

郑州商品交易所违规处理办法

Measures for Punishment of Regulation Violations of Zhengzhou

Commodity Exchange

(郑州商品交易所第五届理事会：2008年1月7日审议通过，自2008年1月15日施行；2009年3月28日修订，自2009年4月20日施行；2012年8月14日修订，自2012年9月3日施行)

(Approved after examination at the Fifth Council of Zhengzhou Commodity Exchange on January 7, 2008 and implemented since January 15, 2008; revised on March 28, 2009 and implemented since April 20, 2009; revised on August 14, 2012 and implemented since September 3, 2012.)

第一章 总则

Chapter 1 General Provisions

第一条 为加强期货市场管理，规范期货交易行为，保障期货市场参与者的合法权益，根据《郑州商品交易所章程》、《郑州商品交易所交易规则》的有关规定，制定本办法。

Article 1 These measures are formulated subject to Bylaws of Zhengzhou Commodity Exchange, Trading Rules of Zhengzhou Commodity Exchange and relevant regulations for the purpose of enhancing the management of the futures market, regulating futures trading activities and protecting legal rights of futures market participants.

第二条 本办法所称违规行为是指会员、客户、交割仓库（交割厂库）及期货市场其他参与者违反郑州商品交易所（以下简称交易所）章程、交易规则及其他有关规定的行为。

Article 2 Violations herein shall refer to any acts conducted by members, clients, designated delivery warehouses (factories) and other futures market participants that violate rules and regulations of Zhengzhou Commodity Exchange (hereinafter referred to as the ZCE).

第三条 交易所根据公平、公正的原则，以事实为依据，对违规行为进行调查、认定和纪律处分。违规行为构成犯罪的，移交司法机关，依法追究刑事责任。

Article 3 In accordance with fairness and justice, ZCE shall, based on facts, conduct the investigation, identification and disciplinary sanction on violating acts. Any entity with violating act that commits a crime shall be handed over to judicial agencies for criminal charging in accordance with applicable laws.

第四条 会员、客户、交割仓库及期货市场其他参与者违规行为已受到中国证监会处罚的，交易所在决定纪律处分时可免除或减轻纪律处分。

Article 4 Punishments shall be exempted or lessened by ZCE provided that members, clients, designated delivery warehouses and other futures market participants have been punished upon their violations by the China Securities Regulatory Commission.

第五条 从事交易所期货交易相关业务活动适用本办法。

Article 5 These measures herein shall be applicable to related trading business conducted in ZCE.

第二章 稽查

Chapter 2 Investigation

第六条 稽查是指交易所根据交易所的各项规章制度，对会员、客户、交割仓库及期货市场其他参与者的业务活动进行的监督和检查。稽查包括日常稽查和立案调查。

Article 6 Investigation shall refer to the supervision and inspection conducted by ZCE over trading business activities of the members, clients, designated delivery warehouses and other futures market participants in accordance with rules of ZCE. Investigation shall include routine investigation and registered investigation.

第七条 交易所履行监管职责时，可行使下列职权：

Article 7 To fulfill the obligation of supervisions, ZCE is entitled to:

(一) 查阅、复制与期货交易有关的信息、资料；

(1) Review and copy the information and materials related to the futures trading;

(二) 对会员、客户、交割仓库等单位 and 人员进行调查、取证；

(2) Investigate and collect evidence from the members, clients, designated delivery warehouses and others;

(三) 要求会员、客户、交割仓库等被调查者申报、陈述、解释、说明有关情况；

(3) Require members, clients, designated delivery warehouses and others under investigation to make declarations, statements, interpretations and explanations on certain situations;

(四) 制止、纠正、处理违规行为;

(4) Deter, correct and handle violations;

(五) 交易所履行监管职责所必须的其他职权。

(5) Fulfill other necessary obligations of supervision for ZCE.

第八条 会员、客户、交割仓库及期货市场其他参与者应自觉接受交易所的监督。

Article 8 Members, clients, designated delivery warehouses and other futures market participants shall consent to the supervision of ZCE.

第九条 交易所设立投诉、举报电话。投诉、举报人应身份真实、明确; 投诉、举报人不愿公开其身份的, 交易所为其保密。

Article 9 ZCE shall set up complaint and reporting hotlines. The identity of complainants and reporters shall be true and clear. ZCE shall keep the identity confidential if complainants or reporters require doing so.

第十条 对日常稽查工作中发现的、投诉举报的、期货监管部门和司法机关等单位移交的或其他途径获得的线索进行审查后, 认为有违规行为发生的, 交易所应予以立案调查。

Article 10 Registered investigations shall be conducted in case that any violation is confirmed by the examinations through clues obtained from routine investigations, complains and reports, or acquired through other approaches, as well as cases handed over from futures regulators and judicial agencies.

第十一条 对已立案的期货违规案件, 交易所应指定专人负责调查。调查取证应当由两名以上调查人员参加, 并出示本人工作证或交易所的证明文件。

Article 11 ZCE shall designate working staff to be responsible for the investigation into the registered violation. Investigations and collections of evidences shall be conducted by more than two investigators with work certificates or supporting documents for identification issued by ZCE.

第十二条 调查人员认为自己与本案有利害关系或者其他可能影响案件公正处理的, 应当申请回避。

Article 12 Investigators shall apply for withdrawal provided that they are case-related or their involvement may affect the justice handling.

被调查人员认为调查人员与本案有关、可能影响公正办案的，有权申请有关人员回避。

Persons under investigation shall be entitled to apply for the withdrawal of the relevant investigators if the persons under investigation consider that the investigators are related to the case and are likely to affect the fairness of the case handling.

交易所认为调查人员应当回避的，指令其回避。

Where ZCE believes that the relevant investigator shall be withdrawn from the case concerned, it shall decide on the withdrawal of such an investigator..

调查人员的回避由交易所主办部门负责人决定。主办部门负责人的回避由交易所总经理决定。

The withdrawal of investigators shall be decided by the person in charge of the investigation department of ZCE. The withdrawal of the person in charge of the investigation department shall be decided by the President of ZCE.

第十三条 证据包括书证、物证、当事人陈述、证人证言、调查笔录、鉴定结论、视听材料、电子记录等能够证明案件真实情况的一切材料。证据应当调查核实才能作为定案的根据。

Article 13 Evidences shall include all materials that can reveal the fact such as written and material evidence, statement of parties, testimony of witness, written notes of investigations, conclusions of investigation, audio-visual materials and electronic records, etc. Evidence shall be investigated and verified before it can be deemed as the proof of the case.

第十四条 询问被调查人应当制作调查笔录。调查笔录应当交被调查人核对，核对无误后，被调查人和调查人员应当在笔录上签名。被调查人拒绝签名的，调查人员应当注明原因。

Article 14 Investigative records shall be made when the parties are under investigation. Investigation records shall be shown to the investigated persons for checking and both the investigated persons and the investigators shall sign on the written notes of investigation after ensuring the authenticity of the written notes.

书证、物证的提取应当制作提取笔录，注明提取的时间和地点，并由被调查人签名。被调查人拒绝或者无法签名的，由见证人签名。

With respect to the collection of written evidence and material evidence, a collection note shall be taken in which the time, place shall be indicated, and signed by the investigated. In case that the investigated persons are unable to sign, a witness shall be appointed to sign the note.

视听资料、电子记录的收集应当注明收集或制作的时间、地点、方式、使用的设备及保存的条件，并由被调查人或见证人签名。

When audio-visual materials, electronic materials are collected, a collection note shall be taken in which the time, place, method, equipment used and the storage conditions of the collection or production shall be indicated. And the note shall be signed by the investigated persons or the witnesses.

鉴定结论必须由中国证监会或交易所认定的有权鉴定单位做出，并由鉴定单位和鉴定人盖章签字。

The conclusions of investigation shall be made by the authorized organizations recognized by China Securities Regulatory Commission or ZCE, and shall be signed and sealed by the organization and the authenticator.

第十五条 调查人员在日常稽查和立案调查过程中应严格遵守保密制度，不得滥用职权。对违反规定的，交易所根据不同情节给予相应的处分。

Article 15 Investigators shall strictly comply with the confidentiality policy in routine investigation and registered investigation, and shall not abuse power. In view of the consequence and effects, corresponding punishments shall be imposed on such violations.

第十六条 会员、客户和交割仓库涉嫌重大违规，经交易所立案调查的，在确认违规行为之前，为防止违规行为后果进一步扩大，交易所可对其采取下列限制性措施：

Article 16 Where a member, customer or Designated Delivery Warehouse is suspected of committing a serious violation, and ZCE has filed a case for investigation, ZCE may impose the following restrictive measures on the investigated before the act of violation is affirmed, so as to prevent the further spreading of the consequence of violations.

(一) 限期说明情况；

(1) To require the explanation of violation within a certain time;

(二) 暂停登录新的客户编码；

- (2) To suspend trading code application for new client ;
- （三）限制出入金；
- (3) To restrict fund movements;
- （四）限制开、平仓；
- (4) To restrict opening new positions and closing positions;
- （五）限制交割仓库的交割业务；
- (5) To restrict delivery business of the designated delivery warehouses;
- （六）降低持仓限量或标准仓单持有限量；
- (6) To reduce position limit or standard warrants limit;
- （七）调高保证金比例；
- (7) To increase margin percentage;
- （八）限期平仓、暂停平仓、强行平仓。
- (8) To require position liquidation within a certain time, suspending position liquidation, or forced liquidation.

第三章 违规处理

Chapter 3 Violations Settlement

第十七条 有多种违规行为的，分别定性，数罚并用。多次违规的，从重或加重纪律处分。

Article 17 Where various violating act exist, each act shall be determined separately based on it nature and various punishments shall be imposed concurrently. Where an act is committed repeatedly, heavier or aggravated disciplinary sanctions shall be imposed.

第十八条 期货公司会员具有下列违反经纪业务资格管理规定行为之一的，责令改正，没收违规所得。根据情节轻重给予警告、通报批评、公开谴责、强行平仓、暂停开仓交易 1 至 12 个月、取消会员资格的纪律处分；没有违规所得或者违规所得 5 万元以下的，可并处 5 至 25 万元的罚款；违规所得 5 万元以上的，可并处违规所得一倍以上五倍以下的罚款：

Article 18 Where a brokerage member conducts any of the following acts that violate rules concerning regulating brokerage qualifications, the brokerage member shall be forced to make correction and the earnings from such violation shall be confiscated. In the view of consequences and effects, such punishments shall be imposed as warning, circulating a notice of criticism, public censure, forced liquidation, suspension of opening position for a period from one to twelve months and the cancellation of membership; if no earning or the earning from such violation is below CNY 50,000, a fine ranging from CNY 50,000 to CNY 250,000 shall be imposed; if the earning from such violation is above CNY 50,000, a fine ranging from one time to five times of the earning shall be imposed concurrently.

(一) 以欺诈手段获取从事期货经纪业务资格的;

(1) Acquiring the brokerage qualification license by deception;

(二) 擅自设立从事期货经纪业务分支机构的;

(2) Setting up branches carrying on futures brokerage business without any permission ;

(三) 聘用未取得期货从业人员资格和未经交易所培训合格的人员从事经纪业务的;

(3) Employing non-qualified working staff and working staff without necessary training provided by ZCE to engage in brokerage business;

(四) 其他违反中国证监会及交易所对交易所会员经纪业务资格管理规定的行为。

(4) Other violations against the rules and regulations upon the management of qualified brokerage membership prescribed by China Securities Regulatory Commission and ZCE.

第十九条 期货公司会员具有下列违反经纪业务管理规定行为之一的，责令改正，没收违规所得。情节较轻的，给予警告，可并处 1 至 10 万元的罚款；情节严重的，给予通报批评、公开谴责、强行平仓、暂停开仓交易 1 至 12 个月、取消会员资格、宣布为“市场禁止进入者”；没有违规所得或违规所得 10 万元以下的，可并处 10 至 50 万元的罚款；违规所得 10 万元以上的，可并处违规所得一倍以上五倍以下的罚款：

Article 19 Where a brokerage member conducts any of the following actions that violate rules concerning regulating brokerage management, the brokerage member shall be forced to make correction and the earnings from such violation shall be confiscated. Such punishments shall be imposed on less serious violation as warnings with an additional fine ranging from CNY 10,000 to CNY 100,000; such punishments shall be imposed on serious violation as circulating a notice of criticism, public censure, forced liquidation, suspension of opening position for a period from one month to twelve months, cancellation of membership, declaration as a prohibited market enterer; if no earning or the earning from such violation is below CNY 100,000, a fine ranging from CNY 100,000 to CNY 500,000 shall be imposed concurrently; if the earning is above CNY 100,000, a fine ranging from one time to five times of the earning shall be imposed concurrently.

(一) 为未履行开户手续或未按规定履行开户手续的客户进行期货交易的；

(1) Conducting futures trading for clients without completing the procedures of account opening or without performing the procedures of account opening as required;

(二) 违反交易编码管理制度的；

(2) Violating trading code management policy;

(三) 未按规定履行审核义务，为不符合开户条件的客户办理开户手续的；

(3) Failing to fulfill obligations of examinations and opening accounts for unqualified clients without going through required procedures;

(四) 未如实向客户说明期货交易的风险或不签署风险声明书的；

(4) Failing to state the risk of futures trading to clients, or without clients' signature on the risk statement;

(五) 向客户作获利保证或与客户私下约定分享赢利或共担风险损失的;

(5) Making profit guarantees to clients or agreeing with clients in private about sharing profits, risks and losses;

(六) 利用客户账户名义为自己或他人交易的;

(6) Conducting trading for itself or others in the name of the accounts of clients;

(七) 未按客户的委托事项进行交易, 故意阻止、延误或改变客户下单指令, 诱导、强制客户按自己的意志进行交易的;

(7) Failing to trade upon the instructions from clients, intentionally preventing, delaying or changing clients' orders, or inducing or compelling clients to conduct trading upon their own will;

(八) 场外交易、私下对冲的;

(8) Conducting over-the-counter trade and offset positions in private;

(九) 未将自有资金与客户资金分户存放的;

(9) Failing to deposit company's capital and clients' fund in separate accounts;

(十) 无正当理由拖延客户出金的;

(10) Delaying clients' fund withdrawal without due cause;

(十一) 允许客户在保证金不足时开仓交易的;

(11) Permitting clients to open positions without sufficient margin;

(十二) 挪用或擅自允许他人挪用客户资金或套用不同账户资金的;

(12) Diverting or permitting others to divert clients' funds or commingling the funds in different accounts;

(十三) 故意制造和散布虚假的或容易使人误解的信息进行误导的;

(13) Intentionally fabricating and disseminating false or intriguing information to mislead clients;

(十四) 泄露客户委托事项或其他交易秘密的;

(14) Disclosing the issues entrusted by clients or other trading secrets;

(十五) 出市代表接受本单位以外的其他单位和个人的委托指令进行交易的;

(15) The floor representative executes orders for other organizations and individuals;

(十六) 未按规定向客户提供有关成交结果、资金结算报表的;

(16) Failing to provide clients with relevant trading results and clearing statements according to the relevant regulations;

(十七) 其他违反中国证监会和交易所对经纪业务管理规定的行为。

(17) Other violations against the rules and regulations upon the management of qualified brokerage membership prescribed by China Securities Regulatory Commission and ZCE.

交易所可给予责任人暂停从事交易所期货业务 1 个月以内的纪律处分, 情节严重的, 给予责任人通报批评、公开谴责、暂停从事交易所期货业务 1 至 6 个月或取消其从事交易所期货业务资格的纪律处分。

ZCE may impose such punishments as suspending the futures business for at most one month on the responsible persons. If the violation is serious, ZCE shall impose such disciplinary sanctions as circulating a notice of criticism, public censure, suspending the futures business on the responsible persons for a period from one month to six months, or canceling their qualifications of conducting futures business in ZCE.

第二十条 会员有下列行为之一的, 责令改正, 给予警告、暂停开仓交易 1 至 12 个月的纪律处分; 情节严重的, 给予通报批评、公开谴责、取消会员资格的纪律处分:

Article 20 Members shall be forced to make correction provided that they conduct following actions. Such disciplinary sanctions shall be imposed as warning, or suspending the opening positions for a period from one to twelve months. Disciplinary sanctions of circulating a notice of criticism, public censure and cancellation of membership shall be imposed on serious violation:

(一) 会员法定代表人、经营范围、注册地等变更后未履行报告义务的;

(1) Failing to fulfill the obligation of making reports about their changes on the members legal representative, business scope and registered location, etc.;

(二) 未按规定的期限要求向交易所报送财务报表等有关材料的;

(2) Failing to submit the relevant materials such as financial statements to ZCE within the prescribed period;

(三) 未按大户报告制度向交易所履行申报义务，或作虚假报告、隐瞒不报的；

(3) Failing to perform the obligation of declarations to ZCE according to large position reporting policy, or making false reporting or committing concealment in the report;

(四) 未协助交易所对其客户采取限制性措施或其他监管措施的；

(4) Failing to assist ZCE with taking restrictive measures or other regulatory measures;

(五) 未按交易所规定及时缴纳年会费等有关费用的；

(5) Failing to pay the annual fee in time and other relevant fees as required by ZCE;

(六) 不按规定保管有关交易、结算、财务、会计等资料的；

(6) Failing to keep materials related to the trading, clearing, finance, accounting etc. as required;

(七) 伪造、变造、买卖各种凭证或审批文件的；

(7) Forging, altering, selling or buying various certificates or approval documents;

(八) 非经纪会员从事经纪业务或经纪会员从事自营业务的；

(8) Non-brokerage members conducting brokerage business or brokerage members conducting proprietary business;

(九) 假借期货交易之名从事非法活动的。

(9) Committing illegal activities in the name of futures trading.

第二十一条 会员有下列情况之一的，取消会员资格：

Article 21 Membership shall be cancelled if a member is involved in any of the following conducts:

(一) 被中国证监会吊销期货经纪业务许可证或被中国证监会宣布为“市场禁止进入者”的；

(1) That brokerage license is cancelled by China Securities Regulatory Commission or it is declared as a prohibited market enterer by China Securities Regulatory Commission;

(二) 私下转让会员席位，将席位委托给他人管理或承包给他人经营的；

(2) Privately transferring member seats, entrusting others to manage or contracting member seats out to others for operation;

(三) 资金、人员和设备严重不足，管理混乱，经整顿无效的；

(3) That the capitals, personnel and equipment of the member are seriously insufficient, and the management is in chaos and there is no effect upon restructure and reorganization;

(四) 拒不执行会员大会或理事会决议的；

(4) Refusing to implement the decisions made by General Assembly or the Board of Directors;

(五) 无正当理由连续三个月不做交易的；

(5) Failing to conduct business for three consecutive months without due cause;

(六) 其他违反国家法律、法规、规章和严重违反交易所章程及有关规定的。

(6) Other violations against the laws of the state and serious violations against the rules of ZCE.

第二十二條 會員無正當理由未在规定期限內執行強行平倉的，給予警告、通報批評、公開譴責、暫停部分期貨業務、暫停開倉交易 1 至 12 月的紀律處分，可並處 5 萬元以下的罰款。

Article 22 Such punishments shall be imposed as warning, circulating a notice of criticism, public censure, partial suspension of the futures business or suspension of opening positions for a period from one month to twelve months, together with a fine of less than CNY 50,000 if a member does not conduct forced liquidation within a certain time as required without due cause.

第二十三條 會員具有下列違反交易所結算管理規定行為之一的，責令改正，可給予警告；情節嚴重的，給予通報批評、公開譴責、暫停部分期貨業務、暫停開倉交易 1 至 12 個月的紀律處分，可並處 1 至 20 萬元的罰款：

Article 23 Members shall be warned to make correction provided that they conduct following actions. Such punishments shall be imposed as, circulating a notice of criticism, public censure, partial suspension of the futures business or suspending the opening positions for a period from one month to twelve months with an additional fine ranging from CNY 10,000 to CNY 200,000 on serious violations.

(一) 会员未按时足额缴纳保证金的;

(1) Failing to pay the sufficient margin as required;

(二) 结算报告书、交易月报表和其他结算文件资料作不真实记载的 ;

(2) Making false records in daily reports, monthly reports and other clearing documents;

(三) 对客户保证金未进行分帐管理的;

(3) Failing to deposit clients' margin accounts separately;

(四) 未对客户实行每日结算的;

(4) Failing to carrying out daily clearing for clients;

(五) 伪造、变造交易记录、会计报表、帐册的;

(5) Forging or altering trade records, financial statements and accounting books;

(六) 开具空头支票、虚开增值税发票及其他伪造票证的。

(6) Issuing blank checks, falsely issuing value-added tax invoices and other counterfeit financial bills.

第二十四条 交易所对会员（客户）套期保值申报过程中协助提供或出具虚假材料以及违反交易所其他规定的，除取消其套期保值申请资格外，可并处不超过其持有的虚假套期保值持仓总金额 5% 的罚款，并视情节轻重，给予警告、通报批评、公开谴责、暂停部分期货业务、强行平仓、没收违规所得、取消会员资格、宣布为“市场禁止进入者”的纪律处分。

Article 24 Where members or clients assist to provide or issue false documents or violate the rules of ZCE during the process of applying for hedging, ZCE may cancel the application qualification for hedging and concurrently impose a fine with less than 5% of the total amount of false hedging positions. In the view of consequences and effects, such disciplinary sanctions shall be imposed as warning, circulating a notice of criticism, public censure, partial suspension of the futures business, forced

liquidation, confiscating earnings of the violation, canceling membership and declaration as prohibited market enterer.

第二十五条 会员或客户违反交易所持仓管理规定的，给予强行平仓、警告、通报批评、公开谴责、暂停部分期货业务的纪律处分。

Article 25 Where members or clients violate position limit system of ZCE, such punishments shall be imposed as forced liquidation, warning and circulating a notice of criticism, public censure or partial suspension of the futures business.

第二十六条 会员具有下列违反交易所信息和计算机通讯等设备管理规定行为之一的，责令改正，赔偿经济损失。情节较轻的，给予警告、暂停开仓交易 1 个月以内的纪律处分，可并处 1 至 5 万元的罚款；情节严重的，给予通报批评、公开谴责、暂停开仓交易 1 至 12 个月、取消会员资格的纪律处分，可并处 5 至 20 万元的罚款：

Article 26 Members shall be forced to make correction and make compensation for economic losses provided that they conduct following actions against the rules for the management of information and computer communication equipments. Such disciplinary sanctions shall be imposed on less serious violation as circulating a notice of criticism, public censure, or suspending the opening positions within one month with an additional fine ranging from CNY 10,000 to CNY 50,000. Such disciplinary sanctions shall be imposed on serious violation as suspending the opening positions for a certain period from one month to twelve months, cancelling of membership with an additional fine ranging from CNY 50,000 to CNY 200,000:

（一）未经交易所许可，擅自发布交易所信息的；

(1) Releasing information without the permission of ZCE;

（二）擅自动用其他会员席位上的计算机或通讯设备的；

(2) Using the computers or communication equipments on the seats of other members without authorization;

（三）通过交易席位非法窃取其他会员的成交、结算资金等商业秘密或破坏交易系统的；

(3) Illegally stealing business secrets such as trade information and trading funds of other members or damaging the trading system through trading seats;

（四）通过标准仓单管理系统非法窃取其他会员或客户仓单信息等商业秘密或破坏标准仓单管理系统的。

(4) Illegally stealing other members' or clients' business secrets such as warrants information through the standard warrants management system, or damaging the standard warrants management system.

交易所可给予责任人暂停从事交易所期货业务 1 个月以内的纪律处分；情节严重的，给予责任人通报批评、公开谴责、暂停从事交易所期货业务 1 至 6 个月或取消其从事交易所期货业务资格的纪律处分。

ZCE may impose such disciplinary sanctions as circulating a notice of criticism, public censure, or suspending the futures business for at most one month on the responsible persons. If the violation is serious, ZCE may impose such disciplinary sanctions as suspending the futures business on the responsible persons for a period from one month to six months, or canceling their qualifications of conducting futures business in ZCE.

客户有本条第一款第（四）项行为的，责令改正，给予警告、赔偿经济损失、公开谴责的纪律处分；情节严重的，给予通报批评、公开谴责，可以并处暂停交易 1 至 12 个月，直至宣布为“市场禁止进入者”的纪律处分。

If clients act in line with item (4) in paragraph 1 of Article 26, they shall be ordered to correct, warned, make economic compensation or suffer public censure; ZCE shall impose disciplinary sanctions such as circulating a notice of criticism, public censure, suspending the futures business for the period from one month to twelve months or declaration as prohibited market enterer on serious violations.

第二十七条 会员从事标准仓单交易时，违反交易所规定的，交易所将对其处以警告、罚款 1 至 10 万元、暂停其从事标准仓单交易的纪律处分，情节严重的，给予通报批评、公开谴责，直至取消其会员资格的纪律处分。

Article 27 In the event that members violate rules of ZCE when engaging in the trading of standard warrants, ZCE may impose such disciplinary sanctions as warning, circulating a notice of criticism, a fine ranging from CNY10,000 to CNY 100,000 and suspending of its engagement in standard warrants trading. Such disciplinary sanctions shall be imposed as circulating a notice of criticism, public censure, or cancellation of membership on serious violations.

第二十八条 期货市场参与者具有下列违反期货业务管理规定行为之一的，责令改正，没收违规所得。根据情节轻重，给予警告、强行平仓、暂停开仓交易 1 至 12 个月、取消会员资格、宣布为“市场禁止进入者”的纪律处分；没有违规所得或者违规所得 10 万元以下的，可并处 1 至 10 万元的罚款；违规所得 10 万元以上的，可并处违规所得一倍以上三倍以下的罚款：

Article 28 Market participants shall be forced to make correction and confiscate earnings from such violations provided that they conduct following actions. Such

disciplinary sanctions shall be imposed in accordance with the seriousness of the circumstances as warnings, forced liquidation, suspending of opening positions for a period from one month to twelve months, cancellation of membership, or declaration as the prohibited market enterer. If no earning or the earning from such violation is below CNY 100,000, a fine ranging from CNY 10,000 to CNY 100,000 shall be imposed concurrently; if the earning is above CNY 100,000, a fine ranging from one time to three times of the earning shall be imposed.

(一) 单独或者合谋，集中资金优势，持仓优势或者利用信息优势，连续或者联合买卖合约，影响期货交易价格或者期货交易量的；

(1) Using an advantage in capital, position or information, alone or collude with others, to continuously or jointly trade in a contract for manipulating market prices or trading volume.

(二) 利用移仓、分仓、对敲等手段，规避交易所的持仓限制，超量持仓，控制或企图控制市场价格，影响市场秩序的；

(2) Using positions transfer, positions division, crossing trade, etc. to escape the position limit of ZCE, or hold excess position to control or intend to control market price and disturb market order;

(三) 利用移仓、分仓、对敲等手段，影响期货交易价格、转移资金或者牟取不正当利益的；

(3) Using positions transfer, positions division, crossing trade, etc. to influence the futures trading prices, or transfer funds or seek unjustified interests.

(四) 不以成交为目的或明知申报的指令不能成交，仍恶意或连续输入交易指令影响或企图影响期货交易价格，扰乱市场秩序或转移资金的；

(4) Maliciously or continuously enter orders to affect or intend to affect futures trading prices and disturb market order or transfer funds without trade purpose or with the knowledge that orders will be failed;

(五) 以自己为交易对象，连续买卖或者自我买卖，影响或者企图影响期货交易价格或者期货交易量的；

(5) Affecting or intending to affect futures trading prices or volume by continuous trading or self-dealing on condition of treating themselves as transaction counterparties.

(六) 期货交易内幕信息的知情人或者非法获取期货交易内幕信息的人，在对期货交易价格有重大影响的信息尚未公开前，利用内幕信息或国家机密进行期货交易或向他人泄露内幕信息，使他人利用内幕信息进行期货交易的；

(6) Insiders of futures information or those who illegally get access to futures trading inside information, exploit the inside information or state secrets to trade, or disclose that information to others so as that they can take advantage of that information to conduct futures trading, before the inside information with a significant impact on trading prices has been disclosed to public.

(七) 以垄断、囤积标的物 and 不当集中持仓量的方式，控制交易所大量交割仓库标准仓单，以及通过各种手段虚占交割仓库库容的；

(7) Monopolizing, storing the underlined product and improperly concentrating open interest to control numerous standard warrants, and deliberately occupying the capacities of designated delivery warehouses by various means.

(八) 以操纵市场为目的，用直接或间接的方法操纵或扰乱交易秩序，妨碍或有损于公正交易，有损于国家利益和社会公众利益的；

(8) Directly or indirectly controlling or disturbing market order for the purpose of manipulation, hindering or harming fairness of transactions and interests of the state as well as the public.

(九) 以非善意的期货转现货行为，影响期货市场秩序的；

(9) Affecting the futures market order by EFP behavior without good will.

(十) 未按要求使用交易所标准仓单管理系统，影像系统正常运作的；

(10) Affecting the well operation of system by improper use of standard warrant management system of ZCE.

(十一) 未遵守交易所风险警示有关要求或整改要求的；

(11) Not abiding by the relevant requirements on the risk warning or correction of Zhengzhou Commodity Exchange.

(十二) 其他违反中国证监会和交易所有关交易管理规定的。

(12) Other violations against the rules set forth by China Securities Regulatory Commission and ZCE to regulate trading activities.

本条所称对敲是指单独或者蓄意串通、按照事先约定的时间、价格和方式进行相互交易的行为。

The term “cross trade” mentioned above shall refer to the trading activity conducted by one person or collusion with others at pre-agreed time, price, and manner.

第二十九条 期货市场参与者有下列行为之一的，交易所可以调整当日结算价：

Article 29 ZCE shall adjust the clearing prices provided that participants conduct one of the following actions:

（一）期货市场参与者以自己为交易对象，自买自卖期货合约，影响期货交易价格的；

(1) Affecting futures trading prices by trading contracts with himself.

（二）其他违规行为导致交易价格异常波动或者瞬间大幅度偏离市场价格的。

(2) Abnormal fluctuation of market price or huge instantaneous deviation from market price caused by other violations.

第三十条 经交易所立案调查，发现期货市场参与者有下列行为之一的，及时报告中国证监会，提请立案稽查：

Article 30 ZCE shall timely report to China Securities Regulatory Commission and initiate an audit once discoursing that futures market participants involve in the following actions through investigation:

（一）操纵市场等违法行为，情节严重的；

(1) Illegal activities such as market manipulation on serious violation condition;

（二）利用自成交、对敲交易影响交割结算价，情节严重的；

(2) Affecting delivery clearing price by self-dealing or cross trading, which is of serious influence;

（三）盗取他人交易密码进行期货交易的；

(3) Stealing others' trading code for futures trading;

（四）其他涉嫌违法犯罪的行为。报告中国证监会后，不影响交易所对上述违规行为采取暂停开仓交易等限制性措施。

(4) Other illegal activities. Reporting to China Securities Regulatory Commission shall not affect restrictive measures taken by ZCE, like suspension of opening position, on the illegal activities above.

第三十一条 出市代表具有下列行为之一的，给予警告纪律处分；情节严重的，给予通报批评、公开谴责、暂停出市交易 1 至 12 个月或取消出市代表资格的纪律处分，可并处 1 千元至 1 万元的罚款：

Article 31 Member's floor representatives shall be imposed disciplinary sanctions such as warnings provided that they conduct follow actions. Such disciplinary sanctions shall be imposed on serious violations as circulating a notice of criticism, public censure, suspension of trading for representatives for a period from one month to twelve months or cancellation of the qualification of floor representatives with an additional fee ranging from CNY 1,000 to CNY 10,000.

（一）违反交易所有关交易大厅管理规定的；

(1) Violating against the rules of ZCE with respect to the management of the trading floor;

（二）未按规定程序操作，给交易系统造成损害的；

(2) Failing to operate trading procedures and damaging the trading system consequently;

（三）随意拆卸、搬动交易厅内各种设备或私接电话和其他设备的；

(3) Dismantling, moving any kind of equipment at the trading floor without permission, or privately installing telephone and other equipment;

（四）采取虚假、欺骗和不正当手段骗取出市代表资格的；

(4) Obtaining qualification of member's floor representative by adopting false, deceptive and other improper means;

（五）伪造、涂改、借用出市代表证件的。

(5) Forging, altering or borrowing certificate of member's floor representative.

具有本条第（二）、（三）项行为之一造成损害的，由其委派会员承担赔偿责任。

Responsibility of compensation for damages caused by conductions in line with item (2) and (3) herein is taken by appointing members.

第三十二条 结算交割员具有下列行为之一的,给予警告纪律处分;情节严重的,给予通报批评、公开谴责、暂停结算交割员资格 1 个月以内或取消结算交割员资格的纪律处分,可并处 1 千元至 1 万元的罚款:

Article 32 Clearing and delivery working staff shall be imposed disciplinary sanctions such as warnings provided that they conduct following actions. Such disciplinary sanctions shall be imposed on the serious violations as circulating a notice of criticism, public censure, suspension of qualification of clearing and delivery within one month or cancellation of the qualification of clearing and delivery with an additional fine ranging from CNY 1,000 to CNY 10,000.

(一) 采取虚假、欺骗和不正当手段骗取结算交割员资格的;

(1) Obtaining the qualification of clearing and delivery by adopting false, deceptive and other improper means.

(二) 伪造、变造、借用《结算交割员证》的。

(2) Forging, altering or borrowing the certificate of clearing and delivery .

第三十三条 交割仓库及其直接负责的主管人员和其他直接责任人员有下列行为之一的,责令改正,没收违规所得。情节较轻的,给予警告、可并处 1 至 10 万元的罚款,对直接负责的主管人员和其他直接责任人员给予通报批评、暂停从事本交易所期货业务 1 个月以内的纪律处分,可并处 1 至 5 万元的罚款;情节严重的,给予通报批评、公开谴责、暂停交割业务、取消其交割仓库资格、宣布为“市场禁止进入者”的纪律处分,没有违规所得或违规所得 10 万元以下的,可并处 10 至 50 万元的罚款;违规所得 10 万元以上的,可并处违规所得一倍以上五倍以下的罚款,对直接负责的主管人员和其他直接责任人员给予暂停从事本交易所期货业务 1 至 6 个月、宣布为“市场禁止进入者”的纪律处分,可并处 5 至 20 万元的罚款:

Article 33 Designated warehouse and the person in charge of designated warehouse as well as other responsible persons shall be forced to make correction and confiscate earnings from such violation provided that they conduct the following actions. Such disciplinary sanctions shall be imposed to the designated warehouse on less serious violations as warnings, circulating a notice of criticism with an additional fine ranging from CNY 10,000 to CNY 100,000. The person in charge of designated warehouse as well as other responsible persons shall be imposed disciplinary sanctions such as circulating a notice of criticism, suspension of the business within one month, together with a fine ranging from CNY 10,000 to CNY 50,000. Designated delivery warehouses involved in serious violations shall be imposed disciplinary sanctions such as circulating a notice of criticism, public censure, suspension of delivery business, cancellation of delivery qualification and declaration as a prohibited market enterer. If no earning or the earning is below CNY 100,000, a fine ranging from CNY

100,000 to CNY 500,000 shall be imposed concurrently; if the earning is above CNY 100,000, a fine ranging from one time to five times of the earning shall be imposed , and the person in charge of designated warehouse as well as other responsible persons shall be imposed such disciplinary sanctions as suspension of the business for a certain period from one month to six months, declaration as the prohibited market enterer, together with a fine ranging from CNY 50,000 to CNY 200,000.

(一) 违反国家有关规定参与期货交易的;

(1) Engaging in futures trading against the regulations of the state;

(二) 出具虚假仓单的;

(2) Issuing false standard warrants;

(三) 盗卖交割商品的;

(3) Stealing and selling delivered commodities;

(四) 泄露与期货有关不宜公开的仓储信息或散布虚假信息误导市场的;

(4) Revealing storage information related to futures which shall not be open to public or spreading false information to mislead the market;

(五) 与会员或客户联手, 影响或企图影响期货市场价格的;

(5) Trading jointly with members or clients to affect the price of futures market;

(六) 标准仓单所示商品中有牌号、商标、规格、质量等混杂的;

(6) Listing a mixture of brands, trademarks, specifications, qualities of commodities on standard warrants;

(七) 交割商品与单证不符的;

(7) Failing to deliver commodities in line with documents;

(八) 交割商品没有或缺少规定证明文件的;

(8) No documents or having inadequate proof documents for the delivered commodities;

(九) 交割商品的捆数、块数、包装要求和交易所规定不符的;

(9) Failing to have amount of bundles, ingots and packing requirements for delivered commodities in line with the regulations of ZCE;

(十) 未完成规定的检验项目而开具仓单的;

(10) Issuing standard warrants without completing the inspection as required;

(十一) 错收错发的;

(11) Making errors in receipt and delivery;

(十二) 因保管不当, 引起储存商品变质、灭失的;

(12) Deterioration or loss of stored commodities due to improper storage;

(十三) 在搬运、装卸、堆码等作业过程中造成包装和商品损坏的;

(13) Damage of package or commodities in the process of transporting, loading, unloading and piling;

(十四) 商品交割中滥行收费的;

(14) Charging extra fees for the delivery of commodities;

(十五) 蓄意刁难, 造成卖方或买方违约的;

(15) Deliberately making difficulties for counter parties and causing the breaches ;

(十六) 违反期货交割业务规则, 限制、故意拖延交割商品的入库、出库的;

(16) Restricting or deliberately delaying the entry or departure of delivered commodities against the delivery regulations of ZCE;

(十七) 拒绝、阻挠交易所依法监督检查的;

(17) Rejecting or preventing ZCE to conduct legal supervision and inspection;

(十八) 其他违反中国证监会和交易所规定的行为。

(18) Other violations against the rules and regulations of China Securities Regulatory Commission and ZCE.

第三十四条 会员在实物交割环节上蓄意违约, 影响或企图影响实物交割的正常进行, 牟取非法利益的, 交易所视情节轻重对违约会员可给予警告、通报批评、

公开谴责、暂停开仓交易 1 至 12 个月的纪律处分，有违约所得的，没收违约所得，可并处违约部分合约价值 10%至 30%的罚款。

Article 34 ZCE shall impose on members punishments according to the seriousness of the case, such as warnings, circulating a notice of criticism, public censure, suspension of opening positions for a certain period from one month to twelve months provided that members deliberately breach, affect or intend to affect the physical delivery. ZCE shall confiscate earnings from such violations and impose the punishment of a fine ranging from 10% to 30% of contract value of the breach.

第三十五条 期货保证金存管银行（以下简称存管银行）未履行《郑州商品交易所结算细则》中有关存管银行义务的，交易所对其处以责令改正、警告、通报批评、公开谴责、暂停部分期货业务直至取消其存管银行资格。

Article 35 ZCE shall impose on designated clearing banks punishments such as correction, warnings, circulating a notice of criticism public censure, partial suspension of the futures business or even the cancellation of the qualification of clearing banks provided that the designated clearing banks fail to fulfill the obligations prescribed in Article 11 of Detailed Rules of Futures Clearing of Zhengzhou Commodity Exchange.

第三十六条 会员或客户以各种手段扰乱交易管理秩序的，给予警告、暂停开仓交易 1 个月以内的纪律处分，对直接责任人员给予暂停从事本交易所期货业务 1 个月以内的纪律处分；情节严重的，给予通报批评、公开谴责、暂停开仓交易 1 至 12 个月、取消会员资格、宣布为“市场禁止进入者”，对直接责任人暂停从事本交易所期货业务 1 至 6 个月、宣布为“市场禁止进入者”的纪律处分。

Article 36 Such disciplinary sanctions shall be imposed on members or clients as warnings, circulating a notice of criticism, suspension of opening positions within one month in case that members or clients disturb market orders by all means. The responsible persons shall be imposed on suspensions of engagement in trading business within one month. Such disciplinary sanctions shall be imposed on serious violations as circulating a notice of criticism, public censure, suspension of opening positions for a certain period from one month to twelve months, cancellation of membership, declaration as the prohibited market enterer. For the responsible persons, such disciplinary sanctions shall be imposed as suspension of engagement in the trading business for a certain period from one month to six months and declaration as the prohibited market enterer.

第三十七条 被交易所宣布为“市场禁止进入者”的，自宣布生效之日起 20 个交易日内清理原有持仓，了结交易业务，结清债权债务。

Article 37 Market participants declared as the prohibited market enterers by ZCE shall liquidate positions and clear all credits and debts within 20 trade days since the declaration takes effect.

被中国证监会或其他期货交易所宣布为“市场禁止进入者”的，在市场禁入期限内不得从事本交易所期货业务。

Market participants declared as the prohibited market enterers by China Securities Regulatory Commission or other exchanges shall be banned to trade futures in ZCE within the prohibited entry period.

第三十八条 会员或客户有下列行为之一的，责令改正，给予通报批评、暂停开仓交易 12 个月以内的纪律处分，可并处 1 至 20 万元的罚款：

Article 38 Members shall be forced to make correction provided that they conduct following actions. Such disciplinary sanctions shall be imposed as circulating a notice of criticism, suspending the opening positions within twelve months, and even a penalty ranging from 10,000 to 200,000.

（一）拒不配合交易所常规检查、立案调查的；

(1) Refuse to cooperate with ZCE's routine inspection and investigation

（二）拒不执行交易所处理决定的；

(2) Refuse to implement the result of verdict of ZCE

（三）进行虚假性、误导性或者遗漏重要事实的申报、陈述、解释或者说明的；

(3) Declaration, statements, explanation or description that contains false or misleading information or omitted important facts;

（四）提供虚假的文件、资料或者信息的；

(4) Provide false documents, materials or information;

（五）不执行交易所限制性措施或者其他监管措施的。

(5) Refuse to implement the ZCE's restrictive measures or other regulatory measures.

第三十九条 会员或客户违反期转现规定，弄虚作假的，比照本办法第二十七条给予纪律处分。

Article 39 The disciplinary sanctions in Article 27 shall be imposed on members or clients who play false and violate the rules of Exchange for Physical.

第四十条 会员或客户具有重大违规违约行为嫌疑或者违规违约行为可能或已经产生相应影响的，交易所可以对其采取以下自律监管措施：

Article 40 If members or clients have suspicion of significant violations may have or already have a corresponding impact, ZCE can take the following self-supervision measures:

（一）口头警示；

(1) Oral warning;

（二）出具警示函；

(2) Issuing warning letters;

（三）监管谈话；

(3) Regulatory talks;

（四）要求公开说明；

(4) Requiring to explain openly;

（五）要求参加培训；

(5) Requiring to participate in training;

（六）要求定期报告；

(6) Requiring to report periodically;

（七）要求提交书面承诺；

(7) Requiring to submit written commitment;

（八）要求增加内部合规检查的次数；

(8) Requiring to increase the number of internal compliance check;

（九）要求聘请中介机构核查并发表意见；

(9) Requiring to appoint intermediary institutions to verify and give comments;

(十) 要求处分有关人员;

(10) Requiring to punish the related personnel;

(十一) 上报中国证监会;

(11) Reporting to China Securities Regulatory Commission;

(十二) 交易所规则及其实施细则规定的其他自律监管措施。

(12) Other self-supervision measures stated in ZCE rules and detailed implementing rules.

第四十一条 交易所工作人员违法有关规定的，按国家法律、法规和交易所人事管理制度及有关廉政规定处理。

Article 41 Violations against the relevant rules by ZCE working staff shall be handled upon the state laws, regulations and the ZCE human resource management rules and corruptions rules.

第四十二条 司法机关、行政执法机关根据生效法律文书要求交易所协助冻结、划拨非期货公司会员在交易所专用结算账户资金的，非期货公司会员结算准备金超过现有持仓合约三个停板以外部分的，交易所根据生效法律文书予以协助；无法冻结、划拨期货公司会员在交易所专用结算账户资金的，交易所应当向司法机关、行政执法机关说明无法协助执行的原因。

Article 42 ZCE shall assist judicial agencies and administrative law enforcement agencies to freeze or remit the funds of proprietary members in the designated clearing accounts and the excess of reserve for three consecutive price limit down/up according to effective legal documents. If ZCE fails to freeze or remit the funds of brokerage members in the designated clearing accounts, ZCE shall explain the reasons.

第四章 裁决与执行

Chapter 4 Verdict and Enforcement

第四十三条 交易所作出取消会员资格、宣布为“市场禁止进入者”的纪律处分应当由交易所理事会决定。

Article 43 The disciplinary sanctions of cancellation of membership and declaration as the prohibited-market-enter imposed by ZCE shall be determined by the council of ZCE.

第四十四条 交易所对违规行为核查后，事实清楚、证据确凿的，依照交易所章程、交易规则及本办法规定予以裁决。

Article 44 Upon the investigation and confirmation conducted by ZCE of the violations with definite fact and irrefutable evidence, verdicts shall be implemented subject to the bylaws, the trading rules and these measures herein.

第四十五条 交易所作出裁决应制作处理决定书。

Article 45 ZCE shall make a resolution to demonstrate the result of the verdict.

处理决定书主要包括以下内容：

The resolution on verdict shall consist of the following contents:

（一）当事人的姓名或者名称、住所；

(1) The names and address of litigants;

（二）违规事实和证据；

(2) The fact and evidence of the violation;

（三）纪律处分种类和依据；

(3) The catalogue of the disciplinary sanctions and the foundation of the verdict;

（四）纪律处分的履行方式和期限；

(4) The method of performance and duration of the disciplinary sanctions;

(五) 不服纪律处分决定申请复议途径和期限；

(5) The approaches and time limit of application for review if any party has doubt on the disciplinary sanctions decision;

(六) 作出处理决定的日期。

(6) The date on which the resolutions are made.

第四十六条 交易所应将处理决定书送达当事人。当事人为会员的，处理决定书送至交易席位视为送达；当事人为非会员的，可邮寄送达。邮件寄出后，市内 2 日、市外 5 日视为送达。邮寄地址以交易所留存地址为准。处理决定书同时分送有关协助执行部门。

Article 46 ZCE shall deliver the written solutions to the litigants. For members, trading seats shall be deemed as destination of delivery; for non-members, the resolution can be sent by post. Two days for downtown and five days for places outside of city shall be regarded as reasonable duration for delivery. Mailing address shall be subject to the address kept in ZCE. The resolutions shall also be submitted to the related departments for assistance in execution.

按照中国证监会的规定需要抄报违规处理情况的，同时抄报中国证监会。

The resolution reports shall be copied to China Securities Regulatory Commission subject to its regulations upon violations.

第四十七条 交易所作出的处理决定书自送达之日起生效。当事人对处理决定书不服的，可于决定书生效之日起 10 日内向交易所书面申请复议一次，复议期间不停止决定的执行。

Article 47 The resolution report made by ZCE shall take effect upon the arrival day. Litigants shall be entitled to apply to ZCE for review in written form within ten days since the effective day of the report provided that they are dissatisfied with the verdict, but the enforcement of decision may not be ceased during the review.

第四十八条 交易所应于收到复议申请书之日起一个月内作出复议决定，复议决定为终局决定。

Article 48 ZCE shall make decisions of review within one month since receiving the application. Decision of review shall be the final decision.

第四十九条 经交易所作出处理决定承担履行义务的会员拒绝履行义务的，由交易所强制执行。

Article 49 ZCE shall forcibly exercise the resolutions of verdict if involved members refuse to fulfill the obligation.

第五十条 违规处理决定中，具有罚没款项的，当事人应在处理决定书生效之日起 5 日内将罚没款项如数缴纳至交易所指定账户。逾期不付罚没款项的，交易所从会员专用资金账户中划付。对会员工作人员的罚没款项，由会员代缴。

Article 50 The litigants shall deposit to the designated accounts a certain payment as a fine as is prescribed in the resolution within five days since the resolutions come into effect. ZCE shall charge a fine from the members' capital accounts if members fail to make the payment within a certain period. Members shall be responsible to pay the fine on behalf of their working staff.

会员应当配合执行交易所对客户的纪律处分，划拨客户在该会员处的资金。

Members shall assist ZCE to remit clients' funds from their accounts to exercise the verdict.

第五十一条 违规处理决定中，具有罚没款项的，受纪律处分的交割仓库应在处理决定书生效之日起 5 日内将罚没款项缴纳至交易所指定账户；对交割仓库工作人员的罚没款项，由交割仓库代缴。逾期不缴的，交易所从该交割仓库交割担保金中划转。

Article 51 The designated warehouse which is under disciplinary sanctions shall deposit to the designated account a certain payment as a fine as is prescribed in the resolution within five days since the resolutions come into effect. The designated delivery warehouses shall be responsible to pay the fine on behalf of their working staff. ZCE charges the fine from delivery guarantee funds if the designated delivery warehouses fail to make the payment within a certain period.

第五章 纠纷调解

Chapter 5 Arbitration on Disputes

第五十二条 会员、客户、交割仓库之间发生的期货交易纠纷可自行协商解决，也可提请交易所调解。

Article 52 Disputes arising out of futures trading among members, clients and designated delivery warehouses can either be settled through negotiation or submitted to ZCE for arbitration.

第五十三条 交易所的调解机构是交易所理事会下设的调解委员会，其常设办事机构设在交易所法律事务部。

Article 53 The arbitration organization of ZCE is the Arbitration Committee affiliated to the Board of ZCE with its standing office in the legal department of ZCE.

第五十四条 调解应在事实清楚、责任明确的基础上依据国家有关期货交易的法律、法规和交易所的规章制度进行。

Article 54 The arbitration shall be conducted in accordance with the laws and regulations of the state and rules of ZCE on the basis of precise facts and definite obligations.

第五十五条 当事人向调解委员会提出调解申请，应当从其知道或应当知道其合法权益被侵害之日起 30 日内提出。

Article 55 The application for arbitration shall be submitted to the Arbitration Committee within thirty days when the applications are aware or should be aware of the encroachment on their legal rights.

第五十六条 当事人申请调解应当符合下列条件：

Article 56 The applicants applying for arbitration shall meet the following requirements:

(一) 有调解申请书；

(1) Having arbitration application;

(二) 有具体的事实、理由和请求；

(2) Having detailed facts, reasons and requests;

(三) 属于调解委员会的受理范围。

(3) Within the role of the Arbitration Committee.

第五十七条 当事人向调解委员会申请调解，必须提交书面申请和有关材料。

Article 57 Applicants shall submit to the Arbitration Committee the application for arbitration and related documents in written form.

调解申请书应当写明以下事项：

The following items shall be clearly listed in the application:

（一）当事人的姓名、性别、年龄、职业、工作单位和住所，或单位名称、住所和法定代表人或者负责人的姓名、职务；

(1) Name, gender, age, occupation, employer and home address, or name of the organization, location, and name and title of the legal representative or person in charge of the organization;

（二）请求调解的事实、理由及要求；

(2) The facts, reasons and claims of the applied arbitration;

（三）有关证据。

(3) Relevant evidence.

第五十八条 交易所调解委员会收到调解申请后，应当认真审查有关材料是否符合要求，并于5个工作日内以书面方式通知当事人是否受理。

Article 58 ZCE Arbitration Committee shall carefully review the relevant materials to meet the requirements after receiving the application, and notify the parties in written form whether to accept the application in 5 working days.

第五十九条 有下列情形之一的，交易所调解委员会不予受理：

Article 59 ZCE Arbitration Committee shall not accept applications if one of the following situations happens:

（一）当事人已向人民法院起诉的；

(1) The parties have filed lawsuit;

（二）当事人已向仲裁机构申请仲裁的；

(2) The parties have applied for arbitration to the arbitration institutions;

(三) 当事人一方要求调解, 另一方不愿调解的;

(3) One party requests arbitration, and the other refuses to settle by arbitration;

(四) 交易所调解委员会认定不予受理的其他情形。

(4) Other cases that ZCE Arbitration Committee identifies inadmissible.

第六十条 交易所调解委员会应当自受理调解申请之日起 30 日内完成调解。情况复杂, 不能在规定的期限内完成调解的, 经双方当事人同意后, 可以继续调解; 双方当事人未达成继续调解事宜的, 终止调解。

Article 60 Arbitration shall be completed within thirty days from the day of receipt of the application. If the case is too complex to be completed within the prescribed period, ZCE can continue the arbitration on the condition that both parties agree so; the arbitration shall be terminated if either parties agree not.

第六十一条 当事人根据有关规定负有举证的责任。调解委员会认为必要时, 可调查收集证据。

Article 61 Applicants shall take the responsibility of providing with evidences according to the related rules. The Arbitration Committee may investigate and collect evidences as it deems necessary.

第六十二条 调解委员会调解纠纷, 应当在查明事实, 分清是非和自愿的基础上调解, 促使当事人相互谅解, 达成协议。

Article 62 The committee shall carry out the arbitration with definite facts and willingness of both parties. The arbitration shall be conducted to spur an understanding and reach an agreement between the litigants.

第六十三条 经调解达成的协议应记录在案, 并制作调解书, 由双方当事人签字, 调解员署名, 加盖调解委员会印章后生效。

Article 63 The agreement of arbitration shall be recorded for filing and made into letter of arbitration that takes effect with seal of the arbitration committee and signatures of litigants and the mediator.

第六十四条 调解书应当写明以下内容:

Article 64 The letter of arbitration shall include the following contents:

(一) 双方当事人的名称、住所、法定代表人或者负责人的姓名及职务;

(1) Name, address of litigants, name or title of the legal representative or person in charge;

(二) 争议的事项和请求;

(2) The subject and request of disputes;

(三) 协议结果。

(3) Results of arbitration.

第六十五条 调解委员会应当在受理调解后 30 天内结案, 到期未结案的调解委员会应当向当事人说明理由。双方当事人要求继续调解的, 调解委员会应继续调解。有一方要求终止调解的, 应当终止调解。

Article 65 The Arbitration Committee shall conclude the case within 30 days upon the acceptance of the case. Otherwise, the Arbitration Committee shall provide reasons to the litigants. The Arbitration Committee shall carry on the arbitration upon the requirements of the litigants. The arbitration shall be terminated if either part calls for it.

第六十六条 调解不成的, 当事人可以依法提请仲裁机构仲裁或向人民法院起诉。

Article 66 The litigants shall be eligible to submit the case to arbitration agencies for arbitration or litigate the case to court subject to relevant laws if the arbitration fails.

附则

Supplementary Provisions

第六十七条 本办法解释权属于郑州商品交易所。

Article 67 ZCE reserves the right to interpret these measures.

第六十八条 本办法所称“以上”、“以下”均含本数。

Article 68 The terms “above” and “below” as referred to in these measures shall include the given figures.

第六十九条 本办法自 2012 年 9 月 3 日起施行。

Article 69 These measures shall enter into force as of September 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.)