

郑州商品交易所指定商品交割厂库管理办法

Measures for the Administration of Designated Factory Warehouse of Zhengzhou Commodity Exchange

(郑州商品交易所第五届理事会：2012年8月6日审议通过，自2012年12月3日施行)

(Approved after examination at the Fifth Council of Zhengzhou Commodity Exchange on August 6, 2012 and implemented since December 3, 2012)

第一章 总则

Chapter 1 General Provisions

第一条 为加强郑州商品交易所（以下简称交易所）指定商品交割厂库的管理，规范实物交割行为，保证交割正常进行，根据《中华人民共和国合同法》和《郑州商品交易所交易规则》等有关规定，制定本办法。

Article 1 These measures are formulated subject to Contract Law of the People's Republic of China and Trading Rules of Zhengzhou Commodity Exchange and other relevant regulations for the purposes of strengthening the management of designated factory warehouse for commodity delivery by Zhengzhou Commodity Exchange (hereinafter referred to as ZCE), regulating futures delivery activities and ensuring a proper practice of futures delivery in ZCE.

第二条 指定商品交割厂库（以下简称厂库）是指经交易所指定的，从事交易所指定商品生产或贸易等经营业务的，为商品期货合约实物交割提供货物及相关服务的企业法人。

Article 2 The designated factory warehouse for commodity delivery (hereinafter referred to as factory) shall refer to an enterprise as a legal person appointed by ZCE, which engages in specified commodity production or trade business and provides goods and relevant services for physical delivery of the commodity futures contracts.

第三条 交易所依据本办法对厂库进行管理，厂库及其有关工作人员应当遵守本办法。

Article 3 ZCE shall manage the factory in accordance with these measures. The factory and their working staff shall comply with these measures.

第二章 申请和审批

Chapter 2 Application and Approval

第四条 申请厂库应当具备以下条件：

Article 4 The factory applying for becoming a designated factory warehouse shall meet the following requirements:

（一）国家工商行政管理部门颁发的营业执照应载明相关商品生产或贸易业务；

(1) Business license issued by the State Administration of Industry and Commerce shall clearly state the production or trade business of related commodity;

（二）净资产和注册资本应当达到交易所要求的数额；

(2) Net assets and registered capital shall reach the amount required by ZCE;

（三）生产量或贸易量应当达到交易所要求的数量；

(3) Production or trade volume shall reach the amount required by ZCE;

（四）财务状况良好，具有较强的抗风险能力；

(4) It shall be in good financial status and have strong anti-risk capability;

（五）具有良好的商业信誉，完善的规章制度，未发现严重违法违规行为记录；

(5) It shall have good commercial reputation, matured regulations and no record of severe violation of laws;

（六）承认并遵守交易所的章程、交易规则、交割细则等规定；

(6) It shall accept and abide by ZCE's bylaws, trading rules, detailed rules for delivery, etc.;

（七）有保管相应交割商品的条件，设备完好、计量符合规定要求；

(7) It shall meet requirements of safekeeping the commodities used for delivery; it shall be possessed of such storage yard and storehouse that are of certain scale, qualified to store ZCE's listed product, equipped with sound and adequate facilities

and standardized measuring systems satisfying specified requirements;

(八) 有相应交割商品所需要的管理、检化验等制度;

(8) It shall have related systems to manage and exam corresponding commodities used for delivery;

(九) 交通便利, 具有较强的装卸发货能力;

(9) It shall have convenient transportation, strong abilities for loading, unloading and dispatch;

(十) 交易所规定的其他材料。

(10) Other materials required by ZCE.

第五条 申请成为厂库应当提供下列材料:

Article 5 The factory applying for the designated factory warehouse shall provide the following materials:

(一) 申请书;

(1) Application form;

(二) 国家工商行政管理部门颁发的营业执照 (复印件);

(2) Copy of business license issued by the State Administration of Industry and Commerce;

(三) 会计师事务所出具的近两年审计报告或经交易所认可的相关部门审计的年度财务报表;

(3) Audit reports in the last two years issued by a registered accounting firm or annual financial report issued by relevant departments recognized by ZCE ;

(四) 申请单位上级主管部门或董事会出具的同意申请厂库的批准文件;

(4) Letter of Approval for applying for being designated warehouse issued by the applicant's superior departments or by its Board of Directors;

(五) 交易所要求的担保文件;

(5) Guarantee documents required by ZCE;

(六) 近三年年度和月度生产量或贸易量，每月出库量；

(6) The annual and monthly production or trade volume in the last three years and monthly quantity departing from factory;

(七) 近三年产品质量、销售方向和数量；

(7) The product quality, sales orientation and quantity in the past three years;

(八) 经交易所批准租赁厂房经营的企业，应提供与厂房所有者之间的租赁合同（协议）等文件；

(8) Enterprises working on rental places which have been approved by ZCE shall provide lease contract (agreement) signed with the owners of the places;

(九) 企业生产、检验、货物出厂等方面的管理规章制度文件；

(9) The management rules and regulations that are related to enterprise production, inspection, the departure of commodity from factory, etc.;

(十) 企业近三年银行保函的使用情况；

(10) The enterprise's usage of bank guarantee in the last three years;

(十一) 交易所要求提供的其他材料。

(11) Other materials required by ZCE;

交易所可根据具体情况，调整对厂库提供材料的要求。

ZCE could adjust the requirements of materials provided by the factory according to specific situation.

第六条 交易所对厂库的审批程序：

Article 6 Procedures of ZCE for the approval of the factory:

(一) 根据前条所列材料进行初审；

(1) Pre-exam on the application based on materials listed in the preceding article;

(二) 根据初审结果对申请企业进行实地调查和评估；

(2) Make field inspection and evaluation in accordance with the result of the

pre-examination;

(三) 根据实地调查和评估结果择优选用，签订厂库协议书。

(3) Select factories with good results according to on-site investigation and evaluation, and sign factory warehouse agreement

第七条 经交易所审定批准，取得厂库资格的应当办理以下事宜：

Article 7 The factory shall conduct the following procedures upon the receipt of ZCE's approval:

(一) 申请标准仓单注册所需印章到交易所备案；

(1) The seals for applying for standard warrant registration shall be filed at ZCE;

(二) 确定一名负责人主管期货交割业务，建立交割业务机构，指定专人负责办理标准仓单业务，并将授权书及授权人签字报交易所备案；

(2) Appoint a person to take charge of futures delivery business; set up a department for delivery operations; appoint specific personnel to handle standard warrants and file the certificate of authorization and authorized working staff signature to ZCE for the record;

(三) 缴纳交割担保金；

(3) Pay the delivery guarantee deposit;

(四) 根据本办法，制定符合交易所要求的操作规程或细则；

(4) Formulate operating regulations or detailed principles in line with ZCE's requirements according to these measures;

(五) 厂库期货管理人员接受交易所的交割业务培训；

(5) Administrator who is in charge of the factory management shall attend the delivery business training courses held by ZCE;

(六) 交易所规定的其他事宜。

(6) Other matters regulated by ZCE.

第八条 厂库放弃厂库资格，应当向交易所递交放弃厂库资格申请书，并应经交易所书面同意。

Article 8 Factories that surrender their qualifications of being designated delivery factories shall submit application letters to ZCE and have ZCE's written approval.

第九条 厂库放弃厂库资格并经交易所批准的或厂库被取消资格的，应当按照交易所要求办理以下事项：

Article 9 Factories who give up qualification upon ZCE's approval or whose qualification is terminated shall perform the following procedures in accordance with the requirements of ZCE:

（一）注册仓单全部注销并已出货；

(1) All registered warrants have been deregistered and goods have been dispatched;

（二）结清与交易所的债权债务；

(2) Settle all debts and liabilities with ZCE;

（三）结清与会员、客户的债权债务；

(3) Settle debts and liabilities with members and clients;

厂库办理完以上事项，经交易所确认无异议后，按交易所规定清退交割担保金。

When the above items are completed and confirmed by ZCE without objection, the factory shall settle delivery guarantee deposit according to ZCE's regulations.

第十条 厂库资格的确认、取消或同意放弃资格，交易所应当及时通告会员及厂库。

Article 10 As to the confirmation, cancellation or surrender of the factory qualification, ZCE shall notify members and factories in time.

第三章 权利和义务

Chapter 3 Rights and Obligations

第十一条 厂库的权利：

Article 11 Rights of the factory:

（一）按交易所规定享有向交易所申请标准仓单注册权；

(1) The right to apply to ZCE for standard warrants registration according to ZCE's regulations;

（二）按交易所审定的收费项目、标准和方法收取有关费用；

(2) The right to charge relevant fees according to fees items, standards and methods approved by ZCE;

（三）对交易所制定的有关实物交割的规定享有建议权；

(3) The right to give suggestions on regulations of commodity delivery made by ZCE;

（四）经交易所批准，指定提货点；

(4) The right to designate delivery point upon the approval of ZCE;

（五）交易所期货交割细则和厂库协议书约定的其他权利。

(5) Other rights in Detailed Rules for Futures Delivery of Zhengzhou Commodity Exchange and the designated factory warehouse agreements.

第十二条 厂库的义务：

Article 12 Obligations of the factory:

（一）遵守交易所期货交割细则和标准仓单管理办法及其他有关规定，接受交易所的监管，及时向交易所提供有关情况；

(1) The factory shall comply with Detailed Rules for Futures Delivery of Zhengzhou Commodity Exchange and Measures for the Administration of Standard Warrants and other relevant regulations formulated by ZCE, accept ZCE's supervision and management, and provide relevant information to ZCE in time;

（二）按标准仓单要求及交易所的业务规则提供交割商品，并积极协助货主安排出库；

(2) Provide commodities used for delivery according to the requirements of standard warrants and business rules of ZCE, and actively assist commodities owners to

arrange dispatch;

(三) 对货物质量和数量承担全部责任;

(3) Take the full responsibility for the quality and quantity of the goods;

(四) 保守与商品交割有关的商业秘密;

(4) Keep the commercial confidential information related to commodity delivery;

(五) 接受交易所组织的年审;

(5) Accept annual audit organized by ZCE;

(六) 缴纳交割担保金;

(6) Pay guarantee deposit for delivery;

(七) 配合并监督指定质检机构取样;

(7) Cooperate with and supervise designated institutions for quality check and sampling;

(八) 监督管理提货点交割业务, 并对指定提货点的交割行为负全部责任;

(8) Supervise and manage the delivery business of the delivery point and take full responsibility for the delivery behaviors of the designated delivery point;

(九) 厂库应当保证用于期货交割的商品优先办理出库。

(9) Factory shall guarantee that the commodities used for delivery have the priority to be dispatched.

(十) 变更单位名称、法定代表人、注册资本、股东或股权结构、仓储场地等, 出现可能危及交割商品安全、法律诉讼等问题, 以及生产线调整, 及时向交易所通报; 发生厂库土地或房产质押、对外担保等重大事项, 事先向交易所通报;

(10) When changing the entity name, legal representative, registered capital, shareholder or equity structure and location, in case that there are conditions that may endanger the safety of the delivery commodities, legal proceedings and the production line adjustment etc., the factory shall report to ZCE in time; in case that the land or property of the factory is impawned or guaranteed externally and other similar major events occur, the factory shall report to ZCE in advance.

(十一) 按照交易所要求, 及时向交易所提供企业相关商品价格、产能、产量、库存量等信息;

(11) Timely provide related commodity prices, production capacity, production, inventory and other information of the enterprise to ZCE in accordance with requirements of ZCE;

(十二) 交易所期货交割细则、标准仓单管理办法和厂库协议书等规定或约定的其他义务。

(12) Other obligations in Detailed Rules for Futures Delivery of Zhengzhou Commodity Exchange, Measures for the Administration of Standard Warrants and the designated factory warehouse agreements formulated by ZCE.

第四章 日常业务

Chapter 4 Daily Operations

第十三条 厂库的日常业务主要是交割商品管理及提供交割服务。

Article 13 The factory's daily operations shall conduct the management of delivery commodities and provide services for delivery.

第十四条 厂库应在日常经营中, 存有一定量的符合交割规定各规格产品, 具体数量由交易所确定。

Article 14 The factory shall store a certain amount of products in accordance with the delivery requirement specification in the daily operations. The specific amount shall be determined by ZCE.

第十五条 厂库应当在货主的监督配合下进行交割商品重量、质量检验, 保证交割商品重量、质量符合交割要求, 无法进行现场质量检验的, 应提供商品质量合

格证书。

Article 15 The factory shall examine the weight and quality of the commodities used for delivery with the cooperation and supervision of commodities owner and ensure the weight and quality of the delivery goods in accordance with the requirements of the delivery rules. In case the on-site quality inspection cannot be conducted, the quality certificate shall be provided.

第十六条 货物出厂时，厂库要及时、认真办理出库手续，做好复核工作：

Article 16 The factory shall handle the dispatch of the commodities timely and carefully and going through the reexamination work:

（一）复核《提货通知单》是否有效；

(1) Verify the validity of the Delivery Note;

（二）核对《提货通知单》与厂库承诺的供货能力是否完全相符等内容。

(2) Verify whether Delivery Note totally conforms to the delivery capability that the factory has promised.

核对无误后，尽快发出交割商品。

In case of no errors, the factory shall dispatch the commodities used for delivery as soon as possible.

厂库应及时向交易所通报交割商品发运的进度及发运方向等。发运结束后，根据要求向交易所报送相关出库手续。

The factory shall timely report the transportation process and direction of deliverable commodities to ZCE. After the completion of delivery, the factory shall report relevant procedures for dispatch to ZCE according to relevant requirements.

第五章 监督管理

Chapter 5 Supervision and Administration

第十七条 交易所对厂库实行抽查和年审制度，并可要求厂库自查。

Article 17 ZCE shall adopt selective and annual audit system to the factory and have the right to require the factory to conduct self-inspection.

在自查、抽查和年审过程中，发现厂库有违规等行为的，交易所可采取限期整改、取消厂库资格等措施。由此产生的损失由厂库承担。

During the process of self-inspection, selective and annual audit for the factory, in case that there is violation of regulations, ZCE can take measures like making rectification within limited period and canceling the qualification of the factory. The factory shall assume all losses incurred from this violation.

第十八条 禁止厂库实施下列行为：

Article 18 The following behaviors shall be prohibited for the factory:

（一）与会员或客户联手，以虚占仓单额度等方式影响或企图影响期货市场价格的；

(1) Associate with members or clients to affect or intend to affect the price in futures market through methods like occupying warehouse receipt credit phonily;

（二）交割中滥行收费的；

(2) Overcharge in delivery process;

（三）蓄意刁难客户，不配合交割商品出库的；

(3) Create difficulties for clients on purpose; do not cooperate with the dispatch of the commodities used for delivery;

（四）拒绝、阻挠交易所依法、依规监督检查的；

(4) Refuse or obstruct ZCE to conduct supervision or audit according to laws and regulations;

（五）弄虚作假，影响期货交割业务正常进行的；

(5) Practice fraud which affects normal practice of futures delivery;

（六）违反交易所规定的其他行为。

(6) Other behaviors that violate regulations of ZCE.

第十九条 厂库应当向交易所缴纳交割担保金作为厂库履行义务的保证。交割担保金数额和缴纳方式在《厂库协议书》上明确。交割担保金利息归厂库所有，按中国人民银行公布的同期银行活期存款利率每年计息一次。

Article 19 The factory shall pay delivery guarantee deposit to ZCE as the promise for duty fulfillment of the factory. Amount and payment method of delivery guarantee deposit shall be defined clearly in factory warehouse agreement. Interest of delivery guarantee deposit shall be owned by the factory and calculated once a year according to demand deposit interest rate of the same period announced by People's Bank of China.

第二十条 厂库不能向客户（提货方）交付符合合约出库规定标准的商品，造成客户（提货方）损失的，应当承担赔偿责任。

Article 20 In case that the factory cannot deliver the goods in accordance with the dispatch standards to the clients, which causes losses to the clients, the factory shall assume the responsibility of compensation.

附则

Supplementary Provisions

第二十一条 违反本办法规定的，交易所按《郑州商品交易所违规处理办法》的有关规定处理。

Article 21 ZCE shall handle any violation of these detailed rules in accordance with Measures for Punishment of Regulation Violations of Zhengzhou Commodity Exchange.

第二十二条 本办法解释权属于郑州商品交易所。

Article 22 ZCE reserves the right to interpret these measures.

第二十三条 本办法自 2012 年 12 月 3 日起施行。

Article 23 These measures shall enter into force as of December 3, 2012.

(英文版本仅供参考，具体以中文版本为准。)

(English version is for reference ONLY. Chinese version shall prevail if there is any inconsistency.)