

Regulatory Notice specifying necessary documents based on Article 2 (1) of the Cabinet Office Order on Financial Instruments Business, etc.

○ Regulatory Notice of the Financial Services Agency No.

The documents specified by the Commissioner of the Financial Services Agency based on the provisions of Article 2, paragraph (1) of the Cabinet Office Order on Financial Instruments Business (Cabinet Office Order No. 52 of 2007) are provided as follows, and the provisions apply as from , 2022.

Date: , 2022

NAKAJIMA Junichi, Commissioner of the Financial Services Agency

Documents specified by the Commissioner of the Financial Services Agency based on the provisions of Article 2, paragraph (1) of the Cabinet Office Order on Financial Instruments Business are the following documents:

(i) a written application for registration or written application for registration of change or documents to be attached thereto, which are submitted by a person that seeks to obtain registration referred to in Article 29 of the Financial Instruments and Exchange Act (Act No. 25 of 1948; hereinafter referred to as the "Act") or registration of change referred to in Article 31, paragraph (4) of the Act (limited to one that falls under any of the following) with regard to the type I financial instruments business (limited to this type of business conducted with professional investors, in which the securities handled are the beneficiary certificates of foreign investment trusts set forth in Article 2, paragraph (1), item (x) of the Act, the foreign investment securities prescribed in item (xi) of that paragraph, the securities set forth in item (xvii) or (xviii) of that paragraph, or the instruments or certificates indicating the rights related to transactions conducted on a foreign financial instruments market prescribed in item (xix) of that paragraph that are similar to the transactions set forth in paragraph (21), item (iii) of that Article (including the securities set forth in paragraph (1), item (xx) of that Article that indicate the rights related to these securities), or the securities set forth in Article 1, item (i) of the Order for Enforcement of the Financial Instruments and Exchange Act (Cabinet Order No. 321 of 1965; referred to as the "Order" in (b))) that the person seeks to conduct, or a written application for authorization or documents to be attached thereto, which are submitted by a person that seeks to obtain authorization referred to in Article 30, paragraph (1) of the Act (limited to one that falls under any of the following) with regard to the business pertaining to the acts set forth in Article 2, paragraph (8), item (x) of the Act that the person seeks to conduct within the scope of business of the type I financial instruments business:

(a) a person that conducts securities businesses similar to Type I Financial Instruments Business in a foreign jurisdiction in compliance with foreign laws and regulations;

(b) the parent company, etc. (meaning the parent company, etc. prescribed in Article 15-16, paragraph (3) of the Order; the same applies in (b) of the following item), subsidiary company, etc. (meaning the subsidiary company, etc. prescribed in that paragraph; the same applies in (b) of that item) or

affiliated company, etc. (meaning the affiliated company, etc. prescribed in paragraph (4) of that Article; the same applies in (b) of that item) of the person set forth in (a); or

(c) a person any of whose officers (meaning the officer prescribed in Article 9, item (ii), (a) of the Cabinet Office Order on Financial Instruments Business; the same applies hereinafter) or major employees (meaning the major employee prescribed in (a) of that item; the same applies in (d) of the following item) was an officer or employee of the person set forth in (a);

(ii) a written application for registration or written application for registration of change or documents to be attached thereto, which are submitted by a person that seeks to obtain registration referred to in Article 29 of the Act or registration of change referred to in Article 31, paragraph (4) of the Act (limited to one that falls under any of the following) with regard to the type II financial instruments business (limited to the business of performing the acts set forth in Article 28, paragraph (2), item (i) of the Act in association with the investment management business (limited to the business of performing the acts set forth in Article 28, paragraph (4), item (ii) or (iii) of the Act) that the person is to conduct, the business prescribed in Article 29-5, paragraph (2) of the Act, or the business prescribed in Article 196, paragraph (2) of the Act on Investment Trusts and Investment Corporations (Act No. 198 of 1951)), investment advisory and agency business or investment management business that the person seeks to conduct:

(a) a person that conducts businesses similar to investment advisory and agency business or investment management business in a foreign jurisdiction in compliance with foreign laws and regulations;

(b) the parent company, etc., subsidiary company, etc. or affiliated company, etc. of the person set forth in (a);

(c) a person who was an officer or employee of the person set forth in (a); or

(d) a person any of whose officers or major employees is the person set forth in (c); and

(iii) beyond the documents set forth in the preceding two items, documents concerning a person to whom the provisions of Article 2, paragraph (1) of the Cabinet Office Order on Financial Instruments Business apply with regard to any of these documents (only to the extent that the person engages in the business prescribed in the preceding two items under the application of the provisions of that paragraph or the extent that the person engages in the specially permitted services for qualified institutional investors, etc. or the specially permitted services for foreign investors, etc. under the application of the provisions of Article 2, paragraph (1) of that Order with regard to the written notification referred to in Article 244, paragraph (1) of that Order or Article 246-27, paragraph (1) of that Order).