

## Gas Oil Delivery Agent Registration Procedure

(As of December 1, 2019)

Tokyo Commodity Exchange, Inc.

### Rule 1 (Purpose of Procedure)

1. This procedure prescribes matters necessary for registration of Gas Oil Delivery Agents pursuant to the provisions of Rule 3, Paragraph 1, Item 2 of the Energy Delivery Detailed Rules (hereinafter referred to as the "Detailed Rules").

### Rule 2 (Application for Registration)

1. In cases where a Trading Participant (excluding Remote Market Trading Participants and Remote Broker Trading Participants; the same shall apply hereinafter) wishes to become a Gas Oil Delivery Agent, it shall register to that effect with the Exchange. A Trading Participant may not consign physical delivery to other Broker Trading Participants as a Gas Oil Delivery Agent until it has made said registration.
2. In cases where a Broker Trading Participant wishes to make physical deliveries of gas oil based on consignment from a customer, it shall register said customer as a Gas Oil Delivery Agent with the Exchange; provided, however, that the same shall not apply if the Broker Trading Participant accepts a consignment from a Trading Participant that has already been registered as such.
3. In cases where a Trading Participant wishes to make registration pursuant to the preceding two paragraphs (including renewal of registration pursuant to Paragraph 5; the same shall apply hereinafter), it shall submit a registration application to the Exchange that includes the details specified in each of the following items.
  - (1) Name of Trading Participant (or name of customer for cases pursuant to the preceding paragraph);
  - (2) Name of representative, address of office and contact information of the entity prescribed in the preceding item;
  - (3) Amount of capital or total amount of contributions of the entity prescribed in Item 1;
  - (4) Number of regular employees of the entity prescribed in Item 1.
4. Trading Participants shall attach the documents referred to in each of the following items

1/5

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## Reference Translation

(excluding Items 3 and 4 for cases pursuant to Paragraph 1) to the registration application described in the preceding paragraph.

- (1) A document certifying that the entity listed in the registration application is an "Exclusive Agent" prescribed in Article 144, Paragraph 1, Item 3 of the Local Tax Act (Act No. 226 of 1950) as well as a "Registered Tax Collecting Person" prescribed in Article 144-15, Paragraph 3 of the same act;
  - (2) A list of prefectures where the entity listed in the registration application is registered pursuant to the provisions of Article 144-15, Paragraph 2 of the Local Tax Act
  - (3) A document stating that the entity listed in the registration application will comply with the rules, regulations, instructions, and other requirements of the Exchange;
  - (4) A document stating that in cases where the entity listed in the registration application falls under any of the following, it will immediately notify the Broker Trading Participant that accepts consignment from said entity to that effect.
    - (i) Where matters specified in Rule 3, Item 1 have been changed;
    - (ii) Where said entity has lost its qualification as an Exclusive Agent prescribed in Article 144, Paragraph 1, Item 3 of the Local Tax Act;
    - (iii) Where said entity has lost its qualification as a "Registered Tax Collecting Person" prescribed in Article 144-15, Paragraph 3 of the Local Tax Act.
  - (5) Other documents deemed necessary by the Exchange
5. In cases where the entity listed in the registration application falls under Rule 5, Paragraph 1, Item 2. b of the Detailed Rules and the registration is not renewed every year, the registration will become invalid after the last day of its effective period. Renewals of registration must be applied for by the day (one business day earlier if the day falls on a non-business day) 20 days before the expiration date of the registration.

### **Rule 3 (Registration Approval)**

1. When the Exchange receives a registration application pursuant to the preceding rule, it will examine its details, and if it deems it appropriate as a result, it will notify the Trading Participant which has applied for the registration in writing that the entity listed in the registration application has been registered as a "Gas Oil Delivery Agent". In addition, the Exchange will enter the following matters (excluding Item 2 for cases pursuant to Paragraph 1 of the preceding rule) in the register kept by the Exchange.
  - (1) Name of the Gas Oil Delivery Agent, name of representative, and address of office;
  - (2) Name of the Broker Trading Participant (consignee) which has applied for the registration;
  - (3) Registration date and registration approval number.

#### **Rule 4 (Registration Refusal)**

1. In cases where a registration application has been submitted and the entity listed in said registration application falls under any item of Rule 6, Paragraph 1, said application and/or its attached documents include false information about material matters or are missing material information, or the entity listed in said registration application has already been registered, the Exchange shall refuse said registration.

#### **Rule 5 (Matters to Be Notified)**

1. In cases where a Trading Participant which is registered as a Gas Oil Delivery Agent falls under any of (i) through (iii) of Rule 2, Paragraph 4, Item 4, it shall immediately notify the Exchange to that effect.
2. In cases where a Broker Trading Participant receives notice from a Gas Oil Delivery Agent based on documents specified in Rule 2, Paragraph 4, Item 4, it shall immediately notify the Exchange to that effect.

#### **Rule 6 (Registration Revocation)**

1. In cases where a Gas Oil Delivery Agent falls under any of the following, the Exchange shall revoke the registration of said Gas Oil Delivery Agent.
  - (1) Where the Gas Oil Delivery Agent does not comply with rules, regulations, instructions and/or other requirements of the Exchange;
  - (2) Where the Gas Oil Delivery Agent has lost its qualification as an "Exclusive Agent" prescribed in Article 144, Paragraph 1, Item 3 of the Local Tax Act;
  - (3) Where the Gas Oil Delivery Agent has lost its qualification as a "Registered Tax Collecting Person" prescribed in Article 144-15, Paragraph 3 of the Local Tax Act;
  - (4) Other cases deemed inappropriate for a Gas Oil Delivery Agent by the Exchange.
2. In cases where the registration of an entity is revoked pursuant to the provisions of any item of the preceding paragraph, said entity may not re-register for five years after the revocation date.

#### **Rule 7 (Registration Deletion)**

1. In cases where any of the following is applicable, the Exchange shall delete the registration.
  - (1) In cases where a written request to delete registration as a Gas Oil Delivery Agent has been submitted by a Trading Participant which is a Gas Oil Delivery Agent or a Broker Trading Participant which accepts consignment from a Gas Oil Delivery Agent and the reason for said request is deemed appropriate;
  - (2) Where the Exchange has revoked the registration pursuant to the provisions of Paragraph 1 of the preceding rule.

## Reference Translation

2. In cases where the Exchange has deleted a registration pursuant to the preceding paragraph, it shall notify the relevant Trading Participant or Broker Trading Participant to that effect.

### **Rule 8 (Revision or Abolition)**

1. Revision or abolition of this procedure shall be approved by the Representative Director, President.

### **Supplementary Provisions**

This procedure shall take effect on December 1, 2008.

### **Supplementary Provisions**

The revisions to the provisions of Rule 2 (Registration Application) and Rule 7 (Registration Rescission) shall take effect on May 7, 2009.

### **Supplementary Provisions**

The revisions to the title of this procedure, provisions of Rule 1 (Purpose), Rule 2 (Registration Application), Rule 3 (Registration Approval and Other Related Matters), Rule 6 (Registration Revocation), Rule 7 (Registration Deletion), and Rule 8 (Revision or Abolition), and deletion of Rule 4 (Valid Period and Renewal of Registration) shall take effect on April 1, 2010.

### **Supplementary Provisions**

The revision to the provisions of Rule 2 (Registration Application) shall take effect on March 31, 2014.

### **Supplementary Provisions**

The revisions to the provisions of Rule 2 (Registration Application) shall take effect on October 31, 2016.

### **Supplementary Provisions**

The revisions to the provisions of Rule 2 (Registration Application) and Rule 5 (Matters to be Notified) shall take effect on May 5, 2017.

### **Supplementary Provisions**

The revisions to the provisions of Rule 1 (Purpose of Procedure) shall take effect on September 17, 2019.

**Supplementary Provisions**

These revisions shall take effect on December 1, 2019.