

F C Mの登録等に関する届出に関して定める事項について

2015年10月26日

2021年12月6日改正

2025年9月16日改正

株式会社日本証券クリアリング機構

当社は、金利スワップ取引清算業務に関する業務方法書の取扱い第47条の2の規定に基づき、清算参加者が同条の規定に従い届出を行う場合の届出書を別紙のとおり定める。

清算参加者は、当該清算参加者と同一の企業集団に含まれない清算委託者でU. S. P e r s o nに該当する者（米国顧客）の金利スワップ取引については、以下に掲げる1.から5.のすべてに該当する場合に限り、債務負担の申込みをすることができるものとする。

1. JSCC clearing members may only solicit and accept orders for JPY-IRS from U.S. customers that are eligible contract participants as defined under Section 1a(18) of the CEA and Commission Regulation 1.3;
2. JSCC clearing members that solicit and accept orders from U.S. customers for JPY-IRS may not be registered with the Commission as FCMs nor incorporated in the United States;
3. JSCC clearing members that solicit and accept orders from U.S. customers for JPY-IRS must be affiliates of Commission-registered FCMs;
4. A JSCC clearing member seeking to clear for a U.S. customer must provide written notice to, and to obtain an acknowledgment from, the U.S. customer prior to clearing that explains that (i) the clearing member is not registered with the CFTC as an FCM, nor a member of the National Futures Association; (ii) JSCC is exempt from registration with the Commission as a DCO; (iii) in the event of the bankruptcy of JSCC or a JSCC clearing member holding U.S. customer property, the bankruptcy would be governed by the laws of a non-U.S. jurisdiction; and (iv) in the event of the bankruptcy of JSCC or a JSCC clearing member holding U.S. customer property, the protections of the U.S. Bankruptcy Code, as defined in CFTC Regulation 190.01, that are applicable to customers of a registered FCM and DCO do not apply to the U.S. customers, or to the funds and positions of the U.S. customers. The written notice must include an explicit comparison of the protections available to the U.S. customer positions and funds under the U.S. Bankruptcy Code and Part 190 of the Commission's regulations and JSCC's home country regulatory regime. The JSCC clearing member must retain the U.S. customer's acknowledgment of the receipt of the written notice in its records; and
5. JSCC clearing members must hold funds received from U.S. customers to margin, guarantee, or secure JPY-IRS, or funds accruing to U.S. customers as a result of JPY-IRS, in accordance with applicable Japanese laws, regulations, and JSCC rules.

以 上

F C Mの登録等に関する届出書（金利スワップ）

Representation on FCM Registration (IRS)

提 出 日 年 月 日

Submission Date YYYYY,MM,DD

清 算 参 加 者 名

Clearing Participant

当社は、金利スワップ取引清算業務に関する業務方法書の取扱い第47条の2の規定に基づき、このF C Mの登録等に関する届出書（以下「本届出書」といいます。）を貴社に提出します。

Pursuant to the provisions of Handling of IRS Clearing Business Rules Article 47-2, we hereby submit this representation on FCM registration (hereinafter referred to as “Representation”) to you.

なお、本届出書において使用する用語は、本届出書に別段の定めがある場合を除くほか、業務方法書において使用される用語の例によるものとします。

Unless otherwise specifically defined in this Representation, the terms used herein shall have the meaning assigned to such terms in the Business Rules.

1. 当社は、以下の事実に該当することを報告します。We hereby represent that we fall on below:

該当の有無 Whether or not Relevant	内容 Description
	当社がF C Mとして登録しようとする事 We intend to be registered as an FCM
	当社がF C Mとして登録を抹消しようとする事 We intend to be deregistered as an FCM
	当社と清算受託契約を締結している清算委託者（ ）がF C Mとして登録しよう とすること A Customer () which has executed the Clearing Brokerage Agreement with us intends to be registered as an FCM
	当社と清算受託契約を締結している清算委託者（ ）がF C Mとして登録を抹消 しようとする事 A Customer () has executed the Clearing Brokerage Agreement with us intends to be deregistered as an FCM
	F C Mである者（ ）と清算受託契約を締結しようとする事 We intend to execute a Clearing Brokerage Agreement with () which is a FCM
	当社がU. S. P e r s o nに該当することとなる事 We will become a U.S. Person

[利用目的] 本書類に記載いただく個人情報、申請・届出・報告先として指定された金融商品取引清算機関及び商品取引清算機関並びに提出先となる金融商品取引清算機関及び商品取引清算機関において、参加者の経営・業務執行体制等の適格性に関する管理業務又は参加者との事務連絡に使用することを目的として提供を受けるものであり、それ以外の目的には利用いたしません。

[Purpose of Use] Personal information we ask you to provide in this document will be submitted for the purpose of administrative operations relating to the eligibility of the participant's management and business execution structures, etc. and the administrative communication with the participants at the Financial Instruments Clearing Organization and the Commodity Clearing Organization designated as recipient of request, notification or report and the Financial Instruments Clearing Organization and the Commodity Clearing Organization to which the document is submitted, but not for any other purpose.

	当社がU. S. P e r s o nに該当しなくなること We will cease to be a U.S. Person
	当社と清算受託契約を締結している清算委託者 () がU. S. P e r s o nに該当することとなること A Customer () which has executed the Clearing Brokerage Agreement with us will become a U.S. Person
	当社と清算受託契約を締結している清算委託者 () がU. S. P e r s o nに該当しなくなること A Customer () which has executed the Clearing Brokerage Agreement with us will cease to be a U.S. Person
	U. S. P e r s o nである者 () と清算受託契約を締結しようとする事 We intend to execute a Clearing Brokerage Agreement with () which is a U.S. Person

2. 当社は、以下に掲げる(1)から(5)のすべてに該当する場合に限り、清算参加者が当該清算参加者と同一の企業集団に含まれない清算委託者でU. S. P e r s o nに該当する者(米国顧客)の金利スワップ取引について債務負担の申込みをすることができるという要件に同意し、当該要件を遵守することに同意します。

We agree to the requirement that the Clearing Participant may apply for Clearing of IRS for a Customer who 1) does not belong to the same Corporate Group as the Clearing Broker and 2) is a U.S. Person (“U.S. customer”), only when all of the following conditions are met, and we consent to comply with this requirement:

- (1) JSCC clearing members may only solicit and accept orders for JPY-IRS from U.S. customers that are eligible contract participants as defined under Section 1a(18) of the CEA and Commission Regulation 1.3;
- (2) JSCC clearing members that solicit and accept orders from U.S. customers for JPY-IRS may not be registered with the Commission as FCMs nor incorporated in the United States;
- (3) JSCC clearing members that solicit and accept orders from U.S. customers for JPY-IRS must be affiliates of Commission-registered FCMs;
- (4) A JSCC clearing member seeking to clear for a U.S. customer must provide written notice to, and to obtain an acknowledgment from, the U.S. customer prior to clearing that explains that (i) the clearing member is not registered with the CFTC as an FCM, nor a member of the National Futures Association; (ii) JSCC is exempt from registration with the Commission as a DCO; (iii) in the event of the bankruptcy of JSCC or a JSCC clearing member holding U.S. customer property, the bankruptcy would be governed by the laws of a non-U.S. jurisdiction; and (iv) in the event of the bankruptcy of JSCC or a JSCC clearing member holding U.S. customer property, the protections of the U.S. Bankruptcy Code, as defined in CFTC Regulation 190.01, that are applicable to customers of a registered FCM and DCO do not apply to the U.S. customers, or to the funds and positions of the U.S. customers. The written notice must include an explicit comparison of the protections available to the U.S. customer positions and funds under the U.S. Bankruptcy Code and Part 190 of the Commission’s

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regulations and JSCC's home country regulatory regime¹. The JSCC clearing member must retain the U.S. customer's acknowledgment of the receipt of the written notice in its records; and

- (5) JSCC clearing members must hold funds received from U.S. customers to margin, guarantee, or secure JPY-IRS, or funds accruing to U.S. customers as a result of JPY-IRS, in accordance with applicable Japanese laws, regulations, and JSCC rules.

以 上
End of Document

¹ A template comparison that JSCC prepared is available at: https://www.jpx.co.jp/jsc/otc/u89at30000007w62-att/bankruptcyprotections_20250106.pdf

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この様式は、「FCMの登録等に関する届出書（金利スワップ）」第2項(4)に定める条件に従い、清算参加者が米国顧客の金利スワップ取引について債務負担の申込みを行う上で、清算委託者に提供する通知及び当該清算委託者による確認様式を参考として作成したものです。ただし、必ずしもこの様式に従うことが求められるわけではなく、他の形式の書面をご使用いただくことも可能です。

This form serves as a reference for the written notice provided by the clearing member to the U.S. customer and an acknowledgment from the U.S. customer, to comply with fourth condition of Section 2 in the "Representation on FCM Registration (IRS)" regarding the application for Clearing of IRS. Adherence to this specific form is optional, and alternative formats may be used to comply with the condition.

金利スワップ清算に関する米国顧客への事前通知及び確認書 Advance notice and acknowledgment regarding IRS clearing for U.S. customers

(Name of Clearing Participant) hereby notifies (Name of U.S. Customer) of the following matters based on the provisions of JSCC's public notice titled "Re: Matters Prescribed for Representation regarding Registration as an FCM or Other Status" concerning IRS clearing at Japan Securities Clearing Corporation (JSCC):

- (i) (Name of Clearing Participant) is not registered with the CFTC as an FCM, nor a member of the National Futures Association.
- (ii) JSCC is exempt from registration with the Commission as a DCO.
- (iii) In the event of the bankruptcy of JSCC or (Name of Clearing Participant) holding U.S. customer property, the bankruptcy would be governed by the laws of a non-U.S. jurisdiction.
- (iv) In the event of the bankruptcy of JSCC or (Name of Clearing Participant) holding U.S. customer property, the protections of the U.S. Bankruptcy Code, as defined in CFTC Regulation 190.01, that are applicable to customers of a registered FCM and DCO do not apply to the U.S. customers, or to the funds and positions of the U.S. customers. A comparison chart prepared by JSCC, outlining the protections available to the U.S. customer's positions and funds under the U.S. Bankruptcy Code and Part 190 of the Commission's regulations and JSCC's home country regulatory regime is available at: https://www.jpx.co.jp/jsc/otc/u89at30000007w62-att/bankruptcyprotections_20250106.pdf

U.S. customer's acknowledgment of the receipt:

- We have received the above-mentioned written notice from (Name of Clearing Participant).

Date

MM, DD, YYYY

U.S. Customer Name