by their type and the status of their management.

五　金融商品取引業者（法第五十七条の四の規定により当該事業年度に係る同条の説明書類を作成する特別金融商品取引業者を除く。）の連結財務諸表の用語、様式及び作成方法に関する規則第二条第三号に規定する子会社及び同条第七号に規定する関連会社（以下この号において「子会社等」という。）の状況に関する次に掲げる事項

(v) the following matters concerning the status of subsidiary companies as defined in Article 2, item (iii) of the Regulation on Terminology, Forms, and Preparation Methods of Consolidated Financial Statements and affiliated companies as defined in item (vii) of that Article, of a financial instruments business operator (excluding special financial instruments business

operators that prepare an explanatory document referred to in Article 57-4 of the Act for the business year pursuant to the provisions of that Article) (hereinafter referred to as "subsidiary company, etc." in this item):

イ　金融商品取引業者及びその子会社等の集団の構成

(a) the composition of the group of a financial instruments business operator and their subsidiary companies, etc.; and

ロ　子会社等の商号又は名称、本店又は主たる事務所の所在地、資本金の額、基金の総額又は出資の総額、事業の内容並びに金融商品取引業者及び他の子会社等が保有する議決権の数の合計及び当該子会社等の総株主等の議決権に占める当該保有する議決権の数の割合

(b) the trade name or name of the subsidiary company, etc., the location of the head office or principal office, the amount of stated capital, the total amount of funds or the total amount of contribution, and the business contents, as well as the total number of voting rights held by a financial instruments business operator and other subsidiary companies, etc. and the ratio of the number of voting rights held to the voting rights held by all the shareholders, etc. of the subsidiary company, etc.

（説明書類の縦覧）

(Public Inspection of Explanatory Documents)

第百七十四条の二　法第四十六条の四の規定により金融商品取引業者が説明書類をインターネットの利用その他の方法により公表する場合には、投資者が常に容易に閲覧することができるよう公表しなければならない。

Article 174-2 When a financial instruments business operator publicizes explanatory documents by using the internet or other means pursuant to the provisions of Article 46-4 of the Act, the documents must be publicized to enable easy access for investors at all times.

（金融商品取引責任準備金）

(Financial Instruments Transaction Liability Reserves)

第百七十五条　金融商品取引業者は、事業年度ごとに次の各号に掲げる金額のうちいずれか低い金額を法第四十六条の五第一項の規定による金融商品取引責任準備金として積み立てなければならない。

Article 175 (1) A financial instruments business operator must set aside either of the amounts specified in the following items that is smaller, for each business year as financial instruments transaction liability reserves under the provisions of Article 46-5, paragraph (1) of the Act:

一　次に掲げる金額の合計額

(i) the sum of the following amounts:

イ　当該事業年度における売買等（有価証券の売買（取引所金融商品市場において行うものを除く。）、有価証券の売買の取次ぎ（有価証券等清算取次ぎを除

く。）又は取引所金融商品市場における有価証券の売買の委託の取次ぎをいう。次号イにおいて同じ。）に係る株式の総売買金額の万分の〇・二に相当する金額

(a) the amount equivalent to 0.2/ten thousandth of the total amount of purchase and sale of shares in regard to the purchase and sale, etc. made in the relevant business year (meaning purchase and sale of securities (excluding those made on a financial instruments exchange market), brokerage for purchase and sale of securities (excluding brokerage for clearing of securities), or brokerage for entrustment of purchase and sale of securities on a financial instruments exchange market; the same applies in sub-item (a) of the following item);

ロ　当該事業年度において受託等（有価証券等清算取次ぎの受託及び清算執行会員等として行うものを除き、有価証券等清算取次ぎの委託の取次ぎの受託を含む。以下この項及び第百八十九条第一項において同じ。）をした株式に係る法第二条第二十一項第二号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。ヌ及び次号ヌを除き、以下この条において同じ。）の総取引契約金額の万分の〇・〇〇六に相当する金額

(b) the amount equivalent to 0.006/ten thousandth of the total transaction contract amount of transactions specified in Article 2, paragraph (21), item (ii) of the Act (including foreign market derivatives transactions similar to the transaction; hereinafter the same applies in this Article excluding sub-item (j) of this item and sub-item (j) of the following item), for shares for which acceptances of entrustment, etc. has been made in the relevant business year (excluding acceptance of entrustment of brokerage for clearing of securities, etc. and those made as clearance executing member, etc., and including acceptance of entrustment of brokerage for the entrustment of brokerage for clearing of securities; hereinafter the same applies in this paragraph and Article 189, paragraph (1));

ハ　当該事業年度において受託等をした株式に係る法第二条第二十一項第三号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。ル及び次号ルを除き、以下この条において同じ。）の対価の額の合計額の万分の〇・三に相当する金額

(c) the amount equivalent to 0.3/ten thousandth of the total amount of consideration for the transaction set forth in Article 2, paragraph (21), item (iii) of the Act (including foreign market derivatives transactions similar to the transaction; hereinafter the same applies in this Article excluding sub-item (k) of this item and sub-item (k) of the following item) for the shares for which the acceptance of entrustment, etc. has been made in the relevant business year;

ニ　当該事業年度において受託等をした債券に係る法第二条第二十一項第一号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。リ及び次号リを除き、以下この条において同じ。）及び同項第二号に掲げる取引の総取引契約金額

の万分の〇・〇〇一六に相当する金額

(d) the amount equivalent to 0.0016/ten thousandth of the total transaction contract amount of the transaction set forth in Article 2, paragraph (21), item (i) of the Act (including foreign market derivatives transactions similar to the transaction; hereinafter the same applies in this Article excluding sub-item (i) of this item and sub-item (i) of the following item) and the transaction set forth in item (ii) of that paragraph for the bond certificates for which the acceptance of entrustment, etc. has been made in the relevant business year;

ホ　当該事業年度において受託等をした債券に係る法第二条第二十一項第三号に掲げる取引の対価の額の合計額の万分の〇・三に相当する金額

(e) the amount equivalent to 0.3/ten thousandth of the total amount of consideration for the transaction set forth in Article 2, paragraph (21), item (iii) of the Act for the bond certificates for which the acceptance of entrustment, etc. has been made in the relevant business year;

ヘ　当該事業年度において受託等をした通貨に係る法第二条第二十一項第一号に掲げる取引（同項第三号に掲げる取引によって当事者の一方に付与された権利が行使されたときに成立する同項第一号に掲げる取引を含む。リ並びに次号ヘ及びリにおいて同じ。）の取引高を取引所（金融商品市場又は外国金融商品市場を開設する者をいう。以下この条において同じ。）が取引単位として定める金額（同項第三号に掲げる取引に係る同項第一号に掲げる取引の場合にあっては、当事者の一方に付与された権利が行使されたときに成立する取引の取引単位として取引所が定める金額。リ並びに次号ヘ及びリにおいて同じ。）に乗じて算出した金額の万分の〇・〇〇九六に相当する金額

(f) the amount equivalent to 0.0096/ten thousandth of the amount obtained by multiplying the transaction volume of the transaction specified in Article 2, paragraph (21), item (i) of the Act related to the currency for which entrustment, etc. has been accepted in the relevant business year (including a transaction set forth in item (i) of that paragraph effected upon the exercise of the rights granted to one of the parties through the transaction set forth in item (iii) of that paragraph; the same applies in sub-item (i) of this item and sub-items (f) and (i) of the following item) by the amount specified by an exchange (meaning a person that operates a financial instruments market or a foreign financial instruments market; hereinafter the same applies in this Article) as the unit of transaction (for the transaction set forth in item (i) of that paragraph related to the transaction set forth in item (iii) of that paragraph, the amount specified by an exchange as the unit of transaction closed upon the exercise of the rights granted to one of the parties; the same applies in sub-item (i) of this item and sub-items (f) and (i) of the following item);

ト　当該事業年度において受託等をした預金契約に基づく債権の利率によって算出

した金融指標に係る法第二条第二十一項第二号に掲げる取引（同項第三号に掲げる取引によって当事者の一方に付与された権利が行使されたときに成立する同項第二号に掲げる取引を含む。チ及びヌ並びに次号ト、チ及びヌにおいて同じ。）の取引高を取引所が取引単位として定める金額（同項第三号に掲げる取引に係る同項第二号に掲げる取引の場合にあっては、当事者の一方に付与された権利が行使されたときに成立する取引の取引単位として取引所が定める金額。チ及びヌ並びに次号ト、チ及びヌにおいて同じ。）に乗じて算出した金額の万分の〇・〇〇一二に相当する金額

(g) the amount equivalent to 0.0012/ten thousandth of the amount obtained by multiplying the transaction volume of the transaction set forth in Article 2, paragraph (21), item (ii) of the Act (including a transaction set forth in item (ii) of that paragraph closed upon the exercise of the rights granted to one of the parties through the transaction set forth in item (iii) of that paragraph; the same applies in sub-item (h) and sub-item (j) of this item and sub-item (g), sub-item (h), and sub-item (j) of the following item) relatd to the financial index calculated based on the interest rate of the claim under the deposit contract, for which entrustment, etc. has been accepted in the relevant business year by the amount specified by an exchange as the unit of transaction (for the transaction set forth in item (ii) of that paragraph related to the transaction set forth in item (iii) of that paragraph, the amount specified by an exchange as the unit of the transaction closed upon the exercise of the right granted to one of the parties; the same applies in sub-item (h) and sub-item (j) of this item and sub-item (g), sub-item (h), and sub-item (j) of the following item); and

チ　当該事業年度において受託等をした手形の割引率によって算出した金融指標に係る法第二条第二十一項第二号に掲げる取引の取引高を取引所が取引単位として定める金額に乗じて算出した金額の万分の〇・〇〇二四に相当する金額

(h) the amount equivalent to 0.0024/ten thousandth of the amount obtained by multiplying the transaction volume of the transaction set forth in Article 2, paragraph (21), item (ii) of the Act related to the financial index calculated based on the discount rate of the negotiable instrument for which entrustment, etc. has been accepted in the relevant business year by the amount specified by the exchange as the unit of transaction.

リ　当該事業年度において受託等をした商品に係る法第二条第二十一項第一号に掲げる取引の取引高を取引所が取引単位として定める金額に乗じて算出した金額の万分の〇・〇一に相当する金額

(i) the amount equivalent to 0.01/ten thousandth of the amount obtained by multiplying the transaction volume of the transaction set forth in Article 2, paragraph (21), item (i) of the Act for the commodities for which entrustment, etc. has been accepted in the relevant business year by the amount specified by an exchange as the unit of transaction;

ヌ　当該事業年度において受託等をした商品に係る金融指標に係る法第二条第二十一項第二号に掲げる取引の取引高を取引所が取引単位として定める金額に乗じて算出した金額の万分の〇・〇一に相当する金額

(j) the amount equivalent to 0.01/ten thousandth of the amount calculated by multiplying the transaction volume of the transaction set forth in Article 2, paragraph (21), item (ii) of the Act for the financial index related to the commodities for which acceptance of entrustment, etc. has been made in the relevant business year by the amount specified by the exchange as the unit of transaction;

ル　当該事業年度において受託等をした商品に係る法第二条第二十一項第三号に掲げる取引の対価の額の合計額の万分の〇・一に相当する金額

(k) the amount equivalent to 0.1/ten thousandths of the total amount of considerations for the transaction set forth in Article 2, paragraph (21), item (iii) of the Act for the commodities for which acceptance of entrustment, etc. has been made in the relevant business year;

二　次のイからルまでに掲げる金額の合計額からヲに掲げる金額を控除した金額

(ii) the amount obtained by deducting the amount set forth in sub-item (l) from the sum of the amounts set forth in the following sub-items (a) through (k):

イ　当該事業年度及び当該事業年度開始の日前二年以内に開始した各事業年度のうち売買等に係る株式の総売買金額の最も高い事業年度における当該総売買金額の万分の〇・八に相当する金額

(a) the amount equivalent to 0.8/ten thousands of the total amount of the purchase and sale in the business year for which the total amount of purchase and sale of shares related to purchase and sale, etc. was the highest, among the relevant business year and each business year that has commenced within two years before the day of the commencement of the relevant business year;

ロ　当該事業年度及び当該事業年度開始の日前二年以内に開始した各事業年度のうち受託等をした株式に係る法第二条第二十一項第二号に掲げる取引の総取引契約金額の最も高い事業年度における当該総取引契約金額の万分の〇・〇二四に相当する金額

(b) the amount equivalent to 0.024/ten thousandth of the total transaction contract amount in the business year for which the total transaction contract amount for the transaction set forth in Article 2, paragraph (21), item (ii) of the Act related to the shares for which entrustment, etc. has been accepted, among the relevant business year and each business year that has commenced within two years before the day of the commencement of the relevant business year;

ハ　当該事業年度及び当該事業年度開始の日前二年以内に開始した各事業年度のうち受託等をした株式に係る法第二条第二十一項第三号に掲げる取引の対価の額の合計額の最も高い事業年度における当該合計額の万分の一・二に相当する金額

(c) the amount equivalent to 1.2/ten thousandth of the sum of amount of the considerations in the business year for which the sum of the amount of considerations was the highest for the transaction set forth in Article 2, paragraph (21), item (iii) of the Act related to the shares for which entrustment, etc. has been accepted, among the relevant business year and each business year that has commenced within two years before the day of the commencement of the relevant business year;

ニ　当該事業年度及び当該事業年度開始の日前二年以内に開始した各事業年度のうち受託等をした債券に係る法第二条第二十一項第一号及び第二号に掲げる取引の総取引契約金額の最も高い事業年度における当該総取引契約金額の万分の〇・〇〇六四に相当する金額

(d) the amount equivalent to 0.0064/ten thousandth of the total transaction contract amount in the business year for which the total transaction contract amount was the highest for the transaction set forth in Article 2, paragraph (21), items (i) and (ii) of the Act related to bond certificates for which entrustment, etc. has been accepted among the relevant business year and each business year that has commenced within two years before the day of the commencement of the relevant business year;

ホ　当該事業年度及び当該事業年度開始の日前二年以内に開始した各事業年度のうち受託等をした債券に係る法第二条第二十一項第三号に掲げる取引の対価の額の合計額の最も高い事業年度における当該合計額の万分の一・二に相当する金額

(e) the amount equivalent to 1.2/ten thousandth of the sum of the amount of considerations in the business year for which the sum of the amount of considerations was the highest for the transaction set forth in Article 2, paragraph (21), item (iii) of the Act related to bond certificates for which entrustment, etc. has been accepted among the relevant business year and each business year that has commenced within two years before the day of the commencement of the relevant business year;

ヘ　当該事業年度及び当該事業年度開始の日前二年以内に開始した各事業年度のうち受託等をした通貨に係る法第二条第二十一項第一号に掲げる取引の取引高を取引所が取引単位として定める金額に乗じて算出した金額の最も高い事業年度における当該金額の万分の〇・〇三八四に相当する金額

(f) the amount equivalent to 0.0384/ten thousandth of the amount obtained by multiplying the transaction volume of the transaction set forth in Article 2, paragraph (21), item (i) of the Act related to currency for which entrustment, etc. has been accepted by the amount specified by an exchange as the transaction unit, in the business year for which the amount was the highest among the relevant business year and each business year that has commenced within two years before the day of the commencement of the relevant business year;

ト　当該事業年度及び当該事業年度開始の日前二年以内に開始した各事業年度のう

ち受託等をした預金契約に基づく債権の利率によって算出した金融指標に係る法第二条第二十一項第二号に掲げる取引の取引高を取引所が取引単位として定める金額に乗じて算出した金額の最も高い事業年度における当該金額の万分の〇・〇〇四八に相当する金額

(g) the amount equivalent to 0.0048/ten thousandth of the amount obtained by multiplying the transaction volume of the transaction set forth in Article 2, paragraph (21), item (ii) of the Act related to the financial index calculated using the interest rate of the claim under a deposit contract for which entrustment, etc. has been accepted by the amount specified by an exchange as the transaction unit, in the business year in which the amount was the highest among the relevant business year and each business year that has commenced within two years before the day of the commencement of the relevant business year;

チ　当該事業年度及び当該事業年度開始の日前二年以内に開始した各事業年度のうち受託等をした手形の割引率によって算出した金融指標に係る法第二条第二十一項第二号に掲げる取引の取引高を取引所が取引単位として定める金額に乗じて算出した金額の最も高い事業年度における当該金額の万分の〇・〇〇九六に相当する金額

(h) the amount equivalent to 0.0096/ten thousandth of the amount obtained by multiplying the transaction volume of the transaction set forth in Article 2, paragraph (21), item (ii) of the Act related to the financial index calculated based on the discount rate of negotiable instruments for which entrustment, etc. has been accepted by the amount specified by an exchange as the transaction unit, in the business year in which the amount was the highest among the relevant business year and each business year that has commenced within two years before the day of the commencement of the relevant business year;

リ　当該事業年度及び当該事業年度開始の日前二年以内に開始した各事業年度のうち受託等をした商品に係る法第二条第二十一項第一号に掲げる取引の取引高を取引所が取引単位として定める金額に乗じて算出した金額の最も高い事業年度における当該金額の万分の〇・〇四に相当する金額

(i) the amount equivalent to 0.04/ten thousandth of the amount obtained by multiplying the transaction volume of the transaction set forth in Article 2, paragraph (21), item (i) of the Act related to commodities for which entrustment, etc. has been accepted by the amount specified by an exchange as the transaction unit, in the business year in which the amount was the highest among the relevant business year and each business year that commenced within two years before the day of the commencement of the relevant business year;

ヌ　当該事業年度及び当該事業年度開始の日前二年以内に開始した各事業年度のうち受託等をした商品に係る金融指標に係る法第二条第二十一項第二号に掲げる取

引の取引高を取引所が取引単位として定める金額に乗じて算出した金額の最も高い事業年度における当該金額の万分の〇・〇四に相当する金額

(j) the amount equivalent to 0.04/ten thousandth of the amount obtained by multiplying the transaction volume of the transaction set forth in Article 2, paragraph (21), item (ii) of the Act related to the financial index concerning commodities for which entrustment, etc. has been accepted by the amount specified by an exchange as the transaction unit in the business year in which the amount was the highest among the relevant business year and each business year that commenced within two years before the day of the commencement of the relevant business year;

ル　当該事業年度及び当該事業年度開始の日前二年以内に開始した各事業年度のうち受託等をした商品に係る法第二条第二十一項第三号に掲げる取引の対価の額の合計額の最も高い事業年度における当該合計額の万分の〇・四に相当する金額

(k) the amount equivalent to 0.4/ten thousandth of the sum of the considerations for the transaction set forth in Article 2, paragraph (21), item (iii) of the Act related to the commodities, for which entrustment, etc. has been accepted, in the business year in which the sum was the highest, among the relevant business year and each business year that commenced within two years before the day of the commencement of the relevant business year;

ヲ　既に積み立てられた金融商品取引責任準備金の金額（法第四十六条の五第二項の規定により使用された金額がある場合には、当該金額を控除した金額）

(l) the amount of the financial instruments transaction liability reserves which has already been set aside (if there is an amount that has been used pursuant to the provisions of Article 46-5, paragraph (2) of the Act, the amount after deducting the amount).

２　法第四十六条の五第二項に規定する金融商品取引責任準備金を使用できる場合は、金融商品取引業者が、事業年度終了の日に既に積み立てられている金融商品取引責任準備金のうち前項第二号イからルまでに掲げる金額の合計額を超える部分に係る金額を取りくずす場合その他所管金融庁長官等の承認を受けた場合とする。

(2) The cases in which it is possible for the financial instruments transaction liability reserve provided for in Article 46-5, paragraph (2) of the Act to be used are those in which a financial instruments business operator withdraws the amount that is in excess of the sum of the amounts set forth in item (ii), sub-items (a) through (k) of the preceding paragraph, among the financial instruments transaction liability reserves that has already been set aside on the last day of the business year, or other cases approved by the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau.

（自己資本）

(Equity Capital)

第百七十六条　法第四十六条の六第一項に規定する資本金、準備金その他の内閣府令で定めるものは、次に掲げるものとする。

Article 176 (1) The stated capital and reserves specified in Article 46-6, paragraph (1) of the Act and other amount specified by Cabinet Office Order are as follows:

一　資本金

(i) the stated capital;

二　新株式申込証拠金

(ii) deposits for subscription to new shares;

三　資本剰余金

(iii) the capital surplus;

四　利益剰余金（社外流出予定額（配当及び役員賞与の予定額をいう。）を除く。）

(iv) the earned surplus (excluding the estimated amount of outflow of money to outside the company (meaning the estimated amount of dividend and officers' bonuses));

五　その他有価証券評価差額金（貸借対照表の純資産の部に計上されるその他有価証券（財務諸表等規則第八条第二十二項に規定するその他有価証券をいう。第七号イ及び次条第一項第一号において同じ。）の評価差額が負となる場合における当該評価差額をいう。）

(v) the valuation difference of other marketable securities (meaning the valuation difference of other marketable securities to be recorded in the net assets section of the balance sheet (meaning other marketable securities specified in Article 8, paragraph (22) of the Regulation on Financial Statements; the same applies in item (vii), sub-item (a) and paragraph (1), item (i) of the following Article) when the valuation difference is to be negative);

六　自己株式

(vi) treasury shares;

七　次に掲げるものであって、その額（ニに掲げるものにあっては基本的項目の額の五十パーセントに相当する額（ホにおいて「算入限度額」という。）を限度とし、ホに掲げるものにあっては基本的項目の額から控除資産の額を控除した額の二百パーセントに相当する額を限度とする。）の合計額が基本的項目の額に達するまでのもの

(vii) the following matters of which their sum is less than the amount of basic items (for the debt set forth in sub-item (d), the ceiling is the amount equivalent to 50 percent of the amount of basic items (referred to as "limit of the amount to be included" in sub-item (e)); for the debt set forth in sub-item (e), the ceiling is the amount equivalent to 200 percent of the amount obtained by deducting the amount of deductible assets from the amount of basic items):

イ　その他有価証券評価差額金（貸借対照表の純資産の部に計上されるその他有価証券の評価差額が正となる場合における当該評価差額をいう。）その他前各号に掲げるもの以外の貸借対照表の純資産の部に計上されるもの

(a) the valuation difference of other marketable securities (meaning the valuation difference of other marketable securities to be recorded in the net assets section of the balance sheet, when the valuation difference is to be positive) and the securities other than those set forth in the preceding items that are recorded in the net assets section of the balance sheet;

ロ　第十四条第一項各号に掲げるもの

(b) the matters set forth in the items of Article 14, paragraph (1);

ハ　一般貸倒引当金（流動資産に属する資産に係るものに限る。）

(c) the general loan-loss reserves (limited to the reserves related to the assets belonging to current assets);

ニ　長期劣後債務（残存期間が五年以内になったものにあっては、毎年、残存期間が五年になった時点における額の二十パーセントに相当する額を累積的に減価したものに限る。）

(d) the long-term subordinated debt (for the long-term subordinated debt with a remaining term of five years or shorter, limited to the debt for which the amount equivalent to 20 percent of the amount at the time when the remaining term becomes five years is cumulatively depreciated every year); and

ホ　短期劣後債務（長期劣後債務（第三項各号に掲げる性質のすべてを有するものに限る。）のうち、算入限度額を超える額及びニに規定する減価したものの累計額の合計額に相当するものを含む。）

(e) the short-term subordinated debt (among the long-term subordinated debts (limited to the debt that has all of the natures set forth in the items of paragraph (3)), including the debt equivalent to the sum of the amount exceeding the limit of the amount to be included and the cumulative amount depreciated specified in sub-item (d)).

２　前項第七号ニ及びホの「長期劣後債務」とは、劣後特約付借入金（元利金の支払について劣後的内容を有する特約が付された金銭の消費貸借による借入金をいう。以下同じ。）又は劣後特約付社債（元利金の支払について劣後的内容を有する特約が付された社債をいう。以下同じ。）であって、次に掲げる性質のすべてを有するものをいう。

(2) The term "long-term subordinated debt" as used in item (vii), sub-items (d) and (e) of the preceding paragraph means subordinated borrowings (meaning borrowed money due to loans for consumption with a special clause of subordinated content on the payment of principal and interest; the same applies hereinafter) or the subordinated corporate bond (meaning corporate bonds with special clause of subordinated content on the payment of principal and interest; the same applies hereinafter) which have all of the following

natures:

一　担保が付されていないこと。

(i) collateral is not offered;

二　契約時又は発行時における借入期間又は償還期間が五年を超えるものであること。

(ii) the borrowing period or redemption period determined at of the time of concluding a contract or the time of issuance exceeds five years;

三　期限前弁済又は期限前償還（以下この条において「期限前弁済等」という。）の特約が付されている場合には、当該期限前弁済等が債務者である金融商品取引業者の任意によるものであり、かつ、当該金融商品取引業者が当該期限前弁済等を行うことについて所管金融庁長官等の承認を受けたときに限り、当該期限前弁済等を行うことができるものであること。

(iii) if there is a special clause on the payment before maturity or premature redemption (hereinafter referred to as the "payment, etc. before maturity" in this Article), the payment, etc. before maturity is to be voluntarily made by a financial instruments business operator that is the debtor, and the payment, etc. before maturity may be made only when the financial instruments business operator has obtained approval from the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau; and

四　金融商品取引業者がその利金の支払を行うことにより法第四十六条の六第二項の規定に違反することとなる場合には、当該利金の支払を行わない旨の特約が付されていること。

(iv) there is a special clause on not making a payment of interest when the payment to be made by a financial instruments business operator results in violating the provisions of Article 46-6, paragraph (2) of the Act.

3　第一項第七号ホの「短期劣後債務」とは、劣後特約付借入金又は劣後特約付社債であって、次に掲げる性質のすべてを有するものをいう。

(3) The term "short-term subordinated debt" as used in paragraph (1), item (vii), sub-item (e) means the subordinated borrowings or the subordinated corporate bonds, which have all of the following natures:

一　担保が付されていないこと。

(i) collateral is not offered;

二　契約時又は発行時における借入期間又は償還期間が二年以上のものであること。

(ii) the borrowing period or redemption period determined at the time of concluding a contract or the time of issuance is two years or longer;

三　期限前弁済等の特約が付されている場合には、当該期限前弁済等が債務者である金融商品取引業者の任意によるものであり、かつ、当該金融商品取引業者が当該期限前弁済等を行うことについて所管金融庁長官等の承認を受けたときに限り、当該期限前弁済等を行うことができるものであること。

(iii) if there is a special clause on payment, etc. before maturity, the payment, etc. before maturity may be made limited to the case in which the payment,

etc. before maturity is voluntarily made by the financial instruments business operator that is the debtor, and, the financial instruments business operator has obtained approval for making the payment, etc. before maturity from the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau; and

四　金融商品取引業者がその元利金の支払を行うことにより法第四十六条の六第二項の規定に違反することとなる場合には、当該元利金の支払を行わない旨の特約が付されていること。

(iv) there is a special clause stating that payment of principal or interest will not be made when the payment of principal or interest by the financial instruments business operator results in violating the provisions of Article 46-6, paragraph (2) of the Act.

４　長期劣後債務（第二項に規定する長期劣後債務をいう。以下この条において同じ。）又は短期劣後債務（前項に規定する短期劣後債務をいう。以下この条において同じ。）について、次の各号に掲げる場合においては、当該各号に定める額を当該長期劣後債務の額又は当該短期劣後債務の額から控除しなければならない。

(4) If the following cases, for the long-term subordinated debt (meaning the long-term subordinated debt prescribed in paragraph (2); hereinafter the same applies in this Article) or the short-term subordinated debt (meaning the short-term subordinated debt prescribed in the preceding paragraph; hereinafter the same applies in this Article), the amount specified in each of the items must be deducted from the amount of the long-term subordinated debt or the amount of the short-term subordinated debt:

一　劣後特約付借入金の借入先が子会社等である場合　当該劣後特約付借入金の額

(i) when the lender of the subordinated borrowings is a subsidiary company, etc.: the amount of the subordinated borrowings;

二　劣後特約付社債の保有者（信託財産をもって保有する者を含む。次号において同じ。）が自己又は子会社等である場合　当該劣後特約付社債の額

(ii) when the holder of the subordinated corporate bonds (including a person holding subordinated corporate bonds through trust property; the same applies in the following item) is the financial instruments business operator themselves or their subsidiary company, etc.: the amount of the subordinated corporate bonds;

三　劣後特約付借入金の借入先又は劣後特約付社債の保有者に意図的に資金の提供を行っている場合　当該資金の額（当該資金の額が劣後特約付借入金の額及び劣後特約付社債の額の合計額を超える場合にあっては、当該合計額）

(iii) if the financial instruments business operator intentionally provides funds to the lender of subordinated borrowings or the holder of subordinated corporate bonds: the amount of the funds (if the amount of the funds exceeds the sum of the amount of the subordinated borrowings and the amount of the subordinated corporate bonds, that sum).

5　第二項第三号又は第三項第三号の承認を受けようとする金融商品取引業者は、次に掲げる事項を記載した承認申請書に契約書の写し又はこれに準ずる書類を添付して、所管金融庁長官等に提出しなければならない。

(5) A financial instruments business operator that seeks to obtain the approval referred to in paragraph (2), item (iii) or paragraph (3), item (iii) must submit a written application for approval stating the following matters to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau, by attaching a copy of the contract or other documents equivalent to the contract:

一　商号

(i) the trade name;

二　登録年月日及び登録番号

(ii) the registration date and the registration number;

三　期限前弁済等の額（外貨建てである場合にあっては、期限前弁済等の額及びその円換算額）

(iii) the amount of the payment, etc. before maturity (if it is denominated in foreign currency, the amount of the payment, etc. before maturity and the equivalent amount in yen);

四　現在及び期限前弁済等を行った後の長期劣後債務又は短期劣後債務の額（外貨建てである場合にあっては、長期劣後債務又は短期劣後債務の額及びその円換算額）

(iv) the current amount of and the amount after the payment, etc. before maturity has been made for the long-term subordinated debt or short-term subordinated debt (if it is denominated in foreign currency, the amount of the long-term subordinated debt or short-term subordinated debt and the equivalent amount in yen);

五　期限前弁済等を行う理由

(v) the reasons for making the payment, etc. before maturity;

六　期限前弁済等の予定日

(vi) the scheduled date of the payment, etc. before maturity;

七　十分な自己資本規制比率を維持するためのその他の具体的措置の内容

(vii) the content of other specific measures taken in order to maintain sufficient capital adequacy ratio;

八　期限前弁済等を行った後の自己資本規制比率の推定値

(viii) the estimated value of the capital adequacy ratio after making the payment, etc. before maturity.

6　所管金融庁長官等は、第二項第三号又は第三項第三号の承認をしようとするときは、長期劣後債務又は短期劣後債務が自己資本規制比率を一時的かつ意図的に向上させたものでないことを確認の上、次に掲げる基準のいずれかに適合するかどうかを審査しなければならない。

(6) If the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau intends to grant an approval

referred to in paragraph (2), item (iii) or paragraph (3), item (iii), the Commissioner or Director-General must confirm that the long-term subordinated debt or short-term subordinated debt has not temporarily and deliberately increased the capital adequacy ratio, and examine whether the application conforms to any of the following criteria:

一　期限前弁済等を行った後において金融商品取引業者が十分な自己資本規制比率を維持することができると見込まれること。

(i) the financial instruments business operator is expected to be able to maintain sufficient capital adequacy ratio, even after making the payment, etc. before maturity; or

二　期限前弁済等の額以上の額の資本調達を行うこと。

(ii) the financial instruments business operator is to raise capital in an amount that is not less than the amount of the payment, etc. before maturity.

7　第四項第一号及び第二号の「子会社等」とは、次に掲げる者をいう。

(7) The term "subsidiary company, etc." as used in paragraph (4), items (i) and (ii) means the following persons:

一　金融商品取引業者の子会社（財務諸表等規則第八条第三項及び第七項の規定により当該金融商品取引業者の子会社とされる者をいう。次条第六項第二号において同じ。）

(i) the subsidiary company of a financial instruments business operator (meaning the person considered to be the financial instruments business operator's subsidiary company pursuant to the provisions of Article 8, paragraphs (3) and (7) of the Regulation on Financial Statements; the same applies in paragraph (6), item (ii) of the following Article); and

二　金融商品取引業者の関連会社（財務諸表等規則第八条第五項の規定により当該金融商品取引業者の関連会社とされる者をいう。次条第六項第三号において同じ。）

(ii) the affiliated company of a financial instruments business operator (meaning the person considered to be the financial instruments business operator's affiliated company pursuant to the provisions of Article 8, paragraph (5) of the Regulation on Financial Statements; the same applies in item (iii), paragraph (6) of the following Article).

8　前各項に規定するもののほか、基本的項目の額及び補完的項目の額の算出に関し必要な事項は、金融庁長官が定める。

(8) Beyond what is prescribed in the preceding paragraphs, the necessary matters for calculating the amount of basic items and the amount of supplementary items are specified by the Commissioner of the Financial Services Agency.

（控除すべき固定資産等）

(Fixed Assets Required to Be Deducted)

第百七十七条　法第四十六条の六第一項に規定する固定資産その他の内閣府令で定める

ものは、貸借対照表の科目その他のもので次に掲げるものとする。

Article 177 (1) The fixed assets prescribed in Article 46-6, paragraph (1) of the Act and other assets specified by Cabinet Office Order are the items on the balance sheet or other items, which are set forth in the following items:

一　固定資産（その他有価証券のうち、次に掲げるものを除く。）

(i) fixed assets (excluding other marketable securities which are set forth in the following sub-items):

イ　金融商品取引所（これに類似するもので外国に所在するものを含む。）に上場されている有価証券

(a) securities listed on a financial instruments exchange (including those similar to the exchange which are located in a foreign country);

ロ　法第六十七条の十一第一項の店頭売買有価証券登録原簿（これに類似するもので外国に備えられるものを含む。）に登録されている有価証券

(b) securities registered in a register of over-the-counter traded securities referred to in Article 67-11, paragraph (1) of the Act (including those similar to the register which are kept in a foreign country); and

ハ　国債証券

(c) national government bond securities;

二　繰延資産

(ii) deferred assets;

三　流動資産のうち、次に掲げるもの

(iii) among current assets, those set forth in the following sub-items:

イ　預託金（顧客分別金信託、顧客区分管理信託、商品顧客区分管理信託、当初証拠金（第百二十三条第一項第二十一号の九ニの規定による信託の設定又はこれに類する方法により管理されるものに限る。）及び同条第十二項第五号に掲げる取引に係る外国における当初証拠金に相当するもの、前条第一項第七号ロに掲げるものに係るもの並びに商品先物取引法施行規則（平成十七年農林水産省・経済産業省令第三号）第九十八条第一項第二号の規定による預託金を除く。）

(a) deposits (excluding deposits related to customer segregated fund trusts, segregated management customer trusts, commodity customer segregated fund trust, initial margin (limited to margin managed by creation of a trust pursuant to the provisions of Article 123, paragraph (1), item (xxi)-9, sub-item (d) or methods similar to that) and those that are equivalent to initial margin in a foreign country related to a transaction set forth in paragraph (12), item (v) of that Article, and deposits related to those set forth in paragraph (1), item (vii), sub-item (b) of the preceding Article and deposits under the provisions of Article 98, paragraph (1), item (ii) of the Regulations for Enforcement of the Commodity Derivatives Act (Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 3 of 2005));

ロ　顧客への立替金（期間が二週間未満のものを除く。）

(b) advances paid to customers (excluding advances for which the period is less than two weeks);

ハ　関係会社（連結会社を除く。）に対する短期貸付金（金融機関（銀行、協同組織金融機関又は令第一条の九各号に掲げる金融機関をいう。以下ハにおいて同じ。）、信託会社又は金融商品取引業者へのコール資金の貸付け及び国内の金融機関又は金融商品取引業者が振り出した為替手形の購入に係るものを除く。）

(c) short-term loans made to an associated company (excluding a consolidated company) (excluding call loans extended to a financial institution (meaning a bank, cooperative financial institution, or a financial institution set forth in the items of Article 1-9 of the Order; hereinafter the same applies in sub-item (c)), a trust company, or a financial instruments business operator, and loans for purchasing bills of exchange drawn by a domestic financial institution or financial instruments business operator);

ニ　前払金

(d) advance payments; and

ホ　前払費用

(e) prepaid expenses;

四　保有する有価証券（信託財産をもって保有する有価証券を含む。）のうち、次に掲げるもの（第一号に掲げるものを除く。）

(iv) among the securities held (including securities held through trust property), those set forth in the following sub-items (excluding those set forth in item (i)):

イ　関係会社が発行した有価証券（連結会社が発行した社債、株式等の振替に関する法律第六十六条第一号に規定する短期社債、保険業法第六十一条の十第一項に規定する短期社債及び資産の流動化に関する法律第二条第八項に規定する特定短期社債に係るもの並びにコマーシャル・ペーパー（法第二条第一項第十五号に掲げる有価証券及び同項第十七号に掲げる有価証券で同項第十五号に掲げる有価証券の性質を有するものをいう。ロにおいて同じ。）、引受けにより取得したもので保有期間が六月を超えないもの並びに売買の状況にかかわらず意図的に関係会社への資金提供を目的とした保有でないことが明らかなものを除く。）

(a) securities issued by an associated company (excluding those related to the short-term bonds prescribed in Article 66, item (i) of the Act on Book-Entry Transfer of Corporate Bonds and Shares, the short-term bonds prescribed in Article 61-10, paragraph (1) of the Insurance Business Act, and the specified short-term corporate bonds as defined in Article 2, paragraph (8) of the Act on Securitization of Assets, which have been issued by a consolidated company, and commercial papers (meaning the securities set forth in Article 2, paragraph (1), item (xv) of the Act, and the securities set forth in item (xvii) of that paragraph, which have the nature of the securities set forth in item (xv) of that paragraph; the same applies in sub-item (b)), securities acquired through underwriting whose holding period

does not exceed six months, and securities that are obviously not held for deliberately providing funds to associated companies, notwithstanding the status of their purchase and sale);

ロ　他の会社又は第三者が発行したコマーシャル・ペーパー又は社債券（金融商品取引業者が当該他の会社から資本調達手段を受け入れている場合であって、当該金融商品取引業者が意図的に保有しているものに限る。）

(b) commercial papers or corporate bond certificates issued by another company or a third party (limited to the case in which a financial instruments business operator accepts the means of raising capital taken by the other company, and the financial instruments business operator is intentionally holding the commercial papers or corporate bond certificates); and

ハ　法第二条第一項第六号から第九号までに掲げる有価証券若しくは新株予約権付社債券又は同項第十七号に掲げる有価証券でこれらの有価証券の性質を有するもの（第一号イ及びロに掲げるもの並びに引受けにより取得したもので保有期間が六月を超えないものを除く。）

(c) securities or corporate bond certificates with share options set forth in Article 2, paragraph (1), items (vi) through (ix) of the Act, or securities set forth in item (xvii) of that paragraph, which have the nature of those securities (excluding the securities set forth in item (i), sub-items (a) and (b), and the securities acquired through underwriting whose holding period does not exceed six months);

五　第三者のために担保に供されている資産（前各号に掲げるものを除く。）

(v) assets provided as collateral to a third party (excluding those set forth in the preceding items); and

六　次条第一項第一号に規定する保有する有価証券等（前各号に掲げるものを除く。）のうち、その価格の変動その他の理由により発生し得る危険が相当程度高いものとして金融庁長官が定めるもの

(vi) among the securities, etc. held, those which are prescribed in the provisions of paragraph (1), item (i) of the following Article (excluding those set forth in the preceding items), the securities that are specified by the Commissioner of the Financial Services Agency as those that have a high probability of risk occurrence due to fluctuation of prices and other reasons.

２　前項第一号の固定資産のうち、金融商品取引業者が自己の債務の担保に供したものであって、次の各号に掲げるものについては、当該各号に定める額を当該固定資産の額から控除することができる。

(2) Among the fixed assets referred to in item (i) of the preceding paragraph, for the fixed asset that have been provided as collateral for their own obligations by a financial instruments business operator and is set forth in the following items, the amount specified in each of those items may be deducted from the amount of the fixed asset;

一　建物　当該建物を担保にした借入金の額又は当該建物の評価額のうちいずれか少ない額

(i) buildings: the amount of the borrowings secured by the building, or the appraisal value of the building, whichever is smaller; and

二　土地　当該土地を担保にした借入金の額又は当該土地の評価額のうちいずれか少ない額

(ii) land: the amount of the borrowings secured by the land, or the appraisal value of the land, whichever is smaller.

3　前項各号の借入金が二以上の資産を担保にしている借入金である場合には、当該担保となっている全ての資産について評価額の比により当該借入金を按分して第一項第一号の固定資産のみを担保にした借入金の額を算出しなければならない。

(3) If there are borrowings referred to in the items of the preceding paragraph that have been secured by two or more assets, the amount of the borrowings secured only by the fixed assets referred to in paragraph (1), item (i) must be calculated by proportionally dividing the borrowings in accordance with the ratio of the appraisal value of all the assets which have been provided as collateral.

4　第一項第三号ニに掲げる前払金のうち、仕入に係る消費税の前払金であって、その額がその他の預り金に計上した売上に係る消費税の額に達するまでのものについては、その額を当該前払金の額から控除することができる。

(4) Among the advance payments set forth in paragraph (1), item (iii), sub-item (d), the advance payment for the consumption tax related to purchase of stock whose amount is less than the amount of the consumption tax related to sales recorded as other deposits received may be deducted from the amount of the advance payments.

5　次の各号に掲げるものについては、その額から当該各号に定める額を控除することができる。

(5) Concerning the matters set forth in the following items, the amount specified in each of those items may be deducted from the amount of the matters:

一　第一項第三号ハに規定する短期貸付金　当該短期貸付金の貸付先から預託を受けている担保金その他の資産の評価額

(i) the short-term loans prescribed in paragraph (1), item (iii), sub-item (c): the appraisal value of the cash collateral deposited by the borrower of the short-term loan or of other assets;

二　第一項第四号イに規定する関係会社が発行した有価証券　当該有価証券に担保として付されている担保金その他の資産の評価額

(ii) the securities issued by associated companies specified in paragraph (1), item (iv), sub-item (a): the appraisal value of the cash collateral provided as collateral for the securities or of other assets; and

三　第一項第五号に規定する第三者のために担保に供されている資産　当該第三者から預託を受けている担保金その他の資産の評価額

(iii) the assets provided as collateral for a third party specified in paragraph (1), item (v): the appraisal value of the cash collateral deposited by the third party or of other assets.

6　第一項第三号ハ及び第四号イの「関係会社」とは、次に掲げる者をいう。

(6) The term "associated company" as used in paragraph (1), item (iii), sub-item (c), and item (iv), sub-item (a) means the following persons:

一　金融商品取引業者の親会社（財務諸表等規則第八条第三項の規定により当該金融商品取引業者の親会社とされる者をいう。第四号及び第五号において同じ。）

(i) the parent company of a financial instruments business operator (meaning the person considered to be the parent company of the financial instruments business operator pursuant to the provisions of Article 8, paragraph (3) of the Regulation on Financial Statements; the same applies in items (iv) and (v));

二　金融商品取引業者の子会社

(ii) the subsidiary company of a financial instruments business operator;

三　金融商品取引業者の関連会社

(iii) the affiliated company of the financial instruments business operator;

四　金融商品取引業者の親会社の子会社（財務諸表等規則第八条第三項及び第七項の規定により当該親会社の子会社とされる者（当該金融商品取引業者及び前二号に掲げる者を除く。）をいう。）

(iv) the subsidiary company of the parent company of a financial instruments business operator (meaning the person considered to be the subsidiary company of the parent company pursuant to the provisions of Article 8, paragraphs (3) and (7) of the Regulation on Financial Statements (excluding the financial instruments business operator and the persons set forth in the preceding two items)); and

五　金融商品取引業者の親会社の関連会社（財務諸表等規則第八条第五項の規定により当該親会社の関連会社とされる者（第三号に掲げる者を除く。）をいう。）

(v) the affiliated company of the parent company of a financial instruments business operator (meaning the person considered to be an affiliated company of the parent company pursuant to the provisions of Article 8, paragraph (5) of the Regulation on Financial Statements (excluding the person set forth in item (iii))).

7　第一項第三号ハ及び第四号イの「連結会社」とは、次に掲げる者をいう。

(7) The term "consolidated company" as used in paragraph (1), item (iii), sub-item (c) and item (iv), sub-item (a) of that paragraph means the following persons:

一　金融商品取引業者（連結財務諸表提出会社（連結財務諸表の用語、様式及び作成方法に関する規則第二条第一号に規定する連結財務諸表提出会社又は外国におけるこれに相当する者をいう。次号において同じ。）に限る。）の連結子会社（同条第四号に規定する連結子会社又は外国におけるこれに相当する者をいう。次号において同じ。）

(i) the consolidated subsidiary company (meaning the consolidated subsidiary company as defined in Article 2, item (iv) of the Regulation on Terminology, Forms, and Preparation Methods of Consolidated Financial Statements or a person equivalent to the company in a foreign country; the same applies in the following item) of a financial instruments business operator (limited to the company submitting consolidated financial statements (meaning the company submitting consolidated financial statements as defined in Article 2, item (i) of that Regulation or a person equivalent to the company in a foreign country; the same applies in the following item)); or

二　金融商品取引業者を連結子会社とする連結財務諸表提出会社及びその連結子会社（当該金融商品取引業者及び前号に掲げる者を除く。）

(ii) the company submitting consolidated financial statements which has a financial instruments business operator as a consolidated subsidiary company and a consolidated subsidiary company of the company submitting consolidated financial statements (excluding the financial instruments business operator and the person specified in the preceding item).

８　前各項に規定するもののほか、第二項各号、第三項及び第五項各号の評価額の計算その他控除資産の額の算出に関し必要な事項は、金融庁長官が定める。

(8) Beyond what is prescribed in the preceding paragraphs, the necessary matters for calculating the appraisal values referred to in the items of paragraph (2), paragraph (3), and the items of paragraph (5) and other necessary matters for the calculating the amount of deductible assets are specified by the Commissioner of the Financial Services Agency.

（リスク相当額）

(Risk Equivalent Amount)

第百七十八条　法第四十六条の六第一項に規定する保有する有価証券の価格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内閣府令で定めるものは、次に掲げるものとする。

Article 178 (1) The amount specified by Cabinet Office Order as an amount corresponding to risks that may occur due to fluctuations in the price of securities held which are referred to in Article 46-6, paragraph (1) of the Act, is as follows:

一　市場リスク相当額（保有する有価証券等（有価証券その他の資産及び取引をいう。）の価格の変動その他の理由により発生し得る危険に相当する額として金融庁長官が定めるところにより算出した額をいう。以下同じ。）

(i) market risk equivalent amount (meaning the amount calculated by the means specified by the Commissioner of the Financial Services Agency as an amount corresponding to risks that may occur due to fluctuations in the price of securities, etc. held (meaning securities and other assets and transactions) or other reasons; the same applies hereinafter);

二　取引先リスク相当額（取引の相手方の契約不履行その他の理由により発生し得る危険に相当する額として金融庁長官が定めるところにより算出した額をいう。以下同じ。）

(ii) counterparty risk equivalent amount (meaning the amount calculated by the means specified by the Commissioner of the Financial Services Agency as an amount equivalent to risks that may occur due to breach of contract by the counterparty to transactions or other reasons; the same applies hereinafter); and

三　基礎的リスク相当額（事務処理の誤りその他日常的な業務の遂行上発生し得る危険に相当する額として金融庁長官が定めるところにより算出した額をいう。以下同じ。）

(iii) fundamental risk equivalent amount (meaning the amount calculated by the means specified by the Commissioner of the Financial Services Agency as an amount equivalent to risks that may occur due to clerical errors and in performing ordinary business; the same applies hereinafter).

２　金融商品取引業者は、業務の態様に応じて合理的な方法により、市場リスク相当額及び取引先リスク相当額を、営業日ごとに把握するものとする。

(2) A financial instruments business operator is to perceive the market risk equivalent amount and the counterparty risk equivalent amount for each business day, through a reasonable method in accordance with the state of operations.

（自己資本規制比率の届出）

(Notification of Capital Adequacy Ratio)

第百七十九条　法第四十六条の六第一項に規定する内閣府令で定める場合は、次に掲げる場合とする。

Article 179 (1) The cases specified by Cabinet Office Order as prescribed in Article 46-6, paragraph (1) of the Act are as follows:

一　自己資本規制比率が百四十パーセントを下回った場合

(i) if the capital adequacy ratio falls below 140 percent; or

二　自己資本規制比率が百四十パーセント以上に回復した場合

(ii) if the capital adequacy ratio has recovered to 140 percent or more.

２　金融商品取引業者は、法第四十六条の六第一項の規定に基づき、毎月末の自己資本規制比率を、翌月二十日までに所管金融庁長官等に届け出なければならない。

(2) Based on the provisions of Article 46-6, paragraph (1) of the Act, a financial instruments business operator must notify the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau of the capital adequacy ratio at the end of each month by no later than the twentieth of the following month.

３　第一項第一号に該当することとなった金融商品取引業者は、法第四十六条の六第一項の規定に基づき、直ちに、その旨を金融庁長官に届け出、かつ、営業日ごとに、別

紙様式第十五号により自己資本規制比率に関する届出書を作成し、遅滞なく、これを所管金融庁長官等に提出しなければならない。

(3) Based on the provisions of Article 46-6, paragraph (1) of the Act, a financial instruments business operator that has come to fall under paragraph (1), item (i) must immediately notify the Commissioner of the Financial Services Agency of that fact, and, prepare a written notification of the capital adequacy ratio for each business day by using the Appended Form No. 15 and submit the notification to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau without delay.

４　前項に規定する届出書には、次の各号に掲げる区分に応じ、当該各号に定める書類を添付しなければならない。

(4) The documents specified in the following items in accordance with the category set forth in each of those items must be attached to the written notification prescribed in the preceding paragraph:

一　自己資本規制比率が百四十パーセントを下回った場合（次号に掲げる場合を除く。）　自己資本規制比率の状況を維持するために自らとるべき具体的措置に関する計画書

(i) if the capital adequacy ratio comes to fall below 140 percent (excluding the case set forth in the following item): the plan on concrete measures required to be taken by the financial instruments business operator in order to maintain the status of the capital adequacy ratio; and

二　自己資本規制比率が百二十パーセントを下回った場合　自己資本規制比率の状況を回復させるために自らとるべき具体的措置に関する計画書

(ii) if the capital adequacy ratio comes to fall below 120 percent: the plan on specific measures that should be taken by the financial instruments business operator themselves in order to restore the status of the capital adequacy ratio.

５　第一項第二号に該当することとなった金融商品取引業者は、法第四十六条の六第一項の規定に基づき、遅滞なく、その旨を所管金融庁長官等に届け出なければならない。

(5) Based on the provisions of Article 46-6, paragraph (1) of the Act, a financial instruments business operator that has come to fall under paragraph (1), item (ii) must notify the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau of that fact without delay.

６　金融商品取引業者は、毎営業日ごとに、自己資本規制比率の状況を適切に把握しなければならない。

(6) A financial instruments business operator must appropriately perceive the status of the capital adequacy ratio for each business day.

（自己資本規制比率の縦覧）

(Public Inspection of Capital Adequacy Ratio)

第百八十条　法第四十六条の六第三項に規定する内閣府令で定める各期間は、事業年度の末日を変更する場合における変更後の最初の事業年度をその開始の日以後三月ごとに区分した各期間（最後に三月未満の期間を生じたときは、その三月未満の期間）とする。

Article 180 (1) Each period specified by Cabinet Office Order as prescribed in Article 46-6, paragraph (3) of the Act is a period divided into three-month periods in the first business year after the last day of the business year is changed (if the last period is less than three months, that period which is less than three months).

２　金融商品取引業者は、法第四十六条の六第三項の規定により書面を作成するときは、次に掲げる事項を記載しなければならない。

(2) If a financial instruments business operator prepares a document pursuant to the provisions of Article 46-6, paragraph (3) of the Act, they must state the following matters:

一　固定化されていない自己資本の額

(i) the amount of non-fixed equity capital;

二　市場リスク相当額、取引先リスク相当額及び基礎的リスク相当額並びにこれらの合計額

(ii) the market risk equivalent amount, the counterparty risk equivalent amount, and the fundamental risk equivalent amount, and their sum; and

三　自己資本規制比率

(iii) the capital adequacy ratio.

３　補完的項目の額に、劣後債務（第百七十六条第一項第七号ニ及びホに掲げるものをいう。以下この項において同じ。）の額がある場合には、次に掲げる事項を前項に規定する書面に注記しなければならない。

(3) If there is an amount of subordinated debts (meaning the subordinated debts set forth in Article 176, paragraph (1), item (vii), sub-items (d) and (e); hereinafter the same applies in this paragraph) in the amount of supplementary items, the following matters must be set down in the notes of the document prescribed in the preceding paragraph:

一　当該劣後債務の金額

(i) the amount of the subordinated debt;

二　当該劣後債務の契約日又は発行日

(ii) the date of contract or the date of the issuance of the subordinated debt; and

三　当該劣後債務の弁済期日又は償還期日

(iii) the payment date or the redemption date of the subordinated debt.

第二款　第一種金融商品取引業を行わない金融商品取引業者

Subsection 2 Financial Instruments Business Operators that Does Not Conduct Type I Financial Instruments Business

（業務に関する帳簿書類）
(Books and Documents Concerning Business)
第百八十一条　法第四十七条の規定により金融商品取引業者（第一種金融商品取引業を行う者を除く。以下この款において同じ。）が作成すべき帳簿書類は、次に掲げるものとする。
Article 181 (1) The books and documents required to be prepared by a financial instruments business operator (excluding a person that conducts type I financial instruments business; hereinafter the same applies in this Subsection) pursuant to the provisions of Article 47 of the Act are as follows:
一　第百五十七条第一項第一号及び第二号（同号ハを除く。）に掲げる帳簿書類
(i) the books and documents set forth in Article 157, paragraph (1), items (i) and (ii) (excluding sub-item (c) of that item);
二　第二種金融商品取引業を行う者であるときは、次に掲げる帳簿書類
(ii) if the person is conducting type II financial instruments business, the following books and documents:
イ　第百五十七条第一項第三号から第十二号までに掲げる帳簿書類
(a) the books and documents set forth in Article 157, paragraph (1), items (iii) through (xii); and
ロ　特定有価証券等管理行為に係る分別管理の状況の記録
(b) a record on the status of separate management related to the act of management of specified securities, etc.
三　投資助言・代理業を行う者であるときは、第百五十七条第一項第十六号に掲げる帳簿書類
(iii) if the person is conducting investment advisory and agency business, the books and documents set forth in Article 157, paragraph (1), item (xvi);
四　投資運用業を行う者であるときは、第百五十七条第一項第十七号に掲げる帳簿書類
(iv) if the person is conducting investment management business, the books and documents set forth in Article 157, paragraph (1), item (xvii); and
五　電子募集取扱業務を行う者であるときは、次に掲げるもの
(v) if the person is conducting electronic public offering services, the following records:
イ　第七十条の二第二項第三号に規定する措置に基づく審査に係る記録
(a) records of examination conducted based on the measures prescribed in Article 70-2, paragraph (2), item (iii); and
ロ　第百四十六条の二第一項の規定により電子計算機の映像面に表示されたものの記録
(b) records of information displayed on a screen of a computer pursuant to the provisions of Article 146-2, paragraph (1).
2　前項第二号の規定にかかわらず、外国の法令に準拠して設立された法人又は外国に

住所を有する個人である金融商品取引業者（第二種金融商品取引業を行う者であって、国内において金融商品取引業のうち取引所取引業務（法第六十条第一項に規定する取引所取引業務をいい、国内にある者を相手方として行うものを除く。以下この項において同じ。）以外のものを行わない者に限る。）は、取引所取引業務については、外国の法令に基づいて作成される書類であって同号イに掲げる帳簿書類（取引所取引業務に係るものに限る。）に類するもの（以下この項において「外国帳簿書類」といい、外国帳簿書類が外国語で作成される場合にあっては、次に掲げる書類（次項において「外国帳簿書類等」という。））をもって、同号イに掲げる帳簿書類（取引所取引業務に係るものに限る。）に代えることができる。

(2) Notwithstanding the provisions of item (ii) of the preceding paragraph, a foreign instruments business operator that is a corporation incorporated in compliance with foreign laws and regulations or an individual that has a domicile in a foreign country (limited to a person that conducts type II financial instruments business and who does not conduct a financial instruments business other than on-exchange transaction services (meaning the on-exchange transaction services prescribed in Article 60, paragraph (1) of the Act, and excluding the services conducted with a person in Japan as the counterparty; hereinafter the same applies in this paragraph)) may substitute documents prepared based on foreign laws and regulations which are similar to the books and documents (limited to those related to on-exchange transaction services) set forth in item (ii), sub-item (a) (hereinafter the books and documents are referred to as "foreign books and documents" in this paragraph, and if the foreign books and documents are prepared in a foreign language, the following documents (referred to as "foreign books and documents, etc." in the following paragraph)) for the books and documents specified in sub-item (a) of that item (limited to the books and documents related to on-exchange transaction services) for on-exchange transaction services:

一　外国帳簿書類

(i) the foreign books and documents; and

二　外国帳簿書類の様式の訳文

(ii) a Japanese translation of the form for foreign books and documents.

3　第一項第一号、第三号（第百五十七条第一項第十六号ハに掲げる帳簿書類に限る。）及び第五号ロに掲げる帳簿書類は、その作成の日（第一項第一号（同条第一項第二号に掲げる帳簿書類に限る。）に掲げる帳簿書類にあっては、その効力を失った日）から五年間、第一項第二号（同条第一項第三号から第三号の四までに掲げる帳簿書類に限る。）に掲げる帳簿書類及びこれに類する外国帳簿書類等並びに第一項第四号（同条第一項第十七号ニに掲げる帳簿書類に限る。）に掲げる帳簿書類は、その作成の日から七年間、第一項第二号（同条第一項第三号から第三号の四までに掲げる帳簿書類を除く。）に掲げる帳簿書類及びこれに類する外国帳簿書類等並びに第一項第三号（同条第一項第十六号ハに掲げる帳簿書類を除く。）、第四号（同条第一項第十七号ニに掲げる帳簿書類を除く。）及び第五号イに掲げる帳簿書類は、その作成の日

（同条第一項第十六号イ及び第十七号イに掲げる帳簿書類にあっては、その契約その他の法律行為に係る業務の終了の日）から十年間保存しなければならない。

(3) The books and documents set forth in paragraph (1), items (i) and (iii) (limited to the books and documents set forth in Article 157, paragraph (1), item (xvi), sub-item (c)) and item (v), sub-item (b) must be preserved for five years from the day of their preparation (for the books and documents specified in paragraph (1), item (i) (limited to those set forth in item (ii), paragraph (1) of that Article), the day when they cease to be effective); the books and documents set forth in paragraph (1), item (ii) (limited to those set forth in paragraph (1), items (iii) through (iii)-4 of that Article) and foreign books and documents similar to them, and the books and documents set forth in paragraph (1), item (iv) (limited to those set forth in Article 157, paragraph (1), item (xvii), sub-item (d)) must be kept for seven years from the day of their preparation; the books and documents set forth in paragraph (1), item (ii) (excluding those set forth in paragraph (1), items (iii) through (iii)-4 of that Article) and the foreign books and documents similar to them, and the books and documents set forth in paragraph (1), item (iii) (excluding those set forth in Article 157, paragraph (1), item (xvi), sub-item (c)), item (iv) (excluding those set forth in Article 157, paragraph (1), item (xvii), sub-item (d)) and item (v), sub-item (a) must be preserved for ten years from the day of their preparation (for the books and documents set forth in Article 157, paragraph (1), item (xvi), sub-item (a) and item (xvii), sub-item (a), the day of the termination of the business under the contract or business related to other juridical acts).

４　第一項各号（第三号を除く。）に掲げる帳簿書類は、国内において保存しなければならない。ただし、当該帳簿書類が外国に設けた営業所又は事務所において作成された場合において、その作成後遅滞なく国内においてその写しを保存しているとき、又は当該帳簿書類が電磁的記録をもって作成され、かつ、国内に設けた営業所若しくは事務所において当該電磁的記録に記録された事項を表示したものを遅滞なく閲覧することができる状態に置いているときは、この限りでない。

(4) The books and documents set forth in the items of paragraph (1) (excluding item (iii)) must be preserved in Japan; provided, however, that this does not apply if the books and documents are prepared in a business office or office established in a foreign country and their copies have been preserved in Japan without delay after their preparation, or the books and documents have been prepared as an electronic or magnetic record and a document indicating the matters recorded in the electronic or magnetic record has been made available for inspection without delay at a business office or office established in Japan.

（事業報告書）

(Business Reports)

第百八十二条　法第四十七条の二の規定により金融商品取引業者が提出する事業報告書は、別紙様式第十二号により作成しなければならない。

Article 182 (1) A business report to be submitted by a financial instruments business operator pursuant to the provisions of Article 47-2 of the Act must be prepared by using the Appended Form No. 12.

２　金融商品取引業者（会社に限る。）は、前項の事業報告書を作成する場合には、一般に公正妥当と認められる企業会計の慣行に従うものとする。

(2) When a financial instruments business operator (limited to a company) prepares a business report referred to in the preceding paragraph, they are to comply with to business accounting practices generally accepted as fair and appropriate.

３　金融商品取引業者（会社を除く。）は、第一項の事業報告書を作成する場合には、一般に公正妥当と認められる会計の慣行に従うものとする。

(3) When a financial instruments business operator (excluding a company) prepares a business report referred to in paragraph (1), they are to comply with accounting practices generally accepted as fair and appropriate.

（説明書類の縦覧）

(Public Inspection of Explanatory Documents)

第百八十三条　法第四十七条の三の規定により金融商品取引業者は、別紙様式第十五号の二により作成した説明書類又は前条第一項の事業報告書の写しを全ての営業所若しくは事務所に備え置く方法その他の方法により法第四十七条の三の説明書類を公衆の縦覧に供し、又はインターネットの利用その他の方法により、投資者が常に容易に閲覧することができるよう公表しなければならない。

Article 183 (1) Pursuant to the provisions of Article 47-3 of the Act, a financial instruments business operator must make the explanatory document referred to in that Article available for public inspection by the means of keeping explanatory documents prepared using the Appended Form No. 15-2 or copies of the business report referred to in paragraph (1) of the preceding Article at all business offices or offices or by other means, or publicize them by using the internet or other means that enables easy access for investors at all times.

２　法第四十七条の三に規定する内閣府令で定めるものは、別紙様式第十五号の二又は前条第一項の事業報告書に記載されている事項とする。

(2) The matters specified by Cabinet Office Order as prescribed in Article 47-3 of the Act are the matters stated in the business report referred to in the Appended Form No. 15-2 or paragraph (1) of the preceding Article.

第三款　登録金融機関
Subsection 3 Registered Financial Institutions

（業務に関する帳簿書類）

(Books and Documents Related to Business)

第百八十四条　法第四十八条の規定により登録金融機関が作成すべき帳簿書類は、次に掲げるものとする。

Article 184 (1) The books and documents required to be prepared by a registered financial institution pursuant to the provisions of Article 48 of the Act are as follows:

一　第百五十七条第一項第一号及び第二号（同号ハを除く。）に掲げる帳簿書類

(i) the books and documents set forth in Article 157, paragraph (1), items (i) and item (ii) (excluding sub-item (c) of that item);

二　登録金融機関業務のうち、金融商品仲介業務、投資助言・代理業及び投資運用業以外のものについては、第百五十七条第一項第三号から第十一号まで、第十三号、第十四号及び第十五号の二に掲げる帳簿書類

(ii) among registered financial institution businesses, for business other than financial instruments intermediation operations, investment advisory and agency business, or an investment management business, the books and documents set forth in Article 157, paragraph (1), items (iii) through (xi), item (xiii), item (xiv) and item (xv)-2;

三　金融商品仲介業務については、次に掲げるもの

(iii) for financial instruments intermediation operations, the following books and documents:

イ　金融商品仲介補助簿

(a) a subsidiary book on the financial instruments intermediary service; and

ロ　金融商品仲介預り明細簿

(b) a book on details of the custody related to financial instruments intermediary services;

四　投資助言・代理業を行う者であるときは、第百五十七条第一項第十六号に掲げる帳簿書類

(iv) for a registered financial institution that conducts investment advisory and agency business, the book and document set forth in Article 157, paragraph (1), item (xvi); and

五　投資運用業を行う者であるときは、第百五十七条第一項第十七号に掲げる帳簿書類

(v) for a registered financial institution that conducts investment management business, the book and document set forth in Article 157, paragraph (1), item (xvii);

六　電子募集取扱業務を行う者であるときは、次に掲げるもの

(vi) in the case of a person that conducts electronic public offering services, the following records:

イ　第七十条の二第二項第三号に規定する措置に基づく審査に係る記録

(a) record of examinations based on the measures provided for in Article 70-2, paragraph (2), item (iii);

ロ　第百四十六条の二第一項の規定により電子計算機の映像面に表示されたものの記録

(b) record of information displayed on a screen of a computer pursuant to the provisions of Article 146-2, paragraph (1).

２　前項第一号、第四号（第百五十七条第一項第十六号ハに掲げる帳簿書類に限る。）及び第六号ロに掲げる帳簿書類は、その作成の日（前項第一号（同条第一項第二号に掲げる帳簿書類に限る。）に掲げる帳簿書類にあっては、その効力を失った日）から五年間、前項第二号（同条第一項第三号から第三号の四までに掲げる帳簿書類に限る。）、第三号イ及び第五号（同条第一項第十七号ニに掲げる帳簿書類に限る。）に掲げる帳簿書類は、その作成の日から七年間、前項第二号（同条第一項第三号から第三号の四までに掲げる帳簿書類を除く。）、第三号ロ、第四号（同条第一項第十六号ハに掲げる帳簿書類を除く。）、第五号（同条第一項第十七号ニに掲げる帳簿書類を除く。）及び第六号イに掲げる帳簿書類は、その作成の日（同条第一項第十六号イ及び第十七号イに掲げる帳簿書類にあっては、その契約その他の法律行為に係る業務の終了の日）から十年間保存しなければならない。

(2) The books and documents set forth in items (i) and (iv) of the preceding paragraph (limited to those set forth in Article 157, paragraph (1), item (xvi), sub-item (c)) and item (vi), sub-item (b) of the preceding paragraph must be preserved for five years from the day of their preparation (for the books and documents set forth in item (i) of the preceding paragraph (limited to those set forth in Article 157, paragraph (1), item (ii)), the day when they cease to be effective); the books and documents specified in item (ii) of the preceding paragraph (limited to those set forth in Article 157, paragraph (1), items (iii) through (iii)-4) and the books and documents specified in item (iii), sub-item (a), and item (v) of the preceding paragraph (limited to those set forth in Article 157, paragraph (1), item (xvii), sub-item (d)) must be preserved for seven years from the day of their preparation; the books and documents specified in item (ii) of the preceding paragraph (excluding those set forth in Article 157, paragraph (1), items (iii) through (iii)-4), item (iii), sub-item (b), and item (iv) of the preceding paragraph (excluding those set forth in Article 157, paragraph (1), item (xvi), sub-item (c)) and item (v) of the preceding paragraph (excluding those set forth in Article 157, paragraph (1), item (xvii), sub-item (d)) and item (vi), sub-item (a) of the preceding paragraph must be preserved for ten years from the day of their preparation (for the books and documents set forth in Article 157, paragraph (1), item (xvi), sub-item (a) and item (xvii), sub-item (a), the day of the termination of the business under the contract or business related to other juridical acts).

（金融商品仲介補助簿）

(Subsidiary Book on Financial Instruments Intermediary Services)

第百八十五条　前条第一項第三号イの金融商品仲介補助簿には、次に掲げる事項を記載

しなければならない。

Article 185 (1) The following matters must be stated in a subsidiary book on the financial instruments intermediary services referred to in Article 184, paragraph (1), item (iii), sub-item (a):

一　委託金融商品取引業者の自己又は委託の別

(i) distinction of whether it is the entrusting financial instruments business operator's own transaction or a transaction based on entrustment by the customer;

二　顧客の氏名又は名称

(ii) the customer's name;

三　取引の種類

(iii) the type of transaction;

四　銘柄

(iv) the issue;

五　売付け又は買付けの別

(v) whether the type of transaction is sale or purchase;

六　申込みを受けた数量（数量がない場合にあっては、件数又は数量に準ずるもの。第三項第一号において同じ。）

(vi) quantity of offers received (if there is no quantity, the number of transactions or other matters equivalent to quantity; the same applies in paragraph (3), item (i));

七　約定数量（数量がない場合にあっては、件数又は数量に準ずるもの。第三項第一号において同じ。）

(vii) the agreed quantity (if there is no quantity, the number of transactions or other matters equivalent to quantity; the same applies in paragraph (3), item (i));

八　指値又は成行の別（指値の場合にあっては、その価格及び注文の有効期限（当該有効期限が当日中であるものを除く。）を含む。）

(viii) distinction of whether it is a limit order or a market order (for a limit order, the price and expiration date of the order (excluding an order whose expiration date is on the day of the order) are included);

九　申込みを受けた日時

(ix) the date and time the offer has been received;

十　約定日時

(x) the date and time the contract was concluded; and

十一　約定価格

(xi) the contracted price.

２　前項の金融商品仲介補助簿は、次に掲げるところにより作成しなければならない。

(2) A subsidiary book on the financial instruments intermediary service referred to in the preceding paragraph must be prepared in accordance with the following conditions:

一　原則として顧客から取引の申込みを受けたときに作成すること。
(i) the book is to be prepared upon the receipt of an offer for a transaction from a customer, in principle;
二　委託金融商品取引業者が二以上ある場合は、委託金融商品取引業者ごとに作成すること。
(ii) if there are two or more entrusting financial instruments business operators, the book is to be prepared for each entrusting financial instruments business operator;
三　日付順に記載して保存すること。
(iii) the book is to be prepared in order of date and preserved;
四　約定されなかったものに係る記載部分についても保存すること。
(iv) the part stating the transactions that have not been contracted is to be preserved as well;
五　取引の内容に係る部分については、登録金融機関が知り得た事項について記載すること。
(v) in the part related to the content of the transaction, matters a registered financial institution has come to know is to be stated;
六　金融商品仲介補助簿を電磁的記録により作成する場合は、前各号に掲げるところによるほか、次に掲げるところにより作成すること。
(vi) if a subsidiary book on a financial instruments intermediary service is to be prepared as an electronic or magnetic record, the book is to be prepared in accordance with the following conditions, in addition to the conditions set forth in the items of the preceding paragraph:
イ　前項各号（第七号、第十号及び第十一号を除く。）に掲げる事項は、申込みを受けたときに電子計算機へ入力すること。
(a) the matters set forth in the items of the preceding paragraph (excluding item (vii), item (x), and item (xi)) is to be entered on a computer upon receipt of an offer; and
ロ　申込み内容を電子計算機へ入力した日付及び時刻が自動的に記録されること。
(b) the date and time when the content of the offer has been entered on a computer are to be automatically recorded;
七　注文・清算分離行為が行われた取引に係る注文である場合には、その旨を表示すること。
(vii) for an order for a transaction for which give-up action has been conducted, to state that fact;
八　注文・清算分離行為が行われた取引については、注文執行会員等を委託金融商品取引業者とする登録金融機関は、新規又は決済の別及び新規、権利行使、転売又は買戻しの別の記載を要しない。
(viii) for a transaction for which give-up action has been conducted, a registered financial institution whose entrusting financial instruments business operator, etc. is an order executing member, etc. is not required to

state whether it is a new transaction or a settlement transaction, and whether it is a new transaction, a transaction for the exercise of rights, a resale transaction, or a buy-back transaction;

九　注文・清算分離行為が行われた取引については、清算執行会員等を委託金融商品取引業者とする登録金融機関は、作成することを要しない。

(ix) for a transaction for which give-up action has been conducted, a registered financial institution whose entrusting financial instruments business operator, etc. is a clearance executing member, etc. is not required to prepare a subsidiary book.

３　前二項の規定にかかわらず、次の各号に掲げる事項については、当該各号に定めるところによることができる。

(3) Notwithstanding the provisions of the preceding two paragraphs, the matters set forth in the following items may be stated in accordance with the manners specified in each of those items:

一　同一日において価格が変動しない投資信託受益証券等に係る第一項各号に掲げる事項　当該各号に掲げる事項に代えて、顧客の氏名又は名称、銘柄、売付け又は買付けの別、申込みを受けた数量、約定数量、申込みを受けた日及び約定日を記載すること。

(i) the matters set forth in the items of paragraph (1) concerning investment trust beneficiary certificates, etc. whose price does not fluctuate on the same day: the customer's name, issue, whether it is sale or purchase transaction, the quantity of offers received, contracted quantity, date of receiving the offer, and contracted date are to be stated in lieu of the matters set forth in each of those items;

二　第一項第三号に掲げる事項（第百五十八条第一項第三号ニ（２）、ホ（３）及びト（２）に掲げる事項に限る。）　金融商品取引所の定める規則により注文時にこれらの事項を指示することが不要とされているものについては、記載を省略すること。

(ii) the matters set forth in paragraph (1), item (iii) (limited to the matters set forth in Article 158, paragraph (1), item (iii), sub-item (d), 2., sub-item (e), 3. and sub-item (g), 2.): entries of the matters for which instructions are not required at the time of the order pursuant to the rules of the financial instruments exchange may be omitted;

三　前項第六号の規定により電磁的記録により作成されている事項　当該電磁的記録により作成されている事項を電子計算機の映像面へ表示し、又は書面へ出力する場合においては、一覧表により表示し、又は出力すること。

(iii) matters prepared as an electronic or magnetic record pursuant to the provisions of item (vi) of the preceding paragraph: if the matters prepared as an electronic or magnetic record are to be displayed on the screen of a computer or are to be printed out on paper, the matters are be displayed or printed as a list.

（金融商品仲介預り明細簿）

(Book on Details of Custody Related to Financial Instruments Intermediary Services)

第百八十六条　第百八十四条第一項第三号ロの金融商品仲介預り明細簿には、顧客より受け入れた金融商品仲介業務に係る金銭及び有価証券について、次に掲げる事項を記載しなければならない。

Article 186 (1) In a book on details of the custody related to financial instruments intermediary services referred to in Article 184, paragraph (1), item (iii), sub-item (b), it is required to state the following matters concerning money and securities related to financial instruments intermediation operations deposited by customers:

一　顧客の氏名又は名称

(i) the customer's name;

二　入出金及び入出庫年月日

(ii) the date of deposit and the date of withdrawal of the money and securities;

三　金額

(iii) the amount;

四　銘柄

(iv) the issue;

五　数量

(v) the quantity;

六　入出金及び入出庫先の氏名又は名称

(vi) the name of the person with whom the money or securities are deposited, and the person from whom the money or securities are withdrawn;

七　残高

(vii) the balance;

八　有価証券の記号又は番号

(viii) the code or number of the securities; and

九　名義人の氏名又は名称

(ix) the names of the holders.

２　前項の金融商品仲介預り明細簿は、次に掲げるところにより作成しなければならない。

(2) A book on details of the custody related to financial instruments intermediary services must be prepared in accordance with the following conditions:

一　顧客別に区分して作成すること。

(i) the book is prepared separately for each customer;

二　注文・清算分離行為が行われた取引に係る金額については、清算執行会員等を委託金融商品取引業者とする登録金融機関が顧客から直接受領した金額を記載すること。

(ii) for the amount related to a transaction for which give-up action has been

conducted, to state the amount directly received from customers by a registered financial institution whose entrusting financial instruments business operator is a clearance executing member, etc.; and

三　注文・清算分離行為が行われた取引については、注文執行会員等を委託金融商品取引業者とする登録金融機関は、作成することを要しない。ただし、顧客から直接金銭を受領した場合には、顧客の氏名又は名称、入出金年月日、金額、入出金先の氏名又は名称及び金銭の残高を記載すること。

(iii) for a transaction for which give-up action has been conducted, a registered financial institution whose entrusting financial instruments business operator is an ordering member, etc. is not required to prepare the book; provided, however, that if the registered financial institution has directly received money from a customer, to state the customer's name, the date of deposit or withdrawal, the amount, the name of the depository and the balance of the money.

3　前二項の規定にかかわらず、金融商品仲介預り明細簿の作成に当たっては、次の各号に定めるところによることができる。

(3) Notwithstanding the provisions of the preceding two paragraphs, a book on details of the custody related to financial instruments intermediary services may be prepared in accordance with the following conditions:

一　入庫された有価証券について、当日残高がない場合は、記号、番号及び名義人の氏名又は名称の記載を省略すること。

(i) for securities that have been deposited, if there is no balance on the day in question, entries of the code, number, and the holder's name are to be omitted;

二　業として預金又は貯金の受入れをすることができる登録金融機関において、預金又は貯金の受入れ又は払戻しに係る記録が整備されている場合には、入出金年月日、金額、入出金先の氏名又は名称及び残高の記載を省略すること。

(ii) if the records on acceptance or refund of bank deposits or postal savings are well organized at a registered financial institution which may accept bank deposits or postal savings on a regular basis, to omit entries on the date of deposits or withdrawals, the amount, the name of the depository, and the balance;

三　有価証券の入出庫に係る記録が他の業務に係る帳簿等により整備されている場合には、入出庫年月日、銘柄、数量、入出庫先の氏名又は名称、残高、記号、番号及び名義人の氏名又は名称の記載を省略すること。

(iii) if the records on the deposit and withdrawal of securities are well organized by books, documents, etc. related to other businesses, to omit entries on the date of the deposit or withdrawal, issue, quantity, the name of the depository, the balance, code, number and the holder's name.

（事業報告書）

(Business Reports)

第百八十七条　法第四十八条の二第一項の規定により登録金融機関が提出する事業報告書は、別紙様式第十六号により作成しなければならない。

Article 187 A business report to be submitted by a registered financial institution pursuant to the provisions of Article 48-2, paragraph (1) of the Act must be prepared by using the Appended Form No. 16.

（業務又は財産の状況に関する報告）

(Report on the Status of Business or Property)

第百八十八条　法第四十八条の二第二項の規定により登録金融機関は、次の各号に掲げる報告書を、当該各号に定める提出期限までに所管金融庁長官等に提出しなければならない。

Article 188 A registered financial institution must, pursuant to the provisions of Article 48-2, paragraph (2) of the Act, submit to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau the reports listed in the following items, no later than the time limit set forth respectively in each of those items:

一　別紙様式第十三号により作成した関係会社に関する報告書　毎事業年度経過後四月以内

(i) a report on the associated company prepared by using the Appended Form No. 13: within four months after the end of each business year; and

二　別紙様式第十七号により作成した業務又は財産の状況に関する報告書　毎月のものを翌月二十日まで

(ii) a report on the status of the business or property prepared by using the Appended Form No. 17: a monthly report by no later than the twentieth of the following month.

（金融商品取引責任準備金）

(Financial Instruments Transaction Liability Reserves)

第百八十九条　登録金融機関は、事業年度ごとに次の各号に掲げる金額のうちいずれか低い金額を法第四十八条の三第一項の規定による金融商品取引責任準備金として積み立てなければならない。

Article 189 (1) A registered financial institution must set aside for each business year any of the amounts specified in the following items, whichever is smaller, as the financial instruments transaction liability reserves under the provisions of Article 48-3, paragraph (1) of the Act:

一　次に掲げる金額の合計額

(i) the sum of the following amounts:

イ　当該事業年度において受託等をした債券に係る法第二条第二十一項第一号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。ヘ及び次号ヘを除き、以下この条において同じ。）及び同項第二号に掲げる取引（これに類似する

外国市場デリバティブ取引を含む。ト及び次号トを除き、以下この条において同じ。）の総取引契約金額の万分の〇・〇〇一六に相当する金額

(a) the amount equivalent to 0.0016/ten thousandth of the total transaction contract amount for the transaction set forth in Article 2, paragraph (21), item (i) of the Act (including foreign market derivatives transactions similar to the transaction; hereinafter the same applies in this Article excluding sub-item (f) of this item and sub-item (f) of the following item) and the transaction set forth in item (ii) of that paragraph (including foreign market derivatives transactions similar to the transaction; hereinafter the same applies in this Article excluding sub-item (g) of this item and sub-item (g) of the following item) concerning bond certificates for which entrustment, etc. has been accepted in the relevant business year;

ロ　当該事業年度において受託等をした債券に係る法第二条第二十一項第三号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。チ及び次号チを除き、以下この条において同じ。）の対価の額の合計額の万分の〇・三に相当する金額

(b) the amount equivalent to 0.3/ten thousandth of the sum of the amount of considerations for the transaction set forth in Article 2, paragraph (21), item (iii) of the Act (including foreign market derivatives transactions similar to the transaction; hereinafter the same applies in this Article excluding sub-item (h) of this item and sub-item (h) of the following item) concerning bond certificates for which entrustment, etc. has been accepted in the relevant business year;

ハ　当該事業年度において受託等をした通貨に係る法第二条第二十一項第一号に掲げる取引（同項第三号に掲げる取引によって当事者の一方に付与された権利が行使されたときに成立する同項第一号に掲げる取引を含む。ヘ並びに次号ハ及びヘにおいて同じ。）の取引高を取引所（金融商品市場又は外国金融商品市場を開設する者をいう。以下この条において同じ。）が取引単位として定める金額（同項第三号に掲げる取引に係る同項第一号に掲げる取引等の場合は当事者の一方に付与された権利が行使されたときに成立する取引の取引単位として取引所が定める金額。ヘ並びに次号ハ及びヘにおいて同じ。）に乗じて算出した金額の万分の〇・〇〇九六に相当する金額

(c) the amount equivalent to 0.0096/ten thousandth of the amount calculated by multiplying the transaction volume of the transaction set forth in Article 2, paragraph (21), item (i) of the Act concerning the currency for which entrustment etc. has been accepted in the relevant business year (including the transaction set forth in item (i) of that paragraph closed upon the exercise of the rights granted to one of the parties through the transaction set forth in item (iii) of that paragraph; the same applies in sub-item (f) of this item and sub-items (c) and (f) of the following item) by the amount prescribed by an exchange (meaning a person that establishes

a financial instruments market or foreign financial instruments market; hereinafter the same applies in this Article) as the unit of transaction (for a transaction, etc. set forth in item (i) of that paragraph related to the transaction set forth in item (iii) of that paragraph, the amount specified by an exchange as the unit of transaction closed upon the exercise of the rights granted to one of the parties; the same applies in sub-item (f) of this item and sub-items (c) and (f) of the following item);

ニ　当該事業年度において受託等をした預金契約に基づく債権の利率によって算出した金融指標に係る法第二条第二十一項第二号に掲げる取引等（同項第三号に掲げる取引によって当事者の一方に付与された権利が行使されたときに成立する同項第二号に掲げる取引を含む。ホ及びト並びに次号ニ、ホ及びトにおいて同じ。）の取引高を取引所が取引単位として定める金額（同項第三号に掲げる取引に係る同項第二号に掲げる取引等の場合は当事者の一方に付与された権利が行使されたときに成立する取引の取引単位として取引所が定める金額。ホ及びト並びに次号ニ、ホ及びトにおいて同じ。）に乗じて算出した金額の万分の〇・〇〇一二に相当する金額

(d) the amount equivalent to 0.0012/ten thousandth of the amount calculated by multiplying the transaction volume of the transaction, etc. set forth in Article 2, paragraph (21), item (ii) of the Act (including the transaction set forth in item (ii) of that paragraph closed upon the exercise of the rights granted to one of the parties through the transaction set forth in item (iii) of that paragraph; the same applies sub-item (e) and sub-item (f) of this item and sub-item (d), sub-item (e), and sub-item (g) of the following item) concerning the financial index calculated by the interest rate of claims under the deposit contract for which entrustment, etc. has been accepted in the relevant business year by the amount prescribed by an exchange as the unit of transaction (for the transaction, etc. set forth in item (ii) of that paragraph related to the transaction set forth in item (iii) of that paragraph, the amount specified by an exchange as the unit of the transaction closed upon the exercise of the rights granted to one of the parties; the same applies in sub-item (e) and sub-item (f) of this item and sub-item (d), sub-item (e), and sub-item (g) of the following item);

ホ　当該事業年度において受託等をした手形の割引率によって算出した金融指標に係る法第二条第二十一項第二号に掲げる取引の取引高を取引所が取引単位として定める金額に乗じて算出した金額の万分の〇・〇〇二四に相当する金額

(e) the amount equivalent to 0.0024/ten thousandth of the amount calculated by multiplying the transaction volume of the transaction set forth in Article 2, paragraph (21), item (ii) of the Act related to the financial index calculated based on the discount rate of negotiable instruments for which entrustment, etc. has been accepted in the relevant business year, by the amount prescribed by an exchange as the unit of transaction.

ヘ　当該事業年度において受託等をした商品に係る法第二条第二十一項第一号に掲げる取引の取引高を取引所が取引単位として定める金額に乗じて算出した金額の万分の〇・〇一に相当する金額

(f) the amount equivalent to 0.01/ten thousandth of the amount calculated by multiplying the transaction volume of the transaction set forth in Article 2, paragraph (21), item (i) of the Act related to the commodities for which entrustment, etc. has been accepted in the relevant business year by the amount prescribed by an exchange as the unit of transaction;

ト　当該事業年度において受託等をした商品に係る金融指標に係る法第二条第二十一項第二号に掲げる取引の取引高を取引所が取引単位として定める金額に乗じて算出した金額の万分の〇・〇一に相当する金額

(g) the amount equivalent to 0.01/ten thousandth of the amount calculated by multiplying the transaction volume of the transaction specified in Article 2, paragraph (21), item (ii) of the Act for financial index related to the commodities for which entrustment, etc. has been accepted in the relevant business year by the amount prescribed by an exchange as the unit of transaction; and

チ　当該事業年度において受託等をした商品に係る法第二条第二十一項第三号に掲げる取引の対価の額の合計額の万分の〇・一に相当する金額

(h) the amount equivalent to 0.1/ten thousandth of the sum of the amount of considerations for the transaction set forth in Article 2, paragraph (21), item (iii) of the Act related to the commodities for which entrustment, etc. has been accepted in the relevant business year;

二　次のイからチまでに掲げる金額の合計額からリに掲げる金額を控除した金額

(ii) the amount obtained by deducting the amount set forth in sub-item (i) from the sum of the amount set forth in the following sub-items (a) through (h):

イ　当該事業年度及び当該事業年度開始の日前二年以内に開始した各事業年度のうち受託等をした債券に係る法第二条第二十一項第一号及び第二号に掲げる取引の総取引契約金額の最も高い事業年度における当該総取引契約金額の万分の〇・〇〇六四に相当する金額

(a) the amount equivalent to 0.0064/ten thousandth of the total transaction contract amount for the transaction in the business year for which the total contract amount for the transaction set forth in Article 2, paragraph (21), items (i) and (ii) of the Act related to the bond certificates for which entrustment, etc. has been accepted was the highest, among the relevant business year and each business year that commenced within two years before the day of the commencement of that relevant business year;

ロ　当該事業年度及び当該事業年度開始の日前二年以内に開始した各事業年度のうち受託等をした債券に係る法第二条第二十一項第三号に掲げる取引の対価の額の合計額の最も高い事業年度における当該合計額の万分の一・二に相当する金額

(b) the amount equivalent to 1.2/ten thousandth of the sum of the amount of

considerations for the transaction in the business year for which the sum of the amount of considerations for the transaction set forth in Article 2, paragraph (21), item (iii) of the Act related to the bond certificates for which entrustment, etc. has been accepted was the highest, among the relevant business year and each business year that commenced within two years before the day of the commencement of that relevant business year;

ハ　当該事業年度及び当該事業年度開始の日前二年以内に開始した各事業年度のうち受託等をした通貨に係る法第二条第二十一項第一号に掲げる取引の取引高を取引所が取引単位として定める金額に乗じて算出した金額の最も高い事業年度における当該金額の万分の〇・〇三八四に相当する金額

(c) the amount equivalent to 0.0384/ten thousandth of the amount obtained by multiplying the transaction volume of the transaction set forth in Article 2, paragraph (21), item (i) of the Act related to the currency for which entrustment, etc. has been made by the amount prescribed by an exchange as the transaction unit in the business year for which that amount was the highest, among the relevant business year and each business year that commenced within two years before the day of the commencement of that relevant business year;

ニ　当該事業年度及び当該事業年度開始の日前二年以内に開始した各事業年度のうち受託等をした預金契約に基づく債権の利率によって算出した金融指標に係る法第二条第二十一項第二号に掲げる取引の取引高を取引所が取引単位として定める金額に乗じて算出した金額の最も高い事業年度における当該金額の万分の〇・〇〇四八に相当する金額

(d) the amount equivalent to 0.0048/ten thousandth of the amount obtained by multiplying the transaction volume of the transaction set forth in Article 2, paragraph (21), item (ii) of the Act related to the financial index calculated based on the interest rate of the claims under the deposit contract for which entrustment, etc. has been accepted, by the amount prescribed by an exchange as the transaction unit in the business year for which that amount was the highest, among the relevant business year and each business year that commenced within two years before the day of the commencement of that relevant business year;

ホ　当該事業年度及び当該事業年度開始の日前二年以内に開始した各事業年度のうち受託等をした手形の割引率によって算出した金融指標に係る法第二条第二十一項第二号に掲げる取引の取引高を取引所が取引単位として定める金額に乗じて算出した金額の最も高い事業年度における当該金額の万分の〇・〇〇九六に相当する金額

(e) the amount equivalent to 0.0096/ten thousandth of the amount obtained by multiplying the transaction volume of the transaction set forth in Article 2, paragraph (21), item (ii) of the Act related to the financial index calculated based on the discounting rate of negotiable instrument for which

entrustment, etc. has been accepted by the amount prescribed by an exchange as the transaction unit in the business year for which that amount was the highest, among the relevant business year and each business year that commenced within two years before the day of the commencement of that relevant business year; and

ヘ　当該事業年度及び当該事業年度開始の日前二年以内に開始した各事業年度のうち受託等をした商品に係る法第二条第二十一項第一号に掲げる取引の取引高を取引所が取引単位として定める金額に乗じて算出した金額の最も高い事業年度における当該金額の万分の〇・〇四に相当する金額

(f) the amount equivalent to 0.04/ten thousandth of the amount obtained by multiplying the transaction volume of the transaction set forth in Article 2, paragraph (21), item (i) of the Act related to commodities for which entrustment, etc. has been accepted, by the amount prescribed by an exchange as the transaction unit in the business year for which that amount was the highest, among the relevant business year and each business year that commenced within two years before the day of the commencement of that relevant business year;

ト　当該事業年度及び当該事業年度開始の日前二年以内に開始した各事業年度のうち受託等をした商品に係る金融指標に係る法第二条第二十一項第二号に掲げる取引の取引高を取引所が取引単位として定める金額に乗じて算出した金額の最も高い事業年度における当該金額の万分の〇・〇四に相当する金額

(g) the amount equivalent to 0.04/ten thousandth of the amount obtained by multiplying the transaction volume of the transaction set forth in Article 2, paragraph (21), item (ii) of the Act related to the financial index for the commodities for which entrustment, etc. has been accepted by the amount prescribed by an exchange as the transaction unit in the business year for which that amount was the highest, among the relevant business year and each business year that commenced within two years before the day of the commencement of that relevant business year;

チ　当該事業年度及び当該事業年度開始の日前二年以内に開始した各事業年度のうち受託等をした商品に係る法第二条第二十一項第三号に掲げる取引の対価の額の合計額の最も高い事業年度における当該合計額の万分の〇・四に相当する金額

(h) the amount equivalent to 0.4/ten thousandth of the sum of the amount of considerations for the transaction set forth in Article 2, paragraph (21), item (iii) of the Act related to commodities for which entrustment, etc. has been accepted in the business year for which the sum of the amount of considerations was the highest, among the relevant business year and each business year that commenced within two years before the day of the commencement of that relevant business year; and

リ　既に積み立てられた金融商品取引責任準備金の金額（法第四十八条の三第二項の規定により使用された金額がある場合には、当該金額を控除した金額）

(i) the amount of the financial instruments transaction liability reserves which has already been set aside (if there is an amount that has been used pursuant to the provisions of Article 48-3, paragraph (2) of the Act, the amount after deducting that amount).

２　法第四十八条の三第二項に規定する金融商品取引責任準備金を使用できる場合は、登録金融機関が、事業年度終了の日に既に積み立てられている金融商品取引責任準備金のうち前項第二号イからチまでに掲げる金額の合計額を超える部分に係る金額を取りくずす場合その他所管金融庁長官等の承認を受けた場合とする。

(2) The cases in which the financial instruments transaction liability reserves prescribed in Article 48-3, paragraph (2) of the Act may be used are when a registered financial institution withdraws the amount of the portion in excess of the sum of the amounts set forth in item (ii), sub-items (a) through (h) of the preceding paragraph from the financial instruments transaction liability reserves that have been already set aside on the last day of the business year, or other cases approved by the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau.

第四款　外国法人等に対する特例
Subsection 4 Special Procedures for Foreign Corporations

（説明書類の縦覧期限の承認の手続等）

(Procedures for Obtaining Approval on Due Date for Public Inspection of Explanatory Documents)

第百九十条　外国法人又は外国に住所を有する個人である金融商品取引業者（以下この条において「外国法人等である金融商品取引業者」という。）は、令第十六条の十七ただし書の承認を受けようとするときは、次に掲げる事項を記載した承認申請書を所管金融庁長官等に提出しなければならない。

Article 190 (1) If a financial instruments business operator that is a foreign corporation or an individual that has a domicile in a foreign country (hereinafter referred to as "financial instruments business operator that is a foreign corporation, etc." in this Article) seeks to obtain an approval referred to in the proviso to Article 16-17 of the Order, they must submit a written application for approval stating the following matters to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau:

一　商号、名称又は氏名

(i) the trade name or name;

二　登録年月日及び登録番号

(ii) the registration date and the registration number;

三　説明書類の縦覧に関し当該承認を受けようとする期間

(iii) the period for public inspection of explanatory documents for which the

approval is sought;

四　説明書類に係る事業年度終了の日

(iv) the last day of the business year related to the explanatory documents; and

五　説明書類の縦覧に関し当該承認を必要とする理由

(v) the reasons for which approval is sought in relation to the public inspection of explanatory documents.

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　定款又はこれに代わる書面

(i) the articles of incorporation or alternative documents;

二　当該承認申請書に記載された外国法人等である金融商品取引業者の代表者が当該承認申請書の提出に関し正当な権限を有する者であることを証する書面

(ii) a document certifying that the representative of the financial instruments business operator that is a foreign corporation, etc. stated in the written application for approval is a person that has legitimate authority to submit the written application for approval; and

三　当該承認申請書に記載された法令又は慣行に関する事項が真実かつ正確であることについての法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(iii) a legal opinion letter of a legal expert on the fact that the matters concerning laws and regulations or practices stated in the written application for approval are true and accurate, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

３　所管金融庁長官等は、第一項の承認の申請があった場合において、外国法人等である金融商品取引業者が、その本国の法令又は慣行により、その事業年度経過後四月を経過した日から説明書類を備え置き、公衆の縦覧に供することができないと認められるときは、当該申請のあった日の属する事業年度（その日が事業年度開始後四月以内（直前事業年度に係る説明書類の縦覧に関して当該承認を受けている場合にあっては、当該承認を受けた期間内）の日である場合にあっては、その直前事業年度）から当該申請に係る第一項第五号に規定する理由について消滅又は変更があることとなる日の属する事業年度の直前事業年度までの事業年度に係る説明書類について、承認をするものとする。

(3) If an application for approval referred to in paragraph (1) has been filed, and it is found that a financial instruments business operator that is a foreign corporation, etc. is unable to keep explanatory documents and make them available for public inspection from the day on which four months have passed from the end of the business year due to the laws and regulations or practices of their own country, the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau is to grant an approval

to the explanatory documents for the business year that includes the day the application was filed (if that day falls on a day that is within four months from the commencement of the business year (if approval has been obtained for the inspection of explanatory documents for the immediately preceding business year, within the period for which approval has been obtained), the business year immediately preceding the business year) through the business year immediately preceding the business year that includes the day when the reasons specified in paragraph (1), item (v) related to the application filed are considered to have ceased to exist or have changed.

４　前項の承認は、同項の外国法人等である金融商品取引業者が毎事業年度経過後四月以内に次に掲げる事項を記載した書類を所管金融庁長官等に提出することを条件として、行われるものとする。ただし、第二号に掲げる事項については、当該書類の提出前五年以内に提出された書類に記載された事項と同一の内容のものである場合には、当該事項は記載しないことができる。

(4) The approval referred to in the preceding paragraph is to be granted on the condition that a financial instruments business operator that is a foreign corporation, etc. referred to in that paragraph submits documents stating the following particulars to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau within four months after the end of each business year; provided, however, that if the matters set forth in item (ii) have the same content as the content of the matters that have been stated in the document submitted within five years before the submission of the document, the entry of those matters may be omitted:

一　当該事業年度中に当該承認に係る申請の理由について消滅又は変更がなかった旨

(i) the fact that the reasons for applying for the approval have not ceased to exist or have not changed in the business year; and

二　前号に掲げる事項に関する法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(ii) a legal opinion letter by a legal expert concerning the matter set forth in the preceding item and the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

（事業報告書の提出期限の承認の手続等）

(Procedures for Obtaining Approval on Due Date for Submitting Business Reports)

第百九十一条　外国法人若しくは外国に住所を有する個人である金融商品取引業者又は外国法人である登録金融機関（以下この条において「外国法人等である金融商品取引業者等」という。）は、令第十六条の十八ただし書の承認を受けようとするときは、次に掲げる事項を記載した承認申請書を所管金融庁長官等に提出しなければならない。

Article 191 (1) If a financial instruments business operator that is a foreign corporation or an individual that has a domicile in a foreign country, or a

registered financial institution that is a foreign corporation (hereinafter referred to as "financial instruments business operator, etc. that is foreign corporation, etc." in this Article) seeks to obtain an approval referred to in the proviso to Article 16-18 of the Order, they must submit a written application for approval stating the following matters to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureaus:

一　商号、名称又は氏名

(i) the trade name or name;

二　登録年月日及び登録番号

(ii) the registration date and the registration number;

三　事業報告書の提出に関し当該承認を受けようとする期間

(iii) the period for which the approval is sought in relation to the submission of the business report;

四　事業報告書に係る事業年度終了の日

(iv) the last day of the business year related to the business report; and

五　事業報告書の提出に関し当該承認を必要とする理由

(v) the reasons for seeking the approval for the submission of the business report.

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　定款又はこれに代わる書面

(i) the articles of incorporation or alternative documents;

二　当該承認申請書に記載された外国法人等である金融商品取引業者等の代表者が当該承認申請書の提出に関し正当な権限を有する者であることを証する書面

(ii) a document certifying that the representative of the financial instruments business operator, etc. that is foreign corporation, etc. stated in the written application for approval is a person that has legitimate authority to submit the written application for approval; and

三　当該承認申請書に記載された法令又は慣行に関する事項が真実かつ正確であることについての法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(iii) a legal opinion letter of a legal expert on the fact that the matters concerning laws and regulations or practices stated in the written application for approval are true and accurate, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

3　所管金融庁長官等は、第一項の承認の申請があった場合において、外国法人等である金融商品取引業者等が、その本国の法令又は慣行により、その事業年度経過後三月以内に事業報告書を提出することができないと認められるときは、当該申請のあった日の属する事業年度（その日が事業年度開始後三月以内（直前事業年度に係る事業報

告書の提出に関して当該承認を受けている場合にあっては、当該承認を受けた期間内）の日である場合にあっては、その直前事業年度）から当該申請に係る第一項第五号に規定する理由について消滅又は変更があることとなる日の属する事業年度の直前事業年度までの事業年度に係る事業報告書について、承認をするものとする。

(3) If the application for approval referred to in paragraph (1) has been filed, and if it is found that a financial instruments business operator, etc. that is foreign corporation, etc. is unable to submit a business report within three months after the end of the business year due to the laws and regulations or practices of their own country, the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau is to grant an approval to the business report for the business year that includes the day the application has been filed (if the day falls within three months from the commencement of the business year (if the approval has been granted to the submission of a business report for the immediately preceding business year, within the period for which approval has been obtained), the business year immediately preceding that business year) through the business year immediately preceding the business year that includes the day when the reasons specified in paragraph (1), item (v) related to the application filed are considered to have ceased to exist or have changed.

４　前項の承認は、同項の外国法人等である金融商品取引業者等が毎事業年度経過後三月以内に次に掲げる事項を記載した書類を所管金融庁長官等に提出することを条件として、行われるものとする。ただし、第二号に掲げる事項については、当該書類の提出前五年以内に提出された書類に記載された事項と同一の内容のものである場合には、当該事項は記載しないことができる。

(4) The approval referred to in the preceding paragraph is to be granted on the condition that the financial instruments business operator, etc. that is a foreign corporation, etc. referred to in that paragraph submits documents stating the following matters to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau within three months after the end of each business year; provided, however, that if the content of the matters set forth in item (ii) have the same content as the matters stated in the document submitted within five years before the submission of the document, the entry of those matters may be omitted:

一　当該事業年度中に当該承認に係る申請の理由について消滅又は変更がなかった旨

(i) the fact that the reasons for applying for the approval have not ceased to exist or have not changed in the business year; and

二　前号に掲げる事項に関する法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(ii) a legal opinion letter of a legal expert on the matters set forth in the preceding item, and the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

（その他の書類等の提出期限の承認の手続等）

(Procedures for Obtaining Approval on Due Date for Submitting Other Documents)

第百九十二条　金融商品取引業者（第一種金融商品取引業を行う外国法人に限る。以下この款において同じ。）は、令第十六条の十九ただし書の承認を受けようとするときは、次に掲げる事項を記載した承認申請書を所管金融庁長官等に提出しなければならない。

Article 192 (1) If a financial instruments business operator (limited to a foreign corporation that conducts type-I financial instruments business; hereinafter the same applies in this Subsection) seeks to obtain an approval referred to in the proviso to Article 16-19 of the Order, they must submit a written application for approval stating the following matters to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau:

一　商号

(i) the trade name;

二　登録年月日及び登録番号

(ii) the registration date and the registration number;

三　その他の書類等（法第四十九条の三第一項の書類及び書面又は第百九十五条に規定する報告書をいう。以下この条において同じ。）の提出に関し当該承認を受けようとする期間

(iii) the period for submitting other documents, etc. (meaning the documents referred to in Article 49-3, paragraph (1) of the Act or the report specified in Article 195 of this Cabinet Office Order; hereinafter the same applies in this Article) for which the approval is sought;

四　その他の書類等に係る事業年度終了の日

(iv) the last day of the business year related to the other documents, etc.; and

五　その他の書類等の提出に関し当該承認を必要とする理由

(v) the reasons for seeking the approval for submitting the other documents, etc.

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　定款又はこれに代わる書面

(i) the articles of incorporation or alternative documents;

二　当該承認申請書に記載された金融商品取引業者の代表者が当該承認申請書の提出に関し正当な権限を有する者であることを証する書面

(ii) a document certifying that the representative of the financial instruments business operator stated in the written application for approval is a person who has legitimate authority to submit the written application for approval;

and

三　当該承認申請書に記載された法令又は慣行に関する事項が真実かつ正確であることについての法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(iii) a legal opinion letter of a legal expert on the fact that the matters concerning laws and regulations or practices stated in the written application for approval are true and accurate, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

3　所管金融庁長官等は、第一項の承認の申請があった場合において、当該金融商品取引業者が、その本国の法令又は慣行により、その事業年度経過後三月以内にその他の書類等を提出することができないと認められるときは、当該申請のあった日の属する事業年度（その日が事業年度開始後三月以内（直前事業年度に係るその他の書類等の提出に関して当該承認を受けている場合にあっては、当該承認を受けた期間内）の日である場合にあっては、その直前事業年度）から当該申請に係る同項第五号に規定する理由について消滅又は変更があることとなる日の属する事業年度の直前事業年度までの事業年度に係るその他の書類等について、承認をするものとする。

(3) If the application for approval set forth in paragraph (1) has been filed, and it is found that the financial instruments business operator is unable to submit the other documents, etc. within three months after the end of the business year due to the laws and regulations or practices of their home country, the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau is to grant an approval to the other documents, etc. for the business year that includes the day the application has been filed (if the day falls within three months after the commencement of the business year (if the approval has been granted to the submission of the other documents, etc. for the immediately preceding business year, within the period for which approved has been obtained), the business year immediately preceding that business year) through the business year immediately preceding the business year that includes the day when the reasons specified in paragraph (1), item (v) related to the application filed are considered to have ceased to exist or have changed.

4　前項の承認は、同項の金融商品取引業者が毎事業年度経過後三月以内に次に掲げる事項を記載した書類を所管金融庁長官等に提出することを条件として、行われるものとする。ただし、第二号に掲げる事項については、当該書類の提出前五年以内に提出された書類に記載された事項と同一の内容のものである場合には、当該事項は記載しないことができる。

(4) The approval referred to in the preceding paragraph is to be granted on the condition that the financial instruments business operator referred to in that paragraph submits a document stating the following matters to the Commissioner of the Financial Services Agency or the competent Director-

General of a Local Finance Bureau within three months after the end of each business year; provided, however, that for if the matters set forth in item (ii) have the same content as the matters stated in the document submitted within five years before the submission of the document, the entry of those matters may be omitted:

一　当該事業年度中に当該承認に係る申請の理由について消滅又は変更がなかった旨

(i) the fact that the reasons for applying for the approval have not ceased to exist or have not changed in the business year; and

二　前号に掲げる事項に関する法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(ii) a legal opinion letter of a legal expert on the matter set forth in the preceding item and the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

（自己資本規制比率に関する特例）

(Special Provisions on Capital Adequacy Ratio)

第百九十三条　法第四十九条第二項の規定により法第四十六条の六第一項の規定を読み替えて適用する場合における第百七十六条第一項及び第百七十七条第一項の規定の適用については、第百七十六条第一項中「資本金、準備金」とあるのは「持込資本金、国内の営業所又は事務所において積み立てられた準備金」と、同項第一号中「資本金」とあるのは「持込資本金」と、同項第三号中「資本剰余金」とあるのは「国内の営業所又は事務所において積み立てられた準備金」と、同項第五号及び第七号イ並びに第百七十七条第一項中「貸借対照表」とあるのは「国内の営業所又は事務所における貸借対照表」と、同項中「固定資産その他の」とあるのは「国内の営業所又は事務所における固定資産その他の」とする。

Article 193 In applying the provisions of Article 176, paragraph (1) and Article 177, paragraph (1) in the case of applying the provisions of Article 46-6, paragraph (1) of the Act pursuant to Article 49, paragraph (2) of the Act following the deemed replacement of terms, the term "The stated capital, reserve" in Article 176, paragraph (1) is deemed to be replaced with "The brought-in capital, reserves set aside at the business office or office in Japan", the term "the stated capital" in item (i) of that paragraph is deemed to be replaced with "the brought-in capital", the term "capital surplus" in item (iii) of that paragraph is deemed to be replaced with "the reserve that has been set aside at the business office or office in Japan", the term "balance sheet" in item (v) and item (vii), sub-item (a) of that paragraph and Article 177, paragraph (1) is deemed to be replaced with "balance sheet in the business office or office in Japan", and the term "fixed asset and other" in Article 177, paragraph (1) is deemed to be replaced with "fixed asset and other assets of business office or office in Japan".

（その他の書類等の提出等）
(Submission of Other Documents)
第百九十四条　法第四十九条の三第一項に規定する財務計算に関する書類は、利益金の処分又は損失金の処理に関する事項を記載した書類とする。
Article 194 (1) The documents concerning financial calculation prescribed in Article 49-3, paragraph (1) of the Act are the documents stating the matters related to disposition of profits or handling of losses.
２　法第四十九条の三第一項に規定する業務の概要を記載した書面は、法第四十九条第一項において読み替えて適用する法第四十六条の三第一項の事業報告書に準じて作成しなければならない。ただし、金融商品取引業者の本国の法令又は慣行に基づき、業務の概要に関して株主その他の者の縦覧に供するために作成した書面がある場合には、これに代えることができる。
(2) The document stating the outline of business prescribed in Article 49-3, paragraph (1) of the Act must be prepared in accordance with the business report referred to in Article 46-3, paragraph (1) of the Act as applied pursuant to Article 49, paragraph (1) of the Act following the deemed replacement of terms; provided, however, that if there is a document concerning the outline of the business prepared for inspection by shareholders or other persons based on laws and regulations or practices of a financial instruments business operator's own country, the document may be substituted for the document stating the outline of business.

第百九十五条　法第四十九条の三第二項の規定により金融商品取引業者は、事業年度ごとに、別紙様式第十三号に準じて作成した関係会社に関する報告書を、毎事業年度経過後令第十六条の十九に規定する期間内に、所管金融庁長官等に提出しなければならない。
Article 195 Pursuant to the provisions of Article 49-3, paragraph (2) of the Act, a financial instruments business operator must submit a report on the associated company prepared in the same manner as the Appended Form No. 13 for each business year to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau, within the period specified in Article 16-19 of the Order after the end of each business year.

（損失準備金）
(Reserves for Losses)
第百九十六条　法第四十九条の四第一項の規定により金融商品取引業者は、事業年度ごとに、同項の損失準備金を積み立てなければならない。
Article 196 (1) Pursuant to the provisions of Article 49-4, paragraph (1) of the Act, a financial instruments business operator must set aside reserves for losses referred to in that paragraph for each business year.
２　法第四十九条の四第一項に規定する内閣府令で定める率は、十分の一とする。

(2) The percentage specified by Cabinet Office Order as prescribed in Article 49-4, paragraph (1) of the Act is ten percent.

（資産の国内保有）

(Retention of Assets in Japan)

第百九十七条　法第四十九条の五の規定により金融商品取引業者が国内において保有すべき資産は、次に掲げる資産でなければならない。

Article 197 The assets required to be retained by a financial instruments business operator in Japan pursuant to the provisions of Article 49-5 of the Act must be the following assets:

一　現金及び国内の金融機関に対する預貯金

(i) cash, and deposits and savings in a domestic financial institution;

二　次に掲げる有価証券（ハからホまでに掲げるものにあっては、国内における有価証券の募集若しくは売出し又は特定投資家向け取得勧誘若しくは特定投資家向け売付け勧誘等に係るものに限る。）

(ii) the following securities (for securities set forth in sub-items (c) through (e) below, limited to those related to public offering or secondary distribution of securities conducted in Japan, or a solicitation for acquisition only for professional investors or solicitation for selling, etc. only for professional investors made in Japan):

イ　法第二条第一項第一号から第三号までに掲げる有価証券

(a) securities set forth in Article 2, paragraph (1), items (i) through (iii) of the Act;

ロ　法第二条第一項第九号に掲げる有価証券（国内の金融商品取引所に上場され、又は法第六十七条の十一第一項に規定する店頭売買有価証券登録原簿に登録されているものに限る。）

(b) securities set forth in Article 2, paragraph (1), item (ix) of the Act (limited to those listed on a financial instruments exchange in Japan, or those registered in the register of over-the-counter traded securities prescribed in Article 67-11, paragraph (1) of the Act);

ハ　法第二条第一項第五号又は第十五号に掲げる有価証券（ロに掲げる有価証券を発行する株式会社が発行するものに限る。）

(c) securities set forth in Article 2, paragraph (1), item (v) or (xv) of the Act (limited to those issued by a stock company that issues the securities set forth in sub-item (b));

ニ　法第二条第一項第六号、第七号又は第十号から第十二号までに掲げる有価証券

(d) securities set forth in Article 2, paragraph (1), item (vi), item (vii), or items (x) through (xii) of the Act;

ホ　法第二条第一項第十七号に掲げる有価証券のうち、同項第一号又は第二号に掲げる有価証券の性質を有するもの

(e) among the securities set forth in Article 2, paragraph (1), item (xvii) of

the Act, those that have the nature of securities set forth in item (i) or (ii) of that paragraph;

三　国内にある者に対する貸付金、立替金その他の債権で国内において確実な担保を受け入れているもの

(iii) loans, money advanced, or other claims held against a person in Japan, for which a financial instruments business operator has been provided with reliable collateral in Japan;

四　有形固定資産

(iv) tangible fixed assets;

五　金融商品取引所又は金融商品取引業協会に対する預け金

(v) money deposited with a financial instruments exchange or a financial instruments firms association;

六　国内にある者に対する差入保証金

(vi) guarantee deposit deposited with a person in Japan; and

七　その他金融庁長官が適当と認める資産

(vii) other assets that are found to be appropriate by the Commissioner of the Financial Services Agency.

第四節　監督

Section 4 Supervision

（議決権の過半数の取得等に関し届出を要する法人）

(Corporation Required to File Notification of Acquisition of Majority of Voting Rights)

第百九十八条　法第五十条第一項第四号に規定する内閣府令で定める法人は、次に掲げるものとする。

Article 198 (1) The corporations specified by Cabinet Office Order as prescribed in Article 50, paragraph (1), item (iv) of the Act are as follows:

一　外国の持株会社（銀行、協同組織金融機関若しくは令第一条の九各号に掲げる金融機関若しくは金融商品取引業者（有価証券関連業を行う者に限る。）又は外国においてこれらの者が行う業務と同種類の業務を行う法人の過半数の議決権を保有する法人をいう。次項において同じ。）

(i) a foreign holding company (meaning a corporation holding the majority of the voting rights in a bank, cooperative financial institution or financial institution set forth in the items of Article 1-9 of the Order or financial instruments business operator (limited to a person that conducts securities-related business), or a corporation that conducts the same type of business as the business conducted by those persons in a foreign country; the same applies in the following paragraph); and

二　専ら当該金融商品取引業者の業務の遂行のための業務を行っている法人

(ii) a corporation that exclusively conducts business for executing the financial

instruments business operator's business.

２　前項第一号において、外国の持株会社の過半数の議決権を保有する法人も外国の持株会社とみなす。

(2) For item (i) of the preceding paragraph, a corporation holding the majority of the voting rights in a foreign holding company is also deemed to be a foreign holding company.

（金融商品取引業者が休止等の届出を行う場合）

(Case In Which Financial Instruments Business Operators File Notifications on Suspension of Business)

第百九十九条　金融商品取引業者にあっては、法第五十条第一項第八号に規定する内閣府令で定める場合は、次に掲げる場合とする。

Article 199 The cases specified by Cabinet Office Order as prescribed in Article 50, paragraph (1), item (viii) of the Act are as follows for a financial instruments business operator:

一　法第二十九条の四第一項第一号イ（法又は金融サービスの提供に関する法律に相当する外国の法令の規定に係る部分に限る。）若しくはハ、第三号（同項第二号イ及び重要な使用人に係る部分を除く。）若しくは第四号（ニに係る部分を除く。）又は次号イに該当することとなった場合

(i) if the financial instruments business operator has come to fall under any of Article 29-4, paragraph (1), item (i), sub-item (a) of the Act (limited to the part related to the provisions of foreign laws and regulations equivalent to the Act or the Act on the Provision of Financial Services), sub-item (c), item (iii) of that paragraph (excluding item (ii), sub-item (a) of that paragraph and the part related to important employees) or item (iv) (excluding the part related to sub-item (d)), or sub-item (a) of the following item;

二　役員又は重要な使用人が次のいずれかに該当することとなった事実を知った場合

(ii) when the financial instruments business operator becomes aware of the fact that any of their officers or important employees has come to fall under either of the following sub-items:

イ　精神の機能の障害を有する状態となり金融商品取引業に係る業務の継続が著しく困難となった者

(a) a person who has come to have a mental impairment and it has become extremely difficult for the person to continue performing the business related to financial instruments business; or

ロ　法第二十九条の四第一項第二号ロからリまでのいずれかに該当する者

(b) a person that falls under any of Article 29-4, paragraph (1), item (ii), sub-items (b) through (i) of the Act;

三　他の法人その他の団体が、親法人等又は子法人等に該当し、又は該当しないこととなった場合

(iii) if another corporation or other organizations have come to fall under the

parent corporation, etc. or a subsidiary corporation, etc., or if another corporation or other organizations have come to no longer fall under the parent corporation or a subsidiary corporation;

四　他の法人その他の団体が、持株会社に該当し、又は該当しないこととなった場合

(iv) if another corporation or other organizations have come to fall under a holding company, or if another corporation or other organizations have come to no longer fall under a holding company;

五　破産手続開始、再生手続開始又は更生手続開始の申立てが行われた事実を知った場合（外国法人にあっては、本店の所在する国において当該国の法令に基づき同種類の申立てが行われた事実を知った場合を含む。）

(v) if the financial instruments business operator becomes aware of the fact that a petition for commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, or commencement of reorganization proceedings has been filed (for a foreign corporation, including the case in which it becomes aware of the fact that the same type of petition has been filed based on the laws and regulations of the country where its head office is located);

六　定款を変更した場合

(vi) if the financial instruments business operator has amended their articles of incorporation;

七　役職員（役職員が法人であるときは、その職務を行うべき社員を含む。以下同じ。）に法令等に反する行為（金融商品取引業又はこれに付随する業務以外の業務に係るものにあっては、当該金融商品取引業者の業務の運営又は財産の状況に重大な影響を及ぼすおそれのあるものに限る。以下この号、次号並びに第十一号ホ及びヘにおいて「事故等」という。）があったことを知った場合（事故等が第百十八条第一号イからニまで若しくは第二号イ若しくはロに掲げる行為又は同号ハに掲げる行為（法令に違反する行為を除く。）であって、過失による場合を除く。次号において同じ。）

(vii) if the financial instruments business operator has come to know that any of their officers or employees (if the officer or employee is a corporation, including members that are to perform its duties; the same applies hereinafter) has committed an act violating laws and regulations, etc. (for an act related to business other than financial instruments business or a business incidental to it, limited to an act which is likely to have a material impact on the financial instruments business operator's operation of business or status of property; hereinafter referred to as "problematic conduct, etc." in this item, the following item, and item (xi), sub-items (e) and (f)) (excluding cases in which problematic conduct, etc. falls under acts set forth in Article 118, item (i), sub-items (a) through (d) or item (ii), sub-item (a) or (b), or an act set forth in (c) of that item (excluding an act in violation of laws and regulations), and has been caused due to negligence; the same applies in the

following item);

八　前号の事故等の詳細が判明した場合

(viii) if the details of the problematic conduct, etc. referred to in the preceding item have become clear;

九　訴訟若しくは調停（金融商品取引業又はこれに付随する業務以外の業務に係るものにあっては、当該金融商品取引業者の業務の運営又は財産の状況に重大な影響を及ぼすおそれがあるものに限る。）の当事者となった場合又は当該訴訟若しくは調停が終結した場合

(ix) if the financial instruments business operator has become a party to an action or a conciliation (for an action or a conciliation relevant to a business other than financial instruments business or a business incidental to it, limited to that which is likely have a material impact on the financial instruments business operator's operation of business or status of property), or if the action or conciliation has been concluded;

十　外国法人又は外国に住所を有する個人にあっては、法に相当する外国の法令に基づく行政官庁の不利益処分を受けた場合（法第二十九条の四第一項第一号イに該当する場合を除く。）

(x) if the financial instruments business operator is a foreign corporation or an individual that has a domicile in a foreign country, and they have become subject to an adverse disposition rendered by an administrative agency based on foreign laws and regulations equivalent to the Act (excluding the cases in which a financial instruments business operator falls under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act);

十一　第一種金融商品取引業又は投資運用業を行う者にあっては、次に掲げる場合

(xi) if the financial instruments business operator is conducting type I financial instruments business or an investment management business, the following cases:

イ　法第二十九条の四第一項第五号イ又はロに該当することとなった場合

(a) if the financial instruments business operator has come to fall under Article 29-4, paragraph (1), item (v), sub-item (a) or (b) of the Act;

ロ　純財産額が資本金の額に満たなくなった場合（イに該当する場合を除く。）

(b) if the net assets of the financial instruments business operator have become less than the amount of the stated capital (excluding the case falling under sub-item (a));

ハ　主要株主が次のいずれかに該当することとなった事実を知った場合（外国法人にあっては、主要株主に準ずる者が法第二十九条の四第一項第五号への確認が行われていない者に該当することとなった事実を知った場合）

(c) when the financial instruments business operator becomes aware of the fact that any of the major shareholders has come to fall under any of the following persons (for a foreign corporation, if the financial instruments business operator becomes aware of the fact that a person equivalent to the

major shareholder has come to fall under a person for which the confirmation referred to in Article 29-4, paragraph (1), item (v), sub-item (f) of the Act has not been made):

（１）　精神の機能の障害を有する状態となり株主の権利の行使が著しく困難となった者（当該状態となり株主の権利を行使することについて代理人を置く者にあっては、当該代理人が精神の機能の障害を有する状態となり株主の権利の行使が著しく困難となった者又は法第二十九条の四第一項第二号ロからリまでのいずれかに該当する者であるものに限る。）

1. a person who has come to have a mental impairment and has come to find it extremely difficult to exercise the right of a shareholder (for a person who has come to be in such a condition and has appointed an agent for exercising the right of a shareholder, limited to a person whose agent has come to have a mental impairment and has come to find it extremely difficult to exercise the right of a shareholder or whose agent is a person that falls under any of Article 29-4, paragraph (1), item (ii), sub-items (b) through (i) of the Act),

（２）　法第二十九条の四第一項第五号ニ（２）に該当する者

2. a person falling under Article 29-4, paragraph (1), item (v), sub-item (d), 2. of the Act;

（３）　法第二十九条の四第一項第五号ホ（１）又は（２）に該当する者

3. a person falling under Article 29-4, paragraph (1), item (v), sub-item (e), 1. or 2. of the Act; or

（４）　法人を代表する役員のうちに次のいずれかに該当する者のある者

4. a person, any of whose officers that represents the corporation falls under either of the following clauses:

（ｉ）　精神の機能の障害を有する状態となり株主の権利の行使が著しく困難となった者

i. a person who has come to have a mental impairment and has come to find it extremely difficult to exercise the right of a shareholder; or

（ｉｉ）　法第二十九条の四第一項第五号ホ（３）（ロ）に該当する者

ii. a person falling under Article 29-4, paragraph (1), item (v), sub-item (e), 3., b. of the Act;

ニ　自己を所属金融商品取引業者等とする金融商品仲介業者が訴訟若しくは調停（金融商品仲介業に係るものに限る。）の当事者となったことを知った場合又は当該訴訟若しくは調停が終結したことを知った場合

(d) if the financial instruments business operator has come to know that a financial instruments intermediary service provider that has the financial instruments business operator themselves as the entrusting financial instruments business operator, etc. has become a party to an action or a conciliation (limited to that related to financial instruments intermediary services), or if the financial instruments business operator has come to

know that the action or conciliation has been concluded;

ホ　自己を所属金融商品取引業者等とする金融商品仲介業者又はその役職員に事故等があったことを知った場合（事故等が第百十八条第一号イからニまで若しくは第二号イ若しくはロに掲げる行為又は同号ハに掲げる行為（法令に違反する行為を除く。）であって、過失による場合を除く。へにおいて同じ。）

(e) if the financial instruments business operator has come to know that a financial instruments intermediary service provider that has the financial instruments business operator themselves as the entrusting financial instruments business operator, etc., or any of their officer or employee has committed a problematic conduct, etc. (excluding the cases in which the problematic conduct, etc. is an act set forth in Article 118, item (i), sub-items (a) through (d) or an act set forth in Article 118, item (ii), sub-item (a) or (b), or in sub-item (c) of that item (excluding acts in violation of laws and regulations), and the act has been caused due to negligence; the same applies in (f));

へ　ホの事故等の詳細が判明した場合

(f) if the details of the problematic conduct, etc. referred to in sub-item (e) have become clear;

ト　金融商品仲介業者に法第二条第十一項各号に掲げる行為に係る業務の委託を行った場合又は当該委託を行わなくなった場合

(g) if the financial instruments business operator has entrusted a financial instruments intermediary service provider to conduct business related to the acts set forth in the items of Article 2, paragraph (11) of the Act, or if they no longer entrusts the financial instruments intermediary service provider; and

チ　外国において駐在員事務所を設置又は廃止した場合

(h) if the financial instruments business operator has established or abolished their representative office in a foreign country;

十二　第一種金融商品取引業を行う者（第一種少額電子募集取扱業者を除く。）にあっては、次に掲げる場合

(xii) if the financial instruments business operator conducts type I financial instruments business (excluding a type-I small amount electronic public offering service provider), the following cases:

イ　劣後特約付借入金（金融庁長官が定めるものを除く。ロ、次号ハ及びニ並びに第二百八条の三十二第十二号ニ及びホにおいて同じ。）を借り入れた場合又は劣後特約付社債（金融庁長官が定めるものを除く。ロ、次号ハ及びニ並びに同条第十二号ニ及びホにおいて同じ。）を発行した場合

(a) if the financial instruments business operator has made subordinated borrowings (excluding those specified by the Commissioner of the Financial Services Agency; the same applies in sub-item (b) of this item, sub-item (c) and (d) of the following item, and Article 208-32, item (xii), sub-items (d)

and (e)) or has issued subordinated bonds (excluding those specified by the Commissioner of the Financial Services Agency; the same applies in sub-item (b) of this item, sub-items (c) and (d) of the following item, and item (xii), sub-items (d) and (e) of that Article); and

ロ　劣後特約付借入金について期限前弁済をした場合又は劣後特約付社債について期限前償還をした場合（期限のないものについて弁済又は償還をした場合を含む。）

(b) if the financial instruments business operator has made a payment before maturity for subordinated borrowings, or has made a premature redemption for subordinated bonds (including the cases in which payment or redemption has been made for borrowings or bonds without a due date);

十三　特別金融商品取引業者にあっては、次に掲げる場合（イ又はロに掲げる場合にあっては、第七号又は第八号に該当する場合を除く。）

(xiii) for a special financial instruments business operator, the following cases (for cases set forth in sub-item (a) or (b), excluding cases falling under item (vii) or (viii)):

イ　特別金融商品取引業者又はその子法人等（法第五十七条の二第九項に規定する子法人等をいう。以下この号、第二百一条第二十四号、第二百二条第十八号及び次節において同じ。）の役職員に法令等（外国の法令等を含む。）に反する行為（金融商品取引業又はこれに付随する業務以外の業務に係るものにあっては、当該特別金融商品取引業者の業務の運営又は当該特別金融商品取引業者及びその子法人等の財産の状況に重大な影響を及ぼすおそれのあるものに限る。以下この号において「事故等」という。）があったことを知った場合（事故等が第百十八条第一号イからニまで若しくは第二号イ若しくはロに掲げる行為又は同号ハに掲げる行為（法令に違反する行為を除く。）であって過失による場合及び事故等について子法人等が法令の規定により金融庁長官等に対し届出その他の手続をしなければならないとされている場合を除く。ロにおいて同じ。）

(a) if a special financial instruments business operator has come to know that any of the officers or employees of the special financial instruments business operator or its subsidiary corporation, etc. (meaning the subsidiary corporation, etc. prescribed in Article 57-2, paragraph (9) of the Act; hereinafter the same applies in this item, Article 201, item (xxiv), Article 202, item (xviii), and the following Section) has performed an act violating laws and regulations, etc. (including foreign laws and regulations, etc.) (for acts related to business other than financial instruments business or business incidental to it, limited to those that are likely to have a material impact on the operation of business of the special financial instruments business operator or the status of property of the special financial instruments business operator and their subsidiary corporation, etc.; hereinafter referred to as "problematic conduct, etc." in this item) (excluding the cases in which problematic conduct, etc. is an act set forth

in Article 118, item (i), sub-items (a) through (d) or item (ii), sub-item (a) or (b), or an act set forth in sub-item (c) of that item (excluding acts in violation of laws and regulations) that are caused due to negligence, and cases in which a subsidiary corporation, etc. is required to submit a notification on the problematic conduct, etc. to the Commissioner Financial Services Agency, etc. or take other procedures pursuant to the provisions of laws and regulations; the same applies in sub-item (b));

ロ　イの事故等の詳細が判明した場合

(b) if the details of the problematic conduct, etc. referred to in sub-item (a) have become clear;

ハ　子法人等が劣後特約付借入金を借り入れたことを知った場合又は劣後特約付社債を発行したことを知った場合（劣後特約付借入金又は劣後特約付社債について子法人等が法令の規定により金融庁長官等に対し届出その他の手続をしなければならないとされている場合を除く。ニにおいて同じ。）

(c) if a special financial instruments business operator has come to know that a subsidiary corporation, etc. has borrowed subordinated borrowings or has issued subordinated bonds (excluding the cases in which a subsidiary corporation, etc. is required to submit a notification to the Commissioner Financial Services Agency, etc. or take other procedures pursuant to the provisions of laws and regulations concerning subordinated borrowings or subordinated bonds; the same applies in sub-item (d)); and

ニ　子法人等が劣後特約付借入金について期限前弁済をしたことを知った場合又は劣後特約付社債について期限前償還をしたことを知った場合（期限のないものについて弁済又は償還をしたことを知った場合を含む。）

(d) if a special financial instruments business operator has come to know that a subsidiary corporation, etc. has made a payment before maturity for subordinated borrowings or that they have made a premature redemption for subordinated bonds (including cases in which a special financial instruments business operator has come to know the fact that payment or redemption for borrowings or bonds without a due date has been made);

十四　金融商品取引業として高速取引行為に係る業務を開始した場合

(xiv) cases in which services pertaining to high-speed trading has been commenced as a financial instruments business; and

十五　第二種金融商品取引業として高速取引行為を行う者（第一種金融商品取引業又は投資運用業を行う者を除く。）にあっては、法第六十六条の五十三第六号ロ又は第七号に該当することとなった場合

(xv) for a person that conducts high-speed trading as type II financial instruments business (excluding a person that conducts type I financial instruments business or investment management business), when the person has come to fall under Article 66-53, item (vi), sub-item (b), or item (vii).

（登録金融機関が休止等の届出を行う場合）

(Cases in Which Registered Financial Institutions File a Notification on Suspension of Business)

第二百条　登録金融機関にあっては、法第五十条第一項第八号に規定する内閣府令で定める場合は、次に掲げる場合とする。

Article 200 The cases specified by Cabinet Office Order as prescribed in Article 50, paragraph (1), item (viii) of the Act are as follows for a registered financial institution:

一　法第三十三条の五第一項第一号（法又は金融サービスの提供に関する法律に相当する外国の法令の規定に係る部分に限る。）又は第二号に該当することとなった場合

(i) if the registered financial institution has come to fall under any of Article 33-5, paragraph (1), item (i) of the Act (limited to the part related to the provisions of foreign laws and regulations equivalent to the Act or the Act on the Provision of Financial Services), or item (ii) of that paragraph;

二　破産手続開始、再生手続開始又は更生手続開始の申立てが行われた事実を知った場合（外国法人にあっては、本店の所在する国において当該国の法令に基づき同種類の申立てが行われた事実を知った場合を含む。）

(ii) if the registered financial institution becomes aware of the fact that a petition for the commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, or commencement of reorganization proceedings has been filed (for a foreign corporation, including a case in which it becomes aware of the fact that the same type of petition has been filed in the country where its head office is located based on the laws and regulations of that country);

三　定款を変更した場合

(iii) if the registered financial institution has changed its articles of incorporation;

四　他の法人その他の団体が、親法人等若しくは子法人等に該当し、又は該当しないこととなった場合

(iv) if another corporation or other organizations have come to fall under the parent corporation, etc. or the subsidiary corporation, etc., or if another corporation or other organizations have come to no longer fall under the parent corporation, etc. or the subsidiary corporation, etc.;

五　他の法人その他の団体が、持株会社に該当し、又は該当しないこととなった場合

(v) if another corporation or other organizations have come to fall under a holding company, or if another corporation or other organizations have come to no longer fall under a holding company;

六　役職員又は自己を所属金融商品取引業者等とする金融商品仲介業者若しくはその役職員に登録金融機関業務に関し法令等に反する行為（以下この条において「事故等」という。）があったことを知った場合（事故等が第百十八条第一号イからニま

で若しくは第二号イ若しくはロに掲げる行為又は同号ハに掲げる行為（法令に違反する行為を除く。）であって、過失による場合を除く。次号において同じ。）

(vi) if the registered financial institution has come to know that any of its officers or employees, a financial instruments intermediary service provider whose entrusting financial instruments business operator is the registered financial institution itself, or an officer or employee of that financial instruments intermediary service provider has performed an act in violation of laws and regulations concerning registered financial institution business (hereinafter referred to as "problematic conduct, etc." in this Article) (excluding a case in which the problematic conduct, etc. falls under the act set forth in Article 118, item (i), sub-items (a) through (d) or item (ii), sub-item (a) or (b), or in sub-item (c) of that item (excluding acts in violation of laws and regulations), and the act has been caused due to negligence; the same applies in the following item);

七　前号の事故等の詳細が判明した場合

(vii) if the details of the problematic conduct, etc. referred to in the preceding item have become clear;

八　登録金融機関業務に関し訴訟若しくは調停の当事者となった場合又は当該訴訟若しくは調停が終結した場合

(viii) if the registered financial institution has become a party to an action or a conciliation concerning registered financial institution business, or if the action or conciliation has been concluded;

九　自己を所属金融商品取引業者等とする金融商品仲介業者が訴訟若しくは調停（金融商品仲介業に係るものに限る。）の当事者となったことを知った場合又は当該訴訟若しくは調停が終結したことを知った場合

(ix) if the registered financial institution has come to know that a financial instruments intermediary service provider whose entrusting financial instruments business operator is the registered financial institution itself has become a party to an action or a conciliation (limited to an action or a conciliation relevant to financial instruments intermediary services), or if it has come to know that the action or conciliation has been concluded;

十　金融商品仲介業者に法第二条第十一項各号に掲げる行為に係る業務の委託を行った場合又は当該委託を行わなくなった場合

(x) if the registered financial institution has entrusted a financial instruments intermediary service provider to conduct business related to the acts set forth in the items of Article 2, paragraph (11) of the Act, or if it no longer entrusts the business;

十一　登録金融機関業務として高速取引行為に係る業務を開始した場合

(xi) if the registered financial institution has commenced services pertaining to high-speed trading as a registered financial institution business.

（届出書に記載すべき事項）

(Matters Required to Be Stated in Written Notifications)

第二百一条　法第五十条第一項の規定により届出を行う金融商品取引業者等は、次の各号に掲げる場合の区分に応じ、当該各号に定める事項を記載した届出書を所管金融庁長官等に提出しなければならない。

Article 201 A financial instruments business operator, etc. that gives a notification pursuant to the provisions of Article 50, paragraph (1) of the Act must submit a written notification stating the matters specified in the following items in accordance with the category of the cases set forth in each of those items to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau:

一　法第五十条第一項第一号に該当する場合　次に掲げる事項

(i) if the case falls under Article 50, paragraph (1), item (i) of the Act: the following matters:

イ　業務を休止し、又は再開した営業所又は事務所の名称

(a) the name of the business office or office that has suspended or resumed business; and

ロ　休止の期間又は再開の年月日及び休止又は再開の理由

(b) the period business was suspended or the date of resumption, and the reasons for the suspension or resumption;

二　法第五十条第一項第二号に該当する場合　次に掲げる事項

(ii) if the case falls under Article 50, paragraph (1), item (ii) of the Act: the following matters:

イ　廃止した業務の種類

(a) the type of the business discontinued; and

ロ　廃止の年月日及び理由

(b) the date of the discontinuation and the reasons for the discontinuation;

三　法第五十条第一項第三号に該当する場合　次のイからハまでに掲げる場合の区分に応じ、当該イからハまでに掲げる事項

(iii) if the case falls under Article 50, paragraph (1), item (iii) of the Act: the matters set forth in the following sub-items (a) through (c) in accordance with the category of the cases set forth in each of the sub-items (a) through (c):

イ　他の法人と合併した場合にあっては、次に掲げる事項

(a) in the case of a merger with another corporation, the following matters:

（１）　合併の相手方の商号又は名称

1. the trade name or name of the other party to the merger;

（２）　合併の年月日及び理由

2. the date of the merger and the reasons for the merger;

（３）　合併の方法

3. the method of the merger;

ロ　分割により他の法人の事業の全部又は一部を承継した場合にあっては、次に掲げる事項

(b) if all or part of the business of another corporation has been succeeded to through a split, the following matters:

（１）　分割の相手方の商号又は名称

1. the trade name or name of the other party to the split;

（２）　分割の年月日及び理由

2. the date of the split and the reasons for the split; and

（３）　承継した事業の内容

3. the content of the business succeeded to;

ハ　他の法人から事業の全部又は一部を譲り受けた場合にあっては、次に掲げる事項

(c) in the case all or part of the business has been acquired from another corporation, the following matters:

（１）　譲受けの相手方の商号又は名称

1. the trade name or name of the transferor;

（２）　譲り受けた年月日及び理由

2. the date of acquisition and the reasons for the acquisition; and

（３）　譲り受けた事業の内容

3. the content of the business acquired;

四　法第五十条第一項第四号に該当する場合　次に掲げる事項

(iv) if the case falls under Article 50, paragraph (1), item (iv) of the Act: the following matters:

イ　総株主等の議決権の過半数を取得し、又は保有した相手方の商号又は名称

(a) the trade name or name of the other party that has acquired the majority of voting rights held by all shareholders, etc., or the other party that has come to hold the majority of voting rights held by all shareholders, etc.; and

ロ　総株主等の議決権の過半数を取得し、又は保有した年月日及び理由

(b) the date of the acquisition or holding of the majority of voting rights held by all shareholders, etc. or the reasons for acquiring or holding the majority of voting rights held by all shareholders, etc.;

五　法第五十条第一項第五号に該当する場合　次のイ及びロに掲げる場合の区分に応じ、当該イ及びロに掲げる事項

(v) if the case falls under Article 50, paragraph (1), item (v) of the Act: the matters set forth in the following sub-item (a) and (b) in accordance with the category of the cases set forth in the sub-items (a) and (b):

イ　その総株主等の議決権の過半数を保有している銀行等（法第五十条第一項第四号に規定する銀行等をいう。ロ及び次条第四号において同じ。）についてその議決権の過半数を保有しないこととなった場合にあっては、次に掲げる事項

(a) if a financial instruments business operator that holds the majority of

voting rights held by all shareholders, etc. for a bank, etc. (meaning a bank, etc. prescribed in Article 50, paragraph (1), item (iv) of the Act; the same applies in sub-item (b) and item (iv) of the following Article), has come to no longer hold the majority of voting rights, the following matters:

（１）　総株主等の議決権の過半数を保有しなくなった相手方の商号又は名称

1. the trade name or name of the other party for which the financial instruments business operator no longer holds the majority of voting rights held by all the shareholders, etc.;

（２）　総株主等の議決権の過半数を保有しなくなった年月日及び理由

2. the date of and reason for no longer holding the majority of voting rights held by all shareholders, etc.;

ロ　その総株主等の議決権の過半数を保有している銀行等について当該銀行等が合併し、解散し、又は業務の全部を廃止した場合にあっては、次に掲げる事項

(b) if the bank, etc. for which the financial instruments business operator holds a majority of the voting rights held by all shareholders, etc., has implemented a merger, has dissolved, or has discontinued all of its business, the following matters:

（１）　合併、解散又は廃止の決議の内容

1. the details of the resolution of merger, dissolution, or discontinuation;

（２）　合併、解散又は廃止の年月日及び理由

2. the date of and reasons for merger, dissolution, or discontinuation; and

（３）　合併の場合はその相手方及びその方法

3. in the case of merger, the other party to the merger and the method of merger;

六　法第五十条第一項第六号に該当する場合　次に掲げる事項

(vi) if the case falls under Article 50, paragraph (1), item (vi) of the Act: the following matters:

イ　他の一の法人その他の団体の商号又は名称

(a) the trade name or name of another single corporation or other organizations;

ロ　保有される議決権の数及び総株主等の議決権に占める当該議決権の数の割合

(b) the number of voting rights to be held by another corporation or other organizations, and the ratio of the number of the voting rights to the voting rights held by all shareholders, etc.; and

ハ　保有されることとなった年月日

(c) the day when another corporation or other organizations have come to hold the voting rights;

七　法第五十条第一項第七号に該当する場合　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った年月日及び理由

(vii) if the case falls under Article 50, paragraph (1), item (vii) of the Act: the date of and reasons for filing the petition of the commencement of

bankruptcy proceedings, commencement of rehabilitation proceedings, or commencement of reorganization proceedings;

八　第百九十九条第一号又は前条第一号に該当する場合　次のイからへまでに掲げる場合の区分に応じ、当該イからへまでに掲げる事項

(viii) if the case falls under Article 199, item (i), or item (i) of the preceding Article: the matters set forth in sub-items (a) through (f) in accordance with the category of cases set forth in each of the sub-items (a) through (f):

イ　金融商品取引業者が法第二十九条の四第一項第一号イ（法又は金融サービスの提供に関する法律に相当する外国の法令の規定に係る部分に限る。）に該当することとなった場合又は登録金融機関が法第三十三条の五第一項第一号（法又は金融サービスの提供に関する法律に相当する外国の法令の規定に係る部分に限る。）に該当することとなった場合にあっては、次に掲げる事項

(a) if the financial instruments business operator has come to fall under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act (limited to the part related to the provisions of foreign laws and regulations equivalent to the Act or the Act on the Provision of Financial Services), or if the registered financial institution has come to fall under Article 33-5, paragraph (1), item (i) of the Act (limited to the part related to the provisions of foreign laws and regulations equivalent to the Act or the Act on the Provision of Financial Services), the following matters:

（１）　法若しくは金融サービスの提供に関する法律に相当する外国の法令の規定により当該金融商品取引業者等が当該外国において受けている同種類の登録若しくは許可（当該登録又は許可に類する認可その他の行政処分を含む。第二百二十一条第二号及び第二百三十二条の五第二号を除き、以下「登録等」という。）又は法若しくは金融サービスの提供に関する法律に相当する外国の法令の規定により当該金融商品取引業者等が当該外国において行った法第六十三条第二項、第六十三条の三第一項、第六十三条の九第一項若しくは第六十三条の十一第一項の規定による届出と同種類の届出の内容

1. the content of the registration or permission granted pursuant to foreign laws and regulations equivalent to the Act or the Act on the Provision of Financial Services which are the same type of registration or permission granted to the financial instruments business operator, etc. in a foreign country (including an authorization or other administrative dispositions similar to the registration or permission; hereinafter referred to as "registration, etc." except in Article 221, item (ii) and Article 232-5, item (ii)), or the content of a notification of the same type as the notification under the provisions of Article 63, paragraph (2), Article 63-3, paragraph (1), Article 63-9, paragraph (1), or Article 63-11, paragraph (1) of the Act made by the financial instruments business operator, etc. pursuant to the provisions of foreign laws and regulations equivalent to the Act or the Act on the

Provision of Financial Services;

（２）　当該登録等又は届出の年月日

2. the date of the registration or notification, etc.;

（３）　当該登録等を取り消され、又は当該届出に係る業務の廃止を命ぜられた年月日及び理由

3. the date the registration, etc. has been revoked or discontinuation of business related to the notification has been ordered, and the reasons for that; and

（４）　当該登録等を取り消され、又は当該届出に係る業務の廃止を命ぜられた業務の内容

4. the content of the business for which the registration, etc. has been revoked or the discontinuation of business related to the notification that has been ordered;

ロ　金融商品取引業者が法第二十九条の四第一項第一号ハに該当することとなった場合又は登録金融機関が法第三十三条の五第一項第二号に該当することとなった場合にあっては、次に掲げる事項

(b) if a financial instruments business operator has come to fall under Article 29-4, paragraph (1), item (i), sub-item (c) of the Act, or if a registered financial institution has come to fall under Article 33-5, paragraph (1), item (ii) of the Act, the following matters:

（１）　違反した法令の規定

1. the provisions of the laws and regulations which have been violated; and

（２）　刑の確定した年月日及び罰金の額

2. the date when the punishment became final and binding, and the amount of the fine;

ハ　金融商品取引業者が第百九十九条第二号イ又は法第二十九条の四第一項第三号（同項第二号イ及び重要な使用人に係る部分を除く。）に該当することとなった場合にあっては、次に掲げる事項

(c) if a financial instruments business operator has come to fall under Article 199, item (ii), sub-item (a) or Article 29-4, paragraph (1), item (iii) of the Act (excluding item (ii), sub-item (a) of that paragraph, and the part related to important employees), the following matters:

（１）　該当することとなった者の氏名

1. the name of the person that has come to fall under that provision;

（２）　当該者が第百九十九条第二号イに該当することとなった場合にあっては、該当することとなった年月日及び理由

2. if the person has come to fall under Article 199, item (ii), sub-item (a), the date when the person came to fall under the provision and the reasons for that;

（３）　当該者が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定を受けた年月日

3. if the person has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, the day when the person has been given the order for commencement of bankruptcy proceedings;

（４）　当該者が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、刑の確定した年月日及び刑の種類

4. if the person has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, the day when punishment became final and binding, and the type of the punishment;

（５）　当該者が法第二十九条の四第一項第二号ニ又はホに該当することとなった場合にあっては、取り消され、又は命ぜられた年月日及び理由

5. if the person has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, the date of revocation or order, and its reasons; and

（６）　当該者が法第二十九条の四第一項第二号ヘ又はトに該当することとなった場合にあっては、行政手続法（平成五年法律第八十八号）第十五条の規定による通知があった年月日及びその理由並びに法第五十条の二第一項、第六十条の七（法第六十条の十四第二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。）、第六十三条の二第二項、第三項（法第六十三条の三第二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。）若しくは第四項、第六十三条の十第二項、第三項（法第六十三条の十一第二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。）若しくは第四項、第六十六条の十九第一項、第六十六条の四十第一項若しくは第六十六条の六十一第一項又は金融サービスの提供に関する法律第十六条第三項の規定による届出をした年月日及びその理由

6. if the person has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (f) or (g) of the Act, the date of and reason for the notice under the provisions of Article 15 of the Administrative Procedure Act (Act No. 88 of 1993) to be given, and the date of and reason for making the notification under the provisions of Article 50-2, paragraph (1) of the Act, Article 60-7 of the Act (including as applied mutandis pursuant to Article 60-14, paragraph (2) of the Act; hereinafter the same applies in this Article), Article 63-2, paragraph (2) or (3) of the Act (including as applied mutatis mutandis pursuant to Article 63-3, paragraph (2) of the Act; hereinafter the same applies in this Article), or Article 63-2, paragraph (4) of the Act, Article 63-10, paragraph (2) or (3) (including as applied mutatis mutandis pursuant to Article 63-11, paragraph (2) of the Act; hereinafter the same applies in this Article) or paragraph (4), Article 66-19, paragraph (1), Article 66-40, paragraph (1), Article 66-61, paragraph (1) of the Act, or Article 16, paragraph (3) of the Act on the Provision of Financial Services;

（７）　当該者が法第二十九条の四第一項第二号チに該当することとなった場合

にあっては、解任又は解職を命ぜられた年月日及び理由

7. if the person has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (h) of the Act, the date when removal or dismissal from work has been ordered and its reasons;

ニ　金融商品取引業者が法第二十九条の四第一項第四号イに該当することとなった場合にあっては、資本金の額又は出資の総額が令第十五条の七第一項に規定する金額に満たなくなった年月日及び理由

(d) if a financial instruments business operator has come to fall under Article 29-4, paragraph (1), item (iv), sub-item (a) of the Act, the date when the amount of the stated capital or the total amount of contribution becomes less than the amount specified in Article 15-7, paragraph (1) of the Order, and its reasons;

ホ　金融商品取引業者が法第二十九条の四第一項第四号ロに該当することとなった場合にあっては、国内に営業所又は事務所を有しない法人となった年月日

(e) if a financial instruments business operator comes to fall under Article 29-4, paragraph (1), item (iv), sub-item (b) of the Act, the date when the business operator becomes a juridical person without a business office or office in Japan;

ヘ　金融商品取引業者が法第二十九条の四第一項第四号ハに該当することとなった場合にあっては、国内における代表者（当該外国法人が第一種金融商品取引業、第二種金融商品取引業又は投資運用業を行うため国内に設ける全ての営業所又は事務所の業務を担当するものに限る。）を定めていない者に該当した年月日

(f) if a financial instruments business operator comes to fall under Article 29-4, paragraph (1), item (iv), sub-item (c) of the Act, the date when the business operator came to fall under a person that has designated a representative in Japan (limited to a representative in charge of business of all business offices or offices established in Japan by the foreign corporation for conducting type I financial instruments business, type II financial instruments business, or investment management business);

九　第百九十九条第二号に該当する場合　次に掲げる事項

(ix) if the case falls under Article 199, item (ii): the following matters:

イ　第百九十九条第二号イ又はロに該当することとなった役員又は重要な使用人の氏名又は名称

(a) the name of the officer or important employee that has come to fall under Article 199, item (ii), sub-item (a) or (b);

ロ　当該役員又は重要な使用人が第百九十九条第二号イに該当することとなった場合にあっては、該当することとなった年月日及び理由

(b) if the officer or important employee has come to fall under Article 199, item (ii), sub-item (a), the date when the officer or important employee came to fall under the provisions and the reasons for that;

ハ　当該役員又は重要な使用人が法第二十九条の四第一項第二号ロに該当すること

となった場合にあっては、破産手続開始の決定を受けた年月日

(c) if the officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, the date when the officer or important employee has been given an order for the commencement of bankruptcy proceedings;

ニ　当該役員又は重要な使用人が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、刑の確定した年月日及び刑の種類

(d) if the officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, the date when punishment became final and binding, and the type of punishment;

ホ　当該役員又は重要な使用人が法第二十九条の四第一項第二号ニ又はホに該当することとなった場合にあっては、取り消され、又は命ぜられた年月日及び理由

(e) if the officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, the date of revocation or order and the reasons for that;

ヘ　当該役員又は重要な使用人が法第二十九条の四第一項第二号ヘ又はトに該当することとなった場合にあっては、行政手続法第十五条の規定による通知があった年月日及びその理由並びに法第五十条の二第一項、第六十条の七、第六十三条の二第二項から第四項まで、第六十三条の十第二項から第四項まで、第六十六条の十九第一項、第六十六条の四十第一項若しくは第六十六条の六十一第一項又は金融サービスの提供に関する法律第十六条第三項の規定による届出をした年月日及びその理由

(f) if the officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (f) or (g) of the Act, the date of and reason for the notice under the provisions of Article 15 of the Administrative Procedure Act to be given and the date of and reason for making the notification under the provisions of Article 50-2, paragraph (1), Article 60-7, Article 63-2, paragraphs (2) through (4), Article 63-10, paragraphs (2) through (4), Article 66-19, paragraph (1), Article 66-40, paragraph (1), or Article 66-61, paragraph (1) of the Act or Article 16, paragraph (3) of the Act on the Provision of Financial Services;

ト　当該役員又は重要な使用人が法第二十九条の四第一項第二号チに該当することとなった場合にあっては、解任又は解職を命ぜられた年月日及び理由

(g) if the officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (h) of the Act, the date when the removal or dismissal was ordered and the reasons for that;

十　第百九十九条第三号又は前条第四号に該当する場合　次に掲げる事項

(x) if the case falls under Article 199, item (iii) or (iv) of the preceding Article: the following matters:

イ　該当することとなった又は該当しなくなった親法人等又は子法人等の商号又は名称

(a) the trade name or name of the parent corporation, etc. or subsidiary corporation, etc. which has come to fall under the provisions, or which has come to no longer fall under the provisions; and

ロ　親法人等又は子法人等に該当し、又は該当しなくなった年月日

(b) the date when it has come to fall under the parent corporation, etc. or subsidiary corporation, etc., or when it has come to no longer fall under the parent corporation, etc. or subsidiary corporation, etc.;

十一　第百九十九条第四号又は前条第五号に該当する場合　次に掲げる事項

(xi) the case falling under Article 199, item (iv) or (v) of the preceding Article: the following matters:

イ　該当することとなった又は該当しなくなった持株会社の商号

(a) the trade name of the holding company which has come to fall under the provisions, or which has come to no longer fall under the provisions; and

ロ　持株会社に該当し、又は該当しなくなった年月日

(b) the date when it has come to fall under a holding company, or has come to no longer fall under a holding company;

十二　第百九十九条第五号又は前条第二号に該当する場合　次に掲げる事項

(xii) the case falling under Article 199, item (v) or (ii) of the preceding Article: the following matters:

イ　破産手続開始、再生手続開始又は更生手続開始の申立てが行われた年月日及び理由

(a) the date when the petition for commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, or commencement of reorganization proceedings has been filed, and the reasons for that; and

ロ　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った者の商号、名称又は氏名

(b) the trade name or name of the person that has filed the petition for commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, or commencement of reorganization proceedings;

十三　第百九十九条第六号又は前条第三号に該当する場合　次に掲げる事項

(xiii) if the case falls under Article 199, item (vi) or (iii) of the preceding Article: the following matters:

イ　変更の内容及び理由

(a) the content of and reasons for the change; and

ロ　変更の年月日

(b) the date when the change has taken place;

十四　第百九十九条第七号、第十一号ホ若しくは第十三号イ又は前条第六号に該当する場合　次に掲げる事項

(xiv) the case falling under Article 199, item (vii), item (xi), sub-item (e), or item (xiii), sub-item (a), or item (vi) of the preceding Article: the following

matters:

イ　事故等（第百九十九条第七号若しくは第十三号イ又は前条第六号に規定する事故等をいう。以下この号及び次号において同じ。）が発生した営業所又は事務所の名称（金融商品仲介業者に事故等があった場合には、当該金融商品仲介業者の商号、名称又は氏名及び当該事故等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 in which the problematic conduct, etc. has taken place (meaning the problematic conduct, etc. prescribed in Article 199, item (vii), or item (xiii), sub-item (a), or the problematic conduct, etc. prescribed in item (vi) of the preceding Article; hereinafter the same applies in this item and the following item) (in the case the problematic conduct, etc. has taken place for a financial instruments intermediary service provider, the trade name or name of the financial instruments intermediary service provider and the name of the business office or office in which the problematic conduct, etc. has taken place);

ロ　事故等を惹起した役職員又は金融商品仲介業者若しくはその役職員の氏名又は名称及び役職名

(b) the name and position of the officers or employees, or financial instruments intermediary service provider or their officers or employees, who have caused the problematic conduct, etc.; and

ハ　事故等の概要

(c) an outline of the problematic conduct, etc.;

十五　第百九十九条第八号、第十一号ヘ若しくは第十三号ロ又は前条第七号に該当する場合　次に掲げる事項

(xv) if the case falls under Article 199, item (viii), item (xi), sub-item (f), item (xiii), sub-item (b), or item (vii) of the preceding Article: the following matters:

イ　事故等が発生した営業所又は事務所の名称（金融商品仲介業者に事故等があった場合には、当該金融商品仲介業者の商号、名称又は氏名及び当該事故等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 in which the problematic conduct, etc. has taken place (if a problematic conduct, etc. has taken place for a financial instruments intermediary service provider, the trade name or name of the financial instruments intermediary service provider and the name of the business office or office in which the problematic conduct, etc. has taken place);

ロ　事故等を惹起した役職員又は金融商品仲介業者若しくはその役職員の氏名又は名称及び役職名

(b) the name and position of the officers or employees or financial instruments intermediary service provider or their officers or employees, who have caused the problematic conduct, etc.;

ハ　事故等の詳細

(c) the details of the problematic conduct, etc.; and

ニ　社内処分を行った場合はその内容

(d) if in-house punishment has been taken, its content;

十六　第百九十九条第九号又は前条第八号に該当する場合　次のイ及びロに掲げる場合の区分に応じ、当該イ及びロに掲げる事項

(xvi) if the case falls under Article 199, item (ix) or item (viii) of the preceding Article: the matters set forth in (a) and (b) in accordance with the category of the cases set forth in sub-item (a) or (b):

イ　訴訟又は調停の当事者となった場合にあっては、次に掲げる事項

(a) if a person has become a party to an action or a conciliation, the following matters:

（１）　訴訟又は調停の当事者の氏名又は名称及び住所

1. the name and domicile of the parties to the action or conciliation;

（２）　訴訟の提起又は調停の申立てが行われた年月日

2. the date when the action or conciliation has been filed;

（３）　管轄裁判所名

3. the name of the court with jurisdiction; and

（４）　事件の内容

4. the content of the case;

ロ　訴訟又は調停が終結した場合にあっては、次に掲げる事項

(b) if the action or conciliation has been concluded, the following matters:

（１）　訴訟又は調停の当事者の氏名又は名称及び住所

1. the name and domicile of the parties to the action or conciliation;

（２）　訴訟又は調停が終結した年月日

2. the date when the action or conciliation was concluded; and

（３）　判決又は和解の内容

3. the content of the judgment or settlement;

十七　第百九十九条第十号に該当する場合　次に掲げる事項

(xvii) the case falling under Article 199, item (x): the following matters:

イ　不利益処分の内容

(a) the content of the adverse disposition; and

ロ　不利益処分を受けた年月日及び理由

(b) the date when the financial instruments business operator, etc. has become subject to the adverse disposition and reasons for that;

十八　第百九十九条第十一号イに該当する場合　次に掲げる事項

(xviii) if the case falls under Article 199, item (xi), sub-item (a): the following matters:

イ　法第二十九条の四第一項第五号イに該当することとなった場合にあっては、同号イに規定する株式会社でなくなった年月日及び理由

(a) if the case has come to fall under Article 29-4, paragraph (1), item (v), sub-item (a) of the Act, the date when the financial instruments business

operator, etc. ceased to be a stock company prescribed in sub-item (a) of that item, and the reasons for that; and

ロ　法第二十九条の四第一項第五号ロに該当することとなった場合にあっては、純財産額が令第十五条の九第一項に定める金額に満たなくなった年月日及び理由

(b) if the case has come to fall under Article 29-4, paragraph (1), item (v), sub-item (a) of the Act, the date when the net assets have come to be less than the amount specified in Article 15-9, paragraph (1) of the Order, and the reasons for that;

十九　第百九十九条第十一号ロに該当する場合　純財産額が資本金の額に満たなくなった年月日及び理由

(xix) if the case falls under Article 199, item (xi), sub-item (b): the date when the net assets have come to be less than the amount of the stated capital, and the reasons for that;

二十　第百九十九条第十一号ハに該当する場合　次のイからハまでに掲げる場合の区分に応じ、当該イからハまでに掲げる事項

(xx) if the case falls under Article 199, item (xi), sub-item (c): the matters specified in the following sub-items (a) through (c) in accordance with the category of the cases set forth in the sub-items (a) through (c):

イ　主要株主が第百九十九条第十一号ハ（１）又は（２）に該当することとなった事実を知った場合にあっては、次に掲げる事項

(a) if the financial instruments business operator, etc. becomes aware of the fact that any of their major shareholders has come to fall under Article 199, item (xi), sub-item (c), 1. or 2., the following matters:

（１）　該当することとなった主要株主の氏名

1. the name of the major shareholder that has come to fall under the provisions;

（２）　当該主要株主が第百九十九条第十一号ハ（１）に該当することとなった場合にあっては、該当することとなった年月日及び理由

2. if the major shareholder has come to fall under Article 199, item (xi), sub-item (c), 1., the date when the major shareholder has come to fall under the provisions and the reasons for that;

（３）　当該主要株主又は代理人（第百九十九条第十一号ハ（１）に規定する代理人をいう。（４）から（７）まで、次条第十六号イ、第二百八条の三十一第一項第十一号イ及び第二項第八号イ、第二百四十六条の二十四第一項第六号イ並びに第二百四十六条の二十五第一項第四号イにおいて同じ。）が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定を受けた年月日

3. if the major shareholder or an agent (meaning the agent prescribed in Article 199, item (xi), (c), 1.; the same applies in clauses 4. through 7., item (xvi), sub-item (a) of the following Article, Article 208-31, paragraph (1), item (xi), sub-item (a) and paragraph (2), item (viii),

sub-item (a), Article 246-24, paragraph (1), item (vi), sub-item (a), and Article 246-25, paragraph (1), item (iv), sub-item (a)) has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, the date when the major shareholder or the agent has become subject to the order for commencement of bankruptcy proceedings;

（４）　当該主要株主又は代理人が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、刑の確定した年月日及び刑の種類

4. if the major shareholder or an agent has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, the date when punishment became final and binding, and the type of the punishment;

（５）　当該主要株主又は代理人が法第二十九条の四第一項第二号ニ又はホに該当することとなった場合にあっては、取り消され、又は命ぜられた年月日及び理由

5. if the major shareholder or an agent has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, the date of revocation or order and the reasons for that; and

（６）　当該主要株主又は代理人が法第二十九条の四第一項第二号ヘ又はトに該当することとなった場合にあっては、行政手続法第十五条の規定による通知があった年月日及びその理由並びに法第五十条の二第一項、第六十条の七、第六十三条の二第二項から第四項まで、第六十三条の十第二項から第四項まで、第六十六条の十九第一項、第六十六条の四十第一項若しくは第六十六条の六十一第一項又は金融サービスの提供に関する法律第十六条第三項の規定による届出をした年月日及びその理由

6. if the major shareholder or an agent has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (f) or (g) of the Act, the date of and reason for the notice under the provisions of Article 15 of the Administrative Procedure Act to be given and the date of and reason for making the notification under the provisions of Article 50-2, paragraph (1), Article 60-7, Article 63-2, paragraphs (2) through (4), Article 63-10, paragraphs (2) through (4), Article 66-19, paragraph (1), Article 66-40, paragraph (1) or Article 66-61, paragraph (1) of the Act, or Article 16, paragraph (3) of the Act on the Provision of Financial Services;

（７）　当該主要株主又は代理人が法第二十九条の四第一項第二号チに該当することとなった場合にあっては、解任又は解職を命ぜられた年月日及び理由

7. if the major shareholder or an agent has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (h) of the Act, the date when removal or dismissal has been ordered and the reasons for that;

ロ　主要株主が第百九十九条第十一号ハ（３）又は（４）に該当することとなった事実を知った場合にあっては、次に掲げる事項

(b) if the financial instruments business operator becomes aware of the fact

that any of their major shareholders has come to fall under Article 199, item (xi), sub-item (c), 3. or 4., the following matters:

（１）　該当することとなった主要株主の商号又は名称

1. the trade name or name of the major shareholder that has come to fall under the provisions;

（２）　当該主要株主が法第二十九条の四第一項第一号イに該当する場合にあっては、当該主要株主が受けている登録等の内容及び年月日並びに当該登録等を取り消された年月日、理由及び業務の内容又は当該主要株主が行った法第六十三条第二項、第六十三条の三第一項、第六十三条の九第一項若しくは第六十三条の十一第一項の規定による届出の内容及び年月日並びに当該届出に係る業務の廃止を命ぜられた年月日、理由及び業務の内容

2. if the major shareholder falls under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act, the content and date of the registration, etc. granted to the major shareholder, and the date of and reasons for the revocation of the registration, etc., the content of the business for which the registration, etc. was revoked, and the content of the notification under the provisions of Article 63, paragraph (2), Article 63-3, paragraph (1), Article 63-9, paragraph (1) or Article 63-11, paragraph (1) of the Act made by the major shareholder, and the date of and reasons for the order of discontinuation of business for which the notification was made and the content of the business;

（３）　当該主要株主が法第二十九条の四第一項第一号ロに該当する場合にあっては、行政手続法第十五条の規定による通知があった年月日及びその理由並びに法第五十条の二第一項、第六十条の七、第六十三条の二第二項若しくは第三項、第六十三条の十第二項若しくは第三項、第六十六条の十九第一項、第六十六条の四十第一項若しくは第六十六条の六十一第一項又は金融サービスの提供に関する法律第十六条第三項の規定による届出をした年月日及びその理由

3. if the major shareholder falls under Article 29-4, paragraph (1), item (i), sub-item (b) of the Act, the date of and reason for the notice under the provisions of Article 15 of the Administrative Procedure Act to be given and the date of and reason for making the notification under the provisions of Article 50-2, paragraph (1), Article 60-7, Article 63-2, paragraph (2) or (3), Article 63-10, paragraph (2) or (3), Article 66-19, paragraph (1), Article 66-40, paragraph (1) or Article 66-61, paragraph (1) of the Act or Article 16, paragraph (3) of the Act on the Provision of Financial Services;

（４）　当該主要株主が法第二十九条の四第一項第一号ハに該当する場合にあっては、違反した法令の規定、刑の確定した年月日及び罰金の額

4. if the major shareholder falls under Article 29-4, paragraph (1), item (i), sub-item (c) of the Act, the provisions of the laws and regulations

violated, the date when punishment became final and binding, and the amount of the fine;

（５）　当該主要株主が第百九十九条第十一号ハ（４）に該当することとなった場合にあっては、同号ハ（４）（ｉ）又は（ｉｉ）に該当することとなった法人を代表する役員の氏名又は名称

5. if the major shareholder has come to fall under Article 199, item (xi), sub-item (c), 4., the name of the officer representing the corporation which has come to fall under either of sub-item (c), 4, i. or ii.;

（６）　当該主要株主である法人を代表する役員が第百九十九条第十一号ハ（４）（ｉ）に該当することとなった場合にあっては、該当することとなった年月日及び理由

6. if the officer representing the corporation who is the major shareholder has come to fall under Article 199, item (xi), sub-item (c), 4., i., the date when the officer came to fall under the provisions and the reasons for that;

（７）　当該主要株主である法人を代表する役員が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定を受けた年月日

7. if the officer representing the corporation who is the major shareholder has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, the date when the officer became subject to the order for commencement of bankruptcy proceedings;

（８）　当該主要株主である法人を代表する役員が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、刑の確定した年月日及び刑の種類

8. if the officer representing the corporation who is the major shareholder has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, the date when punishment became final and binding, and the type of the punishment;

（９）　当該主要株主である法人を代表する役員が法第二十九条の四第一項第二号ニ又はホに該当することとなった場合にあっては、取り消され、又は命ぜられた年月日及び理由

9. if the officer representing the corporation who is the major shareholder has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, the date of revocation or order and the reasons for that;

（１０）　当該主要株主である法人を代表する役員が法第二十九条の四第一項第二号ヘ又はトに該当することとなった場合にあっては、行政手続法第十五条の規定による通知があった年月日及びその理由並びに法第五十条の二第一項、第六十条の七、第六十三条の二第二項から第四項まで、第六十三条の十第二項から第四項まで、第六十六条の十九第一項、第六十六条の四十第一項若し

くは第六十六条の六十一第一項又は金融サービスの提供に関する法律第十六条第三項の規定による届出をした年月日及びその理由

10. if the officer representing the corporation who is the major shareholder falls under Article 29-4, paragraph (1), item (ii), sub-item (f) or (g) of the Act, the date of and reason for the notice under the provisions of Article 15 of the Administrative Procedure Act to be given and the date of and reason for making the notification under the provisions of Article 50-2, paragraph (1), Article 60-7, Article 63-2, paragraphs (2) through (4), Article 63-10, paragraphs (2) through (4), Article 66-19, paragraph (1), Article 66-40, paragraph (1) or Article 66-61, paragraph (1) of the Act, or Article 16, paragraph (3) of the Act on the Provision of Financial Services; and

（１１）　当該主要株主である法人を代表する役員が法第二十九条の四第一項第二号チに該当することとなった場合にあっては、解任又は解職を命ぜられた年月日及び理由

11. if the officer representing the corporation who is the major shareholder has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (h) of the Act, the date when the removal or dismissal has been ordered and the reasons for that;

ハ　外国法人に係る主要株主に準ずる者が法第二十九条の四第一項第五号ヘに該当することとなった事実を知った場合にあっては、次に掲げる事項

(c) if the financial instruments business operator becomes aware of the fact that any of the persons equivalent to major shareholders related to a foreign corporation has come to fall under Article 29-4, paragraph (1), item (v), sub-item (f) of the Act, the following matters:

（１）　該当することとなった主要株主に準ずる者の商号、名称又は氏名

1. the trade name or name of the person equivalent to the major shareholder that has come to fall under the provisions; and

（２）　当該主要株主について行われていた確認の内容及び確認が行われていないことを知った年月日及び理由

2. the content of the confirmation on the major shareholder which had been made, and the date when the financial instruments business operator became aware that the confirmation has not been made and the reasons for that;

二十一　第百九十九条第十一号ニ又は前条第九号に該当する場合　次のイ及びロに掲げる場合の区分に応じ、当該イ及びロに掲げる事項

(xxi) if the case falls under Article 199, item (xi), sub-item (d) or item (ix) of the preceding Article: the matters set forth in sub-items (a) and (b) below in accordance with the category of the cases set forth in the sub-items (a) and (b):

イ　金融商品仲介業者が訴訟又は調停の当事者となったことを知った場合にあって

は、次に掲げる事項

(a) if the financial instruments business operator has come to know that a financial instruments intermediary service provider has become a party to an action or a conciliation, the following matters:

（１）　当該金融商品仲介業者の商号、名称又は氏名

1. the trade name or name of the financial instruments intermediary service provider;

（２）　訴訟又は調停の当事者の氏名又は名称及び住所

2. the name and domicile of the parties to the action or conciliation;

（３）　訴訟の提起又は調停の申立てが行われた年月日

3. the date when the action or conciliation was filed;

（４）　管轄裁判所名

4. the name of the court with jurisdiction; and

（５）　事件の内容

5. the content of the case.

ロ　金融商品仲介業者が当事者となった訴訟又は調停が終結したことを知った場合にあっては、次に掲げる事項

(b) if the financial instruments business operator has come to know that the action or conciliation to which the financial instruments intermediary service provider was the party, has been concluded, the following matters:

（１）　当該金融商品仲介業者の商号、名称又は氏名

1. the trade name or name of the financial instruments intermediary service provider;

（２）　訴訟又は調停の当事者の氏名又は名称及び住所

2. the name and domicile of the parties to the action or conciliation;

（３）　訴訟又は調停が終結した年月日

3. the date when the action or conciliation was concluded; and

（４）　判決又は和解の内容

4. the content of the judgment or settlement;

二十二　第百九十九条第十一号ト又は前条第十号に該当する場合　次のイ及びロに掲げる場合の区分に応じ、当該イ及びロに掲げる事項

(xxii) if the case falls under Article 199, item (xi), sub-item (g) or item (x) of the preceding Article: the matters set forth in the following sub-items (a) and (b) in accordance with the category of the cases set forth in the sub-items (a) and (b):

イ　金融商品仲介業者に業務の委託を行った場合にあっては、次に掲げる事項

(a) if the financial instruments business operator has entrusted business to a financial instruments intermediary service provider, the following matters:

（１）　当該金融商品仲介業者の商号、名称又は氏名

1. the trade name or name of the financial instruments intermediary service provider; and

（２）　当該金融商品仲介業者の本店等の所在地

2. the location of the head office, etc. of the financial instruments intermediary service provider;

ロ　金融商品仲介業者に業務の委託を行わなくなった場合にあっては、次に掲げる事項

(b) if the financial instruments business operator, etc. has come to no longer entrust business to a financial instruments intermediary service provider, the following matters:

（１）　当該金融商品仲介業者の商号、名称又は氏名

1. the trade name or name of the financial instruments intermediary service provider; and

（２）　業務の委託を行わなくなった理由

2. the reasons for no longer entrusting business;

二十三　第百九十九条第十一号チに該当する場合　次のイ及びロに掲げる場合の区分に応じ、当該イ及びロに掲げる事項

(xxiii) if the case falls under Article 199, item (xi), sub-item (h): the matters set forth in the following sub-items (a) and (b) in accordance with the category of the cases set forth in the sub-items (a) and (b):

イ　駐在員事務所を設置した場合にあっては、次に掲げる事項

(a) if the financial instruments business operator has established a representative office, the following matters:

（１）　当該駐在員事務所の名称及び所在地

1. the name and location of the representative office;

（２）　設置の年月日及び理由

2. the date of and reasons for establishing the office;

（３）　当該駐在員事務所の組織及び人員配置

3. the organization and assignment of personnel of the representative office; and

（４）　現地における手続の概要

4. an outline of the procedures to be taken in that foreign country;

ロ　駐在員事務所を廃止した場合にあっては、次に掲げる事項

(b) if the financial instruments business operator has abolished their representative office, the following matters:

（１）　当該駐在員事務所の名称及び所在地

1. the name and location of the representative office; and

（２）　廃止の年月日及び理由

2. the date of and reasons for the abolition;

二十四　第百九十九条第十二号イ又は第十三号ハに該当する場合　次のイ及びロに掲げる場合の区分に応じ、当該イ及びロに掲げる事項

(xxiv) if the case falls under Article 199, item (xii), sub-item (a) or item (xiii), sub-item (c): the matters set forth in the following sub-items (a) and (b) in

accordance with the category of the cases set forth in the sub-items (a) and (b):

イ　劣後特約付借入金を借り入れた場合又は子法人等が劣後特約付借入金を借り入れたことを知った場合にあっては、次に掲げる事項

(a) if the financial instruments business operator has made a subordinated borrowing or has come to know that the subsidiary corporation, etc. has made a subordinated borrowing, the following matters:

（１）　借入先及び借入れの理由

1. the name of the lender, and the reasons for the borrowing;

（２）　借入金額（外貨建てである場合は、当該借入金額及びその円換算額）並びに現在及び借入後の借入残高

2. the borrowed amount (if it is denominated in foreign currency, the borrowed amount and the equivalent amount in yen), and the current balance and the outstanding balance after the borrowing; and

（３）　借入日、利率及び弁済期限

3. the loan date, interest rates, and the due date for payment.

ロ　劣後特約付社債を発行した場合又は子法人等が劣後特約付社債を発行したことを知った場合にあっては、次に掲げる事項

(b) if the financial instruments business operator has issued subordinated bonds or has come to know that the subsidiary corporation, etc. has issued subordinated bonds, the following matters:

（１）　発行の方法及び理由

1. the method of and the reasons for the issuance;

（２）　発行総額（外貨建てである場合は、当該発行総額及びその円換算額）並びに現在及び発行後の発行残高

2. the total issuance amount (if it is denominated in foreign currency, the total issuance amount and the equivalent amount in yen), and the current balance and the outstanding balance after the issuance; and

（３）　発行日、利率及び償還期限

3. the issuance date, the interest rates, and the due date for redemption;

二十五　第百九十九条第十二号ロ又は第十三号ニに該当する場合　次に掲げる事項

(xxv) if the case falls under Article 199, item (xii), sub-item (b) or item (xiii), sub-item (d): the following matters:

イ　弁済又は償還をした金額及び年月日

(a) the amount and date of the payment or redemption; and

ロ　弁済又は償還をした後の残高

(b) the outstanding balance after the payment or redemption.

二十六　第百九十九条第十四号又は前条第十一号に該当する場合　次に掲げる事項

(xxvi) if the case falls under Article 199, item (xiv) or (xi) of the preceding Article: the following matters

イ　業務を開始した営業所又は事務所の名称

(a) the name of the business office or office in which the business has been commenced;

ロ　開始の年月日

(b) the date of commencement of business;

二十七　第百九十九条第十五号に該当する場合　次のイ及びロに掲げる場合の区分に応じ、当該イ及びロに掲げる事項

(xxvii) if the case falls under Article 199, item (xv): the matters set forth in the following sub-items (a) and (b) in accordance with the category of cases set forth in the sub-items (a) and (b):

イ　法第六十六条の五十三第六号ロに該当することとなった場合にあっては、国内における代理人を定めていない者に該当した年月日

(a) if the case has come to fall under Article 66-53, item (vi), sub-item (b) of the Act, the date when it has come to fall under a person that has not appointed an agent in Japan; and

ロ　法第六十六条の五十三第七号に該当することとなった場合にあっては、純財産額が令第十八条の四の十に定める金額に満たなくなった年月日及び理由

(b) if the case has come to fall under Article 66-53, item (vii) of the Act, the date when the net assets have become less than the amount specified in Article 18-4-10 of the Order and the reason for that.

（届出書に添付すべき書類）

(Documents to Be Attached to Written Notifications)

第二百二条　法第五十条第一項の規定により届出を行う金融商品取引業者等（第三号において「届出者」という。）は、前条に規定する事項を記載した届出書に、次の各号に掲げる場合の区分に該当する場合には、当該各号に定める書類を添付しなければならない。

Article 202 A financial instruments business operator, etc. that files a notification pursuant to the provisions of Article 50, paragraph (1) of the Act (referred to as the "notifier" in item (iii)) must, if any of the category of the cases set forth in the following items is applicable, attach the document set forth in each of those items to the written notification stating the matters prescribed in the preceding Article:

一　法第五十条第一項第一号に該当する場合（業務を休止した場合に限る。）　休止期間中における顧客勘定の処理の方法を記載した書面

(i) if the case falls under Article 50, paragraph (1), item (i) of the Act (limited to cases in which the financial instruments business operator, etc. has suspended their business): the document stating the method of handling customers' accounts during the suspension period;

二　法第五十条第一項第二号に該当する場合　廃止した業務に係る顧客勘定の処理の方法を記載した書面

(ii) if the case falls under Article 50, paragraph (1), item (ii) of the Act: the

document stating the method of handling customers' accounts related to the discontinued business;

三　法第五十条第一項第三号に該当する場合　次のイからハまでに掲げる場合の区分に応じ、当該イからハまでに掲げる書類

(iii) if the case falls under Article 50, paragraph (1), item (iii) of the Act: the documents set forth in the following sub-items (a) through (c) in accordance with the category of the documents set forth in the sub-items (a) through (c):

イ　他の法人と合併した場合にあっては、次に掲げる書類

(a) if the financial instruments business operator, etc. has merged with another corporation, the following documents:

（１）　合併契約の内容及び合併の手続を記載した書面

1. the document stating the content of the merger agreement and the procedures for merger;

（２）　当事者の最近の貸借対照表（関連する注記を含む。以下この条において同じ。）

2. the latest balance sheet of the parties (including the related notes; hereinafter the same applies in this Article);

（３）　合併後の純財産額（届出者が第一種金融商品取引業を行う者（第一種少額電子募集取扱業者を除く。）である場合にあっては、純財産額及び自己資本規制比率。ロ（３）及びハ（３）において同じ。）を記載した書面

3. the net assets after the merger (if the notifier is a person that conducts type I financial instruments business (excluding a type-I small amount electronic public offering service provider), the net assets and the capital adequacy ratio; the same applies in sub-item (b), 3. and sub-item (c), 3.); and

（４）　顧客勘定の処理方法を記載した書面

4. the document stating the method of handling customers' accounts;

ロ　分割により他の法人の事業の全部又は一部を承継した場合にあっては、次に掲げる書類

(b) if the financial instruments business operator, etc. has succeeded to all or part of another corporation's business through a split, the following documents:

（１）　吸収分割契約の内容及び分割の手続を記載した書面

1. a document stating the content of the absorption-type split agreement and the procedures for the split;

（２）　当事者の最近の貸借対照表

2. the latest balance sheets of the parties;

（３）　分割後の純財産額を記載した書面

3. a document stating the net assets after the split;

ハ　他の法人から事業の全部又は一部を譲り受けた場合にあっては、次に掲げる書類

(c) if the financial instruments business operator, etc. has acquired all or part of another corporation's business, the following documents:

（１）　事業の譲受けの契約の内容及び事業の譲受けの手続を記載した書面

1. a document stating the content of the business acquisition contract and the procedures for the acquisition of the business;

（２）　当事者の最近の貸借対照表

2. the latest balance sheets of the parties; and

（３）　事業の譲受け後の純財産額を記載した書面

3. a document stating the net assets after acquiring the business;

四　法第五十条第一項第五号に該当する場合（総株主等の議決権の過半数を保有している銀行等について当該銀行等が合併し、解散し、又は業務の全部を廃止した場合に限る。）　次に掲げる書類

(iv) if the case falls under Article 50, paragraph (1), item (v) of the Act (limited to a case in which the bank, etc. that holds a majority of the voting rights held by all shareholders, etc. has implemented a merger, dissolved, or discontinued all of its business): the following documents:

イ　最近の日計表（合併の場合にあっては、当事者の最近の貸借対照表及び合併に係る契約書の写し）

(a) a recent daily cash count sheet (for a merger, the latest balance sheets of the parties and a copy of the written merger agreement); and

ロ　解散又は廃止の場合は、清算の方法及び手続を記載した書類

(b) in cases of dissolution or discontinuation, a document stating the methods and procedures for liquidation;

五　法第五十条第一項第六号に該当する場合　次に掲げる書類

(v) if the case falls under Article 50, paragraph (1), item (vi) of the Act: the following documents:

イ　議決権を保有する法人その他の団体の業務の概要を記載した書類

(a) a document stating the outline of the business of the corporation or other organizations holding voting rights; and

ロ　議決権を保有する法人その他の団体及びその主要株主の保有する議決権の総数を記載した書類

(b) a document stating the total number of voting rights held by a corporation or other organizations holding the voting rights, and by its major shareholders;

六　法第五十条第一項第七号に該当する場合　次に掲げる書類

(vi) if the case falls under Article 50, paragraph (1), item (vii) of the Act: the following documents:

イ　破産手続開始、再生手続開始又は更生手続開始の申立てに係る書面の写し

(a) copies of the documents related to filing of a petition for commencement of bankruptcy proceedings, commencement of rehabilitation proceedings or commencement of reorganization proceedings; and

ロ　最近の日計表

(b) a recent daily cash count sheet.

七　第百九十九条第一号に該当する場合　次のイからニまでに掲げる場合の区分に応じ、当該イからニまでに掲げる書類

(vii) if the case falls under Article 199, item (i): the matters set forth in the following sub-items (a) through (d) in accordance with the category of the cases set forth in the sub-items (a) through (d):

イ　金融商品取引業者が法第二十九条の四第一項第一号イ（法又は金融サービスの提供に関する法律に相当する外国の法令の規定に係る部分に限る。）に該当することとなった場合又は登録金融機関が法第三十三条の五第一項第一号（法又は金融サービスの提供に関する法律に相当する外国の法令の規定に係る部分に限る。）に該当することとなった場合にあっては、次に掲げる書類

(a) if a financial instruments business operator has come to fall under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act (limited to the part related to the provisions of laws and regulations equivalent to the Act or the Act on the Provision of Financial Services), or if a registered financial institution has come to fall under Article 33-5, paragraph (1), item (i) of the Act (limited to the part related to the provisions of laws and regulations equivalent to the Act or the Act on the Provision of Financial Services), the following documents:

（１）　取消し又は廃止を命ずる書面の写し又はこれに代わる書面

1. a copy of the written order for the revocation or discontinuation of business or alternative documents; and

（２）　当該外国の法令及びその訳文

2. a copy of the laws and regulations of the foreign country, and their Japanese translation;

ロ　金融商品取引業者が法第二十九条の四第一項第一号ハに該当することとなった場合又は登録金融機関が法第三十三条の五第一項第二号に該当することとなった場合にあっては、確定判決の判決書の写し又は確定判決の内容を記載した書面

(b) if a financial instruments business operator has come to fall under Article 29-4, paragraph (1), item (i), sub-item (c) of the Act, or if a registered financial institution has come to fall under Article 33-5, paragraph (1), item (ii) of the Act, a copy of the judgment document on the final and binding judgment, or a document stating the content of the final and binding judgment.

ハ　金融商品取引業者が法第二十九条の四第一項第三号（同項第二号イ及び重要な使用人に係る部分を除く。）に該当することとなった場合にあっては、次に掲げる書類

(c) if a financial instruments business operator has come to fall under Article 29-4, paragraph (1), item (iii) of the Act (excluding item (ii), sub-item (a) of that paragraph and the part related to important employees), the following

documents:

（１）　当該金融商品取引業者が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定の裁判書の写し又は破産手続開始の決定の内容を記載した書面

1. if the financial instruments business operator has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, a copy of the written judgment on the order for commencement of bankruptcy proceedings, or the document stating the content of the order for the commencement of bankruptcy proceedings;

（２）　当該金融商品取引業者が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、確定判決の判決書の写し又は確定判決の内容を記載した書面

2. if the financial instruments business operator has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, a copy of the judgment document on the final and binding judgment, or a document stating the content of the final and binding judgment;

（３）　当該金融商品取引業者が法第二十九条の四第一項第二号ニ又はホに該当することとなった場合で、外国において取り消され、又は命ぜられた場合にあっては、取消し又は廃止を命ずる書面の写し又はこれに代わる書面並びに取消し又は廃止の根拠となる外国の法令及びその訳文

3. if the financial instruments business operator has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act and a revocation or discontinuation has been ordered in a foreign country, a copy of the written order for revocation or discontinuation or its alternative document, and a copy of foreign laws and regulations that serves as the basis of the rescission or discontinuation of business and its Japanese translation;

ニ　金融商品取引業者が法第二十九条の四第一項第四号イに該当することとなった場合にあっては、登記事項証明書又はこれに代わる書面

(d) if a financial instruments business operator has come to fall under Article 29-4, paragraph (1), item (iv), sub-item (a) of the Act, a certificate of registered information or alternative documents;

八　第百九十九条第二号（ロに係る部分に限る。）に該当する場合　次に掲げる書類

(viii) if the case falls under Article 199, item (ii) (limited to the part related to sub-item (b)): the following documents:

イ　役員又は重要な使用人が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定の裁判書の写し又は破産手続開始の決定の内容を記載した書面

(a) if an officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, a copy of the written judgment on the order for commencement of bankruptcy proceedings, or

the document stating the content of the order for commencement of bankruptcy proceedings;

ロ　役員又は重要な使用人が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、確定判決の判決書の写し又は確定判決の内容を記載した書面

(b) if an officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, a copy of the judgment document on the final and binding judgment, or the document stating the content of the final and binding judgment;

ハ　役員又は重要な使用人が法第二十九条の四第一項第二号ニ又はホに該当することとなった場合で、外国において取り消され、又は命ぜられた場合にあっては、取消し又は廃止の根拠となる外国の法令及びその訳文

(c) if an officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, and if business has been revoked or ordered to be discontinued in a foreign country, a copy of foreign laws and regulations that serves as the basis of the revocation or discontinuation and their Japanese translation;

九　第百九十九条第三号又は第二百条第四号に該当する場合　次に掲げる書類

(ix) if the case falls under Article 199, item (iii) or Article 200, item (iv): the following documents:

イ　該当することとなった又は該当しなくなった親法人等又は子法人等の業務の概要を記載した書類

(a) a document that states the outline of the business of the parent corporation, etc. or subsidiary corporation, etc. which has come to fall under the provisions, or which has come to no longer fall under the provisions; and

ロ　金融商品取引業者等と親法人等又は子法人等の関係を示す書類

(b) a document that indicates the relationship between the financial instruments business operator, etc., and their parent corporation, etc. or subsidiary corporation, etc.;

十　第百九十九条第四号又は第二百条第五号に該当する場合　次に掲げる書類

(x) if the case falls under Article 199, item (iv) or Article 200, item (v): the following documents:

イ　該当することとなった又は該当しないこととなった持株会社の概要を記載した書類

(a) a document that states the outline of the holding company which has come to fall under the provisions, or which has come to no longer fall under the provisions; and

ロ　金融商品取引業者等と持株会社の関係を示す書類

(b) a document indicating the relationship between a financial instruments business operator, etc. and a holding company;

十一　第百九十九条第五号又は第二百条第二号に該当する場合　最近の日計表
(xi) if the case falls under Article 199, item (v) or Article 200, item (ii): a recent daily cash count sheet;
十二　第百九十九条第六号又は第二百条第三号に該当する場合　変更後の定款
(xii) if the case falls under Article 199, item (vi) or Article 200, item (iii): the amended articles of incorporation;
十三　第百九十九条第十号に該当する場合　当該不利益処分を規定する外国の法令及びその訳文
(xiii) if the case falls under Article 199, item (x): a copy of foreign laws and regulations that provides for the adverse disposition, and their Japanese translation;
十四　第百九十九条第十一号イに該当する場合（純財産額が令第十五条の九第一項において定める金額に満たなくなった場合に限る。）　純財産額が令第十五条の九第一項において定める金額に満たなくなった日の日計表及び純財産額を算出した書面
(xiv) if the case falls under Article 199, item (xi), sub-item (a) (limited to cases in which the net assets have become less than the amount specified in Article 15-9, paragraph (1) of the Order): the daily cash count sheet on the day when the net assets have become less than the amount specified in Article 15-9, paragraph (1) of the Order, and the document stating the calculated net assets on that day;
十五　第百九十九条第十一号ロに該当する場合　純財産額が資本金の額に満たなくなった日の日計表及び純財産額を算出した書面
(xv) if the case falls under Article 199, item (xi), sub-item (b): the daily cash count sheet on the day when the net assets have become less than the amount of the stated capital, and the document stating the calculated net assets on that day;
十六　第百九十九条第十一号ハに該当する場合　次のイ及びロに掲げる場合の区分に応じ、当該イ及びロに掲げる書類
(xvi) if the case falls under Article 199, item (xi), sub-item (c): the matters specified in the following sub-items (a) and (b) in accordance with the category of the cases set forth in the sub-items (a) and (b):
イ　主要株主が第百九十九条第十一号ハ（１）又は（２）に該当することとなった事実を知った場合にあっては、次に掲げる書類
(a) if the financial instruments business operator becomes aware of the fact that any of their major shareholders has come to fall under Article 199, item (xi), sub-item (c), 1. or 2., the following documents:
（１）　当該主要株主又は代理人が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定の裁判書の写し又は破産手続開始の決定の内容を記載した書面
1. if the major shareholder or an agent has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, a copy of the written

judgment on the order for commencement of bankruptcy proceedings, or the document stating the content of the order for commencement of bankruptcy proceedings;

（２）　当該主要株主又は代理人が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、確定判決の判決書の写し又は確定判決の内容を記載した書面

2. if the major shareholder or an agent has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, a copy of the judgment document on the final and binding judgment, or a document stating the content of the final and binding judgment;

（３）　当該主要株主又は代理人が外国において刑に処せられた場合にあっては、刑の根拠となった外国の法令及びその訳文

3. if the major shareholder or an agent has been punished in a foreign country, a copy of the foreign laws and regulation that has served as the basis of the punishment and their Japanese translation;

（４）　当該主要株主又は代理人が外国において登録等を取り消され、又は業務の廃止を命ぜられた場合にあっては、登録等の取消し又は業務の廃止の根拠となる外国の法令及びその訳文

4. if the major shareholder or an agent has had a registration, etc. revoked or has been ordered to discontinue business in a foreign country, a copy of the foreign laws and regulations which serves as the basis of the rescission of registration, etc., or discontinuation of business and their Japanese translation;

ロ　主要株主が第百九十九条第十一号ハ（３）又は（４）（ｉｉ）に該当することとなった事実を知った場合にあっては、次に掲げる書類

(b) if the financial instruments business operator becomes aware of the fact that any of their major shareholders has come to fall under Article 199, item (xi), sub-item (c), 3. or 4., ii. of the Act, the following documents:

（１）　当該主要株主が法第二十九条の四第一項第一号イに該当することとなった場合にあっては、取消し又は廃止を命ずる書類の写し又はこれに代わる書面

1. if the major shareholder has come to fall under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act, a copy of the written order for revocation or discontinuation of business or alternative documents;

（２）　当該主要株主が法第二十九条の四第一項第一号イ又は主要株主である法人を代表する役員が同項第二号ニ若しくはホに該当する場合で、外国において登録等を取り消され、又は業務の廃止を命ぜられた場合にあっては、取消し又は廃止の根拠となった外国の法令及びその訳文

2. if the major shareholder falls under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act or if the officer representing the corporation that is a major shareholder falls under item (ii), sub-item (d) or (e) of

that paragraph, and the registration, etc. was revoked or the discontinuation of business was ordered in a foreign country, a copy of foreign laws and regulations that has served as the basis of the revocation or discontinuation of business and their Japanese translation;

（３）　当該主要株主が法第二十九条の四第一項第一号ハに該当することとなった場合にあっては、確定判決の判決書の写し又は確定判決の内容を記載した書面

3. if the major shareholder has come to fall under Article 29-4, paragraph (1), item (i), sub-item (c) of the Act, a copy of the judgment document on the final and binding judgment, or a document stating the content of the final and binding judgment;

（４）　当該主要株主である法人を代表する役員が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定の裁判書の写し又は破産手続開始の決定の内容を記載した書面

4. if an officer representing the corporation who is a major shareholder has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, a copy of the written judgment on the order for commencement of bankruptcy proceedings, or the document stating the content of the order for commencement of bankruptcy proceedings; and

（５）　当該主要株主である法人を代表する役員が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、確定判決の判決書の写し又は確定判決の内容を記載した書面

5. if an officer representing a corporation who is a major shareholder has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, a copy of the judgment document on the final and binding judgment, or a document stating the content of the final and binding judgment;

十七　第百九十九条第十一号ト又は第二百条第十号に該当する場合（金融商品仲介業者に業務の委託を行った場合に限る。）　業務委託に係る契約書の写し

(xvii) if the case falls under Article 199, item (xi), sub-item (g) or Article 200, item (x) (limited to when the financial instruments business operator, etc. has entrusted business to a financial instruments intermediary service provider): a copy of the written contract for the entrustment of business;

十八　第百九十九条第十二号イ又は第十三号ハに該当する場合　次に掲げる場合

(xviii) if the case falls under Article 199, item (xii), sub-item (a) or item (xiii), sub-item (c): the following cases:

イ　劣後特約付借入金を借り入れた場合又は子法人等が劣後特約付借入金を借り入れたことを知った場合にあっては、契約書の写し

(a) if the financial instruments business operator has made a subordinated borrowing or has become aware that the subsidiary corporation, etc. has

made a subordinated borrowing, a copy of the written contract; and

ロ　劣後特約付社債を発行した場合又は子法人等が劣後特約付社債を発行したことを知った場合にあっては、目論見書又はこれに準ずるものの写し

(b) if the financial instruments business operator has issued subordinated corporate bonds or has come to know that the subsidiary corporation, etc. has issued subordinated bonds, a copy of the prospectus or any other equivalent document;

十九　第百九十九条第十五号に該当する場合（法第六十六条の五十三第七号に該当することとなった場合に限る。）　純財産額が令第十八条の四の十に定める金額に満たなくなった日の日計表及び純財産額を算出した書面

(xix) if the case falls under Article 199, item (xv) (limited to the case that has come to fall under Article 66-53, item (vii) of the Act): the daily cash count sheet on the day when the net assets have become less than the amount specified in Article 18-4-10 of the Order, and the document stating the calculated net assets on that day.

（議決権の過半数の保有の判定）

(Criteria for Determining Holding of Majority Voting Rights)

第二百三条　法第五十条第二項に規定する議決権の過半数の保有の判定に当たって、保有する議決権には、他人の名義によって所有する株式又は出資に係る議決権及び第三十五条第一項各号に掲げる場合における株式又は出資に係る議決権を含むものとする。

Article 203 (1) For the purpose of the determining holding of majority voting rights specified in Article 50, paragraph (2) of the Act, the voting rights held are to include the voting rights related to the shares or equity owned under the name of another person and the voting rights related to shares or equity to which any of the cases set forth in the items of Article 35, paragraph (1) applies.

２　前項の保有する議決権からは、同項の規定にかかわらず、第三十五条第二項各号に掲げる株式又は出資に係る議決権を除くものとする。

(2) Notwithstanding the provisions of the preceding paragraph, the voting rights held referred to in the preceding paragraph are to exclude the voting rights related to the shares or equity set forth in the items of Article 35, paragraph (2).

（廃業等の届出）

(Notification of Discontinuation of Business)

第二百四条　法第五十条の二第一項の規定により届出を行う者は、次の各号に掲げる場合の区分に応じ、当該各号に定める事項を記載した届出書を所管金融庁長官等に提出しなければならない。

Article 204 (1) A person that gives a notification pursuant to the provisions of Article 50-2, paragraph (1) of the Act must submit a written notification

stating the matters specified in the following items in accordance with the category of the cases set forth in each of those items to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau:

一　法第五十条の二第一項第一号に該当する場合　その旨及び死亡の年月日

(i) if the case falls under Article 50-2, paragraph (1), item (i) of the Act: that fact and the date of death;

二　法第五十条の二第一項第二号に該当する場合　廃止の年月日及び理由

(ii) if the case falls under Article 50-2, paragraph (1), item (ii) of the Act: the date of the discontinuation and the reasons for the discontinuation;

三　法第五十条の二第一項第三号に該当する場合　次に掲げる事項

(iii) if the case falls under Article 50-2, paragraph (1), item (iii) of the Act: the following matters:

イ　合併の相手方の商号又は名称

(a) the trade name or name of the other party to the merger;

ロ　合併の年月日及び理由

(b) the date of the merger and the reasons for the merger; and

ハ　合併の方法

(c) the method of the merger;

四　法第五十条の二第一項第四号に該当する場合　次に掲げる事項

(iv) if the case falls under Article 50-2, paragraph (1), item (iv) of the Act: the following matters:

イ　破産手続開始の申立てを行った年月日

(a) the date when the petition for commencement of bankruptcy proceedings has been filed; and

ロ　破産手続開始の決定を受けた年月日

(b) the date when the order for commencement of bankruptcy proceedings has been issued;

五　法第五十条の二第一項第五号に該当する場合　解散の年月日及び理由

(v) if the case falls under Article 50-2, paragraph (1), item (v) of the Act: the date of the dissolution and the reasons for the dissolution;

六　法第五十条の二第一項第六号に該当する場合　次に掲げる事項

(vi) if the case falls under Article 50-2, paragraph (1), item (vi) of the Act: the following matters:

イ　承継先の商号又は名称

(a) the trade name or name of the successor; and

ロ　分割の年月日及び理由

(b) the date of the split and the reasons for the split;

七　法第五十条の二第一項第七号に該当する場合　次に掲げる事項

(vii) if the case falls under Article 50-2, paragraph (1), item (vii) of the Act: the following matters:

イ　譲渡先の商号、名称又は氏名

(a) the trade name or name of the transferee; and

ロ　譲渡の年月日及び理由

(b) the date of the transfer and the reasons for the transfer.

八　法第五十条の二第一項第八号に該当する場合　その旨及び登録又は変更登録を受けた年月日

(viii) if the case falls under Article 50-2, paragraph (1), item (viii) of the Act: that fact and the date when the person obtained the registration or the registration of change.

２　前項の届出書には、次の各号に掲げる場合の区分に応じ、当該各号に定める書類を添付しなければならない。

(2) The documents specified in the following items in accordance with the category of the cases set forth in each of those items must be attached to the written notification referred to in the preceding paragraph:

一　法第五十条の二第一項第一号又は第二号に該当する場合　次に掲げる書類

(i) if the case falls under Article 50-2, paragraph (1), item (i) or (ii) of the Act: the following documents:

イ　最近の日計表

(a) a recent daily cash count sheet; and

ロ　顧客に対する債権債務の清算の方法を記載した書面

(b) the document stating the method of settling the claims and obligations against customers.

二　法第五十条の二第一項第三号に該当する場合　次に掲げる書類

(ii) if the case falls under Article 50-2, paragraph (1), item (iii) of the Act: the following documents:

イ　合併契約の内容及び合併の手続を記載した書面

(a) the document stating the content of the merger agreement and the procedures for merger; and

ロ　顧客に対する債権債務の合併後存続する法人への承継方法を記載した書面

(b) the document stating the method of transferring the claims and obligations against customers to the corporation surviving the merger;

三　法第五十条の二第一項第四号に該当する場合　次に掲げる書類

(iii) if the case falls under Article 50-2, paragraph (1), item (iv) of the Act: the following documents:

イ　破産手続開始の決定の裁判書の写し又は破産手続開始の決定の内容を記載した書面

(a) a copy of the written judgment on the order for commencement of bankruptcy proceedings, or a document stating the content of the order for commencement of bankruptcy proceedings; and

ロ　顧客に対する債権債務の清算の方法を記載した書面

(b) the document stating the method of settling the claims and obligations

against customers.

四　法第五十条の二第一項第五号に該当する場合　顧客に対する債権債務の清算の方法を記載した書面

(iv) if the case falls under Article 50-2, paragraph (1), item (v) of the Act: the document stating the method of settling the claims and obligations against customers.

五　法第五十条の二第一項第六号に該当する場合　次に掲げる書類

(v) if the case falls under Article 50-2, paragraph (1), item (vi) of the Act: the following documents:

イ　新設分割計画又は吸収分割契約の内容及び分割の手続を記載した書面

(a) the document stating the content of the incorporation-type split plan or the absorption-type split agreement, and the procedures for the split; and

ロ　顧客に対する債権債務の承継先への引継ぎ方法を記載した書面

(b) the document stating the method of transferring the claims and obligations against customers to the successor.

六　法第五十条の二第一項第七号に該当する場合　次に掲げる書類

(vi) if the case falls under Article 50-2, paragraph (1), item (vii) of the Act: the following documents:

イ　事業譲渡契約の内容を記載した書面

(a) the document stating the content of the business transfer contract; and

ロ　顧客に対する債権債務の譲渡先への引継ぎ方法を記載した書面

(b) the document stating the method of transferring the claims and obligations against customers to the transferee.

七　法第五十条の二第一項第八号に該当する場合　金融サービスの提供に関する法律第十四条第二項（同法第十六条第二項において準用する場合を含む。）の規定による通知に係る書面の写し

(vii) if the case falls under Article 50-2, paragraph (1), item (viii) of the Act: a copy of the document related to the notice under the provisions of Article 14, paragraph (2) of the Act on the Provision of Financial Services (including as applied mutatis mutandis pursuant to Article 16, paragraph (2) of that Act).

（廃業等の公告等）

(Public Notice on Discontinuation of Business)

第二百五条　法第五十条の二第六項の規定による公告は、官報又は時事に関する事項を掲載する日刊新聞紙（金融商品取引業者等が法人である場合には、当該法人における公告の方法（公告の期間を含む。））により行うものとする。

Article 205 (1) The public notice under the provisions of Article 50-2, paragraph (6) of the Act is to be given by means of publication in the Official Gazette or in a daily newspaper that publishes matters on current affairs (if the financial instruments business operator, etc. is a corporation, by the means of giving public notice adopted by the corporation (including the period of the public

notice)).

２　法第五十条の二第六項の規定による公告及び営業所又は事務所での掲示には、同条第八項に規定する顧客取引の結了の方法並びに金融商品取引業等（投資助言・代理業を除く。）に関し顧客から預託を受けた財産及びその計算において当該金融商品取引業者等が占有する財産の返還の方法を示すものとする。

(2) When giving the public notice pursuant to the provisions of Article 50-2, paragraph (6) of the Act or posting the public notice at the business office or office, the method for completing the customer's transactions prescribed in paragraph (8) of that Article, and the method for restituting property deposited by the customers in connection to the financial instruments business, etc. (excluding investment advisory and agency business) or property possessed by the financial instruments business operator, etc. on the customers' account are to be indicated.

３　法第五十条の二第七項に規定する届出書には、次に掲げる事項を記載するものとする。

(3) The following matters are to be stated in the written notification prescribed in Article 50-2, paragraph (7) of the Act:

一　商号、名称又は氏名

(i) the trade name or name;

二　登録年月日及び登録番号

(ii) the registration date and the registration number;

三　該当事由

(iii) the grounds on which the notification was filed; and

四　該当事由の発生予定年月日

(iv) the scheduled date of the occurrence of the grounds for filing the notification.

４　前項の届出書には、第二項に規定する方法を記載した書面を添付するものとする。

(4) A document stating the methods provided for in paragraph (2) is to be attached to the written notification referred to in the preceding paragraph.

（所在不明者の公告）

(Public Notice for Persons Whose Whereabouts Are Unknown)

第二百六条　法第五十二条第四項及び法第五十二条の二第三項の規定による公告は、官報により行うものとする。

Article 206 The public notice under the provisions of Article 52, paragraph (4) and Article 52-2, paragraph (3) of the Act are to be given in an Official Gazette.

（監督処分の公告）

(Public Notice of Supervisory Dispositions)

第二百七条　法第五十四条の二（登録金融機関にあっては、同条第二号を除く。）の規定による公告は、官報により行うものとする。

Article 207 The public notice under the provisions of Article 54-2 of the Act (for a registered financial institution, excluding item (ii) of that Article) is to given in an Official Gazette.

（資産の国内保有）
(Retention of Assets in Japan)

第二百八条　令第十七条の二に規定する負債の額は、貸借対照表の負債の部に計上されるべき負債の額（保証債務の額を含む。）から非居住者に対する債務の額を控除して算定するものとする。

Article 208 The amount of the liabilities prescribed in Article 17-2 of the Order is to be calculated by deducting the amount of the obligations held against non-residents from the amount of the liabilities required to be recorded in the liability section of the balance sheet (including the amount of the guarantee obligation).

第四節の二　特別金融商品取引業者等に関する特則
Section 4-2 Special Provisions on Special Financial Instruments Business Operators
第一款　特別金融商品取引業者
Subsection 1 Special Financial Instruments Business Operators

（総資産の額の算出）
(Calculation of Total Amount of Assets)

第二百八条の二　法第五十七条の二第一項の規定により算出する総資産の額は、貸借対照表の資産の部に計上されるべき金額を合計して算出するものとする。

Article 208-2 The total amount of assets calculated pursuant to the provisions of Article 57-2, paragraph (1) of the Act is to be calculated by adding up the amounts required to be recorded in the assets section of the balance sheet.

（届出日から起算して一月以内に提出することが困難である書類等）
(Documents That Are Difficult to Submit Within One Month from the Notification Date)

第二百八条の三　令第十七条の二の三第一項に規定する内閣府令で定めるものは、第二百八条の五第二号に掲げる様式に定める事項を記載した書類とする。

Article 208-3 (1) The documents specified by Cabinet Office Order as prescribed in Article 17-2-3, paragraph (1) of the Order are the documents stating the matters specified in the form set forth in Article 208-5, item (ii).

２　親会社（法第五十七条の二第八項に規定する親会社をいう。以下この節において同じ。）が外国会社である特別金融商品取引業者は、令第十七条の二の三第一項ただし書の承認を受けようとするときは、次に掲げる事項を記載した承認申請書を金融庁長官に提出しなければならない。

(2) When a special financial instruments business operator whose parent company (meaning the parent company prescribed in Article 57-2, paragraph (8) of the Act; hereinafter the same applies in this Section) is a foreign company seeks to obtain the approval referred to in the proviso to Article 17-2-3, paragraph (1) of the Order, a written application for approval stating the following matters must be submitted to the Commissioner of the Financial Services Agency:

一　商号

(i) the trade name;

二　登録年月日及び登録番号

(ii) the registration date and the registration number;

三　当該親会社の商号又は名称

(iii) the trade name or name of the parent company;

四　令第十七条の二の三第一項に規定する書類の提出に関し当該承認を受けようとする期間

(iv) the period for which the approval is sought concerning the submission of the documents prescribed in Article 17-2-3, paragraph (1) of the Order;

五　届出日（法第五十七条の二第二項に規定する届出日をいう。以下この節において同じ。）

(v) the notification date (meaning the notification date prescribed in Article 57-2, paragraph (2) of the Act; hereinafter the same applies in this Section); and

六　令第十七条の二の三第一項に規定する書類の提出に関し当該承認を必要とする理由

(vi) the reasons that the approval is necessary concerning the submission of the documents prescribed in Article 17-2-3, paragraph (1) of the Order.

3　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。

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

一　当該親会社の定款又はこれに代わる書面

(i) the articles of incorporation of the parent company, or alternative documents;

二　前項第六号の理由が当該親会社の本国の法令又は慣行によるものである場合には、当該承認申請書に記載された法令又は慣行に関する事項が真実かつ正確であることについての法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(ii) if the reasons referred to in item (vi) of the preceding paragraph is due to the laws and regulations or practices of the home country of the parent company, the legal opinion letter by a law expert on the fact that the matters related to the laws and regulations or practices stated in the written application for approval are true and accurate and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion

letter; and

三　前項第六号の理由が当該親会社の本国の法令又は慣行によるものである場合以外の場合には、当該理由を証する書面

(iii) if the reasons referred to in item (vi) of the preceding paragraph are due to those other than the laws and regulations or practices of the home country of the parent company, a document certifying those reasons.

4　金融庁長官は、第二項の承認の申請があった場合において、当該特別金融商品取引業者が、当該親会社の本国の法令又は慣行その他やむを得ない理由により、届出日から起算して三月以内に令第十七条の二の三第一項に規定する書類を提出することができないと認められるときは、同項ただし書の承認をするものとする。

(4) If the application for approval referred to in paragraph (2) has been filed, and it is found that the special financial instruments business operator is unable to submit the documents prescribed in Article 17-2-3, paragraph (1) of the Order within three months from the notification date due to the laws and regulations or practices of the home country of the parent company and other unavoidable reasons, the Commissioner of the Financial Services Agency is to grant the approval referred to in that paragraph.

（親会社に係る記載事項）

(Matters to Be Stated Related to the Parent Company)

第二百八条の四　法第五十七条の二第二項第一号に規定する内閣府令で定める事項は、次に掲げる事項とする。

Article 208-4 The matters specified by Cabinet Office Order as prescribed in Article 57-2, paragraph (2), item (i) of the Act are the following matters:

一　資本金の額又は出資の総額

(i) the amount of stated capital or the total amount of contribution;

二　本店又は主たる事務所（外国会社にあっては、国内に事務所があるときは、国内における主たる事務所を含む。）の名称及び所在地

(ii) the name and location of the head office or principal office (for a foreign company, when it has an office in Japan, including its principal office in Japan); and

三　事業の内容

(iii) the content of business.

（親会社及びその子法人等の業務及び財産の状況を記載した書類）

(Documents Stating the Status of Business and Property of the Parent Company and Its Subsidiary Corporations)

第二百八条の五　法第五十七条の二第二項第二号に掲げる書類は、次に掲げる様式に定める事項を記載して作成するものとする。

Article 208-5 The documents set forth in Article 57-2, paragraph (2), item (ii) of the Act are to be prepared by stating the matters specified in the following

forms:
一　別紙様式第十七号の二
(i) Appended Form No. 17-2; and
二　別紙様式第十七号の三
(ii) Appended Form No. 17-3.

（経営管理又は資金調達に関する支援の内容及び方法を記載した書類）
(Documents Stating the Content and Method of Support on Business Management or Funding)
第二百八条の六　法第五十七条の二第二項第四号に掲げる書類は、次に掲げる事項を記載して作成するものとする。
Article 208-6 The documents set forth in Article 57-2, paragraph (2), item (iv) of the Act are to be prepared by stating the following matters:
一　経営管理の内容及び方法として次に掲げる事項
(i) the following matters as the content and method of business management:
イ　経理管理を行っている親会社の商号又は名称
(a) the trade name or name of the parent company conducting business management;
ロ　経営管理の方法
(b) the method of business management;
ハ　経営管理に係る体制
(c) the system related to business management; and
ニ　当該親会社の役員又は使用人が当該特別金融商品取引業者の役員を兼ねるときは、その氏名並びに当該親会社及び当該特別金融商品取引業者における役職名及び就任年月日
(d) when an officer or employee of the parent company serves concurrently as an officer of the special financial instruments business operator, their name and the title at the parent company and the special financial instruments business operator and the date they assumed office.
二　資金調達に関する支援の内容及び方法として次に掲げる事項
(ii) the following matters as the content and method of support related to funding:
イ　資金調達に関する支援の方針及び方法
(a) the policy and method of support related to funding; and
ロ　資金調達に関する支援の実施基準
(b) the standards for providing support related to funding.

（届出日以後親会社があることとなった日から起算して一月以内に提出することが困難である書類等）
(Documents That Are Difficult to Submit Within One Month from the Day of Coming to Have a Parent Company after the Notification Date)

第二百八条の七　第二百八条の三第一項の規定は令第十七条の二の三第二項に規定する内閣府令で定めるものについて、第二百八条の三第二項から第四項までの規定は親会社が外国会社である特別金融商品取引業者が令第十七条の二の三第二項ただし書の承認を受けようとする場合について、それぞれ準用する。この場合において、第二百八条の三第二項第五号中「同じ。）」とあるのは「同じ。）以後親会社があることとなった日」と、同条第四項中「届出日」とあるのは「届出日以後親会社があることとなった日」と読み替えるものとする。

Article 208-7 The provisions of Article 208-3, paragraph (1) apply mutatis mutandis to the matters specified by Cabinet Office Order as prescribed in Article 17-2-3, paragraph (2) of the Order; and the provisions of Article 208-3, paragraphs (2) through (4) apply mutatis mutandis to cases in which a special financial instruments business operator whose parent company is a foreign company seeks to obtain the approval referred to in the proviso to Article 17-2-3, paragraph (2) of the Order. In this case, the phrase "notification date (meaning the notification date prescribed in Article 57-2, paragraph (2) of the Act; hereinafter the same applies in this Section)" in Article 208-3, paragraph (2), item (v) is deemed to be replaced with "The day when it comes to have a parent company after the notification date (meaning the notification date prescribed in Article 57-2, paragraph (2) of the Act; hereinafter the same applies in this Section)"; and the term "notification date" in paragraph (4) of that Article is deemed to be replaced with "the day when it comes to have a parent company after the notification date".

（親会社に係る書類の変更の届出を要しないもの）

(Documents Related to a Parent Company Exempted from Submitting Notification of Change)

第二百八条の八　法第五十七条の二第四項に規定する内閣府令で定めるものは、同条第二項第三号及び第四号に掲げる書類とする。

Article 208-8 The documents specified by Cabinet Office Order as prescribed in Article 57-2, paragraph (4) are the documents set forth in paragraph (2), items (iii) and (iv) of that Article.

（親会社に係る書類の変更の届出）

(Notification of Change of Documents Related to a Parent Company)

第二百八条の九　法第五十七条の二第四項の規定により届出を行う特別金融商品取引業者は、変更の内容、変更年月日及び変更の理由を記載した届出書に、同条第二項第一号、第三号又は第四号に掲げる書類（内容に変更のあるものに限る。）を添付して、金融庁長官に提出しなければならない。

Article 208-9 A special financial instruments business operator that files a notification pursuant to the provisions of Article 57-2, paragraph (4) of the Act must attach the document set forth in paragraph (2), item (i), item (iii), or item

(iv) of that Article (limited to matters whose content has been changed) to the notification stating the content of the change, the date of the change, and the reasons for the change and submit them to the Commissioner of the Financial Services Agency.

（親会社及びその子法人等の業務及び財産の状況を記載した書類等）

(Documents Stating the Status of Business and Property of the Parent Company and Its Subsidiary Corporation)

第二百八条の十　法第五十七条の二第五項に規定する書類は、次に掲げる様式に定める事項を記載して作成するものとする。

Article 208-10 (1) The documents prescribed in Article 57-2, paragraph (5) of the Act are to be prepared by stating the matters specified in the following forms:

一　別紙様式第十七号の二

(i) Appended Form No. 17-2; and

二　別紙様式第十七号の三

(ii) Appended Form No. 17-3.

２　法第五十七条の二第五項に規定する内閣府令で定めるものは、前項各号に掲げる様式に定める事項を記載した書類とする。

(2) The documents specified by Cabinet Office Order as prescribed in Article 57-2, paragraph (5) of the Act are the documents stating the matters specified in the forms set forth in the items of the preceding paragraph.

（四半期経過後一月以内に提出することが困難である書類等）

(Documents That Are Difficult to Submit Within One Month After the End of the Quarter)

第二百八条の十一　令第十七条の二の三第三項に規定する内閣府令で定めるものは、前条第一項第二号に掲げる様式に定める事項を記載した書類とする。

Article 208-11 (1) The documents specified by Cabinet Office Order as prescribed in Article 17-2-3, paragraph (3) of the Order are the documents stating the matters specified in the forms set forth in paragraph (1), item (ii) of the preceding Article.

２　親会社が外国会社である特別金融商品取引業者は、令第十七条の二の三第三項ただし書の承認を受けようとするときは、次に掲げる事項を記載した承認申請書を金融庁長官に提出しなければならない。

(2) When a special financial instruments business operator whose parent company is a foreign company seeks to obtain the approval referred to in the proviso to Article 17-2-3, paragraph (3) of the Order, they must submit a written application for approval stating the following matters to the Commissioner of the Financial Services Agency:

一　商号

(i) the trade name;

二　登録年月日及び登録番号
(ii) the registration date and the registration number;
三　当該親会社の商号又は名称
(iii) the trade name or name of the parent company;
四　令第十七条の二の三第三項に規定する書類の提出に関し当該承認を受けようとする期間
(iv) the period approval is sought concerning the submission of the documents prescribed in Article 17-2-3, paragraph (3) of the Order; and
五　令第十七条の二の三第三項に規定する書類の提出に関し当該承認を必要とする理由
(v) the reasons that the approval is necessary concerning the submission of the documents prescribed in Article 17-2-3, paragraph (3) of the Order.
3　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。
(3) The following documents must be attached to the written application for approval referred to in the preceding paragraph:
一　当該親会社の定款又はこれに代わる書面
(i) the articles of incorporation of the parent company, or alternative documents;
二　前項第五号の理由が当該親会社の本国の法令又は慣行によるものである場合には、当該承認申請書に記載された法令又は慣行に関する事項が真実かつ正確であることについての法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文
(ii) if the reasons referred to in item (v) of the preceding paragraph is due to the laws and regulations or practices of the home country of the parent company, a legal opinion letter by a law expert on the fact that the matters related to the laws and regulations or practices stated in the written application for approval are true and accurate, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter; and
三　前項第五号の理由が当該親会社の本国の法令又は慣行によるものである場合以外の場合には、当該理由を証する書面
(iii) if the reasons referred to in item (v) of the preceding paragraph are due to those other than the laws and regulations or practices of the home country of the parent company, a document certifying those reasons.
4　金融庁長官は、第二項の承認の申請があった場合において、当該特別金融商品取引業者が、当該親会社の本国の法令又は慣行その他やむを得ない理由により、四半期（法第四十六条の六第三項に規定する四半期をいう。以下この条及び第二百八条の十四において同じ。）経過後三月以内に令第十七条の二の三第三項に規定する書類を提出することができないと認められるときは、当該申請のあった日の属する四半期（その日が四半期開始後三月以内（直前四半期に係る当該書類の提出に関して当該承認を受けている場合にあっては、当該承認を受けた期間内）の日である場合にあっては、

その直前四半期）から当該申請に係る第二項第五号の理由について消滅又は変更があることとなる日の属する四半期の直前四半期までの四半期に係る当該書類について、令第十七条の二の三第三項ただし書の承認をするものとする。

(4) If the application for approval referred to in paragraph (2) has been filed, and it is found that the special financial instruments business operator is unable to submit the documents prescribed in Article 17-2-3, paragraph (3) of the Order within three months after the end of the quarter (meaning the quarter prescribed in Article 46-6, paragraph (3) of the Act; hereinafter the same applies in this Article and Article 208-14) due to the laws and regulations or practices of the home country of the parent company and other unavoidable reasons, the Commissioner of the Financial Services Agency is to grant the approval set forth in the proviso to Article 17-2-3, paragraph (3) of the Order for the documents related to the quarter for the period from the quarter that includes the day when the application has been filed (if the day is within three months (if approval has been obtained for the submission of the documents related to the quarter immediately before the quarter in question, within that approved period) after the quarter has commenced, the quarter immediately before the quarter in question) until the quarter immediately before the quarter that includes the day when the reason referred to in paragraph (2), item (v) related to the application ceases to exist or changes.

5　金融庁長官は、前項の特別金融商品取引業者が毎四半期経過後三月以内に次に掲げる事項（第二号に掲げる事項にあっては、第二項第五号の理由が当該親会社の本国の法令又は慣行によるものである場合に限る。）を記載した書類を金融庁長官に提出することを条件として、令第十七条の二の三第三項ただし書の承認をするものとする。ただし、第二号に掲げる事項については、当該書類の提出前五年以内に提出された書類に記載された事項と同一の内容のものである場合には、当該事項は記載しないことができる。

(5) The Commissioner of the Financial Services Agency is to grant the approval referred to in the proviso to Article 17-2-3, paragraph (3) of the Order on the condition that the special financial instruments business operator referred to in the preceding paragraph submits to the Commissioner of the Financial Services Agency the documents stating the following matters (for the matters set forth in item (ii), limited to cases in which the reasons referred to in paragraph (2), item (v) is due to the laws and regulations or practices of the home country of the parent company) within three months after the end of each quarter; provided, however, that if the content of the matters set forth in item (ii) is the same as the content of the matters stated in the document submitted within five years before the submission of the document, the entry of those matters may be omitted:

一　当該四半期中に当該承認に係る申請の理由について消滅又は変更がなかった旨

(i) the fact that the reasons for filing the application related to the approval

has not ceased to exist or changed during the quarter; and

二　前号に掲げる事項に関する法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(ii) a legal opinion letter by a legal expert on the matters set forth in the preceding item, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

（事業報告書）

(Business Reports)

第二百八条の十二　法第五十七条の三第一項の規定により特別金融商品取引業者が提出する事業報告書は、別紙様式第十七号の四により作成しなければならない。

Article 208-12 (1) The business report to be submitted by a special financial instruments business operator pursuant to the provisions of Article 57-3, paragraph (1) of the Act must be prepared by using the Appended Form No. 17-4.

２　特別金融商品取引業者は、前項の事業報告書を作成する場合には、一般に公正妥当と認められる企業会計の慣行に従うものとする。

(2) In preparing the business report referred to in the preceding paragraph, a special financial instruments business operator is to comply with the business accounting practices generally accepted as fair and appropriate.

（説明書類の記載事項）

(Matters to Be Stated in Explanatory Documents)

第二百八条の十三　法第五十七条の四に規定する内閣府令で定めるものは、次に掲げる事項とする。

Article 208-13 The matters specified by Cabinet Office Order as prescribed in Article 57-4 of the Act are the following matters:

一　特別金融商品取引業者及びその子法人等（法第五十七条の四の説明書類の内容に重要な影響を与えない子法人等を除く。以下この条において同じ。）の概況に関する次に掲げる事項

(i) the following matters related to the outline of a special financial instruments business operator and their subsidiary corporations, etc. (excluding a subsidiary corporation, etc. that does not have a significant impact on the content of the explanatory documents referred to in Article 57-4 of the Act; hereinafter the same applies in this Article):

イ　特別金融商品取引業者の商号、登録年月日及び登録番号並びに届出日

(a) the trade name of the special financial instruments business operator, the registration date and the registration number, and the notification date;

ロ　特別金融商品取引業者及びその子法人等の主要な事業の内容及び組織の構成

(b) the content of major business and the structure of the organization of the special financial instruments business operator and their subsidiary

corporations, etc.; and

ハ　特別金融商品取引業者の子法人等に関する次に掲げる事項

(c) the following matters concerning the special financial instruments business operator and their subsidiary corporations, etc.:

（１）　商号又は名称

1. the trade name or name;

（２）　本店又は主たる事務所の所在地

2. the location of the head office or principal office;

（３）　資本金の額、基金の総額又は出資の総額

3. the amount of stated capital, the total amount of the funds, or the total amount of contribution;

（４）　事業の内容

4. the content of business;

（５）　特別金融商品取引業者が保有する子法人等の議決権の数が、当該子法人等の総株主等の議決権の数に占める割合

5. the percentage of the number of voting rights of a subsidiary corporation, etc. held by the special financial instruments business operator to the number of voting rights held by all shareholders, etc. of the subsidiary corporation, etc.; and

（６）　特別金融商品取引業者及びその一の子法人等以外の子法人等が保有する当該一の子法人等の議決権の数が、当該一の子法人等の総株主等の議決権の数に占める割合

6. the percentage of the number of the voting rights of a single subsidiary corporation, etc. of the special financial instruments business operator held by the special financial instruments business operator and their subsidiary corporations, etc. other than that single subsidiary corporation, etc. to the number of voting rights held by all shareholders, etc. of that single subsidiary corporation, etc.;

二　特別金融商品取引業者及びその子法人等の業務の状況に関する次に掲げる事項

(ii) the following matters concerning the business status of the special financial instruments business operator and their subsidiary corporation, etc.:

イ　直近の事業年度における業務の概要

(a) an outline of the business in the latest business year; and

ロ　直近の三連結会計年度（次号イに掲げるものの作成に係る期間をいう。以下この条及び第二百八条の二十六において同じ。）における業務の状況を示す指標として次に掲げる事項

(b) the following matters as indicators of the business status in the latest three consecutive fiscal years (meaning the period related to the preparation of the matters set forth in sub-item (a) of the following item; hereinafter the same applies in this Article and Article 208-26):

（１）　営業収益及び純営業収益

1. the operating profit and net operating profit;

（２）　経常利益又は経常損失

2. the ordinary profit or ordinary loss;

（３）　親会社株主に帰属する当期純利益又は親会社株主に帰属する当期純損失

3. the net profit for the current year or the net loss for the current year attributable to shareholders of the parent company;

（４）　包括利益

4. the comprehensive income;

（５）　純資産額

5. the amount of net assets

（６）　総資産額

6. the amount of total assets; and

（７）　各連結会計年度終了の日における連結自己資本規制比率（法第五十七条の五第一項に規定する自己資本の充実の状況が適当であるかどうかの基準に係る算式により得られる比率をいう。次号ヘにおいて同じ。）

7. the consolidated capital adequacy ratio on the last day of each consolidated fiscal year (meaning the ratio obtained by the formula related to the standard on whether the adequacy of equity capital prescribed in Article 57-5, paragraph (1) of the Act is appropriate; the same applies in sub-item (f) of the following item);

三　特別金融商品取引業者及びその子法人等の直近の二連結会計年度における財産の状況に関する事項として次に掲げるもの

(iii) the following matters as the matters concerning the status of property of the special financial instruments business operator and their subsidiary corporation, etc. in the latest two consolidated fiscal years:

イ　連結貸借対照表（関連する注記を含む。）、連結損益計算書（関連する注記を含む。）及び連結包括利益計算書（関連する注記を含む。）又は連結損益及び包括利益計算書（関連する注記を含む。）並びに連結株主資本等変動計算書（関連する注記を含む。）

(a) the consolidated balance sheet (including the related notes), the consolidated profit and loss statement (including the related notes), and the consolidated comprehensive income statement (including the related notes) or the consolidated profit and loss and the comprehensive income statement (including the related notes), and the consolidated statements of the changes in shareholders' equity (including the related notes);

ロ　各連結会計年度終了の日における次に掲げる事項

(b) the following matters on the last day of each consolidated business year:

（１）　借入金の主要な借入先及び借入金額

1. the major lenders of money and the borrowed amount;

（２）　保有する有価証券（トレーディング商品（連結貸借対照表の科目のトレーディング商品をいう。（３）において同じ。）に属するものとして経理さ

れた有価証券を除く。）の取得価額、時価及び評価損益

2. the acquisition value, the market value, and the profit or loss from valuation, of the securities held (excluding the securities managed by considering them as belonging to trading products for accounting (meaning trading products for the items of the consolidated balance sheet; the same applies in 3.)); and

（３）　デリバティブ取引（トレーディング商品に属するものとして経理された取引を除く。）の契約価額、時価及び評価損益

3. the contract value, the market value, and the profit or loss from valuation, of the derivative transactions (excluding the transactions managed by considering them as belonging to trading products for accounting);

ハ　特別金融商品取引業者及びその子会社等（令第十五条の十六の二第二項に規定する子会社等をいい、法第五十七条の四の説明書類の内容に重要な影響を与えないものを除く。）が二以上の異なる種類の事業を行っている場合の事業の種類ごとの区分に従い、当該区分に属する営業収益及び純営業収益、経常利益又は経常損失並びに資産（ハにおいて「営業収益等」という。）の額として算出したもの（各営業収益等の額の営業収益等の総額に占める割合が少ない場合を除く。）

(c) if the special financial instruments business operator and their subsidiary corporation, etc. (meaning the subsidiary corporation, etc. prescribed in Article 15-16-2, paragraph (2) of the Order, and excluding the subsidiary corporation, etc. that does not have a significant impact on the content of the explanatory documents referred to in Article 57-4 of the Act) conduct two or more different types of businesses, the amount calculated as the amount of operating profit, net operating profit, ordinary profit or ordinary loss, and the amount of assets (referred to as "operating profit, etc." in sub-item (c)) (excluding the case in which the ratio of the amount of each operating profit, etc. to the total amount of operating profit, etc. is small) in accordance with the category of each business type;

ニ　イに掲げる書類について会社法第四百四十四条第四項の規定に基づき会計監査人の監査を受けている場合には、その旨

(d) if the document set forth in sub-item (a) has been audited by a financial auditor pursuant to the provisions of Article 444, paragraph (4) of the Companies Act, that fact;

ホ　イに掲げる書類について法第百九十三条の二の規定に基づき公認会計士又は監査法人の監査証明を受けている場合には、その旨

(e) if audit certification by a certified public accountant or an auditing corporation has been received for the documents set forth in sub-item (a) based on the provisions of Article 193-2 of the Act, that fact; and

ヘ　経営の健全性の状況（法第五十七条の五第二項に規定する経営の健全性の状況をいい、連結自己資本規制比率に係るものを除く。）

(f) soundness of management (meaning the soundness of management prescribed in Article 57-5, paragraph (2) of the Act, and excluding those related to the consolidated capital adequacy ratio).

（説明書類の縦覧）

(Public Inspection of Explanatory Documents)

第二百八条の十三の二　法第五十七条の四の規定により特別金融商品取引業者が説明書類をインターネットの利用その他の方法により公表する場合には、投資者が常に容易に閲覧することができるよう公表しなければならない。

Article 208-13-2 When a special financial instruments business operator publicizes explanatory documents by using the internet or other means pursuant to the provisions of Article 57-4 of the Act, they must publicize the documents in a manner that enables easy access for investors at all times.

（経営の健全性の状況を記載した書面の届出）

(Submission of Documents Stating the Soundness of Management)

第二百八条の十四　法第五十七条の五第二項の規定による届出は、毎四半期経過後五十日以内に、第百八十条第二項及び第三項の規定に準じて記載した書面を金融庁長官に提出してしなければならない。

Article 208-14 The notification under the provisions of Article 57-5, paragraph (2) of the Act must be given by submitting a document stated in accordance with the provisions of Article 180, paragraphs (2) and (3) to the Commissioner of the Financial Services Agency within fifty days after the end of each quarter.

（経営の健全性の状況を記載した書面の縦覧）

(Public Inspection of Documents Stating the Soundness of Management)

第二百八条の十五　法第五十七条の五第三項の規定による備え置き及び公衆の縦覧は、第百八十条第二項及び第三項の規定に準じて記載した書面によりしなければならない。

Article 208-15 The keeping of documents and their public inspection under the provisions of Article 57-5, paragraph (3) of the Act must be made by using the document stated in accordance with the provisions of Article 180, paragraphs (2) and (3).

（監督処分の公告）

(Public Notice of Supervisory Dispositions)

第二百八条の十六　法第五十七条の七の規定による公告は、官報により行うものとする。

Article 208-16 The public notice under the provisions of Article 57-7 of the Act is to be given in an Official Gazette.

（親会社等となる者）

(Persons Classified as Parent Companies)

第二百八条の十七　法第五十七条の十第二項に規定する内閣府令で定めるものは、第三十八条の三に定めるものとする。

Article 208-17 The companies specified by Cabinet Office Order as prescribed in Article 57-10, paragraph (2) of the Act are the companies specified in Article 38-3.

第二款　指定親会社
Subsection 2 Designated Parent Companies

（経営管理又は資金調達に関する支援の内容及び方法）

(Content and Means of Support on Business Management or Funding)

第二百八条の十八　法第五十七条の十三第一項第六号に規定する内閣府令で定める事項は、次に掲げる事項とする。

Article 208-18 The matters specified by Cabinet Office Order as prescribed in Article 57-13, paragraph (1), item (vi) of the Act are as follows:

一　経営管理の内容及び方法として次に掲げる事項

(i) the following matters as the content and method of business management:

イ　経営管理の方法

(a) the method of business management;

ロ　経営管理に係る体制

(b) the system related to business management; and

ハ　当該指定親会社の役員又は使用人が対象特別金融商品取引業者の役員を兼ねるときは、当該役員の氏名並びに当該指定親会社及び当該対象特別金融商品取引業者における役職名及び就任年月日

(c) when an officer or employee of the designated parent company serves concurrently as an officer of the subject special financial instruments business operator, their name and title at the designated parent company and the subject special financial instruments business operator, and the date they assume office.

二　資金調達に関する支援の内容及び方法として次に掲げる事項

(ii) the following matters as the content and method of support on procurement of funds:

イ　資金調達に関する支援の方針及び方法

(a) the policy and method of providing support on procurement of funds; and

ロ　資金調達に関する支援の実施基準

(b) the standards for providing support on procurement of funds.

（指定親会社による書類の記載事項）

(Matters to Be Stated in the Documents by Designated Parent Companies)

第二百八条の十九　法第五十七条の十三第一項第七号に規定する内閣府令で定める事項は、次に掲げる事項とする。

Article 208-19 The matters specified by Cabinet Office Order as prescribed in Article 57-13, paragraph (1), item (vii) of the Act are as follows:

一　事業の内容

(i) the content of business;

二　当該指定親会社が保有する対象特別金融商品取引業者の議決権の数が、当該対象特別金融商品取引業者の総株主等の議決権の数に占める割合

(ii) the percentage of the number of voting rights of a subject special financial instruments business operator held by the designated parent company to the number of voting rights held by all shareholders, etc. of the subject special financial instruments business operator; and

三　当該指定親会社及びその一の対象特別金融商品取引業者以外の子法人等が保有する当該一の対象特別金融商品取引業者の議決権の数が、当該一の対象特別金融商品取引業者の総株主等の議決権の数に占める割合

(iii) the percentage of the number of the voting rights of a single subject special financial instruments business operator of the designated parent company held by the designated parent company and its subsidiary corporations, etc. other than that single subject special financial instruments business operator to the number of voting rights held by all shareholders, etc. of that single subject special financial instruments business operator.

（指定親会社による書類の添付書類）

(Documents to Be Attached to the Documents by Designated Parent Companies)

第二百八条の二十　法第五十七条の十三第二項第二号に掲げる書類は、次に掲げる書類とする。

Article 208-20 The documents set forth in Article 57-13, paragraph (2), item (ii) of the Act are as follows:

一　業務に係る人的構成及び組織等の業務執行体制を記載した書面

(i) the documents stating the personnel structure and the system for conducting business of the organization;

二　役員の履歴書（役員が法人であるときは、当該役員の沿革を記載した書面）

(ii) the resumes of the officers (if an officer is a corporation, the document stating the background of the officer);

三　役員の住民票の抄本（役員が法人であるときは、当該役員の登記事項証明書）又はこれに代わる書面

(iii) extracts of the resident records of the officers (if an officers is a corporation, the certificate of registered information of the officer), or alternative documents;

四　役員の旧氏及び名を当該役員の氏名に併せて法第五十七条の十三第一項の書類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) if the former surname and given name of an officer are stated together with the current name of the officer in the document referred to in Article 57-13, paragraph (1) of the Act, and the document set forth in the preceding item is not a document certifying the officer's the former surname and given name, a document certifying the former surname and given name;

五　役員が法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

(v) certificates issued by a public agency certifying that the officers do not fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, or alternative documents;

六　役員が法第二十九条の四第一項第二号イ又はハからリまでのいずれにも該当しない者であることを当該役員が誓約する書面

(vi) a document with which the officer themselves pledge that they do not fall under any of Article 29-4, paragraph (1), item (ii), sub-item (a), or sub-items (c) through (i) of the Act; and

七　子法人等の状況として次に掲げる事項を記載した書類

(vii) a document stating the following matters as the status of a subsidiary corporation, etc.:

イ　商号又は名称

(a) the trade name or name;

ロ　資本金の額、基金の総額又は出資の総額

(b) the amount of the stated capital, the total amount of funds, or the total amount of contribution;

ハ　本店又は主たる事務所の所在地

(c) the location of the head office or principal office;

ニ　事業の内容

(d) the content of business;

ホ　当該指定親会社が保有する子法人等の議決権の数が、当該子法人等の総株主等の議決権の数に占める割合

(e) the percentage of the number of voting rights of a subsidiary corporation, etc. held by the designated parent company to the number of voting rights held by all shareholders, etc. of the subsidiary corporation, etc.; and

ヘ　当該指定親会社及びその一の子法人等以外の子法人等が保有する当該一の子法人等の議決権の数が、当該一の子法人等の総株主等の議決権の数に占める割合

(f) the percentage of the number of the voting rights of a single subsidiary corporation, etc. of the designated parent company held by the designated parent company and their subsidiary corporations, etc. other than that single subsidiary corporation, etc. to the number of voting rights held by all shareholders, etc. of that single subsidiary corporation, etc.

（電磁的記録）

(Electronic or Magnetic Records)

第二百八条の二十一　法第五十七条の十三第三項に規定する内閣府令で定める電磁的記録は、次に掲げる構造のいずれかに該当するものとする。

Article 208-21 (1) The electronic or magnetic records specified by Cabinet Office Order as prescribed in Article 57-13, paragraph (3) of the Act must fall under any of the following structures set forth in the following items:

一　日本産業規格Ｘ六二二三に適合する九十ミリメートルフレキシブルディスクカートリッジ

(i) a 90mm flexible magnetic disc cartridge that complies with Japanese Industrial Standard (hereinafter referred to as "JIS") X6223;

二　日本産業規格Ｘ〇六〇六及びＸ六二八二に適合する直径百二十ミリメートルの光ディスク

(ii) a 120mm optical disc that complies with JIS X0606 and JIS X6282.

２　前項第一号の電磁的記録への記録は、次に掲げる方式に従ってしなければならない。

(2) Record in the electronic or magnetic record referred to in item (i) of the preceding paragraph must be made in accordance with the following methods:

一　トラックフォーマットについては、日本産業規格Ｘ六二二五に規定する方式

(i) for track formats, the method specified in JIS X6225; and

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

(ii) for volume and file configuration, the method specified in JIS X0605.

３　第一項の電磁的記録には、次に掲げる事項を記載しなければならない。

(3) The following matters must be stated for the electronic or magnetic record referred to in paragraph (1):

一　指定親会社の商号又は名称

(i) the trade name or name of the designated parent company; and

二　届出年月日

(ii) the notification date.

（変更の届出）

(Notification of Changes)

第二百八条の二十二　法第五十七条の十四の規定により届出を行う指定親会社は、変更の内容、変更年月日及び変更の理由を記載した届出書に、次の各号に掲げる場合の区分に応じ当該各号に定める書類を添付して、金融庁長官に提出しなければならない。ただし、やむを得ない事由があるときは、当該各号に定める書類は、当該届出書の提出後遅滞なく提出すれば足りる。

Article 208-22 The designated parent company that files a notification pursuant to the provisions of Article 57-14 must attach the documents specified in the following items in accordance with the category of cases set forth in each of those items to the written notification stating the content of the change, the date of the change, and the reasons for the change, and submit them to the

Commissioner of the Financial Services Agency; provided, however, that if there are compelling reasons, it is sufficient to submit the documents specified in each of those items after the submission of the notification without delay:

一　法第五十七条の十三第一項第一号、第二号又は第四号に掲げる事項について変更があった場合　当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面

(i) if there is any change to the matters set forth in Article 57-13, paragraph (1), item (i), item (ii), or item (iv) of the Act: the certificate of registered information stating the changed matters, or alternative documents;

二　法第五十七条の十三第一項第三号に掲げる事項について変更があった場合　次に掲げる書類

(ii) if there is any change to the matters set forth in Article 57-13, paragraph (1), item (iii) of the Act: the following documents:

イ　業務に係る人的構成及び組織等の業務執行体制を記載した書面

(a) the documents stating the personnel structure and the system for conducting business of the organization, etc.;

ロ　当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面

(b) the certificate of registered information stating the changed matters, or alternative documents; and

ハ　新たに役員となった者に係る次に掲げる書類

(c) the following documents related to the person that has newly become an officer:

（１）　履歴書（役員が法人であるときは、当該役員の沿革を記載した書面）

1. the resume of the officer (if an officers is a corporation, a document stating the background of the officer);

（２）　住民票の抄本（役員が法人であるときは、当該役員の登記事項証明書）又はこれに代わる書面

2. extracts of the resident record of the officer (if an officers is a corporation, the certificate of registered information of the officer), or alternative documents;

（３）　旧氏及び名を、氏名に併せて届出書に記載した場合において、（２）に掲げる書類が当該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

3. if the former surname and given name are stated together with the current name in a written notification and the document set forth in 2. is not a document certifying the former surname and given name, a document certifying the former surname and given name;

（４）　法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

4. certificates issued by a public agency certifying that the person does not fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act,

or alternative documents; and

（５）　法第二十九条の四第一項第二号イ又はハからリまでのいずれにも該当しない者であることを当該役員が誓約する書面

5. documents with which the officer pledges that they do not fall under any of Article 29-4, paragraph (1), item (ii), sub-item (a), or sub-items (c) through (i) of the Act;

（６）　法第五十七条の二十第一項第一号（法第二十九条の四第一項第二号イに係る部分に限る。）に該当しないことを誓約する書面

6. documents with which the officer pledges that they do not fall under Article 57-20, paragraph (1), item (i) of the Act (limited to the part related to Article 29-4, paragraph (1), item (ii), sub-item (a) of the Act); and

三　法第五十七条の十三第一項第五号又は第六号に掲げる事項について変更があった場合　変更後の当該事項を記載した書類

(iii) if there is any change to the matters set forth in Article 57-13, paragraph (1), item (v) or (vi) of the Act: the document stating the matters that were changed.

（事業報告書）

(Business Reports)

第二百八条の二十三　法第五十七条の十五第一項の規定により最終指定親会社が提出する事業報告書は、別紙様式第十七号の五により作成しなければならない。

Article 208-23 (1) The business report to be submitted by the highest designated parent company pursuant to the provisions of Article 57-15, paragraph (1) of the Act must be prepared by using the Appended Form No. 17-5.

２　最終指定親会社は、前項の事業報告書を作成する場合には、一般に公正妥当と認められる企業会計の慣行又は指定国際会計基準に従うものとする。

(2) When preparing the business report referred to in the preceding paragraph, the highest designated parent company is to comply with business accounting practices generally accepted as fair and appropriate or designated international accounting standards.

（事業報告書の提出期限の承認の手続等）

(Procedures for Obtaining Approval of Due Date for Submitting Business Reports)

第二百八条の二十四　外国会社である最終指定親会社は、令第十七条の二の十二第二項の規定により読み替えて適用する法第五十七条の十五第一項の承認を受けようとするときは、次に掲げる事項を記載した承認申請書を金融庁長官に提出しなければならない。

Article 208-24 (1) When the highest designated parent company that is a foreign company seeks to obtain the approval referred to in Article 57-15, paragraph

(1) of the Act as applied pursuant to the provisions of Article 17-2-12, paragraph (2) of the Order following the deemed replacement of terms, it must submit a written application for approval stating the following matters to the Commissioner of the Financial Services Agency:

一　商号又は名称

(i) the trade name or name;

二　事業報告書の提出に関し当該承認を受けようとする期間

(ii) the period for which the approval is sought concerning the submission of the business report;

三　事業報告書に係る事業年度終了の日

(iii) the last day of the business year related to the business report; and

四　事業報告書の提出に関し当該承認を必要とする理由

(iv) the reasons for requiring the approval concerning the submission of the business report.

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 the approval referred to in the preceding paragraph:

一　定款又はこれに代わる書面

(i) the articles of incorporation or alternative documents;

二　当該承認申請書に記載された当該最終指定親会社の代表者が当該承認申請書の提出に関し正当な権限を有する者であることを証する書面

(ii) a document certifying that the representative of the highest designated parent company stated in the written application for approval has legitimate authority to submit the written application;

三　前項第四号の理由が当該最終指定親会社の本国の法令又は慣行によるものである場合には、当該承認申請書に記載された法令又は慣行に関する事項が真実かつ正確であることについての法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(iii) if the reasons referred to in item (iv) of the preceding paragraph is due to the laws and regulations or practices of the home country of the highest designated parent company, the legal opinion letter by a law expert on the fact that the matters related to the laws and regulations or practices stated in the written application for approval are true and accurate and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter; and

四　前項第四号の理由が当該最終指定親会社の本国の法令又は慣行によるものである場合以外の場合には、当該理由を証する書面

(iv) if the reasons referred to in item (iv) of the preceding paragraph are due to those other than the laws and regulations or practices of the home country of the highest designated parent company, a document certifying those reasons.

3　金融庁長官は、第一項の承認の申請があった場合において、当該最終指定親会社が、

その本国の法令又は慣行その他やむを得ない理由により、その事業年度経過後三月以内に事業報告書を提出することができないと認められるときは、当該申請のあった日の属する事業年度（その日が事業年度開始後三月以内（直前事業年度に係る事業報告書の提出に関して当該承認を受けている場合にあっては、当該承認を受けた期間内）の日である場合にあっては、その直前事業年度）から当該申請に係る同項第四号の理由について消滅又は変更があることとなる日の属する事業年度の直前事業年度までの事業年度に係る事業報告書について、令第十七条の二の十二第二項の規定により読み替えて適用する法第五十七条の十五第一項の承認をするものとする。

(3) If an application for the approval referred to in paragraph (1) has been filed, and it is found that the highest designated parent company is unable to submit a business report within three months after the end of the business year due to the laws and regulations or practices of its home country, and other unavoidable reasons, the Commissioner of the Financial Services Agency is to grant the approval set forth in Article 57-15, paragraph (1) of the Act as applied pursuant to the provisions of Article 17-2-12, paragraph (2) of the Order following the deemed replacement of terms for the business report related to the business year from the business year that includes the day when the application has been made (if the day is within three months (if the approval has been obtained for the submission of the business report related to the business year immediately before the business year in question, within that approved period) after the business year has commenced, the business year immediately before the business year in question) until the business year immediately before the business year that includes the day when the reasons referred to in item (iv) of that paragraph related to the application ceases to exist or changes.

4　金融庁長官は、前項の最終指定親会社が毎事業年度経過後三月以内に次に掲げる事項（第二号に掲げる事項にあっては、第一項第四号の理由が当該最終指定親会社の本国の法令又は慣行によるものである場合に限る。）を記載した書類を金融庁長官に提出することを条件として、令第十七条の二の十二第二項の規定により読み替えて適用する法第五十七条の十五第一項の承認をするものとする。ただし、第二号に掲げる事項については、当該書類の提出前五年以内に提出された書類に記載された事項と同一の内容のものである場合には、当該事項は記載しないことができる。

(4) The Commissioner of the Financial Services Agency is to grant the approval referred to in Article 57-15, paragraph (1) of the Act as applied pursuant to the provisions of Article 17-2-12, paragraph (2) of the Order following the deemed replacement of terms on the condition that the highest designated parent company referred to in the preceding paragraph submits to the Commissioner of the Financial Services Agency a document stating the following matters (for the matters set forth in item (ii), limited to cases in which the reasons referred to in paragraph (1), item (iv) is due to the laws and regulations or practices of the home country of the highest designated parent company) within three

months after the end of each business year; provided, however, that if the content of the matters set forth in item (ii) is the same as the content of the matters that has been stated in the document submitted within five years before the submission of the document, the entry of the matters may be omitted:

一　当該事業年度中に当該承認に係る申請の理由について消滅又は変更がなかった旨

(i) the fact that the reasons for the application for approval have not ceased to exist or changed during the business year; and

二　前号に掲げる事項に関する法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(ii) a legal opinion letter by a legal expert on the matters set forth in the preceding item and the copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

（業務又は財産の状況に関する報告）

(Report on Status of Business or Property)

第二百八条の二十五　最終指定親会社は、法第五十七条の十五第二項の規定により、次の各号に掲げる書類を、当該各号に定める提出期限までに金融庁長官に提出しなければならない。

Article 208-25 (1) The highest designated parent company must submit the following documents to the Commissioner of the Financial Services Agency pursuant to the provisions of Article 57-15, paragraph (2) of the Act by the due date of submission specified in each of those items:

一　別紙様式第十七号の六により作成した資金調達に関する支援の状況等に関する報告書　毎最終指定親会社四半期（法第五十七条の十七第二項に規定する最終指定親会社四半期をいう。以下この条、第二百八条の二十八第一項、第四項及び第五項並びに第二百八条の二十九第三項及び第四項において同じ。）経過後一月以内

(i) a report on the status, etc. of support related to funding prepared by using the Appended Form No. 17-6: within one month after the end of each quarter of the highest designated parent company (meaning the quarter of the highest designated parent company prescribed in Article 57-17, paragraph (2) of the Act; hereinafter the same applies in this Article, Article 208-28, paragraph (1), paragraph (4), and paragraph (5), and Article 208-29, paragraph (3) and paragraph (4)); and

二　四半期連結財務諸表（四半期連結貸借対照表並びに四半期連結損益計算書及び四半期連結包括利益計算書若しくは四半期連結損益及び包括利益計算書又は指定国際会計基準により作成が求められる四半期連結貸借対照表並びに四半期連結損益計算書及び四半期連結包括利益計算書若しくは四半期連結損益及び包括利益計算書に相当するもの並びに持分変動計算書をいい、事業年度における最後の最終指定親会社四半期に係るものを除く。以下この条において同じ。）　毎最終指定親会社四半期経過後三月以内（外国会社である最終指定親会社が、その本国の法令又は慣行その

他やむを得ない理由により、最終指定親会社四半期経過後三月以内に四半期連結財務諸表を提出することができないと認められる場合には、金融庁長官の承認を受けた期間内）

(ii) quarterly consolidated financial statements (meaning the quarterly consolidated balance sheet, quarterly consolidated profit and loss statement and quarterly consolidated comprehensive income statement or quarterly consolidated profit and loss and comprehensive income statement, or the quarterly consolidated balance sheet required to be prepared by designated international accounting standards, and those equivalent to quarterly consolidate profit and loss statement and quarterly consolidated comprehensive income statement or quarterly consolidated profit and loss and comprehensive income statement, and statements of changes in equity; excluding those related to the last quarter of the highest designated parent company in the business year; hereinafter the same applies in this Article): within three months after the end of each quarter of the highest parent company (if it is found that the highest designated parent company that is a foreign company is unable to submit quarterly consolidated financial statements due to the laws and regulations or practices of its home country and other unavoidable reasons within three months after the end of the quarter of the highest designated parent company, within the period approved by the Commissioner of the Financial Services Agency).

２　最終指定親会社は、四半期連結財務諸表を作成する場合には、一般に公正妥当と認められる企業会計の慣行又は指定国際会計基準に従うものとする。

(2) In preparing quarterly consolidated financial statements, the highest designated parent company is to comply with business accounting practices generally accepted as fair and appropriate or designated international accounting standards.

３　外国会社である最終指定親会社は、第一項第二号の承認を受けようとするときは、次に掲げる事項を記載した承認申請書を金融庁長官に提出しなければならない。

(3) When the highest designated parent company that is a foreign company seeks to obtain an approval referred to in paragraph (1), item (ii), it must submit a written application for approval stating the following matters to the Commissioner of the Financial Services Agency:

一　商号又は名称

(i) the trade name or name;

二　四半期連結財務諸表の提出に関し当該承認を受けようとする期間

(ii) the period for which the approval is sought concerning submission of the quarterly consolidated financial statements; and

三　四半期連結財務諸表の提出に関し当該承認を必要とする理由

(iii) the reasons for seeking the approval concerning the submission of quarterly consolidated financial statements.

４　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。

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

一　定款又はこれに代わる書面

(i) the articles of incorporation or alternative documents;

二　当該承認申請書に記載された当該最終指定親会社の代表者が当該承認申請書の提出に関し正当な権限を有する者であることを証する書面

(ii) the document certifying that the representative of the highest designated parent company indicated in the written application for approval has legitimate authority to submit the written application;

三　前項第三号の理由が当該最終指定親会社の本国の法令又は慣行によるものである場合には、当該承認申請書に記載された法令又は慣行に関する事項が真実かつ正確であることについての法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(iii) if the reasons referred to in item (iii) of the preceding paragraph is due to the laws and regulations or practices of the home country of the highest designated parent company, a legal opinion letter by a law expert on the fact that the matters related to the laws and regulations or practices stated in the written application for approval are true and accurate, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter; and

四　前項第三号の理由が当該最終指定親会社の本国の法令又は慣行によるものである場合以外の場合には、当該理由を証する書面

(iv) if the reasons referred to in item (iii) of the preceding paragraph are due to those other than the laws and regulations or practices of the home country of the highest designated parent company, a document certifying those reasons.

５　金融庁長官は、第三項の承認の申請があった場合において、当該最終指定親会社が、その本国の法令又は慣行その他やむを得ない理由により、最終指定親会社四半期経過後三月以内に四半期連結財務諸表を提出することができないと認められるときは、当該申請のあった日の属する最終指定親会社四半期（その日が最終指定親会社四半期開始後三月以内（直前最終指定親会社四半期に係る四半期連結財務諸表の提出に関して当該承認を受けている場合にあっては、当該承認を受けた期間内）の日である場合にあっては、その直前最終指定親会社四半期）から当該申請に係る同項第三号の理由について消滅又は変更があることとなる日の属する最終指定親会社四半期の直前最終指定親会社四半期までの最終指定親会社四半期に係る四半期連結財務諸表について、第一項第二号の承認をするものとする。

(5) If an application for the approval referred to in paragraph (3) has been filed, and it is found that the highest designated parent company is unable to submit quarterly consolidated financial statements due to the laws and regulations or practices of its home country and other unavoidable reasons within three months after the end of the quarter of the highest designated parent company,

the Commissioner of the Financial Services Agency is to grant the approval referred to in paragraph (1), item (ii) for quarterly consolidated financial statements related to the quarter of the highest designated parent company from the quarter of the highest designated parent company that includes the day when the application has been made (if the day is within three months (if the approval has been obtained for the submission of the quarterly consolidated financial statements related to the immediately prior quarter of the highest designated parent company, within that approved period) after the quarter of the highest designated parent company has commenced, the immediately prior quarter of the highest designated parent company) until the quarter of the highest designated parent company immediately before the quarter of the highest designated parent company that includes the day when the reasons set forth in item (iii) of that paragraph related to the application ceases to exist or changes.

6　金融庁長官は、前項の最終指定親会社が毎最終指定親会社四半期経過後三月以内に次に掲げる事項（第二号に掲げる事項にあっては、第三項第三号の理由が当該最終指定親会社の本国の法令又は慣行によるものである場合に限る。）を記載した書類を金融庁長官に提出することを条件として、第一項第二号の承認をするものとする。ただし、第二号に掲げる事項については、当該書類の提出前五年以内に提出された書類に記載された事項と同一の内容のものである場合には、当該事項は記載しないことができる。

(6) The Commissioner of the Financial Services Agency is to grant the approval referred to in paragraph (1), item (ii) on the condition that the highest designated parent company referred to in the preceding paragraph submits a document stating the following matters (for the matters set forth in item (ii), limited to cases in which the reasons set forth in paragraph (3), item (iii) are due to the laws and regulations or practices of the home country of the highest designated parent company) to the Commissioner of the Financial Services Agency within three months after the end of each quarter of the highest designated parent company; provided, however, that if the content of the matters set forth in item (ii) is the same as the content of the matters that have been stated in the document submitted within five years before the submission of the document, the entry of those matters may be omitted:

一　当該最終指定親会社四半期中に当該承認に係る申請の理由について消滅又は変更がなかった旨

(i) the fact that the reasons for application related to the approval has not ceased to exist or changed during the quarter of the highest designated parent company; and

二　前号に掲げる事項に関する法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(ii) a legal opinion letter by a legal expert on the matters set forth in the

preceding item, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

（説明書類の記載事項）

(Matters to Be Stated in the Explanatory Documents)

第二百八条の二十六　法第五十七条の十六に規定する内閣府令で定めるものは、次に掲げる事項とする。

Article 208-26 The matters specified by Cabinet Office Order as prescribed in Article 57-16 of the Act are as follows:

一　最終指定親会社の概況及び組織に関する次に掲げる事項

(i) the following matters related to the outline and organization of the highest designated parent company:

イ　商号又は名称

(a) the trade name or name;

ロ　法第五十七条の十二第一項の規定による指定を受けた日

(b) the day when the highest designated parent company has obtained the designation under the provisions of Article 57-12, paragraph (1) of the Act;

ハ　沿革及び経営の組織（最終指定親会社の子法人等（法第五十七条の十六の説明書類の内容に重要な影響を与えない子法人等を除く。以下この条において同じ。）の経営管理に係る体制を含む。）

(c) history and management of the organization (including the system of business management of subsidiary corporations, etc. of the highest designated parent company (excluding a subsidiary corporation, etc. that does not have a material influence on the content of explanatory documents referred to in Article 57-16 of the Act; hereinafter the same applies in this Article));

ニ　株式等（株式又は持分をいう。ニにおいて同じ。）に係る議決権の保有数の上位十位までの株主又は出資者の氏名又は名称並びにその株式等に係る議決権の保有数及び総株主等の議決権に占める当該株式等に係る議決権の数の割合

(d) the name of the top ten shareholders or investors in descending order of the number of voting rights held related to the shares, etc. (meaning shares or equity; the same applies in sub-item (d)), the number of voting rights held related the shares, etc., and the ratio of the number of voting rights related to the shares, etc. to the voting rights held by all shareholders, etc.;

ホ　法第五十七条の十三第一項第二号から第四号までに掲げる事項及び第二百八条の十九第一号に掲げる事項

(e) the matters set forth in Article 57-13, paragraph (1), items (ii) through (iv) of the Act and the matters set forth in Article 208-19, item (i); and

ヘ　対象特別金融商品取引業者の商号、登録年月日及び登録番号並びに届出日

(f) the trade name of the subject special financial instruments business

operator, the registration date and registration number, and the notification date;

二　最終指定親会社及びその子法人等の概況に関する次に掲げる事項

(ii) the following matters related to the outlines of the highest designated parent company and its subsidiary corporations, etc.:

イ　最終指定親会社及びその子法人等の主要な事業の内容及び組織の構成

(a) the content of the main business and the structure of organization of the highest designated parent company and its subsidiary corporations, etc.; and

ロ　最終指定親会社の子法人等に関する次に掲げる事項

(b) the following matters related to the highest designated parent company and its subsidiary corporations, etc.:

（１）　商号又は名称

1. the trade name or name;

（２）　本店又は主たる事務所の所在地

2. the location of the head office or principal office;

（３）　資本金の額、基金の総額又は出資の総額

3. the amount of stated capital, the total amount of the funds, or the total amount of contribution;

（４）　事業の内容

4. the content of business;

（５）　最終指定親会社が保有する子法人等の議決権の数が、当該子法人等の総株主等の議決権の数に占める割合

5. the percentage of the number of voting rights of a subsidiary corporation, etc. held by the highest designated parent company to the number of voting rights held by all shareholders, etc. of the subsidiary corporation, etc.; and

（６）　最終指定親会社及びその一の子法人等以外の子法人等が保有する当該一の子法人等の議決権の数が、当該一の子法人等の総株主等の議決権の数に占める割合

6. the percentage of the number of voting rights of a single subsidiary corporation, etc. of the highest designated parent company held by the highest designated parent company and its subsidiary corporations, etc. other than that single subsidiary corporation, etc. to the number of voting rights held by all shareholders, etc. of that single subsidiary corporation, etc.;

三　最終指定親会社及びその子法人等の業務の状況に関する次に掲げる事項

(iii) the following matters concerning the business status of the highest designated parent company and its subsidiary corporations, etc.:

イ　直近の事業年度における業務の概要

(a) an outline of the business for the latest business year; and

ロ　直近の三連結会計年度における業務の状況を示す指標として次に掲げる事項

(b) the following matters as index of the business status for the latest three consecutive fiscal years:

（１）　営業収益（売上高その他これに準ずるものを含む。次号ハにおいて同じ。）

1. the operating profit (including the amount of sales and those equivalent to that; the same applies in sub-item (c) of the following item);

（２）　経常利益又は経常損失

2. the ordinary profit or ordinary losses;

（３）　親会社株主に帰属する当期純利益又は親会社株主に帰属する当期純損失

3. the net profit for the current year or the net loss for the current year attributable to shareholders of the parent company;

（４）　包括利益

4. the comprehensive income;

（５）　純資産額

5. the amount of net assets

（６）　総資産額

6. the amount of total assets; and

（７）　各連結会計年度終了の日における連結自己資本規制比率（法第五十七条の十七第一項に規定する自己資本の充実の状況が適当であるかどうかの基準に係る算式により得られる比率をいう。次号ヘにおいて同じ。）

7. the consolidated capital adequacy ratio on the last day of each consolidated fiscal year (meaning the ratio obtained by the calculation formula related to the criterion on whether the adequacy of equity capital prescribed in Article 57-17, paragraph (1) of the Act is appropriate; the same applies in sub-item (f) of the following item);

四　最終指定親会社及びその子法人等の直近の二連結会計年度における財産の状況に関する事項として次に掲げるもの

(iv) the following matters as the matters related to the status of property of the highest designated parent company and its subsidiary corporations, etc. in the latest two consolidated fiscal years:

イ　連結貸借対照表（関連する注記を含む。）、連結損益計算書（関連する注記を含む。）及び連結包括利益計算書（関連する注記を含む。）若しくは連結損益及び包括利益計算書（関連する注記を含む。）並びに連結株主資本等変動計算書（関連する注記を含む。）又は指定国際会計基準により作成が求められるこれらの書類に相当するもの

(a) consolidated balance sheet (including the related notes), consolidated profit and loss statement (including the related notes), and consolidated comprehensive income statement (including the related notes) or consolidated profit and loss and comprehensive income statement (including the related notes), and consolidated statements of changes in

net assets (including the related notes), or those equivalent to those documents which are required to be prepared by designated international accounting standards;

ロ　各連結会計年度終了の日における次に掲げる事項

(b) the following matters on the last day of each consolidated business year:

（１）　借入金の主要な借入先及び借入金額

1. the major lenders of money and the borrowed amount;

（２）　保有する有価証券（トレーディング商品（連結貸借対照表の科目のトレーディング商品又はこれに準ずるものをいう。（３）において同じ。）に属するものとして経理された有価証券を除く。）の取得価額、時価及び評価損益

2. the acquisition value, the market value, and the profit or loss or from valuation, of the securities held (excluding the securities managed as belonging to trading products for accounting (meaning trading products of the items of the consolidated balance sheet or those equivalent to them; the same applies in 3.)); and

（３）　デリバティブ取引（トレーディング商品に属するものとして経理された取引を除く。）の契約価額、時価及び評価損益

3. the contract value, the market value, and the profit or loss from valuation, of the derivative transactions (excluding the transactions managed as belonging to trading products for accounting);

ハ　最終指定親会社及びその子会社等（令第十五条の十六の二第二項に規定する子会社等をいい、法第五十七条の十六の説明書類の内容に重要な影響を与えないものを除く。）が二以上の異なる種類の事業を行っている場合の事業の種類ごとの区分に従い、当該区分に属する営業収益、経常利益又は経常損失及び資産（ハにおいて「営業収益等」という。）の額として算出したもの（各営業収益等の額の営業収益等の総額に占める割合が少ない場合を除く。）

(c) if the highest designated parent company and its subsidiary corporation, etc. (meaning the subsidiary corporation, etc. prescribed in Article 15-16-2, paragraph (2) of the Order, and excluding those that do not have a significant impact on the content of the explanatory documents referred to in Article 57-16 of the Act) conduct two or more different types of businesses, the amount calculated as the amount of operating profit, net operating profit, ordinary profit or ordinary loss, and the amount of assets (referred to as "operating profit, etc." in sub-item (c)) (exluding the cases in which the ratio of the amount of each operating profit, etc. to the total amount of operating profit, etc. is small) in accordance with the category of each type of business;

ニ　イに掲げる書類について会社法第四百四十四条第四項の規定に基づき会計監査人の監査を受けている場合には、その旨

(d) if the document set forth in sub-item (a) has been audited by a financial

auditor based on the provisions of Article 444, paragraph (4) of the Companies Act, that fact;

ホ　イに掲げる書類について法第百九十三条の二の規定に基づき公認会計士又は監査法人の監査証明を受けている場合には、その旨

(e) if audit certification by a certified public accountant or an auditing corporation has been received for the documents set forth in sub-item (a) based on the provisions of Article 193-2 of the Act, that fact; and

ヘ　経営の健全性の状況（法第五十七条の十七第二項に規定する経営の健全性の状況をいい、連結自己資本規制比率に係るものを除く。）

(f) soundness of management (meaning the soundness of management prescribed in Article 57-17, paragraph (2) of the Act, and excluding that related to the consolidated capital adequacy ratio).

五　報酬等（報酬、賞与その他の職務執行の対価として最終指定親会社若しくはその子法人等から受ける財産上の利益又は労働基準法（昭和二十二年法律第四十九号）第十一条に規定する賃金をいう。）に関する事項であって、最終指定親会社及びその子法人等の業務の運営又は財産の状況に重要な影響を与えるものとして金融庁長官が定めるもの

(v) the matters related to remuneration, etc. (meaning remuneration, bonus, or other economic benefits to be received from the highest designated parent company or its subsidiary corporation, etc. as consideration for performance of duty, or wage prescribed in Article 11 of the Labor Standards Act (Act No. 49 of 1947)) specified by the Commissioner of the Financial Services Agency as those that have a significant impact on the business management or status of property of the highest designated parent company and its subsidiary corporation, etc.

（説明書類の縦覧）

(Public Inspection of Explanatory Documents)

第二百八条の二十六の二　法第五十七条の十六の規定により最終指定親会社が説明書類をインターネットの利用その他の方法により公表する場合には、投資者が常に容易に閲覧することができるよう公表しなければならない。

Article 208-26-2 When a highest designated parent company publicizes explanatory documents by using the internet or other means pursuant to the provisions of Article 57-16 of the Act, it must do so in a manner that enables easy access by investors at all times.

（説明書類の縦覧期限の承認の手続等）

(Procedures for Obtaining Approval on Due Date for Public Inspection of Explanatory Documents)

第二百八条の二十七　外国会社である最終指定親会社は、令第十七条の二の十第二項ただし書の承認を受けようとするときは、次に掲げる事項を記載した承認申請書を金融

庁長官に提出しなければならない。

Article 208-27 (1) When the highest designated parent company that is a foreign company seeks to obtain the approval referred to in the proviso to Article 17-2-10, paragraph (2) of the Order, it must submit a written application for approval stating the following matters to the Commissioner of the Financial Services Agency:

一　商号又は名称

(i) the trade name or name;

二　説明書類の縦覧に関し当該承認を受けようとする期間

(ii) the period for which the approval is sought for the public inspection of the explanatory documents;

三　説明書類に係る事業年度終了の日

(iii) the last day of the business year related to the explanatory documents; and

四　説明書類の縦覧に関し当該承認を必要とする理由

(iv) the reasons for requiring the approval for the public inspection of the explanatory documents.

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　定款又はこれに代わる書面

(i) the articles of incorporation or alternative documents;

二　当該承認申請書に記載された当該最終指定親会社の代表者が当該承認申請書の提出に関し正当な権限を有する者であることを証する書面

(ii) a document certifying that the representative of the highest designated parent company stated in the written application for approval has legitimate authority to submit the written application;

三　前項第四号の理由が当該最終指定親会社の本国の法令又は慣行によるものである場合には、当該承認申請書に記載された法令又は慣行に関する事項が真実かつ正確であることについての法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(iii) if the reasons referred to in item (iv) of the preceding paragraph is due to laws and regulations or practices of the home country of the highest designated parent company, a legal opinion letter by a law expert on the fact that the matters related to the laws and regulations or practices stated in the written application for approval are true and accurate, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter; and

四　前項第四号の理由が当該最終指定親会社の本国の法令又は慣行によるものである場合以外の場合には、当該理由を証する書面

(iv) if the reasons referred to in item (iv) of the preceding paragraph is due to reasons other than the laws and regulations or practices of the home country

of the highest designated parent company, a document certifying the reasons.

3　金融庁長官は、第一項の承認の申請があった場合において、当該最終指定親会社が、その本国の法令又は慣行その他やむを得ない理由により、その事業年度経過後四月を経過した日から説明書類を備え置き、公衆の縦覧に供することができないと認められるときは、当該申請のあった日の属する事業年度（その日が事業年度開始後四月以内（直前事業年度に係る説明書類の縦覧に関して当該承認を受けている場合にあっては、当該承認を受けた期間内）の日である場合にあっては、その直前事業年度）から当該申請に係る同項第四号の理由について消滅又は変更があることとなる日の属する事業年度の直前事業年度までの事業年度に係る説明書類について、令第十七条の二の十第二項ただし書の承認をするものとする。

(3) If the application for the approval referred to in paragraph (1) has been filed, and it is found that the highest designated parent company is unable to keep explanatory documents and make them available for public inspection due to the laws and regulations or practices of its home country and other unavoidable reasons from the day when four months have passed after the end of the business year, the Commissioner of the Financial Services Agency is to grant the approval referred to in the proviso to Article 17-2-10, paragraph (2) of the Order for the explanatory documents related to the business year from the business year that includes the day when the application has been filed (if the day is within four months (if the approval has been obtained for the public inspection of the explanatory documents related to the business year immediately before the business year in question, within that approved period) after the business year has commenced, the business year immediately before the business year in question) until the business year immediately before the business year that includes the day when the reasons set forth in item (iv) of that paragraph related to the application ceases to exist or changes.

4　金融庁長官は、前項の最終指定親会社が毎事業年度経過後四月以内に次に掲げる事項（第二号に掲げる事項にあっては、第一項第四号の理由が当該最終指定親会社の本国の法令又は慣行によるものである場合に限る。）を記載した書類を金融庁長官に提出することを条件として、令第十七条の二の十第二項ただし書の承認をするものとする。ただし、第二号に掲げる事項については、当該書類の提出前五年以内に提出された書類に記載された事項と同一の内容のものである場合には、当該事項は記載しないことができる。

(4) The Commissioner of the Financial Services Agency is to grant the approval referred to in the proviso to Article 17-2-10, paragraph (2) of the Order on the condition that the highest designated parent company referred to in the preceding paragraph submits documents stating the following matters (for the matters set forth in item (ii), limited to cases in which the reasons set forth in paragraph (1), item (iv) is due to the laws and regulations or practices of the home country of the highest designated parent company) to the Commissioner of the Financial Services Agency within four months after the end of each

business year; provided, however, that if the content of the matters set forth in item (ii) is the same as the content of the matters that have been stated in the document submitted within five years before the submission of the document, the entry of those matters may be omitted:

一　当該事業年度中に当該承認に係る申請の理由について消滅又は変更がなかった旨

(i) the fact that the reasons for the application for approval have not ceased to exist or changed during the business year; and

二　前号に掲げる事項に関する法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(ii) a legal opinion letter by a legal expert on the matters set forth in the preceding item, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

（経営の健全性の状況を記載した書面の届出等）

(Submission of Documents Stating the Soundness of Management)

第二百八条の二十八　法第五十七条の十七第二項の規定による届出は、毎最終指定親会社四半期経過後百十日以内（外国会社である最終指定親会社が、その本国の法令又は慣行その他やむを得ない理由により、最終指定親会社四半期経過後百十日以内に経営の健全性の状況（同項に規定する経営の健全性の状況をいう。以下この款において同じ。）を記載した書面を届け出ることができないと認められる場合には、金融庁長官の承認を受けた期間内）に、第百八十条第二項及び第三項の規定に準じて記載した書面（金融庁長官が定める場合にあっては、金融庁長官が定めるところにより記載した書面。第二百八条の三十において同じ。）を金融庁長官に提出してしなければならない。

Article 208-28 (1) The notification under the provisions of Article 57-17, paragraph (2) of the Act must be given by submitting a document stated in accordance with the provisions of Article 180, paragraphs (2) and (3) (if specified by the Commissioner of the Financial Services Agency, a document stated in the manner specified by the Commissioner of the Financial Services Agency; the same applies in this Subsection) to the Commissioner of the Financial Services Agency within 110 days after the end of each quarter of the highest designated parent company (if it is found that the highest designated parent company that is a foreign company is unable to submit the documents stating the soundness of management (meaning the soundness of management prescribed in that paragraph; hereinafter the same applies in this Subsection) due to the laws and regulations or practices of its home country and other unavoidable reasons within 110 days after the quarter of the highest designated parent company, within the period approved by the Commissioner of the Financial Services Agency; the same applies in Article 208-30).

２　外国会社である最終指定親会社は、前項の承認を受けようとするときは、次に掲げる事項を記載した承認申請書を金融庁長官に提出しなければならない。

(2) When the highest designated parent company that is a foreign company seeks to obtain the approval referred to in the preceding paragraph, it must submit a written application for approval stating the following matters to the Commissioner of the Financial Services Agency:

一　商号又は名称

(i) the trade name or name;

二　経営の健全性の状況を記載した書面の届出に関し当該承認を受けようとする期間

(ii) the period for which the approval is sought for the submission of the documents stating the soundness of management;

三　経営の健全性の状況を記載した書面の届出に関し当該承認を必要とする理由

(iii) the reasons for requiring the approval for the submission of the documents stating the soundness of management.

3　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。

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

一　定款又はこれに代わる書面

(i) the articles of incorporation or alternative documents;

二　当該承認申請書に記載された当該最終指定親会社の代表者が当該承認申請書の提出に関し正当な権限を有する者であることを証する書面

(ii) a document certifying that the representative of the highest designated parent company stated in the written application for approval has legitimate authority to submit the written application;

三　前項第三号の理由が当該最終指定親会社の本国の法令又は慣行によるものである場合には、当該承認申請書に記載された法令又は慣行に関する事項が真実かつ正確であることについての法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(iii) if the reasons referred to in item (iii) of the preceding paragraph is due to the laws and regulations or practices of the home country of the highest designated parent company, a legal opinion letter by a law expert on the fact that the matters related to the laws and regulations or practices stated in the written application for approval are true and accurate, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter; and

四　前項第三号の理由が当該最終指定親会社の本国の法令又は慣行によるものである場合以外の場合には、当該理由を証する書面

(iv) if the reasons referred to in item (iii) of the preceding paragraph are due to reasons other than the laws and regulations or practices of the home country of the highest designated parent company, a document certifying the reasons.

4　金融庁長官は、第二項の承認の申請があった場合において、当該最終指定親会社が、その本国の法令又は慣行その他やむを得ない理由により、最終指定親会社四半期経過後百十日以内に経営の健全性の状況を記載した書面を届け出ることができないと認め

られるときは、当該承認を受けようとする期間の初日の属する最終指定親会社四半期の直前最終指定親会社四半期から当該申請に係る同項第三号の理由について消滅又は変更があることとなる日の属する最終指定親会社四半期の直前最終指定親会社四半期までの最終指定親会社四半期に係る当該書面について、第一項の承認をするものとする。

(4) If the application for the approval referred to in paragraph (2) has been filed, and it is found that the highest designated parent company is unable to submit the document stating the soundness of management due to the laws and regulations or practices of its home country and other unavoidable reasons within 110 days after the end of the quarter of the highest designated parent company, the Commissioner of the Financial Services Agency is to grant the approval referred to in paragraph (1) for the document related to the quarter of the highest designated parent company from the quarter of the highest designated parent company immediately before the quarter of the highest designated parent company that includes the first day of the period for which the approval is sought until the quarter of the highest designated parent company immediately before the quarter of the highest designated parent company that includes the day when the reasons referred to in item (iii) of that paragraph related to the application ceases to exist or changes.

5　金融庁長官は、前項の最終指定親会社が毎最終指定親会社四半期経過後百十日以内に次に掲げる事項（第二号に掲げる事項にあっては、第二項第三号の理由が当該最終指定親会社の本国の法令又は慣行によるものである場合に限る。）を記載した書類を金融庁長官に提出することを条件として、第一項の承認をするものとする。ただし、第二号に掲げる事項については、当該書類の提出前五年以内に提出された書類に記載された事項と同一の内容のものである場合には、当該事項は記載しないことができる。

(5) The Commissioner of the Financial Services Agency is to grant the approval referred to in paragraph (1) on the condition that the highest designated parent company referred to in the preceding paragraph submits to the Commissioner a document stating the following matters (for the matters set forth in item (ii), limited to cases in which the reasons referred to in paragraph (2), item (iii) is due to the laws and regulations or practices of the home country of the highest designated parent company) within 110 days after the end of each quarter of the highest designated parent company; provided, however, that if the content of the matters set forth in item (ii) is the same as the content of the matters that have been stated in the document submitted within five years before the submission of the document, the entry of those matters may be omitted:

一　当該最終指定親会社四半期中に当該承認に係る申請の理由について消滅又は変更がなかった旨

(i) the fact that the reasons for the application for the approval has not ceased to exist or changed during the quarter of the highest designated parent

company; and

二　前号に掲げる事項に関する法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(ii) a legal opinion letter by a legal expert on the matters set forth in the preceding item, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

（経営の健全性の状況を記載した書面の縦覧期限の承認の手続等）

(Procedures for Obtaining Approval on Due Date for Public Inspection of Documents Stating the Soundness of Management)

第二百八条の二十九　外国会社である最終指定親会社は、令第十七条の二の十一第三項ただし書の承認を受けようとするときは、次に掲げる事項を記載した承認申請書を金融庁長官に提出しなければならない。

Article 208-29 (1) When the highest designated parent company that is a foreign company seeks to obtain the approval referred to in the proviso to Article 17-2-11, paragraph (3) of the Order, it must submit a written application for approval stating the following matters to the Commissioner of the Financial Services Agency:

一　商号又は名称

(i) the trade name or name;

二　経営の健全性の状況を記載した書面の縦覧に関し当該承認を受けようとする期間

(ii) the period for which the approval is sought for the public inspection of the documents stating the soundness of management;

三　経営の健全性の状況を記載した書面の縦覧に関し当該承認を必要とする理由

(iii) the reasons for requiring the approval for the public inspection of the documents stating the soundness of management.

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 the approval referred to in the preceding paragraph:

一　定款又はこれに代わる書面

(i) the articles of incorporation or alternative documents;

二　当該承認申請書に記載された当該最終指定親会社の代表者が当該承認申請書の提出に関し正当な権限を有する者であることを証する書面

(ii) the document certifying that the representative of the highest designated parent company stated in the written application for approval has legitimate authority to submit the written application;

三　前項第三号の理由が当該最終指定親会社の本国の法令又は慣行によるものである場合には、当該承認申請書に記載された法令又は慣行に関する事項が真実かつ正確であることについての法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(iii) if the reasons referred to in item (iii) of the preceding paragraph are due to

the laws and regulations or practices of the home country of the highest designated parent company, a legal opinion letter by a law expert on the fact that the matters related to the laws and regulations or practices stated in the written application for approval are true and accurate, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter; and

四　前項第三号の理由が当該最終指定親会社の本国の法令又は慣行によるものである場合以外の場合には、当該理由を証する書面

(iv) if the reasons set forth in item (iii) of the preceding paragraph is due to reasons other than the laws and regulations or practices of the home country of the highest designated parent company, a document certifying the reasons.

3　金融庁長官は、第一項の承認の申請があった場合において、当該最終指定親会社が、その本国の法令又は慣行その他やむを得ない理由により、最終指定親会社四半期の末日から起算して二月を経過した日から経営の健全性の状況を記載した書面を備え置き、公衆の縦覧に供することができないと認められるときは、当該申請のあった日の属する最終指定親会社四半期（その日が最終指定親会社四半期開始後二月以内（直前最終指定親会社四半期に係る当該書面の縦覧に関して当該承認を受けている場合にあっては、当該承認を受けた期間内）の日である場合にあっては、その直前最終指定親会社四半期）から当該申請に係る同項第三号の理由について消滅又は変更があることとなる日の属する最終指定親会社四半期の直前最終指定親会社四半期までの最終指定親会社四半期に係る当該書面について、令第十七条の二の十一第三項ただし書の承認をするものとする。

(3) If the application for the approval referred to in paragraph (1) has been filed, and it is found that the highest designated parent company is unable to keep the documents stating the soundness of management and make them available for public inspection due to the laws and regulations or practices of its home country and other unavoidable reasons from the day when two months have passed after the last day of the quarter of the highest designated parent company, the Commissioner of the Financial Services Agency is to grant the approval referred to in the proviso to Article 17-2-11, paragraph (3) of the Order for the documents related to the quarter of the highest designated parent company from the quarter of the highest designated parent company that includes the day when the application has been filed (if the day is within two months (if the approval has been obtained for public inspection of the documents related to the quarter of the highest designated parent company immediately before the quarter in question, within that approved period) after the quarter of the highest designated parent company has commenced, the quarter of the highest designated parent company immediately before the quarter in question) until the quarter of the highest designated parent company immediately before the quarter of the highest designated parent company that includes the day when the reasons referred to in item (iii) of that

paragraph related to the application ceases to exist or changes.

4　金融庁長官は、前項の最終指定親会社が毎最終指定親会社四半期の末日から起算して二月以内に次に掲げる事項（第二号に掲げる事項にあっては、第一項第三号の理由が当該最終指定親会社の本国の法令又は慣行によるものである場合に限る。）を記載した書類を金融庁長官に提出することを条件として、令第十七条の二の十一第三項ただし書の承認をするものとする。ただし、第二号に掲げる事項については、当該書類の提出前五年以内に提出された書類に記載された事項と同一の内容のものである場合には、当該事項は記載しないことができる。

(4) The Commissioner of the Financial Services Agency is to grant the approval referred to in the proviso to Article 17-2-11, paragraph (3) of the Order on the condition that the highest designated parent company referred to in the preceding paragraph submits documents stating the following matters (for the matters set forth in item (ii), limited to cases in which the reasons referred to in paragraph (1), item (iii) is due to the laws and regulations or practices of the home country of the highest designated parent company) to the Commissioner within two months after the last day of the quarter of the highest designated parent company; provided, however, that if the content of the matters set forth in item (ii) is the same as the content of the matters that has been stated in the document submitted within five years before the submission of the document, the entry of those matters may be omitted:

一　当該最終指定親会社四半期中に当該承認に係る申請の理由について消滅又は変更がなかった旨

(i) the fact that the reasons for the application for the approval has not ceased to exist or changed during the quarter of the highest designated parent company; and

二　前号に掲げる事項に関する法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(ii) a legal opinion letter by a legal expert on the matters set forth in the preceding item, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

（経営の健全性の状況を記載した書面の縦覧）

(Public Inspection of Documents Stating the Soundness of Management)

第二百八条の三十　法第五十七条の十七第三項の規定による備え置き及び公衆の縦覧は、第百八十条第二項及び第三項の規定に準じて記載した書面によりしなければならない。

Article 208-30 The documents to be kept and made available for public inspection pursuant to the provisions of Article 57-17, paragraph (3) of the Act must be provided by the document stated in accordance with the provisions of Article 180, paragraphs (2) and (3).

（合併等の届出）

(Notification of Mergers)

第二百八条の三十一　法第五十七条の十八第一項の規定による届出は、次の各号に掲げる場合の区分に応じ、当該各号に定める事項を記載した届出書を金融庁長官に提出してしなければならない。

Article 208-31 (1) For giving the notification under the provisions of Article 57-18, paragraph (1) of the Act, a written notification stating the matters specified in the following items in accordance with the category set forth in each of those items must be submitted to the Commissioner of the Financial Services Agency:

一　法第五十七条の十八第一項第一号に該当する場合　次に掲げる事項

(i) if the case falls under Article 57-18, paragraph (1), item (i) of the Act: the following matters:

イ　合併の相手方の商号又は名称

(a) the trade name or name of the counterparty to the merger;

ロ　合併の年月日及び理由

(b) the date of the merger and the reasons for the merger; and

ハ　合併の方法

(c) the method of the merger.

二　法第五十七条の十八第一項第二号に該当する場合　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った年月日及び理由

(ii) if the case falls under Article 57-18, paragraph (1), item (ii) of the Act: the date when the petition for commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, or commencement of reorganization proceedings has been filed and their reasons;

三　次条第一号に該当する場合　次のイ及びロに掲げる場合の区分に応じ、当該イ及びロに定める事項

(iii) if the case falls under item (i) of the following Article: the matters specified in the following sub-item (a) and (b) in accordance with the category of cases set forth in the sub-items (a) and (b):

イ　法第二十九条の四第一項第一号イ（法又は金融サービスの提供に関する法律に相当する外国の法令の規定に係る部分に限る。）に該当することとなった場合　次に掲げる事項

(a) if the case comes to fall under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act (limited to the part related to the provisions of foreign laws and regulations equivalent to the Act or the Act on the Provision of Financial Services): the following matters:

（１）　法若しくは金融サービスの提供に関する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類の登録等又は法若しくは金融サービスの提供に関する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行った法第六十三条第二項、第六十三条の三第一項、第六十三条の九第一項若しくは第六十三条の十一第一項の規定による届出と同種類の届出の内

容

1. the content of the same type of registration, etc. obtained in a foreign country pursuant to the provisions of foreign laws and regulations equivalent to the Act or the Act on the Provision of Financial Services, or of the same type of notification as the notification under the provisions of Article 63, paragraph (2), Article 63-3, paragraph (1), Article 63-9, paragraph (1), or Article 63-11, paragraph (1) of the Act given by the financial instruments business operator, etc. in the foreign country pursuant to the laws and regulations of that foreign country equivalent to the Act or the Act on the Provision of Financial Services;

（２）　当該登録等又は届出の年月日

2. the date of the registration etc. or notification;

（３）　当該登録等を取り消され、又は当該届出に係る業務の廃止を命ぜられた年月日及び理由

3. the date when the registration, etc. has been cancelled or discontinuation of business related to the notification has been ordered, and its reason; and

（４）　当該登録等を取り消され、又は当該届出に係る業務の廃止を命ぜられた業務の内容

4. the content of the business for which the registration, etc. has been cancelled or discontinuation of business related to the notification has been ordered;

ロ　法第二十九条の四第一項第一号ハに該当することとなった場合　次に掲げる事項

(b) if the case comes to fall under Article 29-4, paragraph (1), item (i), sub-item (c) of the Act: the following matters:

（１）　違反した法令の規定

1. the provisions of the laws and regulations that has been violated; and

（２）　刑の確定した年月日及び罰金の額

2. the day when the punishment became final and binding, and the amount of the fine;

四　次条第二号に該当する場合　次に掲げる事項

(iv) if the case falls under item (ii) of the following Article: the following matters:

イ　第百九十九条第二号イ又はロに該当することとなった役員の氏名又は名称

(a) the name of the officer that comes to fall under Article 199, item (ii), sub-item (a) or (b);

ロ　当該役員が第百九十九条第二号イに該当することとなった場合にあっては、該当することとなった年月日及び理由

(b) if the officer comes to fall under Article 199, item (ii), sub-item (a), the

date when the officer came to fall under the provisions and the reasons;

ハ　当該役員が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定を受けた年月日

(c) if the officer has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, the date when they became subject to an order for commencement of bankruptcy proceedings;

ニ　当該役員が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、刑の確定した年月日及び刑の種類

(d) if the officer has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, the date when the punishment became final and binding, and the type of the punishment;

ホ　当該役員が法第二十九条の四第一項第二号ニ又はホに該当することとなった場合にあっては、取り消され、又は命ぜられた年月日及び理由

(e) if the officer has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, the date revocation has been made or order has been given, and the reasons for that; and

ヘ　当該役員が法第二十九条の四第一項第二号ヘ又はトに該当することとなった場合にあっては、行政手続法第十五条の規定による通知があった年月日及びその理由並びに法第五十条の二第一項、第六十条の七（法第六十条の十四第二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。）、第六十三条の二第二項、第三項（法第六十三条の三第二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。）若しくは第四項、第六十三条の十第二項、第三項（法第六十三条の十一第二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。）若しくは第四項、第六十六条の十九第一項、第六十六条の四十第一項若しくは第六十六条の六十一第一項又は金融サービスの提供に関する法律第十六条第三項の規定による届出をした年月日及びその理由

(f) if the officer has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (f) or (g) of the Act, the date of and the reasons for the notice under the provisions of Article 15 of the Administrative Procedure Act to be given, and the date of and the reasons for making the notification under the provisions of Article 50-2, paragraph (1), Article 60-7 (including as applied mutandis pursuant to Article 60-14, paragraph (2) of the Act; hereinafter the same applies in this Article), Article 63-2, paragraph (2), paragraph (3) (including as applied mutatis mutandis pursuant to Article 63-3, paragraph (2) of the Act; hereinafter the same applies in this Article) or paragraph (4), Article 63-10, paragraph (2), paragraph (3) (including as applied mutandis pursuant to Article 63-11, paragraph (2) of the Act; the same applies hereinafter in this Article) or paragraph (4), Article 66-19, paragraph (1), Article 66-40, paragraph (1), or Article 66-61, paragraph (1) of the Act or Article 16, paragraph (3) of the Act on the Provision of Financial Services;

ト　当該役員が法第二十九条の四第一項第二号チに該当することとなった場合にあっては、解任又は解職を命ぜられた年月日及び理由

(g) if the officer has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (h) of the Act, the date when removal or dismissal hs been ordered and the reasons for that;

五　次条第三号に該当する場合　次に掲げる事項

(v) if the case falls under item (iii) of the following Article: the following matters:

イ　該当することとなった又は該当しなくなった親会社又は子法人等の商号又は名称

(a) the trade name or name of the parent company or subsidiary corporation, etc. that has come to fall under the provisions or has come to no longer fall under those provisions; and

ロ　親会社又は子法人等に該当し、又は該当しなくなった年月日

(b) the date when it has come to fall under the parent company or subsidiary corporation, etc. or has come to no longer fall under the parent company or subsidiary corporation, etc.;

六　次条第四号に該当する場合　次に掲げる事項

(vi) if the case falls under item (iv) of the following Article: the following matters:

イ　破産手続開始、再生手続開始又は更生手続開始の申立てが行われた年月日及び理由

(a) the date when the petition for commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, or commencement of reorganization proceedings has been filed and its reasons; and

ロ　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った者の商号、名称又は氏名

(b) the trade name or name of the person that has filed the petition for commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, or commencement of reorganization proceedings;

七　次条第五号に該当する場合　次に掲げる事項

(vii) if the case falls under item (v) of the following Article: the following matters:

イ　変更の内容及び理由

(a) the content of and reason for the change; and

ロ　変更の年月日

(b) the date of the change;

八　次条第六号に該当する場合　次に掲げる事項

(viii) if the case falls under item (vi) of the following Article: the following matters:

イ　法令等（外国の法令等を含む。）に反する行為（当該指定親会社の業務の運営又は当該指定親会社及びその子法人等の財産の状況に重大な影響を及ぼすおそれのあるものに限る。以下この項及び次条において「事故等」という。）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 in which an act violating laws and regulations, etc. (including foreign laws and regulations) has occurred (limited to acts that are likely to have a material impact on the business management of the designated parent company or the status of property of the designated parent company and its subsidiary corporation, etc.; hereinafter referred to as "problematic conduct, etc." in this paragraph and the following Article);

ロ　事故等を惹起した役職員の所属、氏名又は名称及び役職名

(b) the affiliation, name, and title of the officer or employee that caused the problematic conduct, etc.; and

ハ　事故等の概要

(c) an outline of the problematic conduct, etc.;

九　次条第七号に該当する場合　次に掲げる事項

(ix) if the case falls under item (vii) of the following Article: the following matters:

イ　事故等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 in which the problematic conduct, etc. has occurred;

ロ　事故等を惹起した役職員の所属、氏名又は名称及び役職名

(b) the affiliation, name, and title of the officer or employee that has caused the problematic conduct, etc.;

ハ　事故等の詳細

(c) the details of the problematic conduct, etc.; and

ニ　社内処分を行った場合はその内容

(d) if in-house punishment has been taken, its content;

十　次条第八号に該当する場合　次のイ及びロに掲げる場合の区分に応じ、当該イ及びロに定める事項

(x) if the case falls under item (viii) of the following Article: the matters specified in the following sub-items (a) and (b) in accordance with the category of cases set forth in the sub-items (a) and (b):

イ　訴訟又は調停の当事者となった場合　次に掲げる事項

(a) if they have become party to a suit or conciliation: the following matters:

（１）　訴訟又は調停の当事者の氏名又は名称及び住所又は所在地

1. the name and domicile or location of the party to a suit or conciliation;

（２）　訴訟の提起又は調停の申立てが行われた年月日

2. the date when an action or petition for conciliation has been filed;

（３）　管轄裁判所名

3. the name of the court with jurisdiction; and

（４）　事件の内容

4. the content of the case;

ロ　訴訟又は調停が終結した場合　次に掲げる事項

(b) if an action or conciliation has been concluded, the following matters:

（１）　訴訟又は調停の当事者の氏名又は名称及び住所又は所在地

1. the name and domicile or location of the party to an action or a conciliation;

（２）　訴訟又は調停が終結した年月日

2. the date when the action or conciliation was concluded; and

（３）　判決又は和解の内容

3. the content of the judgment or settlement;

十一　次条第九号に該当する場合　次のイ及びロに掲げる場合の区分に応じ、当該イ及びロに定める事項

(xi) if the case falls under item (ix) of the following Article: the matters specified in the following sub-items (a) and (b) in accordance with the category of cases set forth in the sub-items (a) and (b):

イ　主要株主が第百九十九条第十一号ハ（１）又は（２）に該当することとなった事実を知った場合　次に定める事項

(a) if they become aware of the fact that any of the major shareholders has come to fall under Article 199, item (xi), sub-item (c), 1. or 2.: the following matters:

（１）　該当することとなった主要株主の氏名

1. the name of the major shareholder that has come to fall under the provisions;

（２）　当該主要株主が第百九十九条第十一号ハ（１）に該当することとなった場合にあっては、該当することとなった年月日及び理由

2. if the major shareholder has come to fall under Article 199, item (xi), sub-item (c), 1., the date when they have come to fall under the provisions and the reasons for that;

（３）　当該主要株主又は代理人が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定を受けた年月日

3. if the major shareholder or an agent has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, the date when the major shareholder or the agent has become subject to the order for commencement of bankruptcy proceedings;

（４）　当該主要株主又は代理人が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、刑の確定した年月日及び刑の種類

4. if the major shareholder or an agent has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, the date when the punishment became final and binding, and the type of the punishment;

（５）　当該主要株主又は代理人が法第二十九条の四第一項第二号ニ又はホに該当することとなった場合にあっては、取り消され、又は命ぜられた年月日及び理由

5. if the major shareholder or an agent has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, the date the revocation has been made or the order has been given and the reasons for that;

（６）　当該主要株主又は代理人が法第二十九条の四第一項第二号ヘ又はトに該当することとなった場合にあっては、行政手続法第十五条の規定による通知があった年月日及びその理由並びに法第五十条の二第一項、第六十条の七、第六十三条の二第二項から第四項まで、第六十三条の十第二項から第四項まで、第六十六条の十九第一項、第六十六条の四十第一項若しくは第六十六条の六十一第一項又は金融サービスの提供に関する法律第十六条第三項の規定による届出をした年月日及びその理由

6. if the major shareholder or an agent has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (f) or (g) of the Act, the date of and reason for the notice under the provisions of Article 15 of the Administrative Procedure Act to be given and the date of and reason for making the notification under the provisions of Article 50-2, paragraph (1), Article 60-7, Article 63-2, paragraphs (2) through (4), Article 63-10, paragraphs (2) through (4), Article 66-19, paragraph (1), Article 66-40, paragraph (1) or Article 66-61, paragraph (1) of the Act, or Article 16, paragraph (3) of the Act on the Provision of Financial Services;

（７）　当該主要株主又は代理人が法第二十九条の四第一項第二号チに該当することとなった場合にあっては、解任又は解職を命ぜられた年月日及び理由

7. if the major shareholder or an agent has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (h) of the Act, the date when removal or dismissal has been ordered and the reasons for that;

ロ　主要株主が第百九十九条第十一号ハ（３）又は（４）に該当することとなった事実を知った場合　次に掲げる事項

(b) if the financial instruments business operator becomes aware of the fact that any of the major shareholders has come to fall under Article 199, item (xi), sub-item (c), 3. or 4.: the following matters:

（１）　該当することとなった主要株主の商号又は名称

1. the trade name or name of the major shareholder that has come to fall under the provisions;

（２）　当該主要株主が法第二十九条の四第一項第一号イに該当する場合にあっては、当該主要株主が受けている登録等の内容及び年月日並びに当該登録等を取り消された年月日、理由及び業務の内容又は当該主要株主が行った法第六十三条第二項、第六十三条の三第一項、第六十三条の九第一項若しくは第

六十三条の十一第一項の規定による届出の内容及び年月日並びに当該届出に係る業務の廃止を命ぜられた年月日、理由及び業務の内容

2. if the major shareholder falls under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act, the content of the registration, etc. granted to them and the date of registration, etc. and the date the registration, etc. has been revoked and the reasons for that, and the content of the business for which the registration, etc. has been revoked, or the content of the notification under the provisions of Article 63, paragraph (2), Article 63-3, paragraph (1), Article 63-9, paragraph (1) or Article 63-11, paragraph (1) of the Act given by the major shareholder and the date of the notification, and the date the discontinuation of business related to the notification was ordered, the reasons for that, and the content of the business related to the notification;

（３）　当該主要株主が法第二十九条の四第一項第一号ロに該当する場合にあっては、行政手続法第十五条の規定による通知があった年月日及びその理由並びに法第五十条の二第一項、第六十条の七、第六十三条の二第二項若しくは第三項、第六十三条の十第二項若しくは第三項、第六十六条の十九第一項、第六十六条の四十第一項若しくは第六十六条の六十一第一項又は金融サービスの提供に関する法律第十六条第三項の規定による届出をした年月日及びその理由

3. if the major shareholder falls under Article 29-4, paragraph (1), item (i), sub-item (b) of the Act, the date of and reason for the notice under the provisions of Article 15 of the Administrative Procedure Act to be given and the date of and reason for making the notification under the provisions of Article 50-2, paragraph (1), Article 60-7, Article 63-2, paragraph (2) or (3), Article 63-10, paragraph (2) or (3), Article 66-19, paragraph (1), Article 66-40, paragraph (1) or Article 66-61, paragraph (1) of the Act, or Article 16, paragraph (3) of the Act on the Provision of Financial Services;

（４）　当該主要株主が法第二十九条の四第一項第一号ハに該当する場合にあっては、違反した法令の規定、刑の確定した年月日及び罰金の額

4. if the major shareholder falls under Article 29-4, paragraph (1), item (i), sub-item (c) of the Act, the provisions of the laws and regulations that has been violated, the date when the punishment became final and binding, and the amount of the fine;

（５）　当該主要株主が第百九十九条第十一号ハ（４）に該当することとなった場合にあっては、同項ハ（４）（ｉ）又は（ｉｉ）に該当することとなった法人を代表する役員の氏名又は名称

5. if the major shareholder has come to fall under Article 199, item (xi), sub-item (c), 4., the name of the officer representing the corporation

that has come to fall under either of sub-item (c), 4, i. or ii. of that paragraph;

（６）　当該主要株主である法人を代表する役員が第百九十九条第十一号ハ（４）（ｉ）に該当することとなった場合にあっては、該当することとなった年月日及び理由

6. if the officer representing the corporation that is the major shareholder has come to fall under Article 199, item (xi), sub-item (c), 4., i., the date when the officer came to fall under the provisions and the reasons for that;

（７）　当該主要株主である法人を代表する役員が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定を受けた年月日

7. if the officer representing the corporation that is the major shareholder has come to fall under Article 29-4, paragraph (1), item (ii), (b) of the Act, the date when the officer became subject to an order for commencement of bankruptcy proceedings;

（８）　当該主要株主である法人を代表する役員が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、刑の確定した年月日及び刑の種類

8. if the officer representing the corporation that is the major shareholder has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, the date when the punishment became final and binding, and the type of the punishment;

（９）　当該主要株主である法人を代表する役員が法第二十九条の四第一項第二号ニ又はホに該当することとなった場合にあっては、取り消され、又は命ぜられた年月日及び理由

9. if the officer representing the corporation that is the major shareholder has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, the date of the revocation has ben made or has been ordered and the reasons for that;

（１０）　当該主要株主である法人を代表する役員が法第二十九条の四第一項第二号ヘ又はトに該当することとなった場合にあっては、行政手続法第十五条の規定による通知があった年月日及びその理由並びに法第五十条の二第一項、第六十条の七、第六十三条の二第二項から第四項まで、第六十三条の十第二項から第四項まで、第六十六条の十九第一項、第六十六条の四十第一項若しくは第六十六条の六十一第一項又は金融サービスの提供に関する法律第十六条第三項の規定による届出をした年月日及びその理由

10. if the officer representing the corporation that is the major shareholder has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (f) or (g) of the Act, the date of and reason for the notice under the provisions of Article 15 of the Administrative Procedure Act to be given

and the date of and reason for making the notification under the provisions of Article 50-2, paragraph (1), Article 60-7, Article 63-2, paragraphs (2) through (4), Article 63-10, paragraphs (2) through (4), Article 66-19, paragraph (1), Article 66-40, paragraph (1) or Article 66-61, paragraph (1) of the Act or Article 16, paragraph (3) of the Act on the Provision of Financial Services; and

（１１）　当該主要株主である法人を代表する役員が法第二十九条の四第一項第二号チに該当することとなった場合にあっては、解任又は解職を命ぜられた年月日及び理由

11. if the officer representing the corporation that is the major shareholder has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (h) of the Act, the date when the removal or dismissal has been ordered, and the reasons for that;

十二　次条第十号に該当する場合　法第五十七条の二十第一項第四号に規定する株式会社でなくなった年月日及び理由

(xii) if the case falls under item (x) of the following Article: the date when they ceased to be a stock company prescribed in Article 57-20, paragraph (1), item (iv) of the Act and the reasons for that;

十三　次条第十一号に該当する場合　次に掲げる事項

(xiii) if the case falls under item (xi) of the following Article; the following matters:

イ　不利益処分の内容

(a) the content of the adverse disposition; and

ロ　不利益処分を受けた年月日及び理由

(b) the date when the financial instruments business operator, etc. has become subject to the adverse disposition and reasons for that;

十四　次条第十二号イに該当する場合　次に掲げる事項

(xiv) if the case falls under item (xii), sub-item (a) of the following Article: the following matters:

イ　事故等が発生した子法人等の商号又は名称及びその営業所又は事務所の名称

(a) the trade name or name of the subsidiary corporation, etc., in which problematic conduct, etc. has occurred, and the name of its business office or office;

ロ　事故等を惹起した役職員の所属、氏名又は名称及び役職名

(b) the affiliation, name, and title of the officer or employee that has caused the problematic conduct, etc.; and

ハ　事故等の概要

(c) an outline of the problematic conduct, etc.;

十五　次条第十二号ロに該当する場合　次に掲げる事項

(xv) if the case falls under item (xii), sub-item (b) of the following Article: the following matters:

イ　事故等が発生した子法人等の商号又は名称及びその営業所又は事務所の名称

(a) the trade name or name of the subsidiary corporation, etc., in which a problematic conduct, etc. has occurred, and the name of its business office or office;

ロ　事故等を惹起した役職員の所属、氏名又は名称及び役職名

(b) the affiliation, name, and title of the officer or employee that has caused the problematic conduct, etc.;

ハ　事故等の詳細

(c) the details of the problematic conduct, etc.; and

ニ　社内処分を行った場合はその内容

(d) if in-house punishment has been taken, its content;

十六　次条第十二号ハに該当する場合　次のイ及びロに掲げる場合の区分に応じ、当該イ及びロに定める事項

(xvi) if the case falls under item (xii), sub-item (c) of the following Article: the matters specified in the following sub-items (a) and (b) in accordance with the category of cases set forth in the sub-items (a) and (b):

イ　子法人等が訴訟又は調停の当事者となったことを知った場合　次に掲げる事項

(a) if they have come to know that the subsidiary corporation, etc. has become a party to a suit or conciliation: the following matters:

（１）　訴訟又は調停の当事者の氏名又は名称及び住所又は所在地

1. the name and domicile or the location of the party to a suit or conciliation;

（２）　訴訟の提起又は調停の申立てが行われた年月日

2. the day when the action or petition for conciliation was filed;

（３）　管轄裁判所

3. the name of the court with jurisdiction; and

（４）　事件の内容

4. the content of the case;

ロ　子法人等を当事者とする訴訟又は調停が終結したことを知った場合　次に掲げる事項

(b) if they have come to know that the action or conciliation for which the subsidiary corporation, etc. is a party has been concluded: the following matters:

（１）　訴訟又は調停の当事者の氏名又は名称及び住所又は所在地

1. the name and domicile or location of the parties to the action or conciliation;

（２）　訴訟又は調停が終結した年月日

2. the day when the action or conciliation was concluded; and

（３）　判決又は和解の内容

3. the content of the judgment or settlement;

十七　次条第十二号ニに該当する場合　次のイ及びロに掲げる場合の区分に応じ、当

該イ及びロに定める事項

(xvii) if the case falls under item (xii), sub-item (d) of the following Article: the matters specified in the following sub-items (a) and (b) in accordance with the category of cases set forth in the sub-items (a) and (b):

イ　劣後特約付借入金を借り入れた場合又は子法人等が劣後特約付借入金を借り入れたことを知った場合　次に掲げる事項

(a) if they have made any subordinated borrowings or have come to know that the subsidiary corporation, etc. has made subordinated borrowings: the following matters:

（１）　借入先及び借入れの理由

1. the name of the lender, and the reasons for borrowing the money;

（２）　借入金額（外貨建てである場合は、当該借入金額及びその円換算額）並びに現在及び借入後の借入残高

2. the borrowed amount (if it is denominated in foreign currency, the borrowed amount and the equivalent amount in yen), and the current outstanding balance and the outstanding balance subsequent to the borrowing; and

（３）　借入日、利率及び弁済期限

3. the borrowing date, the interest rate, and the due date for payment.

ロ　劣後特約付社債を発行した場合又は子法人等が劣後特約付社債を発行したことを知った場合　次に掲げる事項

(b) if the financial instruments business operator has issued subordinated bonds or if they have become aware that the subsidiary corporation, etc. has issued specified subordinated bonds: the following matters:

（１）　発行の方法及び理由

1. the means and reasons for the issuance;

（２）　発行総額（外貨建てである場合は、当該発行総額及びその円換算額）並びに現在及び発行後の発行残高

2. the total issuance amount (if it is denominated in foreign currency, the total issuance amount and the equivalent amount in yen), and the current outstanding balance and the outstanding balance after the issuance; and

（３）　発行日、利率及び償還期限

3. the issuance date, the interest rates, and the due date for redemption;

十八　次条第十二号ホに該当する場合　次に掲げる事項

(xviii) if the case falls under item (xii), sub-item (e) of the following Article: the following matters:

イ　弁済又は償還をした金額及び年月日

(a) the amount of the payment or redemption and the date of payment or redemption; and

ロ　弁済又は償還をした後の残高

(b) the balance after the payment or redemption.

２　前項の届出書には、次の各号に掲げる場合の区分に該当する場合には、当該各号に定める書類を添付しなければならない。

(2) If the notification referred to in the preceding paragraph falls under the category of cases set forth in the following items, the document specified in each of those items must be attached to the notification:

一　法第五十七条の十八第一項第一号に該当する場合　次に掲げる書類

(i) if the case falls under Article 57-18, paragraph (1), item (i) of the Act: the following documents:

イ　合併契約の内容及び合併の手続を記載した書面

(a) a document stating the content of the merger agreement and the procedures for merger;

ロ　当事者の最近の貸借対照表（関連する注記を含む。）

(b) the latest balance sheet of the parties (including the related notes); and

ハ　最終指定親会社にあっては、合併後における経営の健全性の状況を記載した書面

(c) for the highest designated parent company, a document stating the soundness of management after the merger;

二　法第五十七条の十八第一項第二号に該当する場合　次に掲げる書類

(ii) if the case falls under Article 57-18, paragraph (1), item (ii) of the Act: the following documents:

イ　破産手続開始、再生手続開始又は更生手続開始の申立てに係る書面の写し

(a) a copy of the document related to filing of a petition for commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, or commencement of reorganization proceedings; and

ロ　最近の日計表

(b) a recent daily cash count sheet

三　次条第一号に該当する場合　次のイ及びロに掲げる場合の区分に応じ、当該イ及びロに定める書類

(iii) if the case falls under item (i) of the following Article: the documents specified in the following sub-items (a) and (b) in accordance with the category of cases set forth in the sub-items (a) and (b):

イ　法第二十九条の四第一項第一号イ（法又は金融サービスの提供に関する法律に相当する外国の法令の規定に係る部分に限る。）に該当することとなった場合　次に掲げる書類

(a) if the case has come to fall under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act (limited to the part related to the provisions of foreign laws and regulations equivalent to the Act or the Act on the Provision of Financial Services): the following documents:

（１）　取消し又は廃止を命ずる書面の写し又はこれに代わる書面

1. a copy of the document ordering revocation or discontinuation of

business, or alternative documents; and

（２）　当該外国の法令

2. a copy of the laws and regulations of that foreign country;

ロ　法第二十九条の四第一項第一号ハに該当することとなった場合　確定判決の判決書の写し又は確定判決の内容を記載した書面

(b) if the case has come to fall under Article 29-4, paragraph (1), item (i), sub-item (c) of the Act: a copy of the judgment document on the final and binding judgment, or a document stating the content of the final and binding judgment;

四　次条第二号（第百九十九条第二号ロに係る部分に限る。）に該当する場合　次に掲げる書類

(iv) if the case falls under item (ii) of the following Article (limited to the part related to Article 199, item (ii), sub-item (b)): the following documents:

イ　役員が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定の裁判書の写し又は破産手続開始の決定の内容を記載した書面

(a) if an officer has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, a copy of the written judgment on the order for commencement of bankruptcy proceedings, or a document stating the content of the order for commencement of bankruptcy proceedings;

ロ　役員が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、確定判決の判決書の写し又は確定判決の内容を記載した書面

(b) if an officer has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, a copy of the judgment document on the final and binding judgment, or a document stating the content of the final and binding judgment; and

ハ　役員が法第二十九条の四第一項第二号ニ又はホに該当することとなった場合（外国において取り消され、又は命ぜられた場合に限る。）にあっては、取消し又は廃止の根拠となる外国の法令

(c) if an officer has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act (limited to cases in which revocation was made or order was given in a foreign country), a copy of foreign laws and regulations that serves as the basis of the revocation or discontinuation of business;

五　次条第三号に該当する場合　次に掲げる書類

(v) if the case falls under item (iii) of the following Article: the following documents:

イ　該当することとなった又は該当しなくなった親会社又は子法人等の業務の概要を記載した書類

(a) a document stating the outline of the business of the parent company or subsidiary corporation, etc. which has come to fall under the provisions, or

has come to no longer fall under the provisions; and

ロ　指定親会社と親会社又は子法人等の関係を示す書類

(b) a document indicating the relationship between the designated parent company and the parent company or subsidiary corporation, etc.;

六　次条第四号に該当する場合　最近の日計表

(vi) if the case falls under item (iv) of the following Article: a recent daily cash count sheet;

七　次条第五号に該当する場合　変更後の定款

(vii) if the case falls under item (v) of the following Article: the amended articles of incorporation;

八　次条第九号に該当する場合　次のイ及びロに掲げる場合の区分に応じ、当該イ及びロに定める書類

(viii) if the case falls under item (ix) of the following Article: the documents specified in the following sub-items (a) and (b) in accordance with the category of cases set forth in the sub-items (a) and (b):

イ　主要株主が第百九十九条第十一号ハ（１）又は（２）に該当することとなった事実を知った場合　次に掲げる書類

(a) if they become aware of the fact that a major shareholder has come to fall under Article 199, item (xi), sub-item (c), 1. or 2.: the following documents:

（１）　当該主要株主又は代理人が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定の裁判書の写し又は破産手続開始の決定の内容を記載した書面

1. if the major shareholder or an agent has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, a copy of the written judgment on an order for commencement of bankruptcy proceedings, or the document stating the content of the order for commencement of bankruptcy proceedings;

（２）　当該主要株主又は代理人が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、確定判決の判決書の写し又は確定判決の内容を記載した書面

2. if the major shareholder or an agent has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, a copy of the judgment document on the final and binding judgment, or a document stating the content of the final and binding judgment;

（３）　当該主要株主又は代理人が外国において刑に処せられた場合にあっては、刑の根拠となった外国の法令

3. if the major shareholder or an agent has been punished in a foreign country, a copy of foreign laws and regulations that has served as the basis of the punishment;

（４）　当該主要株主又は成年被後見人若しくは被保佐人若しくは外国の法令上これらと同様に取り扱われている者の法定代理人が外国において登録等を取

り消され、又は業務の廃止を命ぜられた場合にあっては、登録等の取消し又は業務の廃止の根拠となる外国の法令

4. if the major shareholder, or a statutory agent of an adult ward or a person under curatorship or a person treated in the same manner as those persons in a foreign country has had the registration, etc. revoked or has been ordered to discontinue business in a foreign country, a copy of foreign laws and regulations that serves as the basis of the revocation of registration, etc. or discontinuation of business;

ロ　主要株主が百九十九条第十一号ハ（３）又は（４）（ｉｉ）に該当することとなった事実を知った場合　次に掲げる書類

(b) if they become aware of the fact that any of the major shareholders has come to fall under Article 199, item (xi), sub-item (c), 3. or 4., ii.: the following documents:

（１）　当該主要株主が法第二十九条の四第一項第一号イに該当することとなった場合にあっては、取消し又は廃止を命ずる書類の写し又はこれに代わる書面

1. if the major shareholder has come to fall under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act, a copy of the document ordering revocation or discontinuation of business, or alternative documents;

（２）　当該主要株主が法第二十九条の四第一項第一号イ又は主要株主である法人を代表する役員が同項第二号ニ若しくはホに該当する場合（外国において登録等を取り消され、又は業務の廃止を命ぜられた場合に限る。）にあっては、取消し又は廃止の根拠となった外国の法令

2. if the major shareholder falls under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act or an officer representing the corporation that is a major shareholder falls under item (ii), sub-item (d) or (e) of that paragraph (limited to the cases in which the registration, etc. was revoked or the discontinuation of business was ordered in a foreign country), a copy of foreign laws and regulations that has served as the basis of the revocation or discontinuation of business;

（３）　当該主要株主が法第二十九条の四第一項第一号ハに該当することとなった場合にあっては、確定判決の判決書の写し又は確定判決の内容を記載した書面

3. if the major shareholder has come to fall under Article 29-4, paragraph (1), item (i), sub-item (c) of the Act, a copy of the judgment document on the final and binding judgment, or a document stating the content of the final and binding judgment;

（４）　当該主要株主である法人を代表する役員が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定の裁判書の写し又は破産手続開始の決定の内容を記載した書面

4. if an officer representing a corporation that is the major shareholder has

come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, a copy of the written judgment on the order for commencement of bankruptcy proceedings, or the document stating the content of the order for commencement of bankruptcy proceedings; and

（５）　当該主要株主である法人を代表する役員が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、確定判決の判決書の写し又は確定判決の内容を記載した書面

5. if an officer representing a corporation that is the major shareholder has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, a copy of the judgment document on the final and binding judgment, or a document stating the content of the final and binding judgment;

九　次条第十一号に該当する場合　当該不利益処分を規定する外国の法令

(ix) if the case falls under item (xi) of the following Article: a copy of foreign laws and regulations that provide for the adverse disposition;

十　次条第十二号ニに該当する場合　次に掲げる書類

(x) if the case falls under item (xii), sub-item (d) of the following Article: the following documents:

イ　劣後特約付借入金を借り入れた場合又は子法人等が劣後特約付借入金を借り入れたことを知った場合にあっては、契約書の写し

(a) if they have made a subordinated borrowing or have become aware that the subsidiary corporation, etc. has made a subordinated borrowing, a copy of the written contract;

ロ　劣後特約付社債を発行した場合又は子法人等が劣後特約付社債を発行したことを知った場合にあっては、目論見書又はこれに準ずるものの写し

(b) if they have issued subordinated corporate bonds or have become aware that the subsidiary corporation, etc. has issued subordinated bonds, a copy of the prospectus or other equivalent documents.

（合併等の届出を行う場合）

(Cases of Submitting Notifications of Mergers)

第二百八条の三十二　法第五十七条の十八第一項第三号に規定する内閣府令で定める場合は、次に掲げる場合とする。

Article 208-32 The cases specified by Cabinet Office Order as prescribed in Article 57-18, paragraph (1), item (iii) of the Act are as follows:

一　法第二十九条の四第一項第一号イ（法又は金融サービスの提供に関する法律に相当する外国の法令の規定に係る部分に限る。）又はハに該当することとなった場合

(i) if the case comes to fall under Article 29-4, paragraph (1), item (i), sub-item (c) (limited to the part related to the provisions of foreign laws and regulations equivalent to the Act or the Act on the Provision of Financial Services) or (b) of the Act;

二　役員が第百九十九条第二号イ又はロに該当することとなった事実を知った場合
(ii) if they become aware of the fact that an officer has come to fall under Article 199, item (ii), sub-item (a) or (b);
三　他の法人その他の団体が、親会社若しくは子法人等に該当し、又は該当しないこととなった場合
(iii) if another corporation or other organizations have come to fall under a parent company or the subsidiary corporation, etc., or have come to no longer fall under a parent company or the subsidiary corporation, etc.;
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が行われた事実を知った場合（外国会社にあっては、本店の所在する国において当該国の法令に基づき同種類の申立てが行われた事実を知った場合を含む。）
(iv) if the registered financial institution becomes aware of the fact that a petition for commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, or commencement of reorganization proceedings has been filed (for a foreign corporation, including cases in which it becomes aware of the fact that the same type of petition has been filed in the country where its head office is located, pursuant to the laws and regulations of that country);
五　定款を変更した場合
(v) if the registered financial institution has amended its articles of incorporation;
六　役職員に事故等があったことを知った場合
(vi) if the registered financial institution has come to know that any officer or employee has committed a problematic conduct, etc.;
七　前号の事故等の詳細が判明した場合
(vii) if the details of the problematic conduct, etc. referred to in the preceding paragraph become clear;
八　訴訟若しくは調停（当該指定親会社の業務又は当該指定親会社及びその子法人等の財産の状況に重大な影響を及ぼすおそれがあるものに限る。）の当事者となった場合又は当該訴訟若しくは調停が終結した場合
(viii) if the registered financial institution has become a party to an action or a conciliation (limited to those that are likely to have a material impact on the business of the designated parent company or the status of property of the designated parent company and its subsidiary corporation, etc.) or if the action or conciliation has been concluded;
九　主要株主が第百九十九条第十一号ハ（１）から（４）までのいずれかに該当することとなった事実を知った場合
(ix) if the registered financial institution becomes aware of the fact that a major shareholder has come to fall under any of Article 199, item (xi), sub-item (c), 1. through 4.;
十　内国会社にあっては、法第五十七条の二十第一項第四号に該当することとなった

場合

(x) for a domestic company, if it has come to fall under Article 57-20, paragraph (1), item (iv) of the Act;

十一　外国会社にあっては、法に相当する外国の法令に基づく行政官庁の不利益処分を受けた場合（法第二十九条の四第一項第一号イに該当する場合を除く。）

(xi) for a foreign company, if it has been rendered an adverse disposition by an administrative agency based on foreign laws and regulations equivalent to the Act (excluding the case when it falls under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act); and

十二　最終指定親会社にあっては、次に掲げる場合

(xii) for the highest designated parent company, the following cases:

イ　子法人等の役職員に事故等があったことを知った場合（事故等について子法人等が法令の規定により金融庁長官等に対し届出その他の手続をしなければならないとされている場合を除く。ロにおいて同じ。）

(a) if the highest designated parent company has come to know that an officer or employee of a subsidiary corporation, etc. has committed a problematic conduct, etc. (excluding cases in which laws and regulations provide that a subsidiary corporation, etc. must give a notification to the Commissioner of the Financial Services Agency, etc. or take other procedures with regard to problematic conduct, etc.; the same applies in sub-item (b));

ロ　イの事故等の詳細が判明した場合

(b) if the details of the problematic conduct, etc. referred to in sub-item (a) become clear;

ハ　子法人等が訴訟若しくは調停（当該最終指定親会社の業務又は当該最終指定親会社及びその子法人等の財産の状況に重大な影響を及ぼすおそれがあるものに限る。）の当事者となったことを知った場合又は当該訴訟若しくは調停が終結したことを知った場合（訴訟又は調停について子法人等が法令の規定により金融庁長官等に対し届出その他の手続をしなければならないとされている場合を除く。）

(c) if the highest designated parent company has come to know that a subsidiary corporation, etc. has become a party to an action or a conciliation (limited to those that are likely to have a material impact on the business of the highest designated parent company or the status of the property of the highest designated parent company and its subsidiary corporation, etc.), or has come to know that the action or conciliation has been concluded (excluding cases in which it is provided that a subsidiary corporation, etc. must submit a notification to the Commissioner of the Financial Services Agency, etc. or take other procedures with regard to an action or a conciliation);

ニ　劣後特約付借入金を借り入れた場合若しくは劣後特約付社債を発行した場合又は子法人等が劣後特約付借入金を借り入れたことを知った場合若しくは劣後特約

付社債を発行したことを知った場合（劣後特約付借入金又は劣後特約付社債について子法人等が法令の規定により金融庁長官等に対し届出その他の手続をしなければならないとされている場合を除く。ホにおいて同じ。）

(d) if the highest designated parent company has made a subordinated borrowing or has issued subordinated corporate bonds, or has come to know that the subsidiary corporation, etc. has made a subordinated borrowing or has issued subordinated corporate bonds (excluding cases in which laws and regulations provide that a subsidiary corporation, etc. must submit a notification to the Commissioner of the Financial Services Agency, etc. or take other procedures with regard to subordinated borrowings or subordinated corporate bonds; the same applies in (e));

ホ　劣後特約付借入金について期限前弁済をした場合若しくは劣後特約付社債について期限前償還をした場合（期限のないものについて弁済又は償還をした場合を含む。）又は子法人等が劣後特約付借入金について期限前弁済をしたことを知った場合若しくは劣後特約付社債について期限前償還をしたことを知った場合（期限のないものについて弁済又は償還をしたことを知った場合を含む。）

(e) if the highest designated parent company has made a payment before maturity for subordinated borrowings or has made a premature redemption of subordinated corporate bonds (including cases in which payment or redemption has been made for those without a fixed due date) or if it has come to know that the subsidiary corporation, etc. has made a payment before maturity of the subordinated borrowing or made a premature redemption of subordinated corporate bonds (including cases in which the highest designated parent company has come to know that a the subsidiary corporation, etc. has made a payment or redemption with regard to those without a fixed due date).

（親会社でなくなったとき等の届出）

(Notification When the Person Ceased to Be a Parent Company)

第二百八条の三十三　法第五十七条の十八第二項の規定により届出を行う者は、次の各号に掲げる場合の区分に応じ、当該各号に定める事項を記載した届出書を金融庁長官に提出しなければならない。

Article 208-33 (1) A person that gives a notification pursuant to the provisions of Article 57-18, paragraph (2) of the Act must submit a written notification stating the matters specified in the following items in accordance with the category of cases set forth in each of those items to the Commissioner of the Financial Services Agency:

一　法第五十七条の十八第二項第一号に該当する場合　その旨及び親会社でなくなった年月日

(i) if the case falls under Article 57-18, paragraph (2), item (i) of the Act: that fact and the date when the person ceased to be a parent company;

二　法第五十七条の十八第二項第二号に該当する場合　次に掲げる事項

(ii) if the case falls under Article 57-18, paragraph (2), item (ii) of the Act: the following matters:

イ　合併の相手方の商号又は名称

(a) the trade name or name of the other party to the merger;

ロ　合併の年月日及び理由

(b) the date of the merger and the reasons for the merger; and

ハ　合併の方法

(c) the method of the merger;

三　法第五十七条の十八第二項第三号に該当する場合　次に掲げる事項

(iii) if the case falls under Article 57-18, paragraph (2), item (iii) of the Act: the following matters:

イ　破産手続開始の申立てが行われた年月日

(a) the date when the petition for commencement of bankruptcy proceedings has been filed; and

ロ　破産手続開始の決定を受けた年月日

(b) the date when the order for commencement of bankruptcy proceedings has been issued.

四　法第五十七条の十八第二項第四号に該当する場合　解散の年月日及び理由

(iv) if the case falls under Article 57-18, paragraph (2), item (iv) of the Act: the date of the dissolution and its reasons.

２　前項の届出書には、次の各号に掲げる場合の区分に該当する場合には、当該各号に定める書類を添付しなければならない。

(2) The documents specified in the following items must be attached to the written notification referred to in the preceding paragraph, if they fall under the category of the cases set for in each of those items:

一　法第五十七条の十八第二項第二号に該当する場合　合併契約の内容及び合併の手続を記載した書面

(i) if the case falls under Article 57-18, paragraph (2), item (ii) of the Act: a document stating the content of the merger agreement and the procedures for merger; and

二　法第五十七条の十八第二項第三号に該当する場合　破産手続開始の決定の裁判書の写し又は破産手続開始の決定の内容を記載した書面

(ii) if the case falls under Article 57-18, paragraph (2), item (iii) of the Act: a copy of the written judgment on the order for commencement of bankruptcy proceedings, or a document stating the content of the order for commencement of bankruptcy proceedings.

（監督処分の公告）

(Public Notice of Supervisory Dispositions)

第二百八条の三十四　法第五十七条の二十二の規定による公告は、官報により行うもの

とする。
Article 208-34 The public notice under the provisions of Article 57-22 of the Act is to be given in an Official Gazette.

第三款　雑則
Subsection 3 Miscellaneous Provisions

第二百八条の三十五　第三十六条から第三十八条までの規定は、法第五十七条の二十六第一項において法第三十二条第一項及び第二項の規定を準用する場合について準用する。
Article 208-35 The provisions from Article 36 through 38 apply mutatis mutandis when the provisions of Article 32, paragraphs (1) and (2) of the Act apply mutatis mutandis pursuant to Article 57-26, paragraph (1) of the Act.

第五節　外国業者に関する特例
Section 5 Special Provisions on Foreign Business Operators

第一款　外国証券業者
Subsection 1 Foreign Securities Service Providers

（外国証券業者に係る特定投資家向け有価証券の売買等の制限の例外）
(Exemption from Restriction on Purchase and Sale of Securities for Professional Investors Related to Foreign Securities Service Providers)
第二百八条の三十六　令第十七条の三に規定する投資者の保護に欠けるおそれが少ない場合として内閣府令で定める場合は、第百二十五条の三各号に掲げる場合とする。
Article 208-36 The cases specified by Cabinet Office Order as those less likely to result in insufficient protection of investors which are prescribed in Article 17-3 of the Order are the cases set forth in the items of Article 125-3.

（有価証券の売買等の相手方とできる金融機関の範囲）
(Scope of Financial Institutions Which May Become Counterparties to Purchase and Sale of Securities)
第二百九条　令第十七条の三第一号ロに規定する金融機関のうち内閣府令で定めるものは、次に掲げる金融機関（第八号に掲げる金融機関のうち農業協同組合については、適格機関投資家に該当するものに限る。）とする。
Article 209 The financial institutions specified by Cabinet Office Order as prescribed in Article 17-3, item (i), sub-item (b) of the Order are the following financial institutions (for an agricultural cooperative among the financial institutions set forth in item (viii), limited to one that falls under a qualified institutional investor):
一　銀行
(i) a bank;

二　保険会社
(ii) an insurance company;
三　信用金庫及び信用金庫連合会
(iii) a Shinkin bank and a federation of Shinkin banks;
四　労働金庫及び労働金庫連合会
(iv) a labor bank and a federation of labor banks;
五　農林中央金庫
(v) The Norinchukin Bank;
六　株式会社商工組合中央金庫
(vi) The Shoko Chukin Bank Ltd.;
七　信用協同組合及び信用協同組合連合会（中小企業等協同組合法第九条の九第一項第一号の事業を行う協同組合連合会をいう。）
(vii) credit cooperatives and a federation of credit cooperatives (meaning the federation of cooperatives that conducts the business prescribed in Article 9-9, paragraph (1), item (i) of the Small and Medium-Sized Enterprise Cooperatives Act); and
八　業として貯金の受入れをすることができる農業協同組合及び農業協同組合連合会
(viii) agricultural cooperatives and a federation of agricultural cooperatives which may accept savings on a regular basis.

第二百十条　令第十七条の三第一号ニに規定する金融機関のうち内閣府令で定めるものは、前条各号に掲げる金融機関とする。
Article 210 The financial institutions specified by Cabinet Office Order as prescribed in Article 17-3, item (i), sub-item (d) of the Order are the financial institutions set forth in the items of the preceding Article.

第二百十一条　令第十七条の三第一号ホに規定する金融機関のうち内閣府令で定めるものは、銀行とする。
Article 211 The financial institutions specified by Cabinet Office Order as prescribed in Article 17-3, item (i), sub-item (e) of the Order are banks.

（顧客の計算において行うことができる有価証券の売買等）
(Purchase and Sale of Securities Which May Be Conducted on a Customers' Account)
第二百十二条　令第十七条の三第一号ホに規定する内閣府令で定めるものは、銀行が、顧客たる外国証券業者の書面による注文を受けてその計算で国内において行う有価証券の売買又は法第二十八条第八項第三号若しくは第五号に掲げる行為とする。
Article 212 The acts specified by Cabinet Office Order as prescribed in Article 17-3, item (i), sub-item (e) of the Order are the purchase and sale of securities or acts set forth in Article 28, paragraph (8), item (iii) or (v) of the Act, which are conducted in Japan by a bank based on a written order from customers that

are foreign securities service providers on the account of the customers.

（外国証券業者が行うことのできる有価証券に関連する行為）

(Acts Related to Securities Which May Be Conducted by Foreign Securities Service Providers)

第二百十三条　令第十七条の三第二号イに規定する内閣府令で定めるものは、次に掲げるものとする。

Article 213 (1) The transactions specified by Cabinet Office Order as prescribed in Article 17-3, item (ii), sub-item (a) of the Order are as follows:

一　有価証券の売買

(i) purchase and sale of securities;

二　有価証券の売買又は法第二十八条第八項第五号に掲げる取引の媒介、取次ぎ又は代理

(ii) intermediation, brokerage, or agency services for purchase and sale of securities or a transaction set forth in Article 28, paragraph (8), item (v) of the Act; and

三　外国金融商品市場における有価証券の売買又は法第二十八条第八項第五号に掲げる取引の委託の媒介、取次ぎ又は代理

(iii) intermediation, brokerage, or agency services for purchase and sale of securities or entrustment of transactions set forth in Article 28, paragraph (8), item (v) of the Act, on a foreign financial instruments market.

２　令第十七条の三第二号ロに規定する内閣府令で定めるものは、有価証券の売買又は法第二十八条第八項第五号に掲げる取引とする。

(2) The transaction specified by Cabinet Office Order as prescribed in Article 17-3, item (ii), sub-item (b) of the Order is purchase and sale of securities or a transaction set forth in Article 28, paragraph (8), item (v) of the Act.

（引受業務のうちの協議についての届出事項）

(Matters that are to be Notified Concerning Discussion Related to Underwriting Business)

第二百十四条　令第十七条の三第三号に規定する協議（以下この項及び第三項において「協議」という。）を国内において行おうとする外国証券業者は、あらかじめ、次に掲げる事項（外国証券業者が個人である場合には、第三号及び第四号に掲げる事項を除く。）を記載した届出書を金融庁長官に提出しなければならない。

Article 214 (1) A foreign securities service provider that seeks to hold a discussion prescribed in Article 17-3, item (iii) of the Order (hereinafter referred to as "discussion" in this paragraph and paragraph (3)) in Japan must submit a written notification stating the following matters (if the foreign securities service provider is an individual, excluding the matters set forth in items (iii) and (iv)) to the Commissioner of the Financial Services Agency in advance:

一　商号又は氏名
(i) the trade name or name;
二　本店又は主たる事務所の所在の場所
(ii) the location of the head office or principal office;
三　資本金の額又は出資の総額
(iii) the amount of the stated capital or the total amount of contribution;
四　代表権を有する役員の役職名及び氏名
(iv) the title and name of the officer having the authority as representative;
五　当該協議を行う者の氏名及び国内の住所又は居所その他の連絡場所
(v) the name of the person that will hold a discussion, and the person's domicile or residence in Japan or other places of contact;
六　当該協議に係る有価証券に関し予定されている次の事項
(vi) the following matters scheduled concerning securities for which the discussion is to be held:
イ　発行者又は所有者
(a) the issuer or owner;
ロ　種類
(b) the type;
ハ　数量及び金額
(c) the quantity and amount;
ニ　発行又は売出しの場所及び年月日
(d) the place and date of issuance or secondary distribution; and
ホ　他の引受幹事金融商品取引業者（法第五十九条の二第一項第六号へに規定する引受幹事金融商品取引業者をいう。）
(e) other managing financial instruments business operators for underwriting (meaning the managing financial instruments business operator for underwriting prescribed in Article 59-2, paragraph (1), item (vi), sub-item (f) of the Act).
２　前項の届出書には、次に掲げる書類を添付しなければならない。
(2) The following documents must be attached to the written notification referred to in the preceding paragraph:
一　業務の内容を記載した書類（当該書類が前項に規定する届出の日前一年以内に添付して届け出られたものと同一内容のものである場合には、当該添付して届け出た年月日及び当該添付した書類を参照すべき旨を記載した書類）
(i) a document stating the content of business (if the content of the document is the same as the content of the document filed as attachment within one year before he day of the filing of the notification prescribed in the preceding paragraph, a document stating the day of the filing of the prior attachment and the fact that the document filed as attachment should be referenced); and
二　最近一年間に外国において行った有価証券の引受けの業務の概要を記載した書類

(ii) a document stating the outline of the securities underwriting business performed in a foreign country in the past year.

３　第一項に規定する届出は、外国において発行される国債証券若しくは政府が元本の償還及び利息の支払について保証している社債券その他の債券に係る協議を行う場合については、要しないものとする。

(3) The notification prescribed in paragraph (1) is not required when conducting a discussion on national government bond securities to be issued in a foreign country or corporate bond certificates or other bond certificates for which the government guarantees redemption of principal and interest payments.

第二款　引受業務の一部の許可
Subsection 2 Permission to Conduct Part of Underwriting Business

（引受業務と同種類の業務を行っているとみなされる者）

(Persons Deemed to be Conducting the Same Type of Business as Underwriting Business)

第二百十五条　令第十七条の六第二項第五号に規定する内閣府令で定める者は、令第十五条の十六第一項各号に掲げる者その他これらの者に類するものとして金融庁長官が指定する者とする。

Article 215 The persons specified by Cabinet Office Order as prescribed in Article 17-6, paragraph (2), item (v) of the Order are the persons set forth in the items of Article 15-16, paragraph (1) of the Order and other persons designated by the Commissioner of the Financial Services Agency as being equivalent to them.

（許可の取消しの公告）

(Public Notice of Revocation of Permission)

第二百十六条　法第五十九条の五第三項の規定による許可の取消しの公告は、官報により行うものとする。

Article 216 The public notice for the revocation of permission under the provisions of Article 59-5, paragraph (3) of the Act is to be given in an Official Gazette.

（外国証券業者の引受業務に係る禁止行為）

(Prohibited Acts Related to Underwriting Business of Foreign Securities Service Providers)

第二百十七条　法第五十九条の六において準用する法第三十八条第九号に規定する内閣府令で定める行為は、引受業務（法第五十九条第一項に規定する引受業務をいう。）に関して、虚偽の表示をし、又は重要な事項につき誤解を生ぜしめるべき表示をする行為とする。

Article 217 The acts specified by Cabinet Office Order as prescribed in Article 38,

item (ix) of the Act as applied mutatis mutandis pursuant to Article 59-6 of the Act are the acts of making a false representation or a representation that may cause misunderstanding of a material matter concerning underwriting business (meaning the underwriting business prescribed in Article 59, paragraph (1) of the Act).

第三款　取引所取引業務の許可
Subsection 3 Permission for On-Exchange Transaction Services

（許可の申請）
(Application for Permission)

第二百十八条　法第六十条第一項の許可を受けようとする者は、別紙様式第十八号により作成した法第六十条の二第一項の許可申請書に、当該許可申請書の写し及び同条第三項の規定により当該許可申請書に添付すべき書類を添付して、金融庁長官に提出しなければならない。

Article 218 A person that seeks to obtain a permission referred to in Article 60, paragraph (1) of the Act must submit to the Commissioner of the Financial Services Agency a written application for permission referred to in Article 60-2, paragraph (1) of the Act prepared by using the Appended Form No. 18, by attaching a copy of the written application for permission and documents required to be attached to it pursuant to the provisions of paragraph (3) of that Article.

（許可申請書の記載事項）
(Matters to Be Stated in Written Application for Permissions)

第二百十九条　法第六十条の二第一項第十一号に規定する内閣府令で定める事項は、取引所取引（法第六十条第一項に規定する取引所取引をいう。以下同じ。）と同種類の取引に係る業務を開始した日とする。

Article 219 The matter specified by Cabinet Office Order as prescribed in Article 60-2, paragraph (1), item (xi) of the Act is the day of the commencement of the same type of business as the on-exchange transaction (meaning an on-exchange transaction prescribed in Article 60, paragraph (1) of the Act; the same applies hereinafter).

（業務の内容及び方法）
(Content and Method of Business)

第二百二十条　法第六十条の二第三項第二号に規定する内閣府令で定めるものは、次に掲げるものとする。

Article 220 The content and method of business specified by Cabinet Office Order as prescribed in Article 60-2, paragraph (3), item (ii) of the Act are as follows:

一　業務運営に関する基本原則
(i) the basic principles of business operations;
二　業務執行の方法
(ii) the method of execution of business;
三　業務分掌の方法
(iii) the method of division of duties;
四　業として行う取引所取引の種類
(iv) the type of on-exchange transaction to be conducted on a regular basis;
五　苦情の解決のための体制
(v) the system for handling complaints;
六　我が国の金融商品取引法令（法第五条第八項に規定する金融商品取引法令をいう。第二百三十二条の四第六号において同じ。）に関する知識を有する役員及び使用人の確保の状況並びに当該役員及び使用人の配置の状況
(vi) the situation of securing officers and employees that have knowledge on Japan's Financial Instruments and Exchange Act and related regulations (meaning the Financial Instruments and Exchange Act and related regulations provided for in Article 5, paragraph (8) of the Act; the same applies in Article 232-4, item (vi)), and the situation of the assignment of those officers and employees; and
七　取引所取引業務（法第六十条第一項に規定する取引所取引業務をいう。以下同じ。）として高速取引行為を行う場合には、次に掲げる事項
(vii) in cases of conducting high-speed trading as on-exchange transaction services (meaning on-exchange transaction services provided in Article 60, paragraph (1) of the Act; the same applies hereinafter), the following matters:
イ　取引戦略ごとに、当該取引戦略の概要（次に掲げる事項を含む。）
(a) an outline of the transaction strategy for each transaction strategy (including the following matters):
（１）　取引戦略の類型
1. the type of transaction strategy;
（２）　高速取引行為に係る金融商品取引所等の名称又は商号
2. the name or trade name of the financial instruments exchange, etc. related to high-speed trading;
（３）　高速取引行為の対象とする有価証券又は市場デリバティブ取引の種類
3. the kind of securities or market derivatives transactions subject to high-speed trading;
ロ　高速取引行為に係る業務に関し、法令等を遵守させるための指導に関する業務を統括する者の氏名及び役職名
(b) the name and title of the person supervising the work on instructions for having a person comply with laws and regulations, etc. in relation to services pertaining to high-speed trading;

ハ　高速取引行為に係る業務を管理する責任者の氏名及び役職名

(c) the name and title of the person responsible for managing the services pertaining to high-speed trading;

ニ　高速取引行為に係る電子情報処理組織その他の設備の概要、設置場所及び保守の方法

(d) the outline, installation location, and maintenance method of the electronic data processing system and other facilities for high-speed trading; and

ホ　高速取引行為に係る電子情報処理組織その他の設備の管理を十分に行うための措置の内容

(e) the content of the measures to ensure sufficient management of the electronic data processing systems and other facilities for high-speed trading.

（許可申請書の添付書類）

(Documents to Be Attached to Written Applications for Permission)

第二百二十一条　法第六十条の二第三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 221 The matters specified by Cabinet Office Order as prescribed in Article 60-2, paragraph (3), item (vi) of the Act are as follows:

一　取引所取引業務の開始を決議した役員会等（役員会その他これに類する機関をいう。第二百三十二条の五第一号において同じ。）の議事録

(i) the minutes of the meeting of the board of officers, etc. (meaning a board of officers or other similar organs; the same applies in Article 232-5, item (i)) in which the resolution to commence on-exchange transaction services has been adopted;

二　本店又は取引所取引店（法第六十条の二第一項第三号に規定する取引所取引店をいう。以下同じ。）が所在する全ての国において登録等（法第五十九条の五第一項第二号に規定する登録等をいう。第二百三十二条の五第二号において同じ。）を受けていることを証する書面

(ii) a document certifying that the applicant has obtained registrations, etc. (meaning the registrations, etc. prescribed in Article 59-5, paragraph (1), item (ii) of the Act) in all countries where its head office or on-exchange transaction offices (meaning an on-exchange transaction office prescribed in Article 60-2, paragraph (1), item (iii) of the Act; the same applies in Article 232-5, item (ii)) are located;

三　全ての取引所取引店において、取引所取引と同種類の取引に係る業務を三年以上継続して行っていること、又は令第十七条の八第二項に定める場合に該当することを証する書面

(iii) a document certifying that the applicant has been continuously engaged in the business related to the same type of transactions as on-exchange

transactions at all of on-exchange transaction offices for at least three years, or that the applicant falls under the case specified in Article 17-8, paragraph (2) of the Order;

四　純財産額を算出した書面

(iv) a document stating the calculated net assets;

五　役員、取引所取引店所在国における代表者（法第六十条の二第一項第三号に規定する取引所取引店所在国における代表者をいう。以下同じ。）及び国内における代表者（以下この款において「役員等」という。）の履歴書（役員が法人であるときは、当該役員の沿革を記載した書面）

(v) resumes of the officers, the representative in a country where on-exchange transaction offices are located (meaning the representative in a country where on-exchange transaction office prescribed in Article 60-2, paragraph (1), item (iii) of the Act is located; the same applies hereinafter), and the representative in Japan (hereinafter referred to as "officers, etc." in this Subsection) (if an officer is a corporation, a document stating the background of the officer);

六　役員等の住民票の抄本（役員が法人であるときは、当該役員の登記事項証明書）又はこれに代わる書面

(vi) an extract of the resident record of the officers, etc. (if an officer is a corporation, a certificate of registered information of the officer), or alternative documents;

七　役員等の旧氏及び名を当該役員等の氏名に併せて法第六十条の二第一項の許可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等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

(vii) if the former surname and given name of an officer, etc. are stated together with the current name of the officer, etc. in a written application for permission referred to in Article 60-2, paragraph (1) of the Act, and the document set forth in the preceding item is not a document certifying the former surname and given name of the officer, etc., a document certifying the former surname and given name;

八　役員等が法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

(viii) a certificate issued by the public agency certifying that the officers, etc. do not fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, or alternative documents;

九　役員等が法第二十九条の四第一項第二号イ又はハからリまでのいずれにも該当しない者であることを当該役員等が誓約する書面

(ix) documents with which each of the officers, etc. pledges that they do not fall under any of Article 29-4, paragraph (1), item (ii), sub-item (a), or sub-items (c) through (i) of the Act; and

十　取引所取引業務を行う際に使用する端末（金融商品取引所の使用する電子情報処

理組織と接続する申請者の使用に係る入出力装置をいう。）において、不公正な取引の防止を図るために講じている措置を記載した書面

(x) a document stating the measures to be taken for preventing unfair transactions, in relation to terminals to be used for conducting on-exchange transaction servicess (meaning the input/output devices used by an applicant, which are connected to the electronic data processing system used by the financial instruments exchange);

十一　取引所取引業務として高速取引行為を行う場合には、前条第七号ロ及びハに規定する者の履歴書

(xi) in conducting high-speed trading as on-exchange transaction servicess, the resume of the person prescribed in item (vii), sub-items (b) and (c) of the preceding Article.

（許可申請書記載事項の変更の届出）

(Notification on Changes to Matters Stated in Written Applications for Permission)

第二百二十二条　法第六十条の五第一項の規定により届出を行う取引所取引許可業者は、変更の内容、変更年月日及び変更の理由を記載した届出書に、別紙様式第十八号により作成した変更後の内容を記載した書面及び当該書面の写しのほか、次の各号に掲げる場合の区分に応じ、当該各号に定める書類を添付して、所管金融庁長官等に提出しなければならない。

Article 222 An authorized firm for on-exchange transactions which files a notification pursuant to the provisions of Article 60-5, paragraph (1) of the Act must submit to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureaus a written notification stating the content and date of the change, and the reasons for the change, by attaching a document stating the changed matters which is prepared using the Appended Form No. 18 and its copy, in addition to the document specified in the following items in accordance with the category of the cases set forth in each of those items:

一　法第六十条の二第一項第一号に掲げる事項に変更があった場合　当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面

(i) if there is any change to the matters set forth in Article 60-2, paragraph (1), item (i) of the Act: the certificate of registered information stating the changed information, or alternative documents;

二　法第六十条の二第一項第二号に掲げる事項に変更があった場合　次に掲げる書類

(ii) if there is any change to the matters set forth in Article 60-2, paragraph (1), item (ii) of the Act: the following documents:

イ　当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面

(a) the certificate of registered information stating the information related to the change, or alternative documents; and

ロ　当該変更による純財産額の変動を記載した書面

(b) a document stating the fluctuations in net assets due to the change;

三　法第六十条の二第一項第三号に掲げる事項に変更があった場合　次に掲げる書類

(iii) if there is any change to the matters set forth in Article 60-2, paragraph (1), item (iii) of the Act: the following documents:

イ　当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面

(a) the certificate of registered information stating the changed information, or alternative documents; and

ロ　新たに役員となった者に係る次に掲げる書類

(b) the following documents concerning the person that has newly assumed the position as an officer:

（１）　履歴書（役員が法人であるときは、当該役員の沿革を記載した書面）

1. the resume (if an officer is a corporation, a document stating the background of the officer);

（２）　住民票の抄本（役員が法人であるときは、当該役員の登記事項証明書）又はこれに代わる書面

2. an extract of the resident record (if an officer is a corporation, a certificate of registered information of the officer), or alternative documents;

（３）　旧氏及び名を、氏名に併せて別紙様式第十八号により作成した変更後の内容を記載した書面に記載した場合において、（２）に掲げる書類が当該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

3. if the former surname and given name are stated together with the current name in a document stating the changed content which is prepared using the Appended Form 18 and the document set forth in 2. is not a document certifying the former surname and given name, a document certifying the former surname and given name;

（４）　法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

4. the certificate issued by a public agency certifying that the officer does not fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, or alternative documents;

（５）　法第二十九条の四第一項第二号イ又はハからリまでのいずれにも該当しない者であることを当該役員が誓約する書面

5. the document with which the officer pledges that they do not fall under Article 29-4, paragraph (1), item (ii), sub-item (a), or sub-items (c) through (i) of the Act;

（６）　法第六十条の三第一項第一号ヌ（法第二十九条の四第一項第二号イに係る部分に限る。）に該当しないことを誓約する書面

6. the document with which the officer pledges that they do not fall under Article 60-3, paragraph (1), item (i), sub-item (j) of the Act (limited to

the part related to Article 29-4, paragraph (1), item (ii), sub-item (a) of the Act); and

四　法第六十条の二第一項第五号に掲げる事項に変更があった場合（取引所取引店の名称に変更があった場合に限る。）　当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面

(iv) if there is any change to the matters set forth in Article 60-2, paragraph (1), item (v) of the Act (limited to the case in which the name of the on-exchange transaction office has been changed): the certificate of registered information stating the changed information, or alternative documents;

五　法第六十条の二第一項第六号に掲げる事項に変更があった場合（その他事業を開始した場合に限る。）　当該その他事業の内容を記載した書類

(v) if there is any change to the matters set forth in Article 60-2, paragraph (1), item (vi) of the Act (limited to the case in which the other business has been commenced): a document stating the content of the other business;

六　法第六十条の二第一項第八号に掲げる事項に変更があった場合（国内に事務所その他の施設を設置した場合に限る。）　設置した国内の事務所その他の施設の組織及び人員配置を記載した書面

(vi) if there is any change to the matters set forth in Article 60-2, paragraph (1), item (viii) of the Act (limited to cases in which an office or other facilities have been established in Japan): a document stating the organizational structure and assignment of personnel of the office or other facilities in Japan that have been established;

七　法第六十条の二第一項第九号に掲げる事項に変更があった場合　次に掲げる書類

(vii) if there is any change to the matters set forth in Article 60-2, paragraph (1), item (ix) of the Act: the following documents:

イ　当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面

(a) the certificate of registered information stating the changed information, or alternative documents;

ロ　新たに国内における代表者となった者に係る次に掲げる書類

(b) the following documents in relation to the person that has newly assumed the position of the representative in Japan:

（１）　履歴書

1. resume of the representative;

（２）　住民票の抄本又はこれに代わる書面

2. an extract of the representative's resident record, or alternative documents;

（３）　旧氏及び名を、氏名に併せて別紙様式第十八号により作成した変更後の内容を記載した書面に記載した場合において、（２）に掲げる書類が当該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

3. if the former surname and given name are stated together with the current name in a document stating the changed content which is

prepared using the Appended Form 18 and the document set forth in 2. is not a document certifying the former surname and given name, a document certifying the former surname and given name;

（４）　法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

4. the certificate issued by a public agency certifying that the person does not fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, or alternative documents; and

（５）　法第二十九条の四第一項第二号イ又はハからリまでのいずれにも該当しない者であることを当該国内における代表者が誓約する書面

5. the documents with which the representative in Japan pledges that they do not fall under any of Article 29-4, paragraph (1), item (ii), sub-item (a), or sub-items (c) through (i) of the Act.

（６）　法第六十条の三第一項第一号ヌ（法第二十九条の四第一項第二号イに係る部分に限る。）に該当しないことを誓約する書面

6. the documents with which the representative pledges that the corporation does not fall under Article 60-3, paragraph (1), item (i), sub-item (j) of the Act (limited to the part related to Article 29-4, paragraph (1), item (ii), sub-item (a) of the Act).

（変更の届出を要する場合）

(Cases When a Notification of Change Is Required)

第二百二十三条　法第六十条の五第二項に規定する内閣府令で定める場合は、次に掲げる場合とする。

Article 223 The cases specified by Cabinet Office Order as prescribed in Article 60-5, paragraph (2) of the Act are as follows:

一　本店又は取引所取引店において業務（取引所取引店にあっては、取引所取引に係るものに限る。）を休止し、又は再開した場合

(i) if the authorized on-exchange transaction operator has suspended or resumed business at its head office or on-exchange transaction office (in the case of a on-exchange transaction office, limited to business related to an on-exchange transaction);

二　他の法人と合併した場合、分割により取引所取引許可業者の事業の一部を承継させ、若しくは他の法人の事業の全部若しくは一部を承継した場合又は取引所取引許可業者の事業の重要な一部の譲渡若しくは他の法人から事業の全部若しくは重要な一部を譲り受けた場合

(ii) when the authorized firm for on-exchange transactions merges with another corporation, if it has part of the business of the authorized firm for on-exchange transactions succeeded to or has succeeded to all or part of the business of the other corporation, or has transferred a material part of the business of the authorized firm for on-exchange transactions or has acquired

all or a material part of the business of the other corporation, through a split;

三　破産手続開始、再生手続開始、更生手続開始若しくは清算開始の申立てを行った場合又は本店若しくは主たる事務所の所在する国において当該国の法令に基づき同種類の申立てを行った場合

(iii) if the authorized on-exchange transaction operator has filed a petition for commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, or commencement of reorganization proceedings, or has filed the same type of petition in the country where their head office or principal office is located, based on the laws and regulations of that country;

四　定款を変更した場合（取引所取引業務に係る部分の変更その他重要な変更に限る。）

(iv) if the authorized on-exchange transaction operator has amended its articles of incorporation (limited to a change to the parts related to on-exchange transaction services or other material changes);

五　取引所取引業務を開始した場合

(v) if the authorized on-exchange transaction operator has commenced on-exchange transaction services;

六　法第六十条の三第一項第一号イ、ロ、ニからヘまで、ト（法又は金融サービスの提供に関する法律に相当する外国の法令の規定に係る部分に限る。）又はチに規定する者に該当することとなった場合

(vi) if the authorized on-exchange transaction operator has come to fall under a person specified in Article 60-3, paragraph (1), item (i), sub-item (a), sub-item (b), sub-items (d) through (f), or sub-item (g) (limited to the parts related to the provisions of foreign laws and regulations that are equivalent to the Act or the Act on the Provision of Financial Services) or (h) of that paragraph;

七　役員等が第百九十九条第二号イ又はロに該当することとなった事実を知った場合

(vii) if the authorized on-exchange transaction operator becomes aware of the fact that any of its officers, etc. has come to fall under Article 199, item (ii), sub-item (a) or (b);

八　純財産額が資本金の額に満たなくなった場合（第六号の規定に該当する場合を除く。）

(viii) if the net assets have become less than the amount of the stated capital (excluding the case that falls under item (vi));

九　法に相当する外国の法令に基づく行政官庁の不利益処分を受けた場合（取引所取引と同種類の取引に係る業務に関するものに限り、第六号の規定に該当する場合を除く。）

(ix) if the authorized on-exchange transaction service operator has been rendered an adverse disposition from administrative agencies based on foreign laws and regulations that are equivalent to the Act (limited to

dispositions related to the same type of transactions as the on-exchange transactions, and excluding cases that fall under item (vi));

十　役職員に法令等に反する行為（取引所取引業務又はこれに付随する業務以外の業務に係るものにあっては、当該取引所取引許可業者の業務の運営又は財産の状況に重大な影響を及ぼすおそれがあるものに限る。次号において「事故等」という。）があったことを知った場合

(x) if the authorized firm for on-exchange transactions has come to know that any of its officers or employees has committed an act violating laws and regulations, etc. (for an act related to business other than on-exchange transactions or a business incidental to them, limited to the acts which may have a material impact on the business operation or status of property of the authorized firm for on-exchange transactions; referred to as the "problematic conduct, etc." in the following item);

十一　前号の規定に基づき届出をした事故等の詳細が判明した場合

(xi) if the details of the problematic conduct, etc. for which a notification was given based on the provisions of the preceding item have become clear; and

十二　取引所取引業務として高速取引行為に係る業務を開始した場合

(xii) if services pertaining to high-speed trading has been commenced as on-exchange transactions.

（業務の内容又は方法等の変更の届出）

(Notification on Change of Content of Business or Method of Business)

第二百二十四条　法第六十条の五第二項の規定により届出を行う取引所取引許可業者は、変更の内容、変更年月日及び変更の理由を記載した届出書に、次の各号に掲げる場合の区分に応じ当該各号に定める書類を添付して、所管金融庁長官等に提出しなければならない。

Article 224 An authorized firm for on-exchange transactions that files a notification pursuant to the provisions of Article 60-5, paragraph (2) of the Act must submit to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureaus a written notification stating the content and date of the changes and the reason for the changes, by attaching a document specified in the following items in accordance with the category of documents prescribed in each of those items:

一　第二百二十条各号に掲げるものに変更があった場合　同条各号に掲げるもの（内容に変更のあるものに限る。）を記載した書類及び第二百二十一条第十一号に掲げる書類（内容に変更のあるものに限る。）

(i) if there is any change to the matters set forth in the items of Article 220: a document stating the matters set forth in the items of that Article (limited to matters whose content has been changed) and a document set forth in Article 221, item (xi) (limited to matters whose content has been changed);

二　前条第二号に該当する場合（合併の場合に限る。）　次に掲げる書類

(ii) if the cases falls under item (ii) of the preceding Article (limited to the case of a merger): the following documents:

イ　合併契約の内容及び合併の手続を記載した書面

(a) the document stating the content of the merger agreement and the procedures for merger;

ロ　当事者の最近の貸借対照表（関連する注記を含む。以下この条において同じ。）

(b) the recent balance sheets of the parties (including the related notes; hereinafter the same applies in this Article);

ハ　合併後の純財産額を記載した書面

(c) the net assets after the completion of the merger; and

ニ　顧客勘定の処理方法を記載した書面

(d) the document stating the method of handling customers' accounts;

三　前条第二号に該当する場合（分割により他の法人の事業の全部又は一部を承継した場合に限る。）　次に掲げる書類

(iii) if the case falls under item (ii) of the preceding Article (limited to the case in which all or part of another corporation's business has been succeeded to through a split): the following documents:

イ　吸収分割契約の内容及び分割の手続を記載した書面

(a) the document stating the content of the absorption-type split agreement and the procedures for the split;

ロ　当事者の最近の貸借対照表

(b) recent balance sheets of the parties; and

ハ　分割後の純財産額を記載した書面

(c) the document stating the net assets after the completion of the split;

四　前条第二号に該当する場合（他の法人の事業の全部又は一部を譲り受けた場合に限る。）　次に掲げる書類

(iv) if the case falls under item (ii) of the preceding Article (limited to the case in which all or part of the other corporation's business has been acquired): the following documents:

イ　事業の譲受けの契約の内容及び事業の譲受けの手続を記載した書面

(a) the document stating the content of the business acquisition contract and the procedures for the acquisition of the business;

ロ　当事者の最近の貸借対照表

(b) recent balance sheets of the parties; and

ハ　事業の譲受け後の純財産額を記載した書面

(c) the document stating the net assets after the acquisition of the business;

五　前条第三号に該当する場合　次に掲げる書類

(v) if the case falls under item (iii) of the preceding Article: the following documents:

イ　破産手続開始、再生手続開始、更生手続開始又は清算開始の申立てに係る書面

の写し

(a) the copies of the documents related to the filing of petition for commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, commencement of reorganization proceedings, or commencement of liquidation proceedings; and

ロ　最近の日計表

(b) a recent daily cash count sheet;

六　前条第四号に該当する場合　変更後の定款

(vi) if the case falls under item (iv) of the preceding Article: the amended articles of incorporation;

七　前条第六号に該当する場合（法第六十条の三第一項第一号イに該当することとなった場合に限る。）　次に掲げる書類

(vii) if the case falls under item (vi) of the preceding Article (limited to cases that have come to fall under Article 60-3, paragraph (1), item (i), sub-item (a) of the Act): the following documents:

イ　会社の登記事項証明書又はこれに代わる書面

(a) a certificate of registered information of the company, or alternative documents; and

ロ　株主総会の議事録の写し

(b) a copy of the minutes of the shareholders meeting;

八　前条第六号に該当する場合（法第六十条の三第一項第一号への規定に該当することとなった場合に限る。）　純財産額が令第十七条の九第一項で定める金額に満たなくなった日の純財産額を算出するための計算を記載した書面

(viii) if the case falls under item (vi) of the preceding Article (limited to cases that have come to fall under Article 60-3, paragraph (1), item (i), sub-item (f) of the Act): a document stating the calculation of the net assets on the day when the net assets have become less than the amount specified in Article 17-9, paragraph (1) of the Order;

九　前条第六号に該当する場合（法第六十条の三第一項第一号トの規定に該当することとなった場合に限る。）　次に掲げる書類

(ix) if the case falls under item (vi) of the preceding Article (limited to the cases that have come to fall under Article 60-3, paragraph (1), item (i), sub-item (g) of the Act): the following documents:

イ　取消しを命ずる書類の写し又はこれに代わる書面

(a) a copy of the document ordering revocation, or alternative documents; and

ロ　当該外国の法令及びその訳文

(b) a copy of the foreign laws and regulations and their Japanese translation;

十　前条第六号に該当する場合（法第六十条の三第一項第一号チの規定に該当することとなった場合に限る。）　確定判決の判決書の写し又は確定判決の内容を記載した書面

(x) if the case falls under item (vi) of the preceding Article (limited to cases

that have come to fall under Article 60-3, paragraph (1), item (i), sub-item (h) of the Act): a copy of the judgment document on the final and binding judgment, or a document stating the content of the final and binding judgment;

十一　前条第七号に該当する場合（役員等が法第二十九条の四第一項第二号ロの規定に該当することとなった場合に限る。）　破産手続開始の決定の裁判書の写し又は破産手続開始の決定の内容を記載した書面

(xi) if the case falls under item (vii) of the preceding Article (limited to cases in which an officer, etc. has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act): a copy of the written judgment on the order for commencement of bankruptcy proceedings, or a document stating the content of the order for commencement of bankruptcy proceedings;

十二　前条第七号に該当する場合（役員等が法第二十九条の四第一項第二号ハ又はリの規定に該当することとなった場合に限る。）　確定判決の判決書の写し又は確定判決の内容を記載した書面

(xii) if the case falls under item (vii) of the preceding Article (limited to cases in which an officer, etc. has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act): a copy of the judgment document on the final and binding judgment, or a document stating the content of the final and binding judgment;

十三　前条第七号に該当する場合（役員等が法第二十九条の四第一項第二号ニ又はホの規定に該当することとなった場合で、外国において取り消され、又は命ぜられた場合に限る。）　取消し又は廃止を命ずる書類の写し又はこれに代わる書面並びに取消し又は廃止の根拠となった外国の法令及びその訳文

(xiii) if the case falls under item (vii) of the preceding Article (limited to cases in which an officer, etc. has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, and for which a revocation was made or an order was given in a foreign country): a copy of the written order for the revocation or discontinuation of business or alternative documents, and a copy of foreign laws and regulations that has served as the basis of the revocation or discontinuation of business and their Japanese translation;

十四　前条第八号に該当する場合　純財産額を算出するための計算を記載した書面

(xiv) if the case falls under item (viii) of the preceding Article: a document stating the calculation of the net assets; and

十五　前条第九号に該当する場合　不利益処分を規定する外国の法令及びその訳文

(xv) if the case falls under item (ix) of the preceding Article: a copy of foreign laws and regulations providing for adverse dispositions, and their Japanese translation.

（業務に関する帳簿書類）

(Books and Documents Related to Businesses)

第二百二十五条　法第六十条の六において準用する法第四十六条の二の規定により取引所取引許可業者が作成し、保存しなければならない帳簿書類は、第百五十七条第一項第三号、第四号、第六号、第九号、第十号及び第十三号に掲げる帳簿書類又は外国の法令に基づいて作成される書類であってこれらの帳簿書類に類するもの（以下この項において「外国帳簿書類」といい、外国帳簿書類が外国語で作成される場合にあっては、次に掲げる書類（次項において「外国帳簿書類等」という。））とする。

Article 225 (1) The books and documents required to be prepared and preserved by an authorized firm for on-exchange transaction pursuant to the provisions of Article 46-2 of the Act as applied mutatis mutandis pursuant to Article 60-6 of the Act are the books and documents set forth in Article 157, paragraph (1), item (iii), item (iv), item (vi), item (ix), item (x), and item (xiii), or documents prepared based on foreign laws and regulations which are similar to those books and documents (hereinafter referred to as the "foreign books and documents" in this paragraph; if the foreign books and documents are prepared in a foreign language, the following documents (referred to as the "foreign books and documents, etc." in the following paragraph)):

一　外国帳簿書類

(i) foreign books and documents; and

二　外国帳簿書類の様式の訳文

(ii) Japanese translations of the forms of the foreign books and documents.

２　前項に規定する帳簿書類は、第百五十七条第一項第三号に掲げる帳簿書類及びこれに類する外国帳簿書類等にあっては、その作成の日から七年間、同項第四号、第六号、第九号、第十号及び第十三号に掲げる帳簿書類並びにこれらに類する外国帳簿書類等にあっては、その作成の日から十年間保存しなければならない。

(2) As for the books and documents prescribed in the preceding paragraph, the books and documents set forth in Article 157, paragraph (1), item (iii) and the foreign books and documents, etc. similar to them must be preserved for a period of seven years from the day of their preparation, and the books and documents set forth in Article 157, paragraph (1), item (iv), item (vi), item (ix), item (x), and item (xiii) of that paragraph and the foreign books and documents, etc. similar to them must be preserved for a period of ten years from the day of their preparation.

（事業報告書の提出）

(Submission of Business Reports)

第二百二十六条　法第六十条の六において準用する法第四十六条の三第一項に規定する事業報告書は、別紙様式第十九号により作成しなければならない。

Article 226 The business report prescribed in Article 46-3, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 60-6 of the Act must be prepared by using the Appended Form No. 19.

（事業報告書の提出期限の承認の手続等）

(Procedures for Obtaining Approval on Due Date for Submitting Business Reports)

第二百二十七条　令第十七条の十第一項ただし書の承認を受けようとする取引所取引許可業者は、次に掲げる事項を記載した承認申請書を所管金融庁長官等に提出しなければならない。

Article 227 (1) An authorized firm for on-exchange transactions which seeks to obtain an approval referred to in the proviso to Article 17-10, paragraph (1) of the Order must submit a written application for approval stating the following matters to the Commissioner of the Financial Services Agency or the Director-General of the competent Local Finance Bureau:

一　商号

(i) the trade name;

二　当該事業報告書の提出に関し当該承認を受けようとする期間

(ii) the period for which the approval is sought for submitting the business report;

三　当該事業報告書に係る事業年度終了の日

(iii) the last day of the business year related to the business report; and

四　当該事業報告書の提出に関し当該承認を必要とする理由

(iv) the reason for requiring the approval for submitting the business report.

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 the approval referred to in the preceding paragraph:

一　定款又はこれに代わる書面

(i) the articles of incorporation, or alternative documents;

二　当該承認申請書に記載された取引所取引許可業者の代表者が当該承認申請書の提出に関し正当な権限を有する者であることを証する書面

(ii) the document certifying that the representative of the authorized firm for on-exchange transactions stated in the written application for approval has legitimate authority to submit the written application for approval; and

三　当該承認申請書に記載された法令又は慣行に関する事項が真実かつ正確であることについての法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(iii) the legal opinion letter by a law expert on the fact that the matters related to the laws and regulations or practices stated in the written application for approval are true and accurate, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

３　所管金融庁長官等は、第一項の承認の申請があった場合において、当該取引所取引許可業者が、その本国の法令又は慣行により、その事業年度経過後三月以内に事業報告書を提出することができないと認められるときは、当該申請のあった日の属する事業年度（その日が事業年度開始後三月以内（直前事業年度に係る事業報告書の提出に

関して当該承認を受けている場合にあっては、当該承認を受けた期間内）の日である場合にあっては、その直前事業年度）から当該申請に係る同項第四号に規定する理由について消滅又は変更があることとなる日の属する事業年度の直前事業年度までの事業年度に係る事業報告書について、承認をするものとする。

(3) If the application for approval referred to in paragraph (1) has been filed, and the Commissioner of the Financial Services Agency or the Director-General of the competent Local Finance Bureau finds that the authorized firm for on-exchange transactions is unable to submit a business report within three months after the end of its business year due to laws and regulations or practices of its home country, the Commissioner or the Director-General is to grant approval for the business report for the period from the business year that includes the day the application has been filed (if the day falls within three months after the commencement of the business year (if the approval has been granted for the submission of business report for the immediately preceding business year, within that approved period), the business year immediately preceding the business year) to the business year immediately preceding the business year that includes the day when the reasons specified in paragraph (1), item (iv) related to the application has ceased to exist or changed.

４　前項の承認は、同項の取引所取引許可業者が毎事業年度経過後三月以内に次に掲げる事項を記載した書類を所管金融庁長官等に提出することを条件として、行われるものとする。ただし、第二号に掲げる事項については、当該書類の提出前五年以内に提出された書類に記載された事項と同一の内容のものである場合には、当該事項は記載しないことができる。

(4) The approval referred to in the preceding paragraph is to be granted on the condition that the authorized firm for on-exchange transactions referred to in that paragraph submits a document stating the following matters to the Commissioner of the Financial Services Agency or the Director-General of the competent Local Finance Bureau within three months after the end of each business year; provided, however, that if the matters set forth in item (ii) has the same content as the content of the matters that have been stated in the document submitted within five years before the submission of the document, the entry of those matters may be omitted:

一　当該事業年度中に当該承認に係る申請の理由について消滅又は変更がなかった旨

(i) the fact that the reasons for applying for approval have not ceased to exist or changed in the relevant business year; and

二　前号に掲げる事項に関する法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(ii) a legal opinion letter by a legal expert on the matters set forth in the preceding item, and a copy of the relevant provisions of related laws and regulations set forth in the legal opinion letter.

（その他の書類等の提出期限の承認の手続等）

(Procedures for Obtaining Approval on Due Date for Submitting Other Documents)

第二百二十八条　令第十七条の十第三項ただし書の承認を受けようとする取引所取引許可業者は、次に掲げる事項を記載した承認申請書を所管金融庁長官等に提出しなければならない。

Article 228 (1) An authorized firm for on-exchange transactions which seeks to obtain an approval referred to in the proviso to Article 17-10, paragraph (3) of the Order must submit a written application for approval stating the following matters to the Commissioner of the Financial Services Agency or the Director-General of the competent Local Finance Bureau:

一　商号

(i) the trade name;

二　当該その他の書類等（法第六十条の六において準用する法第四十九条の三第一項の書類及び書面をいう。以下この条において同じ。）の提出に関し当該承認を受けようとする期間

(ii) the period for which the approval is sought for the submission of the other documents, etc. (meaning the documents referred to in Article 49-3, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 60-6 of the Act; hereinafter the same applies in this Article);

三　当該その他の書類等に係る事業年度終了の日

(iii) the last day of the business year related to the other documents, etc.; and

四　当該その他の書類等の提出に関し当該承認を必要とする理由

(iv) the reasons for requiring the approval for submitting the other documents, etc.

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 set forth in the preceding paragraph:

一　定款又はこれに代わる書面

(i) the articles of incorporation, or alternative documents;

二　当該承認申請書に記載された取引所取引許可業者の代表者が当該承認申請書の提出に関し正当な権限を有する者であることを証する書面

(ii) the document certifying that the representative of the authorized firm for on-exchange transactions stated in the written application for approval has legitimate authority to submit the written application for approval; and

三　当該承認申請書に記載された法令又は慣行に関する事項が真実かつ正確であることについての法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(iii) a legal opinion letter by a law expert on the fact that the matters related to the laws and regulations or practices stated in the written application for

approval are true and accurate, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

3　所管金融庁長官等は、第一項の承認の申請があった場合において、当該取引所取引許可業者が、その本国の法令又は慣行により、その事業年度経過後三月以内にその他の書類等を提出することができないと認められるときは、当該申請のあった日の属する事業年度（その日が事業年度開始後三月以内（直前事業年度に係るその他の書類等の提出に関して当該承認を受けている場合にあっては、当該承認を受けた期間内）の日である場合にあっては、その直前事業年度）から当該申請に係る同項第四号に規定する理由について消滅又は変更があることとなる日の属する事業年度の直前事業年度までの事業年度に係るその他の書類等について、承認をするものとする。

(3) If the application for approval referred to in paragraph (1) has been filed, and the Commissioner of the Financial Services Agency or the Director-General of the competent Local Finance bureau finds that an authorized firm for on-exchange transactions is unable to submit the other documents, etc. within three months after the end of the business year due to the laws and regulations or practices of its home country, the Commissioner or the Director-General is to grant an approval to the other documents, etc. for the period from the business year that includes the day the application has been filed (if the day falls within three months after the the business year has commenced (if the approval has been granted for the submission of the other documents, etc. related to the immediately preceding business year, within that approved period), the business year immediately preceding that business year) to the business year immediately preceding the business year that includes the day when the reason provided for in paragraph (1), item (iv) related to the application has ceased to exist or changed.

4　前項の承認は、同項の取引所取引許可業者が毎事業年度経過後三月以内に次に掲げる事項を記載した書類を所管金融庁長官等に提出することを条件として、行われるものとする。ただし、第二号に掲げる事項については、当該書類の提出前五年以内に提出された書類に記載された事項と同一の内容のものである場合には、当該事項は記載しないことができる。

(4) The approval referred to in the preceding paragraph is to be granted on the condition that the authorized firm for on-exchange transactions referred to in that paragraph submits to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureaus documents stating the following matters within three months after the end of each business year; provided, however, that if the matters set forth in item (ii) has the same content as the content of the matters that have been stated in the document submitted within five years before the submission of the document, the entry of those matters may be omitted:

一　当該事業年度中に当該承認に係る申請の理由について消滅又は変更がなかった旨

(i) the fact that the reasons for applying for approval have not ceased to exist

or changed in the relevant business year; and

二　前号に掲げる事項に関する法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(ii) a legal opinion letter by a legal expert on the matters set forth in the preceding item, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

（業務又は財産の状況に関する報告等）

(Report on the Status of Business or Property)

第二百二十九条　第百七十三条（第二号を除く。）の規定は、法第六十条の六において準用する法第四十六条の三第二項に規定する取引所取引許可業者の取引所取引業務又は財産の状況に関する報告書について準用する。

Article 229 (1) The provisions of Article 173 (excluding item (ii)) apply mutatis mutandis to the report on the status of the on-exchange transactions services or the property of the authorized firm for on-exchange transactions prescribed in Article 46-3, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 60-6 of the Act.

２　第百九十四条第一項の規定は、法第六十条の六において準用する法第四十九条の三第一項に規定する財務計算に関する書類について、第百九十四条第二項の規定は、法第六十条の六において準用する法第四十九条の三第一項に規定する業務の概要を記載した書面について、それぞれ準用する。この場合において、第百九十四条第一項及び第二項中「法第四十九条の三第一項」とあるのは「法第六十条の六において準用する法第四十九条の三第一項」と、同項中「第四十九条第一項において読み替えて適用する」とあるのは「第六十条の六において準用する」と読み替えるものとする。

(2) The provisions of Article 194, paragraph (1) apply mutatis mutandis to the documents on financial calculations prescribed in Article 49-3, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 60-6 of the Act, and the provisions of Article 194, paragraph (2) apply mutatis mutandis to the documents that state the outline of the business prescribed in Article 49-3, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 60-6 of the Act. In such a case, the term "Article 49-3, paragraph (1) of the Act" in Article 194, paragraphs (1) and (2) is deemed to be replaced with "Article 49-3, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 60-6 of the Act", and the term "as applied pursuant to Article 49, paragraph (1) following the deemed replacement of terms" in that paragraph is deemed to be replaced with "as applied mutatis mutandis pursuant to Article 60-6".

（許可の取消し等の公告）

(Public Notice of Revocation of Permission)

第二百三十条　法第六十条の八第三項の規定による公告は、官報により行うものとする。

Article 230 The public notice under the provisions of Article 60-8, paragraph (3)

of the Act is to be given in an Official Gazette.

（高速取引行為に係る業務管理体制の整備）

(Development of the Operational Control System Concerning High-Speed Trading)

第二百三十条の二　法第六十条の十三において準用する法第三十五条の三の規定により取引所取引許可業者（取引所取引業務として高速取引行為を行う者に限る。）が整備しなければならない業務管理体制は、次に掲げる要件を満たさなければならない。

Article 230-2 The operational control system required to be developed by an authorized firm for on-exchange transactions (limited to a firm that conducts high-speed trading as an on-exchange transaction) pursuant to the provisions of Article 35-3 of the Act as applied mutatis mutandis pursuant to Article 60-13 of the Act must satisfy the following requirements:

一　高速取引行為に係る取引所取引業務を適確に遂行するための社内規則等（社内規則その他これに準ずるものをいう。）を整備し、当該社内規則等を遵守するための従業員に対する研修その他の措置がとられていること。

(i) internal rules, etc. (meaning internal rules and other rules equivalent to them) for performing on-exchange transactions related to high-speed trading in an appropriate manner have been developed, and training for employees and other measures for complying with the internal rules, etc. have been taken; and

二　高速取引行為に係るその他の設備の管理を十分に行うための措置がとられていること。

(ii) the measures to ensure sufficient management of other facilities for high-speed trading have been taken.

（高速取引行為者以外の者が行う高速取引行為に係る有価証券の売買等の委託を受ける行為に準ずるもの）

(Acts Equivalent to Acts of Accepting Entrustment of Purchase and Sale of Securities Related to High-Speed Trading Conducted by Persons Other Than High-Speed Traders)

第二百三十条の三　法第六十条の十三において準用する法第三十八条第八号に規定する内閣府令で定める行為は、第百十六条の四各号に掲げる行為とする。

Article 230-3 The acts specified by Cabinet Office Order as prescribed in Article 38, item (viii) of the Act as applied mutatis mutandis pursuant to Article 60-13 of the Act are the acts set forth in the items of Article 116-4.

（取引所取引業務に係る禁止行為）

(Prohibited Acts Related to On-Exchange Transaction Services)

第二百三十一条　法第六十条の十三において準用する法第三十八条第九号に規定する内閣府令で定める行為は、次に掲げる行為とする。

Article 231 (1) The acts specified by Cabinet Office Order as prescribed in Article 38, item (ix) of the Act as applied mutatis mutandis pursuant to Article 60-13 of the Act are as follows:

一　取引所取引許可業者の役員（役員が法人であるときは、その職務を行うべき社員を含む。）、国内における代表者又は使用人が、自己の職務上の地位を利用して、顧客の有価証券の売買その他の取引等に係る注文の動向その他職務上知り得た特別の情報に基づいて、有価証券の売買その他の取引等をする行為

(i) an act by an officer (if the officer is a corporation, including members that are to perform its duties), representative in Japan, or employee of the authorized firm for on-exchange operator to conduct the purchase and sale r other transactions of securities by taking advantage of their position and based on the trends in the purchase and sale or other transactions, etc. of securities and other special information learned in the course of their duties;

二　顧客の有価証券の売買その他の取引等が法第百六十六条第一項若しくは第三項又は法第百六十七条第一項若しくは第三項の規定に違反すること又は違反するおそれのあることを知りながら、当該有価証券の売買その他の取引等の受託等をする行為

(ii) an act of becoming entrusted, etc. with purchase and sale or other transactions of securities of customers, knowing that the purchase and sale or other transactions of securities violates or may violate the provisions of Article 166, paragraph (1) or (3) or Article 167, paragraph (1) or (3) of the Act;

三　有価証券の売買その他の取引若しくは有価証券に係るデリバティブ取引又はこれらの媒介、取次ぎ若しくは代理につき、顧客に対して当該有価証券の発行者の法人関係情報を提供して勧誘する行為

(iii) for purchase and sale or other transactions of securities or derivative transactions related to securities, or for intermediation, brokerage, or agency services for them, an act of soliciting a customer by providing the customer with corporate information on the issuer of those securities;

三の二　有価証券の売買その他の取引若しくは有価証券に係るデリバティブ取引（以下この号において「売買等」という。）又はこれらの媒介、取次ぎ若しくは代理につき、当該有価証券の発行者の法人関係情報について公表がされたこととなる前に当該売買等をさせることにより顧客に利益を得させ、又は当該顧客の損失の発生を回避させる目的をもって、当該顧客に対して当該売買等をすることを勧めて勧誘する行為（前号に掲げる行為を除く。）

(iii)-2 for purchase and sale or other transaction of securities, derivative transactions related to securities (hereinafter referred to as "purchase and sale, etc." in this item), or intermediation, brokerage, or agency services for them, an act of soliciting a customer by recommending the customer to conduct purchase and sale, etc. for the purpose of having the customer gain profit before corporate information on the issuer of the securities has been considered to be disclosed, or avoiding causing loss to the customer

(excluding the act set forth in the preceding item);

四　法人関係情報に基づいて、自己の計算において当該法人関係情報に係る有価証券の売買その他の取引等（当該有価証券の売買その他の取引等が有価証券の売買である場合にあっては、オプション（オプションと類似の権利であって、外国市場デリバティブ取引のうち法第二十八条第八項第三号ハ（１）と類似の取引に係るものを含む。）が行使された場合に成立する有価証券の売買を除く。）をする行為

(iv) an act of conducting purchase and sale or other transactions of securities (if the purchase and sale or other transaction of securities is purchase and sale of securities, excluding purchase and sale of securities closed upon the exercise of options (including rights similar to options which are related to foreign market derivatives transactions that are those similar to the transaction referred to in Article 28, paragraph (8), item (iii), sub-item (c), 1. of the Act)) related to the corporate information, on their own account and based on the corporate information;

五　不特定かつ多数の顧客に対し、特定かつ少数の銘柄の有価証券の買付け若しくは売付け若しくは市場デリバティブ取引又はこれらの委託等を一定期間継続して一斉にかつ過度に勧誘する行為で、公正な価格（市場デリバティブ取引にあっては、価格に相当する事項）の形成を損なうおそれがあるもの

(v) an act of soliciting unspecified and many customers purchase or sale of the securities or market derivatives transactions of a specified and small number of issues, or entrustment, etc. for them simultaneously and in an excessively aggressive manner continuously over a certain period, which is likely to hinder the formation of a fair price (for a market derivatives transaction, the matter equivalent to price);

六　取引所金融商品市場における上場金融商品等の相場若しくは相場若しくは取引高に基づいて算出した数値を変動させ、若しくはくぎ付けし、固定し、若しくは安定させ、又は取引高を増加させる目的をもって、当該上場金融商品等に係る買付け若しくは売付け若しくはデリバティブ取引又はこれらの申込み若しくは委託等をする行為

(vi) an act of conducting purchase, sale, or derivative transactions related to the listed financial instruments, etc. or of making an application of or entrustment, etc. for them, for the purpose of causing fluctuation or pegging, fixing, or stabilizing the quotation, or the figures calculated based on the quotations or transaction volumes of, the listed financial instruments, etc. on a financial instruments exchange market, or for the purpose of increasing the transaction volume;

七　取引所金融商品市場における上場金融商品等の相場若しくは相場若しくは取引高に基づいて算出した数値を変動させ、若しくはくぎ付けし、固定し、若しくは安定させ、又は取引高を増加させることにより実勢を反映しない作為的なものとなることを知りながら、当該上場金融商品等に係る買付け若しくは売付け又はデリバティブ取引（有価証券等清算取次ぎを除く。）の受託等をする行為

(vii) an act of becoming entrusted, etc. with purchase, sale, or derivative transactions related to the listed financial instruments, etc. (excluding brokerage for clearing of securities, etc.), knowing that causing fluctuation, pegging, fixing, or stabilizing the quotation, or the figures calculated based on the quotations or transaction volumes of, the listed financial instruments, etc. on a financial instruments exchange market, or increasing the transaction volumes is to result in the formation of manipulative quotations that do not reflect the actual market status;

八　安定操作取引又はその受託等（有価証券等清算取次ぎの受託を除く。）をした取引所取引許可業者が、その最初に行った安定操作取引の時から令第二十四条第一項に規定する安定操作期間の末日までの間において、当該安定操作取引に係る有価証券につき安定操作取引が行われた旨を表示しないで、当該有価証券の発行者が発行する株券、時価新株予約権証券、時価新株予約権付社債券、優先出資証券、投資証券若しくは時価新投資口予約権証券について買付けの受託等若しくは売付け（金融商品取引業者等からの買付けの受託等、金融商品取引業者等への売付け及び売付けに係る有価証券等清算取次ぎを除く。）又は当該有価証券の売買に係る有価証券関連デリバティブ取引（コールの取得又はプットの付与に限る。）の受託等（金融商品取引業者等からの受託等を除く。）をする行為

(viii) an act of an authorized firm for on-exchange transactions which has conducted a stabilizing transaction or has been entrusted, etc. with the stabilizing transaction (excluding the case of being entrusted with brokerage for clearing of securities, etc.), becoming entrusted, etc. with purchase, etc. or sale of share certificates, market value share option certificates, market value corporate bond certificates with share options, preferred equity securities, investment securities, or market value investment equity subscription rights certificates, issued by the issuer of the securities related to the stabilizing transaction (excluding the case of being entrusted, etc. with the purchase from a financial instruments business operator, etc., the sale to a financial instruments business operator, etc., and brokerage for clearing of securities, etc. related to sale), or becoming entrusted, etc. (excluding becoming entrusted, etc. from a financial instruments business operator, etc.) with securities-related derivatives transactions concerning the purchase and sale of those securities (limited to acquiring calls or granting puts), in the period between the time of conducting the first stabilizing transaction and the last day of the period for stabilizing transactions specified in Article 24, paragraph (1) of the Order, without indicating the fact that stabilizing transaction was conducted for securities subject to the stabilizing transaction.

九　顧客が法第百八十五条の二十二第一項、第百八十五条の二十三第一項又は第百八十五条の二十四第一項若しくは第二項の規定に違反するデリバティブ取引（これらの規定に違反する行為に関連して行われるものを含む。）を行うおそれがあることを知りながら、これらの取引又はその受託等をする行為

(ix) while knowing that a customer is likely to conduct a derivatives transaction in violation of Article 185-22, paragraph (1), Article 185-23, paragraph (1), or Article 185-24, paragraph (1) or (2) of the Act (including a transaction conducted in relation to an act that violates these provisions), an act of conducting the transaction or becoming entrusted, etc. with the transaction;

十　暗号資産等の相場若しくは相場若しくは取引高に基づいて算出した数値を変動させ、又は取引高を増加させる目的をもって、当該暗号資産等に係るデリバティブ取引又はその申込み若しくは委託等をする行為

(x) an act of conducting a derivatives transaction for cryptoassets, or filing an application for the transaction, or entrusting, etc. the transaction, for the purpose of causing fluctuations in the quotations of cryptoassets or the figures calculated based on the quotations or transaction volumes of cryptoassets, or for the purpose of increasing the transaction volumes of cryptoassets; and

十一　暗号資産等の相場若しくは相場若しくは取引高に基づいて算出した数値を変動させ、又は取引高を増加させることにより実勢を反映しない作為的なものとなることを知りながら、当該暗号資産等に係るデリバティブ取引（有価証券等清算取次ぎを除く。）の受託等をする行為

(xi) an act of becoming entrusted, etc. with a derivative transaction for cryptoassets (excluding brokerage for clearing of securities, etc.), while knowing that the entrustment is to result in manipulative quotations not reflecting actual market status due to causing fluctuations in the quotations of cryptoassets or the figures calculated based on the quotations or transaction volumes, or by increasing the transaction volumes.

２　前項第六号及び第七号の規定は、有価証券の募集（五十名以上の者を相手方として行うものに限る。）若しくは特定投資家向け取得勧誘（五十名以上の者を相手方として行うものに限る。）又は有価証券の売出し（五十名以上の者を相手方として行うものに限る。）若しくは特定投資家向け売付け勧誘等（五十名以上の者を相手方として行うものに限る。）を容易にするために取引所金融商品市場において一連の有価証券売買等をする場合における当該一連の有価証券売買等又はこれらの委託等を行う場合には、適用しない。

(2) The provisions of items (vi) and (vii) of the preceding paragraph do not apply if a series of purchase and sale of securities, etc. or their entrustment, etc. is to be made, when the series of purchase and sale of securities, etc. is to be conducted on a financial instruments exchange market in order to facilitate public offering of securities (limited to the public offering made to 50 or more persons), solicitation for acquisition only for professional investors (limited to the solicitation made to 50 or more persons), secondary distribution of securities (limited to the distribution made to 50 or more persons) or solicitation for selling, etc. only for professional investors (limited to the

solicitation made to 50 or more persons).

（業務の運営の状況が公益に反し又は投資者の保護に支障を生ずるおそれがあるもの）

(Circumstances In Which Status of the Operation of Business Is Likely to Be Contrary to Public Interest or Hinder Protection of Investors)

第二百三十二条　法第六十条の十三において準用する法第四十条第二号に規定する内閣府令で定める状況は、次に掲げる状況とする。

Article 232 The circumstances specified by Cabinet Office Order as prescribed in Article 40, item (ii) of the Act as applied mutatis mutandis pursuant to Article 60-13 of the Act are as follows:

一　その取り扱う法人関係情報に関する管理又は顧客の有価証券の売買その他の取引等に関する管理について法人関係情報に係る不公正な取引の防止を図るために必要かつ適切な措置を講じていないと認められる状況

(i) circumstances in which it is found that an authorized firm for on-exchange transactions has not taken the measures necessary and appropriate for preventing unfair transactions related to corporate information for the management of corporate information handled by the authorized firm for on-exchange transactions or the management related to a customer's purchase and sale or other transactions of securities;

二　取引所金融商品市場における上場金融商品等の相場若しくは相場若しくは取引高に基づいて算出した数値を変動させ、若しくはくぎ付けし、固定し、若しくは安定させ、又は取引高を増加させることにより実勢を反映しない作為的なものを形成させるべき当該上場金融商品等に係る買付け若しくは売付け若しくはデリバティブ取引又はこれらの申込み若しくは委託等若しくは受託等をする行為を防止するための売買管理が十分でないと認められる状況

(ii) circumstances in which it is found that an authorized on-exchange transactions has not established trading management sufficient for preventing an act of making an application, entrustment, etc. for, or becoming entrusted, etc. with the sale, purchase, or derivative transactions related to the listed financial instruments, etc., which should result in the formation of a manipulative quotation not reflecting actual market status by causing fluctuation, pegging, fixing or stabilizing the quotation, or the figures calculated based on the quotation or transaction volumes of, the listed financial instruments, etc. on the financial instruments exchange market, or by increasing the transaction volumes;

三　取引所取引業務に係る電子情報処理組織の管理が十分でないと認められる状況（取引所取引業務として高速取引行為を行う取引所取引許可業者にあっては、法第六十六条の五十七第一号に規定する状況を含む。）

(iii) circumstances in which the management of an electronic data processing system for on-exchange transactions is found to be insufficient (in the case of

an authorized firm for on-exchange operator which conducts high-speed trading as an on-exchange transaction, including the situation provided for in Article 66-57, item (i) of the Act).

四　取引所取引許可業者が、その行う暗号資産関連デリバティブ取引等について、取引所取引業務（暗号資産に関する取引所取引に係るものに限る。以下この号において同じ。）の顧客の暗号資産関連デリバティブ取引等に係る注文の動向若しくは内容又は暗号資産関連デリバティブ取引等の状況その他の事情に応じ、顧客が法第百八十五条の二十二第一項、第百八十五条の二十三第一項又は第百八十五条の二十四第一項若しくは第二項の規定に違反していないかどうかを審査し、違反する疑いがあると認めるときは当該顧客との間の取引所取引業務に係る取引の停止等を行う措置その他の暗号資産関連デリバティブ取引等に係る不公正な行為の防止を図るために必要な措置を講じていないと認められる状況

(iv) circumstances in which it is found that an authorized firm for on-exchange transactions has not taken measures for the cryptoasset-related derivatives transactions, etc. that it conducts, to examine whether or not a customer for on-exchange transactions (limited to transactions related to on-exchange transactions for cryptoassets; hereinafter the same applies in this item) is violating the provisions of Article 185-22, paragraph (1), Article 185-23, paragraph (1), or Article 185-24, paragraph (1) or (2) of the Act, in accordance with the trend and content of orders related to cryptoasset-related derivatives transactions, etc. placed by them, the situation of cryptoasset-related derivatives transactions, etc. and other circumstances, and if it is suspected that the customer is violating these provisions, to suspend the trading related to on-exchange transactions conducted with the customer, or other measures necessary for preventing unfair acts concerning cryptoasset-related derivatives transactions, etc.; and

五　暗号資産等の相場若しくは相場若しくは取引高に基づいて算出した数値を変動させ、又は取引高を増加させることにより実勢を反映しない作為的なものを形成させるべき当該暗号資産等に係るデリバティブ取引又はその申込み若しくは委託等若しくは受託等をする行為を防止するための売買管理が十分でないと認められる状況

(v) circumstances in which it is found that the management of purchase and sale for preventing the act of conducting derivatives transactions for the cryptoassets, etc. that should form manipulative quotations not reflecting actual market status through causing fluctuations in the quotations of cryptoassets or figures calculated based on quotations or the transaction volumes, or by increasing the transaction volumes.

第四款　電子店頭デリバティブ取引等業務の許可

Subsection 4 Permission for Business of Conducting Electronic Over-the-Counter Derivatives Transactions

（許可の申請）

(Application for Permission)

第二百三十二条の二　法第六十条の十四第一項の許可を受けようとする者は、別紙様式第十九号の二により作成した同条第二項において準用する法第六十条の二第一項の許可申請書に、当該許可申請書の写し及び法第六十条の十四第二項において準用する法第六十条の二第三項の規定により当該許可申請書に添付すべき書類を添付して、金融庁長官に提出しなければならない。

Article 232-2 A person that seeks to obtain a permission referred to in Article 60-14, paragraph (1) of the Act must submit to the Commissioner of the Financial Services Agency a written application for permission referred to in Article 60-2, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act prepared using the Appended Form 19-2, by attaching a copy of the written application for permission and documents required to be attached to the written application for permission pursuant to Article 60-2, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act.

（許可申請書の記載事項）

(Matters to Be Stated in Written Applications for Permission)

第二百三十二条の三　法第六十条の十四第二項において準用する法第六十条の二第一項第十一号に規定する内閣府令で定める事項は、電子店頭デリバティブ取引等業務と同種類の業務を開始した日とする。

Article 232-3 The matter specified by Cabinet Office Order as prescribed in Article 60-2, paragraph (1), item (xi) of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act is the day of the commencement of the same type of business as the business of conducting electronic over-the-counter derivatives transactions, etc.

（業務の内容及び方法）

(Content and Method of Business)

第二百三十二条の四　法第六十条の十四第二項において準用する法第六十条の二第三項第二号に規定する内閣府令で定めるものは、次に掲げるものとする。

Article 232-4 The content and method of business specified by Cabinet Office Order as prescribed in Article 60-2, paragraph (3), item (ii) of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act are as follows:

一　業務運営に関する基本原則

(i) the basic principles of business operations;

二　業務執行の方法

(ii) the method of executing business;

三　業務分掌の方法

(iii) the method of division of duties;

四　電子店頭デリバティブ取引等業務において行う特定店頭デリバティブ取引の種類及びその具体的内容

(iv) the type and specific content of specified over-the-counter derivatives transactions conducted concerning the business of conducting electronic over-the-counter derivatives transactions, etc.;

五　苦情の解決のための体制

(v) the system for resolving complaints;

六　我が国の金融商品取引法令に関する知識を有する役員及び使用人の確保の状況並びに当該役員及び使用人の配置状況

(vi) the situation of securing officers and employees that have knowledge on Japan's laws and regulations related to financial instruments transactions, and the situation of the assignment of those officers and employees.

七　電子店頭デリバティブ取引等業務を管理する責任者の氏名及び役職名

(vii) the name and title of the person responsible for managing the business of conducting electronic over-the-counter derivatives transactions, etc.;

八　電子店頭デリバティブ取引等業務を行う部署及び法第六十条の十四第二項において準用する法第四十条の七第二項の規定に基づく公表に係る業務を行う部署（電子店頭デリバティブ取引等業務の一部又は法第六十条の十四第二項において準用する法第四十条の七第二項の規定に基づく公表に係る業務の一部を他の者に委託する場合にあっては、その者を含む。）の名称及び組織の体制

(viii) the name and organizational structure of the department in charge of the business of conducting electronic over-the-counter derivatives transactions, etc. and the department in charge of the business related to public announcement based on the provisions of Article 40-7, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act (if a part of the business of conducting electronic over-the-counter derivatives transactions, etc. or a part of the business related to the public announcement based on the provisions of Article 40-7, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act is entrusted to another person, including that person);

九　電子店頭デリバティブ取引等業務に係る顧客との取引開始基準及び顧客の管理方法

(ix) the standards for initiating a transaction with customers related to the business of conducting electronic over-the-counter derivatives transactions, etc., and the method of managing customers;

十　料金に関する事項

(x) the matters concerning fees;

十一　売付け及び買付けの気配その他価格情報を顧客に公表する方法（電子情報処理組織の使用その他の電子的方法に限る。）

(xi) the method of disclosing quotes for sale or purchase and other pricing

information to customers (limited to the method of using an electronic data processing system or other electronic methods);

十二　取引価格の決定方法（特定店頭デリバティブ取引において当事者が想定元本として定めた金額が、第百二十五条の八第二項各号に掲げる特定店頭デリバティブ取引の効力が生じる日から当該効力が消滅する日までの期間の区分に応じ、当該各号に定める金額以下である場合には、次のイに掲げるもの又は次のイ若しくはロに掲げるもののいずれかを顧客が選択することができるものに限る。）及び取引の成立の時期

(xii) the method for deciding transaction price (for specified over-the-counter derivatives transactions in which the amount designated by the party as a notional principal does not exceed the amount specified in the items of Article 125-8, paragraph (2) in accordance with the category of the period from the day when the specified over-the-counter derivatives transaction becomes effective to the day when the transaction ceases to be effective specified in each of those items, limited to the method that enables customers to choose either the method specified in the following sub-item (a), or the method specified in the following sub-item (a) or (b)) and the time when the transaction is closed:

イ　前号の規定により公表された自己又は顧客の売付け及び買付けの気配に基づく価格を用いる方法

(a) the method of using a price based on quotes for sale or purchase for themselves or customers publicized pursuant to the provisions of the preceding item;

ロ　顧客の間の交渉（顧客の指定に基づき三以上の他の顧客に対して売付け又は買付けの気配の提示を求め、当該求めに応じ当該他の顧客が提示した売付け又は買付けの気配、前号の規定により公表された売付け又は買付けの気配及び自己が売付け又は買付けの気配を提示する場合における当該気配を当該顧客に通知した上で行うものに限る。）に基づく価格を用いる方法

(b) the method of using a price decided based on a negotiation among customers (limited to a negotiation conducted after requesting three or more other customers based on the designation by a customer to present quotes for sale or purchase, and notifying the customer of the quotes for sale or purchase presented by the other customers in response to the request, the quotes for sale or purchase publicized pursuant to the preceding item, and the quotes the applicant for registration themslves present the quotes for sale or purchase);

十三　法第六十条の十四第二項において準用する法第四十条の七第二項の規定に基づく公表を行う方法

(xiii) the method of public announcement based on the provisions of Article 40-7, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act;

十四　電子店頭デリバティブ取引等業務において使用する電子情報処理組織の概要、設置場所、容量及び保守の方法並びに当該電子情報処理組織に異常が発生した場合の対処方法

(xiv) the outline, installation location, capacity, and maintenance method of the electronic data processing system used for the business of conducting electronic over-the-counter derivatives transactions, etc., and the method of handling in the case of malfunction of the electronic data processing system;

十五　電子店頭デリバティブ取引等業務に係る決済の方法（法第百五十六条の六十二第一号又は第二号に掲げる取引に基づく債務を金融商品取引清算機関（当該金融商品取引清算機関が連携金融商品債務引受業務を行う場合には、連携清算機関等を含む。）又は外国金融商品取引清算機関に適切かつ迅速に負担させるための方法を含む。）及び顧客の契約不履行が生じた場合の対処方法

(xv) the method of settlement of the business of conducting electronic over-the-counter derivatives transactions, etc. (including the method of having a financial instruments clearing organization (including a collaborating clearing organization, etc., if the financial instruments clearing organization conducts collaborating financial instruments obligation assumption service) or a foreign financial instruments clearing organization appropriately and promptly bear the obligations arising from transactions set forth in Article 156-62, item (i) or (ii)), and the method of handling in the case a customer defaults on a contract;

十六　電子店頭デリバティブ取引等業務に係る取引記録の作成及び保存の方法

(xvi) the method for preparing and preserving transaction records for the business of conducting electronic over-the-counter derivatives transactions, etc.;

十七　電子店頭デリバティブ取引等業務の執行状況について、検査を行う頻度、部署（当該業務の一部を他の者に委託する場合にあっては、その者を含む。）の名称及び体制

(xvii) for the status of the execution of the business of conducting electronic over-the-counter derivatives transactions, etc., the frequency of conducting inspections, and the name and structure of the department in charge of the inspection (if a part of that business is entrusted to another person, including that person);

十八　不公正な取引の防止の方法その他の取引の公正の確保に関する事項

(xviii) the means of the prevention of unfair transactions, and any other matters relating to the securing of fair transactions; and

十九　その他電子取引基盤運営業務に係る損失の危険の管理に関する重要な事項

(xix) other material matters concerning the management of risk of loss related to the electronic trading platform management service.

（許可申請書の添付書類）

(Documents to Be Attached to Written Applications for Permission)

第二百三十二条の五　法第六十条の十四第二項において準用する法第六十条の二第三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 232-5 The documents specified by Cabinet Office Order as prescribed in Article 60-2, paragraph (3), item (vi) of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act are as follows.

一　電子店頭デリバティブ取引等業務の開始を決議した役員会等の議事録

(i) the minutes of the board of officers' meetings, etc. that resolved the commencement of the business of conducting electronic over-the-counter derivatives transactions, etc.;

二　本店又は電子店頭デリバティブ取引等店（法第六十条の十四第二項において読み替えて準用する法第六十条の二第一項第三号に規定する電子店頭デリバティブ取引等店をいう。以下同じ。）が所在する全ての国において登録等を受けていることを証する書面

(ii) a document certifying that the applicant has obtained registrations, etc. in all countries where their head office or offices for electronic over-the-counter derivatives transactions, etc. are located (meaning offices for electronic over-the-counter derivatives transactions, etc. provided for in Article 60-2, paragraph (1), item (iii) of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act following the deemed replacement of terms; the same applies hereinafter);

三　全ての電子店頭デリバティブ取引等店において、電子店頭デリバティブ取引等業務と同種類の業務を一年以上継続して行っていること、又は令第十七条の十の四第二項に定める場合に該当することを証する書面

(iii) a document certifying that the applicant has continuously conducted the business related to the same type of business as the business of conducting electronic over-the-counter derivatives transactions, etc. at all of their offices for electronic over-the-counter derivatives transactions, etc. for at least one year, or that the applicant falls under the case specified in Article 17-10-4, paragraph (2) of the Order;

四　純財産額を算出した書面

(iv) a document stating the calculated amount of net assets;

五　役員、電子店頭デリバティブ取引等店所在国における代表者（法第六十条の十四第二項において読み替えて準用する法第六十条の二第一項第三号に規定する電子店頭デリバティブ取引等店所在国における代表者をいう。）及び国内における代表者（以下この款において「役員等」という。）の履歴書（役員が法人であるときは、当該役員の沿革を記載した書面）

(v) the resumes of the applicant's officers, representative in a country where the offices for electronic over-the-counter derivatives transactions, etc. are located (meaning the representative in countries where the offices for electronic over-the-counter derivatives transactions, etc. are located which

are prescribed in Article 60-2, paragraph (1), item (iii) of the Act as applied mutatis pursuant to Article 60-14, paragraph (2) of the Act following the deemed replacement of terms), and their representative in Japan (hereinafter referred to as "officers, etc." in this Subsection) (if an officer is a corporation, a document stating the background of the officers);

六　役員等の住民票の抄本（役員が法人であるときは、当該役員の登記事項証明書）又はこれに代わる書面

(vi) the extracts of the resident records of the officers, etc. (if an officers is a corporation, the certificate of registered information of the officer), or alternative documents;

七　役員等の旧氏及び名を当該役員等の氏名に併せて法第六十条の十四第二項において準用する法第六十条の二第一項の許可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等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

(vii) if the former surname and given name of an officer, etc. are stated together with the current name of the officer, etc. in a written application for permission referred to in Article 60-2, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act, and the document set forth in the preceding item is not a document certifying the former surname and given name of the officer, etc., a document certifying the former surname and given name;

八　役員等が法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

(viii) the certificates issued by a public agency certifying that the officers, etc. do not fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, or alternative documents;

九　役員等が法第二十九条の四第一項第二号イ又はハからトまでのいずれにも該当しない者であることを当該役員等が誓約する書面

(ix) the documents with which the officer, etc. pledges that they do not fall under any of Article 29-4, paragraph (1), item (ii), sub-item (a), or sub-items (c) through (g) of the Act;

十　電子店頭デリバティブ取引等業務を管理する責任者の履歴書

(x) the resume of the person responsible for managing the business of conducting electronic over-the-counter derivatives transactions, etc.;

十一　電子店頭デリバティブ取引等業務に関する社内規則

(xi) the internal rules concerning the business of conducting electronic over-the-counter derivatives transactions, etc.;

十二　電子店頭デリバティブ取引等業務に関し顧客と取引を行う際に使用する契約書類及びその添付書類

(xii) the written contract and attached documents to be used in conducting transactions with customers concerning business of conducting electronic

over-the-counter derivatives transactions, etc.;

十三　電子店頭デリバティブ取引等業務を行う際に使用する電子情報処理組織において、不公正な取引の防止を図るために講じている措置を記載した書面

(xiii) the document stating the measures taken for preventing unfair transactions, in relation to the electronic data processing system to be used for conducting business of conducting electronic over-the-counter derivatives transactions, etc.; and

十四　前条第十四号に掲げるものに関する許可申請者と特別の利害関係のない者の評価書

(xiv) an appraisal report issued by a person that does not have a special interest relationship with the applicant for permission concerningo the matters set forth in item (xiv) of the preceding Article.

（人的構成の審査基準）

(Examination Criteria for Personnel Structure)

第二百三十二条の六　法第六十条の十四第二項において読み替えて準用する法第六十条の三第一項第一号ルに規定する電子店頭デリバティブ取引等業務を適確に遂行するに足りる人的構成を有しない者であるかどうかの審査をするときは、許可申請者が次に掲げるいずれかの基準に該当するかどうかを審査するものとする。

Article 232-6 When conducting an examination on whether the applicant for permission has a personnel structure sufficient to appropriately conduct an electronic over-the-counter derivatives transactions, etc. business, whether the applicant falls under any of the following criteria:

一　その行う業務に関する十分な知識及び経験を有する役員又は使用人の確保の状況並びに組織体制に照らし、当該業務を適正に遂行することができないと認められること。

(i) the applicant for permission is found unable to conduct the business in a proper manner, in light of the state of securing officers or employees that have sufficient knowledge and experience for conducting the business and the organizational structure; and

二　役員又は使用人のうちに、経歴、暴力団員による不当な行為の防止等に関する法律第二条第二号に規定する暴力団又は同条第六号に規定する暴力団員との関係その他の事情に照らして業務の運営に不適切な資質を有する者があることにより、電子店頭デリバティブ取引等業務の信用を失墜させるおそれがあると認められること。

(ii) the applicant for permission is found likely to cause the business of conducting electronic over-the-counter derivatives transactions, etc. to lose credibility, due to the fact of having an officer or employee with qualities inappropriate for the operation of the business in light of the officer's or the employee's career record, relationship with the organized crime group as defined in Article 2, item (ii) of the Act on Prevention of Unjust Acts by Organized Crime Group Members, or relationship with the organized crime

group members set forth item (vi) of that Article, and other circumstances;

（許可申請書記載事項の変更の届出）

(Notification of Change to Matters Stated in Written Applications for Authorization)

第二百三十二条の七　法第六十条の十四第二項において準用する法第六十条の五第一項の規定により届出を行う電子店頭デリバティブ取引等許可業者は、変更の内容、変更年月日及び変更の理由を記載した届出書に、別紙様式第十九号の二により作成した変更後の内容を記載した書面及び当該書面の写しのほか、次の各号に掲げる場合の区分に応じ、当該各号に定める書類を添付して、金融庁長官に提出しなければならない。

Article 232-7 A business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. which files a notification pursuant to the provisions of Article 60-5, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act must submit to the Commissioner of the Financial Services Agency a written notification stating the content of the change, the date of the change, and the reasons for the change, by attaching a document stating the changed content which is prepared using the Appended Form 19-2 and its copy, as well as the documents specified in the following items in accordance with the category set forth in eah of those items:

一　法第六十条の十四第二項において準用する法第六十条の二第一項第一号に掲げる事項に変更があった場合　当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面

(i) if there is any change to the matters set forth in Article 60-2, paragraph (1), item (i) of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act: the certificate of registered information stating the changed information, or alternative documents;

二　法第六十条の十四第二項において準用する法第六十条の二第一項第二号に掲げる事項に変更があった場合　次に掲げる書類

(ii) if there is any change to the matters set forth in Article 60-2, paragraph (1), item (ii) of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act: the following documents:

イ　当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面

(a) the certificate of registered information stating the changed information, or alternative documents;

ロ　当該変更による純財産額の変動を記載した書面

(b) the document stating the fluctuations in the net assets due to the change;

三　法第六十条の十四第二項において準用する法第六十条の二第一項第三号に掲げる事項に変更があった場合　次に掲げる書類

(iii) if there is any change to the matters set forth in Article 60-2, paragraph (1), item (iii) of the Act as applied mutatis mutandis pursuant to Article 60-

14, paragraph (2) of the Act: the following documents:

イ　当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面

(a) the certificate of registered information stating the changed information, or alternative documents;

ロ　新たに役員となった者に係る次に掲げる書類

(b) the following documents for the person that has newly assumed the position as an officer:

（１）　履歴書（役員が法人であるときは、当該役員の沿革を記載した書面）

1. the resume (if an officer is a corporation, a document stating the background of the officer);

（２）　住民票の抄本（役員が法人であるときは、当該役員の登記事項証明書）又はこれに代わる書面

2. an extract of the resident record (if an officers is a corporation, the certificate of registered information of the officer), or alternative documents;

（３）　旧氏及び名を、氏名に併せて別紙様式第十九号の二により作成した変更後の内容を記載した書面に記載した場合において、（２）に掲げる書類が当該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

3. if the former surname and given name are stated together with the current name in a document stating the changed content which is prepared using the Appended Form 19-2 and the document set forth in 2. is not a document certifying the former surname and given name, a document certifying the former surname and given name;

（４）　法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

4. the certificate issued by a public agency evidencing that the officer does not fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, or alternative documents; and

（５）　法第二十九条の四第一項第二号イ又はハからトまでのいずれにも該当しない者であることを当該役員が誓約する書面

5. the document with which the officer pledges that the officer does not fall under any of Article 29-4, paragraph (1), item (ii), sub-item (a), or sub-items (c) through (g) of the Act;

６）　法第六十条の十四第二項において準用する法第六十条の三第一項第一号ヌ（法第二十九条の四第一項第二号イに係る部分に限る。）に該当しないことを誓約する書面

6. the document with which the officer pledges that the corporation does not fall under Article 60-3, paragraph (1), item (i), sub-item (j) of the Act (limited to the part related to Article 29-4, paragraph (1), item (ii), sub-item (a) of the Act) as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act; and

四　法第六十条の十四第二項において準用する法第六十条の二第一項第五号に掲げる事項に変更があった場合（電子店頭デリバティブ取引等店の名称に変更があった場合に限る。）　当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面

(iv) if there is any change to the matters set forth in Article 60-2, paragraph (1), item (v) of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act (only if the name of the office of over-the-counter derivatives transactions, etc. was changed): the certificate of registered information stating the changed information, or alternative documents;

五　法第六十条の十四第二項において準用する法第六十条の二第一項第六号に掲げる事項に変更があった場合（その他事業を開始した場合に限る。）　当該その他事業の内容を記載した書類

(v) if there is any change to the matters set forth in Article 60-2, paragraph (1), item (vi) of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act (only if the other business was commenced): a document stating the content of the other business;

六　法第六十条の十四第二項において準用する法第六十条の二第一項第八号に掲げる事項に変更があった場合（国内に事務所その他の施設を設置した場合に限る。）　設置した国内の事務所その他の施設の組織及び人員配置を記載した書面

(vi) if there is any change to the matters set forth in Article 60-2, paragraph (1), item (viii) of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act (only if an office or other facilities have been established in Japan): a document stating the organizational structure and assignment of personnel for the office or other facilities in Japan that have been established;

七　法第六十条の十四第二項において準用する法第六十条の二第一項第九号に掲げる事項に変更があった場合　次に掲げる書類

(vii) if there is any change to the matters set forth in Article 60-2, paragraph (1), item (ix) of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act: the following documents:

イ　当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面

(a) the certificate of registered information stating the changed information, or alternative documents;

ロ　新たに国内における代表者となった者に係る次に掲げる書類

(b) the following documents for the person that has newly assumed the position of the representative in Japan:

（１）　履歴書

1. resume; and

（２）　住民票の抄本又はこれに代わる書面

2. an extract of the representative's resident record, or alternative documents;

（３）　旧氏及び名を、氏名に併せて別紙様式第十九号の二により作成した変更後の内容を記載した書面に記載した場合において、（２）に掲げる書類が当該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

3. if the former surname and given name are stated together with the current name in a document stating the changed content which is prepared using the Appended Form 19-2 and the document set forth in 2. is not a document certifying the former surname and given name, a document certifying the former surname and given name;

（４）　法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

4. the certificates issued by a public agency evidencing that the officer does not fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, or alternative documents; and

（５）　法第二十九条の四第一項第二号イ又はハからトまでのいずれにも該当しない者であることを当該国内における代表者が誓約する書面

5. the document with which the representative in Japan pledges that they do not fall under any of Article 29-4, paragraph (1), item (ii), sub-item (a), or sub-items (c) through (g) of the Act.

（６）　法第六十条の十四第二項において準用する法第六十条の三第一項第一号ヌ（法第二十九条の四第一項第二号イに係る部分に限る。）に該当しないことを誓約する書面

6. the document with which the representative pledges that the corporation does not fall under Article 60-3, paragraph (1), item (i), sub-item (j) of the Act (limited to the part related to Article 29-4, paragraph (1), item (ii), sub-item (a) of the Act) as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act.

（変更の届出を要する場合）

(Cases When Notification of Change Is Required)

第二百三十二条の八　法第六十条の十四第二項において準用する法第六十条の五第二項に規定する内閣府令で定める場合は、次に掲げる場合とする。

Article 232-8 The cases specified by Cabinet Office Order as prescribed in Article 60-5, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act are the following cases:

一　本店又は電子店頭デリバティブ取引等店において業務（電子店頭デリバティブ取引等店にあっては、電子店頭デリバティブ取引等に係るものに限る。）を休止し、又は再開した場合

(i) if the business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. has suspended or resumed the business at their head office or offices for electronic over-the-counter derivatives transactions, etc. (for offices for electronic over-the-counter derivatives transactions, etc.,

limited to the business related to electronic over-the-counter derivatives transactions, etc.);

二　他の法人と合併した場合、分割により電子店頭デリバティブ取引等許可業者の事業の一部を承継させ、若しくは他の法人の事業の全部若しくは一部を承継した場合又は電子店頭デリバティブ取引等許可業者の事業の重要な一部の譲渡若しくは他の法人から事業の全部若しくは重要な一部を譲り受けた場合

(ii) if the business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. has merged with another corporation, if they have had part of the business of the business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. succeeded through a split, have succeeded to all or part of the other corporation's business through a split, have transferred a material part of the business of the business operator authorized to conduct electronic over-the-counter derivatives transactions, etc., or have acquired all or a material part of any other corporation's business;

三　破産手続開始、再生手続開始、更生手続開始若しくは清算開始の申立てを行った場合又は本店若しくは主たる事務所の所在する国において当該国の法令に基づき同種類の申立てを行った場合

(iii) if the business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. has filed a petition for commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, or commencement of reorganization proceedings, or has filed the same type of petition in the country where their head office or principal office is located, pursuant to the laws and regulations of that country;

四　定款を変更した場合（電子店頭デリバティブ取引等業務に係る部分の変更その他重要な変更に限る。）

(iv) if the business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. has changed the articles of incorporation (limited to a change to the parts related to its business of conducting electronic over-the-counter derivatives transactions, etc. or other material changes);

五　電子店頭デリバティブ取引等業務を開始した場合

(v) if the business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. has commenced the business of conducting electronic over-the-counter derivatives transactions, etc.;

六　法第六十条の十四第二項において準用する法第六十条の三第一項第一号イ、ロ、ホ、ヘ、ト（法又は金融サービスの提供に関する法律に相当する外国の法令の規定に係る部分に限る。）又はチに規定する者に該当することとなった場合

(vi) if the business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. has come to fall under a person specified in Article 60-3, paragraph (1), item (i), sub-item (a), sub-item (b), sub-item (e),

sub-item (f), sub-item (g) (limited to the parts related to the provisions of foreing laws and regulations that are equivalent to the Act or the Act on the Provision of Financial Services) or sub-item (h) of that paragraph as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act;

七　役員等が法第百九十九条第二号イ又はロに該当することとなった事実を知った場合

(vii) if the business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. becomes aware of the fact that any of the officers, etc. has come to fall under Article 199, item (ii), sub-item (a) or (b);

八　純財産額が資本金の額に満たなくなった場合（第六号の規定に該当する場合を除く。）

(viii) if the net assets have become less than the amount of the stated capital (excluding the cases that fall under item (vi));

九　法に相当する外国の法令に基づく行政官庁の不利益処分を受けた場合（電子店頭デリバティブ取引等業務と同種類の業務に関するものに限り、第六号の規定に該当する場合を除く。）

(ix) if the business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. has been rendered an adverse disposition by an administrative agency based on foreign laws and regulations that are equivalent to the Act (limited to those related to the same type of transactions as the business of conducting electronic over-the-counter derivatives transactions, etc., and excluding the cases that fall under item (vi));

十　役職員に法令等に反する行為（電子店頭デリバティブ取引等業務又はこれに付随する業務以外の業務に係るものにあっては、当該電子店頭デリバティブ取引等許可業者の業務の運営又は財産の状況に重大な影響を及ぼすおそれがあるものに限る。次号において「事故等」という。）があったことを知った場合

(x) if the business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. has come to know the fact that any of the officers or employees has committed an act violating laws and regulations, etc. (for an act related to the business other than the business of conducting electronic over-the-counter derivatives transactions, etc. or a business incidental to that, limited to acts that are likley to have a material impact on the business operation or status of property of the business operator authorized to conduct electronic over-the-counter derivatives transactions, etc.; referred to as "problematic conduct, etc." in the following item); and

十一　前号の規定に基づき届出をした事故等の詳細が判明した場合

(xi) if the details of the problematic conduct, etc. for which a notification was given based on the provisions of the preceding item have become clear.

（業務の内容又は方法等の変更の届出）

(Notification of Change to Content or Method of Business)

第二百三十二条の九　法第六十条の十四第二項において準用する法第六十条の五第二項の規定により届出を行う電子店頭デリバティブ取引等許可業者は、変更の内容、変更年月日及び変更の理由を記載した届出書に、次の各号に掲げる場合の区分に応じ当該各号に定める書類を添付して、金融庁長官に提出しなければならない。

Article 232-9 A business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. which files a notification pursuant to the provisions of Article 60-5, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act must submit to the Commissioner of the Financial Services Agency a written notification stating the content of the change, the date of the change, and the reasons for the change, by attaching the documents specified in the following items in accordance with the category of the cases set forth in each of those items:

一　第二百三十二条の四各号に掲げるものに変更があった場合　同条各号に掲げるもの（内容に変更のあるものに限る。）を記載した書類

(i) if there is any change to the matters set forth in the items of Article 232-4: a document stating the matters set forth in the items of that Article (limited to matters whose content has been changed);

二　前条第二号に該当する場合（合併の場合に限る。）　次に掲げる書類

(ii) if the case falls under item (ii) of the preceding Article (limited to the case of a merger): the following documents:

イ　合併契約の内容及び合併の手続を記載した書面

(a) the document stating the content of the merger agreement and the procedures for merger;

ロ　当事者の最近の貸借対照表（関連する注記を含む。以下この条において同じ。）

(b) a recent balance sheet of the parties (including the related notes; hereinafter the same applies in this Article);

ハ　合併後の純財産額を記載した書面

(c) the document stating the net assets after the completion of the merger and

ニ　顧客勘定の処理方法を記載した書面

(d) the document stating the method of handling the customers' accounts;

三　前条第二号に該当する場合（分割により他の法人の事業の全部又は一部を承継した場合に限る。）　次に掲げる書類

(iii) if the case falls under item (ii) of the preceding Article (limited to cases in which the business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. has succeeded to all or part of another corporation's business through a split): the following documents:

イ　吸収分割契約の内容及び分割の手続を記載した書面

(a) the document stating the content of the absorption-type split agreement

and the procedures for the split;

ロ　当事者の最近の貸借対照表

(b) a recent balance sheet of the parties; and

ハ　分割後の純財産額を記載した書面

(c) the document stating the net assets after the the split.

四　前条第二号に該当する場合（他の法人の事業の全部又は一部を譲り受けた場合に限る。）　次に掲げる書類

(iv) if the cases falls under item (ii) of the preceding Article (limited to cases in which the business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. has acquired all or part of another corporation's business): the following documents:

イ　事業の譲受けの契約の内容及び事業の譲受けの手続を記載した書面

(a) the document stating the content of the business acquisition contract and the procedures for the acquisition of the business;

ロ　当事者の最近の貸借対照表

(b) a recent balance sheet of the parties; and

ハ　事業の譲受け後の純財産額を記載した書面

(c) the document stating the net assets after the acquisition of the business;

五　前条第三号に該当する場合　次に掲げる書類

(v) if the case falls under item (iii) of the preceding Article: the following documents:

イ　破産手続開始、再生手続開始、更生手続開始又は清算開始の申立てに係る書面の写し

(a) the copies of the documents related to the filing of petition for commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, commencement of reorganization proceedings, or commencement of liquidation proceedings; and

ロ　最近の日計表

(b) a recent daily cash count sheet.

六　前条第四号に該当する場合　変更後の定款

(vi) if the case falls under item (iv) of the preceding Article: the amended articles of incorporation;

七　前条第六号に該当する場合（法第六十条の十四第二項において準用する法第六十条の三第一項第一号イに該当することとなった場合に限る。）次に掲げる書類

(vii) if the case falls under item (vi) of the preceding Article (limited to cases in which the business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. has come to fall under Article 60-3, paragraph (1), item (i), (a) of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act): the following documents:

イ　会社の登記事項証明書又はこれに代わる書面

(a) a certificate of registered information of the company, or alternative

documents; and

ロ　株主総会の議事録の写し

(b) a copy of the minutes of the shareholders meeting.

八　前条第六号に該当する場合（法第六十条の十四第二項において準用する法第六十条の三第一項第一号への規定に該当することとなった場合に限る。）　純財産額が令第十七条の十の五第一項で定める金額に満たなくなった日の純財産額を算出するための計算を記載した書面

(viii) if the case falls under item (vi) of the preceding Article (limited to cases in which the business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. has come to fall under Article 60-3, paragraph (1), item (i), sub-item (f) of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act): a document stating the calculation of the net assets on the day when the net assets have become less than the amount specified in Article 17-10-5, paragraph (1) of the Order;

九　前条第六号に該当する場合（法第六十条の十四第二項において準用する法第六十条の三第一項第一号トの規定に該当することとなった場合に限る。）　次に掲げる書類

(ix) if the case falls under item (vi) of the preceding Article (limited to cases in which the business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. has come to fall under Article 60-3, paragraph (1), item (i), sub-item (g) of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act): the following documents:

イ　取消しを命ずる書類の写し又はこれに代わる書面

(a) a copy of the written order for revocation, or alternative documents; and

ロ　当該外国の法令及びその訳文

(b) a copy of laws and regulations of the foreign country and their Japanese translation;

十　前条第六号に該当する場合（法第六十条の十四第二項において準用する法第六十条の三第一項第一号チの規定に該当することとなった場合に限る。）　確定判決の判決書の写し又は確定判決の内容を記載した書面

(x) if the case falls under item (vi) of the preceding Article (limited to cases in which the business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. has come to fall under Article 60-3, paragraph (1), item (i), sub-item (h) of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act): a copy of the judgment document on the final and binding judgment or a document stating the content of the final and binding judgment;

十一　前条第七号に該当する場合（役員等が法第二十九条の四第一項第二号ロの規定に該当することとなった場合に限る。）　破産手続開始の決定の裁判書の写し又は破産手続開始の決定の内容を記載した書面

(xi) if the case falls under item (vii) of the preceding Article (limited to cases in

which an officer, etc. has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act): a copy of the written judgment on the order for commencement of bankruptcy proceedings or a document stating the content of the order for commencement of bankruptcy proceedings;

十二　前条第七号に該当する場合（役員等が法第二十九条の四第一項第二号ハ又はトの規定に該当することとなった場合に限る。）　確定判決の判決書の写し又は確定判決の内容を記載した書面

(xii) if the cases falls under item (vii) of the preceding Article (limited to cases in which an officer, etc. has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (g) of the Act): a copy of the judgment document on the final and binding judgment, or a document stating the content of the final and binding judgment;

十三　前条第七号に該当する場合（役員等が法第二十九条の四第一項第二号ニ又はホの規定に該当することとなった場合で、外国において取り消され、又は命ぜられた場合に限る。）　取消し又は廃止を命ずる書類の写し又はこれに代わる書面並びに取消し又は廃止の根拠となった外国の法令及びその訳文

(xiii) if the case falls under item (vii) of the preceding Article (limited to cases in which the officer, etc. has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, and if a revocation was made or order was given in a foreign country): a copy of the written order for the rescission or discontinuation, or alternative documents, and a copy of the foreign laws and regulations that has served as the basis of the revocation or discontinuation of business, and their Japanese translation;

十四　前条第八号に該当する場合純財産額を算出するための計算を記載した書面

(xiv) if the case falls under item (viii) of the preceding Article, a document stating the calculation of the net assets; and

十五　前条第九号に該当する場合不利益処分を規定する外国の法令及びその訳文

(xv) if the case falls under item (ix) of the preceding Article, a copy of foreign laws and regulations providing for the adverse dispositions and their Japanese translation.

（業務に関する帳簿書類）

(Books and Documents Concerning Business)

第二百三十二条の十　法第六十条の十四第二項において準用する法第六十条の六において準用する法第四十六条の二の規定により電子店頭デリバティブ取引等許可業者が作成し、保存しなければならない帳簿書類は、第百五十七条第一項第三号、第四号及び第十五号の二に掲げる帳簿書類又は外国の法令に基づいて作成される書類であってこれらの帳簿書類に類するもの（以下この条において「外国帳簿書類」といい、外国帳簿書類が外国語で作成される場合にあっては、次に掲げる書類）とする。

Article 232-10 (1) The books and documents required to be prepared and preserved by a business operator authorized to conduct electronic over-the-

counter derivatives transactions, etc. pursuant to the provisions of Article 46-2 of the Act as applied mutatis mutandis pursuant to Article 60-6 of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act are the books and documents set forth in Article 157, paragraph (1), item (iii), item (iv), and item (xv)-2 or the documents similar to those documents prepared based on foreign laws and regulations (hereinafter referred to as "foreign books and documents" in this Article, and if the foreign books and documents are prepared in a foreign language, the following documents):

一　外国帳簿書類

(i) the foreign books and documents; and

二　外国帳簿書類の様式の訳文

(ii) a Japanese translation of the forms of the foreign books and documents.

２　前項に規定する帳簿書類又は外国帳簿書類（外国帳簿書類の様式の訳文を含む。）は、その作成の日から十年間保存しなければならない。

(2) The books and documents provided for in the preceding paragraph or foreign books and documents (including the translations in the form of foreign books and documents) must be preserved for ten years from the date of their preparation.

（事業報告書の提出）

(Submission of Business Reports)

第二百三十二条の十一　法第六十条の十四第二項において準用する法第六十条の六において準用する法第四十六条の三第一項に規定する事業報告書は、別紙様式第十九号の三により作成しなければならない。

Article 232-11 A business report provided for in Article 46-3, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 60-6 of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act must be prepared using the Appended Form 19-3.

（事業報告書の提出期限の承認の手続等）

(Procedures for Obtaining Approval on Due Date for Submitting Business Reports)

第二百三十二条の十二　令第十七条の十第一項ただし書の承認を受けようとする電子店頭デリバティブ取引等許可業者は、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 232-12 (1) If a business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. seeks to obtain an approval referred to in the proviso to Article 17-10, paragraph (1) of the Order, they must submit a written application for approval stating the following matters to the Commissioner of the Financial Services Agency:

一　商号

(i) the trade name;

二　当該事業報告書の提出に関し当該承認を受けようとする期間

(ii) the period for which the approval is sought for the submission of the business report;

三　当該事業報告書に係る事業年度終了の日

(iii) the last day of the business year related to the business report; and

四　当該事業報告書の提出に関し当該承認を必要とする理由

(iv) the reasons for requiring the approval for the submission of the business report.

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　定款又はこれに代わる書面

(i) the articles of incorporation or alternative documents;

二　当該承認申請書に記載された電子店頭デリバティブ取引等許可業者の代表者が当該承認申請書の提出に関し正当な権限を有する者であることを証する書面

(ii) a document certifying that the representative of the business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. stated in the written application for approval is a person that has legitimate authority to submit the written application for approval; and

三　当該承認申請書に記載された法令又は慣行に関する事項が真実かつ正確であることについての法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(iii) a legal opinion letter by a law expert on the fact that the matters related to laws and regulations or practices stated in the written application for approval are true and accurate, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

３　金融庁長官は、第一項の承認の申請があった場合において、当該電子店頭デリバティブ取引等許可業者が、その本国の法令又は慣行により、その事業年度経過後三月以内に事業報告書を提出することができないと認められるときは、当該申請のあった日の属する事業年度（その日が事業年度開始後三月以内（直前事業年度に係る事業報告書の提出に関して当該承認を受けている場合にあっては、当該承認を受けた期間内）の日である場合にあっては、その直前事業年度）から当該申請に係る同項第四号に規定する理由について消滅又は変更があることとなる日の属する事業年度の直前事業年度までの事業年度に係る事業報告書について、承認をするものとする。

(3) If the application for approval referred to in paragraph (1) has been filed, and it is found that the business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. is unable to submit the business report within three months after the end of the business year due to the laws and regulations or practices of their home country, the Commissioner of the Financial Services Agency is to grant an approval to the business report for the

business year that includes the day the application has been filed (if the day falls within three months from the commencement of the business year (if approval has been granted for the submission of a business report for the immediately preceding business year, within that approved period), the business year immediately preceding the business year) through the business year immediately preceding the business year that includes the day when the reason specified in item (iv) of that paragraph related to the application was filed ceases to exist or changes.

４　前項の承認は、同項の電子店頭デリバティブ取引等許可業者が毎事業年度経過後三月以内に次に掲げる事項を記載した書類を金融庁長官に提出することを条件として、行われるものとする。ただし、第二号に掲げる事項については、当該書類の提出前五年以内に提出された書類に記載された事項と同一の内容のものである場合には、当該事項は記載しないことができる。

(4) The approval referred to in the preceding paragraph is to be granted on the condition that the business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. referred to in that paragraph submits a document stating the following matters to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau within three months after the end of each business year; provided, however, that if the content of the matters set forth in item (ii) is the same as the content of the matters that have been stated in the document submitted within five years before the submission of the document, the entry of those matters may be omitted:

一　当該事業年度中に当該承認に係る申請の理由について消滅又は変更がなかった旨

(i) the fact that the reasons for applying for approval have not ceased to exist or changed in the relevant business year; and

二　前号に掲げる事項に関する法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(ii) a legal opinion letter by a legal expert on the matters set forth in the preceding item, and a copy of the relevant provisions of the related laws and regulations set forth in the written legal opinion.

（その他の書類等の提出期限の承認の手続等）

(Procedures for Obtaining Approval on Due Date for Submitting Other Documents)

第二百三十二条の十三　令第十七条の十第三項ただし書の承認を受けようとする電子店頭デリバティブ取引等許可業者は、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 232-13 (1) A business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. that seeks to obtain an approval referred to in the proviso to Article 17-10, paragraph (3) of the Order must submit a

written application for approval stating the following matters to the Commissioner of the Financial Services Agency:

一　商号

(i) the trade name;

二　当該その他の書類等（法第六十条の十四第二項において準用する法第六十条の六において準用する法第四十九条の三第一項の書類及び書面をいう。以下この条において同じ。）の提出に関し当該承認を受けようとする期間

(ii) the period for which the approval is sought for the submission of other documents, etc. (meaning the documents referred to in Article 49-3, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 60-6 of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act; hereinafter the same applies in this Article);

三　当該その他の書類等に係る事業年度終了の日

(iii) the last day of the business year related to the other documents, etc.; and

四　当該その他の書類等の提出に関し当該承認を必要とする理由

(iv) the reasons for requiring the approval for the submission of the other documents, etc.

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　定款又はこれに代わる書面

(i) the articles of incorporation or alternative documents;

二　当該承認申請書に記載された電子店頭デリバティブ取引等許可業者の代表者が当該承認申請書の提出に関し正当な権限を有する者であることを証する書面

(ii) a document certifying that the representative of the business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. stated in the written application for approval is a person that has legitimate authority to submit the written application for approval; and

三　当該承認申請書に記載された法令又は慣行に関する事項が真実かつ正確であることについての法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(iii) a legal opinion letter by a law expert on the fact that the matters related to laws and regulations or practices stated in the written application for approval are true and accurate, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

３　金融庁長官は、第一項の承認の申請があった場合において、当該電子店頭デリバティブ取引等許可業者が、その本国の法令又は慣行により、その事業年度経過後三月以内にその他の書類等を提出することができないと認められるときは、当該申請のあった日の属する事業年度（その日が事業年度開始後三月以内（直前事業年度に係るその他の書類等の提出に関して当該承認を受けている場合にあっては、当該承認を受けた期間内）の日である場合にあっては、その直前事業年度）から当該申請に係る同項第

四号に規定する理由について消滅又は変更があることとなる日の属する事業年度の直前事業年度までの事業年度に係るその他の書類等について、承認をするものとする。

(3) If the application for approval referred to in paragraph (1) has been filed, and it is found the business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. is unable to submit the other document, etc. within three months after the end of the business year due to the laws and regulations or practices of their home country, the Commissioner of the Financial Services Agency is to grant an approval for the other document, etc. related to the business year that includes the day the application has been filed (if the day falls within three months from the commencement of the business year (if approval has been granted for the submission of the other document, etc. related to the immediately preceding business year, within that approved period), the business year immediately preceding the business year) through the business year immediately preceding the business year that includes the day when the reason specified in item (iv) of that paragraph related to the application filed ceases to exist or changes.

４　前項の承認は、同項の電子店頭デリバティブ取引等許可業者が毎事業年度経過後三月以内に次に掲げる事項を記載した書類を金融庁長官に提出することを条件として、行われるものとする。ただし、第二号に掲げる事項については、当該書類の提出前五年以内に提出された書類に記載された事項と同一の内容のものである場合には、当該事項は記載しないことができる。

(4) The approval referred to in the preceding paragraph is to be granted on the condition that the business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. referred to in that paragraph submits to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau documents stating the following matters within three months after the end of each business year; provided, however, that if the content of the matters set forth in item (ii) is the same as the content of the matters that have been stated in the document submitted within five years before the submission of the document, the entry of those matters may be omitted:

一　当該事業年度中に当該承認に係る申請の理由について消滅又は変更がなかった旨

(i) the fact that the reasons for the application for approval have not ceased to exist or changed in the relevant business year; and

二　前号に掲げる事項に関する法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(ii) a legal opinion letter by a legal expert on the matters set forth in the preceding item, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

（業務又は財産の状況に関する報告等）

(Report on Status of Business or Property)

第二百三十二条の十四　第百七十三条（第二号を除く。）の規定は、法第六十条の十四第二項において準用する法第六十条の六において準用する法第四十六条の三第二項に規定する電子店頭デリバティブ取引等許可業者の電子店頭デリバティブ取引等業務又は財産の状況に関する報告書について準用する。この場合において、第百七十三条中「所管金融庁長官等」とあるのは、「金融庁長官」と読み替えるものとする。

Article 232-14 (1) The provisions of Article 173 (excluding item (ii)) apply mutatis mutandis to a report on the status of business of conducting electronic over-the-counter derivatives transactions, etc. or property of a business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. provided for in Article 46-3, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 60-6 of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act. In such a case, the term "Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau" in Article 173 is deemed to be replaced with "Commissioner of the Financial Services Agency".

２　第百九十四条第一項の規定は、法第六十条の十四第二項において準用する法第六十条の六において準用する法第四十九条の三第一項に規定する財務計算に関する書類について、第百九十四条第二項の規定は、法第六十条の十四第二項において準用する法第六十条の六において準用する法第四十九条の三第一項に規定する業務の概要を記載した書面について、それぞれ準用する。この場合において、第百九十四条第一項及び第二項中「法第四十九条の三第一項」とあるのは「法第六十条の十四第二項において準用する法第六十条の六において準用する法第四十九条の三第一項」と、同項中「法第四十九条第一項において読み替えて適用する」とあるのは「法第六十条の十四第二項において準用する法第六十条の六において準用する」と読み替えるものとする。

(2) The provisions of Article 194, paragraph (1) apply mutatis mutandis to the document concerning the financial calculation specified in Article 49-3, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 60-6 of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act, and the provisions of Article 194, paragraph (2) apply mutatis mutandis to the document stating the outline of the business provided for in Article 49-3, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 60-6 of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act. In such a case, the term "Article 49-3, paragraph (1) of the Act" in Article 194, paragraphs (1) and (2) is deemed to be replaced with "Article 49-3, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 60-6 of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act", and the term "as applied pursuant to Article 49, paragraph (1) of the Act following the deemed replacement of terms" in those paragraphs is deemed to be replaced with "as applied mutatis mutandis pursuant to Article 60-6 of the Act as applied mutatis mutandis pursuant to

Article 60-14, paragraph (2) of the Act".

（許可の取消し等の公告）
(Public Notice of Revocation of Permission)

第二百三十二条の十五　法第六十条の十四第二項において準用する法第六十条の八第三項の規定による公告は、官報により行うものとする。

Article 232-15 The public notice under the provisions of Article 60-8, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act is to be given in an Official Gazette.

（電子店頭デリバティブ取引等業務に係る禁止行為）
(Prohibited Acts Conderning Business of Conducting Electronic Over-the-Counter Derivatives Transactions)

第二百三十二条の十六　法第六十条の十四第二項において準用する法第六十条の十三において準用する法第三十八条第九号に規定する内閣府令で定める行為は、次に掲げる行為とする。

Article 232-16 The acts specified by Cabinet Office Order as prescribed in Article 38, item (ix) of the Act as applied mutatis mutandis pursuant to Article 60-13 of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act are as follows:

一　あらかじめ顧客の同意を得ずに、当該顧客の計算により特定店頭デリバティブ取引等をする行為

(i) an act to conduct the specified over-the-counter derivatives transactions, etc. on the customer's account, without the customer's prior consent;

二　不特定かつ多数の顧客に対し、特定かつ少数の銘柄の特定店頭デリバティブ取引等を一定期間継続して一斉にかつ過度に勧誘する行為で、公正な価格の形成を損なうおそれがあるもの

(ii) an act of soliciting unspecified and many customers to make specified over-the-counter derivatives transactions, etc. of a specified and small number of issues simultaneously and in an excessively aggressive manner continuously over a certain period, which is likely to hinder the formation of a fair price; and

三　顧客の取引に基づく価格、指標、数値又は対価の額の変動を利用して自己又は当該顧客以外の第三者の利益を図ることを目的として、不特定かつ多数の顧客に対し、特定店頭デリバティブ取引等を一定期間継続して一斉にかつ過度に勧誘する行為

(iii) an act of soliciting unspecified and many customers to make specified over-the-counter derivatives transactions, etc. simultaneously and in an excessively aggressive manner continuously over a certain period, for the purpose of taking advantage of fluctuations in prices, indexes, figures, or the amount of the consideration, based on a customer's transaction to gain their own profit or profit of the customer other than that customer.

（業務の運営の状況が公益に反し又は投資者の保護に支障を生ずるおそれがあるもの）

(Circumstances in Which Status of the Operation of Business Is Likely to Be Contrary to Public Interest or Hinder the Protection of Investors)

第二百三十二条の十七　法第六十条の十四第二項において準用する法第六十条の十三において準用する法第四十条第二号に規定する内閣府令で定める状況は、次に掲げる状況とする。

Article 232-17 The circumstances specified by Cabinet Office Order as prescribed in Article 40, item (ii) of the Act as applied mutatis mutandis pursuant to Article 60-13 of the Act as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act are as follows:

一　顧客の特定店頭デリバティブ取引等に関し、受渡状況その他の顧客に必要な情報を適切に通知していないと認められる状況

(i) circumstances in which it is found that the business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. has not properly notified the customer of the information on the delivery status and other information necessary for the customers concerning the customer's specified over-the-counter derivatives transactions, etc.;

二　電子店頭デリバティブ取引等業務に係る電子情報処理組織の管理が十分でないと認められる状況

(ii) circumstances in which it is found that the management of the electronic data processing system used for the business of conducting electronic over-the-counter derivatives transactions, etc. is insufficient; and

三　電子店頭デリバティブ取引等許可業者が、電気通信回線に接続している電子計算機を利用してその業務を行う場合において、顧客が当該電子店頭デリバティブ取引等許可業者を他の者と誤認することを防止するための適切な措置を講じていないと認められる状況

(iii) if the business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. conducts their business by using a computer connected via telecommunications line, circumstances in which it is found that the business operator has not taken appropriate measures for preventing the customer from confusing the business operator authorized to conduct electronic over-the-counter derivatives transactions, etc. with another person.

第五款　情報収集のための施設の設置
Subsection 5 Establishment of Facilities for Collecting Information

第二百三十三条　法第六十二条第一項に規定する有価証券関連業と密接な関係を有する業を行う者で内閣府令で定めるものは、次に掲げる者とする。

Article 233 (1) The persons who conduct business that are closely related to a securities-related business specified by Cabinet Office Order as prescribed in Article 62, paragraph (1) of the Act are as follows:

一　外国の法令に準拠し、外国において法第二条第八項第七号又は第十七号に掲げる行為を業として行う者

(i) a person that conducts an act set forth in Article 2, paragraph (8), item (vii) or (xvii) of the Act on a regular basis in a foreign country in accordance with foreign laws and regulations;

二　外国の法令に準拠し、外国において法第二条第八項第十六号に掲げる行為（その行う同項第一号から第十号までに掲げる行為（法第二十八条第八項各号に掲げる行為に該当するものを除く。）に関して、顧客から金銭の預託を受けることを除く。）又は令第一条の十二第二号に掲げる行為を業として行う者

(ii) a person that conducts an act set forth in Article 2, paragraph (8) item (xvi) of the Act (excluding the act of accepting a deposit of money from customers in connection with the acts set forth in items (i) through (x) of that paragraph they conduct (excluding the acts that fall under the items of Article 28, paragraph (8) of the Act)) or an act set forth in Article 1-12, item (ii) of the Order, on a regular basis in a foreign country in accordance with foreign laws and regulations; and

三　外国の法令に準拠し、外国において信託会社が営む業務と同種類の業務を営む者

(iii) a person that conducts the same type of business as that conducted by a trust company in a foreign country in accordance with foreign laws and regulations.

２　法第六十二条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（外国証券業者が個人である場合には、第四号及び第五号に掲げる事項を除く。）とする。

(2) The matters specified by Cabinet Office Order as prescribed in Article 62, paragraph (1) of the Act are as follows (if a foreign securities service provider is an individual, excluding the matters set forth in items (iv) and (v)):

一　商号、名称又は氏名

(i) the trade name or name;

二　本店又は主たる事務所の所在の場所

(ii) the location of the head office or principal office;

三　業務の内容

(iii) the content of business;

四　資本金の額又は出資の総額

(iv) the amount of the stated capital or the total amount of contribution;

五　代表権を有する役員の役職名及び氏名

(v) the title and name of the officer that has the authority as representative;

六　国内に設置しようとする施設に関する次に掲げる事項

(vi) the following matters concerning facilities intended to be established in Japan:

イ　名称
(a) the name;
ロ　代表者の氏名及び国内の住所
(b) the name the representative and their domicile in Japan;
ハ　設置しようとする理由
(c) the reasons for establishment;
ニ　従業員数
(d) the number of employees; and
ホ　設置予定年月日
(e) the scheduled date of establishment.

第六節　適格機関投資家等特例業務に関する特例
Section 6 Special Provisions on Specially-Permitted Business for Qualified Institutional Investors

（適格機関投資家等特例業務の相手方）
(Counterparties to Specially-Permitted Business for Qualified Institutional Investors)

第二百三十三条の二　令第十七条の十二第一項第六号に規定する前号に掲げる者と密接な関係を有する者として内閣府令で定める者は、次に掲げる者とする。

Article 233-2 (1) The persons specified by Cabinet Office Order as those having a close relationship with the person set forth in the preceding item as prescribed in Article 17-12, paragraph (1), item (vi) of the Order are as follows:

一　当該前号に掲げる者（以下この項並びに第二百三十四条の二第一項第二号及び第二項第二号において「ファンド資産運用等業者」という。）の役員又は使用人
(i) an officer or employee of the person set forth in the preceding item (hereinafter the person is referred to as "fund assets investment manager" in this paragraph, Article 234-2, paragraph (1), item (ii), and paragraph (2), item (ii));

二　当該ファンド資産運用等業者の親会社等若しくは子会社等又は当該親会社等の子会社等
(ii) a parent company, etc. or a subsidiary company, etc. of the fund assets investment manager, or a subsidiary company, etc. of the parent company, etc.;

三　当該ファンド資産運用等業者が行う一のファンド資産（適格機関投資家等特例業務に係る出資対象事業持分を有する者から出資又は拠出を受けた金銭その他の財産をいう。次号において同じ。）の運用に係る権限の全部又は一部の委託を受けた者
(iii) a person that has been entrusted with all or part of the authority related to investment of a certain fund asset (meaning money and other property that is invested or paid by a person that has equity in the business subject to investment related to specially-permitted business for qualified institutional

investors, etc.; the same applies in the following item) made by the fund assets investment manager;

四　当該ファンド資産運用等業者が一のファンド資産の運用として行うこととなる取引の対象となるもの（以下この号において「取引対象」という。）の価値等（取引対象の価値、オプションの対価の額又は取引対象に係る指標の動向をいう。以下この号において同じ。）若しくは価値等の分析に基づく投資判断（投資の対象となるものの種類、数及び価格並びに売買の別、方法及び時期についての判断又は行うべき取引の内容及び時期についての判断をいう。）に関し、口頭、文書（新聞、雑誌、書籍その他不特定多数の者に販売することを目的として発行されるもので、不特定多数の者により随時に購入可能なものを除く。）その他の方法により助言を行うことを約し、当該ファンド資産運用等業者がそれに対し報酬を支払うことを約する契約を当該ファンド資産運用等業者と締結している者又は当該投資判断に関し、当該方法により助言を行うことを約し、当該者がそれに対し報酬を支払うことを約する契約を当該者と締結している者

(iv) a person that has concluded a contract with the fund assets investment manager in which the person promises to provide the fund assets investment manager with oral advice , written advice (excluding newspapers, magazines, books, or other documents that are issued for the purpose of selling to many and unspecified persons and that are possible for many and unspecified persons to buy at all times), or other form of advice on investment decisions based on the value, etc. of the subject of transactions to be conducted by the fund assets investment manager as investment of one single fund asset (hereinafter referred to as the "transaction asset" in this item) (meaning the value of transaction asset, the amount of consideration for the options, or the trend of index related to transaction asset; hereinafter the same applies in this item) or based on the analysis of the value, etc. (meaning decisions on the type, quantity, and price of those that are subject of investment, and whether the transaction is purchase or sale, the method, and timing of decisions, or decisions on the content and timing of transactions required to be conducted), and the fund assets investment manager promises to pay remuneration for that, or a person that has concluded a contract with the person in question in which the person in question promises to provide the person with advice on the investment decisions by that method, and the person in question promises to pay remuneration for that;

五　前三号に掲げる者の役員又は使用人

(v) an officer or employee of the persons set forth in the preceding three items; and

六　当該ファンド資産運用等業者（個人である者に限る。）並びに第一号及び前三号に掲げる者の親族（配偶者並びに三親等以内の血族及び姻族に限る。）

(vi) a relative (limited to the spouse and a relative by blood or affinity within the third degree of kinship) of the fund assets investment manager (limited

to one that is an individual), or of the persons set forth in item (i) and the preceding three items.

2　令第十七条の十二第一項第十二号に規定する内閣府令で定める要件は、取引の状況その他の事情から合理的に判断して、その保有する資産（第六十二条第二号イからトまでに掲げるものに限る。次項第一号イ及び第二号並びに第四項第二号から第四号までにおいて同じ。）の合計額が百億円以上であると見込まれることとする。

(2) the requirement specified by Cabinet Office Order as prescribed in Article 17-12, paragraph (1), item (xii) of the Order is that the total amount of assests held (limited to the assets set forth in Article 62, item (ii), sub-items (a) through (g); the same applies in item (i), sub-item (a) and item (ii) of the following paragraph, and paragraph (4), items (ii) through (iv)) is expected to be 10 billion yen or more, judging reasonably from the status of transactions or other circumstances.

3　令第十七条の十二第一項第十四号に規定する内閣府令で定める要件は、次の各号のいずれかに該当することとする。

(3) The requirement specified by Cabinet Office Order as prescribed in Article 17-12, paragraph (1), item (xiv) of the Order is to fall under either of the following items:

一　次に掲げる全ての要件に該当する個人であること。

(i) it is an individual that fulfills all of the following requirements:

イ　取引の状況その他の事情から合理的に判断して、その保有する資産の合計額が一億円以上であると見込まれること。

(a) judging reasonably from the status of the transactions or other circumstances, the total amount of the assets held by the individual is expected to be 100 million yen or more; and

ロ　当該個人が金融商品取引業者等（外国の法令上これに相当する者を含む。）に有価証券の取引又はデリバティブ取引を行うための口座を開設した日から起算して一年を経過していること。

(b) one year has passed from the day when the individual opened an account with a financial instruments business operator, etc. (including a person that is equivalent to them under foreign laws and regulations) for securities transactions or derivatives transactions;

二　業務執行組合員等（組合契約を締結して組合の業務の執行を委任された組合員、匿名組合契約を締結した営業者若しくは有限責任事業組合契約を締結して組合の重要な業務の執行の決定に関与し、かつ、当該業務を自ら執行する組合員又は外国の法令に基づくこれらに類する者をいう。以下この号及び次項第四号ロにおいて同じ。）であって、取引の状況その他の事情から合理的に判断して、当該組合契約、匿名組合契約若しくは有限責任事業組合契約又は外国の法令に基づくこれらに類する契約に係る出資対象事業により業務執行組合員等としてその保有する資産の合計額が一億円以上であると見込まれる個人であること（業務執行組合員等として取引を行う場合に限る。）。

(ii) it is an individual that is an operating partner, etc. (meaning a partner that has concluded a partnership contract and has been entrusted the execution of operations of the partnership, a proprietor of a business that has concluded a silent partnership agreement or a partner that has concluded a limited liability partnership agreement and is involved in the decision-making on the execution of important business of the partnership, and, that personally executes the business, or a person that is similar to them under foreign laws and regulations; hereinafter the same applies in this item and item (iv), sub-item (b) of the following paragraph), and the total amount of assets held by the individual as an operating partner, etc. is expected to be 100 million yen or more for the business subject to investment related to the partnership contract, silent partnership agreement, or limited liability partnership agreement, or an agreement similar to them based on foreign laws and regulations, judging reasonably from the status of the transactions or other circumstances (limited to cases in which the individual conducts transactions as an operating partner, etc.).

4　令第十七条の十二第一項第十五号に規定する内閣府令で定める者は、次の各号のいずれかに該当する者とする。

(4) The person specified by Cabinet Office Order as prescribed in Article 17-12, paragraph (1), item (xv) of the Order is the person that falls under any of the following items:

一　その社員総会における議決権の総数の四分の一以上の数が国若しくは地方公共団体により保有されている公益社団法人又はその拠出をされた金額の四分の一以上の金額が国若しくは地方公共団体により拠出をされている公益財団法人であって、地域の振興又は産業の振興に関する事業を公益目的事業（公益社団法人及び公益財団法人の認定等に関する法律（平成十八年法律第四十九号）第二条第四号に規定する公益目的事業をいう。）とするもの

(i) a public interest incorporated association for which one-fourth or more of the total number of voting rights at its general meeting of members is held by the national or local government, or a public interest incorporated foundation for which one-fourth or more of the amount of contribution is made by the national or local government, and whose business for public interest purposes (meaning a business for public interest purposes as defined in Article 2, item (iv) of the Act on Authorization of Public Interest Incorporated Associations and Public Interest Incorporated Foundations (Act No. 49 of 2006) is the business concerning regional revitalization or industrial promotion;

二　取引の状況その他の事情から合理的に判断して、その保有する資産の合計額が百億円以上であると見込まれる存続厚生年金基金（改正前厚生年金保険法第百三十六条の三第四項に規定する年金給付等積立金の管理及び運用の体制が整備され、かつ、平成二十五年厚生年金等改正法附則第五条第一項の規定によりなおその効力を有す

るものとされる改正前厚生年金保険法第百七十六条第二項の規定による届出がされているものに限る。）

(ii) a surviving employee's pension fund whose total amount of assets held is expected to be 10 billion yen or more, judging reasonably from the status of transactions and other circumstances (limited to the fund that has developed a structure for the management and investment of pension benefit funds provided ofr in Article 136-3, paragraph (4) of the former Employees' Pension Insurance Act and has given a notification under the provisions of Article 176, paragraph (2) of the former Employees' Pension Insurance Act which is to remain in force pursuant to the provisions of Article 5, paragraph (1) of the Supplementary Provisions of the 2013 Employees' Pension Amendment Act);

三　外国の法令上企業年金基金又は前号に掲げる者に相当する者であって、取引の状況その他の事情から合理的に判断して、その保有する資産の合計額が百億円以上であると見込まれる者

(iii) a person that is equivalent to a corporate pension fund or a person set forth in the preceding item under foreign laws and regulations, and judging reasonably from the status of the transactions or other circumstances, whose total amount of assets held is expected to be 10 billion yen or more; and

四　次に掲げる要件のいずれかに該当する法人

(iv) a corporation that satisfies any of the following requirements:

イ　取引の状況その他の事情から合理的に判断して、当該法人が保有する資産の合計額が一億円以上であると見込まれること。

(a) judging reasonably from the status of the transactions or other circumstances, the total amount of the assets held by the corporation is expected to be 100 million yen or more; and

ロ　当該法人が業務執行組合員等であって、取引の状況その他の事情から合理的に判断して、組合契約、匿名組合契約若しくは有限責任事業組合契約又は外国の法令に基づくこれらに類する契約に係る出資対象事業により業務執行組合員等として当該法人が保有する資産の合計額が一億円以上であると見込まれること（業務執行組合員等として取引を行う場合に限る。）。

(b) the corporation is an operating partner, etc., and the total amount of assets held as an operating partner, etc. for the business subject to investment related to the partnership contract, silent partnership agreement or limited liability partnership agreement, or an agreement based on foreign laws and regulations that is similar to them is expected to be 100 million yen or more, judging reasonably from the status of the transactions or other circumstances (limited to cases in which the individual conducts transactiosn as an operating partner, etc.);

五　次に掲げる者の子会社等又は関連会社等（令第十五条の十六第四項に規定する関連会社等をいう。次条第十一号及び第十二号において同じ。）

(v) a subsidiary company, etc. or affiliated company, etc. of the following persons (meaning an affiliated company, etc. prescribed in Article 15-16, paragraph (4); the same applies in items (xi) and (xii) of the following Article);

イ　金融商品取引業者等である法人

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

ロ　金融商品取引所に上場されている株券の発行者である会社

(b) a company that is an issuer of share certificates listed on a financial instruments and exchange;

ハ　資本金の額が五千万円以上である法人

(c) a corporation whose amount of stated capital is 50 million yen or more; and

ニ　純資産の額（貸借対照表上の資産の額から負債の額を控除して得た額をいう。次条第二号において同じ。）が五千万円以上である法人

(d) a corporation whose amount of net assets (meaning the amount arrived at by deducting the amount of liabilities from of the amount of assets on the balance sheet; the same applies in item (ii) of the following Article) is 50 million yen or more;

六　取引の状況その他の事情から合理的に判断して、一の日において、次のイに掲げる金額に対するロ及びハに掲げる金額の合計額の割合が百分の七十以上であると見込まれる会社であって、代表者（令第十七条の十二第一項第十四号に掲げる者に該当する者に限る。以下この条において同じ。）のためにその資産を保有し、又は運用するもの

(vi) a company whose proportion of the sum of the amounts specified in the following sub-items (b) and (c) to the amount set forth in the following sub-item (a) on a single day is expected to be 70 percent or more, judging reasonably from the status of transactions and other circumstances, which holds or invests its assets on behalf of its representative (limited to a person that falls under the person set forth in Article 17-12, paragraph (1), item (xiv) of the Order; hereinafter the same applies in this Article):

イ　当該一の日における当該会社の資産の帳簿価額の総額

(a) the total book value of the company's assets on that single day;

ロ　当該一の日における次に掲げる資産（第八号において「特定資産」という。）の帳簿価額の合計額

(b) the sum of the book value of the following assets (referred to as "specified asset" in item (viii)) on that single day

（１）　有価証券であって、当該会社の特別子会社の株式又は持分以外のもの

1. securities that are not shares or equity interests of the special subsidiary company of that company;

（２）　当該会社が現に自ら使用していない不動産（不動産の一部分につき現に自ら使用していない場合は、当該一部分に限る。）

2. real property that the company itself is not currently using (if the company is not currently using a part of the real property, limited to that part);

（３）　ゴルフ場その他の施設の利用に関する権利（当該会社の事業の用に供することを目的として有するものを除く。）

3. rights concerning the use of golf courses or other facilities (excluding the rights held for the purpose of using them for the business of the company);

（４）　絵画、彫刻、工芸品その他の有形の文化的所産である動産、貴金属及び宝石（当該会社の事業の用に供することを目的として有するものを除く。）

4. paintings, sculptures, crafts, and other movables, which are tangible cultural artifacts, precious metals, and jewels (excluding the rights held for the purpose of using them for the business of the company); and

（５）　現金及び国内の金融機関に対する預貯金その他これらに類する資産

5. cash and deposits at domestic financial institutions and other assets similar to them;

ハ　当該一の日以前の五年間において、当該会社の代表者及び当該代表者に係る同族関係者に対して支払われた剰余金の配当等（株式又は持分に係る剰余金の配当又は利益の配当をいう。）及び給与（債務の免除による利益その他の経済的な利益を含む。）のうち法人税法（昭和四十年法律第三十四号）第三十四条及び第三十六条の規定により当該会社の各事業年度の所得の金額の計算上損金の額に算入されないこととなるものの金額

(c) among the amount of dividend of surplus, etc. (meaning dividend of surplus related to shares or equity interests, or distribution of profits) and the amount of salary (including profits resulting from release of debts and other economic benefits) paid to the representative of the company and connected parties of the representative during the period of five years before that single day, the amount that are not to be included in the deductible expenses in the calculation of the amount of income for each business year of the company pursuant to the provisions of Articles 34 and 36 of the Corporation Tax Act (Act No. 34 of 1965);

七　外国出資対象事業持分の発行者（当該権利を有する者が適格機関投資家、出資対象事業持分の発行者、令第十七条の十二第一項第一号から第十四号までに掲げる者又は前各号若しくは次号に掲げる者である場合に限る。）

(vii) an issuer of the equity in the foreign business subject to investment (limited to the cases in which the holder of the rights is a qualified institutional investor, an issuer of equity in business subject to investment, the persons set forth in Article 17-12, paragraph (1), items (i) through (xiv) of the Order, or the persons set forth in the preceding items or the following item); and

八　取引の状況その他の事情から合理的に判断して、一の事業年度における総収入金額に占める特定資産の運用収入の合計額の割合が百分の七十五以上であると見込まれる会社であって前各号に掲げる者のためにその資産を保有し、又は運用するもの

(viii) a company for which the proportion of the total amount of investment income for the specified assets to the gross income for a single business year is expected to be 75 percent or more, judging reasonably from the status of transactions and other circumstances, and which holds or invests its assets for the persons set forth in the preceding items.

5　前項第六号ロ（１）の「特別子会社」とは、会社並びにその代表者及び当該代表者に係る同族関係者が他の会社（外国会社を含む。）の総株主等の議決権の百分の五十を超える議決権を有する場合における当該他の会社のうち、次に掲げる要件のいずれにも該当しないものをいう。

(5) The term "special subsidiary company" as used in item (vi), sub-item (b), 1. of the preceding paragraph means the other company that does not fall under any of the following requirements among the other companies in the cases in which the company, and the representative and connected parties of the representative, hold voting rights exceeding 50 percent of the voting rights held by all shareholders, etc. of the other company;

一　取引の状況その他の事情から合理的に判断して、資産の帳簿価額の総額に対する有価証券（当該他の会社並びにその代表者及び当該代表者に係る同族関係者が他の会社（外国会社を含む。）の総株主等の議決権の百分の五十を超える議決権を有する場合における当該他の会社の株式又は持分を除く。）及び前項第六号ロ（２）から（５）までに掲げる資産（次号において「特別特定資産」という。）の帳簿価額の合計額の割合が百分の七十以上であると見込まれること。

(i) judging reasonably from the status of transactions and other circumstances, the proportion of the sum of the book value of the securities (excluding the shares or equity interests in the other company, if the other company, and its representative and the connected parties of the representative, hold voting rights exceeding 50 percent of the voting rights held by all shareholders, etc. of the other company (including a foreign company)) and the assets set forth in item (vi), sub-item (b), 2. through 5. (referred to as "special specific asset" in the following item) to the total book value of the assets is expected to be 70 percent or more;

二　取引の状況その他の事情から合理的に判断して、当該一の日の属する事業年度の直前の事業年度における総収入金額に占める特別特定資産の運用収入の合計額の割合が百分の七十五以上であると見込まれること。

(ii) judging reasonably from the status of transactions and other circumstances, the proportion of the sum of the investment income for the special specified asset to the gross income for the business year immediately preceding the business year including the single day is expected to be 75 percent or more.

6　第四項第六号ハ及び前項の「同族関係者」とは、当該会社の代表者（代表者であっ

た者を含む。以下この項において同じ。）の関係者のうち次に掲げるものをいう。

(6) The term "connected party" as used in paragraph (4), item (vi), sub-item (c) and the preceding paragraph means the following persons among the relevant persons of the representative of the company (including a person that was formerly the representative of the company; hereinafter the same applies in this paragraph):

一　当該代表者の親族

(i) a relative of the representative;

二　当該代表者と婚姻の届出をしていないが事実上婚姻関係と同様の事情にある者

(ii) a person that has not submitted a notification of marriage with the representative but is in a situation similar to a de-facto marital relationship with the representative;

三　当該代表者の使用人

(iii) an employee of the representative;

四　前三号に掲げる者以外の者で当該代表者から受ける金銭その他の資産によって生計を維持しているもの

(iv) a person other than the persons set forth in the preceding three items who makes a living by money received from the representative or other assets;

五　前三号に掲げる者と生計を一にするこれらの者の親族

(v) a person that shares the same livelihood with the persons set forth in the preceding three items, who is a relative of those persons; and

六　次に掲げる会社

(vi) a company specified in the following sub-items:

イ　代表者等（当該代表者及び当該代表者に係る前各号に掲げる者をいう。ロ及びハにおいて同じ。）が会社の総株主等の議決権の百分の五十を超える議決権を有する場合における当該会社

(a) the company when the representative, etc. (meaning the representative and the persons related to the representative who are set forth in the preceding items; the same applies in (b) and (c)) holds voting rights exceeding 50 percent of the voting rights held by all shareholders, etc. of the company;

ロ　代表者等及びこれとイの関係がある会社が他の会社の総株主等の議決権の百分の五十を超える議決権を有する場合における当該他の会社

(b) the other company when the representative, etc. and a company that is in a relationship referred to in sub-item (a) with the representative, etc. has voting rights exceeding 50 percent of the voting rights held by all shareholders, etc. of the other company; and

ハ　代表者等及びこれとイ又はロの関係がある会社が他の会社の総株主等の議決権の百分の五十を超える議決権を有する場合における当該他の会社

(c) the other company when the representative, etc. and a company that is in a relationship referred to in sub-item (a) or (b) with the representative, etc.

has voting rights exceeding 50 percent of the voting rights held by all shareholders, etc. of the other company.

（投資に関する事項について知識及び経験を有する者）

(Persons Having Knowledge of and Experience in Matters Concerning Investment)

第二百三十三条の三　令第十七条の十二第二項に規定する内閣府令で定めるものは、その取得する出資対象事業持分に係る私募又は私募の取扱いの相手方となる時点において、次の各号のいずれかに該当する者とする。

Article 233-3 The person specified by Cabinet Office Order as prescribed in Article 17-12, paragraph (2) of the Order is a person that falls under any of the following items at the time when the person becomes the counterparty to private placement or handling of private placement related to the equity in the business subject to investment that the person acquires:

一　金融商品取引所に上場されている株券の発行者である会社の役員

(i) an officer of a company that is an issuer of share certificates listed on a financial instruments and exchange;

二　資本金の額又は純資産の額が五千万円以上である法人であって法第二十四条第一項の規定により有価証券報告書（同項に規定する有価証券報告書をいう。第九号において同じ。）を提出しているものの役員

(ii) an officer of a corporation whose amount of stated capital or amount of net assets is 50 million yen or more, which has submitted an annual securities report (meaning an annual securities report provided for in that paragraph; the same applies in item (ix)) pursuant to the provisions of Article 24, paragraph (1) of the Act;

三　前条第四項第四号ロに掲げる要件に該当する法人の役員

(iii) an officer of a corporation that falls under the requirements set forth in paragraph (4), item (iv), sub-item (b) of the preceding Article;

四　当該私募又は私募の取扱いの相手方となる日前五年以内に前三号に掲げる要件のいずれかに該当していた者

(iv) a person that had fallen under any of the requirements set forth in the preceding three items within five years before the day when the person has become the counterparty to the private placement or handling of private placement;

五　当該私募又は私募の取扱いの相手方となる日前五年以内に、前号又はこの号に該当する者として、当該出資対象事業持分と同一の発行者が発行する出資対象事業持分を取得した者

(v) a person that had acquired an equity in business subject to investment issued by the same issuer as the equity in the business subject to investment as a person that falls under the preceding item or this item, within five years before the day when the person has become the counterparty to the private

placement or handling of private placement;

六　当該私募又は私募の取扱いの相手方となる日前五年以内に前条第四項第四号ロに掲げる要件に該当する法人であった者

(vi) a person that was the corporation satisfying the requirement set forth in paragraph (4), item (iv), sub-item (b) of the preceding Article within five years before the day when the person has become the counterparty to the private placement or handling of private placement;

七　次に掲げる業務のいずれかに、会社の役員若しくは従業者（特に専門的な能力であって当該業務の継続の上で欠くことができないものを発揮して当該業務に従事した者に限る。）又は会社との間で当該業務の助言を行うことを約し、当該会社がそれに対し報酬を支払うことを約する契約を締結した者として従事したと認められる期間が通算一年以上であって、当該業務に最後に従事した日から当該私募又は私募の取扱いの相手方となる日までの期間が五年以内である者

(vii) a person who has promised to provide the company with advice about any of the following business with an officer or worker of a company (limited to a person that has engaged in the business using highly specialized ability in particular that is indispensable to the continuation of the business) or with the company, and the period found to be a period that the person engaged in the business as a person that has concluded a contract with the company promising that the company is to pay remuneration for the advice was at least one year in total, and the period from the last day on which the person engaged in the business to the day on which the person has become the counterparty to the private placement or handling of private placement is five years or less:

イ　会社の設立、募集株式若しくは募集新株予約権を引き受ける者の募集又は新事業活動（会社が現に行っている事業と異なる種類の事業であって、新商品の開発又は生産、新役務の開発又は提供、商品の新たな生産又は販売の方式の導入、役務の新たな提供の方式の導入、技術に関する研究開発及びその成果の利用その他の新たな事業活動をいう。）の実施に関する業務

(a) business concerning implementation of incorporation of a company, solicitation of persons to subscribe for shares for subscription or share options for subscription, or new business activity (meaning a different type of business from that currently conducted by a company, which is development or production of new products, development or provision of new services, introduction of a new method of producing or selling products, introduction of a new method of providing services, or research and development concerning technology, and the use of their results, or other new business activities);

ロ　合併、会社の分割、株式交換、株式移転、株式交付、事業の譲受け若しくは譲渡又は他の会社の株式若しくは持分の取得に関する業務

(b) business relating to merger, company split, share exchange, share

transfer, partial share exchange, acquisition or transfer of business, or acquisition of share or equity in other companies;

ハ　発行株式の金融商品取引所への上場に関する業務

(c) business relating to listing of issued shares on a financial instruments exchange;

ニ　会社の経営戦略の作成、貸借対照表若しくは損益計算書の作成又は株主総会若しくは取締役会の運営に関する業務

(d) business relating to the creation of a company's management strategies, creation of a balance sheet or profit and loss statement, or management of shareholders meeting or board of directors meeting;

八　当該私募又は私募の取扱いの相手方となる日前五年以内に提出された有価証券届出書（金融商品取引所に発行株式を上場しようとする会社が提出するものに限る。）において、株式の所有数の上位五十位までの株主として記載されている者

(viii) a person stated as one of the top fifty shareholders in descending order for the number of shares held in the securities registration statement (limited to one submitted by a company seeking to list its issued shares on a financial instruments exchange) submitted within five years before the day when the person has become the counterparty to the private placement or handling of private placement;

九　当該私募又は私募の取扱いの相手方となる日前五年以内に提出された有価証券届出書（前号に規定するものを除く。）又は有価証券報告書において、株式の所有数の上位十位までの株主として記載されている者

(ix) a person stated as one of the top ten shareholders in descending order for the number of shares held in the securities registration statement (excluding one provided for in the preceding item) or the annual securities report submitted within five years before the day when the person has become the counterparty to the private placement or handling of private placement;

十　認定経営革新等支援機関（中小企業等経営強化法（平成十一年法律第十八号）第三十一条第二項に規定する認定経営革新等支援機関をいう。）

(x) a certified business innovation assisting organization (meaning a certified business innovation assisting organization provided for in Article 31, paragraph (2) of the Small and Medium-Sized Enterprises Business Enhancement Act (Act No. 18 of 1999));

十一　前各号（第六号を除く。）のいずれかに該当する個人に係る次のいずれかに該当する会社、組合その他これらに準ずる事業体（外国におけるこれらに相当するものを含む。以下この号及び次号において「会社等」という。）

(xi) a company, partnership, or other similar business entities which fall under any of the following entities (including entities equivalent to them in a foreign country; hereinafter referred to as "company, etc." in this item and the following item) related to an individual that falls under any of the preceding items (excluding item (vi)):

イ　当該個人が総株主等の議決権の百分の五十を超える議決権を保有する会社等（当該会社等の子会社等及び関連会社等を含む。）

(a) a company, etc. for which the individual holds voting rights exceeding 50 percent of the voting rights held by all shareholders, etc. (including a subsidiary company, etc. and an affiliated company, etc. of the company, etc.);

ロ　当該個人が総株主等の議決権の百分の二十以上百分の五十以下の議決権を保有する会社等

(b) a company, etc. for which the individual holds 20 percent or more of the voting rights and 50 percent or less of the voting rights held by all shareholders, etc.; and

十二　第一号から第十号までのいずれかに該当する会社等の子会社等又は関連会社等

(xii) a subsidiary company, etc. or an affiliated company, etc. of the company, etc., which falls under any of items (i) through (x).

（投資に関する事項について知識及び経験を有する者を相手方として適格機関投資家等特例業務を行うための要件）

(Requirements for Conducting Specially-Permitted Business for Qualified Institutional Investors With Persons with Knowledge of and Experience in Matters Concerning Investment as Counterparty)

第二百三十三条の四　令第十七条の十二第二項第一号イに規定する内閣府令で定める額は、現金及び預貯金の合計額とする。

Article 233-4 (1) The amount specified by Cabinet Office Order as prescribed in Article 17-12, paragraph (2), item (i), sub-item (a) of the Order is the sum of cash and bank deposits or postal savings.

２　令第十七条の十二第二項第一号イに規定する内閣府令で定める有価証券は、次に掲げるものとする。

(2) The securities specified by Cabinet Office Order as prescribed in Article 17-12, paragraph (2), item (i), sub-item (a) of the Order are as follows:

一　株券、新株予約権証券及び新株予約権付社債券

(i) share certificates, share option certificates, and corporate bond certificates with share options; and

二　外国の者の発行する証券又は証書で前号に掲げる有価証券の性質を有するもの

(ii) instruments or certificates issued by a foreign person which have the nature of the securities set forth in the preceding item.

３　令第十七条の十二第二項第一号イに規定する内閣府令で定めるものは、有価証券に対する投資を行った時点において次の各号に掲げる者が当該各号に定めるものを発行している場合における当該有価証券とする。

(3) The securities specified by Cabinet Office Order as prescribed in Article 17-12, paragraph (2), item (i), sub-item (a) of the Order are the securities when the persons set forth in the following items have issued the securities specified in

those items at the time of investing in the securities;

一　当該有価証券の発行者　次に掲げる有価証券で金融商品取引所若しくは外国金融商品市場に上場されているもの又は店頭売買有価証券登録原簿（法第六十七条の十一第一項の店頭売買有価証券登録原簿をいう。以下この項において同じ。）に登録されているもの

(i) issuer of the securities: the following securities that are listed on a financial instruments exchange or foreign financial instruments exchange market, or that are registered in the register of over-the-counter traded securities (meaning the register of over-the-counter traded securities referred to in Article 67-11, paragraph (1) of the Act; hereinafter the same applies in this paragraph):

イ　株券、新株予約権証券及び新株予約権付社債券

(a) share certificates, share option certificates, and corporate bond certificates with share options;

ロ　外国の者の発行する証券又は証書でイに掲げる有価証券の性質を有するもの

(b) instruments or certificates issued by a foreign person which have the nature of the securities set forth in sub-item (a);

二　当該有価証券の発行者（会社法第二条第六号に規定する大会社であるものに限る。）の親会社等　前号イ又はロに掲げる有価証券で金融商品取引所若しくは外国金融商品市場に上場されているもの又は店頭売買有価証券登録原簿に登録されているもの

(ii) a parent company, etc. of the issuer of the securities (limited to a large company as defined in Article 2, item (vi) of the Companies Act): securities set forth in sub-item (a) or (b) of the preceding item which are listed on a financial instruments exchange or foreign financial instruments exchange market, or are registered in the register of over-the-counter traded securities; and

三　当該有価証券の発行者の子会社等　第一号イ又はロに掲げる有価証券で金融商品取引所若しくは外国金融商品市場に上場されているもの又は店頭売買有価証券登録原簿に登録されているもの

(iii) a subsidiary company, etc. of the issuer of the securities: securities set forth in item (i), sub-item (a) or (b) which are listed on a financial instruments exchange or foreign financial instruments exchange market, or which are registered in the register of over-the-counter traded securities.

4　令第十七条の十二第二項第一号ロに規定する内閣府令で定める場合は、次の各号のいずれかに該当する資金の借入れ又は債務の保証を行う場合であって、当該借入れの額と保証債務の額との合計額が、出資者（同号に規定する出資者をいう。第二百三十九条の二第一項において同じ。）が出資又は拠出をした金銭その他の財産の価額の百分の十五を超えない場合とする。

(4) The cases specified by Cabinet Office Order as prescribed in Article 17-12, paragraph (2), item (i), sub-item (b) of the Order are borrowing of funds or

guarantee of obligations which falls under any of the following items, and the sum of the amount of borrowings and the amount of guarantee obligations does not exceed 15 percent of the value of money or other properties invested or paid by an investor (meaning the investor provided for in that item; the same applies in Article 239-2, paragraph (1)):

一　弁済期限（弁済期限の延長があった場合は、当該延長された期間を含む。）が百二十日を超えない資金の借入れ

(i) borrowing of funds for which the period until the due date does not exceed 120 days (if the period has been extended, including the extended period);

二　保証期間（保証期間の延長があった場合は、当該延長された期間を含む。）が百二十日を超えない債務の保証

(ii) guarantee of obligations for which the guarantee period does not exceed 120 days (if the guarantee period has been extended, including the extended period); and

三　出資対象事業に係る第二項各号に掲げる有価証券（投資を行った時点において金融商品取引所に上場されているもの又は前項に規定するものを除く。）の発行者の債務の保証（当該保証債務の額が当該有価証券の額を超えないものに限る。）

(iii) guarantee of obligations of an issuer of the securities set forth in the items of paragraph (2) (excluding the securities listed on a financial instruments exchange or those prescribed in the preceding paragraph at the time investment has been made) related to the business subject to investment (limited to the guarantee for which the amount of the guarantee obligation does not exceed the amount of the securities).

（同種の新規発行権利）

(The Same Type of Newly-Issued Rights)

第二百三十四条　令第十七条の十二第四項第二号ロに規定する当該権利と同一種類のものとして内閣府令で定める他の権利は、有価証券としての当該権利と発行者及び出資対象事業が同一である有価証券としての権利とする。

Article 234 The other rights specified by Cabinet Office Order as being the same type of rights as the rights prescribed in Article 17-12, paragraph (4), item (ii), sub-item (b) of the Order are the rights as securities whose issuer and business subject to investment are the same as the relevant securities.

（投資者の保護に支障を生ずるおそれがあるもの）

(Cases in Which Status of the Operation of Business Is Likely to Hinder the Protection of Investors)

第二百三十四条の二　法第六十三条第一項第一号に規定する投資者の保護に支障を生ずるおそれがあるものとして内閣府令で定めるものは、出資対象事業持分に係る私募のうち、次の各号に掲げる要件のいずれかに該当するものとする。

Article 234-2 (1) The case specified by Cabinet Office Order as the case that is

likely to hinder the protection of investors as prescribed in Article 63, paragraph (1), item (i) of the Act is a private placement related to the equity in the business subject to investment which satisfies any of the following requirements:

一　当該権利を有することとなる適格機関投資家の全てが投資事業有限責任組合（投資事業有限責任組合契約に関する法律第二条第二項に規定する投資事業有限責任組合をいい、取引の状況その他の事情から合理的に判断して、投資事業有限責任組合契約に基づき当該投資事業有限責任組合契約の相手方のために運用を行う金銭その他の財産の総額から借入金の額を控除した金額が五億円以上であると見込まれるものを除く。次項第一号において同じ。）であること。

(i) all qualified institutional investors that are to hold the rights are investment limited partnerships (meaning an investment limited partnership as defined in Article 2, paragraph (2) of the Limited Partnership Act for Investment, and excluding those for which the amount arrived at by deducting the amount of borrowings from the total amount of money or other properties to be invested for counterparties to limited partnership agreement for investment under that agreement is expected to be 500 million yen or more, judging reasonably from the status of transactions and other circumstances; the same applies in item (i) of the following paragraph);

二　当該権利を有することとなる者が出資又は拠出をする金銭その他の財産の総額に占める当該権利に対して次に掲げる者（適格機関投資家、令第十七条の十二第一項各号（第六号を除く。）のいずれかに該当する者並びにファンド資産運用等業者の役員、使用人及び親会社等を除く。）が出資又は拠出をする金銭その他の財産の総額の割合が二分の一以上であること。

(ii) the percentage of the total amount of money or other properties invested or paid by the following persons (excluding qualified institutional investors, a person that falls under any of the items of Article 17-12, paragraph (1) of the Order (excluding item (vi)), and the officers, employees, and parent companies, etc. of fund assets investment managers) for the rights to the total amount of money or other properties invested or paid by the persons that are to hold the rights is 50 percent or more:

イ　第二百三十三条の二第一項第二号から第六号までに掲げる者

(a) a person set forth in Article 233-2, paragraph (1), items (ii) through (vi); and

ロ　第二百三十三条の三各号に掲げる者

(b) a person set forth in the items of Article 233-3.

三　当該権利が財産的価値に表示される場合には、次のイ又はロに掲げる場合の区分に応じ、当該イ又はロに定める措置がとられていないこと。

(iii) when the rights are indicated on financial values, the measures specified in the following sub-item (a) or (b) have not been taken in accordance with the category of the cases set forth in the sub-item (a) or (b):

イ　当該権利の取得勧誘（法第二条第三項に規定する取得勧誘をいう。ロにおいて同じ。）に応ずる取得者が適格機関投資家（法第六十三条第一項第一号イからハまでのいずれにも該当しないものに限る。以下この号において同じ。）である場合　当該財産的価値を適格機関投資家以外の者に移転することができないようにする技術的措置

(a) when the acquirer responding to solicitation for acquisition of the rights (meaning the solicitation for acquisition as defined in Article 2, paragraph (3) of the Act; the same applies in sub-item (b)) falls under a qualified institutional investor (limited to an investor that does not fall under any of Article 63, paragraph (1), item (i), sub-items (a) through (c) of the Act; hereinafter the same applies in this item): technical measures to prevent transferring the financial values to persons other than qualified institutional investors; or

ロ　当該権利の取得勧誘に応ずる取得者が特例業務対象投資家（令第十七条の十二第四項第二号に規定する特例業務対象投資家をいう。以下ロにおいて同じ。）である場合　当該権利を取得し又は買い付けた者が当該権利を表示する財産的価値を一括して他の一の適格機関投資家又は特例業務対象投資家に移転する場合以外に移転することができないようにする技術的措置

(b) when the acquirer responding to solicitation for acquisition of the rights falls under an investor subject to specially permitted services (meaning the investor subject to specially permitted services prescribed in Article 17-12, paragraph (4), item (ii) of the Order; hereinafter the same applies in sub-item (b)): technical measures to prevent transferring the financial values other than the case in which the person who has acquired or purchased the rights transfers the financial values on which the rights are indicated all at once to another qualified institutional investor or investor subject to specially permitted services.

２　法第六十三条第一項第二号に規定する投資者の保護に支障を生ずるおそれがあるものとして内閣府令で定めるものは、出資対象事業持分に係る当該権利を有する者が出資又は拠出をする金銭その他の財産の運用を行う法第二条第八項第十五号に掲げる行為のうち、次の各号に掲げる要件のいずれかに該当するものとする。

(2) The act specified by Cabinet Office Order as an act that may hinder the protection of investors prescribed in Article 63, paragraph (1), item (ii) of the Act is the act set forth in Article 2, paragraph (8), item (xv) of the Act concerning the investment of money or other properties invested or paid by the person that holds the right related to the equity in the business subject to investment, which falls under any of the requirements set forth in the following items:

一　当該権利を有する適格機関投資家の全てが投資事業有限責任組合であること。

(i) all of the qualified institutional investors that are the holders of the right are investment limited partnerships;

二　当該権利を有する者が出資又は拠出をする金銭その他の財産の総額に占める当該権利に対して次に掲げる者（適格機関投資家、令第十七条の十二第一項各号（第六号を除く。）のいずれかに該当する者並びにファンド資産運用等業者の役員、使用人及び親会社等を除く。）が出資又は拠出をする金銭その他の財産の総額の割合が二分の一以上であること。

(ii) the percentage of the total amount of money or other properties invested or paid by the persons that are the holders of the right to the total amount of money or other properties invested or paid by the following persons (excluding qualified institutional investors, a person that falls under any of the items of Article 17-12, paragraph (1) of the Order (excluding item (vi)), and the officers, employees, and parent companies, etc. of the fund assets investment manager) against the rights is 50 percent or more:

イ　第二百三十三条の二第一項第二号から第六号までに掲げる者

(a) the persons set forth in Article 233-2, paragraph (1), items (ii) through (vi); and

ロ　第二百三十三条の三各号に掲げる者

(b) the persons set forth in the items of Article 233-3.

（適格機関投資家等から除かれる者）

(Persons Excluded from Being Qualified Institutional Investors)

第二百三十五条　法第六十三条第一項第一号ハに規定する内閣府令で定める者は、次に掲げる者とする。

Article 235 The persons specified by Cabinet Office Order as prescribed in Article 63, paragraph (1), item (i) of the Act are as follows:

一　その発行する法第二条第一項第五号、第九号若しくは第十五号に掲げる有価証券若しくは同項第十七号に掲げる有価証券（同項第五号、第九号又は第十五号に掲げる有価証券の性質を有するものに限る。）に表示される権利又は同条第二項第三号若しくは第四号に掲げる権利（その取得の対価の額を超えて財産の給付を受けることがないことを内容とする権利を除く。）を適格機関投資家以外の者が取得している特別目的会社

(i) a special purpose company for which the rights indicated on the securities set forth in Article 2, paragraph (1), item (v), item (ix), or item (xv) of the Act or the securities set forth in item (xvii) of that paragraph (limited to those having the nature of the securities set forth in item (v), item (ix), or item (xv) of that paragraph) it issues, or the rights set forth in paragraph (2), item (iii) or (iv) of that Article (excluding the rights for which the delivery of property in excess of the amount of the consideration for its acquisition will not be made) have been acquired by a person other than a qualified institutional investor;

二　法第二条第二項第五号又は第六号に掲げる権利に対する投資事業に係る契約その他の法律行為（当該契約その他の法律行為に基づく権利が同項第五号又は第六号に

掲げる権利に該当するものに限る。）で適格機関投資家以外の者を相手方とするもの（次に掲げるものを除く。）に基づき当該相手方から出資又は拠出を受けた金銭その他の財産を充てて当該投資事業を行い、又は行おうとする者

(ii) a person that conducts the investment business, or seeks to conduct the investment business based on a contract related to the investment business for the right set forth in Article 2, paragraph (2), item (v) or (vi) of the Act or other juridical acts (limited to the case in which the rights based on the contract or other juridical acts fall under the rights set forth in item (v) or (vi) of that paragraph) with a person other than a qualified institutional investor as the other party (excluding those specified in the following), by using the money or other properties invested or contributed by that other party:

イ　次に掲げる数の合計数が四十九以下である場合における当該投資事業に係る投資事業有限責任組合契約及び有限責任事業組合契約（これらに類する外国の法令に基づく契約を含む。（２）において同じ。）

(a) limited partnership agreement for investment and limited liability partnership agreement (including a contract based on foreign laws and regulations similar to them; the same applies in 2.), when the sum of the following numbers is 49 or less:

（１）　当該投資事業として出資又は拠出された金銭その他の財産を充てて行う出資対象事業に係る契約その他の法律行為に基づく権利を有する適格機関投資家以外の者（当該投資事業を行い、又は行おうとする者を除く。）の数

1. the number of the persons other than qualified institutional investors that hold the rights based on a contract related to the business subject to investment conducted using money or other properties invested or contributed as the investment or other juridical acts (excluding a person that conducts or seeks to conduct the investment business); and

（２）　当該投資事業に係る投資事業有限責任組合契約又は有限責任事業組合契約（当該投資事業を行い、又は行おうとする者が金融商品取引業者等（投資運用業を行う者に限る。）であるものを除く。）に基づく権利を有する適格機関投資家以外の者の数

2. the number of the persons other than qualified institutional investors that hold the rights based on limited partnership agreements for investment or limited liability partnership agreements related to the investment business (excluding the case in which the person that conducts or seeks to conduct the investment business is a financial instruments business operator, etc. (limited to a business operator that conducts investment management business));

ロ　当該投資事業を行い、又は行おうとする者と当該投資事業として出資又は拠出をされた金銭その他の財産を充てて出資対象事業を行い、又は行おうとする者とが同一であり、かつ、次に掲げる数の合計が四十九以下である場合における当該

投資事業に係る契約その他の法律行為

(b) a contract or other juridical acts related to the investment business, if a person that conducts or seeks to conduct the investment business and a person that conducts or seeks to conduct the business subject to investment using money or other properties invested or paid as the investment business are the same, and, the sum of the following numbers is 49 or less:

（１）　当該出資対象事業に係る契約その他の法律行為に基づく権利を有する適格機関投資家以外の者（当該投資事業を行い、又は行おうとする者を除く。）の数

1. the number of the persons other than qualified institutional investors that hold the rights based on the contracts related to the business subject to investment or other juridical acts (excluding a person that conducts or seeks to conduct the investment business); and

（２）　当該投資事業に係る契約その他の法律行為に基づく権利を有する適格機関投資家以外の者の数

2. the number of persons other than qualified institutional investors that hold the rights based on the contracts related to the investment business or other juridical acts.

（適格機関投資家等特例業務に係る届出）

(Notification of Specially-Permitted Services for Qualified Institutional Investors)

第二百三十六条　法第六十三条第二項の規定により届出を行う者は、別紙様式第二十号により作成した適格機関投資家等特例業務に関する届出書に、当該届出書の写しを添付して、特例業務届出管轄財務局長等（当該届出を行う者の本店等の所在地を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては福岡財務支局長、国内に営業所又は事務所を有しない場合にあっては関東財務局長）をいう。第二百三十八条の四第一項、第二百三十九条第一項及び第三百四十八条第三項において同じ。）に提出しなければならない。

Article 236 (1) A person that files a notification pursuant to the provisions of Article 63, paragraph (2) of the Act must submit a written notification related to specially-permitted services for qualified institutional investors, etc. which has been prepared using the Appended Form No. 20, by attaching a copy of the written notification to a competent Director-General of a Local Finance Bureau or other competent official (meaning a Director-General of a Local Finance Bureau with jurisdiction over the locality of the head office, etc. of the person filing the notification (if the locality falls within the jurisdictional area of the Fukuoka Local Finance Branch Bureau, to its Director-General; if the person has does not have a business office or an office in Japan, to the Director-General of the Kanto Finance Bureau); the same applies in Article 238-4, paragraph (1), Article 239, paragraph (1), and Article 348, paragraph (3)).

２　前項の届出書は、別紙様式第二十号に準じて英語で作成することができる。
(2) The written notification referred to in the preceding paragraph may be prepared in English, in the same manner as the Appended Form No. 20.

（特例業務届出者の使用人）
(Employees of Notifier of Specially-Permitted Services)
第二百三十七条　令第十七条の十三第一号に規定する内閣府令で定める者は、部長、次長、課長その他いかなる名称を有する者であるかを問わず、同号に規定する業務を統括する者の権限を代行し得る地位にある者とする。
Article 237 (1) The person specified by Cabinet Office Order as prescribed in Article 17-13, item (i) of the Order is a person that is in a position in which the person may be delegated the authority of a person that supervises the business prescribed in that item, such as the head of department, the deputy head of department, the section head, or other persons irrespective of the title.
２　令第十七条の十三第二号に規定する内閣府令で定める者は、金融商品の価値等の分析に基づく投資判断を行う者とする。
(2) The persons specified by Cabinet Office Order as prescribed in Article 17-13, item (ii) of the Order are persons that make investment decisions based on analysis of the values, etc. of financial instruments.

（適格機関投資家等特例業務に係る届出事項）
(Matters to Be Notified Concerning Specially-Permitted Services for Qualified Institutional Investors)
第二百三十八条　法第六十三条第二項第九号に規定する内閣府令で定める事項は、次に掲げる事項とする。
Article 238 The matters specified by Cabinet Office Order as prescribed in Article 63, paragraph (2), item (ix) of the Act are the following matters:
一　主たる営業所又は事務所及び適格機関投資家等特例業務を行う営業所又は事務所の電話番号並びに当該届出を行う者のホームページアドレス
(i) the telephone number of the principal business office or office and the business office or office for conducting specially-permitted business for qualified institutional investors, etc., as well as the website URL of the notifying person;
二　法第六十三条第一項第一号に掲げる行為に係る業務を行う場合には、次に掲げる事項
(ii) when conducting business related to the act set forth in Article 63, paragraph (1), item (i) of the Act, the following matters:
イ　当該業務に係る出資対象事業持分の名称及び種別（出資対象事業持分の種別をいい、当該出資対象事業持分が電子記録移転権利又は令第一条の十二第二号に規定する権利である場合にあっては、その旨を含む。次号イにおいて同じ。）
(a) the name and type of the equity in the business subject to investment

related to the business (meaning the type of equity in business subject to investment and if the equity in business subject to investment is an electronically recorded transferable right, or any of the rights prescribed in Article 1-12, item (ii) of the Order, including that fact; the same applies in sub-item (b) of the following item);

ロ　当該業務に係る出資対象事業の内容

(b) the content of the business subject to investment related to the business;

ハ　当該業務に係る出資対象事業持分を取得する適格機関投資家の商号、名称又は氏名、種別（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第十条第一項各号の種別をいう。次号ハにおいて同じ。）及び数

(c) the trade name, name, type (meaning the type referred to in the items of Article 10, paragraph (1) of the Cabinet Office Order on Definitions under Article 2 of the Financial Instruments and Exchange Act; the same applies in sub-item (c) of the following item), and number of the qualified institutional investor that acquires the equity in the business subject to investment related to the business;

ニ　適格機関投資家以外の者を相手方として当該業務に係る出資対象事業持分の私募を行う場合には、その旨

(d) when making a private placement of equity interests in the business subject to investment related to the business for a person other than qualified institutional investors, that fact;

ホ　第二百三十三条の三各号に掲げる者を相手方として当該業務に係る出資対象事業持分の私募を行う場合には、その旨

(e) when making a private placement of equity interests in the business subject to investment related to the business with a person set forth in the items of Article 233-3 as the other party, that fact; and

ヘ　ホに規定する場合には、当該業務に係る出資対象事業の貸借対照表及び損益計算書又はこれらに代わる書面（次号ヘ並びに第二百三十九条の二第一項第八号及び第九号において「財務諸表等」という。）について監査を行う公認会計士又は監査法人（外国におけるこれらの資格に相当する資格を有する者を含む。次号ヘ及び同項第八号において同じ。）の氏名又は名称

(f) for the case provided for in sub-item (e), the name of the certified public accountant or audit corporation (including persons having the qualifications equivalent to those qualifications in a foreign country; the same applies in sub-item (f) of the following item and item (viii) of that paragraph) that conducts an audit of the balance sheet and profit and loss statement for the business subject to investment related to the business or an alternative document (referred to as "financial statements, etc." in sub-item (f) of the following item and Article 239-2, paragraph (1), items (viii) and (ix));

三　法第六十三条第一項第二号に掲げる行為に係る業務を行う場合には、次に掲げる

事項

(iii) when conducting business related to the act set forth in Article 63, paragraph (1), item (ii) of the Act, the following matters:

イ　当該業務に係る出資対象事業持分の名称及び種別

(a) the name and type of the equity in the business subject to investment related to the business;

ロ　当該業務に係る出資対象事業の内容

(b) the content of the business subject to investment related to the business;

ハ　当該業務に係る出資対象事業持分を有する適格機関投資家の商号、名称又は氏名、種別及び数

(c) the trade name or name, type, and number of the qualified institutional investor that holds the equity in the business subject to investment related to the business;

ニ　適格機関投資家以外の者が当該業務に係る出資対象事業持分を有する場合には、その旨

(d) if a person other than qualified institutional investors holds equity interests in the business subject to investment related to the business, that fact;

ホ　第二百三十三条の三各号に掲げる者が当該業務に係る出資対象事業持分を有する場合には、その旨

(e) if a person set forth in the items of Article 233-3 holds equity interests in the business subject to investment related to the business, that fact; and

ヘ　ホに規定する場合には、当該業務に係る出資対象事業の財務諸表等について監査を行う公認会計士又は監査法人の氏名又は名称

(f) for the case provided for in sub-item (e), the name of the certified public account or audit corporation that conducts the audit of the financial statements, etc. of the business subject to investment related to the business;

四　外国法人であるときは、国内における代表者の所在地又は住所及び電話番号

(iv) for a foreign corporation, the location or domicile and telephone number of the representative in Japan; and

五　外国に住所を有する個人であるときは、国内における代理人の氏名、商号又は名称、所在地又は住所及び電話番号

(v) for an individual that has an domicile in a foreign country, the name, trade name, location, or domicile, and telephone number of the agent in Japan.

（適格機関投資家等特例業務に係る届出書の添付書類）

(Documents to Be Attached to Written Notification of Specially-Permitted Services for Qualified Institutional Investors)

第二百三十八条の二　法第六十三条第三項第三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。ただし、やむを得ない事由があるときは、第三号又は第四号

に掲げる書類は、同条第二項の規定による届出後遅滞なく提出すれば足りる。

Article 238-2 (1) The documents specified by Cabinet Office Order as prescribed in Article 63, paragraph (3), item (iii) of the Act are the following documents; provided, however, that if there are compelling reasons, it is sufficient for the documents specified in item (iii) or (iv) to be submitted without delay after the submission of the written notification under the provisions of paragraph (2) of that Article:

一　法人であるときは、次に掲げる書類

(i) if the applicant is a corporation, the following documents:

イ　役員及び重要な使用人（令第十七条の十三に規定する使用人をいう。以下この節において同じ。）の履歴書（役員が法人であるときは、当該役員の沿革を記載した書面）

(a) the resume of the officer and important employee (meaning an employee provided for in Article 17-13 of the Order; hereinafter the same applies in this Section) (if the officer is a corporation, a document stating the background of the officer);

ロ　役員及び重要な使用人の住民票の抄本（役員が法人であるときは、当該役員の登記事項証明書）又はこれに代わる書面

(b) extracts of the resident records of the officers and important employees (if an officer is a corporation, the certificate of registered information of the officer), or alternative documents;

ハ　役員及び重要な使用人の旧氏及び名を当該役員及び重要な使用人の氏名に併せて法第六十三条第二項の届出書に記載した場合において、ロに掲げる書類が当該役員及び重要な使用人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

(c) if the former surname and given name of the officer or important employee are stated together with the name of the officer or important employee in a written notification referred to in Article 63, paragraph (2) of the Act, and the document set forth in sub-item (b) is not a document certifying the former surname and given name of the officer or important employee, a document certifying the former surname and given name;

ニ　役員及び重要な使用人が法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

(d) a certificate issued by a public agency certifying that the officers and important employees do not fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, or alternative documents; and

ホ　役員及び重要な使用人が法第二十九条の四第一項第二号イ又はハからリまで及び暴力団員等（法第六十三条第七項第一号ハに規定する暴力団員等をいう。以下同じ。）のいずれにも該当しない者であることを当該役員及び重要な使用人が誓約する書面

(e) a document with which the officer and important employee pledge that

they do not fall under Article 29-4, paragraph (1), item (ii), sub-item (a), or sub-items (c) through (i) of the Act and that they are not members, etc. of an organized crime group (meaning the members, etc. of an organized crime group provided for in Article 63, paragraph (7), item (i), sub-item (c) of the Act; the same applies hereinafter); and

二　個人であるときは、次に掲げる書類

(ii) if the person is an individual, the following documents:

イ　届出者及び重要な使用人の履歴書

(a) the resume of the notifying person and important employees;

ロ　届出者及び重要な使用人（届出者が外国に住所を有する個人であるときは、国内における代理人を含む。ハにおいて同じ。）の住民票の抄本又はこれに代わる書面

(b) extracts of the resident records of the notifier and important employees (if the notifying person is an individual that has an domicile in a foreign country, including the agent in Japan; the same applies in sub-item (c)), or alternative documents;

ハ　届出者及び重要な使用人の旧氏及び名を当該届出者及び重要な使用人の氏名に併せて法第六十三条第二項の届出書に記載した場合において、ロに掲げる書類が当該届出者及び重要な使用人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

(c) if the former surname and given name of the notifier or important employee are stated together with the notifying person's name or the important employee's name in a written notification referred to in Article 63, paragraph (2) of the Act, and the document set forth in sub-item (b) is not a document certifying the notifying person's former surname and given name or the important employee's former surname and given name, a document certifying the former surname and given name;

ニ　届出者及び重要な使用人が法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

(d) the certificates issued by a public agency certifying that the notifier and important employee fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, or alternative documents; and

ホ　重要な使用人が法第二十九条の四第一項第二号イ又はハからリまで及び暴力団員等のいずれにも該当しない者であることを当該重要な使用人が誓約する書面

(e) a document with which the important employee pledges that they do not fall under Article 29-4, paragraph (1), item (ii), sub-item (a), or sub-items (c) through (i) of the Act and that they are not a member, etc. of an organized crime group;

三　法第六十三条第一項第一号に掲げる行為に係る業務を行う場合には、次に掲げる書類

(iii) if the person conducts business related to the acts set forth in Article 63,

paragraph (1), item (i) of the Act, the following documents:

イ　当該行為に係る出資対象事業持分を有することとなる適格機関投資家の全てが投資事業有限責任組合（投資事業有限責任組合契約に関する法律第二条第二項に規定する投資事業有限責任組合をいう。以下同じ。）である場合には、次に掲げる事項を証する書面

(a) if all of the qualified institutional investors that are to hold the equity in the business subject to investment related to the act are investment limited partnerships (meaning an investment limited partnership as defined in Article 2, paragraph (2) of the Limited Partnership Act for Investment; the same applies hereinafter), a document certifying the following matters:

（１）　投資事業有限責任組合契約に基づき当該投資事業有限責任組合契約の相手方のために運用を行う金銭その他の財産の総額

1. the total amount of money or other properties to be invested for the counterparty to the limited partnership agreement for investment based on the agreement; and

（２）　当該適格機関投資家の借入金の額

2. the amount of borrowings by the qualified institutional investor

ロ　次に掲げる事項を証する書面

(b) a document certifying the following matters:

（１）　当該行為に係る出資対象事業持分を有することとなる者が出資又は拠出をする金銭その他の財産の総額

1. the total amount of money or other properties invested or paid by persons that are to hold the equity in the business subject to investment related to the act;

（２）　当該行為に係る出資対象事業持分を有することとなる者のうち、第二百三十四条の二第一項第二号に掲げる者が出資又は拠出をする金銭その他の財産の総額

2. the total amount of money or other properties invested or paid by persons to hold the equity in the business subject to investment related to the act, who are specified in Article 134-2, paragraph (1), item (ii);

四　法第六十三条第一項第二号に掲げる行為に係る業務を行う場合には、次に掲げる書類

(iv) if the notifier conducts the business related to the acts specified in Article 63, paragraph (1), item (ii) of the Act, the following documents:

イ　当該行為に係る出資対象事業持分を有する適格機関投資家の全てが投資事業有限責任組合である場合には、次に掲げる事項を証する書面

(a) if all of the qualified institutional investors holding the equity in the business subject to investment related to the act are investment limited partnerships, a document certifying the following matters:

（１）　投資事業有限責任組合契約に基づき当該投資事業有限責任組合契約の相

手方のために運用を行う金銭その他の財産の総額

1. the total amount of money or other properties to be invested for the counterparty to the limited partnership agreement for investment based on the agreement; and

（２）　当該適格機関投資家の借入金の額

2. the amount of borrowings of the qualified institutional investor;

ロ　次に掲げる事項を証する書面

(b) a document certifying the following matters:

（１）　当該行為に係る出資対象事業持分を有する者が出資又は拠出をする金銭その他の財産の総額

1. the total amount of money or any other property invested or paid by a holder of the equity in the business subject to investment related to the act; and

（２）　当該行為に係る出資対象事業持分を有する者のうち、第二百三十四条の二第二項第二号に掲げる者が出資又は拠出をする金銭その他の財産の総額

2. the total amount of money or any other property to be invested or paid by a holder of the equity in the business subject to investment related to the act set forth in Article 234-2, paragraph (2), item (ii).

２　前項各号に掲げる書類は、英語で記載することができる。

(2) The documents set forth in the items of the preceding paragraph may be prepared in English.

（電磁的記録）

(Electronic or Magnetic Record)

第二百三十八条の三　法第六十三条第四項に規定する内閣府令で定める電磁的記録は、次に掲げる構造のいずれかに該当するものとする。

Article 238-3 (1) The electronic or magnetic records specified by Cabinet Office Order as prescribed in Article 63, paragraph (4) of the Act are to fall under any of the following structures:

一　日本産業規格Ｘ六二二三に適合する九十ミリメートルフレキシブルディスクカートリッジ

(i) a 90mm flexible magnetic disc cartridge that complies with JIS X6223;

二　日本産業規格Ｘ〇六〇六及びＸ六二八二に適合する直径百二十ミリメートルの光ディスク

(ii) a 120mm optical disc that complies with JIS X0606 and X6282.

２　前項第一号の電磁的記録への記録は、次に掲げる方式に従ってしなければならない。

(2) Record in the electronic or magnetic record referred to in the preceding paragraph must be made in accordance with the following methods:

一　トラックフォーマットについては、日本産業規格Ｘ六二二五に規定する方式

(i) for track formats, the method specified in JIS X6225; and

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

式

(ii) for volume and file composition, the method specified in JIS X0605.

３　第一項の電磁的記録には、次に掲げる事項を記載しなければならない。

(3) The following matters must be stated for the electronic or magnetic record referred to in paragraph (1):

一　届出者の商号又は名称

(i) the trade name or name of the notifier; and

二　届出年月日

(ii) the date of the notification.

（適格機関投資家等特例業務に係る届出事項の金融庁長官等による縦覧）

(Public Inspection of Notified Matters Concerning Specially-Permitted Services for Qualified Institutional Investors by the Commissioner of the Financial Services Agency or Other Officials)

第二百三十八条の四　金融庁長官、特例業務届出管轄財務局長等又は管轄財務局長等は、特例業務届出者又は金融商品取引業者等（法第六十三条の三第一項の規定による届出をした者をいい、同条第二項において準用する法第六十三条の二第三項第二号に該当する旨の同項の規定による届出をした者を除く。第二百四十四条第一項を除き、以下この節において同じ。）に係る別紙様式第二十号の二に記載されている事項を金融庁若しくは当該特例業務届出者若しくは金融商品取引業者等の本店等の所在地を管轄する財務局（当該所在地が福岡財務支局の管轄区域内にある場合にあっては福岡財務支局、国内に営業所又は事務所を有しない場合にあっては関東財務局）に備え置いて公衆の縦覧に供し、又はインターネットの利用その他の方法により公表するものとする。

Article 238-4 (1) The Commissioner of the Financial Services Agency, the competent Director-General of a Local Finance Bureau, etc. for the notification of specially-permitted services, or the competent Director-General of a Local Finance Bureau, etc. is to keep the record of the matters stated in the Appended Form 20-2 related to the notifier of specially-permitted services or financial instruments business operator, etc. (meaning a person who has given a notification under the provisions of Article 63-3, paragraph (1) of the Act, and excluding a person who has given a notification under the provisions of Article 63-2, paragraph (3) of the Act on the fact of falling under Article 63-2, paragraph (3), item (ii) of the Act as applied mutatis mutandis pursuant to Article 63-3, paragraph (2) of the Act; hereinafter the same applies in this Section, excluding Article 244, paragraph (1)) at the Financial Services Agency or the local finance bureau with jurisdiction over the locality of the head office, etc. of the notifier of specially-permitted services or financial instruments business operator, etc. (if the locality falls within the jurisdictional district of the Fukuoka Local Finance Branch Bureau, the Director-General of the Fukuoka Local Finance Branch Bureau; or if the business operator has no business office or office in Japan, the Director-General of the Kanto Finance

Bureau) and make the record of matters available for public inspection or publicize them by using the internet or by other means.

２　法第六十三条第五項（法第六十三条の三第二項において準用する場合を含む。）に規定する内閣府令で定める事項は、別紙様式第二十号の二に記載されている事項とする。

(2) The matters specified by Cabinet Office Order as prescribed in Article 63, paragraph (5) of the Act (including as applied mutandis pursuant to Article 63-3, paragraph (2) of the Act) are the matters stated in the Appended Form 20-2.

（適格機関投資家等特例業務に係る届出事項の特例業務届出者又は金融商品取引業者等による縦覧）

(Public Inspection of Notified Matters Concerning Specially-Permitted Services for Qualified Institutional Investors by Persons Notifying of Specially-Permitted Services or Financial Instruments Business Operators)

第二百三十八条の五　法第六十三条第六項（法第六十三条の三第二項において準用する場合を含む。次項において同じ。）の規定により特例業務届出者又は金融商品取引業者等は、別紙様式第二十号の二により作成した書面の写しを主たる営業所若しくは事務所及び適格機関投資家等特例業務を行う全ての営業所若しくは事務所に備え置いて公衆の縦覧に供し、又はインターネットの利用その他の方法により、投資者が常に容易に閲覧することができるよう公表しなければならない。

Article 238-5 (1) Pursuant to the provisions of Article 63, paragraph (6) of the Act (including as applied mutatis mutandis pursuant to Article 63-3, paragraph (2) of the Act; the same applies in the following paragraph), a notifier of specially-permitted services or financial instruments business operator, etc. is to keep the copy of a document prepared using Appended Form 20-2 at their principal business office or office or all business offices or offices for conducting specially-permitted services for qualified institutional investors, etc. and make the document available for public inspection, or publicize them by using the internet or by other means to enable easy access for investors at all times.

２　法第六十三条第六項に規定する内閣府令で定める事項は、別紙様式第二十号の二に記載されている事項とする。

(2) The matters specified by Cabinet Office Order as prescribed in Article 63, paragraph (6) of the Act are the matters stated in the Appended Form 20-2.

３　第一項の書面は、別紙様式第二十号の二に準じて英語で作成することができる。

(3) The document under paragraph (1) may be prepared in English in the same manner as the Appended Form 20-2.

（適格機関投資家等特例業務に係る届出事項の変更の届出）

(Notification of Change of Matters Related to Specially-Permitted Services for Qualified Institutional Investors That Have Been Notified)

第二百三十九条　法第六十三条第八項の規定により届出を行う特例業務届出者は、変更の内容、変更年月日及び変更の理由を記載した届出書に、別紙様式第二十号により作成した変更後の内容を記載した書面及び当該書面の写しを添付して、特例業務届出所管金融庁長官等（令第四十二条第二項の規定により金融庁長官の指定を受けた特例業務届出者にあっては金融庁長官、それ以外の特例業務届出者にあっては特例業務届出管轄財務局長等をいう。以下同じ。）に提出しなければならない。

Article 239 (1) A notifier of specially-permitted services that files a notification pursuant to the provisions of Article 63, paragraph (8) of the Act must submit a written notification stating the content of the change, the date of the change, and the reasons for the change, by attaching a document stating the changed content which is prepared by using the Appended Form No. 20 and a copy of that document, to the competent Director-General of a Local Finance Bureau or other competent official for specially-permitted business (meaning the Commissioner of the Financial Services Agency, for a notifier of specially-permitted services designated by the Commissioner of the Financial Services Agency pursuant to the provisions of Article 42, paragraph (2) of the Order or the competent Director-General of a Local Finance Bureau or other competent official for specially-permitted services, for any other notifier of specially-permitted services; the same applies hereinafter).

２　前項の届出書には、次の各号に掲げる場合の区分に応じ、当該各号に定める書類を添付するものとする。ただし、やむを得ない事由があるときは、当該届出書の提出後遅滞なく提出すれば足りる。

(2) The documents specified in the following paragraph in accordance with the category of cases set forth in each of those items are to be attached to the written notification referred to in the preceding paragraph; provided, however, that if there are compelling reasons, it is sufficient to submit the documents without delay after the submission of the written notification:

一　法第六十三条第二項第一号に掲げる事項について変更があった場合　次に掲げる書類

(i) if there is any change to the matters set forth in Article 63, paragraph (2), item (i) of the Act: the following documents:

イ　当該変更に係る事項を記載した登記事項証明書（個人であるときは、住民票の抄本）又はこれに代わる書面

(a) a certificate of registered information stating the changed information (for an individual, an extract of the resident record) or alternative documents; and

ロ　旧氏及び名を、氏名に併せて別紙様式第二十号により作成した変更後の内容を記載した書面に記載した場合において、イに掲げる書類が当該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

(b) if the former surname and given name are stated together with the current name in a document stating the changed content which is prepared

using the Appended Form 20, and the document set forth in sub-item (a) is not a document certifying the former surname and given name, a document certifying the former surname and given name;

二　法第六十三条第二項第二号又は第六号に掲げる事項について変更があった場合当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面

(ii) if there is any change to the matters set forth in Article 63, paragraph (2), item (ii) or (vi) of the Act: the certificate of registered information stating the matters related to the change or alternative documents;

三　法第六十三条第二項第三号又は第四号に掲げる事項について変更があった場合次に掲げる書類

(iii) if there is any change to the matters set forth in Article 63, paragraph (2), item (iii) or (iv) of the Act: the following documents:

イ　役員に変更があった場合には、当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面

(a) if there is a change of officers, a certificate of the registered information stating the changed matter, or alternative documents;

ロ　新たに役員又は重要な使用人となった者に係る次に掲げる書類

(b) the following documents concerning the person that has newly become an officer or important employee:

（１）　履歴書（役員が法人であるときは、当該役員の沿革を記載した書面）

1. the resume (if the officer is a corporation, a document stating the background of the officer);

（２）　住民票の抄本（役員が法人であるときは、当該役員の登記事項証明書）又はこれに代わる書面

2. an extract of the resident record (if an officers is a corporation, the certificate of registered information of the officer), or alternative documents;

（３）　旧氏及び名を、氏名に併せて別紙様式第二十号により作成した変更後の内容を記載した書面に記載した場合において、（２）に掲げる書類が当該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

3. if the former surname and given name are stated together with the current name in a document stating the changed content which is prepared using the Appended Form 20 and the document set forth in 2. is not a document certifying the former surname and given name, a document certifying the former surname and given name;

（４）　法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

4. the certificates issued by a public agency certifying that the officer does not fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, or alternative documents;

（５）　法第二十九条の四第一項第二号イ又はハからリまで及び暴力団員等のい

ずれにも該当しない者であることを当該役員又は重要な使用人が誓約する書面

5. a document with which the officer or important employees pledge that they do not fall under any of Article 29-4, paragraph (1), item (ii), sub-items (a) or (c) through (i) of the Act and is not a member, etc. of an organized crime group;

（６）　当該特例業務届出者が法人であるときは、法第六十三条第七項第一号ロ（法第二十九条の四第一項第二号イに係る部分に限る。）に該当しないことを誓約する書面

6. when the notifier of specially-permitted services is a corporation, a document with which the they pledge that the corporation does not fall under Article 63, paragraph (7), item (i), sub-item (b) of the Act (limited to the part related to Article 29-4, paragraph (1), item (ii), sub-item (a) of the Act); and

（７）　当該特例業務届出者が個人であるときは、法第六十三条第七項第二号ロ（法第二十九条の四第一項第二号イに係る部分に限る。）に該当しないことを誓約する書面

7. when the notifier of specially-permitted services is an individual, a document pledging that the individual does not fall under Article 63, paragraph (7), item (i), sub-item (b) of the Act (limited to the part related to Article 29-4, paragraph (1), item (ii), sub-item (a) of the Act); and

四　第二百三十八条第五号に掲げる事項について変更があった場合　新たに国内における代理人となった者に係る次に掲げる書類

(iv) if there is any change to the matters set forth in Article 238, item (v): the following document concerning the person that has newly assumed the position of the agent in Japan:

イ　住民票の抄本又はこれに代わる書面

(a) an extract of the resident record or alternative documents; and

ロ　旧氏及び名を、氏名に併せて別紙様式第二十号により作成した変更後の内容を記載した書面に記載した場合において、イに掲げる書類が当該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

(b) if the former surname and given name are stated together with the current name in a document stating the changed content which is prepared by using the Appended Form No. 20 and the document set forth in sub-item (a) is not a document certifying the former surname and given name, a document certifying the former surname and given name;

３　第一項の届出書及び前項各号に掲げる書類は、英語で記載することができる。

(3) The written notification referred to in paragraph (1) and the documents set forth in the items of the preceding paragraph may be prepared in English.

４　第一項の書面は、別紙様式第二十号に準じて英語で作成することができる。

(4) The document under paragraph (1) may be prepared in English in the same manner as the Appended Form 20.

（契約書の写しの提出の手続等）

(Procedures for Submitting Copies of Written Contracts)

第二百三十九条の二　法第六十三条第九項（法第六十三条の三第二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。）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 239-2 (1) The matters specified by Cabinet Office Order as prescribed in Article 63, paragraph (9) of the Act (including as applied mutandis pursuant to Article 63-3, paragraph (2) of the Act; hereinafter the same applies in this Article) are the following matters:

一　出資対象事業持分の名称

(i) the name of the equity in the business subject to investment;

二　出資対象事業の内容

(ii) the content of business subject to investment;

三　出資対象事業を行う営業所又は事務所の所在地

(iii) the location of business office or office for conducting business subject to investment;

四　出資者及び当該出資者から出資又は拠出を受けた金銭その他の財産の運用を行う者（以下この項において「ファンド資産運用者」という。）の商号、名称又は氏名及び住所

(iv) the trade names or names, and domiciles of equity investors and the person who invests money and other properties invested or paid by the equity investors (hereinafter referred to as a "fund asset manager" in this paragraph);

五　出資者が出資又は拠出をする金額（金銭以外の財産を出資又は拠出の目的とするときは、その内容及び価額）

(v) the amount to be invested or paid by the equity investors (if properties other than money are to be invested or paid, the content and value of the investment or contribution);

六　出資対象事業持分に係る契約期間がある場合においては、当該契約期間

(vi) if a contract period is provided for the equity in the business subject to investment, the contract period;

七　出資対象事業の事業年度

(vii) the business year for business subject to investment;

八　ファンド資産運用者が、出資対象事業の事業年度ごとに、当該事業年度の財務諸表等を作成し、公認会計士又は監査法人の監査を受けること。

(viii) a fund asset manager prepares financial statements, etc. for each business year of the business subject to investment and receives an audit by a certified public account or an audit corporation;

九　ファンド資産運用者が、出資対象事業に係る事業年度終了後相当の期間内に、出資者に対し、財務諸表等及び前号の監査に係る報告書の写しを提供すること。

(ix) a fund asset manager provides investors with a copy of the financial statements, etc. and the report on the audit referred to in the preceding paragraph within a reasonable period after the end of the business year related to the business subject to investment;

十　ファンド資産運用者が、出資対象事業に係る事業年度終了後相当の期間内に、出資者を招集して、出資者に対し出資対象事業の運営及び財産の運用状況を報告すること。

(x) the fund asset manager assembles investors and provides them with a report on the operation of the business subject to investment and status of investment of properties after a reasonable period after the end of the business year related to the business subject to investment;

十一　出資者から出資又は拠出を受けた金銭その他の財産を充てて有価証券その他の資産に対する投資を行う場合において、ファンド資産運用者が出資者に対し、その投資の内容を書面により通知すること。

(xi) in the case of making investment using money and other properties invested or paid by investors, a fund asset manager notifies investors of the content of investment in writing;

十二　正当な事由がある場合において、出資者の有する出資対象事業持分の過半数（これを上回る割合を定めた場合には、その割合以上）の同意を得て、ファンド資産運用者を解任することができること。

(xii) a fund asset manager may be dismissed with the consent of a majority of equity interests in the business subject to investment held by investors, if there are justifiable grounds;

十三　ファンド資産運用者が退任した場合において、全ての出資者の同意により、新たなファンド資産運用者を選任することができること。

(xiii) a new fund asset manager may be appointed with the consent of all investors, if the fund asset manager resigns; and

十四　出資対象事業持分に係る契約の変更（軽微な変更を除く。）をする場合において、出資者の有する出資対象事業持分の過半数（これを上回る割合を定めた場合には、その割合以上）の同意を得なければならないこと。

(xiv) in the case of a change to the contract for equity in the business subject to investment (excluding minor changes), an approval of a majority of the equity in the business subject to investment held by investors (if a higher proportion has been specified, that proportion) is required.

２　法第六十三条第九項に規定する同条第二項各号に掲げる事項のうち内閣府令で定めるものは、次に掲げる事項とする。

(2) The matters specified in the items of Article 63, paragraph (2) of the Act as prescribed in paragraph (9) of that Article, which are specified by Cabinet Office Order are the following matters:

一　第二百三十八条第二号ホに掲げる事項（新たに同号に規定する業務を行う場合における変更に係るものに限る。）

(i) the matters set forth in Article 238, item (ii), sub-item (e) (limited to the matter related to the change in the case of newly commencing business prescribed in that item);

二　第二百三十八条第三号ホに掲げる事項（新たに同号に規定する業務を行う場合における変更に係るものに限る。）

(ii) the matters set forth in Article 238, item (iii), sub-item (e) (limited to the matter related to the change in the case of newly commencing business prescribed in that item).

3　法第六十三条第九項により特例業務届出者又は金融商品取引業者等が出資対象事業持分に係る契約の契約書の写しを提出する場合には、次の各号に掲げる区分に応じ、当該各号に定める日から三月以内に、特例業務届出者にあっては特例業務届出所管金融庁長官等、金融商品取引業者等にあっては所管金融庁長官等に提出しなければならない。

(3) When a notifier of specially-permitted services or financial instruments business operator, etc. submits a copy of the contract for equity in the business subject to investment pursuant to the provisions of Article 63, paragraph (9) of the Act, they must submit the copy to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for specially-permitted services in the case of a notifier of specially-permitted services, or to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau in the case of a financial instruments business operator, etc., within three months from the day specified in the following items in accordance with the category set forth in each of those items:

一　法第六十三条第二項又は第六十三条の三第一項の規定による届出　当該届出が行われた日

(i) the notification pursuant to the provisions of Article 63, paragraph (2) or Article 63-3, paragraph (1) of the Act: the day when the notification has been submitted; and

二　法第六十三条第八項（法第六十三条の三第二項において準用する場合を含む。）の規定による届出（前項各号に掲げる事項の変更に係るものに限る。）　当該変更があった日

(ii) the notification pursuant to the provisions of Article 63, paragraph (8) of the Act (including as applied mutatis mutandis pursuant to Article 63-3, paragraph (2) of the Act) (limited to the notification related to the change of the matters set forth in the items of the preceding paragraph): the day when the change has been made.

4　特例業務届出者又は金融商品取引業者等は、前項に規定する期間内に契約書の写しを提出することができない場合において、その旨を特例業務届出者にあっては特例業

務届出所管金融庁長官等、金融商品取引業者等にあっては所管金融庁長官等に届け出たときは、三月に限り、当該期間を延長することができる。

(4) If a notifier of specially-permitted services or financial instruments business operator, etc. is unable to submit a copy of the contract within the period provided for in the preceding paragraph, they may extend the period up to three months, when they notify that fact to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for specially-permitted services in the case of a notifier of specially-permitted services, or to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau in the case of a financial instruments business operator, etc.

5　前項の届出は、届出書に、第三項に規定する期間内に提出することが困難な理由を記載した書面を添付して行わなければならない。

(5) A document stating the reasons for the difficulty in submitting the documents within the period specified in paragraph (3) must be attached to the written notification, when making a notification referred to in the preceding paragraph.

6　特例業務届出者又は金融商品取引業者等は、第三項に規定する期間（第四項の規定により当該期間が延長された場合にあっては、当該延長後の期間）内に出資対象事業持分に係る契約を締結することができないときはその旨を、当該期間経過後遅滞なく、特例業務届出者にあっては特例業務届出所管金融庁長官等、金融商品取引業者等にあっては所管金融庁長官等に届け出なければならない。

(6) If a notifier of specially-permitted services or financial instruments business operator, etc. is unable to conclude a contract for the equity in the business subject to investment within the period provided in paragraph (3) (if the period has been extended pursuant to the provisions of paragraph (4), the extended period), they must notify that fact to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for specially-permitted services for a notifier of specially-permitted services, or to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for a financial instruments business operator, etc., without delay after the period elapses.

7　法第六十三条第十項（法第六十三条の三第二項において準用する場合を含む。）の規定により特例業務届出者又は金融商品取引業者等が変更に係る契約の契約書の写しを提出する場合には、変更の内容、変更年月日及び変更の理由を記載した書面を添付して、当該変更後遅滞なく、特例業務届出者にあっては特例業務届出所管金融庁長官等、金融商品取引業者等にあっては所管金融庁長官等に提出しなければならない。

(7) When a notifier of specially-permitted services or financial instruments business operator, etc. submits a copy of the contract related to the change pursuant to the provisions of Article 63, paragraph (10) of the Act (including as applied mutatis mutandis pursuant to Article 63-3, paragraph (2) of the Act), they must attach a document stating the content of the change, the date of the

change, and the reasons for the change, and submit the copy to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for specially-permitted services for a notifier of specially-permitted services, or to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for a financial instruments business operator, etc., without delay after the change.

８　第二条第三項の規定にかかわらず、第三項及び前項の契約書の写しであって日本語又は英語により記載されていないもの（特例業務届出者又は同条第一項の規定の適用を受ける金融商品取引業者等に係るものに限る。）には、日本語又は英語による訳文を付さなければならない。

(8) Notwithstanding the provisions of Article (2), paragraph (3), if a copy of the contract referred to in paragraph (3) and the preceding paragraph is not written in Japanese or English (limited to a contract related to the notifier of specially-permitted services or a financial instruments business operator, etc. to which the provisions of paragraph (1) of that Article applies), translation in Japanese or English must be attached to the copy.

９　第四項及び第六項の届出書並びに第五項の書面（特例業務届出者に係るものに限る。）は、英語で記載することができる。

(9) The written notification referred to in paragraphs (4) and (6) and the document referred to in paragraph (5) (limited to a document related to the notifier of specially-permitted services) may be written in English.

（適格機関投資家等特例業務に該当しなくなった場合の届出）

(Notification When a Case No Longer Falls Under Specially-Permitted Services for Qualified Institutional Investors)

第二百四十条　法第六十三条第十三項の規定により届出を行う特例業務届出者は、その旨、該当しなくなった年月日及び該当しなくなった理由を記載した届出書を特例業務届出所管金融庁長官等に提出しなければならない。

Article 240 (1) A notifier of specially-permitted services that files a notification pursuant to the provisions of Article 63, paragraph (13) of the Act must submit a written notification stating that fact, the date when the business has come to no longer fall under the specially-permitted services for qualified institutional investors, etc., and the reasons for not falling under that specially-permitted services, to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for specially-permitted services.

２　前項の届出書は、英語で記載することができる。

(2) The written notification referred to in the preceding paragraph may be prepared in English.

（特例業務届出者の地位の承継の届出）

(Notification of Succession of Status of Notifier of Specially-Permitted Services)

第二百四十一条　法第六十三条の二第二項の規定により届出を行う者は、次に掲げる事項を記載した届出書を、同条第一項の特例業務届出者に係る特例業務届出所管金融庁長官等に提出しなければならない。

Article 241 (1) A person that files a notification pursuant to the provisions of Article 63-2, paragraph (2) of the Act must submit a written notification stating the following matters to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureaus related to specially-permitted services for the notifier of specially-permitted services referred to in paragraph (1) of that Article:

一　承継した者の商号、名称又は氏名

(i) the trade name or name of the successor;

二　承継の年月日及び理由

(ii) the date of and reasons for the succession;

三　承継の方法

(iii) the method of succession;

四　承継した者が法人であるときは、資本金の額又は出資の総額

(iv) if the successor is a corporation, the amount of stated capital or the total amount of contribution;

五　承継した者が法人であるときは、役員の氏名又は名称

(v) if the successor is a corporation, the name of the officers;

六　承継した者に重要な使用人があるときは、その者の氏名

(vi) if the successor has important employees, their names;

七　承継した者の主たる営業所又は事務所の名称及び所在地

(vii) the name and location of the principal office or office of the successor;

八　承継した者が適格機関投資家等特例業務を行う営業所又は事務所の名称及び所在地

(viii) the name and location of the business office or office in which the successor conducts the specially-permitted business for qualified institutional investors, etc.;

九　承継した者が他に事業を行っているときは、その事業の種類

(ix) if the successor conducts other businesses, the type of that business;

十　承継した者の主たる営業所又は事務所及び適格機関投資家等特例業務を行う営業所又は事務所の電話番号並びに当該承継した者のホームページアドレス

(x) the telephone number of the principal office or office of the successor and the business office or office for conducting the specially-permitted business for qualified institutional investors, etc., and the website URL of the successor;

十一　承継した者が外国法人であるときは、国内における代表者の所在地又は住所及び電話番号

(xi) if the successor is a foreign corporation, the location or domicile and the telephone number of the representative in Japan; and

十二　承継した者が外国に住所を有する個人であるときは、国内における代理人の氏名、商号又は名称、所在地又は住所及び電話番号

(xii) if the successor is an individual that has an domicile in a foreign country, the name or trade name, the location or domicile, and the telephone number of the agent in Japan.

２　前項の届出書には、次に掲げる書類を添付するものとする。ただし、やむを得ない事由があるときは、当該届出書の提出後遅滞なく提出すれば足りる。

(2) The following documents are to be attached to the written notification referred to in the preceding paragraph; provided, however, that if there are compelling reasons, it is sufficient for the documents to be submitted without delay after submission of the written notification:

一　承継した者が法人であるときは、次に掲げる書類

(i) if the successor is a corporation, the following documents:

イ　法第六十三条第七項第一号イからニまでのいずれにも該当しないことを誓約する書面、定款（これに準ずるものを含む。）及び法人の登記事項証明書（これに準ずるものを含む。）

(a) a document with which the successor pledges that the corporation does not fall under any of Article 63, paragraph (7), item (i), sub-items (a) through (d) of the Act, its articles of incorporation (including a document equivalent to the articles of incorporation) and a certificate of registered information of the corporation (including a document equivalent to the certificate of registered information);

ロ　役員及び重要な使用人の履歴書（役員が法人であるときは、当該役員の沿革を記載した書面）

(b) the resume of the officers and important employees (if any of the officers is a corporation, a document stating the background of the officer);

ハ　役員及び重要な使用人の住民票の抄本（役員が法人であるときは、当該役員の登記事項証明書）又はこれに代わる書面

(c) extracts of the resident records of the officers and important employees (if an officer is a corporation, the certificate of registered information of the officer), or alternative documents;

ニ　役員及び重要な使用人の旧氏及び名を当該役員及び重要な使用人の氏名に併せて前項の届出書に記載した場合において、ハに掲げる書類が当該役員及び重要な使用人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) if the former surname and given name of the officers or important employees are stated together with the name of the officers or important employees in a written notification referred to in the preceding paragraph, and the document set forth in (c) is not a document certifying the former surname and given name of the officers or important employees, a

document certifying the former surname and given name;

ホ　役員及び重要な使用人が法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

(e) the certificates issued by a public agency evidencing that the officers and important employees do not fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, or alternative documents;

ヘ　役員及び重要な使用人が法第二十九条の四第一項第二号イ又はハからリまで及び暴力団員等のいずれにも該当しない者であることを当該役員及び重要な使用人が誓約する書面

(f) a document with which the officers and important employees pledge that they do not fall under Article 29-4, paragraph (1), item (ii), sub-item (a), or sub-items (c) through (i) of the Act, and that they are not members, etc. of an organized crime group;

二　承継した者が個人であるときは、次に掲げる書類

(ii) if the successor is an individual, the following documents:

イ　法第六十三条第七項第二号イからニまでのいずれにも該当しないことを誓約する書面

(a) a document with which the successor pledges that they do not fall under any of Article 63, paragraph (7), item (ii), sub-items (a) through (d) of the Act;

ロ　承継した者及び重要な使用人の履歴書

(b) the resumes of the successor and important employees;

ハ　承継した者及び重要な使用人（承継した者が外国に住所を有する個人であるときは、国内における代理人を含む。ニにおいて同じ。）の住民票の抄本又はこれに代わる書面

(c) extracts of the resident records of the successor and important employees (if the successor is an individual that has a domicile in a foreign country, including the agent in Japan; the same applies in sub-item (d)), or alternative documents;

ニ　承継した者及び重要な使用人の旧氏及び名を当該承継した者及び重要な使用人の氏名に併せて前項の届出書に記載した場合において、ハに掲げる書類が当該承継した者及び重要な使用人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) if the former surname and given name of the successor or important employee are stated together with the successor's or the important employee's name in a written notification referred to in the preceding paragraph, and the document set forth in sub-item (c) is not a document certifying the successor's or the important employee's former surname and given name, a document certifying the former surname and given name;

ホ　承継した者及び重要な使用人が法第二十九条の四第一項第二号イ及びロに該当しない旨の官公署の証明書又はこれに代わる書面

(e) the certificates issued by a public agency evidencing that the successor and important employees do not fall under Article 29-4, paragraph (1), item (ii), sub-items (a) and (b) of the Act, or alternative documents;

ヘ　承継した者及び重要な使用人が法第二十九条の四第一項第二号ハからリまで及び暴力団員等のいずれにも該当しない者であることを当該承継した者及び重要な使用人が誓約する書面

(f) a document with which the successor and important employees pledge that they do not fall under Article 29-4, paragraph (1), item (ii), sub-items (c) through (i) of the Act, and are not members, etc. of an organized crime group;

三　法第六十三条第一項第一号に掲げる行為に係る業務を行う場合には、次に掲げる書類

(iii) if the applicant conducts business related to the acts set forth in Article 63, paragraph (1), item (i) of the Act, the following documents:

イ　当該行為に係る出資対象事業持分を有することとなる適格機関投資家の全てが投資事業有限責任組合である場合には、次に掲げる事項を証する書面

(a) if all of the qualified institutional investors that are to hold equity interests in the business subject to investment related to the act are investment limited partnerships, a document certifying the following matters:

（１）　投資事業有限責任組合契約に基づき当該投資事業有限責任組合契約の相手方のために運用を行う金銭その他の財産の総額

1. the total amount of money or other properties to be invested for the counterparty to the limited partnership agreement for investment based on the agreement; and

（２）　当該適格機関投資家の借入金の額

2. the amount of borrowings by the qualified institutional investor;

ロ　次に掲げる事項を証する書面

(b) a document certifying the following matters:

（１）　当該行為に係る出資対象事業持分を有することとなる者が出資又は拠出をする金銭その他の財産の総額

1. the total amount of money or any other property to be invested or paid by persons that are to hold the equity in the business subject to investment related to the act; and

（２）　当該行為に係る出資対象事業持分を有することとなる者のうち、第二百三十四条の二第一項第二号に掲げる者が出資又は拠出をする金銭その他の財産の総額

2. among the persons that are to hold equity interests in the business subject to investment related to the act, the total amount of money or any other property that are to be invested or paid by the person set forth in Article 234-2, paragraph (1), item (ii);

四　法第六十三条第一項第二号に掲げる行為に係る業務を行う場合には、次に掲げる書類

(iv) if conducting the business related to the acts set forth in Article 63, paragraph (1), item (ii) of the Act, the following documents:

イ　当該行為に係る出資対象事業持分を有する適格機関投資家の全てが投資事業有限責任組合である場合には、次に掲げる事項を証する書面

(a) if all of the qualified institutional investors holding equity interests in the business subject to investment related to the act are investment limited partnerships, a document certifying the following matters:

（１）　投資事業有限責任組合契約に基づき当該投資事業有限責任組合契約の相手方のために運用を行う金銭その他の財産の総額

1. the total amount of money or other properties to be invested for the counterparty to the limited partnership agreement for investment based on the agreement; and

（２）　当該適格機関投資家の借入金の額

2. the amount of borrowings by the qualified institutional investor;

ロ　次に掲げる事項を証する書面

(b) a document certifying the following matters:

（１）　当該行為に係る出資対象事業持分を有する者が出資又は拠出をする金銭その他の財産の総額

1. the total amount of money or any other property to be invested or paid by a holder of equity interests in the business subject to investment related to the act;

（２）　当該行為に係る出資対象事業持分を有する者のうち、第二百三十四条の二第二項第二号に掲げる者が出資又は拠出をする金銭その他の財産の総額

2. the total amount of money or any other property to be invested or paid by the person set forth in Article 234-2, paragraph (2), item (ii) that holds the equity in the business subject to investment related to the act.

３　第一項の届出書及び前項各号に掲げる書類は、英語で記載することができる。

(3) The written notification referred to in paragraph (1) and the documents set forth in the items of the preceding paragraph may be written in English.

（特例業務届出者が廃業等の届出を行う場合）

(Cases in Which Notifiers of Specially-Permitted Services Give Notification of Discontinuation of Business)

第二百四十一条の二　法第六十三条の二第三項第三号に規定する内閣府令で定める場合は、次に掲げる場合とする。

Article 241-2 The cases specified by Cabinet Office Order as prescribed in Article 63-2, paragraph (3), item (iii) of the Act are as follows:

一　第百九十九条第二号イ又は法第二十九条の四第一項第一号イ（法又は金融サービ

スの提供に関する法律に相当する外国の法令の規定に係る部分に限る。）若しくはハ若しくは第三号（同項第二号イ及び重要な使用人に係る部分を除く。）に該当することとなった場合

(i) if the notifier of specially-permitted services comes to fall under Article 199, item (ii), sub-item (a) or Article 29-4, paragraph (1), item (i), sub-item (a) of the Act (limited to the part related to the provisions of foreign laws and regulations equivalent to the Act or the Act on the Provision of Financial Services) or sub-item (c), or item (iii) (excluding item (ii), sub-item (a) of that paragraph and the part related to important employees);

二　役員又は重要な使用人が第百九十九条第二号イ又はロに該当することとなった事実を知った場合

(ii) if the person becomes aware of the fact that any of their officers, etc. or important employees has come to fall under Article 199, item (ii), sub-item (a) or (b);

三　定款を変更した場合

(iii) in cases of amending the articles of incorporation;

四　役職員に法令等に反する行為（適格機関投資家等特例業務以外の業務に係るものにあっては、当該特例業務届出者の業務の運営又は財産の状況に重大な影響を及ぼすおそれのあるものに限る。以下この号及び次号並びに次条第一項第六号及び第七号において「事故等」という。）があったことを知った場合（事故等が第百十八条第一号イからニまで若しくは第二号イ若しくはロに掲げる行為又は同号ハに掲げる行為（法令に違反する行為を除く。）であって、過失による場合を除く。次号において同じ。）

(iv) if the notifier of specially-permitted services has come to know that any of their officers or employees has committed an act violating laws and regulations (in cases of acts related to the services other than specially-permitted services for qualified institutional investors, etc., limited to acts which may have a material impact on the management of business or status of property of the notifier of specially-permitted services; hereinafter referred to as the "problematic conduct, etc." in this item and the following item, and Article 241-3, paragraph (1), items (vi) and (vii)) (excluding the case in which the problematic conduct, etc. falls under the act set forth in Article 118, item (i), sub-items (a) through (d) or Article 118, item (ii), (a) or (b), or the act set forth in sub-item (c) of that item (excluding acts in violation of laws and regulations), and the act was caused due to negligence; the same applies in the following item);

五　前号の事故等の詳細が判明した場合

(v) if the details of the problematic conduct, etc. referred to in the preceding item have become clear;

六　訴訟若しくは調停（適格機関投資家等特例業務以外の業務に係るものにあっては、当該特例業務届出者の業務の運営又は財産の状況に重大な影響を及ぼすおそれがあ

るものに限る。）の当事者となった場合又は当該訴訟若しくは調停が終結した場合

(vi) if the notifier of specially-permitted services has become a party to an action or conciliation (for action or conciliation related to a service other than specially-permitted services for qualified institutional investors, etc., limited to that which is likely to have a material impact on the service of notifier of specially-permitted services or the status of property), or if the action or conciliation has been concluded; and

七　外国法人又は外国に住所を有する個人にあっては、法に相当する外国の法令に基づく行政官庁の不利益処分を受けた場合（法第二十九条の四第一項第一号イに該当する場合を除く。）

(vii) if the notifier of specially-permitted services is a foreign corporation or an individual that has a domicile in a foreign country, and the notifier of specially-permitted services has been rendered an adverse disposition by an administrative agency based on foreign laws and regulations equivalent to the Act (excluding cases in which the notifier of specially-permitted services falls under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act).

（特例業務届出者の廃業等の届出）

(Notification of Discontinuation Given by Notifiers of Specially-Permitted Services)

第二百四十二条　法第六十三条の二第三項の規定により届出を行う特例業務届出者は、次の各号に掲げる場合の区分に応じ、当該各号に定める事項を記載した届出書を特例業務届出所管金融庁長官等に提出しなければならない。

Article 242 (1) A notifier of specially-permitted services that gives a notification pursuant to the provisions of Article 63-2, paragraph (3) of the Act must submit a written notification stating the matters specified in the following items in accordance with the category of the cases set forth in each of those items to the competent Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for specially-permitted services:

一　法第六十三条の二第三項第一号に該当する場合　休止の期間又は再開の年月日及び休止又は再開の理由

(i) if the case falls under Article 63-2, paragraph (3), item (i) of the Act: the period of suspension or the date of resumption, and the reasons for the suspension or resumption;

二　法第六十三条の二第三項第二号に該当する場合　廃止の年月日及び理由

(ii) if the case falls under Article 63-2, paragraph (3), item (ii) of the Act: the date of the discontinuation and the reasons for the discontinuation; and

三　前条第一号に該当する場合　次のイからハまでに掲げる場合の区分に応じ、当該イからハまでに掲げる事項

(iii) if the case falls under item (vii) of the preceding Article: the matters set

forth in the following sub-items (a) through (c) in accordance with the category of cases set forth in the (a) through (c):

イ　法第二十九条の四第一項第一号イ（法又は金融サービスの提供に関する法律に相当する外国の法令の規定に係る部分に限る。）に該当することとなった場合にあっては、次に掲げる事項

(a) if the case has come to fall under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act (limited to the part related to the provisions of foreign laws and regulations equivalent to the Act or the Act on the Provision of Financial Services), the following matters:

（１）　法若しくは金融サービスの提供に関する法律に相当する外国の法令の規定により当該特例業務届出者が当該外国において受けている登録等又は法若しくは金融サービスの提供に関する法律に相当する外国の法令の規定により当該特例業務届出者が当該外国において行った法第六十三条第二項、第六十三条の三第一項、第六十三条の九第一項若しくは第六十三条の十一第一項の規定による届出と同種類の届出の内容

1. the content of the same type of the registration, etc. obtained by the notifier of specially-permitted services in a foreign country pursuant to the provisions of foreign laws and regulations that are equivalent to the Act or the Act on the Provision of Financial Services, or the same type of notification under the provisions of Article 63, paragraph (2) or Article 63-3, paragraph (1), Article 63-9, paragraph (1) or Article 63-11, paragraph (1) of the Act given by the notifier of specially-permitted services pursuant to foreign laws and regulations equivalent to the Act or the Act on the Provision of Financial Services;

（２）　当該登録等又は届出の年月日

2. the date of the registration, etc. or notification:

（３）　当該登録等を取り消され、又は当該届出に係る業務の廃止を命ぜられた年月日及び理由

3. the date of and reasons for the revocation of the registration, etc. or order for suspension of the business related to the notification has been given;

（４）　当該登録等を取り消され、又は当該届出に係る業務の廃止を命ぜられた業務の内容

4. the content of the business for which the registration, etc. has been revoked or suspension of the business related to the notification has been ordered;

ロ　法第二十九条の四第一項第一号ハに該当することとなった場合にあっては、次に掲げる事項

(b) if the case has come to fall under Article 29-4, paragraph (1), item (i), sub-item (c) of the Act, the following matters:

（１）　違反した法令の規定

1. the provisions of the laws and regulations that have been violated; and

（２）　刑の確定した年月日及び罰金の額

2. the date when the punishment became final and binding, and the amount of the fine;

ハ　第百九十九条第二号イ又は法第二十九条の四第一項第三号（同項第二号イ及び重要な使用人に係る部分を除く。）に該当することとなった場合にあっては、次に掲げる事項

(c) if the case has come to fall under Article 199, item (ii), sub-item (a) or Article 29-4, paragraph (1), item (iii) of the Act (excluding item (ii), sub-item (a) of that paragraph and the part related to important employees), the following matters:

（１）　該当することとなった者の氏名

1. the name of the person that has come to fall under those provisions;

（２）　当該者が第百九十九条第二号イに該当することとなった場合にあっては、後見開始の審判又は保佐開始の審判を受けた年月日

2. if the person has come to fall under Article 199, item (ii), the date when the person became subject to a ruling of commencement of guardianship or ruling of commencement of curatorship;

（３）　当該者が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定を受けた年月日

3. if the person has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, the date when the person became subject to the order for commencement of bankruptcy proceedings;

（４）　当該者が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、刑の確定した年月日及び刑の種類

4. if the person has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, the date when the punishment became final and binding, and the type of punishment;

（５）　当該者が法第二十九条の四第一項第二号ニ又はホに該当することとなった場合にあっては、取り消され、又は命ぜられた年月日及び理由

5. if the person has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, the date of revocation or order and the reasons for that;

（６）　当該者が法第二十九条の四第一項第二号ヘ又はトに該当することとなった場合にあっては、行政手続法第十五条の規定による通知があった年月日及びその理由並びに法第五十条の二第一項、第六十条の七（法第六十条の十四第二項において準用する場合を含む。次号において同じ。）、第六十三条の二第二項、第三項（法第六十三条の三第二項において準用する場合を含む。次号において同じ。）若しくは第四項、第六十三条の十第二項、第三項（法第六十三条の十一第二項において準用する場合を含む。次号において同じ。）若しくは第四項、第六十六条の十九第一項、第六十六条の四十第一項

若しくは第六十六条の六十一第一項又は金融サービスの提供に関する法律第十六条第三項の規定による届出をした年月日及びその理由

6. if the person has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (f) or (g) of the Act, the date of and reason for the notice under the provisions of Article 15 of the Administrative Procedure Act to be given, and the date of and reason for making the notification under the provisions of Article 50-2, paragraph (1), Article 60-7 (including as applied mutandis pursuant to Article 60-14, paragraph (2) of the Act; the same applies in the following item), Article 63-2, paragraph (2), paragraph (3) (including as applied mutatis mutandis pursuant to Article 63-3, paragraph (2) of the Act; the same applies in the following item), or paragraph (4), Article 63-10, paragraph (2), paragraph (3) (including as applied mutatis mutandis pursuant to Article 63-11, paragraph (2) of the Act; the same applies in the following item) or paragraph (4), Article 66-19, paragraph (1), Article 66-40, paragraph (1), or Article 66-61, paragraph (1) of the Act, or Article 16, paragraph (3) of the Act on the Provision of Financial Services;

（７）　当該者が法第二十九条の四第一項第二号チに該当することとなった場合にあっては、解任又は解職を命ぜられた年月日及び理由

7. if the person has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (h) of the Act, the date when removal or dismissal has been ordered and the reasons for that;

四　前条第二号に該当する場合　次に掲げる事項

(iv) if the case falls under item (ii) of the preceding Article: the following matters:

イ　第百九十九条第二号イ又はロに該当することとなった役員又は重要な使用人の氏名又は名称

(a) the name of the officer or important employee that has come to fall under Article 199, item (ii), sub-item (a) or (b);

ロ　当該役員又は重要な使用人が第百九十九条第二号イに該当することとなった場合にあっては、該当することとなった年月日及び理由

(b) if the officer or important employee has come to fall under Article 199, item (ii), sub-item (a), the date when the officer or important employee came to fall under the provisions and the reasons for that;

ハ　当該役員又は重要な使用人が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定を受けた年月日

(c) if the officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, the date when the officer or important employee became subject to the order for commencement of bankruptcy proceedings;

ニ　当該役員又は重要な使用人が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、刑の確定した年月日及び刑の種類

(d) if the officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, the date when the punishment became final and binding, and the type of punishment;

ホ　当該役員又は重要な使用人が法第二十九条の四第一項第二号ニ又はホに該当することとなった場合にあっては、取り消され、又は命ぜられた年月日及び理由

(e) if the officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, the date of revocation or order and the reasons for that;

ヘ　当該役員又は重要な使用人が法第二十九条の四第一項第二号ヘ又はトに該当することとなった場合にあっては、行政手続法第十五条の規定による通知があった年月日及びその理由並びに法第五十条の二第一項、第六十条の七、第六十三条の二第二項から第四項まで、第六十三条の十第二項から第四項まで、第六十六条の十九第一項、第六十六条の四十第一項若しくは第六十六条の六十一第一項又は金融サービスの提供に関する法律第十六条第三項の規定による届出をした年月日及びその理由

(f) if the officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (f) or (g) of the Act, the date of and reason for the notice under the provisions of Article 15 of the Administrative Procedure Act to be given and the date of and reason for making the notification under the provisions of Article 50-2, paragraph (1), Article 60-7, Article 63-2, paragraphs (2) through (4), Article 63-10, paragraphs (2) through (4), Article 66-19, paragraph (1), Article 66-40, paragraph (1) or Article 66-61, paragraph (1) of the Act or Article 16, paragraph (3) of the Act on the Provision of Financial Services;

ト　当該役員又は重要な使用人が法第二十九条の四第一項第二号チに該当することとなった場合にあっては、解任又は解職を命ぜられた年月日及び理由

(g) if the officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (h) of the Act, the date when the removal or dismissal has been ordered and the reasons for that;

五　前条第三号に該当する場合　次に掲げる事項

(v) if the case falls under item (iii) of the preceding Article: the following matters:

イ　変更の内容及び理由

(a) the content and reasons for the change; and

ロ　変更の年月日

(b) the date of change;

六　前条第四号に該当する場合　次に掲げる事項

(vi) if the case falls under item (iv) of the preceding Article: the following matters:

イ　事故等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 in which the problematic conduct, etc. occurred;
ロ　事故等を惹起した役職員の氏名又は名称及び役職名
(b) the name and title of the officer or employee that caused the problematic conduct, etc.; and
ハ　事故等の概要
(c) an outline of the problematic conduct, etc.;
七　前条第五号に該当する場合　次に掲げる事項
(vii) if the case falls under item (v) of the preceding Article: the following matters:
イ　事故等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 in which the problematic conduct, etc. occurred;
ロ　事故等を惹起した役職員の氏名又は名称及び役職名
(b) the name and title of the officer or employee that caused the problematic conduct, etc.;
ハ　事故等の詳細
(c) the details of the problematic conduct, etc.; and
ニ　社内処分を行った場合はその内容
(d) if in-house punishment has been taken, its content;
八　前条第六号に該当する場合　次のイ及びロに掲げる場合の区分に応じ、当該イ及びロに掲げる事項
(viii) if the case falls under item (vi) of the preceding Article: the matters set forth in the following sub-items (a) and (b) in accordance with the category of cases set forth in the sub-items (a) and (b):
イ　訴訟又は調停の当事者となった場合にあっては、次に掲げる事項
(a) if the person has become party to a suit or conciliation: the following matters:
（１）　訴訟又は調停の当事者の氏名又は名称及び住所
1. the name and domicile of the party to the suit or conciliation;
（２）　訴訟の提起又は調停の申立てが行われた年月日
2. the day when action or conciliation has been filed;
（３）　管轄裁判所名
3. the name of the court with jurisdiction; and
（４）　事件の内容
4. the content of the case;
ロ　訴訟又は調停が終結した場合にあっては、次に掲げる事項
(b) if the action or conciliation has been concluded, the following matters:
（１）　訴訟又は調停の当事者の氏名又は名称及び住所
1. the name and domicile of the party to the suit or conciliation;

（２）　訴訟又は調停が終結した年月日

2. the day when the action or conciliation has been concluded; and

（３）　判決又は和解の内容

3. the content of the judgment or settlement;

九　前条第七号に該当する場合　次に掲げる事項

(ix) if the case falls under item (vii) of the preceding Article: the following matters:

イ　不利益処分の内容

(a) the content of the adverse disposition; and

ロ　不利益処分を受けた年月日及び理由

(b) the date when the financial instruments business operator, etc. has become subject to the adverse disposition and the reasons for that.

２　前項の届出書は、英語で記載することができる。

(2) The written notification referred to in the preceding paragraph may be written in English.

（特例業務届出者の廃業等の届出書に添付すべき書類）

(Documents Required to Be Attached to Written Notification for Discontinuation of Business Given by Notifiers of Specially-Permitted Services)

第二百四十二条の二　法第六十三条の二第三項の規定により届出を行う特例業務届出者は、前条第一項に規定する事項を記載した届出書に、次の各号に掲げる場合の区分に該当する場合には、当該各号に定める書類を添付しなければならない。

Article 242-2 (1) If falling under the category of the cases set forth in the following items, a notifier of specially-permitted services that gives a notification pursuant to the provisions of Article 63-2, paragraph (3) of the Act must attach the document specified in each of those items to the written notification stating the matters prescribed in paragraph (1) of the preceding Article:

一　第二百四十一条の二第一号に該当する場合　次のイからハまでに掲げる場合の区分に応じ、当該イからハまでに掲げる書類

(i) if the case falls under Article 241-2, item (i): the matters set forth in the following sub-items (a) through (c) in accordance with the category of cases set forth in the sub-items (a) through (c):

イ　特例業務届出者が法第二十九条の四第一項第一号イ（法又は金融サービスの提供に関する法律に相当する外国の法令の規定に係る部分に限る。）に該当することとなった場合にあっては、次に掲げる書類

(a) if a notifier of specially-permitted services has come to fall under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act (limited to the part related to the provisions of foreign laws and regulations equivalent to the Act or the Act on the Provision of Financial Services), the following

documents:

（１）　取消し又は廃止を命ずる書面の写し又はこれに代わる書面

1. a copy of the written order for revocation or discontinuation of business, or alternative documents; and

（２）　当該外国の法令及びその訳文

2. a copy of the laws and regulations of the foreign country and their Japanese translation;

ロ　特例業務届出者が法第二十九条の四第一項第一号ハに該当することとなった場合にあっては、確定判決の判決書の写し又は確定判決の内容を記載した書面

(b) if a notifier of specially-permitted services has come to fall under Article 29-4, paragraph (1), item (i), sub-item (c) of the Act, a copy of the judgment document on the final and binding judgment, or a document stating the content of the final and binding judgment;

ハ　特例業務届出者が法第二十九条の四第一項第三号（同項第二号イ及び重要な使用人に係る部分を除く。）に該当することとなった場合にあっては、次に掲げる書類

(c) if a notifier of specially-permitted services has come to fall under Article 29-4, paragraph (1), item (iii) of the Act (excluding item (ii), sub-item (a) of that paragraph and the part related to important employees), the following documents:

（１）　当該特例業務届出者が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定の裁判書の写し又は破産手続開始の決定の内容を記載した書面

1. if the notifier of specially-permitted services has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, a copy of the written judgment on an order for commencement of bankruptcy proceedings, or the document stating the content of the order for commencement of bankruptcy proceedings;

（２）　当該特例業務届出者が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、確定判決の判決書の写し又は確定判決の内容を記載した書面

2. if the notifier of specially-permitted services has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (g) of the Act, a copy of the judgment document on the final and binding judgment, or a document stating the content of the final and binding judgment;

（３）　当該特例業務届出者が法第二十九条の四第一項第二号ニ又はホに該当することとなった場合で、外国において取り消され、又は命ぜられた場合にあっては、取消し又は廃止を命ずる書面の写し又はこれに代わる書面並びに取消し又は廃止の根拠となる外国の法令及びその訳文

3. if the notifier of specially-permitted services has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, and

a revocation has been made or an order has been given in a foreign country, a copy of the written order for revocation or discontinuation of business or alternative documents, and a copy of foreign laws and regulations that serve as the basis of the revocation or discontinuation of business and their Japanese translation;

二　第二百四十一条の二第二号（第百九十九条第二号ロに係る部分に限る。）に該当する場合　次に掲げる書類

(ii) if the case falls under Article 241-2, item (ii) (limited to the part related to Article 199, item (ii), sub-item (b)): the following documents

イ　役員又は重要な使用人が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定の裁判書の写し又は破産手続開始の決定の内容を記載した書面

(a) if the officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, a copy of the written judgment on the order for commencement of bankruptcy proceedings, or the document stating the content of the order for commencement of bankruptcy proceedings;

ロ　役員又は重要な使用人が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、確定判決の判決書の写し又は確定判決の内容を記載した書面

(b) if the officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, a copy of the judgment document on the final and binding judgment, or a document stating the content of the final and binding judgment;

ハ　役員又は重要な使用人が法第二十九条の四第一項第二号ニ又はホに該当することとなった場合で、外国において取り消され、又は命ぜられた場合にあっては、取消し又は廃止の根拠となる外国の法令及びその訳文

(c) if the officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, and if a revocation has been made or order was given in a foreign country, a copy of the foreign laws and regulations which serves as the basis of the rescission or discontinuation of business and its Japanese translation;

三　第二百四十一条の二第三号に該当する場合　変更後の定款

(iii) if the case falls under Article 241-2, item (iii): the amended articles of incorporation; and

四　第二百四十一条の二第七号に該当する場合　当該不利益処分を規定する外国の法令及びその訳文

(iv) if the case falls under Article 241-2, item (vii): a copy of foreign laws and regulations which provides for the adverse disposition, and their Japanese translation.

2　前項各号に掲げる書類は、英語で記載することができる。

(2) The documents set forth the items of the preceding paragraph may be written in English.

（特例業務届出者の解散の届出）
(Notification of Dissolution of Notifiers of Specially-Permitted Services)

第二百四十三条　法第六十三条の二第四項の規定により届出を行う者は、解散の年月日及び理由を記載した届出書を、当該届出に係る特例業務届出者が令第四十二条第二項の規定により金融庁長官の指定を受けた特例業務届出者の場合にあっては金融庁長官、それ以外の特例業務届出者の場合にあっては当該特例業務届出者の本店等の所在地を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては福岡財務支局長、国内に営業所又は事務所を有しない場合にあっては関東財務局長）に提出しなければならない。

Article 243 (1) A person that files a notification pursuant to the provisions of Article 63-2, paragraph (4) of the Act must submit a written notification stating the date of the dissolution and the reasons for the dissolution to the Commissioner of the Financial Services Agency, if the notifier of specially-permitted services concerning the notification is a notifier of specially-permitted services designated by the Commissioner of the Financial Services Agency pursuant to the provisions of Article 42, paragraph (2) of the Order, or to the Director-General of a Local Finance Bureau with jurisdiction over the locality of the head office, etc. of the notifier of specially-permitted services (if the locality falls within the jurisdictional area of the Fukuoka Local Finance Branch Bureau, to its Director-General, or if the person does not have a business office or an office in Japan, to the Director-General of the Kanto Finance Bureau), in the case of other notifiers of specially-permitted services.

２　前項の届出書は、英語で記載することができる。

(2) The written notification referred to in the preceding paragraph may be written in English.

（金融商品取引業者等による適格機関投資家等特例業務に係る届出事項）
(Matters to Be Notified by Financial Instruments Business Operator Concerning Specially-Permitted Services for Qualified Institutional Investors)

第二百四十四条　法第六十三条の三第一項の規定により届出を行う金融商品取引業者等は、別紙様式第二十一号により作成した適格機関投資家等特例業務に関する届出書に、当該届出書の写しを添付して、所管金融庁長官等に提出しなければならない。

Article 244 (1) A financial instruments business operator, etc. that files a written notification pursuant to the provisions of Article 63-3, paragraph (1) of the Act must submit to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau a written notification on the specially-permitted business for qualified institutional

investors, etc. prepared by using the Appended Form No. 21, by attaching a copy of the written notification.

２　法第六十三条の三第一項又は同条第二項において読み替えて準用する法第六十三条第八項に規定する内閣府令で定める事項は、第二百三十八条第一号から第三号までに掲げる事項とする。

(2) The matters specified by Cabinet Office Order as prescribed in Article 63-3, paragraph (1) of the Act or Article 63, paragraph (8) of the Act as applied mutatis mutandis pursuant to Article 63-3, paragraph (2) of the Act following the deemed replacement of terms are the matters set forth in Article 238, items (i) through (iii).

３　第一項の届出書には、次の各号に掲げる書類を添付するものとする。

(3) The documents set forth in the following items are to be attached to the written notification referred to in paragraph (1):

一　法第六十三条第一項第一号に掲げる行為に係る業務を行う場合には、次に掲げる書類

(i) if the applicant conducts the business related to the acts specified in Article 63, paragraph (1), item (i) of the Act, the following documents:

イ　当該行為に係る出資対象事業持分を有することとなる適格機関投資家の全てが投資事業有限責任組合である場合には、次に掲げる事項を証する書面

(a) if all of the qualified institutional investors that are to hold equity interests in the business subject to investment related to the act are investment limited partnerships, a document certifying the following matters

（１）　投資事業有限責任組合契約に基づき当該投資事業有限責任組合契約の相手方のために運用を行う金銭その他の財産の総額

1. the total amount of money or any other property to be invested for the counterparty to the limited partnership agreement for investment based on the agreement;

（２）　当該適格機関投資家の借入金の額

2. the amount of borrowings of the qualified institutional investor.

ロ　次に掲げる事項を証する書面

(b) a document that certifies the following matters:

（１）　当該行為に係る出資対象事業持分を有することとなる者が出資又は拠出をする金銭その他の財産の総額

1. the total amount of money or any other property to be invested or paid by the person that is to hold the equity in the business subject to investment related to the act;

（２）　当該行為に係る出資対象事業持分を有することとなる者のうち、第二百三十四条の二第一項第二号に掲げる者が出資又は拠出をする金銭その他の財産の総額

2. the total amount of money or any other property to be invested or paid

by the person set forth in Article 234-2, paragraph (2), item (i), among the persons that are to hold the equity in the business subject to investment related to the act;

二　法第六十三条第一項第二号に掲げる行為に係る業務を行う場合には、次に掲げる書類

(ii) if the applicant conducts business related to the acts set forth in Article 63, paragraph (1), item (ii) of the Act, the following documents:

イ　当該行為に係る出資対象事業持分を有する適格機関投資家の全てが投資事業有限責任組合である場合には、次に掲げる事項を証する書面

(a) if all of the qualified institutional investors holding equity interests in the business subject to investment related to the act are investment limited partnerships, a document certifying the following matters

（１）　投資事業有限責任組合契約に基づき当該投資事業有限責任組合契約の相手方のために運用を行う金銭その他の財産の総額

1. the total amount of money or other properties to be invested on behalf of the counterparty to the limited partnership agreement for investment based on the agreement;

（２）　当該適格機関投資家の借入金の額

2. the amount of borrowings of the qualified institutional investor;

ロ　次に掲げる事項を証する書面

(b) a document that certifies the following matters:

（１）　当該行為に係る出資対象事業持分を有する者が出資又は拠出をする金銭その他の財産の総額

1. the total amount of money or any other property to be invested or paid by a holder of equity interests in the business subject to investment related to the act; and

（２）　当該行為に係る出資対象事業持分を有する者のうち、第二百三十四条の二第二項第二号に掲げる者が出資又は拠出をする金銭その他の財産の総額

2. the total amount of money or any other property to be invested or paid by the person set forth in Article 234-2, paragraph (2), item (ii) among the persons that hold equity interests in the business subject to investment related to the act.

（金融商品取引業者等による適格機関投資家等特例業務に係る届出事項の変更の届出）

(Notification of Change in Notified Matters Concerning Specially-Permitted Business for Qualified Institutional Investors by Financial Instruments Business Operators)

第二百四十四条の二　法第六十三条の三第二項において準用する法第六十三条第八項の規定により届出を行う金融商品取引業者等は、変更の内容、変更年月日及び変更の理由を記載した届出書に、別紙様式第二十一号により作成した変更後の内容を記載した

書面及び当該書面の写しを添付して、所管金融庁長官等に提出しなければならない。

Article 244-2 A financial instruments business operator, etc. that files a notification pursuant to the provisions of Article 63, paragraph (8) of the Act as applied mutatis mutandis pursuant to Article 63-3, paragraph (2) of the Act must submit a written notification stating the content of the change, the date of the change, and the reasons for the change, by attaching a document stating the changed content which is prepared by using the Appended Form No. 21 and a copy of that document to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau.

（金融商品取引業者等による適格機関投資家等特例業務に該当しなくなった場合の届出）

(Notification to Be Filed by Financial Instruments Business Operators in Cases When They No Longer Fall Under Specially-Permitted Business for Qualified Institutional Investors)

第二百四十五条　法第六十三条の三第二項において準用する法第六十三条第十三項の規定により届出を行う金融商品取引業者等は、その旨、該当しなくなった年月日及び該当しなくなった理由を記載した届出書を、所管金融庁長官等に提出しなければならない。

Article 245 A financial instruments business operator, etc. that files a notification pursuant to the provisions of Article 63, paragraph (13) as applied mutatis mutandis pursuant to Article 63-3, paragraph (2) of the Act must submit a written notification stating that fact, the date when their business came to no longer fall under the specially-permitted business for qualified institutional investors, etc., and the reasons for not falling under the specially-permitted business to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau.

（金融商品取引業者等による適格機関投資家等特例業務の廃止等の届出）

(Notification by Financial Instruments Business Operators Concerning Discontinuation of Specially-Permitted Business for Qualified Institutional Investors)

第二百四十六条　法第六十三条の三第二項において準用する法第六十三条の二第三項の規定により届出を行う金融商品取引業者等は、次の各号に掲げる場合の区分に応じ、当該各号に定める事項を記載した届出書を所管金融庁長官等に提出しなければならない。

Article 246 A financial instruments business operator, etc. that gives a notification pursuant to the provisions of Article 63-2, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 63-3, paragraph (2) of the Act must submit a written notification stating the matters specified in the following items in accordance with the category of the cases set forth in each of

those items to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau:

一　法第六十三条の三第二項において準用する法第六十三条の二第三項第一号に該当する場合　休止の期間又は再開の年月日及び休止又は再開の理由

(i) if the case falls under Article 63-2, paragraph (3), item (i) of the Act as applied mutatis mutandis pursuant to Article 63-3, paragraph (2) of the Act: the period of suspension or date of resumption, and the reasons for the suspension or resumption;

二　法第六十三条の三第二項において準用する法第六十三条の二第三項第二号に該当する場合　廃止の年月日及び理由

(ii) if the case falls under Article 63-2, paragraph (3), item (ii) of the Act as applied mutatis mutandis pursuant to Article 63-3, paragraph (2) of the Act: the date of and reasons for discontinuation.

（業務に関する帳簿書類）

(Books and Documents Concerning Business)

第二百四十六条の二　法第六十三条の四第一項（法第六十三条の三第二項において準用する場合を含む。）の規定により特例業務届出者又は金融商品取引業者等が作成すべき帳簿書類は、次に掲げるものとする。

Article 246-2 (1) The books and documents required to be prepared by a notifier of specially-permitted services or financial instruments business operator, etc. pursuant to the provisions of Article 63-4, paragraph (1) of the Act (including as applied mutatis mutandis pursuant to Article 63-3, paragraph (2) of the Act) are as follows:

一　第百五十七条第一項第一号イ（１）から（４）まで及びニ並びに第二号イに掲げる帳簿書類

(i) the books and documents set forth in Article 157, paragraph (1), item (i), sub-item (a), 1. through 4. and sub-item (d), and Article 157, item (ii), sub-item (a);

二　法第六十三条第一項第一号に掲げる行為に係る業務を行う者であるときは、第百五十七条第一項第七号及び第九号に掲げる帳簿書類

(ii) if the person is a person that conducts the business related to the act set forth in Article 63, paragraph (1), item (i) of the Act, the books and documents set forth in Article 157, paragraph (1), items (vii) and (ix); and

三　法第六十三条第一項第二号に掲げる行為に係る業務を行う者であるときは、第百五十七条第一項第十七号イからハまでに掲げる帳簿書類

(iii) if the person is a person that conducts the business related to the act set forth in Article 63, paragraph (1), item (ii) of the Act, the books and documents set forth in Article 157, paragraph (1), items (xvii), sub-items (a) through (c).

２　前項各号に掲げる帳簿書類は、英語で記載することができる。

(2) The books and documents set forth in the items of the preceding paragraph may be prepared in English.

３　第一項第一号に掲げる帳簿書類はその作成の日（第百五十七条第一項第二号イに掲げる帳簿書類にあっては、その効力を失った日）から五年間、第一項第二号及び第三号に掲げる帳簿書類はその作成の日（同条第一項第十七号イに掲げる帳簿書類にあっては、その契約その他の法律行為に係る業務の終了の日）から十年間保存しなければならない。

(3) The books and documents set forth in paragraph (1), item (i) must be preserved for five years from the day of preparation (for the books and documents set forth in Article 157, paragraph (1), item (ii), sub-item (a), from the day when those documents cease to be effective), and the books and documents set forth in paragraph (1), items (ii) and (iii) must be preserved for ten years from the day of preparation (for the books and documents set forth in Article 157, paragraph (1), item (xvii), sub-item (a), from the day of the end of the business related to the contract or other juridical acts).

（事業報告書）

(Business Reports)

第二百四十六条の三　法第六十三条の四第二項（法第六十三条の三第二項において準用する場合を含む。）の規定により特例業務届出者又は金融商品取引業者等が提出する事業報告書は、別紙様式第二十一号の二により作成しなければならない。

Article 246-3 (1) The business report to be submitted by a notifier of specially-permitted services or a financial instruments business operator, etc. pursuant to the provisions of Article 63-4, paragraph (2) of the Act (including as applied mutatis mutandis pursuant to Article 63-3, paragraph (2) of the Act) must be prepared by using the Appended Form 21-2.

２　前項の事業報告書（特例業務届出者に係るものに限る。）は、別紙様式第二十一号の二に準じて英語で作成することができる。

(2) The business report under the preceding paragraph (limited to a report related to a notifier of specially-permitted services) may be prepared in English in the same manner as the Appended Form 21-2.

３　特例業務届出者（会社に限る。）は、第一項の事業報告書を作成する場合には、一般に公正妥当と認められる企業会計の慣行、指定国際会計基準又は修正国際基準（当該特例業務届出者が外国会社である場合にあっては、その主たる営業所若しくは事務所又は適格機関投資家等特例業務を行う営業所若しくは事務所の所在するいずれかの外国における公正妥当な企業会計の慣行を含む。）に従うものとする。

(3) When a notifier of specially-permitted services (limited to a company) prepares a business report referred to in paragraph (1), they are to comply with the business accounting practices generally accepted as fair and appropriate, the designated international accounting standards, or Japan's modified international standards (if the notifier of specially-permitted services

is a foreign company, including fair and appropriate business accounting practices in any of the foreign countries where its principal business office or office, or the business office or office for conducting specially-permitted services for qualified institutional investors, etc. is located).

4　特例業務届出者（会社を除く。）は、第一項の事業報告書を作成する場合には、一般に公正妥当と認められる会計の慣行（当該特例業務届出者が外国に住所を有する個人である場合にあっては、その主たる営業所若しくは事務所又は適格機関投資家等特例業務を行う営業所若しくは事務所の所在するいずれかの外国における公正妥当な会計の慣行を含む。）に従うものとする。

(4) When a notifier of specially-permitted services (excluding a company) prepares a business report referred to in paragraph (1), they are to comply with the accounting practices that are generally accepted as being fair and appropriate (if the notifier of specially-permitted services is an individual that has a domicile in a foreign country, including fair and appropriate accounting practices of a foreign country where the principal business office or office, or the business office or office for specially-permitted services for qualified institutional investors, etc. is located).

5　適格機関投資家等特例業務を行う金融商品取引業者（会社に限り、法第六十三条第一項各号の行為を業として行うことについて法第二十九条の登録を受けている者を除く。）は、第一項の事業報告書を作成する場合には、一般に公正妥当と認められる企業会計の慣行に従うものとする。

(5) When a financial instruments business operator that conducts specially-permitted services for qualified institutional investors, etc. (limited to companies, and excluding the persons that have obtained the registration referred to in Article 29 of the Act for conducting the acts under the items of Article 63, paragraph (1) of the Act on a regular basis) prepares a business report under paragraph (1), they are to comply with the business accounting practices generally accepted as fair and appropriate.

6　適格機関投資家等特例業務を行う金融商品取引業者（会社及び法第六十三条第一項各号の行為を業として行うことについて法第二十九条の登録を受けている者を除く。）は、第一項の事業報告書を作成する場合には、一般に公正妥当と認められる会計の慣行に従うものとする。

(6) When a financial instruments business operator that conducts specially-permitted services for qualified institutional investors, etc. (excluding companies and persons that have obtained the registration referred to in Article 29 of the Act for conducting the acts referred to in the items of Article 63, paragraph (1) of the Act on a regular basis) prepares a business report referred to in paragraph (1), they are to comply with the accounting practices generally accepted as fair and appropriate.

（事業報告書の提出期限の承認の手続等）

(Procedures for Obtaining Approval on Due Date for Submitting Business Reports)

第二百四十六条の四　外国法人又は外国に住所を有する個人である特例業務届出者又は金融商品取引業者等（以下この条及び第二百四十六条の六において「外国法人等である特例業務届出者等」という。）は、令第十七条の十三の三ただし書の承認を受けようとするときは、次に掲げる事項を記載した承認申請書を特例業務届出者にあっては特例業務届出所管金融庁長官等、金融商品取引業者等にあっては所管金融庁長官等に提出しなければならない。

Article 246-4 (1) When a notifier of specially-permitted services or financial instruments business operator, etc. which is a foreign corporation or an individual that has a domicile in a foreign country (hereinafter referred to as "notifier of specially-permitted services which is foreign corporation, etc." in this Article and Article 246-6) seeks to obtain an approval referred to in the proviso to Article 17-13-3 of the Order, they must submit a written application for approval stating the following matters to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for specially-permitted services for a notifier of specially-permitted services or to the Commissioner of the Financial Services Agency, or the competent Director-General of a Local Finance Bureau for a financial instruments business operator, etc.:

一　商号、名称又は氏名

(i) the trade name or name;

二　法第六十三条第二項又は第六十三条の三第一項の規定による届出の年月日

(ii) the date of notification under the provisions of Article 63, paragraph (2) of the Act or Article 63-3, paragraph (1);

三　事業報告書の提出に関し当該承認を受けようとする期間

(iii) the period for which the approval is sought in relation to the submission of the business report;

四　事業報告書に係る事業年度終了の日

(iv) the last day of the business year related to the business report; and

五　事業報告書の提出に関し当該承認を必要とする理由

(v) the reasons for requiring the approval concerning the submission of the business report.

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 set forth in the preceding paragraph:

一　定款又はこれに代わる書面

(i) the articles of incorporation or alternative documents;

二　当該承認申請書に記載された外国法人等である特例業務届出者等の代表者が当該承認申請書の提出に関し正当な権限を有する者であることを証する書面

(ii) a document certifying that the representative of the notifier of specially-

permitted services which is foreign corporation, etc. stated in the written application for approval is a person that has legitimate authority to submit the written application for approval; and

三　当該承認申請書に記載された法令又は慣行に関する事項が真実かつ正確であることについての法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(iii) a legal opinion letter by a law expert on the fact that the matters related to laws and regulations or practices stated in the written application for approval are true and accurate, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

3　特例業務届出所管金融庁長官等又は所管金融庁長官等は、第一項の承認の申請があった場合において、外国法人等である特例業務届出者等が、その本国の法令又は慣行により、その事業年度経過後三月以内に事業報告書を提出することができないと認められるときは、当該申請のあった日の属する事業年度（その日が事業年度開始後三月以内（直前事業年度に係る事業報告書の提出に関して当該承認を受けている場合にあっては、当該承認を受けた期間内）の日である場合にあっては、その直前事業年度）から当該申請に係る同項第五号に規定する理由について消滅又は変更があることとなる日の属する事業年度の直前事業年度までの事業年度に係る事業報告書について、承認をするものとする。

(3) If the application for approval referred to in paragraph (1) has been filed, and it is found that the notifier of specially-permitted services which is foreign corporation, etc. is unable to submit a business report within three months after the end of the business year due to the laws and regulations or practices of their home country, the competent Director-General of a Local Finance Bureau, etc. for specially-permitted services or the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau is to grant an approval for the business report related to the business year that includes the day the application has been filed (if the day falls within three months from the commencement of the business year (if the approval has been granted for the submission of a business report related to the immediately preceding business year, within the approved period), the business year immediately preceding the business year) through the business year immediately preceding the business year that includes the day when the reasons specified in item (v) of that paragraph for which the application was filed ceases to exist or changes.

4　前項の承認は、同項の外国法人等である特例業務届出者等が毎事業年度経過後三月以内に次に掲げる事項を記載した書類を特例業務届出者にあっては特例業務届出所管金融庁長官等、金融商品取引業者等にあっては所管金融庁長官等に提出することを条件として、行われるものとする。ただし、第二号に掲げる事項については、当該書類の提出前五年以内に提出された書類に記載された事項と同一の内容のものである場合には、当該事項は記載しないことができる。

(4) The approval referred to in the preceding paragraph is to be granted on the condition that the notifier, etc. of specially-permitted services which is foreign corporation, etc. referred to in that paragraph submits a document stating the following matters to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for specially-permitted services for a notifier of specially-permitted services, or to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for a financial instruments business operator, etc., within three months after the end of each business year; provided, however, that if the content of the matters set forth in item (ii) is the same as the content of the matters that have been stated in the document submitted within five years before the submission of the document, the entry of those matters may be omitted:

一　当該事業年度中に当該承認に係る申請の理由について消滅又は変更がなかった旨

(i) the fact that the reasons for filing the application for approval have not ceased to exist or changed in the business year; and

二　前号に掲げる事項に関する法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(ii) a legal opinion letter by a legal expert on the matter set forth in the preceding item, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

５　第一項の承認申請書、第二項各号に掲げる書類及び前項の書類（特例業務届出者に係るものに限る。）は、英語で記載することができる。

(5) The written application for approval referred to in paragraph (1), the documents set forth in the items of paragraph (2), and the documents referred to in the preceding paragraph (limited to those related to notifier of specially-permitted services) may be prepared in English.

（説明書類の縦覧）

(Public Inspection of Explanatory Documents)

第二百四十六条の五　法第六十三条の四第三項（法第六十三条の三第二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。）の規定により特例業務届出者又は金融商品取引業者等は、別紙様式第二十一号の三により作成した説明書類又は第二百四十六条の三第一項の事業報告書の写しを主たる営業所若しくは事務所及び適格機関投資家等特例業務を行う全ての営業所若しくは事務所に備え置く方法その他の方法により法第六十三条の四第三項の説明書類を公衆の縦覧に供し、又はインターネットの利用その他の方法により、投資者が常に容易に閲覧することができるよう公表しなければならない。

Article 246-5 (1) Pursuant to the provisions of Article 63-4, paragraph (3) of the Act (including as applied mutatis mutandis pursuant to Article 63-3, paragraph (2) of the Act; hereinafter the same applies in this Article), a

notifier of specially-permitted services or financial instruments business operator, etc. must make the explanatory documents referred to in Article 63-4, paragraph (3) of the Act available for public inspection, or publicize them by using the internet or other means in order to enable easy access for investors by the method of keeping the copies of explanatory documents prepared using Appended Form 21-3 or business reports referred to in Article 246-3, paragraph (1) at their principal office or office and all business offices or offices for specially-permitted services for qualified institutional investors, etc..

２　前項の説明書類（特例業務届出者に係るものに限る。）は、別紙様式第二十一号の三に準じて英語で作成することができる。

(2) The explanatory documents referred to in the preceding paragraph (limited to documents related to notifiers of specially-permitted services) may be prepared in English in the same manner as the Appended Form 21-3.

３　法第六十三条の四第三項に規定する内閣府令で定めるものは、別紙様式第二十一号の三又は第二百四十六条の三第一項の事業報告書に記載されている事項とする。

(3) The matters specified by Cabinet Office Order as prescribed in Article 63-4, paragraph (3) of the Act are the matters stated in the Appended Form 21-3 or the business report referred to in Article 246-3, paragraph (1).

（説明書類の縦覧期限の承認の手続等）

(Procedures for Obtaining Approval on Due Date for Public Inspection of Explanatory Documents)

第二百四十六条の六　外国法人等である特例業務届出者等は、令第十七条の十三の四ただし書の承認を受けようとするときは、次に掲げる事項を記載した承認申請書を特例業務届出者にあっては特例業務届出所管金融庁長官等、金融商品取引業者等にあっては所管金融庁長官等に提出しなければならない。

Article 246-6 (1) When a notifier of specially-permitted services which is a foreign corporation, etc. seeks to obtain an approval referred to in the proviso to Article 17-13-4 of the Order, they must submit a written application for approval stating the following matters to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for specially-permitted services for a notifier of specially-permitted services or to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for a financial instruments business operator, etc.:

一　商号、名称又は氏名

(i) the trade name or name;

二　法第六十三条第二項又は第六十三条の三第一項の規定による届出の年月日

(ii) the date of notification under the provisions of Article 63, paragraph (2) of the Act or Article 63-3, paragraph (1);

三　説明書類の縦覧に関し当該承認を受けようとする期間

(iii) the period for which the approval is sought concerning the public inspection of the explanatory documents;

四　説明書類に係る事業年度終了の日

(iv) the last day of the business year related to the explanatory documents; and

五　説明書類の縦覧に関し当該承認を必要とする理由

(v) the reasons for requiring the approval concerning the inspection of the explanatory documents.

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 specified in the preceding paragraph:

一　定款又はこれに代わる書面

(i) the articles of incorporation or alternative documents;

二　当該承認申請書に記載された外国法人等である特例業務届出者等の代表者が当該承認申請書の提出に関し正当な権限を有する者であることを証する書面

(ii) a document certifying that the representative of the notifier of specially-permitted services which is a foreign corporation, etc. stated in the written application for approval is a person that has legitimate authority to submit the written application for approval; and

三　当該承認申請書に記載された法令又は慣行に関する事項が真実かつ正確であることについての法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(iii) a legal opinion letter by a law expert on the fact that the matters related to laws and regulations or practices set forth in the written application for approval are true and accurate, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

３　特例業務届出所管金融庁長官等又は所管金融庁長官等は、第一項の承認の申請があった場合において、外国法人等である特例業務届出者等が、その本国の法令又は慣行により、その事業年度経過後四月を経過した日から説明書類を備え置き、公衆の縦覧に供することができないと認められるときは、当該申請のあった日の属する事業年度（その日が事業年度開始後四月以内（直前事業年度に係る説明書類の縦覧に関して当該承認を受けている場合にあっては、当該承認を受けた期間内）の日である場合にあっては、その直前事業年度）から当該申請に係る同項第五号に規定する理由について消滅又は変更があることとなる日の属する事業年度の直前事業年度までの事業年度に係る説明書類について、承認をするものとする。

(3) If the application for approval specified in paragraph (1) has been filed, and it is found that the notifier of specially-permitted services which is a foreign corporation, etc. is unable to keep the explanatory document and make it available for public inspection within four months after the end of the business year due to the laws and regulations or practices of their home country, the competent Director-General of a Local Finance Bureau, etc. for specially-permitted services or the Commissioner of the Financial Services Agency or the

competent Director-General of a Local Finance Bureau is to grant an approval to the explanatory document for the business year that includes the day the application has been filed (if the day falls within four months from the commencement of the business year (if the approval has been granted for the public inspection of the explanatory document for the immediately preceding business year, within that approved period), the business year immediately preceding the business year) through the business year immediately preceding the business year that includes the day when the reason specified in item (v) of that paragraph for which the application was filed ceases to exist or changes.

4　前項の承認は、同項の外国法人等である特例業務届出者等が毎事業年度経過後四月以内に次に掲げる事項を記載した書類を特例業務届出者にあっては特例業務届出所管金融庁長官等、金融商品取引業者等にあっては所管金融庁長官等に提出することを条件として、行われるものとする。ただし、第二号に掲げる事項については、当該書類の提出前五年以内に提出された書類に記載された事項と同一の内容のものである場合には、当該事項は記載しないことができる。

(4) The approval referred to in the preceding paragraph is to be granted on the condition that the notifier, etc. of specially-permitted services which is a foreign corporation, etc. referred to in that paragraph submits documents stating the following matters to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for specially-permitted services for a notifier of specially-permitted services or to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for a financial instruments business operator, etc., within four months after the end of each business year; provided, however, that if the content of the matters set forth in item (ii) is the same as the content of the matters that have been stated in the document submitted within five years before the submission of the document, the entry of those matters may be omitted:

一　当該事業年度中に当該承認に係る申請の理由について消滅又は変更がなかった旨

(i) the fact that the reasons for the application for approval have not ceased to exist or changed in the relevant business year; and

二　前号に掲げる事項に関する法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(ii) a legal opinion letter by a legal expert on the matters set forth in the preceding item and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

5　第一項の承認申請書、第二項各号に掲げる書類及び前項の書類（特例業務届出者に係るものに限る。）は、英語で記載することができる。

(5) The written application for approval referred to in paragraph (1), the documents set forth in the items of paragraph (2), and the documents referred to in the preceding paragraph (limited to those related to a notifier of specially-

permitted services) may be prepared in English.

（監督処分の公告）
(Public Notice of Supervisory Dispositions)
第二百四十六条の七　法第六十三条の五第六項（法第六十三条の三第二項において準用する場合を含む。）の規定による公告は、官報により行うものとする。
Article 246-7 The public notice under the provisions of Article 63-5, paragraph (6) of the Act (including as applied mutatis mutandis pursuant to Article 63-3, paragraph (2) of the Act) is to be given in an Official Gazette.

第六節の二　海外投資家等特例業務に関する特例
Section 6-2 Special Provisions on Specially Permitted Services for Foreign Investors

（投資者の保護に支障を生ずるおそれがあるもの）
(Cases in Which Status of the Operation of Business Is Likely to Hinder the Protection of Investors)
第二百四十六条の八　法第六十三条の八第一項各号に規定する内閣府令で定めるものは、当該権利が財産的価値に表示される場合における当該財産的価値を海外投資家等（同条第二項に規定する海外投資家等をいい、同条第一項第一号イからハまでのいずれにも該当しないものに限る。第二百四十六条の十九において同じ。）以外の者に移転することができないようにする技術的措置がとられていないものとする。
Article 246-8 The cases specified by Cabinet Office Order as prescribed in the items of Article 63-8, paragraph (1) of the Act are the cases for which technical measures to prevent the financial values from being transferred to a person other than foreign investors, etc. (meaning the foreign investors, etc. prescribed in paragraph (2) of that Article and limited to those who do not fall under any of Article 63-8, paragraph (1), item (i), sub-items (a) through (c) have not been taken, in the cases the rights are indicated on financial values; the same applies in Article 246-19).

（海外投資家等から除かれる者）
(Persons Excluded from Being Foreign Investors)
第二百四十六条の九　法第六十三条の八第一項第一号ハに規定する内閣府令で定める者は、次に掲げる者とする。
Article 246-9 The persons specified by Cabinet Office Order as prescribed in Article 63-8, paragraph (1), item (i), sub-item (c) of the Act are the following persons:
一　その発行する法第二条第一項第五号、第九号若しくは第十五号に掲げる有価証券若しくは同項第十七号に掲げる有価証券（同項第五号、第九号又は第十五号に掲げる有価証券の性質を有するものに限る。）に表示される権利又は同条第二項第三号

若しくは第四号に掲げる権利（その取得の対価の額を超えて財産の給付を受けることがないことを内容とする権利を除く。）を海外投資家等（法第六十三条の八第二項に規定する海外投資家等をいう。次号において同じ。）以外の者が取得している特別目的会社

(i) a special purpose company for which a person other than foreign investors, etc. (meaning foreign investors, etc. prescribed in Article 63-8, paragraph (2) of the Act; the same applies in the following item) has acquired the rights indicated on the securities set forth in Article 2, paragraph (1), item (v), sub-item (ix), or (xv) of the Act or securities set forth in item (xvii) of that paragraph (limited to those that have the nature of the securities set forth in item (v), item (ix), or item (xv) of that paragraph) issued by the specified purpose company, or has acquired the rights set forth in paragraph (2), item (iii) or (iv) of that Article (excluding the rights for which property in excess of the amount of the consideration for the acquisition is not to be delivered); and

二　法第二条第二項第五号又は第六号に掲げる権利に対する投資事業に係る契約その他の法律行為（当該契約その他の法律行為に基づく権利が同項第五号又は第六号に掲げる権利に該当するものに限る。）で海外投資家等以外の者を相手方とするものに基づき当該相手方から出資又は拠出を受けた金銭その他の財産を充てて当該投資事業を行い、又は行おうとする者（金融商品取引業者等（投資運用業を行う者に限る。）であるものを除く。）

(ii) a person that conducts or seeks to conduct an investment business by using money or other properties invested or paid by the other party (excluding a financial instruments business operator, etc. (limited to an operator that conducts an investment management business)), based on a contract or other juridical acts related to the investment business for the right set forth in Article 2, paragraph (2), item (v) or (vi) of the Act (limited to the case in which the right based on the contract or other juridical acts falls under the right set forth in item (v) or (vi) of that paragraph) concluded with a person other than a foreign investor, etc.

（海外投資家等の範囲）

(Scope of Foreign Investors)

第二百四十六条の十　法第六十三条の八第二項第一号に規定する内閣府令で定める要件は、外国法人又は次に掲げる要件のいずれかに該当する外国に住所を有する個人であることとする。

Article 246-10 (1) The requirements specified by Cabinet Office Order as prescribed in Article 63-8, paragraph (2), item (i) of the Act are to be the fact that it is a foreign corporation or an individual that falls under any of the following requirements and has a domicile in a foreign country:

一　次に掲げる要件の全てに該当すること。

(i) the individual satisfies all of the following requirements:

イ　取引の状況その他の事情から合理的に判断して、法第六十三条の八第一項第一号に掲げる行為に係る出資対象事業持分を取得する時点におけるその保有する資産の合計額から負債の合計額を控除した額が三億円以上になると見込まれること。

(a) judging reasonably from the status of transactions and other circumstances, the amount obtained by deducting the total amount of liabilities from the total amount of assets held at the time of acquiring equity interests in the business subject to investment related to the act set forth in Article 63-8, paragraph (1), item (i) of the Act is expected to be 300 million yen or more;

ロ　取引の状況その他の事情から合理的に判断して、法第六十三条の八第一項第一号に掲げる行為に係る出資対象事業持分を取得する時点におけるその保有する資産（第六十二条第二号イからトまでに掲げるものに限る。）の合計額が三億円以上になると見込まれること。

(b) judging reasonably from the status of transactions and other circumstances, the total amount of assets (limited to the assets set forth in Article 62, item (ii), (a) through (g)) held at the time of acquiring equity interests in the business subject to investment related to the act set forth in Article 63-8, paragraph (1), item (i) of the Act is expected to be 300 million yen or more; and

ハ　金融商品取引業者等（外国の法令上これに相当する者を含む。）に有価証券の取引又はデリバティブ取引を行うための口座を開設した日から起算して一年を経過していること。

(c) one year has passed from the day when an account was opened with a financial instruments business operator, etc. (including a person equivalent to them under foreign laws and regulations) for conducting securities transactions or derivatives transactions;

二　法第六十三条の八第一項第一号に掲げる行為に係る出資対象事業持分を取得する時点において、外国の法令上特定投資家に相当する者であること。

(ii) the individual is a person equivalent to a professional investor under foreign laws and regulations at the time of acquiring equity interests in the business subject to investment related to the act set forth in Article 63-8, paragraph (1), item (i) of the Act.

2　法第六十三条の八第二項第二号に規定する内閣府令で定める者は、次に掲げる者（適格機関投資家に該当する者を除く。）とする。

(2) The persons specified by Cabinet Office Order as prescribed in Article 63-8, paragraph (2), item (ii) of the Act are the following persons (excluding a person that falls under the qualified institutional investor):

一　特定投資家

(i) a professional investor; and

二　外国の法令に準拠して設立された厚生年金基金又は企業年金基金に類するもので

あって、外国において主として退職年金、退職手当その他これらに類する報酬を管理し、又は給付することを目的として運営されているもの

(ii) a fund similar to an employees' pension fund or a corporate pension fund that is established in accordance with foreign laws and regulations and that is operated mainly for the purpose of managing or paying retirement pension benefits, retirement allowances, and other similar compensations in a foreign country.

3　令第十七条の十三の五第三項第四号に規定する内閣府令で定める者は、次に掲げる者とする。

(3) The persons specified by Cabinet Office Order as prescribed in Article 17-13-5, paragraph (3), item (iv) of the Order are the following persons:

一　当該行為を行う者の子会社等又は当該行為を行う者の親会社等の子会社等

(i) a subsidiary company, etc. of the person that performs the act or a subsidiary company, etc. of the parent company, etc. of the person that performs the act;

二　当該行為を行う者が行う一の運用対象財産（当該者が当該行為を行う業務に係る権利者のため運用を行う金銭その他の財産をいう。次号において同じ。）の運用に係る権限の全部又は一部の委託を受けた者

(ii) a person that has been entrusted with all or part of the authority for the investment of a set of property subject to investment made by the person performing the act (meaning money or other properties to be invested by the person for the right holder related to the business of performing the act; the same applies in the following item);

三　当該行為を行う者が一の運用対象財産の運用として行うこととなる取引の対象となるもの（以下この号において「取引対象」という。）の価値等（取引対象の価値、オプションの対価の額又は取引対象に係る指標の動向をいう。以下この号において同じ。）若しくは価値等の分析に基づく投資判断（投資の対象となるものの種類、数及び価格並びに売買の別、方法及び時期についての判断又は行うべき取引の内容及び時期についての判断をいう。）に関し、口頭、文書（新聞、雑誌、書籍その他不特定多数の者に販売することを目的として発行されるもので、不特定多数の者により随時に購入可能なものを除く。）その他の方法により助言を行うことを約し、当該行為を行う者がそれに対し報酬を支払うことを約する契約を当該行為を行う者と締結している者又は当該投資判断に関し、当該方法により助言を行うことを約し、当該者がそれに対し報酬を支払うことを約する契約を当該者と締結している者

(iii) a person that has concluded a contract with the person that performs the act promising to provide oral advice, written advice (excluding newspapers, magazines, books, or other documents issued for the purpose of selling to many and unspecified persons and which may be bought by many and unspecified persons at any time), or advice by other methods concerning investment decisions based on the value, etc. (value of subject of transactions, amount of consideration of options, or the trend of index related to subject of

transactions) of those that are to be subject of transactions conducted by the person performing the act as an investment of one property subject to investment (hereinafter referred to as the "subject of transactions" in this item) or analysis of the value, etc. (meaning the decisions on the type, quantity, and price of the subject of investment, and distinction of whether the type of transaction is purchase or sale, method, and timing, or decisions on the content and timing of the transactions required to be conducted), and the person that performs the act promises to pay remuneration for that, or a person that has concluded a contract promising to provide advice on investment decisions by those methods and the person in question promises to pay remuneration for that;

四　令第十七条の十三の五第三項第三号及び前三号に掲げる者の役員又は使用人

(iv) an officer or employee of a person set forth in Article 17-13-5, paragraph (3), item (iii) of the Order and the preceding three items; and

五　当該行為を行う者（個人である者に限る。）並びに令第十七条の十三の五第三項第一号及び第二号並びに前三号に掲げる者の親族（配偶者並びに三親等以内の血族及び姻族に限る。）

(v) a relative (limited to the spouse and a relative by blood or by affinity within the third degree) of the person that performs the act (limited to one that is an individual) or a person set forth in Article 17-13-5, paragraph (3), items (i) and (ii) and the preceding three items.

（海外投資家等特例業務に係る届出）

(Notification Concerning Specially Permitted Services for Foreign Investors)

第二百四十六条の十一　法第六十三条の九第一項の規定により届出を行う者は、別紙様式第二十一号の四により作成した海外投資家等特例業務に関する届出書に、当該届出書の写しを添付して、海外投資家等特例業務届出管轄財務局長等（当該届出を行う者の本店等の所在地を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては、福岡財務支局長）をいう。以下同じ。）に提出しなければならない。

Article 246-11 (1) A person that gives a notification pursuant to the provisions of Article 63-9, paragraph (1) of the Act must submit a written notification on specially permitted services for foreign investors, etc. prepared using the Appended Form No. 21-4 with its copy attached, to the competent Director-General of a Local Finance Bureau, etc. for the notification of specially permitted services for foreign investors, etc. (meaning a Director-General of a Local Finance Bureau with jurisdiction over the locality of the notifier's head office, etc. (if the locality falls within the jurisdictional area of the Fukuoka Local Finance Branch Bureau, to its Director-General); the same applies hereinafter).

２　前項の届出書は、別紙様式第二十一号の四に準じて英語で作成することができる。

(2) The written notification referred to in the preceding paragraph may be prepared in English in the same manner as the Appended Form No. 21-4.

（海外投資家等特例業務届出者の使用人）

(Employees of Notifiers of Specially Permitted Services for Foreign Investors)

第二百四十六条の十二　令第十七条の十三の六第一号に規定する内閣府令で定める者は、部長、次長、課長その他いかなる名称を有する者であるかを問わず、同号に規定する業務を統括する者の権限を代行し得る地位にある者とする。

Article 246-12 (1) The persons specified by Cabinet Office Order as prescribed in Article 17-13-6, item (i) of the Order are persons that are in a position in which they are qualified to be delegated the authority of a person that supervises the business prescribed in that item, irrespective of their title of the head of department, the deputy head of department, the section head, or any other title.

２　令第十七条の十三の六第二号に規定する内閣府令で定める者は、金融商品の価値等の分析に基づく投資判断を行う者とする。

(2) The persons specified by Cabinet Office Order as prescribed in Article 17-13-6, item (ii) of the Order are the persons that make investment decisions based on analysis of the values, etc. of financial instruments.

（海外投資家等特例業務に係る届出事項）

(Matters to Be Notified Concerning Specially Permitted Services for Foreign Investors)

第二百四十六条の十三　法第六十三条の九第一項第九号に規定する内閣府令で定める事項は、次に掲げる事項とする。

Article 246-13 The matters specified by Cabinet Office Order as prescribed in Article 63-9, paragraph (1), item (ix) of the Act are the following matters:

一　主たる営業所又は事務所（外国法人にあっては、国内における主たる営業所又は事務所を含む。）及び海外投資家等特例業務を行う営業所又は事務所の電話番号並びにホームページアドレス

(i) the principal business office or office (for a foreign corporation, including the principal business office or office in Japan), and the telephone number and the URL of the website for the business office or office for conducting specially permitted services for foreign investors, etc.;

二　海外投資家等特例業務に係る出資対象事業持分の名称及び種別（出資対象事業持分の種別をいい、当該出資対象事業持分が電子記録移転権利又は令第一条の十二第二号に規定する権利である場合にあっては、その旨を含む。）

(ii) the name and type (meaning the type of equity in business subject to investment and if the equity interests in the business subject to investment falls under an electronically recorded transferable right or any of the rights prescribed in Article 1-12, item (ii) of the Order, including that fact) of the equity in the business subject to investment related to the specially

permitted services for foreign investors, etc.;

三　海外投資家等特例業務に係る出資対象事業の内容

(iii) the content of the business subject to investment related to the specially permitted services for foreign investors, etc.;

四　法人であるときは、次に掲げる事項

(iv) if the notifier is a corporation, the following matters;

イ　相談役、顧問その他いかなる名称を有する者であるかを問わず、当該法人に対し取締役、執行役又はこれらに準ずる者と同等以上の支配力を有するものと認められる者の氏名又は名称

(a) the name of a person who is found to have the same or a higher authority over the corporation as a director, an executive officers, or a person equivalent to them, irrespective of their title as advisor, consultant or any other title; and

ロ　主要株主（法第六十三条の九第六項第二号ホに規定する主要株主をいう。以下この節において同じ。）に関する次に掲げる事項

(b) the following matters concerning major shareholders (meaning the major shareholders prescribed in Article 63-9, paragraph (6), item (ii), sub-item (e) of the Act; hereinafter the same applies in this Section):

（１）　商号、名称又は氏名

1. the trade name or name;

（２）　本店又は主たる事務所の所在地（個人にあっては、住所又は居所）

2. the location of the head office or principal office (for an individual, domicile or residence); and

（３）　法人であるときは、代表者の氏名

3. for a corporation, the name of the representative; and

五　外国法人であるときは、国内における代表者の所在地又は住所及び電話番号

(v) if the notifier is a foreign corporation, the location or domicile and telephone number of the representative in Japan.

（海外投資家等特例業務に係る届出書の添付書類）

(Documents to Be Attached to Written Notification on Specially Permitted Services for Foreign Investors)

第二百四十六条の十四　法第六十三条の九第二項第三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 246-14 (1) The documents specified by Cabinet Office Order as prescribed in Article 63-9, paragraph (2), item (iii) of the Act are the following documents:

一　業務に係る人的構成及び組織等の業務執行体制を記載した書面

(i) the document stating the personnel structure and the system for conducting business of the organization;

二　海外投資家等特例業務に関する社内規則

(ii) internal rules concerning the specially permitted services for foreign

investors, etc.;

三　法人であるときは、次に掲げる書類

(iii) if the notifier is a corporation, the following documents:

イ　役員（相談役、顧問その他いかなる名称を有する者であるかを問わず、当該法人に対し取締役、執行役又はこれらに準ずる者と同等以上の支配力を有するものと認められる者を含む。第二百四十六条の二十第二項第三号イ、第二百四十六条の二十四第一項第六号ロ及び第二百四十六条の二十五第一項第四号ロを除き、以下この節において同じ。）及び重要な使用人（令第十七条の十三の六に規定する使用人をいう。以下この節において同じ。）の履歴書（役員が法人であるときは、当該役員の沿革を記載した書面）

(a) the resume of the officers (including those found to have the same or a higher authority over the corporation as a director, an executive officers, or a person equivalent to them, irrespective of their title as advisor, consultant, or any other title; the same applies in this Section, excluding Article 246-20, paragraph (2), item (iii), sub-item (a), Article 246-24, paragraph (1), item (vi), sub-item (b), and Article 246-25, paragraph (1), item (iv), sub-item (b)) and important employees (meaning the employee provided for in Article 17-13-6 of the Order; hereinafter the same applies in this Section) (if an officer is a corporation, a document stating the background of the officer);

ロ　役員及び重要な使用人の住民票の抄本（役員が法人であるときは、当該役員の登記事項証明書）又はこれに代わる書面

(b) extracts of the resident records of the officers and important employees (if an officer is a corporation, the certificate of registered information of the officer), or alternative documents;

ハ　役員及び重要な使用人の旧氏及び名を当該役員及び重要な使用人の氏名に併せて法第六十三条の九第一項の届出書に記載した場合において、ロに掲げる書類が当該役員及び重要な使用人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

(c) if the former surname and given name of the officer or important employee are stated together with the name of the officer or important employee in a written notification referred to in Article 63-9, paragraph (1) of the Act, and the document set forth in sub-item (b) is not a document certifying the former surname and given name of the officer or important employee, a document certifying the former surname and given name;

ニ　役員及び重要な使用人が法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

(d) the certificate issued by a public agency certifying that the officers or important employees do not fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, or alternative documents; and

ホ　役員及び重要な使用人が法第二十九条の四第一項第二号イ又はハからリまでの

いずれにも該当しない者であることを当該役員及び重要な使用人が誓約する書面
(e) a document in which an officer and an important employee pledge that they do not fall under any of Article 29-4, paragraph (1), item (ii), sub-item (a), or sub-items (c) through (i) of the Act; and
ヘ　主要株主が保有する対象議決権（法第二十九条の四第二項に規定する対象議決権をいい、同条第五項の規定により保有しているものとみなされるものを含む。第二百四十六条の二十第二項第四号イ及び第二百四十六条の二十二第二項第三号トにおいて同じ。）の数を記載した書面
(f) a document stating the number of the subject voting rights held by major shareholders (meaning the subject voting rights prescribed in Article 29-4, paragraph (2) of the Act, and including those deemed to be held pursuant to the provisions of paragraph (5) of that Article; the same applies in Article 246-20, paragraph (2), item (iv), sub-item (a) and Article 246-22, paragraph (2), item (iii), sub-item (g));
四　個人であるときは、次に掲げる書類
(iv) if the notifier is an individual, the following documents:
イ　届出者及び重要な使用人の履歴書
(a) the resumes of the notifier and important employees;
ロ　届出者及び重要な使用人の住民票の抄本又はこれに代わる書面
(b) extracts of the resident records of the notifier and important employees, or alternative documents;
ハ　届出者及び重要な使用人の旧氏及び名を当該届出者及び重要な使用人の氏名に併せて法第六十三条の九第一項の届出書に記載した場合において、ロに掲げる書類が当該届出者及び重要な使用人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
(c) if the former surname and given name of the notifier of a major employee are stated together with the current name of the notifier or the major employee in a written notification referred to in Article 63-9, paragraph (1) of the Act, and the document set forth in sub-item (b) is not a document certifying the former surname and given name of the notifier or the major employee, a document certifying the former surname and given name;
ニ　届出者及び重要な使用人が法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面
(d) the certificate issued by a public agency certifying that the notifier and important employees do not fall under Article 29-4, paragraph (1), item (ii), (b) of the Act or alternative documents; and
ホ　重要な使用人が法第二十九条の四第一項第二号イ又はハからリまでのいずれにも該当しない者であることを当該重要な使用人が誓約する書面
(e) documents in which the important employees pledge that they do not fall under any of Article 29-4, paragraph (1), item (ii), sub-item (a), or sub-items (c) through (i) of the Act; and

五　法第六十三条の八第一項各号に掲げる行為に係る次に掲げる事項を記載した書面

(v) a document stating the following matters related to the acts set forth in the items of Article 63-8, paragraph (1) of the Act:

イ　出資対象事業持分を有し、又は有することとなる者の種別（法第六十三条の八第二項各号の種別をいう。）

(a) the type of a person who holds or is to hold equity interests in the business subject to investment (meaning the type prescribed in the items of Article 63-8, paragraph (2) of the Act);

ロ　出資対象事業持分を有し、又は有することとなる者のうちに居住者がある場合にあっては、居住者が出資又は拠出をする金銭その他の財産の予定総額及び非居住者が出資又は拠出をする金銭その他の財産の予定総額

(b) if there is a resident among persons who hold or are to hold equity interests in the business subject to investment, the scheduled total amount of money and any other property to be invested or paid by the resident and the scheduled total amount of money and any other property to be invested or paid by non-residents; and

ハ　出資対象事業持分を有し、又は有することとなる者のうちに第二百四十六条の十第一項第二号に掲げる要件に該当する者がある場合にあっては、同号の外国の法令の概要

(c) if there is a person who satisfies the requirements set forth in Article 246-10, paragraph (1), item (ii) among the persons who hold or are to hold equity interests in the business subject to investment, the outline of foreign laws and regulations referred to in that item.

２　前項各号に掲げる書類は、英語で記載することができる。

(2) The documents set forth in the items of the preceding paragraph may be written in English.

（電磁的記録）

(Electronic or Magnetic Record)

第二百四十六条の十五　法第六十三条の九第三項に規定する内閣府令で定める電磁的記録は、次に掲げる構造のいずれかに該当するものとする。

Article 246-15 (1) The electronic or magnetic record specified by Cabinet Office Order as prescribed in Article 63-9, paragraph (3) of the Act is to fall under one of the following structures:

一　日本産業規格Ｘ六二二三に適合する九十ミリメートルフレキシブルディスクカートリッジ

(i) a 90mm flexible magnetic disc cartridge that complies with JIS X6223; and

二　日本産業規格Ｘ〇六〇六及びＸ六二八二に適合する直径百二十ミリメートルの光ディスク

(ii) a 120mm optical disc that complies with JIS X0606 and X6282.

２　前項第一号の電磁的記録への記録は、次に掲げる方式に従ってしなければならない。

(2) Record in the electronic or magnetic record referred to in item (i) of the preceding paragraph must be made by the following methods:

一　トラックフォーマットについては、日本産業規格Ｘ六二二五に規定する方式

(i) for track formats, the method specified in JIS X6225; and

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

(ii) for volume and file configuration, the method specified in JIS X0605.

３　第一項の電磁的記録には、次に掲げる事項を記載しなければならない。

(3) The following matters must be stated for the electronic or magnetic record referred to in paragraph (1):

一　届出者の商号又は名称

(i) the trade name or name of the notifier; and

二　届出年月日

(ii) the date of notification.

（海外投資家等特例業務に係る届出事項の金融庁長官等による縦覧）

(Public Inspection of Notified Matters Concerning Specially Permitted Services for Foreign Investors by the Commissioner of the Financial Services Agency or Other Officials)

第二百四十六条の十六　金融庁長官、海外投資家等特例業務届出管轄財務局長等又は管轄財務局長等は、海外投資家等特例業務届出者又は金融商品取引業者（法第六十三条の十一第一項の規定による届出をした者をいい、同条第二項において準用する法第六十三条の十第三項第二号に該当する旨の同項の規定による届出をした者を除く。第二百四十六条の二十七第一項を除き、以下この節において同じ。）に係る別紙様式第二十一号の五に記載されている事項を金融庁若しくは当該海外投資家等特例業務届出者若しくは金融商品取引業者の本店等の所在地を管轄する財務局（当該所在地が福岡財務支局の管轄区域内にある場合にあっては福岡財務支局、国内に営業所又は事務所を有しない場合にあっては関東財務局）に備え置いて公衆の縦覧に供し、又はインターネットの利用その他の方法により公表するものとする。

Article 246-16 (1) The Commissioner of the Financial Services Agency, the competent Director-General of a Local Finance Bureau, etc. for the notification of specially permitted services for foreign investors, etc. or the competent Director-General of a Local Finance Bureau, etc. is to keep the records of the matters stated in the Appended Form No. 21-5 of the notifier of specially permitted services for foreign investors, etc. or financial instruments business operators (meaning a person that has given a notification under the provisions of Article 63-11, paragraph (1) of the Act and excluding a person that has given a notification of the fact that they fall under Article 63-10, paragraph (3), item (ii) of the Act as applied mutatis mutandis pursuant to Article 63-11, paragraph (2); the same applies in this Section, excluding Article 246-27, paragraph (1)) at the Financial Services Agency or the local finance bureau

with jurisdiction over the locality of the head office, etc. of the notifier of specially permitted services for foreign investors, etc. or financial instruments business operator (if the locality falls within the jurisdictional district of the Fukuoka Local Finance Branch Bureau, its Director-General; or if the person does not have a business office or office in Japan, the Director-General of the Kanto Finance Bureau) and make them available for public inspection or publicize them by using the internet or by other means.

２　法第六十三条の九第四項（法第六十三条の十一第二項において準用する場合を含む。）に規定する内閣府令で定める事項は、別紙様式第二十一号の五に記載されている事項とする。

(2) The matters specified by Cabinet Office Order as prescribed in Article 63-9, paragraph (4) of the Act (including as applied mutatis mutandis pursuant to Article 63-11, paragraph (2) of the Act) are the matters stated in the Appended Form No. 21-5.

（海外投資家等特例業務に係る届出事項の海外投資家等特例業務届出者又は金融商品取引業者による縦覧）

(Public Inspection of Notified Matters Concerning Specially Permitted Services for Foreign Investors by Notifier of Specially Permitted Services for Foreign Investors or Financial Instruments Business Operators)

第二百四十六条の十七　法第六十三条の九第五項（法第六十三条の十一第二項において準用する場合を含む。次項において同じ。）の規定により海外投資家等特例業務届出者又は金融商品取引業者は、別紙様式第二十一号の五により作成した書面の写しを主たる営業所若しくは事務所及び海外投資家等特例業務を行う全ての営業所若しくは事務所（外国法人又は外国に住所を有する個人にあっては、国内における主たる営業所又は事務所及び海外投資家等特例業務を行うため国内に設ける全ての営業所又は事務所）に備え置いて公衆の縦覧に供し、又はインターネットの利用その他の方法により、投資者が常に容易に閲覧することができるよう公表しなければならない。

Article 246-17 (1) Pursuant to the provisions of Article 63-9, paragraph (5) of the Act (including as applied mutatis mutandis pursuant to Article 63-11, paragraph (2) of the Act; the same applies in the following paragraph), a notifier of specially permitted services for foreign investors, etc. or a financial instruments business operator is to keep a copy of the document prepared using the Appended Form No. 21-5 at their principal business office or office, and all business offices or offices for conducting specially permitted services for foreign investors, etc. (in the case of a foreign corporation or an individual that has a domicile in a foreign country, the principal business office or office in Japan and all business offices or offices established in Japan for conducting specially permitted services for foreign investors, etc.) and make the copy of the document available for public inspection, or publicize them by using the internet or other means to allow easy access for investors at all times.

２　法第六十三条の九第五項に規定する内閣府令で定める事項は、別紙様式第二十一号の五に記載されている事項とする。

(2) The matters specified by Cabinet Office Order as prescribed in Article 63-9, paragraph (5) of the Act are the matters stated in the Appended Form No. 21-5.

３　第一項の書面は、別紙様式第二十一号の五に準じて英語で作成することができる。

(3) The document referred to in paragraph (1) may be prepared in English in the same manner as the Appended Form No. 21-5.

（海外投資家等特例業務を適確に遂行するに足りる人的構成を有しない者）

(A Person That Does Not Have Personnel Structure Sufficient to Appropriately Conduct Specially Permitted Services for Foreign Investors)

第二百四十六条の十八　法第六十三条の九第六項第一号ロに規定する内閣府令で定める者は、次の各号のいずれかに該当する者とする。

Article 246-18 The person specified by Cabinet Office Order as prescribed in Article 63-9, paragraph (6), item (i), sub-item (b) of the Act is a person that falls under any of the following items:

一　その行う業務に関する十分な知識及び経験を有する役員又は使用人の確保の状況並びに組織体制に照らし、当該業務を適正に遂行することができない者

(i) a person who is unable to properly conduct the business, in light of the state of securing officers or employees that have sufficient knowledge and experience for conducting business and its organizational structure;

二　役員又は使用人のうちに、経歴、暴力団員による不当な行為の防止等に関する法律第二条第二号に規定する暴力団又は同条第六号に規定する暴力団員との関係その他の事情に照らして業務の運営に不適切な資質を有する者があることにより、海外投資家等特例業務の信用を失墜させるおそれがある者

(ii) a person who is likely to cause a loss of credibility of specially-permitted services for foreign investors, etc., due having an officer or employee with qualifications inappropriate for operating the business in light of the officer's or employee's personal history, relationship with an organized crime group as defined in Article 2, item (ii) of the Act on Prevention of Illegal Acts by Organized Crime Group Members, relationship with an organized crime group members as defined in item (vi) of that Article, or other circumstances;

（海外投資家等特例業務を適確に遂行するための必要な体制が整備されていると認められない者）

(Persons Who Are Found Not to Have Developed a System Necessary for Appropriately Conducting Specially Permitted Services for Foreign Investors)

第二百四十六条の十九　法第六十三条の九第六項第一号ハに規定する内閣府令で定める者は、海外投資家等特例業務を適確に遂行するための社内規則（海外投資家等以外の者が権利者となることを防止するための措置に関する規定を含むものに限る。）を作

成していない者又は当該社内規則を遵守するための体制を整備していない者とする。

Article 246-19 The person specified by Cabinet Office Order as prescribed in Article 63-9, paragraph (6), item (i), sub-item (c) of the Act is a person who has not created the internal rules for conducting specially permitted services for foreign investors, etc. in an appropriate manner (limited to internal rules that include provisions on measures to prevent persons other than foreign investors, etc. from becoming a right holder) or a person who has not established a system for complying with the internal rules.

（海外投資家等特例業務に係る届出事項の変更の届出）

(Notification of Change of Notified Matters Concerning Specially Permitted Services for Foreign Investors)

第二百四十六条の二十　法第六十三条の九第七項の規定により届出を行う海外投資家等特例業務届出者は、変更の内容、変更年月日及び変更の理由を記載した届出書に、別紙様式第二十一号の四により作成した変更後の内容を記載した書面及び当該書面の写しを添付して、海外投資家等特例業務届出所管金融庁長官等（令第四十二条第二項の規定により金融庁長官の指定を受けた海外投資家等特例業務届出者にあっては金融庁長官、それ以外の海外投資家等特例業務届出者にあっては海外投資家等特例業務届出管轄財務局長等をいう。以下同じ。）に提出しなければならない。

Article 246-20 (1) A notifier of specially permitted services for foreign investors, etc. that files a notification under the provisions of Article 63-9, paragraph (7) of the Act must submit a written notification stating the content of the change, the date of the change, and the reasons for the change, by attaching a document stating the changed content which is prepared by using the Appended Form No. 21-4 and a copy of the document, to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for the notification of specially permitted services for foreign investors, etc. (meaning the Commissioner of the Financial Services Agency in the case of a notifier of specially permitted services for foreign investors, etc. designated by the Commissioner of the Financial Services Agency pursuant to the provisions of Article 42, paragraph (2) of the Order, and the competent Director-General of a Local Finance Bureau, etc. for the notification of specially permitted services for foreign investors, etc. in the case of other notifiers of specially permitted services for foreign investors, etc.; the same applies hereinafter).

２　前項の届出書には、次の各号に掲げる場合の区分に応じ、当該各号に定める書類を添付するものとする。ただし、やむを得ない事由があるときは、当該届出書の提出後遅滞なく提出すれば足りる。

(2) The documents specified in the following items in accordance with the category of cases prescribed in each of those items are to be attached to the written notification referred to in the preceding paragraph; provided, however,

that if there are compelling reasons, it is sufficient to submit the documents after the submission of the written notification without delay:

一　法第六十三条の九第一項第一号に掲げる事項について変更があった場合　次に掲げる書類

(i) if there is any change to the matters set forth in Article 63-9, paragraph (1), item (i) of the Act: the following documents:

イ　当該変更に係る事項を記載した登記事項証明書（個人であるときは、住民票の抄本）又はこれに代わる書面

(a) a certificate of registered information stating the changed information (in the case of an individual, an extract of the resident record), or alternative documents; and

ロ　旧氏及び名を、氏名に併せて別紙様式第二十一号の四により作成した変更後の内容を記載した書面に記載した場合において、イに掲げる書類が当該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

(b) if the former surname and given name are stated together with the current name in a document stating the changed content which is prepared by using the Appended Form No. 21-4 and the document set forth in sub-item (a) is not a document certifying the former surname and given name, a document certifying the former surname and given name;

二　法第六十三条の九第一項第二号又は第六号に掲げる事項について変更があった場合　当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面

(ii) if there is any change to the matters set forth in Article 63-9, paragraph (1), item (ii) or (vi) of the Act: the certificate of registered information stating the changed information or alternative documents;

三　法第六十三条の九第一項第三号若しくは第四号に掲げる事項又は第二百四十六条の十三第四号イに掲げる事項について変更があった場合　次に掲げる書類

(iii) if there is any change to the matters set forth in Article 63-9, paragraph (1), item (iii) or (iv) of the Act or the matters set forth in Article 246-13, item (iv), sub-item (a): the following documents:

イ　役員に変更があった場合には、当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面

(a) if there is a change of officers, the certificate of registered information stating the changed information or alternative documents;

ロ　新たに役員又は重要な使用人となった者に係る次に掲げる書類

(b) the following documents related to the person that has newly become an officer or important employee:

（１）　履歴書（役員が法人であるときは、当該役員の沿革を記載した書面）

1. the resume (if an officer is a corporation, a document stating the background of the officer);

（２）　住民票の抄本（役員が法人であるときは、当該役員の登記事項証明書）又はこれに代わる書面

2. an extract of the resident record (if an officer is a corporation, the certificate of registered information of the officer) or alternative documents;

（３）　旧氏及び名を、氏名に併せて別紙様式第二十一号の四により作成した変更後の内容を記載した書面に記載した場合において、（２）に掲げる書類が当該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

3. if the former surname and given name are stated together with the current name in a document stating the changed content which is prepared by using the Appended Form No. 21-4 and the document set forth in 2. is not a document certifying the former surname and given name, a document certifying the former surname and given name;

（４）　法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

4. the certificate issued by a public agency certifying that the officers do not fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, or alternative documents;

（５）　法第二十九条の四第一項第二号イ又はハからリまでのいずれにも該当しない者であることを当該役員又は重要な使用人が誓約する書面

5. document in which the officers and important employees pledge that they do not fall under any of Article 29-4, paragraph (1), item (ii), sub-item (a), or sub-items (c) through (i) of the Act;

（６）　当該海外投資家等特例業務届出者が法人であるときは、法第六十三条の九第六項第二号イ（法第二十九条の四第一項第二号イに係る部分に限る。）に該当しないことを誓約する書面

6. if the notifier of specially permitted services for foreign investors, etc. is a corporation, a document pledging that they do not fall under Article 63-9, paragraph (6), item (ii), sub-item (a) of the Act (limited to the part related to Article 29-4, paragraph (1), item (ii), sub-item (a) of the Act); and

（７）　当該海外投資家等特例業務届出者が個人であるときは、法第六十三条の九第六項第三号イ（法第二十九条の四第一項第二号イに係る部分に限る。）に該当しないことを誓約する書面

7. if the notifier of specially permitted services for foreign investors, etc. is an individual, a document pledging that they do not fall under Article 63-9, paragraph (6), item (iii), sub-item (a) of the Act (limited to the part related to Article 29-4, paragraph (1), item (ii), sub-item (a) of the Act);

四　第二百四十六条の十三第四号ロに掲げる事項に変更があった場合　次に掲げる書類

(iv) if there is any change to the matters set forth in Article 246-13, item (iv), sub-item (b): the following documents:

イ　主要株主が保有する対象議決権の数を記載した書面

(a) a document stating the number of subject voting rights held by major shareholders;

ロ　新たに主要株主となった者がある場合において、当該主要株主が個人であるときは、法第六十三条の九第六項第二号ホに該当しないことを誓約する書面

(b) if there is a person who has newly become a major shareholder and the major shareholder is an individual, a document with which the person pledges that they do not fall under Article 63-9, paragraph (6), item (ii), sub-item (e) of the Act; and

ハ　新たに主要株主となった者がある場合において、当該主要株主が法人であるときは、法第六十三条の九第六項第二号ヘに該当しないことを誓約する書面

(c) if there is a person who has newly become a major shareholder and the major shareholder is a corporation, a document with which the person pledges that the corporation does not fall under Article 63-9, paragraph (6), item (ii), sub-item (f) of the Act.

３　第一項の届出書及び前項各号に定める書類は、英語で記載することができる。

(3) The written notification referred to in paragraph (1) and the documents specified in the items of the preceding paragraph may be written in English.

４　第一項の書面は、別紙様式第二十一号の四に準じて英語で作成することができる。

(4) The document referred to in paragraph (1) may be prepared in English in the same manner as the Appended Form No. 21-4.

（海外投資家等特例業務に該当しなくなった場合の届出）

(Notification in Cases Business No Longer Falls Under Specially Permitted Services for Foreign Investors)

第二百四十六条の二十一　法第六十三条の九第十項の規定により届出を行う海外投資家等特例業務届出者は、その旨、該当しなくなった年月日及び該当しなくなった理由を記載した届出書を海外投資家等特例業務届出所管金融庁長官等に提出しなければならない。

Article 246-21 (1) A notifier of specially permitted services for foreign investors, etc. that gives a notification pursuant to the provisions of Article 63-9, paragraph (10) of the Act must submit a written notification stating that fact, the date when the business has come to no longer fall under specially permitted services for foreign investors, etc., and the reasons for that, to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for the notification of specially permitted services for foreign investors, etc.

２　前項の届出書は、英語で記載することができる。

(2) The written notification referred to in the preceding paragraph may be written in English.

（海外投資家等特例業務届出者の地位の承継の届出）

(Notification of Succession of Status of Notifiers of Specially Permitted Services for Foreign Investors)

第二百四十六条の二十二　法第六十三条の十第二項の規定により届出を行う者は、次に掲げる事項を記載した届出書を、同条第一項の海外投資家等特例業務届出者に係る海外投資家等特例業務届出所管金融庁長官等に提出しなければならない。

Article 246-22 (1) A person that gives a notification pursuant to the provisions of Article 63-10, paragraph (2) of the Act must submit a written notification stating the following matters to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for the notification of specially permitted services for foreign investors, etc. related to the notifier of specially permitted services for foreign investors, etc. referred to in paragraph (1) of that Article:

一　承継した者の商号、名称又は氏名

(i) the trade name or name of the successor;

二　承継の年月日及び理由

(ii) the date of and the reasons for the succession;

三　承継の方法

(iii) the method of succession;

四　承継した者が法人であるときは、資本金の額又は出資の総額

(iv) if the successor is a corporation, the amount of stated capital or the total amount of contribution;

五　承継した者が法人であるときは、役員の氏名又は名称

(v) if the successor is a corporation, the names of officers;

六　承継した者に重要な使用人があるときは、その者の氏名

(vi) if the successor has important employees, their names;

七　承継した者の主たる営業所又は事務所（外国法人にあっては、国内における主たる営業所又は事務所を含む。第十号において同じ。）の名称及び所在地

(vii) the name and location of the principal business office or office (for a foreign corporation, including the principal business office or office in Japan; the same applies in item (x)) of the successor;

八　承継した者が海外投資家等特例業務を行う営業所又は事務所の名称及び所在地

(viii) the name and location of the business office or office if the successor conducts specially permitted services for foreign investors, etc.;

九　承継した者が他に事業を行っているときは、その事業の種類

(ix) if the successor conducts other business, the type of that business;

十　承継した者の主たる営業所又は事務所及び海外投資家等特例業務を行う営業所又は事務所の電話番号並びにホームページアドレス

(x) the telephone number and the URL of the website of the principal business office or office of the successor and the business office or office for conducting specially permitted services for foreign investors, etc.;

十一　承継した者が法人であるときは、主要株主に関する次に掲げる事項

(xi) if the successor is a corporation, the following matters concerning major shareholders:

イ　商号、名称又は氏名

(a) the trade name or name;

ロ　本店又は主たる事務所の所在地（個人にあっては、住所又は居所）

(b) the location of the head office or principal office (for an individual, the domicile or residence); and

ハ　法人であるときは、代表者の氏名

(c) for a corporation, the name of the representative;

十二　承継した者が外国法人であるときは、国内における代表者の所在地又は住所及び電話番号

(xii) if the successor is a foreign corporation, the location or domicile and telephone number of the representative in Japan.

２　前項の届出書には、次に掲げる書類を添付するものとする。ただし、やむを得ない事由があるときは、当該届出書の提出後遅滞なく提出すれば足りる。

(2) The following documents are to be attached to the written notification referred to in the preceding paragraph; provided, however, that if there are compelling reasons, it is sufficient to submit the documents after the submission of the written notification without delay:

一　業務に係る人的構成及び組織等の業務執行体制を記載した書面

(i) the documents stating the personnel structure and the system for conducting business of the organization;

二　海外投資家等特例業務に関する社内規則

(ii) internal rules concerning specially permitted services for foreign investors, etc.;

三　承継した者が法人であるときは、次に掲げる書類

(iii) if the successor is a corporation, the following documents:

イ　法第六十三条の九第六項第一号及び第二号（ニを除く。）に該当しないことを誓約する書面、定款（これに準ずるものを含む。）並びに法人の登記事項証明書（これに準ずるものを含む。）

(a) a document with which the successor pledges that the corporation does not fall under Article 63-9, paragraph (6), items (i) and (ii) (excluding sub-item (d)) of the Act, the articles of incorporation (including an equivalent document) and a certificate of registered information of the corporation (including an equivalent document);

ロ　役員及び重要な使用人の履歴書（役員が法人であるときは、当該役員の沿革を記載した書面）

(b) the resumes of the officers and important employees (if an officer is a corporation, a document stating the background of the officer);

ハ　役員及び重要な使用人の住民票の抄本（役員が法人であるときは、当該役員の

登記事項証明書）又はこれに代わる書面

(c) extracts of the resident records of the officers and important employees (if an officers is a corporation, the certificate of registered information of the officer) or alternative documents;

ニ　役員及び重要な使用人の旧氏及び名を当該役員及び重要な使用人の氏名に併せて前項の届出書に記載した場合において、ハに掲げる書類が当該役員及び重要な使用人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) if the former surname and given name of the officer or important employee are stated together with the name of the officer or important employee in a written notification referred to in the preceding paragraph, and the document set forth in sub-item (c) is not a document certifying the former surname and given name of the officer or important employee, a document certifying the former surname and given name;

ホ　役員及び重要な使用人が法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

(e) the certificate issued by a public agency certifying that the officers and important employees do not fall under of Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, or alternative documents;

ヘ　役員及び重要な使用人が法第二十九条の四第一項第二号イ又はハからリまでのいずれにも該当しない者であることを当該役員及び重要な使用人が誓約する書面

(f) a document with which the officers and important employees pledge that they do not fall under any of Article 29-4, paragraph (1), item (ii), sub-item (a), or sub-items (c) through (i) of the Act; and

ト　主要株主が保有する対象議決権の数を記載した書面

(g) a document stating the number of subject voting rights held by major shareholders;

四　承継した者が個人であるときは、次に掲げる書類

(iv) if the successor is an individual, the following documents:

イ　法第六十三条の九第六項第一号及び第三号に該当しないことを誓約する書面

(a) a document with which the successor pledges that they do not fall under Article 63-9, paragraph (6), items (i) and (iii) of the Act;

ロ　承継した者及び重要な使用人の履歴書

(b) the resumes of the successor and important employees;

ハ　承継した者及び重要な使用人の住民票の抄本又はこれに代わる書面

(c) extracts of the resident records of the successor and important employees, or alternative documents;

ニ　承継した者及び重要な使用人の旧氏及び名を当該承継した者及び重要な使用人の氏名に併せて前項の届出書に記載した場合において、ハに掲げる書類が当該承継した者及び重要な使用人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) if the former surname and given name of the successor and important

employee are stated together with the successor's or the important employee's name in a written notification referred to in the preceding paragraph, and the document set forth in sub-item (c) is not a document certifying the successor's or the important employee's former surname and given name, a document certifying the former surname and given name;

ホ　承継した者及び重要な使用人が法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

(e) a certificate issued by a public agency certifying that the successor and important employee do not fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, or alternative documents; and

ヘ　重要な使用人が法第二十九条の四第一項第二号イ又はハからリまでのいずれにも該当しない者であることを当該重要な使用人が誓約する書面

(f) a document with which the important employee pledges that they do not fall under any of Article 29-4, paragraph (1), item (ii), sub-item (a), or sub-items (c) through (i) of the Act.

３　第一項の届出書及び前項各号に掲げる書類は、英語で記載することができる。

(3) The written notification referred to in paragraph (1) and the documents set forth in the items of the preceding paragraph may be written in English.

（海外投資家等特例業務届出者が廃業等の届出を行う場合）

(Cases Notification of Discontinuation of Business Is Given by Notifiers of Specially Permitted Services for Foreign Investors)

第二百四十六条の二十三　法第六十三条の十第三項第三号に規定する内閣府令で定める場合は、次に掲げる場合とする。

Article 246-23 The cases specified by Cabinet Office Order as prescribed in Article 63-10, paragraph (3), item (iii) of the Act are as follows:

一　法人にあっては、次に掲げる場合

(i) if the notifier is a corporation, the following cases:

イ　法第二十九条の四第一項第一号イ（法又は金融サービスの提供に関する法律に相当する外国の法令の規定に係る部分に限る。）又はハに該当することとなった場合

(a) if the notifier has come to fall under Article 29-4, paragraph (1), item (i), sub-item (a) (limited to the part related to the provisions of foreign laws and regulations equivalent to the Act or the Act on the Provision of Financial Services) or sub-item (c);

ロ　役員又は重要な使用人が第百九十九条第二号イ又はロに該当することとなった事実を知った場合

(b) if the notifier has come becomes aware of the fact that any of their officers or important employees has come to fall under Article 199, item (ii), sub-item (a) or (b);

ハ　定款（これに準ずるものを含む。）を変更した場合

(c) if the articles of incorporation (including an equivalent document) have been changed; and

ニ　主要株主が第百九十九条第十一号ハ（１）から（４）までのいずれかに該当することとなった事実を知った場合

(d) if the notifier becomes aware of the fact that a major shareholder has come to fall under any of Article 199, item (xi), sub-item (c), 1. through 4.;

二　個人にあっては、次に掲げる場合

(ii) if the notifier is an individual, the following cases:

イ　第百九十九条第二号イ又は法第二十九条の四第一項第一号イ（法又は金融サービスの提供に関する法律に相当する外国の法令の規定に係る部分に限る。）若しくはハ若しくは第二号ロからチまで若しくはリ（同項第一号ハに規定する法律の規定に係る部分を除く。）に該当することとなった場合

(a) if the notifier has come to fall under Article 199, item (ii), sub-item (a) or Article 29-4, paragraph (1), item (i), sub-item (a) of the Act (limited to the part related to the provisions of foreign laws and regulations equivalent to the Act or the Act on the Provision of Financial Services) or sub-item (c), or item (ii), sub-items (b) through (h), or sub-item (i) of that paragraph (excluding the part related to the provisions of the Act prescribed in item (i), sub-item (c) of that paragraph); and

ロ　重要な使用人が第百九十九条第二号イ又はロに該当することとなった事実を知った場合

(b) if the notifier becomes aware of the fact that any of the important employees has come to fall under Article 199, item (ii), sub-item (a) or (b);

三　第二百四十六条の十四第一項第一号又は第二号に掲げる書類の内容に変更があった場合

(iii) if there is any change to the content of the documents set forth in Article 246-14, paragraph (1), item (i) or (ii);

四　役職員に法令等（外国の法令等を含む。）に反する行為（海外投資家等特例業務以外の業務に係るものにあっては、当該海外投資家等特例業務届出者の業務の運営又は財産の状況に重大な影響を及ぼすおそれのあるものに限る。以下この号及び次号並びに次条第一項第七号及び第八号において「事故等」という。）があったことを知った場合（事故等が第百十八条第一号イからニまで若しくは第二号イ若しくはロに掲げる行為又は同号ハに掲げる行為（法令に違反する行為を除く。）であって、過失による場合を除く。次号において同じ。）

(iv) if the notifier has become aware that an officer or employee has committed an act violating laws and regulations (including foreign laws and regulations, etc.) (for acts related to a business other than specially permitted services for foreign investors, etc., limited to acts which are likely to have a material impact on the management of business or status of property of the notifier of specially permitted services for foreign investors, etc.; hereinafter referred to as the "problematic conduct, etc." in this item and the following item, and

paragraph (1), items (vii) and (viii) of the following Article) (excluding the cases in which the problematic conduct, etc. falls under the act set forth in Article 118, item (i), sub-items (a) through (d) or item (ii), sub-item (a) or (b), or the act specified in sub-item (c) of that item (excluding acts in violation of laws and regulations), and the act was caused through negligence; the same applies in the following item);

五　前号の事故等の詳細が判明した場合

(v) if the details of the problematic conduct, etc. referred to in the preceding item have become clear;

六　訴訟若しくは調停（海外投資家等特例業務以外の業務に係るものにあっては、当該海外投資家等特例業務届出者の業務の運営又は財産の状況に重大な影響を及ぼすおそれがあるものに限る。）の当事者となった場合又は当該訴訟若しくは調停が終結した場合

(vi) if the notifier of specially permitted services for foreign investors, etc. has become a party to an action or a conciliation (for an action or a conciliation concerning business other than specially permitted services for foreign investors, etc., limited to those that are likely to have a material impact on the management of business or status of property of the notifier of specially permitted services for foreign investors, etc.), or if the action or conciliation has been concluded; and

七　法に相当する外国の法令に基づく行政官庁の不利益処分を受けた場合（海外投資家等特例業務に関するものに限り、法第二十九条の四第一項第一号イに該当する場合を除く。）

(vii) if the notifier has been rendered an adverse disposition by an administrative agency based on foreign laws and regulations equivalent to the Act (limited to those related to specially permitted services for foreign investors, etc. and excluding the cases falling under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act).

（海外投資家等特例業務届出者の廃業等の届出）

(Notification of Discontinuation Given by Notifiers of Specially Permitted Services for Foreign Investors)

第二百四十六条の二十四　法第六十三条の十第三項の規定により届出を行う海外投資家等特例業務届出者は、次の各号に掲げる場合の区分に応じ、当該各号に定める事項を記載した届出書を海外投資家等特例業務届出所管金融庁長官等に提出しなければならない。

Article 246-24 (1) A notifier of specially permitted services for foreign investors, etc. that gives a notification pursuant to the provisions of Article 63-10, paragraph (3) of the Act must submit a written notification stating the matters specified in the following items in accordance with the category of the cases set forth in each of those items to the Commissioner of the Financial Services

Agency or the competent Director-General of a Local Finance Bureau for the notification of specially permitted services for foreign investors, etc.:

一　法第六十三条の十第三項第一号に該当する場合　休止の期間又は再開の年月日及び休止又は再開の理由

(i) if the case falls under Article 63-10, paragraph (3), item (i) of the Act: the period of suspension or date of resumption, and the reasons for that;

二　法第六十三条の十第三項第二号に該当する場合　廃止の年月日及び理由

(ii) if the case falls under Article 63-10, paragraph (3), item (ii) of the Act: the date of and the reasons for the discontinuation; and

三　前条第一号イ又は第二号イに該当する場合　次のイからハまでに掲げる場合の区分に応じ、当該イからハまでに掲げる事項

(iii) if the case falls under item (i), sub-item (a) or item (ii), sub-item (a) of the preceding Article: the matters set forth in the following sub-items (a) through (c) in accordance with the category of the cases set forth in the sub-items (a) through (c):

イ　法第二十九条の四第一項第一号イ（法又は金融サービスの提供に関する法律に相当する外国の法令の規定に係る部分に限る。）に該当することとなった場合にあっては、次に掲げる事項

(a) if the case has come to fall under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act (limited to the part related to the provisions of foreign laws and regulations equivalent to the Act or the Act on the Provision of Financial Services), the following matters:

（１）　法若しくは金融サービスの提供に関する法律に相当する外国の法令の規定により当該海外投資家等特例業務届出者が当該外国において受けている登録等又は法若しくは金融サービスの提供に関する法律に相当する外国の法令の規定により当該海外投資家等特例業務届出者が当該外国において行った法第六十三条第二項、第六十三条の三第一項、第六十三条の九第一項若しくは第六十三条の十一第一項の規定による届出と同種類の届出の内容

1. the content of the same type of registration, etc. obtained by the notifier of specially permitted services for foreign investors, etc. in the foreign country pursuant to the laws and regulations of that foreign country which are equivalent to the Act or the Act on the Provision of Financial Services, or the same type of notification under the provisions of Article 63, paragraph (2), Article 63-3, paragraph (1), Article 63-9, paragraph (1), or Article 63-11, paragraph (1) of the Act given by the notifier of specially permitted services for foreign investors, etc. in the foreign country pursuant to foreign laws and regulations equivalent to the Act or the Act on the Provision of Financial Services;

（２）　当該登録等又は届出の年月日

2. the date of the registration, etc. or notification;

（３）　当該登録等を取り消され、又は当該届出に係る業務の廃止を命ぜられた

年月日及び理由

3. the date of and the reasons for the revocation of the registration, etc. or order for suspension of the business related to the notification; and

（４）　当該登録等を取り消され、又は当該届出に係る業務の廃止を命ぜられた業務の内容

4. the content of the business for which the registration, etc. has been revoked or suspension of the business related to the notification has been ordered;

ロ　法第二十九条の四第一項第一号ハに該当することとなった場合にあっては、次に掲げる事項

(b) if the case has come to fall under Article 29-4, paragraph (1), item (i), sub-item (c) of the Act, the following matters:

（１）　違反した法令の規定

1. the provisions of the laws and regulations which have been violated; and

（２）　刑の確定した年月日及び罰金の額

2. the date when the punishment became final and binding, and the amount of the fine;

ハ　個人である海外投資家等特例業務届出者が第百九十九条第二号イ又は法第二十九条の四第一項第二号ロからチまで若しくはリ（同項第一号ハに規定する法律の規定に係る部分を除く。（３）において同じ。）に該当することとなった場合にあっては、次に掲げる事項

(c) if the notifier of specially permitted services for foreign investors, etc. who is an individual has come to fall under Article 199, item (ii), sub-item (a) or Article 29-4, paragraph (1), item (ii), sub-items (b) through (h), or sub-item (i) of the Act (excluding the part related to the provisions of the Act specified in item (i), sub-item (c) of that paragraph; the same applies in 3.), the following matters:

（１）　第百九十九条第二号イに該当することとなった場合にあっては、該当することとなった年月日及び理由

1. when the notifier has come to fall under Article 199, item (ii), sub-item (a), the date when they came to fall under those provisions and the reasons for that;

（２）　法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定を受けた年月日

2. when the notifier has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, the date when they became subject to the order for commencement of bankruptcy proceedings;

（３）　法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、刑の確定した年月日及び刑の種類

3. when the notifier has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, the date when the punishment

became final and binding, and the type of punishment;

（４）　法第二十九条の四第一項第二号ニ又はホに該当することとなった場合にあっては、取り消され、又は命ぜられた年月日及び理由

4. when the notifier has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, the date of revocation or order, and the reasons for that;

（５）　法第二十九条の四第一項第二号ヘ又はトに該当することとなった場合にあっては、行政手続法第十五条の規定による通知があった年月日及びその理由並びに法第五十条の二第一項、第六十条の七（法第六十条の十四第二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。）、第六十三条の二第二項、第三項（法第六十三条の三第二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。）若しくは第四項、第六十三条の十第二項、第三項（法第六十三条の十一第二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。）若しくは第四項、第六十六条の十九第一項、第六十六条の四十第一項若しくは第六十六条の六十一第一項又は金融サービスの提供に関する法律第十六条第三項の規定による届出をした年月日及びその理由

5. when the notifier has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (f) or (g) of the Act, the date of and the reasons for the notice under the provisions of Article 15 of the Administrative Procedure Act to be given, and the date of and the reasons for making the notification under the provisions of Article 50-2, paragraph (1), Article 60-7 (including as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act; hereinafter the same applies in this Article), Article 63-2, paragraph (2), paragraph (3) (including as applied mutatis mutandis pursuant to Article 63-3, paragraph (2) of the Act; hereinafter the same applies in this Article) or paragraph (4), Article 63-10, paragraph (2), paragraph (3) (including as applied mutatis mutandis pursuant to Article 63-11, paragraph (2) of the Act; hereinafter the same applies in this Article) or paragraph (4), Article 66-19, paragraph (1), Article 66-40, paragraph (1) or Article 66-61, paragraph (1) of the Act, or Article 16, paragraph (3) of the Act on the Provision of Financial Services; and

（６）　法第二十九条の四第一項第二号チに該当することとなった場合にあっては、解任又は解職を命ぜられた年月日及び理由

6. when the notifier has come to fall under Article 29-4, paragraph (1), item (ii), (h) of the Act, the date when removal or dismissal has been ordered, and the reasons for that;

四　前条第一号ロ又は第二号ロに該当する場合　次に掲げる事項

(iv) if the case falls under item (i), sub-item (b) or item (ii), sub-item (b) of the preceding Article: the following matters:

イ　第百九十九条第二号イ又はロに該当することとなった役員又は重要な使用人の

氏名又は名称

(a) the name of the officer or important employee that has come to fall under Article 199, item (ii), sub-item (a) or (b);

ロ　当該役員又は重要な使用人が第百九十九条第二号イに該当することとなった場合にあっては、該当することとなった年月日及び理由

(b) if the officer or important employee has come to fall under Article 199, item (ii), sub-item (a), the date when the officer or important employee came to fall under the provisions and the reasons for that;

ハ　当該役員又は重要な使用人が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定を受けた年月日

(c) if the officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, the date when the officer or important employee became subject to the order for commencement of bankruptcy proceedings;

ニ　当該役員又は重要な使用人が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、刑の確定した年月日及び刑の種類

(d) if the officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, the date when the punishment became final and binding, and the type of punishment;

ホ　当該役員又は重要な使用人が法第二十九条の四第一項第二号ニ又はホに該当することとなった場合にあっては、取り消され、又は命ぜられた年月日及び理由

(e) if the officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, the date of revocation or order, and the reasons for that;

ヘ　当該役員又は重要な使用人が法第二十九条の四第一項第二号ヘ又はトに該当することとなった場合にあっては、行政手続法第十五条の規定による通知があった年月日及びその理由並びに法第五十条の二第一項、第六十条の七、第六十三条の二第二項から第四項まで、第六十三条の十第二項から第四項まで、第六十六条の十九第一項、第六十六条の四十第一項若しくは第六十六条の六十一第一項又は金融サービスの提供に関する法律第十六条第三項の規定による届出をした年月日及びその理由

(f) if the officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (f) or (g) of the Act, the date of and the reasons for the notice under the provisions of Article 15 of the Administrative Procedure Act to be given and the date of and the reasons for making the notification under the provisions of Article 50-2, paragraph (1), Article 60-7, Article 63-2, paragraphs (2) through (4), Article 63-10, paragraphs (2) through (4), Article 66-19, paragraph (1), Article 66-40, paragraph (1), or Article 66-61, paragraph (1) of the Act, or Article 16, paragraph (3) of the Act on the Provision of Financial Services; and

ト　当該役員又は重要な使用人が法第二十九条の四第一項第二号チに該当すること

となった場合にあっては、解任又は解職を命ぜられた年月日及び理由

(g) if the officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (h) of the Act, the date when the removal or dismissal has been ordered, and the reasons for that;

五　前条第一号ハ又は第三号に該当する場合　次に掲げる事項

(v) if the case falls under item (i), sub-item (c), or item (iii) of the preceding Article: the following matters:

イ　変更の内容及び理由

(a) the content of and the reasons for the change; and

ロ　変更の年月日

(b) the date of the change;

六　前条第一号ニに該当する場合　次のイ及びロに掲げる場合の区分に応じ、当該イ及びロに掲げる事項

(vi) if the case falls under item (i), sub-item (d) of the preceding Article: the matters set forth in the following sub-items (a) and (b) in accordance with the category of cases set forth in the sub-items (a) and (b):

イ　主要株主が第百九十九条第十一号ハ（１）又は（２）に該当することとなった事実を知った場合にあっては、次に掲げる事項

(a) if the notifier becomes aware of the fact that a major shareholders has come to fall under Article 199, item (xi), sub-item (c), 1. or 2., the following matters:

（１）　該当することとなった主要株主の氏名

1. the name of the major shareholder that has come to fall under the provisions;

（２）　当該主要株主が第百九十九条第十一号ハ（１）に該当することとなった場合にあっては、該当することとなった年月日及び理由

2. if the major shareholder has come to fall under Article 199, item (xi), sub-item (c), 1., the date when the major shareholder came to fall under such provision and the reasons therefor;

（３）　当該主要株主又は代理人が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定を受けた年月日

3. if the major shareholder or an agent has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, the date when the major shareholder or the agent has become subject to order for commencement of bankruptcy proceedings;

（４）　当該主要株主又は代理人が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、刑の確定した年月日及び刑の種類

4. if the major shareholder or an agent has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, the date when the punishment became final and binding, and the type of punishment;

（５）　当該主要株主又は代理人が法第二十九条の四第一項第二号ニ又はホに該

当することとなった場合にあっては、取り消され、又は命ぜられた年月日及び理由

5. if the major shareholder or an agent has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, the date of revocation or order, and the reasons for that;

（６）　当該主要株主又は代理人が法第二十九条の四第一項第二号ヘ又はトに該当することとなった場合にあっては、行政手続法第十五条の規定による通知があった年月日及びその理由並びに法第五十条の二第一項、第六十条の七、第六十三条の二第二項から第四項まで、第六十三条の十第二項から第四項まで、第六十六条の十九第一項、第六十六条の四十第一項若しくは第六十六条の六十一第一項又は金融サービスの提供に関する法律第十六条第三項の規定による届出をした年月日及びその理由

6. if the major shareholder or an agent has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (f) or (g) of the Act, the date of and the reasons for the notice under the provisions of Article 15 of the Administrative Procedure Act to be given and the date of and the reasons for making the notification under the provisions of Article 50-2, paragraph (1), Article 60-7, Article 63-2, paragraphs (2) through (4), Article 63-10, paragraphs (2) through (4), Article 66-19, paragraph (1), Article 66-40, paragraph (1), or Article 66-61, paragraph (1) of the Act, or Article 16, paragraph (3) of the Act on the Provision of Financial Services; and

（７）　当該主要株主又は代理人が法第二十九条の四第一項第二号チに該当することとなった場合にあっては、解任又は解職を命ぜられた年月日及び理由

7. if the major shareholder or an agent has come to fall under Article 29-4, paragraph (1), item (ii), (h) of the Act, the date when removal or dismissal has been ordered, and the reasons for that;

ロ　主要株主が第百九十九条第十一号ハ（３）又は（４）に該当することとなった事実を知った場合にあっては、次に掲げる事項

(b) if the notifier becomes aware of the fact that a major shareholder has come to fall under Article 199, item (xi), sub-item (c), 3. or 4.: the following matters:

（１）　該当することとなった主要株主の商号又は名称

1. the trade name or name of the major shareholder that has come to fall under the provisions;

（２）　当該主要株主が法第二十九条の四第一項第一号イに該当する場合にあっては、当該主要株主が受けている登録等の内容及び年月日並びに当該登録等を取り消された年月日、理由及び業務の内容又は当該主要株主が行った法第六十三条第二項、第六十三条の三第一項、第六十三条の九第一項若しくは第六十三条の十一第一項の規定による届出の内容及び年月日並びに当該届出に係る業務の廃止を命ぜられた年月日、理由及び業務の内容

2. if the major shareholder falls under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act, the content and date of the registration, etc. granted to the major shareholder, and the date of and reasons for making the revocation of the registration, etc., and content of the business for which the registration, etc. has been revoked, or the content and date of the notification under the provisions of Article 63, paragraph (2), Article 63-3, paragraph (1), Article 63-9, paragraph (1), or Article 63-11, paragraph (1) of the Act given by the major shareholder, and the date and reasons for the order of discontinuation of business for which the notification has been given and the content of that business;

（３）　当該主要株主が法第二十九条の四第一項第一号ロに該当する場合にあっては、行政手続法第十五条の規定による通知があった年月日及びその理由並びに法第五十条の二第一項、第六十条の七、第六十三条の二第二項若しくは第三項、第六十三条の十第二項若しくは第三項、第六十六条の十九第一項、第六十六条の四十第一項若しくは第六十六条の六十一第一項又は金融サービスの提供に関する法律第十六条第三項の規定による届出をした年月日及びその理由

3. if the major shareholder falls under Article 29-4, paragraph (1), item (i), sub-item (b) of the Act, the date of and the reasons for the notice under the provisions of Article 15 of the Administrative Procedure Act to be given, and the date of and the reasons for making the notification under the provisions of Article 50-2, paragraph (1), Article 60-7, Article 63-2, paragraph (2) or (3), Article 63-10, paragraph (2) or (3), Article 66-19, paragraph (1), Article 66-40, paragraph (1) or Article 66-61, paragraph (1) of the Act, or Article 16, paragraph (3) of the Act on the Provision of Financial Services;

（４）　当該主要株主が法第二十九条の四第一項第一号ハに該当する場合にあっては、違反した法令の規定、刑の確定した年月日及び罰金の額

4. if the major shareholder falls under Article 29-4, paragraph (1), item (i), sub-item (c) of the Act, the provisions of the laws and regulations violated, the date when the punishment became final and binding, and the amount of the fine;

（５）　当該主要株主が第百九十九条第十一号ハ（４）に該当することとなった場合にあっては、同号ハ（４）（ｉ）又は（ｉｉ）に該当することとなった法人を代表する役員の氏名又は名称

5. if the major shareholder has come to fall under Article 199, item (xi), sub-item (c), 4., the name of the officer representing the corporation which has come to fall under either of sub-item (c), 4, i. or ii. of that item;

（６）　当該主要株主である法人を代表する役員が第百九十九条第十一号ハ

（４）（ｉ）に該当することとなった場合にあっては、該当することとなった年月日及び理由

6. if the officer representing the corporation that is the major shareholder has come to fall under Article 199, item (xi), sub-item (c), 4., i., the date when the officer came to fall under the provisions and the reasons for that;

（７）　当該主要株主である法人を代表する役員が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定を受けた年月日

7. if the officer representing the corporation that is the major shareholder has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, the date when the officer became subject to an order for commencement of bankruptcy proceedings;

（８）　当該主要株主である法人を代表する役員が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、刑の確定した年月日及び刑の種類

8. if the officer representing the corporation that is the major shareholder has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, the date when the punishment became final and binding, and the type of punishment;

（９）　当該主要株主である法人を代表する役員が法第二十九条の四第一項第二号ニ又はホに該当することとなった場合にあっては、取り消され、又は命ぜられた年月日及び理由

9. if the officer representing the corporation that is the major shareholder has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, the date of revocation or order, and the reasons for that;

（１０）　当該主要株主である法人を代表する役員が法第二十九条の四第一項第二号ヘ又はトに該当することとなった場合にあっては、行政手続法第十五条の規定による通知があった年月日及びその理由並びに法第五十条の二第一項、第六十条の七、第六十三条の二第二項から第四項まで、第六十三条の十第二項から第四項まで、第六十六条の十九第一項、第六十六条の四十第一項若しくは第六十六条の六十一第一項又は金融サービスの提供に関する法律第十六条第三項の規定による届出をした年月日及びその理由

10. if the officer representing the corporation that is the major shareholder has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (f) or (g) of the Act, the date of and the reasons for the notice under the provisions of Article 15 of the Administrative Procedure Act to be given and the date of and the reasons for making the notification under the provisions of Article 50-2, paragraph (1), Article 60-7, Article 63-2, paragraphs (2) through (4), Article 63-10, paragraphs (2) through (4),

Article 66-19, paragraph (1), Article 66-40, paragraph (1), or Article 66-61, paragraph (1) of the Act, or Article 16, paragraph (3) of the Act on the Provision of Financial Services; and

（１１）　当該主要株主である法人を代表する役員が法第二十九条の四第一項第二号チに該当することとなった場合にあっては、解任又は解職を命ぜられた年月日及び理由

11. if the officer representing the corporation that is the major shareholder has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (h) of the Act, the date when removal or dismissal has been ordered, and the reasons for that;

七　前条第四号に該当する場合　次に掲げる事項

(vii) if the case falls under item (iv) of the preceding Article; the following matters:

イ　事故等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 in which the problematic conduct, etc. has occurred;

ロ　事故等を惹起した役職員の氏名又は名称及び役職名

(b) the affiliation, name, and title of the officer or employee that has caused the problematic conduct, etc.; and

ハ　事故等の概要

(c) an outline of the problematic conduct, etc.;

八　前条第五号に該当する場合　次に掲げる事項

(viii) if the case falls under item (v) of the preceding Article: the following matters:

イ　事故等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 in which the problematic conduct, etc. has occurred;

ロ　事故等を惹起した役職員の氏名又は名称及び役職名

(b) the affiliation, name, and title of the officer or employee that has caused the problematic conduct, etc.; and

ハ　事故等の詳細

(c) the details of the problematic conduct, etc.; and

ニ　社内処分を行った場合はその内容

(d) if in-house punishment has been taken, its content;

九　前条第六号に該当する場合　次のイ及びロに掲げる場合の区分に応じ、当該イ及びロに掲げる事項

(ix) if the case falls under item (vi) of the preceding Article: the matters set forth in the following sub-item (a) and (b) in accordance with the category of cases set forth in the sub-items (a) and (b):

イ　訴訟又は調停の当事者となった場合にあっては、次に掲げる事項

(a) in the case the person has become a party to an action or a conciliation,

the following matters:

（１）　訴訟又は調停の当事者の氏名又は名称及び住所

1. the name and domicile of the party of an action or a conciliation;

（２）　訴訟の提起又は調停の申立てが行われた年月日

2. the date when the action or conciliation has been filed;

（３）　管轄裁判所名

3. the name of the court with jurisdiction; and

（４）　事件の内容

4. the content of the case;

ロ　訴訟又は調停が終結した場合にあっては、次に掲げる事項

(b) if the action or conciliation has been concluded, the following matters:

（１）　訴訟又は調停の当事者の氏名又は名称及び住所

1. the name and domicile of the party to the action or conciliation;

（２）　訴訟又は調停が終結した年月日

2. the date when the action or conciliation was concluded; and

（３）　判決又は和解の内容

3. the content of the judgment or settlement;

十　前条第七号に該当する場合　次に掲げる事項

(x) if the case falls under item (vii) of the preceding Article: the following matters:

イ　不利益処分の内容

(a) the content of the adverse disposition; and

ロ　不利益処分を受けた年月日及び理由

(b) the date when the person has become subject to the adverse disposition and the reasons for that.

２　前項の届出書は、英語で記載することができる。

(2) The written notification referred to in the preceding paragraph may be written in English.

（海外投資家等特例業務届出者の廃業等の届出書に添付すべき書類）

(Documents Required to Be Attached to Written Notification for Discontinuation of Business by Notifiers of Specially Permitted Services for Foreign Investors)

第二百四十六条の二十五　法第六十三条の十第三項の規定により届出を行う海外投資家等特例業務届出者は、前条第一項に規定する事項を記載した届出書に、次の各号に掲げる場合の区分に該当する場合には、当該各号に定める書類を添付しなければならない。

Article 246-25 (1) If a notifier of specially permitted services for foreign investors, etc. that gives a notification pursuant to the provisions of Article 63-10, paragraph (3) of the Act falls under any of the category of the cases set forth in the following items, they must attach the document set forth in each of

those items to the written notification that states the matters prescribed in paragraph (1) of the preceding Article:

一　第二百四十六条の二十三第一号イ又は第二号イに該当する場合　次のイからハまでに掲げる場合の区分に応じ、当該イからハまでに掲げる書類

(i) if the case falls under Article 246-23, item (i), sub-item (a) or item (ii), sub-item (a): the matters set forth in the following sub-items (a) through (c) in accordance with the category of the cases set forth in the sub-items (a) through (c):

イ　法第二十九条の四第一項第一号イ（法又は金融サービスの提供に関する法律に相当する外国の法令の規定に係る部分に限る。）に該当することとなった場合にあっては、次に掲げる書類

(a) when the case has come to fall under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act (limited to the part related to the provisions of foreign laws and regulations equivalent to the Act or the Act on the Provision of Financial Services), the following documents:

（１）　取消し又は廃止を命ずる書面の写し又はこれに代わる書面

1. a copy of the document ordering revocation or discontinuation of business, or alternative documents; and

（２）　当該外国の法令及びその訳文

2. a copy of the laws and regulations of the foreign country and their Japanese translation;

ロ　法第二十九条の四第一項第一号ハに該当することとなった場合にあっては、確定判決の判決書の写し又は確定判決の内容を記載した書面

(b) when the case has come to fall under Article 29-4, paragraph (1), item (i), sub-item (c) of the Act, a copy of the judgment document on the final and binding judgment, or a document stating the content of the final and binding judgment;

ハ　個人である海外投資家等特例業務届出者が法第二十九条の四第一項第二号ロからホまで若しくはリ（同項第一号ハに規定する法律の規定に係る部分を除く。（２）において同じ。）に該当することとなった場合にあっては、次に掲げる書類

(c) when the notifier of specially permitted services for foreign investors, etc. who is an individual has come to fall under Article 29-4, paragraph (1), item (ii), sub-items (b) through (e) or sub-item (i) of the Act (excluding the part related to the provisions of the Act prescribed in item (i), sub-item (c) of that paragraph; the same applies in 2.), the following documents:

（１）　当該海外投資家等特例業務届出者が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定の裁判書の写し又は破産手続開始の決定の内容を記載した書面

1. if the notifier of specially permitted services for foreign investors, etc. has come to fall under Article 29-4, paragraph (1), item (ii), sub-item

(b) of the Act, a copy of the written judgment on an order for commencement of bankruptcy proceedings, or the document stating the content of the order for commencement of bankruptcy proceedings;

（２）　当該海外投資家等特例業務届出者が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、確定判決の判決書の写し又は確定判決の内容を記載した書面

2. if the notifier of specially permitted services for foreign investors, etc. has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, a copy of the judgment document on the final and binding judgment, or a document stating the content of the final and binding judgment; and

（３）　当該海外投資家等特例業務届出者が法第二十九条の四第一項第二号ニ又はホに該当することとなった場合で、外国において取り消され、又は命ぜられた場合にあっては、取消し又は廃止を命ずる書面の写し又はこれに代わる書面並びに取消し又は廃止の根拠となる外国の法令及びその訳文

3. if the notifier of specially permitted services for foreign investors, etc. has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, and if revocation has been made or order has been given in a foreign country, a copy of the document ordering revocation or discontinuation of business or alternative documents, and a copy of foreign laws and regulations that serve as the basis of the revocation or discontinuation of business and their Japanese translation;

二　第二百四十六条の二十三第一号ロ又は第二号ロ（これらの規定のうち第百九十九条第二号ロに係る部分に限る。）に該当する場合　次に掲げる書類

(ii) if the case falls under Article 246-23, item (i), sub-item (b) or item (ii), sub-item (b) (limited to the part related to Article 199, item (ii), sub-item (b) among those provisions): the following documents:

イ　役員又は重要な使用人が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定の裁判書の写し又は破産手続開始の決定の内容を記載した書面

(a) if the officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, a copy of the written judgment on the order for commencement of bankruptcy proceedings, or the document stating the content of the order for commencement of bankruptcy proceedings;

ロ　役員又は重要な使用人が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、確定判決の判決書の写し又は確定判決の内容を記載した書面

(b) if the officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, a copy of the judgment document on the final and binding judgment, or a document

stating the content of the final and binding judgment; and

ハ　役員又は重要な使用人が法第二十九条の四第一項第二号ニ又はホに該当することとなった場合で、外国において取り消され、又は命ぜられた場合にあっては、取消し又は廃止の根拠となる外国の法令及びその訳文

(c) if the officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, and revocation has been made or order has given in a foreign country, a copy of the foreign laws and regulations that serves as the basis of revocation or discontinuation of business and their Japanese translation;

三　第二百四十六条の二十三第一号ハに該当する場合　変更後の定款（これに準ずるものを含む。）

(iii) if the case falls under Article 246-23, item (i), sub-item (c): the amended articles of incorporation (including an equivalent document);

四　第二百四十六条の二十三第一号ニに該当する場合　次のイ及びロに掲げる場合の区分に応じ、当該イ及びロに掲げる書類

(iv) the cases falling under Article 246-23, item (i), (d): documents set forth in the following sub-items (a) and (b) in accordance with the category of the cases set forth in the sub-items (a) and (b):

イ　主要株主が第百九十九条第十一号ハ（１）又は（２）に該当することとなった事実を知った場合にあっては、次に掲げる書類

(a) if the notifier becomes aware of the fact that a major shareholder has come to fall under Article 199, item (xi), sub-item (c), 1. or 2., the following documents:

（１）　当該主要株主又は代理人が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定の裁判書の写し又は破産手続開始の決定の内容を記載した書面

1. if the major shareholder or an agent has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, a copy of the written judgment on the order for commencement of bankruptcy proceedings, or the document stating the content of the order for commencement of bankruptcy proceedings;

（２）　当該主要株主又は代理人が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、確定判決の判決書の写し又は確定判決の内容を記載した書面

2. if the major shareholder or an agent has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, a copy of the judgment document on the final and binding judgment, or a document stating the content of the final and binding judgment;

（３）　当該主要株主又は代理人が外国において刑に処せられた場合にあっては、刑の根拠となった外国の法令及びその訳文

3. if the major shareholder or an agent has been punished in a foreign

country, a copy of foreign laws and regulations that has served as the basis of the punishment and their Japanese translation; and

（４）　当該主要株主又は代理人が外国において登録等を取り消され、又は業務の廃止を命ぜられた場合にあっては、登録等の取消し又は業務の廃止の根拠となる外国の法令及びその訳文

4. if the major shareholder or an agent has had an registration, etc. revoked or has been ordered to discontinue their business in a foreign country, a copy of foreign laws and regulations that serves as the basis of revocation of registration, etc. or discontinuation of business and their Japanese translation;

ロ　主要株主が第百九十九条第十一号ハ（３）又は（４）（ｉｉ）に該当することとなった事実を知った場合にあっては、次に掲げる書類

(b) if the notifier becomes aware of the fact that a major shareholder has come to fall under Article 199, item (xi), sub-item (c), 3. or 4., ii., the following documents:

（１）　当該主要株主が法第二十九条の四第一項第一号イに該当することとなった場合にあっては、取消し又は廃止を命ずる書類の写し又はこれに代わる書面

1. if the major shareholder has come to fall under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act, a copy of the document ordering revocation or discontinuation of business or alternative documents;

（２）　当該主要株主が法第二十九条の四第一項第一号イ又は主要株主である法人を代表する役員が同項第二号ニ若しくはホに該当する場合で、外国において登録等を取り消され、又は業務の廃止を命ぜられた場合にあっては、取消し又は廃止の根拠となった外国の法令及びその訳文

2. if the major shareholder falls under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act or if the officer representing the corporation that is a major shareholder falls under item (ii), sub-item (d) or (e) of that paragraph, and registration, etc. has been revoked or discontinuation of business has been ordered in a foreign country, a copy of foreign laws and regulations that has served as the basis of the revocation or discontinuation of business and their Japanese translation;

（３）　当該主要株主が法第二十九条の四第一項第一号ハに該当することとなった場合又は当該主要株主である法人を代表する役員が同項第二号ハ若しくはリに該当することとなった場合にあっては、確定判決の判決書の写し又は確定判決の内容を記載した書面

3. if the major shareholder has come to fall under Article 29-4, paragraph (1), item (i), sub-item (c) of the Act or if the officer representing the corporation that is a major shareholder falls under item (ii), sub-item (c) or (i) of that paragraph, a copy of the judgment document on the

final and binding judgment, or a document stating the content of the final and binding judgment; and

（４）　当該主要株主である法人を代表する役員が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定の裁判書の写し又は破産手続開始の決定の内容を記載した書面

4. if an officer representing the corporation that is a major shareholder has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, a copy of the written judgment on the order for commencement of bankruptcy proceedings, or the document stating the content of the order for commencement of bankruptcy proceedings;

五　第二百四十六条の二十三第三号に該当する場合　変更後の第二百四十六条の十四第一項第一号又は第二号に掲げる書類

(v) if the case falls under Article 246-23, item (iii): the document set forth in Article 246-14, paragraph (1), item (i) or (ii) after it has been changed; and

六　第二百四十六条の二十三第七号に該当する場合　当該不利益処分を規定する外国の法令及びその訳文

(vi) if the case falls under Article 246-23, item (vii): a copy of foreign laws and regulations that provide for the adverse disposition, and their Japanese translation.

２　前項各号に定める書類は、英語で記載することができる。

(2) The documents specified in the items of the preceding paragraph may be written in English.

（海外投資家等特例業務届出者の解散の届出）

(Notification of Dissolution of Notifiers of Specially Permitted Services for Foreign Investors)

第二百四十六条の二十六　法第六十三条の十第四項の規定により届出を行う者は、解散の年月日及び理由を記載した届出書を、当該届出に係る海外投資家等特例業務届出者が令第四十二条第二項の規定により金融庁長官の指定を受けた海外投資家等特例業務届出者の場合にあっては金融庁長官、それ以外の海外投資家等特例業務届出者の場合にあっては当該海外投資家等特例業務届出者の本店等の所在地を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては、福岡財務支局長）に提出しなければならない。

Article 246-26 (1) A person that gives a notification pursuant to the provisions of Article 63-10, paragraph (4) of the Act must submit a written notification stating the date of the dissolution and the reasons for the dissolution to the Commissioner of the Financial Services Agency if the notifier of specially permitted services for foreign investors, etc. related to the notification has been designated by the Commissioner of the Financial Services Agency pursuant to the provisions of Article 42, paragraph (2) of the Order, or to the Director-General of a Local Finance Bureau who has jurisdiction over the

locality of the head office, etc. of the notifier of specially permitted services for foreign investors, etc. (if the locality falls within the jurisdictional area of the Fukuoka Local Finance Branch Bureau, to its Director-General) for other notifiers of specially permitted services for foreign investors, etc.

２　前項の届出書は、英語で記載することができる。

(2) The written notification referred to in the preceding paragraph may be written in English.

（金融商品取引業者による海外投資家等特例業務に係る届出）

(Notification Concerning Specially Permitted Services for Foreign Investors Given by Financial Instruments Business Operators)

第二百四十六条の二十七　法第六十三条の十一第一項の規定により届出を行う金融商品取引業者は、別紙様式第二十一号の六により作成した海外投資家等特例業務に関する届出書に、当該届出書の写しを添付して、所管金融庁長官等に提出しなければならない。

Article 246-27 (1) A financial instruments business operator that gives a notification pursuant to the provisions of Article 63-11, paragraph (1) of the Act must submit a written notification of the specially permitted services for foreign investors, etc. prepared by using the Appended Form No. 21-6 to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Financial Bureau, by attaching a copy of the notification.

２　法第六十三条の十一第一項又は同条第二項において読み替えて準用する法第六十三条の九第七項に規定する内閣府令で定める事項は、第二百四十六条の十三第一号から第三号までに掲げる事項とする。

(2) The matters specified by Cabinet Office Order as prescribed in Article 63-11, paragraph (1) of the Act or Article 63-9, paragraph (7) of the Act as applied mutatis mutandis pursuant to paragraph (2) of that Article following the deemed replacement of terms are the matters set forth in Article 246-13, items (i) through (iii).

３　第一項の届出書には、法第六十三条の八第一項各号に掲げる行為に係る次に掲げる事項を記載した書面を添付するものとする。

(3) The documents stating the following matters related to the acts set forth in the items of Article 63-8, paragraph (1) of the Act are to be attached to the written notification referred to in paragraph (1):

一　出資対象事業持分を有し、又は有することとなる者の種別（法第六十三条の八第二項各号の種別をいう。）

(i) the type of a person who holds or is to hold equity interests in the business subject to investment (meaning the types referred to in the items of Article 63-8, paragraph (2) of the Act);

二　出資対象事業持分を有し、又は有することとなる者のうちに居住者がある場合にあっては、居住者が出資又は拠出をする金銭その他の財産の予定総額及び非居住者

が出資又は拠出をする金銭その他の財産の予定総額

(ii) if there is a resident among the persons who hold or are to hold equity interests in the business subject to investment, the scheduled total amount of money and any other property to be invested or paid by residents and the scheduled total amount of money and any other property to be invested or paid by non-residents; and

三　出資対象事業持分を有し、又は有することとなる者のうちに第二百四十六条の十第一項第二号に掲げる要件に該当する者がある場合にあっては、同号の外国の法令の概要

(iii) if there is a person who falls under the requirements set forth in Article 246-10, paragraph (1), item (ii) among the persons who hold or are to hold equity interests in the business subject to investment, the outline of foreign laws and regulations referred to in that item.

（金融商品取引業者による海外投資家等特例業務に係る届出事項の変更の届出）

(Notification of Change in Notified Matters Related to Specially Permitted Services for Foreign Investors Given by the Financial Instruments Business Operator)

第二百四十六条の二十八　法第六十三条の十一第二項において準用する法第六十三条の九第七項の規定により届出を行う金融商品取引業者は、変更の内容、変更年月日及び変更の理由を記載した届出書に、別紙様式第二十一号の六により作成した変更後の内容を記載した書面及び当該書面の写しを添付して、所管金融庁長官等に提出しなければならない。

Article 246-28 A financial instruments business operator who gives a notification pursuant to the provisions of Article 63-9, paragraph (7) of the Act as applied mutatis mutandis pursuant to Article 63-11, paragraph (2) of the Act must attach a document stating the content after the change that has been prepared using the Appended Form No. 21-6 and a copy of the document to a written notification stating the content of the change, the date of the change, and the reasons for the change, and submit them to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau.

（金融商品取引業者による海外投資家等特例業務に該当しなくなった場合の届出）

(Notification to Be Given When Business No Longer Falls Under Specially Permitted Services for Foreign Investors Conducted by Financial Instruments Business Operators)

第二百四十六条の二十九　法第六十三条の十一第二項において準用する法第六十三条の九第十項の規定により届出を行う金融商品取引業者は、その旨、該当しなくなった年月日及び該当しなくなった理由を記載した届出書を所管金融庁長官等に提出しなければならない。

Article 246-29 A financial instruments business operator that gives a notification pursuant to the provisions of Article 63-9, paragraph (10) of the Act as applied mutatis mutandis pursuant to Article 63-11, paragraph (2) of the Act must submit a written notification stating the fact that business no longer falls under specially permitted services for foreign investors, etc., the date when business ceased to fall under the services, and the reasons for that.

（金融商品取引業者が海外投資家等特例業務の休止等の届出を行う場合）
(Cases In Which Financial Instruments Business Operator Give Notification on Suspension of Specially Permitted Services for Foreign Investors)

第二百四十六条の三十　法第六十三条の十一第二項において準用する法第六十三条の十第三項第三号に規定する内閣府令で定める場合は、次に掲げる場合とする。

Article 246-30 The cases specified by Cabinet Office Order as prescribed in Article 63-10, paragraph (3), item (iii) of the Act as applied mutatis mutandis pursuant to Article 63-11, paragraph (2) of the Act are as follows:

一　役職員に外国の法令等に反する行為（海外投資家等特例業務以外の業務に係るものにあっては、当該金融商品取引業者の業務の運営又は財産の状況に重大な影響を及ぼすおそれのあるものに限る。以下この号及び次号並びに次条第一項第三号及び第四号において「事故等」という。）があったことを知った場合（事故等が第百十八条第一号イからニまで若しくは第二号イ若しくはロに掲げる行為又は同号ハに掲げる行為（法令に違反する行為を除く。）であって、過失による場合を除く。次号において同じ。）

(i) if the financial instruments business operator has become aware that an officer or employee has committed an act violating foreign laws and regulations, etc. (for an act related to business other than specially permitted services for foreign investors, etc., limited to an act which is likely to have a material impact on the management of business or status of property of the financial instruments business operator; hereinafter referred to as "problematic conduct, etc." in this item, the following item, and paragraph (1), items (iii) and (iv) of the following Article) (excluding the cases in which the problematic conduct, etc. falls under the acts set forth in Article 118, item (i), sub-items (a) through (d) or item (ii), sub-item (a) or (b), or the act set forth in sub-item (c) of that item (excluding acts violating laws and regulations), and the act was caused through negligence; the same applies in the following item);

二　前号の事故等の詳細が判明した場合

(ii) if the details of the problematic conduct, etc. referred to in the preceding item have become clear; and

三　法に相当する外国の法令に基づく行政官庁の不利益処分を受けた場合（海外投資家等特例業務に関するものに限り、第百九十九条第十号又は法第二十九条の四第一項第一号イに該当する場合を除く。）

(iii) if the financial instruments business operator has been rendered an adverse disposition by an administrative agency based on foreign laws and regulations equivalent to the Act (limited to a disposition related to specially permitted services for foreign investors, etc. and excluding the cases that fall under Article 199, item (x), or Article 29-4, paragraph (1), item (i), sub-item (a) of the Act).

（金融商品取引業者による海外投資家等特例業務の休止等の届出）

(Notification on Suspension of Specially Permitted Services for Foreign Investors Conducted by Financial Instruments Business Operators)

第二百四十六条の三十一　法第六十三条の十一第二項において準用する法第六十三条の十第三項の規定により届出を行う金融商品取引業者は、次の各号に掲げる場合の区分に応じ、当該各号に定める事項を記載した届出書を所管金融庁長官等に提出しなければならない。

Article 246-31 (1) A financial instruments business operator that gives a notification pursuant to the provisions of Article 63-10, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 63-11, paragraph (2) of the Act must submit a written notification stating the matters specified in the following items in accordance with the category of the cases set forth in each of those items to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau:

一　法第六十三条の十一第二項において準用する法第六十三条の十第三項第一号に該当する場合　休止の期間又は再開の年月日及び休止又は再開の理由

(i) if the case falls under Article 63-10, paragraph (3), item (i) of the Act as applied mutatis mutandis pursuant to Article 63-11, paragraph (2) of the Act: the period of suspension or date of resumption, and the reasons for the suspension or resumption;

二　法第六十三条の十一第二項において準用する法第六十三条の十第三項第二号に該当する場合　廃止の年月日及び理由

(ii) if the case falls under Article 63-10, paragraph (3), item (ii) of the Act as applied mutatis mutandis pursuant to Article 63-11, paragraph (2) of the Act: the date of and the reasons for the discontinuation;

三　前条第一号に該当する場合　次に掲げる事項

(iii) if the case falls under item (i) of the preceding Article: the following matters:

イ　事故等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 in which the problematic conduct, etc. has occurred;

ロ　事故等を惹起した役職員の氏名又は名称及び役職名

(b) the affiliation, name, and title of the officer or employee that has caused the problematic conduct, etc.; and

ハ　事故等の概要

(c) an outline of the problematic conduct, etc.;

四　前条第二号に該当する場合　次に掲げる事項

(iv) if the case falls under item (ii) of the preceding Article: the following matters:

イ　事故等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 in which the problematic conduct, etc. has occurred;

ロ　事故等を惹起した役職員の氏名又は名称及び役職名

(b) the affiliation, name, and title of the officer or employee that has caused the problematic conduct, etc.; and

ハ　事故等の詳細

(c) the details of the problematic conduct, etc.; and

ニ　社内処分を行った場合はその内容

(d) if in-house punishment has been taken, its content;

五　前条第三号に該当する場合　次に掲げる事項

(v) if the case falls under item (iii) of the preceding Article: the following matters:

イ　不利益処分の内容

(a) the content of the adverse disposition; and

ロ　不利益処分を受けた年月日及び理由

(b) the date when the financial instruments business operator, etc. has become subject to the adverse disposition and the reasons for that.

２　前項の届出書（同項第五号に掲げる場合に係るものに限る。）には、当該不利益処分を規定する外国の法令及びその訳文を添付するものとする。

(2) The written notification referred to in the preceding paragraph (limited to one related to the cases set forth in item (v) of that paragraph) is to be attached with a copy of the foreign laws and regulations that provides for the adverse disposition, and their Japanese translation.

（業務に関する帳簿書類）

(Books and Documents Concerning Business)

第二百四十六条の三十二　法第六十三条の十二第一項（法第六十三条の十一第二項において準用する場合を含む。）の規定により海外投資家等特例業務届出者又は金融商品取引業者が作成すべき帳簿書類は、次に掲げるものとする。

Article 246-32 (1) The books and documents required to be prepared by a notifier of specially permitted services for foreign investors, etc. or financial instruments business operator pursuant to the provisions of Article 63-12, paragraph (1) of the Act (including as applied mutatis mutandis pursuant to Article 63-11, paragraph (2) of the Act) are as follows:

一　第百五十七条第一項第一号イ（１）から（４）まで及びニ並びに第二号イに掲げ

る帳簿書類

(i) the books and documents set forth in Article 157, paragraph (1), item (i), sub-item (a), 1. through 4. and sub-item (d), and item (ii), sub-item (a);

二　第百五十七条第一項第十七号イからハまでに掲げる帳簿書類（第百三十四条第五項第五号に該当する場合における同号の書面の写しを含む。）

(ii) the books and documents set forth in Article 157, paragraph (1), item (xvii), sub-item (a) through (c) (including a copy of the documents referred to in Article 134, paragraph (5), item (v) if the case falls under that item);

三　法第六十三条の八第一項第二号に掲げる行為に係る業務を行う者であるときは、第百五十七条第一項第七号及び第九号に掲げる帳簿書類

(iii) if the person conducts business related to the act set forth in Article 63-8, paragraph (1), item (ii) of the Act, the books and documents set forth in Article 157, paragraph (1), items (vii) and (ix).

２　前項各号に掲げる帳簿書類は、英語で記載することができる。

(2) The books and documents set forth in the items of the preceding paragraph may be written in English.

３　第一項第一号に掲げる帳簿書類はその作成の日（第百五十七条第一項第二号イに掲げる帳簿書類にあっては、その効力を失った日）から五年間、第一項第二号及び第三号に掲げる帳簿書類はその作成の日（同条第一項第十七号イに掲げる帳簿書類にあっては、その契約その他の法律行為に係る業務の終了の日）から十年間保存しなければならない。

(3) The books and documents set forth in paragraph (1), item (i) must be preserved for five years from the day of preparation (for the books and documents set forth in Article 157, paragraph (1), item (ii), sub-item (a), the day when the documents ceased to be effective), and the books and documents set forth in paragraph (1), items (ii) and (iii) must be preserved for ten years from the day of preparation (for the books and documents set forth in Article 157, paragraph (1), item (xvii), sub-item (a), the day the business related to the contract or other juridical acts has been terminated).

（事業報告書）

(Business Reports)

第二百四十六条の三十三　法第六十三条の十二第二項（法第六十三条の十一第二項において準用する場合を含む。）の規定により海外投資家等特例業務届出者又は金融商品取引業者が提出する事業報告書は、別紙様式第二十一号の七により作成しなければならない。

Article 246-33 (1) The business report to be submitted by a notifier of specially permitted services for foreign investors, etc. or a financial instruments business operator pursuant to the provisions of Article 63-12, paragraph (2) of the Act (including as applied mutatis mutandis pursuant to Article 63-11, paragraph (2) of the Act) must be prepared by using the Appended Form No.

21-7.

２　前項の事業報告書（海外投資家等特例業務届出者に係るものに限る。）は、別紙様式第二十一号の七に準じて英語で作成することができる。

(2) The business report referred to in the preceding paragraph (limited to a report related to a notifier of specially permitted services for foreign investors, etc.) may be prepared in English in the same manner as the Appended Form No. 21-7.

３　海外投資家等特例業務届出者（会社に限る。）は、第一項の事業報告書を作成する場合には、一般に公正妥当と認められる企業会計の慣行、指定国際会計基準又は修正国際基準（当該海外投資家等特例業務届出者が外国会社である場合にあっては、その主たる営業所若しくは事務所又は海外投資家等特例業務を行う営業所若しくは事務所の所在するいずれかの外国における公正妥当な企業会計の慣行を含む。）に従うものとする。

(3) When a notifier of specially-permitted services for foreign investors, etc. (limited to a company) prepares a business report referred to in paragraph (1), they are to comply with the business accounting practices generally accepted as fair and appropriate, the designated international accounting standards, or Japan's modified international standards (if the notifier of specially-permitted services for foreign investors, etc. is a foreign company, including fair and appropriate business accounting practices of any of the foreign countries in which their principal business office or office is located, or the business office or office for conducting specially-permitted business for qualified institutional investors, etc. is located).

４　海外投資家等特例業務届出者（会社を除く。）は、第一項の事業報告書を作成する場合には、一般に公正妥当と認められる会計の慣行に従うものとする。

(4) When a notifier of specially permitted services for foreign investors, etc. (excluding a company) prepares a business report referred to in paragraph (1), they are to comply with the accounting practices that are generally accepted as being fair and appropriate.

５　金融商品取引業者（会社に限る。）は、第一項の事業報告書を作成する場合には、一般に公正妥当と認められる企業会計の慣行に従うものとする。

(5) When a financial instruments business operator (limited to a company) prepares a business report referred to in paragraph (1), they are to comply with business accounting practices generally accepted as being fair and appropriate.

６　金融商品取引業者（会社を除く。）は、第一項の事業報告書を作成する場合には、一般に公正妥当と認められる会計の慣行に従うものとする。

(6) When a financial instruments business operator (excluding a company) prepares a business report referred to in paragraph (1), they are to comply with the accounting practices that are generally accepted as being fair and appropriate.

（事業報告書の提出期限の承認の手続等）

(Procedures for Obtaining Approval on Due Date for Submitting Business Reports)

第二百四十六条の三十四　外国法人又は外国に住所を有する個人である海外投資家等特例業務届出者又は金融商品取引業者（以下この条及び第二百四十六条の三十六において「外国法人等である海外投資家等特例業務届出者等」という。）は、令第十七条の十三の八ただし書の承認を受けようとするときは、次に掲げる事項を記載した承認申請書を海外投資家等特例業務届出者にあっては海外投資家等特例業務届出所管金融庁長官等、金融商品取引業者にあっては所管金融庁長官等に提出しなければならない。

Article 246-34 (1) When a notifier of specially permitted services for foreign investors, etc. or a financial instruments business operator which is a foreign corporation or an individual that has a domicile in a foreign country (hereinafter referred to as "notifier of specially permitted services for foreign investors, etc. which is a foreign corporation, etc." in this Article and Article 246-36) seeks to obtain an approval referred to in the proviso to Article 17-13-8 of the Order, a notifier of specially permitted services for foreign investors, etc. must submit a written application for approval stating the following matters to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for the notification of specially permitted services for foreign investors, etc., and a financial instruments business operator must submit a written application for approval stating the following matters to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau:

一　商号、名称又は氏名

(i) the trade name or name;

二　法第六十三条の九第一項又は第六十三条の十一第一項の規定による届出の年月日

(ii) the date of notification under the provisions of Article 63-9, paragraph (1) or Article 63-11, paragraph (1) of the Act;

三　事業報告書の提出に関し当該承認を受けようとする期間

(iii) the period for which the approval is sought concerning the submission of a business report;

四　事業報告書に係る事業年度終了の日

(iv) the last day of the business year related to a business report; and

五　事業報告書の提出に関し当該承認を必要とする理由

(v) the reasons for requiring the approval concerning the submission of a business report.

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　定款又はこれに代わる書面

(i) the articles of incorporation or alternative documents;

二　当該承認申請書に記載された外国法人等である海外投資家等特例業務届出者等の代表者が当該承認申請書の提出に関し正当な権限を有する者であることを証する書面

(ii) a document certifying that the representative of the notifier of specially permitted services for foreign investors, etc. which is a foreign corporation, etc. stated in the written application for approval is a person that has legitimate authority to submit the written application for approval; and

三　当該承認申請書に記載された法令又は慣行に関する事項が真実かつ正確であることについての法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(iii) a legal opinion letter by a law expert on the fact that the matters related to laws and regulations or practices stated in the written application for approval are true and accurate, and a copy of the relevant provisions of the related laws and regulations referred to in the legal opinion letter.

3　海外投資家等特例業務届出所管金融庁長官等又は所管金融庁長官等は、第一項の承認の申請があった場合において、外国法人等である海外投資家等特例業務届出者等が、その本国の法令又は慣行により、その事業年度経過後三月以内に事業報告書を提出することができないと認められるときは、当該申請のあった日の属する事業年度（その日が事業年度開始後三月以内（直前事業年度に係る事業報告書の提出に関して当該承認を受けている場合にあっては、当該承認を受けた期間内）の日である場合にあっては、その直前事業年度）から当該申請に係る同項第五号に規定する理由について消滅又は変更があることとなる日の属する事業年度の直前事業年度までの事業年度に係る事業報告書について、承認をするものとする。

(3) If the application for approval referred to in paragraph (1) has been filed, and it is found that the notifier of specially permitted services for foreign investors, etc. which is a foreign corporation, etc. is unable to submit the business report within three months after the end of the business year due to the laws and regulations or practices of their home country, the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for the notification of specially permitted services for foreign investors, etc. or the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau is to grant an approval for the business report related to the business year that includes the day the application has been filed (if the day falls within three months from the commencement of the business year (if the approval has been granted for the submission of a business report related to the immediately preceding business year, within that approved period), the business year immediately preceding the business year) through the business year immediately preceding the business year that includes the day when the reasons specified in item (v) of that paragraph for which the application was filed ceases to exist or changes.

４　前項の承認は、同項の外国法人等である海外投資家等特例業務届出者等が毎事業年度経過後三月以内に次に掲げる事項を記載した書類を海外投資家等特例業務届出者にあっては海外投資家等特例業務届出所管金融庁長官等、金融商品取引業者にあっては所管金融庁長官等に提出することを条件として、行われるものとする。ただし、第二号に掲げる事項については、当該書類の提出前五年以内に提出された書類に記載された事項と同一の内容のものである場合には、当該事項は記載しないことができる。

(4) The approval referred to in the preceding paragraph is to be granted on the condition that the notifier of specially permitted services for foreign investors, etc. which is a foreign corporation, etc. referred to in that paragraph submits a document stating the following matters to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for the notification of specially permitted services for foreign investors, etc. in the case of a notifier of specially permitted services for foreign investors, etc., or to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau in the case of a financial instruments business operator, within three months after the end of each business year; provided, however, that if the content of the matters set forth in item (ii) is the same as the content of the matters that have been stated in the document submitted within five years before the submission of the document, the entry of those matters may be omitted:

一　当該事業年度中に当該承認に係る申請の理由について消滅又は変更がなかった旨

(i) the fact that the reasons for the application for approval have not been extinguished or changed in the business year; and

二　前号に掲げる事項に関する法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(ii) a legal opinion letter by a law expert on the matters set forth in the preceding item and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

５　第一項の承認申請書、第二項各号に掲げる書類及び前項の書類（海外投資家等特例業務届出者に係るものに限る。）は、英語で記載することができる。

(5) The written application for approval referred to in paragraph (1), the documents set forth in the items of paragraph (2) and the documents referred to in the preceding paragraph (limited to those related to a notifier of specially permitted services for foreign investors, etc.) may be prepared in English.

（説明書類の縦覧）

(Public Inspection of Explanatory Documents)

第二百四十六条の三十五　法第六十三条の十二第三項（法第六十三条の十一第二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。）の規定により海外投資家等特例業務届出者又は金融商品取引業者は、別紙様式第二十一号の八により作成した説明書類又は第二百四十六条の三十三第一項の事業報告書の写しを主たる営業所若しくは

事務所及び海外投資家等特例業務を行う全ての営業所若しくは事務所（外国法人又は外国に住所を有する個人にあっては、国内における主たる営業所又は事務所及び海外投資家等特例業務を行うため国内に設ける全ての営業所又は事務所）に備え置く方法その他の方法により法第六十三条の十二第三項の説明書類を公衆の縦覧に供し、又はインターネットの利用その他の方法により、投資者が常に容易に閲覧することができるよう公表しなければならない。

Article 246-35 (1) Pursuant to the provisions of Article 63-12, paragraph (3) of the Act (including as applied mutatis mutandis pursuant to Article 63-11, paragraph (2) of the Act; hereinafter the same applies in this Article), a notifier of specially permitted services for foreign investors, etc. or a financial instruments business operator must make the explanatory documents referred to in Article 63-12, paragraph (3) available for public inspection by the means of keeping the explanatory documents prepared in accordance with the Appended Form No. 21-8 or the copies of the business report referred to in Article 246-33, paragraph (1) at their principal business office or office and all business offices or offices for conducting specially permitted services for foreign investors, etc. (in the case of a foreign corporation or an individual that has a domicile in a foreign country, at the principal business office or office in Japan and all business offices or offices established in Japan for conducting specially permitted services for foreign investors, etc.) or other means, or publicize the explanatory documents or copies of the business report by using the internet or other means that enable easy access for investors at all times.

２　前項の説明書類は、別紙様式第二十一号の八に準じて英語で作成することができる。

(2) The explanatory documents referred to in the preceding paragraph may be prepared in English in the same manner as the Appended Form No. 21-8.

３　法第六十三条の十二第三項に規定する内閣府令で定めるものは、別紙様式第二十一号の八又は第二百四十六条の三十三第一項の事業報告書に記載されている事項とする。

(3) The matters specified by Cabinet Office Order as prescribed in Article 63-12, paragraph (3) of the Act are the matters stated in the Appended Form No. 21-8 or the business report referred to in Article 246-33, paragraph (1).

（説明書類の縦覧期限の承認の手続等）

(Procedures for Obtaining Approval on Due Date for Public Inspection of Explanatory Documents)

第二百四十六条の三十六　外国法人等である海外投資家等特例業務届出者等は、令第十七条の十三の九ただし書の承認を受けようとするときは、次に掲げる事項を記載した承認申請書を海外投資家等特例業務届出者にあっては海外投資家等特例業務届出所管金融庁長官等、金融商品取引業者にあっては所管金融庁長官等に提出しなければならない。

Article 246-36 (1) When a notifier of specially permitted services for foreign investors, etc. which is a foreign corporation, etc. seeks to obtain an approval

referred to in the proviso to Article 17-13-9 of the Order, they must submit a written application for approval stating the following matters to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for the notification of specially permitted services for foreign investors, etc. in the case of a notifier of specially permitted services for foreign investors, etc., or to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau in the case of a financial instruments business operator:

一　商号、名称又は氏名

(i) the trade name or name;

二　法第六十三条の九第一項又は第六十三条の十一第一項の規定による届出の年月日

(ii) the date of notification under the provisions of Article 63-9, paragraph (1) or Article 63-11, paragraph (1) of the Act;

三　説明書類の縦覧に関し当該承認を受けようとする期間

(iii) the period for which the approval is sought concerning public inspection of explanatory documents;

四　説明書類に係る事業年度終了の日

(iv) the last day of the business year related to the explanatory documents; and

五　説明書類の縦覧に関し当該承認を必要とする理由

(v) the reasons for requiring the approval concerning public inspection of explanatory documents.

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　定款又はこれに代わる書面

(i) the articles of incorporation or alternative documents;

二　当該承認申請書に記載された外国法人等である海外投資家等特例業務届出者等の代表者が当該承認申請書の提出に関し正当な権限を有する者であることを証する書面

(ii) a document certifying that the representative of the notifier of specially permitted services for foreign investors, etc. which is a foreign corporation, etc. stated in the written application for approval is a person that has legitimate authority to submit the written application for approval; and

三　当該承認申請書に記載された法令又は慣行に関する事項が真実かつ正確であることについての法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(iii) a legal opinion letter by a law expert on the fact that the matters related to laws and regulations or practices stated in the written application for approval are true and accurate, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

３　海外投資家等特例業務届出所管金融庁長官等又は所管金融庁長官等は、第一項の承

認の申請があった場合において、外国法人等である海外投資家等特例業務届出者等が、その本国の法令又は慣行により、その事業年度経過後四月を経過した日から説明書類を備え置き、公衆の縦覧に供することができないと認められるときは、当該申請のあった日の属する事業年度（その日が事業年度開始後四月以内（直前事業年度に係る説明書類の縦覧に関して当該承認を受けている場合にあっては、当該承認を受けた期間内）の日である場合にあっては、その直前事業年度）から当該申請に係る同項第五号に規定する理由について消滅又は変更があることとなる日の属する事業年度の直前事業年度までの事業年度に係る説明書類について、承認をするものとする。

(3) If the application for approval referred to in paragraph (1) has been filed, and it is found that the notifier of specially-permitted services for foreign investors, etc. which is a foreign corporation, etc. is unable to keep the explanatory documents and make them available for public inspection within four months after the end of the business year due to the laws and regulations or practices of their home country, the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for the notification of specially permitted services for foreign investors, etc. or the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau is to grant an approval for the explanatory documents related to the business year that includes the day the application has been filed (if the day falls within four months from the commencement of the business year (if approval has been granted for public inspection of explanatory documents related to the immediately preceding business year, within that approved period), the business year immediately preceding the business year) through the business year immediately preceding the business year that includes the day when the reasons specified in item (v) of that paragraph for which the application was filed ceases to exist or changes.

4　前項の承認は、同項の外国法人等である海外投資家等特例業務届出者等が毎事業年度経過後四月以内に次に掲げる事項を記載した書類を海外投資家等特例業務届出者にあっては海外投資家等特例業務届出所管金融庁長官等、金融商品取引業者にあっては所管金融庁長官等に提出することを条件として、行われるものとする。ただし、第二号に掲げる事項については、当該書類の提出前五年以内に提出された書類に記載された事項と同一の内容のものである場合には、当該事項は記載しないことができる。

(4) The approval referred to in the preceding paragraph is to be granted on the condition that the notifier of specially permitted services for foreign investors, etc. which is a foreign corporation, etc. referred to in that paragraph submits documents stating the following matters to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for the notification of specially permitted services for foreign investors, etc. in the case of a notifier of specially permitted services for foreign investors, etc., or to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau in the case of a financial

instruments business operator, within four months after the end of each business year; provided, however, that if the content of the matters set forth in item (ii) is the same as the content of the matters stated in the document submitted within five years before the submission of the document, the entry of those matters may be omitted:

一　当該事業年度中に当該承認に係る申請の理由について消滅又は変更がなかった旨

(i) the fact that the reasons for filing the application for approval have not ceased to exist or changed in the business year; and

二　前号に掲げる事項に関する法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(ii) a legal opinion letter by a law expert on the matters set forth in the preceding item and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

5　第一項の承認申請書、第二項各号に掲げる書類及び前項の書類（海外投資家等特例業務届出者に係るものに限る。）は、英語で記載することができる。

(5) The written application for approval referred to in paragraph (1), the documents set forth in the items of paragraph (2), and the documents referred to in the preceding paragraph (limited to those related to a notifier of specially permitted services for foreign investors, etc.) may be prepared in English.

（監督処分の公告）

(Public Notice of Supervisory Dispositions)

第二百四十六条の三十七　法第六十三条の十三第六項（法第六十三条の十一第二項において準用する場合を含む。）の規定による公告は、官報により行うものとする。

Article 246-37 The public notice under the provisions of Article 63-13, paragraph (6) of the Act (including as applied mutatis mutandis pursuant to Article 63-11, paragraph (2) of the Act) is to be given in an Official Gazette.

第七節　外務員
Section 7 Sales Representatives

（外務員登録原簿の記載事項）

(Matters to Be Entered into the Register of Sales Representatives)

第二百四十七条　法第六十四条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 247 The matters specified by Cabinet Office Order as prescribed in Article 64, paragraph (1) of the Act are as follows:

一　登録申請者の商号、名称又は氏名

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

二　外務員についての次に掲げる事項

(ii) the following matters concerning sales representatives:

イ　役員（外国法人にあっては、国内における営業所若しくは事務所に駐在する役員（取締役、会計参与、監査役及び執行役又はこれらに類する役職にある者を含む。））又は使用人の別

(a) whether the sales representative is an officer (for a foreign corporation, meaning an officer stationed at a business office or office in Japan (including a director, accounting advisor, company auditor or executive officer, or a person that holds any position equivalent to them)) or employee; and

ロ　法第六十四条の五第一項の規定により職務の停止を命ぜられたときは、その処分の日、理由及び期間

(b) if a sales representative has been ordered to suspend business pursuant to the provisions of Article 64-5, paragraph (1) of the Act, the day and period of the disposition, and the reasons for the disposition.

（外務員登録原簿を備える場所）

(Place to Keep Register of Sales Representatives)

第二百四十八条　法第六十四条第一項に規定する内閣府令で定める場所は、財務局又は福岡財務支局（法第六十四条の七第一項又は第二項の規定により、登録事務（同条第一項に規定する登録事務をいう。以下同じ。）を協会（同項に規定する協会をいう。以下同じ。）に行わせることとする金融商品取引業者等の外務員に係る登録原簿については、当該協会）とする。

Article 248 The place specified by Cabinet Office Order as prescribed in Article 64, paragraph (1) of the Act is a local finance bureau or the Fukuoka Local Finance Branch Bureau (for the register related to sales representatives of a financial instruments business operator, etc. for whom an association is to handle the registration work (meaning the registration work prescribed in Article 64-7, paragraph (1) of the Act; the same applies hereinafter) pursuant to the provisions of Article 64-7, paragraph (1) or (2) of the Act, that association).

（登録の申請）

(Application for Registration)

第二百四十九条　法第六十四条第一項の登録を受けようとする金融商品取引業者等は、別紙様式第二十二号により作成した同条第三項の登録申請書に、当該登録申請書の写し及び同条第四項の規定により当該登録申請書に添付すべき書類を添付して、管轄財務局長等に提出しなければならない。

Article 249 A financial instruments business operator, etc. which seeks to obtain a registration referred to in Article 64, paragraph (1) of the Act must submit a written application for registration referred to in paragraph (3) of that Article prepared by using the Appended Form No. 22, by attaching a copy of the written application for registration and documents required to be attached to it

pursuant to the provisions of paragraph (4) of that Article to the competent Director-General of a Local Finance Bureau, etc.

（登録申請書の記載事項）

(Matters to Be Specified in a Written Application for Registration)

第二百五十条　法第六十四条第三項第四号に規定する内閣府令で定める事項は、登録の申請に係る外務員についての金融商品取引業を行ったことの有無及び金融商品取引業を行ったことのある者については、その行った期間とする。

Article 250 The matters specified by Cabinet Office Order as prescribed in Article 64, paragraph (3), item (iv) of the Act are whether the sales representative related to the application for registration has conducted financial instruments business, and for a sales representative that has conducted financial instruments business, the period the business has been conducted.

（登録申請書の添付書類）

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

第二百五十一条　法第六十四条第四項に規定する内閣府令で定める書類は、次に掲げる書類とする。

Article 251 The documents specified by Cabinet Office Order as prescribed in Article 64, paragraph (4) of the Act are as follows:

一　登録の申請に係る外務員の住民票の抄本又はこれに代わる書面

(i) extracts of the resident records of sales representatives related to the application for registration or alternative documents;

二　登録の申請に係る外務員の旧氏及び名を当該外務員の氏名に併せて法第六十四条第三項の登録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外務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

(ii) if the former surname and given name of the sales representatives related to the application for registration are stated together with the current name of the sales representatives in a written application for registration referred to in Article 64, paragraph (3) of the Act, and the document set forth in the preceding item is not a document certifying the former surname and given name of the sales representatives, a document certifying the former surname and given name; and

三　登録の申請に係る外務員が法第六十四条の二第一項各号のいずれにも該当しない者であることを申請者及び当該外務員が誓約する書面

(iii) the document with which the applicant and the sales representative pledge that the sales representative does not fall under any of the items of Article 64-2, paragraph (1) of the Act.

（登録事項の変更等の届出）

(Notification of Changes to Registered Matters)

第二百五十二条　法第六十四条の四第一号の規定により届出を行う金融商品取引業者等は、別紙様式第二十三号により作成した変更届出書を管轄財務局長等に提出しなければならない。

Article 252 (1) A financial instruments business operator, etc. that gives a notification pursuant to the provisions of Article 64-4, item (i) of the Act must submit a written notification of changes prepared by using the Appended Form No. 23 to the competent Director-General of a Local Finance Bureau, etc.

２　法第六十四条の四第二号から第四号までの規定により届出を行う金融商品取引業者等は、次の各号に掲げる場合の区分に応じ、当該各号に定める事項を記載した届出書を管轄財務局長等に提出しなければならない。

(2) A financial instruments business operator, etc. that gives a notification pursuant to the provisions of Article 64-4, items (ii) through (iv) of the Act must submit a written notification stating the matters specified in the following items in accordance with the category of the cases set forth in each of those items to the competent Director-General of a Local Finance Bureau, etc.:

一　法第六十四条の四第二号に該当する場合次に掲げる事項

(i) if the case falls under Article 64-4, item (ii) of the Act: the following matters:

イ　該当することとなった者の氏名

(a) the name of the sales representative that has come to fall under the provisions; and

ロ　該当することとなった年月日及び理由

(b) the date when the sales representative has come to fall under the provisions and the reasons for that;

二　法第六十四条の四第三号に該当する場合（法第二十九条の四第一項第二号ロに該当することとなった場合に限る。）　次に掲げる事項

(ii) if the case falls under Article 64-4, item (iii) of the Act (limited to cases in which the sales representative has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act): the following matters:

イ　該当することとなった者の氏名

(a) the name of the sales representative that has come to fall under the provisions; and

ロ　破産手続開始の決定を受けた年月日

(b) the date when the sales representative became subject to the order for commencement of bankruptcy proceedings;

三　法第六十四条の四第三号に該当する場合（法第二十九条の四第一項第二号ハ又はリに該当することとなった場合に限る。）　次に掲げる事項

(iii) if the case falls under Article 64-4, item (iii) of the Act (limited to cases in which the sales representative has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act): the following matters:

イ　該当することとなった者の氏名

(a) the name of the sales representative that has come to fall under the provisions; and

ロ　刑の確定した年月日及び刑の種類

(b) the date when the punishment became final and binding, and the type of punishment;

四　法第六十四条の四第三号に該当する場合（法第二十九条の四第一項第二号ニ又はホに該当することとなった場合に限る。）　次に掲げる事項

(iv) if the case falls under Article 64-4, item (iii) of the Act (limited to cases in which the sales representative has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act): the following matters:

イ　該当することとなった者の氏名

(a) the name of the sales representative that has come to fall under the provisions; and

ロ　取り消され、又は命ぜられた年月日及び理由

(b) the date of revocation or order, and the reasons for that;

五　法第六十四条の四第三号に該当する場合（法第二十九条の四第一項第二号ヘ又はトに該当することとなった場合に限る。）　次に掲げる事項

(v) if the case falls under Article 64-4, item (iii) of the Act (limited to the case that has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (f) or (g) of the Act): the following matters:

イ　該当することとなった者の氏名

(a) the name of the person that has come to fall under the provisions;

ロ　行政手続法第十五条の規定による通知があった年月日及びその理由並びに法第五十条の二第一項、第六十条の七（法第六十条の十四第二項において準用する場合を含む。）、第六十三条の二第二項、第三項（法第六十三条の三第二項において準用する場合を含む。）若しくは第四項、第六十三条の十第二項、第三項（法第六十三条の十一第二項において準用する場合を含む。）若しくは第四項、第六十六条の十九第一項、第六十六条の四十第一項若しくは第六十六条の六十一第一項又は金融サービスの提供に関する法律第十六条第三項の規定による届出をした年月日及びその理由

(b) the date of and reason for the notice under the provisions of Article 15 of the Administrative Procedure Act to be given, and the date of and reason for making the notification under the provisions of Article 50-2, paragraph (1) of the Act, Article 60-7 of the Act (including as applied mutandis pursuant to Article 60-14, paragraph (2) of the Act), Article 63-2, paragraph (2), paragraph (3) (including as applied mutatis mutandis pursuant to Article 63-3, paragraph (2) of the Act), or paragraph (4), Article 63-10, paragraph (2), paragraph (3) (including as applied mutatis mutandis pursuant to Article 63-11, paragraph (2) of the Act), or paragraph (4), Article 66-19, paragraph (1), Article 66-40, paragraph (1) or

Article 66-61, paragraph (1) of the Act, or Article 16, paragraph (3) of the Act on the Provision of Financial Services;

六　法第六十四条の四第三号に該当する場合（法第二十九条の四第一項第二号チに該当することとなった場合に限る。）　次に掲げる事項

(vi) if the case falls under Article 64-4, item (iii) of the Act (limited to cases in which the sales representative has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (f) of the Act): the following matters:

イ　該当することとなった者の氏名

(a) the name of the sales representative that has come to fall under the provisions; and

ロ　解任又は解職を命ぜられた年月日及び理由

(b) the date when removal or dismissal has been ordered and the reasons for that;

七　法第六十四条の四第四号に該当する場合　次に掲げる事項

(vii) if the case falls under Article 64-4, item (iv) of the Act: the following matters:

イ　職務を行わないこととなった者の氏名

(a) the name of the person that has ceased to conduct business;

ロ　外務員の職務を行わないこととなった理由

(b) the reason for ceasing to conduct the duties of a sales representative.

3　法第六十四条の四第二号から第四号の規定により届出を行う金融商品取引業者等は、次の各号に掲げる場合の区分に該当する場合には、前項に規定する事項を記載した届出書に、当該各号に定める書類を添付しなければならない。

(3) A financial instruments business operator, etc. gives a notification pursuant to the provisions of Article 64-4, items (ii) through (iv) of the Act must, if the case falls under the category of the cases set forth in the following items, attach the document specified in each of those items to the written notification stating the matters prescribed in the preceding paragraph:

一　法第六十四条の四第三号に該当する場合（法第二十九条の四第一項第二号ロに該当することとなった場合に限る。）　破産手続開始の決定の裁判書の写し又は破産手続開始の決定の内容を記載した書面

(i) if the case falls under Article 64-4, item (iii) of the Act (limited to cases in which the sales representative has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act): a copy of the written judgment on the order for commencement of bankruptcy proceedings, or the document stating the content of the order for commencement of bankruptcy proceedings;

二　法第六十四条の四第三号に該当する場合（法第二十九条の四第一項第二号ハ又はリに該当することとなった場合に限る。）　確定判決の判決書の写し又は確定判決の内容を記載した書面

(ii) if the case falls under Article 64-4, item (iii) of the Act (limited to cases in which the sales representative has come to fall under Article 29-4, paragraph

(1), item (ii), sub-item (c) or (i) of the Act): a copy of the judgment document on the final and binding judgment, or a document stating the content of the final and binding judgment;

三　法第六十四条の四第三号に該当する場合（法第二十九条の四第一項第二号ニ又はホの規定に該当することとなった場合で、外国において取り消され、又は命ぜられた場合に限る。）　取消し又は廃止を命ずる書類の写し又はこれに代わる書面並びに取消し又は廃止の根拠となる外国の法令及びその訳文

(iii) if the case falls under Article 64-4, item (iii) of the Act (limited to cases in which the sales representative has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, and the rescission was made or an order was given in a foreign country): a copy of the written order for rescission or discontinuation of business or alternative documents, and a copy of foreign laws and regulations that serves as the basis of the rescission or discontinuation of business and their Japanese translation.

４　法第六十四条の四第二号に規定する内閣府令で定める場合は、精神の機能の障害を有する状態となり外務員の職務の継続が著しく困難となった場合とする。

(4) The case specified by Cabinet Office Order as prescribed in Article 64-4, item (ii) of the Act is the case in which a person has come to have a mental impairment and it has become extremely difficult for the person to continue performing the duties of a sales representative.

（外務員が退職する際の届出）

(Notification to Be Filed Upon Retirement of Sales Representatives)

第二百五十三条　法第六十四条の四第四号の規定により届出を行おうとする金融商品取引業者等は、当該外務員に法第六十四条の五第一項第二号に該当する事実がある場合には、当該届出の前に法第五十条第一項の規定に基づき、当該事実の詳細を記載した書面を管轄財務局長等に届け出なければならない。

Article 253 A financial instruments business operator, etc. that seeks to file a notification pursuant to the provisions of Article 64-4, item (iv) of the Act must, if there is a fact that falls under Article 64-5, paragraph (1), item (ii) of the Act concerning the sales representative, submit a document stating the details of that fact to the competent Director-General of a Local Finance Bureau, etc., before filing the notification based on the provisions of Article 50, paragraph (1) of the Act.

（協会の外務員登録事務）

(Registration Work of Sales Representatives Handled by Associations)

第二百五十四条　法第六十四条の七第一項及び第二項の規定に基づき、次に掲げる登録に関する事務であって、協会に所属する金融商品取引業者等の外務員に係るものを当該協会に、協会に所属しない金融商品取引業者等に係るものを同項の規定により金融庁長官が定める協会に行わせるものとする。

Article 254 Pursuant to the provisions of Article 64-7, paragraphs (1) and (2) of the Act, the following registration work related to the sales representatives of financial instruments business operators, etc. belonging to an association is to be delegated to the association, and the following registration work related to financial instruments business operator, etc. not belonging to an association are to be delegated to an association specified by the Commissioner of the Financial Services Agency pursuant to the provisions of that paragraph:

一　法第六十四条第三項の規定による登録申請書の受理

(i) acceptance of written applications for registration under the provisions of Article 64, paragraph (3) of the Act;

二　法第六十四条第五項の規定による登録

(ii) registration made under the provisions of Article 64, paragraph (5) of the Act;

三　法第六十四条第六項、第六十四条の二第三項及び第六十四条の五第三項の規定による通知

(iii) notice given under the provisions of Article 64, paragraph (6), Article 64-2, paragraph (3), and Article 64-5, paragraph (3) of the Act;

四　法第六十四条の二第一項の規定による登録の拒否

(iv) refusal of registration under the provisions of Article 64-2, paragraph (1) of the Act;

五　法第六十四条の二第二項の規定による審問

(v) hearing conducted under the provisions of Article 64-2, paragraph (2) of the Act;

六　法第六十四条の四の規定による届出の受理

(vi) acceptance of notifications under the provisions of Article 64-4 of the Act;

七　法第六十四条の五第一項の規定による登録の取消し及び職務の停止の命令

(vii) revocation of registrations and order for suspension of business under the provisions of Article 64-5, paragraph (1) of the Act;

八　法第六十四条の五第二項の規定による聴聞

(viii) hearing conducted under the provisions of Article 64-5, paragraph (2) of the Act; and

九　法第六十四条の六の規定による登録の抹消

(ix) deletion of registration under the provisions of Article 64-6 of the Act.

（財務局長等への届出）

(Notification to Director-General of Local Finance Bureaus)

第二百五十五条　法第六十四条の七第五項の規定により届出を行う協会は、次に掲げる事項を記載した届出書を、登録事務に係る外務員の所属する金融商品取引業者等の本店等の所在地を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては福岡財務支局長、国内に営業所又は事務所を有しない場合にあっては関東財務局長）に提出しなければならない。

Article 255 An association that files a notification pursuant to the provisions of Article 64-7, paragraph (5) of the Act must submit a written notification stating the following matters to the Director-General of a Local Finance Bureau with jurisdiction over the locality of the head office, etc. of the financial instruments business operator, etc. to which a sales representative related to the registration work belongs (if the locality falls within the jurisdictional area of the Fukuoka Local Finance Branch Bureau, to its Director-General; or if the business operator does not have a business office or an office in Japan, to the Director-General of the Kanto Finance Bureau):

一　登録事務に係る外務員の所属する金融商品取引業者等の商号、名称又は氏名

(i) the trade name or name of the financial instruments business operator, etc. to which the sales representatives related to the registration work belongs;

二　登録事務に係る外務員の氏名及び生年月日

(ii) the name and date of birth of the sales representatives related to the registration work;

三　処理した登録事務の内容及び処理した年月日

(iii) the content of the registration work which has been completed and the date the work has been completed; and

四　前号の登録事務の内容が職務の停止の命令又は登録の抹消である場合には、その理由

(iv) if the content of the registration work referred to in the preceding item is an order for suspension of duty or deletion of registration, the reasons for that.

（登録手数料の額）

(Amount of Registration Fees)

第二百五十六条　令第十七条の十五第一項に規定する内閣府令で定める額は、千円とする。

Article 256 The amount specified by Cabinet Office Order as prescribed in Article 17-15, paragraph (1) of the Order is one thousand yen.

第三章　金融商品仲介業者

Chapter III Financial Instruments Intermediary Service Providers

第一節　総則

Section 1 General Provisions

（登録の申請）

(Application for Registration)

第二百五十七条　法第六十六条の登録を受けようとする者は、別紙様式第二十四号により作成した法第六十六条の二第一項の登録申請書に、当該登録申請書の写し及び同条第二項又は第三項の規定により当該登録申請書に添付すべき書類又は電磁的記録を添

付して、その者の本店等の所在地を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては福岡財務支局長、国内に営業所又は事務所を有しない場合にあっては関東財務局長）に提出しなければならない。

Article 257 The person that seeks to obtain a registration referred to in Article 66 of the Act must submit to the Director-General of a Local Finance Bureau with jurisdiction over the locality of the person's head office, etc. (if the locality falls within the jurisdictional area of the Fukuoka Local Finance Branch Bureau, to its Director-General; if the person does not have a business office or an office in Japan, to the Director-General of the Kanto Finance Bureau) a written application for registration referred to in Article 66-2, paragraph (1) of the Act prepared by using the Appended Form No. 24, by attaching a copy of the written application and the documents or electronic or magnetic record required to be attached to the written application pursuant to the provisions of paragraph (2) or (3) of that Article.

（登録申請書の記載事項）

(Matters to Be Stated in Written Applications for Registration)

第二百五十八条　法第六十六条の二第一項第六号に規定する内閣府令で定める事項は、次に掲げる事項とする。

Article 258 The matters specified by Cabinet Office Order as prescribed in Article 66-2, paragraph (1), item (vi) of the Act are as follows:

一　個人である場合において、他の会社の常務に従事しているときは、当該他の会社の商号及び事業の種類

(i) if the applicant for registration is an individual that regularly engages in the business of another company, the trade name and type of business of the other company;

二　法人である場合において、その役員が他の会社の常務に従事し、又は事業を行っているときは、当該役員の氏名並びに当該他の会社の商号及び事業の種類又は行っている事業の種類

(ii) if the applicant for registration is a corporation any of whose officers engages in ordinary business of another company, or conducts business, the name of the officer, and the trade name and business type of the other company, or the type of business conducted;

三　所属金融商品取引業者等が二以上あるときは、登録申請者の事故（法第六十六条の十五において準用する法第三十九条第三項に規定する事故をいう。以下この号、第二百七十七条から第二百七十九条まで及び第二百八十一条第十二号ハにおいて同じ。）につき、当該事故による損失の補てんを行う所属金融商品取引業者等の商号又は名称

(iii) if the registration applicant has two or more entrusting financial instruments business operators, etc., the trade name or name of the entrusting financial instruments business operator, etc. that compensates for

loss arising from problematic conduct by the applicant for registration (meaning the problematic conduct prescribed in Article 39, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 66-15 of the Act; hereinafter the same applies in this item, Articles 277 through 279, and Article 281, item (xii), sub-item (c)); and

四　本店等の名称及び所在地

(iv) the name and location of the head office, etc.

（業務の内容及び方法）

(Content and Method of Business)

第二百五十九条　法第六十六条の二第二項第二号に規定する内閣府令で定めるものは、次に掲げるものとする。

Article 259 The matters specified by Cabinet Office Order as prescribed in Article 66-2, paragraph (2), item (ii) of the Act are as follows:

一　業務の内容及び方法

(i) the content and method of business; and

二　法人であるときは、業務分掌の方法

(ii) if the applicant for registration is a corporation, the method of division of duties.

（登録申請書の添付書類）

(Documents to Be Attached to Written Applications for Registration)

第二百六十条　法第六十六条の二第二項第四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 260 The documents specified by Cabinet Office Order as prescribed in Article 66-2, paragraph (2), item (iv) of the Act are as follows:

一　法人であるときは、次に掲げる書類

(i) if the applicant for registration is a corporation, the following documents:

イ　役員の履歴書（役員が法人であるときは、当該役員の沿革を記載した書面）

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

ロ　役員の住民票の抄本（役員が法人であるときは、当該役員の登記事項証明書）又はこれに代わる書面

(b) extracts of the resident records of the officers (if an officer is a corporation, the certificate of registered information of the officer), or alternative documents

ハ　役員の旧氏及び名を当該役員の氏名に併せて法第六十六条の二第一項の登録申請書に記載した場合において、ロ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

(c) if the former surname and given name of an officer are stated together with the current name of the officer in a written application for

registration referred to in Article 66-2, paragraph (1) of the Act, and the document set forth in sub-item (b) is not a document certifying the former surname and given name of the officer, a document certifying the former surname and given name;

ニ　役員が法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

(d) a certificate issued by a public agency certifying that the officer does not fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, or alternative documents;

ホ　役員が法第二十九条の四第一項第二号イ又はハからリまでのいずれにも該当しない者であることを当該役員が誓約する書面

(e) a document with which an officer pledges that they do not fall under any of Article 29-4, paragraph (1), item (ii), sub-item (a), or sub-items (c) through (i) of the Act;

二　個人であるときは、次に掲げる書類

(ii) if the applicant for registration is an individual, the following documents:

イ　履歴書

(a) resume of the applicant for registration;

ロ　住民票の抄本又はこれに代わる書面

(b) an extract of the resident record of the applicant for registration, or alternative documents;

ハ　旧氏及び名を、氏名に併せて法第六十六条の二第一項の登録申請書に記載した場合において、ロに掲げる書類が当該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

(c) if the former surname and given name are stated together with the current name in a written application for registration referred to in Article 66-2, paragraph (1) of the Act and the document set forth in sub-item (b) is not a document certifying the former surname and given name, a document certifying the former surname and given name;

ニ　法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

(d) a certificate issued by a public agency certifying that the applicant for registration does not fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, or alternative documents;

三　所属金融商品取引業者等との間の金融商品仲介業に係る業務の委託契約に係る契約書の写し

(iii) a copy of the written contract of the outsourcing contract for financial instruments intermediary services concluded with the entrusting financial instruments business operator, etc.; and

四　第二百五十八条第三号に掲げる事項に係る契約書の写し

(iv) a copy of the written contract related to the matters set forth in Article 258,

item (iii).

（電磁的記録）

(Electronic or Magnetic Records)

第二百六十一条　法第六十六条の二第三項に規定する内閣府令で定める電磁的記録は、次に掲げる構造のいずれかに該当するものとする。

Article 261 (1) The electronic or magnetic record specified by Cabinet Office Order as prescribed in Article 66-2, paragraph (3) of the Act is to fall under one of the following structures:

一　日本産業規格Ｘ六二二三に適合する九十ミリメートルフレキシブルディスクカートリッジ

(i) a 90mm flexible magnetic disc cartridge that complies with JIS X6223;

二　日本産業規格Ｘ〇六〇六及びＸ六二八二に適合する直径百二十ミリメートルの光ディスク

(ii) a 120mm optical disc that complies with JIS X0606 and X6282.

２　前項第一号の電磁的記録への記録は、次に掲げる方式に従ってしなければならない。

(2) Record in the electronic or magnetic record referred to in item (i) of the preceding paragraph must be made in accordance with the following methods:

一　トラックフォーマットについては、日本産業規格Ｘ六二二五に規定する方式

(i) for track formats, the method specified in JIS X6225; and

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

(ii) for volume and file configuration, the method specified in JIS X0605.

３　第一項の電磁的記録には、次に掲げる事項を記載しなければならない。

(3) The following matters must be stated for the electronic or magnetic record referred to in paragraph (1):

一　登録申請者の商号又は名称

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

二　申請年月日

(ii) the date of application.

（金融商品仲介業者登録簿の縦覧）

(Public Inspection of the Register of Financial Instruments Intermediary Service Providers)

第二百六十二条　管轄財務局長等は、その登録をした金融商品仲介業者に係る金融商品仲介業者登録簿を当該金融商品仲介業者の本店等の所在地を管轄する財務局（当該所在地が福岡財務支局の管轄区域内にある場合にあっては福岡財務支局、国内に営業所又は事務所を有しない場合にあっては関東財務局）に備え置き、公衆の縦覧に供するものとする。

Article 262 The competent Director-General of a Local Finance Bureau, etc. is to keep the register of financial instruments intermediary service providers of the

financial instruments intermediary service provider to which the Director-General has granted registration, at the finance bureau with jurisdiction over the locality of the head office, etc. of the financial instruments intermediary service provider (if the locality falls within the jurisdictional district of the Fukuoka Local Finance Branch Bureau, the Fukuoka Local Finance Branch Bureau, or if the service provider does not have a business office or an office in Japan, the Kanto Finance Bureau) and make the register available for public inspection.

（登録申請書記載事項の変更の届出）

(Notification on Changes of Matters to Be Stated in Written Applications for Registration)

第二百六十三条　法第六十六条の五第一項の規定により届出を行う金融商品仲介業者は、変更の内容、変更年月日及び変更の理由を記載した届出書に、別紙様式第二十四号により作成した変更後の内容を記載した書面及び当該書面の写し並びに次の各号に掲げる場合の区分に応じ当該各号に定める書類を添付して、管轄財務局長等に提出しなければならない。

Article 263 (1) A financial instruments intermediary service provider that files a notification pursuant to the provisions of Article 66-5, paragraph (1) of the Act must submit to the competent Director-General of a Local Finance Bureau, etc. a written notification stating the content of the change, the date of the change, and the reasons for the change by attaching a document stating the changed content prepared by using the Appended Form No. 24 and a copy of that document, and a document specified in the following items in accordance with the category of the documents set forth in each of those items:

一　法第六十六条の二第一項第一号に掲げる事項について変更があった場合　当該変更に係る事項を記載した登記事項証明書（個人であるときは、住民票の抄本）又はこれに代わる書面

(i) if there is any change to the matters set forth in Article 66-2, paragraph (1), item (i) of the Act: the certificate of registered information stating the information related to the change (if the person is an individual, an extract of the resident record), or alternative documents;

二　旧氏及び名を、氏名に併せて別紙様式第二十四号により作成した変更後の内容を記載した書面に記載した場合において、前号に掲げる書類が当該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

(ii) if the former surname and given name are stated together with the current name in a document stating the changed content which is prepared by using the Appended Form 24 and the document specified in the preceding item is not a document certifying the former surname and given name, a document certifying the former surname and given name;

三　法第六十六条の二第一項第二号に掲げる事項について変更があった場合　次に掲

げる書類

(iii) if there is any change to the matters set forth in Article 66-2, paragraph (1), item (ii) of the Act: the following documents:

イ　当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面

(a) the certificate of registered information stating the changed matter, or alternative documents; and

ロ　新たに役員となった者に係る次に掲げる書類

(b) the following documents for a person that has newly assumed the position of an officer:

（１）　履歴書（役員が法人であるときは、当該役員の沿革を記載した書面）

1. resumes of the officer (if the officer is a corporation, the document stating the background of the officer);

（２）　住民票の抄本（役員が法人であるときは、当該役員の登記事項証明書）又はこれに代わる書面

2. an extract of the resident record of the officer (if the officer is a corporation, the certificate of registered information of the officer), or alternative documents;

（３）　旧氏及び名を、氏名に併せて別紙様式第二十四号により作成した変更後の内容を記載した書面に記載した場合において、（２）に掲げる書類が当該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

3. if the former surname and given name are stated together with the current name in a document stating the changed content which is prepared by using the Appended Form 24 and the document set forth in 2. is not a document certifying the former surname and given name, a document certifying the former surname and given name;

（４）　法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

4. the certificate issued by a public agency certifying that the officer does not fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, or alternative documents;

（５）　法第二十九条の四第一項第二号イ又はハからリまでのいずれにも該当しない者であることを当該役員が誓約する書面

5. a document with which the officer pledges that they do not fall under any of Article 29-4, paragraph (1), item (ii), sub-item (a), or sub-items (c) through (i) of the Act;

（６）　法第六十六条の四第二号ロ（法第二十九条の四第一項第二号イに係る部分に限る。）に該当しないことを誓約する書面

6. a documents with which the person pledges that they do not fall under Article 66-4, item (ii), sub-item (b) of the Act (limited to the part related to Article 29-4, paragraph (1), item (ii), (a) of the Act);

四　法第六十六条の二第一項第四号に掲げる事項について変更があった場合（新たに

委託を受けることとなった場合に限る。）　新たに委託を受けることとなった所属金融商品取引業者等との間の金融商品仲介業に係る委託契約に係る契約書の写し

(iv) if there is any change to the matters set forth in Article 66-2, paragraph (1), item (iv) of the Act (limited to cases in which the applicant for registration has newly accepted entrustment business): a copy of the written contract of the entrustment contract for financial instruments intermediary services concluded with the entrusting financial instruments business operator, etc. that has newly accepted entrustment business;

五　第二百五十八条第三号に掲げる事項について変更があった場合（所属金融商品取引業者等が二以上ある場合に限る。）　次に掲げる書類

(v) if there is any change to the matters set forth in Article 258, item (iii) (limited to cases in which there are two or more entrusting financial instruments business operators, etc.): the following documents:

イ　当該変更に係る理由書

(a) written statement of reasons related to the change; and

ロ　第二百六十条第四号に掲げる書類

(b) the document set forth in Article 260, item (iv); and

六　第二百五十八条第四号に掲げる事項について変更があった場合　当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面

(vi) if there is any change to the matters set forth in Article 258, item (iv): the certificate of registered information stating the matters that have been changed, or alternative documents.

2　管轄財務局長等は、金融商品仲介業者からその管轄する区域を超えて本店等の所在地を変更したことの届出を受理した場合には、届出書及び金融商品仲介業者登録簿のうち当該金融商品仲介業者に係る部分その他の書類を、当該届出に係る変更後の本店等の所在地を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては福岡財務支局長、国内に営業所又は事務所を有しない場合にあっては関東財務局長）に送付するものとする。

(2) If the competent Director-General of a Local Finance Bureau, etc. has received a notification on the change of the locality of the head office, etc. filed beyond the jurisdictional area from a financial instruments intermediary service provider, the Director-General is to send the written notification and the part of the register of the financial instruments intermediary service providers related to the financial instruments intermediary service provider and other documents to the Director-General of a Local Finance Bureau that has jurisdiction over the changed locality of the head office, etc. related to the notification (if the locality falls within the jurisdictional area of the Fukuoka Local Finance Branch Bureau, its Director-General; or if the service operator does not have a business office or an office in Japan, the Director-General of the Kanto Finance Bureau).

3　前項の規定による書類の送付を受けた財務局長又は福岡財務支局長は、当該金融商

品仲介業者に係る事項を金融商品仲介業者登録簿に登録するものとする。
(3) The Director-General of a Local Finance Bureau or the Director-General of the Fukuoka Local Finance Branch Bureau who has received the documents sent under the provisions of the preceding paragraph is to register the matters related to the financial instruments intermediary service provider in the register of financial instruments intermediary service providers.

（業務の内容又は方法の変更の届出）
(Notification on Changes to Content and Method of Business)
第二百六十四条　法第六十六条の五第三項の規定により届出を行う金融商品仲介業者は、変更の内容、変更年月日及び変更の理由を記載した届出書に、第二百五十九条各号に掲げるもの（内容に変更のあるものに限る。）を記載した書類を添付して、管轄財務局長等に提出しなければならない。
Article 264 A financial instruments intermediary service provider that files the notification pursuant to the provisions of Article 66-5, paragraph (3) of the Act must submit a written notification stating the content, the date of the change, and the reasons for the change by attaching a document stating the matters set forth in the items of Article 259 (limited to the matters whose content has been changed) to the competent Director-General of a Local Finance Bureau, etc.

第二節　業務
Section 2 Business

（掲示すべき標識の様式）
(Form of Signs Required to Be Posted)
第二百六十五条　法第六十六条の八第一項に規定する内閣府令で定める様式は、別紙様式第二十五号に定めるものとする。
Article 265 The form specified by Cabinet Office Order as prescribed in Article 66-8, paragraph (1) of the Act is the form specified in the Appended Form No. 25.

（広告類似行為）
(Acts Similar to Advertising)
第二百六十六条　法第六十六条の十各項に規定する内閣府令で定める行為は、郵便、信書便、ファクシミリ装置を用いて送信する方法、電子メールを送信する方法、ビラ又はパンフレットを配布する方法その他の方法（次に掲げるものを除く。）により多数の者に対して同様の内容で行う情報の提供とする。
Article 266 The acts specified by Cabinet Office Order as prescribed in the paragraphs of Article 66-10 of the Act mean acts of providing the same information to many persons, by means of postal mail, correspondences delivery, transmission by a facsimile device, electronic mail, distribution of

leaflets or pamphlets, or other means (excluding those set forth in the following items):

一　法令又は法令に基づく行政官庁の処分に基づき作成された書類を配布する方法

(i) method of distributing documents prepared based on laws or regulations or dispositions rendered by administrative agencies based on laws and regulations;

二　個別の企業の分析及び評価に関する資料であって、金融商品仲介行為に係る金融商品取引契約の締結の勧誘に使用しないものを配布する方法

(ii) method of distributing materials on the analysis and appraisal by individual enterprises which will not be used for soliciting the conclusion of financial instruments transaction contracts related to intermediation for financial instruments;

三　次に掲げる全ての事項のみが表示されている景品その他の物品（ロからニまでに掲げる事項について明瞭かつ正確に表示されているものに限る。）を提供する方法（当該事項のうち景品その他の物品に表示されていない事項がある場合にあっては、当該景品その他の物品と当該事項が表示されている他の物品とを一体のものとして提供する方法を含む。）

(iii) method of providing premiums or other goods that only indicate all of the following matters (limited to those that clearly and accurately indicate the matters set forth in sub-items (b) through (d)) (if there are matters that are not indicated on the premiums or other goods among those matters, including method of provision of the premiums or other goods together with goods that indicate the matters as a single unit):

イ　次に掲げるいずれかのものの名称、銘柄又は通称

(a) the name, issue, or alias of any of the following matters:

（１）　金融商品仲介行為に係る金融商品取引契約又はその種類

1. financial instruments transaction contract related to intermediation for financial instruments, or its type;

（２）　有価証券又はその種類

2. securities or the type of those securities;

（３）　出資対象事業又はその種類

3. business subject to investment or the type of the business; or

（４）　（１）から（３）までに掲げる事項に準ずる事項

4. matters equivalent to the matters set forth in 1. through 3.

ロ　この号に規定する方法により多数の者に対して同様の内容で行う情報の提供をする金融商品仲介業者の商号、名称若しくは氏名又はこれらの通称

(b) the trade name, name, or alias of financial instruments intermediary service providers that provide information that has similar content to many persons by the means specified in this item;

ハ　令第十八条第二項第一号に掲げる事項及び第二百六十九条第三号に掲げる事項（これらの事項の文字又は数字が当該事項以外の事項の文字又は数字のうち最も

大きなものと著しく異ならない大きさで表示されているものに限る。）

(c) the matters set forth in Article 18, paragraph (2), item (i) of the Order and the matters set forth in Article 269, item (iii) (limited to cases in which the letters or numbers used for the matters are indicated in a size that does not substantially differ from the size of the largest letters or numbers used for the matters other than those matters);

ニ　金融商品仲介行為に係る次に掲げるいずれかの書面の内容を十分に読むべき旨

(d) a notice of the fact that the content of any of the following documents concerning intermediation for financial instruments should be thoroughly read:

（１）　契約締結前交付書面

1. document for delivery before conclusion of a contract;

（２）　上場有価証券等書面

2. document on listed securities, etc.

（３）　第八十条第一項第三号に規定する目論見書（同号の規定により当該目論見書と一体のものとして交付される書面がある場合には、当該目論見書及び当該書面）

3. prospectus prescribed in Article 80, paragraph (1), item (iii) (if there is a document to be delivered together with the prospectus pursuant to the provisions of that item as a single unit, the prospectus and the document); and

（４）　契約変更書面

4. contract change document.

（金融商品仲介業の内容についての広告等の表示方法）

(Presentation Method of Advertisement on Content of Financial Instruments Intermediary Services)

第二百六十七条　金融商品仲介業者がその行う金融商品仲介業の内容について広告又は前条に規定する行為（以下この節において「広告等」という。）をするときは、法第六十六条の十第一項各号に掲げる事項について明瞭かつ正確に表示しなければならない。

Article 267 (1) If a financial instruments intermediary service provider advertises or conducts acts specified in the preceding Article concerning the content of their financial instruments intermediary services (hereinafter referred to as "advertisement, etc." in this Section), they must clearly and accurately present the matters set forth in the items of Article 66-10, paragraph (1) of the Act.

２　金融商品仲介業者がその行う金融商品仲介業の内容について広告等をするときは、令第十八条第一項第四号及び第五号に掲げる事項並びに第二百六十九条第三号に掲げる事項の文字又は数字をこれらの事項以外の事項の文字又は数字のうち最も大きなものと著しく異ならない大きさで表示するものとする。

(2) If a financial instruments intermediary service provider makes an advertisement, etc. concerning the content of their financial instruments intermediary services, they are to indicate the letters or numbers used for the matters set forth in Article 18, paragraph (1), items (iv) and (v) of the Order and the matters set forth in Article 269, item (iii) in a size that does not substantially differ from the size of the largest letters or numbers used for the matters other than those matters.

３　金融商品仲介業者がその行う金融商品仲介業の内容について基幹放送事業者の放送設備により放送をさせる方法又は第二百七十条第一項各号に掲げる方法（音声により放送をさせる方法を除く。）により広告をするときは、前項の規定にかかわらず、令第十八条第二項第一号に掲げる事項及び第二百六十九条第三号に掲げる事項の文字又は数字をこれらの事項以外の事項の文字又は数字をこれらの事項以外の事項の文字又は数字のうち最も大きなものと著しく異ならない大きさで表示するものとする。

(3) Notwithstanding the provisions of the preceding paragraph, if a financial instruments intermediary service provider advertises the content of their financial instruments intermediary services by means of broadcasting the content using the broadcasting facilities of a basic broadcaster or by the means set forth in the items of Article 270, paragraph (1) (excluding the means of broadcasting using sound), they are to indicate the letters or numbers used for the matters set forth in Article 18, paragraph (2), item (i) of the Order and the matters set forth in Article 269, item (iii) in a size that does not substantially differ from the size of the largest letters or numbers used for the matters other than those matters.

（顧客が支払うべき対価に関する事項）

(Matters Concerning Consideration Customers Should Pay)

第二百六十八条　令第十八条第一項第一号に規定する内閣府令で定めるものは、手数料、報酬、費用その他いかなる名称によるかを問わず、金融商品仲介行為に係る金融商品取引契約に関して顧客が支払うべき対価（有価証券の価格又は保証金等の額を除く。以下この節において「手数料等」という。）の種類ごとの金額若しくはその上限額又はこれらの計算方法（当該金融商品取引契約に係る有価証券の価格、令第十六条第一項第三号に規定するデリバティブ取引等の額若しくは運用財産の額に対する割合又は金融商品取引行為を行うことにより生じた利益に対する割合を含む。以下この項において同じ。）の概要及び当該金額の合計額若しくはその上限額又はこれらの計算方法の概要とする。ただし、これらの表示をすることができない場合にあっては、その旨及びその理由とする。

Article 268 (1) The matters specified by Cabinet Office Order as prescribed in Article 18, paragraph (1), item (i) of the Order are the amount for each type of consideration required to be paid by customers concerning a financial instruments transaction contract related to intermediation for financial instruments which are fees, remunerations, expenses, or other payments

irrespective of the name (excluding the price of securities or the amount of security deposit, etc.; hereinafter referred to as "fees, etc." in this Section) or its upper limit, or the outline of the method of its calculation (including the ratio to the price of the securities related to the financial instruments transaction contract, the amount of derivative transactions, etc. prescribed in Article 16, paragraph (1), item (iii) of the Order or the amount of invested properties, or the ratio to the profit generated from conducting the acts that constitute financial instruments transactions; hereinafter the same applies in this paragraph), and the sum or upper limit of that amount, or the outline of the method of their calculation; provided, however, that if it is not possible to indicate them, that fact and the reason for that.

２　前項の金融商品仲介行為に係る金融商品取引契約が投資信託受益権等の取得に係るものであって、当該投資信託受益権等に係る財産が他の投資信託受益権等（以下この条において「出資対象投資信託受益権等」という。）に対して出資され、又は拠出されるものである場合には、同項の手数料等には、当該出資対象投資信託受益権等に係る信託報酬その他の手数料等を含むものとする。

(2) If a financial instruments transaction contract related to intermediation for financial instruments referred to in the preceding paragraph concerns the acquisition of investment trust beneficial interests, etc., and the property related to the investment trust beneficial interests, etc. is to be invested or contributed in another investment trust beneficial interests, etc. (hereinafter referred to as "investment trust beneficial interests, etc. that are subject of contribution" in this Article), the fees, etc. referred to in the preceding paragraph are to include the trust fee and any other fees, etc. related to the investment trust beneficial interests, etc. that are subject of contribution.

３　前項の出資対象投資信託受益権等に係る財産が他の投資信託受益権等に対して出資され、又は拠出される場合には、当該他の投資信託受益権等を出資対象投資信託受益権等とみなして、前二項の規定を適用する。

(3) If the property related to investment trust beneficial interests, etc. that are subject of contribution referred to in the preceding paragraph is to be invested or contributed in another investment trust beneficial interests, etc., the other investment trust beneficial interests, etc. are deemed to be investment trust beneficial interests, etc. that are subject to contribution, and the provisions of the preceding two paragraphs apply.

４　前項の規定は、同項（この項において準用する場合を含む。）の規定により出資対象投資信託受益権等とみなされた投資信託受益権等に係る財産が他の投資信託受益権等に対して出資され、又は拠出される場合について準用する。

(4) The provisions of the preceding paragraph apply mutatis mutandis in cases in which the property related to investment trust beneficial interests, etc. that is deemed to be investment trust beneficial interests, etc. that are subject to contribution pursuant to the provisions of that paragraph (including as applied

mutatis mutandis pursuant to this paragraph) is to be invested or contributed in another investment trust beneficial interests, etc.

（顧客の判断に影響を及ぼす重要事項）
(Important Matters That Impact Customers' Decisions)

第二百六十九条　令第十八条第一項第六号に規定する内閣府令で定める事項は、次に掲げる事項とする。

Article 269 The matters specified by Cabinet Office Order as prescribed in Article 18, paragraph (1), item (vi) of the Order are as follows:

一　金融商品仲介行為に係る金融商品取引契約に関する重要な事項について顧客の不利益となる事実

(i) the facts concerning material matters on financial instruments transaction contracts related to intermediation for financial instruments, which are to be disadvantageous to customers; and

二　所属金融商品取引業者等が金融商品取引業協会（当該金融商品仲介業の内容に係る業務を行う者を主要な協会員又は会員とするものに限る。）に加入している場合にあっては、その旨及び当該金融商品取引業協会の名称

(ii) if an entrusting financial instruments business operator, etc. is a member of a financial instruments firms association (limited to an association that has persons conducting business related to the content of the financial instruments intermediary services as principal association members or members), that fact and the name of the financial instruments firms association.

三　暗号資産に関する金融商品仲介行為について広告等をする場合にあっては、次に掲げる事項

(iii) in cases of making an advertisement, etc. on the acts of financial instruments intermediation for cryptoassets, the following matters:

イ　暗号資産は本邦通貨又は外国通貨ではないこと。

(a) the fact that cryptoassets are not in Japanese currency or foreign currency; and

ロ　暗号資産は代価の弁済を受ける者の同意がある場合に限り代価の弁済のために使用することができること。

(b) the fact that cryptoassets can be used for payment of consideration limited to cases in which there is consent of the person who is to receive payment of consideration.

（基幹放送事業者の放送設備により放送をさせる方法に準ずる方法等）
(Means Equivalent to Broadcasting by Using Broadcasting Facilities of Basic Broadcasters)

第二百七十条　令第十八条第二項に規定する内閣府令で定める方法は、次に掲げるものとする。

Article 270 (1) The means specified by Cabinet Office Order as prescribed in Article 18, paragraph (2) of the Order are as follows:

一　一般放送事業者の放送設備により放送をさせる方法

(i) means of broadcasting using the broadcasting facilities of a private broadcaster;

二　金融商品仲介業者又は当該金融商品仲介業者が行う広告等に係る業務の委託を受けた者の使用に係る電子計算機に備えられたファイルに記録された情報の内容（基幹放送事業者の放送設備により放送をさせる方法又は前号に掲げる方法により提供される事項と同一のものに限る。）を電気通信回線を利用して顧客に閲覧させる方法

(ii) means of having the customers inspect the content of information recorded in the files stored on the computer to be used by a financial instruments intermediary service provider or a person that has been entrusted the business related to advertisement, etc. to be made by the financial instruments intermediary service provider (limited to matters that are the same as those provided by means of broadcasting using the broadcasting facilities of a basic broadcaster or the means set forth in the preceding item) via a telecommunications line; or

三　常時又は一定の期間継続して屋内又は屋外で公衆に表示させる方法であって、看板、立看板、はり紙及びはり札並びに広告塔、広告板、建物その他の工作物等に掲出させ、又は表示させるもの並びにこれらに類するもの

(iii) means of having the public present the matters indoor or outdoor constantly or continuously for a fixed period, which are posted or presented on signboards, standing signboards, labels and placards, advertising towers, billboards, buildings or other structures, etc., or other means similar to them.

２　令第十八条第二項第二号に規定する内閣府令で定める事項は、第二百六十六条第三号ニ及び前条第三号に掲げる事項とする。

(2) The matters specified by Cabinet Office Order as prescribed in Article 18, paragraph (2), item (ii) of the Order are the matters set forth in Article 266, item (iii), (d) and item (iii) of the preceding Article.

（誇大広告をしてはならない事項）

(Matters for Which Exaggerated Advertisement is Prohibited)

第二百七十一条　法第六十六条の十第二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 271 The matters specified by Cabinet Office Order as prescribed in Article 66-10, paragraph (2) of the Act are as follows:

一　金融商品仲介行為に係る金融商品取引契約の解除に関する事項（法第三十七条の六第一項から第四項までの規定に関する事項を含む。）

(i) the matters concerning cancellation of a financial instruments transaction contract related to intermediation for financial instruments (including the

matters related to the provisions of Article 37-6, paragraphs (1) through (4) of the Act);

二　金融商品仲介行為に係る金融商品取引契約に係る損失の全部若しくは一部の負担又は利益の保証に関する事項

(ii) the matters on bearing all or a part of a loss or a guarantee of profit concerning a financial instruments transaction contract related to intermediation for financial instruments;

三　金融商品仲介行為に係る金融商品取引契約に係る損害賠償額の予定（違約金を含む。）に関する事項

(iii) the matters concerning amount of liquidated damages (including penalties) in connection with a financial instruments transaction contract related to intermediation for financial instruments;

四　金融商品仲介行為に係る金融商品取引契約に係る金融商品市場又は金融商品市場に類似する市場で外国に所在するものに関する事項

(iv) the matters on a financial instruments market or a similar market located in a foreign country concerning financial instruments transaction contracts related to intermediation for financial instruments;

五　所属金融商品取引業者等の資力又は信用に関する事項

(v) the matters concerning financial resources or credibility of an entrusting financial instruments business operator, etc.;

六　所属金融商品取引業者等の金融商品取引業（登録金融機関にあっては、登録金融機関業務）の実績に関する事項

(vi) the matters concerning results of financial instruments business conducted by an entrusting financial instruments business operator, etc. (for a registered financial institution, registered financial institution business);

七　金融商品仲介行為に係る金融商品取引契約に関して顧客が支払うべき手数料等の額又は計算方法、その支払の方法及び時期並びにその支払先に関する事項

(vii) the matters concerning the amount of fees, etc. required to be paid by customers in connection with financial instruments transaction contracts related to intermediation for financial instruments or their calculation method, and the means and timing of the payment, and the payee of those fees, etc.;

八　金融商品仲介業者が金融商品仲介行為に係る抵当証券等の売買その他の取引について広告等をする場合にあっては、次に掲げる事項

(viii) if a financial instruments intermediary service provider is to make an advertisement, etc. of the purchase and sale or other transactions for mortgage securities, etc. related to intermediation for financial instruments, the following matters:

イ　金融商品仲介行為に係る抵当証券等に記載された債権の元本及び利息の支払の確実性又は保証に関する事項

(a) the matters concerning certainty or guarantee of the payment of principal

and interest on the claims stated in the mortgage securities, etc. related to intermediation for financial instruments;

ロ　所属金融商品取引業者等に対する推薦に関する事項

(b) the matters concerning recommendation to an entrusting financial instruments business operator, etc.;

ハ　利息に関する事項

(c) the matters on interest; and

ニ　金融商品仲介行為に係る抵当証券等に記載された抵当権の目的に関する事項

(d) the matters concerning the subject matter of a mortgage stated in the mortgage securities, etc. related to intermediation for financial instruments;

九　金融商品仲介業者が金融商品仲介行為に係る投資顧問契約について広告等をする場合にあっては、助言の内容及び方法に関する事項

(ix) if a financial instruments intermediary service provider is to make an advertisement, etc. on investment advisory contracts related to intermediation for financial instruments, the matters on the content of advice and method of giving advice;

十　金融商品仲介業者が金融商品仲介行為に係る投資一任契約について広告等をする場合にあっては、投資判断の内容及び方法に関する事項

(x) if a financial instruments intermediary service provider is to make an advertisement, etc. on discretionary investment contracts related to intermediation for financial instruments, the matters on the content of investment decisions and method of making investment decisions; and

十一　金融商品仲介業者が第七条第四号ニ（１）に掲げる権利に係る募集又は私募について広告等をする場合にあっては、競走用馬の血統及び飼養管理の状況に関する事項

(xi) if a financial instruments intermediary service provider is to make an advertisement, etc. on public offering or private placement of the rights set forth in Article 7, item (iv), sub-item (d), 1., the matters on bloodlines of the racehorses and situation of the management of breeding them.

十二　金融商品仲介業者が電子記録移転有価証券表示権利等に関する金融商品仲介行為について広告等をする場合にあっては、次に掲げる事項

(xii) if a financial instruments intermediary service provider is to make an advertisement, etc. on the acts of financial instruments intermediation for electronically recorded transferable rights to be indicated on securities, etc., the following matters:

イ　電子記録移転有価証券表示権利等の性質

(a) the nature of the electronically recorded transferable rights to be indicated on securities, etc.; and

ロ　電子記録移転有価証券表示権利等に係る保有又は移転の仕組みに関する事項

(b) the matters on the mechanism for holding and transferring the

electronically recorded transferable rights to be indicated on securities, etc.; and

十三　金融商品仲介業者が暗号資産に関する金融商品仲介行為について広告等をする場合にあっては、次に掲げる事項

(xiii) if a financial instruments intermediary service provider is to make an advertisement, etc. on the acts of financial instruments transactions for cryptoassets:

イ　暗号資産の性質

(a) the nature of the cryptoassets;

ロ　暗号資産の保有又は移転の仕組みに関する事項

(b) the matters on the mechanism for holding and transferring cryptoassets;

ハ　暗号資産の取引高若しくは価格の推移又はこれらの見込みに関する事項

(c) the matters on changes in transaction volumes or prices of cryptoassets or their prospects;

ニ　暗号資産に表示される権利義務の内容に関する事項

(d) the matters on the content of the rights and obligations indicated on cryptoassets; and

ホ　暗号資産を発行し、若しくは発行しようとする者、暗号資産に表示される権利に係る債務者又は暗号資産の価値若しくは仕組みに重大な影響を及ぼすことができる者の資力若しくは信用又はその行う事業に関する事項

(e) the matters on financial resources or creditability of the person who issues or intends to issue cryptoassets, the debtor related to the rights indicated on cryptoassets, or the person who may have a material impact on the value or mechanism of cryptoassets, or business conducted by that person.

（明示事項）

(Matters to Be Clearly Indicated)

第二百七十二条　法第六十六条の十一第四号に規定する内閣府令で定める事項は、次に掲げる事項とする。

Article 272 The matters specified by Cabinet Office Order as prescribed in Article 66-11, item (iv) of the Act are as follows:

一　所属金融商品取引業者等が二以上ある場合において、顧客が行おうとする取引につき顧客が支払う金額又は手数料等が所属金融商品取引業者等により異なる場合は、その旨

(i) if a financial instruments intermediary service provider has two or more entrusting financial instruments business operators, etc., and the amount of money or fees, etc. required to be paid by customers for transactions to be conducted by customers is different depending on the entrusting financial instruments business operator, etc., that fact;

二　投資助言業務を行う場合において、投資助言業務の顧客に対し金融商品仲介行為

（法第二条第十一項第一号から第三号までに掲げる行為に限る。以下この条において同じ。）を行う場合（一定の期間における金融商品仲介行為に係る手数料等の額が、当該金融商品仲介行為の回数にかかわらず一定となっている場合であって、あらかじめ当該手数料等の形態又は額を顧客に対し明示している場合を除く。）は、当該金融商品仲介行為により得ることとなる手数料等の額（あらかじめ手数料等の額が確定しない場合においては、当該手数料等の額の算定方法）

(ii) in conducting investment advisory business, if a financial instruments intermediary service provider conducts intermediation for financial instruments (limited to the acts set forth in Article 2, paragraph (11), items (i) through (iii) of the Act; hereinafter the same applies in this Article) to customers of investment advisory business (excluding cases in which the amount of fees, etc. for intermediation for financial instruments during a certain period has been fixed regardless of the number of times the intermediation for financial instruments has been performed, and the service provider has clearly indicated the type or amount of the fees, etc. to customers in advance), the amount of the fees, etc. to be received through the intermediation for financial instruments (if the amount of fees, etc. has not been fixed in advance, the calculation method of the fees, etc.);

三　所属金融商品取引業者等が二以上ある場合は、顧客の取引の相手方となる所属金融商品取引業者等の商号又は名称

(iii) if there are two or more entrusting financial instruments business operators, etc., the trade name or name of the entrusting financial instruments business operator, etc. that will be the counterparty to the customer's transaction.

（金融商品仲介業者と密接な関係を有する者から除かれる者）

(Persons Excluded from Persons Considered to Have a Close Relationship With Financial Instruments Intermediary Service Providers)

第二百七十三条　令第十八条の二各号列記以外の部分に規定する内閣府令で定める者は、次に掲げるものとする。

Article 273 The persons specified by Cabinet Office Order as prescribed in the non-itemized part of Article 18-2 of the Order are as follows:

一　金融商品取引業者（有価証券等管理業務を行う者に限る。）

(i) a financial instruments business operator (limited to an operator that conducts securities, etc. management business);

二　銀行

(ii) a bank;

三　協同組織金融機関

(iii) a cooperative financial institution;

四　保険会社

(iv) an insurance company;

五　信託会社
(v) a trust company; and
六　株式会社商工組合中央金庫
(vi) The Shoko Chukin Bank Limited.

（信用の供与を条件とした有価証券の売買の勧誘の禁止の例外）
(Exemption from Prohibition of Solicitation for Purchase and Sale of Securities on Condition of Granting Credit)

第二百七十四条　法第六十六条の十四第一号ヘに規定する内閣府令で定めるものは、信用の供与をすることを条件として有価証券の売買の受託等（金融商品仲介業に係るものに限る。第一号において同じ。）をする行為のうち、次に掲げる要件の全てを満たすものとする。

Article 274 The acts specified by Cabinet Office Order as prescribed in Article 66-14, item (i), sub-item (f) of the Act are the acts of becoming entrusted, etc. with purchase and sale of securities on the condition of granting credit (limited to entrustment, etc. related to financial instruments intermediary service; the same applies in item (i)), which satisfy all of the following requirements:

一　証票等を提示し、又は通知した個人から有価証券の売買の受託等をする行為であって、当該個人が当該有価証券の対価に相当する額を二月未満の期間内に一括して支払い、当該額が所属金融商品取引業者等（有価証券等管理業務を行う者に限る。第三号において同じ。）に交付されること。

(i) the act of becoming entrusted, etc. with purchase and sale of securities by an individual who has presented a voucher, etc. or notified a voucher, etc., and the individual makes a lump-sum payment of the amount equivalent to the consideration for the securities within a period that is shorter than two months and the amount is delivered to the entrusting financial instruments business operator, etc. (limited to a person that conducts securities, etc. management business; the same applies in item (iii));

二　同一人に対する信用の供与が十万円を超えることとならないこと。

(ii) the credit granted to the same person does not exceed 100,000 yen;

三　当該有価証券の売買が累積投資契約（所属金融商品取引業者等が顧客から金銭を預かり、当該金銭を対価としてあらかじめ定めた期日において当該顧客に有価証券を継続的に売り付ける契約であって、次に掲げる要件の全てを満たすものをいう。）によるものであること。

(iii) the purchase and sale of the securities is conducted under a contract for cumulative investment (meaning a contract in which an entrusting financial instruments business operator, etc. receives money on deposit from a customer and sells securities to that customer continuously on the date designated in advance using the money as consideration, which satisfies all of the following requirements):

イ　有価証券の買付けの方法として、当該有価証券の種類及び買付けのための預り

金の充当方法を定めていること。

(a) the contract provides for the type of the securities and the method of appropriating money on deposit for making purchases, as a method of purchasing securities;

ロ　預り金の管理の方法として、顧客からの払込金及び顧客が寄託している有価証券の果実並びに償還金の受入れに基づいて発生した所属金融商品取引業者等の預り金を累積投資預り金として他の預り金と区分して経理することを定めていること。

(b) as a method for managing money on deposit, the contract provides that the money paid by the customer and the fruits derived from securities deposited by the customer, and the money on deposit of an entrusting financial instruments business operator, etc. accrued due to acceptance of redemption are to be treated as cumulative investment deposit, and that accounting of the cumulative investment deposit is to be managed separately from other money on deposit;

ハ　他の顧客又は所属金融商品取引業者等と共同で買い付ける場合には、顧客が買い付けた有価証券につき回記号及び番号が特定されたときに、当該顧客が単独で当該有価証券の所有権を有することが確定することを定めていること。

(c) if securities are purchased jointly with another customer or an entrusting financial instruments business operator, the contract provides that it becomes certain that the customer acquires the sole ownership of the securities purchased at the time the code and number of securities have been identified;

ニ　有価証券の管理の方法として、預託を受けた有価証券（所属金融商品取引業者等と顧客が共有しているものに限る。）が他の有価証券と分別して管理されるものであること。

(d) the contract provides that the deposited securities (limited to those co-owned by the entrusting financial instruments business operator and a customer) are to be managed separately from other securities as a method for managing securities; and

ホ　顧客から申出があったときには解約するものであること。

(e) the contract is to be canceled when requested by customers.

（金融商品仲介業者の金融商品仲介業務に係る禁止行為）

(Prohibited Acts of Financial Instruments Intermediary Service Providers Concerning Financial Instruments Intermediary Services)

第二百七十五条　法第六十六条の十四第三号に規定する内閣府令で定める行為は、次に掲げる行為とする。

Article 275 (1) The acts specified by Cabinet Office Order as prescribed in Article 66-14, paragraph (2), item (iii) of the Act are as follows:

一　金融商品仲介行為に関して、虚偽の表示をし、又は重要な事項につき誤解を生ぜ

しめるべき表示をする行為

(i) an act of making a false representation, or to make a representation that may lead to material matters being misunderstood, in connection with intermediation for financial instruments;

二　金融商品仲介行為につき、顧客若しくはその指定した者に対し、特別の利益の提供を約し、又は顧客若しくは第三者に対し特別の利益を提供する行為（第三者をして特別の利益の提供を約させ、又はこれを提供させる行為を含む。）

(ii) an act of promising a customer or a person the customer has designated to provide special benefits, or to provide special benefits to a customer or a third party (including an act of having a third party promise to provide special benefits or having a third party provide special benefit), in connection with intermediation for financial instruments;

三　金融商品仲介行為に関し、偽計を用い、又は暴行若しくは脅迫をする行為

(iii) an act of using fraudulent means, or committing an assault or making a threat, in connection with intermediation for financial instruments;

四　金融商品仲介行為に係る金融商品取引契約に基づく金融商品仲介行為を行うことの全部又は一部の履行を拒否し、又は不当に遅延させる行為

(iv) an act of refusing to perform all or part of intermediation for financial instruments under a financial instruments transaction contract, or unreasonably delaying the intermediation, related to the intermediation for financial instruments;

五　金融商品仲介行為に関し、顧客（当該金融商品仲介行為が抵当証券等及び商品ファンド関連受益権の売買その他の取引に係るもの並びに令第十六条の四第一項第一号及び第二項各号に掲げる契約以外のものである場合にあっては、個人に限る。）に迷惑を覚えさせるような時間に電話又は訪問により勧誘する行為

(v) an act of soliciting a customer (limited to an individual, if the intermediation for financial instruments is related to an act other than purchase and sale or other transactions of mortgage securities, etc. and purchase and sale of beneficial interest in commodity fund, and other than the contract set forth in Article 16-4, paragraph (1), item (i) and items of paragraph (2) of the Order) by making a phone call or by making a visit at a time that would be annoying to the customer;

六　法第三十八条第四号に規定する金融商品取引契約（第百十六条第一項第三号イ及びロに掲げる取引に係るものを除く。）の締結の勧誘をする目的があることを顧客（特定投資家を除く。）にあらかじめ明示しないで当該顧客を集めて当該金融商品取引契約の締結の勧誘をする行為

(vi) an act of gathering customers (excluding professional investors) and soliciting them to conclude a financial instruments transaction contract prescribed in Article 38, item (iv) of the Act (excluding a contract related to transactions set forth in Article 116, paragraph (1), item (iii), sub-items (a) and (b)), without clearly indicating to them that the purpose is to solicit the

conclusion of the financial instruments transaction contract in advance;

六の二　個人である顧客（その締結の勧誘をしようとする金融商品取引契約の相手方となるべき所属金融商品取引業者等に有価証券の取引又はデリバティブ取引を行うための口座を開設している者及び当該所属金融商品取引業者等と商品先物取引法施行令第三十条に規定する商品取引契約を締結している者を除く。）に対し、法第三十八条第五号に規定する金融商品取引契約（令第十六条の四第二項第一号ホに掲げる取引に係るものに限る。）の締結につき、その勧誘に先立って、その勧誘を受ける意思の有無を確認する際、次に掲げる方法を用いる行為

(vi)-2 an act of using a means specified in the following sub-items when confirming with a customer that is an individual (excluding a person that has opened an account for the transactions of securities or derivative transactions with the entrusting financial instruments business operator, etc. that is to become a counterparty to the financial instruments transaction contract to be solicited, and a person that has concluded a commodity transaction contract provided for in Article 30 of the Order for Enforcement of the Financial Futures Trading Act with the entrusting financial instruments business operator, etc.) whether the customer wishes to be solicited the conclusion of a financial instruments transaction contract provided for in Article 38, item (v) of the Act (limited to the solicitation related to the transactions specified in Article 16-4, paragraph (2), item (i), sub-item (e) of the Order), before the solicitation:

イ　訪問し又は電話をかけること。

(a) making a visit or phone call;

ロ　勧誘する目的があることをあらかじめ明示しないで当該顧客を集めること。

(b) to gather customers without clearly indicating to them that the purpose is solicitation in advance;

七　法第三十八条第六号に規定する金融商品取引契約（第百十六条第一項第三号イ及びロに掲げる取引に係るものを除く。）の締結につき、顧客（特定投資家を除く。）があらかじめ当該金融商品取引契約を締結しない旨の意思（当該金融商品取引契約の締結の勧誘を受けることを希望しない旨の意思を含む。）を表示したにもかかわらず、当該金融商品取引契約の締結の勧誘をする行為

(vii) an act to solicit a customer (excluding a professional investor) to conclude a financial instruments transaction contract provided for in Article 38, item (vi) of the Act (excluding those related to the transactions specified in Article 116, paragraph (1), item (iii), sub-items (a) and (b)), notwithstanding the fact that the customer has manifested the intention not to conclude the financial instruments transaction contract (including manifesting the intention that they do not wish to be solicited to conclude the financial instruments transaction contract) in advance;

八　あらかじめ顧客の同意を得ずに、当該顧客の計算による有価証券の売買その他の取引、市場デリバティブ取引又は外国市場デリバティブ取引をする行為

(viii) an act to conduct purchase and sale or other transactions of securities, market derivatives transactions or foreign market derivatives transactions, on the customer's account, without the customer's prior consent;

九　個人である金融商品仲介業者又は金融商品仲介業者の役員（役員が法人であるときは、その職務を行うべき社員を含む。）若しくは使用人（金融商品仲介業に従事する者に限る。）が専ら投機的利益の追求を目的として有価証券の売買その他の取引等をする行為

(ix) an act of a financial instruments intermediary service provider that is an individual, or an officer (if the officer is a corporation, including a member that is to perform its duties) or employee (limited to an employee to be engaged in financial instruments intermediary services) of a financial instruments intermediary service provider to conduct purchase and sale or other transactions of securities, solely for the purpose of pursuing speculative profit;

十　顧客の有価証券の売買その他の取引又は市場デリバティブ取引若しくは外国市場デリバティブ取引が法第百六十六条第一項若しくは第三項又は法第百六十七条第一項若しくは第三項の規定に違反すること又は違反するおそれのあることを知りながら、当該有価証券の売買の媒介その他の取引若しくは取引所金融商品市場若しくは外国金融商品市場における当該有価証券の売買の委託の媒介又は市場デリバティブ取引若しくは外国市場デリバティブ取引の委託の媒介の申込みを受ける行為

(x) an act of accepting a customer's application for an intermediary service for purchase and sale or other transactions of the securities, an application for an intermediary service for entrustment of purchase and sale of securities on financial instruments exchange market or foreign financial instruments market, or an application for an intermediary service for entrustment of market derivatives transactions or foreign market derivatives transactions, knowing that purchase and sale or other transactions of securities, or market derivatives transactions or foreign market derivatives transactions by the customer violates or is likely to violate the provisions of Article 166, paragraph (1) or (3) or Article 167, paragraph (1) or (3) of the Act;

十一　有価証券の売買の媒介その他の取引若しくは取引所金融商品市場若しくは外国金融商品市場における有価証券の売買の委託の媒介又は法第二十八条第八項第三号に掲げる取引若しくは法第二条第二十一項第五号に掲げる取引（有価証券に係るものに限る。次号において同じ。）の委託の媒介につき、顧客に対して当該有価証券の発行者の法第二十七条の二第一項に規定する公開買付け（同項本文の規定の適用を受ける場合に限る。次号において同じ。）、これに準ずる株券等（同項に規定する株券等をいう。次号において同じ。）の買集め及び法第二十七条の二十二の二第一項に規定する公開買付け（同項本文の規定の適用を受ける場合に限る。次号において同じ。）の実施又は中止の決定（法第百六十七条第二項ただし書に規定する基準に該当するものを除く。次号において同じ。）に係る公表されていない情報を提供して勧誘する行為

(xi) concerning an intermediary service for purchase and sale or other transactions of securities, an intermediary service for entrustment of purchase and sale of securities on financial instruments exchange markets or foreign financial instruments markets, or an intermediary service for entrustment of a transaction set forth in Article 28, paragraph (8), item (iii) of the Act or a transaction set forth in Article 2, paragraph (21), item (v) of the Act (limited to a transaction concerning securities; the same applies in the following item), an act of soliciting customers by providing undisclosed information of the issuer of the securities on the decision on launch or suspension (excluding those that satisfy the standards prescribed in the proviso to Article 167, paragraph (2) of the Act; the same applies in the following item) of the tender offer prescribed in Article 27-2, paragraph (1) of the Act (limited to cases in which the provisions of the main clause of that paragraph apply; the same applies in the following item), the buying-up of share certificates, etc. equivalent to that (meaning the share certificates, etc. prescribed in that paragraph; the same applies in the following item), and the tender offer prescribed in Article 27-22-2, paragraph (1) of the Act (limited to cases in which the provisions of the main clause of that paragraph apply; the same applies in the following item);

十一の二　有価証券の売買の媒介その他の取引若しくは取引所金融商品市場若しくは外国金融商品市場における有価証券の売買の委託の媒介又は法第二十八条第八項第三号に掲げる取引若しくは法第二条第二十一項第五号に掲げる取引（以下この号において有価証券の売買若しくは取引所金融商品市場若しくは外国金融商品市場における有価証券の売買又は法第二十八条第八項第三号に掲げる取引若しくは法第二条第二十一項第五号に掲げる取引を総称して「売買等」という。）の委託の媒介につき、当該有価証券の発行者の法第二十七条の二第一項に規定する公開買付け、これに準ずる株券等の買集め及び法第二十七条の二十二の二第一項に規定する公開買付けの実施又は中止の決定に係る情報について公表がされたこととなる前に当該売買等をさせることにより顧客に利益を得させ、又は当該顧客の損失の発生を回避させる目的をもって、当該顧客に対して当該売買等をすることを勧めて勧誘する行為（前号に掲げる行為を除く。）

(xi)-2 concerning an intermediary service for purchase and sale or other transactions of securities, an intermediary service for entrustment of purchase and sale of securities on financial instruments exchange markets or foreign financial instruments markets, or an intermediary service for entrustment of a transaction specified in Article 28, paragraph (8), item (iii) of the Act or a transaction set forth in Article 2, paragraph (21), item (v) of the Act (hereinafter purchase and sale of securities, purchase and sale of securities in financial instruments exchange markets or foreign financial instruments markets, or transactions set forth in Article 28, paragraph (8), item (iii) of the Act or those set forth in Article 2, paragraph (21), item (v) of

the Act are collectively referred to as "purchase and sale, etc."), an act of soliciting customers to make the purchase and sale, etc. for the purpose of having the customer gain profit or avoid causing loss for the customer by having them make the purchase and sale, etc. before the information related to the decision on launch or suspension of the tender offer prescribed in the provisions of Article 27-2, paragraph (1) of the Act by the issuer of the securities, buying-up of share certificates, etc. equivalent to that, and tender offer prescribed in Article 27-22-2, paragraph (1) of the Act (excluding the act set forth in the preceding item);

十二　金融商品仲介業者又はその役員（役員が法人であるときは、その職務を行うべき社員を含む。）若しくは使用人が、当該金融商品仲介業者又はその親法人等若しくは子法人等の役員若しくは使用人が職務上知り得た顧客の有価証券の売買又は市場デリバティブ取引若しくは外国市場デリバティブ取引に係る注文の動向その他の特別の情報（外国法人（法人でない外国の団体で代表者又は管理人の定めのあるものを含む。）に係るものを除く。）を、その親法人等若しくは子法人等から受領する行為若しくはその親法人等若しくは子法人等に提供する行為（当該金融商品仲介業者若しくはその親法人等若しくは子法人等又はそれらの役員若しくは使用人による当該特別の情報の提供につき事前に当該顧客の書面による同意がある場合、親法人等若しくは子法人等が所属金融商品取引業者等である場合であって、第百二十三条第一項第十八号イからハまでに掲げる情報を受領する場合及び第二百八十一条第十二号イからハまでに掲げる情報を提供する場合並びに親銀行等若しくは子銀行等である所属金融機関の委託を受けて金融機関代理業を行う場合であって、次項第一号若しくは第二号に掲げる情報を受領する場合及び同項第三号若しくは第四号に掲げる情報を提供する場合を除く。）又は親法人等若しくは子法人等から取得した当該特別の情報（当該親法人等若しくは子法人等が事前に当該顧客の書面による同意を得て提供したものを除く。）を利用して有価証券の売買その他の取引、市場デリバティブ取引又は外国市場デリバティブ取引（有価証券等清算取次ぎを除く。）を勧誘する行為

(xii) an act of a financial instruments intermediary service provider or their officer (if the officer is a corporation, including members that are to perform its duties) or employee to receive from their parent corporation, etc. or subsidiary corporation, etc. information on trend of orders related to the customer's purchase and sale of securities or market derivatives transactions or foreign market derivatives transactions or other special information (excluding information related to foreign corporations (including a foreign organization that is not a corporation for which a representative or manager has been designated)), which the officer or employee of the financial instruments intermediary service provider, or the officer or employee of their parent corporation, etc. or subsidiary corporation, etc. has come to know in the course of duties, or to provide the information to their parent corporation, etc. or subsidiary corporation, etc. (excluding cases in which the customer

has given prior written consent for the provision of the special information by the financial instruments intermediary service provider, their parent corporation, etc. or subsidiary corporation, etc., or officers or employees of the corporations, etc., the parent corporation, etc. or subsidiary corporation, etc. is the entrusting financial instruments business operator, etc. and the information set forth in Article 123, paragraph (1), item (xviii), sub-items (a) through (c) is received and the information set forth in Article 281, item (xii), sub-items (a) through (c) is provided, and in which the financial institution agency service is performed based on entrustment by the principal financial institution that is the parent bank, etc. or subsidiary bank, etc. and the information set forth in item (i) or (ii) of the following paragraph is received or the information set forth in item (iii) or (iv) of that paragraph is provided), or to solicit for purchase and sale or other transactions of securities, market derivatives transactions, or foreign market derivatives transactions (excluding brokerage for clearing of securities, etc.) by using the special information obtained from the parent corporation, etc. or subsidiary corporation, etc. (excluding information that the parent corporation, etc. or subsidiary corporation, etc. has provided with the customer's prior written consent);

十三　不特定かつ多数の顧客に対し、特定かつ少数の銘柄の有価証券の買付け若しくは売付けの媒介若しくは委託の媒介又は市場デリバティブ取引の委託の媒介の申込みを一定期間継続して一斉にかつ過度に勧誘する行為で、公正な価格（市場デリバティブ取引にあっては、価格に相当する事項）の形成を損なうおそれがあるもの

(xiii) an act of soliciting unspecified and many customers to make an application for intermediary services for purchase or sale of securities of a specified and small number of issues or intermediary services for their entrustment, or intermediary services for entrustment of market derivatives transactions of a specified and small number of issues, at the same time and in an excessively aggressive manner, continuously over a certain period, which is likely to hinder the formation of a fair price (for market derivatives transactions, the matter equivalent to the price);

十四　顧客の取引に基づく価格、指標、数値又は対価の額の変動を利用して自己又は当該顧客以外の顧客の利益を図ることを目的として、不特定かつ多数の顧客に対し、有価証券の買付け若しくは売付けの媒介若しくは委託の媒介又は市場デリバティブ取引の委託の媒介の申込みを一定期間継続して一斉にかつ過度に勧誘する行為

(xiv) an act of soliciting unspecified and many customers to make an application for intermediary services for purchase or sale of securities or intermediary services for their entrustment, or an application for intermediary services for the entrustment of market derivatives transactions, at the same time and in an excessively aggressive manner, continuously over a certain period, for the purpose of taking advantage of fluctuations in prices,

indexes, figures, or the amount of consideration based on customers' transactions and thereby to gain their own profit or profit of customers other than the customer;

十五　取引所金融商品市場における上場金融商品等又は店頭売買有価証券市場における店頭売買有価証券の相場若しくは相場若しくは取引高に基づいて算出した数値を変動させ、若しくはくぎ付けし、固定し、若しくは安定させ、又は取引高を増加させることにより実勢を反映しない作為的なものとなることを知りながら、当該上場金融商品等又は当該店頭売買有価証券に係る買付け若しくは売付けの媒介若しくは委託の媒介又は市場デリバティブ取引の委託の媒介をする行為

(xv) an act of providing an intermediary service for purchase or sale of listed financial instruments, etc. or over-the-counter traded securities or intermediary services for their entrustment, or intermediary services for the entrustment of market derivatives transactions, knowing that causing fluctuation, pegging, fixing, or stabilizing the quotation of, or the figures calculated based on the quotations or transaction volumes of, the listed financial instruments, etc. on a financial instruments exchange market or over-the-counter traded securities on over-the-counter securities market, or increasing the transaction volumes will result in creating manipulative quotations that do not reflect the actual market status;

十六　顧客（特定投資家を除く。）に対して、有価証券に係る外国会社届出書等が英語により記載される旨の説明を行わず、又はその旨を記載した文書の交付をしないで買付けの媒介又は取引所金融商品市場若しくは外国金融商品市場における当該有価証券の買付けに係る委託の媒介を行うこと（当該行為の日前一年以内に当該顧客に当該説明を行い、かつ、当該文書の交付をした場合を除く。）。

(xvi) an act of providing customers (excluding professional investors) intermediary services for purchase, intermediary services for entrustment related to purchase of the securities on financial instruments exchange markets or foreign financial instruments markets, without explaining that the foreign company statement, etc. related to securities is to be prepared in English, or without delivering a document stating that fact (excluding the cases in which the explanation has been given, and, the document has been delivered to the customer within one year before the day of the act);

十七　裏書以外の方法による抵当証券等の売買の媒介をする行為

(xvii) an act of providing intermediary service for purchase and sale of mortgage securities, etc. by means other than indorsement;

十八　投資助言業務を行う場合には、当該投資助言業務に係る助言に基づいて顧客が行った有価証券の売買その他の取引、市場デリバティブ取引又は外国市場デリバティブ取引を結了させ、又は反対売買を行わせるため、当該顧客以外の顧客に対して有価証券の売買その他の取引、市場デリバティブ取引又は外国市場デリバティブ取引を勧誘する行為

(xviii) if conducting investment advisory business, for the purpose of

completing purchase and sale or other transactions of securities, market derivatives transactions, or foreign market derivatives transactions conducted by a customer based on advice related to the investment advisory business, or having the customer conduct reversing trade, an act of soliciting purchase and sale or other transactions of securities, market derivatives transactions, or foreign market derivatives transactions to customers other than the customer;

十九　投資運用業を行う場合には、当該投資運用業に関して運用財産の運用として行った有価証券の売買その他の取引、市場デリバティブ取引又は外国市場デリバティブ取引を結了させ、又は反対売買を行わせるため、当該運用財産の権利者以外の顧客に対して有価証券の売買その他の取引、市場デリバティブ取引又は外国市場デリバティブ取引を勧誘する行為

(xix) if conducting investment management business, for the purchase and sale or other transactions of securities, market derivatives transactions, or foreign market derivatives transactions conducted as the investment of investment property concerning the investment management business, or having the customer conduct reverse trading, an act of soliciting purchase and sale or other transactions of securities, market derivatives transactions, or foreign market derivatives transactions to customers other than the right holder of the investment property;

二十　確定拠出年金運営管理業（確定拠出年金法第二条第七項に規定する確定拠出年金運営管理業をいう。次号において同じ。）を行う場合において、当該確定拠出年金運営管理業に係る加入者等（同法第二条第七項第一号イに規定する加入者等をいう。次号において同じ。）による運用の指図（有価証券の売買に係るものに限る。次号において同じ。）に関する情報を利用して、当該加入者等以外の顧客に対して有価証券の売買その他の取引、市場デリバティブ取引又は外国市場デリバティブ取引を勧誘する行為

(xx) if conducting defined contribution pension management services (meaning the defined contribution pension management service as defined in Article 2, paragraph (7) of the Defined Contribution Pension Act; the same applies in the following item), an act of soliciting purchase and sale or other transactions of securities, market derivatives transactions, or foreign market derivatives transactions to customers other than subscribers, etc. by using information on investment instructions (limited to instructions related to purchase and sale of securities; the same applies in the following item) of subscribers, etc. (meaning the subscribers, etc. as defined in Article 2, paragraph (7), item (i), sub-item (a) of that Act; the same applies in the following item) related to the defined contribution pension management services;

二十一　確定拠出年金運営管理業を行う場合において、当該確定拠出年金運営管理業に係る加入者等による運用の指図に基づいて行った有価証券の売買を結了させるた

め、当該加入者等以外の顧客に対して有価証券の売買その他の取引、市場デリバティブ取引又は外国市場デリバティブ取引を勧誘する行為

(xxi) if conducting defined contribution pension management services, for the purpose of concluding purchase and sale of securities made based on investment instructions of subscribers, etc. related to the defined contribution pension management services, an act of soliciting purchase and sale or any other transaction of securities, market derivatives transactions or foreign market derivatives transactions to customers other than those subscribers, etc.;

二十二　信託業等（信託業法第二条第一項に規定する信託業、同条第八項に規定する信託契約代理業、同法第二十一条第一項に規定する財産の管理業務又は同法第二十二条第一項に基づき信託会社（同法第二条第二項に規定する信託会社をいう。）から信託業務の委託を受けて行う業務をいう。次号において同じ。）を行う場合において、当該信託業等に基づく信託財産の管理又は処分に係る有価証券の売買その他の取引、市場デリバティブ取引又は外国市場デリバティブ取引に関する情報を利用して、当該信託財産に係る顧客以外の顧客に対して有価証券の売買その他の取引、市場デリバティブ取引又は外国市場デリバティブ取引の委託等を勧誘する行為

(xxii) if conducting trust business, etc. (meaning the trust business as defined in Article 2, paragraph (1) of the Trust Business Act, the trust agreement agency business as defined in paragraph (8) of that Article, the property management business as prescribed in Article 21, paragraph (1) of that Act or a business conducted based on entrustment of trust business by a trust company (meaning the trust company as defined in Article 2, paragraph (2) of that Act) based on Article 22, paragraph (1) of that Act; the same applies in the following item), an act of soliciting entrustment, etc. of purchase and sale or other transactions of securities, market derivatives transactions, or foreign market derivatives transactions by using information on purchase and sale or other transactions of securities, market derivatives transactions, or foreign market derivatives transactions related to the management or disposition of trust property based on the trust business, etc.;

二十三　信託業等を行う場合において、当該信託業等に基づく信託契約又は委託者の指図に基づいて行った有価証券の売買その他の取引、市場デリバティブ取引又は外国市場デリバティブ取引を結了させ、又は反対売買を行わせるため、当該信託契約に係る顧客以外の顧客に対して有価証券の売買その他の取引、市場デリバティブ取引又は外国市場デリバティブ取引（有価証券等清算取次ぎを除く。）を勧誘する行為

(xxiii) if conducting trust business, etc., an act of soliciting purchase and sale or other transactions of securities, market derivatives transactions, or foreign market derivatives transactions (excluding brokerage for clearing of securities, etc.) to customers other than the customer related to the trust agreement, for the purpose of completing purchase and sale or other

transactions of securities, market derivatives transactions, or foreign market derivatives transactions, or having customers conduct reversing trade;

二十四　金融機関代理業（再編強化法第四十二条第三項の認可に係る業務の代理を含む。次号及び第二十六号において同じ。）を行う場合において、資金の貸付け又は手形の割引を内容とする契約の締結の代理又は媒介を行うことを条件として、法第二条第十一項各号に掲げる行為を行うこと（第二号に掲げる行為によってするものを除く。）。

(xxiv) if conducting financial institution agency services (including agency services for business related to the authorization referred to in Article 42, paragraph (3) of the Enhancement and Restructuring Act; the same applies in the following item and item (xxvi)), an act of conducting the acts set forth in the items of Article 2, paragraph (11) of the Act (excluding those conducted through the act set forth in item (ii)), on the condition of conducting agency or intermediation services for concluding a contract for loan of funds or discount of negotiable instruments;

二十五　金融機関代理業を行う場合において、金融商品仲介業に従事する金融商品仲介業者又はその役員（役員が法人であるときは、その職務を行うべき社員を含む。）若しくは使用人が、有価証券（第百十七条第一項第三十一号に規定する有価証券をいう。以下この号において同じ。）の発行者である顧客の非公開融資等情報（金融機関代理業務（再編強化法第四十二条第三項の認可に係る業務の代理のうち事業のための資金の貸付け又は手形の割引を内容とする契約の締結の代理又は媒介に係る業務を含む。以下この号、次号及び第二百八十一条第九号において同じ。）に従事する金融商品仲介業者若しくはその役員若しくは使用人が職務上知り得たその顧客の行う事業に係る公表されていない情報その他の特別な情報であって金融商品仲介業に従事する金融商品仲介業者若しくはその役員若しくは使用人が勧誘する当該有価証券に係る顧客の投資判断に影響を及ぼすと認められるもの又は金融商品仲介業に従事する金融商品仲介業者若しくはその役員若しくは使用人が職務上知り得たその顧客の有価証券の売買、市場デリバティブ取引又は外国市場デリバティブ取引に係る注文の動向その他の特別の情報であって当該有価証券の発行者に係る金融機関代理業務に重要な影響を及ぼすと認められるものに限る。以下この号及び第二百八十一条第九号において同じ。）を金融機関代理業務に従事する金融商品仲介業者若しくはその役員若しくは使用人から受領し、又は金融機関代理業務に従事する金融商品仲介業者若しくはその役員若しくは使用人に提供する行為（次に掲げる場合を除く。）

(xxv) if conducting financial institution agency services, an act by a financial instruments intermediary service provider engaged in financial instruments intermediary service or their officer (if the officer is a corporation, including members that are to perform its duties) or employee of receiving undisclosed loan information, etc. (undisclosed information concerning business conducted by customers a financial instruments intermediary service provider engaged in financial institution agency service operations (including

business related to agency or intermediation services for concluding a contract for lending funds or discounting bills for business among agency services for business related to the authorization referred to in Article 42, paragraph (3) of the Enhancement and Restructuring Act; hereinafter the same applies in this item, the following item, and Article 281, item (ix)) or their officer or employee has come to know in the course of duties and other special information which are found to have an impact on the customers' investment decisions on business of the securities solicited by the financial instruments intermediary service provider engaged in financial instruments intermediary services or their officer or employees, or information on the trend of customers' orders on purchase and sale of securities, market derivatives transactions, or foreign market derivatives transactions or other special information which a financial instruments intermediary service provider engaged in financial instruments intermediary service or their officer or employee has come to know in the course of duties which is found to have a material impact on financial institution agency service operations related to the issuers of those securities; hereinafter the same applies in this item and Article 281, item (ix)) of customers that are issuers of securities (meaning the securities prescribed in Article 117, paragraph (1), item (xxxi); hereinafter the same applies in this item) from a financial instruments intermediary service provider engaged in financial institution agency service operations or their officer or employee, or providing the undisclosed loan information, etc. to a financial instruments intermediary service provider engaged in financial institution agency service operations (excluding the following cases):

イ　非公開融資等情報の提供につき、事前に顧客の書面による同意を得て提供する場合

(a) when undisclosed loan information, etc. is to be provided by obtaining the prior written consent from the customer;

ロ　金融商品仲介業に係る法令を遵守するために、金融機関代理業務に従事する金融商品仲介業者又はその役員若しくは使用人から非公開融資等情報を受領する必要があると認められる場合

(b) when it is found necessary to receive undisclosed loan information, etc. from a financial instruments intermediary service provider engaged in financial institution agency service operations or their officer or employee, in order to comply with laws and regulations related to financial instruments intermediary services; or

ハ　非公開融資等情報を金融商品仲介業を実施する組織（金融機関代理業務を併せて実施する組織に限る。第二百八十一条第九号において同じ。）の業務を統括する金融商品仲介業者又はその役員若しくは使用人に提供する場合

(c) when undisclosed loan information, etc. is provided to the financial

instruments intermediary service provider supervising the operation of the organ that carries out financial instruments intermediary services (limited to the organ that carries out financial institution agency service operations together with financial instruments intermediary service; the same applies in Article 281, item (ix)) or their officer or employee;

二十六　金融機関代理業を行う場合において、金融機関代理業務に従事する金融商品仲介業者又はその役員若しくは使用人が、職務上知り得た公表されていない情報であって有価証券の投資判断に影響を及ぼすと認められるものに基づいて、有価証券の売買その他の取引、市場デリバティブ取引又は外国市場デリバティブ取引（有価証券等清算取次ぎを除く。）をする行為

(xxvi) if conducting financial institution agency services, an act by a financial instruments intermediary service provider engaged in financial institution agency service operations or their officer or employee of conducting purchase and sale or other transactions of securities, market derivatives transactions, or foreign market derivatives transactions (excluding brokerage for clearing of securities, etc.) based on undisclosed information that they have come to know in the course of duties and which is found to have an impact on investment decisions concerning securities;

二十七　委託金融商品取引業者（金融商品仲介業者に金融商品仲介業務の委託を行う第一種金融商品取引業を行う金融商品取引業者をいう。以下この号において同じ。）が当該委託金融商品取引業者の親法人等又は子法人等に対して借入金に係る債務を有する者が発行する有価証券（第百十七条第一項第三十一号に規定する有価証券をいう。）又は処分する自己株式の引受人となる場合において、これらの有価証券（当該委託金融商品取引業者が法第二条第六項第三号に掲げるものを行う場合にあっては、同号に規定する新株予約権の行使により取得される有価証券を含む。以下この号において同じ。）に係る手取金が当該借入金に係る債務の弁済に充てられることを当該金融商品仲介業者が知りながら、その事情を顧客に告げることなく当該有価証券に係る同条第十一項第一号に掲げる行為（当該委託金融商品取引業者が引受人となった日から六月を経過する日までの間に当該有価証券を売却するものに係るものに限る。）又は同項第三号に掲げる行為を行うこと。

(xxvii) if an entrusting financial instruments business operator (meaning a financial instruments business operator that conducts type I financial instruments business which entrusts financial instruments intermediation operations to a financial instruments intermediary service provider; hereinafter the same applies in this item) is to become an underwriter of securities (meaning the securities prescribed in Article 117, paragraph (1), item (xxxi)) issued by a person owing a debt to the parent corporation, etc. or subsidiary corporation, etc. of the entrusting financial instruments business operator, etc., or an underwriter of treasury shares to be disposed, and the financial instruments intermediary service provider conducts the act set forth in Article 2, paragraph (11), item (i) of the Act related to the securities

(limited to an act related to the case in which the securities are to be sold during the period between the day when the entrusting financial instruments business operator has become an underwriter and the day on which six months have passed) or the act set forth in item (iii) of that paragraph, knowing that the proceeds from those securities (if the entrusting financial instruments business operator, etc. conducts the acts set forth in Article 2, paragraph (6), item (iii) of the Act, including securities acquired by the exercise of the share options prescribed in that item; hereinafter the same applies in this item) are to be appropriated for the payment of the debt related to the borrowing, and without informing the customers of the circumstances;

二十八　金融商品仲介行為（商品関連市場デリバティブ取引に係るものに限る。）につき、顧客（特定投資家を除く。）に対し、当該顧客が行う商品関連市場デリバティブ取引の売付け又は買付けその他これに準ずる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行為

(xxviii) an act of recommending a customer (excluding a professional investor) to make the quantity and due date for sale, purchase, or other equivalent transactions in commodity-related market derivatives transactions conducted by them the same as those for a corresponding transaction (meaning a transaction that would reduce the loss arising from those transactions) concerning intermediation for financial instruments (limited to acts related to commodity-related market derivatives transactions);

二十九　暗号資産関連契約（法第六十六条の十五において準用する法第四十三条の六第二項に規定する契約をいう。次号において同じ。）の締結若しくはその勧誘をするに際し、又はその行う金融商品仲介業（暗号資産に関する金融商品仲介行為に係るものに限る。第三十三号において同じ。）に関して広告等をするに際し、顧客（金融商品取引業者等（暗号資産に関する金融商品取引行為を業として行う者に限る。）及び暗号資産交換業者等を除く。次号において同じ。）に対し、裏付けとなる合理的な根拠を示さないで、第二百七十一条第五号から第七号まで又は第十三号イからホまでに掲げる事項に関する表示をする行為

(xxix) upon concluding or soliciting for conclusion of a cryptoasset-related contract (meaning a contract prescribed in Article 43-6, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 66-15 of the Act; the same applies in the following item), or upon placing an advertisement, etc. for financial instruments intermediary service that they conduct (limited to services concerning acts related to financial instruments intermediation for cryptoassets; the same applies in item (xxxiii)), an act of making a representation for matters set forth in Article 271, items (v) through (vii) or item (xiii), sub-items (a) through (e), without indicating reasonable grounds that support the representation to customers (excluding financial

instruments business operators, etc. (limited to those that conduct acts of financial instruments transactions for cryptoassets on a regular basis) and cryptoasset exchange service providers, etc.; the same applies in the following item);

三十　顧客に対し、第二百六十九条第三号イ及びロに掲げる事項を明瞭かつ正確に表示しないで（書面の交付その他これに準ずる方法を用いる場合にあっては、当該事項の文字又は数字を当該事項以外の事項の文字又は数字のうち最も大きなものと著しく異ならない大きさで表示しないことを含む。）暗号資産関連契約の締結の勧誘をする行為

(xxx) an act of soliciting a customer to conclude a cryptoasset-related contract without clearly and accurately indicating the matters set forth in Article 269, item (iii), sub-items (a) and (b) (if delivering a document or using other equivalent methods, including not indicating the letters or numbers for the matters in a size that does not substantially differ from the size of the largest letters or numbers for matters other than those matters);

三十一　顧客が法第百八十五条の二十二第一項、第百八十五条の二十三第一項又は第百八十五条の二十四第一項若しくは第二項の規定に違反する市場デリバティブ取引又は外国市場デリバティブ取引（これらの規定に違反する行為に関連して行われるものを含む。）を行うおそれがあることを知りながら、これらの取引の委託の媒介の申込みを受ける行為

(xxxi) while knowing that a customer is likely to conduct a market derivatives transaction or foreign market derivatives transaction in violation of the provisions of Article 185-22, paragraph (1), Article 185-23, paragraph (1), or Article 185-24, paragraph (1) or (2) of the Act (including a transaction to be conducted in relation to an act violating these provisions), an act of accepting the customer's application for an intermediary service for those transactions;

三十二　暗号資産等の相場若しくは相場若しくは取引高に基づいて算出した数値を変動させ、又は取引高を増加させることにより実勢を反映しない作為的なものとなることを知りながら、当該暗号資産等に係る市場デリバティブ取引の委託の媒介をする行為

(xxxii) while knowing that causing fluctuations in the quotations of cryptoassets or the figures calculated based on the quotations or transaction volumes, or increasing the transaction volumes will lead to manipulative quotations not reflecting actual market status, the act of conducting intermediary services for entrustment of market derivatives transaction for the cryptoassets, etc.; and

三十三　自己又は第三者の利益を図ることを目的として、所属金融商品取引業者等がその行う金融商品取引業等の対象とし、若しくは対象としようとする有価証券の売買その他の取引等に係る暗号資産等又は当該所属金融商品取引業者等に関する重要な情報であって顧客の暗号資産等に係る有価証券の売買その他の取引等に係る判断に影響を及ぼすと認められるもの（当該所属金融商品取引業者等の行う金融商品取

引業等の全ての顧客が容易に知り得る状態に置かれている場合を除く。）を、第三者に対して伝達し、又は利用する行為（当該金融商品仲介業者の行う金融商品仲介業の適正かつ確実な遂行に必要なものを除く。）

(xxxiii) an act of transmitting to a third party or utilizing material information on cryptoassets, etc. related to purchase and sale or other transactions of securities that the financial instruments business operator, etc. uses or intends to use as the subject of financial instruments business, etc. or concerning the entrusting financial instruments business operator, etc., which is found to have an impact on customers' decisions on purchase and sale or other transactions of securities related to cryptoassets, etc. (excluding cases in which the material information has been made readily accessible to all customers of the financial instruments business, etc. conducted by the entrusting financial instruments business operator, etc.) for the purpose of gaining their own profit or profit of the third party (excluding the acts that are required for properly and securely performing financial instruments intermediary service conducted by the financial instruments intermediary service provider).

２　前項第十二号の親銀行等若しくは子銀行等である所属金融機関から受領し、又は提供する情報は、次に掲げるものとする。

(2) The information to be received from the principal financial institutions that fall under a parent bank, etc. or subsidiary bank, etc. referred to in item (xii) of the preceding paragraph, or information to be provided to those principal financial institutions is as follows:

一　金融商品仲介業者が親銀行等又は子銀行等である所属金融機関の委託を受けて行う金融機関代理業に係る情報

(i) information on the financial institution agency services to be conducted by a financial instruments intermediary service provider, based on entrustment by the principal financial institution that is their parent bank, etc. or subsidiary bank, etc.;

二　金融商品仲介業者が親銀行等又は子銀行等である所属金融機関の委託を受けて行う金融機関代理業に係る法令を遵守するために受領する必要があると認められる情報

(ii) information which is found necessary to be received by a financial instruments intermediary service provider, in order to comply with laws and regulations related to financial institution agency services conducted based on entrustment by the principal financial institution that is their parent bank, etc. or subsidiary bank, etc.;

三　金融商品仲介業者が親銀行等又は子銀行等である所属金融機関の委託を受けて行う金融機関代理業を行うために所属金融機関に対し提供する必要があると認められる情報

(iii) information which is found necessary to be provided to the principal

financial institutions, in order for a financial instruments intermediary service provider to conduct financial institution agency services to be conducted based on entrustment by the principal financial institution that is their parent bank, etc. or subsidiary bank, etc.; and

四　金融商品仲介業者が親銀行等又は子銀行等である所属金融機関から委託を受けて行う金融機関代理業により知り得た情報であって、金融商品仲介業者が法令を遵守するため、当該所属金融機関に提供する必要があると認められる情報

(iv) information that a financial instruments intermediary service provider has come to know in conducting financial institution agency services that they conduct based on entrustment by the principal financial institution that is their parent bank, etc. or subsidiary bank, etc., which is found necessary to be provided to the principal financial institution in order for the financial instruments intermediary service provider to comply with laws and regulations.

３　第一項第十五号の規定は、有価証券の募集（五十名以上の者を相手方として行うものに限る。）若しくは特定投資家向け取得勧誘（五十名以上の者を相手方として行うものに限る。）又は有価証券の売出し（五十名以上の者を相手方として行うものに限る。）若しくは特定投資家向け売付け勧誘等（五十名以上の者を相手方として行うものに限る。）を容易にするために取引所金融商品市場若しくは店頭売買有価証券市場において一連の有価証券売買等をする場合における当該一連の有価証券売買等の媒介を行う場合には、適用しない。

(3) The provisions of paragraph (1), item (xv) do not apply if intermediary services for a series of purchase and sale, etc. of securities is to be provided, if the series of purchase and sale, etc. of securities is conducted on a financial instruments exchange market or an over-the-counter securities market in order to facilitate public offering of securities (limited to a public offering made to 50 or more persons) or solicitation for acquisition only for professional investors (limited to a solicitation made to 50 or more persons), secondary distribution of securities (limited to secondary distribution made to 50 or more persons) or solicitation for selling, etc. only for professional investors (limited to solicitation made to 50 or more persons).

（一般投資家に含まれない者）

(Persons Excluded from General Investors)

第二百七十五条の二　法第六十六条の十四の二に規定する内閣府令で定める者は、次に掲げる者とする。

Article 275-2 (1) The persons specified by Cabinet Office Order as prescribed in Article 66-14-2 of the Act are as follows:

一　当該特定投資家向け有価証券の発行者の取締役等（取締役、監査役、執行役、理事若しくは監事又はこれらに準ずる者をいう。）であり、かつ、当該発行者の総株主等の議決権の百分の五十を超える議決権（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（これらの規定を同法第二百二十八条第一項、第二百三十五条第一項、第二百三十九条第一項及び第二百七十六条（第二号に係る部分に限る。）において準用する場合を含む。）の規定により発行者に対抗することができない株式又は出資に係る議決権を含む。以下この条において「対象議決権」という。）を自己若しくは他人の名義をもって保有する者（以下この条において「特定役員」という。）又は当該特定役員の被支配法人等（当該発行者を除く。）

(i) a person that is a director, etc. (meaning a director, company auditor, executive officer, board member, auditor or other persons equivalent to them) of the issuer of the securities for professional investors, and, holds voting rights exceeding 50 percent of the voting rights held by all the shareholders, etc. of the issuer (including the voting rights related to shares or contribution that may not be duly asserted against an 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 (including as applied mutatis mutandis pursuant to Article 228, paragraph (1), Article 235, paragraph (1), Article 239, paragraph (1), and Article 276 (limited to the part related to item (ii))); hereinafter referred to as "subject voting rights" in this Article) under their own name or other person's name (hereinafter the person is referred to as "specified officer" in this Article), or the controlled corporation, etc. of the specified officer (the corporation excludes the issuer);

二　当該特定投資家向け有価証券の発行者の総株主等の議決権の百分の五十を超える対象議決権を自己又は他人の名義をもって保有する会社（前号に掲げる者を除く。）

(ii) a company that holds subject voting rights exceeding 50 percent of the voting rights held by all the shareholders, etc. of the issuer of the securities for professional investors (excluding persons set forth in the preceding item) under its own name or other person's name;

三　当該特定投資家向け有価証券（次に掲げるものに限る。）の発行者の役員等（当該特定投資家向け有価証券の買付け（当該発行者の他の役員等と共同して、一定の計画に従い、個別の投資判断に基づかず、継続的に買付けを行うことを内容とする契約であって各役員等の一回当たりの拠出金額が百万円に満たないものに基づいて行うものに限る。）を行う者に限り、第一号に掲げる者を除く。）

(iii) an officer, etc. of the issuer of the securities for professional investors (the securities are limited to the following securities) (limited to a person that conducts purchase of the securities for professional investors (limited to a purchase made based on a contract which provides that the officer, etc., jointly with other officers, etc. of the issuer, continuously conducts purchases in accordance with a fixed plan, not based on individual investment decisions, and by the amount to be contributed by each of the officers, etc. at one time is less than one million yen), and excluding the person set forth in item (i)):

イ　法第二条第一項第九号に掲げる有価証券

(a) the securities set forth in Article 2, paragraph (1), item (ix) of the Act;

ロ　法第二条第一項第十一号に掲げる有価証券のうち、投資証券、新投資口予約権証券又は外国投資証券で投資証券若しくは新投資口予約権証券に類する証券

(b) investment securities, certificates of investment equity subscription rights, or foreign investment securities similar to investment securities or certificates of investment equity subscription rights, among the securities set forth in Article 2, paragraph (1), item (xi) of the Act;

ハ　法第二条第一項第十七号に掲げる有価証券のうち、同項第九号に掲げる有価証券の性質を有するもの

(c) the securities set forth in Article 2, paragraph (1), item (xvii) of the Act, which have the nature of the securities set forth in item (ix) of that paragraph;

ニ　イからハまでに掲げる有価証券を受託有価証券とする有価証券信託受益証券

(d) the certificates of a beneficial interest in a securities trust whose entrusted securities are the securities set forth in sub-items (a) through (c); and

ホ　法第二条第一項第二十号に掲げる有価証券でイからハまでに掲げる有価証券に係る権利を表示するもの

(e) the securities set forth in Article 2, paragraph (1), item (xx) of the Act which indicate the right related to the securities set forth in sub-item (a) or (b).

２　特定役員とその被支配法人等が合わせて他の法人等（法人その他の団体をいう。以下この条において同じ。）の総株主等の議決権の百分の五十を超える対象議決権を自己又は他人の名義をもって保有する場合には、当該他の法人等は、当該特定役員の被支配法人等とみなして、前項第一号及びこの項の規定を適用する。

(2) If the subject voting rights held by the specified officer and their controlled corporation, etc. together under their own names or the names of other persons, exceed 50 percent of the voting rights held by all the shareholders, etc. of another corporation, etc. (meaning a corporation or other organizations; hereinafter the same applies in this Article), the other corporation, etc. is deemed to be the controlled corporation, etc. of the specified officer, and the provisions of item (i) of the preceding paragraph and this paragraph apply.

３　第一項第一号及び前項の「被支配法人等」とは、特定役員が他の法人等の総株主等の議決権の百分の五十を超える対象議決権を自己又は他人の名義をもって保有する場合における当該他の法人等をいう。

(3) The term "controlled corporation, etc." as used in paragraph (1), item (i) and the preceding paragraph means the other corporation, etc. when the subject voting rights exceeding 50 percent of the voting rights held by all the shareholders, etc. of another corporation, etc. are held by a specified officer under their own name or the name of another person.

４　第一項第三号の「役員等」とは、令第一条の三の三第五号に規定する役員等をいう。
(4) The term "officer, etc." as used in paragraph (1), item (iii) means the officer, etc. prescribed in Article 1-3-3, item (v) of the Order.

（特定投資家向け有価証券の売買の媒介等の制限の例外）
(Exceptions to Restrictions on Intermediary Services for Purchase and Sale of Securities for Professional Investors)

第二百七十五条の三　法第六十六条の十四の二に規定する内閣府令で定める場合は、一般投資家（同条に規定する一般投資家をいう。以下この条において同じ。）に対する勧誘に基づかないで所属金融商品取引業者等のために当該一般投資家が行う取引所金融商品市場又は外国金融商品市場における売付けの委託の媒介を行う場合とする。

Article 275-3 The cases specified by Cabinet Office Order as prescribed in Article 66-14-2 of the Act are those in which a financial instruments intermediary service provider provides intermediary services for entrusting financial instruments business operator, etc. concerning entrustment of sale on a financial instruments exchange market or foreign financial instruments exchange market to be conducted by the general investor, not based on solicitation to general investors (meaning a general investor prescribed in that Article; hereinafter the same applies in this Article).

（事故）
(Problematic Conduct)

第二百七十六条　法第六十六条の十五において準用する法第三十九条第三項に規定する内閣府令で定めるものは、有価証券売買取引等（同条第一項第一号に規定する有価証券売買取引等をいう。以下この条において同じ。）につき、金融商品仲介業者又はその代表者等が、当該金融商品仲介業者の業務に関し、次に掲げる行為を行うことにより顧客に損失を及ぼしたものとする。

Article 276 The cases specified by Cabinet Office Order as prescribed in Article 39, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 66-15 of the Act are the cases in which a financial instruments intermediary service provider or its representative, etc. has conducted any of the following acts concerning the business of the financial instruments intermediary service provider, and has caused a loss to a customer in connection with the purchase and sale or other transaction of securities, etc. (meaning the purchase and sale or other transaction of securities, etc. prescribed in Article 39, paragraph (1), item (i) of the Act; the same applies in this Article);

一　顧客の注文の内容について確認しないで、当該顧客の計算による有価証券売買取引等の媒介を行うこと。
(i) an act of providing intermediary services for purchase and sale or other transactions of securities, etc. on the customer's account, without confirming the content of the customer's order;

二　次に掲げるものについて顧客を誤認させるような勧誘をすること。

(ii) an act of soliciting a customer in a manner that would lead the customer to misunderstand any of the following matters:

イ　有価証券等（法第六十六条の十五において準用する法第三十九条第一項第一号に規定する有価証券等をいう。）の性質

(a) the nature of the securities, etc. (meaning the securities, etc. prescribed in Article 39, paragraph (1), item (i) of the Act as applied mutatis mutandis pursuant to Article 66-15 of the Act);

ロ　取引の条件

(b) the conditions of trading;

ハ　金融商品の価格若しくはオプションの対価の額の騰貴若しくは下落、法第二条第二十一項第二号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）の約定数値若しくは現実数値の上昇若しくは低下、同項第四号若しくは第四号の二に掲げる取引の当該取引に係る金融指標の上昇若しくは低下若しくは金融商品の価格の騰貴若しくは下落又は同項第五号に掲げる取引の同号イ若しくはロに掲げる事由の発生の有無

(c) whether the price of the financial instruments or the amount of consideration for the options has risen or fallen, whether the agreed figure or the actual figure for a transaction set forth in Article 2, paragraph (21), item (ii) of the Act (including foreign market derivatives transactions similar to the transaction) has risen or fallen, whether the financial index related to the transaction set forth in item (iv) or item (iv)-2 of that Article has risen or fallen or the prices of financial instruments has risen or fallen, or whether an event set forth in item (v), sub-item (a) or (b) of that paragraph has occurred in connection with the transaction set forth in item (v) of that paragraph;

三　顧客の計算による有価証券売買取引等を媒介する際に、過失により事務処理を誤ること。

(iii) to make errors in clerical work due to negligence, at the time of providing intermediary services for purchase and sale or other transactions of securities, etc. conducted on the customer's account;

四　電子情報処理組織の異常により、顧客の計算による有価証券売買取引等を誤って媒介すること。

(iv) to erroneously provide intermediary services for purchase and sale or other transactions of securities, etc. conducted on the customer's account, due to malfunctioning of the electronic data processing system; or

五　その他法令に違反する行為を行うこと。

(v) to commit other acts violating laws and regulations.

（事故の確認を要しない場合）

(Cases that Does Not Require Confirmation of Problematic Conducts)

第二百七十七条　法第六十六条の十五において準用する法第三十九条第三項ただし書に規定する内閣府令で定める場合は、次に掲げる場合とする。

Article 277 (1) The cases specified by Cabinet Office Order as prescribed in the proviso to Article 39, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 66-15 of the Act are as follows:

一　裁判所の確定判決を得ている場合

(i) if a final and binding judgment has been issued by the court;

二　裁判上の和解（民事訴訟法第二百七十五条第一項に定めるものを除く。）が成立している場合

(ii) if a judicial settlement (excluding a judicial settlement prescribed in Article 275, paragraph (1) of the Code of Civil Procedures) has been reached;

三　民事調停法第十六条に規定する調停が成立している場合又は同法第十七条の規定により裁判所の決定が行われ、かつ、同法第十八条第一項に規定する期間内に異議の申立てがない場合

(iii) if a conciliation prescribed in Article 16 of the Civil Conciliation Act has been reached, or a court order has been issued pursuant to the provisions of Article 17 of that Act, and, no objection was filed within the period specified in Article 18, paragraph (1) of that Act;

四　金融商品取引業協会若しくは認定投資者保護団体のあっせん又は指定紛争解決機関の紛争解決手続による和解が成立している場合

(iv) if a settlement has been reached through mediation by a financial instruments firms association or a certified investor protection organization, or through dispute resolution procedures by a designated dispute resolution organization;

五　弁護士法第三十三条第一項に規定する会則若しくは当該会則の規定により定められた規則に規定する機関におけるあっせんによる和解が成立している場合又は当該機関における仲裁手続による仲裁判断がされている場合

(v) if a settlement has been reached through mediation by an organization specified in the bar association rules prescribed in Article 33, paragraph (1) the Attorneys Act or in rules specified under the bar association rules, or if an arbitral award by arbitration procedures taken before the organization has been issued;

六　消費者基本法第十九条第一項若しくは第二十五条に規定するあっせんによる和解が成立している場合又は同条に規定する合意による解決が行われている場合

(vi) if a settlement has been reached through mediation prescribed in Article 19, paragraph (1) or Article 25 of the Consumer Basic Act, or if a resolution based on an agreement prescribed in that Article has been conducted;

七　認証紛争解決事業者（裁判外紛争解決手続の利用の促進に関する法律第二条第四号に規定する認証紛争解決事業者をいい、金融商品仲介行為に係る紛争が同法第六条第一号に規定する紛争の範囲に含まれるものに限る。）が行う認証紛争解決手続による和解が成立している場合

(vii) if a settlement has been reached through certified dispute resolution procedures taken by a certified dispute resolution business operator (meaning the certified dispute resolution business operator as defined in Article 2, item (iv) of the Act on Promotion of Use of Alternative Dispute Resolution, and limited to a case in which the dispute related to intermediation for financial instruments falls within the scope of the disputes prescribed in Article 6, item (i) of that Act);

八　和解が成立している場合であって、次に掲げる要件の全てを満たす場合

(viii) if a settlement has been reached, and the settlement meets all of the following requirements:

イ　当該和解の手続について弁護士又は司法書士（司法書士法第三条第一項第七号に掲げる事務を行う者に限る。次号において同じ。）が顧客を代理していること。

(a) an attorney or a judicial scrivener (limited to one who conducts the work set forth in Article 3, paragraph (1), item (vii) of the Judicial Scriveners Act; the same applies in the following item) has represented the customer in the settlement procedures;

ロ　当該和解の成立により所属金融商品取引業者等が顧客に対して支払をすることとなる額が千万円（イの司法書士が代理する場合にあっては、司法書士法第三条第一項第七号に規定する額）を超えないこと。

(b) the amount to be paid by the entrusting financial instruments business operator, etc. to customers due to the settlement does not exceed ten million yen (if the judicial scrivener referred to in sub-item (a) is to represent the customer, the amount specified in Article 3, paragraph (1), item (vii) of the Judicial Scriveners Act); and

ハ　ロの支払が事故による損失の全部又は一部を補填するために行われるものであることをイの弁護士又は司法書士が調査し、確認したことを証する書面又は電磁的記録が金融商品仲介業者及び当該金融商品仲介業者の所属金融商品取引業者等に交付され、又は提供されていること。

(c) a document or an electronic or magnetic record certifying that the attorney or judicial scrivener referred to in sub-item (a) has investigated and confirmed that the payment referred to in sub-item (b) is to be made to compensate all or part of the loss arising from problematic conduct has been delivered or provided to a financial instruments intermediary service provider and their entrusting financial instruments business operator, etc.

九　事故による損失について、所属金融商品取引業者等及び金融商品仲介業者と顧客との間で顧客に対して支払をすることとなる額が定まっている場合であって、次に掲げる要件の全てを満たす場合（前各号に掲げる場合を除く。）

(ix) if the amount to be paid to the customer concerning the loss arising from a problematic conduct has been determined between the entrusting financial instruments business operator, etc. and a financial instruments intermediary service provider, and the customer, and all of the following requirements are

met (excluding the cases set forth in the preceding items):

イ　所属金融商品取引業者等が顧客に対して支払をすることとなる額が千万円（ロに規定する委員会が司法書士である委員のみにより構成されている場合にあっては、司法書士法第三条第一項第七号に規定する額）を超えないこと。

(a) the amount to be paid to the customer by the entrusting financial instruments business operator, etc. does not exceed ten million yen (if the committee prescribed in sub-item (b) consists only of members that are judicial scriveners, the amount specified in Article 3, paragraph (1), item (vii) of the Judicial Scriveners Act); and

ロ　イの支払が事故による損失を補填するために行われるものであることが、金融商品取引業協会の内部に設けられた委員会（金融商品取引業協会により任命された複数の委員（事故に係る所属金融商品取引業者等、金融商品仲介業者及び顧客と特別の利害関係のない弁護士又は司法書士である者に限る。）により構成されるものをいう。）において調査され、確認されていること。

(b) the fact that the payment referred to in sub-item (a) is to be made for compensating the loss arising from a problematic conduct has been investigated and confirmed by a committee set up within a financial instruments firms association (meaning a committee that consists of two or more members appointed by the financial instruments firms association (limited to persons that are attorneys or judicial scriveners that does not have a special vested interest in the entrusting financial instruments business operator, etc., the financial instruments intermediary service provider, and the customer, related to the problematic conduct));

十　金融商品仲介業者又はその代表者等が前条各号に掲げる行為により顧客に損失を及ぼした場合で、一日の取引において顧客に生じた損失について顧客に対して申し込み、約束し、又は提供する財産上の利益が十万円に相当する額を上回らないとき（前各号に掲げる場合を除く。）。

(x) if a financial instruments intermediary service provider or their representative, etc. has caused a loss to a customer due to any of the acts set forth in the items of the preceding Article, and the amount of economic benefit to be offered, promised, or provided to a customer for the loss incurred by the customer for one day's transaction does not exceed the amount equivalent to 100,000 yen (excluding the cases set forth in the preceding items); and

十一　金融商品仲介業者又はその代表者等が前条第三号又は第四号に掲げる行為により顧客に損失を及ぼした場合（法第四十六条の二、第四十七条若しくは第四十八条に規定する帳簿書類、第二百八十二条第一項第一号に掲げる金融商品仲介補助簿又は顧客の注文の内容の記録により事故であることが明らかである場合に限り、第一号から第九号までに掲げる場合を除く。）

(xi) if a financial instruments intermediary service provider or their representative, etc. has caused a loss to a customer due to any of the acts set

forth in item (iii) or (iv) of the preceding Article (limited to cases in which it is obvious from the books and documents provided for in Article 46-2, Article 47, or Article 48 of the Act, the subsidiary book on financial instruments intermediary services set forth in Article 282, paragraph (1), item (i), or the record of the content of the customer's orders that the act is problematic conduct, and excluding the cases set forth in items (i) through (ix));

２　前項第十号の利益は、前条各号に掲げる行為の区分ごとに計算するものとする。この場合において、同条第三号又は第四号に掲げる行為の区分に係る利益の額については、同項第十一号に掲げる場合において申し込み、約束し、又は提供する財産上の利益の額を控除するものとする。

(2) The benefit referred to in item (x) of the preceding paragraph is to be calculated by each category of the acts set forth in the items of the preceding Article. In such a case, for the amount of benefit related to the category of the act set forth in item (iii) or (iv) of that Article, the amount of economic benefit to be offered, promised, or provided for the case set forth in item (xi) of that paragraph is to be deducted.

３　所属金融商品取引業者等は、第一項第九号から第十一号までに掲げる場合において、法第六十六条の十五において準用する法第三十九条第三項ただし書の確認を受けないで、顧客に対し、財産上の利益を提供する旨を申し込み、若しくは約束し、又は財産上の利益を提供したときは、その申込み若しくは約束又は提供をした日の属する月の翌月末日までに、第二百七十九条各号に掲げる事項を、当該申込み若しくは約束又は提供に係る事故の発生した金融商品仲介業者の本店その他の営業所又は事務所の所在地を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては福岡財務支局長、国内に営業所又は事務所を有しない場合にあっては関東財務局長。第二百七十八条において同じ。）に報告しなければならない。

(3) In the case referred to in paragraph (1), items (ix) through (xi), if an entrusting financial instruments business operator, etc. has offered or promised to provide, or has provided economic benefit to the customer without obtaining the confirmation referred to in the proviso to Article 39, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 66-15, the entrusting financial instruments business operator, etc. must report the matters set forth in the items of Article 279 to the Director-General of a Local Finance Bureau with jurisdiction over the locality of the head office, or other business office or office in which the problematic conduct related to the offer, promise, or provision has occurred, by no later than the last day of the month immediately following the month that includes the day of the offer, promise, or provision (if the locality falls within the jurisdictional area of the Fukuoka Local Finance Branch Bureau, to its Director-General; if the business operator does not have a business office or an office in Japan, to the Director-General of the Kanto Finance Bureau; the same applies in Article 278).

（損失補填の禁止の適用除外）

(Exemption from Application of Prohibition of Compensation of Loss)

第二百七十七条の二　法第六十六条の十五において準用する法第三十九条第四項に規定する内閣府令で定める投資信託は、第百十九条の二に定める投資信託とする。

Article 277-2 The investment trust specified by Cabinet Office Order as prescribed in Article 39, paragraph (4) of the Act as applied mutatis mutandis pursuant to Article 66-15 of the Act are the investment trust specified in Article 119-2.

（事故の確認の申請）

(Application for Confirmation of Problematic Conduct)

第二百七十八条　法第六十六条の十五において準用する法第三十九条第三項ただし書の確認を受けようとする者は、同条第七項の規定による申請書及びその添付書類の正本一通並びにこれらの写し一通を、当該確認に係る事故の発生した本店その他の営業所又は事務所の所在地を管轄する財務局長に提出しなければならない。

Article 278 A person that seeks to obtain the confirmation referred to in the proviso to Article 39, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 66-15 of the Act must submit one original copy of the written application under the provisions of paragraph (7) of that Article and the document to be attached to that and a duplicate of each of those documents to the Director-General of a Local Finance Bureau with jurisdiction over the locality of the head office, or other business office or office in which the problematic conduct related to the confirmation has occurred.

（確認申請書の記載事項）

(Matters to Be Stated in Written Applications for Confirmation)

第二百七十九条　法第六十六条の十五において準用する法第三十九条第七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 279 The matters specified by Cabinet Office Order as prescribed in Article 39, paragraph (7) of the Act as applied mutatis mutandis pursuant to Article 66-15 of the Act are as follows:

一　所属金融商品取引業者等の商号又は名称及び登録番号

(i) the trade name or name and the registration number of the entrusting financial instruments business operator, etc.;

二　事故の発生した本店その他の営業所又は事務所の名称及び所在地

(ii) the name and location of the head office, or other business office or office in which the problematic conduct has occurred;

三　確認を受けようとする事実に関する次に掲げる事項

(iii) the following matters concerning the fact for which the confirmation is sought:

イ　事故となる行為に関係した金融商品仲介業者の商号、名称又は氏名及び代表者

等の氏名又は部署の名称

(a) the trade name or name of the financial instruments intermediary service provider involved in the act that will be a problematic conduct, and the name of the representative, etc. and the name of the department;

ロ　顧客の氏名及び住所（法人にあっては、商号又は名称、主たる営業所又は事務所の所在地及び代表者の氏名）

(b) the name and domicile of the customer (if the customer is a corporation, its trade name or name, the location of the principal business office or office, and the name of its representative);

ハ　事故の概要

(c) an outline of the problematic conduct;

ニ　補填に係る顧客の損失が事故に起因するものである理由

(d) the reasons indicating that the customer's loss to be compensated is due to problematic conduct; and

ホ　申込み若しくは約束又は提供をしようとする財産上の利益の額

(e) the amount of economic benefit to be offered, promised, or provided.

四　その他参考となるべき事項

(iv) other information that should serve as a reference.

（確認申請書の添付書類）

(Documents to Be Attached to Applications for Confirmation)

第二百八十条　法第六十六条の十五において準用する法第三十九条第七項に規定する内閣府令で定めるものは、顧客が前条各号に掲げる事項の内容を確認したことを証明する書類その他参考となるべき資料とする。

Article 280 (1) The documents specified by Cabinet Office Order as prescribed in Article 39, paragraph (7) of the Act as applied mutatis mutandis pursuant to Article 66-15 of the Act are the documents proving that the customer has confirmed the content of the matters set forth in the items of the preceding Article, and other materials that should serve as reference.

２　前項の規定は、法第六十六条の十五において準用する法第三十九条第七項の規定による申請書が同条第一項第二号の申込みに係るものである場合には、適用しない。

(2) The provisions of the preceding paragraph do not apply if the written application under the provisions of Article 39, paragraph (7) of the Act as applied mutatis mutandis pursuant to Article 66-15 of the Act concerns the application referred to in item (ii), paragraph (1) of that Article.

（業務の運営の状況が公益に反し又は投資者の保護に支障を生ずるおそれがあるもの）

(Circumstances in Which Status of the Operation of Business Is Likely to Be Contrary to Public Interest or Hinder the Protection of Investors)

第二百八十一条　法第六十六条の十五において準用する法第四十条第二号に規定する内

閣府令で定める状況は、次に掲げる状況とする。

Article 281 The circumstances specified by Cabinet Office Order as prescribed in Article 40, item (ii) of the Act as applied mutatis mutandis pursuant to Article 66-15 of the Act are as follows:

一　あらかじめ顧客の注文の内容を確認することなく、頻繁に当該顧客の計算による有価証券の売買の媒介若しくは取引所金融商品市場若しくは外国金融商品市場における有価証券の売買の委託の媒介又は市場デリバティブ取引若しくは外国市場デリバティブ取引の委託の媒介をしている状況

(i) circumstances in which the financial instruments intermediary service provider frequently conducts intermediary services for purchase and sale of securities conducted on the customer's account or intermediary services for entrustment of purchase and sale of securities on a financial instruments exchange market or foreign financial instruments market conducted on the customer's account, or intermediary services for entrustment of market derivatives transactions or foreign market derivatives transactions conducted on the customer's account, without confirming the content of the customer's order in advance;

二　不特定かつ多数の投資者を勧誘して有価証券の売買又は市場デリバティブ取引若しくは外国市場デリバティブ取引についての委任を受けている者（法令に準拠して金融商品取引行為を行う者を除く。）から、当該投資者の計算において行う取引であることを知りながら、あらかじめ当該投資者の意思を確認することなく有価証券の売買の媒介若しくは取引所金融商品市場若しくは外国金融商品市場における有価証券の売買の委託の媒介又は市場デリバティブ取引若しくは外国市場デリバティブ取引の委託の媒介をしている状況

(ii) circumstances in which the financial instruments intermediary service provider conducts intermediary services for purchase and sale of securities, intermediary services for entrustment of purchase and sale of securities on a financial instruments exchange market or foreign financial instruments market, or intermediary services for entrustment of market derivatives transactions or foreign market derivatives transactions for a person that has been entrusted with purchase and sale of securities, market derivatives transactions, or foreign market derivatives transactions through soliciting unspecified and many investors (excluding a person that conducts acts of financial instruments transactions in compliance with laws and regulations), knowing that the transactions are to be conducted on the investor's account and without confirming the investor's intention in advance;

三　その取り扱う法人関係情報に関する管理又は顧客の有価証券の売買その他の取引、市場デリバティブ取引又は外国市場デリバティブ取引に関する管理について法人関係情報に係る不公正な取引の防止を図るために必要かつ適切な措置を講じていないと認められる状況

(iii) circumstances in which it is found that concerning the management of

corporate information the financial instruments intermediary service provider handles or the management of customers' purchase and sale or other transactions of securities, market derivatives transactions, or foreign market derivatives transactions, the financial instruments intermediary service provider has not taken necessary and appropriate measures for preventing unfair transactions concerning corporate information;

四　その取り扱う個人である顧客に関する情報の安全管理、従業者の監督及び当該情報の取扱いを委託する場合には、その委託先の監督について、当該情報の漏えい、滅失又は毀損の防止を図るために必要かつ適切な措置を講じていないと認められる状況

(iv) circumstances in which it is found that when entrusting the security management of information on customers that are individuals which the financial instruments intermediary service provider handles, the supervision of employees, and the handling of the information, the financial instruments intermediary service provider has not taken measures necessary and appropriate for preventing the leakage, loss, or damage of the information;

四の二　その取り扱う個人である顧客に関す情報（個人情報の保護に関する法律第十六条第三項に規定する個人データに該当するものに限る。）の漏えい、滅失若しくは毀損が発生し、又は発生したおそれがある事態が生じたときに、当該事態が生じた旨を管轄財務局長等に速やかに報告することその他の適切な措置を講じていないと認められる状況

(iv)-2 when a leakage, loss, or damage of the information on customers that are individuals a financial instruments intermediary service provider handles (limited to information falling under personal data prescribed in Article 16, paragraph (3) of the Act on the Protection of Personal Information) occurs or a situation in which the likelihood of the occurrence of a leakage, loss, or damage has arisen, circumstances in which it is found that the financial instruments intermediary service provider has not promptly made a report to the competent Director-General of a Local Finance Bureau, etc. or has not taken other appropriate measures;

五　その取り扱う個人である顧客に関する人種、信条、門地、本籍地、保健医療又は犯罪経歴についての情報その他業務上知り得た公表されていない特別の情報を、適切な業務の運営の確保その他必要と認められる目的以外の目的のために利用しないことを確保するための措置を講じていないと認められる状況

(v) circumstances in which it is found that the financial instruments intermediary service provider has not taken measures to ensure that the information on customers that are individuals they handle concerning race, creed, family origin, registered domicile, health and medical care or criminal records, or other undisclosed and special information that they have come to know in the course of duties will not be used for purposes other than the ensuring proper operation of business or other purposes found to be

necessary;

六　投資信託受益証券等の乗換えを勧誘するに際し、顧客（特定投資家を除く。）に対して、当該乗換えに関する重要な事項について説明を行っていない状況

(vi) when soliciting a customer for a rollover of investment trust beneficiary certificates, etc., the financial instruments intermediary service provider has not given the customer (excluding a professional investor) an explanation on material matters regarding the rollover;

七　法第二条第八項第九号に掲げる行為により同条第一項第五号に掲げる有価証券又は同項第十七号に掲げる有価証券（同項第一号から第五号までのいずれかに掲げる有価証券の性質を有するものに限る。）を取得させ、又は売り付けようとする際に、これらの有価証券の取得又は買付けの申込みの期間中に生じた投資判断に影響を及ぼす重要な事象について、個人である顧客（特定投資家を除く。）に対して説明を行っていない状況

(vii) when the financial instruments intermediary service provider seeks to have other persons acquire the securities set forth in Article 2, paragraph (1), item (v) of the Act or item (xvii) of that paragraph (limited to those that have the nature of the securities set forth in any of items (i) through (v) of that paragraph), or sell them those securities through an act set forth in paragraph (8), item (ix) of that Article, circumstances in which the financial instruments intermediary service provider has not provided customers that are individuals (excluding a professional investor) with an explanation on material events that have occurred during the period for filing an application for acquiring or purchasing those securities, which have an impact on the customers' investment decisions;

八　金融商品仲介業に係る電子情報処理組織の管理が十分でないと認められる状況

(viii) circumstances in which the management of an electronic data processing system used for financial instruments intermediary services is found to be insufficient;

九　金融商品仲介業を実施する組織の業務を統括する金融商品仲介業者又はその役員（役員が法人であるときは、その職務を行うべき社員を含む。）若しくは使用人が、有価証券（第百十七条第一項第三十一号に規定する有価証券をいう。）の発行者である顧客の非公開融資等情報を自ら取得し、又は金融機関代理業務に従事する金融商品仲介業者若しくはその役員若しくは使用人から受領して、当該有価証券に係る法第二条第十一項各号に掲げる行為を行っている状況（当該統括する金融商品仲介業者又はその役員若しくは使用人が、非公開融資等情報（法人関係情報を除く。）の提供につき、事前にその顧客の書面による同意を得ることなく、その顧客の非公開融資等情報を金融商品仲介業に従事する金融商品仲介業者又はその役員若しくは使用人に提供している状況を含む。）

(ix) circumstances in which the financial instruments intermediary service provider that supervises the operations of the organ that conduct financial instruments intermediary services or their officer (if the officer is a

corporation, including members that are to perform its duties) or employee has personally acquired undisclosed loan, etc. information on the customer that is the issuer of securities (meaning the securities specified in Article 117, paragraph (1), item (xxxi)), or has received the information from a financial instruments intermediary service provider or their officer or employee engaged in financial institution agency services, and is conducts any of the acts set forth in the items of Article 2, paragraph (11) of the Act related to those securities (including the circumstances in which the financial instruments intermediary service provider supervising the operations or their officer or employee provides a financial instruments intermediary service provider engaged in financial instruments intermediary services or their officer or employee with the customer's undisclosed loan information, etc. (excluding corporate information) without obtaining the customer's prior written consent);

十　金融商品仲介業者が、本店その他の営業所又は事務所を金融機関（銀行、協同組織金融機関、信託会社その他令第一条の九各号に掲げる金融機関をいう。）の本店その他の営業所若しくは事務所又はその代理店（銀行法第二条第十五項に規定する銀行代理業者、長期信用銀行法第十六条の五第三項に規定する長期信用銀行代理業者、信用金庫法第八十五条の二第三項に規定する信用金庫代理業者、協同組合による金融事業に関する法律第六条の三第三項に規定する信用協同組合代理業者、労働金庫法第八十九条の三第三項に規定する労働金庫代理業者、農業協同組合法第九十二条の二第三項に規定する特定信用事業代理業者、水産業協同組合法第百六条第三項に規定する特定信用事業代理業者及び農林中央金庫法第九十五条の二第三項に規定する農林中央金庫代理業者の営業所又は事務所を含み、保険業法第二条第十九項に規定する生命保険募集人及び同条第二十一項に規定する損害保険代理店を除く。）と同一の建物に設置してその業務を行う場合において、顧客が当該金融商品仲介業者を当該金融機関と誤認することを防止するための適切な措置を講じていないと認められる状況

(x) when a financial instruments intermediary service provider establishes the head office or other business offices or offices in the same building as that of the head office, other business offices or offices, or agency office (including the business offices or other offices of a bank agent prescribed in Article 2, paragraph (15) of the Banking Act, a long-term credit bank agent prescribed in Article 16-5, paragraph (3) of the Long-Term Credit Bank Act, Shinkin Bank agent prescribed in Article 85-2, paragraph (3) of the Shinkin Bank Act, credit cooperative agent prescribed in Article 6-3, paragraph (3) of the Act on Financial Businesses by Cooperative, Labor Bank agent prescribed in Article 89-3, paragraph (3) of the Labor Bank Act, specific credit business agent prescribed in Article 92-2, paragraph (3) of the Agricultural Cooperatives Act, specific credit business agent prescribed in Article 106, paragraph (3) of the Fishery Cooperatives Act and Norinchukin Bank agent prescribed in Article

95-2, paragraph (3) of the Norinchukin Bank Act, and excluding a life insurance solicitor prescribed in Article 2, paragraph (19) of the Insurance Business Act and a non-life insurance agent prescribed in paragraph (21) of that Article) of a financial institution (meaning a bank, cooperative financial institution, trust company, or other financial institutions set forth in the items of Article 1-9 of the Order) and conducts business, circumstances in which it is found that the financial instruments intermediary service provider has not taken appropriate measures for preventing customers from confusing the financial instruments intermediary service provider with those financial institutions, and;

十一　金融商品仲介業者が、電気通信回線に接続している電子計算機を利用してその業務を行う場合において、顧客が当該金融商品仲介業者を所属金融商品取引業者等又はその他の者と誤認することを防止するための適切な措置を講じていないと認められる状況

(xi) when the financial instruments intermediary service provider conducts business using a computer connected via a telecommunications line, circumstances in which it is found that they have not taken appropriate measures for preventing the customer from confusing the financial instruments intermediary service provider with an entrusting financial instruments business operator or other persons;

十二　金融商品仲介業者が取得した顧客の財産に関する情報その他の特別な情報（次に掲げるものを除く。）を、事前に顧客の書面による同意を得ることなく、所属金融商品取引業者等に提供している状況又は当該所属金融商品取引業者等から取得した顧客の財産に関する情報その他の特別な情報（ニに掲げるもの以外のものであって、当該所属金融商品取引業者等が当該顧客の書面による同意を得ずに提供したものに限る。）を利用して有価証券の売買その他の取引等を勧誘している状況

(xii) circumstances in which the financial instruments intermediary service provider provides information on a customer's property or other special information that they have obtained (excluding the following information) without obtaining a prior written consent from the customer, or solicits purchase and sale or other transactions of securities by using information on a customer's property or other special information obtained from the entrusting financial instruments business operator, etc. (limited to information other than that set forth in sub-item (d) and that has been provided by the entrusting financial instruments business operator, etc. without obtaining the customer's written consent):

イ　金融商品仲介業者が金融商品仲介行為を行うために所属金融商品取引業者等に対し提供する必要があると認められる情報

(a) information that is found necessary to be provided to an entrusting financial instruments business operator, etc. in order for a financial instruments intermediary service provider to conduct intermediation for

financial instruments;

ロ　所属金融商品取引業者等からの委託に係る金融商品仲介業務により知り得た情報であって、当該金融商品仲介業者が金融商品仲介業に係る法令を遵守するために当該所属金融商品取引業者等に提供する必要があると認められる情報

(b) information obtained through conducting financial instruments intermediation operations entrusted by the entrusting financial instruments business operator, etc., which is found necessary to be provided to the entrusting financial instruments business operator, etc. in order for the financial instruments intermediary service provider to comply with laws and regulations related to financial instruments intermediary services; and

ハ　所属金融商品取引業者等が当該金融商品仲介業者の事故による損失の補填を行うために必要であると認められる情報

(c) information that is found necessary for the entrusting financial instruments business operator to compensate for the loss from the problematic conduct by the financial instruments intermediary service provider;

ニ　当該金融商品仲介業者が当該所属金融商品取引業者等の親法人等若しくは子法人等である場合又は当該所属金融商品取引業者等が当該金融商品仲介業者の親法人等若しくは子法人等である場合には、外国法人（法人でない外国の団体で代表者又は管理人の定めのあるものを含む。）に係るもの

(d) when the financial instruments intermediary service provider is the parent corporation, etc. or subsidiary corporation, etc. of the entrusting financial instruments business operator, or the entrusting financial instruments business operator is the parent corporation, etc. or subsidiary corporation, etc. of the financial instruments intermediary service provider, information related to a foreign corporation (including a foreign organization that is not a corporation for which a representative or manager has been designated);

十三　金融商品仲介業者が、所属金融商品取引業者等がその行う金融商品取引業等の対象とし、若しくは対象としようとする有価証券の売買その他の取引等に係る暗号資産等又は当該所属金融商品取引業者等に関する重要な情報であって顧客の暗号資産等に係る有価証券の売買その他の取引等に係る判断に影響を及ぼすと認められるもの（当該所属金融商品取引業者等の行う金融商品取引業等の全ての顧客が容易に知り得る状態に置かれている場合を除く。）を適切に管理するために必要な措置を講じていないと認められる状況

(xiii) circumstances in which it is found that the financial instruments intermediary service provider has not taken measures necessary for appropriately managing material information concerning cryptoassets, etc. related to purchase and sale or other transaction of securities that the entrusting financial instruments business operator, etc. uses or seeks to use

as the subject of its financial instruments exchange business, etc. or concerning the entrusting financial instruments business operator which is found to influence customers' decision on purchase and sale or other transactions of securities related to cryptoassets, etc. (excluding cases in which the material information has been made readily accessible to all customers of financial instruments business, etc. conducted by the entrusting financial instruments business operator).

（暗号資産関連行為）

(Cryptoasset-Related Acts)

第二百八十一条の二　法第六十六条の十五において読み替えて準用する法第四十三条の六第一項に規定する内閣府令で定める金融商品仲介行為は、次に掲げる行為とする。

Article 281-2 The acts of financial instruments intermediation specified by Cabinet Office Order as prescribed in Article 43-6, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 66-15 of the Act following the deemed replacement of terms are the following acts:

一　第百四十六条の三第一項第一号に規定するデリバティブ取引についての次に掲げる行為

(i) the following acts for a derivative transaction prescribed in Article 146-3, paragraph (1), item (i):

イ　法第二条第十一項第二号に掲げる行為

(a) the acts set forth in Article 2, paragraph (11), item (ii) of the Act; and

ロ　法第二条第十一項第四号に掲げる行為

(b) the acts set forth in Article 2, paragraph (11), item (iv) of the Act;

二　第百四十六条の三第一項第二号に規定する暗号資産関連有価証券又はデリバティブ取引についての次に掲げる行為

(ii) the following acts for the cryptoasset-related securities or derivative transaction prescribed in Article 146-3, paragraph (1), item (ii):

イ　当該暗号資産関連有価証券についての法第二条第十一項第一号から第三号までに掲げる行為又は当該デリバティブ取引についての同項第二号に掲げる行為

(a) the acts set forth in Article 2, paragraph (11), items (i) through (iii) of the Act related to the cryptoasset-related securities or the acts set forth in item (ii) of that paragraph related to the derivative transaction; and

ロ　法第二条第十一項第四号に掲げる行為

(b) the acts set forth in Article 2, paragraph (11), item (iv) of the Act.

（暗号資産の性質に関する説明）

(Explanation on Nature of Cryptoassets)

第二百八十一条の三　金融商品仲介業者は、法第六十六条の十五において準用する法第四十三条の六第一項の規定に基づき、顧客（金融商品取引業者等（暗号資産に関する金融商品取引行為を業として行う者に限る。）及び暗号資産交換業者等を除く。以下

この条において同じ。）を相手方とし、又は顧客のために暗号資産関連行為（同項に規定する暗号資産関連行為をいう。）を行うときは、あらかじめ、当該顧客に対し、書面の交付その他の適切な方法により、暗号資産の性質に関する説明をしなければならない。

Article 281-3 (1) When a financial instruments intermediary service provider conducts a cryptoasset-related act (meaning the cryptoasset-related act prescribed in Article 43-6, paragraph (1) of the Act) with the customer as the counterparty or on behalf of a customer (excluding financial instruments business operators, etc. (limited to those that conducting acts of financial instruments transactions concerning cryptoassets on a regular basis) and cryptoasset exchange service providers, etc.; hereinafter the same applies in this Article) based on the provisions of Article 43-6, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 66-15 of the Act, the financial instruments intermediary service provider must give an explanation on the nature of cryptoassets to the customer by delivering a document or by other appropriate means in advance.

２　金融商品仲介業者は、前項に規定する説明をする場合には、次に掲げる事項を説明するものとする。

(2) When giving an explanation prescribed in the preceding paragraph, a financial instruments intermediary service provider is to explain the following matters:

一　暗号資産は本邦通貨又は外国通貨ではないこと。

(i) the fact that cryptoassets are not in Japanese currency or foreign currency;

二　暗号資産の価値の変動を直接の原因として損失が生ずるおそれがあるときは、その旨及びその理由

(ii) when there is a risk of an accrual of loss to be directly caused by fluctuations in the value of cryptoassets, that fact and the reasons;

三　暗号資産は代価の弁済を受ける者の同意がある場合に限り代価の弁済に使用することができること。

(iii) the fact that cryptoassets can be used for the purpose of paying consideration only if there is consent of the person who is to receive payment of consideration;

四　当該暗号資産関連行為に関する暗号資産の概要及び特性（当該暗号資産が、特定の者によりその価値を保証されていない場合にあっては、その旨又は特定の者によりその価値を保証されている場合にあっては、当該者の氏名、商号若しくは名称及び当該保証の内容を含む。）

(iv) the outline and characteristics of the cryptoassets related to the cryptoasset-related act (if the value of the cryptoassets has not been guaranteed by a specific person, that fact, and if the value has been guaranteed by a specific person, the name, trade name of that person and the content of the guarantee); and

五　その他暗号資産の性質に関し顧客の注意を喚起すべき事項

(v) other matters which should be noted by the customer concerning the nature of cryptoassets.

３　金融商品仲介業者は、その営業所又は事務所において、第一項の暗号資産関連行為を行う場合において、同項に規定する説明をするときは、前項各号に掲げる事項を当該顧客の目につきやすいように窓口に掲示してするものとする。

(3) If a financial instruments intermediary service provider conducts cryptoasset-related acts referred to in paragraph (1) at its business office or office, and gives an explanation prescribed in that paragraph to a customer, the financial instruments intermediary service provider is to give the explanation by posting the matters set forth in the items of the preceding paragraph at the service counter in a manner easily seen by the customer.

（誤認させるような表示をしてはならない事項）

(Matters for Which Misleading Representations are Prohibited)

第二百八十一条の四　法第六十六条の十五において準用する法第四十三条の六第二項に規定する内閣府令で定める事項は、第二百七十一条第五号から第七号まで及び第十三号ロからホまでに掲げる事項とする。

Article 281-4 The matters specified by Cabinet Office Order as prescribed in Article 43-6, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 66-15 of the Act are the matters set forth in Article 271, items (v) through (vii) and item (xiii), sub-items (b) through (e).

第三節　経理

Section 3 Accounting

（業務に関する帳簿書類）

(Books and Documents Concerning Business)

第二百八十二条　法第六十六条の十六の規定により金融商品仲介業者が作成すべき帳簿書類は、次に掲げるものとする。

Article 282 (1) The books and documents required to be prepared by a financial instruments intermediary service provider pursuant to the provisions of Article 66-16 of the Act are as follows:

一　金融商品仲介補助簿

(i) a subsidiary book on financial instruments intermediary services; and

二　投資顧問契約又は投資一任契約の締結の媒介に係る取引記録

(ii) transaction records of intermediary service for concluding an investment advisory contract or a discretionary investment contract.

２　前項第一号に掲げる帳簿書類は、その作成の日から七年間、同項第二号に掲げる帳簿書類は、その作成の日から十年間保存しなければならない。

(2) The books and documents set forth in item (i) of the preceding paragraph

must be preserved for seven years from the day of the preparation, and the books and documents set forth in item (ii) of that paragraph must be preserved for ten years from the day of the preparation.

（業務に関する帳簿書類の記載事項等）
(Matters to Be Stated in Books and Documents Concerning Business)

第二百八十三条　前条第一項第一号の金融商品仲介補助簿には、次に掲げる事項を記載しなければならない。

Article 283 (1) The following matters must be stated in a subsidiary book on financial instruments intermediary services referred to in item (i), paragraph (1) of the preceding Article:

一　所属金融商品取引業者等の自己又は委託の別

(i) whether an entrusting financial instruments business operator is conducting the transaction themselves or it is based on entrustment by the customer;

二　顧客の氏名又は名称

(ii) the customer's name;

三　取引の種類（次のイからチまでに掲げる取引にあっては、それぞれイからチまでに定める事項を含む。）

(iii) the type of transaction (for any of the transactions set forth in the following sub-items (a) through (h), including the matters provided for in each of the sub-items (a) through (h)):

イ　信用取引又は発行日取引　その旨及び信用取引の場合は弁済期限

(a) a margin transaction or when-issued transaction: that fact, and in the case of a margin transaction, the due date of payment;

ロ　現先取引　次に掲げる事項

(b) a transaction with a repurchase/resale agreement: the following matters:

（１）　その旨

1. that fact;

（２）　スタート分の取引又はエンド分の取引の別

2. whether it is a transaction at the start or transaction at the end of the submission period;

（３）　委託現先又は自己現先の別

3. whether it is a transaction with a repurchase/resale agreement based on entrustment from a customer or a transaction with a repurchase/resale agreement on dealer basis; and

（４）　期間利回り

4. the yield for the period.

ハ　有価証券の空売り　その旨

(c) a short selling of securities: that fact;

ニ　法第二条第二十一項第一号及び第二号に掲げる取引（これらに類似する外国市

場デリバティブ取引を含む。）　次に掲げる事項

(d) transactions set forth in Article 2, paragraph (21), items (i) and (ii) of the Act (including foreign market derivatives transactions similar to them): the following matters:

（１）　限月

1. expiration month;

（２）　新規又は決済の別

2. whether it is a new transaction or a settlement transaction;

ホ　法第二条第二十一項第三号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）及び選択権付債券売買　次に掲げる事項

(e) a transaction set forth in Article 2, paragraph (21), item (iii) of the Act (including a foreign market derivatives transaction similar to that), and a trading of bonds with options: the following matters:

（１）　権利行使期間及び権利行使価格

1. exercise period and exercise price;

（２）　プット又はコールの別

2. whether it is a put option or a call option;

（３）　新規、権利行使、転売、買戻し又は相殺の別

3. whether it is a new transaction, or a transaction for exercising rights, a resale transaction, a buy-back transaction, or a transaction set-off; and

（４）　限月

4. expiration month;

ヘ　法第二条第二十一項第四号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）及び同項第四号の二に掲げる取引　取引期間及び受渡年月日

(f) a transaction set forth in Article 2, paragraph (21), item (iv) of the Act (including a foreign market derivatives transaction similar to that) and a transaction set forth in item (iv)-2 of that paragraph: the transaction period and delivery date;

ト　法第二条第二十一項第五号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）　次に掲げる事項

(g) a transaction set forth in Article 2, paragraph (21), item (v) of the Act (including a foreign market derivatives transaction similar to that): the following matters:

（１）　権利行使期間

1. the exercise period;

（２）　新規、権利行使、転売又は買戻しの別

2. whether it is a new transaction, a transaction for exercising rights, a resale transaction, or a buy-back transaction;

チ　金融商品取引所の規則で定めるストラテジー取引　その種類

(h) a strategy trading prescribed in the rules of a financial instruments exchange: its type.

四　銘柄（取引の対象となる金融商品若しくは金融指標又は取引の条件を記載した契約書に記載されている契約番号その他取引の対象を特定するものを含む。第三項第一号において同じ。）

(iv) the issue (including financial instruments or financial indexes that are to be the subject of transactions, or the contract number stated in the contract that provides the conditions of transactions or other matters that identify transactions; hereinafter the same applies in paragraph (3), item (i));

五　売付け又は買付け（次のイからホまでに掲げる取引にあっては、それぞれイからホまでに定めるもの。第三項第一号において同じ。）の別

(v) whether the type of transaction is sale or purchase (for a transaction set forth in any of the following sub-items (a) through (e), the type of transaction set forth in each of the sub-items (a) through (e); hereinafter the same applies in paragraph (3), item (i)):

イ　法第二条第二十一項第二号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）　顧客が現実数値が約定数値を上回った場合に金銭を支払う立場の当事者となるもの又は金銭を受領する立場の当事者となるもの

(a) a transaction set forth in Article 2, paragraph (21), item (ii) of the Act (including a foreign market derivatives transaction similar to that): whether it is a transaction in which the customer becomes a party to pay money or a party to receive money, when the actual figure exceeds the agreed figure,;

ロ　法第二条第二十一項第三号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）　顧客がオプションを付与する立場の当事者となるもの又はオプションを取得する立場の当事者となるもの

(b) a transaction set forth in Article 2, paragraph (21), item (iii) of the Act (including a foreign market derivatives transaction similar to that): whether it is a transaction in which the customer becomes a party to grant options or a party to acquire options;

ハ　法第二条第二十一項第四号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）　顧客が相手方と取り決めた金融商品の利率等又は金融指標が約定した期間に上昇した場合に金銭を支払う立場の当事者となるもの又は金銭を受領する立場の当事者となるもの

(c) a transaction set forth in Article 2, paragraph (21), item (iv) of the Act (including a foreign market derivatives transaction similar to that): whether it is a transaction in which the customer becomes a party to pay money or a party to receive money, when the interest rate, etc. of financial instruments or financial indexes agreed between the customer and the counterparty increases in the agreed period; and

ニ　法第二条第二十一項第四号の二に掲げる取引　顧客が相手方と取り決めた商品に係る金融指標が約定した期間に上昇した場合に金銭を支払う立場の当事者となるもの又は金銭を受領する立場の当事者となるもの

(d) a transaction set forth in Article 2, paragraph (21), item (iv)-2 of the Act: a transaction in which the customer becomes a party to pay money or a party to receive money when a financial index for the instruments agreed on between the customer and the counterparty increases in the agreed period;

ホ　法第二条第二十一項第五号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）　当事者があらかじめ定めた事由（同号に掲げるいずれかの事由をいう。第十一号ニにおいて同じ。）が発生した場合に顧客が金銭を支払う立場の当事者となるもの又は金銭を受領する立場の当事者となるもの

(e) a transaction set forth in Article 2, paragraph (21), item (v) of the Act (including a foreign market derivatives transaction similar to that): whether it is a transaction in which the customer becomes a party to pay money or a party to receive money, when an event agreed on by the parties in advance (meaning any of the events specified in that item; the same applies in item (xi), sub-item (d)) occurs;

六　申込みを受けた数量（数量がない場合にあっては、件数又は数量に準ずるもの。第三項第一号において同じ。）

(vi) the quantity of offers received (if there is no quantity, the number of transactions or other matters equivalent to quantity; the same applies in paragraph (3), item (i));

七　約定数量（数量がない場合にあっては、件数又は数量に準ずるもの。第三項第一号において同じ。）

(vii) the agreed quantity (if there is no quantity, the number of transactions or other matters equivalent to quantity; the same applies in paragraph (3), item (i));

八　指値又は成行の別（指値の場合にあっては、その価格及び注文の有効期限（当該有効期限が当日中であるものを除く。）を含む。）

(viii) whether it is a limit order or a market order (for a limit order, the price and the valid period of the order (excluding an order for which the valid period expires on the day of the order) are included);

九　申込みを受けた日時

(ix) the date and time the application has been received;

十　約定日時

(x) the date and time of the transaction;

十一　約定価格（次のイからニまでに掲げる取引にあっては、それぞれイからニまでに定める事項）

(xi) the agreed price (for a transaction set forth in the following sub-items, the matters specified in each of the sub-items (a) through (d)):

イ　法第二条第二十一項第二号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）　約定数値

(a) a transaction set forth in Article 2, paragraph (21), item (ii) of the Act

(including a foreign market derivatives transaction similar to that): the agreed figure;

ロ　法第二条第二十一項第三号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）及び選択権付債券売買　オプションの対価の額又は選択権料

(b) a transaction set forth in Article 2, paragraph (21), item (iii) of the Act (including a foreign market derivatives transaction similar to that) and trading of bonds with options: the amount of the consideration for the options or the option fees;

ハ　法第二条第二十一項第四号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）及び同項第四号の二に掲げる取引　約定した金融商品の利率又は金融指標

(c) a transaction set forth in Article 2, paragraph (21), item (iv) of the Act (including a foreign market derivatives transaction similar to that) and a transaction set forth in item (iv)-2 of that paragraph: the interest rates of the agreed financial instruments or financial indexes;

ニ　法第二条第二十一項第五号に掲げる取引（これに類似する外国市場デリバティブ取引を含む。）　当事者があらかじめ定めた事由が発生した場合に金銭を受領する権利の対価の額

(d) a transaction set forth in Article 2, paragraph (21), item (v) of the Act (including a foreign market derivatives transaction similar to that): the amount of the consideration for the right to receive money upon occurrence of an event agreed on by the parties in advance.

２　前項の金融商品仲介補助簿は、次に掲げるところにより作成しなければならない。

(2) The subsidiary book on financial instruments intermediary services referred to in the preceding paragraph must be prepared in accordance with the following conditions:

一　原則として顧客から取引の申込みを受けたときに作成すること。

(i) the book is to be prepared upon the receipt of an application for a transaction from a customer, in principle;

二　所属金融商品取引業者等が二以上ある場合は、所属金融商品取引業者等ごとに作成すること。

(ii) if the financial instruments intermediary service provider has two or more entrusting financial instruments business operators, the book is to be prepared for each entrusting financial instruments business operator;

三　日付順に記載して保存すること。

(iii) the content is to be stated in order of date and preserved;

四　約定されなかったものに係る記載部分についても保存すること。

(iv) the statements concerning the transactions that have not been concluded are also to be preserved;

五　取引の内容に係る部分については、金融商品仲介業者が知り得た事項について記載すること。

(v) in the portions concerning the content of the transaction, matters the financial instruments intermediary service provider has come to know are to be stated;

六　金融商品仲介補助簿を電磁的記録により作成する場合は、前各号に掲げるところによるほか、次に掲げるところにより作成すること。

(vi) if a subsidiary book on financial instruments intermediary services is to be prepared by means of an electronic or magnetic record, the book is to be prepared in accordance with the following conditions, in addition to the conditions set forth in the items of the preceding paragraph:

イ　前項各号（第七号、第十号及び第十一号を除く。）に掲げる事項は、申込みを受けたときに電子計算機へ入力すること。

(a) the matters set forth in the items of the preceding paragraph (excluding item (vii), item (x), and item (xi)) are entered onto a computer upon the receipt of an application; and

ロ　申込み内容を電子計算機へ入力した日付及び時刻が自動的に記録されること。

(b) the date and time when the content of a customer's application have been entered into a computer are automatically recorded;

七　注文・清算分離行為が行われた取引に係る注文である場合には、その旨を表示すること。

(vii) for an order concerning a transaction for which a give-up action has been conducted, to indicate that fact;

八　注文・清算分離行為が行われた取引については、注文執行会員等を所属金融商品取引業者等とする金融商品仲介業者は、新規又は決済の別及び新規、権利行使、転売又は買戻しの別の記載を要しない。

(viii) for a transaction for which a give-up action has been conducted, a financial instruments intermediary service provider whose entrusting financial instruments business operator, etc. is the order executing member, etc. is not required to state whether it is a new transaction or a settlement transaction, and whether it is a new transaction, a transaction for the exercise of rights, a resale transaction, or buy-back transaction.

九　注文・清算分離行為が行われた取引については、清算執行会員等を所属金融商品取引業者等とする金融商品仲介業者は、作成することを要しない。

(ix) for a transaction for which a give-up action has been conducted, a financial instruments intermediary service provider whose entrusting financial instruments business operator, etc. is a clearance executing member, etc. is not required to prepare a subsidiary book.

3　前二項の規定にかかわらず、次の各号に掲げる事項については、当該各号に定めるところによることができる。

(3) Notwithstanding the provisions of the preceding two paragraphs, the following matters may be stated in accordance with the conditions specified in each of those items:

一　同一日において価格が変動しない投資信託受益証券等に係る第一項各号に掲げる事項　当該事項に代えて、顧客の氏名又は名称、銘柄、売付け又は買付けの別、申込みを受けた数量、約定数量、申込みを受けた日及び約定日を記載すること。

(i) the matters set forth in the items of paragraph (1) concerning investment trust beneficiary certificates, etc. without price fluctuation on the same day: the customer's name, issue, whether it is sale or purchase, the quantity of offers received, the agreed quantity, date of receipt of the offer, and contracted date is to be stated in lieu of those matters;

二　第一項第三号ニ（２）、ホ（３）及びト（２）に掲げる事項　金融商品取引所の定める規則により注文時にこれらの事項を指示することが不要とされているものについては、記載を省略すること。

(ii) the matters set forth in paragraph (1), item (iii), sub-item (d), 2., sub-item (e), 3., and sub-item (g), 2.: entry of the statement for which the matters are not required to be instructed at the time of order pursuant to the rules specified by a financial instruments exchange may be omitted;

三　前項第六号の規定により電磁的記録により作成されている事項　当該電磁的記録により作成されている事項を電子計算機の映像面へ表示し、又は書面へ出力する場合においては、一覧表により表示し、又は出力すること。

(iii) matters prepared by means of an electronic or magnetic record pursuant to the provisions of item (vi) of the preceding paragraph: if those matters prepared by means of an electronic or magnetic record is to be displayed on a screen of a computer, or to be printed on a paper, the matters are to be displayed as a list or printed as a list.

４　前条第一項第二号の投資顧問契約又は投資一任契約の締結の媒介に係る取引記録には、法第二条第八項第十三号に規定する媒介に関し、次に掲げる事項を記載しなければならない。

(4) The following matters related to the intermediary service specified in Article 2, paragraph (8), item (xiii) of the Act must be stated in transaction records for the intermediary service for concluding an investment advisory contract or a discretionary investment contract referred to in item (ii), paragraph (1) of the preceding Article:

一　媒介を行った年月日

(i) the date when the intermediary service was provided;

二　顧客の氏名又は名称

(ii) the customer's name;

三　媒介の内容

(iii) the content of the intermediary service; and

四　媒介に関して受け取る手数料、報酬その他の対価の額

(iv) the amount of fees, remuneration, or other considerations to be received in connection with the intermediary services.

（金融商品仲介業に関する報告書等）

(Reports on Financial Instruments Intermediary Services)

第二百八十四条　法第六十六条の十七第一項の規定により金融商品仲介業者が提出する報告書は、別紙様式第二十六号により作成しなければならない。

Article 284 (1) A report to be submitted by a financial instruments intermediary service provider pursuant to the provisions of Article 66-17, paragraph (1) of the Act must be prepared by using the Appended Form No. 26.

２　法第六十六条の十七第二項の規定により金融商品仲介業者は、毎事業年度経過後四月を経過した日から一年間、前項の報告書の写しを金融商品仲介業を行う全ての営業所若しくは事務所に備え置く方法その他の方法により同条第二項の書面を公衆の縦覧に供し、又はインターネットの利用その他の方法により、投資者が常に容易に閲覧することができるよう公表しなければならない。

(2) Pursuant to the provisions of Article 66-17, paragraph (2) of the Act, a financial instruments intermediary service provider must make the document referred to in paragraph (2) of that Article available for public inspection by the means of keeping the copy of the report referred to in the preceding paragraph at all of the business offices or offices that conduct financial instruments intermediary services or by other means, or publicize them by using the internet or other means that enables easy access for investors at all times, for a period of one year from the day on which four months have passed from the end of each business year.

３　法第六十六条の十七第二項に規定する内閣府令で定めるものは、第一項の報告書に記載されている事項とする。

(3) The matters specified by Cabinet Office Order as prescribed in Article 66-17, paragraph (2) of the Act are the matters stated in the written report referred to in paragraph (1).

（説明書類の縦覧）

(Public Inspection of Explanatory Documents)

第二百八十五条　法第六十六条の十八の規定により金融商品仲介業者は、同条の説明書類を、所属金融商品取引業者等の事業年度経過後四月を経過した日から一年間、金融商品仲介業を行う全ての営業所若しくは事務所に備え置いて公衆の縦覧に供し、又はインターネットの利用その他の方法により、投資者が常に容易に閲覧することができるよう公表しなければならない。

Article 285 Pursuant to the provisions of Article 66-18 of the Act, a financial instruments intermediary service provider must keep the explanatory documents referred to in that Article at all of the business offices or offices that conduct financial instruments intermediary services and make them available for public inspection, or publicize them by the using the internet or other means that enables easy access for investors at all times for a period of one year from the day on which four months have passed from the end of the

business year of the entrusting financial instruments business operator, etc.

第四節　監督
Section 4 Supervision

（金融商品仲介業者の廃業等の届出）
(Notification of the Discontinuation of Business Given by Financial Instruments Intermediary Service Providers)

第二百八十六条　法第六十六条の十九第一項の規定により届出を行う者は、次の各号に掲げる場合の区分に応じ、当該各号に定める事項を記載した届出書を管轄財務局長等に提出しなければならない。

Article 286 (1) A person that gives a notification pursuant to the provisions of Article 66-19, paragraph (1) of the Act must submit a written notification stating the matters specified in the following items in accordance with the category of the cases set forth in each of those items to the competent Director-General of a Local Finance Bureau, etc.:

一　法第六十六条の十九第一項第一号に該当する場合（金融商品仲介業を廃止したときに限る。）　廃止の年月日及び理由

(i) if the case falls under Article 66-19, paragraph (1), item (i) of the Act (limited to cases in which financial instruments intermediary services has been discontinued): the date of and reasons for the discontinuation;

二　法第六十六条の十九第一項第一号に該当する場合（分割により金融商品仲介業に係る事業の全部を承継させたときに限る。）　次に掲げる事項

(ii) if the case falls under Article 66-19, paragraph (1), item (i) of the Act (limited to cases in which the financial instruments intermediary service provider has had all of its business related to financial instruments intermediary service succeeded to through a split): the following matters:

イ　承継先の商号又は名称

(a) the trade name or name of the successor; and

ロ　分割の年月日及び理由

(b) the date of and reasons for the split;

三　法第六十六条の十九第一項第一号に該当する場合（金融商品仲介業の全部を譲渡したときに限る。）　次に掲げる事項

(iii) if the case falls under Article 66-19, paragraph (1), item (i) of the Act (limited to cases in which all of the financial instruments intermediary services have been transferred): the following matters:

イ　譲渡先の商号、名称又は氏名

(a) the trade name or name of the transferee; and

ロ　譲渡の年月日及び理由

(b) the date of and the reasons for the transfer;

四　法第六十六条の十九第一項第二号に該当する場合　その旨及び死亡の年月日

(iv) if the case falls under Article 66-19, paragraph (1), item (ii) of the Act: that fact and the date of death;

五　法第六十六条の十九第一項第三号に該当する場合　次に掲げる事項

(v) if the case falls under Article 66-19, paragraph (1), item (iii) of the Act: the following matters:

イ　合併の相手方の商号又は名称

(a) the trade name or name of the other party to the merger;

ロ　合併の年月日及び理由

(b) the date of and the reasons for the merger; and

ハ　合併の方法

(c) the method of the merger;

六　法第六十六条の十九第一項第四号に該当する場合　次に掲げる事項

(vi) if the case falls under Article 66-19, paragraph (1), item (iv) of the Act: the following matters:

イ　破産手続開始の申立てを行った年月日

(a) the date when the petition for commencement of bankruptcy proceedings has been filed; and

ロ　破産手続開始の決定を受けた年月日

(b) the date when the corporation became subject to the order for commencement of bankruptcy proceedings;

七　法第六十六条の十九第一項第五号に該当する場合　解散の年月日及び理由

(vii) if the case falls under Article 66-19, paragraph (1), item (v) of the Act: the date of and the reasons for the dissolution.

八　法第六十六条の十九第一項第六号に該当する場合　その旨及び登録又は変更登録を受けた年月日

(viii) if the case falls under Article 66-19, paragraph (1), item (vi) of the Act: that fact and the date when the person obtained a registration or a registration of change.

２　法第六十六条の十九第一項の規定により届出を行う者は、前項に規定する事項を記載した届出書に、次の各号に掲げる場合の区分に応じ、当該各号に定める書類を添付しなければならない。

(2) A person that gives a notification pursuant to the provisions of Article 66-19, paragraph (1) of the Act must attach the documents specified in the following items in accordance with the category of the cases set forth in each of those items to the written notification stating the matters prescribed in the preceding paragraph:

一　法第六十六条の十九第一項第一号又は第二号に該当する場合（第一号に該当する場合にあっては、金融商品仲介業を廃止したときに限る。）　次に掲げる書類

(i) if the case falls under Article 66-19, paragraph (1), item (i) or (ii) of the Act (if the case falls under item (i), limited to the case in which financial instruments intermediary services have been discontinued): the following

documents:

イ　最近の日計表

(a) a recent daily cash count sheet; and

ロ　顧客に対する債権債務の清算の方法を記載した書面

(b) a document stating the method of settling the claims and obligations against customers;

二　法第六十六条の十九第一項第一号に該当する場合（分割により金融商品仲介業に係る事業の全部を承継させたときに限る。）　次に掲げる書類

(ii) if the case falls under Article 66-19, paragraph (1), item (i) of the Act (limited to cases in which the financial instruments intermediary service provider has had all of the business related to financial instruments intermediary services succeeded to through a split): the following documents:

イ　新設分割計画又は吸収分割契約の内容及び分割の手続を記載した書面

(a) the incorporation-type split plan or, a document stating the content of the absorption-type split agreement and the procedures for the split; and

ロ　顧客に対する債権債務の承継先への引継ぎ方法を記載した書面

(b) a document stating the method of transferring the claims and obligations against customers to the successor.

三　法第六十六条の十九第一項第一号に該当する場合（金融商品仲介業の全部を譲渡したときに限る。）　次に掲げる書類

(iii) if the case falls under Article 66-19, paragraph (1), item (i) of the Act (limited to cases in which all of the financial instruments intermediary services have been transferred): the following matters:

イ　事業譲渡契約の内容を記載した書面

(a) a document stating the content of the business transfer agreement; and

ロ　顧客に対する債権債務の譲渡先への引継ぎ方法を記載した書面

(b) a document stating the method of transferring the claims and obligations against customers to the transferee.

四　法第六十六条の十九第一項第三号に該当する場合　次に掲げる書類

(iv) if the case falls under Article 66-19, paragraph (1), item (iii) of the Act: the following documents:

イ　合併契約の内容及び合併の手続を記載した書面

(a) a document stating the content of the merger agreement and the procedures for the merger; and

ロ　顧客に対する債権債務の合併後存続する法人への承継方法を記載した書面

(b) a document stating the method for the succession of claims and obligations against customers to the corporation surviving the merger;

五　法第六十六条の十九第一項第四号に該当する場合　次に掲げる書類

(v) if the case falls under Article 66-19, paragraph (1), item (iv) of the Act: the following documents:

イ　破産手続開始の決定の裁判書の写し又は破産手続開始の決定の内容を記載した

書面

(a) a copy of the written judgment on the order for commencement of bankruptcy proceedings, or a document stating the content of the order for commencement of bankruptcy proceedings; and

ロ　顧客に対する債権債務の清算の方法を記載した書面

(b) a document stating the method of settling the claims and obligations against customers;

六　法第六十六条の十九第一項第五号に該当する場合　顧客に対する債権債務の清算の方法を記載した書面

(vi) if the case falls under Article 66-19, paragraph (1), item (v) of the Act: a document stating the method of settling the claims and obligations against customers; and

七　法第六十六条の十九第一項第六号に該当する場合　金融サービスの提供に関する法律第十四条第二項（同法第十六条第二項において準用する場合を含む。）の規定による通知に係る書面の写し

(vii) if the case falls under Article 66-19, paragraph (1), item (vi) of the Act: a copy of a document related to the notification under the provisions of Article 14, paragraph (2) of the Act on the Provision of Financial Services (including as applied mutatis mutandis pursuant to Article 16, paragraph (2) of that Act).

第五節　雑則
Section 5 Miscellaneous Provisions

（外務員登録原簿の記載事項）

(Matters to Be Stated in Register of Sales Representatives)

第二百八十七条　法第六十六条の二十五において準用する法第六十四条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 287 The matters specified by Cabinet Office Order as prescribed in Article 64, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act are as follows:

一　登録申請者の商号、名称又は氏名

(i) the trade name or name of the registration applicant;

二　外務員についての次に掲げる事項

(ii) the following matters concerning sales representatives:

イ　役員（外国法人にあっては、国内における営業所若しくは事務所に駐在する役員（取締役、会計参与、監査役及び執行役又はこれらに類する役職にある者を含む。））又は使用人の別

(a) whether the sales representative is an officer (for a foreign corporation, an officer stationed at business offices or offices in Japan (including directors, accounting advisors, company auditors, and executive officers, or

persons who are in positions similar to them)) or employee; and

ロ　法第六十六条の二十五において準用する法第六十四条の五第一項の規定により職務の停止を命ぜられたときは、その処分の日、理由及び期間

(b) if the sales representative has been ordered to suspend their duties pursuant to the provisions of Article 64-5, paragraph (1) as applied mutatis mutandis pursuant to Article 66-25 of the Act, the day when the disposition was issued, and the reason for and the period of the disposition.

（外務員登録原簿を備える場所）

(Places to Keep Registers of Sales Representatives)

第二百八十八条　法第六十六条の二十五において準用する法第六十四条第一項に規定する内閣府令で定める場所は、財務局又は福岡財務支局（法第六十六条の二十五において準用する法第六十四条の七第一項又は第二項の規定により、登録事務を協会に行わせることとする金融商品仲介業者の外務員に係る登録原簿については、当該協会）とする。

Article 288 The place specified by Cabinet Office Order as prescribed in Article 64, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act is the local finance bureau or the Fukuoka Local Finance Branch Bureau (for a register of sales representatives of financial instruments intermediary service providers, for which the association has been instructed to handle the registration work pursuant to the provisions of Article 64-7, paragraph (1) or (2) of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act, the association).

（登録の申請）

(Application for Registration)

第二百八十九条　法第六十六条の二十五において準用する法第六十四条第一項の登録を受けようとする金融商品仲介業者は、別紙様式第二十二号に準じて作成した法第六十六条の二十五において準用する法第六十四条第三項の登録申請書に、当該登録申請書の写し及び法第六十六条の二十五において準用する法第六十四条第四項の規定により当該登録申請書に添付すべき書類を添付して、管轄財務局長等に提出しなければならない。

Article 289 A financial instruments intermediary service provider that seeks to obtain a registration referred to in Article 64, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act must submit a written application for registration referred to in Article 64, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act prepared in the same manner as the Appended Form No. 22 to the competent Director-General of a Local Finance Bureau, etc., by attaching a copy of the written application for registration and the documents required to be attached to the written application for registration under the provisions of Article 64,

paragraph (4) of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act.

（登録申請書の記載事項）

(Matters to Be Stated in Written Applications for Registration)

第二百九十条　法第六十六条の二十五において準用する法第六十四条第三項第四号に規定する内閣府令で定める事項は、登録の申請に係る外務員についての金融商品取引業を行ったことの有無及び金融商品取引業を行ったことのある者については、その行った期間とする。

Article 290 The matters specified by Cabinet Office Order as prescribed in Article 64, paragraph (3), item (iv) of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act are the facts on whether or not the sales representative for whom the application for registration has been filed has experience of conducting financial instruments business, and for those who have conducted financial instruments business, the period of the business.

（登録申請書の添付書類）

(Documents to Be Attached to Written Applications for Registration)

第二百九十一条　法第六十六条の二十五において準用する法第六十四条第四項に規定する内閣府令で定める書類は、次に掲げる書類とする。

Article 291 The documents specified by Cabinet Office Order as prescribed in Article 64, paragraph (4) of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act are as follows:

一　登録の申請に係る外務員の住民票の抄本又はこれに代わる書面

(i) an extract of the resident record of the sales representative related to the registration, or alternative documents; and

二　登録の申請に係る外務員の旧氏及び名を当該外務員の氏名に併せて法第六十六条の二十五において準用する法第六十四条第三項の登録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外務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

(ii) if the former surname and given name of the sales representatives regarding the application for registration are stated together with the current name of the sales representatives in a written application for registration referred to in Article 64, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act, and the document set forth in the preceding item is not a document certifying the former surname and given name of the sales representatives, a document certifying the former surname and given name;

三　登録の申請に係る外務員が法第六十六条の二十五において準用する法第六十四条の二第一項各号のいずれにも該当しない者であることを申請者及び当該外務員が誓約する書面

(iii) the documents with which the applicant and the sales representative pledges that the sales representative for whom registration is sought does not fall under any of the items of Article 64-2, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act.

（登録事項の変更等の届出）

(Notification of Changes to Registered Matters)

第二百九十二条　法第六十六条の二十五において準用する法第六十四条の四第一号の規定により届出を行う金融商品仲介業者は、別紙様式第二十三号に準じて作成した変更届出書を管轄財務局長等に提出しなければならない。

Article 292 (1) A financial instruments intermediary service provider that gives a notification pursuant to the provisions of Article 64-4, item (i) of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act must submit a written notification of change prepared in the same manner as the Appended Form No. 23 to the competent Director-General of a Local Finance Bureau, etc.

２　法第六十六条の二十五において準用する法第六十四条の四第二号から第四号の規定により届出を行う金融商品仲介業者は、次の各号に掲げる場合の区分に応じ、当該各号に定める事項を記載した届出書を管轄財務局長等に提出しなければならない。

(2) A financial instruments intermediary service provider that gives a notification pursuant to the provisions of Article 64-4, items (ii) through (iv) of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act must submit a written notification stating the matters specified in the following items in accordance with the category of the cases set forth in each of those items to the competent Director-General of a Local Finance Bureau, etc.:

一　法第六十六条の二十五において準用する法第六十四条の四第二号に該当する場合　次に掲げる事項

(i) if the case falls under Article 64-4, item (ii) of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act: the following matters:

イ　該当することとなった者の氏名

(a) the name of the person that has come to fall under the provisions; and

ロ　該当することとなった年月日及び理由

(b) the date when the person came to fall under the provisions and the reasons for that;

二　法第六十六条の二十五において準用する法第六十四条の四第三号に該当する場合（法第二十九条の四第一項第二号ロに該当することとなった場合に限る。）　次に掲げる事項

(ii) if the case falls under Article 64-4, item (iii)of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act (limited to cases in which the sales representative has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act): the following matters:

イ　該当することとなった者の氏名

(a) the name of the person that has come to fall under the provisions; and
ロ　破産手続開始の決定を受けた年月日
(b) the date when the person became subject to the order for commencement of bankruptcy proceedings;
三　法第六十六条の二十五において準用する法第六十四条の四第三号に該当する場合（法第二十九条の四第一項第二号ハ又はリに該当することとなった場合に限る。）次に掲げる事項
(iii) if the case falls under Article 64-4, item (iii)of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act (limited to cases in which the sales representative has come to fall under the provisions of Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act): the following matters:
イ　該当することとなった者の氏名
(a) the name of the person that has come to fall under the provisions; and
ロ　刑の確定した年月日及び刑の種類
(b) the date when the punishment became final and binding, and the type of punishment;
四　法第六十六条の二十五において準用する法第六十四条の四第三号に該当する場合（法第二十九条の四第一項第二号ニ又はホに該当することとなった場合に限る。）次に掲げる事項
(iv) if the case falls under Article 64-4, item (iii) of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act (limited to cases in which the sales representative has come to fall under Article 29-4, paragraph (1) item (ii), sub-item (d) or (e) of the Act): the following matters:
イ　該当することとなった者の氏名
(a) the name of the person that has come to fall under the provisions; and
ロ　取り消され、又は命ぜられた年月日及び理由
(b) the date the revocation has been made or order has been given, and the reasons for that;
五　法第六十六条の二十五において準用する法第六十四条の四第三号に該当する場合（法第二十九条の四第一項第二号ヘ又はトに該当することとなった場合に限る。）次に掲げる事項
(v) if the case falls under Article 64-4, item (iii) of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act (limited to the case that has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (f) or (g) of the Act): the following matters:
イ　該当することとなった者の氏名
(a) the name of the person that has come to fall under the provisions;
ロ　行政手続法第十五条の規定による通知があった年月日及びその理由並びに法第五十条の二第一項、第六十条の七（法第六十条の十四第二項において準用する場合を含む。）、第六十三条の二第二項、第三項（法第六十三条の三第二項において準用する場合を含む。）若しくは第四項、第六十三条の十第二項、第三項（法

第六十三条の十一第二項において準用する場合を含む。）若しくは第四項、第六十六条の十九第一項、第六十六条の四十第一項若しくは第六十六条の六十一第一項又は金融サービスの提供に関する法律第十六条第三項の規定による届出をした年月日及びその理由

(b) the date of and reason for the notice under the provisions of Article 15 of the Administrative Procedure Act to be given, and the date of and reason for making the notification under the provisions of Article 50-2, paragraph (1) of the Act, Article 60-7 of the Act (including as applied mutandis pursuant to Article 60-14, paragraph (2) of the Act), Article 63-2, paragraph (2) of the Act, Article 63-2, paragraph (3) of the Act (including as applied mutatis mutandis pursuant to Article 63-3, paragraph (2) of the Act), Article 63-2, paragraph (4) of the Act, Article 63-10, paragraph (2), paragraph (3) (including as applied mutatis mutandis pursuant to Article 63-11, paragraph (2) of the Act), or Article 63-10, paragraph (4), Article 66-19, paragraph (1) of the Act, Article 66-40, paragraph (1) of the Act or Article 66-61, paragraph (1) of the Act, or Article 16, paragraph (3) of the Act on the Provision of Financial Services;

六　法第六十六条の二十五において準用する法第六十四条の四第三号に該当する場合（法第二十九条の四第一項第二号チに該当することとなった場合に限る。）　次に掲げる事項

(vi) if the case falls under Article 64-4, item (iii) of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act (limited to cases in which the sales representative has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (h) of the Act): the following matters:

イ　該当することとなった者の氏名

(a) the name of the person that has come to fall under the provisions; and

ロ　解任又は解職を命ぜられた年月日及び理由

(b) the date when the removal or dismissal has been ordered and the reasons for that;

七　法第六十六条の二十五において準用する法第六十四条の四第四号に該当する場合　次に掲げる事項

(vii) if the case falls under Article 64-4, item (iv) of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act: the following matters:

イ　職務を行わないこととなった者の氏名

(a) the name of the person that has ceased to conduct duties;

ロ　外務員の職務を行わないこととなった理由

(b) the reasons for ceasing to conduct the duties of a sales representative.

3　法第六十六条の二十五において準用する法第六十四条の四第二号から第四号までの規定により届出を行う金融商品仲介業者は、次の各号に掲げる場合の区分に該当する場合には、前項に規定する事項を記載した届出書に、当該各号に定める書類を添付しなければならない。

(3) A financial instruments intermediary service provider that gives a notification pursuant to the provisions of Article 64-4, item (ii) through (iv) of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act must attach the documents specified in each of the following items to the written notification stating the matters prescribed in the preceding paragraph, if the case falls under any of the category set forth in the following items:

一　法第六十六条の二十五において準用する法第六十四条の四第三号に該当する場合（法第二十九条の四第一項第二号ロに該当することとなった場合に限る。）　破産手続開始の決定の裁判書の写し又は破産手続開始の決定の内容を記載した書面

(i) if the case falls under Article 64-4, item (iii) of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act (limited to cases in which the sales representative has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act): a copy of the written judgment on the order for commencement of bankruptcy proceedings or a document stating the content of the order for commencement of bankruptcy proceedings;

二　法第六十六条の二十五において準用する法第六十四条の四第三号に該当する場合（法第二十九条の四第一項第二号ハ又はリに該当することとなった場合に限る。）　確定判決の判決書の写し又は確定判決の内容を記載した書面

(ii) if the case falls under 64-4, item (iii) of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act (limited to cases in which the sales representative has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act): a copy of the judgment document on the final and binding judgment, or a document stating the content of the final and binding judgment;

三　法第六十六条の二十五において準用する法第第六十四条の四第三号に該当する場合（法第二十九条の四第一項第二号ニ又はホに該当することとなった場合で、外国において取り消され、又は命ぜられた場合に限る。）　取消し又は廃止を命ずる書類の写し又はこれに代わる書面並びに取消し又は廃止の根拠となる外国の法令及びその訳文

(iii) if the case falls under Article 64-4, item (iii) of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act (limited to cases in which the sales representative has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, and the rescission was made or order was given in a foreign country): a copy of the written order for the rescission or discontinuation of business or alternative documents, as well as a copy of foreign laws and regulations that serves as the basis of the rescission or discontinuation of business and their Japanese translation.

4　第二百五十二条第四項の規定は、法第六十六条の二十五において法第六十四条の四第二号の規定を準用する場合について準用する。

(4) The provisions of Article 252, paragraph (4) apply mutatis mutandis to the case in which the provisions of Article 64-4, item (ii) of the Act apply mutatis

mutandis pursuant to Article 66-25 of the Act.

（協会の外務員登録事務）

(Association's Registration Work Concerning Sales Representatives)

第二百九十三条　法第六十六条の二十五において準用する法第六十四条の七第一項の規定に基づき、次に掲げる登録に関する事務であって、協会に所属する金融商品取引業者等を所属金融商品取引業者等とする金融商品仲介業者の外務員に係るものを当該協会に行わせるものとする。

Article 293 Pursuant to the provisions of Article 64-7, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act, the following registration work concerning sales representatives of financial instruments intermediary service providers whose entrusting financial instruments business operator, etc. is a financial instruments business operator, etc. belonging to an association are to be delegated to the association:

一　法第六十六条の二十五において準用する法第六十四条第三項の規定による登録申請書の受理

(i) acceptance of written applications for registration under the provisions of Article 64, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act;

二　法第六十六条の二十五において準用する法第六十四条第五項の規定による登録

(ii) registration under the provisions of Article 64, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act;

三　法第六十六条の二十五において準用する法第六十四条第六項、第六十四条の二第三項及び第六十四条の五第三項の規定による通知

(iii) notice under the provisions of Article 64, paragraph (6), Article 64-2, paragraph (3), and Article 64-5, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act;

四　法第六十六条の二十五において準用する法第六十四条の二第一項の規定による登録の拒否

(iv) refusal of registration under the provisions of Article 64-2, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act;

五　法第六十六条の二十五において準用する法第六十四条の二第二項の規定による審問

(v) hearing under the provisions of Article 64-2, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act;

六　法第六十六条の二十五において準用する法第六十四条の四の規定による届出の受理

(vi) acceptance of notification under the provisions of Article 64-4 of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act;

七　法第六十六条の二十五において準用する法第六十四条の五第一項の規定による登録の取消し及び職務の停止の命令

(vii) revocation of registration and order for e suspension of business under the provisions of Article 64-5, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act;

八　法第六十六条の二十五において準用する法第六十四条の五第二項の規定による聴聞

(viii) hearing under the provisions of Article 64-5, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act; and

九　法第六十六条の二十五において準用する法第六十四条の六の規定による登録の抹消

(ix) deletion of registration under the provisions of Article 64-6 of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act.

（財務局長等への届出）

(Notification to Director-General of a Local Finance Bureau)

第二百九十四条　法第六十六条の二十五において準用する法第六十四条の七第五項の規定により届出を行う協会は、次に掲げる事項を記載した届出書を、登録事務に係る外務員の所属する金融商品仲介業者の本店等の所在地を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては福岡財務支局長、国内に営業所又は事務所を有しない場合にあっては関東財務局長）に提出しなければならない。

Article 294 An association that files a notification pursuant to the provisions of Article 64-7, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 66-25 of the Act must submit a written notification stating the following matters to the Director-General of a Local Finance Bureau with jurisdiction over the locality of the head office, etc. of the financial instruments intermediary service provider to which the sales representative related to the registration work belongs (if the locality falls within the jurisdictional area of the Fukuoka Local Finance Branch Bureau, to its Director-General; if the financial instruments intermediary service provider does not have a business office or an office in Japan, to the Director-General of the Kanto Finance Bureau):

一　登録事務に係る外務員の所属する金融商品仲介業者の商号又は名称

(i) the trade name or name of the financial instruments intermediary service provider to which the sales representative related to the registration work belongs;

二　登録事務に係る外務員の氏名及び生年月日

(ii) the name and date of birth of the sales representative related to the registration work;

三　処理した登録事務の内容及び処理した年月日

(iii) the content of the registration work conducted and the date the work has been conducted;

四　前号の登録事務の内容が職務の停止の命令又は登録の抹消である場合には、その

理由

(iv) if the content of the registration work referred to in the preceding item is an order for suspension of business or deletion of registration, the reasons for that; and

五　登録事務に係る外務員が所属する金融商品仲介業者の所属金融商品取引業者等の商号又は名称

(v) the trade name or name of the entrusting financial instruments business operator, etc. of a financial instruments intermediary service provider to which the sales representative related to the registration work belongs.

第四章　信用格付業者
Chapter IV Credit Rating Agencies

第一節　総則
Section 1 General Provisions

（定義）

(Definitions)

第二百九十五条　この章（第三項第一号及び第三号、第二百九十九条第三十九号、第三百条第一項第九号、第三百六条第一項第十五号、第三百七条第一項第一号、第三百九条第三号、第三百十条、第三百十三条第二項第二号並びに第三百十八条第二号ロ（３）を除く。）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。

Article 295 (1) In this Chapter (excluding paragraph (3), items (i) and (iii), Article 299, item (xxxix), Article 300, paragraph (1), item (ix), Article 306, paragraph (1), item (xv), Article 307, paragraph (1), item (i), Article 309, item (iii), Article 310, Article 313, paragraph (2), item (ii), and Article 318, item (ii), sub-item (b), 3.), the meanings of the terms set forth in the following items are as prescribed in each of those items:

一　法人　法第六十六条の二十七に規定する法人をいう。

(i) corporation: meaning a corporation prescribed in Article 66-27 of the Act; and

二　役員　法第六十六条の二十八第一項第二号に規定する役員をいう。

(ii) officer: meaning an officer prescribed in Article 66-28, paragraph (1), item (ii) of the Act.

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

(2) In this Chapter, the meanings of the terms set forth in the following items are as prescribed in each of those items:

一　格付関係者　法第六十六条の三十三第二項に規定する格付関係者をいう。

(i) rating entity, etc.: meaning a rating entity, etc. prescribed in Article 66-33, paragraph (2) of the Act;

二　格付方針等　法第六十六条の三十六第一項に規定する格付方針等をいう。

(ii) rating policy, etc.: meaning a rating policy, etc. prescribed in Article 66-36, paragraph (1) of the Act; and

三　子法人　法第六十六条の四十五第二項に規定する子法人をいう。

(iii) subsidiary corporation: meaning a subsidiary corporation prescribed in Article 66-45, paragraph (2) of the Act.

3　この章において、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。

(3) In this Chapter, the meanings of the terms set forth in the following items are as prescribed in each of those items:

一　資産証券化商品　法第二条第一項に規定する有価証券（同項第一号、第二号、第六号、第七号、第九号から第十一号まで、第十六号、第十七号（同項第一号、第二号、第六号、第七号、第九号又は第十六号に掲げる証券又は証書の性質を有するものに限る。以下この号において同じ。）、第十九号、第二十号（同項第一号、第二号、第六号、第七号、第九号、から第十一号まで、第十六号、第十七号又は第十九号に掲げる証券又は証書に係る権利を表示するものに限る。以下この号において同じ。）及び第二十一号に掲げる有価証券（以下この号において「除外有価証券」という。）を除き、同条第二項の規定により有価証券とみなされる権利（除外有価証券に係るもの及び同項第三号から第六号までに掲げる権利を除く。）を含む。第三百七条第三項において同じ。）又は資金の貸付けに係る債権であって、次のイからホまでに掲げる要件のいずれかを満たすもの（次のへからチまでに掲げる要件のいずれかを満たすものを除く。）をいう。

(i) asset securitization products: meaning securities as defined in Article 2, paragraph (1) of the Act (excluding securities set forth in item (i), item (ii), item (vi), item (vii), items (ix) through (xi), item (xvi), item (xvii) (limited to securities that have the nature of securities or certificates that are set forth in item (i), item (ii), item (vi), item (vii), item (ix) or item (xvi) of that paragraph; hereinafter the same applies in this item), item (xix), item (xx) (limited to securities that indicate the right related to securities or certificates set forth in item (i), item (ii), item (vi), item (vii), item (ix) to item (xi), item (xvi), item (xvii), or item (xix) of that paragraph; hereinafter the same applies in this item) and item (xxi) of that paragraph (hereinafter referred to as "excluded securities" in this item); and including the rights that are deemed to be securities pursuant to the provisions of paragraph (2) of that Article (excluding the rights related to the excluded securities and the rights set forth in items (iii) through (vi) of that paragraph; the same applies in Article 307, paragraph (3))) or claim related to loan of funds, which satisfy any of the requirements set forth in the following sub-items (a) through (e) (excluding those that satisfy any of requirements set forth in the following sub-items (f) through (h)):

イ　次に掲げる要件を全て満たすもの

(a) those that satisfy all of the following requirements:

（１）　当該有価証券の発行又は資金の借入れ（当該資金の貸付けに係るものに

限る。以下この号において同じ。）を目的として設立され、又は運営される法人（（２）、ハ及び第三百七条第二項第三号において「特別目的法人」という。）に直接又は間接に所有者から譲渡（取得を含む。）がなされる金銭債権その他の資産（以下この号において「原資産」という。）が存在すること。

1. monetary claims or other assets (hereinafter referred to as "underlying assets" in this item) to be directly or indirectly transferred (including acquisition) from the owner to a corporation (referred to as "special purpose corporation" in 2., (c), and Article 307, paragraph (2), item (iii)) incorporated or operated for the purpose of issuing those securities or borrowing funds (limited to borrowing related to the funds; hereinafter the same applies in this item) exist; and

（２）　当該特別目的法人が当該有価証券の発行又は当該資金の借入れを行い、かつ、当該特別目的法人が当該有価証券又は当該資金の借入れ（当該有価証券又は当該資金の借換えのために発行される有価証券又は当該借換えのために行われる借入れを含む。）に係る債務の履行について（１）の原資産の管理、運用又は処分を行うことにより得られる金銭を充てること。

2. the special purpose corporation issues those securities or borrows the funds, and, allocates the money obtained from managing, investing, or disposing underlying assets referred to in 1., concerning performance of obligations related to those securities or borrowing of funds (including securities to be issued for the purpose of refinancing those securities or the funds, or borrowings made for the purpose of the refinancing);

ロ　次に掲げる要件をいずれかを満たすもの

(b) those that satisfy any of the following requirements:

（１）　信託法第三条第一号又は第三号に掲げる方法（外国の法令に基づく方法であって、これらの方法に類するものを含む。（２）及びニ（１）において同じ。）により原資産の信託がなされ、当該原資産の管理、運用又は処分を行うことにより得られる金銭をもって、当該信託に係る信託受益証券等（特定有価証券の内容等の開示に関する内閣府令第一条第四号に規定する信託受益証券、同条第四号の二に規定する信託社債券、同条第四号の四に規定する外国貸付債権信託受益証券並びに法第二条第二項第一号及び第二号に掲げる権利をいう。以下ロ及びニ（２）において同じ。）又は当該信託に係る資金の借入れ（当該信託受益証券等又は当該資金の借換えのために発行される信託受益証券等又は当該借換えのために行われる借入れを含む。）に係る債務の履行が行われること。

1. underlying assets are entrusted by the means set forth in Article 3, item (i) or (iii) of the Trust Act (including means based on foreign laws and regulations that are similar to those means; the same applies in 2. and sub-item (d), 1.) and the performance of obligations related to trust

beneficiary certificates, etc. related to the trust (meaning trust beneficiary certificates prescribed in Article 1, item (iv) of Cabinet Office Order on Disclosure of Information on Regulated Securities, trust bond certificates prescribed in item (iv)-2 of that Article, foreign loan trust beneficiary certificates prescribed in item (iv)-4 of that Article, and rights set forth in Article 2, paragraph (2), items (i) and (ii) of the Act; hereinafter the same applies in sub-item (b) and sub-item (d), 2.) or borrowing of funds related to the trust (including trust beneficiary certificates, etc. related to the trust, trust beneficiary certificates issued for refinancing of the funds, or borrowings made for the refinancing) are made by using the money obtained from managing, investing, or disposing the underlying assets;

（２）　信託法第三条第一号又は第三号に掲げる方法により信託がなされ、当該信託、当該信託に係る信託社債券（特定有価証券の内容等の開示に関する内閣府令第一条第四号の二に規定する信託社債券をいう。ニ（２）において同じ。）の発行又は当該信託に係る資金の借入れにより得られる金銭をもって原資産を取得し、当該原資産の管理又は処分を行うことにより得られる金銭をもって、当該信託に係る信託受益証券等又は当該信託に係る資金の借入れ（当該信託受益証券等又は当該資金の借換えのために発行される信託受益証券等又は当該借換えのために行われる借入れを含む。）に係る債務の履行が行われること。

2. trust is made by the means set forth in Article 3, item (i) or (iii) of the Trust Act, the special purpose corporation obtains underlying assets by allotting the money obtained from the trust, issuance of trust bond certificates related to the trust (meaning trust bond certificates prescribed in Article 1, item (iv)-2 of the Cabinet Office Order on Disclosure of Information on Regulated Securities; the same applies in sub-item (d), 2.) or borrowing of money related to the trust, and obligations concerning trust beneficiary certificates related to the trust or borrowing of money related to the trust (including trust beneficiary certificates, etc. related to the trust, trust beneficiary certificates issued for refinancing of the funds, or borrowings made for the refinancing) are performed by allotting the money obtained from managing or disposing the underlying assets;

ハ　次に掲げる要件を全て満たすもの

(c) those that satisfy all of the following requirements:

（１）　原資産の信用状態の変化に起因する損失の危険の全部又は一部を第三者から特別目的法人に移転させる契約が締結されていること。

1. a contract for transferring all or part of the risk of loss resulting from the change in credit status of underlying assets from a third party to the special purpose corporation has been concluded; and

（２）　当該特別目的法人が当該有価証券の発行又は資金の借入れを行い、当該有価証券又は当該資金の借入れ（当該有価証券又は当該資金の借換えのために発行される有価証券又は当該借換えのために行われる借入れを含む。）に係る債務の履行について、（１）の契約又は当該有価証券の発行若しくは当該資金の借入れにより得られる金銭その他の資産の管理、運用又は処分を行うことにより得られる金銭を充てること。

2. the special purpose corporation issues the securities or borrows funds, and performs obligations related to the securities or borrowing of funds (including securities to be issued for the purpose of refinancing those securities or the funds, or borrowings made for the purpose of the refinancing) by allocating money obtained from the contract referred to in 1., the issuance of those securities or the borrowing of the funds or money obtained from managing, investing, or disposing other assets;

ニ　次に掲げる要件を全て満たすもの

(d) those that satisfy all of the following requirements:

（１）　信託法第三条第一号又は第三号に掲げる方法による信託がなされ、原資産の信用状態の変化に起因する損失の危険の全部又は一部を第三者から受託者に移転させる契約が締結されていること。

1. trust has been created by the means set forth in Article 3, item (i) or (iii) of the Trust Act, and a contract for transferring all or part of the risk of loss resulting from the change in credit status of underlying assets from a third party to the trustee has been concluded; and

（２）　当該信託に係る信託受益証券等又は当該信託に係る資金の借入れ（当該信託受益証券等又は当該資金の借換えのために発行される信託受益証券等又は当該借換えのために行われる借入れを含む。）に係る債務の履行について、（１）の契約、当該信託、当該信託に係る信託社債券の発行又は当該資金の借入れにより得られる金銭その他の資産の管理、運用又は処分を行うことにより得られる金銭を充てること。

2. money obtained from managing, investing, or disposing money claims and any other assets obtained from the contract referred to in 1., the trust, the issuance of the trust corporate bond certificate related to the trust allocated for performing the obligations concerning trust beneficiary certificates, etc. related to the trust or borrowing of funds related to the trust (including trust beneficiary certificates, etc. issued for the purpose of refinancing the trust beneficiary certificates, etc. or the borrowing of funds, or borrowings made for the purpose of the refinancing);

ホ　イからニまでに掲げる要件のほか、これらに類似する性質を有するものとして金融庁長官が指定するもの

(e) in addition to the requirements set forth in sub-items (a) through (d), those designated by the Commissioner of the Financial Services Agency as

those that have similar nature to the requirements;

ヘ　当該有価証券又は資金の貸付けに係る債権（以下ヘ及びトにおいて「当該有価証券等」という。）であって、原資産が一の発行者が発行する有価証券（法第二条第一項に規定する有価証券又は同条第二項の規定により有価証券とみなされる権利をいう。）又は一の債務者に対する債権であるもの（当該原資産の信用状態が当該有価証券等の信用状態と実質的に同一であると認められる場合に限る。）

(f) the securities or claims related to borrowing of funds (hereinafter referred to as "the securities, etc." in sub-items (f) and (g)) whose underlying assets are securities issued by a single issuer (meaning securities as defined in Article 2, paragraph (1) of the Act or rights deemed to be securities pursuant to the provisions of paragraph (2) of that Article) or claim against one obligor (limited to cases in which the credit status of the underlying assets is found to be substantially the same as the credit status of the securities, etc.);

ト　当該有価証券等であって、イ（１）又はハ（１）の特別目的法人と一の者との間で特定融資枠契約に関する法律（平成十一年法律第四号）第二条第一項に規定する特定融資枠契約（これに類する外国の法令に基づく契約を含む。）が締結されており、当該特別目的法人が当該有価証券等に関する債務の履行に充てるため当該契約に基づき消費貸借を成立させる権利を有しているもの（当該者の信用状態が当該有価証券等の信用状態と実質的に同一であると認められる場合に限る。）

(g) the securities, etc. for which a specified commitment line contract as defined in Article 2, paragraph (1) of Act on Specified Commitment Line Contract (Act No. 4 of 1999) has been concluded between the special purpose corporation referred to in sub-item (a), 1. or sub-item (c), 1. and a single person (including contracts based on similar foreign laws and regulations), and the special purpose corporation has the right to establish a loan agreement based on the contract in order for the corporation to allocate for performance of obligations concerning the securities, etc. (limited to cases in which the credit status of the underlying assets is found to be substantially the same as the credit status of the securities, etc.);

チ　金融庁長官が指定するもの

(h) those designated by the Commissioner of the Financial Services Agency;

二　原資産　前号イ（１）、ロ（１）及び（２）、ハ（１）並びにニ（１）の原資産をいう。

(ii) underlying assets: meaning underlying assets referred to in sub-item (a), 1., sub-item (b), 1. and 2., sub-item (c), 1., and sub-item (d), 1. of the preceding item;

三　格付アナリスト　信用格付の付与に先立ち、専門的知識及び技能を用いて金融商品又は法人（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第二十四条第

一項に掲げるものを含む。第二百九十九条第三十九号、第三百条第一項第九号、第三百六条第一項第十五号、第三百七条第一項第一号、第三百九条第三号、第三百十条、第三百十三条第二項第二号及び第三百十八条第二号ロ（３）において同じ。）の信用状態の分析及びこれに基づく評価を行う者をいう。

(iii) rating analyst: meaning a person that performs an analysis of the credit status of financial instruments or corporations (including a corporation set forth in Article 24, paragraph (1) of the Cabinet Office Order on Definitions under Article 2 of the Financial Instruments and Exchange Act; the same applies in Article 299, item (xxxix), Article 300, paragraph (1), item (ix), Article 306, paragraph (1), item (xv), Article 307, paragraph (1), item (i), Article 309, item (iii), Article 313, paragraph (2), item (ii) and Article 318, item (ii), (b), 3.) using their expert knowledge and skills and an assessment based on the analysis, before assigning credit ratings;

四　主任格付アナリスト　信用格付の付与に係る過程に関与する主たる格付アナリスト一名をいう。

(iv) chief rating analyst: meaning one chief rating analyst involved in the process of assigning credit ratings;

五　格付担当者　格付関係者が利害を有する事項（第三百九条に掲げる事項をいう。以下この章において同じ。）を対象とする信用格付の付与に係る過程に関与する格付アナリスト及び当該信用格付の付与に係る信用格付業者としての最終的な意思決定を行う合議体の構成員をいう。

(v) person in charge of ratings: meaning a rating analyst involved in the process of assigning credit ratings to the matters that a rating entity, etc. has interest in (meaning the matters set forth in Article 309; hereinafter the same applies in this Chapter), and a member of the panel that makes the final decision as a credit rating agency for assigning credit ratings;

六　法令等遵守　信用格付業の業務が法令等（法令（外国の法令を含む。）、法令に基づく行政官庁の処分（外国の法令に基づく同様の処分を含む。）又は定款その他の規則をいう。第二百九十九条第十号及び第三百六条第一項第五号ハにおいて同じ。）に適合することをいう。

(vi) compliance with laws and regulations, etc.: meaning that credit rating business complies with laws and regulations, etc. (meaning laws and regulations (including foreign laws and regulations), dispositions of administrative agencies based on laws and regulations (including similar dispositions based on foreign laws and regulations) or articles of incorporation and other rules; the same applies in Article 299, item (x) and Article 306, paragraph (1), item (v), sub-item (c));

七　法令等遵守責任者　法令等遵守を確保するための措置を講じる責任者をいう。

(vii) responsible person for compliance with laws and regulations, etc.: meaning a person responsible for ensuring compliance with laws and regulations, etc.;

八　信用格付行為　信用格付を付与し、又は提供し若しくは閲覧に供する行為（信用格付業に係るものに限る。）をいう。

(viii) credit rating activity: meaning an activity for assigning credit ratings, or providing or offering credit rating for public inspection (limited to activities related to credit rating business);

九　利益相反　自己又は格付関係者その他の者の利益を図る目的をもって投資者の利益を害することをいう。

(ix) conflict of interest: meaning an act of harming the interests of investors for the purpose of benefiting oneself, or a rating entity, etc. or other persons; and

十　関係法人　法人の子法人、法人を子法人とする他の法人又は法人を子法人とする他の法人の子法人（当該法人を除く。）であって、信用格付行為を業として行うものをいう。

(x) associated corporation: meaning the subsidiary corporation of a corporation, another corporation that has a corporation as its subsidiary corporation, or a subsidiary corporation of another corporation that has a corporation as its subsidiary corporation (excluding that corporation), which performs credit rating activities on a regular basis.

（登録の申請）

(Application for Registration)

第二百九十六条　法第六十六条の二十七の登録を受けようとする者は、別紙様式第二十七号により作成した法第六十六条の二十八第一項の登録申請書に、当該登録申請書の写し及び同条第二項又は第三項の規定により当該登録申請書に添付すべき書類又は電磁的記録を添付して、金融庁長官に提出しなければならない。

Article 296 A person that seeks to obtain a registration referred to in Article 66-27 of the Act must submit a written application for registration referred to in Article 66-28, paragraph (1) of the Act which has been prepared by using the Appended Form No. 27, by attaching a copy of the written application for registration and a document or electronic or magnetic record required to be attached to the written application pursuant to the provisions of paragraph (2) or (3) of that Article, to the Commissioner of the Financial Services Agency.

（外国法人の国内における代表者に準ずる者）

(Person Equivalent to Representative of Foreign Corporations in Japan)

第二百九十七条　法第六十六条の二十八第一項に規定する内閣府令で定める者は、外国法人（法第六十六条の三十第二項ただし書の規定により国内に営業所又は事務所を有することを要しないものに限る。）を代表して金融庁長官との連絡調整を行う者（当該外国法人における法令等遵守の状況について説明を行う能力を有する者に限る。）とする。

Article 297 A person specified by Cabinet Office Order as prescribed in Article

66-28, paragraph (1) of the Act, is a person representing a foreign corporation (limited to a foreign corporation that is not required to have business offices or offices in Japan, pursuant to the provisions of the proviso to Article 66-30, paragraph (2) of the Act) who conducts liaison and coordination with the Commissioner of the Financial Services Agency (limited to a person that is capable of providing an explanation of the status of compliance with laws and regulations, etc. of the foreign corporation).

（登録申請書の記載事項）

(Matters to Be Stated in Written Applications for Registration)

第二百九十八条　法第六十六条の二十八第一項第五号に規定する内閣府令で定める事項は、次に掲げる事項とする。

Article 298 The matters specified by Cabinet Office Order as prescribed in Article 66-28, paragraph (1), item (v) of the Act are as follows:

一　登録申請者（外国法人に限る。）の法第六十六条の二十八第一項に規定する国内における代表者又は前条に規定する者の氏名

(i) the name of the representative in Japan who is specified in Article 66-28, paragraph (1) of the Act or the person specified in the preceding Article of the registration applicant (limited to a foreign corporation);

二　登録申請者の関係法人であって登録申請者と共同して信用格付行為を行う他の登録申請者又は信用格付業者に関する次に掲げる事項

(ii) the following matters concerning an associated corporation of a registration applicant which is an another registration applicant or credit rating agency that jointly performs credit rating activities with the registration applicant:

イ　商号又は名称

(a) the trade name or name;

ロ　本店又は主たる営業所若しくは事務所の所在地

(b) the location of its head office, or of its principal business office or principal office;

三　登録申請者の関係法人（登録申請者の関係法人であって登録申請者と共同して信用格付行為を行う他の登録申請者又は信用格付業者を除く。）に関する次に掲げる事項

(iii) the following matters concerning the associated corporation of the registration applicant (excluding an associated corporation of the registration applicant which is another registration applicant or credit rating agency that jointly conducts credit rating activities with the registration applicant):

イ　商号又は名称

(a) the trade name or name;

ロ　本店又は主たる営業所若しくは事務所の所在地

(b) the location of the head office, or of the principal business office or office;

四　登録申請者（外国法人に限る。）に関する次に掲げる事項

(iv) the following matters concerning the registration applicant (limited to a foreign corporation):

イ　本店又は主たる営業所若しくは事務所が所在する国の国名

(a) the name of the country in which the head office, the principal business office or office is located;

ロ　イの国において信用格付業の業務に相当する業務を行う者に対する監督を行う外国の行政機関その他これに準ずるもの（以下この章において「外国行政機関等」という。）の監督を受けている場合には、その旨並びに当該外国行政機関等の名称及び所在地

(b) if the registration applicant is supervised by a foreign administrative organ or other agencies equivalent to the organ, which supervises the persons that conduct business equivalent to credit rating business in the country referred to in sub-item (a) (hereinafter referred to as "foreign administrative organ, etc." in this Chapter), that fact and the name and location of the foreign administrative organ, etc.; and

五　法令等遵守責任者、信用格付の付与に係る過程において格付アナリストを監督する責任を有する者及び監督委員会（第三百六条第一項第十七号に規定する監督委員会をいう。次条第三十五号、第三百条第一項第四号及び第五号並びに第三百四条第六号において同じ。）の委員の氏名

(v) the names of the responsible person for compliance with laws and regulations, etc., a person in charge of supervising rating analysts in the process of assigning credit ratings, and the members of the monitoring committee (including the monitoring committee prescribed in Article 306, paragraph (1), item (xvii), sub-item (a); the same applies in item (xxxv) of the following Article, Article 300, paragraph (1), item (iv), and Article 304, item (vi)).

（業務の内容及び方法）

(Content and Method of Business)

第二百九十九条　法第六十六条の二十八第二項第二号に規定する内閣府令で定める事項は、次に掲げる事項とする。

Article 299 The matters specified by Cabinet Office Order as prescribed in Article 66-28, paragraph (2), item (ii) of the Act are as follows:

一　業務運営に関する基本原則

(i) the fundamental principles of business operation;

二　業務執行の方法

(ii) the method of conducting business operation;

三　業務分掌の方法

(iii) the method of division of duties;

四　業として行う信用格付行為の内容及び当該行為に係る信用格付の対象となる事項

の区分

(iv) the content of credit rating activities performed on a regular basis and the category of matters subject to credit ratings related to those activities;

五　格付担当者が連続して同一の格付関係者が利害を有する事項を対象とする信用格付の付与に係る過程に関与する場合において、当該格付関係者から独立した立場において公正かつ誠実にその業務を遂行するために講じる措置の内容

(v) if a person in charge of ratings is to participate in the process of determining credit ratings for the matters that are subject to credit ratings which the same rating entity, etc. continuously has an interest in, the content of the measures to be implemented in order to enable that person to fairly and faithfully conduct their duties in an independent capacity;

六　使用人（格付アナリストを除く。）の採用に関する方針

(vi) the policy for recruiting employees (excluding rating analysts);

七　信用格付業の業務の適正を確保するための体制の整備に係る措置（第三百六条第一項第四号に規定する措置をいう。）の内容

(vii) the content of the measures to be taken for improving the system to secure the appropriateness of the operation of credit rating business (meaning the measures prescribed in Article 306, paragraph (1), item (iv));

八　法令等遵守に関する方針及び手続

(viii) the policy and procedures for complying with laws and regulations, etc.;

九　法令等遵守責任者の選任その他法令等遵守に係る責任の所在の明確化に関する方針

(ix) policies for clarifying where the responsibility for appointment of the responsible person for compliance with laws and regulations, etc. lies and the responsibility for compliance with laws and regulations, etc. lies;

十　使用人が法令等に反する行為を発見した場合の対応に関する措置の内容

(x) the content of the measures for addressing cases in which an employee discovers an act in violation of laws and regulations, etc.;

十一　格付アナリストの採用及び研修に関する方針

(xi) policies on the recruitment and training of rating analysts;

十二　格付アナリストの配置

(xii) the arrangement of rating analysts;

十三　信用格付の付与に係る最終的な意思決定を行う合議体の構成員の選任方法及び当該合議体の意思決定の方法

(xiii) the method of the appointment of members of the panel that makes the final decision for assigning a credit rating, and the method for the panel to make decisions;

十四　信用格付の付与に係る過程において格付アナリストを監督する責任を有する者の選任方法

(xiv) the method of the appointment of a person responsible for supervising rating analysts in the process of assigning credit ratings;

十五　信用格付の付与のために用いられる情報について十分な品質を確保するために講じる措置の内容

(xv) the content of the measures to be taken in order to secure sufficient quality for the information used for assigning credit ratings;

十六　信用格付の付与のために専門的知識及び技能を有する人員を十分に確保できない場合又は信用格付の付与のために用いられる情報について十分な品質を確保できない場合には、当該信用格付を付与しないための措置の内容

(xvi) the content of the measures to be taken in order to refrain from assigning the credit rating, if it is not possible to sufficiently secure personnel with expert knowledge and skills required for assigning the credit rating, or if it is not possible to secure sufficient quality for the information used for assigning the credit rating;

十七　格付付与方針等（第三百十三条第一項第一号に規定する格付付与方針等をいう。次号、第三十六号、第三百六条第一項第六号、第三百十一条及び第三百十二条第一号において同じ。）の妥当性及び実効性について検証を適正に行う機能を整備するための措置の内容

(xvii) the content of the measures for developing the functions to properly verify the appropriateness and effectiveness of the policy, etc. for assigning ratings (meaning the policy, etc. for assigning ratings prescribed in Article 313, paragraph (1), item (i); the same applies in the following item, item (xxxvi), Article 306, paragraph (1), item (vi), Article 311, and Article 312, item (i));

十八　格付付与方針等について重要な変更を行ったときは、当該格付付与方針等に基づき付与した信用格付のうち、変更後の格付付与方針等に基づき更新するか否かについて判断すべき信用格付の範囲及び更新に要する期間を遅滞なく公表し、当該期間内に必要な更新を行うための措置の内容

(xviii) if material changes are made to the policy, etc. for assigning ratings, to publicize without delay, the scope of credit ratings for which decision should be made on whether or not to renew the ratings based on the changed policy, etc. for assigning ratings among the credit ratings assigned based on the policy, etc. for assigning ratings, and the period required for the renewal and the content of measures to be taken for making the necessary renewal during that period of time;

十九　資産証券化商品（当該資産証券化商品の設計が過去に信用格付を付与した資産証券化商品の設計と著しく異なる場合に限る。）の信用状態に関する評価を対象とする信用格付を適正に付与することが可能であることを検証するための措置の内容

(xix) the content of the measures to be taken in order to verify that it is possible to appropriately assign credit rating that is subject of the assessment of the credit status of asset securitization products (only if the design of the asset securitization product is substantially different from that of the asset securitization products for which credit ratings were determined

in the past);

二十　付与した信用格付に係る検証及び更新を適切かつ継続的に実施するために講じる措置の内容

(xx) the content of the measures to be taken in order to appropriately and continuously conduct verification and renewal of credit ratings that have been assigned;

二十一　特定行為（第三百六条第一項第七号イに規定する特定行為をいう。第二十七号において同じ。）の種類及び利益相反回避措置（同項第七号イに規定する利益相反回避措置をいう。第二十七号において同じ。）の概要

(xxi) the types of specified activities (meaning specified activities prescribed in Article 306, paragraph (1), item (vii), sub-item (a); the same applies in item (xxvii)) and the outline of the measures for avoiding a conflict of interest (meaning measures for avoiding a conflict of interest prescribed in item (vii), sub-item (a) of that paragraph; the same applies in item (xxvii));

二十二　格付担当者が利益相反のおそれのある有価証券の売買その他の取引等を行わないために講じる措置の内容

(xxii) the content of the measures to be taken in order to prevent the person in charge of rating from conducting purchase and sale or other transactions of securities which may cause a conflict of interest;

二十三　登録申請者又はその役員若しくは使用人が格付関係者と第三百八条第一項に掲げる密接な関係を有する場合において、当該格付関係者が利害を有する事項を対象とする信用格付を提供し、又は閲覧に供する行為を行わないために講じる措置の内容

(xxiii) if a registration applicant, or its officer or employee has a close relationship set forth in Article 308, paragraph (1) with a rating entity, the content of the measures to be taken in order to prevent the rating entity from providing or making available for inspection the credit ratings that rate the matters the rating entity, etc. has interest in;

二十四　登録申請者と格付関係者との間で利益相反のおそれのある場合において、当該格付関係者が利害を有する事項を対象とする信用格付の付与において、投資者の利益を害しないことを確保するための措置の内容

(xxiv) in cases a conflict of interest is likely to arise between a registration applicant and a rating entity, etc., the content of the measures to be taken to ensure that the interests of investors will not be harmed in the process of determining credit ratings that rate the matters the rating entity, etc. has interest in;

二十五　格付担当者が格付関係者の役員又はこれに準ずるものに就くことを目的として自ら働きかけを行うことを防止するための措置の内容

(xxv) the content of the measures to be taken for preventing a person in charge of rating from making an approach in an attempt to assume the position of an officer or other positions equivalent to that at the rating entity, etc.;

二十六　登録申請者の役員又は使用人でなくなった格付アナリストが格付関係者の役員又はこれに準ずるものに就いた場合において、当該格付関係者が利害を有する事項を対象とする信用格付の妥当性を検証するために講じる措置の内容

(xxvi) if a rating analyst that is no longer an officer or employee of the registration applicant assumes the position of an officer or any other equivalent position of a rating entity, etc., the content of the measures to be taken in order to verify the appropriateness of credit ratings that rate the matters the rating entity, etc. has interest in;

二十七　特定行為の種類及び利益相反回避措置の概要を適切な方法により公表するための措置の内容

(xxvii) the content of the measures to be taken for appropriately publicizing the types of specified activities and the outline of measures for avoiding a conflict of interest;

二十八　関連業務（信用格付業以外の業務であって、信用格付行為に関連する業務をいう。以下この章において同じ。）及びその他業務（信用格付業以外の業務であり、かつ、関連業務以外の業務をいう。以下この章において同じ。）に係る行為が信用格付行為に不当な影響を及ぼさないための措置の内容

(xxviii) the content of the measures to be taken to ensure that acts concerning related business (meaning business other than credit rating business that is pertinent to credit rating activities; hereinafter the same applies in this Chapter) and any other businesses (meaning business other than credit rating business and which is other than related business; hereinafter the same applies in this Chapter) will not unduly influence credit rating activities;

二十九　資産証券化商品の信用状態に関する評価が信用格付の対象となる事項である場合において、第三者が独立した立場において当該信用格付の妥当性について検証することができるために講じる措置の内容

(xxix) in the case the assessment of the credit status of asset securitization products is the matter subject to credit rating, the content of the measures to be taken to enable a third party to verify the appropriateness of the credit ratings in an independent capacity;

三十　登録申請者の役員及び使用人の報酬等（報酬、賞与その他の職務遂行の対価として登録申請者から受ける財産上の利益をいう。次号において同じ。）の決定方針

(xxx) the policy for determining the remuneration, etc. of officers and employees of the registration applicant (meaning remuneration, bonus, or any other economic benefit to be received as consideration for the performance of duties from the registration applicant; the same applies in the following item);

三十一　登録申請者の役員及び使用人の報酬等の決定方針が信用格付業の業務の公正かつ的確な実施に支障を及ぼさないことを確保するための措置の内容

(xxxi) the content of the measures to be taken to ensure that the policy for

determining the remuneration, etc. of officers and employees of the registration applicant does not obstruct the fair and accurate performance of credit rating business;

三十二　格付担当者が当該信用格付の手数料（信用格付の付与の対価として登録申請者に対して支払われ、又は支払われるべき金銭その他の財産の価額をいう。）に関する交渉に参加することを防止するために講じる措置の内容

(xxxii) the content of the measures to be taken in order to prevent the person in charge of the rating from participating in the negotiation concerning the determination of the rating fee for the credit rating (meaning the value of the money or other property that has been paid or should be paid to the registration applicant as consideration for assigning credit ratings);

三十三　信用格付業の業務に関して知り得た情報の管理及び秘密の保持を適切に行うために講じる措置の内容

(xxxiii) the content of the measures to be taken in order to properly manage information learned about the credit rating business, and to properly maintain the confidentiality of the information;

三十四　登録申請者に対する苦情を適切かつ迅速に処理するための措置の内容

(xxxiv) the content of the measures to be taken in order to appropriately and promptly handle the complaints raised against a registration applicant;

三十五　監督委員会の運営方針及び委員の選任方法

(xxxv) the operational policies of the monitoring committee and the method of appointing its members; and

三十六　格付付与方針等に関する次に掲げる事項

(xxxvi) the following matters concerning the policy, etc. for assigning ratings:

イ　信用格付の対象となる事項の区分及びその細目に応じた信用状態に関する評価の前提となる事項、信用状態に関する評価の結果を示す等級を定めるために用いる基準

(a) the category of the matters subject to credit rating and the matters that serve as preconditions for the assessment of credit status in accordance with the particulars of the category, and the criteria to be used for setting grades that indicate the results of the assessment of the credit status;

ロ　付与した信用格付を提供し、又は閲覧に供する行為を行う前に、あらかじめ、当該信用格付の付与に当たり登録申請者が利用した主要な情報に関し、格付関係者が事実の誤認の有無について確認することを可能とするための方針及び方法

(b) the policy and method which enable a rating entity, etc. to confirm the existence of misinterpretation of facts concerning the main information used by the registration applicant in assigning credit ratings in advance, before providing or making available for public inspection the assigned credit ratings; and

ハ　格付関係者の依頼によらず信用格付の付与を行う場合における当該信用格付の付与に係る方針及び方法

(c) the policy and method of assigning credit ratings, in assigning credit ratings not based on a request from a rating entity, etc.;

三十七　格付提供方針等（第三百十三条第一項第二号に規定する格付提供方針等をいう。）

(xxxvii) the policy, etc. for providing ratings (meaning the policy, etc. for providing ratings prescribed in Article 313, paragraph (1), item (ii));

三十八　役員及び使用人が格付方針等を遵守するために講じる措置の内容

(xxxviii) the content of the measures to be taken in order to comply with the rating policy, etc. by officers and employees;

三十九　金融商品又は法人の信用状態の評価の結果に関する一般的な性質に関して、虚偽の表示をし、又は重要な事項につき誤解を生ぜしめるべき表示を行わないための措置の内容

(xxxix) the content of the measures for preventing a false representation or a representation that may lead to a misunderstanding on material information, concerning the general nature of the assessment results of credit status of financial instruments or corporations;

四十　関連業務に係る行為を行う場合において、当該行為が信用格付業に係る行為であると誤認されることを防止するための措置の内容

(xl) if an act concerning related business is to be conducted, the content of the measures to be taken to prevent the act related from being misunderstood as an act related to the credit rating business; and

四十一　登録申請者並びにその役員及び使用人が遵守すべき行動規範

(xli) the code of conduct required to be complied with by the registration applicant and their officers and employees.

（登録申請書の添付書類）

(Documents to Be Attached to Written Applications for Registration)

第三百条　法第六十六条の二十八第二項第四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 300 (1) The documents specified by Cabinet Office Order as prescribed in Article 66-28, paragraph (2), item (iv) of the Act are as follows:

一　業務に係る人的構成及び組織等の業務執行体制を記載した書面

(i) the documents stating the personnel structure and the system for conducting business of the organization;

二　役員（相談役、顧問その他いかなる名称を有する者であるかを問わず、当該法人に対し取締役、執行役又はこれらに準ずる者と同等以上の支配力を有するものと認められる者を含む。以下この号、第三百三条及び第三百四条第二号において同じ。）に関する次に掲げる書面

(ii) the following documents concerning officers (including persons that are found to have the same or a greater control over the corporation as a director, an executive officer or a person holding an equivalent position, irrespective of

their title of advisor, consultant, or any other title; hereinafter the same applies in this item, Article 303, and Article 304, item (ii)):

イ　役員の履歴書（役員が法人であるときは、当該役員の沿革を記載した書面）

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

ロ　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

(b) extracts of the resident records of the officers (if an officer is a corporation, the certificate of registered information of the officer), or alternative documents;

ハ　役員の旧氏及び名を、当該役員の氏名に併せて法第六十六条の二十八第一項の登録申請書に記載した場合において、ロに掲げる書面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

(c) if the former surname and given name of an officer are stated together with the current name of the officer in a written application for registration referred to in Article 66-28, paragraph (1) of the Act, and the document set forth in sub-item (b) is not a document certifying the former surname and given name of the officer, a document certifying the former surname and given name;

ニ　役員が法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

(d) the certificate issued by a public agency certifying that the officer does not fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, or alternative documents;

ホ　役員が法第二十九条の四第一項第二号ハからリまで又は第六十六条の三十第一項第三号イのいずれにも該当しない者であることを当該役員が誓約する書面

(e) the document with which the officer pledges that they do not fall under any of Article 29-4, paragraph (1), item (ii), sub-items (c) through (i) or Article 66-30, paragraph (1), item (iii), sub-item (a) of the Act;

三　登録申請者（外国法人に限る。）の法第六十六条の二十八第一項に規定する国内における代表者又は第二百九十七条に規定する者に関する次に掲げる書面

(iii) the following documents concerning the representative of the registration applicant (limited to a foreign corporation) in Japan who is specified in Article 66-28, paragraph (1) of the Act or a person specified in Article 297:

イ　履歴書

(a) the resume;

ロ　住民票の抄本又はこれに代わる書面

(b) an extract of the resident record, or alternative documents;

ハ　旧氏及び名を、氏名に併せて法第六十六条の二十八第一項の登録申請書に記載した場合において、ロに掲げる書面が当該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

(c) if the former surname and given name are stated together with the current name in a written application for registration referred to in Article 66-28, paragraph (1) of the Act and the document set forth in sub-item (b) is not a document certifying the former surname and given name, a document certifying the former surname and given name;

四　法令等遵守責任者、信用格付の付与に係る過程において格付アナリストを監督する責任を有する者及び監督委員会の委員に関する次に掲げる書面

(iv) the following documents concerning the responsible person for compliance with laws and regulations, etc., the person that is responsible for supervising rating analysts in the process of assigning credit ratings, and the members of the monitoring committee:

イ　履歴書

(a) the resumes;

ロ　住民票の抄本又はこれに代わる書面

(b) extracts of the resident records, or alternative documents;

ハ　旧氏及び名を、氏名に併せて法第六十六条の二十八第一項の登録申請書に記載した場合において、ロに掲げる書面が当該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

(c) if the former surname and given name are stated together with the current name in a written application for registration referred to in Article 66-28, paragraph (1) of the Act, and the document set forth in sub-item (b) is not a document certifying the former surname and given name, a document certifying the former surname and given name;

五　監督委員会の独立委員（第三百六条第一項第十七号イに規定する独立委員をいう。）が独立性を有していると認める理由を記載した書面

(v) a document stating the reasons for finding that the independent members (meaning independent members specified in Article 306, paragraph (1), item (xvii), sub-item (a)) of the monitoring committee have independence;

六　登録申請者の関係法人であって登録申請者と共同して信用格付行為を行う他の登録申請者又は信用格付業者と登録申請者との間の資本関係、人的関係及び最近一年間の業務上の関係の概要を記載した書面

(vi) a document stating the outline of the capital relationship, personnel relationship, and business relationship in the most recent year, between the registration applicant and an associated corporation of the registration applicant which is another registration applicant or credit rating agency that jointly conducts credit rating activities with the registration applicant;

七　登録申請者の関係法人（登録申請者の関係法人であって登録申請者と共同して信用格付行為を行う他の登録申請者又は信用格付業者を除く。）の状況として次に掲げる事項を記載した書面

(vii) a document stating the following matters as the situation of an associated corporation of the registration applicant (excluding an associated corporation

of the registration applicant which is another registration applicant or credit rating agency that jointly conducts credit rating activities with the registration applicant):

イ　登録申請者と当該登録申請者の関係法人との間の資本関係、人的関係及び最近一年間の業務上の関係の概要

(a) the outline of the capital relationship, personnel relationship, and business relationship in the most recent one year between the registration applicant and their associated corporation;

ロ　当該登録申請者の関係法人（外国法人に限る。）の本店又は主たる営業所若しくは事務所が所在する国の国名及び当該国において外国行政機関等の監督を受けている場合には、その旨並びに当該外国行政機関等の名称及び所在地

(b) the name of the country in which the head office, principal business office or office of the associated corporation (limited to a foreign corporation) of the registration applicant is located, and if the corporation is supervised by a foreign administrative organ, etc. in that country, that fact and the name and location of the foreign administrative organ, etc.;

八　最終の貸借対照表（関連する注記を含む。次項において同じ。）及び損益計算書（関連する注記を含む。同項において同じ。）

(viii) the most recent balance sheet (including the related notes; the same applies in the following paragraph) and the most recent profit and loss statement (including the related notes; the same applies in that paragraph); and

九　金融商品又は法人の信用状態（当該信用状態に関する評価が信用格付の対象となる事項であるものに限る。）の変化に関する統計その他の情報を保有している場合には、当該情報を記載した書面

(ix) if the registration applicant possesses any statistics or other information on the changes in credit status of financial instruments or corporations (limited to cases in which the assessment of the credit status is the matter subject to credit ratings), a document stating the information.

２　前項第八号に掲げる書類を添付する場合において、貸借対照表又は損益計算書が電磁的記録で作成されているときは、当該書類に代えて電磁的記録（次条に規定するものに限る。）を添付することができる。

(2) If the documents set forth in item (viii) of the preceding paragraph are to be attached, and the balance sheet or the profit and loss statement has been prepared as an electronic or magnetic record, the electronic or magnetic record (limited to an electronic or magnetic record prescribed in the following Article) may be attached in lieu of those documents.

３　登録申請者は、法第六十六条の二十七の登録を受けた場合において、第三百六条第二項又は第三項の規定による承認を受けようとするときは、登録申請書に同条第四項に掲げる書類を添付することができる。

(3) If the registration applicant has obtained the registration referred to in

Article 66-27 of the Act, and seeks to obtain the approval under the provisions of Article 306, paragraph (2) or (3), the registration applicant may attach the document set forth in paragraph (4) of that Article to the written application for registration.

４　登録申請者は、法第六十六条の二十七の登録を受けた場合において、第三百六条第六項の規定による承認を受けようとするときは、登録申請書に同条第七項に掲げる書類を添付することができる。

(4) If the registration applicant has obtained the registration referred to in Article 66-27 of the Act, and seeks to obtain approval under the provisions of Article 306, paragraph (6), the registration applicant may attach the document set forth in paragraph (7) of that Article to the written application for registration.

（電磁的記録）

(Electronic or Magnetic Records)

第三百一条　法第六十六条の二十八第三項に規定する内閣府令で定める電磁的記録は、次に掲げる構造のいずれかに該当するものとする。

Article 301 (1) The electronic or magnetic record specified by Cabinet Office Order as prescribed in Article 66-28, paragraph (3) of the Act is to fall under any of the following structures:

一　日本産業規格Ｘ六二二三に適合する九十ミリメートルフレキシブルディスクカートリッジ

(i) a 90mm flexible magnetic disc cartridge that complies with JIS X6223;

二　日本産業規格Ｘ〇六〇六及びＸ六二八二に適合する直径百二十ミリメートルの光ディスク

(ii) a 120mm optical disc that complies with JIS X0606 and X6282.

２　前項第一号の電磁的記録への記録は、次に掲げる方式に従ってしなければならない。

(2) Record in the electronic or magnetic record referred to in item (i) of the preceding paragraph must be made in accordance with the following methods:

一　トラックフォーマットについては、日本産業規格Ｘ六二二五に規定する方式

(i) with regard to a track format, the method specified in JIS X6225; and

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

(ii) with regard to volume and file configuration, the method specified in JIS X0605.

３　第一項の電磁的記録には、次に掲げる事項を記載しなければならない。

(3) The following matters must be stated for the electronic or magnetic record referred to in paragraph (1):

一　登録申請者の商号又は名称

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

二　申請年月日

(ii) the date of application.

（信用格付業者登録簿の縦覧）
(Public Inspection of the Register of Credit Rating Agencies)
第三百二条　金融庁長官は、その登録をした信用格付業者に係る信用格付業者登録簿を、金融庁に備え置き、公衆の縦覧に供するものとする。
Article 302 The Commissioner of the Financial Services Agency is to keep a register of credit rating agencies for the credit rating agencies Commissioner has registered at the Financial Services Agency, and make the register available for public inspection.

（心身の故障により信用格付業に係る業務を適正に行うことができない者）
(A Person Unable to Properly Perform Business Related to Credit Rating Services Due to a Mental or Physical Disorder)
第三百二条の二　法第六十六条の三十第一項第三号イに規定する内閣府令で定める者は、精神の機能の障害により信用格付業に係る業務を適正に行う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 302-2 The person specified by Cabinet Office Order as prescribed in Article 66-30, paragraph (1), item (iii), sub-item (a) of the Act is a person who is unable to adequately carry out the cognition, decision making, and communication necessary for properly performing business related to credit rating services due to mental impairment.

（体制整備の審査基準）
(Examination Criteria for Developing Organizational Systems)
第三百三条　法第六十六条の三十第一項第五号に規定する信用格付業を公正かつ的確に遂行するための必要な体制が整備されていると認められない法人であるかどうかの審査をするときは、第二百九十九条に掲げる事項を記載した書類及び第三百条第一項に掲げる書類のほか、登録申請者の役員又は使用人のうちに、経歴、暴力団員による不当な行為の防止等に関する法律第二条第二号に規定する暴力団又は同条第六号に規定する暴力団員との関係その他の事情に照らして業務の運営に不適切な資質を有する者があることにより、信用格付業の信用を失墜させるおそれがあると認められるかどうかを審査するものとする。
Article 303 When conducting an examination on whether the registration applicant is a corporation not acknowledged to have developed an organizational system necessary for the fair and appropriate performance of the credit rating business, the examination on whether there is a risk of losing credibility of credit rating business due to the existence of any officer or employee of the registration applicant with qualifications inappropriate for operating business in light of their personal history, relationship with an organized crime group as defined in Article 2, item (ii) of the Act on Prevention

of Illegal Acts by Organized Crime Group Members, relationship with an organized crime group member as defined in item (vi) of that Article, or other circumstances, in addition to examining the document stating the matters set forth in Article 299 and the document set forth in Article 300, paragraph (1).

（登録申請書記載事項の変更の届出）

(Notification of Changes to Matters to be Stated in Written Applications for Registration)

第三百四条　法第六十六条の三十一第一項の規定により届出を行う信用格付業者は、変更の内容、変更年月日及び変更の理由を記載した届出書に、別紙様式第二十七号により作成した変更後の内容を記載した書面及び当該書面の写し並びに次の各号に掲げる場合の区分に応じ当該各号に定める書類を添付して、金融庁長官に提出しなければならない。ただし、やむを得ない事由があるときは、当該各号に定める書類は、当該届出書の提出後遅滞なく提出すれば足りる。

Article 304 A credit rating agency that files a notification pursuant to the provisions of Article 66-31, paragraph (1) of the Act must submit to the Commissioner of the Financial Services Agency a written notification stating the content, the date of the change, and the reason for the change, by attaching a document stating the changed content which is prepared by using the Appended Form No. 27, a copy of that document and the documents specified in the following items in accordance with the category of the cases set forth in each of those items; provided, however, that if there are compelling reasons, it is sufficient to submit the documents specified in each of the following items without delay after the submission of the notification:

一　法第六十六条の二十八第一項第一号に掲げる事項について変更があった場合　当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面

(i) if there is any change to the matters set forth in Article 66-28, paragraph (1), item (i) of the Act: the certificate of registered information stating the matters changed, or alternative documents;

二　法第六十六条の二十八第一項第二号に掲げる事項について変更があった場合　次に掲げる書類

(ii) if there is any change to the matters set forth in Article 66-28, paragraph (1), item (ii) of the Act: the following documents:

イ　業務に係る人的構成及び組織等の業務執行体制を記載した書面

(a) the document stating the personnel structure and the system for conducting business of the organization;

ロ　当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面

(b) the certificate of registered information stating the changed matters, or alternative documents;

ハ　新たに役員となった者に係る次に掲げる書類

(c) the following documents concerning a person that has newly assumed the

position of an officer:

（１）　履歴書（役員が法人であるときは、当該役員の沿革を記載した書面）

1. resume of the officer (if the officer is a corporation, the document stating the background of the officer);

（２）　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

2. an extract of the resident record (if an officer is a corporation, the certificate of registered information of the officer), or alternative documents;

（３）　旧氏及び名を、氏名に併せて別紙様式第二十七号により作成した変更後の内容を記載した書面に記載した場合において、（２）に掲げる書類が当該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

3. if the former surname and given name are stated together with the current name in a document stating the changed content which is prepared using the Appended Form 27 and the document set forth in 2. is not a document certifying the former surname and given name, a document certifying the former surname and given name;

（４）　法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

4. the certificate issued by a public agency certifying that the officers do not fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, or alternative documents;

（５）　法第二十九条の四第一項第二号ハからリまで又は第六十六条の三十第一項第三号イのいずれにも該当しない者であることを当該役員が誓約する書面

5. the document with which the officer pledges that they do not fall under any of Article 29-4, paragraph (1), item (ii), sub-items (c) through (i) or Article 66-30, paragraph (1), item (iii), sub-item (a) of the Act;

（６）　法第六十六条の三十第一項第三号（イに係る部分に限る。）に該当しないことを誓約する書面

6. the document with which the officer pledges that the corporation does not fall under Article 66-30, paragraph (1), item (iii) (limited to the part related to sub-item (a));

三　第二百九十八条第一号に掲げる事項について変更があった場合　新たに法第六十六条の二十八第一項に規定する国内における代表者又は第二百九十七条に規定する者となった者に係る次に掲げる書類

(iii) if there is any change to the matter set forth in Article 298, item (i): the following documents concerning a person that has newly assumed the position of the representative in Japan who is specified in Article 66-28, paragraph (1) of the Act, or that has newly assumed the position of a person specified in Article 297:

イ　履歴書

(a) the resume; and

ロ　住民票の抄本又はこれに代わる書面

(b) an extract of the resident record, or alternative documents;

ハ　旧氏及び名を、氏名に併せて別紙様式第二十七号により作成した変更後の内容を記載した書面に記載した場合において、ロに掲げる書類が当該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

(c) if the former surname and given name are stated together with the current name in a document stating the changed matters, which has been prepared using the Appended Form 27 and the document set forth in sub-item (b) is not a document certifying the former surname and given name, a document certifying the former surname and given name;

四　第二百九十八条第二号に掲げる事項について変更があった場合　信用格付業者と新たに関係法人となったものとの間の資本関係、人的関係及び最近一年間の業務上の関係の概要を記載した書面

(iv) if there is any change to the matter set forth in Article 298, item (ii): a document stating the outline of the capital relationship, personnel relationship, and business relationship in the recent one year, between the credit rating agency and its new associated corporation;

五　第二百九十八条第三号に掲げる事項について変更があった場合　次に掲げる事項を記載した書面

(v) if there is any change to the matter set forth in Article 298, item (iii): a document stating the following matters:

イ　信用格付業者と新たに関係法人となったものとの間の資本関係、人的関係及び最近一年間の業務上の関係の概要

(a) the outline of the capital relationship, personnel relationship, and business relationship in the recent one year, between the credit rating agency and its new associated corporation;

ロ　新たに関係法人となったもの（外国法人に限る。）の本店又は主たる営業所若しくは事務所が所在する国の国名及び当該国において外国行政機関等の監督を受けている場合には、その旨並びに当該外国行政機関等の名称及び所在地

(b) the name of the country in which the head office, principal business office, or office of the new associated corporation (limited to a foreign corporation) of the credit rating agency is located, and, if it is subject to supervision by any foreign administrative organ, etc. in that state, to that effect, and the name and location of the foreign administrative organ, etc.;

六　第二百九十八条第五号に掲げる事項について変更があった場合　新たに法令等遵守責任者、信用格付の付与に係る過程において格付アナリストを監督する責任を有する者又は監督委員会の委員となった者に関する次に掲げる書面

(vi) if there is any change to the matter set forth in Article 298, item (v): the following documents concerning a person that has newly assumed the position of the responsible person for compliance with laws and regulations,

etc., the person responsible for supervising rating analysts in the process of assigning credit ratings, or the members of the monitoring committee:

イ　履歴書

(a) the resumes;

ロ　住民票の抄本又はこれに代わる書面

(b) extracts of the resident records, or alternative documents; and

ハ　旧氏及び名を、氏名に併せて別紙様式第二十七号により作成した変更後の内容を記載した書面に記載した場合において、ロに掲げる書面が当該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

(c) if the former surname and given name are stated together with the current name in a document stating the changed content which has been prepared using the Appended Form 27 and the document set forth in sub-item (b) is not a document certifying the former surname and given name, a document certifying the former surname and given name.

（業務の内容又は方法の変更の届出）

(Notification on Change to the Content or Method of Business)

第三百五条　法第六十六条の三十一第三項の規定により届出を行う信用格付業者は、変更の内容、変更年月日及び変更の理由を記載した届出書に、第二百九十九条各号に掲げるもの（内容に変更があったものに限る。）を記載した書類を添付して、金融庁長官に提出しなければならない。

Article 305 A credit rating agency that files a notification pursuant to the provisions of Article 66-31, paragraph (3) of the Act must submit a written notification stating the content of the change, the date of the change, and the reason for the change, by attaching a document stating the matters set forth in the items of Article 299 (limited to the matters whose content have been changed) to the Commissioner of the Financial Services Agency.

第二節　業務

Section 2 Business

（業務管理体制の整備）

(Development of Operational Control Systems)

第三百六条　法第六十六条の三十三第一項の規定により信用格付業者が整備しなければならない業務管理体制は、次に掲げる要件を満たさなければならない。

Article 306 (1) The operational control system required to be developed by a credit rating agency pursuant to the provisions of Article 66-33, paragraph (1) of the Act must satisfy the following requirements:

一　常に公正不偏の態度を保持し、自らの判断と責任において信用格付行為を行うための措置がとられていること。

(i) that measures for a credit rating agency to maintain a fair and impartial

attitude at all times, and perform credit rating activities at their own discretion and responsibility are taken;

二　格付担当者が連続して同一の格付関係者が利害を有する事項を対象とする信用格付の付与に係る過程に関与する場合において、当該格付関係者から独立した立場において公正かつ誠実にその業務を遂行するための次のいずれかの措置がとられていること。

(ii) if a person in charge of rating becomes involved in the process of assigning credit ratings to the matters in which the same rating entity, etc. continuously has an interest, that any of the following measures has been taken to enable the person to fairly and faithfully conduct their duties in an independent capacity：

イ　信用格付の付与に係る過程に関与する主任格付アナリストが同一の格付関係者が利害を有する事項を対象とする信用格付の付与に係る過程に五年間継続して関与した場合には、その後二年間当該格付関係者が利害を有する事項を対象とする信用格付の付与に係る過程に関与しないための措置

(a) if a chief rating analyst involved in the process of assigning credit rating has been involved in the process of assigning credit ratings to matters in which the same rating entity, etc. has an interest for five consecutive years, the measures for preventing the rating entity, etc. from becoming involved in the process of assigning credit ratings to the matter in which the rating entity, etc. has an interest for two years thereafter;,

ロ　信用格付の付与に係る信用格付業者としての最終的な意思決定を合議体で行い、かつ、当該合議体の構成員の総数の三分の一以上の構成員について連続して同一の格付関係者が利害を有する事項を対象とする信用格付（資産証券化商品以外の信用状態に関する評価が信用格付の対象となる事項である場合において、同一事業年度内に当該信用格付の対象となる事項を対象とする二以上の信用格付を付与したときは、当該二以上の信用格付を一の信用格付とみなす。）の付与に係る過程に関与しないための措置

(b) the measures to ensure that the final decision in assigning credit ratings as a credit rating agency is made by a judicial panel, and, prevent the members whose number is one third or more of the total number of the members of the judicial panel from being involved in the process of assigning credit ratings to the matters for which the same rating entity, etc. continuously has an interest in (if the assessment of the credit status of products other than asset securitization products is the matters subject to credit rating, and two or more credit ratings which have the same matter as the matters subject to credit rating has been assigned in the same business year, those two or more credit ratings are deemed to be a single credit rating);

三　公正に信用格付行為を行うことについて重要な疑義がある者を採用しないための措置がとられていること。

(iii) the measures have been taken to prevent a person for whom there is material doubt in performing credit rating activities in a fair manner from being employed;

四　信用格付業者の業務の適正を確保するための次に掲げる体制の整備に係る措置がとられていること。

(iv) the measures for developing the following systems for securing the proper business operation of the credit rating agencies have been taken:

イ　役員の職務の執行が効率的に行われることを確保するための体制

(a) a system to ensure that the officers will efficiently execute their duties;

ロ　役員の職務の執行に係る情報の保存及び管理に関する体制

(b) a system concerning the preservation and management of information on the execution of duties by officers;

ハ　付与した信用格付と異なる信用格付を提供し、又は閲覧に供することを防止するための体制その他の信用格付行為に関する事務処理の誤りを防止するための体制

(c) a system for preventing credit rating agencies from providing a credit rating different from the assigned credit rating or making the credit rating available for public inspection, or other systems for preventing making clerical errors related to credit rating activities; and

ニ　損失の危険の管理に関する規程その他の体制

(d) regulations and other systems for managing risk of loss;

五　法令等遵守を確保するための次に掲げる措置がとられていること。

(v) the following measures to secure compliance with laws and regulations, etc. have been taken:

イ　法令等遵守に関する方針及び手続の策定

(a) the formulation of policies and procedures concerning compliance with laws and regulations, etc.;

ロ　法令等遵守責任者の選任その他法令等遵守に係る責任の所在の明確化に関する方針の策定

(b) the formulation of policies clarifying where the responsibility for the appointment of the responsible person for compliance with laws and regulations, etc. lies and where the responsibility for compliance with laws and regulations, etc. lies;

ハ　使用人が法令等に反する行為を発見した場合の対応に関する次に掲げる措置

(c) the following measures in addressing cases in which an employee finds an act in violation of laws and regulations, etc.:

（１）　信用格付業者の使用人が法令等に反する行為を発見した場合における当該行為の内容を役員及び法令等遵守責任者に通知するための措置

1. the measures for notifying officers and the responsible person for compliance with laws and regulations, etc. with the content of the act when an employee of a credit rating agency has discovered an act in

violation of laws and regulations;

（２）　当該通知を受けた役員及び法令等遵守責任者が信用格付業者において法令等に反する行為が行われることを防止するための適切な措置

2. the appropriate measures to be taken by the officers and the responsible person for compliance with laws and regulations who has received the notice, in order to prevent acts that violate laws and regulations, etc. from being committed at credit rating agencies; and

（３）　当該通知を行った者が当該通知を行ったことを理由として不利な取扱いを受けないことを確保するための措置

3. the measures to ensure that the person that has made the notice is not treated unfavorably on account of having made the notice;

六　信用格付の付与に係る過程の品質の管理の方針の策定及びその実施に関する次に掲げる措置がとられていること。

(vi) the following measures concerning the formulation and enforcement of policies on quality management of the process of assigning credit ratings have been taken:

イ　信用格付業の業務を適正かつ円滑に遂行し得る専門的知識及び技能を有する人員を十分に確保するための措置（信用格付の付与に係る信用格付業者としての最終的な意思決定を合議体において行う場合には、当該合議体の構成員の選任方法及び当該合議体の意思決定の方法その他使用人の専門的知識及び技能が適正に発揮されることを確保するための措置を含む。）

(a) the measures for ensuring sufficient personnel with expert knowledge and skills that enable them to appropriately and smoothly conduct credit rating business (if its final decision as a credit rating agency in determining a credit rating is to be made by a council, including the method of appointing members of the judicial panel, the decision-making method of that panel, and other measures for ensuring that the expert knowledge and skills of employees are to be exerted in an appropriate manner);

ロ　信用格付の付与のために用いられる情報について十分な品質を確保するための措置

(b) the measures for ensuring that the information to be used in assigning credit ratings is of sufficient quality;

ハ　信用格付の付与のために専門的知識及び技能を有する人員を十分に確保できない場合又は信用格付の付与のために用いられる情報について十分な品質を確保できない場合には、当該信用格付を付与しないための措置

(c) if it is not possible to sufficiently secure personnel with expert knowledge and skills for assigning credit ratings, or it is not possible to secure sufficient quality for the information to be used for assigning credit ratings, the measures for preventing the credit rating from being assigned ;

ニ　格付付与方針等の妥当性及び実効性について検証を適正に行う機能を整備するための措置（資産証券化商品の原資産の信用状態の特性が変化した場合における

当該資産証券化商品の格付付与方針等の妥当性及び実効性についての検証を適正に行うための措置を含む。）

(d) the measures for developing the functions to properly verify the appropriateness and effectiveness of the policy, etc. for assigning ratings (if there is any change to the characteristics of the credit status of the underlying assets of asset securitization products, including measures to secure the proper verification of the appropriateness and effectiveness of the policy, etc. for assigning ratings of those asset securitization products);

ホ　格付付与方針等について重要な変更を行ったときは、当該格付付与方針等に基づき付与した信用格付のうち、変更後の格付付与方針等に基づき更新するか否かについて判断すべき信用格付の範囲及び更新に要する期間を遅滞なく公表し、当該期間内に必要な更新を行うための措置

(e) if a material change is made to the policy, etc. for assigning ratings, the measures to publicize without delay, the scope of credit ratings for which decision should be made on whether or not to make a renewal based on the changed policy, etc. for assigning ratings among the credit ratings assigned based on the former policy, etc. for assigning ratings and the period of time required for the renewal, and for making the necessary renewal within that period of time;

ヘ　資産証券化商品（当該資産証券化商品の設計が過去に信用格付を付与した資産証券化商品の設計と著しく異なる場合に限る。）の信用状態に関する評価を対象とする信用格付を適切に付与することが可能であることを検証するための措置

(f) the measures for verifying whether it is possible to properly assign credit rating whose subject is assessment of the credit status of asset securitization products (limited to cases in which the design of the asset securitization product is substantially different from the design of the asset securitization products to which credit ratings were assigned in the past);

ト　付与した信用格付に係る検証及び更新を適切かつ継続的に実施するための措置（当該検証及び更新を実施しないこととした場合においては、その旨及びその他必要な事項を遅滞なく公表するための措置を含む。）

(g) the measures for verifying and renewing credit ratings that have already been assigned in appropriately and continuously (if it has been decided not to conduct the verification or renewal, including measures for publicizing that fact and other necessary information);

七　信用格付業に係る利益相反を防止するための次に掲げる措置がとられていること。

(vii) the following measures for preventing a conflict of interest related to credit rating business have been taken:

イ　信用格付行為のうち利益相反又はそのおそれのある行為（以下この章において「特定行為」という。）を適切な方法により特定し、当該行為が投資者の利益を害しないことを確保するための措置（次に掲げる措置を含む。以下この章におい

て「利益相反回避措置」という。）

(a) the measures to appropriately identify activities that cause or are likely to cause a conflict of interest (hereinafter referred to as "specified activities" in this Chapter) among credit rating activities, and ensure that the activities do not harm the interests of investors (including the following measures; hereinafter referred to as "measures for avoiding a conflict of interest" in this Chapter):

（１）　格付担当者が利益相反のおそれのある有価証券の売買その他の取引等を行わないための措置

1. the measures for preventing persons in charge of rating from conducting purchase and sale or other transactions of securities which may cause a conflict of interest;

（２）　役員又は使用人と格付関係者との間で利益相反のおそれのある場合において、当該格付関係者が利害を有する事項を対象とする信用格付の付与に係る過程に当該役員又は使用人が関与しないための措置

2. the measures for preventing an officer or employee from being involved in the process of assigning credit ratings of matters in which the rating entity, etc. has an interest, if a conflict of interest is likely to occur between an officer or employee and a rating entity, etc.;

（３）　信用格付業者と格付関係者との間で利益相反のおそれのある次に掲げる場合において、当該格付関係者が利害を有する事項を対象とする信用格付の付与において、投資者の利益を害しないことを確保するための措置

3. in the following cases in which a conflict of interest is likely to occur between a credit rating agency and a rating entity, etc., the measures for ensuring that the credit rating agency does not harm the interests of investors in assigning credit ratings of matters in which a rating entity, etc. has interests:

（ｉ）　信用格付業者が格付関係者から融資（債務の保証及び担保の提供を含む。）を受けている場合

i. if a credit rating agency has been financed (including guarantee of obligations and offering of collateral) by a rating entity, etc.;

（ｉｉ）　信用格付業者の総株主等の議決権の百分の五以上の議決権（第十五条の二に規定するものを除く。）を保有している者が格付関係者である場合

ii. if a holder of five percent or more of the voting rights held by all the shareholders, etc. of a credit rating agency (excluding voting rights prescribed in Article 15-2) is a rating entity, etc.;

（ｉｉｉ）　格付関係者が信用格付業者が発行する有価証券の引受人となる場合

iii. if a rating entity, etc. is to act as an underwriter of securities issued by a credit rating agency; or

（ｉｖ）　格付関係者から信用格付行為に係る役務以外の役務の対価として多額の金銭その他の財産上の利益を受けている場合

iv. if a credit rating agency has received a large amount of money or other economic benefits as consideration for services other than the services related to credit rating activities from a credit rating agency;

（４）　格付担当者が格付関係者の役員又はこれに準ずるものに就くことを目的として自ら働きかけを行うことを防止するための措置

4. the measures to prevent a person in charge of ratings from making an approach themselves for the purpose of assuming the position of an officer or other equivalent positions of the rating entity, etc.;

（５）　信用格付業者の役員又は使用人でなくなった格付アナリストが格付関係者の役員又はこれに準ずるものに就いた場合において、当該格付関係者が利害を有する事項を対象とする信用格付（信用格付業者の役員又は使用人でなくなった日前二年間に当該格付アナリストが付与に係る過程に関与した場合に限る。）の妥当性を検証するための措置

5. if a rating analyst that no longer is an officer or employee of a credit rating agency has assumed the position of an officer or other equivalent positions of a rating entity, etc., the measures to verify the appropriateness of credit ratings of matter in which a rating entity, etc. has an interest (limited to cases in which the rating analyst has been involved in the process of assigning the credit rating within two years before the day when they ceased to be an officer or employee of the credit rating agency);

ロ　特定行為の種類及び利益相反回避措置の概要を適切な方法により公表するための措置

(b) the measures for publicizing the types of specified activities and the outline of the measures for avoiding a conflict of interest, by appropriate means;

八　関連業務及びその他業務に係る行為が信用格付行為に不当な影響を及ぼさないための措置がとられていること。

(viii) the measures to ensure that the acts concerning related business and other businesses do not unduly influence credit rating activities have been taken;

九　資産証券化商品の信用状態に関する評価が信用格付の対象となる事項である場合において、第三者が独立した立場において当該信用格付の妥当性について検証することができるための次に掲げる措置がとられていること。

(ix) if the assessment of the credit status of asset securitization products is the matter subject to credit rating, the following measures that enable a third party to verify the appropriateness of the credit rating in an independent capacity have been taken:

イ　第三者が当該信用格付の妥当性を評価するために重要と認められる情報の項目を整理して公表すること。

(a) to organize items of information that are found to be significant for a third party to assess the appropriateness of the credit rating and publicize those items;

ロ　格付関係者に対し、当該資産証券化商品に関する情報（イに基づき公表した項目を含む。）の公表その他の第三者が当該信用格付の妥当性について検証することができるための措置を講じるよう働きかけを行うこと。

(b) to make an approach to a rating entity, etc. to take measures to enable a third party to publicize the information on the asset securitization products (including items publicized based on sub-item (a)) and verify the appropriateness of the credit rating;

ハ　信用格付業者がロに基づき行った働きかけの内容及びその結果（当該資産証券化商品に関する情報の公表の状況について、格付関係者から聴取した結果をいう。）について公表すること。

(c) to publicize the content of the approaches made by a credit rating agency based on sub-item (b) and their results (meaning the results heard from a rating entity, etc. concerning of state of disclosure of information on the asset securitization products);

十　信用格付業者の役員及び使用人の報酬等（報酬、賞与その他の職務遂行の対価として信用格付業者から受ける財産上の利益をいう。以下この章において同じ。）の決定方針（次に掲げるものを内容とするものに限る。）を定め、かつ、当該決定方針が信用格付業の業務の公正かつ的確な実施に支障を及ぼさないことを確保するための措置（当該決定方針の見直しを定期的に実施するための体制整備に係る措置を含む。）がとられていること。

(x) the policy for determining the remuneration, etc. (remuneration, bonus, and other economic benefits to be received from a credit rating agency as consideration for performing duties; hereinafter the same applies in this Chapter) of the officers or employees of a credit rating agency (limited to a policy that has the following matters as the content) has been formulated, and, the measures to ensure that the policy does not compromise the credit rating business to be conducted in a fair and accurate manner (including measures related to developing an organizational system for periodically reviewing the policy):

イ　法令等遵守責任者の報酬等の額が信用格付業の業務の実績の影響を受けないこと。

(a) the amount of the remuneration, etc. for the responsible person for compliance with laws and regulations, etc. is not affected by the results of credit rating business; and

ロ　格付担当者の報酬等の額が当該信用格付の手数料（信用格付の付与の対価として信用格付業者に対して支払われ、又は支払われるべき金銭その他の財産の価額

をいう。以下この章において同じ。）の影響を受けないこと。

(b) the amount of the remuneration, etc. for the person in charge of ratings is not affected by the amount of the rating fee for the credit rating (the amount of money and the value of other properties to be paid or required to be paid to a credit rating as consideration for assigning credit ratings; hereinafter the same applies in this Chapter);

十一　格付担当者が当該信用格付の手数料に関する交渉に参加することを防止するための措置がとられていること。

(xi) the measures to prevent the person in charge of ratings from participating in negotiations for determining the rating fee for the credit rating have been taken;

十二　信用格付業の業務に関して知り得た情報の管理及び秘密の保持を適切に行うための次に掲げる措置がとられていること。

(xii) the following measures for properly managing information and maintaining confidentiality of the information that a person in charge of ratings has learned about credit rating business have been taken;

イ　信用格付業の業務に関して知り得た情報及び秘密を信用格付業を公正かつ的確に遂行するために必要と認められる目的以外の目的のために利用しないことを確保するための措置

(a) the measures to ensure that information or secrets which a person in charge of ratings has come to know concerning credit rating business will not be used for purposes than the purpose found necessary for conducting credit rating business in a fair and accurate manner;

ロ　秘密の範囲及び業務上知り得る者を特定し、管理の方法を定めることにより、その漏えいの防止を図るための措置

(b) the measures to prevent the leakage of secrets by identifying the scope of the secrets and the persons that are able to learn the secrets in the course of their duties, and specifying the method of managing the secrets;

十三　信用格付業者に対する苦情を適切かつ迅速に処理するための措置（当該苦情を当該信用格付業者の役員に報告するための体制整備に関する措置を含む。）がとられていること。

(xiii) the measures for appropriately and promptly addressing the complaints against a credit rating agency (including measures for developing an organizational system for reporting the complaints to officers of the credit rating agency) have been taken;

十四　格付方針等に従い、信用格付業の業務を遂行するための措置（格付アナリストに対する研修に係る措置を含む。）がとられていること。

(xiv) the measures for conducting credit rating business in accordance with the rating policy, etc. (including measures related to training of rating analysts) have been taken;

十五　金融商品又は法人の信用状態の評価の結果に関する一般的な性質に関して、虚

偽の表示をし、又は重要な事項につき誤解を生ぜしめるべき表示を行わないための措置がとられていること。

(xv) the measures for preventing false representation, or representation that may lead to a misunderstanding on material matters, concerning the general features of the assessment results of the credit status of any financial instruments or corporations have been taken;

十六　関連業務に係る行為を行う場合において、当該行為が信用格付業に係る行為であると誤認されることを防止するための措置がとられていること。

(xvi) if an act concerning related business is to be conducted, the measures to prevent the act from being misunderstood as an act related to credit rating business have been taken;

十七　信用格付業者において前各号に掲げる措置が適切に講じられることを確保するため、次に掲げる要件を満たす委員会（以下この章において「監督委員会」という。）の設置に関する措置がとられていること。

(xvii) the measures for establishing a committee that satisfies the following requirements (hereinafter referred to as "monitoring committee" in this Chapter) in order to ensure that the measures set forth in each of the preceding items are taken in an appropriate manner have been taken:

イ　委員のうち三分の一以上（委員が三名以下の場合にあっては、二名以上）は、信用格付業者、当該信用格付業者の子法人、当該信用格付業者を子法人とする他の法人又は当該信用格付業者を子法人とする他の法人の子法人（当該信用格付業者を除く。）の役員（監査役又は監事その他これらに準ずる者を除く。）又は使用人（以下イにおいて「関係役員等」という。）ではなく、かつ、過去五年以内に関係役員等となったことがない者（以下この章において「独立委員」という。）であること。

(a) one-third or more of the committee members (two or more committee members, if the number of committee members is three or less) are persons not officers (excluding company auditors, auditors, or other persons equivalent to them) or employees (hereinafter referred to as "relevant officers, etc." in sub-item (a)) of a credit rating agency, its subsidiary corporation, another corporation that has the credit rating agency as its subsidiary corporation, or a subsidiary corporation of another corporation that has the credit rating agency as its subsidiary corporation (excluding the credit rating agency), and, are persons that has not become relevant officers and employees, etc. within the past five years (the persons are hereinafter referred to as "independent committee member" in this Chapter);

ロ　委員の過半数が金融に係る専門的知識を有する者であること。

(b) the majority of the committee members have expert knowledge concerning finance;

ハ　独立委員の報酬等の額が信用格付業者の信用格付業の業務の実績の影響を受け

ないこと。

(c) the amount of the remuneration, etc. of the independent committee members is not affected by the results of credit rating business of a credit rating agency;

ニ　独立委員は、不正行為を行った場合、職務上の義務違反があると認められた場合又は法令に基づく場合を除いては、在任中、その意に反して罷免されることがないこと。

(d) independent committee members will not be dismissed against their will while in office, when they have committed a wrongful act, excluding cases in which it is found that they have committed breach of professional obligations, or required to be dismissed under laws and regulations;

ホ　独立委員の意見が定期的に監督委員会に提出されること。

(e) the opinions of the independent committee members are periodically submitted to the monitoring committee.

2　前項第二号の規定は、信用格付業者の役員及び使用人の数、信用格付業に係る業務の特性、規模、複雑性その他の事情を勘案し、当該規定を遵守することが困難であり、かつ、他の代替的な措置を講じることにより当該信用格付業者の役員及び使用人が格付関係者から独立した立場において公正かつ誠実にその業務を遂行することができると認められる場合であって、金融庁長官が承認したときは、適用しない。

(2) The provisions of item (ii) of the preceding paragraph do not apply if it is found to be difficult for a credit rating agency to comply with those provisions when taking into account the number of officers and employees of the credit rating agency, the feature, size, and complexity of the credit rating business and other circumstances, and, is found that taking other alternative measures will enable the officers and employees of the credit rating agency to conduct their business independent from the rating entity, etc. and in a fair and faithful manner, and the Commissioner of the Financial Services Agency gives approval.

3　第一項第十七号の規定は、信用格付業者の役員及び使用人の数、信用格付業に係る業務の特性、規模、複雑性その他の事情を勘案し、当該規定を遵守することが困難であり、かつ、他の代替的な措置を講じることにより当該信用格付業者において同項各号（第十七号を除く。）に掲げる措置が適切に講じられることを確保することができると認められる場合であって、金融庁長官が承認したときは、適用しない。

(3) The provisions of paragraph (1), item (xvii) do not apply if it is found to be difficult for a credit rating agency to comply with those provisions when taking into account the number of officers and employees of the credit rating agency, the feature, size, and complexity of credit rating business and other circumstances, and, is found that taking other alternative measures will ensure the credit rating agency to have properly taken the measures set forth in the items of that paragraph (excluding item (xvii)), and the Commissioner of the Financial Services Agency gives approval.

４　信用格付業者は、前二項の規定による承認を受けようとするときは、承認申請書に次に掲げる書類を添付して金融庁長官に提出しなければならない。

(4) If a credit rating agency seeks to obtain an approval under the provisions of the preceding two paragraphs, it must submit a written application for approval with the following documents attached to the Commissioner of the Financial Services Agency:

一　理由書

(i) a written statement of reasons;

二　役員及び使用人の数を記載した書面

(ii) a document stating the number of officers and employees;

三　信用格付業に係る業務の特性、規模、複雑性その他の事情を記載した書面

(iii) a document stating the feature, size, complexity of the credit rating business, and other circumstances;

四　他の代替的な措置の内容を記載した書面

(iv) a document stating the content of alternative measures; and

五　その他参考となるべき事項を記載した書類

(v) a document stating other information that should serve as a reference.

５　二以上の信用格付業者（当該二以上の信用格付業者が関係法人であり、かつ、共通の国内における代表者又は第二百九十七条に規定する者を有する場合に限る。）が共同して信用格付行為を業として行う場合には、当該二以上の信用格付業者が共同して業務管理体制を整備することができる。

(5) If two or more credit rating agencies (limited to a case in which two or more credit rating agencies are associated corporations, and share the same representative in Japan or the same person prescribed in Article 297) are to jointly conduct credit rating activities on a regular basis, those two or more credit rating agencies may jointly develop their operational control system.

６　第一項（第二号、第四号、第七号イ（３）から（５）まで、第九号及び第十七号に限り、信用格付業者（外国法人に限る。以下この項及び次項において同じ。）の国内における営業所又は事務所に係るものを除く。）の規定は、他の代替的な措置を講じることにより当該信用格付業者が公正かつ的確に業務を遂行することができると認められ、かつ、当該代替的な措置を講じることにより当該信用格付業者が公正かつ的確に業務を遂行することについて、当該信用格付業者が外国行政機関等の適切な監督を受けていると認められる場合であって、金融庁長官が承認したときは、適用しない。

(6) The provisions of paragraph (1) (limited to item (ii), item (iv), item (vii), sub-item (a), 3. through 5., item (ix), and item (xvii), and excluding the provisions related to domestic business offices or offices of a credit rating agency (limited to a foreign corporation; hereinafter the same applies in this paragraph and the following paragraph)) do not apply, if it is found that the credit rating agency is able to fairly and appropriately conduct business by taking other alternative measures, and it is found that the credit rating agency is appropriately supervised by a foreign administrative organ in conducting

business in a fair and appropriate manner by implementing the alternative measures, and the Commissioner of the Financial Services Agency gives approval.

7　信用格付業者は、前項の規定による承認を受けようとするときは、承認申請書に次に掲げる書類を添付して金融庁長官に提出しなければならない。

(7) If a credit rating agency seeks to obtain an approval under the provisions of the preceding paragraph, it must submit an application for approval by attaching the following documents to the Commissioner of the Financial Services Agency:

一　理由書

(i) a statement of reasons;

二　他の代替的な措置の内容を記載した書面

(ii) a document stating the content of other alternative measures;

三　外国行政機関等の適切な監督を受けていることを証する書面

(iii) a certificate that the credit rating agency is under appropriate supervision of a foreign administrative organ;

四　その他参考となるべき事項を記載した書類

(iv) a document stating of other information that should serve as a reference; and

五　前各号に掲げる書類に記載された法令に関する事項が真実かつ正確であることについての法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(v) a legal opinion letter by legal experts on the fact that the matters concerning laws and regulations stated in the documents set forth in the preceding items are true and accurate, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

8　金融庁長官は、第二項、第三項又は第六項の承認に条件若しくは期限を付し、これらを変更し、又は当該承認を取り消すことができる。

(8) The Commissioner of the Financial Services Agency may attach conditions or due date to the approval referred to in paragraph (2), paragraph (3), or paragraph (6), change them, or revoke the approval.

（格付関係者）

(Rating Entity, etc.)

第三百七条　法第六十六条の三十三第二項に規定する内閣府令で定める者は、次の各号に定める場合の区分に応じ、当該各号に定める者（これらの者と実質的に同一であると認められる者を含む。）とする。

Article 307 (1) The persons specified by Cabinet Office Order as prescribed in Article 66-33, paragraph (2) of the Act are the persons specified in the following items in accordance with the category of cases prescribed in each of those items (including the persons found to be substantially the same as those

persons):

一　法人の信用状態に関する評価が信用格付の対象となる事項である場合　当該法人（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第二十四条第一項第四号に掲げるものを除く。）及び当該法人に係る組成に関する事務の受託者

(i) if the assessment of the credit status of a corporation is the matter subject to credit rating: that corporation (excluding the corporation set forth in Article 24, paragraph (1), item (iv) of Cabinet Office Order on Definitions under Article 2 of the Financial Instruments and Exchange Act), and the trustee of the business affairs related to the structures of the corporation; and

二　金融商品の信用状態に関する評価が信用格付の対象となる事項である場合　当該金融商品（当該金融商品が有価証券である場合に限る。）又は債務者（当該金融商品が債権である場合に限る。）及び当該金融商品の組成に関する事務の受託者

(ii) if the assessment of the credit status of a financial instrument is the matter subject to credit rating: the financial instruments (only if the financial instruments are securities) or debtor (only if the financial instruments are claims), and entrustees of the affairs concerning formation of the financial instrument.

２　前項の規定にかかわらず、資産証券化商品の信用状態に関する評価が信用格付の対象となる事項である場合における法第六十六条の三十三第二項に規定する内閣府令で定める者は、次に掲げる者（これらの者と実質的に同一であると認められる者を含む。）とする。

(2) Notwithstanding the provisions of the preceding paragraph, the person specified by Cabinet Office Order as prescribed in Article 66-33, paragraph (2) of the Act is the person set forth in the following items (including the persons found to be substantially the same as those persons) if the assessment of the credit status of the asset securitization products is subject to credit rating:

一　当該資産証券化商品が第二百九十五条第三項第一号イ又はロに掲げる要件を満たす場合における同号イ（１）又はロ（１）若しくは（２）の原資産の主たる保有者

(i) the main holder of the underlying assets referred to in Article 295, paragraph (3), item (i), sub-item (a), 1., sub-item (b), 1. or 2., when the asset securitization products satisfy the requirements set forth in sub-item (a) or (b) of that item;

二　当該資産証券化商品が第二百九十五条第三項第一号ハ又はニに掲げる要件を満たす場合における同号ハ（１）又はニ（１）の第三者（主たるものに限る。）

(ii) a third party (limited to the main third party) referred to in Article 295, paragraph (3), item (i), sub-item (c), 1. or sub-item (d), 1., when the asset securitization products satisfy the requirements set forth in sub-item (c) or (d) of that item;

三　当該資産証券化商品が第二百九十五条第三項第一号イ又はハに掲げる要件を満たす場合における同号イ又はハの特別目的法人

(iii) a special purpose corporation referred to in Article 295, paragraph (3), item (i), sub-item (a) or (c), when the asset securitization products satisfy the requirements set forth in sub-item (a) or (c) of that item; and

四　当該資産証券化商品の組成に関する事務の受託者

(iv) a consignee of work related to the composition of the asset securitization products.

3　信用格付の対象となる事項が第二百九十五条第三項第一号イからホまでに掲げる要件のいずれかを満たす有価証券又は資金の貸付けに係る債権であって、同号ヘに掲げる要件を満たすものの信用状態に関する評価である場合においては、同号ヘの原資産の信用状態に関する評価を信用格付の対象とみなして、第一項第二号の規定を適用し、信用格付の対象となる事項が同条第三項第一号イからホまでに掲げる要件のいずれかを満たす有価証券又は資金の貸付けに係る債権であって、同号トに掲げる要件を満たすものの信用状態に関する評価である場合においては、資金の貸付けに係る契約を締結する一の者が発行した有価証券又は当該者に対する資金の貸付けに係る債権の信用状態に関する評価を信用格付の対象とみなして、第一項第二号の規定を適用する。

(3) If the matters subject to credit rating are securities or claims related to monetary loans that satisfy any of the requirements set forth in Article 295, paragraph (3), item (i), sub-items (a) through (e) and are the assessment of credit status of financial instruments prescribed in sub-item (f) of that item, the assessment of credit status of the underlying assets referred to in sub-item (f) of that item is deemed to be subject to credit rating and the provisions of paragraph (1), item (ii) apply; if the matters subject to credit rating are securities or claims related to monetary loan that satisfy any of the requirements set forth in Article 295, paragraph (3), item (i), sub-items (a) through (e) and are the assessment of credit status of financial instruments prescribed in sub-item (g) of that item, the assessment of credit status of securities issued by a person that concludes a loan contract of funds or claims related to the loan of funds to that person is deemed to be subject to credit rating and the provisions of paragraph (1), item (ii) apply.

（格付関係者との密接な関係）

(Close Relationships with Rating Entity, etc.)

第三百八条　法第六十六条の三十五第一号に規定する内閣府令で定める密接な関係は、次に掲げる場合における信用格付業者又はその役員若しくは使用人と格付関係者との間の関係とする。

Article 308 (1) The close relationship specified by Cabinet Office Order as prescribed in Article 66-35, item (i) of the Act, is the relationship between the credit rating agency or its officers or employees, and the rating entity, etc. in the following cases:

一　信用格付業者の格付担当者が当該格付関係者の役員又はこれに準ずる者である場合

(i) if the person in charge of ratings at the credit rating agency is the officer of the rating entity, etc. or an equivalent person;

二　信用格付業者の格付担当者が当該格付関係者の役員又はこれに準ずる者の親族（配偶者並びに一親等内の血族及び姻族に限る。）である場合（前号に掲げる場合を除く。）

(ii) if the person in charge of ratings of the credit rating agency is a relative (limited to a spouse, and a relative by blood and a relative by affinity of the first degree of kinship) of the officer or an equivalent person of the rating entity, etc. (excluding the cases set forth in the preceding item);

三　信用格付業者又はその格付担当者が当該格付関係者が発行者である有価証券（法第二条第一項第一号及び第二号に掲げる有価証券並びに同項第十七号に掲げる有価証券（同項第一号及び第二号に掲げる有価証券の性質を有するものに限る。）を除く。）の保有者である場合

(iii) if a credit rating agency or its person in charge of rating is a holder of securities issued by the rating entity, etc. (excluding securities set forth in Article 2, paragraph (1), items (i) and (ii) and those set forth in item (xvii) of that paragraph (limited to those that have the nature of the securities set forth in items (i) and (ii) of that paragraph); or

四　信用格付業者又はその格付担当者がデリバティブ取引（当該格付関係者が発行する有価証券又は当該格付関係者に関するものに限る。）に関する権利を有する者である場合

(iv) if a credit rating agency or its person in charge of ratings is a person that has the rights related to derivatives transactions (limited to derivative transactions related to securities issued by the rating entity, etc. or related to the rating entity, etc.).

２　前項第三号の保有者及び同項第四号の権利を有する者には、自己又は他人（仮設人を含む。）の名義をもって有価証券を所有する者（売買その他の契約に基づき有価証券の引渡請求権を有する者を含む。）又は権利を有する者のほか、次に掲げる者を含むものとする。

(2) The holder referred to in item (iii) of the preceding paragraph and the person that has the right referred to in item (iv) of that paragraph include the following persons in addition to a person that holds securities under their own name or other person's name (including a pseudonym) (including a person that has a right to request the delivery of securities based on a purchase and sale or other contracts), or holds the right:

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、有価証券の発行者の株主として議決権その他の権利を行使することができる権限又は当該議決権その他の権利の行使について指図を行うことができる権限を有する者

(i) a person that has the authority to exercise the voting rights or other rights as a shareholder of the issuer of securities, or the authority to give instructions on the exercise of the voting rights or other rights, based on the

provisions of a money trust agreement or other contracts, or provisions of laws; and

二　投資一任契約その他の契約又は法律の規定に基づき、有価証券に対する投資をするために必要な権限を有する者

(ii) a person that has the authority necessary to make an investment in securities, based on the provisions of discretionary investment contracts or other contracts, or provisions of laws.

（格付関係者が利害を有する事項）

(Matters in Which Rating Entity Has an Interest)

第三百九条　法第六十六条の三十五第一号に規定する内閣府令で定める事項は、次に掲げる事項とする。

Article 309 The matters specified by Cabinet Office Order as prescribed in Article 66-35, item (i) of the Act are as follows:

一　格付関係者の信用状態に関する評価

(i) the assessment of the credit status of the rating entity, etc.;

二　格付関係者が金融商品の発行者（当該金融商品が有価証券である場合に限る。）又は債務者（当該金融商品が債権である場合に限る。）である場合における当該金融商品の信用状態に関する評価

(ii) if the rating entity, etc. is an issuer of financial instruments (limited to cases in which the financial instruments are securities) or debtor (limited to cases in which the financial instruments are claims), the assessment of the credit status of those financial instruments; and

三　格付関係者が組成に関する事務の受託者である場合における当該組成に係る金融商品又は法人の信用状態に関する評価

(iii) if the rating entity, etc. is a consignee of work related to compositions, the assessment of the credit status of financial instruments or corporations related to the compositions.

（信用格付に重要な影響を及ぼすべき事項）

(Matters That Should Materially Influence Credit Ratings)

第三百十条　法第六十六条の三十五第二号に規定する内閣府令で定める事項は、次に掲げる事項とする。

Article 310 The matters specified by Cabinet Office Order as prescribed in Article 66-35, item (ii) of the Act are as follows:

一　法人、当該法人が発行する有価証券又は当該法人に対する債権の信用状態に関する評価が信用格付の対象となる事項である場合における当該法人の組織形態並びに主要な資産及び負債の構成

(i) if the assessment of the credit status of a corporation, securities issued by the corporation, or claims against the corporation is the matter subject to credit rating, the organizational form and the composition of the major assets

and liabilities, of the corporation; and

二　金融商品又は法人の信用状態に関する評価が信用格付の対象となる事項である場合における当該金融商品又は当該法人の設計に関する重要な事項

(ii) if the assessment of financial instruments or a corporation is the matter subject to credit rating, material matters on the design of the financial instruments or the corporation.

（禁止の対象から除かれる助言の態様）

(Type of Advice Excluded from Prohibition)

第三百十一条　法第六十六条の三十五第二号に規定する内閣府令で定める場合は、格付関係者からの求めに応じ、当該格付関係者から提供された情報又は事実が信用格付の付与に与える影響について、格付付与方針等及びこれに関連する事項に基づき説明をした場合とする。

Article 311 The case specified by Cabinet Office Order as prescribed in Article 66-35, item (ii) of the Act, is the case in which the credit rating agency has provided an explanation of the impact of the information or facts provided by the rating entity, etc. has on credit rating, based on the credit rating policy, etc. and any matters related to the policy.

（禁止行為）

(Prohibited Acts)

第三百十二条　法第六十六条の三十五第三号に規定する内閣府令で定める行為は、次に掲げる行為とする。

Article 312 The acts specified by Cabinet Office Order as prescribed in Article 66-35, item (iii) of the Act are as follows:

一　信用評価（法第二条第三十四項に規定する信用評価をいう。以下この章において同じ。）を行う前に、あらかじめ、定められた信用格付を当該信用評価の結果として提供し、又は閲覧に供することを格付関係者との間で約束する行為（格付付与方針等及びこれに関連する事項に基づき予想される信用格付を格付関係者に対してあらかじめ提供する行為を除く。）

(i) before making a credit assessment (meaning a credit assessment as defined in Article 2, paragraph (34) of the Act; hereinafter the same applies in this Chapter), an act of promising to provide the specified credit rating as the result of the credit assessment or provide them for public inspection with a rating entity, etc. in advance (excluding an act of providing a rating entity, etc. with expected credit ratings based on the policy, etc. for assigning ratings and other related matters in advance);

二　信用格付業者の格付担当者が信用格付の付与に係る過程において、格付関係者から金銭又は物品（同一日における総額が三千円以下であり、かつ、業務上必要と認められるものを除く。）の交付を受け、その交付を要求し、又はその交付の申込みを承諾する行為

(ii) during the process of a rating entity, etc. of a credit rating agency assigning a credit rating, in response to money or goods delivered by a rating entity, etc. (excluding money or goods whose total amount for one day is three thousand yen or less, and, those that are found to be necessary in business), to demand their delivery, or to accept an offer for their delivery; and

三　信用格付の対象となる事項が資産証券化商品の信用状態に関する評価であり、当該資産証券化商品又はその原資産の信用状態に関する評価を対象として他の信用格付業者が信用格付を付与していたことのみを理由として、当該資産証券化商品の信用状態に関する評価を対象とする信用格付の付与を拒む行為

(iii) if the assessment of the credit status of asset securitization products is the matter subject to credit rating, the act of refusing to determine the credit rating for the assessment of credit status of asset securitization products, merely for the reason that the other credit rating agency had already determined the credit rating for the assessment of the credit status of those asset securitization products or the relevant underlying assets.

（格付方針等の記載事項）

(Matters to Be Stated in the Rating Policy)

第三百十三条　法第六十六条の三十六第一項に規定する格付方針等は、次に掲げる事項を記載して定めなければならない。

Article 313 (1) A rating policy, etc. prescribed in Article 66-36, paragraph (1) of the Act must be specified by stating the following matters:

一　信用格付の付与に係る方針及び方法（以下この章において「格付付与方針等」という。）

(i) the policy and method concerning assigning of credit ratings (hereinafter referred to as "policy, etc. for assigning ratings" in this Chapter); and

二　信用格付を提供し、又は閲覧に供する行為に係る方針及び方法（以下この条において「格付提供方針等」という。）

(ii) the policy and method concerning acts of providing the credit ratings or making them available for public inspection (hereinafter referred to as "policy, etc. for providing ratings" in this Article).

２　格付付与方針等は、次に掲げる要件を満たすものでなければならない。

(2) The policy, etc. for assigning ratings must satisfy the following requirements:

一　厳格かつ体系的なものであること。

(i) it is strict and systematic;

二　収集した金融商品又は法人の信用状態（当該信用状態に関する評価が信用格付の対象となる事項であるものに限る。）に係るすべての情報資料を総合して判断するものであること。

(ii) judgments are to be made by comprehensively taking into account all the information data related to the credit status of the collected financial instruments or the corporation (only if the assessment of the credit status is

the matter subject to credit rating);

三　信用格付の対象となる事項の区分及びその細目に応じ、次に掲げる事項が記載されていること。

(iii) that the policy states the following matters in accordance with the category of the matters subject to credit rating and their particulars:

イ　信用状態に関する評価の前提となる事項及び信用状態に関する評価の結果を示す等級を定めるために用いる基準

(a) the criteria used for identifying the matters that are the preconditions for the assessment of the credit status, and the criteria used for specifying the grades that indicate the results of the assessments of the credit status; and

ロ　信用格付の付与に係る方法の概要

(b) an outline of the method for assigning credit ratings.

四　付与した信用格付を提供し、又は閲覧に供する行為を行う前に、あらかじめ、当該信用格付の付与に当たり信用格付業者が利用した主要な情報に関し、格付関係者が事実の誤認の有無について確認することが可能となるための方針及び方法（当該格付関係者が意見を述べるために必要な合理的な時間を確保するための方針及び方法を含む。）が記載されていること。

(iv) that the policy states the policy and method that enable a rating entity, etc., to verify whether there is any misunderstanding of the facts on the main information used by the credit rating agency in assigning the credit rating (including the policy and method for securing a reasonable length of time for the rating entity, etc. to express its opinions) in advance before providing the determined credit rating or making them available for inspection; and

五　格付関係者の依頼によらず信用格付の付与を行う場合における当該信用格付の付与に係る方針及び方法が記載されていること。

(v) that the policy states the policy and method for assigning credit ratings, when assigning credit ratings without a request from a rating entity, etc.;

3　格付提供方針等は、次に掲げる要件を満たすものでなければならない。

(3) The policy, etc. for providing ratings must satisfy the following requirements:

一　付与した信用格付を提供し、又は閲覧に供する行為が当該信用格付の付与後遅滞なく行われることとされていること。

(i) it provides that the acts of providing the assigned credit ratings or providing them for public inspection are to be conducted without delay after assigning the credit ratings;

二　付与した信用格付を提供し、又は閲覧に供する行為が広く一般に対して行われることとされていること。

(ii) it provides that the acts of providing the assigned credit ratings or providing them for public inspection are to be broadly conducted for the general public;

三　付与した信用格付を提供し、又は閲覧に供する場合には、次に掲げる事項をインターネットの利用その他の方法により公表することとされていること。ただし、資

産証券化商品の信用状態に関する評価が信用格付の対象となる事項である場合には、ホに掲げる事項（第三百七条第二項第一号又は第二号に掲げる者の氏名又は名称に限る。）に代えて、同項第一号又は第二号に掲げる者の業種、規模及び所在する地域並びに公表しない合理的な理由を公表することができる。

(iii) if the assigned credit ratings are provided or made available for public inspection, the policy, etc. provides that the following matters are to be publicized by using the internet or by other means; provided, however, that if the assessment of the credit status of asset securitization products is the matter subject to credit rating, the credit rating agency may publicize the business type, the business size and region it is located of the persons set forth in item (i) or (ii) of that paragraph and the reasonable grounds for not publicizing the matters, in lieu of the matters set forth in sub-item (e) (limited to the names of the persons set forth in Article 307, paragraph (2), item (i) or (ii)),:

イ　信用格付業者の商号又は名称及び登録番号並びに当該信用格付業者に対して直近一年以内に講じられた監督上の措置の内容

(a) the trade name or name and the registration number of the credit rating agency, and the content of the supervisory measures taken against the credit rating agency in the most recent one year;

ロ　信用格付を付与した年月日

(b) the year, month and date the credit rating have been assigned;

ハ　信用格付の付与に係る過程に関与した主任格付アナリストの氏名及び信用格付の付与について信用格付業者を代表して責任を有する者の氏名

(c) the name of the chief rating analyst involved in the process of assigning credit ratings, and the name of the person that is responsible for assigning credit ratings as a representative of the credit rating agency;

ニ　信用格付の付与に当たり採用した前項第三号に掲げる事項（同号ロに掲げる事項にあっては、重要なものに限る。）及び信用格付の対象となる事項の概要

(d) the outline of the matters set forth in item (iii) of the preceding paragraph adopted in assigning credit ratings (for the matters set forth in sub-item (b) of that item, limited to material matters) and the matters subject to credit rating;

ホ　格付関係者の氏名又は名称

(e) the name of the rating entity, etc.;

ヘ　信用格付の対象となる事項が資産証券化商品の信用状態に関する評価であり、かつ、過去に信用格付を付与した資産証券化商品の設計と著しく異なる場合には、その旨

(f) if the assessment of the credit status of the asset securitization products are the matters subject to credit rating, and, the assessment is substantially different from the design of asset securitization products that the credit rating agency for which credit ratings has been assigned in the

past;

ト　信用格付の付与が格付関係者からの依頼によるものでない場合には、その旨及び信用格付の付与に係る過程において格付関係者から公表されていない情報（信用評価に重要な影響を及ぼすと認められるものに限る。）を入手したか否かの別

(g) if credit ratings have been assigned without being requested by a rating entity, etc., that fact and the distinction of whether information not disclosed by the rating entity, etc. (limited to information that is found to have a material impact on credit assessment) has been obtained in the process of assigning credit ratings;

チ　付与した信用格付について更新を行わない場合には、その旨及びその理由

(h) if the credit rating agency will not renew the credit ratings assigned, that fact and the reasons for that;

リ　付与した信用格付の前提、意義及び限界に関する当該信用格付の対象となる事項の区分に応じた説明（信用格付の変動の特性に関する説明及び信用格付の対象となる事項が信用状態の変化に関する情報が限定されている金融商品の信用状態に関する評価である場合における当該信用格付の限界に関する説明を含む。）

(i) explanation on the precondition, significance, and limitation of the assigned credit rating, in accordance with the category of the matters subject to credit rating (if explanation on the features of fluctuations of credit ratings and the matters subject to credit ratings are the assessment of the credit status of financial instruments whose information on the changes of the credit status are limited, including explanation on the limitations of the credit ratings);

ヌ　信用格付の付与に当たり利用した主要な情報に関する次に掲げる事項

(j) the following matters concerning the main information used in assigning credit ratings:

（１）　当該情報の概要

1. an outline of the information;

（２）　当該情報の品質を確保するために講じられた措置の概要

2. an outline of the measures taken for the purpose of assuring the quality of the information; and

（３）　当該情報の提供者

3. the provider of the information;

ル　付与した信用格付の対象となる事項が資産証券化商品の信用状態に関する評価に関するものである場合には、次に掲げる事項

(k) if the matters that are subject to the assigned credit rating concerns the assessment of the credit status of asset securitization products, the following matters:

（１）　損失、キャッシュ・フロー及び感応度の分析に関する情報

1. information on the analysis of loss, cash flow, and sensitivity; and

（２）　付与した信用格付の対象となる事項が資産証券化商品の信用状態に関す

る評価であることを明示するための記号又は数字その他の表示（当該表示に基づき投資者が当該信用格付の意義及び限界を理解するための説明を含む。）

2. the marks, numbers, or other representations for clearly indicating that the matters that are subject to the determined credit rating are the assessment of the credit status of asset securitization products (including an explanation for enabling investors to understand the significance and limitation of the credit rating based on those representations);

四　付与した信用格付の撤回に関する情報提供が遅滞なく行われることとされていること。

(iv) the policy provides that information on the revocation of the determined credit rating is to be provided without delay; and

五　信用評価の結果の妥当性について、金融庁長官その他の行政機関がこれを保証したものと誤解されるおそれがある表示を行わないこととされていること。

(v) the policy provides not to make a representation that may lead to an misunderstanding that the appropriateness of the results of credit assessment has been guaranteed by the Commissioner of the Financial Services Agency or other administrative organs.

（格付方針等の公表方法）

(Means of Publicizing Rating Policies)

第三百十四条　信用格付業者は、インターネットの利用その他の方法により、投資者及び信用格付の利用者が常に容易に閲覧できるよう格付方針等を公表しなければならない。

Article 314 (1) A credit rating agency must publicize its rating policy, etc. in a manner allows easy access to the rating policy, etc. by investors and credit rating users, by means of using the internet or other means.

２　二以上の信用格付業者（当該二以上の信用格付業者が関係法人であり、かつ、共通の国内における代表者又は第二百九十七条に規定する者を有する場合に限る。）が共同して信用格付行為を業として行う場合には、当該二以上の信用格付業者が共同して格付方針等を定め、公表することができる。

(2) If two or more credit rating agencies (limited to a case in which those two or more credit rating agencies fall under associated corporations and share the same person as the representative in Japan or as the person prescribed in Article 297) jointly perform credit rating activities on a regular basis, those two or more credit rating agencies may jointly formulate and publicize the rating policy, etc.

３　信用格付業者は、格付方針等について重要な変更を行うときは、あらかじめ、変更する旨及びその概要を公表するものとする。ただし、やむを得ない事由があるときは、当該事由、変更した旨及びその概要を変更後遅滞なく公表すれば足りる。

(3) When making a material change to the rating policy, etc., a credit rating agency is to publicize the fact that the change will be made and the outline of the change in advance; provided, however, that if there are compelling reasons, it is sufficient to publicize the reasons, the fact that the change has been made, and the outline of the change without delay after making the change.

第三節　経理
Section 3 Accounting

（業務に関する帳簿書類）
(Books and Documents on Business Operations)

第三百十五条　法第六十六条の三十七の規定により信用格付業者が作成すべき帳簿書類は、次に掲げるものとする。

Article 315 (1) The books and documents to be prepared by a credit rating agency pursuant to the provisions of Article 66-37 of the Act are as follows:

一　付与した信用格付に関する次に掲げる事項に係る記録

(i) the records related to the following information on the credit ratings assigned:

イ　付与した信用格付、当該信用格付を付与した年月日及び当該信用格付の対象となる事項

(a) the determined credit rating, the year, month, and date the credit rating has been assigned, and the matter subject to the credit rating;

ロ　第三百十三条第三項第三号に掲げる事項

(b) the matters set forth in Article 313, paragraph (3), item (iii);

ハ　信用格付の付与に係る過程に関与した格付アナリストの氏名及び信用格付の付与について信用格付業者を代表して責任を有する者の氏名

(c) the name of the rating analyst that was involved in the process of assigning credit ratings and the name of the person responsible for assigning credit ratings as a representative of a credit rating agency;

ニ　信用格付の付与に係る信用格付業者としての最終的な意思決定を合議体で行う場合における当該合議体の構成員の氏名、当該合議体に提出された資料及び意思決定の根拠その他の記録（合議体で行わない場合には、その旨及びその理由）

(d) if the final decision-making as a credit rating agency in assigning credit ratings is to be adopted by a panel, the names of the members of the panel, the materials submitted to the panel, and the basis of the decision-making and other records (if the final decision-making is not adopted by a panel, that fact and the reasons for that);

ホ　関係法人が信用格付の付与に係る過程に関与した場合には、当該関係法人の名称及び所在地

(e) if an associated corporation has been involved in the process of assigning credit ratings, the name and location of the associated corporation;

ヘ　主として定量的分析に基づき信用評価を行った場合について、当該定量的分析に基づき信用評価を行った結果と付与された信用格付との間に重要な差異があるときは、当該差異の原因となった主な事項

(f) if credit assessment has been made based mainly on quantitative analysis, and if there is significant difference between the results of the credit assessment based on the quantitative analysis and the credit rating assigned, the main matters that caused the difference;

ト　信用格付の付与の基礎となる資料（格付関係者との交渉の経過を記録したものを含む。）

(g) the materials that serve as the basis for assigning credit ratings (including records on the progress of negotiations with the rating entity, etc.);

チ　格付関係者からの依頼に基づき付与された信用格付であるか否かの別

(h) whether the credit rating was assigned in response to request from a rating entity, etc.;

リ　信用格付業者及びその格付担当者と格付関係者との間における利益相反の有無の確認その他利益相反を防止するために講じた措置の概要

(i) the outline of the measures taken to verify the existence of conflict of interest between a credit rating agency and person in charge of ratings, and a rating entity, etc., and other measures taken to prevent a conflict of interest;

二　信用格付業者に対し手数料を支払った格付関係者に関する次に掲げる事項に係る記録

(ii) a record of the following matters concerning a rating entity, etc. that has paid any fees to a credit rating agency:

イ　氏名又は名称及び住所

(a) the name and domicile;

ロ　手数料の額

(b) the amount of the fee; and

ハ　手数料に係る役務の内容

(c) the content of the services for which the fee has been paid;

三　信用格付業者が提供する役務又は商品の概要を記載した書面

(iii) a document stating the outline of the services or products provided by a credit rating agency;

四　格付付与方針等の基礎となる信用評価に関する書面

(iv) a document concerning the credit assessment on which policy etc. for assigning ratings has been based;

五　法令等遵守の状況に関する調査の結果を記載した書面

(v) a document stating the results of the investigation on the status of compliance with laws and regulations, etc.;

六　特定行為及び利益相反回避措置を記載した書面

(vi) a document stating the specified activities and measures for avoiding a conflict of interest;

七　監督委員会の議事録

(vii) the minutes of meetings of the monitoring committee;

八　信用格付業者の役員又は使用人と格付関係者との間の重要な交渉（信用格付行為に関するものに限る。）の経過に関する記録

(viii) a record on the progress of important negotiations between officers or employees of a credit rating agency and a rating entity, etc. (limited to records concerning credit rating activities);

九　投資者その他信用格付の利用者から受領した書類又は電磁的記録（信用格付行為に関する苦情に関する記載を含むものに限る。）

(ix) a document or an electronic or magnetic record received from investors and other users of credit ratings (limited to documents or electronic or magnetic records that contain statements on complaints concerning credit rating activities); and

十　総勘定元帳

(x) the general ledger.

２　前項に掲げる帳簿書類は、その作成の日から五年間保存しなければならない。

(2) The books and documents referred to in the preceding paragraph must be preserved for five years after their preparation.

３　二以上の信用格付業者（当該二以上の信用格付業者が関係法人であり、かつ、共通の国内における代表者又は第二百九十七条に規定する者を有する場合に限る。）が共同して信用格付行為を業として行う場合には、当該二以上の信用格付業者が共同して帳簿書類を作成することができる。

(3) If two or more credit rating agencies (limited to cases in which those two or more credit rating agencies are associated corporations, and, share the same representative in Japan or the person specified in Article 297) jointly perform credit rating activities on a regular basis, those two or more credit rating agencies may jointly prepare books and documents.

（事業報告書）

(Business Reports)

第三百十六条　法第六十六条の三十八の規定により信用格付業者が提出すべき事業報告書は、別紙様式第二十八号により作成しなければならない。

Article 316 (1) A business report required to be submitted by a credit rating agency pursuant to the provisions of Article 66-38 of the Act must be prepared using the Appended Form No. 28.

２　信用格付業者は、前項の事業報告書を作成する場合には、一般に公正妥当と認められる企業会計の慣行に従うものとする。

(2) When a credit rating agency prepares a business report referred to in the preceding paragraph, they are to comply with accounting practices generally

accepted as fair and appropriate.

（事業報告書の提出期限の承認の手続等）

(Procedures for Obtaining Approval on Due Date for Submitting Business Reports)

第三百十七条　外国法人である信用格付業者は、令第十八条の四の二ただし書の承認を受けようとするときは、次に掲げる事項を記載した承認申請書を金融庁長官に提出しなければならない。

Article 317 (1) If a credit rating agency that is a foreign corporation seeks to obtain the approval referred to in the proviso to Article 18-4-2 of the Order, it must submit a written application for approval stating the following matters to the Commissioner of the Financial Services Agency:

一　商号又は名称

(i) the trade name or name;

二　登録年月日及び登録番号

(ii) the registration date and the registration number;

三　事業報告書の提出に関し当該承認を受けようとする期間

(iii) the period for which the approval is sought concerning the submission of the business report;

四　事業報告書に係る事業年度終了の日

(iv) the last day of the business year related to the business report; and

五　事業報告書の提出に関し当該承認を必要とする理由

(v) the reasons for requiring the approval on the submission of the business report.

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　定款又はこれに代わる書面

(i) the articles of incorporation, or alternative documents;

二　当該承認申請書に記載された外国法人である信用格付業者の代表者（法第六十六条の二十八第一項に規定する国内における代表者又は第二百九十七条に規定する者を含む。）が当該承認申請書の提出に関し正当な権限を有する者であることを証する書面

(ii) a document certifying that the representative (including the representative in Japan who is specified in Article 66-28, paragraph (1) of the Act or the person specified in Article 297) of the credit rating agency that is a foreign corporation stated in the written application for approval is a person that has legitimate authority to submit the written application for approval; and

三　当該承認申請書に記載された法令又は慣行に関する事項が真実かつ正確であることについての法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(iii) a legal opinion letter by a law expert on the fact that the matters related to laws and regulations or practices stated in the written application for approval are true and accurate, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

3　金融庁長官は、第一項の承認の申請があった場合において、外国法人である信用格付業者が、その本国の法令又は慣行により、その事業年度経過後三月以内に事業報告書を提出することができないと認められるときは、当該申請のあった日の属する事業年度（その日が事業年度開始後三月以内（直前事業年度に係る事業報告書の提出に関して当該承認を受けている場合にあっては、当該承認を受けた期間内）の日である場合にあっては、その直前事業年度）から当該申請に係る同項第五号の理由について消滅又は変更があることとなる日の属する事業年度の直前事業年度までの事業年度に係る事業報告書について、承認をするものとする。

(3) If the application for approval referred to in paragraph (1) has been filed, and it is found that a credit rating agency which is a foreign corporation is unable to submit a business report within three months after the end of the business year due to the laws and regulations or practices of its home country, the Commissioner of the Financial Services Agency is to grant an approval for the business report related to the business year that includes the day the application has been filed (if the day falls within three months from the commencement of the business year (if approval has been granted to the submission of a business report for the immediately preceding business year, within the approved period), the business year immediately preceding the business year) through the business year immediately preceding the business year that includes the day when the reason specified in paragraph (1), item (v) for which the application has been filed ceases to exist or changes.

4　前項の承認は、同項の外国法人である信用格付業者が毎事業年度経過後三月以内に次に掲げる事項を記載した書類を金融庁長官に提出することを条件として、行われるものとする。ただし、第二号に掲げる事項については、当該書類の提出前五年以内に提出された書類に記載された事項と同一の内容のものである場合には、当該事項は記載しないことができる。

(4) The approval referred to in the preceding paragraph is to be granted on the condition that the credit rating agency that is a foreign corporation, etc. referred to in that paragraph submits a document stating the following matters to the Commissioner of the Financial Services Agency within three months from the end of each business year; provided, however, that if the content of the matters set forth in item (ii) is the same as the content of the matters that have been stated in the document submitted within five years before the submission of the document, the entry of those matters may be omitted:

一　当該事業年度中に当該承認に係る申請の理由について消滅又は変更がなかった旨

(i) the fact that the reasons for the application for approval have not ceased to exist or changed in the business year; and

二　前号に掲げる事項に関する法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(ii) a legal opinion letter by a legal expert on the matters set forth in the preceding item, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

（説明書類の記載事項）

(Matters to Be Stated in Explanatory Documents)

第三百十八条　法第六十六条の三十九に規定する内閣府令で定めるものは、次に掲げる事項とする。

Article 318 The matters specified by Cabinet Office Order as prescribed in Article 66-39 of the Act are as follows:

一　信用格付業者の概況及び組織に関する次に掲げる事項

(i) the following matters concerning the profile and the organ of the credit rating agency:

イ　商号又は名称

(a) the trade name or name;

ロ　登録年月日及び登録番号

(b) the registration date and registration number;

ハ　組織の概要

(c) an outline of the organ;

ニ　株式の保有数の上位十位までの株主の氏名又は名称並びにその株式の保有数及び総株主等の議決権に占める当該株式に係る議決権の数の割合

(d) the name of the top ten shareholders in descending order of the number of shares held, the number of shares held by those shareholders, and the ratio of the number of voting rights related to the shares to the voting rights held by all the shareholders, etc.; and

ホ　法第六十六条の二十八第一項第二号から第五号までに掲げる事項

(e) the matters set forth in Article 66-28, paragraph (1), items (ii) through (v) of the Act;

二　信用格付業者の業務の状況に関する次に掲げる事項

(ii) the following matters concerning the status of the business of the credit rating agency;

イ　直近の事業年度における業務の概要

(a) an outline of the business conducted in the most recent business year;

ロ　直近の事業年度における業務の状況を示す指標として次に掲げる事項

(b) the following matters as indexes of the status of the business of the credit rating agency for the most recent business year:

（１）　売上高（信用格付行為の役務の対価及び信用格付行為以外の役務の対価の内訳を含む。）

1. the sales volume (including the breakdown of the consideration for

services of credit rating activities and of the consideration for services other than credit rating activities);

（２）　信用格付業者が一の格付関係者（令第十五条の十六第一項各号及び第二項各号に掲げる者を含む。）から信用格付業に係る売上高の百分の十を超える手数料を得ている場合には、当該格付関係者の氏名又は名称

2. if the credit rating agency receives a fee exceeding ten percent of the sales volume of the credit rating business from a single rating entity, etc. (including the persons set forth in the items of Article 15-16, paragraph (1) and the items of Article 15-16, paragraph (2), of the Order), the name of the rating entity, etc.;

（３）　金融商品又は法人の信用状態（当該信用状態に関する評価が信用格付の対象となる事項であるものに限る。）の変化に関する統計その他の情報

3. statistics or other information on the changes in credit status of the financial instruments or corporations (limited to cases in which the assessment of the credit status is subject to credit rating);

（４）　付与した信用格付の履歴に関する情報（信用格付を付与した日から一年以上経過したものに限る。）

4. information on the history of the assigned credit rating (limited to information for which one year or more has passed from the day when the credit rating has been assigned);

（５）　関連業務及びその他業務の業務の状況

5. the status of related business and other businesses; and

（６）　格付アナリストの総数

6. the total number of rating analysts.

ハ　信用格付業者と格付関係者との間の一般的な手数料の体系

(c) the schedule of generally applicable fees between a credit rating agency and a rating entity, etc.;

三　信用格付業者の業務管理体制の整備の状況（次に掲げる事項の概要を含む。）

(iii) the situation of developing the operational control system of a credit rating agency (including an outline of the following matters):

イ　格付担当者が連続して同一の格付関係者が利害を有する事項を対象とする信用格付の付与に係る過程に関与する場合において、当該格付関係者から独立した立場において公正かつ誠実にその業務を遂行するために講じる措置

(a) if a person in charge of rating is involved consecutively in the processes of determining credit ratings of the matter in which the same rating entity, etc. has an interest, the measures to be taken in order for that person to fairly and faithfully conduct their duties;

ロ　信用格付業の業務の適正を確保するための体制の整備に係る措置（第三百六条第一項第四号に規定する措置をいう。）

(b) the measures to be taken for developing the system for securing proper operation of the credit rating business (meaning the measures prescribed

in Article 306, paragraph (1), item (iv));

ハ　法令等遵守を確保するための措置

(c) the measures for securing compliance with laws and regulations, etc.;

ニ　信用格付の付与に係る過程の品質の管理の方針の策定及びその実施に関する次に掲げる措置

(d) the following measures concerning the formation of policies on quality management of the process of assigning credit ratings and its implementation:

（１）　格付アナリストの採用及び研修に関する方針

1. the policies for hiring and training rating analysts;

（２）　格付アナリストの配置

2. the assignment of rating analysts;

（３）　信用格付の付与のために用いられる情報について十分な品質を確保するために講じる措置

3. the measures to be taken for ensuring that the information used for assigning credit ratings is of sufficient quality;

（４）　格付付与方針等の妥当性及び実効性について検証を適正に行う機能を整備するための措置

4. the measures for developing the function to properly verify the appropriateness and effectiveness of the policy, etc. for assigning ratings;

（５）　格付付与方針等について重要な変更を行ったときは、当該格付付与方針等に基づき付与した信用格付のうち、変更後の格付付与方針等に基づき更新するか否かについて判断すべき信用格付の範囲及び更新に要する期間を遅滞なく公表し、当該期間内に必要な更新を行うための措置

5. if a material change is made to the policy, etc. for assigning ratings, the measures for publicizing without delay, the scope of the credit ratings for which decision should be made on whether or not to make a renewal based on the changed policy, etc. for assigning ratings among the credit ratings assigned based on the policy, etc. for assigning ratings and the period of time required for the renewal, and for making the necessary renewal within that period of time;

（６）　資産証券化商品（当該資産証券化商品の設計が過去に信用格付を付与した資産証券化商品の設計と著しく異なる場合に限る。）の信用状態に関する評価を対象とする信用格付を適正に付与することが可能であることを検証するための措置

6. the measures for verifying that it is possible to appropriately assign credit rating whose subject is assessment of the credit status of asset securitization products (limited to cases in which the design of the asset securitization product is substantially different from the design of the asset securitization products to which credit ratings has been

assigned in the past) in an appropriate manner;

（７）　付与した信用格付に係る検証及び更新を適切かつ継続的に実施するために講じる措置

7. the measures to be taken in order for credit rating agencies to appropriately and continuously implement verification and renewal of credit ratings that have been assigned;

ホ　特定行為の種類及び利益相反回避措置

(e) the types of specified activities and measures for avoiding a conflict of interest;

ヘ　信用格付業者の役員又は使用人でなくなった格付アナリストが格付関係者の役員又はこれに準ずるものに就いた場合において、当該格付関係者が利害を有する事項を対象とする信用格付の妥当性を検証するために講じる措置

(f) if a rating analyst that is no longer an officer or employee of a credit rating agency assumes the position of an officer or an equivalent position of a rating entity, etc., the measures to be taken for verifying the appropriateness of a credit rating of matter in which the rating entity, etc. has an interest;

ト　関連業務及びその他業務に係る行為が信用格付行為に不当な影響を及ぼさないための措置

(g) the measures to be implemented in order to ensure that acts concerning related business and other businesses do not unduly influence credit rating activities;

チ　資産証券化商品の信用状態に関する評価が信用格付の対象となる事項である場合において、第三者が独立した立場において当該信用格付の妥当性について検証することができるために講じる措置

(h) if the assessment of the credit status of asset securitization products is the matter subject to credit rating, the measures for enabling a third party to verify the appropriateness of the credit rating in an independent capacity;

リ　信用格付業者の役員及び使用人の報酬等の決定方針が信用格付業の業務の公正かつ的確な実施に支障を及ぼさないことを確保するための措置

(i) the measures for ensuring that the policy for determining the remuneration, etc. of the officers or employees of a credit rating agency does not hinder the implementation of credit rating business in a fair and accurate manner;

ヌ　格付担当者が当該信用格付の手数料に関する交渉に参加することを防止するために講じる措置

(j) the measures to be taken to prevent the a person in charge of ratings from participating in negotiations on the fees for the credit rating;

ル　信用格付業の業務に関して知り得た情報の管理及び秘密の保持を適切に行うために講じる措置

(k) the measures to be taken to properly manage the information that the person in charge of ratings has learned know about credit rating business and to property maintain the confidentiality of the information;

ヲ　信用格付業者に対する苦情を適切かつ迅速に処理するための措置

(l) the measures for appropriately and promptly resolving the complaints against credit rating agencies;

ワ　監督委員会の運営方針並びに委員の氏名及び選任方法（独立委員の独立性に関する考え方を含む。）

(m) the operational policies of the monitoring committee, and the names of the committee members and the means of their appointment (including the way of thinking on the independence of the independent committee members); and

カ　信用格付業者並びにその役員及び使用人が遵守すべき行動規範

(n) the code of conduct to be complied with by a credit rating agency, and its officers and employees;

四　格付方針等の概要

(iv) an outline of the rating policy, etc.;

五　信用格付業者の関係法人及び子法人の状況に関する次に掲げる事項

(v) the following matters concerning the status of the associated corporations and subsidiary corporations of the credit rating agency:

イ　信用格付業者並びにその関係法人及び子法人の集団の構成

(a) the composition of the group of the credit rating agency, and its associated corporations and subsidiary corporations; and

ロ　関係法人及び子法人の商号又は名称並びに主たる営業所又は事務所の所在地及び主たる事業の内容

(b) the trade name or name of associated corporations and subsidiary corporations, and the location of the principal business office or office and the content of their principal business.

（説明書類の縦覧方法）

(Means of Public Inspection of Explanatory Documents)

第三百十九条　信用格付業者は、説明書類の写しをすべての営業所又は事務所に備え置き、公衆の縦覧に供するとともに、インターネットの利用その他の方法により、投資者及び信用格付の利用者が常に容易に閲覧できるよう公表しなければならない。

Article 319 (1) A credit rating agency must keep copies of explanatory documents at all of its business offices or offices and make them available for public inspection, and, in addition publicize them by using the internet or by other means to enable easy inspection for investors and users of credit ratings at all times.

２　二以上の信用格付業者（当該二以上の信用格付業者が関係法人であり、かつ、共通の国内における代表者又は第二百九十七条に規定するものを有する場合に限る。）が

共同して信用格付行為を業として行う場合には、当該二以上の信用格付業者が共同して説明書類を作成し、公表することができる。

(2) If two or more credit rating agencies (limited to cases in which those two or more credit rating agencies are associated corporations, and share the same representative in Japan or the person specified in Article 297) jointly perform credit rating activities on a regular basis, those two or more credit rating agencies may jointly prepare explanatory documents and publicize them.

（説明書類の縦覧期限の承認の手続等）

(Procedures for Obtaining Approval on Due Date for Public Inspection of Explanatory Documents)

第三百二十条　外国法人である信用格付業者は、令第十八条の四の三ただし書の承認を受けようとするときは、次に掲げる事項を記載した承認申請書を金融庁長官に提出しなければならない。

Article 320 (1) If a credit rating agency that is a foreign corporation seeks to obtain the approval referred to in the proviso to Article 18-4-3 of the Order, it must submit a written application for approval stating the following matters to the Commissioner of the Financial Services Agency:

一　商号又は名称

(i) the trade name or name;

二　登録年月日及び登録番号

(ii) the registration date and the registration number;

三　説明書類の縦覧に関し当該承認を受けようとする期間

(iii) the period for which the approval is sought in relation to the public inspection of the explanatory documents;

四　説明書類に係る事業年度終了の日

(iv) the last day of the business year related to the explanatory documents; and

五　説明書類の縦覧に関し当該承認を必要とする理由

(v) the reasons for requiring the approval for public inspection of the explanatory documents.

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　定款又はこれに代わる書面

(i) the articles of incorporation or alternative documents;

二　当該承認申請書に記載された外国法人である信用格付業者の代表者（法第六十六条の二十八第一項に規定する国内における代表者又は第二百九十七条に規定する者を含む。）が当該承認申請書の提出に関し正当な権限を有する者であることを証する書面

(ii) a document certifying that the representative (including the representative in Japan that is specified in Article 66-28, paragraph (1) of the Act and the

person specified in Article 297) of a credit rating agency that is a foreign corporation stated in the written application for approval is a person that has legitimate authority to submit the written application for approval; and

三　当該承認申請書に記載された法令又は慣行に関する事項が真実かつ正確であることについての法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(iii) a legal opinion letter by a law expert on the fact that the matters related to laws and regulations or practices stated in the written application for approval are true and accurate, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

３　金融庁長官は、第一項の承認の申請があった場合において、外国法人である信用格付業者が、その本国の法令又は慣行により、その事業年度経過後四月を経過した日から説明書類を備え置き、公衆の縦覧に供するとともに、インターネットの利用その他の方法により公表することができないと認められるときは、当該申請のあった日の属する事業年度（その日が事業年度開始後四月以内（直前事業年度に係る説明書類の縦覧に関して当該承認を受けている場合にあっては、当該承認を受けた期間内）の日である場合にあっては、その直前事業年度）から当該申請に係る同項第五号の理由について消滅又は変更があることとなる日の属する事業年度の直前事業年度までの事業年度に係る説明書類について、承認をするものとする。

(3) If the application for approval referred to in paragraph (1) has been filed, and it is found that a credit rating agency which is a foreign corporation is unable to keep the explanatory documents and make them available for public inspection as well as publicize them by using the internet and by other means from the day on which four months have passed after the end of each business year, the Commissioner of the Financial Services Agency is to grant approval to the explanatory documents related to the business year that includes the day the application has been filed (if the day falls within four months from the commencement of the business year (if e approval has been granted for the public inspection of the business report related to the immediately preceding business year, within the approved period), the business year immediately preceding the business year) through the business year immediately preceding the business year that includes the day when the reason specified in paragraph (1), item (v) for which the application was filed ceases to exist or changes.

４　前項の承認は、同項の外国法人である信用格付業者が毎事業年度経過後四月以内に次に掲げる事項を記載した書類を金融庁長官に提出することを条件として、行われるものとする。ただし、第二号に掲げる事項については、当該書類の提出前五年以内に提出された書類に記載された事項と同一の内容のものである場合には、当該事項は記載しないことができる。

(4) The approval referred to in the preceding paragraph is to be granted on the condition that the credit rating agency that is a foreign corporation, etc. referred to in that paragraph submits a document stating the following matters

to the Commissioner of the Financial Services Agency within four months from the end of each business year; provided, however, that if the content of the matters set forth in item (ii) is the same as the content of the matters that have been stated in the document submitted within five years before the submission of the document, the entry of those matters may be omitted:

一　当該事業年度中に当該承認に係る申請の理由について消滅又は変更がなかった旨

(i) the fact that the reasons for the application for approval have not ceased to exist or changed in the business year; and

二　前号に掲げる事項に関する法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(ii) a legal opinion letter by a legal expert on the matters set forth in the preceding item, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

第四節　監督
Section 4 Supervision

（廃業等の届出）

(Notification of Discontinuation of Business)

第三百二十一条　法第六十六条の四十第一項の規定により届出を行う者は、次の各号に掲げる場合の区分に応じ、当該各号に定める事項を記載した届出書を金融庁長官に提出しなければならない。

Article 321 (1) A person that gives a notification pursuant to the provisions of Article 66-40, paragraph (1) of the Act must submit a written notification stating the matters specified in the following items in accordance with the category of the cases set forth in each of those items to the Commissioner of the Financial Services Agency:

一　法第六十六条の四十第一項第一号に該当する場合（次号及び第三号に掲げる場合を除く。）　廃止の年月日及び理由

(i) the case falling under Article 66-40, paragraph (1), item (i) of the Act (other than if the following item and item (iii) apply): the date of and reason for the discontinuation;

二　法第六十六条の四十第一項第一号に該当する場合（分割により信用格付業に係る事業の全部を承継させたときに限る。）　次に掲げる事項

(ii) if the case falls under Article 66-40, paragraph (1), item (i) of the Act (limited to cases in which the credit rating agency has had all of its business related to credit rating business succeeded to through a split): the following matters:

イ　承継先の商号又は名称

(a) the trade name or name of the successor; and

ロ　分割の年月日及び理由

(b) the date of and reasons for the split;

三　法第六十六条の四十第一項第一号に該当する場合（信用格付業の全部を譲渡したときに限る。）　次に掲げる事項

(iii) if the case falls under Article 66-40, paragraph (1), item (i) of the Act (limited to cases in which all of the credit rating business was transferred): the following matters:

イ　譲渡先の商号、名称又は氏名

(a) the trade name or name of the transferee; and

ロ　譲渡の年月日及び理由

(b) the date of and the reasons for the transfer;

四　法第六十六条の四十第一項第二号に該当する場合　次に掲げる事項

(iv) if the case falls under Article 66-40, paragraph (1), item (ii) of the Act: the following matters:

イ　合併の相手方の商号又は名称

(a) the trade name or name of the counterparty to the merger;

ロ　合併の年月日及び理由

(b) the date of and reasons for the merger; and

ハ　合併の方法

(c) the method of the merger;

五　法第六十六条の四十第一項第三号に該当する場合　次に掲げる事項

(v) if the case falls under Article 66-40, paragraph (1), item (iii) of the Act: the following matters:

イ　破産手続開始の申立てを行った年月日

(a) the date when the petition for commencement of bankruptcy proceedings has been filed;

ロ　破産手続開始の決定を受けた年月日

(b) the date when the order for commencement of bankruptcy proceedings has been issued;

六　法第六十六条の四十第一項第四号に該当する場合　解散の年月日及び理由

(vi) if the case falls under Article 66-40, paragraph (1), item (iv) of the Act: the date of and reasons for the dissolution.

２　前項の届出書には、次の各号に掲げる場合の区分に応じ、当該各号に定める書類を添付しなければならない。

(2) The documents specified in the following items in accordance with the category of the cases set forth in each of those items must be attached to the written notification referred to in the preceding paragraph:

一　法第六十六条の四十第一項第二号に該当する場合　合併契約の内容及び合併の手続を記載した書面

(i) if the case falls under Article 66-40, paragraph (1), item (ii) of Act: the document stating the content of the merger agreement and the procedures for the merger; and

二　法第六十六条の四十第一項第三号に該当する場合　破産手続開始の決定の裁判書の写し又は破産手続開始の決定の内容を記載した書面

(ii) if the case falls under item Article 66-40, paragraph (1), item (iii) of Act: a copy of the written judgment on the order for commencement of bankruptcy proceedings, or a document stating the content of the order for commencement of bankruptcy proceedings.

（廃業等の公告等）

(Public Notice on Discontinuation of Business)

第三百二十二条　法第六十六条の四十第三項の規定による公告は、官報又は時事に関する事項を掲載する日刊新聞紙により行うものとする。

Article 322 (1) The public notice under the provisions of Article 66-40, paragraph (3) of the Act is to be given in an Official Gazette or by publication in a daily newspaper that publishes matters on current affairs.

２　法第六十六条の四十第四項に規定する届出書には、次に掲げる事項を記載するものとする。

(2) The following matters are to be stated in a written notification specified in Article 66-40, paragraph (4) of the Act:

一　商号又は名称

(i) the trade name or name;

二　登録年月日及び登録番号

(ii) the registration date and the registration number;

三　該当事由

(iii) the grounds on which the notification was filed; and

四　該当事由の発生予定年月日

(iv) the date when the grounds for filing the notification are scheduled to occur.

（所在不明者の公告）

(Public Notice for Persons Whose Whereabouts Are Unknown)

第三百二十三条　法第六十六条の四十二第三項の規定による公告は、官報により行うものとする。

Article 323 The public notice under the provisions of Article 66-42, paragraph (3) of the Act is to be given in an Official Gazette.

（監督処分の公告）

(Public Notice of Supervisory Dispositions)

第三百二十四条　法第六十六の四十三の規定による公告は、官報により行うものとする。

Article 324 The public notice under the provisions of Article 66-43 of the Act is to be given in an Official Gazette.

（適用上の注意）

(Matters to Note for Purpose of Application)

第三百二十五条　金融庁長官は、法第六十六条の四十一、第六十六条の四十二第一項若しくは第二項又は第六十六条の四十五第一項に規定する権限を行使する場合には、個別の信用格付又は信用評価の方法の具体的な内容に関与しないよう配慮するものとする。

Article 325 When exercising the authority prescribed in Article 66-41, Article 66-42, paragraph (1) or (2), or Article 66-45, paragraph (1) of the Act, the Commissioner of the Financial Services Agency is to pay attention not to become involved in the specific content of individual credit ratings or method of credit assessment.

第五章　高速取引行為者
Chapter V High-Speed Traders

第一節　総則
Section 1 General Provisions

（登録の申請）

(Application for Registration)

第三百二十六条　法第六十六条の五十の登録を受けようとする者は、別紙様式第二十九号により作成した法第六十六条の五十一第一項の登録申請書に、当該登録申請書の写し及び同条第二項又は第三項の規定により当該登録申請書に添付すべき書類又は電磁的記録を添付して、その者の本店等の所在地を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては福岡財務支局長、国内に営業所又は事務所を有しない場合にあっては関東財務局長）に提出しなければならない。

Article 326 (1) A person that seeks to obtain a registration referred to in Article 66-50 of the Act must submit a written application for registration referred to in Article 66-51, paragraph (1) of the Act which is prepared using the Appended Form 29, by attaching a copy of the written application for registration and the document or electronic or magnetic record required to be attached to the written application for registration pursuant to the provisions of paragraph (2) or (3) of that Article to the Director-General of a Local Finance Bureau with jurisdiction over the locality of the head office, etc. of that person (if the locality falls within the jurisdictional area of the Fukuoka Local Finance Branch Bureau, to its Director-General; if the business operator does not have a business office or an office in Japan, to the Director-General of the Kanto Finance Bureau).

２　前項の登録申請書は、別紙様式第二十九号に準じて英語で作成することができる。

(2) The document under the preceding paragraph may be prepared in English in the same manner as the Appended Form 29.

３　第一項の登録申請書に添付すべき書類は、英語で記載することができる。

(3) The document to be attached to the written application for registration

referred to in paragraph (1) may be prepared in English.

（登録申請書の記載事項）

(Matters to Be Stated in Written Applications for Registration)

第三百二十七条　法第六十六条の五十一第一項第七号に規定する内閣府令で定める事項は、次に掲げる事項とする。

Article 327 The cases specified by Cabinet Office Order as prescribed in Article 66-51, paragraph (1), item (vii) of the Act are as follows:

一　外国法人であって国内における代表者を定めていない者又は外国に住所を有する個人であるときは、国内における代理人の氏名、商号又は名称

(i) if the applicant is a foreign corporation that has not designated a representative in Japan, or an individual that has an domicile in a foreign country, the trade name or name of the agent in Japan; and

二　外国法人又は外国に住所を有する個人であるときは、国内における主たる営業所又は事務所の名称及び所在地

(ii) if the applicant is a foreign corporation or an individual that has a domicile in a foreign country, the name and location of the principal business office or office in Japan;

（業務の内容及び方法）

(Content and Method of Business)

第三百二十八条　法第六十六条の五十一第二項第二号に規定する内閣府令で定めるものは、次に掲げるものとする。

Article 328 The documents specified by Cabinet Office Order as prescribed in Article 66-51, paragraph (2), item (ii) of the Act are as follows:

一　業務運営に関する基本原則

(i) the basic principles of business operation;

二　業務執行の方法

(ii) the method of execution of business;

三　業務分掌の方法

(iii) the division of duties;

四　取引戦略ごとに、当該取引戦略の概要（次に掲げる事項を含む。）

(iv) the outline of the transaction strategies for each transaction strategy (including the following matters):

イ　取引戦略の類型

(a) the types of transaction strategies;

ロ　高速取引行為に係る金融商品取引所等の名称又は商号

(b) the name or trade name of the financial instruments exchange, etc. related to high-speed trading;

ハ　高速取引行為の対象とする有価証券又は市場デリバティブ取引の種類

(c) the types of securities or market derivatives transactions subject to high-

speed trading;

五　高速取引行為に係る業務に関し、法令等を遵守させるための指導に関する業務を統括する者の氏名及び役職名

(v) the name and title of the person supervising the operation for instructing employees to comply with laws and regulations, etc. related to services pertaining to high-speed trading;

六　高速取引行為に係る業務を管理する責任者の氏名及び役職名

(vi) the name and title of the person responsible for the management of services pertaining to high-speed trading;

七　高速取引行為に係る電子情報処理組織その他の設備の概要、設置場所及び保守の方法

(vii) the outline, installation location, and maintenance method of the electronic data processing system and other facilities for high-speed trading; and

八　高速取引行為に係る電子情報処理組織その他の設備の管理を十分に行うための措置の内容

(viii) the content of the measures to ensure sufficient management of the electronic data processing systems and other facilities for high-speed trading.

（登録申請書の添付書類）

(Documents to Be Attached to Written Application for Registration)

第三百二十九条　法第六十六条の五十一第二項第四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 329 (1) The documents specified by Cabinet Office Order as prescribed in Article 66-51, paragraph (2), item (iv) of the Act are as follows:

一　業務に係る人的構成及び組織等の業務執行体制を記載した書面

(i) the documents stating the personnel structure related to business and the system for conducting business of the organization;

二　法人であるときは、次に掲げる書類

(ii) if the registration applicant is a corporation, the following documents:

イ　役員の履歴書（役員が法人であるときは、当該役員の沿革を記載した書面）

(a) the resume of the officer (if the officer is a corporation, a document stating the background of the officer);

ロ　役員（登録申請者が外国法人であって国内における代表者を定めていない者であるときは、国内における代理人を含む。以下ロ及びハにおいて同じ。）の住民票の抄本（役員が法人であるときは、当該役員の登記事項証明書）又はこれに代わる書面

(b) an extract of the resident record of the officer (if the registration applicant is a foreign corporation that has not designated a representative in Japan, including an agent in Japan; hereinafter the same applies in sub-items (b) and (c)) (if an officer is a corporation, a certificate of registered

information of the officer) or alternative documents;

ハ　役員の旧氏及び名を当該役員の氏名に併せて法第六十六条の五十一第一項の登録申請書に記載した場合において、ロ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

(c) if the former surname and given name of an officer are stated together with the current name of the officer in the written application for registration referred to in Article 66-51, paragraph (1) of the Act, and the document set forth in sub-item (b) is not a document certifying the former surname and given name of the officer, a document certifying the former surname and given name;

ニ　役員が法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

(d) the certificate issued by a public agency certifying that the officer does not fall under Article 29-4, paragraph (1), item (ii), sub-item (b)of the Act, or alternative documents;

ホ　役員が法第二十九条の四第一項第二号ハからリまで又は第六十六条の五十三第五号イ（１）のいずれにも該当しない者であることを当該役員が誓約する書面

(e) the document with which the officer pledges that they do not fall under Article 29-4, paragraph (1), item (ii), sub-items (c) through (i) or Article 66-53, item (v), sub-item (a), 1. of the Act;

ヘ　最終の貸借対照表（関連する注記を含む。）及び損益計算書（関連する注記を含む。）

(f) the latest balance sheet (including the related notes) and profit and loss statement (including the related notes);

三　個人であるときは、次に掲げる書類

(iii) if the registration applicant is an individual, the following documents:

イ　登録申請者の履歴書

(a) the resume of the registration applicant;

ロ　登録申請者（登録申請者が外国に住所を有する個人であるときは、国内における代理人を含む。ハにおいて同じ。）の住民票の抄本（国内における代理人が法人であるときは、当該国内における代理人の登記事項証明書）又はこれに代わる書面

(b) an extract of the resident record of the registration applicant (if the registration applicant is an individual that has a domicile in a foreign country, including the agent in Japan; hereinafter the same applies in sub-item (c)) (if the agent in Japan is a corporation, a certificate of registered information of the agent in Japan) or alternative documents;

ハ　登録申請者の旧氏及び名を当該登録申請者の氏名に併せて法第六十六条の五十一第一項の登録申請書に記載した場合において、ロに掲げる書類が当該登録申請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

(c) if the former surname and given name of the registration applicant are

stated together with the current name of the applicant for registration in a written application for registration referred to in Article 66-51, paragraph (1) of the Act, and the document set forth in sub-item (b) is not a document certifying the former surname and given name of the applicant for registration, a document certifying the former surname and given name;

ニ　登録申請者が法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

(d) the certificate issued by a public agency certifying that the registration applicant does not fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, or alternative documents;

ホ　別紙様式第一号の二により作成した書面

(e) a document prepared using the Appended Form 1-2;

四　前条第五号及び第六号に規定する者の履歴書

(iv) the resumes of persons specified in items (v) and (vi) of the preceding Article;

五　純財産額を算出した書面

(v) a document stating the calculated net assets.

２　前項第二号へに掲げる書類を添付する場合において、貸借対照表（関連する注記を含む。）が電磁的記録で作成されているとき、又は損益計算書（関連する注記を含む。）について書面に代えて電磁的記録の作成がされているときは、書類に代えて電磁的記録（次条に定めるものに限る。）を添付することができる。

(2) When attaching the documents set forth in paragraph (1), item (ii), sub-item (f), and the balance sheet (including the related notes) is prepared by electronic or magnetic records, or an electronic or magnetic record is prepared for the profit and loss statement (including the related notes) in lieu of a written document, the electronic or magnetic records (limited to those provided for in the following Article) may be attached in lieu of written documents.

（電磁的記録）

(Electronic or Magnetic Record)

第三百三十条　法第六十六条の五十一第三項に規定する内閣府令で定める電磁的記録は、次に掲げる構造のいずれかに該当するものとする。

Article 330 (1) The electronic or magnetic records specified by Cabinet Office Order as prescribed in Article 66-5, paragraph (3) of the Act are to fall under one of the following structures:

一　日本産業規格Ｘ六二二三に適合する九十ミリメートルフレキシブルディスクカートリッジ

(i) a 90mm flexible magnetic disc cartridge that conforms with JIS X6223;

二　日本産業規格Ｘ〇六〇六及びＸ六二八二に適合する直径百二十ミリメートルの光ディスク

(ii) a 120mm optical disc that conforms with JIS X0606 and X6282.

２　前項第一号の電磁的記録への記録は、次に掲げる方式に従ってしなければならない。
(2) Record in the electronic or magnetic records referred to in item (i) of the preceding paragraph must be made in accordance with the following methods:
一　トラックフォーマットについては、日本産業規格Ｘ六二二五に規定する方式
(i) for track formats, the method specified in JIS X6225
二　ボリューム及びファイル構成については、日本産業規格Ｘ〇六〇五に規定する方式
(ii) for volume and file composition: the method specified in JIS X0605.
３　第一項の電磁的記録には、次に掲げる事項を記載しなければならない。
(3) The following matters must be stated for the electronic or magnetic record referred to in paragraph (1):
一　登録申請者の商号又は名称
(i) the trade name or name of the registration applicant; and
二　申請年月日
(ii) the date of the application.

（高速取引行為者登録簿の縦覧）
(Public Inspection of High-Speed Traders Register)
第三百三十一条　管轄財務局長等は、その登録をした高速取引行為者に係る高速取引行為者登録簿を当該高速取引行為者の本店等の所在地を管轄する財務局（当該所在地が福岡財務支局の管轄区域内にある場合にあっては福岡財務支局、国内に営業所又は事務所を有しない場合にあっては関東財務局）に備え置き、公衆の縦覧に供するものとする。
Article 331 The competent Director-General of a Local Finance Bureau, etc. is to keep the register of high-speed traders related to the high-speed traders registered by them at the local finance bureau with jurisdiction over the locality of the head office, etc. of the high-speed traders (if the locality falls within the jurisdictional district of the Fukuoka Local Finance branch bureau, to its Director-General; or if the high-speed trader does not have a business office or office in Japan, to the Director-General of the Kanto Finance Bureau) and make the register available for public inspection.

（人的構成の審査基準）
(Criteria for Examination of Personnel Structure)
第三百三十二条　法第六十六条の五十三第三号に規定する高速取引行為に係る業務を適確に遂行するに足りる人的構成を有しない者であるかどうかの審査をするときは、登録申請者が次に掲げるいずれかの基準に該当するかどうかを審査するものとする。
Article 332 When conducting an examination on whether the registration applicant is a person that lacks a personnel structure sufficient to appropriately conduct services pertaining to high-speed trading, whether the registration applicant falls under any of the following criteria is to be

examined:

一　その行う業務に関する十分な知識及び経験を有する役員又は使用人の確保の状況並びに組織体制に照らし、当該業務を適正に遂行することができないと認められること。

(i) the applicant for registration is found unable to properly conduct their business in light of the state of securing officers or employees that have sufficient knowledge and experience for conducting the business and their organizational structure; and

二　役員又は使用人のうちに、経歴、暴力団員による不当な行為の防止等に関する法律第二条第二号に規定する暴力団又は同条第六号に規定する暴力団員との関係その他の事情に照らして業務の運営に不適切な資質を有する者があることにより、高速取引行為に係る業務の信用を失墜させるおそれがあると認められること。

(ii) the registration applicant is found likely to cause services pertaining to high-speed trading to lose credibility, due to the fact of having any person with qualities inappropriate for operating business in light of the person's personal history, relationship with an organized crime group as defined in Article 2, item (ii) of the Act on Prevention of Illegal Acts by Organized Crime Group Members or relationship with an organized crime group member as defined in item (vi) of that Article or other circumstances, among their officers or employees.

（心身の故障により高速取引行為に係る業務を適正に行うことができない者）

(A Person Unable to Properly Perform Services Pertaining to High-Speed Trading Due to a Mental or Physical Disorder)

第三百三十二条の二　法第六十六条の五十三第五号イ（１）に規定する内閣府令で定める者は、精神の機能の障害により高速取引行為に係る業務を適正に行う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 332-2 The person specified by Cabinet Office Order as prescribed in Article 66-53, item (v), sub-item (a), 1. of the Act is a person who is unable to appropriately carry out the cognition, decision making, and communication necessary for properly performing services pertaining to high-speed trading due to mental impairment.

（純財産額の算出）

(Calculation of Amount of Net Assets)

第三百三十三条　法第六十六条の五十三第七号の規定により算出する純財産額は、第十四条の規定に準じて計算しなければならない。

Article 333 The amount of net assets to be calculated pursuant to the provisions of Article 66-53, item (vii) of the Act must be calculated in accordance with the provisions of Article 14.

（登録申請書記載事項の変更の届出）

(Notification of Changes in Matters Stated in Written Applications for Registration)

第三百三十四条　法第六十六条の五十四第一項の規定により届出を行う高速取引行為者は、変更の内容、変更年月日及び変更の理由を記載した届出書に、別紙様式第二十九号により作成した変更後の内容を記載した書面及び当該書面の写し並びに次の各号に掲げる場合の区分に応じ当該各号に定める書類を添付して、所管金融庁長官等に提出しなければならない。ただし、やむを得ない事由があるときは、当該各号に定める書類は、当該届出書の提出後遅滞なく提出すれば足りる。

Article 334 (1) A high-speed trader that submits a notification pursuant to the provisions of Article 66-54, paragraph (1) of the Act must submit a written notification stating the content of the change, the date of change, and the reasons for the change, by attaching a document stating the content after the change which is prepared using the Appended Form 29 and a copy of that document, and the documents specified in the following items in accordance with the category of cases specified in each of those items to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau; provided, however, that if there are compelling reasons, it is sufficient to submit the documents specified in each of those items without delay after submission of the written notification:

一　法第六十六条の五十一第一項第一号に掲げる事項について変更があった場合　次に掲げる書類

(i) if there is any change to the matters set forth in Article 66-51, paragraph (1), item (i) of the Act: the following documents:

イ　当該変更に係る事項を記載した登記事項証明書（個人であるときは、住民票の抄本）又はこれに代わる書面

(a) a certificate of registered information stating the information related to the change (in the case of an individual, an extract of the resident record) or alternative documents;

ロ　旧氏及び名を、氏名に併せて別紙様式第二十九号により作成した変更後の内容を記載した書面に記載した場合において、イに掲げる書類が当該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

(b) if the former surname and given name are stated together with the current name in a document stating the changed content which is prepared using the Appended Form 29 and the document set forth in sub-item (a) is not a document certifying the former surname and given name, a document certifying the former surname and given name;

二　法第六十六条の五十一第一項第二号又は第四号に掲げる事項について変更があった場合　当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面

(ii) if there is any change to the matters set forth in Article 66-51, paragraph (1), item (ii) or (iv) of the Act: the certificate of registered information stating

the changed information, or alternative documents;

三　法第六十六条の五十一第一項第三号に掲げる事項について変更があった場合　次に掲げる書類

(iii) if there is any change to the matters set forth in Article 66-51, paragraph (1), item (iii) of the Act: the following documents:

イ　業務に係る人的構成及び組織等の業務執行体制を記載した書面

(a) the documents stating the personnel structure and the system for conducting business of the organization;

ロ　当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面

(b) the certificate of registered information stating the changed information, or alternative documents;

ハ　新たに役員となった者に係る次に掲げる書類

(c) the following documents concerning the person that has newly assumed the position as an officer:

（１）　履歴書（役員が法人であるときは、当該役員の沿革を記載した書面）

1. the resume (if the officer is a corporation, a document stating the background of the officer);

（２）　住民票の抄本（役員が法人であるときは、当該役員の登記事項証明書）又はこれに代わる書面

2. an extract of the resident record (if an officer is a corporation, the certificate of registered information of the officer), or alternative documents;

（３）　旧氏及び名を、氏名に併せて別紙様式第二十九号により作成した変更後の内容を記載した書面に記載した場合において、（２）に掲げる書類が当該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

3. if the former surname and given name are stated together with the current name in a document stating the changed content which is prepared using the Appended Form 29 and the document set forth in clause 2. is not a document certifying the former surname and given name, a document certifying the former surname and given name;

（４）　法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

4. the certificates issued by a public agency certifying that the officer does not fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, or alternative documents;

（５）　法第二十九条の四第一項第二号ハからリまで又は第六十六条の五十三第五号イ（１）のいずれにも該当しない者であることを当該役員が誓約する書面

5. the document with which the officer pledges that they do not fall under any of Article 29-4, paragraph (1), item (ii), sub-items (c) through (i) or Article 66-53, item (v), sub-item (a), 1. of the Act;

（６）　法第六十六条の五十三第五号イ（（１）に係る部分に限る。）に該当しないことを誓約する書面

6. the document with which the officer pledges that they do not fall under Article 66-53, item (v), sub-item (a) of the Act (limited to the part related to 1.);

四　第三百二十七条第一号に掲げる事項について変更があった場合　新たに国内における代理人となった者に係る次に掲げる書類

(iv) if there is any change to the matters set forth in Article 327, item (i): the following documents for the person that newly assumed the position of an agent in Japan:

イ　住民票の抄本（国内における代理人が法人であるときは、当該国内における代理人の登記事項証明書）又はこれに代わる書面

(a) an extract of the resident record (if the agent in Japan is a corporation, a certificate of registered information of the agent in Japan), or alternative documents;

ロ　旧氏及び名を、氏名に併せて別紙様式第二十九号により作成した変更後の内容を記載した書面に記載した場合において、イに掲げる書類が当該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

(b) if the former surname and given name are stated together with the current name in a document stating the changed content which is prepared using the Appended Form 29 and the document set forth in sub-item (a) is not a document certifying the former surname and given name, a document certifying the former surname and given name.

２　前項の届出書及び同項各号に定める書類は、英語で記載することができる。

(2) The written notification referred to in the preceding paragraph and the documents specified in the items of that paragraph may be written in English.

３　第一項の書面は、別紙様式第二十九号に準じて英語で作成することができる。

(3) The document referred to in paragraph (1) may be prepared in English in the same manner as the Appended Form 29.

４　所管金融庁長官等は、高速取引行為者から管轄財務局長等の管轄する区域を超えて本店等の所在地を変更したことの届出を受理した場合には、届出書及び高速取引行為者登録簿のうち当該高速取引行為者に係る部分その他の書類を、当該届出に係る変更後の本店等の所在地を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては福岡財務支局長、国内に営業所又は事務所を有しない場合にあっては関東財務局長）に送付し、又は送付させるものとする。

(4) If the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau has received from a high-speed trader a notification on the relocation of the head office, etc. filed beyond the jurisdictional area of the competent Local Finance Bureau, the Commissioner or the Director-General is to send or have the trader send the written notification, the part of the register of high-speed traders related to the high-

speed trader, and other documents to the Director-General of a Local Finance Bureau with jurisdiction over the locality of the head office, etc. after the relocation related to the written notification (if the locality falls within the jurisdictional area of the Fukuoka Local Finance Branch Bureau, to its Director-General; or if the business operator does not have a business office or an office in Japan, to the Director-General of the Kanto Finance Bureau).

５　前項の規定による書類の送付を受けた財務局長又は福岡財務支局長は、当該高速取引行為者に係る事項を高速取引行為者登録簿に登録するものとする。

(5) The Director-General of a Local Finance Bureau or the Director-General of the Fukuoka Local Finance Branch Bureau who has received the documents sent under the provisions of the preceding paragraph is to register the matters related to the high-speed trader in the register of financial instruments business operators.

（業務の内容又は方法の変更の届出）

(Notification of Change of Content and Method of Business)

第三百三十五条　法第六十六条の五十四第三項の規定により届出を行う高速取引行為者は、変更の内容、変更年月日及び変更の理由を記載した届出書に、第三百二十八条各号に掲げるもの（内容に変更のあるものに限る。）を記載した書類及び第三百二十九条第一項第四号に掲げる書類（内容に変更のあるものに限る。）を添付して、所管金融庁長官等に提出しなければならない。

Article 335 (1) A high-speed trader that files a notification pursuant to the provisions of Article 66-54, paragraph (3) of the Act must submit a written notification stating the content of the change, the date of the change, and the reasons for the change, by attaching a document stating the matters set forth in the items of Article 328 (limited to a written notification whose content has been changed) and a document set forth in Article 329, paragraph (1), item (iv) (limited to matters whose content has been changed) to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau.

２　前項の届出書及び書類は、英語で記載することができる。

(2) The written notification and documents referred to in the preceding paragraph may be written in English.

第二節　業務

Section 2 Business

（業務管理体制の整備）

(Development of Operational Control Systems)

第三百三十六条　法第六十六条の五十五の規定により高速取引行為者が整備しなければならない業務管理体制は、次に掲げる要件を満たさなければならない。

Article 336 The operational control system required to be developed by a high-speed trader pursuant to the provisions of Article 66-55 of the Act must satisfy the following requirements:

一　高速取引行為に係る業務を適確に遂行するための社内規則等（社内規則その他これに準ずるものをいう。）を整備し、当該社内規則等を遵守するための従業員に対する研修その他の措置がとられていること。

(i) internal rules, etc. for appropriately conducting services pertaining to high-speed trading (meaning internal rules and other equivalent rules) have been developed, and training of employees and other measures to ensure the compliance with the internal rules, etc. have been taken; and

二　高速取引行為に係る電子情報処理組織その他の設備の管理を十分に行うための措置がとられていること。

(ii) the measures for sufficiently managing electronic data processing systems and other facilities for high-speed trading have been taken.

（業務の運営の状況が公益に反し又は投資者の保護に支障を生ずるおそれがあるもの）

(Cases in Which Status of Operation of Business Is Likely to be Contrary to Public Interest or Hinder the Protection of Investors)

第三百三十七条　法第六十六条の五十七第二号に規定する内閣府令で定める状況は、次に掲げる状況とする。

Article 337 The circumstances specified by Cabinet Office Order as prescribed in Article 66-57, item (ii) of the Act are as follows:

一　その取り扱う法人関係情報に関する管理について法人関係情報に係る不公正な取引の防止を図るために必要かつ適切な措置を講じていないと認められる状況

(i) circumstances in which it is found that the high-speed trader has not taken the measures necessary and appropriate for preventing unfair transactions related to corporate information in connection with the management of the corporate information they handle;

二　取引所金融商品市場における上場金融商品等の相場若しくは相場若しくは取引高に基づいて算出した数値を変動させ、若しくはくぎ付けし、固定し、若しくは安定させ、又は取引高を増加させることにより実勢を反映しない作為的なものを形成させるべき当該上場金融商品等に係る買付け若しくは売付け若しくはデリバティブ取引又はこれらの申込み若しくは委託等をする行為を防止するための売買管理が十分でないと認められる状況

(ii) circumstances in which the management of purchase and sale for preventing the sale, purchase, or derivative transactions or their application or the act of entrusting, etc. them related to listed financial instruments, etc. on a financial instruments exchange market which should result in the formation of a manipulative quotation not reflecting actual market status through causing fluctuation, pegging, fixing or stabilizing the quotations or a

figure calculated based on quotations or the transaction volumes, or by increasing the transaction volumes is found to be insufficient; and

三　暗号資産等の相場若しくは相場若しくは取引高に基づいて算出した数値を変動させ、又は取引高を増加させることにより実勢を反映しない作為的なものを形成させるべき当該暗号資産等に係るデリバティブ取引又はその申込み若しくは委託等をする行為を防止するための売買管理が十分でないと認められる状況

(iii) circumstances in which the management of purchase and sale for preventing derivative transactions or their application or acts of entrusting, etc. them related to cryptoassets, etc. which should result in the formation of manipulative quotations not reflecting actual market status through causing fluctuations in the quotations of cryptoassets or figures calculated based on quotations or transaction volumes, or by increasing the transaction volumes is found to be insufficient.

第三節　経理
Section 3 Accounting

（業務に関する帳簿書類）

(Books and Documents Concerning Business)

第三百三十八条　法第六十六条の五十八の規定により高速取引行為者が作成すべき帳簿書類は、次に掲げるものとする。

Article 338 (1) The books and documents required to be prepared by high-speed traders pursuant to the provisions of Article 66-58 of the Act are as follows:

一　高速取引行為のうち次に掲げるものに係る業務を行う者であるときは、注文伝票及び取引日記帳

(i) if the high-speed trader is a person that conducts business related to the following acts for high speed trading, order forms and transaction diaries:

イ　法第二条第四十一項第一号に掲げる行為

(a) the act set forth in Article 2, paragraph (41), item (i) of the Act;

ロ　法第二条第四十一項第二号に掲げる行為

(b) the act set forth in Article 2, paragraph (41), item (ii) of the Act;

ハ　令第一条の二十二第二号に掲げる行為（法第二条第四十一項第一号に掲げる行為を行わせることとなる金銭その他の財産の運用に係るものを除く。）

(c) the act set forth in Article 1-22, item (ii) of the Order (excluding the act related to the investment of money or other properties that results in having the act set forth in Article 2, paragraph (41), item (i) to be conducted);

二　高速取引行為のうち次に掲げるものに係る業務を行う者であるときは、運用明細書及び発注伝票

(ii) if the high-speed trader is a person that conducts business related to the following acts for high-speed trading, investment statements and order

forms:

イ　令第一条の二十二第一号に掲げる行為

(a) the act set forth in Article 1-22, item (i) of the Order;

ロ　令第一条の二十二第二号に掲げる行為（法第二条第四十一項第一号に掲げる行為を行わせることとなる金銭その他の財産の運用に係るものに限る。）

(b) the act set forth in Article 1-22, item (ii) of the Order (limited to the act related to the investment of money or other properties that results in having the act set forth in Article 2, paragraph (41), item (i) to be conducted).

２　前項各号に掲げる帳簿書類は、英語で記載することができる。

(2) The books and documents set forth in the items of the preceding paragraph may be written in English.

３　第一項各号の規定にかかわらず、外国法人又は外国に住所を有する個人である高速取引行為者は、外国の法令に基づいて作成される書類であって同項各号に掲げる帳簿書類に類するもの（以下この条において「外国帳簿書類」といい、外国帳簿書類が外国語で作成される場合にあっては、次に掲げる書類（次項において「外国帳簿書類等」という。））をもって、第一項各号に掲げる帳簿書類に代えることができる。

(3) Notwithstanding the provisions of the items of paragraph (1), a high-speed trader that is a foreign corporation or an individual that has a domicile in a foreign country may substitute the books and documents specified in the items of paragraph (1) with the documents prepared based on foreign laws and regulations which are similar to the books and documents set forth in the items of that paragraph (hereinafter referred to as "foreign books and documents" in this Article, and if the foreign books and documents are to be prepared in a foreign language, the following documents (referred to as "foreign books and documents, etc." in the following paragraph)):

一　外国帳簿書類

(i) the foreign books and documents; and

二　外国帳簿書類の様式の訳文

(ii) a Japanese translation of the forms for the foreign books and documents.

４　第一項各号に掲げる帳簿書類及び外国帳簿書類等は、同項第一号の注文伝票及び同項第二号の発注伝票並びにこれらに類する外国帳簿書類等にあっては、その作成の日から七年間、同項第一号の取引日記帳及び同項第二号の運用明細書並びにこれらに類する外国帳簿書類等にあっては、その作成の日から十年間保存しなければならない。

(4) Concerning the books and documents set forth in the items of paragraph (1) and the foreign books and documents, etc., the order forms referred to in item (i) of that paragraph and the order placement forms referred to in item (ii) of that paragraph, and the foreign books and documents, etc. similar to them must be preserved for seven years from the day of their preparation, and the transaction diary referred to in item (i) of that paragraph and the investment statements referred to in item (ii) of that paragraph, and the foreign books and

documents, etc. similar to them must be preserved for ten years from the day of their preparation.

5　第百五十八条第一項（第二号を除く。）、第二項（第三号及び第四号を除く。）及び第三項（第四号及び第六号を除く。）並びに第百五十九条第一項（第二号を除く。）及び第二項（第七号及び第九号を除く。）の規定は高速取引行為者が第一項第一号に規定する行為に関し同号の注文伝票及び取引日記帳を作成する場合について、第百七十条第一項及び第二項並びに第百七十一条第一項、第二項（第二号、第四号及び第五号を除く。）及び第三項（第五号を除く。）の規定は高速取引行為者が第一項第二号に規定する行為に関し同号の運用明細書及び発注伝票を作成する場合について、それぞれ準用する。

(5) The provisions of Article 158, paragraph (1) (excluding item (ii)), paragraph (2) (excluding items (iii) and (iv)) and paragraph (3) (excluding items (iv) and (vi)), and Article 159, paragraph (1) (excluding item (ii)) and paragraph (2) (excluding items (vii) and (ix)) apply mutatis mutandis if a high-speed trader prepares order forms and transaction diaries referred to in paragraph (1), item (i) in relation to the acts specified in that item, and the provisions of Article 170, paragraphs (1) and (2), and Article 171, paragraph (1), paragraph (2) (excluding item (ii), item (iv), and item (v)) and paragraph (3) (excluding item (v)) apply mutatis mutandis if a high-speed trader prepares investment statements and order forms referred to in paragraph (1), item (ii) in relation to the act specified in that item.

6　前項の規定によるもののほか、第一項第一号の注文伝票及び同項第二号の発注伝票並びにこれらに類する外国帳簿書類には、注文に関し金融商品取引所等が通知した次に掲げる事項を記載しなければならない。

(6) Beyond what is prescribed in the preceding paragraph, the following matters notified by a financial instruments exchange, etc. concerning orders must be stated in the order forms referred to in paragraph (1), item (i) and the order forms referred to in paragraph (1), item (ii), and the foreign books and documents similar to them:

一　タイムスタンプ（当該金融商品取引所等が当該注文の受付をした時刻をいう。）

(i) a time stamp (meaning the time when the financial instruments exchange, etc. has accepted the order); and

二　注文受付番号（当該金融商品取引所等が当該注文を識別するための番号、記号その他の符号をいう。）

(ii) an order receipt number (meaning a number, symbol, or other codes for identifying the order).

7　第五項の規定によるもののほか、第一項各号に掲げる帳簿書類及び外国帳簿書類は、次に掲げるところにより作成しなければならない。

(7) Beyond what is prescribed in paragraph (5), the books and documents and foreign books and documents set forth in the items of paragraph (1) must be prepared in accordance with the following requirements:

一　第一項第一号の注文伝票及び同項第二号の発注伝票並びにこれらに類する外国帳簿書類については、注文を作成するために用いたプログラムの内容を確認することができるようにすること。

(i) the order forms referred to in paragraph (1), item (i) and the order placement forms referred to in item (ii) of that paragraph, and the foreign books and documents similar to them is to be prepared in a way that enables the confirmation of the content of the program used for creating orders;

二　注文に関し金融商品取引所等が定める方式によることその他の第一項各号に掲げる帳簿書類及び外国帳簿書類に記載すべき事項を容易に検索することができるように体系的に構成する方式によること。

(ii) in making an order, to prepare the documents by the method specified by a financial instruments exchange, etc. and other methods in which the matters required to be stated in the books and documents and foreign books and documents set forth in the items of paragraph (1) are systematically organized that enable their easy retrieval.

（事業報告書）

(Business Reports)

第三百三十九条　法第六十六条の五十九の規定により高速取引行為者が提出する事業報告書は、別紙様式第三十号により作成しなければならない。

Article 339 (1) A business report to be submitted by a high-speed trader pursuant to the provisions of Article 66-59 of the Act must be prepared by using the Appended Form 30.

２　前項の事業報告書は、別紙様式第三十号に準じて英語で作成することができる。

(2) The business report under the preceding paragraph may be prepared in English in the same manner as the Appended Form 30.

３　高速取引行為者（会社に限る。）は、第一項の事業報告書を作成する場合には、一般に公正妥当と認められる企業会計の慣行に従うものとする。

(3) When a high-speed trader (limited to a company) prepares a business report under the preceding paragraph, they are to comply with business accounting practices generally accepted as fair and appropriate.

４　高速取引行為者（会社を除く。）は、第一項の事業報告書を作成する場合には、一般に公正妥当と認められる会計の慣行に従うものとする。

(4) When a high-speed trader (excluding a company) prepares a business report referred to in paragraph (1), they are to comply with the accounting practices generally accepted as fair and appropriate.

（事業報告書の提出期限の承認の手続等）

(Procedures for Obtaining Approval on Due Date for Submitting Business Reports)

第三百四十条　外国法人又は外国に住所を有する個人である高速取引行為者（以下この

条において「外国法人等である高速取引行為者」という。）は、令第十八条の四の十一ただし書の承認を受けようとするときは、次に掲げる事項を記載した承認申請書を所管金融庁長官等に提出しなければならない。

Article 340 (1) When a high-speed trader that is a foreign corporation or an individual that has a domicile in a foreign country (hereinafter referred to as "high-speed trader that is a foreign corporation, etc." in this Article) seeks to obtain an approval referred to in the proviso to Article 18-4-11 of the Order, they must submit a written application for approval stating the following matters to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau:

一　商号、名称又は氏名

(i) the trade name or name;

二　登録年月日及び登録番号

(ii) the date of registration and the registration number;

三　事業報告書の提出に関し当該承認を受けようとする期間

(iii) the period for which the approval is sought in relation to the submission of the business report;

四　事業報告書に係る事業年度終了の日

(iv) the last day of the business year related to the business report; and

五　事業報告書の提出に関し当該承認を必要とする理由

(v) the reasons for requiring the approval for the submission of the business report.

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　定款又はこれに代わる書面

(i) the articles of incorporation or alternative documents;

二　当該承認申請書に記載された外国法人等である高速取引行為者の代表者が当該承認申請書の提出に関し正当な権限を有する者であることを証する書面

(ii) a document certifying that the representative of the high-speed trader that is a foreign corporation, etc. stated in the written application for approval is a person that has legitimate authority to submit the written application for approval; and

三　当該承認申請書に記載された法令又は慣行に関する事項が真実かつ正確であることについての法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(iii) a legal opinion letter by a law expert on the fact that the matters related to laws and regulations or practices stated in the written application for approval are true and accurate, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

３　所管金融庁長官等は、第一項の承認の申請があった場合において、外国法人等であ

る高速取引行為者が、その本国の法令又は慣行により、その事業年度経過後三月以内に事業報告書を提出することができないと認められるときは、当該申請のあった日の属する事業年度（その日が事業年度開始後三月以内（直前事業年度に係る事業報告書の提出に関して当該承認を受けている場合にあっては、当該承認を受けた期間内）の日である場合にあっては、その直前事業年度）から当該申請に係る同項第五号に規定する理由について消滅又は変更があることとなる日の属する事業年度の直前事業年度までの事業年度に係る事業報告書について、承認をするものとする。

(3) If the application for approval referred to in paragraph (1) has been filed, and it is found that the high-speed trader that is a foreign corporation, etc. is unable to submit the business report within three months after the end of the business year due to the laws and regulations or practices of their home country, the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau is to grant approval to the business report related to the business year that includes the day the application has been filed (if the day falls within three months from the commencement of the business year (if approval has been granted to the submission of the business report related to the immediately preceding business year, within the approved period), the business year immediately preceding the business year) through the business year immediately preceding the business year that includes the day when the reason specified in item (v) of that paragraph for which the application was filed ceases to exist or changes.

４　前項の承認は、同項の外国法人等である高速取引行為者が毎事業年度経過後三月以内に次に掲げる事項を記載した書類を所管金融庁長官等に提出することを条件として、行われるものとする。ただし、第二号に掲げる事項については、当該書類の提出前五年以内に提出された書類に記載された事項と同一の内容のものである場合には、当該事項は記載しないことができる。

(4) The approval referred to in the preceding paragraph is to be given on the condition that the high-speed trader that is a foreign corporation, etc. referred to in that paragraph submits a document stating the following matters to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau within three months after the end of each business year; provided, however, that if the content of the matters set forth in item (ii) is the same as the content of the matters that have been stated in the document submitted within five years before the submission of the document, the entry of those matters may be omitted:

一　当該事業年度中に当該承認に係る申請の理由について消滅又は変更がなかった旨

(i) the fact that the reasons for applying for approval have not ceased to exist or changed in the business year; and

二　前号に掲げる事項に関する法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(ii) a legal opinion letter by a legal expert on the matters set forth in the

preceding item, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

5　第一項の承認申請書、第二項各号に掲げる書類及び前項の書類は、英語で記載することができる。

(5) The written application for approval referred to in paragraph (1), the document set forth in the items of paragraph (2), and the document referred to in the preceding paragraph may be prepared in English.

第四節　監督
Section 4 Supervision

（開始等の届出を行う場合）

(Cases When Notification for Commencement Is Given)

第三百四十一条　法第六十六条の六十第四号に規定する内閣府令で定める場合は、次に掲げる場合とする。

Article 341 The cases specified by Cabinet Office Order as prescribed in Article 66-60, item (iv) of the Act are as follows:

一　法第二十九条の四第一項第一号イ（法又は金融サービスの提供に関する法律に相当する外国の法令の規定に係る部分に限る。）若しくはハ若しくは第六十六条の五十三第五号ロ若しくはハ、第六号イ（同条第五号イ（１）に係る部分を除く。）若しくはロ若しくは第七号又は次号イに該当することとなった場合

(i) if a high-speed trader has come to fall under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act (limited to the part related to foreign laws and regulations equivalent to the Act or the Act on the Provision of Financial Services) or sub-item (c) of that item, or Article 66-53, item (v), sub-item (b) or (c), item (vi), sub-item (a) (excluding the part related to item (v), sub-item (a), 1. of that Article) or sub-item (b), item (vii), or sub-item (a) of the following item;

二　役員が次のいずれかに該当することとなった事実を知った場合

(ii) if a high-speed trader becomes aware of the fact that an officers has come to fall under any of the following persons:

イ　精神の機能の障害を有する状態となり高速取引行為に係る業務の継続が著しく困難となった者

(a) a person who has come to have impaired mental function and has become extremely difficult to continue performing services pertaining to high-speed trading; or

ロ　法第二十九条の四第一項第二号ロからリまでのいずれかに該当する者

(b) a person that falls under any of Article 29-4, paragraph (1), item (ii), sub-items (b) through (i);

三　破産手続開始、再生手続開始又は更生手続開始の申立てが行われた事実を知った場合（外国法人又は外国に住所を有する個人にあっては、主たる営業所又は事務所

の所在する国において当該国の法令に基づき同種類の申立てが行われた事実を知った場合を含む。）

(iii) if a high-speed trader becomes aware of the fact that a petition for commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, or commencement of reorganization proceedings has been filed (for a foreign corporation or an individual that has a domicile in a foreign country, including cases in which the corporation or individual becomes aware of the fact that the same type of petition has been filed in the country where their principal business office or office is located based on the laws and regulations of that country;

四　定款（これに準ずるものを含む。第三百四十三条第一項第六号において同じ。）を変更した場合

(iv) if a high-speed trader has amended the articles of incorporation (including equivalent documents; the same applies in Article 343, paragraph (1), item (vi));

五　役職員に法令等に反する行為（高速取引行為に係る業務又はこれに付随する業務以外の業務に係るものにあっては、当該高速取引行為者の業務の運営又は財産の状況に重大な影響を及ぼすおそれのあるものに限る。次号並びに次条第一項第八号及び第九号において「事故等」という。）があったことを知った場合

(v) if a high-speed trader has come to know that an act of violation of laws and regulations, etc. has been committed by an officers or employee (for an act related to business other than services pertaining to high-speed trading or services incidental to them, limited to those that are likely to have a material impact on the high-speed trader's operation of business or the status of their property; referred to as "problematic conduct, etc." in the following item and paragraph (1), items (viii) and (ix) of the following Article);

六　前号の事故等の詳細が判明した場合

(vi) if the details of the problematic conduct, etc. referred to in the preceding item have become clear;

七　訴訟若しくは調停（高速取引行為に係る業務又はこれに付随する業務以外の業務に係るものにあっては、当該高速取引行為者の業務の運営又は財産の状況に重大な影響を及ぼすおそれがあるものに限る。）の当事者となった場合又は当該訴訟若しくは調停が終結した場合

(vii) if a high-speed trader has become a party to an action or conciliation (for an action or a conciliation related to business other than services pertaining to high-speed trading or services incidental to them, limited to those that are likely to have a material impact on the high-speed trader's operation of business or the status of their property), or if the action or the conciliation has been concluded; or

八　外国法人又は外国に住所を有する個人にあっては、法に相当する外国の法令に基

づく行政官庁の不利益処分を受けた場合（法第二十九条の四第一項第一号イに該当する場合を除く。）

(viii) for a foreign corporation or an individual that has a domicile in a foreign country, if the corporation or individual has been rendered an adverse disposition by an administrative agency based on foreign laws and regulations equivalent to the Act (excluding cases in which the corporation or individual falls under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act).

（届出書に記載すべき事項）

(Matters to Be Stated in Written Notifications)

第三百四十二条　法第六十六条の六十の規定により届出を行う高速取引行為者は、次の各号に掲げる場合の区分に応じ、当該各号に定める事項を記載した届出書を所管金融庁長官等に提出しなければならない。

Article 342 (1) A high-speed trader that gives a notification pursuant to the provisions of Article 66-60 of the Act must submit a written notification stating the matters specified in the following items in accordance with the category of the cases set forth in each of those items to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau:

一　法第六十六条の六十第一号に該当する場合　次に掲げる事項

(i) if the case falls under Article 66-60, item (i) of the Act: the following matters

イ　業務を開始し、休止し、又は再開した営業所又は事務所の名称

(a) the name of the business office or office in which business has been commenced, suspended, or resumed;

ロ　開始の年月日、休止の期間及び理由又は再開の年月日及び理由

(b) the date of commencement, the period of and reasons for suspension, and the date of and reasons for resumption;

二　法第六十六条の六十第二号に該当する場合　次のイからハまでに掲げる場合の区分に応じ、当該イからハまでに掲げる事項

(ii) if the case falls under Article 66-60, item (ii): the documents specified in the following sub-items (a) through (c) in accordance with the category of cases set forth in the sub-items (a) through (c):

イ　他の法人と合併した場合にあっては、次に掲げる事項

(a) in the case of a merger with another corporation, the following matters:

（１）　合併の相手方の商号又は名称

1. the trade name or name of the other party to the merger;

（２）　合併の年月日及び理由

2. the date of the merger and the reasons for the merger;

（３）　合併の方法

3. the method of the merger;

ロ　分割により他の法人の事業の全部又は一部を承継した場合にあっては、次に掲

げる事項

(b) in the case of succession of all or part of the business of another corporation through a split, the following matters:

（１）　分割の相手方の商号又は名称

1. the trade name or name of the other party to the split;

（２）　分割の年月日及び理由

2. the date of and reasons for the split; and

（３）　承継した事業の内容

3. the content of the business they have succeeded to;

ハ　他の法人から事業の全部又は一部を譲り受けた場合にあっては、次に掲げる事項

(c) in cases all or part of the business has been acquired from another corporation, the following matters:

（１）　譲受けの相手方の商号又は名称

1. the trade name or name of the transferor;

（２）　譲り受けた年月日及び理由

2. the date of and reasons for the acquisition; and

（３）　譲り受けた事業の内容

3. the content of the acquired business;

三　法第六十六条の六十第三号に該当する場合　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った年月日及び理由

(iii) if the case falls under Article 66-60, item (iii) of the Act: the date of and reason for filing the petition for commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, or commencement of reorganization proceedings;

四　前条第一号に該当する場合　次のイからトまでに掲げる場合の区分に応じ、当該イからトまでに掲げる事項

(iv) if the case falls under item (vii) of the preceding Article: the matters specified in the following sub-items (a) through (g) in accordance with the category of cases specified in the sub-items (a) through (g):

イ　高速取引行為者が法第二十九条の四第一項第一号イ（法又は金融サービスの提供に関する法律に相当する外国の法令の規定に係る部分に限る。）に該当することとなった場合にあっては、次に掲げる事項

(a) if a high-speed trader has come to fall under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act (limited to the part related to the provisions of foreign laws and regulations equivalent to the Act or the Act on the Provision of Financial Services), the following matters:

（１）　法若しくは金融サービスの提供に関する法律に相当する外国の法令の規定により当該高速取引行為者が当該外国において受けている同種類の登録等又は法若しくは金融サービスの提供に関する法律に相当する外国の法令の規定により当該高速取引行為者が当該外国において行った法第六十三条第二項、

第六十三条の三第一項、第六十三条の九第一項若しくは第六十三条の十一第一項の規定の規定による届出と同種類の届出の内容

1. the content of the same type of the registration, etc. obtained by the high-speed trader in a foreign country pursuant to foreign laws and regulations equivalent to the Act or the Act on the Provision of Financial Services or the same type of the notification as the notification under the provisions of Article 63, paragraph (2), Article 63-3, paragraph (1), Article 63-9, paragraph (1), or Article 63-11, paragraph (1) of the Act given by the high-speed trader pursuant to the provisions of foreign laws and regulations equivalent to the Act or the Act on the Provision of Financial Services;

（２）　当該登録等又は届出の年月日

2. the date of the registration, etc. or notification:

（３）　当該登録等を取り消され、又は当該届出に係る業務の廃止を命ぜられた年月日及び理由

3. the date of and reasons for the registration, etc. being revoked or the suspension of the business related to the notification has been ordered;

（４）　当該登録等を取り消され、又は当該届出に係る業務の廃止を命ぜられた業務の内容

4. the content of the business for which the registration, etc. has been revoked or suspension of the business related to the notification has been ordered;

ロ　高速取引行為者が法第二十九条の四第一項第一号ハに該当することとなった場合にあっては、次に掲げる事項

(b) if a high-speed trader has come to fall under Article 29-4, paragraph (1), item (i), sub-item (c) of the Act, the following matters:

（１）　違反した法令の規定

1. the provisions of the laws and regulations that has been violated; and

（２）　刑の確定した年月日及び罰金の額

2. the date when the punishment became final and binding, and the amount of the fine;

ハ　高速取引行為者が法第六十六条の五十三第五号ロに該当することとなった場合にあっては、資本金の額又は出資の総額が令第十八条の四の九第一項に定める金額に満たなくなった年月日及び理由

(c) if a high-speed trader has come to fall under Article 66-53, item (v), sub-item (b) of the Act, the date when the amount of the stated capital or the total amount of investment has fallen below the amount specified in Article 18-4-9, paragraph (1) of the Order and the reasons for that;

ニ　高速取引行為者が法第六十六条の五十三第五号ハに該当することとなった場合にあっては、国内における代表者又は国内における代理人を定めていない者に該当した年月日

(d) if a high-speed trader comes to fall under Article 66-53, item (v), sub-item (c) of the Act, the date when they have come to fall under the person that has not designated a representative or agent in Japan;

ホ　高速取引行為者が前条第二号イ又は法第六十六条の五十三第六号イ（同条第五号イ（１）に係る部分を除く。）に該当することとなった場合にあっては、次に掲げる事項

(e) if a high-speed trader has come to fall under item (ii), sub-item (a) of the preceding Article or Article 66-53, item (vi), sub-item (a) of the Act (excluding the part related to item (v), sub-item (a), 1. of that Article), the following documents:

（１）　該当することとなった者の氏名

1. the name of the person that has come to fall under the provisions;

（２）　当該者が前条第二号イに該当することとなった場合にあっては、該当することとなった年月日及び理由

2. if the person comes to fall under item (ii), sub-item (a) of the preceding Article, the date when the person has come to fall under the provisions and the reasons for that;

（３）　当該者が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定を受けた年月日

3. if the person has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, the date when the person became subject to the order for commencement of bankruptcy proceedings;

（４）　当該者が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、刑の確定した年月日及び刑の種類

4. if the person has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, the date when the punishment became final and binding, and the type of punishment;

（５）　当該者が法第二十九条の四第一項第二号ニ又はホに該当することとなった場合にあっては、取り消され、又は命ぜられた年月日及び理由

5. if the person has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, the date of rescission or order and the reasons for that;

（６）　当該者が法第二十九条の四第一項第二号ヘ又はトに該当することとなった場合にあっては、行政手続法第十五条の規定による通知があった年月日及びその理由並びに法第五十条の二第一項、第六十条の七（法第六十条の十四第二項において準用する場合を含む。次号ヘにおいて同じ。）、第六十三条の二第二項、第三項（法第六十三条の三第二項において準用する場合を含む。次号ヘにおいて同じ。）若しくは第四項、第六十三条の十第二項、第三項（法第六十三条の十一第二項において準用する場合を含む。次号ヘにおいて同じ。）若しくは第四項、第六十六条の十九第一項、第六十六条の四十第一項若しくは第六十六条の六十一第一項又は金融サービスの提供に関する法律

第十六条第三項の規定による届出をした年月日及びその理由

6. if the person has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (f) or (g) of the Act, the date of and reason for the notice under the provisions of Article 15 of the Administrative Procedure Act to be given, and the date of and reason for making the notification under the provisions of Article 50-2, paragraph (1) of the Act, Article 60-7 of the Act (including as applied mutandis pursuant to Article 60-14, paragraph (2) of the Act; the same applies in sub-item (f) of the following item), Article 63-2, paragraph (2) of the Act, Article 63-2, paragraph (3) of the Act (including as applied mutatis mutandis pursuant to Article 63-3, paragraph (2) of the Act; the same applies in sub-item (f) of the following item), Article 63-2, paragraph (4) of the Act, Article 63-10, paragraph (2), paragraph (3) (including as applied mutatis mutandis pursuant to Article 63-11, paragraph (2) of the Act; the same applies in sub-item (f) of the following item),or Article 63-10, paragraph (4), Article 66-19, paragraph (1) of the Act, Article 66-40, paragraph (1) of the Act or Article 66-61, paragraph (1) of the Act, or Article 16, paragraph (3) of the Act on the Provision of Financial Services; and

（７）　当該者が法第二十九条の四第一項第二号チに該当することとなった場合にあっては、解任又は解職を命ぜられた年月日及び理由

7. if the person has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (h) of the Act, the date when removal or dismissal has benn ordered and the reasons for that;

ヘ　高速取引行為者が法第六十六条の五十三第六号ロに該当することとなった場合にあっては、国内における代理人を定めていない者に該当した年月日

(f) if a high-speed trader comes to fall under Article 66-53, item (vi), sub-item (b) of the Act, the day when they fell under a person that has not designated a representative or agent in Japan;

ト　高速取引行為者が法第六十六条の五十三第七号に該当することとなった場合にあっては、純財産額が令第十八条の四の十に定める金額に満たなくなった年月日及び理由

(g) if a high-speed trader comes to fall under Article 66-53, item (vii) of the Act, the day when the net assets became less than the amount specified in Article 18-4-10 of the Order and the reason for that;

五　前条第二号に該当する場合　次に掲げる事項

(v) if the case falls under item (ii) of the preceding Article: the following matters:

イ　前条第二号イ又はロに該当することとなった役員の氏名又は名称

(a) the name of the officer that has come to fall under item (ii), sub-item (a) or (b) of the preceding Article;

ロ　当該役員が前条第二号イに該当することとなった場合にあっては、

(b) if the officer has come to fall under item (ii), sub-item (a) of the preceding Article, the date when they came to fall under the provisions and the reasons for that;

ハ　当該役員が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定を受けた年月日

(c) if the officer has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, the date when they became subject to the order for commencement of bankruptcy proceedings;

ニ　当該役員が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、刑の確定した年月日及び刑の種類

(d) if the officer has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, the date when the punishment became final and binding, and the type of punishment;

ホ　当該役員が法第二十九条の四第一項第二号ニ又はホに該当することとなった場合にあっては、取り消され、又は命ぜられた年月日及び理由

(e) if the officer has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, the date revocation has been made or has been ordered and the reasons for that;

ヘ　当該役員が法第二十九条の四第一項第二号ヘ又はトに該当することとなった場合にあっては、行政手続法第十五条の規定による通知があった年月日及びその理由並びに法第五十条の二第一項、第六十条の七、第六十三条の二第二項から第四項まで、第六十三条の十第二項から第四項まで、第六十六条の十九第一項、第六十六条の四十第一項若しくは第六十六条の六十一第一項又は金融サービスの提供に関する法律第十六条第三項の規定による届出をした年月日及びその理由

(f) if the officer has come to fall under Article 29-4, paragraph (1), item (ii), sub-items (f) or (g) of the Act, the date of and reason for the notice under the provisions of Article 15 of the Administrative Procedure Act to be given and the date of and reason for making the notification under the provisions of Article 50-2, paragraph (1), Article 60-7, Article 63-2, paragraphs (2) through (4), Article 63-10, paragraphs (2) through (4), Article 66-19, paragraph (1), Article 66-40, paragraph (1) or Article 66-61, paragraph (1) of the Act, or Article 16, paragraph (3) of the Act on the Provisions of Financial Services; and

ト　当該役員が法第二十九条の四第一項第二号チに該当することとなった場合にあっては、解任又は解職を命ぜられた年月日及び理由

(g) if the officer has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (h) of the Act, the date when removal or dismissal has been ordered and the reasons for that;

六　前条第三号に該当する場合　次に掲げる事項

(vi) if the case falls under item (iii) of the preceding Article: the following

matters:

イ　破産手続開始、再生手続開始又は更生手続開始の申立てが行われた年月日及び理由

(a) the date of and reason for the filing petitions for commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, or commencement of reorganization proceedings; and

ロ　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った者の商号、名称又は氏名

(b) the trade name or name of the person that has filed petitions for commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, or commencement of reorganization proceedings; and

七　前条第四号に該当する場合　次に掲げる事項

(vii) if the case falls under item (iv) of the preceding Article: the following matters:

イ　変更の内容及び理由

(a) the content of and reasons for the change; and

ロ　変更の年月日

(b) the date of change;

八　前条第五号に該当する場合　次に掲げる事項

(viii) if the case falls under item (v) of the preceding Article: the following matters:

イ　事故等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 in which a problematic conduct, etc. has occurred;

ロ　事故等を惹起した役職員の氏名又は名称及び役職名

(b) the name and title of the officer or employee that has caused the problematic conduct, etc.; and

ハ　事故等の概要

(c) an outline of the problematic conduct, etc.;

九　前条第六号に該当する場合　次に掲げる事項

(ix) if the case falls under item (vi) of the preceding Article: the following matters:

イ　事故等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 in which a problematic conduct, etc. has occurred;

ロ　事故等を惹起した役職員の氏名又は名称及び役職名

(b) name and title of the officer or employee that has caused the problematic conduct, etc.;

ハ　事故等の詳細

(c) details of the problematic conduct, etc.; and

ニ　社内処分を行った場合はその内容

(d) if in-house punishment has been taken, its content;

十　前条第七号に該当する場合　次のイ及びロに掲げる場合の区分に応じ、当該イ及びロに掲げる事項

(x) if the case falls under item (vii) of the preceding Article: the matters set forth in the following sub-items (a) and (b) in accordance with the category of cases set forth in the sub-items (a) and (b):

イ　訴訟又は調停の当事者となった場合にあっては、次に掲げる事項

(a) if they have become the party to a suit or conciliation: the following matters:

（１）　訴訟又は調停の当事者の氏名又は名称及び住所

1. the name and domicile of the party to the suit or conciliation;

（２）　訴訟の提起又は調停の申立てが行われた年月日

2. the day when the action or conciliation has been filed;

（３）　管轄裁判所名

3. the name of the court with jurisdiction; and

（４）　事件の内容

4. the content of the case;

ロ　訴訟又は調停が終結した場合にあっては、次に掲げる事項

(b) if the action or conciliation has been concluded, the following matters:

（１）　訴訟又は調停の当事者の氏名又は名称及び住所

1. the name and domicile of the party to the suit or conciliation;

（２）　訴訟又は調停が終結した年月日

2. the date when the action or conciliation has been concluded; and

（３）　判決又は和解の内容

3. the content of the judgment or settlement;

十一　前条第八号に該当する場合　次に掲げる事項

(xi) if the case falls under item (viii) of the preceding Article: the following matters:

イ　不利益処分の内容

(a) the content of the adverse disposition; and

ロ　不利益処分を受けた年月日及び理由

(b) the date when the financial instruments business operator, etc. has become subject to the adverse disposition and the reasons for that.

２　前項の届出書は、英語で記載することができる。

(2) The written notification under the preceding paragraph may be written in English.

（届出書に添付すべき書類）

(Documents to Be Attached to Written Notifications)

第三百四十三条　法第六十六条の六十の規定により届出を行う高速取引行為者は、前条

第一項の届出書に、次の各号に掲げる場合の区分に該当する場合には、当該各号に定める書類を添付しなければならない。

Article 343 (1) A high-speed trader that gives a notification pursuant to the provisions of Article 66-60 of the Act must attach the document specified in the following items to the written notification referred to in paragraph (1) of the preceding Article, if the case falls under the category of the cases set forth in each of the following items:

一　法第六十六条の六十第二号に該当する場合　次のイからハまでに掲げる場合の区分に応じ、当該イからハまでに掲げる書類

(i) if the case falls under Article 66-60, item (ii): the documents specified in the following sub-items (a) through (c) in accordance with the category of cases set forth in the sub-items (a) through (c):

イ　他の法人と合併した場合にあっては、次に掲げる書類

(a) in the case of a merger with another corporation, the following documents:

（１）　合併契約の内容及び合併の手続を記載した書面

1. the document stating the content of the merger agreement and the procedures for merger;

（２）　当事者の最近の貸借対照表（関連する注記を含む。ロ（２）及びハ（２）において同じ。）

2. recent balance sheets of the parties (including the related notes; the same applies in sub-item (b), 2. and sub-item (c), 2.); and

（３）　合併後の純財産額を記載した書面

3. the net assets after the merger.

ロ　分割により他の法人の事業の全部又は一部を承継した場合にあっては、次に掲げる書類

(b) in the case all or part of the business of another corporation has been succeeded to through a split, the following documents:

（１）　吸収分割契約の内容及び分割の手続を記載した書面

1. the document stating the content of the absorption-type split agreement and the procedures for the split;

（２）　当事者の最近の貸借対照表

2. the latest balance sheets of the parties; and

（３）　分割後の純財産額を記載した書面

3. the document stating the net assets after the split.

ハ　他の法人から事業の全部又は一部を譲り受けた場合にあっては、次に掲げる書類

(c) in cases all or part of the business has been succeeded from another corporation, the following documents:

（１）　事業の譲受けの契約の内容及び事業の譲受けの手続を記載した書面

1. the document stating the content of the contract for succeeding to

business and the procedures for succeeding to business;

（２）　当事者の最近の貸借対照表

2. the latest balance sheets of the parties; and

（３）　事業の譲受け後の純財産額を記載した書面

3. the document stating the net assets after succeeding to business;

二　法第六十六条の六十第三号に該当する場合　次に掲げる書類

(ii) if the case falls under Article 66-60, item (iii) of the Act: the following documents:

イ　破産手続開始、再生手続開始又は更生手続開始の申立てに係る書面の写し

(a) the copies of the documents on the filing of petitions for commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, or commencement of reorganization proceedings; and

ロ　最近の日計表

(b) a recent daily cash count sheet.

三　第三百四十一条第一号に該当する場合　次のイからホまでに掲げる場合の区分に応じ、当該イからホまでに掲げる書類

(iii) if the case falls under Article 341, item (i): the matters set forth in the following sub-items (a) through (e) in accordance with the category of cases set forth in the sub-items (a) through (e):

イ　高速取引行為者が法第二十九条の四第一項第一号イ（法又は金融サービスの提供に関する法律に相当する外国の法令の規定に係る部分に限る。）に該当することとなった場合にあっては、次に掲げる書類

(a) if a high-speed trader has come to fall under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act (limited to the part related to the provisions of foreign laws and regulations equivalent to the Act or the Act on the Provision of Financial Services), the following documents:

（１）　取消し又は廃止を命ずる書面の写し又はこれに代わる書面

1. a copy of the document ordering revocation or discontinuation of business, or alternative documents; and

（２）　当該外国の法令及びその訳文

2. a copy of laws and regulations of the foreign country and their Japanese translation;

ロ　高速取引行為者が法第二十九条の四第一項第一号ハに該当することとなった場合にあっては、確定判決の判決書の写し又は確定判決の内容を記載した書面

(b) if a high-speed trader has come to fall under Article 29-4, paragraph (1), item (i), sub-item (c) of the Act, a copy of the judgment document on the final and binding judgment, or a document stating the content of the final and binding judgment;

ハ　高速取引行為者が法第六十六条の五十三第五号ロに該当することとなった場合にあっては、登記事項証明書又はこれに代わる書面

(c) if a high-speed trader has come to fall under Article 66-53, item (v), sub-

item (b) of the Act, a certificate of registered information or alternative documents;

ニ　高速取引行為者が法第六十六条の五十三第六号イ（同条第五号イ（１）に係る部分を除く。）に該当することとなった場合にあっては、次に掲げる書類

(d) if a high-speed trader has come to fall under Article 66-53, item (vi), sub-item (a) of the Act (excluding the part related to item (v), sub-item (a), 1. of that Article), the following documents:

（１）　当該高速取引行為者が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定の裁判書の写し又は破産手続開始の決定の内容を記載した書面

1. if the high-speed trader has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, a copy of the written judgment on the order for commencement of bankruptcy proceedings or the document stating the content of the order for the commencement of bankruptcy proceedings;

（２）　当該高速取引行為者が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、確定判決の判決書の写し又は確定判決の内容を記載した書面

2. if the high-speed trader has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, a copy of the judgment document on the final and binding judgment or a document stating the content of the final and binding judgment;

（３）　当該高速取引行為者が法第二十九条の四第一項第二号ニ又はホに該当することとなった場合において、外国において取り消され、又は命ぜられたときにあっては、取消し又は廃止を命ずる書面の写し又はこれに代わる書面並びに取消し又は廃止の根拠となる外国の法令及びその訳文

3. if the high-speed trader has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, and revocation has been made or discontinuation has been ordered in a foreign country, a copy of the document ordering revocation or discontinuation of business or alternative documents, and a copy of foreign laws and regulations that serve as the basis of the revocation or discontinuation of business and their Japanese translation;

ホ　高速取引行為者が法第六十六条の五十三第七号に該当することとなった場合にあっては、純財産額が令第十八条の四の十に定める金額に満たなくなった日の日計表及び純財産額を算出した書面

(e) if a high-speed trader comes to fall under Article 66-53, item (vii) of the Act, a daily cash count sheet on the day when the net assets have become less than the amount specified in Article 18-4-10 of the Order, and the document stating the calculation of net assets;

四　第三百四十一条第二号（ロに係る部分に限る。）に該当する場合　次に掲げる書

類

(iv) if the case falls under Article 341, item (ii) (limited to the part related to sub-item (b)): the following documents:

イ　役員が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定の裁判書の写し又は破産手続開始の決定の内容を記載した書面

(a) if an officer has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, a copy of the written judgment on the order for commencement of bankruptcy proceedings, or the document stating the content of the order for commencement of bankruptcy proceedings;

ロ　役員が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、確定判決の判決書の写し又は確定判決の内容を記載した書面

(b) if an officer has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, a copy of the judgment document on the final and binding judgment, or a document stating the content of the final and binding judgment;

ハ　役員が法第二十九条の四第一項第二号ニ又はホに該当することとなった場合において、外国において取り消され、又は命ぜられたときにあっては、取消し又は廃止を命ずる書面の写し又はこれに代わる書面並びに取消し又は廃止の根拠となる外国の法令及びその訳文

(c) if an officer has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, and a revocation has been made or discontinuation has been ordered in a foreign country, a copy of the written order for rescission or discontinuation of business or alternative documents, and a copy of foreign laws and regulations that serve as the basis of the rescission or discontinuation of business and their Japanese translation;

五　第三百四十一条第三号に該当する場合　最近の日計表

(v) if the case falls under Article 341, item (iii): a recent daily cash count sheet;

六　第三百四十一条第四号に該当する場合　変更後の定款

(vi) if the case falls under Article 341, item (iv): the amended articles of incorporation;

七　第三百四十一条第八号に該当する場合　当該不利益処分を規定する外国の法令及びその訳文

(vii) if the case falls under Article 341, item (viii): a copy of foreign laws and regulations that provide for the adverse disposition, and their Japanese translation.

２　前項各号に定める書類は、英語で記載することができる。

(2) The documents prescribed in the items of the preceding paragraph may be written in English.

（廃業等の届出）

(Notifications of Discontinuation of Business)

第三百四十四条　法第六十六条の六十一第一項の規定により届出を行う者は、次の各号に掲げる場合の区分に応じ、当該各号に定める事項を記載した届出書を所管金融庁長官等に提出しなければならない。

Article 344 (1) A person that gives a notification pursuant to the provisions of Article 66-61, paragraph (1) of the Act must submit a written notification stating the matters specified in the following items in accordance with the category of the cases set forth in each of those items to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau:

一　法第六十六条の六十一第一項第一号に該当する場合　その旨及び死亡の年月日

(i) if the case falls under Article 66-61, paragraph (1), item (i) of the Act: that fact and the date of death;

二　法第六十六条の六十一第一項第二号に該当する場合　廃止の年月日及び理由

(ii) if the case falls under Article 66-61, paragraph (1), item (ii) of the Act: the date of and the reasons for discontinuation;

三　法第六十六条の六十一第一項第三号に該当する場合　次に掲げる事項

(iii) if the case falls under Article 66-61, paragraph (1), item (iii) of the Act: the following matters:

イ　合併の相手方の商号又は名称

(a) the trade name or name of the other party to the merger;

ロ　合併の年月日及び理由

(b) the date of and the reasons for the merger;

ハ　合併の方法

(c) the method of the merger;

四　法第六十六条の六十一第一項第四号に該当する場合　次に掲げる事項

(iv) if the case falls under Article 66-61, item (iv) of the Act: the following matters:

イ　破産手続開始の申立てを行った年月日

(a) the date when the petition for commencement of bankruptcy proceedings has been filed; and

ロ　破産手続開始の決定を受けた年月日

(b) the date when the order for commencement of bankruptcy proceedings has been received;

五　法第六十六条の六十一第一項第五号に該当する場合　解散の年月日及び理由

(v) if the case falls under Article 66-61, paragraph (1), item (v) of the Act: the date of and the reasons for dissolution;

六　法第六十六条の六十一第一項第六号に該当する場合　次に掲げる事項

(vi) if the case falls under Article 66-61, paragraph (1), item (vi) of the Act: the following matters:

イ　承継先の商号又は名称

(a) the trade name or name of the successor; and

ロ　分割の年月日及び理由

(b) the date of and the reasons for the split.

七　法第六十六条の六十一第一項第七号に該当する場合　次に掲げる事項

(vii) if the case falls under Article 66-61, paragraph (1), item (vii) of the Act: the following matters:

イ　譲渡先の商号、名称又は氏名

(a) the trade name or name of the transferee; and

ロ　譲渡の年月日及び理由

(b) the date of and the reasons for the transfer.

2　前項の届出書には、次の各号に掲げる場合の区分に応じ、当該各号に定める書類を添付しなければならない。

(2) The documents specified in the following items in accordance with the category of the cases set forth in each of those items must be attached to the written notification referred to in the preceding paragraph:

一　法第六十六条の六十一第一項第一号又は第二号に該当する場合　最近の日計表

(i) if the case falls under Article 66-61, paragraph (1), item (i) or (ii) of the Act: a recent daily cash count sheet

二　法第六十六条の六十一第一項第三号に該当する場合　合併契約の内容及び合併の手続を記載した書面

(ii) if the case falls under Article 66-61, paragraph (1), item (iii) of the Act: the document stating the content of a merger agreement and the procedures for merger

三　法第六十六条の六十一第一項第四号に該当する場合　破産手続開始の決定の裁判書の写し又は破産手続開始の決定の内容を記載した書面

(iii) if the case falls under Article 66-61, paragraph (1), item (iv) of the Act: a copy of the written judgment on the order for commencement of bankruptcy proceedings, or a document stating the content of the order for commencement of bankruptcy proceedings

四　法第六十六条の六十一第一項第六号に該当する場合　新設分割計画又は吸収分割契約の内容及び分割の手続を記載した書面

(iv) if the case falls under Article 66-61, paragraph (1), item (vi) of the Act: the document stating the content of the incorporation-type split plan or the absorption-type split agreement, and the procedures for splits; and

五　法第六十六条の六十一第一項第七号に該当する場合　事業譲渡契約の内容を記載した書面

(v) if the case falls under Article 66-61, paragraph (1), item (vii) of the Act: the document stating the content of a business transfer contract.

3　第一項の届出書及び前項各号に定める書類は、英語で記載することができる。

(3) The written notification referred to in paragraph (1) and the documents specified in the items of the preceding paragraph may be written in English.

（所在不明者の公告）
(Public Notice for Persons Whose Whereabouts Are Unknown)
第三百四十五条　法第六十六条の六十三第三項の規定による公告は、官報により行うものとする。
Article 345 The public notice under the provisions of Article 66-63, paragraph (3) of the Act is to be given in an Official Gazette.

（監督処分の公告）
(Public Notices of Supervisory Disposition)
第三百四十六条　法第六十六条の六十五の規定による公告は、官報により行うものとする。
Article 346 The public notice under the provisions of Article 66-65 of the Act is to be given in an Official Gazette.

第六章　雑則
Chapter VI Miscellaneous Provisions

（参考人等に支給する旅費その他の費用）
(Travel Expenses and Other Expenses Provided to Witnesses)
第三百四十七条　法第百九十一条の規定により、参考人又は鑑定人には、国家公務員等の旅費に関する法律（昭和二十五年法律第百十四号）の規定により一般職の職員の給与に関する法律（昭和二十五年法律第九十五号）第六条第一項第一号イに規定する行政職俸給表（一）の二級の職員に支給する旅費に相当する旅費を支給する。
Article 347 (1) Pursuant to the provisions of Article 191 of the Act, travel expenses equivalent to the travel expenses provided to grade-two officials under the salary schedule for administrative positions (1) prescribed in Article 6, paragraph (1), item (i), sub-item (a) of the Act on Remuneration of Officials in the Regular Service (Act No. 95 of 1950) pursuant to the provisions of the Act on Travel Expenses of National Public Officers (Act No. 114 of 1950) are provived to a witness or an expert.
２　鑑定人には、金融庁長官等が必要と認める場合においては、前項の規定による旅費のほか、相当な費用を支給することができる。
(2) If the Commissioner of the Financial Services Agency and other officials find it to be necessary, reasonable costs may be provided to an witness in addition to the travel expenses under the provisions of the preceding paragraph.

（申請書等の提出先等）
(Entities to Which Written Applications are Submitted)
第三百四十八条　法第六十四条の七第一項（法第六十六条の二十五において準用する場合を含む。）又は第二項の規定により法第六十四条の七第一項に規定する登録事務を

協会に行わせる場合は、登録申請書等の提出先は、当該協会（金融商品仲介業者が提出する場合にあっては、いずれかの所属金融商品取引業者等が加入する協会）とする。

Article 348 (1) If the registration work specified in Article 64-7, paragraph (1) of the Act pursuant to the provisions of Article 64-7, paragraph (1) of the Act (including as applied mutatis mutandis pursuant to Article 66-25) or paragraph (2) of that Article is delegated to an association, the written application for registration, etc. is submitted to that association (if the written application is to be submitted by a financial instruments intermediary service provider, the association to which any of the entrusting financial instruments business operators, etc. belongs).

２　法第二十九条、第三十三条の二、第六十六条の五十の登録を受けようとする者が第五条、第四十三条、第二百五十七条又は第三百二十六条第一項の登録申請書を財務局長又は福岡財務支局長に提出しようとする場合において、当該登録を受けようとする者の本店等の所在地が財務事務所、小樽出張所又は北見出張所の管轄区域内にあるときは、当該登録を受けようとする者は、当該登録申請書及びその写し一通並びに第五条、第四十三条、第二百五十七条又は同項の添付書類一部を財務事務所長、小樽出張所長又は北見出張所長を経由して提出しなければならない。

(2) If a person that seeks to obtain a registration referred to in Article 29, Article 33-2 or Article 66-50 of the Act, and intends to submit a written application for registration referred to in Article 5, Article 43, Article 257, or Article 326, paragraph (1) to the Director-General of a Local Finance Bureau or the Director-General of the Fukuoka Local Finance Branch Bureau, and the location of the head office, etc. of the person seeking registration falls within the jurisdictional district of a finance branch office, the Otaru Sub-Office, or the Kitami Sub-Office, the person seeking the registration must submit a written application for registration and its copy, and a copy of the attached documents referred to in Article 5, Article 43, Article 257, or that paragraph through the head of the finance branch office, the Director of the Otaru Sub-Office, or the Director of the Kitami Sub-Office.

３　金融商品取引業者等、取引所取引許可業者、特例業務届出者、海外投資家等特例業務届出者、金融商品仲介業者又は高速取引行為者が申請書、届出書その他法、令又はこの府令に規定する書類（法第六十四条第三項（法第六十六条の二十五において準用する場合を含む。）の登録申請書並びに第二百五十二条、第二百五十三条及び第二百九十二条の規定による届出書を除く。）を管轄財務局長等、特例業務届出管轄財務局長等又は海外投資家等特例業務届出管轄財務局長等に提出しようとする場合において、当該金融商品取引業者等の本店等の所在地、当該取引所取引許可業者の国内における代表者の住所、当該特例業務届出者の本店等の所在地、当該海外投資家等特例業務届出者の本店等の所在地、当該金融商品仲介業者の本店等の所在地又は当該高速取引行為者の本店等の所在地が財務事務所、小樽出張所又は北見出張所の管轄区域内にあるときは、当該金融商品取引業者等、当該取引所取引許可業者、当該特例業務届出者、当該海外投資家等特例業務届出者、当該金融商品仲介業者又は当該高速取引行為者は、

当該書類及びその写し一通を財務事務所長、小樽出張所長又は北見出張所長を経由して提出しなければならない。

(3) If a financial instruments business operator, etc., an authorized firm for on-exchange transactions, a notifier of specially-permitted services, a notifier of specially permitted services for foreign investors, etc., a financial instruments intermediary service provider, or high-speed trader intends to submit a written application, a written notification, or other documents prescribed by the Act, the Order, or this Cabinet Office Order (excluding the written application for registration referred to in Article 64, paragraph (3) of the Act (including as applied mutatis mutandis pursuant to Article 66-25 of the Act) and the written notifications referred to in Article 252, Article 253 and Article 292) to the competent Director-General of a Local Finance Bureau, etc., the competent Director-General of a Local Finance Bureau, etc. for the notification of specially-permitted business, or the competent Director-General of a Local Finance Bureau, etc. for the notification of specially permitted services for foreign investors, etc., and the location of the head office, etc. of the financial instruments business operator, etc., the domicile of the representative of the authorized firm for on-exchange transactions in Japan, the location of the head office, etc. of the notifier of specially-permitted services, the location of the head office, etc. of the notifier of specially permitted services for foreign investors, etc., the location of the head office, etc. of the financial instruments intermediary service provider, or the location of the head office, etc. of the high-speed trader, falls within the jurisdictional district of a finance branch office, the Otaru Sub-Office, or the Kitami Sub-Office, the financial instruments business operator, etc., the authorized firm for on-exchange operator, the notifier of specially-permitted services, the notifier of specially permitted services for foreign investors, etc., the financial instruments intermediary service provider, or the high-speed trader, must submit the document and its copy through the head of the finance branch office, the Director of the Otaru Sub-Office, or the Director of the Kitami Sub-Office.

4　第三十一条の規定により金融商品取引業者（第一種金融商品取引業又は投資運用業を行う者に限る。）の取締役又は執行役（外国法人にあっては、国内における代表者又は取締役若しくは執行役若しくはこれらに準ずるもの（金融商品取引業に係る職務を行う者に限る。））が提出をする届出書並びに第二百四条、第二百四十一条、第二百四十三条、第二百四十六条の二十二、第二百四十六条の二十六、第二百八十六条及び第三百四十四条に規定する届出書の提出先については、前項に定めるところに準ずるものとする。

(4) The person to whom the written notification submitted by a director or executive officer (for a foreign corporation, its representative in Japan, director or executive officer or a person equivalent to them (limited to a person that conducts business related to financial instruments business)) of a financial

instruments business operator (limited to an operator that conducts type I financial instruments business or investment management business) pursuant to the provisions of Article 31 and the written notifications prescribed in Article 204, Article 241, Article 243, Article 246-22, Article 246-26, Article 286, and Article 344, are to be submitted as specified in the preceding paragraph.

（情報通信の技術を利用する方法により提出することができる書類等）
(Documents That May Be Submitted by Means of Using Information and Communications Technology)

第三百四十九条　この府令の規定により金融庁長官等に提出する書類のうち金融庁長官が定めるものは、情報通信の技術を利用する方法であって金融庁長官が定めるものにより提出することができる。

Article 349 Among the documents to be submitted to the Commissioner of the Financial Services Agency, etc. pursuant to this Cabinet Office Order, those that are specified by the Commissioner may be submitted by the means of using information and communications technology that is specified by the Commissioner.

（標準処理期間）
(Standard Processing Period)

第三百五十条　金融庁長官等は、次の各号に掲げる登録、認可、承認、許可又は確認に関する申請があった場合は、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 350 (1) If an application for registration, authorization, approval, permission, or confirmation set forth in any of the following items has been filed, the Commissioner of the Financial Services Agency or other officials is to endeavor to render a disposition to the application within the period specified in each of those items commencing on the date the application arrived at the office:

一　法第二十九条、第三十三条の二、第六十六条、第六十六条の二十七及び第六十六条の五十の登録、法第三十条第一項の認可並びに法第六十条第一項及び第六十条の十四第一項の許可　二月

(i) a registration referred to in Article 29, Article 33-2, Article 66, Article 66-27, and Article 66-50 of the Act, an authorization referred to in Article 30, paragraph (1) of the Act, and a permission referred to in Article 60, paragraph (1) and Article 60-14, paragraph (1) of the Act: two months;

二　法第三十一条第四項の変更登録、同条第六項の認可、法第五十九条第一項の許可、法第三十五条第四項、第四十四条の三第一項ただし書及び第二項ただし書並びに第四十九条の四第二項並びに令第十五条の十三第三号の承認並びに法第三十九条第三項ただし書（法第六十六条の十五において準用する場合を含む。）の確認　一月

(ii) a registration of change referred to in Article 31, paragraph (4) of the Act,

an authorization referred to in paragraph (6) of that Article, a permission referred to in Article 59, paragraph (1) of the Act, an approval referred to in Article 35, paragraph (4), the proviso to Article 44-3, paragraph (1), the proviso to Article 44-3, paragraph (2), and Article 49-4, paragraph (2) of the Act, and Article 15-13, item (iii) of the Order, and a confirmation referred to in the proviso to Article 39, paragraph (3) of the Act (including as applied mutatis mutandis pursuant to Article 66-15 of the Act): 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 period referred to in the preceding paragraph is not to include the following periods:

一　当該申請を補正するために要する期間

(i) period necessary for correcting 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) period necessary 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) period necessary for the applicant to add materials found to be necessary for the examination of the application.

附　則　〔抄〕

Supplementary Provisions [Extract]

（証券会社の行為規制等に関する内閣府令等の廃止）

(Repeal of the Cabinet Office Order on Securities Corporation's Conduct Control and Other Cabinet Office Orders)

第六条　次に掲げる府令は、廃止する。

Article 6 The following Cabinet Office Orders are repealed:

一　証券会社の行為規制等に関する内閣府令（昭和四十年大蔵省令第六十号）

(i) Cabinet Office Order on Securities Corporation's Conduct Control (Order of Ministry of Finance No. 60 of 1965);

二　証券業協会の外務員登録事務等に関する内閣府令（平成十年総理府・大蔵省令第五号）

(ii) Cabinet Office Order on Registration Work of Sales Representatives of the Japan Securities Dealers Association (Order of Prime Minister's Office and Ministry of Finance No. 5 of 1998);

三　証券取引法施行令第十七条の二第一項第二号及び同条第二項に規定する有価証券を定める内閣府令（平成十年総理府・大蔵省令第十二号）

(iii) Cabinet Office Order Specifying Securities Provided in Article 17-2, Paragraph (1), Item (ii) and Paragraph (2) of That Article of the Order for Enforcement of the Securities and Exchange Act (Order of Prime Minister's

Office and Ministry of Finance No. 12 of 1998);

四　証券会社に関する内閣府令（平成十年総理府・大蔵省令第三十二号）

(iv) Cabinet Office Order on Securities Corporation (Order of Prime Minister's Office and Ministry of Finance No. 32 of 1998);

五　金融機関の証券業務に関する内閣府令（平成十年総理府・大蔵省令第三十五号）

(v) Cabinet Office Order on Securities Business Conducted by Financial Institution (Order of Prime Minister's Office and Ministry of Finance No. 35 of 1998);

六　証券会社の分別保管に関する内閣府令（平成十年総理府・大蔵省令第三十六号）

(vi) Cabinet Office Order on Securities Corporation's Segregated Custody (Order of Prime Minister's Office and Ministry of Finance No. 36 of 1998);

七　証券会社の自己資本規制に関する内閣府令（平成十三年内閣府令第二十三号）

(vii) Cabinet Office Order on Securities Corporation's Capital Requirements (Cabinet Office Order No. 23 of 2001); and

八　証券仲介業者に関する内閣府令（平成十六年内閣府令第一号）

(viii) Cabinet Office Order on Securities Broker (Cabinet Office Order No. 1 of 2004).

（証券会社に関する内閣府令の廃止に伴う経過措置）

(Transitional Measures Accompanying Repeal of Cabinet Office Order on Securities Corporations)

第七条　旧証券取引法第五十一条第二項ただし書の規定により受けた承認は、第百七十五条第二項の承認とみなす。

Article 7 The approval obtained pursuant to the provisions of the proviso to Article 51, paragraph (2) of the former Securities and Exchange Act is deemed to be the approval referred to in Article 175, paragraph (2).

（金融機関の証券業務に関する内閣府令の廃止に伴う経過措置）

(Transitional Measures Accompanying Repeal of Cabinet Office Order on Securities Business Conducted by Financial Institution)

第八条　旧証券取引法第六十五条の二第七項において準用する旧証券取引法第五十一条第二項ただし書の規定により受けた承認は、第百八十九条第二項の承認とみなす。

Article 8 The approval obtained pursuant to the provisions of the proviso to Article 51, paragraph (2) of the former Securities and Exchange Act as applied mutatis mutandis pursuant to Article 65-2, paragraph (7) of that Act is deemed to be the approval referred to in Article 189, paragraph (2).

（証券会社の分別保管に関する内閣府令の廃止に伴う経過措置）

(Transitional Measures Accompanying Repeal of Cabinet Office Order on Securities Corporation's Segregated Custody)

第九条　信託法の施行に伴う関係法律の整備等に関する法律（平成十八年法律第百九

号）第二条の規定によりなお従前の例によることとされる信託の同法第一条の規定による改正前の信託法（大正十一年法律第六十二号）第八条第一項に規定する信託管理人は、受益者代理人とみなして、第百四十一条第一項第二号、第三号及び第十一号並びに第六項の規定を適用する。

Article 9 The trust manager specified in Article 8, paragraph (1) of the Trust Act (Act No. 62 of 1922) before the amendment by Article 1 of the Act on Arrangement of Relevant Acts Incidental to Enforcement of the Trust Act (Act No. 109 of 2006) related the trust to which the provisions then in force remain applicable pursuant to Article 2 of that Act are deemed to be an agent for a beneficiary, and the provisions of Article 141, paragraph (1), item (ii), item (iii), and item (xi), and Article 141, paragraph (6) apply.

（特定投資家として取り扱うよう申し出ることができる個人の要件に関する経過措置）

(Transitional Measures on Requirements for Individuals Who May Request Treatment as Professional Investors)

第十条　第六十二条第三号の適用については、施行日前に締結した法第二条第八項各号に掲げる行為を行うことを内容とする契約は、同条第三号の金融商品取引契約とみなす。

Article 10 For the purpose of applying Article 62, item (iii), a contract which provides for performing acts set forth in the items of Article 2, paragraph (8) of the Act concluded before the enforcement date is deemed to be a financial instruments transaction contract referred to in item (iii) of that Article.

（上場有価証券等書面の交付に関する経過措置）

(Transitional Measures on Delivery of Explanatory Documents on Listed Securities)

第十三条　旧証券取引法第二条第九項に規定する証券会社は、施行日前においても、第八十条第一項第一号の規定の例により、顧客（当該証券会社がこの項の規定により書面を交付する日以前に附則第二条第一項の契約を締結した者に限る。）に対し、書面を交付することができる。この場合において、改正法附則第十八条第二項に規定するみなし登録第一種業者は、同号の規定により当該顧客に対して上場有価証券等書面を交付したものとみなす。

Article 13 (1) The securities company as defined in Article 2, paragraph (9) of the former Securities and Exchange Act may deliver documents to a customer before the enforcement date, in accordance with the provisions of Article 80, paragraph (1), item (i) (limited to the customer with whom the securities company has concluded a contract referred to in Article 2, paragraph (1) of the Supplementary Provisions before delivering documents pursuant to the provisions of this paragraph). In such a case, a type-I business operator deemed to have been registered that is prescribed in Article 18, paragraph (2)

of the Supplementary Provisions of the amended Act is deemed to have delivered the explanatory document on listed securities, etc. to the customer pursuant to the provisions of that item.

２　第八十条第一項第一号及び第三項の適用については、前項前段の規定により書面を交付した日を同号及び同条第三項の上場有価証券等書面を交付した日とみなす。

(2) For the purpose of applying Article 80, paragraph (1), item (i) and paragraph (3), the day when the document has been delivered pursuant to the provisions of the first sentence of the preceding paragraph is deemed to be the day when the explanatory document on listed securities, etc. referred to in that item and paragraph (3) of that Article has been delivered.

（契約締結前交付書面の交付に関する経過措置）

(Transitional Measures on Delivery of Document for Delivery Before Conclusion of a Contract)

第十四条　金融商品取引業者等が、施行日以後に金融商品取引契約を締結しようとする場合であって、施行日前に、当該金融商品取引契約と同種の内容の行為を行うことを内容とする契約について、顧客に対し、法第三十七条の三第一項の規定の例により書面を交付しているときには、当該顧客に対し、同項の規定により契約締結前交付書面を交付したものとみなして、第八十条第一項第二号の規定を適用する。

Article 14 (1) If a financial instruments business operator, etc. seeks to conclude a financial instruments transaction contract on or after the enforcement date, and has delivered a document concerning the contract which provides that an act with the same type of content as that for the financial instruments transaction contract to a customer before the enforcement date in accordance with the provisions of Article 37-3, paragraph (1) of the Act, the financial instruments business operator, etc. is deemed to have delivered the document for delivery before conclusion of the contract to the customer pursuant to the provisions of that paragraph, and the provisions of Article 80, paragraph (1), item (ii) apply.

２　金融商品取引業者等が、施行日以後に金融商品取引契約を締結しようとする場合であって、施行日前に、当該金融商品取引契約と同種の内容の行為を行うことを内容とする契約について、顧客に対し、旧金融先物取引法第七十条第一項又は旧商品投資事業規制法第十六条の規定により書面を交付しているときには、当該顧客に対し、法第三十七条の三第一項の規定により契約締結前交付書面を交付したものとみなして、第八十条第一項第二号の規定を適用する。

(2) If a financial instruments business operator, etc. seeks to conclude a financial instruments transaction contract on or after the enforcement date, and has delivered a document concerning the contract which provides that an act with the same type of content as that for the financial instruments transaction contract to a customer before the enforcement date pursuant to the provisions of Article 70, paragraph (1) of the former Financial Futures Trading Act or

Article 16 of the former Act on Regulation of Commodity Investment Business, the financial instruments business operator, etc. is deemed to have delivered the document for delivery before conclusion of the contract pursuant to the provisions of Article 37-3, paragraph (1) of the Act to the customer, and the provisions of Article 80, paragraph (1), item (ii) apply.

３　第八十条第一項第二号の適用については、前二項の規定により書面を交付した日を同号の契約締結前交付書面を交付した日とみなす。

(3) For the purpose of applying Article 80, paragraph (1), item (ii), the date when the document has been delivered pursuant to the provisions of the preceding two paragraphs is deemed to be the day when the document for delivery before conclusion of a contract referred to in that item has been delivered.

（非公開情報の授受の禁止に関する経過措置）

(Transitional Measures on Prohibition of Giving and Receiving Undisclosed Information)

第十七条　第百五十三条第一項第七号の規定は、証券取引法等の一部を改正する法律及び証券取引法等の一部を改正する法律の施行に伴う関係法律の整備等に関する法律の施行に伴う関係政令の整備等に関する政令（平成十九年政令第二百三十三号。以下「整備政令」という。）附則第十五条第二項、第十六条第二項、第十七条第二項及び第十八条第二項の規定により金融商品取引業者とみなされる者については、当分の間、適用しない。

Article 17 The provisions of Article 153, paragraph (1), item (vii) do not apply to a person that is deemed to be a financial instruments business operator pursuant to the provisions of Article 15, paragraph (2), Article 16, paragraph (2), Article 17, paragraph (2), and Article 18, paragraph (2) of the Supplementary Provisions of the Cabinet Order on Arrangement of Relevant Cabinet Orders Incidental to Enforcement of the Act on Partial Amendment of the Securities and Exchange Act and Enforcement of the Act on Arrangement of Relevant Acts Incidental to Enforcement of the Act on Partial Amendment of the Securities and Exchange Act (Cabinet Order No. 233 of 2007; hereinafter referred to as the "Cabinet Order on Arrangement"), until otherwise provided by law.

（帳簿書類に関する経過措置）

(Transitional Measures on Books and Documents)

第十八条　金融商品取引業者が、その行う金融商品取引業について、この府令の施行の日から起算して一年を経過する日までの間に第百五十七条第一項各号（第一号及び第二号を除く。以下この条において同じ。）又は第百八十一条第一項各号（第一号を除く。以下この条において同じ。）に掲げる帳簿書類に準ずる帳簿書類を作成した場合には、当該帳簿書類を第百五十七条第一項各号又は第百八十一条第一項各号に掲げる帳簿書類とみなす。

Article 18 If a financial instruments business operator has prepared books and documents equivalent to those set forth in the items of Article 157, paragraph (1) (excluding items (i) and (ii); hereinafter the same applies in this Article) or the items of Article 181, paragraph (1) (excluding item (i); hereinafter the same applies in this Article) concerning financial instruments business they conduct during the period commencing from the day of the enforcement of this Cabinet Office Order to the day on which one year has passed from that day, those books and documents are deemed to be the books and documents set forth in the items of Article 157, paragraph (1) or the items of Article 181, paragraph (1).

第十九条　登録金融機関が、その行う登録金融機関業務について、この府令の施行の日から起算して一年を経過する日までの間に第百八十四条第一項各号（第一号を除く。以下この条において同じ。）に掲げる帳簿書類に準ずる帳簿書類を作成した場合には、当該帳簿書類を第百八十四条第一項各号に掲げる帳簿書類とみなす。

Article 19 If a registered financial institution has prepared books and documents equivalent to those set forth in the items of Article 184, paragraph (1) (excluding item (i); hereinafter the same applies in this Article) concerning the registered financial institution business they conduct during the period commencing from day of the enforcement of this Cabinet Office Order to the day on which one year has passed from that day, those books and documents are deemed to be the books and documents set forth in the items of Article 184, paragraph (1).

（処分等の効力）

(Effect of Dispositions)

第二十九条　改正法の施行前にした附則第六条の規定による廃止前の同条各号に掲げる府令の規定によってした処分、手続その他の行為であって、この府令の規定に相当の規定があるものは、改正法附則、整備政令附則又はこの附則に別段の定めがあるものを除き、この府令の相当の規定によってしたものとみなす。

Article 29 The dispositions imposed, procedures taken, or other acts performed pursuant to the provisions of the Cabinet Office Orders set forth in the items of Article 6 of the Supplementary Provisions before the amendment by that Article before the enforcement of the amended Act, for which corresponding provisions exist in the provisions of this Cabinet Office Order, are deemed to have been imposed, taken, or performed pursuant to the corresponding provisions of this Cabinet Office Order, except as otherwise provided for in the Supplementary Provisions of the amended Act, the Supplementary Provisions of the Cabinet Order on Arrangement, or these Supplementary Provisions.

（罰則の適用に関する経過措置）

(Transitional Measures on Application of Penal Provisions)

第三十条　この府令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 30 For the purpose of applying penal provisions to acts performed before the enforcement of this Cabinet Office Order, the provisions then in force remain applicable.

（移行期間特例業務に係る届出）

(Notification of Specially Permitted Services for the Transitional Period)

第三十一条　法附則第三条の三第一項（同条第七項において準用する場合を含む。）の規定により届出を行う外国投資運用業者（同条第一項に規定する外国投資運用業者をいう。以下同じ。）又は外国投資運用業者の子会社（法第二十九条の四第四項に規定する子会社をいう。）は、別紙様式第三十一号により作成した移行期間特例業務（法附則第三条の三第五項に規定する移行期間特例業務をいい、同条第七項において準用する場合にあっては同項に規定する行為に係る業務。以下同じ。）に関する届出書に、当該届出書の写しを添付して、移行期間特例業務届出管轄財務局長等（当該届出を行う者の本店等の所在地を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては、福岡財務支局長）をいう。以下同じ。）に提出しなければならない。

Article 31 (1) A foreign investment management business operator (meaning the foreign investment management business operator prescribed in Article 3-3, paragraph (1) of the Supplementary Provisions of the Act; the same applies hereinafter) or a subsidiary company of a foreign investment management business operator (meaning the subsidiary company prescribed in Article 29-4, paragraph (4) of the Act) that gives a notification pursuant to the provisions of Article 3-3, paragraph (1) of the Supplementary Provisions of the Act (including as applied mutatis mutandis pursuant to paragraph (7) of that Article) must submit a written notification on the specially permitted services for the transitional period (meaning the specially permitted services for the transitional period prescribed in Article 3-3, paragraph (5) of the Supplementary Provisions of the Act, and if applied mutatis mutandis pursuant to paragraph (7) of that Article, the services related to the acts prescribed in that paragraph; the same applies hereinafter) which has been prepared using the Appended Form 31 to the competent Director-General of a Local Finance Bureau or other competent officials for specially permitted services for the transitional period (meaning the Director-General of a Local Finance Bureau with jurisdiction over the locality of the head office, etc. of the notifier (if the locality falls within the jurisdictional area of the Fukuoka Local Finance Branch Bureau, to its Director-General); the same applies hereinafter)), by attaching a copy of the written notification.

２　前項の届出書は、別紙様式第三十一号に準じて英語で作成することができる。

(2) The written notification referred to in the preceding paragraph may be prepared in English in the same manner as the Appended Form No. 31.

（外国投資運用業者等の使用人）

(Employees of Foreign Investment Management Business Operator, etc.)

第三十二条　令附則第三項第一号に規定する内閣府令で定める者は、部長、次長、課長その他いかなる名称を有する者であるかを問わず、同号に規定する業務を統括する者の権限を代行し得る地位にある者とする。

Article 32 (1) The person specified by Cabinet Office Order as prescribed in paragraph (3), item (i) of the Supplementary Provisions of the Order is a person that is in a position in which the person may be delegated the authority of a person that supervises the business prescribed in that item, irrespective of the person's title as the head of a department, the deputy head of a deparment, the section head, or any other title.

２　令附則第三項第二号に規定する内閣府令で定める者は、金融商品の価値等の分析に基づく投資判断を行う者とする。

(2) The persons specified by Cabinet Office Order as prescribed in paragraph (3), item (ii) of the Supplementary Provisions of the Order are the persons that make investment decisions based on analysis of the values, etc. of financial instruments.

（移行期間特例業務に係る届出事項）

(Matters to Be Notified Related to Specially Permitted Services for the Transitional Period)

第三十三条　法附則第三条の三第一項第九号（同条第七項において準用する場合を含む。）に規定する内閣府令で定める事項は、次に掲げる事項とする。

Article 33 The matters specified by Cabinet Office Order as prescribed in Article 3-3, paragraph (1), item (ix) of the Supplementary Provisions of the Act (including as applied mutantis mutandis pursuant to paragraph (7) of that Article) are the following matters:

一　主たる営業所又は事務所（外国法人にあっては、国内における主たる営業所又は事務所を含む。）及び移行期間特例業務を行う営業所又は事務所の電話番号並びにホームページアドレス

(i) the telephone number and the website URL of the principal business office or office (for a foreign corporation, including the principal business office or office in Japan) and the business office or office for conducting specially permitted services for the transitional period;

二　当該外国投資運用業者（法附則第三条の三第三項第一号ロに規定する政令で定める場合に該当する者にあっては、当該外国投資運用業者及び令附則第五項各号に掲げる者。次号において同じ。）が外国（同条第三項第一号イに規定する外国をいう。附則第四十四条第一項第一号並びに第四十九条第一項第十一号及び第十五号ヘ並び

に第二項第一号及び第十一号イにおいて同じ。）の法令に準拠し、当該外国において投資運用業に係る業務を開始した日

(ii) the day on which the foreign investment management business operator (for a person that falls under the case specified by Cabinet Order as prescribed in Article 3-3, paragraph (3), item (i), sub-item (b) of the Supplementary Provisions of the Act, the foreign investment management business operator and the persons set forth in the items of paragraph (5) of the Supplementary Provisions of the Order; the same applies in the following item) commenced business related to the investment management business in a foreign country (meaning the foreign country prescribed in Article 3-3, paragraph (3), item (i), sub-item (a) of the Supplementary Provisions of the Act; the same applies in Article 44, paragraph (1), item (i), and Article 49, paragraph (1), item (xi), and item (xii), sub-item (f), and paragraph (2), item (i), and item (xi), sub-item (a)) in compliance with foreign laws and regulations;

三　当該外国投資運用業者（法附則第三条の三第七項において準用する場合にあっては、当該外国投資運用業者及び当該子会社）が当該届出の日前三年以内に法に相当する外国の法令に基づく行政官庁の不利益処分を受けたことがある場合には、当該不利益処分を受けた年月日、理由及びその内容

(iii) if the foreign investment management business operator (if applied mutatis mutandis pursuant to Article 3-3, paragraph (7) of the Supplementary Provisions of the Act, the foreign investment management business operator and the subsidiary company) has been rendered an adverse disposition by an administrative agency based on foreign laws and regulations equivalent to the Act within three years before the date of notification, the date when the adverse disposition has been rendered, the reasons for being rendered the disposition, and the content of the disposition;

四　法人であるときは、次に掲げる事項

(iv) if the notifier is a corporation, the following matters:

イ　相談役、顧問その他いかなる名称を有する者であるかを問わず、当該法人に対し取締役、執行役又はこれらに準ずる者と同等以上の支配力を有するものと認められる者の氏名又は名称

(a) the names of persons that are found to have the same or a higher authority over the corporation as directors, executive officers, or persons equivalent to them, irrespective of the person's title of advisor, consultant, or any other title; and

ロ　主要株主（法附則第三条の三第三項第二号ホに規定する主要株主をいい、同条第七項において準用する場合にあっては当該外国投資運用業者を除く。第六号ヘ並びに附則第四十四条第一項第十一号チ、第四十七条第二項第四号ロ及びハ、第四十九条第一項第十三号及び第十五号チ並びに第二項第十一号カ、第五十条第一号ニ及び第九号ニ、第五十一条第一項第六号並びに第五十二条第一項第四号にお

いて同じ。）に関する次に掲げる事項

(b) the following matters concerning major shareholders (meaning the major shareholder prescribed in Article 3-3, paragraph (3), item (ii), sub-item (e) of the Supplementary Provisions of the Act, and if applied mutatis mutandis pursuant to paragraph (7) of that Article, excluding the foreign investment management business operator; the same applies in item (vi), sub-item (f), and Article 44, paragraph (1), item (xi), sub-item (h), Article 47, paragraph (2), item (iv), sub-items (b) and (c), Article 49, paragraph (1), item (xiii), and item (xv), sub-item (h), and paragraph (2), item (xi), sub-item (n), Article 50, item (i), sub-item (d), and item (ix), sub-item (d), Article 51, paragraph (1), item (vi), and Article 52, paragraph (1), item (iv) of the Supplementary Provisions):

（１）　商号、名称又は氏名

1. the trade name or name;

（２）　本店又は主たる事務所の所在地（個人にあっては、住所又は居所）

2. the location of the head office or principal office (for an individual, the domicile or residence); and

（３）　法人であるときは、代表者の氏名

3. for a corporation, the name of the representative;

五　外国法人であるときは、国内における代表者の所在地又は住所及び電話番号

(v) for a foreign corporation, the location or domicile and telephone number of the representative in Japan;

六　法附則第三条の三第七項において準用する場合にあっては、当該外国投資運用業者に関する次に掲げる事項

(vi) if applied mutatis mutandis pursuant to Article 3-3, paragraph (7) of the Supplementary Provisions of the Act, the following matters concerning the foreign investment management business operator:

イ　商号又は名称

(a) the trade name or name;

ロ　資本金の額又は出資の総額

(b) the amount of stated capital or the total amount of contribution;

ハ　役員（相談役、顧問その他いかなる名称を有する者であるかを問わず、当該法人に対し取締役、執行役又はこれらに準ずる者と同等以上の支配力を有するものと認められる者を含む。附則第三十六条、第四十四条第一項第九号及び第十一号、第四十七条第二項第三号ロ、第四十九条第一項第五号及び第十五号ハ並びに第二項第九号及び第十一号、第五十条第一号ロ及び第九号ロ、第五十一条第一項第四号イ並びに第五十二条第一項第二号において同じ。）の氏名又は名称

(c) the names of officers (including persons that are found to have the same or a higher authority over the corporation as directors, executive officers or persons equivalent to them, irrespective of their title of advisor, consultant, or any other title; the same applies in Article 36, Article 44, paragraph (1),

items (ix) and (xi), Article 47, paragraph (2), item (iii), sub-item (b), Article 49, paragraph (1), item (v), and item (xv), sub-item (c), and paragraph (2), items (ix) and (xi), Article 50, item (i), sub-item (b), and item (ix), sub-item (b), Article 51, paragraph (1), item (iv), sub-item (a), and Article 52, paragraph (1), item (ii) of the Supplementary Provisions);

ニ　重要な使用人（令附則第三項に規定する使用人をいう。附則第四十四条第一項第九号から第十一号まで、第四十七条第二項第三号ロ、第四十九条第一項第六号及び第十五号ニ並びに第二項第九号から第十一号まで、第五十条第一号ロ、第二号ロ及び第九号ロ、第五十一条第一項第四号イ並びに第五十二条第一項第二号において同じ。）があるときは、その者の氏名

(d) if the notifier has important employees (meaning the employee prescribed in paragraph (3) of the Supplementary Provisions of the Order; the same applies in Article 44, paragraph (1), items (ix) through (xi), Article 47, paragraph (2), item (iii), sub-item (b), Article 49, paragraph (1), item (vi), and item (xv), sub-item (d), and paragraph (2), items (ix) through (xi), Article 50, item (i), sub-item (b), item (ii), sub-item (b), and item (ix), sub-item (b), Article 51, paragraph (1), item (iv), sub-item (a), and Article 52, paragraph (1), item (ii) of the Supplementary Provisions), their names;

ホ　主たる営業所又は事務所の名称及び所在地

(e) the name and location of the principal business office or office; and

ヘ　主要株主に関する次に掲げる事項

(f) the following matters concerning major shareholders:

（１）　商号、名称又は氏名

1. the trade name or name;

（２）　本店又は主たる事務所の所在地（個人にあっては、住所又は居所）

2. the location of the head office or principal office (for an individual, the domicile or residence); and

（３）　法人であるときは、代表者の氏名

3. for a corporation, the name of the representative.

（投資者の保護を図る上で我が国と同等の水準にあると認められる投資運用業を行う者に関する制度を有している国又は地域）

(Countries or Regions That Have a System for Persons Conducting Investment Management Business Found to Have Equivalent Standards to That in Japan for Protecting Investors)

第三十四条　法附則第三条の三第三項第一号イに規定する内閣府令で定めるものは、その法令による投資運用業の規制、投資運用業を行う者の活動の状況その他の事情を勘案して金融庁長官が指定する国又は地域とする。

Article 34 The countries or regions specified by Cabinet Office Order as prescribed in Article 3-3, paragraph (3), item (i), sub-item (a) of the Supplementary Provisions of the Act are the countries or regions designated by

the Commissioner of the Financial Services Agency by taking account of the regulations on investment management business under their laws and regulations, the situation of activities of persons conducting investment management business, and other circumstances.

（分割又は事業の譲渡）
(Company Split or Business Transfer)

第三十五条　令附則第五項第二号に規定する内閣府令で定める場合は、分割により承継される事業自体で投資運用業を行うことができると認められる場合とする。

Article 35 (1) The cases specified by Cabinet Office Order as prescribed in Article 5, item (ii) of the Supplementary Provisions of the Order are the cases in which it is found that investment management business may be conducted by the business to be succeeded to through a split.

２　令附則第五項第三号に規定する内閣府令で定める場合は、譲渡される事業自体で投資運用業を行うことができると認められる場合とする。

(2) The cases specified by Cabinet Office Order as prescribed in Article 5, item (iii) of the Supplementary Provisions of the Order are the cases in which it is found that investment management business may be conducted by the business to be transferred.

（移行期間特例業務を適確に遂行するに足りる人的構成を有しない者）
(A Person That Does Not Have a Personnel Structure Sufficient to Properly Conduct Specially Permitted Services for the Transitional Period)

第三十六条　法附則第三条の三第三項第一号ニ（同条第七項において準用する場合を含む。）に規定する内閣府令で定める者は、次の各号のいずれかに該当する者とする。

Article 36 The person specified by Cabinet Office Order as prescribed in Article 3-3, paragraph (3), item (i), sub-item (d) of the Supplementary Provisions of the Act (including as applied mutatis mutandis pursuant to paragraph (7) of that Article) is a person that falls under any of the following items:

一　その行う業務に関する十分な知識及び経験を有する役員又は使用人の確保の状況並びに組織体制に照らし、当該業務を適正に遂行することができない者

(i) a person who is unable to perform the services in a proper manner, in light of the status of securing officers or employees that have sufficient knowledge and experience for performing the services and their organizational structure; or

二　役員又は使用人のうちに、経歴、暴力団員による不当な行為の防止等に関する法律第二条第二号に規定する暴力団又は同条第六号に規定する暴力団員との関係その他の事情に照らして業務の運営に不適切な資質を有する者があることにより、移行期間特例業務の信用を失墜させるおそれがある者

(ii) a person who is likely to cause the specially permitted services for the transitional period to lose credibility, due to having among officers or

employees a person with qualifications inappropriate for conducting the operation of the services in light of their personal history, relationship with an organized crime group as defined in Article 2, item (ii) of the Act on Prevention of Unjust Acts by Organized Crime Group Members, or relationship with organized crime group members as defined in item (vi) of that Article, or other circumstances.

（移行期間特例業務を適確に遂行するための必要な体制が整備されていると認められない者）

(A Person Who is Found Not to Have Developed a System Necessary for Apporiately Performing Specially Permitted Services for the Transitional Period)

第三十七条　法附則第三条の三第三項第一号ホ（同条第七項において準用する場合を含む。）に規定する内閣府令で定める者は、移行期間特例業務を適確に遂行するための社内規則（海外投資家等（同条第六項に規定する海外投資家等をいい、同条第五項第一号イ（１）から（３）までのいずれにも該当しないものに限る。附則第六十条、第六十二条及び第六十三条において同じ。）以外の者が権利者（令第十五条の十の四第二号に掲げる者を含む。）となることを防止するための措置に関する規定を含むものに限る。）を作成していない者又は当該社内規則を遵守するための体制を整備していない者とする。

Article 37 The person specified by Cabinet Office Order as prescribed in Article 3-3, paragraph (3), item (i), sub-item (e) of the Supplementary Provisions of the Act (including as applied mutatis mutandis pursuant to paragraph (7) of that Article) is a person who has not created the internal rules for appropriately performing specially permitted services for the transitional period (limited to internal rules that include provisions on measures for preventing persons other than foreign investors, etc. (meaning the foreign investors, etc. prescribed in paragraph (6) of that Article and limited to those who do not fall under any of paragraph (5), item (i), sub-item (a), 1. through 3. of that Article; the same applies in Article 60, Article 62, and Article 63 of the Supplementary Provisions) from becoming a right holder (including the persons set forth in Article 15-10-4, item (ii) of the Order)), or a person who has not developed a system for complying with those internal rules.

（株券等に含めない有価証券）

(Securities Excluded from Share Certificates)

第三十八条　令附則第六項に規定する内閣府令で定めるものは、次に掲げる有価証券とする。

Article 38 The securities specified by Cabinet Office Order as prescribed in paragraph (6) of the Supplementary Provisions of the Order are the following securities:

一　令附則第六項に規定する議決権を行使することができない株式であって、当該株式の取得と引換えに議決権のある株式を交付する旨の定款の定めのない株式に係る株券

(i) shares for which voting rights prescribed in paragraph (6) of the Supplementary Provisions of the Order may not be exercised, and for which the articles of incorporation do not provide the fact that the shares with voting rights are to be issued in exchange for the acquisition of the shares;

二　新株予約権証券又は新株予約権付社債券のうち、前号の株式のみを取得する権利を付与されているもの

(ii) share option certificates or corporate bond certificates with share options with the right to only acquire the shares set forth in the preceding item granted; and

三　令附則第六項第二号に掲げる有価証券で、受託有価証券が前二号に掲げる有価証券であるもの

(iii) the securities set forth in paragraph (6), item (ii) of the Supplementary Provisions of the Order, for which the entrusted securities are the securities set forth in the preceding two items.

（外国投資運用業者等が移行期間特例業務を行う場合に関する読替え）

(Deemed Replacement of Terms In Cases in Which Foreign Investment Management Business Operators Perform Specially Permitted Services for the Transitional Period)

第三十九条　法附則第三条の三第四項（同条第七項において準用する場合を含む。）の規定によりこの府令の規定を適用する場合には、第一条第四項第十二号中「第二百四十六条の十第三項第三号」とあるのは「第二百四十六条の十第三項第三号並びに附則第六十四条第一項第三号」と、同項第十三号中「第二百四十六条の二十二第二項第三号ロ」とあるのは「第二百四十六条の二十二第二項第三号ロ並びに附則第四十四条第一項第九号イ及び第十一号ハ、第四十七条第二項第三号ロ（（１）に係る部分に限る。）並びに第四十九条第二項第九号ロ及び第十一号リ」と、第九条第二号イ中「第六節の二」とあるのは「第六節の二並びに附則第三十三条第六号ニ、第四十四条第一項第九号から第十一号まで、第四十七条第二項第三号ロ、第四十九条第一項第六号及び第十五号ニ並びに第二項第九号から第十一号まで、第五十条第一号ロ、第二号ロ及び第九号ロ、第五十一条第一項第四号並びに第五十二条第一項第二号」とする。

Article 39 When applying the provisions of this Cabinet Office Order pursuant to the provisions of Article 3-3, paragraph (4) of the Supplementary Provisions of the Act (including as applied mutatis mutandis pursuant to paragraph (7) of that Article), the term "Article 246-10, paragraph (3), item (iii)" in Article 1, paragraph (4), item (xii) is deemed to be replaced with "Article 246-10, paragraph (3), item (iii), and Article 64, paragraph (1), item (iii) of the Supplementary Provisions", the term "Article 246-22, paragraph (2), item (iii), sub-item (b)" in item (xiii) of that paragraph is deemed to be replaced with

"Article 246-22, paragraph (2), item (iii), sub-item (b), and Article 44, paragraph (1), item (ix), sub-item (a), and item (xi), sub-item (c), Article 47, paragraph (2), item (iii), sub-item (b) (limited to the part related to 1.), and Article 49, paragraph (2), item (ix), sub-item (b), and item (xi), sub-item (i) of the Supplementary Provisions", the term "Section 6-2" in Article 9, item (ii), sub-item (a) is deemed to be replaced with "Section 6-2, and Article 33, item (vi), sub-item (d), Article 44, paragraph (1), items (ix) through (xi), Article 47, paragraph (2), item (iii), sub-item (b), Article 49, paragraph (1), item (vi), and item (xv), sub-item (d), and paragraph (2), items (ix) through (xi), Article 50, item (i), sub-item (b), item (ii), sub-item (b), and item (ix), sub-item (b), Article 51, paragraph (1), item (iv), and Article 52, paragraph (1), item (ii)".

（契約締結前交付書面の交付を要しない場合）

(Cases Delivery of Documents for Delivery Before the Conclusion of Contract Is Not Required)

第四十条　法附則第三条の三第四項の規定により適用する法第六十三条の九第八項の規定により適用する法第三十七条の三第一項ただし書に規定する内閣府令で定める場合は、第八十条第一項各号に掲げる場合のほか、当該顧客に対し当該金融商品取引契約（投資一任契約に限る。）に係る契約締結前交付書面に類する書面（外国の法令の規定により、当該外国の法令に基づいて作成されるものに限る。）を交付し、又は当該書面に記載すべき事項を記録した電磁的記録を提供している場合（当該顧客が、外国の法令の規定により、当該書面を交付し、又は当該電磁的記録を提供することを要しないものとされている者である場合を含む。）とする。

Article 40 The cases specified by Cabinet Office Order as prescribed in the proviso to Article 37-3, paragraph (1) of the Act that is applied pursuant to the provisions of Article 63-9, paragraph (8) of the Act as applied pursuant to Article 3-3, paragraph (4) of the Supplementary Provisions of the Act are in addition to the cases set forth in the items of Article 80, paragraph (1), the cases in which a document similar to a document for delivery before conclusion of a contract (limited to a document prepared based on laws and regulations of the foreign country pursuant to the provisions of foreign laws and regulations) related to the financial instruments transaction contract (limited to a discretionary investment contract) has been delivered to the customer, or an electronic or magnetic record on which matters to be stated in the document are recorded has been provided to the customer (including the cases in which the customer is a person for whom delivery of the document or provision of the electronic or magnetic record is not required pursuant to the provisions of foreign laws and regulations).

（契約締結時交付書面の交付を要しない場合）

(Cases Delivery of Documents for Delivery upon Conclusion of a Contract Is

Not Required)

第四十一条　契約締結時交付書面に係る法附則第三条の三第四項の規定により適用する法第六十三条の九第八項の規定により適用する法第三十七条の四第一項ただし書に規定する内閣府令で定める場合は、第百十条第一項各号に掲げる場合のほか、当該顧客に対し当該金融商品取引契約（投資一任契約に限る。）に係る契約締結時交付書面に類する書面（外国の法令の規定により、当該外国の法令に基づいて作成されるものに限る。）を交付し、又は当該書面に記載すべき事項を記録した電磁的記録を提供している場合（当該顧客が、外国の法令の規定により、当該書面を交付し、又は当該電磁的記録を提供することを要しないものとされている者である場合を含む。）とする。

Article 41 The cases specified by Cabinet Office Order as prescribed in the proviso to Article 37-4, paragraph (1) of the Act that is applied pursuant to the provisions of Article 63-9, paragraph (8) of the Act as applied pursuant to Article 3-3, paragraph (4) of the Supplementary Provisions of the Act related to a document for delivery upon conclusion of a contract are in addition to the cases set forth in the items of Article 110, paragraph (1), the cases in which a document similar to a document for delivery upon conclusion of a contract (limited to a document prepared based on laws and regulations of the foreign country pursuant to the provisions of foreign laws and reglations) related to the financial instruments transaction contract (limited to a discretionary investment contract) has been delivered to the customer or an electronic or magnetic record on which matters to be stated in the document are recorded has been provided to the customer (including the cases in which the customer is a person for whom delivery of the document or provision of the electronic or magnetic record is not required pursuant to the provisions of foreign laws and regulations).

（業務の運営の状況が公益に反し又は投資者の保護に支障を生ずるおそれがあるもの）

(Circumstances in Which Status of Operation of Business is Likely to Be Contrary to Public Interest or Hinder the Protection of Investors)

第四十二条　法附則第三条の三第四項の規定により適用する法第六十三条の九第八項の規定により適用する法第四十条第二号に規定する内閣府令で定める状況は、第百二十三条第一項各号に掲げる状況のほか、当該外国投資運用業者が法附則第三条の三第三項第一号ヘに該当することを防止するための必要かつ適切な措置を講じていないと認められる状況とする。

Article 42 The circumstances specified by Cabinet Office Order as prescribed in Article 40, item (ii) of the Act that is applied pursuant to the provisions of Article 63-9, paragraph (8) of the Act as applied pursuant to Article 3-3, paragraph (4) of the Supplementary Provisions of the Act are in addition to the circumstances set forth in the items of Article 123, paragraph (1), the circumstances in which it is found that the measures necessary and

appropriate for preventing the foreign investment management business operator from falling under Article 3-3, paragraph (3), item (i), sub-item (f) of the Supplementary Provisions of the Act have not been taken.

（運用報告書の交付に関する規定の読替え）

(Deemed Replacement of Terms of the Provisions on Delivery of Investment Reports)

第四十三条　法附則第三条の三第四項の規定により適用する法第六十三条の九第八項の規定により法第四十二条の七第一項ただし書の規定を適用する場合における第百三十四条第五項の規定の適用については、同項第五号中「第六十三条の八第一項第一号」とあるのは、「附則第三条の三第五項第一号」とする。

Article 43 For the purpose of applying the provisions of Article 134, paragraph (5) when applying the provisions of the proviso to Article 42-7, paragraph (1) of the Act pursuant to the provisions of Article 63-9, paragraph (8) of the Act as applied pursuant to Article 3-3, paragraph (4) of the Supplementary Provisions of the Act, the term "Article 63-8, paragraph (1), item (i)" in Article 134, paragraph (5), item (v) is deemed to be replaced with "Article 3-3, paragraph (5), item (i) of the Supplementary Provisions".

（移行期間特例業務に係る届出書の添付書類）

(Documents to Be Attached to Written Notification on Specially Permitted Services for the Transitional Period)

第四十四条　法附則第三条の三第四項（同条第七項において準用する場合を含む。）の規定により適用する法第六十三条の九第二項第三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 44 (1) The documents specified by Cabinet Office Order as prescribed in Article 63-9, paragraph (2), item (iii) of the Act as applied pursuant to the provisions of Article 3-3, paragraph (4) of the Supplementary Provisions of the Act (including as applied mutatis mutandis pursuant to paragraph (7) of that Article) are the following documents:

一　当該外国投資運用業者が外国の法令の規定により、当該外国において投資運用業を行うことにつき法第二十九条の登録と同種類の登録（当該登録に類する許可その他の行政処分を含む。）を受けていることを証する書面

(i) a document certifying that the foreign investment management business operator has obtained the same type of registration as the registration referred to in Article 29 of the Act (including permission or other administrative dispositions similar to the registration) for conducting investment management business in the foreign country pursuant to the provisions of laws and regulations of that foreign country;

二　当該外国投資運用業者が前号の外国の法令に準拠し、当該外国において行う投資運用業の概要（次に掲げる事項その他の事項について、当該外国の法令その他の規

則による制限がある場合にあっては、当該制限の内容及び根拠を含む。）を記載した書面

(ii) a document stating the outline of the investment management business that the foreign investment management business operator conducts in the foreign country in accordance with the foreign laws and regulations referred to in the preceding item (if there are any restrictions on the following matters or other matters under the laws and regulations or other rules of that foreign country, including the content of the restrictions and grounds for the restrictions):

イ　投資の対象とする資産の種類並びにその保有額及び保有割合

(a) the type of assets subject to investment, and the amount of assets held and the holding ratio of the assets;

ロ　運用を行う金銭その他の財産の総額

(b) the total amount of money or other properties to be invested; and

ハ　顧客の属性

(c) the customer attributes;

三　当該外国投資運用業者が、第一号の外国の法令に準拠し、当該外国において投資運用業を開始してから三年を経過していること、又は令附則第五項に定める場合に該当することを証する書面

(iii) a document certifying that three years have passed since the foreign investment management business operator commenced investment management business in the foreign country referred to in item (i) in confomity with the laws and regulations of that foreign country, or that the foreign investment management business operator falls under the case specified in paragraph (5) of the Supplementary Provisions of the Order;

四　当該外国投資運用業者（前号の令附則第五項に定める場合に該当することを証する書面を添付する場合にあっては、同項各号に掲げる者を含む。次号及び第八号において同じ。）が監督を受けている第一号の外国の当局に提出した直近の事業報告書に類する書類の写し

(iv) a copy of a document similar to the latest business report that the foreign investment management business operator (if attaching a document certifying that the foreign investment management business operator falls under the case specified in paragraph (5) of the Supplementary Provisions of the Order referred to in the preceding item, including the persons set forth in the items of that paragraph; the same applies in the following item and item (viii)) has submitted to the authority of the foreign country referred to in item (i) that supervises the foreign investment management business operator;

五　当該外国投資運用業者（法附則第三条の三第七項において準用する場合にあっては、当該外国投資運用業者及び当該子会社）が当該届出の日前三年以内に法に相当する外国の法令に基づく行政官庁の不利益処分を受けたことがある場合には、次に

掲げる書類

(v) if the foreign investment management business operator (if applied mutatis mutandis pursuant to Article 3-3, paragraph (7) of the Supplementary Provisions of the Act, the foreign investment management business operator and the subsidiary company) has been rendered an adverse disposition by an administrative agency based on foreign laws and regulations equivalent to the Act within three years before the date of notification, the following documents:

イ　当該不利益処分の内容並びに当該不利益処分を受けた年月日及び理由を証する書面

(a) a document certifying the content of the adverse disposition, the date when the adverse disposition has been rendered, and the reasons for being rendered the adverse disposition; and

ロ　当該外国の法令及びその訳文

(b) a copy of the laws and regulations of the foreign country, and their Japanese translation;

六　業務に係る人的構成及び組織等の業務執行体制を記載した書面

(vi) the documents stating the personnel structure and the system for conducting business of the organization;

七　移行期間特例業務に関する社内規則

(vii) internal rules concerning the specially permitted services for the transitional period;

八　直近の事業年度における当該外国投資運用業者が運用を行う金銭その他の財産の総額に占める令附則第六項に定める有価証券の価額の割合の推移を記載した書面

(viii) a document stating the changes in the percentages of the value of the securities provided for in paragraph (6) of the Supplementary Provisions of the Order to the total amount of money or other properties to be invested by the foreign investment management business operator in the most recent business year;

九　法人であるときは、次に掲げる書類

(ix) if the notifier is a corporation, the following documents:

イ　役員及び重要な使用人の履歴書（役員が法人であるときは、当該役員の沿革を記載した書面）

(a) the resumes of the officers and important employees (if an officers is a corporation, a document stating the background of the officer);

ロ　役員及び重要な使用人の住民票の抄本（役員が法人であるときは、当該役員の登記事項証明書）又はこれに代わる書面

(b) extracts of the resident records of the officers and important employees (if an officer is a corporation, a certificate of registered information of the officer), or alternative documents;

ハ　役員及び重要な使用人の旧氏及び名を当該役員及び重要な使用人の氏名に併せ

て法附則第三条の三第一項（同条第七項において準用する場合を含む。）の届出書に記載した場合において、ロに掲げる書類が当該役員及び重要な使用人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

(c) if the former surname and given name of the officer or important employee are stated together with the name of the officer or important employee in a written notification referred to in Article 3-3, paragraph (1) of the Supplementary Provisions of the Act (including as applied mutatis mutandis pursuant to paragraph (7) of that Article), and the document set forth in sub-item (b) is not a document certifying the former surname and given name of the officer or important employee, a document certifying the former surname and given name;

ニ　役員及び重要な使用人が法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

(d) a certificate issued by a public agency certifying that the officers and important employees do not fall under Article 29-4, paragraph (1), item (ii), (b) of the Act, or alternative documents;

ホ　役員及び重要な使用人が法第二十九条の四第一項第二号イ又はハからリまでのいずれにも該当しない者であることを当該役員及び重要な使用人が誓約する書面

(e) the document with which the officer and important employee pledge that they do not fall under any of Article 29-4, paragraph (1), item (ii), sub-item (a), or sub-items (c) through (i) of the Act;

ヘ　主要株主（法附則第三条の三第三項第二号ホに規定する主要株主をいう。附則第四十七条第二項第四号イ及び第四十九条第二項第九号トにおいて同じ。）が保有する対象議決権（法第二十九条の四第二項に規定する対象議決権をいい、同条第五項の規定により保有しているものとみなされるものを含む。第十一号チ並びに附則第四十七条第二項第四号イ並びに第四十九条第二項第九号ト及び第十一号カにおいて同じ。）の数を記載した書面

(f) a document stating the number of subject voting rights (meaning the subject voting rights prescribed in Article 29-4, paragraph (2) of the Act, and including those deemed to be held pursuant to the provisions of paragraph (5) of that Article; the same applies in item (xi), sub-item (h), and Article 47, paragraph (2), item (iv), sub-item (a), and Article 49, paragraph (2), item (ix), sub-item (g), and item (xi), sub-item (n) of the Supplementary Provisions) held by major shareholders (meaning the major shareholder prescribed in Article 3-3, paragraph (3), item (ii), sub-item (e) of the Supplementary Provisions of the Act; the same applies in Article 47, paragraph (2), item (iv), sub-item (a), and Article 49, paragraph (2), item (ix), sub-item (g) of the Supplementary Provisions);

十　個人であるときは、次に掲げる書類

(x) if the notifier is an individual, the following documents:

イ　届出者及び重要な使用人の履歴書

(a) the resumes of the notifier and important employees;

ロ　届出者及び重要な使用人の住民票の抄本又はこれに代わる書面

(b) extracts of the resident records of the notifier and important employees, or alternative documents;

ハ　届出者及び重要な使用人の旧氏及び名を当該届出者及び重要な使用人の氏名に併せて法附則第三条の三第一項の届出書に記載した場合において、ロに掲げる書類が当該届出者及び重要な使用人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

(c) if the former surname and given name of the notifier or important employee are stated together with the name of the notifier or important employee in a written notification referred to in Article 3-3, paragraph (1) of the Supplementary Provisions of the Act, and the document set forth in sub-item (b) is not a document certifying the former surname and given name of the notifier or important employee, a document certifying the former surname and given name;

ニ　届出者及び重要な使用人が法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

(d) a certificate issued by a public agency certifying that the notifier and important employee do not fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, or alternative documents;

ホ　重要な使用人が法第二十九条の四第一項第二号イ又はハからリまでのいずれにも該当しない者であることを当該重要な使用人が誓約する書面

(e) documents with which an important employee pledges that they do not fall under any of Article 29-4, paragraph (1), item (ii), sub-item (a), or sub-items (c) through (i) of the Act;

十一　法附則第三条の三第七項において準用する場合にあっては、当該外国投資運用業者に関する次に掲げる書類

(xi) if applied mutatis mutandis pursuant to Article 3-3, paragraph (7) of the Supplementary Provisions of the Act, the following documents related to the foreign investment management business operator:

イ　当該外国投資運用業者が法附則第三条の三第三項第一号及び第二号（ロからニまでを除く。）に該当しないことを当該外国投資運用業者が誓約する書面、定款（これに準ずるものを含む。）並びに法人の登記事項証明書（これに準ずるものを含む。）

(a) a document with which the foreign investment management business operator pledges that they do not fall under Article 3-3, paragraph (3), items (i) and (ii) (excluding sub-items (b) through (d)) of the Supplementary Provisions of the Act, 4rethe articles of incorporation (including an equivalent document), and a certificate of registered information of the corporation (including an equivalent document);

ロ　業務に係る人的構成及び組織等の業務執行体制を記載した書面

(b) the documents stating the personnel structure and the system for conducting business of the organization;

ハ　役員及び重要な使用人の履歴書（役員が法人であるときは、当該役員の沿革を記載した書面）

(c) the resumes of the officers and important employees (if an officer is a corporation, a document stating the background of the officer);

ニ　役員及び重要な使用人の住民票の抄本（役員が法人であるときは、当該役員の登記事項証明書）又はこれに代わる書面

(d) extracts of the resident records of the officers and important employees (if an officer is a corporation, a certificate of registered information of the officer), or alternative documents;

ホ　役員及び重要な使用人の旧氏及び名を当該役員及び重要な使用人の氏名に併せて法附則第三条の三第七項において準用する同条第一項の届出書に記載した場合において、ニに掲げる書類が当該役員及び重要な使用人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

(e) if the former surname and given name of an officer or important employee are stated together with the name of the officer or important employee in a written notification referred to in Article 3-3, paragraph (1) of the Supplementary Provisions of the Act as applied mutatis mutandis pursuant to paragraph (7) of that Article, and the document set forth in sub-item (d) is not a document certifying the former surname and given name of the officer or important employee, a document certifying the former surname and given name;

ヘ　役員及び重要な使用人が法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

(f) a certificate issued by a public agency certifying that the officers and important employees do not fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, or alternative documents;

ト　役員及び重要な使用人が法第二十九条の四第一項第二号イ又はハからリまでのいずれにも該当しない者であることを当該役員及び重要な使用人が誓約する書面

(g) a document with which the officer and important employee pledge that they do not fall under any of Article 29-4, paragraph (1), item (ii), sub-item (a), or sub-items (c) through (i) of the Act; and

チ　主要株主が保有する対象議決権の数を記載した書面

(h) a document stating the number of subject voting rights held by major shareholders.

２　前項各号に掲げる書類は、英語で記載することができる。

(2) The documents set forth in the items of the preceding paragraph may be written in English.

（移行期間特例業務に係る届出事項の金融庁長官等による縦覧）

(Public Inspection of Notified Matters Concerning Specially Permitted Services for the Transitional Period by Commissioner of the Financial Services Agency or Other Officials)

第四十五条　金融庁長官又は移行期間特例業務届出管轄財務局長等は、移行期間特例業務届出者（法附則第三条の三第四項（同条第七項において準用する場合を含む。次項において同じ。）の規定により海外投資家等特例業務届出者に該当することとなる者をいう。以下同じ。）に係る別紙様式第三十二号に記載されている事項を金融庁若しくは当該移行期間特例業務届出者の本店等の所在地を管轄する財務局（当該所在地が福岡財務支局の管轄区域内にある場合にあっては、福岡財務支局）に備え置いて公衆の縦覧に供し、又はインターネットの利用その他の方法により公表するものとする。

Article 45 (1) The Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau or other competent officials for specially permitted services for the transitional period is to keep the information stated in the Appended Form No. 32 concerning notifiers of specially permitted services for the transitional period (meaning a person that comes to fall under a notifier of specially permitted services for foreign investors, etc. pursuant to the provisions of Article 3-3, paragraph (4) of the Supplementary Provisions of the Act (including as applied mutatis mutandis pursuant to paragraph (7) of that Article; the same applies in the following paragraph); the same applies hereinafter) at the Financial Services Agency or the local finance bureau with jurisdiction over the locality of the head office, etc. of the notifier of specially permitted services for the transitional period (if the locality falls within the jurisdictional district of the Fukuoka Local Finance Branch Bureau, at the Fukuoka Local Finance Branch Bureau), and make the information available for public inspection, or publicize it by using the internet or other means.

２　法附則第三条の三第四項の規定により適用する法第六十三条の九第四項に規定する内閣府令で定める事項は、別紙様式第三十二号に記載されている事項とする。

(2) The matters specified by Cabinet Office Order as prescribed in Article 63-9, paragraph (4) of the Act that is applied pursuant to the provisions of Article 3-3, paragraph (4) of the Supplementary Provisions of the Act are the matters stated in the Appended Form No. 32.

（移行期間特例業務に係る届出事項の移行期間特例業務届出者による縦覧）

(Public Inspection of Notified Matters Concerning Specially Permitted Services for the Transitional Period by Notifiers of Specially Permitted Services for the Transitional Period)

第四十六条　法附則第三条の三第四項（同条第七項において準用する場合を含む。次項において同じ。）の規定により適用する法第六十三条の九第五項の規定により移行期間特例業務届出者は、別紙様式第三十二号により作成した書面の写しを主たる営業所若しくは事務所及び移行期間特例業務を行う全ての営業所若しくは事務所（外国法人

にあっては、国内における主たる営業所又は事務所及び移行期間特例業務を行うため国内に設ける全ての営業所又は事務所）に備え置いて公衆の縦覧に供し、又はインターネットの利用その他の方法により、投資者が常に容易に閲覧することができるよう公表しなければならない。

Article 46 (1) Pursuant to the provisions of Article 63-9, paragraph (5) of the Act that is applied pursuant to the provisions of Article 3-3, paragraph (4) of the Supplementary Provisions of the Act (including as applied mutatis mutandis pursuant to paragraph (7) of that Article; the same applies in the following paragraph), a notifier of specially permitted services for the transitional period must keep a copy of the document prepared using the Appended Form No. 32 at their principal business office or office and all business offices or offices for conducting specially permitted services for the transitional period (for a foreign corporation, at its principal business office or office in Japan and all business offices or offices in Japan for conducting specially permitted services for the transitional period) and make the copy available for public inspection, or publicize the copy by using the internet or other means to enable easy access for investors at all times.

２　法附則第三条の三第四項の規定により適用する法第六十三条の九第五項に規定する内閣府令で定める事項は、別紙様式第三十二号に記載されている事項とする。

(2) The matters specified by Cabinet Office Order as prescribed in Article 63-9, paragraph (5) of the Act that is applied pursuant to the provisions of Article 3-3, paragraph (4) of the Supplementary Provisions of the Act are the matters stated in the Appended Form No. 32.

３　第一項の書面は、別紙様式第三十二号に準じて英語で作成することができる。

(3) The document referred to in paragraph (1) may be prepared in English in the same manner as the Appended Form No. 32.

（移行期間特例業務に係る届出事項の変更の届出）

(Notification of Change of Matters to be Notified Concerning Specially Permitted Services for the Transitional Period)

第四十七条　法附則第三条の三第四項（同条第七項において準用する場合を含む。以下この項において同じ。）の規定により適用する法第六十三条の九第七項の規定により届出を行う移行期間特例業務届出者は、変更の内容、変更年月日及び変更の理由を記載した届出書に、別紙様式第三十一号により作成した変更後の内容を記載した書面及び当該書面の写しを添付して、移行期間特例業務届出所管金融庁長官等（法附則第三条の三第四項の規定により適用する令第四十二条第二項の規定により金融庁長官の指定を受けた移行期間特例業務届出者にあっては金融庁長官、それ以外の移行期間特例業務届出者にあっては移行期間特例業務届出管轄財務局長等をいう。以下同じ。）に提出しなければならない。

Article 47 (1) A notifier of specially permitted services for the transitional period that gives a notification pursuant to the provisions of Article 63-9, paragraph

(7) of the Act that is applied pursuant to the provisions of Article 3-3, paragraph (4) of the Supplementary Provisions of the Act (including as applied mutatis mutandis pursuant to paragraph (7) of that Article; hereinafter the same applies in this paragraph) must submit a written notification stating the content of the change, the date of the change, and the reasons for the change to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for the notification of specially permitted services for the transitional period (meaning the Commissioner of the Financial Services Agency for a notifier of specially permitted services for the transitional period designated by the Commissioner of the Financial Services Agency pursuant to the provisions of Article 42, paragraph (2) of the Order that is applied pursuant to the provisions of Article 3-3, paragraph (4) of the Supplementary Provisions of the Act, and meaning the competent Director-General of a Local Finance Bureau or other competent officials for specially permitted services for the transitional period in the case of other notifier of specially permitted services for the transitional period; the same applies hereinafter), by attaching a document stating the content of the change prepared using the Appended Form No. 31 and its copy.

２　前項の届出書には、次の各号に掲げる場合の区分に応じ、当該各号に定める書類を添付するものとする。ただし、やむを得ない事由があるときは、当該届出書の提出後遅滞なく提出すれば足りる。

(2) The documents specified in the following items in accordance with the category of the cases set forth in each of those items are to be attached to the written notification referred to in the preceding paragraph; provided, however, that if there are compelling reasons, it is sufficient to submit the documents after submitting the written notification without delay:

一　法附則第三条の三第一項第一号又は附則第三十三条第六号イに掲げる事項について変更があった場合　次に掲げる書類

(i) if there is any change to the matters set forth in Article 3-3, paragraph (1), item (i) of the Supplementary Provisions of the Act or Article 33, item (vi), sub-item (a) of the Supplementary Provisions: the following documents:

イ　当該変更に係る事項を記載した登記事項証明書（個人であるときは、住民票の抄本）又はこれに代わる書面

(a) a certificate of registered information stating the changed matters (for an individual, an extract of the resident record), or alternative documents; and

ロ　旧氏及び名を、氏名に併せて別紙様式第三十一号により作成した変更後の内容を記載した書面に記載した場合において、イに掲げる書類が当該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

(b) if the former surname and given name are stated together with the current name in a document stating the changed content which is prepared

using the Appended Form No. 31 and the document set forth in sub-item (a) is not a document certifying the former surname and given name, a document certifying the former surname and given name;

二　法附則第三条の三第一項第二号若しくは第六号又は附則第三十三条第六号ロ若しくはホに掲げる事項について変更があった場合　当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面

(ii) if there is any change to the matters set forth in Article 3-3, paragraph (1), item (ii) or (vi) of the Supplementary Provisions of the Act or Article 33, item (vi), sub-item (b) or (e) of the Supplementary Provisions: a certificate of registered information stating the matters that have been changed, or alternative documents;

三　法附則第三条の三第一項第三号若しくは第四号又は附則第三十三条第四号イ若しくは第六号ハ若しくはニに掲げる事項について変更があった場合　次に掲げる書類

(iii) if there is any change to the matters set forth in Article 3-3, paragraph (1), item (iii) or (iv) of the Supplementary Provisions of the Act, or Article 33, item (iv), sub-item (a), or item (vi), sub-item (c) or (d) of the Supplementary Provisions: the following documents:

イ　役員に変更があった場合には、当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面

(a) if there is a change of officers, a certificate of the registered information stating the changed matters, or alternative documents;

ロ　新たに役員又は重要な使用人となった者に係る次に掲げる書類

(b) the following documents concerning the persons that have newly become an officer or important employee:

（１）　履歴書（役員が法人であるときは、当該役員の沿革を記載した書面）

1. the resumes (if an officer is a corporation, a document stating the background of the officer);

（２）　住民票の抄本（役員が法人であるときは、当該役員の登記事項証明書）又はこれに代わる書面

2. extracts of the resident records (if an officer is a corporation, a certificate of the registered information of the officer), or alternative documents;

（３）　旧氏及び名を、氏名に併せて別紙様式第三十一号により作成した変更後の内容を記載した書面に記載した場合において、（２）に掲げる書類が当該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

3. if the former surname and given name are stated together with the current name in a document stating the changed content which is prepared using the Appended Form No. 31 and the document set forth in 2. is not a document certifying the former surname and given name, a document certifying the former surname and given name;

（４）　法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又は

これに代わる書面

4. a certificate issued by a public agency certifying that the person does not fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, or alternative documents;

（５）　法第二十九条の四第一項第二号イ又はハからリまでのいずれにも該当しない者であることを当該役員又は重要な使用人が誓約する書面

5. a document with which the officer and important employee pledge that they do not fall under any of Article 29-4, paragraph (1), item (ii), sub-item (a), or sub-items (c) through (i) of the Act;

（６）　当該移行期間特例業務届出者が法人であるときは、法附則第三条の三第三項第二号イ（法第二十九条の四第一項第二号イに係る部分に限る。）に該当しないことを誓約する書面（附則第三十三条第六号ハ又はニに掲げる事項に変更があった場合にあっては、当該外国投資運用業者が法附則第三条の三第三項第二号イ（法第二十九条の四第一項第二号イに係る部分に限る。）に該当しないことを当該外国投資運用業者が誓約する書面）

6. if the notifier of specially permitted services for the transitional period is a corporation, a document with which they pledge that the corporation does not fall under Article 3-3, paragraph (3), item (ii), sub-item (a) of the Supplementary Provisions of the Act (limited to the part related to Article 29-4, paragraph (1), item (ii), sub-item (a) of the Act) (if there is any change to the matters set forth in Article 33, item (vi), sub-item (c) or (d) of the Supplementary Provisions, a document with which the foreign investment management business operator pledges that they do not fall under Article 3-3, paragraph (3), item (ii), sub-item (a) of the Supplementary Provisions of the Act (limited to the part related to Article 29-4, paragraph (1), item (ii), sub-item (a) of the Act));

（７）　当該移行期間特例業務届出者が個人であるときは、法附則第三条の三第三項第三号イ（法第二十九条の四第一項第二号イに係る部分に限る。）に該当しないことを誓約する書面

7. if the notifier of specially permitted services for the transitional period is an individual, a document with which they pledge that they do not fall under Article 3-3, paragraph (3), item (ii), sub-items (a) of the Supplementary Provisions of the Act (limited to the part related to Article 29-4, paragraph (1), item (ii), sub-item (a) of the Act);

四　附則第三十三条第四号ロ又は第六号ヘに掲げる事項に変更があった場合　次に掲げる書類

(iv) if there is any change to the matters set forth in Article 33, item (iv), sub-item (b), or item (vi), sub-item (f) of the Supplementary Provisions, the following documents:

イ　主要株主（附則第三十三条第六号ヘに掲げる事項に変更があった場合にあって

は、当該外国投資運用業者の主要株主）が保有する対象議決権の数を記載した書面

(a) a document stating the number of subject voting rights held by major shareholders (if there is any change to the maters set forth in Article 33, item (vi), sub-item (f) of the Supplementary Provisions, major shareholders of the foreign investment management business operator);

ロ　新たに主要株主（附則第三十三条第六号へに掲げる事項に変更があった場合にあっては、当該外国投資運用業者の主要株主。ハにおいて同じ。）となった者がある場合において、当該主要株主が個人であるときは、法附則第三条の三第三項第二号ホに該当しないことを誓約する書面（附則第三十三条第六号へに掲げる事項に変更があった場合にあっては、当該外国投資運用業者が同項第二号ホに該当しないことを当該外国投資運用業者が誓約する書面）

(b) if there is a person that has newly become a major shareholder (if there is any change to the maters set forth in Article 33, item (vi), sub-item (f) of the Supplementary Provisions, a major shareholder of the foreign investment management business operator; the same applies in sub-item (c)) and the major shareholder is an individual, a document with which the individual pledges that they do not fall under Article 3-3, paragraph (3), item (ii), sub-item (e) of the Supplementary Provisions of the Act (if there has been any change to the matters specified in Article 33, item (vi), sub-item (f) of the Supplementary Provisions, a document with which the foreign investment management business operator pledges that they do not fall under item (ii), sub-item (e) of that paragraph); and

ハ　新たに主要株主となった者がある場合において、当該主要株主が法人であるときは、法附則第三条の三第三項第二号へに該当しないことを誓約する書面（附則第三十三条第六号へに掲げる事項に変更があった場合にあっては、当該外国投資運用業者が同項第二号へに該当しないことを当該外国投資運用業者が誓約する書面）

(c) if there is a person who has newly become a major shareholder and the major shareholder is a corporation, a document with which the person pledges that they do not fall under Article 3-3, paragraph (3), item (ii), (f) of the Supplementary Provisions of the Act (if there is any change to the matters set forth in Article 33, item (vi), (f) of the Supplementary Provisions, a document with which the foreign investment management business operator pledges that they do not fall under item (ii), (f) of that paragraph).

３　第一項の届出書及び前項各号に定める書類は、英語で記載することができる。

(3) The written notification referred to in paragraph (1) and the documents specified in the items of the preceding paragraph may be written in English.

４　第一項の書面は、別紙様式第三十一号に準じて英語で作成することができる。

(4) The document referred to in paragraph (1) may be prepared in English in the

same manner as the Appended Form No. 31.

（移行期間特例業務に該当しなくなった場合の届出）
(Notification When Services No Longer Fall Under Specially Permitted Services for the Transitional Period)

第四十八条　法附則第三条の三第四項（同条第七項において準用する場合を含む。）の規定により適用する法第六十三条の九第十項の規定により届出を行う移行期間特例業務届出者は、その旨、該当しなくなった年月日及び該当しなくなった理由を記載した届出書を移行期間特例業務届出所管金融庁長官等に提出しなければならない。

Article 48 (1) A notifier of specially permitted services for the transitional period that gives a notification pursuant to the provisions of Article 63-9, paragraph (10) of the Act that is applied pursuant to the provisions of Article 3-3, paragraph (4) of the Supplementary Provisions of the Act (including as applied mutatis mutandis pursuant to paragraph (7) of that Article) must submit a written notification stating that fact, the date when the business came to no longer fall under specially permitted services for the transitional period, and the reasons for no longer falling under those services, to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for the notification of specially permitted services for the transitional period.

２　前項の届出書は、英語で記載することができる。

(2) The written notification referred to in the preceding paragraph may be written in English.

（移行期間特例業務届出者の地位の承継の届出）
(Notification of Succession of Status of Notifier of Specially Permitted Services for the Transitional Period)

第四十九条　法附則第三条の三第四項（同条第七項において準用する場合を含む。以下この項において同じ。）の規定により適用する法第六十三条の十第二項の規定により届出を行う者は、次に掲げる事項（法附則第三条の三第七項において準用する場合にあっては、第十一号に掲げる事項を除く。）を記載した届出書を、移行期間特例業務届出者（法附則第三条の三第四項の規定により適用する法第六十三条の十第一項の海外投資家等特例業務届出者に該当することとなる者に限る。）に係る移行期間特例業務届出所管金融庁長官等に提出しなければならない。

Article 49 (1) A person that gives a notification pursuant to the provisions of Article 63-10, paragraph (2) of the Act that is applied pursuant to the provisions of Article 3-3, paragraph (4) of the Supplementary Provisions of the Act (including as applied mutatis mutandis pursuant to paragraph (7) of that Article) must submit a written notification stating the following matters (if applied mutatis mutandis pursuant to Article 3-3, paragraph (7) of the Supplementary Provisions of the Act, excluding the matters set forth in item

(xi)), to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for the notification of specially permitted services for the transitional period related to the notifier of specially permitted services for the transitional period (limited to a person who is to fall under a notifier of specially permitted services for foreign investors, etc. referred to in the provisions of Article 63-10, paragraph (1) of the Act that is applied pursuant to the provisions of Article 3-3, paragraph (4) of the Supplementary Provisions of the Act):

一　承継した者の商号、名称又は氏名

(i) the trade name or name of the successor;

二　承継の年月日及び理由

(ii) the date of and the reasons for the succession;

三　承継の方法

(iii) the method of succession;

四　承継した者が法人であるときは、資本金の額又は出資の総額

(iv) if the successor is a corporation, the amount of stated capital, or the total amount of contribution;

五　承継した者が法人であるときは、役員の氏名又は名称

(v) if the successor is a corporation, the names of the officers;

六　承継した者に重要な使用人があるときは、その者の氏名

(vi) if the successor has important employees, their names;

七　承継した者の主たる営業所又は事務所（外国法人にあっては、国内における主たる営業所又は事務所を含む。第十号において同じ。）の名称及び所在地

(vii) the name and location of the principal business office or office (for a foreign corporation, including the principal business office or office in Japan; the same applies in item (x)) of the successor;

八　承継した者が移行期間特例業務を行う営業所又は事務所の名称及び所在地

(viii) the name and location of the business office or office in which the successor conducts specially permitted services for the transitional period;

九　承継した者が他に事業を行っているときは、その事業の種類

(ix) if the successor conducts another business, the type of that business;

十　承継した者の主たる営業所又は事務所及び移行期間特例業務を行う営業所又は事務所の電話番号並びにホームページアドレス

(x) the telephone number and the website URL of the principal business office or office of the successor and the business office or office for conducting specially permitted services for the transitional period;

十一　承継した者（法附則第三条の三第三項第一号ロに規定する政令で定める場合に該当する者にあっては、当該承継した者及び令附則第五項各号に掲げる者。次号並びに次項第四号、第五号及び第八号において同じ。）が外国の法令に準拠し、当該外国において投資運用業に係る業務を開始した日

(xi) the day on which the successor (for a person falling under the case

specified by Cabinet Order as prescribed in Article 3-3, paragraph (3), item (i), sub-item (b) of the Supplementary Provisions of the Act, the successor and the persons set forth in the items of paragraph (5) of the Supplementary Provisions of the Order; the same applies in the following item and item (iv), item (v), and item (viii) of the following paragraph) has commenced services related to the investment management business in a foreign country in accordance with the laws and regulations of that foreign country;

十二　承継した者が当該届出の日前三年以内に法に相当する外国の法令に基づく行政官庁の不利益処分を受けたことがある場合には、当該不利益処分を受けた年月日、理由及びその内容

(xii) if the successor has been rendered an adverse disposition by an administrative agency based on foreign laws and regulations equivalent to the Act within three years before the date of notification, the date when the adverse disposition was rendered, the reasons for the adverse disposition to be rendered, and the content of the adverse disposition;

十三　承継した者が法人であるときは、主要株主に関する次に掲げる事項

(xiii) if the successor is a corporation, the following matters concerning major shareholders:

イ　商号、名称又は氏名

(a) the trade name or name;

ロ　本店又は主たる事務所の所在地（個人にあっては、住所又は居所）

(b) the location of the head office or principal office (for an individual, the domicile or residence); and

ハ　法人であるときは、代表者の氏名

(c) for a corporation, the name of its representative;

十四　承継した者が外国法人であるときは、国内における代表者の所在地又は住所及び電話番号

(xiv) if the successor is a foreign corporation, the location or domicile and telephone number of the representative in Japan;

十五　承継した者が法附則第三条の三第七項に規定する行為に係る業務を行う場合にあっては、当該外国投資運用業者に関する次に掲げる事項

(xv) if the successor conducts services related to the acts specified in Article 3-3, paragraph (7) of the Supplementary Provisions of the Act, the following matters related to the foreign investment management business operator:

イ　商号又は名称

(a) the trade name or name;

ロ　資本金の額又は出資の総額

(b) the amount of stated capital or the total amount of contribution;

ハ　役員の氏名又は名称

(c) the names of the officers;

ニ　重要な使用人があるときは、その者の氏名

(d) if the successor has important employees, their names;

ホ　主たる営業所又は事務所の名称及び所在地

(e) the name and location of the principal business office or office;

ヘ　当該外国投資運用業者（法附則第三条の三第三項第一号ロに規定する政令で定める場合に該当する者にあっては、当該外国投資運用業者及び令附則第五項各号に掲げる者。ト並びに次項第十一号ニ、ホ及びトにおいて同じ。）が外国の法令に準拠し、当該外国において投資運用業に係る業務を開始した日

(f) the day on which the foreign investment management business operator (for a person falling under the case specified by Cabinet Order as prescribed in Article 3-3, paragraph (3), item (i), sub-item (b) of the Supplementary Provisions of the Act, the foreign investment management business operator and the persons set forth in the items of paragraph (5) of the Supplementary Provisions of the Order; the same applies in sub-item (g), and item (xi), sub-item (d), sub-item (e), and sub-item (g) of the following paragraph) has commenced services related to the investment management business in a foreign country in accordance with the laws and regulations of that foreign country;

ト　当該外国投資運用業者が当該届出の日前三年以内に法に相当する外国の法令に基づく行政官庁の不利益処分を受けたことがある場合には、当該不利益処分を受けた年月日、理由及びその内容

(g) if the foreign investment management business operator has been rendered an adverse disposition by an administrative agency based on foreign laws and regulations equivalent to the Act within three years before the date of notification, the date when the adverse disposition has been rendered, the reasons for being rendered the adverse disposition, and the content of the adverse disposition;

チ　主要株主に関する次に掲げる事項

(h) the following matters concerning major shareholders:

（１）　商号、名称又は氏名

1. the trade name or name;

（２）　本店又は主たる事務所の所在地（個人にあっては、住所又は居所）

2. the location of the head office or principal office (for an individual, the domicile or residence); and

（３）　法人であるときは、代表者の氏名

3. for a corporation, the name of its representative.

２　前項の届出書には、次に掲げる書類（法附則第三条の三第七項において準用する場合にあっては、第一号から第四号まで及び第八号に掲げる書類を除く。）を添付するものとする。ただし、やむを得ない事由があるときは、当該届出書の提出後遅滞なく提出すれば足りる。

(2) The following documents (if applied mutatis mutandis pursuant to Article 3-3, paragraph (7) of the Supplementary Provisions of the Act, excluding the

documents set forth in items (i) through (iv) and item (viii)) are to be attached to the written notification referred to in the preceding paragraph; provided, however, that if there are compelling reasons, it is sufficient to submit the documents without delay after submission of the written notification:

一　承継した者が外国の法令の規定により、当該外国において投資運用業を行うことにつき法第二十九条の登録と同種類の登録（当該登録に類する許可その他の行政処分を含む。）を受けていることを証する書面

(i) a document certifying that the successor has obtained the same type of registration as the registration referred to in Article 29 of the Act (including permission or other administrative dispositions similar to the registration) for conducting investment management business in the foreign country pursuant to the provisions of the laws and regulations of that foreign country;

二　承継した者が前号の外国の法令に準拠し、当該外国において行う投資運用業の概要（次に掲げる事項その他の事項について、当該外国の法令その他の規則による制限がある場合にあっては、当該制限の内容及び根拠を含む。）を記載した書面

(ii) a document stating the outline of investment management business that the successor conducts in the foreign country referred to in the preceding item in accordance with the laws and regulations of that foreign country (if there are restrictions on the following matters or other matters under the laws and regulations or other rules of that foreign country, including the content of the restrictions and the grounds for the restrictions):

イ　投資の対象とする資産の種類並びにその保有額及び保有割合

(a) the type of assets subject to investment and the amount of assets held and the holding ratio of the assets;

ロ　運用を行う金銭その他の財産の総額

(b) the total amount of money or other properties to be invested; and

ハ　顧客の属性

(c) the customer attributes;

三　承継した者が、第一号の外国の法令に準拠し、当該外国において投資運用業を開始してから三年を経過していること、又は令附則第五項に定める場合に該当することを証する書面

(iii) a document certifying that three years have passed since the successor commenced the investment management business in the foreign country referred to in item (i) in accordance with the laws and regulations of that foreign country, or that the successor falls under the case specified in paragraph (5) of the Supplementary Provisions of the Order;

四　承継した者が監督を受けている第一号の外国の当局に提出した直近の事業報告書に類する書面の写し

(iv) a copy of a document similar to the latest business report that the successor has submitted to the authority of the foreign country referred to in

item (i) which supervises the successor;

五　承継した者が当該届出の日前三年以内に法に相当する外国の法令に基づく行政官庁の不利益処分を受けたことがある場合には、次に掲げる書類

(v) if the successor has been rendered an adverse disposition by an administrative agency based on foreign laws and regulations equivalent to the Act within three years before the date of notification, the following documents:

イ　当該不利益処分の内容並びに当該不利益処分を受けた年月日及び理由を証する書面

(a) a document certifying the content of the adverse disposition, the date when the adverse disposition was rendered, and the reasons for being rendered the adverse disposition; and

ロ　当該外国の法令及びその訳文

(b) a copy of the foreign laws and regulations, and their Japanese translation;

六　業務に係る人的構成及び組織等の業務執行体制を記載した書面

(vi) the documents stating the personnel structure and the system for conducting business of the organization;

七　移行期間特例業務に関する社内規則

(vii) internal rules concerning the specially permitted services for the transitional period;

八　直近の事業年度における承継した者が運用を行う金銭その他の財産の総額に占める令附則第六項に定める有価証券の価額の割合の推移を記載した書面

(viii) a document stating the changes in the percentage of the value of the securities provided for in paragraph (6) of the Supplementary Provisions of the Order to the total amount of money or other properties to be invested by the successor in the most recent business year;

九　承継した者が法人であるときは、次に掲げる書類

(ix) if the successor is a corporation, the following documents:

イ　法附則第三条の三第三項第一号及び第二号（ニを除く。）に該当しないことを誓約する書面、定款（これに準ずるものを含む。）並びに法人の登記事項証明書（これに準ずるものを含む。）

(a) a document with which the successor pledges that they do not fall under Article 3-3, paragraph (3), items (i) and (ii) (excluding sub-item (d)) of the Supplementary Provisions of the Act, the articles of incorporation (including a document equivalent to them), and a certificate of registered information of the corporation (including a document equivalent to that);

ロ　役員及び重要な使用人の履歴書（役員が法人であるときは、当該役員の沿革を記載した書面）

(b) the resume of the officers and important employees (if any of the officers is a corporation, a document stating the background of the officer);

ハ　役員及び重要な使用人の住民票の抄本（役員が法人であるときは、当該役員の登記事項証明書）又はこれに代わる書面

(c) extracts of the resident records of the officers and important employees (if an officer is a corporation, a certificate of registered information of the officer), or alternative documents;

ニ　役員及び重要な使用人の旧氏及び名を当該役員及び重要な使用人の氏名に併せて前項の届出書に記載した場合において、ハに掲げる書類が当該役員及び重要な使用人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) if the former surname and given name of an officer or important employee are stated together with the current name of the officer or important employee in a written notification referred to in the preceding paragraph, and the document set forth in sub-item (c) is not a document certifying the former surname and given name of the officer or important employee, a document certifying the former surname and given name;

ホ　役員及び重要な使用人が法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

(e) a certificate issued by a public agency certifying that the officer and important employee do not fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, or alternative documents;

ヘ　役員及び重要な使用人が法第二十九条の四第一項第二号イ又はハからリまでのいずれにも該当しない者であることを当該役員及び重要な使用人が誓約する書面

(f) documents in which the officers and important employees pledge that they do not fall under any of Article 29-4, paragraph (1), item (ii), sub-item (a), or sub-items (c) through (i) of the Act; and

ト　主要株主が保有する対象議決権の数を記載した書面

(g) a document stating the number of subject voting rights held by major shareholders;

十　承継した者が個人であるときは、次に掲げる書類

(x) if the successor is an individual, the following documents:

イ　法附則第三条の三第三項第一号及び第三号に該当しないことを誓約する書面

(a) a document with which the successor pledges that they do not fall under Article 3-3, paragraph (3), items (i) and (iii) of the Supplementary Provisions of the Act;

ロ　承継した者及び重要な使用人の履歴書

(b) the resumes of the successor and important employees;

ハ　承継した者及び重要な使用人の住民票の抄本又はこれに代わる書面

(c) extracts of the resident records of the successor and important employees, or alternative documents;

ニ　承継した者及び重要な使用人の旧氏及び名を当該承継した者及び重要な使用人の氏名に併せて前項の届出書に記載した場合において、ハに掲げる書類が当該承継した者及び重要な使用人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) if the former surname and given name of the successor and important employee are stated together with the name of the successor and important employee in a written notification referred to in the preceding paragraph, and the document specified in sub-item (c) is not a document certifying the former surname and given name of the successor and important employee, a document certifying the former surname and given name;

ホ　承継した者及び重要な使用人が法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

(e) a certificate issued by a public agency certifying that the successor and important employees do not fall under Article 29-4, paragraph (1), item (ii), (b) of the Act, or alternative documents;

ヘ　重要な使用人が法第二十九条の四第一項第二号イ又はハからリまでのいずれにも該当しない者であることを当該重要な使用人が誓約する書面

(f) a document with which the important employees pledges that they do not fall under any of Article 29-4, paragraph (1), item (ii), sub-items (a) or sub-items (c) through (i) of the Act; and

十一　承継した者が法附則第三条の三第七項に規定する行為に係る業務を行う場合にあっては、当該外国投資運用業者に関する次に掲げる書類

(xi) if the successor conducts services related to the acts specified in Article 3-3, paragraph (7) of the Supplementary Provisions of the Act, the following documents concerning the foreign investment management business operator:

イ　外国の法令の規定により、当該外国において投資運用業を行うことにつき法第二十九条の登録と同種類の登録（当該登録に類する許可その他の行政処分を含む。）を受けていることを証する書面

(a) a document certifying that the foreign investment management business operator has obtained the same type of registration as the registration referred to in Article 29 of the Act (including permission or any other administrative dispositions similar to the registration) for conducting investment management business in the foreign country pursuant to the provisions of the laws and regulations of that foreign country;

ロ　イの外国の法令に準拠し、当該外国において行う投資運用業の概要（次に掲げる事項その他の事項について、当該外国の法令その他の規則による制限がある場合にあっては、当該制限の内容及び根拠を含む。）を記載した書面

(b) a document stating the outline of investment management business that the foreign investment management business operator conducts in the foreign country set forth in sub-item (a) in accordance with the laws and regulations of that foreign country (if there are any restrictions on the following matters or other matters under the laws and regulations or other rules of that foreign country, including the content of the restrictions and

the grounds for the restrictions):

（１）　投資の対象とする資産の種類並びにその保有額及び保有割合

1. the type of assets subject to the investment and the amount of the assets held and the holding ratio of the assets;

（２）　運用を行う金銭その他の財産の総額

2. the total amount of money or other properties to be invested; and

（３）　顧客の属性

3. the customer attributes;

ハ　イの外国の法令に準拠し、当該外国において投資運用業を開始してから三年を経過していること、又は令附則第五項に定める場合に該当することを証する書面

(c) a document certifying that three years have passed since the foreign investment management business operator commenced investment management business in the foreign country referred to in sub-item (a) in accordance with the laws and regulations of that foreign country, or that the foreign investment management business operator falls under the case specified in paragraph (5) of the Supplementary Provisions of the Order;

ニ　当該外国投資運用業者が監督を受けているイの外国の当局に提出した直近の事業報告書に類する書面の写し

(d) a copy of a document similar to the latest business report that the foreign investment management business operator has submitted to the foreign authority referred to in sub-item (a) which supervises the foreign investment management business operator;

ホ　当該外国投資運用業者が当該届出の日前三年以内に法に相当する外国の法令に基づく行政官庁の不利益処分を受けたことがある場合には、次に掲げる書類

(e) if the foreign investment management business operator has been rendered an adverse disposition by an administrative agency based on foreign laws and regulations equivalent to the Act within three years before the date of notification, the following documents:

（１）　当該不利益処分の内容並びに当該不利益処分を受けた年月日及び理由を証する書面

1. a document certifying the content of the adverse disposition, the date when the adverse disposition has been renderd, and the reasons for being rendered the adverse disposition; and

（２）　当該外国の法令及びその訳文

2. a copy of the foreign laws and regulations, and their Japanese translation;

ヘ　業務に係る人的構成及び組織等の業務執行体制を記載した書面

(f) the documents stating the personnel structure and the system for conducting business of the organization;

ト　直近の事業年度における当該外国投資運用業者が運用を行う金銭その他の財産の総額に占める令附則第六項に定める有価証券の価額の割合の推移を記載した書

面

(g) a document stating the changes in the percentage of the value of the securities provided for in paragraph (6) of the Supplementary Provisions of the Order to the total amount of money or other properties to be invested by the foreign investment management business operator in the most recent business year;

チ　当該外国投資運用業者が法附則第三条の三第三項第一号及び第二号（ロからニまでを除く。）に該当しないことを当該外国投資運用業者が誓約する書面、定款（これに準ずるものを含む。）並びに法人の登記事項証明書（これに準ずるものを含む。）

(h) a document with which the foreign investment management business operator pledges that they do not fall under Article 3-3, paragraph (3), items (i) and (ii) (excluding sub-items (b) through (d)) of the Supplementary Provisions of the Act, the articles of incorporation (including a document equivalent to them), and a certificate of registered information of the corporation (including a document equivalent to it);

リ　役員及び重要な使用人の履歴書（役員が法人であるときは、当該を記載した書面）

(i) the resumes of the officers and important employees (if an officer is a corporation, a document stating the background of the officer);

ヌ　役員及び重要な使用人の住民票の抄本（役員が法人であるときは、当該役員の登記事項証明書）又はこれに代わる書面

(j) extract of the resident records of the officers and important employees (if an officers is a corporation, a certificate of registered information of the officer), or alternative documents;

ル　役員及び重要な使用人の旧氏及び名を当該役員及び重要な使用人の氏名に併せて前項の届出書に記載した場合において、ヌに掲げる書類が当該役員及び重要な使用人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

(k) if the former surname and given name of an officer or important employee are stated together with the current name of the officer or important employee in a written notification referred to in the preceding paragraph, and the document set forth in sub-item (j) is not a document certifying the former surname and given name of the officer or important employee, a document certifying the former surname and given name;

ヲ　役員及び重要な使用人が法第二十九条の四第一項第二号ロに該当しない旨の官公署の証明書又はこれに代わる書面

(l) a certificate issued by a public agency certifying that the officers and important employees do not fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, or alternative documents;

ワ　役員及び重要な使用人が法第二十九条の四第一項第二号イ又はハからリまでのいずれにも該当しない者であることを当該役員及び重要な使用人が誓約する書面

(m) documents with which the officers and important employees pledge that they do not fall under any of Article 29-4, paragraph (1), item (ii), sub-item (a), or sub-items (c) through (i) of the Act; and

カ　主要株主が保有する対象議決権の数を記載した書面

(n) a document stating the number of subject voting rights held by major shareholders.

３　第一項の届出書及び前項各号に掲げる書類は、英語で記載することができる。

(3) The written notification referred to in paragraph (1) and the documents set forth in the items of the preceding paragraph may be written in English.

（移行期間特例業務届出者が廃業等の届出を行う場合）

(Cases in Which Notification of Discontinuation of Business is Given by Notifiers of Specially Permitted Services for the Transitional Period)

第五十条　法附則第三条の三第四項（同条第七項において準用する場合を含む。）の規定により適用する法第六十三条の十第三項第三号に規定する内閣府令で定める場合は、次に掲げる場合（法附則第三条の三第七項において準用する場合にあっては、第八号に掲げる場合を除く。）とする。

Article 50 The cases specified by Cabinet Office Order as prescribed in Article 63-10, paragraph (3), item (iii) of the Act that is applied pursuant to the provisions of Article 3-3, paragraph (4) of the Supplementary Provisions of the Act (including as applied mutatis mutandis pursuant to paragraph (7) of that Article) are as follows (if applied mutatis mutandis pursuant to Article 3-3, paragraph (7) of the Supplementary Provisions of the Act, excluding the case set forth in item (viii)):

一　法人にあっては、次に掲げる場合

(i) if the notifier is a corporation, the following cases:

イ　法第二十九条の四第一項第一号イ（法又は金融サービスの提供に関する法律に相当する外国の法令の規定に係る部分に限る。）又はハに該当することとなった場合

(a) the cases in which the notifier has come to fall under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act (limited to the part related to the provisions of foreign laws and regulations equivalent to the Act or the Act on the Provision of Financial Services) or sub-item (c) of that item;

ロ　役員又は重要な使用人が第百九十九条第二号イ又はロに該当することとなった事実を知った場合

(b) if the notifier becomes aware of the fact that an officer or important employee has come to fall under Article 199, item (ii), sub-item (a) or (b);

ハ　定款（これに準ずるものを含む。）を変更した場合

(c) if the articles of incorporation (including a document equivalent to them) have been amended; and

ニ　主要株主が第百九十九条第十一号ハ（１）から（４）までのいずれかに該当す

ることとなった事実を知った場合

(d) if the notifier becomes aware of the fact that a major shareholder has come to fall under any of Article 199, item (xi), sub-item (c), 1. through 4.;

二　個人にあっては、次に掲げる場合

(ii) if the notifier is an individual, the following cases:

イ　第百九十九条第二号イ又は法第二十九条の四第一項第一号イ（法又は金融サービスの提供に関する法律に相当する外国の法令の規定に係る部分に限る。）若しくはハ若しくは第二号ロからチまで若しくはリ（同項第一号ハに規定する法律の規定に係る部分を除く。）に該当することとなった場合

(a) if the notifier has come to fall under Article 199, item (ii), sub-item (a) or Article 29-4, paragraph (1), item (i), sub-item (a) (limited to the part related to the provisions of foreign laws and regulations equivalent to the Act or the Act on the Provision of Financial Services) or sub-item (c), or item (ii), sub-items (b) through (h), or sub-item (i) (excluding the part related to the provisions of the laws provided for in item (i), sub-item (c) of that paragraph); and

ロ　重要な使用人が第百九十九条第二号イ又はロに該当することとなった事実を知った場合

(b) if the notifier becomes aware of the fact that an important employee has come to fall under Article 199, item (ii), sub-item (a) or (b);

三　附則第四十四条第一項第二号、第六号又は第七号に掲げる書類の内容に変更があった場合

(iii) if there is any change to the content of the documents set forth in Article 44, paragraph (1), item (ii), item (vi), or item (vii) of the Supplementary Provisions;

四　役職員に法令等（法令、法令に基づく行政官庁の処分又は定款その他の規則をいい、外国の法令等を含む。第九号ヘにおいて同じ。）に反する行為（移行期間特例業務以外の業務に係るものにあっては、当該移行期間特例業務届出者の業務の運営又は財産の状況に重大な影響を及ぼすおそれのあるものに限る。以下この号及び次号並びに次条第一項第七号及び第八号において「事故等」という。）があったことを知った場合（事故等が第百十八条第一号イからニまで若しくは第二号イ若しくはロに掲げる行為又は同号ハに掲げる行為（法令に違反する行為を除く。）であって、過失による場合を除く。次号において同じ。）

(iv) if the notifier becomes aware that an officer or employee has committed an act that violates laws and regulations, etc. (meaning laws and regulations, dispositions by administrative agencies based on laws and regulations, or articles of incorporation and other regulations, and including foreign laws and regulations, etc.; the same applies in item (ix), sub-item (f)) (for acts related to services other than specially permitted services for the transitional period, limited to acts that may have a material impact on the operations of the services or the status of property of the notifier of specially permitted

services for the transitional period; hereinafter referred to as "problematic conduct, etc." in this item and the following item, and paragraph (1), items (vii) and (viii) of the following Article) (excluding problematic conduct, etc. that is an act set forth in Article 118, item (i), sub-items (a) through (d), or item (ii), sub-item (a) or (b), or an act set forth in sub-item (c) of that item (excluding acts in violation of laws and regulations), and has been caused due to negligence; the same applies in the following item);

五　前号の事故等の詳細が判明した場合

(v) if the details of the problematic conduct, etc. referred to in the preceding item have become clear;

六　訴訟若しくは調停（移行期間特例業務以外の業務に係るものにあっては、当該移行期間特例業務届出者の業務の運営又は財産の状況に重大な影響を及ぼすおそれがあるものに限る。）の当事者となった場合又は当該訴訟若しくは調停が終結した場合

(vi) if the notifier of specially permitted services for the transitional period has become a party to an action or a conciliation (for an action or a conciliation concerning services other than specially permitted services for the transitional period, limited to those that may have a material impact on the operations of the services or the status of property of the notifier of specially permitted services for the transitional period), or if the action or conciliation has been concluded;

七　法に相当する外国の法令に基づく行政官庁の不利益処分を受けた場合（当該移行期間特例業務届出者が外国において行う投資運用業に関するものに限り、法第二十九条の四第一項第一号イに該当する場合を除く。）

(vii) if the notifier has been rendered an adverse disposition by an administrative agency based on foreign laws and regulations equivalent to the Act (limited to those related to specially permitted services for the transitional period and excluding the cases falling under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act);

八　法附則第三条の三第三項第一号ヘに該当することとなった場合

(viii) if the notifier has come to fall under Article 3-3, paragraph (3), item (i), sub-item (f) of the Supplementary Provisions of the Act;

九　法附則第三条の三第七項において準用する場合にあっては、当該外国投資運用業者に関する次に掲げる場合

(ix) if applied mutatis mutandis pursuant to Article 3-3, paragraph (7) of the Supplementary Provisions of the Act, the following cases concerning the foreign investment management business operator:

イ　法第二十九条の四第一項第一号イ（法又は金融サービスの提供に関する法律に相当する外国の法令の規定に係る部分に限る。）又はハに該当することとなった場合

(a) if the foreign investment management business operator has come to fall

under Article 29-4, paragraph (1), item (i), sub-item (a) (limited to the part related to the provisions of foreign laws and regulations equivalent to the Act or the Act on the Provision of Financial Services) or sub-item (c) of the Act;

ロ　役員又は重要な使用人が第百九十九条第二号イ又はロに該当することとなった事実を知った場合

(b) if the foreign investment management business operator becomes aware of the fact that an officer or important employee has come to fall under Article 199, item (ii), sub-item (a) or (b);

ハ　定款（これに準ずるものを含む。）を変更した場合

(c) if their articles of incorporation (including an equivalent document) have been amended;

ニ　主要株主が第百九十九条第十一号ハ（１）から（４）までのいずれかに該当することとなった事実を知った場合

(d) if the foreign investment management business operator becomes aware of the fact that a major shareholders has come to fall under any of Article 199, item (xi), sub-item (c), 1. through 4.;

ホ　附則第四十四条第一項第十一号ロに掲げる書類の内容に変更があった場合

(e) if there is any change to the content of the documents set forth in Article 44, paragraph (1), item (xi), sub-item (b) of the Supplementary Provisions;

ヘ　役職員に法令等に反する行為（当該外国投資運用業者の行う投資運用業の運営又は財産の状況に重大な影響を及ぼすおそれのあるものに限る。ヘ及びト並びに次条第一項第七号イ及び第八号イにおいて「親会社の事故等」という。）があったことを知った場合（親会社の事故等が第百十八条第一号イからニまで若しくは第二号イ若しくはロに掲げる行為又は同号ハに掲げる行為（法令に違反する行為を除く。）であって、過失による場合を除く。トにおいて同じ。）

(f) if the foreign investment management business operator becomes aware that an officer or employee has committed an act that violates laws and regulations (limited to acts which may have a material impact on the operations of the investment management business or status of property of the foreign investment management business operator; hereinafter referred to as "problematic conduct, etc. of the parent company" in sub-items (f) and (g), and paragraph (1), item (vii), sub-item (a), and item (viii), sub-item (a) of the following Article) (excluding the cases in which the problematic conduct, etc. of the parent company is an act set forth in Article 118, item (i), sub-items (a) through (d), or item (ii), sub-item (a) or (b), or an act set forth in sub-item (c) of that item (excluding acts violating laws and regulations), and has been caused due to negligence; the same applies in sub-item (g));

ト　への親会社の事故等の詳細が判明した場合

(g) if the details of the problematic conduct, etc. of the parent company

referred to in sub-item (f) have become clear;

チ　当該外国投資運用業者が訴訟若しくは調停（当該外国投資運用業者の行う投資運用業の運営又は財産の状況に重大な影響を及ぼすおそれがあるものに限る。）の当事者となった場合又は当該訴訟若しくは調停が終結した場合

(h) if the foreign investment management business operator has become a party to an action or a conciliation (limited to an action or conciliation that may have a material impact on the operations of the investment management business or status of property of the foreign investment management business operator), or if the action or conciliation has been concluded;

リ　当該外国投資運用業者が法に相当する外国の法令に基づく行政官庁の不利益処分を受けた場合（当該外国投資運用業者が外国において行う投資運用業に関するものに限り、法第二十九条の四第一項第一号イに該当する場合を除く。）

(i) if the foreign investment management business operator has been rendered an adverse disposition by an administrative agency based on foreign laws and regulations equivalent to the Act (limited to those related to the investment management business conducted by the foreign investment management business operator in a foreign country and excluding the cases falling under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act); and

ヌ　当該外国投資運用業者が法附則第三条の三第三項第一号ヘに該当することとなった場合

(j) if the foreign investment management business operator has come to fall under Article 3-3, paragraph (3), item (i), sub-item (f) of the Supplementary Provisions of the Act.

（移行期間特例業務届出者の廃業等の届出）

(Notification of Discontinuation of Business Given by Notifiers of Specially Permitted Services for the Transitional Period)

第五十一条　法附則第三条の三第四項（同条第七項において準用する場合を含む。以下この項において同じ。）の規定により適用する法第六十三条の十第三項の規定により届出を行う移行期間特例業務届出者は、次の各号に掲げる場合の区分に応じ、当該各号に定める事項を記載した届出書を移行期間特例業務届出所管金融庁長官等に提出しなければならない。

Article 51 (1) A notifier of specially permitted services for the transitional period that gives a notification pursuant to the provisions of Article 63-10, paragraph (3) of the Act that is applied pursuant to the provisions of Article 3-3, paragraph (4) of the Supplementary Provisions of the Act (including as applied mutatis mutandis pursuant to paragraph (7) of that Article; hereinafter the same applies in this paragraph) must submit a written notification stating the matters specified in the following items in accordance with the category of the

cases set forth in each of those items to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for the notification of specially permitted services for the transitional period:

一　法附則第三条の三第四項の規定により適用する法第六十三条の十第三項第一号に該当する場合　休止の期間又は再開の年月日及び休止又は再開の理由

(i) if the case falls under Article 63-10, paragraph (3), item (i) of the Act that is applied pursuant to the provisions of Article 3-3, paragraph (4) of the Supplementary Provisions of the Act: the period of suspension or the date of resumption, and the reasons for the suspension or resumption;

二　法附則第三条の三第四項の規定により適用する法第六十三条の十第三項第二号に該当する場合　廃止の年月日及び理由

(ii) if the case falls under Article 63-10, paragraph (3), item (ii) of the Act that is applied pursuant to the provisions of Article 3-3, paragraph (4) of the Supplementary Provisions of the Act: the date of and reasons for the discontinuation; and

三　前条第一号イ、第二号イ又は第九号イに該当する場合　次のイからハまでに掲げる場合の区分に応じ、当該イからハまでに掲げる事項

(iii) if the case falls under item (i), sub-item (a), item (ii), sub-item (a), or item (ix), sub-item (a) of the preceding Article: the matters specified in the following sub-items (a) through (c) in accordance with the category of the cases specified in the sub-items (a) through (c):

イ　法第二十九条の四第一項第一号イ（法又は金融サービスの提供に関する法律に相当する外国の法令の規定に係る部分に限る。）に該当することとなった場合にあっては、次に掲げる事項

(a) if the case falls under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act (limited to the part related to the provisions of foreign laws and regulations equivalent to the Act or the Act on the Provision of Financial Services), the following matters:

（１）　法若しくは金融サービスの提供に関する法律に相当する外国の法令の規定により当該移行期間特例業務届出者（前条第九号イに該当する場合にあっては、当該外国投資運用業者。（１）において同じ。）が当該外国において受けている登録等又は法若しくは金融サービスの提供に関する法律に相当する外国の法令の規定により当該移行期間特例業務届出者が当該外国において行った法第六十三条第二項、第六十三条の三第一項、第六十三条の九第一項若しくは第六十三条の十一第一項の規定による届出と同種類の届出の内容

1. the content of the registration, etc. obtained by the notifier of specially permitted services for the transitional period (if falling under item (ix), sub-item (a) of the preceding Article, the foreign investment management business operator; the same applies in 1.) in a foreign country pursuant to the laws and regulations of that foreign country equivalent to the Act or the Act on the Provision of Financial Services

or the same type of notification as the notification under the provisions of Article 63, paragraph (2), Article 63-3, paragraph (1), Article 63-9, paragraph (1), or Article 63-11, paragraph (1) of the Act given by the notifier of specially permitted services for the transitional period pursuant to foreign laws and regulations equivalent to the Act or the Act on the Provision of Financial Services;

（２）　当該登録等又は届出の年月日

2. the date of the registration, etc. or notification;

（３）　当該登録等を取り消され、又は当該届出に係る業務の廃止を命ぜられた年月日及び理由

3. the date of and the reasons for the revocation of the registration, etc. being made or the date of and the reasons for the order of the suspension of the business related to the notification being given; and

（４）　当該登録等を取り消され、又は当該届出に係る業務の廃止を命ぜられた業務の内容

4. the content of the business for which the registration, etc. was revoked or the suspension of the business related to the notification was ordered;

ロ　法第二十九条の四第一項第一号ハに該当することとなった場合にあっては、次に掲げる事項

(b) in the case of having come to fall under Article 29-4, paragraph (1), item (i), sub-item (c) of the Act, the following matters:

（１）　違反した法令の規定

1. the provisions of the laws and regulations that have been violated; and

（２）　刑の確定した年月日及び罰金の額

2. the date when the punishment became final and binding, and the amount of the fine;

ハ　個人である移行期間特例業務届出者が第百九十九条第二号イ又は法第二十九条の四第一項第二号ロからチまで若しくはリ（同項第一号ハに規定する法律の規定に係る部分を除く。（３）において同じ。）に該当することとなった場合にあっては、次に掲げる事項

(c) if the notifier of specially permitted services for the transitional period that is an individual has come to fall under Article 199, item (ii), sub-item (a) or Article 29-4, paragraph (1), item (ii), sub-items (b) through (h), or sub-item (i) of the Act (excluding the part related to the provisions of the laws specified in item (i), sub-item (c) of that paragraph; the same applies in 3.), the following matters:

（１）　第百九十九条第二号イに該当することとなった場合にあっては、該当することとなった年月日及び理由

1. in the case of having come to fall under Article 199, item (ii), sub-item (a), the date when the notifier has come to fall under the provisions

and the reasons for that;

（２）　法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定を受けた年月日

2. in the case of having come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, the date when the notifier became subject to the order for commencement of bankruptcy proceedings;

（３）　法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、刑の確定した年月日及び刑の種類

3. in the case of having come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, the date when the punishment became final and binding, and the type of punishment;

（４）　法第二十九条の四第一項第二号ニ又はホに該当することとなった場合にあっては、取り消され、又は命ぜられた年月日及び理由

4. in the case of having come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, the date of and the reasons for the revocation being made or the order being given;

（５）　法第二十九条の四第一項第二号ヘ又はトに該当することとなった場合にあっては、行政手続法第十五条の規定による通知があった年月日及びその理由並びに法第五十条の二第一項、第六十条の七（法第六十条の十四第二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。）、第六十三条の二第二項、第三項（法第六十三条の三第二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。）若しくは第四項、第六十三条の十第二項、第三項（法第六十三条の十一第二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。）若しくは第四項、第六十六条の十九第一項、第六十六条の四十第一項若しくは第六十六条の六十一第一項又は金融サービスの提供に関する法律第十六条第三項の規定による届出をした年月日及びその理由

5. in the case of having come to fall under Article 29-4, paragraph (1), item (ii), sub-item (f) or (g) of the Act, the date of and the reasons for the notice under the provisions of Article 15 of the Administrative Procedure Act to be given and the date of and the reasons for giving the notification under the provisions of Article 50-2, paragraph (1), Article 60-7 (including as applied mutatis mutandis pursuant to Article 60-14, paragraph (2) of the Act; hereinafter the same applies in this Article), Article 63-2, paragraph (2), paragraph (3) (including as applied mutatis mutandis pursuant to Article 63-3, paragraph (2) of the Act; hereinafter the same applies in this Article) or paragraph (4), Article 63-10, paragraph (2), paragraph (3) (including as applied mutatis mutandis pursuant to Article 63-11, paragraph (2) of the Act; hereinafter the same applies in this Article) or paragraph (4), Article 66-19, paragraph (1), Article 66-40, paragraph (1), or Article 66-61, paragraph (1) of the Act, or Article 16, paragraph (3) of the Act on the

Provision of Financial Services; and

（６）　法第二十九条の四第一項第二号チに該当することとなった場合にあっては、解任又は解職を命ぜられた年月日及び理由

6. in the case of having come to fall under Article 29-4, paragraph (1), item (ii), sub-item (h) of the Act, the date when removal or dismissal has been ordered and the reasons for that;

四　前条第一号ロ、第二号ロ又は第九号ロに該当する場合　次に掲げる事項

(iv) if the case falls under item (i), sub-item (b), item (ii), sub-item (b), or item (ix), sub-item (b) of the preceding Article: the following matters:

イ　第百九十九条第二号イ又はロに該当することとなった役員又は重要な使用人の氏名又は名称

(a) the name of the officer or important employee that has come to fall under Article 199, item (ii), sub-item (a) or (b);

ロ　当該役員又は重要な使用人が第百九十九条第二号イに該当することとなった場合にあっては、該当することとなった年月日及び理由

(b) if the officer or important employee has come to fall under Article 199, item (ii), sub-item (a), the date when they came to fall under the provisions and the reasons for that;

ハ　当該役員又は重要な使用人が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定を受けた年月日

(c) if the officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, the date when they became subject to the order for the commencement of bankruptcy proceedings;

ニ　当該役員又は重要な使用人が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、刑の確定した年月日及び刑の種類

(d) if the officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, the date when the punishment became final and binding, and the type of punishment;

ホ　当該役員又は重要な使用人が法第二十九条の四第一項第二号ニ又はホに該当することとなった場合にあっては、取り消され、又は命ぜられた年月日及び理由

(e) if the officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, the date of and the reasons for the revocation being made or the order being given;

ヘ　当該役員又は重要な使用人が法第二十九条の四第一項第二号ヘ又はトに該当することとなった場合にあっては、行政手続法第十五条の規定による通知があった年月日及びその理由並びに法第五十条の二第一項、第六十条の七、第六十三条の二第二項から第四項まで、第六十三条の十第二項から第四項まで、第六十六条の十九第一項、第六十六条の四十第一項若しくは第六十六条の六十一第一項又は金融サービスの提供に関する法律第十六条第三項の規定による届出をした年月日及びその理由

(f) if the officer or important employee has come to fall under Article 29-4,

paragraph (1), item (ii), sub-item (f) or (g) of the Act, the date of and the reasons for the notice under the provisions of Article 15 of the Administrative Procedure Act to be given and the date of and the reasons for giving the notification under the provisions of Article 50-2, paragraph (1), Article 60-7, Article 63-2, paragraphs (2) through (4), Article 63-10, paragraphs (2) through (4), Article 66-19, paragraph (1), Article 66-40, paragraph (1), or Article 66-61, paragraph (1) of the Act, or Article 16, paragraph (3) of the Act on the Provision of Financial Services; and

ト　当該役員又は重要な使用人が法第二十九条の四第一項第二号チに該当することとなった場合にあっては、解任又は解職を命ぜられた年月日及び理由

(g) if the officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), (h) of the Act, the date when the dismissal or removal was ordered and the reasons for the dismissal or removal;

五　前条第一号ハ、第三号又は第九号ハ若しくはホに該当する場合　次に掲げる事項

(v) if the case falls under item (i), sub-item (c), item (iii), or item (ix), sub-item (c) or (e) of the preceding Article: the following matters:

イ　変更の内容及び理由

(a) the content and the reasons for the change; and

ロ　変更の年月日

(b) the date of the change;

六　前条第一号ニ又は第九号ニに該当する場合　次のイ及びロに掲げる場合の区分に応じ、当該イ及びロに掲げる事項

(vi) if the case falls under item (i), sub-item (d), or item (ix), sub-item (d) of the preceding Article: the matters set forth in the following sub-items (a) and (b) in accordance with the category of the cases set forth in the sub-items (a) and (b):

イ　主要株主が第百九十九条第十一号ハ（１）又は（２）に該当することとなった事実を知った場合にあっては、次に掲げる事項

(a) if the notifier becomes aware of the fact that any of the major shareholders has come to fall under Article 199, item (xi), sub-item (c), 1. or 2., the following matters:

（１）　該当することとなった主要株主の氏名

1. the name of the major shareholder that has come to fall under the provisions;

（２）　当該主要株主が第百九十九条第十一号ハ（１）に該当することとなった場合にあっては、該当することとなった年月日及び理由

2. if the major shareholder has come to fall under Article 199, item (xi), sub-item (c), 1., the date when they came to fall under the provisions and the reasons for that;

（３）　当該主要株主又は代理人（第百九十九条第十一号ハ（１）に規定する代理人をいう。イ及び次条第一項第四号イにおいて同じ。）が法第二十九条の

四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定を受けた年月日

3. if the major shareholder or an agent (meaning the agent prescribed in Article 199, item (xi), sub-item (c), 1.; the same applies in sub-item (a), and paragraph (1), item (iv), sub-item (a) of the following Article) has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, the date when the major shareholder or the agent became subject to the order for commencement of bankruptcy proceedings;

（４）　当該主要株主又は代理人が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、刑の確定した年月日及び刑の種類

4. if the major shareholder or an agent has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, the date when the punishment became final and binding, and the type of punishment;

（５）　当該主要株主又は代理人が法第二十九条の四第一項第二号ニ又はホに該当することとなった場合にあっては、取り消され、又は命ぜられた年月日及び理由

5. if the major shareholder or an agent has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, the date when the revocation has been made or has been ordered and the reasons for that;

（６）　当該主要株主又は代理人が法第二十九条の四第一項第二号ヘ又はトに該当することとなった場合にあっては、行政手続法第十五条の規定による通知があった年月日及びその理由並びに法第五十条の二第一項、第六十条の七、第六十三条の二第二項から第四項まで、第六十三条の十第二項から第四項まで、第六十六条の十九第一項、第六十六条の四十第一項若しくは第六十六条の六十一第一項又は金融サービスの提供に関する法律第十六条第三項の規定による届出をした年月日及びその理由

6. if the major shareholder or an agent has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (f) or (g) of the Act, the date of and the reasons for the notice under the provisions of Article 15 of the Administrative Procedure Act to be given and the date of and the reasons for giving the notification under the provisions of Article 50-2, paragraph (1), Article 60-7, Article 63-2, paragraphs (2) through (4), Article 63-10, paragraphs (2) through (4), Article 66-19, paragraph (1), Article 66-40, paragraph (1), or Article 66-61, paragraph (1) of the Act, or Article 16, paragraph (3) of the Act on the Provision of Financial Services; and

（７）　当該主要株主又は代理人が法第二十九条の四第一項第二号チに該当することとなった場合にあっては、解任又は解職を命ぜられた年月日及び理由

7. if the major shareholder or an agent has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (h) of the Act, the date when removal

or dismissal has been ordered and the reasons for that;

ロ　主要株主が第百九十九条第十一号ハ（３）又は（４）に該当することとなった事実を知った場合にあっては、次に掲げる事項

(b) if the notifier becomes aware of the fact that any of its major shareholders has come to fall under Article 199, item (xi), sub-item (c), 3. or 4.: the following matters:

（１）　該当することとなった主要株主の商号又は名称

1. the trade name or name of the major shareholder that has come to fall under the provisions;

（２）　当該主要株主が法第二十九条の四第一項第一号イに該当する場合にあっては、当該主要株主が受けている登録等の内容及び年月日並びに当該登録等を取り消された年月日、理由及び業務の内容又は当該主要株主が行った法第六十三条第二項、第六十三条の三第一項、第六十三条の九第一項若しくは第六十三条の十一第一項の規定による届出の内容及び年月日並びに当該届出に係る業務の廃止を命ぜられた年月日、理由及び業務の内容

2. if the major shareholder falls under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act, the content and date of the registration, etc. obtained by the major shareholder, and the date of and the reasons for the revocation of the registration, etc., and the content of the business for which the registration, etc. was revoked, or the content and date of the notification under the provisions of Article 63, paragraph (2), Article 63-3, paragraph (1), Article 63-9, paragraph (1), or Article 63-11, paragraph (1) of the Act given by the major shareholder, and the date of and the reasons for the order of discontinuation of business for which the notification was made and the content of the business for which the discontinuation has been ordered;

（３）　当該主要株主が法第二十九条の四第一項第一号ロに該当する場合にあっては、行政手続法第十五条の規定による通知があった年月日及びその理由並びに法第五十条の二第一項、第六十条の七、第六十三条の二第二項若しくは第三項、第六十三条の十第二項若しくは第三項、第六十六条の十九第一項、第六十六条の四十第一項若しくは第六十六条の六十一第一項又は金融サービスの提供に関する法律第十六条第三項の規定による届出をした年月日及びその理由

3. if the major shareholder falls under Article 29-4, paragraph (1), item (i), sub-item (b) of the Act, the date of and the reasons for the notice under the provisions of Article 15 of the Administrative Procedure Act to be given and the date of and the reasons for giving the notification under the provisions of Article 50-2, paragraph (1), Article 60-7, Article 63-2, paragraph (2) or (3), Article 63-10, paragraph (2) or (3), Article 66-19, paragraph (1), Article 66-40, paragraph (1), or Article 66-61, paragraph (1) of the Act, or Article 16, paragraph (3) of the Act on the Provision of

Financial Services;

（４）　当該主要株主が法第二十九条の四第一項第一号ハに該当する場合にあっては、違反した法令の規定、刑の確定した年月日及び罰金の額

4. if the major shareholder falls under Article 29-4, paragraph (1), item (i), sub-item (c) of the Act, the provisions of the laws and regulations that was violated, the date when the punishment became final and binding, and the amount of the fine;

（５）　当該主要株主が第百九十九条第十一号ハ（４）に該当することとなった場合にあっては、同号ハ（４）（ｉ）又は（ｉｉ）に該当することとなった法人を代表する役員の氏名又は名称

5. if the major shareholder has come to fall under Article 199, item (xi), sub-item (c), 4., the name of the officer representing the corporation who has come to fall under sub-item (c), 4, i. or ii. of that item;

（６）　当該主要株主である法人を代表する役員が第百九十九条第十一号ハ（４）（ｉ）に該当することとなった場合にあっては、該当することとなった年月日及び理由

6. if the officer representing the corporation that is the major shareholder has come to fall under Article 199, item (xi), sub-item (c), 4., i., the date when they came to fall under the provisions and the reasons for that;

（７）　当該主要株主である法人を代表する役員が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定を受けた年月日

7. if the officer representing the corporation that is the major shareholder has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, the date when the officer became subject to an order for commencement of bankruptcy proceedings;

（８）　当該主要株主である法人を代表する役員が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、刑の確定した年月日及び刑の種類

8. if the officer representing the corporation that is the major shareholder has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, the date when the punishment became final and binding, and the type of punishment;

（９）　当該主要株主である法人を代表する役員が法第二十九条の四第一項第二号ニ又はホに該当することとなった場合にあっては、取り消され、又は命ぜられた年月日及び理由

9. if the officer representing the corporation that is the major shareholder has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, the date the revocation was made or was ordered and the reasons for that;

（１０）　当該主要株主である法人を代表する役員が法第二十九条の四第一項第二号ヘ又はトに該当することとなった場合にあっては、行政手続法第十五条の規定による通知があった年月日及びその理由並びに法第五十条の二第一項、第六十条の七、第六十三条の二第二項から第四項まで、第六十三条の十第二項から第四項まで、第六十六条の十九第一項、第六十六条の四十第一項若しくは第六十六条の六十一第一項又は金融サービスの提供に関する法律第十六条第三項の規定による届出をした年月日及びその理由

10. if the officer representing the corporation that is the major shareholder has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (f) or (g) of the Act, the date of and the reasons for the notice under the provisions of Article 15 of the Administrative Procedure Act to be given and the date of and the reasons for giving the notification under the provisions of Article 50-2, paragraph (1), Article 60-7, Article 63-2, paragraphs (2) through (4), Article 63-10, paragraphs (2) through (4), Article 66-19, paragraph (1), Article 66-40, paragraph (1), or Article 66-61, paragraph (1) of the Act, or Article 16, paragraph (3) of the Act on the Provision of Financial Services; and

（１１）　当該主要株主である法人を代表する役員が法第二十九条の四第一項第二号チに該当することとなった場合にあっては、解任又は解職を命ぜられた年月日及び理由

11. if the officer representing the corporation taht is the major shareholder has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (h) of the Act, the date when the removal or dismissal was ordered, and the reasons for that;

七　前条第四号又は第九号ヘに該当する場合　次に掲げる事項

(vii) if the case falls under item (iv), or item (ix), sub-item (f) of the preceding Article; the following matters:

イ　事故等（前条第九号ヘに該当する場合にあっては、親会社の事故等。以下この号において同じ。）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 in which the problematic conduct, etc. (if falling under item (ix), sub-item (f) of the preceding Article, the problematic conduct, etc. of the parent company; hereinafter the same applies in this item) has occurred;

ロ　事故等を惹起した役職員の氏名又は名称及び役職名

(b) the name and the title of the officer or employee that has caused the problematic conduct, etc.; and

ハ　事故等の概要

(c) an outline of the problematic conduct, etc.;

八　前条第五号又は第九号トに該当する場合　次に掲げる事項

(viii) if the case falls under item (v), or item (ix), sub-item (g) of the preceding Article: the following matters:

イ　事故等（前条第九号トに該当する場合にあっては、親会社の事故等。以下この号において同じ。）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 in which the problematic conduct, etc. (if falling under item (ix), sub-item (g) of the preceding Article, the problematic conduct, etc. of the parent company; hereinafter the same applies in this item) has occurred;

ロ　事故等を惹起した役職員の氏名又は名称及び役職名

(b) the name and title of the officer or employee that has caused the problematic conduct, etc.; and

ハ　事故等の詳細

(c) the details of the problematic conduct, etc.; and

ニ　社内処分を行った場合はその内容

(d) if in-house punishment has been taken, its content;

九　前条第六号又は第九号チに該当する場合　次のイ及びロに掲げる場合の区分に応じ、当該イ及びロに掲げる事項

(ix) if the case falls under item (vi), or item (ix), sub-item (h) of the preceding Article: the matters specified in the following sub-items (a) and (b) in accordance with the category of the cases set forth in each of the sub-items (a) and (b):

イ　訴訟又は調停の当事者となった場合にあっては、次に掲げる事項

(a) in the case of becoming a party to an action or a conciliation, the following matters:

（１）　訴訟又は調停の当事者の氏名又は名称及び住所

1. the name and domicile of the party to the action or conciliation;

（２）　訴訟の提起又は調停の申立てが行われた年月日

2. the date when the action or conciliation has been filed;

（３）　管轄裁判所名

3. the name of the court with jurisdiction; and

（４）　事件の内容

4. the content of the case;

ロ　訴訟又は調停が終結した場合にあっては、次に掲げる事項

(b) if the action or the conciliation has been concluded, the following matters:

（１）　訴訟又は調停の当事者の氏名又は名称及び住所

1. the name and domicile of the party to the action or conciliation;

（２）　訴訟又は調停が終結した年月日

2. the date when the action or the conciliation has been concluded; and

（３）　判決又は和解の内容

3. the content of the judgment or settlement;

十　前条第七号又は第九号リに該当する場合　次に掲げる事項

(x) if the case falls under item (vii), or item (ix), sub-item (i) of the preceding Article: the following matters:

イ　不利益処分の内容
(a) the content of the adverse disposition; and
ロ　不利益処分を受けた年月日及び理由
(b) the date when becoming subject to the adverse disposition and the reasons for that; and
十一　前条第八号又は第九号ヌに該当する場合　該当することとなった年月日及び理由
(xi) if the case falls under item (viii), or item (ix), sub-item (j) of the preceding Article: the date when it has come to fall under the provisions and the reasons for that.
２　前項の届出書は、英語で記載することができる。
(2) The written notification under the preceding paragraph may be written in English.

（移行期間特例業務届出者の廃業等の届出書に添付すべき書類）
(Documents Required to Be Attached to Written Notification for Discontinuation of Business by Notifiers of Specially Permitted Services for the Transitional Period)
第五十二条　法附則第三条の三第四項（同条第七項において準用する場合を含む。）の規定により適用する法第六十三条の十第三項の規定により届出を行う移行期間特例業務届出者は、前条第一項に規定する事項を記載した届出書に、次の各号に掲げる場合の区分に該当する場合には、当該各号に定める書類を添付しなければならない。
Article 52 (1) A notifier of specially permitted services for the transitional period that makes a notification pursuant to the provisions of Article 63-10, paragraph (3) of the Act that is applied pursuant to the provisions of Article 3-3, paragraph (4) of the Supplementary Provisions of the Act (including as applied mutatis mutandis pursuant to paragraph (7) of that Article) must attach the document specified in the following items to the written notification stating the matters prescribed in paragraph (1) of the preceding Article, if the case falls under any of the category of the cases set forth in each of the following items:
一　附則第五十条第一号イ、第二号イ又は第九号イに該当する場合　次のイからハまでに掲げる場合の区分に応じ、当該イからハまでに掲げる書類
(i) if the case falls under Article 50, item (i), sub-item (a), item (ii), sub-item (a), or item (ix), sub-item (a) of the Supplementary Provisions: the documents set forth in the following sub-items (a) through (c) in accordance with the category of the cases set forth in each of those sub-items (a) through (c):
イ　法第二十九条の四第一項第一号イ（法又は金融サービスの提供に関する法律に相当する外国の法令の規定に係る部分に限る。）に該当することとなった場合にあっては、次に掲げる書類
(a) in the case of having come to fall under Article 29-4, paragraph (1), item

(i), sub-item (a) of the Act (limited to the part related to the provisions of the laws and regulations of a foreign state equivalent to the Act or the Act on the Provision of Financial Services), the following documents:

（１）　取消し又は廃止を命ずる書面の写し又はこれに代わる書面

1. a copy of the written order for revocation or discontinuation of business, or alternative documents; and

（２）　当該外国の法令及びその訳文

2. a copy of the laws and regulations of the foreign country and their Japanese translation;

ロ　法第二十九条の四第一項第一号ハに該当することとなった場合にあっては、確定判決の判決書の写し又は確定判決の内容を記載した書面

(b) in the case of having come to fall under Article 29-4, paragraph (1), item (i), sub-item (c) of the Act, a copy of the judgment document on the final and binding judgment, or a document stating the content of the final and binding judgment;

ハ　個人である移行期間特例業務届出者が法第二十九条の四第一項第二号ロからホまで若しくはリ（同項第一号ハに規定する法律の規定に係る部分を除く。（２）において同じ。）に該当することとなった場合にあっては、次に掲げる書類

(c) if a notifier of specially permitted services for the transitional period who is an individual has come to fall under Article 29-4, paragraph (1), item (ii), sub-items (b) through (e) or sub-item (i) of the Act (excluding the part related to the provisions of the laws which are specified in item (i), sub-item (c) of that paragraph; the same applies in 2.), the following documents:

（１）　当該移行期間特例業務届出者が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定の裁判書の写し又は破産手続開始の決定の内容を記載した書面

1. if the notifier of specially permitted services for the transitional period has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, a copy of the written judgment on an order for commencement of bankruptcy proceedings, or the document stating the content of the order for commencement of bankruptcy proceedings;

（２）　当該移行期間特例業務届出者が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、確定判決の判決書の写し又は確定判決の内容を記載した書面

2. if the notifier of specially permitted services for the transitional period has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, a copy of the judgment document on the final and binding judgment, or a document stating the content of the final and binding judgment; and

（３）　当該移行期間特例業務届出者が法第二十九条の四第一項第二号ニ又はホ

に該当することとなった場合で、外国において取り消され、又は命ぜられた場合にあっては、取消し又は廃止を命ずる書面の写し又はこれに代わる書面並びに取消し又は廃止の根拠となる外国の法令及びその訳文

3. if the notifier of specially permitted services for the transitional period has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, and a revocation was made or an order was given in a foreign country, a copy of the written order for revocation or discontinuation of business or alternative documents, and a copy of foreign laws and regulations that serves as the basis of the revocation or discontinuation of business and their Japanese translation;

二　附則第五十条第一号ロ、第二号ロ又は第九号ロ（これらの規定のうち第百九十九条第二号ロに係る部分に限る。）に該当する場合　次に掲げる書類

(ii) if the case falls under Article 50, item (i), sub-item (b), item (ii), sub-item (b), or item (ix), sub-item (b) of the Supplementary Provisions (limited to the parts related to Article 199, item (ii), sub-item (b) among those provisions): the following documents:

イ　役員又は重要な使用人が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定の裁判書の写し又は破産手続開始の決定の内容を記載した書面

(a) if an officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, a copy of the written judgment on an order for commencement of bankruptcy proceedings, or the document stating the content of an order for commencement of bankruptcy proceedings;

ロ　役員又は重要な使用人が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、確定判決の判決書の写し又は確定判決の内容を記載した書面

(b) if an officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, a copy of the judgment document on the final and binding judgment, or a document stating the content of the final and binding judgment; and

ハ　役員又は重要な使用人が法第二十九条の四第一項第二号ニ又はホに該当することとなった場合で、外国において取り消され、又は命ぜられた場合にあっては、取消し又は廃止の根拠となる外国の法令及びその訳文

(c) if an officer or important employee has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (d) or (e) of the Act, and if a revocation was made or order was given in a foreign country, a copy of the foreign laws and regulations that serves as the basis of the revocation or discontinuation of business and their Japanese translation;

三　附則第五十条第一号ハ又は第九号ハに該当する場合　変更後の定款（これに準ずるものを含む。）

(iii) if the case falls under Article 50, item (i), sub-item (c), or item (ix), sub-item (c) of the Supplementary Provisions: the amended articles of incorporation (including an equivalent document);

四　附則第五十条第一号ニ又は第九号ニに該当する場合　次のイ及びロに掲げる場合の区分に応じ、当該イ及びロに掲げる書類

(iv) if the case falls under Article 50, item (i), sub-item (d), or item (ix), sub-item (d) of the Supplementary Provisions: the documents set forth in the following sub-items (a) and (b) in accordance with the category of the cases set forth in the sub-items (a) and (b):

イ　主要株主が第百九十九条第十一号ハ（１）又は（２）に該当することとなった事実を知った場合にあっては、次に掲げる書類

(a) if the notifier becomes aware of the fact that a major shareholders has come to fall under Article 199, item (xi), sub-item (c), 1. or 2., the following documents:

（１）　当該主要株主又は代理人が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定の裁判書の写し又は破産手続開始の決定の内容を記載した書面

1. if the major shareholder or an agent has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, a copy of the written judgment on an order for commencement of bankruptcy proceedings, or the document stating the content of an order for commencement of bankruptcy proceedings;

（２）　当該主要株主又は代理人が法第二十九条の四第一項第二号ハ又はリに該当することとなった場合にあっては、確定判決の判決書の写し又は確定判決の内容を記載した書面

2. if the major shareholder or an agent has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (c) or (i) of the Act, a copy of the judgment document on the final and binding judgment, or a document stating the content of the final and binding judgment;

（３）　当該主要株主又は代理人が外国において刑に処せられた場合にあっては、刑の根拠となった外国の法令及びその訳文

3. if the major shareholder or an agent has been punished in a foreign country, a copy of foreign laws and regulations that has served as the basis of the punishment and their Japanese translation; and

（４）　当該主要株主又は代理人が外国において登録等を取り消され、又は業務の廃止を命ぜられた場合にあっては、登録等の取消し又は業務の廃止の根拠となる外国の法令及びその訳文

4. if the major shareholder or an agent has the registration, etc. revoked or has been ordered to discontinue business in a foreign country, a copy of the laws and regulations of the foreign country which serves as the basis of the revocation of registration, etc. or discontinuation of

business and their Japanese translation;

ロ　主要株主が第百九十九条第十一号ハ（３）又は（４）（ｉｉ）に該当することとなった事実を知った場合にあっては、次に掲げる書類

(b) if the notifier becomes aware of the fact that any of the major shareholders has come to fall under Article 199, item (xi), sub-item (c), 3. or 4., ii.: the following documents:

（１）　当該主要株主が法第二十九条の四第一項第一号イに該当することとなった場合にあっては、取消し又は廃止を命ずる書類の写し又はこれに代わる書面

1. if the major shareholder has come to fall under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act, a copy of the document ordering revocation or discontinuation of business, or alternative documents;

（２）　当該主要株主が法第二十九条の四第一項第一号イ又は主要株主である法人を代表する役員が同項第二号ニ若しくはホに該当する場合で、外国において登録等を取り消され、又は業務の廃止を命ぜられた場合にあっては、取消し又は廃止の根拠となった外国の法令及びその訳文

2. if the major shareholder falls under Article 29-4, paragraph (1), item (i), sub-item (a) of the Act or the officer representing the corporation that is a major shareholder falls under item (ii), sub-item (d) or (e) of that paragraph, and a registration, etc. has been revoked or discontinuation of business has been ordered in a foreign country, a copy of foreign laws and regulations that have served as the basis of the revocation or discontinuation of business and their Japanese translation;

（３）　当該主要株主が法第二十九条の四第一項第一号ハに該当することとなった場合又は当該主要株主である法人を代表する役員が同項第二号ハ若しくはリに該当することとなった場合にあっては、確定判決の判決書の写し又は確定判決の内容を記載した書面

3. if the major shareholder has come to fall under Article 29-4, paragraph (1), item (i), sub-item (c) of the Act or the officer representing the corporation that is a major shareholder has come to fall under item (ii), sub-item (c) or (i) of that paragraph, a copy of the judgment document on the final and binding judgment, or a document stating the content of the final and binding judgment; and

（４）　当該主要株主である法人を代表する役員が法第二十九条の四第一項第二号ロに該当することとなった場合にあっては、破産手続開始の決定の裁判書の写し又は破産手続開始の決定の内容を記載した書面

4. if an officer representing the corporation that is a major shareholder has come to fall under Article 29-4, paragraph (1), item (ii), sub-item (b) of the Act, a copy of the written judgment on the order for commencement of bankruptcy proceedings, or the document stating the content of the order for commencement of bankruptcy proceedings;

五　附則第五十条第三号又は第九号ホに該当する場合　変更後の附則第四十四条第一項第二号、第六号、第七号又は第十一号ロに掲げる書類

(v) if the case falls under Article 50, item (iii), or item (ix), sub-item (e) of the Supplementary Provisions: the document set forth in Article 44, paragraph (1), item (ii), item (vi) or item (vii), or item (xi), sub-item (b) of the changed Supplementary Provisions;

六　附則第五十条第七号又は第九号リに該当する場合　当該不利益処分を規定する外国の法令及びその訳文

(vi) if the case falls under Article 50, item (vii), or item (ix), sub-item (i) of the Supplementary Provisions: a copy of the laws and regulations of a foreign country which provides for the adverse disposition and their Japanese translation; and

七　附則第五十条第八号又は第九号ヌに該当する場合　附則第四十四条第一項第八号に規定する割合の推移の見込みを記載した書面

(vii) if the case falls under Article 50, item (viii), or item (ix), sub-item (j) of the Supplementary Provisions: a document stating the prospects of the changes in the percentages prescribed in Article 44, paragraph (1), item (viii) of the Supplementary Provisions.

２　前項各号に定める書類は、英語で記載することができる。

(2) The documents specified in the items of the preceding paragraph may be written in English.

（移行期間特例業務届出者の解散の届出）

(Notification of Dissolution of Notifiers of Specially Permitted Services for the Transitional Period)

第五十三条　法附則第三条の三第四項（同条第七項において準用する場合を含む。以下この項において同じ。）の規定により適用する法第六十三条の十第四項の規定により届出を行う者は、解散の年月日及び理由を記載した届出書を、当該届出に係る移行期間特例業務届出者が法附則第三条の三第四項の規定により適用する令第四十二条第二項の規定により金融庁長官の指定を受けた移行期間特例業務届出者の場合にあっては金融庁長官、それ以外の移行期間特例業務届出者の場合にあっては当該移行期間特例業務届出者の本店等の所在地を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては、福岡財務支局長）に提出しなければならない。

Article 53 (1) A person that seeks to give a notification pursuant to the provisions of Article 63-10, paragraph (4) of the Act that is applied pursuant to the provisions of Article 3-3, paragraph (4) of the Supplementary Provisions of the Act (including as applied mutatis mutandis pursuant to paragraph (7) of that Article; hereinafter the same applies in this paragraph) must submit a written notification stating the date of and the reasons for the dissolution to the Commissioner of the Financial Services Agency, if the notifier of specially permitted services for the transitional period related to the notification is a

notifier designated by the Commissioner of the Financial Services Agency pursuant to the provisions of Article 42, paragraph (2) of the Order that is applied pursuant to the provisions of Article 3-3, paragraph (4) of the Supplementary Provisions of the Act, or in the case of other notifiers of specially permitted services for the transitional period to the Director-General of a Local Finance Bureau with jurisdiction over the locality of the head office, etc. of the notifier of specially permitted services for the transitional period (if the locality falls within the jurisdictional area of the Fukuoka Local Finance Branch Bureau, to its Director-General).

２　前項の届出書は、英語で記載することができる。

(2) The written notification referred to in the preceding paragraph may be written in English.

（業務に関する帳簿書類）

(Books and Documents Concerning Business)

第五十四条　法附則第三条の三第四項（同条第七項において準用する場合を含む。）の規定により適用する法第六十三条の十二第一項の規定により移行期間特例業務届出者が作成すべき帳簿書類は、次に掲げるものとする。

Article 54 (1) The books and documents required to be prepared by a notifier of specially permitted services for the transitional period pursuant to Article 63-12, paragraph (1) of the Act that is applied pursuant to the provisions of Article 3-3, paragraph (4) of the Supplementary Provisions of the Act (including as applied mutatis mutandis pursuant to paragraph (7) of that Article) are as follows:

一　第百五十七条第一項第一号イ（１）から（４）まで及びロからニまで並びに第二号イに掲げる帳簿書類

(i) the books and documents set forth in Article 157, paragraph (1), item (i), sub-item (a), 1. through 4. and sub-items (b) through (d), and item (ii), sub-item (a);

二　第百五十七条第一項第十七号（ホを除く。）に掲げる帳簿書類（第百三十四条第五項第五号に該当する場合における同号の書面の写しを含む。）

(ii) the books and documents set forth in Article 157, paragraph (1), item (xvii) (excluding sub-item (e)) (including a copy of the documents referred to in Article 134, paragraph (5), item (v), if falling under that item); and

三　法附則第三条の三第五項第二号に掲げる行為に係る業務を行う者であるときは、第百五十七条第一項第七号から第九号までに掲げる帳簿書類

(iii) in the case of a person performing services related to the acts set forth in Article 3-3, paragraph (5), item (ii) of the Supplementary Provisions of the Act, the books and documents set forth in Article 157, paragraph (1), items (vii) through (ix).

２　前項各号に掲げる帳簿書類は、英語で記載することができる。

(2) The books and documents set forth the items of the preceding paragraph may be written in English.

３　第一項第一号に掲げる帳簿書類はその作成の日（第百五十七条第一項第二号イに掲げる帳簿書類にあっては、その効力を失った日）から五年間、第一項第二号（同条第一項第十七号ニに係る部分に限る。）に掲げる帳簿書類はその作成の日から七年間、第一項第二号（同条第一項第十七号ニに係る部分を除く。）及び第三号に掲げる帳簿書類はその作成の日（同条第一項第十七号イに掲げる帳簿書類にあっては、その契約その他の法律行為に係る業務の終了の日）から十年間保存しなければならない。

(3) The books and documents set forth in paragraph (1), item (i) must be kept for five years from the day of their preparation (for the books and documents set forth in Article 157, paragraph (1), item (ii), sub-item (a), the day when the documents ceased to be effective), the books and documents set forth in paragraph (1), item (ii) (limited to the part related to paragraph (1), item (xvii), sub-item (d) of that Article) must be kept for seven years from the day of their preparation, and the books and documents set forth in paragraph (1), item (ii) (excluding the part related to paragraph (1), item (xvii), sub-item (d) of that Article) and item (iii) must be kept for ten years from the day of their preparation (for the books and documents set forth in Article 157, paragraph (1), item (xvii), sub-item (a), from the day of termination of the services related to the contract or other juridical acts).

（事業報告書）

(Business Reports)

第五十五条　法附則第三条の三第四項（同条第七項において準用する場合を含む。）の規定により適用する法第六十三条の十二第二項の規定により移行期間特例業務届出者が提出する事業報告書は、別紙様式第三十三号により作成しなければならない。

Article 55 (1) A business report to be submitted by a notifier of specially permitted services for the transitional period pursuant to the provisions of Article 63-12, paragraph (2) of the Act that is applied pursuant to Article 3-3, paragraph (4) of the Supplementary Provisions of the Act (including as applied mutatis mutandis pursuant to paragraph (7) of that Article) must be prepared by using the Appended Form No. 33.

２　前項の事業報告書は、別紙様式第三十三号に準じて英語で作成することができる。

(2) The business report referred to in the preceding paragraph may be prepared in English in the same manner as the Appended Form No. 33.

３　移行期間特例業務届出者（会社に限る。）は、第一項の事業報告書を作成する場合には、一般に公正妥当と認められる企業会計の慣行、指定国際会計基準又は修正国際基準（当該移行期間特例業務届出者が外国会社である場合にあっては、その主たる営業所又は事務所の所在する外国における公正妥当な企業会計の慣行を含む。）に従うものとする。

(3) When a notifier of specially permitted services for the transitional period

(limited to a company) prepares a business report referred to in paragraph (1), it is to comply with business accounting practices generally accepted as fair and appropriate, the designated international accounting standards, or Japan's modified international standards (if the notifier of specially permitted services for the transitional period is a foreign company, including fair and appropriate business accounting practices of the foreign country where its principal business office or office is located).

4　移行期間特例業務届出者（会社を除く。）は、第一項の事業報告書を作成する場合には、一般に公正妥当と認められる会計の慣行に従うものとする。

(4) When a notifier of specially permitted services for the transitional period (excluding a company) prepares a business report under paragraph (1), it is to comply with accounting practices that are generally accepted as being fair and appropriate.

（事業報告書の提出期限の承認の手続等）

(Procedures for Obtaining Approval on Due Date for Submitting Business Reports)

第五十六条　外国法人である移行期間特例業務届出者は、令第十七条の十三の八ただし書の承認を受けようとするときは、次に掲げる事項を記載した承認申請書を移行期間特例業務届出所管金融庁長官等に提出しなければならない。

Article 56 (1) When a notifier of specially permitted services for the transitional period which is a foreign corporation seeks to obtain an approval referred to in the proviso to Article 17-13-8 of the Order, they must submit a written application for approval stating the following matters to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for the notification of specially permitted services for the transitional period:

一　商号又は名称

(i) the trade name or name;

二　法附則第三条の三第一項の規定による届出の年月日

(ii) the date of notification under the provisions of Article 3-3, paragraph (1) of the Supplementary Provisions of the Act;

三　事業報告書の提出に関し当該承認を受けようとする期間

(iii) the period for which the approval is sought in relation to the submission of the business report;

四　事業報告書に係る事業年度終了の日

(iv) the last day of the business year related to the business report; and

五　事業報告書の提出に関し当該承認を必要とする理由

(v) the reasons for requiring the approval for the submission of the business report.

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　定款又はこれに代わる書面

(i) the articles of incorporation, or alternative documents;

二　当該承認申請書に記載された外国法人である移行期間特例業務届出者の代表者が当該承認申請書の提出に関し正当な権限を有する者であることを証する書面

(ii) a document certifying that the representative of the notifier of specially permitted services for the transitional period that is a foreign corporation, etc. stated in the written application for approval is a person that has legitimate authority to submit the written application for approval; and

三　当該承認申請書に記載された法令又は慣行に関する事項が真実かつ正確であることについての法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(iii) a legal opinion letter by a legal expert on the fact that the matters related to the laws and regulations or practices stated in the written application for approval are true and accurate, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

3　移行期間特例業務届出所管金融庁長官等は、第一項の承認の申請があった場合において、外国法人である移行期間特例業務届出者が、その本国の法令又は慣行により、その事業年度経過後三月以内に事業報告書を提出することができないと認められるときは、当該申請のあった日の属する事業年度（その日が事業年度開始後三月以内（直前事業年度に係る事業報告書の提出に関して当該承認を受けている場合にあっては、当該承認を受けた期間内）の日である場合にあっては、その直前事業年度）から当該申請に係る同項第五号に規定する理由について消滅又は変更があることとなる日の属する事業年度の直前事業年度までの事業年度に係る事業報告書について、承認をするものとする。

(3) If the application for approval set forth in paragraph (1) has been filed, and it is found that the notifier of specially permitted services for the transitional period which is a foreign corporation to submit the business report within three months after the end of the business year due to the laws and regulations or practices of their home country, the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for the notification of specially permitted services for the transitional period is to grant approval to the business report related to the business year from the business year that includes the day the application has been filed (if the day falls within three months from the commencement of the business year (if approval has been granted to the submission of the business report related to the immediately preceding business year, within the approved period), the business year immediately preceding that business year) through to the business year immediately preceding the business year that includes the day when the reason specified in item (v) of that paragraph for which the

application was filed ceases to exist or changes.

4　前項の承認は、同項の外国法人である移行期間特例業務届出者が毎事業年度経過後三月以内に次に掲げる事項を記載した書類を移行期間特例業務届出所管金融庁長官等に提出することを条件として、行われるものとする。ただし、第二号に掲げる事項については、当該書類の提出前五年以内に提出された書類に記載された事項と同一の内容のものである場合には、当該事項は記載しないことができる。

(4) The approval specified in the preceding paragraph is to be granted on the condition that the notifier of specially permitted services for the transitional period that is a foreign corporation referred to in that paragraph submits documents stating the following matters to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for specially permitted services for the transitional period within three months after the end of each business year; provided, however, that if the content of the matters set forth in item (ii) is the same as the content of the matters stated in the document submitted within five years before the submission of the document, the entry of those matters may be omitted:

一　当該事業年度中に当該承認に係る申請の理由について消滅又は変更がなかった旨

(i) the fact that the reasons for the application for approval have not ceased to exist or changed in the relevant business year; and

二　前号に掲げる事項に関する法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(ii) a legal opinion letter by a legal expert on the matters set forth in the preceding item, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

5　第一項の承認申請書、第二項各号に掲げる書類及び前項の書類は、英語で記載することができる。

(5) The written application for approval referred to in paragraph (1), the documents set forth in the items of paragraph (2), and the documents referred to in the preceding paragraph may be written in English.

（説明書類の縦覧）

(Public Inspection of Explanatory Documents)

第五十七条　法附則第三条の三第四項（同条第七項において準用する場合を含む。以下この項及び第三項において同じ。）の規定により適用する法第六十三条の十二第三項の規定により移行期間特例業務届出者は、別紙様式第三十四号により作成した説明書類又は附則第五十五条第一項の事業報告書の写しを主たる営業所若しくは事務所及び移行期間特例業務を行う全ての営業所若しくは事務所（外国法人にあっては、国内における主たる営業所又は事務所及び移行期間特例業務を行うため国内に設ける全ての営業所又は事務所）に備え置く方法その他の方法により法附則第三条の三第四項の規定により適用する法第六十三条の十二第三項の説明書類を公衆の縦覧に供し、又はインターネットの利用その他の方法により、投資者が常に容易に閲覧することができる

よう公表しなければならない。

Article 57 (1) Pursuant to the provisions of Article 63-12, paragraph (3) of the Act that is applied pursuant to the provisions of Article 3-3, paragraph (4) of the Supplementary Provisions of the Act (including as applied mutatis mutandis pursuant to paragraph (7) of that Article; hereinafter the same applies in this paragraph and paragraph (3)), a notifier of specially permitted services for the transitional period must make the explanatory documents referred to in Article 63-12, paragraph (3) of the Act that is applied pursuant to the provisions of Article 3-3, paragraph (4) of the Supplementary Provisions of the Act available for public inspection by the means of keeping the explanatory documents prepared using the Appended Form 34 or the copies of the business report referred to in Article 55, paragraph (1) of the Supplementary Provisions at its principal office or office and all business offices or offices for conducting specially permitted services for the transitional period (for a foreign corporation, the principal business office or office in Japan and all business offices or offices established in Japan for conducting specially permitted services for the transitional period) or other means, or publicize the documents or copies by using the internet or other means to enable easy access for investors at all times.

２　前項の説明書類は、別紙様式第三十四号に準じて英語で作成することができる。

(2) The explanatory documents referred to in the preceding paragraph may be prepared in English in the same manner as the Appended Form No. 34.

３　法附則第三条の三第四項の規定により適用する法第六十三条の十二第三項に規定する内閣府令で定めるものは、別紙様式第三十四号又は附則第五十五条第一項の事業報告書に記載されている事項とする。

(3) The matters specified by Cabinet Office Order as prescribed in Article 63-12, paragraph (3) of the Act that is applied pursuant to the provisions of Article 3-3, paragraph (4) of the Supplementary Provisions of the Act are the matters stated in the Appended Form No. 34 or a business report referred to in Article 55, paragraph (1) of the Supplementary Provisions.

（説明書類の縦覧期限の承認の手続等）

(Procedures for Obtaining Approval on Due Date for Public Inspection of Explanatory Documents)

第五十八条　外国法人である移行期間特例業務届出者は、令第十七条の十三の九ただし書の承認を受けようとするときは、次に掲げる事項を記載した承認申請書を移行期間特例業務届出所管金融庁長官等に提出しなければならない。

Article 58 (1) When a notifier of specially permitted services for the transitional period that is a foreign corporation seeks to obtain an approval referred to in the proviso to Article 17-13-9 of the Order, they must submit a written application for approval stating the following matters to the Commissioner of

the Financial Services Agency or the competent Director-General of a Local Finance Bureau for the notification of specially permitted services for the transitional period:

一　商号又は名称

(i) the trade name or name;

二　法附則第三条の三第一項の規定による届出の年月日

(ii) the date of notification under the provisions of Article 3-3, paragraph (1) of the Supplementary Provisions of the Act;

三　説明書類の縦覧に関し当該承認を受けようとする期間

(iii) the period for which the approval is sought in relation to the inspection of the explanatory documents;

四　説明書類に係る事業年度終了の日

(iv) the last day of the business year related to the explanatory documents; and

五　説明書類の縦覧に関し当該承認を必要とする理由

(v) the reasons for requiring the approval for the inspection of the explanatory documents.

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 specified in the preceding paragraph:

一　定款又はこれに代わる書面

(i) the articles of incorporation or alternative documents;

二　当該承認申請書に記載された外国法人である移行期間特例業務届出者の代表者が当該承認申請書の提出に関し正当な権限を有する者であることを証する書面

(ii) a document certifying that the representative of the notifier of specially permitted services for the transitional period which is a foreign corporation stated in the written application for approval is a person that has legitimate authority to submit the written application for approval; and

三　当該承認申請書に記載された法令又は慣行に関する事項が真実かつ正確であることについての法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(iii) a legal opinion letter by a legal expert on the fact that the matters related to the laws and regulations or practices stated in the written application for approval are true and accurate, and a copy of the relevant provisions of the related laws and regulations set forth in the legal opinion letter.

３　移行期間特例業務届出所管金融庁長官等は、第一項の承認の申請があった場合において、外国法人である移行期間特例業務届出者が、その本国の法令又は慣行により、その事業年度経過後四月を経過した日から説明書類を備え置き、公衆の縦覧に供することができないと認められるときは、当該申請のあった日の属する事業年度（その日が事業年度開始後四月以内（直前事業年度に係る説明書類の縦覧に関して当該承認を受けている場合にあっては、当該承認を受けた期間内）の日である場合にあっては、その直前事業年度）から当該申請に係る同項第五号に規定する理由について消滅又は

変更があることとなる日の属する事業年度の直前事業年度までの事業年度に係る説明書類について、承認をするものとする。

(3) If the application for approval referred to in paragraph (1) has been filed, and it is found that the notifier of specially permitted services for the transitional period which is a foreign corporation is unable to keep the explanatory documents make them available for public inspection within four months after the end of the business year due to the laws and regulations or practices of their home country, the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for the notification of specially permitted services for the transitional period is to grant an approval to the explanatory documents related to the business year from the business year that includes the day the application has been filed (if the day falls within four months from the commencement of the business year (if approval has been granted to the public inspection of explanatory documents related to the immediately preceding business year, within the approved period), the business year immediately preceding that business year) through the business year immediately preceding the business year that includes the day when the reason specified in item (v) of that paragraph for which the application was filed ceases to exist or changes.

4　前項の承認は、同項の外国法人である移行期間特例業務届出者が毎事業年度経過後四月以内に次に掲げる事項を記載した書類を移行期間特例業務届出所管金融庁長官等に提出することを条件として、行われるものとする。ただし、第二号に掲げる事項については、当該書類の提出前五年以内に提出された書類に記載された事項と同一の内容のものである場合には、当該事項は記載しないことができる。

(4) The approval specified in the preceding paragraph is to be granted on the condition that the notifier of specially permitted services for the transitional period which is a foreign corporation as specified in that paragraph submits documents stating the following matters to the Commissioner of the Financial Services Agency or the competent Director-General of a Local Finance Bureau for the notification of specially permitted services for the transitional period within four months after the end of each business year; provided, however, that if the content of the matters set forth in item (ii) is the same as the content of the matters stated in the document submitted within five years before the submission of the document, the entry of those matters may be omitted:

一　当該事業年度中に当該承認に係る申請の理由について消滅又は変更がなかった旨

(i) the fact that the reasons for the application for approval have not been extinguished or changed in the relevant business year; and

二　前号に掲げる事項に関する法律専門家の法律意見書及び当該法律意見書に掲げられた関係法令の関係条文

(ii) a legal opinion letter by a legal expert on the matters set forth in the preceding item, and a copy of the relevant provisions of the related laws and

regulations set forth in the legal opinion letter.

５　第一項の承認申請書、第二項各号に掲げる書類及び前項の書類は、英語で記載することができる。

(5) The written application for approval referred to in paragraph (1), the documents set forth in the items of paragraph (2), and the documents referred to in the preceding paragraph may be written in English.

（届出書等の提出先等）

(Submission Location of Written Notifications)

第五十九条　移行期間特例業務届出者が届出書その他法、令又はこの府令に規定する書類を移行期間特例業務届出管轄財務局長等に提出しようとする場合において、当該移行期間特例業務届出者の本店等の所在地が財務事務所、小樽出張所又は北見出張所の管轄区域内にあるときは、当該移行期間特例業務届出者は、当該書類及びその写し一通を財務事務所長、小樽出張所長又は北見出張所長を経由して提出しなければならない。

Article 59 (1) If a notifier of specially permitted services for the transitional period intends to submit a written notification or other documents prescribed in the Act, the Order, or this Cabinet Office Order to the competent Director-General of a Local Finance Bureau or other competent officials for specially permitted services for the transitional period, and the locality of the head office, etc. of the notifier of specially permitted services for the transitional period falls within the jurisdictional district of a finance branch office, the Otaru Sub-Office, or the Kitami Sub-Office, the notifier of specially permitted services for the transitional period must submit the document and its copy through the head of the finance branch office, the Director of the Otaru Sub-office, or the Director of the Kitami Sub-Office.

２　附則第四十九条第一項及び第五十三条第一項に規定する届出書の提出先については、前項に定めるところに準ずるものとする。

(2) The submission location of the written notification prescribed in Article 49, paragraph (1) and Article 53, paragraph (1) of the Supplementary Provisions is to be as specified in the preceding paragraph.

（投資者の保護に支障を生ずるおそれがあるもの）

(Cases in Which Status of the Operation of Business is Likely to Hinder the Protection of Investors)

第六十条　法附則第三条の三第五項第一号イに規定する内閣府令で定めるものは、当該行為が外国投資信託の受益証券若しくは外国投資証券に表示される権利又は法第二条第二項第六号に掲げる権利を有する者から出資又は拠出を受けた金銭その他の財産の運用を行うものである場合において、これらの有価証券に係る権利が財産的価値に表示されるときにおける当該財産的価値を海外投資家等以外の者に移転することができないようにする技術的措置がとられていないものとする。

Article 60 (1) The case specified by Cabinet Office Order as prescribed in Article 3-3, paragraph (5), item (i), sub-item (a) of the Supplementary Provisions of the Act is, when the act is for investing money invested or contributed by the person who holds rights indicated on beneficiary certificates of foreign investment trusts or foreign investment securities, or the rights set forth in Article 2, paragraph (2), item (vi) of the Act, or investing other properties, the case in which technical measures have not been taken to prevent the financial values from being transferred to persons other than foreign investors, etc. when the rights related to those securities are indicated on financial values;

２　法附則第三条の三第五項第一号ロ及び第二号ロに規定する内閣府令で定めるものは、当該受益証券に係る権利が財産的価値に表示される場合における当該財産的価値を海外投資家等以外の者に移転することができないようにする技術的措置がとられていないものとする。

(2) The case specified by Cabinet Office Order as prescribed in Article 3-3, paragraph (5), item (i), sub-item (b), and item (ii), sub-item (b) of the Supplementary Provisions of the Act is, when rights related to the beneficiary certificates are indicated on financial values, the case in which technical measures have not been taken to prevent the financial values from being transferred to persons other than foreign investors, etc.

３　法附則第三条の三第五項第一号ハ及び第二号ハに規定する内閣府令で定めるものは、当該権利が財産的価値に表示される場合における当該財産的価値を海外投資家等以外の者に移転することができないようにする技術的措置がとられていないものとする。

(3) The case specified by Cabinet Office Order as prescribed in Article 3-3, paragraph (5), item (i), sub-item (c), and item (ii), sub-item (c) of the Supplementary Provisions of the Act is, when the rights are indicated on financial values, the case in which technical measures have not been taken to prevent the financial values from being transferred to persons other than foreign investors, etc.

４　法附則第三条の三第五項第二号イに規定する内閣府令で定めるものは、当該有価証券に係る権利が財産的価値に表示される場合における当該財産的価値を海外投資家等以外の者に移転することができないようにする技術的措置がとられていないものとする。

(4) The case specified by Cabinet Office Order as prescribed in Article 3-3, paragraph (5), item (ii), sub-item (a) of the Supplementary Provisions of the Act is, when the rights related to the securities are indicated on financial values, the case in which technical measures have not been taken to prevent the financial values from being transferred to persons other than foreign investors, etc.

（海外投資家等から除かれる者）

(Persons Excluded from Persons Considered to be Foreign Investors)

第六十一条　法附則第三条の三第五項第一号イ（３）に規定する内閣府令で定める者は、次に掲げる者とする。

Article 61 The persons specified by Cabinet Office Order as prescribed in Article 3-3, paragraph (5), item (i), sub-item (a), 3. of the Supplementary Provisions of the Act are the following persons:

一　その発行する法第二条第一項第五号、第九号若しくは第十五号に掲げる有価証券若しくは同項第十七号に掲げる有価証券（同項第五号、第九号又は第十五号に掲げる有価証券の性質を有するものに限る。）に表示される権利又は同条第二項第三号若しくは第四号に掲げる権利（その取得の対価の額を超えて財産の給付を受けることがないことを内容とする権利を除く。）を海外投資家等（法附則第三条の三第六項に規定する海外投資家等をいう。次号において同じ。）以外の者が取得している特別目的会社

(i) a special purpose company for which a person other than a foreign investor, etc. (meaning the foreign investor, etc. prescribed in Article 3-3, paragraph (6) of the Supplementary Provisions of the Act; the same applies in the following item) has acquired the rights indicated on the securities set forth in Article 2, paragraph (1), item (v), item (ix), or item (xv) of the Act or securities set forth in item (xvii) of that paragraph (limited to those having the nature of the securities set forth in item (v), item (ix), or item (xv) of that paragraph) issued by the specified purpose company, or has acquired the rights set forth in paragraph (2), item (iii) or item (iv) of that Article (excluding the rights for which delivery of property in excess of the amount of consideration for their acquisition is not to be made); and

二　法第二条第二項第五号又は第六号に掲げる権利に対する投資事業に係る契約その他の法律行為（当該契約その他の法律行為に基づく権利が同項第五号又は第六号に掲げる権利に該当するものに限る。）で海外投資家等以外の者を相手方とするものに基づき当該相手方から出資又は拠出を受けた金銭その他の財産を充てて当該投資事業を行い、又は行おうとする者（金融商品取引業者等（投資運用業を行う者に限る。）であるものを除く。）

(ii) based on a contract related to investment business for the rights set forth in Article 2, paragraph (2), item (v) or (vi) of the Act or other juridical acts (limited to the rights for which the rights based on the contract or other juridical acts fall under the rights set forth in item (v) or (vi) of that paragraph) which has a person other than foreign investors, etc. as the other pary, a person that conducts or seeks to conduct the investment business by using the money or other properties invested or contributed by the other party to the contract (excluding a financial instruments business operator, etc. (limited to a person that conducts investment management business)).

（譲渡に係る契約に定めるべき事項）

(Matters Required to be Specified in Contracts for Transfer)

第六十二条　令附則第九項第一号に規定する内閣府令で定める事項は、次に掲げる事項とする。

Article 62 The matters specified by Cabinet Office Order as prescribed in paragraph (9), item (i) of the Supplementary Provisions of the Order are the following matters:

一　当該取得しようとする者が当該取得勧誘（法第二条第三項に規定する取得勧誘をいう。次号及び次条において同じ。）に応じて取得した当該受益証券又は外国投資証券を海外投資家等以外の者に譲渡しないこと。

(i) the person seeking to acquire the securities will not transfer the beneficiary certificates or foreign investment securities that the they have acquired in response to the solicitation for offers to acquire (meaning the solicitation for for offers to acquire as defined in Article 2, paragraph (3) of the Act; the same applies in the following item and the following Article) to persons other than foreign investors, etc.;

二　当該取得しようとする者が当該取得勧誘に応じて取得した当該受益証券又は外国投資証券を譲渡する場合には、その相手方に対し、当該受益証券又は外国投資証券の売付け勧誘等（法第二条第四項に規定する売付け勧誘等をいう。次条第二号において同じ。）を行う者と当該売付け勧誘等に応じて当該受益証券又は外国投資証券の買付けを行おうとする者との間において、当該買付けを行おうとする者が買い付けた当該受益証券又は外国投資証券を海外投資家等以外の者に譲渡を行わない旨を定めた譲渡に係る契約を締結することが買付けの条件とされていることを告知すべきこと。

(ii) if the person seeking to acquire the securities transfers the beneficiary certificates or foreign investment securities that they have acquired in response to the solicitation for offers to acquire, the fact that they should inform the other party that the condition for purchase is to conclude a conctract for transfer between a person who makes an offer to sell, etc. (meaning the offer to sell, etc. as defined in Article 2, paragraph (4) of the Act; hereinafter the same applies in item (ii) of the following Article) the beneficiary certificates or foreign investment securities and a person who intends to purchase the beneficiary certificates or foreign investment securities in response to the offer to sell, etc. which provides that the person who intends to purchase will not transfer the beneficiary certificates or foreign investment securities they have purchased to persons other than foreign investors, etc.

第六十三条　令附則第十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 63 The matters specified by Cabinet Office Order as prescribed in paragraph (10) of the Supplementary Provisions of the Order are the following matters:

一　当該取得しようとする者が当該取得勧誘に応じて取得した当該受益証券を海外投

資家等以外の者に譲渡しないこと。

(i) the fact that the person seeking to acquire the securities will not transfer the beneficiary certificates that they have acquired in response to the solicitation for offers to acquire to persons other than foreign investors, etc.;

二　当該取得しようとする者が当該取得勧誘に応じて取得した当該受益証券を譲渡する場合には、その相手方に対し、当該受益証券の売付け勧誘等を行う者と当該売付け勧誘等に応じて当該受益証券の買付けを行おうとする者との間において、当該買付けを行おうとする者が買い付けた当該受益証券を海外投資家等以外の者に譲渡を行わない旨を定めた譲渡に係る契約を締結することが買付けの条件とされていることを告知すべきこと。

(ii) if the person seeking to acquire the securities transfers the beneficiary certificates that they have acquired in response to the solicitation for offers to acquire, the fact that they should inform the other party that the condition for purchase is to conclude a contract for transfer between a person who makes an offer to sell, etc. of the beneficiary certificates and a person who intends to purchase the beneficiary certificates in response to the offer for sell, etc. which provides that the person who intends to purchase the beneficiary certificates will not transfer the beneficiary certificates they have purchased to persons other than foreign investors, etc.

（海外投資家等の範囲）

(Scope of Foreign Investors)

第六十四条　令附則第十二項第四号に規定する内閣府令で定める者は、次に掲げる者とする。

Article 64 (1) The persons specified by Cabinet Office Order as prescribed in paragraph (12), item (iv) of the Supplementary Provisions of the Order are the following persons:

一　当該外国投資運用業者の子会社等（令第十五条の十六第三項に規定する子会社等をいう。以下この号において同じ。）又は当該外国投資運用業者の親会社等（同項に規定する親会社等をいう。）の子会社等

(i) a subsidiary company, etc. of the foreign investment management business operator (meaning the subsidiary company prescribed in Article 15-16, paragraph (3) of the Order; hereinafter the same applies in this item), or a subsidiary company, etc. of the parent company, etc. of the foreign investment management business operator (meaning the parent company, etc. prescribed in that paragraph);

二　当該外国投資運用業者が行う一の運用対象財産（当該外国投資運用業者が法附則第三条の三第五項各号に掲げる行為を行う業務に係る権利者のため運用を行う金銭その他の財産をいう。次号において同じ。）の運用に係る権限の全部又は一部の委託を受けた者

(ii) a person that has been entrusted all or part of the authority for investing

one investment property conducted by the foreign investment management business operator (meaning money or other properties to be invested by the foreign investment management business operator for the right holder related to the business of performing the acts set forth in the items of Article 3-3, paragraph (5) of the Supplementary Provisions of the Act; the same applies in the following item);

三　当該外国投資運用業者が一の運用対象財産の運用として行うこととなる取引の対象となるもの（以下この号において「取引対象」という。）の価値等（取引対象の価値、オプションの対価の額又は取引対象に係る指標の動向をいう。以下この号において同じ。）若しくは価値等の分析に基づく投資判断（投資の対象となるものの種類、数及び価格並びに売買の別、方法及び時期についての判断又は行うべき取引の内容及び時期についての判断をいう。）に関し、口頭、文書（新聞、雑誌、書籍その他不特定多数の者に販売することを目的として発行されるもので、不特定多数の者により随時に購入可能なものを除く。）その他の方法により助言を行うことを約し、当該外国投資運用業者がそれに対し報酬を支払うことを約する契約を当該外国投資運用業者と締結している者又は当該投資判断に関し、当該方法により助言を行うことを約し、当該者がそれに対し報酬を支払うことを約する契約を当該者と締結している者

(iii) a person that has concluded a contract with the foreign investment management business operator promising that the person will provide the foreign investment management business operator with oral advice, written advice (excluding newspapers, magazines, books, or other documents issued for the purpose of selling to many and unspecified persons which are possible for many and unspecified persons to buy at all times) or by other methods, concerning the investment decisions based on the value, etc. of the subject of transactions to be conducted by the foreign investment management business operator as an investment of one investment property (hereinafter the subject is referred to as the "transaction asset" in this item; and the value, etc. means the value of the transaction asset, the amount of the consideration for the options, or the trend of indexes related to the transaction asset; hereinafter the same applies in this item) or based on analysis of the value, etc. (meaning decisions on the type, quantity, and price of property that are to be subject of investment, distinction of whether the type of transaction is purchase or sale, the method, and timing, or decisions on the content and timing of the transactions required to be conducted), and the foreign investment management business operator promises to pay remuneration for the advice, or a person that has concluded a contract with the person in question in which the person promises to provide the person with advice concerning investment decisions by those methods, and the person in question promises to pay remuneration for that;

四　令附則第十二項第三号及び前三号に掲げる者の役員又は使用人

(iv) an officer or employee of the persons set forth in paragraph (12), item (iii) of the Supplementary Provisions of the Order and the preceding three items; and

五　当該外国投資運用業者（個人である者に限る。）並びに令附則第十二項第一号及び第二号並びに前三号に掲げる者の親族（配偶者並びに三親等以内の血族及び姻族に限る。）

(v) a relative (limited to the spouse and a relative by blood or by affinity within the third degree) of the foreign investment management business operator (limited to an individual) or a relative of a person set forth in paragraph (12), items (i) and (ii) of the Supplementary Provisions of the Order and the preceding three items.

２　法附則第三条の三第六項第三号に規定する内閣府令で定める者は、金融商品取引業者等のうち投資運用業を行う者とする。

(2) The persons specified by Cabinet Office Order as prescribed in Article 3-3, paragraph (6), item (iii) of the Supplementary Provisions of the Act are financial instruments business operators, etc. that conduct investment management business.

別表（第百二十五条の八関係）

Appended Table (Re: Article 125-8)

公表事項 Matters for Publication	注意事項 Matters Requiring Attention
一　当該取引が成立した年月日及び時間 (i) the date and time when the transaction was closed;	電子情報処理組織の異常若しくは保守点検又は通知すべき事項が著しく急激に増加したことその他やむを得ない事由がある場合においては、当該事由の消滅後速やかに公表すること。 If there has been a sudden drastic increase in the number of malfunctions or maintenance inspections of the electronic data processing system or matters that should be notified, or there are other compelling reasons, disclosure is to be made promptly after the reasons have ceased to exist.

二　当該取引に基づく自己及び相手方の債務を金融商品取引清算機関（当該金融商品取引清算機関が連携金融商品債務引受業務を行う場合には、連携清算機関等を含む。）又は外国金融商品取引清算機関に負担させる場合はその旨 (ii) if theone's own obligations of the party and the other party's obligations under the transaction are to be assumed by a Ffinancial Iinstruments Cclearing Oorganization (in cases whereif the Ffinancial Iinstruments Cclearing Oorganization is to conduct a Ccollaboratingve Ffinancial Iinstruments Oobligation Aassumption Sservices, including Ccollaborating Cclearing Oorganizations, etc.) or a Fforeign Ffinancial Iinstruments Cclearing Oorganization, to that effectfact; 三　取引の効力が生ずる日 (iii) the date when the transaction takes effect; 四　取引の効力が消滅する日 (iv) the date when the transaction ceases to be in effective; 五　日数の計算方法 (v) the method of calculation of the number of days; 六　決済に用いる通貨の種類 (vi) the type of currency to be used for the settlement; 七　契約の種類 (vii) the type of contract; 八　当事者の一方が相手方と取り決めた金融商品の利率等又は金融指標の種類 (viii) the Iinterest Rrate, etc. for the financial instruments or the type of financial indexicator agreed on between aone of the partyies and the other party;		

九　当事者が想定元本として定めた金額（次号に該当する場合を除く。） (ix) the amount determined by the parties as a notional principal (excluding the case falling under the following item); 十　当事者が想定元本として定めた金額が第百二十五条の八第二項各号に掲げる特定店頭デリバティブ取引の効力が生じる日から当該効力が消滅する日までの期間に応じ、当該各号に定める金額を超える場合にはその旨 (x) if the amount determined by the parties as a notional principal exceeds the amount provided for in the items of Article 125-8, paragraph (2), according to in accordance with the period from the day when the Sspecified Oover-the-Ccounter Transactions of Dderivatives transaction specifiedset forth in those items becomes effective andto the day when suchthe transaction ceases to be in effective, to that effectfact; 十一　支払の周期 (xi) the schedule forcycle of payment; and 十二　計算の周期 (xii) the schedule forcycle of calculation.	