

Cabinet Office Order on Financial Instruments Business, etc.
(Cabinet Office Order No. 52 of August 6, 2007)

After amendment	Before amendment
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specified in this Cabinet Office Order; hereinafter the same applies in this paragraph); the same applies in paragraph (3). documents specified by the Commissioner of the Financial Services Agency in consideration of the contents thereof and other circumstances may be prepared in English.

(2) In the case referred to in the preceding paragraph, when finding it to be necessary and appropriate in the public interest for the protection of investors, the Commissioner of the Financial Services Agency or the relevant director-general may request a person to whom the provisions of that paragraph apply to attach a Japanese translation of the outline of the whole or part of the document to which the provisions of that paragraph apply.

(3) If, due to any special circumstance, there is any document to be submitted to the Commissioner of Financial Services

Office Order (excluding Section 6 of the following Chapter (limited to the provisions relating to a notifier of specially-permitted business) and Section 6-2 of the same Chapter (excluding the provisions relating to a financial instruments business operator engaging in the type-I financial instruments business) and Chapter V) that cannot be prepared in Japanese, a Japanese translation thereof must be attached thereto; provided, however, that if the documents to be submitted are the articles of incorporation, or the minutes of a shareholders meeting or a board of officers, etc. (meaning a board of officers, etc. as prescribed in Article 221, item (i)) prepared in English, attaching a Japanese translation of the outline thereof is considered sufficient.

Agency or the relevant director-general pursuant to the provisions of the Act, the Order or this Cabinet Office Order (excluding those to which the provisions of paragraph (1) apply) that cannot be prepared in Japanese, a Japanese translation thereof must be attached thereto; provided, however, that if the documents to be submitted are the articles of incorporation, or the minutes of a shareholders meeting or a board of officers, etc. (meaning a board of officers, etc. as prescribed in Article 221, item (i)) prepared in English, attaching a Japanese translation of the outline thereof is considered sufficient.

(Procedures for Submission of Copy of Contract)

Article 239-2 [omitted]

(2) to (7) [omitted]

(8) Notwithstanding the provisions of Article 2, paragraph (3), if a copy of the contract under paragraph (3) and the preceding paragraph is not written in Japanese or English (limited to a contract pertaining to the notifier of specially-permitted business or the financial instruments business operator, etc. to whom the provisions of paragraph (1) of that Article apply), its Japanese or English translation must be attached.

(9) [omitted]

(Procedures for Submission of Copy of Contract)

Article 239-2 [omitted]

(2) to (7) [omitted]

(8) Notwithstanding the provisions of Article 2, if a copy of the contract under paragraph (3) and the preceding paragraph is not written in Japanese or English (limited to a contract pertaining to the notifier of specially-permitted business), its Japanese or English translation must be attached.

(9) [omitted]

(Public Inspection of Notified Matters Relating to Specially-Permitted Business for Foreign Investors by the Commissioner of the Financial Services Agency or the Relevant Director-General)

Article 246-16 (1) The Commissioner of the Financial Services Agency, competent director-general of local finance bureau, etc. for specially-permitted business for foreign investors, etc. or competent director-general of local finance bureau, etc. is to keep the records of the matters stated in Appended Form No. 21-5 of the notifier of specially-permitted business for foreign investors, etc. or financial instruments business operator, etc. (meaning a person that has made a notification under the provisions of Article 63-11, paragraph (1) of the Act, and excluding a person that has made a notification under the provisions of Article 63-10, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 63-11, paragraph (2) of the Act to the effect that the person falls under Article 63-10, paragraph (3), item (ii) of the Act; hereinafter the same applies in this Section except for Article 246-27, paragraph (1)) at the Financial Services Agency or the local finance bureau with jurisdiction over the location of the head office, etc. of the notifier of specially-permitted business for foreign investors, etc. or financial instruments business operator, etc. (if such

(Public Inspection of Notified Matters Relating to Specially-Permitted Business for Foreign Investors by the Commissioner of the Financial Services Agency or the Relevant Director-General)

Article 246-16 (1) The Commissioner of the Financial Services Agency, competent director-general of local finance bureau, etc. for specially-permitted business for foreign investors, etc. or competent director-general of local finance bureau, etc. is to keep the records of the matters stated in Appended Form No. 21-5 of the notifier of specially-permitted business for foreign investors, etc. or financial instruments business operator, etc. (meaning a person that has made a notification under the provisions of Article 63-11, paragraph (1) of the Act, and excluding a person that has made a notification under the provisions of Article 63-10, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 63-11, paragraph (2) of the Act to the effect that the person falls under Article 63-10, paragraph (3), item (ii) of the Act; hereinafter the same applies in this Section except for Article 246-27) at the Financial Services Agency or the local finance bureau with jurisdiction over the location of the head office, etc. of the notifier of specially-permitted business for foreign investors, etc. or financial instruments business operator, etc. (if such location

location falls within the jurisdictional district of the Fukuoka Local Finance Branch Bureau, to the director-general thereof; or if the notifier or the business operator has no business office or any other office in Japan, to the Director-General of the Kanto Finance Bureau) and make them available for public inspection or publicize them by the use of the internet or other means.

(2) [omitted]

(Notification of Specially-Permitted Business for Foreign Investors by Financial Instruments Business Operators)

Article 246-27 [omitted]

(2) and (3) [omitted]

[(4) Deleted]

[(5) Deleted]

falls within the jurisdictional district of the Fukuoka Local Finance Branch Bureau, to the director-general thereof; or if the notifier or the business operator has no business office or any other office in Japan, to the Director-General of the Kanto Finance Bureau) and make them available for public inspection or publicize them by the use of the internet or other means.

(2) [omitted]

(Notification of Specially-Permitted Business for Foreign Investors by Financial Instruments Business Operators)

Article 246-27 [omitted]

(2) and (3) [omitted]

(4) The written notification referred to in paragraph (1) (excluding one concerning a financial instruments business operators engaging in the type I financial instruments business) may be prepared in English, in the same manner as Appended Form No. 21-6.

(5) The document referred to in paragraph (3) (excluding one concerning a financial instruments business operators engaging in the type I financial instruments business) may be prepared in English.

(Notification of Change in Notified Matters Pertaining to Specially-Permitted Business for Foreign Investors by Financial Instruments Business Operator)

Article 246-28 (1) [omitted]

[(2) Deleted]

[(3) Deleted]

(Notification by Financial Instruments Business Operator in Cases of Exclusion from Definition as a Specially-Permitted Business for Foreign Investors)

Article 246-29 (1) [omitted]

[(2) Deleted]

(Notification of Change in Notified Matters Pertaining to Specially-Permitted Business for Foreign Investors by Financial Instruments Business Operator)

Article 246-28 (1) [omitted]

(2) The written notification referred to in the preceding paragraph (excluding one concerning a financial instruments business operators engaging in the type I financial instruments business) may be prepared in English.

(3) The document referred to in paragraph (1) (excluding one concerning a financial instruments business operators engaging in the type I financial instruments business) may be prepared in English, in the same manner as Appended Form No. 21-6.

(Notification by Financial Instruments Business Operator in Cases of Exclusion from Definition as a Specially-Permitted Business for Foreign Investors)

Article 246-29 (1) [omitted]

(2) The written notification referred to in the preceding paragraph (excluding one concerning a financial instruments business operators engaging in the type I financial instruments business) may be prepared in English.

(Notification of Suspension of Specially-Permitted Business for Foreign Investors by Financial Instruments Business Operator)

Article 246-31 (1) [omitted]

(2) [omitted]

[(3) Deleted]

(Business Reports)

Article 246-33 (1) [omitted]

(2) The business report referred to in the preceding paragraph (limited to one concerning a notifier of specially-permitted business for foreign investors) may be prepared in English, in the same manner as Appended Form No. 21-7.

(3) to (6) [omitted]

(Procedures for Obtaining Approval of Time Limits for Submission of Business Reports)

(Notification of Suspension of Specially-Permitted Business for Foreign Investors by Financial Instruments Business Operator)

Article 246-31 (1) [omitted]

(2) [omitted]

(3) The written notification referred to in paragraph (1) and the documents to be attached to the written notification pursuant to the provisions of the preceding paragraph (excluding those concerning a financial instruments business operators engaging in the type I financial instruments business) may be prepared in English.

(Business Reports)

Article 246-33 (1) [omitted]

(2) The business report referred to in the preceding paragraph (excluding one concerning a financial instruments business operators engaging in the type I financial instruments business) may be prepared in English, in the same manner as Appended Form No. 21-7.

(3) to (6) [omitted]

(Procedures for Obtaining Approval of Time Limits for Submission of Business Reports)

Article 246-34 [omitted]

(2) to (4) [omitted]

(5) The written application for approval referred to in paragraph (1), the documents set forth in the items of paragraph (2), and the document referred to in the preceding paragraph (limited to those concerning a notifier of specially-permitted business for foreign investors) may be prepared in English.

(Procedures for Obtaining Approval of Time Limit for the Public Inspection of Explanatory Documents)

Article 246-36 [omitted]

(2) to (4) [omitted]

(5) The written application for approval referred to in paragraph (1), the documents set forth in the items of paragraph (2), and the document referred to in the preceding paragraph (limited to those concerning a notifier of specially-permitted business for foreign investors) may be prepared in English.

[Article 350 Deleted]

Article 246-34 [omitted]

(2) to (4) [omitted]

(5) The written application for approval referred to in paragraph (1), the documents set forth in the items of paragraph (2), and the document referred to in the preceding paragraph (excluding those concerning a financial instruments business operators engaging in the type I financial instruments business) may be prepared in English.

(Procedures for Obtaining Approval of Time Limit for the Public Inspection of Explanatory Documents)

Article 246-36 [omitted]

(2) to (4) [omitted]

(5) The written application for approval referred to in paragraph (1), the documents set forth in the items of paragraph (2), and the document referred to in the preceding paragraph (excluding those concerning a financial instruments business operators engaging in the type I financial instruments business) may be prepared in English.

(Special Provisions for Preparation of Documents to Be Submitted in English)

Article 350 (1) Among the documents set forth in the following

items, those specified by the Commissioner of the Financial Services Agency in consideration of the contents thereof and other circumstances may be prepared in English, in the same manner as the forms specified in the respective items:

(i) the written application for registration under Article 5: Appended Form No. 1;

(ii) the document under Article 20, paragraph (1): Appended Form No. 1;

(iii) the written application for registration of change under Article 22, paragraph (1): Appended Form No. 1;

(iv) the written notification of deposit under Article 25, paragraph (1): Appended Form No. 2;

(v) the written notification of conclusion of guarantee contract under Article 27, paragraph (1): Appended Form No. 3;

(vi) the written application for approval of change of guarantee contract under Article 27, paragraph (2): Appended Form No. 4;

(vii) the written application for approval of cancellation of guarantee contract under Article 27, paragraph (2): Appended Form No. 5;

(viii) the written notification of change of guarantee contract under Article 27, paragraph (4): Appended Form No. 6;

(ix) the written notification of cancellation of guarantee

contract under Article 27, paragraph (4): Appended Form No. 7;

(x) the written notification of holding subject voting rights under Article 36 (including as applied mutatis mutandis pursuant to Article 39; the same applies in item (viii) of the following paragraph): Appended Form No. 8;

(xi) the written notification under Article 38-2: Appended Form No. 8-2;

(xii) the written notification under Article 38-5: Appended Form No. 8-3;

(xiii) the business report under Article 182, paragraph (1): Appended Form No. 12;

(xiv) the explanatory documents under Article 183, paragraph (1): Appended Form No. 15-2;

(xv) the written notification under Article 244, paragraph (1): Appended Form No. 21; and

(xvi) the document under Article 244-2: Appended Form No. 21;

(2) Among the following documents, those specified by the Commissioner of the Financial Services Agency in consideration of the contents thereof and other circumstances may be prepared in English:

(i) the documents to be attached to the written application for registration under Article 5;

- (ii) the written notification under Article 20, paragraph (1) and the documents specified in the items of that paragraph;
- (iii) the written notification and document under Article 21;
- (iv) the document under Article 22, paragraph (2) and the documents set forth in the items of that paragraph;
- (v) the written notification under Article 25, paragraph (2);
- (vi) the documents to be attached to the written notification of conclusion of guarantee contract under Article 27, paragraph (1), and the written notification of change of guarantee contract and written notification of cancellation of guarantee contract under paragraph (4) of that Article;
- (vii) the written notifications under the items of Article 31;
- (viii) the documents to be attached to the written notification of holding subject voting rights under Article 36;
- (ix) the written notification under Article 69 and the documents specified in the items of that Article;
- (x) the written application for approval under Article 70, paragraph (1) and the document under paragraph (2) of that Article;
- (xi) the written application under Article 120 and the documents to be attached thereto;
- (xii) the written application for approval under Article 190, paragraph (1), the documents set forth in the items of

paragraph (2) of that Article, and the document under paragraph (4) of that Article;

(xiii) the written application for approval under Article 191, paragraph (1), the documents set forth in the items of paragraph (2) of that Article, and the document under paragraph (4) of that Article;

(xiv) the written notification under Article 201 and the documents specified in the items of Article 202;

(xv) the written notification under Article 204, paragraph (1) and the documents specified in the items of paragraph (2) of that Article;

(xvi) the written notification under Article 205, paragraph (3) and the document under paragraph (4) of that Article;

(xvii) the documents set forth in the items of Article 244, paragraph (3);

(xviii) the written notification under Article 244-2;

(xix) the written notification under Article 245; and

(xx) the written notification under Article 246.

(3) With regard to the application of the provisions of Article 2, Article 239-2, paragraphs (8) and (9), Article 246-3, paragraph (2), Article 246-4, paragraph (5), Article 246-5, paragraph (2), and Article 246-6, paragraph (5) if the provisions of paragraph (1) (limited to the part pertaining to item (xv)), the term

(Standard Processing Period)

Article 350 [omitted]

Supplementary Provisions

"notifier of specially-permitted business" in these provisions is deemed to be replaced with "notifier of specially-permitted business and a person to whom the provisions of Article 350, paragraph (1) (limited to the part pertaining to item (xv)) apply."

(4) The provisions of Article 2 do not apply to documents to which the provisions of paragraph (1) or (2) apply.

(5) The provisions of paragraphs (1) and (2) do not apply to a person that engages in or seeks to engage in the type I financial instruments business or registered financial institution business.

(6) In the cases referred to in paragraphs (1) through (3), when finding it to be necessary and appropriate in the public interest or for the protection of investors, the Commissioner of the Financial Services Agency may request a person to whom these provisions apply to attach a Japanese translation of the outline of the whole or part of the document to which the relevant provisions of that paragraph apply.

(Standard Processing Period)

Article 351 [omitted]

Supplementary Provisions

(Replacement of Terms Concerning Cases Where Foreign Investment Management Business Operators Engage in Specially-Permitted Business in the Transition Period)

Article 39 If the provisions of this Cabinet Office Order apply pursuant to the provisions of Article 3-3, paragraph (4) of the Supplementary Provisions of the Act (including as applied mutatis mutandis pursuant to paragraph (7) of that Article): the phrase "Article 246-10, paragraph (3), item (iii)" in Article 1, paragraph (4), item (xii) is deemed to be replaced with "Article 246-10, paragraph (3), item (iii), and Article 64, paragraph (1), item (iii) of the Supplementary Provisions"; the phrase "Article 246-22, paragraph (2), item (iii), (b)" in item (xiii) of that paragraph is deemed to be replaced with "Article 246-22, paragraph (2), item (iii), (b), and Article 44, paragraph (1), item (ix), (a) and item (xi), (c), Article 47, paragraph (2), item (iii), (b) (limited to the part pertaining to 1.), and Article 49, paragraph (2), item (ix), (b) and item (xi), (i) of the Supplementary Provisions"; and the phrase "Section 6-2" in Article 9, item (ii), (a) is deemed to be replaced with "Section 6-2, and Article 33, item (vi), (d), Article 44, paragraph (1), item (ix) through (xi), Article 47, paragraph (2), item (iii), (b), Article 49, paragraph (1), items (vi) and (xv), (d), and paragraph (2),

(Replacement of Terms Concerning Cases Where Foreign Investment Management Business Operators Engage in Specially-Permitted Business in the Transition Period)

Article 39 If the provisions of this Cabinet Office Order apply pursuant to the provisions of Article 3-3, paragraph (4) of the Supplementary Provisions of the Act (including as applied mutatis mutandis pursuant to paragraph (7) of that Article): the phrase "Article 246-10, paragraph (3), item (iii)" in Article 1, paragraph (4), item (xii) is deemed to be replaced with "Article 246-10, paragraph (3), item (iii), and Article 64, paragraph (1), item (iii) of the Supplementary Provisions"; the phrase "Article 246-22, paragraph (2), item (iii), (b)" in item (xiii) of that paragraph is deemed to be replaced with "Article 246-22, paragraph (2), item (iii), (b), and Article 44, paragraph (1), item (ix), (a) and item (xi), (c), Article 47, paragraph (2), item (iii), (b) (limited to the part pertaining to 1.), and Article 49, paragraph (2), item (ix), (b) and item (xi), (i) of the Supplementary Provisions"; the term "Chapter V" in Article 2 is deemed to be replaced with "Chapter V, and Articles 31, 44, 47 through 49, 51 through 53, 55, 56, and 58"; and the phrase "Section 6-2" in Article 9, item (ii), (a) is deemed to be replaced with "Section 6-2, and Article 33, item (vi), (d), Article 44,

item (ix) through (xi), Article 50, item (i), (b), item (ii), (b), and item (ix), (b), Article 51, paragraph (1), item (iv), and Article 52, paragraph (1), item (ii) of the Supplementary Provisions."

paragraph (1), item (ix) through (xi), Article 47, paragraph (2), item (iii), (b), Article 49, paragraph (1), items (vi) and (xv), (d), and paragraph (2), item (ix) through (xi), Article 50, item (i), (b), item (ii), (b), and item (ix), (b), Article 51, paragraph (1), item (iv), and Article 52, paragraph (1), item (ii) of the Supplementary Provisions."