商品先物取引法施行規則
Regulations for Enforcement of the Commodity Derivatives Transaction Act

（平成十七年二月二十二日農林水産省・経済産業省令第三号）
(Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 3 of February 22, 2005)

商品取引所法の一部を改正する法律（平成十六年法律第四十三号）及び商品取引所法施行令の一部を改正する政令（平成十六年政令第二百五十九号）の施行に伴い、並びに商品取引所法（昭和二十五年法律第二百三十九号）及び商品取引所法施行令（昭和二十五年政令第二百八十号）の規定に基づき、並びに同法を実施するため、商品取引所法施行規則（昭和二十五年農林省・通商産業省令第七号）の全部を改正する省令を次のように定める。

In conjunction with the enforcement of the Act for Partially Amending the Commodity Exchange Act (Act No. 43 of 2004) and the Cabinet Order for Partially Amending the Order for Enforcement of the Commodity Exchange Act (Cabinet Order No. 259 of 2004), and based on the provisions of the Commodity Exchange Act (Act No. 239 of 1950) and the Order for Enforcement of the Commodity Exchange Act (Cabinet Order No. 280 of 1950) as well as to implement that Act, the order to fully amend the Order for Enforcement of the Commodity Exchange Act (Order of the Ministry of Agriculture and Forestry and the Ministry of International Trade and Industry No. 7 of 1950) is established as follows:

（店頭商品デリバティブ取引について高度の能力を有する者等）
(Persons Highly Skilled in Over-the-Counter Commodity Derivatives Transactions)

第一条　商品先物取引法（以下「法」という。）第二条第十五項の主務省令で定める者は、次に掲げる者とする。

Article 1 (1) The persons prescribed by order of the competent ministry as referred to in Article 2, paragraph (15) of the Commodity Derivatives Transaction Act (referred to below as the "Act") are the following persons:

一　商品先物取引業者

(i) commodity derivatives brokers;

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

(ii) a commodity investment advisor prescribed in Article 2, paragraph (4) of the Act on Regulation of Commodity Investment (Act No. 66 of 1991);

三　金融商品取引法（昭和二十三年法律第二十五号）第二条第三項第一号に規定する

適格機関投資家（次号及び第五号に掲げる者並びに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）第十条第一項第二十五号に掲げる者を除く。）

(iii) a qualified institutional investor prescribed in Article 2, paragraph (3), item (i) of the Financial Instruments and Exchange Act (Act No. 25 of 1948) (excluding persons stated in the following item and item (v), and one stated in Article 10, paragraph (1), item (xxv) of the Cabinet Office Order Concerning Definitions Under Article 2 of the Financial Instruments and Exchange Act (Order of the Ministry of Finance No. 14 of 1993));

四　金融商品取引法第二条第九項に規定する金融商品取引業者（同法第二十八条第一項に規定する第一種金融商品取引業を行う者に限る。第一条の六第五号及び第百二条の二第一号ハを除き、以下同じ。）

(iv) a financial instruments business operator prescribed in Article 2, paragraph (9) of the Financial Instruments and Exchange Act (limited to a person that conducts type-1 financial instruments business prescribed in Article 28, paragraph (1) of that Act; the same applies below, excluding Article 1-6, item (v) and Article 102-2, item (i), (c));

五　金融商品取引法第二条第十一項に規定する登録金融機関

(v) a registered financial institution prescribed in Article 2, paragraph (11) of the Financial Instruments and Exchange Act;

六　外国の法令上前各号に掲げる者に相当する者

(vi) a person equivalent to one stated in the preceding items under the laws and regulations of a foreign state;

七　外国の法令に準拠して設立された株式会社と同種類の法人で資本金の額が十億円相当以上の者（資本金の額を本邦通貨に換算する場合には、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）第七条第一項に規定する基準外国為替相場又は裁定外国為替相場によるものとする。）

(vii) a corporation that is the same type as a stock company established in compliance with the laws and regulations of a foreign state with a capital amount of more than the amount equivalent to 1 billion yen (in cases of converting the capital amount into Japanese currency, the conversion is to be based on the base exchange rate or the arbitrated exchange rate of a foreign currency prescribed in Article 7, paragraph (1) of the Foreign Exchange and Foreign Trade Act (Act No. 228 of December 1, 1949));

八　特定目的会社（資産の流動化に関する法律（平成十年法律第百五号。以下「資産流動化法」という。）第二条第三項に規定する特定目的会社をいう。次号、第一条の六第八号及び第三十八条第六項第一号において同じ。）のうち、次に掲げるもの

(viii) the following specified purpose companies (meaning specified purpose company prescribed in Article 2, paragraph (3) of the Act on Securitization of Assets (Act No. 105 of 1998; referred to below as the "Asset Securitization Act"); the same applies in the following item, Article 1-6, item (viii), and

Article 38, paragraph (6), item (i));

イ　特定資本金の額（資産流動化法第十六条第二項第四号に規定する特定資本金の額をいう。ロにおいて同じ。）が十億円以上であるもの

(a) a person with a specified capital amount (meaning the specified capital amount prescribed in Article 16, paragraph (2), item (iv) of the Asset Securitization Act; the same applies in (b)) of at least 1 billion yen;

ロ　特定資本金の額が三千万円以上であり、かつ、その発行する資産対応証券（資産流動化法第二条第十一項に規定する資産対応証券をいう。）を前号に掲げる者、金融商品取引法施行令（昭和四十年政令第三百二十一号）第一条の八の六第一項第二号ロに掲げる者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十五条第一項第一号から第三号までに掲げる者のみが取得しているもの

(b) a person with a specified capital amount of at least 30 million yen and the asset-backed securities (meaning asset-backed securities as defined in Article 2, paragraph (xi) of the Asset Securitization Act) issued by them are held only by that stated in the preceding item, that stated in Article 1-8-6, paragraph (1), item (ii), (b) of the Order for Enforcement of the Financial Instruments and Exchange Act (Cabinet Order No. 321 of 1965), and that stated in Article 15, paragraph (1), items (i) through (iii) of the Cabinet Office Order Concerning Definitions Under Article 2 of the Financial Instruments and Exchange Act;

九　前各号に掲げる者又は資本金の額が十億円以上の株式会社の子会社（財務諸表等の用語、様式及び作成方法に関する規則（昭和三十八年大蔵省令第五十九号。以下「財務諸表等規則」という。）第八条第三項に規定する子会社（同条第七項の規定により子会社に該当しないものと推定される特定目的会社を除く。）をいう。）

(ix) a subsidiary company (meaning subsidiary company prescribed 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; referred to below as the "Regulation for Financial Statements"), excluding specified purpose company presumed not to fall under subsidiary company pursuant to the provisions of paragraph (7) of that Article) of those stated in the preceding items, or of a stock company with a capital amount of at least 1 billion yen.

２　法第二条第十五項の主務省令で定める金額は、十億円とする。

(2) The amount specified by order of the competent ministry as referred to in Article 2, paragraph (15) of the Act is 1 billion yen.

（国内にある者の範囲）

(Scope of Entities in Japan)

第一条の二　商品先物取引法施行令（以下「令」という。）第二条第二号の主務省令で定める者は、前条第一項各号に掲げる者及び資本金の額が十億円以上の株式会社とする。

Article 1-2 The entity prescribed by order of the competent ministry referred to in Article 2, item (ii) of the Order for Enforcement of the Commodity Derivatives Transaction Act (referred to below as the "Order") is one stated in the items of the preceding Article, paragraph (1), and a stock company with a capital amount of at least 1 billion yen.

（外国商品市場取引について高度の能力を有する者）

(Entities With High Level Capabilities for Foreign Commodity Market Transactions)

第一条の三　令第二条第三号の主務省令で定める者は、第一条第一項各号に掲げる者及び資本金の額が十億円以上の株式会社とする。

Article 1-3 The entity prescribed by order of the competent ministry referred to in Article 2, item (iii) of the Order is one stated in the items of Article 1, paragraph (1) and a stock company with a capital amount of at least 1 billion yen.

（人的関係又は資本関係において密接な関係を有する者）

(Entities With Close Personal Relationship or Capital Relationship)

第一条の四　令第二条第五号の主務省令で定める者は、次の各号に掲げる者とする。

Article 1-4 The entity prescribed by order of the competent ministry referred to in Article 2, item (v) of the Order is one stated in the following items:

一　法第二条第二十二項第五号に掲げる行為を行う者の親会社（財務諸表等規則第八条第三項に規定する親会社をいう。以下同じ。）

(i) a parent company (meaning a parent company prescribed in Article 8, paragraph 3 of the Regulation for Financial Statements; the same applies below) of a person that performs the acts stated in Article 2, paragraph (22), item (v) of the Act;

二　法第二条第二十二項第五号に掲げる行為を行う者の子会社（財務諸表等規則第八条第三項に規定する子会社をいう。）

(ii) a subsidiary company (meaning a subsidiary company prescribed in Article 8, paragraph 3 of the Regulation for Financial Statements; the same applies below) of a person that performs the acts stated in Article 2, paragraph (22), item (v) of the Act;

三　法第二条第二十二項第五号に掲げる行為を行う者の親会社の子会社（財務諸表等規則第八条第三項の規定により当該親会社の子会社とされる者（当該同号に掲げる行為を行う者及び前二号に掲げる者を除く。）をいう。）

(iii) a subsidiary company of a parent company (meaning a person considered to be a subsidiary company of the parent company pursuant to the provisions of Article 8, paragraph (3) of the Regulation for Financial Statements (excluding one that performs the acts stated in Article 2, paragraph (22), item (v) of the Act and one stated in the preceding two items)) of a person

that performs the acts stated in Article 2, paragraph (22), item (v) of the Act;

四　法第二条第二十二項第五号に掲げる行為（同号に規定する媒介、取次ぎ及び代理を除き、次に掲げる全ての要件を満たすものに限る。）を行う者が商品の売買等（法第十条第二項第一号に規定する売買等をいう。以下同じ。）を業として行っている者（以下この号において「当業者」という。）である場合には、他の当業者（前三号に掲げる者を除く。）

(iv) if the person that performs the acts stated in Article 2, paragraph (22), item (v) of the Act (excluding brokerage, intermediation, and actions as an agent, and limited to one that satisfies all of the following requirements) engages in purchase and sale, etc. (meaning the purchase and sale, etc. as defined in Article 10, paragraph (2), item (i) of the Act) of goods on a regular basis, (referred to below in this item as "business specialists"), other business specialists (excluding those stated in the preceding three items);

イ　当該他の当業者との間の商品の売買取引に付随して行うものであること。

(a) the acts are those performed incidentally to purchase and sale transactions of commodities with relevant other business specialists;

ロ　商品市場における相場等（令第二十九条第四号に規定する商品市場における相場等をいう。以下同じ。）に係る変動により生ずるおそれのある当該他の当業者の損失を軽減することを目的とするものであること。

(b) those engaged for the purpose of reducing the risk of losses of relevant other business specialists that may arise from fluctuations in quotations, etc. on a commodity market (meaning quotations, etc. on a commodity market prescribed in Article 29, item (iv) of the Order; the same applies below).

（商品デリバティブ取引に係る専門的知識及び経験を有する者）

(Persons With Expert Knowledge and Experience Regarding Commodity Derivatives Transactions)

第一条の五　法第二条第二十五項第三号の主務省令で定める者は、金融商品取引法第二条第三項第一号に規定する適格機関投資家とする。

Article 1-5　The person specified by order of the competent ministry as referred to in Article 2, paragraph (25), item (iii) of the Act is a qualified institutional investor as defined in Article 2, paragraph (3), item (i) of the Financial Instruments and Exchange Act.

（特定委託者の範囲）

(Scope of Eligible Requesting Parties)

第一条の六　法第二条第二十五項第八号の主務省令で定める法人は、次に掲げる法人とする。

Article 1-6　The corporation specified by order of the competent ministry as referred to in Article 2, paragraph (25), item (viii) of the Act is the following

corporations:

一　法第六章に規定する委託者保護基金（以下「委託者保護基金」という。）

(i) a requesting party protection funds prescribed in Chapter VI of the Act;

二　法第三百四十九条第一項に規定する特定店頭商品デリバティブ取引業者（法人である者に限る。）

(ii) a specified over-the-counter commodity derivatives broker prescribed in Article 349, paragraph (1) of the Act (limited to one that is a corporation);

三　特別の法律により特別の設立行為をもって設立された法人

(iii) a corporation established by a special act of establishment pursuant to a special law;

四　金融商品取引業者

(iv) a financial instruments business operator;

五　金融商品取引法第二条第九項に規定する金融商品取引業者（同法第二十八条第二項に規定する第二種金融商品取引業を行う者に限る。）であって、商品投資に係る事業の規制に関する法律第三十五条に規定する商品投資販売業者である者（法人である者に限る。）

(v) a financial instruments business operator prescribed in Article 2, paragraph (9) of the Financial Instruments and Exchange Act (limited to one engaged in type 2 financial instruments business prescribed in Article 28, paragraph (2) of that Act) who is a commodity investment sales manager prescribed in Article 35 of the Act on Regulation of Commodity Investment (limited to those that are corporations);

六　預金保険機構

(vi) Deposit Insurance Corporation of Japan;

七　保険業法（平成七年法律第百五号）第二百五十九条に規定する保険契約者保護機構

(vii) the policyholders protection corporation prescribed in Article 259 of the Insurance Business Act (Act No. 105 of 1995);

八　特定目的会社

(viii) a specified purpose company;

九　金融商品取引所（金融商品取引法第二条第十六項に規定する金融商品取引所をいう。以下同じ。）に上場されている株券の発行者である会社

(ix) companies that issue share certificates listed on a financial instruments exchange (meaning a financial instruments exchange prescribed in Article 2, paragraph (16) of the Financial Instruments and Exchange Act; the same applies below);

十　取引の状況その他の事情から合理的に判断して資本金の額が五億円以上であると見込まれる株式会社

(x) a stock company expected to have a capital amount of at least 500 million yen, in making a reasonable judgment in light of the status of transactions and other circumstances; and

十一　外国法人
(xi) foreign corporations.

（取引対象商品である物品に関連する物品）
(Goods Associated with Goods That Are Underlying Commodities)

第一条の七　法第二条第二十六項及び第百九十七条の九第一項の主務省令で定めるものは、次の各号に掲げる物品とする。

Article 1-7 The goods specified by order of the competent ministry as referred to in Article 2, paragraph (26) and Article 197-9, paragraph (1) of the Act are the following goods:

一　当該取引対象商品である物品の主たる原料又は材料となっている物品
(i) goods that constitute the main raw materials or ingredients of the goods that are underlying commodities;

二　当該取引対象商品である物品を主たる原料又は材料とする物品
(ii) goods for which the goods that are underlying commodities are the main raw materials or ingredients;

三　商品市場における相場等に係る変動その他の事情から合理的に判断して、当該取引対象商品である物品の価格と他の物品の価格との間に相関関係があると認められる場合における当該他の物品（前二号に掲げるものを除く。）
(iii) when a correlation is recognized between the prices of the goods that are underlying commodities and the prices of other goods, in making a reasonable judgment in light of the fluctuations in quotations, etc. on a commodity market and other circumstances, those other goods (excluding those stated in the preceding two items).

（業として行う行為）
(Acts Conducted on a Regular Basis)

第一条の八　法第二条第二十六項、第十条第二項第一号、第百九十七条の七及び第百九十七条の九第一項の主務省令で定める行為は、電気事業者（電気事業法（昭和三十九年法律第百七十号）第二条第十七号に規定する電気事業者をいう。）が行う電力（法第二条第一項第四号に規定する電力を除く。以下この条において同じ。）の売買又は売買の媒介、取次ぎ若しくは代理及び電気の供給を受ける者による電力の使用とする。

Article 1-8 The acts specified by order of the competent ministry as referred to in Article 2, paragraph (26), Article 10, paragraph (2), item (i), Article 197-7, and Article 197-9, paragraph (1) of the Act are the purchase and sale, or intermediation, brokerage, or action as an agent for the purchase and sale of electric power (excluding the electric power prescribed in Article 2, paragraph (1), item (iv) of the Act; the same applies below in this Article) conducted by an electricity utility (meaning the electricity utility prescribed in Article 2, item (xvii) of the Electricity Business Act (Act No. 170 of 1964)) or the use of electric power by a person that receives the supply of electric power.

（特定当業者である法人の要件）

(Requirements for Corporations That Are Eligible Commercial Persons)

第一条の九　法第二条第二十六項の主務省令で定める要件は、取引の状況その他の事情から合理的に判断して、当該法人が最初に商品先物取引業者との間で商品取引契約（当該法人が売買等を業として行っている物品若しくは電力（同条第一項第四号に規定する電力をいう。以下同じ。）又はこれらに関連する物品として次に掲げるものを取引対象商品とする商品デリバティブ取引に関するものに限る。）を締結した日から起算して一年を経過していると認められることとする。

Article 1-9 The requirement prescribed by order of the competent ministry as referred to in Article 2, paragraph (26) of the Act is that one year is found to have elapsed since the date on which the corporation has first entered into a commodities transaction contract (limited to a contract related to commodities derivatives transactions, the underlying commodities of which are goods or electric power (meaning the electric power as defined in paragraph (1), item (iv) of that Article; the same applies below) or the following goods as goods associated with them, for which the corporation is engaged in the purchase and sale, etc. on a regular basis) with a commodity derivatives business operator, in making a reasonable judgment in light of the status of transactions and other circumstances:

一　当該法人が売買等を業として行っている物品の主たる原料又は材料となっている物品

(i) goods constituting the main raw materials or ingredients of the goods for which the corporation is engaged in the purchase and sale, etc. on a regular basis;

二　当該法人が売買等を業として行っている物品を主たる原料又は材料とする物品

(ii) goods whose main raw materials or ingredients are the goods for which the corporation is engaged in the purchase and sale, etc. on a regular basis;

三　商品市場における相場等に係る変動その他の事情から合理的に判断して、当該法人が売買等を業として行っている物品の価格と他の物品の価格との間に相関関係があると認められる場合における当該他の物品（前二号に掲げるものを除く。）

(iii) when a correlation is recognized between the prices of goods of which the corporation is engaged in the purchase and sale, etc. on a regular basis and the prices of other goods, in making a reasonable judgment in light of fluctuations in quotations, etc. on a commodity market and other circumstances, the other goods (excluding those stated in the preceding two items).

（商品取引所の兼業業務の認可申請）

(Application for Authorization for Commodity Exchange's Concurrent Business)

第一条の十　商品取引所は、法第三条第一項ただし書の規定により認可を受けようとす

るときは、次に掲げる事項を記載した認可申請書を主務大臣に提出しなければならない。

Article 1-10 (1) When seeking to obtain authorization pursuant to the provisions of the proviso to Article 3, paragraph (1) of the Act, a commodity exchange must submit a written application for authorization stating the following matters to the competent minister:

一　認可を受けようとする業務の種類

(i) the type of business for which authorization is sought;

二　当該業務の開始予定年月日

(ii) the scheduled year, month, and date of the start of the business;

２　前項の認可申請書には、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 authorization referred to in the preceding paragraph:

一　当該業務を行う理由を記載した書面

(i) a document stating the reason for conducting the business;

二　当該業務の内容及び方法を記載した書面

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

三　当該業務を所掌する組織及び人員配置を記載した書面

(iii) a document stating the organization in charge of the business and the assignment of personnel;

四　当該業務に関する内部規則

(iv) the internal rules concerning the business;

五　当該認可後三事業年度における当該業務の収支の見込みを記載した書面

(v) a document stating a forecast of income and expenditures for the business for three business years after obtaining the authorization; and

六　その他参考となるべき事項を記載した書面

(vi) documents stating other matters to be used as a reference.

（兼業業務の廃止の届出）

(Notification of Discontinuation of Concurrent Business)

第一条の十一　商品取引所が法第三条第一項ただし書の規定の認可を受けた業務（金融商品債務引受業等（金融商品取引法第百五十六条の三第一項第六号に規定する金融商品債務引受業等をいう。第七十一条第三号において同じ。）及びこれに附帯する業務に限る。）を廃止したときは、次に掲げる事項を記載した届出書を提出しなければならない。

Article 1-11 When a commodities exchange discontinues a business that has obtained the authorization under the provisions of the proviso to Article 3, paragraph (1) of the Act (limited to financial instruments obligation assumption services, etc. (meaning financial instruments obligation assumption services, etc. prescribed in Article 156-3, paragraph (1), item (vi) of the Financial Instruments and Exchange Act; the same applies in Article 71,

item (iii)) and incidental businesses), a notification stating the following matters must be submitted:

一　当該業務を廃止した年月日

(i) the date on which the business was discontinued; and

二　当該業務を廃止した理由

(ii) the reason for discontinuing the business.

（商品取引所の子会社の認可申請）

(Application for Authorization of Subsidiary Companies of Commodity Exchanges)

第一条の十二　商品取引所は、法第三条の二第一項ただし書の規定により認可を受けようとするときは、認可申請書に次に掲げる書類を添付して主務大臣に提出しなければならない。

Article 1-12 When seeking to obtain authorization pursuant to the provisions of the proviso to Article 3-2, paragraph (1) of the Act, a commodity exchange must submit a written application for authorization to the competent minister by attaching the following documents:

一　当該認可に係る会社を子会社（法第三条の二第三項に規定する子会社をいう。以下この条において同じ。）とする理由を記載した書面

(i) a document stating the reason for making the company for which the authorization is sought to be its subsidiary company (meaning a subsidiary company prescribed in Article 3-2, paragraph (3) of the Act; the same applies below in this Article);

二　当該認可に係る子会社となる会社に関する次に掲げる書類

(ii) the following documents concerning the company that is to become the subsidiary company for which the authorization is sought:

イ　商号及び本店の所在地を記載した書面

(a) a document stating its trade name and location of its head office;

ロ　業務の内容を記載した書面

(b) a document stating the content of its business;

ハ　取締役及び監査役（監査等委員会設置会社にあっては取締役、指名委員会等設置会社にあっては取締役及び執行役。第三十六条の九及び第三十六条の十二第二号ハにおいて同じ。）の氏名及び役職名を記載した書面

(c) a document stating the names and titles of the company directors and auditors (directors for a company with an audit and supervisory committee, and company directors and executive officers for a company with a nominating committee, etc.; the same applies in Article 36-9 and Article 36-12, paragraph (2), item (ii), (c));

ニ　当該会社が会計参与設置会社である場合には、会計参与の氏名又は名称を記載した書面

(d) in cases of a company with accounting advisors, a document stating the

names of the accounting advisors;

ホ　定款

(e) the articles of incorporation;

ヘ　登記事項証明書

(f) a certificate of registered information;

ト　直前事業年度の貸借対照表、損益計算書及び株主資本等変動計算書その他最近における業務、財産及び損益の状況を知ることができる書類

(g) documents that show its recent status of business, property, and profit and loss, such as the balance sheet, profit and loss statement, and statement of changes in net assets for the immediately preceding business year;

三　当該商品取引所及びその子会社に関する次に掲げる書類

(iii) the following documents concerning the commodity exchange and its subsidiary company:

イ　当該商品取引所及びその子会社の業務及び財産の状況を連結して記載した直前事業年度の貸借対照表、損益計算書及び株主資本等変動計算書その他これらの最近における業務、財産及び損益の状況を知ることができる書類

(a) documents that show in a consolidated manner its recent status of business, property and profit and loss of the commodity exchange and its subsidiary company, such as the consolidated balance sheet, profit and loss statement, and statement of changes in net assets for the immediately preceding business year;

ロ　当該認可後三事業年度における当該商品取引所及びその子会社（当該認可に係る子会社となる会社を含む。）の収支の見込みを記載した書面

(b) a document stating a forecast of income and expenditures for the commodity exchange and its subsidiary company (including a company that is to become the subsidiary company related for which the authorization is sought) for three business years after obtaining the authorization; and

四　その他参考となるべき事項を記載した書面

(iv) documents stating other matters to be used as a reference.

（自主規制業務）

(Self-Regulation Services)

第一条の十三　法第五条の二第二項第三号の主務省令で定めるものは、次に掲げるものとする。

Article 1-13 The matters prescribed by order of the competent ministry as referred to in Article 5-2, paragraph (2), item (iii) are the following matters:

一　会員等の資格の審査

(i) examination of the qualifications of members, etc.;

二　会員等が行う商品市場における取引の内容の審査（商品市場における取引を円滑にするため、これらの取引の状況について即時に行うものを除く。）

(ii) examination of the content of transactions in the commodity market conducted by members, etc. (excluding those for which examination of the status of the transaction is done immediately in order to facilitate smooth transactions in the commodity market);

三　法第五条の二第二項第一号及び第二号に掲げる業務に関する定款その他の規則の作成、変更及び廃止の業務

(iii) the work of creating, changing, or abolishing articles of incorporation or other rules relating to the businesses stated in Article 5-2, paragraph (2), items (i) and (ii) of the Act.

（電磁的記録）

(Electronic or Magnetic Records)

第一条の十四　法第十一条第五項に規定する主務省令で定めるものは、法第十一条第一項の発起人の使用に係る電子計算機に備えられたファイル又は電磁的記録媒体（電磁的記録に係る記録媒体をいう。第五十五条の七を除き、以下同じ。）をもって調製するファイルに情報を記録したものとする。

Article 1-14　The records specified by order of the competent ministry as prescribed in Article 11, paragraph (5) of the Act are records in which information is recorded in a file stored in a computer used by the founder referred to in Article 11, paragraph (1) of the Act or a file prepared in the form of an electronic or magnetic recording medium (meaning a recording medium for electronic or magnetic records; the same applies below except for Article 55-7).

（電子署名）

(Electronic Signatures)

第二条　法第十一条第五項に規定する主務省令で定める署名又は記名押印に代わる措置は、電子署名とする。

Article 2　(1) The measures in place of signing or affixing names and seals specified by order of the competent ministry as prescribed in Article 11, paragraph (5) of the Act are electronic signatures.

2　前項に規定する「電子署名」とは、電磁的記録（法第十一条第五項に規定する電磁的記録をいう。以下同じ。）に記録することができる情報について行われる措置であって、次の要件のいずれにも該当するものをいう。

(2) The term "electronic signatures" prescribed in the preceding paragraph means measures taken for information that can be recorded onto an electronic or magnetic record (meaning the electronic or magnetic record prescribed in Article 11, paragraph (5) of the Act; the same applies below), which satisfies all of the following requirements:

一　当該情報が当該措置を行った者の作成に係るものであることを示すためのものであること。

(i) the purpose of the measures is to show that the information was prepared by the person that has taken the measures; and

二　当該情報について改変が行われていないかどうかを確認することができるものであること。

(ii) the measures enable confirmation as to whether the information has been altered.

（商品先物取引法施行令に係る電磁的方法）

(Electronic or Magnetic Means Concerning the Order for Enforcement of the Commodity Derivatives Transaction Act)

第二条の二　令第三条第一項の規定により示すべき電磁的方法（法第十二条第四項に規定する電磁的方法をいう。第七条、第四十一条、第五十一条、第九十条の三及び第百九条の二を除き、以下同じ。）の種類及び内容は、次に掲げるものとする。

Article 2-2 The type and content of the electronic or magnetic means (meaning electronic or magnetic means prescribed in Article 12, paragraph (4) of the Act; the same applies below, excluding Article 7, Article 41, Article 51, Article 90-3, and Article 109-2) required to be indicated pursuant to the provisions of Article 3, paragraph (1) of the Order are as follows:

一　次に掲げる方法のうち、送信者が使用するもの

(i) means that a sender uses from the following:

イ　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

(a) the following means that use electronic data processing systems:

（１）　送信者の使用に係る電子計算機と受信者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

1. means of transmitting information through a telecommunications line that connects a computer used by a sender and a computer used by a receiver and recording the information in a file on a computer used by the receiver; or

（２）　送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された情報の内容を電気通信回線を通じて情報を受ける者の閲覧に供し、当該情報の提供を受ける者の使用に係る電子計算機に備えられたファイルに当該情報を記録する方法

2. means of providing the information recorded in a file on a computer used by a sender for the inspection of a receiver of the information through a telecommunications line, and recording the information in a file on a computer used by the receiver; or

ロ　磁気ディスクその他これに準ずる方法により一定の情報を確実に記録しておくことができる物をもって調製するファイルに情報を記録したものを交付する方法

(b) means of delivering the media that has recorded the information in a file prepared in the form of a magnetic disk or by an equivalent method that

can record certain information securely;

二　ファイルへの記録の方式

(ii) means of recording the information in a file.

（電磁的方法）

(Electronic or Magnetic Means)

第二条の三　法第十二条第四項に規定する電子情報処理組織を使用する方法その他の情報通信の技術を利用する方法であって主務省令で定めるものは、次に掲げる方法とする。

Article 2-3 (1) The means of using electronic data processing systems or using other information communications technology specified by order of the competent ministry as prescribed in Article 12, paragraph (4) of the Act are as follows:

一　電子情報処理組織を使用する方法のうちイ又はロに掲げるもの

(i) the means stated in (a) or (b) that use electronic data processing systems:

イ　送信者の使用に係る電子計算機と受信者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) means of transmitting information through a telecommunications line that connects a computer used by a sender and a computer used by a receiver and recording the information in a file on a computer used by the receiver; or

ロ　送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された情報の内容を電気通信回線を通じて情報の提供を受ける者の閲覧に供し、当該情報の提供を受ける者の使用に係る電子計算機に備えられたファイルに当該情報を記録する方法

(b) means of providing the information recorded in a file on a computer used by a sender for the inspection of a receiver of the information through a telecommunications line, and to record the information in a file on a computer used by the receiver; and

二　磁気ディスクその他これに準ずる方法により一定の情報を確実に記録しておくことができる物をもって調製するファイルに情報を記録したものを交付する方法

(ii) means of delivering the media that has recorded the information in a file prepared in the form of a magnetic disk or by an equivalent method that can record certain information securely.

2　前項各号に掲げる方法は、受信者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 stated in the preceding items must be the means that enables a receiver to prepare a written document by outputting the record in the file.

（創立総会の議事録）

(Minutes of the Organizational Meeting)

第二条の四　法第十三条第七項の規定による創立総会の議事録の作成については、この条の定めるところによる。

Article 2-4 (1) The preparation of the minutes of the organizational meeting pursuant to the provisions of Article 13, paragraph (7) of the Act is governed by the provisions of this Article.

２　創立総会の議事録は、書面又は電磁的記録をもって作成しなければならない。

(2) The minutes of the organizational meeting must be prepared in the form of a document or an electronic or magnetic record.

３　創立総会の議事録は、次に掲げる事項を内容とするものでなければならない。

(3) The minutes of the organizational meeting must include the following matters:

一　創立総会が開催された日時及び場所

(i) the date and time when and the place where the organizational meeting was held;

二　創立総会の議事の経過の要領及びその結果

(ii) the outline and results of the proceedings of the organizational meeting;

三　創立総会に出席した発起人及び役員の氏名又は名称

(iii) the names of the founders and the officers who attended the organizational meeting;

四　創立総会の議長が存するときは、議長の氏名

(iv) if there is a chairperson of the organizational meeting, the name of the chairperson; and

五　議事録の作成に係る職務を行った発起人の氏名又は名称

(v) the name of the founder who performed the duties concerning the preparation of the minutes.

（許可の申請書の添付書類）

(Documents Attached to a Written Application for License)

第三条　法第十四条第二項の主務省令で定める書類は、次に掲げるもの（官公署が証明する書類の場合には、許可の申請の日前三月以内に作成されたものに限る。）とする。

Article 3 The documents specified by order of the competent ministry as referred to in Article 14, paragraph (2) of the Act are as follows (in cases of documents certified by a public agency, limited to those prepared within three months before the date of filing the application for license):

一　役員の住民基本台帳法（昭和四十二年法律第八十一号）第十二条第一項に規定する住民票の写し又はこれに代わる書面（以下これらを「住民票の写し等」という。）、履歴書、その者が法第十五条第二項第一号ロに該当しない旨の官公署の証明書（その者が外国人である場合を除く。）並びにその者が同号イ及びハからルまで（その者が外国人の場合には、同号イからルまで）のいずれにも該当しないことを誓約する書面

(i) a copy of the residence certificate prescribed in Article 12, paragraph (1) of the Basic Resident Registration Act (Act No. 81 of 1967), or an alternative document (referred to below as a "copy of the residence certificate, etc."), a curriculum vitae, a certification issued by a public agency that the person does not fall under the provisions of Article 15, paragraph (2), item (i), (b) of the Act (excluding when the person is a foreign national), and a document pledging that the person does not fall under any of the provisions of sub-item (a) or sub-items (c) through (k) of that item (when the person is a foreign national, sub-items (a) through (k) of that item);

二　会員の氏名又は商号若しくは名称及び主たる事務所又は本店の所在地を記載した書面、その者が法第三十一条第一項各号のいずれにも該当しないことを誓約する書面並びに申請に係る会員商品取引所が開設しようとする一以上の商品市場において法第百五条第一号に掲げる方法により決済を行う場合には許可の申請の日前三十日以内に様式第一号により作成したその者の純資産額に関する調書

(ii) a document stating the name or trade name of a member and the location of their principal office or head office, a document pledging that the person does not fall under any of the provisions of the items of Article 31, paragraph (1) of the Act, and when completing settlement by the methods stated in Article 105, item (i) of the Act at one or more commodity markets which a member commodity exchange related to the application seeks to open, a record concerning the amount of the net assets of the person which is prepared according to Form No. 1 within 30 days before the date of filing the application for permission;

三　過半数の発起人が、それぞれ法第十条第二項各号に掲げる者に該当することを誓約する書面

(iii) a document pledging that a majority of the founders fall under the items of Article 10, paragraph (2) of the Act;

四　加入申込証

(iv) a membership application form;

五　出資の払込みがあったことを証する書面

(v) a document that proves the payment of the investment;

六　創立総会の議事録

(vi) minutes of the organizational meeting;

七　開設しようとする商品市場における開設後一年間の先物取引の取引量の見込みを記載した書面

(vii) a document stating the estimated transaction volume of futures transactions for one year after the opening of a commodity market which they seek to open;

八　上場商品に係る商品市場を開設しようとする場合にあっては、上場商品構成品（法第十条第二項第一号に規定する上場商品構成品をいう。以下同じ。）を一の商品市場で取引をすることが適当である旨を明らかにすることができる書面

(viii) when seeking to open a commodity market related to a listed commodity, a document stating that it is appropriate to conduct transactions of component products of listed commodities (meaning component products of listed commodities prescribed in Article 10, paragraph (2), item (i) of the Act; the same applies below) in a single commodity market;

九　二以上の商品指数を一の上場商品指数として商品市場を開設しようとする場合にあっては、当該二以上の商品指数の対象となる物品又は電力の大部分が共通していることを明らかにすることができる書面

(ix) when seeking to open a commodity market by specifying two or more commodity indices as a single listed commodity index, a document stating that the majority of the goods or electric power subject to the two or more commodity indices are common to one another;

十　商品市場を開設する業務において電子情報処理組織を使用する場合には、当該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を記載した書類

(x) when using an electronic data processing system in opening a commodity market, a document stating the outline, installation location, capacity, maintenance method of the electronic data processing system, and the method of handling in the case of malfunction of the electronic data processing system; and

十一　その他法第十五条第一項に掲げる基準に適合しているかどうかについての認定の参考となるべき事項を記載した書面

(xi) documents stating other information to be used as a reference in recognizing whether the criteria stated in Article 15, paragraph (1) of the Act have been met.

（法第十五条第二項第一号イの主務省令で定める者等）

(Persons Prescribed by Order of the Competent Ministry as Referred to in Article 15, Paragraph (2), Item (i), (a) of the Act)

第三条の二　法第十五条第二項第一号イの主務省令で定める者は、精神の機能の障害によりその職務を適正に執行するに当たって必要な認知、判断及び意思疎通を適切に行うことができない者とする。

Article 3-2 (1) The person specified by order of the competent ministry as referred to in Article 15, paragraph (2), item (i), (a) of the Act is a person that is unable to adequately carry out the cognition, decision making, and communication necessary for properly performing their duties due to mental impairment.

２　主務大臣は、法第九条の許可の申請があった場合において、発起人のうちに法第十五条第二項第一号イ、ル（イ及びヲに係る部分に限る。）又はヲ（イ及びルに係る部分に限る。）のいずれかに該当する者があるかどうかを審査するために必要があると認めるときは、発起人に対し、当該審査の対象となる者の病名、精神の機能の障害の

有無及び程度、病因、病後の経過、治癒の見込みその他参考となる所見を記載した医師の診断書の提出を求めることができる。

(2) When an application for the permission under Article 9 of the Act has been filed, and the competent minister finds it necessary for examining whether the founders include a person that falls under any of Article 15, paragraph (2), item (i), (a) or (k) (limited to the part related to (a) and (l)) or (l) (limited to the part related to (a) and (k)) of the Act, the competent minister may request the founders to submit a doctor's written diagnosis stating the name of the illness of the person subject to the examination, whether the person has any mental impairment and the level of mental impairment, causes of the illness, post-illness progress, prospects of recovery, and other remarks for reference.

（責任追及等の訴えの提起の請求方法）

(Means of Filing Requests for Action to Enforce Liability)

第三条の三　法第十八条第二項、第五十八条及び第七十七条第二項において読み替えて準用する会社法（平成十七年法律第八十六号）第八百四十七条第一項の主務省令で定める方法は、次に掲げる事項を記載した書面の提出又は当該事項の電磁的方法による提供とする。

Article 3-3 The means specified by order of the competent ministry as referred to in Article 847, paragraph (1) of the Companies Act (Act No. 86 of 2005) as applied mutatis mutandis pursuant to Article 18, paragraph (2), Article 58, and Article 77, paragraph (2) of the Act following the deemed replacement of terms is the submission of a document that states the following information or the provision of that information by electronic or magnetic means:

一　被告となるべき者

(i) the prospective defendant; and

二　請求の趣旨及び請求を特定するのに必要な事実

(ii) the object of the request and the facts necessary to specify the request.

（訴えを提起しない理由の通知方法）

(Means of Notifying Reasons for Not Filing an Action)

第三条の四　法第十八条第二項、第五十八条及び第七十七条第二項において読み替えて準用する会社法第八百四十七条第四項の主務省令で定める方法は、次に掲げる事項を記載した書面の提出又は当該事項の電磁的方法による提供とする。

Article 3-4 The means specified by order of the competent ministry as referred to in Article 847, paragraph (4) of the Companies Act as applied mutatis mutandis pursuant to Article 18, paragraph (2), Article 58, and Article 77, paragraph (2) of the Act following the deemed replacement of terms is the submission of a document that states the following information or the provision of that information by electronic or magnetic means:

一　会員商品取引所が行った調査の内容（次号の判断の基礎とした資料を含む。）

(i) the content of the investigation that a member commodity exchange conducted (including the document which served as the basis of judgment referred to in the following item);

二　法第十八条第二項、第五十八条及び第七十七条第二項において読み替えて準用する会社法第八百四十七条第一項の規定による請求に係る訴えについての前条第一号に掲げる者の責任又は義務の有無についての判断

(ii) the judgment with regard to any liability or obligation of a person stated in item (i) of the preceding Article for an action concerning a request pursuant to the provisions of Article 847, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 18, paragraph (2), Article 58, and Article 77, paragraph (2) of the Act following the deemed replacement of terms;

三　前号の者に責任又は義務があると判断した場合において、同号の訴えを提起しないときは、その理由

(iii) when not filing an action referred to in the preceding item, when the person referred to in that item has been judged to have liability or obligation, the reasons for it.

（役員又は会員の氏名等の変更届出書の添付書類）

(Documents Attached to Notifications of Change in Names of Officers or Members)

第四条　法第十九条第二項の主務省令で定める書類は、次に掲げるもの（官公署が証明する書類の場合には、変更の届出の日前三月以内に作成されたものに限る。）とする。

Article 4　The documents specified by order of the competent ministry as referred to in Article 19, paragraph (2) of the Act are as follows (in cases of documents certified by a public agency, limited to those prepared within three months before the date of filing the notification of change):

一　変更の届出が新たに就任した役員に係るときは、その者の住民票の写し等、履歴書、その者が法第十五条第二項第一号ロに該当しない旨の官公署の証明書（その者が外国人である場合を除く。）並びにその者が法第十五条第二項第一号イ及びハからルまで（その者が外国人の場合には、同号イからルまで）のいずれにも該当しないことを誓約する書面

(i) when the notification of change relates to an officer who has newly assumed office, a copy of the residence certificate, etc. and a curriculum vitae of that person, a certificate issued by a public agency proving that the person does not fall under Article 15, paragraph (2), item (i), (b) of the Act (excluding the case in which the person is a foreign national), and a document pledging that the person does not fall under any of Article 15, paragraph (2), item (i), sub-item (a) or sub-items (c) through (k) of the Act (when where the person is a foreign national, sub-items (a) through (k) of that item);

二　変更の届出が新たに会員となった者に係るときは、その者の氏名又は商号若しく

は名称及び主たる事務所又は本店の所在地を記載した書面、その者が法第三十一条第一項第各号のいずれにも該当しないことを誓約する書面並びに届出に係る会員商品取引所が開設する一以上の商品市場において法第百五条第一号に掲げる方法により決済を行う場合には会員となった日前三十日以内に様式第一号により作成したその者の純資産額に関する調書

(ii) when the notification of change relates to a person that has newly become a member, a document that states the name or trade name of the person and the location of their principal office or head office, a document pledging that the person does not fall under any of the items of Article 31, paragraph (1) of the Act, and when completing settlement by the method stated in Article 105, item (i) of the Act at one or more commodity markets which the member commodity exchange related to the notification seeks to open, a record concerning the amount of the net assets of the person which is prepared according to Form No. 1 within 30 days before the day when the person became a member; or

三　変更の届出が会員が取引をする商品市場における上場商品又は上場商品指数の追加に係る場合であって、法第百五条第一号に掲げる方法により決済を行うときは、変更の届出日前三十日以内に様式第一号により作成したその者の純資産額に関する調書

(iii) when the notification of change relates to the addition of a listed commodity or listed commodity index on a commodity market where a member conducts transactions, and settlement is to be completed by the method stated in Article 105, item (i) of the Act, a record concerning the amount of the net assets of the person which is prepared according to Form No. 1 within 30 days before the day of the notification of a change.

（法第三十一条第一項第一号の主務省令で定める者）

(Persons Prescribed by Order of the Competent Ministry Referred to in Article 31, Paragraph (1), Item (i) of the Act)

第五条　法第三十一条第一項第一号の主務省令で定める者は、精神の機能の障害によりその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 5 A person specified by order of the competent ministry as referred to in Article 31, paragraph (1), item (i) of the Act is to be a person that is unable to adequately carry out the cognition, decision making, and communication necessary for properly performing their duties due to mental impairment.

（電磁的記録に記録された事項を表示する方法）

(Means of Displaying Information Recorded in Electronic or Magnetic Records)

第六条　次に掲げる規定に規定する主務省令で定める方法は、次に掲げる規定の電磁的記録に記録された事項を紙面又は映像面に表示する方法とする。

Article 6 The means specified by order of the competent ministry as prescribed in the following provisions are the means of displaying the information recorded in an electronic or magnetic records stated in the following provisions on paper or on a screen:

一　法第五十七条第四項第三号（法第七十七条第二項及び第九十三条第三項において準用する場合を含む。）

(i) the provisions of Article 57, paragraph (4), item (iii) of the Act (including as applied mutatis mutandis pursuant to Article 77, paragraph (2) and Article 93, paragraph (3) of the Act);

二　法第六十八条の二第三項第三号

(ii) the provisions of Article 68-2, paragraph (3), item (iii) of the Act;

三　法第九十六条の十四第二項第二号

(iii) the provisions of Article 96-14, paragraph (2), item (ii) of the Act;

四　法第百二十三条第二項第三号

(iv) the provisions of Article 123, paragraph (2), item (iii) of the Act;

五　法第百二十五条第二項第三号

(v) the provisions of Article 125, paragraph (2), item (iii) of the Act;

六　法第百四十四条第二項第三号

(vi) the provisions of Article 144, paragraph (2), item (iii) of the Act;

七　法第百四十四条の二第七項第三号

(vii) the provisions of Article 144-2, paragraph (7), item (iii) of the Act;

八　法第百四十四条の三第二項第三号

(viii) the provisions of Article 144-3, paragraph (2), item (iii) of the Act;

九　法第百四十四条の四第五項第三号

(ix) the provisions of Article 144-4, paragraph (5), item (iii) of the Act;

十　法第百四十四条の五第二項第三号

(x) the provisions of Article 144-5, paragraph (2), item (iii) of the Act;

十一　法第百四十四条の十二第三項第三号

(xi) the provisions of Article 144-12, paragraph (3), item (iii) of the Act;

十二　法第百四十四条の十三第二項第三号

(xii) the provisions of Article 144-13, paragraph (2), item (iii) of the Act; and

十三　法第百四十四条の二十一第三項第三号

(xiii) the provisions of Article 144-21, paragraph (3), item (iii) of the Act.

（電磁的記録に記録された情報を提供するための電磁的方法）

(Electronic or Magnetic Means of Providing Information in an Electronic or Magnetic Record)

第七条　次に掲げる規定に規定する主務省令で定める電磁的方法は、第二条の三第一項各号に掲げるもののうち、商品取引所が定めるものとする。

Article 7 The electronic or magnetic means specified by order of the competent ministry as prescribed in the following provisions are the means designated by

a commodity exchange among those stated in each item of Article 2-3, paragraph (1):

一　法第五十七条第四項第四号（法第七十七条第二項及び第九十三条第三項において準用する場合を含む。）

(i) the provisions of Article 57, paragraph (4), item (iv) of the Act (including as applied mutatis mutandis pursuant to Article 77, paragraph (2) and Article 93, paragraph (3) of the Act);

二　法第六十八条の二第三項第四号

(ii) the provisions of Article 68-2, paragraph (3), item (iv) of the Act;

三　法第百二十三条第二項第四号

(iii) the provisions of Article 123, paragraph (2), item (iv) of the Act;

四　法第百二十五条第二項第四号

(iv) the provisions of Article 125, paragraph (2), item (iv) of the Act;

五　法第百四十四条第二項第四号

(v) the provisions of Article 144, paragraph (2), item (iv) of the Act;

六　法第百四十四条の二第七項第四号

(vi) the provisions of Article 144-2, paragraph (7), item (iv) of the Act;

七　法第百四十四条の三第二項第四号

(vii) the provisions of Article 144-3, paragraph (2), item (iv) of the Act;

八　法第百四十四条の四第五項第四号

(viii) the provisions of Article 144-4, paragraph (5), item (iv) of the Act;

九　法第百四十四条の五第二項第四号

(ix) the provisions of Article 144-5, paragraph (2), item (iv) of the Act;

十　法第百四十四条の十二第三項第四号

(x) the provisions of Article 144-12, paragraph (3), item (iv) of the Act;

十一　法第百四十四条の十三第二項第四号

(xi) the provisions of Article 144-13, paragraph (2), item (iv) of the Act; and

十二　法第百四十四条の二十一第三項第四号

(xii) Article 144-21, paragraph (3), item (iv) of the Act.

（法第五十九条第五項の主務省令で定める方法）

(Means Specified by Order of the Competent Ministry as Referred to in Article 59, Paragraph (5) of the Act)

第八条　法第五十九条第五項の主務省令で定める方法は、第二条の三第一項第二号に掲げる方法とする。

Article 8 The means specified by order of the competent ministry as referred to in Article 59, paragraph (5) of the Act is the means stated in Article 2-3, paragraph (1), item (ii).

（承諾の手続において示すべき電磁的方法の種類及び内容）

(Type and Content of Electronic or Magnetic Means Required to be Indicated in

the Procedures for Consent)

第九条　令第五条第一項の規定により示すべき電磁的方法の種類及び内容は、次に掲げる事項とする。

Article 9 The type and content of the electronic or magnetic means required to be indicated pursuant to the provisions of Article 5, paragraph (1) are the following information:

一　第二条の三第一項イ又はロに掲げる方法のうち、送信者が使用するもの

(i) means that a sender uses among the means stated in Article 2-3, paragraph (1), (a) or (b); and

二　ファイルへの記録の方式

(ii) means of recording the information in a file.

（議事録）

(Minutes)

第九条の二　法第六十二条の三の規定による会員総会の議事録の作成については、この条の定めるところによる。

Article 9-2 (1) The preparation of the minutes of a general meeting of members pursuant to the provisions of Article 62-3 of the Act is governed by this Article.

２　会員総会の議事録は、書面又は電磁的記録をもって作成しなければならない。

(2) The minutes of a general meeting of members must be prepared in the form of a document or an electronic or magnetic record.

３　会員総会の議事録は、次に掲げる事項を内容とするものでなければならない。

(3) The minutes of a general meeting of members must include the following information:

一　会員総会が開催された日時及び場所（当該場所に存しない理事長、理事、監事又は会員が会員総会に出席をした場合における当該出席の方法を含む。）

(i) the date and time when and the place where the general meeting of members was held (including the method of attendance when the president, director, auditor or a member who was not present at the place attended the general meeting of members);

二　会員総会の議事の経過の要領及びその結果

(ii) the outline and results of the proceedings of the general meeting of members;

三　法第四十八条第三項による監事の意見の概要

(iii) the outline of the auditor's opinions pursuant to Article 48, paragraph (3) of the Act;

四　会員総会に出席した理事長、理事又は監事の氏名

(iv) the names of the president, director, or auditor who attended the general meeting of members;

五　議長の氏名

(v) the name of the chairperson;

六　議事録の作成に係る職務を行った理事長又は理事の氏名
(vi) the name of the president or director who performed the duties concerning the preparation of the minutes.

（会計慣行のしん酌）
(Consideration of Accounting Practices)
第十条　次条から第二十六条までの規定の用語の解釈及び規定の適用に関しては、一般に公正妥当と認められる企業会計の基準その他の企業会計の慣行をしん酌しなければならない。
Article 10 With regard to the interpretation of terms stated in the provisions of the following Article through Article 26 and the application of the provisions, generally accepted corporate accounting standards and other corporate accounting practices must be taken into consideration.

（決算関係書類等の記載事項等）
(Matters to be Stated in Settlement Related Documents)
第十条の二　法第六十六条第一項の決算関係書類等については、次条から第二十条までに定めるところによる。
Article 10-2 The settlement related documents, etc. referred to in Article 66, paragraph (1) of the Act are as specified in the provisions of the following Article through Article 20.

（貸借対照表の原則）
(Principles of Balance Sheets)
第十一条　貸借対照表は、会員商品取引所の財産状態を明らかにするため、事業年度の終わりにおけるすべての資産、負債及び純資産を記載し、又は記録し、会員その他の利害関係者にこれを正しく表示するものでなければならない。
Article 11 A balance sheet must, for the purpose of clarifying the financial condition of a member commodity exchange, state or record the entire assets, liabilities, and net assets of the member commodity exchange at the end of each business year, and accurately show the information to members and any other interested party.

（貸借対照表の様式）
(Format of Balance Sheets)
第十二条　貸借対照表の様式は、勘定式によるものとする。
Article 12 The balance sheet is to be in an account format.

（貸借対照表の区分）
(Categorization of Balance Sheets)
第十三条　貸借対照表は、次に掲げる部に区分して表示しなければならない。ただし、

必要がある場合には、純資産の部の名称として、出資の部の名称を用いることができる。

Article 13 (1) A balance sheet must indicate the values by categorizing them into the following sections; provided, however, that the title of the contribution section may be used as the title of the net assets section, if necessary:

一　資産

(i) assets section;

二　負債

(ii) liabilities section; and

三　純資産

(iii) net assets section.

２　資産の部又は負債の部の各項目は、当該項目に係る資産又は負債を示す適当な名称を付さなければならない。

(2) Each item in the assets section or the liabilities section must be given appropriate titles that indicate the assets or liabilities concerning that item.

（資産の部の区分）

(Categorization of Assets Section)

第十四条　資産の部は、次に掲げる項目に区分しなければならない。この場合において、各項目（第二号に掲げる項目を除く。）は、適当な項目に細分しなければならない。

Article 14 (1) The assets section must be categorized into the following items. In this case, each item (excluding the item stated in item (ii)) must be subdivided into appropriate sub-items:

一　流動資産

(i) current assets;

二　固定資産

(ii) fixed assets; and

三　繰延資産

(iii) deferred assets.

２　固定資産に係る項目は、次に掲げる項目に区分しなければならない。この場合において、各項目は、適当な項目に細分しなければならない。

(2) The item for fixed assets must be categorized into the following sub-items. In this case, each sub-item must be subdivided into appropriate sub sub-items:

一　有形固定資産

(i) tangible fixed assets;

二　無形固定資産

(ii) intangible fixed assets; and

三　投資その他の資産

(iii) investments and other assets.

３　次の各号に掲げる資産は、当該各号に定めるものに属するものとする。

(3) The assets stated in the following items are to belong to those specified in

those items:
一　次に掲げる資産　流動資産
(i) the following assets: current assets:
イ　現金及び預金（一年内に期限の到来しない預金を除く。）
(a) cash and cash in bank (excluding cash in bank whose maturity date does not fall within a year);
ロ　受取手形（通常の取引（会員商品取引所の事業目的のための営業活動において、経常的に又は短期間に循環して発生する取引をいう。以下この条から第十六条の八までにおいて同じ。）に基づいて発生した手形債権（破産更生債権等（破産債権、再生債権、更生債権その他これらに準ずる債権をいう。以下この号において同じ。）で一年内に弁済を受けることができないことが明らかなものを除く。）をいう。）
(b) bills receivable (meaning bill claims (excluding bankruptcy or reorganization claims, etc. (meaning bankruptcy claims, rehabilitation claims or reorganization claims or other equivalent claims; the same applies below in this item) for which it is clear that payment may not be received within a year) generated based on ordinary transactions (meaning transactions generated currently or within a short term cycle in operating activities for the business of a member commodity exchange; the same applies below in this Article through Article 16-8));
ハ　売掛金（通常の取引に基づいて発生した事業上の未収金（当該未収金に係る債権が破産更生債権等で一年内に弁済を受けることができないことが明らかなものである場合における当該未収金を除く。）をいう。）
(c) accounts receivable (meaning the business accounts due (excluding the accounts due when claims related to those accounts due are bankruptcy or reorganization claims, etc. for which it is clear that payment may not be received within a year) generated based on ordinary transactions);
ニ　所有権移転ファイナンス・リース取引におけるリース債権（破産更生債権等で一年内に回収されないことが明らかなものを除く。）のうち、通常の取引に基づいて発生したもの及び通常の取引以外の取引に基づいて発生したもので一年内に期限が到来するもの
(d) lease claims (excluding bankruptcy or reorganization claims, etc. for which it is clear that collection may not be made within a year) in ownership-transfer finance lease transactions, which were generated based on ordinary transactions, or which were generated based on transactions other than ordinary transactions and whose due date falls within a year;
ホ　所有権移転外ファイナンス・リース取引におけるリース投資資産（破産更生債権等で一年内に回収されないことが明らかなものを除く。）のうち、通常の取引に基づいて発生したもの及び通常の取引以外の取引に基づいて発生したもので一年内に期限が到来するもの
(e) lease investment assets (excluding bankruptcy or reorganization claims,

etc. for which it is clear that collection may not be made within a year) in non-ownership-transfer finance lease transactions, which were generated based on ordinary transactions, or which were generated based on transactions other than ordinary transactions and whose due date falls within a year;

ヘ　売買目的有価証券及び一年内に満期の到来する有価証券

(f) trading securities and securities whose maturity date falls within a year;

ト　商品（販売の目的をもって所有する土地、建物その他の不動産を含む。）

(g) commodities (including land, buildings, and other real properties owned for the purpose of sale);

チ　製品、副産物及び作業くず

(h) products, byproducts, and scrap;

リ　半製品（自製部分品を含む。）

(i) semi-finished products (including self-made parts);

ヌ　原料及び材料（購入部分品を含む。）

(j) raw materials and materials (including purchased parts);

ル　仕掛品及び半成工事

(k) work in progress and partly-finished work;

ヲ　消耗品、消耗工具、器具及び備品その他の貯蔵品であって、相当な価額以上のもの

(l) consumable goods, consumable tools, appliances, fixtures, and other stored goods whose value is over a certain amount;

ワ　前渡金（商品及び原材料（これらに準ずるものを含む。）の購入のための前渡金（当該前渡金に係る債権が破産更生債権等で一年内に弁済を受けることができないことが明らかなものである場合における当該前渡金を除く。）をいう。）

(m) advance payment (meaning advance payment (excluding advance payment when claims related to the advance payment are those for which it is clear that payment may not be received within a year) for purchasing commodities and raw materials (including those equivalent to them);

カ　前払費用であって、一年内に費用となるべきもの

(n) prepaid expenses which will become expenses within a year;

ヨ　未収収益

(o) accrued income; and

タ　その他の資産であって、一年内に現金化することができると認められるもの

(p) other assets which are recognized as to be cashed within a year;

二　次に掲げる資産（ただし、イからチまでに掲げる資産については、事業の用に供するものに限る。）　有形固定資産

(ii) the following assets (provided, however, that, for the assets stated in sub-items (a) through (h), limited to those to be used for business): tangible fixed assets:

イ　建物及び暖房、照明、通風等の付属設備

(a) buildings and attached equipment such as for heating, lighting, and ventilation;

ロ　構築物（ドック、橋、岸壁、さん橋、軌道、貯水池、坑道、煙突その他土地に定着する土木設備又は工作物をいう。）

(b) structures (meaning docks, bridges, quays, piers, tracks, reservoirs, tunnels, chimneys and other civil engineering equipment or structures fixed on land);

ハ　機械及び装置並びにホイスト、コンベヤー、起重機等の搬送設備その他の付属設備

(c) machinery, equipment, and transportation equipment such as hoists, conveyors, cranes, and other accessory equipment;

ニ　船舶及び水上運搬具

(d) ships and water delivery equipment;

ホ　鉄道車両、自動車その他の陸上運搬具

(e) railway vehicles, automobiles, and other land delivery equipment;

ヘ　工具、器具及び備品（耐用年数が一年以上のものに限る。）

(f) tools, appliances, and fixtures (limited to those with a lifespan of one year or more);

ト　土地

(g) land;

チ　リース資産（当該会社がファイナンス・リース取引におけるリース物件の借主である場合における当該リース物件をいう。以下同じ。）であって、イからトまで及びヌに掲げる物件に該当するもの

(h) lease assets (meaning leased property in cases where the company is the lessee of the leased property in finance lease transactions; the same applies below) which falls under the articles stated in sub-items (a) through (g) and sub-item (j);

リ　建設仮勘定（イからトまでに掲げる資産で事業の用に供するものを建設した場合における支出及び当該建設の目的のために充当した材料をいう。）

(i) construction in progress (meaning expenses for the construction of assets stated in sub-items (a) through (g) which are to be used for business, and materials appropriated for the purpose of the construction); and

ヌ　その他の有形資産であって、有形固定資産に属する資産とすべきもの

(j) other tangible assets which are to be categorized as assets belonging to tangible fixed assets;

三　次に掲げる資産　無形固定資産

(iii) the following assets: intangible fixed assets:

イ　特許権

(a) patent rights;

ロ　借地権（地上権を含む。）

(b) land leasehold rights (including surface rights);

ハ　商標権
(c) trademark rights;
ニ　実用新案権
(d) utility model rights;
ホ　意匠権
(e) design rights;
ヘ　鉱業権
(f) mining rights;
ト　漁業権（入漁権を含む。）
(g) fishery rights (including piscary);
チ　ソフトウェア
(h) software;
リ　のれん
(i) goodwill;
ヌ　リース資産であって、イからチまで及びルに掲げる物件に該当するもの
(j) lease assets which fall under the articles stated in sub-items (a) through (h) and sub-item (k); and
ル　その他の無形資産であって、無形固定資産に属する資産とすべきもの
(k) other intangible assets which are to be categorized as assets belonging to intangible fixed assets;
四　次に掲げる資産　投資その他の資産
(iv) the following assets: investments and other assets:
イ　関係会社（会社計算規則（平成十八年法務省令第十三号）第二条第三項第二十二号の関係会社をいう。第十六条の六において同じ。）の株式（売買目的有価証券に該当する株式を除く。以下同じ。）その他流動資産に属しない有価証券
(a) shares (excluding shares falling under trading securities; the same applies below) of affiliated companies (meaning affiliated companies referred to in Article 2, paragraph (3), item (xxii) of the Regulations on Corporate Accounting (the Ministry of Justice Order No. 13 of 2006); the same applies in Article 16-6) and securities that do not belong to current assets;
ロ　出資金
(b) contribution;
ハ　長期貸付金
(c) long-term loans;
ニ　繰延税金資産
(d) deferred tax assets:
ホ　所有権移転ファイナンス・リース取引におけるリース債権のうち第一号ニに掲げるもの以外のもの
(e) lease claims in ownership-transfer finance lease transactions which are not those stated in item (i), (d);

ヘ　所有権移転外ファイナンス・リース取引におけるリース投資資産のうち第一号ホに掲げるもの以外のもの

(f) lease investment assets in non-ownership-transfer finance lease transactions which are not those stated in item (i), (e);

ト　その他の資産であって、投資その他の資産に属する資産とすべきもの

(g) other assets which are to be categorized as assets belonging to investments and other assets;

チ　その他の資産であって、流動資産、有形固定資産、無形固定資産又は繰延資産に属しないもの

(h) other assets which do not belong to current assets, tangible fixed assets, intangible fixed assets, or deferred tax assets;

五　繰延資産として計上することが適当であると認められるもの　繰延資産

(v) those recognized as being appropriate to be recorded as deferred assets: deferred assets.

4　前項に規定する「一年内」とは、次の各号に掲げる貸借対照表の区分に応じ、当該各号に定める日から起算して一年以内の日をいう（以下この条から第十六条の八までにおいて同じ。）。

(4) The term "within a year" prescribed in the preceding paragraph means any day within a year from the day specified in the following items in accordance with the category of balance sheet stated in those items (the same applies below in this Article through Article 16-8):

一　成立の日における貸借対照表　会員商品取引所の成立の日

(i) the balance sheet on the day of establishment: the day of the establishment of a member commodity exchange;

二　事業年度に係る貸借対照表　事業年度の末日（事業年度の末日以外の日において評価すべき場合にあっては、その日。以下同じ。）の翌日

(ii) the balance sheet related to a business year: the day following the last day of the business year (when assets are to be valued on a day other than the last day of the business year, that day; the same applies below).

（負債の部の区分）

(Categorization of the Liabilities Section)

第十五条　負債の部は、次に掲げる項目に区分しなければならない。この場合において、各項目は、適当な項目に細分しなければならない。

Article 15 (1) The liabilities section must be categorized into the following items. In this case, the items must be subdivided into appropriate sub-items:

一　流動負債

(i) current liabilities; and

二　固定負債

(ii) fixed liabilities.

2　次の各号に掲げる負債は、当該各号に定めるものに属するものとする。

(2) Liabilities stated in the following items are to belong to those specified in those items:

一　次に掲げる負債　流動負債

(i) the following liabilities: current liabilities:

イ　支払手形（通常の取引に基づいて発生した手形債務をいう。）

(a) bills payable (meaning bill debts generated based on ordinary transactions);

ロ　買掛金（通常の取引に基づいて発生した事業上の未払金をいう。）

(b) accounts payable (meaning business arrears arising out of ordinary transactions);

ハ　前受金（受注工事、受注品等に対する前受金をいう。）

(c) advances received (meaning advances received for construction orders, ordered goods, etc.);

ニ　引当金（資産に係る引当金及び一年内に使用されないと認められるものを除く。）

(d) allowances (excluding allowances related to assets and those recognized as not to be used within a year);

ホ　通常の取引に関連して発生する未払金又は預り金で一般の取引慣行として発生後短期間に支払われるもの

(e) arrears or deposits received arising out of ordinary transactions which are, as a general business practice, to be paid within a short term after they have arisen;

ヘ　未払費用

(f) accrued expenses;

ト　前受収益

(g) deferred revenue;

チ　ファイナンス・リース取引におけるリース債務のうち、一年内に期限が到来するもの

(h) lease debts in finance lease transactions whose due date falls within a year;

リ　資産除去債務のうち、一年内に履行されると認められるもの

(i) asset retirement obligations which are recognized as to be fulfilled within a year;

ヌ　その他の負債であって、一年内に支払われ、又は返済されると認められるもの

(j) other liabilities which are recognized as to be paid or repaid within a year;

二　次に掲げる負債　固定負債

(ii) the following liabilities: fixed liabilities:

イ　社債

(a) bonds payable;

ロ　長期借入金

(b) long-term debts;

ハ　引当金（資産に係る引当金及び前号ニに掲げる引当金を除く。）
(c) allowances (excluding allowances related to assets and those stated in (d) of the preceding item);
ニ　繰延税金負債
(d) deferred tax liabilities:
ホ　のれん
(e) goodwill;
ヘ　ファイナンス・リース取引におけるリース債務のうち、前号リに掲げるもの以外のもの
(f) lease debts in finance lease transactions which are not those stated in (i) of the preceding item;
ト　資産除去債務のうち、前号ヌに掲げるもの以外のもの
(g) asset retirement obligations which are not those stated in (j) of the preceding item;
チ　その他の負債であって、流動負債に属しないもの
(h) other liabilities which do not belong to current liabilities.

（純資産の部の区分）
(Categorization of the Net Assets Section)
第十六条　純資産の部は、次に掲げる項目に区分しなければならない。ただし、必要がある場合には、会員資本の名称として、会員出資の名称を用いることができる。
Article 16 (1) The net assets section must be categorized into the following items; provided, however, that the title of members' contribution may be used as the title of members' capital:
一　会員資本
(i) members' capital;
二　評価・換算差額等
(ii) valuation or translation difference, etc.
２　会員資本に係る項目は、次に掲げる項目に区分しなければならない。この場合において、各項目は、適当な項目に細分することができる。
(2) The items related to members' capital must be categorized into the following sub-items. In this case, each sub-item may be sub-divided into appropriate sub sub-items:
一　出資金
(i) contribution;
二　加入金
(ii) membership fee;
三　資本剰余金
(iii) capital surplus;
四　法定準備金
(iv) statutory capital; and

五　利益剰余金

(v) accumulated profit.

3　評価・換算差額等に係る項目は、次に掲げる項目その他適当な名称を付した項目に細分しなければならない。

(3) The items related to valuation or translation difference must be sub-divided into the following sub-items and any other sub-items with an appropriate title:

一　その他有価証券評価差額金

(i) other securities valuation difference;

二　繰延ヘッジ損益

(ii) deferred gains and losses on hedges; and

三　土地再評価差額金

(iii) land revaluation differences.

（貸倒引当金等の表示）

(Indication of Allowances for Bad Debts)

第十六条の二　各資産に係る引当金は、次項の規定による場合のほか、当該各資産の項目に対する控除項目として、貸倒引当金その他当該引当金の設定目的を示す名称を付した項目をもって表示しなければならない。ただし、流動資産、有形固定資産、無形固定資産、投資その他の資産又は繰延資産の区分に応じ、これらの資産に対する控除項目として一括して表示することを妨げない。

Article 16-2 (1) The allowances related to each asset must be indicated as a deduction for the respective assets under sub-items with titles that indicate the purpose of allowances for bad debts and other relevant allowances excluding cases prescribed in the following paragraph; provided, however, that they are not precluded from being indicated collectively as a deduction for the category of current assets, tangible fixed assets, intangible fixed assets, investment, and other assets, or deferred assets.

2　各資産に係る引当金は、当該各資産の金額から直接控除し、その控除残高を当該各資産の金額として表示することができる。

(2) The allowances related to each asset may be deducted directly from the amount of the respective assets, and the outstanding amount of the deduction may be indicated as the amount of those respective assets.

（有形固定資産に対する減価償却累計額の表示）

(Indication of Accumulated Depreciation for Tangible Fixed Assets)

第十六条の三　各有形固定資産に対する減価償却累計額は、次項の規定による場合のほか、当該各有形固定資産の項目に対する控除項目として、減価償却累計額の項目をもって表示しなければならない。ただし、これらの有形固定資産に対する控除項目として一括して表示することを妨げない。

Article 16-3 (1) The accumulated depreciation for each tangible fixed asset must be indicated as a deduction for the respective tangible fixed assets under the

sub-item of accumulated depreciation, excluding cases prescribed in the following paragraph; provided, however, that they are not precluded from being indicated collectively as a deduction for those tangible fixed assets.

２　各有形固定資産に対する減価償却累計額は、当該各有形固定資産の金額から直接控除し、その控除残高を当該各有形固定資産の金額として表示することができる。

(2) The accumulated depreciation for each tangible asset may be deducted directly from the amount of the respective tangible assets and the outstanding amount of the deduction, and may be indicated as the amount of those respective tangible assets.

（有形固定資産に対する減損損失累計額の表示）

(Indication of Accumulated Impairment Loss on Tangible Fixed Assets)

第十六条の四　各有形固定資産に対する減損損失累計額は、次項及び第三項の規定による場合のほか、当該各有形固定資産の金額（前条第二項の規定により有形固定資産に対する減価償却累計額を当該有形固定資産の金額から直接控除しているときは、その控除後の金額）から直接控除し、その控除残高を当該各有形固定資産の金額として表示しなければならない。

Article 16-4 (1) The accumulated impairment loss on each tangible fixed asset must be deducted directly from the amount of the respective tangible fixed assets (when accumulated depreciation for tangible fixed assets is deducted directly from the amount of the tangible fixed assets pursuant to the provisions of paragraph (2) of the preceding Article, the amount after deduction) and the outstanding amount of the deduction must be indicated as the amount of the respective tangible fixed assets, excluding cases prescribed in the following paragraph and paragraph (3).

２　減価償却を行う各有形固定資産に対する減損損失累計額は、当該各有形固定資産の項目に対する控除項目として、減損損失累計額の項目をもって表示することができる。ただし、これらの有形固定資産に対する控除項目として一括して表示することを妨げない。

(2) The accumulated impairment loss on each tangible fixed asset for which depreciation is carried out may be indicated as a deduction for the respective tangible fixed assets under the sub-item of accumulated impairment loss; provided, however, that they are not precluded from being indicated collectively as the deduction for those tangible fixed assets.

３　前条第一項及び前項の規定により減価償却累計額及び減損損失累計額を控除項目として表示する場合には、減損損失累計額を減価償却累計額に合算して、減価償却累計額の項目をもって表示することができる。

(3) In indicating accumulated depreciation and accumulated impairment loss as deductions pursuant to the provisions of paragraph (1) of the preceding Article and the preceding paragraph, the accumulated impairment loss may be added to the accumulated depreciation and indicated as the amount under the sub-

item of accumulated depreciation.

（無形固定資産の表示）

(Indication of Intangible Fixed Assets)

第十六条の五　各無形固定資産に対する減価償却累計額及び減損損失累計額は、当該各無形固定資産の金額から直接控除し、その控除残高を当該各無形固定資産の金額として表示しなければならない。

Article 16-5 The accumulated depreciation and accumulated impairment loss on each intangible fixed asset must be deducted directly from the amount of the respective intangible assets, and the outstanding amount of the deduction must be indicated as the amount of those respective intangible fixed assets.

（関係会社株式等の表示）

(Indication of Shares of Affiliated Companies)

第十六条の六　関係会社の株式又は出資金は、関係会社株式又は関係会社出資金の項目をもって別に表示しなければならない。

Article 16-6 The shares or the contribution of affiliated companies must be indicated separately under the sub-items of shares or contribution of affiliated companies.

（繰延税金資産等の表示）

(Indication of Deferred Tax Assets)

第十六条の七　繰延税金資産の金額及び繰延税金負債の金額については、その差額のみを繰延税金資産又は繰延税金負債として固定資産又は固定負債に表示しなければならない。

Article 16-7 Regarding the amount of deferred tax assets and the amount of deferred tax liabilities, only the difference must be indicated as deferred tax assets or deferred tax liabilities under fixed assets or fixed liabilities.

（繰延資産の表示）

(Indication of Deferred Assets)

第十六条の八　各繰延資産に対する償却累計額は、当該各繰延資産の金額から直接控除し、その控除残高を各繰延資産の金額として表示しなければならない。

Article 16-8 The accumulated depreciation of each deferred asset must be deducted directly from the amount of the respective deferred assets, and the outstanding amount of the deduction must be indicated as the amount of those respective deferred assets.

（損益計算書の原則）

(Principles of Profit and Loss Statements)

第十七条　損益計算書は、会員商品取引所の収支状況を明らかにするため、一会計期間

に属するすべての収入とすべての支出とを記載し、又は記録し、会員その他の利害関係者にこれを正しく表示するものでなければならない。

Article 17 Profit and loss statements must, for the purpose of clarifying the status of the profit and loss of a member commodity exchange, state or record the entire profit and loss in a single accounting period, and accurately show the information to members and any other interested party.

第十八条　削除

Article 18 Deleted

（損益計算書の区分等）

(Categorization of Profit and Loss Statements)

第十九条　損益計算書には収入の部及び支出の部を設け、収入にあってはその性質、支出にあってはその目的に従って、適当な名称を付した科目に細分しなければならない。

Article 19 (1) Profit and loss statements must have sections for income and expenditure, and the sections must be subdivided into sub-items with appropriate titles according to the characteristics of the income for income and according to the purpose of the expenditure for expenditure.

２　前項の支出の部には、当期剰余金又は当期損失金を記載し、又は記録しなければならない。

(2) In the expenditure section referred to in the preceding paragraph, the surplus or loss for the term must be included or recorded.

（業務報告書）

(Business Reports)

第二十条　業務報告書には、次に掲げる事項その他の会員商品取引所の業務に関する重要な事項を記載し、又は記録しなければならない。

Article 20 Business reports must state or record the following information and any other important information concerning the business of a member commodity exchange:

一　業務の概要

(i) an outline of the business;

二　取引及び市況の概要

(ii) an outline of transactions and market conditions;

三　会議の概要

(iii) an outline of the meetings; and

四　会員に関する事項

(iv) information concerning members.

（会計帳簿の作成）

(Preparation of Accounting Books)

第二十一条　会員商品取引所は、次項及び次条から第二十六条までに規定するところにより、適時に、正確な会計帳簿を作成しなければならない。

Article 21 (1) A member commodity exchange must prepare accurate accounting books on a timely basis pursuant to the provisions of the following paragraph, and the following Article through Article 26.

２　会計帳簿は、書面又は電磁的記録をもって作成しなければならない。

(2) Accounting books must be prepared in the form of a document or an electronic or magnetic record.

（資産の評価）

(Valuation of Assets)

第二十二条　資産については、この省令又は法以外の法令に別段の定めがある場合を除き、会計帳簿にその取得価額を付さなければならない。

Article 22 (1) With regard to the assets, the acquisition cost must be recorded in accounting books, excluding the cases where special provisions exist in laws and regulations other than this Order or the Act.

２　償却すべき資産については、事業年度の末日において、相当の償却をしなければならない。

(2) The assets required to be depreciated, must be reasonably depreciated on the last day of a business year.

３　次の各号に掲げる資産については、事業年度の末日において当該各号に定める価格を付すべき場合には、当該各号に定める価格を付さなければならない。

(3) Regarding the assets stated in the following items, the price specified in each item must be indicated if price is required to be indicated on the last day of a business year:

一　事業年度の末日における時価がその時の取得原価より著しく低い資産（当該資産の時価がその時の取得原価まで回復すると認められるものを除く。）　事業年度の末日における時価

(i) assets whose market value on the last day of a business year is considerably lower than the acquisition cost at that time (excluding the assets whose current market price is found to be likely to recover to the level of the acquisition cost at that time): the market value on the last day of the business year; and

二　事業年度の末日において予測することができない減損が生じた資産又は減損損失を認識すべき資産　その時の取得原価から相当の減額をした額

(ii) assets for which unpredictable loss was incurred or impairment loss should be recognized on the last day of the business year: amount obtained by deducting a reasonable amount from the acquisition cost at that time.

４　取立不能のおそれのある債権については、事業年度の末日においてその時に取り立てることができないと見込まれる額を控除しなければならない。

(4) For claims that are likely to be uncollectible, the amount that is expected to

be uncollectible on the last day of a business year must be deducted on that day.

5　債権については、その取得価額が債権金額と異なる場合その他相当の理由がある場合には、適正な価格を付すことができる。

(5) For claims, an appropriate price may be indicated when its acquisition cost is different from the amount of claims or where there are other reasonable grounds.

6　次に掲げる資産については、事業年度の末日においてその時の時価又は適正な価格を付すことができる。

(6) For the following assets, the market value or appropriate price on the last day of a business year may be indicated:

一　事業年度の末日における時価がその時の取得原価より低い資産

(i) assets whose market value on the last day of a business year is lower than the acquisition cost at that time;

二　市場価格のある資産（子会社（財務諸表等規則第八条第三項に規定する子会社をいう。）及び関連会社（同条第五項に規定する関連会社をいう。以下同じ。）の株式並びに満期保有目的の債券を除く。）

(ii) assets which have market price (excluding shares of subsidiary companies (meaning subsidiary companies prescribed in Article 8, paragraph (3) of the Regulation for Financial Statements) and affiliated companies (meaning affiliated companies prescribed in paragraph (5) of that Article) and bonds held to maturity);

三　前二号に掲げる資産のほか、事業年度の末日においてその時の時価又は適正な価格を付すことが適当な資産

(iii) in addition to the assets stated in the preceding two items, assets for which it is appropriate to indicate the market value or appropriate price on the last day of a business year.

（負債の評価）

(Valuation of Liabilities)

第二十三条　負債については、この省令又は法以外の法令に別段の定めがある場合を除き、会計帳簿に債務額を付さなければならない。

Article 23 (1) With regard to liabilities, the amount of liabilities must be recorded in accounting books, excluding when special provisions exist in laws and regulations other than this Order or the Act.

2　次に掲げる負債については、事業年度の末日においてその時の時価又は適正な価格を付すことができる。

(2) With regard to the following liabilities, the market value or appropriate price on the last day of a business year may be indicated:

一　次に掲げるもののほか将来の費用又は損失（収益の控除を含む。以下この号において同じ。）の発生に備えて、その合理的な見積額のうち当該事業年度の負担に属

する金額を費用又は損失として繰り入れることにより計上すべき引当金（会員に対して役務を提供する場合において計上すべき引当金を含む。）

(i) in addition to the following reserves, the reserves that should be recorded (including reserves that should be recorded when providing services to members) by carrying over the amount to be borne for the business year as expenses or losses among the reasonably estimated amount in preparation for future expenses or losses (including the deduction of profit; the same applies below in this item):

イ　退職給付引当金（使用人が退職した後に当該使用人に退職一時金、退職年金その他これらに類する財産の支給をする場合における事業年度の末日において繰り入れるべき引当金をいう。）

(a) reserves for retirement benefits (meaning reserves to be carried over on the last day of a business year when retirement lump-sum grants, retirement pension, and other similar benefits are paid to an employee after they have retired);

ロ　返品調整引当金（常時、販売するたな卸資産につき、当該販売の際の価額による買戻しに係る特約を結んでいる場合における事業年度の末日において繰り入れるべき引当金をいう。）

(b) reserves for loss on returned goods (meaning reserves to be carried over on the last day of a business year when there is a special arrangement related to a buyback for the price at the time of selling, with regard to inventories for sale, at all times);

二　払込みを受けた金額が債務額と異なる社債

(ii) bonds which received payment of an amount different from the amount of liabilities; and

三　前二号に掲げる負債のほか、事業年度の末日においてその時の時価又は適正な価格を付すことが適当な負債

(iii) in addition to the liabilities stated in the preceding two items, liabilities for which it is appropriate to indicate the market value or appropriate price on the last day of a business year.

（出資金の額）

(The Amount of Contribution)

第二十四条　会員商品取引所の出資金の額は、第六十条の六及び第六十条の七並びに第六十条の九から第六十条の十二までの規定に定めるところのほか、次の各号に掲げる場合に限り、当該各号に定める額の範囲内で会員商品取引所が出資金の額に計上するものと定めた額が増加するものとする。

Article 24 (1) In addition to what is specified in the provisions of Article 60-6, Article 60-7, and Articles 60-9 through 60-12, the amount of the contribution of a member commodity exchange is increased by the amount which the member commodity exchange has determined to record in the amount of the

contribution within the scope of the amount specified in the following items, limited to the cases stated in those items:

一　会員が出資の履行をした場合（履行をした出資に係る次号の債権が資産として計上されていた場合を除く。）　イ及びロに掲げる額の合計額からハに掲げる額の合計額を減じて得た額（零未満である場合にあっては、零）

(i) when a member has made the contribution (excluding when the claim stated in the following item related to the contribution made has been recorded as assets): the amount obtained by subtracting the sum of the amount stated in (c) from the sum of the amounts stated in (a) and (b) (zero, if the obtained amount is less than zero):

イ　当該会員が履行した出資により会員商品取引所に対し払込み又は給付がされた財産（当該財産がロに規定する財産に該当する場合における当該財産を除く。）の価額

(a) the value of the property (in cases where the property falls under the property prescribed in (b), excluding the property) which was paid or provided to a member commodity exchange using the contribution made by that member;

ロ　当該会員が履行した出資により会員商品取引所に対し払込み又は給付がされた財産（当該財産の会員商品取引所における帳簿価額（当該帳簿価額が適正でない場合にあっては、適正な価額をいう。以下同じ。）として、当該財産の払込み又は給付をした者における当該払込み又は給付の直前の帳簿価額を付すべき場合における当該財産に限る。）の払込み又は給付をした者における当該払込み又は給付の直前の帳簿価額の合計額

(b) the sum of the book value immediately before the payment or provision by a person that paid for or provided the property (limited to the property, in cases where the book value immediately before the payment or provision by a person that paid for or provided the property, as the book value at the member commodity exchange of that property (the appropriate value, in cases where that book value is not appropriate; the same applies below) is required to be indicated) which was paid for or provided to a member commodity exchange using the contribution made by that member;

ハ　当該出資の履行の受領に係る費用の額のうち、会員商品取引所が出資金又は資本剰余金から減ずるべき額と定めた額

(c) among the amount of the expenses related to the acceptance of the contribution made, the amount which a member commodity exchange determined to be subtracted from the contribution or the capital surplus;

二　会員商品取引所が会員に対して出資の履行をすべきことを請求する権利に係る債権を資産として計上することと定めた場合　当該債権の価額

(ii) when a member commodity exchange determined to record as assets the claim related to the right to request a member to make a contribution: the value of that claim;

三　会員商品取引所が資本剰余金の額の全部又は一部を出資金の額とするものと定めた場合　当該資本剰余金の額

(iii) when a member commodity exchange determined that all or some of the amount of capital surplus to be the amount of the contribution: the amount of the capital surplus.

2　会員商品取引所の出資金の額は、次の各号に掲げる場合に限り、当該各号に定める額が減少するものとする。

(2) The amount of the contribution of a member commodity exchange is to be reduced by the amount stated in the following items, limited to the cases stated in those items:

一　会員商品取引所が脱退する会員に対して持分の払戻しをする場合　当該脱退する会員の出資につき出資金の額に計上されていた額

(i) in cases when a member commodity exchange repays the equity interest to a withdrawing member: the amount recorded in the amount of the contribution for the contribution by the withdrawing member;

二　会員商品取引所が会員に対して出資の払戻しをする場合　当該出資の払戻しにより払戻しをする出資の価額の範囲内で、出資金の額から減ずるべき額と定めた額（当該会員の出資につき出資金の額に計上されていた額以下の額に限る。）

(ii) when a member commodity exchange repays the contribution to a member: the amount determined to be reduced from the amount of the contribution within the scope of the value of the contribution to be repaid by the refunding of the contribution (limited to an amount less than that recorded in the amount of the contribution for the contribution by the member);

三　会員商品取引所が資産として計上している前項第二号の債権を資産として計上しないことと定めた場合　当該債権につき出資金に計上されていた額

(iii) when a member commodity exchange determined not to record as assets the claim stated in item (ii) of the preceding paragraph that has been recorded as assets: the amount that has been recorded in the contribution for the claim;

四　会員商品取引所が出資金の額の全部又は一部を資本剰余金の額とするものと定めた場合　当該資本剰余金の額とするものと定めた額に相当する額

(iv) when a member commodity exchange determined all or part of the contribution to be capital surplus: the amount equivalent to the amount determined to be the capital surplus;

五　損失のてん補に充てる場合　会員商品取引所が出資金の額の範囲内で損失のてん補に充てるものとして定めた額

(v) when appropriating as compensation for loss: the amount which a member commodity exchange determined to appropriate as compensation for loss within the scope of the amount of the contribution.

（資本剰余金の額）

(Amount of Capital Surplus)

第二十五条　会員商品取引所の資本剰余金の額は、第六十条の六及び第六十条の七並びに第六十条の九から第六十条の十二までの規定に定めるところのほか、次の各号に掲げる場合に限り、当該各号に定める額が増加するものとする。

Article 25 (1) With regard to the amount of the capital surplus of a member commodity exchange, the amounts specified in the following items are to increase, in addition to what is specified in the provisions of Article 60-6, Article 60-7, and Articles 60-9 through 60-12, limited to the cases stated in those items:

一　会員が出資の履行をした場合（履行をした出資に係る次号の債権が資産として計上されていた場合を除く。）　イに掲げる額からロに掲げる額を減じて得た額

(i) when a member has made a contribution (excluding when the claim stated in the following item related to the contribution made has been recorded as assets): the amount obtained by deducting the amount stated in (b) from the amount stated in (a):

イ　前条第一項第一号イ及びロに掲げる額の合計額からハに掲げる額を減じて得た額

(a) the amount obtained by deducting the amount stated in (c) from the sum of the amounts stated in (a) and (b) of paragraph (1), item (i) of the preceding Article;

ロ　当該出資の履行に際して出資金の額に計上した額

(b) the amount recorded in the amount of the contribution upon the making the contribution;

二　会員商品取引所が会員に対して出資の履行をすべきことを請求する権利に係る債権を資産として計上することと定めた場合　イに掲げる額からロに掲げる額を減じて得た額

(ii) when a member commodity exchange determined to record as assets the claim related to the right to request a member to make a contribution: the amount obtained by subtracting the amount stated in (b) from the amount stated in (a);

イ　前条第一項第二号に定める額

(a) the amount specified in paragraph (1), item (ii) of the preceding Article;

ロ　当該決定に際して出資金の額に計上した額

(b) the amount recorded in the amount of the contribution upon the determination;

三　会員商品取引所が出資金の額の全部又は一部を資本剰余金の額とするものと定めた場合　当該資本剰余金の額とするものと定めた額

(iii) when a member commodity exchange determined that all or some of the amount of contribution to be capital surplus: the amount determined to be the amount of the capital surplus;

四　損失のてん補に充てる場合　会員商品取引所が出資金の額の範囲内で損失のてん

補に充てるものとして定めた額

(iv) when appropriating as compensation for loss: the amount which a member commodity exchange determined to appropriate as compensation for the loss within the scope of the amount of contribution;

五　その他資本剰余金の額を増加させることが適切な場合　適切な額

(v) in other cases when it is appropriate to increase the amount of capital surplus: the appropriate amount.

2　会員商品取引所の資本剰余金の額は、次の各号に掲げる場合に限り、当該各号に定める額が減少するものとする。

(2) The amount of the capital surplus of a member commodity exchange is to be reduced by the amount stated in the following items, limited to the cases stated in those items:

一　会員商品取引所が脱退する会員に対して持分の払戻しをする場合　当該脱退する会員の出資につき資本剰余金の額に計上されていた額

(i) when a member commodity exchange repays the equity interest to a withdrawing member: the amount recorded in the amount of the capital surplus for the contribution by the withdrawing member;

二　会員商品取引所が会員に対して出資の払戻しをする場合　当該出資の払戻しにより払戻しをする出資の価額から当該出資の払戻しをする場合において前条第二項の規定により出資金の額を減少する額を減じて得た額

(ii) when a member commodity exchange repays the contribution to a member: the amount obtained by deducting the amount to be reduced from the amount of the contribution pursuant to the provisions of paragraph (2) of the preceding Article when repaying the contribution from the value of the contribution to be repaid by the repayment of that contribution;

三　会員商品取引所が資産として計上している前項第二号の債権を資産として計上しないことと定めた場合　当該債権につき資本剰余金に計上されていた額

(iii) when a member commodity exchange determined not to record as assets the claim stated in item (ii) of the preceding paragraph that has been recorded as assets: the amount that has been recorded in the capital surplus for the claim;

四　会員商品取引所が資本剰余金の額の全部又は一部を出資金の額とするものと定めた場合　当該出資金の額とするものと定めた額に相当する額

(iv) when a member commodity exchange determined that all or some of the amount of capital surplus to be the amount of contribution: the amount equivalent to the amount determined to be the contribution; and

五　その他資本剰余金の額を減少させることが適切な場合　適切な額

(v) in other cases where it is appropriate to decrease the amount of the capital surplus: the appropriate amount.

（利益剰余金の額）

(Amount of Accumulated Profit)

第二十六条　会員商品取引所の利益剰余金の額は、第六十条の六及び第六十条の七並びに第六十条の九から第六十条の十二までの規定に定めるところのほか、次の各号に掲げる場合に限り、当該各号に定める額が増加するものとする。

Article 26 (1) The amount of the accumulated profit of a member commodity exchange is to increase by the amount specified in the following items, limited to the cases stated in those items, in addition to what is specified in the provisions of Article 60-6, Article 60-7, and Articles 60-9 through 60-12:

一　当期剰余金額が生じた場合　当該当期剰余金額

(i) when the accumulated profit for the term has been generated: the amount of the accumulated profit for the term;

二　会員商品取引所が脱退する会員に対して持分の払戻しをする場合　イに掲げる額からロに掲げる額を減じて得た額（零未満である場合には、零）

(ii) when a member commodity exchange repays the equity interest to a withdrawing member: the amount obtained by deducting the amount stated in (b) from the amount stated in (a) (zero, if the obtained amount is less than zero):

イ　当該持分の払戻しを受けた会員の出資につき出資金及び資本剰余金の額に計上されていた額の合計額

(a) the sum of the amount recorded in the amount of contribution and capital surplus for the contribution by the member who received the repayment of the equity interest;

ロ　当該持分の払戻しにより払い戻した財産の帳簿価額

(b) the book value of the property refunded by the repayment of the equity interest;

三　その他利益剰余金の額を増加させることが適切な場合　適切な額

(iii) in other cases when it is appropriate to increase the amount of the accumulated profit: the appropriate amount.

２　会員商品取引所の利益剰余金の額は、次の各号に掲げる場合に限り、当該各号に定める額が減少するものとする。ただし、出資の払戻しにより払い戻した財産の帳簿価額に相当する額は、利益剰余金の額からは控除しないものとする。

(2) The amount of the accumulated profit of a member commodity exchange is to be reduced by the amount stated in the following items, limited to the cases stated in those items; provided, however, that the amount equivalent to the book value of the property refunded by the repayment of the contribution is not to be deducted from the amount of the accumulated profit:

一　当期損失金額が生じた場合　当該当期損失金額

(i) in the case that loss for the current term has been generated: the amount of the loss for the current term;

二　会員商品取引所が脱退する会員に対して持分の払戻しをする場合　イに掲げる額からロに掲げる額を減じて得た額（零未満である場合には、零）

(ii) when a member commodity exchange repays the equity interest to a withdrawing member: the amount obtained by subtracting the amount stated in (b) from the amount stated in (a) (zero, if the obtained amount is less than zero):

イ　当該持分の払戻しにより払い戻した財産の帳簿価額

(a) the book value of the property refunded by the repayment of the equity interest;

ロ　当該持分の払戻しを受けた会員の出資につき出資金及び資本剰余金の額に計上されていた額の合計額

(b) the sum of the amount recorded in the amount of contribution and capital surplus for the contribution by the member who received the repayment of the equity interest;

三　会員が出資の履行をする場合（第二十四条第一項第一号イ及びロに掲げる額の合計額が零未満である場合に限る。）　当該合計額

(iii) when a member makes a contribution (limited to when the sum of the amount stated in (a) and (b) of Article 24, paragraph (1), item (i) is less than zero): the total amount; and

四　その他利益剰余金の額を減少させることが適切な場合　適切な額

(iv) in other cases when it is appropriate to decrease the amount of accumulated profit: the appropriate amount.

（電磁的記録の備置きに関する特則）

(Special Provision on Keeping of Electronic or Magnetic Records)

第二十六条の二　法第六十八条の二第二項に規定する主務省令で定めるものは、会員商品取引所の使用に係る電子計算機を電気通信回線で接続した電子情報処理組織を使用する方法であって、当該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会員商品取引所の主たる事務所又は従たる事務所において使用される電子計算機に備えられたファイルに当該情報を記録する方法とする。

Article 26-2 The means specified by order of the competent ministry as prescribed in Article 68-2, paragraph (2) of the Act are the means of using an electronic data processing system to connect a computer used by a member commodity exchange through a telecommunications line, which is a means of recording the content of the information in a file on the computer into the file on the computer used at the principal office or secondary offices of the member commodity exchange through a telecommunications line.

（貸借対照表の公告）

(Public Notice of a Balance Sheet)

第二十六条の三　会員商品取引所が法第六十八条の三の規定による公告をする場合には、当期純剰余又は純損失の額を当該公告において明らかにしなければならない。

Article 26-3 When a member commodity exchange gives public notice pursuant

to the provisions of Article 68-3 of the Act, it must clarify the amount of the net surplus or net loss for the term in the public notice.

（会員商品取引所の合併に係る認可申請）

(Application for Authorization of Mergers of Member Commodity Exchanges)

第二十七条　会員商品取引所は、法第七十六条第一項の規定による合併の認可を受けようとするときは、認可申請書に次に掲げる書類を添付して主務大臣に提出するものとする。

Article 27 When a member commodity exchange seeks to obtain authorization for a merger under the provisions of Article 76, paragraph (1) of the Act, it must attach the following documents to a written application for authorization and submit them to the competent minister:

一　合併の理由を記載した書面

(i) a document stating the reasons for the merger;

二　会員総会の議事録

(ii) minutes of a general meeting of members; and

三　直前事業年度の決算関係書類等

(iii) settlement related documents, etc. for the immediately preceding business year.

（財産目録）

(Inventories of Property)

第二十七条の二　法第七十七条第一項において準用する会社法第四百九十二条第一項の規定により作成すべき財産目録については、この条の定めるところによる。

Article 27-2 (1) An inventory of property required to be prepared pursuant to the provisions of Article 492, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 77, paragraph (1) of the Act is governed by this Article.

２　前項の財産目録に計上すべき財産については、その処分価格を付すことが困難な場合を除き、法第七十七条第一項において準用する会社法第四百七十五条（第一号及び第三号を除く。）に掲げる場合に該当することとなった日における処分価格を付さなければならない。この場合において、法第七十七条第一項において準用する会社法第四百七十五条（第一号及び第三号に係る部分を除く。）の規定により清算をする会員商品取引所の会計帳簿については、財産目録に付された価格を取得価額とみなす。

(2) Regarding the property to be recorded in an inventory of property stated in the preceding paragraph, its disposal price on the day when the case has fallen under the cases stated in the provisions of Article 475 (excluding item (i) and item (iii)) of the Companies Act as applied mutatis mutandis pursuant to Article 77, paragraph (1) of the Act must be recorded, excluding when it is difficult to record the disposal price. In this case, with regard to the accounting books of a member commodity exchange which is to be liquidated pursuant to

the provisions of Article 475 (excluding the part related to items (i) and (iii)) of the Companies Act as applied mutatis mutandis pursuant to Article 77, paragraph (1) of the Act, the price recorded in the inventory of property is deemed to be the acquisition value.

3　第一項の財産目録は、次に掲げる部に区分して表示しなければならない。この場合において、第一号及び第二号に掲げる部は、その内容を示す適当な名称を付した項目に細分することができる。

(3) The inventory of property referred to in paragraph (1) must indicate the values by categorizing them into the following sections. In this case, the sections stated in items (i) and (ii) may be subdivided into sub-items with an appropriate title showing the contents:

一　資産

(i) assets section;

二　負債

(ii) liabilities section; and

三　正味資産

(iii) net worth section.

（清算開始時の貸借対照表）

(Balance Sheets at the Start of Liquidation)

第二十七条の三　法第七十七条第一項において準用する会社法第四百九十二条第一項の規定により作成すべき貸借対照表については、この条の定めるところによる。

Article 27-3 (1) A balance sheet required to be prepared pursuant to the provisions of Article 492, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 77, paragraph (1) of the Act is governed by this Article.

2　前項の貸借対照表は、財産目録に基づき作成しなければならない。

(2) The balance sheet referred to in the preceding paragraph must be prepared based on an inventory of property.

3　第一項の貸借対照表は、次に掲げる部に区分して表示しなければならない。この場合において、第一号及び第二号に掲げる部は、その内容を示す適当な名称を付した項目に細分することができる。

(3) The balance sheet referred to in paragraph (1) must indicate the values by categorizing them into the following sections. In this case, the sections stated in items (i) and (ii) may be subdivided into sub-items with an appropriate title showing the contents:

一　資産

(i) assets section;

二　負債

(ii) liabilities section; and

三　純資産

(iii) net assets section.

4　処分価格を付すことが困難な資産がある場合には、第一項の貸借対照表には、当該資産に係る財産評価の方針を注記しなければならない。

(4) If there are assets whose disposal price is difficult to record, an explanatory note on the policy for property valuation concerning the assets must be indicated in the balance sheet referred to in paragraph (1).

（許可の申請書の添付書類）

(Documents Attached to Written Applications for Licenses)

第二十八条　法第七十九条第二項の主務省令で定める書類は、次に掲げるもの（官公署が証明する書類の場合には、許可の申請の日前三月以内に作成されたものに限る。）とする。

Article 28 (1) The document specified by order of the competent ministry as referred to in Article 79, paragraph (2) of the Act is as follows (in cases of documents certified by a public agency, limited to those prepared within three months before the date of filing the application for a license):

一　登記事項証明書

(i) a certificate of the registered information;

二　法第十五条第二項第一号ハからホまで又はリのいずれにも該当しないことを誓約する書面

(ii) a document pledging that the person does not fall under any of the provisions of Article 15, paragraph (2), item (i), sub-items (c) through (e) or sub-item (i) of the Act;

三　次に掲げる場合に応じ、それぞれ次に定める書面

(iii) a document specified as follows in accordance with the cases stated in each sub-item:

イ　役員が外国人である場合　当該役員の住民票の写し等、履歴書及びその者が法第十五条第二項第一号イからルまでのいずれにも該当しないことを誓約する書面

(a) when an officer is a foreign national: a copy of the residence certificate, etc. and the curriculum vitae of the officer, and a document pledging that the person does not fall under any of the provisions of Article 15, paragraph (2), item (i), sub-items (a) through (k) of the Act;

ロ　役員が法人である場合　当該役員の登記事項証明書、沿革を記載した書面及び法第十五条第二項第一号ヲに該当しないことを誓約する書面

(b) when an officer is a corporation: a certificate of the registered information of the officer, a document stating the history of the corporation, and a document pledging that the officer does not fall under any of the provisions of Article 15, paragraph (2), item (i), sub-item (l) of the Act;

ハ　役員が外国人又は法人でない場合　当該役員の住民票の写し等、履歴書、その者が法第十五条第二項第一号ロに該当しない旨の官公署の証明書並びにその者が同号イ及びハからルまでのいずれにも該当しないことを誓約する書面

(c) when an officer is neither a foreign national nor a corporation: a copy of the residence certificate, etc. and the curriculum vitae of the officer, a certificate issued by a public agency proving that the person does not fall under the provisions of Article 15, paragraph (2), item (i), sub-item (b) of the Act, and a document pledging that the person does not fall under any of the provisions of sub-item (a), or sub-items (c) through (k) of that item;

四　取引参加者の氏名又は商号若しくは名称及び主たる事務所又は本店の所在地を記載した書面、その者が法第三十一条第一項各号のいずれにも該当しないことを誓約する書面並びに申請に係る株式会社商品取引所が開設しようとする一以上の商品市場において法第百五条第一号に掲げる方法により決済を行う場合には許可の申請の日前三十日以内に様式第一号により作成したその者の純資産額に関する調書

(iv) a document that states the name or trade name of a trading participant and the location of their principal office or head office, a document pledging that the person does not fall under any of the provisions of the items of Article 31, paragraph (1) of the Act, and when completing settlement by the methods stated in Article 105, item (i) of the Act for one or more commodity markets which a member commodity exchange related to the application seeks to open, a record concerning the amount of the net assets of the person prepared according to Form No. 1 within 30 days before the date of filing the application for a license;

五　当該商品市場において取引をしようとする取引参加者の過半数の者が、次に掲げる商品市場の区分に応じ、それぞれ次に定める者に該当することを誓約する書面

(v) a document pledging that the majority of the trading participants who seek to conduct transactions in the commodity market fall under the following persons for the category of commodity markets stated in each item:

イ　上場商品に係る商品市場　一年以上継続して当該商品市場における上場商品構成品の売買等を業として行っている者

(a) a commodity market related to a listed commodity: a person who has engaged in the purchase and sale, etc. of component products of listed commodities in the commodity market for one year or more on a continuous basis in the course of trade;

ロ　上場商品指数に係る商品市場　一年以上継続して当該商品市場における上場商品指数対象品（法第十条第二項第二号に規定する上場商品指数対象品をいう。）の売買等を業として行っている者

(b) commodity market related to a listed commodity index: persons who have engaged in the purchase and sale, etc. of products underlying the listed commodity index (meaning products underlying the listed commodity index prescribed in Article 10, paragraph (2), item (ii) of the Act) in the commodity market for one year or more on a continuous basis in the course of trade;

六　創立総会を開催した場合には、創立総会の議事録

(vi) when an organizational meeting was held, the minutes of the meeting;

七　商品取引所の業務に関する知識及び経験を有する従業員の確保の状況並びに当該従業員の配置の状況を記載した書類

(vii) a document stating the status of securing employees who have the knowledge and experience related to the business of a commodity exchange and the status of the assignment of those employees;

八　開設しようとする商品市場における開設後一年間の先物取引の取引量の見込みを記載した書面

(viii) a document stating the estimated transaction volume of futures transactions for one year after the opening of a commodity market which they seek to open;

九　上場商品に係る商品市場を開設しようとする場合にあっては、上場商品構成品を一の商品市場で取引をすることが適当である旨を明らかにすることができる書面

(ix) when seeking to open a commodity market related to a listed commodity, a document stating that it is appropriate to conduct transactions of component products of listed commodities in a single commodity market;

十　二以上の商品指数を一の上場商品指数として商品市場を開設しようとする場合にあっては、当該二以上の商品指数の対象となる物品又は電力の大部分が共通していることを明らかにすることができる書面

(x) when seeking to open a commodity market by specifying two or more commodity indices as a single listed commodity index, a document clarifying that the majority of the goods or electric power subject to those indices are similar;

十一　商品市場を開設する業務において電子情報処理組織を使用する場合には、当該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を記載した書類

(xi) when using an electronic data processing system in opening a commodity market, a document stating the outline, installation location, capacity, maintenance method of the electronic data processing system, and method of handling in the case of malfunction of the electronic data processing system; and

十二　その他法第八十条第一項に掲げる基準に適合しているかどうかについての認定の参考となるべき事項を記載した書面

(xii) a document stating other information to be used as a reference in recognizing whether the criteria stated in Article 80, paragraph (1) of the Act have been met.

2　株式会社商品取引所以外の株式会社が従前の目的を変更して株式会社商品取引所になるため法第七十九条第一項の規定により許可の申請書を提出する場合においては、同条第二項の主務省令で定める書類は、前項各号（第六号を除く。）に掲げる書類のほか、次に掲げる書類とする。

(2) If a stock company other than an incorporated commodity exchange submits a

written application for a license to become an incorporated commodity exchange by changing its prior purpose pursuant to the provisions of Article 79, paragraph (1) of the Act, the documents specified by order of the competent ministry as referred to in paragraph (2) of that Article are the following documents, in addition to those stated in the items of the preceding paragraph (excluding item (vi)):

一　従前の目的を変更して株式会社商品取引所になることを決議した株主総会の議事録

(i) the minutes of the shareholders meeting which adopted the resolution that the stock company will become an incorporated commodity exchange by changing its prior purpose;

二　直前事業年度の計算書類等（会社法施行規則（平成十八年法務省令第十二号）第二条第三項第十二号（イに係る部分に限る。）に規定する計算書類等をいう。以下同じ。）及びその附属明細書

(ii) financial statements, etc. (meaning the financial statements, etc. prescribed in Article 2, paragraph (3), item (xii) of the Regulations for Enforcement of the Companies Act (Ministry of Justice Order No. 12 of 2006) (limited to the part pertaining to (a)) and their annexed detailed statement for the immediately preceding business year.

（医師の診断書の提出）

(Submission of Doctor's Medical Certificates)

第二十八条の二　主務大臣は、法第七十八条の許可の申請があった場合において、許可申請者が法第十五条第二項第一号ヲ（イ及びルに係る部分に限る。）に該当するかどうかを審査するために必要があると認めるときは、許可申請者に対し、当該審査の対象となる者の病名、精神の機能の障害の有無及び程度、病因、病後の経過、治癒の見込みその他参考となる所見を記載した医師の診断書の提出を求めることができる。

Article 28-2　When an application for the license under Article 78 of the Act is filed, and the competent minister finds it necessary for examining whether the license applicant falls under Article 15, paragraph (2), item (i), (l) of the Act (limited to the part related to (a) and (k)), the minister may request the applicant to submit a doctor's medical certificate stating the name of the illness of the person subject to the examination, whether the person has any mental impairment and the level of impairment, causes of the illness, post-illness progress, prospects of recovery, and other remarks for reference.

（役員又は取引参加者の氏名等の変更届出書の添付書類）

(Documents Attached to Notifications of Change of the Names of Officers or Trading Participants)

第二十九条　法第八十五条第二項の主務省令で定める書類は、次に掲げるもの（官公署が証明する書類の場合には、変更の届出の日前三月以内に作成されたものに限る。）

とする。

Article 29 The documents specified by order of the competent ministry as referred to in Article 85, paragraph (2) of the Act are as follows (when documents certified by a public agency, limited to those prepared within three months before the date of filing the notification of change):

一　変更の届出が新たに就任した役員に係るときは、次に掲げる場合に応じ、それぞれ次に定める書面

(i) when the notification of change relates to a newly appointed officer, a document specified as follows in accordance with the cases stated in each sub-item:

イ　新たに就任した役員が外国人である場合　当該役員の住民票の写し等、履歴書及びその者が法第十五条第二項第一号イからルまでのいずれにも該当しないことを誓約する書面

(a) when a newly appointed officer is a foreign national: a copy of the residence certificate, etc. and a curriculum vitae of the officer, and a document pledging that the person does not fall under any of the provisions of Article 15, paragraph (2), item (i), sub-items (a) through (k) of the Act;

ロ　新たに就任した役員が法人である場合　当該役員の登記事項証明書、沿革を記載した書面及び法第十五条第二項第一号ヲに該当しないことを誓約する書面

(b) when a newly appointed officer is a corporation: a certificate of the registered information of the officer, a document stating the history of the corporation, and a document pledging that the person does not fall under the provisions of Article 15, paragraph (2), item (i), (l) of the Act;

ハ　新たに就任した役員が外国人又は法人でない場合　当該役員の住民票の写し等、履歴書、その者が法第十五条第二項第一号ロに該当しない旨の官公署の証明書並びにその者が同号イ及びハからルまでのいずれにも該当しないことを誓約する書面

(c) when a newly appointed officer is neither a foreign national nor a corporation: a copy of the residence certificate, etc. and a curriculum vitae of the officer, a certificate issued by a public agency proving that the person does not fall under the provisions of Article 15, paragraph (2), item (i), (b) of the Act, and a document pledging that the person does not fall under any of the provisions in sub-items (a) and sub-items (c) through (k) of that item;

二　変更の届出が新たに取引参加者となった者に係るときは、その者の氏名又は商号若しくは名称及び主たる事務所又は本店の所在地を記載した書面、その者が法第三十一条第一項各号のいずれにも該当しないことを誓約する書面並びに届出に係る株式会社商品取引所が開設する一以上の商品市場において法第百五条第一号に掲げる方法により決済を行う場合には取引参加者となった日前三十日以内に様式第一号により作成したその者の純資産額に関する調書

(ii) when the notification of change relates to a person that has newly become a trading participant, a document stating the name or trade name of that person and the location of their principal office or head office, a document pledging that the person does not fall under any of the provisions of the items of Article 31, paragraph (1) of the Act, and when completing settlement by the methods stated in Article 105, item (i) of the Act for one or more commodity markets which the incorporated commodity exchange related to the notification seeks to open, a record concerning the amount of the net assets of the person prepared according to Form No. 1 within 30 days before the day when that person became a trading participant; and

三　変更の届出が取引参加者が取引をする商品市場における上場商品又は上場商品指数の追加に係る場合であって、法第百五条第一号に掲げる方法により決済を行うときは、変更の届出日前三十日以内に様式第一号により作成したその者の純資産額に関する調書

(iii) when the notification of change relates to the addition of a listed commodity or listed commodity index on a commodity market where a trading participant conducts transactions, and when completing settlement by the methods stated in Article 105, item (i) of the Act, a record concerning the amount of the net assets of the person prepared according to Form No. 1 within 30 days before the day of the notification of change.

（財務及び営業の方針の決定に対して重要な影響を与えることが推測される事実）

(Facts Presumed to Have Material Effects on Decisions of Financial and Business Policies)

第二十九条の二　法第八十六条第一項本文の主務省令で定める事実は、次に掲げる事実とする。

Article 29-2 The facts specified by order of the competent ministry as referred to in the main clause of Article 86, paragraph (1) 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法第八十六条第一項本文の株式会社商品取引所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、当該株式会社商品取引所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) a person who is or was an officer or an employee and capable of influencing decisions of financial and operational or business policies of the incorporated commodity exchange referred to in the main clause of Article 86, paragraph (1) of the Act has assumed the position of a company director or executive officer, or an equivalent post of the incorporated commodity exchange;

二　当該株式会社商品取引所に対して重要な融資を行っていること。

(ii) important financing is provided to the incorporated commodity exchange;

三　当該株式会社商品取引所に対して重要な技術を提供していること。

(iii) important technology is provided to the incorporated commodity exchange;

四　当該株式会社商品取引所との間に重要な営業上又は事業上の取引があること。

(iv) important operational or business transactions are conducted with the incorporated commodity exchange; and

五　その他当該株式会社商品取引所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) there are other facts that are presumed to have a material effect on decisions of financial and operational or business policies of the incorporated commodity exchange exist.

（取得又は保有の態様その他の事情を勘案して取得又は保有する議決権から除く議決権）

(Voting Rights Excluded from Voting Rights Acquired or Held by Taking into Account the Manner of Acquisition or Holding or Other Circumstances)

第三十条　法第八十六条第一項本文の主務省令で定める議決権は、次に掲げる議決権とする。

Article 30 The voting rights specified by order of the competent ministry referred to in the main clause of Article 86, paragraph (1) of the Act are the following voting rights:

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取得し、又は所有する株式会社商品取引所の株式に係る議決権（法第八十六条第五項（第一号に係る部分に限る。）の規定により当該信託業を営む者が自ら取得し、又は保有する議決権とみなされるものを除く。）

(i) voting rights related to the shares of an incorporated commodity exchange acquired or held as trust property by a person that engages in trust business (meaning the trust business as defined in Article 2, paragraph (1) of the Trust Business Act (Act No. 154 of 2004)) (excluding those that are deemed to be the voting rights personally acquired or held by the person that engages in trust business, pursuant to the provisions of Article 86, paragraph (5) of the Act (limited to the part related to item (i)));

二　法人の代表権を有する者又は法人の代表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会社商品取引所の株式に係る議決権

(ii) voting rights related to the shares of an incorporated commodity exchange held by a corporation when a person having the right to represent the corporation or a manager having the right to represent the corporation has the authority to exercise voting rights, the authority to give instructions on the exercise of voting rights, or the authority required for making an investment, based on the right to represent or their authority of representation;

三　株式会社商品取引所の役員又は従業員が当該株式会社商品取引所の他の役員又は従業員と共同して当該株式会社商品取引所の株式の取得（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（当該株式会社商品取引所が会社法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株式会社商品取引所の株式を信託された者が取得し、又は所有する当該株式会社商品取引所の株式に係る議決権（法第八十六条第五項（第一号に係る部分に限る。）の規定により当該信託された者が自ら取得し、又は保有する議決権とみなされるものを除く。）

(iii) when an officer or employee of an incorporated commodity exchange has acquired the shares of the incorporated commodity exchange (limited to those conducted according to a certain plan, without depending on an individual investment decision, on an ongoing basis, for which each officer or employee has contributed less than one million yen at a time) jointly with another officer or employee of the incorporated commodity exchange (when the incorporated commodity exchange has acquired the shares other than those acquired based on the provisions of Article 156, paragraph (1) of the Companies Act (including as applied pursuant to Article 165, paragraph (3) of that Act following the deemed replacement of terms), limited to when the acquisition was entrusted to a financial instruments business operator), voting rights relating to the shares of the incorporated commodity exchange acquired or held by a person that has deposited the shares of the incorporated commodity exchange which conducted the acquisition (excluding those that are deemed to be the voting rights personally acquired or held by the person that has deposited the shares, pursuant to the provisions of Article 86, paragraph (5) of that Act (limited to the part related to item (i)));

四　相続人が相続により取得し、又は所有する株式会社商品取引所の株式（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株式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) voting rights related to the shares of an incorporated commodity exchange acquired or held by an heir through inheritance (limited to the shares held before the day the heir gave an unqualified acceptance (including cases in which an unqualified acceptance is deemed to have been given) (excluding cases of coinheritance) or gave a qualified acceptance, or the shares whose division has not been completed by the coheirs);

五　株式会社商品取引所が自己の株式の消却を行うために取得し、又は所有する株式会社商品取引所の株式に係る議決権

(v) voting rights related to the shares of an incorporated commodity exchange acquired or held by an incorporated commodity exchange for the purpose of

cancellation of its own shares.

（取得等の制限の適用除外）

(Exemption of Restrictions on Acquisition)

第三十一条　法第八十六条第二項、第九十六条の十九第二項及び第九十六条の二十五第二項の主務省令で定める場合は、次に掲げる場合とする。

Article 31 The cases specified by order of the competent ministry as referred to in Article 86, paragraph (2), Article 96-19, paragraph (2), and Article 96-25, paragraph (2) of the Act are as follows:

一　保有する株式会社商品取引所の対象議決権（法第八十六条第一項本文に規定する対象議決権をいう。以下同じ。）の数に増加がない場合

(i) cases in which there is no increase in the number of subject voting rights (meaning the subject voting rights prescribed in the main clause of Article 86, paragraph (1) of the Act; the same applies below) of an incorporated commodity exchange held;

二　担保権の行使又は代物弁済の受領により株式会社商品取引所の対象議決権を取得し、又は保有する場合

(ii) cases in which the subject voting rights of an incorporated commodity exchange are acquired or held by exercising security rights or accepting substitute performance;

三　金融商品取引業者が業務として株式会社商品取引所の対象議決権を取得し、又は保有する場合（金融商品取引法第二条第八項第一号に掲げる行為により取得し、又は保有する場合を除く。）

(iii) cases in which the subject voting rights of an incorporated commodity exchange are acquired or held by a financial instruments business operator for the purpose of business (excluding cases when they have acquired or held the rights through the acts stated in Article 2, paragraph (8), item (i) of the Financial Instruments and Exchange Act); and

四　証券金融会社（金融商品取引法第二条第三十項に規定する証券金融会社をいう。第三十六条の十において同じ。）が同法第百五十六条の二十四第一項に規定する業務として株式会社商品取引所の対象議決権を取得し、又は保有する場合

(iv) cases in which the subject voting rights of an incorporated commodity exchange are acquired or held by a securities finance company (meaning a securities finance company prescribed in Article 2, paragraph (30) of the Financial Instruments and Exchange Act; the same applies in Article 36-10) for the purpose of the business prescribed in Article 156-24, paragraph (1) of that Act.

（特定保有者の届出）

(Specified Holders' Notifications)

第三十一条の二　法第八十六条第三項の主務省令で定める事項は、次に掲げる事項とす

る。

Article 31-2 The information specified by order of the competent ministry as referred to in Article 86, paragraph (3) of the Act is the following:

一　特定保有者（法第八十六条第三項に規定する特定保有者をいう。次号において同じ。）となった日

(i) the day the person became a specified holder (meaning a specified holder prescribed in Article 86, paragraph (3) of the Act; the same applies below);

二　特定保有者に該当することとなった原因

(ii) the grounds on which the person came to fall under specified holders; and

三　その保有する対象議決権の数

(iii) the number of subject voting rights held by the person.

（対象議決権保有届出書）

(Notifications of Holding Subject Voting Rights)

第三十一条の三　法第八十六条の二第一項の規定により対象議決権保有届出書を提出する者は、様式第一号の二により作成した対象議決権保有届出書及びその写しを主務大臣に提出しなければならない。

Article 31-3 (1) A person submitting a notification of holding subject voting rights pursuant to the provisions of Article 86-2, paragraph (1) of the Act must submit to the competent minister a notification of holding subject voting rights prepared according to Form No. 1-2 and its copy.

2　法第八十六条の二第一項の主務省令で定める事項は、次に掲げる事項とする。

(2) The information specified by order of the competent ministry as referred to in Article 86-2, paragraph (1) of the Act is the following:

一　商号、名称又は氏名

(i) trade name or name;

二　本店若しくは主たる事務所の所在地又は住所若しくは居所

(ii) location of the head office or principal office, or its address or residence;

三　保有する議決権の数

(iii) number of voting rights held;

四　対象議決権保有届出書を提出する者と特別の関係（令第九条第一項各号又は第十二条第一項各号に掲げる関係をいう。）にある者に関する事項

(iv) information concerning a person having a special relationship (meaning the relationship stated in the items of Article 9, paragraph (1) or the items of Article 12 paragraph (1) of the Order) with the person submitting the notification of holding subject voting rights.

（身分証明書）

(Identification Cards)

第三十一条の四　法第八十六条の三第二項（法第九十六条の二十一第三項（同条第二項において同条第一項の規定を準用する場合を含む。）、第九十六条の三十第二項、第

九十六条の三十三第三項（同条第二項において同条第一項の規定を準用する場合を含む。）及び第九十六条の三十九第二項（法第九十六条の四十三において準用する場合を含む。）において準用する場合を含む。）又は第百五十七条第四項（法第百八十四条第二項、第二百三十一条第四項、第二百四十条の二十二第三項、第二百六十三条第二項、第三百二十二条第二項、第三百三十八条第二項（法第三百四十五条において準用する場合を含む。）及び第三百四十九条第六項において準用する場合を含む。）の規定により職員が携帯すべき身分証明書は、様式第二号による。

Article 31-4 The identification card that an employee is required to carry pursuant to the provisions of Article 86-3, paragraph (2) (Article 96-21, paragraph (3) (including cases in which the provisions of paragraph (1) of that Article are applied mutatis mutandis pursuant to paragraph (2) of that Article), Article 96-30, paragraph (2), Article 96-33, paragraph (3) (including cases in which the provisions of paragraph (1) of that Article are applied mutatis mutandis pursuant to paragraph (2) of that Article), and Article 96-39, paragraph (2) of the Act (including as applied mutatis mutandis pursuant to Article 157, paragraph (4)) or Article 157, paragraph (4) (including as applied mutatis mutandis pursuant to Article 184, paragraph (2), Article 231, paragraph (4), Article 240-22, paragraph (3), Article 263, paragraph (2), Article 322, paragraph (2), Article 338, paragraph (2) (including as applied mutatis mutandis pursuant to Article 345 of the Act) and Article 349, paragraph (6) of the Act) is according to Form No. 2.

（公衆縦覧の事項等）

(Information for Public Inspection)

第三十二条　法第八十七条の主務省令で定める事項は、当該株式会社商品取引所の発行済株式の総数及び総株主の議決権の数とする。

Article 32 (1) The information specified by order of the competent ministry as referred to in Article 87 of the Act, is the total number of issued shares and the number of voting rights of all shareholders of the incorporated commodity exchange.

2　株式の転換又は新株予約権の行使によって発行済株式の総数又は総株主の議決権の数に変更があった場合における発行済株式の総数又は総株主の議決権の数は、前月末日現在のものによることができる。

(2) When there is a change to the total number of issued shares or the number of voting rights of all shareholders due to the conversion of shares or the exercise of share options, the total number of issued shares or the number of voting rights of all shareholders may be the number as of the last day of the previous month.

3　株式会社商品取引所の発行済株式の総数に変更があった場合において、その登記が行われるまでの間は、登記されている発行済株式の総数をもって、第一項の発行済株式の総数とみなすことができる。

(3) When there is a change to the total number of issued shares of an incorporated commodity exchange, the registered total number of issued shares may be deemed to be the total number of issued shares referred to in paragraph (1) until the registration is made.

4　株式会社商品取引所は、第一項に定める事項を記載した書面を本店に備えて置き、その営業時間中これを公衆の縦覧に供しなければならない。

(4) An incorporated commodity exchange must keep documents that state the information specified in paragraph (1) at its head office and make them available for public inspection during its business hours.

（資本金の額の減少の認可申請）

(Application for Authorization for Reduction in Amount of Stated Capital)

第三十三条　株式会社商品取引所は、法第八十八条第一項の規定による資本金の額の減少について認可を受けようとするときは、認可申請書に次に掲げる書類を添付して主務大臣に提出しなければならない。

Article 33 When an incorporated commodity exchange seeks authorization for reduction in the amount of stated capital pursuant to the provisions of Article 88, paragraph (1) of the Act, it must attach the following documents to the written application for authorization and submit them to the competent minister:

一　資本金の額を減少する理由を記載した書面

(i) a document stating the reasons for the reduction in the amount of stated capital;

二　資本金の額の減少の方法を記載した書類

(ii) a document stating the method to reduce the amount of stated capital;

三　株主総会の議事録その他必要な手続があったことを証する書面

(iii) minutes of a shareholders meeting and other documents proving that the necessary procedures have been taken;

四　直前事業年度の貸借対照表

(iv) a balance sheet for the immediately preceding business year;

五　会社法第四百四十九条第二項の規定による公告及び催告（同条第三項の規定により公告を官報のほか時事に関する事項を掲載する日刊新聞紙又は電子公告によってした場合にあっては、これらの方法による公告）をしたこと並びに異議を述べた債権者があるときは、当該債権者に対し弁済し若しくは相当の担保を提供し若しくは当該債権者に弁済を受けさせることを目的として相当の財産を信託したこと又は当該資本金の額の減少をしても当該債権者を害するおそれがないことを証する書面

(v) a document stating that a public notice or a notification under the provisions of Article 449, paragraph (2) of the Companies Act (when a public notice has been given not only in an Official Gazette, but also by publication in a daily newspaper which publishes matters on current events or by an electronic public notice pursuant to the provisions of paragraph (3) of that

Article, a public notice by those means) has been given, and when a creditor has made an objection, documents proving that payment has been made or a reasonable collateral has been provided to the creditor or reasonable property has been deposited in trust for the purpose of having the creditor receive the payment, or that the reduction of the stated capital is not likely to harm the creditor; and

六　株券発行会社にあっては会社法第二百十九条第一項本文の規定による公告をしたことを証する書面又は当該株式の全部について株券を発行していないことを証する書面

(vi) Regarding companies that issue shares, a document proving that a public notice under the provisions of the main clause of Article 219, paragraph (1) of the Companies Act, or a document proving that the shares have not been issued for all of the shares.

（資本金の額の増加の届出）

(Notifications of Increases in Amount of Stated Capital)

第三十四条　株式会社商品取引所は、法第八十八条第二項の規定による資本金の額の増加について届出をしようとするときは、届出書に次に掲げる書類を添付して主務大臣に提出しなければならない。

Article 34　When an incorporated commodity exchange seeks to give notification of increase in the amount of stated capital under the provisions of Article 88, paragraph (2) of the Act, it must attach the following documents to the written application for authorization and submit them to the competent minister:

一　取締役会の議事録その他必要な手続があったことを証する書面

(i) minutes of a board of directors and other documents proving that the necessary procedures have been taken;

二　資本金の額の増加の方法を記載した書類

(ii) a document stating the method of increasing the amount of stated capital; and

三　増資後に想定される貸借対照表

(iii) a balance sheet with an estimate of the increase in the amount of stated capital.

（株式会社商品取引所の解散の決議等に係る認可申請）

(Application for Authorization Related to Resolution on Dissolution of an Incorporated Commodity Exchange)

第三十五条　株式会社商品取引所は、法第九十六条第一項の規定により解散に関する株主総会の決議について認可を受けようとするとき又は合併について認可を受けようとするときは、認可申請書に次に掲げる書類を添付して主務大臣に提出するものとする。

Article 35　When an incorporated commodity exchange seeks to obtain authorization for the resolution of a shareholders meeting for dissolution or

merger pursuant to the provisions of Article 96, paragraph (1) of the Act, it must attach the following documents to the written application for authorization and submit them to the competent minister:

一　解散又は合併の理由を記載した書面

(i) a document stating the reasons for the dissolution or merger;

二　株主総会の議事録その他必要な手続があったことを証する書面

(ii) minutes of a shareholders meeting and other documents proving that the necessary procedures have been taken;

三　直前事業年度の計算書類等及びその附属明細書

(iii) financial statements, etc. and their annexed detailed statements for the immediately preceding business year.

（解散の届出の適用除外）

(Exemption of Notifications of Dissolution)

第三十六条　法第九十六条第二項ただし書の主務省令で定める場合は、法第百四十五条第一項の合併を行う場合とする。

Article 36　T The cases specified by order of the competent ministry as referred to in the proviso to Article 96, paragraph (2) of the Act are cases in which the merger referred to in Article 145, paragraph (1) of the Act is to be implemented.

（緊急の場合の取扱い）

(Handling Cases of Emergency)

第三十六条の二　法第九十六条の七各項の主務省令で定める自主規制業務は、会員等に対する処分とする。

Article 36-2　The self-regulation related services specified by order of the competent ministry as referred to in the paragraphs of Article 96-7 of the Act are dispositions against members, etc.

（自主規制委員会の同意を得るべき事項）

(Information on Which Consent of the Self-Regulating Committee is Required to Be Obtained)

第三十六条の三　法第九十六条の九の主務省令で定めるものは、取引参加者の資格の付与に関する基準とする。

Article 36-3　(1) The criteria for granting qualification of trading participants are specified by order of the competent ministry as referred to in Article 96-9 of the Act.

２　特定株式会社商品取引所（法第九十六条の二第二項に規定する特定株式会社商品取引所をいう。）は、取引参加者の資格の付与に関する基準の作成を行おうとするときは、自主規制委員会の同意を得るものとする。

(2) When a specified incorporated commodity exchange (meaning a specified incorporated commodity exchange prescribed in Article 96-2, paragraph (2) of

the Act), seeks to establish criteria for granting qualification of trading participants, it is to obtain the consent of the self-regulating committee.

（自主規制委員会の議事録）

(Minutes of Self-Regulating Committee Meetings)

第三十六条の四　法第九十六条の十三第三項の議事録は、次に掲げる事項を内容とするものでなければならない。

Article 36-4 The minutes referred to in Article 96-13, paragraph (3) of the Act must include the following information:

一　自主規制委員会が開催された日時及び場所（当該場所に存しない自主規制委員が自主規制委員会に出席をした場合における当該出席の方法を含む。）

(i) the date and time when and the place where the self-regulating committee meeting was held (including the method of attendance in the case that self-regulating committee members who were not present at the place attended the self-regulating committee meeting);

二　自主規制委員会の議事の経過の要領及びその結果

(ii) the outline and results of the proceedings of the self-regulating committee meeting;

三　決議を要する事項について特別の利害関係を有する自主規制委員があるときは、その氏名

(iii) when there is a self-regulating committee member who has a special interest in a matter that requires a resolution, the name of that person;

四　自主規制委員会に執行役、取締役、会計参与又は会計監査人が出席した場合には、その氏名又は名称

(iv) when an executive officer, company director, accounting advisor, or accounting auditor attends a self-regulating committee meeting, the name of that person;

五　自主規制委員会の議長が存するときは、議長の氏名

(v) when there is a chairperson of the self-regulating committee meeting, the chairperson's name; and

六　議事録の作成に係る職務を行った自主規制委員の氏名

(vi) the name of the self-regulating committee member who performed the work of preparing the minutes.

（自主規制委員会の議事録に係る電子署名の規定の準用）

(Application, Mutatis Mutandis of Provisions on Electronic Signatures Related to Minutes of Self-Regulating Committee Meetings)

第三十六条の五　第二条の規定は、法第九十六条の十三第五項の規定による署名又は記名押印に代わる措置について準用する。

Article 36-5 The provisions of Article 2 apply mutatis mutandis to measures in place of signing or affixing names and seals under the provisions of Article 96-

13, paragraph (5) of the Act.

（自主規制委員会の職務執行のために決定すべき事項）

(Matters to Be Decided for Execution of the Duties of Self-Regulating Committees)

第三十六条の六　法第九十六条の十七の主務省令で定める事項は、次に掲げる事項とする。

Article 36-6 The matters specified by order of the competent ministry as referred to in Article 96-17 are the following matters:

一　自主規制委員会の職務を補助すべき取締役及び使用人に関する事項

(i) matters concerning company directors and employees required to assist with the duties of the self-regulating committee;

二　自主規制業務の執行を行う取締役、執行役及び使用人に関する事項

(ii) matters concerning company directors, executive officers, and employees who execute the operation of self-regulation related services;

三　前号の取締役、執行役及び使用人が自主規制委員会に自主規制業務の執行に関する事項を報告するための体制その他の自主規制委員会への報告に関する事項

(iii) matters concerning the system for the company directors, executive officers, and employees referred to in the preceding item to report to the self-regulating committee matters concerning execution of the operation of self-regulation related services and matters concerning other reports to the self-regulating committee; and

四　その他自主規制委員会の自主規制業務に関する事項の決定が実効的に行われることを確保するための体制

(iv) other systems for ensuring that decisions on matters concerning the self-regulating committee's operation of self-regulation related services are made effectively.

（株式会社商品取引所の主要株主の認可申請）

(Applications for Authorization by Major Shareholders of Incorporated Commodity Exchanges)

第三十六条の七　法第九十六条の十九第一項の認可を受けようとする者は、次に掲げる事項を記載した認可申請書を主務大臣に提出しなければならない。

Article 36-7 (1) A person seeking to obtain authorization under Article 96-19, paragraph (1) of the Act must submit a written application for authorization stating the following information to the competent minister:

一　商号若しくは名称又は氏名及び本店若しくは主たる事務所（地方公共団体にあっては、事務所）の所在地又は住所若しくは居所

(i) trade name or name and location of the head office or principal office (in cases of a local government, its office) or its address or residence;

二　地方公共団体にあっては、その長の氏名

(ii) in cases of a local government, the name of the head of the local government;

三　法人（地方公共団体を除く。）にあっては、その代表者の氏名

(iii) in cases of a corporation (excluding local governments) the name of its representative;

四　認可申請者が保有する当該認可に係る株式会社商品取引所の対象議決権の数及び保有割合並びに当該認可後に取得し、又は保有しようとする当該株式会社商品取引所の対象議決権の数及び保有割合

(iv) the number and percentage of subject voting rights of the incorporated commodity exchange related to the authorization held by the applicant for authorization and the number and percentage of subject voting rights of the incorporated commodity exchange sought to be acquired or held by the applicant for authorization after obtaining the authorization; and

五　当該認可に係る株式会社商品取引所の対象議決権を取得し、又は保有しようとする理由

(v) reason for acquiring or seeking to hold subject voting rights of the incorporated commodity exchange related to the authorization.

２　前項の認可申請書には、次に掲げる書類（官公署が証明する書類の場合には、認可の申請の日前三月以内に作成されたものに限る。）を添付しなければならない。

(2) The following documents (in cases of documents certified by a public agency, limited to those prepared within three months before the date of filing the application for authorization) must be attached to the written application for authorization referred to in the preceding paragraph:

一　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書類（申請者が外国法人であることその他の理由により当該書類の一部がない場合は、当該書類に相当する書類）

(i) the documents specified in the following sub-items (a) through (c) in accordance with the category of cases stated in the sub-items (a) through (c) (when some of the documents are not available because the applicant is a foreign corporation or for other reasons, documents equivalent to those documents);

イ　認可申請者が地方公共団体である場合　当該認可申請者の最近における財産及び収支の状況を知ることができる書類

(a) when the applicant for authorization is a local government: documents disclosing the recent status of property and income and expenditure of the applicant for authorization;

ロ　認可申請者が法人（地方公共団体を除く。ハにおいて同じ。）である場合　当該認可申請者に関する次に掲げる書類

(b) when the applicant for authorization is a corporation (excluding a local government; the same applies in (c)): the following documents concerning the applicant for authorization:

（１）　定款

1. articles of incorporation;

（２）　登記事項証明書

2. certificate of registered information;

（３）　役員（会計参与を除く。）の住民票の写し等、履歴書、その者が法第九十六条の二十第二項第一号ロ（法第十五条第二項第一号ロに係る部分に限る。）に該当しない旨の官公署の証明書（その者が外国人である場合を除く。）並びにその者が法第九十六条の二十第二項第一号イ、ロ（法第十五条第二項第一号ロに係る部分を除く。）又はハ（その者が外国人の場合には、法第九十六条の二十第二項第一号イからハまで）のいずれにも該当しないことを誓約する書面

3. for an officer (excluding an accounting advisor), a copy of the residence certificate, etc. and a curriculum vitae, a certification issued by a public agency that the person does not fall under the provisions of Article 96-20, paragraph (2), item (i), (b) of the Act (limited to the part related to Article 15, paragraph (2), item (i), (b) of the Act) (excluding the case in which the person is a foreign national), and a document pledging that the person does not fall under any of the provisions of Article 96-20, paragraph (2), item (ii), (a) or (b) of the Act (limited to the part related to Article 15, paragraph (2), item (i), (b) of the Act), or (c) of that item (if the person is a foreign national, Article 96-20, paragraph (2), item (i), sub-items (a) through (c) of the Act);

（４）　当該認可申請者が会計参与設置会社である場合には、会計参与の住民票の写し等（その者が法人の場合には、登記事項証明書）、履歴書（その者が法人の場合には、沿革を記載した書面）、会計参与が法第九十六条の二十第二項第一号ロ（法第十五条第二項第一号ロに係る部分に限る。）に該当しない旨の官公署の証明書（その者が法人又は外国人である場合を除く。）並びに会計参与が法第九十六条の二十第二項第一号イ、ロ（法第十五条第二項第一号ロに係る部分を除く。）又はハ（その者が法人の場合には法第九十六条の二十第二項第一号ロ（法第十五条第二項第一号ロ及びヌに係る部分を除く。）又はニ、その者が外国人の場合には法第九十六条の二十第二項第一号イからハまで）のいずれにも該当しないことを誓約する書面

4. when the applicant for authorization is a company with accounting advisors, a copy of each accounting advisor's residence certificate, etc. (if the person is a corporation, its certificate of registered information) and curriculum vitae (if the person is a corporation, a document stating the history of the corporation), a certification issued by a public agency proving that the accounting advisor does not fall under the provisions of Article 96-20, paragraph (2), item (i), (b) of the Act (limited to the part related to Article 15, paragraph (2), item (i), (b) of the Act) (excluding the case in which the person is a foreign national),

and a document pledging that the accounting advisor does not fall under any of the provisions of Article 96-20, paragraph (2), item (ii), (a) or (b) of the Act (excluding the part related to Article 15, paragraph (2), item (i), (b) of the Act), or (c) of that item (if the person is a corporation, Article 96-20, paragraph (2), item (i), (b) of the Act (excluding the part related to Article 15, paragraph (2), item (i), (b) and (j) of the Act), or (d) of that item; if the person is a foreign national, Article 96-20, paragraph (2), item (i), sub-items (a) through (c) of the Act);

（５）　当該認可申請者の総株主等（令第九条第一項第三号に規定する総株主等をいう。第八十二条第一項第三号及び第二項第十三号ロを除き、以下同じ。）の議決権（令第九条第一項第三号に規定する議決権をいう。以下この（５）において同じ。）の百分の五を超える議決権を保有する者がある場合には、当該者の氏名、住所又は居所、国籍及び職業（当該者が法人その他の団体である場合には、その商号又は名称、本店又は主たる事務所の所在地及びその行っている事業の内容）並びにその保有する議決権の数を記載した書面

5. when there is a person that holds more than 5 percent of the voting rights (meaning the voting rights prescribed in Article 9, paragraph (1), item (iii) of the Order; the same applies below in this 5. part) of all shareholders, etc. of the applicant for authorization (meaning all shareholders, etc. prescribed in Article 9, paragraph (1), item (iii) of the Order; excluding Article 82, paragraph (1), item (iii) and paragraph (2), item (xiii), (b); the same applies below), a document stating that person's name, address or residence, nationality and occupation (if the person is a corporation or other organization, its trade name or name, location of its head office or principal office and the content of the business it is conducting) as well as the number of voting rights held;

（６）　当該認可の申請が株主総会又は取締役会（これらに準ずる機関を含む。以下この（６）において同じ。）の決議を要するものである場合には、これに関する株主総会又は取締役会の議事録その他必要な手続があったことを証する書面

6. when the application for authorization requires a resolution of a shareholders meeting or the board of company directors meeting (including an equivalent body; the same applies below in this 6. part), the minutes of a shareholders meeting or of the board of directors meeting related to the matter, and other documents proving that the necessary procedures have been taken;

（７）　業務の内容を記載した書面

7. a document stating the content of business;

（８）　直前事業年度の貸借対照表、損益計算書及び株主資本等変動計算書その他当該認可申請者の最近における業務、財産及び収支の状況を知ることがで

きる書類

8. documents disclosing the recent status of business, property and income and expenditure of the applicant for authorization, such as the balance sheet, profit and loss statement, and statement of changes in net assets for the immediately preceding business year;

（９）　当該認可申請者が外国商品市場開設者（令第十一条第二号に規定する外国商品市場開設者をいう。以下同じ。）である場合には、その本店又は主たる事務所の所在する国において法第九条若しくは第七十八条の許可と同種類の許可又はこれに類する認可その他の行政処分を受けていることを証する書面

9. when the applicant for authorization is a foreign commodity market establisher (meaning a foreign commodity market establisher prescribed in Article 11, item (ii) of the Order; the same applies below), a document proving that the establisher has obtained the same type of permission as the permission under Article 9 or Article 78 of the Act, or authorization similar to the permission, or other administrative dispositions in the country where the applicant's head office or principal office is located;

（１０）　当該認可申請者が外国商品市場開設者持株会社（令第十一条第三号に規定する外国商品市場開設者持株会社をいう。以下この（１０）及び（１３）において同じ。）である場合には、その本店又は主たる事務所の所在する国における法（法に基づく命令を含む。）に相当する外国の法令を執行する当局が、当該認可申請者が外国商品市場開設者持株会社であることについて法第九十六条の二十五第一項の認可と同種類の認可又はこれに類する許可その他の行為をしていることを証する書面

10. when the applicant for authorization is a foreign commodity market establisher holding company (meaning a foreign commodity market establisher holding company prescribed in Article 11, item (iii) of the Order; the same applies in the 10. and 13. parts, a document proving that the authority responsible for enforcement of the laws and regulations of the country where the head office or principal office of the applicant for authorization is located which correspond to the Act (including orders based on the Act) has granted the same type of authorization as the authorization under Article 96, paragraph (25), item (i) of the Act or has granted permission similar to the authorization, or taken other acts concerning the fact that the applicant for authorization is a foreign commodity market establisher holding company;

（１１）　当該認可申請者が外国金融商品取引市場開設者（金融商品取引法第六十条の二第一項第六号に規定する外国金融商品取引市場開設者をいう。以下同じ。）である場合には、その本店又は主たる事務所の所在する国において

金融商品取引法第八十条第一項の免許と同種類の免許又はこれに類する許可その他の行政処分を受けていることを証する書面

11. when the applicant for authorization is a foreign financial instruments exchange market establisher (meaning a foreign financial instruments exchange market establisher prescribed in Article 60-2, paragraph (1), item (vi) of the Financial Instruments and Exchange Act; the same applies below), a document proving that the applicant for authorization has obtained the same type of license as the license under Article 80, paragraph (1) of the Financial Instruments and Exchange Act or permission similar to the license, or other administrative dispositions in the country where its head office or principal office is located;

（１２）　当該認可申請者が外国金融商品取引市場開設者持株会社（令第十一条第五号に規定する外国金融商品取引市場開設者持株会社をいう。以下この（１２）及び（１３）において同じ。）である場合には、その本店又は主たる事務所の所在する国における金融商品取引法（同法に基づく命令を含む。）に相当する外国の法令を執行する当局が、当該認可申請者が外国金融商品取引市場開設者持株会社であることについて金融商品取引法第百六条の十第一項の認可と同種類の認可又はこれに類する許可その他の行為をしていることを証する書面

12. when the applicant for authorization is a foreign financial instruments exchange market establisher holding company (meaning a foreign financial instruments exchange market establisher holding company prescribed in Article 11, item (v) of the Order; the same applies below in the 12. and 13. parts), a document proving that the authority responsible for enforcement of the laws and regulations of the country where the head office or principal office of the applicant for authorization is located which correspond to the Financial Instruments and Exchange Act (including orders based on that Act) has granted the same type of authorization as the authorization under Article 106-10, paragraph (1) of the Financial Instruments and Exchange Act or has granted permission similar to the authorization, or taken other acts concerning the fact that the applicant for authorization is a foreign financial instruments exchange market establisher holding company; and

（１３）　当該認可申請者が外国商品市場開設者、外国商品市場開設者持株会社、外国金融商品取引市場開設者又は外国金融商品取引市場開設者持株会社である場合には、これらの者が法第九十六条の十九第一項の認可を受けてその総株主の議決権（法第八十六条第一項本文に規定する議決権をいう。第三号において同じ。）の保有基準割合（法第八十六条第一項本文に規定する保有基準割合をいう。第三号において同じ。）以上百分の五十以下の数の対象議決権を取得し、又は保有しようとする株式会社商品取引所が、商品取引所等

（法第八十六条第一項ただし書の商品取引所、商品取引所持株会社、金融商品取引所又は金融商品取引所持株会社をいう。）の子会社（法第三条の二第三項に規定する子会社をいう。）であることを知ることができる書類

13. when the applicant for authorization is a foreign commodity market establisher, a foreign commodity market establisher holding company, a foreign financial instruments exchange market establisher, or a foreign financial instruments exchange market establisher holding company, documents that disclosing that the incorporated commodity exchange of which these persons, with the authorization under Article 96-19, paragraph (1), seek to obtain or hold subject voting rights of a number greater than the holding ratio threshold (meaning the holding ratio threshold prescribed in the main clause of Article 86, paragraph (1) of the Act; the same applies in item (iii)) of the voting rights (meaning the voting rights prescribed in the main clause of Article 86, paragraph (1) of the Act; the same applies in item (iii)) of all shareholders, but less than 50 percent is a subsidiary company (meaning a subsidiary company prescribed in Article 3-2, paragraph (3) of the Act) of a commodity exchange, etc. (meaning a commodity exchange, commodity exchange holding company, financial instrument exchange, or financial instrument exchange holding company prescribed in the proviso to Article 86, paragraph (1) of the Act);

ハ　認可申請者が地方公共団体及び法人以外の者である場合　当該認可申請者に関する次に掲げる書類

(c) when the applicant for authorization is other than a local government or a corporation: the following documents concerning the applicant for authorization:

（１）　職業を記載した書面

1. a document stating their occupation;

（２）　住民票の写し等

2. a copy of the residence certificate, etc.; and

（３）　当該認可申請者が法第九十六条の二十第二項第一号ロ（法第十五条第二項第一号ロに係る部分に限る。）に該当しない旨の官公署の証明書（その者が外国人である場合を除く。）並びにその者が法第九十六条の二十第二項第一号イ、ロ（法第十五条第二項第一号ロに係る部分を除く。）又はハ（その者が外国人の場合には、法第九十六条の二十第二項第一号イからハまで）のいずれにも該当しないことを誓約する書面

3. a certification issued by a public agency proving that the applicant for authorization does not fall under the provisions of Article 96-20, paragraph (2), item (i), (b) of the Act (limited to the part related to Article 15, paragraph (2), item (i), (b) of the Act) (excluding the case in which the person is a foreign national), and a document pledging that

the applicant does not fall under any of the provisions of Article 96-20, paragraph (2), item (i), (a) or (b) of the Act (limited to the part related to Article 15, paragraph (2), item (i), (b) of the Act), or (c) of that item (if the person is a foreign national, Article 96-20, paragraph (2), item (i), sub-items (a) through (c) of the Act);

二　当該認可に係る株式会社商品取引所の対象議決権の保有に係る体制を記載した書面

(ii) a document stating the system concerning holding of subject voting rights of the incorporated commodity exchange related to the authorization;

三　認可申請者が当該認可に係る株式会社商品取引所との間に、当該認可後に有することを予定する人事、資金、技術及び取引等における関係並びに当該関係に係る方針（当該株式会社商品取引所の業務の健全かつ適切な運営を確保するための体制を含む。）を記載した書類

(iii) a document stating any planned relationship between the applicant for authorization and the incorporated commodity exchange related to the authorization in terms of personnel affairs, funds, technology, transactions or other matters after the authorization and the policy related to the relationship (including a system to ensure the sound and appropriate management of the business of the incorporated commodity exchange); and

四　その他法第九十六条の二十第一項に掲げる基準に適合しているかどうかについての認定の参考となるべき事項を記載した書面

(iv) documents stating other information to be used as a reference for certifying whether the criteria stated in Article 96-20, paragraph (1) of the Act have been met.

（特定保有者に係る規定の準用）

(Application, Mutatis Mutandis of the Provisions on Specified Holders)

第三十六条の八　第三十一条の二の規定は、法第九十六条の十九第三項（法第九十六条の二十五第四項及び第九十六条の三十一第四項において準用する場合を含む。）に規定する主務省令で定める事項について準用する。

Article 36-8 The provisions of Article 31-2 apply mutatis mutandis to information specified by order of the competent ministry as prescribed in Article 96-19, paragraph (3) of the Act (including as applied mutatis mutandis pursuant to Article 96-25, paragraph (4) and Article 96-31, paragraph (4) of the Act).

（法第九十六条の二十第二項第一号イの主務省令で定める者等）

(Persons Specified by Order of the Competent Ministry as Referred to in Article 96-20, Paragraph (2), Item (i), (a) of the Act)

第三十六条の八の二　法第九十六条の二十第二項第一号イ（法第九十六条の三十二第二項において準用する場合を含む。）の主務省令で定める者は、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 36-8-2 (1) The person specified by order of the competent ministry as referred to in Article 96-20, paragraph (2), item (i), (a) of the Act (including as applied mutatis mutandis pursuant to Article 96-32, paragraph (2) of the Act) is a person that is unable to adequately carry out the cognition, decision making, and communication necessary for properly exercising the right of shareholders due to mental impairment.

2　主務大臣は、法第九十六条の十九第一項の認可の申請があった場合において、認可申請者が法第九十六条の二十第二項第一号イ、ハ（ロに係る部分を除く。）又はニ（ロに係る部分を除く。）のいずれかに該当するかどうかを審査するために必要があると認めるときは、認可申請者に対し、当該審査の対象となる者の病名、精神の機能の障害の有無及び程度、病因、病後の経過、治癒の見込みその他参考となる所見を記載した医師の診断書の提出を求めることができる。

(2) The competent minister may request an applicant to submit a doctor's medical certificate stating the name of the illness of the person subject to the examination, whether the person has any mental impairment and the level of mental impairment, causes of the illness, post-illness progress, prospects of recovery, and other remarks for reference when the application for the authorization under Article 96-19, paragraph (1) of the Act is filed, and the minister finds it necessary to do so for examining whether the applicant for authorization falls under any of the provisions of Article 96-20, paragraph (2), item (i), (a) or (c) of the Act (excluding the part related to (b)), or (d) of that item (excluding the part related to (b)).

（商品取引所持株会社に係る認可申請書の添付書類）

(Documents Attached to Written Applications for Authorization Related to Commodity Exchange Holding Companies)

第三十六条の九　法第九十六条の二十六第二項の主務省令で定める書類は、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（官公署が証明する書類の場合には、認可の申請の日前三月以内に作成されたものに限る。）とする。

Article 36-9 The documents specified by order of the competent ministry as referred to in Article 96-26, paragraph (2) of the Act are the documents specified in the following items in accordance with the category of cases stated in each item (in cases of documents certified by a public agency, limited to those prepared within three months before the date of filing the application for authorization):

一　認可申請者が法第九十六条の二十五第一項本文の認可を受けて株式会社商品取引所を子会社（法第三条の二第三項に規定する子会社をいう。以下この条において同じ。）としようとする場合又は認可申請者が株式会社商品取引所を子会社とする会社であることについて法第九十六条の二十五第三項ただし書の認可を受けようとす

る場合　次に掲げる書類

(i) in the case that the applicant for authorization, by obtaining the authorization under the main clause of Article 96-25, paragraph (1) of the Act, seeks to make an incorporated commodity exchange its subsidiary company (meaning a subsidiary company prescribed in Article 3-2, paragraph (3) of the Act; the same applies below in this Article) or the case that the applicant for authorization seeks to obtain the authorization under the proviso to Article 96-25, paragraph (3) concerning the fact that it is a company that has an incorporated commodity exchange as its subsidiary company: the following documents;

イ　株式会社商品取引所を子会社とする理由を記載した書面

(a) a document stating the reason it has an incorporated commodity exchange as its subsidiary company; and

ロ　当該認可申請者に関する次に掲げる書類

(b) the following documents concerning the applicant for authorization:

（１）　登記事項証明書

1. certificate of registered information;

（２）　取締役及び監査役の住民票の写し等、履歴書、これらの者が法第十五条第二項第一号ロに該当しない旨の官公署の証明書（これらの者が外国人である場合を除く。）並びにこれらの者が同号イ及びハからルまで（これらの者が外国人の場合には、同号イからルまで）のいずれにも該当しないことを誓約する書面

2. a copy of the residence certificate, etc. and a curriculum vitae of the company director and the company auditor, a certification issued by a public agency proving that these persons do not fall under the provisions of Article 15, paragraph (2), item (i), (b) of the Act (excluding the case in which these persons are foreign nationals), and a document pledging that these persons do not fall under any of the provisions of sub-item (a) and sub-items (c) through (k) of that item (if these persons are foreign nationals, sub-items (a) through (k) of that item);

（３）　当該認可申請者が会計参与設置会社である場合には、会計参与の住民票の写し等（その者が法人の場合には、登記事項証明書）、履歴書（その者が法人の場合には、沿革を記載した書面）、会計参与が法第十五条第二項第一号ロに該当しない旨の官公署の証明書（その者が法人又は外国人である場合を除く。）並びに会計参与が同号イ及びハからルまで（その者が法人の場合には同号ハからリまで及びヲ、その者が外国人の場合には同号イからルまで）のいずれにも該当しないことを誓約する書面

3. when the applicant for authorization is a company with accounting advisors, a copy of each accounting advisor's residence certificate, etc. (if the person is a corporation, its certificate of registered information)

and curriculum vitae (if the person is a corporation, a document stating the history of the corporation), a certification issued by a public agency proving that the accounting advisor does not fall under the provisions of Article 15, paragraph (2), item (i), (b) of the Act (excluding the case in which the person is a foreign national), and a document pledging that the accounting advisor does not fall under any of the provisions of sub-item (a) and sub-items (c) through (k) of that item (if the person is a corporation, sub-items (c) through (i) and sub-item (l) of that item; if the person is a foreign national, sub-items (a) through (k) of that item);

（４）　当該認可申請者の総株主の議決権の百分の五を超える議決権（法第八十六条第一項本文に規定する議決権をいう。以下この（４）及び次号ロ（３）において同じ。）を保有する者がある場合には、当該者の氏名、住所又は居所、国籍及び職業（当該者が法人その他の団体である場合には、その商号又は名称、本店又は主たる事務所の所在地及びその行っている事業の内容）並びにその保有する議決権の数を記載した書面

4. when there is a person that holds voting rights exceeding 5 percent of the voting rights of all shareholders of the applicant for authorization (meaning voting rights prescribed in the main clause of Article 86, paragraph (1); the same applies below in the 4. and (b), 3. parts of the following item), documents stating the person's name, address or residence, nationality and occupation (when the person is a corporation or other organization, its trade name or name, the location of its head office or principal office and the content of the business it is conducting), and the number of voting rights the person holds;

（５）　株主総会又は取締役会の議事録その他の必要な手続があったことを証する書面

5. minutes of a shareholders meeting or a board of directors meeting and other documents proving that necessary procedures have been taken;

（６）　業務の内容を記載した書面

6. documents stating the content of its business;

（７）　直前事業年度の貸借対照表、損益計算書及び株主資本等変動計算書その他当該認可申請者の最近における業務、財産及び収支の状況を知ることができる書類

7. documents disclosing the recent status of business, property and income and expenditure of the applicant for authorization, such as the balance sheet, profit and loss statement, and statement of changes in net assets for the immediately preceding business year;

（８）　当該認可申請者が法第九十六条の二十五第一項本文又は第三項ただし書の認可を受けて子会社としようとする株式会社商品取引所の経営管理に係る体制を記載した書類

8. a document stating the system related to the business management of the incorporated commodity exchange which the applicant for authorization seeks to make its subsidiary company by obtaining the authorization under the main clause of Article 96-25, paragraph (1) or the proviso to paragraph (3) of the Article;

（９）　株式会社商品取引所の業務に関する知識及び経験を有する従業員の確保の状況を記載した書類

9. a document stating the status of securing employees who have the knowledge and experience related to the business of an incorporated commodity exchange;

ハ　当該認可申請者が法第九十六条の二十五第一項本文又は第三項ただし書の認可を受けて子会社としようとする株式会社商品取引所に関する次に掲げる書類

(c) the following documents concerning an incorporated commodity exchange which the applicant for authorization seeks to make its subsidiary company by obtaining the authorization under the main clause of Article 96-25, paragraph (1) or the proviso to paragraph (3) of the Act;

（１）　商号及び本店の所在地を記載した書面

1. a document stating its trade name and the location of its head office;

（２）　取締役及び監査役の役職名及び氏名を記載した書面

2. a document stating the titles and names of its company directors and company auditors;

（３）　当該株式会社商品取引所が会計参与設置会社である場合には、会計参与の名称又は氏名を記載した書面

3. when the incorporated commodity exchange is a company with accounting advisors, a document stating the names of the accounting advisors;

（４）　直前事業年度の貸借対照表、損益計算書及び株主資本等変動計算書その他当該株式会社商品取引所の最近における業務、財産及び収支の状況を知ることができる書類

4. documents disclosing the recent status of business, property and income and expenditure of the incorporated commodity exchange, such as the balance sheet, profit and loss statement, and statement of changes in net assets for the immediately preceding business year;

ニ　法第九十六条の二十五第一項本文又は第三項ただし書の認可後三事業年度における当該認可申請者及びその子会社である株式会社商品取引所の収支の見込みを記載した書面

(d) a document stating a forecast of income and expenditures for the applicant for authorization and the incorporated commodity exchange that is its subsidiary company for the three business years after obtaining the authorization under the main clause of Article 96-25, paragraph (1) or the proviso to paragraph (3) of the Act;

ホ　その他法第九十六条の二十七第一項に掲げる基準に適合しているかどうかについての認定の参考となるべき事項を記載した書面

(e) documents stating other information to be used as a reference for certifying whether the criteria stated in Article 96-27, paragraph (1) of the Act have been met;

二　認可申請者が法第九十六条の二十五第一項本文の認可を受けて株式会社商品取引所を子会社とする会社を設立しようとする場合　次に掲げる書類

(ii) when the applicant for authorization seeks to establish a company that has an incorporated commodity exchange as its subsidiary company by obtaining the authorization under the main clause of Article 96-25, paragraph (1): the following documents

イ　株式会社商品取引所を子会社とする会社を設立しようとする理由を記載した書面

(a) a document stating the reason for establishing a company that has an incorporated commodity exchange as its subsidiary company;

ロ　当該認可を受けて設立される会社（以下この号において「設立会社」という。）に関する次に掲げる書類

(b) the following documents concerning the company to be established by obtaining the authorization (referred to below as the "established company" in this item):

（１）　取締役及び監査役の住民票の写し等、履歴書、これらの者が法第十五条第二項第一号ロに該当しない旨の官公署の証明書（これらの者が外国人である場合を除く。）並びにこれらの者が同号イ及びハからルまで（これらの者が外国人の場合には、同号イからルまで）のいずれにも該当しないことを誓約する書面

1. a copy of the residence certificate, etc. and curriculum vitae of the company director and company auditor, and a certification issued by a public agency proving that these persons do not fall under the provisions of Article 15, paragraph (2), item (i), (b) of the Act (excluding the case in which the persons are foreign nationals), and a document pledging that these persons do not fall under any of the provisions of sub-item (a) and sub-items (c) through (k) of that item (if these persons are foreign nationals, sub-items (a) through (k) of that item);

（２）　設立会社が会計参与設置会社である場合には、会計参与の住民票の写し等（その者が法人の場合には、登記事項証明書）、履歴書（その者が法人の場合には、沿革を記載した書面）、会計参与が法第十五条第二項第一号ロに該当しない旨の官公署の証明書（その者が法人又は外国人である場合を除く。）並びに会計参与が同号イ及びハからルまで（その者が法人の場合には同号ハからリまで及びヲ、その者が外国人の場合には同号イからルまで）のいずれにも該当しないことを誓約する書面

2. when the established company is a company with accounting advisors, a copy, of each accounting advisor's residence certificate, etc. (if the person is a corporation, its certificate of registered information) and curriculum vitae (if the person is a corporation, a document stating the history of the corporation), a certification issued by a public agency proving that the accounting advisor does not fall under the provisions of Article 15, paragraph (2), item (i), (b) of the Act (excluding the case in which the person is a foreign national), and a document pledging that the accounting advisor does not fall under any of the provisions of sub-item (a) and sub-items (c) through (k) of that item (if the person is a corporation, sub-items (c) through (i) and sub-item (l) of that item; if the person is a foreign national, sub-items (a) through (k) of that item);

（３）　設立会社の総株主の議決権の百分の五を超える議決権を保有しようとする者がある場合には、当該者の氏名、住所又は居所、国籍及び職業（当該者が法人その他の団体である場合には、その商号又は名称、本店又は主たる事務所の所在地及びその行っている事業の内容）並びにその保有しようとする議決権の数を記載した書面

3. when there is a person that seeks to hold voting rights that exceed 5 percent of the voting rights of all shareholders of the established company, documents stating the person's name, address or residence, nationality and occupation (when the person is a corporation or other organization, its trade name or name, the location of its head office or principal office, and the content of the business it is conducting), and the number of voting rights sought to be held;

（４）　その設立が創立総会の決議を要するものである場合には、これに関する創立総会の議事録（株式移転、合併又は分割により設立される場合には、これに関する株主総会の議事録）その他必要な手続があったことを証する書面

4. when the establishment requires a resolution of an organizational meeting, the minutes of the organizational meeting concerning the establishment (in cases of establishment through share transfer, merger or split, the minutes of a shareholders meeting concerning the establishment) and other documents proving that necessary procedures have been taken;

（５）　業務の内容を記載した書面

5. a document stating the content of the business;

（６）　資本金の額その他の当該設立後における財産の状況を知ることができる書類

6. documents disclosing the amount of stated capital and the status of other property after the establishment;

（７）　当該認可申請者が法第九十六条の二十五第一項本文の認可を受けて子会社としようとする株式会社商品取引所の経営管理に係る体制を記載した書面

7. a document stating the system related to business management of the incorporated commodity exchange which the applicant for authorization seeks to make its subsidiary company by obtaining the authorization under the main clause of Article 96-25, paragraph (1) of the Act; or

（８）　株式会社商品取引所の業務に関する知識及び経験を有する従業員の確保の状況を記載した書類

8. a document stating the status of securing employees that have knowledge and experience related to the business of an incorporated commodity exchange;

ハ　設立会社が子会社としようとする株式会社商品取引所に関する次に掲げる書類

(c) the following documents concerning the incorporated commodity exchange the established company seeks to make its subsidiary company:

（１）　商号及び本店の所在地を記載した書面

1. a document stating its trade name and the location of its head office;

（２）　取締役及び監査役の役職名及び氏名を記載した書面

2. a document stating the titles and names of its company directors and company auditors;

（３）　当該株式会社商品取引所が会計参与設置会社である場合には、会計参与の名称又は氏名を記載した書面

3. when the incorporated commodity exchange is a company with accounting advisors, a document stating the names of the accounting advisors;

（４）　直前事業年度の貸借対照表、損益計算書及び株主資本等変動計算書その他当該株式会社商品取引所の最近における業務、財産及び収支の状況を知ることができる書類

4. documents disclosing the recent status of business, property, and income and expenditure of the incorporated commodity exchange, such as the balance sheet, profit and loss statement, and statement of changes in net assets for the immediately preceding business year;

ニ　当該設立後三事業年度における設立会社及びその子会社である株式会社商品取引所の収支の見込みを記載した書面

(d) a document stating a forecast of income and expenditures for the established company and the incorporated commodity exchange that is its subsidiary company for three business years after the establishment; and

ホ　その他法第九十六条の二十七第一項に掲げる基準に適合しているかどうかについての認定の参考となるべき事項を記載した書面

(e) documents stating other information to be used as a reference for certifying whether the criteria stated in Article 96-27, paragraph (1) of the Act have been met.

（医師の診断書の提出）

(Submission of Doctor's Medical Certificates)

第三十六条の九の二　主務大臣は、法第九十六条の二十五第一項の認可の申請があった場合において、認可申請者等（法第九十六条の二十七第一項第一号の認可申請者等をいう。）の役員のうちに法第十五条第二項第一号イ又はル（イ及びヲに係る部分に限る。）のいずれかに該当する者があるかどうかを審査するために必要があると認めるときは、認可申請者等に対し、当該審査の対象となる者の病名、精神の機能の障害の有無及び程度、病因、病後の経過、治癒の見込みその他参考となる所見を記載した医師の診断書の提出を求めることができる。

Article 36-9-2 The competent minister may request an applicant to submit a doctor's medical certificate stating the name of the illness of the person subject to the examination, whether the person has any mental impairment and the level of mental impairment, causes of the illness, post-illness progress, prospects of recovery, and other remarks for reference when the application for the authorization under Article 96-25, paragraph (1) of the Act is filed, and when the minister finds it necessary to do so for examining whether officers of the applicant for authorization, etc. (meaning the applicant for authorization, etc. referred to in Article 96-27, paragraph (1), item (i) of the Act) include any person that falls under Article 15, paragraph (2), item (i), sub-item (a) or (k) of the Act (limited to the part related to sub-items (a) and (l)).

（取得等の制限の適用除外）

(Exemption of Restrictions on Acquisition)

第三十六条の十　法第九十六条の二十八第二項及び第九十六条の三十一第二項の主務省令で定める場合は、次に掲げる場合とする。

Article 36-10 The cases specified by order of the competent ministry as referred to in Article 96-28, paragraph (2) and Article 96-31, paragraph (2) are the following cases:

一　保有する商品取引所持株会社の対象議決権の数に増加がない場合

(i) if the number of subject voting rights of the commodity exchange holding company held does not increase;

二　担保権の行使又は代物弁済の受領により商品取引所持株会社の対象議決権を取得し、又は保有する場合

(ii) if the subject voting rights of the commodity exchange holding company are acquired or held as a result of the exercise of a security interest, or acceptance of substitute performance;

三　金融商品取引業者が業務として商品取引所持株会社の対象議決権を取得し、又は保有する場合（金融商品取引法第二条第八項第一号に掲げる行為により取得し、又は保有する場合を除く。）

(iii) if a financial instruments business operator acquires or holds the subject voting rights of the commodity exchange holding company for the purpose of

business (excluding cases of acquiring or holding the rights through the acts stated in Article 2, paragraph (8), item (i) of the Financial Instruments and Exchange Act);

四　証券金融会社が金融商品取引法第百五十六条の二十四第一項に規定する業務として商品取引所持株会社の対象議決権を取得し、又は保有する場合

(iv) if a securities finance company acquires or holds the subject voting rights of a commodity exchange holding company as the business prescribed in Article 156-24, paragraph (1) of the Financial Instruments and Exchange Act;

（商品取引所持株会社の財務及び営業の方針の決定に対して重要な影響を与えることが推測される事実等）

(Facts Presumed to Have Material Influences on the Determination of Fiscal and Operational Policies of Commodity Exchange Holding Companies)

第三十六条の十一　第二十九条の二の規定は法第九十六条の二十八第一項本文の主務省令で定める事実について、第三十一条の二の規定は法第九十六条の二十八第三項の主務省令で定める事項について、第三十一条の三の規定は法第九十六条の二十九の規定による対象議決権保有届出書の提出について、第三十六条の七（同条第二項第一号ロ（１０）及び（１２）を除く。）の規定は法第九十六条の三十一第一項の認可について、それぞれ準用する。この場合において、第二十九条の二第一号中「法第八十六条第一項本文」とあるのは「法第九十六条の二十八第一項本文」と、同条中「株式会社商品取引所」とあるのは「商品取引所持株会社」と、第三十六条の七第二項第一号ロ（１３）中「外国商品市場開設者、外国商品市場開設者持株会社、外国金融商品取引市場開設者又は外国金融商品取引市場開設者持株会社」とあるのは「外国商品市場開設者又は外国金融商品取引市場開設者」と読み替えるものとする。

Article 36-11　The provisions of Article 29-2 apply mutatis mutandis to the facts specified in order of the competent ministry as referred to in the main clause of Article 96-28, paragraph (1) of the Act; the provisions of Article 31-2 apply mutatis mutandis to the matters specified in order of the competent ministry as referred to in Article 96-28, paragraph (3) of the Act; the provisions of Article 31-3 apply mutatis mutandis to submission of the notification of holding subject voting rights pursuant to the provisions of Article 96-29 of the Act; the provisions of Article 36-7 (excluding paragraph (2), item (i), (b), 10. and 12. parts of that Article) apply mutatis mutandis to the authorization under Article 96-31, paragraph (1) of the Act. In these cases, the phrase "the main clause of Article 86, paragraph (1) of the Act" in Article 29-2, item (i) is deemed to be replaced with "the main clause of Article 96-28, paragraph (1)", the term "incorporated commodity exchange" in that Article is deemed to be replaced with "commodity exchange holding company", and the phrase "a foreign commodity market establisher, a foreign commodity market establisher holding company, a foreign financial instruments exchange market establisher,

or a foreign financial instruments exchange market establisher holding company" in Article 36-7, paragraph (2), item (i), (b), 13. is deemed to be replaced with "a foreign commodity market establisher or a foreign financial instruments exchange market establisher".

（商品取引所持株会社の子会社の認可申請）

(Application for Authorization of Subsidiary Companies of Commodity Exchange Holding Companies)

第三十六条の十二　商品取引所持株会社は、法第九十六条の三十七第一項ただし書の規定により認可を受けようとするときは、認可申請書に次に掲げる書類を添付して主務大臣に提出しなければならない。

Article 36-12 When seeking to obtain authorization pursuant to the provisions of the proviso to Article 96-37, paragraph (1) of the Act, a commodity exchange holding company must submit a written application for authorization to the competent minister, with the following documents attached:

一　当該認可に係る会社を子会社（法第三条の二第三項に規定する子会社をいう。以下この条において同じ。）とする理由を記載した書面

(i) a document stating the reason for making the company related to the authorization its subsidiary company (meaning a subsidiary company prescribed in Article 3-2, paragraph (3) of the Act; the same applies below in this Article);

二　当該認可に係る子会社となる会社に関する次に掲げる書類

(ii) the following documents concerning the company that is to become its subsidiary company related to the authorization:

イ　商号及び本店の所在地を記載した書面

(a) a document stating its trade name and the location of its head office;

ロ　業務の内容を記載した書面

(b) a document stating the content of its business;

ハ　取締役及び監査役の氏名及び役職名を記載した書面

(c) a document stating the names and titles of its company directors and company auditors;

ニ　当該会社が会計参与設置会社である場合には、会計参与の氏名又は名称を記載した書面

(d) when the company is a company with accounting advisors, a document stating the names of the accounting advisors;

ホ　定款

(e) the articles of incorporation;

ヘ　登記事項証明書

(f) a certificate of registered information; and

ト　直前事業年度の貸借対照表、損益計算書及び株主資本等変動計算書その他最近における業務、財産及び損益の状況を知ることができる書類

(g) documents disclosing its recent status of business, property, and profit and loss, such as the balance sheet, profit and loss statement, and statement of changes in net assets for the immediately preceding business year;

三　当該商品取引所持株会社及びその子会社に関する次に掲げる書類

(iii) the following documents concerning the commodity exchange holding company and its subsidiary company:

イ　当該商品取引所持株会社及びその子会社の業務及び財産の状況を連結して記載した直前事業年度の貸借対照表、損益計算書及び株主資本等変動計算書その他これらの最近における業務、財産及び損益の状況を知ることができる書類

(a) the balance sheet, profit and loss statement, and statement of changes in net assets for the immediately preceding business year that state the status of business and property for the commodity exchange holding company and its subsidiary company in a consolidated manner and other documents disclosing the recent status of business, property, and profit and loss of those companies;

ロ　当該認可後三事業年度における当該商品取引所持株会社及びその子会社（当該認可に係る子会社となる会社を含む。ハにおいて同じ。）の収支の見込みを記載した書面

(b) a document stating a forecast of income and expenditures for the commodity exchange holding company and its subsidiary company (including the company that will become the subsidiary company related to the authorization; the same applies in (c)) for three business years after the authorization; and

ハ　当該商品取引所持株会社が行う子会社の経営管理に係る体制を記載した書面

(c) a document stating the system related to the business management of the subsidiary company the commodity exchange holding company is to conduct; and

四　その他参考となるべき事項を記載した書面

(iv) documents stating other matters to be used as a reference.

（会員等の純資産額の最低額の算定基準）

(Basis for Calculating the Minimum Amount of Net Assets of Members)

第三十七条　商品取引所は、法第九十九条第一項の規定により、当該商品市場において取引をする会員等の純資産額の最低額を定めるときは、当該商品市場における取引の種類、取引単位、取引高その他の取引事情及び商品市場における取引の公正かつ円滑な履行の確保を考慮して定めなければならない。

Article 37　When a commodity exchange determines the minimum amount of the net assets of members who conduct transactions in the commodity market pursuant to the provisions of Article 99, paragraph (1) of the Act, it must take into account the type of transaction, the unit of transaction, the volume of

transaction, and other trading circumstances in the commodity market and the securing of the fair and smooth performance of transactions in the commodity market.

（純資産額の計算基準）

(Basis for Calculating Net Assets)

第三十八条　法第九十九条第七項（法第百七十五条第三項、第百九十二条第三項、第二百十一条第四項、第二百三十二条第四項及び第二百七十九条第三項において準用する場合を含む。）の規定により純資産額を計算するときは、貸借対照表の資産の部に計上されるべき金額の合計額（法第九十九条第七項の規定を法第二百十一条第四項において準用する場合にあっては、第一号から第六号までに掲げるものの金額の合計額を除く。）から負債の部に計上されるべき金額の合計額（法第九十九条第七項の規定を法第二百十一条第四項において準用する場合にあっては、第七号から第十号までに掲げるものの金額の合計額を除き、それ以外の場合にあっては第七号及び第八号に掲げるものの金額の合計額を除く。）を控除するものとする。

Article 38 (1) When calculating the net assets pursuant to the provisions of Article 99, paragraph (7) of the Act (including as applied mutatis mutandis pursuant to Article 175, paragraph (3), Article 192, paragraph (3), Article 211, paragraph (4), Article 232, paragraph (4), and Article 279, paragraph (3) of the Act), the total amount required to be recorded in the liabilities section of a balance sheet (when the provisions of Article 99, paragraph (7) of the Act are applied mutatis mutandis pursuant to Article 211, paragraph (4) of the Act, excluding the total amount of the liabilities stated in items (vii) through (x), and in other cases, excluding the total amount of the liabilities stated in items (vii) item (viii)) is to be deducted from the total amount required to be recorded in the assets section (when the provisions of Article 99, paragraph (7) of the Act are applied mutatis mutandis pursuant to Article 211, paragraph (4) of the Act, excluding the total amount of the assets stated in items (i) through (vi)):

一　流動資産のうち、次に掲げるもの

(i) the following current assets:

イ　委託者等未収金（期間が二週間未満のものを除く。）が商品デリバティブ取引に関し、当該委託者等から預託を受けた金銭、有価証券その他の物及び当該委託者等の計算に属する金銭（当該委託者等の計算による取引であって決済を結了していないものに係る差益金に相当する金銭を除く。）、有価証券その他の物の合計額を超える場合における当該超える部分の額

(a) when accounts receivable from a requesting party, etc. (excluding receivables for which the term is less than 2 weeks) exceeds the total amount of cash, securities, or other goods received in deposit from the requesting party, etc. and cash belonging to the account of the requesting party, etc. (excluding cash equivalent to profit for transactions on the account of the requesting party, etc. the settlement of which has not been

completed) for commodity derivatives transactions, the amount of the excess;

ロ　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（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。）又は金融商品取引法施行令第一条の九各号に掲げる金融機関をいう。以下このロにおいて同じ。）、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。）

(b) short-term loans to affiliated companies (excluding consolidated companies) (excluding loans of call money to financial institutions (banks, cooperative structured financial institutions (meaning cooperative structured financial institutions as defined in Article 2, paragraph (1) of the Act on Preferred Equity Investment by Cooperative Structured Financial Institution (Act No. 44 of 1993), or financial institutions stated in the items of Article 1-9 of the Order for Enforcement of the Financial Instruments and Exchange Act; the same applies below in this (b) part), trust companies, or financial instruments business operators) and loans related to purchases of bills of exchange issued by financial institutions or financial instruments business operators in Japan);

ハ　前渡金

(c) advance payments;

ニ　前払費用

(d) prepaid expenses;

二　一般貸倒引当金

(ii) general loan-loss reserves;

三　固定資産のうち、次に掲げるもの

(iii) the following fixed assets:

イ　無形固定資産

(a) intangible fixed assets;

ロ　長期未収債権

(b) long-term accounts receivable;

ハ　長期貸付金

(c) long-term loans;

ニ　長期前払費用

(d) long-term prepaid expenses;

ホ　繰延税金資産

(e) deferred tax assets;

四　繰延資産

(iv) deferred assets;

五　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（金融商品取引所又は外国金融商品取引市場開設者に上場されている有

価証券及び金融商品取引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並びに国債証券を除く。）

(v) among the securities held (including securities held as trust property), the following securities (excluding securities listed on financial instruments exchanges or listed by foreign financial instruments exchange market establishers, and securities and Japanese government bonds registered in the register of over-the-counter traded securities referred to in Article 67-11, paragraph (1) of the Financial Instruments and Exchange Act (including similar registers kept in foreign countries):

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（平成十三年法律第七十五号）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流動化法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（金融商品取引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 affiliated companies (excluding those related to short-term corporate bonds prescribed in Article 66, item (i) of the Act on Book-Entry Transfer of Corporate Bonds and Shares (Act No. 75 of 2001), short-term bonds prescribed in Article 61-10, paragraph (1) of the Insurance Business Act, and specified short-term bonds prescribed in Article 2, paragraph (8) of the Asset Securitization Act, as well as commercial paper (securities stated in Article 2, paragraph (1), item (xv) of the Financial Instruments and Exchange Act and securities stated in item (xvii) of that paragraph having the same character as the securities stated in item (xv) of that paragraph; the same applies in (b)), securities obtained through assumption with a holding period not exceeding 6 months, and those clearly not deliberately held for the purpose of providing funds to affiliated companies, notwithstanding the status of purchase or 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（商品先物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、当該商品先物取引業者が意図的に保有しているものに限る。）

(b) commercial paper or corporate bonds issued by another company or third parties (limited to cases in which a commodity derivatives business operator has accepted a capital procurement means from the other company, and the commodity derivatives business operator deliberately holds the commercial paper or corporate bonds);

ハ　金融商品取引法第二条第一項第六号から第八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（金融商品取引所又は外国金融商品取引市場開設者に上場されている有価証券及び同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 stated in Article 2, paragraph (1), items (vi) through (viii) of the Financial Instruments and Exchange Act, or securities stated in item (xvii) of that paragraph having the same character as those securities (excluding securities listed on financial instruments exchanges or by foreign financial instruments exchange market establishers, securities and Japanese government bonds registered in the register of over-the-counter traded securities referred to in Article 67-11, paragraph (1) of the Financial Instruments and Exchange Act (including similar registers kept in foreign countries), and securities obtained through assumption with a holding period not exceeding 6 months).

六　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。）

(vi) assets supplied as collateral for a third party (excluding those stated in the preceding items);

七　商品取引責任準備金

(vii) liability reserves for commodity trading;

八　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

(viii) when there are allowances or reserves which are characterized as retained earnings among allowances or reserves obligated by the provisions of laws or regulations to be recorded in the liabilities section in relation to other businesses being operated, the allowances or reserves;

九　短期劣後債務（長期劣後債務（第五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、資本金、新株式申込証拠金、資本剰余金、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。）、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。次項において同じ。）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。）及び自己株式の合計額（次項において「基本的項目の額」という。）の五十パーセントに相当する額を超える額並びに次号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。）

(ix) short-term subordinated debts (including those equivalent to the total amount exceeding an amount equivalent to 50 percent of the total of, among the long-term subordinated debts (limited to those having all of the characteristics stated in the items of paragraph (5)), capital, deposits for subscription for new shares, capital surplus, retained earnings (excluding the

amount of scheduled disbursement (meaning planned amount of dividends and officer bonuses)), other securities variation difference (meaning the valuation difference when the valuation difference of other securities recorded in the net assets section of the balance sheet is negative (meaning other securities prescribed in Article 8, paragraph (22) of the Regulation for Financial Statements; the same applies in the following paragraph)) and its own shares, and the cumulative amount of the depreciated items prescribed in the following item);

十　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。）

(x) long-term subordinated debts (for those with a remaining period of no more than 5 years, limited to debts for which an amount equivalent to 20 percent of the amount at the time the remaining period became 5 years is cumulatively depreciated every year).

2　前項の場合（法第九十九条第七項の規定を法第二百十一条第四項において準用する場合に限る。）において、前項第二号及び第七号から第十号までに掲げるものの額（同項第九号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（同項第一号及び第三号から第六号までに掲げるものの額の合計額をいう。）を控除した額の二百パーセントに相当する額を限度とし、同項第十号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を限度とする。）並びに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。）その他基本的項目の額以外の貸借対照表の純資産の部に計上されるものの額の合計額（第百条の二第二項において「補完的項目の額」という。）が基本的項目の額を超えてはならない。

(2) In the case referred to in the preceding paragraph (limited to cases in which the provisions of Article 99, paragraph (7) of the Act are applied mutatis mutandis pursuant to Article 211, paragraph (4) of the Act), the total amount of the amounts stated in item (ii) and items (vii) through (x) of the preceding paragraph (for debts stated in item (ix) of the same paragraph, up to a limit of an amount equivalent to 200 percent of an amount obtained by deducting the amount of deducted assets (meaning the total amount of the amounts stated in item (i) and items (iii) through (vi) of that paragraph) from the amount of basic items, and for debts stated in item (x) of that paragraph, up to an amount equivalent to 50 percent of the amount of the basic items), other securities valuation difference (meaning the valuation difference when the other securities valuation difference recorded in the net assets section of the balance sheet is a positive number), and the amount of those recorded in the net assets section of the balance sheet other than other basic items (referred to as " amount of supplemental items" in Article 100-2, paragraph (2)) may not exceed the amount of the basic items.

3　第一項の資産及び負債の額は、純資産額の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。

(3) The amount of the assets and liabilities referred to in paragraph (1) must be based on the value assessed according to generally accepted corporate accounting standards on the day when the amount of the net assets is calculated.

4　第一項第九号に規定する短期劣後債務とは、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。

(4) The short-term subordinated debts prescribed in paragraph (1), item (ix) are subordinated borrowings (meaning debts incurred by loan agreements with a special clause of subordinated contents for the payment of the interest and principal; the same applies below) or subordinated bonds (meaning bonds with a special clause of subordinated contents for the payment of the interest and principal; the same applies below) which have all the following characteristics:

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五年以内のものであること。

(ii) the loan period or redemption period at the time of entering into the contract or issuing the debt is between two years or longer and five years or shorter;

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商品先物取引業者の任意によるものであり、かつ、当該商品先物取引業者が当該期限前弁済等を行うことについて主務大臣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) when there is a special clause for payment before maturity or redemption before maturity (referred to below as the "payment before maturity, etc." in this Article), the payment before maturity, etc. may be made only when the payment before maturity, etc. is at the discretion of a commodity derivatives business operator who is a debtor, and the commodity derivatives business operator has obtained approval to make the payment before maturity, etc. from the competent minister; and

四　商品先物取引業者がその元利金の支払を行うことにより法第二百十一条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 to the effect that the payment of the interest and principal is not to be made when a commodity derivatives business operator violates the provisions of Article 211, paragraph (2) of the Act by paying the

interest and principal.

5　第一項第九号及び第十号に規定する長期劣後債務とは、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。

(5) The long-term subordinated debts prescribed in paragraph (1), items (ix) and (x) are subordinated borrowings or subordinated bonds which have all the following characteristics:

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 loan period or redemption period at the time of entering into the contract or issuing the debt is longer than five years;

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商品先物取引業者の任意によるものであり、かつ、当該商品先物取引業者が当該期限前弁済等を行うことについて主務大臣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) when there is a special clause for payment before maturity, etc., the payment before maturity, etc. may be made only at the discretion of a commodity derivatives business operator who is a debtor, and the commodity derivatives business operator has obtained approval to make the payment before maturity, etc. from the competent minister; and

四　商品先物取引業者がその利金の支払を行うことにより法第二百十一条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 to the effect that the payment of the interest is not to be made when a commodity derivatives business operator violates the provisions of Article 211, paragraph (2) of the Act by paying the interest.

6　第四項に規定する短期劣後債務又は前項に規定する長期劣後債務について、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短期劣後債務の額又は当該長期劣後債務の額から控除しなければならない。

(6) With regard to short-term subordinated debts prescribed in paragraph (4) or long-term subordinated debts prescribed in the preceding paragraph, when stated in the following items, the amount specified in each item must be deducted from the amount of the short-term subordinated debts or the long-term subordinated debts:

一　劣後特約付借入金の借入先が子会社（財務諸表等規則第八条第三項に規定する子会社（同条第七項の規定により子会社に該当しないものと推定される特定目的会社を除く。）をいう。以下同じ。）又は関連会社である場合　当該劣後特約付借入金の額

(i) when subordinated borrowings have been borrowed from subsidiary companies (meaning subsidiary companies prescribed in Article 8, paragraph (3) of the Regulation for Financial Statements) (excluding specified purpose

companies presumed not to fall under subsidiary companies pursuant to the provisions of paragraph (7) of that Article) or affiliated companies: 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、子会社又は関連会社である場合　当該劣後特約付社債の額

(ii) when the holder of subordinated bonds (including a person holding subordinated bonds by means of trust property; the same applies in the following item) is the relevant person, subsidiary companies, or affiliated companies: the amount of the subordinated bonds; or

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) when funds are deliberately provided to a lender of subordinated borrowings or a holder of subordinated bonds: the amount of the funds (when the amount of the funds exceeds the sum of subordinated borrowings and subordinated bonds, the sum).

7　第四項第三号又は第五項第三号の承認を受けようとする商品先物取引業者は、次に掲げる事項を記載した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、主務大臣に提出しなければならない。

(7) A commodity derivatives business operator that seeks to obtain the approval referred to in paragraph (4), item (iii) or paragraph (5), item (iii) must submit a written application for approval stating the following information to the competent minister with a copy of a contract or a document equivalent to the contract attached:

一　商号

(i) their trade name;

二　許可年月日又は許可更新年月日

(ii) the date of receiving the license or the date of the renewal of the license;

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 before maturity, etc. (when the amount is denominated in a foreign currency, the amount of the payment before maturity, etc. and the amount converted into yen);

四　現在及び期限前弁済等を行った後の短期劣後債務又は長期劣後債務の額（外貨建てである場合にあっては、短期劣後債務又は長期劣後債務の額及びその円換算額）

(iv) the amount of the current short-term subordinated debts or long-term subordinated debts and that of the short-term subordinated debts or long-term subordinated debts after making the payment before maturity, etc. (when the amount is denominated in a foreign currency, the amount of the short-term subordinated debts or long-term subordinated debts and the amount converted into yen);

五　期限前弁済等を行う理由

(v) the reasons for making the payment before maturity, etc.;

六　期限前弁済等の予定日

(vi) the scheduled date of the payment before maturity, etc.;

七　十分な純資産額規制比率（法第二百十一条第一項に規定する純資産額規制比率をいう。以下同じ。）を維持するための資本金調達その他の具体的措置の内容

(vii) the method of financing and other concrete measures for maintaining the sufficient net assets regulation ratio (meaning the net assets regulation ratio prescribed in Article 211, paragraph (1) of the Act; the same applies below); and

八　期限前弁済等を行った後の純資産額規制比率の推定値

(viii) the estimated net assets regulation ratio after making the payment before maturity, etc.

8　主務大臣は、第四項第三号又は第五項第三号の承認をしようとするときは、当該短期劣後債務又は当該長期劣後債務が純資産額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。

(8) When seeking to grant the approval under paragraph (4), item (iii) or paragraph (5), item (iii), the competent minister must confirm in advance that the short-term subordinated debts or long-term subordinated debts have not improved the net assets regulation ratio temporarily and deliberately, and examine whether the short-term subordinated debts or the long-term subordinated debts meet any of the following criteria:

一　当該期限前弁済等を行った後において当該商品先物取引業者が十分な純資産額規制比率を維持することができると見込まれること。

(i) it is expected that the commodity derivatives business operator is able to maintain a sufficient net assets regulation ratio after making the payment before maturity, etc.;

二　当該期限前弁済等の額以上の額の資本金調達を行うこと。

(ii) funds larger than the amount of the payment before maturity, etc. are to be raised.

9　第一項第一号ハに掲げる前渡金のうち、仕入れに係る消費税の前渡金であって、その額がその他の預り金に計上した売上げに係る消費税の額に達するまでのものについては、その額を当該前渡金の額から控除することができる。

(9) Among the advance payments stated in paragraph (1), item (i), (c), the amount of advance payments of consumption tax related to purchases, the amount of which is less than the amount of consumption tax related to sales recorded as other payables, may be deducted from the amount of the advance payment.

１０　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。

(10) The amounts prescribed in the following items may be deducted from that amount:

一　第一項第一号ロ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) short-term loans prescribed in paragraph (1), item (i), (b): collateral money deposited by the recipient of the short-term loan and other asset appraisal values;

二　第一項第五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) securities issued by an affiliated company prescribed in paragraph (1), item (v), (a): collateral money assigned as collateral for the securities and other asset appraisal values;

三　第一項第六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) assets provided as collateral for third parties prescribed in paragraph (1), item (vi): collateral money deposited by the third party and other asset appraisal values.

１１　第一項第一号ロ及び第五号イの「関係会社」とは、次に掲げる者をいう。

(11) The term "related company" as used in paragraph (1), item (i), (b) and item (v), (a) means the following entities:

一　商品先物取引業者の親会社

(i) the parent company of a commodity derivatives business operator;

二　商品先物取引業者の子会社

(ii) a subsidiary company of a commodity derivatives business operator;

三　商品先物取引業者の関連会社

(iii) an affiliated company of a commodity derivatives business operator;

四　商品先物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（当該商品先物取引業者及び前三号に掲げる者を除く。）をいう。）

(iv) a subsidiary company of the parent company of a commodity derivatives business operator (meaning an entity considered to be a subsidiary company of the parent company pursuant to the provisions of Article 8, paragraphs (3) and (7) of the Regulation for Financial Statements (excluding the commodity derivatives business operator and the entities stated in the preceding three items)); or

五　商品先物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) an affiliated company of the parent company of a commodity derivatives business operator (meaning an entity considered to be a subsidiary company of the parent company pursuant to provisions of Article 8, paragraph (5) of the Regulation for Financial Statements (excluding the entities stated in

item (iii))).

１２　第一項第一号ロ及び第五号イの「連結会社」とは、次に掲げる者をいう。

(12) The term "consolidated company" as used in paragraph (1), item (i), (b) and item (v), (a) means the following entities:

一　商品先物取引業者（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（昭和五十一年大蔵省令第二十八号）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) a consolidated subsidiary company of the commodity derivatives business operator (limited to a consolidated subsidiary company (meaning a consolidated subsidiary company prescribed in Article 2, item (iv) of the Regulation on Terminology, Forms, and Preparation Methods of Consolidated Financial Statements (Order No. 28 of the Ministry of Finance of 1976) or an equivalent entity in foreign countries; the same applies in the following item) of companies filing consolidated financial statements (meaning a company filing consolidated financial statements prescribed in item (i) of that Article or equivalent entities in foreign countries; the same applies in the following item)); or

二　商品先物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（当該商品先物取引業者及び前号に掲げる者を除く。）

(ii) a company filing consolidated financial statements that has a commodity derivatives business operator as a consolidated subsidiary company and its consolidated subsidiary company (excluding the commodity derivatives business operator and the entities stated in the preceding item).

１３　前各項に規定するもののほか、純資産額の計算に関し必要な事項は、主務大臣が定める。

(13) Beyond what is provided for in the preceding paragraphs, necessary matters for calculating the net asset amounts are specified by the competent minister.

（有価証券及び倉荷証券の充用価格）

(Allocation Prices of Securities and Warehouse Receipts)

第三十九条　法第百一条第三項又は法第百三条第五項（法第百七十九条第六項において準用する場合を含む。）の有価証券及び倉荷証券の充用価格は、次の各号に掲げる区分に応じ、当該各号に定める額を超えてはならない。

Article 39 (1) The allocation price of the securities and warehouse receipts referred to in Article 101, paragraph (3) or Article 103, paragraph (5) of the Act (including as applied mutatis mutandis pursuant to Article 179, paragraph (6) of the Act) must not exceed the amount prescribed in the following items in accordance with the category stated in each of those items:

一　国債証券、地方債証券、特別の法律により法人の発行する債券、日本銀行の発行

する出資証券、社債券又は受益証券　時価の九割九分以下において商品取引所（法第百七十九条第六項において法第百三条第五項を準用する場合には、商品取引清算機関。以下この項において同じ。）が規則で定める最高限度額

(i) national government bond certificates, local government bond certificates, bond certificates issued by a corporation pursuant to special laws, investment securities issued by the Bank of Japan, corporate bond certificates, or beneficiary certificates: the maximum limit a commodity exchange specifies in its rules (when Article 103, paragraph (5) of the Act is applied mutatis mutandis pursuant to Article 179, paragraph (6) of the Act, a commodity clearing organization; the same applies below in this paragraph) within the limit of 99 percent of the market value;

二　株券　時価の七割以下において商品取引所が規則で定める最高限度額

(ii) share certificates: the maximum limit a commodity exchange specifies in its rules within 70 percent of the market value;

三　倉荷証券　当該倉荷証券によって保管を証せられている上場商品の時価の七割以下において商品取引所が規則で定める最高限度額

(iii) warehouse receipts: the maximum limit a commodity exchange specifies in its rules within 70 percent of the market value of the listed commodities whose retention is proved by the warehouse receipts.

2　前項の規定により商品取引所（法第百七十九条第六項において法第百三条第五項を準用する場合には商品取引清算機関）が国債証券、地方債証券、特別の法律により法人の発行する債券、日本銀行の発行する出資証券、株券、社債券、受益証券又は倉荷証券について充用価格の最高限度額を定めた後において、時価が当該最高限度額を下回ることとなったときは、商品取引所（法第百七十九条第六項において法第百三条第五項を準用する場合には商品取引清算機関）は、遅滞なく、前項の規定により当該最高限度額を変更しなければならない。

(2) After a commodity exchange (when Article 103, paragraph (5) of the Act is applied mutatis mutandis pursuant to Article 179, paragraph (6) of the Act, a commodity clearing organization) has specified the maximum limit of the allocation price for national government bond certificates, local government bond certificates, bond certificates issued by a corporation pursuant to special laws, investment securities issued by the Bank of Japan, shares, corporate bond certificates, beneficiary certificates, or warehouse receipts, pursuant to the provisions of the preceding paragraph, if the market value becomes lower than the maximum limit, a commodity exchange (when Article 103, paragraph (5) of the Act is applied mutatis mutandis pursuant to Article 179, paragraph (6) of the Act, a commodity clearing organization) must change the maximum limit pursuant to the provisions of the preceding paragraph without delay.

（取引証拠金の預託方法）

(Methods of Depositing Clearing Margins)

第四十条　商品取引所は、法第百三条第一項の規定に基づき取次者（同項第二号に規定する取次者をいう。以下この条から第四十三条までにおいて同じ。）、委託者（同号に規定する委託者をいう。以下この条から第四十三条までにおいて同じ。）又は取次委託者（同項第四号に規定する取次委託者をいう。以下この条から第四十三条までにおいて同じ。）から取引証拠金の預託を受けるときは、次の各号に掲げる場合の区分に応じ、当該各号に定める者を代理人として当該取引証拠金の預託を受けなければならない。

Article 40 (1) When a commodity exchange receives the deposit of clearing margins from a broker (meaning a broker prescribed in Article 103, paragraph (1), item (ii) of the Act; (the same applies below in this Article through Article 43), a requesting party (meaning a requesting party prescribed in that item; the same applies below in this Article through Article 43), or a brokerage requesting party (meaning a brokerage requesting party prescribed in item (iv) of that paragraph; the same applies below in this Article through Article 43), pursuant to the provisions of Article 103, paragraph (1) of the Act, the commodity exchange must receive the deposit of the clearing margins through an agent specified in the following items in accordance with the category of cases stated in each of those items:

一　法第百三条第一項第二号又は第三号に規定する場合　当該取引を受託した会員等

(i) when prescribed in Article 103, paragraph (1), item (ii) or (iii) of the Act: a member, etc. who has received a request of the transaction;

二　法第百三条第一項第四号に規定する場合　当該取引に係る取次者及び当該取引を受託した会員等

(ii) when prescribed in Article 103, paragraph (1), item (iv) of the Act: a broker related to the transaction and a member, etc. who has received a request of the transaction.

２　商品取引所は、法第百三条第一項の規定に基づき会員等又は取次者から取引証拠金の預託を受けるとき（会員等が自己の計算において商品市場における取引を行う場合を除く。）は、次の各号に掲げる場合の区分に応じ、当該各号に定める者が当該取引証拠金（当該各号に定める者が預託した委託証拠金又は取次証拠金の額の範囲内に限る。）に対する返還請求権を有するものとしなければならない。

(2) When a commodity exchange receives the deposit of clearing margins from a member, etc. or a broker pursuant to the provisions of Article 103, paragraph (1) of the Act (excluding when a member, etc. conducts transactions in a commodity market on their own account), the commodity exchange must consider that the person specified in the following items in accordance with the category of cases stated in each of those items has the right to claim the return for the clearing margin (limited to the scope of the amount of the customer margin or brokerage margin which the person specified in the items has deposited):

一　会員等が委託者から委託証拠金の預託を受けて商品取引所に取引証拠金を預託し

た場合　当該委託者

(i) when a member, etc. has received the deposit of customer margins from a requesting party and deposited the clearing margins with a commodity exchange: the requesting party;

二　会員等が取次者（取次委託者から取次証拠金の預託を受けている者に限る。）又は取次委託者から委託証拠金の預託を受けて商品取引所に取引証拠金を預託した場合　当該取次委託者

(ii) when a member, etc. has received the deposit of customer margin from a broker (limited to the person that has received the deposit of clearing margin from a brokerage requesting party) or a brokerage requesting party and deposited a clearing margin with a commodity exchange: the brokerage requesting party;

三　取次者が取次委託者から取次証拠金の預託を受けて商品取引所に取引証拠金を預託した場合　当該取次委託者

(iii) when a broker has received the deposit of a brokerage margin from a brokerage requesting party and deposited a clearing margin with a commodity exchange: the brokerage requesting party.

（委託証拠金の預託に係る委託者等の同意）

(Consent of Requesting Parties Related to the Deposit of Customer Margins)

第四十一条　会員等は、法第百三条第二項の規定により、委託者、取次者又は取次委託者（以下この条において「委託者等」という。）をして委託証拠金を預託させるときは、当該委託者等から、自己に対して当該委託証拠金を預託させることについての書面による同意を得なければならない。

Article 41 (1) When a member, etc. has a requesting party, a broker, or a brokerage requesting party (referred to below as a "requesting party, etc." in this Article) deposit a customer margin pursuant to the provisions of Article 103, paragraph (2) of the Act, the member, etc. must obtain a written consent from the requesting party, etc. to the effect that the customer margin will be deposited with them.

2　会員等は、法第百三条第二項の規定により、取次委託者をして委託証拠金を預託させるときは、当該取次委託者から商品市場における取引の委託の取次ぎを受託した取次者を代理人として当該委託証拠金の預託を受けなければならない。

(2) When a member, etc. has a brokerage requesting party deposit a customer margin pursuant to the provisions of Article 103, paragraph (2) of the Act, the member, etc. must receive the deposit of the customer margin through the broker, as an agent, who has accepted the brokerage of the consignment of transactions in a commodity market from the brokerage requesting party.

3　会員等は、第一項の規定による委託者等の書面による同意に代えて、第六項で定めるところにより、当該委託者等の承諾を得て、当該委託者等の同意を電子情報処理組織を使用する方法その他の情報通信の技術を利用する方法であって次に掲げるもの

（以下この条において「電磁的方法」という。）により得ることができる。この場合において、当該会員等は、当該委託者等の書面による同意を得たものとみなす。

(3) A member, etc. may, in place of the written consent of a requesting party, etc. pursuant to the provisions of paragraph (1), obtain the consent of the requesting party, etc. by a means using an electronic data processing system or a means using other information communications technology which is stated as follows (referred to below as an "electronic or magnetic means" in this Article) by obtaining an approval of the requesting party, etc., pursuant to the provisions of paragraph (6). In this case, the member, etc. is deemed to have obtained the written consent of the requesting party, etc.:

一　電子情報処理組織を使用する方法のうちイ又はロに掲げるもの

(i) among the means of using an electronic data processing system, the means stated in (a) or (b);

イ　会員等の使用に係る電子計算機と委託者等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 information through a telecommunications line that connects a computer used by a member, etc. and a computer used by a requesting party, etc. and recording the information in a file on a computer used by the receiver; or

ロ　会員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当該委託者等の同意に関する事項を電気通信回線を通じて委託者等の閲覧に供し、当該会員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委託者等の同意に関する事項を記録する方法

(b) a means of providing information concerning the consent of the requesting party, etc. recorded in a file on a computer used by a member, etc. for the inspection of a requesting party, etc. through a telecommunications line, and recording information concerning the consent of the requesting party, etc. in a file on a computer used by the member, etc.; or

二　磁気ディスクその他これ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委託者等の同意に関する事項を記録したものを得る方法

(ii) a means of obtaining the information concerning the consent of a requesting party, etc. recorded in a file prepared in the form of a magnetic disk or an equivalent means that can record certain information securely.

4　前項各号に掲げる方法は、委託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。

(4) The means stated in the preceding items must be those that enable a requesting party, etc. to prepare a document by outputting the record in a file.

5　第三項の「電子情報処理組織」とは、会員等の使用に係る電子計算機と、委託者等

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。

(5) The term "electronic data processing system" as used in paragraph (3) means an electronic data processing system that connects a computer used by a member, etc. and a computer used by a requesting party, etc. through a telecommunications line.

6　会員等は、第三項の規定により委託者等の同意を得ようとするときは、あらかじめ、当該委託者等に対し、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。

(6) When a member seeks to obtain consent from a requesting party, etc. pursuant to the provisions of paragraph (3), the member must indicate to the requesting party, etc. the type and content of the following electronic or magnetic means which they seek to use and obtain consent in writing or by an electronic or magnetic means, in advance:

一　第三項各号に掲げる方法のうち会員等が使用するもの

(i) among the means stated in each of the items of paragraph (3), the means a member, etc. is to use;

二　ファイルへの記録の方式

(ii) a means of recording the information in a file.

7　前項の規定による承諾を得た会員等は、当該委託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、当該委託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、当該委託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。

(7) A member, etc. who has obtained consent pursuant to the provisions of the preceding paragraph must not obtain the consent by an electronic or magnetic means when the requesting party, etc. has stated in writing or by an electronic or magnetic means that they will not give consent by an electronic or magnetic means; provided, however, that this does not apply when the requesting party, etc. has given their consent referred to in that paragraph at another time.

（取次証拠金の預託に係る取次委託者の同意等）

(Consent of Brokerage Requesting Parties Concerning the Deposit of Brokerage Margins)

第四十二条　取次者は、法第百三条第三項の規定により、取次委託者をして取次証拠金を預託させるときは、当該取次委託者から、自己に対して当該取次証拠金を預託させることについての書面による同意を得なければならない。

Article 42 (1) When a broker has a brokerage requesting party deposit a brokerage margin pursuant to the provisions of Article 103, paragraph (3) of the Act, the broker must obtain written consent from the p brokerage requesting party that the brokerage margin would be deposited with them.

2　前条第三項から第七項までの規定は、前項の規定による取次委託者の書面による同意について準用する。

(2) The provisions of paragraphs (3) through (7) of the preceding Article apply mutatis mutandis to the written consent of a brokerage requesting party under the provisions of the preceding paragraph.

（商品取引所における取引証拠金の分別管理）

(Separate Management of Clearing Margins at Commodity Exchanges)

第四十三条　商品取引所は、法第百三条第四項の規定に基づき取引証拠金を管理するときは、次の各号に掲げる区分ごと、かつ、会員等ごとに、自己の固有財産その他の取引証拠金以外の財産と分別して管理しなければならない。

Article 43 (1) When a commodity exchange manages a clearing margin based on the provisions of Article 103, paragraph (4) of the Act, it must manage the clearing margin separately from its own property and property other than the clearing margin for each category stated in the following items and for each member:

一　法第百三条第一項第一号に掲げる場合のうち会員等が自己の計算において商品市場における取引を行うときに、同項の規定に基づき当該会員等から預託を受けた取引証拠金

(i) among the cases stated in Article 103, paragraph (1), item (i) of the Act, when a member conducts transactions in a commodity market on their own account, the clearing margin deposited by the member based on the provisions of that paragraph;

二　法第百三条第一項第一号に掲げる場合のうち会員等が受託した商品市場における取引を同条第二項の規定に基づき委託証拠金の預託を受けて行うときに、同条第一項の規定に基づき当該会員等から預託を受けた取引証拠金

(ii) among the cases stated in Article 103, paragraph (1), item (i) of the Act, when a member conducts transactions in a commodity market in which they have accepted consignment by receiving the deposit of a customer margin based on the provisions of paragraph (2) of that Article, the clearing margin deposited by the member based on the provisions of paragraph (1) of that Article;

三　法第百三条第一項第二号又は第四号に掲げる場合に、同項の規定に基づき委託者又は取次委託者から預託を受けた取引証拠金

(iii) when stated in Article 103, paragraph (1), item (ii) or (iv) of the Act, the clearing margin deposited by a requesting party or a brokerage requesting party based on the provisions of that paragraph;

四　法第百三条第一項第三号に掲げる場合に、同項の規定に基づき取次者から預託を受けた取引証拠金

(iv) when stated in Article 103, paragraph (1), item (iii) of the Act, the clearing margin deposited by a broker based on the provisions of that paragraph.

2　商品取引所は、法第百三条第四項の規定に基づき取引証拠金を管理するときは、次項の規定に基づき管理されるものを除き、次に掲げる方法により当該取引証拠金を管

理しなければならない。

(2) When a commodity exchange manages a clearing margin based on the provisions of Article 103, paragraph (4) of the Act, it must manage the clearing margin by the following methods, excluding those managed based on the provisions of the following paragraph:

一　銀行への預金（取引証拠金であることがその名義により明らかなものに限る。）

(i) by depositing money in a bank account (limited to deposit accounts that are clearly identifiable as clearing margins by the account name);

二　信託業務を営む金融機関（金融機関の信託業務の兼営等に関する法律（昭和十八年法律第四十三号）第一条第一項の認可を受けた金融機関をいう。以下同じ。）への金銭信託（同法第六条の規定により元本の補てんの契約をしたものであって、取引証拠金であることがその名義により明らかなものに限る。）

(ii) by using money trust (limited to money trust with a contractual agreement for compensation of the principal pursuant to the provisions of Article 6 of the Act on Engagement in Trust Business by Financial Institutions (Act No. 43 of 1943), and which are clearly identifiable as clearing margins by the account name) of financial institutions engaged in trust business (meaning financial institutions that have obtained the approval stated in Article 1, paragraph (1) of that Act; the same applies below);

三　国債、地方債又は政府保証債（その元本の償還及び利息の支払について政府が保証する債券をいう。第七十四条第二項第三号において同じ。）の保有

(iii) by holding Japanese government bonds, local government bonds, or government guaranteed bonds (meaning bonds for which the national government guarantees redemption of principal and interest payments; the same applies in Article 74, paragraph (2), item (iii)).

3　商品取引所は、法第百三条第四項の規定に基づき充用有価証券等（同条第五項の規定により取引証拠金に充てられる有価証券及び倉荷証券（以下この条において「有価証券等」という。）をいう。以下この条において同じ。）を管理するときは、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充用有価証券等を管理しなければならない。

(3) When a commodity exchange manages securities, etc. for allocation (meaning securities and warehouse receipts allocated for clearing margins pursuant to the provisions of Article 103, paragraph (5) of the Act (referred below to as "securities, etc." in this Article); the same applies below in this Article) based on the provisions of paragraph (4) of that Article, the commodity exchange must manage the securities, etc. for allocation by the methods specified in the following items in accordance with the category of securities, etc. stated in each of those items:

一　商品取引所が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有価証券等を除く。次号において同じ。）　充用有価証券等の保管場所については自己の固有財産である有価証券等その他の充用有価証券等以外の有価証券等（以下この

条において「固有有価証券等」という。）の保管場所と明確に区分し、かつ、当該充用有価証券等についてどの会員等から又はどの会員等を通じ預託を受けた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 commodity exchange by retaining them (excluding securities, etc. which are commingled and retained; the same applies in the following item): a management method by which the location of the retention of securities, etc. for allocation is clearly separate from that for the securities of the commodity exchange's own property and securities other than the securities, etc. for allocation (referred to below as the "proprietary securities" in this Article), and the securities, etc. for allocation are retained in a condition that is immediately distinguishable as to which member, etc. has deposited the property or through which member, etc. the property has been deposited;

二　商品取引所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　当該第三者をして、充用有価証券等の保管場所については固有有価証券等の保管場所と明確に区分させ、かつ、当該充用有価証券等についてどの会員等から又はどの会員等を通じ預託を受けた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 managed by a commodity exchange by having a third party retain them: a management method by which the commodity exchange uses a third party to control the location of the retention of securities, etc. for allocation by clearly separating them from that for the proprietary securities, etc. and to retain the securities, etc. for allocation in a condition that is immediately distinguishable as to which member, etc. has deposited the property or through which member, etc. the property has been deposited;

三　商品取引所が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有価証券等に限る。次号において同じ。）　充用有価証券等の保管場所については固有有価証券等の保管場所と明確に区分し、かつ、各会員等から又は各会員等を通じ預託を受けた充用有価証券等に係る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 a commodity exchange by retaining them (limited to the securities which are commingled and retained; the same applies in the following item): a management method by which the location of the retention of securities, etc. for allocation is clearly separate from that for the proprietary securities, and the securities, etc. for allocation are retained in a condition that the equity interests for the securities, etc. for allocation deposited by or through each member, etc. are immediately distinguishable from their own books;

四　商品取引所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　当該第三者をして、充用有価証券等を預託する者のための口座については商品取引所の自己の口座と区分する等の方法により、充用有価証券等に係る持分が直ちに判別でき、

かつ、各会員等から又は各会員等を通じ預託を受けた充用有価証券等に係る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 a commodity exchange by having a third party retain them: a management method by which the commodity exchange has a third party retain the securities in a condition in which the equity interests for the securities, etc. for allocation are immediately distinguishable by the method of separating the account for the person depositing the securities, etc. for allocation from the commodity exchange's own account, and by the method in which the equity interests for the securities, etc. for allocation deposited by or deposited through each member, etc. are immediately distinguishable from their own books.

（法第百三条第七項の取引証拠金の預託に代わる契約等）

(Contracts in Place of the Deposit of Clearing Margin Referred to in Article 103, Paragraph (7) of the Act)

第四十四条　法第百三条第七項の主務省令で定める金融機関（以下この条及び第四十五条の二第一項において「銀行等」という。）は、次に掲げるものとする。

Article 44 (1) The financial institutions specified by order of the competent ministry as referred to in Article 103, paragraph (7) of the Act (referred to below as a "bank, etc." in this Article and Article 45-2, paragraph (1)) are as follows:

一　銀行

(i) a bank;

二　株式会社商工組合中央金庫

(ii) the Shoko Chukin Bank, Ltd.;

三　信用協同組合

(iii) a credit cooperative;

四　信用金庫

(iv) a Shinkin Bank;

五　農林中央金庫

(v) the Norinchukin Bank;

六　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及び農業協同組合連合会

(vi) an agricultural cooperative or a federation of agricultural cooperatives which can accept deposits or savings in the course of trade;

七　信託会社（信託業法第二十一条第二項の規定に基づき、債務の保証に関する業務を行うことについて内閣総理大臣の承認を受けた者に限る。）

(vii) a trust company (limited to an entity that is approved by the Prime Minister for conducting business concerning the guarantee of obligations based on the provisions of Article 21, paragraph (2) of the Trust Business Act); and

八　保険会社

(viii) an insurance company.

2　会員等又は取次者（法第百三条第七項に規定する会員等又は取次者をいう。以下この条において同じ。）は、銀行等と同項の契約を締結しようとする場合には、その内容を次に掲げる要件に適合するものとしなければならない。

(2) When a member, etc. or broker (meaning a member, etc. or broker prescribed in Article 103, paragraph (7) of the Act; the same applies in this Article below) seeks to enter into a contract referred to in that paragraph with a bank, etc., the member, etc. or broker must ensure that the content of the contract meets the following requirements:

一　法第百三条第十項の規定による商品取引所の指示を受けたときは、当該会員等又は取次者のために当該指示に係る額の取引証拠金が遅滞なく当該商品取引所に預託されるものであること。

(i) when receiving an instruction from a commodity exchange pursuant to the provisions of Article 103, paragraph (10), the amount of the clearing margin related to the instruction will be deposited with the commodity exchange for the member, etc. or broker, without delay;

二　当該契約に基づく銀行等の債務と当該会員等又は取次者に対する債権を相殺することを禁止するものであること。

(ii) it is prohibited to offset debts of a bank, etc. based on the contract against the claims for the member, etc. or the broker;

三　三月以上の期間にわたって有効な契約であること。

(iii) the contract is valid for the period of three months or longer;

四　会員等又は取次者は、あらかじめ主務大臣及び商品取引所（法第百三条第七項の規定による届出を受けた商品取引所に限る。以下この条において同じ。）の承認を受けた場合を除き、契約の解除又は契約の内容の変更をすることができないものであること。

(iv) a member, etc. or broker may not cancel the contract or change the content of the contract, except when the member, etc. or broker has received approval from the competent minister and a commodity exchange (limited to a commodity exchange which received a notification pursuant to the provisions of Article 103, paragraph (7) of the Act; the same applies below in this Article) in advance;

五　会員等又は取次者は、契約が終了する日の一月前までに、その旨を商品取引所に通知をするものとすること。

(v) a member, etc. or broker must notify the termination of the contract to a commodity exchange by one month before the day of termination.

3　会員等又は取次者は、法第百三条第七項の契約の締結（契約の変更を含む。）に係る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主務大臣に提出しなければならない。

(3) When a member, etc. or broker seeks to receive approval related to the

conclusion of a contract (including a change to a contract) referred to in Article 103, paragraph (7) of the Act, the member, etc. or broker must submit a written application for approval to the competent minister that states the following information:

一　締結をしようとする契約の相手方である銀行等の商号又は名称

(i) the trade name or name of the bank, etc. which is the counterpart to the contract to be entered into;

二　当該契約の内容

(ii) the content of the contract;

三　当該契約につき担保を供する場合にあっては、当該担保に関する事項

(iii) in cases when collateral is offered for the contract, information concerning the collateral;

四　届出をしようとする商品取引所の名称又は商号

(iv) the name or trade name of the commodity exchange to which the member, etc. or broker seeks to give notification.

4　主務大臣は、前項の承認の申請が次に掲げる要件に適合していると認めるときは、同項の承認をしなければならない。

(4) When the competent minister finds that the application for approval referred to in the preceding paragraph meets the following requirements, the minister must grant the approval referred to in that paragraph:

一　申請に係る契約の内容が第二項各号に掲げる要件に適合するものであること。

(i) the content of the contract related to the application meets the requirements stated in each item of paragraph (2);

二　当該契約の相手方である銀行等が当該契約を履行するのに必要な資力及び信用を有すること。

(ii) the bank, etc. which is the counterpart to the contract has the funds and credit necessary to perform the contract;

三　承認申請者の業務又は財産の状況に照らし、当該契約を締結することが委託者の保護上問題がないと認められること。

(iii) in light of the status of the business or property of the applicant for approval, it is found that the conclusion of the contract does not cause any problem for the protection of the requesting party.

5　会員等又は取次者は、法第百三条第七項の契約を締結したとき（当該契約を変更したときを含む。）は、その契約書の写しを主務大臣及び商品取引所に提出しなければならない。

(5) When a member, etc. or broker has entered into a contract referred to in Article 103, paragraph (7) of the Act (including when a change has been made to the contract), the member, etc. or broker must submit a copy of the contract to the competent minister and the commodity exchange.

6　会員等又は取次者は、法第百三条第七項の契約を解除したときは、その事実を証する書面を主務大臣及び商品取引所に提出しなければならない。

(6) When a member, etc. or broker has canceled a contract referred to in Article 103, paragraph (7) of the Act, the member, etc. or broker must submit a document stating that fact to the competent minister and the commodity exchange.

（商品取引清算機関に係る法第百三条第七項の取引証拠金の預託に代わる契約の規定の準用）

(Application, Mutatis Mutandis of the Provisions of Contract in Place of the Deposit of Clearing Margin Referred to in Article 103, Paragraph (7) of the Act Related to a Commodity Clearing Organization)

第四十五条　前条の規定は、法第百七十九条第七項において法第百三条第七項の規定を準用する場合について準用する。この場合において、前条第二項第一号中「第百三条第十項」とあるのは「第百七十九条第七項において準用する法第百三条第十項」と、同項並びに同条第三項、第五項及び第六項中「会員等又は取次者」とあるのは「会員等又は取次者等」と、「商品取引所」とあるのは「商品取引清算機関」と読み替えるものとする。

Article 45 The provisions of the preceding Article apply mutatis mutandis to cases in which the provisions of Article 103, paragraph (7) of the Act are applied mutatis mutandis pursuant to Article 179, paragraph (7) of the Act. In this case, the term "Article 103, paragraph (10)" in paragraph (2), item (i) of the preceding Article is deemed to be replaced with "Article 103, paragraph (10) of the Act as applied mutatis mutandis pursuant to Article 179, paragraph (7)," the terms "a member, etc. or broker" and "a commodity exchange" in that paragraph and paragraphs (3), (5), and (6) of that Article are deemed to be replaced with "a member, etc. or a broker, etc." and "a commodity clearing organization", respectively.

（法第百三条第八項の取引証拠金の預託に代わる契約）

(Contract in Place of the Deposit of Clearing Margin Referred to in Article 103, Paragraph (8) of the Act)

第四十五条の二　会員等、取引の委託者又は取次委託者（法第百三条第八項に規定する会員等、取引の委託者又は取次委託者をいう。以下この条において同じ。）は、銀行等と同項の契約を締結しようとする場合には、その内容を次に掲げる要件に適合するものとしなければならない。

Article 45-2 (1) When a member, etc., or a requesting party or a brokerage requesting party of a transaction (meaning a member, etc., a requesting party, or a brokerage requesting party of a transaction, prescribed in Article 103, paragraph (8) of the Act; the same applies below in this Article) seeks to enter into a contract referred to in that paragraph with a bank, etc., the person must ensure that the content of the contract meets the following requirements:

一　法第百三条第十一項の規定による商品取引所の指示を受けたときは、当該会員等、

取引の委託者又は取次委託者のために当該指示に係る額の取引証拠金が遅滞なく当該商品取引所に預託されるものであること。

(i) when receiving an instruction from a commodity exchange pursuant to the provisions of Article 103, paragraph (11) of the Act, the amount of the clearing margin related to the instruction is to be deposited with the commodity exchange for the member, etc., or the requesting party or the brokerage requesting party of a transaction;

二　当該契約に基づく銀行等の債務と当該会員等、取引の委託者又は取次委託者に対する債権を相殺することを禁止するものであること。

(ii) it is prohibited to offset debts of a bank, etc. based on the contract against the claims for the member, etc., or the requesting party or the brokerage requesting party of a transaction;

三　三月以上の期間にわたって有効な契約であること。

(iii) the contract is valid for the period of three months or longer;

四　会員等、取引の委託者又は取次委託者は、あらかじめ商品取引所（法第百三条第八項の規定による届出を受けた商品取引所に限る。以下この条において同じ。）の承認を受けた場合を除き、契約の解除又は契約の内容の変更をすることができないものであること。

(iv) a member, etc., or a requesting party or a brokerage requesting party of the transaction may not cancel the contract or change the contents of the contract, except when they have received approval from a commodity exchange (limited to a commodity exchange which received a notification pursuant to the provisions of Article 103, paragraph (8) of the Act; the same applies in this Article below) in advance;

五　会員等、取引の委託者又は取次委託者は、契約が終了する日の一月前までに、その旨を商品取引所に通知をするものとすること。

(v) a member, etc., or a requesting party or a brokerage requesting party of a transaction is to notify the termination of the contract to a commodity exchange by one month before the day of termination.

2　会員等、取引の委託者又は取次委託者は、法第百三条第八項の契約を締結したとき（当該契約を変更したときを含む。）は、その契約書の写しを商品取引所に提出しなければならない。

(2) When a member, etc., or a requesting party or a brokerage requesting party of a transaction has entered into a contract referred to in Article 103, paragraph (8) of the Act (including when a change has been made to the contract), the person must submit a copy of the contract to a commodity exchange.

3　会員等、取引の委託者又は取次委託者は、法第百三条第八項の契約を解除したときは、その事実を証する書面を商品取引所に提出しなければならない。

(3) When a member, etc., or a requesting party or a brokerage requesting party of a transaction has canceled a contract stated in Article 103, paragraph (8) of the Act, the person must submit a document proving that fact to a commodity

exchange.

（商品取引清算機関に係る法第百三条第八項の取引証拠金の預託に代わる契約の規定の準用）

(Application, Mutatis Mutandis of the Provisions of Contract in Place of the Deposit of Clearing Margin Referred to in Article 103, Paragraph (8) of the Act Related to Commodity Clearing Organizations)

第四十五条の三　前条の規定は、法第百七十九条第八項において法第百三条第八項の規定を準用する場合について準用する。この場合において、前条中「会員等、取引の委託者又は取次委託者」とあるのは「会員等、取引の委託者、取次委託者、清算取次委託者又は清算取次者に対する委託者」と、同条第一項第一号中「第百三条第十一項」とあるのは「第百七十九条第八項において準用する法第百三条第十一項」と、同号、同項第四号及び第五号並びに同条第二項及び第三項中「商品取引所」とあるのは「商品取引清算機関」と読み替えるものとする。

Article 45-3 The provisions of the preceding Article apply mutatis mutandis to cases in which the provisions of Article 103, paragraph (8) of the Act are applied mutatis mutandis pursuant to Article 179, paragraph (8) of the Act. In that case, the phrase "a member, etc., a requesting party of a transaction, or a brokerage requesting party" in the preceding Article is deemed to be replaced with "member, etc., a requesting party of a transaction, a brokerage requesting party, a clearing brokerage requesting party, or a requesting party of the clearing broker", the term "Article 103, paragraph (11)" in paragraph (1), item (i) of that Article is deemed to be replaced with "Article 103, paragraph (11) of the Act as applied mutatis mutandis pursuant to Article 179, paragraph (8)," and the term "a commodity exchange" in that item, items (iv) and (v) of that paragraph, and paragraphs (2) and (3) of that Article is deemed to be replaced with "a commodity clearing organization".

（信認金等の運用方法）

(Investment Method of Guarantee Funds)

第四十六条　法第百十条（法第百八十条第五項において読み替えて準用する場合を含む。）の主務省令で定める方法は、次に掲げるものとする。

Article 46 The means specified by order of the competent ministry as referred to in Article 110 of the Act (including as applied mutatis mutandis pursuant to Article 180, paragraph (5) of the Act following the deemed replacement of terms) are as follows:

一　地方債の保有

(i) holding municipal bonds;

二　次に掲げる金融機関への預け金

(ii) money deposited to the following financial institutions:

イ　銀行

(a) a bank;

ロ　株式会社商工組合中央金庫

(b) the Shoko Chukin Bank, Ltd.;

ハ　信用協同組合

(c) a credit cooperative;

ニ　信用金庫

(d) a Shinkin Bank;

ホ　農林中央金庫

(e) the Norinchukin Bank;

ヘ　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及び農業協同組合連合会

(f) an agricultural cooperative or a federation of agricultural cooperatives which can accept deposits or savings in the course of trade;

三　信託業務を営む金融機関への信託

(iii) trust funds with financial institutions engaged in trust business.

（総取引高等の通知等）

(Notification of the Total Transaction Volume)

第四十七条　商品取引所は、法第百十一条の規定による通知及び公表を行おうとするときは、商品市場における取引の種類ごと、かつ、上場商品又は上場商品指数の種類ごとに区分し、業務規程に定める方法により、その会員等に通知し、公表しなければならない。

Article 47 (1) When a commodity exchange seeks to give a notification and make an announcement pursuant to the provisions of Article 111 of the Act, it must give a notification and make an announcement to its members, etc. by the means specified in its operational rules, for each type of transaction in a commodity market, and each type of listed commodities or listed commodity indices.

２　法第百十一条第二号の主務省令で定めるものは、単一の対価の額又は約定価格等（法第百十一条第二号に規定する約定価格等をいう。以下同じ。）による競売買の方法により取引を行う商品市場にあっては、当該商品市場における毎日の成立した対価の額又は約定価格等とし、個別に形成される対価の額又は約定価格等による競売買の方法により取引を行う商品市場にあっては、当該商品市場における毎日の成立した最初の対価の額又は約定価格等、最高の対価の額又は約定価格等、最低の対価の額又は約定価格等及び最終の対価の額又は約定価格等とする。

(2) What is specified by order of the competent ministry stated in Article 111, item (ii) of the Act for a commodity market where transactions are conducted by the auction method with a single amount of the consideration or contract price, etc. (meaning the contract price, etc. prescribed in Article 111, item (ii) of the Act; the same applies below) for which transactions were closed or the contract price, etc. each day in the commodity market and for a commodity

market where transactions are conducted by the auction method with an individually determined amount of the consideration or contract price, etc., is to be the first amount of the consideration or the contract price, etc., the highest amount of the consideration or contract price, etc., the lowest amount of the consideration or contract price, etc., and the final amount of the consideration or contract price, etc. each day in the commodity market.

（相場、取引高等の報告）

(Reporting of Quotation and Transaction Volume)

第四十八条　商品取引所は、法第百十二条の規定により同条各号に掲げる事項を報告しようとするときは、遅滞なく、別表第一又は別表第一の二により、主務大臣に提出しなければならない。

Article 48 (1) When a commodity exchange seeks to report the information stated in the items of Article 112 of the Act pursuant to the provisions of that Article, it must submit a report in accordance with the Appended Table 1 or Appended Table 1-2 to the competent minister, without delay.

２　法第百十二条第一号の主務省令で定める事項は、別表第一の第三欄に掲げる事項とする。

(2) The information specified by order of the competent ministry as referred to in Article 112, item (i) of the Act is the information stated in column 3 of the Appended Table 1.

３　法第百十二条第二号の主務省令で定める数量は、別表第二の第一欄に掲げる商品取引所が開設する同表の第二欄に掲げる商品市場ごと、かつ、売付け又は買付けの別ごとに、当該商品市場に対応する同表の第三欄に掲げる数量とする。

(3) The quantity specified by order of the competent ministry as referred to in Article 112, item (ii) of the Act is the quantity stated in column 3 of the Appended Table 2 corresponding to the commodity markets stated in column 2 of that Table which are opened by commodity exchanges stated in column 1 of that Table, for each commodity market, and by purchase or sale.

４　法第百十二条第二号の主務省令で定める要件は、次の各号のいずれかに該当することとする。

(4) The requirements specified by order of the competent ministry as referred to in Article 112, item (ii) of the Act are, that the transactions in the commodity market fall under one of the following items:

一　商品市場における一の会員等の一の取引の期限に係る自己の計算による取引であって決済を結了していないものの数量が別表第二の第一欄に掲げる商品取引所が開設する同表の第二欄に掲げる商品市場において取引の対象とされる同表の第四欄に掲げる上場商品構成品又は上場商品指数の種類ごと、かつ、売付け又は買付けの別ごとに、同表の第五欄に掲げる数量を超えること。

(i) the quantity of the transactions related to the time limit of one transaction of one member, etc. in a commodity market on their own account and for

which settlement is not completed exceeds the quantity stated in column 5 of the Appended Table 2 by purchase or sale and for each type of component products of listed commodities or listed commodity indices stated in column 4 of that Table which are subject to transactions in the commodity markets stated in column 2 of that Table opened by the commodity exchanges stated in column 1 of that Table;

二　商品市場における一の取引の期限に係る一の委託者の計算による取引であって決済を結了していないものの数量が別表第二の第一欄に掲げる商品取引所が開設する同表の第二欄に掲げる商品市場において取引の対象とされる同表の第四欄に掲げる上場商品構成品又は上場商品指数の種類ごと、かつ、売付け又は買付けの別ごとに、同表の第五欄に掲げる数量を超えること。

(ii) the quantity of the transactions related to the time limit of one transaction in a commodity market on a requesting party's own account and for which settlement is not completed exceeds the quantity stated in column 5 of the Appended Table 2 by purchase or sale and for each type of component products of listed commodities or listed commodity indices stated in column 4 of that Table which are subject to transactions in the commodity markets stated in column 2 of that Table opened by commodity exchanges stated in column 1 of that Table.

5　法第百十二条第二号の主務省令で定める事項は、別表第一の二の第二欄に掲げる事項とする。

(5) The information specified by order of the competent ministry as referred to in Article 112, item (ii) of the Act is the information stated in column 2 of the Appended Table 1-2.

第四十九条　削除

Article 49 Deleted

（帳簿の区分経理等）

(Separate Accounting in Books)

第五十条　会員等は、法第百十五条の規定により、商品市場における取引とその他の取引とについて、帳簿上区分経理しなければならない。

Article 50 (1) Pursuant to the provisions of Article 115 of the Act, a member, etc. must perform separate accounting for transactions in a commodity market and other transactions in books.

2　会員等は、商品市場における取引について別表第三に定める帳簿その他業務に関する書類を商品市場ごとに作成しなければならない。

(2) A member, etc. must prepare books and other business-related documents specified in the Appended Table 3 for transactions in each commodity market separately.

3　前項の帳簿その他業務に関する書類の保存期間は、十年とする。

(3) The preservation period of books and other business-related documents referred to in the preceding paragraph is 10 years.

（電磁的方法による保存）

(Preservation by an Electronic or Magnetic Means)

第五十一条　前条第二項の帳簿その他業務に関する書類の内容が、電磁的方法（電子的方法、磁気的方法その他の人の知覚によって認識することができない方法をいう。第百十四条において同じ。）により記録され、当該記録が必要に応じ電子計算機その他の機器を用いて直ちに表示されることができるようにして保存されるときは、当該記録の保存をもって前条第三項に規定する帳簿その他業務に関する書類の保存に代えることができる。この場合において、会員等は、当該記録が滅失し、又はき損することを防止するために必要な措置を講じなければならない。

Article 51　When the content of books and other business-related documents referred to in paragraph (2) of the preceding Article is recorded by an electronic or magnetic means (meaning a means such as an electronic means or a magnetic means that cannot be perceived by human senses; the same applies in Article 114), and the record is preserved in a manner that enables the record to be immediately displayed using a computer or other devices as necessary, the preservation of the record may substitute for the preservation of books and other business-related documents prescribed in paragraph (3) of the preceding Article. In this case, a member, etc. must take the necessary measures for preventing the loss of and damage to the record.

（商品市場における取引の制限等）

(Restrictions on Transactions in Commodity Markets)

第五十一条の二　法第百十八条第二号に規定する主務省令で定める事項は、次に掲げる事項とする。

Article 51-2　The matters specified by order of the competent ministry as prescribed in Article 118, item (ii) of the Act are as follows:

一　法第百十八条第二号に掲げる商品取引所の開設する商品市場における取引又はその受託を制限する措置を講ずること。

(i) taking measures to restrict transactions or acceptance of their request in a commodity market which has been opened by a commodity exchange stated in Article 118, item (ii) of the Act; and

二　当該商品取引所の開設する商品市場において会員等が取引を行うことができる時間帯を変更する措置を講ずること。

(ii) taking measures to change the time period during which a member, etc. can conduct a transaction in a commodity market which has been opened by the commodity exchange.

（仲介の処理状況の報告書の提出）

(Submission of Reports of Intermediation Arrangement)

第五十二条　商品取引所は法第百二十条第一項の規定により仲介を行ったときは、毎月末日現在における当該仲介の処理状況についての報告書を作成し、当該報告に係る月の翌月の十日までに主務大臣に提出するものとする。

Article 52 When a commodity exchange has carried out intermediation pursuant to the provisions of Article 120, paragraph (1) of the Act, it must prepare a report of the progress of the intermediation arrangement as of the end of every month and submit the report to the competent minister by 10th of the month following the month relating to the report.

第五十三条　削除

Article 53 Deleted

（組織変更をする会員商品取引所の事前開示事項）

(Information to Be Disclosed in Advance by Member Commodity Exchanges Implementing Entity Conversion)

第五十四条　法第百二十三条第一項に規定する主務省令で定める事項は、次に掲げる事項とする。

Article 54 The information specified by order of the competent ministry as prescribed in Article 123, paragraph (1) of the Act is as follows:

一　組織変更計画の内容

(i) the content of an entity conversion plan;

二　組織変更後株式会社商品取引所（法第百二十二条第三項に規定する組織変更後株式会社商品取引所をいう。以下同じ。）の債務の履行の見込みに関する事項

(ii) the information concerning prospects of the performance of the obligations of an incorporated commodity exchange after entity conversion (meaning an incorporated commodity exchange after entity conversion prescribed in Article 122, paragraph (3) of the Act; the same applies below);

三　法第百二十三条第一項の規定により同項の書面又は電磁的記録を主たる事務所に備え置いた日後、前二号に掲げる事項に変更が生じたときは、変更後の当該事項

(iii) if there is any change to the information stated in the preceding two items after the document or electronic or magnetic record referred to in Article 123, paragraph (1) of the Act has been kept at the principal office pursuant to the provisions of the same paragraph, the changed information.

（組織変更後株式会社商品取引所の事後開示事項等）

(Information to Be Disclosed After the Fact by Incorporated Commodity Exchanges After Entity Conversion)

第五十五条　法第百二十五条第一項に規定する主務省令で定める事項は、次に掲げる事項とする。

Article 55 The information specified by order of the competent ministry as

prescribed in Article 125, paragraph (1) of the Act is as follows:

一　組織変更の効力が生じた日

(i) the day on which entity conversion has become effective;

二　組織変更をする会員商品取引所における法第百二十四条の規定による手続の経過

(ii) the progress of procedures under the provisions of Article 124 of the Act taken by the member commodity exchange implementing entity conversion;

三　組織変更により組織変更後株式会社商品取引所が組織変更をする会員商品取引所から承継した重要な権利義務に関する事項

(iii) the information concerning important rights and obligations which the incorporated commodity exchange after entity conversion succeeded to from the member commodity exchange implementing restructuring through entity conversion;

四　法第百二十三条第一項の規定により組織変更をする会員商品取引所が備え置いた書面又は電磁的記録に記載又は記録がされた事項（組織変更契約の内容を除く。）

(iv) the information stated or recorded in a document or electronic or magnetic record which the member commodity exchange implementing entity conversion has kept pursuant to the provisions of Article 123, paragraph (1) of the Act (excluding the content of the entity conversion contract); and

五　法第百三十四条第一項の登記をした日

(v) the date of the registration referred to in Article 134, paragraph (1) of the Act.

（会計慣行のしん酌）

(Consideration of Accounting Practices)

第五十五条の二　次条から第五十五条の五までの規定の用語の解釈及び規定の適用に関しては、一般に公正妥当と認められる企業会計の基準その他の企業会計の慣行をしん酌しなければならない。

Article 55-2 Regarding the interpretation of the terms stated in the provisions of the following Article through Article 55-5 and the application of those provisions, generally accepted corporate accounting standards and other accounting practices must be taken into consideration.

（組織変更後株式会社商品取引所の資本金として計上すべき額）

(Amount Required to Be Recorded as Stated Capital of Incorporated Commodity Exchanges After Entity Conversion)

第五十五条の三　法第百二十七条に規定する主務省令で定める組織変更後株式会社商品取引所の資本金として計上すべき額は、組織変更の直前の会員商品取引所の出資金の額とする。

Article 55-3 The amount required to be recorded as the stated capital of an incorporated commodity exchange after entity conversion specified by order of the competent ministry as prescribed in Article 127 of the Act is the amount of

the contribution of a member commodity exchange immediately before the entity conversion.

（組織変更に際しての計算に必要な事項）

(Information Necessary for the Calculation upon Entity Conversion)

第五十五条の四　法第百二十八条に規定する主務省令で定める組織変更に際しての計算に必要な事項は、次条に定めるところによる。

Article 55-4 The information necessary for the accounting at the time of entity conversion specified by order of the competent ministry as prescribed in Article 128 of the Act is governed by the following Article.

（組織変更後株式会社商品取引所の株主資本）

(Shareholders' Equity of Incorporated Commodity Exchanges After Entity Conversion)

第五十五条の五　会員商品取引所が組織変更をする場合には、当該組織変更をすることを理由にその有する資産及び負債の帳簿価額を変更することはできない。

Article 55-5 (1) When a member commodity exchange implements entity conversion, it may not change the book value of its assets and liabilities on the grounds of the entity conversion.

２　会員商品取引所が組織変更をする場合には、組織変更後株式会社商品取引所の次の各号に掲げる額は、当該各号に定める額とする。

(2) When a member commodity exchange implements entity conversion, the amount of an incorporated commodity exchange after entity conversion stated in the following items is the amount specified in each of those items:

一　資本準備金の額　零

(i) the amount of the capital reserve: zero;

二　その他資本剰余金の額　組織変更の直前の会員商品取引所の加入金及び資本剰余金の額の合計額

(ii) the amount of other capital surplus: the sum of the membership fee and capital surplus of the member commodity exchange immediately before the entity conversion;

三　利益準備金の額　零

(iii) the amount of the profit reserve: zero;

四　その他利益剰余金の額　組織変更の直前の会員商品取引所の法定準備金及び利益剰余金の額

(iv) the amount of other accumulated profits: the amount of the statutory capital and accumulated profits of the member commodity exchange immediately before the entity conversion.

（組織変更時発行株式の引受けの申込みをしようとする者に対して通知すべき事項）

(Information to Be Notified to Persons Who Seek to File Applications to

Subscribe for the Shares Issued upon Entity Conversion)

第五十五条の六　法第百三十条第一項第四号に規定する主務省令で定める事項は、次に掲げる事項とする。

Article 55-6 The information specified by order of the competent ministry as prescribed in Article 130, paragraph (1), item (iv) of the Act is as follows:

一　組織変更後株式会社商品取引所が発行することができる株式の総数（組織変更後株式会社商品取引所が種類株式発行会社である場合にあっては、各種類の組織変更時発行株式の発行可能種類株式総数を含む。）

(i) the total number of shares which an incorporated commodity exchange after entity conversion can issue (when an incorporated commodity exchange after entity conversion is a company issuing class shares, including the total number of each type of class shares that can be issued at the time of entity conversion);

二　組織変更後株式会社商品取引所（組織変更後株式会社商品取引所が種類株式発行会社である場合を除く。）が発行する組織変更時発行株式の内容として会社法第百七条第一項各号に掲げる事項を定めているときは、当該株式の内容

(ii) when the information stated in each item of Article 107, paragraph (1) of the Companies Act is specified as the content of shares issued upon entity conversion issued by an incorporated commodity exchange after entity conversion (excluding cases when an incorporated commodity exchange after entity conversion is a company issuing class shares), the content of the shares;

三　組織変更後株式会社商品取引所（組織変更後株式会社商品取引所が種類株式発行会社である場合に限る。）が会社法第百八条第一項各号に掲げる事項につき内容の異なる組織変更時発行株式を発行することとしているときは、各種類の株式の内容（ある種類の株式につき同条第三項の定款の定めがある場合において、当該定款の定めにより組織変更後株式会社商品取引所が当該種類の株式の内容を定めていないときは、当該種類の株式の内容の要綱）

(iii) when it has been decided that an incorporated commodity exchange after entity conversion (limited to cases in which an incorporated commodity exchange after entity conversion is a company issuing class shares) is to issue shares issued upon entity conversion with different contents concerning the information stated in each item of Article 108, paragraph (1) of the Companies Act, the content of each type of shares (when there are the provisions of the articles of incorporation referred to in paragraph (3) of that Article for a certain type of shares, and when the content of the type of shares is not specified by an incorporated commodity exchange after entity conversion pursuant to the articles of incorporation, the outline of the content of that type of shares);

四　単元株式数についての定款の定めがあるときは、その単元株式数（組織変更後株式会社商品取引所が種類株式発行会社である場合にあっては、各種類の株式の単元

株式数）

(iv) when there are provisions of the articles of incorporation concerning the number of share units, the number of share units (when an incorporated commodity exchange after entity conversion is a company issuing class shares, the number of share units of each type of shares);

五　組織変更後株式会社商品取引所の定款に次に掲げる定めがあるときは、その規定

(v) when the articles of incorporation of an incorporated commodity exchange after entity conversion have the following provisions, the provisions:

イ　会社法第百三十九条第一項、第百四十条第五項又は第百四十五条第一号若しくは第二号に規定する定款の定め

(a) the provisions of the articles of incorporation prescribed in Article 139, paragraph (1), Article 140, paragraph (5), or Article 145, item (i) or (ii) of the Companies Act;

ロ　会社法第百六十四条第一項に規定する定款の定め

(b) the provisions of the articles of incorporation prescribed in Article 164, paragraph (1) of the Companies Act;

ハ　会社法第百六十七条第三項に規定する定款の定め

(c) the provisions of the articles of incorporation prescribed in Article 167, paragraph (3) of the Companies Act;

ニ　会社法第百六十八条第一項又は第百六十九条第二項に規定する定款の定め

(d) the provisions of the articles of incorporation prescribed in Article 168, paragraph (1), or Article 169, paragraph (2) of the Companies Act;

ホ　会社法第百七十四条に規定する定款の定め

(e) the provisions of the articles of incorporation prescribed in Article 174 of the Companies Act;

ヘ　会社法第三百四十七条に規定する定款の定め

(f) the provisions of the articles of incorporation prescribed in Article 347 of the Companies Act;

ト　会社法施行規則第二十六条第一号又は第二号に規定する定款の定め

(g) the provisions of the articles of incorporation prescribed in Article 26, item (i) or (ii) of the Regulations for Enforcement of the Companies Act;

六　株主名簿管理人を置く旨の定款の定めがあるときは、その氏名又は名称及び住所並びに営業所

(vi) when there are provisions of the articles of incorporation that a shareholder register administrator is to be appointed, the name and the address, and the business office of that person;

七　定款に定められた事項（会社法第二百三条第一項第一号から第三号まで及び前各号に掲げる事項を除く。）であって、当該組織変更後株式会社商品取引所に対して組織変更時発行株式の引受けの申込みをしようとする者が当該者に対して通知することを請求した事項

(vii) the information specified in the articles of incorporation (excluding the

information stated in Article 203, paragraph (1), items (i) through (iii) of the Companies Act and in the preceding items), notification of which was requested by a person that seeks to file an application to subscribe for the shares issued upon entity conversion to the incorporated commodity exchange after entity conversion

（検査役が提供する電磁的記録）

(Electronic or Magnetic Records to Be Provided by Inspectors)

第五十五条の七　法第百三十一条の六において読み替えて準用する会社法第二百七条第四項に規定する主務省令で定めるものは、商業登記規則（昭和三十九年法務省令第二十三号）第三十六条第一項に規定する電磁的記録媒体（電磁的記録に限る。）及び同法第二百七条第四項の規定により電磁的記録の提供を受ける者が定める電磁的記録とする。

Article 55-7　To be specified by order of the competent ministry as prescribed in Article 207, paragraph (4) of the Companies Act as applied mutatis mutandis pursuant to Article 131-6 of the Act following the deemed replacement of terms are, an electronic or magnetic recording medium (limited to electronic or magnetic records) prescribed in Article 36, paragraph (1) of the Regulation on Commercial Registrations (Ministry of Justice Order No. 23 of 1964) and an electronic or magnetic record specified by a person that is provided the electronic or magnetic record pursuant to the provisions of Article 207, paragraph (4) of the Companies Act.

（検査役による電磁的記録に記録された事項の提供）

(Provision of Information Recorded in Electronic or Magnetic Records by Inspectors)

第五十五条の八　法第百三十一条の六において読み替えて準用する会社法第二百七条第六項に規定する主務省令で定める方法は、電磁的方法のうち、同項により同項の電磁的記録に記録された事項の提供を受ける者が定めるものとする。

Article 55-8　The means specified by order of the competent ministry as prescribed in Article 207, paragraph (6) of the Companies Act as applied mutatis mutandis pursuant to Article 131-6 of the Act following the deemed replacement of terms are, electronic or magnetic means specified by a person that is provided the information recorded in an electronic or magnetic record stated in that paragraph, pursuant to the provisions of that paragraph.

（検査役の調査を要しない市場価格のある有価証券）

(Securities That Have the Market Price Not Requiring Investigations by Inspectors)

第五十五条の九　法第百三十一条の六において読み替えて準用する会社法第二百七条第九項第三号に規定する主務省令で定める方法は、次に掲げる額のうちいずれか高い額

をもって同号に規定する有価証券の価格とする方法とする。

Article 55-9 The means specified by order of the competent ministry as prescribed in Article 207, paragraph (9), item (iii) of the Companies Act as applied mutatis mutandis pursuant to Article 131-6 of the Act following the deemed replacement of terms are, the means of considering the higher of the amounts stated in the following items to be the price of securities prescribed in that item:

一　会社法第百九十九条第一項第三号の価額を定めた日（以下この条において「価額決定日」という。）における当該有価証券を取引する市場における最終の価格（当該価額決定日に売買取引がない場合又は当該価額決定日が当該市場の休業日に当たる場合にあっては、その後最初になされた売買取引の成立価格）

(i) the final price on the market where the securities are traded on the day when the value referred to in Article 199, paragraph (1), item (iii) of the Companies Act was determined (referred to below as the "date of value determination" in this Article) (when there are no purchase and sale transactions on the date of value determination, or the date of value determination falls on a holiday of the market, the price of the first purchase and sale transaction conducted after that date);

二　価額決定日において当該有価証券が公開買付け等（金融商品取引法第二十七条の二第六項（同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及びこれに相当する外国の法令に基づく制度をいう。以下この号及び第六十条の三において同じ。）の対象であるときは、当該価額決定日における当該公開買付け等に係る契約における当該有価証券の価格

(ii) when the securities are subject to tender offer, etc. (meaning the tender offer prescribed in Article 27-2, paragraph (6) of the Financial Instruments and Exchange Act (including as applied mutatis mutandis pursuant to Article 27-22-2, paragraph (2) of that Act) and any equivalent system based on laws and regulations in a foreign country; the same applies below in this item and Article 60-3) on the date of value determination, the price of the securities in the contract related to the tender offer, etc. on the date of value determination.

第五十五条の十　法第百三十一条の六において読み替えて準用する会社法第二百十三条第一項第二号に規定する主務省令で定めるものは、次に掲げる者とする。

Article 55-10 The persons specified by order of the competent ministry as prescribed in Article 213, paragraph (1), item (ii) of the Companies Act as applied mutatis mutandis pursuant to Article 131-6 of the Act following the deemed replacement of terms are as follows:

一　株主総会に会社法第二百七条第一項に規定する現物出資財産の価額の決定に関する議案を提案した取締役

(i) a company director who submitted a proposal concerning the determination

of the values of property contributed in kind prescribed in Article 207, paragraph (1) of the Companies Act to a shareholders meeting;

二　前号の議案の提案の決定に同意した取締役（取締役会設置会社の取締役を除く。）

(ii) a company director who agreed to the decision on the submitted proposal referred to in the preceding item (excluding a company director of a company with a board of directors);

三　第一号の議案の提案が取締役の決議に基づいて行われたときは、当該取締役会の決議に賛成した取締役

(iii) when the proposal referred to in item (i) was submitted based on the resolution of a board of directors, a company director who agreed to the resolution of the board of directors.

（出資の履行の仮装に関して責任をとるべき会員商品取引所の理事長等）

(President of a Member Commodity Exchange Who is Required to Assume the Liabilities for Falsifying the Performance of Contribution)

第五十五条の十一　法第百三十一条の七において読み替えて準用する会社法第二百十三条の三第一項に規定する主務省令で定める者は、次に掲げる者とする。

Article 55-11 The person specified by order of the competent ministry as prescribed in Article 213-3, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 131-7 of the Act following the deemed replacement of terms is the person stated in the following items:

一　出資の履行（法第百三十一条の三第三項に規定する出資の履行をいう。以下この条において同じ。）の仮装に関する職務を行った会員商品取引所の理事長又は理事

(i) the president or directors of the member commodity exchange that performed the duties concerning the falsification of the performance of contribution (meaning the performance of contribution prescribed in Article 131-3, paragraph (3) of the Act; the same applies below in this Article);

二　出資の履行の仮装が会員総会の決議に基づいて行われたときは、次に掲げる者

(ii) when the performance of contribution was falsified based on a resolution of a general meeting of members, the following persons:

イ　当該会員総会に当該出資の履行の仮装に関する議案を提案した会員商品取引所の理事長又は理事

(a) the president or directors of the member commodity exchange that submitted a proposal concerning the falsification of the performance of contribution at the general meeting of members;

ロ　イの議案の提案の決定に同意した会員商品取引所の理事長又は理事

(b) the president or directors of the member commodity exchange that agreed to the decision on the submitted proposal referred to in (a).

（組織変更認可の申請書の添付書類）

(Documents Attached to a Written Application for Authorization of Entity Conversion)

第五十六条　法第百三十二条第三項の主務省令で定める書面は、次に掲げる書面（官公署が証明する書面の場合には、認可の申請の日前三月以内に作成されたものに限る。）とする。

Article 56 The documents specified by order of the competent ministry as referred to in Article 132, paragraph (3) of the Act are as follows (in cases of certifications issued by a public agency, limited to documents prepared within three months before the date of filing the application for authorization):

一　組織変更の理由及び内容を記載した書面

(i) a document stating the reasons for and content of entity conversion;

二　次に掲げる場合に応じ、それぞれ次に定める書面

(ii) a document specified as follows in accordance with the cases stated in each sub-item:

イ　組織変更後株式会社商品取引所の役員が外国人である場合　当該役員の住民票の写し等、履歴書及びその者が法第十五条第二項第一号イからルまでのいずれにも該当しないことを誓約する書面

(a) when an officer of an incorporated commodity exchange after entity conversion is a foreign national: a copy of the residence certificate, etc. and curriculum vitae of the officer, and a document pledging that the person does not fall under any of the provisions of Article 15, paragraph (2), item (i), sub-items (a) through (k) of the Act;

ロ　組織変更後株式会社商品取引所の役員が法人である場合　当該役員の登記事項証明書、沿革を記載した書面及び法第十五条第二項第一号ヲに該当しないことを誓約する書面

(b) when an officer of an incorporated commodity exchange after entity conversion is a corporation: a certificate of the registered information of the officer, a document stating the history of the corporation, and a document pledging that the officer does not fall under the provisions of Article 15, paragraph (2), item (i), (l) of the Act;

ハ　組織変更後株式会社商品取引所の役員が外国人又は法人でない場合　当該役員の住民票の写し等、履歴書、その者が法第十五条第二項第一号ロに該当しない旨の官公署の証明書並びにその者が同号イ及びハからルまでのいずれにも該当しないことを誓約する書面

(c) when an officer of an incorporated commodity exchange after entity conversion is neither a foreign national nor a corporation: a copy of the residence certificate, etc. and curriculum vitae of the officer, a certificate of a public agency proving that the person does not fall under the provisions of Article 15, paragraph (2), item (i), sub-item (b) of the Act, and a document pledging that the person does not fall under any of the provisions of sub-item (a) or sub-items (c) through (k) of that item;

三　組織変更計画を承認した会員総会の議事録

(iii) minutes of a general meeting of members which approved the entity conversion plan;

四　直前事業年度の決算関係書類等

(iv) settlement related documents, etc. for the immediately preceding business year;

五　現に存する純資産額を証する書面

(v) a document proving the amount of the existing net assets;

六　法第百二十九条第一項の規定により組織変更時発行株式を発行するときは、次に掲げる書面

(vi) when issuing shares issued upon entity conversion pursuant to the provisions of Article 129, paragraph (1) of the Act, the following documents:

イ　組織変更時発行株式の引受けの申込みを証する書面

(a) a document proving an application to subscribe for the shares issued upon entity conversion;

ロ　金銭を出資の目的とするときは、法第百三十一条の三第一項の規定による払込みがあったことを証する書面

(b) when making money the object of the contribution, a document proving that payment under the provisions of Article 131-3, paragraph (1) of the Act was made;

ハ　金銭以外の財産を出資の目的とするときは、次に掲げる書面

(c) when making property other than money the object of the contribution, the following documents:

（１）　検査役が選任されたときは、検査役の調査報告を記載した書面及びその附属書類

1. when an inspector has been appointed, a document stating the investigation report by the inspector and its annexed documents;

（２）　法第百三十一条の六において準用する会社法第二百七条第九項第三号に掲げる場合には、有価証券の市場価格を証する書面

2. when stated in Article 207, paragraph (9), item (iii) of the Companies Act as applied mutatis mutandis pursuant to Article 131-6 of the Act: a document proving the market price of the securities;

（３）　法第百三十一条の六において準用する会社法第二百七条第九項第四号に掲げる場合には、同号に規定する証明を記載した書面及びその附属書類

3. when stated in Article 207, paragraph (9), item (iv) of the Companies Act as applied mutatis mutandis pursuant to Article 131-6 of the Act, a document stating the certification prescribed in that item and its annexed documents;

（４）　法第百三十一条の六において準用する会社法第二百七条第九項第五号に掲げる場合には、同号の金銭債権について記載された会計帳簿

4. when stated in Article 207, paragraph (9), item (v) of the Companies Act

as applied mutatis mutandis pursuant to Article 131-6 of the Act, accounting books stating the monetary claim referred to in that item;

ニ　検査役の報告に関する裁判があったときは、その謄本

(d) when a judicial decision has been rendered on a report by an inspector, a transcript of the judicial decision;

七　法第百二十四条第二項の規定による公告及び催告をしたこと並びに異議を述べた債権者があるときは、当該債権者に対し弁済し若しくは相当の担保を提供し若しくは当該債権者に弁済を受けさせることを目的として相当の財産を信託したこと又は当該組織変更をしても当該債権者を害するおそれがないことを証する書面

(vii) when a public notice or a notification pursuant to the provisions of Article 124, paragraph (2) of the Act has been given and a creditor has made an objection, documents proving that payment has been made or a reasonable collateral has been provided to the creditor, or reasonable property has been deposited in trust for the purpose of having the creditor receive the payment, or that the entity conversion is not likely to harm the creditor;

八　商品取引所の業務に関する知識及び経験を有する従業員の確保の状況並びに当該従業員の配置の状況を記載した書類

(viii) a document stating the status of securing employees who have the knowledge and experience relating to the business of a commodity exchange and the status of the assignment of those employees;

九　主要な株主の氏名、住所又は居所、国籍及び職業（株主が法人その他の団体である場合には、その商号又は名称、本店又は主たる事務所の所在の場所及び営んでいる事業の内容）並びに保有する議決権の数を記載した書面

(ix) a document stating the major shareholders' names, addresses or residences, nationalities and occupations (when a shareholder is a corporation or other organization, its trade name or name, the location of its head office or principal office, and the content of its business), and the number of voting rights they hold.

（医師の診断書の提出）

(Submission of a Doctor's Medical Certificate)

第五十六条の二　主務大臣は、法第百三十二条第一項の認可の申請があった場合において、組織変更後株式会社商品取引所の役員のうちに法第十五条第二項第一号イ又はル（イに係る部分に限る。）のいずれかに該当する者があるかどうかを審査するために必要があると認めるときは、認可申請者に対し、当該審査の対象となる者の病名、精神の機能の障害の有無及び程度、病因、病後の経過、治癒の見込みその他参考となる所見を記載した医師の診断書の提出を求めることができる。

Article 56-2　When an application for the authorization under Article 132, paragraph (1) of the Act is filed, and the competent minister finds it necessary for examining whether officers of the incorporated commodity exchange after entity conversion include a person who falls under any of Article 15, paragraph

(2), item (i), (a) or (k) of the Act (limited to the part related to (a)), the minister may request the applicant to submit a doctor's medical certificate stating the name of the illness of the person subject to the examination, whether the person has any mental impairment and the level of mental impairment, causes of the illness, post-illness progress, prospects of recovery, and other remarks for reference.

（会員商品取引所と会員商品取引所との吸収合併契約事項）

(Contract Details of Absorption-Type Merger Between Member Commodity Exchanges)

第五十六条の三　法第百四十条第三号の主務省令で定める事項は、次に掲げるものとする。

Article 56-3 The information specified by order of the competent ministry as referred to in Article 140, item (iii) of the Act are as follows:

一　吸収合併消滅会員商品取引所の会員が吸収合併に際して吸収合併存続会員商品取引所の会員となるときは、当該吸収合併消滅会員商品取引所の会員に対して割り当てるその持分に代わる当該吸収合併存続会員商品取引所の出資の口数又はその口数の算定方法並びに当該吸収合併存続会員商品取引所の出資金、加入金及び損失てん補準備金の額に関する事項

(i) when a member of a member commodity exchange dissolved in an absorption-type merger becomes a member of a member commodity exchange surviving an absorption-type merger in absorption-type merger, the information concerning the number of units of the contribution of the member commodity exchange surviving an absorption-type merger which substitutes for the equity interests allotted to a member of the member commodity exchange dissolved in an absorption-type merger or its calculation method, and the amount of the contribution, membership fee, and loss compensation reserve of the member commodity exchange surviving an absorption-type merger;

二　吸収合併存続会員商品取引所が吸収合併に際して吸収合併消滅会員商品取引所の会員に対してその持分に代わる金銭を交付するときは、その当該金銭の額又はその算定方法

(ii) when a member commodity exchange surviving an absorption-type merger issues money to a member of a member commodity exchange dissolved in an absorption-type merger in place of their equity interests upon an absorption-type merger, the amount of the money or its calculation method;

三　前二号に規定する場合には、吸収合併消滅会員商品取引所の会員に対する第一号の出資及び前号の金銭の割当てに関する事項

(iii) when prescribed in the preceding two items, the information concerning the contribution referred to in item (i) to a member of a member commodity exchange dissolved in an absorption-type merger and the allocation of the

money referred to in the preceding item.

（会員商品取引所と会員商品取引所との新設合併契約事項）

(Contract Details of Consolidation-Type Merger Between Member Commodity Exchanges)

第五十七条　法第百四十一条第五号の主務省令で定める事項は、次に掲げるものとする。

Article 57 The information specified by order of the competent ministry as referred to in Article 141, item (v) of the Act is as follows:

一　新設合併設立会員商品取引所が新設合併に際して新設合併消滅会員商品取引所の会員に対して割り当てるその持分に代わる当該新設合併設立会員商品取引所の出資の口数又はその口数の算定方法並びに当該新設合併設立会員商品取引所の出資金、加入金及び損失てん補準備金の額に関する事項

(i) the information concerning the number of units of the contribution of a member commodity exchange established by a consolidation-type merger which substitutes for the equity interest that the member commodity exchange established by a consolidation-type merger allots to a member of a member commodity exchange dissolved in a consolidation-type merger upon a consolidation-type merger or its calculation method, and the amount of the contribution, membership fee, and loss compensation reserve of the member commodity exchange established by a consolidation-type merger;

二　新設合併消滅会員商品取引所の会員に対する前号の出資の割当てに関する事項

(ii) the information concerning the allocation of the contribution referred to in the preceding item to a member of a member commodity exchange dissolved in a consolidation-type merger;

三　新設合併消滅会員商品取引所の会員に対して支払う金銭を定めたときは、その当該金銭の額

(iii) when the amount of the money to be paid to a member of a member commodity exchange dissolved in a consolidation-type merger is determined, the amount of money.

（吸収合併消滅会員商品取引所の事前開示事項）

(Information to Be Disclosed in Advance by Member Commodity Exchanges Dissolved in Absorption-Type Mergers)

第五十八条　法第百四十四条第一項の主務省令で定める事項は、吸収合併存続商品取引所が会員商品取引所である場合にあっては、次に掲げる事項とする。

Article 58 The information specified by order of the competent ministry as referred to in Article 144, paragraph (1) of the Act is as follows, in cases when a commodity exchange surviving an absorption-type merger is a member commodity exchange:

一　第五十六条の三各号に掲げる事項についての定め（当該定めがない場合にあっては、当該定めがないこと）の相当性に関する事項

(i) the information concerning the appropriateness of the provisions on information stated in the items of Article 56-3 (when there are no such provisions, that fact);

二　吸収合併存続会員商品取引所についての次に掲げる事項

(ii) the following information concerning the member commodity exchange surviving an absorption-type merger:

イ　最終事業年度（会員商品取引所にあっては各事業年度に係る法第六十六条第一項に規定する決算関係書類等につき法第六十八条の承認を受けた場合における当該各事業年度のうち最も遅いものとし、株式会社商品取引所にあっては会社法第二条第二十四号に規定する最終事業年度とする。以下同じ。）に係る財産目録、貸借対照表及び当該貸借対照表とともに作成された損益計算書の内容

(a) an inventory of property and a balance sheet for the final business year (for a member commodity exchange, the latest business year when approval under Article 68 of the Act was received for settlement related documents, etc. prescribed in Article 66, paragraph (1) of the Act for each business year, and for an incorporated commodity exchange, the final business year prescribed in Article 2, item (xxiv) of the Companies Act; the same applies below), and the content of a profit and loss statement prepared together with the balance sheet;

ロ　最終事業年度の末日（最終事業年度がない場合にあっては、吸収合併存続会員商品取引所の成立の日）後に重要な財産の処分、重大な債務の負担その他の当該吸収合併存続会員商品取引所の財産の状況に重要な影響を与える事象が生じたときは、その内容（法第百四十四条第四項の会員総会の日の十日前の日後吸収合併の効力が生ずる日までの間に新たな最終事業年度が存することとなる場合にあっては、当該新たな最終事業年度の末日後に生じた事象の内容に限る。）

(b) when an event that has a significant influence on the status of the property of the member commodity exchange surviving an absorption-type merger, such as the disposition of important property and the sharing of significant obligations has occurred after the last day of the final business year (when the final business year does not exist, the day of the establishment of the member commodity exchange surviving an absorption-type merger), the content of the event (when a new final business year emerges during the period between 10 days before a general meeting of members referred to in Article 144, paragraph (4) of the Act and the day when the absorption-type merger becomes effective, limited to the content of an event that occurred after the last day of the new final business year);

三　吸収合併消滅会員商品取引所（法第七十七条第一項において準用する会社法第四百七十五条（第一号及び第三号を除く。）の規定により清算をする会員商品取引所（以下「清算会員商品取引所」という。）を除く。）において最終事業年度の末日（最終事業年度がない場合にあっては、吸収合併消滅会員商品取引所の成立の日）後に重要な財産の処分、重大な債務の負担その他の当該吸収合併消滅会員商品取引

所の財産の状況に重要な影響を与える事象が生じたときは、その内容（法第百四十四条第四項の会員総会の日の十日前の日後吸収合併の効力が生ずる日までの間に新たな最終事業年度が存することとなる場合にあっては、当該新たな最終事業年度の末日後に生じた事象の内容に限る。）

(iii) when an event that has a significant influence on the status of the property of the member commodity exchange dissolved in an absorption-type merger, such as the disposition of important property and the bearing of significant obligations has occurred after the last day of the final business year (when the final business year does not exist, the day of the establishment of the member commodity exchange dissolved in an absorption-type merger) at the member commodity exchange dissolved in an absorption-type merger (excluding a member commodity exchange which is to be liquidated pursuant to the provisions of Article 475 (excluding items (i) and (iii)) of the Companies Act as applied mutatis mutandis pursuant to Article 77, paragraph (1) of the Act) (the member commodity exchange is referred to below as a "liquidating member commodity exchange"), the content of the event (when a new final business year emerges during the period between 10 days before a general meeting of members referred to in Article 144, paragraph (4) of the Act and the day when the absorption-type merger comes into effect, limited to the content of an event that occurred after the last day of the new final business year);

四　吸収合併が効力を生ずる日以後における吸収合併存続会員商品取引所の債務（法第百四十四条第六項において準用する法第百二十四条第一項の規定により吸収合併について異議を述べることができる債権者に対して負担する債務に限る。）の履行の見込みに関する事項

(iv) the information concerning prospects of the performance of obligations (limited to obligations the member commodity exchange bears against the creditors that may state objections to the absorption-type merger pursuant to the provisions of Article 124, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 144, paragraph (6) of the Act) of the member commodity exchange surviving an absorption-type merger on and after the day when the absorption-type merger becomes effective;

五　法第百四十四条第四項の会員総会の日の十日前の日後、前各号に掲げる事項に変更が生じたときは、変更後の当該事項

(v) if there is any change to the information stated in the preceding items after 10 days before a general meeting of members referred to in Article 144, paragraph (4) of the Act, the changed information.

（吸収合併消滅会員商品取引所の事前開示事項）

(Information to Be Disclosed in Advance by Member Commodity Exchanges Dissolved in Absorption-Type Mergers)

第五十九条　法第百四十四条第一項の主務省令で定める事項は、吸収合併存続商品取引所が株式会社商品取引所である場合にあっては、次に掲げる事項とする。

Article 59 The information specified by order of the competent ministry as referred to in Article 144, paragraph (1) of the Act is as follows in cases when a member commodity exchange dissolved in an absorption-type merger is an incorporated commodity exchange:

一　法第百四十二条第二号及び三号に掲げる事項についての定め（当該定めがない場合にあっては、当該定めがないこと）の相当性に関する事項

(i) the information concerning the appropriateness of the provisions on information stated in items (ii) and (iii) of Article 142 of the Act (when there are no such provisions, that fact);

二　吸収合併消滅会員商品取引所の会員に対して交付する株式等（法第百四十二条第二号に規定する株式等をいう。以下同じ。）の全部又は一部が吸収合併存続株式会社商品取引所の株式であるときは、当該吸収合併存続株式会社商品取引所の定款の定め

(ii) when all or part of the shares, etc. (meaning shares, etc. prescribed in Article 142, item (ii) of the Act; the same applies below) issued to a member of the member commodity exchange dissolved in an absorption-type merger are shares of the incorporated commodity exchange surviving an absorption-type merger, the provisions of the articles of incorporation of the incorporated commodity exchange surviving an absorption-type merger; and

三　吸収合併存続株式会社商品取引所についての次に掲げる事項

(iii) the following information concerning the incorporated commodity exchange surviving an absorption-type merger:

イ　最終事業年度に係る計算書類等の内容（最終事業年度がない場合にあっては、吸収合併存続株式会社商品取引所の成立の日における貸借対照表の内容）

(a) the content of financial statements, etc. for the final business year (when the final business year does not exist, the content of a balance sheet on the day of the establishment of the incorporated commodity exchange surviving an absorption-type merger);

ロ　最終事業年度の末日（最終事業年度がない場合にあっては、吸収合併存続株式会社商品取引所の成立の日。ハにおいて同じ。）後の日を臨時決算日（会社法第四百四十一条第一項に規定する臨時決算日をいう。以下同じ。）（二以上の臨時決算日がある場合にあっては、最も遅いもの）とする臨時計算書類等（会社法施行規則第二条第三項第十三号の臨時計算書類等をいう。以下同じ。）があるときは、当該臨時計算書類等の内容

(b) when there are provisional financial statements, etc. (meaning provisional financial statements, etc. referred to in Article 2, paragraph (3), item (xiii) of the Regulations for Enforcement of the Companies Act; the same applies below) that consider the day after the last day of the final business year (when the final business year does not exist, the day of the

establishment of the incorporated commodity exchange surviving an absorption-type merger; the same applies in (c)) as the provisional account closing day (meaning a provisional account closing day prescribed in Article 441, paragraph (1) of the Companies Act; the same applies below) (if there are two or more provisional account closing days, the last one), the content of the provisional financial statements, etc.; or

ハ　最終事業年度の末日後に重要な財産の処分、重大な債務の負担その他の当該吸収合併存続株式会社商品取引所の財産の状況に重要な影響を与える事象が生じたときは、その内容（法第百四十四条第四項の会員総会の日の十日前の日後吸収合併の効力が生ずる日までの間に新たな最終事業年度が存することとなる場合にあっては、当該新たな最終事業年度の末日後に生じた事象の内容に限る。）

(c) when an event that has a significant influence on the status of the property of the incorporated commodity exchange surviving an absorption-type merger, such as the disposition of important property and the bearing of significant obligations has occurred after the last day of the final business year, the content of the event (when a new final business year emerges during the period between 10 days before a general meeting of members referred to in Article 144, paragraph (4) of the Act and the day when the absorption-type merger comes into effect, limited to the content of an event that occurred after the last day of the new final business year);

四　吸収合併消滅会員商品取引所（清算会員商品取引所を除く。）において最終事業年度の末日（最終事業年度がない場合にあっては、吸収合併消滅会員商品取引所の成立の日）後に重要な財産の処分、重大な債務の負担その他の当該吸収合併消滅会員商品取引所の財産の状況に重要な影響を与える事象が生じたときは、その内容（法第百四十四条第四項の会員総会の日の十日前の日後吸収合併の効力が生ずる日までの間に新たな最終事業年度が存することとなる場合にあっては、当該新たな最終事業年度の末日後に生じた事象の内容に限る。）

(iv) when an event that has a significant influence on the status of the property of the member commodity exchange dissolved in an absorption-type merger, such as the disposition of important property and the bearing of significant obligations after the last day of the final business year (when the final business year does not exist, the day of the establishment of the member commodity exchange dissolved in an absorption-type merger) at the member commodity exchange dissolved in an absorption-type merger (excluding liquidating member commodity exchanges), the content of the event (when a new final business year emerges during the period between 10 days before a general meeting of members referred to in Article 144, paragraph (4) of the Act and the day when the absorption-type merger becomes effective, limited to the content of an event that occurred after the last day of the new final business year); and

五　吸収合併が効力を生ずる日以後における吸収合併存続株式会社商品取引所の債務

（法第百四十四条第六項において準用する法第百二十四条第一項の規定により吸収合併について異議を述べることができる債権者に対して負担する債務に限る。）の履行の見込みの有無に関する事項

(v) the information concerning prospects of the performance of obligations (limited to obligations the incorporated commodity exchange bears against the creditors that may state objections to the absorption-type merger pursuant to the provisions of Article 124, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 144, paragraph (6) of the Act) of the incorporated commodity exchange surviving an absorption-type merger on and after the day when the absorption-type merger comes into effect;

六　法第百四十四条第四項の会員総会の日の十日前の日後、前各号に掲げる事項に変更が生じたときは、変更後の当該事項

(vi) if there is any change to the information stated in the preceding items after 10 days before a general meeting of members referred to in Article 144, paragraph (4) of the Act, the changed information.

（吸収合併存続会員商品取引所の事前開示事項）

(Information to Be Disclosed in Advance by Member Commodity Exchanges Surviving Absorption-Type Mergers)

第五十九条の二　法第百四十四条の二第一項の主務省令で定める事項は、次に掲げるものとする。

Article 59-2 The information specified by order of the competent ministry as referred to in Article 144-2 paragraph (1) of the Act is as follows:

一　第五十六条の三各号に掲げる事項についての定め（当該定めがない場合にあっては、当該定めがないこと）の相当性に関する事項

(i) the information concerning the appropriateness of the provisions on information stated in each item of Article 56-3 (when there are no such provisions, that fact);

二　吸収合併消滅会員商品取引所（清算会員商品取引所を除く。）についての次に掲げる事項

(ii) the following information concerning the member commodity exchange dissolved in an absorption-type merger (excluding liquidating member commodity exchanges):

イ　最終事業年度に係る財産目録、貸借対照表及び当該貸借対照表とともに作成された損益計算書の内容

(a) an inventory of property and a balance sheet for the final business year and the content of a profit and loss statement prepared together with the balance sheet;

ロ　最終事業年度の末日（最終事業年度がない場合にあっては、吸収合併消滅会員商品取引所の成立の日。第四号において同じ。）後に重要な財産の処分、重大な債務の負担その他の当該吸収合併消滅会員商品取引所の財産の状況に重要な影響

を与える事象が生じたときは、その内容（法第百四十四条の二第二項の会員総会の日の十日前の日後吸収合併の効力が生じた日までの間に新たな最終事業年度が存することとなる場合にあっては、当該新たな最終事業年度の末日後に生じた事象の内容に限る。）

(b) when an event that has a significant influence on the status of the property of the member commodity exchange dissolved in an absorption-type merger, such as the disposition of important property and the bearing of significant obligations has occurred after the last day of the final business year (when the final business year does not exist, the day of the establishment of the member commodity exchange dissolved in an absorption-type merger; the same applies in item (iv)), the content of the event (when a new final business year emerges during the period between 10 days before a general meeting of members referred to in Article 144-2, paragraph (2) of the Act and the day when the absorption-type merger becomes effective, limited to the content of an event that occurred after the last day of the new final business year);

三　吸収合併消滅会員商品取引所（清算会員商品取引所に限る。）が法第七十七条第一項において準用する会社法第四百九十二条第一項の規定により作成した貸借対照表

(iii) a balance sheet which the member commodity exchange dissolved in an absorption-type merger (limited to a liquidating member commodity exchange) has prepared pursuant to the provisions of Article 492, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 77, paragraph (1) of the Act;

四　吸収合併存続会員商品取引所において最終事業年度の末日（最終事業年度がない場合にあっては、吸収合併存続会員商品取引所の成立の日）後に重要な財産の処分、重大な債務の負担その他の当該吸収合併存続会員商品取引所の財産の状況に重要な影響を与える事象が生じたときは、その内容（法第百四十四条の二第二項の会員総会の日の十日前の日後吸収合併の効力が生じた日までの間に新たな最終事業年度が存することとなる場合にあっては、当該新たな最終事業年度の末日後に生じた事象の内容に限る。）

(iv) when an event that has a significant influence on the status of the property of the member commodity exchange surviving an absorption-type merger, such as the disposition of important property and the bearing of significant obligations has occurred after the last day of the final business year (when the final business year does not exist, the day of the establishment of the member commodity exchange surviving an absorption-type merger) at the member commodity exchange surviving an absorption-type merger, the content of the event (when a new final business year emerges during the period between 10 days before a general meeting of members referred to in Article 144-2, paragraph (2) of the Act and the day when the absorption-type

merger becomes effective, limited to the content of an event that occurred after the last day of the new final business year);

五　吸収合併が効力を生じた日以後における吸収合併存続会員商品取引所の債務（法第百四十四条の二第四項において準用する法第百二十四条第一項の規定により吸収合併について異議を述べることができる債権者に対して負担する債務に限る。）の履行の見込みに関する事項

(v) the information concerning prospects of the performance of obligations (limited to obligations which the member commodity exchange bears against the creditors that may state objections to the absorption-type merger pursuant to the provisions of Article 124, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 144-2, paragraph (4) of the Act) of the member commodity exchange surviving an absorption-type merger on and after the day when the absorption-type merger becomes effective;

六　法第百四十四条の二第二項の会員総会の日の十日前の日後吸収合併の効力が生じた日までの間に、前各号に掲げる事項に変更が生じたときは、変更後の当該事項

(vi) if there is any change to the information stated in the preceding items during the period between 10 days before a general meeting of members referred to in Article 144-2, paragraph (2) of the Act and the day when the absorption-type merger becomes effective, the changed information.

（吸収合併存続会員商品取引所の事後開示事項）

(Information to Be Disclosed After the Fact by Member Commodity Exchanges Surviving Absorption-Type Mergers)

第五十九条の三　法第百四十四条の二第五項の主務省令で定める事項は、次に掲げるものとする。

Article 59-3 The information specified by order of the competent ministry as referred to in Article 144-2, paragraph (5) of the Act is as follows:

一　吸収合併の効力が生じた日

(i) the day on which the absorption-type merger becomes effective;

二　吸収合併消滅会員商品取引所における次に掲げる事項

(ii) the following matters concerning the member commodity exchange dissolved in an absorption-type merger:

イ　法第百四十四条第五項の規定による請求に係る手続の経過

(a) the progress of the procedures related to the demand under the provisions of Article 144, paragraph (5) of the Act;

ロ　法第百四十四条第六項において準用する法第百二十四条の規定による手続の経過

(b) the progress of the procedures under the provisions of Article 124 of the Act as applied mutatis mutandis pursuant to Article 144, paragraph (6) of the Act;

三　吸収合併存続会員商品取引所における次に掲げる事項

(iii) the following matters concerning the member commodity exchange surviving an absorption-type merger:

イ　法第百四十四条の二第三項の規定による請求に係る手続の経過

(a) the progress of the procedures related to the demand under the provisions of Article 144-2, paragraph (3) of the Act;

ロ　法第百四十四条の二第四項において準用する法第百二十四条の規定による手続の経過

(b) the progress of the procedures under the provisions of Article 124 of the Act as applied mutatis mutandis pursuant to Article 144-2, paragraph (4) of the Act;

四　吸収合併により吸収合併存続会員商品取引所が吸収合併消滅会員商品取引所から承継した重要な権利義務に関する事項

(iv) the information concerning important rights and obligations which the member commodity exchange surviving an absorption-type merger succeeded to from the member commodity exchange dissolved in an absorption-type merger;

五　法第百四十四条第一項の規定により吸収合併消滅会員商品取引所が備え置いた書面又は電磁的記録に記載又は記録がされた事項（吸収合併契約の内容を除く。）

(v) the information stated or recorded in a document or an electronic or magnetic record which the member commodity exchange dissolved in an absorption-type merger has kept pursuant to the provisions of Article 144, paragraph (1) of the Act (excluding the content of the absorption-type merger contract);

六　法第百四十七条第一項の変更の登記をした日

(vi) the date of the registration of the change referred to in Article 147, paragraph (1) of the Act;

七　前各号に掲げるもののほか、吸収合併に関する重要な事項

(vii) beyond what is stated in the preceding items, important matters concerning the absorption-type merger.

（新設合併消滅会員商品取引所の事前開示事項）

(Information to Be Disclosed in Advance by Member Commodity Exchanges Dissolved in Consolidation-Type Mergers)

第五十九条の四　法第百四十四条の三第一項の主務省令で定める事項は、新設合併設立商品取引所が会員商品取引所である場合にあっては、次に掲げる事項とする。

Article 59-4 The information specified by order of the competent ministry referred to in Article 144-3, paragraph (1) of the Act is as follows when a member commodity exchange established by a consolidation-type merger is a member commodity exchange:

一　第五十七条各号に掲げる事項についての定めの相当性に関する事項

(i) the information concerning the appropriateness of the provisions on

information stated in the items of Article 57;

二　他の新設合併消滅会員商品取引所（清算会員商品取引所を除く。以下この号において同じ。）についての次に掲げる事項

(ii) the following information concerning another member commodity exchange dissolved in a consolidation-type merger (excluding liquidating member commodity exchanges; the same applies in this item):

イ　最終事業年度に係る財産目録、貸借対照表及び当該貸借対照表とともに作成された損益計算書の内容

(a) an inventory of property and a balance sheet for the final business year and the content of a profit and loss statement prepared together with the balance sheet;

ロ　他の新設合併消滅会員商品取引所において最終事業年度の末日（最終事業年度がない場合にあっては、他の新設合併消滅会員商品取引所の成立の日）後に重要な財産の処分、重大な債務の負担その他の当該他の新設合併消滅会員商品取引所の財産の状況に重要な影響を与える事象が生じたときは、その内容（法第百四十四条の三第四項の会員総会の日の十日前の日後新設合併設立会員商品取引所の成立の日までの間に新たな最終事業年度が存することとなる場合にあっては、当該新たな最終事業年度の末日後に生じた事業の内容に限る。）

(b) when an event that has a significant influence on the status of the property of another member commodity exchange dissolved in a consolidation-type merger, such as the disposition of important property and the bearing of significant obligations has occurred after the last day of the final business year (when the final business year does not exist, the day of the establishment of the other member commodity exchange dissolved in a consolidation-type merger) at the other member commodity exchange dissolved in a consolidation-type merger, the content of the event (when a new final business year emerges during the period between 10 days before a general meeting of members referred to in Article 144-3, paragraph (4) of the Act and the day of the establishment of the member commodity exchange established by a consolidation-type merger, limited to the content of an event that occurred after the last day of the new final business year);

三　他の新設合併消滅会員商品取引所（清算会員商品取引所に限る。）が法第七十七条第一項において準用する会社法第四百九十二条第一項の規定により作成した貸借対照表

(iii) a balance sheet which another member commodity exchange dissolved in a consolidation-type merger (limited to a liquidating member commodity exchange) has prepared pursuant to the provisions of Article 492, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 77, paragraph (1) of the Act;

四　当該新設合併消滅会員商品取引所（清算会員商品取引所を除く。以下この号にお

いて同じ。）において最終事業年度の末日（最終事業年度がない場合にあっては、当該新設合併消滅会員商品取引所の成立の日）後に重要な財産の処分、重大な債務の負担その他の当該新設合併消滅会員商品取引所の財産の状況に重要な影響を与える事象が生じたときは、その内容（法第百四十四条の三第四項の会員総会の日の十日前の日後新設合併設立会員商品取引所の成立の日までの間に新たな最終事業年度が存することとなる場合にあっては、当該新たな最終事業年度の末日後に生じた事象の内容に限る。）

(iv) when an event that has a significant influence on the status of the property of another member commodity exchange dissolved in a consolidation-type merger, such as the disposition of important property and the bearing of significant obligations has occurred after the last day of the final business year (when the final business year does not exist, the day of the establishment of the member commodity exchange dissolved in a consolidation-type merger) at the member commodity exchange dissolved in a consolidation-type merger (excluding liquidating member commodity exchanges; the same applies below in this item), the content of the event (in cases when a new final business year emerges during the period between 10 days before a general meeting of members referred to in Article 144-3, paragraph (4) of the Act and the day of the establishment of the member commodity exchange established by a consolidation-type merger, limited to the content of an event that occurred after the last day of the new final business year);

五　新設合併設立会員商品取引所の成立の日以後における当該新設合併設立会員商品取引所の債務（他の新設合併消滅会員商品取引所から承継する債務を除く。）の履行の見込みに関する事項

(v) the information concerning prospects of the performance of obligations (excluding obligations succeeded to from another member commodity exchange dissolved in a consolidation-type merger) of the member commodity exchange established by a consolidation-type merger on and after the day of the establishment of the member commodity exchange established by a consolidation-type merger;

六　法第百四十四条の三第四項の会員総会の日の十日前の日後、前各号に掲げる事項に変更が生じたときは、変更後の当該事項

(vi) if there is any change to the information stated in the preceding items after 10 days before a general meeting of members referred to in Article 144-3, paragraph (4) of the Act, the changed information.

（新設合併消滅会員商品取引所の事前開示事項）

(Information to be Disclosed in Advance by a Member Commodity Exchange Dissolved in a Consolidation-Type Merger

第五十九条の五　法第百四十四条の三第一項の主務省令で定める事項は、新設合併設立

商品取引所が株式会社商品取引所である場合にあっては、次に掲げる事項とする。

Article 59-5 The information specified by order of the competent ministry as referred to in Article 144-3, paragraph (1) of the Act is as follows when a member commodity exchange established by a consolidation-type merger is an incorporated commodity exchange:

一　法第百四十三条第一項第六号及び第七号に掲げる事項についての定めの相当性に関する事項

(i) the information concerning the appropriateness of the provisions on information stated in Article 143, paragraph (1), items (vi) and (vii) of the Act;

二　他の新設合併消滅商品取引所（清算株式会社及び清算会員商品取引所を除く。以下この号において同じ。）についての次に掲げる事項

(ii) the following information concerning another commodity exchange dissolved in a consolidation-type merger (excluding liquidating stock companies and liquidating member commodity exchanges; the same applies below in this item):

イ　最終事業年度に係る計算書類等又は財産目録、貸借対照表及び当該貸借対照表とともに作成された損益計算書（最終事業年度がない場合にあっては、他の新設合併消滅株式会社商品取引所の成立の日における貸借対照表）の内容

(a) financial statements, etc. or an inventory of property, and a balance sheet for the final business year, and the content of a profit and loss statement prepared together with the balance sheet (when the final business year does not exist, a balance sheet on the day of the establishment of another incorporated commodity exchange dissolved in a consolidation-type merger);

ロ　最終事業年度の末日（最終事業年度がない場合にあっては、他の新設合併消滅商品取引所の成立の日）後の日を臨時決算日（二以上の臨時決算日がある場合にあっては、最も遅いもの）とする臨時計算書類等があるときは、当該臨時計算書類等の内容

(b) when there are provisional financial statements, etc. that consider the day after the last day of the final business year (when the final business year does not exist, the day of the establishment of the other commodity exchange dissolved in a consolidation-type merger) as a provisional account closing day (when there are two or more provisional account closing days, the last one), the content of the provisional financial statements, etc.;

ハ　他の新設合併消滅商品取引所において最終事業年度の末日（最終事業年度がない場合にあっては、他の新設合併消滅商品取引所の成立の日）後に重要な財産の処分、重大な債務の負担その他の当該他の新設合併消滅商品取引所の財産の状況に重要な影響を与える事象が生じたときは、その内容（法第百四十四条の三第四項の会員総会の日の十日前の日後新設合併設立株式会社商品取引所の成立の日までの間に新たな最終事業年度が存することとなる場合にあっては、当該新たな最

終事業年度の末日後に生じた事業の内容に限る。）

(c) when an event that has a significant influence on the status of the property of another commodity exchange dissolved in a consolidation-type merger, such as the disposition of important property and the bearing of significant obligations has occurred after the last day of the final business year (when the final business year does not exist, the day of the establishment of the other commodity exchange dissolved in a consolidation-type merger) at the other commodity exchange dissolved in a consolidation-type merger, the content of the event (when a new final business year emerges during the period between 10 days before a general meeting of members referred to in Article 144-3, paragraph (4) of the Act and the day of the establishment of the incorporated commodity exchange established by a consolidation-type merger, limited to the content of an event that occurred after the last day of the new final business year);

三　他の新設合併消滅商品取引所（清算株式会社又は清算会員商品取引所に限る。）が会社法第四百九十二条第一項（法第七十七条第一項において準用する場合を含む。）の規定により作成した貸借対照表

(iii) a balance sheet which another commodity exchange dissolved in a consolidation-type merger (limited to a liquidating stock company or liquidating member commodity exchange) has prepared pursuant to the provisions of Article 492, paragraph (1) of the Companies Act (including as applied mutatis mutandis pursuant to Article 77, paragraph (1) of the Act);

四　当該新設合併消滅会員商品取引所（清算会員商品取引所を除く。以下この号において同じ。）において最終事業年度の末日（最終事業年度がない場合にあっては、当該新設合併消滅会員商品取引所の成立の日）後に重要な財産の処分、重大な債務の負担その他の当該新設合併消滅会員商品取引所の財産の状況に重要な影響を与える事象が生じたときは、その内容（法第百四十四条の三第四項の会員総会の日の十日前の日後新設合併設立株式会社商品取引所の成立の日までの間に新たな最終事業年度が存することとなる場合にあっては、当該新たな最終事業年度の末日後に生じた事業の内容に限る。）

(iv) when an event that has a significant influence on the status of the property of the member commodity exchange dissolved in a consolidation-type merger, such as the disposition of important property and the bearing of significant obligations has occurred after the last day of the final business year (when the final business year does not exist, the day of the establishment of the member commodity exchange dissolved in a consolidation-type merger) at the member commodity exchange dissolved in a consolidation-type merger (excluding liquidating member commodity exchanges; the same applies below in this item), the content of the event when a new final business year emerges during the period between 10 days before a general meeting of members referred to in Article 144-3, paragraph (4) of the Act and the day of

the establishment of the incorporated commodity exchange established by a consolidation-type merger, limited to the content of an event that occurred after the last day of the new final business year);

五　新設合併設立株式会社商品取引所の成立の日以後における当該新設合併設立株式会社商品取引所の債務（他の新設合併消滅商品取引所から承継する債務を除く。）の履行の見込みに関する事項

(v) the information concerning prospects of the performance of obligations (excluding obligations succeeded to from another commodity exchange dissolved in a consolidation-type merger) of the incorporated commodity exchange established by a consolidation-type merger on and after the day of the establishment of the incorporated commodity exchange established by a consolidation-type merger; and

六　法第百四十四条の三第四項の会員総会の日の十日前の日後、前各号に掲げる事項に変更が生じたときは、変更後の当該事項

(vi) if there is any change to the information stated in the preceding items after 10 days before a general meeting of members referred to in Article 144-3, paragraph (4) of the Act, the changed information.

（新設合併設立会員商品取引所の事後開示事項）

(Information to Be Disclosed After the Fact by Member Commodity Exchanges Established by Consolidation-Type Mergers)

第五十九条の六　法第百四十四条の四第三項の主務省令で定める事項は、次に掲げるものとする。

Article 59-6 The information specified by order of the competent ministry as referred to in Article 144-4, paragraph (3) of the Act is as follows:

一　新設合併の効力が生じた日

(i) the day on which the consolidation-type merger becomes effective;

二　法第百四十四条の三第五項の規定による請求に係る手続の経過

(ii) the progress of the procedures concerning the demand under the provisions of Article 144-3, paragraph (5) of the Act;

三　法第百四十四条の三第六項において準用する法第百二十四条の規定による手続の経過

(iii) the progress of the procedures under the provisions of Article 124 of the Act as applied mutatis mutandis pursuant to Article 144-3, paragraph (6) of the Act;

四　新設合併により新設合併設立会員商品取引所が新設合併消滅会員商品取引所から承継した重要な権利義務に関する事項

(iv) the information concerning important rights and obligations which the member commodity exchange established by a consolidation-type merger succeeded to from the member commodity exchange dissolved in a consolidation-type merger through a consolidation-type merger; and

五　前各号に掲げるもののほか、新設合併に関する重要な事項

(v) beyond what is stated in the preceding items, important information concerning the consolidation-type merger.

（新設合併設立会員商品取引所の事後開示事項）

(Information to Be Disclosed After the Fact by Member Commodity Exchanges Established by Consolidation-Type Mergers)

第五十九条の七　法第百四十四条の四第四項に規定する主務省令で定める事項は、法第百四十四条の三第一項の規定により新設合併消滅会員商品取引所が備え置いた書面又は電磁的記録に記載又は記録がされた事項（新設合併契約の内容を除く。）とする。

Article 59-7 The information specified by order of the competent ministry as prescribed in Article 144-4, paragraph (4) of the Act is the information stated or recorded in a document or an electronic or magnetic record which the member commodity exchange dissolved in a consolidation-type merger has kept pursuant to the provisions of Article 144-3, paragraph (1) of the Act (excluding the content of the consolidation-type merger contract).

（吸収合併存続株式会社商品取引所の事前開示事項）

(Information to be Disclosed in Advance by Member Commodity Exchanges Surviving Absorption-Type Mergers)

第五十九条の八　法第百四十四条の五第一項の主務省令で定める事項は、次に掲げるものとする。

Article 59-8 The information specified by order of the competent ministry as referred to in Article 144-5, paragraph (1) of the Act is as follows:

一　法第百四十二条第二号及び第三号に掲げる事項についての定め（当該定めがない場合にあっては、当該定めがないこと）の相当性に関する事項

(i) the information concerning the appropriateness of the provisions on information stated in Article 142, items (ii) and (iii) of the Act (when there are no such provisions, that fact);

二　吸収合併消滅会員商品取引所（清算会員商品取引所を除く。）についての次に掲げる事項

(ii) the following information concerning a member commodity exchange dissolved in an absorption-type merger (excluding liquidating member commodity exchanges):

イ　最終事業年度に係る財産目録、貸借対照表及び当該貸借対照表とともに作成された損益計算書の内容

(a) an inventory of property and a balance sheet for the final business year and the content of a profit and loss statement prepared together with the balance sheet;

ロ　最終事業年度の末日（最終事業年度がない場合にあっては、吸収合併消滅会員商品取引所の成立の日。第四号において同じ。）後に重要な財産の処分、重大な

債務の負担その他の当該吸収合併消滅会員商品取引所の財産の状況に重要な影響を与える事象が生じたときは、その内容（法第百四十四条の五第一項各号に掲げる日のいずれか早い日後吸収合併の効力が生じた日までの間に新たな最終事業年度が存することとなる場合にあっては、当該新たな最終事業年度の末日後に生じた事象の内容に限る。）

(b) when an event that has a significant influence on the status of the property of the member commodity exchange dissolved in an absorption-type merger, such as the disposition of important property and the bearing of significant obligations has occurred after the last day of the final business year (when the final business year does not exist, the day of the establishment of the member commodity exchange dissolved in an absorption-type merger; the same applies in item (iv)), the content of the event (when a new final business year emerges during the period between the earliest day among the days stated in the items of Article 144-5, paragraph (1) of the Act and the day when the absorption-type merger becomes effective, limited to the content of an event that occurred after the last day of the new final business year);

三　吸収合併消滅会員商品取引所（清算会員商品取引所に限る。）が法第七十七条第一項において準用する会社法第四百九十二条第一項の規定により作成した貸借対照表

(iii) a balance sheet which the member commodity exchange dissolved in an absorption-type merger (limited to a liquidating member commodity exchange) has prepared pursuant to the provisions of Article 492, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 77, paragraph (1) of the Act;

四　吸収合併存続株式会社商品取引所において次に掲げる事項

(iv) the following information concerning a member commodity exchange surviving an absorption-type merger:

イ　最終事業年度の末日（最終事業年度がない場合にあっては、吸収合併存続株式会社商品取引所の成立の日）後に重要な財産の処分、重大な債務の負担その他の当該吸収合併存続株式会社商品取引所の財産の状況に重要な影響を与える事象が生じたときは、その内容（法第百四十四条の五第一項各号に掲げる日のいずれか早い日後吸収合併の効力が生じた日までの間に新たな最終事業年度が存することとなる場合にあっては、当該新たな最終事業年度の末日後に生じた事象の内容に限る。）

(a) when an event that has a significant influence on the status of the property of the incorporated commodity exchange surviving an absorption-type merger, such as the disposition of important property and the bearing of significant obligations has occurred after the last day of the final business year (when the final business year does not exist, the day of the establishment of the incorporated commodity exchange surviving an

absorption-type merger), the content of the event (when a new final business year emerges during the period between the earliest day among the days stated in the items of Article 144-5, paragraph (1) of the Act and the day when the absorption-type merger becomes effective, limited to the content of an event that occurred after the last day of the new final business year);

ロ　吸収合併存続株式会社商品取引所において最終事業年度がないときは、吸収合併存続株式会社商品取引所の成立の日における貸借対照表

(b) when the final business year does not exist for the incorporated commodity exchange surviving an absorption-type merger, a balance sheet as of the day of the establishment of the incorporated commodity exchange surviving an absorption-type merger;

五　吸収合併の効力が生ずる日以後における吸収合併存続株式会社商品取引所の債務（法第百四十四条の十一第一項の規定により吸収合併について異議を述べることができる債権者に対して負担する債務に限る。）の履行の見込みに関する事項

(v) the information concerning prospects of the performance of obligations (limited to obligations which the incorporated commodity exchange bears against the creditors that may state objections to the absorption-type merger pursuant to the provisions of Article 144-10, paragraph (1) of the Act) of the incorporated commodity exchange surviving an absorption-type merger on or after the day when the absorption-type merger comes into effect;

六　法第百四十四条の五第一項各号に掲げる日のいずれか早い日後吸収合併の効力が生じた日までの間に、前各号に掲げる事項に変更が生じたときは、変更後の当該事項

(vi) if there is any change to the information stated in the preceding items during the period between the earliest day among the days stated in the items of Article 144-5, paragraph (1) of the Act and the day when the absorption-type merger becomes effective, the changed information.

（資産の額等）

(Amount of Assets)

第五十九条の九　法第百四十四条の六第二項第一号に規定する債務の額として主務省令で定める額は、第一号に掲げる額から第二号に掲げる額を減じて得た額とする。

Article 59-9 (1) The amount specified by order of the competent ministry as the amount of the obligations prescribed in Article 144-6, paragraph (2), item (i) of the Act is the amount obtained by subtracting the amount stated in item (ii) from the amount stated in item (i):

一　吸収合併の直後に吸収合併存続株式会社商品取引所の貸借対照表の作成があったものとする場合における当該貸借対照表の負債の部に計上すべき額

(i) when the balance sheet of an incorporated commodity exchange surviving an absorption-type merger was considered to have been prepared immediately

after the absorption-type merger, the amount required to be recorded in the liabilities section of the balance sheet;

二　吸収合併の直前に吸収合併存続株式会社商品取引所の貸借対照表の作成があったものとする場合における当該貸借対照表の負債の部に計上すべき額

(ii) in cases when the balance sheet of an incorporated commodity exchange surviving an absorption-type merger was considered to have been prepared immediately before the absorption-type merger, the amount required to be recorded in the liabilities section of the balance sheet.

2　法第百四十四条の六第二項第一号に規定する資産の額として主務省令で定める額は、第一号に掲げる額から第二号に掲げる額を減じて得た額とする。

(2) The amount specified by order of the competent ministry as the amount of the assets prescribed in Article 144-6, paragraph (2), item (i) of the Act is the amount obtained by subtracting the amount stated in item (ii) from the amount stated in item (i):

一　吸収合併の直後に吸収合併存続株式会社商品取引所の貸借対照表の作成があったものとする場合における当該貸借対照表の資産の部に計上すべき額

(i) in cases when the balance sheet of an incorporated commodity exchange surviving an absorption-type merger was considered to have been prepared immediately after the absorption-type merger, the amount required to be recorded in the assets section of the balance sheet;

二　吸収合併の直前に吸収合併存続株式会社商品取引所の貸借対照表の作成があったものとする場合における当該貸借対照表の資産の部に計上すべき額から法第百四十四条の六第二項第二号の金銭の額を減じて得た額

(ii) in cases when the balance sheet of an incorporated commodity exchange surviving an absorption-type merger was considered to have been prepared immediately before the absorption-type merger, the amount obtained by subtracting the amount of the money stated in Article 144-6, paragraph (2), item (ii) of the Act from the amount required to be recorded in the assets section of the balance sheet.

（純資産の額）

(Amount of Net Assets)

第五十九条の十　法第百四十四条の七第一項第二号に規定する主務省令で定める方法は、算定基準日（吸収合併契約を締結した日（当該吸収合併契約により当該吸収合併契約を締結した日と異なる時（当該吸収合併契約を締結した日後から吸収合併の効力が生ずる時までの間の時に限る。）を定めた場合にあっては、当該時）をいう。以下この条において同じ。）における第一号から第六号までに掲げる額の合計額から第七号に掲げる額を減じて得た額（当該額が五百万円を下回る場合にあっては、五百万円）をもって吸収合併存続株式会社商品取引所の純資産額とする方法とする。

Article 59-10　The means specified by order of the competent ministry as prescribed in Article 144-7, paragraph (1), item (ii) of the Act are the means in

which the amount of the net assets of an incorporated commodity exchange surviving an absorption-type merger is considered to be the amount obtained by subtracting the amount stated in item (vii) from the sum of the amounts stated in items (i) through (vi) on the calculation base date (meaning the day an absorption-type merger contract was entered into (when the calculation base date which is different from the day the absorption-type merger contract was entered into is specified (limited to the time between the day the absorption-type merger contract was entered into and the day when the absorption-type merger came into effect) by the contract, that date)) (when the obtained amount is less than five million yen, the amount is to be five million yen):

一　資本金の額

(i) the amount of capital;

二　資本準備金の額

(ii) the amount of capital reserve;

三　利益準備金の額

(iii) the amount of profit reserve;

四　会社法第四百四十六条に規定する剰余金の額

(iv) the amount of surplus prescribed in Article 446 of the Companies Act;

五　最終事業年度の末日（最終事業年度がない場合にあっては、吸収合併存続株式会社商品取引所の成立の日）における評価・換算差額等に係る額

(v) the amount related to valuation or translation difference on the last day of the final business year (when the final business year does not exist, the day of the establishment of the incorporated commodity exchange surviving an absorption-type merger);

六　新株予約権の帳簿価額

(vi) the book value of share options; and

七　自己株式及び自己新株予約権の帳簿価額の合計額

(vii) the sum of the book value of a person's own shares and their own share options.

（株式の数）

(Number of Shares)

第五十九条の十一　法第百四十四条の七第二項に規定する主務省令で定める数は、次に掲げる数のうちいずれか小さい数とする。

Article 59-11 The number specified by order of the competent ministry as prescribed in Article 144-7, paragraph (2) of the Act is the smallest number among the following numbers:

一　特定株式（法第百四十四条の七第二項に規定する行為に係る株主総会において議決権を行使することができることを内容とする株式をいう。以下この条において同じ。）の総数に二分の一（当該株主総会の決議が成立するための要件として当該特

定株式の議決権の総数の一定の割合以上の議決権を有する株主が出席しなければならない旨の定款の定めがある場合にあっては、当該一定の割合）を乗じて得た数に三分の一（当該株主総会の決議が成立するための要件として当該株主総会に出席した当該特定株主（特定株式の株主をいう。以下この条において同じ。）の有する議決権の総数の一定の割合以上の多数が賛成しなければならない旨の定款の定めがある場合にあっては、一から当該一定の割合を減じて得た割合）を乗じて得た数に一を加えた数

(i) the number adding one to the number obtained by multiplying 1/3 (when the articles of incorporation specify, as a requirement for adopting a resolution of a shareholders meeting that a majority of at least a certain rate of the total voting rights held by specified shareholders (meaning shareholders of specified shares (meaning shares for which a voting right may be exercised at a shareholders meeting related to the acts prescribed in Article 144-7, paragraph (2) of the Act; the same applies below in this Article); the same applies below in this Article) who attend the shareholders meeting must agree to the resolution, the rate obtained by subtracting the certain rate from one) by the number obtained by multiplying 1/2 (when the articles of incorporation specify, as a requirement for adopting a resolution of the shareholders meeting, that shareholders that hold more than a certain rate of the total voting rights must attend the shareholders meeting, that certain rate) by the total number of specified shares;

二　法第百四十四条の七第二項に規定する行為に係る決議が成立するための要件として一定の数以上の特定株主の賛成を要する旨の定款の定めがある場合において、特定株主の総数から吸収合併存続株式会社商品取引所に対して当該行為に反対する旨の通知をした特定株主の数を減じて得た数が当該一定の数未満となるときにおける当該行為に反対する旨の通知をした特定株主の有する特定株式の数

(ii) when the articles of incorporation specify, as a requirement for adopting a resolution related to the acts prescribed in Article 144-7, paragraph (2) of the Act, that more than a certain number of specified shareholders must agree to the resolution, and when the number obtained by subtracting the number of specified shareholders that have notified an incorporated commodity exchange surviving an absorption-type merger that they will disagree with the act from the total number of specified shareholders is less than the certain number, the number of specified shares held by the specified shareholders that have notified that they will disagree with the act;

三　法第百四十四条の七第二項に規定する行為に係る決議が成立するための要件として前二号の定款の定め以外の定款の定めがある場合において、当該行為に反対する旨の通知をした特定株主の全部が同項に規定する株主総会において反対したとすれば当該決議が成立しないときは、当該行為に反対する旨の通知をした特定株主の有する特定株式の数

(iii) when the articles of incorporation have provisions other than those stated

in the preceding two items as a requirement for adopting a resolution related to the acts prescribed in Article 144-7, paragraph (2) of the Act, and the resolution will not be adopted if all the specified shareholders that have notified that they will disagree with the act disagree with the act at a shareholders meeting prescribed in that paragraph, the number of specified shares held by specified shareholders that have notified that they will disagree with the act; or

四　定款で定めた数

(iv) the number specified by the articles of incorporation.

（計算書類に関する事項）

(Information Concerning Accounting Documents)

第五十九条の十二　法第百四十四条の十一第二項第三号に規定する主務省令で定めるものは、同項の規定による公告の日又は同項の規定による催告の日のいずれか早い日における次の各号に定める場合の区分に応じ、当該各号に定めるものとする。

Article 59-12 The information specified by order of the competent ministry as prescribed in Article 144-11, paragraph (2), item (iii) of the Act is the information specified in the following items in accordance with the category of cases stated in each item, on the day of the public notice stated in that paragraph or the day of the notice stated in that paragraph, whichever is earlier:

一　最終事業年度に係る貸借対照表又はその要旨につき吸収合併存続株式会社商品取引所が会社法第四百四十条第一項又は第二項の規定により公告をしている場合　次に掲げるもの

(i) when an incorporated commodity exchange surviving an absorption-type merger has given public notice with regard to a balance sheet for the final business year or its outline pursuant to the provisions of Article 440, paragraph (1) or (2) of the Companies Act: the following information:

イ　官報で公告をしているときは、当該官報の日付及び当該公告が掲載されている頁

(a) when the public notice has been given in an Official Gazette, the date of the issuance of the Official Gazette and the page containing the public notice;

ロ　時事に関する事項を掲載する日刊新聞紙で公告をしているときは、当該日刊新聞紙の名称、日付及び当該公告が掲載されている頁

(b) when the public notice has been given in a daily newspaper which publishes matters on current events, the name and the date of the issuance of the daily newspaper and the page containing the public notice; and

ハ　電子公告により公告をしているときは、会社法第九百十一条第三項第二十八号イに掲げる事項

(c) when the public notice has been given by electronic public notice, the

information stated in Article 911, paragraph (3), item (xxviii), (a) of the Companies Act;

二　最終事業年度に係る貸借対照表につき吸収合併存続株式会社商品取引所が会社法第四百四十条第三項に規定する措置を執っている場合　会社法第九百十一条第三項第二十六号に掲げる事項

(ii) when an incorporated commodity exchange surviving an absorption-type merger has taken measures prescribed in Article 440, paragraph (3) of the Companies Act with regard to a balance sheet for the final business year: information stated in Article 911, paragraph (3), item (xxvi) of the Companies Act;

三　吸収合併存続株式会社商品取引所が会社法第四百四十条第四項に規定する株式会社である場合において、当該株式会社が金融商品取引法第二十四条第一項の規定により最終事業年度に係る有価証券報告書を提出しているとき　その旨

(iii) when an incorporated commodity exchange surviving an absorption-type merger is a stock company prescribed in Article 440, paragraph (4) of the Companies Act, and the stock company has submitted an annual securities report for the final business year pursuant to the provisions of Article 24, paragraph (1) of the Financial Instruments and Exchange Act: a statement to that effect;

四　吸収合併存続株式会社商品取引所につき最終事業年度がない場合　その旨

(iv) when the final business year does not exist for an incorporated commodity exchange surviving an absorption-type merger: a statement to that effect;

五　吸収合併存続株式会社商品取引所が清算株式会社である場合　その旨

(v) when an incorporated commodity exchange surviving an absorption-type merger is a liquidating stock company: a statement to that effect; or

六　前各号に掲げる場合以外の場合　会社計算規則第六編第二章の規定による最終事業年度に係る貸借対照表の要旨の内容

(vi) when other than those stated in the preceding items: the content of the outline of the balance sheet for the final business year under the provisions of Part VI, Chapter II of the Regulations on Corporate Accounting.

（吸収合併存続株式会社商品取引所の事後開示事項）

(Information to Be Disclosed After the Fact by Incorporated Commodity Exchanges Surviving Absorption-Type Mergers)

第五十九条の十三　法第百四十四条の十二第一項に規定する主務省令で定める事項は、次に掲げる事項とする。

Article 59-13 The information specified by order of the competent ministry as prescribed in Article 144-12, paragraph (1) of the Act is as follows:

一　吸収合併の効力が生じた日

(i) the day on which the absorption-type merger becomes effective;

二　吸収合併消滅会員商品取引所における次に掲げる事項

(ii) the following information for the member commodity exchange dissolved in an absorption-type merger:

イ　法第百四十四条第五項の規定による請求に係る手続の経過

(a) the progress of the procedures related to the demand under the provisions of Article 144, paragraph (5) of the Act;

ロ　法第百四十四条第六項において準用する法第百二十四条の規定による手続の経過

(b) the progress of the procedures under the provisions of Article 124 of the Act as applied mutatis mutandis pursuant to Article 144, paragraph (6) of the Act;

三　吸収合併存続株式会社商品取引所における次に掲げる事項

(iii) the following information for the incorporated commodity exchange surviving an absorption-type merger:

イ　法第百四十四条の九の規定による請求に係る手続の経過

(a) the progress of the procedures related to the demand under the provisions of Article 144-9 of the Act;

ロ　法第百四十四条の十（同条第三項については、会社法第七百九十七条第五項から第九項までを準用する部分に限る。）及び第百四十四条の十一第一項から第五項までの規定による手続の経過

(b) the progress of the procedures under the provisions of Article 144-10 of the Act (with regard to paragraph (3) of that Article, limited to the part to which Article 797, paragraphs (5) through (9) of the Companies Act are applied mutatis mutandis) and Article 144-11, paragraphs (1) through (5) of the Act;

四　吸収合併により吸収合併存続株式会社商品取引所が吸収合併消滅会員商品取引所から承継した重要な権利義務に関する事項

(iv) information concerning important rights and obligations which the incorporated commodity exchange surviving an absorption-type merger succeeded to from the member commodity exchange dissolved in an absorption-type merger through an absorption-type merger;

五　法第百四十四条第一項の規定により吸収合併消滅会員商品取引所が備え置いた書面又は電磁的記録に記載又は記録がされた事項（吸収合併契約の内容を除く。）

(v) information stated or recorded in a document or an electronic or magnetic record which the member commodity exchange dissolved in an absorption-type merger has kept pursuant to the provisions of Article 144, paragraph (1) of the Act (excluding the content of the absorption-type merger contract);

六　法第百四十七条第二項の変更の登記をした日

(vi) the date of the registration of the change referred to in Article 147, paragraph (2) of the Act; and

七　前各号に掲げるもののほか、吸収合併に関する重要な事項

(vii) beyond what is stated in the preceding items, important information

concerning the absorption-type merger.

（新設合併消滅株式会社商品取引所の事前開示事項）

(Information to be Disclosed in Advance by an Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger)

第五十九条の十四　法第百四十四条の十三第一項の主務省令で定める事項は、次に掲げる事項とする。

Article 59-14 The information specified by order of the competent ministry as referred to in Article 144-13, paragraph (1) of the Act is as follows:

一　法第百四十三条第一項第六号及び第七号に掲げる事項についての定めの相当性に関する事項

(i) the information concerning the appropriateness of the provisions on information stated in Article 143, paragraph (1), items (vi) and (vii);

二　新設合併消滅株式会社商品取引所の全部又は一部が新株予約権を発行しているときは、法第百四十三条第一項第八号及び第九号に掲げる事項についての定めの相当性に関する事項

(ii) when all or some of the incorporated commodity exchanges dissolved in a consolidation-type merger issue share options, information concerning the appropriateness of the provisions on information stated in Article 143, paragraph (1), items (viii) and (ix) of the Act;

三　他の新設合併消滅商品取引所（清算株式会社及び清算会員商品取引所を除く。以下この号において同じ。）についての次に掲げる事項

(iii) the following information concerning another commodity exchange dissolved in a consolidation-type merger (excluding liquidating stock companies and liquidating member commodity exchanges; the same applies below in this item):

イ　最終事業年度に係る計算書類等又は財産目録、貸借対照表及び当該貸借対照表とともに作成された損益計算書（最終事業年度がない場合にあっては、他の新設合併消滅株式会社商品取引所の成立の日における貸借対照表）の内容

(a) financial statements, etc. or an inventory of property, and a balance sheet for the final business year, and the content of a profit and loss statement prepared together with the balance sheet (when the final business year does not exist, a balance sheet on the day of the establishment of the other incorporated commodity exchange dissolved in a consolidation-type merger);

ロ　最終事業年度の末日（最終事業年度がない場合にあっては、他の新設合併消滅株式会社商品取引所の成立の日）後の日を臨時決算日（二以上の臨時決算日がある場合にあっては、最も遅いもの）とする臨時計算書類等があるときは、当該臨時計算書類等の内容

(b) when there are provisional financial statements, etc. that consider the day after the last day of the final business year when the final business

year does not exist, the day of the establishment of the other incorporated commodity exchange dissolved in a consolidation-type merger) as the provisional account closing day (when there are two or more provisional account closing days, the last one), the content of the provisional financial statements, etc.;

ハ　他の新設合併消滅商品取引所において最終事業年度の末日（最終事業年度がない場合にあっては、他の新設合併消滅商品取引所の成立の日）後に重要な財産の処分、重大な債務の負担その他の当該他の新設合併消滅商品取引所の財産の状況に重要な影響を与える事象が生じたときは、その内容（法第百四十四条の十三第一項各号に掲げる日のいずれか早い日後新設合併設立株式会社商品取引所の成立の日までの間に新たな最終事業年度が存することとなる場合にあっては、当該新たな最終事業年度の末日後に生じた事業の内容に限る。）

(c) when an event that has a significant influence on the status of the property of another commodity exchange dissolved in a consolidation-type merger, such as the disposition of important property and the bearing of significant obligations has occurred after the last day of the final business year (when the final business year does not exist, the day of the establishment of the other commodity exchange dissolved in a consolidation-type merger) of the other commodity exchange dissolved in a consolidation-type merger, the content of the event (when a new final business year emerges during the period between the earliest day among the days stated in the items of Article 144-13, paragraph (1) of the Act and the day of the establishment of the incorporated commodity exchange established by a consolidation-type merger, limited to the content of an event that occurred after the last day of the new final business year);

四　他の新設合併消滅商品取引所（清算株式会社又は清算会員商品取引所に限る。）が会社法第四百九十二条第一項（法第七十七条第一項において準用する場合を含む。）の規定により作成した貸借対照表

(iv) a balance sheet which another commodity exchange dissolved in a consolidation-type merger (limited to a liquidating stock company or liquidating member commodity exchange) has prepared pursuant to the provisions of Article 492, paragraph (1) of the Companies Act (including as applied mutatis mutandis pursuant to Article 77, paragraph (1) of the Act);

五　当該新設合併消滅株式会社商品取引所（清算株式会社を除く。以下この号において同じ。）についての次に掲げる事項

(v) the following information concerning the incorporated commodity exchange dissolved in a consolidation-type merger (excluding liquidating stock companies; the same applies below in this item):

イ　当該新設合併消滅株式会社商品取引所において最終事業年度の末日（最終事業年度がない場合にあっては、当該新設合併消滅株式会社商品取引所の成立の日）後に重要な財産の処分、重大な債務の負担その他の当該新設合併消滅株式会社商

品取引所の財産の状況に重要な影響を与える事象が生じたときは、その内容（法第百四十四条の十三第一項各号に掲げる日のいずれか早い日後新設合併設立株式会社商品取引所の成立の日までの間に新たな最終事業年度が存することとなる場合にあっては、当該新たな最終事業年度の末日後に生じた事象の内容に限る。）

(a) when an event that has a significant influence on the status of the property of the incorporated commodity exchange dissolved in a consolidation-type merger, such as the disposition of important property and the bearing of significant obligations has occurred after the last day of the final business year (when the final business year does not exist, the day of the establishment of the incorporated commodity exchange dissolved in a consolidation-type merger) of the incorporated commodity exchange dissolved in a consolidation-type merger, the content of the event (when a new final business year emerges during the period between the earliest day among the days stated in the items of Article 144-13, paragraph (1) of the Act and the day of the establishment of the incorporated commodity exchange established by a consolidation-type merger, limited to the content of an event that occurred after the last day of the new final business year); and

ロ　当該新設合併消滅株式会社商品取引所において最終事業年度がないときは、当該新設合併消滅株式会社商品取引所の成立の日における貸借対照表

(b) when the final business year does not exist for the incorporated commodity exchange dissolved in a consolidation-type merger, the balance sheet on the day of the establishment of the incorporated commodity exchange dissolved in a consolidation-type merger;

六　新設合併設立株式会社商品取引所の成立の日以後における当該新設合併設立株式会社商品取引所の債務（他の新設合併消滅商品取引所から承継する債務を除く。）の履行の見込みに関する事項

(vi) the information concerning prospects of the performance of obligations (excluding obligations succeeded to from another commodity exchange dissolved in a consolidation-type merger) of the incorporated commodity exchange established by a consolidation-type merger on and after the day of the establishment of the incorporated commodity exchange established by a consolidation-type merger; and

七　法第百四十四条の十三第一項各号に掲げる日のいずれか早い日後、前各号に掲げる事項に変更が生じたときは、変更後の当該事項

(vii) if there is any change to the information stated in the preceding items after the earliest day among the days stated in the items of Article 144-13, paragraph (1) of the Act, the changed information.

（新設合併設立株式会社商品取引所の事後開示事項）

(Information to be Disclosed after the Fact by an Incorporated Commodity

Exchange Established by a Consolidation-Type Merger)

第五十九条の十五　法第百四十四条の二十一第一項の主務省令で定める事項は、次に掲げるものとする。

Article 59-15 The information specified by order of the competent ministry as referred to in Article 144-21, paragraph (1) of the Act is as follows:

一　新設合併の効力が生じた日

(i) the day on which the consolidation-type merger becomes effective;

二　新設合併消滅会員商品取引所における次に掲げる事項

(ii) the following information for the member commodity exchange dissolved in a consolidation-type merger:

イ　法第百四十四条の三第五項の規定による請求に係る手続の経過

(a) the progress of the procedures related to the demand under the provisions of Article 144-3, paragraph (5) of the Act; and

ロ　法第百四十四条の三第六項において準用する法第百二十四条の規定による手続の経過

(b) the progress of the procedures under the provisions of Article 124 of the Act as applied mutatis mutandis pursuant to Article 144-3, paragraph (6) of the Act;

三　新設合併消滅株式会社商品取引所における次に掲げる事項

(iii) the following information concerning the incorporated commodity exchange dissolved in a consolidation-type merger:

イ　法第百四十四条の十六の規定による請求に係る手続の経過

(a) the progress of the procedures related to the demand under the provisions of Article 144-16 of the Act; and

ロ　法第百四十四条の十七第一項及び第二項（会社法第八百六条第五項から第九項までを準用する部分に限る。）並びに第百四十四条の十八第一項及び第二項（会社法第八百八条第五項から第十項までを準用する部分に限る。）並びに法第百四十四条の十九において準用する法第百四十四条の十一第一項から第五項までの規定による手続の経過

(b) the progress of the procedures under the provisions of Article 144-17, paragraphs (1) and (2) of the Act (limited to the part to which Article 806, paragraphs (5) through (9) of the Companies Act are applied mutatis mutandis), Article 144-18, paragraphs (1) and (2) of the Act (limited to the part to which Article 808, paragraphs (5) through (10) of the Companies Act are applied mutatis mutandis), and Article 144-11, paragraphs (1) through (5) of the Act as applied mutatis mutandis pursuant to Article 144-19 of the Act;

四　新設合併により新設合併設立株式会社商品取引所が新設合併消滅商品取引所から承継した重要な権利義務に関する事項

(iv) the information concerning important rights and obligations which the incorporated commodity exchange established by a consolidation-type merger

succeeded to from the commodity exchange dissolved in a consolidation-type merger through a consolidation-type merger; and

五　前各号に掲げるもののほか、新設合併に関する重要な事項

(v) beyond what is stated in the preceding items, important information concerning a consolidation-type merger.

（新設合併設立株式会社商品取引所の事後開示事項）

(Information to Be Disclosed After the Fact by Incorporated Commodity Exchanges Established by Consolidation-Type Mergers)

第五十九条の十六　法第百四十四条の二十一第二項に規定する主務省令で定める事項は、法第百四十四条の三第一項及び法第百四十四条の十三第一項により新設合併消滅商品取引所が備え置いた書面又は電磁的記録に記載又は記録がされた事項（新設合併契約の内容を除く。）とする。

Article 59-16　The information specified by order of the competent ministry as prescribed in Article 144-21, paragraph (2) of the Act is the information stated or recorded in a document or an electronic or magnetic record which the commodity exchange dissolved in a consolidation-type merger has kept pursuant to the provisions of Article 144-3, paragraph (1) and Article 144-13, paragraph (1) of the Act (excluding the content of the consolidation-type merger contract).

（合併認可の申請書の添付書類）

(Documents Attached to Written Applications for Authorization of Mergers)

第六十条　法第百四十五条第三項の主務省令で定める書面は、次に掲げる書面（官公署が証明する書面の場合には、認可の申請の日前三月以内に作成されたものに限る。）とする。

Article 60　The documents specified by order of the competent ministry as referred to in Article 145, paragraph (3) of the Act are the following documents (in cases of documents certified by a public agency, limited to documents prepared within three months before the date of filing the application for authorization):

一　合併の理由を記載した書面

(i) a document stating the reasons for the merger;

二　次に掲げる場合に応じ、それぞれ次に定める書面

(ii) a document specified as follows in accordance with the cases stated in each sub-item:

イ　合併後存続する商品取引所又は合併により設立される商品取引所の役員が外国人である場合　当該役員の住民票の写し等、履歴書及びその者が法第十五条第二項第一号イからルまでのいずれにも該当しないことを誓約する書面

(a) when an officer of a commodity exchange surviving a merger or a commodity exchange established by a merger is a foreign national: a copy

of the residence certificate, etc. and curriculum vitae of the officer, and a document pledging that the person does not fall under any of the provisions of Article 15, paragraph (2), item (i), sub-items (a) through (k) of the Act;

ロ　合併後存続する商品取引所又は合併により設立される商品取引所の役員が法人である場合　当該役員の登記事項証明書、沿革を記載した書面及び法第十五条第二項第一号ヲに該当しないことを誓約する書面

(b) when an officer of a commodity exchange surviving a merger or a commodity exchange established by a merger is a corporation: a certificate of the registered information of the officer, a document stating the history of the corporation, and a document pledging that the officer does not fall under the provisions of Article 15, paragraph (2), item (i), (l) of the Act;

ハ　合併後存続する商品取引所又は合併により設立される商品取引所の役員が外国人又は法人でない場合　当該役員の住民票の写し等、履歴書、その者が法第十五条第二項第一号ロに該当しない旨の官公署の証明書並びにその者が同号イ及びハからルまでのいずれにも該当しないことを誓約する書面

(c) when an officer of a commodity exchange surviving a merger or a commodity exchange established by a merger is neither a foreign national nor a corporation: a copy of the residence certificate, etc. and curriculum vitae of the officer, a certification issued by a public agency proving that the person does not fall under the provisions of Article 15, paragraph (2), item (i), (b) of the Act, and a document pledging that the person does not fall under any of the provisions of sub-item (a) or sub-items (c) through (k) of that item;

三　会員等の氏名又は商号若しくは名称及び主たる事務所又は本店の所在地を記載した書面、その者が法第三十一条第一項各号のいずれにも該当しないことを誓約する書面並びに申請に係る商品取引所が開設しようとする一以上の商品市場において法第百五条第一号に掲げる方法により決済を行う場合には認可の申請の日前三十日以内に様式第一号により作成したその者の純資産額に関する調書

(iii) a document stating the name or trade name of a member, etc., and the address of the principal office or head office of the member, etc., a document pledging that the person does not fall under any of the provisions of the items of Article 31, paragraph (1) of the Act, and when completing settlement by the methods stated in Article 105, item (i) of the Act for one or more commodity markets that the commodity exchange related to the application seeks to open, a record concerning the person's net assets prepared according to Form No. 1 within 30 days before the date of application for authorization;

四　合併を行う各商品取引所の合併総会（会員商品取引所にあっては、法第百四十四条第四項、第百四十四条の二第二項又は第百四十四条の三第四項の会員総会をいい、株式会社商品取引所にあっては、法第百四十四条の六第一項、第百四十四条の十四第一項、会社法第七百八十三条第一項、第七百九十五条第一項又は第八百四条第一

項の株主総会をいう。）の議事録その他必要な手続があったことを証する書面

(iv) minutes of the general meeting of members concerning the merger of each commodity exchange that implements the merger (in cases of a member commodity exchange, meaning the general meeting of members referred to in Article 144, paragraph (4), Article 144-2, paragraph (2), or Article 144-3, paragraph (4) of the Act; in cases of an incorporated commodity exchange, meaning the shareholders meeting referred to in Article 144-6, paragraph (1) and Article 144-14, paragraph (1) of the Act, and Article 783, paragraph (1), Article 795, paragraph (1), or Article 804, paragraph (1) of the Companies Act), and other documents proving that necessary procedures have been taken;

五　合併を行う各商品取引所の財産及び収支の状況を知ることができる書面（会員商品取引所にあっては最終事業年度の決算関係書類等、株式会社商品取引所にあっては最終事業年度の計算書類等及びその附属明細書）

(v) a document disclosing the status of the property, income and expenditure of each commodity exchange that implements merger (in cases of a member commodity exchange, the settlement related documents, etc. for the final business year; in cases of an incorporated commodity exchange, the financial statements, etc. of the final business year and their annexed detailed statements);

六　法第百四十四条第六項、第百四十四条の二第四項及び第百四十四条の三第六項において準用する法第百二十四条第二項、第百四十四条の十一第二項（第百四十四条の十九において準用する場合を含む。）、会社法第七百八十九条第二項、第七百九十九条第二項又は第八百十条第二項の規定による公告及び催告（第百二十四条第三項、第百四十四条の十一第三項（第百四十四条の十九において準用する場合を含む。）、会社法第七百八十九条第三項、第七百九十九条第三項又は第八百十条第三項の規定により公告を官報のほか時事に関する事項を掲載する日刊新聞紙又は電子公告によってした場合にあっては、これらの方法による公告）をしたこと並びに異議を述べた債権者があるときは、当該債権者に対し弁済し若しくは相当の担保を提供し若しくは当該債権者に弁済を受けさせることを目的として相当の財産を信託したこと又は当該合併をしても当該債権者を害するおそれがないことを証する書面

(vi) when a public notice or notification is given pursuant to the provisions of Article 124, paragraph (2) as applied mutatis mutandis pursuant to Article 144, paragraph (6), Article 144-2, paragraph (4), and Article 144-3, paragraph (6) of the Act, Article 144-11, paragraph (2) of the Act (including as applied mutatis mutandis pursuant to Article 144-19 of the Act), or Article 789, paragraph (2), Article 799, paragraph (2), Article 810, paragraph (2) of the Companies Act, (when the public notice is given through a daily newspaper which publishes matters on current events, or an electronic public notice in addition to an Official Gazette pursuant to the provisions of Article 124, paragraph (3), Article 144-11, paragraph (3) of the Act (including as

applied mutatis mutandis pursuant to Article 144-19), or Article 789, paragraph (3), Article 799, paragraph (3), or Article 810, paragraph (3) of the Companies Act, a public notice through those means), and a creditor has made an objection, a document proving that payment has been made or a reasonable collateral has been provided to the creditor, and reasonable property has been deposited for the purpose of having the creditor receive the payment, or that the merger is not likely to harm the creditor;

七　合併により消滅する商品取引所の開設している商品市場における取引に関する業務の承継の方法を記載した書面

(vii) a document stating the method of succeeding the business related to transactions in a commodity market which has been opened by a commodity exchange to be dissolved by a merger;

八　商品取引所の業務に関する知識及び経験を有する従業員の確保の状況並びに当該従業員の配置の状況を記載した書面（合併後の商品取引所が株式会社商品取引所である場合に限る。）

(viii) a document stating the status of securing employees who have the knowledge and experience related to the business of a commodity exchange and the status of the assignment of those employees (limited to a case in which a commodity exchange after the merger is an incorporated commodity exchange);

九　開設しようとする商品市場における合併後一年間の先物取引の取引量の見込みを記載した書面

(ix) a document stating the estimated transaction volume of futures transactions for one year after the merger in the commodity market which they seek to open;

十　合併に際して上場商品に係る商品市場を開設しようとする場合にあっては、上場商品構成品を一の商品市場で取引をすることが適当である旨を明らかにすることができる書面

(x) when seeking to open a commodity market related to a listed commodity at the time of a merger, a document stating that it is appropriate to conduct transactions of component products of listed commodities in a single commodity market; and

十一　合併に際して二以上の商品指数を一の上場商品指数として商品市場を開設しようとする場合にあっては、当該二以上の商品指数の対象となる物品又は電力の大部分が共通していることを明らかにすることができる書面

(xi) when seeking to open a commodity market at the time of a merger by specifying two or more commodity indices as a single listed commodity index, a document stating that the majority of the goods or electric power subject to the two or more commodity indices are common to one another.

（医師の診断書の提出）

(Submission of Doctor's Medical Certificates)

第六十条の二　主務大臣は、法第百四十五条第一項の認可の申請があった場合において、合併後の商品取引所の役員のうちに法第十五条第二項第一号イ又はル（イに係る部分に限る。）のいずれかに該当する者があるかどうかを審査するために必要があると認めるときは、認可申請者に対し、当該審査の対象となる者の病名、精神の機能の障害の有無及び程度、病因、病後の経過、治癒の見込みその他参考となる所見を記載した医師の診断書の提出を求めることができる。

Article 60-2 When an application for the authorization under Article 145, paragraph (1) of the Act is filed, and the competent minister finds it necessary for examining whether officers of the commodity exchange after the merger include any person who falls under Article 15, paragraph (2), item (i), sub-item (a) or (k) of the Act (limited to the part related to (a)), the minister may request the applicant to submit a doctor's medical certificate stating the name of the illness of the person subject to the examination, whether the person has any mental impairment and the level of the mental impairment, causes of the illness, post-illness progress, prospects of recovery, and other remarks for reference.

（株式の発行等により一に満たない株式の端数を処理する場合における市場価格）

(Market Price When Processing Any Fractional Shares Less Than One Share Due to Issuance of Shares)

第六十条の三　法第百五十条において読み替えて準用する会社法第二百三十四条第二項に規定する主務省令で定める方法は、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もって法第百五十条において読み替えて準用する会社法第二百三十四条第二項に規定する株式の価格とする方法とする。

Article 60-3 The method specified by order of the competent ministry as prescribed in Article 234, paragraph (2) of the Companies Act as applied mutatis mutandis pursuant to Article 150 of the Act following the deemed replacement of terms is the method of considering the price of shares prescribed in Article 234, paragraph (2) of the Companies Act as applied mutatis mutandis pursuant to Article 150 of the Act following the deemed replacement of terms to be the prices specified in the following items in accordance with the category of cases stated in each of those items:

一　当該株式を市場において行う取引によって売却する場合　当該取引によって売却する価格

(i) when the shares are sold by a transaction in a market: the price at sale by the transaction;

二　前号に掲げる場合以外の場合　次に掲げる額のうちいずれか高い額

(ii) in cases other than those stated in the preceding item: either of the following prices, whichever is higher:

イ　売却日における当該株式を取引する市場における最終の価格（当該売却日に売

買取引がない場合又は当該売却日が当該市場の休業日に当たる場合にあっては、その後最初になされた売買取引の成立価格）

(a) the closing price in the market where the shares are traded on the date of sale (if there is no buying or selling transaction on the date of the sale, or if the date of the sale is a holiday of the market, the price of the first buying and selling transactions conducted after the date of the sale); or

ロ　売却日において当該株式が公開買付け等の対象であるときは、当該売却日における当該公開買付け等に係る契約における当該株式の価格

(b) if the shares are subject to a tender offer, etc. on the date of the sale, the price of the shares under the contract related to the tender offer, etc. on the date of the sale.

（合併に際しての計算に関し必要な事項）

(Necessary Information Concerning Calculation at the Time of Merger)

第六十条の四　法第百五十四条第二項の規定により主務省令で定める合併に際しての計算に関し必要な事項は、次条から第六十条の十三までに定めるところによる。

Article 60-4 The necessary information concerning the calculation at the time of a merger specified by order of the competent ministry pursuant to the provisions of Article 154, paragraph (2) of the Act is as specified in the provisions of the following Article through Article 60-13.

（会計慣行のしん酌）

(Consideration of Accounting Practices)

第六十条の五　次条から第六十条の十三までの規定の用語の解釈及びその適用に関しては、一般に公正妥当と認められる企業会計の基準その他の会計慣行をしん酌しなければならない。

Article 60-5 Regarding the interpretation of terms stated in the following Article through Article 60-13 and the application of such provisions, generally accepted corporate accounting standards and other accounting practices must be taken into consideration.

（吸収合併対価の全部又は一部が吸収合併存続会員商品取引所の出資である場合における吸収合併存続会員商品取引所の会員資本の変動額）

(Amount of Change in Members' Assets of a Member Commodity Exchange Surviving an Absorption-Type Merger When All or Part of the Consideration of Absorption-Type Mergers Are Contributions of the Member Commodity Exchanges Surviving Absorption-Type Mergers)

第六十条の六　吸収合併（法第百四十条の吸収合併をいう。以下この項及び次条において同じ。）に際して吸収合併対価（吸収合併存続会員商品取引所が吸収合併消滅会員商品取引所の会員に対して交付する財産をいう。以下この項及び次条において同じ。）の全部又は一部が吸収合併存続会員商品取引所の出資である場合には、吸収合

併存続会員商品取引所において変動する会員資本（第十六条第一項第一号の会員資本をいう。以下同じ。）の総額（次項において「会員資本変動額」という。）は、次の各号に掲げる場合の区分に応じ、当該各号に定める方法に従い定まる額とする。

Article 60-6 (1) When all or part of the consideration of an absorption-type merger (meaning property delivered to members of a member commodity exchange dissolved in an absorption-type merger by the member commodity exchange surviving an absorption-type merger; the same applies below in this paragraph and the following Article) at the time of an absorption-type merger (meaning an absorption-type merger referred to in Article 140 of the Act; the same applies below in this paragraph and the following Article) is the contribution of the member commodity exchange surviving the absorption-type merger, the total amount of the members' capital (meaning the members' capital referred to in Article 16, paragraph (1), item (i); the same applies below) that changes in the member commodity exchange surviving the absorption-type merger (referred to as "amount of change in members' capital" in the following paragraph) is the amount to be decided in accordance with the category of the cases stated in the following items, by the methods specified in each of those items:

一　当該吸収合併が支配取得（会員商品取引所が他の会員商品取引所（当該会員商品取引所と当該他の会員商品取引所が共通支配下関係にある場合における当該他の会員商品取引所を除く。以下この号において同じ。）又は当該他の会員商品取引所の事業に対する支配を得ることをいう。以下この号及び第六十条の九において同じ。）に該当する場合（吸収合併消滅会員商品取引所による支配取得に該当する場合を除く。）　吸収合併対価時価（吸収合併対価の時価その他適切な方法により算定された吸収合併対価の価額をいう。）又は吸収合併対象財産（吸収合併により吸収合併存続会員商品取引所が承継する財産をいう。次号において同じ。）の時価を基礎として算定する方法

(i) in the case (excluding cases that fall under a controlling acquisition by a member commodity exchange dissolved in an absorption-type merger) when the absorption-type merger falls under a controlling acquisition (meaning the case in which a member commodity exchange obtains control of another member commodity exchange (when that member commodity exchange and the other member commodity exchange are in a common control relationship, excluding the other member commodity exchange; the same applies below in this item) or the business of the other member commodity exchange; the same applies below in this item and Article 60-9): the method of calculation using the market value of the consideration of the absorption-type merger (meaning the value of the consideration of the absorption-type merger calculated by using the market value of the consideration of the consolidation-type merger or other appropriate method) or the property subject to an absorption-type merger (meaning property that a member

commodity exchange surviving an acquisition-type merger succeeds to through an absorption-type merger; the same applies below in the following item) as the basis;

二　吸収合併存続会員商品取引所と吸収合併消滅会員商品取引所が共通支配下関係にある場合　吸収合併対象財産の吸収合併の直前の帳簿価額を基礎として算定する方法（前号に規定する方法によるべき部分にあっては、当該方法）

(ii) when where a member commodity exchange surviving an absorption-type merger and a member commodity exchange dissolved in an absorption-type merger are in a common control relationship: the method of calculating the book value immediately before an absorption-type merger of the property subject to an absorption-type merger as the basis (for portions that should be calculated by the method prescribed in the preceding item, that method);

三　前二号に掲げる場合以外の場合　前号に規定する方法

(iii) in cases other than those stated in the preceding two items: the method prescribed in the preceding item.

2　前項の場合には、吸収合併存続会員商品取引所の出資金、加入金及び資本剰余金の増加額は、会員資本変動額の範囲内で、吸収合併存続会員商品取引所が吸収合併契約の定めに従いそれぞれ定めた額とし、法定準備金及び利益剰余金の額は変動しないものとする。ただし、会員資本変動額が零未満の場合には、当該会員資本変動額を利益剰余金の減少額とし、出資金、加入金及び法定準備金の額は変動しないものとする。

(2) In cases referred to in the preceding paragraph, the increased amounts of the contribution, membership fee, and capital surplus of the member commodity exchange surviving an absorption-type merger are the amounts respectively determined by the member commodity exchange surviving an absorption-type merger in accordance with the provisions of the absorption-type merger contract within the scope of the amount of change in members' capital, and the amount of the statutory capital and accumulated profits are not to change; provided, however, that when the amount of change in members' capital is less than zero, the amount of change in members' capital is the decreased amount of the accumulated profit, and the amounts of the contribution, membership fee, and statutory capital do not change.

3　第一項の「共通支配下関係」とは、二以上の者（人格のないものを含む。以下この項において同じ。）が同一の者に支配（一時的な支配を除く。以下この項において同じ。）をされている場合又は二以上の者のうち一の者が他のすべての者を支配している場合における当該二以上の者に係る関係をいう。

(3) The term "common control relationship" as used in paragraph (1) means a relationship related to two or more persons (including those without legal personality; the same applies below in this paragraph) when the two or more persons are controlled (excluding temporary control; the same applies below in this paragraph) by the same person, or when one of the two or more persons control all of the other persons.

（会員資本を引き継ぐ場合における吸収合併存続会員商品取引所の会員資本の変動額）

(Amount of Change in Members' Capital of Member Commodity Exchanges Surviving Absorption-Type Mergers When Succeeding to Members' Capital)

第六十条の七　前条の規定にかかわらず、吸収合併対価の全部が吸収合併存続会員商品取引所の出資である場合であって、吸収合併消滅会員商品取引所における吸収合併の直前の会員資本を引き継ぐものとして計算することが適切であるときには、吸収合併の直前の吸収合併消滅会員商品取引所の出資金、加入金、資本剰余金、法定準備金及び利益剰余金の額をそれぞれ当該吸収合併存続会員商品取引所の出資金、加入金、資本剰余金、法定準備金及び利益剰余金の変動額とすることができる。

Article 60-7 (1) Notwithstanding the provisions of the preceding Article, when all of the consideration of an absorption-type merger is the contribution of a member commodity exchange surviving an absorption-type merger, and it is appropriate to make a calculation by considering that the member commodity exchange dissolved in an absorption-type merger succeeds to the members' capital immediately before the absorption-type merger, the amounts of the contribution, membership fee, capital surplus, statutory capital, and accumulated profit of the member commodity exchange dissolved in an absorption-type merger immediately before the absorption-type merger may be considered the amounts of change of the contribution, membership fee, capital surplus, statutory capital, and accumulated profit of the member commodity exchange surviving an absorption-type merger.

２　吸収合併対価が存しない場合であって、吸収合併消滅会員商品取引所における吸収合併の直前の会員資本を引き継ぐものとして計算することが適切であるときには、吸収合併の直前の吸収合併消滅会員商品取引所の出資金、加入金及び資本剰余金の合計額を当該吸収合併存続会員商品取引所の資本剰余金の変動額とし、吸収合併の直前の法定準備金及び利益剰余金の額を当該吸収合併存続会員商品取引所の利益剰余金の変動額とすることができる。

(2) When there is no consideration of an absorption-type merger, when it is appropriate to make a calculation by considering that the member commodity exchange dissolved in an absorption-type merger succeeds to the members' capital immediately before the absorption-type merger, the sum of the contribution , membership fee, and capital surplus of the member commodity exchange dissolved in an absorption-type merger before the absorption-type merger may be considered the amount of change in capital surplus of the member commodity exchange surviving an absorption-type merger, and the amounts of the statutory capital and accumulated profits immediately before an absorption-type merger may be considered the amount of change in accumulated profit of the member commodity exchange surviving an absorption-type merger.

（会員商品取引所と株式会社商品取引所とが吸収合併する場合の法務省令の適用）
(Application of Ministry of Justice Order in Cases of Absorption-Type Mergers of a Member Commodity Exchange and an Incorporated Commodity Exchange)

第六十条の八　会員商品取引所と株式会社商品取引所とが吸収合併をする場合における会社計算規則第十一条及び第二編第三章第四節第一款の規定の適用については、同令第三十六条中「吸収合併の直前の株主資本等」とあるのは「吸収合併の直前の会員資本」と、「資本金、資本剰余金及び利益剰余金の額」とあるのは「出資金、加入金及び資本剰余金並びに法定準備金及び利益剰余金の額」と、「その他資本剰余金の額」とあるのは「資本剰余金の額」と、「資本金及び資本剰余金」とあるのは「出資金、加入金及び資本剰余金」と、「吸収合併の直前の利益剰余金の額」とあるのは「吸収合併の直前の法定準備金及び利益剰余金」とする。

Article 60-8 Regarding the application of the provisions of Article 11 and Part II, Chapter III, Section 4, Subsection 1 of the Regulations on Corporate Accounting in cases of an absorption-type merger between a member commodity exchange and an incorporated commodity exchange, in Article 36 of that Order, the phrase "the net assets immediately before an absorption-type merger" is deemed to be replaced with "the members' capital immediately prior to an absorption-type merger", the phrase "the amounts of stated capital, capital surplus, and accumulated profit" is deemed to be replaced with "the amounts of the contribution, membership fee, capital surplus, statutory capital, and accumulated profit", the phrase "the amount of other capital surplus" is deemed to be replaced with "the amount of capital surplus", the phrase "stated capital and capital surplus" is deemed to be replaced with "the contribution, membership fee, and capital surplus", and the phrase "the amount of accumulated profit immediately before an absorption-type merger" is deemed to be replaced with "the statutory capital and accumulated profit immediately before an absorption-type merger".

（支配取得に該当する場合における新設合併設立会員商品取引所の会員資本）
(Members' Capital of Member Commodity Exchanges Established in Consolidation-Type Mergers When Falling Under Control Acquisition)

第六十条の九　新設合併（法第百四十一条の新設合併をいう。以下この項、次条第一項及び第六十条の十一第一項において同じ。）が支配取得に該当する場合には、新設合併設立会員商品取引所の設立時の会員資本の総額は、次の各号に掲げる部分の区分に応じ、当該各号に定める額の合計額（次項において「会員資本変動額」という。）とする。

Article 60-9 (1) When a consolidation-type merger (meaning a consolidation merger referred to in Article 141 of the Act; the same applies below in this paragraph, paragraph (1) of the following Article, and Article 60-11, paragraph

(1)) falls under control acquisition, the total amount of the members' capital at the establishment of a member commodity exchange established by a consolidation-type merger is to be the total amount of the amounts prescribed in each of the following items in accordance with the category of the parts stated in those items (referred to as "amount of change in members' capital" in the following paragraph):

一　新設合併取得会員商品取引所（新設合併消滅会員商品取引所のうち、新設合併により支配取得をするものをいう。以下この条において同じ。）に係る部分　当該新設合併取得会員商品取引所の財産の新設合併の直前の帳簿価額を基礎として算定する方法により定まる額

(i) the part related to the member commodity exchange acquired through a consolidation-type merger (meaning a member commodity exchange dissolved in a consolidation-type merger that acquires control through a consolidation-type merger; the same applies below) in this Article: the amount determined by the method of calculation using the book value immediately before a consolidation-type merger of the property of the member commodity exchange acquired through a consolidation-type merger as the basis; or

二　新設合併取得会員商品取引所以外の新設合併消滅会員商品取引所に係る部分　当該新設合併消滅会員商品取引所の会員に交付される新設合併対価時価（新設合併対価（新設合併に際して新設合併設立会員商品取引所が新設合併消滅会員商品取引所の会員に対して交付する財産をいう。以下同じ。）の時価その他適切な方法により算定された新設合併対価の価額をいう。）又は新設合併対象財産（新設合併により新設合併設立会員商品取引所が承継する財産をいう。第六十条の十第一項において同じ。）の時価を基礎として算定する方法により定まる額

(ii) the part related to a member commodity exchange dissolved in a consolidation-type merger other than a member commodity exchange acquired through a consolidation-type merger: the market value of the consideration of the consolidation-type merger to be delivered to a member of the member commodity exchange dissolved in a consolidation-type merger (meaning the market value of the consideration of the consolidation-type merger (meaning the property delivered to members of a member commodity exchange dissolved in a consolidation-type merger by the member commodity exchange established by a consolidation-type merger at the time of the consolidation-type merger; the same applies below) or the value of the consideration of the consolidation-type merger calculated by other appropriate methods) or the market value of the property subject to a consolidation-type merger (meaning the property that a member commodity exchange established in an consolidation-type merger succeeds to through a consolidation-type merger; the same applies in Article 60-10, paragraph (1)).

2　前項の場合には、当該新設合併設立会員商品取引所の設立時の出資金、加入金及び資本剰余金の額は、会員資本変動額の範囲内で、新設合併消滅会員商品取引所が新設

合併契約の定めに従いそれぞれ定めた額とし、法定準備金及び利益剰余金の額は零とする。ただし、会員資本変動額が零未満の場合には、当該額を設立時の利益剰余金の額とし、出資金、加入金、資本剰余金及び法定準備金の額は零とする。

(2) In cases referred to in the preceding paragraph, the amounts of the contribution, membership fee, and capital surplus at the time of establishing the member commodity exchange established by a consolidation-type merger are the amounts respectively determined by the member commodity exchange dissolved in an absorption-type merger in accordance with the provisions of the consolidation-type merger contract within the scope of the amount of change in members' capital, and the amounts of the statutory capital and accumulated profits are to be zero; provided, however, that when the amount of change in members' capital is less than zero, that amount is the amount of the accumulated profit at the time of establishment, and the amounts of the contribution, membership fee, capital surplus, and statutory capital are to be zero.

3　前二項の規定にかかわらず、第一項の場合であって、新設合併取得会員商品取引所の会員に交付する新設合併対価の全部が新設合併設立会員商品取引所の出資であるときは、新設合併設立会員商品取引所の設立時の出資金、加入金、資本剰余金、法定準備金及び利益剰余金の額は、次の各号に掲げる部分の区分に応じ、当該各号に定める規定を準用してそれぞれ算定される額の合計額とすることができる。

(3) Notwithstanding the provisions of the preceding two paragraphs, in cases referred to in paragraph (1), when all of the consideration of a consolidation-type merger delivered to the members of a member commodity Exchange acquired through a consolidation-type merger is the contribution of a member commodity Exchange established by a consolidation-type merger, the amounts of the contribution , membership fee, capital surplus, statutory capital, and accumulated profit at the time of establishment of the member commodity Exchange established by a consolidation-type merger may be considered the total amount of the amounts respectively calculated by applying mutatis mutandis the provisions in each of the following items in accordance with the category of the parts stated in those items:

一　新設合併取得会員商品取引所に係る部分　第六十条の十一

(i) the part related to the member commodity exchange acquired through a consolidation-type merger: the provisions of Article 60-11;

二　新設合併取得会員商品取引所以外の新設合併消滅会員商品取引所に係る部分　第一項（同項第一号に係る部分を除く。）及び前項

(ii) the part related to a member commodity exchange dissolved in a consolidation-type merger other than a member commodity exchange acquired through a consolidation-type merger: the provisions of paragraph (1) (excluding the part related to item (i) of that paragraph) and the preceding paragraph.

（共通支配下関係にある場合における新設合併設立会員商品取引所の会員資本）

(Members' Capital of Member Commodity Exchanges Established in Consolidation-Type Mergers When There are Common Control Relationships)

第六十条の十　新設合併消滅会員商品取引所の全部が共通支配下関係（第六十条の六第三項に規定する共通支配下関係をいう。）にある場合には、新設合併設立会員商品取引所の設立時の会員資本の総額は、新設合併対象財産の新設合併の直前の帳簿価額を基礎として算定する方法（前条第一項第二号に規定する方法によるべき部分にあっては、当該方法）に従い定まる額とする。

Article 60-10 (1) When all of the member commodity exchanges dissolved in a consolidation-type merger (meaning a common control relationship prescribed in Article 60-6, paragraph (3)), the total amount of the members' capital at the time of establishment of a member commodity exchange established by a consolidation-type merger is the amount determined by the method of calculation using the book value immediately before the consolidation-type merger of the property subject to a consolidation-type merger (for parts that should be calculated by the method prescribed in the paragraph (1), item (ii) of the preceding Article, that method) as the basis.

２　前項の場合には、新設合併設立会員商品取引所の設立時の出資金、加入金、資本剰余金、法定準備金及び利益剰余金の額は、次の各号に掲げる部分の区分に応じ、当該各号に定める規定を準用してそれぞれ算定される額の合計額とする。

(2) In cases referred to in the preceding paragraph, the amounts of the contribution, membership fee, capital surplus, statutory capital, and accumulated profit at the time of establishment of a member commodity exchange established by a consolidation-type merger are the total amount of the amounts respectively calculated by applying mutatis mutandis the provisions in each of the following items in accordance with the category of the parts stated in those items:

一　会員資本承継消滅会員商品取引所（新設合併消滅会員商品取引所の会員が受ける新設合併対価の全部が新設合併設立会員商品取引所の出資である場合において、当該新設合併消滅会員商品取引所がこの号に規定する会員資本承継消滅会員商品取引所となることを定めたときにおける当該新設合併消滅会員商品取引所をいう。）に係る部分　次条第一項

(i) the part related to a member commodity exchange dissolved in a consolidation-type merger that succeeds to members' capital (meaning the member commodity exchange dissolved in a consolidation-type merger when it is determined that the member commodity exchange dissolved in a consolidation-type merger will be a member commodity exchange dissolved in a consolidation-type merger that succeeds to members' capital prescribed in this item when all of the consideration for a consolidation-type merger to be received by the members of a member commodity exchange dissolved in a

consolidation-type merger is the contribution of the member commodity exchange established by a consolidation-type merger): the provisions of paragraph (1) of the following Article;

二　非会員資本承継消滅会員商品取引所（非対価交付消滅会員商品取引所（新設合併消滅会員商品取引所の会員に交付する新設合併対価が存しない場合における当該新設合併消滅会員商品取引所をいう。次条第二項において同じ。）及び会員資本承継消滅会員商品取引所以外の新設合併消滅会員商品取引所をいう。）に係る部分　前条第二項

(ii) the part related to a member commodity exchange dissolved in a consolidation-type merger that does not succeed to members' capital (meaning a dissolving member commodity exchange with no consideration to deliver (meaning a member commodity exchange dissolved in a consolidation-type merger in which there is no consideration of the consolidation-type merger to be delivered to members of the member commodity exchange dissolved in a consolidation-type merger; the same applies in paragraph (2) of the following Article) and a member commodity exchange dissolved in a consolidation-type merger other than a member commodity exchange dissolved in a consolidation-type merger that succeeds to members' capital): the provisions of paragraph (2) of the preceding Article.

（会員資本を引き継ぐ場合における新設合併設立会員商品取引所の会員資本）

(Members' Capital of Member Commodity Exchanges Established in Consolidation-Type Mergers When Succeeding to Members' Capital)

第六十条の十一　前条第一項の場合であって、新設合併対価の全部が新設合併設立会員商品取引所の出資であり、かつ、新設合併消滅会員商品取引所における新設合併の直前の会員資本を引き継ぐものとして計算することが適切であるときには、新設合併の直前の各新設合併消滅会員商品取引所の出資金、加入金、資本剰余金、法定準備金及び利益剰余金の額の各合計額をそれぞれ当該新設合併設立会員商品取引所の設立時の出資金、加入金、資本剰余金、法定準備金及び利益剰余金の額とすることができる。

Article 60-11 (1) In cases referred to in paragraph (1) of the preceding Article, when all of the consideration of the consolidation-type merger is the contribution of the member commodity exchange established by a consolidation-type merger and it is appropriate to do a calculation by considering that the members' capital of a member commodity exchange dissolved in a consolidation-type merger immediately prior to a consolidation-type merger will be succeeded to, the total amounts of the contributions, membership fees, capital surplus, statutory capital, and accumulated capital of each member commodity exchange dissolved in a consolidation-type merger immediately before a consolidation-type merger may be considered to be the amount of the contribution, membership fee, capital surplus, statutory capital, and accumulated capital at the time of establishment of the member

commodity exchange established by a consolidation-type merger.

２　前項の規定にかかわらず、同項の場合であって、非対価交付消滅会員商品取引所があるときには、当該非対価交付消滅会員商品取引所の出資金、加入金及び資本剰余金の合計額を当該非対価交付消滅会員商品取引所の資本剰余金の額とみなし、当該非対価交付消滅会員商品取引所の法定準備金及び利益剰余金の額を当該非対価交付消滅会員商品取引所の利益剰余金の額とみなして、同項の規定を適用する。

(2) Notwithstanding the provisions of the preceding paragraph, in cases referred to in the preceding paragraph, when there is a dissolving member commodity exchange with no consideration to deliver, the sum of the contribution, membership fee, and capital surplus of the dissolving member commodity exchange with no consideration to deliver is deemed to be the amount of the capital surplus of the dissolving member commodity exchange with no consideration to deliver, the amounts of the statutory capital and accumulated profit of the dissolving member commodity exchange with no consideration to deliver are deemed the amounts of the accumulated profit of the dissolving member commodity exchange with no consideration to deliver, and the provisions of that paragraph apply.

（その他の場合における新設合併設立会員商品取引所の会員資本）

(Members' Capital of Member Commodity Exchanges Established in a Consolidation-Type Mergers in Other Cases)

第六十条の十二　第六十条の九第一項及び第六十条の十第一項に規定する場合以外の場合には、新設合併設立会員商品取引所の設立時の出資金、加入金、資本剰余金、法定準備金及び利益剰余金の額は、同条及び前条の定めるところにより計算する。

Article 60-12 In cases other than the cases prescribed in Article 60-9, paragraph (1) and Article 60-10, paragraph (1), the amounts of the contribution, membership fee, capital surplus, statutory capital, and accumulated profit at the time of establishment of a member commodity exchange established by a consolidation-type merger are calculated pursuant to the provisions of those Articles and the preceding Article.

（会員商品取引所と株式会社商品取引所とが新設合併する場合の法務省令の適用）

(Application of Ministry of Justice Order in Cases of Consolidation-Type Mergers Between a Member Commodity Exchange and an Incorporated Commodity Exchange)

第六十条の十三　会員商品取引所と株式会社商品取引所とが新設合併をする場合における会社計算規則第十一条及び第二編第三章第六節第二款の規定の適用については、同令第四十七条第一項中「株主資本等」とあるのは「会員資本及び株主資本等」と、「資本金、資本剰余金及び利益剰余金の額の各合計額」とあるのは「出資金及び資本金、加入金及び資本剰余金並びに法定準備金及び利益剰余金の額の各合計額」と、「その他資本剰余金（」とあるのは「資本剰余金及びその他資本剰余金（」と、同条

第二項中「資本金及び資本剰余金」とあるのは「出資金、加入金及び資本剰余金又は資本金及び資本剰余金」と、「その他資本剰余金の額」とあるのは「資本剰余金又はその他資本剰余金」と、「利益剰余金の額を」とあるのは「法定準備金及び利益剰余金又は利益剰余金の額を」と、「その他利益剰余金の額」とあるのは「利益剰余金又はその他利益剰余金の額」とする。

Article 60-13 Regarding the application of the provisions of Article 11, Part II, Chapter III, Section 6, Subsection 2 of the Regulations on Corporate Accounting for cases of a consolidation-type merger between a member commodity exchange and an incorporated commodity exchange, in Article 47, paragraph (1) of that Order, the term "shareholders' equity, etc." is deemed to be replaced with "members' capital and shareholders' equity, etc.", the phrase "respective totals of the stated capital, capital surplus, and accumulated profit" is deemed to be replaced with "respective totals of contribution, stated capital, membership fee, capital surplus, and statutory capital, and accumulated profit", the term "other capital surplus (" is deemed to be replaced with "capital surplus and other capital surplus (", and in paragraph (2) of that Article, the term "stated capital and capital surplus" is deemed to be replaced with "contributions, membership fee, and capital surplus, or stated capital and capital surplus", the term "amount of other capital surplus" is deemed to be replaced with "capital surplus or other capital surplus", and the term "amount of accumulated profit" is deemed to be replaced with "amount of statutory capital and accumulated profit or accumulated profit", and the term "amount of other accumulated profit" is deemed to be replaced with "amount of accumulated profit or other accumulated profit".

（定款変更認可の申請書の添付書類）

(Documents Attached to Written Applications for Authorization of Changes to Articles of Incorporation)

第六十一条　法第百五十五条第二項の主務省令で定める書類は、次の各号に掲げる場合の区分に応じ、当該各号に定めるものとする。

Article 61 The documents specified by order of the competent ministry as referred to in Article 155, paragraph (2) of the Act are those specified in the following items in accordance with the category of cases stated in each of those items:

一　変更の申請が会員商品取引所の商品市場の開設に係る場合　次に掲げる書面

(i) when the application for change concerns the establishment of a commodity market of a member commodity exchange: the documents stated in the following sub-items:

イ　変更の理由を記載した書面

(a) a document that states the reasons for the change;

ロ　新旧条文の対照表

(b) a comparative table of the prior and amended provisions;

ハ　会員総会の議事録その他必要な手続があったことを証する書面

(c) minutes of a general meeting of Members or another document certifying that the necessary procedures for approval have been followed;

ニ　新たに開設しようとする商品市場ごとに当該商品市場を開設しようとする会員商品取引所の会員であって当該商品市場において取引をしようとするもの及び当該会員商品取引所の会員になろうとする者であって当該商品市場において取引をしようとするもの（その出資の全額の払込みが終了した者に限る。）の合計数が二十人以上であることを証する書面

(d) a document proving that the total number of persons who are members of the member commodity exchange seeking to establish a commodity market for each commodity market which is planned to be newly established and who seek to conduct transactions in the commodity market, and persons who seek to become members of the member commodity exchange seeking to conduct transactions in the commodity market (limited to persons who have completed payment of the full amount of the contribution) is 20 or more;

ホ　ニに規定する会員及び会員になろうとする者の過半数の者が当該商品市場について法第十条第二項各号に定める者に該当することを誓約する書面

(e) a document pledging that the majority of persons who are or seek to become members prescribed in sub-item (d) fall under the persons specified in the items of Article 10, paragraph (2) of the Act in relation to the commodity market;

ヘ　当該商品取引所の会員等になろうとする者であって当該商品市場において取引をしようとするものが法第三十一条第一項各号のいずれにも該当しないことを誓約する書面

(f) a document pledging that the person that seeks to become a member, etc. of the commodity exchange and seeks to conduct transactions in the commodity market does not fall under any of the provisions of the items of Article 31, paragraph (1) of the Act;

ト　新たに開設しようとする一以上の商品市場において法第百五条第一号に掲げる方法により決済を行う場合にあっては、認可の申請の日前三十日以内に様式第一号により作成したニに規定する会員及び会員になろうとする者の純資産額に関する調書

(g) when completing settlements by the method stated in Article 105, item (i) of the Act at one or more commodity markets which are planned to be newly established, a record concerning the amount of the net assets of a person that is or seeks to become a member prescribed in (d) which is prepared according to Form No. 1 within 30 days before the date of filing the application of authorization;

チ　新たに開設しようとする商品市場における開設後一年間の先物取引の取引量の

見込みを記載した書面

(h) a document stating the estimated transaction volume of futures transactions in a commodity market which the person seeks to open for one year after opening the commodity market;

リ　上場商品に係る商品市場を開設しようとする場合にあっては、上場商品構成品を一の商品市場で取引をすることが適当である旨を明らかにすることができる書面

(i) when seeking to open a commodity market related to a listed commodity, a document stating that it is appropriate to conduct transactions of component products of listed commodities in a single commodity market; and

ヌ　二以上の商品指数を一の上場商品指数として商品市場を開設しようとする場合にあっては、当該二以上の商品指数の対象となる物品又は電力の大部分が共通していることを明らかにすることができる書面

(j) when seeking to open a commodity market by specifying two or more commodity indices as a single listed commodity index, a document stating that the majority of the goods or electric power subject to the two or more commodity indices are common to one another;

二　変更の申請が会員商品取引所の商品市場における上場商品若しくは上場商品指数の範囲の変更（廃止又は範囲の縮小を除く。以下この号において同じ。）又は取引の種類の変更に係る場合　次に掲げる書面

(ii) when the application for change relates to a change of the scope of a listed commodity or listed commodity index on a commodity market of a member commodity exchange (excluding abolition or narrowing of the scope; the same applies below in this item) or a change to the type of transaction, the documents stated in the following sub-items:

イ　変更の理由を記載した書面

(a) a document that states the reasons for the change;

ロ　新旧条文の対照表

(b) a comparative table of the prior and amended provisions;

ハ　会員総会の議事録その他必要な手続があったことを証する書面

(c) minutes of a general meeting of members and other documents proving that necessary procedures have been taken;

ニ　当該変更に係る商品市場において法第百五条第一号に掲げる方法により決済を行っている場合であって、当該商品市場において取引をする会員の純資産額の最低額を変更した場合にあっては、認可の申請の日前三十日以内に様式第一号により作成した会員の純資産額に関する調書

(d) in cases when settlement is completed in a commodity market related to the change by a method stated in Article 105, item (i) of the Act and the minimum amount of the net assets of members who conduct transactions in the commodity market has been changed, a record concerning the amount

of the net assets of members which is prepared according to Form No. 1 within 30 days before the filing of the application for authorization;

ホ　当該変更に係る商品市場における変更後一年間の先物取引の取引量の見込みを記載した書面

(e) a document stating the estimated transaction volume of futures transactions in a commodity market related to the change for one year after the change;

ヘ　上場商品の範囲の変更の場合にあっては、二以上の上場商品構成品を一の商品市場で取引をすることが適当である旨を明らかにすることができる書面

(f) when changing the scope of a listed commodity, a document stating that it is appropriate to conduct transactions of two or more component products of listed commodities in a single commodity market;

ト　二以上の商品指数を一の上場商品指数とする上場商品指数の範囲の変更の場合にあっては、当該二以上の商品指数の対象となる物品又は電力の大部分が共通している旨を明らかにすることができる書面

(g) when changing the scope of a listed commodity index that specifies two or more commodity indices as a single listed commodity index, a document stating that the majority of goods or electric power subject to the two or more commodity indices are common to one another;

三　会員商品取引所の存続期間、会員商品取引所の商品市場の開設期限又は会員商品取引所が定款で定める範囲変更期間（法第十一条第四項に規定する範囲変更期間をいう。）の廃止又は変更に係る場合　次に掲げる書面

(iii) related to the abolition or change of the term of existence of a member commodity exchange, the time limit for opening of a commodity market of a member commodity exchange, or the period for changing the scope (meaning the period for changing the scope prescribed in Article 11, paragraph (4) of the Act) which a member commodity exchange specifies in its articles of incorporation: the documents stated in the following sub-items:

イ　変更の理由を記載した書面

(a) a document that states the reasons for the change;

ロ　新旧条文の対照表

(b) a comparative table of the prior and amended provisions;

ハ　会員総会の議事録その他必要な手続があったことを証する書面

(c) minutes of a general meeting of members and other documents proving that necessary procedures have been taken; or

ニ　当該変更に係る商品市場における変更後一年間の先物取引の取引量の見込みを記載した書面

(d) a document stating the estimated transaction volume of futures transactions in the commodity market related to the change for one year after the change;

四　前三号に掲げる場合以外の場合　次に掲げる書面

(iv) in cases other than those stated in the preceding three items, documents stated in the following sub-items:

イ　変更の理由を記載した書面

(a) a document that states the reasons for the change;

ロ　新旧条文の対照表

(b) a comparative table of the prior and amended provisions; or

ハ　会員総会又は株主総会の議事録その他必要な手続があったことを証する書面

(c) minutes of a general meeting of members or a shareholders meeting and other documents proving that necessary procedures have been taken.

（業務規程、受託契約準則、紛争処理規程又は市場取引監視委員会規程の変更認可の申請書の添付書類）

(Documents Attached to Written Applications for Authorization of Changes to Operational Rules, Entrustment Contract Regulations, Dispute Resolution Rules, or Market Transactions Surveillance Committee Rules)

第六十二条　法第百五十六条第二項の主務省令で定める書類は、次の各号に掲げる場合の区分に応じ、当該各号に定めるものとする。

Article 62 The documents specified by order of the competent ministry as referred to in Article 156, paragraph (2) of the Act are those specified in the following items in accordance with the category of cases stated in each of those items:

一　変更の申請が株式会社商品取引所の商品市場の開設に係る場合　次に掲げる書面

(i) when the application for change concerns the establishment of a commodity market by an incorporated commodity exchange, the documents stated in the following sub-items:

イ　変更の理由を記載した書面

(a) a document that states the reasons for the change;

ロ　新旧条文の対照表

(b) a comparative table of the prior and amended provisions;

ハ　定款その他の規則で定める変更の手続を完了したことを証する書面

(c) a document proving that procedures for changes specified by the articles of incorporation or other rules have been completed;

ニ　新たに開設しようとする商品市場ごとに当該商品市場を開設しようとする株式会社商品取引所の取引参加者であって当該商品市場において取引をしようとするもの及び当該株式会社商品取引所の取引参加者になろうとする者であって当該商品市場において取引をしようとするものの合計数が二十人以上であることを証する書面

(d) a document proving that the total number of persons who are trading participants of an incorporated commodity exchange seeking to establish a commodity market for each commodity market which is planned to be newly established and who seek to conduct transactions in the commodity

market, and persons who seek to become trading participants of the incorporated commodity exchange and seek to conduct transactions in the commodity market is 20 or more;

ホ　ニに規定する取引参加者及び取引参加者になろうとする者の過半数の者が当該商品市場について第二十八条第一項第五号イ又はロに定める者に該当することを誓約する書面

(e) a document pledging that the majority of persons who are or seek to become trading participants prescribed in (d) fall under the persons specified in Article 28, paragraph (1), item (v), (a) or (b) with regard to the commodity market;

ヘ　当該株式会社商品取引所の取引参加者になろうとする者であって当該商品市場において取引をしようとするものが法第三十一条第一項各号のいずれにも該当しないことを誓約する書面

(f) a document pledging that the person that seeks to become a trading participant of the incorporated commodity exchange and seeks to conduct transactions in the commodity market does not fall under any of the provisions of the items of Article 31, paragraph (1) of the Act;

ト　新たに開設しようとする一以上の商品市場において法第百五条第一号に掲げる方法により決済を行う場合にあっては、認可の申請の日前三十日以内に様式第一号により作成したニに規定する取引参加者及び取引参加者になろうとする者の純資産額に関する調書

(g) when completing settlements by the method stated in Article 105, item (i) of the Act at one or more commodity markets which are planned to be newly established, a record concerning the amount of the net assets of a person that is or seeks to become a trading participant prescribed in (d) which is prepared according to Form No. 1 within 30 days before the date of filing the application for authorization;

チ　新たに開設しようとする商品市場における開設後一年間の先物取引の取引量の見込みを記載した書面

(h) a document stating the estimated transaction volume of futures transactions in a commodity market which the person seeks to open for one year after the opening;

リ　上場商品に係る商品市場を開設しようとする場合にあっては、上場商品構成品を一の商品市場で取引をすることが適当である旨を明らかにすることができる書面

(i) when seeking to open a commodity market related to a listed commodity, a document stating that it is appropriate to trade component products of listed commodities in a single commodity market;

ヌ　二以上の商品指数を一の上場商品指数として商品市場を開設しようとする場合にあっては、当該二以上の商品指数の対象となる物品又は電力の大部分が共通していることを明らかにすることができる書面

(j) when seeking to open a commodity market by specifying two or more commodity indices as a single listed commodity index, a document stating that the majority of the goods or electric power subject to the two or more commodity indices are common to one another;

二　変更の申請が株式会社商品取引所の商品市場における上場商品若しくは上場商品指数の範囲の変更（廃止又は範囲の縮小を除く。以下この号において同じ。）又は取引の種類の変更に係る場合　次に掲げる書面

(ii) when the application for amendment relates to a change to the scope of a listed commodity or listed commodity index in a commodity market of an incorporated commodity exchange (excluding abolition or narrowing of the scope; the same applies below in this item) or a change to the type of transaction, the documents stated in the following sub-items:

イ　変更の理由を記載した書面

(a) a document that states the reasons for the change;

ロ　新旧条文の対照表

(b) a comparative table of the prior and amended provisions;

ハ　定款その他の規則で定める変更の手続を完了したことを証する書面

(c) a document proving that procedures for changes specified by the articles of incorporation or other rules have been completed;

ニ　当該変更に係る商品市場において法第百五条第一号に掲げる方法により決済を行っている場合であって、当該商品市場において取引をする取引参加者の純資産額の最低額を変更した場合にあっては、認可の申請の日前三十日以内に様式第一号により作成した取引参加者の純資産額に関する調書

(d) in cases of completing a settlement in a commodity market related to the change by a method stated in Article 105, item (i) of the Act and the minimum amount of the net assets of trading participants who conduct transactions in the commodity market has been changed, a record concerning the amount of the net assets of trading participants which is prepared according to Form No. 1 within 30 days before the filing of the application for authorization;

ホ　当該変更に係る商品市場における変更後一年間の先物取引の取引量の見込みを記載した書面

(e) a document stating the estimated transaction volume of futures transactions in the commodity market related to the change for one year after the change;

ヘ　上場商品の範囲の変更の場合にあっては、二以上の上場商品構成品を一の商品市場で取引をすることが適当である旨を明らかにすることができる書面

(f) when changing the scope of a listed commodity, a document stating that it is appropriate to conduct transactions of two or more component products of listed commodities on a single commodity market; and

ト　二以上の商品指数を一の上場商品指数とする上場商品指数の範囲の変更の場合

にあっては、当該二以上の商品指数の対象となる物品又は電力の大部分が共通している旨を明らかにすることができる書面

(g) when changing the scope of a listed commodity index that specifies two or more commodity indices as a single listed commodity index, a document stating that the majority of goods or electric power subject to the two or more commodity indices are common to one another;

三　株式会社商品取引所としての存続期間、株式会社商品取引所の商品市場の開設期限又は株式会社商品取引所が業務規程で定める範囲変更期間（法第百二条第三項に規定する範囲変更期間をいう。）の廃止又は変更に係る場合　次に掲げる書面

(iii) in cases related to the abolition or change of the term of existence as an incorporated commodity exchange, the time limit for opening of a commodity market of the incorporated commodity exchange, or the period for changing the scope (meaning the period of changing the scope prescribed in Article 102, paragraph (3) of the Act) specified by the incorporated commodity exchange in the operational rules: the documents stated in the following sub-items:

イ　変更の理由を記載した書面

(a) a document that state the reasons for the change;

ロ　新旧条文の対照表

(b) a comparative table of the prior and amended provisions;

ハ　定款その他の規則で定める変更の手続を完了したことを証する書面

(c) a document proving that procedures for changes specified by the articles of incorporation or other rules have been completed; and

ニ　当該変更に係る商品市場における変更後一年間の先物取引の取引量の見込みを記載した書面

(d) a document stating the estimated transaction volume of futures transactions in the commodity market related to the change for one year after the change;

四　前三号に掲げる場合以外の場合　次に掲げる書面

(iv) in cases other than those listed in the preceding three items: the following documents;;

イ　変更の理由を記載した書面

(a) a document that states the reasons for the change;

ロ　新旧条文の対照表

(b) a comparative table of the prior and amended provisions; and

ハ　定款その他の規則で定める変更の手続を完了したことを証する書面

(c) a document proving that procedures for changes specified by the articles of incorporation or other rules have been completed.

（親法人等又は関連法人等）

(Parent Corporations or Affiliated Corporations)

第六十三条　令第二十二条の二第二項の主務省令で定めるものは、次に掲げる法人等

（同項に規定する法人等をいう。以下この条において同じ。）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法人等の意思決定機関（同項に規定する意思決定機関をいう。以下この項において同じ。）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 63 (1) The entities specified by order of the competent ministry as referred to in Article 22-2, paragraph (2) of the Order are the corporation, etc. (meaning the corporation, etc. prescribed in that paragraph; the same applies below in this Article) stated in the following items; provided, however, that this does not apply when it is found to be clear that the corporation, etc. does not control the decision-making body (meaning the decision-making body prescribed in that paragraph; the same applies below in this paragraph) of another corporation, etc., from their financial, operational, or business relationships:

一　他の法人等（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法人等その他これらに準ずる他の法人等であって、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所有している法人等

(i) a corporation, etc. that holds on its own account, a majority of the voting rights of another corporation, etc. (excluding another corporation, etc. subject to an order for the commencement of bankruptcy proceedings, the commencement of rehabilitation proceedings, or the commencement of reorganization proceedings, and other corporations, etc. equivalent to the corporation, etc., where no effective dominant-subordinate relationship is found to exist; the same applies below in this paragraph); and

二　他の法人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所有している法人等であって、次に掲げるいずれかの要件に該当するもの

(ii) a corporation, etc. that holds on its own account, forty percent or more, and fifty percent or less of the voting rights of another corporation, etc. and satisfies any of the following requirements:

イ　当該法人等が自己の計算において所有している議決権と当該法人等と出資、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法人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法人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所有している議決権とを合わせて、当該他の法人等の議決権の過半数を占めていること。

(a) the total number of voting rights held by the corporation, etc. on its own account and the voting rights held by persons who are found to exercise their voting rights in the manner intended by the corporation, etc. due to a close relationship in terms of contribution, personnel affairs, funds, technology, transactions or other matters, and by persons who agree to exercise their voting rights in the manner intended by the corporation, etc., constitute a majority of the voting rights of the other corporation, etc.;

ロ　当該法人等の役員（取締役、執行役、会計参与（会計参与が法人であるときは、その職務を行うべき社員を含む。）、監査役又はこれらに類する役職にある者をいう。）、業務を執行する社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法人等が当該他の法人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、当該他の法人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) a person who is an officer (meaning company director, executive officer, accounting advisor (when an accounting advisor is a corporation, including a member who is to perform the duties of the corporation), company auditor, or person holding a position similar to these positions) of the corporation, etc., member or employee of the corporation, etc. who executes the business, or person who formerly held the position, and is capable of influencing the decision of the other corporation, etc. with regard to its financial and operational or business policies, account for a majority of the members of the board of directors or other equivalent organization of the other corporation, etc.;

ハ　当該法人等と当該他の法人等との間に当該他の法人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. entered into between the corporation, etc. and the other corporation, etc. which provides for control over decisions of the other corporation, etc. with regard to its important financial and operational or business policies; or

ニ　当該他の法人等の資金調達額（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法人等が融資（債務の保証及び担保の提供を含む。以下同じ。）を行っていること（当該法人等と出資、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 corporation, etc. provides a loan (including guarantee of obligations and provision of collateral; the same applies below) that accounts for more than half of the total amount of the procured funds of the other corporation, etc. (limited to those recorded in the liability section of the balance sheet) (including when the amount of the loan accounts for more than half of the total amount of the procured funds when combined with the amount of the loan provided by a person that has a close relationship with the corporation, etc. in terms of contribution, personnel affairs, funds, technology, transactions or other matters); or

ホ　その他当該法人等が当該他の法人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 are other facts implying that the corporation, etc. has control over the decision-making body of the other corporation, etc.;

三　法人等が自己の計算において所有している議決権と当該法人等と出資、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法人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法人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所有している議決権とを合わせて、他の法人等の議決権の過半数を占めている場合（当該法人等が自己の計算において議決権を所有していない場合を含む。）における当該法人等であって、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) when the total number of voting rights held by the corporation, etc. on its own account and the voting rights held by persons who are found to exercise their voting rights in the manner intended by the corporation, etc. due to a close relationship in terms of contribution, personnel affairs, funds, technology, transactions or other matters, or by persons who agree to exercise their voting rights in the manner intended by the corporation, etc. constitutes a majority of the voting rights of the other corporation, etc. (including cases when that corporation, etc. does not hold the voting rights on its own account), that corporation which falls under any of the requirements stated in sub-items (b) through (e) of the preceding item.

２　令第二十二条の二第三項の主務省令で定めるものは、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法人等（当該法人等の子法人等（同条第二項に規定する子法人等をいう。以下この条において同じ。）を含む。）が子法人等以外の他の法人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。

(2) The persons specified by order of the competent ministry as referred to in Article 22-2, paragraph (3) of the Order are those stated in the following items; provided, however, that this does not apply when it is found to be clear, from financial, operational, or business relationships, that the corporation, etc. (including a subsidiary corporation, etc. (meaning the subsidiary corporation, etc. prescribed in paragraph (2) of that Article; the same applies below in this Article) of the corporation, etc.) is unable to exert a material influence on the decision of another corporation, etc. other than a subsidiary corporation, etc. with regard to its financial and operational or business policies:

一　法人等（当該法人等の子法人等を含む。）が子法人等以外の他の法人等（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法人等以外の他の法人等その他これらに準ずる子法人等以外の他の法人等であって、当該法人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。以下この項において同じ。）の議決権の百分の二十以上を自己の計算において所有している場合における当該子法人等以外の他の法人等

(i) when a corporation, etc. (including a subsidiary corporation, etc. of the corporation, etc.) holds on its own account, not less than 20 percent of the voting rights of another corporation, etc. other than a subsidiary corporation, etc. (excluding another corporation, etc. other than a subsidiary corporation,

etc. subject to an order for the commencement of bankruptcy proceedings, the commencement of rehabilitation proceedings, or the commencement of reorganization proceedings, and another corporation, etc. other than a subsidiary corporation, etc. equivalent to them, for which the corporation, etc. is found to be unable to exert a material influence on decisions with regard to its financial and operational or business policies; the same applies below in this paragraph), the other corporation, etc. other than a subsidiary corporation, etc.;

二　法人等（当該法人等の子法人等を含む。）が子法人等以外の他の法人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所有している場合における当該子法人等以外の他の法人等であって、次に掲げるいずれかの要件に該当するもの

(ii) when a corporation, etc. (including a subsidiary corporation, etc. of the corporation, etc.) holds on its own account, fifteen percent or more and less than twenty percent of the voting rights of another corporation, etc. other than a subsidiary corporation, etc., the other corporation, etc. other than a subsidiary corporation, etc. which satisfies any of the following requirements:

イ　当該法人等の役員、業務を執行する社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法人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、その代表取締役、取締役又はこれらに準ずる役職に就任していること。

(a) any person who is or was an officer, member that executes business, or employee of the corporation, etc., and capable of influencing the decision of the other corporation, etc. with regard to its financial and operational or business policies, has been appointed as a representative director, company director, or an equivalent post of the other corporation, etc.;

ロ　当該法人等から重要な融資を受けていること。

(b) an important loan is provided by the corporation, etc.;

ハ　当該法人等から重要な技術の提供を受けていること。

(c) important technology is provided by the corporation, etc.;

ニ　当該法人等との間に営業上又は事業上の重要な取引があること。

(d) it conducts important operational or business transactions with the corporation, etc.; or

ホ　その他当該法人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 are other facts implying that the corporation, etc. is able to exert a material influence on decisions with regard to its financial and operational or business policies;

三　法人等（当該法人等の子法人等を含む。）が自己の計算において所有している議決権と当該法人等と出資、人事、資金、技術、取引等において緊密な関係があるこ

とにより当該法人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法人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所有している議決権とを合わせて、子法人等以外の他の法人等の議決権の百分の二十以上を占めている場合（当該法人等が自己の計算において議決権を所有していない場合を含む。）における当該子法人等以外の他の法人等であって、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) when the total number of voting rights held by a corporation, etc. (including a subsidiary corporation, etc. of the corporation, etc.) on its own account and the voting rights held by persons who are found to exercise their voting rights in the manner intended by the corporation, etc. due to a close relationship in terms of contribution, personnel affairs, funds, technology, transactions or other matters, or by persons who agree to exercise their voting rights in the manner intended by the corporation, etc. constitutes twenty percent or more of the voting rights of the other corporation, etc. other than a subsidiary corporation, etc. (including cases in which that corporation, etc. does not hold the voting rights on its own account), another corporation, etc. other than a subsidiary corporation, etc. which falls under any of the requirements stated in sub-items (a) through (e) of the preceding item.

（市場取引監視委員会委員の要件）

(Requirements for Committee Members of Market Transactions Surveillance Committees)

第六十四条　法第百六十六条第一項の主務省令で定める要件は、次の各号のいずれにも該当することとする。ただし、主務大臣の承認を受けたときは、この限りでない。

Article 64 The requirements specified by order of the competent ministry as referred to in Article 166, paragraph (1) of the Act are that the committee member falls under all of the following items; provided, however, that this does not apply when the approval of the competent minister has been obtained:

一　法第十五条第二項第一号イからルまでのいずれにも該当しないこと。

(i) the committee member does not fall under any of the provisions of Article 15, paragraph (2), item (i), sub-items (a) through (k) of the Act;

二　上場商品構成品等（法第十五条第一項第一号に規定する上場商品構成品等をいう。以下同じ。）の取引に関係のある事業者団体と関係を持っていないこと。

(ii) the committee member does not have any relationship with a business organization related to transactions of component products of listed commodities, etc. (meaning component products of listed commodities, etc., prescribed in Article 15, paragraph (1), item (i) of the Act; the same applies below); and

三　商品市場における取引等（商品清算取引を除く。）の委託を受けること又は商品市場における取引を業として営む企業の役員、顧問若しくは評議員となり、直接間

接に当該企業の経営に参加し、当該企業から反対給付を受け、又は当該企業に投資していないこと。

(iii) the committee member has not accepted a request of transactions, etc. in the commodity market (excluding commodity clearing transactions), become an officer, advisor, or councilor of a company that conducts transactions in the commodity market in the course of trade and directly or indirectly participated in the management of the company, received counter-payment from the company, nor invested in the company.

（市場取引監視委員会規程）

(Market Transactions Surveillance Committee Rules)

第六十五条　法第百六十六条第三項の主務省令で定める事項は、次に掲げるものとする。

Article 65 The matters specified by order of the competent ministry as referred to in Article 166, paragraph (3) of the Act are as follows:

一　委員の身分保障に関する事項

(i) matters concerning a guarantee of the status of a committee member;

二　委員の職務に関して知り得た秘密の保持に関する事項

(ii) matters concerning the maintenance of confidential information learned in the course of duties by the committee member; and

三　市場取引監視委員会の意見に関する事項

(iii) matters concerning an opinion of a market transactions surveillance committee.

（商品取引清算機関の許可申請書の添付書類）

(Documents Attached to Written Applications for Licenses of Commodity Clearing Organizations)

第六十六条　法第百六十八条第二項の主務省令で定める書類は、次に掲げるもの（官公署が証明する書類の場合には、許可の申請の日前三月以内に作成されたものに限る。）とする。

Article 66 The documents specified by order of the competent ministry as referred to in Article 168, paragraph (2) of the Act are as follows (in cases of documents certified by a public agency, limited to those prepared within three months before the date of filing the application for a license):

一　登記事項証明書

(i) a certificate of the registered information;

二　直前事業年度の計算書類等及びその附属証明書

(ii) the financial statements, etc. for the immediately preceding business year and attached certificates;

三　業務開始後三年間における収支の見込みを記載した書面

(iii) a document stating the estimated income and expenditures for the three years after the commencement of the business;

四　主要株主（総株主の議決権（法第八十六条第一項本文に規定する議決権をいう。以下この号において同じ。）の百分の十以上の議決権を保有している株主をいう。以下同じ。）の氏名又は商号若しくは名称、住所又は所在地及びその保有する議決権の数を記載した書面

(iv) a document stating the name or trade name, the address or location of the major shareholder (meaning a shareholder holding 10 percent or more of the voting rights (meaning a voting right prescribed in the main clause of Article 86, paragraph (1) of the Act; the same applies below in this item) of all shareholders; the same applies below), and the number of voting rights that the major shareholder holds;

五　親法人等（商品取引清算機関の総株主の議決権（前号に規定する議決権をいう。）の過半数を保有している法人その他の団体をいう。）及び子法人等（商品取引清算機関が総株主等の議決権（令第九条第一項第三号に規定する議決権をいう。）の過半数を保有している法人その他の団体をいう。）の概要を記載した書面

(v) a document stating an outline of a parent corporation, etc. (meaning a corporation or other organization that holds the majority of voting rights (meaning a voting right prescribed in the preceding item) of all shareholders of a commodity clearing organization) and a subsidiary corporation, etc. (meaning a corporation or other organization that holds the majority of the voting rights (meaning a voting right prescribed in Article 9, paragraph (1), item (iii) of the Order) of all shareholders, etc. of a commodity clearing organization);

六　法第十五条第二項第一号ハからホまで又はリのいずれにも該当しないことを誓約する書面

(vi) a document pledging that the commodity clearing organization does not fall under any of the provisions of Article 15, paragraph (2), item (i), sub-items (c) through (e) or sub-item (i) of the Act;

七　次に掲げる場合に応じ、それぞれ次に定める書面

(vii) a document specified as follows in accordance with the cases stated in each sub-item:

イ　役員が外国人である場合　当該役員の住民票の写し等、履歴書及びその者が法第十五条第二項第一号イからルまでのいずれにも該当しないことを誓約する書面

(a) when an officer is a foreign national: a copy of the residence certificate, etc., and a curriculum vitae of the officer, and a document pledging that the person does not fall under any of the provisions of Article 15, paragraph (2), item (i), sub-items (a) through (k) of the Act;

ロ　役員が法人である場合　当該役員の登記事項証明書、沿革を記載した書面及び法第十五条第二項第一号ヲに該当しないことを誓約する書面

(b) when an officer is a corporation: a certificate of the registered information of the officer, a document stating the history of the corporation, and a document pledging that the person does not fall under the provisions of

Article 15, paragraph (2), item (i), (l) of the Act;

ハ　役員が外国人又は法人でない場合　当該役員の住民票の写し等、履歴書、その者が法第十五条第二項第一号ロに該当しない旨の官公署の証明書並びにその者が同号イ及びハからルまでのいずれにも該当しないことを誓約する書面

(c) when an officer is neither a foreign national nor a corporation: a copy of the residence certificate, etc., and a curriculum vitae of the officer, a certification issued by a public agency that the person does not fall under the provisions of Article 15, paragraph (2), item (i), sub-item (b) of the Act, and a document pledging that the person does not fall under any of the provisions of sub-item (a) and sub-items (c) through (k) of that item;

八　商品取引債務引受業に関する知識及び経験を有する従業員の確保の状況並びに当該従業員の配置の状況を記載した書類

(viii) a document stating the status of securing employees who have the knowledge and experience relating to the business of assuming commodity transaction debts and the status of the assignment of those employees;

九　創立総会を開催した場合には、創立総会の議事録

(ix) when an organizational meeting has been held, the minutes of the organizational meeting;

十　清算参加者の氏名又は商号若しくは名称及び主たる事務所又は本店の所在地を記載した書面

(x) a document stating the names or trade names of clearing participants, and the location of their principal office or head office;

十一　清算参加者が許可の申請の日前三十日以内に様式第一号により作成したその者の純資産額に関する調書

(xi) records prepared by clearing participants according to Form No. 1 within 30 days before date of filing the application for a license concerning the amount of their net assets;

十二　商品取引債務引受業において電子情報処理組織を使用する場合には、当該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を記載した書類

(xii) when an electronic data processing system is used for the business of assuming commodity transaction debts, a document stating the outline, installation location, capacity, and maintenance method of the electronic data processing system, and the method of handling in the case of malfunction of the electronic data processing system; and

十三　その他法第百六十九条第一項に掲げる基準に適合しているかどうかについての認定の参考となるべき事項を記載した書面

(xiii) documents stating other information to be used as a reference for authorization as to whether the organization conforms to the standards stated in Article 169, paragraph (1) of the Act.

（医師の診断書の提出）

(Submission of Doctor's Medical Certificates)

第六十六条の二　主務大臣は、法第百六十七条の許可の申請があった場合において、許可申請者が法第十五条第二項第一号ヲ（イ及びルに係る部分に限る。）に該当するかどうかを審査するために必要があると認めるときは、許可申請者に対し、当該審査の対象となる者の病名、精神の機能の障害の有無及び程度、病因、病後の経過、治癒の見込みその他参考となる所見を記載した医師の診断書の提出を求めることができる。

Article 66-2 When an application for the license under Article 167 of the Act is filed, and the competent minister finds it necessary for examining whether the license applicant falls under Article 15, paragraph (2), item (i), (l) of the Act (limited to the part related to (a) and (k)), the minister may request the applicant to submit a doctor's medical certificate stating the name of the illness of the person subject to the examination, whether the person has any mental impairment and the level of mental impairment, causes of the illness, post-illness progress, prospects of recovery, and other remarks for reference.

（兼業の承認申請）

(Application for Approval of Concurrent Business)

第六十七条　商品取引清算機関は、法第百七十条第二項の規定により承認を受けようとするときは、次に掲げる事項を記載した承認申請書を主務大臣に提出しなければならない。

Article 67 (1) When a commodity clearing organization seeks to receive approval pursuant to the provisions of Article 170, paragraph (2) of the Act, a written application for approval that states the following information must be submitted to the competent minister:

一　承認を受けようとする業務の種類

(i) the type of business seeking approval;

二　当該業務の開始予定年月日

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

２　前項の承認申請書には、次に掲げる書類を添付しなければならない。

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

一　当該業務の内容及び方法を記載した書面

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

二　当該業務を所掌する組織及び人員配置を記載した書面

(ii) a document stating the organization which has jurisdiction over the business and the assignment of personnel;

三　当該業務の運営に関する社内規則

(iii) a document stating the internal rules concerning the management of the business;

四　当該業務の開始後三年間における収支の見込みを記載した書面

(iv) a document stating the estimated income and expenditures for the three years after the commencement of the business.

（兼業業務の廃止の届出）

(Notification of Discontinuation of Concurrent Business)

第六十八条　商品取引清算機関は、法第百七十条第三項の規定による届出を行う場合には、次に掲げる事項を記載した届出書を提出しなければならない。

Article 68 In cases of submitting a notification pursuant to the provisions of Article 170, paragraph (3) of the Act, a commodity clearing organization must submit a written notification stating the following information:

一　法第百七十条第二項の規定に基づき承認を受けた業務の種類

(i) the type of business that was approved based on the provisions of Article 170, paragraph (2) of the Act;

二　当該業務を廃止した年月日

(ii) the date of the discontinuation of the business; and

三　当該業務を廃止した理由

(iii) the reason for the discontinuation of the business.

（資本金の額等の変更の届出）

(Notifications of Changes to Amount of Stated Capital)

第六十九条　商品取引清算機関は、法第百七十一条の規定による届出を行う場合には、次に掲げる事項を記載した届出書を提出しなければならない。

Article 69 (1) In cases of submitting a notification under the provisions of Article 171 of the Act, a commodity clearing organization must submit a written notification stating the following information:

一　変更の内容

(i) the contents of the change; and

二　変更年月日

(ii) the date of the change.

２　前項の届出書には、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するものとする。

(2) The documents specified in the following items in accordance with the category stated in each of those items are to be attached to the written notification referred to in the preceding paragraph:

一　法第百六十八条第一項第二号又は第三号に掲げる事項の変更　第六十六条第一号に掲げる書類

(i) a change to the information stated in Article 168, paragraph (1), item (ii) or (iii) of the Act: a document stated in Article 66, item (i);

二　法第百六十八条第一項第五号に掲げる事項の変更　第六十六条第一号及び第七号に掲げる書類

(ii) a change to the information stated in Article 168, paragraph (1), item (v) of

the Act: a document stated in Article 66, items (i) and (vii).

（商品取引所の商品取引債務引受業等の兼業承認申請書の添付書類）

(Documents Attached to Written Applications for Approval of Concurrent Business of the Business of Assuming Commodity Transaction Debts of Commodity Exchanges)

第七十条　法第百七十三条第三項の主務省令で定める書類は、次に掲げるものとする。

Article 70 The documents specified by order of the competent ministry as referred to in Article 173, paragraph (3) of the Act are as follows:

一　商品取引債務引受業等（法第百七十条第二項に規定する商品取引債務引受業等をいう。以下同じ。）を所掌する組織及び人員配置を記載した書面

(i) a document stating the organization which has jurisdiction over the business of assuming commodity transaction debts, etc. (meaning the business of assuming commodity transaction debts, etc. prescribed in Article 170, paragraph (2) of the Act; the same applies below) and the assignment of personnel;

二　商品取引債務引受業等の開始後三年間における収支の見込みを記載した書面

(ii) a document stating the estimated income and expenditures for the three years after the commencement of the business of assuming commodity transaction debts, etc.;

三　会員総会又は株主総会の議事録その他必要な手続があったことを証する書面

(iii) minutes of a general meeting of members or a shareholders meeting and other documents proving that necessary procedures have been taken;

四　清算参加者の氏名又は商号若しくは名称及び主たる事務所又は本店の所在地を記載した書面

(iv) a document stating the names or trade names of the clearing participants, and the location of their principal office or head office;

五　清算参加者が承認の申請の日前三十日以内に様式第一号により作成したその者の純資産額に関する調書

(v) a record prepared by the clearing participants according to Form No. 1 within 30 days before the filing of the application concerning the amount of their net assets; and

六　商品取引債務引受業等において電子情報処理組織を使用する場合には、当該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を記載した書類

(vi) when an electronic data processing system is used for the business of assuming commodity transaction debts, etc., a document stating the outline, installation location, capacity, and maintenance method of the electronic data processing system, and the method of handling in the case of malfunction of the electronic data processing system.

（業務方法書の記載事項）

(Information to Be Entered in the Statement of Operational Methods)

第七十一条　法第百七十五条第二項第七号の主務省令で定める事項は、次に掲げるものとする。

Article 71 The information specified by order of the competent ministry as referred to in Article 175, paragraph (2), item (vii) of the Act is as follows:

一　法第百七十条第一項の業務を営む場合にあっては、当該業務に関する事項

(i) when the business referred to in Article 170, paragraph (1) of the Act is operated, information concerning the business;

二　商品取引債務引受業等に附帯する業務を営む場合にあっては、当該業務に関する事項

(ii) when a business incidental to the business of assuming commodity transaction debts, etc. is operated, information concerning the business;

三　金融商品債務引受業等その他商品取引債務引受業に関連する業務を営む場合にあっては、当該業務に関する事項

(iii) when the business of assuming commodity transaction debts, etc. or another business related to the business of assuming commodity transaction debts, etc. is operated, information concerning the business;

四　商品清算取引を行う清算参加者と会員等の間の商品清算取引に係る基本契約においては、会員等が清算参加者を代理して商品市場における取引を成立させようとするときは、当該会員等が商品清算取引の申込みをし、かつ、当該清算参加者が当該商品清算取引の受託をしたこととする旨

(iv) Regarding the basic contract related to commodity clearing transactions between a clearing participant who conducts commodity clearing transactions and a member, etc., when the member, etc. seeks to close a transaction in the commodity market on behalf of a clearing participant, the fact of considering that the member, etc. applied for the commodity clearing transaction and the clearing participant has accepted consignment of the commodity clearing transaction;

五　法第百八十条第一項に規定する清算預託金を定める場合にあっては、清算預託金及びその管理方法に関する事項

(v) when determining the clearing deposit prescribed in Article 180, paragraph (1) of the Act, information on the clearing deposit and its management method; and

六　商品市場における取引に係る受渡しの決済のために預託される金銭、有価証券その他の物に関する事項

(vi) information concerning money, securities, and other things deposited for the purpose of settlement of delivery related to transactions in a commodity market.

（取引証拠金の預託方法）

(Methods of Depositing Clearing Margins)

第七十二条　商品取引清算機関は、法第百七十九条第一項の規定に基づき取次者（同項第一号ロに規定する取次者をいう。以下この条及び次条において同じ。）、委託者（同号ロに規定する委託者をいう。以下この条及び次条において同じ。）、取次委託者（同号ニに規定する取次委託者をいう。以下この条及び次条において同じ。）、清算取次者（同項第二号ロに規定する清算取次者をいう。以下この条及び次条において同じ。）、清算取次委託者（同号ロに規定する清算取次委託者をいう。以下この条及び次条において同じ。）又は清算取次者に対する委託者（同号ニに規定する清算取次者に対する委託者をいう。以下この条及び次条において同じ。）から取引証拠金の預託を受けるときは、次の各号に掲げる場合の区分に応じ、当該各号に定める者を代理人として当該取引証拠金の預託を受けなければならない。

Article 72 (1) When receiving a deposit of clearing margins, based on the provisions of Article 179, paragraph (1) of the Act, from a broker (meaning a broker prescribed in item (i), (b) of that paragraph; the same applies in this Article and the following Article below), a requesting party (meaning a requesting party prescribed in (b) of that item; the same applies below in this Article and the following Article), a brokerage requesting party (meaning a brokerage requesting party prescribed in (d) of that item; the same applies below in this Article and the following Article), a clearing broker (meaning a clearing broker prescribed in item (ii), (b) of that paragraph; the same applies below in this Article and the following Article), a clearing brokerage requesting party (meaning a brokerage requesting party prescribed in (b) of the same item; the same applies below in this Article and the following Article), or a requesting party that makes a request to the clearing broker (meaning a requesting party that makes a request to the clearing broker prescribed in (d) of that item; the same applies below in this Article and the following Article), a commodity clearing organization must designate the person specified in each of the following items as an agent in accordance with the category of cases stated in those items, and receive the deposit of the clearing margin:

一　法第百七十九条第一項第一号ロ又はハに規定する場合　当該取引を受託した会員等

(i) when prescribed in Article 179, paragraph (1), item (i), (b) or (c) of the Act: the member, etc. that has been requested with the transaction;

二　法第百七十九条第一項第一号ニに規定する場合　当該取引に係る取次者及び当該取引を受託した会員等

(ii) when prescribed in Article 179, paragraph (1), item (i), (d) of the Act: the broker related to the transaction and the member, etc. that has been requested with the transaction;

三　法第百七十九条第一項第二号イに規定する場合　当該会員等が当該商品清算取引を委託するものとして届け出た清算参加者

(iii) when prescribed in Article 179, paragraph (1), item (ii), (a) of the Act: a

clearing participant notified by the member, etc. as one that requests the commodity clearing transaction;

四　法第百七十九条第一項第二号ロ又はハに規定する場合　当該商品清算取引の委託の取次ぎを受託した会員等及び当該会員等が当該商品清算取引を委託するものとして届け出た清算参加者

(iv) when prescribed in Article 179, paragraph (1), item (ii), (b) or (c): the member, etc. who has accepted the brokerage of the consignment of the commodity clearing transaction and a clearing participant notified by the member, etc. as requesting the commodity clearing transaction; or

五　法第百七十九条第一項第二号ニに規定する場合　当該商品清算取引に係る清算取次者、当該商品清算取引の委託の取次ぎを受託した会員等及び当該会員等が当該商品清算取引を委託するものとして届け出た清算参加者

(v) when prescribed in Article 179, paragraph (1), item (ii), (d) of the Act: a clearing broker related to the commodity clearing transaction, the member, etc. who has accepted the brokerage of the consignment of the commodity clearing transaction, and the clearing participant notified by the member, etc. as requesting the commodity clearing transaction.

2　商品取引清算機関は、法第百七十九条第一項の規定に基づき会員等、取次者又は清算取次者から取引証拠金の預託を受けるとき（会員等が自己の計算において商品市場における取引を行う場合及び清算参加者がその委託をした会員等の計算において商品清算取引を行う場合を除く。）は、次の各号に掲げる場合の区分に応じ、当該各号に定める者が当該取引証拠金（当該各号に定める者が預託した委託証拠金、取次証拠金又は清算取次証拠金の額の範囲内に限る。）に対する返還請求権を有するものとしなければならない。

(2) When receiving a deposit of clearing margins, based on the provisions of Article 179, paragraph (1) of the Act, from a member, etc., a broker, or a clearing broker (excluding cases when a member, etc. conducts the transaction in the commodity market on their own account and where a clearing participant conducts the commodity clearing transaction on the account of the member, etc. who requested the transaction), a commodity clearing organization must consider that a person specified in the following items in accordance with the category of cases stated in each of those items holds a right to claim a return against the clearing margins (limited to within the scope of the amount of customer margins, brokerage margins, or clearing brokerage margins deposited by the person specified in the respective items):

一　会員等が委託者から委託証拠金の預託を受けて商品取引清算機関に取引証拠金を預託した場合　当該委託者

(i) when a member, etc. received a deposit of a customer margin from a requesting party and deposited the clearing margin with a commodity clearing organization: the requesting party;

二　会員等が取次者（取次委託者から取次証拠金の預託を受けている者に限る。）又

は取次委託者から委託証拠金の預託を受けて商品取引清算機関に取引証拠金を預託した場合　当該取次委託者

(ii) when a member, etc. received a deposit of a customer margin from a broker (limited to a person that received a deposit of a brokerage margin from a brokerage requesting party) or received a deposit of a customer margin from a brokerage requesting party and deposited the clearing margin with a commodity clearing organization: the brokerage requesting party;

三　取次者が取次委託者から取次証拠金の預託を受けて商品取引清算機関に取引証拠金を預託した場合　当該取次委託者

(iii) when a broker received a deposit of a brokerage margin from a brokerage requesting party and deposited the clearing margin with a commodity clearing organization: the brokerage requesting party;

四　会員等が清算取次委託者から委託証拠金の預託を受けて商品取引清算機関に取引証拠金を預託した場合　当該清算取次委託者

(iv) when a member, etc. received a deposit of a customer margin from a clearing brokerage requesting party and deposited the clearing margin with a commodity clearing organization: the clearing brokerage requesting party;

五　会員等が清算取次者（清算取次者に対する委託者から清算取次証拠金の預託を受けている者に限る。）又は清算取次者に対する委託者から委託証拠金の預託を受けて商品取引清算機関に取引証拠金を預託した場合　当該清算取次者に対する委託者

(v) when a member, etc. received a deposit of a customer margin from a clearing broker (limited to a person that received a deposit of a clearing brokerage margin from the requesting party that makes a request to the clearing broker) or a requesting party that makes a request to the clearing broker and deposited a clearing margin with a commodity clearing organization: the requesting party that makes a request to the clearing broker; or

六　清算取次者が清算取次者に対する委託者から清算取次証拠金の預託を受けて商品取引清算機関に取引証拠金を預託した場合　当該清算取次者に対する委託者

(vi) when a clearing broker received a deposit of a clearing brokerage margin from a requesting party that makes a request to the clearing broker and deposited the clearing margin with a commodity clearing organization: the requesting party that makes a request to the clearing broker.

（委託証拠金等の預託に係る委託者等の同意等）

(Consent of Requesting Parties Related to Deposits of Customer Margins)

第七十三条　会員等は、法第百七十九条第二項の規定により、委託者、取次者若しくは取次委託者又は清算取次委託者、清算取次者若しくは清算取次者に対する委託者（以下この条において「委託者等」という。）をして委託証拠金を預託させるときは、当該委託者等から、自己に対して当該委託証拠金を預託させることについての書面による同意を得なければならない。

Article 73 (1) When a member, etc. requests a requesting party, a broker or a brokerage requesting party, or a clearing brokerage requesting party, a clearing broker, or a requesting party that makes a request to the clearing broker (referred to below as a "requesting party, etc." in this Article) to deposit a customer margin, a written consent for depositing the customer margin with the member, etc. must be obtained by the member, etc. from the requesting party, etc., pursuant to the provisions of Article 179, paragraph (2) of the Act.

2　会員等は、法第百七十九条第二項の規定により取次委託者をして委託証拠金を預託させるときは当該取次委託者から商品市場における取引の委託の取次ぎを受託した取次者を、同項により清算取次者に対する委託者をして委託証拠金を預託させるときは当該清算取次者に対する委託者から商品清算取引の委託の取次ぎの委託の取次ぎを受託した清算取次者を代理人として、当該委託証拠金の預託を受けなければならない。

(2) A member, etc., when having a brokerage requesting party deposit a customer margin pursuant to the provisions of Article 179, paragraph (2) of the Act, the member, etc. must receive the deposit of the customer margin by appointing as an agent, the broker who has accepted the brokerage of consignment of transactions in a commodity market from the brokerage requesting party, and by appointing as an agent, a clearing broker who has accepted the brokerage of consignment for brokerage of the consignment of commodity clearing transactions from a requesting party that makes a request to the clearing broker when having the requesting party that makes a request to the clearing broker deposit the customer margin pursuant to the provisions of that paragraph.

3　取次者は、法第百七十九条第三項の規定により、取次委託者をして取次証拠金を預託させるときは、当該取次委託者から、自己に対して当該取次証拠金を預託させることについての書面による同意を得なければならない。

(3) When having a brokerage requesting party to deposit a clearing margin, a broker must obtain a written consent for depositing the clearing margin with them from the brokerage requesting party, pursuant to the provisions of Article 179, paragraph (3) of the Act.

4　清算取次者は、法第百七十九条第四項の規定により、清算取次者に対する委託者をして清算取次証拠金を預託させるときは、当該清算取次者に対する委託者から、自己に対して当該清算取次証拠金を預託させることについての書面による同意を得なければならない。

(4) When having a requesting party that makes a request to the clearing broker deposit a clearing brokerage margin, a clearing broker must obtain a written consent for depositing the clearing brokerage margin with them from the requesting party that makes a request to the clearing broker, pursuant to the provisions of Article 179, paragraph (4) of the Act.

5　第四十一条第三項から第七項までの規定は、第一項及び前二項の規定による委託者等、取次委託者及び清算取次者に対する委託者の書面による同意について準用する。

(5) The provisions of Article 41, paragraphs (3) through (7) apply mutatis mutandis to the written consent of a requesting party, etc., a brokerage requesting party, and a requesting party that makes a request to the clearing broker under the provisions of paragraph (1) and the preceding two paragraphs.

（商品取引清算機関における取引証拠金の分別管理）

(Separate Management of Clearing Margins at Commodity Clearing Organizations)

第七十四条　商品取引清算機関は、法第百七十九条第五項において準用する法第百三条第四項の規定に基づき取引証拠金を管理するときは、次の各号に掲げる区分ごと、かつ、会員等ごとに、自己の固有財産その他の取引証拠金以外の財産と分別して管理しなければならない。

Article 74 (1) When a commodity clearing organization manages clearing margins based on the provisions of Article 103, paragraph (4) of the Act as applied mutatis mutandis pursuant to Article 179, paragraph (5) of the Act, the clearing margins are managed separately from its own property and property other than that of the clearing margins for each of the categories stated in the following items, and by each member, etc.:

一　法第百七十九条第一項第一号イに掲げる場合のうち会員等が自己の計算において商品市場における取引を行うときに、同項の規定に基づき当該会員等から預託を受けた取引証拠金

(i) when stated in Article 179, paragraph (1), item (i), (a) of the Act in which a member, etc. conducts transactions in a commodity market on their own account, the clearing margins deposited by the member, etc. based on the provisions of that paragraph;

二　法第百七十九条第一項第一号イに掲げる場合のうち会員等が受託した商品市場における取引を同条第二項の規定に基づき委託証拠金の預託を受けて行うときに、同条第一項の規定に基づき当該会員等から預託を受けた取引証拠金

(ii) when stated in Article 179, paragraph (1), item (i), (a) of the Act in which a member, etc. conducts transactions in a commodity market which the member, etc. has been requested by receiving a deposit of customer margins based on the provisions of paragraph (2) of that Article, the clearing margins deposited by the member, etc. based on the provisions of paragraph (1) of that Article;

三　法第百七十九条第一項第一号ロ又はニに掲げる場合に、同項の規定に基づき委託者又は取次委託者から預託を受けた取引証拠金

(iii) when stated in Article 179, paragraph (1), item (i), (b) or (d) of the Act, the clearing margins deposited by a requesting party or a brokerage requesting party based on the provisions of that paragraph;

四　法第百七十九条第一項第一号ハに掲げる場合に、同項の規定に基づき取次者から預託を受けた取引証拠金

(iv) when stated in Article 179, paragraph (1), item (i), (c) of the Act, the clearing margins deposited by a broker based on the provisions of that paragraph;

五　法第百七十九条第一項第二号イに掲げる場合のうち会員等が自己の計算において商品市場における取引を行うときに、同項の規定に基づき当該会員等から預託を受けた取引証拠金（次号の取引証拠金を除く。）

(v) when stated in Article 179, paragraph (1), item (ii), (a) of the Act in which a member, etc. conducts transactions in a commodity market on their own account, the clearing margins (excluding the clearing margins referred to in the following item) deposited by the member, etc. based on the provisions of that paragraph;

六　法第百七十九条第一項第二号イに掲げる場合のうち会員等が受託した商品市場における取引を同条第二項の規定に基づき委託証拠金の預託を受けて行うときに、同条第一項の規定に基づき当該会員等から預託を受けた取引証拠金

(vi) when stated in Article 179, paragraph (1), item (ii), (a) of the Act in which a member, etc. conducts transactions in a commodity market which the member, etc. has been requested by receiving a deposit of customer margins based on the provisions of paragraph (2) of that Article, the clearing margins deposited by the member, etc. based on the provisions of paragraph (1) of that Article;

七　法第百七十九条第一項第二号ロ又はニに掲げる場合に、同項の規定に基づき清算取次委託者又は清算取次者に対する委託者から預託を受けた取引証拠金

(vii) when stated in Article 179, paragraph (1), item (ii), (b) or (d) of the Act, the clearing margins deposited by a clearing brokerage requesting party or a requesting party that makes a request to the clearing broker based on the provisions of that paragraph; or

八　法第百七十九条第一項第二号ハに掲げる場合に、同項の規定に基づき清算取次者から預託を受けた取引証拠金

(viii) when stated in Article 179, paragraph (1), item (ii), (c) of the Act, the clearing margins deposited by a clearing broker based on the provisions of that paragraph.

2　商品取引清算機関は、法第百七十九条第五項において準用する法第百三条第四項の規定に基づき取引証拠金を管理するときは、次項の規定に基づき管理されるものを除き、次に掲げる方法により当該取引証拠金を管理しなければならない。

(2) When managing clearing margins based on the provisions of Article 103, paragraph (4) of the Act as applied mutatis mutandis pursuant to Article 179, paragraph (5) of the Act, a commodity clearing organization must manage the clearing margins by the following methods, excluding those managed based on the provisions of the following paragraph:

一　銀行への預金（取引証拠金であることがその名義により明らかなものに限る。）

(i) by depositing the margins in a bank account (limited to deposit accounts

that are clearly identifiable as clearing margins by the account name);

二　信託業務を営む金融機関への金銭信託（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より元本の補てんの契約をしたものであって、取引証拠金であることがその名義により明らかなものに限る。）

(ii) by creating a money trust with financial institutions engaging in trust business (limited to one with a contractual agreement for compensation of the principal pursuant to the provisions of Article 6 of the Act on Engagement in Trust Business by Financial Institutions and that is clearly identifiable as clearing margin by the account name); or

三　国債、地方債又は政府保証債の保有

(iii) by holding Japanese government bonds, local government bonds, or government guaranteed bonds.

3　商品取引清算機関は、法第百七十九条第五項において準用する法第百三条第四項の規定に基づき充用有価証券等（法第百七十九条第六項において準用する法第百三条第五項の規定により取引証拠金に充てられる有価証券及び倉荷証券（以下この条において「有価証券等」という。）をいう。以下この条において同じ。）を管理するときは、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充用有価証券等を管理しなければならない。

(3) When managing securities, etc. for allocation (meaning the securities and warehouse receipts (referred to below as the "securities, etc." in this Article) which are allocated to clearing margins pursuant to the provisions of Article 103, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 179, paragraph (6); the same applies below in this Article) based on the provisions of Article 103, paragraph (4) of the Act as applied mutatis mutandis pursuant to Article 179, paragraph (5) of the Act, a commodity clearing organization must manage the securities, etc. for allocation by the methods specified in the following items in accordance with the category of securities, etc. stated in each of those items:

一　商品取引清算機関が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有価証券等を除く。次号において同じ。）　充用有価証券等の保管場所については自己の固有財産である有価証券等その他の充用有価証券等以外の有価証券等（以下この条において「清算機関固有有価証券等」という。）の保管場所と明確に区分し、かつ、当該充用有価証券等についてどの会員等から又はどの会員等を通じ預託を受けた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 commodity clearing organization by retaining them (excluding securities which are commingled and retained; the same applies in the following item): a management method by which the location for the retention of securities, etc. for allocation is clearly separate from that for the securities of a person's own property and other securities, etc. than that for the securities, etc. for allocation (referred to below as the " clearing

organization's proprietary securities, etc." in this Article), and the securities, etc. for allocation are retained in a condition that is immediately distinguishable as to which member, etc. deposited the securities, etc. or through which member, etc. the securities, etc. have been deposited;

二　商品取引清算機関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　当該第三者をして、充用有価証券等の保管場所については清算機関固有有価証券等の保管場所と明確に区分させ、かつ、当該充用有価証券等についてどの会員等から又はどの会員等を通じ預託を受けた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 commodity clearing organization by having a third party retain them: a management method by which the commodity clearing organization has a third party to have the location for the retention of securities, etc. for allocation clearly separate from that for securities, etc. of a clearing organization's proprietary securities, etc., and to retain the securities, etc. for allocation in a condition that is immediately distinguishable as to which member, etc. deposited the securities, etc. or through which customer the securities, etc. have been deposited;

三　商品取引清算機関が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有価証券等に限る。次号において同じ。）　充用有価証券等の保管場所については清算機関固有有価証券等の保管場所と明確に区分し、かつ、各会員等から又は各会員等を通じ預託を受けた充用有価証券等に係る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 commodity clearing organization by retaining them (limited to the securities, etc. which are commingled and retained; the same applies in the following item): a management method by which the location for the retention of securities, etc. for allocation is clearly separate from that for the securities, etc. of a clearing organization's proprietary securities, etc., and the equity interests related to securities, etc. for allocation deposited by each member, etc. or through each member, etc. are retained in a condition that is easily distinguishable from their own books; or

四　商品取引清算機関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　当該第三者をして、充用有価証券等を預託する者のための口座については商品取引清算機関の自己の口座と区分する等の方法により、充用有価証券等に係る持分が直ちに判別でき、かつ、各会員等から又は各会員等を通じ預託を受けた充用有価証券等に係る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 commodity clearing organization by having a third party retain them: a management method by which the commodity clearing organization has a third party retain the account for a person that deposits the securities, etc. for allocation separate from the commodity clearing organization's own account, in which the equity interests related to

securities, etc. for allocation are immediately distinguishable, and the equity interests related to securities, etc. for allocation deposited by each member, etc. or through each member, etc. are immediately distinguishable from their own books.

（定款又は業務方法書の変更認可申請）

(Application for Authorization for Changes to Articles of Incorporation or the Statement of Operational Methods)

第七十五条　商品取引清算機関は、法第百八十二条の規定により認可を受けようとするときは、次に掲げる事項を記載した認可申請書を主務大臣に提出しなければならない。

Article 75 (1) When seeking to obtain authorization pursuant to the provisions of Article 182 of the Act, a commodity clearing organization must submit a written application for authorization stating the following information to the competent minister:

一　変更の内容

(i) the content of the change; and

二　変更予定年月日

(ii) the scheduled date of the change.

２　前項の認可申請書には、次に掲げる書類を添付しなければならない。

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

一　変更の理由を記載した書面

(i) a document stating the reasons for the change;

二　新旧条文の対照表

(ii) a comparative table of the prior and amended provisions;

三　定款の変更認可申請書にあっては、株主総会（法第百七十三条第一項の規定に基づく承認を受けた会員商品取引所にあっては、会員総会）の議事録その他必要な手続があったことを証する書面

(iii) in cases of a written application for authorization of a change to the articles of incorporation, the minutes of a shareholders meeting (in cases of a member commodity exchange which has been approved based on the provisions of Article 173, paragraph (1) of the Act, a general meeting of members) and other documents proving that necessary procedures have been taken; and

四　業務方法書の変更認可申請書にあっては、定款その他の規則で定める変更の手続を完了したことを証する書面

(iv) in cases of a written application for approval of a change to the statement of operational methods, a document proving that the procedures for changes specified by the articles of incorporation and other rules have been completed.

（定款又は業務方法書の変更認可基準）

(Standard for Authorizing Changes to Articles of Incorporation or the Statement of Operational Methods)

第七十六条　主務大臣は、法第百八十二条の規定に基づく認可申請があったときは、その申請が法令に適合し、かつ、業務を適正かつ確実に運営するために十分かどうかを審査しなければならない。

Article 76 When an application for authorization based on the provisions of Article 182 of the Act has been filed, the competent minister must examine whether the application conforms to laws and regulations, and is sufficient for operating the business appropriately and reliably.

（商品取引債務引受業の廃止又は解散の決議に係る認可申請）

(Application for Approval Related to Resolutions of Discontinuation or Dissolution of the Business of Assuming Commodity Transaction Debts)

第七十七条　商品取引清算機関は、法第百八十三条の規定による商品取引債務引受業の廃止又は解散の決議の認可を受けようとするときは、認可申請書に次に掲げる書類を添付して主務大臣に提出するものとする。

Article 77 When seeking to obtain authorization for a resolution of the discontinuation or dissolution of the business of assuming commodity transaction debts pursuant to the provisions of Article 183 of the Act, a commodity clearing organization is to attach the following documents to the written application for authorization and submit them to the competent minister:

一　廃止又は解散の理由を記載した書面

(i) a document stating the reasons for the discontinuation or dissolution;

二　株主総会（法第百七十三条第一項の規定に基づく承認を受けた会員商品取引所にあっては、会員総会）の議事録その他必要な手続があったことを証する書面

(ii) the minutes of a shareholders meeting (in cases of a member commodity exchange which has been approved based on the provisions of Article 173, paragraph (1) of the Act, a general meeting of members) and other documents proving that necessary procedures have been taken;

三　直前事業年度の計算書類等及びその附属明細書

(iii) the financial statements, etc. for the immediately preceding business year and their annexed detailed statements; and

四　商品取引債務引受業の結了の方法を記載した書面

(iv) a document stating the method of completing the business of assuming commodity transaction debts.

第七十八条　削除

Article 78 Deleted

（商品先物取引業者の許可申請書の記載事項）

(Information to Be Entered in Written Applications for Licenses of Commodity Derivatives Brokers)

第七十九条　法第百九十二条第一項第六号の主務省令で定める事項は、次に掲げるものとする。

Article 79 The information specified by order of the competent ministry as referred to in Article 192, paragraph (1), item (vi) of the Act is the following information:

一　資本金の額、出資の総額又は基金の総額

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

二　商品市場における取引等（商品清算取引を除く。）又は外国商品市場取引等（外国商品市場取引のうち商品清算取引に類似する取引を除く。）の受託を行う場合には、当該受託に係る商品市場又は外国商品市場（当該商品市場を開設する商品取引所又は当該外国商品市場を開設する外国商品市場開設者の名称又は商号を含む。）

(ii) when receiving a request of transactions, etc. in commodity markets (excluding commodity clearing transactions) or transactions, etc. in foreign commodity markets (among foreign commodity market transactions, excluding those similar to commodity clearing transactions), the commodity market or foreign commodity market related to the receipt of the request (including the name or trade name of the commodity exchange establishing the commodity market or the foreign commodity market establisher establishing the foreign commodity market);

三　国内の営業所又は事務所において法第二条第二十二項第一号又は第二号に掲げる行為を業として行う場合には、加入する委託者保護基金の名称

(iii) in cases when the acts stated in Article 2, paragraph (22), item (i) or (ii) are performed in the course of trade at a business office or office in Japan, the name of the requesting party protection fund to be joined; and

四　加入する商品先物取引協会（法第二百四十一条第一項に規定する商品先物取引協会をいう。以下「協会」という。）の名称

(iv) the name of a commodity futures association (meaning a commodity futures association prescribed in Article 241, paragraph (1) of the Act; referred to below as an "association") to be joined.

（商品先物取引業の許可申請書の添付書類）

(Documents Attached to Written Applications for Licenses of Commodity Derivatives Business)

第八十条　法第百九十二条第二項の主務省令で定める書類は、次項に規定する場合を除き、次に掲げるもの（官公署が証明する書類の場合には、許可の申請の日前三月以内に作成されたものに限る。）とする。

Article 80 (1) The documents specified by order of the competent ministry as referred to in Article 192, paragraph (2) of the Act are the following documents

(in cases of documents certified by a public agency, limited to those prepared within three months before the date of filing the application for a license) excluding the cases specified in the following paragraph:

一　定款（外国法人である場合には、定款に準ずる書面）

(i) the articles of incorporation (in cases of a foreign corporation, a document equivalent to articles of incorporation);

二　登記事項証明書（外国法人である場合には、登記事項証明書に準ずる書面及び国内における主たる営業所又は事務所の登記事項証明書）

(ii) a certificate of the registered information (in cases of a foreign corporation, a document equivalent to a certificate of the registered information and a certificate of the registered information for the principal business office or office in Japan);

三　直前事業年度の計算書類等及びその附属明細書（これらの書類を作成していない場合には、これらに準ずる書類）

(iii) the financial statements, etc. for the immediately preceding business year and their annexed detailed statements (when these documents have not been prepared, documents equivalent to them);

四　法第十五条第二項第一号ハからホまで又はリのいずれにも該当しないことを誓約する書面

(iv) a document pledging that the person does not fall under any of the provisions of Article 15, paragraph (2), item (i), sub-items (c) through (e), or sub-item (i) of the Act;

五　次に掲げる場合に応じ、それぞれ次に定める書面

(v) a document specified as follows in accordance with the cases stated in each sub-item:

イ　役員が外国人である場合　当該役員の住民票の写し等、履歴書及びその者が法第十五条第二項第一号イからルまでのいずれにも該当しないことを誓約する書面

(a) when an officer is a foreign national: a copy of the residence certificate, etc., and a curriculum vitae of the officer, and a document pledging that the person does not fall under any of the provisions of Article 15, paragraph (2), item (i), sub-items (a) through (k) of the Act; and

ロ　役員が法人である場合　当該役員の登記事項証明書（外国法人である場合には、登記事項証明書に準ずる書面）、沿革を記載した書面及び法第十五条第二項第一号ヲに該当しないことを誓約する書面

(b) when an officer is a corporation: a certificate of the registered information of the officer (in cases of a foreign corporation, a document equivalent to the certificate of the registered information), a document stating the history of the corporation, and a document pledging that the officer does not fall under the provisions of Article 15, paragraph (2), item (i), (l) of the Act; or

ハ　役員が外国人又は法人でない場合　当該役員の住民票の写し等、履歴書、その

者が法第十五条第二項第一号ロに該当しない旨の官公署の証明書並びにその者が同号イ及びハからルまでのいずれにも該当しないことを誓約する書面

(c) when an officer is neither a foreign national nor a corporation: a copy of the residence certificate, etc. and a curriculum vitae of the officer, a certification issued by a public agency proving that the person does not fall under the provisions of Article 15, paragraph (2), item (i), (b) of the Act, and a document pledging that the person does not fall under any of the provisions of sub-item (a) and sub-items (c) through (k) of that item;

六　商品先物取引業を遂行するための方法を記載した書面

(vi) a document stating the method for executing the commodity derivatives business;

七　商品先物取引業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

(vii) a document stating the personnel structure and the system for conducting business of the organization, etc. concerning the commodity derivatives business;

八　取引の種類及び取引の対象とする商品又は商品指数を記載した書面

(viii) a document stating the type of transactions and the commodities and commodity indices underlying the transactions;

九　様式第一号により作成したその者の純資産額に関する調書

(ix) a record concerning the amount of net assets of that entity, prepared according to Form No. 1;

十　様式第三号により作成した内部管理に関する業務を行う組織の概要並びに顧客からの苦情及び相談に対する対応方法等を記載した書面

(x) a document stating the outline of the organization that performs the operations involving internal control and the method for addressing complaints and inquiries from customers, prepared according to Form No. 3;

十一　商品先物取引業において電子情報処理組織を使用する場合には、当該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を記載した書類

(xi) when an electronic data processing system is used for commodity derivatives business, documents stating the outline, installation location, capacity, and maintenance method of the electronic data processing system, and the method of handling in the case of malfunction of the electronic data processing system;

十二　過去五年以内に、商品先物取引業に関して禁錮以上の刑（外国において商品先物取引業に相当する業務に関してこれに相当する外国の法令による刑を含む。）若しくは法若しくはこれに相当する外国の法令の規定により罰金の刑（これに相当する外国の法令による刑を含む。）に処せられ、又は法の規定に基づく処分を受けたことのある職員の数、当該職員の氏名、生年月日、住所、所属する営業所又は事務所の名称、所属する部署、職名及び外務員登録の有無並びに当該禁錮以上の刑若しくは当該罰金の刑に処せられ、又は当該処分を受けた年月日、理由及びその内容を

記載した書面

(xii) a document stating the number of employees who have been sentenced to imprisonment or severer punishment (including an equivalent punishment under the laws and regulations of a foreign country for a business equivalent to a commodity derivatives business in the foreign country) or to a fine pursuant to this Act or equivalent laws and regulations of a foreign country (including an equivalent punishment under the laws and regulations of a foreign country), or who have been rendered a disposition based on the provisions of the Act with regard to commodity derivatives business within the last five years, and the name, date of birth, and address of those employees, the name of the business office or department to which the employees are assigned, their official title, whether or not the employees have been registered as a sales representative, the date when and the reasons that the employees were punished by the punishment or fine, or rendered the disposition, and the content of the punishment, fine, or disposition;

十三　商品先物取引業の開始を予定する日の属する事業年度及び当該事業年度の翌事業年度から起算して二事業年度における商品先物取引業の収支の見込みを記載した書面、商品先物取引業の計画書並びにこれらの根拠を記載した書面

(xiii) a document stating the estimated income and expenditures of a commodity derivatives business for the business year that includes the day on which commodity derivatives business is scheduled to commence and the two business years following the business year after that business year, the commodity derivatives business plan, and a document stating the basis for the estimation and the plan;

十四　商品先物取引業の開始を予定する日の属する事業年度及び当該事業年度の翌事業年度から起算して二事業年度における純資産額及び純資産額規制比率（申請者が令第二十八条各号に掲げる者である場合には、純資産額）の見込みを記載した書面並びにこれらの根拠を記載した書面

(xiv) a document stating the estimated amount of the net assets and the net assets regulation ratio (or the amount of net assets, in cases when the applicant is a person stated in the items of Article 28 of the Order) for the business year that includes the day on which commodity derivatives business is scheduled to commence and the two business years following the business year after that business year, and a document stating the basis for the estimation;

十五　保有する議決権（総株主、総社員、総会員又は総組合員の議決権をいう。以下この号及び第八十二条において同じ。）の数の上位十名までの株主又は社員その他の出資者（以下この号において「株主等」という。）の氏名又は商号若しくは名称、住所又は所在地、その保有する議決権の議決権の総数に対する割合及び申請者との関係（当該株主等が申請者の役職員又は親会社、子会社若しくは関連会社若しくは

その役職員である場合に限る。）を記載した書面

(xv) a document stating the names or trade names and addresses or locations of the top 10 shareholders or members, or other investors (referred to as "shareholders, etc." in this item below) in number of voting rights held (meaning voting rights of all shareholders, all company members, and all members, or all association members; the same applies in this item and Article 82 below), the proportion of voting rights held to the total number of voting rights, and the relationships with the applicant (limited to cases in which the shareholders, etc. are officers or employees of the applicant, or the parent company, a subsidiary company, or an affiliated company, or their officers or employees);

十六　様式第四号により作成した法第百九十六条第一項に規定する兼業業務の概要に関する調書

(xvi) a record concerning an outline of the concurrent business prescribed in Article 196, paragraph (1) of the Act, prepared according to Form No. 4;

十七　様式第五号により作成した法第百九十六条第二項に規定する他の法人に対する支配関係の概要に関する調書

(xvii) a record concerning an outline of the controlling relationships with other corporations prescribed in Article 196, paragraph (2) of the Act, prepared according to Form No. 5; and

十八　法第二条第二十二項第五号に掲げる行為を業として行う場合には、次に掲げる書類

(xviii) the following documents, when the acts stated in Article 2, paragraph (22), item (v) of the Act are to be performed in the course of trade:

イ　当該業務を管理する責任者の履歴書

(a) a curriculum vitae of the person responsible for the management of the business;

ロ　当該業務に関する社内規則

(b) internal rules concerning the business;

ハ　当該業務を行う部署の名称及び組織の体制を記載した書面

(c) a document stating the name of the department and the structure of the organization performing the business;

ニ　当該業務に係る顧客との取引開始基準を記載した書面

(d) a document stating the standard for initiation of a transaction with a customer related to the business; and

ホ　当該業務に関し顧客と取引を行う際に使用する契約書

(e) the written contract to be used when conducting transactions with a customer related to the business.

2　法第百九十条第二項の許可の更新を受けようとする場合における法第百九十二条第二項の主務省令で定める書類は、前項に掲げるもののほか、次に掲げるものとする。

(2) In seeking to obtain a renewal of the license under Article 190, paragraph (2)

of the Act, in addition to the documents stated in the preceding paragraph, the documents specified by order of the competent ministry as referred to in Article 190, paragraph (2) are as follows:

一　様式第六号により作成した訴訟又は調停の発生状況及びその処理状況を記載した書面

(i) a document prepared according to Form No. 6 stating the causes and status of a litigation or mediation.

二　商品先物取引業の収支の実績を記載した書類

(ii) a document stating the results of income and expenditures of the commodity derivatives business;

三　協会、委託者保護基金、商品取引所又は商品取引清算機関の監査に基づき処分を受けた場合にあっては、監査を行った機関名、監査の時期、処分年月日及び処分の内容並びに改善措置の内容を記載した書類

(iii) when the entity has been rendered a disposition based on an audit by an association, requesting party protection fund, commodity exchange, or commodity clearing organization, a document stating the name of the organization that conducted the audit, the time of the audit, the date of the disposition, and the content of the disposition as well as the content of the improvement measures.

（医師の診断書の提出）

(Submission of Doctor's Medical Certificates)

第八十条の二　主務大臣は、法第百九十条第一項の許可の申請があった場合において、許可申請者が法第十五条第二項第一号ヲ（イ及びルに係る部分に限る。）に該当するかどうかを審査するために必要があると認めるときは、許可申請者に対し、当該審査の対象となる者の病名、精神の機能の障害の有無及び程度、病因、病後の経過、治癒の見込みその他参考となる所見を記載した医師の診断書の提出を求めることができる。

Article 80-2　The competent minister may request an applicant to submit a doctor's medical certificate stating the name of the illness of the person subject to the examination, whether the person has any mental impairment and the level of mental impairment, causes of the illness, post-illness progress, prospects of recovery, and other remarks for reference when the application for the license under Article 190, paragraph (1) of the Act has been filed, and the minister finds it necessary to do so for examining whether the license applicant falls under Article 15, paragraph (2), item (i), (l) of the Act (limited to the part related to sub-items (a) and (k)).

（純資産額の基準額）

(Base Value of the Net Assets Amount)

第八十一条　法第百九十三条第二項の主務省令で定める額は、一億円とする。

Article 81　The amount specified by order of the competent ministry as referred

to in Article 193, paragraph (2) of the Act is 100 million yen.

（届出事項）
(Matters Requiring Notification)

第八十二条　法第百九十五条第一項第五号の主務省令で定める場合は、次に掲げる場合とする。

Article 82 (1) The cases specified by order of the competent ministry as referred to in Article 195, paragraph (1), item (v) of the Act are the following cases:

一　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

(i) when a commodity derivatives business operator has come to know that a petition has been filed for the commencement of bankruptcy proceedings, rehabilitation proceedings, or reorganization proceedings;

二　定款（外国法人である場合には、定款に準ずる書面）を変更した場合

(ii) when the articles of incorporation have been changed (in cases of a foreign corporation, a document equivalent to articles of incorporation);

三　商品先物取引業者の総株主等（総株主、総社員、総会員又は総組合員をいう。次項第十三号ロにおいて同じ。）の議決権の過半数が他の一の法人その他の団体によって保有されることとなった場合

(iii) when the majority of the voting rights of the all shareholders, etc. (meaning all shareholders, all company, all members, or all association members; the same applies in item (xiii), (b) of the following paragraph) of a commodity derivatives business operator has come to be held by another corporation or other organizations;

四　商品先物取引業を遂行するための方法を変更した場合

(iv) when the method for executing the commodity derivatives business has been changed;

五　取引の種類又は取引の対象とする商品若しくは商品指数を変更した場合

(v) when the type of transaction or the commodities or commodity indices underlying the transaction have been changed;

六　第八十条第一項第十六号に掲げる調書の兼業業務を廃止した場合

(vi) when a concurrent business stated in the record listed in Article 80, paragraph (1), item (xvi) has been discontinued;

七　第八十条第一項第十七号に掲げる調書の内容に変更を生じた場合又は支配関係が消滅した場合

(vii) when the content of the record stated in Article 80, paragraph (1), item (xvii) has changed, or when a controlling relationship has extinguished;

八　商品先物取引仲介業者に法第二条第二十二項各号に規定する媒介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

(viii) when business related to intermediation prescribed in the items of Article 2, paragraph (22) has been requested to a commodity derivatives

intermediary service provider, or when a commodity derivatives business operator has ceased to request the business; and

九　商品先物取引業者の純資産額が資本金の額を下回った場合

(ix) when the amount of the net assets of a commodity derivatives business operator has become lower than the amount of stated capital.

２　法第百九十五条第二項の主務省令で定める書類は、次の各号に掲げる場合の区分に応じ、当該各号に定めるもの（官公署が証明する書類の場合には、届出日前三月以内に作成されたものに限る。）とする。

(2) The documents specified by order of the competent ministry as referred to in Article 195, paragraph (2) of the Act are those specified in the following items in accordance with the category of cases stated in each of those items (in cases of documents certified by a public agency, limited to those prepared within three months before the notification):

一　法第百九十二条第一項第一号に掲げる事項を変更した場合　登記事項証明書（外国法人である場合には、登記事項証明書に準ずる書面。以下この項において同じ。）

(i) when the information stated in Article 192, paragraph (1), item (i) of the Act is changed: a certificate of registered information (in cases of a foreign corporation, a document equivalent to a certificate of registered information; the same applies below in this paragraph);

二　法第百九十二条第一項第三号に掲げる事項を変更した場合　登記事項証明書

(ii) when the information stated in Article 192, paragraph (1), item (iii) of the Act is changed: a certificate of registered information;

三　法第百九十二条第一項第四号に掲げる事項（役員の住所を除く。）を変更した場合　次に掲げる書類

(iii) when the information stated in Article 192, paragraph (1), item (iv) of the Act (excluding the address of an officer) is changed: the following documents:

イ　登記事項証明書

(a) a certificate of registered information;

ロ　次に掲げる場合に応じ、それぞれ次に定める書面

(b) a document specified as follows in accordance with the cases stated in each sub-item:

（１）　新たに就任した役員が外国人である場合　当該役員の住民票の写し等、履歴書及びその者が法第十五条第二項第一号イからルまでのいずれにも該当しないことを誓約する書面

1. when a newly appointed officer is a foreign national: a copy of the residence certificate, etc. and a curriculum vitae of the officer, and a document pledging that the person does not fall under any of the provisions of Article 15, paragraph (2), item (i), sub-items (a) through (k) of the Act;

（２）　新たに就任した役員が法人である場合　当該役員の登記事項証明書、沿

革を記載した書面及び法第十五条第二項第一号ヲに該当しないことを誓約する書面

2. when a newly appointed officer is a corporation: a certificate of the registered information of the officer, a document stating the history of the corporation, and a document pledging that the officer does not fall under the provisions of Article 15, paragraph (2), item (i), (l) of the Act; or

（３）　新たに就任した役員が外国人又は法人でない場合　当該役員の住民票の写し等、履歴書、その者が法第十五条第二項第一号ロに該当しない旨の官公署の証明書並びにその者が同号イ及びハからルまでのいずれにも該当しないことを誓約する書面

3. when a newly appointed officer is neither a foreign national nor a corporation: a copy of the residence certificate, etc. and a curriculum vitae of the officer, a certification issued by a public agency proving that the person does not fall under the provisions of Article 15, paragraph (2), item (i), (b) of the Act, and a document pledging that the person does not fall under any of the provisions of sub-item (a) and sub-items (c) through (k) of that item; or

ハ　商品先物取引業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

(c) a document stating the personnel structure and the system for conducting business of the organization, etc. concerning the commodity derivatives business.

四　法第百九十二条第一項第五号に掲げる事項を変更した場合　次に掲げる書類

(iv) when the information stated in Article 192, paragraph (1), item (v) of the Act has been changed: the following documents:

イ　変更の内容、変更年月日及び変更の理由を記載した書面

(a) a document stating the content of the change, the date of the change, and the reason for the change;

ロ　商品先物取引業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) a document stating the personnel structure and the system for conducting business of the organization, etc. concerning the commodity derivatives business; and

ハ　新たに法第二条第二十二項第五号に掲げる行為を業として行う場合には、次に掲げる書類

(c) when the acts stated in Article 2, paragraph (22), item (v) of the Act are to be newly performed in the course of trade: the following documents:

（１）　当該業務を管理する責任者の履歴書

1. a curriculum vitae of the person responsible for the management of the business;

（２）　当該業務に関する社内規則

2. internal rules concerning the business;

（３）　当該業務を行う部署の名称及び組織の体制を記載した書面

3. a document stating the name of the department and the structure of the organization performing the business;

（４）　当該業務に係る顧客との取引開始基準を記載した書面

4. a document stating the standard for initiation of a transaction with a customer related to the business; and

（５）　当該業務に関し顧客と取引を行う際に使用する契約書

5. a written contract to be used when conducting transactions with a customer related to the business.

五　資本金の額、出資の総額又は基金の総額を変更した場合　次に掲げる書類

(v) when the total amount of stated capital, the total amount of investment, or the total amount of funds has been changed: the following documents:

イ　変更前及び変更後の資本金の額、出資の総額又は基金の総額、変更の方法並びに変更の理由を記載した書面

(a) a document stating the total amount of stated capital, the total amount of investment, and the total amount of funds before the change and after the change, the method for the change, and the reason for the change; and

ロ　登記事項証明書

(b) a certificate of registered information.

六　商品市場における取引等（商品清算取引を除く。イにおいて同じ。）又は外国商品市場取引等（外国商品市場取引のうち商品清算取引に類似する取引を除く。イにおいて同じ。）の受託に係る商品市場又は外国商品市場（当該商品市場を開設する商品取引所又は当該外国商品市場を開設する外国商品市場開設者の名称又は商号を含む。）を変更した場合　次に掲げる書類

(vi) when a change is made in the commodity market or foreign commodity market (including the name or trade name of the commodity exchange establishing the commodity market or the foreign commodity market establisher establishing the foreign commodity market) related to the entrustment of transactions, etc. in a commodity market (excluding commodity clearing transactions; the same applies in (a)) or transactions, etc. in a foreign commodity market (excluding transactions similar to commodity clearing transactions among foreign commodity market transactions): the following documents:

イ　変更した商品市場における取引等又は外国商品市場取引等の受託に係る商品市場の名称（当該商品市場を開設する商品取引所又は当該外国商品市場を開設する外国商品市場開設者の名称又は商号を含む。）及び変更年月日を記載した書面

(a) a document stating the changed name of the commodity market related to the entrustment of transactions, etc. in a commodity market or transactions, etc. in a foreign commodity market (including the name or trade name of the commodity exchange establishing the commodity market or the foreign commodity market establisher establishing the foreign

commodity market) and the date of the change; and

ロ　取締役会（これに準ずる機関を含む。）の議事録その他の必要な手続があったことを証する書面

(b) minutes of the board of directors (including equivalent organs) and other documents proving that necessary procedures have been taken.

七　委託者保護基金に加入し、又は脱退した場合　次に掲げる書類

(vii) when joining or withdrawing from a requesting party protection fund: the following documents:

イ　加入し、又は脱退した委託者保護基金の名称及び加入し、又は脱退した年月日を記載した書面

(a) a document stating the name of the requesting party protection fund joined or withdrawn from and the date of joining or withdrawing from the fund;

ロ　取締役会（これに準ずる機関を含む。）の議事録その他必要な手続があったことを証する書面

(b) minutes of the board of directors (including equivalent organs) and other documents proving that necessary procedures have been taken;

八　協会に加入し、又は脱退した場合　次に掲げる書類

(viii) when joining or withdrawing from an association: the following documents:

イ　加入し、又は脱退した協会の名称及び加入し、又は脱退した年月日を記載した書面

(a) a document stating the name of the association joined or withdrawn from and the date of joining or withdrawing from the association;

ロ　取締役会（これに準ずる機関を含む。）の議事録その他必要な手続があったことを証する書面

(b) minutes of the board of directors (including equivalent organs) and other documents proving that necessary procedures have been taken.

九　商品先物取引業を開始し、休止し、又は再開した場合　次に掲げる書類

(ix) when the commodity derivatives business is commenced, suspended, or resumed: the following documents:

イ　商品先物取引業を開始し、休止し、又は再開した旨、休止の期間又は開始若しくは再開の年月日及び休止し、又は再開した理由を記載した書面

(a) a document stating the fact that the commodity derivatives business has been commenced, suspended, or resumed, the duration of suspension or the date of commencing or resuming the business, and the reason for suspending or resuming the business; and

ロ　休止期間中における委託者等勘定の処理の方法を記載した書面（開始及び再開の場合を除く。）

(b) a document stating the method for processing the accounts of a requesting party, etc. during the period of suspension (excluding cases of commencing

and resuming the business).

十　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場合　次に掲げる書類

(x) when a petition has been filed for the commencement of bankruptcy proceedings, rehabilitation proceedings, or reorganization proceedings: 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を行った年月日及びその申立ての理由を記載した書面

(a) a document stating the date on which the petition for the commencement of bankruptcy proceedings, rehabilitation proceedings, or reorganization proceedings was filed and the reason for filing the petition; 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に係る書面の写し

(b) a copy of the document related to the filing of the petition for the commencement of bankruptcy proceedings, rehabilitation proceedings, or reorganization proceedings.

十一　前項第一号に掲げる場合　次に掲げる書類

(xi) when stated in item (i) of the preceding paragraph: 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が行われた年月日、その申立てを行った者の氏名又は商号若しくは名称及びその申立ての理由を記載した書面

(a) a document stating the date on which the petition for the commencement of bankruptcy proceedings, rehabilitation proceedings, or reorganization proceedings was filed, the name or trade name of the entity filing the petition, and the reason for filing the petition; 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に係る書面の写し

(b) a copy of a document related to the filing of the petition for the commencement of bankruptcy proceedings, rehabilitation proceedings, or reorganization proceedings.

十二　前項第二号に掲げる場合　次に掲げる書類

(xii) when stated in item (ii) of the preceding paragraph: the following documents:

イ　変更の内容、変更の年月日及び変更の理由を記載した書面

(a) a document stating the content of the change, the date of the change, and the reason for the change;

ロ　新旧条文の対照表

(b) a comparison table of the prior and amended provisions;

ハ　株主総会（これに準ずる機関を含む。）の議事録その他必要な手続があったことを証する書面

(c) minutes of the shareholders meeting (including equivalent organs) and other documents proving that necessary procedures have been taken.

十三　前項第三号に掲げる場合　次に掲げる書類

(xiii) when stated in item (iii) of the preceding paragraph: the following documents:

イ　他の一の法人その他の団体の商号又は名称及び保有されることとなった年月日を記載した書面

(a) a document stating the trade name or name of another corporation or other organizations and the date on which the voting rights came to be held;

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を記載した書面

(b) a document stating the number of voting rights held and the proportion of the number of the voting rights out of the voting rights of all shareholders, etc.;

ハ　議決権を保有する他の一の法人その他の団体の業務の概要を記載した書類

(c) a document stating an outline of the business of another corporation or other organizations holding the voting rights.

十四　前項第四号に掲げる場合　次に掲げる書類

(xiv) when stated in item (iv) of the preceding paragraph: the following documents:

イ　変更の内容、変更年月日及び変更の理由を記載した書面

(a) a document stating the content of the change, the date of the change, and the reason for the change; and

ロ　変更後の商品先物取引業を遂行するための方法を記載した書面

(b) a document stating the method for executing the commodity derivatives business after the change.

十五　前項第五号に掲げる場合　次に掲げる書類

(xv) when stated in item (v) of the preceding paragraph: the following documents:

イ　変更の内容、変更年月日及び変更の理由を記載した書面

(a) a document stating the content of the change, the date of the change, and the reason for the change; and

ロ　変更後の取引の種類又は取引の対象とする商品若しくは商品指数を記載した書面

(b) a document stating the type of transaction or the commodities and commodity indices underlying the transactions after the change.

十六　前項第六号に掲げる場合　商品先物取引業者の商号又は名称及び廃止の日を記載した書類

(xvi) when stated in item (vi) of the preceding paragraph: a document stating the trade name or name of the commodity derivatives business operator and the date of discontinuation;

十七　前項第七号に掲げる場合　商品先物取引業者の商号又は名称、変更又は消滅の

内容及び変更又は消滅の日を記載した書類

(xvii) when stated in item (vii) of the preceding paragraph: a document stating the trade name or name of the commodity derivatives business operator, the content changed or extinguished, and the date of change or extinguishment;

十八　前項第八号に掲げる場合のうち商品先物取引仲介業者に業務の委託を行った場合　次に掲げる書類

(xviii) when stated in item (viii) of the preceding paragraph, the case in which business has been entrusted to a commodity derivatives intermediary service provider: the following documents:

イ　当該商品先物取引仲介業者の氏名又は商号若しくは名称を記載した書面

(a) a document stating the name or trade name of the commodity derivatives intermediary service provider;

ロ　当該商品先物取引仲介業者の本店等（令第三十二条第二項に規定する本店等をいう。以下同じ。）の所在地を記載した書面

(b) a document stating the location of the head office, etc. (meaning the head office, etc. prescribed in Article 32, paragraph (2) of the Order; the same applies below) of the commodity derivatives intermediary service provider; and

ハ　業務委託に係る契約書の写し

(c) a copy of the written contract concerning consignment of business; or

十九　前項第八号に掲げる場合のうち商品先物取引仲介業者に業務の委託を行わなくなった場合　次に掲げる書類

(xix) in the case stated in item (viii) of the preceding paragraph, the case in which consignment of business to a commodity derivatives intermediary service provider has been terminated: the following documents:

イ　当該商品先物取引仲介業者の氏名又は商号若しくは名称を記載した書面

(a) a document stating the name or trade name of the commodity derivatives intermediary service provider; and

ロ　業務の委託を行わなくなった年月日及び理由を記載した書面

(b) a document stating the date on which consignment of business has been terminated and the reason for the termination.

3　第三十八条の規定は、第一項第九号の純資産額について準用する。

(3) The provisions of Article 38 apply mutatis mutandis to the amount of net assets referred to in paragraph (1), item (ix).

（兼業業務の届出）

(Notifications of Concurrent Businesses)

第八十三条　商品先物取引業者は、法第百九十六条第一項の規定により兼業業務を行おうとする旨の届出をするときは、様式第七号により作成した当該兼業業務に関する届出書を提出しなければならない。その届け出た事項を変更しようとするとき、又はその兼業業務を廃止したときも、同様とする。

Article 83 (1) When submitting a notification of the intent to conduct a concurrent business pursuant to the provisions of Article 196, paragraph (1) of the Act, a commodity derivatives business operator must submit a written notification prepared according to Form No. 7 concerning the concurrent business. The same applies when seeking to change the matters notified or when the concurrent business has been discontinued.

２　商品先物取引業者は、法第百九十六条第一項の規定により届出をする場合にあっては、兼業業務を行おうとする旨の届出をするとき及びその届け出た事項を変更しようとするときはあらかじめ、その兼業業務を廃止したときは廃止後遅滞なく、前項の届出書を提出しなければならない。

(2) When a commodity derivatives business operator submits a notification pursuant to the provisions of Article 196, paragraph (1) of the Act, when submitting a notification of the intent to conduct a concurrent business and the intent to change the matters notified, the business operator must submit a notification in advance, and when the concurrent business has been discontinued, they must file the notification referred to in the preceding paragraph without delay after discontinuing the concurrent business.

（実質的支配が可能な関係）

(Relationships that Enable Substantial Control)

第八十四条　法第百九十六条第二項の主務省令で定める関係は、次に掲げる関係とする。

Article 84 The relationships specified by order of the competent ministry as referred to in Article 196, paragraph (2) of the Act are the following relationships:

一　子会社に対する関係

(i) a relationship with a subsidiary company; and

二　関連会社に対する関係

(ii) a relationship with an affiliated company.

（支配関係の届出）

(Notifications of Controlling Relationships)

第八十五条　商品先物取引業者は、法第百九十六条第二項の規定により他の法人に対する支配関係を持つに至った旨の届出をするときは、様式第八号により作成した法第百九十六条第二項に規定する支配関係を持つに至った他の法人の概要に関する届出書を提出しなければならない。その届け出た事項に変更を生じたとき、又はその支配関係がなくなったときも、同様とする。

Article 85 When a commodity derivatives broker provides notification of having acquired a controlling interest over another corporation pursuant to the provisions of Article 196, paragraph (2) of the Act, the broker must submit a written notification prepared according to Form No. 8 related to an outline of the other corporation over which a controlling interest has been acquired,

pursuant to the provisions of Article 196, paragraph (2) of the Act. The same applies when a change occurs in the notified matters, or when the controlling interest ceases to exist.

第八十六条　削除
Article 86 Deleted

第八十七条　削除
Article 87 Deleted

第八十八条　削除
Article 88 Deleted

（廃業等の届出）
(Notifications of Discontinuation of Business)

第八十九条　法第百九十七条第一項の規定により届出を行う者は、次の表の上欄に掲げる区分により、同表中欄に定める事項を記載した届出書及び同表下欄に定める添付書類を主務大臣に提出しなければならない。

Article 89 A person that provides a notification pursuant to the provisions of Article 197, paragraph (1) of the Act must submit a written notification to the competent minister stating the information specified in the center column of the following table with the documents specified in the right column of that table attached, in accordance with the category stated in the left column of that table.

届出事項 Matters Requiring Notification	記載事項 Matters to Be Stated	添付書類 Attached Documents
商品先物取引業を廃止したとき In the case of discontinuing commodity derivatives business	一　廃止年月日 (i) Date of discontinuation	一　株主総会（これに準ずる機関を含む。）の議事録その他必要な手続があったことを証する書面 (i) Minutes of the shareholders meeting (including an equivalent organization) or other document certifying that the necessary procedures have been taken

	二　廃止の理由 (ii) Reasons for discontinuation	二　委託者等に対する債権及び債務の清算の方法を記載した書面 (ii) A document stating the clearing method of claims and debts to requesting parties, etc.
合併により消滅したとき When a corporation has been extinguished by merger	一　合併の相手方の商号又は名称 (i)Trade name or name of the other party to the merger 二　合併年月日 (ii) Date of the merger	委託者等に対する債権及び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 A document stating the succession method of claims and debts to requesting parties, etc. to the corporation surviving the merger
破産手続開始の決定により解散したとき In the case of dissolution by order commencing bankruptcy proceedings	一　破産手続開始の申立てを行った年月日 (i) Date of filing of commencement of bankruptcy proceedings	一　裁判所の破産手続開始の決定の公告の写し (i) A copy of the public notice issued by a court of the order for commencing bankruptcy proceedings
	二　破産手続開始の決定を受けた年月日 (ii) Date that order for commencing bankruptcy proceedings has been given	二　委託者等に対する債権及び債務の清算の方法を記載した書面 (ii) A document stating the clearing method of claims and debts to requesting parties, etc.
合併及び破産手続開始の決定以外の理由により解散したとき In the case of dissolution for a reason other than a merger or order for commencement of bankruptcy proceedings	一　解散年月日 (i) Date of dissolution	一　株主総会（これに準ずる機関を含む。）の議事録その他必要な手続があったことを証する書面 (i) Minutes of the shareholders meeting (including an equivalent organization) or other document certifying that the necessary procedures have been taken

	二　解散の理由 (ii) Reasons for dissolution	二　委託者等に対する債権及び債務の清算の方法を記載した書面 (ii)A document stating the clearing method of claims and debts to consignors, etc.
分割により商品先物取引業の全部又は一部を承継させたとき In the case of succession of all or part of the commodity derivatives business by a split	一　承継先の商号又は名称 (i) Name or trade name of the successor	一　委託者等に対する債権及び債務の承継先への引継方法を記載した書面 (i) A document stating the succession method of claims and debts to requesting parties, etc. to the successor
	二　分割の年月日及び理由 (ii) Date and reasons for the split	二　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 (ii) A document stating the content of the incorporation-type split plan or absorption-type split agreement and the split procedures
商品先物取引業の全部又は一部を譲渡したとき In the case of transfer of all or a part of the commodity derivatives business	一　譲渡先の商号又は名称 (i) Name or trade name of the transferee	一　委託者等に対する債権及び債務の譲渡先への引継方法を記載した書面 (i) A document stating the succession method of claims and debts to requesting parties, etc. to the transferee
	二　譲渡年月日及び理由 (ii) Date and reasons for the transfer	二　事業譲渡契約の内容を記載した書面 (ii) A document stating the content of the business transfer agreement

第九十条　法第百九十七条第三項の規定による公告は、官報、時事に関する事項を掲載する日刊新聞紙又は電子公告により行うものとする。

Article 90 (1) A public notice pursuant to the provisions of Article 197, paragraph (3) of the Act is to be given by the Official Gazette, in a daily newspaper which publishes matters on current events, or by an electronic public notice.

2　商品先物取引業者が前項の電子公告により公告をする場合には、当該公告の開始後一月を経過する日までの間、継続して電子公告による公告をしなければならない。

(2) When a commodity derivatives broker gives a public notice by an electronic public notice referred to in the preceding paragraph, the public notice must be continuously given by the electronic public notice until the date on which one month has elapsed from commencing the public notice.

3　法第百九十七条第三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、同条第五項に規定する委託者の計算による商品市場における取引の結了の方法並びに商品先物取引業に関し委託者から預託を受けた財産及びその計算において当該商品先物取引業者が占有する財産の返還の方法を示すものとする。

(3) A public notice pursuant to the provisions of Article 197, paragraph (3) of the Act or a notice posted at the business office or office of the commodity derivatives broker must indicate the method of completing transactions in a commodity market on the requesting party's accounts as prescribed in paragraph (5) of that Article, and the method of returning the property deposited by requesting parties with regard to commodity derivatives business and the property which is held by the commodity derivatives broker on the requesting party's accounts.

4　法第百九十七条第四項の規定により届出を行う場合は、届出書に次に掲げる事項を記載するものとする。

(4) In cases of giving a notification pursuant to the provisions of Article 197, paragraph (4) of the Act, the written notification must state the following information:

一　商品先物取引業者の商号又は名称

(i) trade name or name of the commodity derivatives broker;

二　許可年月日

(ii) date of receiving the license;

三　該当事由

(iii) the grounds on which the public notice 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 public notice.

5　前項の届出書には、第三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。

(5) A written notification referred to in the preceding paragraph must be attached with a document stating the method prescribed in paragraph (3).

（申出をした特定委託者に交付する書面の記載事項）

(Information to Be Stated in Documents to Be Delivered to Eligible Requesting Parties That Made Requests)

第九十条の二　法第百九十七条の四第三項第三号の主務省令で定める事項は、次に掲げる事項とする。

Article 90-2 The information specified by order of the competent ministry as referred to in Article 197-4, paragraph (3), item (iii) of the Act is the following

information:

一　申出者（法第百九十七条の四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商品先物取引業者のみから商品取引契約に関して一般顧客（同条第一項に規定する一般顧客をいう。以下同じ。）として取り扱われることになる旨

(i) the fact that the requester (meaning the requester prescribed in Article 197-4, paragraph (3) of the Act; the same applies in the following item) will be treated as a general customer (meaning a general customer prescribed in paragraph (1) of that Article; the same applies below) in relation to the commodity transaction contract only by the commodity derivatives broker that has given approval pursuant to provisions of paragraph (2) of that Article;

二　商品先物取引業者が商品取引契約に基づき申出者を代理して他の商品先物取引業者との間で承諾日（法第百九十七条の四第三項第一号に規定する承諾日をいう。）以後に締結する商品取引契約については、当該申出者は当該他の商品先物取引業者からも一般顧客として取り扱われる旨

(ii) the fact that with regard to commodity transaction contracts to be entered into on or after the approval date (meaning the approval date prescribed in Article 197-4, paragraph (3) of the Act) with other commodity derivatives brokers by the commodity derivatives broker on behalf of the requester based on the commodity transactions contract, the requester will also be treated as a general customer by the other commodity derivatives brokers.

（情報通信の技術を利用する方法）

(Means of Using Information Communication Technology)

第九十条の三　法第百九十七条の四第四項（法第百九十七条の五第十三項（法第百九十七条の六第六項及び第百九十七条の九第二項において準用する場合を含む。）、第百九十七条の六第三項及び第百九十七条の八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。）及び第二百十七条第二項（法第二百二十条第二項及び第二百二十条の二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。）の主務省令で定める方法は、次に掲げるもの（第百九条の二において「電磁的方法」という。）とする。

Article 90-3 (1) The means prescribed by order of the competent ministry as referred to in Article 197-4, paragraph (4) (including as applied mutatis mutandis pursuant to Article 197-5, paragraph (13) (including as applied mutatis mutandis pursuant to Article 197-6, paragraph (6) and Article 197-9, paragraph (2) of the Act), Article 197-6, paragraph (3) and Article 197-8, paragraph (2) of the Act; the same applies below in this Article) and Article 217, paragraph (2) (including as applied mutatis mutandis pursuant to Article 220, paragraph (2) and Article 220-2, paragraph (2) of the Act; the same applies below in this Article) are the following means (referred to as "electronic or

magnetic means" in Article 109-2):

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 following means that use an electronic data processing system:

イ　商品先物取引業者等（商品先物取引業者又は商品先物取引業者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、これを法第百九十七条の四第四項又は第二百十七条第二項に規定する事項を提供し、又は通知する相手方（以下この条において「顧客」という。）又は当該商品先物取引業者の用に供する者をいう。以下この条において同じ。）の使用に係る電子計算機と顧客等（顧客又は顧客との契約により顧客ファイル（専ら当該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

(a) the means of transmitting the information to be stated in a document (referred to below as "stated information" in this Article) via a telecommunication line connecting a computer used by the commodity derivatives broker, etc. (meaning the commodity derivatives broker or a person that stores files on a computer managed by them pursuant to a contract with the commodity derivatives broker, and provides the files for use by the counterpart (referred to below as "customer" in this Article) to whom the information prescribed in Article 197-4, paragraph (4) or Article 217, paragraph (2) of the Act is to be provided or notified; the same applies below in this Article) with a computer used by the customer (meaning the customer or the person that stores customer files (meaning files exclusively used by the customer; the same applies below in this Article) on a computer managed by them pursuant to a contract with the customer; the same applies below in this Article) and recording the information in a customer file stored on the computer used by the customer, etc.;

ロ　商品先物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

(b) the means of providing the stated information recorded in a file stored on a computer used by the commodity derivatives broker, etc. via a telecommunication line for inspection by the customer and recording the stated information in a customer file of the customer stored on a computer used by the customer;

ハ　商品先物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 providing the stated information recorded in a customer file stored on a computer used by the commodity derivatives broker, etc. for

inspection by the customer via a telecommunication line;

ニ　閲覧ファイル（商品先物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ものをいう。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 providing the stated information recorded in a file for inspection (meaning a file stored on a computer used by the commodity derivatives broker, etc. to record the stated information for the purpose of making it available for inspection by multiple customers at the same time; the same applies below in this Article) for inspection by customers via a telecommunication line.

二　電磁的記録媒体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 file recording the stated information which is prepared using an electronic or magnetic recording medium.

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 stated in the items of the preceding paragraph must comply with the following standards:

一　顧客が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 customer is able to create a document by outputting the record in the 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) for the means stated in (a), (b), or (c) of item (i) of the preceding paragraph (excluding the means of recording the stated information in a customer file stored on a computer used by a customer), the fact that the stated information is to be recorded or has been recorded in a customer file or a file for inspection is notified to the customer; provided, however, that this does not apply if the fact that the customer has inspected the stated information has been confirmed;

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（令第二十四条第一項又は第三十一条第一項に規定する方法による承諾をいう。）を得て前項第一号イ若しくはロ若しくは同項第二号に掲げる方法により提供し、若しくは通知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 stated in (c) or (d) of item (i) in the preceding paragraph, the following information cannot be deleted or altered for 5 years from the date on which the last transaction listed in the stated information was conducted (when a complaint is made related to the stated information during the period until the date on which that term ends, until the date on which the term enters into or the complaint is resolved, whichever comes later); provided, however, that when the stated information provided for inspection is delivered in writing, the stated information may be deleted with the consent of the customer (meaning consent given by a means prescribed in Article 24, paragraph (1) or Article 31, paragraph (1) of the Order) when the stated information is provided or notified by the means stated in item (i), (a) or (b) or item (ii) of the preceding paragraph, or if an instruction is given by the customer to delete the stated information:

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) for the means stated in item (i), (c) of the preceding paragraph, the stated information recorded in a customer file;

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) for the means stated in item (i), (d) of the preceding paragraph, the stated information recorded in a file for inspection;

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) the means stated in item (i), (d) of the preceding paragraph must conform to the following standards:

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) necessary information for a customer to inspect the file for inspection must be recorded in the customer file;

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) to maintain the state in which the customer file recording the necessary information for a customer to inspect the file for inspection pursuant to provisions of sub-item (a) and the file for inspection is connectable via a telecommunication line for the duration until the term prescribed in the preceding item elapses; provided, however, that this does not apply if the customer who has been given access to the file for inspection has notified that it is not necessary to maintain the connection.

3　第一項第一号の「電子情報処理組織」とは、商品先物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商品先物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 the computer used by the commodity derivatives broker, etc. with the computer used by the customer who has stored the customer file or by the commodity derivatives broker, etc. via a telecommunication line.

（電磁的方法の種類及び内容）

(Type and Content of Electronic or Magnetic Means)

第九十条の四　令第二十四条第一項、第二十五条第一項、第二十七条第一項及び第三十一条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 90-4 The type and content of the means to be indicated pursuant to provisions of Article 24, paragraph (1), Article 25, paragraph (1), Article 27, paragraph (1), and Article 30, paragraph (1) of the Order are as follows:

一　前条第一項各号又は第九十条の六第一項各号に掲げる方法のうち商品先物取引業者が使用するもの

(i) among the means stated in the items of paragraph (1) of the preceding Article or the items of Article 90-6, paragraph (1), those to be used by the commodity derivatives broker;

二　ファイルへの記録の方式

(ii) the method of recording information in a file

（特定委託者への復帰申出をした者が同意を行う書面の記載事項）

(Information to Be Stated in Documents Indicating Consent by Persons That Made the Request for Reinstatement to Eligible Requesting Parties)

第九十条の五　法第百九十七条の四第十一項の主務省令で定める事項は、次に掲げる事項とする。

Article 90-5 The information prescribed by order of the competent ministry as referred to in Article 197-4, paragraph (11) of the Act is the following information:

一　復帰申出者（法第百九十七条の四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

(i) the fact that the requester for reinstatement (meaning the requester for reinstatement prescribed in Article 197-4, paragraph (11) of the Act; the same applies below) understands the following information:

イ　法第二百二十条の四第一項各号に掲げる規定は、商品取引契約に関して復帰申出者が承諾日（商品先物取引業者が法第百九十七条の四第十一項の規定による承諾をする日をいう。以下この条において同じ。）以後に当該各号に定める者となる場合（法第二百二十条の四第一項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 fact that the provisions stated in the items of Article 220-4, paragraph (1) of the Act are not applicable when the requester for reinstatement becomes an entity prescribed in those items concerning the commodity transaction contract on or after the approval date (meaning the date on which the commodity derivatives broker gives an approval under the provisions of Article 197-4, paragraph (11) of the Act; the same applies below in this Article) (excluding the cases prescribed in the proviso to Article 220-4, paragraph (1) of the Act);

ロ　商品取引契約に関して特定委託者として取り扱われることがその知識、経験及び財産の状況に照らして適当ではない者が特定委託者として取り扱われる場合には、当該者の保護に欠けることとなるおそれがある旨

(b) the fact that a person not suitable to be treated as an eligible requesting party in terms of knowledge, experience, and financial circumstances to be treated as an eligible requesting party concerning a commodity transaction contract has a risk of resulting in insufficient protection of the person;

二　承諾日以後に商品取引契約の締結の勧誘又は締結をする場合において、復帰申出者を再び特定委託者として取り扱う旨

(ii) the fact that in cases of soliciting conclusion of or entering into a commodity transaction contract on or after the approval date, the requester for reinstatement will be treated as an eligible requesting party again;

三　商品先物取引業者が商品取引契約に基づき復帰申出者を代理して他の商品先物取引業者との間で承諾日以後に締結する商品取引契約については、当該復帰申出者は当該他の商品先物取引業者からも再び特定委託者として取り扱われる旨

(iii) the fact that with regard to a commodity transaction contract entered into on or after the approval date with another commodity derivatives broker by the commodity derivatives broker on behalf of the requester for reinstatement based on the commodity transactions contract, the requester for reinstatement will also be treated as an eligible requesting party again by the other commodity derivatives broker;

四　復帰申出者は、承諾日以後いつでも、法第百九十七条の四第一項の規定による申出ができる旨

(iv) the fact that the requester for reinstatement may at any time on or after the approval date file the application pursuant to Article 197-4, paragraph (1) of the Act.

（情報通信の技術を利用した同意又は承諾の取得）

(Obtaining Consent or Approval Using Information Communication Technology)

第九十条の六　法第百九十七条の四第十二項（法第百九十七条の五第三項（同条第九項（法第百九十七条の六第六項において準用する場合を含む。）、第百九十七条の六第六項及び第百九十七条の九第二項において準用する場合を含む。）及び第百九十七条

の八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。）及び第二百九条第二項の主務省令で定めるもの並びに令第二十四条第一項及び第三十一条第一項に規定する電子情報処理組織を使用する方法その他の情報通信の技術を利用する方法であって主務省令で定めるものは、次に掲げるものとする。

Article 90-6 (1) The means specified by order of competent ministry as referred to in Article 197-4, paragraph (12) (including as applied mutatis mutandis pursuant to Article 197-5, paragraph (3) (including as applied mutatis mutandis pursuant to paragraph (9) of that Article (including as applied mutatis mutandis pursuant to Article 197-6, paragraph (6)), Article 197-6, paragraph (6), and Article 197-9, paragraph (2) of the Act; the same applies below in this Article) and Article 209, paragraph (2) of the Act and the means of using an electronic data processing system prescribed in Article 24, paragraph (1) and Article 31, paragraph (1) of the Order or other means of using information communication technology as prescribed by order of the competent ministry 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 following means that use an electronic data processing system:

イ　商品先物取引業者の使用に係る電子計算機と法第百九十七条の四第十二項又は第二百九条第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 transmitting via a telecommunication line connecting a computer used by a commodity derivatives broker with a computer used by the counterpart (referred to below as "customer" in this Article) from whom consent is being sought pursuant to the provisions of Article 197-4, paragraph (12) or Article 209, paragraph (2) of the Act, and recording in a file stored on a computer used by the receiver;

ロ　商品先物取引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顧客の同意又は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、当該商品先物取引業者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又は承諾に関する事項を記録する方法

(b) the means of providing information concerning the consent or approval of the customer recorded in a file stored on a computer used by a commodity derivatives broker for inspection by the customer via a telecommunication line, and recording the information concerning the consent or approval by the customer in a file stored on a computer used by the commodity derivatives broker;

二　電磁的記録媒体をもって調製するファイルに同意又は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 record of the information concerning the consent or approval in a file prepared using an electronic or magnetic recording

medium.

２　前項各号に掲げる方法は、商品先物取引業者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 stated in the items of the preceding paragraph must be a means that enable a commodity derivatives broker to prepare a document by outputting the record in the file.

３　第一項第一号の「電子情報処理組織」とは、商品先物取引業者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 the computer used by the commodity derivatives broker, etc. with the computer used by the customer via a telecommunication line.

（特定委託者等以外の顧客である法人が特定委託者とみなされる場合の期限日）

(Due Date When Corporations That Are Customers Other Than Eligible Requesting Parties Are Deemed to Be Eligible Requesting Parties)

第九十条の七　法第百九十七条の五第二項の主務省令で定める場合は、商品先物取引業者が一定の日を定め、次に掲げる事項を当該商品先物取引業者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 90-7 (1) The case prescribed by order of the competent ministry as referred to in Article 197-5, paragraph (2) of the Act is the case in which the commodity derivatives broker specifies a certain date and publicly announces the following information by posting the information at a place easily accessible to the public in the business office or office of the commodity derivatives broker or by other appropriate means:

一　当該一定の日

(i) the certain date;

二　次項に規定する日を期限日（法第百九十七条の五第二項第二号に規定する期限日をいう。次条第二項及び第九十条の九において同じ。）とする旨

(ii) the fact that the date specified in the following paragraph is to be the due date (meaning the due date prescribed in Article 197-5, paragraph (2), item (ii) of the Act; the same applies in paragraph (2) of the following Article and Article 90-9).

２　法第百九十七条の五第二項の主務省令で定める日は、商品先物取引業者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。次条及び第九十条の九において同じ。）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 date prescribed by order of the competent ministry as referred to in Article 197-5, paragraph (2) of the Act is the latest date specified by the commodity derivatives broker pursuant to provisions of the preceding

paragraph which is within 1 year from the approval date (meaning the approval date prescribed in paragraph (2), item (i) of that Article; the same applies in the following Article and Article 90-9).

（申出をした特定委託者等以外の顧客である法人が同意を行う書面の記載事項）
(Information to Be Stated in Documents Indicating Consent by Corporations That Are Customers Other Than Eligible Requesting Parties That Made Requests)

第九十条の八　法第百九十七条の五第二項第三号イの主務省令で定める事項は、法第二百二十条の四第一項各号に掲げる規定は、商品取引契約に関して申出者（法第百九十七条の五第二項に規定する申出者をいう。次項において同じ。）が承諾日以後に当該各号に定める者となる場合（法第二百二十条の四第一項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 90-8 (1) The matter prescribed by order of the competent ministry as referred to in Article 197-5, paragraph (2), item (iii), (a) of the Act is the fact that the provisions stated in the items of Article 220-4, paragraph (1) of the Act are not applicable when the requester with regard to a commodity transaction contract (meaning an applicant prescribed in Article 197-5, paragraph (2) of the Act; the same applies in the following paragraph) becomes an entity prescribed in those items on or after the approval date (excluding the case stated in the proviso to Article 220-4, paragraph (1) of the Act).

2　法第百九十七条の五第二項第七号の主務省令で定める事項は、次に掲げる事項とする。

(2) The matters prescribed by order of the competent ministry as referred to in Article 197-5, paragraph (2), item (vii) of the Act are the following matters:

一　期限日以前に締結した商品取引契約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、申出者を特定委託者として取り扱う旨

(i) the fact that the requester will be treated as an eligible requesting party with regard to acts performed based on the provisions of laws or regulations or the provisions of a contract related to commodity transaction contracts entered into on or before the due date, even when they are performed after the due date;

二　申出者は、法第百九十七条の五第二項の規定による承諾を行った商品先物取引業者のみから商品取引契約に関して特定委託者として取り扱われることになる旨

(ii) the fact that the applicant will be treated as an eligible requesting party concerning the commodity transaction contract only by the commodity derivatives broker that has given approval pursuant to provisions of Article 197-5, paragraph (2) of the Act;

三　商品先物取引業者が商品取引契約に基づき申出者を代理して他の商品先物取引業者との間で期限日以前に締結する商品取引契約については、当該申出者は当該他の

商品先物取引業者からも特定委託者として取り扱われる旨

(iii) the fact that with regard to a commodity transaction contract to be entered into on or before the due date with another commodity derivatives broker by the commodity derivatives broker on behalf of the requester based on the commodity transactions contract, the requester will also be treated as an eligible requesting party by the other commodity derivatives broker;

四　申出者は、承諾日以後いつでも、法第百九十七条の五第十項の規定による申出ができる旨

(iv) the fact that a requester may make a request pursuant to provisions of Article 197-5, paragraph (10) of the Act at any time on or after the approval date.

（申出をした特定委託者等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）

(Necessary Periods for Corporations That Are Customers Other Than Eligible Requesting Parties That Made Requests to Make Requests for Renewal)

第九十条の九　法第百九十七条の五第七項の主務省令で定める期間は、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 90-9 (1) The period prescribed by order of the competent ministry as referred to in Article 197-5, paragraph (7) of the Act is 11 months (when stated in the following items, the period prescribed in each item):

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) if the period from the approval date to the due date is less than 1 year (excluding the case stated in the following item): a period obtained by subtracting 1 month from the 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) if the period from the approval date to the due date does not exceed 1 month: 1 day.

2　法第百九十七条の五第九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) With regard to the application of provisions of the preceding paragraph when prescribed in Article 197-5, paragraph (9) of the Act, the term "approval date" as used in the items of that paragraph is to be replaced by "the day following the previous due date".

（一般顧客への復帰申出をした特定委託者等以外の顧客である法人に交付する書面の記載事項）

(Information to Be Stated in Documents Delivered to Corporations That Are Customers Other Than Eligible Requesting Parties That Made Requests for Reinstatement as General Customers)

第九十条の十　法第百九十七条の五第十二項の主務省令で定める事項は、次に掲げる事項とする。

Article 90-10 The matters prescribed by order of the competent ministry as referred to in Article 197-5, paragraph (12) of the Act are the following matters:

一　法第百九十七条の五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 the approval under the provisions of Article 197-5, paragraph (11) of the Act is to be given (referred to as the "approval date" in this Article below);

二　承諾日以後に商品取引契約の締結の勧誘又は締結をする場合において、法第百九十七条の五第十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。）を再び一般顧客として取り扱う旨

(ii) the fact that when soliciting conclusion of or entering into a commodity transaction contract on or after the approval date, a corporation that made the request under the provisions of Article 197-5, paragraph (10) of the Act (referred to as the "requester for reinstatement" in the following item) is to be treated as a general customer again;

三　商品先物取引業者が商品取引契約に基づき復帰申出者を代理して他の商品先物取引業者との間で承諾日以後に締結する商品取引契約については、当該復帰申出者は当該他の商品先物取引業者からも再び一般顧客として取り扱われる旨

(iii) the fact that with regard to a commodity transactions contract entered into on or after the due date with another commodity derivatives broker by the commodity derivatives broker on behalf of the requester for reinstatement based on the commodity transactions contract, the requester for reinstatement will also be treated as a general customer again by the other commodity derivatives broker.

（特定委託者として取り扱うよう申し出ることができる個人）

(Individuals That May Make Requests to Be Treated as Eligible Requesting Parties)

第九十条の十一　法第百九十七条の六第一項の主務省令で定める要件は、次の各号に掲げる要件のいずれかとする。

Article 90-11 The requirements prescribed by order of the competent ministry as referred to in Article 197-6, paragraph (1) are any of the following requirements:

一　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締結した営業者である個人（次に掲げる要件の全てに該当する者に限る。）

(i) an individual that is a broker who has entered into a silent partnership agreement prescribed in Article 535 of the Commercial Code (Act No. 48 of 1899) (limited to persons who satisfy all of the following requirements):

イ　法第百九十七条の六第一項の規定による申出を行うことについて全ての匿名組合員の同意を得ていること。

(a) consent has been obtained from all of the silent partners regarding the fact that a request under the provisions of Article 197-6, paragraph (1) is to be made;

ロ　当該匿名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 total amount of contribution based on the silent partnership agreement is at least 300 million yen.

二　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（次に掲げる要件の全てに該当する者に限る。）

(ii) an individual that is a partner who has been delegated the execution of the business of the partnership by entering into a partnership agreement prescribed in the provisions of Article 667, paragraph (1) of the Civil Code (Act No. 89 of 1896) (limited to persons who satisfy all of the following requirements):

イ　法第百九十七条の六第一項の規定による申出を行うことについて他の全ての組合員の同意を得ていること。

(a) consent has been obtained from all of the other partners regarding the fact that a request under the provisions of Article 197-6, paragraph (1) is to be made;

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 total amount of contribution based on the partnership agreement is at least 300 million yen.

三　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（次に掲げる要件の全てに該当する者に限る。）

(iii) an individual that is a partner who participates in making decisions on the execution of important business of the partnership by entering into a limited partnership agreement prescribed in Article 3, paragraph (1) of the Limited Liability Partnership Act (Act No. 40 of 2005) and who personally executes the business (limited to persons that satisfy all of the following requirements):

イ　法第百九十七条の六第一項の規定による申出を行うことについて他の全ての組合員の同意を得ていること。

(a) consent has been obtained from all of the other partners regarding the fact that a request under the provisions of Article 197-6, paragraph (1) is to be made;

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 total amount of contribution based on the limited liability partnership

agreement is at least 300 million yen.

四　次に掲げる要件の全てに該当する個人

(iv) individuals who satisfy 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、承諾日（法第百九十七条の六第六項において準用する法第百九十七条の五第二項第一号に規定する承諾日をいう。ロ、次条、第九十条の十三第二項及び第九十条の十四において同じ。）における申出者（法第百九十七条の六第二項に規定する申出者をいう。以下この条及び第九十条の十四において同じ。）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。

(a) the amount obtained by deducting the total amount of liabilities from the total amount of assets of the requester (meaning a requester prescribed in Article 197-6, paragraph (2) of the Act; the same applies below in this Article and Article 90-14) on the approval date (meaning the approval date prescribed in Article 197-5, paragraph (2), item (i) of the Act as applied mutatis mutandis pursuant to Article 197-6, paragraph (6); the same applies in (b), the following Article, Article 90-13, paragraph (2), and Article 90-14 of the Act) is expected to be at least 300 million yen, judging reasonably from the status of transactions and other circumstances;

ロ　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。

(b) the total amount of the requester's assets (limited to those stated as follows) on the approval date is expected to be at least 300 million yen, judging reasonably from the status of transactions and other circumstances:

（１）　商品市場における取引に係る権利、外国商品市場取引に係る権利及び店頭商品デリバティブ取引に係る権利

1. rights related to transactions in commodity markets, rights related to transactions in foreign commodity markets, and rights related to over-the-counter commodity derivatives transactions;

（２）　金融商品取引法第二条第一項に規定する有価証券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（（６）に掲げるもの及び（７）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。）

2. securities prescribed in Article 2, paragraph (1) of the Financial Instruments and Exchange Act and rights deemed to be securities pursuant to the provisions of paragraph (2) of that Article (excluding those stated in 6. and 7. (limited to those based on a contract entered into with a special broker prescribed in Article 2, paragraph (9) of the Act on Specified Joint Real Estate Ventures (Act No. 77 of 1994)));

（３）　金融商品取引法第二条第二十項に規定するデリバティブ取引に係る権利

3. rights related to derivatives transactions prescribed in Article 2,

paragraph (20) of the Financial Instruments and Exchange Act.

（４）　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）第六条の五の十一第一項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）第八十九条の二第一項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（昭和五十六年法律第五十九号）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

4. special savings, etc. prescribed in Article 11-5 of the Agricultural Cooperatives Act (Act No. 32 of 1947), special savings, etc. prescribed in Article 11-9 of the Fishery Cooperatives Act (Act No. 242 of 1948), special savings, etc. prescribed in Article 6-5-11, paragraph (1) of the Act on Financial Business by Cooperatives (Act No. 183 of 1948), special savings, etc. prescribed in Article 89-2, paragraph (1) of the Shinkin Bank Act (Act No. 238 of 1951), special deposits, etc. prescribed in Article 17-2 of the Long Term Credit Bank Act (Act No. 187 of 1952), special deposits, etc. prescribed in Article 94-2 of the Labor Bank Act (Act No. 227 of 1953), special deposits, etc. prescribed in Article 13-4 of the Banking Act (Act No. 59 of June 1, 1981), special deposits, etc. prescribed in Article 59-3 of The Norinchukin Bank Act (Act No. 93 of 2001), and special deposits, etc. prescribed in Article 29 of the Shoko Chukin Bank Limited Act (Act No. 74 of 2007);

（５）　農業協同組合法第十一条の二十七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）第九条の七の五第三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

5. rights related to specified mutual aid contracts prescribed in Article 11-27 of the Agricultural Cooperatives Act, specified mutual aid contracts prescribed in Article 12-3, paragraph (1) of the Consumers' Cooperatives Act (Act No. 200 of 1948), specified mutual aid contracts prescribed in Article 15-12 of the Fishery Cooperatives Act, specified mutual aid contracts prescribed in Article 9-7-5, paragraph (3) of the Small and Medium-Sized Enterprise Cooperatives Act (Act No. 181 of June 1, 1949), and insurance proceeds, mutual aid money, refunds, and

other benefits based on a specified insurance contract prescribed in Article 300-2 of the Insurance Business Act;

（６）　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

6. trust beneficial interests related to a specified trust agreement prescribed in Article 24-2 of the Trust Business Act;

（７）　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

7. rights based on a specified joint real estate venture contract prescribed in Article 2, paragraph (3) of the Act on Specified Joint Real Estate Ventures; and

（８）　電子決済手段等取引業者に関する内閣府令（令和五年内閣府令第四十八号）第四十三条各号に掲げるもの

8. electronic payment instruments stated in the items of Article 43 of the Cabinet Office Order on Electronic Payment Instruments Service Providers (Cabinet Office Order No. 48 of 2023); and

ハ　申出者が最初に当該商品先物取引業者との間で法第百九十七条の六第一項の規定による申出に係る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。

(c) that 1 year has elapsed since the date on which the requester first entered into a commodity transaction contract related to the request under the provisions of Article 197-6, paragraph (1) of the Act with the commodity derivatives broker.

（申出をした特定委託者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）

(Necessary Periods for Individuals That Are Customers Other Than Eligible Requesting Parties That Made Requests to Make Requests for Renewal)

第九十条の十二　法第百九十七条の六第四項の主務省令で定める期間は、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 90-12 (1) The period specified by order of the competent ministry as referred to in Article 197-6, paragraph (4) of the Act is 11 months (when stated in the following items, the period prescribed in each item):

一　承諾日から期限日（法第百九十七条の六第六項において準用する法第百九十七条の五第二項第二号に規定する期限日をいう。以下この条、次条第一項及び第九十条の十四第二項において同じ。）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) if the period from the approval date to the due date (meaning the due date prescribed in Article 197-5, paragraph (2), item (ii) of the Act as applied mutatis mutandis pursuant to Article 197-6, paragraph (6) of the Act; the same applies below in this Article, paragraph (1) of the following Article, and Article 90-14, paragraph (2)) is less than 1 year (excluding the case stated in the following item): a period obtained by subtracting 1 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) if the period from the approval date to the due date does not exceed 1 month: 1 day.

2　法第百九十七条の六第六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) with regard to the application of the provisions of the preceding paragraph when prescribed in Article 197-6, paragraph (6) of the Act, the term "approval date" in the items of that paragraph is deemed to be replaced by "the day following the previous due date".

（特定委託者以外の顧客である個人が特定委託者とみなされる場合の期限日）

(Due Date When Individuals That Are Customers Other Than Eligible Requesting Parties Are Deemed to Be Eligible Requesting Parties)

第九十条の十三　法第百九十七条の六第六項において準用する法第百九十七条の五第二項の主務省令で定める場合は、商品先物取引業者が一定の日を定め、次に掲げる事項を当該商品先物取引業者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 90-13 (1) The case specified by order of the competent ministry as referred to in Article 197-5, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 197-6, paragraph (6) is the case in which the commodity derivatives broker specifies a certain date and publicly announces the following information by posting the information at a place easily accessible to the public in the business office or office of the commodity derivatives broker or by other appropriate means:

一　当該一定の日

(i) the certain date; and

二　次項に規定する日を期限日とする旨

(ii) the fact that the date specified in the following paragraph is to be the due date.

2　法第百九十七条の六第六項において準用する法第百九十七条の五第二項の主務省令で定める日は、商品先物取引業者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 date specified by order of the competent ministry as referred to in Article 197-5, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 197-6, paragraph (6) of the Act is the latest date specified by the commodity derivatives broker pursuant to provisions of the preceding paragraph which is within 1 year from the approval date.

（申出をした特定委託者以外の顧客である個人が同意を行う書面の記載事項）

(Information to Be Stated in Documents Indicating Consent by Individuals

That Are Customers Other Than Eligible Requesting Parties That Made Requests)

第九十条の十四　法第百九十七条の六第六項において準用する法第百九十七条の五第二項第三号イの主務省令で定める事項は、法第二百二十条の四第一項各号に掲げる規定は、商品取引契約に関して申出者が承諾日以後に当該各号に定める者となる場合（同項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 90-14 (1) The matter specified by order of the competent ministry as referred to in Article 197-5, paragraph (2), item (iii), (a) of the Act as applied mutatis mutandis pursuant to Article 197-6, paragraph (6) of the Act is the fact that the provisions stated in the items of Article 220-4, paragraph (1) of the Act are not applicable to the cases in which the requester with respect to a commodity transaction contract becomes a person prescribed in those items on or after the approval date (excluding the case prescribed in the proviso to that paragraph).

２　法第百九十七条の六第六項において準用する法第百九十七条の五第二項第七号の主務省令で定める事項は、次に掲げる事項とする。

(2) The matters specified by order of the competent ministry as referred to in Article 197-5, paragraph (2), item (vii) of the Act as applied mutatis mutandis pursuant to Article 197-6, paragraph (6) of the Act are the following matters:

一　期限日以前に締結した商品取引契約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、申出者を特定委託者として取り扱う旨

(i) the fact that the requester will be treated as an eligible requesting party with regard to acts performed based on the provisions of laws and regulations or provisions of a contract related to commodity transaction contracts entered into on or before the due date, even when they are performed after the due date;

二　申出者は、法第百九十七条の六第六項において準用する法第百九十七条の五第二項の規定による承諾を行った商品先物取引業者のみから商品取引契約に関して特定委託者として取り扱われることになる旨

(ii) the fact that the requester will be treated as an eligible requesting party with regard to the commodity transaction contract only by the commodity derivatives broker that has given approval under the provisions of Article 197-5, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 197-6, paragraph (6) of the Act;

三　商品先物取引業者が商品取引契約に基づき申出者を代理して他の商品先物取引業者との間で期限日以前に締結する商品取引契約については、当該申出者は当該他の商品先物取引業者からも特定委託者として取り扱われる旨

(iii) the fact that with regard to commodity transaction contracts to be entered into on or before the due date with another commodity derivatives broker by the commodity derivatives broker on behalf of the requester based on the

commodity transactions contract, the requester will also be treated as an eligible requesting party by the other commodity derivatives broker;

四　申出者は、承諾日以後いつでも、法第百九十七条の六第五項の規定による申出ができる旨

(iv) the fact that the requester may make a request under the provisions of Article 197-6, paragraph (5) of the Act at any time on or after the approval date.

（一般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）

(Information to be Stated in a Document Delivered to an Individual That Made a Request for Reinstatement as a General Customer)

第九十条の十五　法第百九十七条の六第六項において準用する法第百九十七条の五第十二項の主務省令で定める事項は、次に掲げる事項とする。

Article 90-15 The information prescribed by order of the competent ministry as referred to in Article 197-5, paragraph (12) of the Act as applied mutatis mutandis pursuant to Article 197-6, paragraph (6) of the Act is the following information:

一　法第百九十七条の六第六項において準用する法第百九十七条の五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 approval is to be given under the provisions of Article 197-5, paragraph (11) of the Act as applied mutatis mutandis pursuant to Article 197-6, paragraph (6) of the Act (referred to below as the "approval date" in this Article);

二　承諾日以後に商品取引契約の締結の勧誘又は締結をする場合において、法第百九十七条の六第五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。）を再び一般顧客として取り扱う旨

(ii) the fact that in cases of soliciting conclusion of or entering into a commodity transaction contract on or after the approval date, an individual that has made a request under the provisions of Article 197-6, paragraph (5) of the Act (referred to as "requester for reinstatement" in the following item) is to be treated as a general customer again;

三　商品先物取引業者が商品取引契約に基づき復帰申出者を代理して他の商品先物取引業者との間で承諾日以後に締結する商品取引契約については、当該復帰申出者は当該他の商品先物取引業者からも再び一般顧客として取り扱われる旨

(iii) the fact that with regard to a commodity transaction contract entered into on or after the due date with another commodity derivatives broker by a commodity derivatives broker on behalf of the requester for reinstatement based on the commodity transactions contract, the requester for reinstatement will also be treated as a general customer again by the other commodity derivatives broker.

（特定当業者が売買等を業として行っている物品に関連する物品）

(Goods Associated with Goods for Which Eligible Commercial Persons Are Engaged in Purchase and Sale in the Course of Trade)

第九十条の十六　法第百九十七条の七の主務省令で定めるものは、次の各号に掲げる物品とする。

Article 90-16 The goods specified by order of the competent ministry as referred to in Article 197-7 of the Act are the following goods:

一　当該特定当業者が売買等を業として行っている物品の主たる原料又は材料となっている物品

(i) goods constituting the main raw materials or ingredients of the goods for which the eligible commercial person is engaged in the purchase and sale, etc. in the course of trade;

二　当該特定当業者が売買等を業として行っている物品を主たる原料又は材料とする物品

(ii) goods whose main raw materials or ingredients are the goods for which the eligible commercial person is engaged in the purchase and sale, etc. in the course of trade;

三　商品市場における相場等に係る変動その他の事情から合理的に判断して、当該特定当業者が売買等を業として行っている物品の価格と他の物品の価格との間に相関関係があると認められる場合における当該他の物品（前二号に掲げるものを除く。）

(iii) in a case in which a correlation is recognized between the price of the goods for which the eligible commercial person is engaged in the purchase and sale, etc. in the course of trade and the price of other goods, judging reasonably based on fluctuations in quotations, etc., on commodity markets or other circumstances, the other goods (excluding those stated in the preceding two items)

（申出をした特定当業者に交付する書面の記載事項）

(Information to Be Stated in Documents Delivered to Eligible Commercial Persons That Made Requests)

第九十条の十七　法第百九十七条の八第二項において準用する法第百九十七条の四第三項第三号の主務省令で定める事項は、次に掲げる事項とする。

Article 90-17 The matters specified by order of the competent ministry as referred to in Article 197-4, paragraph (3), item (iii) of the Act as applied mutatis mutandis pursuant to Article 197-8, paragraph (2) of the Act are the following matters:

一　申出者（法第百九十七条の八第二項において準用する法第百九十七条の四第三項に規定する申出者をいう。次号において同じ。）は、法第百九十七条の八第二項において準用する法第百九十七条の四第二項の規定による承諾を行った商品先物取引業者のみから商品取引契約に関して一般顧客として取り扱われることになる旨

(i) the fact that the requester (meaning an requester prescribed in Article 197-4, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 197-8, paragraph (2) of the Act; the same applies in the following item) will be treated as a general customer in relation to the commodity transaction contract only by the commodity derivatives broker that has given approval pursuant to provisions of Article 197-4, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 197-8, paragraph (2) of the Act;

二　商品先物取引業者が商品取引契約に基づき申出者を代理して他の商品先物取引業者との間で承諾日（法第百九十七条の八第二項において準用する法第百九十七条の四第三項第一号に規定する承諾日をいう。）以後に締結する商品取引契約については、当該申出者は当該他の商品先物取引業者からも一般顧客として取り扱われる旨

(ii) the fact that with regard to a commodity transaction contract entered into on or after the approval date (meaning the approval date prescribed in Article 197-4, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 197-8, paragraph (2) of the Act) with another commodity derivatives broker by the commodity derivatives broker on behalf of the requester pursuant to the commodity transactions contract, the requester will also be treated as a general customer by the other commodity derivatives broker.

（特定当業者への復帰申出をした者が同意を行う書面の記載事項）

(Information to Be Stated in Documents Indicating Consent by Persons That Made Requests for Reinstatement as Eligible Commercial Persons)

第九十条の十八　法第百九十七条の八第二項において準用する法第百九十七条の四第十一項の主務省令で定める事項は、次に掲げる事項とする。

Article 90-18 The matters specified by order of the competent ministry as referred to in Article 197-4, paragraph (11) of the Act as applied mutatis mutandis pursuant to Article 197-8, paragraph (2) of the Act are the following matters:

一　復帰申出者（法第百九十七条の八第二項において準用する法第百九十七条の四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

(i) the fact that the requester for reinstatement (meaning an requester for reinstatement prescribed in Article 197-4, paragraph (11) of the Act as applied mutatis mutandis pursuant to Article 197-8, paragraph (2) of the Act; the same applies below in this Article) understands the following matters:

イ　法第二百二十条の四第二項各号に掲げる規定は、商品取引契約に関して復帰申出者が承諾日（商品先物取引業者が法第百九十七条の八第二項において準用する法第百九十七条の四第十一項の規定による承諾をする日をいう。以下この条において同じ。）以後に当該各号に定める者となる場合（法第二百二十条の四第二項

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 fact that the provisions stated in the items of Article 220-4, paragraph (2) of the Act are not applicable when the requester for reinstatement becomes a person specified in those items with regard to the commodity transaction contract on or after the approval date (meaning the day on which the requester for reinstatement gives approval under the provisions of Article 197-4, paragraph (11) of the Act as applied mutatis mutandis pursuant to Article 197-8, paragraph (2) of the Act; the same applies below in this Article) (excluding the cases prescribed in the proviso to Article 220-4, paragraph (2) of the Act; and

ロ　商品取引契約に関して特定当業者として取り扱われることがその知識、経験及び財産の状況に照らして適当ではない者が特定当業者として取り扱われる場合には、当該者の保護に欠けることとなるおそれがある旨

(b) the fact that a person not suitable to be treated as an eligible commercial person in terms of knowledge, experience, and status of property to be treated as an eligible commercial person concerning a commodity transaction contract has a risk of resulting in insufficient protection of the person.

二　承諾日以後に商品取引契約の締結の勧誘又は締結をする場合において、復帰申出者を再び特定当業者として取り扱う旨

(ii) the fact that in cases of soliciting conclusion of or entering into a commodity transaction contract on or after the approval date, the requester for reinstatement will be treated as an eligible commercial person again;

三　商品先物取引業者が商品取引契約に基づき復帰申出者を代理して他の商品先物取引業者との間で承諾日以後に締結する商品取引契約については、当該復帰申出者は当該他の商品先物取引業者からも再び特定当業者として取り扱われる旨

(iii) the fact that with regard to a commodity transaction contract to be entered into on or after the approval date with another commodity derivatives broker by a commodity derivatives broker on behalf of the requester for reinstatement based on the commodity transactions contract, the requester for reinstatement will also be treated as an eligible commercial person again by the other commodity derivatives broker; and

四　復帰申出者は、承諾日以後いつでも、法第百九十七条の八第一項の規定による申出ができる旨

(iv) the fact that the requester for reinstatement may make a request under the provisions of Article 197-8, paragraph (1) of the Act at any time on or after the approval date.

（特定委託者及び特定当業者以外の法人が特定当業者とみなされる場合の期限日）

(Due Dates When Corporations Other Than Eligible Requesting Parties and Eligible Commercial Persona Are Deemed to Be Eligible Commercial

Persons)

第九十条の十九　法第百九十七条の九第二項において準用する法第百九十七条の五第二項の主務省令で定める場合は、商品先物取引業者が一定の日を定め、次に掲げる事項を当該商品先物取引業者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 90-19 (1) The case specified by order of the competent ministry as referred to in Article 197-5, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 197-9, paragraph (2) of the Act is the case in which the commodity derivatives broker specifies a certain date and publicly announces the following information by posting the information at a place easily accessible to the public in the business office or office of the commodity derivatives broker or by other appropriate means:

一　当該一定の日

(i) the certain date; and

二　次項に規定する日を期限日（法第百九十七条の九第二項において準用する法第百九十七条の五第二項第二号に規定する期限日をいう。次条第二項及び第九十条の二十一において同じ。）とする旨

(ii) the fact that the date specified in the following paragraph is to be the due date (meaning the due date prescribed in Article 197-5, paragraph (2), item (ii) of the Act as applied mutatis mutandis pursuant to Article 197-9, paragraph (2) of the Act; the same applies in paragraph (2) of the following Article and Article 90-21).

2　法第百九十七条の九第二項において準用する法第百九十七条の五第二項の主務省令で定める日は、商品先物取引業者が前項の規定により定めた日であって承諾日（法第百九十七条の九第二項において準用する法第百九十七条の五第二項第一号に規定する承諾日をいう。次条及び第九十条の二十一において同じ。）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 date specified by order of the competent ministry as referred to in Article 197-5, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 197-9, paragraph (2) of the Act is the latest date specified by the commodity derivatives broker pursuant to provisions of the preceding paragraph which is within 1 year from the approval date (meaning the approval date prescribed in paragraph (2), item (i) of that Article as applied mutatis mutandis pursuant to Article 197-9, paragraph (2) of the Act; the same applies in the following Article and Article 90-21).

（申出をした特定委託者及び特定当業者以外の法人が同意を行う書面の記載事項）

(Information to Be Stated in Documents Indicating Consent by Corporations Other Than Eligible Requesting Parties and Eligible Commercial Persons)

第九十条の二十　法第百九十七条の九第二項において準用する法第百九十七条の五第二項第三号イの主務省令で定める事項は、法第二百二十条の四第二項各号に掲げる規定

は、商品取引契約に関して申出者（法第百九十七条の九第二項において準用する法第百九十七条の五第二項に規定する申出者をいう。次項において同じ。）が、承諾日以後に当該各号に定める者となる場合（法第二百二十条の四第二項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 90-20 (1) The matter specified by order of the competent ministry as referred to in Article 197-5, paragraph (2), item (iii), (a) of the Act as applied mutatis mutandis pursuant to Article 197-9, paragraph (2) of the Act is the fact that the provisions stated in the items of Article 220-4, paragraph (2) of the Act are not applicable when a requester with regard to a commodity transaction contract (meaning the requester prescribed in Article 197-5, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 197-9, paragraph (2) of the Act; the same applies in the following paragraph) becomes a person specified in those items on or after the approval date (excluding the case prescribed in the proviso to Article 220-4, paragraph (2) of the Act).

2　法第百九十七条の九第二項において準用する法第百九十七条の五第二項第七号の主務省令で定める事項は、次に掲げる事項とする。

(2) The matters prescribed by order of the competent ministry under Article 197-5, paragraph (2), item (vii) of the Act as applied mutatis mutandis in Article 197-9, paragraph (2) of the Act are the following matters:

一　期限日以前に締結した商品取引契約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、申出者を特定当業者として取り扱う旨

(i) the fact that the requester will be treated as an eligible commercial person with regard to acts performed based on the provisions of laws and regulations or to the provisions of a contract related to commodity transaction contracts entered into on or before the due date, even when they are performed after the due date;

二　申出者は、法第百九十七条の九第二項において準用する法第百九十七条の五第二項の規定による承諾を行った商品先物取引業者のみから商品取引契約に関して特定当業者として取り扱われることになる旨

(ii) the fact that a requester will be treated as an eligible commercial person with regard to the commodity transaction contract only by the commodity derivatives broker that has given approval under the provisions of Article 197-5, paragraph (2) of the Act applied mutatis mutandis in Article 197-9, paragraph (2) of the Act;

三　商品先物取引業者が商品取引契約に基づき申出者を代理して他の商品先物取引業者との間で期限日以前に締結する商品取引契約については、当該申出者は当該他の商品先物取引業者からも特定当業者として取り扱われる旨

(iii) the fact that with regard to commodity transaction contracts to be entered into on or before the due date with another commodity derivatives broker by the commodity derivatives broker on behalf of the requester based on the

commodity transactions contract, the requester will also be treated as an eligible commercial person by the other commodity derivatives broker;

四　申出者は、承諾日以後いつでも、法第百九十七条の九第二項において準用する法第百九十七条の五第十項の規定による申出ができる旨

(iv) the fact that a requester may make a request under the provisions of Article 197-5, paragraph (10) of the Act as applied mutatis mutandis pursuant to Article 197-9, paragraph (2) of the Act at any time on or after the approval date.

（申出をした特定委託者及び特定当業者以外の法人が更新申出をするために必要な期間）

(Necessary Periods for Corporations Other Than Eligible Requesting Parties and Eligible Commercial Persons That Made Requests to Make Requests for Renewal)

第九十条の二十一　法第百九十七条の九第二項において準用する法第百九十七条の五第七項の主務省令で定める期間は、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 90-21 (1) The period specified by order of the competent ministry as referred to in Article 197-5, paragraph (7) of the Act as applied mutatis mutandis pursuant to Article 197-9, paragraph (2) of the Act is 11 months (when stated in the following items, the period prescribed in each item):

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) if the period from the approval date to the due date is less than 1 year (excluding the case stated in the following item): a period obtained by subtracting 1 month from that period; and

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) if the period from the approval date to the due date does not exceed 1 month: 1 day.

2　法第百九十七条の九第二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) With regard to the application of the provisions of the preceding paragraph when stated in Article 197-9, paragraph (2) of the Act, the term "approval date" in the items of that paragraph is deemed to be replaced by "the day following the previous due date".

（一般顧客への復帰申出をした特定委託者及び特定当業者以外の法人に交付する書面の記載事項）

(Information to Be Stated in Documents Delivered to Corporations Other Than Eligible Requesting Parties and Eligible Commercial Persons That Made Requests for Reinstatement as General Customers)

第九十条の二十二　法第百九十七条の九第二項において準用する法第百九十七条の五第十二項の主務省令で定める事項は、次に掲げる事項とする。

Article 90-22 The matters prescribed by order of the competent ministry as referred to in Article 197-5, paragraph (12) of the Act as applied mutatis mutandis pursuant to Article 197-9, paragraph (2) of the Act are the following matters:

一　法第百九十七条の九第二項において準用する法第百九十七条の五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 approval under the provisions of Article 197-5, paragraph (11) of the Act as applied mutatis mutandis pursuant to Article 197-9, paragraph (2) of the Act is to be given (referred to below as the "approval date" in this Article);

二　承諾日以後に商品取引契約の締結の勧誘又は締結をする場合において、法第百九十七条の九第二項において準用する法第百九十七条の五第十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。）を再び一般顧客として取り扱う旨

(ii) the fact that in cases of soliciting conclusion of or entering into a commodity transaction contract on or after the approval date, a corporation that has made the request under the provisions of Article 197-5, paragraph (10) of the Act as applied mutatis mutandis pursuant to Article 197-9, paragraph (2) of the Act (referred to as the "requester for reinstatement" in the following item) will be treated as a general customer again; and

三　商品先物取引業者が商品取引契約に基づき復帰申出者を代理して他の商品先物取引業者との間で承諾日以後に締結する商品取引契約については、当該復帰申出者は当該他の商品先物取引業者からも再び一般顧客として取り扱われる旨

(iii) the fact that with regard to a commodity transaction contract to be entered into on or after the due date with another commodity derivatives broker by a commodity derivatives broker on behalf of the requester for reinstatement based on the commodity transactions contract, the requester for reinstatement will also be treated as a general customer again by the other commodity derivatives broker.

（商品先物取引業者の標識）

(Signs of Commodity Derivatives Brokers)

第九十一条　法第百九十八条第一項の主務省令で定める標識は、様式第九号による。

Article 91 The sign specified by order of the competent ministry as referred to in Article 198, paragraph (1) of the Act is prepared according to Form No. 9.

（登録申請書の添付書類）

(Documents Attached to Written Applications for Registration)

第九十二条　法第二百条第四項の主務省令で定める書類は、次項に規定する場合を除き、

次に掲げるものとする。

Article 92 (1) The documents specified by order of the competent ministry as referred to in Article 200, paragraph (4) of the Act are as follows:

一　登録を受けようとする外務員に係る住民票の写し等

(i) a copy of the residence certificate, etc. of the sales representative who seeks to obtain registration;

二　登録を受けようとする外務員が法第二百一条第一項各号のいずれにも該当しないことを当該外務員及び登録申請者が誓約する書面

(ii) a document with which the sales representative and the registration requester pledge that the sales representative who seeks to obtain registration does not fall under any of the items of Article 201, paragraph (1) of the Act; and

三　登録を受けようとする外務員が法第二百条第一項各号に掲げる行為を公正かつ的確に行うことができる知識及び経験を有することを証する書面

(iii) a document proving that the sales representative who seeks to obtain registration has the knowledge and experience to perform the acts stated in the items of Article 200, paragraph (1) of the Act in a fair and appropriate manner.

２　法第二百条第七項の登録の更新を受けようとする場合における同条第四項の主務省令で定める書類は、次に掲げるものとする。

(2) When seeking to renew a registration under Article 200, paragraph (7) of the Act, the documents specified by order of the competent ministry as referred to in paragraph (4) of that Article are as follows:

一　前項各号に掲げる書面

(i) the documents stated in the items of the preceding paragraph; and

二　登録の更新を受けようとする外務員が法第二百四条第一項（法第二百四十条の十一において準用する場合を含む。）の規定による処分（その処分の日から五年を経過するまでのものに限る。）を受けたことがある場合には、その処分の日、内容及び理由を記載した書面

(ii) when a sales representative seeking to renew a registration has been rendered a disposition (limited to a disposition for which five years have not elapsed from the date of disposition) pursuant to the provisions of Article 204, paragraph (1) of the Act (including as applied mutatis mutandis pursuant to Article 240-11 of the Act), a document stating the date of disposition, content of the disposition, and the reason for the disposition.

（外務員登録原簿の記載事項）

(Information to Be Stated in the Registers of Sales Representatives)

第九十三条　法第二百条第五項の主務省令で定める事項は、次に掲げるものとする。

Article 93 The information specified by order of the competent ministry as referred to in Article 200, paragraph (5) of the Act is as follows:

一　登録番号
(i) the registration number;
二　登録の年月日
(ii) the date of registration;
三　登録申請者の商号又は名称
(iii) the trade name or name of the registration applicant; and
四　外務員についての次に掲げる事項
(iv) the information concerning the sales representative stated as follows:
イ　住所
(a) address;
ロ　役員又は使用人の別
(b) whether the sales representative is an officer or an employee;
ハ　外務員（法第二百四十条の十一において準用する法第二百条第一項の規定による登録に係る外務員を含む。）の職務を行ったことのある者については、その所属していた商品先物取引業者又は商品先物取引仲介業者の商号、名称又は氏名及びその行った期間
(c) with regard to a person who has experience of performing the duties of a sales representative (including a sales representative related to the registration under the provisions of Article 200, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 240-11 of the Act), the trade name or name of the commodity derivatives broker or commodity derivatives intermediary service provider with which the person was affiliated and the duration of the performance of their duties;
ニ　商品先物取引仲介業を行ったことのある者については、その行った期間
(d) with regard to a person who has experience of engaging in commodity derivatives intermediary service, the duration of the performance of their services;
ホ　法第二百四条第一項の規定により職務の停止を命じたときは、その処分の日、理由及び期間
(e) when the suspension of their duties is ordered pursuant to the provisions of Article 204, paragraph (1) of the Act, the date of the disposition, reasons for the disposition, and duration of the disposition; and
ヘ　法第二百四条第一項の規定による登録の取消し又は法第二百五条の規定による登録の抹消を行ったときは、その処分の日及び理由
(f) when revocation of registration under the provisions of Article 204, paragraph (1) of the Act is made or deletion of registration under the provisions of Article 205 of the Act is made, the date of and reason for the disposition.

（協会による外務員登録事務）
(Registration Affairs Concerning Sales Representatives by the Association)

第九十四条　法第二百六条第一項の規定により、協会に、次の各号に掲げる登録に関する事務であって当該協会に所属する協会員（法第二百四十四条第二項に規定する協会員をいう。以下同じ。）に係るものを行わせるものとする。

Article 94　Pursuant to the provisions of Article 206, paragraph (1) of the Act, the association is to conduct the work related to registration stated in the following items which concern the association members (meaning association members prescribed in Article 244, paragraph (2) of the Act; the same applies below) belonging to the association:

一　法第二百条第三項の規定による登録申請書の受理

(i) acceptance of a written application for registration pursuant to the provisions of Article 200, paragraph (3) of the Act;

二　法第二百条第五項の規定による登録

(ii) registration pursuant to the provisions of Article 200, paragraph (5) of the Act;

三　法第二百条第六項、法第二百一条第二項において準用する法第十五条第五項及び第七項並びに法第二百四条第二項による通知

(iii) notification pursuant to the provisions of Article 200, paragraph (6) of the Act, Article 15, paragraphs (5) and (7) of the Act as applied mutatis mutandis pursuant to Article 201, paragraph (2) of the Act, and Article 204, paragraph (2) of the Act;

四　法第二百一条第一項の規定による登録の拒否

(iv) refusal of registration pursuant to the provisions of Article 201, paragraph (1) of the Act;

五　法第二百一条第二項において準用する法第十五条第五項の規定による意見の聴取

(v) hearing of opinions pursuant to the provisions of Article 15, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 201, paragraph (2) of the Act;

六　法第二百三条の規定による届出の受理

(vi) acceptance of notifications pursuant to the provisions of Article 203 of the Act;

七　法第二百四条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) order for revocation of registration and suspension of duties pursuant to the provisions of Article 204, paragraph (1) of the Act;

八　法第二百四条第三項において準用する法第百五十八条第二項の規定による参考人の意見の聴取、参考人の意見若しくは報告の提出又は鑑定人の鑑定及び法第百五十九条第四項の規定による聴聞

(viii) hearing of opinions of witnesses, submission of opinions or reports by witnesses, or examination by experts, pursuant to the provisions of Article 158, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 204, paragraph (3) of the Act, and hearings pursuant to the provisions of Article 159, paragraph (4) of the Act; and

九　法第二百五条の規定による登録の抹消
(ix) revocation of registration pursuant to the provisions of Article 205 of the Act.

（外務員の登録事務に関する届出）
(Notification on Registration Affairs Concerning Sales Representatives)
第九十五条　協会は、法第二百六条第四項の規定による届出をしようとするときは、次の各号に掲げる事項を記載した書類を、主務大臣に提出しなければならない。
Article 95 When seeking to submit a notification pursuant to the provisions of Article 206, paragraph (4) of the Act, the association must submit the documents stating the information specified in the following items to the competent minister:
一　当該外務員の所属する協会員の商号又は名称
(i) the trade name of the association member to which the sales representative is assigned;
二　当該外務員の氏名及び生年月日
(ii) the name and date of birth of the sales representative;
三　処理した登録事務（前二号に掲げる事項に係るものに限る。）の内容及び処理した日
(iii) the content of the registration affairs handled (limited to the work related to the information stated in the preceding two items) and the date of handling the work; and
四　前号に掲げる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 affairs stated in the preceding item is an order of suspension of duties or revocation of registration, the reasons for the suspension or revocation.

第九十六条　削除
Article 96 Deleted

（商品市場における取引に関する財産の分離保管等の措置）
(Measures of Segregation of Property Related to Transactions in Commodity Markets)
第九十七条　法第二百十条第一号の主務省令で定めるものは、次の各号に掲げるものの価額の合計額に相当する金銭、有価証券その他の物とする。
Article 97 (1) The properties specified by order of the competent ministry as referred to in Article 210, item (i) of the Act are money, securities, and other properties equivalent to the sum of the values stated in the following items:
一　委託者未収金（商品市場における取引等に関し、当該委託者から預託を受けた金銭、有価証券その他の物及び当該委託者の計算に属する金銭（当該委託者の計算に

よる商品市場における取引であって決済を結了していないものに係る差益金に相当する金銭を除く。）、有価証券その他の物と相殺することができるものに限る。）

(i) accounts receivable from a requesting party (with regard to transactions, etc. in a commodity market, limited to properties which can be offset against the money, securities, and other properties deposited by the requesting party and money on the requesting party's account (excluding money equivalent to profit for transactions in a commodity market on the requesting party's account for which the settlement has not been completed));

二　法第百三条第一項の規定に基づき商品取引所に預託された取引証拠金（委託者（同項第二号に規定する委託者をいう。）又は取次委託者（同項第四号に規定する取次委託者をいう。次号イ及びロにおいて同じ。）が返還請求権を有するものに限る。）又は法第百七十九条第一項の規定に基づき商品取引清算機関に預託された取引証拠金（委託者（同項第一号ロに規定する委託者をいう。）、取次委託者（同号ニに規定する取次委託者をいう。次号ハ及びニにおいて同じ。）、清算取次委託者（同項第二号ロに規定する清算取次委託者をいう。）又は清算取次者に対する委託者（同号ニに規定する清算取次者に対する委託者をいう。次号ハ及びホにおいて同じ。）が返還請求権を有するものに限る。）

(ii) the clearing margins deposited with a commodity exchange based on the provisions of Article 103, paragraph (1) of the Act (limited to the clearing margins for which a requesting party (meaning a requesting party prescribed in item (ii) of the same paragraph) or a brokerage requesting party (meaning a brokerage requesting party prescribed in item (iv) of that paragraph; the same applies in (a) and (b) of the following item) who holds a right to demand restitution), or the clearing margins deposited with a commodity clearing organization based on the provisions of Article 179, paragraph (1) of the Act (limited to that a requesting party (meaning a requesting party prescribed in item (i), (b) of that paragraph), a brokerage requesting party (meaning a brokerage requesting party prescribed in (d) of that item; the same applies in (c) and (d) of the following item), a brokerage requesting party (meaning a clearing brokerage requesting party prescribed in item (ii), (b) of that paragraph), or a requesting party that makes a request to the clearing broker (meaning a requesting party that makes a request to the clearing broker prescribed in (d) of that item; the same applies in (c) and (e) of the following item) who holds a right to demand restitution);

三　次に掲げる者に該当するときは、それぞれ次に定めるもの。

(iii) in cases of a person that falls under a person stated in the following sub-items, the matters specified in each of those items:

イ　法第百三条第二項の規定に基づき委託証拠金を預託する取次委託者から商品市場における取引の委託の取次ぎを受託した取次者（同条第一項第二号に規定する取次者をいう。ロにおいて同じ。）　当該委託証拠金

(a) a broker (meaning a broker prescribed in Article 103, paragraph (1), item

(ii); the same applies in (b)) who has accepted brokerage of the consignment of a transaction in a commodity market from a brokerage requesting party who deposits customer margins based on the provisions of Article 103, paragraph (2) of the Act: the customer margins;

ロ　法第百三条第三項の規定に基づき取次委託者から取次証拠金の預託を受け、同条第二項の規定に基づき会員等に委託証拠金を預託した取次者　当該委託証拠金（当該取次者が預託を受けた当該取次証拠金の額の範囲内に限る。）

(b) a broker who has received a deposit of brokerage margins from a brokerage requesting party based on the provisions of Article 103, paragraph (3) of the Act and has deposited the customer margins with members, etc. based on the provisions of paragraph (2) of that Article: the customer margins (limited to within the scope of the amount of the brokerage margins deposited with the broker);

ハ　法第百七十九条第二項の規定に基づき委託証拠金を預託する取次委託者から商品市場における取引の委託の取次ぎを受託した取次者（同条第一項第一号ロに規定する取次者をいう。ニにおいて同じ。）又は同条第二項の規定に基づき委託証拠金を預託する清算取次者に対する委託者から商品清算取引の委託の取次ぎの委託の取次ぎを受託した清算取次者（同条第一項第二号ロに規定する清算取次者をいう。ホにおいて同じ。）　当該委託証拠金

(c) a broker (meaning a broker prescribed in Article 179, paragraph (1), item (i), (b) of the Act; the same applies in (d)) who has accepted the brokerage of the consignment of transactions in a commodity market from a brokerage requesting party who deposits customer margins based on the provisions of Article 179, paragraph (2) of the Act, or a clearing broker (meaning a clearing broker prescribed in paragraph (1), item (ii), (b) of that Article; the same applies in (e)) who has accepted the brokerage of the consignment of the brokerage of the consignment of commodity clearing transactions from a requesting party that makes a request to the clearing broker who deposits customer margins based on the provisions of paragraph (2) of that Article: the customer margins;

ニ　法第百七十九条第三項の規定に基づき取次委託者から取次証拠金の預託を受け、同条第二項の規定に基づき会員等に委託証拠金を預託した取次者　当該委託証拠金（当該取次者が預託を受けた当該取次証拠金の額の範囲内に限る。）

(d) a broker who has received a deposit of brokerage margins from a brokerage requesting party based on the provisions of Article 179, paragraph (3) of the Act and has deposited the customer margins with members, etc. based on the provisions of paragraph (2) of that Article: the customer margins (limited to within the scope of the amount of the brokerage margins deposited with the broker);

ホ　法第百七十九条第四項の規定に基づき清算取次者に対する委託者から清算取次証拠金の預託を受け、同条第二項の規定に基づき会員等に委託証拠金を預託した

清算取次者　当該委託証拠金（当該清算取次者が預託を受けた当該清算取次証拠金の額の範囲内に限る。）

(e) a clearing broker who has accepted a deposit of clearing brokerage margins from a requesting party that makes a request to the clearing broker based on the provisions of Article 179, paragraph (4) of the Act and has deposited the customer margins with members, etc. based on the provisions of paragraph (2) of that Article: the customer margins (limited to within the scope of the amount of the clearing brokerage margins deposited with the clearing broker);

四　法第百三条第七項（法第百七十九条第七項において準用する場合を含む。）に規定する契約を締結し、法第百三条第九項（法第百七十九条第七項及び第八項において準用する場合を含む。）に基づき取引証拠金の預託の猶予を受けた場合にあっては、当該預託の猶予を受けた取引証拠金

(iv) in cases of entering into a contract prescribed in the provisions of Article 103, paragraph (7) of the Act (including as applied mutatis mutandis pursuant to Article 179, paragraph (7) of the Act) and obtaining a deposit deferral of clearing margins based on Article 103, paragraph (9) of the Act (including as applied mutatis mutandis pursuant to Article 179, paragraphs (7) and (8) of the Act): the clearing margins for which a deposit deferral was obtained;

五　委託者の計算による商品市場における取引であって決済を結了していないものに係る差損金（商品市場における取引等に関し、当該委託者から預託を受けた金銭、有価証券その他の物及び当該委託者の計算に属する金銭、有価証券その他の物と相殺することができるものに限る。）

(v) a loss related to transactions in a commodity market on a requesting party's account for which settlement is not completed (with regard to transactions, etc. in a commodity market, limited to those that can be offset against money, securities, and other property deposited by the requesting party and against money, securities, and other property belonging to the requesting party's account);

六　委託者の計算による商品市場における取引に係る受渡しの決済のために商品取引所又は商品取引清算機関に預託されている金銭、有価証券その他の物

(vi) money, securities, and other property deposited with a commodity exchange or a commodity clearing organization for the settlement of delivery related to transactions in a commodity market on a requesting party's account.

２　前項の場合において、有価証券の価額は、時価によるものとする。

(2) In cases referred to in the preceding paragraph, the value of the securities are to be based on the market value.

第九十八条　法第二百十条第一号の主務省令で定める措置（以下「委託者資産保全措

置」という。）は、次に掲げるものとする。

Article 98 (1) The measures specified by order of the competent ministry as referred to in Article 210, item (i) of the Act (referred to below as "measures for requesting party assets preservation") are as follows:

一　信託会社又は信託業務を営む金融機関に信託する契約（以下この条、第九十八条の三及び第百三十九条において「信託契約」という。）を締結すること（次に掲げる要件を満たすものに限る。）。

(i) entering into a contract of trust (referred to below as the "trust contract" in this Article, Article 98-3, and Article 139) with a trust company or a financial institution engaged in trust business (limited to contracts that satisfy the following requirements):

イ　信託契約は、商品先物取引業者を委託者とし、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、当該商品先物取引業者に対し商品市場における取引等を委託した者（以下この号において「取引委託者」という。）を元本の受益者とすること。

(a) for the trust contract, a commodity derivatives broker is the requesting party, a trust company or a financial institution engaged in trust business is the trustee, and the person that entrusted the transactions, etc. in a commodity market to the commodity derivatives broker (referred to below as the "transaction requesting party" in this item) is the beneficiary of the principal;

ロ　信託契約において、当該商品先物取引業者の役職員のうちから指定された者（商品先物取引業者が委託者資産保全措置として信託契約を複数締結する場合には、これらの信託契約に係る受益者代理人を同一の者とする。）及び委託者保護基金（当該商品先物取引業者が会員として加入している委託者保護基金に限る。以下この条において同じ。）を受益者代理人とすること。

(b) for the trust contract, a person who is appointed from among the officers and employees of the commodity derivatives broker (if a commodity derivatives broker enters into multiple trust contracts as measures for requesting party assets preservation, the same person is to be assigned as the agent for a beneficiary of a trust related to these trust contracts) and a requesting party protection fund (limited to a requesting party protection fund which the commodity derivatives broker joined as a member; the same applies below in this Article) are the agents for a beneficiary of a trust;

ハ　ロの規定にかかわらず、商品先物取引業者が通知商品先物取引業者（法第三百四条に規定する通知商品先物取引業者をいう。以下同じ。）に該当することとなった場合にあっては、委託者保護基金が特に認める場合を除き、当該委託者保護基金のみを受益者代理人とすること。

(c) if a commodity derivatives broker becomes a commodity futures derivatives broker subject to a notice (meaning a commodity derivatives broker subject to a notice prescribed in the provisions of Article 304 of the

Act; the same applies below) notwithstanding the provisions of (b), only the requesting party protection fund is to be assigned as the agent for a beneficiary of a trust, unless otherwise specifically permitted by the requesting party protection fund;

ニ　信託財産の運用を次のいずれかの方法に限る金銭信託とすること。ただし、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）第六条の規定により元本の補てんの契約をした金銭信託とする場合は、この限りでない。

(d) the trust property is to be a money trust whose investment is limited to one of the following methods; provided, however, that this does not apply if it is a money trust with a contractual agreement for the compensation of principal pursuant to the provisions of Article 6 of the Act on Engagement in Trust Business by Financial Institutions (Act No. 43 of 1943):

（１）　国債その他主務大臣の指定する有価証券の保有

1. holding Japanese government bonds and other securities designated by the competent minister;

（２）　主務大臣の指定する銀行その他の金融機関への預金

2. depositing money in a bank or other financial institutions designated by the competent minister; and

（３）　その他主務大臣の定める方法

3. other methods specified by the competent minister;

ホ　信託財産の元本の評価額は、当該信託の元本金額とすること。

(e) the appraised amount of the principal of the trust property is to be the amount of the principal of the trust;

ヘ　信託契約の解除又は一部の解除は、次に掲げる場合において、あらかじめ受益者代理人である委託者保護基金の承認を受けたときでなければ、行ってはならないものとすること。

(f) in the following cases, the cancellation of a trust contract or the cancellation of a part of a trust contract may not be carried out unless the requesting party protection fund which is the agent for a beneficiary of a trust gives its approval in advance:

（１）　信託財産の元本の評価額が信託必要額（当該商品先物取引業者の保全対象財産の額から他の委託者資産保全措置を講じている額を控除した額をいう。）を超過する場合に、当該超過額に相当する金額の範囲内で信託契約の解除又は一部の解除を行おうとする場合

1. when the appraised value of the trust fund's principal exceeds the necessary amount for the trust (meaning the amount calculated by deducting the amount for other measures for requesting party assets preservation from the amount of the property subject to preservation of the commodity derivatives broker), when there is an intention to cancel the trust contract or a part of the trust contract within the scope of the amount equivalent to the excess amount;

（２）　他の委託者資産保全措置に変更するために信託契約の解除又は一部の解除を行おうとする場合

2. in cases when there is an intention to cancel the trust contract or a part of the trust contract in order to change to another measure for requesting party assets preservation;

（３）　取引委託者の計算による商品市場における取引についての取引証拠金として商品取引所又は商品取引清算機関に預託するために信託契約の解除又は一部の解除を行おうとする場合

3. when there is an intention to cancel the trust contract or a part of the trust contract in order to deposit funds as clearing margins for transactions in a commodity market on a transaction requesting party's account with a commodity exchange or a commodity clearing organization;

（４）　取引委託者の計算による商品市場における取引に係る商品取引所又は商品取引清算機関への取引差損金又は受渡し決済代金の支払いを行うために信託契約の解除又は一部の解除を行おうとする場合

4. when there is an intention to cancel the trust contract or a part of the trust contract in order to pay for a transaction loss or a delivery settlement to a commodity exchange or a commodity clearing organization related to transactions in a commodity market on a transaction requesting party's account;

（５）　取引委託者から預託を受けた又は取引委託者の計算に属する金銭、有価証券その他の物を当該取引委託者に支払うために信託契約の解除又は一部の解除を行おうとする場合

5. when there is an intention to cancel the trust contract or a part of the trust contract in order to pay the money, securities, or other property which was deposited by a transaction requesting party or which belongs to a transaction requesting party's account, to the transaction requesting party;

（６）　委託手数料の徴収その他受託に係る商品先物取引業者の取引委託者に対する権利の実行のために信託契約の解約又は一部の解除を行おうとする場合

6. when there is an intention to cancel the trust contract or a part of the trust contract in order to collect commission fees or otherwise execute the rights of the commodity derivatives broker related to the entrustment against a transaction requesting party;

ト　信託契約の変更は、あらかじめ受益者代理人である委託者保護基金の承認を受けたときでなければ、行ってはならないものとすること。

(g) the trust contract must not be changed unless the requesting party protection fund which is the agent for a beneficiary of a trust gives its approval in advance;

チ　信託契約に係る元本の受益権の行使は、商品先物取引業者が通知商品先物取引

業者に該当することとなった場合その他受益者代理人である委託者保護基金が当該商品先物取引業者の有する取引委託者に対する委託者資産の返還に係る債務の円滑な弁済のために必要と判断した場合に、当該委託者保護基金がすべての取引委託者について一括して行使するものであること。この場合において、当該信託契約は、その目的を達成したものとして終了することを妨げない。

(h) when a commodity derivatives broker has come to fall under a commodity derivatives broker subject to a notice, or when a requesting party protection fund which is the agent for a beneficiary of a trust judges that it is necessary for the smooth repayment of the commodity derivatives broker's debts related to the return of the requesting party 's assets to a transaction requesting party, the beneficiary rights to the principal related to the trust contract are to be executed by the requesting party protection fund for all transaction requesting parties in a lump sum. In this case, the termination of the trust contract by considering that its purpose has been accomplished is not precluded;

リ　イからチまでに掲げるもののほか、委託者保護基金の業務規程で定める要件

(i) beyond what is stated in sub-items (a) through (h), the requirements specified by the operational rules of the requesting party protection fund;

二　委託者保護基金に預託する契約を締結すること（次に掲げる要件を満たすものに限る。）。

(ii) entering into a contract for depositing properties with a requesting party protection fund (limited to those that satisfy the following requirements):

イ　委託者保護基金に預託された財産（以下この号において「預託財産」という。）のうち有価証券の価額は、時価によるものとすること。

(a) the value of the securities among the properties deposited with a requesting party protection fund (referred below to as the "deposited property" in this item) is based on the market value; or

ロ　預託財産の払出しを行える場合は、ハに規定する場合を除き、次に掲げる場合とすること。

(b) cases in which the deposited property can be withdrawn are the following cases, excluding the case prescribed in (c):

（１）　預託財産の評価額が預託必要額（当該商品先物取引業者の保全対象財産の額から他の委託者資産保全措置を講じている額を控除した額をいう。）を超過する場合に、当該超過額に相当する金額の範囲内で預託財産の払出しを行おうとする場合

1. when the appraised value of the deposited property exceeds the necessary amount for the deposit (the amount calculated by deducting the amount for the other measures for requesting party assets preservation from the amount of the property subject to preservation of the commodity derivatives broker), cases in which there is an intention to withdraw the deposited property within the scope of the amount

equivalent to the excess amount;

（２）　他の委託者資産保全措置に変更するために預託財産の払出しを行おうとする場合

2. when there is an intention to withdraw the deposited property in order to change to another measure for requesting party assets preservation;

（３）　委託者の計算による商品市場における取引についての取引証拠金として商品取引所又は商品取引清算機関に預託するために預託財産の払出しを行おうとする場合

3. when there is an intention to withdraw the deposited property in order to deposit the property as clearing margins for transactions in a commodity market on a requesting party's account with a commodity exchange or a commodity clearing organization;

（４）　委託者の計算による商品市場における取引に係る商品取引所又は商品取引清算機関への取引差損金又は受渡し決済代金の支払いを行うために預託財産の払出しを行おうとする場合

4. when there is an intention to withdraw the deposited property in order to pay for a transaction loss or a delivery settlement to a commodity exchange or a commodity clearing organization related to transactions in a commodity market on a requesting party's account;

（５）　委託者から預託を受けた又は委託者の計算に属する金銭、有価証券その他の物を当該委託者に支払うために預託財産の払出しを行おうとする場合

5. when there is an intention to withdraw the deposited property in order to pay the money, securities, and other property which were deposited by a requesting party or which belong to a requesting party's account, to the requesting party;

（６）　委託手数料の徴収その他受託に係る商品先物取引業者の委託者に対する権利の実行のために預託財産の払出しを行おうとする場合

6. when there is an intention to withdraw the deposited property in order to collect commission fees or otherwise execute the rights of the commodity derivatives broker related to entrustment against a requesting party;

ハ　商品先物取引業者が通知商品先物取引業者に該当することとなった場合その他委託者保護基金が当該商品先物取引業者の有する委託者に対する委託者資産の返還に係る債務（以下この条及び第百三十九条第一項第三号から第五号までにおいて「委託者債務」という。）の円滑な弁済のために必要と判断した場合に、当該委託者保護基金が当該商品先物取引業者に代わって行う当該商品先物取引業者の委託者債務の弁済（以下この項において「代位弁済」という。）に当該預託財産を充てることができること。

(c) when a commodity derivatives broker has come to fall under a commodity derivatives broker subject to a notice, or where the requesting party protection fund judges that it is necessary for the smooth repayment of the

commodity derivatives broker's debts related to the return of a requesting party's assets to a requesting party (referred to below as an "debts to a requesting party" in this Article and Article 139, paragraph (1), items (ii) through (v)), the deposited property can be allocated for repayment by the commodity derivatives broker's debts to a requesting party which is carried out by the requesting party protection fund on behalf of the commodity derivatives broker (referred to below as the "payment in subrogation" in this paragraph);

ニ　ハの場合において、当該商品先物取引業者は、委託者保護基金が代位弁済に充てた後の当該預託財産の残余についてのみ払出しを行うことができること。

(d) when referred to in (c), the commodity derivatives broker can withdraw only the remaining amount of the deposited property after the requesting party protection fund allocates the deposited property for the payment in subrogation; or

ホ　イからニまでに掲げるもののほか、委託者保護基金の業務規程で定める要件

(e) beyond what is stated in sub-items (a) through (d), the requirements specified by the operational rules of the requesting party protection fund;

三　金融機関に対し、委託者債務の弁済に必要な額の全部又は一部を委託者保護基金に支払うことを委託する契約（以下この号及び第百三十九条第一項第四号において「保証委託契約」という。）を締結すること（次に掲げる要件を満たすものに限る。同号において「保証委託」という。）。

(iii) to enter into a contract entrusting a financial institution to make a payment of the whole or a portion of the necessary amount for the repayment of debts to a requesting party to a requesting party protection fund (referred to below as a "guarantee request contract" in this item and Article 139, paragraph (1), item (iv)) (limited to the cases that satisfy the following requirements; referred to as "guarantee request" in Article 139, paragraph (1), item (iv)):

イ　次に掲げる金融機関に対して委託するものであること。

(a) the contract is for entrustment to the following financial institutions:

（１）　銀行

1. a bank;

（２）　株式会社商工組合中央金庫

2. the Shoko Chukin Bank, Ltd.

（３）　信用協同組合

3. a credit cooperative;

（４）　信用金庫

4. a Shinkin Bank;

（５）　農林中央金庫

5. the Norinchukin Bank;

（６）　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及び農

業協同組合連合会

6. an agricultural cooperative and a federation of agricultural cooperatives which can accept deposits or savings in the course of trade;

（７）　信託会社（信託業法第二十一条第二項の規定に基づき、債務の保証に関する業務を行うことについて内閣総理大臣の承認を受けた者に限る。）

7. a trust company (limited to a person that is approved by the Prime Minister for conducting business on guarantee of obligations based on the provisions of Article 21, paragraph (2) of the Trust Business Act); or

（８）　保険会社

8. an insurance company;

ロ　保証委託契約の解除又は変更は、あらかじめ委託者保護基金の承認を受けたときでなければ、行ってはならないものとすること。

(b) a guarantee request contract must not be canceled or changed unless the requesting party protection fund approves in advance;

ハ　あらかじめ、イに掲げる金融機関が保証委託契約に基づき委託者保護基金に支払うべき額の限度額（以下この号において「支払保証限度額」という。）を定めること。

(c) the limit of the amount to be paid to the requesting party protection fund by a financial institution stated in (a) based on the guarantee request contract is specified in advance (referred to below as "payment guarantee limit amount" in this item);

ニ　商品先物取引業者が通知商品先物取引業者に該当することとなった場合その他委託者保護基金が当該商品先物取引業者の有する委託者債務の円滑な弁済のために必要と判断した場合に、当該委託者保護基金は、保証委託契約を締結したイに掲げる金融機関に対し、支払保証限度額を限度として、当該委託者債務の弁済に必要と認められる額を当該委託者保護基金に対して支払うことを指示することができること。

(d) A requesting party protection fund can instruct a financial institution stated in (a), which has entered into a guarantee request contract to pay to the requesting party protection fund the necessary amount for repayment of the debts to a requesting party within the limit of the payment guarantee limit amount when the commodity derivatives broker has come to fall under a commodity derivatives broker subject to a notice, and the requesting party protection fund judges that it is necessary to do so for the smooth repayment of the commodity derivatives broker's debts to the requesting party; and

ホ　イからニまでに掲げるもののほか、委託者保護基金の業務規程で定める要件

(e) beyond what is stated in sub-items (a) through (d), the requirements specified by the operational rules of the requesting party protection fund;

四　前二号に掲げる措置のほか、委託者保護基金に対し、商品先物取引業者が有する

委託者債務の全部又は一部を当該商品先物取引業者に代わって弁済することを委託する契約（以下この号及び第百三十九条第一項第五号において「代位弁済委託契約」という。）を締結すること（次に掲げる要件を満たすものに限る。同項第五号において「代位弁済委託」という。）。

(iv) in addition to the measures stated in the preceding two items, conclusion of a contract entrusting the requesting party protection fund to repay the whole or a part of the commodity derivatives broker's debts on behalf of the commodity derivatives broker (referred to below as a "subrogation consignment agreement" in this item and Article 139, paragraph (1), item (v)) (limited to those that satisfy the following requirements; referred to as a "subrogation consignment" in Article 139, paragraph (1), item (v)):

イ　代位弁済委託契約の解除又は変更は、あらかじめ委託者保護基金の承認を受けたときでなければ、行ってはならないものとすること。

(a) a subrogation consignment agreement must not be canceled or changed unless the requesting party protection fund approves in advance;

ロ　あらかじめ、委託者保護基金が当該商品先物取引業者に代わってその委託者債務の代位弁済を行うべき額の限度額（以下この号において「代位弁済限度額」という。）を定めること。

(b) the limit of the amount to be paid in subrogation for the debts to a requesting party by a requesting party protection fund on behalf of the commodity derivatives broker is specified in advance (referred to below as the "subrogation limit amount" in this item);

ハ　商品先物取引業者が通知商品先物取引業者に該当することとなった場合その他委託者保護基金が当該商品先物取引業者の有する委託者債務の円滑な弁済のために必要と判断した場合に、当該委託者保護基金は、代位弁済限度額を限度として、当該商品先物取引業者に代わって当該委託者債務を弁済するものであること。

(c) when a commodity derivatives broker has come to fall under a commodity derivatives broker subject to a notice, or where a requesting party protection fund judges that it is necessary for the smooth repayment of the commodity derivatives broker's debts to a requesting party, the requesting party protection fund is to pay the debts to a requesting party on behalf of the commodity derivatives broker within the limit of the subrogation limit amount; and

ニ　イからハまでに掲げるもののほか、委託者保護基金の業務規程で定める要件

(d) beyond what is stated in sub-items (a) through (c), the requirements specified by the operational rules of the requesting party protection fund.

２　商品先物取引業者は、前項各号に掲げる契約を締結し、又は変更したときは、遅滞なく、契約書の写しを主務大臣に提出しなければならない。ただし、信託契約を変更した場合にあっては、当該契約を締結した信託会社又は信託業務を営む金融機関が発行する残高証明書を添付するものとする。

(2) When a commodity derivatives broker has entered into or changed the

contract stated in the items of the preceding paragraph, they must submit a copy of the contract to the competent minister without delay; provided, however, that when a trust contract has been changed, a certificate of balance issued by the trust company entering into the contract or a financial institution engaged in trust business is to be attached.

3　商品先物取引業者は、第一項各号に掲げる契約を解除しようとするときは、その三十日前にその旨を主務大臣に届け出なければならない。

(3) When a commodity derivatives broker seeks to cancel a contract stated in the items of paragraph (1), a notification of that fact must be submitted to the competent minister 30 days before the cancellation.

4　商品先物取引業者は、商品市場における取引につき、委託者から預託を受けた有価証券その他の物及び委託者の計算に属する有価証券その他の物を委託の趣旨に反して、担保として提供し、貸し付け、その他処分してはならない。ただし、委託者の同意を得て、委託者保護基金に預託し、又は次に掲げる金融機関に担保として提供し、若しくは信託する場合は、この限りでない。

(4) With regard to transactions in a commodity market, a commodity derivatives broker must not deposit as collateral, loan, nor dispose of securities and other property deposited by a requesting party or securities and other property belonging to a requesting party's account contrary to the purpose of the entrustment; provided, however, that this does not apply in cases of depositing them with a requesting party protection fund, or depositing them as collateral, or placing them in trust with the following financial institutions, after obtaining the consent of the requesting party:

一　銀行

(i) a bank;

二　株式会社商工組合中央金庫

(ii) the Shoko Chukin Bank, Ltd.

三　信用協同組合

(iii) a credit cooperative;

四　信用金庫

(iv) a Shinkin Bank;

五　農林中央金庫

(v) the Norinchukin Bank;

六　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及び農業協同組合連合会

(vi) an agricultural cooperative and a federation of agricultural cooperatives which can accept deposits or savings in the course of trade;

七　貸金業法施行令（昭和五十八年政令第百八十一号）第一条の二第四号に掲げる者

(vii) a person stated in Article 1-2, item (iv) of the Enforcement Order of the Money Lending Business Act (Cabinet Order No. 181 of 1983);

八　信託会社又は信託業務を営む金融機関

(viii) a trust company or a financial institution engaged in trust business; and
九　保険会社
(ix) an insurance company.

（外国商品市場取引及び店頭商品デリバティブ取引に関する財産の分離保管等の措置）
(Measures of Segregation of Property Related to Foreign Commodity Market Transactions and Over-the-Counter Commodity Derivatives Transactions)
第九十八条の二　法第二百十条第二号の主務省令で定めるものは、次の各号に掲げる取引の区分に応じ、当該各号に定めるものの価額の合計額に相当する金銭、有価証券その他の物とする。
Article 98-2 (1) The properties specified by order of the competent ministry as referred to in Article 210, item (ii) of the Act are money, securities, and other property equivalent to the total amount of the value of properties specified in the following items in accordance with the category of transactions stated in each item:
一　外国商品市場取引　外国において第九十七条第一項各号に掲げるものに相当するもの
(i) foreign commodity market transactions: property equivalent to those stated in the items of Article 97, paragraph (1) in a foreign country;
二　店頭商品デリバティブ取引
(ii) over-the-counter commodity derivatives transactions:
イ　当該商品先物取引業者が、預金、貯金又は銀行法第二条第四項に規定する定期積金等（以下「預金等」という。）の受入れを行う金融機関である場合には、委託者等から受け入れた預金等
(a) if the commodity derivatives broker is a financial institution that accepts deposits, savings, or installment savings, etc. prescribed in Article 2, paragraph (4) of the Banking Act (referred to below as "deposits, etc."), the deposits, etc. accepted from requesting parties, etc.;
ロ　委託者等未収金（店頭商品デリバティブ取引に関し、当該委託者等から預託を受けた金銭、有価証券その他の物及び当該委託者等の計算に属する金銭（当該委託者等の計算による店頭商品デリバティブ取引であって決済を結了していないものに係る差益金に相当する金銭を除く。）、有価証券その他の物と相殺することができるものに限る。）
(b) accounts receivable from a requesting party (with regard to over-the-counter commodity derivatives transactions, limited to those that can be offset against money, securities, and other property deposited by the requesting party and the money belonging to the requesting party's account (excluding cash equivalent to profit related to over-the-counter commodity derivatives transactions on the requesting party's account for which settlement has not been completed));

ハ　委託者等の計算による店頭商品デリバティブ取引であって決済を結了していないものに係る差損金（店頭商品デリバティブ取引に関し、当該委託者等から預託を受けた金銭、有価証券その他の物及び当該委託者等の計算に属する金銭、有価証券その他の物と相殺することができるものに限る。）

(c) loss related to over-the-counter commodity derivatives transactions on the account of the requesting party, etc. for which the settlement has not been completed (limited to those that can be offset against money, securities, and other property deposited by the requesting party, etc. and the money, securities, and other property belonging to the account of the requesting party, etc. in relation to over-the-counter commodity derivatives transactions);

ニ　商品先物取引業者が委託者等との間において一括清算（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（平成十年法律第百八号）第二条第六項に規定する一括清算をいう。）の約定をした基本契約書（同条第五項に規定する基本契約書をいう。以下このニにおいて同じ。）に基づき店頭商品デリバティブ取引を行っている場合において、当該委託者等に一括清算事由（同条第四項に規定する一括清算事由をいう。以下このニにおいて同じ。）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（同条第一項に規定する特定金融取引をいい、当該店頭商品デリバティブ取引を除く。）について当該一括清算事由が生じた時における評価額（同条第六項の評価額をいう。）で当該委託者等の評価損となるものがあるときは、当該評価損（当該基本契約書に基づき店頭商品デリバティブ取引を決済した場合においても委託者等の保護に欠けるおそれがないと認められる場合に限る。）

(d) when a commodity derivatives broker conducts over-the-counter commodity derivatives transactions based on a master agreement with a requesting party (meaning a master agreement prescribed in Article 2, paragraph (5) of the Act on Collective Clearing of Specified Financial Transactions Conducted by Financial Institutions (Act No. 108 of 1998); the same applies below in this sub-item (d)) with a provision for collective clearing (meaning collective clearing prescribed in paragraph (6) of that Article), when there is a valuation loss for the requesting party given the appraised value (meaning appraised value prescribed in paragraph (6) of that Article) at the time when a cause of collective clearing (meaning a cause of collective clearing as defined in paragraph (4) of that Article; the same applies below in this sub-item (d)) occurs for a specified financial transaction (meaning a specified financial transaction as defined in paragraph (1) of that Article, and excluding the over-the-counter derivatives transaction) performed based on the master agreement when a cause of collective clearing occurs for the requesting party, the valuation loss (limited to cases in which it is found that there is no risk of resulting in insufficient protection of requesting parties, etc. when over-the-counter

commodity derivatives transactions are settled based on the master agreement); and

ホ　契約により商品先物取引業者が消費できる有価証券

(e) securities that a commodity derivatives broker may use under the terms of a contract.

2　前項の場合において、有価証券の価額は、時価によるものとする。

(2) When referred to in the preceding paragraph, the value of the securities is to be based on the market value.

第九十八条の三　法第二百十条第二号の主務省令で定める措置は、次の各号に掲げる委託者等の区分に応じ、当該各号に定めるものとする。

Article 98-3 (1) The measures specified by order of the competent ministry as referred to in Article 210, item (ii) of the Act are those specified in the following items in accordance with the category of requesting parties, etc. stated in each of those items:

一　個人である委託者等（以下この項において「個人委託者等」という。）　信託契約を締結すること（次に掲げる要件を満たすものに限る。）

(i) a requesting party, etc. that is an individual (referred to below as "individual requesting party, etc." in this paragraph): to enter into trust contracts (limited to those that satisfy the following requirements):

イ　信託契約は、商品先物取引業者を委託者とし、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、当該商品先物取引業者が行う法第二条第二十二項第三号から第五号までに掲げる行為（以下この号において「特定行為」という。）に係る個人委託者等を元本の受益者とすること。

(a) the trust contract is to have a commodity derivatives broker as the requesting party and the trust company or a financial institution engaging in trust business as the trustee, and the individual requesting party, etc. related to the acts stated in Article 2, paragraph (22), items (iii) through (v) of the Act (referred to below as "specified acts" in this item) as the beneficiary of the principal;

ロ　信託契約において、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、弁護士・外国法事務弁護士共同法人、公認会計士、監査法人、税理士、税理士法人又は主務大臣の指定する者（以下この号において「弁護士等」という。）とすること。

(b) for the trust contract, agents for the beneficiary are to be appointed, and at least one of the beneficiary's agents is an attorney-at-law, a legal professional corporation, attorney / registered foreign lawyer joint corporation, a certified public accountant, an audit corporation, a tax accountant, a tax accountant corporation, or a person specified by the competent minister (referred to below as "attorney-at-law, etc." in this item);

ハ　複数の特定信託（商品先物取引業者が個人委託者等を相手方とし、又は個人委託者等のために行う特定行為に係る信託をいう。以下この条において同じ。）を行う場合には、当該複数の特定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。

(c) when multiple specified trusts are carried out (meaning trusts in which a commodity derivatives broker has an individual requesting party, etc. as the counterpart, or trusts related to specified acts performed on behalf of an individual requesting party, etc.; the same applies below in this Article), the same beneficiary's agents are appointed for the multiple specified trusts; and

ニ　商品先物取引業者が次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（当該弁護士等である受益者代理人が、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。）。

(d) when a commodity derivatives broker comes to fall under any of the following cases, only a beneficiary's agent who is an attorney-at-law, etc. exercises their authority (excluding when the beneficiary's agent who is an attorney-at-law, etc. approves the exercise of authority by another beneficiary's agents):

（１）　法第二百三十五条第三項又は第二百三十六条第一項の規定により法第百九十条第一項の許可を取り消されたとき。

1. permission under Article 90, paragraph (1) of the Act has been canceled pursuant to the provisions of Article 235, paragraph (3) or Article 236, paragraph (1) of the Act;

（２）　法第百九十条第二項又は第百九十七条第二項の規定により法第百九十条第一項の許可が効力を失ったとき。

2. permission under Article 190, paragraph (1) of the Act ceases to be effective pursuant to the provisions of Article 190, paragraph (2) or Article 197, paragraph (2) of the Act;

（３）　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（外国法人である場合には、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、又は本店等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。）。

3. when a petition is filed for the commencement of bankruptcy proceedings, rehabilitation proceedings, reorganization proceedings, or special liquidation (in cases of a foreign corporation, when a petition is filed for the commencement of bankruptcy proceedings, rehabilitation proceedings, reorganization proceedings, or special liquidation, or the same type of petition is filed in the country where the head office, etc. is located, pursuant to the laws and regulations of that country);

（４）　商品先物取引業の廃止（外国法人である場合には、国内におけるすべて

の営業所又は事務所における商品先物取引業の廃止。以下この（４）において同じ。）をしたとき、若しくは解散（外国法人である場合には、国内における営業所又は事務所の清算の開始。以下この（４）において同じ。）をしたとき、又は法第百九十七条第三項の規定による商品先物取引業の廃止若しくは解散の公告をしたとき。

4. when the commodity derivatives business is discontinued (in cases of a foreign corporation, the discontinuation of commodity derivatives business at all business offices or offices in Japan; the same applies below in this paragraph) or dissolved (in cases of a foreign corporation, commencement of liquidation of business offices or offices in Japan; the same applies below in this 4. part), or when a public announcement of discontinuation or dissolution of commodity derivatives business under the provisions of Article 97, paragraph (3) of the Act is made;

（５）　法第二百三十六条第一項の規定による業務の停止の命令（同項第七号に該当する場合に限る。）を受けたとき。

5. when an order to suspend business pursuant to the provisions of Article 236, paragraph (1) of the Act is received (limited to cases that fall under item (vii) of that paragraph).

ホ　信託財産の運用を次のいずれかの方法に限る金銭信託とすること。ただし、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より元本の補てんの契約をした金銭信託とする場合は、この限りでない。

(e) the trust property is to be a money trust whose investment is limited to one of the following methods; provided, however, that this does not apply if it is a money trust with a contractual agreement for the compensation of principal pursuant to the provisions of Article 6 of the Act on Engagement in Trust Business by Financial Institutions:

（１）　次に掲げる有価証券の保有

1. holding of the following securities:

（ｉ）　国債証券

i. Japanese national government bond securities;

（ｉｉ）　地方債証券

ii. local government bond securities;

（ｉｉｉ）　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

iii. securities issued by a public corporation, a public finance corporation, or a public organization, or other securities for which payment of the principal and interest is guaranteed by the government;

（ｉｖ）　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。）

iv. 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, agriculture and forestry bonds under the provisions of Article 60 of the Norinchukin Bank Act, and commercial and industrial bonds under the provisions of Article 33 of the Shoko Chukin Bank Limited Act (including those deemed to be commercial and industrial bonds issued pursuant to the provisions of Article 33 of that Act pursuant to the provisions of Article 37 of the Supplemental Provisions of that Act;

（ｖ）　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。）

v. 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 (including as applied mutatis mutandis pursuant to Article 24, paragraph (1), item (vii) of that Act) before amendment by the provisions of Article 199 of the Act on Arrangement of Relevant Acts Incidental to Enforcement of the Companies Act (Act No. 87 of 2005));

（ｖｉ）　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てんの契約のあるもの

vi. beneficiary certificates based on the Loan Trust Act (Act No. 195 of 1952) for which there is a contractual agreement for the compensation of principal;

（ｖｉｉ）　担保付社債（償還及び利払の遅延のないものに限る。）

vii. secured bonds (limited to those with no reimbursement and interest extension);

（ｖｉｉｉ）　金融商品取引業等に関する内閣府令（平成十九年内閣府令第五十二号）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（特定信託必要額（個別特定信託必要額（法第二百十条第二号に掲げる財産の額を個人委託者等ごとに算定した額をいう。以下この条において同じ。）の合計額をいう。以下この条において同じ。）の三分の一に相当する範囲

内に限る。）

viii. beneficiary certificates of investment trusts stated in Article 65, item (ii), sub-items (a) through (c) of the Cabinet Office Order on Financial Instruments Business (Cabinet Office Order No. 52 of 2007) (limited to within the scope equivalent to one-third of the specified trust required amount (meaning the sum of individual specified trust required amounts (meaning an amount calculated for the amount of property stated in Article 240, item (ii) of the Act for each individual requesting party, etc.; the same applies below in this Article); the same applies below in this Article);

（２）　次に掲げる金融機関への預金又は貯金（商品先物取引業者が当該金融機関である場合には、自己に対する預金又は貯金を除く。）

2. deposits or savings deposits in the following financial institutions (when a commodity derivatives broker is the financial institution, excluding deposits or savings deposits in their own institution):

（ｉ）　銀行

i. banks

（ｉｉ）　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

ii. Shinkin Banks and federation of Shinkin Banks, and labor banks and The Rokinren Bank;

（ｉｉｉ）　農林中央金庫及び株式会社商工組合中央金庫

iii. The Norinchukin Bank and the Shoko Chukin Bank, Ltd.;

（ｉｖ）　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

iv. credit cooperatives and federation of credit cooperatives, and agricultural cooperatives, fishery cooperatives, federation of fishery cooperatives, fishery processing cooperatives, and federation of fishery processing cooperatives that can accept deposits and savings in the course of trade;

（３）　コールローン

3. call loans; or

（４）　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

4. due from bank account at a financial institution engaged in the trust business that is the trustee;

（５）　信託業務を営む金融機関への金銭信託で元本補てんの契約のあるもの

5. a money trust created with a financial institution engaged in the trust business for which there is a contractual agreement for the compensation of principal.

ヘ　信託財産の元本の評価額が特定信託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、商品先物取引業者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。

(f) if the appraised value of the principal of trust property falls short of the specified trust required amount, money equivalent to the amount of deficiency is to be added to the trust property by the commodity derivatives broker within 2 business days from the day following the day on which the deficiency occurred;

ト　商品先物取引業者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（当該特定信託が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より元本の補てんの契約をした金銭信託である場合を除く。）。

(g) the commodity derivatives broker calculates the appraised value of securities that are trust properties at the market value (excluding when the specified trust is a money trust with a contractual agreement for the compensation of principal pursuant to the provisions of Article 6 of the Act on Engagement in Trust Business by Financial Institutions);

チ　特定信託が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より元本の補てんの契約をした金銭信託である場合には、その信託財産の元本の評価額を当該金銭信託の元本金額とすること。

(h) if a specified trust is a money trust with a contractual agreement for the compensation of principal pursuant to the provisions of Article 6 of the Act on Engagement in Trust Business by Financial Institutions, the appraised value of the principal of the trust property is to be the amount of the principal of the money trust;

リ　信託契約の全部又は一部の解除は、次に掲げる場合を除き、行ってはならないものとすること。

(i) cancellation of the whole trust contract or a part of the trust contract may not be made in cases other than the following cases:

（１）　信託財産の元本の評価額が特定信託必要額を超過する場合に、当該超過額に相当する金額の範囲内で信託契約の全部又は一部の解除を行おうとする場合

1. when the appraised value of the principal of trust property exceeds the specified trust required amount, seeking to cancel or partially cancel the trust contract within the scope of an amount equivalent to the excess amount; or

（２）　他の特定信託に係る信託財産として信託することを目的として信託契約の全部又は一部の解除を行おうとする場合

2. seeking to cancel or partially cancel the trust contract for the purpose of entrusting the property as trust property related to another specified trust;

ヌ　リ（１）又は（２）に掲げる場合に行う信託契約の全部又は一部の解除に係る信託財産は、委託者に帰属させるものであること。

(j) trust property related to cancellation or partial cancellation of a trust contract performed when stated in (i) 1 or 2 is to belong to the requesting party;

ル　商品先物取引業者がニ（１）から（５）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、当該商品先物取引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。

(k) when a commodity derivatives broker comes to fall under any of the cases stated in (d) 1 through 5, the commodity derivatives broker may not give instructions on the investment of the trust property to the trustee unless otherwise specifically permitted by a beneficiary's agent who is an attorney-at-law, etc.;

ヲ　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、個人委託者等の受益権が当該弁護士等である受益者代理人によりすべての個人委託者等について一括して行使されるものであること。

(l) if a beneficiary's agent who is an attorney-at-law, etc. determines it to be necessary, the beneficial rights of an individual requesting party, etc. are exercised collectively for all individual requesting parties by the beneficiary's agent who is an attorney-at- law, etc.;

ワ　個人委託者等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。

(m) if the beneficial rights of an individual requesting party, etc. are exercised collectively by a beneficiary's agent who is an attorney-at-law, etc., the trust contract related to the beneficial rights may be terminated;

カ　個人委託者等が受益権を行使する場合にそれぞれの個人委託者等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（特定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（特定信託が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より元本の補てんの契約をした金銭信託である場合には、元本額）をいう。ヨにおいて同じ。）に、当該日における特定信託必要額に対する当該個人委託者等に係る個別特定信託必要額の割合を乗じて得た額（当該額が当該個別特定信託必要額を超える場合には、当該個別特定信託必要額）とされていること。

(n) the amount to be paid to each individual requesting party when the individual requesting party, etc. exercises beneficial rights, is an amount obtained by multiplying the proportion of the individual specified trust required amount related to the individual out of the specified trust required amount on the date of exercise of the beneficial rights (if the amount exceeds the individual specified trust required amount, the individual specified trust required amount) by the principal conversion amount on the date (meaning an amount obtained by converting the trust property relating to the specified trust (limited to the portion of the

principal) (the principal amount, when the specified trust is a money trust with a contractual agreement for the compensation of principal pursuant to the provisions of Article 6 of the Act on Engagement in Trust Business by Financial Institutions); the same applies in (o));

ヨ　個人委託者等が受益権を行使する日における元本換価額が特定信託必要額を超過する場合には、当該超過額は委託者等に帰属するものであること。

(o) if the principal conversion amount on the date on which beneficial rights are exercised by an individual requesting party, etc. exceeds the specified trust required amount, the excess amount is to belong to the requesting party;

二　個人委託者等以外の委託者等　次に掲げるいずれかの措置

(ii) requesting party, etc. other than individual requesting party, etc.: any of the following measures:

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（法第二百十条第二号に掲げる財産であることがその名義により明らかなものに限る。）

(a) deposits or savings in banks, cooperative organization financial institutions or the Shoko Chukin Bank, Ltd. (limited to those that are clearly identifiable as property stated in Article 210, item (ii) of the Act by the account name);

ロ　信託契約を締結すること（次に掲げる要件を満たすものに限る。）。

(b) conclusion of a trust contract (limited to those that satisfy the following requirements):

（１）　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より元本の補てんの契約をした金銭信託であること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であること。

1. that the trust is a money trust with a contractual agreement for the compensation of principal pursuant to the provisions of Article 6 of the Act on Engagement in Trust Business by Financial Institutions, or is a money trust created with a trust company or a financial institution engaged in the trust business and the trust property will be safely managed;

（２）　法第二百十条第二号に掲げる財産であることがその名義により明らかであること。

2. that the property is clearly identifiable as property stated in Article 210, item (ii) of the Act by the account name.

ハ　カバー取引相手方等（商品先物取引業者が委託者等を相手方として行う店頭商品デリバティブ取引により生ずるおそれのある損失を軽減することを目的として、当該委託者等が行った店頭商品デリバティブ取引の対象となる商品又は商品指数及び当該店頭商品デリバティブ取引に係る売買の別その他これらに準ずる事項が同一となる商品市場における取引、外国商品市場取引又は他の商品先物取引業者

その他の者（以下このハ及びニ並びに第三項において「他の商品先物取引業者等」という。）を相手方とした店頭商品デリバティブ取引（以下このハにおいて「カバー取引」という。）を行う場合における当該カバー取引に係る商品取引所、商品取引清算機関、外国商品市場開設者、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と同種類の業務を行う者（以下このハにおいて「外国商品取引清算機関」という。）又は当該カバー取引の相手方となる他の商品先物取引業者等をいう。）への預託（当該商品先物取引業者が当該カバー取引を行う場合に、当該商品取引所、商品取引清算機関、外国商品市場開設者、外国商品取引清算機関又は他の商品先物取引業者等に当該カバー取引に係る金銭、有価証券その他の物を預託する場合に限る。）

(c) deposit with a counterpart, etc. to a cover deal (when transactions in a commodity market or a foreign commodity market in which commodities or commodity indices that are the subject of over-the-counter commodity derivatives transactions conducted by the requesting party, purchase and sale related to the over-the-counter commodity derivatives transactions and other equivalent matters are the same, or over-the-counter commodity derivatives transactions with another commodity derivatives broker or another person (referred to below as "other commodity derivatives broker, etc." in this sub-item (c) and sub-item (d)) as the counterpart (referred to below as "cover deal" in this sub-item (c)) are performed for the purpose of reducing losses that may occur from the over-the-counter commodity derivatives transaction that the commodity derivatives broker conducts with a requesting party, etc. as the counterpart, meaning a commodity exchange, a commodity clearing organization, a foreign commodity market maker, or a corporation based on the law of a foreign country and engaged in the same type of business as the business of assuming commodity transaction debts in a foreign country (referred to below as "foreign commodity clearing organization" in this sub-item (c)) or another commodity derivatives broker related to the cover deal) (when the commodity derivatives broker conducts the cover deal, limited to cases in which cash, securities, and other property related to the cover deal are deposited with the commodity exchange, commodity clearing organization, foreign commodity market establisher, foreign commodity market clearing organization, or other commodity derivatives broker);

ニ　媒介等相手方（商品先物取引業者が委託者等のために店頭商品デリバティブ取引の媒介、取次ぎ又は代理を行う場合における当該媒介、取次ぎ又は代理の相手方となる他の商品先物取引業者等をいう。）への預託（当該商品先物取引業者が当該他の商品先物取引業者等を媒介等相手方として店頭商品デリバティブ取引の媒介、取次ぎ又は代理を行う場合に、当該他の商品先物取引業者等に当該店頭商品デリバティブ取引に係る金銭、有価証券その他の物を預託するときに限る。）

(d) deposit with an intermediary, etc. counterpart (meaning another

commodity derivatives broker, etc. that is a counterpart of an intermediary, broker, or agent when a commodity derivatives broker conducts intermediation, brokerage, or action as an agent for over-the-counter commodity derivatives transactions on behalf of a requesting party) (when the commodity derivatives broker conducts intermediation, brokerage, or action as an agent for over-the-counter commodity derivatives transactions with the other commodity derivatives broker, etc. as an intermediary, etc. counterpart, limited to the case of depositing money, securities, and other property related to the over-the-counter commodity derivatives transactions with the other commodity derivatives broker).

２　商品先物取引業者が特定信託の措置を講ずる場合には、当該商品先物取引業者は、個別特定信託必要額及び特定信託必要額を毎日算定しなければならない。

(2) If a commodity derivatives broker takes measures for specified trust, the commodity derivatives broker must calculate individual specified trust required amounts and specified trust required amounts every day;

３　商品先物取引業者が第一項第二号ハ又はニに掲げる措置を講ずる場合には、当該商品先物取引業者は、他の商品先物取引業者等に預託した金銭、有価証券その他の物について、定期的にその価額の確認を行わなければならない。

(3) if a commodity derivatives broker takes the measures stated in paragraph (1), item (ii), (c) or (d), the commodity derivatives broker must periodically confirm the value of the money, securities, and other property deposited with the other commodity derivatives broker, etc.;

４　商品先物取引業者は、外国商品市場取引及び店頭商品デリバティブ取引に関し、委託者等から有価証券等（有価証券その他の金銭以外の物をいう。以下この項において同じ。）の預託を受けた場合には、第一項の規定にかかわらず、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することができる。この場合において、当該商品先物取引業者は、法第二百十条第二号に定める措置を講じたものとみなす。

(4) If a commodity derivatives broker receives a deposit of securities, etc. (meaning securities and property other than money; the same applies below in this paragraph) from a requesting party, etc. in relation to a foreign commodity market transaction or an over-the-counter commodity derivatives transaction, the securities may be managed separately from the business operator's own property by one of the following methods specified in accordance with the category of securities, etc. stated in each item, notwithstanding the provisions of paragraph (1). In this case, the commodity derivatives broker is deemed to have taken the measure prescribed in Article 210, item (ii) of the Act.

一　商品先物取引業者が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有価証券等を除く。次号において同じ。）　委託者等から預託を受けた有価証券等（以下この項において「委託者等有価証券等」という。）の保管場所については自己の固有財産である有価証券等その他の委託者等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、当該委託者等有価証券等についてどの委託者等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. which the commodity derivatives broker manages by retaining them (excluding securities in commingled deposit; the same applies in the following item): for the location of retention of securities, etc. received for deposit from a requesting party, etc. (referred to below as "securities, etc. of a requesting party, etc." in this paragraph), the method of clearly separating the location of retention for securities, etc. which are the broker's own property and those other than requesting party securities, etc. (referred to below as "proprietary securities, etc." in this paragraph), and the requesting party securities, etc. are retained in a condition that they are immediately distinguishable as to which requesting party's securities they are;

二　商品先物取引業者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　当該第三者をして、委託者等有価証券等の保管場所については固有有価証券等の保管場所と明確に区分させ、かつ、当該委託者等有価証券等についてどの委託者等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 the commodity derivatives broker manages by having a third party retain them: the method of management by having the third party clearly distinguish the location of retention of the securities, etc. of the requesting party, etc. from the location of retention for proprietary securities, etc., and retaining the securities, etc. of a requesting party, etc. in a condition that they are immediately distinguishable as to which requesting party's securities, etc. they are;

三　商品先物取引業者が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有価証券等に限る。次号において同じ。）　委託者等有価証券等の保管場所については固有有価証券等の保管場所と明確に区分し、かつ、当該委託者等有価証券等に係る各委託者等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 the commodity derivatives broker manages by retaining them (limited to securities in commingled deposit; the same applies in the following item): the method of managing the securities, etc. by clearly separating the location of retention for securities, etc. of a requesting party, etc. from the location of retention for proprietary securities, etc., and retaining them in a condition that the equity of each requesting party, etc. related to the securities, etc. of the requesting party, etc. is immediately distinguishable from the broker's own books;

四　商品先物取引業者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　当該第三者をして、当該商品先物取引業者の委託者等のための口座については当該商品先物取引業者のための口座と区分する方法その他の方法により、委託者等有価証

券等に係る持分が直ちに判別でき、かつ、当該委託者等有価証券等に係る各委託者等の持分が当該商品先物取引業者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は、当該外国の法令上当該第三者をして委託者等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委託者等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、当該委託者等有価証券等に係る各委託者等の持分が当該商品先物取引業者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 commodity derivatives broker manages by having a third party retain them: the method of management by having the third party separate the account for a requesting party, etc. of the commodity derivatives broker from the account for the commodity derivatives broker and other methods, that enable the equity related to the securities, etc. of a requesting party, etc.to be immediately distinguished, and of retaining it in a condition that the equity of each requesting party related to the securities, etc. of a requesting party, etc. is immediately distinguishable from the commodity derivatives broker's books (in cases of having a third party in a foreign country retain it , if, under the laws of a foreign country, the third party is unable to separate the retention of the equity related to the securities, etc. of the requesting party, etc. from the equity related to the proprietary securities, etc., or if a particularly unavoidable cause is found to exist with regard to the fact that the securities, etc. may not be retained by the third party in a condition that the equity related to securities, etc. of a requesting party, etc. is immediately distinguishable, the method of managing the securities, etc. by retaining them in a condition that the equity of each requesting party related to the securities, etc. of the requesting party, etc. is immediately distinguishable from the commodity derivatives broker's books);

五　金融商品取引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 provisions of Article 2, paragraph (2) of the Financial Instruments and Exchange Act, and other securities (excluding those stated in the preceding items): the method specified in the following (a) or (b) in accordance with the category of cases stated in (a) or (b):

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) if a document proving the right required when exercising the right and

other documents exist: the method of managing the securities, etc. by deeming the documents to be securities etc. and in accordance with the category of securities, etc. stated in each of the preceding items;

ロ　イに掲げる場合以外の場合　第三者をして当該権利を委託者等有価証券等として明確に管理させ、かつ、その管理の状況が当該商品先物取引業者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 stated in (a): the method of having a third party clearly manage the rights as securities, etc. of the requesting party, etc., and in a condition that the state of the management is immediately identifiable from the commodity derivatives broker's books.

六　商品先物取引業者と委託者等が共有しているため前各号に定める方法により管理することができない有価証券等　委託者等有価証券等に係る各委託者等の持分が当該商品先物取引業者の帳簿により直ちに判別できる状態で管理する方法

(vi) securities, etc. that cannot be managed by the methods prescribed in the preceding items because of common ownership by the commodity derivatives broker and the requesting party, etc.: the method of managing the securities in a condition that the equity of each requesting party related tore securities, etc. of the requesting party, etc.is immediately distinguishable from the commodity derivatives broker's books.

（危険に対応する額の算出）

(Calculating the Amount Corresponding to Risks)

第九十九条　法第二百十一条第一項の主務省令で定めるところにより算定した額は、次に掲げる額の合計額とする。

Article 99 (1) The amount calculated pursuant to the provisions of order of the competent ministry as referred to in Article 211, paragraph (1) of the Act is the sum of the following amounts:

一　市場リスク相当額（商品市場における相場等に係る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主務大臣が定めるところにより算出した額をいう。次項本文及び第百条の二第一項第二号において同じ。）

(i) the market risk equivalent amount (meaning an amount calculated as prescribed by the competent minister as an amount equivalent to potential risk arising from fluctuations in quotations, etc. on commodity markets and other reasons; the same applies in the main clause of the following paragraph and Article 100-2, paragraph (1), item (ii));

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主務大臣が定めるところにより算出した額をいう。次項本文及び第百条の二第一項第二号において同じ。）

(ii) the counterpart risk equivalent amount (meaning an amount calculated as prescribed by the competent minister as an amount equivalent to potential risk arising from default in performance of contracts by the counterpart to a

transaction and other reasons; the same applies in the main clause of the following paragraph and Article 100-2, paragraph (1), item (ii)); 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主務大臣が定めるところにより算出した額をいう。第百条の二第一項第二号において同じ。）

(iii) the fundamental risk equivalent amount (meaning an amount calculated as prescribed by the competent minister as an amount equivalent to potential risk arising from errors in paperwork and other execution of routine business; the same applies in Article 100-2, paragraph (1), item (ii)).

２　商品先物取引業者（令第二十八条各号に掲げる者に該当する者を除く。次条において同じ。）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。ただし、営業日ごとに、金融商品取引業等に関する内閣府令第百七十八条第二項の規定に基づき同条第一項第一号に規定する市場リスク相当額及び同項第二号に規定する取引先リスク相当額を把握している金融商品取引業者である商品先物取引業者については、この限りでない。

(2) A commodity derivatives broker (excluding one that falls under the persons stated in the items of Article 28 of the Order; the same applies in the following Article) is to use rational methods to ascertain the market risk equivalent amount and the counterpart risk equivalent amount each business day; provided, however, that this does not apply to a commodity derivatives broker that is a financial instruments business operator who ascertains the market risk equivalent amount prescribed in Article 178, paragraph (1), item (i) of the Cabinet Office Order on Financial Instruments Business and the counterpart risk equivalent amount prescribed in item (ii) of that paragraph each business day based on the provisions of paragraph (2) of that Article.

（純資産額規制比率の届出）

(Notifications of Net Assets Regulation Ratios)

第百条　法第二百十一条第一項に定める毎月末の純資産額規制比率の届出は、第百十七条第一項第一号の規定により提出する月次報告書をもって行うものとする。

Article 100 (1) A notification of the net assets regulation ratio at the end of each month specified in Article 211, paragraph (1) of the Act is to be given by a monthly report to be submitted pursuant to the provisions of Article 117, paragraph (1), item (i).

２　金融商品取引業者である商品先物取引業者は、第三十八条、前条及び前項の規定にかかわらず、純資産額として金融商品取引業等に関する内閣府令第百七十六条第一項に定める額の合計額から同令第百七十七条第一項に定める額の合計額を控除したものを、法第二百十一条第一項の主務省令で定めるところにより算定した額として同令第百七十八条第一項に定める額の合計額を、それぞれ用いて純資産額規制比率を算出し、書面（様式第十二号の純資産額規制比率に係る部分の記載と同等以上の内容を有するものに限る。）によりこれを届け出ることができる。

(2) Notwithstanding the provisions of Article 38, the preceding Article, and the preceding paragraph, a commodity derivatives broker that is a financial instruments business operators may calculate the net assets regulation ratio by using the amount obtained by deducting the sum of the amounts prescribed in Article 177, paragraph (1) of the Cabinet Office Order on Financial Instruments Business from the sum of the amounts prescribed in Article 176, paragraph (1) of that Order as the amount of net assets, and the sum of the amounts prescribed in Article 178, paragraph (1) of that Order as the amount calculated as specified by order of the competent ministry as referred to in Article 211, paragraph (1) of the Act, respectively, and file a written notification of the net assets regulation ratio (limited to a document with the content equivalent to or greater than the part concerning the net assets regulation ratio stated in the document prepared according to Form No. 12).

3　法第二百十一条第一項の主務省令で定める場合は、次に掲げる場合とする。

(3) The cases specified by order of the competent ministry as referred to in Article 211, paragraph (1) of the Act are the cases stated in the following items:

一　純資産額規制比率が百四十パーセントを下回った場合

(i) when the net assets regulation ratio falls below 140 percent; and

二　純資産額規制比率が百四十パーセント以上に回復した場合

(ii) when the net assets regulation ratio has recovered to 140 percent or more.

4　前項第一号に該当することとなった商品先物取引業者は、法第二百十一条第一項の規定に基づき、直ちに、その旨を主務大臣に届け出、かつ、営業日ごとに、様式第十号により純資産額規制比率に関する届出書を作成し、遅滞なく、これを主務大臣に提出しなければならない。

(4) A commodity derivatives broker that has come to fall under item (i) of the preceding paragraph must immediately report that fact to the competent minister pursuant to the provisions of Article 211, paragraph (1) of the Act, and must prepare a written notification concerning the net assets regulation ratio using Form No. 10 each business day and submit a written notification to the competent minister without delay.

5　前項に規定する届出書には、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。

(5) The written notification specified in the preceding paragraph must be attached with the documents specified in the following items in accordance with the category of cases stated in each of those items:

一　純資産額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。）　純資産額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) when the net assets regulation ratio falls below 140 percent (excluding the case stated in the following item): a written plan on the specific measures to

be taken by the commodity derivatives broker themselves in order to maintain the status of the net assets regulation ratio; or

二　純資産額規制比率が百二十パーセントを下回った場合　純資産額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) when the net assets regulation ratio falls below 120 percent: a written plan on the specific measures to be taken by the commodity derivatives broker themselves in order to recover the status of the net assets regulation ratio.

6　第三項第二号に該当することとなった商品先物取引業者は、法第二百十一条第一項の規定に基づき、遅滞なく、その旨を主務大臣に届け出なければならない。

(6) A commodity derivatives broker that has come to fall under paragraph (3), item (ii) must notify the competent minister of that fact without delay based on the provisions of Article 211, paragraph (1) of the Act.

7　商品先物取引業者は、毎営業日ごとに、純資産額規制比率の状況を適切に把握しなければならない。ただし、毎営業日ごとに、金融商品取引業等に関する内閣府令第百七十九条第六項の規定に基づき金融商品取引法第四十六条の六第一項に規定する自己資本規制比率の状況を適切に把握している金融商品取引業者である商品先物取引業者については、この限りでない。

(7) A commodity derivatives broker must appropriately ascertain the status of the net assets regulation ratio each business day; provided, however, that this does not apply to a commodity derivatives broker that is a financial instruments business operator that appropriately ascertains the status of the capital adequacy ratio prescribed in Article 46-6, paragraph (1) of the Financial Instruments and Exchange Act each business day based on the provisions of Article 179, paragraph (6) of the Cabinet Office Order on Financial Instruments Business.

（純資産額規制比率の縦覧）

(Public Inspection of the Net Assets Regulation Ratios)

第百条の二　商品先物取引業者は、法第二百十一条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。

Article 100-2 (1) A commodity derivatives broker must enter the following information when they prepare a document pursuant to the provisions of Article 211, paragraph (3) of the Act:

一　法第二百十一条第四項において準用する法第九十九条第七項に規定する純資産額

(i) the amount of net assets prescribed in Article 99, paragraph (7) of the Act as applied mutatis mutandis pursuant to Article 211, paragraph (4) of the Act;

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 counterpart risk equivalent amount, the fundamental risk equivalent amount, and the sum of those amounts; and

三　純資産額規制比率

(iii) the net assets regulation ratio.

2　補完的項目の額に、劣後債務（第三十八条第一項第九号及び第十号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。

(2) If the amount of subordinated debts (meaning those stated in Article 38, paragraph (1), items (ix) and (x); the same applies below in this paragraph) is included in the amount of supplementary items, the following information must be set down in the notes in the document prescribed in the preceding paragraph:

一　当該劣後債務の金額

(i) the amount of the subordinated debts;

二　当該劣後債務の契約日又は発行日

(ii) the contract date and issue date of the subordinated debts;

三　当該劣後債務の弁済期日又は償還期日

(iii) the due date or maturity date of the subordinated debts.

3　金融商品取引業者である商品先物取引業者は、法第二百十一条第三項の規定により書面を作成するときは、前二項の規定にかかわらず、金融商品取引業等に関する内閣府令第百八十条の規定に基づき書面を作成することができる。

(3) When a commodity derivatives broker that is a financial instruments business operator prepares a document pursuant to the provisions of Article 211, paragraph (3) of the Act, they may prepare a document based on the provisions of Article 180 of the Cabinet Office Order on Financial Instruments Business, notwithstanding the provisions of the preceding two paragraphs.

（広告類似行為）

(Acts Similar to Advertising)

第百条の三　法第二百十三条の二各項の主務省令で定める行為は、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。第百二十六条の十一において同じ。）、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。第百二十六条の十一において同じ。）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 100-3　The acts specified by order of the competent ministry as referred to in the paragraphs of Article 213-2 of the Act are, the provision of information with the same content to a large number of persons by the means of mail, correspondence delivery (meaning the correspondence delivery prescribed in Article 2, paragraph (2) of the Act on Correspondence Delivery by Private Business Operators (Act No. 99 of 2002) made by a general correspondence

delivery operator prescribed in paragraph (6) of that Article, or by a specified correspondence delivery operator prescribed in paragraph (9) of that Article; the same applies in Article 116-11), transmission using a facsimile device, electronic mail (meaning electronic mail prescribed 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 126-11), distribution of fliers or brochures, or any other means (excluding the following means):

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) the means of distributing a document prepared based on a law or regulation or a disposition rendered by a government agency based on a law or regulation;

二　商品市場における相場等の分析及び評価に関する資料であって、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) the means of distributing any material on analysis or evaluation of quotations, etc. on a commodity market which is not used for soliciting the conclusion of a commodity transaction contract;

三　次に掲げるすべ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) the means of providing a gift or any other goods on which only all of the following information is indicated (limited to one on which the information stated in sub-items (b) through (d) is clearly and accurately indicated) (when one item of the information is not indicated on the gift or any other goods, including the means of providing other goods on which the missing information is indicated together with the gift or other goods as a single unit):

イ　商品取引契約の名称又は通称

(a) the name or commonly used name of the commodity transaction contract;

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商品先物取引業者の商号若しくは名称又はこれらの通称

(b) the trade name, name or commonly used name of a commodity derivatives broker that provides information with the same content to a large number of persons by the means prescribed in this item; and

ハ　商品市場における相場等に係る変動により商品取引契約に基づく取引について顧客に損失が生ずることとなるおそれがある場合にあっては、当該おそれがある旨（当該損失の額が取引証拠金等（法第二百十七条第一項第一号に規定する取引証拠金等をいう。以下同じ。）の額を上回ることとなるおそれがある場合にあっては当該おそれがある旨を含み、これらの事項の文字又は数字が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

されているものに限る。）

(c) if there is a risk of the customer incurring a loss with regard to a transaction based on a commodity transaction contract due to a fluctuation in the quotations, etc. on the commodity market, the fact that the risk exists (including the risk that the amount of the loss may exceed the amount of the clearing margin, etc. (meaning the clearing margin prescribed in Article 217, paragraph (1), item (i) of the Act; the same applies below), and limited to articles on which the letters or numbers used for indicating this information are of a size that is not substantially different from the largest letters or numbers used for indicating other information);

ニ　法第二百十七条第一項に規定する書面（以下「契約締結前交付書面」という。）の内容を十分に読むべき旨

(d) the fact that the content of the document prescribed in Article 217, paragraph (1) of the Act (referred to below as "document for delivery before conclusion of a contract") should be thoroughly read;

四　次に掲げる事項を明瞭かつ正確に表示し、かつ、法第二条第二十二項各号に掲げる行為を行うことによる利益の見込みその他第百条の七で定める事項について、著しく事実に相違するような表示をし、又は著しく人を誤認させるような表示をしていない、放送事業者（放送法（昭和二十五年法律第百三十二号）第二条第二十六号に規定する放送事業者をいい、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。第百二十六条の十一第四号において同じ。）の放送設備により放送させる方法、商品先物取引業者又は当該商品先物取引業者が行う広告等（広告又はこの条に規定する行為をいう。次条において同じ。）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を電気通信回線を利用して顧客に閲覧させる方法並びに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、貼紙及び貼札並びに広告塔、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

(iv) the means of having information broadcast through the broadcasting equipment of a broadcaster (meaning the broadcaster prescribed in Article 2, item (xxvi) 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 prescribed in Article 3 of the Act on the Open University of Japan (Act No. 156 of 2002); the same applies in Article 126-11, item (iv)), the method of having customers inspect, via telecommunications lines, the content of information that is recorded onto a file in a computer used by a commodity derivatives broker or a person that has been entrusted the business related to advertising, etc. (meaning advertising or other acts specified in this Article; the same applies in the following Article) conducted by the commodity derivatives broker, or the means of indicating information

to the public either indoors or outdoors on a constant basis or continuously for a certain period in which the information is posted or indicated on a signboard, a billboard, a poster, a placard or an advertising pillar, advertising board, building or any other structure, etc., or a means similar to them, in which the following information is clearly and accurately indicated and there is no indication that is significantly contradictory to facts or seriously misleading with regard to the estimated profits from performing the acts stated in the items of Article 2, paragraph (22) of the Act and other information specified in Article 100-7:

イ　商品先物取引業者の商号又は名称

(a) the trade name or name of the commodity derivatives broker;

ロ　商品先物取引業者である旨

(b) the fact that the business operator is a commodity derivatives broker;

ハ　商品市場における相場等に係る変動により商品取引契約に基づく取引について顧客に損失が生ずることとなるおそれがある場合にあっては、当該おそれがある旨（当該損失の額が取引証拠金等の額を上回ることとなるおそれがある場合にあっては当該おそれがある旨を含み、音声により放送する方法を除き、これらの事項以外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) if there is a risk of the customer incurring a loss with regard to a transaction based on a commodity transaction contract due to a fluctuation in the quotations, etc. on the commodity market, the fact that the risk exists (including the risk that the amount of the loss may exceed the amount of the clearing margin, etc., and limited to articles on which the letters or numbers used for indicating this information are of a size that is not substantially different from the largest letters or numbers used for indicating other information, excluding the means of broadcasting the information by phonetic sound); and

ニ　契約締結前交付書面の内容を十分に読むべき旨

(d) the fact that the content of the document for delivery before conclusion of a contract should be thoroughly read.

（商品先物取引業の内容についての広告等の表示方法）

(Means of Indicating the Advertisement on the Content of Commodity Derivatives Business)

第百条の四　商品先物取引業者がその行う商品先物取引業の内容について広告等をするときは、法第二百十三条の二第一項各号に掲げる事項を明瞭かつ正確に表示しなければならない。

Article 100-4 (1) When a commodity derivatives broker advertises the content of the commodity derivatives business they conduct, they must clearly and accurately indicate the information stated in the items of Article 213-2,

paragraph (1) of the Act.

２　商品先物取引業者がその行う商品先物取引業の内容について広告等をするときは、令第二十九条第四号及び次条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い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) When a commodity derivatives broker advertises the content of commodity derivatives business they conduct, they are to indicate the information stated in Article 29, item (iv) of the Order and the following Article by using the letters or numbers of a size that is not substantially different from the largest letters or numbers used for indicating other information.

（顧客が支払うべき対価に関する事項）

(Information Concerning the Considerations Required to Be Paid by Customers)

第百条の五　令第二十九条第一号の主務省令で定めるものは、手数料、報酬、費用その他いかなる名称によるかを問わず、商品取引契約に関して顧客が支払うべき対価（受渡しに係る価額、法第二条第三項第四号並びに第十四項第四号及び第五号に規定する取引の対価の額並びに取引証拠金等の額を除く。第百二十六条の十三、第百二十六条の十五及び第百二十六条の十六を除き、以下「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（当該商品取引契約に基づく取引の額（令第二十九条第三号に規定する取引の額をいう。）に対する割合を含む。）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 100-5　The matters specified by order of the competent ministry as referred to in Article 29, item (i) of the Order are the amounts for each type or the upper limit of the considerations required to be paid by a customer concerning a commodity transaction contract, whether they are referred to as fees, remunerations, expenses or by any other name (excluding values related to receipt or delivery, the amount of the consideration for the transactions prescribed in Article 2, paragraph (3), item (iv) and paragraph (14), items (iv) and (v) of the Act, and the amount of clearing margin, etc.; referred to below as "fees, etc."), or the outline of their calculation method (including the proportion of the amount of transactions (meaning the amount of transactions prescribed in Article 29, item (iii) of the Order) based on the commodity transaction contract), and the sum of those amounts, or their upper limit, or the outline of their calculation method; provided, however, that, when it is not possible to indicate them, that fact and its reason.

（顧客の判断に影響を及ぼす重要事実）

(Material Facts That Have Impacts on Customers' Judgments)

第百条の六　令第二十九条第五号の主務省令で定める事項は、次に掲げる事項とする。

Article 100-6 The matters specified by order of the competent ministry as referred to in Article 29, item (v) of the Order are the following matters:

一　商品市場における相場等に係る変動により商品取引契約に基づく取引について顧客に損失が生ずることとなるおそれがある場合（当該損失の額が取引証拠金等の額を上回ることとなるおそれがある場合を除く。）には、その旨及びその理由

(i) if there is a risk of the customer incurring a loss with regard to the transaction based on the commodity transaction contract due to a fluctuation in the quotations, etc. on the commodity market (excluding the case in which there is a risk that the amount of the loss may exceed the amount of the clearing margin, etc.), that fact and its reason;

二　店頭商品デリバティブ取引について、商品先物取引業者が表示する商品の売付けの価格と買付けの価格（次のイからハまでに掲げる取引の場合にあつては、当該イからハまでに定めるものを含む。）とに差がある場合には、その旨

(ii) if, with regard to over-the-counter derivatives transactions, there is a difference between the sale price and purchase price of commodities indicated by a commodity derivatives broker (for the transactions stated in the following sub-items (a) through (c), including those prescribed in sub-items (a) through (c)), that fact:

イ　法第二条第十四項第二号又は第三号に掲げる取引の場合　現実価格（同条第三項第二号に規定する現実価格をいう。以下同じ。）若しくは現実数値（同条第三項第三号に規定する現実数値をいう。以下同じ。）が約定価格等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価格等と当該金銭を受領する立場の当事者となる取引の約定価格等又はこれらに類似するもの

(a) for transactions stated in Article 2, paragraph (14), item (ii) or (iii) of the Act: when the actual price (meaning the actual price as defined in paragraph (3), item (ii) of that Article; the same applies below) or the actual figure (meaning the actual figure as defined in paragraph (3), item (iii) of that Article; the same applies below) exceeds the contract price, etc., the contract price, etc. of the transaction for which the person in question will be the party to pay the money and the contract price, etc. of the transaction for which the person in question will be the party to receive the money, or those similar to them;

ロ　法第二条第十四項第四号又は第五号に掲げる取引の場合　同項第四号又は第五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

(b) for transactions stated in Article 2, paragraph (14), item (iv) or (v) of the Act: the amount of consideration for the rights of transaction for which the person in question will be the party to grant the rights prescribed in item (iv) or (v) of that paragraph, and the value of the consideration for the rights of transaction for which the person in question will be the party to obtain the rights; or

ハ　法第二条第十四項第六号に掲げる取引の場合　商品の価格若しくは商品指数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商品の価格若しくは商品指数と当該商品の価格若しくは商品指数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商品の価格若しくは商品指数又はこれらに類するもの

(c) for transactions stated in Article 2, paragraph (14), item (vi) of the Act: the price of the commodity or commodity index and the price of the commodity at the start of the contracted term in the transaction for which the person in question will be the party to pay money when the price of the commodity or the commodity index has risen during the contracted term, and the price of the commodity or commodity index at the start of the contracted term in the transaction for which the person in question will be the party to receive money when the price of the commodity or the commodity index has risen during the contracted term, or those similar to them;

三　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がある場合には、当該不利益となる事実の内容

(iii) if there is a fact that is detrimental to the customer regarding important matters related to a commodity transaction contract, the content of the detrimental fact; and

四　当該商品先物取引業者が商品先物取引協会に加入している場合には、その旨及び当該商品先物取引協会の名称

(iv) if the commodity derivatives broker belongs to a commodity futures association, that fact and the name of the commodity futures association.

（誇大広告をしてはならない事項）

(Matters for Which Misleading Advertisements Are Prohibited)

第百条の七　法第二百十三条の二第二項の主務省令で定める事項は次に掲げる事項とする。

Article 100-7 The matters specified by order of the competent ministry as referred to in Article 213-2, paragraph (2) of the Act are the following matters:

一　商品取引契約の解除に関する事項

(i) matters concerning cancellation of the commodity transaction contract;

二　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) matters concerning the bearing of all or part of the losses or the guarantee of profits related to the commodity transaction contract;

三　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) matters concerning the planned amount of damages (including penalties) related to the commodity transaction contract;

四　商品取引契約に係る商品市場又は外国商品市場に関する事項

(iv) matters concerning the commodity market or foreign commodity market related to the commodity transaction contract;
五　商品先物取引業者の資力又は信用に関する事項
(v) matters concerning the financial resources or credit of the commodity derivatives broker;
六　商品先物取引業者の商品先物取引業の実績に関する事項
(vi) matters concerning the past performance of the commodity derivatives business of the commodity derivatives broker; and
七　手数料等の額又はその計算方法、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) matters concerning the amount of the fees, etc. or its calculation method, the method and time of the payment, and the recipient of the payment.

（顧客の指示を受けるべき事項）
(Matters for Which Instructions Are Required to Be Received from Customers)
第百一条　法第二百十四条第三号の主務省令で定める事項は、次のとおりとする。
Article 101 The matters specified by order of the competent ministry as referred to in Article 214, item (iii) of the Act are as follows:
一　上場商品構成品又は上場商品構成品指数の種類
(i) the type of component products of listed commodities or listed commodity component product index;
二　取引の種類及び期限
(ii) the type of transaction and due date;
三　数量
(iii) the volume;
四　対価の額又は約定価格等（指値又は成行の別を含む。）
(iv) the amount of consideration or contract price, etc. (including the distinction between a limit order and a market order);
五　売付け又は買付けの別その他これに準ずる事項
(v) the distinction between purchase or sale and other equivalent matters;
六　新たな売付け若しくは買付け又は転売若しくは買戻しの別その他これに準ずる事項
(vi) the distinctions between new selling or purchasing, reselling or repurchasing, or other equivalent matters; and
七　取引をする日時又は注文の有効期限
(vii) the date and time of the transaction or the valid period of the order.

（適用除外行為）
(Exempt Acts)
第百二条　法第二百十四条第三号の委託者の保護に欠け、又は取引の公正を害するおそれのないものとして主務省令で定めるものは、次に掲げるものとする。

Article 102 (1) The acts specified by order of the competent ministry as matters that are unlikely to result in insufficient protection of the requesting party or unlikely to harm the fairness of transactions as referred to in Article 214, item (iii) of the Act are as follows:

一　次のイからニまでに掲げる者のうち外国商品先物取引業者（令第二条第二号に規定する外国商品先物取引業者をいう）から前条第一号、第二号及び第五号から第七号までに掲げる事項について同意を得た上で、同条第三号及び第四号に掲げる事項については商品先物取引業者が定めることができるものとして商品市場における取引等又は外国商品市場取引等の委託を受ける行為

(i) an act to accept the entrustment of a transaction in a commodity market, etc., or a foreign commodity market, etc. with regard to the matters stated in item (i), item (ii), and items (v) through (vii) of the preceding Article after obtaining the consent of a foreign commodity derivatives broker (meaning a foreign commodity derivatives broker prescribed in Article 2, item (ii) of the Order) from among the persons stated in the following sub-items (a) through (d), and with regard to the matters stated in items (iii) and (iv) of that Article by considering them to be matters that a commodity derivatives broker may specify:

イ　当該商品先物取引業者が、外国の法人その他の団体の総株主、総社員、総会員、総組合員又は総出資者の議決権（令第九条第一項第三号に規定する議決権をいう。以下この条（ロを除く。）において同じ。）の百分の五十以上の議決権に係る株式又は出資を自己又は他人の名義をもって所有している場合における当該法人その他の団体（以下この条において「外国子会社」という。）

(a) when the commodity derivatives broker holds shares or contributions related to 50 percent or more of the voting rights (meaning voting rights prescribed in Article 9, paragraph (1), item (iii) of the Order; the same applies below in this Article (except for (b))) for all shareholders, all company members, all members, all partners, or all investors of a foreign corporation or other foreign organization, under its own name or that of another person, the foreign corporation or the other foreign organization (referred to below as a "foreign subsidiary company" in this Article);

ロ　当該商品先物取引業者が、外国の法人その他の団体に総株主の議決権（法第八十六条第一項本文に規定する議決権をいう。以下このロにおいて同じ。）の百分の五十以上の議決権に係る株式を自己又は他人の名義をもって所有されている場合における当該法人その他の団体（以下この条において「外国親会社」という。）

(b) when the commodity derivatives broker has shares related to 50 percent or more of the voting rights (meaning voting rights prescribed in the main clause of Article 86, paragraph (1) of the Act; the same applies in this (b)) of all of its shareholders held by a foreign corporation or other foreign organization under its own name or that of another person, the foreign

corporation or the other foreign organization (referred below to as the "foreign parent company" in this Article);

ハ　当該商品先物取引業者の外国親会社が、外国の他の法人その他の団体の総株主の議決権の百分の五十以上の議決権に係る株式又は出資を自己又は他人の名義をもって所有している場合における当該他の法人その他の団体

(c) when the foreign parent company of the commodity derivatives broker holds shares or contributions related to 50 percent or more of the voting rights of all shareholders of another foreign corporation or another foreign organization under its own name or that of another person, the other foreign corporation or the other foreign organization; or

ニ　ハに規定する法人その他の団体が、外国の他の法人その他の団体の総株主の議決権の百分の五十以上の議決権に係る株式又は出資を自己又は他人の名義をもって所有している場合における当該他の法人その他の団体

(d) when the corporation or other organization prescribed in (c) holds shares or contributions related to 50 percent or more of the voting rights of all shareholders of another foreign corporation or another foreign organization under its own name or that of another person, the other foreign corporation or the other foreign organization;

二　非居住者（外国為替及び外国貿易法第六条第一項第六号に規定する非居住者をいう。第百二十六条において同じ。）である顧客から前条第一号から第三号まで及び第五号から第七号までに掲げる事項について同意を得た上で、同条第四号に掲げる事項については時差を考慮して必要な幅を持たせた同意の範囲内で商品先物取引業者が定めることができるものとして商品市場における取引等又は外国商品市場取引等の委託を受ける行為

(ii) an act to accept the entrustment of a transaction on a commodity market, etc., or a foreign commodity market, etc. after obtaining consent for the matters stated in items (i) through (iii) and items (v) through (vii) of the preceding Article from a customer who is a non-resident (meaning a non-resident prescribed in Article 6, paragraph (1), item (vi) of the Foreign Exchange and Foreign Trade Act; the same applies in Article 126), and with regard to the matters stated in item (iv) of that Article by considering them as matters a commodity derivatives broker may specify within the scope of the consent that has been given in consideration of time differences;

三　居住者（外国為替及び外国貿易法第六条第一項第五号に規定する居住者をいう。）である顧客（個人である顧客（以下「個人顧客」という。）を除く。）から前条第一号から第三号まで及び第五号から第七号までに掲げる事項について同意を得た上で、同条第四号に掲げる事項については時差を考慮して必要な幅を持たせた同意の範囲内で商品先物取引業者が定めることができるものとして外国商品市場取引等の委託を受ける行為

(iii) an act to accept the entrustment of a transaction on a foreign commodity market, etc. after obtaining consent for the matters stated in items (i)

through (iii) and items (v) through (vii) of the preceding Article from a customer who is a resident (meaning a resident prescribed in Article 6, paragraph (1), item (v) of the Foreign Exchange and Foreign Trade Act (excluding customers who are individuals (referred to below as an "individual customer"), and with regard to the matters stated in item (iv) of that Article by considering them as matters a commodity derivatives broker may specify within the scope of the consent that has been given in consideration of time differences;

四　委託者から資金総額について同意を得た上で、前条各号に掲げる事項のうち指示が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、商品先物取引業者がこれらに従って、取引を執行することを内容とする契約を書面（電子的方式、磁気的方式その他人の知覚によっては認識することができない方式で作られる記録を含む。以下この号において同じ。）により締結し、当該契約に基づき商品市場における取引等又は外国商品市場取引等の委託を受ける行為（当該契約の概要その他の参考となるべき事項を記載した書面の交付（当該交付に代えて行う電磁的方法による提供を含む。）を受け、当該事項を理解している委託者から委託を受ける行為に限る。）

(iv) by obtaining consent on the total amount of funds from a requesting party, and entering into a contract in writing (including a record created in an electronic form, magnetic form or any other form that cannot be perceived by human senses; the same applies below in this item) which provides that the matters stated in the items of the preceding Article for which instructions have not been given by the requesting party are decided by way of computer processing or any other method that has been specified in advance when a certain fact occurs and a commodity derivatives broker is to execute a transaction in accordance with the decision, an act to accept the entrustment of a transaction in a commodity market, etc. or a transaction in a foreign commodity market, etc. based on the contract (limited to an act to accept the entrustment from the requesting party who understands the matters in response to the delivery of a document stating the outline of the contract and other information to be used as a reference (including the provision of information by electronic or magnetic means in place of the delivery of a document));

五　特定委託者（法第百九十七条の四第五項又は第八項の規定により一般顧客とみなされる者を除き、法第百九十七条の五第四項又は第六項の規定により特定委託者とみなされる者を含む。次号において同じ。）及び特定当業者（法第百九十七条の八第二項において準用する法第百九十七条の四第五項又は第八項の規定により一般顧客とみなされる者を除き、法第百九十七条の九第二項において準用する法第百九十七条の五第四項又は第六項の規定により特定当業者とみなされる者を含む。以下同じ。）から前条各号（第四号を除く。）に掲げる事項について同意を得た上で、同

条第四号に掲げ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（次号において「特定同意」という。）の範囲内で商品先物取引業者が定めることができることを内容とする契約に基づき商品市場における取引等又は外国商品市場取引等の委託を受ける行為

(v) by obtaining consent on the matters stated in the items of the preceding Article (excluding item (iv)) from an eligible requesting party (excluding a person deemed to be a general customer pursuant to the provisions of Article 197-4, paragraph (5) or (8) of the Act and including a person deemed to be an eligible requesting party pursuant to the provisions of Article 197-5, paragraph (4) or (6) of the Act; the same applies in the following item) and an eligible commercial person (excluding a person deemed to be a general customer pursuant to the provisions of Article 197-4, paragraph (5) or (8) of the Act as applied mutatis mutandis pursuant to Article 197-8, paragraph (2) of the Act and including a person deemed to be an eligible commercial person pursuant to the provisions of Article 197-5, paragraph (4) or (6) of the Act as applied mutatis mutandis pursuant to Article 197-9, paragraph (2) of the Act; the same applies below), an act to accept the entrustment of a transaction in a commodity market, etc. or a transaction in a foreign commodity market, etc. based on a contract which provides that a commodity derivatives broker may specify the matters stated in item (iv) of the preceding Article within an appropriate range of consent that has been given in consideration of the quotations at the time of the consent (if there was 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 the following item); and

六　特定委託者及び特定当業者から前条第一号、第二号及び第五号から第七号までに掲げる事項並びに個別の取引の総額並びに同条第三号又は第四号に掲げる事項の一方について同意（第四号に掲げる事項については、特定同意を含む。）を得た上で、他方については商品先物取引業者が定めることができることを内容とする契約に基づき商品市場における取引等又は外国商品市場取引等の委託を受ける行為

(vi) by obtaining consent from an eligible requesting party and an eligible commercial person for one of the matters stated in item (i), item (ii) and items (v) through (vii) of the preceding Article and the total amount of individual transaction and the matters stated in item (iii) or (iv) of that Article (for the matters stated in item (iv), including the specific consent), an act to accept the entrustment of a transaction on a commodity market, etc. or a transaction on a foreign commodity market, etc. based on a contract which provides that a commodity derivatives broker may specify the other matter.

2　前項第一号において、当該商品先物取引業者及びその外国子会社又は当該商品先物取引業者の外国子会社が、外国の他の法人その他の団体の総株主の議決権の百分の五

十以上の議決権に係る株式又は出資を自己又は他人の名義をもって所有している場合における当該他の法人その他の団体も、また、当該商品先物取引業者の外国子会社とみなし、当該商品先物取引業者の外国親会社が、外国の他の法人その他の団体に総株主の議決権の百分の五十以上の議決権に係る株式又は出資を自己又は他人の名義をもって所有されている場合における当該他の法人その他の団体も、また、当該商品先物取引業者の外国親会社とみなす。

(2) In item (i) of the preceding paragraph, when the commodity derivatives broker and their foreign subsidiary company or a foreign subsidiary company of the commodity derivatives broker hold shares or contributions related to 50 percent or more of the voting rights of all shareholders of another foreign corporation or other foreign organization under their own name or of another person, the other corporation and the other organization are also deemed to be the foreign subsidiary company of the commodity derivatives broker, and when the foreign parent company of the commodity derivatives broker has shares or contributions related to 50 percent or more of the voting rights of all shareholders held by another foreign corporation or other foreign organization under its own name or that of another person, the other corporation and the other organization are also deemed to be the foreign parent company of the commodity derivatives broker.

3　第一項各号に掲げる行為を行おうとする商品先物取引業者は、当該行為に基づいて行う商品市場における取引等又は外国商品市場取引等が委託者の保護に欠け、又は取引の公正を害することのないよう、十分な社内管理体制をあらかじめ整備しなければならない。

(3) A commodity derivatives broker who seeks to perform acts stated in the items of paragraph (1) must establish a sufficient internal administrative system in advance so that transactions, etc., in a commodity market or transactions, etc., in a foreign commodity market conducted based on the acts are not likely to result in insufficient protection of the requesting party nor likely to harm the fairness of transactions.

（不招請勧誘の禁止の例外）

(Exceptions to Prohibition on Uninvited Solicitation)

第百二条の二　法第二百十四条第九号の主務省令で定める行為は、次の各号に掲げるものとする。

Article 102-2 The acts prescribed by order of the competent ministry as referred to in Article 214, item (ix) of the Act are as follows:

一　商品先物取引業者が、継続的取引関係にある顧客（既に当該商品先物取引業者と次に掲げるいずれかの契約を締結している者（ハ又はニに掲げる契約を締結している者にあっては、当該契約を最初に締結した日から九十日を経過した場合であって、かつ、勧誘の日前一年間に二以上の当該契約に係る取引を行った場合又は勧誘の日に未決済の当該契約に係る取引の残高を有する場合に限る。）をいう。以下この条

において同じ。）に対し、訪問し、又は電話をかけて、令第三十条に規定する商品取引契約（ハ又はニに掲げる契約に係る顧客に対しては、当該顧客を相手方とし、又は当該顧客のために法第二条第二十二項第五号に掲げる行為を行うことを内容とする契約を除く。次号において同じ。）の締結を勧誘する行為

(i) an act of a commodity derivatives broker of making a visit or phone call to a customer with whom the commodity derivatives broker is in a continuous business relationship (meaning a person with whom any of the contracts stated in the following items has already been entered into with the commodity derivatives broker (for a person with whom the contract stated in (c) or (d) has been entered into, limited to when 90 days have elapsed since the day on which the contract was entered into for the first time, and when two or more transactions were conducted under the contract within one year before the date of solicitation or when there is an unsettled balance of transactions under the contract on the date of solicitation); the same applies below in this Article) for the purpose of soliciting the conclusion of a commodity transaction contract prescribed in Article 30 of the Order (for a customer related to the contract stated in (c) or (d), excluding a contract which provides that the acts stated in Article 2, paragraph (22), item (v) of the Act are to be performed with the customer as a counterpart or on behalf of the customer; the same applies in the following item):

イ　令第三十条に規定する商品取引契約

(a) a commodity transaction contract prescribed in Article 30 of the Order;

ロ　金融商品取引法施行令第十六条の四第一項に規定する金融商品取引契約

(b) a financial instruments transaction contract prescribed in Article 16-4, paragraph (1) of the Order for Enforcement of the Financial Instruments and Exchange Act;

ハ　顧客のために金融商品取引法第二条第八項第二号に規定する有価証券の売買（同法第二条第九項に規定する金融商品取引業者が顧客に信用を供与して行うものに限る。）の媒介、取次ぎ又は代理を行うことを内容とする契約

(c) a contract to conduct intermediation, brokerage or action as an agent for the purchase and sale of securities prescribed in Article 2, paragraph (8), item (ii) of the Financial Instruments and Exchange Act on behalf of a customer (limited to the purchase and sale that a financial instruments business operator conducts by granting credit to a customer prescribed in Article 2, paragraph (9) of that Act); and

ニ　顧客のために金融商品取引法第二条第二十一項に規定する市場デリバティブ取引又はその委託の媒介、取次ぎ（同条第二十七項に規定する有価証券等清算取次ぎを除く。）若しくは代理を行うことを内容とする契約

(d) a contract to conduct market derivatives transactions prescribed in Article 2, paragraph (21) of the Financial Instruments and Exchange Act or perform intermediation, brokerage (excluding brokerage for clearing of

securities, etc. prescribed in paragraph (27) of that Article), or action as an agent for their consignment on behalf of a customer;

二　商品先物取引業者が、他社契約者である顧客（既に商品先物取引業者又は金融商品取引法第三十四条に規定する金融商品取引業者等と前号イからニまでに掲げるいずれかの契約を締結している者（前号ハ又はニに掲げる契約を締結している者にあっては、当該契約を最初に締結した日から九十日を経過した場合であって、かつ、勧誘の日前一年間に二以上の当該契約に係る取引を行った場合又は勧誘の日に未決済の当該契約に係る取引の残高を有する場合に限る。）であって、継続的取引関係にある顧客以外の顧客をいう。次号において同じ。）に対し、訪問し、又は電話をかけて、令第三十条に規定する商品取引契約の締結を勧誘する行為であって、次に掲げる全ての事項を条件として行うもの

(ii) an act of a commodity derivatives broker of making a visit or phone call to a customer who is contracted to another company (meaning a person that has already entered into any of the contracts stated in (a) through (d) of the preceding item with a commodity derivatives broker or a financial instruments business operator, etc. prescribed in Article 34 of the Financial Instruments and Exchange Act (for a person that has entered into the contract stated in (c) or (d) of the preceding item, limited to when 90 days have elapsed since the day on which the contract was entered into for the first time, and when two or more transactions under the contract were conducted within one year before the date of solicitation, or when there is an unsettled balance of transactions under the contract as of the date of solicitation) and is other than a customer with whom the commodity derivatives broker is in a continuous business relationship; the same applies in the following item) for the purpose of soliciting the conclusion of a commodity transaction contract prescribed in Article 30 of the Order, which is an act performed under all of the following conditions:

イ　当該勧誘に先立って、当該商品先物取引業者がその勧誘を受ける意思の有無を確認する際、当該顧客に対し、他社契約者でなければ当該商品取引契約を締結できない旨を説明し、かつ、当該説明を受けたことを当該顧客が証する書面を当該説明の日から十年間保存すること。

(a) when confirming with a customer in advance of solicitation whether the customer has an intention to receive the solicitation, the commodity derivatives broker must provide the customer with an explanation to the effect that only a contractor of another company can enter into the commodity transaction contract, and preserve the document proving that the customer received the explanation for ten years from the day of providing the explanation;

ロ　当該商品取引契約を締結するまでの間に、当該商品先物取引業者が、当該顧客が他社契約者であることを自ら申告した書面（以下この号において「申告書面」という。）により確認し、かつ、当該申告書面を当該確認の日から十年間保存す

ること。

(b) before entering into the commodity transaction contract, the commodity derivatives broker must confirm that the customer is a contractor of another company with a document in which the customer has declared that fact (referred to below as a "written declaration" in this item) and preserve the written declaration for ten years from the day of confirming that fact; and

ハ　当該商品先物取引業者が、イ若しくはロの規定に反し、又は申告書面の記載が事実と異なることを知りながら当該商品取引契約を締結して取引を行った場合には、当該商品先物取引業者が、当該取引を自己の計算においてしたものとみなす旨を当該商品取引契約の内容とすること。

(c) if the commodity derivatives broker enters into the commodity transaction contract and conducts a transaction in violation of the provisions of (a) or (b), or knowing that the statement in the written declaration is a misstatement, the commodity transaction contract is to provide that the transaction is deemed to have been conducted by the commodity derivatives broker on their own account;

三　商品先物取引業者が顧客（継続的取引関係にある顧客及び他社契約者である顧客を除く。）に対し、訪問し、又は電話をかけて、令第三十条に規定する商品取引契約（当該顧客を相手方とし、又は当該顧客のために法第二条第二十二項第三号から第五号までに掲げる行為を行うことを内容とする契約を除く。以下この号において同じ。）の締結を勧誘する行為であって、次に掲げる全ての事項を条件として行うもの

(iii) an act of a commodity derivatives broker of making a visit or phone call to a customer (excluding a customer with whom the commodity derivatives broker is in a continuous business relationship and a customer who is a contractor of another company) for the purpose of soliciting the conclusion of a commodity transaction contract prescribed in Article 30 of the Order (excluding a contract which provides that the acts stated in Article 2, paragraph (22), items (iii) through (v) of the Act are to be conducted with the customer as the counterpart or on behalf of the customer; the same applies below in this item), which is an act performed under all of the following conditions:

イ　当該勧誘に先立って、当該商品先物取引業者がその勧誘を受ける意思の有無を確認する際、当該顧客に対し、当該顧客が次に掲げる全ての条件に該当する者でなければ当該商品取引契約を締結できない旨を説明し、かつ、当該説明を受けたことを当該顧客が証する書面を当該説明の日から十年間保存すること。

(a) when confirming with a customer in advance of solicitation whether the customer has an intention to receive the solicitation, the commodity derivatives broker must provide the customer with an explanation to the effect that only a customer satisfying all of the following conditions may

enter into the commodity transaction contract, and preserve the document proving that the customer received the explanation for ten years from the day of providing the explanation:

（１）　六十五歳未満であること。

1. the customer is younger than 65 years old;

（２）　主として年金等により生計を維持している者として主務大臣が定める者でないこと。

2. the customer is not a person specified by the competent minister as a person living mainly on pension;

（３）　次に掲げるいずれかの条件に該当すること。

3. the customer falls under any of the following conditions:

（ｉ）　年収が八百万円以上又は金融資産（現金、預貯金及び第九十条の十一第四号ロに規定する資産（同号ロ（４）に掲げるものを除く。）に限る。）の合計額（ロ（２）及びハ（２）において「保有金融資産額」という。）が二千万円以上であり、かつ、法第二百十七条第一項第一号から第三号までに掲げる事項について適切な理解をしていることが確認できる者であること。

i. the customer has an annual income of eight million yen or more or financial assets (limited to cash, deposits or savings, and assets prescribed in Article 90-11, item (iv), (b) (excluding those stated in (b), 4. of that item)) totaling 20 million yen or more (referred to as the "amount of owned financial assets" in (b), 2. and (c), 2. and is a person who can be confirmed as having an appropriate understanding of the matters stated in Article 217, paragraph (1), items (i) through (iii) of the Act;

（ｉｉ）　次に掲げるいずれかの者（ロ（３）において「資格保有者」という。）であること。

ii. the customer is any of the following persons (referred to as a "person with qualification" in (b), 3.:

（イ）　弁護士

a. an attorney-at-law;

（ロ）　司法書士

b. a judicial scrivener;

（ハ）　公認会計士

c. a certified public accountant,

（ニ）　税理士

d. a certified public tax accountant; or

（ホ）　職業能力開発促進法（昭和四十四年法律第六十四号）第四十六条第二項に規定する技能検定試験（同法第四十四条第一項に規定する検定職種がファイナンシャル・プランニングであるものに限る。）に合格した者

e. a person who has passed the trade skills test prescribed in Article 46,

paragraph (2) of the Vocational Abilities Development Promotion Act (Act No. 64 of 1969) (limited to when the classification of occupation for the trade skills tests prescribed in Article 44, paragraph (1) of that Act is financial planning);

（へ）　金融商品取引法第六十四条に規定する外務員（同法第二条第十三項に規定する認可金融商品取引業協会である日本証券業協会に登録された一種外務員及び特別会員一種外務員並びに一般社団法人金融先物取引業協会に登録された外務員に限る。）

f. a sales representative prescribed in Article 64 of the Financial Instruments and Exchange Act (limited to type 1 sales representatives and special member type 1 sales representative registered with the Japan Securities Dealers Association which is an authorized financial instruments firms association prescribed in Article 2, paragraph (13) of that Act, and the sales representatives registered with The Financial Futures Association of Japan);

（ト）　公益社団法人証券アナリスト協会が認定する証券アナリスト

g. a securities analyst certified by the Securities Analysts Association of Japan;

ロ　当該商品取引契約を締結するまでの間に、当該商品先物取引業者が、当該顧客がイ（１）から（３）までに掲げる条件に該当することを、次に定める書面により確認し、かつ、当該書面を当該確認の日から十年間保存すること。

(b) by the time of entering into the commodity transaction contract, the commodity derivatives broker must confirm that the customer satisfies the conditions stated in (a), 1. through 3. using the following document, and preserve the document for ten years from the day of confirming that fact:

（１）　イ（１）に掲げる条件については、身分証明書その他の当該顧客の年齢又は生年月日を証する書面

1. for the condition stated in (a), 1., an identification card or other document proving the age or the date of birth of the customer;

（２）　イ（２）に掲げる条件については、当該顧客が年収及び保有金融資産額の内訳を申告した書面（（３）において「年収・金融資産申告書」という。）

2. for the condition stated in (a), 2., a document in which the customer declared their annual income and the breakdown of the amount of owned financial assets (referred to as a "written declaration of annual income and financial assets" in 3.;

（３）　イ（３）に掲げる条件については、年収・金融資産申告書及び書面若しくは電子情報処理組織（商品先物取引業者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（入出力装置を含む。）とを電気通信回線で接続した電子情報処理組織に限る。第百十一条において同じ。）を使用して行われた試験により適切な理解をしていることが確認できる書面（電子計算機に備

えられたファイルに記録された情報を含む。）又は資格証明書その他の当該顧客が資格保有者であることを証する書面

3. for the condition stated in (a), 3., a written declaration of annual income and financial assets, a document demonstrating that the customer has appropriate understanding through a test in writing or using an electronic data processing system (limited to an electronic data processing system connecting a computer used by the commodity derivatives broker and a computer used by the customer (including input-output devices) via a telecommunications line; the same applies in Article 111) (including information recorded in a file on a computer), or a qualification certificate or other document proving that the customer is a person with qualification;

ハ　次に掲げる全ての事項を当該商品取引契約の内容とすること。

(c) the commodity transaction contract is to provide for all of the following matters:

（１）　当該商品先物取引業者は、当該商品取引契約を締結した日から十四日以内に、当該商品先物取引業者が当該商品取引契約に係る取引につき、商品取引契約の締結の勧誘を行うこと及び第百一条各号に掲げる事項についての当該顧客の指示を受けることができないこと。

1. that fact that the commodity derivatives broker may not solicit the conclusion of a commodity transaction contract and receive instructions from the customer concerning the matters stated in the items of Article 101, with regard to transactions related to the commodity transaction contract, within 14 days from the day of entering into the commodity transaction contract;

（２）　当該商品先物取引業者は、当該商品取引契約を締結した日から取引の開始日までの間に、当該顧客の年収と保有金融資産額との合計額の三分の一の額を上限とした額（以下「投資上限額」という。）を設定しなければならず、当該商品取引契約締結の日から一年以内にあっては、投資上限額を超えて取引証拠金等を受領することはできず、かつ、取引証拠金等の額が投資上限額に達した場合には、決済を結了しなければならないこと。

2. that fact that the commodity derivatives broker must set the amount of up to one-third of the sum of the customer's annual income and the amount of owned financial assets (referred to below as the "maximum amount of investment") by the day of starting trading from day the commodity transaction contract was entered into, and may not receive clearing margins, etc. exceeding the maximum amount of investment and must complete the settlement when the amount of clearing margins, etc. reaches the maximum amount of investment during the period within one year from the day of entering into the commodity transaction contract;

（３）　当該商品先物取引業者が次のいずれかに該当する場合には、当該商品先物取引業者が当該取引を自己の計算においてしたものとみなすこと。

3. if the commodity derivatives broker falls under any of the following cases, the transaction is deemed to have been conducted by the commodity derivatives broker on their own account:

（ｉ）　イ、ロ若しくはハ（１）若しくは（２）の規定に反し、又はロ（１）から（３）までに掲げる書面の記載が事実と異なることを知りながら、当該商品取引契約を締結し取引を行ったとき。

i. when the commodity derivatives broker enters into the commodity transaction contract and conducts a transaction in violation of the provisions of (a), (b), or (c), 1. or 2., or while knowing that the statement in the documents stated in (b), 1. through 3. is a misstatement;

（ｉｉ）　ハ（１）の規定に反し、当該顧客の指示を受け取引を行ったとき。

ii. when the commodity derivatives broker conducts a transaction by receiving instructions from the customer in violation of the provisions of (c), 1.; and

（ｉｉｉ）　ハ（２）の規定に反し、投資上限額を超えて取引証拠金等を受領し、又は決済を結了せずに取引を行ったとき。

iii. when the commodity derivatives broker receives clearing margins, etc. exceeding the maximum amount of investment or conducts a transaction without completing the settlement, in violation of the provisions of (c), 2.

（禁止行為）

(Prohibited Acts)

第百三条　法第二百十四条第十号の主務省令で定める行為は、次の各号に掲げるものとする。

Article 103 (1) The acts specified by order of the competent ministry as referred to in Article 214, item (x) of the Act are those stated in the following items:

一　委託者等の指示を遵守することその他の商品取引契約に基づく委託者等に対する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こと。

(i) refusing to observe instructions of a requesting party, etc., refusing to perform the obligations based on the commodity transaction contract to the requesting party in whole or in part, or unjustly delaying the performance of the obligations;

二　故意に、商品市場における取引の受託に係る取引と自己の計算による取引を対当させて、委託者の利益を害することとなる取引をすること。

(ii) intentionally executing a transaction under their own account in opposition to a transaction related to the entrustment of a transaction in a commodity market, and conducting a transaction harmful to the interests of a

requesting party;

三　顧客の指示を受けないで、顧客の計算によるべきものとして取引をすること（受託契約準則に定める場合を除く。）。

(iii) conducting a transaction on a customer's account without receiving an instruction from the customer (excluding a case prescribed in the entrustment contract regulations);

四　商品市場における取引につき、新たな売付け若しくは買付け又は転売若しくは買戻しの別その他これに準ずる事項を偽って、商品取引所に報告すること。

(iv) reporting false distinctions between new selling or buying, or reselling or repurchasing, or falsifying other equivalent matters to the commodity exchange concerning transactions in the commodity market;

五　商品市場における取引等の委託につき、顧客若しくはその指定した者に対し特別の利益を提供することを約し、又は顧客若しくはその指定した者に対し特別の利益を提供すること（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ことを含む。）。

(v) promising a customer or any person designated by a customer to provide special benefits or providing special benefits to a customer or any person designated by a customer (including having a third person promise the provision of special benefits or having a third person provide special benefits) with regard to the consignment of transactions, etc. in a commodity market;

六　商品市場における取引等の委託、外国商品市場取引等の委託又は店頭商品デリバティブ取引若しくはその媒介、取次ぎ若しくは代理（次号及び第八号において「店頭商品デリバティブ取引等」という。）につき、顧客（特定委託者（法第百九十七条の四第五項又は第八項の規定により一般顧客とみなされる者を除き、法第百九十七条の五第四項（法第百九十七条の六第六項において準用する場合を含む。）又は第百九十七条の五第六項（法第百九十七条の六第六項において準用する場合を含む。）の規定により特定委託者とみなされる者を含む。以下同じ。）及び特定当業者を除く。）に対し、取引単位を告げないで勧誘すること。

(vi) soliciting from a customer, without disclosing the transaction unit, the consignment of transactions, etc., in a commodity market, the consignment of transactions, etc. in a foreign commodity market, or over-the-counter derivatives transactions, or the intermediation, brokerage, or action as an agent for these transactions (referred to as "over-the-counter commodity derivatives transactions, etc." in the following item and item (viii)) (excluding eligible requesting parties (excluding those deemed to be general customers pursuant to the provisions of Article 197-4, paragraph (5) or (8) of the Act, and including those deemed to be eligible requesting parties pursuant to the provisions of Article 197-5, paragraph (4) (including as applied mutatis mutandis pursuant to Article 197-6, paragraph (6) of the Act) or Article 197-5, paragraph (6) of the Act (including as applied mutatis mutandis pursuant to Article 197-6, paragraph (6) of the Act; the same

applies below)) and eligible commercial persons);

七　商品市場における取引等の委託、外国商品市場取引等の委託又は店頭商品デリバティブ取引等につき、決済を結了する旨の意思を表示した委託者等（特定委託者及び特定当業者を除く。）に対し、引き続き当該取引を行うことを勧めること。

(vii) recommending to a requesting party, etc. (excluding eligible requesting parties and eligible commercial persons) that has manifested the intention to complete settlement with regard to the request of transactions, etc. in the commodity market, request of transactions, etc. in a foreign commodity market, or over-the-counter commodity derivatives transactions, etc. to continue conducting the transactions;

八　商品市場における取引等の受託、外国商品市場取引等の受託若しくは店頭商品デリバティブ取引等又はこれらに係る勧誘に関して、重要な事項について誤解を生ぜしめるべき表示をすること。

(viii) making an indication that would cause a misunderstanding of important matters with regard to the entrustment of transactions, etc. in the commodity market, entrustment of transactions, etc. in a foreign commodity market, or over-the-counter commodity derivatives transactions, etc., or the solicitation of these transactions;

九　商品市場における取引等又は外国商品市場取引等につき、特定の上場商品構成品等（外国商品市場における上場商品構成品等に相当するものを含む。）の売付け又は買付けその他これに準ずる取引と対当する取引（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の委託を、その取引を理解していない顧客（特定委託者及び特定当業者を除く。）から受けること。

(ix) with regard to transactions, etc. in the commodity market or in a foreign commodity market, accepting the consignment of transactions in opposition to the selling or buying of specific component products of listed commodities, etc. (including articles equivalent to component products of listed commodities in foreign commodity markets), and equivalent transactions (meaning transactions that would reduce the losses arising from these transactions), and which has different volumes or due dates from these transactions, from a customer (excluding eligible requesting parties and eligible commercial persons) that does not understand those transactions.

十　法第二百十四条第九号に規定する商品取引契約の締結を勧誘する目的があることを顧客（特定委託者及び特定当業者を除く。）にあらかじめ明示しないで当該顧客を集めて当該商品取引契約の締結を勧誘すること。

(x) assembling customers (excluding eligible requesting parties and eligible commercial persons) and soliciting conclusion of a commodity transaction contract prescribed in Article 214, item (ix) of the Act without explicitly stating in advance that the purpose is to solicit conclusion of a commodity transaction contract referred to in that item;

十一　商品市場における相場若しくは商品市場における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、商品市場における取引の委託を受けること。

(xi) accepting a request of transactions in a commodity market while knowing that through causing fluctuations in quotations on commodity markets or figures calculated based on quotations on commodity markets or transaction volumes in commodity markets, or increasing the transaction volumes, will result in the formation of manipulative quotations which do not reflect the actual market status;

十二　商品市場における取引等、外国商品市場取引等又は店頭商品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において、商品先物取引業に係る行為を継続すること。

(xii) continuing to perform acts related to the commodity derivatives business in a situation in which it is recognized that the customer has not been appropriately notified regarding the delivery status and other necessary information related to transactions, etc. in a commodity market, transactions, etc. in a foreign commodity market, or over-the-counter commodity derivatives transactions, etc.;

十三　商品先物取引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にあるにもかかわらず、商品先物取引業を継続すること。

(xiii) continuing the commodity derivatives business despite the situation in which the management of electronic data processing systems related to the commodity derivatives business is found to be insufficient;

十四　委託を行った商品先物取引仲介業者の商品先物取引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にあるにもかかわらず、商品先物取引業を継続すること。

(xiv) continuing the commodity derivatives business despite the situation in which measures to prevent acts contrary to laws and regulations related to commodity derivatives intermediary service by a commodity derivatives intermediary service provider that has requested the services are found to be insufficient;

十五　委託を行った商品先物取引仲介業者の商品取引事故につき損失の補てん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にあるにもかかわらず、商品先物取引業を継続すること。

(xv) continuing the commodity derivatives business despite the situation in which appropriate measures for compensating losses related to problematic conduct in commodity trading by a commodity derivatives intermediary service provider that has requested the services have not been taken;

十六　委託を行った商品先物取引仲介業者に顧客に対する金銭又は有価証券の受渡しを行わせること。

(xvi) having a commodity derivatives intermediary service provider that has

requested the services perform delivery of money or securities to a customer;

十七　個人顧客を相手方として店頭商品デリバティブ取引を行う場合において、当該個人顧客がその計算において行った店頭商品デリバティブ取引を決済した場合に当該個人顧客に生ずることとなる損失の額が、当該個人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店頭商品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にあるにもかかわらず、商品先物取引業を継続すること。

(xvii) in conducting an over-the-counter commodity derivatives transaction with an individual customer as the counterpart, continuing the commodity derivatives business despite the situation in which the management system for the settlement of over-the-counter commodity derivatives transactions to be made (referred to in the following item as "loss-cutting transaction") when the amount of loss to be incurred by the individual customer in cases of settlement of an over-the-counter commodity derivatives transaction completed on the customer's account reaches an amount calculated according to a calculation method agreed upon in advance with the individual customer has not been developed;

十八　個人顧客を相手方として店頭商品デリバティブ取引を行う場合において、当該店頭商品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にあるにもかかわらず、商品先物取引業を継続すること。

(xviii) in conducting an over-the-counter commodity derivatives transaction with an individual customer as the counterpart, continuing the commodity derivatives business despite being in a situation where the loss-cutting transaction for the over-the-counter commodity derivatives transaction is not being conducted;

十九　個人顧客を相手方として店頭商品デリバティブ取引を行う場合において、当該商品先物取引業者が当該個人顧客から預託を受けた取引証拠金等の額に当該店頭商品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、又は当該店頭商品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（次号及び第四項において「実預託額」という。）が約定時必要預託額に不足するにもかかわらず、直ちに当該個人顧客にその不足額を当該商品先物取引業者に預託させることなく、当該店頭商品デリバティブ取引を行うこと。

(xix) in conducting an over-the-counter commodity derivatives transaction with an individual customer as the counterpart, conducting the over-the-counter commodity derivatives transaction without having the individual customer immediately deposit the insufficient amount with the commodity derivatives broker despite the fact that the amount obtained either by adding the amount of profit generated for the customer when the over-the-counter commodity derivatives transaction is settled to the amount of the clearing margin, etc. accepted by the commodity derivatives broker from the

individual customer in deposit, or by subtracting the amount of loss incurred by the customer when the over-the-counter commodity derivatives transaction is settled from the amount of the clearing margin, etc. (referred to in the following item and paragraph (4) as the "actual deposit amount"), falls short of the required on-contract deposit amount;

二十　個人顧客を相手方として店頭商品デリバティブ取引を行う場合において、その営業日ごとの一定の時刻における当該店頭商品デリバティブ取引に係る取引証拠金等の実預託額が維持必要預託額に不足するにもかかわらず、速やかに当該個人顧客にその不足額を当該商品先物取引業者に預託させることなく、当該店頭商品デリバティブ取引を行うこと。

(xx) in conducting an over-the-counter commodity derivatives transaction with an individual customer as the counterpart, conducting the over-the-counter commodity derivatives transaction without having the individual customer promptly deposit the insufficient amount with the commodity derivatives broker despite the fact that the actual deposit amount of the clearing margin, etc. related to the over-the-counter commodity derivatives transaction at a fixed hour each business day falls short of the required amount for maintenance;

二十一　顧客から商品市場における取引等の委託を受けようとする際、商品先物取引業者が当該委託に係る上場商品構成品又は上場商品指数及び期限が同一であるものの取引について、故意に、商品市場における取引等の受託に係る取引と当該商品先物取引業者の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、当該顧客に対し、次に掲げる事項を説明しないで、当該委託を受けること。

(xxi) when seeking to accept consignment of transactions, etc. in a commodity market from a customer, accepting the consignment without explaining the following matters to the customer despite the fact that the commodity derivatives broker is deliberately executing a transaction to intentionally match the transaction related to consignment of transactions, etc. in a commodity market with the transaction on the commodity derivatives broker's own account (referred to below as a "specified transaction" in this item) for a transaction in which the component products of listed commodities or the listed commodity index and the due date related to the consignment are the same:

イ　特定取引を行っている旨

(a) the fact that the business operator is conducting a specified transaction;

ロ　特定取引によって当該委託に係る取引と当該商品先物取引業者の自己の計算による取引が対当した場合には、当該顧客と当該商品先物取引業者との利益が相反するおそれがある旨

(b) if a transaction related to the consignment and a transaction on the commodity derivatives broker's own account are matched as a result of a

specified transaction, the fact that a conflict of interest may arise between the customer and the business operator.

二十二　個人顧客を相手方とし、又は個人顧客のために法第二条第二十二項第五号に掲げる行為を業として行う場合において、当該個人顧客（特定委託者を除く。以下この号において同じ。）に対し、当該個人顧客が行う店頭商品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。

(xxii) in performing the acts stated in Article 2, paragraph (22), item (v) of the Act in the course of trade with an individual customer as the counterpart or on behalf of an individual customer, soliciting the individual customer or performing similar acts directed at the customer (excluding eligible requesting parties; the same applies below in this item) for a transaction that matches the purchase or sale of over-the-counter commodity derivatives transactions or other equivalent transactions performed by the customer (meaning transactions that reduce possible loss from these transactions);

二十三　個人顧客を相手方とし、又は個人顧客のために法第二条第二十二項第五号に掲げる行為を業として行う場合において、売付けの価格（価格に相当する事項を含む。）及び買付けの価格（価格に相当する事項を含む。）の双方がある場合に、これらの価格を同時に提示しないこと。

(xxiii) in performing the acts stated in Article 2, paragraph (22), item (v) of the Act in the course of trade with an individual customer as the counterpart or on behalf of an individual customer, not presenting the sale price (including information equivalent to the price) and the purchase price (including information equivalent to the price) at the same time when both of the prices exist;

二十四　個人顧客を相手方とし、又は個人顧客のために法第二条第二十二項第五号に掲げる行為を業として行う場合において、商品先物取引業者が顧客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ないこと。

(xxiv) in performing the acts stated in Article 2, paragraph (22), item (v) of the Act in the course of trade with an individual customer as the counterpart or on behalf of an individual customer, not presenting the price or information equivalent to the price indicated to a customer by the commodity derivatives broker at the time of transaction to the customer who has requested the presentation of the price or information equivalent to the price;

二十五　商品市場における相場若しくは商品市場における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、商品市場における取引の委託を受け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にあるにもかかわらず、商品先物取引業を継続すること。

(xxv) continuing the commodity derivatives business despite the situation in

which the management of the purchase and sale is found to be insufficient to prevent the act of accepting consignment of transactions in a commodity market, or while knowing that through causing fluctuations in quotations on commodity markets or figures calculated based on quotations on commodity markets or transaction volumes in commodity markets, or by increasing transaction volumes will result in the formation of manipulative quotations which do not reflect actual market status;

二十六　特定店頭商品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にあるにもかかわらず、当該特定店頭商品オプション取引を行うこと。

(xxvi) conducting specified over-the-counter commodity option transactions despite being in a situation where the following measures are not being taken:

イ　特定店頭商品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、個人顧客に対し、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。以下この号において同じ。）を提示すること。

(a) when seeking to enter into a contract related to specified over-the-counter commodity option transactions, presenting the exercise price for the specified over-the-counter commodity option transactions (for a price to be determined by a specified method, its calculation method; the same applies below in this item) to an individual customer in advance;

ロ　特定店頭商品オプション取引の取引期間及び期限を、個人顧客が、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、商品の価値等の分析に基づく投資判断に基づいて、特定店頭商品オプション取引に係る権利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) specifying the necessary and appropriate transaction period and due date of specified over-the-counter commodity option transactions in order to enable an individual customer to acquire and grant rights related to specified over-the-counter commodity option transactions or to conduct other transactions, based on the amount of the value that is calculated by a fair means based on the exercise period, exercise price, quotations on commodity markets, or other actual conditions of indicators and also based on the investment decisions made based on analysis of value, etc. of commodities, through the transaction period;

二十七　前条第二号又は第三号の規定に掲げる行為により商品取引契約を締結した場合において、当該商品取引契約の内容とされた同条第二号ハ又は第三号ハ（１）から（３）までに掲げる事項に反して取引を行うこと。

(xxvii) when the commodity transaction contract is entered into through the acts stated in the provisions of item (ii) or (iii) of the preceding Article, conducting a transaction in violation of the matters stated in item (ii), (c) or

item (iii), (c), 1. through 3. of that Article which are provided for by the commodity transaction contract; and

二十八　当該商品先物取引業者の役員又は使用人による職務の執行が法に適合することを確保するための体制を整備していないと認められる状況にあるにもかかわらず、前条第二号又は第三号に掲げる行為を行うこと。

(xxviii) conducting acts stated in item (ii) or (iii) of the preceding Article despite being in a situation where a system for ensuring that duties performed by the officers or employees of the commodity derivatives broker conform to the Act is not developed.

2　前項第十九号及び第二十号の取引証拠金等は、有価証券をもって充てることができる。

(2) Securities may be allocated for the clearing margin, etc. referred to in items (xix) and (xx) of the preceding paragraph.

3　商品先物取引業者が預託を受けるべき取引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充用される場合におけるその充用価格は、第三十九条各項の規定により、いずれか一の商品取引所又は商品取引清算機関が定める額とする。

(3) The allocation price of the clearing margin, etc. in the case all or a part of the clearing margin, etc. to be received in deposit by the commodity derivatives broker pursuant to the preceding paragraph, is an amount to be determined by any one of the commodity exchanges or the commodity clearing organizations pursuant to the provisions of each paragraph of Article 39.

4　第一項第十九号及び第二十号の実預託額、同項第十九号の約定時必要預託額並びに同項第二十号の維持必要預託額は、複数の店頭商品デリバティブ取引について個人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十九号の規定の適用については、同号中「当該店頭商品デリバティブ取引を決済した場合」とあるのは「当該個人顧客が行っている店頭商品デリバティブ取引を決済した場合」と、「加え、又は」とあるのは「加え、」とする。

(4) The actual deposit amount referred to in paragraph (1), items (xix) and (xx), the required on-contract deposit amount referred to in item (xix) of that paragraph, and the required amount of maintenance referred to in item (xx) of that paragraph may be calculated in aggregate per individual customer for multiple over-the-counter commodity derivatives transactions. In this case, with regard to the application of the provisions of item (xix) of that paragraph, in that item, the phrase "when the over-the-counter commodity derivatives transaction is settled" is deemed to be replaced by "when an over-the-counter commodity derivatives transaction conducted by the individual customer is settled", and the term "adding, or" is deemed to be replaced by "adding".

5　第一項第十九号の「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を乗じて得た額をいう。ただし、当該各号の店頭商品デリバティブ取引がこれらの取引に係る権利が行使された場合に個人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。

(5) The term "the required on-contract deposit amount" as used in paragraph (1), item (xix) means an amount obtained by multiplying by 5 percent the amount prescribed in each of the following items in accordance with the category of cases stated in each item; provided, however, that when the over-the-counter commodity derivatives transactions stated in these items are those in which an individual customer is to pay a certain amount of money when the rights related to these transactions are exercised, and the amount is to be calculated for the transaction, this means the amount of that money:

一　当該額を、個人顧客が行おうとする店頭商品デリバティブ取引のみについて算出する場合　当該店頭商品デリバティブ取引の額（当該店頭商品デリバティブ取引が法第二条第十四項第四号又は第五号に掲げる取引であって、個人顧客がこれらの号に掲げる取引に係る権利を取得する立場の当事者になるものである場合には、零。次項第一号において同じ。）

(i) when the amount is calculated only for the over-the-counter commodity derivatives transactions the individual customer seeks to conduct: the amount of the over-the-counter commodity derivatives transactions (when the over-the-counter commodity derivatives transactions are the transactions stated in Article 2, paragraph (14), item (iv) or (v) of the Act and the individual customer is to be the party to obtain rights related to the transactions stated in these items, zero; the same applies in item (i) of the following paragraph); or

二　当該額を、個人顧客が行おうとする店頭商品デリバティブ取引と、当該店頭商品デリバティブ取引を行おうとする際に既に行っている他の店頭商品デリバティブ取引について一括して算出する場合　これらの店頭商品デリバティブ取引の額の合計額から法第二条第十四項第四号又は第五号に掲げる取引（個人顧客がこれらの号に掲げる取引に係る権利を取得する立場の当事者になるものに限る。次項第二号において同じ。）に係る店頭商品デリバティブ取引の額を減じて得た額

(ii) when the amount is calculated in the aggregate for the over-the-counter commodity derivatives transaction the individual customer seeks to conduct and other over-the-counter commodity derivatives transactions that have already been conducted at the time of conducting the over-the-counter commodity derivatives transaction: an amount obtained by subtracting the amount of over-the-counter commodity derivatives transactions related to the transactions stated in Article 2, paragraph (14), items (iv) and (v) of the Act (limited to those in which the individual customer is to be the party to obtain rights related to the transactions stated in these items; the same applies in item (ii) of the following paragraph) from the sum of the amounts of these over-the-counter commodity derivatives transactions.

6　第一項第二十号の「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を乗じて得た額をいう。ただし、当該各号の店頭商品

デリバティブ取引がこれらの取引に係る権利が行使された場合に個人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。

(6) The term "the required amount of maintenance" referred to in paragraph (1), item (xx) means an amount obtained by multiplying by 5 percent the amount specified in the following items in accordance with the category of cases stated in each item; provided, however, that when the over-the-counter commodity derivatives transactions stated in these items are those in which an individual customer is to pay a certain amount of money when the rights related to these transactions are exercised, and the amount is to be calculated for the transaction, this means the amount of that money:

一　当該額を、個人顧客が行う各店頭商品デリバティブ取引ごとに算出する場合　当該各店頭商品デリバティブ取引の額

(i) when the amount is calculated for each over-the-counter commodity derivatives transaction an individual customer conducts: the amount of the over-the-counter commodity derivatives transaction;

二　当該額を、個人顧客が行う複数の店頭商品デリバティブ取引について一括して算出する場合　当該複数の店頭商品デリバティブ取引の額の合計額から法第二条第十四項第四号又は第五号に掲げる取引に係る店頭商品デリバティブ取引の額を減じて得た額

(ii) when the amount is calculated in the aggregate for multiple over-the-counter commodity derivatives transactions an individual customer conducts: an amount obtained by subtracting the amount of over-the-counter commodity derivatives transactions related to the transactions stated in Article 2, paragraph (14), items (iv) and (v) of the Act from the sum of the amounts of the multiple over-the-counter commodity derivatives transactions.

7　第一項第二十六号の「特定店頭商品オプション取引」とは、店頭商品デリバティブ取引であって、法第二条第十四項第四号に掲げる取引（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又は第三号に掲げる取引であるものに限る。）又は同項第五号に掲げる取引のうち、これらの取引に係る権利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。

(7) The term "specified over-the-counter commodity option transaction" as used in paragraph (1), item (xxvi) means an over-the-counter commodity derivatives transaction among the transactions stated in Article 2, paragraph (14), item (iv) of the Act (limited to when the transactions closed by the exercise of rights prescribed in that item are the transactions stated in item (ii) or (iii) of that paragraph) or the transactions stated in item (v) of that paragraph, in which a certain amount of money is to be delivered or received when the rights related to these transactions are exercised.

8　第五項第二号及び第六項第二号に掲げる場合において、顧客が同一の商品又は商品指数について商品の売付け等及び商品の買付け等を行っているときは、これらに係る

店頭商品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商品又は商品指数に係る店頭商品デリバティブ取引の額とすることができる。

(8) When stated in paragraph (5), item (ii) and paragraph (6), item (ii), when a customer conducts a sale, etc. of a commodity and a purchase, etc. of a commodity for the same commodity or commodity index, among the amounts of the over-the-counter commodity derivatives transactions related to the sale or purchase, the lesser amount may be used as the amount of over-the-counter commodity derivatives transactions related to the same commodity or commodity index.

９　第五項、第六項及び前項の「店頭商品デリバティブ取引の額」とは、次の各号に掲げる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。

(9) The term "the amount of the over-the-counter commodity derivatives transactions" as used in paragraph (5), paragraph (6), and the preceding paragraph means the amount prescribed in the following items in accordance with the category of over-the-counter commodity derivatives transactions stated in each item:

一　法第二条第十四項第四号又は第五号に掲げる取引以外の店頭商品デリバティブ取引　当該店頭商品デリバティブ取引に係る商品の価格又は商品指数の数値にその取引の件数又は数量を乗じて得た額

(i) over-the-counter commodity derivatives transactions other than the transactions stated in Article 2, paragraph (14), item (iv) or (v) of the Act: the price of the commodities related to the over-the-counter commodity derivatives transactions or an amount obtained by multiplying the commodity price or the commodity index figure by the number or the volume of transactions; or

二　法第二条第十四項第四号又は第五号に掲げる取引　これらの号に規定する権利を行使することにより成立する取引に係る商品の価格又は商品指数の数値にその取引の件数又は数量を乗じて得た額

(ii) the transactions stated in Article 2, paragraph (14), item (iv) or (v) of the Act: the amount obtained by multiplying the price of the commodity or the commodity index figure related to the transactions closed by the exercise of rights prescribed in these items by the number or the volume of transactions.

１０　第八項の「商品の売付け等」とは、次に掲げる取引をいう。

(10) The term "sale, etc. of a commodity" as used in paragraph (8) means the following transactions:

一　商品の売付け

(i) the sale of a commodity; or

二　法第二条第十四項第二号又は第三号に掲げる取引（現実価格又は現実数値が約定価格等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) the transactions stated in Article 2, paragraph (14), item (ii) or (iii) of the Act (limited to one in which the person in question will be the party to pay

money when the actual price or actual figure exceeds the contract price, etc.).

１１　第八項の「商品の買付け等」とは、次に掲げる取引をいう。

(11) The term "purchase, etc. of a commodity" as used in paragraph (8) means the following transactions:

一　商品の買付け

(i) the purchase of a commodity; or

二　法第二条第十四項第二号又は第三号に掲げる取引（現実価格又は現実数値が約定価格等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) the transactions stated in Article 2, paragraph (14), item (ii) or (iii) of the Act (limited to one in which the person in question will be the party to pay money when the actual price or actual figure exceeds the contract price, etc.).

（商品投資顧問契約に係る業務を行う場合の禁止行為）

(Prohibited Acts When Conducting Business Related to Commodity Investment Advisory Contracts)

第百三条の二　法第二百十四条の二第二号の主務省令で定める行為は、商品投資顧問契約に係る取引を結了させ、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商品投資顧問契約を締結している顧客以外の者に対して商品デリバティブ取引を勧誘する行為とする。

Article 103-2　The act specified by order of the competent ministry as referred to in Article 214-2, paragraph (2), item (ii) of the Act is the act of soliciting a customer other than one entering into the commodity investment advisory contract to conduct a commodity derivatives transaction, in order to complete a transaction related to a commodity investment advisory contract or to have the person conduct an offsetting trade without explaining that fact.

（事故の確認を要しない場合）

(When Confirmation of Problematic Conducts Are Not Required)

第百三条の三　法第二百十四条の三第三項ただし書の主務省令で定める場合は、次に掲げる場合とする。

Article 103-3　(1) The cases specified by order of the competent ministry as referred to in the proviso to Article 214-3, paragraph (3) of the Act are the following cases:

一　裁判所の確定判決を得ている場合

(i) cases in which a final and binding judgment of the court has been obtained;

二　裁判所の和解（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。第百二十六条の二十第一項第二号及び第百六十九条第一項第二号において同じ。）が成立している場合

(ii) cases in which a court settlement has been reached (excluding those specified in Article 275, paragraph (1) of the Code of Civil Procedure (Act No. 109 of 1996); the same applies below in Article 126-20, paragraph (1), item

(ii) and Article 169, paragraph (1), item (ii));

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 the settlement prescribed in Article 16 of the Civil Mediation 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 no objection is filed within the period prescribed in Article 18, paragraph (1) of that Act;

四　商品取引所の仲介、商品先物取引協会の苦情の解決、あっせん若しくは調停又は主務大臣が指定する団体のあっせんによる和解が成立している場合

(iv) when a settlement has been reached as a result of mediation by a commodity exchange, resolution of a complaint or mediation or conciliation by a commodity futures association, or mediation by an organization designated by the competent minister;

五　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判断がされている場合

(v) when a settlement has been reached as a result of mediation by the organization prescribed in the association rules provided for in Article 33, paragraph (1) of the Attorneys Act (Act No. 205 of 1949) or in rules specified by the provisions of the association rules, or when an arbitral award has been given by the organization;

六　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 a settlement has been reached as a result of the mediation prescribed in Article 19, paragraph (1) or Article 25 of the Basic Act on Consumer Policies (Act No. 78 of 1968) or a settlement has been reached through agreement prescribed in that Article;

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、商品先物取引業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。第百二十六条の二十第一項第七号及び第百六十九条第一項第六号において同じ。）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。第百二十六条の二十第一項第七号及び第百六十九条第一項第六号において同じ。）による和解が成立している場合

(vii) when a settlement has been reached as a result of certified dispute resolution procedures (meaning the certified dispute resolution procedures prescribed 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 126-20, paragraph (1), item (vii) and Article 169, paragraph (1), item

(vi)) taken by a certified dispute resolution business operator (meaning the certified dispute resolution business operator prescribed in Article 2, item (iv) of that Act, limited to when the dispute related to commodity derivatives business falls within the scope of disputes prescribed in Article 6, item (i) of that Act; the same applies in Article 126-20, paragraph (1), item (vii) and Article 169, paragraph (1), item (vi));

八　和解が成立している場合であって、次に掲げるすべての要件を満たす場合

(viii) cases in which a settlement has been reached and they satisfy 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場合に限る。第百二十六条の二十第一項第八号イ及び第百六十九条第一項第七号イにおいて同じ。）が顧客を代理していること。

(a) an attorney-at-law or a judicial scrivener (limited to cases of carrying out the affairs stated in Article 3, paragraph (1), item (vii) of the Judicial Scriveners Act (Act No. 197 of 1950); the same applies in Article 126-20, paragraph (1), item (viii), (a) and Article 169, paragraph (1), item (vii), (a)) has acted as the customer's counsel concerning the settlement procedures;

ロ　当該和解の成立により商品先物取引業者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を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。第百二十六条の二十第一項第八号ロ及び第百六十九条第一項第七号ロにおいて同じ。）を超えないこと。

(b) the amount to be paid to the customer by the commodity derivative brokers due to the settlement being reached does not exceed ten million yen (or, the amount prescribed in Article 3, paragraph (1), item (vii) of the Judicial Scriveners Act if the judicial scrivener stated in (a) represents the customer; the same applies in Article 126-20, paragraph (1), item (viii), (b) and Article 169, paragraph (1), item (vii), (b)); and

ハ　ロの支払が事故（法第二百二十一条第二項本文に規定する事故をいう。以下この条から第百三条の五までにおいて同じ。）による損失の全部又は一部を補てんするために行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が商品先物取引業者に交付されていること。

(c) a document proving that the attorney-at-law or judicial scrivener referred to in (a) has investigated and confirmed that the payment referred to in (b) is to be made in order to compensate for all or part of the loss due to a problematic conduct (meaning a problematic conduct prescribed in the main clause of Article 221, paragraph (2) of the Act; the same applies below in this Article through Article 103-5) and has been delivered to the commodity derivatives broker;

九　商品先物取引業者の代表者、代理人、使用人その他の従業員（以下「代表者等」という。）が第百十二条第一項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。

(ix) when the representative, an agent, an employee, or other worker (referred to below as the "representative, etc.") of the commodity derivatives broker has caused a loss to a customer by the acts stated in the items of Article 112, paragraph (1), and the amount of property benefits for which an offer or promise is made or is provided to the customer for the loss incurred by the customer in a daily trading does not exceed the amount equivalent to one hundred thousand yen; and

十　商品先物取引業者の代表者等が第百十二条第一項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（法第二百二十二条に規定する帳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る。）

(x) cases in which the representative, etc. of the commodity derivatives broker has caused a loss to a customer by the act stated in Article 112, paragraph (1), item (iii) or (iv) (limited to cases in which it is clear from the books prescribed in Article 222 of the Act or a record of the content of an order by a customer that the cause is a problematic conduct).

２　前項第九号の利益は、第百十二条第一項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、同項第三号及び第四号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 benefits referred to in item (ix) of the preceding paragraph are calculated for each of the category of acts stated in the items of Article 112, paragraph (1). In this case, with regard to the amount of benefits related to the category of acts stated in items (iii) and (iv) of that paragraph, the amount of property benefits for which an offer or promise is made or is provided when stated in item (x) of the preceding paragraph is to be deducted.

３　商品先物取引業者は、第一項第四号（商品先物取引協会の苦情の解決及び主務大臣の指定する団体のあっせんによる和解に限る。）及び第五号から第十号までに掲げる場合において、法第二百十四条の三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、第百三条の五各号に掲げる事項を、主務大臣に報告しなければならない。ただし、当該報告をする者が、商品先物取引協会の会員である場合にあっては、商品先物取引協会を経由しなければならない。

(3) When stated in item (iv) (limited to a settlement reached as a result of the resolution of a complaint by a commodity futures association or mediation by an organization designated by the competent minister) and items (v) through (x) of paragraph (1), if a commodity derivatives broker has made an offer or promise to provide property benefits or has provided property benefits to a customer without obtaining the confirmation referred to in the proviso to

Article 214-3, paragraph (3) of the Act, the matters stated in the items of Article 103-5 must be reported to the competent minister by the last day of the month following the month that includes the date on which the offer, promise or provision was made; provided, however, that if the person that makes the report is a member of a commodity futures association, the report must be made through the commodity futures association.

（事故の確認申請手続）

(Procedures of Applications for Confirmation of Problematic Conducts)

第百三条の四　法第二百十四条の三第三項ただし書の確認を受けようとする者は、同条第五項の規定による申請書及び書類を、主務大臣に提出しなければならない。ただし、当該確認を受けようとする者が、商品先物取引協会の会員である場合にあっては、商品先物取引協会を経由しなければならない。

Article 103-4　A person that seeks to obtain the confirmation referred to in the proviso to Article 214-3, paragraph (3) of the Act must submit a written application and a document under the provisions of paragraph (5) of that Article to the competent minister; provided, however, that if the person that seeks to obtain the confirmation is a member of a commodity futures association, the submission must be made through the commodity futures association.

（確認申請書の記載事項）

(Information to Be Stated in Written Applications for Confirmation)

第百三条の五　法第二百十四条の三第五項の主務省令で定める事項は、次に掲げる事項とする。

Article 103-5　The information specified by order of the competent ministry as referred to in Article 214-3, paragraph (5) of the Act is the following information:

一　商品先物取引業者の商号又は名称

(i) the trade name or name of the commodity derivatives broker;

二　事故の発生した本店、支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, branch office or other business office or office where the problematic conduct 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 information concerning 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 of the representative, etc. or the department that was involved in the act that that falls under a problematic conduct; and

ロ　顧客の氏名及び住所（法人にあっては、商号又は名称、本店又は主たる事務所の所在地及び代表者の氏名）

(b) the name and address of the customer (or, in cases of a corporation, the trade name or name, the location of the head office or principal office, and the name of the representative);

ハ　事故の概要

(c) the outline of the problematic conduct;

ニ　補てん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 reason that the loss incurred by the customer related to the compensation has been caused by the problematic conduct;

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 benefits for which an offer or promise will be made or that will be provided; and

四　その他参考となるべき事項

(iv) other information to be used as a reference.

（確認申請書の添付書類）

(Documents Attached to Written Applications for Confirmation)

第百三条の六　法第二百十四条の三第五項の主務省令で定めるものは、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 103-6 (1) The document specified by order of the competent ministry as referred to in Article 214-3, paragraph (5) of the Act is a document proving that the customer has confirmed the content of the information stated in the items of the preceding Article and any other material to be used as a reference.

2　前項の規定は、法第二百十四条の三第五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 when the written application under the provisions of Article 214-3, paragraph (5) of the Act concerns an offer referred to in paragraph (1), item (ii) of that Article.

（商品取引契約の締結前に交付すべき書面の共通記載事項等）

(Information to Be Entered in All Documents Required to Be Delivered Before the Conclusions of Commodity Transaction Contracts)

第百四条　法第二百十七条第一項第四号の主務省令で定める事項は、次に掲げる事項とする。

Article 104 (1) The information specified by order of the competent ministry as referred to in Article 217, paragraph (1), item (iv) of the Act is as follows:

一　当該商品先物取引業者の商号又は名称

(i) the trade name or name of the commodity derivatives broker;

二　当該商品先物取引業者の本店又は主たる事務所の名称及び所在地

(ii) the name and location of the head office or principal office of the commodity derivatives broker;

三　商品先物取引業者である旨

(iii) the fact that the commodity derivatives broker is a commodity derivatives broker; and

四　契約締結前交付書面の内容を十分に読むべき旨

(iv) that the content of the document for delivery before the conclusion of contract should be thoroughly read;

五　当該商品取引契約の概要

(v) an outline of the commodity transaction contract;

六　商品市場における相場等に係る変動により当該商品取引契約に基づく取引について顧客に損失が生ずることとなるおそれがある場合（当該損失の額が取引証拠金等の額を上回ることとなるおそれがある場合を除く。）には、その旨及びその理由

(vi) when there is a risk of the customer incurring a loss with regard to a transaction based on the commodity transaction contract due to a fluctuation in the quotations, etc. on a commodity market (excluding the case in which there is a risk that the amount of loss may exceed the amount of the clearing margin, etc.), that fact and its reason;

七　前号の損失の額が取引証拠金等の額を上回ることとなるおそれがある場合には、その理由

(vii) when there is a risk that the amount of loss referred to in the preceding item may exceed the amount of the clearing margin, etc., the reason; and

八　当該商品先物取引業者その他の者の業務又は財産の状況の変化により当該商品取引契約に基づく取引について顧客に損失が生ずることとなるおそれがある場合（当該損失の額が取引証拠金等の額を上回ることとなるおそれがある場合を除く。）には、次に掲げる事項

(viii) when there is a risk that the customer may incur a loss for a transaction based on the commodity transaction contract due to changes in the status of the business or property of the commodity derivatives broker or other persons, (excluding when there is a risk that the amount of loss may exceed the amount of the clearing margin, etc.), the following information:

イ　当該者

(a) the relevant person; and

ロ　当該者の業務又は財産の状況の変化により顧客に損失が生ずることとなるおそれがある旨及びその理由

(b) the fact that there is a risk that the customer may incur a loss due to changes in the status of the business or property of the relevant person, and its reason.

九　前号の損失の額が取引証拠金等の額を上回ることとなるおそれがある場合には、次に掲げる事項

(ix) when there is a risk that the amount of loss referred to in the preceding item may exceed the amount of the clearing margin, etc., the following information:

イ　当該者

(a) the relevant person; and

ロ　当該者の業務又は財産の状況の変化により当該損失の額が取引証拠金等の額を上回ることとなるおそれがある旨及びその理由

(b) the fact that there is a risk that the amount of loss due to changes in the status of the business or property of the relevant person may exceed the amount of the clearing margin, etc., and its reason;

十　取引証拠金等の種類及びその額又は計算方法、取引証拠金等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取引証拠金等を預託する時期及び方法並びに返還を受ける時期及び方法

(x) the type of the clearing margin, etc. and its amount or calculation method, the type of property that may be appropriated for the clearing margin, etc. and the appropriation value or other equivalent item, and the timing and method for the customer to deposit the clearing margin, etc. and the timing and method to receive the refund of the clearing margin, etc.;

十一　商品市場における相場等に係る変動により追加的に取引証拠金等を預託する必要が生ずることとなるおそれがある場合には、その旨

(xi) when there is a risk that a need may arise to deposit additional clearing margin, etc. due to fluctuations in quotations, etc. on commodity markets, that fact;

十二　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（これらの事項を記載することができない場合には、その旨及びその理由）

(xii) the amount by type of fees, etc. or maximum amount of the fees. etc., their calculation method, and the sum or maximum amount of the fees, etc. and their calculation method (if the information cannot be stated, that fact and the reason for this);

十三　顧客から手数料等を徴収する時期及び方法

(xiii) the timing and method for collection of fees, etc. from the customer;

十四　当該商品取引契約に基づく取引に基づいて発生する債務の履行の方法及び当該商品取引契約に基づく取引を決済する方法

(xiv) the method of performance of obligations arising from transactions based on the commodity transaction contract and the method of settlement of transactions based on the commodity transaction contract;

十五　当該商品取引契約に基づく取引が商品市場における取引等又は外国商品市場取引等（法第二百十二条に規定する外国商品市場取引等をいう。）である場合には、これらの取引に係る商品取引所又は外国商品市場開設者の名称又は商号

(xv) when a transaction based on the commodity transaction contract is a transaction, etc. in a commodity market or a transaction, etc. in a foreign commodity market (meaning a transaction, etc. in a foreign commodity market prescribed in Article 242 of the Act), the name or trade name of the commodity exchange or the foreign commodity market establisher related to

these transactions;

十六　当該商品取引契約に基づく取引が店頭商品デリバティブ取引である場合であって、商品先物取引業者が表示する商品の売付けの価格と買付けの価格（次のイからハまでに掲げる取引の場合にあっては、当該イからハまでに定めるものを含む。）とに差がある場合には、その旨

(xvi) when a transaction based on the commodity transaction contract is an over-the-counter commodity derivatives transaction and there is a difference between the sale price and purchase price for a commodity indicated by a commodity derivatives broker (in cases of transactions stated in the following sub-items (a) through (d), including those prescribed in sub-items (a) through (d)), that fact:

イ　法第二条第十四項第二号又は第三号に掲げる取引の場合　現実価格が約定価格等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価格等と当該金銭を受領する立場の当事者となる取引の約定価格等又はこれらに類似するもの

(a) in the cases of the transactions stated in Article 2, paragraph (14), item (ii) or (iii) of the Act: the contract price, etc. for a transaction for which the person in question will be the party to pay money, and the contract price, etc. for a transaction for which the person in question will be the party to receive the money, or items similar to them, when the actual price exceeds the contract price, etc.;

ロ　法第二条第十四項第四号又は第五号に掲げる取引の場合　同項第四号又は第五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

(b) in the cases of the transactions stated in Article 2, paragraph (14), item (iv) or (v) of the Act: the amount of consideration for rights of the transaction for which the person in question will to be the party to grant the rights prescribed in item (iv) or (v) of that paragraph, and the amount of consideration for the rights of the transaction for which the person in question will be the party to obtain the rights; or

ハ　法第二条第十四項第六号に掲げる取引の場合　商品の価格若しくは商品指数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商品の価格若しくは商品指数と当該商品の価格若しくは商品指数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商品の価格若しくは商品指数又はこれらに類するもの

(c) in the cases of the transactions stated in Article 2, paragraph (14), item (vi) of the Act: the price of the commodity or the commodity index at the start of the agreed period for the transaction for which the person in question will be the party to pay money when the price of the commodity or the commodity index increases in the agreed period, and the price of the commodity or commodity index at the start of the agreed period for the

transaction for which the person in question will be the party to receive money when the price of the commodity or the commodity index increases in the agreed period, or similar items;

十七　当該商品取引契約の終了の事由がある場合には、その内容

(xvii) when there is a reason for termination of the commodity transaction contract, the content of the reason;

十八　当該商品取引契約に関する租税の概要

(xviii) an outline of taxation concerning the commodity transaction contract;

十九　当該商品取引契約に基づく取引の手続に関する事項

(xix) matters concerning procedures for transactions based on the commodity transaction contract;

二十　当該商品取引契約に基づく取引に関する主要な用語及びその他の基礎的な事項

(xx) important terminology and other fundamental matters concerning transactions based on the commodity transaction contract;

二十一　当該商品先物取引業者が行う商品先物取引業の内容及び方法の概要

(xxi) an outline of the content and method of the commodity derivatives business conducted by the commodity derivatives broker;

二十二　顧客が当該商品先物取引業者に連絡する方法

(xxii) the means for the customer to contact the commodity derivatives broker; and

二十三　当該商品先物取引業者が加入している商品先物取引協会の名称

(xxiii) the name of a commodity futures association to which the commodity derivatives broker belongs.

2　一の商品デリバティブ取引について二以上の商品先物取引業者が法第二百十七条第一項の規定により顧客に対し契約締結前交付書面を交付しなければならない場合において、いずれか一の商品先物取引業者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、他の商品先物取引業者は、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（当該一の商品デリバティブ取引に係る事項に限る。）を記載することを要しない。ただし、当該他の商品先物取引業者が顧客のために法第二条第二十二項各号に規定する代理のいずれかを業として行う場合には、この限りでない。

(2) When two or more commodity derivatives brokers are required to deliver the document for delivery before conclusion of a contract to a customer pursuant to provisions of Article 217, paragraph (1) of the Act for one commodity derivatives transaction, when any one of the commodity derivatives brokers delivers the document for delivery before conclusion of a contract stating the information specified in the items of the preceding paragraph, the other commodity derivatives brokers need not state the information specified in the items of the preceding paragraph (limited to information related to that one commodity derivatives transaction) in the document for delivery before conclusion of a contract, notwithstanding the provisions of the preceding

paragraph; provided, however, that this does not apply when the other commodity derivatives broker conducts any of the actions as an agent prescribed in the items of Article 2, paragraph (22) of the Act in the course of trade for customers.

（個人顧客を相手方とし、又は個人顧客のために法第二条第二十二項第五号に掲げる行為を行うことを内容とする商品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 for Information to Be Stated in Documents for Delivery Before Entering into Contracts Related to Commodity Transaction Contracts That Provide for Performing the Acts Stated in Article 2, Paragraph (22), Item (v) with Individual Customers as the Counterparts or On Behalf of Individual Customers)

第百五条　その締結しようとする商品取引契約が個人顧客を相手方とし、又は個人顧客のために法第二条第二十二項第五号に掲げる行為を行うことを内容とするものである場合における法第二百十七条第一項第四号の主務省令で定める事項は、前条第一項各号に掲げる事項のほか、次に掲げる事項とする。

Article 105 (1) In addition to the information stated in the items of paragraph (1) of the preceding Article, the information specified by order of the competent ministry as referred to in Article 217, paragraph (1), item (iv) of the Act when a commodity transaction contract sought to be entered into has an individual customer as the counterpart or provides for the acts stated in Article 2, paragraph (22), item (v) of the Act to be performed on behalf of an individual customer is the following information:

一　当該商品先物取引業者が個人顧客を相手方として行う店頭商品デリバティブ取引により生ずるおそれのある損失を軽減することを目的として、当該個人顧客が行った店頭商品デリバティブ取引の対象となる商品若しくは商品指数及び当該店頭商品デリバティブ取引に係る売買の別その他これらに準ずる事項が同一となる商品市場における取引、外国商品市場取引又は他の商品先物取引業者その他の者（以下この号及び次号において「他の商品先物取引業者等」という。）を相手方として行う店頭商品デリバティブ取引（以下この号において「カバー取引」という。）を行う場合には、当該カバー取引に係る商品取引所若しくは外国商品市場開設者の名称若しくは商号（外国商品市場開設者の名称又は商号にあっては、日本語により翻訳して表示したものを含む。）又は当該カバー取引の相手方となる他の商品先物取引業者等の商号、名称若しくは氏名及びその業務内容（当該他の商品先物取引業者等が外国法人である場合には、その商号、名称又は氏名を日本語により翻訳して表示したもの及び当該他の商品先物取引業者等が監督を受けている外国の当局の名称を含む。）

(i) in cases of conducting transactions in a commodity market or a foreign commodity market in which commodities or commodity indices that are the subject of transactions performed by the individual customer, purchase and

sale related to the over-the-counter commodity derivatives transactions, and other equivalent information are the same, for the purpose of reducing losses that may occur from the over-the-counter commodity derivatives transactions that the commodity derivatives broker conducts with an individual customer as the counterpart, or over-the-counter commodity derivatives transactions with another commodity derivatives broker or another person (referred to below as "other commodity derivatives broker" in this item and the following item) as the counterpart (referred to below as "cover deal" in this item), the name or trade name of the commodity market or foreign commodity market establisher related to the cover deal (for the name or trade name of a foreign commodity market establisher, including an indication translated into Japanese), or the trade name or name and the business content of the other commodity derivatives broker, etc. that will be the counterpart to the cover deal (if the other commodity derivatives broker, etc. is a foreign corporation, including the trade name or name indicated by translating it into Japanese and the name of the authority of a foreign country from which the other commodity derivatives broker, etc. receives supervision);

二　当該商品先物取引業者が個人顧客のために店頭商品デリバティブ取引の媒介、取次ぎ又は代理を行う場合には、当該媒介、取次ぎ又は代理の相手方となる他の商品先物取引業者等（以下この号において「媒介等相手方」という。）の商号、名称又は氏名及びその業務内容（当該媒介等相手方が外国法人である場合には、その商号、名称又は氏名を日本語により翻訳して表示したもの及び当該媒介等相手方が監督を受けている外国の当局の名称を含む。）

(ii) when the commodity derivatives broker performs intermediation, brokerage, or action as an agent for over-the-counter commodity derivatives transactions on behalf of an individual customer, the trade name, name and business content of the other commodity derivatives broker, etc. that will be the counterpart for the intermediation, brokerage, or action as an agent (referred to below as "counterpart of intermediation, etc." in this item) (if the counterpart of intermediation, etc. is a foreign corporation, including indication of the trade name or name translated into Japanese and the name of the authority of a foreign country from which the counterpart of intermediation, etc. receives supervision);

三　商品先物取引業者が個人顧客を相手方とし、又は個人顧客のために法第二条第二十二項第五号に掲げる行為を業として行う場合における禁止行為に関する事項

(iii) information concerning prohibited acts when the commodity derivatives broker performs the acts stated in Article 2, paragraph (22), item (v) with an individual customer as the counterpart or on behalf of an individual customer in the course of trade; and

四　法第二百十条第二号の規定に基づく措置に関する事項

(iv) the information concerning measures based on the provisions of Article 210,

item (ii) of the Act.

２　前条第二項の規定は、前項の場合について準用する。この場合において、同条第二項中「前項各号」とあるのは、「第百五条第一項各号」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 cases referred to in the preceding paragraph. In this case, the phrase "the items in the preceding paragraph" in paragraph (2) of that Article is deemed to be replaced by "the items in Article 105, paragraph (1)".

（契約締結前交付書面の記載方法）

(Method of Making Entries in Documents for Delivery Before Conclusions of Contracts)

第百六条　契約締結前交付書面には、法第二百十七条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。ただし、次に掲げる事項にあっては、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なければならない。

Article 106 (1) The information stated in the items of Article 217, paragraph (1) of the Act must be stated in documents for delivery before conclusion of a contract clearly and accurately using letters and numbers of a size of at least 8 points specified by the Japan Industrial Standards Z8305; provided, however, that the following information must be stated clearly and accurately inside the box using letters and numbers of a size of at least 12 points specified by the Japan Industrial Standards Z8305:

一　法第二百十七条第一項第二号に掲げる事項

(i) the information stated in Article 217, paragraph (1), item (ii) of the Act;

二　第百四条第一項第六号から第九号までに掲げる事項及び同項第十二号に掲げる事項の概要

(ii) an outline of the information stated in Article 104, paragraph (1), items (vi) through (ix) and the information stated in item (xii) of that paragraph;

三　第百五条第一項第一号及び第四号に掲げる事項

(iii) the information stated in Article 105, paragraph (1), items (i) and (iv).

２　前項本文の規定にかかわらず、契約締結前交付書面には、第百四条第一項第四号に掲げる事項を日本産業規格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。

(2) Notwithstanding the provisions of the main clause of the preceding paragraph, the information stated in Article 104, paragraph (1), item (iv) is to be stated in plain language at the beginning of the document for delivery before conclusion of a contract using letters and numbers of a size of at least 12 points specified by the Japan Industrial Standards Z8305.

（説明の方法）

(Method of Explanation)

第百七条　商品先物取引業者は、法第二百十八条第一項の規定により顧客に対して説明をしようとするときは、当該説明に先立って、当該顧客に対し契約締結前交付書面を交付しなければならない。

Article 107 When a commodity derivatives broker seeks to provide explanations to a customer pursuant to the provisions of Article 218, paragraph (1) of the Act, the commodity derivatives broker must deliver the document for delivery before conclusion of a contract to the customer before the explanation.

（商品デリバティブ取引における説明を要しない場合）

(Cases in which Explanation is not Required for Commodity Derivatives Transactions)

第百八条　一の商品デリバティブ取引について二以上の商品先物取引業者が法第二百十八条第一項の規定により顧客に対し法第二百十七条第一項各号に掲げる事項について説明をしなければならない場合において、いずれか一の商品先物取引業者が当該事項について説明をしたときは、他の商品先物取引業者は、法第二百十八条第一項の規定にかかわらず、当該事項（当該一の商品デリバティブ取引に係る事項に限る。）について説明をすることを要しない。ただし、当該他の商品先物取引業者が顧客のために法第二条第二十二項各号に規定する代理のいずれかを業として行う場合には、この限りでない。

Article 108 If two or more commodity derivatives brokers are required to explain to a customer the information stated in the items of Article 217, paragraph (1) of the Act concerning one commodity derivatives transaction, when any one of the commodity derivatives brokers has explained the information, other commodity derivatives brokers need not explain the information, notwithstanding the provisions of Article 218, paragraph (1) of the Act (limited to information related to the one commodity derivatives transaction); provided, however, that this does not apply when other commodity derivatives brokers perform any of the actions as an agent prescribed in the items of Article 2, paragraph (22) of the Act in the course of trade.

（取引の成立の際の通知すべき事項）

(Information Requiring Notifications at the Times of Closing Transactions)

第百九条　法第二百二十条第一項本文の主務省令で定める事項は、次に掲げるものとする。

Article 109 (1) The information specified by order of the competent ministry as referred to in the main clause of Article 220, paragraph (1) of the Act is as follows:

一　成立した取引の対象となる商品又は商品指数（上場商品構成品、商品の価格の公表主体その他の取引の対象を特定するものを含む。次号及び第十号において同じ。）ごとの数量又は件数

(i) the volume or the number per commodity or commodity index that is the subject of the transaction closed (including those specifying the publishers of component products of listed commodities and commodity price or other subjects of transactions; the same applies in the following item and item (x));

二　成立した取引の対象となる商品又は商品指数ごとの対価の額又は約定価格等（当該成立した取引が既に成立していた取引を決済するために行われたものである場合には、当該既に成立していた取引の対価の額又は約定価格等を含む。）

(ii) the amount of consideration and the contract price, etc. for each commodity or commodity index that are the subjects of the transaction closed (if the transaction closed has been performed in order to settle an already closed transaction, including the amount of consideration and the contract price, etc. for the already closed transaction);

三　成立した取引につき、委託者等の指示を受けた日時

(iii) the date and time of receiving instructions from the requesting party, etc. for the transaction closed;

四　成立の日時

(iv) the date and time of closing the transaction;

五　当該商品先物取引業者の商号又は名称

(v) the trade name or name of the commodity derivatives broker;

六　当該商品先物取引業者の本店又は主たる事務所の名称及び所在地

(vi) the name and location of the head office or principal office of the commodity derivatives broker;

七　委託者等の氏名又は名称

(vii) the name of the requesting party, etc.;

八　委託者等が当該商品先物取引業者に連絡する方法

(viii) the means for the requesting party, etc. to contact the commodity derivatives broker;

九　成立した取引の種類

(ix) the type of transaction closed;

十　成立した取引の対象となる商品又は商品指数

(x) the commodity or commodity index that will be the subject of the transaction closed;

十一　成立した取引の期限

(xi) the due date of the transaction closed; and

十二　売付け又は買付けの別（次のイからハまでに掲げる取引の場合にあっては、当該イからハまでに定める取引の別）

(xii) distinction of sales and purchases (in cases of the transactions stated in the following sub-items (a) through (c), distinction of the transactions prescribed in sub-items (a) through (c)):

イ　法第二条第三項第二号及び第三号に掲げる取引（これらの取引に類似する外国商品市場取引を含む。）並びに同条第十四項第二号及び第三号に掲げる取引の場

合　現実価格若しくは現実数値が約定価格等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又は金銭を受領する立場の当事者となる取引

(a) the transactions stated in Article 2, paragraph (3), items (ii) and (iii) of the Act (including foreign commodity market transactions similar to them), and the transactions stated in paragraph (14), items (ii) and (iii) of that Article: the transactions for which the person in question will be the party to pay money or for which they will be the party to receive money if the actual price or the actual figure exceeds the contract price, etc.;

ロ　法第二条第三項第四号に掲げる取引（これに類似する外国商品市場取引を含む。）並びに同条第十四項第四号及び第五号に掲げる取引の場合　これらの号に規定する権利を付与する立場の当事者となる取引又は当該権利を取得する立場の当事者となる取引

(b) the transactions stated in Article 2, paragraph (3), item (iv) of the Act (including foreign commodity market transactions similar to them), and the transactions stated in paragraph (14), items (iv) and (v) of that Article: the transactions for which the person in question will be the party to grant the rights prescribed in these items, or for which the person in question will be the party to obtain the rights; or

ハ　法第二条第三項第五号及び第六号に掲げる取引（これらの取引に類似する外国商品市場取引を含む。）並びに同条第十四項第六号に掲げる取引の場合　商品の価格若しくは商品指数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又は金銭を受領する立場の当事者となる取引

(c) the transactions stated in Article 2, paragraph (3), items (v) and (vi) of the Act (including foreign commodity market transactions similar to them), and the transactions stated in paragraph (14), item (vi) of that Article: the transactions for which the person in question will be the party to pay money or for which they will be the party to receive money if the commodity price or the commodity index increases in the agreed period;

十三　成立した取引に係る取引証拠金等の種類及び金額（個別の成立した取引ごとに取引証拠金等を計算できない場合又は商品取引契約に係る取引に係る取引証拠金その他の保証金に係る契約を個別の取引ごとに締結していない場合にあっては、その旨及び当該取引証拠金等の額の計算方法）

(xiii) the type and amount of clearing margin, etc. related to the transaction closed (when the clearing margin, etc. cannot be calculated for each individual closed transaction or when a contract related to the clearing margin or other security money for transactions related to a commodity transaction contract is not entered into for each transaction, that fact and the calculation method of the amount of the clearing margin, etc.);

十四　手数料等に関する事項

(xiv) information concerning fees, etc.;

十五　委託者等が支払うこととなる金銭の額及び計算方法又は委託者等が受け取るこ

ととなる金銭の額及び計算方法

(xv) the amount and calculation method of money to be paid by a requesting party, etc., or the amount and calculation method of money to be received by the requesting party, etc.;

十六　成立した取引が商品市場における取引又は外国商品市場取引である場合には、当該取引に係る商品取引所又は外国商品市場開設者の名称又は商号

(xvi) if the transaction closed is a transaction in a commodity market or a transaction in a foreign commodity market, the name or trade name of the commodity exchange or foreign commodity market establisher related to the transaction; and

十七　法第二百十条各号の規定に基づく措置に関する事項

(xvii) information concerning measures based on the provisions of the items of Article 210 of the Act.

2　商品先物取引業者は、商品市場における取引又は外国商品市場取引（以下この項において「商品市場等における取引」という。）であって、注文・清算分離行為（商品取引所又は外国商品市場開設者の定めるところに従い、会員等が行った商品市場等における取引に係る売付け又は買付け（当該商品市場等における取引が次の各号に掲げる取引の場合にあっては、当該各号に定める取引。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、当該消滅させた商品市場等における取引に係る売付け又は買付けと同一内容の商品市場等における取引に係る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。）が行われた取引が成立した場合には、前項第十四号に掲げる事項には、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、商品市場等における取引に係る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、商品市場等における取引に係る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。）が委託者等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 transaction in a commodity market or a foreign commodity market (referred to below as "transaction in a commodity market, etc." in this paragraph) is closed in which a give-up action is performed (meaning the act of having a sale or a purchase related to a transaction in a commodity market, etc. (if the transaction in a commodity market, etc. is one of the transactions stated in the following items, a transaction prescribed in the following items; the same applies below in this paragraph) extinguished toward the future and at the same time, newly generating a sale or a purchase related to a transaction in a commodity market, etc. with the same content as the extinguished sale or purchase related to a transaction in a commodity market, etc. under the name of another member, etc.,; the same applies below), in the information stated in item (xiv) of the preceding paragraph, the fees, etc. to be received directly from the requesting party by the order executing member, etc. (meaning the member, etc. for whom the sale or the purchase to a transaction in a commodity market,

etc. has been extinguished toward the future under their name because the give-up action was performed; the same applies below) and the clearance executing member, etc. (meaning the member, etc. for whom the sale or the purchase related to a transaction in a commodity market, etc. has been newly generated under their name because the give-up action was performed; the same applies below) are to be stated;

一　法第二条第三項第二号及び第三号に掲げる取引（これらの取引に類似する外国商品市場取引を含む。）並びに同条第十四項第二号及び第三号に掲げる取引の場合　現実価格若しくは現実数値が約定価格等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又は金銭を受領する立場の当事者となる取引

(i) the transactions stated in Article 2, paragraph (3), items (ii) and (iii) of the Act (including foreign commodity market transactions similar to them), and the transactions stated in paragraph (14), items (ii) and (iii) of that Article: the transactions for which the person in question will be the party to pay money or for which they will be the party to receive money when the actual price or the actual figure exceeds the contract price, etc.;

二　法第二条第三項第四号に掲げる取引（これに類似する外国商品市場取引を含む。）並びに同条第十四項第四号及び第五号に掲げる取引の場合　これらの号に規定する権利を付与する立場の当事者となる取引又は当該権利を取得する立場の当事者となる取引

(ii) the transactions stated in Article 2, paragraph (3), item (iv) of the Act (including foreign commodity market transactions similar to them), and the transactions stated in paragraph (14), items (iv) and (v) of that Article: the transactions for which the person in question will be the party to grant the rights prescribed in these items or for which the person in question will be the party to obtain the rights;

三　法第二条第三項第五号及び第六号に掲げる取引（これらの取引に類似する外国商品市場取引を含む。）並びに同条第十四項第六号に掲げる取引の場合　商品の価格若しくは商品指数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又は金銭を受領する立場の当事者となる取引

(iii) the transactions stated in Article 2, paragraph (3), items (v) and (vi) of the Act (including foreign commodity market transactions similar to them), and the transactions stated in paragraph (14), item (vi) of that Article: the transactions for which the person in question will be the party to pay money or for which the person in question will be the party to receive money when the commodity price or the commodity index increases in the agreed period.

3　一の商品デリバティブ取引について二以上の商品先物取引業者が法第二百二十条第一項本文の規定により委託者等に通知しなければならない場合において、いずれか一の商品先物取引業者が第一項各号に掲げる事項を通知したときは、他の商品先物取引業者は、同項の規定にかかわらず、同項各号に掲げる事項（当該一の商品デリバティブ取引に係る事項に限る。）を通知することを要しない。ただし、当該他の商品先物

取引業者が委託者等のために法第二条第二十二項各号に規定する代理のいずれかを業として行う場合には、この限りでない。

(3) If two or more commodity derivatives brokers are required to give notification to the requesting party, etc. pursuant to the provisions of the main clause of Article 220, paragraph (1) of the Act concerning one commodity derivatives transaction, when any one of the commodity derivatives brokers has given notification of the information stated in the items in paragraph (1), other commodity derivatives brokers need not give notification of the information stated in items of that paragraph, notwithstanding the provisions of that paragraph (limited to the information related to the one commodity derivatives transaction); provided, however, that this does not apply when other commodity derivatives brokers conduct any of the actions as an agent prescribed in the items of Article 2, paragraph (22) of the Act on behalf of the requesting party, etc. in the course of trade.

（取引の成立の通知を要しない場合等）

(When Notifications of Closings of Transactions Are Not Required)

第百九条の二　法第二百二十条第一項ただし書の主務省令で定める場合は、次に掲げる場合とする。

Article 109-2 (1) The cases prescribed by order of the competent ministry as referred to in the proviso to Article 220, paragraph (1) of the Act are the following:

一　店頭商品デリバティブ取引が成立した場合であって、当該店頭商品デリバティブ取引が成立したときに当該店頭商品デリバティブ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。

(i) if an over-the-counter commodity derivatives transaction is closed, and a written contract stating the terms of the over-the-counter commodity derivatives transaction is to be delivered when the over-the-counter commodity derivatives transaction is closed;

二　注文・清算分離行為が行われた場合であって、法第二百二十条第一項本文の規定により通知すべき事項を注文執行会員等が委託者等に通知することに代えて清算執行会員等が通知することにつき、あらかじめ当該委託者等、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。

(ii) when a give-up action is performed, and the requesting party, etc., the order executing member, etc., and the clearance executing member, etc. have agreed in writing in advance that information for which notification should be given pursuant to the provisions of the main clause of Article 220, paragraph (1) of the Act, is to be given to the requesting party, etc. by the clearance executing member, etc. in place of the order executing member;

2　商品先物取引業者は、前項第一号の契約書の交付に代えて、次項に定めるところにより、委託者等の承諾を得て、当該契約書に記載すべき事項（以下この条において

「記載事項」という。）を電磁的方法（第九十条の三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、当該商品先物取引業者は、当該契約書を交付したものとみなす。

(2) A commodity derivatives broker may provide the information required to be stated in a written contract (referred to below in this Article as "information to be stated") by electronic or magnetic means (excluding the means stated in Article 90-3, paragraph (1), item (i), (d); the same applies in this Article) in place of delivery of the written contract referred to below in item (i) of the preceding paragraph, as prescribed in the following paragraph, with the permission of the requesting party, etc. In this case, the commodity derivatives broker is deemed to have delivered the written contract.

3　商品先物取引業者は、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、委託者等に対し、その用いる第九十条の三第一項第一号イからハまで又は同項第二号に掲げる電磁的方法の種類及び内容を示し、書面又は情報通信の技術を利用する方法による承諾を得なければならない。

(3) When seeking to provide the information to be stated pursuant to the provisions of the preceding paragraph, the commodity derivatives broker must indicate the type and content of the electronic or magnetic means to be used which are stated in Article 90-3, paragraph (1), item (i), sub-items (a) through (c), and obtain approval in writing or by means of using information communication technology.

4　前項の規定による承諾を得た商品先物取引業者は、委託者等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、当該委託者等に対し、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、当該委託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。

(4) A commodity derivatives broker that has obtained approval pursuant to provisions of the preceding paragraph must not provide the information to be stated by means of using information communication technology when a requesting party, etc. has made a request in writing or by means of using information communication technology that they will not receive the provision by electronic or magnetic means; provided, however, that this does not apply in a case in which the requesting party, etc. has given approval pursuant to the provisions of that paragraph at another time;

5　第九十条の三第二項（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 90-3, paragraph (2) (excluding item (iii), (b) and item (iv)) apply mutatis mutandis to the provision by electronic or magnetic means referred to in paragraph (2). In this case, the phrase "specified in the stated information was conducted" in paragraph (2), item (iii) of that Article is

deemed to be replaced by "was recorded".

6　第三項及び第四項の「情報通信の技術を利用する方法」とは、次に掲げる方法とする。

(6) The phrase "method of using information communication technology" as used in paragraphs (3) and (4) means the following methods:

一　第九十条の三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) among the methods of using an electronic data processing system prescribed in Article 90-3, paragraph (3), the following methods:

イ　商品先物取引業者の使用に係る電子計算機と委託者等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 method of transmitting the information via a telecommunications line that connects a computer used by a commodity derivatives broker and a computer used by the requesting party, etc., and recording the information in a file on a computer used by the receiver;

ロ　商品先物取引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委託者等の承諾に関する事項を電気通信回線を通じて当該委託者等の閲覧に供し、当該商品先物取引業者の使用に係る電子計算機に備えられたファイルに当該委託者等の承諾に関する事項を記載する方法

(b) the method of providing information related to the approval of the requesting party, etc. recorded in a file on a computer used by a commodity derivatives broker for inspection by the requesting party, etc. via a telecommunication line and recording the information related to the approval of the requesting party, etc. in a file on a computer used by the commodity derivatives broker.

二　電磁的記録媒体をもって調製するファイルに委託者等の承諾に関する事項を記録したものを得る方法

(ii) the method of obtaining a record of the information concerning the consent or approval of the requesting party, etc. in a file prepared using an electronic or magnetic recording medium.

7　前項各号に掲げる方法は、商品先物取引業者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 methods stated in the items of the preceding paragraph must be those that enable a commodity derivatives broker to prepare a document by outputting the record in the file.

（取引の成立の通知及び取引証拠金等の受領に係る情報通信の技術を利用する方法の規定の準用）

(Application, Mutatis Mutandis of the Provisions on Methods of Using Information Communications Technology for Receipt of Notice of Closing a

Transaction and Receipt of Clearing Margin)

第百十条　第九十条の三（第一項第一号ニ、第二項第三号ロ及び第四号を除く。）の規定は、法第二百二十条第二項及び第二百二十条の二第二項において法第二百十七条第二項の規定を準用する場合について準用する。この場合において、第九十条の三第二項第三号中「に掲げられた取引を最後に行った日」とあるのは、「を記録した日」と読み替えるものとする。

Article 110 The provisions of Article 90-3 (excluding paragraph (1), item (i), (d), paragraph (2), item (iii), (b), and item (iv)) apply mutatis mutandis to the provisions of Article 220, paragraph (2) and Article 217, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 220-2, paragraph (2) of the Act. In this case, the phrase "the last date when transactions listed in the stated information were conducted" in Article 90-3, paragraph (2), item (iii) is deemed to be replaced with "the date when the transactions listed in the stated information were recorded".

（取引証拠金等の受領に係る書面の交付）

(Delivery of Document Related to Receipt of Clearing Margin)

第百十条の二　法第二百二十条の二第一項の主務省令で規定する書面には、次に掲げる事項を記載しなければならない。

Article 110-2 (1) The document specified by order of the competent ministry as referred to in Article 220-2, paragraph (1) of the Act must state the following information:

一　当該商品先物取引業者の商号又は名称

(i) the trade name of the commodity derivatives broker;

二　委託者等が当該商品先物取引業者に連絡する方法

(ii) the means for the requesting party, etc. to contact the commodity derivatives broker;

三　委託者等の氏名又は名称

(iii) the name of the requesting party, etc.;

四　当該商品先物取引業者が取引証拠金等を受領した日付

(iv) the date on which the commodity derivatives broker has received the clearing margin, etc.;

五　当該取引証拠金等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。）の別並びに当該取引証拠金等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）、数量及び充用価格

(v) whether the clearing margin, etc. is in the form of money or securities, etc. (meaning securities and property other than money), and if the clearing margin, etc. is in the form of securities, the type (issue in cases of securities), quantity, and allocation price.

六　当該取引証拠金等に係る取引が商品市場における取引等又は外国商品市場取引等である場合には、当該取引に係る商品取引所又は外国商品市場開設者の名称又は商

号

(vi) if the transaction related to the clearing margin, etc. is a transaction, etc. in a commodity market or a transaction, etc. in a foreign commodity market, the name or trade name of the commodity exchange or foreign commodity market establisher related to the transaction.

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 stated in the preceding paragraph must be prepared by using letters and numbers of a size of at least eight points specified by the Japanese Industrial Standards Z8305.

３　第一項の規定は、法第二百二十条の二第一項の規定による取引証拠金等の受領が、金融機関を介しての受領であり、委託者等から書面による同意が得られた場合にあっては、適用しない。

(3) The provisions of paragraph (1) do not apply when the receipt of a clearing margin, etc. pursuant to the provisions of Article 220-2, paragraph (1) of the Act is a receipt through a financial institution in which the consent of the requesting party, etc. has been obtained in writing.

４　第四十一条第三項から第七項までの規定は、前項の書面による同意について準用する。

(4) The provisions of Article 41, paragraphs (3) to (7) apply mutatis mutandis to the consent in writing referred to in the preceding paragraph.

（公益又は特定委託者等の保護のため支障を生ずるおそれがあるもの）

(When the Public Interest or Protection of Eligible Requesting Parties Are Likely to Be Hindered)

第百十条の三　法第二百二十条の四第一項ただし書及び第二項ただし書の主務省令で定める場合は、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 110-3 The cases specified by order of the competent ministry as referred to in the proviso to Article 220-4, paragraph (1) and the proviso to paragraph (2) of that Article are the cases prescribed in each of the following items concerning the application of the provisions stated in each item:

一　法第二百二十条　委託者等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 220 of the Act: the case in which a system that enables prompt reply to an inquiry from a requesting party, etc. concerning an individual transaction has not been developed;

二　法第二百二十条の二　委託者等からの個別の取引証拠金等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 220 of the Act: the case in which a system that enables prompt reply to an inquiry from a requesting party, etc. concerning receipt of an individual clearing margin, etc. has not been developed.

商品取引責任準備金の積立て）
(Accumulation of Liability Reserve for Commodity Trading)

第百十一条　法第二百二十一条第一項の規定により積み立てる商品取引責任準備金の金額は、次の各号に掲げる金額のうちいずれか低い金額とする。

Article 111 (1) The amount of liability reserve for commodity trading to be accumulated pursuant to the provisions of Article 221, paragraph (1) of the Act is the smaller amount among the amounts stated in the following items:

一　次のイからチまでに掲げる金額の合計額

(i) the sum of the amounts stated in the following sub-items (a) through (h);

イ　各事業年度における法第二条第三項第一号に規定する取引（自己の計算による取引及びホに掲げる取引を除く。）の取引金額に事故率（当該事業年度開始日前三年以内に開始した各事業年度における事故（次条第一項各号に規定する事故をいう。）による支払額（商品先物取引業者が、特定委託者及び特定当業者から商品市場における取引等（商品清算取引を除く。以下この条において同じ。）の委託を受ける場合並びに電子情報処理組織を使用して勧誘を伴わずに商品市場における取引等の委託を受ける場合の取引に係る支払額を除く。）の合計額の、法第二条第三項第一号から第三号に規定する取引の取引金額と同項第四号に規定する取引の対価の額の合計額（自己の計算による取引並びに商品先物取引業者が、特定委託者及び特定当業者から商品市場における取引等の委託を受ける場合並びに電子情報処理組織を使用して勧誘を伴わずに商品市場における取引等の委託を受ける場合の取引金額及び取引の対価の額を除く。）に占める割合をいう。以下この条において同じ。）を乗じた金額と取引金額の百万分の一に相当する金額とのいずれか大きい金額（既に積み立てられた商品取引責任準備金の金額（法第二百二十一条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。次号において同じ。）が千万円に満たない場合には、当該いずれか大きい金額に、千万円から当該商品取引責任準備金の金額及びロからチまでに掲げる金額を控除した金額を事故率に二を乗じて得た率と百万分の二とのいずれか大きい率で除して計算した金額（当該計算した金額が当該事業年度の取引金額を超える場合には、当該事業年度の当該取引金額。以下この号において同じ。）に事故率を乗じた金額と当該除して計算した金額の百万分の一に相当する金額とのいずれか大きい金額を加算した金額）

(a) the amount obtained by multiplying the transaction amounts of the transactions prescribed in Article 2, paragraph (3), item (i) of the Act in each business year (excluding transactions on a person's own account and the transaction stated in (e)) by the problematic conduct rate (meaning the ratio of the sum of the amount of the payment made as a result of a problematic conduct that occurred in the business years starting within three years before the commencement of the relevant business year (excluding payments related to transactions when a commodity derivatives broker receives a request of transactions, etc. in the commodity market

(excluding commodity clearing transactions; the same applies below in this Article) from an eligible requesting party or eligible commercial person or receives a request of transactions, etc. in the commodity market using an electronic data processing system without carrying out solicitation) to the sum of the transaction amounts of the transactions prescribed in Article 2, paragraph (3), items (i) through (iii) of the Act and the amount of the consideration for the transactions prescribed in item (iv) of that paragraph (excluding the transaction amounts and the amount of the consideration for transactions in cases of transactions on a person's own account and when a commodity derivatives broker receives a consignment of transactions, etc. in the commodity market from an eligible requesting party or eligible commercial person or receives a request of transactions, etc. in the commodity market by using an electronic data processing system without carrying out solicitation; the same applies below in this Article) and the amount equivalent to 0.0001 percent of the transaction amounts, whichever amount is larger (when the amount of liability reserve for commodity trading that has already been accumulated (when there is an amount of money that has been used pursuant to the provisions of Article 221, paragraph (2) of the Act, the amount after deducting that amount; the same applies in the following item) is less than ten million yen, the amount obtained by adding, to the larger amount, an amount obtained by multiplying, an amount calculated by dividing the amount that has been obtained by deducting the amount of liability reserve for commodity trading and the amounts stated in sub-items (b) through (h) from ten million yen by multiplying the problematic conduct rate by 2, or by 0.0002 percent, whichever rate is higher (or, if the calculated amount exceeds the transaction amount in the relevant business year, the amount is the transaction amount in the relevant business year; the same applies below in this item) by the problematic conduct rate or an amount equivalent to 0.0001 percent of the calculated amount, whichever amount is greater);

ロ　各事業年度における法第二条第三項第二号に規定する取引（自己の計算による取引及びへに掲げる取引を除く。）の取引金額に事故率を乗じた金額と当該取引金額の百万分の一に相当する金額とのいずれか大きい金額

(b) the amount obtained by multiplying the transaction amount of the transactions prescribed in Article 2, paragraph (3), item (ii) of the Act (excluding transactions on a person's own account and the transactions stated in (f)) in each business year by the problematic conduct rate, or the amount equivalent to 0.0001 percent of the transaction amount, whichever is greater;

ハ　各事業年度における法第二条第三項第三号に規定する取引（自己の計算による取引及びトに掲げる取引を除く。）の取引金額に事故率を乗じた金額と当該取引

金額の百万分の一に相当する金額とのいずれか大きい金額

(c) the amount obtained by multiplying the transaction amount of transactions prescribed in Article 2, paragraph (3), item (iii) of the Act (excluding transactions on a person's own account and the transactions stated in (g)) in each business year by the problematic conduct rate, or the amount equivalent to 0.0001 percent of the transaction amount, whichever is greater;

ニ　各事業年度における法第二条第三項第四号に規定する取引（自己の計算による取引及びチに掲げる取引を除く。）の対価の額の合計額に事故率を乗じた金額と当該対価の額の合計額の十万分の一に相当する金額とのいずれか大きい金額

(d) the amount obtained by multiplying the sum of the amount of consideration for transactions prescribed in Article 2, paragraph (3), item (iv) of the Act (excluding transactions on a person's own account and the transactions stated in (h)) in each business year by the problematic conduct rate, or the amount equivalent to 0.001 percent of the sum of the amount of consideration, whichever is greater;

ホ　各事業年度における法第二条第三項第一号に規定する取引のうち、商品先物取引業者が、特定委託者及び特定当業者から商品市場における取引等の委託を受ける場合並びに電子情報処理組織を使用して勧誘を伴わずに商品市場における取引等の委託を受ける場合の取引金額の合計額の百万分の一に相当する金額

(e) the amount equivalent to 0.0001 percent of the sum of the transaction amount of transactions in which a commodities derivatives broker receives a request of transactions, etc. in the commodity market from an eligible requesting party and eligible commercial person, or receives a consignment of transactions, etc. in the commodity market using an electronic data processing system without carrying out solicitation, among the transactions prescribed in Article 2, paragraph (3), item (i) of the Act conducted each business year,;

ヘ　各事業年度における法第二条第三項第二号に規定する取引のうち、商品先物取引業者が、特定委託者及び特定当業者から商品市場における取引等の委託を受ける場合並びに電子情報処理組織を使用して勧誘を伴わずに商品市場における取引等の委託を受ける場合の取引金額の合計額の百万分の一に相当する金額

(f) the amount equivalent to 0.0001 percent of the sum of the transaction amounts of the transactions in which a commodity derivatives broker receives a request of transactions, etc. in the commodity market from an eligible requesting party and eligible commercial person or receives a request of transactions, etc. in the commodity market using an electronic data processing system without carrying out solicitation, among the transactions prescribed in Article 2, paragraph (3), item (ii) of the Act conducted each business year;

ト　各事業年度における法第二条第三項第三号に規定する取引のうち、商品先物取

引業者が、特定委託者及び特定当業者から商品市場における取引等の委託を受ける場合並びに電子情報処理組織を使用して勧誘を伴わずに商品市場における取引等の委託を受ける場合の取引金額の合計額の百万分の一に相当する金額

(g) the amount equivalent to 0.0001 percent of the sum of the transaction amounts of the transactions in which a commodity derivatives broker receives a request of transactions, etc. in the commodity market from an eligible requesting party and eligible commercial person, or receives a request of transactions, etc. in the commodity market using an electronic data processing system without carrying out solicitation, among the transactions prescribed in Article 2, paragraph (3), item (iii) of the Act conducted each business year; and

チ　各事業年度における法第二条第三項第四号に規定する取引のうち、商品先物取引業者が、特定委託者及び特定当業者から商品市場における取引等の委託を受ける場合並びに電子情報処理組織を使用して勧誘を伴わずに商品市場における取引等の委託を受ける場合の対価の額の合計額の十万分の一に相当する金額

(h) the amount equivalent to 0.001 percent of the total sum of the transaction amounts of the transactions in which a commodity derivatives broker receives a request of transactions, etc. in the commodity market from an eligible requesting party and eligible commercial person or receives a request of transactions, etc. in the commodity market using an electronic data processing system without carrying out solicitation, among the transactions prescribed in Article 2, paragraph (3), item (iv) of the Act conducted each business year;

二　次のイからチまでに掲げる金額の合計額と千万円とのいずれか大きい金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 stated in sub-item (e) from the sum of the amounts stated in the following sub-items (a) through (h), or ten million yen, whichever is greater:

イ　各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法第二条第三項第一号に規定する取引（自己の計算による取引及びホに掲げる取引を除く。）の取引金額（これらの事業年度のうち一年に満たないものがある場合には、当該事業年度の当該取引金額を当該事業年度の月数で除し、これに十二を乗じて計算した金額。以下同じ。）の最も多い事業年度における当該取引金額の十万分の六・二五に相当する金額

(a) the amount equivalent to 0.00625 percent of the transaction amounts of the transactions prescribed in Article 2, paragraph (3), item (i) of the Act (excluding transactions on a person's own account and the transactions stated in (e)) in the business year in which the transaction amounts were the largest from among each business year and each business year starting within two years before the commencement of the relevant business year (if any of these business years is less than one full year, an amount

calculated by dividing the transaction amount in the business year by the number of months in the business year and multiplying the result by twelve; the same applies below);

ロ　各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法第二条第三項第二号に規定する取引（自己の計算による取引及びへに掲げる取引を除く。）の取引金額の最も多い事業年度における当該取引金額の十万分の六・二五に相当する金額

(b) the amount equivalent to 0.00625 percent of the transaction amounts of the transactions prescribed in Article 2, paragraph (3), item (ii) of the Act (excluding transactions on a person's own account and the transactions stated in (f)) in the business year in which the transaction amounts were the largest from among each business year and each business year starting within two years before the commencement of the relevant business year;

ハ　各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法第二条第三項第三号に規定する取引（自己の計算による取引及びトに掲げる取引を除く。）の取引金額の最も多い事業年度における当該取引金額の十万分の六・二五に相当する金額

(c) the amount equivalent to 0.00625 percent of the transaction amounts of the transactions prescribed in Article 2, paragraph (3), item (iii) of the Act (excluding transactions on a person's own account and the transactions stated in (g)) in the business year in which the transaction amounts were the largest from among each business year and each business year starting within two years before the commencement of the relevant business year;

ニ　各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法第二条第三項第四号に規定する取引（自己の計算による取引及びチに掲げる取引を除く。）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六・二五に相当する金額

(d) the amount equivalent to 0.00625 percent of the transaction amounts of the transactions prescribed in Article 2, paragraph (3), item (iv) of the Act (excluding transactions on a person's own account and the transactions stated in (h)) in the business year in which the transaction amounts were the largest from among each business year and each business year starting within two years before the commencement of the relevant business year;

ホ　各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法第二条第三項第一号に規定する取引のうち、商品先物取引業者が、特定委託者及び特定当業者から商品市場における取引等の委託を受ける場合並びに電子情報処理組織を使用して勧誘を伴わずに商品市場における取引等の委託を受ける場合の取引金額の合計額の最も高い事業年度における当該合計額の百万分の二に相当する金額

(e) the amount equivalent to 0.0002 percent of the sum of the transaction amounts of the transactions prescribed in Article 2, paragraph (3), item (i)

of the Act, in cases when a commodity derivatives broker receives a request of transactions, etc. in the commodity market from an eligible requesting party and eligible commercial person, or receives a request of transactions, etc. in the commodity market using an electronic data processing system without carrying out solicitation, in the business year in which the sum was the largest from among each business year and each business year starting within two years before the commencement of the relevant business year;

ヘ　各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法第二条第三項第二号に規定する取引のうち、商品先物取引業者が、特定委託者及び特定当業者から商品市場における取引等の委託を受ける場合並びに電子情報処理組織を使用して勧誘を伴わずに商品市場における取引等の委託を受ける場合の取引金額の合計額の最も高い事業年度における当該合計額の百万分の二に相当する金額

(f) the amount equivalent to 0.0002 percent of the sum of the transaction amounts of the transactions prescribed in Article 2, paragraph (3), item (ii) of the Act, in cases when a commodity derivatives broker receives a request of transactions, etc. in the commodity market from an eligible requesting party and eligible commercial person or receives a request of transactions, etc. in the commodity market using an electronic data processing system without carrying out solicitation, in the business year in which the sum was the largest from among each business year and each business year starting within two years before the commencement of the relevant business year;

ト　各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法第二条第三項第三号に規定する取引のうち、商品先物取引業者が、特定委託者及び特定当業者から商品市場における取引等の委託を受ける場合並びに電子情報処理組織を使用して勧誘を伴わずに商品市場における取引等の委託を受ける場合の取引金額の合計額の最も高い事業年度における当該合計額の百万分の二に相当する金額

(g) the amount equivalent to 0.0002 percent of the sum of the transaction amounts of the transactions prescribed in Article 2, paragraph (3), item (iii) of the Act, in cases when a commodity derivatives broker receives a request of transactions, etc. in the commodity market from an eligible requesting party and eligible commercial person, or receives a request of transactions, etc. in the commodity market using an electronic data processing system without carrying out solicitation, in the business year in which the sum was the largest from among each business year and each business year starting within two years before the commencement of the relevant business year;

チ　各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

法第二条第三項第四号に規定する取引のうち、商品先物取引業者が、特定委託者及び特定当業者から商品市場における取引等の委託を受ける場合並びに電子情報処理組織を使用して勧誘を伴わずに商品市場における取引等の委託を受ける場合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十万分の二に相当する金額

(h) the amount equivalent to 0.002 percent of the sum of the transaction amounts of the transactions prescribed in Article 2, paragraph (3), item (iv) of the Act, in cases when a commodity derivatives broker receives a request of transactions, etc. in the commodity market from an eligible requesting party and eligible commercial person, or receives a request of transactions, etc. in the commodity market using an electronic data processing system without carrying out solicitation, in the business year in which the sum was the largest from among each business year and each business year starting within two years before the commencement of the relevant business year;

リ　既に積み立てられた商品取引責任準備金の金額

(i) the amount of liability reserve for commodity trading that has already been accumulated.

2　前項の場合において、法第二条第二十二項第一号又は第二号に掲げる行為を開始した事業年度から三事業年度以内に積み立てられるべき商品取引責任準備金の金額は、同項第一号中「に事故率（当該事業年度開始日前三年以内に開始した各事業年度における事故（次条第一項各号に規定する事故をいう。）による支払額（商品先物取引業者が、特定委託者及び特定当業者から商品市場における取引等（商品清算取引を除く。以下この条において同じ。）の委託を受ける場合並びに電子情報処理組織（商品先物取引業者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（入出力装置を含む。）とを電気通信回線で接続した電子情報処理組織をいう。以下この条において同じ。）を使用して勧誘を伴わずに商品市場における取引等の委託を受ける場合の取引に係る支払額を除く。）の合計額の、法第二条第三項第一号から第三号に規定する取引の取引金額と同項第四号に規定する取引の対価の額の合計額（自己の計算による取引並びに商品先物取引業者が、特定委託者及び特定当業者から商品市場における取引等の委託を受ける場合並びに電子情報処理組織を使用して勧誘を伴わずに商品市場における取引等の委託を受ける場合の取引金額及び取引の対価の額を除く。）に占める割合をいう。以下この条において同じ。）を乗じた金額と取引金額の百万分の一に相当する金額とのいずれか大きい金額」とあるのは「の十万分の三に相当する金額」と、「当該いずれか大きい金額」とあるのは「当該相当する金額」と、「事故率に二を乗じて得た率と百万分の二とのいずれか大きい率」とあるのは「十万分の六」と、「に事故率を乗じた金額と当該除して計算した金額の百万分の一に相当する金額とのいずれか大きい金額」とあるのは「の十万分の三に相当する金額」と、「に事故率を乗じた金額と当該取引金額の百万分の一に相当する金額とのいずれか大きい金額」とあるのは「の十万分の三に相当する金額」と、「に事故率を乗じた金額と当該対価の額の合計額の十万分の一に相当する金額とのいずれか大きい金額」とあるのは、「の万分

の三に相当する金額」とする。

(2) When referred to in the preceding paragraph, with regard to the amount of liability reserve for commodity trading required to be accumulated within three business years from the business year in which the acts stated in Article 2, paragraph (22), item (i) or (ii) of the Act were commenced, the phrase "the amount obtained by multiplying the transaction amounts of the transactions prescribed in Article 2, paragraph (3), item (i) of the Act in each business year (excluding transactions on a person's own account and the transactions stated in (e)) by the problematic conduct (meaning the ratio of the sum of the payment made as a result of a problematic conduct that occurred in the business years starting within three years before the commencement of the relevant business year (excluding payments related to transactions when a commodity derivatives broker receives a request of transactions, etc. in the commodity market (excluding commodity clearing transactions; the same applies below in this Article) from an eligible requesting party and eligible commercial person or receives a request of transactions, etc. in the commodity market using an electronic data processing system (meaning an electronic data processing system connecting a computer used by the commodity derivatives broker and a computer (including the input-output devices) used by the customer via a telecommunications line; the same applies below in this Article) without carrying out solicitation); the same applies below in this Article) to the sum of the transaction amounts of the transactions prescribed in Article 2, paragraph (3), items (i) through (iii) of the Act and the amount of the consideration for the transactions prescribed in item (iv) of that paragraph (excluding the transaction amounts and the amount of the consideration for transactions in cases of transactions on a person's own account and when a commodity derivatives broker receives a request of transactions, etc. in the commodity market from an eligible requesting party and eligible commercial person, or receives a request of transactions, etc. in the commodity market using an electronic data processing system without carrying out solicitation; the same applies below in this Article) and the amount equivalent to 0.0001 percent of the transaction amounts, whichever amount is larger" in item (i) of the preceding paragraph is to be replaced with "the amount equivalent to 0.003 percent of the transaction amounts", the term "the larger amount" in that item is deemed to be replaced with "the equivalent amount," the phrase "multiplying the problematic conduct rate by two, or by 0.0002 percent, whichever rate is higher" in that item is deemed to be replaced with "0.006 percent," the phrase "by multiplying the problematic conduct rate by 2, or by 0.0002 percent, whichever rate is higher" in that item is deemed to be replaced with "an amount equivalent to 0.006 percent", the phrase "the amount obtained by multiplying the transaction amount of transactions prescribed in Article 2,

paragraph (8), item (iii) of the Act (excluding transactions on a person's own account and the transactions stated in (g)) in each business year by the problematic conduct rate, or the amount equivalent to 0.0001 percent of the transaction amount, whichever amount is greater" in that item is deemed to be replaced with "the amount equivalent to 0.003 percent of the transaction amount " and the phrase "the amount obtained by multiplying the sum of the consideration for transactions prescribed in Article 2, paragraph (8), item (iv) of the Act (excluding transactions on a person's own account and the transactions stated in (h)) in each business year by the problematic conduct rate, or the amount equivalent to 0.001 percent of the sum of the consideration, whichever amount is greater" in that item is deemed to be replaced with "the amount equivalent to 0.03 percent of the total sum of the consideration for transactions prescribed in Article 2, paragraph (8), item (iv) of the Act (excluding transactions on a person's own account and the transactions stated in (h)) in each business year".

（商品取引事故）

(Problematic Conduct in Commodity Trading)

第百十二条　法第二百二十一条第二項本文の主務省令で定める事故は、法第二条第二十二項各号に掲げる行為につき、商品先物取引業者の代表者等が、当該商品先物取引業者の業務に関し、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 112 (1) A problematic conduct specified by order of the competent ministry as referred to in the main clause of Article 221, paragraph (2) of the Act is an event in which a representative, etc. of a commodity derivatives broker causes a customer a loss by performing any of the following acts concerning the business of the commodity derivatives broker for the acts stated in the items of Article 2, paragraph (22) of the Act:

一　委託者等の注文内容について確認しないで、当該委託者等の計算による商品デリバティブ取引を行うこと。

(i) conducting commodity derivatives transactions on the requesting party's own account without confirming the content of the order by the requesting party, etc.;

二　取引の条件及び商品市場における相場等に係る変動について顧客を誤認させるような勧誘をすること。

(ii) carrying out solicitations that would mislead a customer regarding the terms of trade and fluctuation in quotations, etc. on commodity markets;

三　委託者等の注文の執行において、過失により事務処理を誤ること。

(iii) mishandling paperwork in the execution of an order by a requesting party, etc. due to negligence;

四　電子情報処理組織の異常により、委託者等の注文の執行を誤ること。

(iv) erroneously executing an order by a requesting party, etc. due to

malfunctioning of an electronic data processing system; or

五　その他法令に違反する行為を行うこと。

(v) performing an act in violation of laws and regulations.

2　前項の規定にかかわらず、法第二百四十条の十七において準用する法第二百十四条の三第三項の場合の法第二百二十一条第二項の主務省令で定める事故は、商品先物取引仲介業につき、商品先物取引仲介業者又はその代表者等が、当該商品先物取引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。

(2) Notwithstanding the provisions of the preceding paragraph, a problematic conduct specified by order of the competent ministry as referred to in Article 221, paragraph (2) of the Act when Article 214-3, paragraph (3) of the Act is applied mutatis mutandis pursuant to Article 240-17 of the Act, is an event in which a commodity derivatives intermediary service provider or their representative, etc. causes a customer a loss by performing any of the following acts with regard to the business of the commodity derivatives intermediary service provider concerning a commodity derivatives intermediary service:

一　委託者等の注文内容について確認しないで、当該委託者等の計算による商品デリバティブ取引の媒介を行うこと。

(i) acting as an intermediary for a commodity derivatives transaction on the requesting party's own account without confirming the content of the order by the requesting party, etc.;

二　取引の条件及び商品市場における相場等に係る変動について顧客を誤認させるような勧誘をすること。

(ii) carrying out solicitations that would mislead a customer regarding the terms of trade and fluctuation in quotations, etc. on commodity markets;

三　委託者等の注文の媒介において、過失により事務処理を誤ること。

(iii) mishandling paperwork in acting as an intermediary for an order by a requesting party, etc. due to negligence;

四　電子情報処理組織の異常により、委託者等の注文の媒介を誤ること。

(iv) erroneously executing an action as an intermediary for an order by a requesting party, etc. due to malfunctioning of an electronic data processing system; or

五　その他法令に違反する行為を行うこと。

(v) performing an act in violation of laws and regulations.

3　第一項の規定にかかわらず、法第三百四十九条第三項において準用する法第二百十四条の三第三項の場合の法第二百二十一条第二項の主務省令で定める事故は、特定店頭商品デリバティブ取引に関する業務につき、特定店頭商品デリバティブ取引業者又はその代表者等が、当該特定店頭商品デリバティブ取引業者の業務に関し、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。

(3) Notwithstanding the provisions of paragraph (1), a problematic conduct specified by order of the competent ministry as referred to in Article 221,

paragraph (2) of the Act when Article 214-3, paragraph (3) of the Act is applied mutatis mutandis pursuant to Article 349, paragraph (3) of the Act, is an event in which a specified over-the-counter commodity derivatives broker or their representative, etc. causes a customer a loss by performing any of the following acts with regard to the business of the specified over-the-counter commodity derivatives transactions broker concerning the business related to a specified over-the-counter commodity derivatives transaction;

一　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。

(i) mishandling paperwork due to negligence or malfunctioning of an electronic data processing system; or

二　その他法令に違反する行為を行うこと。

(ii) performing an act in violation of laws and regulations.

（帳簿の作成）

(Preparation of Books)

第百十三条　商品先物取引業者は、法第二百二十二条の規定により、商品デリバティブ取引につき、次に掲げる帳簿を作成しなければならない。

Article 113 (1) A commodity derivatives broker must prepare the following books for commodity derivatives transactions pursuant to the provisions of Article 222 of the Act:

一　次に掲げる規定に規定する書面の写し

(i) a copy of the documents stated in the following provisions

イ　法第百九十七条の四第三項（法第百九十七条の八第二項において準用する場合を含む。）

(a) the provisions of Article 197-4, paragraph (3) of the Act (including as applied mutatis mutandis pursuant to Article 197-8, paragraph (2) of the Act);

ロ　法第百九十七条の四第十一項（法第百九十七条の八第二項において準用する場合を含む。）

(b) the provisions of Article 197-4, paragraph (11) of the Act (including as applied mutatis mutandis pursuant to Article 197-8, paragraph (2) of the Act);

ハ　法第百九十七条の五第二項（同条第九項（法第百九十七条の六第六項及び第百九十七条の九第二項において準用する場合を含む。）、第百九十七条の六第六項及び第百九十七条の九第二項において準用する場合を含む。）

(c) the provisions of Article 197-5, paragraph (2) of the Act (including as applied mutatis mutandis pursuant to paragraph (9) of that Article (including as applied mutatis mutandis pursuant to Article 197-6, paragraph (6) and Article 197-9, paragraph (2) of the Act), Article 197-6, paragraph (6), and Article 197-9, paragraph (2) of the Act);

ニ　法第百九十七条の五第十二項（法第百九十七条の六第六項及び第百九十七条の

九第二項において準用する場合を含む。）

(d) the provisions of Article 197-5, paragraph (12) of the Act (including as applied mutatis mutandis pursuant to Article 197-6, paragraph (6) and Article 197-9, paragraph (2) of the Act)

二　別表第四に定める帳簿

(ii) books specified in the Appended Table 4

2　前項第一号に掲げる帳簿は五年間、同項第二号に掲げる帳簿は十年間（注文伝票にあっては、七年間）保存するものとする。

(2) The books stated in item (i) of the preceding paragraph are to be preserved for a period of five years, and the books stated in item (ii) of that paragraph are to be preserved for ten years (seven years in cases of order forms).

（電磁的方法による保存）

(Preservation Through Electronic or Magnetic Means)

第百十四条　前条第一項各号に掲げる帳簿の内容が、電磁的方法により記録され、当該記録が必要に応じ電子計算機その他の機器を用いて直ちに表示されることができるようにして保存されるときは、当該記録の保存をもって同条第二項に規定する帳簿の保存に代えることができる。この場合において、商品先物取引業者は、当該記録が滅失し、又はき損することを防止するために必要な措置を講じなければならない。

Article 114　When the content of the books stated in the items of paragraph (1) of the preceding Article is recorded by electronic or magnetic means and is preserved in a manner that enables the record to be immediately displayed using a computer or other devices as necessary, the preservation of the record may substitute for the preservation of the books prescribed in paragraph (2) of that Article. In this case, a commodity derivatives broker must take the necessary measures for preventing the loss of or damage to the record.

（帳簿の区分経理等）

(Separate Accounting in Books)

第百十五条　商品先物取引業者は、法第二百二十三条の規定により、別表第四に定める帳簿（商品デリバティブ取引日記帳を除く。）について、自己の計算による取引と委託者等の計算による取引及び商品市場における取引等（法第二条第二十一項第一号に掲げるもの（商品清算取引を除く。）又は第三号に掲げるものに限る。）の受託に係る取引と商品市場における取引等（同項第二号又は第四号に規定する取次ぎに限る。）の受託に係る取引とについて若しくは外国商品市場取引（商品清算取引に類似する取引を除く。）又は外国商品市場取引のうち商品清算取引に類似する取引の委託の取次ぎの受託に係る取引と外国商品市場取引（商品清算取引に類似する取引を除く。）の委託の取次ぎ若しくは外国商品市場取引のうち商品清算取引に類似する取引の委託の取次ぎの委託の取次ぎの受託に係る取引とについて、区分経理しなければならない。

Article 115　With regard to the books prescribed in the Appended Table 4

(excluding journals of commodity derivatives transactions), a commodity derivatives broker must carry out separate accounting for transactions on their own account, and transactions related to accepting entrustment of transactions on the account of the requesting party, etc. and transactions, etc. in a commodity market (limited to those stated in Article 2, paragraph (21), item (i) of the Act (excluding commodity clearing transactions) or those stated in item (iii)), and transactions related to accepting entrustment of transactions in a commodity market, etc. (limited to the brokerage prescribed in items (ii) and (iv) of that paragraph), and that for transactions related to brokerage of request of foreign commodity market transactions (excluding transactions similar to commodity clearing transactions) and accepting entrustment of brokerage of request of brokerage of request of transactions similar to commodity clearing transactions that are foreign commodity market transactions, pursuant to the provisions of Article 223 of the Act.

（事業報告書の作成等）

(Preparation of Business Reports)

第百十六条　法第二百二十四条第一項の規定により商品先物取引業者が提出する事業報告書は、様式第十一号により作成しなければならない。

Article 116 (1) The business report that a commodity derivatives broker submits pursuant to the provisions of Article 224, paragraph (1) of the Act must be prepared according to Form No. 11.

２　前項の事業報告書には、計算書類等及びその附属明細書を添付しなければならない。

(2) financial statements, etc., and their annexed detailed statements must be attached to the business report referred to in the preceding paragraph.

（業務又は財産の状況に関する報告書の提出）

(Submission of Written Reports on the Status of Business or Property)

第百十七条　法第二百二十四条第二項の規定により商品先物取引業者は、次の各号に掲げる書類を、当該各号に定める期間内に、主務大臣に提出しなければならない。

Article 117 (1) A commodity derivatives broker must submit the documents stated in the following items to the competent minister within the period prescribed in each of those items, pursuant to the provisions of Article 224, paragraph (2) of the Act:

一　一月ごとに様式第十二号により作成した月次報告書　報告の対象となる月の翌月の二十日

(i) monthly reports prepared according to Form No. 12 each month: by the 20th of the month following the month subject to the report; and

二　一月ごとに様式第六号により作成した訴訟又は調停の発生状況及びその処理状況についての報告書　報告の対象となる月の翌月の二十日

(ii) written reports prepared according to Form No. 6 each month concerning

the causes and status of litigation or mediation: by the 20th of the month following the month subject to the report.

２　商品先物取引業者は、前項第一号の月次報告書を作成する場合においては、一般に公正妥当と認められる企業会計の慣行に従わなければならない。

(2) In preparing the monthly reports referred to in item (i) of the preceding paragraph, a commodity derivatives broker must comply with generally accepted corporate accounting practices.

（合併又は分割の認可申請）

(Application for Authorization for Merger or Split)

第百十八条　商品先物取引業者は、法第二百二十五条第一項の規定による合併又は分割の認可を受けようとするときは、法第百九十二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た申請書を主務大臣に提出するものとする。

Article 118 (1) In addition to the information stated in the items of Article 192, paragraph (1) of the Act, a commodity derivatives broker must submit a written application stating the following information to the competent minister when seeking to obtain authorization for a merger or split under the provisions of Article 225, paragraph (1) of the Act:

一　合併又は分割の予定年月日

(i) scheduled date of the merger or split; and

二　合併又は分割の方法

(ii) method of the merger or split.

２　法第二百二十五条第三項の主務省令で定める書類は、次に掲げるもの（官公署が証明する書類の場合には、認可の申請の日前三月以内に作成されたものに限る。）とする。

(2) The documents specified by order of the competent ministry as referred to in Article 225, paragraph (3) of the Act are as follows (in cases of documents certified by a public agency, limited to those prepared within three months before the date of filing the application for authorization):

一　合併又は分割の理由を記載した書面

(i) a document stating the reasons for the merger or split;

二　合併又は分割の手続を記載した書面

(ii) a document stating the procedures of the merger or split;

三　合併後又は分割後の法人の定款（外国法人である場合には、定款に準ずる書面）

(iii) the articles of incorporation of the corporation after the merger or split (in cases of a foreign corporation, a document equivalent to articles of incorporation)

四　合併又は分割の当事者の登記事項証明書（外国法人である場合には、登記事項証明書に準ずる書面及び国内における主たる営業所又は事務所の登記事項証明書）

(iv) a certificate of the registered information of the parties to the merger or split (in cases of a foreign corporation, a document equivalent to a certificate

of the registered information and a certificate of the registered information for the principal office or office in Japan);

五　合併又は分割の当事者の株主総会（これに準ずる機関を含む。）の議事録その他の必要な手続があったことを証する書面

(v) the minutes of the shareholders meeting (including equivalent organs) of the parties to the merger or split and other documents proving that necessary procedures have been taken;

六　合併又は分割の当事者（商品先物取引業者を除く。）の直前三年の各事業年度の計算書類等及びその附属明細書（これらの書類を作成していない場合には、これらに準ずる書類）

(vi) financial statements, etc. for the immediately preceding three business years and their annexed detail statements of the parties to the merger or split (excluding commodity derivatives brokers) (when these documents have not been prepared, documents equivalent to them);

七　合併又は分割の当事者（商品先物取引業者を除く。）が法第十五条第二項第一号ハからホまで又はリのいずれにも該当しないことを誓約する書面

(vii) a document pledging that the parties to the merger or split (excluding commodity derivatives brokers) do not fall under any of the provisions of Article 15, paragraph (2), item (i), sub-items (c) through (e), or sub-item (i) of the Act;

八　次に掲げる場合に応じ、それぞれ次に定める書面

(viii) a document specified as follows in accordance with the cases stated in each sub-item:

イ　合併後又は分割後の法人の役員が外国人である場合　当該役員の住民票の写し等、履歴書及びその者が法第十五条第二項第一号イからルまでのいずれにも該当しないことを誓約する書面

(a) when an officer of the corporation after the merger or split is a foreign national: a copy of the residence certificate, etc., and a curriculum vitae of the officer, and a document pledging that the person does not fall under any of the provisions of Article 15, paragraph (2), item (i), sub-items (a) through (k) of the Act;

ロ　合併後又は分割後の法人の役員が法人である場合　当該役員の登記事項証明書（外国法人である場合には、登記事項証明書に準ずる書面）、沿革を記載した書面及び法第十五条第二項第一号ヲに該当しないことを誓約する書面

(b) when an officer of the corporation after the merger or split is a corporation: a certificate of the registered information of the officer (in cases of a foreign corporation, a document equivalent to the certificate of the registered information), a document stating the history of the corporation, and a document pledging that the officer does not fall under the provisions of Article 15, paragraph (2), item (i), sub-item (l) of the Act;

ハ　合併後又は分割後の法人の役員が外国人又は法人でない場合　当該役員の住民

票の写し等、履歴書、その者が法第十五条第二項第一号ロに該当しない旨の官公署の証明書並びにその者が同号イ及びハからルまでのいずれにも該当しないことを誓約する書面

(c) when an officer of the corporation after the merger or split is neither a foreign national nor a corporation: a copy of the residence certificate, etc. and a curriculum vitae of the officer, a certification issued by a public agency that the person does not fall under the provisions of Article 15, paragraph (2), item (i), sub-item (b) of the Act, and a document pledging that the person does not fall under any of the provisions of sub-item (a) and sub-items (c) through (k) of that item;

九　合併後又は分割後の法人が商品先物取引業を遂行するための方法を記載した書類

(ix) a document stating the method for the corporation after the merger or split to conduct commodity derivatives business;

十　合併後又は分割後の法人における、商品先物取引業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

(x) a document stating the personnel structure and the system for conducting business of the organization, etc. concerning the commodity futures derivatives business at the corporation after the merger or split;

十一　合併後又は分割後の法人が行う取引の種類及び取引の対象とする商品又は商品指数を記載した書面

(xi) a document stating the type of transactions to be conducted by the corporation after the merger or split and the commodities or commodity indices underlying the transactions;

十二　様式第一号により作成した合併又は分割の当事者の純資産額に関する調書

(xii) a record of the amount of net assets of the parties to the merger or split, prepared according to Form No. 1;

十三　合併後又は分割後の法人における、様式第三号により作成した内部管理に関する業務を行う組織の概要並びに顧客からの苦情及び相談に対する対応方法等を記載した書面

(xiii) a document stating the outline of the organization that performs the operations involving internal control and the method for addressing complaints and inquiries from customers of the corporation after the merger or split, prepared according to Form No. 3;

十四　合併後又は分割後の法人が商品先物取引業において電子情報処理組織を使用する場合には、当該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を記載した書類

(xiv) when an electronic data processing system is used for the commodity derivatives business by a corporation after the merger or split, documents stating the outline, installation location, capacity, and maintenance method of the electronic data processing system, and the method of handling in the case of malfunction of the electronic data processing system;

十五　合併後又は分割後の法人における、過去五年以内に商品先物取引業に関して禁錮以上の刑（外国において商品先物取引業に相当する業務に関してこれに相当する外国の法令による刑を含む。）若しくは法若しくはこれに相当する外国の法令の規定により罰金の刑（これに相当する外国の法令による刑を含む。）に処せられ、又は法の規定に基づく処分を受けたことのある職員の数、当該職員の氏名、生年月日、住所、所属する営業所又は事務所の名称、所属する部署、職名及び外務員登録の有無並びに当該禁錮以上の刑若しくは当該罰金の刑に処せられ、又は当該処分を受けた年月日、理由及びその内容を記載した書面

(xv) a document stating the number of employees at the corporation after the merger or split who have been sentenced to imprisonment or severer punishment (including an equivalent punishment under the laws and regulations of a foreign state with regard to a business equivalent to commodity derivatives business in the foreign state), to fines pursuant to this Act or equivalent laws and regulations of a foreign state (including an equivalent punishment under the laws and regulations of a foreign state) with regard to a business within the past five years, or who have been rendered a disposition based on the provisions of the Act, and stating each of those employees' name, date of birth, address, the name of the business office or department to which the employee is assigned, their official title, whether or not the employee has been registered as a sales representative, the date the officer was punished by imprisonment or severer punishment or the fines, or have been rendered the disposition, and the reasons and the content of the punishments;

十六　合併後又は分割後の法人が商品先物取引業の開始を予定する日の属する事業年度及び当該事業年度の翌事業年度から起算して二事業年度における商品先物取引業の収支の見込みを記載した書面、商品先物取引業の計画書並びにこれらの根拠を記載した書面

(xvi) a document stating the expected income and expenditures of commodity derivatives business for the business year that includes the date on which the corporation after the merger or split plans to commence the commodity derivatives business and the two business years following the business year after that business year, the commodity futures transaction business plan, and a document stating the basis for the estimation and the plan;

十七　合併後又は分割後の法人が商品先物取引業の開始を予定する日の属する事業年度及び当該事業年度の翌事業年度から起算して二事業年度における純資産額及び純資産額規制比率（申請者が令第二十八条各号に掲げる者である場合には、純資産額）の見込みを記載した書面並びにこれらの根拠を記載した書面

(xvii) a document stating the estimated amount of the net assets and the net assets regulation ratio (or the amount of net assets, when the requester is a person stated in the items of Article 28 of the Order) for the business year that includes the day on which the corporation after the merger or split plans

to commence commodity derivatives business and the two business years following the business year after that business year, and a document stating the basis for the estimation;

十八　合併後又は分割後の法人について、保有する議決権（総株主、総社員、総会員又は総組合員の議決権をいう。以下この号において同じ。）の数の上位十名までの株主又は社員その他の出資者（以下この号において「株主等」という。）の氏名又は商号若しくは名称、住所又は所在地、その保有する議決権の議決権の総数に対する割合及び申請者との関係（当該株主等が申請者の役職員又は親会社、子会社若しくは関連会社若しくはその役職員である場合に限る。）を記載した書面

(xviii) a document stating the names or trade names and addresses or locations of the top 10 shareholders, or company members or other investors (referred to below as "shareholders, etc." in this item) in number of voting rights held (meaning voting rights of all shareholders, all company members, all members, or all partners; the same applies below in this item), and the proportion of voting rights held to the total number of voting rights and the relationship with the requester (limited to cases in which the shareholders, etc. are officers of the requester or the parent company, a subsidiary company, or an affiliated company, or their officer) at the corporation after the merger or split;

十九　合併後又は分割後の法人における、様式第四号により作成した法第百九十六条第一項に規定する兼業業務の概要に関する調書

(xix) a record of an outline of the concurrent business prescribed in Article 196, paragraph (1) of the Act, prepared according to Form No. 4 concerning the corporation after the merger or split;

二十　合併後又は分割後の法人における、様式第五号により作成した法第百九十六条第二項に規定する他の法人に対する支配関係の概要に関する調書

(xx) a record of an outline of the controlling relationships with other corporations prescribed in Article 196, paragraph (2) of the Act, prepared according to Form No. 5 concerning the corporation after the merger or split; and

二十一　合併後又は分割後の法人が法第二条第二十二項第五号に掲げる行為を業として行う場合には、次に掲げる書類

(xxi) the following documents, when the acts stated in Article 2, paragraph (22), item (v) of the Act are performed by the corporation after the merger or split in the course of trade:

イ　当該業務を管理する責任者の履歴書

(a) a curriculum vitae of the person responsible for the management of the business;

ロ　当該業務に関する社内規則

(b) internal rules concerning the business

ハ　当該業務を行う部署の名称及び組織の体制を記載した書面

(c) a document stating the name of the department and the structure of the organization conducting the business;

ニ　当該業務に係る顧客との取引開始基準を記載した書面

(d) a document stating the standard for initiation of a transaction with a customer related to the business; and

ホ　当該業務に関し顧客と取引を行う際に使用する契約書

(e) the written contract to be used when conducting transactions with a customer related to the business.

（医師の診断書の提出）

(Submission of Doctor's Medical Certificates)

第百十九条　主務大臣は、法第二百二十五条第一項の認可の申請があった場合において、合併後の法人又は分割承継法人が法第十五条第二項第一号ヲ（イ及びルに係る部分に限る。）に該当するかどうかを審査するために必要があると認めるときは、認可申請者に対し、当該審査の対象となる者の病名、精神の機能の障害の有無及び程度、病因、病後の経過、治癒の見込みその他参考となる所見を記載した医師の診断書の提出を求めることができる。

Article 119　The competent minister may request the requester for authorization to submit a doctor's medical certificate stating the name of the illness of the person subject to the examination, whether the person has any mental impairment and the level of mental impairment, causes of the illness, post-illness progress, prospects of recovery, and other remarks for reference when an application for authorization under Article 225, paragraph (1) of the Act is filed, and the minister finds it necessary to do so for examining whether the corporation after the merger or the succeeding corporation in a company split falls under Article 15, paragraph (2), item (i), (l) of the Act (limited to the part related to (a) and (k)).

第百二十条　削除

Article 120　Deleted

（事業譲渡の認可申請）

(Applications for Authorization for Business Transfers)

第百二十一条　商品先物取引業者は、法第二百二十八条第一項の規定による事業譲渡の認可を受けようとするときは、法第百九十二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た申請書を主務大臣に提出するものとする。

Article 121　(1) When seeking to obtain authorization for a business transfer under the provisions of Article 228, paragraph (1) of the Act, a commodity derivatives broker is to submit to the competent minister an application stating the following information in addition to the information stated in the items of Article 192, paragraph (1) of the Act:

一　事業譲渡予定年月日

(i) the scheduled date of the business transfer; and

二　事業譲渡の方法

(ii) the method of the business transfer.

2　法第二百二十八条第三項の主務省令で定める書類は、次に掲げるもの（官公署が証明する書類の場合には、認可の申請の日前三月以内に作成されたものに限る。）とする。

(2) The documents specified by order of the competent ministry as referred to in Article 228, paragraph (3) of the Act are as follows (in cases of documents certified by a public agency, limited to those prepared within three months before the date of the application for authorization):

一　事業譲渡の理由を記載した書面

(i) a document stating the reason for the business transfer;

二　事業譲渡の手続を記載した書面

(ii) a document stating the procedures of the business transfer;

三　譲受会社の定款（外国法人である場合には、定款に準ずる書面）

(iii) the articles of incorporation of the transferee company (in cases of a foreign corporation, a document equivalent to articles of incorporation);

四　事業譲渡の当事者の登記事項証明書（外国法人である場合には、登記事項証明書に準ずる書面及び国内における主たる営業所又は事務所の登記事項証明書）

(iv) a certificate of the registered information of the parties to the business transfer (in cases of a foreign corporation, a document equivalent to a certificate of the registered information and a certificate of the registered information for the principal office or office in Japan);

五　事業譲渡の当事者の株主総会（これに準ずる機関を含む。）の議事録その他の必要な手続があったことを証する書面

(v) the minutes of the shareholders meeting (including equivalent organs) of the parties to the business transfer and other documents proving that necessary procedures have been taken;

六　事業譲渡の当事者（商品先物取引業者を除く。）の直前三年の各事業年度の計算書類等及びその附属明細書（これらの書類を作成していない場合には、これらに準ずる書類）

(vi) financial statements, etc. and their annexed detailed statements for the immediately preceding three years of the parties to the business transfer (excluding commodity derivatives brokers) (when these documents have not been prepared, documents equivalent to them);

七　事業譲渡の当事者（商品先物取引業者を除く。）が法第十五条第二項第一号ハからホまで又はリのいずれにも該当しないことを誓約する書面

(vii) a document pledging that the parties to the business transfer (excluding commodity derivatives brokers) do not fall under any of the provisions of Article 15, paragraph (2), item (i), sub-items (c) through (e), or sub-item (i) of

the Act;

八　次に掲げる場合に応じ、それぞれ次に定める書面

(viii) a document specified as follows in accordance with the cases stated in each sub-item;

イ　譲受会社の役員が外国人である場合　当該役員の住民票の写し等、履歴書及びその者が法第十五条第二項第一号イからルまでのいずれにも該当しないことを誓約する書面

(a) when an officer of the transferee company is a foreign national: a copy of the residence certificate, etc. and a curriculum vitae of the officer, and a document pledging that the person does not fall under any of the provisions of Article 15, paragraph (2), item (i), sub-items (a) through (k) of the Act;

ロ　譲受会社の役員が法人である場合　当該役員の登記事項証明書、沿革を記載した書面及び法第十五条第二項第一号ヲに該当しないことを誓約する書面

(b) when an officer of the transferee company is a corporation: a certificate of the registered information of the officer, a document stating the history of the corporation, and a document pledging that the officer does not fall under the provisions of Article 15, paragraph (2), item (i), (l) of the Act;

ハ　譲受会社の役員が外国人又は法人でない場合　当該役員の住民票の写し等、履歴書、その者が法第十五条第二項第一号ロに該当しない旨の官公署の証明書並びにその者が同号イ及びハからルまでのいずれにも該当しないことを誓約する書面

(c) when an officer of the transferee company is neither a foreign national nor a corporation: a copy of the residence certificate, etc. and a curriculum vitae of the officer, a certification issued by a public agency that the person does not fall under the provisions of Article 15, paragraph (2), item (i), (b) of the Act; and a document pledging that the person does not fall under any of the provisions of sub-item (a) and sub-items (c) through (k) of that item;

九　譲受会社が商品先物取引業を遂行するための方法を記載した書類

(ix) a document stating the method for the transferee company to conduct the commodity derivatives business;

十　譲受会社における、商品先物取引業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

(x) a document stating the personnel structure and the system for conducting business of the organization, etc. concerning the commodity derivatives business at the transferee company;

十一　譲受会社が行う取引の種類及び取引の対象とする商品又は商品指数を記載した書面

(xi) a document stating the type of transactions to be conducted by the transferee company and the commodities and commodity indices underlying the transactions;

十二　様式第一号により作成した事業譲渡の当事者の純資産額に関する調書

(xii) a record of the amount of net assets of the parties of the business transfer, prepared according to Form No. 1;

十三　譲受会社における、様式第三号により作成した内部管理に関する業務を行う組織の概要並びに顧客からの苦情及び相談に対する対応方法等を記載した書面

(xiii) a document stating an outline of the organization that performs the operations involving internal control and the method for addressing the complaints and inquiries from customers of the transferee company, prepared according to Form No. 3;

十四　譲受会社が商品先物取引業において電子情報処理組織を使用する場合には、当該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を記載した書類

(xiv) when an electronic data processing system is used for commodity derivatives business by a transferee company, documents stating the outline, installation location, capacity, and maintenance method of the electronic data processing system, and the method of handling in the case of malfunction of the electronic data processing system;

十五　譲受会社における、過去五年以内に商品先物取引業に関して禁錮以上の刑（外国において商品先物取引業に相当する業務に関してこれに相当する外国の法令による刑を含む。）若しくは法若しくはこれに相当する外国の法令の規定により罰金の刑（これに相当する外国の法令による刑を含む。）に処せられ、又は法の規定に基づく処分を受けたことのある職員の数、当該職員の氏名、生年月日、住所、所属する営業所又は事務所の名称、所属する部署、職名及び外務員登録の有無並びに当該禁錮以上の刑若しくは当該罰金の刑に処せられ、又は当該処分を受けた年月日、理由及びその内容を記載した書面

(xv) a document stating the number of employees of the transferee company who have been sentenced to imprisonment or severer punishment (including an equivalent punishment under the laws and regulations of a foreign state with regard to the business equivalent to a commodity derivatives business in the foreign state) with regard to a commodity derivatives business, fines pursuant to this Act or equivalent laws and regulations of a foreign state (including an equivalent punishment under the laws and regulations of a foreign state), or have been rendered a disposition based on the provisions of the Act within the past five years, and stating each of those employees' name, date of birth, address, the name of the business office or office, the department to which the employee is assigned, their official title, whether or not the employee has been registered as a sales representative, the date the employee was punished by imprisonment or severer punishment or by the fines, or was rendered the disposition, and the reasons and the content of the punishments;

十六　譲受会社が商品先物取引業の開始を予定する日の属する事業年度及び当該事業年度の翌事業年度から起算して二事業年度における商品先物取引業の収支の見込み

を記載した書面、商品先物取引業の計画書並びにこれらの根拠を記載した書面

(xvi) a document stating the estimated income and expenditures of commodity derivatives business for the business year that includes the day on which the transferee company plans to commence the commodity derivatives business and the two business years following the business year after that business year, the commodity derivatives business plan, and a document stating the basis for the estimation and the plan;

十七　譲受会社が商品先物取引業の開始を予定する日の属する事業年度及び当該事業年度の翌事業年度から起算して二事業年度における純資産額及び純資産額規制比率（申請者が令第二十八条各号に掲げる者である場合には、純資産額）の見込みを記載した書面並びにこれらの根拠を記載した書面

(xvii) a document stating the estimated amount of the net assets and the net assets regulation ratio (or the amount of net assets, when the requester is a person stated in the items of Article 28 of the Order) for the business year that includes the day on which the transferee company plans to commence commodity derivatives business and the two business years following the business year after that business year, and a document stating the basis for the estimation;

十八　譲受会社について、保有する議決権（総株主、総社員、総会員又は総組合員の議決権をいう。以下この号において同じ。）の数の上位十名までの株主又は社員その他の出資者（以下この号において「株主等」という。）の氏名又は商号若しくは名称、住所又は所在地、その保有する議決権の議決権の総数に対する割合及び申請者との関係（当該株主等が申請者の役職員又は親会社、子会社若しくは関連会社若しくはその役職員である場合に限る。）を記載した書面

(xviii) a document stating the names or trade names and addresses of the top 10 shareholders or company members or other investors (referred to below as "shareholders, etc." in this item) in number of voting rights held (meaning voting rights of all shareholders, all company members, all members, and all partners; the same applies below in this item), and the ratio of voting rights held to the total number of voting rights and the relationship with the applicant (limited when the shareholders, etc. are officers of the applicant or the parent company, a subsidiary company, or an affiliated company, or their officer) at the transferee company;

十九　譲受会社における、様式第四号により作成した法第百九十六条第一項に規定する兼業業務の概要に関する調書

(xix) a record of an outline of the concurrent business prescribed in Article 196, paragraph (1) of the Act, prepared according to Form No. 4 for the transferee company;

二十　譲受会社における、様式第五号により作成した法第百九十六条第二項に規定する他の法人に対する支配関係の概要に関する調書

(xx) a record of an outline of the controlling relationships concerning the

transferee company with respect to other corporations prescribed in Article 196, paragraph (2) of the Act prepared according to Form No. 5;

二十一　譲受会社が法第二条第二十二項第五号に掲げる行為を業として行う場合には、次に掲げる書類

(xxi) the following documents, when the acts stated in Article 2, paragraph (22), item (v) of the Act are performed by the transferee company in the course of trade;

イ　当該業務を管理する責任者の履歴書

(a) a curriculum vitae of the person responsible for the management of the business;

ロ　当該業務に関する社内規則

(b) internal rules concerning the business;

ハ　当該業務を行う部署の名称及び組織の体制を記載した書面

(c) a document stating the name of the department and the structure of the organization performing the business;

ニ　当該業務に係る顧客との取引開始基準を記載した書面

(d) a document stating the standard for initiation of a transaction with a customer related to the business; and

ホ　当該業務に関し顧客と取引を行う際に使用する契約書

(e) the written contract to be used when conducting transactions with a customer related to the business.

（医師の診断書の提出）

(Submission of a Doctor's Medical Certificate)

第百二十二条　主務大臣は、法第二百二十八条第一項の認可の申請があった場合において、譲受会社が法第十五条第二項第一号ヲ（イ及びルに係る部分に限る。）に該当するかどうかを審査するために必要があると認めるときは、認可申請者に対し、当該審査の対象となる者の病名、精神の機能の障害の有無及び程度、病因、病後の経過、治癒の見込みその他参考となる所見を記載した医師の診断書の提出を求めることができる。

Article 122　When an application for authorization under Article 228, paragraph (1) of the Act is filed, and the competent minister finds it necessary for examining whether the transferee company falls under Article 15, paragraph (2), item (i), (l) of the Act (limited to the part related to (a) and (k)), the minister may request the applicant to submit a doctor's medical certificate stating the name of the illness of the person subject to the examination, whether the person has any mental impairment and the level of mental impairment, causes of the illness, post-illness progress, prospects of recovery, and other remarks for reference.

（負債比率及び流動比率の基準）

(Standards for Asset Liability Ratios and Current Ratios)

第百二十三条　法第二百三十二条第二項第一号の主務省令で定める率は五十倍とし、同項第二号の主務省令で定める率は一倍とする。

Article 123 The ratio specified by order of the competent ministry as referred to in Article 232, paragraph (2), item (i) of the Act is 50 to 1 and the ratio specified by order of the competent ministry as referred to in item (ii) of that paragraph is1 to 1.

（業務停止命令の事由）

(Reasons for Business Suspension Orders)

第百二十四条　法第二百三十二条第二項第三号の主務省令で定める場合は、次のとおりとする。

Article 124 (1) The cases specified by order of the competent ministry as referred to in Article 232, paragraph (2), item (iii) of the Act are as follows:

一　純資産額が第八十一条において定める額を下回るおそれがある場合

(i) when the amount of the net assets is likely to fall below the amount specified in Article 81;

二　顧客との間に商品先物取引業に関する紛争がひん発し、又は使用人に対する指導監督が不適切であるため商品先物取引業に関する紛争がひん発するおそれがある場合

(ii) when disputes related to commodity derivatives business frequently occur with customers or disputes related to commodity derivatives business are likely to frequently occur due to the inappropriate instruction and supervision of employees;

三　商品先物取引業者が、その取り扱う個人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、滅失又はき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場合

(iii) when a commodity derivatives broker entrusts the safety management of information they handle regarding an individual customer, supervision of workers, and handling of the information, and the commodity derivatives broker has not taken the necessary and appropriate measures on the supervision of the entrusted party in order to prevent the leakage, loss, or damage of the information; or

四　商品先物取引業者が、その取り扱う個人顧客に関する人種、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の特別の非公開情報（その業務上知り得た公表されていない情報をいう。）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場合

(iv) when a commodity derivatives broker has not taken measures to ensure that the information they handle regarding race, creed, family origin,

domicile of origin, healthcare, or criminal background of an individual customer and other special non-disclosure information (meaning information learned in the course of business which has not been disclosed) is not used for a purpose other than for ensuring the appropriate operation of business and for purposes which are found to be necessary.

２　第三十八条の規定は、前項第一号の純資産額について準用する。

(2) The provisions of Article 38 apply mutatis mutandis to the amount of the net assets under item (i) of the preceding paragraph.

（負債の合計金額等の計算基準）

(Calculation Standards for Total Amounts of Liabilities)

第百二十五条　法第二百三十二条第三項の規定により負債の合計金額を計算するときは、貸借対照表の負債の部に計上されるべき金額（第三十八条第一項第七号及び第八号に掲げるものの金額の合計額を除く。）を合計するものとする。

Article 125 (1) When calculating the total amount of liabilities pursuant to the provisions of Article 232, paragraph (3) of the Act, the amounts to be recorded in the liability section of the balance sheet (excluding the sum of the amounts stated in Article 38, paragraph (1), items (vii) and (viii)) are to be added up.

２　法第二百三十二条第三項の規定により流動資産の合計金額を計算するときは、商品先物取引業者（令第二十八条各号に掲げる者に該当する者を除く。）にあっては、貸借対照表の流動資産の部に計上されるべき金額を合計するものとし、商品先物取引業者（令第二十八条各号に掲げる者に該当する者に限る。）にあっては、貸借対照表の資産の部に計上されるべき金額を合計するものとする。

(2) When calculating the total amount of current assets pursuant to Article 232, paragraph (3) of the Act, a commodity derivatives broker (excluding those falling under the persons stated in items of Article 28 of the Order) is to add up the amounts to be recorded in the current assets section of the balance sheet, and a commodity derivatives broker (limited to those falling under the persons stated in Article 28 of the Order) is to round up the amounts to be recorded in the assets section of the balance sheet.

３　法第二百三十二条第三項の規定により流動負債の合計金額を計算するときは、商品先物取引業者（令第二十八条各号に掲げる者に該当する者を除く。）にあっては、貸借対照表の流動負債の部に計上されるべき金額を合計するものとし、商品先物取引業者（令第二十八条各号に掲げる者に該当する者に限る。）にあっては、貸借対照表の負債の部に計上されるべき金額を合計するものとする。

(3) When calculating the total amount of current liabilities pursuant to Article 232, paragraph (3) of the Act, a commodity derivatives broker (excluding those falling under the persons stated in items of Article 28 of the Order) is to add up the amounts to be recorded in the current liabilities section of the balance sheet, and a commodity derivatives broker (limited to those falling under the person stated in Article 28 of the Order) is to add up the amounts to be

recorded in the assets section of the balance sheet.

（負債の額の算定方法）
(Method of Calculating the Amount of Liabilities)

第百二十六条　令第三十四条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 126 The amount of liabilities prescribed in Article 34 of the Order is to be calculated by deducting the amount of liabilities for non-residents from the amount of liabilities (including the amount of the guaranteed obligation) required to be recorded in the liability section of the balance sheet.

（登録申請書の記載事項）
(Information to be Stated in the Written Application for Registration)

第百二十六条の二　法第二百四十条の三第一項第六号の主務省令で定める事項は、次に掲げるものとする。

Article 126-2 The information specified by order of the competent ministry as referred to in Article 240-3, paragraph (1), item (vi) of the Act is the following information:

一　個人である場合において、当該個人が他の事業者の常務に従事しているときは、当該他の事業者の商号又は名称及びその事業の種類

(i) in the case of an individual, when the individual engages in the ordinary business of another business operator, the trade name or name of the other business operator and the type of the business;

二　法人である場合において、当該法人の役員が他の事業者の常務に従事し、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事業者の商号又は名称及びその事業の種類又は行っている事業の種類

(ii) in the case of a corporation, when an officer of the corporation engages in the ordinary business or conducts business of another business operator, the name of the officer, and the trade name or name and type of the other business operator, or the type of the business conducted;

三　所属商品先物取引業者（法第二百四十条の三第一項第四号に規定する所属商品先物取引業者をいう。以下同じ。）が二以上あるときは、登録申請者の事故（法第二百四十条の十七において準用する法第二百十四条の三第三項に規定する事故をいう。以下この条、第百二十六条の二十から第百二十六条の二十二までにおいて同じ。）につき、当該事故による損失の補てんを行う所属商品先物取引業者の商号又は名称

(iii) when there are two or more requested commodity derivatives brokers (meaning a requested commodity derivatives broker prescribed in Article 240-3, paragraph (1), item (iv) of the Act; the same applies below), the trade name or name of the entrusting commodity derivatives broker that compensates for loss due to a registration requester's problematic conduct

(meaning a problematic conduct prescribed in Article 240-3, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 240-17 of the Act; the same applies below in this Article and Articles 126-20 through 126-22).

（登録申請書の添付書類）

(Documents Attached to Written Applications for Registration)

第百二十六条の三　法第二百四十条の三第二項第三号の主務省令で定める書類は、次に掲げるもの（官公署が証明する書類の場合には、登録の申請の日前三月以内に作成されたものに限る。）とする。

Article 126-3 (1) The documents specified by order of the competent ministry as referred to in Article 240-3, paragraph (2), item (iii) of the Act are the following documents (in cases of documents certified by a public agency, limited to those prepared within three months before the date of filing for registration):

一　個人であるときは、次に掲げる書面

(i) in the case of an individual, the following documents;

イ　住民票の写し等

(a) a copy of the residence certificate, etc.;

ロ　履歴書

(b) a curriculum vitae;

ハ　その者が法第三十一条第一項第二号（法第十五条第二項第一号ロに係る部分に限る。）に該当しない旨の官公署の証明書（その者が外国人である場合を除く。）

(c) a certificate issued by a public agency proving that the person does not fall under the provisions of Article 31, paragraph (1), item (ii) of the Act (limited to the part related to Article 15, paragraph (2), item (i), (b) of the Act) (excluding when that person is a foreign national);

二　法人であるときは、次に掲げる書面

(ii) in the case of 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) a curriculum vitae of the officer (a document stating the history of the officer when the officer is a foreign corporation);

ロ　役員の住民票の写し等（役員が法人であるときは、当該役員の登記事項証明書（外国法人である場合には、登記事項証明書に準ずる書面））

(b) a copy of the residence certificate, etc. of the officer (when the officer is a corporation, a certificate of the registered information of the officer (in the case of a foreign corporation, a document equivalent to a certificate of the registered information));

ハ　役員が法第十五条第二項第一号ロに該当しない旨の官公署の証明書（役員が外国人である場合を除く。）

(c) a certificate issued by a public agency proving that the officer does not fall under the provisions of Article 15, paragraph (2), item (i), (b) of the Act

(excluding when the officer is a foreign national);

ニ　役員が法第十五条第二項第一号イ及びハからルまで（役員が外国人の場合には同号イからルまで、法人の場合には同号ヲ）のいずれにも該当しないことを当該役員が誓約する書面

(d) a document pledging that the officer does not fall under any of the provisions of Article 15, paragraph (2), item (i), sub-item (a) and sub-items (c) through (k) of the Act (when the officer is a foreign national, sub-items (a) through (e) of that item, and when the officer is a corporation, sub-item (i) of that item);

三　商品先物取引仲介業を遂行するための方法を記載した書面

(iii) a document stating the method for performing the commodity derivatives intermediary service;

四　所属商品先物取引業者との間の商品先物取引仲介業に係る業務の委託契約に係る契約書の写し

(iv) a copy of the written contract for the entrustment contract of the business related to commodity derivatives intermediary service with the requested commodity derivatives broker; and

五　前条第三号に掲げる事項に係る契約書の写し

(v) a copy of the written contract related to the information stated in item (iii) of the preceding Article.

２　法第二百四十条の二第二項の登録の更新を受けようとする場合における法第二百四十条の三第二項第三号の主務省令で定める書類は、前項各号に掲げるものとする。

(2) When seeking to obtain a renewal of registration under Article 240-2, paragraph (2) of the Act, the documents specified by order of the competent ministry referred to in Article 240-3, paragraph (2), item (iii) of the Act are the documents stated in the preceding items.

（商品先物取引仲介業者の届出事項）

(Matters Requiring Notification by Commodity Derivatives Intermediary Service Provider)

第百二十六条の四　法第二百四十条の六第一項の主務省令で定める事項は、商品先物取引仲介業を遂行するための方法とする。

Article 126-4 (1) The matter specified by order of the competent ministry as referred to in Article 240-6, paragraph (1) of the Act is the method for performing commodity derivatives intermediary service.

２　法第二百四十条の六第一項の規定により届出を行う商品先物取引仲介業者は、変更の内容、変更年月日及び変更の理由を記載した書面を提出しなければならない。

(2) A commodity derivatives intermediary service provider that gives notification pursuant to the provisions of Article 240-6, paragraph (1) of the Act must submit a document stating the content of the change, the date of the change, and the reason for the change.

3　法第二百四十条の六第三項の主務省令で定める書類は、次の各号に掲げる場合の区分に応じ、当該各号に定めるもの（官公署が証明する書類の場合には、届出日前三月以内に作成されたものに限る。）とする。

(3) The documents specified by order of the competent ministry as referred to in Article 240-6, paragraph (3) of the Act are those specified in the following items in accordance with the category of cases stated in each item (in cases of documents certified by a public agency, limited to those prepared within three months before the notification):

一　法第二百四十条の三第一項第一号に掲げる事項を変更した場合　住民票の写し等（法人であるときは、登記事項証明書（外国法人である場合には、登記事項証明書に準ずる書面））

(i) when the information stated in Article 240-3, paragraph (1), item (i) of the Act is changed: a copy of the residence certificate, etc. (in cases of a corporation, a certificate of registered information (in the case of a foreign corporation, a document equivalent to a certificate of registered information));

二　法第二百四十条の三第一項第二号に掲げる事項を変更した場合　次に掲げる書類

(ii) when the information stated in Article 240-3, paragraph (1), item (ii) of the Act is changed: the following documents:

イ　登記事項証明書（外国法人である場合には、登記事項証明書に準ずる書面）

(a) a certificate of registered information (in the case of a foreign corporation, a document equivalent to a certificate of registered information);

ロ　次に掲げる区分に応じ、それぞれ次に掲げる書面

(b) the documents stated in the following items in accordance with the category stated in each item;

（１）　新たに就任した役員が外国人である場合　当該役員の住民票の写し等、履歴書及びその者が法第十五条第二項第一号イからルまでのいずれにも該当しないことを誓約する書面

1. when a newly appointed officer is a foreign national: a copy of the residence certificate, etc. and a curriculum vitae of the officer, and a document pledging that the person does not fall under any of the provisions of Article 15, paragraph (2), item (1), sub-items (a) through (k) of the Act;

（２）　新たに就任した役員が法人である場合　当該役員の登記事項証明書又はこれに代わる書面、沿革を記載した書面及び法第十五条第二項第一号ヲに該当しないことを誓約する書面

2. when a newly appointed officer is a corporation: a certificate of registered information or any alternative document, a document stating the history of the corporation, and a document pledging that the officer does not fall under the provisions of Article 15, paragraph (2), item (i), (l) of the Act;

（３）　新たに就任した役員が外国人又は法人でない場合　当該役員の住民票の写し等、履歴書、その者が法第十五条第二項第一号ロに該当しない旨の官公署の証明書並びにその者が同号イ及びハからルまでのいずれにも該当しないことを誓約する書面

3. when a newly appointed officer is neither a foreign national nor a corporation: a copy of the residence certificate, etc. and a curriculum vitae of the officer, a certificate issued by a public agency proving that the person does not fall under the provisions of Article 15, paragraph (2), item (i), (b) of the Act, and a document pledging that the person does not fall under any of the provisions of sub-item (a) and sub-items (c) through (k) of that item.

三　法第二百四十条の三第一項第四号に掲げる事項を変更した場合（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商品先物取引業者との間の商品先物取引仲介業に係る委託契約に係る契約書の写し

(iii) when the information stated in Article 240-3, paragraph (1), item (iv) of the Act is changed (limited to when a new entrustment is to be accepted): a copy of the written contract of the entrustment contract related to commodity derivatives intermediary service with the requested commodity derivatives intermediary service that will accept the new entrustment.

四　第百二十六条の二第三号に掲げる事項を変更した場合（所属商品先物取引業者が二以上ある場合に限る。）　次に掲げる書類

(iv) when the information stated in Article 126-2, item (iii) of the Act is changed (limited to when there are two or more requested commodity derivatives brokers): the following documents:

イ　当該変更に係る理由書

(a) a written statement of reasons related to the change;

ロ　前条第一項第五号に掲げる書面

(b) the documents stated in paragraph (1), item (v) of the preceding Article;

五　商品先物取引仲介業を遂行するための方法を変更した場合　変更後の前条第一項第三号に掲げる書面

(v) when the method for performing commodity derivatives intermediary service is changed: the documents stated in paragraph (1), item (iii) of the preceding Article after the change.

（廃業等の届出）

(Notification of Discontinuation of Business)

第百二十六条の五　法第二百四十条の七第一項の規定により届出を行う者は、次の上欄に掲げる区分により、同表中欄に定める事項を記載した届出書及び同表下欄に定める添付書類を主務大臣に提出しなければならない。

Article 126-5 A person that gives a notification pursuant to the provisions of Article 240-7, paragraph (1) of the Act, must submit a written notification to

the competent minister stating the information specified in the center column of the following table in accordance with the category stated in the left column of that table, and the attached documents specified in the right column of that table.

届出事項 Matters Requiring Notification	記載事項 Matters to Be Stated	添付書類 Attached Documents
商品先物取引仲介業を廃止したとき In the case of discontinuing commodity derivatives intermediary service	一　廃止年月日 (i) Date of discontinuation	一　商品先物取引仲介業者が法人である場合には、株主総会（これに準ずる機関を含む。）の議事録その他必要な手続があったことを証する書面 (i) When the commodity derivatives intermediary service provider is a corporation, minutes of the shareholders meeting (including an equivalent organization) or other document certifying that the necessary procedures have been taken
	二　廃止の理由 (ii) Reasons for discontinuation	二　委託者等に対する債権及び債務の清算の方法を記載した書面 (ii) A document stating the clearing method of claims and debts to consignors, etc.
商品先物取引仲介業者である個人が死亡したとき When the individual that is a commodity derivatives intermediary service provider has died	その旨及び死亡の年月日 That fact and the date of the death	

商品先物取引仲介業者である法人が合併により消滅したとき When a corporation that is a commodity derivatives intermediary service provider has been extinguished by merger	一　合併の相手方の商号又は名称 (i) Trade name or name of the other party to the merger	委託者等に対する債権及び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 A document stating the succession method of claims and debts to requesting parties, etc. to the corporation surviving the merger
	二　合併年月日 (ii) Date of the Merger	
商品先物取引仲介業者である法人について破産手続開始の決定により解散したとき In the case of dissolution by order commencing bankruptcy proceedings for a commodity derivatives intermediary service provider that is a corporation	一　破産手続開始の申立てを行った年月日 (i) Date of filing of commencement of bankruptcy proceedings	一　裁判所の破産手続開始の決定の公告の写し (i) A copy of the public notice of the order to commencebankruptcy proceedings by the court
	二　破産手続開始の決定を受けた年月日 (ii)Date that order for commencing bankruptcy proceedings has been given	二　委託者等に対する債権及び債務の清算の方法を記載した書面 (ii) A document stating the clearing method of claims and debts to requesting parties, etc.
商品先物取引仲介業者である法人が合併及び破産手続開始の決定以外の理由により解散したとき In the case of dissolution for a reason other than a merger or order for commencement of bankruptcy proceedings for a commodity derivatives intermediary service provider that is a corporation	一　解散年月日 (i) Date of dissolution	一　株主総会（これに準ずる機関を含む。）の議事録その他必要な手続があったことを証する書面 (i) Minutes of the shareholders meeting (including an equivalent organ) or other document certifying that the necessary procedures have been taken
	二　解散の理由 (ii) Reasons for dissolution	二　委託者等に対する債権及び債務の清算の方法を記載した書面 (ii) A document stating the clearing method of claims and debts to consignors, etc.

分割により商品先物取引仲介業の全部を承継させたとき In the case of succession of all or part of the commodity derivatives intermediary business by a split	一　承継先の氏名又は商号若しくは名称 (i) Name or trade name of the successor	一　委託者等に対する債権及び債務の承継先への引継方法を記載した書面 (i) A document stating the succession method of claims and debts to requesting parties, etc. to the successor
	二　分割の年月日及び理由 (ii) Date and reasons for the split	二　新設分割計画又は吸収分割契約の内容、分割の手続を記載した書面 (ii) A document stating the content of the incorporation-type split plan or absorption-type split agreement and the split procedures
商品先物取引仲介業の全部を譲渡したとき In the case of transfer of all of the commodity derivatives intermediary business	一　譲渡先の氏名又は商号若しくは名称 (i) Name or trade name of the transferee	一　委託者等に対する債権及び債務の譲渡先への引継方法を記載した書面 (i) A document stating the succession method of claims and debts to requesting parties, etc. to the transferee
	二　譲渡の年月日及び理由 (ii) Date and reasons for the transfer	二　事業譲渡契約の内容を記載した書面 (ii) A document stating the content of the business transfer agreement

（商品先物取引仲介業者の標識）

(Signs of Commodity Derivatives Intermediary Service Providers)

第百二十六条の六　法第二百四十条の九第一項に規定する標識は、様式第十三号による。

Article 126-6 The sign prescribed in Article 240-9, paragraph (1) of the Act is to be prepared according to Form No. 13.

（登録申請書の添付書類）

(Documents Attached to Written Applications for Registrations)

第百二十六条の七　法第二百四十条の十一において準用する法第二百条第四項の主務省令で定める書類は、次項に規定する場合を除き、次に掲げるものとする。

Article 126-7 (1) The documents specified by order of the competent ministry as referred to in Article 200, paragraph (4) of the Act as applied mutatis mutandis

pursuant to Article 240-11 of the Act are the following documents, excluding the case specified in the following paragraph:

一　登録を受けようとする外務員に係る住民票の写し等

(i) a copy of the residence certificate, etc. of a sales representative who seeks to obtain registration;

二　登録を受けようとする外務員が法第二百四十条の十一において準用する法第二百一条第一項各号のいずれにも該当しないことを当該外務員及び登録申請者が誓約する書面

(ii) a document with which a sales representative and a registration applicant pledge that the sales representative who seeks to obtain registration does not fall under any of the provisions of the items of Article 201, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 240-11 of the Act; and

三　登録を受けようとする外務員が法第二百四十条の十一において準用する法第二百条第一項各号に掲げる行為を公正かつ的確に行うことができる知識及び経験を有することを証する書面

(iii) a document proving that a sales representative who seeks to obtain registration has the knowledge and experience to perform the acts stated in the items of Article 200, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 240-11 of the Act in a fair and accurate manner.

2　法第二百四十条の十一において準用する法第二百条第七項の登録の更新を受けようとする場合における法第二百四十条の十一において準用する法第二百条第四項の主務省令で定める書類は、次に掲げるものとする。

(2) The documents specified by order of the competent ministry as referred to in Article 200, paragraph (4) of the Act as applied mutatis mutandis pursuant to Article 240-11 of the Act when seeking to obtain a renewal of registration under Article 200, paragraph (7) of the Act as applied mutatis mutandis pursuant to Article 240-11 of the Act are the following documents:

一　前項各号に掲げる書面

(i) the documents stated in the preceding paragraph; and

二　登録の更新を受けようとする外務員が法第二百四条第一項（法第二百四十条の十一において準用する場合を含む。）の規定による処分（その処分の日から五年を経過するまでのものに限る。）を受けたことがある場合には、その処分の日、内容及び理由を記載した書面

(ii) when the sales representative seeking to obtain a renewal of registration has been rendered a disposition (limited to those for which five years have not passed from the date of the disposition) under the provisions of Article 240, paragraph (1) of the Act (including as applied mutatis mutandis pursuant to Article 240-11 of the Act) in the past, a document stating the date of the disposition, the content and the reason.

（外務員登録原簿の記載事項）

(Information to Be Stated in Registers of Sales Representatives)

第百二十六条の八　法第二百四十条の十一において準用する法第二百条第五項の主務省令で定める事項は、次に掲げるものとする。

Article 126-8 The information specified by order of the competent ministry as referred to in Article 200, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 240-11 of the Act, is the following:

一　登録番号

(i) the registration number;

二　登録の年月日

(ii) the date of registration;

三　登録申請者の氏名又は商号若しくは名称

(iii) the name or trade name of the registration applicant;

四　外務員についての次に掲げる事項

(iv) the following information concerning the sales representative;

イ　住所

(a) the address;

ロ　役員又は使用人の別

(b) whether the sales representative is an officer or an employee;

ハ　外務員（法第二百条第一項の規定による登録に係る外務員を含む。）の職務を行ったことのある者については、その所属していた商品先物取引業者又は商品先物取引仲介業者の商号、名称又は氏名及びその行った期間

(c) for a person who has experience of performing the duties of a sales representative (including a sales representative related to the registration under Article 200, paragraph (1) of the Act), the trade name or name of the commodity derivatives broker or commodity derivatives intermediary service provider the person belonged to, and the duration of performance of their duties;

ニ　商品先物取引仲介業を行ったことのある者については、その行った期間

(d) for a person who has experience of performing commodity derivatives intermediary service, the duration of performance of their duties;

ホ　法第二百四十条の十一において準用する法第二百四条第一項の規定により職務の停止を命じたときは、その処分の日、理由及び期間

(e) when an order to suspend their duties was given pursuant to the provisions of Article 204, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 240-11 of the Act, the date of that disposition, the reason, and the period;

ヘ　法第二百四十条の十一において準用する法第二百四条第一項の規定による登録の取消し又は法第二百五条の規定による登録の抹消を行ったときは、その処分の日及び理由

(f) when registration was revoked pursuant to the provisions of Article 204,

paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 240-11 of the Act, or registration was deleted pursuant to the provisions of Article 205 of the Act, the date of that disposition and the reason.

（協会による外務員登録事務）

(Registration Affairs Concerning Sales Representatives by the Association)

第百二十六条の九　法第二百四十条の十一において準用する法第二百六条第一項の規定により、協会に、次の各号に掲げる登録に関する事務であって当該協会に所属する協会員を所属商品先物取引業者とする商品先物取引仲介業者に係るものを行わせるものとする。

Article 126-9 Pursuant to the provisions of Article 206, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 240-11 of the Act, the competent minister is to have an association conduct the work related to registration stated in the following items concerning the commodity derivatives intermediary service provider for which the association member that belongs to the association is the requested commodity derivatives broker:

一　法第二百四十条の十一において準用する法第二百条第三項の規定による登録申請書の受理

(i) acceptance of the written application for registration pursuant to the provisions of Article 200, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 240-11 of the Act;

二　法第二百四十条の十一において準用する法第二百条第五項の規定による登録

(ii) registration pursuant to the provisions of Article 200, paragraph (5) of the Act as applied mutatis mutandis in Article 240-11 of the Act;

三　法第二百四十条の十一において準用する法第二百条第六項、法第二百四十条の十一において準用する法第二百一条第二項において準用する法第十五条第五項及び第七項並びに法第二百四十条の十一において準用する法第二百四条第二項の規定による通知

(iii) notification pursuant to Article 200, paragraph (6) of the Act as applied mutatis mutandis pursuant to Article 240-11 of the Act, Article 15, paragraphs (5) and (7) of the Act as applied mutatis mutandis pursuant to Article 201, paragraph (2) of the Act, as applied mutatis mutandis pursuant to Article 240-11 of the Act, and Article 204, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 240-11 of the Act;

四　法第二百四十条の十一において準用する法第二百一条第一項の規定による登録の拒否

(iv) refusal of registration pursuant to the provisions of Article 201, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 240-11 of the Act;

五　法第二百四十条の十一において準用する法第二百一条第二項において準用する法第十五条第五項の規定による意見の聴取

(v) hearing of opinions pursuant to the provisions of Article 15, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 201, paragraph (2) of the Act, as applied mutatis mutandis pursuant to Article 240-11 of the Act;

六　法第二百四十条の十一において準用する法第二百三条の規定による届出の受理

(vi) acceptance of the notification pursuant to the provisions of Article 203 of the Act as applied mutatis mutandis pursuant to Article 240-11 of the Act;

七　法第二百四十条の十一において準用する法第二百四条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) deletion of registration and order of suspension of the duties pursuant to the provisions of Article 204, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 240-11 of the Act;

八　法第二百四十条の十一において準用する法第二百四条第三項において準用する法第百五十八条第二項の規定による参考人の意見の聴取、参考人の意見若しくは報告の提出又は鑑定人の鑑定及び法第百五十九条第四項の規定による聴聞

(viii) hearing of opinions of witnesses, submission of the opinions or reports by witnesses, or opinions by expert witnesses pursuant to the provisions of Article 158, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 204, paragraph (3) of the Act, as applied mutatis mutandis pursuant to Article 240-11 of the Act, and hearing pursuant to the provisions of Article 159, paragraph (4) of the Act; and

九　法第二百四十条の十一において準用する法第二百五条の規定による登録の抹消

(ix) deletion of registration pursuant to the provisions of Article 205 of the Act as applied mutatis mutandis pursuant to Article 240-11 of the Act.

（外務員の登録事務に関する届出）

(Notifications Related to Registration Affairs of Sales Representatives)

第百二十六条の十　協会は、法第二百四十条の十一において準用する法第二百六条第四項の規定による届出をしようとするときは、次の各号に掲げる事項を記載した書類を、主務大臣に提出しなければならない。

Article 126-10　When seeking to give notification pursuant to the provisions of Article 206, paragraph (4) of the Act as applied mutatis mutandis pursuant to Article 240-11 of the Act, the association must submit a document stating the following information to the competent minister:

一　当該外務員の所属する商品先物取引仲介業者の氏名又は商号若しくは名称

(i) the name or trade name of the commodity derivatives intermediary service provider to which the sales representative belongs;

二　当該外務員の所属する商品先物取引仲介業者の所属商品先物取引業者の商号又は名称

(ii) the trade name or name of the requested commodity derivatives broker of the commodity derivatives intermediary service provider to which the sales

representative belongs;

三　当該外務員の氏名及び生年月日

(iii) the name and date of birth of the sales representative;

四　処理した登録事務の内容及び処理した日

(iv) the content of the registration affairs that was handled, and the date it was handled;

五　前号に掲げる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

(v) if the content of the registration affairs stated in the preceding item is an order for suspension of duties or deletion of registration, its reason.

（広告類似行為）

(Acts Similar to Advertising)

第百二十六条の十一　法第二百四十条の十三各項の主務省令で定める行為は、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 126-11 The acts specified by order of the competent ministry as referred to in the items of Article 240-13 of the Act are the provision of information made for similar content to a large number of persons by the means of transmission by postal mail, correspondence delivery, or using a facsimile device, the means of transmitting electronic mail, the means of distributing fliers or brochures, or any other means (excluding the following means):

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) the means of distributing documents prepared based on a disposition by a government agency based on laws and regulations;

二　商品市場における相場等の分析及び評価に関する資料であって、商品先物取引仲介行為（法第二百四十条の十四に規定する商品先物取引仲介行為をいう。以下同じ。）に係る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) the means of distributing materials related to the analysis and valuation of quotations, etc. on a commodity market which are not used in solicitations to enter into a commodity transaction contract related to acts of commodity derivatives intermediary service (meaning the acts of commodity derivatives intermediary service prescribed in Article 240-14 of the Act; the same applies below);

三　次に掲げるすべ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) the means of providing gifts and other goods (limited to those on which the

information stated in sub-items (b) through (d) is clearly and accurately indicated) on which only all of the following information is indicated (when one item of the information is not indicated on a gift or other goods, including the means of providing the gift or the other goods and other goods on which the information is indicated together as a single unit):

イ　商品先物取引仲介行為に係る商品取引契約の名称又は通称

(a) the name or commonly used name of a commodity transaction contract related to acts of commodity derivatives intermediary service;

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商品先物取引仲介業者の氏名若しくは商号若しくは名称又はこれらの通称

(b) the names, trade names, or commonly used names of commodity derivatives intermediary service providers that provide information for similar content to a large number of persons by the means prescribed in this item;

ハ　商品市場における相場等に係る変動により商品先物取引仲介行為に係る商品取引契約に基づく取引について顧客に損失が生ずることとなるおそれがある場合にあっては、当該おそれがある旨（当該損失の額が取引証拠金等の額を上回ることとなるおそれがある場合にあっては当該おそれがある旨を含み、これらの事項の文字又は数字が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されているものに限る。）

(c) if there is a risk of a customer incurring a loss with regard to a transaction based on a commodity transaction contract related to acts of commodity derivatives intermediary service due to fluctuations in quotations, etc., on commodity markets, the fact that there is such a risk (when there is a risk of the amount of the loss to exceed the amount of the clearing margin, etc., including that fact; limited to articles on which the letters or numbers indicating the information are indicated in a size that is not substantially different from the largest letters or numbers used for indicating other information); and

ニ　商品先物取引仲介行為に係る商品取引契約の契約締結前交付書面の内容を十分に読むべき旨

(d) the fact that the content of documents for delivery before conclusion of a contract of a commodity transaction contract related to acts of commodity derivatives intermediary service should be thoroughly read.

四　次に掲げる事項を明瞭かつ正確に表示し、かつ、商品デリバティブ取引を行うことによる利益の見込みその他第百二十六条の十五で定める事項について、著しく事実に相違するような表示をし、又は著しく人を誤認させるような表示をしていない、放送事業者の放送設備により放送させる方法、商品先物取引仲介業者又は当該商品先物取引仲介業者が行う広告等（広告又はこの条に規定する行為をいう。次条において同じ。）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を電気通信回線を利用して顧客に閲覧させる方法並

びに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、貼紙及び貼札並びに広告塔、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

(iv) the means of having information broadcast through the broadcasting facilities of a broadcaster, the means of having customers inspect information using telecommunications lines, the content of information that is recorded onto a file in a computer used by a commodity derivatives intermediary service provider or a person that has received a request of the business related to advertising, etc. (meaning advertising and acts prescribed in this Article; the same applies in the following Article) conducted by the commodity derivatives intermediary service provider, or the means of having information indicated to the public either indoors or outdoors on a constant basis or continuously for a certain period in which the information is posted or indicated on a signboard, a billboard, a poster, a placard or an advertising pillar, advertising board, building or any other structure, etc., or a means similar to them, in which the following information is clearly and accurately indicated and there is no indication that is significantly contradictory to facts or seriously misleading with regard to the estimated profits from conducting a commodity derivatives transaction and other information prescribed in Article 126-15:

イ　商品先物取引仲介業者の氏名又は商号若しくは名称

(a) the trade name or name of the commodity derivatives intermediary service provider;

ロ　商品先物取引仲介業者である旨及び当該商品先物取引仲介業者の登録番号

(b) the fact that they are a commodity derivatives intermediary service provider and the registration number of the commodity derivatives intermediary service provider;

ハ　商品市場における相場等に係る変動により商品先物取引仲介行為に係る商品取引契約に基づく取引について顧客に損失が生ずることとなるおそれがある場合にあっては、当該おそれがある旨（当該損失の額が取引証拠金等の額を上回ることとなるおそれがある場合にあっては当該おそれがある旨を含み、音声により放送する方法を除き、当該事項以外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) when there is a risk of a customer incurring a loss for a transaction based on a commodity transaction contract related to acts of commodity derivatives intermediary service due to fluctuations in quotations, etc., on commodity markets, the fact that there is such a risk (when there is a risk of the amount of the loss to exceed the amount of the clearing margin, etc., including that fact; excluding the means of broadcasting using sound, limited to articles on which the letters or numbers indicating the information are indicated in a size that is not substantially different from

the largest letters or numbers used for indicating other information); and

ニ　商品先物取引仲介行為に係る商品取引契約の契約締結前交付書面の内容を十分に読むべき旨

(d) the fact that the content of documents for delivery before conclusion of a contract of a commodity transaction contract related to acts of commodity derivatives intermediary service should be thoroughly read.

（商品先物取引仲介業の内容についての広告等の表示方法）

(Means of Indicating in Advertisements the Content of Commodity Derivatives Intermediary Services)

第百二十六条の十二　商品先物取引仲介業者がその行う商品先物取引仲介業の内容について広告又は前条に規定する行為等をするときは、法第二百四十条の十三第一項各号に掲げる事項を明瞭かつ正確に表示しなければならない。

Article 126-12 (1) When a commodity derivatives intermediary service provider conducts advertising or acts, etc. prescribed in the preceding Article with regard to the content of the commodity derivatives intermediary service they conduct, they must clearly and accurately indicate the information stated in the items of Article 240-13, paragraph (1) of the Act.

２　商品先物取引仲介業者がその行う商品先物取引仲介業の内容について広告等をするときは、令第三十六条第四号及び第百二十六条の十四第一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い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) When a commodity derivatives intermediary service provider conducts advertising, etc. with regard to the content of the commodity derivatives intermediary service they conduct, they must indicate the information stated in Article 36, item (iv) and Article 126-14, item (i) of the Order and Article 126-14, item (i) by using the letters or numbers in a size that is not substantially different from the largest letters or numbers used for indicating other information.

（顧客が支払うべき対価に関する事項）

(Information Concerning the Consideration to Be Given by Customers)

第百二十六条の十三　令第三十六条第一号の主務省令で定めるものは、手数料、報酬、費用その他いかなる名称によるかを問わず、商品先物取引仲介行為に係る商品取引契約に関して顧客が支払うべき対価（受渡しに係る価額、法第二条第三項第四号並びに第十四項第四号及び第五号に規定する取引の対価の額並びに取引証拠金等の額を除く。この条、第百二十六条の十五及び第百二十六条の十六において「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（当該商品取引契約に基づく取引の額（令第三十六条第三号に規定する取引の額をいう。）に対する割合を含む。）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 126-13 The information specified by order of the competent ministry as referred to in Article 36, item (i) of the Order is the amounts for each type or the upper limits of the considerations required to be given by a customer concerning a commodity transaction contract, whether they are referred to as fees, remunerations, expenses, or by any other name (excluding values related to receipt or delivery, the amount of the consideration for the transactions prescribed in Article 2, paragraph (3), item (iv) of the Act and paragraph (14), items (iv) and (v) of that Article, and the amount of the clearing margin, etc.; referred to as the "fees, etc." in this Article, Article 126-15, and Article 126-16), or the outline of their calculation method (including the ratio to the amount of transactions (meaning the amount of transactions prescribed in Article 36-2, item (iii) of the Order) based on the commodities transaction contract), and the sum of the amounts, or their upper limit or the outline of their calculation method; provided, however, that, when it is not possible to indicate them, that fact and the reasons.

（顧客の判断に影響を及ぼす重要事項）

(Important Matters That Have Impacts on Customers' Judgments)

第百二十六条の十四　令第三十六条第五号の主務省令で定める事項は、次に掲げる事項とする。

Article 126-14 The matters prescribed by order of the competent ministry under Article 36, item (v) are the following matters:

一　商品市場における相場等に係る変動により商品先物取引仲介行為に係る商品取引契約に基づく取引について顧客に損失が生ずることとなるおそれがある場合（当該損失の額が取引証拠金等の額を上回ることとなるおそれがある場合を除く。）には、その旨及びその理由

(i) if there is a risk of a customer incurring a loss for a transaction based on a commodity transaction contract related to acts of commodity derivatives intermediary service due to fluctuations in quotations, etc., on commodity markets (excluding when there is a risk that the amount of the loss exceeds the amount of the clearing margin, etc.), that fact and the reasons;

二　商品先物取引仲介行為に係る商品取引契約に基づく店頭商品デリバティブ取引について、商品先物取引仲介業者が表示する商品の売付けの価格と買付けの価格（次のイからハまでに掲げる取引の場合にあっては、当該イからハまでに定めるものを含む。）とに差がある場合には、その旨

(ii) if there is a difference between the sale price and the purchase price (in cases of transactions stated in the following sub-items (a) through (c), including those specified in the sub-items (a) through (c)) of a commodity indicated by a commodity derivatives intermediary service provider concerning over-the-counter commodity derivatives transactions based on a

commodity transaction contract related to acts of commodity derivatives intermediary service, that fact;

イ　法第二条第十四項第二号又は第三号に掲げる取引の場合　現実価格若しくは現実数値が約定価格等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価格等と当該金銭を受領する立場の当事者となる取引の約定価格等又はこれらに類似するもの

(a) cases of a transaction stated in Article 2, paragraph (14), item (ii) or (iii) of the Act: if the actual price or the actual figure exceeds the contract price, etc., the contact price, etc. of a transaction for which the person in question will be the party to pay the money and the contract price, etc. of a transaction for which the person in question will be the party to receive the money, or those similar to them;

ロ　法第二条第十四項第四号又は第五号に掲げる取引の場合　同項第四号又は第五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

(b) cases of a transaction stated in Article 2, paragraph (14), item (iv) or (v) of the Act: the amount of compensation for the right of the transaction for which the person in question will be the party to grant the right prescribed in item (iv) or (v) of that paragraph and the amount of compensation for the right of the transaction for which the person in question will be the party to acquire the right; or

ハ　法第二条第十四項第六号に掲げる取引の場合　商品の価格若しくは商品指数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商品の価格若しくは商品指数と当該商品の価格若しくは商品指数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商品の価格若しくは商品指数又はこれらに類するもの

(c) cases of a transaction stated in Article 2, paragraph (14), item (vi) of the Act: if the price of the commodity or the commodity index rises in the agreed period, the price of the commodity or the commodity index and the commodity at the start of the agreed period for the transaction for which the person in question will be the party to pay the money, and if the price of the commodity index rises in the agreed period, the price of the commodity or the commodity index, or a similar item at the start of the agreed period for the transaction for which the person in question will be the party to receive the money;

三　商品先物取引仲介行為に係る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がある場合には、当該不利益となる事実の内容

(iii) if there is a fact that is disadvantageous to the customer concerning important matters related to a commodity transaction contract related to acts of commodity derivatives intermediary service, the content of the

disadvantageous fact; and

四　当該商品先物取引仲介業者の所属商品先物取引業者が商品先物取引協会に加入している場合には、その旨及び当該商品先物取引協会の名称

(iv) if the requested commodity derivatives broker of the commodity derivatives intermediary service provider has joined a commodity futures association, that fact and the name of the commodity futures association.

（誇大広告等をしてはならない事項）

(Prohibition of Misleading Advertisement)

第百二十六条の十五　法第二百四十条の十三第二項の主務省令で定める事項は、次に掲げる事項とする。

Article 126-15 The matters prescribed by order of the competent ministry as referred to in Article 240-13, paragraph (2) of the Act are the following:

一　商品先物取引仲介行為に係る商品取引契約の解除に関する事項

(i) matters concerning cancellation of a commodity transaction contract related to acts of commodity derivatives intermediary service;

二　商品先物取引仲介行為に係る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) matters concerning all or part of the bearing of losses or guarantee of profits related to a commodity transaction contract related to acts of commodity derivatives intermediary service;

三　商品先物取引仲介行為に係る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) matters concerning an agreement for liquidated damages (including any penalty) related to a commodity transaction contract related to acts of commodity derivatives intermediary service;

四　商品先物取引仲介行為に係る商品取引契約に係る商品市場又は外国商品市場に関する事項

(iv) matters concerning a commodity market or a foreign commodity market related to a commodity transaction contract related to acts of commodity derivatives intermediary service;

五　所属商品先物取引業者の資力又は信用に関する事項

(v) matters concerning financial resources or credit of a requested commodity derivatives broker;

六　所属商品先物取引業者の商品先物取引業の実績に関する事項

(vi) matters concerning the performance of a commodities transaction contract of a requested commodity derivatives broker; and

七　商品先物取引仲介行為に係る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) matters concerning the amount of the fees, etc. required to be paid by the customer related to a commodity transaction contract related to acts of

commodity derivatives intermediary service, its calculation method, or its method and time of payment, and the payee.

（明示事項）

(Matters to Be Clearly Indicated)

第百二十六条の十六　法第二百四十条の十四第四号の主務省令で定める事項は、次に掲げる事項とする。

Article 126-16 The matters specified by order of the competent ministry as referred to in Article 240-14, item (iv) of the Act are the following:

一　所属商品先物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所属商品先物取引業者により異なる場合は、その旨

(i) when there are two or more entrusting commodity derivatives brokers, and the amount or the fees, etc. to be paid by the customer for a transaction the customer seeks to conduct differs depending on the requested commodity derivatives brokers, that fact; and

二　所属商品先物取引業者が二以上ある場合には、顧客の取引の相手方となる所属商品先物取引業者の商号又は名称

(ii) when there are two or more requested commodity derivatives brokers, the trade name or name of the requested commodity derivatives broker that is to be the counterpart to the customer's transaction.

（商品先物取引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 Having Close Relationships with the Commodity Derivatives Intermediary Service Providers)

第百二十六条の十七　令第三十七条ただし書の主務省令で定める者は、次に掲げるものとする。

Article 126-17 The person specified by order of the competent ministry as referred to in the proviso to Article 37 of the Order is the following:

一　当該商品先物取引仲介業者の所属商品先物取引業者

(i) requested commodity derivatives broker of the commodity derivatives intermediary service provider;

二　銀行

(ii) bank;

三　協同組織金融機関

(iii) cooperative financial institution;

四　保険会社

(iv) insurance company;

五　信託会社

(v) trust company; and

六　株式会社商工組合中央金庫

(vi) The Shoko Chukin Bank, Ltd.

（実質的支配が可能な関係）

(Relationships That Enable Substantial Control)

第百二十六条の十八　令第三十七条第三号の主務省令で定める関係は、次に掲げる者とする。

Article 126-18 The relationships specified by order of the competent ministry as referred to in Article 37, item (iii) of the Order are the following relationships:

一　子会社に対する関係

(i) a relationship with a subsidiary company; and

二　関連会社に対する関係

(ii) a relationship with an affiliated company.

（禁止行為）

(Prohibited Acts)

第百二十六条の十九　法第二百四十条の十六第三号の主務省令で定める行為は、次に掲げる行為とする。

Article 126-19 The acts specified by order of the competent ministry as referred to in Article 240-16, item (iii) of the Act are the following acts:

一　委託者等の指示を遵守することその他の商品先物取引仲介行為に係る商品取引契約に基づく委託者等に対する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こと。

(i) refusing to comply with the instructions of a requesting party, etc., or refusing to perform or unjustly delay performance of the obligations to the requesting party, etc. based on a commodity transaction contract related to acts of commodity derivatives intermediary service in whole or in part;

二　顧客の指示を受けないで、顧客の計算によるべきものとして商品先物取引仲介行為を行うこと。

(ii) conducting acts of commodity derivatives intermediary service on the account of a customer without receiving instructions from the customer;

三　商品先物取引仲介行為につき、顧客若しくはその指定した者に対し、特別の利益を提供することを約し、又は顧客若しくはその指定した者に対し特別の利益を提供すること（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ことを含む。）

(iii) promising to provide a customer or any person designated by a customer special benefits, or providing special benefits to a customer or any person designated by a customer (including having a third person promise to provide special benefits or having a third person provide them), in relation to acts of commodity derivatives intermediary service;

四　商品先物取引仲介行為につき、顧客（特定委託者及び特定当業者を除く。）に対し、取引単位を告げないで勧誘すること。

(iv) soliciting a customer (excluding an eligible requesting party and eligible commercial person) for an act of commodity derivatives intermediary service without disclosing the transaction unit;

五　商品先物取引仲介行為につき、決済を結了する旨の意思を表示した顧客（特定委託者及び特定当業者を除く。）に対し、引き続き当該取引を行うことを勧めること。

(v) recommending a customer (excluding an eligible requesting party and eligible business specialist) who has indicated the intention to complete settlement for an act of commodity derivatives intermediary service to continue conducting the transaction;

六　商品先物取引仲介行為に関して、重要な事項について誤解を生ぜしめるべき表示をすること。

(vi) making an indication that would cause a misunderstanding with regard to important matters concerning acts of commodity derivatives intermediary service;

七　法第二百十四条第九号に規定する商品取引契約の締結を勧誘する目的があることを顧客（特定委託者及び特定当業者を除く。）にあらかじめ明示しないで当該顧客を集めて当該商品取引契約の締結を勧誘すること。

(vii) assembling customers (excluding an eligible requesting party and eligible business specialists) and soliciting conclusion of a commodity transaction contract without clearly indicating to the customer in advance that there is a purpose of soliciting conclusion of the commodity transaction contract prescribed in Article 240, item (ix) of the Act;

八　商品市場における相場又は商品市場における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、商品市場における取引等の委託の媒介を行うこと。

(viii) conducting intermediation of the request of transactions, etc. in a commodity market while knowing that through causing fluctuations in quotations on commodity markets or figures calculated based on quotations on commodity markets or transaction volumes, or by increasing the transaction volumes will result in the formation of manipulative quotations which do not reflect actual market status;

九　商品投資顧問契約に係る業務を行う場合には、商品投資顧問契約に係る取引を結了させ、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商品投資顧問契約を締結している顧客以外の者に対して商品デリバティブ取引を勧誘する行為

(ix) in cases of conducting business related to a commodities investment advisory contract, the act of soliciting a person other than a customer who has entered into a commodities investment advisory contract to conduct a commodity derivatives transaction in order to complete a transaction related to a commodities investment advisory contract, or have the person conduct an offsetting trade without explaining that fact.

十　当該商品先物取引仲介業者の役員又は使用人による職務の執行が法に適合するこ

とを確保するための体制を整備していないと認められる状況にあるにもかかわらず、第百二条の二第二号又は第三号に該当する行為を行うこと。

(x) conducting acts stated in Article 102-2, item (ii) or (iii) despite the situation in which a system for ensuring that duties performed by the officers or employees of the commodity derivatives intermediary service provider conform to the Act is found not to have been developed.

（事故の確認を要しない場合）

(When Confirmation of Problematic Conduct Is Not Required)

第百二十六条の二十　法第二百四十条の十七において準用する法第二百十四条の三第三項ただし書の主務省令で定める場合は、次に掲げる場合とする。

Article 126-20 (1) The cases specified by order of the competent ministry as referred to in the proviso to Article 214-3, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 240-17 of the Act are the following:

一　裁判所の確定判決を得ている場合

(i) when a final and binding judgment rendered by a court has been obtained;

二　裁判所の和解が成立している場合

(ii) when a court settlement 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) when the mediation prescribed in Article 16 of the Civil Mediation Act has been entered into, or cases in which a court decision has been made pursuant to the provisions of Article 17 of that Act and no objection is made within the period prescribed in Article 18, paragraph (1) of that Act;

四　商品取引所の仲介、商品先物取引協会の苦情の解決、あっせん若しくは調停又は主務大臣が指定する団体のあっせんによる和解が成立している場合

(iv) when settlement has been reached through mediation of a commodities exchange, complaint resolution, mediation, or conciliation of a commodity futures association, or mediation of an organization designated by the competent minister;

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判断がされている場合

(v) when settlement has been reached through mediation by the organ specified in the regulations prescribed in Article 33, paragraph (1) of the Attorneys Act or the rules established pursuant to the provisions of the regulations, or cases in which an arbitration award has been made by the organ;

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 the mediation prescribed in

Article 19, paragraph (1) or Article 25 of the Basic Act on Consumer Policies or when resolution has been reached through the agreement prescribed in those Articles;

七　認証紛争解決事業者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) when settlement has been reached through the certified dispute resolution procedures carried out by a certified dispute resolution business operator;

八　和解が成立している場合であって、次に掲げるすべての要件を満たす場合

(viii) when settlement has been reached, and the cases satisfy 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が顧客を代理していること。

(a) an attorney-at-law or a judicial scrivener has acted as the customer's counsel concerning the settlement procedures;

ロ　当該和解の成立により所属商品先物取引業者が顧客に対して支払をすることとなる額が千万円を超えないこと。

(b) the amount to be paid to the customer by the entrusting commodity derivatives broker due to the settlement being reached does not exceed 10 million yen;

ハ　ロの支払が事故による損失の全部又は一部を補てん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が商品先物取引仲介業者及び当該商品先物取引仲介業者の所属商品先物取引業者に交付されていること。

(c) the attorney-at-law or judicial scrivener referred to in (a) has investigated that the payment referred to in (b) is to be made in order to compensate for all or part of the loss due to a problematic conduct, and a document certifying that the confirmation has been made has been delivered to the commodity derivatives intermediary service provider and the requested commodity derivatives broker of the commodity derivatives intermediary service provider;

九　商品先物取引仲介業者の所属商品先物取引業者の代表者等が第百十二条第二項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。

(ix) when the representative, etc. of a requested commodity derivatives broker of a commodity derivatives intermediary service provider has caused a customer a loss through an act stated in the items of Article 112, paragraph (2), and the property benefits for which an offer or promise is made, or is provided to the customer for the loss incurred in a daily trading does not exceed the amount equivalent to 100,000 yen; or

十　商品先物取引仲介業者の代表者等が第百十二条第二項第三号及び第四号に掲げる行為により顧客に損失を及ぼした場合（法第二百二十二条に規定する帳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る。）

(x) when the representative, etc. of a commodity derivatives intermediary service provider has caused a customer a loss through an act stated in Article 112, paragraph (2), items (iii) and (iv) (limited to cases in which it is clear from the books prescribed in Article 222 of the Act or a record of the content of an order by the customer that the cause is a problematic conduct).

２　前項第九号の利益は、第百十二条第二項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、同項第三号及び第四号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 benefits referred to in item (ix) of the preceding paragraph are to be calculated for each category of acts stated in the items of Article 112, paragraph (2). In this case, with regard to the amount of benefits related to the category of acts stated in items (iii) and (iv) of that Article, the amount of property benefits for which an offer or promise is made, or is provided when stated in item (x) of the preceding paragraph is to be deducted.

３　所属商品先物取引業者は、第一項第四号（協会の苦情の解決及び主務大臣の指定する団体のあっせんによる和解に限る。）及び第五号から第十号までに掲げる場合において、法第二百四十条の十七において準用する法第二百十四条の三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、第百二十六条の二十二各号に掲げる事項を、主務大臣に報告しなければならない。ただし、当該報告をする者の所属商品先物取引業者が、協会の会員である場合にあっては、協会を経由しなければならない。

(3) When stated in item (iv) (limited to a settlement reached as a result of the resolution of a complaint by a commodity futures association or mediation by an organization designated by the competent minister) and items (v) through (x) of paragraph (1), if a requested commodity derivatives broker has made an offer or promise to provide property benefits or has provided property benefits to a customer without obtaining the confirmation referred to in the proviso to Article 214-3, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 240-17 of the Act, the matters stated in the items of Article 126-22 must be reported to the competent minister by the last day of the month following the month that includes the date on which the offer, promise or provision has been made; provided, however, that if the requested commodity derivatives broker of the person that is to make the report is a member of a commodity futures association, the report must be made through the commodity futures association.

（事故の確認申請手続）

(Procedures for Applications for Confirmation of Problematic Conducts)

第百二十六条の二十一　法第二百四十条の十七において準用する法第二百十四条の三第

三項ただし書の確認を受けようとする者は、法第二百四十条の十七において準用する法第二百十四条の三第五項の規定による申請書及び書類を、主務大臣に提出しなければならない。ただし、当該確認を受けようとする者の所属商品先物取引業者が、協会の会員である場合にあっては、協会を経由しなければならない。

Article 126-21 A person that seeks to obtain the confirmation referred to in the proviso to Article 214-3, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 240-17 of the Act, must submit a written application and a document under the provisions of Article 214-3, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 240-17 of the Act, to the competent minister; provided, however, that if the requested commodity derivatives broker of the person that seeks to obtain the confirmation is a member of a commodity futures association, the submission must be made through the commodity futures association.

（確認申請書の記載事項）

(Information to Be Stated in Written Applications for Confirmation)

第百二十六条の二十二　法第二百四十条の十七において準用する法第二百十四条の三第五項の主務省令で定める事項は、次に掲げる事項とする。

Article 126-22 The information specified by order of the competent ministry referred to in Article 214-3, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 240-17 of the Act, is the following:

一　所属商品先物取引業者の商号又は名称

(i) the trade name or name of the requested commodity derivatives broker;

二　事故の発生した本店、支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 address of the head office, branch office, or any other business office or office where the problematic conduct 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 information concerning the fact for which confirmation is sought;

イ　事故となる行為に関係した商品先物取引仲介業者の氏名又は商号若しくは名称及び代表者等の氏名又は部署の名称

(a) the name or trade name of the commodity derivatives intermediary service provider that was involved in acts falling under a problematic conduct, and the name of the representative, etc., or 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、本店又は主たる事務所の所在地及び代表者の氏名）

(b) the name and address of the customer (in cases of a corporation, the name or trade name, and the address of the head office or principal office, and name of the representative);

ハ　事故の概要

(c) an outline of the problematic conduct;

ニ　補てん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 reason the loss of the customer to be compensated for was caused as a result of a problematic conduct;

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 the property benefits sought to be offered, promised, or provided; and

四　その他参考となるべき事項

(iv) other information to be used as a reference.

（確認申請書の添付書類）

(Documents Attached to Written Applications for Confirmation)

第百二十六条の二十三　法第二百四十条の十七において準用する法第二百十四条の三第五項の主務省令で定めるものは、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 126-23 (1) The document specified by order of the competent ministry as referred to in Article 214-3, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 240-17 of the Act, is a document proving that the customer has confirmed the content of the information stated in the items of the preceding Article and any other material to be used as a reference.

2　前項の規定は、法第二百四十条の十七において準用する法第二百十四条の三第五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 when the written application under the provisions of Article 214-3, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 240-17 of the Act, concerns an offer referred to in paragraph (1), item (ii) of that Article.

（説明の方法）

(Method of Explanation)

第百二十六条の二十四　商品先物取引仲介業者の所属商品先物取引業者は、その委託を行った商品先物取引仲介業者が法第二百四十条の十八第一項の規定により顧客に対して説明をしようとするときは、当該説明に先立って、当該顧客に対し契約締結前交付書面を交付しなければならない。

Article 126-24 (1) A requested commodity derivatives broker of the commodity derivatives intermediary service provider must deliver a document for delivery before entering into a contract to the customer before the explanation when the commodity derivatives intermediary service provider seeks to make an explanation to the customer pursuant to the provisions of Article 240-18, paragraph (1) of the Act.

2　前項に規定する場合において、既に当該商品先物取引仲介業者が当該契約締結前交

付書面を交付をしているときは、当該所属商品先物取引業者は、法第二百十七条第一項の規定にかかわらず、契約締結前交付書面を交付することを要しない。

(2) When prescribed in the preceding paragraph and the commodity derivatives intermediary service provider has already delivered a document for delivery before entering into a contract, the requested commodity derivatives broker is not required to deliver the document for delivery before entering into a contract, notwithstanding the provisions of Article 217, paragraph (1) of the Act.

（帳簿の作成）

(Preparation of Books)

第百二十六条の二十五　商品先物取引仲介業者は、法第二百四十条の二十の規定により、商品先物取引仲介業に関する取引につき、別表第五に定める帳簿を作成しなければならない。

Article 126-25 (1) A commodity derivatives intermediary service provider must prepare the books prescribed in the Appended Table 5 for transactions related to commodity derivatives intermediary service pursuant to the provisions of Article 240-20 of the Act.

２　別表第五に定める帳簿は、七年間保存するものとする。

(2) The books prescribed in the Appended Table 5 are to be preserved for seven years.

（電磁的方法による保存）

(Preservation Through Electronic or Magnetic Means)

第百二十六条の二十六　別表第五に定める帳簿の内容が、電磁的方法により記録され、当該記録が必要に応じ電子計算機その他の機器を用いて直ちに表示されることができるようにして保存されるときは、当該記録の保存をもって前条第二項に規定する帳簿の保存に代えることができる。この場合において、商品先物取引仲介業者は、当該記録が滅失し、又はき損することを防止するために必要な措置を講じなければならない。

Article 126-26 When the content of the books prescribed in the Appended Table 5 is recorded through an electronic or magnetic means and is preserved in a manner that enables the record to be immediately displayed using a computer or other devices as necessary, the preservation of the record may substitute for the preservation of the books prescribed in paragraph (2) of the preceding Article. In this case, a commodity derivatives intermediary service provider must take the necessary measures for preventing the loss of or damage to the record.

（事業報告書の作成等）

((Preparation of Business Reports)

第百二十六条の二十七　法第二百四十条の二十一の規定により商品先物取引仲介業者が

提出する事業報告書は、様式第十四号により作成しなければならない。
Article 126-27 The business report that a commodity derivatives intermediary service provider submits pursuant to the provisions of Article 240-21 of the Act must be prepared according to Form No. 14.

（協会の設立認可申請書の添付書類）
(Documents Attached to a Written Application for Authorization of Establishment of an Association)
第百二十七条　法第二百四十七条第二項の主務省令で定める書類は、次に掲げるもの（官公署が証明する書類の場合には、認可の申請の日前三月以内に作成されたものに限る。）とする。
Article 127 The documents specified by order of the competent ministry as referred to in Article 247, paragraph (2) of the Act are as follows (in cases of documents certified by a public agency, limited to those prepared within three months before the date of filing the application for authorization):
一　認可申請者が法第十五条第二項第一号ハからホまで、リ又はヲのいずれにも該当しないことを誓約する書面
(i) a document pledging that the applicant for the authorization does not fall under any of the provisions of Article 15, paragraph (2), item (i), sub-items (c) through (e), sub-item (i), or sub-item (l) of the Act;
二　役員の住民票の写し等、履歴書、その者が法第十五条第二項第一号ロに該当しない旨の官公署の証明書（その者が外国人である場合を除く。）並びにその者が法第十五条第二項第一号イ及びハからルまで（その者が外国人の場合には、同号イからルまで）のいずれにも該当しないことを誓約する書面
(ii) a copy of the residence certificate, etc. and a curriculum vitae of each officer, a certificate issued by a public agency proving that the person does not fall under Article 15, paragraph (2), item (i), sub-item (b) of the Act (excluding a case in which the person is a foreign national), and a document pledging that the person does not fall under any of the provisions of Article 15, paragraph (2), item (i), sub-item (a) and sub-items (c) through (k) of the Act (in cases where the person is a foreign national, sub-items (a) through (k) of that item); and
三　設立総会の議事録
(iii) the minutes of the establishment meeting.

（医師の診断書の提出）
(Submission of a Doctor's Medical Certificate)
第百二十七条の二　主務大臣は、法第二百四十五条の認可の申請があった場合において、認可申請者が法第十五条第二項第一号ヲ（イ及びルに係る部分に限る。）に該当するかどうかを審査するために必要があると認めるときは、認可申請者に対し、当該審査の対象となる者の病名、精神の機能の障害の有無及び程度、病因、病後の経過、治癒

の見込みその他参考となる所見を記載した医師の診断書の提出を求めることができる。

Article 127-2 (1) The competent minister may request an applicant to submit a doctor's medical certificate stating the name of the illness of the person subject to the examination, whether the person has any mental impairment and the level of the mental impairment, causes of the illness, post-illness progress, prospects of recovery, and other remarks for reference when the application for the authorization under Article 245 of the Act is filed, and the minister finds it necessary to do so for examining whether the applicant for the authorization falls under Article 15, paragraph (2), item (i), (l) of the Act (limited to the part related to (a) and (k)).

2　主務大臣は、前項の場合において、役員のうちに法第十五条第二項第一号イ又はル（イに係る部分に限る。）に該当する者があるかどうかを審査するために必要があると認めるときは、認可申請者に対し、当該審査の対象となる者の病名、精神の機能の障害の有無及び程度、病因、病後の経過、治癒の見込みその他参考となる所見を記載した医師の診断書の提出を求めることができる。

(2) The competent minister may request an applicant to submit a doctor's medical certificate stating the name of the illness of the person subject to the examination, whether the person has any mental impairment and the level of mental impairment, causes of the illness, post-illness progress, prospects of recovery, and other remarks for reference when referred to in the preceding paragraph and the minister finds it necessary to do so for examining whether officers of the applicant for the authorization include any person who falls under Article 15, paragraph (2), item (i), (a) or (k) of the Act (limited to the part related to (a)).

（定款等の変更認可申請書の添付書類）

(Documents Attached to Written Applications for Authorization of Changes to Articles of Incorporation)

第百二十八条　法第二百五十条第二項の主務省令で定める書類は、次に掲げるものとする。

Article 128 The documents specified by order of the competent ministry as referred to in Article 250, paragraph (2) of the Act are as follows:

一　変更の理由を記載した書面

(i) a document stating the reasons for the change;

二　新旧条文の対照表

(ii) a comparative table of the prior and amended provisions;

三　定款の変更認可申請書にあっては、総会の議事録

(iii) in cases of a written application for authorization of a change to the articles of incorporation, minutes of the general meeting;

四　制裁規程又は紛争処理規程の変更認可申請書にあっては、定款その他の規則で定める変更の手続を完了したことを証する書面

(iv) in cases of application for approval of a change to sanction rules or dispute resolution rules, a document proving that the procedures for changes specified by the articles of incorporation and other rules have been completed.

（苦情の処理状況の報告書の提出）

(Submission of Report of Status of Complaint Processing)

第百二十九条　協会は法第二百五十九条第一項の規定により苦情の相談に応じたときは、毎月末日現在における当該苦情の処理状況についての報告書を作成し、当該報告に係る月の翌月の十日までに主務大臣に提出するものとする。

Article 129 (1) After handling consultations on complaints pursuant to the provisions of Article 259, paragraph (1) of the Act, an association is to prepare a written report on the status of the complaint processing as of the last day of each month and submit the written report to the competent minister by the 10th of the month following the month related to the report.

２　前項の報告書には、半期ごとに、次に掲げる調書を添付し、提出するものとする。

(2) The following records are to be attached to the report referred to in the preceding paragraph and submitted each semiannual period:

一　苦情処理状況通知書

(i) written notices on the status of complaints processing;

二　商品先物取引業者等別苦情受付処理件数表

(ii) a table stating the number of complaints received and processed by each commodity derivatives broker, etc.; and

三　商品取引所別苦情受付件数表

(iii) a table stating the number of complaints received by each commodity exchange.

（あっせん・調停委員会委員の要件）

(Requirements for Members of Arbitration and Conciliation Committees)

第百三十条　法第二百六十条の主務省令で定める要件は、次の各号のいずれにも該当することとする。

Article 130 The requirement specified by order of the competent ministry as referred to in Article 260 of the Act is that the committee member satisfies all of the following requirements:

一　法第十五条第二項第一号イからルまでのいずれにも該当しないこと。

(i) the person does not fall under any of the provisions of Article 15, paragraph (2), item (i), sub-items (a) through (k) of the Act;

二　次のイからヌまでのいずれにも該当しない者であること。

(ii) the person does not fall under any of the provisions of the following sub-items (a) through (j);

イ　公務員で懲戒免職の処分を受け、当該処分の日から二年を経過しない者

(a) a public employee who has been rendered a disposition of disciplinary

dismissal and for whom two years has not elapsed from the date of the disposition;

ロ　弾劾裁判所の罷免の裁判を受けた者

(b) a person whose removal from office has been decreed by an impeachment court;

ハ　弁護士法又は外国弁護士による法律事務の取扱い等に関する法律（昭和六十一年法律第六十六号）の規定による懲戒処分により弁護士会からの除名の処分を受け、当該処分の日から三年を経過しない者

(c) a person who has been expelled from a bar association through disciplinary action pursuant to the provisions of the Attorneys Act or the Act on the Handling of Legal Services by Foreign Lawyers (Act No. 66 of 1986), and for whom three years have not elapsed from the date of the disposition;

ニ　公認会計士法（昭和二十三年法律第百三号）、税理士法（昭和二十六年法律第二百三十七号）又は司法書士法の規定による懲戒処分により、公認会計士の登録の抹消、税理士の業務の禁止の処分又は司法書士の業務の禁止の処分を受け、当該処分の日から三年を経過しない者

(d) a person who has been rendered a disposition of deletion of registration as a certified public accountant, prohibition of business as a certified tax accountant, or prohibition of business as a judicial scrivener through disciplinary action pursuant to the provisions of the Certified Public Accountants Act (Act No. 103 of 1948), the Certified Public Tax Accountant Act (Act No. 237 of 1951), or the Judicial Scriveners Act, and for whom three years have not elapsed from the date of the disposition;

ホ　当事者（商品デリバティブ取引等に係る紛争（法第二百六十条に規定する商品デリバティブ取引等に係る紛争をいう。チにおいて同じ。）の当事者（当該当事者が商品先物取引仲介業者である場合にあっては、当該商品先物取引仲介業者の所属商品先物取引業者を含む。）をいう。以下この号において同じ。）又はその配偶者若しくは配偶者であった者

(e) the party (meaning the party (when that party is a commodity derivatives intermediary service provider, including a requested commodity derivatives broker of the commodity derivatives intermediary service provider) to a dispute related to a commodity derivatives transaction, etc. (meaning the dispute related to a commodity derivatives transaction, etc. prescribed in Article 260 of the Act; the same applies in (h)); the same applies in below this item) or their spouse, or any person who was formerly their spouse;

ヘ　当事者の四親等内の血族、三親等内の姻族若しくは同居の親族である者又はこれらであった者

(f) a person who is or was a party's relative by blood within the fourth degree of kinship, by marriage within the third degree of kinship, or a cohabiting

relative;

ト　当事者の後見人、後見監督人、保佐人、保佐監督人、補助人又は補助監督人である者

(g) a person who is a guardian, a guardianship supervisor, a curator, a curatorship supervisor, an assistant or an assistantship supervisor, of a party;

チ　商品デリバティブ取引等に係る紛争について当事者の代理人若しくは補佐人である者又はこれらであった者

(h) a person who is or was an agent or assistant of a party for a dispute related to a commodity derivatives transaction, etc.;

リ　当事者から役務の提供により収入を得ている者又は得ないこととなった日から三年を経過しない者

(i) a person earning income from a party through the provision of services, or a person for whom three years have not elapsed since the day on which the person ceased to earn the income; and

ヌ　商品先物取引業者又は商品先物取引仲介業者（法人である者に限る。）の役員である者

(j) a person who is an officer of a commodity derivatives broker or a commodity derivatives intermediary service provider (limited to a person that is a corporation).

（あっせん及び調停の処理状況の報告書の提出）

(Submission of Written Reports of the Status of Processing Mediations and Conciliations)

第百三十一条　協会は法第二百六十一条の規定によりあっせん又は調停を行ったときは、毎月末日現在における当該あっせん又は調停の処理状況についての報告書を作成し、当該報告に係る月の翌月の十日までに主務大臣に提出しなければならない。

Article 131　When having conducted mediation or conciliation pursuant to the provisions of Article 261 of the Act, an association must prepare a written report regarding the status of processing the mediation or conciliation as of the last day of each month and submit the written report to the competent minister by the 10th of the month following the month related to the report.

第百三十二条　削除

Article 132　Deleted

第百三十三条　削除

Article 133　Deleted

（認可申請書に添付すべき書類）

(Documents Required to Be Attached to Applications for Authorization)

第百三十四条　法第二百七十九条第二項の主務省令で定める書類は、次に掲げるもの（官公署が証明する書類の場合には、認可の申請の日前三月以内に作成されたものに限る。）とする。

Article 134 (1) The documents prescribed by order of the competent ministry as referred to in Article 279, paragraph (2) of the Act are the following documents (in cases of documents certified by a public agency, limited to those prepared within three months before the date of filing the application for authorization):

一　役員の住民票の写し等、履歴書、その者が法第十五条第二項第一号ロに該当しない旨の官公署の証明書（その者が外国人である場合を除く。）並びにその者が同号イ及びハからルまで（その者が外国人の場合には、同号イからルまで）のいずれにも該当しないことを誓約する書面

(i) a copy of the residence certificate, etc. and a curriculum vitae of each officer, a certification issued by a public agency that the person does not fall under the provisions of Article 15, paragraph (2), item (i), sub-item (b) of the Act (excluding when that person is a foreign national), and a document pledging that the person does not fall under any of the provisions of Article 15, paragraph (2), item (i), sub-item (a) and sub-item (c) through (k) of the Act (when the person is a foreign national, sub-items (a) through (k) of that item);

二　創立総会の議事録

(ii) the minutes of the organizational meeting;

三　会員（法第二百七十五条第一項の会員をいう。以下同じ。）の名簿

(iii) the register of members (meaning the members referred to in Article 275, paragraph (1) of the Act; the same applies below); and

四　様式第一号により作成したその者の純資産額に関する調書

(iv) a record of the amount of net assets of that person, prepared according to Form No. 1.

２　主務大臣は、法第二百七十九条第一項の規定による認可を行うために必要があると認めるときは、発起人に対し、参考となるべき報告又は資料の提出を求めることができる。

(2) When the competent minister finds it necessary for granting authorization under the provisions of Article 279, paragraph (1) of the Act, the minister may order the incorporator to submit a report or materials that should serve as a reference.

（業務規程の記載事項）

(Information to Be Stated in Operational Rules)

第百三十五条　法第三百一条第一項第三号の主務省令で定める事項は、次に掲げる事項とする。

Article 135 The information specified by order of the competent ministry as referred to in Article 301, paragraph (1), item (iii) of the Act is the following:

一　法第三百六条第一項の規定による一般委託者に対する支払に関する事項

(i) information concerning payments to the general requesting party pursuant to the provisions of Article 306, paragraph (1) of the Act;

二　法第三百七条第四項の規定による補償対象債権（法第三百六条第一項に規定する補償対象債権をいう。次条において同じ。）の取得に関する事項

(ii) information concerning the acquisition of claims to be compensated (meaning claims to be compensated prescribed in Article 306, paragraph (1) of the Act; the same applies below in this Article) pursuant to the provisions of Article 307, paragraph (4) of the Act;

三　法第三百八条第一項の規定による資金の貸付けに関する事項

(iii) information concerning a loan of funds under the provisions of Article 308, paragraph (1) of the Act;

四　法第三百九条の規定による保全対象財産の預託の受入れ及び管理に関する事項

(iv) information concerning the acceptance and management of deposits of property subject to preservation under the provisions of Article 309 of the Act;

五　法第三百十条に規定する一般委託者債務の迅速な弁済に資するための業務に関する事項

(v) information concerning the business that contributes to prompt repayment of liabilities of a general requesting party prescribed in Article 310 of the Act;

六　法第三百十一条第一項に規定する裁判上又は裁判外の行為に関する事項

(vi) information concerning acts in and out of the court prescribed Article 311, paragraph (1) of the Act; and

七　その他必要と認める事項

(vii) other information found to be necessary.

（補償対象債権の評価方法）

(Evaluation Method of Claims to Be Compensated)

第百三十六条　法第三百六条第一項の主務省令で定めるところにより算出した金額は、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 136 The amount calculated pursuant to the provisions of order of the competent ministry as referred to in Article 306, paragraph (1) of the Act is the amount specified in the following items in accordance with the category of cases prescribed in each item:

一　補償対象債権に係る委託者資産が金銭である場合　当該委託者資産の金額

(i) in cases when a requesting party's assets related to claims to be compensated are money: the amount of the requesting party's assets;

二　補償対象債権に係る委託者資産が金融商品取引所（外国において設立されている類似の性質を有するものを含む。以下この条において同じ。）に上場されている有価証券である場合　委託者保護基金が法第三百五条第一項の規定による公告をした

日の金融商品取引所における最終価格（当該最終価格がないときは、認可金融商品取引業協会（金融商品取引法第二条第十三項に規定する認可金融商品取引業協会をいう。以下同じ。）が発表する当該公告をした日の気配相場又は、その日前における直近の日の当該金融商品取引所における最終価格のうち、委託者保護基金が指定するもの）に基づき算出した金額

(ii) when a requesting party's assets related to claims to be compensated are securities listed on a financial instruments exchange (including similar markets established in foreign states; the same applies below in this Article): the amount calculated based on the closing prices on the financial instruments exchange on the date that the requesting party protection fund published a public notice under the provisions of Article 305, paragraph (1) of the Act (if the closing prices do not exist, indicative price quotations published by the authorized financial instruments firms association (meaning an authorized financial instruments firms association prescribed in Article 2, paragraph (13) of the Financial Instruments and Exchange Act; the same applies below) on the date of the public notice, or the closing prices on the financial instruments exchange on the nearest date before the date of the public notice, whichever is specified by the requesting party protection fund);

三　補償対象債権に係る委託者資産が店頭売買有価証券（金融商品取引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。以下同じ。）である場合　委託者保護基金が法第三百五条第一項の規定による公告をした日の当該補償対象債権に係る店頭売買有価証券を登録する認可金融商品取引業協会（当該店頭売買有価証券が二以上の認可金融商品取引業協会に登録されているときは、委託者保護基金が指定する認可金融商品取引業協会とする。）が公表する最終価格（当該最終価格がないときは、その日前における直近の日に当該認可金融商品取引業協会が公表した最終価格）に基づき算出した金額

(iii) when a requesting party's assets related to claims to be compensated are over-the-counter traded securities (meaning over-the-counter traded securities prescribed in Article 2, paragraph (8), item (x), (c) of the Financial Instruments and Exchange Act; the same applies below): the amount calculated based on the closing price published by an authorized financial instruments firms association to which the requesting party protection fund registers over-the-counter traded securities related to the claims to be compensated (when the over-the-counter traded securities are registered by more than one authorized financial instruments firms association, the authorized financial instruments firms association specified by the requesting party protection fund), on the date of public notice under the provisions of Article 305, paragraph (1) of the Act (if the closing price does not exist, the closing price published by the authorized financial instruments firms association on the nearest date before the date of public notice);

四　補償対象債権に係る委託者資産が前三号に規定する金銭及び有価証券以外の財産

である場合　委託者保護基金が法第三百五条第一項の規定による公告をした日の公表されている最終価格に基づき算出した金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金額

(iv) when a requesting party's assets related to claims to be compensated are properties other than money and securities prescribed in the preceding three items: the amount calculated based on the closing price published on the date that the requesting party protection fund published a public notice under the provisions of Article 305, paragraph (1) of the Act, or an equivalent amount calculated by a reasonable method.

（保全対象財産の預託の受入れ及び管理）

(Acceptance and Management of Deposits of Property Subject to Preservation)

第百三十七条　委託者保護基金は、法第三百九条の規定により、その会員である商品先物取引業者から保全対象財産の全部又は一部の預託を受ける場合には、第九十八条第一項第二号に定めるところにより行うものとする。

Article 137 (1) When accepting all or a part of the deposit of property subject to preservation from a member commodity derivatives broker pursuant to the provisions of Article 309 of the Act, a requesting party protection fund is to accept the property pursuant to the provisions of Article 98, paragraph (1), item (ii).

２　委託者保護基金は、法第三百九条の規定に基づきその会員である商品先物取引業者から預託を受けた保全対象財産を管理するときは、次項の規定に基づき管理されるものを除き、次に掲げる方法により当該保全対象財産を管理するものとする。

(2) When managing the property subject to preservation deposited by a member commodity derivatives broker based on the provisions of Article 309 of the Act, a requesting party protection fund must manage the property subject to preservation by the following methods, excluding the property managed based on the provisions of the following paragraph:

一　銀行への預金（保全対象財産であることがその名義により明らかなものに限る。）

(i) by depositing the funds in a bank account (limited to deposit accounts that are clearly identifiable as property subject to preservation by the account name); or

二　信託業務を営む金融機関への金銭信託（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より元本の補てんの契約をしたものであって、保全対象財産であることがその名義により明らかなものに限る。）

(ii) by creating a money trust with a financial institution engaged in trust business (limited to those with a contractual agreement for the compensation of principal pursuant to the provisions of Article 6 of the Act on Engagement in Trust Business by Financial Institutions and which is clearly identifiable as property subject to preservation by the account name).

3　委託者保護基金は、法第三百九条の規定に基づき保全対象財産である有価証券を管理するときは、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により当該有価証券を管理するものとする。

(3) When managing securities that are properties subject to preservation based on the provisions of Article 309 of the Act, a requesting party protection fund must manage the securities by the method specified in the following items in accordance with the category of securities stated in each item:

一　委託者保護基金が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有価証券を除く。次号において同じ。）　保全対象財産である有価証券の保管場所については自己の固有財産である有価証券その他の保全対象財産である有価証券以外の有価証券（以下この条において「基金固有有価証券等」という。）の保管場所と明確に区分し、かつ、保全対象財産である有価証券についてどの会員から預託を受けた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 a requesting party protection fund by retaining them (excluding securities which are commingled and retained; the same applies in the following item): a management method by which the location of the retention of securities that are properties subject to preservation is clearly separate from that for securities of a person's own property and securities other than those that are properties subject to preservation (referred to below as the "fund's proprietary securities, etc." in this Article), and the securities that are properties subject to preservation are retained in a condition that is immediately distinguishable as to which member deposited the securities;

二　委託者保護基金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　当該第三者をして、保全対象財産である有価証券の保管場所については基金固有有価証券等の保管場所と明確に区分させ、かつ、保全対象財産である有価証券についてどの会員から預託を受けた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 requesting party protection fund through having a third party retain them: a management method by which the requesting party protection fund has a third party separate the location of the retention of securities that are properties subject to preservation from the location for the retention of fund's proprietary securities, etc., and the securities that are properties subject to preservation are retained in a condition that is immediately distinguishable as to which member deposited the securities;

三　委託者保護基金が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有価証券に限る。次号において同じ。）　保全対象財産である有価証券の保管場所については基金固有有価証券等の保管場所と明確に区分し、かつ、各会員から預託を受けた保全対象財産である有価証券に係る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 a requesting party protection fund by retaining

them (limited to securities which are commingled and retained; the same applies in the following item): a management method by which the location of the retention of securities that are properties subject to preservation is clearly separate from that for the fund's proprietary securities, etc., and the equity interests related to securities that are properties subject to preservation and are deposited from each member are retained in a condition that is immediately distinguishable from the person's own books; or

四　委託者保護基金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　当該第三者をして、保全対象財産である有価証券を預託する者のための口座については委託者保護基金の自己の口座と区分する等の方法により、保全対象財産である有価証券に係る持分が直ちに判別でき、かつ、各会員から預託を受けた保全対象財産である有価証券に係る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 a requesting party protection fund through having a third party retain them: a method of management such as the method in which the requesting party protection fund has a third party separate the accounts for a person that deposited securities that are properties subject to preservation, and for the accounts of the fund's securities in which it is possible to immediately distinguish the equity interests related to securities that are properties subject to preservation, and in a condition that the equity interests related to the securities that are properties subject to preservation are immediately distinguishable from the person's own books.

（経理原則）

(Accounting Principles)

第百三十八条　委託者保護基金は、委託者保護基金の財政状態を明らかにするため、財産の増減及び異動並びに収益及び費用をその発生の事実に基づいて経理しなければならない。

Article 138 In order to clarify the financial condition of a requesting party protection fund, the fund must carry out accounting for increases, decreases, and changes in assets, and profits and expenses, on an accrual basis.

（迅速な弁済に資するための業務）

(Businesses That Contribute to Prompt Repayments)

第百三十九条　法第三百十条の主務省令で定める業務は、次に掲げる業務とする。

Article 139 (1) The businesses specified by order of the competent ministry as referred to in Article 310 of the Act are those stated in the following items:

一　委託者保護基金の会員である商品先物取引業者の信託管理人としての業務

(i) a business as a trust administrator of a commodity derivatives broker that is a member of the requesting party protection fund;

二　第九十八条第一項第一号に定めるところによる信託契約に基づく受益者代理人と

しての業務

(ii) a business as an agent for a beneficiary based on a trust contract as prescribed in Article 98, paragraph (1), item (i);

三　第九十八条第一項第二号及び第百三十七条に定めるところにより預託を受けた保全対象財産を原資として、当該預託をした商品先物取引業者に代わって当該商品先物取引業者の委託者債務の弁済を行う業務

(iii) a business of repaying debts to a requesting party of the commodity derivatives broker in place of the commodity derivatives broker that made a deposit by using the properties subject to preservation deposited pursuant to Article 98, paragraph (1), item (ii) and Article 137;

四　保証委託契約に基づき金融機関から支払いを受けた金銭を原資として、当該保証委託をした商品先物取引業者に代わって当該商品先物取引業者の委託者債務の弁済を行う業務

(iv) a business of repaying debts to a requesting party of the commodity derivatives broker in place of the commodity derivatives broker that requested the guarantee by using the money paid by a financial institution based on a guarantee request contract; and

五　代位弁済委託契約に基づき、当該代位弁済委託をした商品先物取引業者に代わって当該商品先物取引業者の委託者債務の弁済を行う業務

(v) a business of repaying debts to a requesting party of the commodity derivatives broker in place of the commodity derivatives broker that accepted the subrogation, based on a subrogation consignment agreement.

２　委託者保護基金は、毎月、前項各号に掲げる業務の状況に関する報告書を作成し、当該報告に係る月の翌月の十日までに主務大臣に提出するものとする。

(2) A requesting party protection fund must prepare a written report on the business status stated in the items of the preceding paragraph each month and submit the written report to the competent minister by the 10th of the month following the month related to the report.

（勘定区分）

(Accounts)

第百四十条　法第三百十六条第二項の主務省令で定める勘定区分は、次のとおりとする。

Article 140 (1) The accounts specified by order of the competent ministry as referred to in Article 316, paragraph (2) of the Act are as follows:

一　委託者保護資金勘定（法第三百条第一号及び第二号に掲げる業務に係る勘定をいう。）

(i) an account for the requesting party protection fund (meaning an account concerning the business stated in Article 300, items (i) and (ii) of the Act);

二　保全対象財産勘定（法第三百条第三号に掲げる業務及び前条第一項第一号から第三号までに掲げる業務に係る勘定をいう。）

(ii) an account for property subject to preservation (meaning an account

concerning the business stated in Article 300, item (iii) of the Act, and the business stated in paragraph (1), items (i) through (iii) of the preceding Article);

三　委託者債務代位弁済勘定（前条第一項第五号に掲げる業務に係る勘定をいう。）

(iii) an account for the subrogation of debts to a requesting party (meaning an account concerning the business stated in paragraph (1), item (v) of the preceding Article); and

四　一般勘定

(iv) a general account.

２　委託者保護基金の会計においては、前項各号に掲げる勘定ごとに経理を区分し、それぞれについて貸借対照表勘定及び損益勘定を設けて経理するものとする。

(2) Regarding the accounting for the requesting party protection fund, each account stated in the items of the preceding paragraph is to be separated, and a balance sheet account and profit and loss account are to be established for each account.

（予算の内容）

(Contents of Budget)

第百四十一条　委託者保護基金の予算は、予算総則及び収入支出予算とする。

Article 141 The budget of a requesting party protection fund is to consist of the general budget provisions and an income and expenditure budget.

（予算総則）

(General Budget Provisions)

第百四十二条　予算総則には、収入支出予算に関する総括的規定を設けるほか、次に掲げる事項に関する規定を設けるものとする。

Article 142 The general budget provisions are to include comprehensive provisions concerning income and expenditure budgets and the provisions concerning the following matters:

一　第百四十六条の規定による債務を負担する行為について、事項ごとにその負担する債務の限度額、その行為に基づいて支出すべき年限及びその必要な理由

(i) regarding the acts to assume obligations pursuant to the provisions of Article 146, the maximum amount of obligation for each matter, the term of payment of each obligation based on the acts, and the reasons for the necessity;

二　第百四十七条第二項の規定による経費の指定

(ii) the designation of expenses pursuant to the provisions of Article 147, paragraph (2); and

三　前号に掲げる事項のほか、予算の実施に必要な事項

(iii) in addition to the matters stated in the preceding items, matters necessary for the implementation of the budget.

（収入支出予算）

(Income and Expenditure Budgets)

第百四十三条　収入支出予算は、収入にあってはその性質、支出にあってはその目的に従って区分する。

Article 143 The income and expenditure budgets are separated according to the nature of income, and the purpose of expenditure.

（予算の添付書類）

(Attached Documentation to Budgets)

第百四十四条　委託者保護基金は、法第三百十七条の規定により予算を提出しようとするときは、次に掲げる書類を添付して主務大臣に提出しなければならない。ただし、同条後段の規定により予算を変更したときは、第一号の書類は、添付することを要しない。

Article 144 When seeking to submit a budget pursuant to the provisions of Article 317 of the Act, a requesting party protection fund must submit the budget to the competent minister by attaching the following documents; provided, however, that when the budget is changed pursuant to the provisions of the second sentence of that Article, the document referred to in item (i) is not required to be attached:

一　直前事業年度の予定貸借対照表及び予定損益計算書

(i) a projected balance sheet and projected profit and loss statement for the previous business year;

二　当該事業年度の予定貸借対照表及び予定損益計算書

(ii) a projected balance sheet and projected profit and loss statement for the business year concerned; and

三　前二号に掲げるもののほか、当該予算の参考となる書類

(iii) beyond what is stated in the preceding two items, documents to be used as a reference for the budget.

（予備費）

(Contingency Funds)

第百四十五条　委託者保護基金は、予見することができない理由による支出予算の不足を補うため、収入支出予算に予備費を設けることができる。

Article 145 A requesting party protection fund may establish contingency funds in the income and expenditure budget in order to compensate for possible deficiency in expenditure budget for unforeseeable reasons.

（債務を負担する行為）

(Acts to Assume Obligations)

第百四十六条　委託者保護基金は、支出予算の金額の範囲内におけるもののほか、その

業務を行うために必要があるときは、毎事業年度、予算をもって主務大臣に提出した金額の範囲内において、債務を負担する行為をすることができる。

Article 146 A requesting party protection fund may assume debts within the scope of amount of the expenditure budget and within the scope of the amount of the budget submitted to the competent minister each business year, if it is necessary for conducting business.

（予算の流用等）

(Diversion of Budgeted Funds)

第百四十七条　委託者保護基金は、支出予算については、当該予算に定める目的の外に使用してはならない。ただし、予算の実施上適当かつ必要であるときは、第百四十三条の規定による区分にかかわらず、第百四十条第一項各号に掲げる勘定の予算の範囲内において相互流用することができる。

Article 147 (1) A requesting party protection fund must not use the funds in the expenditure budget for any purpose other than those specified in the budget; provided, however, that if it is appropriate and necessary for the implementation of the budget, the budget funds can be diverted within the scope of the budget of the accounts stated in the items of Article 140, paragraph (1), notwithstanding the categories prescribed in Article 143.

２　委託者保護基金は、予算総則で指定する経費の金額については、総会の議決を経なければ、それらの経費の間若しくは他の経費との間に相互流用し、又はこれに予備費を使用することができない。

(2) A requesting party protection fund may not divert funds designated for expenses in general budget provisions between different categories of the expenses or to any other expenses, or use the contingency funds to cover the expenses, without obtaining a resolution to do so at a general meeting.

（資金計画）

(Funding Plans)

第百四十八条　委託者保護基金の資金計画には、次に掲げる事項に関する計画を掲げなければならない。

Article 148 (1) The funding plans for a requesting party protection fund must specify the plans concerning the following matters:

一　資金の調達方法

(i) the methods of raising funds;

二　資金の使途

(ii) intended use of funds; and

三　その他必要な事項

(iii) other necessary matters.

２　委託者保護基金は、法第三百十七条後段の規定により資金計画を変更したときは、当該変更に係る事項及びその理由を記載した書面を主務大臣に提出しなければならな

い。

(2) When a funding plan is changed pursuant to the provisions of the second sentence of Article 317 of the Act, a requesting party protection fund must submit to the competent minister a document stating the matters related to the change and the reason for the change.

（収入支出等の報告）

(Reports of Incomes and Expenditures)

第百四十九条　委託者保護基金は、四半期ごとに、収入及び支出については合計残高試算表により、第百四十六条の規定により負担した債務については事項ごとに金額を明らかにした報告書により、当該四半期経過後一月以内に、主務大臣に報告しなければならない。

Article 149 A requesting party protection fund must report income and expenditure quarterly by using a trial balance of totals and report the obligations that they assumed pursuant to the provisions of Article 146 by using a written report that discloses the amount for each matter to the competent minister, within one month after the end of each quarter.

（事業報告書）

(Business Reports)

第百五十条　委託者保護基金の事業報告書には、事業の実績及び資金計画の実施の結果を記載しなければならない。

Article 150 The business report of a requesting party protection fund must state the business results and the results of implementation of the funding plans.

（決算報告書）

(Settlements of Accounts)

第百五十一条　委託者保護基金の決算報告書は、収入支出決算書及び債務に関する計算書とする。

Article 151 (1) The statements of accounts of a requesting party protection fund are to be a financial statement of income and expenditure and a statement of debts.

２　前項の決算報告書には、第百四十二条の規定により予算総則に規定した事項に係る予算の実施の結果を示さなければならない。

(2) The statements of accounts referred to in the preceding paragraph must indicate the results of the implementation of the budget concerning the matters prescribed in the general budget provisions pursuant to the provisions of Article 142.

（収入支出決算書等）

(Financial Statements of Income and Expenditure)

第百五十二条　前条第一項の収入支出決算書は、収入支出予算と同一の区分により作成し、かつ、これに次に掲げる事項を記載しなければならない。

Article 152 (1) The financial statement of income and expenditure referred to in paragraph (1) of the preceding Article must be prepared using the same classification as income and expenditure budgets and must state the following information:

一　収入

(i) income:

イ　収入予算額

(a) the amount of budgeted income;

ロ　収入決定済額

(b) the determined amount of income;

ハ　収入予算額と収入決定済額との差額

(c) the difference between the amount of budgeted income and the determined amount of income;

二　支出

(ii) expenditure:

イ　支出予算額

(a) the amount of the budgeted expenditure;

ロ　予備費の使用の金額及びその理由

(b) the amount of contingency funds that has been used, and the reasons for the use;

ハ　流用の金額及びその理由

(c) the amount of diversion, and the reasons for the diversion;

ニ　支出予算現額

(d) the actual budget for the expenditure;

ホ　支出決定済額

(e) the determined amount of the expenditure; and

ヘ　不用額

(f) the amount of unused budget.

2　前条第一項の債務に関する計算書には、第百四十六条の規定により負担した債務の金額を事項ごとに示さなければならない。

(2) The statement of debts referred to in paragraph (1) of the preceding Article must state the amount of debts assumed pursuant to the provisions of Article 146 for each matter.

（余裕金等の運用方法）

(Method of Utilization of Surplus Funds)

第百五十三条　法第三百二十条第三号の主務省令で定める方法は、信託業務を営む金融機関への信託とする。

Article 153 The method specified by order of the competent ministry as referred

to in Article 320, item (iii) of the Act is to be a trust fund with a financial institution engaged in trust business.

（会計規程）
(Accounting Rules)

第百五十四条　委託者保護基金は、その財務及び会計に関し、会計規程を定めるものとする。

Article 154 (1) A requesting party protection fund is to establish accounting rules with regard to its finance and accounting.

２　委託者保護基金は、前項の会計規程を定めようとするときは、主務大臣の承認を受けるものとする。これを変更しようとするときも、同様とする。

(2) When seeking to establish accounting rules referred to in the preceding paragraph, a requesting party protection fund is to obtain the approval of the competent minister. The same applies when seeking to change the accounting rules.

（残余財産の帰属）
(Vesting of Residual Assets)

第百五十五条　委託者保護基金の清算人は、法第三百二十七条第一項の規定により、当該委託者保護基金の残余財産をその会員が納付した法第三百十四条第一項の負担金の累計額その他当該委託者保護基金の指定する基準に応じて、当該会員がそれぞれ加入することとなる他の委託者保護基金に帰属させなければならない。

Article 155 A liquidator of a requesting party protection fund must vest the residual assets of the requesting party protection fund with another requesting party protection fund which the members will join in accordance with the accumulated amount of dues referred to in Article 314, paragraph (1) of the Act that the members have paid and the standards specified by the requesting party protection fund, pursuant to the provisions of Article 327, paragraph (1).

（第一種特定商品市場類似施設の取引方法）
(Method of Trade at Facilities Similar to Type 1 Specified Commodity Market)

第百五十六条　法第三百三十二条第一項第一号の主務省令で定める方法は、第一種特定施設取引参加者の提示した取引条件が、取引の相手方となる他の第一種特定施設取引参加者の提示した取引条件と、第一種特定商品市場類似施設を介して行われる当事者間の交渉に基づかず一致する場合に、当該第一種特定施設取引参加者の提示した取引条件を用いる方法とする。

Article 156 The method specified by order of the competent ministry as referred to in Article 332, paragraph (1), item (i) of the Act is a method of adopting the terms of trade presented by the type 1 specified facility trading participant when the terms of trade presented by a type 1 specified facility trading participant correspond to terms of trade presented by another type 1 specified

facility trading participant that is to be the counterpart of the transaction, without relying on negotiations conducted.

（第一種特定商品市場類似施設の開設許可の申請書の添付書類）

(Documents Attached to Written Applications for Permission to Establish Facilities Similar to Type 1 Specified Commodity Markets)

第百五十七条　法第三百三十二条第三項の主務省令で定める書類は、次に掲げるもの（官公署が証明する書類の場合には、許可の申請の日前三月以内に作成されたものに限る。）とする。

Article 157 The documents specified by order of the competent ministry as referred to in Article 332, paragraph (3) of the Act are the following (in cases of documents certified by a public agency, limited to those prepared within three months before the date of filing the application for the permission):

一　法第三十一条第一項第一号から第三号までのいずれにも該当しないことを誓約する書面

(i) a document pledging that the person does not fall under any of the provisions of Article 31, paragraph (1), items (i) through (iii) of the Act;

二　法人にあっては、次に掲げる場合に応じ、それぞれ次に定める書面

(ii) in cases of a corporation, a document specified as follows in accordance with the cases stated in each sub-item:

イ　役員が外国人である場合　当該役員の住民票の写し等、履歴書及びその者が法第十五条第二項第一号イからルまでのいずれにも該当しないことを誓約する書面

(a) when an officer is a foreign national: a copy of the residence certificate, etc. and a curriculum vitae of the officer, and a document pledging that the person does not fall under any of the provisions of Article 15, paragraph (2), item (i), sub-items (a) through (k) of the Act;

ロ　役員が法人である場合　当該役員の登記事項証明書、沿革を記載した書面及び法第十五条第二項第一号ヲに該当しないことを誓約する書面

(b) when an officer is a corporation: a certificate of the registered information of the officer, a document stating the history of the corporation, and a document pledging that the person does not fall under the provisions of Article 15, paragraph (2), item (i), (l) of the Act;

ハ　役員が外国人又は法人でない場合　当該役員の住民票の写し等、履歴書、その者が法第十五条第二項第一号ロに該当しない旨の官公署の証明書並びにその者が同号イ及びハからルまでのいずれにも該当しないことを誓約する書面

(c) when an officer is neither a foreign national nor a corporation: a copy of the residence certificate, etc. and a curriculum vitae of the officer, a certification issued by a public agency that the person does not fall under the provisions of Article 15, paragraph (2), item (i), sub-item (b) of the Act, and a document pledging that the person does not fall under any of the provisions of sub-item (a) and sub-items (c) through (k) of that item;

三　取引の対象となる商品又は取引の対象となる商品指数及び取引方法の詳細な説明を記載した書面

(iii) a document stating the commodity underlying the transaction or the commodity index underlying the transaction, and a detailed explanation of the method of trade;

四　第一種特定施設取引参加者の氏名又は商号若しくは名称及び主たる事務所又は本店の所在地を記載した書面

(iv) a document stating the name or trade name of the type 1 specified facility trading participant, and the location of their principal office or head office;

五　取引の対象となる商品又は取引の対象となる商品指数ごとに、第一種特定施設取引参加者の過半数の者が、当該商品の売買等を業として行っている者又は当該商品指数の対象となる商品の売買等を業として行っている者であることを誓約する書面

(v) a document pledging that for each commodity underlying the transaction or commodity index underlying the transaction, the majority of the type 1 specified facility trading participants are persons that are engaged in the purchase and sale, etc., of a commodity in the course of trade, or in the purchase and sale, etc. of the commodity subject to the commodity index in the course of trade;

六　組織等の業務執行体制を記載した書面

(vi) a document stating the system for conducting business of the organization, etc.;

七　第一種特定商品市場類似施設の開設後一年間の取引量の見込みを記載した書面

(vii) a document stating the estimated transaction volume for one year after the establishment of a facility similar to a type 1 specified commodity market;

八　第一種特定商品市場類似施設を開設する業務において電子情報処理組織を使用する場合には、当該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を記載した書類

(viii) in cases when an electronic data processing system is used for business to establish a facility similar to a type 1 specified commodity market, a document stating the outline, installation location, capacity, and maintenance system of the electronic data processing system, and the method of handling in the case of malfunction of the electronic data processing system;

九　第一種特定商品市場類似施設を開設する業務を公正かつ的確に遂行するための規則（当該業務に関する第一種特定施設開設者における責任体制を明確化する規定を含むものとする。）

(ix) regulations for the fair and appropriate performance of business to establish a facility similar to a type 1 specified commodity market (including regulations to clarify the responsibility system of the establisher of type 1 specified facility concerning the business);

十　内部管理に関する業務を行う組織の概要及び法令を遵守するための管理の体制を記載した書面

(x) a document stating the outline of the organization that performs the operations involving internal control and stating the management system for complying with laws and regulations.

（医師の診断書の提出）

(Submission of Doctors' Medical Certificates)

第百五十七条の二　主務大臣は、法第三百三十二条第一項の許可の申請があった場合において、許可申請者が法第三十一条第一項第一号、第三号（第二号に係る部分を除く。）又は第四号（第二号に係る部分を除く。）のいずれかに該当するかどうかを審査するために必要があると認めるときは、許可申請者に対し、当該審査の対象となる者の病名、精神の機能の障害の有無及び程度、病因、病後の経過、治癒の見込みその他参考となる所見を記載した医師の診断書の提出を求めることができる。

Article 157-2 The competent minister may request an applicant to submit a doctor's medical certificate stating the name of the illness of the person subject to the examination, whether the person has any mental impairment and the level of mental impairment, causes of the illness, post-illness progress, prospects of recovery, and other remarks for reference when the application for the permission under Article 332, paragraph (1) of the Act is filed, and the minister finds it necessary to do so for examining whether the applicant for the permission falls under any of the provisions of Article 31, paragraph (1), item (i), item (iii) (excluding the part related to item (ii)), or item (iv) (excluding the part related to item (ii)) of the Act.

（変更許可の申請書の添付書類）

(Documents Attached to Written Applications for Permission of Changes)

第百五十八条　法第三百三十五条第二項の主務省令で定める書類は、次に掲げるものとする。

Article 158 The documents specified by order of the competent ministry as referred to in Article 335, paragraph (2) of the Act are as follows:

一　変更（廃止を除く。）に係る商品又は商品指数の変更後一年間の取引量の見込みを記載した書面

(i) a document stating the estimated transaction volume of the commodity and commodity index related to the change (excluding discontinuation of business) for one year after the change;

二　取引方法を変更する場合にあっては、当該取引方法の詳細な説明を記載した書面

(ii) in cases of a change to the method of trade, a document stating a detailed explanation of the method of trade; or

三　取引の対象となる商品又は商品指数を変更する場合にあっては、当該商品の売買等を業として行っている者又は当該商品指数の対象となる商品の売買等を業として

行っている者が第一種特定施設取引参加者の過半数を占めることを誓約する書面

(iii) when changing the commodity or commodity index underlying the transactions, a document pledging that the majority of the type 1 specified facility trading participants are persons engaged in the purchase and sale, etc. of the commodity in the course of trade, or the purchase and sale, etc. of the commodity subject to the commodity index in the course of trade.

（変更の届出の添付書類）

(Documents Attached to Notifications of Changes)

第百五十八条の二　法第三百三十五条第三項の届出をするときは、次に掲げる書類（官公署が証明する書類の場合には、変更の届出の日前三月以内に作成されたものに限る。）を添付しなければならない。

Article 158-2 When submitting a notification referred to in Article 335, paragraph (3) of the Act, the following documents (in cases of documents certified by a public agency, limited to those prepared within three months before the date of notification of the change) must be attached:

一　変更の届出が新たに就任した役員に係るときは、次に掲げる場合に応じ、それぞれ次に定める書面

(i) if the notification of the change relates to newly appointed officers, a document specified as follows in accordance with the cases stated in each sub-item;

イ　新たに就任した役員が外国人である場合　当該役員の住民票の写し等、履歴書及びその者が法第十五条第二項第一号イからルまでのいずれにも該当しないことを誓約する書面

(a) when a newly appointed officer is a foreign national: a copy of the residence certificate, etc. and a curriculum vitae of the officer, and a document pledging that the person does not fall under any of the provisions of Article 15, paragraph (2), item (i), sub-items (a) through (k) of the Act;

ロ　新たに就任した役員が法人である場合　当該役員の登記事項証明書、沿革を記載した書面及び法第十五条第二項第一号ヲに該当しないことを誓約する書面

(b) when a newly appointed officer is a corporation: a certificate of the registered information of the officer, a document stating the history of the corporation, and a document pledging that the person does not fall under the provisions of Article 15, paragraph (2), item (i), (l) of the Act;

ハ　新たに就任した役員が外国人及び法人でない場合　当該役員の住民票の写し等、履歴書、その者が法第十五条第二項第一号ロに該当しない旨の官公署の証明書並びにその者が同号イ及びハからルまでのいずれにも該当しないことを誓約する書面

(c) when a newly appointed officer is neither a foreign national nor a corporation: a copy of the residence certificate, etc. and a curriculum vitae

of the officer, a certification issued by a public agency that the person does not fall under the provisions of Article 15, paragraph (2), item (i), sub-item (b) of the Act, and a document pledging that the person does not fall under any of the provisions of sub-item (a) and sub-items (c) through (k) of that item;

二　変更の届出が新たに第一種特定施設取引参加者となった者に係るときは、その者の氏名又は商号若しくは名称及び主たる事務所又は本店の所在地を記載した書面並びに当該第一種特定施設取引参加者が商品（取引の対象となる商品又は商品指数に限る。）の売買等を業として行っている場合の当該商品を記載した書面

(ii) when the notification of the change relates to persons who have newly become type 1 specified facility trading participants, a document stating the name or trade names of the person and the location of their principal office or head office, and when the type 1 specified facility trading participants are engaged in the purchase and sale, etc. of a commodity (limited to the commodity or commodity index underlying the transaction), a document stating the commodity.

（帳簿の作成）

(Preparation of Books)

第百五十九条　第一種特定施設開設者は、法第三百三十六条第一項の規定により、第一種特定商品市場類似施設における取引につき、次に掲げる事項を記載した帳簿を取引の対象となる商品又は商品指数ごとに作成しなければならない。

Article 159 (1) The establisher of a type 1 specified facility must prepare books stating the following information regarding transactions at a facility similar to a type 1 specified commodity market for each commodity or commodity index underlying the transaction, pursuant to the provisions of Article 336, paragraph (1) of the Act:

一　毎日の成立した取引の当事者である第一種特定施設取引参加者の氏名又は商号若しくは名称

(i) the name or trade name of the type 1 specified facility trading participants that are parties to transactions closed on a daily basis;

二　毎日の成立した取引の価格その他の取引条件

(ii) the price and other terms of trade for the transactions closed on a daily basis;

三　毎日の取引高

(iii) the daily transaction volume.

２　前項の帳簿は、十年間保存するものとする。

(2) The books referred to in the preceding paragraph are to be preserved for ten years.

（電磁的方法による保存）

(Preservation by Electronic or Magnetic Means)

第百六十条　前条第一項の帳簿の内容が、電磁的方法により記録され、当該記録が必要に応じ電子計算機その他の機器を用いて直ちに表示されることができるようにして保存されるときは、当該記録の保存をもって同条第二項に規定する帳簿の保存に代えることができる。この場合において、第一種特定施設開設者は、当該記録が滅失し、又はき損することを防止するために必要な措置を講じなければならない。

Article 160　When the content of the books referred to in paragraph (1) of the preceding Article is recorded by electronic or magnetic means and is preserved in a manner that enables the record to be immediately displayed using a computer or other devices as necessary, the preservation of the record may substitute for the preservation of the books prescribed in paragraph (2) of the preceding Article. In this case, an establisher of a type 1 specified facility must take the necessary measures for preventing the loss of and damage to the record.

（帳簿記載事項の報告）

(Reports of Information Stated in Books)

第百六十一条　第一種特定施設開設者は、法第三百三十六条第二項の規定により第百五十九条第一項第二号及び第三号に掲げる事項を当該報告に係る月の翌月の十日までに主務大臣に報告しなければならない。

Article 161　An establisher of a type 1 specified facility must report the information stated in Article 159, paragraph (1), items (ii) and (iii) pursuant to the provisions of Article 336, paragraph (2) of the Act to the competent minister by the 10th of the month following the month related to the report.

第百六十二条　削除

Article 162　Deleted

第百六十三条　第百五十八条から第百六十一条までの規定は、法第三百四十五条において、法第三百三十五条第二項及び第三項、第三百三十六条第一項及び第二項並びに第三百三十八条第二項を準用する場合について準用する。この場合において、第百五十八条第三号及び第百五十八条の二第二号中「第一種特定施設取引参加者」とあるのは「第二種特定施設取引参加者」と、第百五十九条第一項中「第一種特定施設開設者」とあるのは「第二種特定施設開設者」と、「第一種特定商品市場類似施設」とあるのは「第二種特定商品市場類似施設」と、「第一種特定施設取引参加者」とあるのは「第二種特定施設取引参加者」と、第百六十条中「第一種特定施設開設者」とあるのは「第二種特定施設開設者」と、第百六十一条中「第一種特定施設開設者」とあるのは「第二種特定施設開設者」と、「第百五十九条第一項第二号及び第三号」とあるのは「第百六十三条において準用する第百五十九条第一項第二号及び第三号」と読み替えるものとする。

Article 163　The provisions of Article 158 through 161 apply mutatis mutandis

when the provisions of Article 335, paragraphs (2) and (3), Article 336, paragraphs (1) and (2), and Article 338, paragraph (2) are applied mutatis mutandis pursuant to Article 345 of the Act. In this case, the term "a type 1 specified facility trading participant" in Article 158, item (iii) and Article 158-2, item (ii) is to be replaced with "a type 2 specified facility trading participant", the term "an establisher of a type 1 specified facility" in Article 159, paragraph (1) is deemed to be replaced with "an establisher of a type 2 specified facility," the term "a facility similar to a type 1 specified commodity market" in that paragraph is deemed to be replaced with "a facility similar to a type 2 specified commodity market," and the term "a type 1 specified facility trading participant" in that paragraph is deemed to be replaced with "a type 2 specified facility trading participant", the term "an establisher of a type 1 specified facility" in Article 160 is deemed to be replaced with "an establisher of a type 2 specified facility", the terms "an establisher of a type 1 specified facility" and "Article 159, paragraph (1), items (ii) and (iii)" in Article 161 are deemed to be replaced with "an establisher of a type 2 specified facility" and "Article 159, paragraph (1), items (ii) and (iii) as applied mutatis mutandis pursuant to Article 163", respectively.

（第二種特定商品市場類似施設で取引する商品及び商品指数の指定）

(Designation of Commodities and Commodity Indices Traded at Facilities Similar to Type 2 Specified Commodity Markets)

第百六十四条　法第三百四十二条第一項の主務省令で定めるものは、次に掲げる商品又は商品指数とする。

Article 164 The commodities specified by order of the competent ministry as referred to in Article 342, paragraph (1) of the Act are the following commodities and commodity indices:

一　金

(i) gold;

二　銀

(ii) silver;

三　白金

(iii) platinum;

四　ガソリン

(iv) gasoline;

五　灯油

(v) kerosene;

六　軽油

(vi) diesel fuel;

七　原油

(vii) crude oil;

八　液化天然ガス
(viii) liquefied natural gas; and
九　電力
(ix) electric power.

（第二種特定商品市場類似施設の取引方法）
(Method of Trade at Facilities Similar to Type 2 Specified Commodity Markets)
第百六十五条　法第三百四十二条第一項第一号の主務省令で定める方法は、第二種特定施設取引参加者の提示した取引条件が、取引の相手方となる他の第二種特定施設取引参加者の提示した取引条件と、第二種特定商品市場類似施設を介して行われる当事者間の交渉に基づかず一致する場合に、当該第二種特定施設取引参加者の提示した取引条件を用いる方法とする。
Article 165 The method specified by order of the competent ministry as referred to in Article 342, paragraph (1), item (i) of the Act is a method of adopting the terms of trade presented by the type 2 specified facility trading participant, when the terms of trade presented by the type 2 specified facility trading participant correspond to the terms of trade presented by another type 2 specified facility trading participant that is to be the counterpart of the transaction without relying on negotiations conducted between the parties through facility similar to type 2 specified commodity market.

（第二種特定商品市場類似施設の開設許可の申請書の添付書類）
(Documents Attached to Written Applications for Permission for Establishing Facilities Similar to Type 2 Specified Commodity Markets)
第百六十六条　法第三百四十二条第三項の主務省令で定める書類は、次に掲げるもの（官公署が証明する書類の場合には、許可の申請の日前三月以内に作成されたものに限る。）とする。
Article 166 The documents specified by order of the competent ministry as referred to in Article 342, paragraph (3) of the Act are the following (in cases of documents certified by a public agency, limited to those prepared within three months before the date of filing the application for the permission):
一　法第三十一条第一項第一号から第三号までのいずれにも該当しないことを誓約する書面
(i) a document pledging that the person does not fall under any of the provisions of Article 31, paragraph (1), items (i) through (iii) of the Act;
二　法人にあっては、次に掲げる場合に応じ、それぞれ次に定める書面
(ii) in cases of a corporation, a document specified as follows in accordance with the cases stated in each sub-item;
イ　役員が外国人である場合　当該役員の住民票の写し等、履歴書及びその者が法第十五条第二項第一号イからルまでのいずれにも該当しないことを誓約する書面
(a) when an officer is a foreign national: a copy of the residence certificate,

etc. and a curriculum vitae of the officer, and a document pledging that the officer does not fall under any of the provisions of Article 15, paragraph (2), item (i), sub-items (a) through (k) of the Act;

ロ　役員が法人である場合　当該役員の登記事項証明書、沿革を記載した書面及び法第十五条第二項第一号ヲに該当しないことを誓約する書面

(b) when an officer is a corporation: a certificate of the registered information of the officer, a document stating the history of the corporation, and a document pledging that the officer does not fall under the provisions of Article 15, paragraph (2), item (i), (l) of the Act;

ハ　役員が外国人又は法人でない場合　当該役員の住民票の写し等、履歴書、その者が法第十五条第二項第一号ロに該当しない旨の官公署の証明書並びにその者が同号イ及びハからルまでのいずれにも該当しないことを誓約する書面

(c) when an officer is neither a foreign national nor a corporation: a copy of the residence certificate, etc. and a curriculum vitae of the officer, a certification issued by a public agency that the person does not fall under the provisions of Article 15, paragraph (2), item (i), (b) of the Act, and a document pledging that the person does not fall under any of the provisions of sub-item (a) and sub-items (c) through (k) of that item;

三　取引の対象となる商品又は取引の対象となる商品指数及び取引方法の詳細な説明を記載した書面

(iii) a document stating the commodity underlying the transaction or commodity index underlying the transaction, and a detailed explanation of the method of trade;

四　第二種特定施設取引参加者の氏名又は商号若しくは名称及び主たる事務所又は本店の所在地を記載した書面

(iv) a document stating the name or trade name of the type 2 specified facility trading participant, and the location of their principal office or head office;

五　取引の対象となる商品又は取引の対象となる商品指数ごとに、第二種特定施設取引参加者の過半数の者が、当該商品の売買等を業として行っている者又は当該商品指数の対象となる商品の売買等を業として行っている者であることを誓約する書面

(v) a document pledging that for each commodity underlying the transaction or commodity index underlying the transaction, the majority of the type 2 specified facility trading participants are persons who are engaged in the purchase and sale, etc. of the commodity or commodity subject to the relevant commodity index, in the course of trade;

六　組織等の業務執行体制を記載した書面

(vi) a document stating the system for conducting business of the organization, etc.;

七　第二種特定商品市場類似施設の開設後一年間の取引量の見込みを記載した書面

(vii) a document stating the estimated transaction volume for one year after the establishment of a facility similar to a type 2 specified commodity

market;

八　第二種特定商品市場類似施設を開設する業務において電子情報処理組織を使用する場合には、当該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を記載した書類

(viii) in cases of using an electronic data processing system for business of establishing a facility similar to a type 2 specified commodity market, a document stating the outline, installation location, capacity, and maintenance method of the electronic data processing system, and the method of handling in the case of malfunction of the electronic data processing system;

九　第二種特定商品市場類似施設を開設する業務を公正かつ的確に遂行するための規則（当該業務に関する第二種特定施設開設者における責任体制を明確化する規定を含むものとする。）

(ix) regulations for the fair and appropriate performance of business of establishing a facility similar to a type 2 specified commodity market (including regulations to clarify the responsibility system of the establisher of a type 2 specified facility concerning the business); and

十　内部管理に関する業務を行う組織の概要及び法令を遵守するための管理の体制を記載した書面

(x) a document stating the outline of the organization that performs the operations involving internal control and the management system for complying with laws and regulations.

（医師の診断書の提出）

(Submission of Doctor's Medical Certificates)

第百六十七条　主務大臣は、法第三百四十二条第一項の許可の申請があった場合において、許可申請者が法第三十一条第一項第一号、第三号（第二号に係る部分を除く。）又は第四号（第二号に係る部分を除く。）のいずれかに該当するかどうかを審査するために必要があると認めるときは、許可申請者に対し、当該審査の対象となる者の病名、精神の機能の障害の有無及び程度、病因、病後の経過、治癒の見込みその他参考となる所見を記載した医師の診断書の提出を求めることができる。

Article 167　When an application for the permission under Article 342, paragraph (1) of the Act is filed, and the competent minister finds it necessary for examining whether the applicant for the permission falls under any of the provisions of Article 31, paragraph (1), item (i), item (iii) (excluding the part related to item (ii)), or item (iv) (excluding the part related to item (ii)) of the Act, the minister may request the applicant to submit a doctor's medical certificate stating the name of the illness of the person subject to the examination, whether the person has any mental impairment and the level of mental impairment, causes of the illness, post-illness progress, prospects of recovery, and other remarks for reference.

（特定店頭商品デリバティブ取引業者の届出）

(Notification by Specified Over-the-Counter Commodity Derivatives Brokers)

第百六十八条　特定店頭商品デリバティブ取引を業として行おうとする者は、法第三百四十九条第一項の規定により特定店頭商品デリバティブ取引を業として行おうとする旨の届出をするときは、あらかじめ、同項第一号から第三号まで及び第四項各号に掲げる事項を記載した届出書を主務大臣に提出しなければならない。

Article 168 (1) When a person seeking to conduct a specified over-the-counter commodity derivatives transaction in the course of trade gives notification of the fact of seeking to conduct a specified over-the-counter commodity derivatives transaction in the course of trade pursuant to the provisions of Article 349, paragraph (1) of the Act, the person must submit a written notification stating the information detailed in items (i) through (iii) of that paragraph and the items of paragraph (4) of the Article to the competent minister in advance.

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面（同項の届出書に第四項第四号ロに掲げる事項を記載する場合には、これらの書面に加え、主務大臣が定める書類）を添付しなければならない。

(2) The written notification referred to in the preceding paragraph must be attached with the documents specified in the following items in accordance with the category of cases stated in each item (when stating the information specified in paragraph (4), item (iv), (b) in the written notification referred to in the preceding paragraph, the document specified by the competent minister, in addition to those documents):

一　法第三百四十九条第一項の規定による届出をしようとする者が個人である場合　住民票の写し等

(i) cases in which the person seeking to give a notification under the provisions of Article 349, paragraph (1) of the Act is an individual: a copy of the residence certificate, etc.;

二　法第三百四十九条第一項の規定による届出をしようとする者が法人である場合　次に掲げる書面

(ii) cases in which the person seeking to give a notification under the provisions of Article 349, paragraph (1) of the Act is a corporation: the following documents:

イ　定款（外国法人である場合には、定款に準ずる書面）

(a) articles of incorporation (in cases of a foreign corporation, a document equivalent to articles of incorporation); and

ロ　登記事項証明書（外国法人である場合には、登記事項証明書に準ずる書面）

(b) a certificate of registered information (in cases of a foreign corporation, a document equivalent to a certificate of registered information).

3　第一項の届出をした特定店頭商品デリバティブ取引業者は、法第三百四十九条第一

項第一号から第三号まで又は次項各号に掲げる事項（同項第四号ロに掲げる事項を除く。）を変更しようとするときは、あらかじめ、同項第四号ロに掲げる事項に変更があるとき又は前項の主務大臣が定める書類の記載事項に重要な変更があるときは遅滞なく、次の各号に掲げる事項を記載した届出書を提出しなければならない。

(3) A specified over-the-counter commodity derivatives broker that has given the notification referred to in paragraph (1) must submit a written notification stating the following information in advance when they seek to change any of the information stated in Article 349, paragraph (1), items (i) through (iii) of the Act or the items of the following paragraph (excluding the information stated in item (iv), (b) of that paragraph), and without delay when there are any material changes in the information stated in the document specified by the competent minister as referred to in the preceding paragraph:

一　氏名又は商号若しくは名称

(i) the name or trade name;

二　変更内容

(ii) the content of the change; and

三　変更日

(iii) the date of the change.

4　法第三百四十九条第一項第四号の主務省令で定める事項は、次に掲げるものとする。

(4) The information specified by order of the competent ministry as referred to in Article 349, paragraph (1), item (iv) of the Act is the following information:

一　取引の種類

(i) the type of transaction;

二　法人にあってはその代表者の氏名

(ii) in cases of a corporation, the name of the representative;

三　特定店頭商品デリバティブ取引に関する業務の開始の日

(iii) the commencement date of the business concerning specified over-the-counter commodity derivatives transactions; and

四　金融商品取引法第三十四条に規定する金融商品取引業者等である者にあっては次に掲げる事項

(iv) in cases of a financial instruments business operator, etc. prescribed in Article 34 of the Financial Instruments and Exchange Act, the following information:

イ　金融商品取引業等に関する内閣府令第百二十三条第一項第二十一号の十及び第二十一号の十一に規定する措置（同条第十二項及び第十三項の規定により同条第一項第二十一号の十及び第二十一号の十一の規定が適用されない取引に係るものを除く。）を講ずるに当たって、同条第九項の規定に基づき、店頭商品デリバティブ取引（同項第一号イに規定する店頭商品デリバティブ取引をいう。）を当該措置に係る非清算店頭デリバティブ取引（同条第一項第二十一号の十に規定する非清算店頭デリバティブ取引をいう。）に含めることとしている旨

(a) the fact that in implementing the measures prescribed in Article 123,

paragraph (1), item (xxi)-10 and item (xxi)-11 of the Cabinet Office Order on Financial Instruments Business (excluding the measures related to transactions to which the provisions of paragraph (1), item (xxi)-10 and item (xxi)-11 of that Article are not applied pursuant to the provisions of paragraphs (12) and (13) of that Article), over-the-counter derivatives transactions (meaning the over-the-counter derivatives transactions prescribed in item (i), (a) of that paragraph) are to be included in the non-cleared over-the-counter derivatives transactions (meaning the non-cleared over-the-counter derivatives transactions prescribed in paragraph (1), item (xxi)-10 of that Article) for which the measures are taken;

ロ　金融商品取引業等に関する内閣府令第百二十三条第一項第二十一号の十一に規定する措置を講ずるに当たって、主務大臣が定める方法により同号イの潜在的損失等見積額を算出する場合にあっては、主務大臣が定める事項

(b) when the specified over-the-counter commodity derivatives business operator calculates the estimated amount of potential losses, etc. stated in Article 123, paragraph (1), item (xxi)-11, (a) of the Cabinet Office Order on Financial Instruments Business by the method specified by the competent minister in taking the measures prescribed in (b) of that item, the information specified by the competent minister.

（事故の確認を要しない場合）

(When Confirmation of Problematic Conduct Is Not Required)

第百六十九条　法第三百四十九条第三項において準用する法第二百十四条の三第三項ただし書の主務省令で定める場合は、次に掲げる場合とする。

Article 169 (1) The cases specified by order of the competent ministry as referred to in the proviso of Article 214-3, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 349, 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 rendered by a court has been obtained;

二　裁判所の和解が成立している場合

(ii) when a court settlement 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) when a mediation prescribed in Article 16 of the Civil Mediation Act has been entered into, or cases in which a court decision has been made pursuant to the provisions of Article 17 of that Act and no objection has been made within the period stated in Article 18, paragraph (1) of that Act;

四　主務大臣が指定する団体のあっせんによる和解が成立している場合

(iv) when a settlement has been reached through mediation of an organization designated by the competent minister;

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判断がされている場合

(v) when settlement has been reached through mediation in that organization prescribed in the regulations prescribed in Article 33, paragraph (1) of the Attorney Act or the rules established pursuant to the provisions of those regulations, or when an arbitration award has been made in that organization;

六　認証紛争解決事業者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

(vi) when a settlement has been reached through the certified dispute resolution procedures carried out by a certified dispute resolution business operator;

七　和解が成立している場合であって、次に掲げるすべての要件を満たす場合

(vii) when a settlement has been reached and the cases satisfy 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が顧客を代理していること。

(a) an attorney-at-law or a judicial scrivener has acted as the customer's counsel concerning the settlement procedures;

ロ　当該和解の成立により特定店頭商品デリバティブ取引業者が顧客に対して支払をすることとなる額が千万円を超えないこと。

(b) the amount to be paid to the customer by the specified over-the-counter commodity derivatives broker due to the settlement being reached does not exceed 10 million yen;

ハ　ロの支払が事故（法第二百二十一条第二項本文に規定する事故（第百十二条第三項に定めるものに限る。）をいう。以下この条から第百七十条の二までにおいて同じ。）による損失の全部又は一部を補てんするために行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が特定店頭商品デリバティブ取引業者に交付されていること。

(c) a document which has been delivered to the specified over-the-counter commodity derivatives broker certifying that the attorney-at-law or the judicial scrivener referred to in (a) has investigated and confirmed that the payment referred to in (b) is to be made in order to compensate for all or part of the loss due to a problematic conduct (meaning the problematic conduct (limited to one specified in Article 112, paragraph (3)) prescribed in the main clause of Article 221, paragraph (2) of the Act; the same applies below in this Article through Article 170-2) ;

八　特定店頭商品デリバティブ取引業者又はその代表者等が第百十二条第三項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。

(viii) when the specified over-the-counter commodity derivatives broker or their

representative, etc. has caused a customer a loss through performing an act stated in the items of Article 112, paragraph (3), and the property benefits for which an offer or promise is made, or is provided to the customer for the loss incurred in a daily trading does not exceed the amount equivalent to 100,000 yen; and

九　特定店頭商品デリバティブ取引業者又はその代表者等が第百十二条第三項各号に掲げる行為により顧客に損失を及ぼした場合（法第三百四十九条第四項に規定する帳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る。）

(ix) when the specified over-the-counter commodity derivatives broker or their representative, etc. has caused a customer a loss through performing an act stated in the items of Article 112, paragraph (3) (limited to cases in which it is clear from the books prescribed in Article 349, paragraph (4) of the Act or a record of the content of an order by the customer that the cause is a problematic conduct).

２　前項第八号の利益は、第百十二条第三項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、同項第一号に掲げる行為の区分に係る利益の額については、前項第九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 benefits referred to in item (ix) of the preceding paragraph are to be calculated for each category of the acts stated in the items of Article 112, paragraph (3). In this case, with regard to the amount of benefits related to the category of acts stated in item (i) of that paragraph, the amount of property benefits for which an offer or promise is made or is provided when stated in item (ix) of the preceding paragraph is to be deducted.

３　特定店頭商品デリバティブ取引業者は、第一項第九号に掲げる場合において、法第三百四十九条第三項において準用する法第二百十四条の三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、第百七十条の二各号に掲げる事項を、主務大臣に報告しなければならない。

(3) When stated in paragraph (1), item (ix), if a specified over-the-counter commodity derivatives broker has made an offer or promise to provide property benefits or has provided property benefits to a customer without obtaining the confirmation stated in the proviso to Article 214-3, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 349, paragraph (3) of the Act, the business operator must report the information stated in the items of Article 172-2 to the competent minister by the last day of the month following the month that includes the date on which the offer, promise or provision was made.

（事故の確認申請手続）

(Application Procedures for Confirmation of Problematic Conducts)

第百七十条　法第三百四十九条第三項において準用する法第二百十四条の三第三項ただし書の確認を受けようとする者は、法第三百四十九条第三項において準用する法第二百十四条の三第五項の規定による申請書及び書類を、主務大臣に提出しなければならない。

Article 170　A person that seeks to obtain the confirmation referred to in the proviso to Article 214-3, paragraph (3) as applied mutatis mutandis pursuant to Article 349, paragraph (3) of the Act, must submit a written application and documents to the competent minister under the provisions of Article 214-3, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 349, paragraph (3) of the Act.

（確認申請書の記載事項）

(Information to Be Stated in Written Applications for Confirmation)

第百七十条の二　法第三百四十九条第三項において準用する法第二百十四条の三第五項の主務省令で定める事項は、次に掲げる事項とする。

Article 170-2　The information specified by order of the competent ministry as referred to in Article 214-3, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 349, paragraph (3) of the Act, is the following:

一　特定店頭商品デリバティブ取引業者の氏名又は商号若しくは名称

(i) the trade name or name of the specified over-the-counter commodity derivatives broker;

二　事故の発生した本店、支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 address of the head office, branch office, or any other business office or office where the problematic conduct 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 information concerning 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 of the representative, etc., or the name of the department involved in acts falling under a 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、本店又は主たる事務所の所在地及び代表者の氏名）

(b) the name and address of the customer (in the case of a corporation, the name or trade name, the address of the head office or principal office, and the name of the representative);

ハ　事故の概要

(c) an outline of the problematic conduct;

ニ　補てん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 reason the loss of the customer to be compensated for was caused as a

result of a problematic conduct;

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 the property benefits to be offered, promised, or provided; and

四　その他参考となるべき事項

(iv) other information to be used as a reference.

（確認申請書の添付書類）

(Attached Documents to Written Applications for Confirmation)

第百七十条の三　法第三百四十九条第三項において準用する法第二百十四条の三第五項の主務省令で定めるものは、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 170-3 (1) The document specified by order of the competent ministry as referred to in Article 214-3, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 349, paragraph (3) of the Act, is a document proving that the customer has confirmed the content of the information stated in the items of the preceding Article and other materials to be used as a reference.

２　前項の規定は、法第三百四十九条第三項において準用する法第二百十四条の三第五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 to cases in which the written application under the provisions of Article 214-3, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 349, paragraph (3) of the Act, concerns an offer under paragraph (1), item (ii) of that Article.

（帳簿の作成）

(Preparing Books)

第百七十一条　特定店頭商品デリバティブ取引業者は、法第三百四十九条第四項の規定により、特定店頭商品デリバティブ取引につき、別表第六に定める帳簿を作成しなければならない。

Article 171 (1) A specified over-the-counter commodity derivatives broker must prepare the books prescribed in the Appended Table 6 for specified over-the-counter commodity derivatives transactions pursuant to the provisions of Article 349, paragraph (4) of the Act.

２　別表第六に定める帳簿は、十年間保存するものとする。

(2) The books prescribed in the Appended Table 6 are to be preserved for ten years.

（電磁的方法による保存）

(Preservation by Electronic or Magnetic Means)

第百七十二条　別表第六に定める帳簿の内容が、電磁的方法により記録され、当該記録が必要に応じ電子計算機その他の機器を用いて直ちに表示されることができるようにして保存されるときは、当該記録の保存をもって前条第二項に規定する帳簿の保存に代えることができる。この場合において、特定店頭商品デリバティブ取引業者は、当該記録が滅失し、又はき損することを防止するために必要な措置を講じなければならない。

Article 172　When the content of the books prescribed in the Appended Table 6 is recorded by electronic or magnetic means and is preserved in a manner that enables the record to be immediately displayed using a computer or other devices as necessary, the preservation of the record may substitute for the preservation of the books prescribed in paragraph (2) of the preceding Article. In this case, a specified over-the-counter commodity derivatives broker must take the necessary measures for preventing the loss of and damage to the record.

第百七十三条　削除

Article 173　Deleted

（公示事項）

(Matters to Be Publicly Notified)

第百七十四条　法第三百五十二条の主務省令で定める事項は、次に掲げるものとする。

Article 174　The information specified by order of the competent ministry as referred to in Article 352 of the Act is as follows:

一　商品市場を開設する者

(i) a person that establishes a commodity market;

二　上場商品又は上場商品指数

(ii) a listed commodity or listed commodity index; and

三　公示することとなった事由

(iii) the reasons for making the information public.

（標準処理期間）

(Standard Processing Period)

第百七十五条　主務大臣は、次の各号に掲げる許可、認可、承認、指定又は登録に関する申請があった場合は、その申請が主務省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行うよう努めるものとする。

Article 175　(1) When an application related to the license, authorization, approval, designation, or registration stated in the following items is filed, the competent minister must endeavor to render a disposition for the application within the period specified in those items from the date when the application is received by the competent ministry:

一　法第三条第一項ただし書の認可、法第九条の許可、法第七十六条第一項の認可、

法第七十八条の許可、法第九十六条第一項の認可、法第九十六条の二十五第一項本文及び第三項ただし書の認可、法第百三十二条第一項の認可、法第百四十五条第一項の認可、法第百五十五条第一項の認可（上場商品又は上場商品指数の変更（廃止又は範囲の縮小を除く。以下この号及び次号において同じ。）に係るものに限る。）、法第百五十六条第一項本文の認可（上場商品又は上場商品指数の変更に係るものに限る。）、法第百六十七条の許可、法第百七十三条第一項の承認、法第二百四十五条の認可、法第二百七十九条第一項の認可、法第三百三十二条第一項の許可、法第三百三十五条第一項の許可（法第三百四十五条において準用する場合を含む。）並びに法第三百四十二条第一項の許可　四月

(i) authorization referred to in the proviso to Article 3, paragraph (1) of the Act; permission referred to in Article 9 of the Act; authorization referred to in Article 76, paragraph (1) of the Act; license referred to in Article 78 of the Act; authorization referred to in Article 96, paragraph (1) of the Act; authorization referred to in the main clause of paragraph (1) and the proviso of paragraph (2) of Article 96-25 of the Act; authorization referred to in Article 132, paragraph (1) of the Act; authorization referred to in Article 145, paragraph (1) of the Act; authorization referred to in Article 155, paragraph (1) of the Act (limited to authorization related to changes of the listed commodity or listed commodity index (excluding their abolishment or narrowing of the scope; the same applies below in this item and the following item)); authorization referred to in the main clause of Article 156, paragraph (1) of the Act (limited to authorization related to changes of the listed commodity or listed commodity index); license referred to in Article 167 of the Act; approval referred to in Article 173, paragraph (1) of the Act; permission referred to in Article 245 of the Act; permission referred to in Article 279, paragraph (1) of the Act; permission referred to in Article 332, paragraph (1) of the Act; permission referred to in Article 335, paragraph (1) of the Act (including as applied mutatis mutandis pursuant to Article 345 of the Act); and permission referred to in Article 342, paragraph (1) of the Act: four months;

二　法第三条の二第一項ただし書の認可、法第八十八条第一項の認可、法第九十六条の十九第一項の認可、法第九十六条の三十一第一項の認可、法第九十六条の三十七第一項ただし書の認可、法第百五十五条第一項の認可（上場商品又は上場商品指数の変更に係るものを除く。）、法第百五十六条第一項本文の認可（上場商品又は上場商品指数の変更に係るものを除く。）、法第百七十条第二項ただし書の承認、法第百八十二条の認可、法第百八十三条の認可、法第百九十条第一項の許可、法第二百二十一条第二項の承認、法第二百二十五条第一項の認可、法第二百二十八条第一項の認可、法第二百四十条の二第一項の登録、法第二百五十条第一項の認可、法第二百七十七条第二項第三号の承認、法第二百八十三条第二項の認可、法第二百八十六条第二項の認可、法第二百九十六条第四項の認可、法第三百一条第二項の認可、法第三百十八条第一項の承認及び法第三百二十五条第二項の認可　一月

(ii) authorization referred to in the proviso to Article 3-2, paragraph (1) of the Act; authorization referred to in Article 88, paragraph (1) of the Act; authorization referred to in Article 96-19, paragraph (1) of the Act; authorization referred to in Article 96-31, paragraph (1) of the Act; authorization referred to in the proviso to Article 96-37, paragraph (1) of the Act; authorization referred to in Article 155, paragraph (1) of the Act (excluding authorization related to changes of the listed commodity or listed commodity index); authorization referred to in the main clause of Article 156, paragraph (1) of the Act (excluding authorization related to changes of the listed commodity or listed commodity index); approval referred to in the proviso to Article 170, paragraph (2) of the Act; authorization referred to in Article 182 of the Act; authorization referred to in Article 183 of the Act; authorization referred to in Article 190, paragraph (1) of the Act; approval referred to in Article 221, paragraph (2) of the Act; authorization referred to in Article 225, paragraph (1) of the Act; authorization referred to in Article 228, paragraph (1) of the Act; registration referred to in Article 240-2, paragraph (1) of the Act; authorization referred to in Article 250, paragraph (1) of the Act; approval referred to in Article 277, paragraph (2), item (iii) of the Act; authorization referred to in Article 283, paragraph (2) of the Act; authorization referred to in Article 286, paragraph (2) of the Act; authorization referred to in Article 296, paragraph (4) of the Act; authorization referred to in Article 301, paragraph (2) of the Act; approval referred to in Article 318, paragraph (1) of the Act; and authorization referred to in Article 325, paragraph (2) of the Act: one month; or

三　法第五十九条第七項の承認　十日

(iii) approval referred to in Article 59, paragraph (7) of the Act: ten days.

2　前項の期間には、次に掲げる期間を含まないものとする。

(2) The periods of time referred to in the preceding paragraph are not to include the periods of time stated in the following items:

一　当該申請を補正する期間

(i) the period to make corrections to 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) the period required for a person that filed the application 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) the period required for a person that filed the application to add materials which are found to be necessary for examination concerning the application.

（訳文の添付）

(Attachment of Translations)

第百七十六条　法、令又はこの省令の規定により主務大臣、地方農政局長又は経済産業局長（次条において「主務大臣等」という。）に提出する書類で、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（定款に準ずる書類を含む。）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。

Article 176　If there is a document to be submitted to the competent ministry, a director-general of a regional agricultural administration office or a director-general of a bureau of economy, trade and industry (referred to in the following Article as the competent minister, etc.) which cannot be prepared in Japanese due to special circumstances, its Japanese translation must be affixed to the document; provided, however, that if the document is articles of incorporation (including a document equivalent to articles of incorporation) prepared in English, it is sufficient to attach a Japanese translation of its summary.

（外国通貨の換算）

(Conversion of Foreign Currencies)

第百七十七条　法、令又はこの省令の規定により主務大臣等に提出する書類中、外国通貨をもって金額を表示するものがあるときは、当該金額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 177　If an amount is indicated in a foreign currency in a document to be submitted to the competent minister, etc. pursuant to the provisions of the Act, the Order, or this Ministerial Order, the amount after converting the amount to Japanese currency and the standard used for the conversion must be additionally entered in the document.

（事前届出）

(Prior Notification)

第百七十八条　法第二百二十四条第二項の規定による報告書（以下この条及び次条において「報告書」という。）を提出しようとする者は、情報通信技術を活用した行政の推進等に関する法律（平成十四年法律第百五十一号。以下「情報通信技術活用法」という。）第六条第一項の規定に基づき、同項に規定する電子情報処理組織を使用して提出するときは、あらかじめ、報告書の提出を電子情報処理組織を使用して行う旨、その商号又は名称、主たる事務所又は本店の所在地、代表者の氏名並びに連絡担当者の氏名及び連絡先その他の必要な事項を記載した届出書を主務大臣に届け出なければならない。

Article 178　(1) A person that seeks to submit a written report under the provisions of Article 224, paragraph (2) of the Act (referred to below as a "written report" in this Article and the following Article) by using an electronic data processing system prescribed in Article 6, paragraph (1) of the Act on the Advancement of Government Administration Processes That Use Information

and Communications Technology (Act No. 151 of 2002; referred to below as the "Information and Communications Technology Use Act") based on the provisions of that paragraph, must submit a written notification to the competent minister in advance, stating that a report will be submitted by using an electronic data processing system, the person's trade name or name, the location of the principal office or head office, the name of the representative, the name and the contact address of the contact person, and other necessary information.

２　主務大臣は、前項の届出を受理したときは、当該届出をした者に識別符号を付与するものとする。

(2) When the competent minister has accepted a notification stated in the preceding paragraph, the minister is to assign an identification code to the person that has made the notification.

３　第一項の届出をした者は、届け出た事項に変更があったとき又は電子情報処理組織の使用を廃止するときは、遅滞なく、その旨を主務大臣に届け出なければならない。

(3) When there has been any change to the notified information or when discontinuing the use of an electronic data processing system, a person that has made a notification referred to in paragraph (1) must notify the competent minister of that fact without delay.

４　主務大臣は、第一項の届出をした者が電子情報処理組織の使用を継続することが適当でないと認めるときは、電子情報処理組織の使用を停止することができる。

(4) When the competent minister finds it inappropriate for the person that has made a notification referred to in paragraph (1) to continue using an electronic data processing system, the minister may suspend the person's use of the electronic data processing system.

（電子情報処理組織による報告書の提出に係る特例）

(Special Provisions on the Submission of Reports by Using Electronic Data Processing Systems)

第百七十九条　電子情報処理組織を使用して報告書を提出しようとする者は、当該報告書を書面等（情報通信技術活用法第三条第五号に規定する書面等をいう。）により行うときに記載すべきこととされている事項及び前条第二項の規定により付与された識別符号を、提出しようとする者の使用に係る電子計算機から入力して、当該報告書を提出しなければならない。この場合において、関係行政機関が所管する法令に係る情報通信技術を活用した行政の推進等に関する法律施行規則（平成十六年内閣府・総務省・法務省・外務省・財務省・文部科学省・厚生労働省・農林水産省・経済産業省・国土交通省・環境省令第一号）第五条第三項の規定は適用しない。

Article 179 (1) A person that seeks to submit a written report by using an electronic data processing system must submit the report by inputting the information required to be stated in the written report when it is submitted by a document, etc. (meaning the document, etc. prescribed in Article 3, item (v) of

the Information and Communications Technology Use Act) and the identification code assigned pursuant to the provisions of paragraph (2) of the preceding Article from a computer used by the person. In this case, the provisions of Article 5, paragraph (3) of the Regulations for Enforcement of the Act on the Advancement of Government Administration Processes That Use Information and Communications Technology Concerning Laws and Regulations Under the Jurisdiction of Relevant Administrative Organs (Order of the Cabinet Office, Ministry of Internal Affairs and Communications, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Health, Labour and Welfare, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry, Ministry of Land, Infrastructure, Transport and Tourism, and Ministry of the Environment No. 1 of 2004) do not apply.

２　報告書においてすべきこととされている署名等（情報通信技術活用法第三条第六号に規定する署名等をいう。）に代わるものであって、情報通信技術活用法第六条第四項に規定する主務省令で定めるものは、前条第二項の規定により付与される識別符号を電子情報処理組織を使用して報告書を提出しようとする者の使用に係る電子計算機から入力することをいう。

(2) A substitute for a signature, etc. (meaning a signature, etc. prescribed in Article 3, item (vi) of the Information and Communications Technology Use Act) required to be affixed to a written report which is specified by order of the competent ministry as prescribed in Article 6, paragraph (4) of the Information and Communications Technology Use Act means inputting the identification code assigned pursuant to the provisions of paragraph (2) of the preceding Article from a computer used by the person that seeks to submit a written report by using an electronic data processing system.

附　則　〔抄〕

Supplementary Provisions [Extract]

（施行期日）

(Effective Date)

第一条　この省令は、商品取引所法の一部を改正する法律（以下「改正法」という。）の施行の日（平成十七年五月一日。以下「施行日」という。）から施行する。ただし、第七十九条第四号の規定は、改正法による改正後の商品取引所法（以下「新法」という。）第二百九十三条の登録のうち最初のものの効力が生じた日から施行する。

Article 1 This Ministerial Order comes into effect on the date on which the Act Partially Amending the Commodity Exchange Act (referred to below as the "Amendment Act") comes into effect (May 1, 2005; referred to below as the "effective date "); provided, however, that the provisions of Article 79, item (iv) come into effect on the date on whichever registration filed under Article 293 of

the Commodity Exchange Act, as amended by the Amendment Act (referred to below as the "New Act") first becomes effective.

（受託業務保証金規則の廃止）

(Abolishment of the Regulation on Security Deposit for Acceptance of Requests)

第二条　受託業務保証金規則（昭和四十三年農林省・通商産業省令第二号）は、廃止する。

Article 2 The Regulation on Security Deposits for Acceptance of Requests (Order of the Ministry of Agriculture and Forestry, and Ministry of International Trade and Industry No.2 of 1968) is abolished.

（商品取引員の許可更新の申請書の添付書類に係る経過措置）

(Transitional Measures for Documents Attached to Written Applications for Renewal of License of Futures Commission Merchants)

第三条　新法第二百九十三条の登録のうち最初のものの効力が生じる日までの間は、第八十条第二項第三号の規定の適用については、同号中「委託者保護基金」とあるのは、「昭和五十年十月三十一日に設立された社団法人商品取引受託債務補償基金協会（以下「補償基金協会」という。）」と読み替えるものとする。

Article 3 Until the date on whichever registration filed under Article 293 of the New Act first becomes effective, with regard to the application of the provisions of Article 80, paragraph (2), item (iii), the term "requesting party protection fund" in that item is deemed to be replaced with "the Association of Compensation Funds for Consigned Liabilities in Commodity Futures, Inc. (referred to below as the "Association of Compensation Funds") established on October 31, 1975".

（受託に係る財産の分離保管等の措置に係る経過措置）

(Transitional Measures for Segregation of Property Related to Acceptance of Requests)

第四条　新法第二百九十三条の登録のうち最初のものの効力が生じる日までの間は、第九十八条第一項及び第四項の規定の適用については、同条第一項第一号中「委託者保護基金（当該商品取引員が会員として加入している委託者保護基金に限る。以下この条において同じ。）」とあるのは「補償基金協会」と、「商品取引員が通知商品取引員（法第三百四条に規定する通知商品取引員をいう。以下同じ。）に該当することとなった」とあるのは「信託管理人である補償基金協会が当該商品取引員の有する取引委託者に対する委託者資産の返還に係る債務の円滑な弁済のために必要と判断した」と、「委託者保護基金が」とあるのは「補償基金協会が」と、「委託者保護基金のみ」とあるのは「補償基金協会のみ」と、「委託者保護基金の」とあるのは「補償基金協会の」と、「商品取引員が通知商品取引員に該当することとなった場合その他信託管理人」とあるのは「信託管理人」と、同項第二号中「委託者保護基金に」とあるのは「補償基金協会に」と、「商品取引員が通知商品取引員に該当することとなった

場合その他委託者保護基金」とあるのは「補償基金協会」と、「当該委託者保護基金」とあるのは「当該補償基金協会」と、「委託者保護基金の」とあるのは「補償基金協会の」と、同項第三号中「委託者保護基金に」とあるのは「補償基金協会に」と、「委託者保護基金の」とあるのは「補償基金協会の」と、「商品取引員が通知商品取引員に該当することとなった場合その他委託者保護基金」とあるのは「補償基金協会」と、「委託者保護基金は」とあるのは「補償基金協会は」と、同項第四号中「委託者保護基金に」とあるのは「補償基金協会に」と、「委託者保護基金の」とあるのは「補償基金協会の」と、「、委託者保護基金」とあるのは「、補償基金協会」と、「商品取引員が通知商品取引員に該当することとなった場合その他委託者保護基金」とあるのは「補償基金協会」と、「委託者保護基金は」とあるのは「補償基金協会は」と、同条第四項中「委託者保護基金」とあるのは「補償基金協会」と読み替えるものとする。

Article 4 Until the date of whichever registration filed under Article 293 of the New Act first becomes effective, with regard to the application of the provisions of Article 98, paragraphs (1) and (4), in paragraph (1), item (i) of that Article, the phrase "a requesting party protection fund (limited to a requesting party protection fund which the futures commission merchant joined as a member; the same applies below in this Article)" is deemed to be replaced with "the Association of Compensation Funds", the phrase "a futures commission merchant has fallen under a futures commission merchant subject to a notice (meaning a futures commission merchant subject to a notice prescribed in the provisions of Article 304 of the Act; the same applies below)" is deemed to be replaced with "the Association of Compensation Funds that the trust administrator judges is necessary for the smooth repayment of the futures commission merchant's obligations related to the return of the requesting party's assets to a transaction requesting party", the term, "a requesting party protection fund" is deemed to be replaced with "the Association of Compensation Funds", the phrase "only the requesting party protection fund" isdeemed to be replaced with "only the Association of Compensation Funds", the phrase "of a requesting party protection fund" is deemed to be replaced with "of the Association of Compensation Funds", the phrase, "when a futures commission merchant has fallen under the category of a futures commission merchant subject to a notice, other trust administrators" is deemed to be replaced with "the trust administrator", in item (ii) of that paragraph, the phrase "with a requesting party protection fund" is deemed to be replaced with "with the Association of Compensation Funds", the phrase "when a futures commission merchant has fallen under a futures commission merchant subject to a notice, other requesting party protection funds" is deemed to be replaced with "the Association of Compensation Funds" the term "the requesting party protection fund" is deemed to be replaced with "the Association of Compensation Funds", the phrase "of the requesting party protection fund" is

deemed to be replaced with "of the Association of Compensation Funds", in item (ii) of that paragraph, the phrase "to a requesting party Protection Fund" is deemed to be replaced with "to the Association of Compensation Funds", the phrase "of the requesting party protection fund" is deemed to be replaced with "of the Association of Compensation Funds", the phrase, "when a futures commission merchant has fallen under a futures commission merchant subject to a notice, other requesting party protection funds" is deemed to be replaced with "the Association of Compensation Funds", the term "requesting party protection fund" is to be replaced with "Association of Compensation Funds", in item (iv) of that paragraph, the phrase "to the requesting party protection fund" is deemed to be replaced with "to the Association of Compensation Funds", the phrase "of the requesting party protection fund" is deemed to be replaced with "of the Association of Compensation Funds", the term, ", a requesting party protection fund" is deemed to be replaced with ", the Association of Compensation Funds", the phrase " when a futures commission merchant has fallen under a futures commission merchant subject to a notice, other requesting party protection funds" is deemed to be replaced with "the Association of Compensation Funds", the term "requesting party protection fund" is deemed to be replaced with "Association of Compensation Funds", and in paragraph (4) of that Article, the term "requesting party protection fund" is deemed to be replaced with "Association of Compensation Funds".

（商品取引所に預託しなければならない金銭及び有価証券から除かれるもの）
(Money and Securities Excluded from That Required to Be Deposited with Commodity Exchanges)

第五条　改正法附則第十三条第一項の主務省令で定めるものは、施行日までにその決済を結了していない取引について、改正法による改正前の商品取引所法第九十七条第一項の規定により委託証拠金として預託を受けている金銭及び有価証券の価額が新法第百三条第一項又は第百七十九条第一項の規定により当該取引の取次者（新法第百三条第一項第二号又は第百七十九条第一項第一号ロに規定する取次者をいう。）、委託者（同法第百三条第一項第二号又は第百七十九条第一項第一号ロに規定する委託者をいう。）、取次委託者（同法第百三条第一項第四号又は第百七十九条第一項第一号ニに規定する取次委託者をいう。）、清算取次者（同項第二号ロに規定する清算取次者をいう。）、清算取次委託者（同号ロに規定する清算取次委託者をいう。）又は清算取次者に対する委託者（同号ニに規定する清算取次者に対する委託者をいう。）が取引証拠金として預託すべき金銭及び有価証券の価額を超える場合にあっては、当該超える部分に相当する金銭及び有価証券とする。

Article 5　With regard to transactions which have not been settled by the effective date, when the value of money and securities deposited as a customer margin pursuant to the provisions of Article 97, paragraph (1) of the Commodity Exchange Act before the amendment by the Amendment Act

exceeds the value of money and securities that are deposited with a broker (meaning a broker prescribed in Article 103, paragraph (1), item (ii), or Article 179, paragraph (1), item (i), (b) of the New Act), a requesting party (meaning a requesting party prescribed in Article 103, paragraph (1), item (ii), or Article 179, paragraph (1), item (i), (b) of that Act), a brokerage requesting party (meaning a brokerage requesting party prescribed in Article 103, paragraph (1), item (iv), or Article 179, paragraph (1), item (i), (d) of that Act), a clearing broker (a clearing broker prescribed in item (ii), (b) of that paragraph); a clearing brokerage requesting party (meaning a clearing brokerage requesting party prescribed in (b) of that item), or a requesting party that makes a request to the clearing broker (meaning a requesting party that makes a request to the clearing broker prescribed in (d) of that item) of the transaction, the money and securities specified by order of the competent ministry as referred to in Article 13, paragraph (1) of the Supplementary Provisions of the Amendment Act are the money and securities equivalent to the excess portion.

（補償基金協会の定款に基づく弁済業務）

(Repayment Services Based on the Articles of Incorporation of the Association of Compensation Funds)

第六条　改正法附則第十九条第九項の主務省令で定める業務は、補償基金協会の定款に基づき、商品取引員が商品市場における取引の受託により生じた債務を弁済することができない場合にその商品取引員に代わってその債務に関し当該取引を委託した者に対し弁済する業務とする。

Article 6 (1) The services specified by order of the competent ministry as referred to in Article 19, paragraph (9) of the Supplementary Provisions of the Amendment Act are to be the services of making repayments to a person that requested the transaction related to the debts on behalf of a futures commission merchant when the futures commission merchant cannot repay the debts arising from accepting a request of a transaction in a commodity market, based on the articles of incorporation of the Association of Compensation Funds.

２　委託者保護基金は、前項の業務において取得した求償権を行使して取得した額を、第百四十条の規定にかかわらず、委託者保護資金勘定に繰り入れないことができる。

(2) A requesting party protection fund is not required to transfer the amount acquired by the execution of the right to obtain reimbursement that was acquired through performing the services under the preceding paragraph to an account for a requesting party protection fund, notwithstanding the provisions of Article 140.

附　則　〔平成十七年四月二十八日農林水産省・経済産業省令第九号〕

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry

and Fisheries and the Ministry of Economy, Trade and Industry No. 9 of April 28, 2005]

この省令は、公布の日から施行する。

This Ministerial Order comes into effect on the date of promulgation.

附　則　〔平成十七年八月二十五日農林水産省・経済産業省令第十号〕

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 10 of August 25, 2005]

（施行期日）

(Effective Dates)

第一条　この省令は、次の各号に掲げる規定ごとに、それぞれ当該各号に定める日から施行する。

Article 1 This Ministerial Order comes into effect for each of the provisions stated as follows on the date specified in those items:

一　第百六十四条及び第百六十七条の改正規定並びに別表第二中部商品取引所の項の改正規定　平成十七年十月十一日

(i) the amended provisions of Article 164 and Article 167, and the amended provisions of the row for the Chubu Commodity Exchange in the Appended Table 2: October 11, 2005;

二　別表第二横浜商品取引所の項の改正規定　平成十七年八月二十六日

(ii) the amended provisions of the row for the Yokohama Commodity Exchange, Appended Table 2: August 26, 2005.

（経過措置）

(Transitional Measures)

第二条　この省令の施行の際現に横浜商品取引所の繭糸市場において取引が開始されている日本生糸及び国際生糸に係る取引については、なお従前の例による。

Article 2 With regard to transactions concerning Japanese raw silk and international raw silk, for which trading has been commenced at the cocoon and silk market of the Yokohama Commodity Exchange at the time of the enforcement of this Ministerial Order, the provisions then in force remain applicable.

附　則　〔平成十七年十二月二十八日農林水産省・経済産業省令第十一号〕

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 11 of December 28, 2005]

この省令は、公布の日から施行する。
This Ministerial Order comes into effect on the date of promulgation.

附　則　〔平成十八年四月三日農林水産省・経済産業省令第一号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 1 of April 3, 2006]

この省令は、公布の日から施行する。
This Ministerial Order comes into effect on the date of promulgation.

附　則　〔平成十八年四月二十八日農林水産省・経済産業省令第三号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 3 of April 28, 2006]

この省令は、会社法の施行の日（平成十八年五月一日）から施行する。
This Ministerial Order comes into effect on the date on which the Companies Act comes into effect (May 1, 2006).

附　則　〔平成十八年十二月五日農林水産省・経済産業省令第五号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 5 of December 5, 2006]

この省令は、公布の日から施行する。
This Ministerial Order comes into effect on the day of promulgation.

附　則　〔平成十八年十二月二十五日農林水産省・経済産業省令第六号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 6 of December 25, 2006]

この省令は、平成十九年一月一日から施行する。
This Ministerial Order comes into effect on January 1, 2007.

附　則　〔平成十九年六月二十日農林水産省・経済産業省令第二号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 2 of June 20, 2007]

この省令は、平成十九年七月二日から施行する。ただし、「ロブスタコーヒー生豆　百枚　五十枚　野菜　五十枚　二十枚」を「ロブスタコーヒー生豆　百枚　五十枚」に改める部分は、同年十二月二十一日から施行する。

This Ministerial Order comes into effect on July 2, 2007; provided, however, that the part amending "Green Robusta Coffee Bean: 100 lots, 50 lots Vegetables: 50 lots, 20 lots" to "Green Robusta Coffee Bean 100 lots, 50 lots" comes into effect on December 21, 2007.

附　則　〔平成十九年九月二十一日農林水産省・経済産業省令第三号〕

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 3 of September 21, 2007]

（施行期日）

(Effective Dates)

第一条　この省令は、証券取引法等の一部を改正する法律の施行の日（平成十九年九月三十日）から施行する。ただし、様式第一号、様式第十七号及び様式第十八号の改正規定は平成十九年十一月一日から施行する。

Article 1 This Ministerial Order comes into effect on the date the Act for Partially Amending the Securities and Exchange Act comes into effect (September 30, 2007); provided, however, that the amended provisions of Form No. 1, Form No. 17, and Form No. 18 come into effect on November 1, 2007.

（経過措置）

(Transitional Measures)

第二条　第二十四条第一項第一号ハの規定に掲げる額は、当分の間、零とする。

Article 2 The amount stated in the provisions of Article 24, paragraph (1), item (i) (c) is zero for the time being.

第三条　第百条の三及び第百条の五の規定は、ビラ又はパンフレットを配布する方法により多数の者に対して同様の方法で行う情報の提供については、施行日から起算して三月を経過する日までの間は適用しない。

Article 3 The provisions of Article 100-3 and Article 100-5 do not apply to the provision of information with the same content to many persons by the means of distributing fliers or brochures, until three months have elapsed from the effective date.

第四条　この省令による改正前の商品取引責任準備金については、なお従前の例による。

Article 4 With regard to the liability reserve for commodity trading before the amendment by this Ministerial Order, the provisions then in force remain applicable.

附　則　〔平成十九年九月二十八日農林水産省・経済産業省令第五号〕

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 5 of September 28, 2007]

（施行期日）

(Effective Dates)

第一条　この省令は、信託法（平成十八年法律第百八号）の施行の日（平成十九年九月三十日）から施行する。ただし、第四十六条第二号の改正規定は、平成十九年十月一日から施行する。

Article 1 This Ministerial Order comes into effect on the date on which the Trust Act (Act No. 108 of 2006) comes into effect (September 30, 2007); provided, however, that the provisions amending Article 46, item (ii) come into effect on October 1, 2007.

（信認金等の運用方法の改正に伴う経過措置）

(Transitional Measures upon the Amendment of the Method of Utilization of Guarantee Funds)

第二条　旧郵便貯金（郵政民営化法等の施行に伴う関係法律の整備等に関する法律（平成十七年法律第百二号）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同法第二条の規定による廃止前の郵便貯金法（昭和二十二年法律第百四十四号）第七条第一項各号に規定する郵便貯金をいう。）は、この省令による改正後の商品取引所法施行規則の規定の適用については、銀行への預け金とみなす。

Article 2 The old postal savings (meaning the postal savings prescribed in the items of Article 7, paragraph (1) of the Postal Savings Act (Act No. 144 of 1947) before the repeal under Article 2 of the Act on Arrangement of Relevant Acts Accompanying Enforcement of the Postal Service Privatization Act and Other Laws (Act No. 102 of 2005), which are to remain effective pursuant to the provisions of Article 5, paragraph (1) of the Supplementary Provisions of that Act) are deemed to be money deposited with a bank, regarding application of the Regulations for Enforcement of the Commodity Exchange Act as amended by this Ministerial Order.

附　則　〔平成十九年十二月十九日農林水産省・経済産業省令第六号〕

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 6 of December 19, 2007]

この省令は、貸金業の規制等に関する法律施行令の一部を改正する政令の施行の日（平成十九年十二月十九日）から施行する。

This Ministerial Order comes into effect on the date on which the Cabinet Order for Partially Amending the Order for Enforcement of the Act on Control of Money Lending Business comes into effect (December 19, 2007).

附　則　〔平成二十年六月十六日農林水産省・経済産業省令第二号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 2 of June 16, 2008]

この省令は、平成二十年九月一日から施行する。ただし、第九十条、第九十七条、第百七条、様式第十号及び様式第十八号の改正規定は、公布の日から施行する。
This Ministerial Order comes into effect on September 1, 2008; provided, however, that the amended provisions of Article 90, Article 97, Article 107, Form No. 10, and Form No. 18 come into effect on the day of promulgation.

附　則　〔平成二十年六月二十四日農林水産省・経済産業省令第三号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 3 of June 24, 2008]

この省令は、公布の日から施行する。
This Ministerial Order comes into effect on the day of promulgation.

附　則　〔平成二十年九月三十日農林水産省・経済産業省令第六号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 6 of September 30, 2008]

この省令は、株式会社商工組合中央金庫法の施行の日（平成二十年十月一日）から施行する。
This Ministerial Order comes into effect on the date on which the Shoko Chukin Bank Limited Act comes into effect (October 1, 2008).

附　則　〔平成二十一年二月三日農林水産省・経済産業省令第一号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 1 of February 3, 2009]

この省令は、公布の日から施行する。
This Ministerial Order comes into effect on the date of promulgation.

附　則　〔平成二十一年三月二十四日農林水産省・経済産業省令第二号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 2 of March 24, 2009]

この省令は、平成二十一年三月二十五日から施行する。
This Ministerial Order comes into effect on March 25, 2009.

附　則　〔平成二十一年四月二十八日農林水産省・経済産業省令第四号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 4 of April 28, 2009]

この省令は、公布の日から施行する。
This Ministerial Order comes into effect on the date of promulgation.

附　則　〔平成二十一年九月十一日農林水産省・経済産業省令第五号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 5 of September 11, 2009]

この省令は、平成二十一年十月十三日から施行する。
This Ministerial Order comes into effect on October 13, 2009.

附　則　〔平成二十一年十月一日農林水産省・経済産業省令第六号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 6 of October 1, 2009]

（施行期日）
(Effective Date)
第一条　この省令は、商品取引所法及び商品投資に係る事業の規制に関する法律の一部を改正する法律附則第一条第二号に掲げる規定の施行の日（平成二十一年十月八日。以下「施行日」という。）から施行する。
Article 1 This order comes into effect on the date on which the provisions stated in Article 1, item (ii) of the Supplementary Provisions of the Act on Partially Amending the Commodity Exchange Act and the Act on Regulation of Commodity Investment come into effect (October 8, 2009; referred to below as the "effective date").

（会員商品取引所の貸借対照表等に関する経過措置）

(Transitional Measures for Balance Sheets of Member Commodity Exchanges)

第二条　この省令による改正後の商品取引所法施行規則第十五条第二項第一号ヌ及び同項第二号ト、様式第一号並びに様式第十七号の規定は、平成二十二年四月一日前に開始する事業年度に係る会員商品取引所（商品取引所法第二条第二項に規定する会員商品取引所をいう。以下同じ。）の貸借対照表又は純資産額に関する調書（商品取引所法施行規則第百十七条第一項第一号に規定する純資産額に関する調書をいう。）及び月計残高試算表（同項第四号に規定する月計残高試算表をいう。）については、適用しない。

Article 2　The provisions of Article 15, paragraph (2), item (i), (j) and item (ii), (g), Form No. 1, and Form No. 17 of the Order for Enforcement of the Commodity Exchange Act as amended by this Ministerial Order do not apply to balance sheets or records related to the amount of net assets (meaning records related to the amount of net assets prescribed in Article 117, paragraph (1), item (i) of the Order for Enforcement of the Commodity Exchange Act) and the monthly trial balance (meaning the monthly trial balance prescribed in item (iv) of that paragraph) of a member commodity exchange (meaning a member commodity exchange prescribed in Article 2, paragraph (2) of the Commodity Exchange Act; the same applies below) for the business year that starts before April 1, 2010.

（商品取引所の吸収合併等に際しての計算に関する経過措置）

(Transitional Measures for the Calculation upon Absorption-Type Mergers of Commodity Exchanges)

第三条　施行日前に吸収合併契約又は新設合併契約が締結された会員商品取引所と会員商品取引所又は株式会社商品取引所（商品取引所法第二条第三項に規定する株式会社商品取引所をいう。）との吸収合併（同法第百三十九条第二項に規定する吸収合併をいう。）又は新設合併（同項に規定する新設合併をいう。）に際しての計算については、なお従前の例による。

Article 3　Regarding the calculation upon an absorption-type merger (meaning an absorption-type merger prescribed in Article 139, paragraph (2) of the Commodity Exchange Act) or a consolidation-type merger (meaning a consolidation-type merger prescribed in that paragraph) between a member commodity exchange for which an absorption-type merger contract or consolidation-type merger contract has been concluded before the effective date and a member commodity exchange or an incorporated commodity exchange (meaning an incorporated commodity exchange prescribed in Article 2, paragraph (3) of that Act), the provisions then in force remain applicable.

附　則　〔平成二十一年十月二十三日農林水産省・経済産業省令第七号〕

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 7 of

October 23, 2009]

この省令は、公布の日から施行する。
This Ministerial Order comes into effect on the date of promulgation.

附　則　〔平成二十一年十一月六日農林水産省・経済産業省令第八号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 8 of November 6, 2009]

この省令は、公布の日から施行する。
This order comes into effect on the date of promulgation.

附　則　〔平成二十二年三月十九日農林水産省・経済産業省令第一号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 1 of March 19, 2010]

この省令は、平成二十二年三月二十三日から施行する。
This Ministerial Order comes into effect on March 23, 2010.

附　則　〔平成二十二年四月二十一日農林水産省・経済産業省令第二号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 2 of April 21, 2010]

この省令は、商品取引所法及び商品投資に係る事業の規制に関する法律の一部を改正する法律附則第一条第三号に掲げる規定の施行の日（平成二十二年七月一日）から施行する。
This order comes into effect on the date on which the provisions stated in Article 1, item (iii) of the Supplementary Provisions of the Act for Partially Amending the Commodity Exchange Act and the Act on Regulation of Commodity Investment come into effect (July 1, 2010).

附　則　〔平成二十二年七月十六日農林水産省・経済産業省令第三号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 3 of July 16, 2010]

この省令は、公布の日から施行する。
This Ministerial Order comes into effect on the date of promulgation.

附　則　〔平成二十二年十月十二日農林水産省・経済産業省令第四号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 4 of October 12, 2010]

この省令は、公布の日から施行する。
This Ministerial Order comes into effect on the date of promulgation.

附　則　〔平成二十二年十月十五日農林水産省・経済産業省令第五号〕〔抄〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 5 of October 15, 2010] [Extract]

（施行期日）
(Effective Date)
第一条　この省令は、改正法の施行の日（平成二十三年一月一日。以下「施行日」という。）から施行する。
Article 1 This Ministerial Order comes into effect on the date on which the Amendment Act comes into effect (January 1, 2011; referred to below as the "effective date").

（特定当業者の要件に関する経過措置）
(Transitional Measures for the Requirements for Eligible Commercial Persons)
第二条　第一条の規定による改正後の商品先物取引法施行規則（以下「新規則」という。）第一条の八の規定の適用については、施行日前に締結した改正法第三条の規定による改正後の商品先物取引法（昭和二十五年法律第二百三十九号。以下「新法」という。）第二条第二十二項各号に掲げる行為に相当する行為を行うことを内容とする契約は、新規則第一条の八の商品取引契約とみなす。
Article 2 Regarding the application of the provisions of Article 1-8 of the Regulations for Enforcement of the Commodity Derivatives Transaction Act as amended by the provisions of Article 1 (referred to below as the "New Regulations"), a contract entered into before the effective date which provides that the acts equivalent to the acts stated in the items of Article 2, paragraph (22) of the Commodity Derivatives Transaction Act as amended by the provisions of Article 3 of the Amendment Act (Act No. 239 of 1950; referred below to as the "New Act") are to be performed is deemed to be a commodity transaction contract referred to in Article 1-8 of the New Act.

（純資産額の計算基準に関する経過措置）
(Transitional Measures for the Basis for Calculating Net Assets)

第三条　改正法の施行の際現に旧法第百九十条第一項の許可を受けている者についての新規則第三十八条の規定の適用については、施行日から起算して六月を経過する日までの間は、なお従前の例によることができる。

Article 3 (1) Until the day on which six months have elapsed from the effective date, prior laws may continue to govern the application of the provisions of Article 38 of the New Regulations with regard to a person that is licensed as referred to in Article 190, paragraph (1) of the Former Act at the time of the Amendment Act comes into effect.

２　商品先物取引業者（改正法の施行の際現に旧法第百九十条第一項の許可を受けている者を除く。）についての新規則第三十八条の規定の適用については、施行日から起算して六月を経過する日までの間は、同条第一項中「合計額（法第九十九条第七項の規定を第二百十一条第四項において準用する場合にあっては、第一号から第六号までに掲げるものの合計額を除く。）」とあるのは「合計額」と、「法第九十九条第七項の規定を第二百十一条第四項において準用する場合にあっては、第七号から第十号までに掲げるものの金額の合計額を除き、それ以外の場合にあっては第七号」とあるのは「第七号」とすることができる。

(2) Until the day on which six months have elapsed from the effective date, regarding the application of the provisions of Article 38 of the New Regulations with regard to a commodity derivatives broker (excluding those licensed as referred to in Article 190, paragraph (1) of the Former Act at the time of the enforcement of the Amendment Act), the phrase "total amount required to be recorded in the assets section (when the provisions of Article 99, paragraph (7) of the Act are applied mutatis mutandis pursuant to Article 211, paragraph (4), excluding the total amount of the assets stated in items (i) through (vi))" is deemed to be replaced with "total amount required to be recorded in the assets section" and the phrase "when the provisions of Article 99, paragraph (7) of the Act are applied mutatis mutandis pursuant to Article 211, paragraph (4), excluding the total amount of the liabilities stated in items (vii) through (x), and in other cases, excluding the total amount of the liabilities stated in items (vii) and (viii))" is deemed to be replaced with "excluding the total amount of the liabilities stated in items (vii) and (viii)".

（期限前弁済等の承認に関する経過措置）

(Transitional Measures for Approval of Payments Before Maturities)

第四条　この省令の施行の際現に第一条の規定による改正前の商品取引所法施行規則（以下「旧規則」という。）第三十八条第七項第三号の規定による承認を受けている短期劣後債務は、施行日に新規則第三十八条第四項第三号の規定による承認を受けたものとみなす。

Article 4 (1) Short-term subordinated debts approved under the provisions of Article 38, paragraph (7), item (iii) of the Regulations for Enforcement of the Commodity Derivatives Transaction Act before the amendment by the

provisions of Article 1 (referred to below as the "Former Regulations") at the time of the enforcement of this Ministerial Order are deemed to be those approved under the provisions of Article 38, paragraph (4), item (iii) of the New Regulations on the effective date.

２　この省令の施行の際現に旧規則第三十八条第八項第三号の規定による承認を受けている長期劣後債務は、施行日に新規則第三十八条第五項第三号の規定による承認を受けたものとみなす。

(2) Long-term subordinated debts approved under the provisions of Article 38, paragraph (8), item (iii) of the Former Regulations at the time of the enforcement of this Ministerial Order are deemed to be those approved under the provisions of Article 38, paragraph (5), item (iii) of the New Regulations on the effective date.

（特定委託者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 for the Requirements for Individuals That May Make Requests to Be Treated as Eligible Requesting Parties)

第五条　新規則第九十条の十一第四号ハの規定の適用については、施行日前に締結した新法第二条第二十二項各号に掲げる行為に相当する行為を行うことを内容とする契約は、新規則第九十条の十一第四号ハの商品取引契約とみなす。

Article 5 Regarding the application of the provisions of Article 90-11, item (iv), (c) of the New Regulations, a contract entered into before the effective date which provides that the acts equivalent to the acts stated in the items of Article 2, paragraph (22) of the New Act are to be performed is deemed to be a commodity transaction contract referred to in Article 90-11, item (iv), (c) of the New Act.

（外国商品市場取引及び店頭商品デリバティブ取引に関する財産の分離保管等の措置に関する経過措置）

(Transitional Measures for Measures of Segregation of Property Related to Foreign Commodity Market Transactions and Over-the-Counter Commodity Derivatives Transactions)

第六条　新規則第九十八条の三第一項第一号の規定は、施行日から起算して六月を経過する日までの間は、適用しない。この場合において、個人である委託者等に係る新法第二百十条第二号の主務省令で定める措置は、新規則第九十八条の三第一項第二号に掲げる措置とする。

Article 6 The provisions of Article 98-3, paragraph (1), item (i) of the New Regulations do not apply until six months have elapsed from the effective date. In this case, the measures specified by order of the competent ministry regarding a requesting party, etc. that is an individual are the measures stated in Article 98-3, paragraph (1), item (ii) of the New Regulations.

（危険に対応する額の算出に関する経過措置）

(Transitional Measures for Calculating the Amounts Corresponding to Risks)

第七条　改正法の施行の際現に旧法第百九十条第一項の許可を受けている者についての新規則第九十九条の規定の適用については、施行日から起算して六月を経過する日までの間は、なお従前の例によることができる。

Article 7 (1) Until the day on which six months have elapsed from the effective date, prior laws may continue to govern the application of the provisions of Article 99 of the New Regulations with regard to a person that is licensed as referred to in Article 190, paragraph (1) of the Former Act at the time when the Amendment Act comes into effect.

２　商品先物取引業者（改正法の施行の際現に旧法第百九十条第一項の許可を受けている者を除く。）についての新規則第九十九条の規定の適用については、施行日から起算して六月を経過する日までの間は、同条第一項中「次に掲げる額の合計額」とあるのは「第一号及び第三号に掲げる額の合計額」と、同条第二項中「市場リスク相当額及び取引先リスク相当額」とあるのは「市場リスク相当額」とすることができる。

(2) Until the day on which six months have elapsed from the effective date, with regard to the application of the provisions of Article 99 of the New Regulations with regard to a commodity derivatives broker (excluding those licensed as referred to in Article 190, paragraph (1) of the Former Act at the time of the enforcement of the Amendment Act), the phrase "sum of the following amounts" in paragraph (1) of that Article is deemed to be replaced with "sum of the amounts stated in items (i) and (iii)", and the phrase "the market risk equivalent amount and the counterpart risk equivalent amount" in paragraph (2) of that Article is deemed to be replaced with "the market risk equivalent amount".

（広告等の規制に関する経過措置）

(Transitional Measures for Regulations of Advertisement)

第八条　新規則第百条の四、第百条の六第四号、第百二十六条の十二及び第百二十六条の十四第四号の規定は、ビラ又はパンフレットを配布する方法により多数の者に対して同様の方法で行う情報の提供については、施行日から起算して三月を経過する日までの間は、適用しない。

Article 8 Until three months have elapsed from the date of enforcement, the provisions of Article 100-4, Article 100-6, item (iv), Article 126-12, and Article 126-14, item (iv) of the New Regulations do not apply to the provision of information to a large number of persons by the same means of distributing fliers or brochures.

（禁止行為に関する経過措置）

(Transitional Measures for Prohibited Acts)

第九条　新規則第百三条第一項第十九号及び第二十号並びに第二項から第十項までの規定は、施行日から起算して六月を経過する日までの間は、適用しない。

Article 9 Until six months have elapsed from the effective date, the provisions of Article 103, paragraph (1), items (xix) and (xx) and paragraphs (2) through (10) of the New Regulations do not apply.

（商品取引責任準備金に関する経過措置）

(Transitional Measures for Liability Reserve for Commodity Trading)

第十条　改正法の施行の際現に旧法第百九十条第一項の許可を受けている者の施行日の属する事業年度の新規則第百十一条の規定による商品取引責任準備金の計算については、なお従前の例によることができる。

Article 10 (1) Prior laws may continue to govern the calculation of the liability reserve for commodity trading under the provisions of Article 111 of the New Regulations for the business year in which the effective date falls, with regard to a person that is licensed as referred to in Article 190, paragraph (1) of the Former Act at the time when the Amendment Act comes into effect.

２　改正法の施行の際現に旧法第百九十条第一項の許可を受けている者についての新規則第百十一条第二項の規定の適用については、同項中「法第二条第二十二項第一号又は第二号に掲げる行為」とあるのは、「法第二条第二十二項第一号又は第二号に掲げる行為に相当する行為」とする。

(2) Regarding the application of the provisions of Article 111, paragraph (2) of the New Regulations to a person that is licensed as referred to in Article 190, paragraph (1) of the Former Act at the time of the enforcement of the Amendment Act, the phrase "the acts stated in Article 2, paragraph (22), item (i) or (ii) of the Act" in that paragraph is deemed to be replaced with "acts equivalent to the acts stated in Article 2, paragraph (22), item (i) or (ii) of the Act".

（商品先物取引業者の帳簿の作成に関する経過措置）

(Transitional Measures for Preparation of Books of Commodity Derivatives Brokers)

第十一条　商品先物取引業者が、商品デリバティブ取引について、施行日から起算して一年を経過する日までの間に新規則第百十三条第一項第二号に掲げる帳簿に準ずる帳簿を作成した場合には、当該帳簿を同号に掲げる帳簿とみなす。

Article 11 If a commodity derivatives broker has prepared books that are equivalent to the books stated in Article 113, paragraph (1), item (ii) of the New Regulations with regard to commodity derivatives transactions by the day on which one year has elapsed from the effective date, these books are deemed to be the books stated in that item.

（商品先物取引業者の事業報告書に関する経過措置）

(Transitional Measures for Business Reports of Commodity Derivatives Brokers)

第十二条　改正法の施行の際現に旧法第百九十条第一項の許可を受けている者についての施行日の属する事業年度に係る事業報告書については、なお従前の例によることができる。

Article 12 (1) Prior laws may continue to govern the business report for the business year in which the effective date of, with regard to a person that is licensed as referred to in Article 190, paragraph (1) of the Former Act at the time of the enforcement of the Amendment Act.

２　新規則第百十六条の規定は、商品先物取引業者（改正法の施行の際現に旧法第百九十条第一項の許可を受けている者を除く。）の施行日の属する事業年度に係る事業報告書については、適用しない。

(2) The provisions of Article 116 of the New Regulations do not apply to the business report for the business year in which the effective date falls, with regard to a commodity derivatives broker (excluding those licensed as referred to in Article 190, paragraph (1) of the Former Act at the time of the enforcement of the Amendment Act).

（業務又は財産の状況に関する報告書の提出に関する経過措置）

(Transitional Measures for Submission of Written Reports on the Status of Business or Property)

第十三条　商品先物取引業者（新法第二条第二十二項第一号又は第二号に掲げる行為を業として行う者を除く。）については、施行日から起算して六月を経過する日までの間は、新規則第百十七条第一項第一号の規定は適用しない。

Article 13 (1) Until six months have elapsed from the date of enforcement, the provisions of Article 117, paragraph (1), item (i) of the New Regulations do not apply to a commodity derivatives broker (excluding one that performs the acts stated in Article 2, paragraph (22), item (i) or (ii) of the New Act in the course of trade).

２　新規則様式第十二号による書類については、施行日から起算して一年間、旧規則様式第十七号及び様式第十八号による書類を取り繕い使用することができる。

(2) As a document based on Form No. 12 of the New Regulations, documents based on Form No. 17 and Form No. 18 of the Former Regulations may be used by amending them.

（商品先物取引仲介業者の帳簿の作成に関する経過措置）

(Transitional Measures for Preparation of Books of Commodity Derivatives Intermediary Service Providers)

第十四条　商品先物取引仲介業者がその行う商品先物取引仲介業について、施行日から起算して一年を経過する日までの間に新規則第百二十六条の二十五第一項に規定する帳簿に準ずる帳簿を作成した場合には、当該帳簿を同項に規定する帳簿とみなす。

Article 14 If a commodity derivatives intermediary service provider has prepared books that are equivalent to the books stated in Article 126-25, paragraph (1) of the New Regulations with regard to the commodity derivatives intermediary service they conducted by the day on which one year has elapsed from the effective date, these books are deemed to be the books stated in that paragraph.

（商品先物取引仲介業者の事業報告書に関する経過措置）
(Transitional Measures for Business Reports of Commodity Derivatives Intermediary Service Providers)

第十五条　新規則第百二十六条の二十七の規定は、施行日の属する事業年度に係る事業報告書については、適用しない。

Article 15 The provisions of Article 126-27 of the New Regulations do not apply to the business report for the business year in which the effective date falls.

（特定店頭商品デリバティブ取引業者の帳簿の作成に関する経過措置）
(Transitional Measures for Preparation of Business Reports of Specified Over-The-Counter Commodity Derivative Brokers)

第十六条　特定店頭商品デリバティブ取引業者が、特定店頭商品デリバティブ取引について、施行日から起算して一年を経過する日までの間に新規則別表第六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、当該帳簿書類を別表第六に掲げる帳簿書類とみなす。

Article 16 If a specified over-the-counter commodity derivatives broker has prepared books and documents that are equivalent to the books and documents stated in Appended Table 6 of the New Regulations with regard to specified over-the-counter commodity derivatives transactions by the day on which one year has elapsed from the effective date, these books and documents are deemed to be the books and documents stated in Appended Table 6.

附　則　〔平成二十三年二月十七日農林水産省・経済産業省令第一号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 1 of February 17, 2011]

この省令は、公布の日から施行する。
This Ministerial Order comes into effect on the date of promulgation.

附　則　〔平成二十三年六月二十九日農林水産省・経済産業省令第二号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 2 of June 29, 2011]

この省令は、放送法等の一部を改正する法律の施行の日（平成二十三年六月三十日）から施行する。

This Ministerial Order comes into effect on the day on which the Act Partially Amending the Broadcast Act comes into effect (June 30, 2011).

附　則　〔平成二十三年七月二十一日農林水産省・経済産業省令第三号〕

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 3 of July 21, 2011]

この省令は、公布の日から施行する。

This Ministerial Order comes into effect on the date of promulgation.

附　則　〔平成二十四年七月六日農林水産省・経済産業省令第一号〕

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 1 of July 6, 2012]

この省令は、住民基本台帳法の一部を改正する法律の一部及び出入国管理及び難民認定法及び日本国との平和条約に基づき日本の国籍を離脱した者等の出入国管理に関する特例法の一部を改正する等の法律の施行の日（平成二十四年七月九日）から施行する。

This Ministerial Order comes into effect on the day on which the Act Partially Amending the Act Partially Amending the Residential Basic Book Act and Partially Amending the Immigration Control and Refugee Recognition Act and the Special Act on the Immigration Control of, Inter Alia, Those Who Have Lost Japanese Nationality Pursuant to the Treaty of Peace with Japan comes into effect (July 9, 2012).

附　則　〔平成二十四年十一月十六日農林水産省・経済産業省令第四号〕

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 4 of November 16, 2012]

この省令は、平成二十四年十二月一日から施行する。

This Ministerial Order comes into effect on December 1, 2012.

附　則　〔平成二十五年一月二十五日農林水産省・経済産業省令第一号〕

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 1 of January 25, 2013]

この省令は、平成二十五年二月十二日から施行する。
This Ministerial Order comes into effect on February 12, 2013.

附　則　〔平成二十五年三月二十八日農林水産省・経済産業省令第二号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 2 of March 28, 2013]

この省令は、公布の日から施行する。
This Ministerial Order comes into effect on the date of promulgation.

附　則　〔平成二十六年六月二十三日農林水産省・経済産業省令第一号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 1 of June 23, 2014]

この省令は、平成二十六年七月一日から施行する。
This Ministerial Order comes into effect on July 1, 2014.

附　則　〔平成二十七年一月二十三日農林水産省・経済産業省令第一号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 1 of January 23, 2015]

（施行期日）
(Effective Date)
第一条　この省令は、平成二十七年六月一日から施行する。
Article 1 This Ministerial Order comes into effect on June 1, 2015.

（検討）
(Reviews)
第二条　主務大臣は、この省令の施行後一年を目途として、この省令の施行の状況について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。
Article 2 (1) The competent minister is to review the status of the enforcement of this Ministerial Order after approximately one year from its enforcement and take necessary measures based on the results of the reviews when the minister finds it necessary.
2　主務大臣は、この省令の施行後、商品先物取引業者又は商品先物取引仲介業者による勧誘の実態が著しく委託者の保護に欠ける状況にあると認めるときは、前項の規定

にかかわらず、速やかに所要の措置を講ずるものとする。
(2) After the enforcement of this Ministerial Order, when the competent minister finds that the substance of solicitation by a commodity derivatives broker or a commodity derivatives intermediary service provider is likely to result in considerably insufficient protection of requesting parties, the minister is to take necessary measures promptly, notwithstanding the provisions of the preceding paragraph.

附　則　〔平成二十七年四月三十日農林水産省・経済産業省令第二号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 2 of April 30, 2015]

この省令は、平成二十七年五月一日から施行する。
This Ministerial Order comes into effect on May 1, 2015.

附　則　〔平成二十八年三月一日農林水産省・経済産業省令第一号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 1 of March 1, 2016]

この省令は、平成二十八年四月一日から施行する。ただし、第四十三条の改正規定、第五十五条の七の改正規定、第七十四条の改正規定及び第百二十六条の十の改正規定は、公布の日から施行する。
This Ministerial Order comes into effect on April 1, 2016; provided, however, that the provisions for amending Article 43, the provisions for amending Article 55-7, the provisions for amending Article 74, and the provisions for amending Article 126-10 come into effect on the date of promulgation.

附　則　〔平成二十八年八月一日農林水産省・経済産業省令第四号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 4 of August 1, 2016]

（施行期日）
(Effective Date)
第一条　この省令は、平成二十八年九月一日から施行する。
Article 1 This Ministerial Order comes into effect on September 1, 2016.

（経過措置）
(Transitional Measures)

第二条　この省令の施行の際現に金融商品取引法（昭和二十三年法律第二十五号）第三十四条に規定する金融商品取引業者等である特定店頭商品デリバティブ取引業者に該当する者は、この省令の施行後遅滞なく、この省令による改正後の商品先物取引法施行規則（以下「新規則」という。）第百六十八条第四項第四号に掲げる事項を記載した届出書を主務大臣に提出しなければならない。この場合において、当該届出書（同号ロに掲げる事項が記載されているものに限る。）には、新規則第百六十八条第二項の主務大臣が定める書類を添付しなければならない。

Article 2 (1) A person that falls under a specified over-the-counter commodity derivatives broker, that is a financial instruments business operator, etc. as prescribed in Article 34 of the Financial Instruments and Exchange Act (Act No. 25 of 1948), at the time of the enforcement of this Ministerial Order must submit a written notification containing the matters stated in Article 168, paragraph (4), item (iv) of the Regulations for Enforcement of the Commodity Derivatives Transaction Act amended by this Ministerial Order (referred to below as the "New Enforcement Regulations") to the competent minister without delay after the enforcement of this Ministerial Order. In this case, the document specified by the competent minister stated in Article 168, paragraph (2) of the New Enforcement Regulations must be attached to the written notification (limited to the written notification containing the matters stated in Article 168, paragraph (4), item (iv), (b) of the New Enforcement Regulations).

２　新規則第百六十八条第三項の規定は、前項の届出書又は書類の記載事項の変更について準用する。

(2) The provisions of Article 168, paragraph (3) of the New Enforcement Regulations apply mutatis mutandis to changes to the matters stated in the written notification or the document referred to in the preceding paragraph.

附　則　〔平成二十九年十一月二十七日農林水産省・経済産業省令第二号〕

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 2 of November 27, 2017]

この省令は、不動産特定共同事業法の一部を改正する法律の施行の日（平成二十九年十二月一日）から施行する。

This Ministerial Order comes into effect on the day on which the Act Partially Amending the Act on Specified Joint Real Estate Ventures comes into effect (December 1, 2017).

附　則　〔平成三十年五月十四日農林水産省・経済産業省令第二号〕

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 2 of May 14, 2018]

（施行期日）

(Effective Date)

第一条　この省令は、公布の日から施行する。

Article 1　This Ministerial Order comes into effect on the date of promulgation.

（決算関係書類等の記載事項等に関する経過措置）

(Transitional Measures Concerning the Matters to Be Stated in Settlement Related Documents)

第二条　この省令による改正後の商品先物取引法施行規則（以下「新規則」という。）第十四条第三項第一号及び第四号ニ、第十五条第二項第一号及び第二号ニ並びに第十六条の七の規定は、平成三十年四月一日以後開始し、又は開始した事業年度に係る商品先物取引法第六十六条第一項に規定する決算関係書類等について適用し、同日前に開始した事業年度に係るものについては、なお従前の例による。ただし、平成三十年三月三十一日以後最初に終了し、又は終了した事業年度に係るものについては、新規則の規定を適用することができる。

Article 2　The provisions of Article 14, paragraph (3), item (i) and item (iv), (d), Article 15, paragraph (2), item (i) and item (ii), (d), and Article 16-7 of the Regulations for Enforcement of the Commodity Derivatives Transaction Act amended by this Ministerial Order (referred to below as the "New Enforcement Regulations") apply to settlement related documents prescribed in Article 66, paragraph (1) of the Commodity Derivatives Transaction Act for business years that are to commence or have commenced on or after April 1, 2018, and prior laws continue to govern the relevant settlement related documents for business years that commenced before that date; provided, however, that the provisions of the New Enforcement Regulations may be applied to relevant settlement related documents for the business year that is to end or has ended for the first time on or after March 31, 2018.

（業務又は財産の状況に関する報告書の提出に関する経過措置）

(Transitional Measures Concerning the Submission of Written Reports on the Status of Business or Property)

第三条　新規則別紙様式第十二号１．（１）は、平成三十年四月一日以後開始し、又は開始した事業年度に係る新規則第百十七条第一項第一号に掲げる書類について適用し、同日前に開始した事業年度に係るものについては、なお従前の例による。ただし、平成三十年三月三十一日以後最初に終了し、又は終了した事業年度に係るものについては、新規則様式第十二号１．（１）を適用することができる。

Article 3　Appended Form No. 12, 1. (1) of the New Enforcement Regulations apply to the document stated in Article 117, paragraph (1), item (i) of the New Enforcement Regulations for business years that are to commence or have commenced on or after April 1, 2018, and prior laws continue to govern the

relevant document for business years that commenced before that date; provided, however, that Appended Form No. 12, 1. (1) of the New Enforcement Regulations may be applied to the relevant document for the business year that is to end or has ended for the first time on or after March 31, 2018.

附　則　〔平成三十年五月三十一日農林水産省・経済産業省令第三号〕

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 3 of May 31, 2018]

この省令は、銀行法等の一部を改正する法律の施行の日から施行する。

This Ministerial Order comes into effect on the day on which the Act Partially Amending the Banking Act comes into effect.

附　則　〔平成三十年九月十九日農林水産省・経済産業省令第四号〕

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 4 of September 19, 2018]

この省令は、平成三十年十一月一日から施行する。

This Ministerial Order comes into effect on November 1, 2018.

附　則　〔平成三十年十月九日農林水産省・経済産業省令第五号〕

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 5 of October 9, 2018]

この省令は、公布の日から施行する。

This Ministerial Order comes into effect on the date of promulgation.

附　則　〔平成三十年十二月十八日農林水産省・経済産業省令第六号〕

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 6 of December 18, 2018]

この省令は、公布の日から施行する。

This Ministerial Order comes into effect on the date of promulgation.

附　則　〔平成三十一年四月二十六日農林水産省・経済産業省令第一号〕

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 1 of

April 26, 2019]

この省令は、天皇の退位等に関する皇室典範特例法（平成二十九年法律第六十三号）の施行の日（平成三十一年四月三十日）の翌日から施行する。

This Ministerial Order comes into effect on the day after the day on whichthe Act on Special Measures for the Imperial House Act Concerning the Abdication of the Emperor (Act No. 63 of 2017) (April 30, 2019) comes into effect.

附　則　〔令和元年七月一日農林水産省・経済産業省令第三号〕

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 3 of July 1, 2019]

この省令は、不正競争防止法等の一部を改正する法律の施行の日（令和元年七月一日）から施行する。

This Ministerial Order comes into effect on the day on which the Act Partially Amending the Unfair Competition Prevention Act comes into effect (July 1, 2019).

附　則　〔令和元年八月九日農林水産省・経済産業省令第五号〕

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 5 of August 9, 2019]

この省令は、公布の日から施行する。

This Ministerial Order comes into effect on the date of promulgation.

附　則　〔令和元年八月二十九日農林水産省・経済産業省令第六号〕

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 6 of August 29, 2019]

この省令は、公布の日から施行する。

This Ministerial Order comes into effect on the date of promulgation.

附　則　〔令和元年十二月十三日農林水産省・経済産業省令第八号〕

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 8 of December 13, 2019]

この省令は、成年被後見人等の権利の制限に係る措置の適正化等を図るための関係法律の整備に関する法律第百十九条の施行の日（令和元年十二月十四日）から施行する。

This Ministerial Order comes into effect on the day on which Article 119 of the Act on the Establishment of Relevant Acts for the Purpose of Appropriateness of Measures Relating to Restrictions on the Rights of Adult Wards comes into effect (December 14, 2019).

附　則　〔令和元年十二月十六日農林水産省・経済産業省令第十号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 10 of December 16, 2019]

この省令は、情報通信技術の活用による行政手続等に係る関係者の利便性の向上並びに行政運営の簡素化及び効率化を図るための行政手続等における情報通信の技術の利用に関する法律等の一部を改正する法律の施行の日（令和元年十二月十六日）から施行する。

This Ministerial Order comes into effect on the day on which the Act Partially Amending the Act on the Use of Information and Communications Technology in Administrative Procedures for Improving the Convenience of Related Parties and Simplifying and Enhancing Efficiency of Administrative Operations Through the Use of Information and Communications Technology comes into effect (December 16, 2019).

附　則　〔令和元年十二月十九日農林水産省・経済産業省令第十一号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 11 of December 19, 2019]

この省令は、公布の日から施行する。

This Ministerial Order comes into effect on the date of promulgation.

附　則　〔令和二年二月七日農林水産省・経済産業省令第一号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 1 of February 7, 2020]

この省令は、民法の一部を改正する法律の施行の日（令和二年四月一日）から施行する。

This Ministerial Order comes into effect on the day on which the Act Partially Amending the Civil Code comes into effect (April 1, 2020).

附　則　〔令和二年四月十日農林水産省・経済産業省令第二号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry

and Fisheries and the Ministry of Economy, Trade and Industry No. 2 of April 10, 2020]

この省令は、公布の日から施行する。
This Ministerial Order comes into effect on the date of promulgation.

附　則　〔令和二年七月二十二日農林水産省・経済産業省令第三号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 3 of July 22, 2020]

この省令は、令和二年七月二十七日から施行する。
This Ministerial Order comes into effect on July 27, 2020.

附　則　〔令和二年十一月十日農林水産省・経済産業省令第四号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 4 of November 10, 2020]

この省令は、公布の日から施行する。
This Ministerial Order comes into effect on the date of promulgation.

附　則　〔令和二年十二月一日農林水産省・経済産業省令第五号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 5 of December 1, 2020]

この省令は、漁業法等の一部を改正する等の法律の施行の日（令和二年十二月一日）から施行する。
This Ministerial Order comes into effect on the day on which the Act Partially Amending the Fishery Act comes into effect (December 1, 2020).

附　則　〔令和二年十二月二十八日農林水産省・経済産業省令第六号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 6 of December 28, 2020]

（施行期日）
(Effective Date)
第一条　この省令は、公布の日から施行する。
Article 1　This Ministerial Order comes into effect on the date of promulgation.

（経過措置）

(Transitional Measures)

第二条　この省令の施行の際現にあるこの省令による改正前の様式（次項において「旧様式」という。）により使用されている書類は、この省令による改正後の様式によるものとみなす。

Article 2 (1) Any document which is used in the form before the amendment by this Ministerial Order (referred to as the "former form" in the following paragraph) and which actually exists at the time of the enforcement of this Ministerial Order is deemed to be in the form after the amendment by this Ministerial Order.

２　この省令の施行の際現にある旧様式による用紙については、当分の間、これを取り繕って使用することができる。

(2) Paper forms in the former form which actually exist at the time of the enforcement of this Ministerial Order may be used for the time being by rearranging them.

附　則　〔令和三年四月一日農林水産省・経済産業省令第一号〕

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 1 of April 1, 2021]

この省令は、公布の日から施行する。

This Ministerial Order comes into effect on the date of promulgation.

附　則　〔令和三年八月十日農林水産省・経済産業省令第二号〕

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 2 of August 10, 2021]

この省令は、公布の日から施行する。

This Ministerial Order comes into effect on the date of promulgation.

附　則　〔令和三年十月一日農林水産省・経済産業省令第三号〕

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 3 of October 1, 2021]

この省令は、公布の日から施行する。

This Ministerial Order comes into effect on the date of promulgation.

附　則　〔令和四年二月二十一日農林水産省・経済産業省令第一号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 1 of February 21, 2022]

この省令は、公布の日から施行する。
This Ministerial Order comes into effect on the date of promulgation.

附　則　〔令和四年十月二十四日農林水産省・経済産業省令第二号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 2 of October 24, 2022]

この省令は、令和四年十一月一日から施行する。
This Ministerial Order comes into effect on November 1, 2022.

附　則　〔令和五年三月二十七日農林水産省・経済産業省令第一号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 1 of March 27, 2023]

この省令は、公布の日から施行する。
This Ministerial Order comes into effect on the date of promulgation.

附　則　〔令和五年五月二十六日農林水産省・経済産業省令第二号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 2 of May 26, 2023]

この省令は、安定的かつ効率的な資金決済制度の構築を図るための資金決済に関する法律等の一部を改正する法律（令和四年法律第六十一号）の施行の日（令和五年六月一日）から施行する。
This Ministerial Order comes into effect on the date on which the Act Partially Amending the Payment Services Act for Facilitating the Establishment of a Stable and Efficient Fund Settlement System (Act No. 61 of 2022) comes into effect (June 1, 2023).

附　則　〔令和五年十一月十三日農林水産省・経済産業省令第四号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 4 of November 13, 2023]

この省令は、令和五年十一月二十三日から施行する。
This Ministerial Order comes into effect on November 23, 2023.

附　則　〔令和五年十二月二十八日農林水産省・経済産業省令第五号〕
Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry No. 5 of December 28, 2023]

この省令は、公布の日から施行する。
This Ministerial Order comes into effect on the date of promulgation.

別表第一（第四十八条関係）
Appended Table 1 (Re: Article 48)

書類の種類 Documents	作成区分 Frequency of Report	記載事項 Information to Be Entered	記載上の注意 Precautions for Making Entries
毎日の相場及び取引高報告書 Daily quotation and transaction volume report	毎日 Daily	一　日付 (i) Date	一　法第二条第三項第一号に規定する取引（以下「現物先物取引」という。）のうち、銘柄別先物取引の場合にあっては、銘柄ごとに区分して記載すること（以下この表において同じ。）。 (i) In cases of transactions prescribed in Article 2, paragraph (3), item (i) of the Act (referred to as "gensaki transactions" below), the document is to be prepared by entering the transactions separately by issue for futures transactions by issue (the same applies in this table below).

		二　商品取引所名 (ii) Name of commodity exchange	二　法第二条第三項第四号に規定する取引（以下「オプション取引」という。）の場合にあっては、オプションの種類及び権利行使価格（当事者の一方の意思表示により成立する取引に係る対価の額をいう。以下同じ。）が同一であるものごとに区分して記載すること（以下この表において同じ。）。 (ii)In cases of transactions prescribed in Article 2, paragraph (3), item (iv) of the Act (referred to as "option transactions" below), the document is to be prepared by entering the transactions separately by type of option and exercise price (meaning the amount of consideration related to the transaction which is closed by declaration of intent by either party; the same applies below) (the same applies in this table below).
		三　上場商品構成品又は上場商品指数の種類 (iii) Type of component product of listed commodities or listed commodity index	三　法第二条第十項第一号ニに規定する取引（以下「実物取引」という。）の場合にあっては、銘柄ごとに区分して記載すること（以下この表において同じ。）。 (iii) In cases of transactions prescribed in Article 2, paragraph (10), item (i), (d) of the Act (referred to as "spot transactions" below), the document is to be prepared by entering the transactions separately by issue (the same applies in this table below).
		四　取引の種類 (iv) Type of transaction	四　限月ごとに区分して記載する場合には、当該限月までの期間の最短のものから最長のものの順序で記載すること（以下この表において同じ。）。 (iv)When a document is to be prepared by entering the transactions separately by expiration month, transactions are to be entered in the order of the shortest term to the longest term until the expiration month (the same applies in this table below).
		五　限月 (v) Expiration month	五　限月については、限日取引の場合にあっては記載を要しない（以下この表において同じ。）。 (v) Regarding the expiration month, in the case of a contract day trading, statement is not required (the same applies in this table below).

		六　相場 (vi) Quotations 七　取引高 (vii) Transaction volume 八　取組高 (viii) Open interest	六　相場については、帳入値段又は帳入指数を記載すること。 (vi) Regarding quotations, the document is to be prepared by entering the closing price or closing index. 七　取引高については、毎日の取引成立高を記載すること。 (vii) Regarding the transaction volume, the document is to be prepared by entering the daily volume of transactions closed. 八　取組高については、毎日の立会終了後において取引成立済の累計から決済が終了したものの累計を差し引いた未決済残高を記載すること。 (viii) Regarding open interest, the document is to be prepared by entering the outstanding balance calculated by deducting the accumulated total volume of settled transactions from the accumulated volume of transactions closed after market hours every day.
毎月の相場及び取引高報告書 Monthly quotation and transaction volume report	毎月 Monthly	一　日付 (i) Date 二　商品取引所名 (ii) Name of commodity exchange	一　日付については、当該月の末日を記載すること（毎月の会員等別の取引高報告書において同じ。）。 (i) Regarding the date, the document is to be prepared by entering the last day of the relevant month (the same applies to monthly reports of transaction volume by members, etc.). 二　取引高については、毎月の取引成立高を記載すること。 (ii) Regarding the transaction volume, the document is to be prepared by entering the monthly volume of transactions closed.

		三　上場商品構成品又は上場商品指数の種類 (iii) Type of component product of listed commodities or listed commodity index	三　受渡高については、現物先物取引及び実物取引の場合においてのみ記載し、当月限の受渡完了高を記載すること。 (iii) Regarding the settlement volume, the document is to be prepared by entering the volume of settlements completed in the relevant month only in cases of gensaki transactions and spot transactions.	
		四　取引の種類 (iv) Type of transaction	四　権利行使高については、オプション取引の場合においてのみ記載すれば足りる。 (iv) Regarding the exercise volume, it is sufficient to make an entry only in the case of option transactions.	
		五　限月 (v) Expiration month		
		六　当該月中の相場であって営業日において成立した最高の対価の額又は約定価格等 (vi) Quotations in the relevant month that are the highest amount of consideration or contract price, etc. closed on the business day		

		七　当該月中の相場であって営業日において成立した最低の対価の額又は約定価格等 (vii) Quotations in the relevant month that are the lowest amount of consideration or contract price, etc. closed on the business day 八　取引高 (viii) Transaction volume 九　受渡高 (ix) Settlement volume		

		十　権利行使高（自己の意思表示により成立した取引の数量をいう。以下同じ。） (x) Exercise volume (meaning the quantity of transactions closed by a person's own declaration of intent; the same applies below)	
毎日の会員等別の取引高報告書 Daily report of transaction volume by Members, etc.	毎日 Daily	一　日付 (i) Date	一　売取組高については、売付けに係る取組高を記載すること。 (i) Regarding the sales open interest, the document is to be prepared by entering the open interest related to sales.
		二　商品取引所名 (ii) Name of commodity exchange	二　買取組高については、買付けに係る取組高を記載すること。 (ii) Regarding the buy open interest, the document is to be prepared by entering the open interest related to purchases.

		三　上場商品構成品又は上場商品指数の種類 (iii) Type of component product of listed commodities and listed commodity index 四　取引の種類 (iv) Type of transaction 五　限月 (v) Expiration month 六　会員等の氏名又は商号若しくは名称 (vi) Name or trade name of members 七　売付高 (vii) Selling volume 八　買付高 (viii) Buying volume 九　売取組高 (ix) Sales open interest 十　買取組高 (x) Buy open interest	

毎月の会員等別の取引高報告書 Monthly report of transaction volume by Members, etc.	毎月 Monthly	一　日付 (i) Date	一　渡高及び受高については、現物先物取引及び実物取引の場合においてのみ記載すれば足りる。 (i) Regarding delivery volume and receipt volume, it is sufficient to make an entry only in cases of gensaki transactions and spot transactions.
		二　商品取引所名 (ii) Name of commodity exchange	二　権利行使高及び被権利行使高については、オプション取引の場合においてのみ記載すれば足りる。 (ii) Regarding the exercise volume and non-exercise volume, it is sufficient to make an entry only in the case of option transactions.
		三　上場商品構成品又は上場商品指数の種類 (iii) Type of component product of listed commodities or listed commodity index	
		四　取引の種類 (iv) Type of transaction	
		五　限月 (v) Expiration month	
		六　会員等の氏名又は商号若しくは名称 (vi) Name or trade name of members	

		七　渡高 (vii) Delivery volume 八　受高 (viii) Receipt volume 九　権利行使高 (ix) Exercise volume 十　被権利行使高（相手方の意思表示により成立した取引の数量をいう。以下同じ。） (x)Non-exercise volume (meaning the quantity of transactions closed by the other party's declaration of intent; the same applies below)	

一連の取引報告書 Series of transaction reports	毎日 Daily	一　日付 (i) Date	一　時刻については、取引の申込み、取引の申込みの取消し又は取引の成立の時刻を記載すること。ただし、単一の対価の額又は約定価格等による競売買の方法による取引（以下この表において「板寄せ取引」という。）を行う商品取引所にあっては、立会中に行われたものの時刻を記載すれば足りる。 (i) Regarding the time, the document is to be prepared by entering the times of transaction offers, cancellations of transaction offers, or transaction closings; provided, however, that it is sufficient to enter the times of those conducted during the session in the commodity exchange where the transaction is conducted according to auction method with a single amount of consideration or contract price, etc. (referred to as "itayose transactions" in this table below).
		二　時刻 (ii) Time	二　会員等の自己の計算による取引又は委託者の計算による取引の別については、板寄せ取引を行う商品取引所にあっては、立会中に行われたもののみを可能な限り記載すること。 (ii) Regarding distinction of transactions on a members own account and transactions on a consignor's account, the document is to be prepared by entering to the extent possible only those transactions conducted during the session for a commodity exchange conducting itayose transactions.
		三　商品取引所名 (iii) Name of commodity exchange	三　番号については、商品取引所が、取引の申込み又は取引の成立を識別するために付している番号を記載し、取引の申込みの取消しの場合にあっては、当該取消しを行う取引の申込みに付した番号を記載すること。ただし、板寄せ取引を行う商品取引所にあっては、番号を付している場合のみ記載することで足りる。 (iii) Regarding the number, the document is to be prepared by entering the number affixed by the commodity exchange for identifying a transaction offer or a transaction closing, and in the case of a cancellation of a transaction offer, by entering the number affixed to the transaction offer to be cancelled; provided, however, that it is sufficient to record only in the case that a number is affixed for a commodity exchange conducting itayose transactions.

		四　上場商品構成品又は上場商品指数の種類 (iv) Type of component product of listed commodities or listed commodity index	四　売付け又は買付けの別、新たな取引の申込み又は決済の結了に係る取引の申込みの別及び取引の申込みの種類については、取引の申込みの取消しの場合にあっては当該取消しを行う取引の申込みについて記載し、取引の成立の場合にあっては当該成立した取引の申込みについて記載すること。 (iv) Regarding the distinction of sales and purchases, the distinction of new transaction offers and transaction offers related to completion of settlement, and the type of transaction offer, the document is to be prepared by entering the transaction offer to be cancelled in the case of cancellation of a transaction offer, and by entering the closed transaction offer in the case of closing of a transaction.
		五　取引の種類 (v) Type of transaction	五　売付け又は買付けの別については、板寄せ取引を行う商品取引所にあっては、立会中に行われたものの売付け又は買付けの別を記載すれば足りる。 (v) Regarding the distinction of sales and purchases, it is sufficient to enter the distinction of sales and purchases for transactions conducted during a session for a commodity exchange conducting itayose transactions.
		六　限月 (vi) Expiration month	六　取引の申込みの種類については、商品取引所の業務規程その他の規則で定める約定価格等をあらかじめ指定する取引の申込みその他の取引の申込みの種類を記載することとし、板寄せ取引を行う商品取引所にあっては、立会中に行われたもののみを可能な限り記載すること。 (vi) Regarding the type of transaction offer, the document is to be prepared by entering transaction offers specifying the contract price, etc. in advance prescribed in the operational rules or other rules of the commodity exchange and other transaction offer types, and by entering to the extent possible only those transactions conducted during a session for a commodity exchange conducting itayose transactions.

		七　会員等の氏名又は商号若しくは名称 (vii) Name or trade name of members	七　取引の申込み若しくは取引の申込みの取消しに係る価格又は成立した取引に係る対価の額若しくは約定価格等（取引の申込み又は取引の申込みの取消しに係る価格に限る。）については、会員等又は委託者が取引の申込みを行う際に、約定価格等その他の価格を指定していない取引の申込み又は当該取引の申込みの取消しである場合にあっては記載することを要せず、板寄せ取引を行う商品取引所にあっては立会中に行われた取引の申込み又は取引の申込みの取消し時点における仮約定価格等（約定価格等の形成の過程における暫定的な対価の額又は価格若しくは数値をいう。）を記載することで足りる。 (vii) Regarding the price related to a transaction offer or a cancellation of a transaction offer, or the amount of consideration or contract price, etc. (limited to the price related to transaction offers or cancellation of transaction offers) related to closed offers, when a member, etc. or a consignor carries out a transaction offer, statement is not required in the case of a transaction offer not specifying the contract price, etc. or another price, or cancellation of the transaction offer, and it is sufficient to enter the provisional contract price, etc. (meaning the price or value of a temporary consideration in the process of forming a provisional contract price, etc.) at the time of the transaction offer or cancellation of transaction offer carried out in a session for a commodity exchange conducting itayose transactions.

		八　会員等の自己の計算による取引又は委託者の計算による取引の別 (viii) Distinction of transactions on a member's own account and transactions on a requesting party's account 九　取引の申込み、取引の申込みの取消し又は取引の成立の別 (ix) Distinction of transaction offers, cancellation of transaction offers, and closing of transactions 十　番号 (x) Number 十一　売付け又は買付けの別 (xi) Distinction of sales and purchases	八　数量については、板寄せ取引を行う商品取引所にあっては、立会中に行われたものの数量を記載すれば足りる。 (viii) Regarding the quantity, it is sufficient to enter the quantity of transactions conducted during a session for a commodity exchange conducting itayose transactions.

		十二　取引の申込みの種類 (xii) Type of transaction offer 十三　取引の申込み若しくは取引の申込みの取消しに係る価格又は成立した取引に係る対価の額若しくは約定価格等 (xiii) The price related to transaction offers or cancellation of transaction offers, or the amount of consideration or contract price, etc. related to closed transactions 十四　数量 (xiv) Quantity	

別表第一の二（第四十八条関係）

Appended Table 1-2 (Re: Article 48)

書類の種類 Type of Documents	記載事項 Information to Be Entered	記載上の注意 Precautions for Making Entries

大口建玉報告書 Large-volume open contract report	一　日付 (i) Date	一　限月ごとに区分して記載する場合には、当該限月までの期間の最短のものから最長のものの順序で記載すること。 (i) When a document is prepared by entering transactions separately by expiration month, transactions are to be entered in the order of the shortest term to the longest term until the expiration month.
	二　商品取引所名 (ii) Name of commodity exchange	二　限月については、限日取引の場合にあっては記載を要しない。 (ii) Regarding the expiration month, in the case of a contract day trading, statement is not required.
	三　商品市場 (iii) Commodity market	三　会員等の氏名又は商号若しくは名称については、これに代わるものを記載できる。 (iii) Regarding the name or trade name of a member, etc., a replacement may be entered.
	四　上場商品構成品又は上場商品指数の種類 (iv) Type of component product of listed commodities and listed commodity index	四　委託者の氏名又は商号若しくは名称については、これに代わるものを記載できる。 (iv) Regarding the name or trade name of a consignor, a replacement may be entered.
	五　取引の種類 (v) Type of transaction	五　会員等の氏名又は商号若しくは名称については、委託者の計算による取引である場合にあっては、当該委託者から商品市場における取引等（商品清算取引を除く。）の委託を受けた会員等の氏名又は商号若しくは名称を記載すること。 (v) Regarding the name or trade name of a member, etc., the document is to be prepared by entering the name or trade name of the member, etc. who has been entrusted the transactions, etc. in the commodity market (excluding commodity clearing transactions) from the consignor in the case of a transaction on the consignor's account.

	六　限月 (vi) Expiration month	六　会員等の自己の計算による取引である場合にあっては、委託者の氏名又は商号若しくは名称を記載することを要しない。 (vi) In the case of a transaction on a member's own account, it is not required to enter the name or trade name of the requesting pary.
	七　会員等の自己の計算による取引又は委託者の計算による取引の別 (vii) Distinction of transactions on a member's own account and transactions on a requesting party's account	七　会員等又は非会員等の別については、委託者の計算による取引である場合であって、当該委託者が報告に係る商品市場において取引をする会員等である場合はその旨を記載し、会員等の自己の計算による取引である場合にあっては記載を要しない。 (vii) With regard to distinction of members, etc. and non-members, etc., the document is to be prepared by entering the fact that the consignor is a member, etc. conducting a transaction in a commodity market related to the report in the case of a transaction on the consignor's account, and statement is not required in the case of a transaction on a member's own account.
	八　会員等の氏名又は商号若しくは名称 (viii) Name or trade name of a member, etc.	八　住所及び当業者又は非当業者の別については、会員等の自己の計算による取引である場合にあっては会員等について、委託者の計算による取引である場合にあっては委託者について記載すること。 (viii) Regarding the address and the distinction of a business specialist and a non-business specialist, the document is to be prepared by making entries about the member, etc. in the case of a transaction on a member's own account, and by making entries about the consignor in the case of a transaction on the consignor's account.

	九　委託者の氏名又は商号若しくは名称 (ix) Name or trade name of the requesting party	九　当業者又は非当業者の別については、報告に係る上場商品構成品又は上場商品指数対象品の売買等を業として行っている者を当業者として記載し、それ以外の者を非当業者として記載すること。 (ix) Regarding the distinction of business specialist and non-business specialist, the document is to be prepared by stating the persons who, in the course of trade, carry out sales and purchase, etc. of component products of listed commodities or the products that are subject of the listed commodity index related to the report as business specialists, and stating other persons as non-business specialists.
	十　会員等又は非会員等の別 (x) Distinction of member, etc. and non-member, etc.	十　建玉の数量の制限に係る特例措置の有無については、委託者の計算による取引である場合であって、商品取引所が当該委託者に対し当該商品取引所の業務規程その他の規則に定める建玉の数量の制限を超えて取引を行うことを認めている場合は、その旨を記載し、会員等の自己の計算による取引である場合にあっては記載を要しない。 (x) Regarding the existence of special measures related to a limitation to the quantity of open contracts, in the case of a transaction on a consignor's account, where it is permitted for a commodity exchange to conduct transactions exceeding the limitation to the quantity of open contracts prescribed in the operational rules or other rules of the commodity exchange for the consignor, the document is to be prepared by stating that fact, and in the case of a transaction on a member's own account, statement is not required.
	十一　住所 (xi) Address	十一　建玉の数量については、一の会員等の自己の計算による取引であって決済を結了していないものの毎日の数量が、別表第二の第一欄に掲げる商品取引所が開設する同表の第二欄に掲げる商品市場ごと、かつ、売付け又は買付けの別ごとに、同表の第三欄に掲げる数量を超えている場合にあっては、報告に係る商品市場において取引の対象とされる同表の第四欄に掲げる全ての上場商品構成品又は上場商品指数に係る建玉の数量を記載すること。 (xi) Regarding the quantity of open contracts, when the daily quantity of transactions on one member's own account whose settlements have not been completed exceeds the quantity prescribed in column 3 of Appended Table 2 for each commodity market listed in column 2 of that Table which is opened by commodity exchanges stated in column 1 of that Table, and by purchase or sale, the document is to be prepared by entering the quantity of the open contracts relating to all of the component products of listed commodities or Listed Commodity Indices stated in column 4 of that table underlying the transactions in the commodity market related to the report.

	十二　当業者又は非当業者の別 (xii) Distinction of Business Specialist and non-Business Specialist 十三　建玉の数量の制限に係る特例措置の有無 (xiii) Existence of special measures related to a limitation to the quantity of open contracts 十四　建玉の数量 (xiv) Quantity of open contracts 十五　売付け又は買付けの別 (xv) Distinction of purchases or sales	十二　建玉の数量については、商品市場における取引の状況が第四十八条第四項各号のいずれかに該当する場合にあっては、報告に係る上場商品構成品又は上場商品指数の全ての限月に係る建玉の数量を記載すること。 (xii) Regarding the quantity of open contracts, when the status of transaction in a commodity market falls under any of the items of Article 48, paragraph (4), the document is to be prepared by entering the quantity of open contracts related to all of the expiration months of the component products of listed commodities or listed commodity indices related to the report.

別表第二（第四十八条関係）

Appended Table 2 (Re: Article 48)

商品取引所 Commodity Exchange	商品市場 Commodity Market	数量 Quantity	上場商品構成品又は上場商品指数の種類 Type of Component Product of Listed Commodities and Listed Commodity Index	数量 Quantity
株式会社東京商品取引所 Tokyo Commodity Exchange, Inc.	エネルギー市場 Energy market	六百枚 600 lots	ガソリン Gasoline	五十枚 50 lots
			灯油 Kerosene	五十枚 50 lots
			軽油 Diesel fuel	五十枚 50 lots
			原油 Crude oil	五十枚 50 lots
			液化天然ガス Liquid natural gas	五十枚 50 lots
			電力 Electric power	二十枚 20 lots
	中京石油市場 Chukyo Oil Market	六百枚 600 lots	ガソリン Gasoline	五十枚 50 lots
			灯油 Kerosene	五十枚 50 lots
株式会社堂島取引所 Osaka Dojima Exchange, Inc.	農産物市場 Agricultural products market	千二百枚 1,200 lots	大豆（米国産大豆） Soybeans (U.S. soybeans)	二十枚 20 lots
			小豆 Red beans (adzuki)	二十枚 20 lots
			とうもろこし Corn	五十枚 50 lots
	砂糖市場 Sugar market	三千枚 3,000 lots	粗糖 Raw sugar	二十枚 20 lots

	貴金属市場 Precious metals market	五万枚 5,000 lots	金 Gold	千枚 1,000 lots
			銀 Silver	千枚 1,000 lots
			白金 Platinum	二百枚 200 lots

別表第三（第五十条関係）

Appended Table 3 (Re: Article 50)

帳簿の種類 Type of records:	記載事項 Information to be Entered	記載上の注意 Precautions for Making Entries
先物取引日記帳 Journal of Futures Transactions	一　商品取引所の名称又は商号 1. Name or trade name of Commodity Exchange	一　商品先物取引業を行う者であって、別表第四に従い作成する者にあっては、作成しないことができる。 1. A person who engages in the commodity derivatives business and who is to prepare documents according to Appended Table 4 is not required to prepare the documents.
	二　上場商品構成品又は上場商品指数 2. Component products of listed commodities or listed commodity index	二　約定日時については、単一の対価の額又は約定価格等による競売買の方法による取引（以下この表において「板寄せ取引」という。）の場合にあっては、約定日及び場節を記載すること。 2. Regarding the contract date and time, the document is to be prepared by entering the contract date and session in the case of a transaction conducted according to auction method with a single amount of consideration or contract price, etc. (referred to as " itayose transactions" in this table below)
	三　約定日時 3. Contract date and time	三　取引の種類については、法第二条第三項第一号から第三号までに掲げる取引の場合にあっては、次に掲げる事項を記載すること。 3. Regarding the type of transaction, the document is to be prepared by entering the following information in the case of a transaction stated in Article 2, paragraph (3), items (i) through (iii) of the Act:

	四　対価の額又は約定価格等 4. Amount of consideration or contract price, etc.	（１）　限月 (1) Expiration month
	五　取引の種類 5. Type of transaction	（２）　新規又は決済の別 (2) Distinction of new transaction and settled transaction
	六　売付け又は買付けの別 6. Distinction of purchases or sales	四　取引の種類については、法第二条第三項第四号に掲げる取引の場合にあっては、次に掲げる事項を記載すること。 4. With regard to the type of transaction, the document is to be prepared by entering the following information in the case of a transaction stated in Article 2, paragraph (3), item (iv) of the Act:
	七　数量 7. Quantity	（１）　限月 (1) Expiration month （２）　権利行使期間及び権利行使価格 (2) Exercise period and Exercise Price （３）　プット又はコールの別 (3) Distinction of put option and call option （４）　新規又は決済の別 (4) Distinction of new transaction and settled transaction （５）　権利行使又は被権利行使の別 (5) Distinction of exercise and non-exercise 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、新規又は決済の別及び権利行使又は被権利行使の別の記載を要しない。 5. Regarding a transaction for which a give-up action is performed, the order executing member, etc. is not required to state the distinction of new transaction and settled transaction or the distinction of exercise and non-exercise.

先物取引受渡計算帳 Futures Transaction Settlement Calculation Journal	一　商品取引所の名称又は商号 1. Name or trade name of Commodity Exchange	一　商品先物取引業を行う者であって、別表第四に従い作成する者にあっては、作成しないことができる。 1. A person engaging in a commodity derivatives business and who is to prepare documents according to Appended Table 4 is not required to prepare the documents.
	二　上場商品構成品 2.Component products of listed commodities	二　約定日時については、板寄せ取引の場合にあっては、約定日及び場節を記載すること。 2. Regarding the contract date and time, the document is to be prepared by entering the contract date and session in the case of an itayose transaction.
	三　限月 Expiration month	三　受渡数量については、受渡しの別ごとに記載すること。 3. With regard to the settlement quantity, the document is to be prepared by entering the distinction of receipt and delivery.
	四　約定日時 4. Contract date and time	
	五　約定価格又は権利行使価格 5. Contract price or exercise price	
	六　受渡年月日 6. Settlement date	

	七　受渡数量 7. Settlement quantity 七　受渡数量 7. Settlement quantity	

別表第四（第百十三条関係）

Appended Table 4 (Re: Article 103)

帳簿の種類 Type of Book	記載事項 Information to be Entered	記載上の注意 Precautions for Making Entries
注文伝票 Order form	一　商品又は商品指数 (i) Commodity or Commodity Index 二　自己又は受託の別 (ii) Distinction of transactions on a person's own account and those that are entrusted	一　法第二条第二十二項各号に掲げる行為のうち、媒介又は代理に係るものにあっては、記載することを要しない。 (i) Statement is not required for acts specified in the items of Article 2, paragraph (22) of the Act related to intermediation or agency service. 二　商品又は商品指数については、上場商品構成品、商品の価格の公表主体その他の取引の対象を特定するものを記載すること。 (ii) Regarding commodities and commodity indices, the document is to be prepared by entering those that specify the publishers of component products of listed commodities and commodity prices or other subjects of transactions.

	三　委託者等名 (iii) Name of consignors, etc.	三　受注日時及び約定日時については、法第二条第十四項各号に掲げる取引の場合にあっては、受注年月日及び約定年月日を記載すれば足りる。 (iii) Regrding the date and time an order is received and the contract date and time, it is sufficient to enter the date and time the order is received and the contract date and time in the case of a transaction stated in the items of Article 2, paragraph (14) of the Act.
	四　受注日時 (iv) Date and time order is received	四　約定日時については、単一の対価の額又は約定価格等による競売買の方法による取引の場合にあっては、約定日及び場節を記載すること。 (iv) Regarding the contract date and time, the document is to be prepared by entering the contract date and session in the case of a transaction conducted according to auction method with a single amount of consideration or contract price, etc.
	五　約定日時 (v) Contract date and time	五　受注日時及び受注数量については、自己の計算による取引の場合であって、かつ、商品市場における取引及び外国商品市場における取引の場合にあっては、発注日時及び発注数量を記載するものとする。 (v) Regarding the date and time the order is received and the quantity of the order received, the document is to be prepared by entering the date and time the order is placed and the quantity of the order placed in the case of a transaction on the person's own account, which is a transaction in a commodity market or a foreign commodity market.
	六　対価の額又は約定価格等 (vi) Amount of consideration or contract price, etc.	六　取引の種類については、法第二条第三項第一号から第三号までに掲げる取引（これらに類似する外国商品市場において行われる取引を含む。）及び同条第十四項第一号から第三号までに掲げる取引の場合にあっては、次に掲げる事項を記載すること。 (vi) Regarding the type of transaction, the document is to be prepared by entering the following information in the case of a transaction stated in Article 2, paragraph (3), items (i) through (iii) of the Act (including a transaction similar to the transaction conducted in a foreign commodity market) or a transaction stated in paragraph (14), items (i) through (iii) of that Article:
	七　取引の種類 (vii) Type of transaction	（１）　限月 1. Expiration month

	八　売付け又は買付けの別 (viii) Distinction of purchases or sales	（２）　新規又は決済の別 2. Distinction of new transaction and settled transaction
	九　指値又は成行その他注文の種類の別 (ix) Distinction of limit order, market order, and other orders	七　取引の種類については、法第二条第三項第四号に掲げる取引（これに類似する外国商品市場において行われる取引を含む。）及び同条第十四項第四号及び第五号に掲げる取引の場合にあっては、次に掲げる事項を記載すること。 (vii) Regarding the type of transaction, the document is to be prepared by entering the following information in the case of a transaction stated in Article 2, paragraph (3), item (iv) of the Act (including a transaction similar to the transaction conducted in a foreign commodity market) or a transaction stated in paragraph (14), item (iv) or item (v) of that Article:
	十　受注数量（数量がない場合にあっては、数量に準ずるもの） Quantity of order received (information equivalent to the quantity if there is no quantity)	（１）　限月 1. Expiration month

	十一　約定数量（数量がない場合にあっては、数量に準ずるもの） (xi) Agreed volume (information equivalent to the volume if there is no volume)	（２）　権利行使期間及び権利行使価格 2. Exercise period and Exercise Price （３）　プット又はコールの別 3. Distinction of put option and call option （４）　新規又は決済の別 4. Distinction of new transaction and settled transaction （５）　権利行使又は被権利行使の別 5. Distinction of exercise and non-exercise （６）　法第二条第十四項第四号及び第五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 6. Regarding transactions stated in Article 2, paragraph (14), items (iv) and (v) of the Act, the content of the transaction to be closed by exercise of an option 八　取引の種類については、法第二条第十四項第六号に掲げる取引の場合にあっては、取引期間及び決済の年月日を記載すること。 (viii) Regarding the type of transaction, the document is to be prepared by entering the transaction period and the settlement date in the case of a transaction stated in Article 2, paragraph (14), item (vi) of the Act.

		九　指値又は成行その他注文の種類の別については、指値の場合にあっては、その価格及び注文の有効期限、成行の場合にあっては、取引を行う日（商品市場における取引にあっては、場節を含む。）を記載すること。 (ix) Regarding the distinction of limit order, market order, and other orders, the document is to be prepared by entering the price and valid period of the order in the case of a limit order, and the date the transaction is to be conducted (in the case of a transaction in a commodity market, including the session) in the case of a market order. 十　取引が不成立の場合には、その旨を表示すること。 (x) In the case when a transaction is not closed, that fact is to be indicated. 十一　電磁的記録により作成する場合にあっては、以下に掲げる要件を満たすこと。なお、この場合においては、一覧表形式で注文伝票を作成できるものとする。 (xi) In the case of preparation by electronic or magnetic record, the following requirements are to be satisfied. In this case, order forms may be prepared in tabulated form. （１）　受注（自己の計算による取引の場合は、発注。以下この表において同じ。）と同時に、注文内容を電子計算機へ入力すること。 1. The content of the order is to be inputted into a computer at the same time the order is received (in the case of a transaction on the person's own account, at the same time the order is placed; the same applies in this table below). （２）　顧客からの照会に対し、速やかに回答できるようになっていること。 2. A prompt response to an inquiry from a customer is made possible. （３）　入力された注文内容の控えを作成し、及び保存すること。 3. A copy of the content of the inputted order is to be prepared and preserved. （４）　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。 4. The date and time information inputted into a computer is to be automatically recorded. （５）　入力された事項を取消し、又は修正した場合は、その取消し又は修正の記録がそのまま残されること。 5. In the case when inputted information is cancelled or amended, the record of the cancellation or amendment is to be preserved as is.

		（６）　注文内容を電話により営業所又は事務所に連絡する場合、電子計算機の稼働終了後に翌日の注文を受託する場合、災害等により電子計算機が使用不能となる場合その他受注と同時に電子計算機に直接入力して作成することが不可能な場合には、受注時に手書きで注文伝票を作成すること。ただし、受注時に作成した手書きの注文伝票とその注文内容を後で入力して作成した約定結果等が記載された電子計算機への直接入力により作成した注文伝票を併せて保存する場合には、手書きの注文伝票に追記する必要はない。 6. In the case of giving the content of an order to an office or business office by phone call, undertaking an order for the following day after the operation is finished, the computer cannot be used due to a disaster, etc., and other cases when direct input into the computer and preparing an order form at the same time as receiving the order is impossible, the order form is to be written by hand at the time of receiving the order; provided, however, that when preserving the handwritten order form at the time of receiving the order together with the order form prepared by inputting information directly into a computer that states the order result, etc. prepared by subsequently inputting the content of the order, it is not necessary to make an additional note in the handwritten order form. 十二　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。 (xii) In the case of an order related to a transaction for which a give-up action is performed, that fact is to be indicated. 十三　注文・清算分離行為が行われた取引については、注文執行会員等は、新規又は決済の別及び権利行使又は被権利行使の別の記載を要しない。 (xiii) Regarding a transaction for which a give-up action is performed, the order-executing member, etc. is not required to enter the distinction of new transaction and settled transaction or the distinction of exercise and non-exercise. 十四　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。 (xiv) Regardng a transaction for which a give-up action is performed, the settlement executing member, etc. is not required to prepare the order form.

		十五　商品取引所の定める規則により当該商品取引所の開設する商品市場において、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。 (xv) Regarding an order for which a member, etc. quotes for sales or purchases on a regular and continuous basis in a commodity market opened by a commodity exchange according to the regulations established by the commodity exchange, preparation of the order form is not required for the orders placed by the member, etc. as the quotes. 十六　商品取引所の定める規則により当該商品取引所の開設する商品市場において、注文時に新規若しくは決済の別又は権利行使若しくは被権利行使の別を指示することが不要とされているものについては、これらの事項を記載をすることを要しない。 (xvi) Regarding a transaction for which the distinction of new transaction and settled transaction or the distinction of exercise and non-exercise is not required to be indicated at the time of making an order in a commodity market opened by a commodity exchange according to the regulations established by the commodity exchange, the information is not required to be entered. 十七　注文伝票は日付順につづり込んで保存すること。 (xvii) The order forms are to be filed by date and preserved.
商品デリバティブ取引日記帳 Commodity derivativ	一　商品又は商品指数 (i) Commodity or Commodity Index	一　法第二条第二十二項各号に掲げる行為のうち、媒介又は代理に係るものにあっては、記載することを要しない。 (i) Statement is not to be required for acts specified in the items of Article 2, paragraph (22) of the Act related to intermediation or agency service.

es transaction journal	二　自己又は受託の別 (ii) Distinction of transactions on the person's own account and those that are entrusted	二　商品又は商品指数については、上場商品構成品、商品の価格の公表主体その他の取引の対象を特定するものを記載すること。 (ii) Regarding commodities or commodity indices, the document is to be prepared by entering those that specify the publishers of component products of listed commodities and commodity price or other subjects of transactions.
	三　委託者等名 (iii) Name of consignors, etc.	三　取引の種類については、法第二条第三項第一号から第三号までに掲げる取引（これらに類似する外国商品市場において行われる取引を含む。）及び同条第十四項第一号から第三号までに掲げる取引の場合にあっては、次に掲げる事項を記載すること。 (iii) With regard to the type of transaction, the document is to be prepared by entering the following information in the case of a transaction stated in Article 2, paragraph (3), items (i) through (iii) of the Act (including a transaction similar to the transaction conducted in a foreign commodity market) or a transaction stated in paragraph (14), items (i) through (iii) of that Article:
	四　約定年月日 (iv) Contract date	（１）　限月 1. Expiration month
	五　対価の額又は約定価格等 (v) Amount of consideration or contract price, etc.	（２）　新規又は決済の別 2. Distinction of new transaction and settled transaction

	六　取引の種類 (vi) Type of transaction	四　取引の種類については、法第二条第三項第四号に掲げる取引（これに類似する外国商品市場において行われる取引を含む。）及び同条第十四項第四号及び第五号に掲げる取引の場合にあっては、次に掲げる事項を記載すること。 (iv) Regarding the type of transaction, the document is to be prepared by entering the following information in the case of a transaction stated in Article 2, paragraph (3), item (iv) of the Act (including a transaction similar to the transaction conducted in a foreign commodity market) or a transaction stated in paragraph (14), items (iv) and (v) of that Article:
	七　売付け又は買付けの別 (vii) Distinction of purchases and sales	（１）　限月 1. Expiration month
	八　数量（数量がない場合にあっては、数量に準ずるもの） (viii) Quantity (information equivalent to the quantity if there is no quantity)	（２）　権利行使期間及び権利行使価格 2. Exercise period and Exercise Price
		（３）　プット又はコールの別 3. Distinction of put option and call option （４）　新規又は決済の別 4. Distinction of new transaction and settled transaction （５）　権利行使又は被権利行使の別 5. Distinction of exercise and non-exercise

		（６）　法第二条第十四項第四号及び第五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 6. With regard to Regarding transactions stated in Article 2, paragraph (14), items (iv) and (v) of the Act, the content of the transaction to be closed by exercise of an option. 五　取引の種類については、法第二条第十四項第六号に掲げる取引の場合にあっては、取引期間及び決済の年月日を記載すること。 (v) Regarding the type of transaction, the document is to be prepared by entering the transaction period and the settlement date in the case of a transaction stated in Article 2, paragraph (14), item (vi) of the Act. 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権利行使又は被権利行使の別の記載を要しない。 (vi) Regarding a transaction for which a give-up action is performed, the order-executing member, etc. is not required to enter the distinction of new transaction and settled transaction or the distinction of exercise and non-exercise.
商品デリバティブ取引勘定元帳 Commodity derivatives transaction ledger	一　商品又は商品指数 (i) Commodity or Commodity Index 二　自己又は受託の別 (ii) Distinction of transactions on the person's own account and those that are entrusted	一　法第二条第二十二項各号に掲げる行為のうち、媒介又は代理に係るものにあっては、記載することを要しない。 (i) Statement is not required for acts specified in the items of Article 2, paragraph (22) of the Act related to intermediation or agency service. 二　自己又は受託の別（受託の場合にあっては、委託者等別）に記載すること。 (ii) The document is to be prepared by entering the distinction of transctions on the person's own account and those that are entrusted (in the case of transactions that are entrusted, by consignors, etc.)

	三　委託者等名 (iii) Name of consignors, etc.	三　商品又は商品指数については、上場商品構成品、商品の価格の公表主体その他の取引の対象を特定するものを記載すること。 (iii) Regarding commodities or commodity indices, the document is to be prepared by entering information that specifies the publishers of the component products of listed commodities and commodity price or other subjects of transactions.
	四　約定年月日 (iv) Contract date	四　取引の種類については、法第二条第三項第一号から第三号までに掲げる取引（これらに類似する外国商品市場において行われる取引を含む。）及び同条第十四項第一号から第三号までに掲げる取引の場合にあっては、限月を記載すること。 (iv) Regarding the type of transaction, the document is to be prepared by entering the expiration month in the case of a transaction stated in Article 2, paragraph (3), items (i) through (iii) of the Act (including a transaction conducted in a foreign commodity market similar to the transaction) or a transaction stated in paragraph (14), items (i) through (iii) of that Article.
	五　対価の額又は約定価格等 (v) Amount of consideration or contract price, etc.	五　取引の種類については、法第二条第三項第四号に掲げる取引（これに類似する外国商品市場において行われる取引を含む。）及び同条第十四項第四号及び第五号に掲げる取引の場合にあっては、次に掲げる事項を記載すること。 (v) With regard to the type of transaction, the document is to be prepared by entering the following information in the case of a transaction stated in Article 2, paragraph (3), item (iv) of the Act (including a transaction similar to the transaction conducted in a foreign commodity market) or a transaction stated in paragraph (14), items (iv) and (v) of that Article:
	六　取引の種類 (vi) Type of transaction	（１）　限月 1. Expiration month
	七　売付け又は買付けの別 (vii) Distinction of purchases and sales	（２）　権利行使期間及び権利行使価格 2. Exercise period and Exercise Price

	八　数量（数量がない場合にあっては、数量に準ずるもの） (viii) Quantity (information equivalent to the quantity if there is no quantity)	（３）　プット又はコールの別 3. Distinction of put option and call option
	九　手数料等 (ix) Fees, etc.	（４）　法第二条第十四項第四号及び第五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 4. Regarding transactions stated in Article 2, paragraph (14), items (iv) and (v) of the Act, the content of the transaction to be closed by exercise of an option
	十　消費税額 (x) Amount of consumption tax	六　取引の種類については、法第二条第十四項第六号に掲げる取引の場合にあっては、取引期間及び決済の年月日を記載すること。 (vi) Regarding the type of transaction, the document is to be prepared by entering the transaction period and the settlement date in the case of a transaction stated in Article 2, paragraph (14), item (vi) of the Act.
	十一　入出金 (xi) Deposits and withdrawals	七　入出金については、現金又は有価証券の別、その年月日、銘柄、数量及び金額を記載すること。 (vii) W Regarding deposits and withdrawals, the document is to be prepared by entering the distinction of cash and securities, the date, the issue, the quantity, and the amount.
	十二　差引残高 (xii) Balance	八　差引残高については、現金又は有価証券の別、銘柄、数量及び金額を記載すること。 (viii) Regarding the balance, the document is to be prepared by entering the distinction of cash and securities, the issue, the quantity, and the amount.

	十三　取引証拠金等に関する事項 (xiii) Matters related to clearing margin, etc.	九　取引証拠金等に関する事項については、現金又は有価証券の別、受入年月日又は返却年月日、銘柄、数量及び金額を記載すること。 (ix) With regard to matters related to clearing margin, etc., the document is to be prepared by entering the distinction of cash and securities, the date of receipt or the date of return, the issue, the quantity, and the amount. 十　委託者等別に取引経過を記載すること。 (x) The document is to be prepared by entering the transaction status by consignor, etc. 十一　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、清算執行会員等の勘定元帳には、当該清算執行会員等が委託者から直接受領した手数料等を記載すること。 (xi) Regarding commission fees concerning a transaction for which a give-up action was performed, the document is to be prepared by entering the fees, etc. that the clearance executing member, etc. directly received from the consignor in the ledger of clearance executing members, etc. 十二　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、委託者から直接手数料等を受領した場合には、委託者名、手数料等並びに入出金及び差引残高を記載すること。 (xii) W Regarding a transaction for which a give-up action was performed, the order executing member, etc. is not required to prepare the document; provided, however, that the name of the consignor, the fees, etc., the deposits and withdrawals, and the balance are to be entered in the case where fees, etc. are received directly from the consignor.
商品デリバティブ取引残高帳 Commodity derivatives transaction balance book	一　帳簿の作成日 (i) Date the book was prepared	一　法第二条第二十二項各号に掲げる行為のうち、媒介若しくは代理に係るもの又は同条第十項第一号ニに掲げる取引の委託に係るものにあっては、記載することを要しない。 (i) Statement is not required for acts specified in the items of Article 2, paragraph (22) of the Act related to intermediation or agency service, or consignment of transactions stated in paragraph (10), item (i), (d) of that Article.

	二　商品又は商品指数 (ii) Commodity or Commodity Index	二　自己又は受託の別（受託の場合にあっては、委託者等別）に記載すること。 (ii) The document is to be prepared by entering the distinction of transactions on the person's own account and those that are entrusted (in the case of transactions that are entrusted, by consignor, etc.)
	三　自己又は受託の別 (iii) Distinction of transactions on the person's own account and those that are entrusted	三　商品又は商品指数については、上場商品構成品、商品の価格の公表主体その他の取引の対象を特定するものを記載すること。 (iii) Regarding commodities or commodity indices, the document is to be prepared by entering those that specify the publishers of component products and commodity price or other subjects of transactions .
	四　委託者等名 (iv) Name of consignors, etc.	四　取引の種類については、法第二条第三項第一号から第三号までに掲げる取引（これらに類似する外国商品市場において行われる取引を含む。）及び同条第十四項第一号から第三号までに掲げる取引の場合にあっては、限月を記載すること。 (iv) Regarding the type of transaction, the document is to be prepared by entering the expiration month in the case of a transaction stated in Article 2, paragraph (3), items (i) through (iii) of the Act (including a transaction similar to the transaction conducted in a foreign commodity market) or a transaction stated in paragraph (14), items (i) through (iii) of that Article.
	五　約定年月日 (v) Contract date	五　取引の種類については、法第二条第三項第四号に掲げる取引（これに類似する外国商品市場において行われる取引を含む。）及び同条第十四項第四号及び第五号に掲げる取引の場合にあっては、次に掲げる事項を記載すること。 (v) Regarding the type of transaction, the document is to be prepared by entering the following information in the case of a transaction stated in Article 2, paragraph (3), item (iv) of the Act (including a transaction similar to the transaction conducted in a foreign commodity market) or a transaction stated in paragraph (14), items (iv) and (v) of that Article:

	六　対価の額又は約定価格等 (vi) Amount of consideration or contract price, etc.	（１）　限月 1. Expiration month	
	七　取引の種類 (vii) Type of transaction	（２）　権利行使期間及び権利行使価格 2. Exercise period and Exercise Price	
	八　売付け又は買付けの別 (viii) Distinction of purchases and sales	（３）　プット又はコールの別 3. Distinction of put option and call option	

	九　決済の結了していない取引に係る数量（数量がない場合にあっては、数量に準ずるもの） (ix) Quantity (information equivalent to the quantity if there is no quantity) related to transactions whose settlement is not completed	（４）　法第二条第十四項第四号及び第五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 4. Regarding transactions prescribed in Article 2, paragraph (14), item (iv) and item (v) of the Act, the content of the transaction to be closed by exercise of an option
	十　時価評価損益額 (x) Amount of profit and loss from market price valuation	六　取引の種類については、法第二条第十四項第六号に掲げる取引の場合にあっては、取引期間及び決済の年月日を記載すること。 (vi) Regarding the type of transaction, the document is to be prepared by entering the transaction period and the settlement date in the case of a transaction stated in Article 2, paragraph (14), item (vi) of the Act.

	十一　取引証拠金維持額 (xi) Amount for maintenance of the clearing margin 十二　預託申告額 (xii) Deposit amount declared	七　取引証拠金維持額については、商品取引所又は商品取引清算機関が、これらの者が定める規則により預託を受けなければならないこととされる取引証拠金の額を記載すること。 (vii) Regarding the amount for maintenance of the clearing margin, the commodity exchange or the commodity clearing organization is to prepare the document by entering the amount of the clearing margin whose deposit must be received according to the rules established by the commodity exchange or the commodity clearing organization. 八　預託申告額については、商品取引所又は商品取引清算機関が定める規則により会員等又は清算参加者がこれらの者に預託をしなければならないこととされる取引証拠金の額を記載すること。 (viii) Regarding the deposit amount declared, the document is to be prepared by entering the amount of the clearing margin which must be deposited with the commodity exchange or the commodity clearing organization by the member, etc. or the clearing participant according to the rules established by the commodity exchange or the commodity clearing organization.
商品デリバティブ取引受渡計算帳 Commodity derivatives transaction settlement calculation journal	一　商品 (i) Commodity	一　法第二条第二十二項各号に掲げる行為のうち、媒介又は代理に係るものにあっては、記載することを要しない。 (i) Statement is not required for acts specified in the items of Article 2, paragraph (22) of the Act related to intermediation or agency service.
	二　限月 (ii) Expiration month	二　商品については、上場商品構成品、商品の価格の公表主体その他の取引の対象を特定するものを記載すること。 (ii) Regarding commodities, the document is to be prepared by entering information that specifies the publishers of component products and commodity price or other subjects of transactions.

	三　自己又は受託の別 (iii) Distinction of transactions on the person's own account and those that are entrusted 四　委託者等名 (iv) Name of consignors, etc. 五　約定年月日 (v) Contract date 六　約定価格又は権利行使価格 (vi) Contract price or exercise price 七　受渡年月日 (vii) Settlement date 八　受渡数量 (viii) Settlement quantity	三　受渡数量については、受渡しの別ごとに記載すること。 (iii) Regarding the settlement quantity, the documents are to be prepared by entering the distinction of receipt and delivery.

媒介又は代理に係る取引記録 Transaction records related to intermediation or agency service	一　媒介又は代理を行った年月日 (i) Date of intermediation or agency service 二　委託者等名 (ii) Name of consignors, etc. 三　商品デリバティブ取引を行う商品先物取引業者名 (iii) Name of commodity derivatives business operators that conduct commodity derivatives transactions	法第二条第二十二項各号に掲げる行為のうち、媒介又は代理に係るものに限り、記載すること。 The document is to be prepared by entering only those acts stated in the items of Article 2, paragraph (22) of the Act related to intermediation or agency service.

	四　媒介又は代理の別 (iv) Distinction of intermediation and agency service 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)Amount of fees, remunerations and any other considerations to be received in relation to intermediation or agency service	

別表第五（第百二十六条の二十五関係）

Appended Table 5 (Re: Article 126-25)

帳簿の種類 Type of Book	記載事項 Information to be Entered	記載上の注意 Precautions for Making Entries

商品先物取引仲介補助簿 Commodity derivatives intermediary service auxiliary book	一　商品又は商品指数 (i) Commodity or Commodity Index	一　商品又は商品指数については、上場商品構成品、商品の価格の公表主体その他の取引の対象を特定するものを記載すること。 (i) Regarding commodities or commodity indices, the document is to be prepared by entering information that specifies the publishers of component products of listed commodities and commodity price or other subjects of transactions.
	二　所属商品先物取引業者の商号又は名称 (ii) Trade name or name of the entrusting commodity derivatives business operators	二　申込みを受けた日時及び約定日時については、法第二条第十四項各号に掲げる取引の場合にあっては、申込みを受けた年月日及び約定年月日を記載すれば足りる。 (ii) Regarding the date and time of the offer recieved and the contract date and time, it is sufficient to enter the date and time of the offer received and the contract date and time in the case of a transaction stated in the items of Article 2, paragraph (14) of the Act.
	三　委託者等名 (iii) Names of consignors, etc.	三　取引の種類については、法第二条第三項第一号から第三号までに掲げる取引（これらに類似する外国商品市場において行われる取引を含む。）及び同条第十四項第一号から第三号までに掲げる取引の場合にあっては、次に掲げる事項を記載すること。 (iii) Regarding the type of transaction, the document is to be prepared by entering the following information in the case of a transaction stated in Article 2, paragraph (3), items (i) through (iii) of the Act (including a transaction conducted in a foreign commodity market similar to the transaction) or a transaction stated in paragraph (14), items (i) through (iii) of that Article:
	四　申込みを受けた日時 (iv) Date and time offer is received	（１）　限月 1. Expiration month

	五　約定年月日 (v) Contract date	（２）　新規又は決済の別 2. Distinction of new transaction and settled transaction
	六　対価の額又は約定価格等 (vi) Amount of consideration or contract price, etc.	四　取引の種類については、法第二条第三項第四号に掲げる取引（これに類似する外国商品市場において行われる取引を含む。）及び同条第十四項第四号及び第五号に掲げる取引の場合にあっては、次に掲げる事項を記載すること。 (iv) Regarding the type of transaction, the document is to be prepared by entering the following information in the case of a transaction stated in Article 2, paragraph (3), item (iv) of the Act (including a transaction conducted in a foreign commodity market similar to that transaction) or a transaction stated in paragraph (14), items (4) and (5) of that Article:
	七　取引の種類 (vii) Type of transaction	（１）　限月 1. Expiration month
	八　売付け又は買付けの別 (viii) Distinction of purchases and sales	（２）　権利行使期間及び権利行使価格 2. Exercise period and Exercise Price
	九　指値又は成行その他注文の種類の別 (ix) Distinction of limit order, market order, and other orders	（３）　プット又はコールの別 3. Distinction of put option and call option

	十　申込みを受けた数量（数量がない場合にあっては、数量に準ずるもの） (x) Quantity of offers received (information equivalent to quantity if there is no quantity)	（４）　新規又は決済の別 4. Distinction of new transaction and settled transaction
	十一　約定数量（数量がない場合にあっては、数量に準ずるもの） (xi) Agreed volume (information equivalent to volume if there is no volume)	（５）　権利行使又は被権利行使の別 5. Distinction of exercise and non-exercise
		（６）　法第二条第十四項第四号及び第五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 6. Regarding transactions stated in Article 2, paragraph (14), items (iv) and (v) of the Act, the content of the transaction to be closed by exercise of an option

		五　取引の種類については、法第二条第十四項第六号に掲げる取引の場合にあっては、取引期間及び決済の年月日を記載すること。 (v) Regarding the type of transaction, the document is to be prepared by entering the transaction period and the settlement date in the case of a transaction stated in Article 2, paragraph (14), item (vi) of the Act. 六　指値又は成行その他注文の種類の別については、指値の場合にあっては、その価格及び注文の有効期限、成行の場合にあっては、取引を行う日（商品市場における取引にあっては場節を含む。）を記載すること。 (vi) Regarding the distinction of limit order, market order, and other orders, the document is to be prepared by entering the price and valid period of the order in the case of a limit order, and the date the transaction was conducted (in the case of a transaction in a commodity market, including the session) in the case of a market order. 七　所属商品先物取引業者が二以上ある場合は、所属商品先物取引業者ごとに作成すること。 (vii) A document is to be prepared for each entrusting commodity derivatives business operators in the case when there are two or more entrusting commodity derivatives business perators. 八　商品先物取引仲介補助簿は日付順に記載して保存すること。 (viii) The commodity derivatives intermediary service auxiliary book is to be entered by date and preserved. 九　取引が不成立の場合には、その旨を表示すること。 (ix) In the case where a transaction is not closed, that fact is to be indicated. 十　取引の内容に係る部分については、商品先物取引仲介業者が知り得た事項について記載すること。 (x) Regarding the part concerning the content of the transaction, the document is to be prepared by entering the matters that the commodity derivatives intermediary service provider has come to know. 十一　電磁的記録により作成する場合にあっては、以下に掲げる要件を満たすこと。なお、この場合においては、一覧表形式で商品先物取引仲介補助簿を作成できるものとする。 (xi) In the case of preparation by electronic or magnetic record, the following requirements are to be satisfied. In this case, the commodity derivatives intermediary service auxiliary book may be prepared in tabulated form:

		（１）　申込みを受けた時に、申込内容を電子計算機へ入力すること。 1. Upon receiving an offer, the content of the offer is to be inputted into a computer. （２）　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。 2. The date and time information is inputted into the computer is to be automatically recorded. 十二　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。 (xii) In the case of an order concerning a transaction for which a give-up action is performed, that fact is to be indicated. 十三　注文・清算分離行為が行われた取引については、注文執行会員等を所属商品先物取引業者とする商品先物取引仲介業者は、新規又は決済の別及び権利行使又は被権利行使の別の記載を要しない。 (xiii) Regarding a transaction for which a give-up action is performed, a commodity derivatives intermediary service provider for which an order executing member, etc. is an entrusting commodity derivatives business operator,is not required to enter the distinction of new transaction and settled transaction and the distinction of exercise and non-exercise. 十四　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商品先物取引業者とする商品先物取引仲介業者は、作成することを要しない。 (xiv) With regard to Regarding a transaction for which a give-up action is performed, a commodity derivatives intermediary service provider for which a clearance executing member, etc. is an entrusting commodity derivatives business operator is not required to prepare the document. 十五　商品取引所の定める規則により当該商品取引所の開設する商品市場において、注文時に新規若しくは決済の別又は権利行使若しくは被権利行使の別を指示することが不要とされているものについては、これらの事項を記載することを要しない。 (xv) Regarding a transaction for which indication of the distinction of new transaction and settled transaction and the distinction of exercise and non-exercise is not required at the time of making an order in a commodity market opened by a commodity exchange according to the rules established by the commodity exchange, the information is not required to be entered.

別表第六（第百七十一条関係）

Appended Table 6 (Re: Article 171)

帳簿の種類 Type of Book	記載事項 Information to be Entered	記載上の注意 Precautions for Making Entries
特定店頭商品デリバティブ取引日記帳 Specified over-the-counter commodity derivatives transaction journal	一　商品又は商品指数 (i) Commodity or commodity index	一　商品又は商品指数については、上場商品構成品、商品の価格の公表主体その他の取引の対象を特定するものを記載すること。 (i) Regarding commodities or commodity indices, the document is to be prepared by entering those that specify the publishers of component products of listed commodities and commodity price or other subjects of transactions.
	二　取引の相手方 (ii) Counterparty to a transaction	二　取引の種類については、法第二条第十四項第一号から第三号までに掲げる取引の場合にあっては、次に掲げる事項を記載すること。 (ii) Regarding the type of transaction, the document is to be prepared by entering the following information in the case of a transaction stated in Article 2, paragraph (14), items (i) through (iii) of the Act:

	三　約定年月日 (iii) Contract date	（１）　限月 1. Expiration month
	四　対価の額又は約定価格等 (iv) Amount of consideration or contract price, etc.	（２）　新規又は決済の別 2. Distinction of new transaction and settled transaction
	五　取引の種類 (v) Type of transaction	三　取引の種類については、法第二条第十四項第四号及び第五号に掲げる取引の場合にあっては、次に掲げる事項を記載すること。 (iii) Regarding the type of transaction, the document is to be prepared by entering the following information in the case of a transaction stated in Article 2, paragraph (14), items (iv) and (v) of the Act:
	六　売付け又は買付けの別 (vi) Distinction of purchases and sales	（１）　権利行使期間及び権利行使価格 1. Exercise period and Exercise Price

	七　数量（数量がない場合にあっては、数量に準ずるもの） (vii) Quantity (information equivalent to the quantity if there is no quantity)	（２）　プット又はコールの別 2. Distinction of put option and call option （３）　新規又は決済の別 3. Distinction of new transaction and settled transaction （４）　権利行使又は被権利行使の別 4. Distinction of exercise and non-exercise （５）　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. Content of a transaction closed by exercise of an option 四　取引の種類については、法第二条第十四項第六号に掲げる取引の場合にあっては、取引期間及び決済の年月日を記載すること。 (iv) Regarding the type of transaction, the document is to be prepared by entering the transaction period and the settlement date in the case of a transaction stated in Article 2, paragraph (14), item (vi) of the Act.

特定店頭商品デリバティブ取引受渡計算帳 Specified over-the-counter commodity derivatives transaction settlement calculation journal	一　商品 (i) Commodity	一　商品については、上場商品構成品、商品の価格の公表主体その他の取引の対象を特定するものを記載すること。 (i) With regard to commodities, the document is to be prepared by entering information that specifies the publishers of component products of listed commodities and commodity price or other subjects of transactions.
	二　限月 (ii) Expiration month	二　受渡数量については、受渡しの別ごとに記載すること。 (ii) With regard to the settlement quantity, the document is to be prepared by entering the distinction of receipt and delivery.
	三　取引の相手方 (iii) Counterparty to a transaction	
	四　約定年月日 (iv) Contract date	
	五　約定価格又は権利行使価格 (v) Contract price or exercise price	

	六　受渡年月日 (vi) Settlement date 七　受渡数量（数量がない場合にあっては、数量に準ずるもの） (vii) Settlement quantity (information equivalent to the quantity if there is no quantity)	

様式第一号（第３条第２号　第４条第２号及び第３号　第２８条第１項第４号　第２９条第２号及び第３号　第６０条第３号　第６１条第１号ト及び第２号ニ　第６２条第１号ト及び第２号ニ　第６６条第１１号　第７０条第５号　第８０条第１項第９号　第１１８条第２項第１２号　第１２１条第２項第１２号　第１３４条第１項第４号関係）様式第一号の二（第３１条の３第１項　第３６条の１１関係）様式第二号（第３１条の４関係）様式第三号（第８０条第１項第１０号　第１１８条第２項第１３号　第１２１条第２項第１３号関係）様式第四号（第８０条第１項第１６号　第１１８条第２項第１９号　第１２１条第２項第１９号関係）様式第五号（第８０条第１項第１７号　第１１８条第２項第２０号　第１２１条第２項第２０号関係）様式第六号（第８０条第２項第１号　第１１７条第１項第２号関係）様式第七号（第８３条第１項関係）様式第八号（第８５条関係）様式第九号（第９１条関係）様式第十号（第１００条第２項関係）様式第十一号（第１１６条第１項関係）様式第十二号（第１１７条第１項第１号関係）様式第十三号（第１２６条の６関係）様式第十四号（第１２６条の２７関係）

Form No. 1 (Re: Article 3, item (ii); Article 4, items (ii) and (iii); Article 28, paragraph (1), item (iv); Article 29, items (ii) and (iii); Article 60, item (iii); Article 61, item (i), (g) and item (ii), (d); Article 62, item (i), (g) and item (ii), (d); Article 66, item (xi); Article 70, item (v); Article 80, paragraph (1), item (ix); Article 118, paragraph (2), item (xii); Article 121, paragraph (2), item

(xii); and Article 134, paragraph (1), item (iv)); Form No. 1-2 (Re: Article 31-3, paragraph (1) and Article 36-11); Form 2 (Re: Article 31-4); Form No. 3 (Re: Article 80, paragraph (1), item (x); Article 118, paragraph (2), item (xiii); and Article 121, paragraph (2), paragraph (xiii)); Form No. 4 (Re: Article 80, paragraph (1), item (xvi); Article 118, paragraph (2), item (xix); and Article 121, paragraph (2), item (xix)); Form No. 5 (Re: Article 80, paragraph (1), item (xvii); Article 118, paragraph (2), item (xx); and Article 121, paragraph (2), item (xx)); Form No. 6 (Re: Article 80, paragraph (2), item (i) and Article 117, paragraph (1), item (ii)); Form No. 7 (Re: Article 83, paragraph (1)); Form No. 8 (Re: Article 85); Form No. 9 (Re: Article 91); Form No. 10 (Re: Article 100, paragraph (2)); Form No. 11 (Re: Article 116, paragraph (1)); Form No. 12 (Re: Article 117, paragraph (1), item (i)); Form No. 13 (Re: Article 126-6): Form No. 14 (Re: Article 126-27)